



## NEGOTIATING MANDATE

**TO:** HON E PRINS, MP  
CHAIRPERSON OF SELECT COMMITTEE ON  
COMMUNICATIONS AND PUBLIC ENTERPRISES

**NAME OF BILL:** PROTECTION, PROMOTION,  
DEVELOPMENT AND MANAGEMENT  
OF INDIGENOUS KNOWLEDGE BILL

**NUMBER OF BILL:** B6B – 2016

**DATE OF DELIBERATION:** 12 JUNE 2018

**VOTE OF THE LEGISLATURE:**

The Portfolio Committee on Arts and Culture met today, Tuesday the 12<sup>th</sup> of June 2018, and agreed to mandate the KwaZulu-Natal delegation to **support the Protection, Promotion, Development and Management of Indigenous Knowledge Bill [B6B-2016]**; with the following area of concern as outlined in the Committee Report, attached hereto.

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HON MM NTULI, MPL  
CHAIRPERSON: PORTFOLIO COMMITTEE  
ON ARTS AND CULTURE

..... 12.6.2018  
DATE

# **ARTS AND CULTURE PORTFOLIO COMMITTEE REPORT ON THE PROTECTION, PROMOTION, DEVELOPMENT AND MANAGEMENT OF INDIGENOUS KNOWLEDGE BILL [B6B-2016] IN TERMS OF RULE 242 OF THE STANDING RULES**

## **INTRODUCTION**

In terms of section 42(4) of the Constitution, the National Council of Provinces represents provinces to ensure that provincial interests are considered in the national sphere of government by participating in the national legislative process. The Protection, Promotion, Development and Management of Indigenous Knowledge Bill [B6B-2016], which is a section 76 Bill in terms of the Constitution, was referred to the Arts and Culture Portfolio Committee in terms of Rule 241(1). In turn, the Legislature was, in terms of section 118 of the Constitution, compelled to facilitate the public involvement in the legislative process of the legislature and its Committees.

## **METHOD OF WORK**

The Committee subsequently had a briefing from the Department of Science and Technology in terms of Rule 242(1). The Bill was sent to the Provincial House of Traditional Leadership for comments, however, no submissions were received. Four public hearings were held on 26 May, 29 May, 01 June and 05 June at Harry Gwala (Ward 8 Community Hall), Umhlabuyalingana (kwaTembe Community Authority) Abaqulusi (Cecil Emitt Hall) and Alfred Duma (Accosciaville Civic Centre) districts. Questions of clarity were addressed during the public hearing, which mainly related to Traditional Health Practitioners Act, 2007, Medicines and Related Substances Act, 1965 as well as Drugs and Drug Trafficking Act, 1992. The Bill was generally supported, however, one oral submission that was of substance was recorded during the public hearings that

needs to be addressed before the final and voting mandate. A call for written submissions was opened until 08 June 2018 and none were received.

### **INPUT FROM THE ABAQULUSI PUBLIC HEARING**

A member of the public raised a concern that at times indigenous knowledge gets undermined to the point that those opposed to it may misrepresent its existence negatively and urged that such conduct should be reflected as an offence in clause 28 of the Bill.

### **CONCLUSION**

The Committee having considered the above concern agreed that it is valid and needs to be addressed at the Select Committee. The Committee met on 12 June 2018 and the majority agreed to support the Bill subject to the concern as stated above being seriously considered by the Department of Science and Technology prior to the final and voting mandate being conferred by the House. The Democratic Alliance rejected the Bill on the grounds that Regulations were not presented before the Committee and dealt with together with the Bill. The negotiating mandate is attached herein as Annexure "A" of the report.



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**HON. MM NTULI**

**CHAIRPERSON: ARTS AND CULTURE PORTFOLIO COMMITTEE**