

5	Appointment of Commissioners	NHTL	<p>Currently the Bill provides for five national commissioners to be appointed by the Minister after consultation with the NHTL.</p> <p>Provision is also made for the establishment of provincial committees which will consist of as many members as the premier may determine.</p> <p>The appointment of provincial committees is the responsibility of the Premier after consultation with the Minister.</p> <p>The appointment of commissioners and committees by the President is not supported because it will result in a cumbersome process due to the fact that there can be as many as eight provincial committees.</p>	<ul style="list-style-type: none"> • Due to the fact that the duties of the Commission and committees are of highly specialized nature and that the appointment of commissioners and committee members is done by two different functionaries, the involvement of the public in the appointment process of commissioners is not supported. • The involvement of the public in the whole appointment process will result in a cumbersome and expensive process which will not necessarily contribute to the expertise required for membership. • Consideration can however be given to amend the Bill to include a provision which sets out qualifications and experience required for appointment to the Commission and a committee. • The requirements mentioned above could include qualifications such as anthropology, history and law.
---	-------------------------------------	------	--	---

NATIONAL HOUSE OF TRADITIONAL LEADERS BILL, 2008 (Bill 56 of 2008)

1	Title of the Secretary	Mpumalanga	The argument is not convincing to necessitate a change.	No amendment to the Bill
---	-------------------------------	------------	---	--------------------------

2	Full time Membership of the NHTL			Consideration can be given to amend clause 10(2) to make it clear that the President may designate certain or all members of the NHTL to be full time.
2.1	All members to be full time in the NHTL	Eastern Cape, Mpumalanga	Clause 10(2) of the Bill provides that the President may designate certain members to be full time.	
3	Representation in the NHTL			
3.1	The provincial representation in the NHTL should not be restricted to three members per province but be based on proportional representation linked to number of communities in the province.	Eastern Cape	The matter was raised during the consultation process on the Bill and has always been rejected by the majority of provinces including the NHTL.	No amendment to the Bill.
4.	Election of Chairperson and Deputy Chairperson of the NHTL			
4.1	It was proposed that an electoral college, in which all provincial houses are represented should elect the Chairperson and Deputy Chairperson of the NHTL. The only qualification to be elected as Chairperson and Deputy Chairperson is that the person must be a recognized traditional leader.	Eastern Cape	It is an established principle that equivalent institutions to the NHTL elect a chairperson and deputy chairperson from amongst the members by the members of the institution. The proposal could result in a traditional leader who is not a member of any House being elected Chairperson or Deputy Chairperson. It may also result in an increase of the number of members of the House and could result in the representation of a province being increased.	Proposal not supported
5.	Dissolution of the House			

5.1	Clouse 21(b) of the Bill which provides for the dissolution of the NHTL if supported by two thirds of members should be deleted. The argument was that it may cause instability in the NHTL.	NHTL and Free State	The NHTL is a statutory body and not a customary institution. It is common practice to provide for the dissolution of similar institutions should the majority of members support such a proposal.	No amendment to the Bill.
6.	Meeting with the President			
6.1	It was proposed that the Bill should be amended to provide for engagements with the President at the request of the NHTL.	NHTL	Clause 8 (1) (b) provides that the President or a person designated by him or her must address the Annual Opening of the NHTL. Other engagements may be arranged with the President without providing for that in legislation.	No amendment to the Bill

FINANCIAL IMPLICATION OF THE TWO BILLS

1. FRAMEWORK BILL

The Bill (as amended by then Select Committee) provides for the following:

Matters provided for in the Bill	Financial implications
Recognition of kingships or queenships Establishment and recognition of kingship or queenship councils.	No additional financial implications, as the six kingships and queenships that have been recognized by the Commission as well of the occupants of the position of king or queen, were existing paramountcies and paramount chiefs which are currently being funded.
Recognition of principal traditional communities Establishment of principal traditional councils. Recognition of principal traditional leaders.	No or minor financial implications due to the fact that all the newly created institutions and positions have predecessors which are currently being funded. In clause 13 of the Bill provision is made those paramountcies and paramount chiefs that did not qualify to be a kingship or queenship, or a king or queen, are

		deemed to be recognized as a queenship or kingship or a king or queen. This recognition however lapses if the position of the king or queen is vacant, or on the death of the incumbent (whether permanent or acting) or on the date of the recognition of a successor.
Establishment of a new Commission on disputes and claims		No or minor financial implications. Although a new Commission is being established, the new Commission has the same functions as its predecessor. The major difference between the two Commissions is that the old Commission consisted of 15 members and the new Commission will consist of only five members. However the new Commission will have a number of provincial committees. The number of members of these committees will be at the discretion of the Premier. It is therefore difficult to determine what the financial implications of the new Commission will be. It is however estimated that it will not be much greater than the cost of financing the operation of the current Commission. The budget of the Commission for the previous financial year was R9 million. It should however be noted that the Commission spent R14 million.
Provision is made for the payment of a sitting allowance to non traditional leaders to be members of the following traditional councils - a) kingship or queenship council; b) principal traditional council; c) traditional council; and d) traditional sub - council		All the non traditional leaders who are members of the councils referred to in the first column are entitled to sitting allowances to be determined in terms of the Remuneration of Public Office Bearers Act. The estimated financial implications are set out in the attached Schedule.

NATIONAL HOUSE OF TRADITIONAL LEADERS BILL

Notwithstanding the fact that the 1997 NHTL of Traditional Leaders Act, is being repealed and replaced by a "new" Act, no changes to the membership and operational costs of the current House are proposed and the Bill will therefore have no additional financial implications.

SCHEDULE: FINANCIAL IMPLICATIONS FOR THE PARTICIPATION OF NON-TRADITIONAL LEADERS IN THE VARIOUS COUNCILS.

COUNCIL	NO. OF COUNCILS	NO. OF NON-TRADITIONAL LEADERS PER COUNCIL (AVERAGE)	NO. OF MEETINGS PER ANNUM	RATE PER SITTING	BUDGET PER ANNUM
Kingship/Queenships Council	12	20	6	R400	$12 \times 20 \times 6 \times R400 = R576.000$
Principal Traditional Council	?	?	?	R350	
Additional Council	845	15	12	R250	$845 \times 15 \times 12 \times R250 = R38.025.000$
Additional sub Council	50	10	12	R150	$50 \times 10 \times 12 \times R150 = R900.000$
				TOTAL	R39501 000