

	<p>Clause 4B Threshold for traditional sub-councils to be determined</p>		<p>23. Proposed section 4B prescribes a maximum of 15 members. Propose that Bill be amended to provide that, in line with traditional councils, the number of members should be determined by a formula by the Premier</p>	<p>Amend clause 4B.</p>
<p>MPUMALANGA Ehlanzeni DM</p>	<p>Clause 4, 3A (2)(c)(i) Should be no ex - officio members of traditional institutions</p>		<p>1. In terms of custom and customary law the king/queen, principal traditional leader and senior traditional leader are ex - officio members and the chairs of these institutions</p>	<p>No amendment recommended</p>
	<p>Clause 2B,3B,8,10A Principal traditional leadership not supported</p>		<p>2. See comment 2 under Eastern Cape</p>	<p>No amendment recommended</p>
	<p>Clause 2B,3B,8,10A Bill must recognize Paramount Chiefs</p>		<p>3. See comment 2 under North West</p>	<p>No amendment recommended</p>

Nkangala DM	<p>Clause 25(1) Provision that Commission make recommendations and develop a plan to assist traditional authorities</p>		<p>4. Proposed clause 25 of the Bill provides that the Commission may make recommendations only. The functions of the Commission are limited to investigate and make recommendations on traditional leadership disputes and claims.</p>	No amendment recommended
	<p>Section 3(2)(b) and Clause 3A, 3B and 4B. Women to be recognized in all structures of traditional leadership institutions</p>		<p>5. Provision is made for one third of members of traditional institutions to be women</p>	No amendment recommended
	<p>Clause 2A (2) Must be a history of existence of a kingship/queenship before recognition</p>		<p>6. Proposed section 2A(2) provides for this</p>	No amendment recommended
	<p>No clause Every traditional community should have a kingship/queenship</p>		<p>7. In terms of custom and customary law, the head of a traditional community is a senior traditional leader</p>	No amendment recommended
	<p>Clause 2B,3B,8,10A Principal traditional leadership not supported</p>		<p>8. See comment 2 under Eastern Cape</p>	No amendment recommended
	<p>Section 9 Royal family should decide who the successor to a deceased king/queen should be</p>		<p>9. Section 9 of the Act provides that the royal family identifies the successor to be recognized by Government</p>	No amendment recommended

<p>Clause 3A Membership of kingship/queenship councils to be restricted to kings/queens and senior traditional leaders only</p>		<p>10. In terms of customs and customary law the membership of these institutions could include headman and other knowledgeable individuals</p>	<p>No amendment recommended</p>
<p>Clause 11 (2)(g) B56b-2008 Provision for intergovernmental relations between houses and provincial and local government</p>		<p>11. Clause 11 (2)(g) of the NHTL Bill provides for this. Provincial legislation should provide for this issue as far as it relates to local and provincial houses.</p>	<p>No amendment recommended</p>
<p>Section 1 Inkhosana/Amakhosana must be defined</p>		<p>12. Headmen/headwomen are defined as traditional leaders</p>	<p>No amendment recommended</p>
<p>Clause 26A (8)(9) Distinguish between king/queen and paramount chief and define paramountcies</p>		<p>13. See comment 2 under North West</p>	<p>No amendment recommended</p>
<p>Section 6, Clause 6 and 8 Provide for human and financial resources for outreach programs of traditional leaders</p>		<p>14. Clause 8 provides for this</p>	<p>No amendment recommended</p>

	<p>Sections 14, 15 and 16 Clause 10A Heir to consent in writing to someone acting on his or her behalf</p>		<p>15. The Act deals with regents, acting and deputy traditional leaders in detail. Sections 14, 15 and 16 of the Act. In terms of custom and customary law the Royal family identifies the incumbents of these positions</p>	<p>No amendment recommended</p>
	<p>Clause 13 (1)(a) Recognition of tribal authority until they are transformed</p>		<p>16. Clause 13 (1)(a) provides for the recognition of tribal authorities as traditional authorities and that a period of seven years is prescribed for compliance with the Act</p>	<p>No amendment recommended</p>
	<p>Clause 4B Establishment of traditional sub-councils in the area of other senior traditional leaders will lead to conflict.</p>		<p>17. A traditional sub-council can only be established within the area of jurisdiction of a particular traditional council of which that sub-council is part.</p>	<p>No amendment recommended</p>

	<p>Clause 3A Recognition of kingships/queenships should not be restricted to a particular province.</p>		<p>18. The Bill in Clause 3A provides that the Premier recognizes a kingship / queenship council and defines its area of jurisdiction within a province.</p>	<p>No amendment</p>
	<p>Clause 3B(3), 4 and 4B. Alignment of term of traditional councils with that of municipal councils</p>		<p>19. Term of all traditional institutions aligned with that of the NHTL. See also comments 1 and 2 under Gauteng</p>	<p>No amendment recommended</p>
	<p>Clause 22A Disestablishment of current commission and establishment of new commission which will make recommendations.</p>		<p>20. The current Commission will be disestablished and the new Commission established.</p>	<p>No amendment recommended</p>
	<p>No Clause more relevant clause is clause 26 Mechanism to review the decisions of the President</p>		<p>21. The only competent authority to review the decisions of the President would be a competent court.</p>	<p>No amendment recommended</p>
<p>folio committee</p>	<p>Clause 26A (9) Commissions role and responsibilities relating to paramountcies should be clarified</p>		<p>22. See comment 2 under North West.</p>	<p>No amendment recommended</p>

	<p>Section 13 Provision for regent and for the review of the period of appointment. Family to identify regent/acting person.</p>		<p>23. See section 13 of the Act which deals with this matter. Family identifies and government recognises and the term is reviewed every three years.</p>	<p>No amendment recommended</p>
	<p>Clause 7 , Clause 11 of B56B-2008 Provide for IGR between traditional institutions and the three spheres of government including inter provincial relations.</p>		<p>24. Clause 11 of the NHTL Bill provides for this. Provincial legislation should provide for this issue as far as it relates to local and provincial houses. See also clause 7 of the Framework Bill which provides for</p>	<p>No amendment recommended</p>
			<p>partnerships between district municipalities and kingship/queenship councils and between local municipalities and traditional councils.</p>	
	<p>Clause 3A Only traditional leaders to be members of kingship/queenship councils</p>		<p>25. In terms of customs and customary law the membership of kingship/queenship councils could include headman/headwomen and other knowledgeable individuals</p>	<p>No amendment recommended</p>

Gert Sibande DM			<p>Clause 8(1) (b) President to meet NHTL three times a year and not only once</p>	<p>26. Clause 8(1) (b) provides that the President or his designee must address the annual opening of the NHTL. Other engagements may be arranged with the President without providing for that in legislation.</p>	No amendment recommended
			<p>Clause 3(1)(a) Membership of NHTL should represent all traditional communities/cultural groupings in provinces.</p>	<p>27. Three members of the NHTL are elected by each provincial house. The composition of the three members is subject to an electoral process.</p>	No amendment recommended
			<p>Clause 3. Provinces such as Gauteng should not have representation on the NHTL as they are already represented by their province of origin.</p>	<p>28. The composition of the NHTL is regulated by clause 3. In terms of this clause all provinces that have traditional leaders are represented in the NHTL.</p>	No amendment recommended

			<p>Clause 10(2) All members of NHTL to be full-time.</p>	<p>29. Clause 10(2) provides that the President may designate certain members to be full-time. Proposed that clause 10(2) be amended to make it clear that certain or all members may be designated as full-time</p>	<p>Clause 10(2) to be amended</p>
			<p>Clause 12 Title of the accounting officer should be amended to secretary.</p>	<p>30. Clause 12 provides that the Minister must appoint a public servant as secretary to NHTL. Bill does not provide for an accounting officer</p>	<p>No amendment recommended</p>
			<p>Section 17 of Act 41 of 2003 Bill does not provide for local houses.</p>	<p>31. Section 17 of the Framework Act provides for local houses. Provincial legislation also deals with local houses,</p>	<p>No amendment recommended</p>

ii DM			<p>Clause 8(6) and (7) Chair to be elected by a majority of members of NHTL</p>	<p>32. Clause 8(6) and (7) deals with quorums and requirements for a valid vote. A quorum is 51% of the members and a valid vote require two thirds of the members present to vote in favor of the matter</p>	<p>No amendment recommended</p>
			<p>Clause 14 and 15(3) Not only kings/queens but all senior traditional leaders to be part of the bi-annual meetings with the NHTL.</p>	<p>33. Due to the fact that in Clause 14 the membership of NHTL is restricted to senior traditional leaders only; this meeting is restricted to kings/queens only. Clause 15(3) also makes provision that the NHTL must meet with the House bi-annually.</p>	<p>No amendment recommended</p>
			<p>No clause NHTL to ensure that Government resources are properly utilized by traditional leaders</p>	<p>34. This is not a function of the NHTL</p>	<p>No amendment recommended</p>
			<p>Clause 15(5)(6) The chair of NHTL not to have a discretion to establish a body of chairpersons.</p>	<p>35. Agree. Proposed that the Chairperson and secretary should also establish a body of secretaries</p>	<p>Clause 15 (5) and (6) to be amended</p>

			<p>Clause 11 House must meet quarterly to evaluate socio economic development and service delivery</p>	<p>36. Clause 11 deals with powers and duties of NHTL and not with meetings. One of the duties of NHTL is to cooperate with provincial houses to promote socio economic development and service delivery</p>	<p>No amendment recommended</p>
			<p>Clause 10(B57B-2008) and Section 16 All houses of traditional leaders in provinces to dissolve at the same time as the NHTL</p>	<p>37. The Bill aligns the term of all houses in provinces to that of the NHTL</p>	<p>Section 16 to be amended to align term of office of PHTLs with that of the NHTL.</p>
			<p>Clause 15 National House must have programs of visiting and assisting provincial houses.</p>	<p>38. Clause 15 provides for this</p>	<p>No amendment recommended</p>
			<p>Clause 3(1)(a) Headmen/headwomen not to be members of the NHTL</p>	<p>39. Provincial peculiarities require that headman/headwomen can be members depending on the circumstances.</p>	<p>No amendment recommended</p>