

**SOUTH AFRICAN COMMUNITY LIBRARY AND INFORMATION
SERVICES BILL, 2010**

Draft for stakeholder consultation (250110)

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BILL

10 **To provide for the promotion and development of community libraries and the provision of
library and information services; to promote co-operative governance and co-ordination of
responsibilities and mandates for the provision of library and information services; to
provide measures aimed at correcting uneven and unequal provision of resources for library
and information services; to provide for essential minimum uniform norms and standards
required for the rendering of library and information services; to empower the Minister to
15 make policy and regulations for community libraries and library and information services
and to provide for connected matters.**

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CHAPTER 1

INTERPRETATION, APPLICATION AND OBJECTS

1. Definitions

In this Act, unless the context indicates otherwise–

- 5
- (a) “**applicable provincial legislation**” means legislation enacted by a provincial legislature regulating library and information services;
- (b) “**community library**” means a library established, funded or maintained by a province or municipality for the purpose of providing library and information services to the public;
- 10
- (c) “**Constitution**” means the Constitution of the Republic of South Africa, 1996;
- (d) “**Council**” means the National Council for Library and Information Services established by section 2 of the National Council for Library and Information Services Act 110 of 1998;
- (e) “**department**” means the department responsible for arts and culture in the national sphere of government;
- 15
- (f) “**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 supplied by a library service;
- (g) “**library user**” means a member of the public who uses or wishes to make use of library materials, facilities or services;
- 20
- (h) “**MEC**” means the member of the executive council of a province appointed in terms of section 132 of the Constitution to whom responsibility for library and information services has been assigned;
- (i) “**minimum uniform norms and standards**” means the minimum uniform norms and standards contemplated in section 12;
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- (j) “**Minister**” means the member of Cabinet responsible for arts and culture in the national sphere of government;
- (k) “**municipality**” includes any municipality contemplated in section 155 of the Constitution;
- 5 (l) “**policy**” means a policy contemplated in section 11;
- (m) “**prescribed**” means prescribed by regulation in terms of this Act;
- (n) “**province**” means a province contemplated in section 103 of the Constitution;
- (o) “**regulation**” means a regulation made in terms of section 14;
- (p) “**Systems Act**” means the Local Government: Municipal Systems Act, 2000
10 (Act 32 of 2000); and
- (q) “**this Act**” includes any norm and standard, regulation or policy made under this Act.

2. Application of Act

- (1) This Act applies throughout the Republic of South Africa.
- 15 (2) This Act –
- (a) applies to community libraries established, funded or maintained by a province or municipality for the purpose of providing library and information services to the public;
- (b) does not apply to libraries established, situated or maintained at a school as
20 defined in the South African Schools Act 84 of 1996.

3. Objects of Act

The objects of this Act are-

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- (a) to promote access to community libraries and library and information services by the public;
 - (b) to provide for national policy, principles, guidelines and minimum uniform norms and standards for community libraries and for the provision of library and information services;
 - (c) to promote co-operative governance and co-ordination of responsibilities and mandates for community libraries and library and information services; and
 - (d) to provide measures to correct uneven and unequal provision of community libraries and library and information services.

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CHAPTER 2

LIBRARY AND INFORMATION SERVICES PRINCIPLES

4. Legal status of principles

The principles set out in this Chapter -

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- (a) apply alongside any other relevant consideration including the State's responsibility to protect and 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;
 - (b) provide a general framework for the formulation and implementation of policy relating to library and information services;
 - (c) constitute guidelines for taking any decision in terms of this Act or any other law concerning library and information services;
 - (d) must guide the interpretation, administration and implementation of this Act and any other law concerning library and information services.
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5. Library and information services principles

(1) The following principles apply to the provision of library and information services at community libraries:

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- (a) library and information services must be provided on the basis of equal access for all regardless of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth;
- 10
- (b) special measures must be taken to ensure equitable access to library and information services, including measures to ensure access to library and information services by people with disabilities and other categories of persons disadvantaged by unfair discrimination;
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- (c) library and information services must be provided in a manner that is accessible by the public and that complies with the principles of public administration service delivery contemplated in section 195(1) of the Constitution;
- (d) library and information services must facilitate and promote the development of information literacy and electronic communication and technology skills of library users, especially people with disabilities, women and young children;
- 20
- (e) library and information services must promote awareness of cultural heritage, appreciation of the arts, scientific achievements, innovations, inter-cultural dialogue and cultural diversity;

6. Libraries to be open to public

A community library may not charge a fee for admission to library premises by the public.

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CHAPTER 3

INSTITUTIONAL ARRANGEMENTS FOR LIBRARY AND INFORMATION SERVICES

7. Responsibilities of Minister

5 The Minister is responsible for-

- (a) formulating national policy and minimum uniform norms and standards for community libraries and library and information services;
- (b) monitoring and evaluating the provision of community libraries and library and information services;
- 10 (c) promoting general co-ordination and consultation on matters regarding community libraries and library and information services between national, provincial and local government;
- (d) developing principles and criteria for the allocation of public funds for community libraries and library and information services; and
- 15 (e) promoting effective co-ordination of strategic planning and budgeting process for community libraries and library and information services provided by provinces and municipalities.

8. Responsibilities of provincial MECs

The MEC of every province is responsible for-

- 20 (a) developing provincial legislation on community libraries and provincial library and information services;
- (b) establishing and maintaining community libraries and provincial library and information services;

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- (c) planning, co-ordinating and facilitating community libraries and library and information services;
- (d) formulating provincial policy and provincial minimum norms and standards for community libraries and library and information services;
- 5 (e) promoting consultation on matters regarding community libraries and library and information services in the province; and
- (f) ensuring that municipalities providing community libraries and library and information services are capacitated to perform their functions.

9. Responsibilities of municipalities

10 Subject to any applicable provincial law, a municipality to which the provision of library and information services has been assigned is responsible for-

- (a) establishing and maintaining community libraries and library and information services in that municipality;
- 15 (b) managing the funds allocated for the implementation of library and information services in that municipality;
- (c) providing professional and supporting library officials; and
- (d) providing and maintaining the infrastructure and equipment required for library and information services.

10. Intergovernmental relations

- 20 (1) The Minister may –
- (a) establish one or more intergovernmental forums to promote general co-ordination and consultation on matters regarding community libraries and library and information services between national, provincial and local government; and

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- (b) in respect of such a forum –
- (i) determine its composition;
 - (ii) determine its terms of reference;
 - (iii) convene its meetings;
 - (iv) determine any other matter necessary for its effective functioning.
- 5
- (2) The MEC may –
- (a) establish one or more intergovernmental forums to promote general co-ordination and consultation on matters regarding community libraries and library and information services between provincial and local government; and
 - (b) in respect of such a forum –
- (i) determine its composition;
 - (ii) determine its terms of reference;
 - (iii) convene its meetings;
 - (iv) determine any other matter necessary for its effective functioning.
- 10
- (3) Subject to the Constitution and this Act, a province may enter into an agreement with one or more municipalities in the province to provide for the joint exercise or performance of their respective responsibilities contemplated in this Act and may establish a provincial entity or similar body in this regard.
- 15
- (4) Subject to this Act, if the spheres of government cannot agree on the division of the responsibilities for library and information services between them, they must act in a manner and spirit consistent with the principles of co-operative government contemplated by section 41 of the Constitution and must apply the relevant provisions of the Intergovernmental Relations Framework Act 13 of 2005.
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CHAPTER 4

POLICY AND NORMS AND STANDARDS FOR LIBRARY AND INFORMATION SERVICES

11. National policy for library and information services

5 The Minister may, after consultation with the Council and provincial MECs determine national policy for community libraries and library and information services.

12. National norms and standards for library and information services

(1) The Minister may, after consultation with the Council and provincial MECs, and by notice in the *Gazette*, determine -

10 (a) minimum uniform norms and standards for community libraries and library and information services;

(b) indicators to measure compliance with these norms and standards; and

(c) reporting requirements for provinces or municipalities regarding community libraries and library and information services.

15 (2) The Minister must determine minimum uniform norms and standards in terms of subsection (1) for-

(a) library infrastructure;

(b) the provision of library services to the public;

(c) library technical services;

20 (d) accessibility of library services;

(e) library material and equipment;

(f) library information and communication technology;

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- (g) library human resource and staffing requirements;
 - (h) library evaluation and performance management mechanisms.
- (3) The norms and standards contemplated in subsection (1) may include but are not limited to the following:
- 5 (a) in respect of library infrastructure-
 - (i) the appropriate location and accessibility of community libraries to the public;
 - (ii) the size of community libraries proportional to the communities that they serve;
 - 10 (iii) the facilities to be provided in community libraries;
 - (iv) the planning and design of new community libraries or the expansion and renovation of existing libraries;
 - (v) services provided by mobile library services;
 - (b) in respect of the provision of library services to the public-
 - 15 (i) services to be provided to the public, and in particular to people with disabilities, women and children;
 - (ii) circulation and lending services;
 - (iii) literacy programmes and adult basic education and training services;
 - (iv) local area studies collections; and
 - 20 (v) community library awareness programmes;
 - (c) in respect of library technical services-
 - (i) material selection and classification systems;

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- (ii) electronic and manual cataloguing; and
 - (iii) material database maintenance;
- (d) in respect of accessibility of library services-
 - (i) library opening and closing times;
 - 5 (ii) tariffs to be charged to library users; and
 - (iii) library cost recovery mechanisms;
- (e) in respect of library materials and equipment-
 - (i) the minimum range of library materials to be made available to users;
and
 - 10 (ii) the availability of library materials in indigenous languages;
- (f) in respect of library information and communication technology-
 - (i) the availability of computers and electronic equipment; and
 - (ii) electronic access to library materials;
- (g) in respect of library human resources and staffing requirements-
 - 15 (i) guidelines for salary levels and staff composition; and
 - (ii) guidelines for professional qualifications and training of library staff;
- (h) in respect of library evaluation and performance management mechanisms-
 - (i) the evaluation of library services and library materials; and
 - (ii) the evaluation of compliance with national norms and standards.

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13. Provincial norms and standards

- (1) The Member of the Executive Council must ensure the implementation of the national library and information services policy and minimum uniform norms and standards contemplated in section 12 of this Act.
- 5 (2) The Member of the Executive Council may determine provincial norms and standards that are not in conflict with the minimum norms and standards contemplated in section 12 of this Act.

CHAPTER 5

GENERAL PROVISIONS

10 14. Minister may make regulations

The Minister may, after consultation with the Council and the provincial MECs, make regulations on any matter which may be necessary or expedient to prescribe in order to achieve the objects of this Act.

15. Assignment of functions

- 15 (1) The Member of the Executive Council may assign any function contemplated in section 8(c) to a municipality, subject to sections 99 and 156(4) of the Constitution and sections 9 and 10 of the Systems Act, to achieve the objects of the Constitution and this Act.
- 20 (2) A municipality may request the Member of the Executive Council to assign a function contemplated in section 8(c) to it, subject to section 156(4) of the Constitution and section 9 and 10 of the Systems Act, where such municipality has the capacity to provide library and information services.

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16. Short title and commencement date

(1) This Act-

(a) is called the South African Community Library and Information Services Act, 2010; and

5 (b) commences on a date to be determined by the Minister by notice in the *Gazette*.

(2) The Minister may determine different dates under subsection (1) in respect of different provisions of this Act.