

PROVINCE OF MPUMALANGA



MPUMALANGA PROVINCIAL LANGUAGES ACT, 2014

(As passed by the Mpumalanga Provincial Legislature on 27 March 2014)

(MEC FOR CULTURE, SPORT AND RECREATION)

ACT

To designate the official languages of the Province; to provide for the regulation and monitoring of the use of designated official languages by all Provincial organs of state; to elevate the status and advance the use of indigenous languages spoken in the Province; to provide for the recognition of the Mpumalanga Provincial Language Committee as established in terms of the Pan South African Language Board Act, 1995, to assist in the development, implementation and monitoring of the provincial language policy; to provide for the establishment of the Mpumalanga Provincial Language Forum; to provide for the development of internal language policies by Provincial organs of state; to provide for the establishment of a Provincial Language Unit and language units within Provincial organs of state; to empower the public to use language of their choice in order to access government services, knowledge and information; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of Mpumalanga, as follows:

1. Definitions. In this Act, unless the context indicates otherwise –

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

“**Committee**” means the Mpumalanga Provincial Language Committee as contemplated in section 10 of this Act;

“**Department**” means the Department responsible for cultural and linguistic matters in the Province;

“**designated official languages**” means the languages designated in section 4 of this Act;

“**Executive Council**” means the Executive Council of the Province as contemplated in section 132 of the Constitution;

“**financial year**” means a period commencing on the first day of April in any year and ending on the thirty first day of March in the ensuing year, both days inclusive;

“**Head of Department**” means the Head of the Department responsible for cultural and linguistic matters in the Province;

“**internal language policies**” means internal language policies developed by respective Provincial organs of state as contemplated in section 19(1);

“**Language Dispute Resolution Committee**” means a Language Dispute Resolution Committee, appointed by the responsible Member of the Executive Committee, from time to time, in terms of section 21(5);

“**language complaint**” means any person who lodges a language complaint contemplated in section 20(1).

“Language Unit” means a language unit established in terms of section 16 of this Act;

“member” means a member of the Committee;

“Member of the Executive Council” means the Member of the Executive Council responsible for cultural and linguistic matters in the Province;

“municipality” includes a municipality referred to in section 155(6) of the Constitution;

“Municipal Council” means the Municipal Council of any Municipality within the Province contemplated in section 157 of the Constitution;

“MPLF” means the Mpumalanga Provincial Language Forum, contemplated in section 18 of this Act;

“Norms and Rules for Provincial Language Committees” means Norms and Rules for Provincial Language Committees as Gazetted in the Board Notice 92 of 2005, in the Government Gazette No. 28053 published on 30 September 2005;

“Pan South African Language Board Act” means the Pan South African Language Board Act, 1995 (Act No. 59 of 1995);

“prescribed” means prescribed by regulation in terms of this Act;

“Province” means the Province of Mpumalanga as referred to in section 103(1)(f) of the Constitution, and **“provincial”** has a corresponding meaning;

“Provincial Gazette” means the *Provincial Gazette* of the Province;

“Provincial Language Unit” means the Mpumalanga Provincial Language Unit established in terms of section 12 of this Act;

“Provincial Legislature” means the Provincial Legislature of the Province as referred to in section 104 of the Constitution;

“Provincial organ of state” means –

- (a) any Provincial Department or Municipality in the Province; or
- (b) any other Provincial functionary or institution exercising a power or performing a function in terms of the Constitution or in terms of any Provincial legislation;

“this Act” also means a regulation made under this Act.

2. Objectives of this Act

The objectives of this Act are to –

- (a) designate the official languages of the Province;
- (b) promote respect for and the usage of all other languages used by communities within the Province;
- (c) provide for the recognition of the Mpumalanga Provincial Language Committee as established by the Pan South African Language Board Act, 1995, to assist in the development, implementation and monitoring of the provincial language policy;
- (d) provide for the establishment of a Provincial Language Unit and language units within Provincial organs of state;
- (e) empower the public to use language of their choice in order to access government services, knowledge and information; and
- (f) promote multilingualism and linguistic diversity in the Province.

3. Application of Act

This Act applies to –

- (a) the Executive Council;
- (b) all Municipal Councils; and
- (c) all Provincial organs of state.

4. Designated official languages of the Province

- (1) Whilst having due regard to section 6 of the Constitution, which determines the 11 official languages, the designated official languages of the Province, for purposes of government, as contemplated in section 6(3) of the Constitution, are isiNdebele, Siswati, English and Afrikaans.
- (2) Every person has, in his or her written or oral communication with any Provincial organ of state, the right to use any one of the 11 official languages as contemplated in section 6 of the Constitution, or sign language.
- (3) Wherever practicable, every person has the right to be assisted and addressed in his or her language of choice utilized in his or her communication with the Provincial organ of state concerned.

5. Use of designated official languages in proceedings of Executive Council, Municipal Councils and Provincial Legislature

- (1) Any of the designated official languages may be used in any debate or address in any proceedings of –
 - (a) the Executive Council;
 - (b) any committee of the Executive Council;
 - (c) any Municipal Council;
 - (d) any committee of any Municipal Council;
 - (e) the Provincial Legislature; and
 - (f) any committee of the Provincial Legislature.

- (2) To give effect to subsection (1), reasonable arrangements must be made for the provision of interpreting services during the sittings of the Provincial Legislature, the Executive Council and Municipal Councils, and any committee of the Provincial Legislature, the Executive Council and Municipal Councils.

- (3) Any record of –
 - (a) the Executive Council;
 - (b) Municipal Councils;
 - (c) any committee of –
 - (i) the Executive Council; and
 - (ii) Municipal Councils,

may be printed and published in any of the provincial official languages: Provided that any person may request a translated version of the original record or publication in any other provincial official language.

6. Use of official languages by Provincial Legislature and Municipal Councils

- (1) Any of the 11 official languages as contemplated in section 6 of the Constitution, may be used in any debates and other proceedings of the Provincial Legislature and Municipal Councils and their committees, and reasonable provision must be made for the furnishing of interpreting services during sittings of the Provincial Legislature, and Municipal Councils and any of their committees.

- (2) All official records of debates of the Provincial Legislature and Municipal Councils must be kept in the official language in which the debate took place, and a translation thereof in any one of the 11 official languages must be made available on request, by the Secretary to the Provincial Legislature or the Municipal Manager, as the case may be.

- (3) All legislation, official reports and resolutions of the Provincial Legislature, and Municipal Council and their committees must be made available in all four designated official languages, but the Provincial Legislature or Municipal Council must make practical arrangements to cause legislation, official reports

and resolutions drawn up in one designated official language, to be made available, within a reasonable period, in the other three designated official languages.

- (4) (a) A Bill introduced in the Provincial Legislature must, upon introduction, be available in at least two designated official languages, but the Provincial Legislature must make practical arrangements to cause Bills introduced in two designated official languages to be available, within a reasonable period after such introduction, in the other designated official languages.
- (b) A municipal by-law introduced in the Municipal Council must, upon introduction, be available in at least two designated official languages, but the Municipal Council must make practical arrangements to cause a municipal by-law to be introduced in accordance with the language use and preference of the community concerned.
- (5) A motion given notice of or moved in the Provincial Legislature or Municipal Council must be available in at least two designated official languages, but the Provincial Legislature or Municipal Council must make practical arrangements to cause motions drawn up in one designated official language to be available, within a reasonable period, in the other designated official languages.
- (6) Any municipal by-law, rule or notice published in the *Provincial Gazette* or any newspaper by any municipality in the Province, must be published in at least two designated official languages: Provided that –
- (a) language use and preference, must be taken into consideration; and
- (b) one of the languages used to publish the notice must, subject to regional circumstances, be one of the indigenous languages spoken in the Province.

7. Official notices and advertisements

- (1) Official notices issued by the Provincial organ of state must take cognizance of the language needs and preferences of inhabitants of the Province.
- (2) All official notices and advertisements published by the Provincial organ of state must, in case of publication in the *Provincial Gazette*, be published in the designated official languages.
- (3) All official notices and advertisements published in newspapers in the Province, must be published in the language in which the newspaper concerned appears and if there is no newspaper published in that particular designated official language, such official notice and/or advertisement must also be published in such newspaper in such other designated official language.

8. Communication with and services to the public

- (1) Every Provincial organ of state must, in its communication with and rendering of services to members of the public, ensure that such services are carried out in the most appropriate manner in at least two of the designated official languages of the Province, depending on the needs of the member or members of the public concerned or of the target audience concerned.
- (2) Any member of the public in the Province –
 - (a) may use any one of the 11 official languages in his or her communication with any Provincial organ of state; and
 - (b) must be served in any of the designated official languages at or by any Provincial organ of state, where there is a substantial need for communication and services in that language and it can reasonably be expected of the organ of state concerned to communicate and render services in that language: Provided that, in the instance that a member of the public requires service in an official language other than a designated official language, the Provincial organ of state concerned must endeavour to render such service in such official language.

9. Identification signs and notices

- (1) Where any Provincial organ of state identifies any of its offices or facilities by way of signboards, such signboards must be installed in at least two of the designated official languages in accordance with the language use and preference of the community concerned and where it can reasonably be expected of the institution concerned to identify its offices or facilities in such language or languages.
- (2) Notices put up by any Provincial organ of state in the interest of the public must be installed in at least two of the designated official languages preferred by the community concerned where it can reasonably be expected of the Provincial organ of state concerned to communicate its notices in such language or languages.

10. Mpumalanga Provincial Language Committee

The Mpumalanga Provincial Language Committee (hereinafter referred to as the “Committee”) established in terms of section 8(8)(a) of the Pan South African Language Board Act (Act No. 59 of 1995) is hereby recognized in terms of this Act (with all its functions, in line with the Norms and Rules for Provincial Language Committees).

11. Auditing of the Committee

The Auditor-General may, in terms of the provisions of the Public Audit Act, 2004 (Act No. 25 of 2004), at any reasonable time, conduct an audit of the Committee.

12. Establishment of the Mpumalanga Provincial Language Unit

- (1) There is hereby established the Mpumalanga Provincial Language Unit, hereinafter referred to as the "Provincial Language Unit".
- (2) The Provincial Language Unit –
 - (a) is a component within the Department, and
 - (b) is not a juristic person.
- (3) The Member of the Executive Council must ensure that the Provincial Language Unit is provided with human resources, administrative resources and other resources necessary for its effective functioning.

13. Powers and functions of the Provincial Language Unit

- (1) The Provincial Language Unit must –
 - (a) advise the Member of Executive Council on policy and strategy –
 - (i) to regulate and monitor the use of official languages in the province;
 - (ii) to promote parity of esteem and equitable treatment of the official languages of the province and facilitate equitable access to the services and information of Provincial organs of state;
 - (iii) to promote good language management within Provincial organs of state;
 - (iv) on the functions of the language units contemplated in section 17; and
 - (v) liaise with and promote the general co-ordination of language units contemplated in section 16;
 - (b) monitor the implementation of the provisions of –
 - (i) this Act;
 - (ii) any regulation made in terms of section 24; and
 - (iii) internal language policies contemplated in section 19, by all Provincial organs of state;
 - (c) promote and monitor equitable use of designated official languages by all Provincial organs of state in order to ensure equitable access to government services, knowledge and information by all citizens of the Province;
 - (d) provide support to all Provincial organs of state in respect of language matters;
 - (e) take practical and positive measures to –
 - (i) promote multilingualism in the Province;
 - (ii) promote the use and development of indigenous language spoken in the Province; and

- (iii) entrench language equity in the Province;
- (f) promote and monitor good language management by all Provincial organs of state for efficient public service administration;
- (g) promote and monitor respect for the language rights of the citizens of the Province by all Provincial organs of state;
- (h) monitor the development, review and implementation of internal language policies, as contemplated in section 19, by all Provincial organs of state;
- (i) provide translation, editing and interpreting services to any Provincial organ of state;
- (j) monitor and improve the quality of translation, editing and interpreting services in the Province;
- (k) manage terminology and literature development in the Province;
- (l) support the learning and teaching of all provincial official languages in the Province; and
- (m) provide administrative and secretarial support to MPLF contemplated in section 18;

(2) The Provincial Language Unit may –

- (a) facilitate training programmes on translation, editing and interpreting techniques;
- (b) foster any cooperation with any Provincial organ of state or any non-governmental organisation for the attainment of its objects and the exercise of its powers, functions and duties; and
- (c) perform any other function that the Member of Executive Council may prescribe.

14. Staff of Provincial Language Unit

The staff of the Provincial Language Unit must, collectively be fully competent to –

- (a) translate, edit, and interpret;
- (b) manage the outsourcing of translation, editing and interpreting services; and
- (c) provide quality control services in respect of any outsourced translation, editing and interpreting work, in all the Provincial official languages.

15. Translation, editing and interpreting services

- (1) The Provincial Language Unit, contemplated in section 12, must –
 - (a) in respect of the Provincial official languages; and
 - (b) within a reasonable time of a request or within such period as may be

prescribed by the Member of the Executive Council, provide translation, editing and interpreting services as may be required by any Provincial organ of state.

- (2) The Provincial Language Unit may, on request, and –
- (a) subject to practicality and expense; and
 - (b) within such timeframes or periods as may be prescribed by the Member of the Executive Council, coordinate the provision of translation, editing and interpreting services as may be required by any Provincial organ of state, in respect of –
 - (i) any of the eleven official languages;
 - (ii) any of the Khoi, Nama and San languages;
 - (iii) South African Sign Language; and
 - (iv) Braille.
- (3) Any Provincial organ of state requiring any translation, editing or interpreting services, contemplated in subsections (1) and (2), must direct a written request to the Provincial Language Unit.

16. Establishment of language units and designation of language practitioners within Provincial organs of state

- (1) Every Provincial organs of state must, after consultation with the Provincial Language Unit; subject to any law governing the employment of personnel of the relevant Provincial organs of state; and subject to the language needs of each Provincial organ of state –
- (a) designate one or more language practitioners or establish a language unit; and
 - (b) ensure that the language unit is provided with human resources, administrative resources and other resources necessary for its effective functioning.
- (2) The designated language practitioner or language unit contemplated in subsection (1) is responsible for –
- (a) ensuring that the relevant Provincial organ of state –
 - (i) implements the provisions of this Act and any regulation in terms of this Act;
 - (ii) develops and implements an internal language policy, contemplated in section 19; and
 - (iii) complies with the reporting requirements contemplated in section 22.
 - (b) managing and facilitating all requests for translation, editing and interpretation services contemplated in section 15, for the relevant Provincial organ of state; and
 - (c) representing the relevant Provincial organ of state on MPLF.

17. Functions of language units in Provincial organs of state

Every language unit must –

- (a) advise the responsible accounting officer or accounting authority on the development, adoption and implementation of the language policy for the Provincial organ of state concerned;
- (b) monitor and assess the use of official languages by the Provincial organ of state concerned;
- (c) monitor and assess compliance with the language policy of the Provincial organ of state concerned;
- (d) compile and submit a report to the Member of Executive Council as contemplated in section 22;
- (e) promote parity of esteem and equitable treatment of official languages of the Province and facilitate equitable access to services and information of the Provincial organ of state concerned;
- (f) promote good language management by the Provincial organ of state concerned; and
- (g) perform any other functions that the Member of Executive Council may prescribe.

18. Mpumalanga Provincial Language Forum

- (1) There is hereby established the Mpumalanga Provincial Language Forum (“MPLF”).
- (2) The objects, powers, functions and duties of MPLF are to –
 - (a) promote general co-ordination, co-operation and consultation between all Provincial organs of state and non-governmental organisations on language matters;
 - (b) promote engagement and dialogue between the Provincial organs of state and any organisation or person with an interest in language matters in the Province; and
 - (c) perform such other functions that may be prescribed or assigned to MPLF by the Member of the Executive Council.
- (3) MPLF comprises of at least one representative from –
 - (a) each Provincial organ of state language unit;
 - (b) each language association;
 - (c) PanSALB; and
 - (d) University of Mpumalanga.

19. Internal language policies

- (1) All Provincial organs of state must –
 - (a) within 18 months of the commencement of this Act; and
 - (b) after consultation with the Provincial Language Unit, develop and approve their respective internal language policies regarding the use of official languages for government purposes.

- (2) Internal language policies contemplated in subsection (1) must be consistent with the provisions of this Act and any regulations made under this Act.
- (3) An internal language policy for any Provincial organ of state, must –
- (a) comply with the provisions of section 6(3)(a) of the Constitution;
 - (b) identify at least two of the designated official languages for purposes of internal and external, written and oral communication and publication purposes, for the relevant Provincial organ of state;
 - (c) stipulate how the relevant Provincial organ of state communicates with any member of public wishing to communicate with that Provincial organ of state, using any other language not designated in terms of section 4;
 - (d) provide a complaints mechanism to enable members of the public to lodge complaints regarding the use of official languages;
 - (e) describe how the Provincial organ of state will effectively communicate with members of the public whose language of choice is –
 - (i) not an official language contemplated in paragraph (b); or
 - (ii) South African sign language.
- (4) Each Provincial organ of state must –
- (a) inform members of the public of the existence of its internal language policy and make it available on request.
 - (b) ensure that a copy of its internal language policy is available on request to its members of the public; and
 - (c) display at all its offices, a summary of its language policy in such a manner and place that it can be seen and read by its customers and clients and members of the public.

20. Internal complaints mechanism

- (1) Every Provincial organ of state must, through their internal language policies contemplated in section 19 provide for a detailed internal complaints mechanism that –
- (a) may be used by any member of public wishing to lodge a language complaint for any alleged violation or threatened violation of any –
 - (i) language right contemplated in the Constitution, this Act or the internal language policy of the relevant Provincial organ of state.
 - (b) must be followed by –
 - (i) the complainant to lodge a language complaint; and
 - (ii) the Provincial organ of state to investigate and resolve language complaints.
- (2) The complaints mechanism must –
- (a) identify the authority within the Provincial organ of state to whom a language complaint may be lodged;

- (b) indicate a period within which a language complaint may be lodged: Provided that all language complaints must be lodged within 90 days of the date upon which the language complainant became aware of the violation or threatened violation of any –
 - (i) language right;
 - (ii) provision of this Act; or
 - (iii) provision of the internal language policy of the relevant Provincial organ of state;
- (c) indicate that the language complaint, must –
 - (i) be in writing: Provided that any language complainant who cannot read and write must be assisted by officials of the relevant Provincial organ of state to reduce the language complaint to writing;
 - (ii) specify the provision of this Act or the nature of the right allegedly violated or allegedly threatened to be violated; and
 - (iii) specify the grounds on which the language complainant bases his or her language complaint;
- (d) specify the period within which the language complaint lodged with the relevant Provincial organ of state must be finalised: Provided that all language complaints must be finalised within 30 days from the date of receipt of the complaint;
- (e) specify that a language complainant aggrieved by –
 - (i) the failure of the Provincial organ of state concerned to finalise the language complaint within 30 days of receipt, as contemplated in paragraph (d); or
 - (ii) the manner in which the relevant Provincial organ of state investigated, handled or finalised his or her language complaint, may refer a language dispute, as contemplated in section 21(1), to the Member of the Executive Council for further investigation and resolution in terms of section 21(5);
- (f) specify that the Member of the Executive Council, may–
 - (i) in respect of any complaint that remains unresolved; and
 - (ii) on his or her own initiative, make a determination that a language dispute, as contemplated in section 21(1) –
 - (aa) has arisen; and
 - (bb) must be subjected to further investigation, as contemplated in section 21(5); and
- (g) specify any other information as may be prescribed by the Member of the Executive Council.

21. Handling of language disputes

- (1) A language dispute arises when –
 - (a) a language complaint remains unresolved as contemplated in section 20(2)(e) or
 - (b) when the Member of the Executive Council, in terms of section 20(2)(f), makes a determination that a language dispute has arisen.

- (2) Where a language dispute arises, a complainant may refer the language dispute to –
- (a) PanSALB in terms of section 11 of the Pan South African Language Board Act; or
 - (b) the Member of the Executive Council in terms of subsection (3).
- (3) Where the complainant elects to follow the process contemplated in subsection (2)(b), he or she must, within 21 days, refer the language dispute to the Member of the Executive Council for further investigation and resolution as contemplated in subsection (5).
- (4) Where the Member of the Executive Council has made a determination, as contemplated in section 20(2)(f), that a language dispute has arisen, he or she must within 21 days, notify –
- (a) the Provincial organ of state; and
 - (b) the complainant, of his or her intention to refer the language dispute for further investigation and resolution, as contemplated in subsection (5).
- (5) The Member of the Executive Council must, within 30 days –
- (a) upon receipt of a referral of a language dispute; or
 - (b) of the Member of the Executive Council having made a determination, as contemplated in section 20(2)(f) that a language dispute has arisen, appoint a Language Dispute Resolution Committee.
- (6) The Language Dispute Resolution Committee, must, within 90 days of appointment –
- (a) investigate the language dispute;
 - (b) facilitate an amicable resolution of the language dispute by facilitation, conciliation or negotiation; and
 - (c) report and make recommendations to the Member of the Executive Council on the outcome of the language dispute.
- (7) The Language Dispute Resolution Committee, appointed by the Member of the Executive Council in terms of subsection (5), may subpoena any person, body or Provincial organ of state to –
- (a) appear before it;
 - (b) give evidence; and
 - (c) produce any relevant record or document.
- (8) In the event that the language dispute is incapable of an amicable resolution as contemplated in subsection (6)(b) –
- (a) the Language Dispute Resolution Committee must, submit a report to the Member of the Executive Council containing –
 - (i) factual details of the dispute;
 - (ii) any verbal or written submission made by the –
 - (aa) language complainant; or

- (bb) relevant Provincial organ of state, pertaining to the language dispute; and
- (iii) recommendations on the appropriate ruling, as contemplated in paragraph (b);
- (b) the Member of the Executive Council, may, within 30 days of receipt of the Language Dispute Resolution Committee's report, contemplated in paragraph (a), determine the dispute by –
 - (i) issuing a compliance notice, calling upon the relevant Provincial organ of state to rectify any act or omission which gave rise to the language dispute: Provided that the Provincial organ of state has 30 days to comply with the compliance notice; or
 - (ii) dismissing the language dispute.

22. Monitoring of and reporting on, use of Provincial official languages

- (1) Provincial organs of state must –
 - (a) within three months after the end of each financial year; or
 - (b) within such other period as may be determined by the Member of the Executive Council, submit a report to the Member of the Executive Council on –
 - (i) steps taken by the relevant Provincial organ of state to comply with the provisions of this Act;
 - (ii) the development and implementation of an internal language policy, contemplated in section 19;
 - (iii) the activities of any specialist language services unit of the relevant Provincial organ of state;
 - (iv) any complaints received by the relevant Provincial organ of state and how these complaints were dealt with; and
 - (v) any other matter as may be prescribed by the Member of the Executive Council.
- (2) The Member of the Executive Council must –
 - (a) after consultation with the Committee; and
 - (b) within five months after the end of each financial year, table an annual report in the Provincial Legislature on the implementation of this Act and the provincial language policy in the Province.

23. Offences and penalties

Any person who contravenes or fails to comply with any provision of this Act is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding 24 months, or to both such fine and imprisonment.

24. Regulations

The Member of the Executive Council may, after consultation with the Committee, make regulations regarding –

- (a) principles which must be respected in the development and implementation of a provincial language policy;
- (b) language practices within and between Provincial organs of state; and
- (c) in general, any other matter in respect of which it is necessary or expedient to make regulations.

25. Delegations

- (1) The Member of the Executive Council may delegate to the Committee or to the Head of Department –
 - (a) any power conferred on the Member of the Executive Council by this Act, except the power to make regulations in terms of section 24; or
 - (b) any duty imposed on the Member of the Executive Council by this Act.
- (2) Any power or duty delegated in terms of subsection (1) must be exercised or performed subject to such conditions as the Member of the Executive Council considers necessary.
- (3) Any delegation in terms of subsection (1) –
 - (a) must be in writing;
 - (b) may not prohibit the Member of the Executive Council from exercising that power or performing that duty; and
 - (c) may at any time be withdrawn or amended in writing by the Member of the Executive Council.

26. Short title and commencement

- (1) This Act is called the Mpumalanga Provincial Languages Act, 2014, and comes into operation on a date fixed by the Premier by notice in the *Provincial Gazette*.
- (2) Different dates may be so fixed in respect of different provisions of this Act.