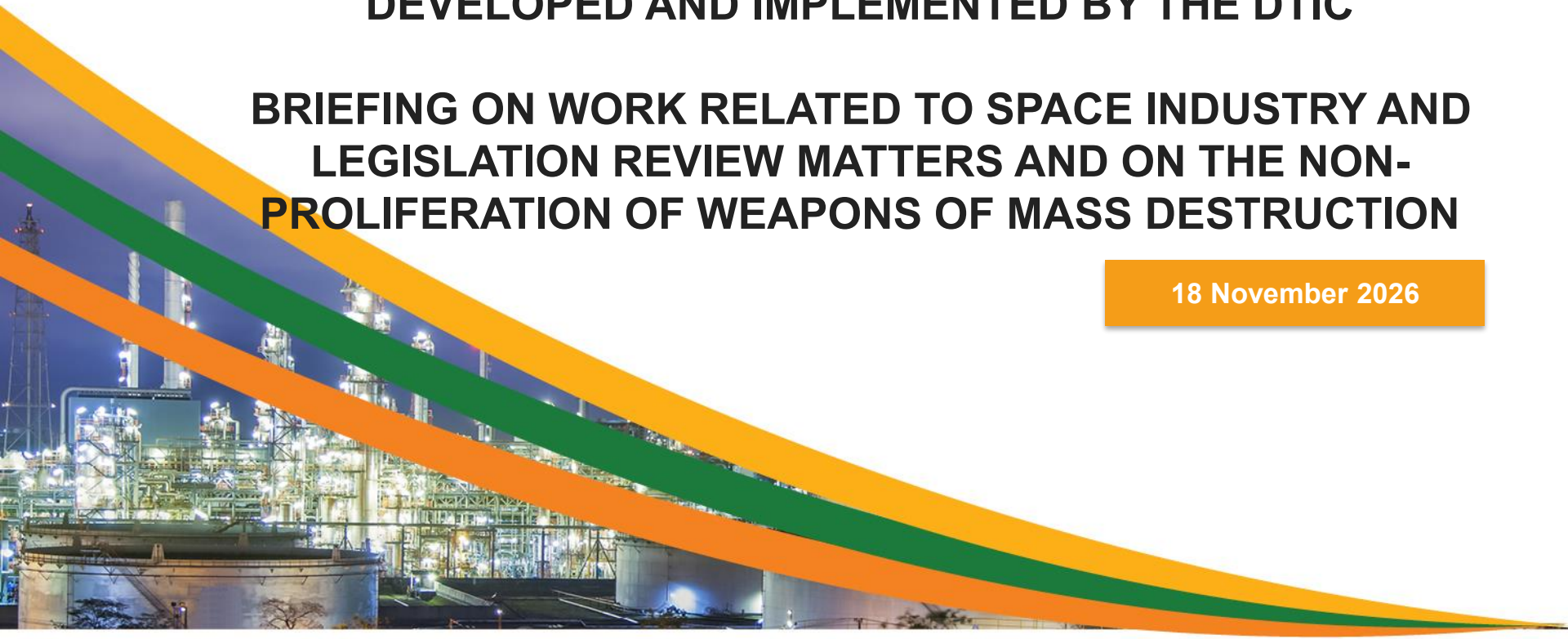
PORTFOLIO COMMITTEE ON TRADE, INDUSTRY AND COMPETITION

STATUS REPORT ON LEGISLATION BEING REVIEWED, DEVELOPED AND IMPLEMENTED BY THE DTIC

BRIEFING ON WORK RELATED TO SPACE INDUSTRY AND LEGISLATION REVIEW MATTERS AND ON THE NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

18 November 2026

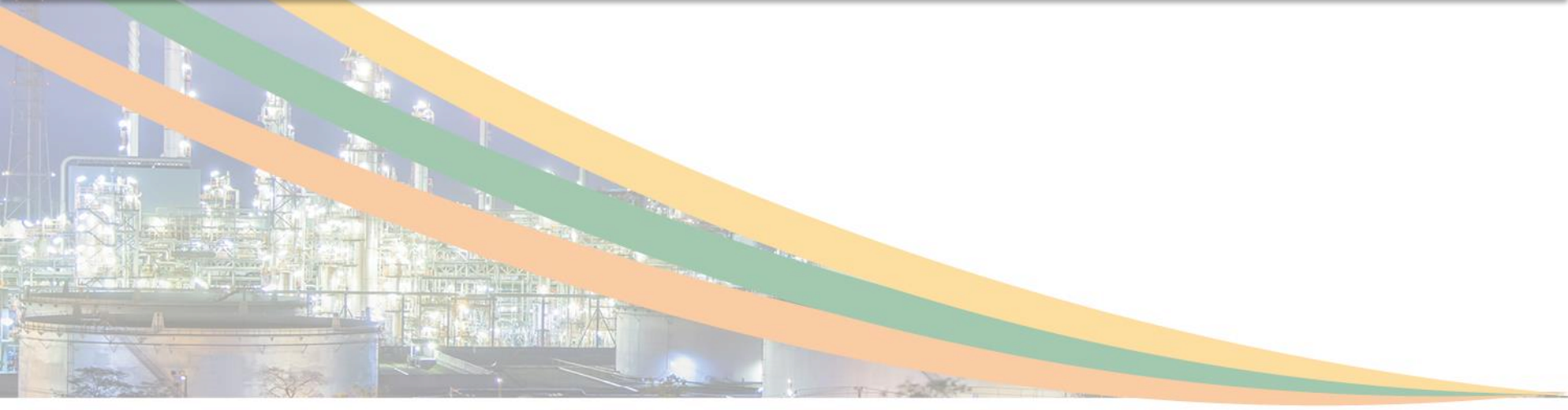


PURPOSE

The purpose of the presentation is to provide an update on the following key areas:

- the status of legislative reviews and the implementation of legislation by **the dtic**;
- work relating to Space industry; and
- work relating to the Non-Proliferation of Weapons of Mass Destruction.

NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS AMENDMENT BILL, 2026



THE ACT IS FOUNDATIONAL — BUT IS NO LONGER FIT-FOR-PURPOSE

BACKGROUND

The 1977 Act promotes uniform building standards and safe erection of buildings based on sound practice, workmanship and quality materials.

WHO DOES WHAT

the dtic	Administers the Act
National Regulator for Compulsory Specifications (NRCS)	Administers delegated aspects on behalf of the Minister.
Municipalities	Implement and enforce the Act under Part B of Schedule 4 to the Constitution.

1977

Predates the Constitution

Successful court challenges exposed constitutional and legislative gaps.

TWO CONSTITUTIONAL COURT RULINGS REQUIRED AMENDMENTS TO THE ACT

CONSTITUTIONAL RULINGS

SECTION 9 • APPEALS

A Minister-appointed Review Board decides appeals, despite municipalities' responsibility to implement and enforce building regulation.

RULING

it undermines municipal executive authority under Section 156 of the Constitution.

RESPONSE

Make the relevant municipal executive authority the appeal authority, aligned with Section 51 of SPLUMA.

7 June 2018 • City of Johannesburg Metropolitan Municipality v Chairman of the National Building Regulations Review Board and Others

SECTION 29(8) • BY-LAWS

Municipal building-related by-laws require prior ministerial approval or are void.

RULING

it usurps municipalities' original legislative powers and infringes separation of powers.

RESPONSE

Repeal Section 29(8).

23 June 2023 • City of Cape Town v Independent Outdoor Media (Pty) Ltd and Others

Together, the proposed amendments will restore municipal executive and legislative authority.

BROADER AMENDMENTS ADDRESS FOUR STRUCTURAL GAPS BEYOND THE CONSTITUTIONAL COURT RULINGS

BROADER AMENDMENTS

1	**National application**	Correct the Act's omission from Schedule 1 of the Justice Laws Rationalisation Act so it applies in former homelands and independent states, including Transkei, Bophuthatswana, Ciskei and Venda.
2	**State obligations**	Bind the State so departments must submit building plans for approval.
3	**Section 7 clarity**	Address subjective terms such as "disfigured", "unsightly" and "objectionable". More than 36 court cases have challenged the Act; most concern Section 7.
4	**Coordination**	Establish a **dtic-**chaired committee of relevant departments and institutions to coordinate the built environment and support drafting of building regulations.

STATUS AND NEXT STEPS

CONSULTATION STATUS

3 JUL 2026	Bill published for a 60-day public-comment period after obtaining Cabinet approval on 6 May 2026.
13 OCT 2026	Comment period extension gazetted after receiving stakeholder requests.
13 NOV 2026	Final deadline for comments.

60+ **sets of comments received**

REVISION AND APPROVALS

1. **Consolidate and revise**

   Assess comments and incorporate changes where applicable.

2. **Obtain certification**

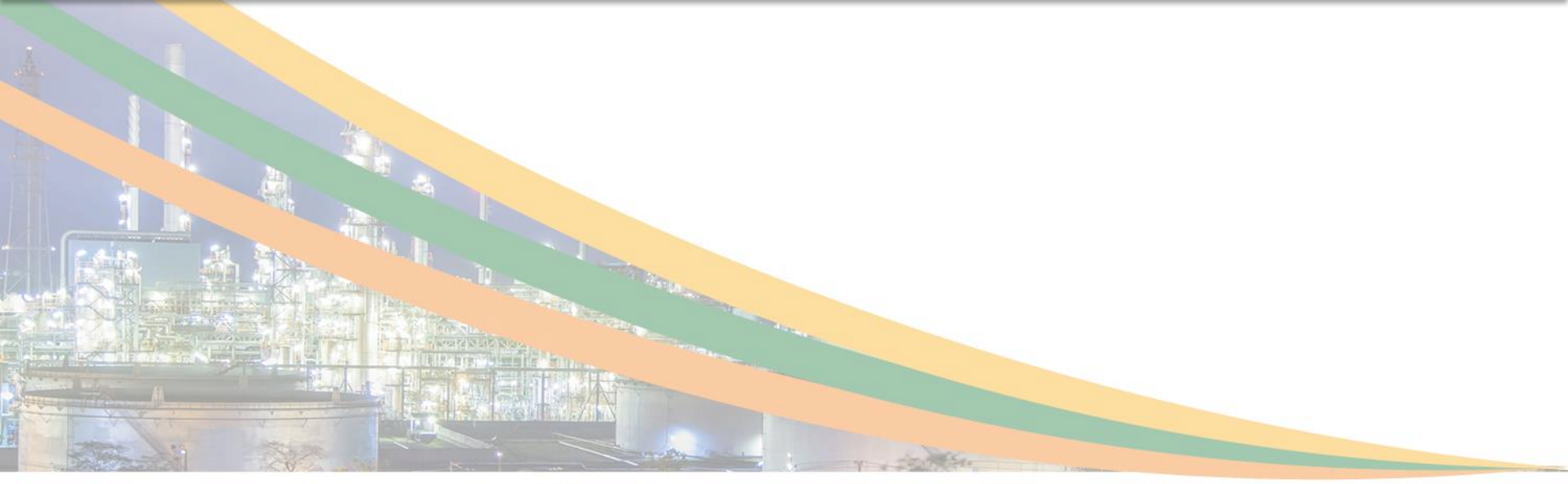
   Finalise the revised SEIAS and obtain OCSLA certification of revised Bill.

3. **Secure approval and introduce**

   Return through the Economic Cluster and Cabinet, then introduce the Bill in Parliament.

Target date to return to Parliament: March 2027

SUGAR INDUSTRY - STABILISATION, DIVERSIFICATION AND THE HEALTH PROMOTION LEVY



PARLIAMENTARY ENGAGEMENT PRODUCED FOUR CLEAR COMMITTEE OUTCOMES



PORTFOLIO COMMITTEE

04
OUTCOMES

HPL
COLLOQUIUM
DIVERSIFICATION
LEGISLATIVE REFORM

01 Stakeholder engagement completed

The Committee engaged extensively on the Health Promotion Levy and its impact on the sugar industry.

02 Colloquium could not be scheduled

Parliamentary programme constraints prevented a proposed HPL and diversification colloquium.

03 24-month HPL pause welcomed

The suspension creates time to develop alternative sugarcane value chains.

04 Legislative reform remains critical

Sugar-law amendments are needed to enable diversification and sustainable industry growth.

STABILISATION MEASURES PROTECT R24BN IN OUTPUT AND ONE MILLION LIVELIHOODS

≈ R24bn

annual industry contribution

65,000 direct jobs

270,000 indirect jobs

1 million livelihoods

01	**Offtake Commitment**	The industry has an offtake commitment of 95% of locally produced sugar per season, against a total target of 1.550 million tonnes, subject to availability. The Government committed to regulating the aggressive penetration of sugar imports into the country.
02	**Health Promotion Levy**	Industry has formally requested National Treasury to remove the Health Promotion Levy (HPL), while advocating for evidence-based policy decisions informed by the findings of the Total Dietary Health Intake Study.
03	**Production and employment**	SASA projects 16.81 million tonnes of sugarcane and 1.90 million tonnes of saleable sugar.
04	**Dollar-Based Reference Price**	The DBRP rose from US$680 to US$785 per ton, effective 28 August 2026.
05	**Industry contribution**	The sector remains critical to rural economies in KwaZulu-Natal and Mpumalanga.

DIVERSIFICATION IS READY TO MOVE FROM PRIORITIES TO INVESTMENT

FROM STRATEGIC PRIORITISATION TO INVESTMENT-READY DELIVERY

5	750mℓ	21,000
priority pathways	bioethanol potential p.a.	potential jobs

Diversification complements core sugar production while supporting jobs, rural growth, energy security and lower-carbon industrial development.

COMMITTEE MESSAGE

The opportunity set is defined. The immediate requirement is coordinated government decisions and implementation support.

FIVE PATHWAYS NEED DIFFERENTIATED ROUTES TO MARKET

SHESHA BEVERAGES



WORLD'S FIRST

Raw sugarcane-based and fortified energy drink

Shesha Beverages is produced by the South African Canegrowers Association (SACGA). It is already on the market and requires upscaling.

SOCIAL IMPACT

- Supports local sugarcane farmers and rural communities in KwaZulu-Natal and Mpumalanga.
- Proceeds help sustain small-scale and commercial growers.

NEXT STEPS

To explore sustainable sugar offtake opportunities through the Shesha Beverages initiative to expand market access and strengthen the sugar value chain.

BIOETHANOL

Illovo is championing the development of bioethanol production and has tabled an implementation plan. Work is underway to establish a Special Purpose Vehicle (SPV), with engagements planned with National Treasury (NT) and the Department of Mineral and Petroleum Resources (DMPR) on pricing and certification requirements.

Scale: Up to 750m litres/year; about 8% of the national petrol pool.

Investment: Over R1bn brownfield; about R2.4bn greenfield.

Constraint: R6–R8/litre viability gap plus unresolved blending, pricing, duty and tax treatment.

SUSTAINABLE AVIATION FUEL

Biochem Africa and Petronscientech, a private-sector company, have tabled their implementation plan, with a site visit to the Engen facility in the Southern Basin planned to facilitate the rollout and support implementation.

Opportunity: Ethanol and second-generation routes using bagasse, cane trash and other feedstocks.

Enablers: Refinery assets, airport logistics and potential CEF/PetroSA collaboration.

Next proof: Economics, feedstock, offtake, regulatory screening and comparative site assessment.

COGENERATION

Value: Dispatchable renewable power with grid-support potential.

Need: Named mill project champions and an implementation plan.

Constraint: Certainty on procurement, tariffs, grid connection and wheeling.

FOS AND BIOPRODUCTS

FOS is produced by the South African Farmer Development Association (SAFDA) and is being piloted at Stellenbosch University.

Status: Pilot supported through evidence-based milestones and financial modelling.

Approach: Retain PLA under review; do not advance to immediate implementation.

Decision basis: Technical validation, market evidence and bankable economics.

IMPLEMENTATION PRIORITIES & GOVERNMENT ACTION

KEY INTERDEPARTMENTAL AND STATE-OWNED ENTITY ACTIONS

- **the dtic**: co-ordinate policy responses and escalate unresolved matters.
- DMPR / SARS / National Treasury: clarify blending, pricing, licensing, duties, rebates and fiscal treatment.
- Electricity & Energy / Agriculture / DFFE: clarify grid access and tariffs; feedstock and sustainability; environmental approvals.
- IDC / CEF / PetroSA / ACSA: test financing, project structuring, assets, logistics and potential offtake.

JOBS, SKILLS & TRANSFORMATION

Employment and Labour identified support for employment facilitation, labour activation, compliance and TVET workplace learning.

Project-level job and skills impacts must be quantified and aligned to implementation schedules.

IMMEDIATE DELIVERABLES

Consolidated project packs and comparative site assessments for SAF and related projects.

Written policy positions and clear approval pathways for priority projects.

A single verified quarterly dashboard for executive and parliamentary oversight.

Committee focus: support coordinated government decisions that unlock investment while tracking jobs, transformation, feasibility and delivery milestones.

MOVE FROM STUDIES TO ACCOUNTABLE IMPLEMENTATION

NOW

Formalise the technical workstream

Appoint experts; confirm terms of reference, deliverables and reporting dates.

NEXT REPORTING CYCLE

Secure fiscal and customs assessment

Obtain written responses on rebates, duties, fiscal exposure and controls.

NEXT QUARTER

Define the cogeneration pathway

Identify procurement, tariff, grid-access and pilot options.

QUARTERLY

Publish one verified dashboard

Track deliverables, decisions due, owners, deadlines, risks and escalation status.

IMPLEMENTATION PRIORITIES

1 Consolidate the bioethanol decision paper.

2 Complete standardised project packs, starting with bioethanol and SAF.

3 Advance CEF/PetroSA–industry collaboration and comparative site assessment.

4 Through the Master social compact explore Sugar Offtake Opportunity for the SHESHA beverage.

Measure success by decisions and investment readiness, not by reopening completed prioritisation.

SIX GOVERNMENT DECISIONS WILL UNBLOCK DELIVERY

DECISION AREA	REQUIRED STATE ACTION	LEAD ACCOUNTABILITY
HPL	Parliament's assistance is sought to facilitate engagement between industry and the Department of Health and to obtain feedback on the outstanding Total Dietary Health Intake Study. The study's findings are critical to informing an evidence-based assessment of the HPL, including its public health outcomes and impact on the sugar value chain.	**DoH**
Bioethanol mandate and pricing	Confirm blending level, implementation pathway, regulated pricing, producer support and blender cost recovery.	**DMPR + the dtic**
Fiscal and customs treatment	Assess tariff headings, refund or rebate mechanisms, duties, levies, controls and fiscal affordability.	**National Treasury + SARS**
Cogeneration market route	Define procurement, tariff, grid-access, wheeling and system-service arrangements.	**Electricity and Energy + system entities**
SAF standards and demand	Set certification, fuel-quality, demand-support, airport logistics and coordination arrangements.	**Relevant departments + CEF/PetroSA + ACSA**
Environmental approvals	Provide early, coordinated screening for environmental, waste, water and land-use requirements.	**DFFE + water authorities**

THE SOUTH AFRICAN SPACE INDUSTRY REGULATORY BILL, 2026
TO REPEAL THE SPACE AFFAIRS ACT NO. 84 OF 1993



SUMMARY

the dtic oversees the administration of the South Africa's Space Affairs Act, 1993, which established SACSA to regulate National Space activities, and is supported by the National Space Policy (2008).

Recognising that the Act is outdated, the Department is developing new legislation to modernise regulation, strengthen the National Space Authority, improve efficiency, and better align with International Obligations while supporting growth of the Space industry and South Africa's global credibility.

WHY SPACE

Socio-Economic Development

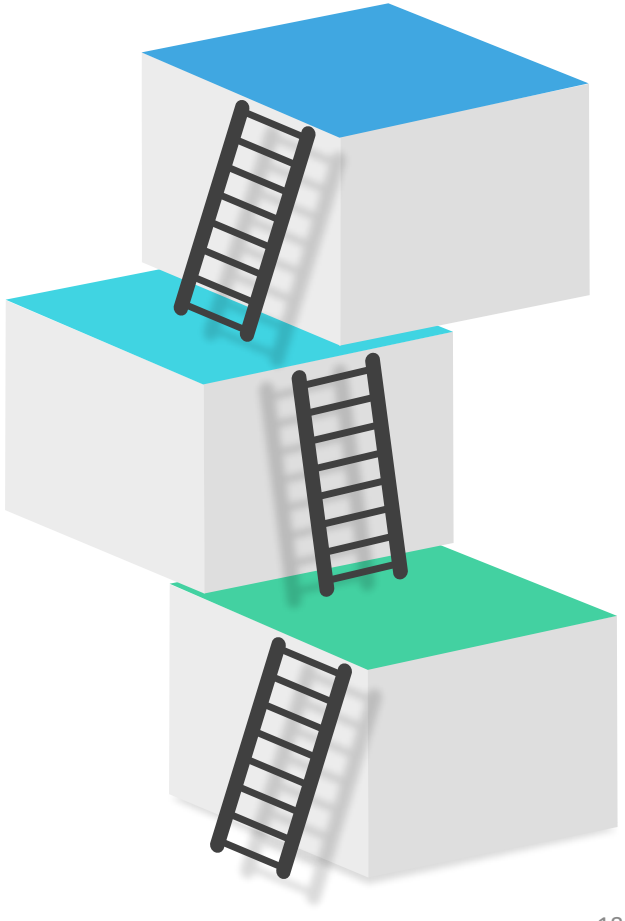
Space applications are used to support evidence-based policy-making by decision-makers in National, Provincial Government and Municipalities, while also stimulating growth of the local Space industry and related sectors.

National Security

Space applications are critical to National Security as they provide a synoptic view of the earth's surface, accurate real-time location-based services and secured telecommunications.

Policy Relevance

Space is identified as the strategic sector and as one of the key **enablers of the Knowledge Economy** & 4IR supports the Industrial Policy as well as identified as one of five grand challenges in the 10-Year Innovation Plan.



NEED FOR LEGISLATION

Civilian/ Commercial Focus



Military Focus

Regulatory Bill

- ❑ Regulate space activities
- ❑ Reduce State risk and Vulnerability

National Space Policy

- ❑ Space for Socio-Economic Development
- ❑ Extended until adoption of Bill

Space Affairs Act

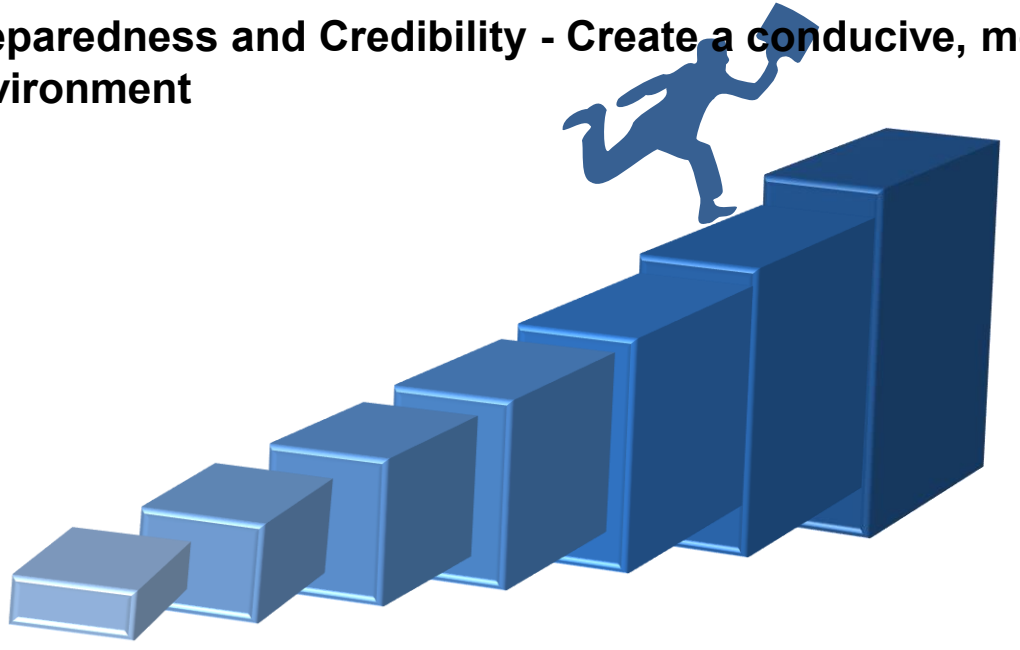
- ❑ Based on UN Treaties
- ❑ SA Council for Space Affairs

NEED FOR LEGISLATION

Primacy of the Bill:

Regulatory Certainty - Limit the liability to the State; and

Preparedness and Credibility - Create a conducive, modern and supportive regulatory environment



Rapid Growth of local private & public space activities



Legislation must remain up to date and aligned with evolving developments and requirements

NEED FOR LEGISLATION

South Africa is a Member of UNCOPUOS

UNCOPUOS is the focal point for International space governance & cooperation



01 The Outer Space Treaty

02 The Rescue Agreement

03 The Liability Convention

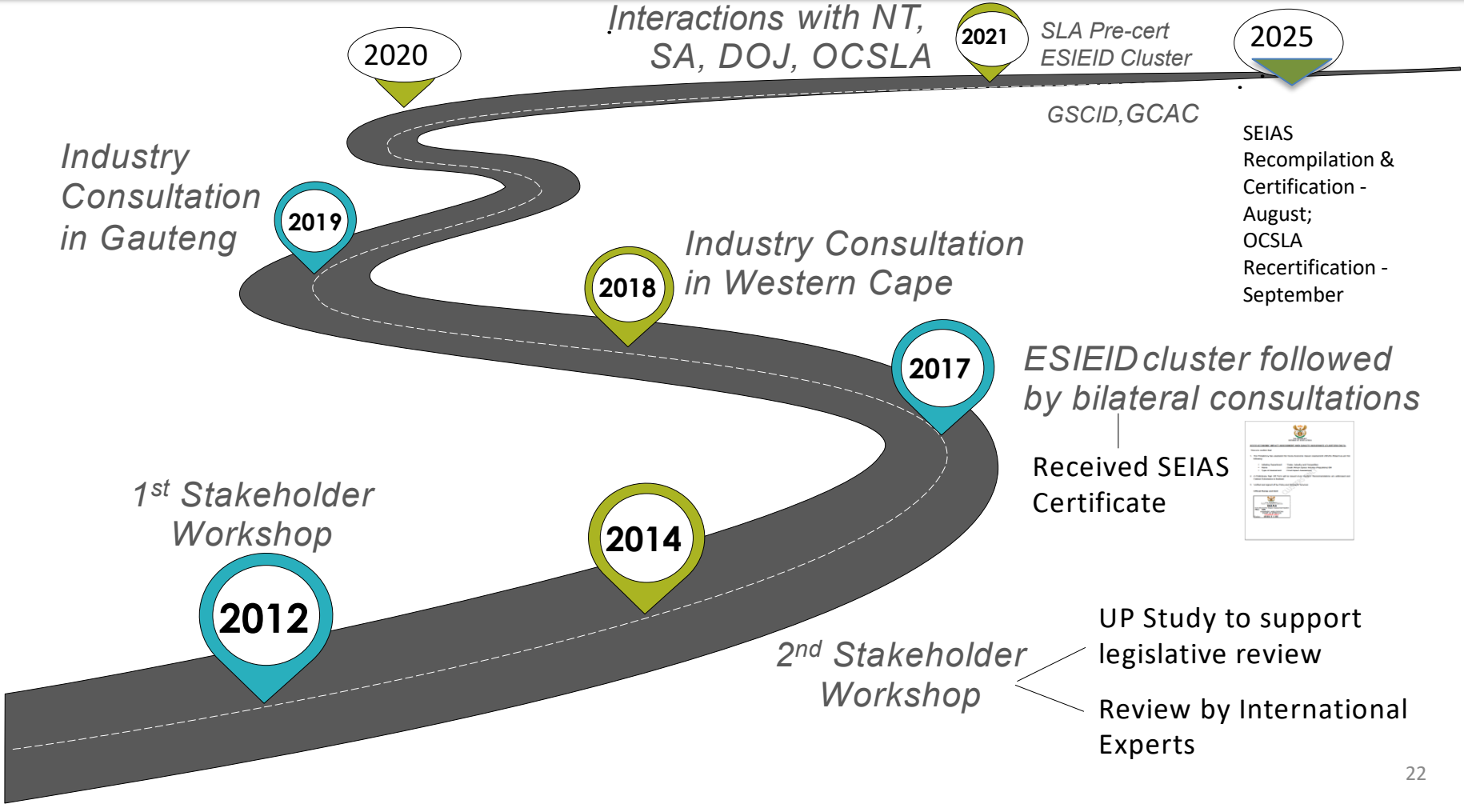
04 The Registration Convention

SA acceded to these UN Treaties/ Agreements

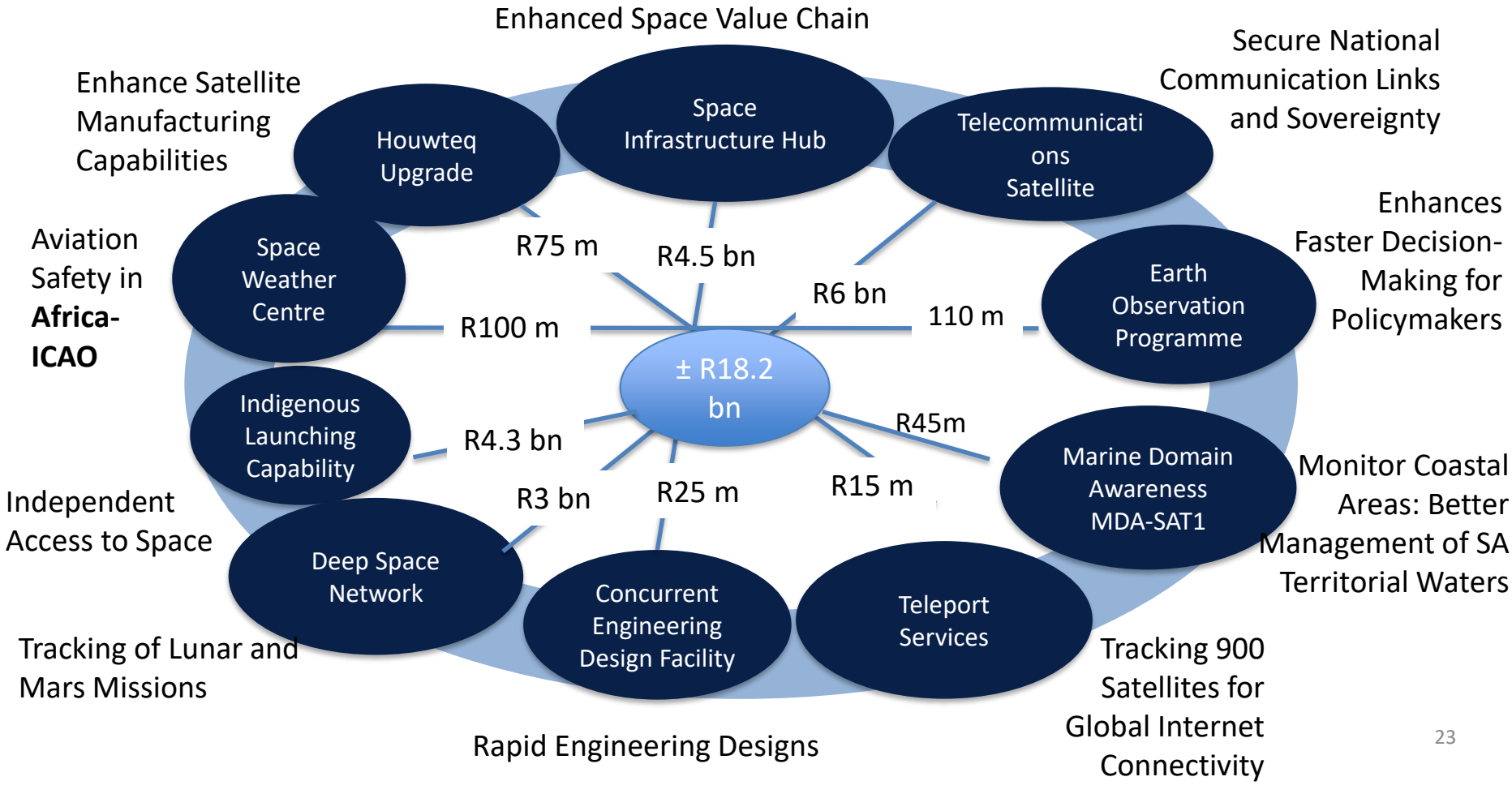
International agreements regarding the long-term sustainability of outer space

(Preserve space for future generations)

PROCESS MAP


2012
1st Stakeholder Workshop
2014
2nd Stakeholder Workshop
UP Study to support legislative review
Review by International Experts
2017
ESIEID cluster followed by bilateral consultations
Received SEIAS Certificate
2018
Industry Consultation in Western Cape
2019
Industry Consultation in Gauteng
2020
Interactions with NT, SA, DOJ, OCSLA
2021
SLA Pre-cert ESIEID Cluster
GSCID, GCAC
2025
SEIAS Recompilation & Certification - August;
OCSLA Recertification - September

CURRENT & FUTURE PROGRAMMES



WHAT HAS CHANGED



Regulatory Focus

Restriction in the use of dual-use technology and adherence to MTCR, NSG, Wassenaar Agreement, etc.

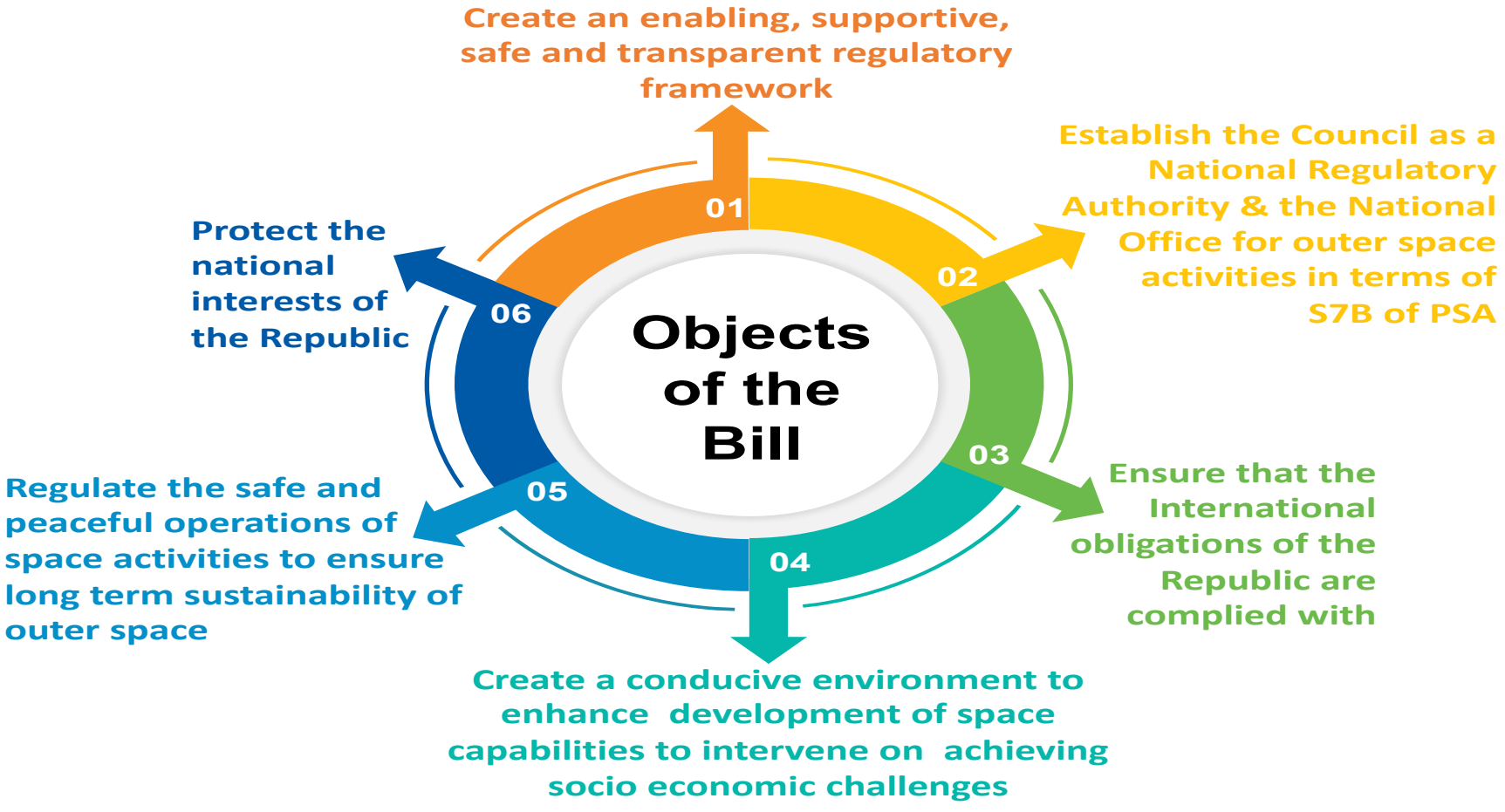
Compliance to UN
Treaties and Conventions



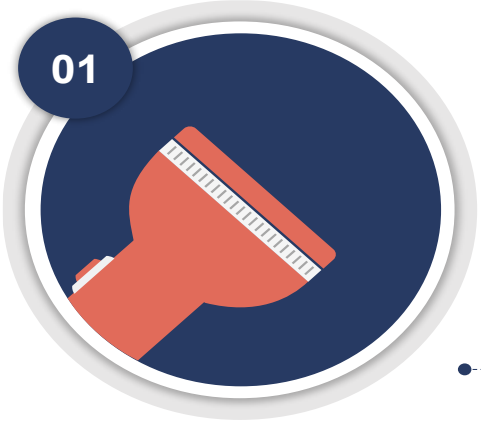
Industry Development

Stimulation of the development and sustainability of the local space industry and responding to the socio-economic challenges of the country/region

PROPOSED LEGISLATION



PROPOSED LEGISLATION - PLACES OBLIGATIONS ON BOTH STATE & INDUSTRY



Obligations of the Space Council

- Ensure proper and continuous supervision of space activities
- Scrutinise annual operational space object declarations



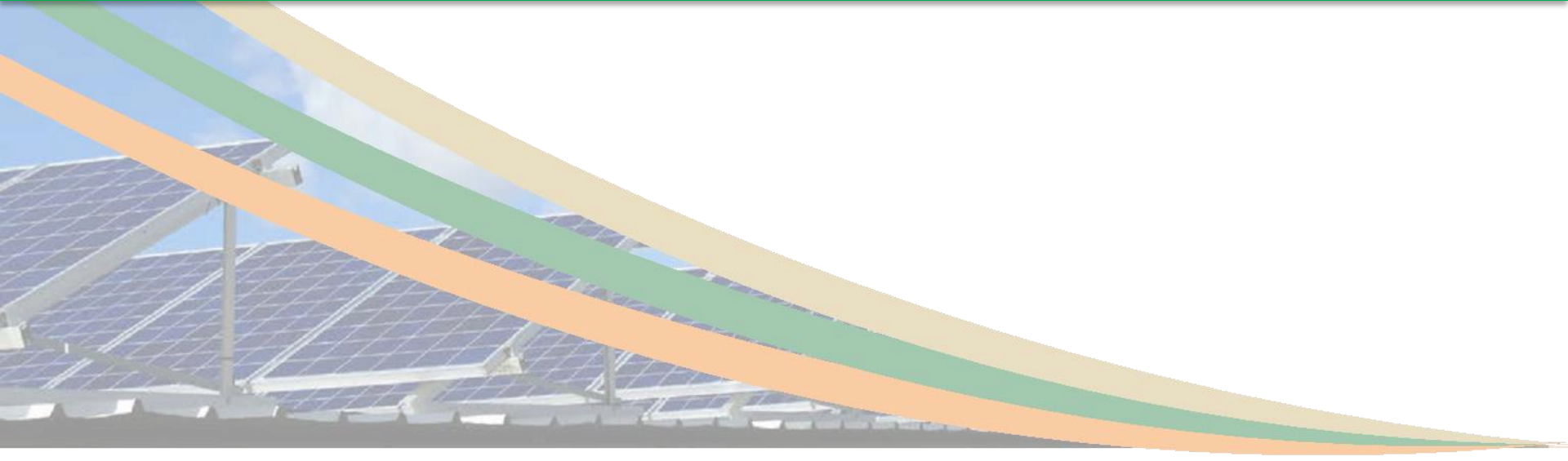
Obligations of Licensees

- Placement in orbit, any post launch changes, on orbit commissioning plan, etc.
- Operational status, any loss of operational control
- End-of-life disposal, planned re-entry, etc.
- Any change of ownership, and any other changes with conditions of the license

CURRENT STATUS

- Cabinet approved the draft Space Bill for a 60-day public comment period on 23 September 2026.
- The Bill was gazetted on 30 October 2026, with comments closing on 29 December 2026.
- Consideration is given to extending the deadline to 30 January 2027 due to the year-end business closure period.
- Thereafter, **the dtic** will consolidate the comments and resubmit the Bill through the Cabinet process before its introduction to Parliament.

OMNIBUS BILL, NATIONAL CREDIT AMENDMENT BILL, LIQUOR AMENDMENT BILL, INTELLECTUAL PROPERTY LAWS AMENDMENT ACT 2013 (IPLAA), COMPANIES AMENDMENT BILL, ONLINE GAMBLING, AND THE ACCESSION TO THE MARRAKESH TREATY



OMNIBUS BILL

• The Department of Trade, Industry and Competition (**the dtic**) has identified the Omnibus Bill as a legislative measure that will unlock bottlenecks to secure investment in the country. The Bill will create an enabling environment that will inform sustainable economic growth.
• The Bill aims to address turnaround times, contribute to the ease of doing business and reduce red tape.
• The focus of the Bill is on investment unblocking and infrastructure development.
• The Bill aims to focus on legislation across the whole of Government, which will require collaborative efforts.
• Initial consultations took place with other government departments.
• The draft Omnibus Bill was developed. Given the complexity of the Bill, it has been the subject of internal consultations.
• The Department's laws proposed for the Omnibus Bill include:
• **Patents Act** – Reform towards phased substantive examination and related transparency mechanisms. Creating streamlined administrative opposition or revocation channels to reduce uncertainty and litigation costs.
• **Designs Act** – Modernising filing and processing in accordance with procedural standards, with electronic filing and communications by default. Furthermore, enabling the inclusion of multiple designs in one application.
• **Copyright Act** – Investment focus of the Bill on digitisation and exceptions, as well as alignment with digital treaties.
• **The Investment Act** – International investors look for clear decision criteria, reason-giving duties and service standards in implementing regulations and administrative practice. The amendments will codify: (i) time-bound decision-making; (ii) single-request rules (no repeated document demands); (iii) publication of guidance; and (iv) internal review or escalation before litigation/arbitration, so that the law has greater predictability. Reviewing the definition of investment. The definition of investment determines the scope of protection.
• The Mineral and Petroleum Resources Development Act – for mining and upstream investment. Reviewing decision-making processes and licensing turnaround times to address delays.
• The Bill will be subjected to external consultations. The certification and Socio-Economic Impact Assessment will also be undertaken. The Bill is planned to be tabled at Cabinet for public consultation in Quarter 4 of 2026/27.

NATIONAL CREDIT AMENDMENT BILL

- The National Credit Amendment Bill will address regulatory constraints that have impacted the credit market. The Bill will address issues on debt review, Micro-, Small- and Medium Enterprises data, the enforcement powers of the National Credit Regulator and the National Consumer Tribunal.
- In 2026, **the dtic** consulted with key industry stakeholders to solicit issues for consideration in the Bill.
- There were research studies from the NCR that have informed some of the reforms.
- The Department is coordinating amendments with the NCR and NCT through a technical Committee.
- The Bill will undergo the legal vetting process through the Office of the Chief State Law Advisor (DoJ&CD) and will be subjected to the Socio-Economic Impact Assessment System [DPME]. A Regulatory Impact Assessment will inform further reforms, where required, during the course of the policy work.
- The Bill will be tabled at Cabinet.

LIQUOR AMENDMENT BILL

- The National Liquor Policy Council reconvened in 2025, and it was decided that the Bill be strengthened to take into account developments and trends that have emerged.
- Accordingly, the review of the Bill commenced with consultations with key stakeholders, followed by further research on the Bill.
- Consultations have been ongoing with provinces on issues of interest.
- The Bill will address, *inter alia*, the strengthening of enforcement, e-commerce, restricting advertising, intergovernmental issues impacting provinces, a track and trace system for liquor, and age verification.
- A socio-economic impact assessment will be conducted to inform the possible inclusion of additional provisions.
- The revised Bill will be submitted for certification and SEIAS and tabled before Cabinet.

INTELLECTUAL PROPERTY LAWS AMENDMENT ACT, 2013
- TIMELINE OF THE ACT -

- Bill introduced to the National Assembly 20 April 2010.
- The Department of Trade and Industry briefed the Portfolio Committee on the Intellectual Property Laws Amendment Bill on 18 May 2010.
- The Bill was passed by the National Assembly and sent to the NCOP on 26 October 2011.
- The Bill was passed by both Houses and sent to the President for assent on 07 December 2011.
- The Bill was returned to the National Assembly by the President due to reservations about its constitutionality on 19 September 2012.
- The Bill was passed by the National Assembly on 04 June 2013.
- The Bill was passed by both Houses and sent to the President for assent on 14 November 2013.
- The IPLAA was signed by the President and became the Act 28 of 2013 in December 2013.
- In April 2016, the Minister of Science and Technology introduced the Protection, Promotion, Development and Management of Indigenous Knowledge Systems (IKS) Bill to the National Assembly.
- The Department of Trade and Industry paused the development of regulations in 2015 to await the Department of Science & Innovation's (DSIs) Bill. One of the main reasons for non-enactment was to ensure alignment with the DSI legislation which is now passed into law.
- In 2017, the Departments presented to the joint Portfolio Committees on Science & Technology and Trade & Industry to outline the alignment of the IPLAA and the DSI law.
- In March 2020, the Departments presented the integrated approach to the Portfolio Committee on Trade and Industry.

CONTEXT OF IPLAA

- Indigenous knowledge is critical in the economic development and development of the cultural industry of South Africa.
- IPLAA aims to recognise and protect certain manifestations of indigenous knowledge. South Africa has a rich heritage that has an impact on the communities and society.
- Indigenous Knowledge Systems (IKS) deals with research, development, promotion, education and strengthening of the regime of Indigenous Knowledge.
- The Intellectual Property Laws Amendment Act amends South Africa's four existing Intellectual Property (IP) statutes to incorporate indigenous intellectual knowledge as a form of IP, the laws are as follows:
  - The SA Copyright Act 1978, the Performers' Protection Act 1967, the Trademarks Act 1993 and the Design Act 1993 are amended to include certain forms of traditional knowledge protection.

CHALLENGES WITH IPLAA …

- This Act is not in force and certain stakeholder groups have expressed an opinion in support of repealing it.
- The fact that the other Indigenous Knowledge legislation exists in the Department of Science and Innovation (DSI), which deals with promotion and preservation of indigenous knowledge, the only relevant remaining aspect in the IPLAA is the three requirements of prior informed consent, disclosure of the source of origin and benefit-sharing agreement; There was a view that only the registration of indigenous knowledge meeting IP requirements will be considered for registration under IPLAA.
- The Department was of the opinion that other features of IPLAA can be suitably implemented in the DSI piece of indigenous knowledge legislation to avoid overlapping functions between these two pieces of legislation.
- It is observed that functions and institutions such as National Council, National Trust and National Database in IPLAA constitute overlapping and duplication of the functions in both IPLAA and DSI Indigenous Knowledge legislation and it was considered, they will not be implemented.

…CHALLENGES WITH IPLAA

- A legal opinion was sought in 2020 by **the dtic** for clarity on several issues pertaining to the legislation and matters connected thereto in order to develop a plan for the development of regulations and implementation of the IPLAA.
- The legal opinion advised that IPLAA is flawed in key respects: the definitions of what the relevant works are, fails to address registration sufficiently, is not clear on issues of originality, assignment and less likely to benefit the communities as is. The Department was advised to amend the law rather than develop the regulations. Furthermore, piecemeal implementation is discouraged.
- During August 2020, the Regulation Branch of **the dtic** conducted consultations on the Legal Opinion with the stakeholders from legal and academic backgrounds as well as Government.
- The views received from the stakeholders were mixed. Some of the stakeholders disagreed with the outcomes and legal aspects of the Legal Opinion finding fundamental flaws in law and others supported the Legal Opinion and repeal of the legislation.

STATUS OF THE ACT

- The Act is not being implemented and there are no regulations to bring the Act into force.
- The process to develop the regulations will not be an easy process given the criticism against the Act and core issues raised about the Act being defective.
- There may be uncertainties that may subject the Act to litigation in future due to interpretation issues and provisions in the Act highlighted by other experts and the legal opinion. There are also concerns that this may not benefit the communities and may bring more uncertainties for them.
- The Department of Science and Innovation (DSI) has developed sui generis legislation for the protection of Indigenous Knowledge as indicated in previous slides.
- There are possible overlaps with the DSI legislation.
- International treaty has not been concluded in this area due to the complexity of this area of work.
- The Companies and Intellectual Property Commission is an entity of the Department of Trade, Industry and Competition with a legislative mandate to: register Companies, Cooperatives, Copyright in films, Designs, Trademarks, Patents and the Department has engaged with CIPC extensively on the implementation of the Act and measures to address the challenges.
- The Department has commented on the regulations by the DSI in 2021.
- The Department will be considering options on the legislation.
- There will be internal consultations to chart a way forward.

COMPANIES AMENDMENT BILL

- The previous Parliamentary process emanated from other amendments that required further consideration.
- The sections include those on gender pay gaps, Section 5 (other laws/The Convention on International Interests in Mobile Equipment Act), Section 6 (electronic communication), Section 30 (extension to submit AFS – Companies Tribunal/CIPC), Section 69 (minimum requirements to be a director), Section 75 (related persons/directors), Section 129 (the solvency and liquidity test), etc. The Regulatory Impact Assessment was concluded in 2021, and the recommendations will be taken into consideration.
- The Department coordinated additional issues in business rescue through its work with CIPC and obtained issues from SARS and the Department of Transport. The amendments will be consulted on with experts in corporate law – the Specialist Committee on Company Law, **the dtic** regulators, as well as other experts. The issues were consolidated but were impacted by capacity constraints. The policy will be developed and consulted on, and a draft Bill will be developed.

ONLINE GAMBLING

- The National Gambling Act of 2004, Item 5 of the Transitional Provision in the National Gambling Act 07 of 2004 (NGA) stated that the legislation for interactive gambling must be processed in two years after the NGA was passed.
- The 2008 Amendment Act provided for interactive gambling, a form of online gambling.
- The Department has developed a draft policy on online gambling and has been working with the National Gambling Technical Committee, provinces, and the National Gambling Board to integrate the work.
- Interactive Gambling (Online Gambling) is currently prohibited, the recommendation is to allow it in the Republic.
- Details of the policy are being integrated and will be put for public participation within this financial year.
- The Online Gambling Policy document has been drafted and consulted on with the provinces and the NGB.
- Further consultations with the provinces and relevant stakeholders is ongoing.
- A Socio-Economic Impact Assessment Study will be conducted to inform possible provisions.
- The Policy will follow the normal legislative processes.

THE ACCESSION TO THE MARRAKESH TREATY

- The current court application involving the Minister of Trade, Industry and Competition versus Blind SA and others, refers.
- South Africa has not acceded to the Marrakesh Treaty.
- The Department is addressing the court application and will communicate a way forward.
- The rights of persons who are blind, virtually impaired and print disabled are important and **the dtic** will ensure that the process to accede to the Treaty is underway.

AMENDMENTS TO LEGISLATION:

- PATENTS BILL
- DESIGNS AMENDMENT BILL
- TRADE MARKS AMENDMENT BILL
- INTERNATIONAL TRADE ADMINISTRATION AMENDMENT BILL



AMENDMENTS TO PATENTS LEGISLATION

A new Patents Bill has been drafted; the objectives of Bill include:

- Repeal and replace the Patents Act, 1978 (Act No. 57 of 1978);
- Implement the recommendations of the IP Policy;
- Promote public health;
- Enhance legal certainty;
- Stimulate innovation;
- Contribute to South Africa's broader development objectives; and
- Improve inclusivity of the patent system.

Main proposals in the Bill:

- Change from deposit system to search and substantive examination (SSE) system to ensure that patents only granted when meet standard of genuine innovation.
- Provide for parallel importation of essential medicines or products necessary to respond health security requirements, including to a state of disaster in terms of Disaster Management Act (No. 57 of 2002).

AMENDMENTS TO PATENTS LEGISLATION

Main proposals in Bill continues:

- Incorporates TRIPS Flexibilities and brings SA patent law in line with international best practice and improves accessibility of the patent system.
- Introduction of utility models (sometimes called “second tier” or “petty” patents) to protect and encourage local incremental innovation.
- Provides a fee reduction for SMMEs.
- Reform of the patent profession in line with international best practice to reduce barriers to entry and allow broader participation from previously disadvantaged individuals.

DESIGNS AMENDMENT BILL

Objective of Design Amendment Bill:

- Alignment with the new Patents Bill. This is necessary since patents and designs law and practice are inter-connected.
- Provides a fee reduction for SMMEs.
- Amends the Designs Act to align with the Protection, Promotion, Development and Management of Indigenous Knowledge Act (No. 6 of 2019) to enhance inter-departmental efforts to protect indigenous knowledge from misappropriation.
- Incorporates the recommendations of the approved Intellectual Property Policy and deletes obsolete provisions as well as substituting old terminology.

PROGRESS AND WAY FORWARD ON PATENT BILL AND DESIGNS AMENDMENT BILL

- Legal opinions obtained from Departments of Justice and Constitutional Affairs (DoJ) as well as International Relations and Cooperation (DIRCO).
- Socio-Economic Impact Assessment (SEIAS) was conducted and supported the proposed amendments.
- Two public workshop were held in conjunction with the World Intellectual Property Organisation (WIPO) in Johannesburg and Cape Town on the aim of the Bill and its alignment with international obligations and best practice. IP Practitioners, academics and representatives of some foreign governments attended the workshops.
- The Bill have been submitted to the Executive Authority for approval to publish for public comment.
- The Companies and Intellectual Property Commission (CIPC) has already started preparatory work for the implementation of the amendments to the patent system proposed, especially the SSE, including the recruitment and training of patent examiners and the development of a supportive ICT infrastructure for implementation.

AMENDMENTS TO TRADE MARKS ACT

- The main aim of the Trade Marks Amendment Bill is to enable the accession to and implementation of the Madrid Protocol.
- The Madrid Protocol ensures trade mark protection via a single international registration and promotes efficient protection of trade marks across jurisdictions.
- The Madrid System is seen as one mechanism for cross-border trade facilitation in a highly competitive global economy.
- Smaller enterprises might wish to offer their products and services on the global stage. Such enterprises would not normally have the means to seek trademark protection on a country-by-country basis and face the prospect of foregoing overseas markets. The implementation of the Madrid System in South Africa will therefore assist SMMEs.
- Accession to the Madrid System is a conduit for a country's modernisation of its IP system (through legislative amendments and systems development).

PROGRESS AND WAY FORWARD ON TRADE MARKS AMENDMENT BILL

- Trade Marks Amendment Bill have been drafted.
- Updated legal opinion from DoJ to be obtained.
- Updated SEIAS will be obtained after the legal opinion received from DoJ.
- Process also started to amendment regulations to implement changes proposed in the Trade Marks legalisation and first draft of amended Regulations prepared.
- Once updated legal opinion from DoJ received as well as SEIAS, the Trade Marks Amendment Bill will be submitted to the Executive Authority for approval to publish for public comments.

AMENDMENTS TO INTERNATIONAL TRADE ADMINISTRATION ACT (ITA ACT)

- The main purpose of the International Trade Administration Amendment Bill is to:
  - strengthen and increase the effectiveness of provisions in the ITA Act to deal with fraudulent activities and illegal imports and exports;
  - clarify the statutory underpinnings of ITAC's Tariff and Trade Remedy investigations and to streamline the process in line with international best practice;
  - ensure efficient implementation of trade defense instruments in view of the current changes in the global landscape; and
  - provide for measures to be taken for national security reasons.

Progress and way forward:

- Draft amendments to the ITA Act have been published for public comments.
- Comments received are being evaluated and a second draft of the International Trade Administration Amendment Bill is being prepared.
- The second draft of the Bill will be submitted for a legal opinion by OCSLA and SEIAS will then be obtained before submitting the Bill to Cabinet in 2027.

REVIEW OF THE NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION ACT (ACT 87 OF 1993)



OBJECTIVES OF THE ACT

- The Non-Proliferation of Weapons of Mass Destruction Act, 1993, (Act 87 of 1993) was assented to on 23 June 1993 and commenced on 16 August 1993.
- The Act was promulgated amongst others, to:
  - provide for control over weapons of mass destruction and the establishment of the South African Council for the Non-Proliferation of Weapons of Mass Destruction to control and manage matters relating to the proliferation of such weapons in the Republic.
  - mandate **the dtic** to support the Council since the Non-Proliferation Act resides under the auspices of the Minister of Trade, Industry and Competition.
  - allow for any person who is in control of any activity with regard to controlled goods or who has in his possession or custody or under his control controlled goods, to register with the Council.
  - mandate the Council to identify and indicate to the Minister goods and technologies to be declared controlled goods.
- The Act also states that the Minister of Trade, Industry and Competition may on recommendation of the Council, whenever he deems it necessary or beneficial to the public interest; through Regulations or notice in the Government Gazette declare goods which may contribute to the design, development, production, deployment, maintenance or use of weapons of mass destruction to be controlled goods.
- The Act further lists a schedule of offences and penalties applicable to each offence.

LEGISLATIVE CONTEXT: ORIGIN AND FRAMEWORK

- The Act was enacted in 1993, with subsequent amendments in 1995 and 1996, which adjusted selected institutional and administrative provisions.
- Since then, South Africa has adopted the 1996 Constitution, developed new legislation and regulatory systems, and continued to implement international non-proliferation obligations. The activities and technologies relevant to strategic trade controls have also evolved.
- As such, the Act required review to assess whether its structure remains fit for purpose: whether responsibilities are clear, whether powers are appropriately framed and whether controls cover relevant non-proliferation activities.
- The broader review commenced in 2004, considering policy, legislation, control mechanisms, processes, procedures, infrastructure and capacity, with the aim of keeping the framework aligned with national interests, international non-proliferation obligations and good practice.
- A draft Amendment Bill was developed and presented to the Council in July 2012. It was not taken forward to Parliament because the legal review identified overlaps between the Non-Proliferation Act and the Nuclear Energy Act, 1999 (Act No. 46 of 1999).

LEGISLATIVE CONTEXT: ORIGIN AND FRAMEWORK

- A consultation process with the Minister of Electricity and Energy was then initiated. Work on the review continued during the 2016 to 2018 period, including interdepartmental consideration of coordination between **the dtic** and the Department of Electricity and Energy. This was followed by the possibility of conducting a SEIAS process.
- However, a consolidated assessment to resolve the institutional and legislative questions was not completed.
- In 2022, legal advice recommended a policy review be initially conducted. The Non-Proliferation Council is currently considering a draft policy.
- A new, updated Bill will follow upon completion of the policy, SEIAS process, legal due diligence and stakeholder consultation.

LEGISLATIVE CONTEXT: REASONS FOR REVIEW

- There are three main reasons why a new Bill is required:
  - First, the Act predates the Constitution and many current institutional arrangements. The review must therefore examine its terminology, allocation of powers and procedures for constitutional and legal consistency.
  - Second, the review needs to assess whether the framework adequately addresses activities such as transit and transshipment, brokering, intangible transfers of technology and proliferation financing where relevant.
  - Third, the law should provide clear accountability. This includes appropriately defined inspection and enforcement powers, suitable appeal or review mechanisms, and clear coordination between departments and institutions.
- As such, the policy position should first be finalised and approved followed by the completion of the SEIAS process and legal due diligence, relevant stakeholder consultation before a new Amendment Bill is processed for approval and Parliamentary procedures.

SECTIONS TO BE REVIEWED: (1)

- Section 1, which contains definitions, will be examined to determine whether key terms remain clear and current, in line with international best practice.
- Sections 2 and 3 concern policy and compliance-related matters. The review will consider how policy direction is established, what consultation is required, and how other public authorities are expected to cooperate or comply. The objective is to make the responsibilities and procedures clear in legislation.
- Sections 4 to 6 relate to the Council, the objects of the Act and the Council's functions. These provisions should be assessed to ensure that the Council's composition, responsibilities, accountability and coordination arrangements reflect current institutional realities.
- Section 8, which addresses powers outside the Republic. The scope and conditions of any extraterritorial power must be clear and consistent with the Constitution and applicable law.
- Sections 12 and 13 are identified for review in relation to inspectors, controlled goods and permits. The aim is to determine whether the powers and procedures are sufficiently clear and proportionate. This includes whether relevant activities such as transit, transshipment, brokering and technology transfers are adequately addressed.
- Sections 14 and 15 concern information and samples. The review will consider what information may be required, who may request it, how requests are limited and documented, and how confidential or sensitive information is handled. Requests for samples or technical information should be supported by a clear legal basis and appropriate safeguards.

SECTIONS TO BE REVIEWED: (2)

- Sections 18 and 19 will be examined in relation to decisions and review. The legislative framework should provide clear procedures for decisions, appropriate reasons and fair processes, as well as access to review or appeal mechanisms consistent with applicable administrative-justice requirements.
- Section 20, concerning delegation, will be assessed to clarify who may exercise delegated powers, the scope of those powers and how accountability is maintained.
- The offences and penalties framework should also be reviewed. The aim is to determine whether sanctions are current, proportionate and appropriately differentiated according to the seriousness of the conduct. The review will consider whether administrative penalties are suitable for specified minor contraventions, while serious offences remain subject to appropriate criminal sanctions.
- Related provisions, including sections 21 onward and section 27, together with regulations, will be verified to ensure internal consistency and alignment with the Constitution and applicable legislation.

B-BBEE LEGISLATION



B-BBEE POLICY REVIEW

- **The review and strengthening of the B-BBEE policy** has commenced, and the following work has been done to date:
  - **Amendment of Sections 12 (reporting) and 15 (timely resolution of complaints and administrative efficiency)** of the B-BBEE Regulations – to be published before the end of November 2026.
  - **Statement 400 and related Statements for the operation of the Transformation Fund**. This was published for public comment; the analysis of inputs has been completed and is being considered for incorporation into the final gazette.
  - **Youth Employment Service initiative Regulations** – areas proposed for amendment to improve implementation, are being processed for gazetting.
- Review of the B-BBEE Policy, including the Strategy and Act, to redefine a new vision for transformation in South Africa, considering the ever-changing economic environment in South Africa and globally, has also commenced. It is expected that a draft policy will be developed by the end of the current financial year to be used as a basis for consultation with stakeholders.

THANK YOU