

210113

CONSTITUTIONAL ASSEMBLY

MANAGEMENT COMMITTEE

**MONDAY
31 OCTOBER 1994
(12h00)
V16**

DOCUMENTATION

CONTENTS

MEMBERS OF THE PARLIAMENTARY COMMITTEE

1.	Notice and Agenda	Page 1
2.	Minutes	Pages 2 - 5
3.	1995/96 Budget	Pages 6 - 17
4.	Provincial Participation	Pages 18 - 19
5.	Department of Constitutional Development	Pages 20 - 24

1. Notice and Agenda

2. Minutes

3. 1995/96 Budget

4. Provincial Participation

5. Department of Constitutional Development

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CONSTITUTIONAL ASSEMBLY

MEETING OF THE MANAGEMENT COMMITTEE

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

Date : Monday 31 October 1994

Time : 12h00 - 13h00

Venue : V16

AGENDA

1. Opening
 2. Minutes: Pages 2 - 5
 3. Matters Arising: See Agenda Items Below
 4. Sub-committee to Select Panel: No Documentation
 5. 1995/96 Budget: Pages 6 - 17
 6. Provincial Participation: Pages 18 - 19
 7. Department of Constitutional Development: Pages 20 - 24
 8. AOB
 9. Closure
-

**H EBRAHIM
EXECUTIVE DIRECTOR
CONSTITUTIONAL ASSEMBLY**

Enquiries : Ms MM Sparg, Room CS205, Tel 403 2274, Page 468 5316

CONSTITUTIONAL ASSEMBLY

MINUTES OF MANAGEMENT COMMITTEE MEETING THURSDAY 27 OCTOBER 1994 (AT 9H00)

PRESENT

RAMAPHOSA MC (CHAIRPERSON)

Eglin CW	Moosa MV
Felgate W	Sizani R
Mabandla BS	Van Breda A
Meshoe K	Wessels L

Apologies: Chabane OC, Meyer R, and Viljoen C

In attendance:

Ebrahim H, Lillienfeld P, Meyer A, Zondo L, Sparg M, Mngadi-Kgosiditsi T, Matyolo L and Keegan M.

1. OPENING

- 1.1 Mr. Ramaphosa opened the meeting at 09h02. The Agenda was adopted.
- 1.2 Mr. Eglin requested that the Order Paper be corrected to give the same starting time as the Agenda.
- 1.3 Mr. Ebrahim explained that notification of the changed time was sent out with the documentation, but apologised to any members of the public or press who were inconvenienced.

2. MINUTES

The Minutes of the meeting held on Monday 24 October were adopted.

3. MATTERS ARISING

- 3.1 Mr. Moosa reported that the parliamentary standing committee took note of discussions in the Constitutional Committee and removed paragraph 6.1 of the draft Volkstaat Bill.
- 3.2 The meeting agreed that the Management Committee must discuss in greater depth the relationship between the Constitutional Assembly

and the Department of Constitutional Development to advise Theme Committees on the Department's offer of technical assistance.

4. DRAFT REPORT FOR THE CONSTITUTIONAL ASSEMBLY

- 4.1 Mr. Ramaphosa opened discussion on the draft "*Report of Constitutional Committee: Constitutional Assembly*," included in the documentation.
- 4.2 The meeting agreed that Rule 19.6(c) needs to be amended to include the Vice Chair or the Constitutional Assembly as a member of the Management Committee.
- 4.3 The meeting agreed on the following amendments and additions:
 - i. A sentence would be added to paragraph 3.3(c) to indicate that Theme Committees are not negotiating forums.
 - ii. An additional phrase would be added to 3.5.2 to indicate that the Constitutional Committee would evaluate Theme Committee reports.
 - iii. The last sentence of paragraph 6.2 would be amended to read "All but one party have filed submissions."
 - iv. For paragraph 8:
 - a. Phase I(c) would be amended to read: "producing reports for consideration by the Constitutional Committee and Constitutional Assembly"; and
 - b. Phase III would be amended to indicate that "referral" rather than "certification".
 - iv. For paragraph 9:
 - a. The middle sentence of Phase I would be amended to read "These reports considered and evaluated by the Constitutional Assembly and Constitutional Committee on an ongoing basis".
 - b. For Phase II, "Completion of approval" would replace "Final".
 - c. "Referral would replace "Certification" in Phase III.

- d. A Phase 6 would be added, its task being "Certification by the Constitutional Court." No deadline date would be given.
- e. The Objectives set out in paragraph 11 would be stated positively, using short, sharp language. In particular, the objectives set out in paragraphs 11.2, 11.3 AND 11.5 would be rephrased.
- f. The term "senior leadership" in paragraph 15.2 would be replaced by "members of the Constitution". *Constitutional Assembly*
- g. For paragraph 15.2.6 "Public Information Facility" would replace "Toll-Free Information Line".

4.4 As the process of writing a new constitution proceeds and moves onto substantive issues, the Directorate will need ways of making information available to the Constitutional Assembly, the Constitutional Committee and Theme Committees. The meeting agreed that the Directorate would:

- i. Regularly produce tabling documents for members' information, and
- ii. Include a notification at the end of documents informing the public that tablings are available.

4.5 The document was adopted subject to the editorial changes noted above.

5. MEDIA: ADVERTISEMENT FOR PROPOSALS FROM AGENCIES

The Memorandum entitled "*Media Campaign*" included in the documentation was approved. The Management Committee authorised the Directorate to place the described advertisements in appropriate newspapers as soon as possible.

6. NOMINATIONS FOR THE SUB-COMMITTEE FOR SELECTING THE INDEPENDENT PANEL OF EXPERTS

- 6.1 Mr. Eglin corrected the memorandum "*Nominations from Parties for Sub-Committee*," included in the documentation and noted that the Democratic Party submitted its nominations on 26 October 1994.
- 6.2 The following additional nominations were made: from the National Party: S J de Beers and P G Marais; from the IFP: Walter Felgate;

7. ALL OTHER BUSINESS

- 7.1 Mr. Ebrahim proposed to send out a memorandum to political parties informing them that where both committee members and alternates attended committee meetings, both would not be allowed to equally participate as this is causing the Directorate stress. The meeting approved.

- 7.2 It was noted that people can raise questions from the floor during the "Open Time" period of the Constitutional Assembly meeting on Monday 31 October 1994.

8. CLOSURE

The meeting closed at 10h02.

CONSTITUTIONAL ASSEMBLY

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PO Box 15
CAPE TOWN 8000
REPUBLIC OF SOUTH AFRICA

REF No:

MEMORANDUM

To : Members of Management Committee

From : Hassen Ebrahim
Executive Director

Date : 28 October 1994

Subject : 1995/96 Budget

Decision Required : None

Background : The Management Committee had earlier approved a sum of approximately R69 million for the 1995/96 Budget but had requested a further discussion on the details thereof.

Please find attached the detailed 1995/96 Budget to be submitted to the Department of State Expenditure on 7 November 1994.

CONSTITUTIONAL ASSEMBLY

PARLIAMENT/ VOTE 2

A- PERSONNEL EXPENDITURE

PROGRAMME 4

ALLOCATION	STANDARD ITEMS	Guideline 1995/1996	Already requested	Sub-total		Require		Total		RESPONSIBLE PERSON
				BUDGET	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	
A001-A004	Salaries: Personnel	R4,816,000								
A005-A008	Service Bonuses	R412,000								
A009	Gratuities									
A010-A012	Medical Aid	R305,000								
A013	Vehicle Allowance	R157,000								
A014	UIF Contributions	R20,000								
A015	Seconded Staff	R248,000								
A016-A017	Housing subsidy	R439,000								
A018-A021	Overtime	R100,000								
A022	Leave purchases	R50,000								
A023	Long service bonuses									
A024	Pension Fund	R1,114,000								
A025	Increments	R506,000								
TOTAL		R8,167,000								

CONSTITUTIONAL ASSEMBLY

PARLIAMENT/ VOTE 2

B- ADMINISTRATIVE EXPENDITURE

PROGRAMME 4

ALLOCATION	STANDARD ITEMS	Guideline 1995/1996		Already requested		Sub-total		Require		Total		
		BUDGET	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	
B001	Subsistence Staff	R480,000										
B002	Transport : Services Staff	R50,000										
B003	Transport & Flight: Prof Sta	R2,016,000										
B004	Telephone- General	R4,320,000										
B006	Advertisements	R10,700,000										
B007	Meals and Subsidy											
B008	Training and internal partici	R50,000										
B009	Banking charges											
B010	Entertainment Office	R70,000										
B011	Entertainment Secretary											
B012	Entertainment Dep Secretary											
B013	Postage	R100,000										
B014	Motorcar Loans											
B015	Regional Services Board											
B016	Auditing Charges											
B017	Entertainment: Nat Assembly											
B019	Entertainment: Dep Speaker											
B023	Staff hire & relocation	R200,000										
B025	Video Conferencing	R1,200,000										
B028	Forum costs	R10,000,000										
B024												
TOTAL		R29,186,000										

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CONSTITUTIONAL ASSEMBLY

CONSTITUTIONAL ASSEMBLY

PARLIAMENT/ VOTE 2

C- STORES AND LIVESTOCK

PROGRAMME 4

ALLOCATION	STANDARD ITEMS	Guideline 1995/1996	Already requested		Sub-total		Require		Total		RESPONSIBLE PERSON
			BUDGET	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	
C001	Printing work: general	R8,500,000									
C002	Printing work: Hansard										
C003	Stationery : General	R1,260,000									
C004	Stationery : Computers	R120,000									
C005	Photocopies										
C006	Uniforms										
C007	Cleaning agents										
C008	Cleaning service										
C009	Restoration										
C010	General	R30,000									
C021	Binding										
C025	Catering Service										
TOTAL		R9,910,000									

CONSTITUTIONAL ASSEMBLY

PARLIAMENT/ VOTE 2

F-PROFESSIONAL SERVICES

PROGRAMME 4

ALLOCATION	STANDARD ITEMS	Guideline 1995/1996 BUDGET	Already requested		Sub-total		Require		Total		RESPONSIBLE PERSON
			ESTIMATE		ESTIMATE		ESTIMATE		ESTIMATE		
F001	Cutting Service										
F002	Equipment: maintenance										
F003	Technical contractor	R13,358,000									
F004	Maintenance of exchange										
F005	Sabinet										
F006	General Services										
F007	Parking at airport										
F008	Admin Contractors	R1,000,000									
F009	Childcare										
F010											
F011											
D012											
TOTAL		R14,358,000									

A- PERSONNEL EXPENDITURE	R8,167,000
B- ADMINISTRATIVE EXPENDITURE	R29,186,000
C- STORES AND LIVESTOCK	R9,910,000
D- EQUIPMENT	R3,587,000
F-PROFESSIONAL SERVICES	R14,358,000
TOTAL	R65,208,000

Programme 4

CONSTITUTIONAL ASSEMBLY BUDGET 95/96

Personnel Expenditure	Acc no	Annual	Total
Receptionist Secretary	A001-4 3	R39,045	R117,135
Documents Clerk	A001-4 4	R48,426	R193,704
Senior Typist	A001-4 6	R48,426	R290,556
Personal Secretary	A001-4 5	R48,426	R242,130
Section Administrator	A001-4 1	R48,426	R48,426
Senior Documents Clerk	A001-4 1	R58,185	R58,185
Database Technician	A001-4 1	R58,185	R58,185
Office Administrator	A001-4 1	R69,510	R69,510
Network Manager	A001-4 1	R78,214	R78,214
Co-ordinator	A001-4 4	R81,114	R324,456
Trainer	A001-4 1	R81,114	R81,114
Minute Secretary	A001-4 10	R81,114	R811,140
Managing Secretary	A001-4 7	R91,883	R641,761
Journalist	A001-4 1	R91,883	R91,883
Public Relations Officer	A001-4 1	R91,883	R91,883
Deputy Assistant Director	A001-4 4	R103,185	R412,740
Assistant Director	A001-4 5	R111,868	R559,340
Assistant Legal Adviser	A001-4 2	R111,868	R223,736
Deputy Executive Director	A001-4 2	R136,863	R273,726
Executive Director	A001-4 1	R148,598	R148,598
Salary Personnel	61		R4,816,043
Service Bonuses	A009		R411,490
Total Salaries per annum /12			R411,490
Medical Aid	A010-1 61		R305,000
Average R5000			R305,000
Vehicle Allowance- Directorate	A013		R156,625
			R156,625
UIF Contributions	A014		R20,000
			R20,000
Seconded Staff			
Assistant Director Media Liais	A015 1		R121,836
Senior Legal Advisor	A015 1		R126,411
			R248,247
Housing Allowance- R7200 pa	61		R439,200
			R439,200
Overtime			R100,000
approx 60 hrs per week for junior staff 16/h			R100,000
Leave Purchases			R50,000
approx 10 % of leave			R50,000
Pension Fund- 8% X2.74834	61	R1,113,471	R1,113,471
Salary staff + seconded staff xrate			R1,113,471
Increments - 10%			R506,429
			R506,429
Total: Personnel Expenditure			R8,166,505

Administrative Expenditure					
Subsistence Staff 500X360	B001	360	R500	R180,000	
2Media,3 CL,3 Directorate, 1 Legal					
5 Tech Comm, 23Const Panel					
Subsistence- Forums	B001	600	R500	R300,000	R480,000
Forums Sector - 30					
Forums- Area 20					
Chairpersons, Pres, 2 Dep Pres, Theme comm members					
Transport - Staff	B002			R50,000	R50,000
Transport& Flights Prof staff	B003	360	R1,500	R540,000	
Car hire	B003	480	R1,200	R576,000	
1/2 staff, 1/2 forums					
20 per month					
Transport- Forums	B003	600	R1,500	R900,000	R2,016,000
12 membersX50 forums XR1500					
Flights and accomodation					
Telephone	B004	12	R20,000	R240,000	
Telephone- Regions- communit	B004	16	R5,000	R80,000	
Toll free - community participat	B004			R4,000,000	R4,320,000
11 lines X3000 call per month X2units X 21c per unit					
Processing (2m)					
Advertisements	B006			R10,700,000	R10,700,000
Print 3.2M					
Radio and TV- 5.5m					
Outdoor- 2M					
Internal Training	B008			R50,000	R50,000
Entertainment- Office	B010			R70,000	R70,000
Postage				R100,000	R100,000
Staff Hire and relocation	B023			R200,000	R200,000
Video Conferencing	B028			R1,200,000	R1,200,000
40 conferences @ 30 locations X R10000					
Forum Costs		50	R200,000	R10,000,000	R10,000,000
Total Administrative Expenses					R29,186,000
Stores and Livestock					
Printing	C001			R8,500,000	R8,500,000
Bulletin- 5500000					
Production- 3000000					
Stationery : general	C004			R1,260,000	R1,260,000
Paper 1m					
180 members per weekX100 pages- TC					
12 membersx200 pages per week- MC					
46 Members X 200 pages per week					
copies of submissions, agenda notes					
Stationery 15000X12					
Regions R5000X16					
Stationery Computers		100	R1,200	R120,000	R120,000
General					
Pettycash expenses					
Total Stores and Livestock					R9,910,000

Equipment

Equipment General

Member Conference rooms	1	R66,714	R66,714	
Optiplan	5	R6,721	R33,605	
Armchairs and Couches	3	R1,797	R5,391	
Coffee Tables	3	R321	R963	
Fax machines- Head office	4	R60,000	R240,000	
Fax machines- Regions	16	R38,000	R576,000	
Cellular phones	5	R3,500	R17,500	
Photocopier- Regions	16	R24,000	R384,000	
Conference rooms	2	R6,468	R12,932	
Overhead projectors	4	R2,500	R10,000	R1,403,435

Sound Equipment

Microphones	1	R7,550	R7,550	
AN4 Cassette Recorder	4	R5,590	R22,360	
NAD systems for Committee rooms	2	R6,590	R13,180	R43,090

Computers

Computer Stands	D004	40	R331	R13,240	
Scanners	D004	10	R4,000	R40,000	
Computers	D004	40	R6,000	R240,000	
Printers	D004	20	R22,000	R440,000	
Modems	D004	20	R1,500	R30,000	R763,240

Equipment: Printing and Bind D006

Equipment Renting D009

Photocopiers 325000 X2copies per mon	2	R471,495	R942,990	
Pager hire	70	R1,920	R134,400	R1,077,390

Publications Library	D010		R300,000	R300,000
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Total Equipment R3,587,155

Professional Services**Technical Contractors**

F003

Constituional Panel	5	R345,600	R1,728,000	
5X345600	18	R345,600	R6,220,800	
Technical Panel				
18X345600				
Staff Public participation	27	R60,000	R1,620,000	
27X 60000 pa				
Staff Regions	32	R55,920	R1,789,440	
2 @ each centre X 55920				
Research- Forums			R500,000	
Research- CA			R700,000	
Translation			R500,000	
Public Relations			R250,000	
Briefing and press conferences			R50,000	
Total- Technical contractors				R13,358,240
Administration contractors			R1,000,000	R1,000,000
Database- Computers				
Total Professional Services				R14,358,240

CONSTITUTIONAL ASSEMBLY

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PO Box 15
CAPE TOWN 8000
REPUBLIC OF SOUTH AFRICA

REF No:

MEMORANDUM

To : Members of Management Committee

From : Hassen Ebrahim
Executive Director

Date : 28 October 1994

Subject : Provincial Participation

Decision Required : None

Background : Your attention is drawn to a report in Business Day of 27 October 1994 in which Mr Mathew Phosa, Premier of Eastern Transvaal Province, states that he would urge the President to consider the position of Premiers in relation to the constitution-making process.

This issue had been discussed by the Chairpersons at an earlier stage and the Directorate had been instructed to set up a meeting with all nine Premiers at the earliest opportunity to discuss provincial participation in the process. The meeting will be scheduled in early 1995 to which all Management Committee members will be invited.

As stated above, no decision is required at this stage. However, Management Committee members are requested to apply to their minds to the issue to allow for a fuller discussion in 1995 before the meeting takes place with Premiers.

'Premiers in Senate' move

JOHANNES NGCOBO

EASTERN Transvaal Premier Matthew Phosa said on Tuesday he would urge President Nelson Mandela to consider involving premiers in the national Senate so they could take part in the debate on and the drafting of the constitution.

Phosa said he would send his request to Mandela through Public Enterprises Minister Stella Sigcau.

He said they needed, in terms of the make up of the Senate, to have a look at the constitutional position of the provincial premiers.

"We might consider the German model whereby the premiers are full members of their senate and, therefore, can act at a national level, and also partake in the political and constitutional debate."

Phosa, welcoming Public Enterprise Minister Stella Sigcau in his province yesterday, said his request to have premiers taking part in the constitutional debates would enrich and strengthen the ties between the central government structures and provinces.

He said Mandela and Deputy Presidents Thabo Mbeki and FW de Klerk were to be congratulated for their tireless efforts in ensuring that peace and stability became the order of the day in the country.

**DEPARTEMENT VAN STAATKUNDIGE ONTWIKKELING
DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT
IDIPHATIMENTE YOKUTHUTHUKISA UMTHETHO-SISEKELO
DEPHATEMENTE YA TLHABOLLO YA MOLAO-THEO**



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**Mr H Ebrahim
Executive Director
Constitutional Assembly**

Copy for your attention

J. J. J. J. 18.10.74

POSSIBLE ASSISTANCE TO THE CONSTITUTIONAL ASSEMBLY BY
THE DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT

In addition to technical advice in administrative and other matters as was
discussed and agreed between the Executive Director of the Constitutional
Assembly and myself, I would please find a document providing a framework of
possible further assistance to the Constitutional Assembly.

The document is self-explanatory, but if there is any matter that needs to be
clarified, officials of the Department will be glad to discuss it with you.

Yours faithfully

J. J. J. J.

DIRECTOR GENERAL, CONSTITUTIONAL DEVELOPMENT

**DEPARTEMENT VAN STAATKUNDIGE ONTWIKKELING
DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT
IDIPHATIMENTE YOKUTHUTHUKISA UMTHEHO-SISEKELO
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Reference: 11/1/3

18 October 1994

Mr MC Ramaphosa
Chairperson: Constitutional Assembly
PO Box 15
CAPE TOWN
8000

Dear Mr Ramaphosa

**POSSIBLE ASSISTANCE TO THE CONSTITUTIONAL ASSEMBLY BY
THE DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT**

In addition to assistance relating to administrative and other matters, as were discussed and finalised between the Executive Director of the Constitutional Assembly and myself, attached please find a document providing a framework of possible further assistance to the Constitutional Assembly.

The document is self explanatory, but if there is any matters that need to be clarified, officials of the Department will be glad to discuss it with you.

Yours faithfully

DIRECTOR-GENERAL: CONSTITUTIONAL DEVELOPMENT

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(fdp/18-10-94)

POSSIBLE ASSISTANCE TO THE CONSTITUTIONAL ASSEMBLY BY THE DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT

1 Introduction

- 1.1 The aim of the document is to provide a framework of possible assistance to the Constitutional Assembly by the Department of Constitutional Development.
- 1.2 The possible assistance referred to in the previous paragraph, is over and above the assistance relating to administrative and other matters, as were discussed and finalized between the Director-General of the Department and the Executive Director of the Constitutional Assembly.

2 Background

- 2.1 It is a function of the Department of Constitutional Development to provide support for the Cabinet, through the Minister of Constitutional Development, in the process of constitutional development in South Africa.
- 2.2 In addition to the logistical, financial and procurement services rendered over the past few years by the Department during the negotiating process, the expert contributions of the Department included research and advice on constitutional issues.
- 2.3 Since it is now the task of the Constitutional Assembly to draft and adopt a new constitution, the reservoir of expertise available in the Department of

Constitutional Development could be channelled to the Constitutional Assembly and its substructures for their use as required.

3 Discussion

3.1 The Department of Constitutional Development has developed an extensive research and technical capability for comparative and original research on constitutional and related matters.

3.2 This capability could be used by the Constitutional Assembly (CA) and its substructures in the following ways:

- (i) assistance to the various theme committees of the CA in the form of research on technical issues;
- (ii) assistance to the various political parties represented in the CA by research on technical issues;
- (iii) assistance to the Constitutional Committee and the Management Committee of the CA by research on technical issues;
- (iv) assistance to the specialist advisers (i.e. the technical committees and/or the Panel of Constitutional Experts) by way of research;
- (v) possible assistance to the Administration of the CA in the drafting of constitutional, legal and related documents; and
- (vi) making available any other relevant documentation and research generated on the

