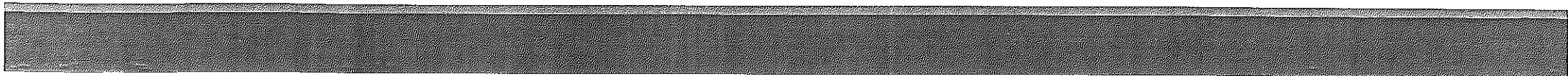


**EXECUTIVE SUMMARY OF 2013 SUBMISSIONS
TO THE
JOINT COMMITTEE ON CONSTITUTIONAL REVIEW**



Introduction

This presentation will cover a discussion of the legacy submissions outstanding from 2013, which the previous Joint Committee on Constitutional Review (CRC) was unable to consider during the 4th Parliament,

The 5th Parliament saw the establishment of the CRC on 25 March 2015, where co-chairpersons from both representative Houses were appointed,

Four management meetings have since been held in preparation for the annual invitation for written submissions to the public in the media,

The management meetings also gave direction on how to best present the legacy submissions and the 2015 submissions to the Committee,

Categorisation of submissions

A resolution was taken at the management meeting on a methodology categorising the submissions into three categories, namely:

- **CATEGORY 1:** submissions that are ready for consideration by the Committee;
- **CATEGORY 2:** submissions that require a specialist or legal opinion by a legal advisor or content advisor; and
- **CATEGORY 3:** submissions which are vague and do not set out which constitutional provisions require review or amendment. The Committee is therefore unable to consider these submissions.

A total of 13 Submissions were received for consideration by the CRC in 2013, these submissions have been categorised into the above mentioned categories and chronologically discussed herein for consideration by the CRC.

Table of submissions received in 2013

| CATEGORY 1: submissions that are ready for consideration by the Committee | CATEGORY 2: submissions that require a specialist or legal opinion by a legal advisor or content advisor | CATEGORY 3: submissions which are vague and do not set out which Constitutional provisions require review or amendment. |
|---|---|--|
| Submission 1: The Institute for Accountability in Southern Africa (Ifaisa) | | Submission 2: by Ms S. Mosiane |
| | | Submission 3: Mr O. Shembe |
| | | Submission 4: Mr L. Mahlatsi |
| Submission 5: Support Public Broadcasting Coalition | | Submission 7: Mr F Ngabeni's |
| Submission 6: Deaf Federation of South Africa (DeafSA) | | Submission 10: Mr B Ngobese's |

Table of submissions received in 2013

| CATEGORY 1: submissions that are ready for consideration by the Committee | CATEGORY 2: submissions that require a specialist or legal opinion by a legal advisor or content advisor | CATEGORY 3: submissions which are vague and do not set out which Constitutional provisions require review or amendment. |
|---|--|---|
| | | Submission 11: The South African Veterinary Council |
| Submission 12: National House of Traditional Leaders | | |
| | | Submission 13: Prof M Mhango |

Submission 1: The Institute for Accountability in Southern Africa (Ifaisa) ref CR 13/1

Ifaisa's submission related to 3 issues:

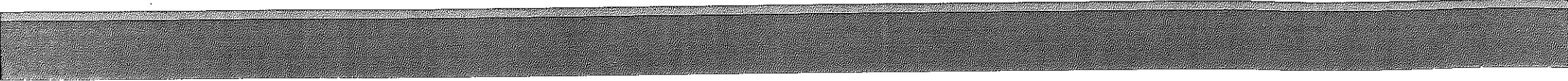
1. The establishment of an Anti-Corruption Commission as a new Chapter 9 Institution

Ifaisa submits that the Eagles would be the best practice solution, and that the establishment of a Chapter 9 Institution, an Anti-Corruption Commission called the Eagles is urgently needed to address crime syndicates and corruption faced by South Africa at present.

Recommendation to the CRC

This submission can be remedied by the South African Police Service Act of 2012 and does not necessitate the amendment of the Constitution.

The Constitutional Court in *Glenister v President of the RSA* found that the Constitution does not require the establishment of a unit such as "The Eagles", nor does it require its operational attributes. What is required is a mechanism to root out corruption.



Submission 1: The Institute for Accountability in Southern Africa (Ifaisa) ref CR 13/1

On 27 November 2014, the Constitutional Court delivered its second judgment on the constitutionality of certain sections of the South African Police Service Amendment Act (No. 10 of 2012) (SAPS Amendment Act);

The Constitutional Court ordered that certain provisions of the SAPS Act, 1995 as amended by Act 10 of 2012, are inconsistent with the Constitution. This judgment however does not mean that the Constitution has to be amended. It simply means that the SAPS Act, 1995 might have some gaps in it at the moment, which gaps need to be rectified by the Department of Police.

2. The indulgence of 100% proportional representation

Ifaisa submits that the question of proportional representation was only meant to be part of the transition to democracy, instead of between the elected and their party bosses;

Ifaisa proposes that the provisions of section 47(3)(c) be considered by the CRC with a view of a Constitutional amendment.

Submission 1: The Institute for Accountability in Southern Africa (Ifaisa) ref CR 13/1

Recommendation to the CRC

Section 47(3) (c) stipulates that a person loses membership in the National Assembly if that person ceases to be a member of the party that nominated that person as a member of the Assembly;

Section 47(3) (c) was inserted by the Constitution Tenth Amendment Act, 2003 to create "uniformity within the three spheres of government regarding loss or retention of membership of the National Assembly" and an amendment of this paragraph will thus necessitate consideration of similar provisions that relate to the Provincial and Local spheres of Government

Parliamentary legal advice pertaining an amendment of this section states that any amendment of the electoral system and representation in Parliament is a policy decision which requires deliberation and resolutions from a party-political level of engagement;

If the Committee is in agreement with the contention section 47(3) (c) prevents Parliamentarians from voting their conscience on contentious legislation without fear of disciplinary measures on the part of their party, then a policy review on the electoral system may be necessary.

Submission 1: The Institute for Accountability in Southern Africa (Ifaisa) ref CR 13/1

3. Reforming the Judicial Service Commission (JSC)

The Ifaisa states that the process followed around the filling of the JSC vacancies and particularly the process of the appointment of Chief Justice is corrupt, as politics have been allowed to unduly intrude this process to the detriment of the administration of justice and the confidence of the public in the judiciary;

The Ifaisa submits therefore that the powers of the JSC to fill vacancies in terms of section 178 together with the process of appointment of the Chief Justice needs to be reviewed, on the basis of there being too many political appointees on the JSC and as a result the JSC does not function as an independent body in terms of section 165, which clause requires it to act impartially.

Ifaisa recommends that the problem of too many political appointees be reduced by their replacement with nominees from: The Bench in the form of retired judges, Civil Society in the form of appropriately qualified commissioners and Faith Based Organisations, Trade Unions and Law lecturers who already serve on the JSC.

Submission 1: The Institute for Accountability in Southern Africa (Ifaisa) ref CR 13/1

Recommendations to the CRC

Section 74 of the Constitution provides that a bill to amend the Constitution can only be passed if at least two-thirds of the members of the National Assembly vote in favour of it. In terms of Joint Rules 103 the buy-in of the Committee members is primarily required in order for a policy decision to be taken by the Committee to either oppose or approve the amendments proposed by Ifaisa;

the Committee may either:-

- Invite Ifaisa to present orally on the proposed submission, thereby getting clarity on the feasibility of amending the Constitution as proposed;
- Deliberate on the points of clarity raised during the oral presentation and resolve to vote either in agreement or disagreement with the Constitutional amendment proposed;
- The Committee may then proceed to table the proposed constitutional amendment Bill with a view of introducing it in the National Assembly in terms of section 73 (1), 73 (2) and 74(3) (a).

This Submission falls under category 1 and is ready for consideration by the Committee.



Submission 2: Ms S Mosiane

ref CR 13/2

This submission proposes that menstrual pains be recognised when considering sick leave for women.

Recommendation to the CRC

This submission is one which is covered in the labour legislation, namely the Basic Conditions of Employment Act No. 75 of 1997 as amended by the Basic Conditions of Employment Amendment Act, No. 11 of 2002, Chapter 3 pertaining to leave entitlements, at section 22 which makes specific reference to sick leave.

This submission falls under **CATEGORY 3** which denotes submissions which are vague and do not set out which Constitutional provisions require review or amendment. The Committee is therefore unable to consider this submissions.

Submission 3: Mr O Shembe

ref CR13/3

Received from Mr O. Shembe regarding a phrase appearing in the Preamble on page 1 of the Constitution. Mr Shembe submits that the phrase stating that “...South Africa belongs to all who live in it” should be replaced with the phrase “...South Africa belongs to its legitimate and legal citizens”.

Recommendation to the CRC

In light of the recent xenophobic violence currently being reported in the South African media, a submission of this nature ought not to be considered by the Committee. Rather the focus should be to foster unity among Africans rather than emphasising differences in order to exclude others.

This submission ought to therefore fall under CATEGORY 3



Submission 4: Mr L. Mahlatsi

ref CR13/4

Proposes that the law ought to be change to permit homeowners to protect themselves by killing armed robbers in self-defense.

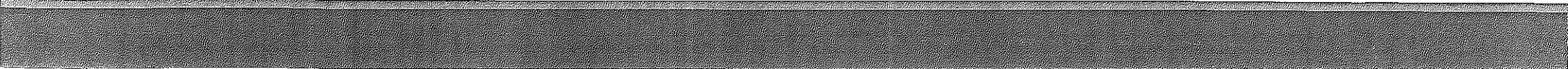
Recommendation to the CRC

In the light of constitutional rights to life, human dignity, freedom and security, any degree of force or violence may be executed lawfully in limited circumstances only, for instance in the preservation of one's own life or that of a family member or other innocent person;

The Constitutional Court in Ex Parte Minister of Safety and Security and other: In re S v Walters and Another, has also ruled that one is entitled lawfully to defend oneself, even by injuring or killing an attacker, if the attack was such that it was life-threatening to the defender;

Self-defense is also governed by common law, and the use of force during the arrest of a criminal by police is governed by section 49 of the Criminal Procedure Act No. 51 of 1977;

This submission is therefore dealt with in existing case law and national legislation and does not necessitate amendment of the Constitution. **This submission therefore falls under CATEGORY 3.**



Submission 5: Support Public Broadcasting Coalition (S.O.S)

ref 13/5

By the Support Public Broadcasting Coalition (“the Coalition” or “SOS”) representing a broad range of civil society stakeholders and makes proposals for review and amendment of certain sections of Chapter 9 of the Constitution, dealing with State Institutions Supporting Democracy;

The SOS Coalition calls for the transformation of the SABC into a Chapter 9 Institution as a way of protecting the SABC’s independence;

Amendments Relating to the Independent Communication Authorities of South Africa (ICASA). In 2000, ICASA was created in terms of the Independent Communications Authority of South Africa Act 13 of 2000 (the ICASA Act);

The SOS Coalitions proposes amendments to the following sections of Chapter 9 of the Constitution:

Section 181 (1): the insertion of subsection (g) and (h) namely The Independent Authority to Regulate Communications, and The Public Broadcaster, respectively under the list of state institutions strengthening constitutional democracy in the Republic;

Section 192: the insertion of section 192A stating: “Public Broadcaster. – National Legislation must establish an independent national public broadcaster to provide broadcasting services in the public interest and in accordance with its national public broadcasting mandate set out in such legislation.”

Submission 5: Support Public Broadcasting Coalition (S.O.S) ref 13/5

Section 193 (1), (2), (4) (d) and (e): the insertion of “and of the Communications Authority and the Non-Executive Board members of the Public Broadcaster.”

Section 194: Removal from office.- (1) The Public Protector, Auditor-General, or a member of a Commission...and the insertion of “or of the Communications Authority, or a Non-Executive Board member of the Public Broadcaster”...established by this Chapter may be removed from office...”

Recommendation to the CRC

There are existing laws regulating the work of the Communications Authority namely: Independent Communications Authority of South Africa Act No.13 of 2000; and Electronic Communications Act No. 36 of 2005;

The amendments proposed by the SOS Coalition can be accommodated in existing legislation relating to communications in the Republic;

The importance cited in the amendments proposed by the SOS Coalition to the CRC can be accommodated in existing communications legislation, in order to achieve the objectives proposed in this submission. **The submission therefore falls under category 1, denoting a submission that is ready for consideration by the Committee.**

Submission 6: Deaf Federation of South Africa (DeafSA) ref 13/6

DeafSA requests an amendment to Chapter 1 of the Constitution under section 6(1) pertaining to languages, and submits that the Committee should consider the addition of South African Sign Language (SASL) as an official language of the Republic in this section;

DeafSA acknowledges that SASL is well-recognised in the Constitution and given a special status under section 6 (5) (a) (iii) of Chapter 1, but submits that no educational institutions abide by these Constitutional provisions;

SASL enjoys recognition in both the Constitution and the Schools Act 84 of 1996. The Schools Act recognizes SASL as an official language for the purposes of learning at a public school;

Parliament held two meetings with DeafSA in 2012, the CRC presented its report to Parliament on 13th September 2012 for consideration and consensus was reached that the Use of Official Languages Bill was to be approved by Parliament and DeafSA made written submissions to this Bill which was later passed into an Act of Parliament, namely the Use of Official Languages Act of 2012;

Submission 6: Deaf Federation of South Africa (DeafSA) ref 13/6

Recommendation to the CRC

Based on Parliamentary legal advice on a submission that calls for a section 6(1) Constitutional Amendment, it was advised that the inclusion of any language as an official language within the text of the Constitution is a policy matter, which requires a decision to be taken by the Legislature based on case law, namely The Constitutional Court In re: Certification of the Constitution of RSA, 1996 (10) BCLR 1253 (CC);

The Court reasoned that the focus of section 6 was the protection of linguistic diversity, “not the status of any particular language or languages.” The Court therefore left the responsibility to the Constitutional Assembly to decide on the granting of official status to languages and by implication that responsibility has now been passed on to Parliament;

Therefore the decision to include South African Sign Language as an Official Language in section 6 (1) by way of a Constitutional amendment requires a policy decision to be taken by the Legislature. **This submission therefore falls under category 1 submission which is ready for consideration by the Committee.**

Submission 7: Mr F Nqabeni

ref 13/7

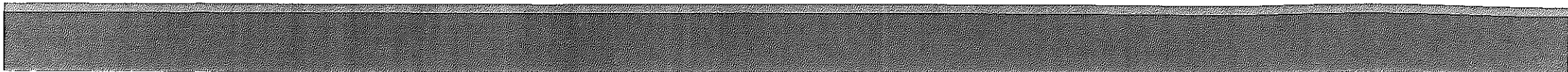
This submission entails arguments addressing Mr Nqabeni's dissatisfaction with provisions pertaining to rights of arrested, detained and accused persons;

Mr Ngabeni submits that it is unfair to victims that people in prison receive facilities such as free accommodation, food and education which victims pay for through tax. Mr Ngabeni makes a further argument regarding his disapproval with same sex marriages;

However the basis of this submission is supported by personal religious convictions and the submission does not make clear proposals for amendment or review of specific sections of the Constitution.

Recommendation to the CRC

This submission falls under CATEGORY 3 which denotes submissions which are vague and do not set out which Constitutional provisions require review or amendment. The Committee is therefore unable to consider this submissions.



Submission 8: South African Local Government Association (SALGA) ref 13/8

The South African Local Government Association (SALGA) made a submission for the CRC to review and make amendments to the following sections of the Constitution:- **Section 67** on voting rights in provincial elections; **Section 139** on provincial intervention in local government which undermines separation of powers; and **Section 163** on funding for organised local government;

Section 67: provides for the voting participation by local government representatives in the NCOP but does not permit them to vote. SALGA proposes that the words “but may not vote” be removed from the Constitution to allow the NCOP Rules to make provision for circumstances in which organized local government may exercise a single vote (as provinces have);

SALGA proposes that the Rules of the NCOP make provision for the circumstances in which organized local government may vote, such as when the House is considering an intervention in a municipality or key legislation on local government matters;

Recommendation to the CRC

It is within the CRC’s discretion to make a policy decision on whether or not to approve or oppose the proposal by SALGA, the CRC could consider requesting SALGA to make presentations to it for elaboration and clarity in this regard.

Submission 8: South African Local Government Association (SALGA) ref 13/8

SALGA also proposes constitutional **review of section 139** of the Constitution, which provides for provincial intervention in local government matters, thereby promoting an incremental process. SALGA submits that section 139 (1) be amended by the CRC in order to provide that "... the relevant provincial executive may intervene by taking appropriate steps to ensure fulfilment of that obligation, by:-

First, issuing a directive to the Municipal Council, describing the extent of the failure to fulfil its obligations and stating any steps required to meet its obligations; And insert the following...If the directive above is not followed despite efforts from the provincial executive, then assumption of responsibility for the relevant obligation in that municipality by the provincial executive ; and Finally, in extreme circumstances and for persistent failure, dissolution of the council.

Recommendation to the CRC

Parliamentary legal opinion on section 139 stated that should a provincial executive be unable to exercise its functions under this section, then subsection 139(6) of the Constitution obligates the national executive to intervene. Provision for intervention is thus sufficiently provided for up to the level of the national sphere;

Submission 8: South African Local Government Association (SALGA) ref 13/8

It is recommended that the CRC in its consideration of the review of section 139, take cognizance of the consequence of an action which is stated as an obligation in the Constitution. When an action is an obligation, neither the provincial legislature, nor the courts may consider circumstances such as capacity or financial constraints, when considering why an action was not executed. It must be noted that the obligation must be executed regardless of challenges;

Therefore a decision by the CRC to amend the discretionary intervention provided for in section 139(1) is in essence a policy decision, which the Committee may decide to either oppose or approve in its Recommendation Report. Therefore this part of the submission falls under **category 1 submissions which are ready for consideration by the Committee.**

SALGA submits that **section 163 of the Constitution should be amended** to create an enabling provision that obliges national government to include the funding model in the Organised Local Government Act and outline same in the Division of Revenue Act;

Submission 8: South African Local Government Association (SALGA) ref 13/8

It is proposed that section 163 be amended to instruct the Organised Local Government Act 52 of 1997 to: 1) Cater for the recognition of national and provincial organizations representing municipalities; 2) Determine procedures by which local government may consult the national and provincial government; and 3) Designate representative to participate in the NCOP and Provincial Legislatures, as well as nominate persons to the Financial and Fiscal Commission (FFC).

Recommendation to the CRC

The amendment requested by SALGA speaks to the legal framework of subordinate legislation, namely the Organised Local Government Act No. 52 of 1997. The request within this submission can be addressed by the CRC making a policy decision to either approve or oppose the amendment in principle and to refer the matter to the relevant Committee in Parliament dealing with organized local government matters, namely the PC on Co-operative Governance and Traditional Affairs;

What is required is legislation subordinate to the Constitution in order to regulate the funding model regarding monetary allocations provided to organized local government in carrying out its work;

This submission therefor falls under category 1, which denotes a submission ready for the CRC's consideration.

Submission 9: Holy Faith Mission ref 13/9

Submit that the Khilovedu language be included with the other 11 official languages within section 6(1) of the Constitution, similar to the DeafSA submission 6, discussed herein above;

Recommendation to the CRC

Based on parliamentary legal advice obtained on another comparable submission that called for a section 6(1) constitutional amendment, it was advised that the inclusion of any language as an official language within the text of the Constitution is a policy matter, which requires a decision to be taken by the Legislature;

Therefore the decision to include the Khilovedu language as Official Language in section 6 (1) by way of a Constitutional amendment requires a policy decision to be taken by the Legislature'

Similar to the DeafSA submission, it is for the CRC to take a policy decision in its Constitutional Review Report on whether to approve or oppose the proposed amendment.

This submission therefore falls under category 1 submission which is ready for consideration by the Committee.

Submission 10: Mr B Ngobese's ref 13/10

Mr B Ngobese makes many arguments based on his disagreements with existing legislation and Constitutional Court rulings but does not make a clear request for the review or amendment of a particular section in the Constitution;

This submission speaks to issues provided for under national legislation such as the Sexual Offences Act 12 of 2009, the Property clause in section 25 of the Constitution, and the Criminal Procedure Act 51 of 1977 but not expressly make reference to them;

Recommendation to the CRC

Due to the fact that Mr Ngobese has set out his submission without proposing remedial suggestions of what amendments need to be effected to the Constitution, makes his submission one which the Committee is unable to consider;

This submission falls under CATEGORY 3 which denotes submissions which are vague and do not set out which Constitutional provisions require review or amendment.



Submission 11: The South African Veterinary Council (SAVC) ref 13/11

(SAVC) submits that the State Veterinary Services need to be centralised. The Vet Council is established in terms of the Veterinary and Para-Veterinary Professions Act 19 of 1982 in order to protect the health and well-being of animals and animal populations, among other functions;

The veterinary service as referred to in the Constitution includes: In Schedule 4 (Part A) “animal control and disease” is identified as a functional area of concurrent national and provincial legislative competences; In Schedule 5 (Part A) of the Constitution, “abattoirs” and “veterinary services”; In Schedule 5 (Part B) “municipal abattoirs” are identified as functional areas of exclusive provincial legislative competence. Section 156 of the Constitution further makes provision to assign these functions to municipalities;

SAVC’s submits that the State Veterinary Services need to be centralized and lists the reasons, some of which being: Provincial veterinary services are driven by dysfunctional management; The Constitutional arrangement, to decentralize veterinary services further defragmented the delivery of services, poor coordination of services and poor implementation of policies;

Submission 11: The South African Veterinary Council (SAVC) ref 13/11

Recommendation to the CRC

The submission made by the SAVC does not make reference to which specific constitutional provisions it requests the Committee to consider for review;

The submission also does not set out its recommendations as to how the provisions of the Constitution which it requires amended ought to be amended;

In light of the lack of preciseness and clarity on which particular provisions of the Constitution the SAVC requires the Committee to either review or amend, the Committee is unable to consider this submission;

Therefore this submission falls under category 3, being a submission which the Committee is unable to consider due to a lack of clarity.

Submission 12: National House of Traditional Leaders (NHTL) ref 13/12

Pertains to a request by the NHTL for the CRC to review various sections of the Constitution namely sections 41(2); 151; 155; 166; 190; and 211;

Section 41(2): Co-Operative Government, NHTL recommend that Traditional Councils should be included as intergovernmental structures, to facilitate intergovernmental relations;

Section 151 and 155: Local Government, be amended and municipalities be replaced by Traditional Councils in order for service delivery to take place rapidly in traditional communities;

The NHTL recommends that **section 190(1) (a)** be amended to provide that the Electoral Commission must, in consultation with Traditional Councils, manage elections in traditional communities;

Section 211, be amended in order to provide that the Institute of Traditional Leadership is guaranteed and not only recognized in case law. It is proposed that section 211(1) be amended as follows: “The Institution, status and role of traditional leadership, according to customary law, are recognized and guaranteed, subject to the Constitution.”

Submission 12: National House of Traditional Leaders (NHTL) ref 13/12

Recommendation to the CRC

Regarding **section 41(2)**: this section currently provides for an Act of Parliament to establish structures to promote intergovernmental relations. The Traditional Leadership and Governance Framework Act, 2003 as amended establishes and recognizes traditional leadership including Traditional Councils;

Regarding **section 151 and 155**, pertaining to the proposal to disestablish municipalities in rural areas where there are traditional leaders, parliamentary legal advice on these sections states that traditional authorities are not elected bodies. There is a view that these should be incorporated into formal local government structures under the control of the electorate, however should not be given legislative powers or be turned into a political elected office;

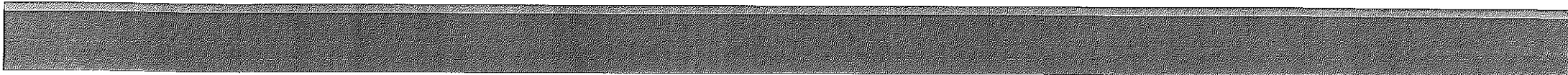
Incorporation of the NHTL into the structures declared under the Co-operative and Inter-Governmental Structures Act and chapter 3 of the Constitution is not possible since in the current policy, traditional leaders are not part of government spheres or government, however they are stakeholder like any other public stakeholder with ability and empowerment to influence the actions and legislative measures of government. The participatory empowerment offered to the traditional leaders is provided for and already legislated in the Traditional Leadership and Governance Framework Act 41 of 2003.

Submission 12: National House of Traditional Leaders (NHTL) ref 13/12

This Act is clear that traditional leadership structures must be consulted especially on issues that concern traditional communities and traditional leaders but it does not create them as part of the co-operative intergovernmental structures as stipulated in terms of chapter 3 of the Constitution;

The same applies to the issue of doing away with local government structures in traditional communities. The Acts in place like the Municipal Structures and Municipal Systems Acts enables and requires the involvement and consultation of traditional leaders but does not establish traditional leadership as part of government; Traditional Councils are incorporated through membership to be part of Municipal Councils;

Therefore the proposal is already covered through existing legislation where membership of municipal councils is obliged to enable participation of traditional councils in matters that affect them or where they have interest;



Submission 12: National House of Traditional Leaders (NHTL) ref 13/12

Regarding the **submission to amend section 166** on courts and administrative justice, the Constitution has already been interpreted to include these, however legislation is required to render this position effective. Section 166(e) of the Constitution provides that the courts are any other court established or recognised in terms of an Act of Parliament, including any court of a status similar to either the High Courts or the Magistrates' Courts;

The Certification Judgment 2006 also confirmed that traditional courts are covered in this provision. Therefore no amendment is required as draft legislation to give effect to this proposition is being processed, namely the Traditional Leadership and Governance Framework Act 41 of 2003;

Regarding the **section 190 submission** requesting an amendment of the Constitution in order to provide that the Electoral Commission must in consultation with Traditional Councils manage elections in traditional communities, it is recommended that the CRC refer the consideration of this amendment to the PC on Justice Security and Constitutional Affairs as the impact desired by this amendment can be achieved through relevant existing legislation without necessitating an amendment of the Constitution;

The proposal that **section 211(1)** be amended as follows: "The Institution, status and role of traditional leadership, according to customary law, are recognized and guaranteed, subject to the Constitution." This amendment can be addressed in the Traditional Leadership and Governance Framework Act 41 of 2003.

This submission falls under category 1, denoting a submission which is ready for consideration.



Submission 13: Prof. M Mhango, University of Witwaterand, School of Law

reg 13/13

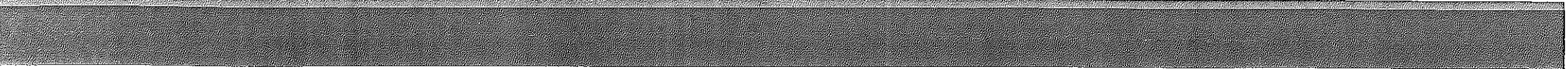
Pertains to private members bill, introduced by Member of Parliament D Smuts on 6 June 2013, called the Constitution Eighteenth Amendment Bill (the Bill). This Bill aims to make provision for matters pertaining to the National Prosecuting Authority (NPA), The Bill had sought to amend section 179 of the Constitution and matters related to it;

This submission does not speak to a review or amendment of the constitution, instead this submission makes an argument against the approval of matters mentioned herein above in a private member's bill, namely the Constitution Eighteenth Amendment Bill, as presented in the text of the original submission, reference CR 13/13;

Recommendation to the CRC

However the Constitution Eighteenth Amendment Bill as published under Government Gazette No 33945 on 21 January 2011 is referenced as B8-2011, and its objectives seeks to amend Part A of Schedule 4 to the Constitution by replacing the expression "Education at all levels, excluding tertiary education" with the expression "Education in schools" and does not deal with the matters discussed in the submission.

This submission falls under CATEGORY 3 which denotes submissions which are vague and do not set out which Constitutional provisions require review or amendment.



Conclusion on 2013 Submissions

13 Submissions have been received in total, 7 of these submission have been categorised as those which the Committee is unable to consider for the reasons stipulated in the recommendations;

6 Submissions have been identified and categorised as those which require the committee to make a policy decision on whether to approve or oppose in the Committee's Recommendation report;

It is further recommended that the Committee give written feedback to persons whom submitted submissions in 2013, in order to communicate:

- the reason for the lapses in time, and
- the decision which the Committee has taken pertaining to the respective submissions.