

15 Salisbury and Kruis Street. Marshalltown. Johannesburg. 2107 Tel: 087 160 0352

To: The Standing Committee on Finance

For attention: Mr Allen Wicomb and Ms Teboho Sepanya

Per email: <a href="mailto:awicomb@parliament.gov.za">awicomb@parliament.gov.za</a>; <a href="mailto:tsepanya@parliament.gov.za">tsepanya@parliament.gov.za</a>;

Re: General Laws (Anti-Money Laundering and Combating Terrorism

Financing) Amendment Bill [B18-2022]

From: Organisation: Inkululeko Yesizwe Association (IYA)

Name / Surname: Bishop November Mbele

Capacity: Secretary General

Date: 09 / 10 / 2022 (Deadline for comments: 10 October 2022)

- 1. INKULULEKO YESIZWE ASSOCIATION, an African indigenous Spirituality Institution with a membership of ten million (10 000 000) people is headquartered at Corner 15 Salisbury and Kruis Street, Marshalltown, Johannesburg.
- 2. As a faith-based institution, we are concerned that the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill [B18-2022] ("the Bill") violates our constitutional rights as an African Indigenous organisation to faith freedom, which includes the right to manifest faith/religious belief without fear or without fear of hindrance or reprisal, (section 15), freedom of association (section 18) and as an African Indigenous Spirituality community to practise our faith together (section 31).

- 3. We hereby lodge our objection to the unreasonably brief time frame given by Parliament for public comments on the Bill. The prescribed period (from 27 September 2022 until 12h00 noon on 10 October 2022 a mere 9, 5 days) is totally inadequate for this purpose, given the significant amendments proposed by the Bill, including a jail sentence for non-compliance.
- 4. It is insufficient to say that because a second public participation process will occur in front of Parliament's second house, the National Council of Provinces ("NCOP"), the above process followed by the Committee was reasonable and allowed effective public participation as required by law.
- 5. We specifically oppose:
  - 5.1. Clause 10 of the Bill that proposes making registration as a Nonprofit Organisation ("NPO") compulsory; and
  - 5.2. Clause 14 of the Bill (read with section 30 of the NPO Act, 1997), which will make failure to comply with these provisions is a criminal offence with a sanction of an unspecified fine and/or jail sentence.

## 6. We call for:

6.1. NPO registration remain voluntary, given the duplication of registration / reporting / compliance duties considering most NPOs already being registered with other state institutions<sup>1</sup> and already having to comply with various tax reporting requirements imposed by SARS.

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6.2. Section 30 of the NPO Act be amended to remove the threat of imprisonment and/or a limitless fine.

Yours faithfully,

Bishop November Mbele

Secretary General

<sup>1</sup> E.g. as nonprofit companies with the Companies and Intellectual Property Commission ("CIPC"), trusts with the Master's Office and with SARS for trusts, NPCs and voluntary associations.