



SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 11 March 2016
STATUS Immediate

Lourens v Speaker of the National Assembly of Parliament [2016]
ZASCA 11

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

The Supreme Court of Appeal today dismissed an appeal against a decision of the Equality Court sitting in the Western Cape, which dismissed Mr C Louren's claim that the failure of Parliament and the Minister of Arts and Culture to publish Acts of Parliament in all 11 official languages constitutes unfair discrimination against non-English language speakers. The SCA confirmed the Equality Court's finding that Parliament bears no such obligation and that the Constitution itself allows for all acts of government to be in only two of the official languages.

The Constitution itself provides that although there are 11 official languages in the Republic, only two need be employed in for the purposes of government (s 6(3)(a)). Section 6(4) of the Constitution requires that all official languages must be treated equitably (not equally) and must enjoy parity of esteem. The Use of Official Languages Act 12 of 2012 requires all departments of national

government to adopt a policy identifying three official languages for government purposes.

The Joint Rules of Parliament reflect the constitutional requirements and provide that a Bill introduced in Parliament must be in one of the official languages, although a translation into one other official language must be provided to Parliament at least three days before the formal consideration of the Bill by the National Assembly. Invariably Bills are introduced in English since it is the only language which all members of Parliament understand.

Mr Lourens argued that, as an Afrikaans-speaking attorney, he was unfairly discriminated against in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000, since statutes were no longer published in Afrikaans. He made the same claim for all other non-English speaking South Africans.

The SCA assumed, as did the Equality Court, that the Parliamentary practice constituted discrimination, but held that it was not unfair: it was compliant with the Constitution. The complaint had thus to fail, as did the application for an order compelling Parliament and the Minister to publish all statutes in all official languages within a reasonable period.