

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN GEOGRAPHICAL NAMES COUNCIL BILL

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

(MINISTER OF ARTS, CULTURE, SCIENCE AND TECHNOLOGY)

[B 112B—98]

REPUBLIEK VAN SUID-AFRIKA

WETSONTWERP OP DIE RAAD VIR SUID-AFRIKAANSE GEOGRAFIESE NAME

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

(MINISTER VAN KUNS, KULTUUR, WETENSKAP EN TEGNOLOGIE)

[W 112B—98]

ISBN 0 621 28616 8

BILL

To establish a permanent advisory body known as the South African Geographical Names Council to advise the Minister responsible for arts and culture on the transformation and standardisation of geographical names in South Africa for official purposes; to determine its objects, functions and methods of work; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS

1.	Definitions	
2.	Establishment and objects of Council	5
3.	Composition of Council	
4.	Term of office	
5.	Meetings of Council	
6.	Executive functions of Council	
7.	Subcommittees of Council and other assistance	10
8.	Allowances of members of Council and subcommittees	
9.	Powers and duties of Council	
10.	Approval and revision of geographical names	
11.	Annual report	
12.	Regulations	15
13.	Short title and commencement	

Definitions

1. In this Act, unless the context indicates otherwise—
- (i) “Council” means the South African Geographical Names Council, established by section 2(1); 20
 - (ii) “Director-General” means the Director-General of the national department responsible for arts and culture;
 - (iii) “geographical name” means the name of any terrestrial feature within the territorial limits of the Republic, together with the area of jurisdiction of the Republic acquired by treaty, whether— 25
 - (a) natural or made or adapted by human agency; or
 - (b) populated or unpopulated;
 - (iv) “Minister” means the Minister responsible for arts and culture;
 - (v) “Municipality” means a municipality as defined in section 10B of the Local Government Transition Act, 1993 (Act No. 209 of 1993); 30
 - (vi) “regulations” means regulations made under section 12;
 - (vii) “standardisation” means—
 - (a) determination of—
 - (i) the name to be applied to each geographical feature; and
 - (ii) the written form of that name; and 35
 - (b) the regulation by an appropriate authority of a geographical name, its written form and its application;
 - (viii) “this Act” includes the regulations.

Establishment and objects of Council

- 2.** (1) There is hereby established a body to be known as the South African Geographical Names Council.
- (2) The objects of the Council are—
- (a) to facilitate the establishment of Provincial Geographical Names Committees; 5
 - (b) to ensure the standardisation of geographical names;
 - (c) to facilitate the transformation process for geographical names;
 - (d) to promote the use of standardised South African geographical names at international level;
 - (e) to ensure the implementation of standardised geographical names in South Africa; and 10
 - (f) to promote awareness of the economic and social benefits of the standardisation of geographical names.

Composition of Council

- 3.** (1) The Council consists of no fewer than 15 and no more than 25 members appointed by the Minister, of whom— 15
- (a) nine must be nominated by the provinces;
 - (b) one must be nominated by each of the following:
 - (i) The South African Post Office;
 - (ii) the Chief Directorate: Surveys and Mapping; 20
 - (iii) the Pan South African Language Board, or any other organisation, body or institution the Minister considers relevant.
- (2) Members of the Council other than those referred to in subsection (1)(a) and (b) must be appointed by the Minister in the prescribed manner, and the regulations prescribing the manner of appointment must apply the principles of transparency and representivity and must take into account— 25
- (a) special competence, experience and interest in the relevant fields; and
 - (b) the linguistic, cultural and demographic characteristics of the population of the Republic.

Term of office 30

- 4.** (1) A member of the Council is appointed for a period of three years.
- (2) A member of the Council may be reappointed for a further period of three years.
- (3) If a member dies or resigns, the Minister must appoint another person to fill that vacancy for the remaining portion of the term of office of that member.
- (4) The Minister must, in consultation with the Council, appoint one of the members as chairperson of the Council to serve for a renewable term of three years. 35
- (5) If the chairperson dies or resigns, the Minister must appoint another person as chairperson for the remaining portion of the term of the first-mentioned chairperson.
- (6) A vice-chairperson is elected by the Council from among its members.
- (7) The Minister may terminate a person's membership of the Council— 40
- (a) if that member has been absent from three consecutive meetings of the Council without sufficient reasons; or
 - (b) on the recommendation of the Council for reasons which are fair and just.

Meetings of Council

- 5.** (1) The Council may meet as often as necessary, but at least three times a year. 45
- (2) The chairperson may convene a special meeting or postpone or cancel a meeting in accordance with the necessity for a meeting.
- (3) The majority of the members of the Council form a quorum.
- (4) If consensus cannot be reached, decisions of the Council are taken by resolution of the majority of members present at the meeting, and in the event of an equality 50

of votes the person presiding at the meeting has a casting vote in addition to his or her deliberative vote.

Executive functions of Council

6. (1) The executive functions of the Council must be performed by a section established by the Director-General in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994). 5

(2) The functions of the section are to—

- (a) perform administrative and secretarial services; and
- (b) establish and maintain a research section and the necessary infrastructure, incorporating a computerised database, a library, reference material and document archives. 10

Subcommittees of Council and other assistance

7. (1) The Council may establish subcommittees not limited to its own members to perform work for the Council.

(2) The Council may delegate its powers and assign its duties to a subcommittee or to any other body. 15

(3) The Council is not absolved from exercising or performing any power or duty so delegated or assigned.

(4) Any delegated power or duty so exercised or performed is regarded to have been exercised or performed by the Council. 20

Allowances of members of Council and subcommittees

8. The Minister may, with the concurrence of the Minister of Finance, determine the allowances payable to members of the Council and any subcommittee it may establish who are not in the full-time employ of the State.

Powers and duties of Council 25

9. (1) The Council must—

- (a) set guidelines for the operation of Provincial Geographical Names Committees;
- (b) set standards and guidelines for local and provincial authorities in their respective areas of jurisdiction; 30
- (c) receive proposed geographical names submitted by State departments, statutory bodies, provincial governments, municipalities and other bodies or individuals;
- (d) recommend geographical names falling within the national competence to the Minister for approval; 35
- (e) advise the Minister on—
 - (i) the standardisation of proposed new geographical names;
 - (ii) existing geographical names not yet standardised;
 - (iii) the changing, removing or replacing of geographical names; and
 - (iv) geographical names and their orthography; 40
- (f) in consultation with provincial governments, identify existing geographical names in need of revision, and co-ordinate requests for advice on geographical names and standardisation;
- (g) communicate decisions and relevant information on geographical names approved in terms of section 10(1) effectively to the various State departments, the public, and all other users of geographical names at national and international level by means of gazetteers, lists, maps and other published and electronic media; 45
- (h) liaise with—
 - (i) national and international organisations concerned with geographical names; and 50
 - (ii) cultural, historical and linguistic organisations;
- (i) in consultation with the Minister and the Provincial Geographical Names Committees, formulate policies, principles and procedures, taking cognisance

of the United Nations resolutions and international practice with reference to the standardisation of geographical names;

- (j) perform any other duty imposed on it by this Act or any other law.
- (2) The Council may—
 - (a) exercise any power conferred on it by this Act or any other law; and
 - (b) generally, do everything which is necessary to perform its duties referred to in subsection (1).

Approval and revision of geographical names

10. (1) The Minister may approve or reject a geographical name recommended by the Council in terms of section 9(1)(d). 10

(2) A geographical name approved or rejected by the Minister in terms of subsection (1) must be published in the *Gazette*.

(3) Any person or body dissatisfied with a geographical name approved by the Minister may, within one month from the date of publication of the geographical name in the *Gazette*, lodge a complaint in writing to the Minister. 15

(4) The Minister may refer the complaint to the Council for advice whether or not to reject or amend a geographical name so approved.

(5) The Minister must inform the complainant of the decision on the complaint and the reasons for the decision.

Annual report 20

11. (1) The Council must annually submit a report on its activities, including an assessment of the extent to which its objects have been achieved, to the Minister.

(2) The Minister must cause the report to be tabled in Parliament within 14 days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ordinary session. 25

Regulations

12. (1) The Minister must make regulations as to the criteria to be followed when deciding whether or not a geographical name should be regarded as a national, provincial or local competence.

(2) The Minister must make regulations regarding any matter referred to in section 3. 30

(3) The Minister may, after consultation with the Council, make regulations regarding—

- (a) any other matter which is required or permitted to be prescribed under this Act; and
- (b) generally, any matter which is necessary or expedient to be prescribed in order to achieve the objects of this Act. 35

(4) The regulations may provide that any person contravening any regulation or failing to comply therewith is guilty of an offence and liable on conviction to a penalty not exceeding that prescribed in the regulations.

Short title and commencement 40

13. This Act is called the South African Geographical Names Council Act, 1998, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

MEMORANDUM ON THE OBJECTS OF THE SOUTH AFRICAN GEOGRAPHICAL NAMES COUNCIL BILL, 1998

The United Nations resolved that in each country a body, preferably of the State, should be responsible for the standardisation (authorisation) of its geographical names. In a multicultural and multilingual country such as South Africa, where different groups traditionally use different names for a place, it is crucial that a form or forms of names should be established in order to ensure uniformity in the use of names and to prevent unnecessary conflict and misunderstanding. The National Place Names Committee has performed this function since 1939, but its too narrow mandate (excluding, for example the names of topographical features) and the absence of legislation hampered its effectiveness.

The Bill is designed to establish the South African Geographical Names Council, a permanent advisory body whose main function will be to advise the Minister responsible for arts and culture on names, to be used for official purposes, of populated and unpopulated places and geographical features and to give the Minister the power to approve or reject proposed geographical names. The establishment of the Council is in accordance with the White Paper on Arts, Culture and Heritage. Wide representation of all the language and cultural groups of South African society and the particular expertise of its members will ensure that the Council will be acceptable to all groupings within the South African community.

The objects and functions of the Council are to ensure the standardisation of geographical names within South Africa according to international standards, to promote the use of standardised geographical names at national and international level, to promote awareness of the economic and social benefits of the standardisation of geographical names, to communicate information on standardised names, to keep a central database of standardised names and to give particular attention to matters of redress in respect of complaints regarding geographical names.

Consultation

The following instances were consulted on the Bill:

- * All provincial governments;
- * All national government departments;
- * Vista University;
- * National Terminology Services;
- * Central Statistical Service;
- * National Language Service;
- * Names Research Institute;
- * Chief Directorate: Surveys and Mapping;
- * University of Pretoria;
- * University of the Orange Free State;
- * United States Board on Geographic Names;
- * Map Studio;
- * Human Sciences Research Council.

The Department of Arts, Culture, Science and Technology and the State Law Advisers are of the opinion that the Bill should be dealt with in accordance with section 75 of the Constitution, since it falls within a functional area of concurrent national and provincial legislative competence listed in Schedule 4 to the Constitution.