

Carla van Rooyen

Curriculum Vitae

Cape Town, South Africa

Contact: 0846216566

E-mail: carla.vanrooyen@gmail.com



Personal Information

Marital status: Married
Nationality: South African
Dependants: None
Date of birth: 15-01-1989
ID number: 8901150093087
Place of birth: Durban
Drivers license: code 08
Languages: English, Afrikaans and Dutch

Summary of academic qualifications

Matric Exemption Certificate: Rustenburg Girls High School
Subjects: English 1st Language
Afrikaans 2nd Language
Math HG
Accounting HG
Physics SG
Drama HG
Graphic Art HG

Bachelor of Social Sciences: University of Cape Town
Majors: Politics
History

Postgrad LLB (law) Degree: Commenced in 2013 (Graduate end of 2015)

Academic achievements:

Dean's List 2011/2012
Golden Key Member since 2012

Sporting achievements: A range of drama productions at school (House plays and School Plays),
Waterfront Theatre College Productions, as well as independent productions- most notably a David Kramer and Taliep Peterson production at the Baxter Theatre (Poison).
A number of dance productions with Jenny Pullen and Viv Stretch's Dance Company. (The Dance Co.)

Leadership roles: Directing plays at both school and waterfront Theatre College during high school.
Currently a part of the Common Ground Church Leadership team as a community leader and Deacon.
Reference: ashton@commongroundchurch.co.za

Community Service/ Volunteer work:

Place: NETwork
Year: 2014
Role: Teaching adults (many of which are refugees from the DRC) English to prepare them for interviews and job applications as apart of the job readiness program).
(This is not for community service hours)

Place: Refugee Clinic
Year: 2015
Role: Signed up to complete all community service hours at the UCT refugee Clinic in the holidays for 2 working weeks.

Vacation work:

Firm: Bernadt Vukic Potash & Getz

Duration: December 2014 vacation

Firm: Fairbridges Attorneys

Duration: September 2014 vacation (see reference letter)

Firm: Smith Tabata Buchanan Boyes:

Duration: 1 week July Vacation

Participated in a mock trial

Job shadowed CA's in various departments

Helped with research and had the opportunity to hear from a attorneys in various departments

Firm: Van der Spuy

Duration: 2014 April Vacation

Had the opportunity to sit in on a candidate's first motion court.

Helped draft letters to clients.

Followed up on summons issued by calling various sheriffs also served various advocates.

Learned about RAF claims, processes and called up Drs. about missing documents.

Shown how to find/uplift cases at the High Court as well as take notes regarding the outcome/update of the firms 3rd division cases.

Spent a day with the conveyancing candidate attorney at the deeds office, learned how to lodge, withdraw and get notes removed from deeds as well as prepping files (bond cancelations, bonds and deed alterations) for the following day.

Au pair Work experience

Responsibilities have included day to day activities (homework, lifting, babysitting etc) to looking after children for extended weekends while parents have been traveling abroad.

As an individual I have matured significantly through my years of work experience. Having to finance my own studies through part time work has often meant that I have not been able to be as involved in extra curricular activities at varsity but the real world experience dealing with people and massive responsibility has resulted in huge character growth and work ethic.

Part time work experience 2010 - present

Family:	Bennett
Place:	Constantia
Duration:	Currently; working 14 hours a week for the Bennett family while studying.
Duties:	Fetching kids from school, tutoring and all other activities until bedtime.
Contact:	Sarah Bennett: 0836861769

Family:	Kim Murphy Bellairs and Greg Bellairs
Place :	Cape Town
Duration:	2009- Present
Duties:	occasional babysitting

Contact: Kim: 0824522550

Family: Da Molo family

Place: Cape Town

Duration: 2013- 2014

Duties: Lifting girls to and from ballet and staying with the girls while parents overseas.

Contact: Carolina Da Molo: 0848041933

Employer: Caryn and Adrian Nasson

Place: Cape Town

Duration: 2011-present

Duties: Occasional babysitting

Contact: Caryn: 0825352774

Employer: Reed family

Place: Cape Town

Duration: 2012- 2014

Duties: Tutoring children for 4 hours a week

Contact: Delia: 0825603178

Employer: Sam and Brian Marais

Place: Cape Town

Duration: 2010-2011

Duties: fetching girls from school, taking to extra-murals and tutoring

Full time au pair 2008-2009

Family: Niki van Wyk
Place: Amsterdam, Holland
Duration: 2008-2009
Contact: nikivanwijk,planet.nl

Note:

A recommended character reference would be the Bellairs family. I have worked for them for the longest and highly value their recommendation- both Kim and Greg are successful professionals in their respective fields.

Kim Murphy/Bellairs: 082 4522550

- **Interests:**

I enjoy a wide range of interests including (but by no means limited to) theatre, foreign films, coffee tasting, premier league football watching as well as a wide variety of outdoor activities including surfing, hiking and endurance training.

I am also an avid current affairs follower and enjoy following news stories, international trials, economic buzz and political campaigns via online magazines such as the Economist, Wallstreet Journal and Policy Mic to name a few.

To whom it may concern

My name is Carla van Rooyen and I am an intermediate year student at the University of Cape Town. I am looking for an article clerkship for 2016 and/ vacation work.

Like many, I find motivational letters slightly awkward and somewhat arrogant so I thought that if I were to tell you some of my life shaping experiences and achievements. I hope you'll get an indication of my character (as I'm a firm believer in the saying, "hire character, train skill") and my suitability for your firm before meeting me.

I have grown up in Cape Town, although born in Durban and maybe to my detriment a sharks supporter. I attended Rustenburg Girls High School from 2003-2007. While at school I attended the Waterfront theatre school part time and found real joy in the performing arts. Consequently my sporting achievements do not include captaining teams but rather a list of productions that I have been apart of- most notably a musical directed by David Kramer and the late Tuliep Peterson. The performing arts taught me incredible discipline and a real ability to work well in a team/cast of, often difficult people (read prima donnas).

After school I moved to Europe for almost two years and spent most of the time working for and traveling with a Dutch family I au paired for. I feel that this was a defining season in my life that helped me gain a perspective of myself and the world around me. My experience in Europe as well as my added experience in Cape Town has given me an understanding of the weight of responsibility involved in dealing with someone else's life- a perspective that I believe will serve me well as an attorney.

My academic career at UCT has been both challenging and exciting. In 2011 I joined the Golden Key society, which is an invitation offered to the top 15% of UCT. My undergrad in Politics and History taught me invaluable skills in both research and all round discipline. I decided to do my postgrad law because I became acutely aware, (through my studies, life experience and very recent involvement with the NETWORK organization) that there is a lot that society is struggling with and head knowledge of these circumstances, while enlightening, is really quite futile. After considering my options, as well as being nudged by the lawyers in my family, I decided that law might be a legitimate vehicle for social change.

As much as I still do believe that, I am not naïve in my approach to making a difference. I understand that law involves hard work and may often yield

unsatisfactory results. I am fully aware that I am going to have to put in the hard yards before I can begin to 'save the world' and even once the days of articles are complete these hard yards may be far from over. It's because of my various life experiences and personal strengths, which I will elaborate on, that I can wholeheartedly say that I am prepared to put in the work even when I don't immediately see the results.

As part of recent leadership training I was given the opportunity to do the Gallup Strength Finder test (<https://www.gallupstrengthscenter.com>). A really great tool used by a multitude of companies and individuals to help discover individual strengths. The organization defines strengths as "the unique combination of talents, knowledge, and skills that every person possesses. People use these innate traits and abilities in their daily lives to complete their work, to relate with others, and to achieve their goal". It seems only appropriate to disclose them in my application. The great thing about describing my strengths in this way is that its arguable more objective and helps shed light on blind spots that I may not pick up on. I have attached the brief summary of my top 5 strengths and really urge you to have a quick read through them.

I know firms always inquire about a candidate's leadership potential. I understand the motivation behind it- firms want someone who can take charge, don't need to be nursed and who can easily motivate themselves/others and take initiative. The risk with this approach is that everyone today thinks they qualify as a leader without really understanding what it means to be a leader. I believe a leader is someone who knows how to follow. In this way leaders do not see themselves as beyond correction and can humble themselves before those who are wiser. This is arguably invaluable for an inexperienced law student stepping into a law firm full of people who have more knowledge and experience. Secondly I believe a leader is someone who sees leadership as an opportunity to broaden their capacity to serve others because leader values the uniqueness of people. My experience of leading has been just this, if anything leadership has taught me how much I have to learn and how incredibly valuable people are for their uniqueness and individual gifting's and skills.

I hope this motivational letter has helped shed some light on my character and interested you enough to want to invite me for an interview with your firm.

Warm regards
Carla van Rooyen

Your Signature Themes

SURVEY COMPLETION DATE: 03-05-2014

carla van rooyen

Many years of research conducted by The Gallup Organization suggest that the most effective people are those who understand their strengths and behaviors. These people are best able to develop strategies to meet and exceed the demands of their daily lives, their careers, and their families.

A review of the knowledge and skills you have acquired can provide a basic sense of your abilities, but an awareness and understanding of your natural talents will provide true insight into the core reasons behind your consistent successes.

Your Signature Themes report presents your five most dominant themes of talent, in the rank order revealed by your responses to StrengthsFinder. Of the 34 themes measured, these are your "top five."

Your Signature Themes are very important in maximizing the talents that lead to your successes. By focusing on your Signature Themes, separately and in combination, you can identify your talents, build them into strengths, and enjoy personal and career success through consistent, near-perfect performance.

Command

Command leads you to take charge. Unlike some people, you feel no discomfort with imposing your views on others. On the contrary, once your opinion is formed, you need to share it with others. Once your goal is set, you feel restless until you have aligned others with you. You are not frightened by confrontation; rather, you know that confrontation is the first step toward resolution. Whereas others may avoid facing up to life's unpleasantness, you feel compelled to present the facts or the truth, no matter how unpleasant it may be. You need things to be clear between people and challenge them to be clear-eyed and honest. You push them to take risks. You may even intimidate them. And while some may resent this, labeling you opinionated, they often willingly hand you the reins. People are drawn toward those who take a stance and ask them to move in a certain direction. Therefore, people will be drawn to you. You have presence. You have Command.

Relator

Relator describes your attitude toward your relationships. In simple terms, the Relator theme pulls you toward people you already know. You do not necessarily shy away from meeting new people—in fact, you may have other themes that cause you to enjoy the thrill of turning strangers into friends—but you do derive a great deal of pleasure and strength from being around your close friends. You are comfortable with intimacy. Once the initial connection has been made, you deliberately encourage a deepening of the relationship. You want to understand their feelings, their goals, their fears, and their

dreams; and you want them to understand yours. You know that this kind of closeness implies a certain amount of risk—you might be taken advantage of—but you are willing to accept that risk. For you a relationship has value only if it is genuine. And the only way to know that is to entrust yourself to the other person. The more you share with each other, the more you risk together. The more you risk together, the more each of you proves your caring is genuine. These are your steps toward real friendship, and you take them willingly.

Learner

You love to learn. The subject matter that interests you most will be determined by your other themes and experiences, but whatever the subject, you will always be drawn to the process of learning. The process, more than the content or the result, is especially exciting for you. You are energized by the steady and deliberate journey from ignorance to competence. The thrill of the first few facts, the early efforts to recite or practice what you have learned, the growing confidence of a skill mastered—this is the process that entices you. Your excitement leads you to engage in adult learning experiences—yoga or piano lessons or graduate classes. It enables you to thrive in dynamic work environments where you are asked to take on short project assignments and are expected to learn a lot about the new subject matter in a short period of time and then move on to the next one. This Learner theme does not necessarily mean that you seek to become the subject matter expert, or that you are striving for the respect that accompanies a professional or academic credential. The outcome of the learning is less significant than the “getting there.”

Focus

“Where am I headed?” you ask yourself. You ask this question every day. Guided by this theme of Focus, you need a clear destination. Lacking one, your life and your work can quickly become frustrating. And so each year, each month, and even each week you set goals. These goals then serve as your compass, helping you determine priorities and make the necessary corrections to get back on course. Your Focus is powerful because it forces you to filter; you instinctively evaluate whether or not a particular action will help you move toward your goal. Those that don’t are ignored. In the end, then, your Focus forces you to be efficient. Naturally, the flip side of this is that it causes you to become impatient with delays, obstacles, and even tangents, no matter how intriguing they appear to be. This makes you an extremely valuable team member. When others start to wander down other avenues, you bring them back to the main road. Your Focus reminds everyone that if something is not helping you move toward your destination, then it is not important. And if it is not important, then it is not worth your time. You keep everyone on point.

Activator

“When can we start?” This is a recurring question in your life. You are impatient for action. You may concede that analysis has its uses or that debate and discussion can occasionally yield some valuable insights, but deep down you know that only action is real. Only action can make things happen. Only action leads to performance. Once a decision is made, you cannot not act. Others may worry that “there are still some things we don’t know,” but this doesn’t seem to slow you. If the decision has been made to go across town, you know that the fastest way to get there is to go

stoplight to stoplight. You are not going to sit around waiting until all the lights have turned green. Besides, in your view, action and thinking are not opposites. In fact, guided by your Activator theme, you believe that action is the best device for learning. You make a decision, you take action, you look at the result, and you learn. This learning informs your next action and your next. How can you grow if you have nothing to react to? Well, you believe you can't. You must put yourself out there. You must take the next step. It is the only way to keep your thinking fresh and informed. The bottom line is this: You know you will be judged not by what you say, not by what you think, but by what you get done. This does not frighten you. It pleases you.

Report Results

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Unofficial Transcript

Name : van Rooyen, Carla
 Campus ID : VRYCAR005
 Birthdate : 1989-01-15
 Print Date : 2014-12-14
 Requested By : Carla van Rooyen

- - - - - Beginning of Undergraduate Record - - - - - 2010

Programme: Bachelor of Social Science

Plan : Law Major

Plan : Philosophy Major

Plan : Politics Major

ELL	1032F	Intro to Language Studies	18.00	18.00	60	2-
PHI	1024F	Introduction To Philosophy	18.00	18.00	66	2-
POL	1004F	Introduction to Politics	18.00	18.00	69	2-
REL	1012F	Thinking in the Soc Sciences	18.00	18.00	70	2+
HST	1010S	Discovering World History	18.00	18.00	64	2-
PHI	1010S	Ethics	18.00	18.00	54	3
POL	1005S	International Politics	18.00	18.00	62	2-
POL	1006S	Intro to Public Admin	18.00	18.00	64	2-

Academically eligible to continue

2011

Programme: Bachelor of Social Science

Plan : History Major

Plan : Political Studies Major

HST	1005F	Making Of The Mod. World Econo	18.00	18.00	73	2+
HST	2019F	A History of Antisemitism	24.00	24.00	65	2-
POL	2036F	Contemporary Political Economy	24.00	24.00	68	2-
HST	2031S	Southern Africa In Twentieth C	24.00	24.00	68	2-
HST	2035S	Gender And History	24.00	24.00	67	2-
POL	2039S	Pol of Int Economic Relations	24.00	24.00	67	2-

Academically eligible to continue

2012

Programme: Bachelor of Social Science

Plan : History Major

Plan : Political Studies Major

HST	3022H	Historical Approaches	24.00	24.00	55	3
HST	3024F	War And Society	24.00	24.00	74	2+
POL	3030F	Conflict in World Politics	24.00	24.00	65	2-
HST	2011S	The Holocaust	24.00	24.00	64	2-
HST	3005S	Film And History	24.00	24.00	63	2-
POL	3029S	Third World Politics	24.00	24.00	64	2-

- - - - - Degree : Bachelor of Social Science

Confer Date : 2012-12-12

Plan : Political Studies

Plan : History

Qualifies for award of degree/diploma

2013

Programme: Bachelor of Laws (LP001)

Plan	: Preliminary Level Specialisation				
PBL	2000W	Constitutional Law	36.00	36.00 60	2-
RDL	1003W	Foundations of SA Law	36.00	36.00 67	2-
RDL	1004H	Comparative Legal History	18.00	18.00 59	3
RDL	1008H	Law of Persons & Family	18.00	18.00 62	2-
RDL	2002H	Law of Property	18.00	18.00 61	2-
RDL	2003H	Law of Succession	18.00	18.00 59	3
MAM	1013S	Law that Counts	18.00	18.00 70	2+
Academically eligible to continue					

2014

Programme: Bachelor of Laws (LP001)

Plan	: Preliminary Level Specialisation				
CML	3001W	Corporation Law	36.00	36.00 58	3
PBL	3001H	International Law	18.00	18.00 58	3
PBL	3801W	Criminal Law	36.00	36.00 60	2-
RDL	3002H	African Customary Law	18.00	18.00 72	2+
RDL	3003H	Law of Delict	18.00	18.00 73	2+
RDL	3005W	Law of Contract	36.00	36.00 57	3
RDL	3006H	Jurisprudence	18.00	18.00 64	2-
Academically eligible to continue					

[Return](#)



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Date: 12 September 2014

TO WHOM IT MAY CONCERN

I am an associate in the Commercial Department at Fairbridges Attorneys, and I had the pleasure of spending 2 days with Carla Van Rooyen who job shadowed me in my practice for those days.

Carla was very quick to grasp the concepts I exposed her to during her time with me in my commercial practice. She gave interesting and insightful input into the various issues that we considered together and quickly understood how to do basic company secretarial work, including filling out share registers. She also assisted in conceptualizing a very complicated sale of shares agreement. I found Carla to be friendly and hardworking. She is eager to work, to gain experience and to learn about the legal profession. I believe her to be ambitious and determined in her chosen career path, while remaining humble and well grounded. She also maintains a keen interest in the law itself.

In light in my interaction with Carla, I believe she will be a valuable employee.

Should you have any queries, please do not hesitate to contact me on the contact details below.

Yours faithfully
FAIRBRIDGES

L POSTHUMUS

E-mail: lposthumus@fairbridges.co.za

Direct Line: 021-405-7343

Direct Fax: 0867754734

Member of TERRALEX

Directors: Louis Gordon Rood (Chairman), John Robert Bromley, Nadia Bulbulia, Richard Cheeseman, Herman Conradie, Caroline Dichmont, Bob Govert Groeneveld, Melanie Kilian, Louis Rudolph Le Roux, Zunaid Mohamed, Deirdré Anne Olivier, Adela Petersen, Diane-Maree Rauch, David Alan Curtis Short, Waheeda Shreef, Wickaam Smith, Natasha Steinberg, Andre Janse van Rensburg, Peter Amos Watts
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Senior Associates: Sheri Breslaw, Julia Penn, Greer Savage **Associates:** Lebona Khabo, Gaby Meintjes, Karol Michalowski, Abram Phooko, Lalena Posthumus, Jodi Poswelletski, Blair Wassman **Practice Manager:** Robin Alexander Kirkby

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MarianneM@stbb.co.za | www.stbb.co.za

To whom it may concern

Your Ref:

Our Ref: Human Resources

Date: 22 July 2014

VACATION WORK

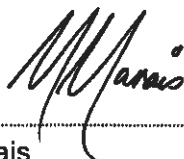
This letter serves to confirm that **Carla van Rooyen** (ID number **890115 0093 087**) attended our 5-day vacation program at our head office in Cape Town from the 7th until the 11th of July 2014.

Summary of activities:

- Our vacation students visited the Magistrate Court and the High Court.
- Our Candidate Attorneys provided guidelines on drafting official legal documents.
- Carla also attended presentations by our Attorneys on the following areas of law:
 - Labour Law
 - Commercial Law
 - Family Law
 - Insolvency
 - Personal Injury & Insurance claims
- Our vacation students were also exposed to teamwork. They had to prepare the relevant documents to conduct a mock trial. This exercise tested their technical knowledge regarding court procedures and their public speaking skills.

Should you require any further information in this regard please do not hesitate to contact the writer hereof.

Yours sincerely

STBB | SMITH TABATA BUCHANAN BOYES

M Marais
Human Resources Manager

Attorneys Notaries & Conveyancers

Directors: Jonathan Steytler (CEO) | Stoffel Ackermann | Peter Arnot | Martin Bey | Jacques Blignaut | Darren Brander | Luthfeya Cassim | Tim Chase | Jacques Classen | Melanie Coetzee | Kevin Daniel | Thabisile Dlamini | Refqah Fataar Ho-Yee | Harry John Friedland | Nici Grundlingh | Warren Hamer | Bev l'Ons-Raeburn | Roux Kemp | Gerhard Kotze | Belinda Lewis | Corlene Mostert | Hennie Mouton | Martine Newman | Neil Parker | James Phillipson | Cris Riego de Dios | Martin Sheard | Roshana Solomon | Phillip Steyn | Marize Swart | Dumisani Tabata | June Theron | Annetjie van Rooyen | Shereen Gail Volks | Allan White

Senior Associates: M Botha | L De Gouveia | D Du Plessis | H Dyssel | H Ferreira | N Hayes | V W Jooste | D Starkey | N Stevens | L Sullivan | A Wiese

Associates: S Chettiar | J Greyling | N Mentoor | T Smit | A Van Vuuren | B White | M Williams

Executive Consultant: Lizelle Kilbourn | Graham Liebenberg | Andy McPherson | Colin Traub | Richard Gordon Volks

Financial Manager: Cullen Penny

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Registration No: 1992/003316/21

VAT Reg No: 4670133877

GEREGISTREEDE WOON- EN POSADRES

1. Bewaar die bewys van u GREGISTREEDE WOON- EN POSADRES in hierdie sakkie.
2. Indien u van adres verander het, of indien besonderhede van u huidige adres, bv. straatnaam en/of -nommer, ens. verander het, moet die vorm KENNISGEWING VAN ADRESVERANDERING, wat in die sakkie agter in die identiteitsdokument is, gebruik word om die verandering aan te meld en moet dit ingedien word by of gepos word aan die naaste streek-distrikkantoor van die DEPARTEMENT VAN BINNELANDSE SAKE.

REGISTERED RESIDENTIAL AND POSTAL ADDRESS

1. Keep the proof of your REGISTERED RESIDENTIAL AND POSTAL ADDRESS in this pocket.
2. If you have changed your address, or, if particulars of your present address, e.g. name of street and/or street number, etc., have been changed, the NOTICE OF CHANGE OF ADDRESS form in the pocket at the back of the identity document must be used to report the change and it must be handed in at or posted to the nearest regional/district office of the DEPARTMENT OF HOME AFFAIRS.

1

I.D.No. 890115 0093 08 7



S.A.BURGER/S.A.CITIZEN

VAN/SURNAME

VAN ROOYEN

VOORNAME/FORENAMES

CARLA

GEBOORTEDISTRIK OF-LAND/
DISTRICT OR COUNTRY OF BIRTH

SOUTH AFRICA

GEBOORTEDATUM/
DATE OF BIRTH

1989-01-15

DATUM UITGEREIK
DATE ISSUED

2006-02-24

UITGEREIK OP GESAG VAN DIE
DIREKTEUR-GENERAAL:
BINNELANDSE SAKE

ISSUED BY AUTHORITY OF THE
DIRECTOR-GENERAL:
HOME AFFAIRS



Constitutional Law

Tutorial 4

Carla van Rooyeen
(VRYCAR005)

6 May 2013

Policing falls under schedule 4 of the constitution, which imparts both national legislature and provincial legislature competence to regulate, however it adds that it allows dual competence, “to the extent that the provisions of chapter 11 of the Constitution confer upon the provincial legislative competence”.¹

Chapter 11, under section 206 (3), the grounds which Zille instituted the Commission of Inquiry on, provide the provinces with power to; monitor police conduct, oversee effectiveness, promote good relations between the police and the community, assess the effectiveness of visible policing and to liaise with the cabinet member responsible for policing with respect to crime and policing in the province.² It goes further and provides the provinces with the power to carry out these functions by being able to, “appoint a commission of inquiry into any complaints of the police inefficiency or a breakdown in relations between police and any community; and make recommendations to the cabinet member responsible for policing”.³

Section 146 helps resolve any conflict that arises between the national legislature and the provincial legislature under schedule 4. Under s146 (a), national legislature deals with any matter that cannot be dealt with effectively by the provinces. This is arguably not an issue for the current situation, as the constitution expressly affords, in s206, the provinces power to regulate policing, which Zille is addressing through the commission of inquiry.

The illusive phrase ‘effectively’ has not been defined or clarified by any judgment, and leaves its interpretation wide open. It could be argued that for a matter to be dealt with effectively, it needs to be carried out as the provisions of the constitution mean it to be. This of course will not apply with all matters under schedule 4, but in this situation, there are express provisions for policing under s206, which eliminates a lot of the guesswork regarding what is meant by effectively.

¹ The Constitution of the Republic of South Africa, 1996

² S206 (3)

³ S206 (5)

The conflict therefore actually arises because of the Co-Operative and Orderly Monitoring of Administration Act (COMA) made by the National legislature, which sets up the process that must be completed before a provincial Commission of Enquiry may be instituted. Under S146 (6), “a law made in terms of an Act of parliament or a provincial act can prevail only if that law has been approved by the National Council of Provinces”, so the question therefore would be, did the NCOP approve the act.⁴

Assuming that the majority party’s influence within the NCOP means that they did approve the act, then Zille’s actions to initiate a second commission of inquiry, without taking the necessary procedural steps set out in COMA, would be in conflict with the act.

As in the liquor bill case, the national legislature is passing a bill that infringes on the provincial legislatures constitutional right, to regulate policing, as it tried to regulate retail sales of alcohol.⁵ In Liquor Bill, it was argued that intervention by national legislature was justified under s44 (2) for the purpose of economic unity. However Liquor Bill’s conclusion sheds little light on future rulings, as it has been criticized for treating schedule 4 as an area of national competence and not dual competence, which fails to consider s146 in conflict situations.⁶

National legislature, would arguably, not be able to use s44 (2) in the case of policing, because 44(2) applies to area’s listed in schedule 5, and policing falls under schedule 4. There are however very similar justifications under s146 (2)(c).⁷

COMA could be justified as a means by which to effectively create uniformity across the nation by establishing s146 (2)(b)(i) norms and standards, (ii) frameworks and (iii) national policy, for the s146 (2)(c) maintenance of national security.

⁴ S146 (6)

⁵ *Ex Parte President of the RSA in RE: Constitutionality of the Liquor Bill 2000 (1) BCLR 1 (CC)*

⁶ Victoria Bronstein ‘Conflicts’ in Chapter 16 CLoSA

⁷The Constitution of the Republic of South Africa, 1996

If the need for uniformity could arguably be justified, the Zille's second commission could be deemed unlawful.

The contention that keeps this issue so complex is chapter 11; it is not always the case that the constitution deals so directly and clearly with an issue. Usually there is room for a variety of interpretations, yet s206 clearly that's that a province may regulate its own policing.⁸

Had Zille's province not been doing so effectively, then the national legislatures actions would be undoubtedly justified. Zille's actions fall squarely within the parameters of the constitution, and as argued, are therefore effective in nature.⁹

If COMA's 'main substance' and purpose and effect', still allow the provinces to carry out its functions in s206 without impediments and its existence can be justified in terms of s146 (b) and (c), then COMA could be declared constitutional.¹⁰

As mentioned, the clear allocation of power given to the provinces in s 206 seems to indicate that this may be an issue of separation of powers. The constitution is structured to promote the separation of powers, and chapter 11 is arguably a perfect example of that.¹¹ On these grounds it would be highly unconstitutional for the national legislature to encroach on the province's authority allocated by the constitution, which is the supreme source of law in South Africa.¹²

There is no single answer to this issue; Zille's second commission could be unlawful if COMA's existence and procedures can be constitutionally justified. The success of COMA's justification seems shaky at best, when considering chapter 11's express

⁸ s 206(3) and (5)

⁹ s146(2)(a)

¹⁰ Iain Currie and Johan de Waal *The New Constitutional and Administrative Law Vol I* (2001) 211.

¹¹ Francois du Bois, *Wille's Principles of South African Law* 9th ed (2007) 37.

¹² *Ex Parte President of the RSA in RE: Constitutionality of the Liquor Bill 2000 (1) BCLR 1 (CC)*.

allocation of power for provinces and the principle of separation of powers. Liquor Bill's conclusion also sheds little light on future rulings, as it has been criticized for treating schedule 4 as an area of national competence and not dual competence, which fails to consider s146 and would therefore result in national legislature winning all conflicts, including the one at hand.

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