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GENERAL NOTICE

NOTICE 250 OF 2015

DEPARTMENT OF TRADITIONAL AFFAIRS

INVITATION TO COMMENT ON THE OFFICIAL LANGUAGE POLICY OF THE DEPARTMENT OF TRADITIONAL AFFAIRS

The Department of Traditional Affairs hereby invites any interested person or body to provide written comments on its draft *Official Language Policy of the Department of Traditional Affairs* as published under this notice. The draft Policy was prepared in accordance with the provisions of the Use of Official Languages Act, 2012 (Act No. 12 of 2012).

The closing date for comments is 21 calendar days from the date of publication of this notice in the *Gazette*.

Comments must be submitted in writing to the Director-General: Department of Traditional Affairs, Private Bag X804, Pretoria, 0001, or by e-mail to the following persons:

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DRAFT

OFFICIAL LANGUAGE POLICY
of the
DEPARTMENT OF TRADITIONAL AFFAIRS

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1. Definitions

In this policy, unless the context indicates otherwise -

“**Act**” means the Use of Official Languages Act, 2012 (Act No. 12 of 2012);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**DTA**” means the national Department of Traditional Affairs;

“**DG**” means the Director-General of the DTA;

“**ILU**” means the Interim Language Unit of the DTA as contemplated in paragraph 6 of this Policy;

“**Minister**” means the Minister for Co-operative Governance and Traditional Affairs;

“**PanSALB**” means the Pan South African Language Board established in terms of the Pan South African Language Board Act, 1995 (Act No. 59 of 1995);

“**Policy**” means the Official Language Policy of the DTA; and

“**Regulations**” means the Use of Official Languages Regulations, 2013, as published under Government Notice No. R. 150 in Government Gazette No. 37398 dated 28 February 2014.

2. Legislative framework

2.1 This Policy is informed by the following laws:

- (a) The Constitution;
- (b) the Use of Official Languages Act, 2012 (Act No. 12 of 2012);
- (c) the Use of Official Languages Regulations, 2013; and
- (d) the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003).

2.2 Section 4(1) of the Act determines that every national department, national public entity and national public enterprise must adopt a language policy on its use of official languages.

2.3 In terms of section 4(2) of the Act a language policy adopted in terms of subsection (1) must, *inter alia*, -

- (a) identify at least three official languages that the national department, national public entity or national public enterprise will use for government purposes;
- (b) stipulate how official languages will be used in effectively communicating with the public, for purposes of official notices and government publications, and for purposes of inter and intra-government communications;
- (c) describe how the national department, national public entity or national public enterprise will effectively communicate with members of the public whose language of choice is not one of the official languages as stipulated in the Constitution, or who communicates by means of sign language;
- (d) describe how members of the public can access the language policy; and
- (e) provide a complaints mechanism to enable members of the public to lodge complaints regarding the use of official languages by the relevant department.

3. Purpose

3.1 The purpose of this Policy is to give effect to –

- (a) sections 6 and 9 of the Constitution;
- (b) the Act and the Regulations;
- (c) Batho Pele principles; and
- (d) the mandate of the DTA with specific reference to the promotion of social cohesion.

3.2 The Policy intends to promote multilingualism and to remove language barriers.

4. Principles

4.1 The Policy is based on the following principles:

- (a) The promotion of all official languages as referred to in section 6(1) of the Constitution;
- (b) the promotion of Khoi, Nama and San languages as referred to in section 6(5)(a)(ii) of the Constitution, in collaboration with PanSALB;

- (c) the promotion of multilingualism as a tool to promote nation building and social cohesion;
- (d) the promotion of effective language management to ensure efficient public service administration that meets the needs of the public and ensures equitable access to the services and information of the DTA; and
- (e) a community-based approach in terms of which the DTA is to be guided by the language(s) spoken by the specific client or clients to whom is service is to be rendered.

4.2 The use of any language for the purposes of exploitation, domination and discrimination within the DTA or towards any client is prohibited.

5. DTA focus areas

5.1 In the execution of its mandate, the DTA focusses amongst others on the promotion of sustainable, developed and cohesive traditional, interfaith and Khoi-San communities by –

- (a) developing appropriate policies, norms, standards, systems and regulatory frameworks;
- (b) providing support to them;
- (c) enhancing information and knowledge management;
- (d) promoting culture, traditions, customs and heritage of such communities; and
- (e) building professional, competent, ethical and skilled service delivery-oriented employees and enhancing governance systems of the Department.

6. DTA Language Unit

6.1 The organisational structure of the DTA at present does not provide for a Language Unit. Therefore, until such time that a DTA Language Unit is officially established, the functions of the Language Unit as contemplated in section 8 of the Act, as well as the responsibilities referred to in section 9(2) of the Act, will be performed by an Interim Language Unit (ILU) comprising of the incumbents of the following posts within the DTA:

- (a) Chief Director: Corporate and Financial Services (as chairperson of the Interim Language Unit);
- (b) Director: Communications; and

- (c) Director: Monitoring and Evaluation.

6.2 The functions and responsibilities of the ILU will be to -

- (a) advise the DG on the implementation and further improvement of this Policy;
- (b) monitor and assess the use of official languages by the DTA;
- (c) monitor and assess compliance with this Policy by the DTA;
- (d) compile and submit a report in accordance with section 9(2) of the Act for consideration by the Minister and once approved, to submit such report to the Minister responsible for language matters and to PanSALB;
- (e) promote parity of esteem and equitable treatment of the official languages referred to in section 6 of the Constitution;
- (f) facilitate equitable access to the services and information of the DTA;
- (g) promote good language management; and
- (h) perform any other related functions as may be assigned to the Unit by the Minister or DG.

6.3 The ILU furthermore has to assess the language skills of DTA officials and make recommendations to the DG in respect of training and capacity building.

7. Use of official languages by the DTA

7.1 The DTA has, subject to paragraphs 7.2 and 7.3, adopted all official languages referred to in section 6 of the Constitution for the purposes of this Policy.

7.2 The following factors will be taken into account in arriving at the choice of the official language to be used in a particular case:

- (a) The language preference(s) of the specific client(s);
- (b) the language(s) most spoken in a particular area (thus regional circumstances);
- (c) the practicality of providing a service in a particular language; and
- (d) any possible expenditure to be incurred in order to provide a service in a particular language, thus balancing the cost with the need and preferences of the specific client(s).

7.3 As a general guideline, the DTA intends to use official languages as follows:

DTA PURPOSE	LANGUAGE(S)
Within the DTA	English
Inter-governmental communication	English
Official written correspondence when communicating with members of the public	The official languages of the Republic with due regard to the factors outlined in paragraph 7.2 above.
Oral communication with members of the public	The official languages of the Republic with due regard to the factors outlined in paragraph 7.2 above.
Official publications intended for public distribution (including notices on the DTA website, advertisements, forms, signage on buildings).	The official languages of the Republic with due regard to the factors outlined in paragraph 7.2 above.
Public hearings and other official proceedings.	The official languages of the Republic with due regard to the factors outlined in paragraph 7.2 above.
Communicating with sight or hearing impaired clients.	The ILU has to arrange for sign language interpreters and where necessary, for the conversion of text into Braille or audio format if so requested by the client.
International communication	English

7.4 The official records of meetings held at and by the DTA will be kept in English.

8. Communication with persons whose language of choice is not an official language of the Republic

8.1 A member of the public who wishes to communicate with the DTA in a language that is not one of the official languages of the Republic must, in the case of written communication, provide the DTA with an English translation of the relevant correspondence, and in the case of oral communication, provide his or her own interpreter.

9. Communication with persons whose language of choice is South African Sign Language

- 9.1 A member of the public who wishes to communicate with the DTA in South African Sign Language must notify the DTA in writing.
- 9.2 The ILU has to arrange for appropriate interpreting services within a reasonable timeframe but not later than 15 working days from the date of receipt of the request.

10. Publication of policies, legislation and other documents

- 10.1 Taking into account the factors referred to in paragraph 7.2 above, the DTA undertakes to –
- (a) publish any draft policy, legislation or other document on which comments are sought, in English; and
 - (b) publish any such approved or finalised document, in at least three of the official languages.
- 10.2 This Policy, once approved, will be published in all the official languages of the Republic.
- 10.3 The Policy and any subsequent revised versions thereof, will be made available on the DTA's website which can be accessed at <https://www.dta.gov.za>.
- 10.4 Upon the receipt of a special request, the ILU will arrange for the Policy to be made available in Braille or in audio format.
- 10.5 The Policy must be displayed at all DTA offices in such a manner and place that it can be read by the public.

11. Complaints mechanism

- 11.1 Any person who is dissatisfied with a decision of the DTA regarding its use of official languages may lodge a complaint in writing to the DG. Such a complaint must be lodged within three months from the date of the incident giving rise to the complaint.
- 11.2 A complaint must be lodged in the format as may be determined by the DG or the ILU and must at least –
- (a) state the full names, identification number, physical and postal address, and any other relevant contact information (such as an e-mail address) of the complainant;
 - (b) contain a detailed description of the incident that led to the complaint; and

(c) as far as possible, be accompanied by relevant evidence.

- 11.3 The DG must refer the complaint to the ILU for investigation and the said Unit must finalise any such investigation within the timeframe determined by the DG which timeframe may not be more than 30 working days from the date of receipt of the complaint.
- 11.4 The ILU may request a complainant to supply any additional information which may be necessary to consider the complaint. If it is necessary to meet with a complainant, the ILU must do so in the most cost-effective manner which may include the use of modern social media applications provided the privacy of the complainant is protected.
- 11.5 The ILU must prepare a report on their investigation and submit it to the DG together with any relevant documentation and their recommendations.
- 11.6 The DG must, within 10 working days from the date of receipt of the ILU report, take a decision and inform the complainant of his or her decision. A copy of the DG's response must be provided to the ILU.
- 11.7 If the complainant is dissatisfied with the decision of the DG, he or she may, within 30 working days from the date of the DG's response referred to in paragraph 12.6, lodge an appeal with the Minister in writing.

12. Review of Policy

This Policy may be reviewed whenever necessary but must be reviewed at least every five years.

13. Approval of Policy

I,, in my capacity as,
hereby approves the Official Language Policy of the Department of Traditional Affairs.

Signature

Date

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