

DRAFT

REPUBLIC OF SOUTH AFRICA

USE OF OFFICIAL LANGUAGES AMENDMENT BILL

(As introduced in the National Assembly (proposed section 75); explanatory summary of Bill
and prior notice of its introduction published in Government Gazette No. of)
(The English text is the official text of the Bill)

(MINISTER OF SPORT, ARTS AND CULTURE)

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from the existing enactment.

_____ Words underlined with a solid line indicate insertions in existing enactment.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows: —

PREAMBLE

Amendment of the Preamble

The second paragraph of the Preamble of the Use of Official Languages Act ,2012, (Act No. 12 of 2012) (hereinafter referred to as the principal Act) is hereby amended by the deletion and addition of the following:

AND WHEREAS section 6 of the Constitution of the Republic of South Africa, 1996, provides for [11] all official languages of South Africa as amended; 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;

Definitions

Amendment of section 1 of the principal Act

1. In this Act, unless the context indicates otherwise-

Section 1 of the principal Act is hereby amended by the substitutions of the following definitions in the Definitions Section:

- (a) "**Department**" means the national Department of Sport, Arts and Culture;
- (b) "**Minister**" means the Minister [responsible for language matters] of Department of Sport, Arts and Culture;
- (c) "**PanSALB**" means **Pan South African Language Board**"

- (d) "**Official language**" means an official language contemplated in section 6(1) of the Constitution of the Republic of South Africa, 1996 and as amended; and

The following new definition is hereby inserted in the Amendment Act. Definitions Section:

- (e) "**UOLA**" means the Use of Official Languages Act.

Amendment of section 4

2. section 4 of the Principal Act is hereby amended by the following:

(a) section 4(2) (b) of the principal Act is hereby amended by substitution therefore of the following:

identify at least [three] seven official languages that the national department, national public entity or national public enterprise will use for government purposes;

(b) section 4(2)(d) of the principal Act is hereby amended by deletion therefore of the following:

Describe how the national department, national public entity or national public enterprise will effectively communicate with members of the public whose language of choice is-

[(i)] not an official language contemplated in paragraph (b) [**;** **or**]
[(ii) South African sign language].

(c) section 4(3) of the principal Act is hereby amended by substitution and addition therefore of the following

In identifying at least **[three]** seven official languages including South African Sign Language as contemplated in subsection (2)(b), every national department, national public entity and national public enterprise 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.

Amendment of section 9

3 Heading of Section 9 of the principal Act is hereby amended by deletion of portion of this heading section as follows:

[Monitoring of and] Reporting on use of official languages

(a) section 9(1) of the principal Act is hereby amended by substitution therefore of the following:

The **[Minister]** PanSALB is responsible for monitoring the use of official languages by the national government for government purposes.

(b) section (9) (2) of the principal Act is hereby amended by substitution therefore of the following:

Every national department, national public entity and national public enterprise must submit **[a]** an annual report to **[the Minister]** and to the Pan South African Language Board Annually on] PanSALB

(c) section 9(3) of the principal Act, is hereby amended by substitution therefore of the following:

The **[Minister]** PanSALB may prescribe the form and content of the reports to be submitted and the timeframes for submitting such reports.

(d) Section 9(4) of the principal Act is hereby amended by substitution therefore of the following

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

(e) section 9(5) of the principal Act is hereby amended by substitution therefore of the following:

The **[Minister]** PanSALB 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]** PanSALB.

Amendment of section 10

4 Section 10. of the principal Act is hereby amended by substitution and addition therefore of the following

The Minister must, on an annual basis, table a report in the National Assembly on the status and use of official languages by national government for government purposes and on any exemption granted to a national public entity and a national public enterprise in terms of section 12.

Amendment of section 11

5 Section 11 of the principal Act is hereby amended by substitution therefore of the following

The Minister may-

(a) Section 11(a) (i) of the Principal Act is hereby amended by substitution therefore of the following:

to promote general coordination, cooperation and consultation between national departments, national public entities and national public enterprises on the UOLA for government purposes;

(b) section 11(a)(iii) of the principal Act is amended by substitution therefore of the following:

to perform any other function that the **[Minister]** PanSALB may prescribe.

Amendment of section 12

6 Section 12 of the principal Act, is hereby amended by the deletion in subsection 12(2)

The Minister may, on his **[or her]** own accord and on such terms and conditions as the Minister may determine, by notice in the Gazette, exempt a national public entity or national public enterprise listed in Schedule 3 Parts A or B to the Public Finance Management Act, 1999 (Act No. 1 of 1999), from the application of section 7.

Amendment of section 14

7 Section 14. of the principal Act, 2012, is hereby amended by substitution therefore of the following:

This Act is called the **[Use of Official Languages Act, 2012]** Use of Official Languages Amendment Act, 2024. and comes into operation on a date fixed by the President by proclamation in the *Gazette*.