

MEDIA STATEMENT

SELECT COMMITTEE ON SECURITY AND JUSTICE AGREES TO CYBERCRIMES BILL

Parliament, Friday, 12 June 2020 – The Select Committee on Security and Justice adopted the Cybercrimes Bill, among several other pieces of legislation.

The Bill aims to create offences that have a bearing on cybercrime; criminalise the distribution of harmful data messages and to provide for interim protection orders; further regulate jurisdiction in respect of cybercrimes; further regulate the powers to investigate cybercrimes; and also further regulate aspects relating to mutual assistance in respect of the investigation of cybercrime.

It provides for the establishment of a designated point of contact; further provides for the proof of certain facts by affidavit; imposes obligations to report cybercrimes; provides for capacity building; and provides that the executive may enter into agreements with foreign states to promote measures aimed at the detection, prevention, mitigation and investigation of cybercrimes.

The proposed amendments agreed to by the committee includes altering the tone of the Bill to reflect non-binary language, as required by considerations of gender-neutrality, equality, dignity and identity and the restructuring of clause 16 to specifically reflect the impact of the considerations in criminalising the disclosure of data messages of intimate images.

Committee Chairperson Ms Shahidabibi Shaikh said all the concerns raised by the committee were addressed by the department and the parliamentary legal advisor in the Bill. The Chairperson also highlighted the fact that this Bill, once enacted, will be the first non-binary legislation to be passed in South Africa.

The committee further considered and adopted the notice of declaration of amnesty in terms of the Firearms Control Act. This follows a request from the South African Police Service (Saps) for a new six months' firearms amnesty, commencing from August this year. The committee resolved to agree to the new amnesty, but categorically stated that the Saps should provide more communication to the public regarding amnesty. The committee heard that granting another amnesty period will afford the communities another opportunity to surrender illegal and unwanted firearms and/or ammunition, in an effort to curb the proliferation of illegal firearms in circulation.

The committee further agreed to the Civil Union Amendment Bill. The aim of the Bill is to repeal section 6 of the Civil Union Act, which allows a marriage officer to inform the Minister that he or she objects on the ground of conscience, religion, and belief to solemnising a civil union between persons of the same sex. It is important to note that the marriage officers referred to in the Bill are public servants employed by the Department of Home Affairs.

Ms Shaikh said the reports, which were adopted by the majority of Members, on these matters will now be sent to the National Council of Provinces with the recommendation for adoption.

**ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE
CHAIRPERSON OF THE SELECT COMMITTEE ON SECURITY AND JUSTICE, MS
SHAHIDABIBI SHAIKH.**