

2/4/15/2/12

# **CONSTITUTIONAL ASSEMBLY**

## **THEME COMMITTEE 5**

### **JUDICIARY AND LEGAL SYSTEMS**

**13TH MARCH 1995**

**ROOM V227**

***DOCUMENTATION***

Embargoed until 18H00 13/3/95



**CONSTITUTIONAL ASSEMBLY**  
**MINUTES OF**  
**THEME COMMITTEE 5**  
**JUDICIARY AND LEGAL SYSTEMS**  
**MONDAY 6TH MARCH 1995 AT 10H30**

**PRESENT:** WA Hofmeyr (in the chair)

Dalling DJ	Matthee PA
De Lange J	Mduntyana SN
De Ville R	Mogale MPE (Alternate)
Fredericks GA	Mushwana ML (Alternate)
Fisher SD	Nel AC
Gandhi E	Ngcuka B
Gibson DHM	Ntsizi TC (Alternate)
Groenewald RH	Saloojee RAM
Jana DP	Sonjica BP
Jassat EE	Van der Merwe JH
Le Roux JW (Alternate)	Van Heerden F
Mahlangu GL	

Noel Taft, Eunice van Eck and Beverline Thomas were in attendance.

**APOLOGIES**

Ms L. Ngwane  
DPA Schutte

**1. OPENING AND WELCOME**

- 1.1 The meeting was opened by Mr WA Hofmeyr who chaired the meeting.
- 1.2 Mr. JH Van der Merwe (IFP) was welcomed back into the fold with great enthusiasm!

**2. MINUTES**

The minutes of the previous meeting were adopted.

**3. MATTERS ARISING**

None

**4. REPORT ON WORKSHOP AND PUBLIC PARTICIPATION PROGRAMME**

- 4.1 Mr. Douglas Gibson presented a report on the above as follows:-

- i) The workshop was a very worthwhile exercise, extremely well organised by Noel Taft, Eunice van Eck in conjunction with MPD.
- ii) It was very well attended by the top role players; Unisa being a very good and hospitable venue.
- iii) The Phone-In was unsuccessful and reasons for its failure should be examined.
- iv) The Public Hearing held at the Johannesburg Sun was reasonably well attended. This session had to be extended by another 1 & 1/4 hours in order for the panel to hear the total number of 18 submissions. Half the panel stayed behind in order to do this while the others proceeded to Wits University. The issues raised which were not related to constitutional matters would be referred to the Justice Select Committee for their consideration.
- v) Interesting views were expressed at the lunch-time meeting at Wits. The Theme Committee could benefit more by giving a specific assignment to the students and giving them longer notice of the meeting.
- vi) The visit to Alexandra was extremely informative as the Committee was able to question in detail the people who run the operation of the Peoples' Court. Particular mention was also made of the fine calibre of the person running the office. Due to time constraints the Committee was unable to see the court in action. A report would be made available to Theme Committee members in due course.

4.2 The following problems regarding Public Participation Programmes was raised:-

- (a) Many issues raised at these events are not constitution-related;
- (b) Some form of education should precipitate such public meetings in order to empower people to make meaningful input.

4.3 It was agreed that these problems would be referred to the Core Group so that suitable solutions could be found.

4.4 In response to questions raised by Mr. De Lange, the Chairperson advised the meeting as follows:-

- a) The Technical Experts are in the process of drafting a report.
- b) The Codesa submissions are in the hands of the Technical Experts and are being summarised.
- c) All evidence heard is in the process of being transcribed and will be made available to Theme Committee members in due course.
- d) The Technical Experts will meet on Saturday, 11 March 1995, to finalise the report on different views expressed (in submissions, Public Hearings, Workshop, Codesa Files) on issues covered in Blocks one to Four.

## **5. GENERAL**

The meeting was advised that the Core Group would meet with the members of Theme Committee 6, sub-theme 4 in order to discuss the issue of Correctional Services.

## **6. CLOSURE**

The meeting rose at 11.20