

REPUBLIC OF SOUTH AFRICA

NATIONAL COUNCIL FOR LIBRARY AND INFORMATION SERVICES BILL

*(As amended by the Portfolio Committee on Arts, Culture, Science and Technology
(National Assembly)) (The English text is the official text of the Bill)*

(MINISTER OF ARTS, CULTURE, SCIENCE AND TECHNOLOGY)

[B 44B—2000]

REPUBLIEK VAN SUID-AFRIKA

WETSONTWERP OP DIE NASIONALE RAAD VIR BIBLIOTEEK- EN INLIGTINGSDIENSTE

*(Soos gewysig deur die Portefeuljekomitee oor Kuns, Kultuur, Wetenskap en Tegnologie
(Nasionale Vergadering)) (Die Afrikaanse teks is die amptelike vertaling van die
Wetsontwerp)*

(MINISTER VAN KUNS, KULTUUR, WETENSKAP EN TEGNOLOGIE)

[W 44B—2000]

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BILL

To establish the National Council for Library and Information Services; to provide for its objects, functions, composition, meetings, committees and annual report; and to provide for matters connected therewith.

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

Definitions

1. In this Act, unless the context indicates otherwise—
 - (i) “council” means the National Council for Library and Information Services established by section 2; 5
 - (ii) “department” means the Department of Arts, Culture, Science and Technology; 10
 - (iii) “Director-General” means the Director-General: Arts, Culture, Science and Technology or any officer of the department acting on the authority of the Director-General; 10
 - (iv) “information literacy” means the ability of learners to access, use and evaluate information from different sources, in order to enhance learning, solve problems and generate new knowledge; 15
 - (v) “Minister” means the Minister of Arts, Culture, Science and Technology. 15

Establishment of council

2. The National Council for Library and Information Services is hereby established.

Object of council

3. The object of the council is to advise the Minister and the Minister of Education on matters relating to library and information services in order to—
 - (a) support and stimulate the socio-economic, educational, cultural, recreational, scientific research, technological and information development of all communities in the country; and 20
 - (b) provide optimal access to relevant information to every person in an economic and cost-effective manner. 25

Functions of council

4. (1) The council must inform and advise the Minister and the Minister of Education on—
 - (a) the development and co-ordination of library and information services; 30
 - (b) the promotion of co-operation among library and information services;
 - (c) legislation affecting library and information services;
 - (d) policies, principles and criteria that should govern the allocation of public funds for library and information services;

- (e) existing adequacies and deficiencies of library and information resources, including literature in African languages, and services;
 - (f) the effectiveness of library and information science education and training;
 - (g) service priorities, after consultation with any organ of State responsible for library and information services and other interested parties; 5
 - (h) the promotion of basic and functional literacy, and information literacy and a culture of reading;
 - (i) ways in which new information and communication technologies should be harnessed to achieve improved integration, equity, cost-effectiveness and quality in library and information services; 10
 - (j) any other matter relating to library and information services which the council deems necessary or which the Minister or the Minister of Education may refer to the council.
- (2) The council must—
- (a) co-ordinate response of the library and information services sector to library and information services matters; 15
 - (b) liaise and develop synergy with other bodies and councils with regard to library and information services matters;
 - (c) play an advocacy role in library and information services matters; and
 - (d) investigate incentives for donations to libraries. 20

Composition of council

5. (1) The council consists of—
- (a) 12 members appointed by the Minister, after consultation with the Minister of Education and after a process of public nomination set out in section 7;
 - (b) one officer of the department nominated by the Director-General; 25
 - (c) one officer of the Department of Education nominated by the Director-General of that department;
 - (d) the National Librarian referred to in section 1 of the National Library of South Africa Act, 1998 (Act No. 92 of 1998); and
 - (e) one representative nominated by the Library and Information Association of South Africa. 30
- (2) The members of the council referred to in—
- (a) subsection (1)(a) are appointed in their personal capacity and serve on a part-time basis; and
 - (b) subsection (1)(b), (c), (d) and (e) serve in their official capacity and are 35 non-voting members in the council.

Chairperson and vice-chairperson

6. (1) The chairperson of the council is appointed by the Minister, with the concurrence of the Minister of Education, from the members referred to in section 5(1)(a). 40
- (2) The members of the council must at the first meeting of every newly constituted council elect a vice-chairperson from their number.

Nomination procedure

7. (1) Before persons contemplated in section 5(1)(a) are appointed the Minister must— 45
- (a) invite nominations from interested persons by notice in the *Gazette* and in at least two nationally circulated newspapers, and over the radio, specifying a reasonable period within which nominations must be submitted; and
 - (b) set out in such notice the procedure pertaining to the nominations.
- (2) (a) The Minister must appoint a panel, after the composition was approved by the Portfolio Committee on Arts, Culture, Science and Technology, consisting of persons with experience or expertise in library and information services to compile a short list of not more than 15 candidates from the persons nominated in terms of subsection (1)(a). 50
- (b) The appointment of council members referred to in section 5(1)(a) must be made from the list contemplated in paragraph (a). 55

Criteria for membership of council

8. (1) The members of the council other than the officers of the department and the Department of Education, must all be persons who have—
- (a) expertise in the field of library and information services or science;
 - (b) expertise in relation to the leadership in, and management and economics of, library and information services; or
 - (c) special insight into library and information services and the needs of users of library and information services.
- (2) The council must be broadly representative of all sectors in the library and information services field and be constituted in a manner that will—
- (a) take into account gender, disability and historically disadvantaged persons; and
 - (b) ensure a spread of expertise and experience regarding—
 - (i) national, provincial and local interests;
 - (ii) the role of information in society; and
 - (iii) research, development and education in library and information science.

Tenure and vacation of office of members of council

9. (1) A member of the council other than officers of the department and the Department of Education, holds office for such period, not exceeding three years, as the Minister may determine at the time of the member's appointment.
- (2) If, for any reason, a member of the council vacates his or her office before the expiration of his or her term of office, the Minister may, subject to section 8, and after consultation with the Minister of Education, appoint any person as a member of the council for the unexpired portion of the period for which that member was appointed.
- (3) A member whose period of office has expired may be reappointed for one further term.
- (4) A member of the council must vacate his or her office if—
- (a) he or she resigns by written notice addressed to the Minister;
 - (b) the Minister terminates the membership of the member on grounds of misconduct, incapacity or incompetence;
 - (c) he or she has been absent from more than two consecutive meetings of the council without the prior permission of the chairperson, except on good cause shown; or
 - (d) the majority of the council so recommends.
- (5) A decision to remove a member of the council from office in terms of subsection (4)(b) must be based on a finding of an independent tribunal appointed by the Minister.
- (6) The Minister may dissolve the Council—
- (a) on grounds of mismanagement; or
 - (b) on any other reasonable grounds.

Meetings of council

10. (1) (a) The council meets at least twice a year.
- (b) The first meeting of the council must be held at a time and place determined by the Minister, and, thereafter, the council must determine the time and place of any future meeting, with the concurrence of the Director-General.
- (2) (a) The chairperson may convene a special meeting of the council, to be held at such time and place as the chairperson, with the concurrence of the Director-General, may direct.
- (b) The chairperson must give notice of at least ten days prior to the meeting.
- (3) The chairperson, vice-chairperson or, in their absence, a member of the council elected by the members present, must preside at a meeting of the council.
- (4) A quorum for a meeting of the council is the majority of its members.
- (5) A valid decision of the council can only be taken by resolution of the majority of the members present at any duly constituted meeting of the council, and, in the event of an equality of votes on any matter, the person presiding has a casting vote in addition to his or her deliberative vote.
- (6) No remuneration is payable to any member of the council, its committees or working groups except for reasonable travel, accommodation and subsistence costs as determined by the Minister with the concurrence of the Minister of Finance.

Committees of council

11. (1) The council may, with the approval of the Minister, establish one or more committees, including standing committees and working groups, for the effective performance of its functions.

(2) (a) A committee or working group must consist of such number of members of the council and co-opted persons as the council may deem necessary, but not exceeding seven persons. 5

(b) The council may at any time dissolve or reconstitute a committee or working group.

(3) The council must designate a member of the committee or working group as chairperson of such a committee or working group. 10

(4) The council is not absolved from the performance of any function assigned to any of its committees or working groups.

(5) A committee or working group must meet at least once a year at a time and place determined by its chairperson with the concurrence of the Director-General. 15

Secretary and staff

12. The Council must, in the proper performance of its functions, be assisted by a secretary and staff consisting of persons appointed by the Director-General in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

Finances 20

13. The costs and expenses connected with the application of this Act must be defrayed from moneys appropriated by Parliament to the department.

Annual report

14. (1) The council must annually submit a report on its activities, advice and recommendations to the Minister and the Minister of Education, and the Minister must table the report in Parliament as soon as possible after its receipt. 25

(2) Within five months after the report has been tabled, a delegation consisting of the chairperson and at least two other council members must brief the Portfolio Committee on Arts, Culture, Science and Technology on the annual report.

Short title and commencement 30

15. This Act is called the National Council for Library and Information Services Act, 2000, and commences on a date fixed by the President by proclamation in the *Gazette*.

MEMORANDUM ON THE OBJECTS OF THE NATIONAL COUNCIL FOR LIBRARY AND INFORMATION SERVICES BILL, 2000

1. BACKGROUND

1.1 Library and information services (LIS) is at the centre of the information revolution and as a result it will be fundamentally changed in form, function and practice. LIS in South Africa is characterised by a variety of information provision.

1.2 The impact of the global information society and the developmental challenges that it raises, necessitate a change in strategic approach regarding LIS, in order to integrate LIS policies into broader information based on society policy. Furthermore, the relationship between information and education technology provides new challenges and opportunities. On the one hand, it is necessary to take urgent action to correct deficiencies of inequitable distribution of the past by extending, expanding and enhancing LIS for those communities previously excluded or not served. Sustainability of the provision of these library and information services must also be ensured. On the other hand, the optimum use of modern information technology must be accomplished.

1.3 Reports that resulted from policy investigations of the nineties pointed out that the need for a national advisory council for library and information services still exists to serve as a mechanism to achieve coordination of the national strategy within the LIS system. Such an action would be in accordance with the wishes of the South African LIS sector and also with Unesco (United Nations Educational, Scientific and Cultural Organisation) guidelines. It is also recommended in paragraph 50 of the White Paper on Arts, Culture and Heritage (SA Department of Arts, Culture, Science and Technology, 1996).

2. OBJECTS OF BILL

2.1 The objective of the Bill is to establish a council to advise the Minister of Arts, Culture, Science and Technology and the Minister of Education on matters relating to library and information services in order to facilitate access to information for all communities. The Council must inform and advise the Ministers on matters relating to the development and coordination of library and information services, promotion of cooperation, legislation, policies to govern allocation of public funds, deficiencies, priorities, promotion of literacy and information literacy and utilisation of information technology.

2.2 The Council will consist of 12 members to be appointed by the Minister of Arts, Culture, Science and Technology, with the concurrence of the Minister of Education, and after a process of public nomination. The Bill provides for the criteria to guide selection of members, the nomination procedure, the tenure of members, meetings, committees and finances.

3. DEPARTMENTS AND BODIES CONSULTED

Department of Education
National and Legal Deposit Libraries
Provincial departments responsible for library matters
Provincial library services
Metropolitan library services
Committee of University Librarians
Committee of Technikon Librarians
South African Institute of Library and Information Sciences
Library and Information Association of South Africa
Library and Information Workers Organisation
Departments of Library and Information Science at universities

4. FINANCIAL IMPLICATIONS FOR STATE

None.

5. PARLIAMENTARY PROCEDURE

The State Law Advisers and the Department of Arts, Culture, Science and Technology are of the opinion that the Bill should be dealt with in accordance with section 75 of the Constitution, as it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.