
GENERAL NOTICE

NOTICE 470 OF 2015

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

USE OF OFFICIAL LANGUAGES ACT, 2012 (ACT NO. 12 OF 2012)

PROPOSED LANGUAGE POLICY

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention to adopt the Language Policy for the Department of Environmental Affairs, under Regulation 3(2) of the Use of Official Languages Act, 2012 (Act No. 12 of 2012) set out in the Schedule hereto.

Members of the public are invited to submit to the Director-General, within 30 (thirty) days after the publication of this notice in the *Gazette*, written representation to the following addresses:

By post to: The Director-General
 Department of Environmental Affairs
 Attention: Mr Tshifhiwa Netshiukhwi
 Private Bag X447
 PRETORIA
 0001

By hand at: Environmental House, 473 Steve Biko Street, Arcadia, Pretoria, 0083.

By e-mail: TNetshiukhwi@environment.gov.za

Any enquiries in connection with the notice can be directed to Mr Tshifhiwa Netshiukhwi at 012 399 9023.

Comments received after the closing date may not be considered.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

DRAFT LANGUAGE POLICY

OF THE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

SCHEDULE**TABLE OF CONTENTS**

1. INTRODUCTION
2. BACKGROUND
3. LEGISLATIVE MANDATE
4. DEFINITIONS
5. THE PURPOSE OF THE POLICY
6. ESTABLISHMENT OF THE DEA LANGUAGE UNIT
7. POLICY STATEMENT
 - 7.1. Publication of and access to this policy
 - 7.2. Official languages of DEA
 - 7.3. Inter and intra-government communication
 - 7.4. Communication with members of the public
 - 7.5. Communication with members of the public whose language of choice is not one of the official languages of the DEA
 - 7.6. Sign language
 - 7.7. Complaints mechanism
8. MONITORING AND EVALUATION
9. POLICY REVIEW
10. AMENDMENT

1. INTRODUCTION

The new dispensation in South Africa that was ushered in by the democratic system introduced constitutional governance. The constitutional governance promotes certain democratic ethos which requires government administration to change previous behaviours and attitudes. Amongst those behaviours were the disparities that existed in the South African languages; in particular the indigenous languages that were marginalised.

As a means to redress the marginalisation of the indigenous languages, Parliament deemed it fit to promulgate a legislation obliging the national government departments, public entities and the public enterprises, to strive for the parity of South African official languages, a point that has been considered by the DEA in developing its language policy.

In its policy, the DEA seeks to regulate the proper usage of languages, promotion of marginalised languages, and the establishment of the Language Unit as a functional instrument to monitor implementation, evaluate the outputs and outcomes, and to ensure compliance through submission of written reports to the Department of Arts and Culture as required by the Act.

Furthermore, the policy will be instrumental in aligning the functions of the Language Unit to those prescribed in the Act. Finally, and again in alignment with the Act, the policy identifies three official languages which DEA will use for government purposes.

2 BACKGROUND

Parliament promulgated the much needed piece of legislation which came into operation on the 2 May 2013, to regulate the use of official languages by government.

On 4 September 2013, the Department of Arts and Culture presented the Act to various stakeholders, including government departments. Amongst other things, the emphasis was on the promotion of multilingualism in South Africa, to ensure equal treatment of all official languages. Therefore, national departments were encouraged to establish language units and develop language policies.

According to the Act, every national department, national public entity and national public enterprise must adopt a language policy regarding its use of official languages for government purposes within 18 months of the commencement of this Act or such further period as the Minister of Arts and Culture may prescribe, provided that such prescribed period may not exceed six months.

Section 2 (b) of the Act, requires government departments to identify at least three official languages for official communication. In line with this provision, the DEA conducted a survey whose intention was to ascertain as to which languages must be identified as the official languages of the department.

Aligned with the outcomes of the survey and the provisions of the Act, the DEA initiated a process that has led to the development of its proposed language policy.

3 LEGISLATIVE MANDATE

- (a) The Constitution of the Republic of South Africa of 1996.
- (b) The Use of Official Languages Act, 2012 (Act No. 12 of 2012).
- (c) Promotion of Access to Information Act, 2000 (Act No.2 of 2000)

4 DEFINITIONS

'Director-General' means the Director-General of the Department of Environmental Affairs;

'Act' means the Use of Official Languages Act, 2012 (Act No. 12 of 2012).

'business language or language of record' means an official language chosen for keeping record or archiving proceedings and procedures of the department;

'Constitution' means the Constitution of the Republic of South Africa, 1996;

'DEA' means the Department of Environmental Affairs;

'equitable treatment' means the usage of language which is fair, impartial and even-handed;

'interpretation' in relation to oral utterance, means the transposing of utterances of one language into utterances of another language and, in relation to signed utterances, means the transposing of sign language signs into a spoken language and the other way round, with 'interpret' having a corresponding meaning;

'multilingualism' means the use of three or more languages by an individual or a group of people;

'official language' means a language used in government, education, business and the media;

'policy' means the Language Policy of the Department of Environmental Affairs;

'republic' refers to the Republic of South Africa.

'translation' means the transposing of a text from one language to another, with 'translate' having a corresponding meaning;

5 THE PURPOSE OF THE POLICY

5.1. The purpose of this policy is:—

- (a) to promote equitable use of official languages in order to realise social, cultural and linguistic justice in line with section 6 of the Constitution.
- (b) to facilitate access to information by various communities of South Africa through languages of their choice.
- (c) to promote languages which were previously marginalised.
- (d) to introduce the Language Unit which will perform functions as stipulated in the Act.
- (e) to identify the three departmental official languages that will be used as media of communication.
- (f) to promote the usage of the three official languages of the department by the departmental staff.

- (g) to foster compliance with the provision of the departmental language policy and the legislation thereto.
- (h) to promote respect of other languages by using various official languages of the Republic of South Africa.

6 ESTABLISHMENT OF THE DEA LANGUAGE UNIT

6.1 The Act requires that all national government departments, public entities, and public enterprise to establish a language unit. The functions of the language units are to:

- (a) advise the responsible Director-General or accounting authority on the development, adoption, and implementation of the language policy;
- (b) monitor and assess the use of official languages by the DEA;
- (c) monitor and assess compliance with the language policy;
- (d) compile and submit a report to the Minister responsible for Arts and Culture, and to the Pan South African Language Board in terms of section 9 of the Act;
- (e) promote parity of esteem and equitable treatment of official languages of the Republic and facilitate equitable access to the DEA's services and information;
- (f) promote good language management by the DEA; and
- (g) perform any other functions that the Minister of Arts and Culture may prescribe.

6.2 The DEA has identified three languages as the departmental official languages. Each language shall have a sub-unit that is responsible for the promotion, usage and proficiency.

7. POLICY STATEMENT

- (a) The DEA shall work closely with the Department of Arts and Culture and the Pan South African Language Board established in terms of Pan South African Language Board Act, 1995 (Act No. 59 of 1995) to promote equal usage of all South African languages.
- (b) The DEA shall participate in national structures, forums and other avenues whose objectives are to promote South African languages.

7.1. Publication of and access to this Policy

- (a) The policy shall be placed on the following DEA website, for easy access by the general public: <https://www.environment.gov.za>.
- (b) All DEA offices shall have hard copies of the policy that must be given to members of the general public on request.
- (c) The policy shall be made available on other accessible format to accommodate people living with disabilities, (for instance, audio, and braille print).
- (d) The policy will be displayed in all the DEA's offices, in such a manner and place that it can be read by the public.

7.2. Official languages of the DEA

7.2.1 The official languages that the DEA shall use for government purpose are:—

- (a) isiZulu;
- (b) Setswana; and
- (c) English.

7.3. Inter and intra-government communication

- (a) For practical purpose, the business language or language of record of the DEA shall be English.
- (b) Written correspondence and departmental publication shall be translated into other official languages of the DEA, taking into account the following factors:
 - (i) expense;
 - (ii) practicality; and
 - (iii) usage.

7.4. Communication with members of the public

Interpretation and translation, as well as official publications intended for the public distribution (notices on the departmental website, advertisements, forms, booklets, and signage on buildings) will be translated into the DEA official languages, taking into account the following factors:

- (a) the target which such publications will be aimed at (region);
- (b) usage;
- (c) practicality; and
- (d) regional circumstances.

7.5. Communication with members of the public whose language of choice is not one of the official languages of the department

7.5.1 The publications, interpretation, and translation services, shall be provided to members of the public who may require DEA communication in other official languages of the Republic of South Africa which is not identified as DEA official languages, after consideration of factors listed in paragraph 7.4

7.5.2 The DEA will arrange for relevant interpretation within, at least, seven days from the date of request for such a service.

7.6 Sign language

The DEA will arrange for an appropriate sign language interpreting provided there is an appointment made at least seven days before the actual date of service. Any person who is dissatisfied with the decision of the DEA regarding its use of official languages may lodge a complaint in writing to the Director-General.

Complaints mechanism

7.6.1 Any complaint must be lodged:

- (a) in writing; and
- (b) within three months of the complaint arising.

7.6.2 Any complaint lodged must state the name, address and contact information of the person lodging it.

7.6.3 Any complaint lodged must provide a full and detailed description of the complaint.

7.6.4 The Director-General may request a complainant to supply any additional information necessary to consider the complaint and to attend the meeting for the purpose of making an oral enquiry into the complaint.

7.6.5 The Director-General will consider the complaint and respond in writing, not later than three months after the complaint is lodged, informing the complainant of the decision.

8 MONITORING AND EVALUATION

The DEA Language Unit shall monitor and evaluate the implementation and compliance of the DEA with the policy.

9. POLICY REVIEW

The policy shall be reviewed when it is required.

10. AMENDMENT

10.1 The DEA may amend the policy on the basis of the following factors:—

- (a) Implementation challenges whose origin are from the principles of the policy;
- (b) recurring audit queries that point to inefficiency and ineffectiveness of some of the provisions of the policy;
- (c) an amendment of national legislation;
- (d) a mandate from the Minister who is responsible for the regulation of languages in the national government; or
- (e) when it is necessary, in order to give effect to the Act.