**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO. 2137**

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**INTERNAL QUESTION PAPER 21 – 2021**

**2137. Mr A C Roos (DA) to ask the Minister of Home Affairs:**

(1) In view of the fact that the President, Mr M C Ramaphosa, signed a Border Management Authority (BMA) Commencement Proclamation in December 2020, which only allowed for the appointment of a Commissioner and Deputy Commissioners for the BMA, on what date will the section 97 Presidential Proclamation be signed to transfer relevant border law enforcement functions to his portfolio;

(2) What deadline has been given for the current draft proclamation to be revised to remove reference to identified pieces of legislation which pose challenges to some departments;

(3) GIven that the President in his 2021 State of the Nation Address committed to fast-track the implementation and capacitation of the BMA to curb illegal immigration and cross-border crime, what is the deadline envisaged for the operationalisation of the entire BMA Act, Act 2 of 2020? NW2425E **Reply**

1. The draft Proclamation in terms of section 97 of the Constitution of the Republic of South Africa, 1996 (the “Constitution”), to transfer functions from relevant Organs of State, has been drafted and being consulted on with the said relevant Organs of State. Once there is concurrence on the contents of the Proclamation, the draft Proclamation will be forwarded to the Presidency for the President to approve same. Thereafter, the Department will cause the Proclamation to be gazetted.
2. The current draft Proclamation, in terms of section 97 of the Constitution has been revised to remove legislation that affects SARS-Custom and the SANDF. The Department is currently undergoing consultations with organs of state as required by the requisite processes and they have undertaken to provide such feedback by no later than 10 September 2021.
3. The establishment of the BMA in South Africa is an unprecedented “Whole-of-Government” endeavour led by the Presidency and guided by the Department of Public Service and Administration, and the National Treasury in terms of the Public Service Act, the Public Finance Management Act and the National Macro-Organization of Government (NMOG)principles.

The operationalization of the BMA Act involves multiple Organs of State, and complex regulatory, legislative, staffing, budgeting and funding processes; and as such, the BMA Act, 2020 will be operationalized in an incremental manner over a ten (10) year period ending in 2030.

**END**