**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 thePromotion 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.

1. 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**