

# KORANTA YA MMUSO WA PROVENSE

PROVENSE YA FREISTATA

PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

PROVINCIAL GAZETTE

FREE STATE PROVINCE

*E phatlaladitsweng ka Tumello*

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TSEBISO YA KAKARETISO YA 9 YA 2014	ALGEMENE KENNISGEWING 9 OF 2014	GENERAL NOTICE 9 OF 2014
<p data-bbox="34 1388 525 1489"><b>PHATLALATSO YA BILI YA TSHEBEDISO YA DIPUO TSA MMUSO TSA FREISTATA, 2014</b></p> <p data-bbox="34 1545 525 1724">Ena ke tsebiso e akaretsang bakaeng la maikutlo afe kapa afe a mabapi le Bili e boletsweng ka hodimo mme e phatlalatswa ho latela dintlha tsa Molao wa 138 tsa Melao le Ditaelo tsa Lekgotla la Ketsamolao la Freistata.</p> <p data-bbox="34 1758 525 1915">Maikutlo afe kapa afe a tlamehile ho romelwa ho Mongodi: Lekgotla la Ketsamolao la Freistata, Private Bag X20561, Bloemfontein, 9300 mme a lokela ho fihla ho yena pele ho la 28 Pudukwana 2014.</p> <p data-bbox="34 1960 525 2060"><b>ADV T MOKOENA MONGODI: LEKGOTLA LA KETSAMELAO LA FREISTATA</b></p>	<p data-bbox="525 1388 1019 1512"><b>PUBLIKASIE VAN DIE WETSONTWERP OP GEBRUIK VAN VRYSTAATSE AMPTELIKE TALE, 2014</b></p> <p data-bbox="525 1545 1019 1702">Dit word vir algemene kennisname en kommentaar bekendgemaak dat bostaande Wetsontwerp hierby gepubliseer word in terme van die Reëls en Orders van die Vrystaatse Wetgewer.</p> <p data-bbox="525 1724 1019 1881">Enige kommentaar of opmerkings moet gestuur word aan die Sekretaris: Vrystaatse Wetgewer, Privaatsak X20561, Bloemfontein, om hom nie later as 28 November 2014 te bereik nie.</p> <p data-bbox="525 1960 1019 2060"><b>ADV T MOKOENA SEKRETARIS: VRYSTAATSE WETGEWER</b></p>	<p data-bbox="1019 1388 1522 1489"><b>PUBLICATION OF THE USE OF FREE STATE OFFICIAL LANGUAGES BILL, 2014</b></p> <p data-bbox="1019 1545 1522 1668">It is notified for general information and comment that the above-mentioned Bill is hereby published in terms of the Rules and Orders of the Free State Legislature.</p> <p data-bbox="1019 1691 1522 1848">Any comments or remarks must be submitted to the Secretary: Free State Legislature, Private Bag X20561, Bloemfontein, 9300 to reach him not later than 28 November 2014.</p> <p data-bbox="1019 1960 1522 2060"><b>ADV T MOKOENA SECRETARY: FREE STATE LEGISLATURE</b></p>

## BILI

Ho lokisetsa hore Mmuso wa Provense o laole le ho disa tshebediso ya dipuo tsa mmuso mererong ya puso; ho kopa kamohelo ya Leano la Puo la Provense ho Lekgotla la Phethahatso; ho lokisetsa ho thehwa ha yuniti ya dipuo ya provense le mesebetsi ya yona; ho lokisetsa hore Mmuso wa Provense o dise tshebediso ya dipuo tsa mmuso le ho tlaeha tshebediso ya tsona; le ho lokisetsa ditaba tse amanang le tsena tse boletsweng.

### KETAPELE

**LE HA** tshebediso ya dipuo tsa mmuso wa Riphabliki e lokela ho kgothalletswa le ho sebediswa ho ya ka Molao wa Motheo wa Riphabliki ya Afrika Borwa, 1996;

**MME LE HA** karolo 6 ya Molao wa Motheo wa Riphabliki ya Afrika Borwa, 1996, e lokisetsa hore e be dipuo tse 11 tseo e leng tsa mmuso wa Afrika Borwa; e elellwa ho shwa ha maemo a dipuo tsa setso le tshebediso ya tsona mme e laela hore Mmuso o nke mehato e hlokehang le e nepahetseng ho phahamisa maemo a dipuo tsa setso le ho phahamisa tshebediso ya tsona.

**MME LE HA** Molao wa Motheo wa Riphabliki ya Afrika Borwa, 1996, o laela hore dipuo tsohle di behwe maemong a lekanang mme di tshwarwe ka ho lekana;

**MME LE HA** karolo 6 (4) ya Molao wa Motheo wa Riphabliki ya Afrika Borwa, 1996, e lokisetsa hore Mmuso wa Provense ka nngwe o lokela ho sebedisa molao le metjha e meng ho laela le ho disa tshebediso ya ona ya dipuo tsa mmuso

**HO BEHWE MOLAO** ke Lekgotla la Ketsamolao la Provense ya Freistata ka tsela ena:

### TLHOPHISO YA DIKAROLO

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1. Dithaloso	5
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4. Leano la Puo	
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8.	Mesebetsi ya bahlanka ba puo, mafapheng a provense	
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### Ditlhaloso

1.	Molaong ona, ntle le ha ho boletswe ka mkgwa o mong –	15
	“ <b>Molao wa Motheo</b> ” e bolela Molao wa Motheo wa Riphabliki ya Afrika Borwa, 1996;	
	“ <b>Lefapha</b> ” e bolela Lefapha la Provense la Dipapadi, Bonono, Botjhaba le Boikgathollo;	20
	“ <b>Lekgotla la Phethahatso</b> ” e bolela Lekgotla la Phethahatso la Provense le akantsweng karolong ya 132 ya Molao wa Motheo;	25
	“ <b>merero ya mmuso</b> ” e kenyetsetsa ketso ya molao le ditaba tse boletsweng karolong ya 4(2)(c);	
	“ <b>mohlanka wa puo</b> ” e bolela mosebetsi wa tsa puo ya hirilweng ho ya ka karolo ya 7;	30
	“ <b>Letona</b> ” e bolela Letona le ikarabellang ho tsa puo Provengeng ya Freistata; le	
	“ <b>puo ya mmuso</b> ” e bolela puo ya mmuso e akantsweng karolong ya 6(1) ya Molao wa Motheo;	35
	“ <b>Tonakgolo</b> ” e bolela Tonakgolo ya Provense ya Freistata e kgethilweng ho ya ka karolo ya 128 ya Molao wa Motheo wa Riphabliki ya Afrika Borwa, 1996;	
	“ <b>ho laela</b> ” e bolela ho laela ka melawana;	40
	“ <b>Provense</b> ” e bolela Provense ya Freistata e thehilweng ho ya ka karolo ya 103 ya Molao wa Motheo wa Riphabliki ya Afrika Borwa, 1996;	
	“ <b>lefapha la provense</b> ” e bolela lefapha la provense ya Freistata le boletsweng ho Shejuli ya 2 a Molao wa Tshebetso ya Mmuso, 1994 (Pehelo ya 103 ya 1994), e kenyetsetsang le Ofisi ya Tonakgolo e boletsweng ho Shejuli ya 1 ya Molao oo;	45

**“Mmuso wa Provense”** e bolela mafapha ohle a provense ya Freistata le ditheo tsa mmuso wa provense;

**“Yuniti ya Puo ya Provense”** e bolela Yuniti ya Puo ya Provense e thehilweng ho ya ka karolo ya 5; 5

**“setheo sa mmuso wa provense”** e bolela setheo sa mmuso sa provense se hlalositsweng ho karolo ya 1 mme se boletswe ho Shejuli ya 3 ho Molao wa Tsamaiso ya Ditjhelete tsa Mmuso, 1999 (Molao wa 1 wa 1999);

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**“Molao ona”** e kenyelletsa melawana efe ka efe e entsweng ho ya ka Molao ona.

### Maikemisetso a Molao

2. Maikemisetso a Molao ona ke – 15

(a) hore Mmuso wa Provense o laole le ho disa tshebediso ya dipuo tsa molao mererong ya mmuso;

(b) ho kgothalletsa ho behwa maemong a lekanang le ho tshwarwa ka ho lekana ha dipuo tsa mmuso tsa Provense ya Freistata; le 20

(c) ho kgothalletsa tsamaiso e ntle ya puo bakeng sa tsamaiso e sebetsang ya tshebetso ya mmuso le ho fihlella ditlhoko tsa baahi ba Provense ya Freistata. 25

### Tshebediso ya Molao

3. (1) Molao ona o sebetsa Freistata hohle – 30

(a) mafapha a provense; le

(b) ditheo tsa mmuso wa provense

(2) Molao ona o okamela tokisetso efe kapa efe e sa tsepamang ya molao ofe ka ofe wa provense o laolang tshebediso ya dipuo tsa mmuso ke Mmuso wa Provense. 35

### Leano la puo la provense

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4. (1) Ho ya ka karolo ya 125(1)(d) ya Molao wa Motheo wa Riphabliki ya Afrika Borwa, 1996, Lekgotla la Phethahatso le lokela ho amohela leano la puo le shebaneng le tshebediso ya dipuo tsa mmuso bakeng sa merero ya puso ke Mmuso wa Provense nakong ya dikgwedi tse 12 tsa ho qala ho kenngwa tshebediso la Molao ona. 45

- (2) Leano la puo le amohetsweng ho ya ka karolwana ya (1) le tlameha –
- (a) ho ikamahanya le tokisetso ya karolo ya 6(3)(a) ya Molao wa Motheo; 5
- (b) ho hlwaya bonnyane dipuo tse tharo tsa mmuso tseo Mmuso wa Provense o tla di sebedisa bakeng sa merero ya puo;
- (c) ho hlalosa ka moo dipuo tsa mmuso di tla sebediswa ka teng, hara tse ding, puisanong e phethahetseng le baahi, ditsebiso tsa mmuso, diphatlalatso tsa mmuso le dipuisanong tse dipakeng le ka hara mafapha; 10
- (d) ho hlalosa ka moo Mmuso wa Provense o tlang ho buisana le baahi ka ho phethahala, bao kgetho ya bona ya puo - 15
- (i) e seng puo ya mmuso e akantsweng seratswaneng sa (b); kapa
- (ii) e leng puo ya matsoho ya Afrika Borwa. 20
- (e) ho hlalosa kamoo baahi ba ka fihlellang leano la puo;
- (f) ho lokisetsa motjha wa ditletlebo ho kgontsha baahi ho tletleba mabapi le tshebediso ya dipuo tsa mmuso ya Mmuso wa Provense; 25
- (g) ho lokiseta ditaba tse ding tseo Letona le ka laelang hore di etswe; le
- (h) ho tsebahatswa ke Tonakgolo *Koranteng ya Mmuso wa Provense* pele le sebediswa. 30
- (3) Ho hlwaeng bonnyane dipuo tse tharo tsa mmuso tse akantsweng karolwaneng ya (2)(b), Mmuso wa Provense o lokela ho hopola boikarabelo ba wona ba ho nka mehato e loketseng ebile e sebetsa ho phahamisa maemo le ho potlakisa tshebediso ya dipuo tsa setso tseo tshebediso le maemo a tsona di neng di shwele ho ya ka karolo ya 6(2) ya Molao wa Motheo. 35
- (4) Leano la puo le amohetsweng ho ya ka karolwana ya (1), le tlama le ho tlameha ho kenngwa tshebetsong ke – 40
- (a) Letona
- (b) mafapha ohle a mmuso wa provense; le 45
- (c) ditheo tsohle tsa mmuso wa provense

- (5) Mmuso wa Provense o tlameha –
- (a) ho nnetefatsa hore khopi ya leano la puo e a fumaneha diofising tsohle ha e batlwa ke baahi; le 5
  - (b) ho beha pontsheng kgutsufatso ya leano la puo diofising tsohle ka mokgwa oo, le sebakeng seo, e ka balwang ke baahi.

#### Ho thehwa ha Yuniti ya Puo ya Provense

5. Letona le tlameha – 10
- (a) ho theha Yuniti ya Puo ya Provense ka hara Lefapha; le
  - (b) ho nnetefatsa hore Yuniti ya Puo ya Provense e na le basebetsi, disebediswa tsa tsamaiso ya yuniti le disebediswa tse ding tse hlokehang bakeng sa tshebetso ya yona e phethahetseng. 15

#### Mesebetsi ya Yuniti ya Puo ya Provense

6. (1) Yuniti ya Puo ya Provense e tlameha – 20
- (a) ho eletsa Letona mabapi le leano le lewa la –
    - (i) ho laola le ho disa ka moo Mmuso wa Provense o sebedisang dipuo tsa mmuso mererong ya puso; 25
    - (ii) ho ntshetsa pele tekano le tshwaro e lekanang ya dipuo tsa mmuso tsa Riphabliki 30
    - (iii) ho ntshetsa pele tsamaiso e ntle ya puo ka hara Mmuso wa Provense
    - (iv) ho fa mafapha a mmuso ditshebeletso tsa puo le phetolelo; le 35
    - (v) mesebetsing ya bahlanka ba puo e akantsweng karolong ya 7;
  - (b) ho sebedisana le ho kgothalletsa kgokahano ya bahlanka ba puo ka kakaretso, e akantsweng karolong ya 7; le 40
  - (c) ho phetha mesebetsi ofe kapa ofe o ka laelwang ke Letona.

#### Khiri ya bahlanka ba puo, mafapheng a provense 45

7. Lefapha le leng le le leng la provense le tlameha ho hira motho wa ka nako tsohle kapa ya hoketsweng mesebetsing e meng, ya tla sebetsa e le mohlanka wa puo wa lefapha leo, ho ya ka ditlhoko tsa lefapha la provense le amehang.

**Mesebetsi ya bahlanka ba puo, mafapheng a provense****8. Mohlanka wa puo o tlameha –**

- (a) ho eletsa hlooho ya lefapha la provense mabapi le ho kenngwa tshebetsong ha leano la puo, bakeng sa lefapha la provense; 5
- (b) ho disa le ho lekola mokgwa oo lefapha le amehang la provense le sebedisang dipuo tsa mmuso; 10
- (c) ho disa le ho lekola boikamahanyo ba lefapha la provense le leano la puo; 10
- (d) ho hlophisa le ho nehelana ka tlaleho ho Letona, ka hlooho ya lefapha la provense le amehang, ho ya ka karolo ya 9; 15
- (e) ho ntshetsa pele tekano le tshwaro e lekanang ya dipuo tsa mmuso tsa Riphabliki ka hara lefapha le amehang la provense; 15
- (f) hore Mmuso wa Provense o ntshetse pele tsamaiso e ntle ya puo le ditheo tsa mmuso tsa provense tse welang tlasa lefapha leo la provense, ho ya ka Molao wa Taolo ya Ditjhelete tsa Mmuso, 1999 (Molao wa 1 wa 1999); le 20
- (g) ho phetha mesebetsi efe kapa efe eo Letona le ka e laelang. 25

**Ho disa, ho tlama le ho tlaleha tshebediso ya dipuo tsa mmuso**

9. (1) Letona le jere boikarabelo ba ho disa le ho tlama Mmuso wa Provense ho sebedisa dipuo tsa mmuso mererong ya puso. 25
- (2) Hlooho ya lefapha ka leng la provense le ya setheo sa mmuso sa provense e tlameha ho fana ka tlaleho ho Letona ka – 30
- (a) mesebetsi ya mohlanka wa puo wa lefapha la hae; 35
- (b) ho kenngwa tshebetsong ha leano la puo; 35
- (c) ditlitlebo dife kapa dife tse amohetsweng mabapi le tshebediso ya dipuo ya lefapha la hae le kamoo ditlitlebo tsena di arabetsweng ka teng; le 40
- (d) taelo efe kapa efe eo Letona le ka fanang yona. 40
- (3) Letona le ka laela hore sebopeho le dikahare tsa tlaleho eo ho fanwang ka yona di be jwang ho ya ka karolwana ya (2), le nako ya ho fana ka tlaleho eo.

- (4) Ho sa qhelelwe ka thoko dipheho tsa dikarolwana tsa (2) le (3), Letona le ka laela hlooho ya lefapha lefe kapa lefe la provense ho fana ka tlaleho ya tshebediso ya dipuo tsa mmuso lefapheng leo, neng kapa neng, nakong e behilweng ke Letona. 5
- (5) Letona le ka laela hlooho ya lefapha la provense e hlolehileng ho ikamahanya le taelo, ho ya ka dipheho tsa Molao ona, hore a ikamahanye le Molao ona nakong e behilweng ke Letona.

**Tlaleho ya selemo e yang ho Lekgotla la Ketsamolao la Provense** 10

10. Selemo se seng le se seng, pele ho letsatsi la ho qetela kgweding ya Tlhakubele, Letona le tlameha ho teka tlaleho Lekgotleng la Ketsamolao la Provense ka maemo le tshebediso ya dipuo tsa mmuso, ke Mmuso wa Provense, mererong ya mmuso. 15

**Foramo ya mafapha ya tshebediso ya dipuo tsa mmuso**

11. (1) Letona le ka –
- (a) theha foramo ya mafapha – 20
- (i) ho kgothalletsa kgothahano e akaretsang, tshebedisano le therisano dipakeng tsa mafapha a provense tshebedisong ya dipuo tsa mmuso, mererong ya mmuso. 25
- (ii) ho nyalanya, ho beha motjheng le ho disa ho kenngwa tshebetsong ha leano la puo la provense; le
- (iii) ho phetha taelo efe kapa efe eo Letona le ka fanang ka yona; 30
- (b) mabapi le foramo e jwalo –
- (i) laela popo ya botho ba yona
- (ii) laela dintlha tsa tshebetso tsa yona 35
- (iii) bitsa dikopano tsa yona; le
- (vi) laela taba efe kapa efe e hlokahalang bakeng sa tshebetso ya yona. 40
- (2) Letona ke modulasetulo wa foramo ya mafapha e theilweng ho ya ka karolwana ya (1).



**Melawana**

12. (1) Letona le ka etsa melawana, e sa hanyetsaneng le diphelelo tsa Molao ona, ka tumello ya Lekgotla la Phethahatso, e amanang le – 5
- (a) sebopeho le dikahare tsa leano la puo;
- (b) nako ya ho hira mohlanka wa puo;
- (c) sebopeho le dikahare tsa tlaleho e akantsweng karolong ya 9; 10
- (d) taba efe kapa efe, ho ya ka Molao ona, e hlokehang kapa e dumellehang ho ba taelo; le
- (e) taba efe kapa efe eo Letona le ka e bonang e le ya bohlokwa ho etsa melawana bakeng sa ho fihlella maikemisetso a Molao ona. 15
- (2) Pele le etsa melawana ho ya ka Molao ona, Letona le tlameha –
- (a) ho phatlalatsa melawana e sisintsweng ka hara *Koranta ya Mmuso ya Provense* le metjheng e meng ya ditaba, ho fumana maikutlo a baahi; 20
- (b) ho fana ka nako e ka bang matsatsi a 30 ho fumana maikutlo a ngotsweng a yang ho Letona mabapi le melawana e sisintsweng; le 25
- (c) ho lekola maikutlo afe kapa afe a ngotsweng, a amohetsweng.

**Sehlooho ka bokgutshwanyane le ho kenngwa tshebetsong**

13. Molao ona o bitswa Molao wa Tshebediso ya Dipuo tsa Mmuso wa Freistata, 2014, mme o kena tshebetsong ka letsatsi le behilweng ke Tonakgolo, ka phatlalatso *Koranteng ya Mmuso wa Provense*. 30

## MEMORANDAMO

### 1. SEPHEO SA BILI

Ho fana ka taolo le bodisa ba tshebediso ya dipuo tsa mmuso ke Mmuso wa Provense bakeng sa merero ya mmuso ka ho kenngwa tshebetsong ha leano la puo la provense ekasitana le ditaba tse amanang le lona.

### 2. TLHALOSO YA POLELWANA KA NNGWE

#### Polelwana 1

Polelwana ena e hlakisa tlhaloso ya dipolelo.

#### Polelwana 2

Polelwana ena e hlalosa dipheo tsa bili, e leng ho -

- (a) laola le ho disa tshebediso ya dipuo tsa mmuso ke Mmuso wa Provense bakeng sa merero ya mmuso;
- (b) ntshetsa pele tekatekano ya tlhompheo le ho tshwarwa ka ho lekana ha dipuo tsa mmuso tsa Provense ya Freistata; le
- (c) kgothaletsa tsamaiso e ntle ya dipuo ke Mmuso wa Provense bakeng sa taolo e phethahetseng ya ditshebeletso setjhabeng le ho fihlella ditlhoko tsa baahi ba Provense ya Freistata.

#### Polelwana 3

Polelwana 3 e laola tshebediso ya bili mafapheng ohle a provense ya Freistata le dipopeho tsa tshebeletso ya setjhaba tsa provense. Ho feta moo, Molao ona o tla okamela phetoho enngwe le enngwe ya molao ofe kapa ofe wa provense tshebetsong ya dipuo tsa mmuso ke Mmuso wa Provense.

#### Polelwana 4

Polelwana ena e hlalosa hore leano la puo le lokela ho kenngwa tshebetsong dikgweding tse 12 ka mora hore Molao o qale. E boela hape e fana ka moralo wa leano, mohl, hore le lokela ho hlwaya bonnyane dipuo tse 3 tsa mmuso.

#### Polelwana 5

Polelwana 5 e hlekela ho thehwa ha Yuniti ya Puo ya Provense ka hara Lefapha la Dipapadi, Bonono, Botjhaba le Boikgathollo, e lokelang ho ba le disebediswa tse hlokalalang hore e tle e sebetse ka ho phethala.

### **Polelwana 6**

Polelwana ena e hlakisa mesebetsi ya Yuniti ya Puo ya Provense.

### **Polelwana 7 le 8**

Dipolelwana tsena di hlalosa ho hirwa ha basebetsi ba puo mafapheng a provense, hammoho le mesebetsi ya bona. Basebetsi bana ba lokela ho eletsa Hlooho ya Lefapha ka ho kenngwa tshebetsong ha leano la puo mafapheng a amehang, ba dise le ho hlaloba tshebediso ya dipuo tsa mmsuso ke mafapha a amehang, jj.

### **Polelwana 9**

Polelwana ena e laola bodisa le ho kenngwa tshebetsong ha tshebediso ya dipuo tsa mmuso, hammoho le tlaleho ya tshebediso ya tsona.

### **Polelwana 10**

Polelwana 10 e hlalosa hore Letona le lokela ho fana ka tlaleho ya selemo le selemo ya tshebediso ya dipuo tsa mmuso ho Lekgotla la Ketsamelao la Provense.

### **Polelwana 11**

Polelwana ena e dumella Letona ho theha diforamo tse kenyeleditseng basebetsi ba tswang mafapheng ohle ho ntshetsa pele nyalanyo, tshebedisano le therisano pakeng tsa mafapha a mmuso tshebedisong ya dipuo tsa mmuso.

### **Polelwana 12**

Polelwana ena e dumella Letona ho fana ka melawana e dumelletsweng ke Lekgotla la Phethahatso, e sa fapanang le e hlalositsweng Molaong. Ho feta moo, e dumella le Letona ho fa setjhaba monyetla wa ho ba le seabo melawaneng ena ho ya ka phatlalatso ya yona.

### **Polelwana 13**

Polelwana ena e hlakisa sehlooho ka bokgutshwanyane.

## **3. DITJEHO**

Bili e tla ba le ditjeho, tse ileng tsa hlokomelwa ha ho ralwa Leano la Puo.

## **4. THERISANO**

Bili ena e fetile tshebetsong ya ho ba le seabo ha setjhaba e neng e tsamaiswa ke Lefapha la Dipapadi, Bonono, Botjhaba le Boikgathollo.

## WETSONTWERP

Om voorsiening te maak vir die regulering en monitoring van die gebruik van amptelike tale deur die Provinsiale Regering vir regeeringsdoeleindes; om die aanneming van 'n provinsiale taalbeleid deur die Uitvoerende Raad te vereis; om voorsiening te maak vir die stigting en funksies van 'n provinsiale taaleenheid; om voorsiening te maak vir die monitoring van en verslagdoening oor die gebruik van amptelike tale deur die Provinsiale Regering; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

### AANHEF

**AANGESIEN** die gebruik van die Republiek se amptelike tale bevorder en nagestreef moet word in ooreenstemming met die Grondwet van die Republiek van Suid-Afrika, 1996;

**EN AANGESIEN** artikel 6 van die Grondwet van die Republiek van Suid-Afrika, 1996, voorsiening maak vir 11 amptelike tale van Suid-Afrika; die verminderde gebruik en status van inheemse tale erken en van die Staat vereis om praktiese en positiewe maatreëls te tref om die status van inheemse tale te verhoog en die gebruik daarvan te bevorder;

**EN AANGESIEN** die Grondwet van die Republiek van Suid-Afrika, 1996, vereis dat alle tale gelykheid van aansien geniet en gelykwaardig behandel word;

**EN AANGESIEN** artikel 6(4) van die Grondwet van die Republiek van Suid-Afrika, 1996, voorsiening maak dat elke Provinsiale Regering die gebruik van sy amptelike tale deur wetgewing en ander maatreëls moet reguleer en monitor,

**DAAR WORD BEPAAL** deur die Vrystaatse Provinsiale Wetgewer soos volg:-

### ORGANISERING VAN ARTIKELS

Artikels	5
1. Omskrywings	
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### Omskrywings

1.	In hierdie Wet, tensy die samehang anders aandui, beteken –	15
	“ <b>Grondwet</b> ” die Grondwet van die Republiek van Suid-Afrika, 1996;	
	“ <b>Departement</b> ” die provinsiale Departement van Sport, Kuns, Kultuur en Ontspanning;	20
	“ <b>Uitvoerende Raad</b> ” die Uitvoerende Raad van die Provinsie soos beoog in artikel 132 van die Grondwet;	
	“ <b>regeringsdoeleindes</b> ” sluit in wetgewing en sake waarna verwys word in artikel 4(2)(c);	25
	“ <b>taalbeampte</b> ” ‘n taalbeampte wat aangestel word ingevolge artikel 7;	
	“ <b>LUR</b> ” die Lid van die Uitvoerende Raad van die Provinsie Vrystaat verantwoordelik vir taalaangeleenthede; en	30
	“ <b>amptelike taal</b> ” ‘n amptelike taal soos beoog in artikel 6(1) van die Grondwet;	
	“ <b>Premier</b> ” die Premier van die Provinsie Vrystaat wat verkies is ingevolge artikel 128 van die Grondwet van die Republiek van Suid-Afrika, 1996;	35
	“ <b>voorskryf</b> ” voorskryf deur regulasies;	
	“ <b>Provinsie</b> ” die Provinsie van die Vrystaat gestig deur artikel 103 van die Grondwet van die Republiek van Suid-Afrika, 1996;	40
	“ <b>provinsiale departement</b> ” ‘n Vrystaatse provinsiale departement gelys in Bylae 2 tot die Staatsdienswet, 1994 (Proklamasie Nr. 103 van 1994), met inbegrip van die Kantoor van die Premier gelys in Bylae 1 van daardie Wet;	45

“**Provinsiale Regering**” alle Vrystaatse provinsiale departemente en provinsiale publieke entiteite;

“**Provinsiale Taaleenheid**” die Provinsiale Taaleenheid gestig ingevolge artikel 5;

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“**provinsiale publieke entiteit**” ‘n Vrystaatse provinsiale publieke entiteit omskryf in artikel 1 en gelys in Bylae 3 tot die Wet op Openbare Finansiële Bestuur, 1999 (Wet Nr. 1 van 1999);

“**hierdie Wet**” sluit enige regulasies in wat uitgevaardig is ingevolge hierdie Wet.

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### Oogmerke van Wet

2. Die oogmerke van hierdie Wet is –

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(a) om die gebruik van amptelike tale vir regeringsdoeleindes deur die Provinsiale Regering te reguleer en te monitor.;

(b) om gelykheid van aansien en gelykwaardige behandeling van amptelike tale van die Provinsie Vrystaat te bevorder; en

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(c) goeie taalbestuur deur die Provinsiale Regering vir doeltreffende staatsdiensadministrasie te bevorder en om in die behoeftes van die inwoners van die Provinsie Vrystaat te voorsien.

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### Toepassing van Wet

3. (1) Die Wet is van toepassing op alle Vrystaatse –

(a) provinsiale departemente; en

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(b) provinsiale publieke entiteite.

(2) Hierdie Wet geniet voorrang bo enige teenstrydige bepaling van enige ander provinsiale wet oor die gebruik van amptelike tale deur die Provinsiale Regering.

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### Provinsiale taalbeleid

4. (1) Ingevolge artikel 125(1)(d) van die grondwet van die Republiek van Suid-Afrika, 1996, moet die Uitvoerende Raad ‘n taalbeleid aanneem betreffende die Provinsiale regering se gebruik van amptelike tale vir regeringsdoeleindes binne 12 maande vanaf die inwerkingtreding van hierdie Wet.

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- (2) 'n Taalbeleid wat ingevolge van subartikel (1) aangeneem is moet –
- (a) die bepalings van artikel 6(3)(a) van die Grondwet nakom;
  - (b) minstens drie amptelike tale identifiseer wat die provinsiale regering vir regeringsdoeleindes sal gebruik; 5
  - (c) stipuleer hoe amptelike tale gebruik sal word, onder meer, om effektief met die publiek te kommunikeer, in amptelike kennisgewings, regeringspublikasies en in inter- en intradepartementele kommunikasies; 10
  - (d) beskryf hoe die Provinsiale Regering effektief met lede van die publiek sal kommunikeer wie se taalvoorkeur – 15
    - (i) nie 'n amptelike taal is nie soos beoog in paragraaf (b); of
    - (ii) Suid-Afrikaanse gebaretaal.
  - (e) beskryf hoe lede van die publiek toegang kan kry tot die taalbeleid; 20
  - (f) 'n klagtes-meganisme voorsien wat lede van die publiek in staat sal stel om klagtes in te dien betreffende die gebruik van amptelike tale deur die Provinsiale regering; 25
  - (g) voorsiening maak vir enige ander aangeleentheid wat die LUR mag voorskryf; en
  - (h) deur die Premier in die *Provinsiale Koerant* afgekondig word voordat dit operasioneel word. 30
- (3) By die identifisering van minstens drie amptelike tale soos beoog in subartikel (2)(b), moet die Provinsiale Regering sy verpligting in ag nee mom praktiese en positiewe maatreëls te tref om die status van inheemse tale van histories-verminderde gebruik en status te verhoog en te bevorder in ooreenstemming met artikel 6(2) van die Grondwet. 35
- (4) 'n Taalbeleid wat aangeneem is ingevolge subartikel (1) verbind en moet toegepas word deur – 40
- (a) die LUR;
  - (b) alle provinsiale departemente; en
  - (c) alle provinsiale publieke entiteite. 45

- (5) Die Provinsiale Regering moet –
- (a) sorg dat 'n afskrif van sy taalbeleid beskikbaar is op versoek aan lede van die publiek by al sy kantore; en 5
  - (b) 'n opsomming daarvan vertoon by al sy kantore op so 'n wyse en plek waar dit deur die publiek gelees kan word.

#### **Stigting van 'n Provinsiale Taaleenheid**

5. Die LUR moet – 10
- (a) 'n Provinsiale Taaleenheid in die Departement stig; en
  - (b) sorg dat die Provinsiale Taaleenheid voorsien word van menslike hulpbronne, administratiewe hulpbronne en ander hulpbronne wat nodig is vir sy doelmatige funksionering. 15

#### **Funksies van die Provinsiale Taaleenheid**

6. Die Provinsiale Taaleenheid moet – 20
- (a) die LUR van raad bedien oor beleid en strategie –
    - (i) om die gebruik van amptelike tale deur die Provinsiale Regering vir regeeringsdoeleindes te reguleer en te monitor; 25
    - (ii) om gelykheid van aansien en gelykwaardige behandeling van die amptelike tale van die Republiek te bevorder; 30
    - (iii) om goeie taalbestuur binne die Provinsiale Regering te bevorder; 35
    - (iv) om vertalings- en taaldienste aan provinsiale departemente te verskaf; en
    - (v) oor die funksies van taalamptenare soos beoog in artikel 7; 40
  - (b) met die taalamptenare soos beoog in artikel 7 skakel en die algemene koördinering van hierdie beamptes bevorder; en
  - (c) enige ander funksie uitvoer wat die LUR mag voorskryf. 40

#### **Aanstelling van taalamptenare in provinsiale departemente**

7. Elke provinsiale departement moet 'n persoon aanstel of aanwys wat as taalbeampte vir daardie departement kan optree, hetsy op 'n voltydse grondslag of gekoppel aan ander verantwoordelikhede, afhangende van die behoeftes van die betrokke provinsiale departement. 45



## Funksies van taalampptenare in provinsiale departemente

8. 'n Taalbeamppte moet –
- (a) die hoof van die provinsiale department adviseer oor die implementering van die taalbeleid vir die provinsiale department; 5
  - (b) moet die gebruik van amptelike tale deur die betrokke provinsiale department monitor en beoordeel; 10
  - (c) nakoming van die taalbeleid deur die provinsiale department monitor en beoordeel; 10
  - (d) ingevolge artikel 9 'n verslag saamstel en, deur die hoof van die betrokke provinsiale department, by die LUR indien; 15
  - (e) gelikheid van aansien en gelykwaardige behandeling van amptelike tale van die Republiek binne die betrokke provinsiale departemente bevorder; 20
  - (f) goeie taalbestuur deur die provinsiale department bevorder en alle provinsiale publieke entiteite wat toegewys is aan daardie provinsiale department ingevolge die Wet op Openbare Finansiële Bestuur, 1999 (Wet Nr. 1 van 1999); en 20
  - (g) Enige ander funksies uitvoer wat die LUR mag voorskryf. 25

## Monitering en toepassing van en verslagdoening oor die gebruik van amptelike tale

9. (1) Die LUR is verantwoordelik vir die monitering en afdwinging van die gebruik van amptelike tale deur die Provinsiale Regering vir regeringsdoeleindes. 30
- (2) Die hoof van elke provinsiale department en provinsiale publieke entiteit moet 'n verslag by die LUR indien oor – 35
- (a) werksaamhede van sy taalbeamppte;
  - (b) die implementering van die taalbeleid;
  - (c) enige klagtes wat ontvang word betreffende sy gebruik van amptelike tale en die wyse waarop hierdie klagtes gehanteer is; en 40
  - (d) enige ander aangeleentheid wat die LUR mag voorskryf.
- (3) Die LUR kan die vorm en inhoud voorskryf van 'n verslag wat ingedien moet word ingevolge artikel (2) en die tydraamwerk vir die indiening van sodanige verslag. 45

- (4) Nieteenstaande die bepalings van subartikels (2) en (3), kan die LUR te eniger tyd van die hoof van enige provinsiale departement vereis om 'n verslag by die LUR in te dien oor die departement se gebruik van amptelike tale, binne 'n tydperk soos deur die LUR vasgestel. 5
- (5) Die LUR kan die hoof van 'n provinsiale departement wat versuim het om enige bepaling van hierdie Wet na te kom gelas om binne 'n tydperk soos deur die LUR vasgestel die Wet n ate kom.

### Jaarverslag aan die Provinsiale Wetgewer

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10. Die LUR moet, elke jaar, nie later as die laaste dag van Maart, 'n verslag in die Provinsiale Wetgewer ter tafel lê oor die status en gebruik van amptelike tale deur die Provinsiale Regering vir regeringsdoeleindes.

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### Interdepartementele taalforum oor die gebruik van amptelike tale

11. (1) Die LUR kan --

- (a) 'n interdepartementele forum in die lewe roep --

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- (i) om algemene koördinerings, samewerking en konsultasie te bevorder tussen provinsiale departemente oor die gebruik van amptelike tale vir regeringsdoeleindes;

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- (ii) Om die implementering van die provinsiale taalbeleid te koördineer, te rig en te monitor; en

- (iii) Om enige ander funksie uit te voer wat die LUR mag voorskryf;

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- (b) Ten opsigte van sodanige forum --

- (i) sy samestelling bepaal;

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- (ii) sy opdrag bepaal;

- (iii) sy vergaderings byeenroep; en

- (iv) enige ander aangeleentheid bepaal wat nodig is vir sy effektiewe funksionering.

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- (2) Die LUR is die voorsitter van die interdepartementele forum wat ingevolge subartikel (1) in die lewe geroep is.

**Regulasies**

12. (1) Die LUR kan, met die goedkeuring van die Uitvoerende Raad, regulasies uitvaardig, wat nie teenstrydig is met die bepalings van hierdie Wet, betreffende – 5
- (a) die vorm en inhoud van die taalbeleid;
  - (b) tydraamwerke vir die aanstelling van 'n taalbeamppte; 10
  - (c) die vorm en inhoud van 'n verslag soos beoog in artikel 9;
  - (d) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf voorgeskryf moet word; en 15
  - (e) enige aangeleentheid ten opsigte waarvan die LUR dit nodig of wenslik ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.
- (2) Voordat regulasies uitgevaardig word ingevolge hierdie Wet, moet die LUR – 20
- (a) die voorgestelde regulasies in die *Provinsiale Koerant* en media publiseer vir publieke kommentaar; 25
  - (b) 'n tydperk van ten minste 30 dae toelaat vir skriftelike verstoë aan die LUR oor die voorgestelde regulasies; en
  - (c) Oorweging skenk aan enige sodanige skriftelike verstoë wat ontvang word. 30

**Korttitel en inwerkingtreding**

13. Hierdie Wet heet die Wet op die Gebruik van Vrystaatse Amptelike Tale, 2014 en sal in werking tree op 'n datum soos vasgestel deur die Premier deur proklamasie in die *Provinsiale Koerant*. 35

## MEMORANDUM

### 1. DOEL VAN DIE WETSONTWERP

Om voorsiening te maak vir die regulering en monitering van die gebruik van amptelike tale deur die Provinsiale regering vir regeringsdoeleindes deur die aanneming van 'n provinsiale taalbeleid asook verwante aangeleenthede.

### 2. VERDUIDELIKING VAN WETSONTWERP

#### Klousule 1

Hierdie klousule gee omskrywings van klousules.

#### Klousule 2

Hierdie klousule maak voorsiening vir die doel van die wetsontwerp, naamlik om –

- (a) die gebruik van amptelike tale deur die Provinsiale Regering vir regeringsdoeleindes te reguleer en te monitor;
- (b) gelykheid van aansien en gelykwaardige behandeling van amptelike tale van die Provinsie Vrystaat te bevorder; en
- (c) goeie taalbestuur vir doeltreffende staatsdiensadministrasie deur die Provinsiale Regering te bevorder en te voldoen aan die behoeftes van die inwoners van die Provinsie Vrystaat.

#### Klousule 3

Klousule 3 reguleer die toepassing van die Wetsontwerp in alle Vrystaatse provinsiale departemente en provinsiale publieke entiteite. Verder sal die Wet voorrang geniet bo enige teenstrydige bepaling van enige ander provinsiale wet oor die gebruik van amptelike tale deur die Provinsiale Regering.

#### Klousule 4

Hierdie klousule maak voorsiening dat 'n taalbeleid binne 12 maande na die inwerkingtreding van die Wet aangeneem moet word. Verder voorsien dit 'n raamwerk vir die beleid, bv. dat dit minstens 3 amptelike tale moet identifiseer.

#### Klousule 5

Klousule 5 maak voorsiening vir die stigting van 'n Provinsiale Taaleenheid in die Departement van Sport, Kuns, Kultuur en Ontspanning, wat oor die nodige hulpbronne moet beskik om doeltreffend te kan funksioneer.

**Klousule 6**

Hierdie klousule gee 'n uiteensetting van die funksies van die Provinsiale Taaleenheid.

**Klousules 7 en 8**

Hierdie klousules maak voorsiening vir die aanstelling van taalbeamptes in provinsiale departemente, asook vir hul funksies. Hierdie beamptes moet die Hoof van die Departement van raad bedien oor die implementering van taalbeleid binne die betrokke Departement en die gebruik van amptelike tale deur die betrokke Departement monitor en beoordeel, ens.

**Klousule 9**

Hierdie klousule reguleer die monitering en toepassing van die gebruik van amptelike tale, asook verslagdoening oor die gebruik van amptelike tale.

**Klousule 10**

Klousule 10 maak voorsiening vir die LUR om 'n jaarverslag by die Provinsiale Wetgewer in te dien betreffende die gebruik van amptelike tale.

**Klousule 11**

Hierdie klousule bemagtig die LUR om interdepartementele forums in die lewe te roep om koördinerende, samewerking en konsultasie oor die gebruik van amptelike tale tussen provinsiale departemente te bevorder.

**Klousule 12**

Hierdie klousule bemagtig die LUR om met die goedkeuring van die Uitvoerende Raad regulasies uit te vaardig, wat nie teenstrydig is met die bepalings van die Wet. Verder laat dit die LUR toe om openbare deelname oor die regulasies te bewerkstellig alvorens dit gepromulgeer word.

**Klousule 13**

Hierdie klousule gee 'n uiteensetting van die korttitel.

**3. FINANSIËLE IMPLIKASIES**

Die Wetsontwerp gaan finansiële implikasies hê, wat oorweeg is gedurende die opstelproses van die Taalbeleid.

**4. KONSULTASIE**

Die Wetsontwerp was onderhewig aan 'n deelnemingsproses wat deur die Departement van Sport, Kuns, Kultuur en Ontspanning gevoer is.

## BILL

To provide for the regulation and monitoring of the use of official languages by Provincial Government for government purposes; to require the adoption of a provincial language policy by the Executive Council; to provide for the establishment and functions of a provincial language unit; to provide for monitoring of and reporting on use of official languages by Provincial Government; and to provide for matters connected therewith.

### PREAMBLE

**WHEREAS** the use of the Republic's official languages must be promoted and pursued in accordance with the Constitution of the Republic of South Africa, 1996;

**AND WHEREAS** section 6 of the Constitution of the Republic of South Africa, 1996, provides for 11 official languages of South Africa; recognises the diminished use and status of indigenous languages and requires the State to take practical and positive measures to elevate the status and advance the use of indigenous languages;

**AND WHEREAS** the Constitution of the Republic of South Africa, 1996, requires all official languages to enjoy parity of esteem and be treated equitably;

**AND WHEREAS** section 6(4) of the Constitution of the Republic of South Africa, 1996, provides that each Provincial Government must regulate and monitor its use of official languages by legislative and other measures,

**BE IT ENACTED** by the Free State Provincial Legislature as follows:-

### ARRANGEMENT OF SECTIONS

Sections	5
1. Definitions	
2. Objects of Act	
3. Application of Act	10
4. Language policy	
5. Establishment of Provincial Language Unit	15
6. Functions of Provincial Language Unit	
7. Appointment of language officials in provincial departments	

8.	Functions of language officials in provincial departments	
9.	Monitoring of and reporting on use of official languages	
10.	Annual report to Provincial Legislature	5
11.	Interdepartmental forum on use of official languages	
12.	Regulations	10
13.	Short title and commencement	

### Definitions

1.	In this Act, unless the context indicates otherwise –	15
	“ <b>Constitution</b> ” means the Constitution of the Republic of South Africa, 1996;	
	“ <b>Department</b> ” means the provincial Department of Sport, Arts, Culture and Recreation;	20
	“ <b>Executive Council</b> ” means the Executive Council of the Province contemplated in section 132 of the Constitution;	
	“ <b>government purposes</b> ” include legislation and matters referred to in section 4(2)(c);	25
	“ <b>language official</b> ” means a language official appointed in terms of section 7;	
	“ <b>MEC</b> ” means the Member of the Executive Council of the Free State Province responsible for language matters; and	30
	“ <b>official language</b> ” means an official language contemplated in section 6(1) of the Constitution;	35
	“ <b>Premier</b> ” means the Premier of the Free State Province elected in terms of section 128 of the Constitution of the Republic of South Africa, 1996;	
	“ <b>prescribe</b> ” means prescribe by regulations;	40
	“ <b>Province</b> ” means the Province of the Free State established by section 103 of the Constitution of the Republic of South Africa, 1996;	
	“ <b>provincial department</b> ” means a Free State provincial department listed in Schedule 2 to the Public Service Act, 1994 (Proclamation No. 103 of 1994), including the Office of Premier listed in Schedule 1 of that Act;	45

“**Provincial Government**” means all Free State provincial departments and provincial public entities;

“**Provincial Language Unit**” means the Provincial Language Unit established in terms of section 5;

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“**provincial public entity**” means a Free State provincial public entity defined in section 1 and listed in Schedule 3 to the Public Finance Management Act, 1999 (Act No. 1 of 1999);

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“**this Act**” includes any regulations made in terms of this Act.

### Objects of Act

2. The objects of this Act are –

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(a) to regulate and monitor the use of official languages for government purposes by the Provincial Government;

(b) to promote parity of esteem and equitable treatment of official languages of the Free State Province; and

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(c) to promote good language management by Provincial Government for efficient public service administration and to meet the needs of the inhabitants of the Free State Province.

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### Application of Act

3. (1) This Act applies to all Free State –

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(a) provincial departments; and

(b) provincial public entities.

(2) This Act takes precedence over any inconsistent provision of any other provincial law on the use of official languages by Provincial Government.

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### Provincial language policy

4. (1) In terms of section 125(1)(d) of the Constitution of the Republic of South Africa, 1996, the Executive Council must adopt a language policy regarding the Provincial Government’s use of official languages for government purposes within 12 months of the commencement of this Act.

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- (2) A language policy adopted in terms of subsection (1) must –
- (a) comply with the provisions of section 6(3)(a) of the Constitution;
  - (b) identify at least three official languages that the Provincial Government will use for government purposes; 5
  - (c) stipulate how official languages will be used, amongst other things, in effectively communicating with the public, official notices, government publications and inter- and intra-departmental communications; 10
  - (d) describe how the Provincial Government will effectively communicate with members of the public whose language of choice is – 15
    - (i) not an official language contemplated in paragraph (b); or
    - (ii) South African sign language. 20
  - (e) describe how members of the public can access the language policy;
  - (f) provide a complaints mechanism to enable members of the public to lodge complaints regarding the use of official languages by the Provincial Government; 25
  - (g) provide for any other matter that the MEC may prescribe; and
  - (h) be proclaimed by the Premier in the *Provincial Gazette* before it becomes operational. 30
- (3) In identifying at least three official languages as contemplated in subsection (2)(b), the Provincial Government must take into account its obligation to take practical and positive measures to elevate the status and advance the use of indigenous languages of historically diminished use and status in accordance with section 6(2) of the Constitution. 35
- (4) A language policy adopted in terms of subsection (1), binds and must be enforced by – 40
- (a) the MEC;
  - (b) all provincial departments; and
  - (c) all provincial public entities. 45

- (5) The Provincial Government must –
- (a) ensure that a copy of its language policy is available on request to members of the public at all its offices; and 5
  - (b) display at all its offices a summary of its language policy in such manner and place that it can be read by the public.

#### **Establishment of Provincial Language Unit**

5. The MEC must – 10
- (a) establish a Provincial Language Unit in the Department; and
  - (b) ensure that the Provincial Language Unit is provided with human resources, administrative resources and other resources necessary for its effective functioning. 15

#### **Functions of Provincial Language Unit**

6. The Provincial Language Unit must – 20
- (a) advise the MEC on policy and strategy –
    - (i) to regulate and monitor the use of official languages by Provincial Government for government purposes; 25
    - (ii) to promote parity of esteem and equitable treatment of the official languages of the Republic; 30
    - (iii) to promote good language management within the Provincial Government; 30
    - (iv) to provide translation and language services to provincial departments; and 35
    - (v) on the functions of language officials contemplated in section 7;
  - (b) liaise with and promote the general co-ordination of language officials contemplated in section 7; and 40
  - (c) perform any other function that the MEC may prescribe.

#### **Appointment of language officials in provincial departments**

7. Every provincial department must appoint or designate a person to act as a language official for that department, which can be full-time or linked to other responsibilities depending on the needs of the relevant provincial department. 45

## Functions of language officials in provincial departments

8. A language official must –
- (a) advise the head of the provincial department on the implementation of the language policy for the provincial department; 5
  - (b) monitor and assess the use of official languages by the provincial department concerned; 10
  - (c) monitor and assess compliance by the provincial department with the language policy; 10
  - (d) compile and submit, through the head of the provincial department concerned, a report to the MEC in terms of section 9; 15
  - (e) promote parity of esteem and equitable treatment of official languages of the Republic within the provincial department concerned; 20
  - (f) promote good language management by the provincial department and all provincial public entities designated to that provincial department in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999); and 20
  - (g) perform any other functions that the MEC may prescribe. 25

## Monitoring and enforcing of and reporting on use of official languages

9. (1) The MEC is responsible for monitoring and enforcing the use of official languages by the Provincial Government for government purposes. 30
- (2) The head of every provincial department and provincial public entity must submit a report to the MEC on –
- (a) the activities of its language official; 35
  - (b) the implementation of the language policy; 35
  - (c) any complaints received regarding its use of official languages and the manner in which these complaints were dealt with; and 40
  - (d) any other matter that the MEC may prescribe. 40
- (3) The MEC may prescribe the form and content of a report to be submitted in terms of subsection (2) and the timeframes for submitting such report.

(4) Notwithstanding the provisions of subsections (2) and (3), the MEC may at any time require the head of any provincial department to submit a report to the MEC on the department's use of official languages, within a time period determined by the MEC.

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(5) The MEC may instruct the head of a provincial department who has failed to comply with any provision of this Act to comply with the Act within a time period determined by the MEC.

#### **Annual report to Provincial Legislature**

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10. The MEC must, each year, no later than the last day of March, table a report in the Provincial Legislature on the status and use of official languages by Provincial Government for government purposes.

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#### **Interdepartmental language forum on use of official languages**

11. (1) The MEC may –

(a) establish an interdepartmental forum –

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(i) to promote general coordination, cooperation and consultation between provincial departments on the use of official languages for government purposes;

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(ii) to coordinate, align and monitor the implementation of the provincial language policy; and

(iii) to perform any other function that the MEC may prescribe;

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(b) in respect of such forum –

(i) determine its composition;

(ii) determine its terms of reference;

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(iii) convene its meetings; and

(iv) determine any other matter necessary for its effective functioning.

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(2) The MEC is the chairperson of the interdepartmental forum established in terms of subsection (1).

**Regulations**

12. (1) The MEC may, with the approval of the Executive Council, make regulations, not inconsistent with the provisions of this Act, regarding – 5
- (a) the form and content of the language policy;
  - (b) timeframes for appointing a language official; 10
  - (c) the form and content of a report contemplated in section 9;
  - (d) any matter which in terms of this Act is required or permitted to be prescribed; and 15
  - (e) any matter in respect of which the MEC deems it necessary or expedient to make regulations in order to achieve the objects of this Act.
- (2) Before making regulations in terms of this Act, the MEC must – 20
- (a) publish the proposed regulations in the *Provincial Gazette* and media for public comment;
  - (b) grant a period of at least 30 days for written representations to the MEC on the proposed regulations; and 25
  - (c) consider any such written representations received.

**Short title and commencement** 30

13. This Act is called the Use of Free State Official Languages Act, 2014, and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

## MEMORANDUM

### 1. PURPOSE OF THE BILL

To provide for the regulation and monitoring of the use of official languages by Provincial Government for government purposes through the adoption of a provincial language policy as well as related matters.

### 2. CLAUSE-BY-CLAUSE EXPLANATION

#### Clause 1

This clause sets out the definition clauses.

#### Clause 2

This clause provides for the objects of the Bill, namely to –

- (a) to regulate and monitor the use of official languages for government purposes by the Provincial Government;
- (b) to promote parity of esteem and equitable treatment of official languages of the Free State Province; and
- (c) to promote good language management by Provincial Government for efficient public service administration and to meet the needs of the inhabitants of the Free State Province.

#### Clause 3

Clause 3 regulates the application of the Bill in all Free State provincial departments and provincial public entities. Furthermore, the Act will take precedence over any inconsistent provision of any other provincial law on the use of official languages by Provincial Government.

#### Clause 4

This clause provides that a language policy must be adopted within 12 months after commencement of the Act. It furthermore provides the framework for the policy, e.g. that it must at least identify 3 official languages.

#### Clause 5

Clause 5 provides for the establishment of a Provincial Language Unit in the Department of Sport, Arts, Culture and Recreation, which must have the necessary resources to function effectively.

**Clause 6**

This clause sets out the functions of the Provincial Language Unit.

**Clauses 7 and 8**

These clauses provide for the appointment of language officials in provincial departments, as well as their functions. These officials should advise the Head of Department on the implementation of language policy within the relevant Department, monitor and assess use of official languages by the relevant Department, etc.

**Clause 9**

This clause regulates monitoring and enforcing of the use of official languages, as well as the reporting on the use of official languages.

**Clause 10**

Clause 10 provides that the MEC must submit an annual report to the Provincial Legislature regarding the use of official languages.

**Clause 11**

This clause empowers the MEC to establish interdepartmental forums to promote co-ordination, co-operation and consultation between provincial departments on the use of official languages.

**Clause 12**

This clause empowers the MEC to issue regulations with the approval of the Executive Council, which are not inconsistent with the provisions of the Act. Furthermore, it also allows the MEC to do public participation on regulations prior to its promulgation.

**Clause 13**

This clause sets out the short title.

**3. FINANCIAL IMPLICATIONS**

The Bill will have financial implications, which were considered during the drafting of the Language Policy process.

**4. CONSULTATION**

The Bill went through a public participation process conducted by the Department of Sport, Arts, Culture and Recreation.