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GAUTENG**



**DIE PROVINSIE  
GAUTENG**

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## PROVINCIAL NOTICE

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No. 2

24 December 2014

GAUTENG PROVINCIAL LEGISLATURE

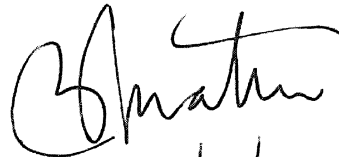
# GAUTENG PUBLIC LIBRARY AND INFORMATION SERVICES ACT, 2014

CERTIFIED CORRECT AS PASSED BY  
THE GAUTENG PROVINCIAL LEGISLATURE

SIGNED  .....

SPEAKER

DATE 28/12/2014 .....



15/12/2014

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No 5, 2014

# ACT

**To promote the development of public library and information services, to promote public access to and use of public library and information services; to provide for guiding principles for public library and information services; to provide for policy and minimum norms and standards for public library and information services; to provide for the establishment and functions of the Public Library and Information Services unit; to promote co-operative governance and co-ordination of responsibilities for public library and information services; and to provide for matters connected therewith.**

**B**E IT THEREFORE ENACTED by the Provincial Legislature of the Gauteng Province as follows:—

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CHAPTER 1

INTERPRETATION, APPLICATION AND OBJECTS

Definitions

1. In this Act, unless the context indicates otherwise—
  - “**Constitution**” means the Constitution of the Republic of South Africa, 1996; 5
  - “**Department**” means the Gauteng Department of Sport, Arts, Culture and Recreation;
  - “**Library material**” means any book, periodical, manuscript, chart, map, video cassette, slide, filmstrip, microfilm, audio cassette, audio-compact disc, computer software or any other material or service supplied by a public library; 10
  - “**MEC**” means the Member of the Executive Council responsible for public libraries in the Province;
  - “**minimum norms and standards**” means the minimum norms and standards contemplated in section 7(2)(b);
  - “**municipality**” means a municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), established in the Province; 15
  - “**policy**” means the policy contemplated in section 7(2)(a);
  - “**prescribe**” means prescribe by regulation in terms of this Act;
  - “**Province**” means the province of Gauteng; 20
  - “**public library and information services**” means a library established, funded, developed or maintained by the Province or a municipality for the purpose of providing services for the benefit of the public;
  - “**regulations**” means regulations made in terms of this Act; and
  - “**this Act**” includes regulations. 25

Application of Act

2. This Act applies to public library and information services in the Province.

Objects of Act

3. The objects of this Act are—
  - (a) to promote the development of public library and information services in the Province; 30
  - (b) to provide for guiding principles for public library and information services;
  - (c) to promote access to and use of public library and information services;
  - (d) to promote the transformation of public library and information services;
  - (e) to provide for policy and minimum norms and standards for public library and information services; and 35
  - (f) to promote co-operative governance and co-ordination of responsibilities for public library and information services in the Province.

CHAPTER 2

GUIDING PRINCIPLES FOR PUBLIC LIBRARY AND INFORMATION SERVICES AND ACCESS TO PUBLIC LIBRARY AND INFORMATION SERVICES 40

Legal status of guiding principles

4. The principles contained in this Chapter—
  - (a) apply alongside any other relevant consideration including the State’s responsibility to protect, promote and fulfil the social and economic rights in Chapter 2 of the Constitution and in particular the needs of categories of persons disadvantaged by unfair discrimination; 45
  - (b) provide a general framework for developing and implementing policy and minimum norms and standards relating to public library and information services; and 50
  - (c) must guide the interpretation, administration and implementation of this Act.

**Guiding principles for public library and information services**

5. The following guiding principles apply to the provision of public library and information services—

- (a) services must promote a culture of reading with the object of building a nation of life-long readers; 5
- (b) services must be provided on the basis of equal access for all and without unfair discrimination as contemplated in section 9 of the Constitution;
- (c) special measures must be taken to ensure equitable access to services, including measures to ensure access by people with disabilities and persons previously disadvantaged by unfair discrimination; 10
- (d) services must be provided in a manner that is accessible by the public and that complies with the principles of public administration contemplated in section 195(1) of the Constitution;
- (e) services must be provided in a manner that facilitates, promotes and develops the information literacy and electronic communication and technology skills of library users, particularly people with disabilities and young children; 15
- (f) services must promote awareness of cultural heritage, appreciation of the arts, scientific achievements, innovation, inter-cultural dialogue, cultural diversity and community history; and
- (g) services must promote and advance South African publishing and writing. 20

**Public library and information services open to public.**

- 6. (1) Public library and information services are open to members of the public.
- (2) A member of the public must not be charged a fee for—
  - (a) membership of a public library and information service; or
  - (b) admission to premises of a public library and information service. 25

**CHAPTER 3****RESPONSIBILITIES OF MEC, ESTABLISHMENT AND FUNCTIONS OF PUBLIC LIBRARY AND INFORMATION SERVICES UNIT AND RESPONSIBILITIES OF MUNICIPALITIES****Responsibilities of MEC 30**

7. (1) The MEC must promote the development of public library and information services that serve the needs of the public in the Province by—

- (a) developing and maintaining public library and information services; and
- (b) funding public library and information services. 35
- (2) The MEC must—
  - (a) prescribe policy for public library and information services and may review the policy when necessary;
  - (b) prescribe minimum norms and standards for public library and information services on—
    - (i) access to public library and information services; 40
    - (ii) location of libraries;
    - (iii) library infrastructure, facilities, furniture and other library assets,
    - (iv) library materials, equipment and resources;
    - (v) library technical services;
    - (vi) developing library collections; 45
    - (vii) administration and management of libraries,
    - (viii) human resources and staffing matters for libraries;
    - (ix) financial management of libraries;
    - (x) marketing of libraries;
    - (xi) sources of funding for public library and information services; 50
    - (xii) information communication technology for libraries; and
    - (xiii) any other matter on which it may be necessary to determine minimum norms and standards;
  - (c) determine indicators to measure compliance with the minimum norms and standards contemplated in sub-section (2)(b); 55

- (d) promote consultation, co-ordination and co-operation on library and information services matters between provincial and local government;
  - (e) assign, where appropriate, the administration of public library and information services to a municipality, as contemplated in section 156(4) of the Constitution, 1996; and 5
  - (f) promote effective co-ordination of planning and budgeting processes for public library and information services in the Province.
- (3) Before prescribing minimum norms and standards in terms of sub-section (2)(b) and after consultation with the MEC responsible for infrastructure development and MEC responsible for local government, the MEC must— 10
- (a) by notice, publish the proposed norms and standards—
    - (i) in the provincial *Gazette*; and
    - (ii) in two newspapers published and circulating in the Province;
  - (b) invite organised local government in the Province and members of the public to submit to the MEC, within 30 days of publication of the notice, written representations regarding the proposed minimum norms and standards; and 15
  - (c) consider any written representations so received.
- (4) The MEC may, in consultation with the MEC responsible for local government matters, 20
- (a) develop standard by-laws for libraries; and
  - (b) publish the by-laws by notice in the *Provincial Gazette* for consideration by Municipalities.

**Functions of Public Library and Information Services unit**

8. (1) Where a public library and information services unit is created in the Department, the unit must— 25
- (a) advise the MEC on developing and implementing policy on library and information services;
  - (b) advise the MEC on minimum norms and standards on library and information services;
  - (c) advise the MEC on consultation, co-ordination and co-operation between provincial and local government on public library and information services matters including— 30
    - (i) the capacity of municipalities to administer the public library and information services function;
    - (ii) which powers and functions on public library and information services to assign to a municipality as contemplated in section 156(4) of the Constitution, 1996 and the process for such assignment; 35
    - (iii) appropriate steps to be taken to ensure sufficient funding and necessary capacity building initiatives for the performance of the assigned powers and functions on public library and information services to municipalities as contemplated in section 10A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); 40
  - (d) advise the MEC on developing standard by-laws contemplated in section 7(4)(b) above;
  - (e) monitor and evaluate compliance by public library and information services with the policy and minimum norms and standards; 45
  - (f) report to the MEC on an annual basis on compliance by public library and information services with the policy and minimum norms and standards;
  - (g) promote capacity development, skills development and resource development of public library and information services in the Province by— 50
    - (i) providing professional advice and support to public library and information services;
    - (ii) providing training programmes and learning opportunities in order to develop skills and knowledge of public library and information services employees in the Province; 55
    - (iii) facilitating co-operation amongst public library and information services in the Province to promote transfer of skills and knowledge;
    - (iv) monitoring and evaluating the implementation of projects and use of funds by public library and information services; and
  - (h) perform any other function that the MEC may determine. 60

**Responsibilities of municipalities**

9. (1) A municipality is responsible for providing public library and information services in accordance with any assignment of powers and functions in terms of section 156(4) of the Constitution.

(2) In performing its functions, a municipality responsible for providing public library and information services must — 5

(a) comply with the policy on public library and information services as contemplated in section 7(2)(a) and the minimum norms and standards for public library and information services as contemplated in section 7(2)(b); and 10

(b) make and administer by-laws for the effective administration of public library and information services.

(3) A municipality responsible for providing public library and information services in accordance with any assignment of powers and functions in terms of section 156(4) of the Constitution must submit a report to the MEC on an annual basis 15 on—

(a) the exercise of its assigned powers and administration of its assigned functions on public library and information services; and

(b) its compliance with the policy, with the minimum norms and standards for library and information services prescribed by the MEC in section 7(2)(a) and any regulations published in terms of this Act. 20

**CHAPTER 4****GENERAL PROVISIONS****Regulations**

10. (1) The MEC may make regulations on: 25

(a) the services for which a public library and information service may charge fees and the rate of such fees; and

(b) any matter which may be necessary or expedient to prescribe in order to achieve the objects of this Act.

(2) Before making regulations in terms of this Act, the MEC must— 30

(a) publish the proposed regulations in the provincial *Gazette* for public comment;

(b) grant a period of at least 30 days for written representations to the MEC on the proposed regulations; and

(c) consider any such written representations received. 35

**Repeal of laws**

11. The provisions in relation to libraries in the Gauteng Provincial Library and Museum Service Ordinance 20 of 1982 are hereby repealed.

**Transitional arrangements**

12. (1) The library service, established under the Gauteng Provincial Library and Museum Service Ordinance 20 of 1982, continues to exist and must exercise its powers and perform its functions in accordance with the provisions of this Act. 40

(2) Where the administration of library and information services has been assigned to municipality as contemplated in section 7(2)(e) above, the Municipal Council must within six months of such assignment, repeal or amend any by-laws that comply 45 with this Act, norms and standards determined by the MEC in section 7(2)(b) and any regulations published in terms of this Act.

**Short title and commencement**

13. This Act is called the Gauteng Public Library and Information Services Act, 2014 and comes into operation on a date fixed by the Premier by proclamation in the provincial *Gazette*. 50