

CONSTITUTIONAL ASSEMBLY**DRAFT REPORT****CONSTITUTIONAL COMMITTEE SUB-COMMITTEE MEETING
WEDNESDAY 24 JANUARY 1996****1. OPENING**

1.1 Mr Ramaphosa opened the meeting at 14h10.

1.2 It was agreed that the agenda item **National Executive** would not be discussed at the meeting because ongoing discussions on the issue were taking place between parties. It was further agreed that 12 February would be the deadline for conclusion of discussion on this item at bi-lateral level. A report on bi-lateral discussions would be tabled at the sub-committee on this date.

1.3 The following documentation was tabled:

*Revised documentation of 24 January 1996
Submissions received as at 15 January 1996:*

Volume I, part 1

Volume I, part 2

Volume II, part 1

Volume II, part 2

1.4 Discussion was based on the *Third Edition of the Working Draft*.

2. DISCUSSION**2.1 Courts and Administration of Justice**

2.1.1 A report was given on a meeting between the ANC and NP that had taken place that morning. It was noted that there was still no agreement on two substantive issues:

- a. the appointment of Constitutional Court Judges, and
- b. the Attorney General, and if agreement were reached on a national Attorney General, the roles and functions.

The report included a suggestion that a hearing be held with stakeholders in an attempt to reach agreement on the issues, and that a delegation be sent to investigate how the Attorneys General operate in Canada and Australia.

- 2.1.2 It was agreed that discussions between parties on the appointment of Constitutional Court judges and the Attorney General should continue with a deadline for report-back to the sub-committee on 12 February 1995.
- 2.1.3 It was further agreed that the Administration would organise a hearing with relevant stakeholders on these issues before 12 February 1995.
- 2.1.4 It was agreed that a trip to Canada and Australia was too costly and time-consuming. However, the Executive Director would liaise with the Commonwealth to attempt to fly in an expert(s) from Canada to address parties on the same issues.
- 2.1.5 Regarding an earlier request by the NP for a report by the Panel of Experts on the Attorney General, it was noted that the report would be available shortly.
- 2.1.6 It was noted that the meetings between parties on the **National Executive**, particularly regarding its structure, may impact on the Attorney General.
- 2.1.7 It was noted that besides the substantive unresolved issues, there were a number of technical issues, as noted in sidebar notes to the Chapter 6, which needed to be addressed. The Administration would facilitate a discussion between parties on these issues.
- 2.1.8 The DP objected that matters which related to the Attorney General and the petition by members of the National Assembly or members of the Provincial Parliament for referral of matters to the Constitutional Court, had been deleted from the draft.
- 2.1.9 After some discussion, it was noted that there was reference to these points in Sections 52 and 130. However, the Chairperson said he would discuss with Mr Gibson and the DP, statements made by Mr Gibson which questioned the integrity of the Administration. If the matter remained unresolved, he would report back to the sub-committee.
- 2.2 **National Assembly**

2.2.1 It was agreed that this be referred to parties for further discussion.

2.2.2 It was also noted that the Panel was preparing a report on the question of "abstract review" referred to in sidebar note 54, and that this would be available shortly.

2.3 Schedule

2.3.1 It was agreed that meetings of the Sub-committee be rescheduled as follows:

Monday 29 January at 14h30

Tuesday 30 January at 15h00

Wednesday 31 January at 11h30

National Assembly
Languages, Anthem
and Bill of rights

Continuation of Bill of
rights

2.3.2 It was agreed the programme be adjusted thereafter as necessary.

3. CLOSURE

3.1 The meeting closed at 15h00.