

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ARTS AND CULTURE

NO. 688

24 MAY 2019

PAN SOUTH AFRICAN LANGUAGE BOARD ACT OF 1995

(ACT NO. 59 OF 1995)

CALL FOR COMMENT

CLOSING DATE: 14 JUNE 2019

[x] Rules for National Language Bodies

PAN SOUTH AFRICAN LANGUAGE BOARD ACT, 1995

WHEREAS the Pan South African Language Board published Norms and Rules in *Government Gazette* No. [x] 28053 of 30 September 2005 to ensure that National Language Bodies are established primarily as language development agencies with specific emphasis on standardisation in respect of all official languages; 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 Rules hereunder are now published to replace the Norms and Rules published in *Government Gazette* No. [x] 28053 of 30 September 2005 with effect from the date of publication of these Rule.

Considering that-

- (a) the Board wishes to ensure that National Language Bodies are established primarily as language development agencies with specific emphasis on standardisation in respect of all official languages; and
- (b) the Board wishes to clarify the relationship between National Language Bodies, Provincial Language Committees and National Lexicography Units;

these Rules are hereby published in terms of section 8(11)(b) of the Pan South African Language Board Act, 1995, (Act No. 59 of 1995) in order to regulate the National Language Bodies established in accordance with Section 8 (8) (b) of the said Act-

Afrikaans National Language Body;

English National Language Body;

IsiNdebele National Language Body;

IsiXhosa National Language Body;

IsiZulu National Language Body;

Khoe and San National Language Body;

National Language Body for Heritage Languages;

South African Sign Language National Language Body;

Sesotho National Language Body;

Sesotho sa Leboa National Language Body;

Setswana National Language Body;

SiSwati National Language Body;

Tshivenda National Language Body; and

Xitsonga National Language Body.

ARRANGEMENT OF RULES

- 1. Definitions
- 2. Establishment
- 3. Composition
- 4. Conditions of membership
- 5. Appointment of members
- 6. Term of office of members and office bearers
- 7. Election of office bearers

8. Executive Committee
9. Chairpersons' Forum
10. Filling of vacancies
11. Termination of membership
12. Powers and functions of National Language Bodies
13. Powers and functions of Technical Committees
14. Meetings and meeting procedures
15. Administrative and other services
16. Reports
17. Communication and records
18. Conflict of interest
19. Remuneration and allowances
20. Funds and fundraising
21. Co-operation and relationship with other structures
22. Recognition and withdrawal of recognition

1. Definitions.-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 59 of 1995);

"Chairperson" means the chairperson of the National Language Body 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 59 of 1995);

"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 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 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 59 of 1995); and

"Rule" means any rule contained in this Notice.

2. Establishment

The National Language Body is hereby established to advise the Board on any language matter in or affecting any province as contemplated by section 8(8)(b) of the Act.

3. Composition.-(1) A National Language Body shall consist of not less than thirteen (13), and not more than twenty two (22) members, who must each-

- (a) have specialist and extensive knowledge in respect of the language concerned;
- (b) have displayed passion and commitment for, and have contributed to, language development; and
- (c) are first (home) language speakers and/or users of that language.

(2) At least one member of the Provincial Language Committee shall be -

- (a) an officer in the department responsible for the basic education in the curriculum development;
- (b) a member of the House of Traditional Leaders; and
- (c) a member of the South African Broadcasting Corporation from the language development or similar unit.

(3) Not more than two of the members of every National Language Body shall represent the Provincial Language Committee of the province where the language concerned is spoken.

(4) Two of the members of every National Language Body shall represent the National Lexicography Unit of the language concerned, subject to the proviso that one of the two members shall be the Editor-in-Chief.

(5) The need for National Language Bodies to reflect broadly the gender and racial composition of South Africa must be considered when a member of a National Language Body is appointed.

3. Conditions of membership.-(1) When a person becomes a member of a National Language Body, the Board shall recognise that member by notice in the *Government Gazette*.

- (2) No member shall serve on a National Language Body on a full-time basis and for more than two terms.
- (3) During their term of office, no member of a National Language Body shall be eligible for, or may personally

benefit from, any grant awarded by the Board or a National Language Body.

4. Appointment of members.-(1) Every member, apart from those members referred to in Rules 3(3) and 3(4) above, shall be appointed to a National Language Body in accordance with the following procedure:

- (a) An *ad hoc* committee of the Board shall invite the general public to nominate persons for appointment as members of the National Language Body through notice in the Government Gazette and such other media as the *ad hoc* committee may deem appropriate.
- (b) The *ad hoc* committee shall:
 - (i) compile a list of candidates from the nominations received who satisfy the criteria set out in Rule 2 above;
 - (ii) In a situation where the nominations process does not bring the required number and calibre of prospective candidates, other methods such as headhunting and cooption shall be followed.
 - (iii) recommend to the Board a short-list of not more than 25 proposed members for appointment.
- (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, any public comments received, and on the advice of the MEC, the Board shall appoint the members of the National Language Body from the short-list in (b)(iii) above.

(2) Any member of the public may, with good reason, object in writing to the nomination or appointment of any person to serve on a National Language Body.

(3) The Board may terminate the membership of any person appointed in terms of this section-

- (a) if the Board is satisfied that such a person no longer complies with any of the requirements of Rule 2;
- (b) if such a person has requested the Board in writing to terminate his or her appointment; or
- (c) when such a person has been absent from more than three consecutive meetings of the National Language Body without valid reason.

(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 National Language Body expires, initiate the process referred to in Rule 4 (1) for the appointment of new members to the National Language Body.

(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 National Language Body expires, extend their term of office by such period as the Board may specify, provided that such period shall not exceed twelve (12) calendar months.

5. Term of office of members and office bearers.-(1) A member of a National Language Body 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 consecutive term.

(2) If the office of a member of the National Language Body 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 National Language Body and the date of his or her appointment and, in the case of a member appointed to fill a vacancy on the National Language Body, the period for which he or she is appointed.

(4) The Chairperson and the Vice-chairperson shall hold office for a term of five (5) years: provided that such Chairperson and Vice-chairperson shall be eligible for re-election for one further consecutive term.

(5) The convenors of Technical Committees shall hold office for a term of five (5) years: provided that such convenors shall be eligible for re- election for one further consecutive term.

(6) Nothing in this Rule shall prohibit a member of a National Language Body from holding any office for more than two terms, provided that no member shall hold office consecutively for longer than two terms, which terms shall be deemed to include any extensions in terms of Rule 4(6) above.

6. Election of office bearers.-(1) The members of the National Language Body shall, at their first 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 to be Vice-chairperson.

(2) If the Chairperson is absent from a meeting of a National Language Body, 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) on 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 National Language Body; or
- (d) when a resolution to that effect is passed by the National Language Body.

(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.

(6) The members of a Technical Committee shall, at their first meeting and thereafter when the need arises, elect a convenor from amongst their number.

(7) A member of one Technical Committee shall oversee the election of a convenor of another Technical Committee.

7. Executive Committee.-(1) The Chairperson, Vice-chairperson and the Convenors of the various Technical Committees shall constitute the Executive Committee of the National Language Body concerned.

(2) The Executive Committee of the National Language Body shall meet twice a year or when necessary to:

- (a) execute any urgent task on behalf of the National Language Body; and
- (b) prepare and finalise the quarterly and annual reports of the National Language Body.

8. Chairpersons' Forum.-(1) The Chairpersons of the various National Language Bodies shall constitute a Chairpersons' Forum and shall at their first meeting, which shall be convened by the Vice-Chairperson of the Board, elect one amongst their number to be Chairperson and another to be Vice-chairperson of the Chairpersons' Forum.

(2) The Chairperson of the Chairpersons' Forum shall convene a meeting at least twice a year, and when otherwise necessary, to discuss matters of mutual interest relating to their respective National Language Bodies.

(3) If the Chairperson of the Chairpersons' Forum fails to convene a compulsory meeting as provided for in (2) above, the Vice-chairperson shall call the meeting.

9. Filling of vacancies.-(1) Any vacancy on a National Language Body [**or a Technical Committee**] shall be filled with nominations previously received in respect of that term, and the appointee shall hold office for the remaining portion of the period for which the member who has vacated the office was appointed, with due regard to the field of expertise required.

(2) If an insufficient number of nominations were 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.

(3) A vacancy must be filled within sixty (60) days of the date that the vacancy arises.

10. Termination of membership.-(1) The Board shall, by notice in the *Government Gazette*, terminate the membership of any member of a National Language Body 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 other offence involving dishonesty;
- (b) is or becomes a political office bearer;
- (c) is or becomes a member of the Board, any of its Provincial Language Committees 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 the grounds of misconduct involving dishonesty;
- (g) is or has been declared by a competent court to be incapable of managing his or her own affairs;
- (h) fails or has failed in material respects to execute his or her duties as set out in these Rules;
- (i) is guilty of conduct that brings the Board or the National Language Body concerned into disrepute;
- (j) failed to attend three (3) consecutive meetings and/or activities of a National Language Body, or any of its Technical Committees, without reasonable cause, and without 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 for a period exceeding 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 one or more of the allegations contained in Rule 10 (1) and/or 10(3)(a).

(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 as set out in Rule 2; or
- (b) if such a person has requested the Board in writing to terminate his or her membership.

(Editorial Note: Numbering as per original *Government Gazette.*)

11. Powers and functions of National Language Bodies.-(1) In order to assist the Board in development, use and respect of languages spoken in the Republic, publishing reports, findings, points of view, advice or recommendations on any matter concerning or affecting a particular language, the Board may seek the advice of a National Language Body concerning-

- (a) language standards, dictionaries, terminology and literature, where applicable; and
- (b) language promotion, development and maintenance.

(2) A National Language Body shall supply the Board with written advice on matters contemplated in Rule 11(1) within six (6) weeks of receipt of a request for such advice and approval of a meeting by the Chief Executive Officer.

(3) A National Language Body shall on its own initiative advise the Board in the form of written recommendations aimed at empowering, promoting and developing languages.

(4) A National Language Body shall actively monitor, investigate and report to the Board on all matters pertaining to the language concerned including the standardisation, orthography, the production of signs and spelling rules of that language.

(5) A National Language Body shall have the power, subject to the prior approval of the Board:

- (a) to review and advise on learning support materials for use in the General Education and Training (GET) as well as the Further Education and Training (FET) bands in schools in consultation with the Department of Education;
- (b) to appoint Technical Committees and Task Teams to assist it in carrying out its functions and to achieve its strategic objectives;
- (c) to liaise and partner with any other person(s) or organisations to further the aims of the National Language Body or the Board;
- (d) to review any product published in the language that the National Language Body represents ; and
- (e) to initiate projects aimed at language development.

12. Powers and functions of Technical Committees.-(1) Every National Language Body shall have various Technical Committees to fulfil functions in the following areas-

- (a) standardisation;
- (b) lexicography;
- (c) terminology;
- (d) literature;
- (e) language in education; and
- (f) any other area considered necessary by the National Language Body concerned.

(2) Each Technical Committee shall be constituted from among the membership of the National Language Body concerned and shall appoint one member to be the convenor.

(3) Each Technical Committee may co-opt members from outside the membership of the National Language Body concerned, provided that such co-option shall be subject to the approval of, and terms stipulated by, the Board.

(4) The establishment of Technical Committees shall be subject to Board approval.

(5) The Technical Committee for Standardisation, where established, shall advise the National Language Body on-

- (a) standardisation of spelling and orthography;
- (b) generation of standards in all the functions of the language; and
- (c) popularisation of the standards generated.

(6) The Terminology Committee, where established, shall advise the National Language Body on-

- (a) the development and authentication of new terminology;
- (b) stabilisation of new terminology;
- (c) popularisation of new terminology; and
- (d) management of terminology in conjunction with the National Department of Arts and Culture;

(7) The Literature Committee, where established, shall advise the National Language Body on-

- (a) strategies to develop and promote literature;
- (b) the acceleration of the publication of literature; and
- (c) the evaluation and screening of literature in conjunction with the National and Provincial Departments of Education.

(8) The Lexicography Committee, where established, shall advise the National Language Body on a variety of dictionary products in consultation with existing National Lexicography Units.

(9) The Language in Education Committee, where established, shall advise the National Language Body on-

- (a) the recommendation of appropriate learning support material;
- (b) the review and approval of learning support material in conjunction with the National and Provincial Departments of Education;
- (c) the promotion and encouragement of the use of mother-tongue in schools; and
- (d) the development and monitoring of the language in education policy.

(10) In those communities where a body of proven ability and record already exists and performs any of the functions contemplated in Rule 12 (1) to the satisfaction of the Board and the National Language Body concerned, the Board shall recognise that body as the body responsible for that specific function by notice in the Government Gazette.

13. Meetings and meeting procedures.-(1) A National Language Body shall meet not less than four times a year, on a quarterly basis, and shall spend an average of three days per meeting: provided that the Chief Executive Officer's approval shall be obtained before any meeting is held.

(2) The **[c]** Chairperson shall call meetings and shall, in consultation with the members of the National Language Body, determine the time and place for every meeting except for the first meeting after the establishment of the National Language Body, which shall be at the time and place determined by the Chief Executive Officer.

(3) A National Language Body shall hold a special meeting if the Chief Executive Officer has approved of such a meeting.

(4) The **[c]** Chairperson of a National Language Body shall, upon a request signed by no less than a third of the members of the National Language Body, call, in consultation with the Chief Executive Officer, a special meeting to be held within thirty (30) days after the date of receipt of such request.

(5) The Board may designate one of its members, or one of its staff members, to attend and participate in a meeting of a National Language Body, but such an attendant will not have the right to vote.

(6) A quorum for a meeting of a National Language Body shall be a simple majority of its members.

(7) Any decision of a National Language Body shall be taken by resolution of the majority of its members present at a quorate 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 National Language Body shall determine the procedure in respect of its meetings.

(9) Each meeting of a National Language Body shall be preceded by meetings of the various Technical Committees called by the respective convenors.

14. Administrative and other services.-(1) The Board shall designate a senior manager to render administrative support to the meetings of the National Language Body, 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; and
- (iv) making available to members of the National Language Body and the Board minutes, reports and records.

(2) Every Technical Committee shall appoint a scribe amongst themselves to assist the Committee with its administrative functions.

15. Reports.-(1) The Chairperson of the National Language Body is responsible for submitting reports on behalf of a National Language Body to the Board whenever required to do so, and shall do so within the timeframe agreed upon between the National Language Body and the Chief Executive Officer.

(2) The advice given by a National Language Body shall meet the requirements set by the Board from time to time.

16. Communication and records.-(1) A National Language Body shall supply the Board with-

(i) the minutes and reports of its meetings within such timeframe as will be agreed upon between that National Language Body and the Chief Executive Officer; and

(ii) such records and reports of its activities as the Board may require.

(2) The Board shall maintain

separate records of the recommendations and advice that it received from the respective National Language Bodies

(3) The Board shall publish the rules on language development prepared by any Technical Committee and endorsed by the relevant National Language Body.

17. Conflict of interest.-(1) If any member, or a next-of-kin, life partner or business associate of any member, has any direct or indirect financial or other interest in any project for 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 of that interest, 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 National Language Body who has reason to believe that a decision taken by a National Language Body may lead to the personal or financial advancement of another member of that National Language Body, or any other National Language Body shall disclose the alleged conflict of interest and the reasons in support of the allegation 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) Any member of the public who has reason to believe that any member of a National Language Body is conflicted in exercising his or her duties or functions may disclose the alleged conflict of interest and the reasons in support of the allegation in a written and anonymous statement addressed to the Chief Executive Officer.

(4) The Board may decide on steps that shall be taken in a case that has come under its attention in accordance with this Rule.

18. Remuneration and allowances.-(1) A member of a National Language Body is entitled to a reasonable sitting allowance as determined by the Board from time to time for each meeting where that member's attendance is compulsory and where the business of the National Language Body or the Board was carried out.

(2) In addition to the sitting allowance referred to in Rule 18 (1) above, a member of a National Language Body is entitled to claim travel, accommodation and incidental expenses incurred in the course of executing his or her duties as a member of the National Language Body, 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 National Language Body concerned and in case of uncertainty, the decision of the Chief Executive Officer shall be final.

19. Funds and fundraising.-(1) The Board shall bear the reasonable costs incurred by:

(a) a National Language Body or Technical Committee for arranging and holding a meeting, booking a venue, and arranging catering; and

(b) members for travel, accommodation and subsistence,

provided that the Chief Executive Officer has approved these expenses prior to their being incurred.

(2) No reimbursement for approved expenses shall be arranged before the Board has received claim forms, minutes and reports of a meeting within the timeframes agreed upon in terms of Rule [13] 15 (1).

(Editorial Note: Wording as per original *Government Gazette*.)

(3) (a) Subject to the approval of the Chief Executive Officer, a National Language Body shall be entitled to engage in fundraising activities for the purpose of funding the activities of the National Language Body.

(b) The National Language Body may establish a sub-committee that shall be responsible for initiating and arranging the fundraising activities in accordance with (3)(a) above.

(4) In the event ~~[of] that~~ a National Language Body manages to raise funds as contemplated in sub-rule (3), such funds shall be utilised in accordance with the conditions, if any, imposed by the donor or contributor concerned, and a report shall be submitted to the Board. Where it is not apparent for what purpose a gift, donation or sponsorship should be applied, the Board in consultation with the National Language Body may decide how it must be utilised.

(5) The National Language Body shall, subject to the approval of the Chief Executive Officer, have the powers to open a bank account with any recognised financial institution, and such account shall be conducted in compliance with the Public Finance Management Act, 1999, (Act 1 of 1999).

(6) All cash gifts, donations or sponsorships to the National Language Body must be paid into a bank account determined in consultation with the Board.

20. Co-operation and relationship with other structures.-(1) A National Language Body shall endeavour 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) Subject to the approval of the Board, a National Language Body 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) Subject to the approval of the Board, a National Language Body shall ensure that it establishes and maintains working relations with, amongst others-

- (i) the Provincial Geographical Names Committee;
- (ii) the National Geographical Names Council;
- (iii) the Provincial and National Departments of Education;
- (iv) the Provincial and National Departments of Arts and Culture;
- (v) the Department of Justice and Constitutional Development;
- (vi) the local government;
- (vii) the electronic and print media; and
- (vi) the National and Provincial Houses of Traditional Leaders.

21. Recognition and withdrawal of recognition.-(1) If a National Language Body fails in material respects to perform its functions as set out in these rules, the Board may withdraw its recognition of that National Language Body.

(2) The Board shall not withdraw recognition of a National Language Body unless-

- (a) the Board has notified each member of the National Language Body concerned of the nature of the alleged material failure;
- (b) the Chief Executive Officer has tabled a copy of the notification at the next Board meeting; and
- (c) the Chief Executive Officer has afforded the National Language Body a reasonable opportunity to make submissions to the Board in respect of that notification.

(3) Upon the dissolution of a National Language Body, the Board shall withdraw recognition thereof through publication of a notice to that effect in the *Government Gazette*.

(4) Should there be a body of proven ability and record already existing and performing any of the functions contemplated in Rules 11 and 12 to the satisfaction of the Board, the Board may recognise that body as the National Language Body for the language concerned.

.....
Name: Dr RRM Monareng
Designation: Chief Executive Officer

Date:.....

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**PAN SOUTH AFRICAN LANGUAGE BOARD ACT OF 1995
(ACT NO. 59 OF 1995)**

CALL FOR COMMENT

CLOSING DATE: 14 JUNE 2019

[x] Rules for Provincial Language Committees

PAN SOUTH AFRICAN LANGUAGE BOARD
ACT, 1995

WHEREAS the Pan South African Language Board published Norms and Rules in *Government Gazette* No. [x] 28053 of 30 September 2005 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 Rules hereunder are now published to replace the Norms and Rules published in Government Gazette No. [x] 28053 of 30 September 2005 with effect from the date of publication of these Norms and Rules

Considering that-

- (a) provinces are competent to adopt their own language policy and legislation in terms of Section 6 and Schedule 4 of the Constitution of the Republic of South Africa, 1996 ;
- (b) some provinces have adopted provincial languages acts and the Board wishes to encourage the outstanding 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; and
- (d) the Board wishes to delegate some of its powers and functions to Provincial Language Committees;

these Rules are hereby published in terms of section 8 (11) (b) of the Pan South African Language Board Act, 1995, (Act No. 59 of 1995) in order to regulate the advisory role and functions of Provincial Language Committees:

ARRANGEMENT OF RULES

<u>1.</u>	Definitions
<u>2.</u>	Establishment
<u>3.</u>	Composition
<u>4.</u>	Conditions of membership
<u>5.</u>	Appointment of members
<u>6.</u>	Term of office of members and office bearers
<u>7.</u>	Election of office bearers
<u>8.</u>	Executive Committee
<u>9.</u>	Chairpersons' Forum
<u>10.</u>	Filling of vacancies
<u>11.</u>	Termination of membership
<u>12.</u>	Powers and functions of Provincial Language Committees
<u>13.</u>	Meetings and meeting procedures
<u>14.</u>	Administrative and other services
<u>15.</u>	Reports
<u>16.</u>	Communication and records
<u>17.</u>	Conflict of interest
<u>18.</u>	Remuneration and allowances
<u>19.</u>	Funds and fundraising
<u>20.</u>	Co-operation and relationship with other structures

21. Recognition and withdrawal of recognition
22. Application

1. Definitions.-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.

2. Establishment

The Provincial Language Committees are hereby established to advise the Board on any language matter in or affecting any province as contemplated by section 8(8)(a) of the Act.

3. Composition.-(1) A Provincial Language Committee shall consist of not more than thirteen (13) members, who must each-

- (a) be a South African citizen] and 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 languages include, but are not be limited to:
 - (i) the official South African Languages;
 - (ii) the Khoisan and Nama Languages;
 - (iii) South African Sign Language; and
 - (iv) Heritage Languages;
- (c) be appropriately qualified and experienced in the languages the member represents, and have contributed to language development;
- (d) be a first language speaker or user of the respective languages the member represents; and
- (e) be fluent in at least two official languages.

(2) At least one member of the Provincial Language Committee shall be -

- (a) an officer in the department responsible for the basic education in the curriculum development;
- (b) a member of the House of Traditional Leaders in the relevant province; and
- (c) a member of the South African Broadcasting Corporation from the language development or similar unit.

(3) The Head of Language Services within the provincial department responsible for language issues shall be an *Ex-Officio* member of the Provincial Language Committee.

(4) Each National Language Body dealing with one of the languages of any particular province may second a member to represent it within the Provincial Language Committee of that province.

(5) Each National Lexicography Unit dealing with one of the languages of any particular province may second a member to represent it within the Provincial Language Committee of that province.

(6) Every Provincial Language Committee shall reflect the proportional linguistic distribution of the languages of the province and.

(7) The need for Provincial Language Committees to reflect broadly the gender and racial composition of South Africa must be considered when a member of a Provincial Language Committee is appointed.

4. Conditions of membership.-(1) When a person becomes a member of a Provincial Language Committee, the Board shall recognise that member by notice in the *Government Gazette* and the relevant *Provincial Gazette*.

(2) No member shall serve on a Provincial Language Committee on a full-time basis and for more than two terms.

(3) During their term of office, no member of a Provincial Language Committee shall be eligible for, or may personally benefit from, any grant awarded by the Board or a Provincial Language Committee.

5. Appointment of members.-(1) Every member, apart from those members referred to in Rules 3(3), 3(4) and 3(5) above, shall be appointed to a Provincial Language Committee in accordance with the following procedure:

(a) The Board, through an *ad hoc* committee, shall invite the general public to nominate persons for appointment as members of the Provincial Language Committee through notice in the *Government Gazette*, the relevant *Provincial Gazette* and such other media as the *ad hoc* committee may deem appropriate.

(b) The *ad hoc* committee shall: -

(i) compile a list of candidates from the nominations received who satisfy the criteria set out in Rule 3 above; and

(ii) recommend to the Board a short-list of not more than 20 proposed members for appointment.

(iii) In a situation where the nomination process does not bring the required number or calibre of prospective candidates, other methods such as headhunting or co-option shall be followed.

(c) The Board shall publish the short-list of the proposed members for public comment.

(2) 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.

(3) 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 5 (1) for the appointment of new members to the Provincial Language Committee.

(4) 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, provided that such period shall not exceed twelve (12) calendar months.

6. Term of office of members and office bearers.-(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 consecutive term.

(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 3, 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 five (5) years: provided that such Chairperson and Vice-chairperson shall be eligible for re-election for one further consecutive term.

(5) Nothing in this Rule shall prohibit a member of a Provincial Language Committee from holding any office for more than two terms, provided that no member shall hold office consecutively for longer than two terms, which terms shall be deemed to include any extensions in terms of Rule 5(4) above.

7. Election of office bearers.-(1) The Chief Executive Officer shall, at the first meeting of a Provincial Language Committee and thereafter when the need arises elect one amongst their number to be Chairperson and another 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) on 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.

8. Executive Committee.-(1) The Chairperson and Vice-chairperson 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; and
- (b) prepare and finalise the required reports of the Provincial Language Committee and submit to the Chief Executive Officer in accordance with the prescribed reporting framework.

9. Chairpersons' Forum.-(1) The Chairpersons of the various Provincial Language Committees shall constitute a Chairpersons' Forum and shall at their first meeting, which shall be convened by the Chief Executive Officer, elect one amongst their number to be Chairperson and another to be Vice-chairperson of the Chairpersons' Forum.

(2) The Chairperson of the Chairpersons' Forum shall convene a meeting at least twice a year, and when otherwise necessary, to discuss matters of mutual interest relating to their respective Provincial Language Committees.

(3) No meeting of the Chairpersons' Forum shall be held without the prior approval of the Chief Executive Officer.

10. Filling of vacancies.-(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 were 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.

(3) A vacancy must be filled within sixty (60) days of the date that the vacancy arises.

11. Termination of membership.-(1) The Board shall, by notice in the *Government Gazette*, terminate the membership 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 other offence involving dishonesty;

- (b) is or becomes a political office bearer;
- (c) is or becomes a member of the Board, 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 the grounds of misconduct involving dishonesty;
- (g) is or has been declared by a competent court to be incapable of managing his or her own affairs ;
- (h) fails or has failed in material respects to execute his or her duties as set out in these [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 reasonable cause, and without 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 for a period exceeding 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 one or more of the allegations contained in Rule 11 (1) and/or 11(3)(a).

(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 membership.

12. Powers and functions of Provincial Language Committees.-(1) In respect of provincial language matters, a Provincial Language Committee shall-

- (a) subject to the direction or prior approval of the Board, monitor the use of the designated languages by the Provincial Government;
- (b) subject to prior approval of the Board, 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;
- (c) actively promote the principle of multilingualism; actively promote the development of previously marginalised indigenous languages, formulate a policy in this regard and, subject to the prior approval of the Board, submit it to the MEC for consideration;
- (d) subject to the prior approval of the Board, 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, subject to the prior approval of the Board, 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, subject to the prior approval of the Board, 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 support studies, research projects and programmes directed at-
 - (i) the promotion parity of esteem and equitable treatment of official languages of the Republic
 - (ii) the promotion of respect for the official languages of the province and their equitable use;

- (ii) the development of previously marginalised indigenous languages 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, as well as status language planning.

(4) A Provincial Language Committee may, subject to the prior approval of the Board-

- (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.

(6) A Provincial Language Committee shall represent the Board in the discharge of any function performed in terms of these Rules.

13. Meetings and meeting procedures.-(1) A Provincial Language Committee shall meet not less than four times a year, on a quarterly basis, provided that the Chief Executive Officer's approval [shall be obtained before any meeting is held.

(2) The Chairperson shall call meetings and shall determine, in consultation with the members of the Provincial Language Committee, the time and place for every meeting except for the first meeting, which shall be at the time and place agreed to in consultation with 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, in consultation with the Chief Executive Officer, a special meeting to be held within thirty (30) days after the date of receipt of such request. [

(5) The Board may designate one of its members, or one of 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 quorate 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.

14. Administrative and other services.-The Board shall designate a senior language manager (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 [c] 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.

15. Reports.-(1) The [c] Chairperson is responsible for submitting required reports on behalf of a Provincial Language Committee [regarding advice] to the Chief Executive Office or 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 advice given by a Provincial Language Committee shall meet the requirements set by the Board from time to time.

(3) Provincial Language Committees are encouraged to also report to the Board on meetings undertaken in terms of provincial language legislation.

16. Communication and records.-(1) A Provincial Language Committee shall supply the Board with-

- (i) the minutes and reports of its meetings within such timeframe as will be agreed upon between that Provincial Language Committee and the Chief Executive Officer; and
- (ii) such records and reports of its activities as the Board may require.

(2) The Board shall maintain

separate records of the recommendations and advice that it received from the respective Provincial Language Committees

(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.

17. Conflict of interest.-(1) If any member, or a next-of-kin, life partner or business associate of any member, has any direct or indirect financial or other interest in any project for 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 of that interest, in a written statement addressed to the [c] 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 who has reason to believe 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, shall disclose the alleged conflict of interest and the reasons in support of the allegation 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) Any member of the public who has reason to believe that any member of a Provincial Language Committee is conflicted in exercising his or her duties or functions may disclose the alleged conflict of interest and the reasons in support of the allegation in a written and anonymous statement addressed to the Chief Executive Officer.

([3] 4) The Board may decide on steps that shall be taken in a case that has come under its attention in accordance with this Rule.

18. Remuneration and allowances.-(1) A member of a Provincial Language Committee is entitled to a

reasonable sitting allowance as determined by the Board from time to time for each meeting or activity where that member's attendance is compulsory and 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 18 (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.

19. Funds and fundraising.-(1) The Board shall bear the reasonable costs incurred by:

- (a) a Provincial Language Committee for arranging and holding a meeting, booking a venue, and arranging catering; and
- (b) members for travel, accommodation and subsistence,

provided that the Chief Executive Officer has approved these 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 Rules 15 (1) and 16(1).

(3) Subject to the approval of the Chief Executive Officer, a Provincial Language Committee shall be entitled to engage in fundraising activities for the purpose of funding the activities of the Provincial Language Committee.

(4) In the event that a Provincial Language Committee manages to raise funds as contemplated in sub-rule (3), such funds shall be utilised in accordance with the conditions, if any, imposed by the donor or contributor concerned, and a report shall be submitted to the Board. Where it is not apparent for what purpose a gift, donation or sponsorship should be applied, the Board in consultation with the Provincial Language Committee may decide how it must be utilised.

(5) The MEC who is responsible for matters related to language, subject to suitable arrangements agreed upon with the Board, may fund a Provincial Language Committee of the province concerned to fulfil its functions in terms of these Rules.

(6) All cash gifts, donations or sponsorships to the Provincial Language Committee must be paid into a bank account determined in consultation with the Board.

20. Co-operation and relationship with other structures.-(1) A Provincial Language Committee shall endeavour 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) Subject to the approval of the Board, [A] 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) Subject to the approval of the Board, [A] 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;
- (v) the National and Provincial Houses of Traditional Leaders; and
- (vi) the Department responsible for local government.

- (4) Subject to the approval of the Board, the Provincial Language Committee may conclude or enter into a memorandum of understanding with any organ of state to regulate their working relationship.

21. Recognition and withdrawal of recognition.-(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 consider the MEC recommendations when deciding whether to withdraw its recognition of that Provincial Language Committee or not. The derecognition of a Provincial Language Committee shall not be effective until published by the Board 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 alleged material failure;
- (b) the Chief Executive Officer has tabled a copy of the notification at the next 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 the dissolution of a Provincial Language Committee, the Board shall withdraw recognition thereof through publication of a notice to that effect in the *Government Gazette* and *Provincial Gazette*.

22. Application- (1) These rules apply to all Provincial Language Committees.

(2) If there is an inconsistency between one or more of these Rules and the provisions of a Provincial Language Act, the provisions of that Act shall prevail to the extent of the inconsistency.

(3) If there is an inconsistency between one or more of these Rules and the provisions of any other Notice published by the Board prior to the date of publication of these rules, the provisions of these rules shall prevail to the extent of the inconsistency.

.....
Name: Dr RRM Monareng

Designation: Chief Executive Officer

Date:.....

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