



# Afrikaanse Protestantse Kerk

Rig alle korrespondensie i.v.m. hierdie skrywe aan die Gemeenskaplike Kerkkantoor vir aandag van:  
Ds. JL Schütte  
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05 October 2022

To: The Standing Committee on Finance  
For attention: Mr Allen Wicomb and Ms Teboho Sepanya  
Per email: [awicomb@parliament.gov.za](mailto:awicomb@parliament.gov.za); [tsepanya@parliament.gov.za](mailto:tsepanya@parliament.gov.za)  
Re: **General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill [B18-2022]**  
From: Organisation: Afrikaanse Protestantse Kerk  
Name / Surname: Rev. Johan Schütte  
Capacity: Director of Church Administration  
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Date: **05 / 10 / 2022 (Deadline for comments: 10 October 2022)**

1. The Afrikaanse Protestantse Kerk is a federation of 200 churches across all provinces of South Africa with around 25 000 members.
2. As a community of faith-based institutions, 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 religious persons / a religious organisation **to religious freedom**, which includes the right to manifest religious belief without fear of hindrance or reprisal, (section 15), **freedom of association** (section 18) and **as a religious community to practise our religion 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.

*Alternatively, that:*

- 6.2. Section 12(3) of the NPO Act be amended to specify that DSD cannot require changes to religious organisations' founding document that would interfere with the religious organisations' doctrines / tenets / beliefs; **and that**
- 6.3. Section 30 of the NPO Act be amended to remove the threat of imprisonment and/or a limitless fine.

Yours faithfully,



**Ds. JL Schütte**

**Direkteur van kerkadministrasie**

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<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.