

# Board member duties and liabilities in spotlight at BASA workshop

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Business and Arts South Africa has taken another step towards empowering the business-arts relationship with a second workshop highlighting the duties and liabilities of the boards of non-profit arts organisations.



Following the first workshop successfully held in Cape Town in March, the second BASA duties and liabilities workshop took place in Johannesburg in early October, again supported Webber Wentzel.

The workshop was presented by Adam Pike, a Senior Associate at Webber Wentzel. Over a two-hour session, he took the participants, from both business and arts organisations, through the different aspects of corporate governance as they relate to board functions and director's roles in non-profit organisations. In addition, the exposure to liability in terms of King III was compared to that in the Companies Act.

For CEO of the Mastrantonio Group, Gianni Mariano, the workshop was a powerful reminder that arts organisations and businesses are now "living in the same space" when it comes to key aspects like governance and compliance.

"Being at the workshop was a real indicator to me that the arts is now a sustainable part of our economy and that is very exciting," added Mariano, who currently sits on the board of Artist Proof Studio, which he also mentors.

Yvette Nowell, Head of the RMB Fund, and a former BASA Mentor of the Year winner at the annual BASA Awards described Pike as striking "the perfect balance and making the audience feel comfortable with material that can easily be dismissed as too daunting, or irrelevant to certain sectors".

"Adam also reminded us all of our shared mandate to lead, manage and run organisations well. His presentation was most informative and I would recommend the seminar for colleagues in any organisation, regardless of the sector in which they work."

This was echoed by another participant, Clive H Viveiros - a founder member and Executive Director of Pinpoint One Human Resources, a BASA member. "The presentation comes at the right time for arts organisations who thought that good intentions outweigh recognition of the law and the need for best practice corporate governance."

"There is a common misapprehension that the Companies Act imposes additional responsibility on directors, but this is not the case," commented Pike. "The Act simply requires that directors carry out their duties honestly, diligently and carefully and with all the necessary skills associated with the positions they hold."

For Pike, awareness and knowledge is key for arts organisations. "With funding becoming so competitive, it is imperative that arts organisations meet the requirements of applicable regulatory instruments, such as the Companies Act, the Income Tax Act, and of course, King III."

The BASA workshop is part of the BASA Mentorship Programme, supported by Etana - one of two BASA volunteer-based programmes that are focused on giving South African arts organisations increased skills and knowledge at an operational,

strategic and governance level. The other is the BASA Boardbank with the next event bringing potential board members and arts organisations together taking place on October 31st at Gallery Momo in Johannesburg.

For more information on BASA Boardbank contact [info@basa.co.za](mailto:info@basa.co.za) or 011 447 2295.

## About Business and Arts South Africa NPC:

Business and Arts South Africa NPC is an internationally recognised South African development agency which incorporates the arts into, and contributes to, corporates' commercial success. With a suite of integrated programmes, Business and Arts South Africa NPC encourages mutually beneficial partnerships between business and the arts. Business and Arts South Africa NPC was founded in 1997 as a joint initiative of government and the business sector, to secure the future development of the arts industry in South Africa, through increased corporate sector involvement. Established as a Non Profit Company, Business and Arts South Africa NPC is accountable to both government and its business members.

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