

**BOARD NOTICE 92 OF 2005****PAN SOUTH AFRICAN LANGUAGE BOARD ACT, 1995****NORMS AND RULES FOR PROVINCIAL LANGUAGE COMMITTEES**

WHEREAS the Pan South African Language Board published Norms and Rules in Government Gazette No. 22451 of 13 July 2001 to regulate the advisory role and functions of Provincial Language Committees; and

WHEREAS a need has arisen for the Norms and Rules to be revised to bring them in line with recent developments within the operations of the Board and to address other incidental matters:

The Norms and Rules hereunder are now published to replace the Norms and Rules published in Government Gazette No. 22451 of 13 July 2001 with effect from 1 September 2005, subject to the proviso that :

- (a) Rules 5(1), 5(4) and 5(5) become effective from the end of the term of the current Provincial Language Committee;
- (b) Rule 8 becomes effective from 1 April 2006; and
- (c) Rules 10(1)(c) and 10(1)(d) become effective from the end of the term of the current Provincial Language Committee with any affected incumbent having to make a choice on the structure(s) where his/her membership would be crucial should the necessary nomination be obtained.

Considering that –

- (a) provinces are competent to adopt their own language policy and legislation in terms of Schedule 4 of the Constitution of South Africa, 1996 (Act No. 108 of 1996);
- (b) provincial initiatives have started for the adoption of provincial languages acts and the Board wishes to encourage other provinces to follow suit;
- (c) in terms of the Pan South African Language Board Act, 1995, (Act No. 59 of 1995) Provincial Language Committees established by the Board are advisory structures of the Board;
- (d) the Board wishes to delegate some of its powers and functions to Provincial Language Committees:

the following notice on the Norms and Rules regulating Provincial Language Committees is hereby published for general information and shall apply to those provinces that have Provincial Language Acts only to the extent that it is not inconsistent with those Provincial Language Acts: –

## ARRANGEMENT

### Rule No.

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## DEFINITIONS

1. In these rules, unless the context otherwise indicates –

“Board” means the Pan South African Language Board established in terms of section 2 of the Pan South African Language Board Act, 1995, (Act No. 59 of 1995);

“Chairperson” means the chairperson of the Provincial Language Committee concerned:

“Chief Executive Officer” means the Chief Executive Officer of the Pan South African Language Board appointed in terms of section 10

of the Pan South African Language Board Act, 1995, (Act No. 59 of 1995);

"MEC" means the Member of the Executive Council of a Province who is responsible for matters related to language:

"National Language Body" means a National Language Body established by notice in the Government Gazette in terms of section 8(8)(b) of the Pan South African Language Board Act, 1995, (Act No. 59 of 1995);

"National Lexicography Unit" means a National Lexicography Unit established in terms of section 8(8)(c) of the Pan South African Language Board Act, 1995, (Act No. 59 of 1995);

"Provincial Language Committee" means a Provincial Language Committee established by notice in the Government Gazette in terms of section 8(8)(a) of the Pan South African Language Board Act, 1995, (Act No. 59 of 1995); and

"Rule" means any rule contained in this Notice.

## COMPOSITION

2. (1) A Provincial Language Committee shall consist of not more than thirteen (13) persons, who, unless the Board expressly approves otherwise, fulfill the following criteria –
  - (a) are South African citizens permanently resident within the province of the provincial language committee concerned;
  - (b) have extensive knowledge in respect of the languages of the province concerned which shall include, but not be limited to:
    - (i) the official South African Languages;
    - (ii) the Khoe and San Languages;
    - (iii) South African Sign Language; and
    - (iv) Heritage Languages;
  - (c) have passion for and contribute to language development; and
  - (d) are first language speakers or users of the respective languages they represent.

- (2) The Head of Language Services within the provincial department responsible for language issues shall be an Ex-Officio member of the Provincial Language Committee.
- (3) Each National Language Body with the dominant languages of any concerned province may second a member to represent it within the Provincial Language Committee.
- (4) Each National Lexicography Unit dealing with the dominant languages of any concerned province may second a member to represent it within the Provincial Language Committee.
- (5) Every Provincial Language Committee shall reflect the proportional linguistic distribution of the languages of the province.
- (6) The overall membership of the Provincial Language Committee should cater for equitable gender representation.

#### **CONDITIONS OF MEMBERSHIP**

3. (1) When a person becomes a member of a Provincial Language Committee, the Board shall recognise that member by notice in the Government Gazette.
- (2) No member shall serve on a Provincial Language Committee on a full-time basis.
- (3) No member of a Provincial Language Committee shall be eligible for grants from the board in their personal capacity, during their term of office within the Provincial Language Committee concerned.

#### **APPOINTMENT OF MEMBERS**

4. (1) A person's appointment as a member of the Provincial Language Committee shall be made in accordance with the following procedure:
  - (a) The Board, through an ad hoc committee and after due consultation with the MEC, shall invite the general public to nominate persons for appointment as members of the Provincial Language Committee.

- (b) The ad hoc committee shall in a consensus-seeking manner -
- (i) from the nominations received compile a short-list of candidates with due regard to the provisions of Rule 2: provided that no short-list with more than 30 candidates shall be compiled;
  - (ii) interview, in a public and transparent manner, each of the candidates whose names appear on the short-list;
  - (iii) compile and forward to the Board a final short-list with due regard to the provisions of Rule 2: provided that no final short-list of more than 20 candidates shall be compiled.
- (c) The Board shall publish the short-list of the proposed members for public comment.
- (d) After due consideration of the recommendations of the ad hoc committee and handling of any public comments received, the Board shall appoint the members of the Provincial Language Committee from the number of the persons whose names appear on the short-list mentioned in paragraph (b) (iii).
- (2) When a person has been duly appointed as a member of a Provincial Language Committee, the Board shall recognise that member by notice in the Government Gazette.
- (3) Any member of the public may, with good reason, object in writing to the nomination or appointment of any person to serve on a Provincial Language Committee.
- (4) The Board shall, at least six months prior to the day on which the five-year term of office of the serving members of a Provincial Language Committee expires, initiate the process referred to in Rule 4(1) for the appointment of new members of the Provincial Language Committee.
- (5) The Board may, if it deems it advisable, at least three months prior to the day on which the five-year term of office of the serving members of a Provincial Language Committee expires, extend their term of office by such period at the Board may specify but such period shall not exceed twelve (12) calendar months.

**TERM OF OFFICE OF MEMBERS AND OFFICE BEARERS**

5. (1) A member of a Provincial Language Committee shall hold office for a term of five (5) years and upon expiry of this term, the member shall be eligible for reappointment for one further term only.
- (2) If the office of a member of the Provincial Language Committee becomes vacant before the expiry of the period for which he or she was appointed, the Board may, subject to Rule 2, appoint another person to hold office for the remaining portion of his or her predecessor's term of office.
- (3) The Board shall give notice in the Government Gazette of the appointment of a member of the Provincial Language Committee and the date of his or her appointment and, in the case of a member appointed to fill a vacancy on the Provincial Language Committee, the period for which he or she is appointed.
- (4) The chairperson and the vice-chairperson shall hold office for a term of two years: provided that such chairperson and vice-chairperson shall be eligible for re-election for one further term only.

**ELECTION OF OFFICE BEARERS**

6. (1) The members of the Provincial Language Committee shall, not later than after the second meeting and thereafter when the need arises, with the Chief Executive Officer or his or her nominee presiding, elect one amongst their number to be chairperson and another one to be vice-chairperson,
- (2) If the chairperson is absent from a meeting of a Provincial Language Committee, the vice-chairperson shall preside at that meeting and if both the chairperson and the vice-chairperson are absent from a meeting, the members present shall elect one person amongst their number to preside at that meeting.
- (3) The vice-chairperson or the person elected to preside, when acting as chairperson as contemplated in sub-rule (2), shall have all the powers and duties of the chairperson.

- (4) The office of chairperson or vice-chairperson shall become vacant -
- (a) at the expiry of the incumbent's term of office as chairperson or vice-chairperson;
  - (b) when the incumbent tenders his or her resignation as chairperson or vice-chairperson in writing;
  - (c) when the incumbent ceases to be a member of the Provincial Language Committee; or
  - (d) when a resolution to that effect is passed by the Provincial Language Committee.
- (5) The election of a new chairperson or vice-chairperson shall, in the case of a vacancy arising as contemplated in paragraphs 4(a), (b), (c) and (d), be conducted by the Chief Executive Officer or his or her nominee.

#### **EXECUTIVE COMMITTEE**

7. (1) The Chairperson, Vice Chairperson and the Convenors of the various Subcommittees shall constitute the Executive Committee of the Provincial Language Committee concerned.
- (2) The Executive Committee of the Provincial Language Committee shall meet twice a year or when necessary to:
- (a) execute any urgent task on behalf of the Provincial Language Committee;
  - (b) prepare for the meetings of the Provincial Language Committee and the respective Subcommittees;
  - (c) prepare and finalise the annual report of the Provincial Language Committee.

#### **CHAIRPERSONS' FORUM**

8. (1) The Chairpersons of the various Provincial Language Committees shall constitute a Chairpersons' Forum and shall elect one amongst their number to be chairperson and another one to be vice-chairperson of the Chairpersons' Forum.

- (2) The Chairpersons' Forum shall meet twice a year or when necessary to discuss matters of mutual interest relating to their respective Provincial Language Committees.

#### **FILLING OF VACANCIES**

9. (1) Any vacancy on a Provincial Language Committee shall be filled with nominations previously received in respect of that term and language, and the appointee shall hold office for the remaining portion of the period for which the member who has vacated the office was appointed.
- (2) If an insufficient number of nominations was received to fill the vacant seat, the seat shall be filled in the manner in which the member who has vacated the office was required to be appointed, and any member so appointed shall hold office for the remaining portion of the period for which the member who has vacated the office was appointed.

#### **TERMINATION OF MEMBERSHIP**

10. (1) The Board shall terminate membership by notice in the Government Gazette of any member of a Provincial Language Committee as soon as it becomes aware that the member concerned—
  - (a) is or has been convicted, whether in the Republic or elsewhere, of theft, fraud, forgery, uttering a forged statement, perjury, corruption or any offence involving dishonesty;
  - (b) is or becomes a political office bearer;
  - (c) is or becomes a member of the Board or any of its National Language Bodies and/or National Lexicography Units unless such membership arises as a result of secondment and provided that it does not result in direct membership of more than two structures.
  - (d) is or becomes a member of the administrative staff of the Board;
  - (e) is or becomes an unrehabilitated insolvent or commits an act of insolvency;
  - (f) is or has been removed from an office of trust on account of misconduct;
  - (g) is or has been declared by a competent court to be of unsound mind;



- (h) fails or has failed in material respects to execute his or her duties as set out in these Norms and Rules;
  - (i) is guilty of conduct that brings the Board or the Provincial Language Committee concerned into disrepute;
  - (j) failed to attend three (3) consecutive meetings and/or activities of a Provincial Language Committee or any of its Technical Committees without valid reasons being provided and prior written notification to the Chairperson or Convenor of a Technical Committee as noted in the minutes of those meetings; or
  - (k) has been or becomes unable to perform his or her functions of office effectively due to ill-health continuing for longer than six (6) months.
- (2) The Board may not terminate membership of any member, unless that member has had a reasonable opportunity to make a submission to the Board in respect of any allegation based on Rule 10(1).
- (3) The Board may terminate the membership of any person -
- (a) if the Board is satisfied that such a person no longer complies with any of the requirements for membership 3; or
  - (b) if such a person has requested the Board in writing to terminate his or her appointment.

#### **POWERS AND FUNCTIONS OF PROVINCIAL LANGUAGE COMMITTEES**

11. (1) In respect of provincial language matters, a provincial language committee-
- (a) shall monitor the use of the designated languages by the Provincial Government;
  - (b) **shall** make recommendations to the MEC, the Legislature and local authorities in the Province 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: provided that a copy of such recommendations will be submitted to the Board;
  - (c) shall actively promote the principle of multilingualism:

- (d) shall actively promote the development of previously marginalised indigenous language, formulate a policy in this regard and submit it to the MEC for consideration:
  - (e) shall advise the MEC on any other language matter in or affecting the Province with regard to the designated official languages of the provinces.
- (2) A Provincial Language Committee shall advise the Board on any matter pertaining to language as the Committee may deem appropriate or on request from the Board.
- (3) In order for a Provincial Language Committee to discharge its functions concerning Provincial language matters; the Provincial Language Committee is entitled-
- (a) 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:
  - (b) 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:
  - (c) to initiate studies, research projects and programmes directed at -
    - (i) the promotion of respect for the official languages of the Province and their equitable **use;**
    - (ii) the development of previously marginalised indigenous language in the Province;
    - (iii) the non-diminution of rights regarding language and the status of languages in the Province;
    - (iv) the promotion of multilingualism in the Province;
    - (v) the promotion and use of language resources of the Province:
    - (vi) the prevention of the use of any language in the Province for the purposes of exploitation, domination or division:
    - (vii) the establishment, compilation and maintenance of databases, including databases of persons, organisations, equipment and

- facilities relating to language matters, translation and interpreting in the Province; and
- (viii) the development of language facilitation services throughout the Province.
  - (ix) language in education, development and promotion of literature, language rights and mediation, lexicography and terminology development as well as status language planning.
- (4) A Provincial Language Committee may -
- (a) determine the order of priority for support of language issues in the Province: and
  - (b) advise other MECs' for the purpose of promoting the use of the official languages throughout the Province.
- (5) A Provincial Language Committee will perform such other functions as are assigned to it by the Board or requested by the MEC in consultation with the Board.
- (6) A Provincial Language Committee shall represent the Board in the discharge of any function performed in terms of these norms and rules.
- (7) A Provincial Language Committee may initiate or conduct investigations into any language rights violation complaints, but in so doing shall liaise with the Board's administrative office before and during the investigation.

#### **MEETINGS AND MEETING PROCEDURES**

12. (1) A Provincial Language Committee shall meet not less than four times a year on a quarterly basis and shall spend a maximum of three days per meeting: provided that the Chief Executive Officer's approval for the meetings shall be obtained before any meeting is held.
- (2) The chairperson shall call meetings and shall determine the time and place for every meeting except for the first meeting, which shall be at the time and place determined by the Chief Executive Officer.

- (3) A Provincial Language Committee shall hold a special meeting if the Chief Executive Officer has approved of such a meeting.
- (4) The chairperson of a Provincial Language Committee shall, upon a request signed by no less than a third of the members of a Provincial Language Committee, call a special meeting to be held within 30 days after the date of receipt of such request in consultation with the Chief Executive Officer.
- (5) The Board may designate one of its members or its staff members to attend and participate in a meeting of a Provincial Language Committee, but such an attendant will not have the right to vote.
- (6) A quorum for a meeting of a Provincial Language Committee shall be a simple majority of its members.
- (7) Any decision of a Provincial Language Committee shall be taken by resolution of the majority of its members present at a meeting and, in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his or her deliberative vote as a member.
- (8) A Provincial Language Committee shall determine the procedure in respect of its meetings.

#### **ADMINISTRATIVE AND OTHER SERVICES**

13. The Board shall designate a Provincial Manager and any additional staff to lend administrative support to the meetings of a Provincial Language Committee, which support includes, but is not limited to –
  - (i) inviting members to an approved meeting;
  - (ii) keeping minutes of every meeting that takes place;
  - (iii) keeping copies of reports and records of expenditure;
  - (iv) making available to members of the Provincial Language Committee and the Board, upon request, minutes, reports and records;
  - (v) liaising with the chairperson of the Provincial Language Committee and other members on incidental matters:  
and

- (vi) liaising with provincial government departments on language issues on behalf of the Provincial Language Committee and the Board.

#### REPORTS

- 14. (1) The chairperson is responsible for submitting reports on behalf of a Provincial Language Committee regarding advice to the Board whenever required to do so, and shall do so within the timeframe agreed upon between the Provincial Language Committee and the Chief Executive Officer.
- (2) The chairperson may delegate his or her responsibility to compile reports but not the responsibility to submit reports.
- (3) For the purpose of preparing a report regarding advice to the Board, a Language Committee shall adhere to the guidelines of the Board, issued through its Chief Executive Officer.
- (4) Provincial Language Committees are encouraged to also report to the Board on meetings undertaken in terms of provincial language legislation.

#### COMMUNICATION AND RECORDS

- 15. (1) A Provincial Language Committee shall supply the Board -
  - (i) with the minutes and reports of meetings held within the timeframe agreed upon between that Provincial Language Committee and the Chief Executive Officer; and
  - (ii) with records and reports of the activities of the Provincial Language Committee as the Board may require.
- (2) The Board shall keep -
  - (i) a record of recommendations and advice emanating from every Provincial Language Committee; and
  - (ii) separate records of the advice received from each Provincial Language Committee.
- (3) The Board may, publish any document developed and prepared by a Provincial Language Committee if the Board

considers the publication of such document to be in the public interest.

### **CONFLICT OF INTEREST**

16. (1) If any member, next-of-kin, life partner or business associate of any member has any direct or indirect financial or other interest in any project of which the Board has provided funds, that member shall, immediately after that interest has come to his or her attention, disclose that interest and the extent in a written statement addressed to the chairperson concerned, who shall -
- (a) table that statement in the next consecutive meeting; and
  - (b) communicate such disclosure to the Board.
- (2) Any member of any Provincial Language Committee or the public, who has valid evidence that a decision taken by a Provincial Language Committee may lead to the personal or financial advancement of another member of that Provincial Language Committee or any other Provincial Language Committee concerned, shall disclose the interest and the extent thereof in a written statement addressed to the chairperson, who shall -
- (a) table that statement in the next consecutive meeting; and
  - (b) communicate such disclosure to the Board.
- (3) The Board may decide on steps that shall be taken in a case that has come under its attention in accordance with this Rule.

### **REMUNERATION AND ALLOWANCES**

17. (1) A member of a Provincial Language Committee is entitled to a sitting allowance as determined by the Board from time to time for each meeting or activity attended where the business of the Provincial Language Committee or the Board was carried out.
- (2) In addition to the sitting allowance referred to in Rule 17(1) above, a member of a Provincial Language Committee is

entitled to claim travel, accommodation and incidental expenses incurred in the course of executing his or her duties as a member of the Provincial Language Committee, subject to the applicable PanSALB policy on Remuneration and Allowances.

- (3) Expenses of a personal nature will be for the account of the individual member of the Provincial Language Committee concerned and in case of uncertainty the decision of the Chief Executive Officer shall be final.

#### FUNDS AND FUNDRAISING

18. (1) The Board shall bear the reasonable costs incurred by a Provincial Language Committee for the purposes of arranging and holding a meeting where the business of the Provincial Language Committee or the Board was carried out, in booking a venue, catering, and the reasonable costs incurred by members for travelling, accommodation and subsistence: provided that the Chief Executive Officer has approved the expenses prior to their being incurred.
- (2) No reimbursement for approved expenses shall be made before the Board has received the claim forms, attendance register, minutes and reports within the timeframes agreed upon in terms of Rule 14(1).
- (3) Subject to the approval of the Chief Executive Officer, a Provincial Language Committee shall be at liberty to engage in fundraising activities to augment the funds allocated by the Board for the activities of the Provincial Language Committee.

Provincial Language Committee managing  
the funds shall

**CO-OPERATION AND RELATIONSHIP WITH OTHER STRUCTURES**

19. (1) A Provincial Language Committee shall strive to promote close co-operation between itself and any organ of state, person, body of persons or institution involved in the development and promotion of language.
- (2) A Provincial Language Committee may consult and work closely with any person or body of persons who has special knowledge of and experience in the language problems of South Africa, or who is in any way involved in the development and promotion of language.
- (3) A Provincial Language Committee shall ensure that it establishes and maintains working relations with, amongst others, -
- (i) the Provincial Departments of Arts and Culture;
  - (ii) the Provincial Department of Education;
  - (iii) the Department of Justice and Constitutional Development;
  - (iv) the Provincial Legislature  
and
  - (v) the National and Provincial Houses of Traditional Leaders.

**RECOGNITION AND WITHDRAWAL OF RECOGNITION**

20. (1) If a Provincial Language Committee fails in material respects to perform its functions as set out in these rules, the Board may withdraw its recognition of that Provincial Language Committee.
- (2) If the Board decides to withdraw recognition of a Provincial Language Committee on the basis that it fails to be representative in terms of the languages of the Province concerned, the MEC shall be notified accordingly.
- (3) If the MEC recommends that the recognition of a Provincial Language Committee be withdrawn and notifies the Board accordingly, the Board shall withdraw its recognition of that Provincial Language Committee by publication of a notice to



that effect in the Government Gazette and Provincial Gazette.

- (4) The Board shall not withdraw recognition of a Provincial Language Committee unless -
- (a) the Board has notified each member of the Provincial Language Committee concerned of the nature of the failure;
  - (b) the Chief Executive Officer has tabled a copy of the notification at a consecutive Board meeting; and
  - (c) the Chief Executive Officer has afforded the Provincial Language Committee a reasonable opportunity to make submissions to the Board in respect of that notification.
- (5) Upon dissolution of a Provincial Language Committee, the Board shall withdraw recognition thereof through publication of a notice to that effect in the Government Gazette.
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