

SCHEDULE OF AMENDMENTS: SCIENCE AND TECHNOLOGY LAWS AMENDMENT BILL, 2013

PRINCIPAL ACT	CLAUSE IN THE BILL	AMENDED SECTION OF THE ACT	RATIONALE FOR THE AMENDMENT	IMPACT
Scientific Research Council Act, 1988	Clause 1	Section 7(2)	To ensure consistency in the process of the appointment of the Chairperson of the CSIR board with other science councils	Removes a requirement for the Minister to consult with the board Improves efficiency
	Clause 1	Section 7(2A)	To standardise the appointment of board process by prescribing formal advertising process for public nomination # The Act does not provide for consultation with Parliament in the appointment process	Ensures a wider net for potential candidates
	Clause 1	Section 7(3B)	To cater for practical realities, e.g. unforeseen delays with regards to the board appointment or replacement processes	Power to extend term of office of members of the board beyond the prescribed period is limited to 6 months
	Clause 1	Section 7(8 - 10)	To harmonise the grounds for the disqualification of members of the board and termination of membership of board, and the filling of vacancies on the board with other entities	Ensures certainty
	Clause 2	Section 7A	To ensure consistency in the grounds and process for the dissolution and reconstitution of the board	Prevents possible disfunctioning of the entity
	Clause 3	Section 10(1)	To ensure the recruitment of appropriate personnel to manage the entity	Promotes transparency and accountability
	Clause 3	Section 10(3)	To clarify eligibility for the re-appointment of CEO	Ensures certainty
National Research Foundation Act, 1998	Clause 4	Section 6(1)	To strengthens operational capabilities and governance of the NRF, by bringing in additional members from relevant entities	Enhance efficiencies
	Clause 4	Section 6(2)	To standardise appointment of board process by prescribing formal advertising process for public nomination # The Act provides for appointment of board members after consultation with relevant NA & NCOP committees Eliminates potential delays in the process for the appointment of board members	Ensures a wider net for potential candidates Removes the requirement for consultation with Parliament in the appointment process Improves efficiency
	Clause 4	Section 6(3)	To correct technical errors	Enhance clarity
	Clause 4	Section 6(4)	To avoid exhaustive listing	Eliminates possible unintended exclusions
	Clause 4	Section 6(5A)	To eliminate the possibility of	Staggering of board

			non-compliance with provision, due to practical realities	appointments to be dealt with administratively
	Clause 4	Section 6(5C)	To cater for practical realities, e.g. unforeseen delays with regards to the board appointment or replacement processes	Power to extend term of office of members of the board beyond the prescribed period is limited to 6 months
	Clause 4	Section 6(6) &(9)	To harmonise the grounds for the disqualification of members of the board and termination of membership of board, and the filling of vacancies on the board with other entities	Ensures certainty
	Clause 5	Section 6A	To ensure consistency in the grounds and process for the dissolution and reconstitution of the boards	Prevents possible disfunctioning of the entity
	Clause 6	Section 10(1)	To ensure the recruitment of appropriate personnel to manage the entity	Promotes transparency and accountability
	Clause 7	Section 23	The process for the filling of vacancies on the board is already provided for in the Act and the power to appoint temporary/acting members of board is not provided for in the Act.	No impact
Academy of Science of South Africa Act, 2001	Clause 8	Section 7(2B)	To cater for practical realities, e.g. unforeseen delays with regards to the board appointment or replacement processes	Power to extend term of office of members of the board beyond the prescribed period is limited to 6 months
Natural Scientific Professions Act, 2003	Clause 9	Section 3(1)	To exclude professional registration requirements for state representatives on the board	Eliminates practical difficulty experienced in reconstituting SACNASP board
	Clause 10	Section 4(2)	To remove a requirement for the Minister to prescribe the manner of appointing a panel of expert to prepare a shortlist of nominated candidates	Ensure consistency in the appointment process with other entities
	Clause 11	Section 5(1) & (3)	To harmonise the process for the extension of the term of office of members of the board with other entities	Ensures consistency in relation to the period of extension and process of extending the term of the board
	Clause 11	Section 5(4)	To harmonise the filling of board vacancies process with other entities	Ensure consistency in filling of board vacancies
	Clause 12	Section 6(4)	The amendment of the board extension process has rendered the provision redundant	No impact
	Clause 13	Section 7A	To ensure consistency in the grounds and process for the dissolution and reconstitution of the boards	Prevents possible disfunctioning of the entity
	Clause 14	Section 8(1)	To ensure the recruitment of appropriate personnel to manage the entity	Promotes transparency and accountability
Human Sciences Research	Clause 15	Section 5(3)	Eliminates potential delays in the process for the appointment of board members	Improves efficiency

Council Act, 2008			# The Act provides for the approval of the shortlist of candidates by the NA	Removes the requirement for consultation with Parliament in the appointment process
	Clause 15	Section 5(8)	The introduction of a new process for the dissolution and reconstitution of the boards has rendered the provision redundant	No impact
	Clause 15	Section 5(9)	To harmonise the filling of board vacancies process with other entities	Ensure consistency in the filling of board vacancies
	Clause 15	Section 5(11)	To eliminate the possibility of non-compliance with provision, due to practical realities	Staggering of board appointments to be dealt with administratively
	Clause 15	Section 5(12)	To cater for a situation where the public nomination process did not result in the recruitment of appropriate candidates	Ensures effective redress of potential shortcoming, in a transparent manner
	Clause 15	Section 5(13)	To cater for practical realities, e.g. unforeseen delays with regards to the board appointment or replacement processes	Power to extend term of office of members of the board beyond the prescribed period is limited to 6 months
	Clause 16	Section 9A	To ensure consistency in the grounds and process for the dissolution and reconstitution of the boards	Prevents possible disfunctioning of the entity
	Clause 17	Section 10(1) & (4)	To harmonise the process for the appointment of the CEO	Ensures consistency with other entities
	Clause 18	Section 17	The introduction of a new process for the dissolution and reconstitution of the boards has rendered the provision redundant	No impact
Technology Innovation Agency Act, 2008	Clause 19	Section 5(4)	To standardise the appointment of board process by prescribing formal advertising process for public nomination	Ensures a wider net for potential candidates
	Clause 19	Section 5(5)	To eliminates potential delays in the process of the appointment of board members, and a possible conflict with the principle of separation of powers # The Act provides for the appointment of members of the board in consultation with the NA	Improves efficiency Removes the requirement for the approval of Parliament for the appointment of members of the board
	Clause 19	Section 5(6)&(7)	The introduction of a new process for the dissolution and reconstitution of the boards has rendered the provision redundant	No impact
	Clause 19	Section 5(8)	To provide for broad	Promotes inclusivity

			representivity in the board	
	Clause 19	Section 5(9)	To cater for a situation where the public nomination process did not result in the recruitment of appropriate candidates	Ensures effective redress of potential shortcoming, in a transparent manner
	Clause 20	Section 7	To correct technical errors	Enhance clarity
	Clause 21	Section 8(4)	To cater for practical realities, e.g. unforeseen delays with regards to the board appointment or replacement processes	Power to extend term of office of members of the board beyond the prescribed period is limited to 6 months
	Clause 22	Section 10A	To ensure consistency in the grounds and process for the dissolution and reconstitution of the boards	Prevents possible disfunctional of the entity
	Clause 23	Section 11(1) & (7)	To harmonise the process for the appointment and the determination of conditions of services of the CEO of the Agency	Ensures consistency with other entities
South Africa National Space Agency Act, 2008	Clause 24	Section 7(1)	Eliminates potential delays in the process for the appointment of board members # The Act provides for the approval of the shortlist of candidates by the NA	Improves efficiency Removes the requirement for consultation with Parliament in the appointment process
	Clause 24	Section 7(3)	To cater for a situation where the public nomination process did not result in the recruitment of appropriate candidates	Ensures effective redress of potential shortcoming, in a transparent manner
	Clause 25	Section 8(4)	The introduction of a new process for the dissolution and reconstitution of the boards has rendered the provision redundant	No impact
	Clause 25	Section 8(5A)	To cater for practical realities, e.g. unforeseen delays with regards to the board appointment or replacement processes	Power to extend term of office of members of the board beyond the prescribed period is limited to 6 months
	Clause 25	Section 8(7)	To harmonise the filling of board vacancies process with other entities	Ensure consistency in filling of board vacancies
	Clause 26	Section 13A	To ensure consistency in the grounds and process for the dissolution and reconstitution of the boards	Prevents possible disfunctioning of the entity
	Clause 27	Section 14(1) & (3)	To harmonise the process for the appointment and the determination of conditions of services of the CEO of the Agency	Ensures consistency with other entities

FURTHER AMENDMENTS, ALIGNED TO THE PURPOSE OF THE BILL, TO BE PROPOSED TO THE PORTFOLIO COMMITTEE

PRINCIPAL ACT	CLAUSE IN THE BILL	SECTION TO BE AMENDED	PROPOSED AMENDMENT	RATIONALE FOR THE AMENDMENT	IMPACT
Scientific Research Council Act, 1988	Clause 3	Section 10(3)	On page 4, in line 12 - to substitute the words "subject to section 11(2) with the words "in consultation with the Minister"	Incorrect reference Proposed change harmonise the process for the determination of conditions of services of the CEO of the Council with other entities	Ensures consistency
National Research Foundation Act, 1998	Clause 4	Section 6(2)	On page 4, in line 34 – to add the words "on Innovation" after the words "National Advisory Council"	To correct typing error	No impact
	Clause 4	Section 6(2)	On page 4, in line 38 – to omit the words "and (b)" at the end of the paragraph	To effect a technical correction - incorrect referencing	Nominees from NACI and CHE will not be subjected to the short-listing process
	Clause 6	Section 10(3)	On page 5, after line 52 – to insert the following amendment “(3) The chief executive officer must be appointed or re-appointed for such period, but not exceeding five years, and subject to such conditions, including conditions relating to payment of remuneration and allowances, as the Board may, [subject to section 13(2)] <u>in consultation with the Minister,</u> determine	Proposed change harmonise the process for the determination of conditions of services of the CEO of the Foundation with other entities	
Natural Scientific Professions Act, 2003	Clause 14	Section 8(1)	On page 7, in line 33 - to insert the words “, in consultation with the Minister,” after the words “as it may”	Proposed change harmonise the process for the determination of conditions of services of the CEO of the Foundation with other entities	Ensures consistency

Human Sciences Research Council Act, 2008	Clause 17	Section 10(4)	On page 8, from line 44 - to omit the words " subject to section 11(2)" and insert the words ", in consultation with the Minister," after the words "as it may" in line 45	Proposed change harmonise the process for the determination of conditions of services of the CEO of the Foundation with other entities	Ensures consistency
South Africa National Space Agency Act, 2008	Clause 27	Section 14(11)	On page 11, after line 34 – to insert the following sub-clause: "(c) by the deletion of subsection (11)" # Section 11 sets a cap on the period for the appointment of the CEO to two terms	The proposed change harmonise the term for the appointment of the CEO with other entities	Removes the cap on the term for the appointment of the CEO, to ensure consistency