

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENT
TO
NATIONAL RESEARCH
FOUNDATION BILL**

[B 100—97]

*(As agreed to by the Portfolio Committee on Arts, Culture and Language, Science and
Technology (National Assembly))*

[B 100A—97]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEFKOMITEE-AMENDEMENTE
OP
WETSONTWERP OP DIE
NASIONALE
NAVORSINGSTIGTING**

[w 100-97]

*(Soos goedgekeur deur die Portefeuljekomitee oor Kuns, Kultuur en Taal, Wetenskap en
Tegnologie (Nasionale Vergadering))*

[W 100A—97]

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AMENDMENTS AGREED TO

NATIONAL RESEARCH FOUNDATION BILL

[B 1 0 0 - 9 7]

CLAUSE 1

1. On page 2, in line 27, after “with” to insert “primary”.
2. On page 2, in line 31, before “knowledge” to insert “includes indigenous technology, and means”.

CLAUSE 3

1. On page 4, in line 2, after “technology” to insert “, including indigenous knowledge”.

CLAUSE 4

1. On page 4, after line 7, to insert the following paragraph:
 - (b) stimulate, promote, support and protect research in the field of indigenous technology;
2. On page 4, from line 9, to omit paragraph (c) and to substitute:
 - (c) allocate funds for research and promote multi-disciplinary collaboration through the divisions;
3. On page 4, in line 24, to omit “and operate” and to substitute:
 - , support and monitor the operation of
4. On page 4, after line 27, to add the following paragraphs:
 - (n) compile and maintain a national registry of research funded by the Foundation;
 - (o) initiate liaison with structures involved in the protection of intellectual property rights.
5. On page 4, in line 33, to omit “5(2)” and to substitute “5(3)”.
6. On page 4, after line 45, to add the following subsection:
 - (4) The Foundation may not itself conduct research other than research regarding the efficient and effective execution of its functions referred to in subsection (1).

CLAUSE 5

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 4:

National facilities for research

5. (1) The Minister may by notice in the *Gazette* determine a research facility as a national facility under the control of the Foundation.

(2) Any researcher or research institution may, subject to such conditions as the Foundation may determine, apply to utilise a national facility for research or instruction.

(3) The Foundation may not acquire, or manage the operation of, any research facility other than a national facility placed under the control of the Foundation under subsection (1).

CLAUSE 6

1. On page 6, from line 8, to omit subsection (2) and to substitute:

(2) (a) For the purposes of appointing the members of the Board referred to in subsection (1)(a), the Minister must appoint a panel which must compile a shortlist of candidates of no more than 20 names.

(b) The panel must compile the shortlist after following a transparent and competitive nomination process.

(c) The members of the Board referred to in subsection (1)(a) must be appointed by the Minister after consultation with the relevant committees of the National Assembly and the National Council of Provinces and after consideration of the shortlist of candidates.

2. On page 6, from line 14, to omit subsection (4) and to substitute:

(4) The members referred to in subsection (1)(a) are appointed in their personal capacities, but the Minister must ensure that they are broadly representative of the following sectors:

- (a) Tertiary education;
- (b) business;
- (c) agricultural and environmental sciences;
- (d) health sciences;
- (e) natural sciences and engineering;
- (f) social sciences and humanities;
- (g) civil society.

CLAUSE 10

1. On page 8, in line 18, to add the following:

The appointment must be made after following a transparent and competitive nomination process.

CLAUSE 19

1. On page 12, in line 36, after “invention” to insert “, discovery or Improvement”.
2. On page 12, after line 39, to insert the following subsection:

(2) The Foundation must, with regard to studies or research supported by the Foundation—

- (a) acknowledge any invention, discovery or improvement in respect of indigenous knowledge and technology held by any person or community; and
- (b) protect any rights of that person or community arising from the invention, discovery or improvement.

CLAUSE 22

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 21:

Structural organisation of Foundation

22. (1) The Board must within 180 days after its first meeting complete the structural organisation of the Foundation in accordance with the operational requirements of the Foundation.

(2) The structural organisation and any subsequent reorganisation must be carried out in accordance with section 189 and any other applicable provisions of the Labour Relations Act, 1995 (Act No. 66 of 1995).

SCHEDULE

ITEM 1

1. On page 16, in the fourth line, after “FRD” to insert:
and the Centre for Science Development of the HSRC
2. On page 16, from the eighth line, to omit paragraph *(b)*.
3. On page 16, from the 14th line, to omit paragraph *(d)*.
4. On page 16, in the 22nd line, to omit “(1)(a) and *(b)*” and to substitute “(1)”.
5. On page 16, after the 36th line, to add the following subitem:

(5) *(a)* The person who was president of the FRD immediately before the commencement of this Act must be transferred to the service of the Foundation as the interim president of the Foundation until a president is appointed in terms of section 10(1).

(b) Subitem (4) is also applicable to the interim president with the changes required by the context.

ITEM 2

1. On page 16, in the 38th line, to omit “1(1)(b)” and to substitute “1(1)”.
2. On page 18, in the 13th line, after “1(1)” to insert “and (5)”.

ITEM 3

1. On page 18, from the 26th line, to omit all the words after “each” up to and including “1 (1)(b)” in the 27th line and to substitute:

person who was in the service of the Centre for Science Development of the HSRC immediately before the commencement of this Act and who is transferred to the service of the Foundation in terms of item 1(1)

LONG TITLE

1. On page **2**, in the second line, after “technology” to insert “and indigenous technology”.

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