



21 November 2012

SUMMARY OF SUBMISSIONS: CONSTITUTIONAL REVIEW

1. Introduction

The purpose of this template is to assist in indexing legal opinions provided by Legal Service and to highlight the submissions that the Committee should discuss.

CRC Com Ref	Submitter	Impugned Clauses	Legal Advice	Action
CRC 12- 1	L L Nawa	Ss 132, 232 and 233; sch 4 and 5	1.Including provisions that will promote African identity is a matter of policy 2. Extending municipal power to include cultural matters the Committee may decide	CRC to decide and discuss
CRC 12-2	V Gama	Ss 9(2), 38(c), s 88(2), s142, Preamble, 103 (1)	Proposed amendments include policy considerations.	Committee to discuss and decide
CRC 12-3	J Brookryk	Ch 2 to include Ubuntu	No amendment proposed	No action required
CRC 12-4	Nkosinathi	Ss 197(2), terms and Conditions of Public Service	No amendment proposed	CRC to refer the matter to an appropriate committee
CRC 12-5	J M Ramokgoatedi	Ss 10	The Constitution already provides for protection of human rights	No Action
CRC 12-6	B Mthembu	Ch 1, ss 2, 4, 6(1) &(2) , 25, 40 (1), 42 (1), 46 (1), Ch 9	1. Change in electoral system requires a policy decision. 2.Submission on Ch 9, would not	CRC to discuss and decide on certain aspects of the submission



			meet the constitutional provisions	
CRC 12-7	B Carr	s 32	No amendment proposed.	CRC to refer to an appropriate parliamentary committee
CRC 12-8	Hon MJ Mahlangu	S 73(4)	No proposal included	CRC to request the NCOP Chairperson to propose an amendment
CRC 12-9	D Bogatsu	No constitutional provision impugned	No amendment proposed	CRC to refer to an appropriate committee
CRC 12-10	J Price	S 42 (3)	The proposed amendments require a substantial change of the Constitution	CRC to discuss and decide
CRC 12-11	IFAISA	Ss 47(3)(c), ch 9	1. Proposal for a new Ch 9 institution is a policy matter 2. Change in electoral system is a policy matter	CRC to decide and discuss
CRC 12-12	IFP	Ss 211, 212 and ch 3, 7	1. Proposed amendments could be achieved by the Intergovernmental Relations Framework Act. 2. Traditional courts are already accommodated.	No action is required
CRC 12-13	CGE	S 9 (3)	Disability is already listed as a ground in the section	No action required
CRC 12-14	CLRC	S 6	Inclusion of a language is a	CRC to take a policy decision



			policy matter	
CRC 12-15	L Nkabinde	S 139 (1) , s 10	1. Inclusion of ubuntu in s 10, a policy matter 2. The impugned section already covers the proposal	CRC may discuss and make a decision
CRC 12-16	M Mashile	Ss 42, 60 76, 212	Proposals require a restructuring of the legislative authority.	CRC to discuss and make policy decision
CRC 12-17	CRC	Ss 47 (3)(c) ,	The review of the electoral system is a policy decision	CRC to discuss and make a decision
CRC 12-18	Mr. T Madimedja	Ss 181 (1) (c), 185 (3) ,	1.Change of name for the CRLR; Powers of the 2.Commission to Investigative Powers 3.Appointment of members of Ch 9 Institution	CRC to discuss and make a decision Refer the matter to OISD
CRC 12-19	Mr.S Ndogo	Preamble, BoR, s 86,	1. Godly values on the whole preamble and Bill of Rights 2. Election of President, Review of the Electoral system (Policy decision	No action is required CRC to discuss and make a decision