

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE  
CANBERRA

**AGREEMENT**  
**ON SCIENTIFIC AND TECHNOLOGICAL COOPERATION**  
**BETWEEN**  
**THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT**  
**OF THE REPUBLIC OF SOUTH AFRICA**

**Canberra, 18 October 2006**

Not yet in force  
[2006] ATNIF 24

**AGREEMENT ON SCIENTIFIC AND TECHNOLOGICAL COOPERATION  
BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE  
REPUBLIC OF SOUTH AFRICA**

The Government of Australia and the Government of the Republic of South Africa (hereinafter jointly referred to as the "Parties" and separately referred to as a "Party");

CONSIDERING that the development of scientific and technological relations shall be of mutual benefit to their countries;

DESIRING to strengthen cooperation between their respective countries, particularly in the fields of science and technology; and

CONSIDERING further that such cooperation will promote the development of existing friendly relations between their respective countries;

HEREBY AGREE as follows:

**ARTICLE 1**

**General Cooperation**

- (1) The Parties shall promote the development of cooperation in the fields of science and technology between their respective countries on the basis of equality and mutual advantages.
- (2) Without prejudice to the generality of the preceding paragraph, the Parties shall promote, under the framework of this Agreement, scientific and technological cooperation between their respective government agencies, enterprises, research institutions, universities and other research and development organisations (together referred to as "Cooperating Organisations").

## **ARTICLE 2**

### **Modalities of Cooperation**

Subject to the domestic law of the countries of the Parties, cooperation between the Parties in the fields of science and technology shall be effected by the:

- a) exchange of scientists, research workers, specialists, and scholars;
- b) exchange of scientific and technological information and documentation;
- c) organisation of bilateral scientific and technological seminars and courses in areas of mutual interest; and
- (d) joint identification of scientific and technological problems, the formulation and implementation of joint research programmes, the application of the results of such research in industry, agriculture and other fields, and the exchange of experience and know-how resulting therefrom.

## **ARTICLE 3**

### **Entry and Stay**

Subject to the domestic law of the countries of the Parties, each Party shall facilitate the entry and stay of the other Party's citizens in its country for the purposes of this Agreement as set out in Articles 1 and 2. Nothing in this Agreement prevents a Party from cancelling or refusing entry to a person or imposing conditions in order to regulate the entry and stay of persons and the movement of persons across its borders in accordance with its domestic law.

## **ARTICLE 4**

### **Implementing Arrangements**

- (1) The Parties may jointly negotiate and conclude any arrangements for the effective implementation or operation of any aspect of this Agreement that they deem necessary. Such arrangements may be constituted by, or evidenced in, a written instrument.
  
- (2) A Cooperating Organisation of one Party may jointly negotiate and conclude with a Cooperating Organisation of the other Party any arrangements for the effective implementation or operation of any aspect of this Agreement that they deem necessary. Such arrangements may be constituted by, or evidenced in a written instrument.
  
- (3) Any arrangement entered into pursuant to sub-Articles 1 and 2 of this Article may include:
  - a) provisions on the acquisition, protection, sharing, transfer and licensing of intellectual property;
  - b) provisions governing financial aspects of the arrangements; and
  - c) a mechanism enabling the Parties or Cooperating Organisations to consult on, and amicably settle between themselves, any disputes arising under the arrangement.
  
- (4) Arrangements shall take into account the applicable domestic law of the country of the Party in whose jurisdiction the particular cooperative activities are to be undertaken.
  
- (5) Unless they otherwise agree, the Parties shall conclude programmes of cooperation, compiled biennially or in another agreed period, setting out the

details of cooperative activities, as an implementing arrangement pursuant to sub-Article 1 of this Article.

## **ARTICLE 5**

### **Designation of Competent Authorities**

- (1) The Government of the Republic of South Africa designates the Department of Science and Technology as its Competent Authority responsible for the promotion and coordination of this Agreement.
- (2) The Government of Australia designates the Department of Education, Science and Training as its Competent Authority responsible for the promotion and coordination of this Agreement.

## **ARTICLE 6**

### **Equipment and Apparatus**

The terms and delivery of the equipment and apparatus required for joint research and for pilot plant studies instituted in furtherance of this Agreement shall be agreed upon, in writing, either between the Parties or between the relevant Cooperating Organisations in each individual case.

## **ARTICLE 7**

### **Exchange of Information**

The Parties shall promote cooperation among scientific libraries, centres of scientific and technological information, and scientific institutions for the exchange of books, periodicals and bibliographies, including the exchange of information and documents by means of electronic information and communications networks.

## **ARTICLE 8**

### **Third Parties**

Neither Party shall divulge confidential information obtained by it or its personnel from the other Party unless:

- (a) the other Party provides written consent to the disclosure; or
- (b) the Party is required to disclose the information in accordance with its domestic law; and has informed the other Party in writing of this obligation.

## **ARTICLE 9**

### **Financial Matters**

Financial arrangements involved in the implementation of this Agreement shall be settled in arrangements between the Parties, the Competent Authorities or the relevant Cooperating Organisations as appropriate, in respect of the programmes of cooperation.

## **ARTICLE 10**

### **Assistance to Citizens**

Each Party shall, subject to the domestic law of its country, afford to the citizens of the other Party, who are lawfully present in its territory, all reasonable assistance and facilities in carrying out activities under this Agreement.

## **ARTICLE 11**

### **Settlement of Disputes**

Any disputes between Parties arising out of the interpretation or implementation of this Agreement shall be settled amicably through consultation or negotiation between the Parties.

## **ARTICLE 12**

### **Entry into Force and Termination**

- (1) The Parties shall notify each other through the diplomatic channel when their domestic requirements for the entry into force of this Agreement have been fulfilled.
- (2) This Agreement shall enter into force on the date of receipt of the last notification referred to in sub-Article 1 of this Article.
- (3) This Agreement shall remain in force indefinitely unless terminated by either Party by giving notice of its intention to terminate the Agreement through the diplomatic channel. The termination shall take effect six weeks after the date of receipt of the notification.
- (4) Cooperative activities under this Agreement which have been commenced as at the date of receipt of a notification to terminate this Agreement shall be allowed to be fully executed after the termination has taken effect.
- (5) If the Parties so agree, they shall review this Agreement three years after the date of entry into force.

## **ARTICLE 13**

### **Amendments**

This Agreement may be amended by mutual consent in accordance with the domestic requirements of the Parties. Any such amendment shall be effected through an Exchange of Notes between the Parties through their diplomatic channel.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed and sealed this Agreement in duplicate in the English language, both texts being equally authentic.

Done at Canberra on this eighteenth day of October two thousand and six.

FOR THE GOVERNMENT OF  
AUSTRALIA

FOR THE GOVERNMENT OF THE  
REPUBLIC OF SOUTH AFRICA

Hon. Julie Bishop  
Minister for Education, Science and  
Training

Mosibudi Mangena  
Minister for Science and Technology