

Mr V. Ramaano
CS: PC on Justice and Constitutional Development

Date:

11 May 2012

Enquiries:

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Dear Mr. Ramaano

Judicial Matters Amendment Bill [B11 - 2012]: Comments

We thank the Portfolio Committee on Justice and Constitutional Development for granting us the opportunity to comment on the Judicial Matters Amendment Bill and provide our comments herewith, as per the enclosed document.

We trust our comments will assist the Committee members in their deliberations of the Bill.

Kind regards



WJJ du Plessis
GENERAL MANAGER: LEGAL



Legal Comments Form

Unique Identifier	216-28
Revision	1
Revision Date	May 2013
Corporate Legal Department	

		COMMENTS DETAILS	
		ACTIONS	COMMENTS
TITLE	Judicial Matters Amendment Bill [B11-2012]		
DUE DATE	11 May 2012		
NAME OF THE LEGAL ADVISOR	Natachia Moorgas		
NAME OF THE CR/ DIVISION	Regulation and Legal		
DATE ASSIGNED	18 April 2012		
TEAM LEADER	Willie du Plessis		
ACCEPTED	x		
NOT ACCEPTED			
TEAM LEADER'S SIGNATURE	<i>[Handwritten Signature]</i>		
LEGAL ADVISER	Natachia Moorgas		
LEGAL ADVISOR'S SIGNATURE	<i>[Handwritten Signature]</i>		
DATE	11 May 2012		
NO COMMENTS	TEAM LEADER		
	ACCEPTED		
	NOT ACCEPTED		
	TEAM LEADER'S SIGNATURE		
	LEGAL ADVISOR		
	LEGAL ADVISOR'S SIGNATURE		
DATE			

[Handwritten Signature] *[Handwritten Signature]* 11/5/12
 General Manager: Legal Signature Date

JUDICIAL MATTERS AMENDMENT BILL

COMMENTS BY ESKOM

DATE

11 May 2012

COMMENTS BY ESKOM ON THE JUDICIAL MATTERS AMENDMENT BILL

**PUBLISHED FOR GENERAL COMMENT IN THE GOVERNMENT
GAZETTE – NOTICE 35119 OF 6 March 2012 (“BILL”)**

1 INTRODUCTION

We are committed to good governance and welcome any interventions to strengthen our joint capacity to eradicate corruption. In the circumstances we support the bill.

2 GENERAL COMMENTS

The proposed amendments seek to introduce a funding mechanism wherein the SIU shall be permissible to charge fees for services rendered. Eskom has no objection to the proposed amendment contained in Section 4 of the Bill, we wish to propose however that should the SIU be granted permission to charge and recover fees and expenses from the State institution it should firstly be in respect of investigations initiated by the State institution and not for matters where the SIU initiates the investigation, secondly the relationship should be managed in terms of a contract which provides inter alia for the effective management of the process, access to information and the release of any

information to the public and media in a manner that does not interfere with the independence or work of the SIU and the need for transparency.

4 RECOMMENDATIONS

Section 4 (a) (1) (b) “charge and recover fees and expenses from a State institution in terms of a service level agreement concluded between the State institution and the SIU for anything done in terms of this Act on request from the State institution in respect of the State institution or a State institution identified by that State institution, which has been agreed to between the SIU and the State institution before any costs has been incurred, together with legal costs relating to the institution”

3. CONCLUSION

Eskom would like to extend its appreciation to the Portfolio Committee on Justice and Constitutional Development for the opportunity to influence the provisions of the Bill. We trust that our comments have been constructive and that they are of assistance in finalising the Bill. In the event that further clarification or information is required, Eskom would be more than happy to provide same.