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REPUBLIEK VAN SUID-AFRIKA**

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No. 31729

THE PRESIDENCY

No. 1385 15 December 2008

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 36 of 2008: South African National Space Agency Act, 2008.

OFISI KAMONGAMELI

Ino. 1385 15 Desember 2008

Esi sisaziso sokuba uMongameli uwarukele lo mthetho ulandelayo nonikezelwa kuluntu jikelele kolu xwebhu:—

Ino. 36 ka 2008: uMthetho we-Arhente yeSizwe yasemaJukujukwini, 2008.

(English text signed by the President.)
(Assented to 11 December 2008.)

ACT

To provide for the promotion and use of space and co-operation in space-related activities, foster research in space science, advance scientific engineering through human capital, support the creation of an environment conducive to industrial development in space technologies within the framework of national government policy, and for that purpose to establish the South African National Space Agency; to provide for the objects and functions of the South African National Space Agency and for the manner in which it must be managed and governed; and to provide for matters connected therewith.

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

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1. In this Act, unless the context indicates otherwise—
 - “**Agency**” means the South African National Space Agency established by section 2;
 - “**Board**” means the Board of the Agency contemplated in section 6;

(English text signed by the President.)
(Assented to 11 December 2008.)

UMTHETHO

Ukubonelela ngeemeko zenkuthazo nosetyenziso lwesibhakabhaka kunye nentsebenziswano kwiintshukumo ezinxulumene nesibhakabhaka, ukukhuthaza uphando kwinzululwazi yezesibhakabhaka, ukuqhubela phambili ubunjini bezenzululwazi kusetyenziswa abasebenzi, ukuxhasa udalo lwemeko evumela uphuhliso lwezoshishino kubugcisa bosomajukujuku kulandelwa imigaqo-nkqubo karhulumente kazwelonke kwaye kumiselwe iArhente kaZwelonke yezeSibhakabhaka yase Mzantsi Afrika (South African National Space Agency) ukuphumeza ezi njongo; ukubonelela ngeemeko ezivumela iinjongo nemisebenzi yeArhente kazwelonke yezesibhakabhaka yaseMzantsi Afrika kunye nendlela ekufuneka ilawulwe ngayo; kunye nokubonelela ngeemeko ezivumela imicimbi enxulumene noko.

KUYAWISWA ke yiPalamente yeRiphabliki yoMzantsi Afrika, ngale ndlela ilandelayo:—

Ulungiso lwamacandelo

- | | | |
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Iinkcazelo

- | | | |
|----|---|----|
| 1. | Kulo mThetho, ngaphandle kokuba umxholo ukhombisa ngenye indlela— | 25 |
| | “i-Arhente” ithetha i-Arhente yeSizwe yaseMajukujukwini esekwe licandelo le | |
| | 2; | |
| | “iBhodi” ithetha iBhodi ecamngcwe kwicandelo 6; | |
| | “iGosa eliyiNtloko eliLawulayo” lithetha igosa eliyintloko elonyulwe | |
| | ngokwemigqaliselo 14; | 30 |

- “**Chief Executive Officer**” means the person appointed as such in terms of section 14;
- “**Department**” means the Department of Science and Technology;
- “**GEPF**” means the Government Employees Pension Fund;
- “**GEPL**” means the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996);
- “**Minister**” means the Minister responsible for science and technology;
- “**national space science and technology strategy**” means any strategy determined in terms of section 3;
- “**satellite imagery**” means photographs of the earth or other planets in visible colours and other spectra by means of artificial satellites;
- “**space**” means the area beyond the earth’s measurable atmosphere;
- “**Space Affairs Act**” means the Space Affairs Act, 1993 (Act No. 84 of 1993);
- “**space mission applications**” means the usage and dissemination of data retrieved from spacecraft sensors;
- “**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;
- “**this Act**” includes any regulation made in terms of section 19.

Establishment of South African National Space Agency 20

2. (1) The South African National Space Agency is hereby established as a juristic person.
- (2) The Public Finance Management Act, 1999 (Act No. 1 of 1999), applies to the Agency.

National Space Science and Technology Strategy 25

3. The Minister must determine national space science and technology strategies in order to give effect to national space policy contemplated in the Space Affairs Act.

Objects of Agency

4. The objects of the Agency are to—
- (a) promote the peaceful use of space; 30
 - (b) support the creation of an environment conducive to industrial development in space technology;
 - (c) foster research in space science, communications, navigation and space physics;
 - (d) advance scientific, engineering and technological competencies and capabilities through human capital development outreach programmes and infrastructure development; and 35
 - (e) foster international co-operation in space-related activities.

Functions of Agency

5. (1) The Agency must— 40
- (a) implement any space programme in line with the policy determined in terms of the Space Affairs Act;
 - (b) advise the Minister on the development of national space science and technology strategies and programmes;
 - (c) implement any national space science and technology strategy; and 45
 - (d) acquire, assimilate and disseminate space satellite imagery for any organ of state.
- (2) The Agency may, in order to perform any duty contemplated in subsection (1) and in order to achieve its objects—
- (a) enter into an agreement with any person, government or administration on the terms and conditions agreed upon by the Agency and that person, government or administration; 50
 - (b) purchase or otherwise acquire, or dispose of, any property and may hire out, let, pledge or otherwise encumber that property;

- “iSebe” lithetha iSebe lezeNzululwazi nobuChwepheshe;
 “i-GEPP” ithetha i-*Government Employees Pension Fund* (iNgxowa-mali yoMhlalaphantsi wabaSebenzi bakaRhulumente);
 “i-GEPI” ithetha i-*Government Employees Pension Law*, (UmThetho woMhlalaphantsi wabaSebenzi bakaRhulumente), 1996 (IsiBhengezo esiyinombolo yama-21 sika-1996);
 “uMphathiswa” uthetha uMphathiswa wezeNzululwazi nobuChwepheshe;
 “isicwangciso-qhinga sesizwe senzululwazi nobuchwepheshe basemajukujukwini” kuthetha nasiphi na isicwangciso-qhinga esimiselwe ngokwemigqaliselo yecandelo lesi-3;
 “imifanekiso yesiphekepheke esijikeleza ihlabathi” ithetha iifoto zehlabathi okanye ezinye iiplanethi ngemibala ebonakalayo kunye nesinye isipektra sesiphekepheke esijikeleza ihlabathi esenziweyo;
 “amajukujuku” athetha indawo engaphaya kokunokulinganiseka okujikeleze umhlaba;
 “iSpace Affairs Act” uthetha i-*Space Affairs Act*, 1993 (umThetho oyiNombolo yama-84 ka-1993);
 “usetyenziso lwemihla ngemihla lwasemajukujukwini” kuthetha ukusetyenziswa nokusasazwa kwedata efunyenwe kwiisensa zesiphekepheke;
 “imisebenzi yeenjongo zasemajukujukwini” ithetha ulawulo lwemihla ngemihla lwesiphekepheke;
 “Inzululwazi yasemajukujukwini” ithetha nayiphi na kwimimandla yenzululwazi emininzi ephanda ngezenzeko ezenzeka kwi-atmosfere ephezulu, emajukujukwini okanye esibhakabhakeni ngaphandle kwehlabathi;
 “lo mThetho” uthetha nawuphi na ummiselo owenziwe ngokwemigqaliselo yecandelo le-19.

Ukusekwa kwe-Arhente yeSizwe yaseMajukujukwini

2. (1) Apha kusekwa iqumrhu elisemthethweni eliya kwaziwa ngokuba yi- Arhente yeSizwe yaseMajukujukwini.
 (2) UmThetho woLawulo lweMali kaRhulumente, 1999 umThetho oyiNombolo yoku-1 ka-1999), uyasebenza kwi-Arhente.

IsiCwangciso-qhinga seSizwe seNzululwazi nobuChwepheshe basemajukujukwini

3. Umphathiswa kufuneka amisele isicwangciso-qhinga sesizwe senzululwazi nobuchwepheshe basemajukujukwini ukuze kusebenze umgaqo-nkqubo wasemajukujukwini wesizwe ocamngcwe kumThetho weMicimbi yaseMajukujukwini.

Iinjongo ze-Arhente

4. Iinjongo ze-Arhente kuku—
- phakamisa ukusetyenziswa ngoxolo kwamajukujuku angaphandle;
 - ukuxhasa ekudalweni kokusingqongileyo okuncedayo kuphuhliso lwamashishini kubuchwepheshe basemajukujukwini;
 - ukufaka uphando kwinzululwazi ngeenkwenkwezi, ukuqwalasela umhlaba, unxibelelwano, ukuqhutywa kweenqanawa kunye nefizikisi yasemajukujukwini;
 - ukuqhubela phambili ezenzululwazi, ubunjinieli nobugcisa bobuchwepheshe kunye nokuba nako ngophuhliso olungundoqo lwabantu lweenkqubo zofikelelo kunye nophuhliso lwezakhiwo; kunye
 - nokufaka intsebenziswano yamazwe ngamazwe kwimisebenzi enxulumene nasemajukujukwini.

Imisebenzi ye-Arhente

5. (1) I-Arhente kufuneka—
- iphumeze iinkqubo zasemajukujukwini ezingqinelanayo nomThetho weMicimbi yaseMajukujukwini, 1993 (umThetho oyiNombolo yama-84 ka-1993);

- (c) for the purposes of developing or exploiting any invention or technological space expertise—
 - (i) establish a company contemplated in the Companies Act, 1973 (Act No. 61 of 1973), or in collaboration with any other person establish such a company; and 5
 - (ii) acquire an interest in any company or other juristic person undertaking the development or exploitation of an invention or technological space innovation;
- (d) establish any programme in line with national space policy in respect of— 10
 - (i) enabling technologies that will provide leadership in coordinating and supporting applied research;
 - (ii) coordination and support to the development of space science missions;
 - (iii) space mission applications; and
 - (iv) space mission operations;
- (e) support programmes or projects relating to scientific space research; 15
- (f) co-operate with space and space-related agencies of other countries in the peaceful use and development of space; and
- (g) do anything necessary for the proper performance of its functions or to achieve its objects.

Board of Agency 20

- 6. (1) The Agency acts through its Board.
- (2) The Board consists of—
 - (a) a chairperson appointed by the Minister;
 - (b) not less than 10 and not more than 15 members; and
 - (c) the Chief Executive Officer, as an *ex officio* member. 25

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); 30
 - (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 35
 - (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. 40
- (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; 45
 - (b) be broadly representative of the various sectors in the field of space science and technology; and 50
 - (c) have at least one member who has a legal qualification and one member with financial expertise.

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- (b) icebise uMphathiswa ngophuhliso lwewangciso-qhinga sesizwe senzukulwazi nobuchwepheshe basemajukujukwini kunye neenkqubo;
- (c) iphuhlise kwaye iphumeze isicwangciso-qhinga sesizwe senzukulwazi nobuchwepheshe basemajukujukwini; kunye
- (d) nokufumana, ukufunxa kunye nokusasaza imifanekisopheke ezijikeleza 5 ihlabathi kulo naliphi na iziko likarhulumente.
- (2) I-Arhente, ukwenzela ukuba yenze nawuphi na umsebenzi ocamngcwe kwicandelwana (1) kunye nokuba iphumeze iinjongo zayo inoku—
- (a) ngena kwisivumelwano naye nawuphi na umntu, urhulumente okanye ulawulo ngokwemigqaliselo nemiqathango ekuvunyelwene ngayo yi-Arhente 10 kunye nalowo mntu, urhulumente okanye ulawulo;
- (b) thenga okanye ngenye indlela ifumane, okanye isuse nayiphi na ipropati kwaye inokuqesha, iqeshise, yenze isibhambathiso okanye ngenye indlela iyithathe loo propati;
- (c) ngeenjongo zokuphuhlisa nokujonga nayiphi na injongo okanye ubugcisa 15 bobuchwepheshe basemajukujukwini—
- (i) ukuseka inkampani ecamngcwe kumThetho weeNkampani, 1973 (umThetho oyiNombolo yama-61 ka-1973), okanye ngokuhlangana naye nawuphi na umntu ukuseka inkampani enjalo; kunye
- (ii) ukufumana inzala kuyo nayiphi na inkampani okanye umbutho 20 osemthethweni owamkela uphuhliso okanye ukusebenzisa kakubi okuvelisiweyo okanye okutsha kobuchwepheshe basemajukujukwini;
- (d) nokuseka nayiphi na inkqubo engqinelanayo nomgaqo-nkqubo wasemajukujukwini wesizwe ngokunxulumene—
- (i) nobuchwepheshe obuvumayo ukwenzela ukunika ubunkokheli, 25 ulungelelwano kunye nenkxaso kuphando olwenziwayo;
- (ii) uququzelelo nenkxaso kuphuhliso lwenzukulwazi yemisebenzi yasemajukujukwini;
- (iii) ukuqhutywa kwemisebenzi yasemajukujukwini; kunye
- (iv) nokusetyenziswa kwemisebenzi yasemajukujukwini; 30
- (e) kuxhaswe iinkqubo okanye amaphulo anxulumene nophando lwenzukulwazi;
- (f) kubekho intsebenziswano nee-arhente ezinxulumene nemida yasemoyeni yamanye amazwe, kusetyenziso ngenjongo zoxolo nophuhliso lwemida yasemoyeni; kwaye
- (g) kwenziwa nayiphi na into eyimfuneko ukuze kuqhutywe ngokufanelekileyo 35 imisebenzi yayo okanye kuphunyezwe iinjongo zayo.

IBhodi ye-Arhente

6. (1) I-Arhente isebenza ngeBhodi yayo.
- (2) iBhodi inaba balandelayo—
- (a) usihlalo owonyulwe nguMphathiswa; 40
- (b) hayi ngaphantsi kwe-10 okanye ngaphezulu kwe-15 yamalungu; kunye
- (c) neGosa eliyiNtloko eliLawulayo, elihlilungu ngenxa (*ex officio*) yesikhundla salo.

Ukonyulwa kwamalungu eBhodi

7. (1) Umphathiswa wonyula amalungu eBhodi emva kokuba— 45
- (a) epapashe isaziso kwiGazethi kunye nakumaphepha amabini esizwe ajikelezayo kwiRiphabliki ememezela ukuba amalungu oluntu mawonyule abantu abacamngcwe kwicandelo 6(2)(a) no (b);
- (b) onyule iphaneli yeengcali ukuba iqulunqe uluhlu olufinyeziweyo olungekho ngaphezulu kwabantu abangamashumi amathathu (30) kubagqatswa 50 ekubhekselwe kubo kumhlathi (a);
- (c) usihlalo wephaneli engenise uluhlu olufinyeziweyo lwabagqatswa kunye neengxelo ezimfutshane ezingabo (*curriculum vitae*) kuMphathiswa ekufuneka alungenise kwiNdlu yoWiso-mThetho ukuba uvunye: kwaye
- (d) iNdlu yoWiso-mThetho ingenise kuMphathiswa uluhlu olufinyeziweyo 55 oluvunyiweyo ekuza kukhethwa kulo.
- (2) Iphaneli kufuneka isebenze ngendlela engafihliyo nefanelekileyo ukuqinisekisa ukuba abagqatswa bafanelekile kwaye hamele ngokubanzi abemi boMzantsi Afrika, ngokobuhlanga, isini, kunye nokukhubazeka.

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; 5
 - (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; 10
 - (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. 15
- (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; 20
 - (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. 25
- (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. 30

Functions of Board

- 9.** (1) The Board must perform any function imposed upon it in accordance with a policy direction issued by the Minister and in terms of this Act. 35
- (2) The Board must—
- (a) oversee the functions of the Agency;
 - (b) monitor the research priorities and programmes of the Agency;
 - (c) give effect to the strategy of the Agency, in the performance of its functions; 40
 - and
 - (d) notify the Minister immediately of any matter that may prevent or materially affect the achievement of the objects of the Agency.
- (3) The Board may, after consultation with the Minister, establish or disestablish organisational divisions of the Agency.

Remuneration of Board members 45

10. A member of the Board or a member of any committee of the Board who is not in the full-time employment of the State must be paid such remuneration and allowances out of the funds of the Agency as may be determined by the Minister, in consultation with the Minister of Finance.

Meetings of Board 50

- 11.** (1) The Board must meet at least four times a year at such times and places as the Board may determine.
- (2) The Board may determine the procedure for its meetings.
- (3) The chairperson—
- (a) may convene a special meeting of the Board; and 55

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(3) Ukuba ngaba uluhlu olufinyeziweyo oluqulunqwe ngokwemigqaliselo yecandelwana (2) alunabo abantu abafanelekileyo okanye inani elifunekayo labantu abafunekayo, uMphathiswa unokumemela ulonyulo olungaphaya ngendlela ebekwe kwicandelwana (1).

(4) IBhodi kufuneka— 5

(a) ibe nabantu abangabemi beRiphabliki okanye abanelungelo lokuhlala isigxina kwiRiphabliki kwaye abazibonakalisileyo kummandla wecandelo lenzululwazi nobuchwepheshe basemajukujukwini okanye abaneziqinisekiso ezifanelekileyo, amava okanye izakhono ngokunxulumene neminye imiba yemisebenzi ye-Arhente; 10

(b) umelo olubanzi ngamacandelo awohlukeneyo kummandla wenzululwazi nobuchwepheshe nasemajukujukwini; kwaye

(c) okungenani ibe nelungu elinye elineziqinisekiso zomthetho kunye nelungu elinye elinobugcisa bezimali.

Ukunqunyanyiswa, ukususwa e-ofisini, ixesha le-ofisi nokugwaliswa kwezithuba 15

8. (1) Umntu akanakonyulwa njengelungu elicamngcwe kwicandelo 6(2)(a) okanye (b) ukuba ngaba ilungu—

(a) alitshintshi ekungakwazini kwalo ukuhlawula amatyala alo;

(b) kubhengezwe yinkundla ukuba ligula ngengqondo;

(c) beligwetyelwe ityala kwiRiphabliki okanye naphi na kwaye lagwetyelwa ukuvalelwa entolongweni kungekho khetho lwesohlwayo, ngaphandle kwetyala elenziwa ngaphambi kwama-27 Aprili 1994 anxulunyaniswa nenjongo zezopolitiko aye anikwa uxolelo yiKomishiniyeNyani noXolelaniso; 20

(d) lilungu leNdlu yoWiso-mThetho, uwiso-mthetho lwephondo okanye naliphi na ibhunga likamasipala, okanye ngugunyaziwe kwiBhunga leSizwe lamaPhondo; 25

(e) alingommi, okanye alinalo ilungelo lendawo yokuhlala esisigxina, kwiRiphabliki; okanye

(f) ngenxa yokuziphatha kakubi lisusiwe kwisikhundla sokuthenjwa yinkundla yomthetho efanelekileyo. 30

(2) UMphathiswa unokulisusa ilungu elicamngcwe kwicandelo 6(2)(a) okanye (b) e-ofisini—

(a) phantsi kokuziphatha kakubi, ukungalungi okanye ukungenzi umsebenzi;

(b) ilungu alikho iintlanganiso ezintathu ezilandelelanayo zeBhodi ngaphandle kwekhefu elivela kwiBhodi; 35

(c) ukuba ngaba ilungu liyanqunyanyiswa njengoko kucamngcwe kwicandelwana (1);

(d) ngaso nasiphi na isizathu ezivakalayo nesinyanzelisayo.

(3) Isigqibo sokususa ilungu leBhodi e-ofisini ngokwemigqaliselo yecandelwana (2) kufuneka sisekelwe kwisindululo sephaneli ezimeleyo eyonyulwe nguMphathiswa. 40

(4) UMphathiswa unokuyiphelisa iBhodi phantsi kwezizathu ezifanelekileyo.

(5) Ilungu elicamngcwe kwicandelo 6(2)(a) okanye (b) libambe i-ofisi ixesha elingadluliyo kwiminyaka emine, ngokuxhomekeke kumacandelwana (1) no (2).

(6) Akukho lungu malisebenze ngaphezulu kwamaxesha amabini alandelelanayo. 45

(7) Ukuba ngaba ilungu leBhodi liyasweleka, liyarhoxa ngesaziso esibhalwe phantsi esiya kuMphathiswa okanye liyasuswa e-ofisini, uMphathiswa, elandelele inkqubo ecamngcwe kwicandelo 7, unokonyula umntu lweso sithuba kwelo xesha liseleyo le-ofisi.

Imisebenzi yeBhodi 50

9. (1) IBhodi kufuneka yenze nayiphi na imisebenzi enikwe yona ngokungqinelana nomgaqo-nkqubo okhutshwe nguMphathiswa kunye nangokwemigqaliselo yalo mThetho.

(2) IBhodi kufuneka—

(a) ijonge imisebenzi ye-Arhente; 55

(b) ihlole okubalulekileyo kuphando kunye nakwiinkqubo ze-Arhente;

(c) yenze kusebenze isicwangciso-qhinga se-Arhente, ekwenzeni imisebenzi yayo; kunye

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(b) must convene such a meeting within 14 days of receipt of a written request signed by at least two third of the members of the Board to convene such a meeting.

(4) The chairperson or, in the chairperson's absence, a member of the Board elected by the members present, must preside at a meeting of the Board. 5

(5) The quorum for a meeting of the Board is the majority of the Board members eligible to vote.

(6) A decision of the Board must be taken by resolution of the majority of the members present at any meeting of the Board, and in the event of an equality of votes on any matter, the person presiding at the meeting has a casting vote in addition to her or his deliberative vote. 10

Disclosure of interest

12. (1) A member of the Board must upon appointment disclose to the Minister by way of a written statement any interest which could reasonably compromise the Board in the performance of its functions. 15

(2) A member of the Board may not vote or in any manner be present during or participate in the proceedings at any meeting of the Board if, in relation to any matter before the Board, she or he may have an interest which precludes her or him from performing her or his functions as a member of the Board in a fair, unbiased and proper manner. 20

Committees of Board

13. (1) The Board may establish one or more committees to perform such functions as the Board may determine.

(2) The Board may appoint as members of such committee any— 25
 (a) member of the Board;
 (b) employee of the Agency; or
 (c) other person with suitable skills or experience who must be paid such allowances as the Minister may determine.

(3) A member of the Board may not serve on more than two committees at a time.

(4) The Board may at any time dissolve or reconstitute a committee. 30

(5) The Board is not absolved from the performance of any function entrusted to any committee in terms of this section.

Chief Executive Officer of Agency

14. (1) The Board must, with the approval of the Minister, appoint a suitably skilled and qualified person as the Chief Executive Officer. 35

(2) The appointment of the Chief Executive Officer must be made after following a transparent and competitive selection process.

(3) The Chief Executive Officer is appointed for a term not exceeding five years and is subject to such conditions relating to remuneration and allowances as the Board may determine. 40

(4) The Chief Executive Officer must enter into a performance agreement with the Board within three months of taking up the post as Chief Executive Officer.

(5) The Chief Executive Officer is responsible for the administration and the general management and control of the day-to-day functioning of the Agency, subject to the directions and instructions issued by the Board. 45

(6) The Chief Executive Officer is responsible and accountable to the Board for—

(a) all money received by the Agency and the utilisation of that money; and
 (b) the property of the Agency.

(7) The Chief Executive Officer must report to the Board on matters that may adversely affect the functioning of the Agency. 50

(8) If the Chief Executive Officer is absent for a period of more than two months or is unable to carry out her or his duties, or if there is a vacancy in the office of the Chief Executive Officer, the Board may, with the concurrence of the Minister, appoint any person who meets the requirements determined in subsection (1) to act as Chief Executive Officer, until the Chief Executive Officer is able to resume those functions or until the vacant position of Chief Executive Officer is filled. 55

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(d) nokwazisa uMphathiswa ngoko nangoko ngawo nawuphi na umcimbi onokuthintela okanye uchaphazele iinjongo ze-Arhente.

(3) IBhodi, emva kokucebisana noMphathiswa, inokuseka okanye ichithe amacandelo ombutho we-Arhente.

Umrholo wamalungu eBhodi

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10. Ilungu leBhodi okanye ilungu layo nayiphi na ikomiti yeBhodi elingekho kwinqesho esisigxina kaRhulumente malihlawulwe ubonelelo olunjalo oluvela kwimali ye-Arhente njongoko inokumiselwa nguMphathiswa, kunye noMphathiswa wezeMali.

IiNtlanganiso zeBhodi

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11. (1) IBhodi kufuneka idibane okungenani kane ngonyaka ngaloo maxesha kunye nendawo eya kumiselwa yiBhodi.

(2) IBhodi inokumisela inkqubo yentlanganiso zayo.

(3) Usihlalo—

(a) unokubiza intlanganiso ekhethekileyo yeBhodi; kwaye

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(b) kufuneka abize intlanganiso ekhethekileyo kwiintsuku ezili-14 zokufunyanwa kwesicelo esibalwe phantsi sasayinwa okungenani sisibini sesithathu samalungu eBhodi ukubiza intlanganiso enjalo.

(4) Usihlalo okanye, xa engekho usihlalo, ilungu leBhodi elikhethwe ngamalungu akhoyo lichophela intlanganiso yeBhodi.

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(5) Ikoram yentlanganiso yeBhodi sisibini esithathwini samalungu ayo avotayo.

(6) Isigqibo seBhodi kufuneka sithathwe ngokwesigqibo sesininzi samalungu akhoyo kuyo nakweyiphi na intlanganiso yeBhodi kwaye kwishehlo sokulingana kweevoti kuwo nakowuphi na umba umntu ochophela intlanganiso unevoti yokwenza isigqibo ukongeza kwivoti yakhe efanelekileyo.

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Ukuxelwa komdla

12. (1) ilungu leBhodi ekonyulweni kwalo kufuneka lixele kuMphathiswa ngendlela yengxelo ebhaliweyo nawuphi na umdla onokwenza ukuba iBhodi ingasakwazi ukwenza imisebenzi yayo kakuhle.

(2) Ilungu leBhodi alinakuvota okanye ngayo nayiphi na indlela libe khona okanye lithabathe inxaxheba kwiinkqubo kuyo nakweyiphi na intlanganiso, ukuba oko kunxulumene nawo nawuphi na umcimbi weBhodi okanye ukuba ngaba lonomdla oyakwenza ukuba iBhodi ingasakwazi ukwenza imisebenzi yayo kakuhle kwaye lona libeka phambili umdla walo.

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Iikomiti zeBhodi

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13. (1) IBhodi inokuseka ikomiti enye okanye ngaphezulu ukuba yenze imisebenzi ye-Arhente njengoko iBhodi inokuMisela.

(2) IBhodi inokuqesha njengamalungu ayo nayiphi na ikomiti enjalo naliphi na—

(a) ilungu leBhodi;

(b) umsebenzi we-Arhente; okanye

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(c) omnye umntu onezakhono okanye amava afanelekileyo ekufuneka ahlawulwe izibonelelo ezinjalo njengoko uMphathiswa enokumisela, ngokuxhomekeke kwicandelo lesi-7.

(3) Ilungu leBhodi alinako ukusebenza kwiikomiti ezingaphezulu kwezimbini ngexesha.

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(4) iBhodi ngalo naliphi na ixesha inokuyiphelisa okanye iyiseke ikomiti.

(5) IBhodi ayikhululwanga ekwenzeni nawuphi na umsebenzi onikwe nayiphi na ikomiti ngokwemigqaliselo yeli candelo.

IGosa eliyiNtloko eliLawulayo le-Arhente

14. (1) IBhodi kufuneka, ngemvume yoMphathiswa, iqeshe umntu ofanelekileyo onezakhono noneziqinisekiso njengeGosa eliyiNtloko eliLawulayo le-Arhente.

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(9) If the Chief Executive Officer is absent for a period of less than two months the Board may, without the concurrence of the Minister, appoint any person to act as Chief Executive Officer.

(10) The acting Chief Executive Officer has all the powers and may perform all the duties of the Chief Executive Officer. 5

(11) The Chief Executive Officer may not serve for more than two consecutive terms.

Employees of Agency

15. (1) Subject to subsection (2), the Chief Executive Officer—

- (a) must, on such conditions as she or he may determine, appoint such number of employees or receive on secondment such number of persons as are necessary to enable the Agency to perform its functions; 10
- (b) is responsible for the administrative control of the organisation and for the discipline of the employees and persons contemplated in paragraph (a); and
- (c) must ensure compliance with applicable labour legislation. 15

(2) The Board must approve—

- (a) the general terms and conditions of employment of the employees contemplated in subsection (1);
- (b) a human resource policy; and
- (c) structures for remuneration, allowances, subsidies and other benefits for employees contemplated in subsection (1) in accordance with a system approved by the Minister with the concurrence of the Minister of Finance. 20

(3) The terms and conditions of employment contemplated in subsection (2)(c) must be broadly in line with the guidelines issued from time to time by the Minister responsible for the public service and administration.

Pensions

16. (1) The Agency may, under the Pensions Fund Act, 1956 (Act No. 24 of 1956), establish a pension fund for its employees.

(2) Any employee of the Agency who was, prior to the commencement of this Act, a member of the GEPP, may—

- (a) remain a member of the GEPP; 30
- (b) terminate her or his membership of the GEPP and join the pension fund established in terms of subsection (1); or
- (c) elect dormant membership of the GEPP in accordance with section 27 of the GEPL.

Funds of Agency

17. (1) The funds of the Agency consist of—

- (a) money appropriated by Parliament;
- (b) fees, royalties or other revenue obtained in terms of this Act;
- (c) donations or contributions received by the Agency; and
- (d) revenue accruing to the Agency from any other source. 40

(2) The Agency must utilise its funds to defray the expenses incurred by the Agency in the performance of its functions.

(3) Money received by way of donation or contribution must be utilised in accordance with any conditions imposed by the donor or contributor concerned.

(4) The Agency may, subject to the approval of the Minister and in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999), invest any of its funds not immediately required. 45

Delegation

18. (1) The Chief Executive Officer may, subject to such conditions as she or he may determine, delegate to an employee of the Agency any function entrusted to the Chief Executive Officer under this Act. 50

(2) A delegation in terms of subsection (1) does not prohibit the performance of the function in question by the Chief Executive Officer.

(3) The delegation must be in writing.

(2) Ukuqeshwa kweGosa eliyiNtloko eliLawulayo kufuneka kwenziwe emva kwenkqubo yokhethe yokungafihli neyokhuphiswano njengoko inokumiselwa nguMphathiswa ngommiselo.

(3) IGosa eliyiNtloko eliLawulayo liqeshelwa ixesha elingadluliyo kwiminyaka emihlanu ngokuxhomekeke kwiimeko ezinjalo ezinxulumene nentlawulo yomvuzo kunye nezibonelelo njengeBhodi, ngokuxhomekeke kwicandelo 13(2)(b), linokumisela. 5

(4) IGosa eliyiNtloko eliLawulayo kufuneka lingene kwisivumelwano sokusebenza neBhodi kwiinyanga ezintathu zokuthatha isithuba njengeGosa eliyiNtloko eliLawulayo.

(5) IGosa eliyiNtloko eliLawulayo yimfanelo yalo ulawulo lwemihla ngemihla kunye nolawulo jikelele kunye nokuphathwa kwemihla ngemihla kokusebenza kwe-Arhente, ngokuxhomekeke kwimiyalelo ebhaliweyo ekhutshwe yiBhodi. 10

(6) IGosa eliyiNtloko eliLawulayo yimfanelo kwaye luxanduva lwalo kwiBhodi—

(a) elayo yonke imali efunyenwe yi-Arhente kunye nokusetyenziswa kwaloo mali; kunye 15

(b) nepropati ye-Arhente.

(7) IGosa eliyiNtloko eliLawulayo kufuneka linike ingxelo kwiBhodi ngawo nawuphi na uncimbi onokufunwa yiBhodi.

(8) Ukuba ngaba iGosa eliyiNtloko eliLawulayo alikho ixesha elingaphezulu kweenyanga ezimbini okanye alikwazi ukwenza imisebenzi yalo, okanye ukuba ngaba kukho isithuba kwi-ofisi yeGosa eliyiNtloko eliLawulayo, iBhodi, kunye noMphathiswa, inokuqesha nawuphi na umntu ukuba abambe njengeGosa eliyiNtloko eliLawulayo. 20

(9) Ukuba ngaba iGosa eliyiNtloko eliLawulayo alikho ixesha elingaphantsi kweenyanga ezimbini, iBhodi, ngaphandle koMphathiswa, inokuqesha nawuphi na umntu ukuba abambe njengeGosa eliyiNtloko eliLawulayo ngelo xesha. 25

(10) IGosa eliyiNtloko eliLawulayo elibambeleyo linawo onke amagunya kwaye kufuneka lenze yonke imisebenzi yeGosa eliyiNtloko eliLawulayo.

(11) IGosa eliyiNtloko eliLawulayo alinakusebenza ngaphezulu kwamathuba amabini alandelelanayo. 30

Abasebenzi be-Arhente

15. (1) Ngokuxhomekeke kwicandelwana (2), iGosa eliyiNtloko eliLawulayo—

(a) kufuneka kwimieko eujalo njengoko linokumisela, liqeshe inani labasebenzi abanjalo njengoko kuyimfuneko ukuba benze i-Arhente ibe nako ukwenza imisebenzi yayo ngokwaneleyo; 35

(b) yimfanelo yalo ulawulo lokuphathwa kwabasebenzi kunye nabantu abacamngcwe kumhlathi (a); kwaye

(c) kufuneka liqinisekise ungqinelwano nemithetho yezemisebenzi esebenzayo ekuqeshweni kwabasebenzi kunye nokwamkela abantu abacamngcwe kumhlathi (a). 40

(2) IBhodi kufuneka ivume—

(a) imigqaliselo nemiqathango jikelele yengqesho yabasebenzi abacamngcwe kwicandelwana (1);

(b) ungaqo-ukqubo wemicimbi yabasebenzi; kunye

(c) neendlela zemivuzo, izibonelelo, iinkxaso kunye namanye amalungelo kunye neemeko zemigqaliselo kubasebenzi abacamngcwe kwicandelwana (1) ngokungqinelana neendlela ezinjalo njengoko zinokwamkelwa nguMphathiswa ngokuvumelana noMphathiswa wezeMali. 45

(3) Imigqaliselo neemeko zengqesho ezicamngcwe kwicandelwana (2)(c) kufuneka zingqinelane ngokubanzi nemiba yezikhokelo ixesha nexesha ezenziwa nguMphathiswa weNkonzo zikaRhulumente noLawulo. 50

Imihlalaphantsi

16. (1) I-Arhente, phantsi komThetho weNgxowa-mali yoMhlalaphantsi, 1956 (umThetho oyiNombolo yama-24 ka-1956), inokumisela nayiphi na ingxowa-mali yomhlalaphantsi kumalungu ayo. 55

(2) Umsebenzi we-Arhente, ngaphambi kokuqala kokusebenza kwalo mThetho, owayelilungu le-GEPP unoku—

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19. The Minister may, after consultation with the Board, make regulations regarding—

- (a) the method of reporting to the Minister on Board meetings and the frequency of those reports; 5
- (b) interim measures for the continued management and functioning of the Agency in the event that the Minister dissolves the Board in terms of section 8(4); and
- (c) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act. 10

Short title and commencement

20. This Act is called the South African National Space Agency Act, 2008, and comes into operation on a date to be fixed by the President by proclamation in the *Gazette*.

- (a) hlala elilungu le-GEPP;
- (b) abuphelise ubulungu bakhe kwi-GEPP aze azimanye nayo nayiphi na ingxowa-mali yomhlalaphantsi esekwe ngokwemigqaliselo yecandelwana loku-1; okanye
- (c) akhethe ubulungu obuleleyo be-GEPP ngokungqinelana necandelo lama-27 le-GEPL. 5

Imali ye-Arhente

- 17. (1)** Imali ye-Arhente ine—
- (a) mali ebekwe yipalamente;
 - (b) iintlawulo, imali efunyanwa xa kuthengwe imveliso okanye enye ingeniso efunyenwe ngokwemigqaliselo yalo mThetho; 10
 - (c) iminikelo okanye eminye imirhumo efunyenwe yi-Arhente;
 - (d) ingeniso enyukela i-Arhente evela kuwo nakowuphi na umthombo.
- (2) I-Arhente kufuneka iyisebenzise imali yayo ukulawula iindleko ezenziwe yi-Arhente ekwenzeni imisebenzi yayo phantsi kwalo mThetho. 15
- (3) Imali efunyenwe ngendlela yeminikelo okanye imirhumo kufuneka isetyenziswe ngokungqinelana nazo naziphi na iimeko ezibekwe ngumnikeli okanye umrhumi obandakanyekayo.
- (4) I-Arhente, ngokuxhomekeke ekuvunyweni nguMphathiswa kunye nemigqaliselo yomThetho wolawulo lweMali kaRhulumente, 1999, (umThetho woku-1 ka-1999), inokwenza utyalo-mali ngayo nayiphi na imali engafuneki msinyane. 20

Ugunyaziso

- 18. (1)** IGosa eliyiNtloko eliLawulayo, ngokuxhomekeke kwiimeko ezinjalo njengoko linokumisela, linokugunyazisa nawuphi na umsebenzi we-Arhente ngawo nawuphi na umsebenzi onikwe iGosa eliyiNtloko eliLawulayo phantsi kwalo mThetho okanye ogunyaziswe iGosa eliyiNtloko eliLawulayo yiBhodi. 25
- (2) Ugunyaziso ngokwemigqaliselo yecandelwana (1) aluthinteli ukwenziwa komsebenzi obandakanyekayo liGosa eliyiNtloko eliLawulayo.

Imimiselo

- 19.** Umphathiswa, emva kokucebisana neBhodi, unokwenza imimiselo ngokuphathelene— 30
- (a) nendlela yokunika ingxelo kuMphathiswa kwiintlanganiso zebhodi kunye nokubakho rhoqo kwezo ngxelo;
 - (b) amanyathelo exeshana kulawulo oluqhubayo kunye nokusebenza kwe-arhente kwimeko yokuba uMphathiswa ayichithe iBhodi ngokwemigqaliselo yecandelo 5(7); kunye 35
 - (c) nakuwo nawuphi na umcimbi oncedisayo okanye ulawulo lwesihlo okanye wenkqubo wokuba kube yimfuneko ukumisela uphuyeziso olufanelekileyo okanye ulawulo lwalo mThetho.

Isihloko esifutshane nokuqala

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- 20.** Lo mThetho kuthiwa ngumThetho we-Arhente yeSizwe yasemajukujukwini, 2007, kwaye uyakuqala ukusebenza ngomhla oya kubekwa nguMongameli ngesibhengezo kwi*Gazethi*.