

**MINISTRY**

**COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER 1411**

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**1411. Mr D Joseph (DA) to ask the Minister of Cooperative Governance and Traditional Affairs:**

(1) (a) On what date was the first Council of Traditional Leaders established, (b) what number of leaders serve on the council, (c) what are the criteria for the traditional groups and/or leaders represented on the council, (d) on what date was the last election held, (e) what is the term of the council and (f) on what date will the next election take place;

(2) whether it is necessary to restructure the council due to the Traditional and Khoi-San Leadership Act, Act 3 of 2019, signed by the President, Mr M C Ramaphosa, in December 2019? NW1782E

**REPLY:**

(1)(a) The first Council of Traditional Leaders was established on 18 April 1997 in terms of the Council of Traditional Leaders Act, 1997 (Act 10 of 1997) which was repealed by the National House of Traditional Leaders Act, 2009 (Act 22 of 2009)(the Act).

(b) Twenty three (23) Senior Traditional Leaders serve in the National House of Traditional Leaders.

(c) Section 3 of the National House of Traditional Leaders Act, 2009 (Act 22 of 2009) provides for the composition of the House. Each of the seven (7) provincial Houses of Traditional Leaders (North West, Limpopo, Free State, Eastern Cape, KwaZulu-Natal, Mpumalanga and Northern Cape with the exception of the Western Cape Province since currently there are no recognised traditional leaders in that province) elect three 3 members to the National House of Traditional Leaders. The only two (2) officially recognised Senior Traditional Leaders in the Gauteng province represent the province in the National House. This is because section 3(2)(b) of the Act provides that “where there is no provincial house of traditional leaders but there are three or a lesser number of traditional councils performing the functions of a local house, the chairpersons of such traditional councils must be ex-officio members of the House”.

(d) The last election of members to the House was conducted during 2017 in terms of section 4 of the National House of Traditional Leaders Act, 2009 (Act 22 of 2009) which provides for each provincial House to elect three (3) members to the National House. Members elected by the seven (7) provincial Houses of Traditional Leaders and two (2) Senior Traditional Leaders from the Gauteng province were sworn into office on 09 November 2017 in Pretoria for a period of five years.

(e) The term of the National House of Traditional Leaders is five (5) years as provided by section 2 (2) of the Act.

(f)The next election of members to the National House of Traditional Leaders will take place after the expiry of the term of the current members on 30 June 2022 in terms of section 27(2) of the Traditional and Khoi-San Leadership Act, 2019 (Act No 3 of 2020) (TKLA).

(2)​ Yes, it is important, and it is a legal mandate that is informed by the Traditional and Khoi-San Leadership Act, Act 3 of 2019, to restructure the National House of Traditional Leaders to include a number of recognised senior leaders of the Khoi-San. This will result in the National House of Traditional Leaders to be renamed the National House of Traditional and Khoi-San Leaders in terms of Sections 26, 27, 28 and 29 of the TKLA.

**End.**