**NATIONAL ASSEMBLY QUESTION FOR WRITTEN REPLY QUESTION NUMBER 2829**

**DATE OF PUBLICATION: 10 DECEMBER 2021**

# 2829. Mr D Joseph (DA) to ask the Minister of Cooperative Governance and Traditional Affairs:

1. What progress has been made with the establishment of structures and the nomination and/or election of leaders on national, provincial and local government level in terms of the Traditional and Khoi-San Leadership Act, Act 3 of 2019, that was signed by the President, Mr M C Ramaphosa, in December 2019;
2. what budget did her department allocate to facilitate the progress on the signed Act in the 2021-22 financial year? NW3349E

**REPLY**

1. The Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019 commenced on 01 April 2021. It is important to distinguish between the leadership structures provided for in the Act. In the case of the National House of Traditional and Khoi-San Leaders (National House), provincial houses of traditional and Khoi-San leaders and local houses of traditional and Khoi-San leaders, the Act determines in section 63(12), (13) and (14), which section deals with transitional arrangements, that the houses that existed at the commencement of the Act, will continue to exist until their terms expire in 2022. The terms of local houses will end on 30 April 2022, provincial houses on 31 May 2022 and the National House on 30 June 2022. The reconstitution of these houses will therefore be done in 2022.

In the case of traditional leadership councils (kingship councils, queenship councils, principal traditional councils and traditional councils), section 16 of the Act requires of the Minister to issue a formula in respect of the determination of the number of members of such councils. The Act also requires that certain consultations be conducted before any formula is issued.

The CoGTA Ministry is currently finalising consultations on the formula for determining the number of members of traditional councils. The final joint consultation meeting of Premiers/provincial governments and Provincial Houses took place on 15 December 2021. Once consensus is reached by Premiers/provincial governments and Provincial Houses, the formula for determining the number of members of traditional councils will be published in a government gazette as required by the Act and provinces can commence with the constitution of traditional councils.

In respect of the formula for determining the number of members of kingship, queenship and principal traditional councils, the Department has developed a draft formula and consulted all Premiers. It is important to note that the Act requires that the Minister consults kings, queens and principal traditional leaders as well as their two forums specified in the Act on this formula before it is published in a government gazette.

Some of the kings, queens and principal traditional leaders have established their forums for purposes of the said statutory consultations. The Department has also requested those Majesties who have not yet established their two forums to do so. The Department is working with our provincial counterparts to assist them to establish these forums as a matter of priority. Once all kings, queens and principal traditional leaders have established their forums, consultations on the formula will start.

1. It is important to note that at national level, the Department of Traditional Affairs is responsible for administrative and financial support of the National House of Traditional and Khoi-San Leaders, and the Commission on Khoi-San Matters (Commission).

The National House is a structure that existed before the commencement of the Act and was allocated a budget at the beginning of the 2021-22 financial year. Therefore, after the commencement of the Act, the National House continued to operate in accordance with the already appropriated budget which is R22,182 million.

The Commission, however, was appointed with effect from 01 September 2021, which after the commencement of the Act and half-way through the 2021-22 financial year. The Department of Traditional Affairs is currently funding the Commission through a reprioritisation process, thus making funds available from other departmental programmes where possible.