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## BOARD NOTICES RAADSKENNISGEWINGS

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### BOARD NOTICE 129 OF 2014

10 October 2014

I, Dube Phineas Tshidi, Executive Officer of the Financial Services Board, hereby publish the South African Revenue Service Draft Language Policy in terms of section 4(2)(h) of the Use of Official Languages Act, 2012 (Act No. 12 of 2012) for public comment as set out in the Schedule hereto.

Members of the public are invited to submit written comments within 30 (thirty) days after publication of this Notice to the following address:

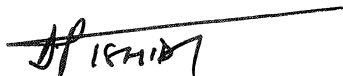
**By post or by hand:**

Financial Services Board  
Riverwalk Office Park, Block B  
41 Matroosberg Road  
Ashlea Gardens  
Menlo Park  
Pretoria  
0081

**By email:** [mabulenyana.marweshe@fsb.co.za](mailto:mabulenyana.marweshe@fsb.co.za)

Any enquiries in connection with the draft policy can be directed to the above email.

Comments received after the closing date will not be considered.



DUBE TSHIDI

**EXECUTIVE OFFICER: FINANCIAL SERVICES BOARD**

**DRAFT LANGUAGE POLICY**  
**FINANCIAL SERVICES BOARD**

DRAFT

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## 1. DEFINITIONS

- 1.1 **“The Act”** means the Use of Official Languages Act 12 of 2012;
- 1.2 **“Constitution”** means the Constitution of the Republic of South Africa, Act 108 of 1996;
- 1.3 **“Equitable Use”** means the use of language which is fair, impartial and even-handed;
- 1.4 **“EO”** means Executive Officer;
- 1.5 **“FSB”** means the Financial Services Board;
- 1.6 **“Interpreter”** means a person who transposes or interprets an utterance from one language into the other;
- 1.7 **“Interpreting”** in relation to oral utterance, means transposing of utterance of one language into utterance of another language, in relation to sign utterance, means the transposing of sign language signed into a spoken language and the other way around, with **“interpret”** having a corresponding meaning;
- 1.8 **“Language of Record”** means the language chosen for keeping records or archiving the FSB records;
- 1.9 **“Language Policy”** means this policy;
- 1.10 **“Minister”** means the Minister of Arts and Culture;
- 1.11 **“Multilingualism”** means the use of three or more languages by an individual or group of a people;
- 1.12 **“PanSALE”** means the Pan South African Languages Board;
- 1.13 **“Republic”** means the Republic of South Africa;
- 1.14 **“Terminology”** means standardised terms established for specific subject field;
- 1.15 **“Translation”** means the transposing of a text from one language to the other, **“translate”** having a corresponding meaning;
- 1.16 **“Working Language”** means an official language chosen by the FSB as the language most practicable in a particular communication event.

## 2. PREAMBLE

The Constitution of the Republic of South Africa (RSA) 1996 recognises 11 official languages; recognises the diminished use and status of indigenous languages and requires of the State to take practical and positive measures to elevate the status and advance the use of indigenous languages. The Constitution further requires all official languages to enjoy parity of esteem and to be treated equitably.

To this end, the Act has been promulgated to, *inter alia*, provide for the regulation and monitoring of the use of official languages by national government for government purposes, to require the adoption of a language policy by a national department, national public entity and national public enterprise and the establishment of a language unit for a national department, national public entity and national public enterprise.

The Act applies to all national public entities. The FSB is a national public entity, being so listed in Schedule 3 to the Public Finance Management Act, 1999. This Policy has therefore developed by the FSB in compliance with the provisions of the Act.

## 3. PURPOSE

The purpose of this Policy is to outline how FSB will comply with the provisions of the Act, and use official languages to improve service to the Public, regulated institutions and compliance levels.

## 4. LEGISLATIVE INSTRUMENTS

- The Constitution;
- The Act;
- Regulations made in terms of section 13 of the Act.

## 5. SCOPE AND APPLICATION

The Policy is applicable to all FSB employees, including contractors, board members and anyone executing a function on behalf of the FSB.

## 6. PURPOSE AND REGULATORY CONTEXT OF THIS POLICY

This Policy is required by section 4 of the Act, as follows:

- 6.1 section 4(1) provides that every national department, national public entity and national public enterprise must adopt a language policy on its use of official languages;
- 6.2 section 4(2) provides that a language policy adopted in terms of subsection (1) must:
  - 6.2.1 identify at least three official languages that the national department, national public entity or national public enterprise will use for government purposes,
  - 6.2.2 stipulate how official languages will be used in effectively communicating with the public, official notices, government publications, and inter- and intra-government communication,

- 6.2.3 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 not one of its chosen official languages, or whose language of choice is a South African Sign Language,
- 6.2.4 describe how members of the public can access the language policy, and
- 6.2.5 provide a complaints mechanism to enable members of the public to lodge complaints regarding the use of official languages by a national department, national public entity or national public enterprise;
- 6.2.6 be published in the Gazette as soon as reasonably practicable but within 90 days of its adoption.

## 7. PRINCIPLES

The principles underpinning this Policy are:

- 7.1 commitment to the promotion of all languages in the Republic in order to ensure parity of esteem and the equitable treatment of the official languages required by our democratic dispensation;
- 7.2 recognition of multilingualism as a resource to maximize collaborative partnerships in nation building, economic development and social cohesion;
- 7.3 promotion of good language management by the FSB to ensure efficient public service administration that meets the needs of the public and ensures equitable access to the services and information of the FSB;
- 7.4 prevention of the use of any language(s) for the purposes of exploitation, domination and discrimination within the FSB;

## 8. NATURE OF THE FSB'S BUSINESS

The FSB is a unique independent institution established by statute to oversee the South African Non-Banking Financial Services Industry in the public interest.

## 9. POLICY RECOMMENDATIONS FOR OFFICIAL LANGUAGES

### 9.1 Use of Official Languages by the FSB

The FSB will endeavour to make use of any of the eleven official South African languages, as well as the South African Sign language and Braille where practicable, on request.

### 9.2 Official Languages of the FSB

The FSB has adopted eleven (11) official languages of the Republic of South Africa as its official languages for the purpose of this Policy.

**9.2.1** The following factors will be taken into account in arriving at the choice of official language(s) the FSB will use in each context/situation:

**9.2.1.1** Usage

**9.2.1.2** Practicality

**9.2.1.3** Expense

**9.2.1.4** Regional circumstances

**9.2.1.5** The balance of the needs and preference of the public it serves

The table below indicates how the FSB will use the official languages.

FSB Purpose	Language(s)
Inter and intra-government Communication	English
Communicating with members of the public (official written correspondence)	The official languages of the Republic with due regard to the criteria outlined in clause 9.2.1 above.
Communication with members of the public (oral communication)	The official languages of the Republic with due regard to the criteria outlined in clause 9.2.1 above.
Official publications intended for public distribution (notices on the FSB website, advertisements, forms, and signage on buildings)	The official languages of the Republic with due regard to the criteria outlined in clause 9.2.1 above.
Public hearings (Izimbizo) and other official proceedings	The official languages of the Republic with due regard to the criteria outlined in clause 9.2.1 above.
Communication with the hearing or sight impaired	The FSB Language Business Unit will facilitate Sign Language interpretation and conversion of text into Braille or alternatively audio on request.
International communication	English and/or the preferred language of the country concerned where practicable.

**9.3** **Communication with members of the public whose language of choice is the South African Sign Language**

**9.3.1** A member of the public who wishes to communicate with the FSB in South African Sign Language must notify the Language Business Unit in writing.

**9.3.2** The communication referred to above must reach the Language Business Unit of the FSB at least 20 working days before the date the service is required to enable the FSB to arrange for appropriate interpretation.

## 10. THE FSB LANGUAGE BUSINESS UNIT

The FSB Language Business Unit will support this Policy. The functions of the Language Business Unit will be to:

- 10.1 advise the EO on the development, adoption and implementation of this Policy;
- 10.2 monitor and assess the use of official languages by the FSB;
- 10.3 monitor and assess compliance with this Policy;
- 10.4 compile and submit a report to the Minister and to the **PanSALB** in terms of section 9 of the Act;
- 10.5 promote parity of esteem and equitable treatment of the official languages of the Republic;
- 10.6 facilitate equitable access to the services and information of the FSB;
- 10.7 promote good language management; and
- 10.8 perform any other functions that the EO may instruct.

## 11. TRAINING AND CAPACITY

In order to achieve the professional and efficient implementation of this Policy, the FSB Language Business Unit will advise on training and capacity building.

## 12. PUBLICATION OF AND ACCESS TO THIS POLICY

- 12.1 This Policy will be published in all the official languages of the Republic.
- 12.2 It will be available on the FSB's website (<https://www.fsb.co.za>).
- 12.3 It will be available in Braille on request or alternatively in audio on the FSB's website (<https://www.fsb.co.za>).
- 12.4 It will be displayed at the FSB office in such a manner and place that it can be read by the public.
- 12.5 In addition, printed summaries will be available in all official languages at FSB.

## 13. COMPLAINTS MECHANISM

- 13.1 Any person who is dissatisfied with a decision of the FSB regarding its use of official languages may lodge a complaint in writing directing it to the Language Business Unit.
- 13.2 A complaint must be lodged:
  - 13.2.1 in writing, and



- 13.2.2** within three months of the complaint arising.
- 13.2.3** Any complaint lodged must state the name, address, and contact information of the person lodging it.
- 13.2.4** Any complaint lodged must provide a full and detailed description of the complaint.
- 13.2.5** The Language Business Unit may request a complainant to supply any additional information necessary to consider the complaint and to attend a meeting for the purpose of making an oral enquiry into the complaint.
- 13.2.6** The Language Business Unit will consider the complaint and respond in writing, not later than three months after the complaint was lodged, informing the complainant of the decision.

#### **14. POLICY REVIEW**

- 14.1** The FSB will conduct regular internal and external language preference and proficiency audits to determine the linguistic capabilities of its stakeholders
- 14.2** The Language Business Unit will use the results of these audits to revise and update the Policy annually.
- 14.3** The Policy will be reviewed annually.

#### **15. APPROVAL**

APPROVED ON

2014