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THE PRESIDENCY

No. 630 03 June 2020

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 31 of 2019: Promotion of Access to Information Amendment Act, 2019

DIE PRESIDENSIE

No. 630 03 Junie 2020

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No 31 of 2019: Wysigingswet op Bevordering van Toegang tot Inligting, 2019

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GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

__________ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 26 May 2020)

ACT

To amend the Promotion of Access to Information Act, 2000, so as to provide for information on the private funding of political parties and independent candidates to be recorded, preserved and made available; and to provide for matters connected therewith.

Parliament of the Republic of South Africa enacts, as follows:—

Amendment of section 1 of Act 2 of 2000, as amended by section 21 of Act 42 of 2001, section 1 of Act 54 of 2002 and section 6 of Act 24 of 2015

1. Section 1 of the Promotion of Access to Information Act, 2000 (hereinafter referred to as the ''principal Act''), is hereby amended—

(a) by the substitution for the definition of ''head'' of the following definition:

'' **'head'** of, or in relation to, a private body means—

(a) in the case of a natural person, including a person referred to in paragraph *(c)* of the definition of ''political party'', that natural person or any person duly authorised by that natural person;

(b) in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;

(c) in the case of a juristic person—

(i) the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or

(ii) the person who is acting as such or any person duly authorised by such acting person; or

(d) in the case of political party, the leader of the political party or any person duly authorised by that leader;'';

(b) by the insertion after the definition of ''personal requester'' of the following definition:

'' **'political party'** means—

(a) any entity that accepts donations principally to support or oppose any registered political party or its candidates, in an election as defined in section 1 of the Electoral Act, 1998 (Act No. 73 of 1998);

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ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk in vierkantige hakies, dui skrappings uit bestaande verordeninge aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

(Engelse teks deur die President geteken)
(Goedgekeur op 26 May 2020)

WET

Tot wysiging van die Wet op Bevordering van Toegang tot Inligting, 2000, ten einde voorsiening daarvoor te maak dat inligting oor die privaat befondsing van politieke partye en onafhanklike kandidate aangeteken, bewaar en beskikbaar gestel word; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

Die Parlement van die Republiek van Suid-Afrika verorden, soos volg:—

Wysiging van artikel 1 van Wet 2 van 2000, soos gewysig deur artikel 21 van Wet 42 van 2001, artikel 1 van Wet 54 van 2002 en artikel 6 van Wet 24 van 2015

1. Artikel 1 van die Wet op Bevordering van Toegang tot Inligting, 2000 (hierna die ''Hoofwet'' genoem), word hierby gewysig—

(a) deur die woordomskrywing van ''hoof'' deur die volgende woordomskrywing te vervang:

'' **'hoof'** van, of met betrekking tot, 'n privaatliggaam—

(a) in die geval van 'n natuurlike persoon, met inbegrip van 'n persoon bedoel in paragraaf *(c)* van die woordomskrywing van 'politieke party', daardie natuurlike persoon of enige persoon wat behoorlik deur daardie natuurlike persoon gemagtig is;

(b) in die geval van 'n vennootskap, enige vennoot van die vennootskap of enige persoon wat behoorlik deur die vennootskap gemagtig is;

(c) in die geval van 'n regspersoon—

(i) die hoof- uitvoerende beampte of ranggelyke beampte van die regspersoon of enige persoon wat behoorlik deur daardie beampte gemagtig is; of

(ii) die persoon wat as sodanig optree of enige persoon wat behoorlik deur sodanige waarnemende persoon gemagtig is; of

(d) in die geval van 'n politieke party, die leier van die politieke party of enige persoon wat behoorlik deur daardie leier gemagtig is;'';

(b) deur na die woordomskrywing van ''persoonlike versoeker'' die volgende woordomskrywing in te voeg:

'' **'politieke party'**—

(a) enige entiteit wat donasies aanvaar hoofsaaklik om enige geregistreerde politieke party of sy kandidate, in 'n verkiesing soos in artikel 1 van die Kieswet, 1998 (Wet No. 73 van 1998), omskryf, te steun of teen te staan;

(b) any registered political party as defined in the Electoral Act, 1998; or

(c) a natural person who is an independent candidate;''; and

(c) by the substitution for the definition of ''private body'' of the following definition:

'' **'private body'** means—

(a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;

(b) a partnership which carries or has carried on any trade, business or profession; **[or]**

(c) any former or existing juristic person; or

(d) a political party,

but excludes a public body;''.

Insertion of section 52A in Act 2 of 2000

2. The following section is hereby inserted in the principal Act after section 52:

''**Recording, preservation and disclosure of records on private funding of political parties**

52A. (1) The head of a political party must—

(a) create and keep records of—

(i) any donation exceeding the prescribed threshold that has been made to that political party in any given financial year; and

(ii) the identity of the persons or entities who made such donations;

(b) make the records available on a quarterly basis, as prescribed; and

(c) keep the records for a period of at least five years after the records concerned have been created.

(2) For the purposes of this section—

(a) **''donation''** means a donation as defined in section 1;

(b) **''financial year''** means a financial year as defined in section 1; and

(c) **''prescribed threshold''** means the prescribed threshold contemplated in section 9(1)*(a)*,

of the Political Party Funding Act, 2018 (Act No. 6 of 2018).''.

Amendment of Contents of Act of Act 2 of 2000

3. The Contents of Act of the principal Act is hereby amended by the insertion after item 52 of the following item:

''52A. Recording, preservation and disclosure of records on the private funding of political parties''.

Short title and commencement

4. This Act is called the Promotion of Access to Information Amendment Act, 2019, and commences on a date determined by the President by proclamation in the *Gazette*.

(b) enige geregistreerde politieke party soos omskryf in die Kieswet, 1998; of

(c) 'n natuurlike persoon wat 'n onafhanklike kandidaat is;''; en

(c) deur die woordomskrywing van ''privaatliggaam'' deur die volgende woordomskrywing te vervang:

'' **'privaatliggaam'**—

(a) 'n natuurlike persoon wat 'n bedryf, beroep of professie beoefen of beoefen het, maar slegs in sodanige hoedanigheid;

(b) 'n vennootskap wat 'n bedryf, beroep of professie beoefen of beoefen het; **[of]**

(c) enige voormalige of bestaande regspersoon; of

(d) 'n politieke party,

maar uitgesonderd 'n openbare liggaam;''.

Invoeging van artikel 52A in Wet 2 van 2000

2. Die volgende artikel word hierby na artikel 52 in die Hoofwet ingevoeg:

''**Aantekening, bewaring en beskikbaarstelling van rekords van privaat befondsing van politieke partye**

52A. (1) Die hoof van 'n politieke party moet—

(a) rekords opstel en bewaar van—

(i) enige donasie wat die voorgeskrewe perk oorskry wat in enige gegewe finansiële jaar aan daardie party gemaak is; en

(ii) die identiteit van die persone of entiteite wat sodanige donasies gemaak het;

(b) die rekords soos voorgeskryf op 'n kwartaallikse basis beskikbaar stel; en

(c) die rekords hou vir 'n tydperk van ten minste vyf jaar vanaf die datum waarop die betrokke rekords geskep is.

(2) By die toepassing van hierdie artikel beteken—

(a) **'donasie'** 'n donasie soos omskryf in artikel 1;

(b) **'finansiële jaar'** 'n finansiële jaar soos omskryf in artikel 1; en

(c) **'voorgeskrewe perk'** die voorgeskrewe perk beoog in artikel 9(1)*(a)*, van die 'Political Party Funding Act', 2018 (Wet No. 6 van 2018).''.

Wysiging van Inhoud van Wet van Wet 2 van 2000

3. Die Hoofwet word hierby gewysig deur in die Inhoud van Wet na item 52 die volgende item in te voeg:

''52A. Aantekening, bewaring en beskikbaarstelling van rekords van privaat befondsing van politieke partye''.

Kort titel en inwerkingtreding

4. Hierdie Wet heet die Wysigingswet op Bevordering van Toegang tot Inligting, 2019, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

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