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# **CONSTITUTIONAL ASSEMBLY**

## **THEME COMMITTEE 3**

### **RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT**

**15 JUNE 1995**

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CONSTITUTIONAL ASSEMBLY

**MEMORANDUM**

**TO :** Members of the Constitutional Committee  
**FROM :** Theme Committee 3  
**DATE :** 18 July 1995  
**SUBJECT :** DRAFT TEXT

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As previously agreed, Theme Committee 3 would not be submitting *Draft Text* with the Report on National and Provincial Legislative and Executive Competencies.

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**HASSEN EBRAHIM  
EXECUTIVE DIRECTOR  
CONSTITUTIONAL ASSEMBLY**

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**THE NEW CONSTITUTION**

**ADDENDUM**

**RECOMMENDATIONS  
OF THE  
COMMISSION ON  
PROVINCIAL GOVERNMENT**

**NATIONAL & PROVINCIAL  
LEGISLATIVE & EXECUTIVE  
COMPETENCIES**

**THE PRELIMINARY RECOMMENDATIONS OF THE COMMISSION ON PROVINCIAL GOVERNMENT  
WITH REGARD TO THE SUMMARY ON:  
NATIONAL AND PROVINCIAL LEGISLATIVE AND EXECUTIVE COMPETENCIES**

Constitutional Issues	The Preliminary Recommendations of the CPG
<p><b>1. The existence of exclusive and concurrent powers.</b></p>	<p>The Commission takes the Interim-Constitution as its point of departure and provisionally concludes that the powers and functions contained in the present s126 (read together with Schedule 6 to which further functional areas such as finance may be added) are at this stage appropriate to serve the interests of good government in South Africa. However, further consideration needs to be given to the formulation of s126 (as well as to the functional areas listed in Schedule 6) in order to ensure greater legal certainty and compliance with the applicable Constitutional Principles. The CPG points out that two opposite views can be identified with regard to s126: on the one hand it is said that it does provide for exclusive provincial powers but on the other hand this is denied.</p>
<p><b>2. Role of framework legislation to be passed by central government.</b></p>	<p>The Commission does not address this issue.</p>
<p><b>3. The prevalence of the powers of central government.</b></p>	<p>The Commission does not address this issue. It does point out that in terms of the present arrangements (s126) parliamentary Acts prevail and residual powers are vested in Parliament.</p>
<p><b>4. Should the competencies of the provinces be fixed by the Constitution or should the Constitution allow for an evolutionary process?</b></p>	<p>The Commission is of the view that the implementation of the present s126 in the Constitution allows for functional asymmetry to develop (see below on asymmetry). The provinces must also have the right to negotiate with the national government institutions to allow for the performance of national functions on an agency or delegation basis, that is, an evolutionary process.</p>

<b>5. Executive competencies of provinces.</b>	Apart from allowing provinces to adopt constitutions with own executive structures and procedures (see below on provincial constitutions) this issue is not addressed directly by the Commission.
<b>6. Alternative mechanisms for safeguarding interests of provinces.</b>	The CPG points out that in terms of the present system the provinces are allowed to have a say in policy-making and the determination of norms and standards at the national level through the evolving systems of inter-governmental relations. Such arrangements could be formalised in the final Constitution. The CPG further believes that (in a system where parliamentary overrides apply) a second chamber (Senate) could provide necessary checks and balances. The Senate could provide a further means to represent provincial interests (as an effective voice in the national legislature) and therefore the CPG recommends that the Senate is to be retained but restructured to allow for representation of provincial interests.
<b>7. The manner in which the Constitution is to deal with local government.</b>	To date, this matter is not addressed by the CPG.
<b>8. Asymmetry as a constitutional principle governing the allocation of powers.</b>	The provisions of the present s126 (and Schedule 6) enable but do not compel any province to make laws on the subject matters (functional areas) allocated to provinces. This allows for a measure of functional asymmetry to develop. In other words, the CPG believes that this measure of provincial autonomy will allow functional asymmetry to develop.
<b>9. Provincial constitutions.</b>	The CPG cannot support any change to the relevant provisions of the Interim-Constitution which bind provincial constitutions to the national Constitution's provisions relating to these matters: the national Constitution is the supreme law and the provinces merely have the power to adopt provincial constitutions that only differ with regard to the legislative and executive structures and procedures provided in that Constitution. The CPG concludes that the present s160 (with reconsideration of the retention of s160.4(b) provides adequately for provincial constitution-making. Amendments may be considered to ensure conformity with the criteria established by the Constitutional Principles.

**SUBMISSIONS  
BY  
CIVIL SOCIETY**

**NATIONAL & PROVINCIAL  
LEGISLATIVE & EXECUTIVE  
COMPETENCIES**

# CONSTITUTIONAL ASSEMBLY

## THEME COMMITTEE 3

### RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT

#### SUBMISSIONS BY CIVIL SOCIETY

##### ORGANISATIONS:

Organisation : African Christian Action  
Individual : Van Wyk C (Chair-person)  
Category : Provincial and Local Authorities  
Summary : The Central government should concentrate on matters of central importance eg. Defence, Justice, Foreign Affairs etc. and that all other issues of concern be dealt with by Provincial and Local authorities.

Organisation : ANC - Athlone North Branch  
Individual : Brian Pretorius  
Category : Executive Powers - Accountability  
Summary : National and Provincial powers to be listed in New Constitution. Provincial Government not autonomous, but have limited powers w.r.t. eg. education and local government. Premier to be accountable to President and the People. President has the right to discipline any MP. Provincial government policies to be passed by Central Government.

Organisation : Animal Groups Alliance  
Individual : Miss C Blumberg  
Category : Separation of powers and Animal protection rights  
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** : **City of Durban**  
**Individual** : **O'Meara M.J. (Exec. Dir)**  
**Category** : **Provincial and Local government systems**  
**Summary** : All functions be devolved to the lowest appropriate level of government, allowing **Central** government to concentrate on **national issues**.  
Local authorities must ensure that the **national standards be upheld** and exercised.

**Organisation** : **Department of Water Affairs and Forestry**  
**Category** : **Powers and functions of the levels of government**  
**Summary** : **Water**  
The provision of water and the whole water function is indivisible and should not be allocated to any of the Provincial or Local governments.  
It is inter-related in areas of responsibility where management is required viz. quantity and quality.  
Although water distribution and supply is a function of Local government, National government must retain powers relating to:  

- development and utilisation of resources;
- minimum standards of service
- ensure equity in tariff setting;
- imposition of restrictions.

Several other functions are already under provincial jurisdiction and this additional function will affect the water function negatively. It is therefore recommended that this function be undertaken by National government and so ensure a basic supply of good quality of water, and an equitable share to all regions.

The submission then covers other areas of competence of different levels of government.

#### **Forestry**

Due to the long term nature of the exploitation process of commercial forests, and even more so in the case of indigenous forests, coordination of both the demand and the supply of this resource is essential for the economic stability and should therefore be handled by National government.

Other inter-related areas should all be governed by national government.

The submission then refers to the other levels of government and their competencies.

The submission includes a memorandum which could be referred to in Volume 19 of TC3 Submissions.

- Organisation** : **Honorary Rangers Association ( Natal Parks Board )**  
**Category** : **Legislative competence of provinces w.r.t Environment**  
**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 provincial law inconsistent therewith and subject to international treaties.
- Organisation** : **Institute for Defence Policy**  
**Individual** : **Dr Jakkie Cilliers**  
**Category** : **Presidential / Executive powers / Legislative Authorities/ Residual powers / Financial and Fiscal , Accountability - SANDF; SAPS; intelligence agencies and correctional services.**  
**Summary** : *Recommend that original be read.*
- Organisation** : **Interprovincial Coordinating Traffic Committee**  
**Category** : **Central and Provincial government competencies - Traffic legislation**  
**Summary** : **The Road Traffic Act of 1989 realised a long yearned attempt to nationalise road traffic legislation.**  
Not only did this Act ensure the promotion of nationally consistent traffic policing; but also contributed towards greater public acceptance.
- Traffic safety, being a matter of national interest, should be addressed at that level.
- There are however, matters which has to be addressed differently at provincial levels eg. licence fees, handling of sports events and control over abnormal-loads.  
Provision must also be made for new matters such as the transport of dangerous materials.
- Uniform action, in accordance with international norms, should be implemented without the possibility of fragmentation.
- Organisation** : **POPCRU**  
**Individual** : **Sgt. P.M. Ntuli (Secretary of Popcru - North Coast)**  
**Category** : **Accountability**  
**Summary** : **A minister to control each department which renders services.**  
**Central government to control security; safety; defence; finance; education; correctional services; justice.**  
**Provincial government to control regions with no autonomy to allow for appeal to central.**

Premiers to control chiefs, mayors, director-generals, but not the "king". The king to demarcate boundaries with chiefs.

Organisation  
Category  
Summary

: **Provincial Administration - Western Cape**  
: **Powers and Functions of the levels of government**  
: **Powers and Functions**

Provincial and Local governments must be given a clear and unambiguous definition of it's powers and functions.

Each legislature must be competent to legislate on a range of exclusive powers.

The matters of competence must be clearly defined and also include other local government related matters which could be dealt with as an auxiliary power.

Provinces must be given exclusive powers to legislate; and the parameters spelt out clearly.

Provinces should be allowed to write their own constitutions in terms of which it deals with eg. elections and vacancies, oath of office, appoint of a speaker, the name which is given to a provincial law etc. and the method of citation of that law so as to identify the provinces concerned.

Provinces must have more powers to handle it's own finance, to levy taxes and raise loans.

#### **Local government**

There shall be a third tier of government consisting of local authorities of various forms and sizes for metropolitan, urban and rural areas.

Local authorities shall have a body-corporate capable in law of doing all those things they may by law perform.

The council of the local authority shall govern and represent residents within it's jurisdiction.

Residents on the Voters' role shall elect members of the councils.

Organisation  
Individual  
Category  
Summary

: **Rand Afrikaanse Universiteit**  
: **Prof. G.N. Barrie**  
: **Powers and functions between National and Provincial institutions**  
: **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.

**Organisation** : **Sokhulumi Tribal Authority**  
**Category** : **Role of Traditional Leaders in local and Provincial Government**  
**Summary** : **Re: Section 182 of the Interim Constitution**  
 Amended to ensure maximum participation by Traditional Leaders within Local Government structures.  
 Refer to original submission for constitutional wording.  
**Re: Section 183 (2) a**  
 Ensure Traditional Leaders participate in law making process when relevant to indigenous laws, customs etc.  
 Refer to original submission for constitutional wording.

**Organisation** : **Standard Bank**  
**Individual** : **E.P. Theron**  
**Category** : **Relationships between Central and Provincial powers**  
**Summary** : The task of **Central government** (subject to constitution constraints) with respect to regional finance are to:
 

- *determine the total sum of grants from the centre.*
- *determine the path towards equalisation among regions.*
- *determine the balance between general purpose and specific purpose grants.*
- *decide the level of regional borrowing and the governing rules.*
- *set down frameworks and assist in the development of methodologies and systems for regions' budgeting and auditing.*
- *set parameters within which the regions may vary tax bases and rules of taxes under their control.*

**Regional governments** should have the following responsibilities:
 

- *set the base and rates of own taxes within the parameters mentioned.*
- *decide on regional budgets*
- *establish regional auditing.*
- *decide on borrowing within the rules laid down by the centre*

**Organisation** : **Transvaal Municipal Organisation**  
**Category** : **Federalism - powers of state and autonomy; Competencies entrenched; Concurrent powers - approval of local government; executive / structures / chambers / powers and functions/ accountability / local authorities - services / Local government - financial and fiscal.**  
**Summary** : **Recommend that original be read.**  
**Contains constitutional principles and wording.**

**Organisation** : **The Free Market Foundation of South Africa**  
**Category** : **Nature of Provincial/Local Government - competencies**  
**Summary** : **Trend is local participation and decision making.**  
**Genuine autonomy - keep government close to the people**

**INDIVIDUALS:**

**Individual** : **H.P. Bierman**  
**Category** : **Competencies of the levels of government**  
**Summary** : **Central government to concentrate on matters of National interest such as Foreign Affairs.**  
**Local government to have more autonomy to handle local community matters.**

**Individual** : **Mrs A.J. Booysen**  
**Category** : **Provincial Legislative Authority - Legislative competence of provinces with regards to the environment.**  
**Summary** : **These sentiments are supported by 46 other letters**  
**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** : **M.B. Buthulezi**  
**Category** : **Provincial powers - Kwazulu Natal**  
**Summary** : **Central government should give this province**

**Individual** : **L. Cader**  
**Category** : **Provincial Autonomy**  
**Summary** : **More autonomy w.r.t. taxation; provinces to have own provincial constitutions.**

**Individual** : **E.C. Chonco**  
**Category** : **Competencies of Levels of Government**  
**Summary** : **Power to be divided and shared between Central, Regional and lastly the combination of Central and Regional governments.**  
**Central government should concentrate on matters such as foreign affairs, minting the currency, defence, mineral affairs, etc.**  
**Central government should have a Legislative Assembly that passes laws binding on it.**

Regional government must have authority over all matters pertaining to traditional leaders.

**Individual Category** : **N.P. Cloete**  
: **Central / provincial / local government - limit size Budget competencies**  
**Summary** : All levels of government to be **small and few** ie. central. provincial and local government should be "**lean and hungry**".

**Individual Category Summary** : **J.G. Coetzee**  
: **Devolution of power, Accountability**  
: There must not be determination to keep all the power in the hands of Central government.  
Similarly we must not allow power to be in the hands of one individual as this could lead to dictatorship.  
We must move away from this centralisation of power and grant more power to the provinces.

**Individual Category Summary** : **G.C. Cox**  
: **Legislative and administrative competence - marine resources**  
: Marine resources are identified in schedule 6 of the Interim Constitution as falling within the legislative competence of the Central Government. Deep sea fishing should be included in above due to policing of territorial waters.  
Different considerations apply to **coastal zones** whose resources are used and enjoyed by the local inhabitants.  
The legislative and administrative competence of coastal zones should thus be a matter **local and provincial concern**.

**Individual Category Summary** : **S. Dalhazei**  
: **Concurrency - Provincial legislative authority - Competence w.r.t the environment.**  
: 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 provincial law inconsistent therewith and subject to international treaty.

**Individual Category Summary** : **Dr. P.A. Donovan**  
 : **Levels of Government**  
 : Maximum individual autonomy and responsibility with minimum government interference.  
 Prerequisite for this, would include limited government, decentralisation, privatisation and deregulation.  
 All matters concerning the individual (in his/her chosen community) shall be devolved to the lowest possible level viz. Community or District level.  
 Only the matters, of common interest to all communities, shall be delegated upwards to the State level.

Districts associated shall have the right/power to delegate to the Community the functions it considers, of common interest to all Districts in the Community, and/or believes could be performed more economically, without loss of efficiency and accountability by these Communities.  
 The Community council, elected from at least 2 delegates from each District involved, shall be responsible for carrying out these functions delegated by Districts.

**Individual Category Summary** : **E. M. De Witt**  
 : **Local and Provincial Governments**  
 : Maintenance of a Constitutional dispensation based upon federal principles through transferral of powers to Provincial and Local Government and the promotion of autonomous Local Government, which is are the basic building blocks of a constitutional system is South Africa.

**Individual Category Summary** : **M.J. du Plessis**  
 : **Centralisation - water rights; Regionalism**  
 : Water and minerals should be declared national assets and would thus be state controlled.

**Individual Category Summary** : **P du Toit**  
 : **Powers of Central and Provincial governments**  
 : **Maximum powers must be devolved to Provincial governments.**  
 The provinces must determine what powers Central government may exercise over the country.  
 Provinces must have the power to protect their sovereignty and also be responsible for the collection of taxes and paying a pre-determined percentage to central government.

Provinces must handle the following :  
 - *education, policing, health, provincial defence agriculture, infrastructure and housing*





Individual : **J. Jacobs et al (Public Admin. Lecturers' personal views)**  
Category : **Separation of powers / autonomy /**  
Summary : Constitution to provide structures to ensure service provision;  
responsibilities and powers to be clearly spelt out especially  
w.r.t. health services and regional development.

Individual : **D. B. Kilpin**  
Category : **Regional Competencies; Role of Traditional Authorities**  
Summary : Power devolved to regional levels so that people can solve their  
own problems.  
Less pressure and dictatorship from Central government allowing  
regions more autonomy.

Individual : **E.M. Lekhoa**  
Category : **Local Government - Services and Competencies**  
Summary : **The Nature of the Provincial system**  
The provincial system must be **reconstructed** in new boundaries  
and be recognised with equal power.  
There will be nine(9) provinces and each will have a **provincial  
legislature**.  
Provincial executive will consist of a Premier, who will appoint  
ten(10) executive members to administer provincial departments  
and determine a policy.  
The **legislature** will have the power to make concurrent laws with  
the national unity government on issues like the *water, electricity,  
free education, primary health care, housing, public transport, social  
and welfare*.  
A province must be entitled to an **equitable share of revenue**  
collected nationally to enable it to function. It can raise other  
revenue and secure loans only with the permission of the GNU.  
There must be a single tax system, and all luxury goods must be  
taxable, but all the **necessity goods must be exempted** to reduce  
**poverty**.

Individual : **L. Liebenberg**  
Category : **Competencies - Environmental policy and revenue**  
Summary : **Legislative competence of provinces**  
A provincial legislature shall have **concurrent competence** with  
parliament to make laws with regard to the **environment, nature  
conservation**, excluding national parks, national botanical gardens  
and marine resources, and subject to an act of parliament which  
shall prevail over a provincial law inconsistent therewith and subject  
to international treaties.

With regard to the exercise of powers at different levels of government, a **national framework and philosophy** regarding protection and development of parks and reserves need to be **established**.

National parks and reserves should not be **isolated islands of biodiversity**, but should be **part of an overall land-use policy**.

- Individual Category summary** : **J.A. Louw**  
: **Structure of Central, Provincial and Local governments**  
: **Provincial Government**  
The highest degree of authority to be delegated to provincial governments to deal with their own matters including taxes and levies.  
All their matters must concern the local community, such as education, roads, health, etc.  
Only matters of national interest to be handled by National government eg. foreign affairs, defence, etc.  
Provinces must have great autonomy.
- Individual Category Summary** : **P. Mankge**  
: **Powers of Provincial government**  
: "General government" to supervise provinces.  
"Senate House" to keep in touch with the people so that they too can contribute to this process.  
Provinces to have deciding power but not absolute/total power.  
People must be given the opportunity to comment on the restructuring of South Africa as part of democracy.
- Individual Category Summary** : **R. S. Masango**  
: **Character of State**  
: **Provincial powers** to be determined via **negotiation** between National and Provincial governments - considering cultural diversity at all times.
- Individual Category Summary** : **M.A. Mcloughlin**  
: **Powers and Competencies**  
: Powers of provinces should be devolved to the lowest possible level of government or authority, enabling the community to have a say in the conduct of the affairs.  
Central government should only be concerned with specific predetermined issues such as security, financial and foreign affairs.

**Individual** : **McGregor, Rayne, Shone and Williams**  
**Category** : **Competencies - Environmental policy and revenue**  
**Summary** : All powers should rest at the provincial level.  
National level powers should include *health, education, security, transport, foreign affairs and trade and industry*.  
There should be **legislative competence at the provincial level**.  
The national government should not be able to override provincial laws.  
No provincial legislation may conflict with constitution or with laws dealt with at a national level.

**Individual** : **B. Nsele**  
**Category** : **Devolution of Power**  
**Summary** : Freedom from Central and Provincial government.  
Local government to be given more autonomy and scope to decide on matters within their boundaries.

**Individual** : **E. W. Ortom**  
**Category** : **Legislative competence of provinces w.r.t. the Environment**  
**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 provincial law inconsistent to that and subject to international treaties.

**Individual** : **M. Pendlebury**  
**Category** : **Personal autonomy**  
**Summary** : Personal autonomy (protection and development), the power and will to control one's own life.  
To achieve this implies the devolution of powers to lower tiers of government viz. regions and towns.  
  
However, to achieve this improved personal autonomy we need Central government intervention in the lower levels of government, when these levels are not achieving it's goals.

**Individual** : **W. Plaatjies**  
**Category** : **Competencies of Cultural groups (Griqua Nation)**  
**Summary** : The Grikwas should have their - *Own representation in parliament*

Individual : C.F. Rack  
Category : Form of government; Powers of Prov. governments  
Summary : Provinces in the Republic should have the right to formulate their own constitution.

Individual : W. Ridley  
Category : Provincial Government  
Summary : Environmental protection against pollution be emphasised and waste generation be minimised.  
Provincial legislature to have equal/concurrent competence with parliament to make laws with regard to the environment subject, which shall prevail over a provincial law inconsistent therewith.

Individual : M.H. Stegen  
Category : Secular State  
Summary : There must be as much powers as possible devolved to the lowest possible level.

Individual : N Shepstone  
Category : Structure and powers of government  
Summary : Powers of the departments must be constitutionally defined and protected.

The Legislature, Judiciary and the Executive must be separate independent parts of the central government and have limited powers.

**Powers**

Central government must have the power to pass laws relating to individuals, since passing of laws relating to provinces are very difficult to enforce.

The central government must be able to raise taxes, but these taxes must be based on consumption not on income.

**Provincial powers**

Provincial powers may be restricted only when they affect the nation as a whole or when they affect foreign affairs. Provinces therefore need extensive powers over aspects such as local policing, education, health, housing, the media, etc.

Individual Category : **E. Schultz**  
 : **Financial and Fiscal - Funding adequate health-care / powers / accountability / decentralisation.**  
 Summary : **Role of the Central and Provincial Government:**  
 Funds allocated to local authorities via Provincial government from Central government based on local needs and resources.  
 Central government to set standards and system of control via guidelines - Provincial government to monitor and guide local authorities.  
 Local Authorities to be accountable to their constituents.  
 Medical intervention to be prioritised in order to make it accessible to all.

Individual Category Summary : **Nick Taylor**  
 : **Competencies - Responsibilities and powers of tiers of government**  
 : **NB! The FIRST Tier of Government is local, SECOND Tier is provincial and THIRD Tier is Central.**  
 All possible functions of creating laws should be undertaken locally at MUNICIPAL LEVEL.  
 Where Municipalities have conflicting laws (could lead to conflict), the responsibility should be delegated to PROVINCIAL LEVEL.  
 Any Provincial business which can be more effectively handled by CENTRAL GOVERNMENT, should be delegated to them.  
 If regions are to have power, Central Government must trust people at grassroots level to be responsible.  
 Ideally, Central Government should handle the currency, major roads, defence, citizenship registration, and any other functions delegated by regions/provinces.  
 The Constitution should reflect the spirit of the Freedom Charter and return power to the people at maximum grassroots capacity.

Individual Category Summary : **J Thuynsma**  
 : **Separation of powers**  
 : **The central government shall have overriding power in all spheres over the provincial council and local government.**  
 Only the **Constitutional court** will have overriding powers over the central government on constitutional matters.

**Provincial government**

**There will be no provincial government, but a provincial council representative of all metropolitan councils as well as all local councils.**

**Provincial council members will be elected by the metro. council and the local council in the case of rural areas. This provincial council will be a coordinating body with no statutory powers.**

- Individual Category Summary : **A.C. van Niekerk**  
 : **Competencies - water rights**  
 : No authority has the right to introduce any substances into the public water supply, except to render it safe for domestic use.
- Individual Category Summary : **J.A. Venter**  
 : **Provincial government powers**  
 : Greater provincial powers must be implemented.
- Individual Category Summary : **Weight L**  
 : **Autonomy of different levels of government.**  
 : It is noted that Provinces should have more (maximum) autonomy to control activities in their respective provinces eg. Education, Health, Housing, Environment etc.  
 : The Central government on the other hand should concentrate it's efforts on departments which require national control eg. Defence, Justice, Foreign Affairs etc.  
 : Coalition between Central and Provincial governments should take place so as to ensure uniformity among provinces.
- Individual Category Summary : **H. Wolffe**  
 : **Residual powers - provinces / competencies**  
 : *Recommend that the original be read.*  
 : *Constitutional wording has been used.*
- Individual Category Summary : **C. Williams**  
 : **Devolution of power to the lowest level.**  
 : **Power to be devolved to the lowest practical level.**  
 : Philosophy of devolution of decision-making and power to be entrenched.  
 : **Central governments role: strategists and context-setters so that " ... the people can truly take decisions that will get the nation on the move."**  
 : Higher level reserve right to act in nations interest eg. defence, foreign affairs etc.
- Individual Category Summary : **Anonymous**  
 : **Provincial Powers**  
 : To reduce Provincial powers in return for stronger Senate, will be disadvantageous for this country.  
 : Reduced provincial powers will turn provincial legislature into mere implementers of decisions and policies taken at Central government level; and so turn Premiers into "Pretoria's prefects".



**Pg.28-Ln.1**

Central government should write the laws with input from all other levels of government and provinces.

**Individual  
Category  
Summary**

**: Constitution Public Meeting (White River)**  
**: Powers of Provincial governments**  
**: Some powers be devolved and given more especially to Provincial legislature.**  
Proper infrastructure be provided enabling Provincial legislature to get what they want from the National Assembly.  
Powers given to Ministers in the Central government should be clarified in a visible manner.