**1. SUBMISSION OF A LEGISLATIVE PROPOSAL: MEMORANDUM IN TERMS OF RULE 273 OF THE RULES OF THE NATIONAL ASSEMBLY BY THE PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES, DATED 19 JULY 2019**

The Portfolio Committee on Justice and Correctional Services (the “Committee”) requests the permission of the House in terms of Rule 273(1) for the introduction of the following legislation in the House, namely the Promotion of Access to Information Amendment Bill, 2019 (“the Bill”).

1. **Particulars of the Bill**
   1. The Bill aims to amend the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“PAIA”), so as to revise and align its provisions with section 32 of the Constitution of the Republic of South Africa, 1996 (“the Constitution”), following the Constitutional Court’s judgment in My *Vote Counts NPC v Minister of Justice and Correctional Services and Another* [2018] ZACC 17. The Bill seeks to regulate the recordal, preservation and availability of information in respect of private funding to political parties and independent candidates.

**2. Background and Objects of 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 PAIA 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 PAIA 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.
  3. The Bill will address the Constitutional Court’s judgment by inserting a new Chapter - “Chapter 2A Publication and Availability of Certain Records of Political Parties” in PAIA, 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.
  4. The Bill gives an obligation to the accounting officer of a political party (which is defined to include an independent candidate) to create and keep records of any money paid or donated by persons or entities to a political party which is more than R100 000; any money lent to the political party; any money paid on behalf of a political party; assets, services or facilities provided to a political party; and any sponsorships provided to a political party. The records must be available on social media platforms on a quarterly basis. Furthermore, the Bill requires that the records be updated and be made available on social media platforms of the political party concerned two months before the election of the National Assembly or provincial legislature; municipal elections; or a referendum. The records must be kept for a period of at least five years after the records concerned have been created.

1. **Financial Implications for the State.**
   1. The proposed legislation will have no financial implications for the State.
2. **Views of the Executive on the objects of the proposed legislation**
   1. The Department of Justice and Constitutional Development supports the proposed legislation.

**Report to be considered**