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OFFICE OF THE PREMIER	OFISI YA TONAKGOLO
No. 7	Nomoro ya 7
7 December 2007	7 Tshitoe 2007
It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:-	Mona ho tsebiswa hore Tonakgolo e ananetse Molao o latelang o phatlalatswang bakeng la tlhahisoleseding ya kakaretso:-
No. 7 of 2007 : Free State Arts and Culture Council Act, 2007	Nomoro ya 7 wa 2007 : Molao wa Lekgotla la Bonono le Setso wa Freistata, 2007

ACT

To establish a juristic person known as the Free State Arts and Culture Council; to determine its objects, functions and the manner of its operations; to regulate its staff matters and financial matters; and to provide for matter connected therewith.

BE IT ENACTED by the Provincial Legislature of the Free State Province as follows:-

(English text assented to and signed by the Premier.)

Definitions

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

“**chairperson**” means the chairperson of the Council;

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“**Council**” means the Free State Arts and Culture Council established in terms of section 2;

“**Department**” means the Department responsible for Arts and Culture in the Province;

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“**Head of Department**” means the Head of the Department responsible for Arts and Culture in the Province;

“**MEC**” means the Member of the Executive Council responsible for Arts and Culture in the Province;

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“**member**” means member of the Council;

“**Province**” means the Free State Province;

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“**the arts**” includes all forms of music, dance, drama, theatre, craft, visual art, literature and community art; and

“**this Act**” includes the Regulation.

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Establishment of the Free State Arts and Culture Council

2. A juristic person known as the Free State Arts and Culture Council is established.

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Objects of the Council

3. (a) To encourage and provide opportunities for persons to practice the arts;

(b) To promote the appreciation, understanding and the enjoyment of the arts;

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(c) To promote the general application of the arts in the community;

MOLAO

Ho theha setheo sa molao se tlang ho tsejwa e le Lekgotla la Bonono le Setso la Freistata; ho phethahatsa maikemisetso a sona, mesebetsi le mokgwa wa tshebetsong wa sona, ho laola ditaba tsa basebeletsi ba sona le tsa ditjhelete; le ho nehelana ka thuso le tshehetso e amanang le sona.

E TLA KENNGWANG TSHEBETSONG ke Lekgotla la Ketsamolao la Provense ya Freistata, ka mokgwa ona:-

(Sengolwa sa Senyesemane se ananetswe le ho saenelwa ke Tonakgolo.)

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Ditlhaloso

1. Molaong ona, ntle le ha se ngotsweng se bolela ho hong -

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“**Hlooho ya Lefapha**” ho bolelwa Hlooho ya Lefapha e ikarabellang ho tsa Bonono le Setso Provenseng;

“**Lefapha**” ho bolelwa Lefapha le ikarabellang ho tsa Bonono le Setso Provenseng;

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“**Lekgotla**” ho bolelwa Lekgotla la Bonono le Setso la Freistata le thehilweng ho latela dintlha tsa karolo ya 2;

“**modulasetulo**” ho bolelwa modulasetulo wa Lekgotla;

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“**Mola ona**” o kenyeletsa Molawana;

“**Provense**” ho bolelwa Provense ya Freisetata;

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“**Setho**” ho bolelwa Setho sa Lekgotla;

“**SLP**” ho bolelwa Setho sa Lekgotla la Phethahatso se ikarabellang ho tsa Bonono le Setso Provenseng; le

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“**tša bonono**” ho kenyelletswa mefuta yohle ya mmimo, motjeko, tshwantshiso, mesebetsi ya matsoho, botaki, dingolwa le bonono ba baahi.

Ho thehwa ha Lekgotla la Bonono le Setso la Freistata

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2. Setheo sa molao se tsejwang ka hore ke Lekgotla la Bonono le Setso la Freistata se thehilwe.

Maikemisetso a Lekgotla

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3. (a) Ho kgothaletsa le ho nehelana ka menyetla ho batho ba sebetsanang le tsa bonono;

(b) Ho tsebahatsa ho amohelwa, ho utlwisiswa, le ho thabelwa ha tsa bonono;

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(c) Ho tsebahatsa ho kenngwa tshebetsong ka kakaretso ha tse mabapi le bonono baahing;

- (d) To uphold and promote the right of persons to freedom in the practice of the arts;
- (e) To address historical imbalances in the provision of infrastructure and funding for the promotion of the arts; 5
- (f) To develop and promote the arts and encourage excellence in performance and expression in the art works and forms; and
- (g) To encourage and recognise innovations and creativity in all art works and forms. 10

Composition of the Council

- 4. (1) The Council consists of eleven (11) members appointed by the MEC. 15
- (2) Every district municipality in the Province as defined in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) must nominate one (1) person to be appointed to the Council. 20
- (3) Subject to subsections (2) and (5), the MEC must request nominations for the other members of the Council in at least one newspaper circulating in the Province and in the *Provincial Gazette*.
- (4) Members of the Council must have special knowledge or experience in one or more of the following fields: 25
 - (i) Music;
 - (ii) Dance; 30
 - (iii) Theatre;
 - (iv) Film and video; 35
 - (v) Literary arts;
 - (vi) Spoken words arts;
 - (vii) Visual arts; 40
 - (viii) Crafts;
 - (ix) Community Arts and Culture;

- (d) Ho sireletsa tokelo ya motho ka mong ya tokoloho, ditabeng tsa bonono;
- (e) Ho lokisa ho se lekalekane ha mehleng nehelanong ya meralo ya ditshebeletso le tshehetso ya ditjhelete bakeng la ho tsebahatsa tsa bonono;
- (f) Ho ntshetsapele le ho tsebahatsa tsa bonono le ho kgothaletsa boqhetseke ho mefuta yohle ya tsa bonono;
- (g) Ho kgothaletsa le ho ehlwa boiqapelo mesebetsing le mefuteng yohle ya bonono;

Popeho ya Lekgotla

4. (1) Lekgotla le boptjwa ke ditho tse lesome le motso (11) tse thongtsweng ke SLP.
- (2) Masepala ka mong wa setereke ka hara Provense jwalokaha o hlalositse kahara Molao wa Mmuso wa Lehae wa Dipopeho tsa Bomasepala, wa 1998 (Molao wa Nomoro ya 117 wa 1998) o tlamehile ho khetha motho a le mong (1) ya tla thonngwang ho ba Lekgotleng.
- (3) Ho itshehlele hodimo ha dikarolwana (2) le (5), SLP o tlamehile ho etsa kopo ya ho khethwa ha ditho tse ding tsa Lekgotla bonyane koranteng e le nngwe e balwang Proveng le ho *Koranteng ya Provense*.
- (4) Ditho tsa Lekgotla di lebeletswe ho ba le tsebo e ikgethang kapa boiphihlelo lekaleng kapa makaleng a latelang:
- (i) Mmino;
- (ii) Motjeko;
- (iii) Papadi ya kalaneng;
- (iv) Difilimi le dividiyo;
- (v) Bonono dingolweng;
- (vi) Bonono mantsweng a buuwang;
- (vii) Bonono bo bohuwang;
- (viii) Mesebetsi ya matsoho;
- (ix) Bonono le Setso sa baahi;

- (x) Arts Education;
 - (xi) Technical knowledge of the arts;
 - (xii) Law; 5
 - (xiii) Finance; and
 - (xiv) Management. 10
- (5) The Head of Department is an *ex officio* member of the Council. 10
- (6) The MEC must appoint the chairperson among the members of the Council. 15
- (7) No person shall be appointed as a member of the Council –
- (a) if he or she is declared insolvent and is not rehabilitated;
 - (b) if he or she is declared unfit by a court of law to manage his or her own affairs; 20
 - (c) is convicted and sent to prison without an option of a fine; and
 - (d) unless that person is a South African citizen permanently resident in the Province. 25
- (8) The composition of the Council shall be broadly representative of the gender, language and community composition of the Province. 30
- (9) The names of the members of the Council and the dates of the commencement of their terms of office shall as soon as possible after the constitution of the Council be made known by the MEC by notice in the *Provincial Gazette*. 35

Powers of the Council

5. In order to achieve its objects, the Council may –
- (1) render financial support, advice and information to persons, organisations and institutions that may approach it for that purpose; 40
 - (2) investigate and determine the need, support, advice and information for persons, organisations and institutions; 45
 - (3) promote and encourage equity in arts and culture;
 - (4) conduct research into various fields of arts;

- (x) Thuto ya bonono;
- (xi) Tsebo ya setekgeniki ya tsa bonono;
- 5 (xii) Molao;
- (xiii) Ditjhelete; le
- (xiv) Botsamaisi.
- 10 (5) Hlooho ya Lefapha e tla ba Setho sa Lekgotla ho ya ka maemo a hae.
- (6) SLP se tla kgetha e mong hara ditho tsa Lekgotla ho ba modulasetulo.
- 15 (7) Ha ho motho ya tla kgethwa jwalo ka setho sa Lekgotla –
- (a) ebang a ka phatlalatswa a e na le mathata a ditjhelete mme a sa hlabollehe;
- 20 (b) ebang a phatlalatswa ke lekgotla la dinyewe hore ha a itekanela ho laola ditaba tsa hae;
- (c) o fumanwe a le molato mme a ahlolwa ntle le kotlo ya tjhelete;
- 25 (d) mme ntle le ha e ba motho eo ke moahi wa Afrika Borwa ya dulang ka dinako tsohle ka hara Provense.
- (8) Lekgotla le tla theuwa holatela bong, puo le setjhaba ka kakaretso sa Provense ya Freistata.
- 30 (9) Mabitso a ditho tsa Lekgotla le matsatsi a ho qala tshebetso a tla tsebiswa ke SLP hang ka mora ho thehwa ha Lekgotla mme a phatlalatswe ka hara koranta ye mmuso wa Provense.

35 **Matla a Lekgotla**

5. Ho fihlella maikemisetso a lona, Lekgotla le ka-

- 40 (1) nehelana ka tshehetso ya ditjhelete, keletso le tlhahisoleseding ho batho, mekgatlo le ditheo tse ka hlohang thuso e jwalo ho Lekgotla;
- (2) fuputsa le ho etsa qeto mabapi le tlhoko, tshehetso, keletso le tlhahisoleseding ho batho, mekgatlo le ditheo;
- 45 (3) tsebahatsa le ho kgothaletsa tekatekano ho tsa bonono le Setso;
- (4) etsa dipatlisiso makaleng a fapaneng a tsa bonono;

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| (5) | establish, compile and maintain databases of persons, organisations, institutions, equipment and facilities connected with the arts; | |
| (6) | raise funds with the written consent of the MEC to promote the objects of this Act; | 5 |
| (7) | enter into agreements with persons, organisations or institutions with written consent of the MEC; | |
| (8) | purchase, acquire, possess, hire, alienate or let, pledge or encumber movable property and with the approval of the MEC of Arts and Culture, with the concurrence of the MEC for Treasury, purchase, acquire, possess, hire, alienate or let pledge or encumber, immovable property; | 10 |
| (9) | advise the MEC on matters and policy regarding arts and culture; | 15 |
| (10) | publish information on its objects and functions; | |
| (11) | report quarterly on its activities to the MEC; and | 20 |
| (12) | perform such other functions that are necessary to achieve the objects of this Act. | |

Term of office of members of the Council and filling of vacancies

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| 6. | (1) A member shall be appointed for a period of five (5) years. | |
| | (2) A member whose term of office has expired is eligible for reappointment, but may not serve more than two (2) terms of office. | 30 |
| | (3) Any vacancy on the Council shall be filled by appointment in the manner in which the member who vacates the office was required to be appointed, and any member so appointed shall hold office for the unexpired portion of the period for which the member who vacates the office was appointed. | 35 |

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Termination of office of members of the Council

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| 7. | (1) The MEC may terminate a member's membership if – | |
| | (a) he or she absents himself or herself from two (2) consecutive meetings without a written apology accepted by the Council; | 40 |
| | (b) a member is declared insolvent and is not rehabilitated; | |
| | (c) a member is declared unfit by a court of law to manage his or her own affairs; | 45 |
| | (d) a member resigns by written notice addressed to the MEC; | |

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