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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 865

07 AUGUST 2020

PUBLICATION OF EXPLANATORY SUMMARIES OF THE—
*** CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT**
AMENDMENT BILL, 2020,
*** DOMESTIC VIOLENCE AMENDMENT BILL, 2020,**
*** CRIMINAL AND RELATED MATTERS AMENDMENT BILL, 2020,**
*** CANNABIS FOR PRIVATE PURPOSES BILL, 2020**

1. Notice is hereby given in terms of Rule 276(1)(b) of the Rules of the National Assembly that the Minister of Justice and Correctional Services intends to introduce the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill, 2020, the Domestic Violence Amendment Bill, 2020, the Criminal and Related Matters Amendment Bill, 2020, and the Cannabis for Private Purposes Bill, 2020, in the National Assembly shortly.

2.1 The explanatory summaries of the Bills are hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.

2.2 Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill, 2020:

The Amendment Bill aims to amend the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), so as to extend the ambit of the offence of incest, introduce a new offence of sexual intimidation and to further regulate the reporting duty of persons who are aware that sexual offences have been committed against children. The Bill also aims to amend the Act by further regulating the inclusion of particulars of persons in the National Register for Sex Offenders, making provision for certain particulars of persons who have been convicted of sexual offences to be made publicly available, extending the list of persons who are to be protected in terms of Chapter 6 of the Act, further regulating the removal of particulars of persons from the National Register for Sex Offenders and providing for matters connected therewith.

2.3 Domestic Violence Amendment Bill, 2020:

The Amendment Bill aims to amend the Domestic Violence Act, 1998 (Act No. 116 of 1998), so as to further facilitate the obtaining of protection orders against acts of domestic violence and to impose obligations on relevant functionaries in the Department of Social Development and the Department of Health to provide certain services to victims of domestic violence. The Bill also aims to align the provisions of the Domestic Violence Act, 1998, with the provisions of the Protection from Harassment Act, 2011 (Act No. 17 of 2011), and to provide for matters connected therewith.

2.4 Criminal and Related Matters Amendment Bill, 2020:

The Amendment Bill aims to amend a number of Acts, namely, the—

- (i) Magistrates' Courts Act, 1944 (Act No. 32 of 1944), so as to provide for the appointment of intermediaries and the giving of evidence through intermediaries in proceedings other than criminal proceedings, the oath and competency of intermediaries and the giving of evidence through audiovisual link in proceedings other than criminal proceedings;
- (ii) Criminal Procedure Act, 1977 (Act No. 51 of 1977), so as to further regulate the granting and cancellation of bail, the giving of evidence by means of closed circuit television or similar electronic media, the giving of evidence by a witness with physical, psychological or

mental disability, the appointment, oath and competency of intermediaries and the right of a complainant in a domestic related offence to participate in parole proceedings;

(iii) Criminal Law Amendment Act, 1997 (Act No. 105 of 1997), so as to further regulate sentences in respect of offences that have been committed against vulnerable persons; and

(iv) Superior Courts Act, 2013 (Act No. 10 of 2013), so as to provide for the appointment of intermediaries and the giving of evidence through intermediaries in proceedings other than criminal proceedings, the oath and competency of intermediaries and evidence through audiovisual link in proceedings other than criminal proceedings, and to provide for matters connected therewith.

2.5 Cannabis for Private Purposes Bill, 2020

The Bill aims to—

- (i) respect the right to privacy of an adult person to possess cannabis plant cultivation material; to cultivate a prescribed quantity of cannabis plants; to possess a prescribed quantity of cannabis; and to consume cannabis;
- (ii) regulate the possession of cannabis plant cultivation material; the cultivation of cannabis plants; the possession of cannabis; and the consumption of cannabis by an adult person;
- (iii) protect adults and children against the harms of cannabis;
- (iv) provide for the expungement of criminal records of persons convicted of possession or use of cannabis; and
- (v) delete and amend provisions of certain laws, and to provide for matters connected therewith.

3. Copies of the Bills can be found on the websites of the Department and Parliamentary Monitoring Group at <http://www.justice.gov.za> and <http://www.pmg.org.za> and may also be obtained, after introduction, from the Government Printers: Cape Town (Telephone number: 021 – 465 7531).

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. 865

07 AUGUSTUS 2020

PUBLIKASIE VAN VERDUIDELIKENDE OPSOMMINGS VAN DIE—

* WYSIGINGSWETSONTWERP OP DIE WYSIGINGSWET OP DIE STRAFREG (SEKSUELE MISDRYWE EN VERWANTE AANGELEENTHEDE), 2020,

* WYSIGINGSWETSONTWERP OP GESINSGEWELD, 2020,

* WYSIGINGSWETSONTWERP OP DIE STRAFREG EN VERWANTE AANGELEENTHEDE, 2020, WETSONTWERP OP DAGGA VIR PRIVAAT DOELEINDES, 2020

1. Kragtens Reël 276(1)(b) van die Reëls van die Nasionale Vergadering word hiermee kennis gegee dat die Minister van Justisie en Korrektiewe Dienste beoog om die Wysigingswetsontwerp op die Wysigingswet op die Strafreë (Seksuele Misdrywe en Verwante Aangeleentehede), 2020, die Wysigingswetsontwerp op Gesinsgeweld, 2020, die Wysigingswetsontwerp op die Strafreë en Verwante Aangeleentehede, 2020, en die Wetsontwerp op Dagga vir Privaat Doeleindes, 2020, eersdaags in die Nasionale Vergadering in te dien.

2.1 Die verduidelikende opsommings van die Wetsontwerpe word hierby ooreenkomstig Reël 276(1)(c) van die Reëls van die Nasionale Vergadering gepubliseer.

2.2 Wysigingswetsontwerp op die Wysigingswet op die Strafreë (Seksuele Misdrywe en Verwante Aangeleentehede), 2020:

Die Wysigingswetsontwerp het ten doel om die Wysigingswet op die Strafreë (Seksuele Misdrywe en Verwante Aangeleentehede), 2007 (Wet No. 32 van 2007), te wysig, ten einde die trefwydte van die misdryf van bloedskanie uit te brei, 'n nuwe misdryf van seksuele intimidasie in te voeg; en om die aanmeldingsplig van persone wat daarvan bewus is dat seksuele misdrywe teen kinders gepleeg is, verder te reël. Die Wetsontwerp het ook ten doel om die Wet te wysig deur die invoeging van die besonderhede van persone in die Nasionale Register vir Seks-oortreders verder te reël, voorsiening daarvoor te maak dat sekere besonderhede van persone wat aan seksuele misdrywe skuldig bevind is, openbaar gemaak word, die lys van persone wat ingevolge Hoofstuk 6 van die Wet beskerm word, uit te brei, om die verwydering van die besonderhede van persone uit die Nasionale Register vir Seks-oortreders verder te reël en om voorsiening te maak vir aangeleentehede wat daarmee in verband staan.

2.3 Wysigingswetsontwerp op Gesinsgeweld, 2020:

Die Wysigingswetsontwerp het ten doel om die Wet op Gesinsgeweld, 1998 (Wet No. 116 van 1998), te wysig, ten einde die verkryging van beskermingsbevele teen dade van gesinsgeweld te vergemaklik en om verpligtinge op betrokke funksionaris in die Departement van Maatskaplike Ontwikkeling en die Departement van Gesondheid te plaas om sekere dienste aan slagoffers van gesinsgeweld te lewer. Die Wetsontwerp het ook ten doel om die bepalings van die Wet op Gesinsgeweld, 1998, in lyn met die bepalings van die Wet op Beskerming teen Teistering, 2011 (Wet No. 17 van 2011), te bring en om voorsiening te maak vir aangeleentehede wat daarmee in verband staan.

2.4 Die Wysigingswetsontwerp op die Strafreë en Verwante Aangeleentehede, 2020:

Die Wysigingswetsontwerp het ten doel om 'n aantal Wette te wysig, naamlik die—

(i) Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), ten einde vir die aanstelling van

- tussengangers en die aflê van getuienis deur tussengangers in ander verrigtinge as strafverrigtinge voorsiening te maak, ten einde vir die eed en bevoegdheid van tussengangers en ten einde vir die aflegging van getuienis deur middel van oudiovisuele skakel in ander verrigtinge as strafverrigtinge voorsiening te maak;
- (ii) Strafproseswet, 1977 (Wet No. 51 van 1977), ten einde die verlening en die kansellering van borgtog, die aflegging van getuienis deur middel van geslotekringtelevisie of soortgelyke elektroniese media, die aflegging van getuienis deur 'n getuie met 'n fisiese, sielkundige of verstandelike gestremdheid, die aanstelling, eed en bevoegdheid van tussengangers en die reg van 'n klaer of klaagster om in 'n gesinsgeweld verwante misdryf in parool verrigtinge deel te neem, verder te reël;
- (iii) Straffregwysigingswet, 1997 (Wet No. 105 van 1997), ten einde vonnisse ten opsigte van misdrywe wat teenoor kwesbare persone gepleeg is, verder te reël; en
- (iv) Wet op Hoër Howe, 2013 (Wet No. 10 van 2013), ten einde vir die aanstelling van tussengangers en die aflegging van getuienis deur tussengangers in ander verrigtinge as strafverrigtinge, die eed en bevoegdheid van tussengangers en getuienis deur middel van oudiovisuele skakel in ander verrigtinge as strafverrigtinge voorsiening te maak, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

2.5 Wetsontwerp op Daggag vir Privaat Doeleindes, 2020

Die Wetsontwerp het ten doel om—

- (i) 'n volwasse persoon se reg op privaatheid te respekteer om daggaplant verbouingsmateriaal te besit; 'n voorgeskrewe hoeveelheid daggaplante te verbou; 'n voorgeskrewe hoeveelheid daggag te besit; en om daggag te gebruik;
- (ii) die besit van daggaplant verbouingsmateriaal te reël; die verbouing van daggaplante; die besit van daggag; en die verbruik van daggag deur 'n volwasse persoon, te reël;
- (iii) volwassenes en kinders teen die nadele van daggag te beskerm;
- (iv) vir die skraping van die kriminele rekords van persone wat skuldig bevind is aan die besit of gebruik van daggag voorsiening te maak; en
- (v) die bepalings van sekere wette te skrap en te wysig, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

3. Afskrifte van die Wetsontwerpe kan op die webtuistes van die Departement en Parlementêre Moniteringsgroep by <http://www.justice.gov.za> en <http://www.pmg.org.za> gevind word en kan, na indiening, ook verkry word van die: Staatsdrukkers: Kaapstad (Telefoonnommer: 021 – 465 7531).

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