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## GENERAL NOTICE

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### PROVINCE OF GAUTENG

#### GAUTENG DEPARTMENT OF SPORT, ARTS, CULTURE AND RECREATION

#### GAUTENG PROVINCIAL LANGUAGES ACT, 2016

(ACT NO. 3 OF 2016)

#### DRAFT GAUTENG PROVINCIAL LANGUAGES (MODEL INTERNAL LANGUAGE POLICY) REGULATIONS, 2018

The Member of the Executive Council responsible for matters related to sport, arts, culture and recreation in the Province of Gauteng (the "MEC") intends, in terms of section 11(1) read with section 7(1) and (2) of the Gauteng Provincial Languages Act, 2016 (Act No. 3 of 2016) (the "Act"), to make the Regulations set out in the Schedule.

Members of the public and stakeholders within the Province of Gauteng are hereby under section 11(2) of the Act invited to submit, within 30 days of publication of this notice, written comments or representations in relation to the Regulations.



## SCHEDULE

The Member of the Executive Council responsible for matters related to culture and linguistics in the Province of Gauteng has, in terms of section 11(1) read with section 7(1) and (2) of the Gauteng Provincial Languages Act, 2016 (Act No. 3 of 2016), made the Regulations in the Schedule.

### ARRANGEMENT OF REGULATIONS

#### Regulations

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2. Definitions
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#### Preamble

1. The Constitution in section 6 provides for eleven official languages for the Republic of South Africa (the "Republic"), recognises the historically diminished use and status of indigenous languages of the citizens of Republic and requires the State to take practical and positive measures to elevate the status and to advance the use of indigenous languages.

Section 6 also entitles the national government or provincial governments to use any particular official languages for the purposes of government, taking into account usage, practicality, expense, regional circumstances and the balance of the needs and preferences of the population as a whole or in the province concerned, but requires the national government and each provincial government to use at least two official languages.



Municipalities are required to take into account the language usage and preferences of their residents.

Section 6 further requires the national government and provincial governments, by legislative and other measures, to regulate and monitor their use of official languages and, without detracting from recognising the historically diminished use and status of indigenous languages and requiring the State to take practical and positive measures to elevate the status and to advance the use of these languages, requires all official languages to enjoy parity of esteem and to be treated equally.

To this end, the Act provides for the designation of official languages for the Province, for the regulation and monitoring of the use of official languages by the provincial organs of State, for the development and adoption of internal language policies by provincial organs of State, for the establishment of a Gauteng Provincial Language Unit, for the responsibilities of and reporting heads of provincial organs of State, and for issuing of regulations by the MEC prescribing a model internal language policy for provincial organs of State and the form and manner of reporting by provincial heads of organs of State.

These Regulations are therefore made and issued to fulfil the obligations imposed on the MEC by virtue of section 11(1) read with section 7(1) and (2) of the Act, which Act came into operation on 28 February 2018.

## Definitions

2. (1) In these Regulations, unless the context indicates otherwise—  
"relevant executive authority" means—
- (a) a Member of the Executive Council under whose portfolio the provincial organ of State falls, and includes the MEC;
  - (b) a Mayor of a municipality, or of a municipal entity or enterprise of a municipality; or
  - (c) the Speaker of the Provincial Legislature; and



"the Act" means the Gauteng Provincial Languages Act, 2016 (Act No. 3 of 2016).

- (2) A word or an expression to which a meaning has been assigned in the Act, retains that meaning.
- (3) A reference to a section refers to the corresponding section of the Act.

### **Purpose of Regulations**

3. The purpose of these Regulations is to prescribe a model internal language policy contemplated in section 7(1) read with (2) of the Act for use by provincial organs of State mentioned under regulation 4 in the development, adoption and implementation of their internal language policies in terms of section 7(3) of the Act.

### **Scope of Regulations**

4. These Regulations apply to—
  - (a) the provincial Executive Council, including all its organs of State;
  - (b) provincial departments and administrations;
  - (c) provincial public entities and enterprises;
  - (d) the Provincial Legislature, including every organ of State of the Provincial Legislature;
  - (e) a municipality in the Province, including every organ of State of that municipality contemplated in—
    - (i) the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
    - (ii) Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); and
  - (f) a municipal entity and enterprise of a municipality in the Province established in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read with the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).



**Model internal language policy**

- 5. An internal language policy developed, adopted and implemented by a provincial organ of State mentioned under regulation 4 in terms of section 7(3) of the Act must correspond substantially with the Annexure attached to these Regulations.

**Short title**

- 6. These Regulations are called the Gauteng Provincial Languages (Model Internal Language Policy) Regulations, 2018.

PRE-CERTIFIED BY STATE LAW ADVISERS:  
GAUTENG  
3/12/18 DATE  
[Signature] SIGNATURE

## Annexure

### Content and Form of Model Internal Language Policy

1. An internal language policy of a provincial organ of State contemplated in section 7(3) of the Gauteng Languages Act, 2016 must be consistent with section 6(3) of the Constitution and the Act and must, among others, state—
  - (a) the purpose or object of the policy;
  - (b) the nature of the provincial organ of State describing, among others—
    - (i) the mandate of that organ of State;
    - (ii) the regulatory framework applicable to the provincial organ of State;
    - (iii) the nature of services provided by the provincial organ of State; and
    - (iv) regions or geographic locations where services are provided;
  - (c) the designated official languages that a provincial organ of State will use for government purposes in regions or geographic locations where services are provided;
  - (d) how a provincial organ of State will use the designated official languages for government purposes in regions or geographic locations where services are provided, among others—
    - (i) to communicate effectively with members of the public;
    - (ii) when compiling forms;
    - (iii) in public notices and announcements, public information signs, signage identifying facilities and services;
    - (iv) in government reports, documents, records, transcripts and other official publications intended for public distribution; and
    - (v) at hearings and other official proceedings;
  - (e) how a provincial organ of State will communicate with members of the public whose language of choice is not one of the designated official languages for government purposes in regions or geographic locations where services are provided, among others—



- (i) providing a procedure to enable members of the public to receive services in a language other than the designated official languages, which may include translation or interpretation services, or both; and
  - (ii) stipulating the time periods that will apply to such procedure;
- (f) how a provincial organ of State will communicate with members of the public whose language of choice is South African sign language by, among others—
- (i) providing a procedure to enable members of the public to receive services in South African sign language; and
  - (ii) stipulating the time periods that will apply to such procedure;
- (g) how members of the public may access the policy by describing—
- (i) which designated official languages the policy will be published in: Provided that the policy must be published in at least the designated official languages;
  - (ii) where the policy will be available in hardcopy and electronically, and the procedure to enable members of the public to access the policy; and
  - (iii) whether the policy will be available in Braille and, if so, the procedure to enable members of the public to access the policy in Braille; and
- (h) a complaints mechanism regarding the use of designated official languages by a provincial organ of State, in the form contemplated in paragraph 2 below.
2. (a) Any person who is dissatisfied with a decision of a provincial organ of State regarding its use of designated official languages may lodge a complaint addressed to the head of the provincial organ of State concerned.
- (b) The complaint must be delivered—
- (i) to the street address of the head office of the provincial organ of State;
  - (ii) by registered post remitted to the head of the provincial organ of State at the postal address of the head office of the provincial organ of State; or
  - (iii) by fax or email to the head of the provincial organ of State concerned.



- (c) The complaint must—
    - (i) be in writing;
    - (ii) be lodged within three months of the complaint arising;
    - (iii) state the name, address and contact information of the person lodging the complaint; and
    - (vi) provide a full and detailed description of the complaint.
  - (d) The head of the provincial organ of State concerned may request a complainant to—
    - (i) supply additional information necessary to consider the complaint; and
    - (ii) attend a meeting for the purposes of making oral enquiry into the complaint.
  - (e) The head of the provincial organ of State concerned must—
    - (i) no later than three months after the complaint was lodged, consider the complaint and make a decision; and
    - (ii) inform the complainant in writing of the decision.
3. (a) A complainant not satisfied with a decision contemplated in 2(e) may lodge an appeal with the relevant executive authority responsible for the provincial organ of State concerned.
- (b) The appeal must—
    - (i) be in writing;
    - (ii) be lodged within one month of receipt of a decision contemplated in paragraph 2(e);
    - (iii) state the name, address and contact details of the person lodging the appeal; and
    - (iv) provide a full and detailed description of the complaint.
  - (c) The relevant executive authority concerned must—
    - (i) no later than three months after the appeal was lodged, consider the appeal and make a decision; and
    - (ii) inform the appellant in writing of the decision.

