

TERMS OF REFERENCE

POLICY AND LEGAL COMMITTEE OF THE SOUTH AFRICAN COUNCIL FOR SPACE AFFAIRS

ADOPTED BY THE COUNCIL AT ITS 7TH MEETING ON 20 AUGUST 2012

1. AIM

1.1 To provide for establishment of a Policy and Legal Committee (hereafter referred to as the PLC or the Committee) of the South African Council for Space Affairs (herein After referred to as the Council or SACSA) that will support the activities of the Council as it relates to space affairs in terms of the Space Affairs Act No. 84 of 1993 as amended in 1995 (herein after referred to as the Act).

2. STATUS OF THE COMMITTEE

2.1 In terms of Section 8(1) of the Act, *“the Council may from time to time establish Committees as it may deem necessary, to assist it in the performance of its functions, and may appoint any person as a member of such a Committee even if such person is not associated with the Council”*.

2.2 SACSA, at its 4th meeting of 2012, called for three committees to be established, of which the Policy and Legal Committee is to be one of the committees as envisaged in the 2011-2014 SACSA Strategic Plan.

3. SCOPE

3.1 One of the objects of the Council in terms of Section 5(3) (a) of the Act is *“to advise Minister on matters related to space affairs”*. In order to fulfil this objective SACSA, in item 4.3.1 of the 2011-2014 Strategic Plan describes the mandate of the Policy and Legal Committee as follows:

The mandate of this committee is to deal with matters requiring legal expertise, to provide inputs requiring such expertise in domestic and international bilateral or multilateral activities involving SACSA, and to assist the Council in licensing and regulatory matters.

3.2 The Council has identified the following issues by which the PLC shall exercise its mandate:

- to provide guidance to the Council in relation to legal and regulatory policy matters and where appropriate, contribute objectively to policy development through providing expert advice, representation and reporting on key policy and legal issues;
- to assist Council with the development of bilateral and multilateral cooperation in space-related issues to strengthen South African cooperation and provide expert legal and policy advice to the Council concerning compliance with agreements that South Africa has ratified or intends to ratify;

- to assist Council to ensure compliance with applicable legislation, to ensure that its direction is consistent with international agreements and relevant best practises and:
- to assist Council with the policy, legal and regulatory positioning of South Africa in the international environment, through effective participation in the international fora, such as the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS).

4. CONSTITUTION

- 4.1 The Council will identify and appoint Advisory Committee members and a Chairperson.
- 4.2 The Committee will comprise 6 - 10 members, of which at least 3 members must be SACSA members.
- 4.3 The Committee may recommend to Council for their consideration, additional Committee Members who are not members of the Council, and who do not become members of the Council by virtue of serving on a Council Committee.
- 4.4 The Committee shall reach its decisions by consensus.
- 4.5 The Committee acts only in an advisory capacity to the Council. Decisions of the Committee are therefore not decisions of Council, which will reach its own decisions on inputs and advice provided by the Committee.
- 4.6 The Department of Trade and Industry will provide secretariat services to the Committee.

5. OPERATIONAL PROCEDURES

- 5.1 The Chairperson of the Committee will report to the Council meetings on the activities of the Committee as and when required.
- 5.2 The Committee will meet to deliberate on matters on the agenda as may be required from time to time by the Council.
- 5.3 Valid reasons for none attendance of meetings will be stated and noted at the meeting.
- 5.4 The Committee may appoint Specialist Working Groups amongst its Members to address specific issues referred to them by the Committee.
 - (a) The Specialist Working Groups shall be chaired by a Committee member who is also a member of the Council.
 - (b) Each Specialist Working Group will establish its own method of work and work plan to address the task(s) assigned to it.
 - (c) The Chair of the Specialist Working Group will report the Working Group's results and present its recommendations to the Committee.

6. REMUNERATION OF COMMITTEE MEMBERS AND COST RECOVERY

6.1 Committee members who are not in the full-time employment of the State or a State institution shall be paid such remuneration and allowances as the Minister of Trade and Industry may determine.

6.2 Committee Members who are in the full-time employment of the State or a State institution shall be compensated for any costs incurred in the attendance of meetings of the Committee.

7. CONDUCT

7.1 It would be considered unethical to misuse information gained at the Committee meetings for material or personal benefit by either an individual serving on the committee or by the particular sector being represented.

8. TERM OF THE COMMITTEE

8.1 The term of the Committee shall be commensurate with the term of the Council and it will ipso facto cease to exist when the term of the appointing Council expires.

8.2 Council reserves the right to dissolve the Committee before the end of the term of Council.