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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.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

*(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;

- “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); 5
- “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; 10
- “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; 15
- “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;

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- (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—
 - (i) enabling technologies that will provide leadership in coordinating and supporting applied research; 10
 - (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.