

NOTICE 91 OF 2015

OFFICE OF THE
TAX OMBUD

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I, Judge Bernard Ngoepe, Tax Ombud, hereby publish the Office of the Tax Ombud's Draft Language Policy in terms of section 4(2)(h) of the Use of Official Languages Act, 2012 (Act No. 12 of 2012) for public comment as set out in the Schedule hereto.

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

By hand:

Office of the Tax Ombud
Communications and Outreach
Iparioli Building
Block A3, Ground floor
1166 Park Street,
Hatfield
Pretoria

By post:

Office of the Tax Ombud
Communications and Outreach
PO Box 12314
Hatfield, 0028

By email: Pseopela@taxombud.gov.za

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

Nb: Comments received after the closing date will not be considered

Judge B M Ngoepe
South African Tax Ombud



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LANGUAGE POLICY DOCUMENT

1. PREAMBLE

The Constitution of the Republic of South Africa (RSA) Act 108 of 1996 recognises 11 official languages; recognises the historically diminished use and status of indigenous languages and requires of the State to take practical and positive measures to elevate the status and advance the use of these languages. The Constitution further requires all official languages to enjoy parity of esteem and to be treated equitably.

To this end, the Official Use of Language Act 12 of 2012 was promulgated to, inter alia, provide for the regulation and monitoring of the use of official languages by national government for government purposes, to require the adoption of a language policy by a national department, national public entity and national public enterprise and the establishment of a language unit for a national department, national public entity and national public enterprise.

The Office of the Tax Ombud as established in terms of sections 14 and 15 of the Tax Administration Act, No.28 of 2011 (TAACT) has therefore in compliance with the Use of Official Language Act developed the Language Policy.

2. PURPOSE

The purpose of the Language Policy is to outline how the office of the Tax Ombud will comply with the provisions of the use of Official Languages Act, 2012, and use official languages to share information about its mandate and services to taxpayers and South African citizens.

3. NATURE OF THE BUSINESS OF THE OFFICE OF THE TAX OMBUD

The office of the Tax Ombud was established in terms of **section 14 and 15 of the Tax Administration Act , No 28 of 2011(TAAct)**. The mandate of the Tax Ombud is to review and address any complaint by a taxpayer regarding a service matter, or a procedural or administrative matter arising from the application of the provision of the Tax Act by SARS. The Office of the Tax Ombud is currently located in Pretoria and has not yet established presence in other provinces. The services are offered through walk-ins, call centre and website. Roadshows are also conducted throughout the country to educate stakeholders about the service the office offers.

4. SCOPE AND APPLICATION

The provision of this policy is applicable to all employees in the Office of the Tax Ombud and anyone executing the functions on behalf of the Tax Ombud.

5. OFFICE OF THE TAX OMBUD POLICY FOR OFFICIAL LANGUAGES

The Office of the Tax Ombud is committed to making use of all eleven official languages as set out in the Use of Official Languages Act, Act No. 12 of 2012, where feasible and as and when requested by the members of the public.

5.1 Official languages

The Office of the Tax Ombud has adopted eleven official languages of the Republic of South Africa as its official languages for the purpose of this policy.

5.2 Factors to be taken into account when applying the official languages

- The preferred use of language to taxpayers and the other stakeholders
- The practicality during the engagements with taxpayers and other stakeholders
- The major language spoken during the engagements with taxpayers and other stakeholders

5.3 The Office of the Tax Ombud will implement the following measures:

- The internal and external operational business language for the Office of the Tax Ombud will be English
- The following major languages are considered for engagements with the taxpayers and stakeholders for government purposes:
 - isiNdebele, isiXhosa, isiZulu and siSwati (Nguni group);
 - Sepedi, Sesotho and Setswana (Sotho group);
 - Tshivenda;
 - Xitsonga;
 - English; and
 - Afrikaans.
- Communications and Outreach engagements with stakeholders at a provincial level will be in English; depending on the geographical area, two alternate major official languages of preference will be used concurrently, where feasible, as and when requested by taxpayers and other stakeholders.
- The taxpayer and other stakeholders, who want written or published information in a particular official language, where that communication or information is not being provided in that language, may request that such communication or information be provided in such official language. Such request must be in writing in the language being requested and received by the Office of the Tax Ombud at least 60 (sixty days) prior to the communication or information being required.

5.4 Use of Official Languages with members of the public

- The Office of the Tax Ombud's has developed a complaints procedure which is available in all 11 official languages and has been posted in the website and available on request.
- The consultants address the taxpayer's queries on the telephone or in writing in English unless there is a request by a taxpayer who wants information in his/her preferred Language, depending on the capacity of the office at the point in time.

- Language used for formal communication in the form of business forms/system generated letters will be in English. The Office of the Tax Ombud will ensure that such information is explained upon request in the preferred language.
- The website is presently available in English only; with the possibility of publishing in other languages in future should it be considered to be a viable option.
- Hard copy educational material, such as pamphlets and posters, will have English as the main language but, depending on the geographical area, two alternate major official languages of preference will be used concurrently, where feasible as and when requested by the stakeholders.
- Business correspondence will be issued in English but stakeholders will be able to request a copy in any one of the official languages.
- English will be used in hearings and other official proceedings, but a request can be made to provide interpretation services in any other official language.
- **Persons with disabilities will be accommodated as follows:**
 - A member of the public who wishes to communicate with the Office of the Tax Ombud in **South African Sign Language** must notify the Communications and Outreach Division in writing at least two weeks before the service is required to enable the office to arrange in time.
 - A member who requires information in Braille will be required to inform the Office of the Tax Ombud in writing or telephonically and such information will be made available.

6. THE LANGUAGE UNIT OF THE OFFICE OF THE TAX OMBUD

The Office of the Tax Ombud will provide resources for the establishment of a Language Unit, which will be part of its Communications and Outreach division. The position of the Language Specialist will be advertised and filled in the new financial year. The role of the Language Specialist is to promote language management and to ensure that the taxpayers and stakeholders are well conversant with the mandate, and the service offered, efficiently through the use of different languages.

7. COMPLAINTS MECHANISM

- 7.1 Any person who is dissatisfied with the use of official languages by the Office of the Tax Ombud may lodge a complaint addressed to the Tax Ombud, as indicated in terms of section 4(f) of the Use of Official Languages Act, 2012.
- 7.2 A complaint must be lodged as follows:
- 7.2.1 In writing within three months of the complaint arising
 - 7.2.2 Any complaint lodged must state the following details: name and surname, physical and postal address, and contact information of the person lodging it.
 - 7.2.3 A complainant must provide a detailed description of the complaint.
 - 7.2.4 The Office of the Tax Ombud will consider the complaint and respond in writing, not later than three months after the complaint was lodged, informing the complainant of the outcome.

8. REVIEW OF THE POLICY

The Office of the Tax Ombud will review the policy annually and when need be.