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# **CONSTITUTIONAL ASSEMBLY**

## **THEME COMMITTEE 5**

### **JUDICIARY AND LEGAL SYSTEMS**

**20TH MARCH 1995**

**ROOM M515  
(Marks Building)**

***DOCUMENTATION***

Embargoed until 08h30 20/3/95

## CONSTITUTIONAL ASSEMBLY

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### THEME COMMITTEE 5 JUDICIARY AND LEGAL SYSTEMS

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

Date : 20th March, 1995  
Time : 08h30  
Venue : Room M515 (Marks Building)

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### AGENDA

1. Opening & Welcome
2. Minutes
3. Matters arising
4. Report on Blocks 1 - 4
5. General

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**Enquiries:** Noel Taft Tel: 245031 ext 278 / Page 4685050  
Code 4714  
Eunice van Eck Tel: 245031 ext 271

**CONSTITUTIONAL ASSEMBLY**  
**MINUTES OF**  
**THEME COMMITTEE 5**  
**JUDICIARY AND LEGAL SYSTEMS**  
**MONDAY 13TH MARCH 1995 AT 18H00**

**PRESENT:** DPA Schutte (in the chair)

Dalling DJ	Jana DP
De Lange J	Jassat EE
De Ville R	Matthee PA
Ebrahim AG	Moeti SE
Fredericks GA	Nel AC
Fishers SD	Saloojee RAM
Gandhi E	Schutte DPA
Groendewald RH	Van Heerden F
Hofmeyr WA	

Noel Taft and Eunice van Eck were in attendance.

**APOLOGIES**

Gibson DHM  
Ms L. Ngwane  
Le Roux JW  
Van der Merwe JH

**1. OPENING AND WELCOME**

- 1.1 The meeting was opened by Mr DPA Schutte who chaired the meeting.
- 1.2 Mr. Schutte informed the meeting that Mr. Van der Merwe would be unavailable for Theme Committee meetings for the following 6 weeks due to health reasons.
- 1.3 Mr. De Lange tendered his apologies for the period 10 April - 5 May 1995 when he will be overseas.

**2. MINUTES**

The minutes of the previous meeting were adopted with the following amendment:-

Paragraph 4.2 (b) - the word "precipitate" to be changed to "precede".

### **3. MATTERS ARISING**

#### **3.1 Correctional Services**

The Chairperson advised that this matter had been referred to the Constitutional Committee for their consideration and a decision would be forthcoming soon.

The Public Protector and Human Rights Commission should be dealt with by Theme Committee 5. It was agreed that this matter be held over until all parties had been consulted.

### **4. TECHNICAL ADVISERS REPORT**

#### **4.1 Paul Benjamin presented the report and advised the meeting as follows:-**

- (a) The report was prepared separately by the four members due to the fact that they are geographically removed from one another thus accounting for the distinct stylistic approaches in the different sections.
- (b) The report was divided into three different sections reflecting the issues, questions posed, options for and against and a summary of the different arguments.
- (c) The report was a draft and open for discussion.

#### **4.2 It was agreed that the Core Group would study the document and prepare a revised report and tabulated summary by Friday, 17th March for presentation to the Theme Committee on Monday 20th March. Members wanting to make inputs were asked to do so by Wednesday, 15th March.**

#### **4.3 Members expressed their appreciation for the sterling work done by the Technical Experts in presenting such an excellent report.**

### **5. BLOCK 5 OF WORK PROGRAMME**

#### **5.1 It was agreed that Block 5 on Traditional Authorities would be dealt with in the same way as blocks 1 - 4, ie:**

- i) Key role players would be invited to give evidence to the Theme Committee focusing on questions prepared by the Technical Experts, and
- ii) A Work Shop would be arranged inviting all the relevant role players.

- 5.2 It was agreed that these events should be promoted with and take place in conjunction with the other Theme Committees dealing with Traditional Authorities.
- 5.3 The meeting was advised that experts on Traditional Authorities had been appointed and that we should approach them with a view to advising the Theme Committee of the issues which should be dealt with.
- 5.4 It was agreed that the Work Shop on Traditional Authorities should take place in Durban/KwaZulu Natal.
- 5.5 It was also agreed that Blocks 6 - 9 of the Work Programme would be dealt with in a similar way and should take place in the Eastern Cape.

## **6. PUBLIC PARTICIPATION PROGRAMMES**

- 6.1 It was agreed that the Community Liaison Department provide the necessary education preceding a CPM in the form of a workshop and/or documentation. This ground work was necessary so that meetings could be more focused. It was suggested that the Management Committee consider these proposals.

## **7. GENERAL**

- 7.1 Mr. de Lange raised the issue of the report in "Die Burger" and "Volksblad" which he felt had not been a true reflection of what had taken place in the meeting. Names of Technical Experts had not been mentioned and his questions were on points of information and not criticism. He apologised for any embarrassment he might have caused them and asked that this be noted. He also expressed his gratitude for the excellent report which they had produced.
- 7.2 It was noted that a correction had already been published by the two newspapers concerned.

## **6. CLOSURE**

The meeting rose at 7.15pm

# CONSTITUTIONAL ASSEMBLY

TELEPHONE: (021) 403 2252  
FAX: (021) 461 4339  
INTERNATIONAL: (27) 21 403 2252  
FAX: (27) 21 461 4339

PO Box 15  
CAPE TOWN 8000  
REPUBLIC OF SOUTH AFRICA

REF No:

**13 March 1995**

## MEMORANDUM

**To all Theme Committees**

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The period from 18 April to 21 April immediately after the Easter recess has been set aside for CA business only. Theme Committees are requested to please make urgent recommendations as to how these four days can be best utilised for CA work. It would be the recommendation of the Administration that Theme Committees meet as follows :

### **Tuesday 18 April**

TC1,2 and 3	09h00 - 13h00
TC4,5 and 6	14h00 - 18h00

### **Wednesday 19 April**

TC4,5 and 6	09h00 - 13h00
TC1,2 and 3	14h00 - 18h00

### **Thursday 20 April**

Management Committee	08h00 - 10h00
Party Caucuses	10h30 - 13h00
TC 4,5 and 6	14h00 - 18h00

### **Friday 21 April**

TC1, 2 and 3	09h00 - 13h00
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HASSEN EBRAHIM  
EXECUTIVE DIRECTOR

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