

Zuma sends Info Bill back to Parliament

President Jacob Zuma has sent the Protection of State Information Bill back to the National Assembly over concern that two sections in the bill are unconstitutional.



Interacting with members of the Press Gallery Association at Tuynhuys on the 36th anniversary of the death of Steve Biko, Zuma said he had exercised his prerogative as President to send the bill back to Parliament before assenting to it.

He said he had written to Parliament asking that the National Assembly relook at sections 42 and 45, which "did not pass constitutional muster" because the sections lacked clarity.

Section 42 deals with the failure to report information that should be classified, while Section 45 deals with the improper classification of state documents and the penalties for those who knowingly classify information in order to achieve any purpose ulterior to the act, for example, to conceal breaches of the law or prevent embarrassment to a person, organisation or agency.

"The Constitution requires that the President must assent to and sign the bill referred to him ... by the National Assembly. However, in terms of Section 79.1 of the Constitution, if the President has reservations about the constitutionality of the bill he ... may refer it back to the National Assembly for reconsideration," he said.

Tagging issues

Zuma said there were also issues around tagging (which will affect whether the choice to classify something as state information or not lies with provincial governments or with national government) but stressed that in the whole, it was problems with these two sections that raised concern from him.

As President, Zuma has the option to send the bill to the Constitutional Court, but had not opted not to do so, explaining that he saw no logic in sending it to the Constitutional Court because he expected the court to send the bill back because the

two sections failed to pass the constitutional test.

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