

REPUBLIC OF SOUTH AFRICA

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# NATIONAL LEXICOGRAPHY UNITS BILL

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*(As introduced)*

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(MINISTER OF ARTS, CULTURE, SCIENCE AND TECHNOLOGY)

**[B 103—96]**

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REPUBLIEK VAN SUID-AFRIKA

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# WETSONTWERP OP NASIONALE LEKSIKOGRAFIE-EENHEDE

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*(Soos ingedien)*

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(MINISTER VAN KUNS, KULTUUR, WETenskap EN TEGnologie)

**[W 103—96]**

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# BILL

To provide for the establishment and management of national lexicography units; to make equitable provision for national general dictionaries for each of the official languages of South Africa and for matters incidental thereto.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Definitions

1. In this Act, unless the context indicates otherwise—
- (i) “board” means a board referred to in section 4; (vii) 5
  - (ii) “chairperson” means a chairperson referred to in section 5(1)(a); (ix)
  - (iii) “co-ordinating committee” means the co-ordinating committee established in terms of section 14; (iii)
  - (iv) “dictionary” means the definitive product, on the general vocabulary of an official South African language, as produced by the unit for the language concerned; (x) 10
  - (v) “Director-General” means the Director-General of the Department of Arts, Culture, Science and Technology; (i)
  - (vi) “lexicography” means the principles and practice of compiling general dictionaries, with the exclusion of terminography, and “lexicographic” has a corresponding meaning; (iv) 15
  - (vii) “Minister” means the Minister of Arts, Culture, Science and Technology; (v)
  - (viii) “product” means the lexicographic output, or any part thereof, whether in printed, electronic or any other form, of a unit; (vi) 20
  - (ix) “terminography” means a subdivision of lexicography that deals with technical and scientific concepts and terms; (viii)
  - (x) “unit” means a national lexicography unit established in terms of section 2. (ii) 25

## CHAPTER 1 25

### *National lexicography units*

#### **Establishment and seats of national lexicography units of official languages of South Africa**

2. (1) (a) The Minister may, subject to subsection (3), establish a national lexicography unit for each of the official South African languages. 30
- (b) A unit shall be a juristic person.
- (2) The seat of a unit shall be determined by the Minister in consultation with stakeholders in the language concerned.
- (3) Notwithstanding subsection (2) and the repeal by this Act of the “Woordeboek van die Afrikaanse Taal” Act, 1973 (Act No. 50 of 1973), the juristic person known as the Bureau of the “Woordeboek van die Afrikaanse Taal” established in terms of section 2 of the last-mentioned Act shall continue to exist with its seat at the University of Stellenbosch, and shall be deemed to be the unit for Afrikaans established in terms of this section. 35

### **Objectives of a unit**

**3.** The objectives of a unit shall be to initiate, maintain, continue, complete and from time to time improve the compilation of the dictionary and other products by—

- (a) the continuous and comprehensive collecting, arranging and storing, in a lexicographically workable form, of the general vocabulary of the language concerned;
- (b) the editing, adaptation, and publication of the collected material according to lexicographic principles in printed and electronic form; and
- (c) the granting access to the language material and sources of the unit to researchers according to the policy of the board.

## **CHAPTER 2**

### ***National lexicography units board***

#### **Board of unit**

**4.** A unit shall be managed by a board to be known by a name determined by the Minister in consultation with that board, and such name shall include the name of the language concerned.

#### **Constitution of board**

**5.** (1) A board shall consist of—

- (a) a chairperson appointed by the Minister;
- (b) an editor-in-chief referred to in section 10(1);
- (c) a person appointed by the Minister who, at the request of the Minister, has been nominated by a language body for the language concerned referred to in section 8(8)(b) of the Pan South African Language Board Act, 1995 (Act No. 59 of 1995), to represent such body on the board;
- (d) two persons appointed by the Minister, in collaboration with the African Association for Lexicography (AFRILEX), on account of their interest in and knowledge of lexicography;
- (e) two persons appointed by the Minister in consultation with stakeholders on account of their knowledge of the language concerned as linguists or mother tongue speakers;
- (f) a person appointed by the Minister on account of his or her financial and legal skills; and
- (g) a person appointed by the Minister on account of his or her marketing skills.

(2) Any member referred to in subsection (1)(c), (d), (e) or (f) shall be appointed for such period, not exceeding five years, as the Minister may determine at the time of appointment, and shall be eligible for reappointment at the end of his or her term of office.

(3) The Minister may, if in his or her opinion there exist sufficient reasons therefor,

- (d) determine from time to time the number of review, gift, working and other copies of products of its unit to be made available free of charge.

### **Meetings of board**

7. (1) A board shall meet at such times and places as it may determine, but not less than once per year. 5
- (2) The chairperson of a board shall preside at all meetings of such board, and if the chairperson is absent from a meeting of a board, the members present shall elect a person from among themselves to preside at such meeting.
- (3) The quorum for any meeting of a board shall be five members present, which shall include the chairperson or the person elected to preside at such meeting. 10
- (4) The decision of a majority of the members of the board present at a meeting of such board shall constitute a decision of the board, and in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his or her deliberative vote.
- (5) A board may delegate powers to committees of such board and to the editor-in-chief of its unit. 15
- (6) No decision taken by a board or act performed under the authority of the board shall be invalid merely by reason of a vacancy on the board or of such fact that any person not entitled to sit as a member of the board sat as a member of the board at the time the decision was taken or the act was authorised, if such decision was taken or such act was authorised by the majority of the members of the board present at the time which such person was entitled to sit as members of the board. 20

### **Powers of chairperson**

8. During periods between meetings of a board, and subject to such directions as the board may give from time to time, the chairperson of such board shall perform all the functions and exercise all the powers of such board, but shall not have the power, save in so far as the board may otherwise direct, to set aside or vary a decision of the board. 25

### **Remuneration and allowances of members of board**

9. Any member of a board who is not in the full-time employ of the State or who is not in the employ of such board may be paid such remuneration and allowances as may be determined by the Minister with the concurrence of the Minister of Finance. 30

### **Appointment of editor-in-chief and of staff of unit**

10. (1) The board shall appoint a member as editor-in-chief of its unit.
- (2) The functions and duties of the editor-in-chief shall be—
- (a) to direct the unit concerned and to carry out its objectives in accordance with the policy laid down by the board of that unit; and 35
- (b) to furnish the board with an annual report on the activities and financial position of the unit.
- (3) A board shall appoint such staff as it may deem necessary for the carrying out of the objectives of the unit. 40
- (4) (a) The remuneration, allowances, subsidies and other benefits of any person appointed in terms of subsection (1) or (3) shall be determined by the board that appointed such person.
- (b) A determination in terms of paragraph (a) shall be made in terms of a system in accordance with public service scales approved by the Minister with the concurrence of the Minister of Finance, as such scales are amended from time to time. 45
- (5) Any person who immediately before the date of commencement of this Act was in the employ of the Board of Control of the “Woordeboek van die Afrikaanse Taal” shall be deemed to have been appointed on the said date in terms of subsection (1) or (3), as the case may be, on the conditions, scale of remuneration and scales of other benefits applicable to him or her and at the remuneration received by him or her, immediately before the said date. 50
- (6) (a) The power to dismiss any person appointed in terms of subsection (1) or (3) shall vest in the chairperson in consultation with the board concerned.

(b) The dismissal of any person referred to in paragraph (a), shall be subject to a right of appeal to the Minister. Provided that notice of such an appeal shall be given to the board concerned and the Minister within 14 days after receipt of the notice of dismissal.

(7) The remuneration or the scale of remuneration at or in accordance with which any person referred to in subsection (5) was remunerated immediately before the date of commencement of this Act and the scales of other benefits to which such person was entitled immediately before the said date, shall not be reduced except with his or her consent or in pursuance of disciplinary measures taken against him or her. 5

(8) Any leave which accrued immediately before the commencement of this Act in favour of any person referred to in subsection (5) shall be deemed to have accrued in his or her favour by virtue of service with the unit referred to in section 2(3). 10

(9) Any person referred to in subsection (5) shall retain all the rights (including any right of election acquired by him or her under section 13 of the Associated Institutions Provident Fund Act, 1971 (Act No. 11 of 1971), and not yet exercised by him or her) and privileges and remain subject to all the obligations acquired or incurred by him or her for pension purposes under any law applicable to him or her (hereinafter referred to as any applicable law) immediately before the commencement of this Act. 15

(10) Any person who retains his or her rights and privileges in terms of subsection (9), shall not be entitled to any benefit which would otherwise have accrued to him or her in terms of any applicable law on account of the abolition of any post occupied by him or her immediately before the commencement of this Act. 20

### **Transfer of certain assets, rights, liabilities and obligations**

**11.** On the date of commencement of this Act all assets, rights, liabilities and obligations of the Board of Control of the “Woordeboek van die Afrikaanse Taal” shall, without payment of transfer duty, stamp duty or other fees, become assets, rights, liabilities and obligations of the unit concerned referred to in section 2(3), and any reference in any document to such board of control shall be construed as a reference to such unit. 25

### **Financing of unit**

**12.** (1) A board shall establish a fund into which shall be paid— 30

(a) all moneys which become an asset of its unit and all moneys derived from the realisation of any asset of such unit;

(b) moneys appropriated by Parliament for the purposes of the unit;

(c) all other moneys which may accrue to the unit from any other source. 35

(2) The moneys in the fund referred to in subsection (1) shall be utilised to defray the expenses incurred by the board concerned in the performance of its functions and the exercise of its powers in respect of the unit: Provided that any moneys or other goods donated or bequeathed to the unit shall be utilised in accordance with the conditions of such donations or bequest. 40

### **Audit and annual report**

**13.** (1) A board shall cause proper records to be kept of all moneys received or expended by its unit on of all the assets, liabilities and financial transactions of the unit, and shall as soon as possible after the end of each financial year, which shall last from 1 April of each year to 31 March of the following year, cause statements of account and a balance sheet to be prepared showing, with all appropriate particulars, the moneys received by and the expenditure incurred in connection with the unit during, and the assets and liabilities thereof at the end of, such financial year. 45

(2) The records, statement of account and balance sheet referred to in subsection (1) shall be audited by an auditor appointed by the board and shall be open for inspection by the Auditor-General or any person authorised by him or her. 50

(3) A board shall, as soon as possible after the end of each financial year, furnish the Minister with a report in respect of—

(a) the work of its unit during that financial year, together with a balance sheet and a full statement of its income and expenditure for that financial year; and

(b) any other matter which the Minister may require it to deal with in the report.

(4) Every report furnished under subsection (3) shall be tabled in Parliament by the Minister within 14 days after receipt thereof by him or her, if Parliament is in ordinary session, or, if Parliament is not in ordinary session, within 14 days after the commencement of its ensuing ordinary session.

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### **Co-ordinating Committee**

14.(1) The Minister shall establish a co-ordinating committee consisting of the Director-General or his or her delegate and the editors-in-chief of the various units.

(2) The co-ordinating committee shall be chaired by the Director-General or his or her delegate.

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(3) The functions of the co-ordinating committee shall be to advise the various boards and units on various theoretical matters such as lexicography policy and principles and practical matters such as methodology, computerisation and lexicography training.

(4) The co-ordinating committee shall meet at least once a year at the time and place determined by the Director-General.

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### **Copyright in products**

15. Copyright in the products of a unit shall vest in the State.

### **Proceeds of sales of products**

16. The proceeds of the sale of the products and services of a unit shall be paid into the fund established in terms of section 12(1) by such unit.

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### **Non-liability in respect of publication in products**

17. Notwithstanding the provisions of any other law, no person shall be liable to any civil or criminal proceedings or to any damages by reason of anything published in the products of a unit, irrespective of whether such publication took place before or after the commencement of this Act.

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### **Repeal of laws, and savings**

18. (1) Section 1 of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), is hereby amended by substituting the following paragraph for paragraph (d) of the definition of “associated institution”:

“(d) a national lexicography unit created under section 2 of the National Lexicography Units Act, 1997;”.

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(2) The Acts specified in the Schedule are hereby amended or repealed to the extent indicated in the third column of the Schedule.

(3) Anything done under the “Woordeboek van die Afrikaanse Taal” Act, 1973 (Act 50 of 1973), and in force immediately prior to the commencement of this Act shall, notwithstanding the repeal of the first-mentioned Act by this Act, remain in force.

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(4) The provision of this Act shall not be affected by any term or condition of any agreement, whether such agreement was entered into before or after the commencement of this Act.

(5) The existing Board of Control of the “Woordeboek van die Afrikaanse Taal”, established by section 4 of the “Woordeboek van die Afrikaanse Taal” Act, 1973 (Act No. 50 of 1973), shall, notwithstanding the repeal of that Act, continue to exist until such time as the board of the unit referred to in section 2(3) is established under this Act.

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### **Regulations**

19. (1) The Minister may, by notice in the *Gazette*, make regulations regarding—

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(a) the seats of the units, subject to section 2(2);

(b) any matter which may or shall be prescribed in terms of this Act; and

(c) any other matter the regulation of which, in the opinion of the Minister, may be necessary or desirable in order to achieve the objectives of this Act.

(2) No regulation relating to State revenue or expenditure shall be made by the Minister except with the concurrence of the Minister of Finance.

(3) No magistrate's court shall be competent to inquire into or pronounce upon the validity of any regulation under this Act. 5

(4) Any regulation made in terms of subsection (1) may determine that any person who contravenes or fails to comply with any provision thereof, shall be guilty of an offence.

#### **Short title and commencement**

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**20.** This Act shall be called the National Lexicography Units Act, 1997, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

**SCHEDULE****ACTS REPEALED**

<b>No. and year of Act</b>	<b>Short title</b>	<b>Extent of repeal</b>
Act No. 50 of 1973	“Woordeboek van die Afrikaanse Taal” Act, 1973	The whole
Act No. 9 of 1986	“Woordeboek van die Afrikaanse Taal” Amendment Act, 1986	The whole
Act No. 22 of 1991	“Woordeboek van die Afrikaanse Taal” Amendment Act, 1991	The whole
Act No. 41 of 1963	Associated Institutions Pension Fund Act, 1963	Amends section 1 by the substitution of paragraph <i>(d)</i> of the definition of “associated institution” with the definition in section 19(1) of this Act.



## **MEMORANDUM ON THE OBJECTS OF THE NATIONAL LEXICOGRAPHY UNITS BILL, 1996**

Dictionaries are a mirror of a country's social, cultural, scientific and technological development. Indications are that the language communities of all the official languages in South Africa need national dictionaries, not only to bridge the communication gap but also to document the rich variety of the South Africa languages.

It is the aim of the Department of Arts, Culture, Science and Technology (the Department) to preserve South Africa's linguistic diversity in all its forms, regardless of political, demographic or linguistic status. By establishing national lexicography units, the Department will improve the country's understanding of the diversity of culture and language. The national lexicography units can help preserve South Africa's linguistic diversity in all its variant forms. Language services, such as translation and interpreting, as well as schools, technikons, universities, libraries, the media and publishers can benefit from the products of the national dictionaries.

Due to the previous bilingual policy, the Department financed the national Afrikaanse Dictionary at the Bureau of the "Woordeboek van die Afrikaanse Taal" in Stellenbosch, and the national English Dictionary at the Dictionary Unit for South African English (DSAE) in Grahamstown. Although the Department does not finance any of the general dictionaries of the African languages, some public funds are also made available to support dictionary projects in the African languages indirectly through university funding by various universities. In view of the constitutional provisions for multilingualism and the development of all the official languages, it is necessary to make equitable provision for the operating of national dictionaries for all these languages. Such a dispensation requires legislation along the lines of the present "Woordeboek van die Afrikaanse Taal" Act, 1973 (Act No. 50 of 1973, with its Amendment Act, No. 9 of 1986 and No. 22 of 1991). The Bill is drafted as umbrella legislation to incorporate the existing WAT and DSAE units and the planned national lexicography units. The Acts mentioned above should be repealed and replaced by this Bill.

A national dictionary usually tends to contain the general words (vernacular, common words, literary words, etymology, dialectal, slang, vulgar words, etc.) of the vocabulary of a specific language. Since the major existing dictionary projects in South Africa have different time schedules, venues and aims, it is difficult to align them. In order to create a better alignment of the State-funded part of the national dictionary projects, national lexicography (*dictionary*) units have to be established for the official languages that do not have such fixed offices yet. Such national dictionary units will both within themselves and in the broader national perspective comply with the national goals set out in the national language policy.

In the process of reconstruction and development, it is the democratic right of every citizen to be empowered in any language of his or her choice in order to make a meaningful contribution to socio-political activities. There is no alternative but to establish national lexicography units to govern the documentation of the vocabulary of the official languages of South Africa. This Bill is a constructive contribution to reconciliation and nation building in South Africa. The policy of multilingualism is underpinned by this Bill, since it will contribute to the documentation of the African languages as well. By planning, managing and financing national dictionary projects various lexicographic activities will be co-ordinated. This can be done in close co-operation with the Pan South African Language Board (Pansalb).