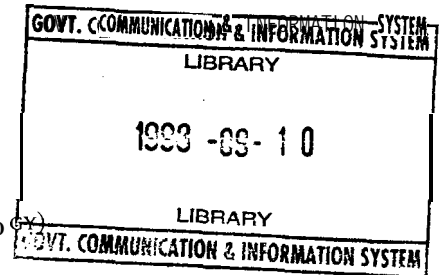


REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN GEOGRAPHICAL NAMES COMMISSION BILL

(As introduced in the National Assembly)

(MINISTER OF ARTS, CULTURE, SCIENCE AND TECHNOLOGY)



[B 112-98]

REPUBLIEK VAN SUID-AFRIKA

WETSONTWERP OP DIE KOMMISSIE VIR SUID- AFRIKAANSE GEOGRAFIESE NAME

(Soos ingedien in die Nasionale Vergadering)

(MINISTER VAN KUNS, KULTUUR, WETenskap EN TEgNOLOGIE)

[W 112—98]

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BILL

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

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

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Definitions

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

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

Establishment and objects of Commission

2. (1) There is hereby established a body to be known as the South African Geographical Names Commission.

(2) The objects of the Commission are—

- (a) to ensure the standardisation of geographical names within— 5
 - (i) the territorial limits of the Republic; and
 - (ii) the area of jurisdiction of the Republic acquired by treaty;
- (b) to promote the use of standardised South African geographical names at international level;
- (c) to ensure the implementation of standardised geographical names in South 10 Africa; and
- (d) to promote awareness of the economic and social benefits of the standardisation of geographical names.

Composition of Commission

3. (1) The Commission consists of not more than 25 members appointed by the 15 Minister, of whom—

- (a) nine must be nominated by 'the provinces;
- (b) one each must be nominated by the following:
 - (i) the South African Post Office;
 - (ii) Chief Directorate: Surveys and Mapping; 20
 - (iii) Spoomet;
 - (iv) Pan South African Language Board;
 - (v) the Names Society of South Africa,

or any other organisation, body or institution the Minister considers relevant.

(2) Members of the Commission other than those referred to in subsection (1)(a) and 25 (b) are appointed with due regard to their special competence, experience and interest in the fields relevant to the standardisation of geographical names.

(3) The Minister appoints a chairperson from among the members of the Commission after consultation with the Commission.

(4) In appointing members the Minister must— 30

- (a) ensure representation of other relevant sectoral interests; and
- (b) take into account the linguistic, cultural and demographic characteristics of the population of the Republic.

(5) For the purpose of appointing members other than those referred to in subsection 35 (1)(a) and (b) the Minister must—

- (a) through advertisements in the media circulating nationally invite persons who comply with subsection (2) to apply within a specified period for appointment as a member; and
- (b) establish a selection panel consisting of suitable persons.

(6) The selection panel must consider all applications and from among the applicants 40 compile a list of candidates taking into account subsections (2) and (4).

(7) The Minister must make the required number of appointments from the list.

Term of office

4. (1) A member of the Commission is appointed for a period of three years.

(2) A member of the Commission may be reappointed for a further period of three 45 years.

(3) If a member dies or resigns, the Minister must appoint another person to fill that vacancy for the remaining portion of the term of office of that member.

(4) The chairperson of the Commission holds office for a period of three years.

(5) The chairperson may be reappointed for a further period of three years. 50

(6) If the chairperson dies or resigns, the Minister must appoint another person as chairperson for the remaining portion of the term of the first-mentioned chairperson.

(7) A vice-chairperson is elected by the Commission from among its members,

(8) The Minister may terminate a person's membership of the Commission—

- (a) if that member has been absent from three consecutive meetings of the 55 Commission without sufficient reasons; or
- (b) on the recommendation of the Commission for reasons which are fair and just.

Allowances and remuneration of members of Commission

5. The Minister may, with the concurrence of the Minister of Finance, determine the remuneration and allowances payable to members of the Commission who are not in the full-time employment of the State.

Meetings of Commission

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6. (1) The Commission meets as often as necessary to ensure prompt implementation of standardised names, but at least three times a year.

(2) The chairperson may convene a special meeting or postpone or cancel a meeting in accordance with the necessity for a meeting.

(3) The majority of the members, of the Commission forma quorum.

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(4) If consensus cannot be reached, decisions of the Commission are taken by resolution of the majority of members present at the meeting, and in the event of an equality of votes the person presiding at the meeting has a casting vote in addition to his or her deliberative vote.

Support structure of Commission

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7.(1) Work incidental to the Commission's functions must be performed by personnel consisting of an executive officer and officers appointed in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

(2) The executive officer must liaise between the Commission and the national department responsible for arts and culture.

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(3) For the efficient functioning of the Commission, the Director-General may, on the advice of the Commission—

(a) appoint support staff and

(b) establish and maintain a research section and the necessary infrastructure incorporating computerised database, library and reference material, and document archives.

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Subcommittee of Commission and other assistance

8.(1) The Commission may appoint a subcommittee to perform preparatory work for the Commission.

(2) The Commission may not delegate its powers or assign its duties to a subcommittee contemplated in subsection (1) or to any other body.

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(3) The Minister may—

(a) at the request of the Commission, appoint any person with special knowledge to assist with or investigate any matter relating to the functions of the Commission; and

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(b) on the recommendation of the Commission and with the approval of the Minister of Finance, determine the remuneration, including reimbursement of traveling, subsistence and other expenses, of such person.

Powers and duties of Commission .

9. (1) The Commission must—

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(a) receive proposed geographical names submitted by State departments, statutory bodies, provincial governments, municipalities and other bodies or individuals;

(b) recommend geographical names to the Minister for approval;

(c) advise the Minister on—

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(i) the standardisation of proposed new geographical names;

(ii) existing geographical names not yet standardised;

(iii) the changing, removing or replacing of geographical names; and

(iv) geographical names and their orthography;

(d) in consultation with provincial governments, identify existing geographical names in need of revision, and co-ordinate requests for advice on geographical names and standardisation;

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- (e) communicate decisions and relevant information on geographical names approved in terms of section 10(1) effectively to the various State departments, the public, **and all** other users of geographical names at national and international level by means of gazetteers, lists, maps and other published and electronic media; 5
 - (f) liaise with national and international organisations concerned with **geographical** names; 10
 - (g) subject to the approval of the Minister, formulate policies, principles and procedures, taking cognizance of the United Nations' resolutions and international practice with reference to the standardisation of geographical names;
 - (h) observe and be guided by the Director-General's instructions
 - (i) in order to achieve its objects in terms of section 2(2), encourage and ensure the submission, by State departments, statutory bodies, provincial **governments**, municipalities and other bodies or individuals, of proposed geographical names and existing geographical names not yet standardised, for standardisation; and 15
 - (j) perform any other duty imposed on it by **this** Actor any other law.
- (2) The Commission **may**—
- (a) exercise any power conferred on it by this Act or any other law; and 20
 - (b) generally, do everything which is necessary to perform its duties referred to in subsection (1).

Approval and revision of geographical names

- 10.** (1) The Minister may by notice in the *Gazette* approve or reject a geographical name recommended by the Commission in terms of section 9(1)(b). 25
- (2) Any person or body that is dissatisfied with a name approved by the Minister in terms of subsection (1) may, within one month from the date of publication of the name in the *Gazette*, lodge a complaint in writing with the Minister.
- (3) The Minister may refer the complaint to the Commission for advice whether to reject or amend a geographical name so approved. 30
- (4) The Minister **must**—
- (a) inform the complainant of the decision on the complaint; and
 - (b) if a geographical name is rejected or amended, give notice thereof in the *Gazette*.

Annual report 35

- 11.** (1) The Commission must annually submit a report on its activities, including an assessment of the extent to which its objects have been achieved, to the Minister.
- (2) The Minister must cause the report to be tabled in Parliament within 14 days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ordinary session. 40

Regulations

12. The Minister may, after consultation with the Commission, make regulations with regard to any matter which may be necessary to prescribe in order to achieve the objects of this Act.

Offences and penalties 45

13. (1) Any person who officially uses a geographical name rejected by the Minister in terms of section 10(1) or (4) is guilty of an **offence** and liable on conviction to a penalty not exceeding that prescribed in the regulations.

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

Short title and commencement

14. This Act is called the South African Geographical Names Commission Act, 1998, 5 and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

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

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

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

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

Consultation

The following instances were consulted on the Bill:

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

The Department of Arts, Culture, Science and Technology and the State Law Advisers are of the opinion that the Bill should be dealt within accordance with section 76 of the Constitution, since it falls within a functional area of concurrent national and provincial legislative competence listed in Schedule 4 to the Constitution.