



6 October 2022

The Standing Committee on Finance

For urgent attention: Mr Allen Wicomb and Ms Teboho Sepanya

Per email: awicomb@parliament.gov.za; tsepanya@parliament.gov.za

Re: General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill [B18-2022]

1. I, the undersigned, Pastor Daniel Botha, am an elder of Harvest Christian Church, a non-denominational church of approximately 3 000 members with main campus at 90 Albert Road, Walmer, Gqeberha. We have four church sites, in Walmer, Kleinskool, Sherwood and in Colleen Glen, Gqeberha. The church was founded in 1984 and our current **PBO registration number is 18/11/13/316**.

2. Whilst we do understand the underlying motive with the **General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill [B18-2022]** (hereinafter referred to as "the Bill") insofar as it relates to combatting money laundering, crime and terrorism, at the same time we are most concerned about the defenite threat it poses to freedom of religion as protected under our RSA Constitution. As a faith-based institution and as a group of religious believers and religious organisation, the proposed Bill as it stands would violate our constitutional rights to religious freedom. The rights under real threat are amongst others the right to manifest religious belief without fear of hindrance or reprisal (as protected by Section 15), freedom of association (as protected by Section 18) and as a religious community to practise our religion together (as protected by section 31).

3. In view of the significant threat posed by the proposed Bill to essential rights protected by our RSA Constitution as briefly explained above, we also object to the very short time frame given by Parliament for public comments on the proposed Bill. In view of the very real and significant implications for all South African Citizens, the prescribed period for comments and objections (from 27 September 2022 until 12h00 noon on 10 October 2022 - **a period of only 10 days**) is totally inadequate for this purpose. The implications of the proposed Bill are very serious and far reaching and even include the possibility of a jail sentence in the event of non-compliance. The very limited time allowed for comment/objection undermines the Constitutional requirement of a reasonable opportunity for fair and inclusive public participation.

Because the need for reasonable, adequate and effective public participation has been violated already, it is insufficient to state that, because a second public participation process will occur in front of Parliament's second house, the National Council of Provinces ("NCOP"), that the above process followed by the Committee was reasonable and allowed effective public participation as required by law. One is left with the distinct impression that the public participation process is being deliberately shortened for reasons that have not been adequately explained.

4. In particular we object to and oppose the following proposed Clauses:

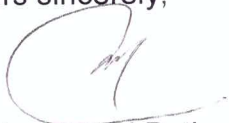
- Clause 10 of the Bill which proposes making registration as a Nonprofit Organisation ("NPO") compulsory. Many religious organisations have been operating within the ambit of the law as Public Benefit Organisations, duly registered as such with the Commissioner for Inland Revenue for many years.
- Clause 14 of the Bill (read with section 30 of the NPO Act, 1997), which will make failure to comply with these provisions a criminal offence with a sanction of an unspecified fine and/or jail sentence.

5. In the circumstances we request that NPO registration remains voluntary, especially in light of the current duplication with regard to registration / reporting / compliance obligations in terms of the requirements of Public Benefit Organisations ("PBO's) and the Companies Act (No 71 of 2008). These already require official registration, record keeping, financial regulations and tax reporting requirements that are more than adequate.

6. In any event, even if the above request does not carry, we insist that Section 12(3) of the NPO Act be amended to specify that the Department of Social Development (DSD) cannot require amendment of the foundational statements of faith or founding documents of religious organisations where such amendments would violate sincerely held and Constitutionally protected doctrines, tenets, practices or beliefs.

8. Even if the above request in Par 6 above does not carry, in that event we also insist that Section 30 of the NPO Act be amended to remove the threat of imprisonment and/or a limitless fine.

Yours sincerely,



Pastor Daniel Botha
Biblical Training Pastor and Elder,
Harvest Christian Church