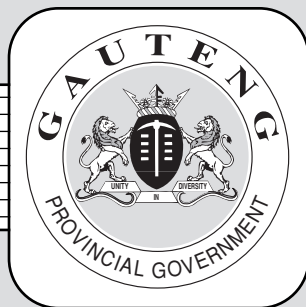


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

# **Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant**

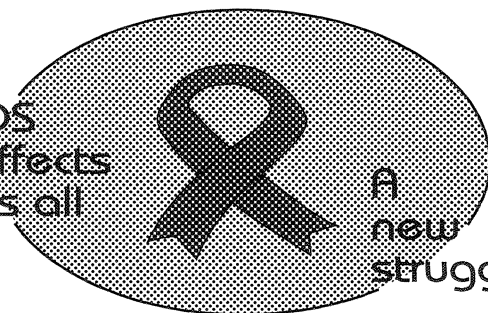
**Vol. 20**

PRETORIA, 29 JANUARY 2014  
JANUARIE 2014

**No. 18**

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

**Prevention is the cure**

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## GENERAL NOTICES

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### NOTICE 219 OF 2014



#### **THE GAUTENG PROVINCIAL GOVERNMENT INTENDS TO INTRODUCE THE GAUTENG SPORTS AND RECREATION BILL 2013 IN THE GAUTENG LEGISLATURE**

The above mentioned Bill is published in English in the Gauteng Provincial Extraordinary Gazette No.18 on, 29 January 2014 for public comments and general information.

The Bill seeks to give effect to the Gauteng Sport Policy; to recognise the Gauteng Sport and Recreation Council, to provide for the transformation, equitable delivery, promotion and development of sport and recreation; to provide for sport and recreation infrastructure and facilities; to provide a legislative framework for implementation of the Gauteng Sport Plan; to provide for sport and recreation management and coordination of competitive sport and hosting of sport and recreation events and sport in schools; to increase active recreational participation in sport and recreation; to harness the socio-economic growth and development benefits that can be derived from sport and recreation in Gauteng Province; to provide for drug free sport; and to provide for the matters connected therewith.

People, who wish to comment on the Bill, may send their written comments to:

Office of the Secretary  
Committee Coordinator (Ms Philile Sigubudu)  
Gauteng Provincial Legislature  
Private Bag X52  
Johannesburg  
2000

Tel: (011) 498 6492

Mobile: (079) 897 2382  
Fax (086) 714 4284  
Email [psigubudu@gpl.gov.za](mailto:psigubudu@gpl.gov.za)

Comments must reach the above office on or before 28 February 2014.

Copies of the *Gazette* may be obtained from Government Printers, Publications Section, Vermeulen and Bosman Streets, Pretoria at R2.50 per copy

## **EXPLANATORY MEMORANDUM ON THE GAUTENG SPORT AND RECREATION BILL, 2013**

### **1. REASONS FOR THE BILL**

#### **1.1 Purpose of the Bill**

The purpose of this Bill is to give effect to the Gauteng Sport Policy; to recognise the Gauteng Sport and Recreation Council, to provide for the transformation, equitable delivery, promotion and development of sport and recreation; to provide for sport and recreation infrastructure and facilities; to provide a legislative framework for implementation of the Gauteng Sport Plan; to provide for sport and recreation management and coordination of competitive sport and hosting of sport and recreation events and sport in schools; to increase active recreational participation in sport and recreation; to harness the socio-economic growth and development benefits that can be derived from sport and recreation in Gauteng Province; to provide for drug free sport; and to provide for the matters connected therewith.

#### **1.2 Background**

In early 2011 a series of Gauteng Regional Sport Indaba's were held. Flowing from these indaba's a Provincial Sport Indaba was held. The inputs from the respective regional indaba's as well as debate and consideration of discussion papers at the provincial indaba led to the adoption by all stakeholders of a Gauteng Sport declaration. This declaration, adopted position papers, and numerous stakeholder inputs led to the development of the Gauteng Sport Policy (GSP). The GSP and Gauteng Sports Plan was submitted for consideration and adoption by the Executive Council. The GSP and Gauteng Sports Plan was adopted by EXCO in August 2011.

Following the adoption of the Policy and the Plan, the Bill was drafted to introduce an element of regulation within the sport and recreation sector in the Gauteng Province, to better co-ordinate various activities and initiatives in the sector, and to empower legitimate sport and recreation structures in the Province.

The Gauteng Sport Policy also served as the provincial input to the national Sport Indaba which was held on the 21<sup>st</sup> and 22<sup>nd</sup> November 2011, which consulted widely with all stakeholders in the sector to shape the new National Sport and Recreation Plan.

The national legislative framework for the sport and recreation sector is prescribed by the National Sport and Recreation Act, 1998 (Act No. 110 of 1998). There is currently no provincial legislation that regulates Gauteng's constitutional areas of competence in terms of sport and recreation. It is necessary to regulate aspects of sport and recreation in the Province in order to effectively co-ordinate and streamline sport and recreation inputs from various stakeholders provincially towards shared outputs as determined by national policy and legislation at national level. This Bill establishes the provincial framework.

### **1.3 Discussion**

The introduction of this Bill serves as recognition of the important role that sport and recreation has to play in economic and social development in Gauteng. The Bill does not alter governments' position that sport and recreation should, in the main remain a sector that is governed by independent government accredited institutions. However, the Bill does ensure that certain minimum requirements are complied with in terms of coordination, roles, duties, minimum standards, and the submission of information. The Bill empowers legitimate sport structures to participate in the sport planning process and provides for the central coordination of sport and recreation through one structured platform, being the recognized Sport and Recreation Coordinating Body for Gauteng. The Bill provides for the conclusion and monitoring of service level agreements between government recognized agents or bodies and the Department of Sport, Recreation, Art and Culture.

### **1.4 Process**

The consultation process with respect to the Gauteng Sport Policy, its relation to the national White Paper Process, and its' conclusion in this Bill is illustrated in the diagram below.



The process followed in the legislative process entailed consultation with:

- Office of the Premier;
- Leader of Government Business;
- Chief Whip of the Gauteng Legislature;
- MEC of Education
- MEC of Finance
- MEC of Public Transport, Roads and Works

### 1.5 Outcome

The Gauteng Sport and Recreation Bill, 2013, is the final deliverable in the Gauteng Sport Policy development process and will be the legislative environment for sport and recreation development in the Gauteng Province.

## 2 EXPLANATION OF THE BILL

This Bill recognizes the importance of sport and recreation and its contribution towards economic and social development in the Gauteng Province.

The objectives of the Bill are to:

- increase participation in sport and recreation to maximize the socio-economic impact and benefits of sport and recreation in the Province;
- promote access to sport and recreation;
- promote equal access to facilities and development opportunities to all citizens of Gauteng;

- promote fair and equitable distribution of resources to all sectors of society;
- promote duly constituted, democratic and representative sport and recreation structures in all sectors of society that share a common goal and work in close partnership with each other;
- promote improved alignment between national and provincial sport and recreation initiatives;
- promote effective transformation, organization development, co-ordination, management and delivery of sport and recreation in the Province;
- strive for the existence of high quality, well-maintained and accessible sport and recreation infrastructure and facilities;
- provide a school sport system that encourages and increases participation in school, inter-school and out-of-school sport activities and facilitates for easy access to professional sport;
- promote the improved performance of provincial athletes;
- promote well-managed competitive sport events and targeted hosting of major local and international sport events;
- ensure that the South African sport and recreation sector is globally respected for its high values and ethical behavior; and
- implement the Gauteng sport and recreation policy.

### **3 IMPLICATIONS OF THE BILL**

#### **3.1 Social Implications**

The Gauteng Social Development Strategy (GSDS) acknowledges that a better life for all is dependent on economic development and social cohesion.

The Gauteng Sport Policy and its associated Sport Plan contains projects designed to enhance social cohesion through essentially, increasing active sport and recreation by all citizens in the province. These projects embrace the national vision of an “active and winning nation” that will in the long term minimize the non-communicative disease risk profile of the nation and place a



lesser burden on the national revenue directed at health care as more citizens embrace a healthy and active lifestyle.

This Bill creates the enabling legislative environment to support sustainable projects listed in the Gauteng Sport Plan.

Other socio-environmental factors that will be impacted by this Bill is the greater exposure to diversity through sport and recreation by more active communities, the ethical and moral requirements of fair play and competition, and the strong community cohesion and sense of unity created through participation. The mainstreaming of gender, youth and disabled participation in sport also contributes to social cohesion.

The Bill will also allow for the assimilation and analysis of accurate and specific sport and recreation information that will identify trends that may assist in complex multi-sectoral socio-economic planning and management.

Currently there is no baseline information that incorporates accurate sport and recreation data and the impact of sport and recreation to a healthy social environment remain estimates. The Bill will seek to change this by obtaining information from all role-players in the sport and recreation sector in the Province.

### **3.2 Economical Implications**

The direct economic contribution of sport and recreation is estimated to be 2% of national GDP. The impact in Gauteng could be more as the concentration of - and comparative ease of access to - sport facilities and stadia are greater than other provinces. The population density, the age profile, and the relatively better disposable income of the population in Gauteng also contribute to this profile.

Sport and recreation contributes directly and indirectly as a job driver. Directly the sector offers career opportunities for sportspersons, coaching staff, facilities management, administrators, and numerous other support staff. It also creates direct job creation opportunities in other sectors such as the construction and maintenance of facilities and grounds, and the manufacture

of sporting goods and paraphernalia. Indirectly, sport generates job creation through sectors such as tourism, catering, travel, and entertainment.

This Bill aims to create the enabling legislative environment to plan and structure sporting events at any level of competition, be it school, regional, provincial, national or international. The Bill supports all the sport and recreation projects listed in the Gauteng Sport Policy and Plan and has the same objective as the Policy in that it aims to grow sport and recreation activity in the province and strives to make Gauteng the province of Champions and the sport and recreation destination of choice amongst local and international sport federations and their supporters.

### **3.3 Environmental Implications**

The environmental impact of the Bill is evident in the provision it makes for consultative and inclusive sport and recreation infrastructure planning and the adoption of minimum standards for stadia, facilities and playing fields, as well as the introduction of universal design principles in all construction.

### **3.4 Financial Implications**

There is no additional financial implication as a result of introducing this Bill. The funding for the Sport and Recreation Policy, its resultant Gauteng Sport Plan, and all the requirements of this Bill, is budgeted in the departmental Medium Term Expenditure Framework (MTEF).

### **3.5 Communication Implications**

A structured communication plan by the Department in conjunction with the Communications Directorate of the Office of the Premier will ensure that all stakeholders are informed of the Bill and its implications. Channels of communication, consultation and interaction with the various stakeholders in sport and recreation will be functional through the Gauteng Sport Council and the Departments' functional units.

### **3.6 Constitutional Implications**

Schedule 5 Part A of the Constitution of the Republic of South Africa, provide the Province with the exclusive legislative competence to regulate on Provincial Sport. The Bill is therefore in accordance with the Constitution.

The Bill is consistent with and in support of the National Sport and Recreation Act, 1998 (Act No. 110 of 1998).

## **4. CONSULTATION**

The Department consulted with a wide range of relevant interest groups including:

- Community Sport Organisations
- Gauteng Sport Federations
- National Sport Federations
- SASCOC
- Sport Clubs
- Other Provinces
- National Department of Sport and Recreation South Africa
- Regional Sport Councils
- Department of Education
- Tertiary Institutions
- Sportspersons

The consultations were held through six (6) regional indaba's, one (1) provincial indaba and structured engagement sessions with role-players, as well as invitations to comment and provide input through social media sites and e-mail.

## **5. CLAUSE BY CLAUSE EXPLANATION**

- 5.1 Clause 1 provides for the definitions.
- 5.2 Clause 2 provides for the objects of the Act.
- 5.3 Clause 3 provides for Recognition of Gauteng Sport and Recreation Council.
- 5.4 Clause 4 provides for the functions of Gauteng Sport and Recreation Council.
- 5.5 Clause 5 provides for principles of sport and recreation management.
- 5.6 Clause 6 provides for geographic demarcation.
- 5.7 Clause 7 provides for recreation programmes and structures.

- 5.8 Clause 8 provides for safety in sport and recreation.
- 5.9 Clause 9 provides for membership details of clubs.
- 5.10 Clause 10 provides for provincial representation.
- 5.11 Clause 11 provides for provincial colours and emblems.
- 5.12 Clause 12 provides for sport and recreation transformation charter.
- 5.13 Clause 13 provides for transformation audit.
- 5.14 Clause 14 provides for transformation of Sport and Recreation.
- 5.15 Clause 15 provides for demographic quotas and targets.
- 5.16 Clause 16 provides for determination of Sport and Recreation policy.
- 5.17 Clause 17 provides for human resource development.
- 5.18 Clause 18 provides for talent identification.
- 5.19 Clause 19 provides for sport and recreation in schools.
- 5.20 Clause 20 provides academies.
- 5.21 Clause 21 provides for sport and recreation development.
- 5.22 Clause 22 provides club development.
- 5.23 Clause 23 provides for establishment or upgrading of infrastructure and facilities.
- 5.24 Clause 24 provides for audit and assessment of sport and recreation infrastructure and facilities.
- 5.25 Clause 25 provides for norms and standards for infrastructure and facilities.
- 5.26 Clause 26 provides for bidding for and hosting of sport and recreation events.
- 5.27 Clause 27 provides for drug free sport.
- 5.28 Clause 28 provides for delegation of powers and assignment of duties by MEC.
- 5.29 Clause 29 provides for regulations.
- 5.30 Clause 30 provides for Short Title and Commencement.

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**GAUTENG PROVINCIAL GOVERNMENT**

**GAUTENG SPORT AND RECREATION BILL, 2013**

**(AS INTRODUCED BY THE MEMBER OF THE EXECUTIVE COUNCIL  
RESPONSIBLE FOR SPORT, ARTS, CULTURE AND RECREATION)**

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*(The English Text is the official text of the Bill)*

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**[B- 2013]**

## **B I L L**

**To give effect to the Gauteng Sport Policy; to recognise the Gauteng Sport and Recreation Council, to provide for the transformation, equitable delivery, promotion and development of sport and recreation; to provide for sport and recreation infrastructure and facilities; to provide a legislative framework for implementation of the Gauteng Sport Plan; to provide for sport and recreation management and coordination of competitive sport and hosting of sport and recreation events and sport in schools; to increase active recreational participation in sport and recreation; to harness the socio-economic growth and development benefits that can be derived from sport and recreation in Gauteng Province; to provide for drug free sport; and to provide for the matters connected therewith.**

## **ARRANGEMENT OF CHAPTERS**

### **Chapter 1**

Introductory provisions

### **Chapter 2**

Recognition of Gauteng Sport and Recreation Council

### **Chapter 3**

Governance

### **Chapter 4**

Transformation of Sport and Recreation

### **Chapter 5**

Development of Sport and Recreation

### **Chapter 6**

Sport and Recreation Infrastructure and Facilities

## **Chapter 7**

Competitive Sport and Hosting of Sport and Recreation Events

## **Chapter 8**

Drug Free Sport

## **Chapter 9**

General provisions



## CHAPTER 1

### INTRODUCTORY PROVISIONS

#### Definitions

1. In this Act unless the context otherwise indicates-

**"Academy"** means a sport center that offers medical and scientific support services to high performance and developing athletes and coaches;

**"Anti doping Programmes"** means educational material, lectures, workshops that deal with doping in sport;

**"Club"** means a structured organisation of two or more teams of the same code or two or more codes of different sport and recreation sharing similar sport facilities;

**"Community hub"** means a nodal center for the delivery of sport, arts, culture, recreational programmes and library services in communities;

**"Conditions based assessment"** means an environment based analysis or evaluation;

**"Department"** means the Department of Sport Arts and Culture and Recreation;

**"Facilities"** means any facility where sport and recreation activities are practiced;

**"GSC"** means the Gauteng Sport and Recreation Council;

**"GSRTC"** means Gauteng Sport and Recreation Transformation Charter;

**"HoD"** means Head of Department;

**"Infrastructure"** means an immovable property that is designed or used for the practicing of sport and recreation activities;

**"MEC"** means MEC responsible for sport and recreation;

**"Minister"** means the Minister of Sport and Recreation;

**"MTEF"** means Medium Term Expenditure Framework;

**"Province"** means the Gauteng Province;

**"Provincial colours and emblems"** mean recognition of achievement to represent the Province at National Level;

**"Recreation"** means voluntary participation in an activity that contributes to the improvement of general health, well-being and the skills of the individual;

**"Rights Holder"** means the owner of sports or recreation event or property;

**"SASCOC"** means South African Sports Confederation and Olympic Committee;

**"SRSA"** means National Department of Sport and Recreation,

**"Talent Scouts"** means an official or registered agent that searches for and identifies talented athletes; and

**"Whole life planning cycle"** means planning for facilities and infrastructure for its expected life span and includes funding, construction and maintenance thereof.

## **Objects of Act**

2. The objects of this Act are to-

(1) increase participation in sport and recreation to maximize the socio-economic impact and benefits of sport and recreation in the Province;

(2) promote access to sport and recreation;

(3) promote equal access to facilities and development opportunities to all citizens of Gauteng;

- (4) promote fair and equitable distribution of resources to all sectors of society;
- (5) promote duly constituted, democratic and representative sport and recreation structures in all sectors of society that share a common goal and work in close partnership with each other;
- (6) promote improved alignment between national and provincial sport and recreation initiatives;
- (7) promote effective transformation, organization development, co-ordination, management and delivery of sport and recreation in the Province;
- (8) strive for the existence of high quality, well-maintained and accessible sport and recreation infrastructure and facilities;
- (9) provide a school sport system that encourages and increases participation in school, inter-school and out-of-school sport activities and facilitates for easy access to professional sport;
- (10) promote the improved performance of provincial athletes;
- (11) promote well-managed competitive sport events and targeted hosting of major local and international sport events;
- (12) ensure that the South African sport and recreation sector is globally respected for its high values and ethical behavior; and
- (13) implement the Gauteng sport and recreation policy.

## **CHAPTER 2**

### **GAUTENG SPORT AND RECREATION COUNCIL**

#### **Recognition of Gauteng Sport and Recreation Council**

**3.** (1) The MEC must recognize in writing the GSC, or its successor in title, an affiliated member of SASCOC.

(2) The MEC may provide support to the GSC to achieve its mandate.

(3) The MEC may enter into a service level agreement with the GSC to promote the objects of this Act.

#### **Functions of Gauteng Sport and Recreation Council**

**4.** The functions of the GSC are to:

(1) promote, support and coordinate the delivery of sport in the Province;

(2) facilitate the establishment and strengthening of strategic and sustainable partnerships between various sport codes in the Province;

(3) promote and foster a spirit of co-operation and collaboration amongst all role players in sport in the Province;

(4) implement mandates delegated to it by SASCOC and reporting to SASCOC thereon;

(5) assist and co-ordinate with National, Provincial and Regional Sport Federations in developing their sport codes and the implementation of sport development programmes, competitive sporting events and recreation, and mass participation programmes in the Province;

(6) in concurrence with the Department , develop guidelines for the promotion and development of sport and recreation in the Province;

(7) perform all roles, responsibilities and duties outlined in the the GSC constitution; and

(8) enter into service level agreement with the Department on any tasks that may be delegated by the MEC to the GSC.

### **Chapter 3**

## **GOVERNANCE**

### **Principles of sport and recreation management**

**5.** The GSC, provincial sport federations, recreation structures and organisations, entities, committees, regions, clubs and any other organised entity of sport and recreation in the Province must comply with the following principles in relation to the management of their respective activities:

- (a) collaboration;
- (b) empowerment, both of athletes and managers;

- (c) ownership;
- (d) coherence;
- (e) shared commitment;
- (f) equal partnership;
- (g) ethical conduct; and
- (h) non-racialism.

### **Geographic demarcation**

**6.** All provincial sport federations, recreation structures and organisations, entities and their respective sub-structures must structure and organise their individual membership and activities according to local government provincial geo political boundaries.

### **Recreation programmes and structures**

**7.(1)** The Department must support and facilitate the active participation in sport and recreation, particularly by women, children, the youth, the elderly and persons with disability to promote physical well being and healthy lifestyle.

(2) The Department together with Municipalities and GSC must ensure that community hubs are functional.

(3) The Department, Municipalities and GSC must develop and implement programmes and projects that:

- (a) promote and elevate the status of recreation;
- (b) address obstacles to recreational sport; and
- (c) encourage operators of private recreational facilities to increase access to those facilities.

(4) The Department together with the GSC must support the development and establishment of recreation clubs.

### **Safety in sport and recreation**

8. Every provincial sport federation, recreation structure and organisation and entity is in accordance with the provisions of Safety at Sport and Recreational Events Act, 2010 (Act No. 2 of 2010) responsible for the safety aspects within the respective sport and recreation code.

### **Membership details of clubs**

9. Every provincial sport federation must annually, and in the manner prescribed by the GSC, provide the GSC with the names, geographic location, and membership details of the clubs under its control.

### **Provincial representation**

10.(1) Every sport federation, recreation structure and organisation and entity, must submit to the Department and the GSC, at least seven

(7) days before an event, the names of its selected representatives and officials, and the name of the particular event in which such representatives or officials will represent the Province.

(2) If there is non-compliance to subsection (1), the participation and achievements of the representatives or officials will not be recognised by the GSC or the Department and will not be considered for any award that may be applicable.

### **Provincial colours and emblems**

**11.**(1) Every sport federation, recreation structure and organisation and entity, must submit its respective criteria and standards for the awarding of provincial colours and emblems to the GSC for approval.

(2) Only the criteria and standards approved by the GSC will be regarded as official provincial colours and emblems.

(3) The Department, after consultation with the GSC, must determine the official provincial colour and logo for all participants and officials for all the sport and recreation codes.

(4) Athletes, participants and officials must only wear the official provincial colour and logo and failure to comply means that the participation and achievement will not be officially recognised by the GSC or the Department.



## **CHAPTER 4**

### **TRANSFORMATION OF SPORT AND RECREATION**

#### **Sport and recreation transformation Charter**

**12.**(1) The MEC and GSC must adopt and implement the National Transformation Charter only in so far as it applies in the Province, until the GSRTC is adopted.

(2) The MEC may after consultation with the GSC and in consultation with the Minister propose amendments to the National Transformation Charter to suit the Province specific needs with regards to sport and recreation in the Province.

(3) The MEC may develop a provincial transformation charter to be known as the Gauteng Sport and Recreation Transformation Charter that is aligned to National Transformation Charter and SRSA transformation directives.

(4) The GSRTC must amongst others, reflect transformation measures including:

- (a) race;
- (b) disability;
- (c) gender;
- (d) geographical boundaries of sport organisations;

- (e) communities where programs and projects are implemented;
- (f) provincial colours and emblems; and
- (g) Gauteng sport governance.

(5) The MEC must consult GSC and municipalities on the draft GSRTC.

(6) The GSC and municipalities must after consultation and together with the MEC sign the GSRTC.

(7) The MEC must take necessary steps to ensure that all sport federations, recreation structures and organisations and entities, in the Province adopt, sign and implement the GSRTC.

(8) The MEC must approve the final GSRTC and by notice in the Provincial Gazette publish, and give notice thereof, with an abridged version of the GSRTC in appropriate generally circulating newspapers in the Province.

(9) The MEC must submit the final GSRTC to the SRSA.

### **Transformation audit**

**13.** (1) The MEC must, every three years, conduct a transformation audit of GSC and major or priority sporting codes in the Province to determine progress achieved on transformation in terms of the GSRTC.

(2) In conducting the audit referred to in subsection (1) the MEC may request GSC and sporting codes in the Province to submit the required information in the prescribed form.

(3) The transformation audit referred to in subsection (1) must address transformation initiatives and highlight the failures, successes and best practices in transformation.

(4) The transformation audit must be concluded by the end of February.

(5) The MEC must refer a draft transformation audit to GSC for comments and GSC may make recommendations regarding the appropriate action.

(6) The MEC must consider the comments and recommendations of GSC and amend the draft transformation audit as the MEC deems appropriate.

(7) The MEC must submit the final transformation audit to SRSA.

(8) The MEC must publish the results of the transformation audit in the most appropriate form of media in the Province as identified by the Department.

### **Transformation of Sport and Recreation**

**14.** (1) The provincial sport federations, recreation structures and organisations and entities, operating in the Province must develop and implement their transformation and intervention measures in compliance with the GSRTC or where such charter not approved by the MEC, in compliance with the National Transformation Charter.

(2) The MEC may provide guidance, advice and support to provincial sport federations, recreation structures and organisations and entities to develop and implement transformation interventions.

### **Demographic quotas and Targets**

**15.** (1) The MEC must, in accordance with national directives, and in consultation with GSC, and relevant sport and recreation codes determine demographic quotas and targets of Provincial sport and recreation teams.

(2) The MEC may by regulations prescribe the procedure to determine demographic quotas and targets for Provincial teams.

### **Determination of Sport and Recreation policy**

**16.**(1) The MEC may, in relation to sport and recreation:

- (a) in consultation with GSC, SRSA, municipalities and the MEC responsible for Infrastructure Development, determine policy for funding of new infrastructure and

facilities, upgrading and maintenance of basic sport and recreation facilities in accordance with the priorities of the Department as determined from time to time;

- (b) in concurrence with the GSC, the Gauteng Department of Education, determine policy to introduce programs aimed at increasing participation and institutionalising the delivery of sport and recreation in schools in the Province;
- (c) determine policy for the composition, membership, functions and form of structure of community sport and recreation hubs with due cognisance of national directives;
- (d) in concurrence with the municipality concerned, determine policy regarding sport facilities accessible by all people living within the municipal area; and
- (e) determine policy regarding accelerated development programs to ensure that the provincial teams reflect the demographics of the Province.

(2) The MEC must ensure that provincial policies are aligned to national directives as issued by SRSA and the relevant transformation charter and other provincial policies.

## **CHAPTER 5**

### **DEVELOPMENT OF SPORT AND RECREATION**

#### **Human Resource Development**

**17.** (1) The MEC must, in concurrence with GSC and the relevant Sector Education and Training Authority, namely the Culture Art Tourism Hospitality and Sport Education and Training Authority or its successor in title, encourage and support training and development in sport and recreation.

(2) The training and development organisations sponsored by the Department must apply for recognition and accreditation by the Culture, Art, Tourism, Hospitality and Sport Education and Training Authority, Sector Education and Training Authority established under the Skills Development Act, 1998 (Act No. 97 of 1998).

(3) The Department must ensure that training and development:

- (a) serves to transform the demographic representation of the sport and recreation human resource sector;
- (b) offers opportunities to develop skills that can contribute to job creation; and
- (c) is responsive to meeting the needs of the sport and recreation sector.

(4) The Department must support and where necessary, partner

with GSC, provincial sport federations, recreation structures and organisations and entities and tertiary institutions in the Province to develop and implement appropriate training and development programs for sport and recreation.

(5) The Department must collaborate with GSC to ensure that all training and development in the Province is aligned to national training and development standards as set by the SRSA and SASCOC.

### **Talent Identification**

**18.** (1) The Department must, in concurrence with GSC, encourage and support all Gauteng based sport federations, recreation structures and organisations and entities at provincial, regional and municipality level to develop and implement talent identification and development policies and programmes.

(2) Talent identification development of all Gauteng based provincial sport federations, recreation structures and organisations and entities and codes must be aligned to national talent identification development norms and standards set by SRSA, SASCOC and any other national organizations tasked with the development of such norms and standards.

(3) The Department may assist GSC to implement a system to identify talent that is biased to athletes from previously disadvantaged backgrounds.

(4) The Department may provide support to GSC for the empowerment of talent scouts in the Province.

### **Sport and recreation in schools**

**19.** (1) The Department must, in consultation with the MEC responsible for education in the Province, and after consultation with the GSC, develop a sport and recreation plan for schools in the Province covering the MTEF.

(2) The Department, in consultation with the MEC responsible for education in the Province, and after consultation with the GSC must review the sport and recreation plan for schools at the beginning of the MTEF.

(3) The MEC and the MEC responsible for education in the Province must enter into a memorandum of agreement that forms the basis of collaboration between the two departments on the delivery of sport and recreation in schools in the Province.

(4) The memorandum of agreement must include clearly defined roles and responsibilities of the different departments and an addendum of joint projects and specific tasks for each department under each project.



(5) The addendum referred to in subsection (4) must be reviewed annually and signed by the respective MEC's of the departments.

(6) The MEC responsible for education, in consultation with the MEC, and after consultation with the GSC, may appoint or establish sport focus schools.

### **Academies**

**20.** (1) GSC must in concurrence with the MEC provide for the recognition and accreditation of academies in the Province.

(2) In providing for the recognition and accreditation of academies the GSC must in accordance with SASCOG policy provide for the minimum requirements for the registration, recognition and accreditation of the academies in the Province.

(3) The department must:

- (a) in collaboration with GSC, provincial sports federations, and the relevant academy manager monitor progress to ensure that there is adequate support for talented athletes;
- (b) ensure that provincial academies have a strong regional or satellite academy system with schools and community structures, through engagement with municipalities in the provision of required infrastructure;

- (c) work closely with municipalities and the GSC and provincial sports federations to ensure the sustainability of the satellite academy system.

### **Sport and Recreation Development**

**21.** (1) The Department must in concurrence with GSC develop measures and specific targets to identify and develop high performance athletes.

- (2) These targets must be reflected in the GSRTC.

### **Club Development**

**22.** (1) The department must facilitate access to sport and recreation in the Province and ensure that athletes with talent are channeled to competitive sport.

- (2) The Department must promote club development by:

- (a) co-coordinating, in conjunction with GSC, provincial sports federations, local sports councils and municipalities, the identification of talented athletes in the Province;
- (b) advising GSC on the National and Provincial priority codes;
- (c) identifying municipal districts that must be involved in club development;

- (d) establishing and maintaining partnerships between provincial sports federations, local sports clubs and local communities;
- (e) assisting in identifying and providing resources for the different sporting activities at club level;
- (f) providing SRSA with necessary information on projects in the Province;
- (g) co-ordinating and making recommendations to SRSA on service providers that will render the programmes;
- (h) keeping and maintaining data base on club developments.

## **CHAPTER 6**

### **SPORT AND RECREATION INFRASTRUCTURE AND FACILITIES**

#### **Establishment or upgrading of infrastructure and facilities**

**23.** The MEC may in collaboration with Municipalities and the MEC responsible for infrastructure development, establish or upgrade sport and recreation infrastructure and facilities.

**Audit and assessment of sport and recreation infrastructure and facilities**

**24.** (1) The MEC must conduct an audit and conditions based assessment of all sport and recreation infrastructure and facilities in the Province according to the required norms and standards for the different sport codes for which the infrastructure or facilities are intended.

(2) The MEC must determine when the first audit and assessment must be conducted and thereafter the audit and assessment must be conducted every fifth year.

(3) The MEC must consult with the MEC responsible for education and the Minister responsible for higher education to ensure that schools and tertiary institutions in the Province participate in the audit and assessment.

(4) The results of the audit and assessment must be published in the Provincial Gazette and interested or affected persons must be given an opportunity to comment or make submissions within 30 days of publication.

(5) The MEC must consider the comments and submissions before publishing the final audit and assessment findings.

(6) The MEC, in consultation with GSC, the MEC responsible for infrastructure development and municipalities, must develop a sport and recreation infrastructure master plan for the Province based on the final audit and assessment findings.

(7) The MEC and municipalities must consider the latest audit and assessment findings and the sport and recreation infrastructure master plan, when determining whether to establish new sport and recreation infrastructure and facilities or whether to upgrade existing infrastructure and facilities.

### **Norms and standards for infrastructure and facilities**

**25.(1)** The MEC must promote, through collaboration and cooperation with GSC, municipalities, the private sector, the Department of Infrastructure Development and any other stakeholders, compliance with the norms and standards for sport and recreation infrastructure and facilities as determined by SRSA.

(2) Whenever feasible the Department must promote the development, upgrading and maintenance of sport and recreation infrastructure and facilities according to the following principles:

- (a) the adoption and implementation of a whole life planning cycle from conceptualisation to maintenance as a continuous cycle;
- (b) the inclusion in infrastructure and facilities budgets of costs for long term maintenance, refurbishment and renovation;
- (c) encouraging the private sector and other interested sectors

to invest in infrastructure and facilities in previously disadvantaged areas;

- (d) the promotion of multi-use sport and recreation infrastructure and facilities;
- (e) partnerships with programmes of government that aim to create employment and programmes involving local communities; and
- (f) the training of local community structures to perform facilities management functions.

## **CHAPTER 7**

### **COMPETITIVE SPORT AND HOSTING OF SPORT AND RECREATION EVENTS**

#### **Bidding for and hosting of sport and recreation events**

**26.** (1) The MEC must in conjunction with the Department of Economic Development and in consultation with the GSC, provincial sport federations, recreation structures and organisations and entities and rights holders of events, municipalities and other provincial departments, develop an annual short, medium and long term bidding and hosting strategy and plan and submit it to the Executive Council for approval.

(2) The MEC may appoint a designated agent to prepare, present and implement the bidding and hosting strategy and plan and any other tasks associated therewith.

(3) No bidding for or hosting of any sport or recreation event may be undertaken unless it has been taken up in the bidding plan referred to in subsection (1).

(4) Notwithstanding the provisions of subsection (3), the MEC may, with the prior concurrence of the Executive Council, authorise the bidding for or hosting of a sport or recreation event that is in accordance with the strategy referred to in subsection (1) if such bidding for or hosting of would further the objects of this Act.

## **CHAPTER 8**

### **DRUG FREE SPORT**

#### **Drug free sport**

**27.** (1) Every provincial sport federation must conduct on going anti-doping programs among its members.

(2) The Department must, in collaboration with GSC and officially constituted drug free sport structures and the Department of Education, encourage on-going anti-doping programmes in schools, clubs and academies.

(3) The MEC must, in concurrence with the MEC responsible for education and other duly constituted drug-free sport structures, determine a minimum number of random anti-doping tests to be conducted amongst school sport athletes in the Province.

(4) The MEC may, in concurrence with the MEC responsible for education and after consultation with other duly constituted drug-free sport structures, make regulations to administer anti-doping programmes and sample testing of athletes in schools in the Province.

## **CHAPTER 9**

### **GENERAL PROVISIONS**

#### **Delegation of powers and assignment of duties by MEC**

**28.** (1) The MEC may, subject to such conditions as he or she may determine, in writing, delegate any power or assign any duty conferred on him or her by or under this Act, other than-

(a) the power to publish a notice in terms of sections 12 and 13; and

(b) the power to make regulations;

to the HoD.

(2) The HoD may further delegate in writing to officials in the Department and subject to such conditions as he or she may determine, any power or assign any duty delegated to the HoD.



(3) A delegation in terms of subsections (1) or (2) does not prevent the exercise of the relevant power or the performance of the assigned duty by the MEC or the HoD respectively.

(4) The MEC or HoD may at any time withdraw or amend, in writing, a delegation or assignment as contemplated in subsections (1) or (2).

(5) The delegation of any power or the assignment of any duty does not divest the MEC or HoD of the responsibility concerning the exercise of the delegated power or the performance of the assigned duty.

## **Regulations**

**29.** The MEC may make regulations regarding:

- (a) information on transformation audit to be submitted by GSC and sporting codes in the Province;
- (b) procedure to determine demographic quotas and targets for Provincial teams;
- (c) administration of anti-doping programmes and sample testing of athletes in schools in the Province, in consultation with the MEC responsible for education;
- (d) provision of resources for sport and recreation;
- (e) provision of sport and recreation support services;
- (f) hosting and bidding major events;
- (g) awarding of Provincial colours;

- (h) programmes to promote engagement in sport and recreation; and
- (i) any matter to promote the objects of this Act.

### **Short Title and Commencement**

**30.** This Act is called the Gauteng Sport and Recreation Act, 2013 and comes into operation on a date fixed by the Premier by proclamation in the Provincial Gazette.

**NOTICE 220 OF 2014**



**THE GAUTENG PROVINCIAL GOVERNMENT INTENDS TO INTRODUCE  
THE GAUTENG PUBLIC LIBRARY AND INFORMATION SERVICE BILL 2013  
IN THE GAUTENG LEGISLATURE**

The above mentioned Bill is published in English in the Gauteng Provincial Extraordinary Gazette No.18 on, 29 January 2014 for public comments and general information.

The Bill seeks to promote the development of public library and information services, to promote public access to and use of public library and information services; to provide for guiding principles for public library and information services; to provide for policy and minimum norms and standards for public library and information services; to provide for the establishment and functions of the Public Library and Information Services unit; to promote co-operative governance and co-ordination of responsibilities for public library and information services; and to provide for matters connected therewith.

People, who wish to comment on the Bill, may send their written comments to:

Office of the Secretary  
Committee Coordinator (Ms Philile Sigubudu)  
Gauteng Provincial Legislature  
Private Bag X52  
Johannesburg  
2000

Tel: (011) 498 6492  
Mobile: (079) 897 2382  
Fax: (086) 714 4284  
Email: [psigubudu@gpl.gov.za](mailto:psigubudu@gpl.gov.za)

Comments must reach the above office on or before 28 February 2014.

Copies of the *Gazette* may be obtained from Government Printers, Publications Section, Vermeulen and Bosman Streets, Pretoria at R2.50 per copy

## **EXPLANATORY MEMORANDUM ON THE GAUTENG PUBLIC LIBRARY AND INFORMATION SERVICES BILL, 2013**

### **1 REASONS FOR THE BILL**

#### **1.1 Purpose of the Bill**

The Bill seeks to promote the development of public library and information services and to promote access to public library and information services in the Province.

The purpose of the Bill is to promote the development of public library and information services, to promote public access to and use of public library and information services; to provide for guiding principles for public library and information services; to provide for policy and minimum norms and standards for public library and information services; to provide for the establishment and functions of the Public Library and Information Services unit; to promote co-operative governance and co-ordination of responsibilities for public library and information services; and to provide for matters connected therewith.

#### **1.2 Background**

In the administrative area that previously comprised the Transvaal Province, provincial library and information services were either rendered independently by municipalities or in partnership between the then Transvaal provincial administration and municipalities.

However, the Constitution, 1996 allocates libraries, other than national libraries, to the provincial sphere of government. While the Constitution, 1996 removed libraries from the municipal sphere of government, it did not address the manner in which the existing relationship between provinces and local government must be regulated and how existing infrastructure, staff and other library assets, which in the main are under municipal control, should be dealt with. This has resulted in some confusion between the spheres of government regarding responsibility for libraries.

In Gauteng, library and information services are currently regulated by the Gauteng Provincial Library and Museum Service Ordinance No. 20 of 1982 ("the 1982 Ordinance").

The Ordinance situates the establishment, control and management of libraries as a function of the MEC and empowers the MEC to provide assistance, including financial assistance, to establish or control and manage a library.

However, the 1982 Ordinance also does not reflect the constitutional context within which the libraries function is situated and the current reality of the relationship between the Province and municipalities in providing library and information services.

The 1982 Ordinance also does not address the uncertainty created by overlapping mandates or provide guidance on how this relationship should be regulated or how the libraries function should be funded.

Until the Gauteng Legislature passes new legislation, library and information services will continue to be regulated by the 1982 Ordinance, which is clearly no longer relevant.

In response, the Province has sought to develop the Policy framework which was used as a basis to draft this Bill to regulate library and information services for the Province.

On 23 January 2013 the Executive Committee adopted the Gauteng Library and Information Services Policy. Following the adoption of the policy, the Department of Sport, Arts, Culture and Recreation has drafted the Gauteng Library and Information Services Bill to regulate library and information services for public libraries in Gauteng.

### **1.3 Discussion**

The inclusion of libraries as an area of exclusive provincial competence has resulted in confusion between the spheres of government regarding responsibility for libraries. The overlapping of government responsibilities and mandates across all spheres of government has caused uncertainty and has hampered the growth and development of library and information services and has resulted in variations in service levels, library structures, practices and procedures which have impacted on the quality of library services in Gauteng.

While the libraries function is an area of exclusive provincial competence, municipalities continue to provide library services and all the library buildings and assets in libraries, including the information resources, are the assets of municipalities. Municipalities still budget for the function and provide for building new libraries in their IDP processes.

However, over the past years, as pressures for basic services has been growing, many municipalities have increasingly requested that funds be made available by the Province to enable local government to continue performing the library services function.

Some of the municipalities have gradually started reducing their municipal funding for the library function which has resulted in instability of the funding for the library sector. Although libraries are receiving a conditional grant for libraries from the Department of Arts and Culture to recapitalize library infrastructure and services, about 30% of the funds intended for the improvement of services are now being used to appoint contract staff in order to keep libraries operational.

While the funding is dwindling, the need for library services is increasing. In a report that was published by the Ministerial Task Team that was appointed by the Minister of Arts and Culture to report on development of the book sector, it was reported that nationwide there is about one library for every 25,000 people. In Gauteng there is one library for every 47,000 people. This means that Gauteng is way below the national norm for libraries and it reflects that there are still many communities in Gauteng without any access to library services.

The Department of Sport, Arts, Culture and Recreation is mandated to regulate and provide library and information service for the Gauteng Province. To this end, the Department confirms its role and function to render library and information services, in partnership with municipalities, in order to inculcate a culture of reading and life-long learning and ensure an effective and efficient functioning of library and information services in the Province. The Department confirms that the policy and the Bill will assist it to ensure it achieves these objectives.

#### **1.4 Process**

In developing the Bill, the Province has conducted extensive review and analysis of existing legislation, policies and documents that impact on the libraries function, focussing on the transformation of the libraries service and on national and international best practices for libraries.

Particular effort has been made to align the approach of the Province with the direction being followed by the National Department of Arts and Culture.

The Province has also conducted research and analysis of the status of libraries in Gauteng and the performance and delivery of library and information services by municipalities in the Province.

The Province has developed the policy framework to regulate library and information services in Gauteng and the policy objectives have informed the drafting of the current legislation.

#### **1.5 Outcome**

The Province anticipates that legislation and the policy framework within which it is situated should assist the Province to address many of the challenges, both historical and current, facing libraries in Gauteng and ensure the sustainability, development and transformation of library and information services.

The Province has therefore drafted the Gauteng Public Library and Information Services Bill.

## **2 EXPLANATION OF THE BILL**

The Bill seeks to regulate library and information services for public libraries in Gauteng and applies to public library and information services in the Province.

The objects of the Bill are-

- to promote the development of public library and information services in the Province;
- to provide for guiding principles for public library and information services;



- to promote access to and use of public library and information services;
- to promote the transformation of public library and information services;
- to provide for policy and minimum norms and standards for public library and information services; and
- to promote co-operative governance and co-ordination of responsibilities for public library and information services in the Province.

### **3 IMPLICATIONS OF THE BILL**

#### **3.1 Social implications**

The Department is striving to ensure access, increased participation and transformation of all the sectors it regulates, including libraries, in a manner that yields optimum social and economic benefits for all in the Province and promotes nation building and social cohesion among its people.

To this end, the Department confirms its role and function to render library and information services, in partnership with municipalities, in order to inculcate a culture of reading and life-long learning and ensure an effective and efficient functioning of library and information services in the Province.

The legislation and policy framework will better enable the Province to deliver library and information services which contribute to building safe and secure communities and play an active role in the social cohesion of communities.

#### **3.2 Financial implications**

Most municipalities have continued funding library services in terms of what has generally been called an “unfunded mandate”. Since 2007, the Department of Arts and Culture has made available a conditional grant to assist Provinces and local government to provide library and information services. The Department has also transferred funds from its budget to municipalities to fund libraries.

The Bill creates a framework to promote the assignment of the libraries function to municipalities. If the libraries function is assigned to municipalities, this will have the effect of imposing the function on a municipality, which falls outside its constitutional mandate and has financial implications for the municipality. Therefore, the MEC will be required to take appropriate steps to ensure sufficient funding and necessary capacity-

building initiatives are provided to municipalities for the performance of the assigned libraries function.

Many municipalities in the Province have indicated that they will welcome the assignment of the libraries function, on condition the Province provides additional funding for the function.

The funding challenges facing the library and information services sector are currently being engaged with by the Province and National Treasury.

Regularising the relationship between Province and local government on the libraries function should result in formalising and creating certainty around existing arrangements which have been in place over the past years and should achieve the objective of eliminating duplication of the function between the two spheres of government.

In order for the Province to effectively co-operate with municipalities to address and improve the variations in service levels, library infrastructure and assets and practices and procedures that impact on the quality of library services in Gauteng, the monitoring capacity of the Department will have to be strengthened.

The Department currently employs Assistant Directors responsible for monitoring project implementation and funds transferred to municipalities. In order to monitor and evaluate the assignment of the libraries function and service delivery by municipalities, it is anticipated that three more Assistant Directors will be required.

### **3.3 Communication**

A structured and reliable channel of communication, consultation and interaction between the Provincial Library and Information Services and municipal library services within Gauteng will be operational.

### **3.4 Constitutional and legal implications**

Part A of Schedule 5 of the Constitution, 1996 lists libraries as an area of exclusive provincial legislative competence.

In light of the current Constitutional and legislative framework within which the libraries function is situated and within which the provincial and local government must operate,

assigning the administration of the libraries function to municipalities as provided for in section 156(4) of the Constitution is, at this stage, the most practical approach to address the uncertainty created by overlapping responsibilities and mandates in order to create a stable, sustainable libraries service.

The Bill creates a framework to promote the development of public library and information services in the Province and promote the assignment of the libraries function to municipalities where appropriate.

#### **4 CONSULTATION**

A workshop was held in May 2013 in order to present on and discuss the draft Bill with various stakeholders including:

- Representatives from municipalities in Gauteng;
- A representative from SALGA Gauteng;
- Officials from the Department of Arts and Culture;
- Representatives from the Bookseller's Association;
- Representatives from Universal Knowledge Systems (UKS);
- Interested members of the library fraternity;
- The State Law Advisors; and
- A representative from the National Library Advisory Board.

The draft legislation was also made available electronically on the list serve of the Library and Information Services Association of South Africa, LIASA. As a result of this two library organisations responded electronically and provided their comments via e-mail.

#### **5 CLAUSE BY CLAUSE EXPLANATION**

- 5.1 Clause 1 provides for the definitions.
- 5.2 Clause 2 provides for the application of the Act.
- 5.3 Clause 3 provides for objects of the Act.
- 5.4 Clause 4 provides for legal status of the guiding principles.
- 5.5 Clause 5 provides guiding principles for public library and information services.
- 5.6 Clause 6 provides for Public library and information services open to public.
- 5.7 Clause 7 provides for responsibilities of MEC.
- 5.8 Clause 8 provides functions of public library and information services unit.
- 5.9 Clause 9 provides for responsibilities of municipalities.

- 5.10 Clause 10 provides for regulations.
- 5.11 Clause 11 provides for repeal of laws.
- 5.12 Clause 12 provides for transitional arrangements.
- 5.13 Clause 13 provides short title and commencement.

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**GAUTENG PROVINCIAL GOVERNMENT**

**GAUTENG PUBLIC LIBRARY AND INFORMATION SERVICES BILL,  
2013**

**(AS INTRODUCED BY THE MEMBER OF THE EXECUTIVE COUNCIL  
RESPONSIBLE FOR SPORT, ARTS, CULTURE AND RECREATION)**

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***(The English Text is the official text of the Bill)***

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**[B- 2013]**

**B I L L**

**To promote the development of public library and information services, to promote public access to and use of public library and information services; to provide for guiding principles for public library and information services; to provide for policy and minimum norms and standards for public library and information services; to provide for the establishment and functions of the Public Library and Information Services unit; to promote co-operative governance and co-ordination of responsibilities for public library and information services; and to provide for matters connected therewith.**

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## CHAPTER 1

### INTERPRETATION, APPLICATION AND OBJECTS

#### Definitions

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

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Department**” means the Gauteng Department of Sport, Arts, Culture and Recreation;

“**library material**” means any book, periodical, manuscript, chart, map, video cassette, slide, filmstrip, microfilm, audio cassette, audio-compact disc, computer software or any other material or service supplied by a public library;

“**MEC**” means the Member of the Executive Council responsible for public libraries in the Province;

“**minimum norms and standards**” means the minimum norms and standards contemplated in section 7 (2) (b);

“**municipality**” means a municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), established in the Province;

“**policy**” means the policy contemplated in section 7 (2) (a);

“**prescribe**” means prescribe by regulation in terms of this Act;

“**Province**” means the province of Gauteng;



**“public library and information services”** means a library established, funded, developed, or maintained by the Province or a municipality for the purpose of providing benefit of the public;

**“regulations”** means regulations made in terms of this Act; and

**“this Act”** includes regulations.

### **Application of Act**

2. This Act applies to public library and information services in the Province.

### **Objects of Act**

3. The objects of this Act are –

- (a) to promote the development of public library and information services in the Province;
- (b) to provide for guiding principles for public library and information services;
- (c) to promote access to and use of public library and information services;
- (d) to promote the transformation of public library and information services;
- (e) to provide for policy and minimum norms and standards for public library and information services; and
- (f) to promote co-operative governance and co-ordination of responsibilities for public library and information services in the Province.

## **CHAPTER 2**

### **GUIDING PRINCIPLES FOR PUBLIC LIBRARY AND INFORMATION SERVICES AND ACCESS TO PUBLIC LIBRARY AND INFORMATION SERVICES**

#### **Legal status of guiding principles**

**4.** The principles contained in this Chapter –

- (a) apply alongside any other relevant consideration including the State's responsibility to protect, promote and fulfil the social and economic rights in Chapter 2 of the Constitution and in particular the needs of categories of persons disadvantaged by unfair discrimination;
- (b) provide a general framework for developing and implementing policy and minimum norms and standards relating to public library and information services; and
- (c) must guide the interpretation, administration and implementation of this Act.

#### **Guiding principles for public library and information services**

**5.** The following guiding principles apply to the provision of public library and information services –

- (a) services must promote a culture of reading with the object of building a nation of life-long readers;

- (b) services must be provided on the basis of equal access for all and without unfair discrimination as contemplated in section 9 of the Constitution;
- (c) special measures must be taken to ensure equitable access to services, including measures to ensure access by people with disabilities and persons previously disadvantaged by unfair discrimination;
- (d) services must be provided in a manner that is accessible by the public and that complies with the principles of public administration contemplated in section 195(1) of the Constitution;
- (e) services must be provided in a manner that facilitates, promotes and develops the information literacy and electronic communication and technology skills of library users, particularly people with disabilities and young children;
- (f) services must promote awareness of cultural heritage, appreciation of the arts, scientific achievements, innovation, inter-cultural dialogue, cultural diversity and community history; and
- (g) services must promote and advance South African publishing and writing.

**Public library and information services open to public.**

**6.(1)**Public library and information services are open to members of the public.

(2) A member of the public must not be charged a fee for –

- (a) membership of a public library and information service; or

- (b) admission to premises of a public library and information service.

### **CHAPTER 3**

## **RESPONSIBILITIES OF MEC, ESTABLISHMENT AND FUNCTIONS OF PUBLIC LIBRARY AND INFORMATION SERVICES UNIT AND RESPONSIBILITIES OF MUNICIPALITIES**

### **Responsibilities of MEC**

**7.** (1) The MEC must promote the development of public library and information services that serve the needs of the public in the Province by –

- (a) developing and maintaining public library and information services; and
- (b) funding public library and information services.

(2) The MEC must –

- (a) prescribe policy for public library and information services and may review the policy when necessary;
- (b) prescribe minimum norms and standards for public library and information services on –
  - (i) access to public library and information services;
  - (ii) location of libraries;
  - (iii) library infrastructure, facilities, furniture and other library assets,
  - (iv) library materials, equipment and resources;

- (v) library technical services;
  - (vi) developing library collections;
  - (vii) administration and management of libraries,
  - (viii) human resources and staffing matters for libraries;
  - (ix) financial management of libraries;
  - (x) marketing of libraries;
  - (xi) sources of funding for public library and information services;
  - (xii) information communication technology for libraries;  
and
  - (xiii) any other matter on which it may be necessary to determine minimum norms and standards;
- (c) determine indicators to measure compliance with the minimum norms and standards contemplated in sub-section 2 (b);
  - (d) promote consultation, co-ordination and co-operation on library and information services matters between provincial and local government;
  - (e) assign, where appropriate, the administration of public library and information services to a municipality, as contemplated in section 156(4) of the Constitution, 1996; and
  - (f) promote effective co-ordination of planning and budgeting processes for public library and information services in the Province.

(3) Before prescribing minimum norms and standards in terms of sub-section (2)(b) and after consultation with the MEC responsible for infrastructure development and MEC responsible for local government, the MEC must –

- (a) by notice, publish the proposed norms and standards –
  - (i) in the provincial *Gazette*; and
  - (ii) in two newspapers published and circulating in the Province;
- (b) invite organised local government in the Province and members of the public to submit to the MEC, within 30 days of publication of the notice, written representations regarding the proposed minimum norms and standards; and
- (c) consider any written representations so received.

(4) The MEC may, in consultation with the MEC responsible for local government matters,

- (a) develop standard by-laws for libraries; and
- (b) publish the by-laws by notice in the Provincial Gazette for consideration by Municipalities.

### **Functions of Public Library and Information Services unit**

**8.** (1) Where a public library and information services unit is created in the Department, the unit must –

- (a) advise the MEC on developing and implementing policy on library and information services;
- (b) advise the MEC on minimum norms and standards on library and information services;

- (c) advise the MEC on consultation, co-ordination and co-operation between provincial and local government on public library and information services matters including –
  - (i) the capacity of municipalities to administer the public library and information services function;
  - (ii) which powers and functions on public library and information services to assign to a municipality as contemplated in section 156(4) of the Constitution, 1996 and the process for such assignment;
  - (iii) appropriate steps to be taken to ensure sufficient funding and necessary capacity building initiatives for the performance of the assigned powers and functions on public library and information services to municipalities as contemplated in section 10A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
- (d) advise the MEC on developing standard by-laws contemplated in section 7 (4) (b) above;
- (e) monitor and evaluate compliance by public library and information services with the policy and minimum norms and standards;
- (f) report to the MEC on an annual basis on compliance by public library and information services with the policy and minimum norms and standards;
- (g) promote capacity development, skills development and resource development of public library and information services in the Province by –

- (i) providing professional advice and support to public library and information services;
  - (ii) providing training programmes and learning opportunities in order to develop skills and knowledge of public library and information services employees in the Province;
  - (iii) facilitating co-operation amongst public library and information services in the Province to promote transfer of skills and knowledge;
  - (iv) monitoring and evaluating the implementation of projects and use of funds by public library and information services; and
- (h) perform any other function that the MEC may determine.

### **Responsibilities of municipalities**

**9(1)** A municipality is responsible for providing public library and information services in accordance with any assignment of powers and functions in terms of section 156 (4) of the Constitution.

(2) In performing its functions, a municipality responsible for providing public library and information services must –

- (a) comply with the policy on public library and information services as contemplated in section 7 (2) (a) and the minimum norms and standards for public library and information services as contemplated in section 7(2) (b); and
- (b) make and administer by-laws for the effective administration of public library and information services.

(3) A municipality responsible for providing public library and information services in accordance with any assignment of powers and functions in terms of



section 156 (4) of the Constitution must submit a report to the MEC on an annual basis on –

- (a) the exercise of its assigned powers and administration of its assigned functions on public library and information services; and
- (b) its compliance with the policy, with the minimum norms and standards for library and information services prescribed by the MEC in section 7(2) (a) and any regulations published in terms of this Act.

## **CHAPTER 4**

### **GENERAL PROVISIONS**

#### **Regulations**

**10.** (1) The MEC may make regulations on:

- (a) the services for which a public library and information service may charge fees and the rate of such fees; and
- (b) any matter which may be necessary or expedient to prescribe in order to achieve the objects of this Act.

(2) Before making regulations in terms of this Act, the MEC must —

- (a) publish the proposed regulations in the provincial *Gazette* for public comment;
- (b) grant a period of at least 30 days for written representations to the MEC on the proposed regulations; and
- (c) consider any such written representations received.

### **Repeal of laws**

**11.** The provisions in relation to libraries in the Gauteng Provincial Library and Museum Service Ordinance 20 of 1982 are hereby repealed.

### **Transitional arrangements**

**12.(1)** The library service, established under the Gauteng Provincial Library and Museum Service Ordinance 20 of 1982, continues to exist and must exercise its powers and perform its functions in accordance with the provisions of this Act.

(2) Where the administration of library and information services has been assigned to municipality as contemplated in section 7(2)(e) above, the Municipal Council must within six months of such assignment, repeal or amend any by-laws that comply with this Act, norms and standards determined by the MEC in section 7(2)(b) and any regulations published in terms of this Act.

### **Short title and commencement**

**13.** This Act is called the Gauteng Public Library and Information Services Act, 2013 and comes into operation on a date fixed by the Premier by proclamation in the provincial *Gazette*.

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