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CG3/17

CONSTITUTIONAL ASSEMBLY

CORE GROUP 3

**RELATIONSHIP BETWEEN
LEVELS OF GOVERNMENT**

Thursday 23 March 1995

Room G26

(14H00)

DOCUMENTATION

(Minutes of the meeting held on 20/3/95)

Embargoed until 12h00 27/3/95

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CONSTITUTIONAL ASSEMBLY

MEETING OF CORE GROUP THEME COMMITTEE 3

RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT

Please note that a meeting of the above committee will be held as indicated below:

Date : 23 March 1995

Time : 14h00

Venue : G26

AGENDA

1. Opening
2. Minutes of the previous meeting
3. Matters arising
4. Financial & Fiscal Workshop
5. Penguin Films
6. Work Programme
7. Framework
8. General
9. Closure

**H Ebrahim
Executive Director
Constitutional Assembly**

Enquiries: Mbasa Mxenge, Regis House Room 9-09 (tel 403 2108)
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CONSTITUTIONAL ASSEMBLY
MINUTES OF THE MEETING OF
CORE GROUP 3
RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT
MONDAY 20 MARCH 1995 (AT 14H10)

PRESENT
DC DU TOIT (CHAIRPERSON)

Andrew KM
King TJ

Koornhof GW (Alt)
Smith PF

Technical Advisors
Prof D Davis

Apologies

Absent
P de Lille, PJ Groenewald and NN Mapisa-Nqakula

Attendance
Sandra Haydon and Mbaso Mxenge

1. OPENING

The meeting was opened by DC Du Toit and the agenda was adopted.

2. MINUTES OF THE PREVIOUS MEETING

2.1 The minutes of the meeting held on 14 March 1995 were adopted with the following amendment:

- i. Para 11.3 "Mr KM Andrew asked it be recorded that it is his opinion that Theme Committee 3 will not complete its work by the June 95 deadline."

3. MATTERS ARISING

3.1 WORKSHOP: LOCAL GOVERNMENT BEYOND 2000

Mr MS Manie and Mr JW Maree have confirmed that they will be attending the workshop.

3.2 PENGUIN FILMS

The Core Group requested a 48 hour extension (until CG meeting 23/3/95) during which time the Administration would clarify details relating to the recording of the programme on issues being dealt with by Theme Committee 3, so as to ensure members will be available. *(Note: Mr Enoch Sithole, Assistant Director Media Liaison has been requested to circulate (asap) a memorandum / invitation giving full details)*

4. INPUT BY EXECUTIVE DIRECTOR

4.1.1 The Core Group sought clarification from the Executive Director Mr Hassen Ebrahim, on the decisions made by the Constitutional Committee regarding contentious issues being in conflict with Constitutional Principles in the Theme Committee Report on Block 1.

4.1.2 The meeting agreed that subject to written clarification from the Administration, the whole report would be referred back to the Technical Advisers to look at it in relation to the Constitutional Principles and to redraft in the format as used by TC6.4 and approved by the Constitutional Assembly.

4.1.3 The committee further agreed such instructions from the Core Group to the Technical Advisers would be in writing.

4.1.4 The Core Group expressed a concern at the lack of, or tardy communication to the Theme Committee of decisions made by Constitutional Committee.

4.2 Mr Ebrahim advised that the decision has been made to fly members to Constitutional Public Meetings on commercial airlines rather than by military aircraft unless such flights are direct both ways and on time.

5. 5.1 REPORT BACK FROM TECHNICAL COMMITTEE

5.1.1 The following documents are available to for distribution:

i. Submissions by Civil Society by Prof Dion Basson; and

ii. Framework on Local Government by Prof BC Majola.

5.1.2 Prof Davis asked for feedback on the report on Submissions by Civil Society as soon as possible.

5.1.3 The following documents will be available for distribution next week:

- i. Prof D Davis is in the process of amplifying a document on the Role of the Senate; and
- ii. Prof F Venter's document on the analysis of the Constitutional Principles relevant to Theme Committee 3.

5.1.4 The Core Group congratulated the Technical Committee on their work what they have achieved thus far.

5.2 WORK PROGRAMME

5.2.1 The meeting asked that the draft Work Programme submitted by the DP be circulated to all members of the Core Group for discussion and reaction at the next Core Group meeting.

5.2.2 It was agreed the document would also be referred to the Technical Advisers.

5.3 FRAMEWORK

To be discussed at the next Core Group meeting.

6. FINANCIAL AND FISCAL COMMISSION

6.1.1 Concern was expressed regarding the delay in confirming the proposed address to the Core Group by a member of the Financial and Fiscal Commission. The issues to be addressed are:

- i. What research the FFC has done so far?: and
- ii. What information the FFC has available on its database?

6.1.2 The meeting agreed that the Technical Advisers would be invited to the meeting with the FFC.

6.2.1 The meeting agreed that the Core Group should at the appropriate time, ask the parties to co-opt their members on TC6.2 onto TC3 to work with TC3 on issues relating to the functions and powers and the financial relationships between the provinces and the local and national governments. Once this is settled, TC6.2 would then proceed with issues which are to be dealt with by their Theme Committee.

- 6.2.2 The meeting asked the Secretariat to write to Dr Rob Davies as follows:

'That Theme Committee 3's task in this area is to determine the powers and functions of different levels of government in respect of fiscal matters and the role of the FFC in this regard. Thereafter, Theme Committee 6 will be responsible for determining the structure and composition of the FFC. It is therefore recommended that at this stage parties bring some of their TC6.2 members onto their TC3 delegations so that they can be intimately involved in the whole process.'

- 6.3 The meeting agreed that 5 (five) members of the Theme Committee would attend the workshop on Financial and Fiscal Provisions to be held on 7 - 8 April 1995 as there would be no need for backup or report writing by the Secretariat. The names of those attending the workshop would be submitted at the Core Group meeting on Thursday 23 March 1995.

7. GENERAL

7.1 TECHNICAL ADVISERS / CORE GROUP MEETINGS

The meeting agreed that the convenor for the Technical Committee has a standing invitation to attend all Core Group meetings.

7.2 STANDARD BANK

The Secretariat was asked to circulate correspondence relating to the request by the Standard Bank to make oral submissions to Theme Committees.

8. AGENDA FOR TC MEETING 27 MARCH 1995

- 8.1 Prof Davis confirmed that Prof Venter will be conducting the Workshop on 27 March 1995.

- 8.2 The chairperson will give a reportback on behalf of the Core Group.

9. CLOSURE

The meeting closed at 16h30.

CONSTITUTIONAL ASSEMBLY

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REF NO:

CONSTITUTIONAL ASSEMBLY

MEMORANDUM

TO : Prof D Basson
Prof D Davis
Prof BC Majola
Prof F Venter

FROM : Mbaso Mxenge

DATE : 17 March 1995

SUBJECT : Requests from Theme Committee 3

1. The Core Group meeting has been rescheduled for 14h00 Monday 20 March 1995 in room G26. The members have asked that one of the Technical Advisers attend to assist them at this meeting.
2. The following issues have been discussed at various meetings of the Theme Committee and the Core Group and where possible, written documentation is required:
 - i. An opinion on issues which overlap with other Theme Committees. Note: At a joint Core Group meeting held yesterday 16 March 1995 it was agreed that overlapping issues would be dealt with jointly as and when they arose. No issue will be reallocated to another Theme Committee;
 - ii. Clarity on the Constitutional Principles relevant to the Theme Committee. The Core Group has asked that Prof Venter confirm that he is available to speak to this document at a workshop to be held on 27 March 1995;
 - iii. The listing of all contentious issues relating to Block 1 which do not fall under the Constitutional Principles;
 - iv. The report covering civil society submissions relating to Block 1 for

tabling to the Management Committee / Constitutional Committee covering inter alia:

- a) List of names
 - b) Submissions received which do not relate to issues dealt with in Block 1
 - c) Submissions which do not relate to the Constitution
 - d) The range of issues covered was so wide as being impossible to summarise
 - e) Confirm that all submissions received were distributed to the members of the Theme Committee
- v. Sub-headings for Phase 2 of Heading 2 and headings for Financial and Fiscal Relations; and Local Government;
 - vi. Models which are available in other countries on systems relating to the 'allocation of powers';
 - vii. The implications of the Constitution in respect of the provinces after 1993 and the implications of the next Constitution;
 - v. An opinion on the role of the Senate;
3. It would be appreciated if all available documentation is faxed through to me today or by 10h00 Monday 20 March 1995.

Thank you