



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

THE SPEAKER

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Honourable MS Chabane, MP
Chairperson: PC on Home Affairs

Per: Mr Eddy Mathonsi
Email: emathonsi@parliament.gov.za

Dear Honourable Chabane,

Processing of the Electoral Matters Amendment Bill [B42–2023]:

I thank you for the invitation to participate in this very important process.

I note that the letter specifically invites me to respond to the Bill and submissions on the Bill related to the amendments to be made to the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No. 10 of 2009).

I also note that B42-2023 intends amending the Political Party Funding Act, 2018 (Act No. 6 of 2018). I think that it was correct to not specifically request a response from this office on the latter Act, as that input is better left to political parties themselves.

With regard to the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act), I wish to make the following inputs:

- The Bill neglects to make a consequential amendment to section 65(1)(f), which speaks to regulations relating to funding only of political parties; and
- The current wording of section 34 of the Act may not pass constitutional muster in that it requires regulations to prescribe funding envisaged by section 57 of the Constitution of the Republic of South Africa, 1996. Our Constitutional Court has confirmed that section 57 envisages for such funding to be provided for in the rules and orders of the Assembly. Section 34 of the Act however appears to be referring to

section 57 of the Constitution. It is necessary that section 34 be reworded to clarify that it refers to funding other than that of section 57.

As to your invitation to attend the hearings and responses to hearings, I will request an official to attend on a watching brief. I will also consider the report of the Committee on its public hearings.

Yours sincerely,



Nosiviwe Mapisa-Nqakula, MP

Speaker of the National Assembly

Date: 06 FEB. 2024