

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN LANGUAGES BILL

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*(As introduced in the National Assembly (proposed section 76), explanatory summary  
of Bill published in Government Gazette No.        of        ) (The English text is the  
official text of the Bill)*

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MINISTER OF ARTS AND CULTURE

[B-2011]

**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 national government; to facilitate intergovernmental co-ordination 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.

**NOW THEREFORE** it is enacted by the Parliament of the Republic of South Africa, as follows:—

## ARRANGEMENT OF SECTIONS

### *Sections*

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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 (Act 108 of 1996);

**“language unit”** means a language unit established in terms of section 7;

**“Minister”** means the Minister responsible for language matters;

**“national department”** means a department listed in Schedule 1 to the Public Service Act, 1994 (Proclamation 103 of 1994), but excluding an Office of the Premier;

**“national government”** means national departments, national public entities and 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 as defined in section 1 and listed in schedule 3 part B of the Public Finance Management Act, 1999 (Act 1 of 1999);

**“national public entity”** means a national public entity as defined in section 1 and listed in schedules 2 and 3 part A of the Public Finance Management Act, 1999 (Act 1 of 1999);

**“official language”** means an official language contemplated in section 6(1) of the 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 59 of 1995); and

**“this Act”** includes any regulations made in terms of this Act.

## **Objects of Act**

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

## **Application of Act**

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

## **Language policy**

4. (1) Within 18 months of the commencement of this Act or such further period as the Minister may prescribe by regulation, every national department,

national public entity and national public enterprise must adopt a language policy 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 the national department, national public entity or national public enterprise will use for the purposes of government;
- (c) stipulate how official languages will be used, amongst other things, in communications with members of the public, official notices, government publications and inter and intra government communications;
- (d) describe how the national department, national public entity or national public enterprise will communicate with members of the public where their language of choice 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 by members of the public regarding the use of official languages by the national department, national public entity or national public enterprise;
- (g) provide for any other matter that the Minister may prescribe by regulation; and
- (h) be published in the *Gazette* as soon as reasonably practicable, but within 90 days of its adoption.

(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 of its offices; and

- (b) display at all its offices a summary of its language policy in such manner and place that it can be read by members of the public.

### **Establishment of national language unit**

#### **5. The Minister must—**

- (a) establish a national language unit in the Department; and
- (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. The national language unit must—**

- (a) advise the Minister on—
  - (i) policy and strategy to meet the constitutional obligation to regulate and monitor the use of official languages by national government for government purposes;
  - (ii) the promotion of parity of esteem and equitable treatment of the official languages of the Republic and facilitate equitable access to the services and information of national department, national public entity or national public enterprise concerned;
  - (iii) promotion of good language management by the national department, national public entity or national public enterprise concerned; and
  - (iv) the functions of language units contemplated in section 7;

- (b) liaise with and promote the general co-ordination of language units contemplated in section 7;
- (c) perform the functions set out in section 8 for the Department; and
- (d) perform any other function that the Minister may prescribe by regulation.

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

7. Every national department, national public entity and national enterprise must—

- (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**

8. Every language unit must—

- (a) advise the responsible accounting officer or accounting authority on the development, adoption and implementation of the language policy the national department, national public entity or national public enterprise concerned;
- (b) monitor and assess the use of official languages by the national department, national public entity or national public enterprise concerned;
- (c) monitor and assess compliance with the language policy of the national department, national public entity or national public enterprise concerned;



- (d) compile reports to be submitted to the Minister in terms of section 9;
- (e) promote parity of esteem and equitable treatment of the official languages of the Republic and facilitate equitable access to the services and information of national department, national public entity or national public enterprise concerned; and
- (f) promote good language management by the national department, national public entity or national public enterprise concerned; and
- (g) perform any other function that the Minister may prescribe by regulation.

### **Monitoring of and reporting on official language use**

9. (1) The Minister is responsible for monitoring the use of official languages for government purposes by national departments, national public entities and national public enterprises.

(2) Every national department, national public entity and national public enterprise must submit reports to the Minister annually on—

- (a) the activities of its language unit;
- (b) the implementation of its language policy;
- (c) any complaints received regarding its use of official languages and how these complaints were dealt with; and
- (d) any other matter that the Minister may prescribe by regulation.

(3) The Minister may by regulation prescribe the form and content of the reports to be submitted and the time frames for submitting such reports.

(4) Notwithstanding the provisions of subsections (2) and (3), the Minister may at any time require any national department, national public entity or

national public enterprise to submit a report to the Minister on its use of official languages within a time period determined by the Minister.

### **Annual report to Parliament**

**10.** The Minister must, on an annual basis, table in Parliament a report on the status of the use of official languages for government purposes by national government.

### **Intergovernmental forums on official language use**

**11.** The Minister may—

- (a)** establish one or more intergovernmental forums—
  - (i)** to promote general co-ordination, co-operation and consultation between national departments, national public entities and national enterprises on the use of official languages for government purposes;
  - (ii)** to co-ordinate, align and monitor the implementation of language policies; and
  - (iii)** to perform any other functions that the Minister may prescribe by regulation; and
- (b)** in respect of such forums—
  - (i)** determine their composition;
  - (ii)** determine their terms of reference;
  - (iii)** convene their meetings; and
  - (iv)** determine any other matter necessary for their effective functioning.

### Exemptions from application of section 7

12. (1) The Minister may, on application by a national public entity listed in schedule 3 Part B of the Public Finance Management Act, 1999 (Act 1 of 1999) exempt such a public entity from the application of section 7.

(2) The application for an exemption must be in the form and manner prescribed by the Minister by regulation.

(3) If the Minister exempts a public entity from the application of section 7 as contemplated in subsection (1), the public entity must assign a senior employee in the public entity to perform the functions of the language unit.

### Regulations

13. (1) The Minister may, after consultation with the Pan South African Language Board, make regulations, not inconsistent with the provisions of this Act, regarding—

(a) the form and content of language policies;

(b) timeframes for establishing language units;

(c) the form and content of reports required in terms of section 9;

(d) the manner, form and timeframes for submitting applications for exemption in terms of regulation 12;

(e) any matter which in terms of this Act is required or permitted to be prescribed; and

(f) any matter in respect of which the Minister deems it necessary or expedient to make regulations in order to achieve the objects of this Act.

- (2) Before making regulations under this Act, the Minister must—
- (a) publish the proposed regulations in the *Gazette* for public comment;
  - (b) grant a period of at least 30 days for written representations to the Minister on the proposed regulations; and
  - (c) consider any such written representations received.

**Short title and commencement date**

14. This Act is called the South African Languages Act, 2011 and comes into operation on a date fixed by the President by proclamation in the *Gazette*.