

# **HERITAGE POLICY AND LEGISLATION REVIEW**

## **Presentation to the Portfolio Committee on Arts & Culture**

Department of Arts & Culture

CA 236A



1

## **INTRODUCTION AND BACKGROUND**

Purpose of this presentation is to formally:

- Brief the Portfolio Committee on the process (policy and legislation review)
- We believe this is essential, we do not want to come to you with an almost finished product
- This meeting affords you the opportunity to input and give strategic direction to the process
- This is part of broad consultations that the department has embarked upon



2

## **DAC POLICY & LEGISLATION DEVELOPMENT IN CONTEXT**

- Policy development process began with the ACTAG process in 1994 / 1995
- Against the background of euphoria and excitement that characterized freedom from colonial and apartheid rule.
- The White Paper was adopted in 1996 as the first official policy document of the then DACST.
- Need to remember that this was the context of the RDP and later GEAR.



3

## **DAC POLICY & LEGISLATION DEVELOPMENT IN CONTEXT (2)**

- The White paper is a very elaborate and ambitious document.
- Some of the shortcomings is that it was slanted towards the performing arts, very little on heritage.
- Content on heritage thin and contradictory.
- Disjuncture between white paper and legislations to be developed out of the white paper.
- Omissions, aspects of policy were not implemented e.g. grading of museums and national museums policy.
- Duplications / overlap of legislation e.g. the NHC and SAHRA act, as well as the Cultural Institutions Act.



4

## AFFECTED LEGISLATION

- Heraldry Act, 18 of 1962
- Cultural Promotion Act, 35 of 1983
- Legal Deposit Act, 54 of 1997
- National Archives and Record Service of South Africa, 43 of 1996
- National Library for the Blind Act, 91 of 1998
- National Library of South Africa Act, 92 of 1998
- The South African Geographical Names Council Act , 118 of 1998
- Cultural Institutions Act, 119 of 1998
- National Heritage Council Act, 11 of 1999
- National Heritage Resources Act, 25 of 1999
- National Council on Library Information Services Act, 6 of 2001

5

## WHY A POLICY AND LEGISLATION REVIEW?

- Apart from the shortcomings above, which are a tip of the iceberg, there are more serious shortcomings
- A cabinet decision in 2004 for the review of policies and legislation
- This was not review for the sake of review, but to determine whether policies have had the intended impact
- To embark on corrective measures in instances of disjuncture between policies and outcomes
- In Arts & Culture a decision to review policies and legislation was taken by the TIC and endorsed by MinMec

6

## WHY A POLICY AND LEGISLATION REVIEW (2)?

In the heritage, archives and libraries branch, the review is essential for the following reasons:

- To bridge gaps between policy pronouncements and legislation
- To eliminate duplications and overlaps amongst and between acts
- To eliminate wastage of public resources
- To eliminate confusion and tension between or amongst institutions
- To clarify roles, in some instances, institutions are tasked with functions that belong to other institutions and the department, e.g.
  - Repatriation: National Heritage Resources Act, 1999 (Act No 25 of 1999) and the National Heritage Council Act, 1999 (Act No 11 of 1999)
  - National Museums Division: Cultural Institutions Act, 1998, no 119 article 12 and the NHC
  - Article 23 of the National Heritage Resources Act 25 of 1999 alludes to the establishment of Provincial Heritage Resources Authorities (PHRAS)
  - White Paper: record and conserve intangible heritage, grading of declared cultural institutions



7

## THE PROCESS THUS FAR

- DAC has had numerous consultative meetings with other stakeholders, e.g. provincial and local spheres of government, statutory institutions, and others
- A policy review summit is envisaged for next year (Mr Madlavu)
- Heritage & Archives appointed a service provider to assist with the process
- Research and consultations are continuing



8

## THE PROCESS THUS FAR (2)

In any policy formulation or review process, consultation is of utmost importance for a number of reasons:

1. Consultation affords stakeholders an opportunity to exchange views, as well as enrich each others opinions, and the process of policy formulation.
2. Consultation is inherent and entrenched in institutions of a democracy.
3. A policy that is a product of a broad consultative process is more likely to be positively received by its intended audience. It also makes implementation less contested.



9

## REFERENCE GROUP TERMS OF REFERENCE

The reference group met on 3 November 2006 and will meeting again on 5 December 2006.

- When the initial policies and legislation of the department were developed, there were some complaints from certain quarters of the South African society that the consultation process was not broad enough and to a certain extent elitist.
- The reference group will provide strategic support and insight on the content and direction of the policy and legislative review process.
- The reference group will comprise of experts in the fields of heritage, libraries, heraldry and archives.
- The reference group will meet as required with officials of the DAC and the service provider. The purpose of such meetings will be to evaluate progress and give strategic direction to the process.



10

5/20/06/F01103

## TIME FRAMES

- Preliminary report: 5 December 2006
- Final report on review: mid February 2007
- Proposed draft amendments: end March 2007



11

# THANK YOU



12