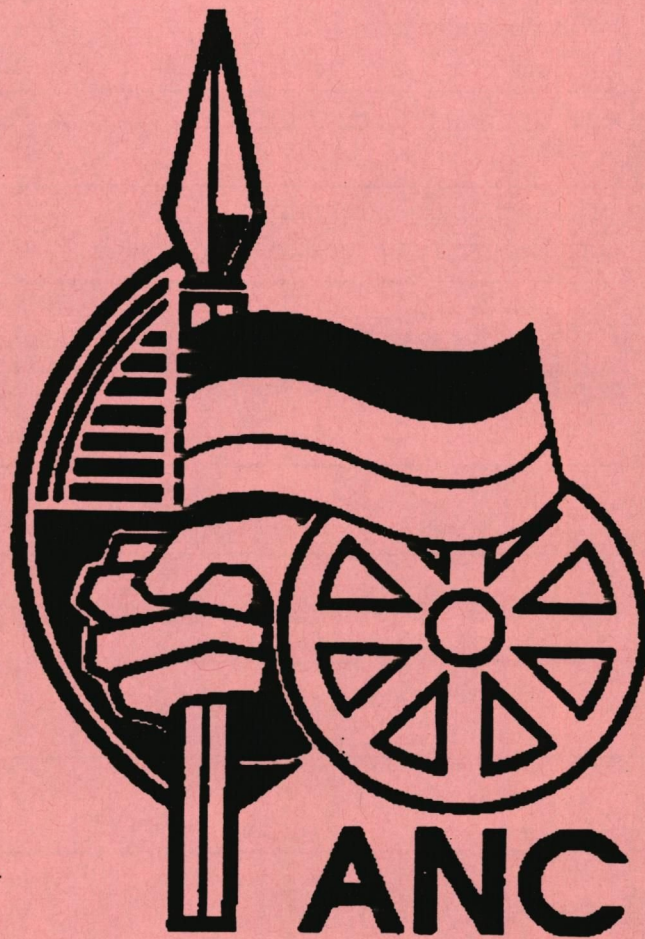


MCH911-21-3-4
Budget - Parliament.



NATIONAL EXECUTIVE COMMITTEE

DOCUMENTS VOLUME THREE

22 APRIL 1994

Volume Three : Index

[illegible]

THE 1994/95 BUDGET

1. THE FACTS:

EXPENDITURE:	R 124.8bn	
REVENUE:		
TAXATION	R 86 bn	
CUSTOMS AND EXCISE	R 12.7 bn	
	----- R 98.7bn	(exc TBVC/SGT)
DEFICIT	----- R 26.1bn	
(6.4% of GDP)	-----	
GOVT BORROWING	R 26.4 bn	

EXPENDITURE COULD POSSIBLY INCREASE BY R 7.5 BILLION

REASON: UNFORESEEN COSTS OF TRANSITION

(figures below are guesstimate)

ADDITIONAL COSTS FOR IEC, TEC	R 1 bn
POLICE	0.3bn
SALARY INCREASES	0.226 bn
STATE OF EMERGENCY (inc SADF mobilising)	R 0.5 bn
SHORTFALLS FROM TBVC/SGT	R 3.5 bn
DEFENCE FORCE SHORTFALL	R 2 bn

ADDITIONAL COSTS OF TRANSITION R 7.5 bn

(NB Some of this debt may be financed already, but are noted as they were seen as a source of possible savings eg R1 bn for SADF will come from TBVC defence budgets and R688 million allocated in the Budget)

Other possible debt not included above: (guesstimate)

LOCAL GOVT DEBT	R 8 billion
TBVC DEBT	R 15 billion

2. EXPENDITURE BUDGET (exc TBVC/SGT)

EXPENDITURE	R124.8bn
less: INTEREST PAYMENTS	R 24.7bn
ACTUAL GOVT EXPENDITURE	----- R100.1 bn -----

BIG EXPENDITURES:

a) PROTECTION SERVICES:		R21.5 bn
DEFENCE	R10.2 bn	
POLICE	R 7.5 bn	
PRISONS & JUSTICE	R 3 bn	
b) SOCIAL SERVICES:		R50 bn
EDUCATION:		
HoA	R7.7 bn	
HoR	R3.6 bn	
HoD	R1.5 bn	
DET	R6.2 bn	
ED COOR	R4.9 bn	R23.8 bn

HEALTH	R11.8 bn	
WELFARE	R 9.8 bn	
HOUSING	R 1.6 bn	
c) ECONOMIC SERVICES		R10.9 bn
d) IMPROVEMENTS OF CONDITIONS OF SERVICE		R 3 bn
(Salary increases already agreed)		

2.1 THE BIG CHALLENGE FOR THE ANC:

HOW DO WE IDENTIFY SAVINGS SO THAT MONEY CAN BE REALLOCATED TO OUR OWN SOCIO-ECONOMIC PRIORITIES?

Most savings can only be identified through changing priorities within each vote, and also through productivity savings. It is crucial that new Ministers assess every programme under their control in great detail, and freeze programmes that don't fall within ANC priorities.

2.2 WE MAY HAVE TO CONSIDER THE CREATION OF A DEDICATED FUND FOR RDP-TYPE PROGRAMMES FOR THE FIRST YEAR OF THE NEW GOVERNMENT. This should be seen as a transitional measure.

3. BUDGETARY PROCESS

a) GOVT FISCAL YEAR FOR THE BUDGET

BEGAN ON 1 APRIL 1994

ENDS ON 31 MARCH 1995

b)

- * THE COUNTRY HAS NO BUDGET AT THE MOMENT
- * THE EXCHEQUER ACT ALLOWS A MAXIMUM OF 45% EXPENDITURE ON LAST YEAR'S BUDGET FOR APRIL, MAY, JUNE AND JULY THEREAFTER 10% PER MONTH
- * THE ABOVE MECHANISM DOES NOT WORK FOR NEW FUNCTIONS WHICH ARE NOT LISTED IN LAST YEAR'S BUDGET

c) * BUDGET PLANING NORMALLY REQUIRES 18 MONTHS BEFORE THE BUDGET IS PRESENTED IN PARLIAMENT

* THE GOVT HAS COMPLETED ITS 1994/95 BUDGET

* WORK ON THE 95/95 BUDGET IS ALREADY 6 MONTHS LATE

3. CAN WE CHANGE THE 94/95 BUDGET FUNDAMENTALLY?

* LIMITED INTERVENTION IS ONLY POSSIBLE FOR 94/95 BUDGET

* REASONS:

-LACK OF INSTITUTIONAL CAPACITY

-OVER 90% OF THE 1994/95 BUDGET IS CONTRACTUALLY BOUND

-CUTS IN EXPENDITURE IN ANY DEPT MEANS CUTS IN PERSONNEL

* OUR STRATEGY IS TO FOCUS ON HIGHLY VISIBLE PROJECTS FOR THE FIRST FISCAL YEAR

- Presidents Projects

eg electrification

textbooks for all school children

school repairs, painting

Other RDP programmes

4. PROCESSES STARTED

* DISCUSSIONS WITH DEPT OF FINANCE AND STATE EXPENDITURE STARTED EARLY IN JANUARY

* BILATERAL ON FINANCE

- decisions on expenditure control

- meetings between ANC depts and govt on health, education, housing etc

- taxation issues

- provincial financing arrangements

* FORUM OF NGOS, IDT, DBSA, INFRASTRUCTURE FORUMS

* PROVISIONAL FINALISATION OF EXPENDITURE BUDGET

-bilateral for the whole week of 18-22 April between govt and ANC departments

OPTION 1:
SHOULD WE OPT FOR AN EARLY BUDGET OR NOT?
DO WE TABLE BUDGET AT THE END OF MAY (OR EARLY JUNE), OR DO WE WAIT
UNTIL AUGUST?

A DELAY IN THE BUDGET WILL

- * CUT INTO 95/96 BUDGET PLANNING PROCESS
- * LEADS TO MORE UNCERTAINTY
- * MEANS IN EFFECT THAT THE PRESENT GOVT'S BUDGET WILL BE IMPLEMENTED FOR MOST OF THE FISCAL YEAR ANYWAY
- * DELAY IN BUDGET MEANS NEW PROVINCIAL BUDGETS MAY ALSO HAVE TO BE TABLED.
- * MAY ALSO HAVE TO WAIT FOR THE EFC TO FUNCTION AS IT HAS TO MAKE RECOMMENDATIONS ON REVENUE-SHARING FORMULAE

ADVANTAGES OF AN EARLY BUDGET:

- * EASIER TO EXPLAIN TO OUR CONSTITUENCY
- * ALLOWS US BREATHING SPACE TO SET UP INSTITUTIONS FOR DELIVERY

DECISION 2:

THAT NEW PROVINCES TABLE THEIR FIRST BUDGET IN MARCH 95 FOR THEIR 95/96 BUDGET. THEIR 94/95 BUDGET TO BE TABLED IN THE NATIONAL PARLIAMENT.

* IF EARLY BUDGET, ALLOCATIONS MADE TO OLD REVENUE FUNDS AND OLD GOVT DEPARTMENTS.

- EASILY SHIFTED TO NEW GOVT DEPTS AT CENTRAL LEVEL
- FACILITATES TRANSITION FOR NEW PROVINCES

* CONSOLIDATED NATIONAL BUDGET THIS YEAR

- AVOID ANY REGIONAL BUDGETS FOR THIS YEAR
- PRES APPOINTS SOMEONE TO TAKE CHARGE OF OLD REVENUE FUNDS (Section 240(5) & (6))

This option does not necessarily delay handing over functions to provinces in this fiscal year. Neither does it necessarily delay control over their funds.

If provinces insist on taking total control of their allocations through their Revenue Fund, they need to adopt:

- * Legislation eg an Exchequer Act
- * An Appropriation Act to withdraw funds

All this will delay their ability to make fundamental changes to both the 94/95 and 95/96 Budgets

THE GREATEST UNCERTAINTY FACING THE BUDGETARY PROCESS FOR 94/95 IS THE TRANSITIONAL ARRANGEMENTS AT THE PROVINCIAL LEVEL

Our proposal is that the 94/95 Budget makes allocations to the old Revenue Funds at the Regional level (4 provinces, TBVC and SGT).

This will ensure continuity of services. Note that the withdrawal of funds will be under the political control of the President, as he will have to designate a person to oversee all withdrawals. (Refer to Section 240(5) and (6) in the Interim Constitution).

e.g. Thus Kwazulu finances can fall under the Regional premier of Natal, or a person designated by him, should the President approve.

OTHER ISSUES TO BE DEALT WITH

* TAXATION SCHEDULE FOR THE 94/95 BUDGET

- married women
- zero-rating VAT foodstuffs
- adjustments to excise duties
- possible announcements on estate duty taxes
- HARMONISATION AND TAX HOLIDAYS eg E CAPE, Ciskei, TRANSKEI
- Inland Revenue
 - improving collection capacity
 - setting up an autonomous Inland Revenue, especially from CFA

TIMETABLE FOR THE BUDGET

- | | |
|---------------|--|
| 18-22 April | BILATERAL WITH STATE EXPENDITURE TO BEGIN THE PROCESS TO FINALISE GLOBAL AMOUNTS |
| 11-15 May | BRIEF NEW MINISTER OF FINANCE AND CONCLUDE EXPENDITURE BUDGET
FINALISE TAX ARRANGEMENTS FOR 94/95 |
| 16-30 May | Preparation of documents to accompany Budget Speech |
| 31 May-6 June | Tabling of Budget Speech |
| 15 June | Start work on 95/96 Budget
FFC starts functioning |

ANNEXURE 6: Estimate of expenditure for comparative purposes between 1993/94 and 1994/95

BYLAE 6: Begroting van uitgawes vir vergelykende doeleindes tussen 1993/94 en 1994/95

NO	VOTE BEGROTINGSPOS	1993/94				1994/95	5-4 4
		VOTED (RP2 & 4) (BLUE BOOK)	DRAWINGS ON CONDITIONS OF SERVICE	ADJUSTMENTS ESTIMATE	TOTAL FUNDS AVAILABLE	WORKING DOCUMENT	
		BEWILLIG (RP2 & 4) (BLOUBOEK)	TREKKINGS OP VERBETERING VAN DIENS- VOORWAARDES	AANSUIWERINGS BEGROTING	TOTALE FONDSE BESKIKBAAR	WERKDOKUMENT	
		1	2	3	4	5	6
1	State President—Staatspresident	R'000	R'000	R'000	R'000	R'000	%
2	Parliament—Parlement	23 149		13	23 162	12 874	(44,4)
3	Foreign Affairs—Buitelandse Sake	113 772		1 253	115 025	187 711	63,2
4	Public Enterprises—Openbare Ondernemings	7 062 941	4 995	244 715	7 312 651	7 820 038	6,9
5	CEAS—SEAD	8 170	77		8 247	8 290	0,5
6	Justice—Justisie	4 972	99	350	5 421	5 443	0,4
7	Defence—Weermag	965 543	13 515	1	979 059	1 035 235	5,7
8	State Expenditure—Staatsbesteding	9 337 825	100 451	18 520	9 456 796	9 423 050	(0,4)
9	Correctional Services—Korrekiewe Dienste	685 779	2 309	33 206	721 294	629 468	(12,7)
10	Education and Training—Onderwys en Opleiding	1 744 477	41 144	19 430	1 805 051	1 929 739	6,9
11	Commission for Administration—Kommissie vir Administrasie	5 722 580	152 049	193 052	6 067 681	6 262 558	3,2
12	Improvement of conditions of services—Verbetering van diensvoorwaardes	56 833	1 188	2 192	60 213	86 511	43,7
13	Mineral and Energy Affairs—Mineraal- en Energiesake	708 690	361 539		361 539	3 039 913*	
14	Agriculture—Landbou	1 335 127	3 833	3 084	715 607	734 342	2,6
15	National Health and Population Development—Nasionale Gesondheid en Bevolkingsontwikkeling		22 005	581 929	1 939 061	1 351 439	(30,3)
16	Police—Polisie	2 254 503	967	1	2 255 471	1 648 434	(26,9)
17	Transport—Vervoer	6 451 526	128 861	292 399	6 872 786	7 408 310	7,8
18	Constitutional Development Services—Staatkundige Ontwikkelingsdiens	3 216 482	4 021	5 941	3 227 444	3 251 031	0,7
19	SA Communication Service—SA Kommunikasiediens	66 399	250	7 100	73 749	54 762	(25,7)
20	Manpower—Mannekrag	54 256	1 183	2 747	58 186	56 545	(2,8)
21	National Education—Nasionale Opvoeding	372 433	6 868	240 697	619 998	398 624	(35,7)
22	Education Co-ordination Services—Onderwys-koördineringsdiens	432 843	5 109	1	437 953	411 545	(6,0)
23	Finance—Finansies	1 530		2 706	4 236	4 896	15,6
24	Trade and Industry—Handel en Nvwerheid	22 688 803	11 114	1	22 699 918	24 927 037	9,8
25	Local Government and National Housing—Plaaslike Regering en Nasionale Behuising	3 078 958	12 555	48 292	3 139 805	2 718 043	(13,4)
		1 097 816	825	203 425	1 302 066	1 246 491	(4,3)

* Funds provided for new improvements of which particulars are not yet available. As soon as particulars are available, departments will draw funds against this Vote/Fondse vir nuwe verbeterings waarvan besonderhede nog nie beskikbaar is nie. Sodra besonderhede beskikbaar is, sal departemente trekkings teen hierdie Begrotingspos maak.

Annexure 6—continued

Bylae 6—vervolg

NO	VOTE BEGROTINGSPOS	1993/94				1994/95	5-4 4
		VOTED (RP2 & 4) (BLUE BOOK)	DRAWINGS ON CONDITIONS OF SERVICE	ADJUSTMENTS ESTIMATE	TOTAL FUNDS AVAILABLE	WORKING DOCUMENT	
		BEWILLIG (RP2 & 4) (BLOUBOEK)	TREKKINGS OP VERBETERINGS VAN DIENS- VOORWAARDES	AANSUIWERINGS BEGROTING	TOTALE FONDSE BESKIKBAAR	WERKDOKUMENT	
		1	2	3	4	5	6
		R'000	R'000	R'000	R'000	R'000	%
26	Environment Affairs—Omgewingsake	221 544	2 632	28 446	252 622	222 900	(11,8)
27	Water Affairs and Forestry—Waterwese en Bosbou	410 398	6 844	7 238	424 480	470 072	10,7
28	Regional and Land Affairs—Streek- en Grondsake	29 233 090	511 710	1 468 819	31 213 619	33 018 151	5,8
29	Home Affairs—Binnelandse Sake	281 557	5 640	197 851	485 048	485 090	
30	Central Statistical Service—Sentrale Statistiekdiens	39 339	868	802	41 009	60 761	48,2
31	Public Works—Openbare Werke	2 215 549	12 207	160 324	2 388 080	2 320 053	(2,8)
32	Education and Culture (Ex-House of Assembly)—Onderwys en Kultuur (Ex-Volksraad)	7 436 408			7 436 408	7 698 296	3,5
33	Education and Culture (Ex-Representatives)—Onderwys en Kultuur (Ex-Verteenwoordigers)	3 229 296			3 229 296	3 570 543	10,6
34	Education and Culture (Ex-Delegates)—Onderwys en Kultuur (Ex-Algevaardigdes)	1 363 463			1 363 463	1 499 207	10,0
35	Phasing-out: Own Affairs Administrations—Uitfasering: Eie Sake Administrasies	4 629			4 629	866	(81,3)
36	Administration: House of Assembly—Administrasie: Volksraad a)		49 510		49 510		
37	Administration: House of Representatives—Administrasie: Raad van Verteenwoordigers a)		107 142	181 299	288 441		
38	Administration: House of Delegates—Administrasie: Raad van Algevaardigdes a)		38 540	26 804	65 344		
SUBTOTAL / SUBTOTAAL		111 920 680	1 610 050	3 973 638	117 504 368	123 998 268	5,5
Plus: Improvement of conditions of services / Verbetering van diensvoorwaardes		1 470 494	Expected savings — Beraamde besparings		2 005 121		
Minus: Own and surplus revenue (Own Affairs Administrations)—Eie en surplusinkomste (Eie Sake Administrasies)		347 410	Own Affairs Revenue—Eie Sake Administrasies inkomste		17 410		
TOTAL RP2 & 4 / TOTAAL RP2 & 4		113 043 764	ESTIMATED EXPENDITURE LEVEL / BERAAMDE BESTEDINGSVLAK		115 151 837		

a) Funds divided between different departments after dissolving on 31 March 1994/Fondse tussen onderskeie departemente verdeel na ontbinding op 31 Maart 1994.

Particulars of columns are as follows: / Besonderhede van kolomme is soos volg:

Column/Kolom 1: Estimate of Expenditure as Tabled plus supplementary proposals/Begroting van uitgawes soos ter Tabel getel plus aanvullende voorstelle

Column/Kolom 2: Amounts drawn on Conditions of Service Vote by departments/Bedrae op Begrotingspos Verbetering van diensvoorwaardes getrek deur departemente

Column/Kolom 3: Total funds available to departments in 1993/94/Totale fondse beskikbaar aan departemente in 1993/94

Column/Kolom 4: Estimate of expenditure as originally tabled and which includes carry-over costs indicated in Columns 3 and 4/Begroting van uitgawes soos oorspronklik ter Tabel getel en wat oordraekoste "soos in kolomme 3 en 4 aangedui is

7

BUDGETARY ISSUES FOR THE PROVINCES TO ~~BE~~ CONSIDER

1. WHY AN EARLY BUDGET FOR 1994/95 FISCAL YEAR?

- Fiscal year began 1 April 1994
- Little scope to change 94/94 Budget fundamentally
- CUTS INTO PLANNING TIME FOR 95/96 BUDGET

2. WILL THE 94/95 BUDGET INCLUDE RDP PROGRAMMES?

- To a limited extent only
Reason: Major constraint INSTITUTIONAL
- Planning time needed for RDP
CHALLENGE IS TO HAVE RDP IN 95/96 BUDGET
- 94/95 Budget to include RDP programmes that can come onstream in the short term
 - eg Present Public Works
 - electrification
 - school painting, repairs
 - textbooks for all school children

QUESTION: Should this be nationally driven or regionally driven in the first year?

- Role of NGOs, infrastructure forums, IDT, DBSA

3. PROPOSED PROGRAMME FOR THE BUDGETARY PROCESS

- Identify projects that can come onstream in first year of new govt.
- Finalise global amounts for each government Department 18-22 April 1994
- Table Budget in last week of May or first week of June
- Start work on the ~~94/95~~ Budget in June
95/96

4. HOW ARE FUNDS TO BE ALLOCATED IN THE 94/95 BUDGET

- Transitional arrangements
non-Schedule 6: Reverts to National
Schedule 6 functions: a) S126(3): all Nat, Prov, TBVC/SGT go to national
b) Non-S126(3): - Nat, Prov go to Prov
- TBVC/SGT go to Prov for 14 days
Then national
- Budget done in terms of old Revenue funds
 - 4 Provinces, each TBVC and SGT
HoA, HoD, HoR, and govt depts

5. PROBLEM AREAS FOR THE BUDGET

- Uncertainty about government departments at national level
- Problem of integrating (TBVC, SGT, HoA, HoR, HoD, provinces)
- Uncertainty about when provinces exercise their functions

2. WHAT ARE FINANCIAL OPTIONS FOR THE PROVINCES

- OPTION 1

- Provinces take over their functions in May 94
- Provinces get their share of funds into their Revenue fund
- Provinces must pass an Exchequer Act
- Provinces must pass a Budget for 94/95
- DISADVANTAGES:
 - Are provinces ready to takeover all functions on May 10?
 - Passing own Budget cuts into time for Prov Budget for 95/96
 - 94/95 more an academic exercise for the first half of the year
 - Provinces may have to wait for FFC

- OPTION 2

- Provinces take over functions when they are ready
- Provinces don't bother with passing their own 94/95 Budget, and leave this to national after consultation
- Provinces ask President to appoint administrators for old Revenue funds (S240'6)
- Funds made available through proclamations and administrators
- Provincial Exec free to start planning for 95/96 immediately

3. OUR NATIONAL TRANSITIONAL TEAM ON FINANCE PREFERS OPTION 2

- Allocations will be made to each Revenue Funds of 4 Provinces, TBVC, SGT, HoD, HoR, HoA, govt depts
- Advantage is that appointed administrators (S240'6) can allocate monies to specified functions without a legislated Provincial Budget
- New Provinces free to take over functions, without need for a Provincial Budget for 94/94.

3. Other financial issues for regions

- FFC will determine share of national revenue
- Provincial Revenue Fund
- Provincial Budgets (Appropriation Act)
- Provincial Exchequer Act needed

9. OTHER URGENT ISSUES

- Money for Provincial Executive in the next few months being organised. Any proposals?
- Advisers or Directors appointed in first few months. Be cautious!

MOMO CONTACT NO: (011) 330 7449
330 7474

PAGER: (011) 922 4414 Leave message for Momo

ANC LEGAL DRAFTING PROJECT

REPORT ON WORK DONE TO DATE

**TO: VALLI MOOSA, CHERYL CAROLUS, JAY NAIDOO, ZOLA SKWEYIYA
AND HELMUT ORBIN**

FROM: FINK HAYSOM / SHAMIMA SALEY

DATE: 15 APRIL 1994

1. Various consultations, discussions and meetings have been held with, amongst others, Cheryl Carolus, Jay Naidoo, Dullah Omar, Alec Erwin, Zola Skweyiya, Helmut Orbin, Dennis Davis, Geoff Budlender, Mahommed Valli Moosa, Prof. Seidman, James Maseko and Neva Makgetla, regarding the overall structure of the project and the preparation for the drafting of legislation. We have duly prepared a project proposal to the GTZ in Germany, drafted a proposal on a full funding budget and in respect of seed money for this project. Memorandums have been circulated to departments regarding the description of the areas requiring legal drafting, their priority and time frames.
2. A preliminary departmental workshop was held on 26 and 27 March to discuss the various proposals referred to above. The workshop included a distribution of certain background material regarding the issues requiring consideration in drafting legislation generally and a prioritisation and allocation process. See

Agenda attached.

3. Meetings have been held with the Coordinating Committee on the Transition about the progress of the project and a workshop on socio-economic needs has also been held.
4. Schedules were prepared in respect of the areas requiring legislative drafting, in order of priority, the identification of the lawyers responsible for the various areas, the policy coordinators for such areas and the appointment of sector coordinators. Measures were taken to confirm that such lawyers have been appointed in respect of such areas. See Schedule attached.
5. A schedule was prepared setting out rates for the payment for work done by lawyers who are employed by institutions as well as those practising in firms.
6. A bi-lateral meeting has been held with the Minister of Justice and the Justice Department to enquire and assess the extent to which they have undertaken the task of drafting legislation in terms of the new Constitution, and to respond thereto. The Justice Department has been cooperating with the ANC in this regard and they have granted us copies of such drafts, which have been circulated to some of the sector coordinators and lawyers involved in this project. We have also requested access to further drafts that they are in the process of preparing in respect of certain specified areas. See Minutes attached.

7. We are also in the process of preparing for a two day confidential colloquium on judicial and court matters to be held in Stellenbosch convened by Judge Laurie Ackermann.
8. We have arranged a progress report back meeting for 18 April 1994 at 12h30 at COSATU House. All persons involved in the project have been invited to attend so as to enable us to assess the progress made in each of the sectoral areas.
9. Persons responsible for high priority legislation have been requested to provide us with their first draft by 22 April 1994. A further meeting will be arranged for the 25th of April to assess the situation.

FH\DG
C:\FH\PROGRAM

PROGRAMME

ANC LEGISLATIVE DRAFTING WORKSHOP

DATE	TIME	DETAILS	VENUE
Saturday, 26 March	10h00 - 11h00	1. Welcome - Zola Skweyiya	Johannesburg Garden Court
		2. The R & D Programme and approaches to its implementation including implementation structure Cheryl Carolus Jay Naidoo	
		3. (a) The Legislative Drafting Programme/Project (b) From Policy to Law Discussion Fink Haysom	
	11h00 - 11h15	Tea	
	11h15 - 12h55	Drafting New Legislation 1. Lessons from Namibia/Tanzania Mechtild Rünger 2. Passage of laws through Parliament and Provincial Legislatures, Role of Government Draftsman/Departmental Legal Advisors Bulelan Nqucka/ Zam Titus	

		3. Conforming with the Constitution and other interpretive devices	Denis Davis	
		4. Regional legislation - s126	Arthur Chaskalson	
		5. The status and transformation of existing laws in the Transitional Process (s235-238)	Mark Phillips	
		Discussion		
	13h00 - 14h00	Lunch		
	14h00 - 15h30	<p>Issues for discussion in the Legislative Drafting Process</p> <ol style="list-style-type: none"> 1. Uniformity, differentiation and the need for an integrated approach. 2. Audit of existing legislation, Comparative Legal and Policy research. 3. Consultation, and establishing the needs and experience of people. 4. Legislation within the 'Quantification' of costs, resources and institutional capacities. 5. Criteria for Prioritisation. 		
	15h30 - 15h45	Tea		

	16h00 - 17h00	<p style="text-align: center;">Sectoral Commission</p> <ol style="list-style-type: none"> 1. Economic Sector Legislation. Jay Naidoo/ Neva Makgetla 2. Socio-economic needs sector - coordinator. Cheryl Carolus 3. Political/Constitutional Legislation. Fink/Vally <ol style="list-style-type: none"> 1. Audit of legislative needs/coordination. 2. Prioritisation of functional areas. 3. Prioritisation of legislation. 4. Time frames. 	
Sunday, 27 March	09h00 - 10h50	Continue Commissions	
		Tea	
	11h15 - 13h00	Report back, finalise time frames	

POLITICAL/CONSTITUTIONAL	PRIORITY	RESPONSIBLE LAWYER AND GROUP BRACKETS CO-ORDINATOR	ANC CONTACT PERSON
Magistrate Commission Act	B	(Adv George Bizos) / Adv Mahomed Navsa	Constitutional Committee
Public Protector	A/B	(Adv George Bizos)(Saley)	Constitutional Committee
Affirmative Action	A	(Dr Paseko Ncholo) UWC - CLC	Constitutional Committee
Human Rights Commission	A	(Adv Dullah Omar) CLC - UWC	Constitutional Committee
Gender Equality Commission	A	(Adv Dullah Omar) CLC - UWC	Constitutional Committee
Civil Rights Act	A	(Adv George Bizos) Centre for Human Rights	Constitutional Committee
Establish Judicial Service Commission, Rationalise Courts	A/B	(Adv Arthur Chaskalson) / Adv Wim Trengove	Constitutional Committee
Commission on Provincial Government	C	(Await establishment of Commission)	
Council of Traditional Leaders	B/C	Adv Louis Skweyiya, Adv Pius Langa	Constitutional Committee
House of Traditional Leaders	B/C	Adv Louis Skweyiya, Adv Pius Langa	Constitutional Committee
Act regarding Special Pensions	A	(Dr Paseko Ncholo) Zubeida Bamanya	Department of Economic Policy
Public Service Act Provincial and National Rationalisation	A	* All departments to consider draft s 237 proclamations Lucy Nyembe, Barbara Adair Mark Phillips, Lucy Nyembe	Civil Service Forum
Defence Act and Military Disciplinary Code	A	TEC/MK legal team (Haysom)	Fana Hlongwana

Police Service Act	A	Dr Paseko Ncholo in consultation with ANC's PPG	Sydney Mafumadi
Intelligence Agencies	A	TEC/NAT legal team (Haysom)	Nphakama Mbete
Legal Aid (Pursuant to s 25)	A/B	(Geoff Budlender)	Constitutional Committee
Criminal Procedure Act	A	(Adv George Bizos) (Justice Dept)/ Adv Guys Rautenbach	Constitutional Committee
Rules of Constitutional Court	B	Await draft by Justice Department	Constitutional Committee
Pan SA Language Board	B	Albie Sachs/Dept of Arts & Culture	Department of Economic Policy A & C
Demarcation of local Authorities	C	To be appointed by co-ordinator	Cobbett
Commission on Remuneration of Representatives	A	(Request Justice Department to prepare)	Mboweni
Model Provincial Constitution	A	Adv. Pius Langa	Constitutional Committee

SOCIO-ECONOMIC NEEDS
(Concentrating on enabling and symbolic aspects initially)

SOCIO-ECONOMIC	PRIORITY	RESPONSIBLE LAWYER AND GROUP BRACKETS CO-ORDINATOR	ANC CONTACT PERSON
Commission on Land Rights, Land Claims Court	A/B	Geoff Budlender (and others already appointed by Lands Commission)	Derek Hanekom Land Commission
Education	A	Tiego Moseneke and legal team appointed by Education Policy Unit	EPU
Health	B	Kuben Pillay	Ginwala/Robb
Housing	B	J Latsky	Local Government
Water/sanitation	B/C	Person appointed	?? Local Government
Social Security, Welfare and Nutrition	B	CLC - UWC (To be confirmed)	Welfare Department
Energy/Electrification	/C	Person appointed	Bernie Fanaroff
Telecommunications	/B	Person appointed	Bernie Fanaroff
Transport	B	To be appointed by co-ordinator	

ECONOMIC

ECONOMIC	PRIORITY	RESPONSIBLE LAWYER AND GROUP BRACKETS CO-ORDINATOR	ANC CONTACT PERSON
Legislation on tender boards and State Procurement	A	To be appointed by co-ordinator	Mboweni
Investment Related Law	B/C	Amanda Armstrong	?
Financial Institutions, Banking Regulations & SUMES	B/C	DEP/Finance Legal team (Davis)	Ramos
Commission to Review Control and concentration in Economy (anti-trust legislation?)	B	DEP/Finance Legal team	Mboweni
Public Works and Provincial Works	A	To be commissioned	Mboweni
Auditor-General (existing Act can be used until new Act drafted)	B	CSU/DEP/Legal Finance team	Ramos
Reserve Bank	B		Ramos
Tax Legislation (pursuant to 156 etc)	A	DEP/Legal Finance team	Mboweni
National Revenue Fund and Provincial Revenue and Exchequer Acts (models)	A	DEP/Legal Finance team	Mboweni
Labour Law	B	Halton Cheadle	Maasdorp
Environmental Commission	A/B	Jan Glazewski	Glazewski

Planning and Development and review of State Development Economic Agencies	A B/C	Halton Cheadle/CALS	Chippy Olver
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RATIONALISATION/PROV GOVT	PRIORITY	RESPONSIBLE LAWYER AND GROUP BRACKETS CO-ORDINATOR	ANC CONTACT PERSON
Rationalisation of all Government Departments	A	* CSU to appoint legal adviser/team to assist	Vally Moosa
Establishment of Provincial Government	A	* Memorandum to be circulated (*PWV Provincial Government legal team/Phillips)	

- A** = Immediate
B = Short-term
C = Long-term
() = person responsible for initiating directing or co-ordinating
? = no prioritisation as department concerned has not made input
?? = no legal adviser appointed. This process can be completed only once the prioritisation can be completed

ANC LEGAL DRAFTING PROJECT

SUMMARY OF THE ISSUES RAISED AND DISCUSSED IN A BI-LATERAL MEETING HELD WITH THE JUSTICE DEPARTMENT ON 12 APRIL 1994 THE ANC WAS REPRESENTED BY FINK HAYSOM AND GEOFF BUDLENDER

1. The Justice Department has prepared several draft bills in respect of certain areas covered in the project. These bills have been made available to us and they have been circulated to those persons responsible for the respective areas. The bills (and memoranda) include:
 - 1.1 Commission on Gender Equality Bill;
 - 1.2
 - 1.2.1 Explanatory Memorandum on the Draft Judicial Service Commission Bill, 1994;
 - 1.2.2 Judicial Services Commission Bill;
 - 1.3
 - 1.3.1 Memorandum on the Objects of the Judges Remuneration and Conditions of Employment Amendment Bill 1994;
 - 1.3.2 Judges Remuneration and Conditions of Employment Amendment Bill;

1.4 Human Rights Commission Bill;

1.5 The Public Protector Bill.

The Bill on the Judicial Services Commission and that on the Judges Remuneration and Conditions of Employment Amendment Bill have been forwarded to Adv. W Trengove S.C. who will be responsible for these areas. The Justice Department has been requested to liaise with him in respect of those issues. The Commission Bill has been remitted to Adv. D Omar.

2. The ANC requested that the Chief Justice send letters to organisations such as NADEL and BLA regarding the appointment of persons to the Judicial Services Commission. This was agreed to.
3. The TEC has requested that any Bill on the Commission on Gender Equality should be sent to the TEC's sub-council on the status of women for their input and comments.
4. The Justice Department was advised that the ANC would revert to them about their comments regarding their draft bills.
5. The Justice Department indicated that it was in the process of drafting draft rules for the operation of the Constitutional Court. It was agreed that the Department would complete those draft rules for the Constitutional Court and

that any other amendments to the existing court rules would, together with any other legislation affecting the courts would be placed before the colloquium for discussion and debate.

6. The Justice Department indicated that it was also in the process of drafting amendments to the Criminal Procedure Act. The Department was urged to make such amendments available to the ANC and it was agreed that such amendments would be placed before a colloquium at Stellenbosch including representatives from the Department of Justice, the ANC, the government, as well as a few members of the profession for discussion and comment. The Department indicated that Messrs Grove, Nel, De Lange and Grobler from the Justice Department would attend such a discussion on behalf of the Justice Department.
7. The Department of Justice agreed that in regard to issues arising out of transitional arrangements, draft bills regarding the judiciary and the rationalisation of court structures it would contact Wim Trengove in an effort to combine and consolidate Wim's views together with that of the Department as a basis for a final draft bill.
8. The Department of Justice agreed to compile a list of the necessary executive acts that would be required, in addition to the necessary legislative measures, in terms of the new Constitution. For example, the Indemnity Act of 1990 would have to be extended before the end of May 1994.

9. The ANC raised the following areas requiring legislative drafting and enquired whether the Department had completed text in respect of the following areas:

- 9.1 The right to legal representation;
- 9.2 The Criminal Procedure Act;
- 9.3 Council and House of Traditional Leaders;
- 9.4 PAN SA Language Board;
- 9.5 Reserve Bank;
- 9.6 Apportionment of Taxes to Provinces;
- 9.7 Commission on the Remuneration of Representatives;
- 9.8 Tender Boards and Tendering;
- 9.9 Land Claims Court;
- 9.10 Provincial Exchequer Act;
- 9.11 Provisions relation to Sections 235 to 237 (dealing with the rationalisation

of Administrations) - the Justice Department indicated that the Commission for Administration would be the primary instrument in respect of this matter.

The Department of Justice explained that it was not involved in the drafting of legislation that fell within the jurisdiction of other government departments. They could confirm however that some legislation was being prepared in most of these departments regarding the above matters.

It was agreed that Fink Haysom from the ANC and Adv. Noethe from the Department of Justice would be the conduits on behalf of the respective parties with regard to those matters. It is envisaged that any drafts prepared by these departments would be made available to us through Adv. Noethe.

The ANC agreed to let Adv. Noethe have a list of the names of persons who are responsible for the areas listed above.

10. The ANC was advised that the Chief Justice had enquired whether he could go ahead and arrange for the hiring of accommodation for the Judicial Services Commission. The Chief Justice envisages that the Judicial Services Commission will sit for a period of at least two months in the first period of its operation. This was agreed to by the ANC since it is in any event envisaged by the new Constitution that the Chief Justice would be responsible for this matter.

11. The Justice Department indicated that it had encountered problems with the TEC regarding their refusal to agree to the Justice Department's efforts to fill posts in the following areas:

11.1 They indicated the need to recruit new legal advisors which would be required at the provincial level;

11.2 New staff was required in the Attorney-General's office in the Transvaal;

11.3 New Magistrates were required in the Magistrates Court in Port Elizabeth.

It was agreed that Zam Titus from the ANC would revert to Adv. Noethe from the Justice Department once he has had discussions with the TEC on its position in this regard.

12. The Justice Department requested the ANC to agree to the circulation of draft legislation regarding the judiciary and judicial institutions to the judges and to the legal profession. This was agreed to.

REPORT OF COMMITTEE ON PARLIAMENT

1. Comrades have previously received a copy of a report produced by the Parliamentary unit on the rules of parliament. That unit has now been dissolved.

2. Comrades Bulelani Ngcuka and Johnny de Lange have been entrusted with negotiations with the regime with a view to adapting the rules of parliament in order to conform to the Interim Constitution. In general this has been a purely technical task. In some cases, e.g. the existing prayer has had to be adapted to conform with ANC policy of having an inter-denominational approach to prayers

3. This committee has also been entrusted with practical arrangements with regard to the new parliament- ranging from changing seating to creche facilities, accommodation arrangements for the opening sessions.

4. These same comrades have been entrusted with developing the rules for the operation of the Senate

5. The development of criteria for the appointment and the actual filling of vacancies in the parliamentary staff has been part of the discussions

Salary package

The question of the salary package of MPs, cabinet ministers etc has now been referred by the TEC to a commission under Mr Justice Melamed.

The NEC has therefore not got a concrete proposal to which it can respond. It is nevertheless useful to make certain observations.

Our impression of the salaries paid to MPs[included in this package] is that, contrary to our expectations, they are not substantially higher than that paid to the average professional. Most MPs clear, after taxation between R7,000 and R7,500 per month. This is much lower than most people receive in industry and many professional salaries.

This salary is part of a wider package which will include a housing allowance [see letter to candidates].

One element of the package is a car allowance, in the case of MPs to the value of R155,000-00. Our view is that there is room for reduction in the amount allocated to such cars at all levels of government. In the case of MPs it is our view that a car is a necessity, but a car to meet MP requirements can be of a value less than that amount.

It is important to note that the car scheme applies to all levels of government, so that money saved here, will be much than that entailed in reducing the allowance for MPs

The overall package includes a certain number of free air fares for members and a certain number for their families. We need to

consider (particularly if the savings referred to above on the car scheme are adopted) to suggest more family air fares. In the case of the incumbents of the previous parliaments they had the opportunity to live stable lives. Most of our candidates have had many years separated from their families through exile, underground, prison etc. We need to do what we can to ensure that their families are strengthened and one way is by increasing the number of family air trips.

We also need to redefine the concept of partner for purposes of ceremonies and other privileges which presently attach only to a legally married couple. We need to broaden this to accept any stable family unit.

CONTACT WITH CANDIDATES

Attached to this package is a letter sent to candidates to the national legislature, providing general information. This process has been hampered through our failure to find any section of the organisation that has the names and addresses of candidates.

Regional secretaries are urged to assist in this matter

CONCLUSION

A workshop was held on the role and functioning of the new parliament, whose report is included in this package.

It is considered desirable for there to be further workshops of this kind, though our capacity to organise them is limited. Perhaps a general orientation workshop for all parliamentarians will be necessary.

DECISIONS REQUIRED:

1. Approval of the dates suggested for the meetings of Parliament and Senate

Included within this decision is the establishment of select committees and the rules committees during the early, brief session of parliament. The importance of the select committees as a vehicle for MP and popular influence in the process of law-making is the reason for their needing to be appointed early. the rules committee also needs to be functional at an early stage, in order to devise rules that make the new parliament accessible to all our members.

2. Appointment of a Chief Whip by 2 May

3. Election of Speaker and Deputy Speaker on 5 May

4. Decisions regarding protocol. In the past a great deal of weight was placed on who sits where and what size office was determined by protocol. We need to decide what concept of protocol guides us.

5. We do not need to approve any salary package until the Melamed Commission reports. It is important however that we decide whether we agree that the concept of partner for purposes of parliamentary privilege is restricted to a legally married spouse or whether we recognise other stable relationships

6. We must approve a code of conduct for ANC MPs. A draft code is contained within this package

7. The National list committee should immediately begin coordinating appointment of ANC members of the Senate

AMENDED DRAFT PARLIAMENTARY PROGRAMME

May 1994

- 5 First meeting of provincial legislatures. Provincial legislatures elect Premiers and Premiers get sworn-in
- Newly elected ANC members of the national legislature must arrive in Cape Town before 11 a.m.

Caucus meeting at 2 p.m.

- May 6 First meeting of National Assembly. The National Assembly elects the President.
- 10 Inauguration of the President in Pretoria. Celebrations held in all provinces. This day will be declared a public holiday
- 19 Senate Caucus meeting
- 20 First meeting of Senate
- 22 Combined caucus meeting of Senate and National Assembly
- 23 9 a.m. First meeting of Constitutional Assembly
- 11 a.m. Formal opening of parliament
- 24 to 30 President's address and parliamentary debate on the address
- Setting up of Standing committees and Rules Committee

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RECEIVED 18 APR 1994

COMMITTEE ON PARLIAMENT
X 7219/8/39
FAX: 011-294938
18 APRIL 1994

Comrade Cyril Ramaphosa
Secretary General
ANC

Dear Comrade

For attention: Cdes Cyril, Marion, Donnee'

re material on parliament, some of which requiring decision by
NEC

Attached please find the following material

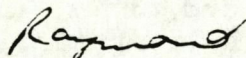
1. Report on workshop on parliamentary process, already circulated last week, but required again
2. Paper delivered by myself to this workshop
3. Copy of letter to candidates together with proposed dates of session (earlier version circulated last week)
4. Copy of existing salaries and allowances and benefits of office of Mps
5. Draft code of conduct for ANC MPs prepared for adoption by NEC

Please could all this material be circulated. I think that it is desirable that it be circulated to the NWC as well as the NEC.

I am trying to get the information on cabinet ministers salaries, etc and will send that on as soon as I get it.

Yours in struggle

Raymond Suttner



For the NWC Subcommittee on the transition

The People Shall Govern!

POSSIBLE DIRECTIONS OF ENQUIRY INTO THE FUNCTIONING OF THE NEW NATIONAL ASSEMBLY/ PARLIAMENT

Draft discussion paper for workshop on the nature and functioning of the new legislature, Friday 8 April 1994, revised 18 April 1994

by Raymond Suttner

A parliamentary unit was established to prepare for amending the rules as well as a wide range of matters relating to the new national assembly e.g. salaries, housing etc etc. At present meetings are in progress regarding adaptations of existing rules to bring them in line with the interim constitution.

Until now what work has been done has basically amounted to amendments of the present system. There has not been any attempt at substantial change in the character of the legislature or the functioning of legislators, beyond that previously in effect.

Unfortunately most of us may never really have been acquainted with the inner workings of parliament. But it is urgent that we develop this understanding and clarify how it ought to function. If we have nothing ready after elections, parliament's existing rules will remain in force.

Is this unproblematic or is it disempowering to many of the people who are on our list of candidates? Is this system one that we want to see endure?

There may be a tendency(as found in the Papers of the Parliamentary unit) to see every legislator having to spend all their time in various committees and the house as a whole.

Considering the role of legislators, within the house as such, equally dangerous may be a trend to see duties of parliamentarians being essentially part-time, allowing extensive time to be devoted to forms of lucrative employment

What we need-as the key first step- is to develop a conception of the type of parliament we would like to see.

Without a quite different conception of the legislature, we stand to have many of our people who are on one or other list disempowered from participation.

People from rural areas, for example, and others who do not meet the conventional stereotype of a parliamentarian (being white, male and preferably a lawyer) have a lot to say. But does parliament provide space(in terms of its rules of procedure) for them to voice the concerns of the people of the areas from which they come?

At the same time as cautioning against merely accepting the

existing system or some minor modification, it is necessary that we do not try to revolutionise something where it is not essential and especially where we are not yet clear what we would like to do.

It may be that there are elements of the existing system that can remain or remain subject to minor modifications. If that is the case it would be better to opt for continuity rather than rush through a change which is not properly thought out.

In addition, this is not our last opportunity for change. It can be done later.

EMPOWERING MEMBERS OF THE LEGISLATURE FOR FULL PARTICIPATION IN NATIONAL ASSEMBLY ACTIVITIES

The first issue that needs to be tackled is how, within the context of the national assembly, considered in the narrow sense of debates in the house, committees functioning on the spot, it can be made less disempowering to our members.

What this means is that we need to come up with a formula and conception of what we want to get out of the national assembly in terms of debates around legislation and so on, and that model must then be implemented.

On this we need urgent debate as well as work on the technicalities that need to be effected to ensure empowerment in the house. The rules committee must be established in the early moments of the new parliament. Our representatives must enter it with clear ideas as to what we want to achieve.

The Westminster model

The Westminster model of parliament is based on a conception of debate between a governing party and opposition, whereby, through rational debate, something improved will emerge. The purpose of debate, submitting what the ruling party intends doing, for examination by the opposition, is on the assumption that the opposition contributes towards a better final product.

It is important to note that these assumptions do not hold in the South African situation, especially in regard to key elements of our policy-the RDP. The NP is committed to salvaging what it can of white privileges. The DP is likely to try and water down elements of the economic programme. The right wing insofar as it takes part has got aims that are outside of the democratic nation state that we want to establish.

Having said that, it is nevertheless our task to either transform disloyal opposition parties into forces that cooperate or at least do not obstruct democratic and transformational goals.

The question before us then, is how we direct the balance of forces in such a manner that we use centres of power where we are strong in a manner that neutralise or transform the character of

those where we are weak. In particular, how is parliament transformed in order to ensure that ANC democratic power, manifested by our being elected as a majority force to carry out a mandate, is decisive.

In this regard we will have to consider the relationship between the cabinet and parliament, and how we work with standing committees as components of parliament.

The question of standing committees

Under the prevailing system parliamentary committees meet in private and play a role that is relatively passive in relation to the making of legislation. They may assist in the modification of legislation, but parliament in general, has tended to have a limited impact on legislation -the essential approach has been that the executive drafts legislation which parliament passes.

Standing committees have not made inputs prior to the formulation of legislation, nor has the public or interest groups been directly included in any aspect of the legislative process or been afforded the opportunity to make representations in these standing committees, as is the case in the United States.

It seems that the most desirable route for a future national assembly to take is to try to combine a modified version of the existing passage of legislation (with a system of debating that is less disempowering. This would include modification of the system of allocating speaking time) together with ways of including the popular voice(outside) within the legislative process. Hearing of that voice must be informally and formally part of the role of legislators.

One way in which this can be done is by ensuring that prior to the adoption of legislation, there is opportunity for input by these various interest groups-NEF, Housing Forum etc. Their evidence could be heard, in public hearings of committees of the National Assembly.

It has been suggested that after the first reading of a bill a new stage be introduced, prior to the bill being approved on principle. This stage would be one where consultations are held with various organs of civil society, forums, and other formations through which the popular voice may be heard. Much of this could occur through the system of standing committees.

The results of such inputs would then be fed into the formulation of the legislation and influence the shape that it takes. Even the subsequent phases of the passing of legislation would be open to public scrutiny, in order that where compromises are struck, the reasons are understood by interest groups who may have sought another course. [cf Report of Workshop on Nature and Functioning of Parliament, held 8 April 1994]

But the input of the public and the access of the public to legislators needs to go beyond this. There are some sections of the community who have an interest in legislation and who have grievances that may not be adequately represented, even if the assembly is made less disempowering for representatives from their areas.

One way of catering for such a situation is to treat the committee system as both located in the assembly and mobile, holding hearings in particular areas.

Let us say that where the committee has hearings on land questions in a particular rural area, members of the public would be afforded the opportunity to make inputs.

But such hearings could also be constituted in a manner that afforded hearings of another kind. In some constitutions there is opportunity for petitioning. But this tends to be so technical that most people cannot actually get something written in the appropriate form.

These public committees could serve as modes of oral petitioning, where legislators hear of grievances that need public attention, in a way that is not possible where one is confined to Cape Town.

Secondly, where matters of great national importance eg. relating to the violence are raised in such hearings, it may be decided that despite these being public hearings, the importance of the evidence is such as to warrant flying certain witnesses to Cape Town.

Concerning the broad role of members of the national assembly

But we also need to ask what does participation mean? What is the broad role of parliamentarians? Most of what is said here relates only to those who are on the ANC list. We may have to consider separately implications of our perspective for parliamentarians in general

It seems undesirable for us to have some 250 people (assuming that is the approximate number elected to the national parliament) stuck in parliament all the time, apart from those immediately concerned with certain issues, which may be relatively specialised. At the same time we do not want to pave the way for the sort of loafing or absenteeism which characterises much of current parliamentary life. (The extent to which this view is valid, may be contested by many parliamentarians and certainly is not true of all of them.)

Nor do we want to allow opportunities for 'backbenchers' to attend for crucial votes and spend the rest of their time making money elsewhere.

The answer is not to lock people up in committees in the assembly itself, though these will be needed. We need, under the strict control of the ANC -whether you call this controller the chief whip or whatever, to provide for the following other

possibilities, that immediately come to mind. There may be many others:

a. The participation of MPs in political leadership and organising activities inside and outside of parliament. i.e. a MP may be released to go and attend to a problem in a particular area.

b. MPs must be allocated specific organisational responsibilities in the first place responsibility for a particular region or part of a region(constituency). This would entail reportbacks but also helping with general organisation under the authority of the local regional ANC.

It should be noted that the existing system makes provision for funding to be made available for constituency offices. We need to consider how such funds should be put to use under the proportional representation system.

c. MPs may be allocated other responsibilities e.g. sectoral ones like coordinating rural organisations or other MDM structures.

d. Still others may continue to retain overall responsibility for the functioning of ANC departments, where this is considered compatible with being in parliament.

CODE OF CONDUCT FOR ANC MPS AND CODE OF CONDUCT FOR MPS GENERALLY

We are moving rather late in the day. But it is essential for us to have a code of conduct for ANC MPs, which they sign as an acceptance of their general duties. Failure to sign or adhere to the code should make such a person ineligible for legislative office or continuation in such office.

A draft code has been prepared for presentation to the NEC/NWC and subsequent signing by candidates.

The code being presented covers many of the issues already touched on. But it will have to go beyond these, depending on how we develop our understanding of the role of legislators. What is signed now, may have to be amended as we come to understand better the problems of office.

Perks versus facilities necessary for the proper performance of duties as members of the national legislature

There is sometimes a tendency to treat housing facilities and cars as perks, when provided they are not excessive, these may most correctly be described as necessary for the proper performance of the work of a legislator.

We need to make some input into these matters. The present car scheme provides for cars of varying values to be made available to cabinet ministers, MPs etc. The MPs are at the bottom of the

scale but the car that they are entitled to get is to the value of R155,000. This is part of the overall package of benefits.

We need to ask whether a car to the value of R155,000 is a necessity or whether by cutting the value down by 40% or more we not only provide the legislator with a car suitable for all aspects of legislative work, but also save millions for the RDP. [This car scheme is applicable at all levels of government so that any change in this matter, releases vast amounts of money]

In regard to housing, we need to have decisions very quickly. Very shortly comrades will have to take up residence in Cape Town for a substantial part of the year. The absence of clarity is creating a great deal of insecurity, particularly for comrades with children. [The committee appointed by the TEC under Judge Melamed ought however to present findings shortly]

It appears that there is a very strong likelihood that a housing grant system will be approved with MPs also having the option of living in the previous parliamentary housing, for a fee of R150-00 per month.

It is important that such processes be speedily approved since it is envisaged that sessions may be fairly long and people will need to stay in accommodation that is not of a temporary, ad hoc nature. The election of people to the legislature can place strain on family relationships and the form of accommodation that we provide can relieve this strain.

The question of women parliamentarians, mothers and preserving families where parliament is located in Cape Town.

1 We have committed ourselves to nonsexism as a general policy principle which has been manifested in the election of candidates through a quota system. That quota will be no more than an empty gesture if we do not take adequate account of the special problems that women parliamentarians face, in particular those who are also mothers.

Plans are in motion to have creche facilities available.

Apart from the housing question needing to be settled, people need to be able to plan the schooling of their children.

If families are to be separated geographically, do we not have a responsibility to ensure that the number of free air trips to reunite families are increased. This is admittedly an expensive business, but we will have saved money if the recommendation on car allowances is adopted.

In any case, we cannot penalise people's families for the movement's decision to deploy them away from the place where the rest of the family is located.

What is said here is applicable to single parents. There is a need for the definition of the family for a number of purposes to be re-examined in order to accord with the variety of stable

units found in our ranks, many of which are not marriages under South African law.

Office arrangements

Within the existing parliamentary arrangements provision is made for funding for telephone expenses, provision of office facilities and secretarial services.

We need to look more closely at this type of set up and consider what best meets our needs. For example, it may be that there are many people who require someone to type their letters, sift telephone calls and take messages.

Others amongst our candidates may need a computer, extensive photocopying facilities and someone just to take messages and do very little typing.

In other words, we need to recognise that there are some comrades who will be doing a fair amount of running around and their secretarial back up is different from those who might be researching areas or writing, either for direct parliamentary work or as part of a broader organisational role. We need to cater for both of these categories.

Certainly there may be still other categories that need to be accommodated. The main point is that we must have the facilities adapted to meet the various forms of specialisation that may be found amongst our parliamentary team.

Training of candidates

Recently a two day course of training was arranged in Johannesburg for parliamentary candidates. It was arranged at short notice and consequently many of us were unable to attend. (Apparently a Swedish trainer was used to conduct the course)

But questions need to be asked regarding any training scheme. What should such training comprise? For what type of duties are legislators being trained? Who decides on the content of such training?

Specific training of women legislators is being envisaged. In what way can that be facilitated and what should it comprise?

Before we can answer any question regarding training there has to be clarity as to what duties have to be performed and within what environment. If we assume that the environment remains broadly similar to the existing parliament, we are assuming that many of the skills that some of our candidates **do already have** are irrelevant and that they have to be trained afresh for this assembly.

Is it not better that we ask ourselves to what extent the assembly itself can be modified to be less alien to our present

experience and skills?

Is it necessary that a woman from the rural areas who is able to express, in her own way, in the way of the people from the area that she represents, learns to speak in parliamentary language, basically like a lawyer?

Do we not want a new voice to be heard in our parliament, voices that have never previously been heard? Can they only be heard in a form that loses the flavour of their areas?

On the level of training, can we not map out some matters in which we do need to enhance the level of skills and understanding of legislators?

We cannot assume that all candidates, especially those who have been brought onto the list through the PF are adequately acquainted with the policies and character of the organisation. We need to find a tactful way of taking Mps through a process whereby they are able to speak with adequate knowledge on all the basic aspects of our policies, as well as understanding our history and basic perspective.

But this whole question needs to be fleshed out.

use of national
languages
South Africans - does
business

South -
Africa

2. Clarify - Bound by Constitution rules of Rule
Bind President?
3. Too wide. Free speech. Conscience mandate?

Code of conduct for elected ANC members to the National and Provincial Assemblies

1. Commitment to democracy

1.1 All elected members shall in performance of their duties be committed to the eradication of all forms of discrimination, particularly discrimination based on gender, race and ethnic considerations.

1.2 All elected members shall in their sphere of operation implement the necessary measures and programmes aimed at redressing historical injustices.

1.3 No elected member shall use his or her position to court or demand or be seen to be courting or demanding sexual favours. Women, in particular, shall in all respects be treated as equals.

2. Internal democracy

2.1 All elected members of the Assemblies shall fall under the constitutional authority of the highest decision-making bodies of the ANC. In this regard decisions made by the highest organs of the ANC (National Conference and/or NEC) shall take precedence over all other structures, including our structures in parliament and government.

2.2 In consequence, no elected member shall attempt to make use of parliamentary structures to undermine organisational decisions.

Not
against
Constitution
Law

3. Accountability

3.1 ANC members of the Assemblies shall be subject to recall from such assemblies by the organisation if so democratically decided.

3.2 Such members may not change their allegiance to other political formations. In such instances they would be instantly recalled and forfeit their place in the Assemblies and be accordingly replaced in terms of the order of the election list.

Explain
Free
speech
Conscience
mandate?

4. Clean government

4.1. All elected members of the Assemblies shall observe practices that are free of all forms of corruption. The office of government or parliament shall not be used to distribute favours and patronage nor to seek personal fortune. Corruption shall constitute grounds for instant dismissal in all government or parliamentary structures, followed by internal disciplinary action within the organisation.

4.2 In order to facilitate clean government and exemplary

behaviour, all members of the Assemblies shall have to declare their assets to the organisation, and disclose all other positions and interests that they hold in other organisations, companies and boards, directorships, shareholdings, etc.

4.3 Government ministers or provincial executive councillors shall not hold directorships or shares in any profit-making institution.

5. Salaries and benefits

5.1 A portion of the salary of elected members should be paid into the coffers of the organisation. The actual percentage of taxable salary to be deducted must be determined from time to time by the NEC and be paid in compulsory monthly stop-orders. Should allied organisations seek deductions to be transferred to their organisations this should be settled through negotiation.

6. Activities of elected members during and outside parliamentary activities

6.1 All ANC members of the Assemblies shall make themselves available for ANC work, and should accept allocation by the organisation to specific constituencies or organisational functions. In such allocation, account should be taken of deployment by allied organisations.

6.2 All ANC members of the Assemblies shall devote their time to ANC work on a full-time basis, and shall be fully accountable to the organisational structures in the regions/provinces where they are located.

6.3 ANC members of the Assemblies shall not have other types of employment whilst they are still members of such Assemblies.

7. Implementation and monitoring

7.1 Every ANC member of the National or Provincial Assembly shall sign and bind himself or herself to this code of conduct prior to the assumption of office.

7.2 Such member shall be subject to ANC disciplinary procedures and other such appropriate mechanisms and procedures for monitoring this code of conduct.

7.3 Any member of the elected Assemblies shall forfeit his or her place in the ANC list if unwilling to sign this code of conduct prior to assumption of office.

APPENDIX 9

MEMBERS' SALARIES AND ALLOWANCES AND OTHER BENEFITS OF OFFICE

SALARIES AND ALLOWANCES

Office-bearers and other members of Parliament currently receive salaries and allowances as follows:

	SALARY	ALLOWANCE*	TOTAL
Speaker	179 436	49 569	229 005
Chief Whip of Parliament	152 940	38 985	191 925
Chairman of House	133 839	33 945	167 784
Leader of Official Opposition	128 559	33 945	162 504
Chief Whip of Majority Party	119 373	33 945	153 318
Chairman: Joint Committee on Public Accounts	116 247	33 945	150 192
Chairman of Committees	111 069	33 945	145 014
Chairman of Joint Committee	111 069	33 945	145 014
Deputy Chairman of Committees	105 903	33 945	139 848
Chief whip of Official Opposition	104 340	33 945	138 285
Leader of House	101 469	33 945	135 414
Whip of Parliament	101 469	33 945	135 414
Member of Parliament	90 873	33 945	124 818

* The allowances payable to members are subject to a determination made by the State President under the powers vested in him by section 1(3) of the *Payment of Members of Parliament Act, 1974*. The Act further provides for certain deductions on account of a member's absence in certain circumstances. See, however, sections 43(d) and 51(1)(d) of the Constitution, 1993.

MOTOR VEHICLE SCHEME

[Wef 1 October 1993]

Position	Loan Amount allowance	Monthly allowance	Maintenance
Speaker	*266 900	7 805.36	1 598
Chief Whip of Parliament	257 900	7 542.16	1 493
Chairman of House	206 700	6 044.84	880
Leader of Official Opposition	206 700	6 044.84	880
Chief Whip of Majority Party	206 700	4 542.52	880
Chairman of Committees	155 500	4 542.52	684
Chairman of Joint Committee	155 500	4 542.52	684
Deputy Chairman of Committees	155 500	4 542.52	684
Chief Whip of Official Opposition	155 500	4 542.52	684
Leader of House	155 500	4 542.52	684
Whip of Parliament	155 500	4 542.52	684
All other office-bearers and members	155 500	4 542.52	684

* As at 30 September 1993. New amount not yet available.

TELEPHONE UNIT ALLOCATION

Members' free telephone calls— A member is entitled, with effect from the Monday of the first week in which joint committees meet in Cape Town before the opening of Parliament, up to and including the Saturday of the week following the week in which the session ends, to make telephone calls, not exceeding the number of units allocated per month in total, from his Parliamentary telephone extension and his sessional residential telephone service in the Cape Peninsula and environs at the expense of Parliament: Provided that—

- (a) a member who at the end of the week in which the session ends has to his credit any unused time in respect of his quota of free calls is permitted to make such calls up to and including the Saturday of the week following the week in which the session ended;
- (b) the Speaker may authorize a member to make calls to areas which are outside the Republic but are included in his constituency.

Overseas calls may not be made by members at the expense of Parliament.

Chairmen of joint committees, chief whips, and senior whips of parties which do not have a chief whip are compensated for telephone calls made during the recess in order to make arrangements for meetings of joint committees.

Unit allocation— The unit allocation is as follows:

Speaker	Unlimited
Chief Whip of Parliament	Unlimited
Chairman of House	Unlimited
Chief Whip of Majority Party	5 625
Chairman of Committees	5 625
Deputy Chairman of Committees	5 625
Chief Whip of Official Opposition	5 625
Leader of House	5 625
All other Members of Parliament	2 250

CONSTITUENCY ALLOWANCE

A constituency allowance of R26 700 per annum in respect of proven expenses is paid to members who apply for the allowance. Application for the payment of the allowance must be made on the prescribed form. The purpose of the allowance is to enable a member of Parliament who represents a constituency to render a service, not related to his political affiliation, to all his constituents. To enable him to render this service he is provided with financial assistance in renting an office, appointing a secretary and hiring the necessary labour-saving devices.

Amounts claimed each month in respect of these expenses may not exceed 1/12th of the annual allowance of R26 700, and the allowance for a portion of a year is calculated on a *pro rata* basis. The financial year ends on 28 February and all credit balances expire on that date. All claims must be submitted on or before 28 February. No claims are accepted after 28 February. In the case of any dispute regarding the provisions of the Scheme, Mr Speaker's decision is final and conclusive.

Air transport— Journeys undertaken in order to attend committee meetings are not counted against the 36 journeys per year to which a member is entitled.

A member is also compensated for one return journey by private car and/or airport bus between his home and his nearest airport.

Motor transport— If a member travels by car to attend a meeting, he is compensated according to a prescribed tariff based on distance and engine volume. If a member travels by car and such a journey could have been undertaken more cheaply by air, he is compensated for—

- (a) one return journey between his home and his nearest airport and one return journey between the airport closest to the venue of the meeting and the venue itself according to the prescribed tariff; and
- (b) the cost of a single or return journey, whichever is applicable, by air between the nearest airport and the airport closest to the venue of the meeting.

" SECRETARIAL ALLOWANCE

Each political party represented in Parliament is paid an amount per member per month for the duration of a session to assist it in the procurement of secretarial services, and a further amount per month for the hiring of office equipment. Audited statements are submitted annually by each party.

Secretarial services	R264.87
Hiring of equipment	R138.62
TOTAL	R403.49

Independent members are paid R300.00 per month.

Are these figures correct?

PARLIAMENTARY STATIONERY

Each member is provided with Parliamentary letterheads and envelopes to be used for letters that deal with Parliamentary business and that are directed and addressed to individuals and are personally signed. Such letters are postage free. Members are furnished with maximum quantities of stationery at the expense of Parliament as set out below:

(i) Gold Letterheads:

Session: 1 000 sheets per member

Recess: 1 000 sheets per member

(ii) Green Letterheads:

Session: As requisitioned on behalf of chief whips of the various parties.

Recess: 2 500 sheets per member

GROUP ACCIDENT INSURANCE

Under the policy issued in terms of the Group Accident Insurance Scheme for Members of Parliament, compensation as stated in the schedule to the policy will be paid to any member who suffers bodily injury as defined in the policy.

As far as medical benefits are concerned, the Scheme will, subject to certain limits, pay in respect of any bodily injury the medical expenses, including operation fees and surgical appliances, nursing home and/or hospital charges actually incurred.

The amount insured is set at 5 x a member's salary pa x number of members. The benefits of the Scheme are payable direct to members or their lawful representatives.

The premium for the Group Scheme is paid out of Vote No 2: Parliament.

Each member is supplied with a copy of the policy.

PENSION SCHEME

Pension scheme— There is in terms of the *Members of Parliament and Political Office-bearers Pension Scheme Act, 1984 [Act 112 of 1984]*, a pension scheme for members of Parliament and certain other political office-bearers.

Pension payable— A member who has at least seven years and six months' pensionable service to his credit, or who was a member during the full duration of at least two successive Parliaments and whose membership terminated on the dissolution of a Parliament is entitled to a pension calculated at the rate of 1/15th of the pensionable salary of an ordinary member on the date of termination of the membership of the member concerned, in respect of each year of pensionable service up to a maximum of 15 years [section 8].

Pensionable service is calculated by the year and a portion of a year [section 6].

Pension contributions— A member must, from the date on which he becomes a member until the end of the month in which he has 12 years' pensionable service to his credit, contribute an amount equal to seven per cent of the pensionable salary of an ordinary member [section 4(1)], ie—

Basic salary	R90 378
Allowance	R33 945
TOTAL	R124 818

Contributions equal $(R124\ 818 \times 7\% = R8\ 737,26 \text{ pa})$, ie R728,11 per month.

Contributions are deducted in monthly instalments from a member's salary [section 4(3)].

Members not entitled to pension— A member whose service does not entitle him to a pension is entitled to a refund of an amount equal to the total of his contributions together with interest at the rate of five per cent of those amounts [section 13].

Previous periods of pensionable service— A former member may, while he is a member, at any time elect to have certain periods of previous pensionable service allowed as pensionable service [section 5(2)(a) and (b)].

Exceptions— Although membership is compulsory, exceptions are made in the following cases:

A female member of Parliament whose husband is or becomes a member of a medical scheme where she is entitled to benefits as a dependant shall, during the period of his membership of that scheme, be regarded as his registered dependant and shall not be eligible for membership of Parmed; and

the Parmed Management Committee may grant exemption from membership to any member of Parliament on receipt of a written application by such person setting out the reasons for exemption.

Married female members— A married female member of Parliament who is not a dependant of this or any other medical aid scheme shall be deemed to be a Parmed member without dependants and shall be eligible for benefits for herself only, unless she nominates dependants who are accepted by the Parmed Management Committee.

Continued membership— Rules 6.2 and 6.3 of the Scheme make provision for continued membership by ex-members and widows of deceased members.

Contributions— Contributions, which are subsidized by the State, are, in terms of section 2 of the Parliamentary and Provincial Medical Aid Scheme Act, deducted monthly from the salaries payable to members, as follows:

	Member	State	Total
Member without dependant	155	310	465
Member with one dependant	310	620	930
Member with more than one dependant	388	776	1164

Administration of Scheme— The Scheme is administered by Medscheme (Pty) Ltd.

MEMBERS' PRIVATE TELEPHONES

Members who are temporarily resident in the Cape Peninsula and environs for the duration of a session are entitled to a refund from the Vote of Parliament of the telephone rental actually paid by them for a private telephone in this area, subject to a maximum of six months' rental in each calendar year. Such refunds are not taxable.

A pro rata rental is charged for the actual period of the use of a Parliamentary residential telephone service, and the usual month's notice of termination of such a service is not required.

A member's private sessional telephone number will not be disclosed without his permission.

TRAVELLING FACILITIES OF MEMBERS

GENERAL RULES

Dependent children— The following persons are recognised as dependent children of a member for the purposes of travelling facilities set out in the schedule:

- (a) a member's child up to the age of 18 years who for the purposes of the Parmed Medical Aid Scheme is recognized as a dependant of the member; and
- (b) a member's child over the age of 18 years who is recognized by the Speaker as a dependant of the member.

Near relatives of a member— The near relatives of a member recognized as dependants of the member for the purposes of the Parmed Medical Aid Scheme and actually forming part of the household of the member, that is to say, who are permanently resident with the member, wholly dependent upon him and regularly maintained by him, are each entitled to undertake one return journey at the expense of Parliament by air or by rail between the member's place of residence and Cape Town in respect of each session.

Parent or parent-in-law— A parent or parent-in-law who permanently resides with the member and is wholly dependent upon him and regularly maintained by him, provided that the name of such parent or parent-in-law has been furnished to the Speaker on a prescribed form and has been entered in a register kept by the Secretary for that purpose, is entitled to two single journeys by air or by rail between the member's place of residence and Cape Town in respect of each session—

- (a) at the expense of Parliament, if the total monthly income of such a parent or parent-in-law does not exceed the amount of the old-age pension; or
- (b) as part of the quota of 36 journeys to which a member and his wife are entitled, if the total monthly income of such a parent or parent-in-law exceeds the amount of the old-age pension.

Date from which travelling facilities for near relative, parent and parent-in-law are available— The travelling facilities for the near relative, parent or parent-in-law of a member are made available only from the date of the official notification of the meeting of Parliament which, together with the necessary warrants, is posted to members approximately three months in advance of the opening of Parliament. Such dependants may travel to Cape Town after this date and return to their homes before or after the opening of Parliament.

Servant— A member is entitled to one return rail ticket per session for one bona fide paid servant to travel between the member's place of residence and Cape Town. This facility is not available for travel by air or Blue Train, nor for first-class travel on other trains.

Subsistence and travelling expenses of Chairmen of Houses— The subsistence and travelling expenses incurred by a Chairman of a House in his official capacity and certified by him as such, are recoverable from the Office of Parliament. The maximum expenses so recoverable may not exceed the subsistence and travelling allowances from time to time determined by the Rules Committees for members attending committee meetings.

Motorcar— A member who travels by motorcar from his place of residence to Cape Town and back once per session instead of railing his car from his place of residence to Cape Town and back, will be compensated for the distance travelled via the shortest route between his place of residence and Cape Town at a rate per kilometre calculated in accordance with the rate determined by the State President from time to time.

Luggage— Members are entitled to transport to and from their places of residence a maximum of 500 kg of excess luggage at the expense of Parliament, but the Speaker may, on good cause shown, authorize the maximum to be increased to 700 kg.

REPORT OF TRIPARTITE ALLIANCE WORKSHOP ON THE NATURE AND FUNCTIONING OF THE NEW PARLIAMENT HELD 8 APRIL 1994, AT THE JAN SMUTS HOLIDAY INN

Introduction

1. As reported to the NWC, this workshop was held in terms of a decision of the NWC following a request of the SACP. The attendance level was as planned, around 20, although no Cosatu representatives were present, despite correspondence and repeated telephone calls.
2. The level of discussion was very high and appeared to cover new ground in discussing the relationship and possible transformation of various institutions of parliament.
3. Apart from this report, the paper presented to the workshop on possible changes on the functioning of parliament will be revised on the basis of the workshop proceedings and presented for further discussion on a wider basis. In addition, a draft code of conduct presented to the workshop will hopefully be presented for discussion at the NEC.

HIGHLIGHTS OF DISCUSSION

What follows are highlights of the discussion of various topics:

THE ROLE OF PARLIAMENT AND PARLIAMENTARIANS

a. *The new parliament should be user-friendly.* It was repeatedly stressed that the rules of parliament should be made more accessible in order that all parliamentarians be able to understand and participate fully in proceedings. Specific suggestions as to amending rules were not made. It was noted that a rules committee would have to be established early on and one of its jobs would be to change the present character of proceedings

The question was not one of abolishing procedure, merely making this more accessible. This entailed questions of style e.g. names of office holders (where a view was expressed, but not fully debated regarding changing names) and questions of substance-ensuring that parliament operated in a particular way

b. It was accepted that the situation in the new parliament would not be comparable to the relationship between Labour and Conservative Parties in the UK, where both parties accepted the overall ground rules for the running of society.

How do we maintain such a GNU, containing contradictory forces,

while ensuring simultaneously that it carries out the RDP and other democratic and transformational goals?

Preferably there would have to be accepted rules for the operation of the GNU which ensured that other parties were not able to pursue independent policies subverting our overall goals.

Despite this contradictory framework, it was nevertheless argued that it was part of our job to try to turn the opposition into a 'loyal opposition.'

In other words, even though the NP and other parties in the new parliament may wish, now, to subvert the goals of the RDP it was our job to try and ensure their cooperation or win them over to our goals.

The relationship between extra-parliamentary, legislative and executive forces

c. This raised the question of how, in the event of the GNU meeting obstacles these could be overcome. In answering this, the workshop appeared to have broad agreement on how the relationship between forces outside parliament, parliament and the cabinet should be conceived. [See discussion below, particularly in relation to the role of select committees]. This conception it was believed would ensure that the process was people driven and also that the GNU could carry out its democratic and reconstructional tasks.

Select committees and the relationship between legislature and the GNU

d. In the first place a great deal of weight was placed on parliamentary select/standing committees which it was felt should be reconceived and play a far more dynamic role in the legislative process than previously the case.

Each such committee should understudy a particular ministry. they should consequently be established early on in the process ie. long before the full parliamentary session in August, so that they could contribute from the beginning to the process of policy formation.

It was envisaged that these committees work closely with ministries and form a link between various interests groups, the extra parliamentary forces of our broad liberation movement and the GNU prior to the formulation of legislation.

It was stressed that in order that ordinary people be able to contribute to this process it was of little use to ask them to assess legislation or legal documents. We needed the input of popular organisations of civil society about ideas for legislation which would then be put into legislative form.

A recommendation was made that a new stage be introduced into the legislative process after the first reading of a bill, prior to the adoption of the legislation on principle. Bills would then be submitted to the standing committees in order that there be

consultation with organs of civil society and regions etc so that they can make an input.

The subsequent readings of the bill should then be held in open so that where it was necessary for compromises to be struck the masses be able to see why and how this was done

Even at the stage where the principle of the legislation is discussed it should be possible for inputs to be made.

The relationship between a select committee shadowing a committee with an ANC member as minister would obviously be different from that held by a non ANC minister. In every case the select committees would be dominated by ANC MPs . Consequently the more powerful their role the more possible it would be to contain attempts by non-ANC MPs to disrupt the mandate of the electorate

It was argued that the select committees and the parliament as a whole should reserve their right to rock the boat should the outcome in the GNU be one that was antagonistic to this electoral mandate. But ideally, smooth running of government should be sought and institutionalisation of modes of popular participation. This should be in particular through the select committees and institutionalisation of the relationship between these committees and various ministries should lead to smooth government and limited conflict.

The select committees should have oversight over the workings of departments as a whole, asking for audited accounts, looking at affirmative action within these departments etc.

It was crucial then to understand that the question of cabinet responsibility would be modified to embrace a second form of accountability to these committees and through them to parliament as whole

The view that the executive/GNU should be responsible for formulation of legislation on its own was firmly rejected. It was stressed that there was no point in having members of the legislature unless a clear role was built for them, along the lines outlined above

Consequently the Workshop did not accept, beyond on the level of formality, such formulations as 'the executive initiates the RDP, parliament merely passes it.'

While it was accepted that we should pass laws quickly in order to rapidly improve the lives of people, we need to institute a system whereby a long-term process was established ensuring the inputs of the various forces mentioned above-in order to secure the goals of the RDP.

Insofar as this process entailed a revision of the present system of SA, it was stressed that the MPs in other Westminster systems were seldom as passive as the Nat MPs had been and made much more contribution to legislation.

It was a general view of the meeting that the balance of power

in the GNU will be shaped by how we use the balance of power in parliament.

Relationship between ANC as dominant party and members of the National Assembly

e. It was noted that the PR system tended to give the ruling party considerable powers over MPs. The question was how do MPs derive power to pressurise as MPs. Before matters were dealt with on the parliamentary floor these needed to be settled within the ANC caucus itself

Empowering National Assembly

f. It was noted again that there are a variety of different centres of power, which we have to seize or transform in order to ensure that they are put into the service of achieving the electoral mandate. Of these centres of power it was noted that parliament is one where we are strong.

It was important therefore, not just to empower MPs or elements of parliament but the institution of parliament itself, in the light of possible ongoing confrontation between different centres of power.

In order to achieve this, it was noted at the same time, that the major debates were unlikely to be on the floor of the house but in the select committees.

Insofar as these committees should be both based in Cape Town and travelling they would not be 'road shows' but serious attempts to hear what the masses have to say, directly and through organisations on the ground. [Some of these questions e.g. of a travelling select committee are elaborated in the discussion paper, still to be revised and distributed]

Mass participation and feedback

g. Regarding the question of reporting back, involving the masses, ensuring that people from remote areas were able to make inputs etc, it was noted that in the case of some regions, most candidates came from the city centre of the region and that serious attention would have to be paid to ensuring that these people were to perform adequately in representing the region as a whole.

A lot more work had to be done on allocating people to particular constituencies. A fresh conception of constituencies and constituency office funding was needed, in the light of funding of such offices under a proportional representation system.

We needed to understand how the question of representing an area related to simultaneously representing the ANC. This was directly relevant to funding of constituency offices.

Civil service

h. Question of relationship between parliament, GNU and civil service was repeatedly alluded to. One issue that was noted was that previous governments did not have an antagonistic relationship to the civil service, as might be the case now.

Needed also to be clarity over GNU making presentations to the House. Would ANC MPs have to simply follow. Or would it not be essential, as mentioned earlier that they have had the opportunity for prior debate, rather than be in silent or open disagreement

Building mass democratic organisations

j. It was noted that, even if there was agreement that the new parliamentary process include participatory democracy, involvement of mass organisations, the present lack of funding of these organisations may be making this impossible.

It was noted that mass organisations were on the decline and that funding was available for projects but not mass work, the type of work which would assist organisations to be in touch with their constituencies instead of simply providing them with the result of some project.

The problem, was that the organisations of the wealthier sectors of society obviously had lots of money and would then be in a better position to lobby.

The question of the state funding mass organisations in the interests of ensuring participatory democracy was raised.

Role of ANC constitutional structures

k. It was stressed that the role of the ANC constitutional structures were crucial and that these were supreme. The caucus is not a constitutional structure of ANC

PART II

CODE OF CONDUCT AND PERSONAL CONDITIONS OF MPS

The second half of the workshop considered the question of a code of conduct for MPs as well as personal conditions

A great deal of dissatisfaction was expressed over the NEC/NWCs failure to finalise such a code of conduct and it was noted that a code of conduct for MPs should be brief in order to avoid the type of problems that have held up passing of the NEC code.

Some debate was held over questions such as parliament being a full-time occupation and declaration of assets and liabilities, declaration of gifts, contribution of part of income to the ANC or other allied organisations etc.

It was resolved that the matter of a code be addressed as a matter of urgency and submitted to all candidates for their

signature

It was resolved that other matters be submitted to working groups to prepare proposals.

Personal Conditions

It was noted that while existing parliamentary accommodation would be upgraded as an option for those who might wish to live there, it was likely that a housing allowance would be provided to MPs

It was stressed as urgent that all candidates receive a letter providing as much information as possible to help them understand the probable unfolding of events.

Insofar as parliamentary rights have hitherto included provision for flights and other facilities for families-as defined in law, it was the view of the workshop that such facilities should be extended to single parents and their children, and other couples who considered themselves a family unit.

Creche facilities were to be provided but the parliamentary officials needed an idea of the quantity involved.

There had to be a meeting of the caucus before the big session.

CONCLUSION

There was a general sense of alarm at the lateness at which these issues were being tackled and a sense that the leadership had to make urgent decisions.

Raymond Suttner

12 April 1994

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12 APRIL 1994

TO ALL CANDIDATES FOR THE NATIONAL ASSEMBLY

Dear Comrades

I have been asked by the NWC subcommittee on the transition to write to all candidates for the National Assembly in order to provide information to assist comrades to prepare themselves for what lies ahead should you be elected.

In the first place, all members of the legislature will be sworn in on 6 May 1994. This means that you will be flown down to Cape Town from various points, details of which will be communicated later, in order to be in Cape Town the day before.

Provision is made for MPs to be accompanied by their partners.

It is important, however, that there be some indication as to how many people are coming on their own and how many are bringing their partners. Can this information please be supplied to Cde Philisiwe Nkosi at this office, by fax or telephone.

Accommodation

For this session you will be accommodated in hotels in Cape Town.

For the subsequent very brief session to discuss the President's address (see attached proposed sessions of parliament),
For the subsequent very brief session for the Constitutional Assembly to meet on 23 of May and the session of 23 to 27 discussing the President's address, it is being proposed that comrades will be provided with accommodation in the parliamentary villages already in existence. These are being upgraded for the purpose.

Even at the stage of the second meeting of the National Assembly/Constitutional Assembly and certainly with a view to the longer session starting in August, it is likely that comrades will be offered the option of continuing to stay in these villages (paying a nominal rent) or a housing allowance (though this has not been formally approved yet).

As soon as there is finality candidates will be informed.

The People Shall Govern!

Salaries

Likewise the question of salaries has to be settled early on, in order that MPs are paid at the end of May. The TEC has established a commission under Justice Melamet with representatives from various sectors, including business and the unions, to make recommendations regarding salaries. These would have to be adopted by parliament

Code of Conduct

A code of conduct is in the process of being finalised for all ANC MPs to sign, as a condition of membership of parliament. }

Inauguration of the State President

This will take place in Pretoria on 10 May with simultaneous celebrations in other parts of the country. All MPs will be expected to attend and provision will be made for transport.

Creche facilities

Creche facilities are to be provided near to parliament. It is however necessary that we supply information as to how many children are entailed, so that suitable arrangements can be made.

There may be other matters affecting parents, particularly women and we ask that these be communicated to us. The Commission on the Emancipation of Women is seeking to coordinate these matters in general, but it would also be useful if problems that you think we may not have envisaged are also communicated to me.

I hope that the above information has assisted in clarifying aspects of what lies ahead after election.

Yours in struggle

Raymond Suttner *R Suttner*
for the NWC Subcommittee on the Transition

DRAFT PARLIAMENTARY PROGRAMME

May 1994

- | | |
|----------|--|
| 5 | First meeting of provincial legislatures. Provincial legislatures elect Premiers and Premiers get sworn-in. |
| 6 | First meeting of National Assembly. The National Assembly elects the President. |
| 10 | Inauguration of the President in Pretoria. Celebrations held in all provinces. This day will be declared a public holiday. |
| 20 | First meeting of Senate |
| 23 | First meeting of Constitutional Assembly |
| 23 to 27 | President's Address to Parliament and parliamentary debate on the address.

Setting up of Standing Committees and Rules Committee. |

June

- | | |
|---------|---|
| 6 to 10 | Tabling of 1994/95 budget and first general debate on budget. |
|---------|---|

1 August
up December

Full session of parliament.