

2/10/10

# **CONSTITUTIONAL ASSEMBLY**

## **MANAGEMENT COMMITTEE**

**THURSDAY  
10 NOVEMBER 1994  
(08h00)  
V16**

***DOCUMENTATION***

## CONTENTS

|    |                                  |               |
|----|----------------------------------|---------------|
| 1. | Notice and Agenda                | Page 1        |
| 2. | Minutes                          | Pages 2 - 5   |
| 3. | Subcommittee to Select the Panel | Pages 6 - 11  |
| 4. | Constitutional Assembly          | Pages 12 - 16 |
| 6. | Directorate Report               | Pages 17 - 45 |

---

## CONSTITUTIONAL ASSEMBLY

### MEETING OF THE MANAGEMENT COMMITTEE

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

Date : Thursday 10 November 1994

Time : 08h00 - 10h00

Venue : V16

---

### AGENDA

1. Opening
  2. Minutes: Pages 2 - 5
  3. Matters Arising: See Agenda Items Below
  4. Sub-Committee to Select a Panel of Experts: Pages 6 - 11
  5. Constitutional Assembly:
    - 5.1 Draft Agenda: Page 12
    - 5.2 Draft Report: Pages 13 - 16
  6. Constitutional Assembly Process: No Documentation
  7. International Mediation: No Documentation
  8. Directorate Report:
    - 8.1 Work Programme: Pages 17 - 18
    - 8.2 Finances:
      - 8.2.1 Salary Structure: Page 18
      - 8.2.2 1995/96 Budget: Page 19
    - 8.3 Offers of Technical Assistance: Pages 20 - 21
    - 8.4 Legal Opinion on Alternates for the Management Committee: Pages 21 - 23
    - 8.5 Rules: Pages 23 - 24
  9. All Other Business
  10. 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 MONDAY 7 1994 (AT 12H00)

#### PRESENT

RAMAPHOSA MC (CHAIRPERSON)

Chabane OC  
Eglin CW  
Felgate W  
Mabandla BS  
Meshoe K

Meyer R  
Moosa MV  
Sizani R  
Viljoen C

**Apologies:** A van Breda and L Wessels

**In attendance:**

Ebrahim H, Lilienfeld P, Meyer A, Zondo L, Meyer L, Mngadi-Kgosidintsi T, Grové G, Powell D and Keegan M.

#### 1. OPENING

1.1 Mr. Ramaphosa opened the meeting at 12h07.

1.2 The Agenda was adopted with the following amendments:

1.2.1 The Offer of Assistance from the Department of Constitutional Development would be included as Item 7.1; and

1.2.2 Developing a Work Programme for 1995 would be included as Item 7.2.

#### 2. MINUTES

The Minutes of the meeting on Thursday 3 November 1994 were adopted.

#### 3. MATTERS ARISING

· None - included in the Agenda Items below.

#### 4. REPORT ON PREPARATIONS FOR THE CONSTITUTIONAL COMMITTEE

It is noted that the Sub-Committee to Select a Panel of Experts tabled its report.

**5. REPORT ON THE SUB-COMMITTEE TO SELECT A PANEL OF EXPERTS**

- 5.1 Mr. Felgate spoke to the document, "*Report of the Subcommittee to Select the Independent Panel of Constitutional Experts,*" tabled at the meeting.
- 5.2 It was agreed that if necessary the Sub-Committee could propose that the Panel of Experts be expanded to 7 at the next Management Committee meeting.
- 5.3 Mr. Ramaphosa commended the Sub-Committee for its work. It is noted that the Report will be forwarded to the Constitutional Committee for its consideration.

**6. CONSTITUTIONAL ASSEMBLY**

**6.1 REPORT ON DISCUSSIONS**

6.1.1 Mr. Ramaphosa introduced the document, "*Debate in Constitutional Assembly,*" included in the documentation for discussion.

6.1.2 The meeting agreed that the issue of international mediation would be included in as a separate Agenda item for the 10 November 1994 meeting of the Management Committee. The IFP will prepare a briefing document. The Management Committee will decide whether the issue should be forwarded to the Constitutional Committee or Constitutional Assembly.

**6.2 CONSIDERATION OF THE CONSTITUTIONAL ASSEMBLY PROCESS**

It was agreed that a document would be prepared reviewing and evaluating the Constitutional Assembly process. All members of the Management Committee would report on what they consider should be included in this document at the 10 November Management Committee meeting.

**7. ANY OTHER BUSINESS**

**7.1 OFFER OF ASSISTANCE FROM THE DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT**

7.1.1 Mr. Moosa tabled a document entitled "*Possible Assistance to the Constitutional Assembly by the Department of Constitutional Development,*" which had been revised taking into account the discussion in the 3 November 1994

Management Committee.

7.1.2 Mr. Ebrahim appealed to members to ensure that all requests for research and legal opinions be directed through the Administration. Mr. Meyer agreed. The report was then agreed to.

7.1.3 It was agreed that the Secretariat would consider and report back to the Management Committee on the following:

- i. Clear procedures for how the Constitutional Assembly will relate to the various institutions offering assistance.
- ii. How research for the Constitutional Assembly will be coordinated; and
- iii. What the financial implications are.

7.1.4 Mr. Ebrahim noted that a Directory of Constitutional Experts would be circulated and requested members to forward any possible additions to the Directorate.

## 7.2 DEVELOPING A WORK PLAN

7.2.1 Mr. Ebrahim tabled two documents, entitled "*Developing a Work Plan for 1995,*" and "*Questions Relevant to Developing a Work Plan.*"

7.2.2 The meeting agreed the item would be referred to the 10 November 1994 meeting of the Management Committee.

7.2.3 The meeting agreed that if necessary the Management Committee and Constitutional Committee would be reconvened in December to approve Work Programmes.

7.2.4 Mr. Viljoen expressed concern that the appointment of Technical Committees to assist the Theme Committees must be expedited.

## 8. ANY OTHER BUSINESS

It was agreed that the Rules Committee would be rescheduled from 9h00 Tuesday, 8 November 1994 to just after the Constitutional Committee of 7 November 1994.

9. CLOSURE

The meeting closed at 13h15.

MEMORANDUM

TO:

Management Committee

DATE:

8 November 1994

RE:

Panel of Constitutional Experts

Based on the report of the subcommittee to the Panel of Constitutional Experts annexed hereto, the following decisions are recommended to the Management Committee:

The subcommittee will continue to monitor the progress of the work of the Panel of Constitutional Experts and will report to the Management Committee on a regular basis.

The subcommittee will continue to monitor the progress of the work of the Panel of Constitutional Experts and will report to the Management Committee on a regular basis.

The subcommittee will continue to monitor the progress of the work of the Panel of Constitutional Experts and will report to the Management Committee on a regular basis.

The subcommittee will continue to monitor the progress of the work of the Panel of Constitutional Experts and will report to the Management Committee on a regular basis.

The subcommittee will continue to monitor the progress of the work of the Panel of Constitutional Experts and will report to the Management Committee on a regular basis.

The subcommittee will continue to monitor the progress of the work of the Panel of Constitutional Experts and will report to the Management Committee on a regular basis.

The subcommittee will continue to monitor the progress of the work of the Panel of Constitutional Experts and will report to the Management Committee on a regular basis.

The subcommittee will continue to monitor the progress of the work of the Panel of Constitutional Experts and will report to the Management Committee on a regular basis.

# 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:

## MEMORANDUM

**TO:** Management Committee  
**FROM:** Louisa Zondo  
**DATE:** 8 November 1994  
**RE:** Panel of Constitutional Experts

---

Based on the report of the Subcommittee to Select the Panel of Constitutional Experts annexed hereto, the following decisions are required from the Management Committee.

### DECISION REQUIRED:

The Management Committee recommends to the Constitutional Committee that;

- a) the independent panel be increased from five to seven constitutional experts,
- b) a draft resolution to suspend the application of Standing Rules 54, 60, 63, 65, 66, 67, 70 and 71 be proposed to the Constitutional Assembly meeting of 14 November 1994, and
- c) a Bill amending Section 72(2) of the Constitution so as to increase the independent panel be introduced and passed at the Constitutional Assembly meeting on 14 November 1994.

# REPORT OF THE SUBCOMMITTEE TO SELECT THE INDEPENDENT PANEL OF CONSTITUTIONAL EXPERTS

8 November, 1994

Members present:

De Beer SJ (Chairperson)  
De Lange JH  
Felgate WF  
Green LM  
Mabandla, BS

Marais PG  
Moosa MV  
Sizani RK  
Viljoen CL

Apology: C W Eglin

In attendance: P A Lilienfeld, L B Zondo and M K Keegan

The Subcommittee met for two sessions on 8 November, 1994, between 8:00 and 9:15 and 12:30 to 13:00.

Mr Lilienfeld announced that Prof Dugard was not available for the full period required. The Subcommittee accordingly decided that the nomination of Prof Dugard could not be considered.

Mrs Mabandla proposed the nomination of Ms M P Sedibe-Ncholo to the Independent Panel of Constitutional Experts.

The following names were added to the short list of nominees:

Ms M P Sedibe-Ncholo  
Ms T Madonsela  
Ms J Sinclair

The Subcommittee was unable to reach agreement on a final list of five nominations that would accommodate the concerns expressed in the meeting of the Constitutional Committee on 7 November 1994.

It accordingly recommends that section 72(2) of the Constitution be amended to provide for seven, rather than five, members of the Panel.

To this end, it is proposed that a bill, to be passed by the Constitutional Assembly on Monday, 14 November 1994, be drafted to give effect to this recommendation. A draft resolution suspending certain Standing Rules in order to permit the bill to be passed in one day without reference to a select committee, would have to be prepared.

Based on this recommendation, and the need to balance the various criteria in the Subcommittee's terms of reference, the final list, as unanimously agreed to by the Subcommittee, is the following:

Erasmus, Prof M G  
Kruger, Prof J  
Murray, Prof C  
Sedibe-Ncholo, M P  
Semenya, Adv I  
Van der Westhuizen, Prof J  
Yacoob, Adv Z

A Bill is attached, together with the necessary draft resolutions to be moved in the Constitutional Assembly.

The proposed amendment would not affect the provisions of section 72(3); ie if a majority of at least two-thirds, as prescribed in the Constitution, is not achieved for the appointment of the enlarged panel, the panel will be composed of one nominee of each party holding at least 40 seats in the Constitutional Assembly and wishing to make a nomination. Such nominees would have to comply with the requirements in subsection (2).

REPUBLIEK VAN SUID-AFRIKA

---

**SESDE**  
**WYSIGINGSWETSONTWERP OP**  
**DIE GRONDWET VAN DIE**  
**REPUBLIEK VAN SUID-AFRIKA**

---

*(Soos ingedien)*

---

(ONDERVOORSITTER VAN DIE GRONDWETLIKE VERGADERING)

[W —94]

---

REPUBLIC OF SOUTH AFRICA

---

**CONSTITUTION OF THE**  
**REPUBLIC OF SOUTH AFRICA**  
**SIXTH AMENDMENT BILL**

---

*(As introduced)*

---

(DEPUTY CHAIRPERSON OF CONSTITUTIONAL *Assembly* DEVELOPMENT)

**8**

[B —94]

ISBN 0 621

**GENERAL EXPLANATORY NOTE:**

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

---

---

## BILL

To amend the Constitution of the Republic of South Africa, 1993, so as to increase from five to seven the panel of recognised constitutional experts to be appointed for purposes of the constitution-making process; and to provide for matters incidental thereto.

**B**E IT ENACTED by the Constitutional Assembly, as follows:—

**Amendment of section 72 of Act 200 of 1993**

1. Section 72 of the Constitution of the Republic of South Africa, 1993, is hereby amended by the substitution for subsection (2) of the following sub-  
5 section:

“(2) The Constitutional Assembly shall, subject to subsection (3), appoint an independent panel of **[five]** seven South African citizens being recognised constitutional experts, not being members of Parliament or any other legislature and not holding office in any political party, to advise it, or  
10 the Chairperson, on any matter pertaining to its functions, and to perform such other tasks as are provided for in this Constitution.”.

**Short title and commencement**

2. This Act shall be called the Constitution of the Republic of South Africa Sixth Amendment Act, 1994, and shall be deemed to have come into operation on 23 June 1994.

**MEMORANDUM ON THE OBJECT OF THE CONSTITUTION  
OF THE REPUBLIC OF SOUTH AFRICA  
SIXTH AMENDMENT BILL, 1994**

The Constitution of the Republic of South Africa Sixth Amendment Bill, 1994, is aimed at amending section 72(2) of the Constitution of the Republic of South Africa, 1993.

Section 72(2) provides for the appointment of an independent panel of five South African citizens who are recognised constitutional experts, and who are not members of Parliament or any other legislature and who do not hold office in any political party, to advise the Constitutional Assembly or its Chairperson on matters pertaining to the drafting of a final Constitution. It is proposed in the Bill to increase the number of experts in the panel from five to seven in order to make wider provision for considerations of representativity in the selection of the panel.

REPUBLIC OF SOUTH AFRICA  
CONSTITUTIONAL ASSEMBLY  
JOURNAL OF  
CONSTITUTIONAL ASSEMBLY  
ANNOUNCEMENTS, DEBATES AND COMMITTEE REPORTS  
MONDAY, 14 NOVEMBER 1994

Chairman of National Assembly: (Act)  
1994: 1994/11/14

1. Draft resolution (Group) Chairman of the Constitutional Assembly: The understanding of provisions of Section 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

REPUBLIC OF SOUTH AFRICA

---

CONSTITUTIONAL ASSEMBLY

=====

AGENDA OF  
PROCEEDINGS

=====

MONDAY, 14 NOVEMBER 1994

**Chamber of National Assembly: 14:15**

1. Draft resolution (Deputy Chairperson of the Constitutional Assembly): That notwithstanding the provisions of Standing Rules 54, 60, 63, 65, 66, 67, 68, 70, and 71 to the contrary, in the consideration of the Constitution of the Republic of South Africa Sixth Amendment Bill by the Constitutional Assembly -
  1. the bill may be introduced by a member of the Constitutional Assembly;
  2. the member in charge of the bill may introduce the bill by submitting it, together with a memorandum on its objects, to the Chairperson before or at the same time as the motion that the bill be read a first time is delivered to the Secretary;
  3. notice of a motion proposing a stage of the bill is not required; and
  4. the bill shall not be referred to a select committee.
1. First Reading - *Constitution of the Republic of South Africa Sixth Amendment Bill* [B XXB - 94] (Constitutional Assembly) - (Deputy Chairperson of the Constitutional Assembly).
2. Second Reading - *Constitution of the Republic of South Africa Sixth Amendment Bill* [B XXB - 94] (Constitutional Assembly) - (Deputy Chairperson of the Constitutional Assembly).
3. Third Reading - *Constitution of the Republic of South Africa Sixth Amendment Bill* [B XXB - 94] (Constitutional Assembly) - (Chairperson of the Constitutional Assembly).
4. Draft resolution (Deputy Chairperson of the Constitutional Assembly): That the following persons be appointed in terms of section 72(2) of the Constitution of the Republic of South Africa, 1993, to form the independent panel of constitutional experts envisaged in that section: Prof M G Erasmus; Prof J Kruger; Prof C Murray; Adv M P Sedibe-Ncholo; Adv I Semanya; Prof J Van der Westhuizen; Adv Z Yacoob.
5. Draft resolution (Chairperson of the Constitutional Assembly): That the report of the Constitutional Committee tabled on 11 November 1994, be adopted.

---

REPUBLIC OF SOUTH AFRICA

---

**CONSTITUTIONAL ASSEMBLY**

**ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS**

---

FRIDAY, 11 NOVEMBER, 1994

**COMMITTEE REPORTS:**

**REPORT OF CONSTITUTIONAL COMMITTEE: CONSTITUTIONAL ASSEMBLY**

**1 STRUCTURES OF THE CONSTITUTIONAL ASSEMBLY**

**1.1 Constitutional Committee**

1.1.1 The Constitutional Committee has met once since the last sitting of the Constitutional Assembly: 7 November. A further meeting has been scheduled for 14 November.

1.1.2 The progress of the sub committee<sup>1</sup>, established to develop a short list of candidates for appointment to the Independent Panel of Constitutional Experts<sup>2</sup>, was considered. The sub committee is scheduled to submit a unanimous report to the Constitutional Committee at its sitting of 14 November. The report (*see below*) was approved.

---

<sup>1</sup> *See below.*

<sup>2</sup> See Constitutional Assembly Resolution of 31 October, 1994, par 4.

1.1.3 This Committee has, at its sitting of 7 November, agreed to reconvene during recess in December to consider and approve a report on the work programme for Theme Committees for session beginning in January 1995.

## 1.2 Management Committee

1.2.1 The Management Committee has met to attend to matters between sittings of the Constitutional Assembly.

1.2.2 The Management Committee has also approved an advertised invitation to all parties to submit proposals in terms of the media strategy as approved by the Constitutional Assembly. A further report on this will be tabled at the next sitting of the Constitutional Assembly.

## 1.3 Theme Committees

1.3.1 All Theme Committees have been meeting regularly and are presently in the process of finalising their work programmes which are to be submitted to the Administration by 15 November 1994.

1.3.2 The Committees have, where necessary, been holding joint meetings to discuss matters of common interest pertaining to their terms of reference.

1.3.3 Arising from the reports of Theme Committees thus far is the recommendation for the establishment of several Commissions. These Commissions would have to be established in terms of Sec 72 (1) of the Constitution. Since the Constitutional Assembly is only due to sit again in January 1995 and the Constitutional Committee would be sitting in December to approve the work programme of Theme Committees, it is necessary to empower the Constitutional Committee with the necessary authority to appoint, after approval, these Commissions.

## **2 INDEPENDENT PANEL OF EXPERTS**

### **2.1 Introduction**

**2.1.1** The sub committee to establish a short list of candidates was established and met on 7 and 8 November. The sub committee was guided by the Resolution of the last sitting of the Constitutional Assembly.

**2.1.2** The sub committee has advised that it is possible to arrive at a unanimous decision provided that the Panel is extended from 5 to 7 members. Accordingly, the recommendation of the sub committee, which is to be placed before the Constitutional Committee at its sitting of 14 November for approval, is as follows:-

- a)** that a Bill amending Section 72(2) of the Constitution be passed so as to enable the Panel to include 7 members;
- b)** to appoint the following persons to the Independent Panel of Constitutional Experts:-
  - i)** Prof. M G Erasmus
  - ii)** Prof. J Kruger
  - iii)** M P Sedibe-Ncholo
  - iv)** Adv I Semanya
  - v)** Prof. J Van der Westhuizen
  - vi)** Prof. C Murray
  - vii)** Adv. Z Yacoob

**2.1.3** Accordingly, it is also necessary to grant the Management Committee with the necessary authority to finalise and approve the terms and conditions of the appointment of the above experts. The Administration will attend to the provision of the necessary premises and administrative assistance.

## CONSTITUTIONAL ASSEMBLY

### MANAGEMENT COMMITTEE THURSDAY 10 NOVEMBER 1994

#### DIRECTORATE REPORT

#### 1. INTRODUCTION

This report covers the following items for the consideration of the Management Committee :

- ▶ Work Programme;
- ▶ Budget;
- ▶ Salary Structure;
- ▶ Offers of technical assistance;
- ▶ Legal opinion on position of Alternates; and
- ▶ Rules.

#### 2. WORK PROGRAMME

**Decision Required :** It is recommended that the Management Committee and Constitutional Committee meet on 1 and 6 December, respectively, for the purposes of finalising the Work Programme for Theme Committees for 1995.

**Background :**

Theme Committees are proceeding with their initial assignment and are all expected to submit Work Programmes to the Administration by 15 November 1994.

These submissions will be pulled together into a comprehensive work programme. Some of the issues that may well arise, and which will require decision by the Management and Constitutional Committee are the ff :

- ▶ the re-arrangement of assignments to the

various Theme Committees so as to ensure an even work load and to deal with the issue of overlap;

- ▶ the establishment of Commissions as per the recommendations of various Committees; and
- ▶ prioritising the schedule of work.

It may also be worth while considering a discussion and initial agreement with the regard to the construction of the Constitution so as to guide the various committees. The Administration has prepared a set of questions to guide the drafting of the final report on the Work Programme and a suggested outline of the report itself.

See **Annexures 1 and 2** for "*Questions relevant to developing a work programme*" and the suggested "*Structure of Report on Work Programme*".

### 3. FINANCES

#### 3.1 SALARY STRUCTURE

**Decision Required :** None. Item for noting.

**Background :** The Management Committee had earlier instructed the Chairpersons to finalise a salary structure for the Administration.

This has been done and the approved salary structure is attached hereto as **Annexure 3** entitled "**Salary Structure for Constitutional Assembly Administration**".

**Annexure 4 " Allowances for Constitutional Assembly Administration "** itemises the allowances that staff in the administration receive, in addition to basic salaries, in lieu of benefit schemes normally enjoyed by permanent staff in the employ of government and/or parliament.

### 3.2 BUDGET

**Decision Required :** None.

**Background :** As reported, the Deputy Executive Director for Administration and the Assistant Director for Finance from the Constitutional Assembly Administration accompanied the head of the parliamentary Finance section to a meeting with the Budget Committee in Pretoria on Monday 7 November 1994 to consider the proposed 1995/96 Budget.

This meeting proceeded well with little or no queries with regard to the CA Budget, which forms part of the overall budget for Parliament.

The committee was briefed on the savings already effected to the budget proposal in line with the statement by the Chairperson of the Constitutional Assembly on Monday 31 October 1994, that costs would be cut where possible, in line with the government decision to reduce expenditure on administration in general. A saving of 10% was effected in line with this announcement by the Chairperson. Appreciation was expressed in the meeting for this saving.

A reworked detailed outline of the 1995/96 Budget for 1995/96 is attached hereto as **Annexure 5** entitled "*1995/96 Budget for Constitutional Assembly.*" A briefing document on the main contents of the Budget is attached hereto as **Annexure 6**, entitled "*Briefing Document on 1995/96 Budget*".

#### 4. TECHNICAL ASSISTANCE

**Decision Required :**

1. That all requests from any structure of the Constitutional Assembly for legal or research assistance be directed to the Administration. Should a structure be aware of a particular expert or structure that may be a specialist in a matter, such recommendation should be included in the request.
2. The Administration will develop its database of experts and institutions that may be of assistance on an ongoing basis. Such information, placed in a directory, would be made available to all structures of the Constitutional Assembly.
3. Upon receipt of a request for research or legal assistance, the Administration, will, in taking to consideration the recommendations made by a structure, seek to secure the best possible assistance.
4. Requests for legal or research assistance should only be made by a Theme Committee. Parties or members requiring assistance should therefore table such matters through a Theme Committee.

**Background :**

The Administration now has the benefit of a fully established research and legal department. Gerrit Grove heads the legal team, and Derrick Powell heads the research desk. We have developed the capacity and put into place various mechanisms to facilitate the work of the Constitutional Assembly.

1. Access to Jutastat, a full text data base on SA Law Reports and statutes, will be provided for. We have established contact with the Law Faculty at the University of

Cape Town, to explore the possibility of accessing the LEXIS and WESTLAW databases ( which is a full text data base on North American and European legal systems).

2. The Administration is also in the process of establishing contact with all institutions, structures that have a research capacity. A directory of such institutions is currently being compiled.
3. The Administration is presently in the process of establishing a resource centre. The resource centre will house electronic databases, audio-visual equipment and video tape material, and photocopying equipment. Assistance with retrieving information will be provided.
4. The research and legal departments of the Administration will also utilise its own computer database facilities, books, law journals and periodicals, and network of experts in constitutional law and other fields of expertise relevant to the constitution-making process.

## **5. ALTERNATES**

### **Decision Required :**

In order to regularise that part of the decision dealt with in paragraph 5 below, the following amendment to the Rules may be considered:

Add the following paragraph to subrule (6) of Rule 19A.

"(e) Whenever a member of the Management Committee is absent or for any reason unable to perform his or her functions as a member of the committee for a period of at least one week, the political party to which that member belongs may designate any other member of that party (whether he or she is a member of the Constitutional Committee

or not) as an acting member of the Management Committee for the period of absence or inability of the said member."

**Background :**

The Legal Advisers have been instructed to consider the legal implications of the following decision taken by the Constitutional Committee on 24 October 1994:

"It was reported that this issue had been discussed by the Management Committee and it was agreed that alternates were not allowed. However, any member was free to attend Management Committee meetings as an observer. If a member of the Management Committee was to be absent for any length of time, the political party was entitled to change its member by formally notifying the chairperson. Mr. Sizani asked whether this decision was implied in the Standing Rules. It was agreed to ask the Legal Advisors to consider the matter and report to the next meeting."

2.

The appointment and functioning of the Management Committee is dealt with in rule 19A(6) of the Standing Rules for the Constitutional Assembly. This rule simply provides for a Management Committee to be appointed by the Constitutional Committee from among its members and for the Management Committee to include at least one member of each party represented in the Constitutional Assembly willing to serve in the Committee. Nothing is said about alternates, attendance of meetings by non-members or the substitution of members.

3.

Whether a committee should have alternates for its members is a substantive matter and not simply procedural. The appointment of alternates may for instance affect the proper functioning and especially the effectiveness of the committee. We are for this reason inclined to the view that the appointment of alternates for members of the Management Committee cannot be regarded as implicitly authorised by rule 19A(6). The Constitutional Committee's decision not to allow alternates can thus be given effect to by simply leaving the rule as it presently reads. It is unnecessary to amend rule 19A(6) to disallow alternate members in express terms.

4.

The decision that a member of the Constitutional Committee is free to attend meetings of the Management Committee as an observer can also be implemented without any amendment to the Rules. The Management Committee is an internal structure of the Constitutional Committee and as such it is in our view within the Constitutional Committee's powers to authorise its members to attend meetings of the Management Committee as observers. The public has in any event in terms of rule 19A access in principle to meetings of all committees, including the Management Committee, subject to the right of such committee to exclude non-members wherever it considers it necessary to do so.

5.

The decision that a political party may change its representative in the Management Committee whenever its representative was to be absent for any length of time by simply notifying the Chairperson, is problematic. Appointments to the Management Committee are in terms of rule 19A(6) made by the Constitutional Committee, which means that only the Committee itself can make or terminate such appointments. A political party cannot make such appointments neither can it substitute its representative by merely notifying the Chairperson. But there is also another problem. Members of the Management Committee can in terms of rule 19A(6) only be appointed from among the members of the Constitutional Committee. Because some of the parties have only one representative in the Constitutional Committee the decision implies that a political party may appoint a representative of the party from outside the ranks of the Constitutional Committee, which is unauthorised.

## 6. RULES

**Decision Required :** None

**Background :**

### **Rules Committee Meeting**

The Rules Committee meeting of Monday 7 November 1994 was postponed to a date to be determined, in the new year.

### **Alternates for Management Committee**

Based on the legal opinion regarding the appointment of alternates for the Management Committee, an amendment to Rule 19A(6) should be considered by the Rules Committee.

#### **Theme Committee Subcommittees**

Theme Committee Six has established subcommittees including Constitutional Assembly members who are not members of the Theme Committee. The appointment, by a Theme Committee, of a subcommittee which includes members other than Theme Committee members, contravenes Rule 27(4). An amendment of the rules will be necessary in order to accommodate such subcommittees.

## Annexure One

|  |
|--|
| <b>QUESTIONS RELEVANT TO DEVELOPING A WORK PROGRAMME</b> |
|--|

- 1 What are the issues dealt with in each Theme Committee?
- 2 What are the outstanding issues that need to be attended to:-
  - 2.1 constitutionally; and
  - 2.2 in terms of Schedule 4?
- 3 How do we structure the programme of work in each Theme Committee which takes into account:-
  - 3.1 The overlaps;
  - 3.2 coherence in the development of the constitution making process;
  - 3.3 an allowance for matters to be constantly referred to the Constitutional Committee and the Constitutional Assembly?
- 4 How do we structure the agenda of a Theme Committee dealing with each of the aspects?
- 5 How much time do we allocate to each aspect?
- 6 What technical assistance is required for each of the aspects to be attended to be a Theme Committee?
- 7 What community participation and involvement should be considered?
- 8 What media assistance would be required?
- 9 What legal assistance would be required?
- 10 What research assistance would be required?
- 11 What administrative assistance would be required?
- 12 Which matters are to be dealt with in Commissions?
- 13 What do the Rules say about Commissions?
- 14 How many Commissions are to be established, what are the terms of reference of each and how do we appoint these?
- 15 What media, community participation and administrative assistance will be required of each commission?

## Annexure Two

### Structure of Report on Work Programme

- 1 Resolutions
  - 1.1 5 September
  - 1.2 31 October
  - 1.3 14 November
- 2 Report on Theme Committee recommendations
- 3 Outstanding issues i.t.o. constitution and principles
- 4 Recommended structure of work programme for each Theme Committee including:-
  - 4.1 footnotes on interim constitutional provisions and constitutional principles
  - 4.2 time frames
  - 4.3 technical support
- 5 Recommended time frames reflecting reports to the Constitutional Committee and Constitutional Assembly.
- 6 Recommendation on establishment of Commissions and its time frames. 13 Commissioners each - 6 ANC, 2 NP, 1 IFP, 1 FF, 1 DP, 1 PAC, 1 ACDP
- 7 Community participation programme
- 8 Media programme
- 9 Research programme
- 10 Legal programme
- 11 Administrative programme

Annexure Three

**STAFF AND SALARY STRUCTURE  
FOR THE ADMINISTRATION OF  
THE CONSTITUTIONAL ASSEMBLY**

| <b>Grade</b> | <b>Post</b>  | <b>No</b> | <b>Salary (P.A.)</b> |
|--------------|--|-----------|----------------------|
| 11           | Executive Director   | 1         | R162 057             |
| 10           | Deputy Executive Director  | 2         | R136 863             |
| 9            | Assistant Director (5)   | 5         | R126 411             |
| 8            | Deputy Assistant Director (5)<br>Assistant Legal Adviser (2)   | 7         | R111 867             |
| 7            | Managing Secretary<br>(Theme Committees)   | 7         | R103 185             |
| 6            | Minute Secretary<br>(Theme Committees) (7)<br>Network Manager (1)<br>Community Liaison Co-ordinator (15)                           | 23        | R91 683              |
| 5            | Journalist (1)<br>Public Relations Officer (1)   | 2         | R81 114              |
| 4            | Administrator (1)  | 1         | R69 510              |
| 3            | Senior Documents Clerk (1)<br>Personal Secretary (6)<br>Senior Typist (4)<br>Data Base Technician (1)<br>Section Administrator (2) | 14        | R58 185              |
| 2            | Documents Clerk (6)  | 6         | R48 420              |
| 1            | Receptionist (2)<br>Secretary (4)  | 6         | R39 045              |
| <b>TOTAL</b> |  | <b>74</b> | <b>R6 251 769</b>    |

## Annexure Four

### ALLOWANCES FOR STAFF IN CONSTITUTIONAL ASSEMBLY ADMINISTRATION

#### 1. Introduction

The following benefits and conditions of service are common to all the staff members appointed on contract to the staff of the Constitutional Assembly. The Executive Director and Deputy Executive Directors are, in addition, entitled to car allowances, which are also detailed below.

#### 2. Housing Allowance

An allowance of R7 200 per annum.

#### 3. Allowance in Lieu of Pension Scheme

Formula : 8% of basic salary x 2.74834 = allowance per annum

#### 4. Medical Assistance ( According to the following table )

| Age group            | Annual medical assistance |                |                |                          |
|----------------------|---------------------------|----------------|----------------|--------------------------|
|                      | No Dependants             | One Dependiant | Two Dependants | Three or more dependants |
| 30 years and younger | R2 184                    | R4 320         | R5 088         | R5 400                   |
| 31 - 50 years        | R2 352 x                  | R4 464         | R5 352         | R5 496                   |
| 51 and older         | R2 568                    | R4 968         | R5 904         | R6 000                   |

#### 5. Vacation Leave

Two and a half working days' leave per completed calendar month. Upon the expiry of the contact, accrued leave will be paid out based on the employee's basic salary.

#### 6. Sick Leave

Forty (40) working days paid sick leave for a year on condition that a certificate by a registered medical practitioner is furnished.

**7. Assistance to Resettle in Cape Town (Only appointees residing outside Cape Town)**

Defray the cost of :

- a) conveying the employee and his or her spouse and dependent children to Cape Town;
- b) two nights in a hotel on arrival in Cape Town, limited to bed and breakfast for him or her and his or her family;
- c) transport of the employee's furniture to Cape Town, including the packing and unpacking, as well as all-inclusive insurance cover and storage costs for a period of thirty (30) days; and
- d) conveying the employee and his or her spouse and dependent children to his or her previous place of residence on completion of the period stipulated in the Agreement of Employment.

**8. Car Allowances**

|                           |                   |
|---------------------------|-------------------|
| Executive Director        | R63 060 per annum |
| Deputy Executive Director | R46 692 per annum |

# Annexure Five

## CONSTITUTIONAL ASSEMBLY BUDGET 95/96

Notes

|                                |           | Annual   | Total             |
|--------------------------------|-----------|----------|-------------------|
| <b>Personnel Expenditure</b>   |           |          |                   |
|                                | 1         |          |                   |
| Receptionist / Secretary       | 6         | R39,045  | R234,270          |
| Documents Clerk                | 6         | R48,420  | R290,520          |
| Senior Typist                  | 4         | R58,185  | R232,740          |
| Personal Secretary             | 6         | R58,185  | R349,110          |
| Section Administrator          | 2         | R58,185  | R116,370          |
| Senior Documents Clerk         | 1         | R58,185  | R58,185           |
| Database Technician            | 1         | R58,185  | R58,185           |
| Office Administrator           | 1         | R69,510  | R69,510           |
| Journalist                     | 1         | R81,114  | R81,114           |
| Public Relations Officer       | 1         | R81,114  | R81,114           |
| Network Manager                | 1         | R91,683  | R91,683           |
| Minute Secretary               | 7         | R91,683  | R641,781          |
| Community Liaison Co-ordinator | 15        | R91,683  | R1,375,245        |
| Managing Secretary             | 7         | R103,185 | R722,295          |
| Deputy Assistant Director      | 5         | R111,687 | R558,435          |
| Assistant Legal Adviser        | 2         | R111,687 | R223,374          |
| Assistant Director             | 5         | R126,411 | R632,055          |
| Deputy Executive Director      | 2         | R136,863 | R273,726          |
| Executive Director             | 1         | R162,057 | R162,057          |
| <b>Salary Personnel</b>        | <b>74</b> |          | <b>R6,251,769</b> |

R6,251,769

|   |    |    |            |            |                   |
|---|----|----|------------|------------|-------------------|
| Service Bonuses                           | 3  |    |            | R520,981   | R520,981          |
| Medical Aid                               | 4  | 74 |            | R370,000   | R370,000          |
| Vehicle Allowance                         | 2  |    |            | R156,444   | R156,444          |
| Unemployment Insurance Fund Contributions | 7  |    |            | R20,000    | R20,000           |
| <b>Seconded Staff</b>                     |    |    |            |            |                   |
| Assistant Director Media Liaison          | 8  | 1  |            | R200,000   | R200,000          |
| Housing Allowance- R7200 pa               | 5  | 74 |            | R532,800   | R532,800          |
| Leave Purchases                           | 9  |    |            | R50,000    | R50,000           |
| Pension Fund- 8% X2.74834                 | 6  | 74 | R1,374,559 | R1,374,559 | R1,374,559        |
| Increments -5%                            | 10 |    |            | R312,588   | R312,588          |
| <b>Total: Personnel Expenditure</b>       |    |    |            |            | <b>R9,789,141</b> |

| <b>Administrative Expenditure</b>      |    |     |         |             |                    |
|--|----|-----|---------|-------------|--------------------|
| Transport - Staff                      | 11 |     | R50,000 | R50,000     |                    |
| Subsistence Staff                      | 12 | 360 | R500    | R180,000    |                    |
| Subsistence Cost- Forums               | 13 | 480 | R500    | R240,000    | R420,000           |
| Transport & Flights Professional staff | 14 | 480 | R1,500  | R720,000    | R720,000           |
| Transport- Flights Forums              | 15 | 360 | R1,500  | R540,000    | R540,000           |
| Car hire                               | 16 | 480 |         | R250,000    | R250,000           |
| Telephone                              | 17 |     |         | R400,000    |                    |
| Telephone- Regions                     | 18 | 16  | R5,000  | R80,000     | R480,000           |
| Advertisements                         | 20 |     |         | R12,000,000 | R12,000,000        |
| Internal Training                      | 21 |     |         | R130,000    | R130,000           |
| Entertainment                          | 22 |     |         | R60,000     | R60,000            |
| Postage                                | 23 |     |         | R200,000    | R200,000           |
| Staff Hire and relocation              | 24 |     |         | R200,000    | R200,000           |
| Video Conferences                      | 25 |     |         | R1,200,000  | R1,200,000         |
| Forum Costs                            | 26 | 40  |         | R4,600,000  | R4,600,000         |
| <b>Total Administrative Expenses</b>   |    |     |         |             | <b>R20,850,000</b> |

**Stores and Livestock**

|                                   |           |            |               |                    |                    |
|-----------------------------------|-----------|------------|---------------|--------------------|--------------------|
| <b>Printing</b>                   | <b>27</b> |            |               | <b>R12,000,000</b> | <b>R12,000,000</b> |
| <b>Stationery : general</b>       | <b>28</b> |            |               | <b>R1,200,000</b>  | <b>R1,200,000</b>  |
| <b>Stationery Computers</b>       | <b>29</b> | <b>100</b> | <b>R1,200</b> | <b>R120,000</b>    | <b>R120,000</b>    |
| <b>General</b>                    | <b>30</b> |            |               | <b>R24,000</b>     | <b>R24,000</b>     |
| <b>Total Stores and Livestock</b> |           |            |               |                    | <b>R13,344,000</b> |

**Equipment**

**Equipment General**

|                                    |    |    |         |          |            |
|------------------------------------|----|----|---------|----------|------------|
| Optiplan filing cabinets           | 31 | 5  | R6,721  | R33,605  |            |
| Fax machines- Head office          | 32 | 4  | R60,000 | R240,000 |            |
| Fax machines- For Regional offices | 33 | 16 | R36,000 | R576,000 |            |
| Cellular phones                    | 34 | 5  | R17,500 | R17,500  |            |
| Photocopiers- For regional offices | 35 | 16 | R24,000 | R384,000 | R1,251,105 |

**Equipment: Printing and Bind**

**Equipment Renting**

|  |    |    |          |          |            |
|--|----|----|----------|----------|------------|
| Photocopiers 325000 X 2 copies per month | 36 | 2  | R471,495 | R942,990 |            |
| Pager hire                               | 37 | 70 | R1,920   | R134,400 | R1,077,390 |

|                      |    |  |  |          |          |
|----------------------|----|--|--|----------|----------|
| Publications Library | 38 |  |  | R300,000 | R300,000 |
|----------------------|----|--|--|----------|----------|

**Total Equipment**

**R2,628,495**

**Professional Services**

**Technical Contractors**

|  |    |    |          |                   |                    |
|--|----|----|----------|-------------------|--------------------|
| Constitutional Panel                         | 39 | 5  | R345,600 | R1,728,000        |                    |
| Technical Panel                              | 40 | 18 | R288,000 | R5,184,000        |                    |
| Research- Forum                              | 42 |    |          | R400,000          |                    |
| Research-General                             | 43 |    |          | R700,000          |                    |
| Production of Adverts - consultants agencies | 44 |    |          | R3,000,000        |                    |
| Translation                                  | 45 |    |          | R500,000          |                    |
| Public Relations                             | 46 |    |          | R250,000          |                    |
| Briefing and press conferences               | 47 |    |          | R50,000           |                    |
| <b>Total- Technical contractors</b>          |    |    |          |                   | <b>R11,812,000</b> |
| <b>Administration contractors</b>            |    |    |          | <b>R1,000,000</b> | <b>R1,000,000</b>  |
| <b>Total Professional Services</b>           |    |    |          |                   | <b>R12,812,000</b> |

|                                      |                    |
|--------------------------------------|--------------------|
| <b>Total: Personnel Expenditure</b>  | <b>R9,789,141</b>  |
| <b>Total Administrative Expenses</b> | <b>R20,850,000</b> |
| <b>Total Stores and Livestock</b>    | <b>R13,344,000</b> |
| <b>Total Equipment</b>               | <b>R2,628,495</b>  |
| <b>Total Professional Services</b>   | <b>R12,812,000</b> |
| <b>TOTAL BUDGET</b>                  | <b>R59,423,636</b> |

CONSTITUTIONAL ASSEMBLY

PARLIAMENT/ VOTE 2

A- PERSONNEL EXPENDITURE

PROGRAMME 4

| ALLOCATION   | STANDARD ITEMS       | BUDGET<br>1995/1996 | Already requested |  | Sub-total |  | Require  |  | Total    |  | RESPONSIBLE PERSON |
|--------------|----------------------|---------------------|-------------------|--|-----------|--|----------|--|----------|--|--------------------|
|              |                      |                     | ESTIMATE          |  | ESTIMATE  |  | ESTIMATE |  | ESTIMATE |  |                    |
| A001-A004    | Salaries: Personnel  | R6,251,769          |                   |  |           |  |          |  |          |  |                    |
| A005-A008    | Service Bonuses      | R520,981            |                   |  |           |  |          |  |          |  |                    |
| A009         | Gratuities           |                     |                   |  |           |  |          |  |          |  |                    |
| A010-A012    | Medical Aid          | R370,000            |                   |  |           |  |          |  |          |  |                    |
| A013         | Vehicle Allowance    | R156,444            |                   |  |           |  |          |  |          |  |                    |
| A014         | UIF Contributions    | R20,000             |                   |  |           |  |          |  |          |  |                    |
| A015         | Seconded Staff       | R20,000             |                   |  |           |  |          |  |          |  |                    |
| A016-A017    | Housing subsidy      | R532,800            |                   |  |           |  |          |  |          |  |                    |
| A022         | Leave purchases      | R50,000             |                   |  |           |  |          |  |          |  |                    |
| A023         | Long service bonuses |                     |                   |  |           |  |          |  |          |  |                    |
| A024         | Pension Fund         | R1,374,559          |                   |  |           |  |          |  |          |  |                    |
| A025         | Increments           | R312,588            |                   |  |           |  |          |  |          |  |                    |
| <b>TOTAL</b> |                      | <b>R9,789,141</b>   |                   |  |           |  |          |  |          |  |                    |



CONSTITUTIONAL ASSEMBLY

PARLIAMENT/ VOTE 2

C- STORES AND LIVESTOCK

PROGRAMME 4

| ALLOCATION   | STANDARD ITEMS         | Guideline<br>1995/1996<br>BUDGET | Already<br>requested |  | Sub-total |  | Require  |  | Total    |  | RESPONSIBLE PERSON |
|--------------|------------------------|----------------------------------|----------------------|--|-----------|--|----------|--|----------|--|--------------------|
|              |                        |                                  | ESTIMATE             |  | ESTIMATE  |  | ESTIMATE |  | ESTIMATE |  |                    |
| C001         | Printing work: general | R12,000,000                      |                      |  |           |  |          |  |          |  |                    |
| C002         | Printing work: Hansard |                                  |                      |  |           |  |          |  |          |  |                    |
| C003         | Stationery : General   | R1,200,000                       |                      |  |           |  |          |  |          |  |                    |
| C004         | Stationery : Computers | R120,000                         |                      |  |           |  |          |  |          |  |                    |
| C005         | Photocopies            |                                  |                      |  |           |  |          |  |          |  |                    |
| C006         | Uniforms               |                                  |                      |  |           |  |          |  |          |  |                    |
| C007         | Cleaning agents        |                                  |                      |  |           |  |          |  |          |  |                    |
| C008         | Cleaning service       |                                  |                      |  |           |  |          |  |          |  |                    |
| C009         | Restoration            |                                  |                      |  |           |  |          |  |          |  |                    |
| C010         | General                | R24,000                          |                      |  |           |  |          |  |          |  |                    |
| C021         | Binding                |                                  |                      |  |           |  |          |  |          |  |                    |
| C025         | Catering Service       |                                  |                      |  |           |  |          |  |          |  |                    |
| <b>TOTAL</b> |                        | <b>R13,344,000</b>               |                      |  |           |  |          |  |          |  |                    |



CONSTITUTIONAL ASSEMBLY

PARLIAMENT/ VOTE 2

F-PROFESSIONAL SERVICES

PROGRAMME 4

| ALLOCATION   | STANDARD ITEMS          | Guideline<br>1995/1996<br>BUDGET | Already<br>requested |  | Sub-total |  | Require  |  | Total    |  | RESPONSIBLE PERSON |
|--------------|-------------------------|----------------------------------|----------------------|--|-----------|--|----------|--|----------|--|--------------------|
|              |                         |                                  | ESTIMATE             |  | ESTIMATE  |  | ESTIMATE |  | ESTIMATE |  |                    |
| F001         | Cutting Service         |                                  |                      |  |           |  |          |  |          |  |                    |
| F002         | Equipment: maintenance  |                                  |                      |  |           |  |          |  |          |  |                    |
| F003         | Technical contractor    | R11,812,000                      |                      |  |           |  |          |  |          |  |                    |
| F004         | Maintenance of exchange |                                  |                      |  |           |  |          |  |          |  |                    |
| F005         | Sabinet                 |                                  |                      |  |           |  |          |  |          |  |                    |
| F006         | General Services        |                                  |                      |  |           |  |          |  |          |  |                    |
| F007         | Parking at airport      |                                  |                      |  |           |  |          |  |          |  |                    |
| F008         | Admin Contractors       | R1,000,000                       |                      |  |           |  |          |  |          |  |                    |
| F009         | Childcare               |                                  |                      |  |           |  |          |  |          |  |                    |
| F010         |                         |                                  |                      |  |           |  |          |  |          |  |                    |
| F011         |                         |                                  |                      |  |           |  |          |  |          |  |                    |
| D012         |                         |                                  |                      |  |           |  |          |  |          |  |                    |
| <b>TOTAL</b> |                         | <b>R12,812,000</b>               |                      |  |           |  |          |  |          |  |                    |

|                               |                    |
|-------------------------------|--------------------|
| A- PERSONNEL EXPENDITURE      | R9,789,141         |
| B- ADMINISTRATIVE EXPENDITURE | R20,850,000        |
| C- STORES AND LIVESTOCK       | R13,344,000        |
| D- EQUIPMENT                  | R2,628,495         |
| F-PROFESSIONAL SERVICES       | R12,812,000        |
| <b>TOTAL</b>                  | <b>R59,423,636</b> |

## Annexure Six

### Briefing Document on 1995/96 Budget for Constitutional Assembly

#### 1. Introduction

This document does not purport to be a detailed explanation of each item on the 1995/96 Budget for the Constitutional Assembly. The detailed budget proposal is attached in Annexure Five. This document highlights the most important aspects of the budget.

#### 2. Summary

2.1 The total amount for the 1995/96 Budget now stands at R59 424 000. 00 As explained in the report above, this represents a saving of approximately 10% on the previous budget proposal.

2.2 The percentage for each major budget category is as follows : administration (34.0%); personnel (16.8%); stores and livestock (22.8%); equipment (4.5%) and professional services (21.9%)

2.3 Note that because of the nature of the work undertaken by the Constitutional Assembly, which is mainly of an administrative nature, it has not been possible to effect further savings in that budget category entitled " Administrative Expenses". The approach adopted by the Chairperson and the Directorate, following instruction by the Management Committee, was to re-examine all aspects of the budget. It is to this end that a saving of approximately 10 % has been effected.

#### 3. Personnel Expenditure

The major items in this category are : salaries; allowances and other personnel expenses such as leave purchases and UIF contributions. The amounts for salaries have been calculated in terms of the salary structure as approved by the Chairpersons on instruction from the Management Committee. Details of the salary structure and staff allowances are included in the documentation as Annexures 3 and 4, respectively.

#### 4. Administrative Expenditure

4.1 This is the largest category in the budget as a whole, because of the range of items included in this category. Thus, besides expenditure on

office administration, a large part of the cost of the public participation programme are also included in this category.

- 4.2 Some of the major items in this category are travel and accommodation costs for staff and members of Theme Committees, R1,5m in total. Most of the travel relates to the public participation programme envisaged for Theme Committees. A rough estimate has been made, based on at least 30 sector forums and 10 area forums in the 18 month period remaining for the completion of the process.
- 4.3 Many of these forums will be held in rural areas, in which suitable infrastructure is not readily available. In addition to travel, rough estimates have also been made for the cost of organising the forums (venue, sound etc) as outlined above, namely R4.6m. It should be emphasised that whilst the calculation is based on the number of forums outlined above, this is intended as a guideline alone. Thus, once the work programmes of Theme Committees are finalised, it will be possible to provide a more detailed breakdown of this kind of expenditure. Part of the cost of commissions may also be included in this amount.
- 4.4 A major part of the media programme, namely, advertising costs, are also included in this category. The figure of R12 million was arrived at by looking at the costs of various campaigns, including the SACS campaign on the present Constitution for which the TEC approved an amount of R15m. The estimate of R12m in this regard is still a very conservative one, bearing in mind the decisions of the Constitutional Assembly, that the campaign should extend to the disadvantaged and rural communities in particular. Electronic media will be used in the main, which is more costly than print media. Once again, a more detailed breakdown will be possible, once the Management Committee has had an opportunity to receive and consider submissions from agencies as requested in the advertisement last week-end.

## **5. Stores and Livestock**

Expenditure in this category relates in the main to printing and stationery costs. The amount of R12m provisionally allocated for printing includes the costs of reproduction, printing and distribution for an introductory brochure, educational booklet, administrative manual and regular CA Bulletin. Once again, this is a guideline and detailed proposals will be submitted to the Management Committee in due course.

## **6. Equipment**

Expenditure in this category relates to the purchase and rental of computers, photocopiers, telephones, pagers, fax machines and filing cabinets for the Administration. It should be noted that in some cases, for example, photocopiers which are the biggest expense in this category, an arrangement has been reached with Parliament, which utilises 1/3rd of the capacity of the machines already leased by the Administration. Some of the costs of the Research Department are also included in this category and relate to publications, subscriptions, information networks and databases.

## **7. Professional Services**

7.1 The salaries of the five members of the Independent Panel of Constitutional Experts and those of members of Technical Committees are included in this category. These salaries have been calculated on the basis of memoranda submitted to the Management Committee, detailing the remuneration levels of advisers as approved by Cabinet.

7.2 Some of the media costs are also included in this category : agency fees relating to production of advertisements, translation costs, public relations and media liaison work.

7.3 The major part of the Research Department programme is included in this category, relating to the contracting out of work on behalf of Theme Committees and other structures of the CA.

## **8. Conclusion**

It needs to be restated, by way of a conclusion, that the budget breakdown contained in Annexure 5, is a guideline and assumptions have had to be made for the purposes of arriving at reasonable figures to defray the costs of the work of the Constitutional Assembly. Much more detailed proposals for each programme will be submitted to Management Committee on an ongoing basis, once work programmes of Theme Committees are finalised and substantive work begins. The Management and Constitutional Committees will be kept abreast of developments on an ongoing basis by the Administration and will also be consulted for approval on major expenditure items. The Secretary to Parliament, as Accounting Officer, will also be monitoring CA expenditure on an ongoing basis.





