

2/4/6/4/6/9

doc: agdraft.disc

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 6.2 : FINANCIAL INSTITUTIONS AND PUBLIC ENTERPRISES

DISCUSSION : AUDITOR GENERAL'S REPORT

11 MAY 1995

Members:

- RD R Davies (Chair, ANC)**
- PW P Welgemoed (NP)**
- KA K Andrew (DP)**
- BN B Nair (ANC)**

Abbreviations in text:

- RB Reserve Bank**
- AG Auditor General**
- SARB South African Reserve Bank**
- TC Theme Committee**
- FFC Financial and Fiscal Commission**
- DP Democratic Party**

NB.: Meeting did not take place. The following is an informal discussion

RD: Try to deal with the - our response to the text - Constitutional text as prepared by the law advisor on the AG and we called this meeting today in the hope that we would be able to dispense with this before the CC meets tomorrow. I think most of us got this thing as we were walking in here now and most of us have not in fact read it and I'm not even sure that we can say we have a critical mass here at the moment. So I'm actually wondering whether we can try to set another day. I think we should do another day. There's just one other thing that I would like to read out for information after this. I think we'll just have to explain that the law officer, although he did sort of make the dead line in one respect and another expect didn't quite make it. Here comes Ken, let's just see if he has any. He's on this - Ken what we're saying is that most of us - I don't know if you're part of this as well. Most of us got handed the text on the AG as we were walking over here.

KA I just literally picked it off my desk
RD Right, and it is actually several pages and it does, there are some matters that I think would require some discussion. I mean for example, there's a 1.4.1 there's no clause, there's sort of 3 options that are drafted there. So

I think that - in fact I think we need some time to read this

KA Ya I hadn't even got it ...

RD Alright so I think what we need to try to do is to

KA It wasn't in my pigeon hole

RD It wasn't in my pigeon hole either. I got Snakes' copy. I actually think that we have to say regretfully it wasn't ready quite far enough in advance and I think we need to schedule another day, the same sort of arrangement. I think that we don't want to spend a long time. Monday I think the NP people indicated they were not available for any meetings on Monday. em

PW Can't we - if I may make a proposal Mr Chairman just to get it going. We heard in our caucus and most they heard in their caucus this morning that the 19th is for committees and etc, that's Friday, today week, tomorrow week. Must we not schedule it for the 19th and give enough time that morning that we can go through this draft document, clause by clause, sub-clause, by subclause. That will be my proposal. As I received mine as I walked out of the caucus five to one and I paged through it as I walked and there is quite a lot of things that I think we must get consensus as a committee before we can send this through to the CC. And I think if it's acceptable to the rest of the members let's do it next Friday, if it is acceptable. And then we spend enough time that we can go through this point by point.

RD Snakes

Snakes

Thank you chairperson. Firstly I just want to take this opportunity to introduce Mvuyu Nziba, he is one of the CA law advisors who was involved with the drafting the document. And relating to the point that is being related by Dr Welgemoed. I just wanted to bring to the attention of the committee that obviously would have missed tomorrow's deadline but at the same time we could submit it on Thursday next week to the Management Committee for purpose of expediting the process. Now from an administrative point of view, what we would suggest, if it could be done maybe next week Tuesday during lunch time if its possible. That would help in some way. But if its not possible then I can take it through to Friday.

PW You see Mr chairman, I don't see any of my other members but we - we made arrangements specifically for Tuesday to start earlier than usual with pressure on everyone to be at a portfolio committee to finalise the discussion of a bill that the minister would like to put through. So all Tuesday into lunch time, will be taken up by this. and that is the problem why I'm trying to say this bill is worrying us - all of us and it is now because of the fortnight, it is pushed out another fortnight and we would like to finalise it and we agree that Tuesday will be a nice day for all of us to sit from 8.30 right through until we finish it.

RD Okay, then what about Wednesday

PW Wednesday might be more suitable for me, Wednesday morning

RD Okay what about 1 o'clock Wednesday

PW No, no, no, can't we start Wednesday morning

RD Well, I think what we will find there, is we'll find there are other portfolio committees and I don't quite know what they're going to be. I suspect that

- I'm going to find it difficult on a normal time on Wednesday. So I was going to suggest that we meet on Wednesday lunch time
- PW Can't - I mean we start off on 3 on a Wednesday, can't I be very difficulty, if I'm late that is not the biggest issue. But start let's say 1.30 and not 1 o'clock. I've got another meeting that's starts at 12.30 and if I'm late, let's say come around at 2 o'clock at least I'll ask Francios to be here from 1 o'clock - from 1.30. But then we've got an hour and a half, from 1.30 to 3 o'clock
- RD Okay, that sounds reasonable, is that agreeable to everybody
- KA I won't be able to be here, I've got 8 overseas guests from the United States for lunch
- PW Let's start then 2 o'clock. Why I'm saying that, is who of us are going to participate in - on that Wednesday because on that Wednesday we're going to talk about the lieg and biege bill that went through now
- RD I will be for one but I mean will there be questions and
- PW No, no, there will not be questions. So that bill -
- RD No, I'd be involved in that
- PW That will start at 3 o'clock exactly
- RD Ya, so I mean I don't mind, so if we say
- KA Which party are you involved in the truth or the reconciliation Rob
- RD The truth and reconciliation
- PW Let's start at 2 then and then we carry on until 3
- RD Would that suit you Ken or your visitors, you don't want to cut a lunch very
- KA Its already cutting quite fine. How long do we - well obviously I've now got it here. But obviously I haven't seen it. How long do you anticipate we're going to need - is it quite a lot do you think
- PW I think that - Ken I think that 1, 2 and 3 just I mean I got in five to one, 1, 2 and 3 is not a problem but 4 and 5 to me is a problem. And that is the thing that I say we'll have to discuss 4 and 5 from my point. Probably my colleagues say no, you are wrong Piet. I haven't got an opportunity to discuss it with him, he's still as you know in hospital and I think he'll come out now with his ear operation. And he will be here most probably next week
- KA So do I understand the National party is not available on Monday at all for constitutional assembly work
- PW I am but he's not available because he's still on sick leave and for a change I want to go away to Guateng that's why I'm asking.
- RD Well, I think what we'll have to - you know we'll have to do is something like what time is the meeting on the Thursday

Snakes

- Management starts at 8 in the morning.
- RD Well I mean an hour is something that we all agree on. That's normally the thing. If there's any disagreements or any debates about anything then it goes longer than an hour
- KA What about the possibility of late afternoon on Tuesday. I don't know what's on the order paper but you know maybe 5 o'clock.
- PW On the order paper
- KA I know I'm not, I think its housing and justice is it

PW Its housing and the senate and I think its justice - yes most probably justice in the National Assembly

KA Yes I know I'm not involved in either

PW 3 what about 5 - quarter past two and let's start at 3 o'clock and then finalise it

RD That would - I can't be here at 5 I have to leave the building at about quarter to five but about 3 o'clock on the 16th. I think if its extended committees we don't have to be
Well okay let's say 3 that seems to be the time, 3 o'clock on Tuesday

PW Tuesday the 16th

RD Okay and at a venue to be arranged. And I think what we got in reserve is we've got, if we don't finish that time, we can then come back and use the Wednesday slot. Okay. So I think that's that

BN Ken just a question, we don't have an appointment with the auditor, the Auditor General on Tuesday

KA At 4

BN At 4

KA And I have to leave at - I have to chair Public accounts at 4 o'clock

PW But then we can start at 2

KA I think the starting time was your limitation on your other committee. So if you think 2 will be

PW On Wednesday

KA Is your other committee on Wednesday

RD No, you said on Tuesday

PW Sorry, sorry, that one's on Wednesday that I said I start at 2. I can start at 2 on Wednesday

RD No, Wednesday is out

KA And on Tuesday

PW Tuesday, if I'm wrong sorry. On Tuesday we can start at any time from 1 o'clock. I will walk out from my committee round about 1 o'clock. they can carry on without me

KA Well you can make half past one on Tuesday

RD On Tuesday the 16th at 1.30, okay. Sorry let me just get this right here. At 1.30 we meet and we put this one to bed, okay

PW Ken can I ask you - can I just ask a question chairperson. If we, if we want to send this back and I think that's what we're going what we're going to do, most probably we will do that about 4 and 5. What is the route then. Can you tell or can Snakes tell us what is the route if we decide that afternoon in the two hours that we've got available that we don't like this and we don't like that and we get a consensus what we like, what is the next step in this road of this proposals of ours. This memo of ours of 6.2.

Snakes

If something is not really liked in the document, it means it can't go to the CC but I would hand over to our law advisor to explain the process.

Law The document is drawn as it is drawn. Probably we're supposed to put attached to it an introductory note explaining and describing a way of how to go about reading the document. All the provisions that have been put as

constitutional provisions have annexed - have a footnote that goes with each and every one of them. The footnotes explains where the provision is taken from in the report and where you for instance look at sub-section - section 4 - section 4 on page 4. Sub-section 1 you'll notice that we have put dots there and we don't actually put a provision because the report itself on that particular aspect does not have a consensus position. There are 3 different options and footnote 13 we have explained that aspect why we don't have a provision and we have also listed the different options that can go into there. So generally in reading this thing, this draft report, what you merely do you read it with the report. Each provision says exactly where it comes from in the report. And its very - its actually self explanatory. And the footnotes have not been put at the end. We've decided to footnotes at the end of each section so that you immediately - like for instance sub-section 1 "there shall be an auditor general" this section is based on agreed position in block one and so forth and so forth. So that's the way in which the document is supposed to be read.

PW But my question is, my question is still Mr Chairman, chairperson that We will not finalise it on Wednesday, for example, we would like other wording. Now it goes back to the legal people. When can we see it again to send it through to the CC if they want it by the 18th, the morning 7 o'clock or 8 o'clock what it might be

RD I think what we're going to have to do is we're going to have to play it by ear depending on what comes up with them. And it may be that they will be able to draft something between that and this meeting on Tuesday an the next meeting on Wednesday otherwise I think we're going to have to say we haven't made the deadline. I think basically that's what we're going to have to do

DP Chairperson just on this document, I mean not going through the details, just the heading - you see as with the one on the RB I had a kind of problem on knowing what status does this exactly have. Now I'm pleased to see maybe the other one also said it. That it says what the status is. But I think you know if you say draft prepared by CA Law advisors in respect of matters on which consensus was reached for discussion, because the problem that I would tend to have with some elements of the RB one which are minimal and quite like with this just flipping through without reading it is not so much of what is here but what isn't here, you know what I mean. And to the extent that its not absolutely clear that what is being drafted is only in respect of consensus issues. Now the footnotes are excellent and tend to set that out but I think the document as a whole to give its correct status needs to have that up front. And I would ask that we can do that in the process. So Its quite clear when someone gets this what - or it's - further drafts or its finalised one exactly what status of it is

RD Well I think what should actually happen is that the final submission that goes to the CC should have a note if its only one or a small number a minority of the committee wants certain additional things added that should be noted in one of the footnotes. I think that's correct. If the committee as a whole, the majority agrees that certain other things should go in then they should be in the text - so I think that's probably the way it should be

recorded. Okay I think that point can perhaps be taken on board in terms of how these things are headed. Could I just before we adjourn, could I just read a note which I got, not necessarily a copy for everybody from Gerit Grove's law advisor on the RB. And this is his response to the comments which we gave the other day, remember there were two, one from the DP and one from the ANC. And I'll just read it out. Its just one page. and I think the way we deal with this is that this goes as a note to the CC. I don't, I mean this process has got to stop somewhere. I mean we can't keep the things to-ing and fro-ing them. But any way. The first one is 1. "re suggestion that the following clause be added to s31 of the draft "such a law shall not derogate from the independence and primary objective of the South African Reserve Bank". This is the point you raised Ken. From a legal point of view the addition of the above phrase is not really necessary as the law statute referred to in s31 will in any event have to be consistent with sections 1.2 and 2 of the draft which provide for the independence and primary objective of bank respectively. If the law in question deviates from these constitutional provisions, it will be invalid to the extent it so deviates. In fact this is what the supremacy of the constitution is all about. Laws must be consistent with the constitution and if not they are null and void. The phrase is superfluous and its inclusion in the draft is not supported. Section 2. re suggestion that s3.2 be changed so that consultation as used in the section bears the meaning in consultation with, which was the proposal of the ANC. The expression of "in consultation with" means with the concurrence of. See for instance section 2.3.3 (3) of the interim constitution. The suggested adjustment of section 3.2 may effectively neutralise the bank's independence as the bank would then only be able to exercise its powers with the concurrence of the minister of finance. This would be inconsistent with constitutional principle 29 which requires the inclusion in the constitution of provisions providing for and safe-guarding the independence of the SARB. If the concern is that consultation between the government and the minister should not take place on an exposed factor basis then the concern should be dealt with in another way. For instance to add to this section a requirement that there should also be consultation on policy pertaining to the discharge by the bank of its powers and functions, a reference to policy would clearly indicate consultation on future conduct. To achieve this the following words can be inserted in section 3.1 after the word "functions" and the policy applicable to the discharge of such powers and functions". So what they're suggesting, they're saying that the DP's proposal is superfluous and that the other can be not dealt with in the way which was suggested by the ANC but in another way by adding certain words. That's what has come from the law advisor. Now as I say I'm not very sure as to when the bill stops here, as to whether we should just say - when I go tomorrow to the CC, this will be tabled at the CC and the CC will take its decision or whether we are now supposed to discuss that again and say whether we think this is acceptable or not. I see Snakes is shaking his head. In other words, I'm assuming that this letter to me which I've now communicated with the committee is for information only and that the matter will be dealt with at the CC level. Otherwise I think the ball keeps

bouncing up and down.

KA Yes I think its part of the problem, the process. I mean, I think in the nature of a constitution making, in fact the ball bouncing up and down, as long as one is literally not going on the same circle is quite useful. I mean the point he makes I think in respect of those are certainly relevant In my case I would like to get a second opinion. And if that's the same then I'd be inclined to say that we'll drop our suggestion and I would imagine the ANC's side you may well get an opinion so if it is unconstitutional you know we'd better drop it and maybe we'll go for that adapted or the alternative thing which makes the CC's task that much easier. When the reports go forward but it has that kind of strange thing of when we are negotiating and when we are not supposed to negotiate, when are negotiating, when are we not negotiating.

RD This is the - I think it is something which unfortunately there'd been two attempts to call a meeting of the core group this week which failed, both of them. And I think its something I want to raise in the core group. Because I think that what is actually happening now is that the role of the subcommittees is now enlarging - that we were initially told that what we were supposed to be doing was to be identify the options and not negotiating and now the text is coming back and in effect what we're doing by our comments on the text is that we are actually going somewhat further than I think our initial mandates were. Whereas and as I say now I think I also have to raise this matter if the committee is in agreement tomorrow with the CC meeting because I cannot say, I don't think at this stage that these points are agreed with or disagreed with by the committee. They were noted after our discussion. If they don't want to table it until there's an agreed text then we'll have to meet again to discuss this. If they will accept that the report being tabled with these particular notes and they will then debate it and they will then come to a conclusion and the matter will be decided between the parties at that level then that will be another outcome. But we need some clarity on that. I think that probably we're in for one crack at - this is what I would hope it would it would be also in terms of the rest of our work schedule, that we're in for one crack at the constitutional text and anything else that comes out of that will be dealt with at the CC level.

PW Chairperson can we have a copy of that before - I mean if we just in the next half an hour or so. I just want to talk to my - to Sam de Beer, my representative from the CC and say to him we discussed it here. We - but we are not entitled to negotiate but we discussed it, we didn't come to a conclusion, its only 3 parties that are here. So quite a number of the other people are not here. And just to inform him and say to him now you must decide, the chairman of our 6.2 will bring it to your attention and then you must make up your mind, if you don't mind. That we have a copy of that letter as quick as possible.

Snakes

I just want to make one last point on the Auditor General's draft, its got to be read in conjunction with the schematic summary on the AG which is on page 27 of the document that was supplied on Monday. So reference to

- block one, block 2. It's really -
- RD Well that point I think would be by way of saying that everybody must bring their documentation and also their constitution because quite often we said that the clauses in the existing constitution were okay but as we noted last time they'd been simplified in this language. So even where we all agreed and the clause seems to correspond, we might have some comments to make. Okay I don't think there's any other business - sorry Billy
- BN Just a point Mr Chairman, going through the footnotes you know in the draft that was submitted, it's quite clear that all this has emanated from the draft - itself has emanated from the comments, the suggestions made by us and agreed to by us collectively. Now the problem that Ken has raised is what actually was not incorporated here. Now it means that we have to do a little bit of homework ourselves to look at the draft - rather the summary of the draft that was presented on Monday and compare it with the draft that we have before us to see whether everything has been incorporated - and whether - and I'm convinced that everything has been incorporated
- RD Just to clarify there, I think if you remember there was a suggestion which came from and there were quite a number of clauses where the ANC and the NP agreed that things in the interim constitution should not be in - to be dealt with by legislation and I think some of the other parties disagreed with that. So I think that's where the point comes in. Whether some of the things which they felt should go in the constitution which some of the rest of us felt should not go in the constitution. I think that was one of the big possible omissions there
- PW Chairperson will you elaborate on that tomorrow at the CC. Because we are not - we can agree on what we agree but we are not supposed to negotiate with each other.
- RD No, the CC we're not going to talk about the AG, we're only going to talk about the RB
- PW Not tomorrow, I just ask the question again tomorrow, say you got the support of the committee on this issue of how far can we negotiate. Bring back on Tuesday some - a yes or a no, you can and you can go up this point or no, you're not allowed to do it under any circumstances. I'm - personally, I'm talking personally, I'm not talking on behalf of the National Party, personally I feel more comfortable when we start the discussion here, never mind if we agree or not agree. Not negotiating, I'm saying talking about the issue and get to some points because there are some points raised by other parties that we did not take into consideration that broadened your scope. I don't want that to fall away. Some people can say yes, theoretically and technically, that is a sort of negotiation, yes it is. But I don't want us - that's personally that drop that style that we adopted the last 8-9 months on that.
- RD I think it's ya -
- Law I think generally the Status of these first drafts, that is in terms of the terms of references on drafting they were referred to as initial drafts. The idea behind initial drafts was that initial drafts were going to be produced in order to stimulate debate at the CC - at CC level, that is where negotiation actually takes place. I think the understanding behind presenting drafts plus

reports to the CC that is to the Theme Committee before they go to the CC was that the Theme Committee as the author of the report had to go through the draft and check whether the draft more or less reflects what are the consensus position, non contentious what you call, positions emanating from the work of the Theme Committee. I think if eventually you look and you say no but I think there was this point raised by this party and so on and it seems to be omitted, I think such things do fall within the ambit of discussion when this draft goes to the Theme Committee

PW Thank you

RD Well, that's quite a Clarification then if we're supposed to say the text broadly speaking covers the ground that's one thing. If we're then supposed to say well we're not quite happy with this clause or something like that, that's another thing. Maybe we should just try to clarify that that is the case. Because I find it hard in practise to separate the two. In the end of the day there may be a text and it may respond to all the points but we may not be happy with it and I think we'd have to convey that. So I think there's a sort of a grey area there that we need to tease out a little bit. And then especially once we do that exercise and I can see that we do it once - we do the exercise and then we give it back to you. I mean there was - what I was a little unhappy about just after the last meeting because I got a number of phone from Grove and he said well if I do this and I do that and I've changed it in response to the points that were made and I said him, I said those were not consensus points. That there was a proposal for ones and there was no consensus at the meeting around either Ken's proposal or our proposal which I said ours is contentious any way. And that you can't simply just amend the text and just speak to me over the phone about it in that way. I said let it go to the CC with this sort of note which is what he's done now. And I think maybe if we do treat it in that way, we can - otherwise we have to keep revisiting the document until we're satisfied with it. And then I - then the negotiating effectively happens here.

KA Yes I agree with you but I have an additional slight problem in this in that - we within the committee are not supposed to be legal experts - I mean some of us may or not be. I'm not. But there may be other who are so I'm not speaking on behalf of others.

PW That's why are so successful, we haven't got any -

KA Okay now, and the CA kindly provides a legal advisor who I don't quite know - what's the other fellow's name

PW Grove

KA Grove, how he fits in the scene, maybe, is he one of your colleagues in the CA - sorry

RD He did the RB

KA Oh I see. Is he also a CA legal advisor - oh okay. But we then get a draft back in legal format. Some things are pretty self evident and they're absolutely plain English and so on - but when someone - I don't know what the difference between impartial and unbiased is - for example, if there is a difference. Someone puts a legal text in front of me and I had in mind a particular word and I don't know if its got any legal significance - and I think

you know a bit like economist you know ,they say for every 3 economists there are 5 opinions. I think for every legal - 3 legal drafters there tend to be 5 opinions or 5 different ways of doing it. and in that sense I feel a little unhappy in terms of saying yes on behalf of DP this legal text meets my requirement. At the same time in the time scales we are working and so on e, one doesn't have the facilities in sort of 48 hour or one week turn around to be constantly referring draft 1, draft 2 to one's own legal advisors to say are you happy and what are the implications of this. So I have a little bit of -

I think the process of trying to get it into legal language is good because I think it kind of helps clarify and so on. And let me just say this is no or in fact I haven't even read this so its in no respect cast in any aspersions or doubts in respect of documents that we've had before us or suggesting that they could be drafted better or anything of that sort whatsoever. There's no

connotations of that whatsoever. Its just in if you say to me and then I say to the DP no, well, I've agreed to this and one of them is a lawyer or an advocate or something says you're bloody mad, do you know what the implications of that word are and I say well, in our draft we used a different word but I didn't want to be pinikerty because there's lots of ways of saying the same thing. So I just want to express my - some what ill-at-ease. And that's partly why that kind of status at the top to me is quite important. That it gets some of these matters clear. So someone reading them saying - and in that sense - I know we did ask the legal draft to come back to us before it goes to the CC. In some sense it will almost help us for the legal draft not to come here because then we're not having the wrestle with that problem and say yes we're happy - we're given it the ok.

PW I'd Like to agree with - sorry, sorry, I want to agree with Ken chairperson, the reason why - I mean in 1991 we had this big flare up "in consultation", "after consultation". It ended up at the appeal court, exactly, precisely what do you mean. And I'm saying - I mean we discussed it the other day and it seems to me after the appeal court gave a verdict what it means "after consultation" there is still a grey area. And I would like to agree that somewhere along the line and I didn't read this because we just received it, but somewhere along the line we need assistance specifically on the legal - thanks heaven on my side Roelf Meyer and etc sitting there that are legal people. But they see it differently as we do from the economic side. I don't want a hundred percent legal constitution that you can't execute with the banker down at the bottom. That is my worry that I'm worried about and I would like to agree with Ken that somewhere along the line we need something more sometimes and the people must understand that they are working with stupid economists and not legal people around this table.

RD I think the way to deal with that which I also agree with - I mean we all know what "in consultation" and "after consultation" is now but I mean we don't know "impartiality vs unbiased" and things like that. There may be all those sorts of differences and we don't know what the appellate division has ruled on in any of these issues and previous and that kind of stuff. But I think the way to deal with this is not to get constant legal advice at this level but to say we have taken the process so far, its not binding, its not the

final word of our parties and we are submitting at this level and at the CC level is where the final discussion about the text takes place, where that input is appropriate, not at this level. So maybe I think we should convey that - that is our understanding of the process

KA I think it would be - I agree with you entirely and I think it would be appropriate on either the first or last page of each legal draft that we process that a statement somewhere along that line is made. It would make me feel very comfortable because then I say look as far as I read it as a laypersons this seems to express the intent that we're aiming at but that we haven't run through the legal fine tooth comb and got 4 other opinions on the subject.

RD Could we write that in the minutes that that is the understanding that we are from this subcommittee going to come up with, that we're going to make our comments as laypersons comments on the legal text subject to a reading - a legal reading which will take place at another level. Okay

PW Will you please convey that already tomorrow on the RB - that that's how we see the document that goes through tomorrow to the CC

RD I'll say that at the CC meeting but I don't know whether they will have it in -

Law I think initially what had been decided I think at CC level was that the CC is the committee that coordinates and directs drafting, that what TCs do is prepare reports and those reports are submitted to the CC. I think there was one particular incident I think where a draft eventually ended up as CC level which draft - some members were from the same Theme committee found that that draft in some way or another had stated things which were still really under discussion at that TC level. And it was then decided that that draft goes back to the Theme Committee. I think its in this spirit that this draft really are brought to the TC level. That you go through the draft and you go through the report and you look to see whether in fact the drafts you know, do not exceed the mandate of your report you know, that they do not as it were start dealing with things that are still really - things that are still under discussion at the Theme Committee level. So these are the sort of things that you have to look at and clarify. But I'm not quite sure about the actual level of negotiation, whether you can then go on to say no, this word is not right. I think if you put this word, this is better, it will indicate the intention of the report. I'm not quite well versed about that. I cannot make an opinion as to that.

RD But you see again the question is one of we will make such a comment within the limited framework of our understanding. I give you another example from your own report, the president shall appoint as Auditor General - your first option, a person nominated by joint committee of the houses of parliament and who's nomination has been approved by the national assembly and the senate. Now you know there could be all sorts of codes in there, could mean that the president has to receive two or 3 names because he makes the appointment or something of that sort. I mean we don't know those issues. It may seem okay on a layman's reading. But I mean there are all these sorts of issues at stake when you coming to - when you have discussions with law advisors and legal people, those issues come

up. But at our level at the committee here we wouldn't necessarily pick them up. So I think we would need to make that caveat all the way through. And say as far as we can understand. I don't think we need stay any longer -

KA I just in a sense want to make an announcement, I have handed in as of yesterday to the secretariat our submission on you know - what's it called, well, general financial affairs is the heading in the constitution which in particular the main part is in fact on the annual budget. I mean that's the substantial section, the rest of that section is also covered. So just, I presume that will go - you've got it and presumably members will get that tomorrow will they

Pat I only just -

KA Sorry

Pat I only just received it

RD Well as you know we've now postponed that section until right in the end

KA Have we

RD That is the decision

KA Well I had to leave early because I had to go to the other -

RD Okay, what was decided was that we will submit one more report only. It will be the FFC plus everything else

KA Okay fine, no well, that's fine

RD I think that perhaps we can adjourn then, okay, until Tuesday

Pat Can I give you

Transcriber: Pat Fahrenfort