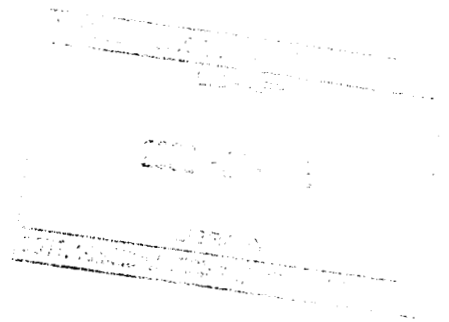


REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
STATE INFORMATION
TECHNOLOGY AGENCY
AMENDMENT BILL**

[B 24—2002]

*(As agreed to by the Portfolio Committee on Public Service and Administration
(National Assembly))*



[B 24A—2002]

ISBN 0 621 32258 X

No. of copies printed800

AMENDMENTS AGREED TO

STATE INFORMATION TECHNOLOGY AGENCY AMENDMENT BILL [B 24—2002]

CLAUSE 1

1. On page 3, in line 13, to omit “organ of state” and to substitute “public body”.
2. On page 3, after line 13, to insert:
 - (a) Parliament or a provincial legislature;

CLAUSE 2

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 3 of Act 88 of 1998

2. Section 3 of the principal Act is hereby amended—
 - (a) by the deletion of subsection (2);
 - (b) by the insertion after subsection (4) of the following subsection:

“(4A) Despite anything to the contrary in this Act—

 - (a) any service of the Agency used immediately before the commencement of the State Information Technology Agency Amendment Act, 2002, by a department in respect of which a component initially constituted the Agency as contemplated in subsection (4), must be continued to be used by that Department, unless terminated by agreement between the department and the Agency; and
 - (b) any asset of that component transferred to the Agency in terms of section 19(2) remains the asset of the Agency and the responsible department may not require the return of that asset.”; and
 - (c) by the deletion of subsections (5) and (6).

CLAUSE 4

1. On page 3, in line 43, to omit “organs of state” and to substitute “public bodies”.
2. On page 3, in line 44, to omit “organs of state” and to substitute “public bodies”.

CLAUSE 5

1. On page 4, from line 5, to omit paragraph (a) and to substitute:

- (a) must, on behalf of a department, and may, on behalf of a public body, which so requests in terms of subsection (4) or (5)—
 - (i) provide or maintain a private telecommunication network or a value-added network service in accordance with the Telecommunications Act, 1996 (Act No. 103 of 1996);
 - (ii) provide or maintain transversal information systems; and
 - (iii) provide data-processing or associated services for transversal information systems; and
2. On page 4, in line 11, to omit “in respect of a department or organ of state” and to substitute:

on behalf of a department or public body, which so requests in terms of subsection (4) or (5)
 3. On page 4, after line 21, to insert:

(2) For purposes of the Telecommunications Act, 1996, the provision of a private telecommunication network in terms of subsection (1)(a)(i) by the Agency on behalf of one or more departments or public bodies or one or more departments and public bodies, must be construed as the provision of that network by the State for purposes principally or integrally related to the operations of the State.
 4. On page 4, in line 37, to omit “An organ of state” and to substitute “A public body”.
 5. On page 4, from line 51, to omit paragraph (c) and to substitute:

(c) may—

 - (i) despite anything to the contrary in any other law, exclusively subject to subsection (7) sell or provide authentication products or services for all departments;
 - (ii) on request of any public body, sell or provide authentication products or services for that public body; and
 - (iii) apply to the relevant authority for the accreditation of such authentication products or services in terms of the Electronic Communications and Transactions Act, 2002; and
 6. On page 4, after line 57, to insert:

(7) If the Agency decides not to provide authentication products or services for a department or public body in terms of subsection (6)(c), the department or public body must procure through the Agency those products or services from a preferred authentication service provider referred to in section 28(2) of the Electronic Communications and Transactions Act, 2002 [Act No. 25 of 2002].

CLAUSE 6

1. On page 5, after line 43, to insert:

(1C) The Minister must designate one of the non-executive members referred to in subsection (1)(c) as the Deputy Chairperson, who must act in the place of the Chairperson if he or she is unable to perform his or her functions.

2. On page 5, in line 45, before “members” to insert “non-executive”.

CLAUSE 8

1. On page 5, in line 55, to omit “organ of state” and to substitute “public body”.
2. On page 6, in line 1, to omit “organ of state” and to substitute “public body”.
3. On page 6, in line 3, to omit “organ of state” and to substitute “public body”.

CLAUSE 9

1. On page 6, after line 14, to insert:

(c) by the substitution in subsection (5) for the expression “an organ of state” of the expression “public body”;
2. On page 6, in line 18, to omit “The Auditor-General” and to substitute:

An auditor appointed by the Board in terms of section 58 of the Public Finance Management Act, 1999 (Act No. 1 of 1999),

CLAUSE 10

1. On page 6, in line 30, to omit “and articles”.

CLAUSE 12

1. On page 6, in line 39, to omit “organ of state before the acquisition” and to substitute:

public body before the acquisition from the Agency
2. On page 6, in line 42, to omit “organ of state” and to substitute “public body”.
3. On page 6, in line 46, to omit “organ of state” and to substitute “public body”.
4. On page 6, in line 48, to omit “organ of state” and to substitute “public body”.
5. On page 6, in lines 51 and 52, to omit “organ of state” and to substitute “public body”.
6. On page 7, in line 5, before “assets” to insert “corporeal or incorporeal”.
7. On page 7, after line 7, to add:

(3B) No transfer duty, stamp duty, registration fee or any other duty, fee, levy or tax imposed by law are payable in respect of any transfer in terms of this section.

CLAUSE 13

1. On page 7, in line 16, to omit “An organ of state” and to substitute “A public body”.
2. On page 7, in line 21, to omit “organ of state” and to substitute “public body”.
3. On page 7, in line 27, to omit “organ of state” and to substitute “public body”.
4. On page 7, in line 24, to omit all the words after “agreement” up to and including “effect” in line 26 and to substitute:

concluded in terms of section 20(1) or (2), before its amendment by the State Information Technology Agency Amendment Act, 2002,

LONG TITLE

1. On page 2, in the second-last line, to omit “and articles”.