**1. Report of the Portfolio Committee on Science and Technology on the Protection, Promotion, Development and Management of Indigenous Knowledge Bill [B 6 – 2016], dated 13 September 2017.**

The Portfolio Committee on Science and Technology, having considered the subject of the ***Protection,******Promotion, Development and Management of Indigenous Knowledge Bill* [B 6 – 2016]**, (National Assembly – sec 76), referred to it and classified by the Joint Tagging Mechanism as a section 76 Bill, presents a redraft of the Bill [B 6B - 2016].

The Committee further reports as follows:

1. On 12 April 2016, the Minister of Science and Technology introduced the Protection, Promotion, Development and Management of Indigenous Knowledge Bill [B 6 - 2016] (National Assembly – proposed section 76).
2. The Bill was referred to the Joint Tagging Mechanism (JTM) on 12 April 2016 in terms of Joint Rule 160.
3. The ATC, dated 25 May 2016, reflected the JTM classification in terms of Joint Rule 160(6). The Bill was classified as a section 76 Bill.
4. The Secretary to Parliament referred the Bill for comment to the National House of Traditional Leaders on 2 June 2016 as the Bill falls within the ambit of section 18(1) of the Traditional Leadership and Governance Framework Act, 2003 (No.41 of 2003).
5. The input of the National House of Traditional Leaders was received on 27 June 2016.
6. Due to the extended Parliament recess, the Committee commenced its deliberations on the Bill during the third and fourth Parliamentary terms of 2016.
7. On 17 August 2016, the Committee held a joint workshop with the Select Committee on Communications and Public Enterprises to consider the global and national context for the proposed Bill, as well as the work done by the Department of Science and Technology (DST) with regard to its Indigenous Knowledge (IK) research and development programme.
8. The Committee undertook to explore possible complementary or conflicting prescripts within existing legislation or in legislation that was being considered by other government departments at the time.
9. For this reason, a number of departments made presentations to the Committee, namely: the Departments of Trade and Industry (DTI) and Agriculture, Forestry and Fisheries (DAFF) and the Companies and Intellectual Property Commission (CIPC). The DTI briefed the Committee on its Intellectual Property (IP) Consultative Framework. The CIPC briefed the Committee on the establishment of a national substantive search and examination system for patents and the DAFF briefed the Committee on its Plant Improvement and Plant Breeders’ Rights Bills.
10. On 31 August 2016, the Committee had further briefings with the Department of Environmental Affairs (DEA), who briefed the Committee on the National Environmental Management Biodiversity Act (NEMBA) and the Department of Health (DoH), who briefed the Committee on the Traditional Health Practitioners Act (THPA).
11. On 7 September 2016, the Committee invited Intellectual Property (IP) legal and academic experts as well as a representative of the traditional leadership to input and comment on the Bill.
12. From 14 to 16 September 2016, the Committee visited the Gauteng and North West Provinces. On this occasion, the Committee had a workshop with the DST and a selected group of experts, practitioners and holders of IK, on the Bill. The programme further included a visit to the Council for Scientific and Industrial Research’s (CSIR) Meraka Institute, where the National Recordal System was located and a visit to the Bakgatla-Ba-Kgafela Community for engagement on the documentation of IK at community level.
13. On 26 October 2016, the Committee was briefed by the Department of Arts and Culture (DAC) on its role and responsibility in implementing the 2004 IK Policy.
14. On 2 November 2016, the Committee was briefed by the Office of the State Law Advisor on legal drafting conventions with specific reference to the Bill.
15. On 27 November 2016, the Committee called for public comment on the Bill.
16. Based on the written responses received from the public, hearings were held at Parliament on 24, 25 and 26 January 2017.
17. On 1 March 2017, the Committee had a joint meeting with the Portfolio Committee on Trade and Industry, which resulted in a resolution that an inter-departmental task team be established to work through the Intellectual Property Laws Amendment Act (IPLAA) and the Bill on areas of possible overlap. To this effect, the Chairperson of the Committee, in March 2017, wrote to the Ministers and Director-Generals of both Trade and Industry and Science and Technology proposing a collaborative relationship to finalise the Bill.
18. From 27 – 31 March 2017, the Committee undertook an oversight visit to Oudtshoorn and KwaZulu-Natal (KZN) with the primary focus on IK. In Oudtshoorn, the Committee met with representatives of the Attaqua Communities, which included groups from Hamkumquas, Hessequa, Outeniqua, Gouriqua and Goragouquas. The meeting focussed on IK and the role and function of IK documentation and recordal systems, how this is received and perceived by the communities, and to source the views of the community in relation to the Bill.
19. In KZN, the Committee visited the DST-National Research Foundation Centre on Indigenous Knowledge Systems (CIKS). The programme provided an overview of the work of the CIKS, presented by the Dean of Research, as well as an overview by the South African Research Chair (SARChI) on Indigenous Healthcare Systems. The Committee further observed the proceedings of the Colloquium organised for that day on Traditional Leadership and Indigenous Languages in Science and Technology.
20. The oversight was concluded by a visit to the Maphephetheni Community in Inanda to meet with traditional leaders and IK holders on their perspectives and views regarding the IK Documentation Project.
21. After extensive deliberations, the Committee decided to present a redraft of the Bill.
22. On 13 September 2017, the redrafted Bill was put to the Committee for formal consideration and agreed to.
23. The Democratic Alliance and the Economic Freedom Fighters reserved their opinion on the Bill.

**Report to be considered**