**Constitutional Review Committee**

**2016 Table of Submissions**

7 June 2016

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| **Submission**  **Reference:** | **Submitter:** | **Section submitted for review**  **and subject matter of submission:** | **Recommendations**  **and related matters:** |
| CR16/1  3 | Khoisan Nation  Self Defence Unit | **Defence Laws Act. No 99 of 1996** demobilisation **Act, 1996, Act No.81 of 1998**, defence special tribunal act, 1998, **Act No.128 of 1998** demobilisation amendment act, 1998. **Act No.43 of 2001**, demobilization amendment act, 2001 ad **Act No. 44 of 2001**, termination of integration intake act, 2001.   * Interest in Defence Laws and Amendment bills legislation to bring it in line with the Constitution and to amend the termination of the integration intake bill of 2001. * Aver that the Act does not cater for full participation of the integration of the Khoisan Soldiers/Cape Corps. | * Refer matter to the Portfolio Committee on Defence and Military Veterans * Refer submission to Joint Standing Committee on Defence. Write to SC Committee on Security and Justice. * 7 forces currently benefited during SANDF integration process since 21 April 1994. * Submitters aver that the Khoisan soldiers made up the 8th force which was excluded since 21 April SANDF integration process. |
| CR16/2  3 | Shepherd Silayi | * Section 29(2) right to receive education in official language   Review this section to provide:” Everyone ***may have***the right to receive education in the official language of their choice, where that education is reasonably practicable.”  **Recommendation**  **The South African Schools Act**  Section 6 of the South African Schools Act (SASA) (RSA, 1996) prescribes several preconditions in relation to the determination of language policy in public schools.  This Act confers powers on school governing bodies to determine the language policy of a school, subject to the Constitution, SASA and any applicable provincial law**.**  Interpretation of this section of SASA has been the object of significant legal contestation, as is evidenced by the number of court cases pertaining to this matter.  Of further significance is the Act’s inclusive approach to the language policy, which resulted in the inclusion of a clause that stipulates, “a recognised Sign Language has the status of an official language for purposes of learning at a public school”.  It is therefore now common knowledge that, in the context of education, one speaks of 12 “official” languages, as opposed to the 11 stipulated in the Constitution. | **Recommendation**  **The Language in Education Policy**   * The National Curriculum Statement (NCS) all learners study their home language and at least one additional language from Grade 1; * The language in education policy provides that all learners shall be offered at least 1 approved language as a subject in Grade 1 and 2. * From Grade 3, all learners will be offered their language of learning and teaching (LOLT) and one additional approved language as a subject. * All language subjects shall receive equitable time and resource allocation. * The Provincial Education Department must keep a register of requests by learners for teaching in a language or medium that cannot be accommodated by schools. * It is reasonably practical to provide education in a particular LOLT if at least 40 learners in Grades 1 to 6 or 35 learners in Grades 7 to 12 request it in a particular school during enrolment.   **Implications of court judgments for language policy**  In 2 cases, namely Nkosi vs Durban High School Governing Body and Hoerskool Ermelo vs Head of Mpumalanga Department of Education:   * court judgements confirmed the importance of ensuring that learners be given the choice of their home language as the LOLT or as an additional language. * The state is duty-bound to ensure effective access to the right to be taught in the language of one’s choice, in recognising the right of a learner to receive education in an official language or in a language of one’s choice.[[1]](#footnote-1) |
| CR16/3  2 | Maletsane Phoffa | * Review section on expropriation of land  1. In order allow for expropriation without compensation as owners have already benefited from the land. 2. Blacks must be taxed less than their white counterparts.   **Criteria of Expropriation Bill**   * land owners would be paid compensation the State would not merely rely on “market value” to determine the rand amount to be paid. * Other criteria include the “history of the acquisition”, “the current use of the property”, and “the purpose of expropriation”.   **The Bill was opposed on the following grounds:**   1. That the term “property” was not defined as referring to land only, meaning interpretation could lead to movable property being expropriated. 2. Compensation for expropriated land would not cover outstanding bank payments, meant property owners could be left without money to find alternative accommodation. 3. Those who were dispossessed of their land prior to the 1913 Land Act would not benefit. | **Recommendation**  On 26 May 2016, Parliament approved the Expropriation Bill enabling the State to make compulsory purchases of land to redress racial disparities in land ownership, in order to speed up the redistribution of land.  The Bill, sets out the legislative requirements for the State to lay claim to land for public purpose or in the public interest. And was passed after a majority of the National Assembly (NA) voted in favour of the Bill, which was then accepted after technical changes made by the National Council of Provinces (NCOP).  Consideration has to be had for impact this process will have on investment and production after South Africa’s emergence from drought. However, the government intends to accelerate the process in order to rectify past wrongs and provide opportunities to the previously excluded, and has repeatedly said it will stick to the law and not follow Zimbabwe’s example.  The Expropriation Bill and related matters are currently being considered by the following Committee in Parliament:   * **PC on Rural Development and Land Reform**   The submitter should be referred to monitor and attend the open meetings of this committee for progress on these matters. This submission does not necessitate a review of the Constitutional sections on Land.  The 5th democratic Parliament cannot act inconsistently with the Constitution. The Bill is consistent with the Constitution, and will make sure that the land is availed without bringing about constitutional challenges. This Bill does not however replace the need and commitment by this Parliament for consultation, which is why this submission is heard by the CRC.  The High Level Panel lead by former President Motlanthe, invited the public to make inputs on its programme in 2016 until July on four focal areas, namely:   1. Review of legislation; 2) assessment on the implementation of legislation; 3) identifying gaps in existing legislation as well as; 4) the proposal of action steps that impact specific areas of legislation. |
| CR16/4 | Mthombeni MM | **No sections specified in Submission**   * Remove unlimited rights of criminals who kill, rape, hijack and sell drugs with intent – s 35 * Transform judiciary, in order to be more inclusive in terms of applicable laws (Roman laws) and are too expensive for a majority of the population – s 174; s 176 * Stop hate speech, take action against racism * Bring back the death sentence to reduce crime. * Control boarders better in order to not allow access without permits. * Land claim method is wrong; the government must take back the land from those who stole it in the 1700s to 1800s to date, but do not take away land from people who produce food for the population. | **Recommendation**   * section 35 of the Bill of Rights provides for the rights of the arrested, detained and accused persons, to conditions of detention that are consistent with human dignity. * Regarding transformation of the judiciary, the Constitution protects and recognises South African Customary Law in various ways. Chapter 12 (s 211 and s 212) affords official recognition to ACL as well as to the institution, status and role of traditional leadership. Specifically, s 211(3) mandates the application of Customary Law by the courts, where applicable. * The Department Justice and Constitutional Development has also prioritised finalisation of the Draft Traditional Courts Bill during 2016. * Regarding hate Speech, a draft bill to address racism and hate speech is of April 2016 being promulgated by the Department of Justice and Constitutional Development. The Draft Prevention and Combating of Hate Crimes and Hate Speech Bill will create an offence of hate crimes and hate speech and criminalise any conduct which amounts to an attempt, incitement, instigation and conspiracy to commit a hate crime. Hate speech via social media and online will fall within the scope of the proposed legislation. * Draft National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance released for comment at the beginning of 2016. * The NAP aims to provide South Africa with a policy framework to address racism, racial discrimination, xenophobia and related intolerance at both a private and public level. * Comment on the NAP was invited until 30 June 2016. * Regarding, Capital Punishment in South Africa was abolished on 6 June 1995 by the ruling of the Constitutional Court in the case of S v Makwanyane (CCT 3/94), following a five-year and four-month moratorium since February 1990. The death penalty is said to be a denial of human rights by Amnest Internation (NGO) and is in direct conflict with the South African constitution. According to Amnesty International there are 58 countries which practice the death penalty and 140 countries which have abolished it. * The Border Control Operational Coordinating Committee (BCOCC) is committed to the preventing, detecting, investigating and successfully prosecuting of all cases of corruption. The following Government institutions are involved in the Border Control and Security Framework, the National Departments of: * Home Affairs, Intelligence, Transport, Public Works, Agriculture, Health and Defence as well as the South African Police Service (SAPS) and the South African Revenue Service (SARS). * All services offered by government officials at our Ports of Entry are free of charge. Where payment is required, please ensure that you receive an official receipt for any monies you have paid to staff. Bribery and corruption not be tolerated. There is an anti-corruption hotline for whistle blowers, whom will be protected in the event of reporting corruption.   The land claim issues are currently being considered by Parliament under the Expropriation of land act by the PC on Rural Development and Land Reform.  The High level Panel is considering land reform and rural development as a focal area of this process. The Panel has conducted an extensive consultation process across the country in order to address land issues with necessary interventions and recommendations. The High Level Panel is scheduled to submit its final report in August 2017. |
| CR16/5  Category 2 | James Dikwayi | * Electoral System reform to allow for individual candidate for the presidential position during election. | The Independent Electoral Commission (IEC) is South Africa’s election management body as established under Chapter 9 of the Constitution.  Section 86 provides for the Election of the President and by the National Assembly at its first sitting after its election. This section speaks to the election of an individual woman or man from among its members to be the President.  The configuration of the electoral system is of fundamental importance to the nature of a country’s politics and, very importantly, the match between the preferences of citizens, the preferences of elected officials, and government's policy direction.  South Africa’s ‘proportional representation’ system was selected for its inclusiveness, its simplicity, and its tendency to encourage coalition government.  Therefore the submitter needs to clarify his proposals in order for the Committee to give consideration to the submission. |
| CR16/6 | No name provided by the submitter | * Land Redistribution * Offences of persons in office treason * Limit rights of convicted prisoners * Right to vote limited to tax payers | The Land Expropriation Bill and related matters are currently being considered by the following Committee in Parliament: PC on Rural Development and Land Reform, and the High Level Panel which is scheduled to have a report with interventions and recommendations release by August 2017.  For a crime to be treason, there must be 'hostile intent' against the state, although it may be absent in cases of public violence and sedition. Hostile intent does not mean that a person who attempts treason is necessarily motivated by hatred or ill-will, nor that there is an intent to assist a foreign enemy. Hostile intent has been described as 'intent to treat the state as an enemy' or to be 'intentionally antagonistic towards' the state. No motive needs to be proved in cases of treason. An act showing hostile intent need not involve the use of force.[[2]](#footnote-2)  The South African Police Service lists it on its website as one of the “common law offences still applicable within the South African legal system”. |
| CR16/7 | Chia-Hsiang Chu | * Reinstate death penalty * Remove right to vote for inmates | Ready for consideration by committee. |
| CR16/8 | Konya Venter Pieter | * Reinstate death penalty | Ready for consideration by the committee. |
| CR16/9 | Goodman Luthuli | * Retirement funds legislation | It is not recommended that the committee considers this opinion on the basis of it not being in line with the committee’s mandate. |
| CR16/10 | Phil Melton | * Constitutional law transgression sanction. | Proposes review of the Constitution to amend it with an inclusion of penalty for a conviction of breach of the constitution by the Constitutional Court. |
| CR16/11 | Senhlwa Nelson Lekganyane | * Review of Electoral law * Review of mining laws for development | Proposes that the Committee revives and reviews the Van Zyl Slabbert Commission on Electoral Reform Report.  Proposes a review of mining laws. |
| CR16/12 | Phillip Gonsalves | No section referenced | Review of the powers of the President |
| CR16/13 | Fabian Makhanda | * National Prosecuting Authority in   s 179 (4), (5)(d) and (6) | Categorise for referral for legal opinion |
| CR16/14 | Senhlwa Nelson Lekganyane | * Review right to protest in order to prevent destruction to property | Categorise for referral for legal opinion |
| CR16/15 | Kagiso Gabriel | * Review s 47 (a) (i), 48, 52(4), 55(a), 64(4),83(b),84(e), 89(1) (2), 91 (a), 96 (b), | Categorise for referral for legal opinion |
| CR16/16 | Rajesh Maharaj | No section referenced | * Review of the Electoral System   (Slabbert Commission Report recommendations) |
| CR16/17 | Olefile Christopher Moiloa | No section referenced | * Review of public funding of political party legislation |
| CR16/18 | Phumudzo Nedzivhani | * Review of Bill of Rights and s 83 to 102 | Refer for legal opinion |
| CR16/19 | M G Matovheke | * Review of election of President | Refer for legal opinion |
| CR16/20 | Aadilah Meas | * Addition of an Impeachment clause | Refer for legal opinion |
| CR16/21 | Mengo Willson | * Review s 239 to insert ss 1 (a) (b) and 2 (a) (b) | Refer for legal opinion |
| CR16/22 | Ntebo Morudu | * Request for limited presidential power and for non-partisan president | Public input on removal of president.  Same as American Presidential appointment of candidates |
| CR16/23 | Tessa Paulsen | No section referenced | Abolishment of the term coloured  Recognition of Mission stations established to shield indigenous groups from persecution  Rectification that the Griquas are true Khoi  Recognition of foreign marine records  Rectification of history and recognition of Khoe history  Policies must be implemented which allow the independence of cultural organisations from political parties. |
| CR16/24 | Mac Oswald | No section referenced | It is recommended that this proposal not be considered due to it not being a proposal for review of the Constitution but is rather a list of comments. |
| CR16/25 | Elsa Post | No section referenced | It is recommended that this proposal not be considered due to it not being a proposal for review of the Constitution but is rather a list of comments. |
| CR16/26 | Adv. H. A Mukhavela | s 179 on the appointment of the National Director of Public Prosecutions | Proposes that the section be amended to provide that the positon be filled through conventional recruitment processes. Submitter states the unfairness of judges being subject to a public interview and not the NDPP and is of the view that this will strengthen the independence of the NPA and avoid political inteference. |
| CR16/27 | Jesse Greaves | * Review of s 46 (1) (d) to allow for proportional representation and a constituency representation in the National Assembly. | Aimed at enhancing public participation and allow for MP’s to in direct contact with their Constituency |
| CR16/28 | Ms L V Sizani | * Review s 196 (4) (f) (ii) * Review s 196 (4) (d) | Request for a framework for the Public Service Commission for the investigation of labour related grievances by former public service employees |
| CR16/29 | Mr B P Green | * No section only narrative requesting: | Retired judge to assist in appointment of Chapter 9 office bearers not president  Speaker ought to be non-partisan  Secret ballot votes ought to be permitted so MP’s vote with their conscious. |
| CR16/30 | Ms Thandi Ngcobo | * Review of s 25 (7) | * Land Rights, due to little progress made a review of this section and relevant national legislation is necessary * Refer to the PC on Human Settlement |
| CR16/31 | Sydney Mitchell | * No section referenced | * Personal views that the Constitution has failed citizens * Recommendations for Constitutional reform focus areas * Public Office bearers ought to resign immediately upon being finding of contravening the Constitution. * When political organisations are found to have contravened the Constitution, the party ought to be forced to hold general elections. |
| CR16/32 | Moatlhodi | * No section referenced | * Recommendations for Constitutional reform focus areas * Reduction in the number of provinces in order to reduce duplication and impact on the resources thereby making service delivery more effective. |
| CR16/33 | Michael James | * Review s 20. No citizen may be deprived of citizenship to read * Recommend: s 20. No natural born citizen may lose or be deprived of citizenship. | Review of Citizenship   * Possible infringement of section 9 (3) of the Constitution if national legislation is not amended * Citizenship Act 1994 as amended * Refer to the PC on Home Affairs |
| CR16/34 | Mr N Winser | * No section referenced | Recommendations for Constitutional reform focus areas   * Requests legal definition of personhood be given to unborn person. * Request for a legal definition of marriage be regarded as between a naturally born man and naturally born woman. * Recognition of the Khoi and the San as the first people of South Africa |
| CR16/35 | Jorge Martins | * s 42 to s 82 in Chapter 4 on Parliament from and Chapter 5 on the President and National Executive from s 83 to s102 overlap | Encroachment on separation of powers  Election of head of the majority party and president ought to be different individuals |
| CR16/36 | Motlhaping Evelyn | * s 35(3) k be amended to read: ‘to be tried in one of the official languages of the Republic of South Africa, if not practicable, to have the proceedings interpreted in one of the official languages’. | High cost State pays for Foreign language interpreters for fair trial |
| CR16/37 | Sylvester Finger | No section referenced | The Constitution ought to permit citizens to elect the president and not have one imposed by the political part |
| CR16/38 | Kgosiemang Esau  Moloko | No section referenced | Recommends a minimum governance structure  to strengthen weak governance structure:   * Give legal standing to internal auditors for fraud reduction in all organizations/institutions * Reporting to shareholders not to management without fear of reprisal from management |
| CR16/39  Same as  CR16/52  Tulbagh  Western Cape | Adv. Nathaniel Masemola | s 6(1) and  s 103 Provinces | Official Languages: Sesotho sa Leboa should be replaced by Sepedi in s 6 (1). This the current status  Provinces: boundaries of provinces which coincide with the former (Bantustans ought to be abolished as they are a waste of state resources) |
| CR16/40 | Phakamani Dlamini | No section referenced | * Request for the Expropriation of land without compensation   National Legislation: Expropriation Bill (to be sent to the NCOP for concurrence and then presidential assent) |
| CR16/41 | K Maibelo | s 86 (1) on the Election of President; and  Schedule 3 on Electoral Procedures Part A (1) (a) | Requests broader Constitutional Reform   * Reform of the Electoral system * Election of the President ( allow electorate to elect head of state and his deputy) |
| CR16/42 | Henry Isaacs  SAHRC | No section referenced | Request for reform addressing the following:   * Identify Khoisan people as the highest people * Sole government for Khoisan with a constitution for their territories with parliament made out of Khoisan tribes |
| CR16/43 | Kwena Matuba | s 11 Right to life  s 29 (1) (a – b) Right to Education | Request for a review of the Equality clause, regarding the State not discriminating on the grounds of pregnancy; and (marital status/sexual orientation). Which is covered in the following national legislation   * Choice on Termination of Pregnancy Amendment Act No.1 of 2008 * Civil Union Act 17 of 2006, the Constitutional Court in Minister of Home Affairs v Fourie extended the common-law definition of marriage to include same-sex spouse   Request for a review of prisoners’ rights due to the rise in police murders. |
| CR16/44 | Raesibe Priscilla PMahapa  supported by 4 others | s 27 (1) (a) right to reproductive health care | Requests review of social grants pertaining to number of children in order to reduce cost to government. Request is to give a full social grant for the first child and limited social grant for any children thereafter.  Pertains to social grant law. |
| CR16/45 | Koeiva Dinyake  Supported by 4 others  Represents Matlala Pastors Fraternity | s 15 (2) (a-c) | Request for review of section on religious observances to include a government institution which is to hire religious leaders who can be assigned to schools in order to improve moral behaviour of students and manage religious practices. |
| CR16/46 | Khomotso Komepe representing a Youth Organisation, submission supported by 16 people. | s 9 (3) Equality clause  s 11 Right to life  s 15 (1) Freedom of religion belief and opinion  s 27 (1) (a-c) Right to health care, food, water and social security  s 29 Right to Education  s 195 (1) (f) accountability of public administration | Request for the review of matters pertaining to a pay point shelter for old people, right to service delivery, lack of health care resources, delayed arrests, gender based violence |
| CR16/47  Limpopo | Phuff Herbert Dirhoba  Supported by 15 peopole | s 15 (1) freedom of religion, belief and opinion sited by the submitter as a basis of their submission | Sex work must not be allowed  Judicial System must be transformed |
| CR16/48 | Maskwameny Raisibe Welhemina  Supported by 11 people | s 9(1) Equality before the law for all  s 11 Everyone has the right to life  s 28 Children’s rights  s 103 Provinces of RSA | s 9(4) National legislation must be enacted to prevent or prohibit unfair discrimination on one or more grounds in terms of subsection (3) :-  including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscious, belief, culture, language and birth. |
| CR16/49 | Abia Nkogeng  Supported by 13 peopole | s 103 Provinces | Reduce the number of provinces to 5  In order to provide more centralised services and jobs by build more schools, libraries and increasing old age grant. |
| CR16/50  Polokwane | Ramara Phuti Nelson | s 103 Provinces | Request for the review of the number of provinces and reducing them in order to provide services to all villages. |
| CR16/51 | Ikeraam korana | No section referenced | Rejection of the entire Constitution on the basis of legitimacy  Allegedly in violation of international laws and treaties |
| CR16/52 | Adv. Nathaniel Masemola  Same as CR16/39  Western Cape | s 6(1) and  s 103 | Official Languages: Sesotho sa Leboa should be replaced by Sepedi in s 6 (1). This the current status  Provinces: boundaries of provinces which coincide with the former (Bantustans ought to be abolished as they are a waste of state resources) |
| CR16/53 | Tshepiso Magano | s 9(3) state may not discriminate on one more grounds…  s 9(5) discrimination which is established as fair. | The omission of **discrimination on the basis of class** within the Equality clause, infringes s 10 on Human Dignity. Due to lack of access applicable to previously disadvantaged groups.  This omission renders the Constitution non-inclusive to the majority of people of this country who have had their class fate decided for them by a system that is still being corrected. |
| CR16/54 | Foundation National Restoration | Chapter 12 Traditional Leaders  s 211  s 212 | The submission is based on Scriptures and references are made citing various Scriptures.  Foundation Nation refers to Indigenous People of South Africa  Recommendation for the introduction of a Ministry of Indigenous Affairs set up for the Foundation Nation within the Constitution, as a Chapter 12A, entity.  The Foundation Nation is not Traditional and cannot be assimilated into Traditional Structures |
| CR16/55 | Mmusi Maimane, MP  Leader of the Democratic Alliance | s 89**A**. Cessation of Term of President  The President ceases to be President if he or she has been found by the Constitutional Court to have –   1. Violated his or her oath of office; 2. Committed a serious violation of the Constitution or the Law; or 3. Committed serious misconduct. | Review omission of clause which allows for impeachment of the President where the Constitutional Court rules that there grounds to do so.  The recommended addition to section 89 does not obviate section 89(1) but would ensure that if the Constitutional Court finds a sitting President to have violated the Constitution and oath of office, the President’s term of office would cease – allowing the National Assembly to elect a new President. |
| CR16/56 | The Green Hearts  Organisation  Western Cape | s 28 Every Child has a right –   1. to be protected from maltreatment, neglect, abuse or degradation… | Presently **the Constitution** does not protect children when it comes to abuse and degradation through child pornography.  It only refers to the Publication Act which is not protect children unless there is a victim who can testify. This leads to very lenient sentences. |
| CR16/57  Cat.1 | Elizabeth Malebo  University of the Free State  Officer: SASL Dept. | Request for the recognition of South African Sign Language as an official language under section 6 (1) | Recognition of SASL as an official language of the deaf community members of RSA.  **Submission on this section and subject matter adopted and is being processed.** |
| CR16/58 | Bekinhkosi Mtolo  Kokstad | Proposed changes:  s 217 (1) on Procurement  s 25 on Property  Section 2 provides –  Property may be expropriated only in terms of general application –   1. For a public purpose or in public interest; and 2. Subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court. | Proposes changes to the Preamble of the Constitution in order to justly recognise the injustices of our past.  s 217 (1) on Procurement (proposed additions)  …and taking into account upliftment of historically disadvantaged groups.  (2)(a) ...institutions of state set aside procurement targets that seek to benefit only black people in general and Africans in particular to deracialize the economy.  (b) …that national legislation shall be developed by Parliament which shall allow a procurement system that seeks to directly and radically deracialize the economy by introducing targeted procurement system that will only benefit blacks in general and Africans in particular in pursuit of building a united, non-racial, non-sexist and prosperous RSA.  s 25 on Property  In spite of the attempts by the democratic government to restore land to the historically dispossessed, these attempts continue to be frustrated by over pricing of land. The establishment of the office of the Valuer Gerneral should find expression in the determination of compensation in the Constitution.  s 25 on Property (proposed additions)  2(b) Subject to compensation, the amount of which and the time and manner of payment which have either been agreed to by those affected or if not by those affected decided by the Valuer General, whose decision shall be final and binding. |
| CR16/59 | SANDA  South African National Deaf Association | s 6 (1) on Language   * **Submission on this section and subject matter adopted and is being processed.** | Request for the review of s 6(1) to include SASL as an official language major concern of Deaf community in South Africa.  Is a first language to 5.1% of Deaf people according to SANDA. The percentage is significant for a population of 55 million.  SASL is not a communication option or tool but a primary and native language for Deaf people  Inclusion in s 6(1) will afford SASL guaranteed right in terms of s 6(4) to be regulated and monitored as part of the legislative provision.  Recommendation of a Task Team established to define clear goals to achieve exact deadlines to be met, resources and methods to be used with the mandatory participation of key government departments and SANDA to clarify outstanding issues in this regard. |
| CR16/60 | Selby Nomnganga  Upington | Chapter 2 Bill of Rights | Request for addition of Right to Work in Bill of Rights, Chapter 2 as a fundamental right.  Bill of Rights not realised by over 8 million unemployed South Africans.  It is not possible for many to use s 22 Freedom of trade, occupation and profession. |
| CR16/61 | Progressive Professionals Forum | s 25 Property Rights  s 41 Government  s 235  Preamble  Freedom of Speech | Requests review in order to enable compensation paid for property expropriated to be based on actual expenses incurred.  Proposes that spheres of government be changed into Tiers of Government with no executive powers at Provincial and Local levels as current structure is hindering service delivery.  It is proposed that section 235 be amended to remove the ability to establish new areas which exclude the rest of society.  Preamble to be made clear that all who live in South Africa means its citizens.  Freedom of Speech must be amended in order to prevent its abuse by cartoon artwork. |
| CR16/62  Western Cape | Griquo Royal House | s 211 Traditional Leaders  s 212 | Review to include Khoi-san in Traditional Leaders wording in s 211 and 212 |
| CR16/63 | Molefi Tsolo | No section referenced | Request for Constitutional pocket book distribution in learning institutions.  Inclusion of Constitutional education in schools |
| CR16/64 | Grant Snell | No section referenced | Requests the committee to consider the ‘the constitutional business model’ with reference to the national and provincial concurrent powers and how this impacts on policy formulation and implantation. |
| CR165 | Independent Communications Authority of South Africa | s 181 Establishment and governing principles    s 192 Electronic Communications Commission | Proposes the addition sub-section (g) Electoral Communications Commission, as one of the state institutions which strengthen constitutional democracy.  Proposes the establishment of an independent commission to regulate broadcasting, telecommunications and postal services in the public interest, and to ensure fairness and diversity of views broadly representing South Africans. |
| CR16/66  Sovenga | Mr Ngobeni | S 45 (1) ( c) | Proposes section be checked with no reasons or proposal  Requests the provision of Constitution booklets |
| CR16/67 | Equal Education Law Centre | s 100 National Invention in Provincial Administration | Require a change to the Constitution in order to facilitate the enactment of legislation regulating the intervention process mandatory.  Proposes that the time period of reviews under taken by the NCOP be specified as occurring quarterly.  Proposes a subsection that obligates National Executive to report quarterly, in writing and orally to the NCOP on progress and challenges. |

1. The Status of the Language of Learning and Teaching (LOLT) In Schools: A Quantitative Overview, Department of Basic Education, Republic of South Africa, 2010, ISBN: 978-1-920458-30-0. [↑](#footnote-ref-1)
2. Access http://www.legalcity.net/Index.cfm?fuseaction=RIGHTS.article&ArticleID=9597555 [↑](#footnote-ref-2)