

DEPARTMENT OF TRADITIONAL AFFAIRS

NO. 117

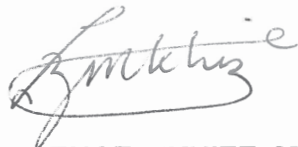
08 FEBRUARY 2019

TRADITIONAL LEADERSHIP AND GOVERNANCE FRAMEWORK ACT, 2003

GUIDELINES FOR DETERMINATION OF NUMBER OF MEMBERS
OF TRADITIONAL COUNCILS

Under the powers vested in me by section 3(2)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), I, Zwelini Lawrence Mkhize, Minister for Cooperative Governance and Traditional Affairs, hereby replace the guidelines for the determination of the number of members of a traditional council issued under Government Notice No. 908 of 28 August 2017, with the guidelines set out in the Schedule hereto.

Any formula for the determination of the number of members of a traditional council as contemplated in section 3(2)(a) of the said Traditional Leadership and Governance Framework Act, 2003, published in a Provincial Gazette in accordance with Government Notice No. 354 of 21 April 2011, Government Notice No. 397 of 15 May 2015 or Government Notice No. 908 of 28 August 2017, shall be deemed to be in accordance with the relevant option of the guidelines issued under this Government Notice.



DR ZWELINI LAWRENCE MKHIZE, MP
MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE: 19/12/18

SCHEDULE

GUIDELINES FOR DETERMINATION OF NUMBER OF MEMBERS OF A TRADITIONAL COUNCIL

For the purposes of the formula determining the number of members of a traditional council as contemplated in section 3(2)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), any of the following options may be applied:

OPTION A: OPTION BASED ON NUMBER OF RECOGNISED HEADMEN/ HEADWOMEN

Number of recognised headmen/ headwomen	Selected members [60% of total number of members]				Elected members [40% of total number of members]	Total number of members [100%]
	Community members	Headmen/ headwomen	Senior traditional leaders	Total number of selected members	Total number of elected members	
7 or less	■	■	1	11	7	18
8 to 14	■	■	1	14	10	24
15 to 24	■	■	1	19	13	32
25 to 50	■	■	1	25	17	42
51 and more	■	■	1	30	20	50

■ See application hereunder

OPTION B: OPTION BASED ON ESTIMATED POPULATION OF TRADITIONAL COMMUNITY

Estimated population of traditional community	Selected members [60% of total number of members]				Elected members [40% of total number of members]	Total number of members [100%]
	Community members	Headmen/ headwomen	Senior traditional leaders	Total number of selected members	Total number of elected members	
0 to 15 000	■	■	1	11	7	18
15 001 to 30 000	■	■	1	14	10	24
30 001 to 50 000	■	■	1	19	13	32
50 001 to 80 000	■	■	1	25	17	42
80 001 and more	■	■	1	30	20	50

■ See application hereunder

■ APPLICATION:

1. Before the selection of members of a traditional council commences, the Member of the Executive Council (MEC) responsible for traditional leadership in the relevant province must, after consultation with the provincial house of traditional leaders, determine which option shall apply to all or specific traditional councils within such province. The MEC must furthermore take into account the financial implications of each option and any other factor that will enhance the functionality of the councils. In instances where a provincial house has not been established, the MEC must consult the relevant recognised senior traditional leaders.
2. The selection of community members and headmen/headwomen indicated in the above options must be done by the recognised senior traditional leader who, in terms of section 3(2)(c)(i) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), is an *ex officio* member of the relevant traditional council.
 - (a) Before the selection process takes place, the senior traditional leader may request the royal family to designate, from amongst its members, a forum of not less than three and not more than five members to assist such senior traditional leader with the selection of members: Provided that if the royal family designates such a forum, the selection of members by the senior traditional leader is subject to the concurrence of such forum.
 - (b) During the selection process, the senior traditional leader and the forum referred to in paragraph (a), are encouraged to select persons who represent the interests of the youth and disabled persons of that community: Provided that for the purposes of these Guidelines “youth” means persons who are at least 18 years old but not older than 34.
 - (c) The composition of the selected members is as follows:
 - (i) The recognised senior traditional leader who is an *ex officio* member of the traditional council.
 - (ii) Community members who comprise 30% of the total number of selected members.
 - (iii) As many headmen and headwomen as required to reach the total number of selected members: Provided that—
 - (aa) in instances where there are more recognised headmen/headwomen than the number required to serve as selected members, the relevant senior traditional leader must select the required number from amongst the recognised headmen/headwomen;
 - (bb) in instances where there are less recognised headmen/headwomen than the number required to serve as selected members, all recognised headmen/headwomen and, notwithstanding subparagraph



- (ii), as many community members as may be required to reach the total number of selected members;
 - (cc) in instances where there are no recognised headmen/headwomen, the selected members will consist of as many community members as may be required to reach the total number of selected members.
- (d) If the decimal is .5 or higher in any of the calculations referred to under subparagraph (ii) above, the figure must be rounded off upwards: Provided that if in any instance this would result in an increase in the total number of selected members as indicated in any of the options above, the decimal must be rounded off downwards. If the decimal is lower than .5, the decimal must be rounded off downwards: Provided that if in any instance this would result in a decrease in the total number of selected members as indicated in any of the options above, the decimal must be rounded off upwards.

