

DEPARTMENT OF ARTS AND CULTURE**NOTICE 14 OF 2016****PROPOSED LANGUAGE POLICY****USE OF OFFICIAL LANGUAGES ACT, 2012**

The National Film and Video Foundation (**NFVF**) is a statutory body established in terms of section 2 of the National Film and Video Foundation Act, 1997. Its objective is to develop and grow the South African film and video industry.

The NFVF, an entity of the Department of Arts and Culture intends to adopt a Language Policy in terms of section 4(1) of the Use of Official Languages Act, 2012 (**Languages Act**).

In terms of Regulation 3(2) of the Languages Act, the Council hereby invites interested persons to submit their comments on the proposed Language Policy within 30 days of the date of publication to any of the following addresses:

1. Postal: The Chief Executive Officer
National Film and Video Foundation
87 Central Street
Houghton, 2116
2. Physical Address: 87 Central Street, Houghton Estates,
Johannesburg
3. Email: ceopa@nfvf.co.za/aifhelim@nfvf.co.za

SIGNED BY:

Ms Mmabatho Ramagoshi
Chairperson
Council: National Film and Video Foundation
Date: 7 December 2015

SIGNATURE:



NATIONAL FILM AND VIDEO FOUNDATION

DRAFT OFFICIAL LANGUAGE POLICY

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Mr Brendyn Meyer CA(SA); Mr Aboobaker Moosa
Chief Executive Officer: Zamantungwa Mkosi

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1. Definitions, Abbreviations and Interpretation

1.1 Abbreviations

CEO	Chief Executive Officer
DAC	Department of Arts and Culture
PanSALB	Pan South African Language Board
NFVF	National Film and Video Foundation

1.2 Glossary of Terms

Council	The accounting authority of the NFVF appointed in terms of the provisions of section 17 of the NFVF Act, 1997.
Interpreting	The act of transposing an utterance from a source language into a target language in spoken form.
Languages Act	Use of Official Languages Act, 2012
Language Equality	In terms of the Constitution, all languages are to receive equal respect. The equal treatment of two or more languages, especially with regard to official domains of society such as legislation, justice, public administration and instruction.
Language Equity	The fairness of language provision and/or treatment of two or more languages. Matters such as the number of speakers and the status of a language may influence policy to determine the domains of use of a particular language. This use may not necessarily be equal. "(A) state cannot usefully employ the languages of all its citizens and may consequently strictly limit itself to practising only in its language(s) that is/are official, or certain languages, in one way or the other"
Language Policy	The official policy of the NFVF on the status of various languages spoken in heterogeneous/multilingual communities, for example which language will be the national or Official Language, which languages will be used as regional languages and what their status will be.
Language Rights	Laws determining the situations in which citizens can make language choices.
Marginalized language	Any official language that is excluded from official use or of which use is effectively discouraged in formal settings (e.g. education, health care). "Marginalized" usually implies the low status of the language and possibly the speakers. For example, Xitsonga, Tshivenda, isiNdebele and siSwati are regarded as marginalized languages in South Africa.

Multilingualism	The use of three or more languages by an individual or by a group of speakers such as the inhabitants of a particular region or a nation.
Official Language	A language contemplated in section 6(1) of the Constitution and used in government, courts of law, education, business, and the media.
Regulations	Use of Official Languages Act Regulations, 2014
Translation	The act of transposing a text from a source language to another (target) language in written form.

1.3 Interpretation

In this policy, unless the context indicates otherwise a word or expression that is defined in the Policy shall bear the same meaning as in both the Languages Act and the Regulations; a reference to a section number in this policy shall refer to the corresponding meaning in both the Languages Act and the Regulations.

2. Preamble

- 2.1 The National Film and Video Foundation (NFVF) is a statutory body created in terms of the National Film and Video Foundation Act of 1997. Its objective is to promote the growth and development of the film and television industry.
- 2.2 The Languages Act binds any institution that exercises a public power or public function in terms of its legislation. The NFVF is a section 3A public entity in terms of the Public Finance Management Act, 1999.
- 2.3 In the implementation of this Policy, the NFVF will take into account constitutional provisions on freedom of expression, equitable treatment of official languages and enhancing the use and status of indigenous languages.
- 2.4 Section 3 of the National Film and Video Foundation provides for the objectives of the NFVF which are to:
- 2.4.1 provide, and encourage the provision of opportunities for persons, to get involved in the film and video industry, especially those who originate from marginalized communities;
 - 2.4.2 encourage the development and distribution of local film and video products;
 - 2.4.3 support the nurturing and development of and access to the film and video industry;

2.4.4 and in respect of the film and video industry, to address historical imbalances in the infrastructure and distribution of skills and resources.

3. Background

- 3.1 Eleven languages have been granted official status in terms of section 6 of the Constitution (Act No. 108 of 1996) although there are many other spoken languages in South Africa.
- 3.2 The official languages are isiNdebele, isiXhosa, isiZulu and siSwati (referred to as the Nguni language group); Sesotho, Sepedi and Setswana (referred to as the Sotho language group); Tshivenda, Xitsonga, English and Afrikaans.

4. Purpose of the Language Policy

- 4.1 The purpose of this Language Policy is to:
- 4.1.1 assist in establishing, developing and fostering institutionalised functional multilingualism and respect for language rights ;
 - 4.1.2 promote and support the development and frequency of use of indigenous languages as a means of communication in the audio visual industry and content development;
 - 4.1.3 contribute to creating a culture of language and cultural tolerance ;
 - 4.1.4 maintain and stimulate filmmaking in all South African languages in our country;
 - 4.1.5 promote the usage of all South African languages (including sign language) in television programmes and on the screens; and
 - 4.1.6 promote and develop the quality of multilingual films, among others, by means of developing scriptwriting, directing and developing written and spoken communication in films in all official languages, as well as in other media.

5. Designated Official Languages

- 5.1 In line with the provisions of clause 6.1 of this Policy, the NFVF has chosen English, isiZulu and SeSotho languages for purposes of all its public communication.
- 5.2 The following guidelines will apply:

NFVF purpose	Language(s)
Inter and intra-government communication	English
Communicating with members of the public (official written correspondence)	English or isiZulu or Sesotho

Communication with members of the public (oral communication)	English or isiZulu or Sesotho
Official publications intended for public distribution (advertisements, forms and signage on buildings)	English or isiZulu or Sesotho
Public hearings, media briefings and other official proceedings	English, isiZulu, Sesotho
Communication with the hearing or sight impaired	Sign language
International communication	English

- 5.3 The NFVF will generate and publish all communication with members of the public in the 3 (three) official chosen languages as necessary, when compiling official forms, issuing public notices and announcements and services, in government reports, documents, records, transcripts and other official publication intended for public distribution, at hearings and any other official procedures.
- 5.4 The NFVF will provide translation and interpretation services for members of the public whose language of choice is not amongst the three designated official languages.
- 5.5 The request must be in writing at least 20 (twenty) days in advance.
- 5.6 In the event that the NFVF is approached by a member of the public who speaks a language which is not a designated official language of the NFVF; or is approached by a member of public with a disability whose language needs may include but not be limited to sign language or braille, that member of the public must send a written request to the NFVF within 20 days before the date when such a service will be required.
- 5.7 The NFVF will take reasonable measures to fulfil requests for the purpose of clause 5.6. This may include but not be limited to interpretation or translation to one of the official languages of South Africa.
- 5.8 All written requests for the purpose of this Policy must be sent to:
 Postal: The Chief Executive Officer
 National Film and Video Foundation
 Attention: Head of Marketing and Communications

Physical Address: 87 Central Street, Houghton, 2198

Email: info@nfvf.co.za

- 5.9 The NFVF will respond within 7 (seven) working days indicating the manner in which and the extent to which the organisation will be able to facilitate the request, as well as the applicable costs and timeframes and resource restrictions, which may apply.

6. Implementation Limitations

- 6.1 While the NFVF will endeavour to implement this Policy, the following factors will be taken into account to inform the choice of official language(s) that will be in use in each context:
- 6.1.1 Usage
 - 6.1.2 Practicality
 - 6.1.3 Expense
 - 6.1.4 Regional circumstances
 - 6.1.5 The balance of the needs and preferences of the public it serves.
- 6.2 Due to the resources implications of establishing a fully fledged Language Unit, the NFVF has been granted a Section 12(1) exemption according the provision of section 12(1) of the Languages Act which will come into effect when the policy comes into effect.
- 6.3 The Head of Marketing and Communications is the designated official of the NFVF to provide the services of a Language Unit.

7. External Verbal Communication

- 7.1 At official events and conferences, speeches and welcoming addresses will be in English except where circumstances dictate otherwise. Appropriate language facilitation services may be used to facilitate communication.
- 7.2 Telephonic and personal enquiries by members of the public, as well as service rendered by staff, are dealt with in English, Sesotho and isiZulu. Appropriate language facilitation services may be used, together with training of front and contact staff to provide a multilingual response to these enquiries.
- 7.3 The primary languages that shall be used in job interviews are English, Sesotho and/or IsiZulu, except in special circumstances where a candidate reasonably expresses a preference for sign language or one of the other official languages that have not been identified in the Language Policy on the basis of the intrinsic language requirements of each particular post, in a way that does not unfairly disadvantage any particular

candidate, and in accordance with the NFVF's policy with respect to employment equity and related matters.

8 Internal Written Communication

- 8.1 The principal language that shall be used for internal written communication is English.
- 8.2 Agendas and minutes shall be drawn up in English, except in circumstances where a reasonable request is received for preference for one of the other designated official languages as identified in the Language Policy.
- 8.3 Policy documents shall be made available in English except in circumstances where a reasonable request is received for preference for one of the other designated languages as identified for use by the NFVF in this Language Policy.
- 8.4 Formal internal items of correspondence such as memos, meeting reports, resolutions, notices and information brochures are drawn up in English.
- 8.5 Contracts of employment and documentation such as payslips and IRP 5 documents shall be English except in circumstances where a reasonable request is received for preference for one of the other designated official languages as identified in the NFVF Language Policy.

9 External Written Communication

- 9.1 Correspondence with the public in government reports, documents, records, transcripts and other official publications intended for public distributions will be English and on request, and as necessary, consideration will be made for translation into IsiZulu and Sesotho.
- 9.2 Official international correspondence is conducted in English.
- 9.3 The name of the organisation, the National Film and Video Foundation on all official documents, letterheads and visiting-cards is indicated in English.
- 9.4 The NFVF's website and webpages are compiled in English.
- 9.5 Funding application forms are compiled in English. A written request can be made for application forms in isiZulu or seSotho.
- 9.6 Hearings, media briefings and other official proceedings will be conducted in English; a written request can be made for use of other official languages and/or translation services.

10 Complaints Mechanisms

- 10.1 Any person who is dissatisfied with the decision of the NFVF regarding its use, application or interpretation of the Language Policy may lodge a complaint in writing.
- 10.2 For the NFVF to consider this complaint, it must:
- 10.2.1 be in writing unless verbally and formally communicated to the designated officer;
 - 10.2.2 be lodged within 3 (three) months of the complaint arising;
 - 10.2.3 state the name, address, and contact information of the complainant;
 - 10.2.4 provide a full and detailed description of the complaint.
- 10.3 The designated officer may in respect of the complaint that has been lodged request the complainant to:
- 10.3.1 supply additional information necessary to consider the complaint;
 - 10.3.2 attend a meeting for purposes of making an oral inquiry into the complaint
- 10.4 The designated officer must:
- 10.4.1 consider the complaint and make a decision within 3(three) months after the complaint has been lodged; and
 - 10.4.2 inform the complainant in writing of the decision that has been made.

11 Appeals

- 11.1 A complainant not satisfied with the decision contemplated in clause 10 may lodge an appeal with the Council.
- 11.2 The appeal must be:
- 11.2.1 in writing
 - 11.2.2 lodged within 1 (one) month of the decision after a decision has been taken for the purpose of clause 10 of this Policy;
 - 11.2.3 state the name, address and contact details of the person lodging the appeal or review;
 - 11.2.4 provide a full and detailed description of the complaint and grounds for a review or appeal.
- 11.3 Council will consider the appeal and make a decision no later than 3 (three) months after the appeal application has been lodged.
- 11.4 The outcome of the appeal as decided by the Council will be communicated to the appellant in writing.

12 Commencement

- 12.1 The Language Policy will come into effect after the NFVF has:
- 12.1.1 published the Language Policy in the Gazette for public comment;
 - 12.1.2 granted the public a period of at least 30 (thirty) days to submit written comments;
 - 12.1.3 considered such written representation received from the public; and
 - 12.1.4 adopted the final Language Policy after considering the input of the public.
- 12.2 The Language Policy will come into effect once all the processes in clause 12.1 above have been completed.