

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**TRADITIONAL LEADERSHIP
AND GOVERNANCE FRAME-
WORK AMENDMENT BILL**

[B 57—2008]

*(As agreed to by the Portfolio Committee on Provincial and Local Government
(National Assembly))*

[B 57A—2008]

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AMENDMENTS AGREED TO**TRADITIONAL LEADERSHIP AND GOVERNANCE FRAMEWORK
AMENDMENT BILL****[B 57—2008]****CLAUSE 1**

1. On page 2, in line 7, after “kingship”, wherever it occurs in that line, to insert “or queenship”.
2. On page 2, in line 9, after “kingship” to insert “or queenship”.
3. On page 2, in line 10, after “kingship” to insert “or queenship”.

CLAUSE 2

1. On page 2, in line 14, after “KINGSHIPS” to insert “OR QUEENSHIPS”.
2. On page 2, in line 14, after “KINGSHIP” to insert “OR QUEENSHIP”.

CLAUSE 3

1. On page 3, in line 3, after “kingships” to insert “or queenships”.
2. On page 3, in line 4, after “(1)” to omit “A” and to substitute “Subject to subsection (2), a”.
3. On page 3, in line 5, after “kingship” to insert “or queenship”.
4. On page 3, in line 16, after “kingship” to insert “or queenship”.
5. On page 3, from line 16, after “level” to omit “recognised by other traditional communities”.
6. On page 3, in line 18, after “kingship” to insert “or queenship”.
7. On page 3, in line 25, after “kingship” to insert “or queenship”.
8. On page 3, in line 26, after “kingship” to insert “or queenship”.
9. On page 3, in line 27, after “kingship” to insert “or queenship”.
10. On page 3, in line 32, after “kingship” to insert “or queenship”.
11. On page 3, in line 34, after “kingship” to insert “or queenship”.
12. On page 3, in line 42, after “kingship” to insert “or queenship”.
13. On page 3, in line 45, after “kingship” to insert “or queenship”.
14. On page 3, in line 46, after “kingship” to insert “or queenship”.
15. On page 3, in line 48, after “kingship” to insert “or queenship”.
16. On page 3, in line 51, after “kingship” to insert “or queenship”.

17. On page 3, in line 52, after “kingship” to insert “or queenship”.
18. On page 3, in line 55, after “kingship” to insert “or queenship”.

CLAUSE 4

1. On page 4, in line 3, to omit “paragraph (c) of the following paragraph” and to substitute “paragraphs (a) and (c) of the following paragraphs”.
2. On page 4, after line 3, to insert:

“(a)A traditional council [may have no more than 30 members, depending on the needs of the traditional community concerned] consists of the number of members determined by the Premier by formula published in the Provincial Gazette, after consultation with the provincial house, in accordance with the guidelines issued by the Minister by notice in the Gazette.”.
3. On page 4, in line 8, after “office” to omit “for local government” and to substitute “of the National House of Traditional Leaders”.
4. On page 4, in line 11, after “office” to omit “for local government” and to substitute “of the National House of Traditional Leaders”.

CLAUSE 5

1. On page 4, in line 15, after “kingship” to insert “or queenship”.
2. On page 4, in line 16, after “kingship”, wherever it occurs in that line, to insert “or queenship”.
3. On page 4, in line 17, after “kingship” to insert “or queenship”.
4. On page 4, from line 18, to omit paragraphs (a) and (b) of subsection (2) and to substitute:

“(2) (a) A kingship or queenship council consists of the number of members as determined by the Minister, after consultation with the kingship or queenship concerned, by formula published by notice in the Gazette.”

5. On page 4, in line 24, after “kingship” to insert “or queenship”.
6. On page 4, in line 26, after “kingship” to insert “or queenship”.
7. On page 4, in line 27, after “kingship” to insert “or queenship”.
8. On page 4, in line 29, after “kingship” to insert “or queenship”.
9. On page 4, in line 36, after “kingship” to insert “or queenship”.
10. On page 4, from line 37, to omit paragraph (e) and to substitute:

(e) Each traditional community falling within the area of jurisdiction of the kingship or queenship concerned must in the prescribed manner, elect one person to serve as a member referred to in paragraph (d)(ii): Provided that where the number of persons so elected exceed the number of members contemplated in paragraph (d)(ii), the persons elected by the traditional communities must elect from amongst themselves the number of persons contemplated in paragraph (d)(ii).

11. On page 4, from line 41, to omit subsection (3) and to substitute:

(3) The term of office of the kingship or queenship council is five years and must be aligned to the term of the National House established by section 2 of the National House of Traditional Leaders Act, 2008.
12. On page 4, in line 45, after “kingship”, wherever it occurs in that line, to insert “or queenship”.
13. On page 4, in line 48, after “kingship” to insert “or queenship”.
14. On page 4, in line 50, after “kingship” to insert “or queenship”.
15. On page 4, in line 51, after “kingship” to insert “or queenship”.
16. On page 4, in line 52, after “kingship” to insert “or queenship”.
17. On page 4, in line 55, after “kingship” to insert “or queenship”.
18. On page 4, in line 57, after “kingship” to insert “or queenship”.
19. On page 5, in line 2, after “kingship” to insert “or queenship”.
20. On page 5, in line 3, after “kingship” to insert “or queenship”.
21. On page 5, in line 9, after “the” to omit “traditional” and to substitute “kingship” or “queenship”.
22. On page 5, in line 13, after “kingship” to insert “or queenship”.
23. On page 5, in line 22, after “kingship” to insert “or queenship”.
24. On page 5, in line 32, after “a” to omit “full-time”.

CLAUSE 6

1. On page 5, in line 41, after “kingship” to insert “or queenship”.
2. On page 5, in line 42, after “kingship” to insert “or queenship”.
3. On page 5, in line 43, after “kingship” to insert “or queenship”.
4. On page 5, in line 46, after “kingship” to insert “or queenship”.
5. On page 5, in line 52, after “kingship” to insert “or queenship”.
6. On page 5, in line 54, after “kingship” to insert “or queenship”.
7. On page 5, in line 58, after “kingship” to insert “or queenship”.
8. On page 6, in line 5, after “kingship” to insert “or queenship”.
9. On page 6, in line 6, after the first “the” to omit “Premier” and to substitute “king or queen”.
10. On page 6, in line 6, after the second “the” to omit “President” and to substitute “Premier”.
11. On page 6, in line 10, after “kingship” to insert “or queenship”.

12. On page 6, after line 11, to insert a new subsection:

“(4) Provincial legislation may provide for a relationship between kings or queens and provincial houses as contemplated in section 14 of the National House of Traditional Leaders Act, 2008.”.

13. On page 6, in line 12, after “of” to omit “sub-traditional councils” and to substitute “traditional sub-councils”.
14. On page 6, in line 15, after “a” to omit “sub-traditional council” and to substitute “traditional sub-council”.
15. On page 6, in line 17, after “The” to omit “sub-traditional council” and to substitute “traditional sub-council”.
16. On page 6, from line 19, after “the” to omit “sub-traditional council” and to substitute “traditional sub-council”.
17. On page 6, from line 23, after “the” to omit “sub-traditional council” and to substitute “traditional sub-council”.
18. On page 6, in line 24, after “the” to omit “sub-traditional council” and to substitute “traditional sub-council”.
19. On page 6, in line 29, after “a” to omit “sub-traditional council” and to substitute “traditional sub-council”.

NEW CLAUSE

20. On page 6, after line 30, to insert the following new clause:

Substitution of section 5 of Act 41 of 2003

7. The following section is hereby substituted for section 5 of the principal Act:

“Partnerships between district or local municipalities and traditional kingship or queenship councils

5. (1) The national government and all provincial governments must promote partnerships between district municipalities and kingship or queenship councils through legislative or other measures.

(2) The national government and all provincial governments must promote partnerships between local municipalities and traditional councils through legislative or other measures.

(3) Any partnership contemplated in subsections (1) and (2) must—

- (a) be based on the principles of mutual respect and recognition of the status and roles of the respective parties; and
- (b) be guided by and based on the principles of co-operative governance.

(4) A traditional council may enter into a service delivery agreement with a municipality in accordance with the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and any other applicable legislation.”.

CLAUSE 7

1. On page 6, in line 33, after “kingship” to insert “or queenship”.

2. On page 6, in line 36, after “kingship” to insert “or queenship”.

NEW CLAUSE

1. On page 6, after line 37, to insert the following new clause:

Amendment of section 9 of Act 41 of 2003

8. Section 9 of the principal Act is hereby amended by the substitution in subsection (1)(b) for subparagraph (ii) of the following subparagraph:

“(ii) whether a kingship or queenship has been recognised in terms of section 2A.”.

CLAUSE 8

1. On page 6, in line 41, insert the following words after “established”: “for a term of office of five years aligned to the term of office of the National House of Traditional Leaders”.

NEW CLAUSE

1. On page 7, after line 2, to insert the following new clause:

Amendment of section 26 of Act 41 of 2003

9. Section 26 of the principal Act is hereby amended by the substitution in subsection (2) for paragraphs (a) and (b) of the following:

“(a) the President for immediate implementation in accordance with section 2A, 9 or 10 where the position of a king or queen or kingship or queenship is affected by such a decision; and

(b) the relevant provincial government and any other functionary which must immediately implement the decision of the Commission in accordance with applicable provincial legislation in so far the implementation of the decision does not relate to the recognition or removal of a king or queen or the recognition or withdrawal of a kingship or queenship in terms of section 2A, 9 or 10.”.

CLAUSE 10

1. On page 7, in line 55, after “kingship” to insert “or queenship”.

CLAUSE 12

1. On page 8, in line 17, after “kingship” to insert “or queenship”.

CLAUSE 13

1. On page 8, in line 31, after “kingship” to insert “or queenship”.
2. On page 8, in line 44, after “kingship” to insert “or queenship”.

CLAUSE 14

1. On page 8, in line 52, after “kingship” to insert “or queenship”.
2. On page 9, in line 2, after “kingship” to insert “or queenship”.
3. On page 9, in line 12, after “kingship” to insert “or queenship”.
4. On page 9, in line 26, after “kingship” to insert “or queenship”.
5. On page 9, in line 44, after “kingship” to insert “or queenship”.
6. On page 9, in line 53, after “kingship” to insert “or queenship”.
7. On page 9, in line 58, after “kingship” to insert “or queenship”.

CLAUSE 15

1. On page 10, in line 9, after “kingship” to insert “or queenship”.

CLAUSE 16

1. On page 10, in line 18, after “kingship” to insert “or queenship”.

LONG TITLE

1. On page 2, in the third line, after “kingship” to insert “or queenship”.
2. On page 2, in the fourth line, after “kingship” to insert “or queenship”.
3. On page 2, in the eleventh line, after “kingship” to insert “or queenship”.

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