

REPUBLIC OF SOUTH AFRICA

**COMMISSION FOR THE
PROMOTION AND PROTECTION
OF THE RIGHTS OF CULTURAL,
RELIGIOUS AND LINGUISTIC
COMMUNITIES BILL**

*(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill
published in Government Gazette No 22573 of 17 August 2001)
(The English text is the official text of the Bill)*

(MINISTER FOR PROVINCIAL AND LOCAL GOVERNMENT)

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BILL

In view of the provisions of the Constitution, to provide for the composition of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities; to provide for additional functions of the Commission; to provide for the convening of a national consultative conference; to provide for the establishment and recognition of cultural and other councils; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the South African nation consists of a diversity of cultural, religious and linguistic communities;

AND WHEREAS past policies have bequeathed a legacy of division and inequality between these communities;

AND WHEREAS the Constitution seeks to—

- * heal these divisions of the past;
- * establish a non-racial and non-sexist society based on democratic values, social justice and fundamental human rights;
- * promote equality; and
- * achieve unity in our diversity;

AND WHEREAS the Constitution has created a range of institutional mechanisms to secure the stability of the democratic order, including a Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities;

AND WHEREAS the Commission in fulfilling its Constitutional task should play a key role in assisting with the building of a truly united South African nation bound by a common loyalty to our country and all our people;

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

PART 1: INTERPRETATION AND ADMINISTRATION OF ACT

Definitions

1. In this Act, unless the context indicates otherwise—
“Commission” means the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities referred to in section 3;
“Constitutional institution” means an institution listed in Schedule 1 to the Public Finance Management Act, 1999 (Act No. 1 of 1999);

- “Minister” means the member of Cabinet contemplated in section 2;
 “national consultative conference” means a national consultative conference convened under section 24;
 “organ of state” means an organ of state as defined in section 239 of the Constitution;
 “prescribe” means prescribe by a regulation made in terms of section 39;
 “this Act” includes any regulation made in terms of section 39.

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Administration of Act

2. This Act is administered by a member of the Cabinet designated by the President.

PART 2: STATUS AND OBJECTS OF COMMISSION

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Status of Commission

3. The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities referred to in section 181(1)(c) of the Constitution—

- (a) is a juristic person; and
 (b) must be impartial and must exercise its powers and perform its functions without fear, favour or prejudice.

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Objects of Commission

4. (1) The objects of the Commission are—

- (a) to promote respect for and further the protection of the rights of cultural, religious and linguistic communities; 20
 (b) to promote and develop peace, friendship, humanity, tolerance and national unity among and within cultural, religious and linguistic communities, on the basis of equality, non-discrimination and free association;
 (c) to foster mutual respect among cultural, religious and linguistic communities; 25
 and
 (d) to recommend the establishment or recognition of cultural or other councils for a community or communities in South Africa in accordance with section 36 or 37.

(2) The Commission must strive to achieve its objects in accordance with the provisions of the Constitution and this Act. 30

PART 3: COMPOSITION AND MEMBERSHIP OF COMMISSION

Composition

5. (1) The Commission consists of—

- (a) a Chairperson appointed by the President in terms of section 8; and 35
 (b) no fewer than 11 and no more than 17 other members appointed by the President in accordance with the procedure set out in section 7.

(2) The President—

- (a) must determine the number of members to be appointed to the Commission in terms of subsection (1)(b); and 40
 (b) may alter the number determined in terms of paragraph (a) from time to time, but may reduce the number only when appointing members for a new term of the Commission.

(3) The Commission must be composed in such a way that it—

- (a) is broadly representative of the main cultural, religious and linguistic communities in South Africa; and 45
 (b) broadly reflects the gender composition of South Africa.

Qualifications for membership

6. (1) A member of the Commission must—
- (a) be a South African citizen;
 - (b) be a fit and proper person to hold office as a member of the Commission; and
 - (c) subscribe to the objects of the Commission set out in section 4(1). 5
- (2) The following persons are disqualified from becoming or remaining a member of the Commission:
- (a) A person who on any of the grounds set out in section 47(1)(c), (d) or (e) of the Constitution is not eligible to be a member of the National Assembly;
 - (b) a person who has been removed from office in terms of section 13; or 10
 - (c) a person who has been convicted of a crime or an offence in which hatred based on race, ethnicity, gender or religion played a role.

Procedure for appointment of members

7. (1) Whenever it is necessary to appoint the members of the Commission contemplated in section 5(1)(b), the Minister must— 15
- (a) through advertisements in the media, nationally and in each of the provinces, invite organisations and individuals within the cultural, religious and linguistic communities of South Africa to nominate persons complying with section 6 for appointment to the Commission;
 - (b) compile a list of the names of persons nominated in respect of each of the various cultural, religious and linguistic communities, setting out the prescribed particulars of each individual nominee; and 20
 - (c) appoint a selection panel consisting of persons who will command public respect for their fair-mindedness, wisdom and understanding of issues concerning South African cultural, religious and linguistic communities. 25
- (2) Any nomination made pursuant to an advertisement in terms of subsection (1)(a) must be supported by—
- (a) the personal details of the nominee;
 - (b) particulars of the nominee's involvement in cultural, religious and linguistic affairs, including a list of the cultural, religious and linguistic organisations of which that nominee is a member, an office-bearer or in which that nominee is an active participant; and 30
 - (c) any other information that may be prescribed.
- (3) The selection panel must—
- (a) select at least one and a half times the number of members to be appointed from the list compiled in terms of subsection (1)(b); 35
 - (b) select persons who qualify to be members of the Commission and who would be most suited to serve on the Commission; and
 - (c) submit the names of the selected persons to the President together with reasons why they were selected. 40
- (4) The President must appoint the members of the Commission from the list compiled in terms of subsection (1)(b), but when making the selections must—
- (a) comply with section 5(3); and
 - (b) consider the selections of the selection panel submitted to the President in terms of subsection (3)(c). 45

Chairperson

8. (1) The President must appoint a member of the Commission or another person satisfying the qualifications set out in section 6 as the Chairperson of the Commission.
- (2) The person appointed as the Chairperson of the Commission must be a fit and proper person to hold office as Chairperson. 50
- (3) The President may appoint a Deputy Chairperson from the ranks of the Commission.
- (4) Any member of the Commission appointed as Deputy Chairperson must be a fit and proper person to hold office as Deputy Chairperson.

Term of Commission

9. (1) The term of the Commission is five years.

(2) The Chairperson and the other members of the Commission are appointed for one term of the Commission, but may be reappointed at the end of that term for one further term only. 5

(3) If the number of members contemplated in section 5(1)(b) is increased during a term, the additional member or members are appointed for the remaining part of the current term.

Conditions of appointment

10. (1) The Minister, with the concurrence of the Minister of Finance, determines the conditions of appointment of the Chairperson, the Deputy Chairperson and the other members of the Commission, taking into account the conditions of appointment of members of other Constitutional institutions. 10

(2) The members of the Commission must be appointed in a part-time capacity, but the Chairperson may be appointed in a full-time capacity. 15

Conduct of members

11. (1) A member of the Commission—

(a) must perform the functions of office—

(i) in the spirit of furthering peace, friendship, humanity, tolerance and national unity among and within cultural, religious and linguistic communities, on the basis of equality, non-discrimination and free association; 20

(ii) in good faith; and

(iii) without fear, favour or prejudice;

(b) must disclose to the Commission any personal or private business interest which that member or that member's spouse, partner or close family member may have in any matter before the Commission, and must withdraw from the proceedings of the Commission when that matter is considered, unless the Commission decides that the member's interest in the matter is trivial or irrelevant; 30

(c) may not use the position or privileges of a member for private gain or to benefit another person improperly; and

(d) may not act in any other way that compromises the credibility, impartiality, independence or integrity of the Commission.

(2) Any member of the Commission who contravenes or fails to comply with subsection (1) is guilty of misconduct. 35

Termination of membership

12. (1) A person ceases to be a member of the Commission when that person—

(a) is no longer eligible in terms of section 6 to be a member;

(b) resigns; or 40

(c) is removed from office in terms of section 13.

(2) A member may resign after giving at least three months notice in writing to the President, but the President may accept a shorter period in a specific case.

Removal from office

13. (1) A member of the Commission may be removed from office, but only if a committee of the National Assembly finds the member guilty of misconduct or rules that the member is incompetent or incapable of performing a member's functions, and the National Assembly, in accordance with section 194(2)(b) of the Constitution, adopts a resolution calling for that member's removal from office. 45

(2) The President— 50

- (a) may suspend a member of the Commission from office at any time after the start of the proceedings of a committee of the National Assembly for the removal of that member; and
- (b) must remove the member from office upon adoption by the Assembly of the resolution calling for that member's removal. 5

Filling of vacancies

- 14.** (1) In the event of a vacancy occurring in the office of—
- (a) Chairperson, the vacancy is filled by the President in terms of section 8; and
 - (b) a member contemplated in section 5(1)(b), the vacancy is filled by following the procedure contemplated in section 7. 10
- (2) Any person appointed to fill a vacancy holds office for the unexpired portion of the vacating member's term.

PART 4: OPERATION OF COMMISSION

Meetings

- 15.** (1) The Chairperson of the Commission decides when and where the Commission meets, but must convene a meeting within 30 days after the receipt of a request in writing signed by a majority of the members to convene a meeting of the Commission. 15
- (2) The Commission must meet at least quarterly.
- (3) The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson presides at meetings of the Commission, but if both are absent from a meeting, the members present must elect another member to preside at the meeting. 20

Procedures

- 16.** The Commission may determine its own procedure, with due regard to the principles of transparency.

Decisions 25

- 17.** Any decision of the Commission on a question before the Commission can only be validly taken by a supporting vote of at least the majority of the total number of the members of the Commission.

Committees

- 18.** (1) The Commission may— 30
- (a) establish one or more committees consisting of members only or members and staff, to assist the Commission in the performance of its functions; and
 - (b) dissolve a committee at any time.
- (2) The Commission— 35
- (a) must determine the functions of a committee;
 - (b) must appoint a member of a committee as the chairperson of the committee;
 - (c) may remove a member of a committee at any time; and
 - (d) may determine a committee's procedure.

Delegation of powers and assignment of duties

- 19.** (1) The Commission may— 40
- (a) delegate any of the Commission's powers to—
 - (i) a member of the Commission;
 - (ii) a member of the Commission's staff; or
 - (iii) a committee of the Commission; and
 - (b) assign the performance of any of the Commission's duties to any such member, staff member or committee. 45
- (2) A delegation or assignment in terms of subsection (1)—

- (a) is subject to such conditions and directions as the Commission may impose; and
 - (b) does not divest the Commission of responsibility for the exercise of the power or the performance of the duty.
- (3) The Commission may confirm, vary or revoke any decision taken in consequence of a delegation or assignment, but no variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision. 5

Administrative assistance to Commission

20. The Commission may make appropriate arrangements with another organ of state for the provision of administrative or secretarial assistance to the Commission. 10

PART 5: FUNCTIONS OF COMMISSION

Powers of Commission

21. (1) In order to achieve its objects, the Commission may—
- (a) initiate and conduct information programmes to assist cultural, religious and linguistic communities and to promote public understanding of the objects, role and activities of the Commission; 15
 - (b) assist in the development of strategies that facilitate the full and active participation of cultural, religious and linguistic communities in nation building in South Africa;
 - (c) monitor, investigate, research, educate, lobby, advise and report on any issue concerning the rights of cultural, religious and linguistic communities; 20
 - (d) establish, compile and maintain databases of persons, organisations and institutions relating to cultural, religious and linguistic communities; and
 - (e) bring any relevant matter to the attention of the appropriate authority or organ of state. 25
- (2) The Commission may, in order to perform its functions properly—
- (a) determine its own staff establishment and the terms and conditions of employment for its staff within a policy framework determined by the Minister;
 - (b) appoint employees and seconded personnel to posts on its staff establishment; 30
 - (c) obtain the services of any person by agreement or appropriate arrangement, including the services of any national or provincial department or functionary or any institution, to perform any specific task or function;
 - (d) acquire or dispose of any right in or to property, but ownership in immovable property may be acquired or disposed of only with the consent of the Minister; 35
 - (e) open and operate its own bank accounts, subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999);
 - (f) insure itself against any loss, damage, risk or liability;
 - (g) perform legal acts, or institute or defend any legal action in its own name;
 - (h) engage in any lawful activity, whether alone or together with any other organisation in the Republic or elsewhere, aimed at promoting the objects of the Commission, including the exchange of information with foreign institutions performing similar functions to those of the Commission; and 40
 - (i) do anything that is incidental to the performance of its functions.

Assistance from other Constitutional institutions and organs of state 45

22. (1) The Commission may—
- (a) make appropriate arrangements with another Constitutional institution or an organ of state to assist the Commission in the performance of any of its functions in so far as such institution or organ has the power to assist the Commission; and 50
 - (b) delegate to a Constitutional institution or organ of state with which it has made arrangements any of its powers that may be necessary for the rendering of the agreed assistance.

(2) The Commission must co-operate with other Constitutional institutions and organs of state where the functions of the Commission overlap with those of such other Constitutional institutions or organs of state.

Investigations and reports by Commission

23. (1) The Commission may conduct an investigation in terms of section 21(1)(c) 5
itself or may designate one or more Commission members or other persons as an
investigating committee to conduct the investigation on its behalf.

(2) For purposes of an investigation, the Commission or an investigating committee
may—

- (a) by notice in writing summon a person to appear before the Commission or the 10
committee, as the case may be—
 - (i) to give evidence; or
 - (ii) to produce a document available to that person and specified in the
summons;
- (b) call any person present at a meeting, whether summoned or not— 15
 - (i) to give evidence before the Commission or committee, as the case may
be; or
 - (ii) to produce a document in that person's custody at the meeting;
- (c) administer an oath or solemn affirmation to a person contemplated in 20
paragraph (b);
- (d) question any person contemplated in paragraph (c) or have such a person 25
questioned by a person designated by the Commission or committee, as the
case may be; and
- (e) retain for a reasonable period a document produced in terms of paragraph
(b)(ii). 30

(3) If an investigating committee has been appointed to conduct an investigation on
behalf of the Commission, the committee must report and make recommendations to the
Commission in respect of the investigation at the completion of the investigation.

(4) The Commission must report annually to the National Assembly on its activities
and the performance of its functions. 30

PART 6: NATIONAL CONSULTATIVE CONFERENCE

Convening

24. (1) The Commission may convene a national consultative conference with the
concurrence of the Minister.

(2) The Commission is responsible for the generation of funding for the national 35
consultative conference.

Purpose

25. The purpose of a national consultative conference is to provide a forum for—

- (a) the consideration of— 40
 - (i) a report by the Commission on its activities, accomplishments and
challenges; and
 - (ii) any recommendations of the Commission;
- (b) the evaluation of progress in South Africa with regard to— 45
 - (i) the promotion of respect for and the furthering of protection of the rights
of cultural, religious and linguistic communities; and
 - (ii) the furthering of peace, friendship, humanity, tolerance and national
unity among and within cultural, religious and linguistic communities,
on the basis of equality, non-discrimination and free association; and
- (c) the discussion and formulation of requests and recommendations to the
Commission concerning matters mentioned in paragraph (b)(i) or (ii). 50

Composition

- 26.** (1) A national consultative conference may be composed of such persons as the Commission may invite, but must include—
- (a) members of the Commission;
 - (b) delegates from cultural, religious and linguistic communities invited by the Commission to represent those communities; 5
 - (c) not more than two delegates from every council recognised in terms of section 37;
 - (d) delegates from the National House of Traditional Leaders invited by the Commission; 10
 - (e) delegates from the national government designated by the Minister;
 - (f) delegates from each provincial government designated by the Premier of the province concerned; and
 - (g) delegates designated by organised local government.
- (2) The Commission, after consultation with the Minister, may determine the maximum number of delegates that may be designated or invited in terms of subsection (1)(e), (f) and (g). 15
- (3) The number of delegates designated in terms of subsection (1)(e), (f) and (g) may not exceed one-third of the maximum number of delegates invited in terms of subsection (1). 20
- (4) Any institution or body sending more than one delegate to a conference must give due consideration to gender balance in the selection of delegates.

Procedures

- 27.** The Commission determines—
- (a) the agenda of a national consultative conference; and 25
 - (b) the procedures to be followed at a national consultative conference, but the person presiding at a session of a conference may give a ruling on any matter that may arise during that session.

Chairperson

- 28.** The Chairperson of the Commission or, in the absence of the Chairperson, the Deputy Chairperson or another member of the Commission elected by the Commission, presides at any session of a national consultative conference. 30

Resolutions

- 29.** The person presiding at a session of a national consultative conference must submit any resolution adopted by the conference to the Commission for consideration. 35

PART 7: ADMINISTRATIVE AND FINANCIAL MATTERS

Appointment of chief executive officer

- 30.** (1) The Commission must appoint a person as the chief executive officer of the Commission.
- (2) The person appointed as the chief executive officer holds office— 40
- (a) for an agreed term not exceeding five years, but which may be renewed; and
 - (b) subject to the terms and conditions applicable generally to employees of the Commission.

Functions of chief executive officer

- 31.** (1) The chief executive officer is the accounting officer of the Commission. 45
- (2) The chief executive officer is responsible for—
- (a) the formation and development of an efficient administration;

- (b) the organisation, control and management of all staff, including persons seconded to the Commission from any organ of state;
 - (c) the maintenance of discipline in respect of the staff; and
 - (d) the carrying out of the decisions of the Commission.
- (3) As accounting officer the chief executive officer is responsible for— 5
- (a) all income and expenditure of the Commission;
 - (b) all the Commission's assets and the discharge of all the liabilities of the Commission; and
 - (c) proper and diligent compliance with the Public Finance Management Act, 1999 (Act No. 1 of 1999). 10

Conditions of employment of employees

- 32.** (1) An employee of the Commission is employed subject to the terms and conditions of employment determined by the Commission.
- (2) The terms and conditions must comply with the basic values and principles set out in section 195 of the Constitution. 15
- (3) Persons in the public service or other state institutions seconded to the Commission must perform their functions under the control and directions of the chief executive officer of the Commission.

Pension rights

- 33.** (1) Any person appointed as an employee of the Commission may become a member of the Government Employees' Pension Fund contemplated in section 2 of the Government Employees' Pension Law, 1996 (Proclamation No. 21 of 1996). 20
- (2) An employee of the Commission who becomes a member of that pension fund is entitled to pension and retirement benefits as if that person were an official in the public service. 25

Funding

- 34.** (1) The Commission is entitled to money appropriated annually by Parliament to enable it to perform its functions effectively.
- (2) For purposes of subsection (1), the Commission—
- (a) must submit to the Minister during each financial year, but before a date set by the Minister, estimates of the Commission's income and expenditure for the next financial year; and 30
 - (b) may submit to the Minister at any time during a financial year estimates of the Commission's income and expenditure supplementary to those mentioned in paragraph (a). 35
- (3) When submitting the estimates the Commission must disclose, in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999), full particulars of any income that has accrued, or is expected to accrue, to the Commission from a source other than an appropriation by Parliament.
- (4) The Commission must refund to the National Revenue Fund any money paid to the Commission in terms of subsection (1) that has not been used at the end of a financial year, unless otherwise agreed to by the Minister of Finance. 40

Audit

- 35.** The Auditor-General must audit the accounts and financial records of the Commission. 45

PART 8: CULTURAL OR OTHER COUNCILS

Recommendation of establishment of cultural or other councils

- 36.** The Commission may recommend to a cultural or other community that such community initiates and establishes a cultural or other council at a provincial or national

level if the establishment of such a council would be conducive to peace, friendship, humanity, tolerance and national unity among and within the different communities in South Africa.

Recognition of cultural or other councils

37. (1) The Commission may in writing recognise a cultural or other council that can assist the Commission in achieving its objects. 5

(2) A cultural or other council recognised in terms of subsection (1) may apply to the Commission or any other organ of state for financial assistance.

PART 9: MISCELLANEOUS MATTERS

Legal proceedings against Commission 10

38. (1) The State Liability Act, 1957 (Act No. 20 of 1957), applies with the necessary changes in respect of the Commission, and in any such application a reference in that Act to the Minister of the department concerned must be construed as a reference to the Chairperson of the Commission.

(2) No person, including the Commission, is liable for anything done or omitted in good faith when performing a duty or exercising a power in terms of this Act. 15

Regulations

39. The Minister, after consultation with the Commission, may make regulations regarding any matter—

- (a) that may or must be prescribed in terms of this Act; and 20
- (b) that the Minister considers necessary or expedient to prescribe in order that the objects of the Commission may be achieved.

Offences and penalties

40. (1) A person commits an offence if that person—

- (a) wilfully disrupts the proceedings of the Commission, or a committee of the Commission, or a session of a national consultative conference; 25
- (b) wilfully hinders, obstructs or threatens members of the Commission or of a committee of the Commission, or delegates to a national consultative conference, in the exercise of their powers or the performance of their duties in terms of this Act; 30
- (c) does anything calculated to influence the Commission or a committee of the Commission improperly in its consideration of a matter; 30
- (d) after having been summoned in terms of section 23(2)(a) fails—
 - (i) to be present at a meeting of the Commission or an investigating committee at the time and place specified in the summons; or 35
 - (ii) to remain present until excused by the Commission or committee; or
- (e) after having been called in terms of section 23(2)(b) refuses—
 - (i) to appear before the Commission or the committee;
 - (ii) to answer any question; or
 - (iii) to produce a document specified in the summons, or in that person's custody at the meeting. 40

(2) Any person convicted of an offence in terms of subsection (1) is liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Short title and commencement 45

41. This Act is called the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act, 2001, and takes effect on a date determined by the President by proclamation in the *Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE COMMISSION
FOR THE PROMOTION AND PROTECTION OF THE
RIGHTS OF CULTURAL, RELIGIOUS AND LINGUISTIC
COMMUNITIES BILL, 2001**

1. The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Bill, 2001, gives effect to the provisions of sections 181, 185 and 186 of the Constitution which established, as one of the institutions strengthening constitutional democracy, a Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (“the Commission”).

2. The Bill seeks to regulate the composition and functioning of the Commission. It is proposed that the Commission be composed of a chairperson and no fewer than 11 and no more than 17 other members appointed by the President in accordance with a procedure set out in the Bill, and in such a way that the Commission is broadly representative of the main cultural, religious and linguistic communities in South Africa and broadly reflects the gender composition of South Africa. In terms of the Bill, the Commission must—

- (a) promote respect for and protect the rights of cultural, religious and linguistic communities;
- (b) promote and develop peace, friendship, humanity, tolerance and national unity among and within cultural, religious and linguistic communities, on the basis of equality, non-discrimination and free association;
- (c) foster mutual respect among cultural, religious and linguistic communities; and
- (d) recommend the establishment or recognition of cultural or other councils for a community or communities in South Africa.

To achieve the above the Commission is empowered—

- (a) to monitor, investigate, research, educate, lobby, advise and report on any issue concerning the rights of cultural, religious and linguistic communities; and
- (b) to bring any relevant matter to the attention of the appropriate authority.

3. It is also proposed that the Commission, with the concurrence of the Minister, may convene a national consultative conference consisting of delegates from the various cultural, religious and linguistic communities in South Africa and governmental and non-governmental role players. The purpose of the national consultative conference will mainly be to provide a forum for the discussion of matters concerning the Commission, and the evaluation of progress in South Africa in the furtherance of peace, friendship, humanity, tolerance and national unity among and within cultural, religious and linguistic communities.

4. To avoid overlap with the functions of other Constitutional institutions, the Bill proposes ways for integrated co-operation between these institutions.

5. CONSULTATION

The Bill has been drafted after a comprehensive consultation process entailing the following:

- * Political debates in Parliament and in the provincial legislatures;
- * Public hearings in the provinces;
- * Submissions to Government; and
- * A number of national consultative conferences.

A Technical Committee consisting of 15 persons was appointed by the Minister for Provincial and Local Government, in consultation with the President, to assist in finalising the Bill. The Committee considered submissions and held regional consultations in co-operation with the provincial legislatures in all nine provinces.

6. FINANCIAL IMPLICATIONS FOR STATE

The National Treasury has appropriated the following funds in respect of the Commission:

- * Year 2001-2002: R6,7 million.
- * Year 2002-2003: R8,9 million.
- * Year 2003-2004: R10,1 million.

7. PARLIAMENTARY PROCEDURE

The State Law Advisers and the Department of Provincial and Local Government are of the opinion that this Bill must be dealt with in accordance with the procedure prescribed by section 75 of the Constitution since it deals with the composition and functions of a Constitutional institution which in terms of sections 185 and 186 of the Constitution must be regulated by national legislation.

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