



4

060309 pe arts

save as: legprog

DEPARTMENT OF ARTS AND CULTURE SCHEDULE: LEGISLATIVE PROGRAMME 2006

Priority/ Urgency	Bill	Tagging	To reach Cabinet by:	Issues that bill aims to address/ enhance policy objectives	Funded
1.	Cultural Laws Amendment Bill	Section 75	21/04/2006	To make certain technical amendments to the Heraldry Act, the National Arts Council Act, the National Film and Video Foundation Act.	Yes - Existing Legislation
2.	Cultural Laws Second Amendment Bill	Section 76	26/05/2006	To make certain technical amendments to the Cultural Institutions Act, the South African Heritage Resources Act and the Geographical Names Council Act.	Yes - Existing Legislation
3.	Legal Deposit Amendment Bill	Section 76	26/05/2006	Bill is intended to improve the current Act in light of the last 7 years experience and increase enforcement capability relating to the Legal Deposit of published material, thereby enhancing the preservation of our documentary heritage.	Yes - Existing legislation
4.	Language Professions Council Bill	Section 75	1/09/2006	To regulate the accreditation and monitoring of language practitioners within the translation and interpreting disciplines.	Yes - Budgeted



**BRIEFING TO THE ARTS AND CULTURE PORTFOLIO COMMITTEE ON DAC
LEGISLATIVE PROGRAMME 2006**

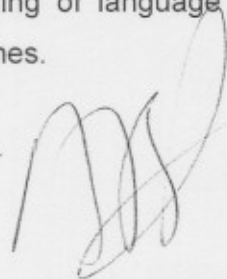
1. The Department passed the Cultural Laws Amendment Act and the Cultural Laws Second Amendment Act in 2001. Making use of a general laws amendment act expedites the process of effecting essential and urgent technical amendments to a range of related legislation.
2. The Director: Legal Services (D/LS) is currently in a process of auditing and revising all the legislation administered by the Department.
3. The audit and revision is done in consultation with the line function divisions through intensive workshops incorporating affected institutions.
4. This audit and revision also runs concurrently with the overall revision initiated by the South African Law Commission focussed at the identification of legislation which is still operational and the repeal of outdated legislation or obsolete provisions in legislation.
5. The D/LS has identified numerous essential and urgent technical amendments to the legislation administered by the Department. These amendments will address aligning the Department's legislation with the Public Finance Management Act, 1999; Promotion of Administrative Justice Act, 2000; and the Promotion of Access to Information Act, 2000. It will also address inconsistencies in the appointment and remuneration of the Councils of our institutions.
6. Many of the *lacunae* identified have led to inconsistencies in the administration of the legislation. By revising all our legislation with a General Laws Amendment it expedites the legislative process and promotes legal certainty in the applicability and enforcement of our legislation.

7. It must be clearly understood that the Department's legislative programme 2006 is aligned with the overall policy review process of the department. The amendments proposed in the legislative programme are of a purely technical nature designed to improve the enforceability of the legislation and align DAC legislation with other legislation such as the PFMA and the Constitutional legislation for example in our Cultural Institutions Act it empowers the Minister to appoint the Council and also remove members of the Council on reasonable grounds. The PFMA goes further in that in its definition of ownership control it empowers the executive authority ie. Minister to appoint or remove the CEO of a public entity.

8. It was originally intended to have a separate bill for the amendments to the SAGNC Act. However, it is been deemed more expedient that as the amendments were approved by the department as well as the previous geographical names council that these amendments should rather be done through a Cultural Laws second amendment bill. It must be borne in mind that a new council is being appointed and that the Makhado name change high court case is on appeal in the Supreme Court of Appeal in Bloemfontein.

8. There has been extensive consultation on the Legal Deposit Amendment Bill and it has been approved by the Legal Deposit Committee.

9. The National Language Service has requested that the Language Professions Council Bill be placed on the legislative Programme as it is imperative to have legislation in order to regulate the accreditation and monitoring of language practitioners within the translation and interpreting disciplines.



HEAD: LEGAL SERVICES

DATE: 2006-03-09

pcreport060307