

CONSTITUTIONAL ASSEMBLY

SUBCOMMITTEE 2

**MONDAY
7 OCTOBER 1996
10:00**

G26

MINUTES

CONSTITUTIONAL ASSEMBLY

MINUTES OF THE SEVENTH MEETING OF SUBCOMMITTEE 2

MONDAY, 7 OCTOBER 1996

PRESENT

Gordhan PJ (Chairperson)

Ackermann C	Alant TG
Bhabha M	De Lange J
Du Toit DC	Fourie A
Groenewald PJ	Hogan B
King T	Malebo SM
Marais P	Maree J
Ngcuka B	Rabie JA
Schreiner J	Selke J
Verwoerd M	

Apologies: Meshoe K

Advisors: Grove G, Murray C, Yacoob Z

In attendance: McKenzie K

1 OPENING

The meeting commenced at 10:15 and approved the proposed formulations contained in the document entitled "Amended text including refinement", with changes as indicated.

2 MINUTES

The minutes were noted.

3 CONSTITUTIONAL AMENDMENTS

The was agreed to except for 74(4). It was agreed that the formulation of subsection (4) in the third draft of 3 October 1996 should be inserted in its place.

4 PROVINCIAL POWERS

4.1 Section 146

The amendments were agreed to.

4.2 Chapter 11

The amendments were agreed to with the following changes:

- i. The phrase "policing needs and priorities" be used in sections 206 (1) and (2).
- ii. The word "policing" replace the phrase "crime, safety and security" contained in section 207(5).
- iii. The word "other" be deleted in section 207(6).

It was noted that the word "may" replaced "is entitled to" in section 206(5)(a). This was in keeping with plain language and did not change the intended meaning.

It was noted that the term "national legislation" replaced "law" in section 206(6). This was consistent with the rest of the constitution. The NP stated that they would have preferred that the word "national" be deleted.

5 LOCAL GOVERNMENT

- 5.1 It was noted that there was a typographical error in section 155(1)(b) - "are" should read "area".
- 5.2 It was suggested that the subclauses in section 155(1) should be separated by ";or" and ";and". No agreement was reached on this but informal discussions would continue before the meeting of the Constitutional Committee.
- 5.3 It was agreed that the old section 155(3)(b) should be included in 155(6).
- 5.4 It was agreed that section 160(1)(a) be amended to read "makes decisions concerning the exercise of all powers and the performance of all functions of the municipality."
- 5.5 It was agreed that section 160(2)(b) should read: "approval of budgets;"
- 5.6 It was agreed that section 160(2) should read: "the imposition of rates, other taxes, levies and duties;"
- 5.7 It was agreed that section 160(3)(a) should read: "A majority of the members of a Municipal Council must be present before a vote may be taken on any matter."

5.8 It was agreed that section 160(4) be deleted.

6 MUNICIPAL FISCAL POWERS AND FUNCTIONS

6.1 It was agreed that the section heading should read: "Municipal fiscal powers and functions".

6.2 It was agreed that section 229(3) be deleted.

6.3 It was suggested that 229(4)(a) to (e) be separated by semi-colons.

6.4 It was noted that the implementation date for the constitution and its implications for the budget was a matter for the consideration of the Constitutional Committee.

7 ANY OTHER BUSINESS

7.1 Withdrawal of the IFP

The ANC reported that they had held bilateral meetings with the IFP in the course of which the IFP identified three areas of concern. These were the role of traditional authorities, the monarch and the Ingonyama Trust.

In the course of the bilateral meetings an agreement had been reached between the IFP and the ANC on the relationship between traditional authorities and local government.

However on the IFP national council had not endorsed this agreement, and had withdrawn their delegates from further participating in the work of the Constitutional Assembly.

8 CLOSURE

The meeting adjourned at 11:30.

