

COMMENTS TO THE PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES (PARLIAMENT OF SOUTH AFRICA) – PAIA AMENDMENT BILL 2019
Written submissions – due 31 August 2019 by 16h30

Submitted by: Hermanus Wiid on behalf of Allan Gray
Date submitted: 30 August 2019

Clause	WORDING / PROPOSED WORDING	COMMENT
52B	We have no specific proposed wording changes but rather concerns / comments on the proposed changes to the PAIA Amendment Bill. Please see column to the right in this regard.	<p>We would like to raise the following set of comments / concerns against the background of the recent Constitutional Court Judgement of <i>My Vote Counts NPC v Minister of Justice and Correctional Services and Another</i> [2018] ZACC 17, and in the spirit of the Financial Intelligence Centre Act No. 38 of 2001 (as amended), the Prevention and Combating of Corrupt Activities Act No. 12 of 2004, and other fraud prevention legislation, regulations and measures:</p> <ul style="list-style-type: none">• The proposed limit of R100 000 set for the recording, preservation and accessibility (as set out in the proposed PAIA Amendment Bill) is too high. This defeats the purpose of the concerns around possible corruption and real / informed access raised in paragraphs [4] and [5] of the said judgement, respectively;• In line with the above, we further contend that it is in the best interest of voters that the ultimate donors of funds are identified and disclosed as part of the accounting records. This specifically refers to trusts, legal entities and other vehicles which pose a challenge in this regard; and• The proposed wording also contains no direct mention of gifts to political parties (and their related values). <p>In addition to the above, we would further appreciate clarity on whether the proposed R100 000 limit referred to in Section 52B(1)(a)(i) only refers to money paid to political parties or does it also refer to the rest of the instances mentioned in section 52(a)(ii) – (v)?</p>