
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRADE AND INDUSTRY**NOTICE 136 OF 2016****NATIONAL CONSUMER COMMISSION****18 March 2016****OFFICIAL LANGUAGE POLICY**

I, Ebrahim Mohamed, Commissioner of the National Consumer Commission, hereby invite members of the public to comment on the Official Language Policy of the National Consumer Commission as required in terms of the Use of Official Languages Act, 2012 (Act No. 12 of 2012).

Members of the public may send their comments to the Company Secretary of the National Consumer Commission, Private Bag X33 Highveld 0169. Comments may also be hand delivered to Berkley Office Park (Building 10) 2nd Floor, 08 Bauhinia Street, Highveld, Techno Park, Centurion, and by email to Z.Nxumalo@thencc.org.za

Kindly provide the name, address, telephone number, fax number and email address of the person or organization submitting the comments.

Comments must reach the National Consumer Commission within 30 days after publication of this notice. Comments received after the closing date may not be considered.



Mr. Ebrahim Mohamed
Commissioner: National Consumer Commission



NATIONAL CONSUMER COMMISSION OFFICIAL LANGUAGE POLICY

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1. Definitions

Term	Definition
Act	The Use of Official Languages Act, 2012 (Act No. 12 of 2012)
Constitution	The Constitution of the Republic of South Africa, 1996
CPA	Consumer Protection Act No. 68 of 2008
NCC	National Consumer Commission
Minister	The Minister of Arts and Culture
PanSALB	The Pan South African Language Board, established in terms of the Pan South African Language Board Act, 1995 (Act No. 59 of 1995)
Policy	The Language Policy of the Department of Arts and Culture
Regulations	The Regulations in terms of the Act
Republic	The Republic of South Africa

2. Legislative Instruments

- 2.1 The Constitution of the Republic of South Africa, 1996
- 2.2 The Use of Official Languages Act, 2012
- 2.3 Regulations in terms of section 13 of the Use of Official Languages Act, 2012.
- 2.4 Consumer Protection Act 68 of 2008

3. Purpose and regulatory context of this Policy

- 3.1 This Policy is required by section 4 of the Act, as follows:
 - 3.1.1 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; and
 - 3.1.2 section 4(2) provides that a language policy adopted in terms of subsection (1) must:
 - 3.1.2.1 identify at least three official languages that the national department, national public entity or national public enterprise will use for government purposes,
 - 3.1.2.2 stipulate how official languages will be used in effectively communicating with the public, official notices, government publications, and inter and intra-government communication,

- 3.1.2.3 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 South African Sign Language,
- 3.1.2.4 describe how members of the public can access the language policy, and
- 3.1.2.5 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.

4. Principles

- 4.1 The principles underpinning this Policy are:
 - 4.1.1 commitment to the promotion of all official languages in the Republic in order to ensure constitutional language equity and language rights as required by a democratic dispensation;
 - 4.1.2 recognition of multilingualism as a resource to maximize collaborative partnerships in nation building, economic development and social cohesion;
 - 4.1.3 promotion of good language management by the NCC to ensure efficient public service administration that meets the needs of the public and ensures equitable access to the services and information of the NCC;
 - 4.1.4 prevention of the use of any language(s) for the purposes of exploitation, domination and discrimination within the NCC;
 - 4.1.5 enhancement of people-centeredness by addressing the interests, needs and aspirations of language communities through on-going dialogue and debate; and
 - 4.1.6 recognition of a community-based approach, i.e. a decentralised and participatory approach to language planning and policy implementation in which each government structure is given the power to identify its

own working languages, as the most viable manner in which to promote multilingualism given South Africa's highly pluralistic society;

5. The work of the NCC

5.1 The work of the NCC includes:

5.1.1 carrying out the functions and exercising of powers assigned to it by or in terms of the CPA or any other national legislation;

5.1.2 developing, and promoting the voluntary use of, codes of practice in respect of –

5.1.2.1 use of plain language in documents

5.1.2.2 a standardised or uniform means of presenting and communicating the information contemplated in sections 23 to 28 of the CPA

5.1.3 increasing knowledge of the nature and dynamics of the consumer market, and promoting public awareness of consumer protection matters

5.1.4 advising the Minister on matters relating to consumer protection and on the determination of national norms and standards regarding consumer protection in terms of the CPA that should apply generally throughout the Republic

5.1.5 recommending changes to the Minister to bring about uniformity in the legislation in the various provinces in relation to consumer protection in terms of the CPA

5.1.6 reporting on market practices and the implications for consumer choice and competition in the consumer market

5.1.7 promoting informal resolution of any dispute arising in terms of the CPA between a consumer and a supplier, but is not responsible to intervene in or directly adjudicate any such dispute

5.1.8 receiving complaints concerning alleged prohibited conduct or offences, and dealing with those complaints in accordance with Part B of Chapter 3 of the CPA

- 5.1.9 monitoring the consumer market to ensure that prohibited conduct and offences are prevented, or detected and prosecuted
- 5.1.10 monitoring the effectiveness of accredited consumer groups, industry codes and alternative dispute resolution schemes, service delivery to consumers by organs of state, and any regulatory authority exercising jurisdiction over consumer matters within a particular industry or sector
- 5.1.11 investigating and evaluating alleged prohibited conduct and offences
- 5.1.12 issuing and enforcing compliance notices
- 5.1.13 negotiating and concluding undertakings and consent orders
- 5.1.14 referring to the Competition Commission any concerns regarding market share, anti-competitive behaviour or conduct that may be prohibited in terms of the Competition Act, 1998
- 5.1.15 referring matters to the National Consumer Tribunal, and appearing before the Tribunal, as permitted or required in terms of the CPA
- 5.1.16 referring offences in terms of the CPA to the National Prosecuting Authority.

6. The NCC Language Unit

- 6.1 The NCC, due to resource constraints is unable to establish a dedicated and fully resourced language unit. Instead, it will delegate at least one of its senior officials to ensure that this policy is implemented. The functions of the delegated official/s will be to:
 - 6.1.1 advise the Commissioner on the development, adoption and implementation of this Policy;
 - 6.1.2 monitor and assess the use of official languages by the NCC;
 - 6.1.3 monitor and assess compliance with this Policy;

- 6.1.4 compile and submit a report to the Minister and to the Pan South African Language Board in terms of section 9 of the Act;
- 6.1.5 promote parity of esteem and equitable treatment of the official languages of the Republic;
- 6.1.6 facilitate equitable access to the services and information of the NCC;
- 6.1.7 promote good language management; and
- 6.1.8 perform any other functions that the Minister may prescribe.

7. Training and capacity building

- 7.1 In order to achieve the professional and efficient implementation of this Policy, the NCC's designated official/s will advise on training and capacity building.

8. Use of official languages by the NCC

- 8.1 The following factors will be taken into account in arriving at the choice of official language(s) the NCC will use in each context/situation:
 - 8.1.1 Designated languages as per the CPA
 - 8.1.2 Usage
 - 8.1.3 Practicality
 - 8.1.4 Expense
 - 8.1.5 Regional circumstances
 - 8.1.6 The balance of the needs and preferences of the public it serves.
- 8.2 The table below indicates how the NCC will use the official languages:

NCC purpose	Language(s)
Inter and intra-government communication	English
Communicating with members of the public (official written correspondence)	English, IsiZulu and Sotho with due regard to the criteria outlined in clause 8.1 above.
Communication with members of the public (oral communication)	English, IsiZulu and Sotho with due regard to the criteria outlined in clause 8.1 above.
Official publications intended for public distribution (notices on the NCC website, advertisements, forms, and signage on buildings)	English, IsiZulu and Sotho due regard to the criteria outlined in clause 8.1 above
Public hearings (Izimbizo) and other official proceedings	English, IsiZulu and Sotho with due regard to the criteria outlined in clause 8.1 above
Communication with the hearing or sight impaired	The NCC will facilitate South African Sign Language interpreting and conversion of text into Braille or alternatively audio on request with due regard to the criteria outlined in clause 8.1 above
International communication	English

9. Official languages of the NCC

9.1 The NCC has adopted the following official languages of the Republic as its official languages for purposes of this Policy

- i) English
- ii) IsiZulu and
- iii) Sotho

9.2 The CPA stipulates the use of English and IsiZulu, whereas, Sotho has been adopted for the following reasons:

- i) Geographical location of the NCC

ii) To cater for the Sotho speaking population in the country which reflects a significant number of consumers that currently correspond with the NCC.

10. Communication with members of the public whose language of choice is not one of the official languages of the Republic

10.1 A member of the public who wishes to communicate with the NCC in a language that is not one of the three official languages adopted by the NCC must notify the NCC in writing.

10.2 Due consideration of the criteria outlined in 8.1 will be applied to every request with due regard to the criteria outlined in clause 8.1 above.

10.3 The NCC will endeavour, subject to due consideration of the criteria outlined in clause 8.1 above, to arrange for appropriate translation or interpreting within 30 working days of the date of the request having been received by the NCC.

11. Communication with members of the public whose language of choice is South African Sign Language

11.1 A member of the public who wishes to communicate with the NCC in South African Sign Language must notify the NCC in writing.

11.2 The NCC will endeavour to arrange for appropriate interpreting within 30 working days of the date of the request having been received by the NCC.

12. Publication of and access to this Policy

12.1 This Policy will be published in English. Other languages will be provided on request.

12.2 It will be available on the NCC's website (<https://www.nccsa.org.za>).

12.3 It will be available in Braille on request

12.4 It will be displayed at all NCC offices in such a manner and place that it can be read by the public.

13. Complaints mechanism

- 13.1 Any person who is dissatisfied with a decision of the NCC regarding its use of official languages may lodge a complaint with the Commissioner.
- 13.2 Any complaint must be lodged:
- 13.2.1 in writing, and
- 13.2.2 within three months of the cause for complaint arising.
- 13.3 Any complaint lodged, must state the name, address, and contact information of the person lodging it.
- 13.4 Any complaint lodged must provide a full and detailed description of the complaint.
- 13.5 The Commissioner 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.
- 13.6 The Commissioner will consider the complaint and respond in writing, not later than three months after the complaint was lodged, informing the complainant of the decision.
- 13.7 If the complainant is dissatisfied with the decision of the Commissioner, he or she may lodge an appeal to the Minister in writing.

14. Review of Policy

- 14.1 This Policy will be reviewed whenever necessary but at least within 5 years.