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MANAGEMENT COMMITTEE

5 SEPTEMBER 1994

DOCUMENTATION

5 September 1994

CONSTITUTIONAL ASSEMBLY

MEETING OF THE MANAGEMENT COMMITTEE

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

Date : Thursday, 1 September 1994
Time : 09h00
Venue: Room V16 (Old Assembly Wing)

AGENDA

1. Minutes of previous meeting
2. Matters arising out of Minutes
3. Consideration of draft report of Constitutional Committee to Constitutional Assembly
4. Appointment of Panel of Constitutional Experts

H EBRAHIM
EXECUTIVE DIRECTOR:
CONSTITUTIONAL ASSEMBLY

If you have been appointed as an alternative member of the committee, please discuss your participation in the meeting with your chief whip.

Enquiries: Ms M M Sparg, Room CS107 (tel 403-2258)

**MINUTES OF THE SECOND MEETING OF MANAGEMENT COMMITTEE
CONSTITUTIONAL ASSEMBLY**

THURSDAY 1 SEPTEMBER 1994 (AT 09H00)

PRESENT

Chairperson (MC Ramaphosa)

**Chabane OC
Eglin CW
Mabandla BS
Meshoe K
Meyer R
Moosa MV
Mulder CP
Sizani R
Van Breda A
Wessels L (Deputy Chairperson)**

P Lillienfeld, H Ebrahim, A Meyer, L Zondo, M Sparg and L Matyolo were in attendance.

1. MINUTES OF PREVIOUS MEETING

The minutes of previous meeting on 29 August 1994 were adopted.

2. MATTERS ARISING

There were no matters arising.

3. CONSIDERATION OF DRAFT REPORT OF CONSTITUTIONAL COMMITTEE TO CONSTITUTIONAL ASSEMBLY

The committee considered two documents placed before it :

- THE ESTABLISHMENT OF THEME COMMITTEES; AND**
- THE PROCESS AND FRAMEWORK FOR THE DRAFTING OF THE NEW CONSTITUTIONAL TEXT.**

Both documents were in the form of a draft tabling to be circulated to members of the Constitutional Assembly in preparation for the sitting of the Assembly on Monday 5 September 1994.

3.1 THE ESTABLISHMENT OF THEME COMMITTEES

The report was adopted with the following amendment :

- 4.3 will be inserted as point 1.3 in Theme Committee 1 on Character of the Democratic State.

3.2 THE PROCESS AND FRAMEWORK FOR THE DRAFTING OF THE NEW CONSTITUTIONAL TEXT

The report was adopted with the following amendments to 4.5 :

- "Panel of Independent Constitutional Experts" will be amended to read "Independent Panel of Constitutional Experts" (the argument in motivation of this amendment being that it was the panel and not necessarily the individual members who would be "independent"); and
- Items 4.5.2 and 4.5.3 will be deleted (the argument in motivation of this amendment being that the Panel would be a Statutory Body and would decide upon its own rules of procedure and functioning).

The committee also debated the rules of procedure in the Constitutional Assembly. The committee re-affirmed the principle of informality and flexibility as previously agreed upon by the Constitutional Committee.

The meeting noted that various proposals had been made. One of these being a document circulated in the meeting entitled "PROPOSAL FOR ENABLING PRIVATE MEMBERS TO RAISE CONCERNS AND QUERIES DURING DEBATE IN CONSTITUTIONAL ASSEMBLY".

The committee also noted a proposal that the chairpersons of Theme Committees constitute a panel who would assume collective responsibility for the chairing and management of the committees. A further amendment to the proposal that the chairing of Theme Committees could rotate amongst members of the committees themselves was also noted.

Another viewpoint expressed concern at the tendency to create unworkable bureaucracies and pointed out that the proposal on rotating chairpersons for the Theme Committees constituted a major departure, if adopted, from precedents in

the parliamentary committees and should therefore be referred to the Constitutional Committee for consideration. The meeting agreed.

The meeting further agreed that the proposal could be raised by individual members of the committee in the Constitutional Assembly for discussion on Monday 5 September 1994.

The meeting noted a proposal that the size of Theme Committees be limited to 26 to accommodate extremely limited venues and to allow for easier configuration of the composition of the committees with regard to the proportional representation of political parties. This proposal was also referred to the Constitutional Committee for its consideration.

4. APPOINTMENT OF INDEPENDENT PANEL OF CONSTITUTIONAL EXPERTS

The committee noted that some of the major political parties had not yet submitted nominations for this panel. It agreed to extend the deadline for submission of nominations by a few days to allow for further submissions.

The Committee also noted the circulation of a document entitled WORK PROGRAMME OF THE CONSTITUTIONAL ASSEMBLY for consideration in a later meeting of the Management Committee.

The committee rose at 10h00.

PROPOSED WORK PROGRAMME OF THE CONSTITUTIONAL ASSEMBLY

DATE	TIME	MEETING	VENUE
5 Sept	12h00 - 13h00	Management Committee	V16
5 Sept	14h15 - 17h30	Constitutional Assembly	
8 Sept	9h00 - 10h00	Management Committee	V16
12 Sept	12h00 - 13h00	Management Committee	V16
12 Sept	15h30 - 13h00	Constitutional Committee	M46
15 Sept	9h00 - 12h00	Management Committee	V16
19 Sept	8h00 - 10h00	Theme Committee 1	Senate
19 Sept	8h00 - 10h00	Theme Committee 2	
19 Sept	8h00 - 10h00	Theme Committee 3	M46
19 Sept	10h00 - 12h00	Theme Committee 4	
19 Sept	10h00 - 12h00	Theme Committee 5	Senate
19 Sept	10h00 - 12h00	Theme Committee 6	M46
19 Sept	12h00 - 12h00	Management Committee	V16
19 Sept	14h15 - 17h30	Constitutional Assembly	
RECESS PERIOD - 24 September to 16 October			
22 Sep 17 Oct	9h00 - 10h00	Management Committee	V16
17 Oct	8h00 - 10h00	Theme Committee 1	M46
17 Oct	8h00 - 10h00	Theme Committee 2	Senate
17 Oct	8h00 - 10h00	Theme Committee 3	
17 Oct	10h00 - 12h00	Theme Committee 4	M46
17 Oct	10h00 - 12h00	Theme Committee 5	Senate
17 Oct	10h00 - 12h00	Theme Committee 6	
17 Oct	12h00 - 13h00	Management Committee	V16
17 Oct	14h15 - 17h30	Constitutional Committee	M46
20 Oct	9h00 - 10h00	Management Committee	V16
24 Oct	8h00 - 10h00	Theme Committee 1	Senate
24 Oct	8h00 - 10h00	Theme Committee 2	M46

24 Oct	8h00 - 10h00	Theme Committee 3	
24 Oct	10h00 - 12h00	Theme Committee 4	M46
24 Oct	10h00 - 12h00	Theme Committee 5	Senate
24 Oct	10h00 - 12h00	Theme Committee 6	
24 Oct	12h00 - 13h00	Management Committee	V16
24 Oct	14h15 - 17h30	Constitutional Assembly	
27 Oct	9h00 - 10h00	Management Committee	V16
31 Oct	8h00 - 10h00	Theme Committee 1	M46
31 Oct	8h00 - 10h00	Theme Committee 2	Senate
31 Oct	8h00 - 10h00	Theme Committee 3	
31 Oct	10h00 - 12h00	Theme Committee 4	M46
31 Oct	10h00 - 12h00	Theme Committee 5	Senate
31 Oct	12h00 - 13h00	Management Committee	V16
31 Oct	15h30 - 17h30	Constitutional Committee	M46
3 Nov	9h00 - 10h00	Management Committee	V16
7 Nov	8h00 - 10h00	Theme Committee 1	M46
7 Nov	8h00 - 10h00	Theme Committee 2	Senate
7 Nov	8h00 - 10h00	Theme Committee 3	
7 Nov	10h00 - 12h00	Theme Committee 4	M46
7 Nov	10h00 - 12h00	Theme Committee 5	Senate
7 Nov	10h00 - 12h00	Theme Committee 6	
7 Nov	12h00 - 13h00	Management Committee	V16
7 Nov	12h15 - 17h30	Constitutional Assembly	
10 Nov	9h00 - 10h00	Management Committee	
14 Nov	10h00 - 12h00	Theme Committee 4	M46
14 Nov	10h00 - 12h00	Theme Committee 5	Senate
14 Nov	10h00 - 12h00	Theme Committee 6	
14 Nov	12h00 - 13h00	Management Committee	V16
14 Nov	15h30 - 17h30	Constitutional Committee	M46
17 Nov	9h00 - 10h00	Management Committee	V16
21 Nov	8h00 - 10h00	Theme Committee 1	M46

21 Nov	8h00 - 10h00	Theme Committee 2	Senate
21 Nov	8h00 - 10h00	Theme Committee 3	
21 Nov	10h00 - 12h00	Theme Committee 4	M46
21 Nov	10h00 - 12h00	Theme Committee 5	Senate
21 Nov	10h00 - 12h00	Theme Committee 6	
21 Nov	12h00 - 13h00	Management Committee	V16
21 Nov	14h15 - 17h30	Constitutional Assembly	
24 Nov	9h00 - 10h00	Management Committee	V16
28 Nov	8h00 - 10h00	Theme Committee 1	M46
28 Nov	8h00 - 10h00	Theme Committee 2	Senate
28 Nov	8h00 - 10h00	Theme Committee 3	
28 Nov	10h00 - 12h00	Theme Committee 4	M46
28 Nov	10h00 - 12h00	Theme Committee 5	Senate
28 Nov	10h00 - 12h00	Theme Committee 6	
28 Nov	12h00 - 13h00	Management Committee	V16
28 Nov	15h30 - 17h30	Constitutional Committee	

**PROPOSAL FOR ENABLING PRIVATE MEMBERS TO RAISE CONCERNS AND
QUERIES DURING DEBATE IN CONSTITUTIONAL ASSEMBLY**

(The following is based loosely on a suggestion put forward by Minister Moosa in the Steering Committee.)

What follows could be arranged informally, by agreement with the Whips, and need not involve any alterations to the Rules. If it took root and became established, consideration could later be given, if it was found necessary, to make provision for it in the Rules.

1. Towards the end of the ordinary debate in which a speakers' list is used (or at some other stage to be agreed on) the Chairperson announces that the Assembly will now proceed to [name? *'Member's Open Time'*? *'Private members' time'*? I can't think of a good name], lasting 30 minutes. [In the Indian and some other Parliaments a similar procedure is known as *'Zero Hour'*.]
2. The first 20 minutes is divided into 2-minute speaking turns, allocated as follows: ANC 3, NP 2, the rest 1 each, in a sequence agreed on by the parties - something like:

ANC, NP, ACDP, PAC, ANC, DP, FF, IFP, NP, ANC.

The Chairperson merely calls out the party name in the sequence agreed on, and it is for the party to decide which of its members - if any - will use the slot. A member using a slot will come to a floor mike or the podium, identify himself, and speak for up to 2 minutes.

3. Parties should be encouraged to use this mechanism in the spirit that it enables members to raise their particular concerns.
4. A member speaking may either make a statement, raise a complaint, or ask a question.
5. After the 20-minute period is over, the Chairperson may for 10 minutes respond to any questions or points raised, or else call upon another office-bearer or member of a CA committee to respond, if a response is called for.

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