

REPUBLIC OF SOUTH AFRICA

**NATIONAL RESEARCH FOUNDATION AMENDMENT
BILL, 2015**

*(As introduced in the National Assembly (proposed section 75); explanatory
summary of Bill published in Government Gazette No. of) (The English
text is the official text of the Bill)*

(MINISTER OF SCIENCE AND TECHNOLOGY)

[B—2015]

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the National Research Foundation Act, 1998, so as to delete and insert certain definitions; to extend the functions of the Foundation; to provide for the Minister to determine policies and issue policy guidelines to the Foundation; to empower the Minister to determine the process for and the establishment of a national research facility, its functions, governance, funding and access to national research facilities; to provide for the withdrawal of the determination or transfer a national research facility; to make certain textual alterations; to delete certain inappropriate or obsolete provisions; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 23 of 1998

1. Section 1 of the National Research Foundation Act, 1998 (Act No. 23 of 1998) (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion, after the definition of "chief executive officer" of the following definition:

"**Department**" means the Department of Science and Technology;"

- (b) by the deletion of the definition of "national facilities;"

- (c) by the insertion after the definition of "Minister" of the following definition:

"**national research facility**" means an institution that provides unique and substantial infrastructure capabilities and services for competitive research, innovation and human capital development in science, engineering and technology, and has been determined as such under section 5;"

- (d) by the insertion, after the definition of "science" of the following definitions:

"**science advancement**" means making science and science platforms accessible to the public aimed at bridging the gap between science and society, and promoting science engagement;

'**science engagement**' means an interaction in the form of a dialogue and mutual learning between the public and the scientific community to advance both enhanced public participation in and understanding of complex decision-making on matters related to science and technology, and the responsiveness of science to its context;" and

- (f) by the substitution for the definition of "technology", of the following definition:

"**technology**" means the means through which knowledge accumulated through research or observation finds practical application, and includes indigenous technology [and means knowledge through research or observation, and the practical application thereof];"

Amendment of section 2 of Act 23 of 1998

2. Section 2 of the principal Act is hereby amended by the substitution for section 2 of the following section:

"2. Establishment of Foundation.—There is established, as from a date fixed by the President of the Republic of South Africa by proclamation in the Gazette, a juristic person to be known as the National Research Foundation, and the Public Finance Management Act, 1999 (Act No. 1 of 1999), applies to the Foundation."

Substitution of section 3 of Act 23 of 1998

3. The following section is hereby substituted for section 3 of the principal Act:

"3. Object of Foundation. [The object of the Foundation is to support and promote research through funding, human resource development and the provision of the necessary research facilities in order to facilitate the creation of knowledge, innovation and development in all fields of science and technology, including indigenous knowledge and thereby to contribute to the improvement of the quality of life of all the people of the Republic.] - The object of the Foundation is to contribute to national development by—

(a) supporting and promoting research through funding, representative human capital development and the provision of the necessary research infrastructure in order to facilitate the creation of knowledge,

- innovation and development in all fields of science and technology,
including humanities, social sciences and indigenous knowledge;
(b) supporting and maintaining national facilities;
(c) supporting and promoting public awareness of and engagement with
science; and
(d) promoting the development and maintenance of the national science
system and support of Government priorities."

Insertion of section 3A in Act 23 of 1998

4. The following section is hereby inserted in the principal Act after section 3:

"3A. Powers of Minister to issue policy guidelines - (1) The Minister may from time to time, after consultation with the Foundation and any other Minister, determine relevant policies for research and funding at a national level to be implemented by the Foundation.
(2) In pursuit of the Government's objectives and those of the Foundation, the Minister may, after consultation with the Foundation, from time to time, issue policy guidelines in respect of the Foundation's objectives."

Amendment of section 4 of Act 23 of 1998

5. Section 4 of the principal Act is hereby amended—

- (a) by the insertion in subsection (1) after paragraph (a) of the following paragraph:

"(aA) implement the relevant policies for research and funding at a national level which the Minister may determine from time to time in terms of section 3A;"

- (b) by the substitution in subsection (1) for paragraph (b) of the following paragraph:

"(b) **[stimulate,]** promote **[,support]** and protect research in the field of indigenous technology;"

- (c) by the substitution in subsection (1) for paragraph (d) of the following paragraph:

"(d) allocate funds for research **[and]**, promote multi-disciplinary and multi-institutional research and collaboration through the divisions of the Foundation;"

- (d) by the substitution in subsection (1) for paragraph (f) of the following paragraph:

"(f) evaluate the status and needs of national research, and provide a report on these matters to the Minister every three years;"

- (e) by the substitution in subsection (1) for paragraph (g) of the following paragraph:

"(g) provide financial support for the acquisition or establishment of research **[facilities]** infrastructure **[by]** at research institutions and national research facilities;"

- (f) by the substitution in subsection (1) for paragraph (j) of the following paragraph:

"(j) facilitate and promote national **[nationally]** and international **[internationally liaison]** scientific exchange and collaboration between researchers and research institutions;"

- (g) by the substitution in subsection (1) for paragraph (k) of the following paragraph:

"(k) promote participation in international scientific activities
[through] by maintaining membership of appropriate
international science organisations;"

- (h) by the substitution in subsection (1) for paragraph (l) of the following paragraph:

"(l) [make available] disseminate scientific knowledge or
technology through any medium;"

- (i) by the substitution in subsection (1) for paragraph (m) of the following paragraph:

"(m) [administer] manage, support and monitor the
operation of national research facilities;"

- (j) by the insertion in subsection (1) after paragraph (m) of the following paragraph:

"(mA) investigate and assess the need for new or additional
national research facilities or the withdrawal of an
existing national research facility, and make
recommendations to the Minister;"

- (k) by the substitution in subsection (1) for paragraph (n) of the following paragraph:

"(n) support and promote [the provision of an
information infrastructure linking research
institutions to facilitate cooperation and sharing of
research information and knowledge] public
awareness of and engagement with science through

coordination of the work of relevant institutions and targeted science engagement and outreach activities;";

- (l) by the substitution in subsection (2) for paragraph (a) of the following paragraph:

"(a) **[make]** award grants to individual or juristic persons, national research[institutions] facilities [,for research, research infrastructure and the development of human resources] or declared research institutions as may be declared by the Minister from time to time by notice in the Gazette —

(i) for research;

(ii) for research infrastructure;

(iii) for human capital development or for related activities; and

(iv) to promote the public awareness of and engagement with science;";

- (m) by the insertion in subsection (2) after paragraph (a) of the following paragraphs:

"(aA) coordinate relevant institutions, and targeted science advancement and outreach activities;

(aB) coordinate the strategic implementation of public engagement with science through relevant initiatives and institutions by—

(i) supporting the participation of such institutions in science engagement initiatives;

- (ii) designing and implementing programmes that would support the Department's strategic objectives for science engagement, including establishing necessary partnerships with a relevant network of collaborating institutions; and
 - (iii) collecting, collating, analysing and disseminating data on participating institutions;
- (n) by the deletion in subsection (2) of paragraphs (c) and (d); and
- (o) by the substitution for subsection (4) of the following subsection:

"(4) [The] Apart from the research conducted by the national research facilities, the Foundation may not itself conduct research other than research **[regarding]** relating to the efficient and effective execution of its functions referred to in subsection (1), or unless requested by the Minister."

Amendment of section 5 of Act 23 of 1998

6. Section 5 of the principal Act is hereby amended—

- (a) by the substitution for subsections (1), (2) and (3) of the following subsections, respectively:

"(1) The Minister may by notice in the *Gazette* determine a research facility as a national research 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 research facility for research or instruction.

(3) The Foundation may not acquire [.] or manage the operation of [.] any research facility other than a national research facility placed under the control of the Foundation under subsection (1), unless requested to do so by the Minister.";

and

(b) by the addition of the following subsections:

"(4) The Minister may make regulations relating to the determination of national research facilities, including the requirements and process for their determination.

(5) The Foundation is responsible for determining —

(a) the functions of a national research facility;

(b) the management and funding for national research facilities;

(c) the criteria for access to a national research facility; and

(d) any other ancillary or procedural matter relating to national research facilities.

(6) The Minister may, after consultation with the Foundation, by notice in the Gazette, withdraw the determination of a national research facility or transfer a national research facility to another public entity or department."

Insertion of section 5A of Act 23 of 1998

7. The following section is hereby inserted after section 5 of the principal Act:

"5A. Research Institutions.— The Minister may declare, by notice in the Gazette, an institution conducting research, as eligible to receive funding from the Foundation."

Substitution of section 12 of Act 23 of 1998

8. The following section is hereby substituted for section 12 of the principal Act:

"12. Divisions of Foundation.— The [Board] Foundation may, after consultation with the Minister, establish or disestablish organisational divisions for different research fields or functions consistent with the objects of the Act. **[However, as soon as possible after the commencement of this Act there must at least be established separate divisions for—**

- (a) the natural sciences and engineering;**
- (b) the social sciences and humanities;**
- (c) the health sciences;**
- (d) the agricultural and environmental sciences; and**
- (e) national facilities.]"**

Repeal of sections 14, 15 and 16 of Act 23 of 1998

9. Sections 14, 15 and 16 of the principal Act are hereby repealed.

Amendment of section 17 of Act 23 of 1998

10. Section 17 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph:

"(b) money paid to the Foundation **[by the users of]** to be used for the national research facilities, **[and of]** their products **[of national facilities]** and services;".

Amendment of section 19 of Act 23 of 1998

11. Section 19 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) **[The rights in respect of any invention, discovery or improvement by a person in the course of studies or research in respect of which he or she received any financial support from the Foundation, must be determined by agreement between the Foundation and that person or his or her employer, or both that person and the employer.]** The intellectual property rights emanating from any study or research that is funded or undertaken by the Foundation is regulated in terms of the Intellectual Property Rights from Publicly Financed Research and Development Act, 2008 (Act No. 51 of 2008), as well as other relevant Acts governing the management of intellectual property or indigenous knowledge.".

Repeal of Schedule to Act 23 of 1998

12. The principal Act is hereby amended by the repeal of the Schedule to the Act.

Amendment of Long Title of Act 23 of 1998

13. The Long Title of Act 23 of 1998 is hereby amended by the substitution for the Long Title of the following Long Title:

"To provide for the promotion of research, both basic and applied, **[and the extension and transfer of knowledge]** in the various fields of science and technology **[and indigenous technology]** including humanities, social sciences and indigenous knowledge; and for this purpose to provide for the establishment of a National Research Foundation; and to provide for incidental matters."

Short title and commencement

14. This Act is called the National Research Foundation Amendment Act, 2015, and comes into operation on the date determined by the President by proclamation in the *Gazette*.