PRESENTATION OF THE DAC LEGISLATIVE PROGRAMME 2010 TO THE PORTFOLIO COMMITTEE OF ARTS AND CULTURE

5 MAY 2010

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DEPARTMENT OF ARTS AND CULTURE
1. DAC LEGISLATIVE PROGRAMME 2010

- Cultural Laws Third Amendment Bill
- Community Library Bill
- South African Language Practitioners Council Bill
- South African Languages Bill
3. CULTURAL LAWS THIRD AMENDMENT BILL

- General Laws Amendment Bill (X2) for effecting alignment and technical amendments.
- A Section 75 Bill for acts not impacting on provinces.
- A Section 76 Bill for acts impacting on provinces.
- Bill was presented to Cabinet in May 2008.
- Bill was certified by the State Law Advisors in August 2008.
- Consultation with all relevant stakeholders was conducted in 2009 and 2010.
4.1. CULTURAL LAWS THIRD AMENDMENT - SECTION 75 BILL

Legislation Amended

- National Film and Video Foundation Act, 1997
- South African Library for the Blind Act, 1998
- National Library of South Africa Act, 1998
4.2 CULTURAL LAWS THIRD AMENDMENT - SECTION 75 BILL
General Amendments

- Council is the Accounting Authority.
- Extension of the term of office of Council from 3 years to 4 years.
- Rationalization of size of council.
- Chairperson to sign agreement with Minister aligned to strategic objectives of Council.
- Code of conduct for Council members.
- Performance agreement and code of conduct for CEO.
- Regulate the term of office of CEO to 5 years
- CEO to be appointed in consultation with Minister.
- Remuneration and reimbursement for reasonable expenses for Council members.
4.3 CULTURAL LAWS THIRD AMENDMENT - SECTION 76 BILL

Legislation Amended

- Legal Deposit Act, 1997
- National Arts Council, 1997
- Cultural Institutions Act, 1998
- National Heritage Council Act, 1999
- National Heritage Resources Act, 1999
4.4 CULTURAL LAWS THIRD AMENDMENT - SECTION 76 BILL
General Amendments

- Council is the Accounting Authority.
- Extension of the term of office of Council from 3 years to 4 years.
- Rationalization of size of councils.
- Chairperson to sign agreement with Minister aligned to strategic objectives of Council.
- Code of conduct for Council members.
- Performance agreement and code of conduct for CEO.
- Regulate the term of office of CEO to 5 years.
- CEO must be appointed in consultation with Minister
- Remuneration and reimbursement for reasonable expenses for Council members.
4.5 CULTURAL LAWS THIRD AMENDMENT - SECTION 76 BILL
Specific amendments to certain legislation

• Legal Deposit Act -Amendments places of legal deposit, Provision for the performance of administrative and secretarial functions of the committee;

• South African Geographical Names Council Act Minister entitled to appoint other members if MEC’s do not nominate provincial representatives within 3 months, secretariat capacitated.

• Cultural Institutions Act -Establishment of National Museums Division as a National Heritage substructure consisting of the DG and CEO’s of declared institutions, explicit inclusion of performing arts councils, explicit reference that policy formulation limited to institutional policies and subject to national policy.

• National Heritage Council Act - advise the Minister on policies relevant to NHC and consistent with National policies, repatriation is a national responsibility.
5.1 COMMUNITY LIBRARIES BILL
OBJECTS

• Promote access to community libraries and information services.
• Provide national policy, principles, guidelines and minimum norms and standards.
• Promote co-operative governance.
• Equal access to libraries for all.
5.2 COMMUNITY LIBRARIES BILL - INSTITUTIONAL ARRANGEMENTS

- Responsibilities of Minister
  - formulating national policy and minimum norms and standards
  - Developing principles and criteria for allocation of public funds;
  - monitoring, evaluation and co-ordination of strategic planning and budgeting processes for libraries
5.3 COMMUNITY LIBRARIES BILL
INSTITUTIONAL ARRANGEMENTS

• Responsibilities of MECs
  - formulating provincial policy and minimum norms and standards
  - Establishing and maintaining provincial library services
  - Developing principles and criteria for allocation of public funds;
  - monitoring, evaluation and co-ordination of strategic planning and budgeting processes for libraries
5.4 COMMUNITY LIBRARIES BILL

INSTITUTIONAL ARRANGEMENTS

• Responsibilities of Municipalities
  - formulating municipal policy and minimum norms and standards
  - Establishing and maintaining municipal library services
  - Developing principles and criteria for allocation of public funds;
  - monitoring, evaluation and co-ordination of strategic planning and budgeting processes for libraries
5.5 COMMUNITY LIBRARIES BILL-MINIMUM UNIFORM NORMS AND STANDARDS

• Library infra-structure.
• Provision of Library services to the public.
• Library Technical Services.
• Library material and equipment.
• Library ICT.
• Library Human Resources and staffing requirement.
• Library monitoring and evaluation performance management mechanisms.
6. SOUTH AFRICAN LANGUAGE PRACTITIONERS COUNCILS BILL

- Establishes a Practitioners Council as a professional regulatory body.
- Core functions are to regulate the training of language practitioners; to provide for control over the accreditation and registration of language practitioners; and to provide for matters incidental thereto.
- Business case is being finalised in consultation with National Treasury
7.1 SOUTH AFRICAN LANGUAGES BILL

• The Bill was drafted in 2004 and submitted to Cabinet
• Cabinet referred the Bill back to DAC requesting DAC to advance multi-linguism through non legislative means;
• Lourens Judgment – 8 March 2010: The National Minister of Arts and Culture in her capacity as the responsible member of the executive authority is ordered to comply with the said obligation within two years from the date of this order or to ensure that it is complied with.
7.2 SOUTH AFRICAN LANGUAGES BILL
OBJECTS

To regulate and monitor their use of official languages to ensure compliance with section 6 (2) and 6 (3) of the constitution and to advance the constitutional imperative of multilingualism.
8. WAYFORWARD

• CLA Bill and Community Libraries Bill are the main priorities for 2010.
• Both Bills have been presented to Technical Committee (TIC).
• Both Bills to be presented to the next MINMEC
Thank You