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OF
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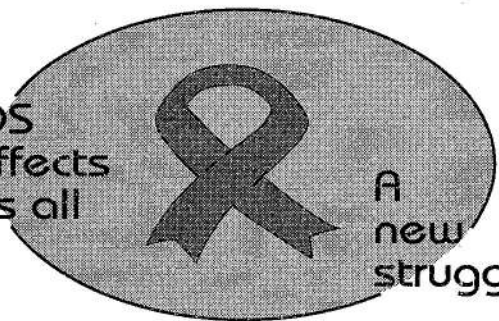
Vol. 413

PRETORIA, 1 NOVEMBER 1999

No. 20591

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

PROCLAMATION

by the
President of the Republic of South Africa

No. R. 111, 1999**COMMENCEMENT OF THE NATIONAL ARTS COUNCIL ACT, 1997
(ACT No. 56 OF 1997)**

In terms of section 23 of the National Arts Council Act, 1997 (Act No. 56 of 1997), I hereby determine **1 November 1999** as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this Fourteenth day of October, One thousand Nine hundred and Ninety-nine.

T. M. MBEKI**President**

By Order of the President-in-Cabinet:

B. S. NGUBANE**Minister of the Cabinet****PROKLAMASIE**

van die
President van die Republiek van Suid-Afrika

No. R. 111, 1999**INWERKINGTREDING VAN DIE WET OP DIE NASIONALE KUNSTERAAD, 1997
(WET No. 56 VAN 1997)**

Kragtens artikel 23 van die Wet op die Nasionale Kunsteraad, 1997 (Wet No. 56 van 1997), bepaal ek hierby **1 November 1999** as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Veertiende dag van Oktober Eenduisend Negehonderd Nege-en-negentig.

T. M. MBEKI**President**

Op las van die President-in-Kabinet:

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF ARTS, CULTURE, SCIENCE AND TECHNOLOGY DEPARTEMENT VAN KUNS, KULTUUR, WETENSKAP EN TEGNOLOGIE

No. R. 1298

1 November 1999

NATIONAL ARTS COUNCIL ACT, 1997

REGULATIONS OF THE NATIONAL ARTS COUNCIL

The Minister has, under section 21(2) of the National Arts Council Act, 1997 (Act No. 56 of 1997), at the recommendation of the National Arts Council, made the regulations in the Schedule.

SCHEDULE

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CHAPTER 1

GENERAL PROVISIONS

1. DEFINITIONS

1. (1) In these regulations, unless the context otherwise indicates-

"Act" means the National Arts Council Act, 1997 (Act No. 56 of 1997);

"chairperson" means the chairperson of the Council elected in terms of section 4(4) of the Act;

"Council" means the National Arts Council established by section 2.

PROPOSED ELECTION PROCESS

2. NATIONAL ARTS COUNCIL MEMBERS

2.1 Nominations for appointment as National Arts Council (NAC) members shall be invited from the public in advertisements in at least two national newspapers.

2.2 At the last NAC meeting at least six months prior to the expiry of their term, those national members who are available for re-election will be selected by ballot by the NAC and the Director-General of the Department of Arts, Culture, Science and Technology (DACST) advised of their names.

2.3 It is essential for continuity purposes that at least one of the members re-elected be an executive committee (Exco) member. Accordingly Exco will nominate at least one of its members and the ballot will take place as above, but in the event of none of the Exco members being re-elected, one of the three re-elected members must be co-opted to Exco for the remaining six months of the term to ensure continuity.

3. PROVINCIAL REPRESENTATIVES

- 3.1 The Act allows for nine provincial representatives. The required process is that every province shall be represented by a representative who shall be elected by a public and transparent process determined and overseen by the member of the executive council of the province designated by the Premier of that province to perform any functions required in terms of the Act.
- 3.2 The period for which any individual representing a Province may be a Council member shall not exceed three years but it shall not be necessary for this period to terminate on the same date as that of the Council members elected nationally.

4. CHAIRPERSON, VICE-CHAIRPERSON AND COMMITTEES

- 4.1 The Act allows for the executive committee to consist of the chairperson, the vice-chairperson and other Council members, totaling a maximum of 25% of the total Council membership at any time.
- 4.2 The first Council meeting after the commencement of the new term of office of the Council shall elect by ballot the chairperson and vice-chairperson of the Council and the other Exco members. An Exco member or a co-opted Exco member of the former Council shall automatically be approved for the new Exco to ensure continuity.

5. ADVISORY PANELS

- 5.1 The Act provides that the Council may establish an advisory panel for every field of the arts where it deems this necessary. Each panel shall consist of no more than five persons and shall be chaired by a Council member. It is the Council's function to appoint persons to the advisory panel on the basis of nominations obtained from the public. The tenure of appointment is a period not exceeding two years.
- 5.2 Nominations for panels shall be invited from the public in nation-wide advertisements. The chairperson selected for each panel and two other Council members shall consider the curriculum vitae of each applicant and

make recommendations to the Council regarding two to four members, who would then, if approved, constitute a panel for the respective field of the arts.

CODE OF CONDUCT OF THE COUNCIL

6. MEMBERS

6.1 The NAC is a juristic person with all the duties and responsibilities as prescribed by the Act and these regulations. The legal liabilities and responsibilities of the Council require Council members to be reasonably prudent persons who:

- (a) Follow fundamental management principles such as planning for and reviewing important reports on the progress of the organisation;
- (b) use available control systems and existing opportunities with which to perform the functions of the Council;
- (c) avoid personal gain which may occur when decisions taken by a Council member might lead to, or simply might be perceived to be leading to, the personal advancement (be it financial or otherwise) of the Council member concerned;
- (d) should a conflict of interest arise, either withdraw or are withdrawn from the Council for the period during which the member or members concerned are involved with the conflicting role, or resign or are asked to resign from the Council.
- (e) may not be members of the staff of the Council at any time during their membership of the Council unless they are there ex officio.
- (f) are actively involved in the activities of the Council by: -
 - (i) Attending all Council meetings, unless leave of absence has been granted, and actively participating in these meetings;
 - (ii) arriving on time and reading the relevant documents in advance to assist in good decision-making;
 - (iii) supporting the chairperson by working actively on any committees for which they are nominated by the Council; and
 - (iv) avoiding situations leading to potential conflicts of interest.

7. CHAIRPERSON

7.1 The chairperson has to help build constructive relationships between the Council members by:

- (a) Providing leadership and building the Council into a cohesive team that works towards a common vision;
- (b) monitoring and supporting committees and their work;
- (c) being a spokesperson for the organisation;
- (d) making sure that the functions of the Council are being performed;
- (e) setting the example of courteous and co-operative attitudes and active involvement.

PROCEDURE AT MEETINGS

8. GENERAL PROCEDURE

8.1 Meetings held by the Council are formal meetings.

8.2 The resolutions taken at such meetings are binding. Council members need to be actively involved in making sure that decisions taken are followed through. The same applies to the committees of the Council.

8.3 When a meeting is called an agenda is to be circulated in advance.

8.4 The responsibilities of the chairperson include:

- (a) Providing an annual list of dates for council and committee meetings;
- (b) chairing meetings of the Council;
- (c) developing the agenda with the help of the chief executive officer, and making sure that it is mailed to Council members in good time before the meeting;
- (d) declaring the meeting formally open at the designated time;
- (e) getting approval of the contents of the agenda and asking for additions;
- (f) introducing each item for discussion, together with the Council member who is to talk about it, where necessary;

- (g) ensuring that the meeting works through each item for discussion at a reasonable pace;
- (h) by seeking the views of everyone on the Council, ensuring that no one is allowed to dominate the discussion;
- (i) intervening if the discussion becomes heated or if personal animosity or abuse seems likely;
- (j) supervising voting procedures, counting votes and announcing the results;
- (k) suggesting that further research or investigation be undertaken by suitable members if it seems necessary;
- (l) suggesting that the Council move on to discuss other matters if it is apparent that no conclusion can be reached on a particular issue.

9. PROCEDURE FOR RECUSALS

- 9.1 Should a Council member or a member of an advisory panel have a direct interest in any application for funding which would lead to financial gain for him or her personally or for his or her organisation, he or she has to recuse himself or herself from voting when the allocation is made.
- 9.2 Panel meetings have to be minuted and all recusals carefully recorded.

CHAPTER 2

REPORTING BY THE COUNCIL

10 ANNUAL FINANCIAL STATEMENTS

10.1 Section 17 (2) (b) of the Act refers to "such other particulars as the Minister may require". In order to comply with the *Reporting by Public Entities Act, 1992* (Act No. 93 of 1992) the following additional information is expected of the Council:

- (a) The Council shall in respect of every financial year cause to be made out annual financial statements and shall submit copies of such statements, after such statements have been audited by the Auditor-General, to the Minister within six months after the end of the financial year concerned.
- (b) The annual financial statements shall consist of –
 - (i) a balance sheet dealing with the state of affairs of the Council;
 - (ii) an income statement;
 - (iii) a cash-flow statement;
 - (iv) notes to the financial statements;
 - (v) the Council's report;
 - (vi) group annual financial statements, where applicable, prepared in accordance with the relevant provisions of the Companies Act, 1973 (Act No. 61 of 1973); and
 - (vii) such other statements as may be prescribed.
- (c) The annual financial statements shall be accompanied by a report of the auditors.
- (d) The annual financial statements shall, in conformity with generally accepted accounting practice, fairly present the state of affairs of the Council and its business and its financial position at the end of the financial year concerned, shall for that purpose be in accordance with

and include at least the matter prescribed by schedule 4 of the Companies Act, 1973, in so far as they are applicable.

- (e) The annual financial statements of the NAC shall by means of figures and descriptive report explain any other matters and information material to the affairs of the Council.

11. COUNCIL'S REPORT

11.1 The Council shall, as part of its annual financial statements, submit to the Minister a report with respect to the state of affairs, the business and the financial position of the Council and the degree in which its objectives have been attained.

11.2 The Council's report shall –

- (a) set out the functions and objectives of the Council as determined by law or otherwise;
- (b) state the extent to which the Council has achieved its set objectives for the financial year concerned;
- (c) contain relevant performance information regarding the economic, efficient and effective application of resources.

CHAPTER 3**NAC FUNDING CRITERIA****12. GENERAL REMARKS APPLICABLE TO ALL APPLICANTS**

- 12.1 The National Arts Council (NAC) strives to enhance the quality of life of all South Africans, irrespective of gender, race, disability or sexual orientation.
- 12.2 The NAC's funding priority is to fund organisations or projects of national importance with national implications or as a part of nation-building.
- 12.3 In order to accomplish the NAC's mission, the NAC reserves the right to fund organisations/projects across regional and disciplinary boundaries at its discretion. Grants will be made to institutions, organisations or individuals. Individuals should preferably apply through a sponsoring organisation which itself conforms to the listed criteria below and which will take responsibility for managing the grant. Applicants should explain how their acquired skills/expertise could have national impact, i.e. how they could be utilised to benefit arts and culture in South Africa.
- 12.4 Funding will be subject to those priorities determined solely by the aims and objectives of the NAC.
- 12.5 Organisations and institutions will receive funding for only one project during any financial year. A complete budget should be submitted, also disclosing other sources of funding.
- 12.6 The NAC will not usually provide seed capital to set up an organisation but applications that have merit will be referred to the Executive Committee. Consideration will be given to project proposals that:
- (a) Are creative and imaginative in approach and execution
 - (b) strive towards self-sustenance and have a multiplier effect;
 - (c) cater for the needs of the disadvantaged and marginalised groups
 - (d) seek to unite and to foster tolerance and understanding;
 - (e) seek to redress past imbalances and provide opportunities;
 - (f) have a capacity to attract and broaden public involvement in the arts;
 - (g) fulfil a national role;

- (h) are committed to equality of opportunity;
- (i) have the power to communicate to the target audience.

- 12.7 Project proposals will be considered from applicants with a track record of good management, with special allowance for new and creative projects.
- 12.8 To maximise the use of resources, applications will be considered for projects that have a strong community base and have been conceived in collaboration with others working in similar fields.
- 12.9 Applications will be considered from individuals who, in the opinion of the Council, qualify on the strength of their achievements and/or potential as artists or their advancement of art in general. Applications should be accompanied by:
- (a) A curriculum vitae.
 - (b) An endorsement or recommendation by the sponsor.
 - (c) A detailed budget.
 - (d) Certified copies of educational certificates where appropriate.
 - (e) An explanation of how the individual or community will benefit from the project.
- 12.10 Progress reports must be submitted to the Council during the implementation and on completion (if that be the case) of a project.
- 12.11 Applicants are advised to develop annual plans and prioritise projects before submitting applications, as funding more than once in each financial year cannot be guaranteed.
- 12.12 The Council reserves the right to withhold funding for good reason at its sole discretion, depending on the approval of an application or the continuation of funding.
- 13. GENERAL PROJECT CRITERIA**
- 13.1 The project, i.e. the item regarding which funding is applied for, will be rated on a scale of 1 – 10 in terms of the following:

- (a) Its national impact: the question is not whether the applicant is a national organisation or not, but rather whether the specific project will have concrete national impact or influence.
- (b) Its clear, careful and detailed planning.
- (c) Its creative, organisational and technical excellence, or the extent to which the execution of the project pursues these.
- (d) Its cost-effectiveness, i.e. the extent to which the product (prestige, impact, results, etc.) warrants the expense (financial, human resources and time).
- (e) Its multiplier/catalytic effect, i.e. the extent to which the project will have foreseen consequences which will impact positively on the development of arts and crafts in the country.
- (f) Its sustainability and viability, i.e. the extent to which the project has access to resources and infrastructure other than those supplied by the NAC.
- (g) Its legacy, i.e. the extent to which something concrete, constructive and quantifiable will be left behind after the project.
- (h) Its prestige, i.e. the extent to which it will bring honour to the country.
- (i) Its innovativeness, originality or uniqueness.
- (j) Its necessity, i.e. the extent to which the country, and more especially arts and crafts, will be the richer for it.

14. ORGANISATIONAL CRITERIA

14.1 An applicant will be rated on a scale of 1 – 10 in terms of the following:

- (a) Its organisational bona fides; i.e. proof that the applicant is an existing organisation (with reference, where applicable, to its constitution, bank account, membership list if applicable, minutes of last AGM, etc.).
- (b) Its record of financial accountability (where applicable, accompanied by audited financial statements of the previous two years).

- (c) The effectiveness of its overseeing/accounting structure and board of trustees/steering committee.
- (d) The skills and experience of its management/leadership.
- (e) Its exemplariness i.e. it has no history of scandals, misappropriation of funds, etc.
- (f) Its record of undertaking and completing successful projects in the previous two years, where applicable.
- (g) Its national representativeness and impact.
- (h) Its sustainability and viability as an organisation for at least the next year.
- (i) Its commitment and endeavours to become self-sufficient.
- (j) Its ability to communicate to the target audience

15. RECONSTRUCTION AND DEVELOPMENT CRITERIA

15.1 An applicant (not the project) will be rated on a scale of 1 – 10 in terms of commitment to, or evidence of desire for, the following:

- (a) Affirmative action, i.e. the advancement of people from historically disadvantaged communities.
- (b) Promotion of gender equality.
- (c) Non-radicalism in membership, governing boards and management.
- (d) Independence from party politics as far as the particular project is concerned.
- (e) Empowerment of young people.
- (f) Involvement of rural communities.
- (g) Development programmes which impart skills, knowledge and experience to individuals.
- (h) General consistency with/promotion of the Bill of Rights.
- (i) Democratic values and practices.
- (j) The extent to which the organisation or project contributes to culture as a means of reconciliation, which will contribute towards national unity.

16. INDIVIDUAL CRITERIA

16.1 An individual applicant will be rated in terms of the following:

- (a) Artistic ability.
- (b) Creativity, vision, imagination and originality
- (c) Commitment and evidence of desire to promote art.
- (d) Empowerment of individuals or others.
- (e) A good track record of ability to manage and complete projects or studies successfully.
- (f) Likely national impact of the individual or of the effect of the completion of the project or study course.
- (g) Quality of execution of project/final product.

CHAPTER 4

RIGHT OF APPEAL

17. In terms of section 12(1) of the Act, any person who feels aggrieved at any action or decision that the Council has taken or made in terms of the Act, may within 30 days from the date on which the action or decision in question was made known by the Council, appeal to the Minister.
18. The appellant shall within 30 days from the date on which the action or decision in question was made known by the Council, give notice in writing to the Council of his/her intention to appeal and deliver the notice by hand or post the notice by registered mail. The notice shall contain:
 - 18.1 the name and address of the appellant;
 - 18.2 the grievance;
 - 18.3.1 the reasons for the grievance.
19. The appellant shall appeal to the Minister in writing, and the appeal shall be delivered by hand or posted by registered mail. The letter of appeal shall contain:
 - 19.1 the name and address of the appellant;
 - 19.2 the grievance;
 - 19.3 the reasons for the grievance.
20. Within 30 days of receipt by the Council of the notice of appeal the Council, or any committee nominated by the Council, shall consider the notice and advise the Minister of its intention to rectify the alleged grievance, or the reasons why it disagrees with the alleged grievance.

No. R. 1298

1 November 1999

WET OP DIE NASIONALE KUNSTERAAD, 1997**REGULASIES VAN DIE
NASIONALE KUNSTERAAD**

Die Minister het, kragtens artikel 21(2) van die Wet op die Nasionale Kunsteraad, 1997 (Wet No. 56 van 1997), op aanbeveling van die Nasionale Kunsteraad, die regulasies in die Bylae uitgevaardig.

BYLAE**INHOUDSOPGAWE****PROSEDURES VAN DIE NASIONALE KUNSTERAAD****HOOFSTUK 1**

Regulasie No.

Bladsy

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HOOFSTUK 1

ALGEMENE BEPALINGS

1. WOORDOMSKRYWINGS

1. (1) In hierdie Regulasies, tensy daar uit die samehang ander blyk, beteken –

“die Wet” die Wet op die Nasionale Kunsteraad, 1997 (Wet No. 56 van 1997);

“voorsitter” die voorsitter van die Raad verkies ingevolge artikel 4(4) van die Wet;

“Raad” die Nasionale Raad vir Kunste ingestel by artikel 2.

VOORGESTELDE VERKIESINGSPROSEDURE

2. LEDE VAN DIE NASIONALE KUNSTERAAD

2.1 Nominasies vir die aanstel van lede vir die Nasionale Raad vir die Kunste (NKR) sal versoek word van die publiek deur die plasing van advertensies in minstens twee nasionale koerante.

2.2 By die laaste vergadering van die NKR minstens ses maande voordat hulle termyn verval, sal die nasionale lede wat vir herverkiesing beskikbaar is, gekies word deur 'n stemming deur die NKR, en die Direkteur-generaal van die Departement van Kuns, Kultuur, Wetenskap en Tegnologie (DKKWT) sal van die name in kennis gestel word.

2.3 Ter wille van kontinuïteit is dit essensieel dat minstens een van die lede wat herverkies word, 'n lid van die uitvoerende komitee (UK) moet wees. Dienooreenkomstig sal die UK minstens een van sy lede nomineer en die verkiessing sal plaasvind soos hierbo gemeld, maar in die geval waar geeneen van die UK-lede herverkies word nie, moet een van die drie lede wat herverkies

is, vir die oorblywende ses maande van die termyn vir die UK gekoöpteer word om kontinuïteit te verseker.

3. PROVINSIALE VERTEENWOORDIGERS

3.1 Die Wet maak vir nege provinsiale verteenwoordigers voorsiening. Die vereiste prosedure is dat elke provinsie verteenwoordig word deur 'n verteenwoordiger verkies deur 'n openbare, deursigtige proses soos bepaal en gekontroleer deur 'n lid van die uitvoerende komitee van die provinsie, aangewys deur die Premier van daardie provinsie, om die werksaamhede te verrig wat ingevolge die Wet vereis word.

3.2 Die tydperk wat enige individu wat 'n provinsie verteenwoordig, 'n lid van die Raad kan wees, mag nie drie jaar oorskrei nie, maar dit is nie nodig dat hierdie tydperk op dieselfde datum verstryk as dié van die Raadslede wat nasionaal verkies word nie.

4. VOORSITTER, VISE-VOORSITTER EN KOMITEES

4.1 Die Wet bepaal dat die uitvoerende komitee bestaan uit die voorsitter, die vise-voorsitter en ander Raadslede, tot 'n maksimum van 25% van die totale aantal Raadslede op 'n gegewe tyd.

4.2 By die eerste Raadsvergadering na die aanvang van die nuwe ampstermyn van die Raad word die voorsitter en die vise-voorsitter van die Raad sowel as die ander UK-lede deur stemming verkies. 'n Lid van die UK of 'n gekoöpteerde UK-lid van die vorige Raad word outomaties vir die nuwe UK goedgekeur ten einde kontinuïteit te verseker.

5. ADVIESPANELE

5.1 Die Wet maak voorsiening daarvoor dat die Raad 'n adviespaneel vir elke terrein in die kunste kan saamstel waar hy dit nodig ag. Elke paneel moet uit hoogstens vyf persone bestaan met 'n Raadslid as voorsitter. Dit is die Raad se funksie om persone op die adviespaneel aan te stel uit nominasies wat van die publiek verkry is. Die ampstermyn is 'n tydperk van hoogstens as twee jaar.

- 5.2 Nominasies vir panele sa deur middel van deur middel van landswye advertensies van die publiek gevra word. Die voorsitter wat vir elke paneel verkies word en twee ander Raadslede sal die curriculum vitae van elke aansoeker oorweeg en 'n aanbeveling by die Raad maak met betrekking tot twee of vier lede, wat, indien hulle goedgekeur word, die paneel vir die besondere terrein van die kunste sal uitmaak.

GEDRAGSKODE VAN DIE RAAD

6. LEDE

- 6.1 Die NKR is 'n regspersoon met al die take en verantwoordelikhede soos by die Wet en hierdie regulasies voorgeskryf. Die wetlike aanspreeklikhede en verantwoordelikhede van die Raad vereis dat Raadslede redelike verstandige mense moet wees wat –
- (a) fundamentele bestuursbeginsels volg, soos om vir belangrike verslae oor die vordering van die organisasie te beplan en dit te bestudeer;
 - (b) beskikbare kontrolestelsels en bestaande geleenthede om die werksaamhede van die Raad uit te voer, benut;
 - (c) persoonlike voordeel vermy wat kan voorkom wanneer besluite van die Raad kan lei tot, of selfs gesien kan word om te lei tot, die persoonlike bevoordeling van (hetsy finansiële of andersins) van die betrokke Raadslid;
 - (d) indien 'n botsing van belange sou ontstaan, óf enersyds uit die Raad onttrek of daaruit onttrek word vir die tydperk waartydens die tersaaklike lid of lede by die botsende belange betrokke is, óf andersyds uit die Raad bedank of gevra word om daaruit te bedank.
 - (e) nie op enige tydstip gedurende hulle lidmaatskap van die Raad personeellede van die Raad mag wees nie, tensy hulle ex officio daar is.
 - (f) aktief by die aktiwiteite van die Raad betrokke is deur:-

- (i) al die Raadsvergaderings by te woon, tensy verlof tot afwesigheid toegestaan is, en aktief aan die vergaderings deel te neem;
- (ii) betyds op te daag en die relevante dokumente vooraf te bestudeer ten einde goeie besluite te kan neem;
- (iii) die voorsitter te ondersteun deur aktief te werk in enige komitees waarvoor hulle deur die Raad genomineer word; en
- (iv) situasies te vermy wat potensieel tot 'n botsing van belange kan lei.

7. VOORSITTER

7.1 Die Voorsitter moet help bou aan konstruktiewe verhoudinge tussen Raadslede deur –

- (a) leiding te neem en die Raad op te bou tot 'n span met samehorigheid, gerig op 'n gemeenskaplike visie;
- (b) komitees en hulle werk te komitor en te ondersteun;
- (c) as segsman vir die organisasie op te tree;
- (d) seker te maak dat die werksaamhede van die Raad uitgevoer word;
- (e) 'n voorbeeld van hoflike en samewerkende houdings en aktiewe betrokkenheid te stel.

VERGADERINGPROSEDURE

8. ALGEMENE PROSEDURES

8.1 Raadsvergaderings is formele vergaderings.

8.2 Die besluite wat by sodanige vergaderings geneem word, is bindend. Raadslede moet aktief betrokke wees daarby om toe te sien dat sodanige besluite deurgevoer word. Dieselfde geld vir die komitees van die Raad.

8.3 Wanneer 'n vergadering belê word, moet die agenda vooraf gesirkuleer word.

8.4 Die verantwoordelikhede van die voorsitter sluit die volgende in:

- (a) Om 'n jaarlikse lys van datums vir die Raads- en komiteevergaderings te voorsien;
- (b) om voor te sit by die Raadsvergaderings;
- (c) om die agenda op te stel met behulp van die hoof uitvoerende beampte, en om te verseker dat dit lank genoeg voor die vergadering aan die Raadslede gepos word;
- (d) om die vergadering op die bestemde tyd amptelik oop te verklaar;
- (e) om goedkeuring van die inhoud van die agenda te verkry en om vir byvoegings te vra;
- (f) om elke item vir bespreking in te lei, saam met die Raadslid wat dit gaan bespreek, waar nodig;
- (g) om te verseker dat die vergadering elke item onder bespreking teen 'n redelike pas deurwerk;
- (h) om die sienswyse van elke persoon in die Raad te verkry ten einde te verseker dat nie een toegelaat word om die bespreking te domineer nie;
- (i) om tussenbeide te tree indien die besprekings te heftig word of as persoonlike vyandigheid of belediging waarskynlik lyk;
- (j) om toesig te hou oor stemprosedures, stemme te tel en die resultate aan te kondig;
- (k) om voor te stel dat verdere navorsing of ondersoek deur geskikte lede onderneem word as dit nodig blyk te wees;
- (l) om voor te stel dat die Raad 'n volgende saak bespreek indien dit duidelik word dat geen uitsluitel oor 'n spesifieke saak bereik kan word nie.

9. PROSEDURE VIR ONTTREKKINGS

- 9.1 Indien 'n lid van die Raad of 'n lid van 'n adviespaneel 'n direkte belang het by enige befondsingsaansoek wat tot finansiële bevoordeling vir hom of haar persoonlik of vir sy of haar organisasie kan lei, moet hy of sy hom of haar van die stemming onttrek wanneer die toewysing gemaak word.
- 9.2 Paneelvergaderings moet genotuleer word en alle onttrekkings moet sorgvuldig aangeteken word.

HOOFSTUK 2

VERSLAGDOENING DEUR DIE RAAD

10. FINANSIËLE JAARSTATE

10.1 Artikel 17(2) (b) van die Wet verwys na "sodanige ander besonderhede wat die Minister verlang". Ten einde aan die Wet op die Verslagdoening deur Openbare Entiteite, 1992 (Wet No 93 van 1992), te voldoen, word die volgende bykomende inligting van die Raad verlang:

- (a) Die Raad moet ten opsigte van elke boekjaar toesien dat finansiële jaarstate opgestel word en moet afskrifte van sodanige state, nadat sodanige state deur die Ouditeur-generaal geouditeer is, binne ses maande na die einde van die betrokke boekjaar aan die Minister voorlê.
- (b) Die finansiële jaarstate moet bestaan uit –
 - (i) 'n balansstaat wat die toedrag van die sake van die Raad uiteensit;
 - (ii) 'n inkomstestaat;
 - (iii) 'n kontantvloei staat;
 - (iv) notas by die finansiële state
 - (v) die Raad se verslag;
 - (vi) die groep- finansiële jaarstate, waar van toepassing, opgestel in ooreenstemming met die tersaaklike voorsienings bepalings van die Maatskappywet, 1973, (Wet No. 61 van 1973); en
 - (vii) sodanige ander state wat voorgeskryf is.
- (c) Die jaarlikse finansiële verslae moet vergesel word deur 'n verslag van die ouditeure.
- (d) Die finansiële jaarstate moet, in ooreenstemming met algemeen aanvaarde rekeningkundige praktyk, die toedrag van sake van die Raad, sy besigheid en finansiële posisie aan die einde van die betrokke boekjaar op regverdige wyse uiteensit en moet vir daardie doel in ooreenstemming

wees met en minstens die saak voorgeskryf deur Bylae 4 van die die Maatskappywet, 1973, insluit waar dit van toepassing is

- (e) Die finansiële jaarstate van die NKR moet deur middel van syfers en beskrywende verslag enige ander sake en inligtingsmateriaal wat op die Raad betrekking het, verduidelik.

11. RAADSVERSLAG

11.1 Die Raad moet, as deel van sy finansiële jaarstate, aan die Minister 'n verslag voorlê betreffende die toedrag van sake, die besigheid en die finansiële posisie van die Raad en die mate waarin sy doelstellings bereik is.

11.2 Die Raadsverslag moet-

- (a) die werksaamhede en oogmerke van die Raad uiteensit soos bepaal by wet of andersins;
- (b) aandui in watter mate die Raad sy gestelde oogmerke in die betrokke boekjaar bereik het;
- (c) tersaaklike prestasie-inligting bevat betreffende die ekonomiese, doeltreffende en effektiewe aanwending van hulpbronne.

HOOFSTUK 3

NKR-BEFONDSINGSKRITERIA

12. ALGEMENE OPMERKINGS WAT OP OP ALLE AANSOEKERS VAN TOEPASSING IS

- 12.1 Die Nasionale Kunsteraad (NKR) strewe na die verhoging van die lewensgehalte van alle Suid-Afrikaners, ongeag geslag, ras, gestremdheid of seksuele oriëntering.
- 12.2 Die NKR se befondsingsprioriteit is die befondsing van organisasies of projekte van nasionale belang, met nasionale implikasies, of as deel van nasiebou.
- 12.3 Ten einde aan die NKR-missie uitvoering te gee, behou die NKR hom die reg voor om na goeie organisasies/projekte oor streeks- en dissiplinegrense heen te befonds. Subsidietoekennings sal aan instellings, organisasies en individue gemaak word. Dit is verkieslik dat individue aansoek doen deur 'n borgorganisasie wat self aan die kriteria hieronder voldoen en wat verantwoordelikheid vir die bestuur van die subsidietoekenning sal neem. Die aansoekers moet verduidelik hoe hul verworwe vaardighede/kundigheid nasionale inpak kan hê, m.a.w. hoe dit tot voordeel van kuns en kultuur in Suid-Afrika aangewend kan word.
- 12.4 Befondsing sal onderworpe wees aan dié prioriteite wat hoofsaaklik deur die doelstellings en oogmerke van die NKR bepaal word.
- 12.5 Organisasies en instellings sal befondsing vir slegs een projek gedurende 'n boekjaar ontvang. 'n Volledige begroting, wat ook ander bronne van befondsing openbaar, moet voorgelê word.
- 12.6 Die NKR voorsien nie normaalweg saai-kapitaal om 'n organisasie op te rig nie, maar aansoeke met meriete sal na die uitvoerende komitee verwys word.

Oorweging sal geskenk word aan projekvoorstelle wat –

- (a) kreatief en verbeeldingryk in benadering en uitvoering is;

- (b) selfonderhoud nastreef en 'n vermenigvuldigereffek het;
- (c) die behoeftes van gestremdes en gemarginaliseerde groepe in ag neem;
- (d) mense wil verenig en verdraagsaamheid en begrip wil bevorder;
- (e) wanbalanse van die verlede wil herstel en geleenthede wil bied;
- (f) oor die vermoë beskik om openbare belangstelling in en betrokkenheid by die kunste te stimuleer en uit te bou;
- (g) 'n nasionale rol vervul;
- (h) verbind is tot gelykheid van geleenthede;
- (i) by magte is om met die teikengehoor te kommunikeer.

12.7 Projekvoorstelle sal oorweeg word van aansoekers met 'n prestasierekord van goeie bestuur, met spesiale uitsondering vir nuwe en kreatiewe projekte.

12.8 Ten einde die gebruik van hulpbronne te maksimaliseer, sal aansoeke oorweeg word vir projekte wat 'n sterk gemeenskapsbasis het en beslag gekry het in samewerking met andere wat in soortgelyke terreine werk.

12.9 Aansoeke sal oorweeg word van individue wat, na die mening van die Raad, kwalifiseer op grond van hulle prestasies en/of potensiaal as kunstenaars of hulle bevordering van kuns in die algemeen. Aansoeke moet vergesel gaan van:

- (a) 'n Curriculum vitae;
- (b) 'n Onderskrywing of aanbeveling deur die borg;
- (c) 'n Gedetailleerde begroting;
- (d) Gewaarmerkte afskrifte van onderwyssertifikate, waar van toepassing; en
- (e) 'n Verduideiking van hoe die individu of gemeenskap voordeel uit die projek sal trek.

12.10 Vorderingsverslae moet gedurende die implementering en by voltooiing (indien dit die geval is) van 'n projek aan die Raad voorgelê word.

12.11 Aansoekers word aangeraai om jaarlikse planne te ontwikkel en projekte te prioritiseer voor die indiening van aansoeke, aangesien befondsing vir meer as een keer in elke boekjaar nie gewaarborg kan word nie.

12.12 Die Raad behou hom die reg voor om vir goeie rede en na eie goëddunke befondsing terug te hou, afhangende van die goedkeuring van die aansoek of die voortsetting van die befondsing.

13. ALGEMENE KRITERIA VIR PROJEKTE

13.1 Die projek, d.w.s. die item waarvoor daar om befondsing aansoek gedoen word, sal op 'n skaal van 1 – 10 op grond van die volgende beoordeel word:

- (a) Sy nasionale impak: die vraag is nie of die aansoeker 'n nasionale organisasie is of nie, maar eerder of die spesifieke projek konkrete nasionale impak of invloed sal hê.
- (b) Sy duidelike, sorgvuldige en gedetailleerde beplanning.
- (c) Sy kreatiewe, organisatoriese en tegniese uitnemendheid, of die mate waartoe die uitvoering van die projek dit nastreef.
- (d) Sy koste-effektiwiteit, d.w.s. die mate waarin die produk (prestige, impak, resultate, ens) die uitgawe (finansieel, mensehulpbronne en tyd) regverdig.
- (e) Sy vermenigvuldiger-/katalitiese effek, d.w.s. die mate waarin die projek se voorsiene gevolge 'n positiewe uitwerking op die ontwikkeling van kuns en kultuur in die land sal hê.
- (f) Sy volhoubaarheid en lewensvatbaarheid, d.w.s. die mate waarin die projek toegang het tot ander hulpbronne en infrastruktuur as dié wat deur die NKR voorsien word.
- (g) Sy nalatenskap, d.w.s. die mate waarin iets konkreet, konstruktiefs en kwantifiseerbaars na afloop van die projek nagelaat sal word.
- (h) Sy prestige, d.w.s. die mate waarin dit eer aan die land sal bring.
- (i) Sy innoverendheid, oorspronklikheid of uniekheid.
- (j) Sy noodsaaklikheid, d.w.s. die mate waarin dit die land, en meer spesifiek kuns en kultuur, sal verryk.

14. ORGANISATORIESE KRITERIA

14.1 'n Aansoeker sal op 'n skaal van 1 – 10 beoordeel word op grond van die volgende:

- (a) Sy organisatoriese bona fides, d.w.s. bewyse dat die aansoeker 'n bestaande organisasie is (met verwysing, waar van toepassing, na sy konstitusie, bankrekening, lidmaatskaplys indien van toepassing, notule van laaste Algemene Jaarvergadering, ens.).
- (b) Sy rekord van finansiële rekenpligtigheid (waar van toepassing, met geouditeerde finansiële state van die vorige twee jaar).
- (c) Die doeltreffendheid van sy toesighoudende/rekeningkundige struktuur en raad van trustees / bestuurskomitee.
- (d) Die vaardighede en ondervinding van sy bestuur/leierskap.
- (e) Sy voorbeeldigheid, d.w.s. dat hy geen geskiedenis van skandale, geldverduistering, ens. het nie.
- (f) Sy rekord van suksesvolle onderneming van projekte in die vorige twee jaar, waar van toepassing.
- (g) Sy nasionale verteenwoordigendheid/impak.
- (h) Sy volhoubaarheid en lewensvatbaarheid as 'n organisasie vir minstens die volgende twee jaar.
- (i) Sy verbintenis daartoe en pogings om selfonderhoudend te word.
- (j) Sy vermoë om met die teikengehoor te kommunikeer.

15 KRITERIA VIR HEROPBOU EN ONTWIKKELING

15.1 'n Aansoeker (nie die projek nie) sal beoordeel word op 'n skaal van 1 – 10 op grond van verbintenis tot, of bewys van die begeerte na, die volgende:

- (a) Regstellende aksie, d.w.s. die vooruitgang van mense uit histories agtergestelde gemeenskappe.
- (b) Geslagsgelykheid.
- (c) Nie-radikalisme in lidmaatskap, beheerrade en bestuur.
- (d) Onafhanklikheid van partypolitiek sover dit die besondere projek betref.

- (e) Bemagtiging van jong mense.
- (f) Betrokkenheid van landelike gemeenskappe.
- (g) Ontwikkelingsprogramme wat vaardighede, kennis en ondervinding aan individue oordra.
- (h) Algemene ooreenstemming met / bevordering van die Handves van Regte.
- (i) Demokratiese waardes en praktyke.
- (j) Die mate waartoe die organisasie/projek bydra tot kultuur as 'n middel tot versoening, wat tot nasionale eenheid sal bydra.

16. INDIVIDUELE KRITERIA

16.1 'n Individuele aansoeker sal beoordeel word op grond van die volgende:

- (a) Artistieke vermoë.
- (b) Kreatiwiteit, visie, verbeelding en oorspronklikheid.
- (c) Verbintenis tot en bewys van begeerte om kuns te bevorder.
- (d) Bemagtiging van individue of andere.
- (e) n Goeie prestasierekord van vermoë om projekte of studies te bestuur en suksesvol te voltooi.
- (f) Waarskynlike nasionale impak van die individu of van die invloed van die voltooiing van die projek of studiekursus.
- (g) Gehalte van die uitvoering van die projek/ finale produk

HOOFSTUK 4

REG VAN APPÈL

17. Ingevolge artikel 12(1) van die Wet kan 'n persoon wat gegrief voel oor enige optrede of besluit wat die Raad ingevolge die Wet ingestel of geneem het, binne 30 dae vanaf die datum waarop die betrokke aksie of besluit deur die Raad bekend gemaak is, na die Minister appelleer.
 18. Die appellant moet binne 30 dae vanaf die datum waarop die betrokke aksie of besluit deur die Raad bekend gemaak is, skriftelike kennis aan die Raad gee van sy/haar voorneme om te appelleer en die kennisgewing per hand aflewer of per geregistreerde pos stuur. Die kennisgewing moet die volgende bevat:
 - 18.1 Die naam en adres van die appellant;
 - 18.2 die grief; en
 - 18.3 die redes vir die grief.
 19. Die appellant moet skriftelik na die Minister appelleer en die appél per hand aflewer of per geregistreerde pos stuur. Die brief van appél moet die volgende bevat:
 - 19.1 Die naam en adres van die appellant;
 - 19.2 die grief; en
 - 19.3 die redes vir die grief.
 20. Die Raad of enige komitee genomineer deur die Raad, moet binne 30 dae na ontvangs van die kennis van appél die kennisgewing oorweeg en die Minister adviseer oor sy voorneme om die beweerde grief reg te stel, of die redes aanvoer waarom hy oor die beweerde grief verskil.
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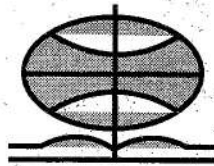
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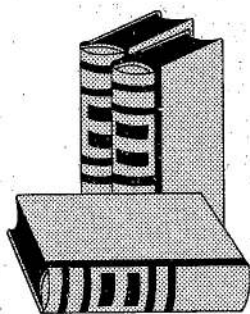
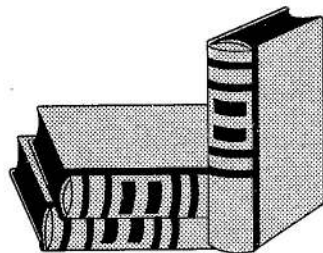
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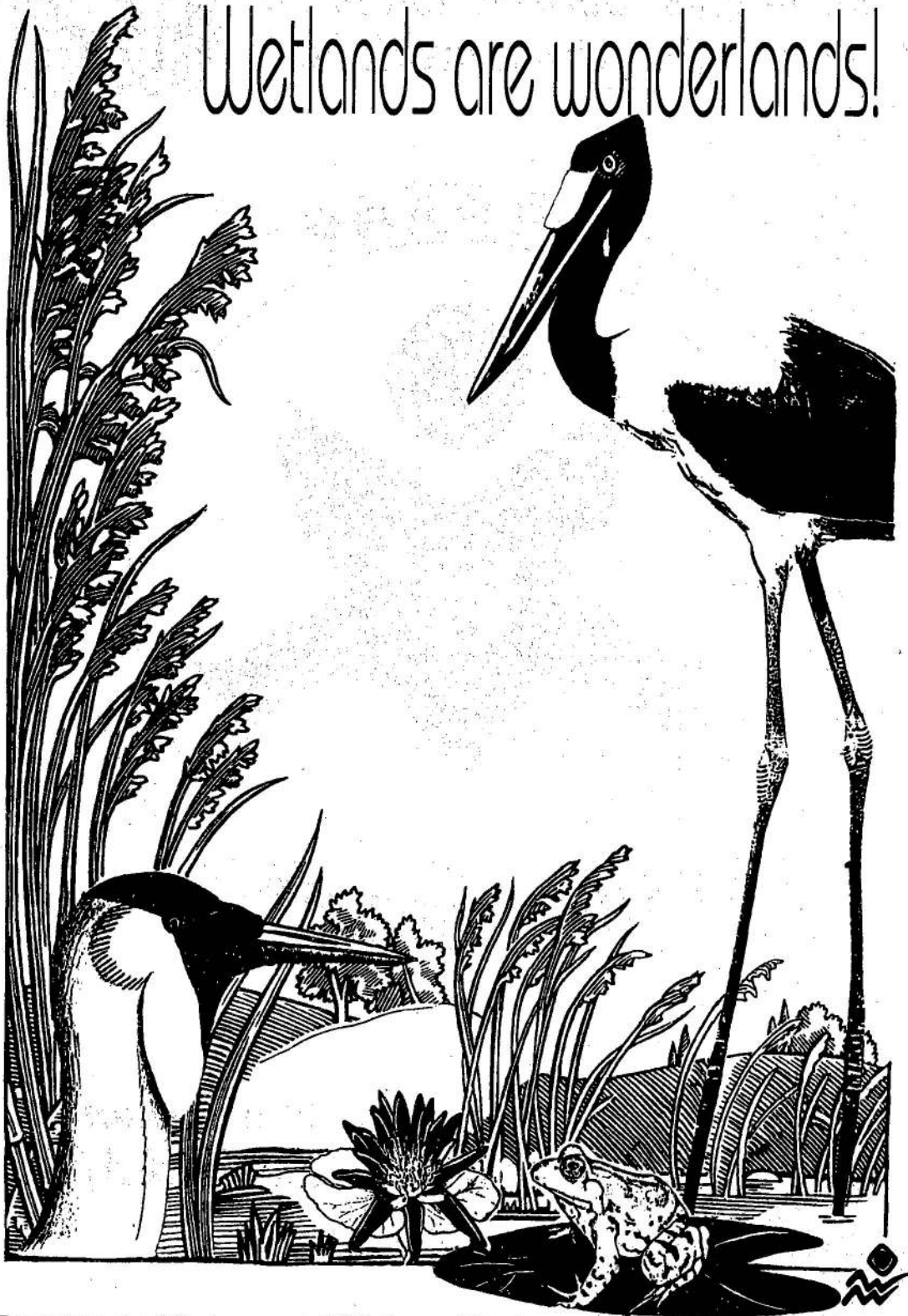
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