



**Western Cape
Government**

Cultural Affairs and Sport

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DIE WES-KAAPSE KONSEP MUSEUMBELEID

Geskrewe kommentaar en navrae oor hierdie Konsep Museumbeleid **MOET NIE LATER** as
31 Maart 2012 gerig word aan:

Die Wes-Kaapse Provinsiale Museumdiens

Departement van Kultuursake en Sport

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UYILO LOMGAQO-NKQUBO WAMAZIKO OLONDOLOZO LWEMBALI YENTSHONA KOLONI

Imibuzo nokunye okunxulumene noMgaqo-nkqubo oSaYilwayo wamaZiko oLondolozo
lweMbalali mayithunyelwe **NGAPHAMBI KOMHLA** wama-31 kweyoKwindla 2012:

INkonzo yoLondolozo lweMbalali yePhondo leNtshona Koloni

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DRAFT WESTERN CAPE MUSEUM POLICY

Written comments and enquiries on this *Draft Museum Policy* should be submitted **NOT
LATER THAN** 31 March 2012 to:

The Western Cape Provincial Museum Service

Department of Cultural Affairs and Sport

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DIE WES-KAAPSE KONSEP MUSEUMBELEID

1. INLEIDING

Die Wes-Kaapse Provinsiale Museumbeleid is gebaseer op 'n situasionele ontleding getiteld *Discussion Paper: Towards a New Western Cape Provincial Museum Policy*, wat in 2009/10 onderneem is en in April 2010 gepubliseer en vir openbare kommentaar versprei is. Die dokument is op die webtuiste van die Departement verkrygbaar by www.westerncape.gov.za/dcas.

Die doel van die beleid is om vir individue en gemeenskappe die geleentheid te bied om, binne 'n raamwerk in ooreenstemming met die grondwetlike bepalings, museums in die Wes-Kaap te vestig en in stand te hou.

Die beleid sal 'n raamwerk vir die voorgestelde Wes-Kaapse provinsiale museumwetgewing voorsien. Die volgende sal in die nuwe wetgewing gedek word:

- rasionalisering en voorsiening van 'n nuwe raamwerk vir museums en affiliasie by die Museumdiens
- verlening van bevoegdheid aan munisipaliteite wat versamelings besit of 'n museum bestuur
- verwydering van enige diskriminerende terminologie in verouderde museumwetgewing
- die skep van 'n regverdige toegangsraamwerk vir alle museumbesoekers
- aansporing van museums om inkomste te genereer en alternatiewe befondsingsbronne te benut vir die transformasie, bewaring en volhoubaarheid van museums
- voorsiening van 'n oorkoepelende en transversale museumbeleidsraamwerk
- voorsiening van 'n befondsingsraamwerk vir die museumsektor in die Wes-Kaap
- lewering van 'n raamwerk vir die transformasie van versamelings, tentoonstellings en openbare programme
- instelling van maatreëls om effektiewe, doeltreffende en ekonomiese dienste, met inbegrip van vereistes vir ouditering en rapportering, te verseker

- aanmoediging van samewerking en koördinerings tussende die Museumdiens, museums, ander terreine van regering en erfenis, onderwys- en navorsingsinstellings
- voorsiening van 'n raamwerk vir toegang tot geakkrediteerde opleidings- en ontwikkelingsgeleenthede vir lede van beheerliggame, werknemers en vrywilligers
- voorsiening vir die aanskaffing van betekenisvolle artefakte, voorwerpe, natuurvoorwerpe of versamelings
- voorsiening van 'n institusionele raamwerk vir die beveiliging van artefakte, voorwerpe, natuurvoorwerpe of versamelings wat bedreig word
- die skep van 'n bemarkingsraamwerk vir museums en vir die bevordering van ons kultuur- en erfenistoerisme

2. GRONDWETLIKE RAAMWERK

Hierdie beleid is gebaseer op die raamwerk soos voorsien in die nasionale Grondwet, Wet 108 van 1996, en spesifiek soos dit betrekking het op nasionale museums binne die grense van die Wes-Kaap Provinsie. Dit is gerig op nie-nasionale museums ingevolge die eksklusiewe provinsiale wetgewende mandaat voorsien deur Skedule 5 van die nasionale Grondwet. Dit neem ook die basiese voorwaardes en die Handves van Regte in Hoofstuk 2 van die nasionale Grondwet, asook die beginsels en bepalings van samewerkende regering tussen die regeringsvlakke, en die bevordering van tussenregeringsverhoudinge in aanmerking.

Die spesifieke bepalings in die Wes-Kaapse provinsiale museumwetgewing wat op nasionale museums betrekking het, sal eers ná raadpleging met die nasionale Minister verantwoordelik vir Kuns en Kultuur gepromulgeer word.

Die museumbeleid en -wetgewing word ook gegrond op die Grondwet van die Wes-Kaap, Wet 1 van 1998. Die Departement van Kultuursake en Sport moet beleidsrigtings vir die aktiewe welstandsbevordering en -instandhouding van die Wes-Kaap se mense aanvaar en implementeer, waaronder beleidsrigtings wat gerig is op die beskerming en bewaring van die natuurlike, kultuur-historiese, argeologiese en argitektoniese erfenis van die Wes-Kaap, tot voordeel van die huidige en toekomstige geslagte. Die provinsiale Grondwet meld verder dat hierdie toonaangewende beginsels in die opstel en toepassing van wetgewing as riglyn vir die Departement moet dien.

Die verhouding tussen geaffilieerde museums en munisipaliteite sal verdere verduideliking vereis, aangesien baie van die bestaande geaffilieerde museums gehuisves word in historiese geboue wat in besit van die plaaslike munisipaliteite is. Hierdie geboue is beskikbaar gestel om die museum te huisves toe die museum, ingevolge die Museumordonnansie, Nr. 8 van 1975, of voorafgaande wetgewing, as 'n plaaslike of provinsie-ondersteunde museum verklaar is.

3. DEFINISIES

“aanwysregister” beteken 'n geskrewe of digitale opname of databasis waarin alle artikels wat deel vorm van 'n versameling van 'n museum opgeteken word.

“versameling” beteken 'n versameling van natuurvoorwerpe of voorwerpe wat verkry is deur, of in die besit is van 'n instelling of museum vir doeleindes van bewaring, tentoonstelling, uitstalling of navorsing.

“Departement” beteken die Departement van Kultuursake en Sport van die Wes-Kaapse Provinsiale Regering wat verantwoordelik is vir kultuursake en meer spesifiek vir museumdienste.

“beheerliggaam” beteken die regspersoon wat tot stand gebring is om ’n museum te besit en bestuur en sluit in, onder andere, ’n raad van trustees, ’n beheerraad, bestuurskomitees, direksies, korporasies en private individue.

“interpretasiepunt” verwys na aanwysings wat slegs die tentoonstellingsaspek van die museumfunksie behels.

“nie-tasbare kultuurerfenis” beteken die praktyke, voorstellings, uitdrukkings, kennis en vaardighede wat gemeenskappe, groepe en, in party gevalle, individue erken as deel van hul kultuurerfenis (Konvensie vir die Beveiliging van Nie-tasbare Kultuurerfenis, UNESCO, 2003).

“lewende erfenis” beteken die ontasbare aspekte van kultuurerfenis, wat die volgende mag insluit —

- (a) kulturele tradisie
- (b) mondelinge geskiedenis
- (c) uitvoerings
- (d) rituele
- (e) populêre geheue
- (f) vaardighede en tegnieke
- (g) inheemse kennisstelsels
- (h) die holistiese benadering tot die natuur, gemeenskap en sosiale verhoudinge

“munisipaliteit” dra die betekenis soos gedefinieer in Artikel 155(6) van die Grondwet van die Republiek van Suid-Afrika.

“museum” beteken ’n nie-winsgewende, permanente instelling in die diens van die gemeenskap en die ontwikkeling daarvan, wat oop is vir die publiek en, vir studie- en onderwysdoeleindes en genot, stoflike bewyse van mense en hul omgewing versamel, bewaar, navors, kommunikeer en ten toon stel.

“museumdienste” behels die koördinering van museumaktiwiteite, die stel van museumkundige standaarde; standaardisering van professionele praktyke; voorsiening van opleidingsgeleentheid; uitvoer van sekere funksies of aktiwiteite namens museums, erfenisentra en interpretasiepunte, raadgewing of ondersteuning, soos ooreengekom, met betrekking tot sodanige funksies en voorsiening van gesentraliseerde spesialisvaardighede en fasiliteite.

“nasionale Grondwet” beteken die Grondwet van die Republiek van Suid-Afrika, Wet 108 van 1996.

“nasionale museums” is museumkundige instellings wat ingevolge wetgewing vir nasionale museums deur die nasionale Parlement uitgevaardig, tot stand gebring is.

“bewing” beteken die daad of proses waarin maatreëls toegepas word om die bestaande vorm, integriteit en materiaal van die artefak, voorwerp of plek te behou.

“provinsiale Grondwet” beteken die Grondwet van die Wes-Kaap, Wet 1 van 1998.

“beduidendheid” beteken die estetiese, argitektoniese, historiese, wetenskaplike, sosiale, geestelike, taalkundige of tegnologiese waarde of beduidendheid van ’n artefak, voorwerp, versameling of plek.

“ondersteuner-organisasie” / “Vriende van die Museum-organisasie” beteken ’n organisasie wat ten doel het om finansiële en ander hulp en steun aan ’n spesifieke museum, wie se lede jaarliks 'n minimum bedrag, vasgestel deur die beheerliggaam van die betrokke museum, tot die fondse van die museum bydra.

4. INTERNASIONALE KONVENSIES

Die Republiek van Suid-Afrika het 'n aantal internasionale konvensies onderskryf. Hulle vorm nou deel van die Suid-Afrikaanse reg, ingevolge Artikel 231 van die nasionale Grondwet. Hulle is:

- die Konvensie vir die Beskerming van Kulturele Eiendom in geval van Gewapende Konflik (1954)
- die UNESCO-konvensie oor die Metodes van die Plasing van ’n Verbod op en Voorkoming van Onwettige Invoer, Uitvoer en Oordrag van Eiendomsreg van Kulturele Eiendom (1970)
- die UNIDROIT-konvensie oor Gesteelde of Onwettige Uitgevoerde Kulturele Voorwerpe (1995)
- die UNESCO-konvensie vir die Beveiliging van Nie-tasbare Kultuurerfenis (2003)
- die UNESCO-konvensie oor die Beskerming en Bevordering van die Diversiteit van Kulturele Uitinge (2005)

Hierdie beleid sal, sover moontlik binne die wetgewende raamwerk van die Republiek van Suid-Afrika en die finansiële vermoë van die Departement, museums ondersteun om te voldoen aan die bepaling van die internasionale konvensies wat op museums en erfenis betrekking het.

5. VERANTWOORDELIKHEDE VAN DIE PROVINSIALE MINISTER VERANTWOORDELIK VIR KULTUURSAKE

Die provinsiale Minister verantwoordelik vir Kultuursake in die Wes-Kaapse Provinsiale Regering sal sy of haar bevoegdhede, soos uiteengesit in die konstitusionele raamwerke en die provinsiale wetgewing wat op museums betrekking het, uitoefen. Voorsiening sal gemaak word vir die delegering van bevoegdhede van die provinsiale Minister aan ’n senior amptenaar in diens van die Departement.

6. DIE DOEL VAN MUSEUMS

Museums is verantwoordbare instellings wat in die openbare belang gevestig is en in stand gehou word. Gemeenskappe se bewustheid, identiteite en begrip van hul natuurlike, historiese en kulturele omgewings word deur museums gevorm en gemanifesteer. Dit geskied deur die versameling, dokumentering, uitstalling, bewaring en navorsing van artefakte en opvoedingsprogramme wat op die behoeftes van die gemeenskap reageer. Hulle vorm en manifesteer die bewustheid, identiteite en begrip van gemeenskappe en individue met betrekking tot hul natuurlike, historiese en kulturele omgewings deur die versameling, dokumentasie, bewaring, navorsing en opvoedingsprogramme wat op die behoeftes van die gemeenskap

reageer. Die primêre doel van museums is om ons erfenis as 'n geheel te beskerm en te bewaar. Museums moet wetenskaplike studies uitvoer om hul betekenis en waarde vir die gemeenskap vas te stel en te verstaan. Dit sal 'n globale etiek, gebaseer op die praktyk van bewaring, beskerming en verspreiding van kulturele en natuurlike erfenis, ondersteun. Die opvoedkundige missie van museums, van watter aard die museums ook al is, is net so belangrik soos hul wetenskaplike werk. Museums het dus ook 'n verantwoordelikheid om hulself in die gemeenskap te bemark. Al hierdie funksies moet onder die toesig van goeie bestuur en met verantwoordelike aanwending van hulle hulpbronne gedoen word. Die definisie van 'n "museum" weerspieël drie belangrike elemente:

- Museums is nie slegs die geboue waarin dit ruimtelik gehuisves is, met versamelings natuurlike, historiese en kulturele voorwerpe en artefakte nie. In spesifieke gevalle is museums egter op verskeie maniere intrinsiek aan die gebou gekoppel. Die meeste museumgeboue in die Wes-Kaap word ingevolge die Wet op Nasionale Erfenishulpbronne, Wet 25 van 1999, en/of met betrekking tot die storielyn of tema van die museum, tot provinsiale erfenisterreine verklaar. In sulke gevalle sal die skeiding van die museum en 'n spesifieke gebou skade doen aan die agtergrond en beduidendheid van die museum.
- Tweedens is museums instellings van openbare geheue waarvan die aktiwiteite gerig is op versameling, bewaring, navorsing, opvoeding en die bekendstelling aan die publiek van natuurlike, historiese en kulturele erfgoed van 'n gemeenskap of gebied. Dit is van deurslaggewende belang om daarop te let dat hoewel museums in 'n besondere milieu geplaas is, hul rolle die plaaslike grense oorskry omdat hulle tot nasionale, provinsiale en plaaslike bewussyn, nasiebou en nasionale identiteit bydra.
- Derdens vorm en manifesteer museums, deur hierdie aktiwiteite, die verbintenis van gemeenskappe met hul natuurlike omgewing, geskiedenis en kultuur.

7. DIE WAARDE VAN MUSEUMS: INSTRUMENTE VAN SOSIALE KOHESIE EN INSLUITING

Museums is instellings wat artefakte, proefstukke en versamelings byeenbring, beveilig en toeganklik maak en in bewaring hou vir die gemeenskap. Die gemeenskap kan, op hul beurt, van museums verwag om namens hulle versamelings in bewaring te hou; op openbare diens ingestel te wees; mense aan te moedig om vir inspirasie, leer en genot versamelings te ondersoek; gemeenskappe te konsulteer en te betrek; items eerlik en verantwoordelik te verkry; die langtermyn- openbare belangstelling in die versamelings te beveilig; die belangstelling van mense wat items in 'n versameling gemaak, gebruik, besit, versamel of geskenk het te erken; die beskerming van die natuurlike en menslike omgewings te ondersteun; inligting in verband met versamelings na te vors, te deel en te vertolk, om uiteenlopende standpunte te reflekteer en werkverrigting te beoordeel met die oog op innovasie en verbetering.

Museums van wetenskap, geskiedenis en kuns kan met vele ander name benoem word. Hulle kan 'n unieke en positiewe bydrae tot die gemeenskap lewer deur:

- leergeleenthede te voorsien
- die gebruik van versamelings en verwante inligting om menslike kennis uit te brei
- kreatiwiteit en 'n ondersoekende ingesteldheid te stimuleer

- 'n sin van trots in 'n plek en in sosiale kohesie en insluiting te voorsien
- plaaslike ekonomieë te ondersteun deur toerisme en die skep van 'n plaaslike identiteit
- geleenthede te bied vir die persoonlike ontwikkeling van individue en gemeenskappe om 'n beter begrip van hul rol in die samelewing, trots op hul erfenis en waardering vir kulturele diversiteit te ontwikkel
- 'n gevoel van sekuriteit gedurende tye van verandering in die samelewing te skep
- besoekers te vermaak en te onderrig

Dit verteenwoordig 'n enorme potensiële omvang en geen museum het voldoende hulpbronne om al hierdie geleenthede op een keer ten volle te ontgin nie. Suksesvolle museums is dié wat:

- die politieke, sosiale en ekonomiese omgewing waarin hulle werksaam is verstaan
- aktiwiteite en programme voorsien wat gerig is op die mees gepaste bydrae vir die huidige tydsgees
- 'n langtermyn-perspektief handhaaf sodat die museum se versamelings toepaslik in 'n altydveranderende omgewing sal wees

Daarom sal museums:

- mense help om die wêreld te verstaan deur die gebruik van voorwerpe en idees om die verlede en die hede te verklaar en die toekoms te ondersoek;
- versamelings bewaar en navors en voorwerpe en inligting toeganklik maak in werklike en virtuele omgewings;
- in die openbare belang gevestig word as permanente, nie-winsgewende organisasies wat langtermyn-waarde tot gemeenskappe toevoeg;
- ondersteun word deur vrywilligers (individue en organisasies) en die gemeenskap.

8. KORPORATIEWE BESTUUR VAN MUSEUMS

Alle geaffilieerde museums sal bestuur word in ooreenstemming met die beginsels van goeie bestuur en beheer, waaronder:

- verantwoordbaarheid
- verteenwoordigbaarheid
- oorlegpleging
- selfbeskikking binne die breë riglyne van geaffilieerde museums
- toeganklikheid vir besoekers en navorsers tot versamelings en inligting
- samewerking

- multikulturalisme
- veeltaligheid
- etiese optrede

Daar is meer as 122 museums in die Wes-Kaap. Dit is ongeveer 10% van al die gevestigde museums in Afrika. In sommige gevalle voldoen instellings wat as “museums” bemark word nie aan die internasionaal aanvaarde minimum kriteria en standaarde nie en in ander gevalle word besoekers oor hul funksies en doel mislei. Dit is dus nodig om voorsiening te maak vir die affiliasie van museums by die Wes-Kaapse Museumdiens. Dit sal verseker dat museums aan die minimum standaarde voldoen sodat hulle 'n waardige status in gemeenskappe en onder besoekers kan beklee en 'n positiewe besoekerservaring sal verseker.

Die verteenwoordiging in beheerliggame van museums word bepaal deur die status van affiliasie van elke museum, sowel as die vereistes van belanghebbende-verteenwoordiging in die liggame. Die Wes-Kaapse provinsiale museumwetgewing sal die mag verleen om lede van beheerliggame aan te stel.

Waar daar 'n intekenaarorganisasie bestaan of waar een ingestel word met die doel om finansiële en ander steun aan 'n geaffilieerde museum te voorsien, sal sodanige organisasie in die museumbeheerliggaam verteenwoordig word.

9. TOTSTANDBRENGING VAN 'N PROVINSIALE MUSEUM-ADVIESKOMITEE

Die provinsiale Minister verantwoordelik vir Kultuursake kan 'n Wes-Kaapse Provinsiale Museumadvieskomitee aanstel. Die Komitee se doel sal wees om die Minister van raad te bedien oor sake aangaande museums in die Wes-Kaap. Dit sal bestaan uit verteenwoordigers van belanghebbendes en dit sal minstens een maal per jaar moet vergader. Die komitee sal slegs oor raadgewende magte beskik.

10. TOTSTANDBRENGING VAN 'N WES-KAAPSE PROVINSIALE MUSEUMDIENS

Die Departement en die Wes-Kaapse Provinsiale Regering sal volgehoue steun aan die provinsiale Museumdiens tot stand bring en lewer. Sodanige steun sal deur die Departement verkry word uit fondse wat deur die Provinsiale Wetgewer bewillig is (vir personeelvoorsiening, infrastruktuur, toerusting en ander hulpbronne).

Die doel van die Museumdiens is, onder andere, om museumdiensaktiwiteite aan geaffilieerde museums te voorsien en te koördineer; museumkundige standaarde en standaardisering van professionele praktyke daar te stel; opleidingsgeleenthede te voorsien; namens geaffilieerde museums, erfenisentra en verklaringspunte sekere funksies of aktiwiteite te onderneem, en/of hulle met hierdie funksies en aktiwiteite, soos ooreengekom, soos met gesentraliseerde spesialisvaardighede en fasiliteite, te adviseer of te help. Hierdie ooreenkomste moet deur die provinsiale Minister of die Departementshoof onderteken word.

Die Wes-Kaapse Provinsiale Museumdiens kan vennootskappe of agentskapsooreenkomste met nasionale museums of met 'n toekomstige Nasionale Museumdiens sluit wat wedersyds voordelig sal wees om gedeelde dienste aan nasionale museums en geaffilieerde museums in die Wes-Kaap te voorsien. Sulke vennootskapsooreenkomste moet skriftelik wees en moet die bepalinge en

voorwaardes van die vennootskap of ooreenkoms en die verantwoordelikhede van elk van die partye uiteensit.

Die Museumdiens mag ook vennootskappe met die privaatsektor, basiese, sekondêre en tersiêre opvoedkundige inrigtings, regeringsdepartemente, staatsliggame, navorsingsinstellings in Suid-Afrika en 'n geaffilieerde museum of museums in die Wes-Kaap sluit. Sulke vennootskapoooreenkomste moet skriftelik wees en moet die goedkeuring van die partye se hoofde hê. Dit moet ook die bepalinge en voorwaardes van die vennootskap en die verantwoordelikhede van elk van die partye stipuleer.

Hierbenewens mag die Museumdiens ook samewerkingsooreenkomste met museumdienste of museums in ander lande sluit, ná raadpleging met die betrokke provinsiale en nasionale owerhede verantwoordelik vir internasionale samewerking op kultuurvlak. Sulke vennootskapoooreenkomste moet binne die interregeringsverhoudingsraamwerk en aan die hand van toepaslike ooreenkomste tussen die betrokke streeks- of nasionale regering of hul agente gesluit word. Die relevante memoranda van ooreenkoms moet skriftelik wees en moet deur die partye se hoofde goedgekeur word en dit moet die bepalinge en voorwaardes van die vennootskap en die verantwoordelikhede van elke party stipuleer.

11. WES-KAAPSE MUSEUMRAAMWERK EN AFFILIASIE VAN MUSEUMS

Van instellings in die Wes-Kaap wat daarna strew om kulturele en natuurlike erfenis te bewaar en te bevorder deur die bestuur, versameling, navorsing, bewaring en interpretasie van artefakte, objekte, natuurvoorwerpe en/of versamelings vir die publiek, sal vereis word om hulle by die Wes-Kaapse Museumdiens te affilieer. Waar sodanige instelling nie by die Museumdiens wil affilieer nie, sal hulle nie toegelaat word om in die toekoms as "museums" bemark te word nie. Die doelstelling van hierdie maatreël is om goeie praktyk aan beide besoekers en donateurs te verseker.

In die voorsiening van 'n nuwe raamwerk van kategorieë van museums wat by die Museumdiens kan affilieer, is die Departement van mening dat affiliasie grondwetlike en wetlike nakoming sal verseker, en dus 'n suksesvolle verhouding tussen verskillende regeringsfere, die erfenissektor, die privaatsektor en opvoedkundige inrigtings sal bewerkstellig.

Die Wes-Kaapse museumwetgewing sal 'n tydgrens vir die inlywing van Wes-Kaapse instellings by die Museumdiens verskaf.

Museums wat by die Wes-Kaapse Museumdiens geaffilieer is, sal ('n) goedgekeurde tema/temas hê waarop versamelings, uitstallings en navorsingsbeleid gegrond sal wees. Elke museum se tema moet egter sosiaal insluitend wees.

Beheerliggame behoort 'n etiese kode op te stel, 'n stel hoofbeginsels wat ten doel het om wetgewing, standarde en riglyne met betrekking tot museums na te kom en enige belangekonflik te vermy. Dit is nie 'n stel afdwingbare reëls nie, maar dit bepaal wenslike professionele gedrag.

Beheerliggame van museums moet slegs die aanvaarding van geskenke, donasies en borgskappe (in kontant of in goedere) oorweeg binne 'n beleidsraamwerk wat bepaal word deur die temas, finansiële bestuurswetgewing, etiese gedrag, goeie bestuursoorwegings en aanvaarde funksies van museums. Geskenke, donasies en borgskappe wat ontvang en aanvaar is, moet vir die beoogde doeleindes aangewend word.

Museums behoort slegs in buitengewone omstandighede en waar die risiko tot 'n minimum beperk is, verantwoordelikheid te aanvaar om artefakte, proefstukke en versamelings wat nie hul eiendom is nie op langtermyn te leen, aangesien so 'n leenooreenkoms ernstige risiko en uitgawe vir beheerliggame kan meebring ten opsigte van die berging, bewaring, sekuriteit en versekering van die artikels. Dit het nie betrekking op korttermynlenings vir doeleindes van spesifieke tydelike tentoonstellings nie.

11.1 Die Wes-Kaapse Provinsiale Regeringsmuseum

Onder die bates van die Wes-Kaapse Provinsiale Wetgewer en provinsiale regeringsdepartemente en staatsliggame is daar vaste eiendom, artefakte, natuurvoorwerpe en versamelings wat gesamentlik die geskiedenis van die ontwikkeling van die voormalige koloniale, post-Unie- en nou Provinsiale Regering van die Wes-Kaap weergee. Daar word voorgestel dat hierdie bates deel behoort te vorm van die Wes-Kaapse Provinsiale Regering se Museumversameling om die geskiedenis, nalatenskap en erfenis van die Wes-Kaapse Provinsiale Regering uit te beeld.

11.2 Streeksmuseums

Streeksmuseums sal in spesifieke streke in die Wes-Kaap gevestig word, d.i. die Kaapse Metropolitaanse gebied en die distriksmunisipaliteite van die Wes-Kaap. Gebaseer op geografiese en ander oorwegings, sou dit in buitengewone gevalle moontlik wees om meer as een streeksmuseum in 'n distriksmunisipaliteit of in die Kaapse Metropolitaanse gebied te vestig.

Streeksmuseums behoort die erfenis en geskiedenis van 'n besondere streek en sy inwoners (bv. 'n museum vir Kaapstad) uit te beeld. 'n Streeksmuseum sou gevestig kon word waar 'n aantal museums in 'n spesifieke streek gekonsolideer word om 'n streeksmuseum te vorm, of waar versamelings wat die erfenis en geskiedenis van 'n streek weerspieel, gekonsolideer word om 'n streeksmuseum vir die gebied tot stand te bring. Daar word nie voorsien dat bestaande museums wat by 'n streeksmuseum ingelyf sal word, gesluit sal word nie, maar indien alle partye daartoe instem en waar toepaslik, behoort hulle as satellietpersele vir die streeksmuseum te dien. Die provinsiale museumwetgewing sal voorsiening maak vir die deproklamering van bestaande plaaslike, provinsie-ondersteunde of provinsiale museums en vir die verskuiwing van hierdie museums om deel van 'n streeksmuseum te vorm. Die provinsiale Minister sal die ligging van streeksmuseums bepaal.

Waar van toepassing, en met die goedkeuring van die nasionale Minister van Kuns en Kultuur, en waar toepaslik, die Minister van Openbare Werke, asook die beheerliggame, kan nasionale museums, artefakte, versamelings of satellietmuseums wat tans deel van die nasionale museumversamelings vorm, of vaste eiendom wat deur die nasionale regering besit word, oorgeplaas word na bestaande streeksmuseums.

Geskikte kapasiteit by streeksmuseums sal deur die Departement voorsien word om effektiewe, doeltreffende en ekonomiese dienste vir museumbestuur, finansiële bestuur, bestuur van versamelings, tentoonstellings, openbare programme (waaronder opvoedkundige programme) en bemakings- en reklamedienste te verseker.

Die beheerliggaam van 'n streeksmuseum moet ook verteenwoordigend wees van die streeksbevolking en sy belanghebbendes. Lede wat in die raad van die beheerliggaam aangestel word, moet die nodige vaardighede en kennis hê om strategiese leiding en raad aan die Departement en die museumbestuur te verleen.

Streeksmuseums moet met die Museumdiens en ander instellings saamwerk om hul doelstellings, nl. om die erfenis en geskiedenis van die streek en sy inwoners weer te gee, te bereik.

Die personeel van streeksmuseums sal deur die Departement in diens geneem en by streeksmuseums ontplooi word ingevolge die Staatsdienswet, 1994, soos gewysig. Personeel sal aan die museumbestuurder verslag doen, wat aan die streeksmuseum se beheerliggaam verantwoordbaar is.

Streeksmuseums sal ingevolge die toepaslike museumwetgewing en die Wet op Openbare Finansiële Bestuur, Wet 1 van 1999, bestuur word en onderhewig wees aan ouditering deur die Ouditeur-Generaal. Die totstandkoming van streeksmuseums sal ook verseker dat effektiewe, doeltreffende en ekonomiese museumdienste deur die Departement aan die inwoners van die Wes-Kaap voorsien word. Dit sal vir die Departement onnodige duplisering van duur dienste, soos ouditeringskoste, verhoed.

11.3 Gemeenskapsmuseums

Gemeenskapsmuseums is bewaarplekke van die kollektiewe geheue van gemeenskappe wat die ryk en gevarieerde materiële kultuur van die verlede vir die onderrig en genot van die samelewing bewaar en aanbied. Standaarde en riglyne vir die aktiwiteite van gemeenskapsmuseums behoort die volgende in te sluit:

- Deur die bewaring en aanbieding van versamelings dien 'n gemeenskapsmuseum die gemeenskap en vorm dit 'n integrerende deel van die kultuurlewe van die gemeenskap. Die gemeenskapsmuseum het ook 'n soliede steunbasis in daardie spesifieke gemeenskap.
- Geaffilieerde gemeenskapsmuseums sal 'n belangrike rol speel in die verbintenis van die Wes-Kaapse Provinsiale Regering tot die bewaring en aanbieding van die materiële kultuur van die Wes-Kaap.
- Die Departement sal leierskap en professionele en tegniese hulp aan gemeenskapsmuseums verskaf. Dit sal egter nie verplig wees om gemeenskapsmuseums met die daaglikse bedryfskoste van die instellings te help nie. Bystand deur die Departement moet aangevul word deur 'n soliede steunbasis wat deur die plaaslike gemeenskap aan die gemeenskapsmuseum voorsien word.
- Die grootste gedeelte van die Departement se ondersteuning aan gemeenskapsmuseums sal daarop gerig wees om die gehalte van daardie instellings te verbeter en te verseker dat onlangs geaffilieerde gemeenskapsmuseums in hul beplanning en ontwikkeling van hul instellings na voortreflikheid streef.
- 'n Gemeenskapsmuseum moet sy rol van dienslewering aan die gemeenskap vervul, en as respons, deur die gemeenskap ondersteun word. Dit moet ook 'n verklaarde doelwit hê, waarin die rede vir sy bestaan duidelik uitgespel word, 'n skriftelike beleid ten opsigte van versamelings, voldoende vloerruimte om in sy behoeftes te voorsien, 'n geskikte beheerliggaam, 'n versameling artefakte, opgeleide personeel en 'n programplan wat die museum na die gemeenskap sal neem en, as respons, gemeenskapsteun van die museum teweegbring. Die gemeenskap moet aangemoedig word om aan museumprogramme deel te neem en dit te ondersteun. Lede van die gemeenskap met spesifieke vaardighede of belangstellings moet aangemoedig word om die museum op 'n vrywilligersbasis te steun, en opleidingsprogramme moet gereël word om hulle bydraes te benut. Die beheerliggaam

van die museum moet finansiële steun vir die museum op plaaslike vlak ontwikkel, met die besef dat provinsiale steun sal voortspruit uit jaar-tot-jaar aansoeke vir spesifieke projekte.

Sleutelemente in die implementering van so 'n provinsiale ondersteuningsprogram vir gemeenskapsmuseums kan die volgende insluit:

- Projekbefondsing van die Departement aan gemeenskapsmuseums wat hulle rol vervul om die materiële kultuur van die Wes-Kaap te versamel en hul versamelings vir hul gemeenskappe te bewaar, te restoureer, ten toon te stel en te vertolk, deur middel van 'n jaarlikse bedryfstoekekening, gebaseer op 'n persentasie van die wesenlik geouditeerde besteding van die vorige jaar.
- Die Departement sal nie subsidies beskikbaar stel vir die ontwikkeling en instandhouding van gemeenskapsmuseums in die Wes-Kaap nie. Die Departement sal egter aansoeke vir finansiële steun aan ander befondsingsagentskappe goedkeur, vir studies oor die opgradering van bestaande museumfasiliteite of vir beplanning van nuwe fasiliteite. Dit sal ook kapitaal- en rentedelging op lenings moontlik maak, sodat die restoureerwerk en instandhouding van strukture van historiese en/of argitektoniese belang as museums kan geskied.
- Departementele hulp aan gemeenskapsmuseums sal in die vorm van professionele, tegniese en bestuursadviesdienste geskied. Hierdie steun sal op die beginsel van gelyke toegang en gedeelde dienste gebaseer word.
- Die Departement erken dat streeksmuseums en die Museumdiens rolmodelle moet wees wat leierskap en steun aan ander erfenisinstellings in die Wes-Kaap verskaf. Die Departement moedig skakeling en samewerking aan op streeks-, nasionale en internasionale vlak met ander museums en erfenis-, onderrig- en navorsingsinstellings.

Die Departement sal nie vir personeelvoorsiening aan gemeenskapsmuseums verantwoordelik wees nie, aangesien dit die uitsluitlike verantwoordelikheid van die elke gemeenskapsmuseum se bestuurstruktuur sal wees. Departementele beleidsrigtings en programme ten opsigte van gemeenskapsmuseums sal deel vorm van voortgesette gesprekvoering tussen die Departement en die gemeenskapsmuseums.

11.4 Munisipale museums

Die Finansiële en Fiskale Kommissie het in sy 2012/13-verslag, "Voorlegging vir die Verdeling van Inkomste", aangedui dat "ander museums as nasionale museums" ingevolge die nasionale Grondwet 'n Skedule SA funksionele terrein is, wat onder die eksklusiewe wetgewende bevoegdheid van 'n provinsie ressorteer. Provinsies gebruik hul grondwetlike magte deur museums te administreer of te ondersteun. Hoewel "museums" nie in Skedules 4B of 5B van die nasionale grondwet as plaaslike regering se funksionele terrein gelys is nie, voer munisipaliteite soortgelyke aktiwiteite uit ('n praktyk, wat soos biblioteke, reeds voor die Grondwet in werking was), waarskynlik as 'n plaaslike toerisme-funksie ('n Skedule 4B- funksionele terrein).

Volgens die Kommissie, was daar geen wetgewende of uitvoerende opdrag deur provinsies van die museumfunksie aan munisipaliteite nie. Aangesien museums totdat die nasionale Grondwet in 1996 in werking getree het, 'n plaaslike regering-aangeleentheid was, word baie museums tans nog deur munisipaliteite geadministreer en/of befonds. Die Kommissie verklaar dat museums nie 'n basiese diens is nie en daar rus geen verpligting op munisipaliteite om museums tot stand te bring of te ondersteun nie. Indien die Provinsie Wes-Kaap die wetgewende funksie aan

munisipaliteite sou oplê, sou dit slegs 'n diskresionêre bevoegdheid uitbrei. Munisipaliteite kan dus nie verplig word om 'n museum tot stand te bring, te opereer of te steun nie. Indien 'n munisipaliteit egter sou besluit om hierdie funksionele terrein te betree, kan die provinsie minimum standarde daar stel vir die bestuur van museumversamelings, besoekersdienste en fasiliteite. Aangesien die funksionele terrein van museums 'n diskresionêre bevoegdheid is, sal enige koste wat aangegaan word, deur die betrokke munisipaliteit gedra moet word.

Met inagneming van bogenoemde sal die munisipaliteite in die Wes-Kaap wat versamelings, kunsvoorwerpe, artefakte en/of natuurvoorwerpe besit, of museums bestuur en ondersteun, deur hierdie bepalings in die nuwe Wes-Kaapse provinsiale museumwetgewing bemaagtig en in staat gestel word om hul verpligting na te kom teenoor donateurs wat hierdie stukke aan hierdie munisipaliteite of hul voorgangers in titel bemaak het, of waar versamelings deur munisipaliteite en/of hul voorgangers gekoop is, om hierdie museums binne die raamwerk van die Wet op Munisipale Finansiële Bestuur, 2003, te bestuur.

11.5 Private, maatskappy- of institusionele museums

Die meerderheid museums in die Wes-Kaap is óf institusioneel óf museums in private besit. Baie museums is tot stand gebring deur 'n opvoedkundige instelling, bv. 'n universiteitstudie-versameling; deur die privaatsektor as 'n maatskappy-museum of -versameling; of deur private individue. In sommige gevalle is hierdie museums prominent as plaaslike en streeksaantrekkings met waardevolle en gespesialiseerde versamelings wat dié van openbare erfenisinstellings oorskadu. Hierdie private, maatskappy- of institusionele museums en versamelings is ook nie afhanklik van openbare sektor-befondsing nie.

Die inlywing van hierdie private en maatskappy-museums sal, waar en wanneer nodig, aan hierdie instellings en individue die professionele en tegniese dienste van die Museumdiens beskikbaar maak. Die Museumdiens sal terselfdertyd private en maatskappy- en institusionele museums moniteer en evalueer op grond van die toepaslike minimum standarde.

11.6 Erfenissentra

Ten einde geleentheid te voorsien vir voorheen benadeelde gemeenskappe en gemeenskappe wat dit nie kan bekostig, of nie die middele of vermoëns het om museums te vestig en in stand te hou nie, maar wat graag hul erfenis en geskiedenis ten toon wil stel, beoog die Departement om sodanige erfenissentra te erken en tot die Museumdiens te affilieer. Erfenissentra is instellings wat beperkte museumkundige funksies verrig. Erfenissentra sal nie noodwendig die eienaars van voorwerpe, artefakte of versamelings wees nie, en daar sal dus nie van hulle verwag word om dit te versorg, soos in die geval van waar 'n versameling die kern van 'n museum vorm nie. Erfenissentra sal egter toegang tot die Wes-Kaapse Museumdiens hê om hulle in staat te stel om 'n belangrike rol in erfenisbewustheid, onderwys en toerisme te speel. Noue samewerking met ander belanghebbendes, instellings, museums en staatsliggame sal vereis word om die nodige steun aan en koördinerings van hierdie sentra moontlik te maak.

Dieselfde bepalings wat vir munisipale museums geld, sal van betrekking wees op erfenissentra wat deur munisipaliteite tot stand gebring is en bestuur word.

11.7 Interpretasiepunte om kulturele en erfenistoerisme te bevorder

Kulturele en erfenistoerisme kan gedefinieer word as reise om die plekke, artefakte, versamelings en aktiwiteite te ervaar wat die verhaale en mense van die verlede en die hede outentiek verteenwoordig. Dit sluit in historiese, kulturele en natuurlike besoekpunte. Hoewel dit 'n breë

definisie is, dui dit aan dat die belangstellings van kulturele en erfenistoeriste gewoonlik besoeke aan historiese terreine, historiese geboue in privaat besit, kantoorgeboue, hotelle en bed-en-ontbyt-geriewe, asook museums, erfenisentra en terreine met begeleide toere insluit.

Om aanwysings of tentoonstellings by erfenisterreine in die Wes-Kaap te koördineer, sal die Museumdiens, in vennootskap met belanghebbendes, 'n rol speel in die interpretasie van terreine en plekke om kulturele en natuurlike erfenis-toerisme te bevorder.

Beide die Suid-Afrikaanse Erfenishulpbronagentskap (SAEHA) en Erfenis Wes-Kaap, die Wes-Kaapse erfenishulpbrongesag, asook eienaars van hierdie persele moet aangemoedig word om in hierdie opsig saam te werk. Ander belangrike belanghebbendes is private toerisme-organisasies, geregistreerde toergidse, reisagentskappe, asook plaaslike, streeks-, provinsiale en nasionale toerisme-owerhede.

11.8 Inlywing van nasionale museums binne die grense van die Wes-Kaap

'n Nasionale museum binne die grense van die Wes-Kaap wat by die Museumdiens ingelyf wil word, se versoek sal binne die bepalings van provinsiale museumwetgewing oorweeg word. Waar sodanige beleid en wetgewing nie bestaan nie, word daar in die vooruitsig gestel dat die verhouding tussen nasionale museums en nie-nasionale museums in die Wes-Kaap geformaliseer sal word in ooreenstemming met die bepalings van die Witskrif oor Kuns, Kultuur en Erfenis, 1996. Dit sal geskied ná raadpleging met die nasionale Minister verantwoordelik vir Kuns en Kultuur en met die Raad van die betrokke nasionale museum of verklaarde kulturele instelling.

12. BEFONDSING

Die Departement sal, in sy jaarlikse beramings van inkomste en uitgawes, uit fondse wat deur die Wes-Kaapse Provinsiale Wetgewer bewillig is, voorsiening maak vir uitgawes ten opsigte van die Museumdiens en streeksmuseums.

Die Departement sal ook, binne die hulpbronne beskikbaar vir hierdie doel, projekfondse beskikbaar maak aan geaffilieerde museums en erfenisentra vir spesifieke programme of projekte.

Geaffilieerde museums moet aangemoedig word om inkomstestrome te ontwikkel wat volhoubaarheid en billike toegang sal verseker. Dit sal 'n 'n progressiewe toegangsbeleid insluit, wat voorsiening maak vir billike toegangsgeld en toegangsvoorwaardes vir spesifieke kategorieë museumbesoekers, bv. skoolgroepe wat opvoedkundige programme bywoon.

13. PERSONEELVOORSIENING VAN MUSEUMS

'n Nuwe personeeldiensstaat sal vir die Museumdiens en dié museums wat deur die Departement van personeel voorsien sal word, ontwikkel word.

Beheerliggame wat personeel aanstel, moet die bepalings van die toepaslike arbeidswetgewing nakom.

14. RAPPORTERING

Elke geaffilieerde museum sal deur die Departement 'n jaarverslag aan die provinsiale Minister verantwoordelik vir Kultuursake voorlê. Finansiële verslae moet saam met die jaarverslag voorgelê word, om die beginsels van goeie bestuur te ondersteun. Hierdie finansiële verslae moet deur 'n gepaste gekwalifiseerde persoon onafhanklik geverifieer word.

Streeksmuseums sal, ingevolge die bepalings van die Wet op Openbare Ouditering, Wet 25 van 2004, deur die Ouditeur-Generaal geoudit word.

15. OORTREDINGS EN STRAWWE

Die Wes-Kaapse provinsiale museumwetgewing moet voorsiening maak vir oortredings, en strawwe vir oortredings van die bepalings van die wetgewing. Dit sluit in oortredings en strawwe waar 'n persoon skuldig bevind is aan diefstal uit 'n museum, of 'n poging tot inbraak in 'n museum, of die verkoop van, of poging om museumartefakte te verkoop. Dit is die uitgesproke voorneme van die Departement dat strawwe vir hierdie oortredings strenger as gemeenregtelike voorskrifte moet wees as afskrikmiddel vir diegene wat sou poog om museumartefakte, voorwerpe of natuurvoorwerpe te steel.

Verder word dit in die vooruitsig gestel dat voorsiening gemaak moet word vir die verbeuring van toerusting wat gebruik is in so 'n poging tot diefstal of die weselike diefstal van museumartefakte, voorwerpe of kultuurvoorwerpe. Die Departement sal ook die moontlikheid ondersoek dat 'n geskikte tydperk van gevangenskap en/of gemeenskapsdiens deur die hof opgelê word.

Die wetgewing sal ook voorsiening maak vir 'n magistraat om die terugbesorging van gesteelde eiendom aan die betrokke instelling te gelas.

16. PROSEDURES VIR NIE-NAKOMING, ARBITRASIE EN DISPUUTBESLEGTING

Die Departement sal prosedures ontwikkel om nie-nakoming van die bepalings van die wetgewing, beleidsrigtings en strategieë by geaffilieerde museums te hanteer. Daar sal ook voorsiening gemaak word vir prosesse ten opsigte van arbitrasie of dispuutbeslegting wat tussen die Departement en enige betrokke party mag voorkom.

17. ONDERSTEUNERSORGANISASIES OF VRIENDE VAN MUSEUMS EN VRYWILLIGERS

Gemeenskappe en vrywilligers sal aangemoedig word om ondersteunersorganisasies tot stand te bring wat 'n geaffilieerde museum met sy oogmerke en doelwitte kan ondersteun. Sulke organisasies sal, in ooreenstemming met die steun wat hul lewer, verteenwoordiging op die beheerliggaam van die betrokke geaffilieerde museum hê.

18. OPHEFFING VAN AFFILIASIE VAN MUSEUMS

Betreffende alle geaffillieerde museums mag die provinsiale Minister, in oorleg met of op die aanbeveling van die beheerliggaam van 'n geaffilieerde museum (nie streeksmuseums nie),

volgens proklamasie en met inwerkingtreding op 'n datum wat in sodanige proklamasie in die *Provinsiale Koerant* gestipuleer word, die affiliasie van die museum ophef.

Voorsiening moet gemaak word sodat van alle bates, regte, aanspreeklikhede en verpligtinge van die beheerliggaam wie se affiliasie herroep sal word, afstand gedoen word op 'n wyse wat die provinsiale Minister, in oorleg met die beheerliggaam of eienaar/s van die versameling, goed vind. Die provinsiale museumwetgewing moet voorsiening maak dat die museumversameling in 'n versameling/s van ander geaffilieerde museums in die Wes-Kaap opgeneem word of in die sorg van die Museumdiens geplaas word.

Dit word in die vooruitsig gestel dat die Departement versamelings wat in die sorg van die Museumdiens geplaas word, sal hanteer ingevolge 'n beleid wat deur die provinsiale Minister goedgekeur is.

19. OORGANGSMAATREËLS

Die museumwetgewing sal omvattende oorgangsbepalings bevat om voorsiening te maak vir die oorgang en en hergroepering van bestaande geaffilieerde museums na die nuwe museumraamwerk wat vir die Wes-Kaap in die vooruitsig gestel word. Die eienaarskap van vaste en roerende eiendom en bestaande regsooreenkomste oor die leen van versamelings of ander hulpbronne sal die basis van hierdie oorgangsreëlings vorm. Terselfdertyd sal dit die Museumdiens en die betrokke museum toelaat om inligting met betrekking tot die bestuur van die museum en sy bates te konsolideer.

Personeel in diens van die Departement by bestaande provinsie-ondersteunde en provinsiale museums sal, afhangend van die ooreenkoms wat met die beheerliggaam van elke museum bereik is, ingevolge die Staatsdienswet, 1994, soos gewysig, steeds in diens bly. Indien dit nodig is om personeel na 'n ander standplaas te ontplooi, sal sodanige reëlings binne die bepalinge van beleidsrigtings wat betrekking het op die ontplooiing van staatsdiensamptenare, onderhandel word.

2012-02-16



UMGAQO-NKQUBO WAMAZIKO OLONDOLOZO LWEMBALI WEPHONDO LENTSHONA KOLONI

1. INTSHAYELELO

Umgqaqo-nkqubo wamaZiko oLondolozo lweMbali wePhondo leNtshona Koloni ubhekisele ekuhlahleleni kweemeko ezichazwe kwiPhepha leeNgxoxo elithi: *Ngokubhekiselele kuMgqaqo-nkqubo omtsha wamaZiko oLondolozo lweMbali wePhondo leNtshona Koloni*, owamkelwe ngowama-2009-10 waze wapapashwa wasasazwa eluntwini ukuze lunike ezalo izimvo kuTshazimpuzi wama-2010. Uxwebhu luyafumaneka kwiwebhusayithi yeSebe kwa-www.westerncape.gov.za/dcas.

Injongo yalo Mgqaqo-nkqubo kukunikezela ngamathuba kumntu ngamnye nakuluntu ukuba luseke kwaye luwagcine amaziko olondolozo lwembali eNtshona Koloni ngokwesicwangciso-nkqubo esingaguquguqukiyo esibonelelwe kumgqaqo-siseko.

Lo mgqaqo-nkqubo ubonelela ngesicwangciso-nkqubo esicetywayo samaziko olondolozo lwembali ephondo leNtshona Koloni. Oku kulandelayo kuza kujongwana nako kumgqaqo-nkqubo omtsha:

- ukunika ingqiqo nokubonelela ngesicwangciso-nkqubo esitsha samaziko olondolozo lwembali nokuzibandakanya neeNkonzo zamaZiko oLondolozo lweMbali
- ukwenza oomasipala abaneengqokelela okanye abalawula amaziko olondolozo lwembali bakwazi ukwenza oko
- ukususwa kweentetho namagama acalula abanye kumthetho okhoyo wamaziko olondolozo lwembali
- ukubonelela ngesakhelo esinobulungisa sokuba bonke abatyelela amaziko olondolozo lwembali bakwazi ukufikelela kuwo;
- ukukhuthaza amaziko olondolozo lwembali ukuba akwazi ukwenza ingeniso kwaye asebenzise ezinye iindlela zokufuna inkxaso-mali ukuze kutshintshwe kwaye kugcinwe amaziko olondolozo lwembali, nokuqinisekisa ukuba azinzile
- ukubonelela ngesicwangciso-nkqubo somgqaqo-nkqubo wolawulo lwamaziko olondolozo lwembali ngokuphangaleleyo
- ukubonelela ngesicwangciso-nkqubo senkxaso-mali kwicandelo lamaziko olondolozo lwembali eNtshona Koloni

- ukubonelela ngesicwangciso-nkqubo sotshintsho ekuqokelelweni kwezinto, kwimiboniso nakwiinkqubo ezenzelwe uluntu
- ukumisela imigaqo neenkonziso ezisebenzayo, ezifanelekileyo nezinoqoqosho, kubandakanya iimfuno zokuphicothwa kweencwadi nezokunika iingxelo
- ukukhuthaza intsebenziswano nokuququzelelwa kweNkonzo zoLondolozo lweMbali, amaziko olondolozo lwembali, nezinye iinkalo zikarhulumente nezamafa enkubeko, amaziko ezemfundo nawenza uphando
- ukubonelela ngesicwangciso-nkqubo sokufikelela kumathuba oqeqesho oluqinisekisiweyo nawophuhliso avunyiweyo nawamkelekileyo kumalungu ebhunga elilawulayo, kubasebenzi nakumavolontiya
- ukubonelela ukuba kufunyanwe izinto ezibalulekileyo ezenziwe ngabantu, naziphi na izinto, imiboniso okanye nakuphi na okuqokelelweyo
- ukubonelela ngesicwangciso-nkqubo samaziko sokukhuselwa kwezinto ezibalulekileyo ezenziwe ngabantu, naziphi na izinto, imiboniso okanye nakuphi na okuqokelelweyo okusengxakini
- nokwenza kubekho isicwangciso-nkqubo sokwazisa ngamaziko olondolozo lwembali nokukhuthaza ezokhenketho kwinkcubeko yethu nakwezamafa enkubeko.

2. ISICWANGCISO-NKQUBO SOMGAQO-SISEKO

Lo Mgaqo-nkqubo ubhekisele kwisicwangciso-nkqubo esibonelelwe kuMgaqo-siseko wesizwe, uMthetho we-108 ka-1996, kwaye ugqale koko kuqulathwe kumaziko olondolozo lwembali esizwe akwimida yePhondo leNtshona Koloni. Ujoliswe kumaziko olondolozo lwembali ngaphandle kwamaziko olondolozo lwembali esizwe ngokwegunya lomthetho wephondo ngokungqinwa yiShedyuli yesi-5 kuMgaqo-nkqubo wesiZwe. Uza kuqwalasela ingakumbi kumalungiselelo amiselweyo kuMthetho oYilwayo wamaLungelo oLuntu kwiSahluko sesi-2 kuMgaqo-siseko wesiZwe nangokwemithetho-siseko nangokwamalungiselelo oorhulumente abasebenzisanayo phakathi kweenkalo zikarhulumente nangokukhuthazwa konxibelelwano kumacandelo asebenzisanayo karhulumente.

Amalungiselelo awodwa omthetho wamaziko olondolozo lwembali akwiPhondo leNtshona Koloni ngokuphathelele namaziko olondolozo lwembali esizwe aza kwaziswa ngokusemthethweni kuphela emva kokuba kudityenwe noMphathiswa wesizwe ojongene nezobuGcisa neNkcubeko.

Ngaphaya koko, umgaqo-nkqubo nomthetho wamaziko olondolozo lwembali uya kuma ngokoMgaqo-siseko weNtshona Koloni, uMthetho 1 ka-1998. Ngokommiselo onika umkhombandlela woMgaqo-siseko wePhondo kwiSebe leMicimbi yeNkcubeko nemiDlalo yePhondo leNtshona Koloni iSebe malamkele kwaye liphumeze ngokwemigaqo-nkqubo ukuze kuphunyezwe kwaye kugcinwe intlalo-ntle yabantu baseNtshona Koloni, kubandakanywa imigaqo-nkqubo ejolise ekukhuselweni nasekugcinweni kwamafa endalo, enkubeko nawezakhiwo eziseNtshona Koloni ukuze isizukulwana esikhoyo nesizayo sizuze koku. Umgaqo-siseko wephondo uyachaza ukuba le mithetho-siseko kufuneka ikhokele iSebe ukuze likwazi ukwenza nokusebenzisa imithetho.

Unxibelelwano oluphakathi kwamaziko olondolozo lwembali angaphantsi kwesebe nalawo aphantsi koomasipala luza kufuna ingcaciso eyenye nanjengoko uninzi lwamaziko olondolozo

Iwembali aphantsi kwesebe ekwizakhiwo eziphantsi koomasipala basekuhlaleni. Ezi zakhiwo zazivulelwe ukubonelela amaziko olondolozo lwembali xa amaziko olondolozo lwembali ethathwa njengamaziko ancedwa ngumasipala wokuhlala okanye liphondo ngokwe-Museum Ordinance, enguNombolo 8 ka—1975 okanye kwizandulelo zoko.

3. IINKCAZELO

“ubhaliso lwezinto eziqokelelweyo” luthetha ingxelo okanye iinkcukacha ezigciniweyo ezibhaliweyo okanye zamanani apho zonke izinto eziyinxalenye yezinto eziqokelelweyo zamaziko olondolozo lwembali ziye zigcinwe khona.

“ingqokelela” ithetha ukuqokelelwa kwemiboniso okanye izinto ezifunyenwe liziko okanye ezikwiziko ngeenjongo zokuzigcina, ziboniswe uluntu okanye kuphandwe ngazo.

“Isebe” lithetha iSebe leMicimbi yeNkcubeko, imiDlalo noLonwabo kuRhulumente wePhondo leNtshona Koloni elinoxanduva lokujongana nemicimbi yenkcubeko ingakumbi kwiinkonzo zolondolozo lwembali.

“ibhunga elilawulayo” lithetha umntu osemthethweni omiselwe ukuthathela kuye ukuphathwa nokulawulwa kweziko lolondolozo lwembali kwaye oko kubandakanya, phakathi kwezinye izinto, ibhodi yabathenjwa, ibhodi yokujongana nolawulo, iikomiti ezilawulayo, ibhodi yolawulo, iimanyano nabantu abazimeleyo

“umqondiso wenkcazo” ubhekisele kumbhalo ofezekisa kuphela umba womboniso womsebenzi weziko lolondolozo lwembali

“ilifa lenkcubeko elingenakuchukunyiswa” lithetha izenzo, imiboniso, ukuvakaliswa, ulwazi nezakhono ezithi ngamanye amaxesha ziqatshelwe luluntu, ngamaqela nomntu ngamnye njengenxenywe yelifa labo lenkcubeko (KwiNgqungquthela yokuKhuselwa kweLifa leNkcubeko elingenakuchukunyiswa, kwi-UNESCO, ngowama-2003)

“ilifa lenkcubeko eliphilayo” lithetha imiba engenakuchukunyiswa yenkcubeko elilifa eye yafunyanwa, kwaye ingachaphazela oku—

- (a) izithethe kwezenkcubeko
- (b) imbali ebaliswayo
- (c) ukwenza izinto nemidlalo
- (d) amasiko
- (e) izikhumbuzo ezaziwayo
- (f) izakhono nobuchwepheshe
- (g) iinkqubo zolwazi lwemveli
- (h) indlela equkayo ngokunxulumelene nendalo, uluntu nentlalo

“umasipala” onenkcazelo ebhekiselele kuleyo ichazwe kwicandelo le-155(6) kuMgaqo-siseko woMzantsi Afrika ka-1996.

“iziko lolondolozo lwembali” lithetha iziko elingajonganga nzuzo, elikho ngokusisigxina ukunceda uluntu kwaye lineenjongo zokuphuhlisa kwaye livulelekile eluntwini, elifumana, lilondolozwe, lenze

uphando, linxibelelane kwaye lenze imiboniso, ngokweenjongo zokufunda, zemfundo nokuzonwabisa, zobungqina obubonakalayo babantu nemimandla abakuyo.

“iinkonzo zamaziko olondolozo lwembali” zibandakanya ukuququzelelwa kokwenziwayo kumaziko olondolozo lwembali; ukubekwa kwemigangatho elindelekileyo kumaziko olondolozo lwembali nokubekwa emgangathweni kwezenzo ezichubekileyo; amalungiselelo amathuba oqeqesho; ukunikwa kwemvume egameni layo, ukunika iingcebiso okanye uncedo kumaziko olondolozo lwembali nakwimiqondiso echazayo enemisebenzi nebonelela amaziko olondolozo lwembali ngobugcisa obuthile nangamaziko aluncedo

“uMgaqo-siseko weSizwe” uthetha uMgaqo-siseko woMzantsi Afrika, uMthetho we-108 ka-1996

“amaziko olondolozo lwembali esizwe” ngamaziko olondolozo lwembali aseke ngokomthetho ngeenjongo zokuseka amaziko olondolozo lwembali esizwe apasiswe kwiPalamente yeSizwe

“ukulondolozwa” kuthetha izenzo okanye iinkqubo ezisetyenziswayo ukuthathwa kwamanyathelo afunekayo okugcinwa kwesimo esikhoyo, ngendlela enobulungisa nezinto eziphathekayo ezenziwe ngumntu, izinto okanye indawo

“uMgaqo-siseko wephondo” uthetha uMgaqo-siseko wePhondo leNtshona Koloni, uMthetho woku-1 ka-1998

“okubalulekileyo” kuthetha ixabiso okanye ukubaluleka kwezinto ezenziwe ngabantu, izinto jikelele, ingqokelela okanye iindawo ngokobuhle bazo, ngokokwakhiwa kwazo, ngokwembali, ngokwezenzululwazi, ngokwentlalo, ngokweenkolelo, ngokolwimi okanye ngokwezeteknoloji

“umbutho orhumayo” okanye *“umbutho wabahlobo beziko lolondolozo lwembali”* uthetha umbutho ofumana uncedo lwemali okanye olunye uncedo nenkxaso yamaziko olondolozo lwembali athile nonamalungu arhumayo rhoqo ngonyaka kwiimali zeziko lolondolozo lwembali imali engekho ngaphantsi kwaleyo imiselweyo libhunga elilawulayo lelo ziko lichaphazelekayo.

4. IINGQUNGQUTHELA ZEHLABATHI

Uninzi lweengqungquthela zehlabathi ziyinxalenye yomthetho woMzantsi Afrika ngokwecandelo lama-231 kuMgaqo-siseko wesizwe. Zizo ezi:

- iNgqungquthela ngokuKhuselwa kwePropati yeNkcubeko xa kukho uMlo weziXhobo (ka-1954)
- iNgqungquthela ye-UNESCO ngeendlela zokuThintela nokuNqanda ukungeniswa kweli lizwe nokukhutshwa kwezinto ngokungekho mthethweni zisisiwa kwamanye amazwe nokugqithiselwa kobunini bePropati yeNkcubeko ngokungekho semthethweni (ka-1970);
- iNgqungquthela ye-UNIDROIT engokubiwa okanye ukuthunyelwa kwamanye amazwe ngokungekho mthethweni kwezinto zeNkcubeko (ka-1995)
- iNgqungquthela ye-UNESCO ngokuKhuselwa kweLifa leNkcubeko elingenakuChukunyiswa (yowama-2003); kunye
- neNgqungquthela ye-UNESCO ngokuKhuselwa nokuKhuthazwa kweNtlobo ngeentlobo zokuBonakaliswa kweNkcubeko (yowama-2005).

Ngokommiselo wesicwangciso-nkqubo sowiso-mthetho weRiphabhliki yoMzantsi Afrika nangokubhekiselele kwezezimali zeSebe lo mgaqo-nkqubo, ungakwazi ngokusemandleni awo

ukuncedisana namaziko olondolozo lwembali nemimiselo ewiswe zinkomfa zehlabathi ngokubhekiselele kumaziko olondolozo lwembali nelifa lemveli.

5. UXANDUVA LOMPHATHISWA WEPHONDO OJONGENE NEMICIMBI YENKCUBEKO

UMphathiswa wePhondo ojongene neMicimbi yeNkcubeko kuRhulumente wePhondo leNtshona Koloni uya kusebenzisa amagunya akhe njengoko kubekiwe kwisicwangciso-nkqubo somgaqo-siseko nakumthetho wephondo ophathelele kumaziko olondolozo lwembali. Amalungiselelo aya kwenziwa ngokunikezelwa kwamagunya kaMphathiswa wephondo kumagosa aphezulu aqeshwe lisebe.

6. INJONGO YAMAZIKO OLONDOLOZO LWEMBALI

Amaziko olondolozo lwembali ngamaziko ekufuneka ephendule asekelwa nagcinelwa ukuze asetyenziswe ukunceda uluntu. Ngokwesimo nokubonakalisa ingqondo, iimpawu nokuqonda uluntu nomntu ngamnye malunga nokusingqongileyo kwendalo, kwezembali nokwenkcubeko, ngokuqokelelwa, ukugcinwa kumaxwebhu, ukulondolozwa, kwiinkqubo zophando nezemfundo ezijongana neemfuno zoluntu. Eyona njongo iphambili yamaziko olondolozo lwembali kukukhusela nokulondolozwa ilifa lethu lenkcubeko ngokubanzi. Iziko lolondolozo lwembali kufuneka lenze nantoni na eneenjongo zokufunda ngezenzululwazi efunekayo ukuqonda nokuseka intsingiselo yazo nokuxabiseka kwazo ebantwini. Oku kuya kuxhasa ukuziphatha ngokufanelekileyo kwehlabathi ngokubhekiselele ekulondolozeni, ekukhuseleni nasekunwenweni kwelifa lenkcubeko nelendalo. Umngqophiso wemfundo weziko lolondolozo lwembali, nokuba uyeyiphi na indlela, ubaluleke njengomsebenzi wenzululwazi. Amaziko olondolozo lwembali ngoko ke anoxanduva lokuzazisa ekuhlaleni. Yonke le misebenzi kufuneka ivunywe phantsi kwemiqondiso yolawulo olululo nabalawuli abanoxanduva lokujongana nezibonelelo zayo. Inkcazelo ethi “iziko lolondolozo lwembali” ngoko ke ibonakalisa iimpawu ezintathu ezibalulekileyo:

- Amaziko olondolozo lwembali akanakujongwa ngokwezakhiwo eziwabonelela ngendawo, okubalulekileyo kokuphakathi kwezo zakhiwo, izinto eziqokelelweyo nezinto zendalo, zembali nezenkcubeko. Kanti ke kwezinye imeko amaziko olondolozo lwembali ayanxulunyaniswa nezakhiwo akuzo ngeendlela ezahlukeneyo. Uninzi lwezakhiwo zendalo eziseNtshona Koloni zithathwa njengeziza zenkcubeko yephondo ngokoMthetho weSizwe weziBonelelo zeLifa leNkcubeko iNational Heritage Resources Act, uMthetho wama-25 ka-1999, kwaye/okanye onxulumene nembali okanye nokubaluleka kweziko lolondolozo lwembali.
- Okwesibini, amaziko olondolozo lwembali ngamaziko eenkumbulo zoluntu ezinemisebenzi yokuqokelela, ukulondolozwa, ukuphanda, ukufundisa nokwenza ukuba ilifa elizuziweyo laloo ndawo okanye loluntu, lendalo, lembali nelenkcubeko lifikeleleke eluntwini. Kubalulekile ukuqaphela ukuba noxa amaziko olondolozo lwembali ekwiindawo ezithile; indima yawo yodlula imida yasekuhlaleni njengoko inegalelo ekuqondiseni isizwe, iphondo nasekuhlaleni, ekwakheni isizwe nokubonakalisa ngeempawu zesizwe.
- Okwesithathu, ngokwale misebenzi, amaziko olondolozo lwembali abonakalisa isimo nonxulumano olukhoyo loluntu nokubangqongileyo kwendalo, kwembali nokwenkcubeko.

7. IXABISO LAMAZIKO OLONDOLOZO LWEMBALI: IZIXHOBO ZOKUDIBANA KOLUNTU NOKUBANDAKANYEKA KWALO

Amaziko olondolozo lwembali ngamaziko aqokelela, akhusela nawenza ukuba izinto ezenziwe ngabantu, imiboniso nokuqokelelweyo abanako kufikeleleke ngokokuthenjwa luluntu. Uluntu lona lunokulindela ukuba amaziko olondolozo lwembali agcine oko kuqokelelweyo egameni lawo; kuqwalaselwe ekusebenzeleni uluntu; kukhuthazwe abantu ukuba bahlole oko kuqokelelweyo ukubavuselela, ukubafundisa nokubonwabisa; ukudibana nokubandakanya uluntu; ukufumana izinto ngokunyanisekileyo nangendlela ethathela kuyo uxanduva; ukukhusela umdla woluntu wexesha elide kwezo zinto ziqokelelweyo; ukuqwalasela koko abantu banomdla wako abo bazenzileyo ezo zinto, bazisebenzisayo, ezizezabo, abaziqokeleleyo okanye abazinikezeleyo kuloo ngqokelela; abaxhasa ukukhuselwa kokusingqongileyo kwendalo nabantu; uphando, ukwabelana nokutolika iinkcukacha ezinxulumene nengqokelela yezinto, ezibonakalisa iimbono ezahlukeneyo, nokuhlola umsebenzi ukwenza inguqulelo notshintsho.

Amaziko olondolozo lwembali enzululwazi, embali nobugcisa angachongwa ngamanye amagama amaninzi. Ngenxa yezinto eziqokelelweyo kuzo nezinye ezayanyaniswa nawo zenza igalelo elilodwa nelinempumelelo eluntwini ngenxa yoku kulandelayo:

- ukubonelela ngamathuba okufunda
- ukwenza ukuba kusetyenziswe okuqokelelweyo neenkukacha ezinxulumene noko ukwandisa ulwazi
- ukuvuselela ubuchule bokwenza izinto nomoya wokwazi ukuphanda
- ukwenza ukuba uzingce ngendawo, ukumanya nokuquka uluntu
- ukuxhasa uqoqosho ekuhlaleni ngokwezokhenketho nokudala isimo esisiso sasekuhlaleni
- ukubonelela ngamathuba okuphuhliswa kweziqo ukwenzela ukuba abantu ngokweziqo noluntu ngokubanzi baphuhle ngokwazi indima amabayenze ekuhlaleni, babe nebhongo ngelifa labo lemveli nokwamkelana ngokweenkcubeko ezintlantlo-ninzi
- ukudala isimo sokhuseleko ngamaxesha otshintsho kuluntu
- ukonwabisa nokufundisa iindwendwe.

Oku kumele indima ebanzi kwaye akukho ziko linezibonelelo ezaneleyo zokusebenzisa ngokupheleleyo onke amathuba ngaxeshanye. Amaziko olondolozo lwembali anempumelelo ngalawo:

- aziqondayo imeko zopolitiko, zentlalo nezozoqoqosho apho zisebenza khona
- abonelela ngemisebenzi neenkqubo eziqwalasela kwigalelo elifanele kanye loo meko
- agcina isimo sexesha elide esiza kwenza ingqokelela yeemyuziyam zifaneleke kwiimeko ezitshintshayo.

Ngoko ke amaziko olondolozo lwembali:

- anceda abantu baqonde ilizwe ngokusebenzisa izinto nezimvo ukutolika ixesha elidlulileyo nelangoku nokuhlola ingomso
- alondolozwa ze aphande ngoko kuqokelelweyo, nokwenza ukuba izinto neenkukacha zifikeleleke kweyona mimandla ifanelekileyo neyinyani

- asekwa ngokujonga oko uluntu lunomdla kuko njengemibutho esigxina nengajonganga nzuzo enegalelo lexabiso lexesha elide eluntwini
- axhaswa ngamavolontiya (abantu nemibutho) naluluntu.

8. ULAWULO OLUMANYANISIWEYO LWAMAZIKO OLONDOLOZO LWEMBALI

Onke amaziko olondolozo lwembali aphantsi kwesebe aya kulawulwa ngokwemimiselo yolawulo olululo, kubandakanywa:

- ukunika ingxelo
- ukwazisa
- ukunxibelelana nabantu
- ukuzimisela ngokwezikhokelo ezibanzi zamaziko olondolozo lwembali aphantsi kwesebe
- ukufikelela kwabatyeleli nabenza uphando koko kuqokelelweyo nakwiinkcukacha
- intsebenziswano
- iinkcubeko ezininzi
- iilwimi ezininzi
- ukuziphatha ngokusesikweni.

Angaphezu kwe-122 amaziko olondolozo lwembali aseNtshona Koloni. Oku kuquka malunga ne-10% yawo onke amaziko olondolozo lwembali asekw e-Afrika. Kwezinye iimeko, amaziko axhaswa “njengamaziko olondolozo lwembali” awafikeleli kokulindelekileyo okwamkelekileyo ngokwemigangatho elindelekileyo yehlabathi kwaye alahlekisa abatyeleli malunga nemisebenzi neenjongo zawo. Ngoko ke kubalulekile ukuba amaziko olondolozo lwembali abe phantsi kwesebe kwiNkonzo yoLondolozo lweMwali yeNtshona Koloni. Oku kuya kuqinisekisa ukuba amaziko olondolozo lwembali ayafikelela kwimigangatho elindelekileyo ukuze akwazi ukonwabela imeko ebekekileyo yoluntu nakubatyeleli nokuqinisekisa amava angawo kubatyeleli.

Abameli abakwibhunga lolawulo lwamaziko olondolozo lwembali baya kuqinisekiswa ngokweemeko zokuzibandakanya kwiziko lolondolozo lwembali ngalinye, kunye neemfuno zabo bachaphazelekayo abamelweyo kumabunga. Umthetho wamaZiko oLondolozo lweMwali ePhondo leNtshona Koloni uza kunika igunya lokuchonga abameli bebhunga elilawulayo.

Apho kukho imibutho erhumayo okanye apho kukho omnye oye wasekwa ngeenjongo zokubonelela ngemali nangenye inkxaso kumaziko olondolozo lwembali azibandakanyileyo, loo mibutho iya kuba nabameli kwibhunga elilawula amaziko olondolozo lwembali.

9. UKUSEKWA KWEKOMITI ENIKA IINGCEBISO KUMAZIKO OLONDOLOZO LWEMBALI EPHONDO

UMphathiswa wephondo ojongene neMicimbi yeNkcubeko uya kuseka iKomiti eNika iiNgcebiso kumaZiko oLondolozo lweMwali aseNtshona Koloni. Injongo yale komiti kukuba icebise uMphathiswa kwimiba ephathelele kumaziko olondolozo lwembali eNtshona Koloni. Iya kuba nabameli abasuka kwabo bachaphazelekayo kwaye kuya kufuneka idibane kanye ngonyaka ubuncinane. Le Komiti iya kuba namagunya okunika iingcebiso kuphela.

10. UKUSEKWA NOKUGCINWA KWEENKONZO ZAMAZIKO OLONDOLOZO LWEMBALI ENTSHONA KOLONI

ISebe noRhulumente wePhondo leNtshona Koloni baya kuseka babonelele ngenkxaso kwiNkonzo yoLondolozo lweMbali yePhondo. Loo nkxaso-mali mayinikwe liSebe kwimali ezivotelwe yiNdlu yoWiso-mthetho yePhondo (ngabasebenzi, ngezibonelelo ezisisiseko, ngezixhobo nezinye izibonelelo).

Injongo yeeNkonzo zoLondolozo lweMbali, phakathi kwezinye izinto, kukubonelela nokuququzelela imisebenzi yeenkonzo zamaziko olondolozo lwembali aphantsi kwesebe; ukumisa imigangatho elindelekileyo yamaziko londolozo lwembali nokubekwa emgangathweni kwemisebenzi echubekileyo; ukubonelela ngamathuba oqeqesho, ukwamkela izinto egameni lamaziko olondolozo lwembali aphantsi kwesebe, amaziko elifa lenkcubeko nemiqondiso eyazisa imisebenzi ethile kunye/okanye nokunika iingcebiso okanye ukunika uncedo njengoko kuchaziwe kwimisebenzi ebandakanya ubugcisa yeengcali namaziko aluncedo. Ezi zivumelwano kufuneka zityikitywe nguMphathiswa wePhondo okanye yiNtloko yeSebe.

Inkonzo yolondolozo lwembali kufuneka ibe nentsebenziswano okanye izivumelwano nee-arhente kunye namaziko olondolozo lwembali esizwe okanye neNkonzo yamaZiko oLondolozo lweMbali eSizwe exesha elizayo ukuze kubonelelwe ngeenkonzo ekwabelwana ngazo kumaziko olondolozo lwembali esizwe namaziko olondolozo lwembali aphantsi kwesebe eNtshona Koloni aza kuzuzana ngokufanayo. Ezo zivumelwano zentsebenziswano kufuneka zibhalwe phantsi kwaye kufuneka zibeke ngokuphandle imimiselo nemiqathango yentsebenziswano okanye yesivumelwano noxanduva leqela ngalinye.

INkonzo yoLondolozo lweMbali ingasebenzisana necandelo labucala, amaziko emfundo ezisisiseko, aphezulu nawemfundo ephakamileyo, kumasebe karhulumente, amaziko karhulumente, amaziko ophando aseMzantsi Afrika namaziko olondolozo lwembali aphantsi kwesebe eNtshona Koloni. Ezo zivumelwano zentsebenziswano kufuneka zibhalwe phantsi, zisayinwe ngamaqela aphambili kwaye kufuneka zichaze ngokuphandle imimiselo nemiqathango noxanduva leqela ngalinye.

Ukongeza, iNkonzo yamaZiko oLondolozo lweMbali inganesivumelwano sentsebenziswano neenkonzo zamaziko olondolozo lwembali zamanye amazwe emva kokudibana nephondo elifanelekileyo nabasemagunyeni kwisizwe abajongene nentsebenziswano yamanye amazwe kwezenkcubeko. Ezo zivumelwano zentsebenziswano kufuneka zihambe ngokwesakhelo sonxibelelwano namanye amazwe nezivumelwano eziphakathi koorhulumente bemimandla okanye norhulumente wesizwe ochaphazelekayo okanye ii-arhente zakhe. Ezo zivumelwano zizizo kufuneka zibhalwe phantsi, zisayinwe ngamaqela aphambili kwaye kufuneka zichaze ngokuphandle imimiselo nemiqathango yentsebenziswano noxanduva leqela ngalinye.

11. ISICWANGCISO-NKQUBO SAMAZIKO OLONDOLOZO LWEMBALI ENTSHONA KOLONI NOKUBA PHANTSI KWESIBE KWAMAZIKO OLONDOLOZO LWEMBALI

Amaziko aseNtshona Koloni anjongo ikukugcina nokuphakamisa inkcubeko nelifa lendalo ngokuthi alawule, aqokelele, aphande, alondolozwe aze aphicothe okufumaneka kumaziko olondolozo lwembali nokuqokelelelwa luluntu, bonke abo banezo njongo bakucelwa ukuba bazayamanise neNkonzo yoLondolozo lweMbali yeNtshona Koloni. Apho la maziko engavumi ukuba yinxalenye yeNkonzo yoLondolozo lweMbali awasayi kuvunyelwa ukuba aphakanyiswe 'njengamaziko olondolozo lwembali kwixa elizayo. Injongo yalo mqathango kukunika ingqinisekiso yomsebenzi onguwo kubatyeleli nakwabo banikezela ngezinto zeziko londolozo lwembali.

Ukunika isicwangciso-nkqubo sokuhlela amaziko olondolozo lwembali eziya kuba yinxalenye yeNkonzo yoLondolozo lweMwali, iSebe lona elinengqiniseko yokuba ukusebenza kunye kungaqinisekisa ukusebenza ngokwemiqathango yomgaqo-siseko nokusemthethweni kwaye oko kungadala intsebenziswano phakathi kwecala laseburhulumenteni, icandelo lelifa lemveli, icandelo labucala kwakunye namaziko emfundo.

Umthetho wamaZiko oLondolozo lweMwali weNtshona Koloni uza kumisa ixesha apho wonke amaziko aseNtshona Koloni kuyakufuneka ezibandakanye ngalo neNkonzo yoLondolozo lweMwali.

Amaziko olondolozo lwembali aya kubandakanyeka kwiNkonzo yamaZiko oLondolozo lweMwali aya kuba nomgomo/imigomo ephunyeziweyo ukunika umkhombandlela kokuqokelelwayo, okuboniswayo nemigaqo-nkqubo yophando. Nangona kunjalo umgomo okanye imigomo yeziko ngalinye mawube ngumgomo oquka uluntu lonke.

Amabhunga alawulayo kufuneka amkele indlela yokuziphatha, engumthetho-siseko onika isikhokelo ojolise ekuhlonipheni umthetho, imigangatho elindelekileyo nezikhokelo eziphathelele kumaziko olondolozo lwembali nokuthintela ungzuzulwano lwezinto abanomdla kuzo. Ayiloluhlu lwemithetho enokunyanzelwa, kodwa kukuqinisekisa isimo sokuziphatha kakuhle ngendlela elindelekileyo.

Amabhunga alawula amaziko olondolozo lwembali kufuneka aqwalasele ukwamkelwa kweziphondo, amalizo nezibonelelo (imali okanye olunye uhlobo) ngokwesikhokelo somgaqo-nkqubo kuphela ngokuqinisekiswa ngokuqulathwe kumxholo wabo, kumthetho wokulawulwa kwemali, kwisimo sokuziphatha nolawulo olululo nemisitho eyamkelekileyo ngenjongo ekujoliswe kuyo.

Amaziko olondolozo lwembali kufuneka, ngokweemeko ezithile kuphela, nalapho umngcipheko kufuneka ucuthiwe, wamkele uxanduva lwemboleko yexesha elide kwizinto ezenziwe ngabantu, kwizinto zokubonisa nakwizinto eziqokelelweyo kumaziko olondolozo lwembali ezingezizo ezabo, njengoko oko kunokubangela umngcipheko onzima nenkcitho kumabhunga olawulo malunga nokugcinwa, nokulondolozwa, nokhuseleko kwane-inshorensi. Oku akubhekiselanga kwimboleko yexesha elifutshane ngenjongo yemiboniso yexeshana ethile.

11.1 Amaziko oLondolozo lweMwali kaRhulumente wePhondo leNtshona Koloni

Kwezinye zee-asethi zeNdlu yoWiso-mthetho yePhondo leNtshona Koloni namasebe karhulumente ephondo nemibutho eyenza izinto ezithile zikaRhulumente, kukho nepropati engenakususwa, izinto ezenziwe ngabantu, izinto zenkcubeko, imiboniso nezinto eziqokelelweyo ezibonakalisa imbali yokuphuhliswa korhulumente owayeyikoloni, owayeyimbumba ngaphambili ngoku nguRhulumente weNtshona Koloni. Kucetywa ukuba ezi asethi zibe yinxalenye yezinto eziqokelelweyo zamaZiko oLondolozo lweMwali kaRhulumente wePhondo leNtshona Koloni ezibonakalisa imbali yelifa lenkcubeko nemizila yomsebenzi kaRhulumente wePhondo leNtshona Koloni.

11.2 Amaziko olondolozo lwembali ommandla

Amaziko olondolozo lwembali ommandla aza kusekwa kwimimandla ethile eNtshona Koloni, umz. kuMasipala ombaxa weKapa nakoomasipala bezithili abaseNtshona Koloni. Xa kuqwalaselwa iindawo ezikuzo neminye imiba, kungakwazeka ngenxa yeemeko ezithile, ukumisela amaziko olondolozo lwembali ommandla ingabi nye kumasipala wesithili okanye kuMasipala ombaxa weKapa.

Amaziko olondolozo lwembali ommandla kufuneka abonakalise ilifa lenkcubeko nembali yaloo mmandla nabantu abahlala kuwo (umz. imyuziyam yaseKapa). Iziko lolondolozo lwembali

lommandla lingasekwa apho amaziko olondolozo lwembali ayindibanisela kummandla othile amanyaniswa ukwenza iziko lommandla okanye apho izinto eziqokelelweyo zizinziswa khona ukubonakalisa ilifa lenkcubeko nembali yommandla lowo. Akukho njongo zokuba amaziko olondolozo lwembali akhoyo aza kuhlangukiswa ukwenza iziko lolondolozo lwembali lommandla aza kuvalwa, kodwa ukuba kuyavunyelwana ngabo bonke abachaphazelekayo kufuneka asebenze njengendawo axhomekeke kuyo amaziko ommandla. Umthetho wamaziko olondolozo lwembali wephondo uya kunceda ngokwazisa ngamaziko akhoyo ekuhlaleni ancedwa liphondo okanye ephondo nokutshintshwa kwawo abe yinxalenye yeziko lolondolozo lwembali lommandla. UMphathiswa wephondo uya kuqinisekisa ngendawo yala maziko ommandla.

Apho kuyimfuneko, nangokuvunywa nguMphathiswa wesizwe kwezobuGcisa neNkcubeko nalapho kuyimfuneko, uMphathiswa weMisebenzi yoLuntu neBhodi eLawulayo kumaziko olondolozo lwembali esizwe, izinto ezenziwe ngabantu, imiboniso, izinto eziqokelelweyo okanye amaziko olondolozo lwembali axhomekekileyo okanye ipropati engenakususwa ngoku eyinxalenye yengqokelela yezinto zeziko olondolozo lwembali lesizwe kunye nepropati engenakususwa ezilawulwa ngurhulumente wesizwe inokugqithiselwa kumaziko olondolozo lwembali ommandla amileyo.

Ubungakanani beziko lolondolozo lwembali buya kubonelelwa liSebe kumaziko olondolozo lwembali ommandla ukuqinisekisa ngeenkonzo ezifanelekileyo, ezaneleyo nezinoqoqosho ukulawula amaziko olondolozo lwembali nokulawula imali, ukulawula izinto eziqokelelweyo, imiboniso, iinkqubo zoluntu (kubandakanya iinkqubo zemfundo) neenkonzo zokwazisa nezokukhuthaza izinto.

Ibhodi elawula iziko lolondolozo lwembali lommandla kufuneka limelwe ngabantu bommandla nabathathi-nxaxheba balo. Amalungu achongiweyo kwibhunga lebhodi elawulayo kufuneka abenezakhono nobugcisa obufunekayo ukubonelela ngesicwangciso-qhinga neengcebiso kwiSebe nakubalawuli beziko lolondolozo lwembali.

Amaziko olondolozo lwembali ommandla aza kuhlangukiswa neNkonzo yoLondolozo lweMwali kunye namanye amaziko ukufikelela kwiinjongo zawo, oko kukubonakalisa ilifa lemveli nembali yommandla nabantu bayo.

Abasebenzi kumaziko olondolozo lwembali ommandla baya kuqeshwa liSebe baze basiwe kumaziko olondolozo lwembali ommandla ngokomthetho iPublic Service Act, ka-1994, njengoko ulungisiwe. Abasebenzi baya kunika iingxelo kumlawuli weziko lolondolozo lwembali, oza kuphendula yena kwibhodi elawula iziko lommandla.

Amaziko olondolozo lwembali ommandla aya kulawula ngokwemithetho esebenzayo yamaziko olondolozo lwembali nangokoMthetho iPublic Finance Management Act, woku-1 ka-1999, kwaye aza kuxhomekeka kuphicotho zincwadi olwenziwe nguMphicothi-zincwadi Jikelele. Ukusekwa kwamaziko olondolozo lwembali ommandla kuza kuqinisekisa iinkonzo zamaziko olondolozo lwembali ezifanelekileyo, ezaneleyo nezinoqoqosho zibonelelwa liSebe kubahlali baseNtshona Koloni. Oku kuya kuthintela ukuphindaphindeka okungeyomfuneko kweenkonzo eziyakuba ziindleko kwiSebe, njengeendleko zokuphicothwa kweencwadi.

11.3 Amaziko olondolozo lwembali oluntu

Amaziko olondolozo lwembali oluntu ziindawo ekugcinwa kuzo izinto ezineenkumbulo zoluntu, zilondolozwe kwaye zibonakalise inkcubeko etyebileyo nezinto ezahlukahlukeneyo zexesha elidlulileyo zokufundisa nezokonwabisa uluntu. Imigangatho nezikhokelo zemisebenzi yamaziko olondolozo lwembali oluntu kufuneka abandakanye oku kulandelayo:

- Ngokulondolozwa nokuboniswa kwezinto eziqokelelweyo, iziko lolondolozo lwembali loluntu lisebenzela uluntu kwaye liyinxalenye yobomi benkcubeko yaloo ndawo. Ngapha koko, iziko lolondolozo lwembali loluntu linenkxaso eluqilima kuloo ndawo.
- Amaziko olondolozo lwembali oluntu aphantsi kwesebe aza kuba nendima ebalulekileyo ekuzibopheleleni kuRhulumente wePhondo leNtshona Koloni ngokulondolozwa nokuboniswa kwenkcubeko eNtshona Koloni.
- ISebe liya kubonelela ngenkokhelo noncedo oluchubekileyo nolobugcisa kumaziko olondolozo lwembali asekuhlaleni. Kanti, akazukubopheleleka ukuba incedise amaziko olondolozo lwembali oluntu ngeendleko zemihla ngemihla kuloo maziko. Uncedo lweSebe kufuneka lwandise inkxaso eluqilima ebonelelwa luluntu ekuhlaleni kwimyuziyam yoluntu.
- Okona kutyhalwa koncedo lweSebe kumaziko olondolozo lwembali oluntu aza kuba kukuphucula umgangatho waloo maziko nokuqinisekisa ukuba inkonzo zamaziko olondolozo lwembali oluntu ezisandul'ukuzibandakanya ezintsha ziza kuzama ukugqwesa ekucwangciseni nasekuphuhliseni amaziko.
- Iziko lolondolozo lwembali loluntu kufuneka iphumeze indima yokusebenzela uluntu, kwaye noluntu kufuneka lulixhase. Kufuneka libe nengxelo echaza ngokucacileyo injongo yalo ngokubonisa kakuhle ingqiqo ngobukho balo, umgaqo-nkqubo obhaliweyo ngezinto eziqokelelweyo, indawo yokusebenzela eyaneleyo ukwenza iimfuno zalo, ibhodi elawulayo efanelekileyo, ukuqokelelwa kwezinto ezenziwe ngabantu, abasebenzi abaqeqeshiweyo, isicwangciso senkqubo eza kusa iziko lolondolozo lwembali eluntwini, ngokwenza njalo uluntu luxhase iziko. Uluntu kufuneka lukhuthazwe ukuba luxhase kwaye luthathe inxaxheba kwiinkqubo zeziko olondolozo lwembali. Abahlali abanezakhono ezithile nomdla kufuneka bakhuthazwe ukuba baxhase imyuziyam ngokuzivolontiya, neenkqubo zoqeqesho kufuneka zenziwe ukuze lisetyenziswe igalelo labo. Ibhodi elawula imyuziyam kufuneka ivelise indlela yenkxaso-mali kumaziko olondolozo lwembali kwizinga lasekuhlaleni, kuqwalaselwe ukuba inkxaso yephondo iza kubhekisela kwiiprojekthi ezithile rhoqo ngonyaka.

Izinto eziphambili ekuphumezeni loo nkqubo yenkxaso yephondo kumaziko olondolozo lwembali oluntu ziza kuqulatha oku kulandelayo:

- Inkxaso-mali yeprojekthi esuka kwiSebe eya kumaziko olondolozo lwembali oluntu efezekisa indima yawo yokuqokelela izinto zenkcubeko eNtshona Koloni zilondolozwe, ziboniswe kwaye kutolikwe oko kuqokelelweyo kwiindawo abakuzo ngokwesibonelelo segranti yonyaka yokwenza umsebenzi ngokubhekisele kwipesenti yenkcitho yophicotho zincwadi yonyaka ophelileyo.
- ISebe alisayi kwenza kubekho izibonelelo zokuphuhliswa nokugcinwa kwamaziko olondolozo lwembali oluntu kwiNtshona koloni. Kanti, iSebe liya kusayina izicelo eziya kwezinye ii-arhente zenkxaso-mali ukunika inkxaso yemali ukuphuhlisa amaziko akhoyo emyuziyam okanye yezifundo ezicetywayo zokuphucula amaziko emyuziyam okanye zokucwangcisa amaziko amatsha, nokujongana nemali nenzala yemali-mboleko ukuze kugcinwe kwaye kulungiswe izakhiwo zembali kunye/okanye ezakhiwo ezibalulekileyo njengemyuziyam.
- Uncedo lweSebe lwamaziko olondolozo lwembali oluntu iza kuba yindlela yeenkonzo ezichubekileyo, zobugcisa nezinika iingcebiso kubalawuli. Le nkxaso iza kubhekisela kwimimiselo yokufikelela ngokulinganayo neenkonzo ekwabelwana ngazo.

- ISebe liqwalasela ukuba amaziko olondolozo lwembali ommandla neNkonzo yoLondolozo lweMwali kufuneka zibe yimifuziselo emihle ebonelela ngenkokhelo nenkxaso kwamanye amaziko amafa enkubeko eNtshona Koloni. ISebe likhuthaza unxibelelwano nentsebenziswano namanye amaziko olondolozo lwembali namaziko amafa enkubeko, emfundo nawenza uphando kwimimandla, kumgangatho wesizwe nowamanye amazwe.

ISebe alizi kuba naxanduva lokuqesha abasebenzi beemyuziyam zoluntu njengoko oko iza kuba luxanduva labalawuli beemyuziyam zoluntu. Imigaqo-nkqubo yeSebe neenkqubo zalo malunga neemyuziyam zoluntu ziza kuba yinxalenye yeengxoxo eziqhubekayo phakathi kweSebe neemyuziyam zoluntu.

11.4 Amaziko olondolozo lwembali kamasipala

IKomishini yezeMali neyeMali kaRhulumenye kwiNgxelo yayo eNgeniswe ngowama-2012/13 kwiCandelo leNgeniso, ibonakalisa ukuba “amaziko olondolozo lwembali ngaphandle kwamaziko olondolozo lwembali esizwe” kwiShedyuli 5A sendawo yomsebenzi ngokoMgaqo-siseko wesizwe ngokomsebenzi owodwa osemthethweni wephondo. AmaPhondo aye asebenza ekusebenziseni amagunya awo omgaqo-siseko ngokulawula okanye ukuxhasa amaziko olondolozo lwembali. Nangona “amaziko olondolozo lwembali” angahlelwanga njengeenkqubo zoomasipala kwiShedyuli 4B okanye 5B, yoMgaqo-siseko wesiZwe, oomasipala benza imisebenzi efanayo (umsebenzi, njengamathala eencwadi, okumgaqo-siseko), obonakala njengenxalenye yomsebenzi wezokhenketho ekuhlaleni (indawo yomsebenzi kuShedyuli 4B). NgokweKomishini, akukho mthetho okanye msebenzi wesigqeba owenziwa ngamaphondo womsebenzi wamaziko olondolozo lwembali koomasipala. Njengoko amaziko olondolozo lwembali ingumba woorhulumente basekuhlaleni de uMgaqo-siseko wesizwe uqale ukusebenza ngo-1996. Uninzi lwamaziko olondolozo lwembali lusalawulwa kwaye/okanye zixhaswa ngoomasipala. IKomishini ithi amaziko olondolozo lwembali ayingomsebenzi uphambili, kwaye akukho zibophelelo koomasipala ukuba bawaseke okanye bawaxhase. Ukuba iPhondo leNtshona Koloni linikezela oomasipala umsebenzi ngokusemthethweni, liza kwandisa umsebenzi wabo. Ngoko ke, akukho kunyanzelisa ukuba kusekwe, kubekho okanye kuxhaswe amaziko olondolozo lwembali ngoomasipala. Kanti, ukuba umasipala ugqiba ukuba enze lo msebenzi, iPhondo liza kubeka umgangatho olindelekileyo wokulawula izinto eziqokelelweyo zamaziko olondolozo lwembali, iinkonzo zabatyebileli namaziko. Njengoko umsebenzi wamaziko olondolozo lwembali usegunyeni labo, naziphi na iindleko ezikhoyo iya kuba zezaloo masipala uchaphazelekayo.

Ngenxa yoku kungentla, amalungiselelo kumthetho omtsha wamaziko olondolozo lwembali ephondo leNtshona Koloni kufuneka ibe kukuxhobisa abo masipala baseNtshona Koloni banezo zinto ziqokelelweyo zobugcisa, izinto ezenziwe ngabantu kunye/okanye nemiboniso, okanye ukulawula nokuxhasa amaziko olondolozo lwembali ukuze abe nokwenza izibophelelo zawo kwabo banikele ngezi zinto koomasipala okanye kubanduleli bazo, ukulawula loo maziko olondolozo lwembali ngokwesakhelo soMthetho iMunicipal Financial Management Act, wama-2003.

11.5 Amaziko olondolozo lwembali abucala, ashishinayo namaziko athile

Uninzi lwamaziko olondolozo lwembali aseNtshona Koloni asenokuba ngamaziko abucala. Uninzi lwala maziko asekwengamaziko emfundo, umz. ukwenza ingqokelela yezifundo zaseyunivesithi; ngamacandelo abucala njengamaziko ayimbumba yoshishino okanye yokuqokelela izinto; okanye ngabantu abazimeleyo. Kweminye imiba, la maziko aba phambili ekutsaleni abantu basekuhlaleni nemimandla ngezinto eziqokelelweyo ezinexabiso nezizodwa neziqaqambisa amaziko oluntu elifa

lemveli. La maziko abucala, ayimbumba okanye anezinto eziqokelelweyo akaxhomekekanga kwinkxaso-mali karhulumente.

Ukuzibandakanya nesebe kwamaziko olondolozo lwembali kuya kwenza ukuba la maziko nabantu abathile afikelele kwiinkonzo ezinobuchule nezobugcisa kwiiNkonzo zoLondolozo lweMwali xa kuyimfuneko nalapho kuyimfuneko khona. Ngaxeshanye, iNkonzo yoLondolozo lweMwali iya kuvavanya ibek' esweni amaziko olondolozo lwembali abucala, ayimbumba nawoshishino ukuba ayahambelana na nemigangatho elindelekileyo nebekiweyo yamaziko olondolozo lwembali.

11.6 Amaziko elifa lemveli

Ukuze kubonelelwe ngamathuba kuluntu obelufudula luhlelekile noluntu olungakwazi kumisela okanye olungenandlela okanye amandla okumisela nokugcina amaziko olondolozo lwembali, kodwa olungathanda ukubonakalisa ilifa labo lemveli nembali yabo, iSebe liceba ukuqwalasela kwaye lenze ukuba amaziko amafa emveli abe phantsi kweNkonzo yoLondolozo lweMwali. Amaziko elifa lemveli ngamaziko enza umsebenzi omiselwe iziko londolozo lwembali. Akunyanzelekanga ukuba ibezezawo izinto okanye oko kwenziwe ngabantu kwaye ngenxa yoko akuzi kufuneka ukuba likukhathalele oku xa izinto eziqokelelweyo zingundoqo weziko lolondolozo lwembali. Kanti ke, amaziko elifa lenkcubeko ebeza kufikelela kwiNkonzo yoLondolozo lweMwali yaseNtshona Koloni ukuze akwazi ukwenza eyona ndima iphambili yokwazisa ngelifa lemveli, ngokufundisa nangezokhenketho. Amashishini avalekileyo nabanye abachaphazelekayo, amaziko, amaziko olondolozo lwembali neminye imibutho karhulumente kuza kufuneka abonelele ngoncedo oluyimfuneko nokuququzelela umsebenzi okula maziko.

Amaziko elifa lemveli asekiweyo aze alawulwa ngoomasipala aza kuxhomekeka kwizibonelelo ezifanayo ezibekelwe amaziko olondolozo lwembali oomasipala

11.7 Amanqaku okutolika ukukhuthaza ukhenketho lwelifa lemveli nolwenkcubeko

Ezokhenketho kwinkcubeko kunye/okanye nakwilifa lemveli kungachazwa njengotyelelo oluthathwa ukuze ubani abe namava ngendawo, ngezinto ezenziwe ngabantu, ngezinto eziqokelelweyo nangemisebenzi ebonakalisa amabali nabantu bexesha elidlulileyo neli sikulo. Kubandakanywa izinto ezinika umdla kwezembali, kwezenkcubeko nakwezendalo. Noxa ngokubanzi, le nkcazelo ibonakalisa ukuba umdla wezokhenketho kwinkcubeko nakwilifa lemveli ebandakanya jikelele utyelelo kwiindawo zembali nakwizakhiwo zembali zabucala, izakhiwo zee-ofisi, iihotele neendawo zokulala, kunye namaziko olondolozo lwembali, amaziko elifa lemveli neendawo ezinabantu abakhokela abatyeleli.

Ukuququzelela imibhalo etolika izinto okanye imiboniso kwiindawo zelifa lemveli eziseNtshona Koloni, kwiNkonzo yoLondolozo lweMwali, ngentsebenziswano nabo bathatha inxaxheba, bakwenza indima ekutolikeni iziza neendawo ukuze kukhuthazwe ezokhenketho kwezenkcubeko nakwilifa lemveli. Oku kungabandakanya iindawo zezikhumbuzo ezinokutolika ukubaluleka kwalo ndawo. Zombini i-Arhente yeziBonelelo zeLifa leMveli yoMzantsi Afrika (SAHRA) neLifa leMveli leNtshona Koloni (abasemaGunyeni kumaZiko eLifa leMveli leNtshona Koloni) kunye nabanikazi bezo ndawo, kufuneka bakhuthazwe ukuba babonelele ngentsebenziswano kulo mba. Abanye abathathi nxaxheba ababalulekileyo yimibutho yabucala yezokhenketho, abakhokela abakhenkethi nababhaliswe ngokusemthethweni, ushishino lwezothutho nabasemagunyeni kwezokhenketho ekuhlaleni, kwimimandla, kwiphondo nakwisizwe.

11.8 Ukuzibandakanya kwamaziko olondolozo lwembali esizwe akwimida yeNtshona Koloni

Xa iziko lolondolozo lwembali lesizwe likwimida yaseNtshona Koloni lifuna ukuba phantsi kweNkonzo yoLondolozo lweMwali, isicelo eso siya kuqwalaselwa ngokwamalungiselelo omthetho wamaziko olondolozo lwembali ephondo. Xa kungekho mgaqo-nkqubo namthetho kufuneka unxibelelwano oluphakathi kwamaziko olondolozo lwembali esizwe nalawo angengawo awesizwe kwiPhondo leNtshona Koloni lwenziwe ngokweWhite Paper yezobuGcisa, iNkcubeko neLifa leMveli, ka-1996. Oku kuya kwenziwa emva kokuba kunxityelelwane noMphathiswa weSizwe ojongene nobuGcisa neNkcubeko neBhunga lelo ziko lolondolozo lwembali lesizwe lichaphazelekayo okanye elo ziko lenkcubeko libandakanyekayo.

12. INKXASO-MALI

Kwimali yenkxaso evotelweyo kwiNdlu yoWiso-mthetho yeNtshona Koloni, iSebe, ngokoqingqo-mali lwalo lonyaka kwingeniso nenkcitho, liya kubonelela ngenkcitho enxulumene neNkonzo yoLondolozo lweMwali neyamaziko olondolozo lwembali ommandla.

ISebe kwakhona liya kwenza ukuba kubekho inkxaso-mali yeprojekthi kumaziko olondolozo lwembali aphantsi kwalo nakumaziko elifa lemveli kwiinkqubo ezithile okanye kwiiprojekthi ezithile ngokwezibonelelo ezikhoyo kusenzelwa le njongo.

Amaziko olondolozo lwembali aphantsi kwesebe kufuneka akhuthazwe ukuba abe nengeniso eza kuqinisekisa uzinzo nokufikeleleka okukuko. Oku kungabandakanya umgaqo-nkqubo wenkqubela ekufikeleleni obonelela ngentlawulo yokungena efanelekileyo nokunika ilungelo elithile nemvume kolunye uluhlu lwabatyeleli, umz. kumaqela esikolo ayela iinkqubo ezifundisayo.

13. ABASEBENZI KUMAZIKO OLONDOLOZO LWEMBALI

Kuya kubakho isiseko esitsha sabasebenzi esiza kwenzelwa iNkonzo yoLondolozo lweMwali nalo maziko olondolozo lwembali aya kuba nabasebenzi abaya kuqeshwa liSebe.

libhodi zolawulo eziqesha abasebenzi kufuneka zihlole amalungiselelo omthetho osebenzayo wabasebenzi.

14. UKUNIKA INGXELO

Iziko lolondolozo lwembali ngalinye eliphantsi kwesebe iya kungenisa ingxelo yonyaka kuMphathiswa wephondo ojongene neMicimbi yeNkcubeko nephantsi kweSebe. Ukuze kuxhaswe imimiselo yolawulo olululo, iingxelo zemali kufuneka zingeniswe nengxelo yonyaka. Ezi ngxelo maziqwalaselwe ngokukodwa ngumntu wabucala oqeqeshelwe lo msebenzi.

Amaziko olondolozo lwembali ommandla aya kuphicothwa nguMphicothi-zincwadi Jikelele ngokwamalungiselelo oMthetho iPublic Audit Act, umthetho 25 wama-2004.

15. AMATYALA NEZOHLWAYO

Umthetho wamaziko olondolozo lwembali wephondo leNtshona Koloni kufuneka ubonelele ngezohlwayo namatyala kwabo bophula umthetho. Oku kubandakanya nezohlwayo namatyala apho abantu baye bafunyaniswa benamatyala okuba kumaziko olondolozo lwembali okanye

ukuzama ukughekeza kumaziko olondolozo lwembali, okanye ukuthengisa okanye ukuzama ukuthengisa izinto ezenziwe ngabantu ezikumaziko olondolozo lwembali okanye nayiphi na into ekwiziko lolondolozo lwembali. Ziinjongo ezibonakalayo zeSebe ukuba izohlwayo zamatyala kufuneka zibe ngqongqo kunamalungiselelo omthetho oqhelekileyo ukuze kucuthwe izinga lokuzama ukuba izinto ezikumaziko olondolozo lwembali okanye nayiphi na into ekwiziko lolondolozo lwembali.

Ngapha koko, amalungiselelo kufuneka enziwe okulahlwa kwezixhobo ezisetyenziswa ekuzameni ukuba okanye ziphumeze ukuba izinto ezikumaziko olondolozo lwembali okanye nayiphi na into ekwiziko lolondolozo lwembali. ISebe liya kuzama ukubeka ixesha elifanelekileyo lokubanjwa kunye/okanye ukusebenzela uluntu ngokumiselwe ziinkundla zamatyala.

Umthetho uza kubonelela ukuba umantyi enze ukuba lo propati ibiweyo ibuyiselwe kwelo ziko lichaphazelekayo.

16. IMIGAQO NGOKUNGATHOBELI, UKULAMLA NOKUSONJULULWA KWEENGXWABANGXWABA

Isebe liya kwenza imigaqo yokujongana namaziko olondolozo lwembali aphantsi kwesebe angayithobeliyo imithetho, imigaqo-nkqubo nezicwangciso-qhinga. Amalungiselelo aya kwenziwa kwiinkqubo ezinxulumene nokungenelela okanye nokusombulula ingxwabangxwaba enokubakho phakathi kweSebe neqela elichaphazelakayo.

17. IMIBUTHO OKANYE ABAHLOBO ABARHUMAYO KUMAZIKO OLONDOLOZO LWEMBALI NAMAVOLONTIYA

Uluntu namavolontiyi baya kukhuthazwa ukuba baseke imibutho eza kurhuma eza kusebenza njengemibutho yokuxhasa amaziko olondolozo lwembali aphantsi kwesebe kwiinjongo neembono zayo. Loo mibutho, iya kuba nabameli kwibhodi elawulayo kwelo ziko lolondolozo lwembali liphantsi kwesebe lichaphazelekayo ngokubhekiselele kwinkxaso abayinikayo.

18. UKUBHANGISWA KOKUBANDAKANYEKA KWAMAZIKO OLONDOLOZO LWEMBALI

Malunga nawo onke amaziko olondolozo lwembali achaphazelekayo, uMphathiswa wephondo edibene okanye efake isicelo kwibhodi elawula elo ziko lolondolozo lwembali liphantsi kwesebe (ngaphandle kwamaziko olondolozo lwembali emimandla) ngokubhengezwa kwaye kuqalwe kuloo mhla uchaziweyo ngeso sibhengezo *kwiGazethi yePhondo*, uya kurhoxisa ubulungu nokuba phantsi kwesebe kwelo ziko lolondolozo lwembali.

Amalungiselelo kufuneka enziwe ukuba zonke ii-asethi, amalungelo, iimfanelo nezibophelelo zebhodi elawulayo eza kurhoxiswa, kufuneka irhoxiswe kwaye idibane ngokwendlela uMphathiswa abona ngayo, edibene nebhodi elawulayo okanye abanini zinto ezo zikwiziko lolondolozo lwembali. Umthetho wamaziko olondolozo lwembali ephondo mawubonelele ukuba izinto eziqokelelweyo zephondo ukuba zisiwe kwamanye amaziko olondolozo lwembali aphantsi kwesebe eNtshona Koloni okanye zigcinwe kwiNkonzo yoLondolozo lweMbali.

Kuqatshelwe ukuba iSebe liya kujongana nezinto eziqokelelweyo ezibekwe phantsi kweliso leNkonzo yoLondolozo lweMbali ngokomgaqo-nkqubo osele uphunyeziwe nguMphathiswa.

19. AMALUNGISELELO EENGUQULELO

Umthetho wamaziko olondolozo lwembali uya kuba namalungiselelo enguqulelo ebanzi ukubonelela ngotshintsho nokutshintshwa kwamaziko olondolozo lwembali akhoyo aphantsi kwesebe atshintshelwe kwisakhelo samaziko olondolozo lwembali amatsha acetywayo eNtshona Koloni. Ubunini bepropati enokususwa nengenakususwa nezivumelwano ezikhoyo ezisemthethweni ngokubolekwa kweengqokelela zezinto okanye ezinye izibonelelo ziya kuba yinxalenye yala malungiselelo otshintsho. Ngaxeshanye, iya kuvumela iNkonzo yoLondolozo lweMwali namaziko olondolozo lwembali afanelekileyo ukuba azinzise iinkcukacha ezimalunga nolawulo lwamaziko olondolozo lwembali nee-asethi zawo.

Abasebenzi abaqeshwe liSebe kumaziko olondolozo lwembali akhoyo ancedwa liphondo nezephondo, ngokuxhomekeke kwisivumelwano ekufikelelwe kuso phakathi kwamabhunga olawulo kumaziko olondolozo lwembali, baya kuqhubeka ukuqeshwa ngokoMthetho weeNkonzo zikaRhulumente iPublic Service Act, ka-1994, njengoko ulungisiwe. Ukuba kuyimfuneko ukuba abasebenzi baqeshwe kwiilokishi ezahlukeneyo, loo malungiselelo kuya kuboniswana ngawo ngokwamalungiselelo omgaqo-nkqubo ngokunxulumene nokusiwa kwamagosa akwiNkonzo kaRhulumente kwezinye iindawo.

2012-02-16



DRAFT WESTERN CAPE MUSEUM POLICY

1. INTRODUCTION

The Western Cape Provincial Museum Policy is based on a situational analysis entitled *Discussion Paper: Towards a New Western Cape Provincial Museum Policy*, undertaken in 2009–10 and published and distributed for public comment in April 2010. The document is available on the website of the Department at www.westerncape.gov.za/dcas.

The aim of the Policy is to provide opportunities for individuals and communities to establish and maintain museums in the Western Cape within a framework consistent with constitutional provisions.

This Policy will provide a framework for the proposed Western Cape provincial museum legislation. The following will be addressed in the new legislation:

- rationalise and provide a new framework for museums and affiliation to the Museums Service
- enable municipalities who own collections or manage museums
- remove any discriminatory terminology in dated museum legislation
- provide a fair access framework for all museum visitors
- encourage museums to generate revenue and harness alternative sources of funding for the transformation and conservation of museums, and to ensure their sustainability
- provide an overarching and transversal museum policy framework
- provide a funding framework for the museum sector in the Western Cape
- provide a framework for the transformation of collections, exhibitions and public programmes
- institute measures to ensure effective, efficient and economic services, including requirements for auditing and reporting
- encourage cooperation and coordination between the Museum Service, museums, other spheres of government and heritage, education and research institutions
- provide a framework for access to accredited training and development opportunities for members of governing bodies, employees and volunteers

- provide for the acquisition of significant artefacts, objects, specimens or collections
- provide an institutional framework for the safeguarding of artefacts, objects, specimens or collections that are under threat
- create a framework for marketing museums and promoting our cultural and heritage tourism.

2. CONSTITUTIONAL FRAMEWORK

This Policy is based on the framework provided for in the national Constitution, Act 108 of 1996, and specifically as it pertains to national museums within the borders of the Western Cape Province. It is intended for museums other than national museums in terms of the exclusive provincial legislative mandate conferred by schedule 5 of the national Constitution. It also takes into account the Founding Provisions and the Bill of Rights in Chapter 2 of the national Constitution, principles and provisions of cooperative government between the spheres of government, and the promotion of intergovernmental relations.

The specific provisions in the Western Cape provincial museum legislation pertaining to national museums will only be promulgated after consultation with the national Minister responsible for Arts and Culture.

Furthermore, the museum policy and legislation will be informed by the Western Cape Constitution, Act 1 of 1998. In terms of the directive principles of the Provincial Constitution, the Western Cape Department of Cultural Affairs and Sport must adopt and implement policies to actively promote and maintain the welfare of the people of the Western Cape, including policies aimed at achieving the protection and conservation of the natural, cultural, historical, archaeological and architectural heritage of the Western Cape for the benefit of the present and future generations. The provincial Constitution further states that these directive principles must guide the Department in making and applying legislation.

The relationship between affiliated museums and municipalities will require further explanation as many of the existing affiliated museums are housed in historic buildings owned by local municipalities. These buildings were made available to house the museum when the museum was proclaimed as a local or province-aided museum in terms of the Museum Ordinance, No. 8 of 1975, or its predecessors.

3. DEFINITIONS

“accession register” means a written or digital record or database in which all items forming part of a collection of a museum are recorded

“collection” means a collection of specimens or objects acquired by or in the possession of an institution or museum for purposes of conservation, exhibition, display or research

“Department” means the Department of Cultural Affairs and Sport of the Western Cape Provincial Government, which is responsible for cultural affairs and more specifically for museum services

“governing body” means the legal person established to own and manage a museum and includes, among others, a board of trustees, a control board, management committees, a board of directors, corporations and private individuals

“interpretation point” refers to signage which fulfils only the exhibition aspect of the museum function

“intangible cultural heritage” means the practices, representations, expressions, knowledge and skills that communities, groups and, in some cases, individuals, recognise as part of their cultural heritage (Convention for the Safeguarding of the Intangible Cultural Heritage, UNESCO, 2003)

“living heritage” means the intangible aspects of inherited culture, and may include:

- (a) cultural tradition
- (b) oral history
- (c) performance
- (d) ritual
- (e) popular memory
- (f) skills and techniques
- (g) indigenous knowledge systems
- (h) the holistic approach to nature, society and social relationships

“municipality” carries the meaning as defined in section 155(6) of the Constitution of the Republic of South Africa, 1996

“museum” means a non-profit-making, permanent institution in the service of society and of its development, which is open to the public and acquires, conserves, researches, communicates and exhibits, for purposes of study, education and enjoyment, material evidence of people and their environment

“museum services” include the coordination of museum activities; setting of museological standards; standardisation of professional practices; provision of training opportunities; undertaking on behalf of museums, heritage centres and interpretation points certain functions or activities, advising or assisting them, as agreed, in respect of these functions, and providing them with centralised specialist skills and facilities

“national Constitution” means the Constitution of the Republic of South Africa, Act 108 of 1996

“national museums” are museological institutions that are established in terms of legislation for national museums passed by the national Parliament

“preservation” means the act or process of applying measures necessary to sustain the existing form, integrity and material of the artefact, object or place

“provincial Constitution” means the Constitution of the Western Cape Province, Act 1 of 1998

“significance” means the aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance of an artefact, object, collection or place

“subscriber organisation” or *“friends of the museum organisation”* means an organisation that aims to provide financial and other assistance and support to a specific museum, and whose members subscribe annually to the funds of the museum a minimum amount fixed by the governing body of the museum concerned.

4. INTERNATIONAL CONVENTIONS

The Republic of South Africa has assented to a number of international convention. These are now part of South African law in terms of section 231 of the national Constitution. They are:

- the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)
- the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)
- the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995)
- the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003)
- the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005).

This Policy will, as far as possible within the legislative framework of the Republic of South Africa and the financial capacity of the Department, assist museums to comply with the provisions of the international conventions pertaining to museums and heritage.

5. RESPONSIBILITIES OF THE PROVINCIAL MINISTER RESPONSIBLE FOR CULTURAL AFFAIRS

The provincial Minister responsible for Cultural Affairs in the Western Cape Provincial Government will exercise his or her powers as set out in the constitutional frameworks and the provincial legislation pertaining to museums. Provision will be made for the delegation of powers of the provincial Minister to a senior official employed in the Department.

6. THE PURPOSE OF MUSEUMS

Museums are accountable institutions established and maintained for the public good. They shape and manifest the consciousness, identities and understanding of communities and individuals in relation to their natural, historical and cultural environments, through collection, documentation, conservation, research and education programmes that are responsive to the needs of society. The primary purpose of museums is to safeguard and preserve our heritage as a whole. Museums should carry out scientific studies to establish and understand their meaning and worth to society. This will support a global ethic based on good practice for the conservation, protection and dissemination of cultural and natural heritage. The educational mission of museums, whatever their nature, is every bit as important as their scientific work. Museums therefore also have a responsibility to promote themselves in society. All these functions must be undertaken under the auspices of good governance and responsible management of their resources. The definition of a “museum” therefore reflects three important elements:

- Museums are not to be equated with the buildings which locate them in space, but with the content housed in these buildings, namely collections of objects and artefacts relating to natural, historical and cultural phenomena. However, in some cases museums are intrinsically linked to the building in various ways. Most museum buildings in the Western Cape are declared provincial heritage sites in terms of the National Heritage Resources Act, Act 25 of 1999, and/or related to the storyline or theme of the museum. In such cases,

divorcing the museum from a particular building would hamper the storyline and significance of the museum.

- Secondly, museums are institutions of public memory whose activities are to collect, conserve, research, educate and make accessible the natural, historical and cultural patrimony of a community or locality to the public. It is pivotal to note that although museums are located within a particular milieu, their roles transcend local boundaries as they contribute towards national, provincial and local consciousness, nation building and national identities.
- Thirdly, through these activities, museums give shape and manifest the connection of communities to their natural environment, history and culture.

7. THE VALUE OF MUSEUMS: INSTRUMENTS OF SOCIAL COHESION AND INCLUSION

Museums are institutions that collect, safeguard and make accessible artefacts, specimens and collections which they hold in trust for society. Society, in return, can expect museums to hold collections in trust on its behalf; focus on public service; encourage people to explore collections for inspiration, learning and enjoyment; consult and involve communities; acquire items honestly and responsibly; safeguard the long-term public interest in the collections; recognise the interest of people who made, used, owned, collected or donated items in the collection; support the protection of the natural and human environments; research, share and interpret information related to collections, reflecting diverse views; and review performance to innovate and improve.

Museums of science, history and art may be designated by many other names. Through their collections and associated material, they make a unique and positive contribution to society by:

- providing opportunities for learning
- enabling the use of collections and associated information to expand human knowledge
- stimulating creativity and the spirit of enquiry
- providing a sense of pride of place and social cohesion and inclusion
- supporting local economies through tourism and by creating a local identity
- offering opportunities for personal development for individuals and communities to develop a better understanding of their role in society, pride in their heritage and appreciation of cultural diversity
- creating a sense of security at times of change in society
- entertaining and educating visitors.

This represents an enormous potential scope and no museum has sufficient resources to exploit fully all these opportunities at a single point in time. Successful museums are those that:

- understand the political, social and economic environment in which they operate
- provide activities and programmes that focus on the contribution most appropriate to the current environment
- maintain a long-term perspective that will enable the museum's collections to be relevant in an ever-changing environment.

Museums therefore:

- help people to understand the world by using objects and ideas to interpret the past and present, and explore the future
- preserve and research collections, and make objects and information accessible in actual and virtual environments
- are established in the public interest as permanent, not-for-profit organisations that contribute long-term value to communities
- are supported by volunteers (individuals and organisations) and society.

8. CORPORATE GOVERNANCE OF MUSEUMS

All affiliated museums will be governed in accordance with the principles of good governance, including:

- accountability
- representivity
- consultation
- self-determination within the broad guidelines of affiliated museums
- accessibility for visitors and researchers to collections and information
- cooperation
- multiculturalism
- multilingualism
- ethical conduct.

There are more than 122 museums in the Western Cape. This constitutes about 10% of all the established museums in Africa. In some cases, institutions that are promoted as “museums” are at best not meeting the internationally accepted minimum criteria and standards and at worst mislead visitors concerning their functions and purpose. It is thus necessary to provide for the affiliation of museums to the Western Cape Museum Service. This will ensure that museums meet the minimum standards so that they can enjoy a reputable status in communities and among visitors and ensure a positive visitor experience.

The representation on governing bodies of museums would be determined by the status of affiliation of each museum, as well as the requirements of stakeholder representation on the bodies. The Western Cape provincial museum legislation will provide for the power to appoint members of governing bodies. Where a subscriber organisation exists or where one is established with the purpose of providing financial and other support to an affiliated museum, such organisation will have representation on the governing body of the museum.

9. ESTABLISHMENT OF A PROVINCIAL MUSEUM ADVISORY COMMITTEE

The provincial Minister responsible for Cultural Affairs may establish a Western Cape Provincial Museum Advisory Committee. The Committee’s purpose will be to advise the Minister on matters

pertaining to museums in the Western Cape. It will consist of representatives of stakeholders and will be required to meet at least once per annum. This Committee will only have advisory powers.

10. ESTABLISHMENT AND MAINTENANCE OF A WESTERN CAPE MUSEUM SERVICE

The Department and the Western Cape Provincial Government will establish and provide continued support to the provincial Museum Service. Such support must be resourced by the Department from funds voted by the Provincial Legislature (staffing, infrastructure, equipment and other resources).

The purpose of the Museum Service is, amongst others, to provide and coordinate museum service activities of affiliated museums; set museological standards and standardisation of professional practices; provide training opportunities; undertake on behalf of affiliated museums, heritage centres and interpretation points certain functions or activities, and/or advise or assist them, as agreed, with these functions and activities, including centralised specialist skills and facilities. These agreements must be signed by the provincial Minister or Head of Department.

The Museum Service may enter into partnerships or agency agreements with national museums or a future National Museum Service that would be mutually beneficial to provide shared services to national museums and affiliated museums situated in the Western Cape. Such partnership agreements must be in writing and must set out the terms and conditions of the partnership or agreement and the responsibilities of each of the parties.

The Museum Service may also enter into partnerships with the private sector; basic, secondary and tertiary educational institutions; government departments; organs of state; research institutions in South Africa, and an affiliated museum or affiliated museums situated in the Western Cape. Such partnership agreements must be in writing, must have the endorsement of the parties' principals and must set out the terms and conditions of the partnership and the responsibilities of each of the parties.

In addition, the Museum Service may enter into cooperative agreements with museum services or museums in foreign countries, after consultation with the relevant provincial and national authorities responsible for international cooperation in the field of culture. Such partnership agreements must be within the intergovernmental relations framework and agreements between the regional or national governments concerned, or their agents. The relevant memoranda of agreement must be in writing, must be endorsed by the parties' principals and must set out the terms and conditions of the partnership and the responsibilities of each of the parties.

11. WESTERN CAPE MUSEUM FRAMEWORK AND AFFILIATION OF MUSEUMS

Institutions situated in the Western Cape that are endeavouring to preserve and promote cultural and natural heritage through managing, collecting, researching, conserving and interpreting artefacts, objects, specimens and/or collections for the public, will be required to affiliate themselves to the Western Cape Museum Service. Where such institutions wish not to be affiliated to the Museum Service, they will not be allowed to be promoted as "museums" in the future. This measure is intended to provide assurance of good practice to visitors and donors alike.

In providing a new framework of categories of museums that could be affiliated to the Museum Service, the Department is of the opinion that affiliation will ensure constitutional and legal compliance and thus facilitate a successful interrelationship between spheres of government, the heritage sector, the private sector and educational institutions.

The Western Cape Museum legislation will provide a timeframe for the affiliation of institutions situated in the Western Cape to the Museum Service.

Museums that are affiliated to the Museum Service will have approved theme/themes to guide collections, exhibitions and research policies. However, the theme/s of each museum must be socially inclusive.

Governing bodies should adopt a code of ethics, which is a set of guiding principles aimed at respecting legislation, standards and guidelines pertinent to museums and avoiding conflicts of interest. It is not a set of enforceable rules, but determines desirable professional behaviour.

Governing bodies of museums should consider accepting gifts, donations and sponsorships (cash or in kind) only within a policy framework determined by the themes, financial management legislation, ethical behaviour, good governance considerations and accepted functions of museums. Gifts, donations and sponsorships that are received and accepted should be utilised for the purposes intended.

Museums should only in exceptional circumstances and where risk is minimised, accept responsibility for the long-term loan to the museum of artefacts, specimens and collections that the museum does not own, as such acceptance could pose a serious risk to and incur unwanted expenditure for governing bodies regarding storage, conservation, security and insurance. This does not refer to short-term loans for purposes of specific temporary exhibitions.

11.1 The Western Cape Provincial Government Museum

Among the assets of the Western Cape Provincial Legislature and provincial government departments and organs of state there are immovable property, artefacts, objects, specimens and collections that, collectively, reflect the history of the development of the former colonial, post-Union and now Provincial Government of the Western Cape. It is proposed that these assets should form part of the Western Cape Provincial Government Museum collection to reflect the history, heritage and legacy of the Western Cape Provincial Government.

11.2 Regional museums

Regional museums will be established in specific regions in the Western Cape, i.e. the Cape Metropolitan area and the district municipalities of the Western Cape. Based on geographical and other considerations, it would be possible in exceptional cases to establish more than one regional museum in a district municipality or the Cape Metropolitan area.

Regional museums should reflect the heritage and history of a particular region and its inhabitants (i.e. a museum for Cape Town). A regional museum could be established where a cluster of museums in a particular region is consolidated to form a regional museum or where collections reflecting the heritage and history of a region are consolidated to establish a regional museum for the area. It is not envisaged that existing museums that would be incorporated into a regional museum be closed, but if agreed by all parties and where appropriate, they should serve as satellite sites of the regional museum. The provincial museum legislation will provide for the de-proclamation of existing local, province-aided or provincial museums and for the migration of

these museums to form part of a regional museum. The provincial Minister will determine the locality of regional museums.

Where appropriate, and with the approval of the national Minister responsible for Arts and Culture and, where applicable, the Minister of Public Works, and the board of trustees of national museums, artefacts, collections or satellite museums currently forming part of the national museum collections or immovable property owned by the national government could be transferred to established regional museums.

Appropriate capacity will be provided by the Department at regional museums to ensure effective, efficient and economic services for museum governance, financial management, collection management, exhibitions, public programmes (including educational programmes) and marketing and promotional services.

The governing body of a regional museum should also be representative of the regional population and its stakeholders. Members appointed to the board of the governing body should have the necessary skills and expertise to provide strategic direction and advice to the Department and the management of the museum.

Regional museums are to cooperate with the Museum Service and other institutions to meet their objectives, i.e. to reflect the heritage and history of the region and its inhabitants.

Staff of regional museums will be employed by the Department and deployed at regional museums in terms of the Public Service Act, 1994, as amended. Staff will report to the museum manager, who will be accountable to the regional museum governing body.

Regional museums will be governed in terms of the applicable museum legislation and the Public Finance Management Act, Act 1 of 1999, and be subject to auditing by the Auditor-General. The establishment of regional museums will also ensure that effective, efficient and economic museum services are provided by the Department to the inhabitants of the Western Cape. This will avoid unnecessary duplication of costly services for the Department, such as auditing costs.

11.3 Community museums

Community museums are repositories of the collective memory of communities, preserving and presenting the rich and varied material culture of the past for the education and enjoyment of society. Standards and guidelines for the activities of community museums should include the following:

- Through the preservation and presentation of collections, a community museum serves a community and forms an integral part of the cultural life of that community. Furthermore, a community museum has a solid base of support in that specific community.
- Affiliated community museums will play an important role in the commitment of the Western Cape Provincial Government to the preservation and presentation of the material culture of the Western Cape.
- The Department will provide leadership and professional and technical assistance to community museums. However, it will not be obliged to assist community museums with the day-to-day running costs of the institutions. Assistance by the Department must be augmented by a solid base of support that the local community provides to the community museum.

- The main thrust of the Department's assistance to community museums will be to improve the quality of those institutions and ensure that newly affiliated community museums strive for excellence in the planning and development of their institutions.
- A community museum should fulfil its role of serving the community, and in turn, be supported by its community. It should also have a statement of purpose clearly delineating the rationale for its existence, a written collection policy, adequate physical accommodation to serve its needs, an appropriate governing body, a collection of artefacts, trained staff, and a programme plan that will bring the museum to the community and in turn engender community support of the museum. The community must be encouraged to support and participate in museum programmes. Members of the community with particular skills or interests should be encouraged to support the museum in a volunteer capacity, and training programmes to utilise their contributions should be organised. The governing body of the museum must develop financial support for the museum at a local level, recognising that provincial support will be based on application for a specific project on an annual basis.

Key elements in the implementation of such a provincial support programme for community museums could include the following:

- Project funding from the Department to community museums which fulfil their role of collecting the material culture of the Western Cape and preserve, restore, exhibit and interpret their collections to their communities, by means of an annual operating grant based on a percentage of the actual audited expenditure of the previous year.
- The Department will not make subsidies available for the development and maintenance of community museums in the Western Cape. However, the Department will endorse applications to other funding agencies for financial support to upgrade existing museum facilities, plan studies for the upgrading of museum facilities or plan new facilities. It will also facilitate capital and interest redemption on loans for the restoration and maintenance of structures of historical and/or architectural significance as museums.
- Departmental assistance to community museums will be by way of professional, technical and managerial advisory services. This support will be based on the principle of equal access and shared services.
- The Department recognises that regional museums and the Museum Service should be role models that provide leadership and support to other heritage institutions in the Western Cape. The Department encourages liaison and cooperation with other museums and heritage, educational and research institutions at regional, national and international level.

The Department will not be responsible for staffing community museums as this will be the exclusive responsibility of each community museum's management structure. Departmental policies and programmes regarding community museums will form part of an ongoing dialogue between the Department and the community museums.

11.4 Municipal museums

The Financial and Fiscal Commission in its 2012/13 Submission for the Division of Revenue Report, indicates that "museums other than national museums" is a Schedule 5A functional area in terms of the national Constitution that falls within the exclusive legislative competence of a province.

Provinces have exercised their constitutional powers by administering or supporting museums. Although “museums” are not listed as a functional area of local government in Schedule 4B or 5B of the national Constitution, municipalities are conducting similar activities (a practice that, like libraries, predates the Constitution), ostensibly as part of their local tourism function (a Schedule 4B functional area). According to the Commission, there has been no legislative or executive assignment by provinces of the museum function to municipalities thus far. As museums were a local government matter until the national Constitution came into operation in 1996, many museums are currently still being administered and/or funded by municipalities. The Commission states that museums are not a basic service, and no obligation is imposed on municipalities to either establish or support them. Should the Western Cape Province assign the legislative function to municipalities, it would merely be extending a discretionary competence. Thus municipalities cannot be compelled to establish, run or support a museum. However, should a municipality decide to venture into this functional area, the Province could set minimum standards for the management of museum collections, visitor services and facilities. Since the functional area of museums is a discretionary power, any costs incurred would be for the account of the municipality concerned.

In view of the above, provisions in the new Western Cape provincial museum legislation would empower and enable those municipalities in the Western Cape that own collections, objects, artefacts and/or specimens, or manage and support museums, to fulfil their obligation towards donors who have bequeathed these items to those municipalities or their predecessors in title, or where collections were purchased by municipalities and/or their predecessors, to manage those museums within the framework of the Municipal Financial Management Act, 2003.

11.5 Private, corporate or institutional museums

The majority of museums in the Western Cape are either institutional or privately owned museums. Many of these museums were established by educational institutions, e.g a university study collection; by the private sector as a corporate museum or collection, or by private individuals. In some cases, these museums are at the forefront of being local and regional attractions with valuable and specialised collections that outshine those of public heritage institutions. These private, corporate or institutional museums and collections also do not rely on public sector funding.

The affiliation of these museums will give these institutions and individuals access to professional and technical services from the Museum Service when and where required. At the same time, the Museum Service will monitor and evaluate private, corporate and institutional museums against the applicable minimum standards.

11.6 Heritage centres

In order to provide opportunities for previously marginalised communities and communities who cannot afford to establish or do not have the means or ability to establish and maintain museums, but who would like to showcase their heritage and history, the Department envisages the recognition and affiliation of heritage centres to the Museum Service. Heritage centres are institutions that perform limited museological functions. They would not necessarily be the owners of objects, artefacts or collections and thus would not be required to care for these as is the case where a collection forms the nucleus of a museum. However, heritage centres would have access to the Western Cape Museum Service to enable them to play a pivotal role in heritage awareness, education and tourism. Close cooperation with other stakeholders, institutions,

museums and organs of state would be required to provide the necessary assistance to and coordination of these centres.

Heritage centres established and managed by municipalities will be subject to the same provisions as municipal museums.

11.7 Interpretation points to promote cultural and heritage tourism

Cultural and/or heritage tourism can be defined as travelling to experience the places, artefacts, collections and activities that authentically represent the stories and people of the past and present. It includes historic, cultural and natural attractions. Although broad, this definition indicates that the interests of cultural or heritage tourists generally include visits to historical areas and privately owned historic buildings, office buildings, hotels and bed and breakfast establishments, as well as museums, heritage centres and sites with guided tours.

To coordinate signage or exhibitions at heritage sites in the Western Cape, the Museum Service, in partnership with stakeholders, will play a role in the interpretation of sites and places to enhance cultural and natural heritage tourism. Both the South African Heritage Resources Agency (SAHRA) and Heritage Western Cape (the Western Cape provincial heritage resources authority) and owners of these sites should be encouraged to cooperate in this endeavour. Other important stakeholders are private tourism organisations, registered tour guides, the travel industry and local, regional, provincial and national tourism authorities.

11.8 Affiliation of national museums situated within the borders of the Western Cape

If a national museum situated within the borders of the Western Cape wishes to affiliate with the Museum Service, the request will be considered within the provisions of provincial museum legislation. In the absence of policy and legislation, it is foreseen that the relationship between national museums and museums other than national museums in the Western Cape be formalised in accordance with the provisions of the White Paper on Arts, Culture and Heritage, 1996. This will be done after consultation with the national Minister responsible for Arts and Culture and the Council of the relevant national museum or declared cultural institution.

12. FUNDING

From funds voted by the Western Cape Provincial Legislature, the Department will, in its annual estimates of income and expenditure, provide for expenditure associated with the Museum Service and regional museums.

The Department will also make project funding available to affiliated museums and heritage centres for specific programmes or projects within the resources available for this purpose.

Affiliated museums should be encouraged to develop income streams that will ensure sustainability and fair access. This would include a progressive access policy that provides for reasonable entrance fees and entrance concessions for specific categories of museum visitors, e.g. school groups attending educational programmes.

13. STAFFING OF MUSEUMS

A new staff establishment will be developed for the Museum Service and those museums that the Department will be staffing.

Governing bodies employing staff should observe the provisions of the applicable labour legislation.

14. REPORTING

Each affiliated museum will submit an annual report to the provincial Minister responsible for Cultural Affairs through the Department. In order to support the principles of good governance, financial statements must be submitted with the annual report. These statements must be verified independently by a suitably qualified person.

Regional museums will be audited by the Auditor-General in terms of the provisions of the Public Audit Act, Act 25 of 2004.

15. OFFENCES AND PENALTIES

The Western Cape provincial museum legislation should provide for offences and penalties for transgressions of the provisions of the legislation. This would include offences and penalties where a person has been found guilty of theft from a museum or an attempted burglary of a museum, or the sale or attempted sale of museum artefacts, objects or specimens. It is the expressed intention of the Department that penalties for these offences should be more rigorous than common-law provisions in order to deter attempts to steal museum artefacts, objects or specimens.

Furthermore, it is envisaged that provision should be made for the forfeiture of equipment used in such an attempt at stealing or in the actual theft of museum artefacts, objects or specimens. The Department would also pursue the possibility of an appropriate period of imprisonment and/or community service imposed by the court.

The legislation will also provide for a magistrate to order the return of stolen property to the institution concerned.

16. PROCEDURES FOR NON-COMPLIANCE, ARBITRATION AND DISPUTE RESOLUTION

The Department will develop procedures to address non-compliance with the provisions of the legislation, policies and strategies by affiliated museums. Provision will also be made for processes relating to any arbitration or dispute resolution that may occur between the Department and any relevant party.

17. SUBSCRIBER ORGANISATIONS OR FRIENDS OF MUSEUMS AND VOLUNTEERS

Communities and volunteers will be encouraged to establish subscriber organisations that could support an affiliated museum in its aims and objectives. Such organisations will have representation on the governing body of the relevant affiliated museum in accordance with the support they provide.

18. RESCINDMENT OF AFFILIATION OF MUSEUMS

Regarding all affiliated museums, the provincial Minister may, in consultation with or on the application of a governing body of an affiliated museum (other than regional museums) by proclamation and with effect from a date specified in such proclamation in the *Provincial Gazette*, rescind the affiliation of the museum.

Provision must be made to dispose of all assets, rights, liabilities and obligations of the governing body whose affiliation will be rescinded, in such a manner as the provincial Minister may, in consultation with the governing body or owner/s of the collection, deem fit. The provincial museum legislation must provide for the museum collection to be absorbed into a collection/s of other affiliated museums in the Western Cape or placed in the care of the Museum Service.

It is envisaged that the Department will deal with collections placed in the care of the Museum Service in terms of a policy that has been approved by the provincial Minister.

19. TRANSITIONAL ARRANGEMENTS

The museum legislation will contain extensive transitional provisions to accommodate the transition and migration of existing affiliated museums into the new museum framework envisaged for the Western Cape. The ownership of immovable and movable property and existing legal agreements on the loan of collections or other resources will form the basis of these transitional arrangements. At the same time, it would allow the Museum Service and the relevant museum to consolidate information relating to the management of the museum and its assets.

Staff employed by the Department at existing province-aided and provincial museums, depending on the agreement reached between the governing bodies of each museum, will continue to be employed in terms of the Public Service Act, 1994, as amended. Should it be necessary for staff to be deployed at a different location, such arrangements will be negotiated within the provisions of policies related to the deployment of officials of the Public Service.

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