

214/3/2/319

**CONSTITUTIONAL
ASSEMBLY**

THEME COMMITTEE 3

***RELATIONSHIP BETWEEN
LEVELS OF GOVERNMENT***

**SUMMARY OF
SUBMISSIONS
RECEIVED AS AT 8 MARCH 1995**

VOLUME 6

Theme Committee 3

Summary of Submissions - Volume 6.

Organisation: Animal Groups Alliance

Individual: Miss C Blumberg

Category: Separation of powers and Animal protection rights

Pages: 607

Summary: The group submits that **National government** have more power and be solely responsible for decision making on the protection of animals so as to ensure uniform decisions are made in this respect in all provinces. They also call for the establishment of a **Statutory National forum** to be involved with animal protection and other vested interests.

Organisation: Anonymous group

Category: Executive Powers - Accountability

Pages: 608 - 609

Summary: Objections are made about:

- existing anarchy - general lawlessness eg Taxis; full jails
- discrimination against whites w.r.t criminal offenses
- lack of progress in the RDP

Leaders should be accountable and disciplined if necessary

The "gravy train" should stop!

Incompetent people should not be appointed via affirmative action

- wasteful.

These ideas should be considered when drawing up the constitution.

Organisation: East Cape Agricultural Union

Individual: Erasmus B.P. (Pres.)

Category: Rural Local government

Pages: 610 - 613

Summary: The protection of **property rights**

The union is concerned with the protection of right to own property, by both individuals and communities present and future, mainly to ensure that owned land is not later claimed unreasonably or unlawfully occupied by outside individuals or groups.

- The union also feels that land needed by the government should be acquired on the **open market**, and only if this is not available should expropriation take place.

In this case owners of the land should be reimbursed at "market value".

Expropriation as an instrument in the redistribution of land is strongly opposed.

Safety and Security in rural areas

The safeguarding of life and property is a right of every citizen and should be secured in the constitution.

Stock theft - Due to huge financial and stock losses the union feels that the government should intervene in respect so as to curtail these crimes.

Implications on Agriculture and the province as a whole

Due to crime and other circumstances eg. farmers being forced off their land a number of undue results occur; such as job losses, decreases in the production of food, decreases in Province' incomes and productive land being wasted.

Concern is raised because of the increasing change to stock/cattle farming due to it's productivity and job intensity. As E.P is the largest wool producing province, the reduction in sheep farming causes drastic decreases in foreign exchange and also in related industries.

Due to the lack of safety and security crime has risen and people are demanding rights on land, illegally grazing and this leads to conflict and the public threatening to take the law into their own hands.

It is therefore recommended by this union that the **rights of landowners are respected and protected in the constitution.**

Effective representation on Rural, local government

Due to the differences between rural areas and urban and municipal areas an effective system of **Rural Local government** should be established.

Both residents and Levypayers should be fairly represented in the local government management system.

Rural inhabitants and urban residents are prepared to **fund the Local government**, but additional taxes which aims to redistribute land will be totally unacceptable to the farming community.

Organisation: Ligstryders

Category: Nature and status of Provincial System and Local Government

Pages: 631 - 648

Summary: A decentralised political dispensation where most responsibility and power lies with the regional governments, the family unit and individuals.

Motivation: Centralisation of power in a unitary state leads to corruption, therefore limit the powers of the central government.

Organisation: Rand Afrikaanse Universiteit

Individual: Prof. G.N. Barrie

Category: Powers and functions between National and Provincial institutions

Pages: 649 - 653

Summary: The submission calls for the delimitation of powers and functions as well as for greater autonomy for regions.

The writer proposes "Regionalism" is the overriding importance, but suggests that institutions of the government operate upwards from it's base.

Individual: Mlungisi Biyela

Category: Provincial Legislative Authority

Pages: 655 - 656

Summary: The Provincial Legislative Authority should uphold the **supreme laws** of the land, yet be assigned **more powers** to administer it's geographical location effectively.

Due to it's regional basis it can **protect minorities** and include **traditional authorities** in it's makeup.

Individual: Mrs A.J. Booysen - these sentiments are supported by 46 other letters

Category: Provincial Legislative Authority - Legislative competence of provinces with regards to the environment.

Pages: 658... etc

Summary: A provincial legislature shall have concurrent competence with parliament to make laws w.r.t **the environment and nature conservation** excluding national parks, botanical gardens and marine resources subject to an act of parliament which shall prevail over a provincial law inconsistent therewith and subject to international treaties.

Individual: N.P. Cloete

Category: Central / provincial / local government - limit size
Budget / competencies

Pages: 661 - 667

Summary: 1. All levels of government to be **small and few** ie. central. provincial and local government should be "**lean and hungry**".

How do we limit government? By limiting the amount the state can collect constitutionally.

Proposal: Maximum level of taxation to be **8% of GDP**.

2. **Important Programmes should be voted on.** For example, health should not be financed via direct taxation, but people who vote for these programmes should be levied and receive benefits accordingly.

Conversely, those who do not vote/pay levies will not receive benefits.

Individual: Du Preez P.I.

Category: Federal Government System

Pages: 677

Summary: The writer proposes a "**Federal**" government system where the central government does not have too much power, but that some power be transferred to the provinces to act as counter balance.

He divides the constitution up into :

- a) The Executive
- b) The federal parliament
- c) The judiciary

Individual: Keane T.F.

Category: Local government - accountability measures

Pages: 708 - 714

Summary: The writer suggests that the Local government be more important than the Central government.

Power be devolved to Local government.

The people have the right to call for **referenda** and the results be binding on the council.

The people must also have the **right to recall** ie. to fire the councillor before his/hers term expires, if they feel that these councillors are not completing their tasks efficiently.

Individual: D.J. Kabani

Category: Local Government - greater power and representation.

Pages: 697 - 703

Summary: Local Government should " **ease the burden** " of central government because they are more aware of the needs of the people in their wards.

Local Government structures should include **political and traditional authorities**.

Local Government should also feature on **RDP committees**.

Individual: J.J. Kotze

Category: Local Authorities - use of revenue.

Pages: 717 - 718

Summary: There should be **transparency** in rates revenue expenditure.

Streamlining of municipalities and Regional Services Council's.

Protection of property owners against exploitation

eg. retired people may be forced to move to cheaper premises when property taxes increase.

Proposal: The levying of property rates and taxes to be **based on** the owners income, provided said owner occupies the premises.

OR Property rates and taxes based on **original valuation** when

bought / built by the owners and is only updated on re-registration / sale. This excludes re-registration by spouse when the previous owner dies.

Individual: Kruger J.G.F.

Category: Voters' role

Pages: 719

Summary: Due to the expense and inconvenience of preparing the voters' role, the writer proposes that it be made a **qualifying right** to vote by payment of rates or municipal charges in the month preceding the local elections. People would the receive a voter enablement card for themselves and their spouses.

This however would not include companies and or associations.

Individual: R. S. Masango
Category: Character of State
Pages: 723 - 730

Summary: RSA to be **one** state with a national government.

Democratic government attained via provincial government which is subordinate to national government.

Provincial powers to be determined via **negotiation** between national and provincial governments - considering cultural diversity at all times. Provinces **not allowed independence** from national government - economic disaster.

Provinces should be **sub-divided** into local communities which fall under local government. Leaders to be elected after specified period.

Traditional authorities to **work with** elected officials in dealing with community / political matters. eg. services; campaigning etc.

Individual: Marthias R.G.L.
Category: Town Councillors
Pages: 731 - 732

Summary: The organisation, Kingsburgh, requests a simple document which clearly outlines the foundation of the constitution and ultimately the principles upon which Town councillors operate.

Councillors must have **job-descriptions** which clearly states what their obligations, functions and rights are.

The organisation also suggest there be certain **standards** by which councillors, provincial and local authorities can be tested, so as to maintain a certain minimum standard.

The document should clearly depict the duties of these provincial and local authorities.

This document could proceed downwards to include all the rights, duties and obligations of the community which would ultimately be clearly understood and reduce conflict between communities.

It is therefore suggested that the people never be in the dark but clearly understand everyones' rights, duties and obligations; and so maintain peace and harmony.

Individual: E. Stones
Category: Powers of Local government
Pages: 748

Summary: The submission requests for more **autonomy** and power for local governments to govern their own affairs (self-determination).

These local governments must have their legal system, legislature and executive bodies operate on the principle of **general and own affairs**.

Own affairs to be handled by chambers made up from different language groups with a joint council to concentrate on and handle general affairs.

This type of system would protect minority interests both inside and outside an "Afrikaner Volkstaat".