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CONSTITUTIONAL ASSEMBLY

CORE GROUP 3

RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT

**15 JUNE 1995
E249**

DOCUMENTATION
(Minutes of 12/6/95)

Embargoed until 18h00 15 June 1995

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Embargoed until 18h00 15 June 1995

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 : 15 June 1995

Time : Immediately following Theme Committee meeting

Venue : E249

AGENDA

1. Opening
2. Minutes of the previous meeting (pp 2-6)
3. Matters arising
4. Draft text
5. General
6. Closure

H Ebrahim
Executive Director
Constitutional Assembly

Enquiries: Mbasa Mxenge, Regis House Room 9-09 (tel 403 2108)
Sandra Haydon, Regis House Room 9-08 (tel 403 2275)
if no answer please phone 245 031 and leave a message

CONSTITUTIONAL ASSEMBLY
MINUTES OF THE MEETING OF
CORE GROUP 3
RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT
MONDAY 12 JUNE 1995 (AT 09H10)

PRESENT
DC DU TOIT (CHAIRPERSON)

Andrew KM
Carrim YI *

de Lille P
King TJ

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

Apologies
None

Absent
PJ Groenewald, NN Mapisa-Nqakula and PF Smith

Technical Advisors
Prof D Basson, Prof D Davis and Prof F Venter

Ad-Hoc Committee on Local Government
None

Attendance
S Haydon and M Mxenge

1. OPENING

The meeting was opened by Prof DC Du Toit at 09h10 and the agenda was adopted.

2. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 29 May 1995 were adopted.

3. MATTERS ARISING

3.1 The Department of Finance - Income accruing to the state

3.1.1 The meeting expressed its dissatisfaction with the document (half a page) provided by the Chief Director of the Department of Finance dated 2 June 1995. The Theme Committee had requested a breakdown of all income accruing to the state for the most recent period. The information provided was totally inadequate for the purposes of the Theme Committee.

3.1.2 Prof Davis informed the members that the Department of Finance and the Department for State Expenditure were critical to discussions that the Theme Committee would deal with. He made the point that decisions as to what powers provinces should have cannot be made without having some fiscal knowledge.

3.1.3 The meeting agreed that Prof Davis liaise with the Administration in drafting letters to the Director General of Finance and the Department of State Expenditure asking for relevant documentation, or, failing that, to send representatives who would give a short input at a mutually agreed upon time.

3.1.4 The input would refer to 'the breakdown of all elements of income at all levels of government, broken down into the provinces wherever possible, and the combined expenditure of local authorities'.

3.2 Prof Elazar

The meeting agreed that the Administration would draft a letter to the International Republican Institute expressing the members disappointment that the scheduled meeting with members of parliament and Prof Elazar did not take place. Prof Du Toit would sign the letter. (*Note: refer page 4*).

3.3 Relationship between Ad-Hoc Committee and Technical Advisors

Prof Basson advised that at the request of the Core Group, he and Mr Boraine had had discussions regarding the writing of the report on Local Government. Mr Boraine was in agreement with the Core Group that the Ad-Hoc Committee would make summaries of the submissions on Local Government and the Technical Advisors would prepare the final draft in block form.

3.4 Inter-Governmental Relations workshop

The Administration advised that Minister R Meyer was unable to address the Theme Committee on 5 June due to overseas commitments. The meeting took note of Mr Meyer's letter for future reference. *(Note: refer page 8).*

4. REPORT AND CPG ADDENDUM

The meeting thanked the Commission on Provincial Government for the production of their report on 'Preliminary recommendations on inter-governmental arrangements - document 10'. *(Note: refer to the CPG 'Resource Documentation, Recommendations 1-10 as at 9 June 1995').*

5. DRAFT TEXT

- 5.1 The draft text presented to the members was prepared by Prof Davis in consultation with the CA law advisor Mr G Grové.
- 5.2 The member's were reminded of the document prepared by Prof Venter 'Constitutional Principles relevant to the relationship between the national, provincial and local levels of government & questions of clarity 27 March 1995'.
- 5.3 The meeting agreed that Prof Davis and Prof Venter would speak to the documents at the Theme Committee meeting to follow at 11h00 12 May 1995.

6. PROPOSED HEARING ON LOCAL GOVERNMENT

- 6.1 The meeting agreed that as political party submissions on Local Government could not at this stage take into account submissions made at a public hearing, workshops/hearings should take place following the distribution of the 'first draft of the Constitution' some time during August.
- 6.2 The meeting further agreed that a letter be written to the Transvaal Municipal Association, and any others who have expressed an interest to attend a hearing, informing them of the pending August hearings.
- 6.3 The Administration advised that a letter of acknowledgment had ben sent to the TMA.

7. GENERAL

7.1 Summary Areas of Agreement and Contention: National & Provincial Legislative & Executive Competencies 5 June 1995

The meeting agreed that the DP would meet with the Technical Advisors immediately after the Core Group meeting to make a few amendments to the report which relate to the party's submission.

7.2 Schedule 6

7.2.1 The meeting agreed to address the issue of input from the provinces relating to their experiences in terms of Schedule 6. A view was expressed that more information should be obtained before the list of competencies could be compiled.

7.2.2 The meeting further agreed that the Administration would contact the Commission of Administration and the Dept of Constitutional Affairs, asking for any available information. Consideration would also be given to a small sub-committee of the Theme Committee visiting each of the provinces for discussions on this issue.

7.3 Framework legislation

Prof Venter's document *'Memorandum on the significance and application of the notion of Framework Legislation'* was tabled. The meeting agreed that the document would be discussed in the Theme Committee meeting which would follow the Core Group meeting 12 June 1995.

7.4 Transcripts

The meeting agreed that transcripts should be edited by the Administration so as to reflect the input of the Technical Advisors or guest speakers, and omit the questions as put by the members of the Theme Committee.

7.5 Absence

7.5.1 The meeting agreed to Prof Basson's request for leave of absence, to take up a prior engagement in the United States, from 27 June to 15 July 1995.

7.5.2 Mr KM Andrew advised he would be away from the 18 June until the end of the month.

7.6 Political Party Submissions

Political parties would submit as follows:

- i) PAC -Local Government, 12 June 1995
- ii) NP -Local Government, 13 June 1995
-Financial & Fiscal Relations, 15 June 1995
- iii) DP -Local Government, 13-15 June 1995
-Financial & Fiscal Relations, 15 June 1995
- iv) ANC -Local Government; Financial & Fiscal Relations, week
ending 15 June 1995.

8. CLOSURE

The meeting closed at 10h15.

**International
Republican Institute**

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Advancing Democracy Worldwide

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May 29, 1995

Ms. Sandra Hayden
Constitutional Theme Committee Coordinator
Parliament, Cape Town
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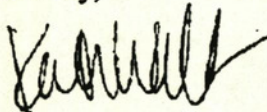
Dear Ms. Hayden,

We want to express our sincere apologies for missing the meeting we had scheduled between Professor Elazar and the delegation from the Constitutional Theme Committees. As we mentioned earlier, the IFP Party Caucus began 45 minutes late, throwing off our whole schedule for the day.

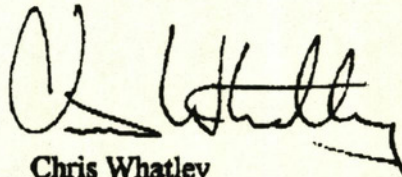
We are working to bring Professor Elazar back to South Africa to continue where he left off. Professor Elazar was deeply disappointed that we missed the meeting. If we are able to get him back over for another consultation, we would like to schedule a new meeting.

Once again, we deeply regret the inconvenience we caused you. We realize that you are extremely busy and it was very generous of you and the members of the delegation to set aside time for the meeting.

Sincerely,



Kathi Walther
South Africa Project Director



Chris Whatley
Assistant Program Officer

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MINISTRY OF PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT

Reference: 3-A5/8/40

1 June 1995

Mr H Ebrahim
Executive Director
Constitutional Assembly
P O Box 15
CAPE TOWN
8000

Dear Mr Ebrahim

**INVITATION TO A BRIEFING SESSION ON THE OPERATION OF
INTERGOVERNMENTAL STRUCTURES**

Thank you for the invitation to make a presentation to Theme Committee 3 on 5 June 1995 in the above regard.

Intergovernmental relations are of vital importance to the successful operationalisation of the future constitution. In view of the present sensitivity in this regard, Deputy Minister M V Moosa and I would personally like to make the presentation to the Theme Committee.

Due to pressing overseas commitments, I will, however, not be able to make the presentation on 5 June 1995. It will, therefore, be appreciated if you could make an alternative arrangement with my office. Allow me to suggest 19 June 1995 as a possible date in this regard.

Thank you for your cooperation.

Kind regards

**R P MEYER
MINISTER OF PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT**

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