

REPUBLIC OF SOUTH AFRICA

**JOINT COMMITTEE AMENDMENTS
TO
INTELLIGENCE SERVICES
CONTROL AMENDMENT BILL**

[B 46—99]

*(As agreed to by the Ad Hoc Joint Committee on Intelligence Services Control
Amendment Bill)*

[B 46A—99]

REPUBLIEK VAN SUID-AFRIKA

**GESAMENTLIKE KOMITEE-
AMENDEMENTE
OP
WYSIGINGSWETSONTWERP OP
BEHEER OOR
INTELLIGENSIEDIENSTE**

[W 46—99]

*(Soos goedgekeur deur die Ad hoc- Gesamentlike Komitee oor Wysigingswetsontwerp op
Beheer oor Intelligensiedienste)*

[W 46A—99]

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AMENDMENTS AGREED TO

INTELLIGENCE SERVICES CONTROL AMENDMENT BILL [B 46—99]

CLAUSE 2

1. On page 2, in line 22, to omit all the words after “determined” up to and including “constituted” in line 5 on page 4 and to substitute:

according to the formula in paragraph (c): Provided that—

- (i) if the total number of seats on the Committee allocated to the political parties in terms of paragraph (c) is less than 15, the unfilled seats shall not be allocated to any political party, but the Committee shall nevertheless be deemed to be properly constituted; and
- (ii) if one political party has been allocated more than eight seats in terms of paragraph (c) and more than five political parties are represented in Parliament, the five minority parties with the largest representation in Parliament are entitled to at least one member each on the Committee, and the Committee so constituted shall be deemed to be properly constituted regardless of whether the total number of seats so allocated on the Committee is more or less than 15; and

2. On page 4, after line 14, to insert:

(c) Political parties shall be entitled to designate a member or members to the Committee in accordance with the principle of proportional representation and as determined according to the following formula: By dividing the number of seats held by the party in the National Assembly by the total number of seats in the National Assembly, multiplying the result by 15 and discarding all decimals.

3. On page 4, in line 61, to omit “57” and to substitute “45”.

CLAUSE 5

1. On page 6, in line 46, to omit “the members present and voting at a **[joint]** meeting” and to substitute:

[the members present and voting at a joint meeting] its members

2. On page 6, in line 49, after “Services” to insert:

as long as the activities of all the Services are monitored by an Inspector-General

3. On page 6, in line 53, to omit “and conditions of service”.
4. On page 8, from line 21, to omit the proviso and to substitute:

- (b) may, if the intelligence or information received by him or her in terms of paragraph (a) is subject to any restriction in terms of any law, disclose it only—
- (i) after consultation with the President and the Minister; and
 - (ii) subject to appropriate restrictions placed on such intelligence or information by the Inspector-General, if necessary; and
 - (iii) to the extent that such disclosure is not detrimental to the national interest;

5. On page 8, from line 36, to omit subsection (8A) and to substitute:

- (d) may, if the intelligence or information received by him or her in terms of paragraph (c) is subject to any privilege or restriction in terms of any law, disclose it only—
- (i) after he or she has given written notice of his or her intention to do so to the lawful possessor of such intelligence or information; and
 - (ii) after consultation with the President and the Minister; and
 - (iii) subject to appropriate restrictions placed on such intelligence or information by the Inspector-General, if necessary; and
 - (iv) to the extent that such disclosure is not detrimental to the national interest.

CLAUSE 7

1. On page 10, in line 11, to omit “Subject to section 2(2)(b)”.

