

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
_____ Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend the House of Traditional Leaders Act, 1994, to determine the composition of the House of Traditional Leaders; to make provision for departmental representation in the House; to regulate the voting rights of members of the House; to regulate the relationship between the House and traditional authorities, the Legislature and the Executive Council; to make certain transitional provisions; and to provide for matters in connection therewith.

BE IT ENACTED by the Provincial Legislature of the Free State Province, as follows:-

*(Afrikaans text signed by the Premier.)
(Assented to 14 December 2000.)*

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Amendment of section 3 of Act 6 of 1994

1. Section 3 of the House of Traditional Leaders Act, 1994 (hereinafter referred to as the Act), is amended by - 10
- (a) the substitution for subsection (1) of the following subsection:
- “(1) The House shall consist of **[15]** a maximum of 18 members nominated by the traditional authorities of the tribes mentioned in the first column of the Schedule to this Act in accordance with the second column of the said Schedule provided that such nominations shall take place [- 15
- (a) **within 30 days of the commencement of this Act; and** 20
- (b)] subject to the provisions of section 6.”
- (b) the insertion after subsection (6) of the following subsection: 25
- “(7) The Premier may amend the Schedule by proclamation in the Provincial Gazette.”

Amendment of section 4 of Act 6 of 1994

2. Section 4 of the Act is amended by the insertion after subsection (5) of the following subsection:

“(6) A person from the Department of Local Government and Housing, designated by the Premier, must attend the meetings of the House to advise the House regarding government policies and legislation that relate to traditional affairs.”

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Amendment of section 10 of Act 6 of 1994

3. Section 10 of the Act is amended by the substitution for section 10 of the following section:

“10. (1) All questions before the House shall be determined by a majority of votes cast by the members present.”

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(2) The person representing the Department of Local Government and Housing in terms of section 4(6) does not have any voting rights.”

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Amendment of section 12 of Act 6 of 1994

4. Section 12 of the Act is amended by the insertion of a new subsection (1), the existing subsections (1) and (2) becoming subsections (2) and (3):

“(1) The Premier, in consultation with the House, may after the election of the Chairperson and Deputy Chairperson contemplated in section 5(1), appoint the Chairperson or both the Chairperson and Deputy Chairperson in a full time capacity to discharge the work of the House.”

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The insertion of sections 12A, 12B and 12C

5. The Act is amended by the insertion after section 12 of the following sections:

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“Relationship between the House and traditional authorities

12A. (1) The House must, in consultation with traditional authorities, advise the Provincial Government on matters relating to the general interest and welfare of traditional communities.

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(2) The House must investigate matters referred to it by the traditional authorities and make recommendations.

(3) The House must advise traditional authorities regarding the administration of their affairs.

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- (4) Members must report on the progress of matters relating to the general interest and welfare of traditional authorities quarterly to their respective traditional authorities.
- (5) Members must table the reports referred to in subsection (4) at the first meeting of the House after the reports have been submitted to the respective traditional authorities. 5

Relationship between the House and the Provincial Legislature

- 12B.** (1) The Speaker of the Provincial Legislature must refer all the bills introduced in the Legislature that relates to traditional affairs, indigenous law, traditions or customs of traditional communities in the Province, to the House. 10
- (2) The House must consider and comment on the bills referred to in subsection (1). 15
- (3) The written notification of the House's support or opposition of a bill referred to it, together with the comments, must be submitted to the Speaker within 14 days from the date of such referral. 20

Relationship between the House and the Executive Council

- 12C.** The Premier must, in consultation with the House and the Executive Council, determine the relationship between the subcommittees of the House and the subcommittees of the Executive Council. 25

Transitional Provisions

- 6.** (1) Notwithstanding section 3(2) of Act 6 of 1994 the term of office of the persons, who are members of the House at the time of the commencement of this Act, shall expire on 18 April 2002. 30
- (2) The term of office of members of the House must run after 18 April 2002 concurrently with the term of office of members of the National House of Traditional Leaders. 35

Short title

- 7.** This Act shall be called the House of Traditional Leaders Amendment Act, 2000. 40