

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN LANGUAGES BILL

*(As introduced in the National Assembly (proposed section 75); explanatory summary of
Bill published in Government Gazette No. 34675 of 12 October 2011)
(The English text is the official text of the Bill)*

(MINISTER OF ARTS AND CULTURE)

[B 23—2011]

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BILL

To provide for the regulation and monitoring of the use of official languages by national government for government purposes; to require the adoption of language policies by national departments, national public entities and national public enterprises; to provide for the establishment and functions of a National Language Unit; to provide for the establishment and functions of language units by national departments, national public entities and national public enterprises; to provide for monitoring of and reporting on official language use by the national government; to facilitate intergovernmental coordination of language policies; and to provide for matters connected therewith.

PREAMBLE

WHEREAS section 6 of the Constitution of the Republic of South Africa, 1996, provides for the use of 11 official languages of South Africa and for all official languages to enjoy parity of esteem and to be treated equitably;

AND WHEREAS section 6(4) of the Constitution provides that national government must regulate and monitor the use of official languages by legislative and other means,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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Definitions

1. In this Act, unless the context indicates otherwise—
 - “**Constitution**” means the Constitution of the Republic of South Africa, 1996;
 - “**Department**” means the national Department of Arts and Culture;
 - “**language unit**” means a language unit established in terms of section 7; 5
 - “**Minister**” means the Minister responsible for language matters;
 - “**national department**” means a department listed in Schedule 1 to the Public Service Act, 1994 (Proclamation No. 103 of 1994), excluding the Offices of Premier;
 - “**national government**” means national departments, national public entities and 10 national public enterprises;
 - “**National Language Unit**” means the National Language Unit established in terms of section 5;
 - “**national public enterprise**” means a national government business enterprise defined in section 1 and listed in schedule 3 part B of the Public Finance 15 Management Act, 1999 (Act No.1 of 1999);
 - “**national public entity**” means a national public entity defined in section 1 and listed in Schedules 2 and 3 to the Public Finance Management Act, 1999 (Act No. 1 of 1999);
 - “**official language**” means an official language contemplated in section 6(1) of the 20 Constitution;
 - “**Pan South African Language Board**” means the Board established in terms of section 2 of the Pan South African Language Board Act, 1995 (Act No. 59 of 1995);
 - “**prescribe**” means prescribed by regulations;
 - “**this Act**” includes any regulations made in terms of section 14. 25

Objects of Act

2. The objects of this Act are—
 - (a) to regulate and monitor the use of official languages by the national government for government purposes;
 - (b) to promote parity of esteem and equitable treatment of the official languages 30 of the Republic;
 - (c) to facilitate equitable access to the services and information of the national government; and
 - (d) to promote good language management by the national government for efficient public service administration and to meet the needs of the public. 35

Application of Act

3. (1) This Act applies to—
 - (a) national departments;
 - (b) national public entities; and
 - (c) national public enterprises. 40
 (2) This Act takes precedence over any inconsistent provision of any other Act regulating the use of official languages by the national government.

Language policy

4. (1) Within 18 months of the commencement of this Act or such further period as the Minister may prescribe, the national government must adopt a language policy 45 regarding its use of official languages for government purposes.
- (2) A language policy adopted in terms of subsection (1) must—
 - (a) comply with the provisions of section 6(3) of the Constitution and this Act;
 - (b) identify at least two official languages that a national department, national public entity or national public enterprise will use for government purposes; 50
 - (c) stipulate how official languages will be used, amongst other things, in communicating with the public, official notices, government publications and inter- and intra-government communications;
 - (d) describe how a national department, national public entity or national public enterprise will communicate with the public where the language of choice of 55 the public is not an official language contemplated in paragraph (b);

- (e) describe how members of the public can access the language policy;
 - (f) provide for a complaints mechanism whereby the public may file a complaint regarding the use of official languages by the national government;
 - (g) provide for any other matter that the Minister may prescribe; and
 - (h) be published in the *Gazette* as soon as reasonably practicable, but not later than 90 days after its adoption. 5
- (3) Every national department, national public entity and national public enterprise must—
- (a) ensure that a copy of its language policy is available on request to members of the public at all their offices; and 10
 - (b) display at all their offices a summary of their language policy in such manner and place that it can be read by the public.

Establishment of National Language Unit

5. The Minister must—
- (a) establish a National Language Unit in the Department; and 15
 - (b) ensure that the National Language Unit is provided with the personnel, administrative and other resources necessary for its effective functioning.

Functions of National Language Unit

6. (1) The National Language Unit must—
- (a) advise the Minister on— 20
 - (i) policy and strategy to regulate and monitor the use of official languages by the national government for government purposes;
 - (ii) policy and strategy to promote all official languages to enjoy parity of esteem and equitable treatment by the national government;
 - (iii) facilitation of equitable access by the public, through the language policy, to services rendered by and information of a national department, national public entity or national public enterprise; 25
 - (iv) promotion of good language management within a national department, national public entity or national public enterprise; and
 - (v) the functions of language units contemplated in section 7; 30
 - (b) liaise with the language units contemplated in section 7 to promote the general coordination;
 - (c) perform any other function that the Minister may prescribe;
 - (d) receive annual reports from language units contemplated in section 7;
 - (e) complete an annual report on its functions for submission to the Minister. 35
- (2) The national language unit must, through the Minister and after consultation with other relevant ministers, request national departments, national public entities and national public enterprises to submit annual reports on—
- (a) the activities of their language units;
 - (b) the implementation of the language policy; 40
 - (c) any complaints received regarding the use of official languages and the manner in which the complaints were dealt with.

Establishment of language units in national departments, national public entities and national enterprises

7. Every national department, national public entity and national public enterprise must— 45
- (a) establish a language unit; and
 - (b) ensure that the language unit is provided with the personnel, administrative and other resources necessary for its effective functioning.

Functions of language units in national departments, national public entities and national enterprises 50

8. Every language unit must—
- (a) advise the responsible accounting officer or accounting authority on the development, adoption and implementation of the language policy in respect