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| **COSATU Submission:** **Promotion of Access to Information** **Amendment Bill****22 November 2019** |
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| Cosatu logo |

**Submitted to:****Select Committee:** **Security and Justice****National Council of Provinces****Parliament****Republic of South Africa** |

1. **Introductory Comments**

COSATU welcomes and supports the PAIA Amendment Bill in principle.

COSATU appreciates that the Bill has been drafted upon the directive of the Constitutional Court with regards to public access to information on political party funding.

Given the ever increasing levels of corruption, conflict of interest, state capture, corporate influence and abuse etc. both the PAIA Amendment Bill and the recently assented to Political Party Funding Act are both badly needed legislative interventions to halt these cancers facing our body politic.

This cancer of corruption is what has brought many of our SOEs to their very knees today. This has seen billions of workers’ hard paid taxes stolen. It is now plunging the economy into its worst state in years. Workers’ jobs in both the public and private sectors are now all too often at risk.

Public services that the poor depend upon are now at risk of collapse, and in many instances are in fact collapsing.

Continuing down this road of corruption and state capture threatens the very survival of the state and democratic project.

This is not a challenge facing the national ruling party, the ANC, alone. It affects all political parties to different degrees. This will grow as many of the opposition parties in Parliament are also in fact also ruling parties in the provincial and municipal spheres of government.

1. **PAIA Amendment Bill**

COSATU supports the PAIA Amendment Bill in principle.

The federation appreciates the mandate upon which the Constitutional Court directed Parliament to draft it.

COSATU endorses the Bill’s various provisions.

1. **Political Party Funding Act**

COSATU’s concern with the PAIA Amendment Bill rests not with the Bill itself but in fact the Political Party Funding Act upon which the PAIA Amendment Bill has been drafted and is intended to synchronise PAIA too.

The Bill is specifically linked to Section 9 of the PPF Act which provides for a R100 000 financial threshold below which political parties are not required to disclose donations that they have received.

This is a fundamentally fatally flawed provision. It undermines the very progressive spirit of the Act and provides a loop hole so large that it will very likely collapse all the positive anti-corruption objectives of both the Act and the Amendment Bill.

It will not take long for those who seek to buy political parties and avoid the glare of public transparency and accountability to simply donate amounts of less than R100 000 to circumvent the Act and Bill’s anti-corruption provisions. It is shameful that Parliament passed such a glaringly obvious enabling provision to allow corruption and state capture to continue.

Whilst recognizing that the mandate of the Portfolio Committee is to deliberate upon the Amendment Bill, COSATU believes that the Committee has in fact a higher constitutional and moral obligation to go further.

**COSATU Proposal:**

The federation urges the Committee to be bold and have the courage to seek a revised mandate from the National Assembly to in fact amend PPF Act itself.

The Committee should request permission from the House to remove Section 9 of the Act’s R100 000 limit below which donations do not have to be disclosed.

Failure to do so will be a gross dereliction of duty and an abandonment of the very clear anti-corruption mandate that the voters gave all political parties in the 2019 elections. In fact it will be a betrayal of workers who have seen billions of their hard earned taxed looted by a rapacious political and business elite.

Members have been elected to clean up the political system. They should not fail in this historic task.

1. **Conclusion**

COSATU hopes that the Portfolio Committee will take its submission and proposed revised mandate and amendment of the PPF Act into account during its deliberations. Now is not the time for timidity in the fight against corruption.

Thank you.

Yours sincerely,

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