*[The following report replaces the Report of the Portfolio Committee on Home Affairs, which was published on page 3 in the Announcements, Tablings and Committee Reports dated 18 February 2020]*

**1. Report of the Portfolio Committee on Home Affairs on the *Border Management Authority Bill* [B 9B – 2016] (National Assembly – sec 75), dated 18 February 2020:**

The Portfolio Committee on Home Affairs, having considered the *Border* *Management Authority Bill [B 9B – 2016]* and proposed amendments of the National Council of Provinces (Announcements, Tablings and Committee Reports, 26 November 2019, p 21), referred to the committee, reports the Bill with amendments [B 9C – 2016] as follows:

**CLAUSE 1**

1. On page 5, after line 6, to insert the following definition:

“**“customs related functions”** means the functions performed exclusively by the South African Revenue Service under—

1. customs and excise legislation; and
2. any tax Act,

as defined in the Tax Administration Act, 2011 (Act No. 28 of 2011);”.

1. On page 5, from line 32, to omit the definition of “revenue”.
2. On page 5, after line 33, to insert the following definition:

“**“South African Revenue Service”** means the South African Revenue Service established by section 2 of the South African Revenue Service Act, 1997 (Act No. 34 of 1997);”.

**CLAUSE 2**

1. On page 5, in line 44, to omit “This”, and to substitute with “Except where the Act otherwise provides, this”.
2. On page 5, in line 45, to omit “exercised”, and to substitute with “performed”.
3. On page 5, in line 46, to omit “and”.
4. On page 5, in line 48, at the end of paragraph *(b)*, to remove “.” and to substitute with “; and”.
5. On page 5, after line 48, to insert the following paragraph:

“*(c)* the customs related functions performed by the South African Revenue Service.”.

**CLAUSE 5**

1. On page 6, in line 15, after “;”, to add “and”.
2. On page 6, from line 16, to omit paragraph *(c)*, and to omit “and”.
3. On page 6, in line 18, to substitute “*(d)*” with “*(c)*”.

**CLAUSE 22**

1. On page 12, in line 18, after “Act”, to omit “, excluding revenue collected in terms of section 5*(c)*”.

**CLAUSE 27**

1. On page 14, from line 3, to omit clause 27, and to substitute with the following clause:

“**Implementation protocols**

**27.** (1) For the purpose of this section, “implementation protocol” means an implementation protocol concluded in accordance with section 35 of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005).

(2) Where the implementation of a policy, the exercise of a statutory power, the performance of a statutory function or the provision of a service relating to border law enforcement functions by the Authority depends on the participation of other organs of state, the Authority and those organs of state must, within a reasonable time after the commencement of the Act, co-ordinate their respective functions in such a manner as may be appropriate or required in the circumstances by entering into an implementation protocol.

(3) The organs of state referred to in subsection (2) must, within a reasonable time after the commencement of the Act, enter into implementation protocols with the Authority to collaborate on and ensure the alignment of technological, electronic, information and communication systems and procedures necessary to ensure the efficient sharing of relevant information with the Authority.

(4) The Minister may initiate the process for the conclusion of implementation protocols contemplated in subsections (2) and (3) in the Inter-Ministerial Consultative Committee.

(5)*(a)* The Authority must, within six months after the commencement of this section, conclude implementation protocols withꟷ

(i) the Defence Force;

(ii) the South African Police Service; and

(iii) the South African Revenue Service, for the mandatory co-ordination of their respective functions within the border law enforcement area and at ports of entry.

*(b)* If any of the implementation protocols contemplated in paragraph *(a)* are not concluded, the Minister and the Cabinet member responsible for Defence and Military Veterans, Police or Finance, as the case may be, must determine the relevant implementation protocol.

(6) The implementation of implementation protocols concluded in terms of this section must be co-ordinated by the Inter-Ministerial Consultative Committee.”.

**CLAUSE 28**

1. On page 14, in line 28, to omit “27(2)”, and to substitute with “27(4), 27(5)*(b)*”.

**CLAUSE 39**

1. On page 17, in line 26, after “ports”, to insert “, points and places”, and after “entry”, to insert “or exit”.
2. On page 17, in line 38, after “under”, to insert “—“, and to omit “subsection”.
3. On page 17, from line 39, to omit “(1)*(b)* or *(c)*, after consultation with the Commissioner of the South African Revenue Service or the Minister of Agriculture, as the case may be”, and to substitute with the following:

“(*a)*  subsection (1)*(b)*, in consultation with the Commissioner of the South African Revenue Service; or

*(b)* subsection (1)*(c)*, after consultation with the Minister of Agriculture,

as the case may be.”.

Report to be considered.