
PROVINCE OF WESTERN CAPE

**WESTERN CAPE PROVINCIAL
LANGUAGES ACT, 1998**

PROVINSIE WES-KAAP

**WES-KAAPSE PROVINSIALE
TALEWET, 1998**

No 13, 1998

ACT

To provide for the establishment of a Western Cape Language Committee; to regulate and monitor the use of the three official languages Afrikaans, English and isiXhosa by the provincial government of the Western Cape; to give increasing effect to the equal status of these languages; to elevate the status and advance the use of those indigenous languages of the people of the Western Cape whose status and use have been historically diminished; and to provide for matters connected thereto.

PREAMBLE

Inasmuch as the Constitution of the Western Cape recognises the equal status of the official languages Afrikaans, English and isiXhosa for the purposes of provincial government; and

Recognising the important contribution that the protection and development of the three official languages and other indigenous languages in the Western Cape can make to the maintenance and development of the cultural wealth of the Western Cape;

THE PROVINCIAL PARLIAMENT of the Western Cape enacts as follows:—

Definitions

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

“**Cultural Commission**” means the Western Cape Cultural Commission established in terms of the Western Cape Cultural Commission and Cultural Councils Act, 1998; 5

“**Language Committee**” means the Western Cape Language Committee established in terms of section 6;

“**Provincial Constitution**” means the Constitution of the Western Cape, 1997; 10

“**Provincial Minister**” means the Provincial Minister responsible for cultural affairs;

“**Standing Committee**” means a committee of the Western Cape Provincial Parliament responsible for cultural affairs.

CHAPTER 1 PROVINCIAL LANGUAGES 15

Use of official languages by Provincial Parliament

2.(1) The three official languages Afrikaans, English and isiXhosa may be used in any debates and other proceedings of the Western Cape Provincial Parliament and its committees, but reasonable provision must be made for the furnishing of interpreting services during sittings of the Provincial Parliament and any of its committees. 20

(2) All official records of debates of the Provincial Parliament must be kept in the official language in which the debate took place, and a translation thereof in either of the

other two official languages must be made available, on request, by the Secretary to the Provincial Parliament.

(3) All legislation, official reports and resolutions of the Provincial Parliament and its committees must be made available in all three official languages, but the Provincial Parliament may make practical arrangements to cause legislation, official reports and resolutions drawn up in one official language to be available, within a reasonable period, in the other two official languages. 5

(4) A Bill introduced in the Provincial Parliament must upon introduction be available in at least two official languages, but the Provincial Parliament may make practical arrangements to cause Bills introduced in two official languages to be available, within a reasonable period after such introduction, in the other official language. 10

(5) A motion given notice of or moved in the Provincial Parliament must be available in all three official languages, but the Provincial Parliament may make practical arrangements to cause motions drawn up in one official language, to be available, within a reasonable period, in the other two official languages. 15

Official notices and advertisements

3. (1) All official notices issued by the Provincial Government must be issued in Afrikaans, English and isiXhosa.

(2) All official notices and advertisements published by the Provincial Government must, in case of publication in the Provincial Gazette be published in Afrikaans, English and isiXhosa, but when published in other newspapers, it is sufficient to publish such a document only in the language in which the newspaper concerned appears; and if there is no newspaper published in a particular official language, such document must be published in that official language in another newspaper. 20
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Communication with and services to public

4. (1) Every institution of the Provincial Government must, in its communication with and rendering of services to members of the public, ensure that these are carried out in the most appropriate manner in any of the three official languages of the Western Cape, depending on the needs of the member or members of the public concerned. 30

(2) Any member of the public in the Western Cape may:

- (a) use any one of the three official languages in his or her communication with any institution of the Provincial Government; and
- (b) be served in any of the three official languages at or by any institution of the Provincial Government, where there is a substantial need for communication and services in that language and it can reasonably be expected of the institution concerned to communicate and render services in that language. 35

Identification signs

5. Where an institution of the Provincial Government identifies any of its offices or facilities by way of signboards, such signboards must be installed in any of the three official languages in accordance with the language preferences of the community concerned and where it can reasonably be expected of the institution concerned to identify its offices or facilities in such language or languages. 40

CHAPTER 2 WESTERN CAPE LANGUAGE COMMITTEE

Establishment and composition of Western Cape Language Committee 45

6. (1) A committee to be known as the Western Cape Language Committee is hereby established.

(2) The Language Committee is a juristic person and will be represented by the chairperson or any of its members designated by the Language Committee in general or for a specific purpose. 50

(3) (a) The Language Committee shall consist of a maximum of eleven members, none of whom may be full-time members, who must be representative of the users of the three official languages in the Western Cape in the proportion in which these languages are spoken as mother tongues in the Western Cape, taking due account of regional variations. 55

(b) Each member shall possess proven competence in at least two of the official languages and one member shall represent the previously marginalised indigenous languages in the Western Cape.

(4) Members of the Language Committee must be:—

(a) South African citizens; and

(b) permanently resident in the Western Cape.

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Appointment of Language Committee

7. (1) The Provincial Minister appoints the Language Committee in accordance with the procedure set out in subsection (2) for a period of three years.

(2) (a) The Standing Committee must, on instruction of the Provincial Minister, invite the general public to nominate persons as members of the Language Committee.

(b) The Standing Committee must, with due regard to the requirements in section 6 compile a short list of a maximum of 20 candidates and submit it to the Provincial Minister.

(c) The Provincial Minister appoints the members of the Language Committee from the short list of candidates submitted to him or her.

(3) Any member of the Language Committee may, upon expiry of his or her term of office, be re-appointed.

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Dismissal of members of Language Committee

8. A member of the Language Committee may be dismissed by the Provincial Minister only on the basis of misconduct, inability or incompetence.

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Filling of vacancies

9. If a vacancy occurs in the Language Committee before the expiry of a member's normal term of office, the Provincial Minister must after consultation with the Standing Committee, as soon as practically possible, appoint another person for the unexpired portion of his or her predecessor's term of office.

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Chairperson and deputy chairperson of Language Committee

10. (1) The Language Committee elects, at its first meeting, a member as chairperson and another member as deputy chairperson.

(2) When the chairperson of the Language Committee is absent or incapable of performing his or her functions as chairperson, the deputy chairperson will act as chairperson, and, while he or she is acting in this capacity, the deputy chairperson has all the powers and performs all the functions of the chairperson.

(3) Should the chairperson or deputy chairperson cease to occupy his or her office as a member of the Language Committee, the Language Committee elects another member in his or her place.

(4) Should the chairperson and the deputy chairperson be absent from a meeting of the Language Committee, the members of the Language Committee present at the meeting will elect one of their number to preside at that meeting.

(5) The offices of chairperson and deputy chairperson become vacant—

(a) upon the expiry of the relevant member's term of office as chairperson or deputy chairperson;

(b) when the relevant member resigns from one of these offices; or

(c) when the relevant member ceases to be a member of the Language Committee.

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Declaration of interests of members

11. (1) Should members of the Language Committee be involved in projects regarding which the Language Committee has applied for funding, they must declare such interest and may not participate in the discussion of and recommendation concerning that application by the Language Committee.

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(2) Members are obliged to reveal any other conflict of interests to the Language Committee.

Meetings of Language Committee

12. (1) The Language Committee will meet at least four times every year at times and places determined by the Language Committee itself.
- (2) The Provincial Minister may at any time request and, in consultation with the chairperson, convene a special meeting. 5
- (3) A quorum for a meeting is an ordinary majority of all the members of the Language Committee.
- (4) Decisions of the Language Committee are taken by resolution of a majority of all the members present at a meeting of the Language Committee, and, in the event of an equality of votes, the person presiding at the meeting will have a deciding vote in 10 addition to his or her participatory vote as a member of the Language Committee.

Powers and duties of Language Committee

13. (1) The Language Committee—
- (a) will monitor the use of Afrikaans, English and isiXhosa by the Western Cape Provincial Government; 15
 - (b) must make recommendations to the Provincial Minister and the Provincial Parliament regarding any proposed or existing legislation, practice and policy directly or indirectly dealing with language matters, and regarding any proposed amendment, repeal or replacement of such legislation, practice or policy; 20
 - (c) must monitor the application of the Provincial Constitution and this Act regarding the use of languages;
 - (d) must actively promote the principle of multilingualism;
 - (e) must actively promote the development of previously marginalised indigenous languages, formulate a policy in this regard and submit it to the Provincial Minister for consideration; and 25
 - (f) will advise the Provincial Minister and the Western Cape Cultural Commission on any other language matter in or affecting the Western Cape with regard to the three official languages of the Western Cape.
- (2) The Language Committee is entitled— 30
- (a) in respect of a language matter, to investigate and determine the need for support to any person, organisation or institution;
 - (b) to request any organ of state to furnish it with information on any legislative or executive measures adopted by such organ in relation to language policy and language practice; 35
 - (c) to advise any provincial organ of state on the implementation of any proposed or existing legislation, policy and practice relating directly or indirectly to language matters;
 - (d) to initiate studies and research directed at— 40
 - (i) the promotion of respect for the official languages of the Western Cape and their equal use;
 - (ii) the development of previously marginalised indigenous languages in the Western Cape;
 - (iii) the nondiminution of rights regarding language and the status of languages in the Western Cape; 45
 - (iv) the promotion of multilingualism in the Western Cape;
 - (v) the promotion and use of the language resources of the Western Cape; and
 - (vi) the prevention of the use of any language in the Western Cape for the purposes of exploitation, domination or division; 50
 - (e) to establish, compile and maintain databases, including databases of persons, organisations, institutions, equipment and facilities relating to language matters in the Western Cape.
- (3) The Language Committee may only in consultation with the Provincial Minister— 55
- (a) determine the order of priority for support of language issues in the Western Cape; and
 - (b) advise other Provincial Ministers for the purpose of promoting the use of the official languages throughout the Western Cape.

(4) The Language Committee will perform such other functions as are assigned to it by the Provincial Minister or requested by the Western Cape Cultural Commission in consultation with the Provincial Minister.

Advice to Pan South African Language Board

14. The Language Committee must in terms of section 8(8)(a) of the Pan South African Language Board Act (Act 59 of 1995), advise the Pan South African Language Board on any language matter in or affecting the Western Cape. 5

Reporting

15. (1) The Language Committee must, on a regular basis, make its reports and advice public by way of publication in the Provincial Gazette. 10

(2) The Language Committee may, at any time, submit a report to the Provincial Minister or the Provincial Parliament whenever it deems this necessary, or at the request of the Provincial Minister.

(3) The Language Committee must present within two months after the end of the financial year, to the Provincial Minister and the Provincial Parliament a report on its work during the preceding financial year. 15

(4) The Language Committee must, within two months of the completion of any project, submit to the Provincial Minister a report and statements of income and expenditure regarding the project.

Allowances to members 20

16. Members of the Language Committee shall be paid in respect of the performance of their functions as members, such allowances as determined by the Provincial Minister in consultation with the Provincial Minister responsible for finance.

Administrative work of Language Committee

17. The administrative work attached to the performance of the functions of the Language Committee will be performed by officials in the service of the Western Cape Provincial Administration, as determined by the Provincial Minister in consultation with the Director-General of the Western Cape. 25

Funds of Language Committee

18. (1) The funds of the Language Committee consist of— 30
 (a) an appropriation by the Provincial Parliament;
 (b) money received by way of a donation, bequest or in trust;
 (c) interest received on investments; and
 (d) money acquired from any other source.

(2) The Language Committee must, in accordance with the Western Cape Treasury Act 1994 (Act 4 of 1994), open an account at a banking institution approved by the Provincial Minister responsible for finance, and must deposit in that account all money received under this Act. 35

Financial control and reports

19. (1) The financial year of the Language Committee is the same as that of the Western Cape Provincial Government. 40

(2) The Language Committee must annually, in a form and at a time determined by the Provincial Minister, submit to him or her for approval a budget of income and expenditure for the next financial year, and may, during the course of a financial year, submit to the Provincial Minister for approval supplementary budgets for that financial year. 45

(3) The Language Committee may only incur such expenditure, in respect of each financial year, as has been approved by the Provincial Minister in the budget of the Language Committee for that financial year.

(4) The Language Committee must keep full and accurate accounting records of all money received and expended, transactions entered into and all its assets and liabilities.

(5) The accounting officer must annually, within two months after the end of the financial year, submit to the Provincial Minister and the Auditor-General financial statements in respect of the preceding financial year, and must provide the Provincial Minister and the Auditor-General with any additional information required by them. 5

(6) The financial statements of the Language Committee will be audited by the Auditor-General.

Accounting officer and accountability

20. (1) The program manager responsible for cultural affairs is the accounting officer for the Language Committee. 10

(2) The accounting officer is charged with the responsibility of accounting for all state monies received and all payments made by the Language Committee.

(3) The accounting officer must exercise the powers conferred upon him or her and perform the duties assigned to him or her by law. 15

Liability of Language Committee

21. Members of the Language Committee will not be personally liable in respect of anything contained in any report, finding, view, advice or recommendation given or expressed in good faith and submitted or revealed to the Provincial Parliament or the Provincial Minister under this Act. 20

CHAPTER 3 GENERAL PROVISIONS

Short title and commencement

22. This Act is called the Western Cape Provincial Languages Act, 1998, and comes into operation on a date to be fixed by the Premier and announced by proclamation in the Provincial Gazette. 25

