

**PROPOSED ADHOC COMMITTEE AMENDMENTS**

**TO**

**THE NATIONAL STRATEGIC INTELLIGENCE AMENDMENT BILL**

**[B38-2008]**

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**CLAUSE 2**

1. On page 3, from line 34, to omit "subject to paragraph (d)" and to substitute "subject to regulations issued under section 6 (1) (cA)".
2. On page 3, from line 36, to omit paragraphs (d) and (e).
3. On page 3, in line 53, after "agency", to insert ", to be dealt with in terms of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002) or any other relevant law.".
4. On page 3, from line 54, to omit paragraph (i).
5. On page 4, from line 1, to omit paragraph (j).

**CLAUSE 5**

1. On page 5, from line 4, to omit "an authorisation contemplated in section 2 (2A)(d) may be executed;"

and to substitute

"the NCC may execute its functions under section 2(2A)(a);"

**NEW CLAUSE**

1. That the following be a new clause:

**Insertion of sections 5B, 5C and 5D in Act 39 of 1994**

5. The following sections are hereby inserted in the principal Act after section 5A:

**"Prohibition from intercepting domestic interception**

5B. The NCC is prohibited from intercepting domestic communication in terms of this Act or any communication that do not fall within the definition of "foreign signals intelligence.

**Reporting**

5C. The Inspector-General of the Intelligence contemplated in section 7 of the Intelligence Services Oversight Act, 1994 (Act No. 40 of 1994), shall report annually to Parliament on the activities of the NCC, and in such report indicate any contraventions by the NCC of the provisions of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002).

**Offences and penalties**

5D. Any person who contravenes or fails to comply with section 5B shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three years. "

#### **Schedule 1**

1. On page 6, in line 1, to omit "1".
2. On page 6, in line 2, to omit "PART A"
3. On page 6, in line 4, to omit "6" and to substitute "7"
4. On page 7, from line 11, to omit "referred to in paragraph (a)" and to substitute "referred to in paragraph (a)".