

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

CONSTITUTIONAL
ASSEMBLY

MONDAY, 15 AUGUST 1994

1. Members assembled in the Chamber of the National Assembly at 14:15.
2. The Chairperson requested members to observe a moment of silence for prayers or meditation.
3. [14:17] Consideration of Report of Steering Committee of Constitutional Assembly.

Debate concluded.

4. [14:26] The Chairperson of the Constitutional Assembly moved: That, in regard to the appointment of the Constitutional Committee, the Constitutional Assembly,

Noting:

- (a) that it has been charged with the responsibility of passing a new constitutional text within two years from the date of the first sitting of the National Assembly, on 9 May 1994;
- (b) the need for a committee of its members to co-ordinate the work of the various committees and other bodies appointed by the Constitutional Assembly for the purpose of drafting the constitution; and
- (c) the need for open debate in the Constitutional Assembly and among the wider South African public on the process and the substance of the constitution-making procedure,

Resolves:

- (a) Whilst not thereby in any way ceding or derogating from its right to oversee and direct the drafting of, and debate in detail, the new constitutional text, to appoint a committee, to be called the Constitutional Committee, of not more than 50 members, as the forum to which it routinely refers matters arising out of the constitution-making process for detailed discussion and negotiation among parties, such committee to keep a verbatim record of its deliberations; and
- (b) that such committee shall—

- (i) co-ordinate, under the control and guidance of the Constitutional Assembly, the drafting of the new constitutional text and, in particular, the work of all committees, commissions, technical committees and other bodies appointed by or on the authority of the Constitutional Assembly;
- (ii) receive reports from such committees, commissions, technical committees and other bodies, consider and evaluate such reports, and report thereon to the Constitutional Assembly;
- (iii) consider and report on any matter referred to it by or on the order of the Constitutional Assembly;
- (iv) periodically submit reports and recommendations to the Constitutional Assembly; and
- (v) perform such other functions as may be assigned to it by the Constitutional Assembly.

Debate concluded.

Motion agreed to.

5. [17:34] The Chairperson of the Constitutional Assembly moved: That, in regard to the constitution-drafting framework, the Constitutional Assembly,

Noting:

The need to establish a framework for the drafting of the new constitutional text,

Resolves:

That the Constitutional Committee be instructed to draw up and submit to the Constitutional Assembly an outline of the envisaged constitution-making process, such outline to reflect and incorporate principles and guidelines that emerge from debate on the subject in the Constitutional Assembly.

Debate concluded.

Motion agreed to.

6. [17:39] The Chairperson of the Constitutional Assembly moved: That, regarding the appointment of committees, technical committees and commissions, the Constitutional Assembly,

Noting:

- (a) the desirability of involving a broad cross-section of its members and experts in various fields in the drafting of the new constitutional text; and
- (b) the wide variety of issues to be covered in the new constitutional text,

Resolves:

That as part of the constitution drafting framework—

- (a) select committees (called theme committees) of the Constitutional Assembly, consisting of not more than 30 members each, be appointed to deal with such themes of the new constitutional text as the Constitutional Committee may determine; and

- (b) that the necessary commissions and technical committees be appointed in terms of the Rules.

Debate concluded.

Motion agreed to.

- 7. [17:45] The Chairperson of the Constitutional Assembly moved: That, in regard to financial management, the Constitutional Assembly

Resolves:

- (a) That provision be made for expenditure on the Constitutional Assembly under a separate programme under the Parliamentary budget;
- (b) that separate records be kept of Constitutional Assembly expenditure;
- (c) that the functionaries to be accountable for expenditure under this programme be identified in consultation with the Department of State Expenditure; and
- (d) that reports on the financial affairs of the Constitutional Assembly be made at regular intervals to the relevant committee of the Constitutional Assembly by the Parliamentary Secretariat.

Debate concluded.

Motion agreed to.

- 8. [17:48] Consideration of Report of Rules Committee of Constitutional Assembly.

Debate concluded.

- 9. [18:12] The Chairperson of the Constitutional Assembly moved: That the Draft Standing Rules for the Constitutional Assembly, as amended in accordance with the Report of the Rules Committee, be adopted.

Debate concluded.

Motion agreed to.

- 10. The meeting adjourned at 18:14.

P A d' A LILIENFELD,

SECRETARY TO THE
CONSTITUTIONAL ASSEMBLY

