



**EASTERN CAPE PROVINCIAL LEGISLATURE**

**OFFICE OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS**

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17 September 2010

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**SELECT COMMITTEE ON LAND AND ENVIRONMENTAL AFFAIRS**

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**NEGOTIATING MANDATE**

**The Chairperson:**  
**Select Committee on Land and Environmental Affairs**  
**National Council of Provinces**

**Name of Bill** : Black Authorities Act Repeal Bill (B9-2010)  
**Date of Deliberation** : 17 September 2010

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**1. Terms of Reference**

The Black Authorities Act Repeal Bill (B9-2010) hereinafter referred to as the Bill, was referred to the Portfolio Committee on Local Government and Traditional Affairs by the Speaker of the House for consideration.

**2. Consideration of the Bill**

The Chairperson of the Portfolio Committee, Mr. M Qoboshiyane, attended the briefing session on the Bill at the NCOP on the 14<sup>th</sup> of September 2010.

The Portfolio Committee was also briefed on the content and effect of the Bill by the Permanent delegate, Ms. AND Qikani who was assisted by the Chairperson of the Committee and Adv. V Mngwengwe from the National Department of Rural Development and Land Reform.

The Portfolio Committee, having regard to the fact that the Black Authorities Act, 1951, which is envisaged to be repealed by the Bill, is already repealed in the Province by the

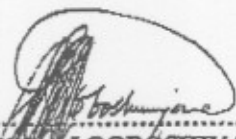
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Traditional Leadership and Governance Framework Act, 2005 resolved that there is no need to conduct public hearing.

The Portfolio Committee was further of the view that the Bill does not have any effect on the Province as the Act sought to be repealed is already repealed in so far as it was assigned to the Province.

3. **Vote of the Legislature**

The province votes in favour of the Bill.

  
.....  
**HON M QOBOSHIYANE**  
**CHAIRPERSON: PORTFOLIO COMMITTEE ON LOCAL GOVERNMENT AND**  
**TRADITIONAL AFFAIRS**



**FREE STATE LEGISLATURE**

**PORTFOLIO COMMITTEE ON COOPERATIVE GOVERNANCE,  
TRADITIONAL AFFAIRS AND HUMAN SETTLEMENT**

**Negotiating Mandate**

**TO:** Chairperson of the Select Committee on Land and Environmental Affairs

**NAME OF BILL: BLACK AUTHORITIES ACT REPEAL BILL**

**NUMBER OF BILL: [B9-2010]**

**DATE OF DELIBERATION: October 26, 2010**

**VOTE OF THE LEGISLATURE:**

The Portfolio Committee on Cooperative Governance, Traditional Affairs and Human Settlement, as designated by the Free State Legislature:

Authority be conferred/granted to the Permanent Delegate to vote **in support** of the Bill.

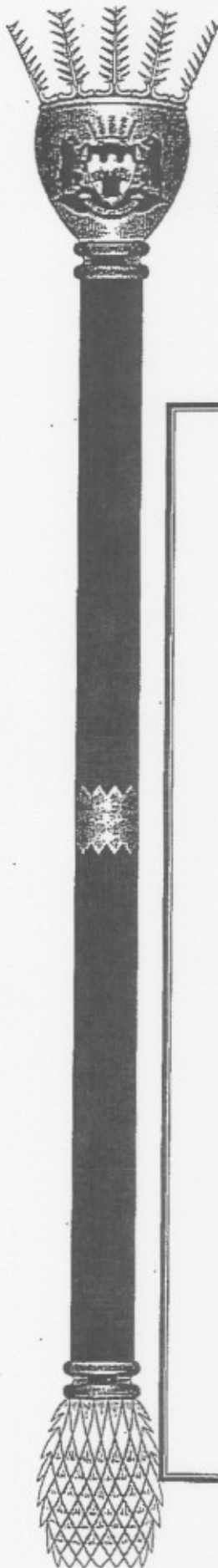
PP   
 Ms O Mlamleli

**Name of Chairperson  
CHAIRPERSON OF PORTFOLIO COMMITTEE ON COOPERATIVE  
GOVERNANCE, TRADITIONAL AFFAIRS AND HUMAN SETTLEMENT  
FREE STATE LEGISLATURE**

Date: October 26, 2010

101026 Sland (natasha)

# Limpopo Legislature



**Physical Address:**

Lebowakgomo  
Government Complex

**Postal Address:**

Private Bag X9309  
Polokwane  
0700

## NEGOTIATING MANDATE

To : Hon. Chairperson: SC on Land and Environmental Affairs

Name of the Bill : Black Authorities Act Repeal Bill

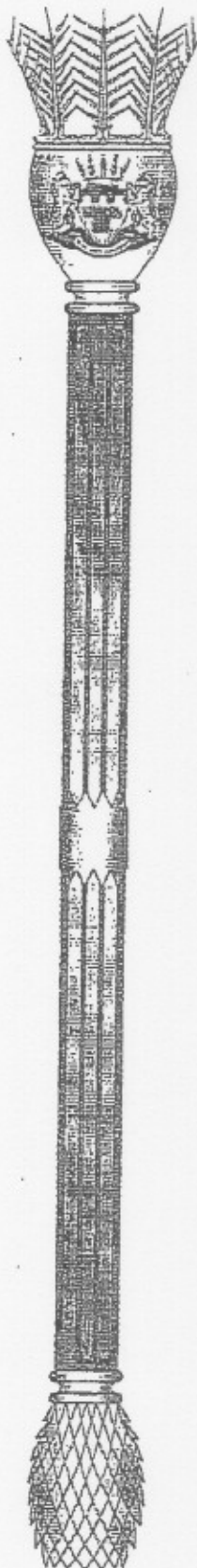
Number of the Bill : [B9 – 2010]

Date of Deliberation : 01 October 2010

Vote of the Legislature : The Portfolio Committee on Provincial Administration hereby confers a Negotiating mandate to the Limpopo Provincial Permanent Delegation to the NCOP to support the Bill as supported By the Select Committee on Land and Environmental Affairs and also taking Cognizance of the inputs made in Paragraph 3 of the Portfolio Committee's Report.

SIGNATURE: S.C. Sekoati DATE: 22.10.2010  
 PA HON. S.C SEKOATI  
 CHAIRPERSON: PORTFOLIO COMMITTEE ON PROVINCIAL ADMINISTRATION

101026 Scland (natasha)



# LIMPOPO LEGISLATURE

Physical Address:  
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Polokwane  
0700

## REPORT OF THE PORTFOLIO COMMITTEE ON PROVINCIAL ADMINISTRATION ON NEGOTIATING MANDATE ON THE BLACK AUTHORITIES ACT REPEAL BILL [B9-2010]

### 1. INTRODUCTION

The Black Authorities Act Repeal Bill [B9-2010] was referred to the Legislature by the National Council of Provinces (NCOP) and the Legislature in turn referred the Bill to the Portfolio Committee on Provincial Administration for scrutiny and to forward a Negotiating Mandate to the NCOP.

The Committee held a meeting to consider the Bill on 01 October 2010 and received a comprehensive briefing on the principle and provisions of the Bill from an NCOP Permanent Delegate. During the briefing session, the Committee resolved that public hearings be held on the Bill.

The Public Hearing was subsequently held on 15 October 2010 to give the stakeholders an opportunity to make inputs on the Bill. The Committee agreed to the inputs made at Public Hearing and to report accordingly.

### 2. PURPOSE OF THE BILL

This is a Section 76 Bill which seeks to repeal the Black Authorities Act, 1951, and to provide for matters connected thereto.

### 3. THE COMMITTEE AND PUBLIC HEARING INPUTS ON THE BILL

#### 3.1 Committee's inputs:

The Committee having considered the Bill wishes to make the following inputs:

- the Committee agrees to the principle and provisions of the Bill.

- the Bill will bring to the end an apartheid legislation which sought to control, dehumanize and discriminate against Black people.

- the Bill will give effect to the report of the South African Law Commission on repealing of the obsolete and redundant legislation in South Africa.

- the Bill will give effect to the abolishment of the established statutory tribal, regional and territorial authorities to administer the affairs of Blacks.

- the Bill, although obsolete, has been considered within the democratic principles of public participation acknowledging that the people shall govern.

- the Bill will ensure that the traditional leadership in South Africa is governed in terms of democratic Laws which are already in existence such as the Traditional Leadership and Governance Framework Amendment Bill (B57B) 2008.

- the Committee therefore agrees to the repeal of the Black Authorities Act No. 68 of 1951.

### 3.2 Public Hearing's inputs

The Committee during a Public Hearing held on 15 October 2010 which was attended by the Limpopo Province House of Traditional Leadership, Traditional Councils in five districts of Limpopo Province and Congress of South African Traditional Leaders in Limpopo Province (CONTRALESA) received the following comments and inputs:

- the Bill should become an Act to bring to an end the apartheid Law that divided the different tribes in South Africa in particular in Limpopo Province.

- the Bill will confirm the democracy of South Africa that there is no discrimination in terms of race or colour.

- the Traditional Leaders are satisfied with the current Laws governing the Traditional Leadership in the Limpopo Province and the country.

- there is no more a need to have traditional authorities and tribal authorities which were established by the Black Authorities Act, 1951.

- the Traditional Leadership in Limpopo Province unequivocally agrees to the repeal of the Black Authorities Act, 1951.

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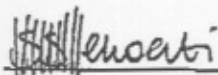
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#### 4. NEGOTIATING MANDATE

The Committee having considered and supported the provisions of the Bill and taking into considerations the inputs made at the Public Hearing hereby confers a negotiating mandate to our NCOP Delegates to support the Bill as supported by the Select Committee on Land and Environmental Affairs as well as taking cognizance of the inputs made in paragraph 3 above.



HON. S.C SEKOATI


CHAIRPERSON: PORTFOLIO COMMITTEE ON PROVINCIAL  
ADMINISTRATION

Date: 21 OCTOBER 2010

Wes-Kaapse Provinsiale Parlement  
Western Cape Provincial Parliament  
IPalamente yePhondo leNtshona Koloni



NEGOTIATING MANDATE

To:	Hon. AND Qikani Chairperson: Select Committee on Land and Environmental Affairs
Name of Bill:	Black Authorities Act Repeal Bill
Number of Bill:	[B9 - 2010]
Date of deliberation:	15 September 2010
Vote of Legislature:	Support the Bill without amendments
Signature	
Date	<u>15-09-2010</u>
Hon. M C Walters Acting Chairperson: Standing Committee on Governance	

101024 Seland (Ntshona)

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IPHALAMENDE LAKWAZULU-NATALI

KWAZULU-NATAL PROVINSIALE PARLEMENT

KWAZULU-NATAL PROVINCIAL PARLIAMENT

## NEGOTIATING MANDATE

TO: HON. AND QIKANI  
CHAIRPERSON: SELECT COMMITTEE ON LAND AND  
ENVIRONMENTAL AFFAIRS

NAME OF BILL: BLACK AUTHORITIES ACT REPEAL BILL

NUMBER OF BILL: B9-2010

DATE OF DELIBERATION: FRIDAY, 22 OCTOBER 2010

### VOTE OF THE LEGISLATURE:

The Portfolio Committee on Cooperative Governance & Traditional Affairs met today, Friday, the 22<sup>nd</sup> of October 2010, & agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to *support* the Black Authorities Act Repeal Bill [B9-2010].

HON GN SWARTBOOI  
CHAIRPERSON OF COOPERATIVE  
GOVERNANCE AND TRADITIONAL AFFAIRS  
PORTFOLIO COMMITTEE

22-10-10

DATE

10/02/10 sc/land (natawsha)



**PORTFOLIO COMMITTEE  
ON AGRICULTURE, LAND  
REFORM & RURAL  
DEVELOPMENT**

Private Bag X5066  
Kimberley 8300  
Nobengula Extension  
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Kimberley 8300

Fax. Admin (053) 839 8094  
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Hon AND Qikani, (Ms)  
Chairperson: Select Committee on Land & Environmental Affairs

Name of the Bill: Black Authorities Act Repeal Bill

Number of the Bill: B9 – 2010

Date of deliberation: Monday, 25 October 2010

Vote of the Legislature: The committee supports the Black Authorities Act Repeal Bill [B9-2010]

*G Manyetsa*

Signature:

HON LG MANYETSA

CHAIRPERSON TO THE PC ON AGRICULTURE, LAND REFORM & RURAL DEVELOPMENT

25/10/2010  
Date:

101006 Seland (Matsheha)



## NEGOTIATING MANDATE

**TO:** Hon. Chairperson MH MOKGOBI

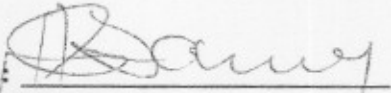
**Name of the Bill:** Black Authorities Act Repeal Bill

**Number of the Bill:** [B 9-2010]

**Date of Deliberation:** 05 OCTOBER 2010

**Vote of the Legislature:**

The Portfolio Committee on Human Settlement; Co-operative Governance and Traditional Affairs has recommended that the Permanent Delegation to the NCOP should negotiate in favour of the Bill. Please refer to the attached report for more details.

Signature:   
Hon. SPD SKHOSANA  
CHAIRPERSON OF THE PORTFOLIO COMMITTEE  
ON HUMAN SETTLEMENT & CoGTA

21/10/2010  
DATE

101020 SKind (noted)



**CHAIRPERSON**

**HON. SPD Skhosana**

**MEMBERS**

**HON VS SIWELA  
HON KC MASHEGO-DLAMINI  
HON BT SHONGWE  
HON P NGOBENI  
HON NS MTSWENI  
HON VM MANZINI  
HON KAP MADONSELA**

**ALTERNATE MEMBERS**

**HON VVZ WINDVOËL  
HON NC MAMABOLO**

<b>COMMITTEE CO-ORDINATOR:</b>	<b>MR SIPHO MSIBI</b>
<b>SOCIAL CLUSTER HEAD :</b>	<b>MR KPX MLAMBO</b>
<b>COMMITTEE SECRETARY:</b>	<b>MRS T MOLEMA</b>
<b>COMMITTEE RESEARCHER:</b>	<b>MS P KOLA</b>
<b>PPPU</b>	<b>MR SURPRISE KWIYANE</b>

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**REPORT OF THE PORTFOLIO COMMITTEE ON HUMAN SETTLEMENT;  
CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS IN  
RESPECT OF THE BLACK AUTHORITIES ACT REPEAL BILL [B 9-  
2010]**

**1. INTRODUCTION**

The Portfolio Committee on Human Settlement; Co-operative Governance and Traditional Affairs was served with the Black Authorities Act Repeal Bill ("The Bill"), of 2010 so that it could express its views in relation to the proposed repeal and objectives of the Bill.

**1.1 OBJECTIVE OF THE BILL:-**

To repeal the Black Authorities Act, 1951; and to provide for matters connected therewith.

**2. METHOD OF WORK**

The Acting Speaker, Hon. KC Mashego-Dlamini referred the Bill to the Portfolio Committee on 16 September 2010. Subsequently the Portfolio Committee met on the 05 October 2010 for briefing and deliberations on the Black Authorities Act Repeal Bill [B 9-2010].

**3. Inputs and Comments**

The Committee discussed the Bill thoroughly and considered the fact that the Bill empowers the Government to effectively repeal the Black Authorities Act No. 68 of 1951.

The Committee noted that the Act was assigned to the following provinces:

- ✓ KwaZulu-Natal
- ✓ Mpumalanga
- ✓ Limpopo
- ✓ Eastern Cape
- ✓ North West

Whereas no assignments to Free State, Gauteng, Northern Cape and Western Cape were made, it further noted that Gauteng and Western Cape supported the proposed repeal.

It observed that Free State and Northern Cape have not registered any objection.

The Committee noted that the Provincial Department of Rural Development and Land Administration had supported the repeal Bill.

Albeit the Committee contended that Mpumalanga province had repealed the Act by passing the Mpumalanga Traditional Leadership and Governance Act 3 of 2005 which came into effect on 07 April 2006, it resolved to solicit the public inputs/comments through the electronic and print media. The Committee noted that inputs from the public and the Provincial house of Traditional leadership were not forthcoming.

It also resolved to consult with Provincial House of Traditional Leadership and the Provincial Department of Co-operative Governance and Traditional Affairs hitherto they have not yet responded.

The Committee appreciated the fact that National Parliament does not seek to open old wounds that were inflicted by the apartheid system instead it intends to purify the statutes book i.e. to eliminate the apartheid statute that used to divide and dehumanize the Black Majority People of South Africa.

The Committee further concurred with the assertion that declares all the provisions of the Act as being both redundant and repugnant to the values and human rights enshrined in the Constitution of the Republic of South Africa, 1996 (the Constitution).


### **3. RECOMMENDATION**

In light of the foregoing comments, the Portfolio Committee recommends that the Bill as it stands should be promulgated.

### **4. CONCLUSION**

The Chairperson would like to thank the Members of the Portfolio Committee for their participation and inputs.

Lastly, on behalf of the Committee, the Chairperson would like to request the august House to adopt this Report.



**HON. SPD SKHOSANA  
CHAIRPERSON: PORTFOLIO COMMITTEE  
ON CO-OPERATIVE GOVERNANCE;**

21/10/2010

**DATE**