

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**SOUTH AFRICAN
LANGUAGES BILL**

[B 23—2011]

*(As agreed to by the Portfolio Committee on Arts and Culture)
(National Assembly)*

[B 23A—2011]

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AMENDMENTS AGREED TO

SOUTH AFRICAN LANGUAGES BILL
[B 23—2011]

CLAUSE 1

1. On page 3, in line 24, to substitute the definition of “**prescribe**”:
 “ ‘**prescribe**’ means prescribed by regulations in terms of this Act;
 and”
2. On page 3, in line 25, to substitute the definition of “**this Act**”:
 “ ‘**this Act**’ includes any regulations made in terms of this Act.”.

CLAUSE 2

1. On page 3, from line 28, to omit all the words following “languages” up to and including “purposes” and to substitute:
 “for government purpose by national government”.
2. On page 3 in line 32 after the second “to”, to omit “the”.

CLAUSE 3

1. On page 3, in line 41, to omit “Act” and to substitute “law”.
2. On page 3, in line 42, to omit “regulating” and to substitute “on”.

CLAUSE 4

1. On page 3, in line 45, after “prescribe” to omit “the national government” and to substitute “every national department, national public entity and national public enterprise”.
2. On page 3 , in line 49, after “least” to omit “two” and to substitute “three”.
3. On page 3, in line 50, to omit “government purposes” and to substitute “the purposes of government, provided that at least two of the official languages identified must be indigenous languages of historically diminished use and status.”.
4. On page 3, in line 52, to omit “communicating” and to substitute “communication”.
5. On page 3, in line 55 after “with” to insert “members of”.
6. On page 3, in line 55, after “public” to omit the words “where the” and to substitute “whose”.

7. On page 3 from line 55, after “choice” to omit “of the public is not an official language contemplated in paragraph (b)” and to substitute:

“is—
 (i) not an official language contemplated in subsection (2)(b); or
 (ii) South African sign language”.

8. On page 4, from line 2, to omit paragraph “(f)” and to substitute:

“(f) provide a complaints mechanism to enable the public to lodge complaints regarding the use of official languages by the national departments, national public entities or national public enterprises;”.

CLAUSE 5

1. On page 4, in line 16, to omit “personnel” and to substitute “human resources”.

CLAUSE 6

1. On page 4, in line 20, after “on” to insert “policy and strategy”.
2. On page 4, in line 21, to omit “policy and strategy”.
3. On page 4, from line 23, to omit subparagraph (ii) and to substitute:
- “(ii) to promote parity of esteem and equitable treatment of the official languages of the Republic and facilitate equitable access to the services and information of national departments, national public entities and national public enterprises;”
4. On page 4, from line 25, to omit subparagraph (iii).
5. On page 4, from line 28, to omit subparagraph (iv) and to substitute:
- “(iii) to promote good language management within the national departments, national public entities and national public enterprises; and”.
6. On page 4, in line 30, before “the” to insert “on”.
7. On page 4, in line 31, after “with” to insert “and promote the general co-ordination of”.
8. On page 4, from line 31, after “7”, to omit “to promote general coordination”.
9. On page 4, in line 33, to omit paragraph (c) and to substitute:
- “(c)perform the functions provided for in section 8 for the Department; and”.
10. On page 4, in line 34, to omit paragraph (d) and to substitute:
- “(d)perform any other function that the Minister may prescribe”.
11. On page 4, in line 35, to omit paragraph (e).

CLAUSE 7

1. On page 4, in line 44, after “national”, to insert “public”.
2. On page 4, in line 48, to omit “personnel” and to substitute “human resources”.
3. On page 4, in line 48, after “administrative” to insert “resources”.

CLAUSE 8

1. On page 4, in line 51 after “national” to insert “public”.
2. On page 5, in line 8, to omit “6(2)” and to substitute “9”.
3. On page 5, in line 9, to omit paragraph (*e*) and to substitute:

“(e) promote parity of esteem and equitable treatment of the official languages of the Republic and facilitate equitable access to the services and information of the national department, national public entity or national public enterprise concerned”.
4. On page 5, in line 11, to omit paragraph (*f*) and paragraph (*g*) becomes paragraph (*f*).
5. On page 5, in line 15 after “concerned.” to insert; “and”.
6. On page 5, after line 15, to insert:

“(g) perform any other functions that the Minister may prescribe.”.

CLAUSE 9

1. On page 5, from line 17, after “languages” to omit “by the national government for government purposes” and to substitute “for government purposes by the national departments, national public entities or national public enterprises”.
2. On page 5, from line 19, to omit subsection (2) and to substitute:

“(2) Every national department, national public entity or national public enterprise must submit a report to the Minister and to the Pan South African Languages Board annually on—

 - (a) the activities of its language unit;
 - (b) the implementation of its language policy;
 - (c) any complaints received regarding its use of official languages and the manner in which these complaints were dealt with; and
 - (d) any other matter that the Minister may prescribe.”.
3. On page 5, after line 29 to insert:

“(4) Notwithstanding the provisions of subsections (2) and (3), the Minister may at any time require any national department, national public entity or national public enterprise to submit a report to the Minister on its use of official languages within a time period determined by the Minister.

(5) The Minister may instruct a national department, national public entity or national public enterprise that has failed to comply with any provision of this Act to comply with the Act within a time period determined by the Minister.”.

CLAUSE 10

Clause rejected.

CLAUSE 11

1. On page 5, in line 37, after “languages” to omit “by the national government”.
2. On page 5, in line 37, after “purposes” to insert “by the national government”.

CLAUSE 12

1. On page 5, in line 38, after “on” to insert “use of”.
2. On page 5, in line 38, after “official” to omit “language use” and to substitute “languages”.
3. On page 5, from line 39 to omit subsection 12(1) and to substitute:
 - “(1) The Minister may—
 - (a) establish one or more intergovernmental forums—
 - (i) to promote general coordination, cooperation and consultation between national departments, national public entities and national public enterprises on the use of official languages for government purposes;
 - (ii) to coordinate, align and monitor the implementation of language policies; and
 - (iii) to perform any other function that the Minister may prescribe; and
 - (b) in respect of such forums—
 - (i) determine their composition;
 - (ii) determine their terms of reference;
 - (iii) convene their meetings; and
 - (iv) determine any other matter necessary for their effective functioning.”.

CLAUSE 13

1. On page 6, in line 1, to omit “Exemptions” and to substitute “Exemption”.
2. On page 6, in line 3, to omit “Schedules” and to substitute “Schedule”.
3. On page 6, in line 3, after “Schedules” to insert “3 Parts A or B”.
4. On page 6, in line 4, after “exempt” to insert “wholly or in part,”.
5. On page 6, in line 6, to omit “good cause shown” and to substitute “his or her own accord”.
6. Page 6, in line 8, after “entity” to insert “listed in Schedule 3 Part A or B to the Public Finance Management Act, 1999 (Act No. 1 of 1999)”.
7. On page 6, in line 8, after “7”, to omit “(1)”.
8. On page 6, in line 9, after “exemption” to omit “contemplated in subsection (1)”.

9. On page 6, after line 10, to insert:

“(4) If the Minister exempts a national public entity or national public enterprise from the application of section 7 as contemplated in subsection (1), the national public entity or national public enterprise must assign a senior employee to perform the functions of a language unit.”.

CLAUSE 14

1. On page 6, in line 21, to omit “considers it” and to substitute “deems”.

PREAMBLE

Preamble rejected.

NEW PREAMBLE

1. That the following be a new 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, recognising the diminished use and status of indigenous languages and requires the state to take practical 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 to be treated equitably;

AND WHEREAS section 6(4) of the Constitution provides that national government must regulate and monitor its use of official language by legislative and other measures.

ARRANGEMENT OF SECTIONS

1. On page 1, in line 11, after “national” to insert “public”.
2. On page 1, in line 14, after “national” to insert “public”.
3. On page 1, in line 20, to omit “Exemptions” and to substitute “Exemption”.
4. On page 1, from line 16, to omit section 10.

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