



FREE STATE PROVINCE

PROVINCIAL GAZETTE

PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

Published by Authority

Uitgegee op Gesag

No. 128

BLOEMFONTEIN, 29 HLAKOLA/MAART/MARCH 2017

OFISI YA TONAKGOLO	KANTOOR VAN DIE PREMIER	OFFICE OF THE PREMIER
No. 1 29 Hlakubele 2017	No. 1 29 Maart 2017	No. 1 29 March 2017
Ho tsebiswa mona hore Tonakgolo o dumetse Molao o latelang, o phatlaladitsweng ho ba leledi le akaretsang:- No. 1 wa 2017 : Molao wa Tshebediso ya Dipuo tsa Mmuso wa Freistata, 2017	Hierby word bekend gemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby ter algemene inligting gepubliseer word:- No. 1 van 2017 : Wet op die Gebruik van Vrystaatse Amptelike Tale, 2017	It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:- No. 1 of 2017 : Use of Free State Official Languages Act, 2017

MOLAO

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 tlaheha 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 ehlwa 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:-

(Tokoname ya Senyesemane e dimetswe mme ya saenwa ke Tonakgolo ka la 28 Hlakola 2017.)

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Ditlhaloso

- | | | |
|----|---|----|
| 1. | Molaong ona, ntle le ha ho boletswe ka mokgwa o mong – | 15 |
| | “ Molao wa Motheo ” e bolela Molao wa Motheo wa Riphabliki ya Afrika Borwa, 1996; | |
| | “ Lefapha ” e bolela Lefapha la Provense la Dipapadi, Bonono, Botjhaba le Boikgathollo; | 20 |
| | “ Lekgotla la Phethahatso ” e bolela Lekgotla la Phethahatso la Provense le akantsweng karolong ya 132 ya Molao wa Motheo; | 25 |
| | “ merero ya mmuso ” e kenyelletsa ketso ya molao le ditaba tse boletsweng karolong ya 4(2)(c); | |
| | “ mohlanka wa puo ” e bolela mosebetsi wa tsa puo ya hirilweng kapa ya thontsweng ho ya ka karolo ya 7; | 30 |
| | “ Letona ” e bolela Letona le ikarabellang ho tsa puo Provenseng ya Freistata; | |
| | “ puo ya mmuso ” e bolela puo ya mmuso e akantsweng karolong ya 6(1) ya Molao wa Motheo; | 35 |
| | “ Tonakgolo ” 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; | |
| | “ ho laela ” e bolela ho laela ka melawana; | 40 |
| | “ Provense ” e bolela Provense ya Freistata e thehilweng ho ya ka karolo ya 103 ya Molao wa Motheo wa Riphabliki ya Afrika Borwa, 1996; | |
| | “ lefapha la provense ” 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 kenyelletsang le Ofisi ya Tonakgolo e boletsweng ho Shejuli ya 1 ya Molao oo; | 45 |

“Mmuso wa Provense” e bolela mafapa 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;

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

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

Maikemisetso a Molao

2. Maikemisetso a Molao ona ke –

(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

(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.

Tshebediso ya Molao

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

(a) mafapa 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.

Leano la puo la provense

4. (1) Ho ya ka karolo ya 125(2)(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.

- (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 puso;
- (c) ho hlalosa ka moo dipuo tsa mmuso di tla sebediswa ka teng, hara tse ding, puisanong e phethahetseng le baahi, ditsebiso tsa mmuso, diphatlatso 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
- (c) ditheo tsohle tsa mmuso wa provense. 45

- (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; 30
 - (iv) ho fa mafapha a provense le ditheo tsa mmuso wa provense ditshebeletso tsa puo le phetolelo; le 35
 - (v) mesebetsing ya bahlanka ba puo e akantsweng karolong ya 7; 35
 - (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. 40

Khiro kapa ho thongwa ha bahlanka ba puo, mafapheng a provense kapa ditheong tsa mmuso wa provense 45

7. Lefapha le leng le le leng la provense kapa setheo sa mmuso wa provense se 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 kapa setheo sa mmuso sa provense, ho ya ka ditlhoko tsa lefapha la provense kapa tsa setheo sa mmuso sa provense se amchang. 50

Mesebetsi ya bahlanka ba puo, mafapheng a provense kapa ditheo tsa mmuso wa provense

8. Mohlanka wa puo o tlameha –
- (a) ho eletsa hlooho ya lefapha la provense kapa molaodi ya nang le boikarabelo ba setheo sa mmuso wa provense mabapi le ho kenngwa tshebetsong ha leano la puo, bakeng sa lefapha la provense kapa setheo sa mmuso wa provense; 5
- (b) ho disa le ho lekola mokgwa oo lefapha le amehang la provense kapa setheo sa mmuso wa provense se amehang sebedisang dipuo tsa mmuso; 10
- (c) ho disa le ho lekola boikamahanyo ba lefapha la provense kapa setheo sa mmuso wa provense le leano la puo; 15
- (d) ho hlophisa le ho nehelana ka tlaleho ho Letona, ka hlooho ya lefapha la provense le amehang kapa molaodi ya nang le boikarabelo ba setheo sa mmuso wa provense, ho ya ka karolo ya 9; 20
- (e) ho ntshetsa pele tekano le tshwaro e lekanang ya dipuo tsa mmuso tsa Riphabliki ka hara lefapha le amehang la provense kapa setheo sa mmuso wa provense se amehang; 25
- (f) hore Lefapha la provense kapa setheo sa mmuso wa provense se ntshetse pele tshebediso e ntle ya puo ho ya ka Molao wa Taolo ya Ditjhelete tsa Mmuso, 1999 (Molao wa 1 wa 1999); le 30
- (g) ho phetha mesebetsi efe kapa efe eo Letona le ka e laelang. 30
- 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 puo. 35
- (2) Hlooho ya lefapha ka leng la provense le molaodi ya nang le boikarabelo ba setheo sa mmuso wa provense, o tlameha ho fana ka tlaleho ho Letona ka –
- (a) mesebetsi ya mohlanka wa puo; 40
- (b) ho kenngwa tshebetsong ha leano la puo; 40
- (c) ditlitlebo dife kapa dife tse amohetsweng mabapi le tshebediso ya dipuo le kamoo ditlitlebo tsena di arabetsweng ka teng; le 45
- (d) taolo efe kapa efe eo Letona le ka fanang ka yona.

- (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 diphelelo tsa dikarolwana tsa (2) le (3), Letona le ka laela hlooho ya lefapha lefe kapa lefe la provense kapa molaodi ya nang le boikarabelo ba setheo sa mmuso wa provense ho fana ka tlaleho ya tshebediso ya dipuo tsa mmuso lefapheng leo kapa setheong sa mmuso wa provense, neng kapa neng, nakong e behilweng ke Letona. 5
- (5) Letona le ka laela Hlooho ya lefapha la provense kapa molaodi ya nang le boikarabelo ba setheo sa mmuso wa provense, ebang a hlolehile ho ikamahanya le pehelo efe kapa efe ya Molao ona ho ikamahanya le Molao nakong e tla behwa ke Letona, ebang ho sa etsahale jwalo, Letona le ka tlaleha boitshwaro bo jwalo ho Letona le ikarabellang lefapheng la provense le amehang kapa setheo sa mmuso wa provense ho nka mehato e meng. 10 15

Tlaleho ya selemo e yang ho Lekgotla la Ketsamolao la Provense

10. Selemo se seng le se seng, pele ho letsatsi la ho qetela kgwedding 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. 20

Foramo ya mafapha ya tshebediso ya dipuo tsa mmuso

11. (1) Letona le ka – 25
- (a) theha foramo ya mafapha –
- (i) ho kgothalletsa kgokahano e akaretsang, tshebedisano le therisano dipakeng tsa mafapha a provense le ditheo tsa mmuso wa provense tshebedisong ya dipuo tsa mmuso mererong ya mmuso; 30
- (ii) ho nyalanya, ho beha motjheng le ho disa ho kenngwa tshebetsong ha leano la puo la provense; le 35
- (iii) ho phetha taello efe kapa efe eo Letona le ka fanang ka yona;
- (b) mabapi le foramo e jwalo – 40
- (i) laela popo ya botho ba yona;
- (ii) laela dintlha tsa tshebetso tsa yona;
- (iii) bitsa dikopano tsa yona; le 45

(iv) laela taba efe kapa efe e hloka halang bakeng sa tshebetso ya yona.

(2) Letona kapa motho ya thontsweng ke Letona, ke modulasetulo wa foramo ya mafapha e theilweng ho ya ka karolwana ya (1). 5

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 – 10

(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; 15

(d) taba efe kapa efe, ho ya ka Molao ona, e hlokehang kapa e dumellehang ho ba taelo; le 20

(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. 25

(2) Pele le etsa melawana ho ya ka Molao ona, Letona le tlameha – 25

(a) ho phatlalatsa melawana e sisintsweng ka hara *Koranta ya Mmuso ya Provense* le metjheng e meng ya ditaba, ho fumana maikutlo a baahi; 30

(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 30

(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, 2017, mme o kena tshebetsong ka letsatsi le behilweng ke Tonakgolo, ka phatlalatso *Koranteng ya Mmuso wa Provense*. 35

WET

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:-

(Engelse teks deur die Premier bekragtig en geteken op 28 Maart 2017.)

ORGANISERING VAN ARTIKELS

5

Artikels

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Omskrywings

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

“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); en

“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 –

(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

(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

(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(2)(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 inwerkingtreëning 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 nêe om 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 regeringsdoeleindes 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;
 - (iv) om vertalings- en taaldienste aan provinsiale departemente en provinsiale publieke entiteite te verskaf; en 35
 - (v) oor die funksies van taalamptenare soos beoog in artikel 7;
 - (b) met die taalamptenare soos beoog in artikel 7 skakel en die algemene koördinerende van hierdie beambptes bevorder; en 40
 - (c) enige ander funksie uitvoer wat die LUR mag voorskryf. 40

Aanstelling of aangewys van taalamptenare in provinsiale departemente of provinsiale publieke entiteite

7. Elke provinsiale departement of provinsiale publieke entiteit moet ‘n persoon aanstel of aanwys wat as taalbeampte vir daardie departement of provinsiale publieke entiteit kan optree, hetsy op ‘n voltydse grondslag of gekoppel aan ander verantwoordelikhede, afhangende van die behoeftes van die betrokke provinsiale departement of provinsiale publieke entiteit. 45 50

Funksies van taalamptenare in provinsiale departemente of provinsiale publieke entiteite

8. 'n Taalbeampte moet –
- (a) die hoof van die provinsiale departement of die rekenpligtige gesag van 'n provinsiale publieke entiteit adviseer oor die implementering van die taalbeleid vir die provinsiale departement of provinsiale publieke entiteit; 5
 - (b) moet die gebruik van amptelike tale deur die betrokke provinsiale departement of provinsiale publieke entiteit monitor en beoordeel; 10
 - (c) nakoming van die taalbeleid deur die provinsiale departement of provinsiale publieke entiteit monitor en beoordeel; 15
 - (d) ingevolge artikel 9 'n verslag saamstel en, deur die hoof van die betrokke provinsiale departement of die rekenpligtige gesag van 'n provinsiale publieke entiteit, by die LUR indien; 20
 - (e) gelykheid van aansien en gelykwaardige behandeling van amptelike tale van die Republiek binne die betrokke provinsiale departement of provinsiale publieke entiteit bevorder; 25
 - (f) goeie taalbestuur deur die provinsiale departement of provinsiale publieke entiteit bevorder en alle provinsiale publieke entiteite wat toegewys is aan daardie provinsiale departement ingevolge die Wet op Openbare Finansiële Bestuur, 1999 (Wet Nr. 1 van 1999); en 30
 - (g) Enige ander funksies uitvoer wat die LUR mag voorskryf. 30
- 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. 35
- (2) Die hoof van elke provinsiale departement en die rekenpligtige gesag van 'n provinsiale publieke entiteit moet 'n verslag by die LUR indien oor –
- (a) werksaamhede van sy taalbeampte; 40
 - (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 45
 - (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.
- (4) Nieteenstaande die bepalings van subartikels (2) en (3), kan die LUR te eniger tyd van die hoof van enige provinsiale departement of die rekenpligtige gesag van 'n provinsiale publieke entiteit vereis om 'n verslag by die LUR in te dien oor die departement of provinsiale publieke entiteit se gebruik van amptelike tale, binne 'n tydperk soos deur die LUR vasgestel. 5
- (5) Die LUR mag die hoof van 'n provinsiale departement of die rekenpligtige gesag van 'n provinsiale publieke entiteit wat versuim het om te voldoen aan enige bepaling van hierdie Wet beveel om binne 'n tydperk soos deur die LUR vasgestel aan die Wet te voldoen en indien in gebreke gebly word, mag die LUR sodanige ongehoorsaamheid onder die aandag bring van die betrokke LUR wat verantwoordelik is vir die provinsiale departement of betrokke raad wat vir die provinsiale publieke entiteit verantwoordelik is, om verdere stappe te neem. 10
- Jaarverslag aan die Provinsiale Wetgewer** 20
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. 25
- Interdepartementele taalforum oor die gebruik van amptelike tale**
11. (1) Die LUR kan –
- (a) 'n interdepartementele forum in die lewe roep – 30
- (i) om algemene koördinerings, samewerking en konsultasie te bevorder tussen provinsiale departemente en provinsiale publieke entiteite oor die gebruik van amptelike tale vir regeringsdoeleindes; 35
- (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; 40
- (b) Ten opsigte van sodanige forum –
- (i) sy samestelling bepaal; 45
- (ii) sy opdrag bepaal;
- (iii) sy vergaderings byeenroep; en

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

(2) Die LUR of 'n persoon wat deur die LUR aangewys is, is die voorsitter van die interdepartementele forum wat ingevolge subartikel (1) in die lewe geroep is. 5

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 – 10

(a) die vorm en inhoud van die taalbeleid; 15

(b) tydraamwerke vir die aanstelling van 'n taalbeampte;

(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 20

(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. 25

(2) Voordat regulasies uitgevaardig word ingevolge hierdie Wet, moet die LUR –

(a) die voorgestelde regulasies in die *Provinsiale Koerant* en media publiseer vir publieke kommentaar; 30

(b) 'n tydperk van ten minste 30 dae toelaat vir skriftelike vertoë aan die LUR oor die voorgestelde regulasies; en 35

(c) Oorweging skenk aan enige sodanige skriftelike vertoë wat ontvang word.

Korttitel en inwerkingtreding

13. Hierdie Wet heet die Wet op die Gebruik van Vrystaatse Amptelike Tale, 2017 en sal in werking tree op 'n datum soos vasgestel deur die Premier deur proklamasie in die *Provinsiale Koerant*. 40

ACT

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:-

(English text assented to and signed by the Premier on 28 March 2017.)

ARRANGEMENT OF SECTIONS

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Definitions

1.	In this Act, unless the context indicates otherwise –	15
	“ Constitution ” means the Constitution of the Republic of South Africa, 1996;	
	“ Department ” means the provincial Department of Sport, Arts, Culture and Recreation;	20
	“ Executive Council ” means the Executive Council of the Province contemplated in section 132 of the Constitution;	
	“ government purposes ” include legislation and matters referred to in section 4(2)(c);	25
	“ language official ” means a language official appointed or designated in terms of section 7;	30
	“ MEC ” means the Member of the Executive Council of the Free State Province responsible for language matters;	
	“ official language ” means an official language contemplated in section 6(1) of the Constitution;	35
	“ Premier ” means the Premier of the Free State Province elected in terms of section 128 of the Constitution of the Republic of South Africa, 1996;	
	“ prescribe ” means prescribe by regulations;	40
	“ Province ” means the Province of the Free State established by section 103 of the Constitution of the Republic of South Africa, 1996;	
	“ provincial department ” 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;

“**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); and

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

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Objects of Act

2. The objects of this Act are –

(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.

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Application of Act

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

(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(2)(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
 - (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.

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Establishment of Provincial Language Unit

5. The MEC must –
- (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.

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Functions of Provincial Language Unit

6. The Provincial Language Unit must –
- (a) advise the MEC on policy and strategy –
 - (i) to regulate and monitor the use of official languages by Provincial Government for government purposes;
 - (ii) to promote parity of esteem and equitable treatment of the official languages of the Republic;
 - (iii) to promote good language management within the Provincial Government;
 - (iv) to provide translation and language services to provincial departments and provincial public entities; and
 - (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
 - (c) perform any other function that the MEC may prescribe.

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Appointment or designation of language officials in provincial departments or provincial public entities

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

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Functions of language officials in provincial departments or provincial public entities

8. A language official must –
- (a) advise the head of the provincial department or the accounting authority of a provincial public entity on the implementation of the language policy for the provincial department or provincial public entity; 5
 - (b) monitor and assess the use of official languages by the provincial department or provincial public entity concerned; 10
 - (c) monitor and assess compliance by the provincial department or provincial public entity with the language policy; 15
 - (d) compile and submit, through the head of the provincial department or the accounting authority of a provincial public entity 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 or provincial public entity concerned; 20
 - (f) promote good language management by the provincial department or provincial public entity in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999); and 25
 - (g) perform any other functions that the MEC may prescribe.

Monitoring and enforcing of and reporting on use of official languages 30

9. (1) The MEC is responsible for monitoring and enforcing the use of official languages by the Provincial Government for government purposes.
- (2) The head of every provincial department and the accounting authority of the provincial public entity must submit a report to the MEC on – 35
- (a) the activities of its language official;
 - (b) the implementation of the language policy; 40
 - (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 MEC may prescribe. 45

- (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 or the accounting authority of a provincial public entity to submit a report to the MEC on the department's or provincial public entity's use of official languages, within a time period determined by the MEC. 5
- (5) The MEC may instruct the head of a provincial department or the accounting authority of a provincial public entity who has failed to comply with any provision of this Act to comply with the Act within a time period determined by the MEC, failing which the MEC may report such insubordination to the attention of the relevant MEC responsible for the provincial department or relevant board responsible for the provincial public entity to take further steps. 10 15

Annual report to Provincial Legislature

- 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. 20

Interdepartmental language forum on use of official languages

- 11. (1) The MEC may – 25
 - (a) establish an interdepartmental forum –
 - (i) to promote general coordination, cooperation and consultation between provincial departments and provincial public entities on the use of official languages for government purposes; 30
 - (ii) to coordinate, align and monitor the implementation of the provincial language policy; and 35
 - (iii) to perform any other function that the MEC may prescribe;
 - (b) in respect of such forum – 40
 - (i) determine its composition;
 - (ii) determine its terms of reference;
 - (iii) convene its meetings; and 45

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

(2) The MEC or a person designated by the MEC is the chairperson of the interdepartmental forum established in terms of subsection (1). 5

Regulations

12. (1) The MEC may, with the approval of the Executive Council, make regulations, not inconsistent with the provisions of this Act, regarding – 10

(a) the form and content of the language policy;

(b) timeframes for appointing a language official; 15

(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 20

(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. 25

(2) Before making regulations in terms of this Act, the MEC must –

(a) publish the proposed regulations in the *Provincial Gazette* and media for public comment; 30

(b) grant a period of at least 30 days for written representations to the MEC on the proposed regulations; and

(c) consider any such written representations received. 35

Short title and commencement

13. This Act is called the Use of Free State Official Languages Act, 2017, and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*. 40