
GENERAL NOTICE

NOTICE 293 OF 2015



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25 March 2015

I, **Diane Terblanche, Executive Chairperson of the National Consumer Tribunal**, hereby publish the National Consumer Tribunal's 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:

FOR ATTENTION: THE REGISTRAR

**Ground floor
East Wing
Block B
Lakefield Office Park
272 West Avenue
C/o West and Lenchen North
Centurion**

or:

By e-mail: registry@thenct.org.za

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

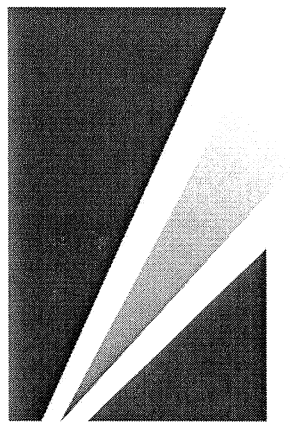
Comments received after the closing date will not be considered.



DIANE TERBLANCHE

EXECUTIVE CHAIRPERSON:

NATIONAL CONSUMER TRIBUNAL

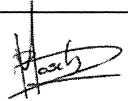



national consumer tribunal

NCT LANGUAGE POLICY



NCT Language Policy
Policy Owner: Registrar
Author: Lezel Buttner
Date: 10 March 2015
Version: 1.0

DOCUMENT CONTROL SHEET	
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Approval: Chairperson	
Date	25 March 2015



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1. PREAMBLE

- 1.1 The Constitution of the Republic of South Africa 1996 recognizes 11 official languages and recognizes the diminished use and status of indigenous languages. It requires the State to take practical and positive measures to elevate the status and advance the use of indigenous languages. The Constitution requires all official languages to enjoy parity of esteem and to be treated equitably.
- 1.2 The Act on the Use of Official Languages Act, No. 12 of 2012, ("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. It further requires the adoption of the language policy by National Departments as well as National Public Entities, and National Public Enterprises and the establishment of language units in National Departments, National Public Entities and National Public Enterprises.
- 1.3 The Act applies to all National Public Entities listed in Schedule 3 of the Public Finance Management Act, 1999 (Act no 1 of 1999). The NCT is listed as a National Public Entity in Schedule 3. The NCT has therefore developed this policy in compliance with the provisions of the Act.

2. PURPOSE

The purpose of this policy is to indicate how the NCT will comply with the provisions of the Act and facilitate official languages to improve service to the public, regulated institutions and compliance levels.

3. LEGISLATIVE INSTRUMENTS

- 3.1 The Constitution;
- 3.2 The Act; and
- 3.3 Regulations published in terms of Section 13 of the Act.



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4. SCOPE AND APPLICATION

The Policy is applicable to all NCT employees, the Executive Chairperson and Tribunal members as well as any other authorised persons executing a function on behalf of the NCT.

5. PURPOSE AND REGULATORY CONTENT OF THIS POLICY

- 5.1 In terms of Section 4 of the Act, the NCT is required to adopt a Language Policy on its use of official languages in terms of Section 4(1);
- 5.2 The Language Policy adopted in terms of Section 4(1) must in terms of Subsection (2):
- 5.2.1 Identify at least three (3) official languages that it will use;
 - 5.2.2 Stipulate how official languages will be used in communicating effectively with the public, official notices, government publications, and inter- and intra-government communications;
 - 5.2.3 Describe how the NCT will communicate effectively with members of the public whose language of choice is not one of the chosen official languages or whose language of choice is South African Sign Language;
 - 5.2.4 Describe how members of the public can access the language policy;
 - 5.2.5 Provide a complaints mechanism to enable members of the public to lodge complaints regarding the NCT's use of official languages;
 - 5.2.6 Be published in the Gazette as soon as reasonably practicable but within 90 days of the adoption of the policy.



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6. PRINCIPLES

6.1 The principles underlying this policy are:

- 6.1.1 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 as required by our democratic dispensation;
- 6.1.2 Promotion of good language management by the NCT to ensure efficient and effective public service administration and approachability and accessibility that meets the needs of the public and ensures equitable access to the services and information of the NCT;
- 6.1.3 Recognition of multilingualism and valuing the diversity thereof as a resource to maximize collaborative partnerships in nation building, economic development and social cohesion;
- 6.1.4 Prevention of domination, discrimination and exploitation through the abuse of any language(s).

7. NATURE OF THE NCT'S BUSINESS

The NCT was established in terms of the National Credit Act, No. 34 of 2005 ("NCA") to adjudicate on applications and referrals in terms of the NCA. With effect from 1 April 2011, the Tribunal's mandate was expanded to include the adjudication of applications and cases referred to it in accordance with the Consumer Protection Act, No. 68 of 2009 ("CPA").

8. POLICY RECOMMENDATIONS FOR OFFICIAL LANGUAGES

8.1 Use of Official Languages by the NCT

The NCT will endeavor to make use of any of the eleven (11) official South African languages as well as the South African Sign language and Braille where practicable, on request.



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8.2 Official Languages of the NCT

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

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

8.2.2.1 Usage;

8.2.2.2 Practicality;

8.2.2.3 Expense;

8.2.2.4 Regional circumstances;

8.2.2.5 The balance of the needs and preference of the public it serves.

8.2.3 The table below indicates how the NCT will use the official languages.

NCT PURPOSE	LANGUAGE(S)
Inter and intra-government communication	English
Communicating with members of the public (oral communication)	The official languages of the Republic with due regard to the criteria outlined in clause 8.2.2 above
Communication with members of the public (official written correspondence)	The official languages of the Republic with due regard to the criteria outlined in clause 8.2.2 above
Official publications intended for public distribution (notices on the NCT website, brochures, forms, and signage on buildings)	The official languages of the Republic with due regard to the criteria outlined in clause 8.2.2 above
Public hearings and other official proceedings	The official languages of the Republic with due regard to clause 8.2.2 above



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Communication with the hearing or sight impaired	The NCT 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

8.2.4 The NCT will endeavor to address queries from members of the public in their language of choice, provided that a member of the NCT staff speaks the language. If a member of the NCT staff does not speak the relevant language, the NCT will arrange appropriate interpretation and translation services, within twenty (20) working days from receipt of the request.

8.2.5 If a filing party requires interpretation service in a specific South African language, during a Tribunal hearing, such party must notify the NCT in writing at least twenty (20) working days before the service is required to enable the NCT to arrange for appropriate interpretation and translation services.

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

8.3.1 A member of the public who wishes to communicate with the NCT in South African Sign Language must notify the NCT in writing;

8.3.2 The communication referred to in clause 8.3.1 above must reach the NCT at least twenty (20) working days before the date the service is required to enable the NCT to arrange for appropriate interpretation.

9. **TRAINING AND CAPACITY**

In order to achieve professional and efficient implementation of this policy, the NCT will advise on training and capacity building



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10. PUBLICATION OF AND ACCESS TO THIS POLICY

- 10.1 This policy will be published in all the official languages of the Republic;
- 10.2 It will be available on the NCT's website (<https://www.thenct.org.za>);
- 10.3 It will be available on request in Braille or alternatively audio on the NCT's website (<https://www.thenct.org.za>);
- 10.4 It will be displayed at the NCT's office in such a manner and place that it can be read by the public;
- 10.5 Printed summaries will be available in all official languages at the NCT.

11. COMPLAINTS MECHANISM

- 11.1 Any person who is not satisfied with a decision of the NCT regarding its use of official languages may lodge a complaint in writing with the COO.
- 11.2 A complaint lodged must be:
 - 11.2.1 In writing;
 - 11.2.2 Within three (3) months of the complaint arising;
 - 11.2.3 Any complaint lodged must clearly state the name, address and contact information of the person lodging the complaint;
 - 11.2.4 The NCT may require any additional information to enable it to consider the complaint and to arrange a meeting to make an oral enquiry into the complaint;



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11.2.5 The NCT will consider the complaint and will within three (3) months of the complaint being lodged, reply in writing and inform the complainant of its decision.

12. POLICY REVIEW

12.1 This policy will be reviewed annually.
