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CONSTITUTIONAL ASSEMBLY

**THEME COMMITTEE 6
SPECIALISED STRUCTURES
OF GOVERNMENT**

DOCUMENTATION

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**CONSTITUTIONAL ASSEMBLY
MINUTES OF
FIRST MEETING OF
THEME COMMITTEE 6
SPECIALISED STRUCTURES OF GOVERNMENT
MONDAY 19 SEPTEMBER 1994 (AT 16H15)**

PRESENT

Alant, TG
Baile, A (Alt)
Bekker, HJ (Alt)
Botha, WJ
Chiole, J
Davies, RH
De Beer, SJ
Dyani, ZD
Fankomo, FC
Fenyane, SLE
Gogotya, NJ
Jacobsz, FP
Jordaan JA
Kgositsile, B
Knowles, JJ
Love, JY

Marais, PG
Mokitlane, MC
Mokoena, ML
Moatshe, P
Mti, LM
Nair, B
Netshimbupfe, MA
Nhlanhla, J
Powell, P
Selfe, J
Sisulu, L
Turok, ME

Vadi, I
Watson, WA

Apologies :

Welgemoed PJ (written)

L Zondo, N Nyoka, S Haydon and M Sparg were in attendance.

1. OPENING AND WELCOME BY A MEMBER OF THE DIRECTORATE

The meeting was opened by Ms Zondo who chaired the meeting in terms of Rule 25 of the Standing Rules.

2. APPOINTMENT OF CORE GROUP MEMBERS

The following members were elected to the Core Group of the Committee:

- * Chirole J (FF)
- * De Beer SJ (NP)
- * Dyani ZD (PAC)
- * Jordaan JA (DP)
- * Kgositsile B (ANC)
- * Powell P (IFP)
- * Vadi I (ANC)

3. APPOINTMENT OF CHAIRPERSONS

3.1 Mr de Beer, Mr Powell and Ms Kgositsile were appointed as Chairpersons of the Committee.

3.2 Mr De Beer took over the chairing of the meeting from Ms Zondo.

4. GENERAL DISCUSSION ON THE OBJECTIVES OF THE COMMITTEE

4.1 The Committee considered its role in the Constitution making process and the following inputs were made:

4.1.1 the need to canvas broad public opinion on the constitution making process; and

4.1.2 that the tasks assigned to the committee be categorised into three broad sub-themes, namely, the ombuds function, the securing of society and administration.

4.2 The committee agreed that the Core Group should formulate the Committee's tasks and scope of work and submit this for consideration at its next meeting.

5. GENERAL DISCUSSION ON PROGRAMME OF WORK

It was agreed that the Core Group would make proposals regarding the committee's programme of work. These proposals would be put to the

committee for consideration and approval.

6. INVITATION TO PARTIES TO MAKE SUBMISSIONS

It was agreed the Core Group would look into this and make a proposal on the deadline for such submissions.

7. AGENDA FOR THE NEXT MEETING

It was agreed the Core Group should formulate the agenda for the next meeting and make it available to committee members before the forthcoming parliamentary recess.

8. CLOSURE

The meeting ended at 17h15.

**CONSTITUTIONAL ASSEMBLY
MINUTES OF
FIRST MEETING OF
CORE GROUP
THEME COMMITTEE 6
SPECIALISED STRUCTURES OF GOVERNMENT
WEDNESDAY 21 SEPTEMBER 1994**

PRESENT

Kgositsile B (Chairperson)

Chiole J
De Beer S (Co-Chairperson)
Jordaan JA
Powell P (Co-Chairperson)
Vadi I

Absent: Dyani ZD

S Haydon and N Nyoka were in attendance.

1. OPENING AND WELCOME

The meeting was opened at 10h00 by the Chairperson who welcomed all members present.

2. TABLING OF THE MINUTES OF THE THEME COMMITTEE

2.1 *The minutes of the Theme Committee of 19 September 1994 were adopted.*

2.2 The Core Group requested the Secretariat to prepare longer minutes of Theme Committee meetings for distribution to Core Group members to allow for effective planning.

3. DIVISION OF THEME INTO SUB-THEMES

3.1 *It was agreed that the Theme, "Specialised Structures of Government", be divided into the following Sub-themes:*

3.1.1 Public Administration

3.1.1.1 *This Sub-theme, it was agreed, will address the following subjects:*

- * The Public Service Commission
- * The status and role of the Public Service
- * Establishment, powers and functions of the Public Service Commission and Public Service
- * Traditional Authorities
- * The South African Elections Commission

3.1.1.2 Respecting Traditional Authorities, a concern was raised that this issue is not being addressed adequately in the different levels of Government, i.e. National Assembly and Provincial Executive Councils.

It was further noted that this topic has also been assigned to Theme Committees 2 and 3.

It was agreed that an Inter-theme Committee discussion, on this topic, will have to take place.

- 3.1.1.3 Concern was expressed over the inclusion of the South African Elections Commission, as a topic for discussion, in the Constitutional Assembly's Management Committee terms of reference.

It was agreed that the Chairpersons should raise this matter with the Constitutional Assembly's Management Committee.

3.1.2 Financial and Public Enterprise Institutions

- 3.1.2.1 ***This Sub-theme, it was agreed, will address the following topics:***

- * Auditor-General
- * Reserve Bank
- * Financial and Fiscal Commission

- 3.1.2.2 Regarding Public Enterprises, such as Eskom and Transnet, there was a debate as to whether these should fall under either headings Public Administration or Financial Institutions.

It was agreed that the proposed heading Financial Institutions, be amended to read Financial Institutions and Public Enterprises, and the question of Public Enterprises be addressed under the amended heading.

The Freedom Front expressed its dissatisfaction with the amendment, as in its view the subject of Public Enterprises can only be properly addressed under Public Administration. Be that as it may, the Freedom Front accepted the amendment.

3.1.3 Transformation and Monitoring

This Sub-theme, it was agreed, will address the following topics:

- * Public Protector
- * Human Rights Commission
- * Gender Commission
- * The Commission on Restitution of Land Rights

3.1.4 Security Apparatus

The Sub-theme, it was agreed, will look at the following topics:

- * The Police
- * The Military
- * Intelligence

4. PARTIES SUBMISSIONS

The Core Group agreed that all parties must ensure that their submissions are forwarded to the secretariat by no later than the 12 October 1994.

These submissions will be tabled at the Theme Committee meeting to be held on the 17 October 1994.

5. GENERAL

5.1 It was agreed that the proposed Sub-theme Committees will appoint their own Chairpersons.

5.2 *It was agreed that the Sub-theme Committees must have the power to formulate their own work programmes. However, on certain subjects, such as Public Submissions, the Core Group will provide guidelines.*

6. CLOSURE

The meeting rose at 10h45

CONSTITUTIONAL ASSEMBLY

MEETING OF THEME COMMITTEE 6

SPECIALISED STRUCTURES OF GOVERNMENT

Please note that the meeting of the above Committee originally scheduled for 17 October 1994 will, by virtue of a decision of the Constitutional Assembly's Management Committee, now be held as indicated below:

Date : 24 October 1994

Time : 10h00

Venue : To be advised

PROVISIONAL AGENDA

1. Opening and Welcome
2. Tabling of the minutes of the Theme Committee
3. Tabling of the minutes of the Core Group
2. Tabling and discussion of the Core Group Proposals
3. Establishment of Sub-theme Committees
4. Parties' Submissions - Report from the Secretariat
5. Closure

Note that this agenda has been prepared by the Core Group, but may be amended in view of the Management Committee's decision to postpone all meetings of the Theme Committees.

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