**NATIONAL ASSEMBLY**

**QUESTION NO. 974-2022**

**WRITTEN REPLY**

**INTERNAL QUESTION PAPER NO.11–2022, DATE OF PUBLICATION 18 MARCH 2022**

**“Mr. T W Mhlongo (DA) to ask the Minister of Sport, Arts and Culture:**

(1). With reference to his department contesting funds from the trustees of the Makeba Trust, (a) what are the names of the private lawyers who have been appointed by his department to fight the trustees and (b) who appointed the private lawyers to fight the trustees;

(2). whether the legal fees paid relied on the Culture Promotion Act, Act 35 of 1985; if not, why not; if so, what are the relevant details;

(3). whether his department relied on the provisions of the Public Finance Management Act, Act 1 of 1999; if not, what is the position in this regard; if so, what are the further, relevant details;

(4). whether his department relied on the provisions of the National Treasury Regulations; if not, what is the position in this regard; if so, what are the relevant details? **NW1217E**

**REPLY**

1. It is incorrect to say that the Department funded lawyers to litigate against the ZM Makeba Trust. We were approached by the family through the Miriam Makeba Foundation (NPC), to assist to resolve the dispute on the intellectual property of Mama Miriam Makeba. Following failed attempts, it was clear that the judiciary could only resolve this matter, and the Foundation then took the matter to the court. The Foundation later approached the Department for financial assistance to employ the services of the lawyers. Accordingly, the Department entered into an agreement with the Foundation and not with the lawyers. This perception that we wanted the lawyers should be corrected.
2. Yes. The Department was established with the key mandate to provide, *inter alia,* clear leadership in the art, culture and heritage and to accelerate the transformation of the arts and culture sector.

In addition, the Culture Promotion Act (CPA) as amended, provides *inter alia* that the Minister may in order to develop and promote arts and culture in the Republic provide such other services as are necessary or expedient, or subsidise or finance the provision of services by any person (see section 2(1)(b)(vi)). It was for this reason that we saw it fit to assist in this matter, given our mandate.