



TERMS OF REFERENCE

SOUTH AFRICAN COUNCIL FOR SPACE AFFAIRS

1. AIM

To provide the Terms of Reference for the South African Council for Space Affairs (herein after referred to as the Council) activities as it relates to Space Affairs in terms of the Space Affairs Act No.84 of 1993, as amended (the Act).

2. BACKGROUND

The Council was appointed in terms of Section 6 of the Act, in January 2017, under the authority of the Minister of Trade and Industry to implement the regulatory, monitoring and registration functions of the Act for a period of five years.

3. OBJECTS AND FUNCTIONS OF THE COUNCIL

The objects and functions of the Council are stated in Section 5 of the Act as follows:

- “(1) *The objects of the Council are to implement, in the most efficient and economical manner possible, the space policy of the Republic formulated in terms of section 2.*
- (2) *The Council shall on behalf of the State take care of the interests, responsibilities and obligations of the Republic regarding its space and space-related activities in compliance with international conventions, treaties and agreements entered into or ratified by the Government of the Republic.*
- (3) *In order to achieve its objects, the Council may –*
- (a) *advise the Minister on any matter that may have an influence on Space Affairs;*
 - (b) *hear representations by any person regarding space affairs in the Republic;*
 - (c) *supervise and implement matters arising from international conventions, treaties and agreements concerning space affairs entered into or ratified by the Government of the Republic;*
 - (d) *issue licenses under Section 11 or amend, suspend or revoke them under Section 13;*
 - (e) *encourage persons and authorities involved in the space industry to register with the Council and to apply information regarding capabilities so obtained to enhance and co-ordinate the space industry and its capabilities;*
 - (f) *designate knowledgeable persons from government institutions and the space industry as members of Committees of the Council to assist the Council in their performance of its functions;*

- (g) *further matters leading to the orderly and responsible participation by any person or authority in space affairs;*
- (h) *subject to Section 19, provide for the appropriate and widest possible publication of information concerning the activities of the Council;*
- (i) *subject to the provisions of the Act, perform any other activity with a view to contributing to the effective achievement of the objects of the Council.”*

4. SCOPE (SPACE AFFAIRS AND SPACE RELATED ACTIVITIES)

4.1. ADVISORY

One of the objects of the Council in terms of the Act (Section 5(3) (a)) is “to advise the Minister on matters related to Space Affairs”. In order to fulfil this objective, the Council will;

- Provide guidance in relation to policy processes and regulatory matters and where appropriate, contribute objectively to policy and / legislative development, implementation and reviewal through providing expert advice, representation and reporting on key issues.
- Support the development of bilateral and multilateral cooperation with the rest of the world in space related issues to strengthen South African cooperation and provide expert advice in the implementation of agreements, which South Africa has ratified or intends to ratify inline with foreign policy.
- Ensure compliance with applicable legislation and to ensure that its direction is consistent with international agreements.
- Position South Africa in the international environment, through effective participation in the international fora.

4.2. REGULATORY

Regulations play a central role in shaping space activities in that it determines the rules and procedures under which space actors notably the industry operate. The regulations help establish a stable and predictable regulatory environment and also stimulate innovation and encourage competition. The Council will seek to ensure that policy objectives, principles and values are fully reflected in achievement of objectives and implementation of transparent and responsive processes. In order to achieve this objective, the Council will;

- Contribute to the development of regulations as prescribed by the Act; for example, define, refine processes and procedures for licensing, inspection, quality and safety and registration; and
- Ensure enforcement of compliance with regulations.

4.3. ADVOCACY

4.3.1 Advocacy is fundamental in fulfilling the objectives of the Council because there is not sufficient visibility of space activities among the general public, as a result, the general population has a poor understanding of the value of space-based services in their daily lives and therefore does not fully support space activities. Public awareness is crucial for the political sustainability of the space Industry and for maximising the socio-economic benefits from space activities.

4.3.2 The Act mandates the Council to publish in the widest and most appropriate manner information concerning its activities. In order to effectively play an advocacy role on space affairs and space related activities the Council will;

- Take leadership of and provide support to the stakeholders, in respect of the Council's mandate;
- Support government's activities to promote and coordinate space activities in order to leverage South Africa's competitive advantage globally;
- Engage with African countries in order to support the NEPAD Programme and other regional cooperation in space affairs; and
- Promote and support greater international cooperation, through establishment of appropriate mechanisms to interact with appropriate international bodies.

5. COMPOSITION OF THE COUNCIL (SECTION 6)

The composition of the Council is stipulated in terms of Section 6 of the Act.

6. OPERATIONAL PROCEDURES

6.1 REPORTING

The Council reports to the Minister of Trade and Industry. The Council will develop an annual report on its functions at every financial year end and submit to the Minister of trade and Industry for approval.

6.2 MEETINGS (SECTION 7)

6.2.1 Notice of a Council meeting shall be posted or otherwise electronically transmitted to the Councillor's most recent address on file at **the dti** secretariat at least 14 days prior to the meeting date.

6.2.2 Valid reasons for not attending meetings may be provided to the secretariat before the Council sits and shall be explained to all Councillors.

6.2.3 The procedure for meetings of the Council are stipulated in terms of section 7 of the Act as follows:

- (1) "Meetings of the Council shall be held on such dates and at such times and places as the chairman of the Council may determine".
- (2) "The chairman of the Council may at any time convene a special meeting of the Council by giving notice to the other members of the date, time and place thereof".
- (3) "If the chairman is absent from a meeting of the Council, the members present shall elect one of their number to preside at that meeting".
- (4) "The majority of the members of the Council shall constitute a quorum for a meeting".
- (5) "A decision of the Council shall be taken by a majority of the votes of the members present at a meeting of the Council, and in the event of an equality of votes the person presiding at the meeting concerned shall have a casting vote in addition to his deliberative vote".
- (6) "No decision taken by the Council or act performed under the authority of the Council, shall be invalid merely be reason of a vacancy on the Council or of the facts that any person not entitled to sit as a member sat as a member at the time when the decision

ANNEXURE B

was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members present at the meeting and who were entitled to sit as members”.

6.2.4 The proceedings of each Council meeting shall be minuted together with the names of the Councillors present at the Council meeting and distributed to all Councillors within a reasonable period after the closing of the Council meeting.

6.2.5 All matters of business requiring urgent attention and which requires the approval of the Council and not of a nature sufficient to summon a special Council meeting shall at the discretion of the Chairperson be referred to the Councillors by mail or electronic transmission by **the dti** secretariat in order to obtain a decision from the Councillors.

6.2.6 **the dti** secretariat shall be responsible for providing all secretarial services necessary to facilitate the taking of minutes. All minutes shall be presented at the following Council meeting to verify correctness of such minutes. After the Councillors have agreed on all amendments to the minutes, the Chairperson of the Council shall sign the minutes as an indication of acceptance of the record as an accurate reflection of the proceedings. All minutes shall be filed by **the dti** secretariat and kept for a period of not less than 10 years.

6.2.7 A copy of the minutes of each Committee meeting shall be dispatched to all the attendees as soon as possible after such meeting and shall be brought forward, together with any comments recorded by the attendees for consideration at the next meeting following such meeting.

7. APPOINTMENT OF COMMITTEES (SECTION 8)

7.1 The Council may establish any Committee for any purpose deemed appropriate provided that there is a need for such Committee and that the establishment shall not in any manner inhibit or detrimentally affect the objects of the Council.

7.2 The Council shall appoint all members to a Committee. Appointments to the Committee shall where relevant be for a period coinciding with the period of appointment of the member to the Council.

7.3 Specific matters will be referred to Committees as and when necessity dictates. The Council will deliberate on matters referred to them by the Committee and present recommendations to the Committee.

8. SECRETARIAT TO THE COUNCIL AS PER SECTION 6(7) OF THE ACT

8.1 **the dti** secretariat shall provide all administration for the operation of the Council.

8.2 These secretariat services include amongst other things, services to the Council, services to the Committees of the council, facilitate meetings between the Council and the Minister, and provide communication support.

9. RESPONSIBILITIES FOR the dti

- To develop the Space Policy for SA;

- To facilitate ratification of the necessary UN treaties;
- To provide for financial resources to remunerate Council and Committee members for Council and Committee meetings;
- To provide financial support to cover communication and publications efforts of the Council;
- To provide funds and support activities of the Council through **the dti** procurement procedures to support the activities of the council.

10. FINANCES

- 10.1 The Council members will be remunerated in accordance with National Treasury approval.
- 10.2 Remuneration covers preparation time for the meetings (an average of 8 hours), kilometres for travel to and from meetings, time in the meetings.
- 10.3 The Council will be remunerated under Category S, as was approved by the National Treasury Evaluation Committee for the previous Council as follows:

Chairperson: R 4 986.00 per day and R 623 per hour
Vice-Chairperson: R 4 231.00 per day and R 529 per hour
Member: R 3 879.00 per day and R 485 per hour

11. TERMINATION

The Minister may at any time terminate the period of office of any member if there are valid reasons for doing so.