

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
NATIONAL ARTS COUNCIL  
BILL**

[B 108—96]

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*(As agreed to by the Portfolio Committee on Arts, Culture and Language, Science and  
Technology (National Assembly))*

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[B 108A—96]

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REPUBLIEK VAN SUID-AFRIKA

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**PORTEFEULJEKOMITEE-AMENDEMENTE  
OP  
WETSONTWERP OP DIE  
NASIONALE KUNSTERAAD**

[W 108—96]

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*(Soos goedgekeur deur die Portefeuljekomitee oor Kuns, Kultuur en Taal, Wetenskap en  
Tegnologie (Nasionale Vergadering))*

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[W 108A—96]

ISBN 0 621 27269 8

## AMENDMENTS AGREED TO

### NATIONAL ARTS COUNCIL BILL [B 108—96]

#### CLAUSE 1

1. On page 2, in line 14, to omit “Foundation for the Creative Arts” and to substitute:

company known as the National Arts Council

#### CLAUSE 3

Clause rejected.

#### NEW CLAUSE

1. That the following be a new Clause to follow Clause 2:

##### **Objects of Council**

- 3.** The objects of the Council are—
  - (a) to provide, and encourage the provision of, opportunities for persons to practise the arts;
  - (b) to promote the appreciation, understanding and enjoyment of the arts;
  - (c) to promote the general application of the arts in the community;
  - (d) to foster the expression of a national identity and consciousness by means of the arts;
  - (e) to uphold and promote the right of any person to freedom in the practice of the arts;
  - (f) to give the historically disadvantaged such additional help and resources as are required to give them greater access to the arts;
  - (g) to address historical imbalances in the provision of infrastructure for the promotion of the arts;
  - (h) to promote and facilitate national and international liaison between individuals and institutions in respect of the arts;
  - (i) to develop and promote the arts and to encourage excellence in regard to these.

#### CLAUSE 4

1. On page 4, in line 2, to omit “The” and to substitute:

Subject to section 20(1)(a), the

2. On page 4, from line 14, to omit subsection (4) and to substitute:

(4) The members of the Council shall, as the occasion arises, elect—

- (a) a chairperson from among the members who are not provincial representatives; and
- (b) a vice-chairperson from among all the members.

3. On page 4, from line 39, to omit the proviso.

CLAUSE 5

1. On page 4, in line 50, to omit all the words after “have” up to and including “have” in line 51.

CLAUSE 8

Clause rejected.

CLAUSE 9

1. On page 8, after line 28, to add the following subsection:

(5) A member of the Council shall not vote or in any manner participate in the proceedings at any meeting of the Council nor be present at the venue where such a meeting is held, if, in relation to any matter before the Council, he or she has any interest which precludes him or her from performing his or her functions as a member of the Council in a fair, unbiased and proper manner.

CLAUSE 13

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 12:

**Right of appeal**

**13.** (1) Any person who feels aggrieved at any action or decision that the Council has taken or made in terms of this Act, may within 30 days from the date on which the action or decision in question was made known by the Council, and after having given notice to the Council as prescribed, appeal to the Minister in the prescribed manner.

(2) The Minister shall appoint one or more independent assessors with knowledge of the arts to assist him or her.

(3) The Minister may, after consultation with the assessor or assessors, confirm, set aside or amend any action or decision contemplated in subsection (1).

CLAUSE 16

1. On page 12, in line 22, to omit “it may deem fit” and to substitute:

may be prescribed by the Minister with the concurrence of the Minister of Finance

CLAUSE 18

1. On page 14, in line 14, to omit paragraph *(b)*.

CLAUSE 21

Clause rejected.

CLAUSE 22

1. On page 16, after line 27, to insert the following paragraph:
  - (a)* the board of directors of the Foundation shall be deemed to be the first Council, and such board of directors shall for all purposes be deemed to have been elected and appointed in terms of section 4;