

ANNUAL REPORT 2004/05



Entrance to Elands Bay cave



Living Heritage workshop in Great Brak River on Heritage Day 2004



Heritage Western Cape Council Workshop

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1.1 SUBMISSION OF THE ANNUAL REPORT TO THE EXECUTIVE AUTHORITY

In accordance with section 55(1)(d) of the Public Finance Management Act, 1999 (Act 1 of 1999) and in accordance with section 28(2) of the National Treasury Regulations, I hereby submit the Annual Report on the activities of Heritage Western Cape and the audited financial statements for the 2004/2005 financial year to the Minister for Cultural Affairs, Sport and Recreation, Mr. P M Jacobs.

Please note that in terms of section 65(1)(a) of the Public Finance Management Act, 1999, the Minister is required to table the report in the Western Cape Provincial Parliament/Legislature by 31 August 2005. In the event that you are unable to table an annual report, audited annual financial statements and an auditor's report within six months from the end of the relevant financial year, i.e. by 30 September 2005, you are, in terms of section 65(2)(a) of the Public Finance Management Act, 1999, required to submit a written explanation to the Western Cape Provincial Parliament.



Ms H M J du Preez
ACCOUNTING AUTHORITY HERITAGE WESTERN CAPE

1.2 INTRODUCTION BY THE CHAIRPERSON OF THE COUNCIL OF HERITAGE WESTERN CAPE

Heritage Western Cape was established as the provincial heritage resource authority after the appointment of seven members of the first Council in January 2003. It is an entity mandated to identify, conserve, transform and manage the full range of heritage resources in the Western Cape.

Provincial heritage resource authorities are being set up in all provinces to implement the National Heritage Resources Act, 1999 (Act 25 of 1999). These authorities are concerned with the legal protection of heritage resources. Heritage resources consist mainly of immovable property that has been identified as conservation-worthy because of its historic, aesthetic, scientific or architectural significance.

Despite persistent delays in the appointment of permanent staff, Heritage Western Cape was able to start formulating a more strategic approach to its mandate during this past year, its second year of existence. The Council of Heritage Western Cape is looking forward to the time when all the approved permanent posts are filled. As was indicated in the first annual report of Heritage Western Cape, experienced, trained and dedicated staff and council members are essential if Heritage Western Cape is to transform the cultural context of the heritage resources in the Western Cape, set the highest standards for their conservation, and take full advantage of the significance of heritage resources for the promotion of tourism and cultural activities in the Western Cape.

The Council of Heritage Western Cape is grateful to the former Minister for Cultural Affairs and Sport and Recreation, Mr Z C Stali, for his support in securing a budget for Heritage Western Cape, and for his willingness to discuss the challenges facing Heritage Western Cape. The Council is especially grateful to the staff of the Department of Cultural Affairs for their dedication under continuing difficult circumstances and to the staff responsible for the managerial, professional, administrative and financial functions that have assisted the staff, the Council and its committees.

The Council of Heritage Western Cape would also like to express its gratitude to the members of the committees of Heritage Western Cape who have enthusiastically contributed their expertise and knowledge to ensure that Heritage Western Cape meets its objectives.

Heritage Western Cape will continue to do everything in its power to fulfil its mandate to identify heritage sites of importance to communities whose values were once marginalised and to deliver an efficient and effective service with integrity and vision.



Dr Janette Deacon

Chairperson of the Council of Heritage Western Cape

1.3 APPLICABLE ACTS AND OTHER INFORMATION

Heritage Western Cape subscribes to the following:

The Vision of Heritage Western Cape:

To celebrate, treasure, maintain and nurture the diverse heritage resources of the people of the Western Cape in order to promote pride in the identities of future generations.

The vision of the Council of Heritage Western Cape is to identify the material and intangible legacy of our past that is significant to our society. Heritage Western Cape will strive to enable all communities within the Western Cape to conserve and pass on to succeeding generations the rich and varied heritage resources in which we place value, where we find our roots, and where we affirm our identity. This applies especially to communities whose profile, memories and values were once marginalised.

The Mission of Heritage Western Cape:

To establish and maintain an integrated heritage resource management system in the Western Cape that will ensure the identification, conservation, protection and promotion of provincial heritage resources for all communities and for present and future generations.

Constitutional and legislative mandates:

Provision for the legislative mandate of Heritage Western Cape is made in national and provincial legislation and policies applicable to cultural matters in the Western Cape. It includes:

- The National Heritage Resources Act, 1999 (Act 25 of 1999);
- The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);
- The Constitution of the Western Cape, 1997 (Act 1 of 1998);
- The Public Finance Management Act, 1999 (Act 1 of 1999);
- The World Heritage Convention Act, 1999 (Act 49 of 1999);
- The Promotion of Access to Information Act, 2000 (Act 2 of 2000);
- The Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
- The National Treasury Regulations;
- Notice R.18 dated 31 March 2000 and published in the Government Gazette No. 21051 dated 31 March 2000;
- Provincial Notice P.N. 336 dated 25 October 2002 and published in the Provincial Gazette No. 5937 dated 25 October 2002;
- Provincial Notice P.N. 298 dated 29 August 2003 and published in the Provincial Gazette No. 6061 dated 29 August 2003;
- Provincial Notice P.N. 212 dated 10 November 2004 and published in the Provincial Gazette No. 6179 dated 10 November 2004;
- Provincial Notice P.N. 106/2005 dated 31 March 2005 and published in the Provincial Gazette No. 6239 dated 31 March 2005;

Operational Mandate:

Heritage Western Cape was established in terms of section 23 of the National Heritage Resources Act, 1999 (Act 25 of 1999). Heritage Western Cape is responsible for the management of certain categories of heritage resources within the boundaries of the Western Cape and is governed by a council constituted in terms of regulations to establish the provincial heritage resources authority.

In terms of section 10 of Provincial Notice P.N. 336 dated 25 October 2002, officials of the Department of Cultural Affairs and Sport in the Western Cape execute the work associated with the performance of the functions of the Council of Heritage Western Cape.

Objectives, powers and functions of Heritage Western Cape:

Heritage Western Cape has the following powers and functions as set out in the National Heritage Resources Act, 1999 (Act 25 of 1999) and Provincial Notice P.N. 336 dated 25 October 2002 and published in the Provincial Gazette on 25 October 2002. These powers and functions include, inter alia, the following:

- Annually submit a report to the Minister regarding its activities during that year;
- Promote the systematic identification, recording and assessment of heritage resources, which form part of the national estate in the Western Cape;
- Protect and manage heritage resources in a province, which fulfil the heritage assessment criteria prescribed under section 7(10) for Grade II status;

- Notify the South African Heritage Resources Agency of the presence of any heritage resources in the Western Cape which it considers fulfils the heritage assessment criteria prescribed under section 7(1) for Grade I status, nominate such resource for national level protection and furnish SAHRA with the information in its possession relating to such resource;
- Maintain data bases on heritage resources in accordance with national standards, and at regular intervals furnish SAHRA with such data;
- Establish policy, objectives and strategy plans for heritage resource management in the Western Cape;
- Determine competence of local authorities to manage heritage resources in accordance with the national system for the heritage grading of local authorities prescribed under section 8(6);
- Furnish information, advice and assistance to enhance public sensitivity towards and awareness of the need for management of the national estate;
- Maintain a list of conservation bodies which have, in accordance with regulations by Heritage Western Cape, registered their interest in –
 - (i) a geographical area; or
 - (ii) a category of heritage resources;
- Regularly inspect heritage resources which are formally protected by Heritage Western Cape in terms of any provisions of Part I of Chapter II of the Act;
- Endeavour to assist any community or body of persons with an established interest in any heritage resource to obtain reasonable access to such heritage resource, should they request it, and may, for the purpose –
 - (i) enter into negotiations with the owner of such resource;
 - (ii) facilitate the making of arrangements as may be required of the achievement of such access, including the execution of a heritage agreement under section 42; and
 - (iii) if such negotiations are unsuccessful, refer the matter to the Minister;
- Make arrangements to ensure the protection and management of all heritage resources and property owned or controlled by it or vested in it;
- Promote and engage in research relating to the identification, assessment and management of the national estate as necessary for the performance of its functions;
- Publish, or by any other means make available or distribute in any form, or cause to be published or distributed, any knowledge and information relating to the national estate and any of its functions or activities;
- Inspect or document any heritage resource –
 - (i) which has the potential to become protected in terms of the Act;
 - (ii) which is, or which Heritage Western Cape has reason to believe may be, so protected; or
 - (iii) which it wishes to document for research purposes, for purposes of building up a public record of heritage resources or as part of an investigation into a suspected offence in terms of the Act;
 and must maintain a register of such inspections;
- Whenever it is investigating the desirability of protecting any place in terms of the Act, take such steps as it considers necessary –
 - (i) for erecting beacons on the corners of and surveying and preparing a diagram or plan of such place; or
 - (ii) for determining by survey the location of such place in relation to the beacons and boundaries of the land on which it is situated;
- Undertake or make arrangements for the presentation of any place under its control or, after consultation with the Department concerned, any heritage site which is owned by the State;
- By agreement with the authority or body concerned, co-operate in the management of any heritage resource which is owned or controlled by the State or a supported body;
- Co-ordinate and monitor the performance of local authorities in the implementation of their responsibilities in terms of the Act and provincial heritage legislation;
- Assist local authorities to manage heritage resources in the Western Cape; and
- Provide for any areas of responsibility in terms of the Act or any provincial heritage resources legislation when a local authority does not have competence, or has insufficient capacity, to perform a function in terms of the criteria prescribed under section 8(6) of the Act.
- Lend anything under its control to a museum or public institution, subject to such conditions as it deems necessary and appropriate;
- Subject to the provisions of section 59, make and from time to time amend regulations relating to any matter which Heritage Western Cape considers to be necessary or expedient to prescribe to fulfil its functions and implement its powers and duties under the Act;
- Create and where necessary register with the relevant authorities a badge, or an emblem for the authority, any of its projects or any category of protection provided for in terms of the Act;
- Where appropriate, affix to or otherwise display at any place protected in terms of the Act a badge or other sign indicating its status;

- Produce, acquire and market products relating to the national estate, or enter into arrangements for the production, acquisition and marketing of such products;
- Recover costs incurred by it and, where appropriate, charge for the provision of services rendered in terms of the Act;
- Arrange for the provision of insurance cover for
 - (i) itself against any loss, damage, risk or liability which it may suffer or incur regarding any property under its control
 - (ii) members of the council of Heritage Western Cape, co-opted members, members of committees and members of its staff, in respect of bodily injury, illness, disablement or death incurred wholly and directly in the course of the performance of their duties on behalf of the heritage resources authority concerned;
- Enter into contracts; and
- Employ consultants to assist in the performance of its functions.

Policy and procedural developments

The Council of Heritage Western Cape considered and approved a number of policies and procedures during the 2004/2005 financial year. These include:

- A policy and procedure for the provisional protection and permanent declaration of provincial heritage sites;
- A policy and procedure for the Appeal Committee was developed and reviewed during the year;
- A policy on payment for the attendance of conferences, projects and workshops by members of the Council of Heritage Western Cape;
- An interim policy and guidelines regarding communication with the Minister and the media was approved;
- A procurement policy for Heritage Western Cape was developed as a guide on how goods and services are to be procured in line with section 51(1)(a)(iii) and (iv) of the Public Finance Management Act, 1999 (Act 1 of 1999);
- An interim archaeological protocol for developers in the Green Point Area of Cape Town was drafted by SAHRA and the City of Cape Town and Heritage Western Cape made input into the document. In order to comply with provisions of the Act, it was necessary that applications for permits should be made to both SAHRA and Heritage Western Cape. The draft memorandum of agreement has not yet been signed by the parties.

1.4 STATEMENT OF RESPONSIBILITY

The Public Finance Management Act, 1999 (Act 1 of 1999) requires that the Accounting Authority keep full and proper records of the financial affairs of Heritage Western Cape. The Annual Financial Statements fairly present the state of affairs of Heritage Western Cape, its business, its financial results, its performance against predetermined objectives and its financial position as at the end of the financial year and these have been presented in terms of the generally accepted accounting practice (GAAP).

As Heritage Western Cape is a new entity that was only established in the 2002/2003 financial year, and despite the enormous challenges that it has faced since its establishment in terms of its capacity to address its objectives, functions, duties and powers, it is a going concern and will be strengthened in the year ahead.

The basis used to prepare the Annual Financial Statements

The basis for preparation of the Annual Financial Statements of Heritage Western Cape is set out in the Public Finance Management Act, 1999 (Act 1 of 1999) and the National Treasury Regulations and the necessary and appropriate internal controls to limit and detect material misstatements and losses are in place to comply with the relevant legislation.