

REPUBLIC OF SOUTH AFRICA

CONSTITUTIONAL ASSEMBLY

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 11TH OCTOBER, 1996

CHAIRPERSONS REPORT:

INTRODUCTION

1. The Constitutional Assembly sitting of 17 September, 1996 directed the Constitutional Committee and two sub-committees to meet for purposes of preparing amendments to the constitutional text adopted by this Assembly on 8 May, 1996. The Constitutional Committee was instructed to table its report and submit an amended text for approval by the Constitutional Assembly in terms of Sec 73 (2) and 73A (2) of the interim Constitution on 11 October, 1996.

REPORT OF THE CONSTITUTIONAL COMMITTEE

2. The members of the sub-committees met jointly on 25 September before dividing into two groups under the chairpersonship of Ms Mavivi Myakayaka-Manzini and Mr Pravin Gordhan. Each sub-committee was directed to consider specific issues which in terms of the Constitutional Court judgment required further attention.
3. The sub-committees met on various occasions between 25 September and 3 October to consider amendments. On 7 October the Constitutional Committee met to receive a report from the sub-committees. The Constitutional Committee accepted the amendments proposed by the sub-committees. It also requested counsel to provide a legal opinion on various issues. Legal opinions were received on 9 October and were tabled at the Management Committee meeting on 10 October. As a result, the Constitutional Committee met on 10 October to consider further amendments.
4. The amendments to the text adopted by the Constitutional Assembly on 8 May fall into three categories. These are -

- (a) editorial changes,
- (b) technical changes requiring political approval; and
- (c) changes required for compliance with the Constitutional Principles.

5. The amendments, agreed to by the Constitutional Committee on 10 October, are contained in the table below which lists those in categories (b) and (c) only, and indicates into which category each of the amendments falls.

Index Of Amendments To The Text

No	Sec.	Issue	Formulation
1	23(5) & (6)	Collective Bargaining	Substantive
2	37(5)	State of Emergency - table of non-derogable	Substantive
3	45(1) &(2)	Joint committees	Technical
4	57(2)(b) & (d)	Internal Arrangements (minority parties)	Technical
5	59, 72 & 118	Openness of Committees - new formulation	Technical
6	61(2) & (3)	Allocation of delegates	Technical
7	64(7)	Presiding officers	Technical
8	65(2)	NCOP voting procedure	Technical
9	70(2)(c)	Internal Arrangements (minority parties)	Technical
10	74	Constitutional amendments	Substantive
11	77	Money bills	Technical
12	79(3)(b)	Passing of Bills - consequential to change in	Technical
13	81	Retrospective legislation	Technical
14	101(1) & 140	Executive written decisions	Technical
15	104(1)(b)	Provincial legislative competence	Technical
16	116(2)	Allocation of delegates	Technical
17	120	Money Bills	Technical
18	123	Retrospective legislation - see item 13 above	Technical
19	130	Removal of Premier	Technical

No	Sec.	Issue	Formulation
20	146(2)& (4)	National Override	Substantive
21	154	Municipalities - co-operative government	Technical
22	155, 157 & 160	Local Government	Substantive
23	166(e)	Judicial system	Technical
24	167 (d)	Exclusive jurisdiction of Constitutional Court	Substantive
25	193 & 194	Public Protector and Auditor-General	Substantive
26	196 & 197	Public Service Commission	Substantive
27	199(3)	Municipal Police - consequential change	Technical
28	206, 207	Provincial Police powers	Substantive
29	229	Municipal fiscal powers and functions	Substantive
30	239	Definitions	Technical
31	241(old)	LRA deleted	Substantive
32	243	Commencement date of Constitution	Substantive
34	Sch 6 - 21(5)	NCOP voting procedure	Technical
35	Sch 6 - 21(6)	Municipal tax and levies	Technical
36	Sch 6 - 22	National Unity and Reconciliation	Substantive
37	Sch 6 Item 26	Local Government Transition	Substantive
38	Sch 6 - 29	Registration of immovable property	Technical
39	Sch 6 Annex B (1) (g)	GNU - signing of international agreements	Technical
40	Sch 6 Item 3 Annex D	Armed forces	Technical