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**MINISTRY OF SPORT, ARTS AND CULTURE**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO.:** **689**

**Inkosi B N Luthuli (IFP) to ask the Minister of Sport, Arts and Culture:**

In light of the fact, that the Mzansi Golden Economy was introduced in 2013 as a strategy to reposition the cultural industries in the Republic, open sectors such as the arts, culture and heritage to effectively and comprehensively contribute to economic growth and job creation, what (a) is the detailed overview of how his department has utilised the strategy in the post-COVID-19 era and (b) measures of support has his department put in place to provide artists with (i) access to skills development programmes and (ii) initiatives to educate them on their rights as freelancers to avoid exploitation by unfair broadcaster and producer contracts? NW765E

**REPLY:**

According to the information at my disposal at the moment:

1. The COVID-19 pandemic hit hard on the Arts, Culture and Heritage sector. Most practitioners lost their jobs as their activities were grounded due to the restrictions that through the government regulations in order to curb the further spread of the virus. The Department acted swiftly to lessen the blow of the pandemic to the sector by utilising the MGE funding towards the relief fund to sustain the livelihoods of artists. The intervention ensured that many of the sector practitioners do not lose their assets and most importantly sustained them during the period. It is also important to note that the MGE funds were not adequate to address the massive challenge of meeting the needs of the sector halfway due to the limited resources that were available.

(b)(i) The Department is engaging the sector as guided by the revised white paper on capacity building initiatives. The initiatives are also aligned to the Creative Industry Master Plan that also focuses on the synergies of the sector with various partners in order to achieve the common goal of growing the Cultural and Creative Industry (CCI),

(ii) The Department is part of the process that is led by the DTIC of processing the Copyright Amendment Bill and the Performers Protection Amendment Bill that is yet to be signed by the President. The Performers Protection Amendment Bill prioritises royalty payment wherever the work of performers is played/broadcast, as well as protection and promotion of performers’ moral and economic rights for performers in audio-visual fixations. The bill has to be read together with its ‘’sister’’ Copyright Amendment Bill. The Copyright Amendment Bill provides for, amongst others:

• Protection of copyright in craft work

• Accreditation and registration of collecting societies

• Provide for the requirement for standard contracts;

• Intellectual Property Tribunal that will settle royalty disputes efficiently

• Easy access to copyright for persons with learning disabilities

• Fair use of copyright work

• Protection of Orphan works by the State

• Resale rights from art work (royalty for author whenever there is a resale)

• Prohibited conduct in respect of technological protection measures

• Management of digital rights

• Promotion of broadcasting local content

The inclusion of standard contracts in the South African Copyright law will potentially advance the protection of many artists who have in the past lost their rights and thus provide a uniform and transparent framework for the negotiation and enforcement of copyright agreements. Without standard contracts, artists and creators may be at a disadvantage when negotiating the terms of their agreements. This can lead to agreements that are unfair or heavily weighted in favor of the other party.