

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**SOUTH AFRICAN NATIONAL
SPACE AGENCY BILL**

[B 20—2008]

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

[B 20A—2008]

ISBN 978-1-77037-255-9

No. of copies printed 800

AMENDMENTS AGREED TO

SOUTH AFRICAN NATIONAL SPACE AGENCY BILL

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CLAUSE 1

1. On page 3, in line 2, to omit “15” and to substitute “14”.
2. On page 3, after line 9, to insert the following definition:
“**satellite imagery**” means photographs of the earth or other planets in visible colours and other spectra by means of artificial satellites;
3. On page 3, in line 12, to omit the definition of “space mission applications” and to substitute:
“**space mission applications**” means the usage and dissemination of data retrieved from spacecraft sensors;
4. On page 3, after line 12, to insert the following definitions:
“**space mission operations**” means the day-to-day management of spacecraft;
“**space science**” means any of several scientific disciplines that study phenomena occurring in the upper atmosphere, in space or on celestial bodies other than Earth;
5. On page 3, in line 13, to omit “21” and to substitute “19”.

CLAUSE 4

1. On page 3, in line 27, to omit “astronomy, earth observation” and to substitute “space science”.
2. On page 3, in line 30, to omit “and outreach programmes” and to substitute “, outreach programmes and infrastructure development”.

CLAUSE 5

1. On page 3, in line 39, to omit “data” and to insert “imagery”.
2. On page 4, from line 3, to omit “and astronomy” and to substitute “science”.

CLAUSE 7

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Appointment of Board members

- 7.** (1) The Minister appoints members of the Board after—
- (a) publishing a notice in the Gazette and two national newspapers circulating in the Republic calling upon members of the public to nominate persons contemplated in section 6(2)(a) and (b);
 - (b) appointing a panel of experts to compile a short-list of not more than thirty (30) persons from the nominees referred to in paragraph (a);
 - (c) the chairperson of the panel has submitted a short-list of candidates together with their curriculum vitae to the Minister who must submit it to the National Assembly for approval; and
 - (d) the National Assembly has submitted to the Minister an approved short-list from which to select.
- (2) The panel must act in a transparent and fair manner and ensure that the candidates are competent and broadly representative of the South African population, according to race, gender and disability.
- (3) If the shortlist compiled in terms of subsection (2) does not contain suitable persons or the required number of suitable persons, the Minister may call for further nominations in the manner set out in subsection (1).
- (4) The Board must—
- (a) consist of persons who are citizens of the Republic or have the right of permanent residence in the Republic and have distinguished themselves in the field of the space science and technology sector or possess the relevant qualifications, experience or skills in relation to some aspect of the functions of the Agency;
 - (b) be broadly representative of the various sectors in the field of space science and technology; and
 - (c) have at least one member who has a legal qualification and one member with financial expertise.

CLAUSE 8

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Disqualification, removal from office, term of office and filling of vacancies

- 8.** (1) A person may not be appointed as a member contemplated in section 6(2)(a) or (b) if he or she—
- (a) is an unrehabilitated insolvent;
 - (b) has been declared by a court to be mentally ill;
 - (c) has been convicted of an offence in the Republic or elsewhere and was sentenced to imprisonment without the option of a fine, other than an offence committed prior to 27 April 1994 associated with a political objective for which amnesty was granted by the Truth and Reconciliation Commission;
 - (d) is a member of the National Assembly, a provincial legislature or any municipal council, or is a delegate to the National Council of Provinces;

- (e) is not a citizen of, or does not have the right of permanent residence in, the Republic; or
- (f) has, as a result of improper conduct, been removed from a position of trust by a competent court of law.

(2) The Minister may remove a member contemplated in section 6(2)(a) or (b) from office—

- (a) on the grounds of misconduct, incapacity or incompetence;
- (b) if the member is absent from three consecutive meetings of the Board without leave from the Board;
- (c) if the member becomes disqualified as is contemplated in subsection (1);
- (d) for any other sound and compelling reason.

(3) A decision to remove a member of the Board from office in terms of subsection (2) must be based on the recommendation of an independent panel appointed by the Minister.

(4) The Minister may dissolve the Board on reasonable grounds.

(5) A member contemplated in section 6(2)(a) or (b) holds office for a period not exceeding four years, subject to subsections (1) and (2).

(6) No member may serve more than two consecutive terms.

(7) If a member of the Board dies, resigns by written notice to the Minister or is removed from office, the Minister may, having followed the procedure contemplated in section 7, appoint a person in that vacancy for the remaining part of the term of office.

CLAUSE 13

1. On page 6, in line 28, to omit “, subject to section 8”.

CLAUSE 14

Clause rejected.

MEMORANDUM ON OBJECTS OF THE BILL

1. On page 9, in paragraph 2.1.3, to omit “astronomy, earth observation” and to substitute “space science”.
2. On page 9, in paragraph 2.1.4, to omit “and outreach programmes” and to substitute “, outreach programmes and infrastructure development”.
3. On page 9, in paragraph 2.2.4, to omit “data” and to substitute “imagery”.

LONG TITLE

1. On page 2, in the first line, to omit “promotion of” and to substitute “the promotion and”.
2. On page 2, in the second line, to omit “astronomy” and to substitute “space science”.

ARRANGEMENT OF SECTIONS

1. That the following be a new Arrangement of Sections:

Sections

1. Definitions
2. Establishment of South African National Space Agency
3. National Space Science and Technology Strategy
4. Objects of Agency
5. Functions of Agency
6. Board of Agency
7. Appointment of Board members
8. Disqualification, removal from office, term of office and filling of vacancies
9. Functions of Board
10. Remuneration of Board members
11. Meetings of Board
12. Disclosure of interest
13. Committees of Board
14. Chief Executive Officer of Agency
15. Employees of Agency
16. Pensions
17. Funds of Agency
18. Delegation
19. Regulations
20. Short title and commencement