

Thursday, 31 October 2019]

No 92 – 2019] FIRST SESSION, SIXTH PARLIAMENT

**PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA**

**ANNOUNCEMENTS, TABLINGS AND COMMITTEE
REPORTS**

THURSDAY, 31 OCTOBER 2019

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ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Classification of Bills by Joint Tagging Mechanism (JTM)

(1) The JTM in terms of Joint Rule 160(6) classified the following Bill as a section 75 Bill:

- (a) **Promotion of Access to Information Amendment Bill** [B 20 – 2019] (National Assembly – sec 75).

2. Bills passed by Houses – to be submitted to President for assent

(1) Bill passed by National Council of Provinces on 31 October 2019:

- (a) **Special Appropriation Bill** [B 10 – 2019 (Reprint)] (National Assembly – sec 77).

National Assembly

The Speaker

1. Introduction of Bills

(1) The Portfolio Committee on Justice and Correctional Services

- (a) **Promotion of Access to Information Amendment Bill** [B 20 – 2019] (National Assembly – sec 75) [Explanatory summary of Bill and prior notice of its introduction published in *Government Gazette* No 42604 of 31 July 2019.]

Bill initiated by the **Portfolio Committee on Justice and Correctional Services** of the National Assembly (for Committee Report, *see* Announcements, Tablings and Committee Reports of 31 October 2019), and classified by the Joint Classification Mechanism as a section 75 Bill (*see* Announcements, Tablings and Committee Reports of 31 October 2019).

2. Referral to Committees of papers tabled

(1) The following paper is referred to the **Standing Committee on Finance** and the **Standing Committee on Appropriations** for consideration in accordance with their respective mandates as set out in the Money Bills Amendment Procedure and Related Matters Act, 2009 (Act No 9 of 2009):

- (a) Medium-Term Budget Policy Statement, 2019.
- (2) The following paper is referred to the **Standing Committee on Finance** for consideration in accordance with its mandate as set out in the Money Bills Amendment Procedure and Related Matters Act, 2009 (Act No 9 of 2009):
 - (a) Revised Fiscal Framework, 2019.
- (3) The following paper is referred to the Joint Standing Committee on Defence for consideration:
 - (a) 2019 National Conventional Arms Control Committee (NCACC) second quarterly report for April – June 2019, tabled in terms of section

National Council of Provinces

The Chairperson

1. Membership of Subcommittee on Review of Council Rules

- (1) The following changes to Subcommittee membership have been made:

Subcommittee on Review of Council Rules

Appointed: Hon. Ms M O Mokause (EFF – Northern Cape)

Resigned: Hon. Ms N P Koni (EFF – Northern Cape)

TABLINGS

National Assembly and National Council of Provinces

1. The Speaker and the Chairperson

- (a) Mid-Year Performance Report of Parliament for 2019-20, tabled in terms of section 54(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).

2. The Minister of Finance

- (a) Report and Financial Statements of the Government Employees Pension Fund (GEPF) for 2018-19, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2018-19.

National Assembly

1. The Speaker

- (a) Letter from the Minister of Human Settlements, Water and Sanitation dated 31 October 2019, to the Speaker of the National Assembly explaining the reasons for

the delay in the submission of the Department of Water and Sanitation Annual Report and audited annual financial statements (VOTE 36) as well as annual reports of its schedule 2 entities, for the 2018/19 financial year.

TABLING OF THE DEPARTMENT OF WATER AND SANITATION 2018/19 ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS (VOTE 36) AS WELL AS ANNUAL REPORTS OF ITS SCHEDULE 2 ENTITIES

The tabling of the 2018/19 annual reports of my Department of Water and Sanitation as well as schedule 2 entity has reference.

In terms of sections 40(1)(d) and 55(1)(d) of the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA), as amended, the accounting officer of a department, trading entity and constitutional institution must submit the annual report on the past year activities.

Section 65(1)(a) of the PFMA, require the executive authority responsible for a department or public entity to table in the National Assembly the annual report and financial statements and the audit report on those statements, within one month after the accounting authority for the public entity received the audit report.

Section 65(2)(a), indicates that if an executive authority fails to table the annual report and annual financial statements of the department or the public entity and the audit report on those statements in the relevant legislature within six (6) months, a written explanation to the legislature must be submitted explaining the reasons for its inability to do so.

The Department of Water and Sanitation (i.e. Vote 36) and the Trans Caledon Tunnel Authority (TCTA) will not be able to table their 2018/19 annual reports on time as there have been delays in finalising the TCTA's audit report attributed to the following:

1. The TCTA and the Department's Water Trading Entity submitted the annual financial statements on 31 May 2019 to the AGSA.
2. On reviewing the financial statements, the AGSA found significant interpretation differences over the nature of supporting documentation (i.e. invoices, bill of quantities, contracts etc.) required to substantiate payments made by the TCTA to the Lesotho Highlands Development Agency (LHDA) and the Lesotho Highlands Water Commission (LHWC) in fulfilling its mandate under the Notice of Establishment.

3. As the LHWC has the jurisdiction to directly access the information in the possession of the LHDA; the AGSA and the Department had to convene a meeting with the LHWC on 02-03 September 2019 to discuss the TCTA audit matters.
4. This process therefore affected the Water Trading Entity's ability to adjust its financial statements as they are based on the TCTA financial models. Hence, the Water Trading's inability to submit the adjusted financial statement to the AGSA. Subsequent to the meetings held between the parties and adjustment of the annual financial statements were effected the TCTA submitted the adjusted annual Financial statements which forms part of the annual report to the Auditor-General of South Africa on the 21 October 2019.
5. Upon the finalization of the TCTA and WTE audit by AGSA the department will only then be able to submit the annual reports.

In light of the continuous delays, my Department of Water and Sanitation (Vote 36) as well as the TCTA (Schedule 2 entity) is not anticipating to table their annual reports to Parliament by 31 October 2019 as initially anticipated.

Yours sincerely

(signed)

L N SISULU, MP

MINISTER OF HUMAN SETTLEMENTS, WATER AND SANITATION

DATE: 31/10/2019

COMMITTEE REPORTS

National Assembly

1. Report of the Portfolio Committee on Justice and Correctional Services on the Promotion of Access to Information Amendment Bill [B20 – 2019], dated 30 October 2019

The Portfolio Committee on Justice and Correctional Services, having considered the Promotion of Access to Information Amendment Bill [B20 – 2019], introduces the Bill:

1. On 21 June 2018, the Constitutional Court, in *My Vote Counts NPC v Minister of Justice and Correctional Services and Another* [2018] ZACC 17, confirmed an order of constitutional invalidity made by the High Court of South Africa, Western Cape Division, Cape Town, which declared the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), invalid to the extent of its inconsistency with the Constitution by failing to provide for the recordal, preservation and reasonable disclosure of information on the private funding of political parties and independent candidates.
2. The Constitutional Court further ordered Parliament to amend the principal Act and take any other measure it deems appropriate to provide for the recordal, preservation and funding of political parties and independent candidates within a period of 18 months. The 18-month period ends on 20 December 2019.
3. The Committee complied with the National Assembly Rules 273(1) by tabling a memorandum in the National Assembly requesting permission to initiate a Bill on 24 July 2019. On 25 July 2019, the House gave the Committee permission to proceed with initiating the Bill.
4. Prior notice of introduction of the Bill was given in the Government Gazette and an explanatory summary of the draft Bill was published in the same Gazette. The Gazette contained an invitation to interested persons and institutions to submit written representations.
5. The Committee called for and considered written comments and consulted with the Department of Justice and Constitutional Development. The Committee held public hearings at Parliament on 17 and 18 September 2019, where the following persons and organisations made oral presentations:

- amaBhungane Centre for Investigative Journalism.
 - Allan Gray.
 - South African Human Rights Commission.
 - Right2Know.
 - My Vote Counts.
 - Media Monitoring Africa.
 - Congress of South African Trade Unions (COSATU).
 - Helen Suzman Foundation.
 - Information Regulator.
 - Mr James Tunbridge.
6. The Bill, as introduced, will address the Constitutional Court’s judgment by inserting a new section 52A “Recording, preservation and disclosure of records on the private funding of political parties” in the principal Act, to regulate the recordal, preservation and availability of information in respect of private funding to political parties and independent candidates and to provide for matters connected therewith.

Report to be considered

[The following report replaces the Report of the Portfolio Committee on Police, which was published on page 97 of the Announcements, Tablings and Committee Reports, dated 30 October 2019]

2. Report of the Portfolio Committee on Police on the Firearms Amnesty declaration dated 24 October 2019.

The Portfolio Committee on Police, having considered the notice from the Speaker of the National Assembly, that was referred to it on 28 August 2019 (ATC No. 51 - 2019) for a declaration of a firearm amnesty in terms of section 139(2)(a) of the Firearms Control Act, 2000 (Act No. 60 of 2000), reports as follows:

The Committee met on 11 September 2019 to consider the request for the amnesty and found that there were technical problems with the presentation of the South African Police Service (SAPS) as well as the required documentation. The Committee resolved to request the SAPS to correct the defects. The Committee resumed on 23 October 2019 to scrutinise the further documentation. All the necessary documents were made available to the Committee Members and based thereon, the Committee approved the Minister's request for an amnesty period. The Committee amended the proposed amnesty period from 1 October 2019 to 31 March 2020 to 01 December 2019 to 31 May 2020.

The Committee also requested the Minister of Police to consider declaring a separate process for the renewal of expired licences that should run concurrently to the amnesty period.

The Democratic Alliance has reserved its rights with regard to the report.

Report to be considered.