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CONSTITUTIONAL ASSEMBLY

***SUBTHEME COMMITTEE 6.1
SPECIALISED STRUCTURES OF GOVERNMENT
PUBLIC ADMINISTRATION***

WEDNESDAY, 22 FEBRUARY 1995

DOCUMENTATION

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CONSTITUTIONAL ASSEMBLY

**SECOND MEETING OF THE MANAGEMENT COMMITTEE
SUBTHEME COMMITTEE 6.1**

**SPECIALISED STRUCTURES OF GOVERNMENT
PUBLIC ADMINISTRATION**

22 FEBRUARY 1995

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

DATE: 22 February 1995 (To be confirmed)

TIME: To be Confirmed.

VENUE: To be confirmed.

AGENDA

- 1. OPENING AND WELCOME**
- 2. MINUTES OF THE PREVIOUS MEETING**
 - 2.1 Minutes of the eighth meeting of the Subtheme Committee meeting held on 14 February 1995 (Pages 3-5)**
- 3. MATTERS ARISING**
 - 3.1 Rescheduling of work programme**
 - Volkstaat Council (Confirmed telephonically: Wednesday, 08 March 1995, 17h00 - 19h00 in E 249. Awaiting written confirmation.)
 - Ministry of Public Service/Public Service Commission (Page 6)
 - Director-General's Forum (Pages 7-12)
 - 3.2 Report on Submissions: Technical Assistants (Pages 13-16)**
For members' noting.
 - 3.3 Parliamentary Notice Board**
Negotiations are underway to secure a notice board.

4. **SABC AGENDA AND RADIO PROGRAMME**
 5. **CORRESPONDENCE**
 - 5.1 Letter from Mr Robert Behrens (Page 17)
 - 5.2 Letter from Mr Francis Plowden (Pages 18-19)
 6. **GUIDELINES: THEME COMMITTEE REPORTS (Pages 20-22)**

For members' noting.
 7. **MEMORANDUM: 16 FEBRUARY 1995 (Pages 23-25)**
 8. **ANY OTHER BUSINESS**
 9. **DATE OF NEXT MEETING**
 10. **CLOSURE**
-

ENQUIRIES: NKATEKO NYOKA and SAALIEGAH ZARDAD (24 5031 X239/X241)

AGENDA\20025.AGN

CONSTITUTIONAL ASSEMBLY

MINUTES OF THE EIGHTH MEETING OF SUBTHEME COMMITTEE 6.1

**THEME COMMITTEE 6
SPECIALISED STRUCTURES OF GOVERNMENT**

WEDNESDAY, 14 FEBRUARY 1995

PRESENT

Vadi, I (Chairperson)

De Beer, S J
Dexter, P D
Fankomo, F C
Khoza, T
Love, J Y
Mlambo-Ngcuka, P G
Singh, N

Observers

Mokoena, L M
Moatshe, P

Apologies:

Mokitlane, M C
Watson, A
Jordaan, J A

N Nyoka and S Zardad were in attendance.

1. OPENING AND WELCOME

Mr Vadi opened the meeting at 09h10 and welcomed members.

2. PUBLIC HEARING: VOLKSTAAT COUNCIL/PROVINCES

The Volkstaat Council's letter dated 10 February 1995, expressing their objection to the inadequate notification of the hearing and requesting that it be rescheduled, was tabled at the meeting.

It was further reported that the provinces had also not responded to the invitation to present evidence on 15 February 1995.

It was noted that the Subtheme Committee's work programme was unrealistic and recognised that stakeholders could not meet the deadlines as indicated.

In this context, the meeting agreed:

- 2.1 *to reschedule the two aforementioned hearings and to ensure that stakeholders are given at least three weeks notice;*
- 2.2 *that the secretariat would proceed with the logistical arrangements for the next two public hearings identified on the work programme as a matter of urgency;*
- 2.3 *that the secretariat, in consultation with the Management Committee, reorganise the work programme to ensure that the Subtheme Committee meet its Block 5 deadline date; and*
- 2.4 *that the secretariat organise with parliament a system, preferably a notice board, whereby members are informed of venue and other changes to the work programme.*

3. ATTENDANCE AND NOTIFICATION OF MEETINGS

The chairperson informed the meeting that members had reported that they were not receiving their documentation and as a result were not informed of the Subtheme Committee's activities and work programme timeously.

Following a discussion the meeting agreed that the secretariat would send a circular to all members detailing:

- 3.1 *the revised work programme including the venues, dates and topics under discussion;*

3.2 *a form whereby members indicate their continued interest or otherwise in the Subtheme Committee to ensure administrative efficiency.*

4. SUBMISSIONS: PROGRESS REPORT ON PROCESSING OF SUBMISSIONS

The following points ensued from the discussion:

4.1 *The meeting agreed that Friday, 17 February 1995, would be the deadline date for the technical assistants to submit a report of the submissions.*

4.2 *The report would focus on the contents of the submissions received to date by the Subtheme Committee and would comment on their relevance or otherwise to the agenda of the Subtheme Committee;*

5. DATE OF NEXT MEETING

Details of the next public hearing where evidence will be led by the Public Service Commission and the Ministry of Public Service and administration are as follows:

DATE: 20 FEBRUARY 1995
TIME: 09h30 - 11h00
VENUE: E 249 (New Assembly Wing, Parliament, Cape Town)

6. CLOSURE

The meeting rose at 10h10.



Ministry for the Public Service and Administration
Ministerie vir die Staatsdiens en Administrasie
Umnyango Wenkambiso Yemisebenzi Yomphakathi
Tsa Letona la Tsamaiso ya Mesebetsi wa Setjhaba

☒ X884, Pretoria, 0001. ☎ (012) 314-7101. Fax: (012) 326-8686.

☒ X9148, Cape Town, 8000. ☎ (021) 455-491/2/3/5/6. Fax: (021) 455-484.

February 16, 1995

Mr Hassen Ebrahim
Executive Director
Constitutional Assembly
CAPE TOWN

16 FEB 1995

Dear Mr Ebrahim

Thank you for your letter regarding a meeting of Constitutional Assembly. Unfortunately we only received the letter on 14 February 1995. This suggest that we do not have enough time to prepare for the meeting which will be held on 20 February 1995.

There has been very little consultation on the date for this meeting and this is the second time that the Constitutional Assembly has convened an important meeting or conference on the Public Service without consulting the Ministry for Public Service and Administration in advance.

There is need for consultation with other stakeholders on the issues raised in Nyoka's letter. We appeal to you to postpone this meeting until after the 13th of March, 1995.

We request you to kindly consult with us timeously in the future.

Kind regards

DR Z S T SKWEIYA
MINISTER

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



260 Walker Street, Sunnyside, Private Bag X804, PRETORIA 0001

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**Chairperson of the Constitutional Assembly
P O Box 15
CAPE TOWN
8000**

(For attention: Mr Nkateko Nyoka)

**PUBLIC HEARING:
PUBLIC ADMINISTRATION AND THE CONSTITUTION
DIRECTOR-GENERAL'S FORUM**

Receipt of your letter of 14 February 1995 on the abovementioned topic is acknowledged.

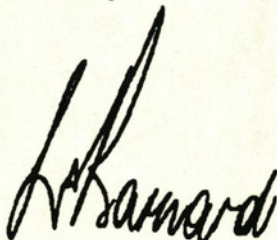
The so-called "Corps of Head of Departments" is not an official body and is therefore not entitled to make any inputs as a body on important matters such as public administration.

I would therefore suggest that you write directly to every individual Director-General and invite them in their capacity as head of their specific Departments to make the necessary inputs. Particulars in this regard can be provided by the Public Service Commission.

As far as the Department of Constitutional Development is concerned I enclose a document which sets out the views of our Department. If at all possible a senior representative of our Department will attend your Public Hearing on 27 February 1995.

A copy of this letter will also be send for the attention of Dr Stoop, the Director-General of the Public Service Commission.

Thank you very much for you attention.



DIRECTOR-GENERAL
(L D Barnard)

16/2/95

Reference:

Private Bag 2802

PRETORIA

0001

Telefoon: (012) 341-1300

30 September 1994

**Dr ZST Skweyiya
Minister for the Public Service
and Administration
PO Box 884
PRETORIA
0001**

Dear Colleague

AMENDMENTS TO THE ACTS PERTAINING TO THE PUBLIC SERVICE

I refer to your letter dated 6 September 1994 and wish to make the following comments:

Section 212 of the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993) contains numerous mandatory provisions relating to the public service. Amongst others it must be structured in terms of a law so as to provide effective public administration. The public service must furthermore be non-partisan, career-orientated and function according to fair and equitable principles; it must promote an efficient public administration and it must loyally execute the policies of the government of the day in the performance of its administrative functions. In the final instance it must be organised in departments and other organisational components, the heads of which are responsible for the efficient management and administration of their departments. Provisions of a like nature were not to be found under the previous constitutional dispensation.

I am consequently of the opinion that the Public Service Act, 1994 cannot but reflect the spirit and intention of the Constitution in this regard. Furthermore this Act ought to be formulated with the new concept of the Government of National Unity in mind so as to facilitate the functioning thereof; in other words heads of departments ought to be placed in a position to be able to act expeditiously where necessary in the interests of the government of the day.

With the above as background it is my opinion that the present Public Service Act, which is based largely on the principles embodied in the Public Service Act of 1984, should, where required by the Constitution, exhibit the necessary departures therefrom.

By way of example and generally speaking, provision could be made for heads of Departments to depart from prescribed procedures and provisions where this is clearly necessary for the attainment of the objects of the Government of National Unity or in the interests of an effective public administration. Furthermore in this regard the role and powers of heads of department ought to enjoy the recognition and status in practice as required in the above-mentioned constitutional provisions and section 7(3)(b) of Public Service Act, 1994. The latter provision makes heads of departments "responsible for the efficient management and administration of their departments, including the effective utilisation and training of staff, the maintenance of discipline, the promotion of sound labour relations and the proper use and care of State property". Various provisions contained in the Public Service Act and elsewhere however water down this (constitutional) principle, thereby negating the management autonomy of heads of departments, with a concomitant detrimental effect on the provision of an "effective public administration".

By way of example in this regard, the following:

- (i) Section 3 of the Public Service Act is extremely wide and, for instance, empowers the Public Service Commission to make recommendations or give directions on all matters not specifically provided for in the Public Service Act or any other law.
- (ii) Section 5(2)(b)(iii) obliges a recommendation or direction of the Commission to be carried out by the relevant executing authorities after the expiry of the 6 month period from the date upon which it was made. The mandatory one-

sided nature of this provision is considered to be undesirable and ought to be revisited.

- (iii) Section 11(2)(b) of the Public Service Act requires a post in the A division first to be filled either by the transfer or promotion of an officer in the public service and if the post cannot satisfactorily be filled by such a transfer or promotion, then only by a person from outside the public service.
- (iv) Sections 16(6)(a) and 17(4)(a) of the Public Service Act (In respect of the management echelon), which both require a recommendation of the Commission before an officer can be allowed to retire from the public service if sufficient reason exists therefor and the retirement will be to advantage of the State or before the services of an officer who occupies a post in the A or B division can be terminated, respectively.
- (v) Section 37(2)(c) of the Public Service Act, which requires a recommendation of the Commission before the salary or wage of an officer or employee of exceptional ability or possessing special qualifications or who has rendered meritorious service may be specially increased.

Greater flexibility and devolution of powers to heads of departments where appropriate in the above regard would be in keeping with the principle embodied in section 7(3)(b) of the Act.

In similar vein it is suggested that the Public Service Commission Act be examined and adapted where necessary in line with the principles highlighted above in order to enhance or give effect to the principle of management autonomy of heads of departments as embodied in the Constitution and the said section 7(3)(b).

Consideration could also possibly be given to the following suggestions:

- (i) That the wording of section 11(1)(b) of the Public Service Act be adjusted to emphasise "qualifications, merit, efficiency and suitability of persons" as criteria for appointment, promotion or transfer rather than "level of training", as the latter could, it is argued, impinge negatively on one of the aims of section 212 of the Constitution, namely a representative public service.

- (ii) That the present wording of section 20(f), (l) and (s) be revisited in the light of changed circumstances.
- (iii) That Schedule 1 and 2 to the Public Service Act be consolidated. In practice there would seem to be little difference between the functions, powers and responsibilities of the heads of departments contemplated in Schedule 1 and the heads of organisational components contemplated in Schedule 2.

As far as the Public Service Labour Relations Act, 1994 is concerned, clearer guidelines are necessary in those cases where strikes are called due to conditions or demands outside the jurisdiction of individual departments. It is furthermore suggested that the ambit of section 18 be broadened to include disputes regarding the interests of employees and not only a dispute of a right as is the case at present.

Your invitation to submit proposals in the above regard is appreciated.

With kind regards

RP MEYER
MINISTER FOR PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT

PLS151.DOC
 29/3/94

MEMORANDUM TO SUB-THEME COMMITTEE I
OF THEME COMMITTEE VI
PUBLIC ADMINISTRATION

1 GENERAL COMMENTS:

This is the first set of submissions received by ourselves. Here follows a list of organisations and individuals who have made submissions and the core issues of each submission:

Inkatha Freedom Party

The submission proposes that the principles of administrative accountability and judicial review be constitutionally entrenched. It further proposes the constitution of a Civil Service Commission to oversee the operations of public administration. The Commission shall be accountable to Parliament. (1 page)

Civic Information Consultants International (Grahamstown)

The submission proposes the constitution of national and provincial Public Service Commissions. It states that affirmative action must take place at all levels of the public service. The focus in the remainder of the fax is unclear. (1 page)

Dimba, M S (Edenvale Hospital, Natal)

The submission proposes upgrading of clerical staff, greater access to study opportunities for public servants and affirmative action. (1 page)

Stones, E (Boksburg)

This submission proposes that all language groups be represented in the administration of local government. (10 lines)

Stratten, P & N (Plettenberg Bay)

This submission proposes a small, "non-political", competent public service. It proposes that government should contract out certain administrative functions, but does not specify which functions. (4 lines)

Ferreira, I W (P E Technikon)

This submission deals with transparency; size of government service, privatisation; remuneration of government and public officials; training; proposed models for orientation training. (18 pages)

Mnisi, B J (Balfour)

This submission proposes that the grievances of public servants should be attended to to avoid unnecessary strikes. (5 lines)

Mosidi, E M (Meadowlands)

The photocopy was unreadable. Kindly darken copy.

2 KEY ISSUES RAISED IN THE SUBMISSIONS

Administrative accountability and judicial review

Constitution of Public Service Commissions

Affirmative action

Training in the public service

Representation of language groups

Contracting out; privatisation

Transparency (departments to deal with public complaints)

Size of administration

Remuneration of government employees

Management of grievances and strikes

Principles

Key issues for the discussion on the constitution are: *administrative accountability and judicial review; affirmative action; the role of the public service as an agent of policy implementation eg. reconstruction and development; constitution of Public Service Commissions; principles.*

The remaining issues have management rather than constitutional implications and should be considered in a review of legislation and management practice.

3 ELABORATION OF VIEWS ON KEY CONSTITUTIONAL ISSUES

It is important to note that only the submissions regarding administrative accountability and Public Service Commissions specifically propose that these issues should be dealt with in the Constitution.

3.1 *Administrative accountability and judicial review*

3.1.1 It is proposed that the notion of administrative justice and judicial review be constitutionally entrenched. **Comment:** It is almost certain that this will be the case.

3.1.2 It is proposed that the constitution should entrench the notion of public participation in the formulation of administrative "action or regulation". **Comment:** This should be debated by the Sub-Theme Committee.

3.2 *Affirmative action*

The submissions on this issue support the notion of affirmative action, but there is no further elaboration on the issue.

3.3 *The public service as an agent of policy implementation*

The view is expressed that the public service should be seen as an agent for policy implementation, in particular the RDP, and that the training of public servants and public managers should provide for their reorientation towards "community orientated" public service. **Comment:** The formulation of a constitutional position on this issue should be debated by the Sub-Theme Committee.

3.4 *Public Service Commissions*

The submission proposes a Commission constituted of persons appointed/nominated by the President, Parliament, the Judicial Service Commission, the Chamber of Commerce, recognised consumer groups.

Members of the Commission should be independent experts in public administration, business management or regulatory processes.

The Commission shall :

* propose legislation and oversee the operations of public administration to ensure, inter alia, impartiality and efficiency;

* oversee the appointments process;

* make proposals for affirmative action programmes;

* propose means to ensure public participation;

* be accountable to Parliament

Comment: The composition and specific functions of a Public Service Commission would be more appropriately dealt with in legislation.

3.5 Principles

Some of the key principles raised in the submissions include:

competent, non-political, affirmative, transparent, developmental, efficient, effective

4 REMARKS

The submissions give little guidance to formulating specific constitutional provisions.

Luci Nyembe & Piet van der Merwe
15 February 1995

Civil Service College

MANAGEMENT IN GOVERNMENT

Mr Snakes Nyoka,
Manager, Theme Committee 6,
Constitutional Assembly,
PO Box 15,
Cape Town,
South Africa

February 10, 1995.

Dear Snakes

WORKSHOP: PUBLIC ADMINISTRATION AND THE CONSTITUTION 25-26 JANUARY 1995.

I am writing to thank the members of Theme Committee 6 for inviting me to participate in the workshop on structures of government at the end of January. It was an honour to participate, and I enjoyed listening and contributing to the constructive debate. I also enjoyed working with my UK colleague Francis Plowden, and the other distinguished international and South African contributors. I stand ready to continue to help in any way I can.

At the conclusion of the workshop you asked me to forward a number of documents arising out of my presentation which Janet Love thought would be helpful to the Committee. Additionally, Dr Francois Jacobsz also asked me for some information. I have already begun the search for both sets of documents and I will forward them to you as soon as possible. There is a strong possibility that I will be in Cape Town at the beginning of March, and if so, I will contact you again to arrange to call in and deliver the papers myself.

Please extend my thanks to Hassen Ebrahim, Marion Sparg, and the members of your staff. I carry with me a strong sense of the efficiency and effectiveness of the Assembly administration, and I am indebted to you personally for your unfailing courtesy and exemplary efficiency.

With best wishes,

Yours sincerely,
Robert Behrens

ROBERT BEHRENS
DIRECTOR, SOUTHERN AFRICA DEVELOPMENT UNIT.

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your reference

our reference
FJP/cb/sn3001

Snakes Nyoka
Constitutional Assembly
PO Box 15
Cape Town 8000
Republic of South Africa

10 February 1995

John Snakes

I am writing to say how grateful I was to have been invited to the meeting of Theme Committee 6 and to have made an input to its deliberation on the South African Constitution. I thought it an excellent event and hope that its work was helpful to the Constitutional Assembly's deliberations. It was a great pleasure to work with Rob Behrens and the other international experts.

2 There were a number of issues which came up in the discussion which seem to me to be important:-

- (a) the question of political control of the Civil Service and how this can best be effected;
- (b) the role and responsibilities of the centre of government and, in particular, the current scope of responsibility of the Public Service Commission, the Ministry for Public Administration and, perhaps, the Cabinet Secretariat.
- (c) the reconciliation of the principles of a career, merit based Civil Service with the vital need for representivity.

3 On the first of these, one way forward might be to prepare a short paper on international comparative experience - drawing on both what was said at the workshop and on available literature - and then holding a focused discussion to make specific recommendations to the Theme Committee and then the Constitutional Assembly. On the second, I suggest there is a need to look at the current allocation of responsibilities between the central agencies, to interview some of those currently involved to understand their perspective, to review international experience and prepare a paper with recommendations to the Theme Committee. On the third, a focused discussion on the topic by a smaller group might be the precursor to a debate by the Theme Committee itself. I would be pleased to be involved in any of these pieces of work. I suggest it would be desirable to involve practitioners from

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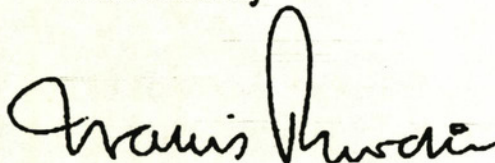
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other African countries and elsewhere either in the preparation of the paper or in the subsequent debate. I might be able to assist in arranging this.

4 Please let me know if there is anything further I can do on the topics suggested above or in any other area where you feel we could be of help.

5 With very best wishes for the success of your further deliberation and with kind regards to Hassen Ebrahim and Marion Sparg.

Yours sincerely



Francis Plowden
Coopers & Lybrand

GUIDELINES: THEME COMMITTEE REPORTS

1. In reporting to the Constitutional Committee, Theme Committees must distinguish between progress and final reports.
2. Each Theme Committee must submit either a progress or a final report in respect of each ordinary session of the CC.
3. Reports must be submitted on the Tuesday before the scheduled CC meeting.
4. Progress reports are required to keep the CC on a continuous basis informed of developments and progress in Theme Committees in relation to their respective work programmes and time frames.
5. A final report must be produced by a Theme Committee as soon as any agenda item on a Theme Committee's work programme has been completed.
6. The contents of a report should be finalised in the Theme Committee and not in meetings of the CC.
7. Structure and contents of reports
 - 7.1 The cover page must contain the following particulars:
 - a reference to the Theme Committee submitting the report;
 - whether its a progress or final report;
 - date of report; and
 - if final report, the block number and agenda item on the work programme to which the report relates.
 - 7.2 Final reports should be structured in such a way to facilitate discussions and negotiations in the CC. It is recommended that final reports consist of three parts.
 - 7.3 The first part should give particulars of material processed by the Theme Committee in relation to the relevant agenda item. These particulars should include:

- a list of submissions received and processed by the Theme Committee, distinguishing between submissions received from political parties, organisations of civil society and individuals;
- a reference to any report submitted by a technical committee/experts on the specific agenda item;
- perspectives which emerged from public meetings held under the public participation programme;
- perspectives which emerged from workshops, seminars, etc., organised by the Theme Committee;
- the constitutional principle(s) to which the agenda item relates.

7.4 All technical committee reports listed in the Theme Committee's report must be attached as an annexure to the report.

7.5 The second part of the report should give an overview of the above material as processed by the Theme Committee. This part should include -

- (a) a general discussion of the material taken as a whole, indicating any specific or identifiable trends;
- (b) a list of non-contentious issues in relation to
 - the above material generally;
 - party positions;
- (c) a list of contentious issues indicating briefly
 - the gist of the contentiousness in each case;
 - the positions of the parties in relation to each issue;
 - the positions of organisations of civil society;
 - general trends emerging from submissions received from the public and at public meetings;
 - possible approaches, i.e. suggestions from the Theme Committee on possible models, alternatives and generally how the CC can proceed to deal with conflicting positions.

7.6 The third part of the report should deal with miscellaneous or related issues, such as

- notification to the CC of the agenda item the Theme Committee is about to deal with;
- suggested advertisement for this agenda item.

CONSTITUTIONAL ASSEMBLY

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PO Box 15
CAPE TOWN 8000
REPUBLIC OF SOUTH AFRICA

REF NO:

16 February 1995

MEMORANDUM

To All Theme Committees

Re : Various Matters

1. TECHNICAL COMMITTEES

This serves as a reminder that the Administration requires feedback from Theme Committees on the programme for technical experts for the next month or so. In an earlier memorandum we had asked Theme Committees to provide us with this information, so that we could make the necessary arrangements and planning with regard to travel, accommodation and budgeting. We have thus far only had a response from one Theme Committee and even then, not a very clear one. Please ensure that we are given an indication by early next week, so that the relevant arrangements can be made.

2. PUBLIC PARTICIPATION PROGRAMME

2.1 Constitutional Public Meetings

There appears to be some confusion about what role Theme Committee are expected to play in the public participation programme. The programme which was forwarded to Theme Committees a while ago was adopted by the Management Committee on 10 February 1995, with some amendments. These amendments, or provisos, relate in the main to the need to ensure that the programme does reach rural and disadvantaged communities and that the Management Committee is able to co-ordinate the programme as a whole. They do not however change the immediate preparations for the first round of public meetings.

These meetings will take place on 25 March 1995 in six provinces ie Free State, Eastern Cape, Eastern Transvaal, Northern Transvaal, North West and Western Cape. The exact venues will be communicated to you next week.

Each Theme Committee is required to send two delegates to each of these meetings. We would appreciate it if these names could be with the Administration by Wednesday 22 March 1995 so that practical arrangements can be made.

Note that as per Management Committee decision, these events are not party political. The people who attend will represent Theme Committees and receive submissions and not put forward party positions.

Each Theme Committee should also clearly identify what pertinent issue/s should be discussed at each of these meetings. Note here that the structure of the meetings will allow for the facilitator to introduce all 6 Theme Committees and thus also allow for submissions to all Theme Committees. We would also need to receive these issues from Theme Committees by Wednesday next weeks so that facilitators can prepare themselves.

We apologise sincerely for this short notice but it has been unavoidable in view of the difficulty in getting the programme finalised. It would not be opportune to delay implementation any longer which is why the first meetings will commence on 25 March 1995.

2.2 Theme Committee Programmes

These public meetings are only one aspect of the programme. You will notice that the original document also mentions hearings and Theme Committee requests for workshops etc This programme is already underway, responding to Theme Committee requests. The earlier communication we addressed to Theme Committees was an attempt to ask Theme Committees to consider a more structured programme in this regard, rather than relying solely on the present ad hoc nature of requests. It is also important that the Administration receives adequate notice for these requests. For major events, at least 14 days notice is required, and 7 days for smaller events.

There is no intention of imposing a "centrally planned " programme on Theme Committees. Public meetings as outlined in 2.1 above, are not the major form of consultation with the public. It is evident that Theme Committee consultation in the form of workshops, hearings and consideration of written submissions , forms the major part of the public participation programme. This is why it is important that it is properly organised and considered and why Theme Committees should try and present structured programmes in this regard.

3. Drafting Procedures

The Management Committee has finalised Drafting Procedures which are attached hereto for your information. The Management Committee noted the objection of the IFP to these procedures.

4. Report Formats

As communicated earlier, the Management Committee has considered and agreed to formats for Theme Committee reports to the Constitutional Committee. The only addition to the document which is attached hereto, is that reports should also have attached to them the party submissions which are there, not as part of the report, but to allow for reference in discussion in the Constitutional Committee.

You are also reminded of the Management Committee decision that those committees which have completed reports, should please forward supplementary reports on public submissions.

5. Communication

This Administration is committed to ensuring there is regular and effective communication to Theme Committees from the Management Committee and Constitutional Committee. If you have suggestions in this regard please forward your views to us, so that they can be put to good use. Also do not hesitate to contact myself or the *Deputy Executive Directors, Louisa Zondo and Marion Sparg at Tel No 021245 031* or visit us on the *11th Floor of Regis House* if you require clarification on anything contained in this memo or indeed to discuss any other matter.

**HASSEN EBRAHIM
EXECUTIVE DIRECTOR**
