



LIMPOPO PROVINCIAL LEGISLATURE

NEGOTIATING MANDATE

To: Hon E. Prins

Chairperson: Select Committee on Communication and Public Enterprises

Bill: Protection, Promotion, Development and Management of Indigenous Knowledge Bill, 2016

Number of Bill: [B 6B- 2016]

Date of deliberation: 13 June 2016 at 08h00

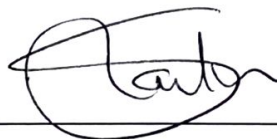
Vote of Legislature: The province votes in favour of the Bill and mandates the Permanent Delegate to the NCOP to negotiate in favour of the Bill.

Proposed amendments:

Clause 28 (page 13 line11)

Insert the phrase "imprisonment and or" between the words "to and pay".

Delete the word "pay"



Signature

13/06/18

Date

Hon: Shaikh Shahidabibi

Chairperson: Portfolio Committee: Sports, Arts and Culture



Limpopo Legislature

OFFICE OF THE SECRETARY

Physical Address:
Lebowakgomo
Government Complex

Postal Address:
Private Bag X9309
Polokwane
0700

MINUTES OF THE PORTFOLIO COMMITTEE ON SPORT, ARTS AND CULTURE MEETING HELD ON 13 JUNE 2018 AT PARLIAMENTARY VILLAGE

1. Opening and welcome

The Chairperson of the Committee, Hon S Shaikh opened the session and welcomed all Members present.

2. Purpose

The Chairperson outlined the purpose of the meeting was consideration and adoption of Public Hearing Report and Negotiating Mandate on the Protection, Promotion, Development and Management of Indigenous Knowledge Bill, 2016.

3. Roll call & Apologies

Members present:

Hon Shaikh
Hon Chepape
Hon Fenyane
Hon Seloane
Hon Kennedy

Apologies

Hon Phala

Hon. Mogotlane

Hon Ndlovu

Hon. Chego

Support Staff

Ms J Mabunda

Ms P Ramashilo

Mr R Jooste

Mr S Khotsa

3. CONFIRMATION OF THE AGENDA

The agenda was adopted.

4. BUSINESS OF THE DAY

4.1. CONSIDERATION AND ADOPTION REPORT OF THE COMMITTEE ON PUBLIC HEARING CONDUCTED ON THE PROTECTION, PROMOTION, DEVELOPMENT AND MANAGEMENT OF INDIGENOUS KNOWLEDGE BILL, 2016

4.2. ADOPTION OF THE NEGOTIATING MANDATE ON THE PROTECTION, PROMOTION, DEVELOPMENT AND MANAGEMENT OF INDIGENOUS KNOWLEDGE BILL, 2016

Resolved: The committee considered the above-mentioned matters and resolved to adopt the report of the Committee as well as the Negotiating Mandate on the Bill.

5. ANNOUNCEMENTS

None

6. CLOSURE

The Chairperson declared the meeting closed at 9H00.

COMPILED BY:

.....
JENNIFER MABUNDA
COMMITTEE COORDINATOR

CERTIFIED CORRECT BY


.....
HON S SHAIKH
CHAIRPERSON: PORTFOLIO COMMITTEE ON SPORT, ARTS AND CULTURE

ATTENDANCE REGISTER: PORTFOLIO COMMITTEE ON SPORT, ARTS AND CULTURE

DATE :13/06/2018

TIME 08:00

VENUE : Parliament Village

BUSINESS: Adoption of a report & negotiating mandate on the IK Bill

NO	MEMBER	CELL NO:	APOLOGIES	SIGNATURE
1.	Hon S. Shaikh (Chairperson)	082 806 3237		
2.	Hon M.S. Chego	072 749 6339		
3.	Hon T.G. Chepape	082 594 9567		
4.	Hon S.L.E. Fenyane	082 497 4970		
5.	Hon M. Kennedy	071 192 7210		
6.	Hon R. Mogotlane	082 306 9542		
7.	Hon T.E. Ndlovu	082 463 2673		
8.	Hon K. Phala	076 534 9284		
9.	Hon L. Seloane	082 575 6488		

Committee Coordinator : Mabunda J

Signature.....

Committee Researcher : Ramashilo P

Signature.....

Legal Adviser Khotsa S

Signature



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REPORT OF THE PORTFOLIO COMMITTEE ON SPORT, ARTS AND CULTURE-PROTECTION, PROMOTION, DEVELOPMENT AND MANAGEMENT OF INDIGENOUS KNOWLEDGE BILL [B6B - 2016]

1. INTRODUCTION

The Protection, Promotion, Development and Management of Indigenous Knowledge Bill was referred to the Limpopo Legislature by the National Council of Provinces (NCOP). Subsequently, Limpopo Legislature referred the above-mentioned Bill to the Portfolio Committee on Sport, Arts and Culture for consideration and to confer a negotiating mandate to the NCOP Permanent Delegates.

2. PURPOSE OF THE BILL

The objective of the Bill is to provide for the protection, promotion, development and management of indigenous knowledge; to provide for the establishment and functions of the National Indigenous Knowledge Systems office; to provide for the management of rights of indigenous knowledge communities; to provide for the establishment and functions of the Advisory Panel on indigenous knowledge; to provide for access and conditions of access of knowledge of indigenous communities; to provide for the recognition of prior learning; to provide for the facilitation and coordination of indigenous knowledge-based innovation; and to provide for matters incidental thereto.

3. CONSIDERATION OF THE BILL

The Portfolio Committee on Sport, Arts and Culture was briefed on the principle and provisions of the Bill by the Department of Science and Technology and the NCOP Permanent Delegate during a Committee meeting held on 17 May 2018. Subsequently, a decision was taken to facilitate public participation in soliciting input on the Bill.

4. INPUT AND SUBMISSIONS BY STAKEHOLDERS DURING THE PUBLIC HEARINGS

The public hearings were conducted in three districts, Sekhukhune, Mopani and Vhembe Districts from 06-08 June 2018. The public hearings provided a platform for stakeholders to express their views on the Bill. The stakeholders in attendance were: Traditional Leaders, Traditional Health Practitioners, representatives from the Arts and Culture, Environment and Agriculture sectors, government departments, municipalities and NGOs.

The Committee received mainly oral inputs and comments on the Bill from stakeholders and public in all the 5 districts of the province. While the Committee is impressed with attendance and participation, the Committee has noted that most of the input were not related to the Bill.

Despite all these, the Committee has however noted some comments which may be considered for incorporation into the Bill or the regulations that are being developed. The input and comments can therefore be summarized as follows in terms of districts:

- 1. Sekhukhune, Waterberg & Capricorn Districts : Approve the Bill*
- 2. Mopani : Approve the Bill*
- 3. Vhembe : Approve the Bill*

5. KEY AREAS FOR CONSIDERATIONS

There was general acceptance of the Bill. The following inputs were made:

Chapter 3

Section 4: Establishment of NIKSO

The bill is not explicit on how NIKSO will be established. The bill gives an impression that NIKSO will be established nationally and not be accessible to communities especially in rural areas. NIKSO offices should be decentralised and accessible by indigenous communities.

NIKSO should be an independent body

Section 6: Administration of NIKSO

In addition to the Head of NIKSO, NIKSO should consist of knowledgeable persons with the capacity to implement the Act.

Chapter 4

Section 12: Vesting of rights in indigenous knowledge

NIKSO must oversee the appointment of trustees and it should not be left to communities

Section 18: Curator of indigenous knowledge

Curator should be a trustworthy person and should be subjected to an oath of secrecy.

Chapter 7

Section 26: Access and use of indigenous knowledge

The Act should be more explicit on addressing redress on commercialisation prior the agreement.

Chapter 8

Section 28: Offences and Penalties

28 (b): Penalties should include imprisonment

Chapter 9

Section 29: Transnational arrangements

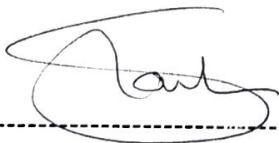
Clause (1) (2): Foreign nationals should possess registration documents for indigenous Knowledge brought to RSA for registration. A clause should be added to include this aspect or the current clauses rephrased.

General

- The bill is not explicit on commercial use and protecting the agricultural sectors Indigenous knowledge.
- The bill must address indigenous knowledge held by a person or a family
- The act addresses commercialisation of indigenous knowledge but does not address consumption.
- Regulations must be more explicit on the process of benefits

6. CONCLUSION.

The public hearings were well attended and the Portfolio Committee managed to solicit inputs from stakeholders.



13/06/18

HON. S SHAIKH

CHAIRPERSON: PORTFOLIO COMMITTEE ON SPORT, ARTS AND CULTURE