

Monday, 14 November 1994]

No 5 - 1994]

REPUBLIC OF SOUTH AFRICA

 MINUTES OF PROCEEDINGS
 OF
 CONSTITUTIONAL ASSEMBLY

 MONDAY, 14 NOVEMBER 1994

- . Members assembled in the Chamber of the National Assembly at 14:17.
- . The Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.
- . [14:18] The Deputy Chairperson moved: That the Constitutional Assembly authorises the Constitutional Committee to exercise the powers relating to commissions vested in it under Standing Rules 36 to 42, subject to ratification by the Constitutional Assembly.

Agreed to.

- . [14:21] The Deputy Chairperson moved: That notwithstanding the provisions of Standing Rules 54, 60, 63, 65, 66, 67, 68, 70, and 71 to the contrary, in the consideration of the Constitution of the Republic of South Africa Sixth Amendment Bill by the Constitutional Assembly -
 - the bill may be introduced by a member of the Constitutional Assembly;
 - the member in charge of the bill may introduce the bill by submitting it, together with a memorandum on its objects, to the Chairperson before or at the same time as the motion that the bill be read a first time is delivered to the Secretary;
 - notice of a motion proposing a stage of the bill is not required; and
 - the bill shall not be referred to a select committee.

Agreed to.

- . [14:22] First Reading - Constitution of the Republic of South Africa Sixth Amendment Bill [B 59 - 94] (Constitutional Assembly).

The Deputy Chairperson moved: That the Bill be now read a first time.

Agreed to.

Bill read a first time.

- . [14:23] Second Reading - Constitution of the Republic of South Africa Sixth Amendment Bill [B 59 - 94] (Constitutional Assembly).

The Deputy Chairperson moved: That the Bill be now read a second time.

Debate concluded.

Question agreed to.

Bill read a second time.

[14:43] Third Reading - Constitution of the Republic of South Africa Sixth Amendment Bill [B 59 - 94] (Constitutional Assembly).

The Chairperson announced that in the event of a division not being called in respect of a Question that a resolution contemplated in section 74(2) of the Constitution be agreed to, the votes of members in favour of the Question would be recorded in the Minutes.

The Deputy Chairperson moved: That the Bill be now read a third time.

The following members voted in favour of the Question:

AYES: 342: Abraham, M; Ackermann, C; Alant, T G; Albertyn, J T; Ally, A; Andrew, K M; Appelgryn, M S; Badenhorst, M J; Balie, A; Baloyi, S F; Bhabha, M; Bhengu, F; Bhengu, G B; Bikitsha, P I; Biyela, B P; Blaas, A; Bloem, D V; Bogacwi, K A; Booi, M S; Botha, W A; Botha, Y R; Breytenbach, W N; Cassim, M F; Chabane, O C; Chalmers, J; Chauke, P; Chiba, L; Chikane, M M; Chiolé, J; Chiwayo, L L L; Chuenyane, L D; Coetzee, M P; Coetzer, P W; Coleman, M; Copelyn, J A; Cronjé, P C; Cupido, P W; Cwele, S C; Dalling, D J; Davhana, M K D; Davies, R H; De Beer, S J; De Lange, J H; De Lille, P; De Ville, J R; De Villiers, D J; Diale, N L; Dingani, Z A; Dlamini, B O; Dlamini, C; Doidge, G Q; Dowry, J J; Du Toit, D C; Duna, M W; Ebrahim, A G; Ebrahim, E I; Eglin, C W; Ellis, M J; Fani, L M; Fankomo, F C; Farisani, T S; Fazzie, E; Fazzie, H M; Felgate, W S; Fenyane, S L E; Ferreira, E T; Fihla, N B; Foster, J A; Fourie, A; Gamdana, T; Gandhi, E; Gcabashe, S J; Geldenhuys, B L; George, C M; George, M E; Gibson, D H M; Gininda, M S; Ginwala, F N; Golding, M J; Goniwe, T M; Gordhan, P J; Govender, D; Govender, P; Green, L M; Grobbelaar, P W; Groenewald, P H; Groenewald, R H; Grové, S P; Gumede, A J; Gxowa, N B; Hajaig, F; Hangana, N E; Hlengwa, M W; Hofmeyr, W A; Hogan, B A; Holomisa, B H; Jacobsz, F P; Jana, D P; Jassat, E E; Jooste, J A; Jordaan, J A; Kathrada, A M; Kekana, N N; Kgauwe, G J; Kgoali, J L; Kgositsile, B; Khasu, M J; Khobe, O N; Khoza, T S; King, T J; Kondlo, N; Koornhof, G W; Koornhof, NJJvR; Kota, Z A; Kuzwayo, N E K; Lamani, N E; Landers, L T; Le Roux, J W; Lebona, H J P; Leeuw, S J; Lockey, D; Losabe, L K; Louw, L; Louw, S K; Love, J Y; Lubidla, E N; Lubisi, S W; Mabandla, B S; Mabude, N; Mabuza, L; Mabuza, M C; Macozoma, S J; Madikizela, P; Maduna, P M; Mafolo, M T; Mahlalela, A F; Mahlangu, G L; Mahlangu, J L; Mahlangu, M J; Mahlangu, N J; Mahlangu, S J; Maine, M S; Majola, N T; Makgothi, H G; Makhanya, D W; Makwetla, S P; Makwetu, C M; Malan, T J; Malebo, S M; Malumise, M M; Mandela, N W; Mapisa-Nqakula, N N; Marais, A; Marais, P G; Maree, J W; Mars, I; Marsh, D W; Marshoff, F B; Masango, N E; Maseko, T M J; Masher, M G; Mashimbye, J N; Mathebe, P; Mayekiso, J M; Mayimele, H W; Mbeki, G A M; Mbuyazi, L R; Mchunu, E S;

Mdladlana, M M S; Mduyana, S N N; Mentz, J H W; Meshoe, K R; Metele, A T; Meyer, R P; Mfayela, S B; Mfebe, M W; Mgidi, J S; Mkhathshwa, S; Mkhwanazi, T R; Mkwaiyi, Z W; Mlangeni, A; Mngomezulu, G P; Mnguni, L L A; Mnguni, Z D; Mnisi, W F; Moatshe, P; Modisenyane, L J; Mogale, M P E; Mohale, M E; Mohamed, M; Mohlamonyane, G M; Mokitlane, M C; Mokoena, D A; Mokoena, M L; Molewa, B G; Moloto, C P; Momberg, J H; Mompati, R S; Mongwaketse, S J; Moorcroft, E K; Moosa, M V; Moosa, M W; Mothoagae, P K; Motshabi, C H; Mpahlwa, M B; Msimang, M M T B; Mthembu, J M; Mukhuba, T T; Mulder, C P; Mushwana, G M; Mushwana, M L; Mutsila, I; Myakayaka-Manzini, Y L; Myburgh, G B; Naidoo, A G V; Naidoo, E N I; Nair, B; Nash, J H; Ncube, N Z; Ndawonde, D; Ndlovu, M C; Ndlovu, V B; Ndzanga, R A; Nel, A C; Nel, A H; Netshimbupfe, M A; Ngwenya, M L; Nhleko, N P; Niehaus, C G; Niemann, J J; Njobe, M A A; Nkadimeng, J K; Nkomo, S A; Nkondo, S D; Nobunga, B J; Nogumla, R Z; Nqwemesha, K W; Ntaopane, T E; Ntsizi, T C; Nwedamutswu, M J; Nxumalo, S D; Nyembe, N D; Odendaal, W A; Olifant, D A A; Oliphant, G G; Oosthuizen, G C; Padiachey, D K; Pahad, E G; Pandor, G N M; Peires, J B; Peters, E D; Phakathi, N E; Phenethi, M M; Phillips, I M; Phohlela, S; Piliso, M M; Powell, P; Pretorius, I J; Rabie, J A; Rabinowitz, R; Radebe, J T; Radue, R J; Rajoo, K; Ramaremsa, N G; Ramgobin, M; Ramusi, M C; Ranchod, B G; Rasmeni, S M; Redcliffe, C R; Rhoda, R T; Richards, I; Ripinga, S S; Routledge, N C; Saloojee, C; Saloojee, R A M; Schoeman, E A; Schreiner, J A; Scott, M I; Seaton, S A; Sekgobela, P S; Selfe, J; Seperepere, M S; September, R K; Serote, M W; Sethema, B E E; Shilubana, T P; Shope, N G; Shope, N R; Sifora, T V; Sikakane, M R; Singh, H K; Singh, N; Sisulu, M V; Sisulu, N A; Skosane, B M; Slabbert, J H; Smit, H A; Smith, P F; Sonjica, B P; Sosibo, J E; Steenkamp, P J; Streicher, D M; Sulliman, M A; Surty, M E; Swanepoel, L J; Taunyane, D P; Thabethe, E; Tinto, C F; Tolo, L J; Tshabalala, M E; Tsheole, N M; Tshivhase, M P K; Turok, M E; Tyobeka, V M; Vadi, I; Van Breda, A; Van den Heever, R P Z; Van der Merwe, J H; Van Deventer, F J; Van Eck, J; Van Heerden, F J; Van Niekerk, A E; Van Wyk, A; Van Zyl, I D; Vilakazi, J N; Vilakazi, M I; Viljoen, C L; Viljoen, V; Vos, S C; Watson, A; Werth, C H; Wessels, L; Wiley, M G E; Williams, A; Williams, A J; Wyngaard, C A; Xingwana, L M; Yengeni, T S; Zitha, D A; Zondi, K M; Zulu, M I; Zuma, N C D.

Question agreed to in accordance with section 74(2) of the Constitution.

Bill read a third time.

[14:51] The Deputy Chairperson moved: That the following persons be appointed in terms of section 72(2) of the Constitution of the Republic of South Africa, 1993, to form the independent panel of constitutional experts envisaged in that section: Prof M G Erasmus; Prof J Kruger; Prof C Murray; Adv M P Sedibe-Ncholo; Adv I Semenya; Prof J Van der Westhuizen; Adv Z Yacoob.

The Chairperson announced that in the event of a division not being called in respect of a Question that a resolution contemplated in section 72(3) of the Constitution be agreed to, the votes of members in favour of the Question would be recorded in the Minutes.

The following members voted in favour of the Question:

AYES: 339: Abraham, M; Ackermann, C; Alant, T G; Albertyn, J T; Ally, A; Andrew, K M; Appelgryn, M S; Badenhorst, M J; Balie, A; Baloyi, S F; Bhabha, M; Bhengu, F; Bhengu, G B; Bikitsha, P I; Biyela, B P; Blaas, A; Bloem, D V; Bogacwi, K A; Booi, M S; Botha, W A; Botha, Y R; Breytenbach, W N; Carelse, G M E; Cassim, M F; Chabane, O C; Chalmers, J; Chauke, P; Chiba, L; Chikane, M M; Chiolé, J; Chiwayo, L L L; Chuenyane, L D; Coetzee, M P; Coetzer, P W; Coleman, M; Copelyn, J A; Cronjé, P C; Cupido, P W; Cwele, S C; Dalling, D J; Davhana, M K D; Davies, R H; De Beer, S J; De Lange, J H; De Villiers, D J; Dexter, P D; Diale, N L; Dingani, Z A; Dlamini, B O; Dlamini, C; Doidge, G Q; Dowry, J J; Du Toit, D C; Duna, M W; Dyani, M M Z; Eglin, C W; Ellis, M J; Fani, L M; Fankomo, F C; Farisani, T S; Fazzie, E; Fazzie, H M; Felgate, W S; Fenyane, S L E; Ferreira, E T; Fihla, N B; Foster, J A; Fourie, A; Gamndana, T; Gandhi, E; Gasa, X F; Gcabashe, S J; Geldenhuys, B L; George, C M; George, M E; Gibson, D H M; Gininda, M S; Gogotya, N J; Golding, M J; Goniwe, T M; Gordhan, P J; Govender, D; Govender, P; Grobbelaar, P W; Groenewald, P H; Groenewald, R H; Grové, S P; Gumede, A J; Gumede, D M; Gxowa, N B; Hajaig, F; Hangana, N E; Hlengwa, M W; Hofmeyr, W A; Hogan, B A; Holomisa, B H; Jana, D P; Jassat, E E; Jooste, J A; Jordaan, J A; Kathrada, A M; Kekana, N N; Kgauwe, G J; Kgoali, J L; Kgositsile, B; Khasu, M J; Khobe, O N; Khoza, T S; King, T J; Kondlo, N; Koornhof, G W; Koornhof, N J; Kota, Z A; Kuzwayo, N E K; Lamani, N E; Landers, L T; Le Roux, J W; Lebona, H J P; Leeuw, S J; Ligege, M G; Lockey, D; Losabe, L K; Louw, L; Louw, S K; Love, J Y; Lubidla, E N; Lubisi, S W; Mabandla, B S; Mabudafhasi, R T; Mabude, N; Mabuza, L; Mabuza, M C; Macozoma, S J; Madikizela, P; Maduna, P M; Mafolo, M T; Mahlalela, A F; Mahlangu, G L; Mahlangu, J L; Mahlangu, M J; Mahlangu, N J; Mahlangu, S J; Maine, M S; Majola, N T; Makana, S S; Makgothi, H G; Makhanya, D W; Makwetla, S P; Makwetu, C M; Malan, T J; Malebo, S M; Malumise, M M; Mandela, N W; Marais, A; Marais, P G; Maree, J W; Mars, I; Marsh, D W; Marshoff, F B; Masango, N E; Maseko, T M J; Mashamba, H J; Masher, M G; Mashimbye, J N; Mathebe, P; Mayekiso, J M; Mayimele, H W; Mbeki, G A M; Mbongwe, R R; Mboweni, T T; Mchunu, E S; Mdladlana, M M S; Mduyana, S N N; Mentz, J H W; Metele, A T; Meyer, R P; Mfayela, S B; Mfebe, M W; Mgidi, J S; Mkhathswa, S; Mkhwanazi, T R; Mkwai, Z W; Mlangeni, A; Mngomezulu, G P; Mnguni, L L A; Mnguni, Z D; Mnisi, W F; Moatshe, P; Modisenyane, L J; Mogale, M P E; Mohale, M E; Mohamed, M; Mohlamonyane, G M; Mokitlane, M C; Mokoena, D A; Mokoena, M L; Molewa, B G; Moloto, C P; Momberg, J H; Mompoti, R S; Mongwaketse, S J; Montsitsi, S D; Moorcroft, E K; Moosa, M V; Moosa, M W; Mothoagae, P K; Motshabi, C H; Mpahlwa, M B; Msimang, M M T B; Mukhuba, T T; Mushwana, G M; Mushwana, M L; Mutsila, I; Myakayaka-Manzini, Y L; Myburgh, G B; Naidoo, A G V; Naidoo, E N I; Nair, B; Nash, J H; Ncube, N Z; Ndawonde, D; Ndlovu, M C; Ndlovu, V B; Nel, A C; Nel, A H; Netshimbupfe, M A; Ngubane, H; Ngwenya, M L; Nhleko, N P; Niemann, J J; Njobe, M A A; Nkadimeng, J K; Nkomo, S A; Nkondo, S D; Nobunga, B J; Nogumla, R Z; Nqwemesha, K W; Ntaopane, T E; Ntsizi, T C; Nwedamutswu, M J; Nxumalo, S D; Nyembe, N D; Odendaal, W A; Olifant, D A A; Oliphant, G G; Oosthuizen, G C; Padiachey, D K; Pahad, E G; Pandor, G N M; Peires, J B; Peters, E D; Phakathi, N E; Phenethi, M M; Phillips, I M; Phohlela, S; Piliso, M M; Powell, P; Pretorius, I J; Rabie, J A; Rabinowitz, R; Radebe, J T; Radue, R J; Rajoo, K; Ramaremsa, N G; Ramgobin, M; Ramusi, M C; Ranchod, B G;

Rasmeni, S M; Redcliffe, C R; Rhoda, R T; Richards, I; Ripinga, S S; Routledge, N C; Saloojee, R A M; Schoeman, E A; Schreiner, J A; Scott, M I; Seaton, S A; Sekgobela, P S; Selfe, J; Seperepere, M S; September, R K; Serote, M W; Sethema, B E E; Shabangu, S; Shilubana, T P; Shope, N G; Shope, N R; Sifora, T V; Sikakane, M R; Singh, H K; Singh, N; Sisulu, M V; Sisulu, N A; Skosane, B M; Slabbert, J H; Smit, H A; Smith, P F; Sonjica, B P; Sosibo, J E; Steenkamp, P J; Streicher, D M; Sulliman, M A; Surty, M E; Swanepoel, L J; Taunyane, D P; Thabethe, E; Tinto, C F; Tolo, L J; Tshabalala, M E; Tsheole, N M; Tshivhase, M P K; Turok, M E; Tyobeka, V M; Vadi, I; Van Breda, A; Van den Heever, R P Z; Van der Merwe, J H; Van Deventer, F J; Van Eck, J; Van Heerden, F J; Van Niekerk, A E; Van Wyk, A; Van Zyl, I D; Vilakazi, M I; Viljoen, C L; Viljoen, V; Vos, S C; Watson, A; Werth, C H; Wessels, L; Williams, A; Williams, A J; Wyngaard, C A; Xingwana, L M; Yengeni, T S; Zitha, D A; Zondi, K M; Zuma, N C D.

Question agreed to in accordance with section 72(3) of the Constitution.

[14:54] The Deputy Chairperson moved: That the report of the Constitutional Committee tabled on 11 November 1994, be adopted.

Debate concluded.

Question agreed to.

[15:22] The Chairperson offered members the opportunity to address the Assembly in accordance with the principles of "open time" as provided for in Constitutional Committee Resolution dated 12 September 1994.

The meeting adjourned at 15:24.

P A d'A LILIENFELD,

SECRETARY TO THE CONSTITUTIONAL ASSEMBLY.