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CG3/25

CONSTITUTIONAL ASSEMBLY

CORE GROUP 3

RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT

**17 MAY 1995
ROOM G26
18H30**

DOCUMENTATION
(Minutes of 15/5/95)

Embargoed until 18h30 17 May 1995

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CONSTITUTIONAL ASSEMBLY

MEETING OF CORE GROUP THEME COMMITTEE 3

RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT

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

Date : 17 May 1995

Time : 18h30

Venue : G26

AGENDA

1. Opening
 2. Minutes of the previous meeting
 3. Matters arising
 4. Discussion of the document 'Summary: Areas of Agreement and Contention'
(separate documentation distributed earlier)
 5. General
 6. Closure
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**H Ebrahim
Executive Director
Constitutional Assembly**

Enquiries: Mbaso Mxenge, Regis House Room 9-09 (tel 403 2108)
Sandra Haydon, Regis House Room 9-08 (tel 403 2275)
or 245 031

CONSTITUTIONAL ASSEMBLY
MINUTES OF THE MEETING OF
CORE GROUP 3
RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT
MONDAY 15 MAY 1995 (AT 12H15)

PRESENT
P DE LILLE (CHAIRPERSON)

Carrim YI *
Cronje PC *

Du Toit DC
King TJ

*(* denotes alternate standing in for full member)*

Apologies
None

Absent
KM Andrew, PJ Groenewald, NN Mapisa-Nqakula and PF Smith

Technical Advisors
None

Ad-Hoc Committee on Local Government
Mr A Boraine, Mr A Cornelissen and Mr B Mosley

Attendance
S Haydon and M Mxenge

1. OPENING

The meeting was opened by Dr TJ King at 14h15.

2. MINUTES OF THE PREVIOUS MEETING

Not discussed.

3. MATTERS ARISING

3.1 Public Sector Hearings

The members again discussed the work programme in relation to requests for public hearings and agreed that, given the very tight time constraints on Theme Committee 3, it would be impossible to meet such requests.

3.2 Advertisement for remaining Blocks

3.2.1 The Administration tabled the draft advertisement as prepared by the advertising agency. It was agreed that the first question under 'Inter-Governmental Relations' should be redrafted to incorporate the following suggestions:

Should inter-governmental institutions be regulated by the Constitution or by Legislation? Could they be compulsory, voluntary or evolve by natural development?

3.2.2 The meeting further agreed that the advertising agency was not required to report back to the Theme Committee.

3.3 Meeting with Prof D Elazar

3.3.1 The Administration advised that the meeting with Prof Elazar will take place within Parliament (venue to be advised) between 12h00 - 13h00 on Thursday 18 May 1995.

3.3.2 Dr TJ King advised that due to a caucus meeting she may be unable to attend but would try to arrange for an alternate.

3.4 Workshop on Inter-Governmental Relations 22 May 1995

The Administration tabled letters which had been faxed to Mr Bertrus de Villiers (Centre for Constitutional Analysis, HSRC), the Canadian High Commission, the Australian High Commission and the German Embassy inviting input from experts they may be able to recommend. The members were advised that the Canadian High Commission had shown an interest.

3.5 Documentation relating to income accruing to the state

Dr TJ King advised that she would be speaking to Dr T Alant on 15 May 1995 asking that he supply documentation which would give details of all income accruing to the state for the most recent period.

3.6 Appointment of Ad-Hoc Committee to finalise the report on Competencies

The meeting agreed that rather than forming yet another committee, the Core Group would be responsible for finalising the report on Competencies.

4. WORK PROGRAMME

The meeting expressed their satisfaction with the discussion document produced by the Ad-Hoc Committee on Local Government which was tabled at the meeting.

- 4.1 The Ad-Hoc Advisors for Local Government asked for clarity as to their role in relation to the Theme Committee, the Technical Advisors, the writing of the report on Local Government and the period after 9 June 1995 (the closing date for Political Party submissions on Local Government). One view expressed was that the Technical Advisors and the Ad-Hoc Committee would work together. The meeting asked the Administration to consult with the Directorate and report back to the Ad-Hoc Advisors and the Core Group.
- 4.2 The Administration reminded the meeting that a date for the tabling of the report on Local Government to the Constitutional Committee, would need to be confirmed.
- 4.3 The meeting agreed that the Ad-Hoc Advisors should in the meantime proceed as follows:
 - i. Liaise with Prof Majola in relation to Prof Majola's document *'Framework on Local Government, revised version 3 April 1995'*;
 - ii. Evaluation of documentation from, for example, the Volkstaad, the Transvaal Municipal Association et al; and
 - iii. Add to, or amend, the 'Discussion Document' at their discretion.
- 4.4 Mr Boraine advised that he will be out of the country from 18 May - 2 June 1995 and Mr Mosley from 2 June - 17 June 1995.
- 4.6 The meeting was advised that Mr A Boraine would act as convenor for the Ad-Hoc Committee on Local Government.
- 4.7 The Administration suggested that the Management Committee be

advised of the problems the Theme Committee envisages in meeting the June 26 deadline for the final reports.

5. GENERAL

5.1.1 Input by Commission for Provincial Government

The representative from the CPG, Mr J Vermaak, made an input as follows:

- i. The CPG has experienced problems raising interest within the provincial governments in developing provincial government systems for the new Constitution;
- ii. The CPG has held discussions with the Management Committee which agreed with the CPG's preliminary recommendations so as not to delay the process;
- iii. So far the CPG has developed preliminary recommendation papers on the Provincial Constitutions, Provincial Competencies, Provincial Legislative, a second Chamber, Provincial Executive and Provincial Staff matters;
- iv. Within the next two weeks it is hoped that papers would be produced relating to Financial and Fiscal matters, Traditional Authorities;
- v. Followed shortly thereafter by papers on Local Government, Inter-Governmental Relations and comments of the Commission on the Volkstaadraad paper on self-determination;
- vi. The work of the CPG covers both Theme Committees 2 and 3. The CPG had made a presentation to TC2 on the Second Chamber and on 15 May would present a survey of other papers as affecting TC2;
- vii. Advised the Theme Committee that the CPG is available to make presentations on any of the papers it had issued and reply to any questions relating thereto (asking only that such meetings be scheduled to coincide with the regular Monday TC meetings; and
- viii. Advised that all papers and tapes relating to the documents had been made available to the Constitutional Assembly Executive (ref Management Committee Minutes of 4 May 1995, part 1, pp 63-109).

5.1.2 The meeting noted that the CPG paper on Local Government would not be ready for another three weeks which caused concern as Political Party submissions on Local Government must be submitted by 9 June 1995.

5.1.3 The meeting agreed that due to time constraints, members would be urged to read all documents produced by the CPG, (directing any points of clarity to the CPG), and incorporate into the Political Party submissions as required.

5.2 Standards and Constitutional public meeting

The Chairperson reported that Mr MI Vilakazi represented the Theme Committee at the Standards and Constitutional public meeting.

6. CLOSURE

The meeting closed at 13h00.