

**21 APRIL 1995**  
**AFRICAN NATIONAL CONGRESS**  
**SUBMISSION TO CONSTITUTIONAL ASSEMBLY SUB-COMMITTEE 6.2**

**The National Revenue Fund, Annual budget, Procurement administration and other matters  
related to Financial Institutions and Public Enterprises**

The present submission deals with the National Revenue Fund, the Annual Budget, Procurement Administration and other constitutional provisions relating to financial institutions and public enterprises, except for the South African Reserve Bank and the Auditor General (which were dealt with in previous submissions) and the Finance and Fiscal Commission (which will be dealt with in a future submission).

1. The National Revenue Fund, Annual Budget and Procurement Administration

The ANC is generally satisfied with Sections 185-187 of the Interim Constitution, and is of the view that similar clauses should be included in the Final Constitution.

However, we believe that consideration should be given to a suggestion made by COSAB, which was also broadly supported by SACOB, that Section 185 (1) should be amended to provide that: - All monies raised and received shall be paid into and form the National Revenue Fund unless a specific Act of Parliament creates a specific fund into which monies collected under such Act are to be paid.

It seems to us that this would allow greater flexibility and permit the establishment of dedicated funds through legislation.

We are also of the view that the clause in Section 185 (2) which reads, "Provided that revenue to which a province is entitled to in terms of section 155 (2) (a), (b), (c) and (d) shall form a direct charge against the National Revenue Fund to be credited to the respective Provincial Revenue Funds", should be held pending until the content of provisions on inter-governmental fiscal relations has been determined.

2. Matters covered by Sections 188-190 of the Interim Constitution

These do not necessarily deal with financial institutions as such, but are included in Chapter 12 of the Interim Constitution and thus require the attention of the CA.

Consideration of Section 188 should be held over until TC3 has completed its work on inter-governmental fiscal relations.

A clause similar to that in Section 190 of the Interim Constitution should, in our view, be retained in the Final Constitution.

There may well also be a case for including provisions similar to those in Sections 189 and 190 A of the Interim Constitution. This, however, requires further reflection at CC level.

### 3. Other Provisions on Financial Institutions and Public Enterprises

Besides the matters mentioned above, the ANC is not in favour of including further provisions in the Constitution on financial institutions or public enterprises.

Footnote: The ANC would be more than willing to see further discussion about the desirability or otherwise of providing a degree of autonomy to the Commission for Inland Revenue. We would, however, see this as a matter that should be dealt with by legislation rather than in the Constitution.