



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1160.

7 June 1989

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 65 of 1989: Cultural Affairs Act (House of Assembly), 1989.

No. 1160.

7 Junie 1989

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 65 van 1989: Wet op Kulturele Aangeleenthede (Volksraad), 1989.

ACT

To provide for the preservation, fostering and extension of culture in the Republic by the provision of certain services and facilities; for the establishment of regional councils for cultural affairs; and for determining the objects, powers and functions of such councils; to confer certain powers upon the Minister in order to achieve those objects; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 26 May 1989.)*

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context otherwise indicates—

- (i) “Minister” means the Minister of Education and Culture: House of 5
Assembly; (ii)
- (ii) “regional council” means a regional council for cultural affairs established
under section 4 (1); (iii)
- (iii) “this Act” includes any regulation made under section 18. (i)

Application of Act

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2. The provisions of this Act shall, subject to the provisions of item 3 of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), apply, in relation to matters referred to in this Act, in respect of persons who are members of the population group members of which comprise the House of Assembly.

15

Powers of Minister

3. (1) In addition to the other powers assigned to the Minister by this Act, the Minister may out of moneys appropriated by the House of Assembly for such purpose in order to foster culture in the Republic—

- (a) acquire, develop and maintain movable and immovable property, or place 20
such movable and immovable property under the care of a regional council;
- (b) make grants for the undertaking of tours to and from foreign countries;
- (c) provide such services as he may deem necessary or expedient to give effect
to a recommendation of a regional council in terms of section 11 (1) (f),
whether or not in co-operation with a Department of State or any person; 25
and
- (d) subsidize or finance the functions contemplated in section 11 or similar
functions which the Minister deems necessary or expedient.

(2) A grant or the financing of a service in terms of subsection (1) shall be subject to such conditions as the Minister may determine, including conditions as to the 30
holding of inspections and the submission of reports.

(3) The Minister may at his discretion convene and consult such members of the regional councils as he may deem suitable, with a view to the determination of his policy as contemplated in section 10.

WET

Om voorsiening te maak vir die bewaring, bevordering en uitbouing van kultuur in die Republiek deur die verskaffing van bepaalde dienste en geriewe; vir die instelling van streekrade vir kultuursake; en vir die bepaling van die doelstellings, bevoegdhede en werksaamhede van sodanige rade; om aan die Minister bepaalde bevoegdhede te verleen ter bereiking van bedoelde oogmerke; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 Mei 1989.)*

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- 5 (i) “hierdie Wet” ook ’n regulasie uitgevaardig kragtens artikel 18; (iii)
 - (ii) “Minister” die Minister van Onderwys en Kultuur; Volksraad; (i)
 - (iii) “streekraad” ’n streekraad vir kultuursake wat kragtens artikel 4 (1) ingestel is. (ii)

Toeassing van Wet

- 10 2. Die bepalings van hierdie Wet is, behoudens die bepalings van item 3 van Bylae 1 by die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), van toepassing met betrekking tot aangeleenthede in hierdie Wet bedoel, ten opsigte van persone wat lede is van die bevolkingsgroep uit lede waarvan die Volksraad bestaan.

15 Bevoegdhede van Minister

3. (1) Benewens die ander bevoegdhede wat by hierdie Wet aan die Minister opgedra word, kan die Minister uit geld wat die Volksraad vir dié doel bewillig ter bevordering van kultuur in die Republiek—
- 20 (a) roerende en onroerende goed aanskaf, ontwikkel en in stand hou, of sodanige roerende of onroerende goed onder die toesig van ’n streekraad plaas;
 - (b) toekennings doen vir die onderneming van reise na en van die buiteland;
 - (c) die dienste verskaf wat hy nodig of dienstig ag om uitvoering te gee aan ’n aanbeveling van ’n streekraad ingevolge artikel 11 (1) (f), hetsy in
 - 25 samewerking met ’n Staatsdepartement of iemand al dan nie; en
 - (d) die werksaamhede beoog in artikel 11 of dergelike werksaamhede wat die Minister nodig of dienstig ag, subsidieer of finansier.
- (2) ’n Toekenning of die finansiering van ’n diens ingevolge subartikel (1) is onderworpe aan die voorwaardes wat die Minister bepaal, met inbegrip van
- 30 voorwaardes betreffende die hou van inspeksies en die voorlegging van verslae.
- (3) Die Minister kan na goeë dunde die lede van die streekrade wat hy geskik ag, byeenroep en raadpleeg met die oog op die bepaling van sy beleid in artikel 10 beoog.

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Establishment of regional councils

4. (1) The Minister may for every region determined by him establish one or more regional councils for cultural affairs, and assign a name to such regional council.

(2) Every regional council established under subsection (1) shall be a body corporate.

Constitution of regional councils

5. A regional council shall consist of the number of members determined by the Minister and appointed by him.

Chairman and vice-chairman of regional council

6. (1) The Minister shall designate a member of a regional council as chairman and another member as vice-chairman of the regional council.

(2) When the chairman of a regional council is absent or unable to perform his functions as chairman, the vice-chairman shall act as chairman and, when so acting, the vice-chairman shall have all the powers and perform all the functions of the chairman.

(3) If the chairman or vice-chairman ceases to hold office as a member of a regional council, the Minister shall designate another member of the council as chairman or vice-chairman, as the case may be.

(4) If both the chairman and the vice-chairman of a regional council are absent from a meeting of the regional council, the members of the regional council present at the meeting shall elect one of their number to preside at that meeting.

Rules for regional councils

7. A regional council shall frame rules for the convening of, the procedure at and the quorum for a meeting of the regional council and of a committee referred to in section 8, and the manner in which decisions at any such meeting shall be taken.

Committees of regional councils

8. (1) A regional council may appoint committees to assist it in the performance of its functions.

(2) A committee referred to in subsection (1) shall consist of two or more members.

(3) A regional council may assign any of its functions to a committee appointed in terms of subsection (1), but shall not be divested of any such function, and may amend or withdraw any decision of a committee.

Allowances of members of regional councils and committees

9. There shall be paid to a member of a regional council or of a committee of such council who is not in the full-time employment of the State, out of the funds of the regional council, in respect of the performance of his functions as such member, the remuneratory and other allowances determined by the Minister with the concurrence of the Minister of the Budget and Works.

Objects of regional councils

10. The objects of regional councils shall be to preserve, foster and extend culture in the region for which they are established in accordance with a policy determined by the Minister.

Powers and functions of regional councils

11. (1) In order to achieve the objects for which it has been established, a regional council may—

- (a) control, manage, develop and maintain movable and immovable property which has been placed under its care in terms of section 3 (1) (a);
- (b) acquire, hire, let or otherwise dispose of any movable property;

Instelling van streekrade

4. (1) Die Minister kan vir elke streek wat hy bepaal een of meer streekrade vir kultuursake instel, en 'n naam aan so 'n streekraad toewys.

(2) Elke streekraad kragtens subartikel (1) ingestel, is 'n regs persoon.

5 Samestelling van streekrade

5. 'n Streekraad bestaan uit die aantal lede wat die Minister bepaal en wat deur hom aangestel word.

Voorsitter en ondervoorsitter van streekraad

6. (1) Die Minister wys 'n lid van 'n streekraad as voorsitter en 'n ander lid as ondervoorsitter van die streekraad aan.

(2) Wanneer die voorsitter van 'n streekraad afwesig is of nie in staat is om sy werksaamhede as voorsitter te verrig nie, neem die ondervoorsitter as voorsitter waar en, terwyl hy aldus waarneem, het die ondervoorsitter al die bevoegdhede en verrig hy al die werksaamhede van die voorsitter.

15 (3) Indien die voorsitter of ondervoorsitter ophou om sy amp as lid van 'n streekraad te beklee, wys die Minister 'n ander lid van die raad as voorsitter of ondervoorsitter, na gelang van die geval, aan.

(4) Indien die voorsitter sowel as die ondervoorsitter van 'n streekraad van 'n vergadering van die streekraad afwesig is, kies die lede van die streekraad wat by die vergadering aanwesig is een uit hul midde om by daardie vergadering voor te sit.

Reëls vir streekrade

7. 'n Streekraad stel reëls op vir die belê van, die prosedure op en die kworum vir 'n vergadering van die streekraad en van 'n komitee bedoel in artikel 8, en die wyse waarop besluite op enige sodanige vergadering geneem word.

25 Komitees van streekrade

8. (1) 'n Streekraad kan komitees aanstel om hom by die verrigting van sy werksaamhede by te staan.

(2) 'n Komitee in subartikel (1) bedoel, bestaan uit twee of meer lede.

30 (3) 'n Streekraad kan aan 'n komitee ingevolge subartikel (1) aangestel enige van sy werksaamhede opdra, maar word nie van so 'n werksaamheid onthef nie, en kan 'n beslissing van 'n komitee wysig of intrek.

Toelaes van lede van streekrade en komitees

9. Daar word aan 'n lid van 'n streekraad of van 'n komitee van so 'n raad wat nie in die heeltydse diens van die Staat is nie, uit die fondse van die streekraad ten opsigte van die verrigting van sy werksaamhede as sodanige lid die vergoedende en ander toelaes betaal wat die Minister met die instemming van die Minister van Begroting en Werke bepaal.

Doelstellings van streekrade

40 10. Die doelstellings van streekrade is om kultuur in die streek waarvoor hulle ingestel is, te bewaar, te bevorder en uit te bou ooreenkomstig 'n beleid wat deur die Minister bepaal word.

Bevoegdhede en werksaamhede van streekrade

11. (1) Ten einde die doelstellings te bereik waarvoor hy ingestel is, kan 'n streekraad—

45 (a) roerende of onroerende goed wat ingevolge artikel 3 (1) (a) onder sy toesig geplaas is, beheer, bestuur, ontwikkel en in stand hou;

(b) roerende goed verkry, huur, verhuur of andersins van die hand sit;

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- (c) determine tariffs for the letting of any movable or immovable property placed under its care;
- (d) erect, equip or alter any building or structure on the immovable property contemplated in paragraph (a);
- (e) subject to subsection (2) (b) (ii), receive money or property as a donation, a bequest or in trust, and may control, use, manage or otherwise deal with it subject to the conditions (if any) of the donation, bequest or trust which are consistent with the objects of regional councils; 5
- (f) of its own accord or at the request of the Minister make recommendations on how its objects may be best achieved in the following fields, namely— 10
 - (i) the visual arts, music and the literary arts;
 - (ii) technology and natural and human sciences;
 - (iii) the utilization of leisure, including physical recreational activities which do not include participation in competitive sport; and
 - (iv) such other fields as the Minister may from time to time determine. 15
- (2) A regional council shall not—
 - (a) without the approval of the Minister erect any building or structure under subsection (1) (d);
 - (b) without the approval of the Minister given with the concurrence of the Minister of the Budget and Works— 20
 - (i) under subsection (1) (c) determine tariffs for the letting of movable or immovable property; and
 - (ii) under subsection (1) (e) accept any donation, bequest or trust—
 - (aa) of movable property subject to any condition; or
 - (bb) of immovable property. 25
- (3) Any immovable property which is donated or bequeathed to a regional council and which is accepted with the approval contemplated in subsection (2) (b), shall vest in the State.

Hiring of immovable property by regional councils

- 12. (1) A regional council may for the purpose of achieving its objects and subject to the approval of the Minister given with the concurrence of the Minister of the Budget and Works, hire immovable property specified in such approval. 30
- (2) The approval referred to in subsection (1)—
 - (a) shall only be given in respect of immovable property which is situated in the region of the regional council concerned; and 35
 - (b) shall be subject to the conditions specified therein.
- (3) A regional council may in respect of immovable property hired in terms of this section exercise all the powers conferred upon it by this Act.

Performance of administrative work of regional councils

- 13. The administrative work incidental to the performance of the functions of regional councils shall be performed by officers and employees of the Department of Education and Culture: Administration: House of Assembly who are placed at the disposal of a regional council in terms of the provisions of the Public Service Act, 1984 (Act No. 111 of 1984). 40

Insurance

- 14. A regional council may arrange with an insurer for the provision of insurance cover for the regional council against any loss, damage, risk or liability which it may suffer or incur, including cover in respect of all property under the care and control of the regional council. 45

Funds of regional councils

- 15. (1) The funds of regional councils shall consist of— 50
 - (a) moneys received from the letting of movable and immovable property;
 - (b) interest derived from investments;

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- (c) tariewe bepaal vir die verhuring van enige roerende of onroerende goed wat onder sy toesig is;
- (d) enige gebou of struktuur op die onroerende goed in paragraaf (a) bedoel, oprig, toerus of verander;
- 5 (e) behoudens subartikel (2) (b) (ii), geld of goed as 'n skenking, 'n bemaking of in trust ontvang, en dit beheer, gebruik, bestuur of op 'n ander wyse daarmee handel onderworpe aan die voorwaardes (as daar is) van die skenking, bemaking of trust wat bestaanbaar is met die doelstellings van streekraade;
- 10 (f) uit eie beweging of op versoek van die Minister aanbevelings doen oor hoe sy doelstellings ten beste bereik kan word op die volgende terreine, naamlik—
 - (i) die visuele, toon- en woordkuns;
 - (ii) die tegnologie en natuur- en geesteswetenskappe;
 - 15 (iii) vryetydbesteding, met inbegrip van liggaamlike ontspanningsbedrywighede wat nie deelname aan mededingende sport insluit nie; en
 - (iv) die ander terreine wat die Minister van tyd tot tyd bepaal.
- (2) 'n Streekraad mag nie—
 - (a) sonder die goedkeuring van die Minister enige gebou of struktuur kragtens subartikel (1) (d) oprig nie;
 - 20 (b) sonder die goedkeuring van die Minister gegee met die instemming van die Minister van Begroting en Werke—
 - (i) kragtens subartikel (1) (c) tariewe vir die verhuring van roerende of onroerende goed bepaal nie; en
 - 25 (ii) kragtens subartikel (1) (e) enige skenking, bemaking of trust—
 - (aa) van roerende goed onderworpe aan 'n voorwaarde; en
 - (bb) van onroerende goed, aanvaar nie.
- (3) Enige onroerende goed wat aan 'n streekraad geskenk of bemaak word en wat 30 met die goedkeuring beoog in subartikel (2) (b) aanvaar word, berus by die Staat.

Huur van onroerende goed deur streekraade

- 12. (1) 'n Streekraad kan ter bereiking van sy doelstellings en onderworpe aan die goedkeuring van die Minister gegee met die instemming van die Minister van Begroting en Werke, die onroerende goed in so 'n goedkeuring vermeld, huur.
- 35 (2) Die goedkeuring in subartikel (1) bedoel—
 - (a) word slegs gegee ten opsigte van onroerende goed wat in die streek van die betrokke streekraad geleë is; en
 - (b) is onderworpe aan die voorwaardes daarin vermeld.
- (3) 'n Streekraad kan ten opsigte van onroerende goed wat ingevolge hierdie 40 artikel gehuur word al die bevoegdhede uitoefen wat by hierdie Wet aan hom verleen word.

Verrigting van administratiewe werk van streekraade

- 13. Die administratiewe werk verbonde aan die verrigting van die werksaamhede van streekraade word verrig deur beamptes en werknemers van die Departement van 45 Onderwys en Kultuur: Administrasie: Volksraad wat ingevolge die bepalings van die Staatsdienswet, 1984 (Wet No. 111 van 1984), tot die beskikking van 'n streekraad gestel word.

Versekering

- 14. 'n Streekraad kan met 'n versekeraar reël vir die voorsiening by wyse van 50 versekering van dekking vir die streekraad teen enige skade, verlies, risiko of aanspreeklikheid wat hy mag ly of oploop, met inbegrip van dekking ten opsigte van alle goed onder die toesig en beheer van die streekraad.

Fondse van streekraade

- 15. (1) Die fondse van 'n streekraad bestaan uit—
 - 55 (a) geld verkry uit die verhuur van roerende of onroerende goed;
 - (b) rente uit beleggings verkry;

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- (c) moneys received by way of a donation, bequest or in trust;
- (d) subsidies or moneys received by virtue of section 3 (1) (d); and
- (e) moneys received from any other source.

(2) A regional council shall open an account with a banking institution approved by the Minister and shall deposit in such account all moneys received by the regional council in terms of this Act. 5

(3) Any moneys standing to the credit of the account referred to in subsection (2) and which are not required for immediate use or as a reasonable operating balance shall be invested with the Public Investment Commissioners, or shall be invested or utilized in such other manner as may be determined by the Minister with the concurrence of the Minister of the Budget and Works. 10

Financial year and estimates

16. (1) The financial year of a regional council shall terminate on 31 March in each year.

(2) A regional council shall annually submit in the form and at the time determined by the Minister, its estimates of revenue and expenditure for the ensuing financial year for approval to the Minister, and may during the course of the financial year submit to the Minister for approval supplementary estimates of expenditure for that year. 15

(3) A regional council shall, if the Minister at any time so directs, amend its estimates of revenue and expenditure in accordance with such direction. 20

(4) A regional council shall restrict its expenditure for any financial year to the amounts shown in its estimates of expenditure and which have been approved by the Minister for that financial year.

Accounts and auditing

25

17. (1) A regional council shall keep complete and accurate accounts of all moneys received and expended by the regional council, and of all its assets, liabilities and financial transactions.

(2) A regional council shall once every financial year and at the time and in the manner determined by the Minister, submit to the Minister in respect of the previous financial year, a statement of revenue and expenditure and a balance sheet, and shall provide the Minister with any additional information required by him. 30

(3) The accounts of a regional council shall be audited by the Auditor-General.

Delegation of powers and transfer of duties

18. (1) The Minister may, subject to such conditions as he may determine, delegate any of his powers under this Act, except the power to make regulations, and transfer any of his duties under this Act, to any officer of the Department of Education and Culture: Administration: House of Assembly. 35

(2) A delegation or transfer under subsection (1) shall not prevent the Minister from exercising such power or carrying out such duty himself. 40

Regulations

19. (1) The Minister may make regulations regarding—

- (a) the qualifications for appointment as and the term of office of, and the vacation of their offices by, members of a regional council, and the filling of casual vacancies on a regional council; 45
- (b) the system of accounting for and control of the moneys, stores and equipment of regional councils;
- (c) the procedure for inviting and accepting tenders for the execution of work on behalf of a regional council or in connection with the supply of goods and material to a regional council; and 50

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- (c) geld by wyse van skenking, bemaking of in trust ontvang;
- (d) subsidies of geld uit hoofde van artikel 3 (1) (d) ontvang; en
- (e) geld uit enige ander bron verkry.

(2) 'n Streekraad moet 'n rekening by 'n bankinstelling deur die Minister
5 goedgekeur, open, en moet in daardie rekening alle geld wat die streekraad
ingevoelge hierdie Wet ontvang, stort.

(3) Enige geld waarmee die in subartikel (2) bedoelde rekening gekrediteer is en
wat nie vir onmiddellike gebruik of as 'n redelike bedryfsaldo nodig is nie, moet by
die Openbare Beleggingskommissaris belê word, of moet op die ander wyse deur
10 die Minister met die instemming van die Minister van Begroting en Werke bepaal,
belê of aangewend word.

Boekjaar en begroting

16. (1) Die boekjaar van 'n streekraad eindig op 31 Maart in elke jaar.

(2) 'n Streekraad moet jaarliks in die vorm en op die tyd wat die Minister bepaal,
15 sy begroting van inkomste en uitgawe vir die daaropvolgende boekjaar vir goed-
keuring aan die Minister voorlê, en kan gedurende die loop van 'n boekjaar
aanvullende begrotings van uitgawe vir daardie boekjaar aan die Minister vir
goedkeuring voorlê.

(3) 'n Streekraad moet, indien die Minister dit te eniger tyd gelas, sy begroting van
20 inkomste en uitgawe ooreenkomstig sodanige lasgewing wysig.

(4) 'n Streekraad moet sy uitgawe ten opsigte van enige boekjaar beperk tot die
bedrae wat in sy begroting van uitgawe aangetoon is en wat deur die Minister vir
daardie boekjaar goedgekeur is.

Rekenings en ouditering

25 17. (1) 'n Streekraad moet volledige en juiste rekenings laat hou van alle geld deur
die streekraad ontvang en bestee, en van al sy bates, laste en finansiële transaksies.

(2) 'n Streekraad moet een keer elke boekjaar en op die tyd en wyse deur die
Minister bepaal 'n staat van inkomste en uitgawe en 'n balansstaat ten opsigte van
die voorafgaande boekjaar aan die Minister voorlê, en moet die Minister voorsien
30 van enige bykomende inligting deur hom vereis.

(3) Die rekenings van 'n streekraad word deur die Ouditeur-generaal geouditeer.

Delegering van bevoegdhede en oordrag van pligte

18. (1) Die Minister kan, behoudens die voorwaardes wat hy bepaal, enige van sy
bevoegdhede kragtens hierdie Wet, uitgesonderd die bevoegdheid om regulasies uit
35 te vaardig, en enige van sy pligte kragtens hierdie Wet, aan 'n beampte van die
Departement van Onderwys en Kultuur: Administrasie: Volksraad deleger of
oordra.

(2) 'n Delegering of oordrag kragtens subartikel (1) belet nie die Minister om die
betrokke bevoegdheid of plig self uit te oefen of uit te voer nie.

40 Regulasies

19. (1) Die Minister kan regulasies uitvaardig betreffende—

- (a) die kwalifikasies vir aanstelling en die ampstermyn van, en die ontruiming
van hul ampte deur, lede van 'n streekraad, en die vul van toevallige
vakatures in 'n streekraad;
- 45 (b) die stelsel van verantwoording vir en beheer oor gelde, voorrade en
toerusting van streekraade;
- (c) die prosedure in verband met die vra en aanneem van tenders vir die
uitvoering van werk namens 'n streekraad of in verband met die verskaffing
van goedere en materiaal aan 'n streekraad; en

