

*Friday, 17 February 2023]*

No 18—2023] FIFTH SESSION, SIXTH PARLIAMENT

**PARLIAMENT**  
**OF THE**  
**REPUBLIC OF SOUTH AFRICA**

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**ANNOUNCEMENTS,  
 TABLINGS AND  
 COMMITTEE REPORTS**

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**TABLINGS**

**National Council of Provinces**

## 1. The Chairperson

### (a) Constitution 18<sup>th</sup> Amendment Bill

Submission of supporting documents in terms of Rule 206 of the Rules of the National Council of Provinces received from Hon. R Lamoela

Referred to the **Select Committee on Security and Justice** for consideration.

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# COMMITTEE REPORTS

## National Assembly

### 1. Report of the Portfolio Committee on Justice and Correctional Services on the Repeal of Transkeian Penal Code Bill [B 34 - 2022] (National Assembly – section 75), dated 17 February 2023

The Portfolio Committee on Justice and Correctional Services, having considered the **Repeal of Transkeian Penal Code Bill** [B34 - 2022] (National Assembly – section 75), referred to it and classified by the Joint Tagging Mechanism (JTM) as a section 75 Bill, reports the Bill without amendments.

The Committee reports further:

1. The Repeal of Transkeian Penal Code Bill [B 34-2022] was both introduced and referred to the Committee for consideration and report on 15 December 2022.
2. The Committee called for public submissions on the Bill but received no response to the call.
3. Broadly, the Bill proposes to repeal the Transkeian Penal Code, 1983, which continues to apply in the area formerly known as the Republic of Transkei and to reinstate the application of the common law and rules in that area.
4. The Code was enacted when the area formerly known as the Republic of Transkei became nominally ‘independent’. Despite the incorporation of the area into South

Africa under the new democratic dispensation, in terms of the Constitution, 1996, the Code remains in force until repealed or amended.

5. The Committee believes that it is untenable that the Code, which codified the criminal law, continues to apply so many years after the area was incorporated and the people living there continue to be subject to a different system of criminal law to that applied in the rest of South Africa.
6. The Committee, therefore, supports the Bill as introduced and referred to it.

### **Report for consideration**

## **2. Report of the Portfolio Committee on Communications and Digital Technologies on the South African Postbank Amendment Bill [B 22 - 2022], dated 17 February 2023**

The Portfolio Committee on Communications and Digital Technologies (the Committee), having considered the South African Postbank Amendment Bill [22 - 2022] (National Assembly – section 75), referred to it and classified by the Joint Tagging Mechanism (JTM) as a section 75 Bill, reports the Bill with amendments [B 22A – 2022] as follows:

1. The South African Postbank Amendment Bill [22 - 2022] was tabled in Parliament and referred to the Committee with publication on the ATC on 17 May 2022.
2. The Bill seeks to amend the South African Postbank Limited Act, 2010, to amend and insert certain definitions; to further amend the objects of the Act; to facilitate the transfer in shareholding from the South African Post Office SOC Limited to the Government and the creation of a bank controlling company for “The Postbank SOC Limited” in terms of the Banks Act, 1990; which will provide for the appointment of the chief executive officer and the chief financial officer, and provide for matters connected in addition to that.
3. The Committee met on 31 May 2022 and called for public submissions in June 2022, followed by advertisements in all official languages in print media. The closing date for these submissions was 25 July 2022.

4. The Committee met on 23 August 2022 and noted that only one submission was received from the public. The Committee was also informed that specific stakeholders were identified, and letters were written to these stakeholders requesting further written comments on the Bill on 5 September 2022 with the closing date for submissions being 15 September 2022. The Committee resolved to extend the call for submissions, with members deciding to approach their respective constituencies for further public comments on the Bill. A second closing date for further submissions was set for 4 October 2022.
5. The Committee held public hearings on the Bill on 25 October 2022. Organisations such as the Financial Sector Conduct Authority (FSCA), Banking Association of South Africa (BASA), Congress of South African Trade Unions (COSATU), Ombudsman for Banking Services(OBS) and Right2Know made oral submissions.
6. On 1 November 2022, the Committee received a response from the Department regarding the public comments. The Department also confirmed that the Postbank Amendment Bill was subjected to the SEIAS process with the confirmation that the due diligence was conducted on the financial feasibility of establishing the New Entity.
7. On 8 and 15 November 2022, the Committee further deliberated on the Bill. On 15 November 2022, the Committee resolved that there would be a joint meeting with the Standing Committee on Finance for further deliberations on the Bill and also receive inputs from the Standing Committee.
8. On 16 November 2022, the Committee met jointly with the Standing Committee on Finance on the Bill, and it was resolved that the Portfolio Committee on Communications and Digital Technologies was correctly identified as the Committee, by law, to deal with the amendment of the Bill.

9. On 22 November 2022, the Committee formally proceeded to deliberate on the Bill clause by clause and produced an A-List to the Bill. The A-List was agreed to and the Democratic Alliance registered its objection.
10. On 29 November 2022, the Committee had intended to finalise the Bill. The parliamentary law advisor, state law advisors and the departmental officials noted further amendments, which was not included in the B version of the Bill. These amendments were highlighted and was resent for insertion and publication in the Bill to ensure that all due processes have been complied to.
11. National Assembly Rule 286(4)(i) requires that “the Committee, after due deliberation, must consider a motion of desirability on the subject matter of the Bill and, if rejected, must immediately table the Bill and its report on the Bill.” Based on all the input received and engagements on the Bill, a motion of desirability on the subject matter is placed before the Committee as required by National Assembly Rule 286(4)(i) to vote on.
12. On 17 February 2023 the Committee met to deliberate on the B version of the Bill [B12B-2022] and deliberated on the Bill clause by clause.
13. The Committee formally adopted the Bill [B12B-2022]. The motion on the desirability of the Bill was agreed to and the rejection of the motion of desirability of the Democratic Alliance was noted.

Report to be considered.