

FREE STATE PROVINCE

PROVINCIAL GAZETTE

KORANTA YA MMUSO WA PROVENSE

FREISTATA

Published by Authority

E Phatlaladitsweng ka Tumello

No. 49

BLOEMFONTEIN, 22 JULY 2008
BLOEMFONTEIN, 22 PHUPU 2008

<p>GENERAL NOTICE 4 OF 2008</p> <p>PUBLICATION OF THE FREE STATE PROVINCIAL AND LOCAL HOUSES OF TRADITIONAL LEADERS BILL, 2007</p> <p>It is notified for general information and comment that the above-mentioned Bill is hereby published in terms of Rule 147 of the Rules and Orders of the Free State Legislature.</p> <p>Any comments or remarks must be submitted to the Secretary: Free State Legislature, Private Bag X20561, Bloemfontein, 9300 to reach her not later than 12 August 2008.</p> <p>E ROCKMAN SECRETARY: FREE STATE LEGISLATURE</p>	<p>TSEBISO YA KAKARETSO 4 YA 2008</p> <p>PHATLALATSO YA BILI YA FREISTATA YA PROVENSE LE MATLO LE SELE HAE, YA BAETAPELE BA BOTJHABA, YA 2007</p> <p>Ena ke tsebiso e mabapi le tlhahisoleseding e akaretsang le maikutlo afe kapa afe, mabapi le ho re Bili e boletsweng ka hodimo e phatlalatswa ho latela dintlha tsa Molawana wa 147, wa tsa Melawana le Ditaelo tsa Lekgotla la Ketsamolao la Freistata.</p> <p>Maikutlo afe kapa afe a tlamehile ho romelwa ho Mongodi: Lekgotla la Ketsamolao la Freistata, Private Bag X20561, Bloemfontein, 9300, mme a lokela ho fihla ho yena pele ho la 12 Phato 2008.</p> <p>E ROCKMAN MONGODI: LEKGOTLA LA KETSAMELAO LA FREISTATA</p>
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BILL

To provide for the establishment of a Provincial House of Traditional Leaders and Local Houses of Traditional Leaders; to provide for the composition of the Houses; to determine the roles and functions of the Houses; and to provide for matters incidental thereto.

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

CHAPTER 1

Definitions	5
1. (1) In this Act, unless the context otherwise indicates –	
“ Constitution ” means the Constitution of the Republic of South Africa, 1996;	10
“ district municipality ” means a district municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);	15
“ executive committee ” means the executive committee of a Local House or of the Provincial House referred to in section 17;	
“ Free State Traditional Leadership and Governance Act, 2005 ” means the Free State Traditional Leadership and Governance Act, 2005 (Act No. 8 of 2005);	20
“ Houses ” means the Provincial House and/or Local House, as the case requires;	25
“ Kgosi or Morena ” means a Kgosi or Morena recognised under section 18 of the Free State Traditional Leadership and Governance Act, 2005;	
“ Local House ” means a Local House of Traditional Leaders established under section 9;	30
“ MEC ” means the Member of the Executive Council responsible for traditional affairs in the Province;	
“ member ” means in relation to a –	35
(a) Provincial House, King or Queen or their representatives, and Dikgosi or Marena, Marena a Motse or Boramotse;	
(b) Local House, King or Queen or their representatives, Dikgosi or Marena, Marena a Motse or Boramotse;	40

BILI

Ho etsa hore ho thehwe Ntlo ya Baetapele ba Botjhaba ya Provense le Matlo a Baetapele ba Botjhaba ba Selehae; ho fumantsha se mabapi le popeho ya Matlo; ho fumantsha se mabapi le mesebeisi le boikarabelo ba Matlo; le ho fa sebaka bakeng la dintlha tse amanang le tsena.

E TLA KENNGWANG TSHEBETSONG ke Lekgotla la Ketsamolao la Provense ya Freistata, ka mokgwa o latelang:-

KGAOLO YA 1

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Ditlhaloso

1. (1) Molaong ona, ntle le ha se ngotsweng se bolela ho hong -
 - 10 “Molao wa Motheo” ho hlalosa Molao wa Rephabliki ya Afrika Borwa wa Motheo, 1996;

15 “Mmasepala wa Setereke” e hlalosa mmasepala wa setereke, jwalo ka ha ho boletswe Karolong ya 1 ya Mmuso wa Selehae: Molao wa Dipopeho tsa Mmasepala, 1998 (Molao 117 wa 1998);

“komiti ya phethahatso” ho hlalosa komiti ya phethahatso ya Ntlo ya Lehae kapa ya Ntlo ya Provense e boletsweng karolong ya 17;

20 “Molao wa Freistata wa Boetapele ba Botjhaba le Puso, 2005” e hlalosa Molao wa Freistata wa Boetapele ba Botjhaba le Puso, 2005 (Molao 8 wa 2005);

25 “Ntlo” ho hlalosa Ntlo ya Provense le/kapa Ntlo ya Lehae, ho ya kamoo boemo bo tla beng bo hloka kateng;

“Kgosi kapa Morena” e hlalosa Kgosi kapa Morena ya amohetsweng tlasa karolo ya 18 ya Molao wa Freistata wa Boetapele le Puso ya Botjhaba, 2005;

30 “Ntlo ya Lehae” ho hlalosa Ntlo ya Lehae ya Baetapele ba Botjhaba e thehilweng tlasa karolo ya 9;

“SLP” ho hlalosa Setho sa Lekgotla la Phethahatso se ikarabellang mererong ya setso Provenseng;

35 “setho” e hlalosa ha ho buuwa ka -

 - (a) Ntlo ya Provense, Morena kapa Mofumahadi wa Morena kapa baemedi ba bona, le Dikgosi kapa Marena a Motse, kapa Boramotse;
 - 40 (b) Ntlo ya Selehae, Morena kapa Mofumahadi kapa baemedi ba bona, Dikgosi, Marena a Motse kapa Boramotse;

“**National House**” means the National House of Traditional Leaders referred to in section 2(1) of the Council of Traditional Leaders Act, 1997 (Act No. 10 of 1997) as amended by the Council of Traditional Leaders Amendment Act, 1998 (Act No. 85 of 1998);

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“**Premier**” means the Executive Head of the Province;

“**Province**” means the Free State Province as contemplated in section 103 of the Constitution;

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“**Provincial House**” means the Provincial House of Traditional Leaders established under section 2;

“**traditional council**” means a traditional council established in terms of the provisions of the Free State Traditional Leadership and Governance Act, 2005; and

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“**traditional community**” means a traditional community established in terms of section 3 of the Free State Traditional Leadership and Governance Act, 2005.

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- (2) The words defined in the Free State Traditional Leadership and Governance Act, 2005, has the same meaning for the purposes of this Act.

CHAPTER 2

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Establishment of the Provincial House of Traditional Leaders

2. (1) There is hereby established a Provincial House of Traditional Leaders known as the Free State House of Traditional Leaders.

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(2) The Provincial House has the roles and functions entrusted to it in terms of the provisions of this Act.

(3) The term of office of a Provincial House is five years.

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(4) The Premier must, by proclamation in the *Provincial Gazette*, prescribe the procedure to be followed at the elections.

Composition of the Provincial House

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3. (1) (a) The Provincial House shall consist of a minimum of three and a maximum of eighteen members.

(b) The membership of the Provincial House shall consist of senior traditional leaders or their representatives, headmen and/or headwomen. The King/Queen or their representatives shall be *ex officio* members of the Provincial House.

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“Ntlo ya Naha” e hlalosa Ntlo ya Naha ya Baetapele ba Botjhaba ba boleisweng karolong ya 2(1) ya Molao wa Lekgotla la Baetapele ba Botjhaba, 1997 (Molao 10 wa 1997) jwalo ka ha o lokisitswe ke Molao wa Lekgotla la Baetapele ba Botjhaba, 1998 (Molao 85 wa 1998);

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“Tonakgolo” e hlalosa Hlooho ya Lekgotla la Phethahatso ya Provense;

“Provense” ho hlalosa Provense ya Freistata ho ya kamoo ho lohothwang kateng karolong ya 103 ya Molao wa Motheo;

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“Ntlo ya Provense” ho hlalosa Ntlo ya Provense ya Baetapele ba Botjhaba e thehilweng tlasa karolo ya 2;

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“Lekgotla la setjhaba” ho hlalosa lekgotla la setjhaba le thehilweng ho latela diphelelo tsa Molao wa Freistata wa Boetapele ba Botjhaba le Puso, 2005; mme

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“baahi ba setso” ho hlalosa baahi ba setso ba thehilweng ho latela diphelelo tsa karolo 3 ya Molao wa Freistata wa Boetapele ba Botjhaba le Puso, 2005.

- (2) Mantswe a hlalositseweng Molaong wa Freistata wa Boetapele le Puso ya Botjhaba, 2005, a na le moelelo o tshwanang Molaong ona.

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KGAOLO YA 2

Ho thehwa ha Ntlo ya Provense ya Baetapele ba Botjhaba

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2. (1) Mona ho thehwa Ntlo ya Provense ya Baetapele ba Botjhaba e tsejwang jwalo ka Ntlo ya Freistata ya Baetapele ba Botjhaba.

- (2) Ntlo ya Provense e na le mesebetsi le boikarabelo boo e bo fuweng ho latela se boletsweng Molaong ona.

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- (3) Nako ya tshebetso ya Ntlo ya Provense ke dilemo tse hlano.

- (4) Tonakgolo e lokela ho etsa tsebiso ya semmuso Koranteng ya Mmuso wa Provense, hore ho tla latelwa motjha ofe wa tshebetso dikgethong.

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Popeho ya Ntlo ya Provense

3. (1) (a) Ntlo ya Provense e tla ba le bonyane ditho tse tharo, mme e se fete ditho tse leshome le metso e robedi.

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- (b) Ntlo ya Provense e tla boptjwa ka baetapele ba botjhaba ba sehlooho kapa baemedi ba bona, le ramohlolongwana. Morena/Mofumahadi kapa baemedi ba bona e tla ba ditho tsa Ntlo ya Provense, feela ka baka la maemo a bona a borena.

- (c) The members of the Provincial House shall be nominated by their respective traditional councils.
- (d) Three members of the Local House shall be elected to the Provincial House by members of the Local House on its first seating, subject to the provisions of section 3(1)(b). 5
- (2) The Premier shall, by notice in the *Provincial Gazette*, determine the number of members of each traditional community to be represented in the Provincial House. 10
- (3) A third of the members of the Provincial House must consist of women: Provided that if the Premier is satisfied that there is an insufficient number of women available to participate in the Provincial House, the Premier may determine a lower threshold. 15
- (4) A member must hold office for a period of 5 years.
- (5) If a member of the Provincial House dies, or ceases to be a member in terms of section 7, a new member must be nominated within a period of one month. 20

Meetings of the Provincial House

4. (1) The Premier must, within sixty days, after the commencement of this Act, convene the Provincial House in such manner as he or she may deem suitable. 25
- (2) Meetings of the Provincial House must be held at such place as the executive committee may from time to time determine. 30
- (3) There must be an ordinary meeting of the Provincial House at least four times in every year during the session of the Provincial Legislature.
- (4) Subject to subsections (2) and (3), the Provincial House must meet during such periods and on such days and during such hours as it may determine. 35
- (5) (a) The chairperson of the executive committee may at any time, or if so directed by the Premier, call a special meeting of the Provincial House on a day and at a place to be determined by the said committee, as the case may be. 40
- (b) At such a special meeting only such matters as are placed before the Provincial House must be dealt with. 45
- (c) The Premier may assign/appoint any Member of the Executive Committee to chair such a special meeting.
- (d) Any member of the House, if supported by a third of the members of the House, may call a special meeting. 50

- (c) Ditho tsa Ntlo ya Provense di tla kgethwa ke makgotla a bona a boitjhaba a fapaneng.
- 5 (d) Ditho tse tharo tsa Ntlo ya Lehae di tla kgethwa go ya Ntlong ya Provense, ke ditho tsa Ntlo ya Lehae mo kopanong ya yona ya pele, ho itshetlehilwe karolong ya 3(1)(b).
- 10 (2) Tonakgolo e tla etsa tsebiso semmuso Koranteng ya Mmuso wa Provense, hore setjhaba ka seng se tla ba le palo e kae ya ditho tsa kemedi Ntlong ya Provense.
- 15 (3) Bonngwe borarong ba ditho tsa Ntlo ya Provense e tlameha ho ba basadi: Ha feela eba Tonakgolo e kgotsofaditswe ke hore ha ho na palo e lekaneng ya basadi ba ka bang le seabo Ntlong ya Provense, Tonakgolo e ka beha palo a tlase ho e boletsweng.
- (4) Setho se lokela ho ba ofising dilemo tse 5.
- 20 (5) Ha eba setho sa Ntlo ya Provense se ka shwa kapa sa kgaotsa ho ba setho ho ya ka karolo 7, setho se setjha se lokela ho kgethwa nakong e sa feteng kgwedi.

Dikopano tsa Ntlo ya Provense

- 25 4. (1) Tonakgolo, e tlameha ho kopanya Ntlo ya Provense ka mkgwa oo e tlang ho bona ho tshwanetse ka ona, nakong e sa feteng matsatsi a mashome a tsheletseng kamorao ho ho thehwa ha Molao ona.
- 30 (2) Dikopano tsa Ntlo ya Provense di tlameha ho tshwarelwa sebakeng se tlang ho tsebahatswa ke komiti ya phethahatso nako le nako.
- (3) Ntlo ya Provense e tlameha ho tshwara kopano e tlwaelhileng bonnyane makgetlo a mane selemong ka seng sesheneng ya Lekgotla la Ketsamolao la Provense.
- 35 (4) Ho itshetlehilwe dikarolwaneng tsa (2) le (3), Ntlo ya Provense e tlameha ho ba le kopano dinakong, matsatsing le dihoreng tseo e tlang ho etsa qeto ka tsona.
- 40 (5) (a) Modulasetulo wa Komiti ya Ketsamolao, a ka bitsa kopano e ikgethileng ya Ntlo ya Provense neng kapa neng kapa ka taelo ya Tonakgolo, sebakeng se kgethilweng ke komiti e boletsweng, ho ya kamoo maemo a leng ka teng.
- 45 (b) Kopanong e ikgethileng tjena, ke ditaba tse ka behelwang Ntlo ya Provense feela tseo ho lokelang ho mekamekanwa le tsona.
- (c) Tonakgolo e ka roma/thonya Setho sefe kapa sefe sa Komiti ya Ketsamolao ho ba modulasetulo kopanong eo e ikgethileng.
- 50 (d) Setho sefe kapa sefe sa Ntlo, ha se tshehetswa ke karolo ya nngwe borarong ya Ntlo, se ka etsa pitso ya kopano e ikgethang.

- (6) A person designated by the Premier may attend the meetings of the Provincial House to advise the Provincial House regarding government policies and legislation that relate to traditional affairs.

Election of chairperson and deputy chairperson of the Provincial House 5

5. At its first meeting, after it has been convened under section 4(1), the Provincial House, with the Premier as chairperson, must elect one of its members to be the chairperson, and must thereafter elect another of its members to be the deputy chairperson of the Provincial House. 10

Roles, functions and duties of the chairperson and deputy chairperson of the Provincial House

6. (1) The chairperson of the Provincial House has the following roles, functions and duties: 15
- (a) to call the meetings of the Provincial House;
 - (b) to chair the meetings of the Provincial House; 20
 - (c) to ensure the efficient day-to-day running of the business of the Provincial House; and
 - (d) to perform any other function or role as may be assigned to him or her by the Premier or this Act. 25
- (2) If the chairperson is absent or for any reason unable to exercise or perform the powers or functions vested in the office of chairperson, or when the office of chairperson is vacant, the deputy chairperson must act as chairperson during the absence or inability of the chairperson or until a chairperson is elected. 30
- (3) If any of the circumstances described in subsection (2) applies with reference to both the chairperson and the deputy chairperson, a member of the Executive Committee designated in terms of the rules and orders must act as chairperson while the said circumstances prevail. 35
- (4) The deputy chairperson or the member of the Executive Committee designated under subsection (3), while acting as chairperson, may exercise the powers and must perform the functions vested in the office of chairperson. 40
- (5) The chairperson, the deputy chairperson or any other member of the Executive Committee designated for that purpose in terms of the rules and orders must preside over meetings of the Provincial House. 45

- (6) Motho ya kgethilweng ke Tonakgolo a ka ba teng dikopanong tsa Ntlo ya Provense ho eletsisa Ntlo ya Provense mabapi le maano le melao ya mmuso e amanang le merero ya setso.

5 Ho kgethwa ha modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Provense

5. Kopanong ya yona ya pele, kamora ho ba e kopanngwe tlasa karolo ya 4(1), Ntlo ya Provense le Tonakgolo – e le modulasetulo - e tlameha ho kgetha e mong wa ditho tsa yona ho ba modulasetulo mme kamora moo e kgethe e mong wa ditho tsa yona ho ba motlatsi wa modulasetulo wa Ntlo ya Provense.

Mesebetsi le boikarabelo ba modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Provense

- 15 6. (1) Modulasetulo wa Ntlo ya Provense o na le boikarabelo le mesebetsi e latelang:
- (a) ho bitsa dikopano tsa Ntlo ya Provense;
- 20 (b) ho ba modulasetulo wa dikopano tsa Ntlo ya Provense;
- (c) ho netefatsa tsamaiso e hlwahlwa ya letsatsi le letsatsi mererong ya Ntlo ya Provense; le
- 25 (d) ho phetha mesebetsi kapa boikarabelo bofe kapa bofe bo bong boo Tonakgolo kapa Molao ona o ka bo behang mahetleng a hae.
- (2) Ebang modulasetulo a le siyo kapa a sa kgone ho phetha mesebetsi le boikarabelo ba hae ofising ya bodulasetulo ka lebaka lefe kapa lefe, kapa ha ofisi ya modulasetulo e na le sekgeo, motlatsi wa modulasetulo o tlameha ho tshwara mokobobo e le modulasetulo bosiyong kapa ho se beng le bokgoni ha modulasetulo kapa ho fihlela modulasetulo a kgethwa.
- 30 (3) Ebang boemo bofe kapa bofe bo hlalositsweng karolwaneng ya (2) bo ama modulasetulo le motlatsi wa modulasetulo ka bobedi, setho sa Ntlo ya Selehae se kgethilweng ho latela melao le ditaelo, se tlameha ho ba modulasetulo nakong eo ho ntseng ho rena boemo bo boletsweng
- 35 (4) Motlatsi wa modulasetulo kapa setho sa Lekgotla la Phethahatso se kgethilweng tlasa karolwana ya (3), nakong eo a tshwereng mokobobo e le modulasetulo, a ka sebedisa matla le ho phethahatsa mesebetsi e boikarabelong ba ofisi ya modulasetulo.
- 40 (5) Modulasetulo, motlatsi wa modulasetulo kapa setho sefe kapa sefe sa Komiti ya Phethahatso se kgethetsweng mesebetsi oo ho latela dintlha tsa melao le ditaelo, se tlameha ho tsamaisa dikopano tsa Ntlo ya Provense.
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- (6) While presiding at a meeting of the Provincial House, the chairperson, deputy chairperson or any other member presiding must not have a deliberative vote, but must have and exercise a casting vote in the case of an equality of votes. 5
- (7) The chairperson or deputy chairperson must vacate his or her office if he or she ceases to be a member of the Provincial House according to sections 7 and 16, and may be removed from office by resolution of the Provincial House, and may resign by lodging his or her resignation in writing with the secretary of the Provincial House. 10
- (8) If the office of chairperson or deputy chairperson becomes vacant, the Provincial House, under the chairpersonship of the Premier or a person designated by the Premier, must elect a member to fill the vacancy: Provided that the chairperson must in such event preside at the election of the deputy chairperson. 15

Qualification for membership of the Provincial House

7. (1) No person must become or remain a member of the Provincial House, unless he or she is of or over the age of 18 years, or if he or she – 20
- (a) at any time after the promulgation of the Constitution, is convicted of an offence in the Republic, or outside the Republic, if the conduct constituting such offence would have constituted an offence in the Republic, and for which he or she has been sentenced to imprisonment of more than 12 months without the option of a fine, unless he or she has received a pardon; 25
- (b) is an unrehabilitated insolvent; 30
- (c) is of unsound mind and has been so declared by a competent court.
- (2) For the purpose of subsection (1)(a), no person must be deemed as having been convicted of an offence until any appeal against the conviction or sentence has been determined, or, if no appeal against the conviction or sentence has been noted, the time for noting such an appeal has expired. 35

Functions of the Provincial House of Traditional Leaders

8. (1) The Provincial House has the following functions: 40
- (a) Advise the provincial government or the provincial legislature on developmental matters relating to indigenous law or affecting traditions and customs of traditional communities. 45
- (b) Advise the provincial government and participate in the development of provincial policies and legislation.

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- (6) Nakong eo a tsamaisang kopano ya Ntlo ya Provense, modulasetulo, motlatsi wa modulasetulo kapa setho se seng se tsamaisang kopano ha se a tlameha ho ba le voutu empa se tlameha ho sebedisa voutu ya makgaolakgang ebang divoutu di lekana.
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- (7) Modulasetulo kapa motlatsi wa modulasetulo o tlameha ho theoha setulong sa bodulasetulo ebang e se e se setho sa Ntlo ya Provense ho ya ka karolo ya 7 le 16, mme a ka theolwa setulong ka qeto ya Ntlo ya Provense, mme a ka itokolla ka ho kenya lengolo la ho itokolla ho mongodi wa Ntlo ya Provense.
- 15
- (8) Ebang ofisi ya modulasetulo kapa motlatsi wa modulasetulo e ba le sekgeo, Ntlo ya Provense, tlasa bodulasetulo ba Tonakgolo kapa motho ya kgethilweng ke Tonakgolo, e tlameha ho kgetha setho ho tlatsa sekgeo seo. Ha feela e le hore modulasetulo o tlameha ho tsamaisa ho kgethwa ha motlatsi wa modulasetulo boemong bo jwalo.

Tse etsang hore o kgone ho ba setho sa Ntlo ya Provense

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7. (1) Ha ho motho ya tlamehang ho ba kapa ho dula e le setho sa Ntlo ya Provense, ntle feela le ha a le dilemo tse 18 kapa ho feta, kapa ebang -
- 25
- (a) nako efe kapa efe kamora ho tsebahatswa semmuso ha Molao wa Motheo, a fumanwa a le molato kahara Rephaboliki, kapa kantle ho Rephaboliki, ebang boitshwaro bo bakileng tlolo e jwalo ya molao bo ka be bo etsahetse kahara Rephaboliki, mme a ahloletswe ho hlola tjhankaneng nako e fetang dikgwedi tse 12 ntle boikgethelo ba ho nehwa kotlo ya tjelete, ntle le haeba a fumane tshwarelo;
- 30
- (b) e le motho ya tjhonneng ya so kang a lokisa boemo boo ba hae;
- (c) a sa phela hantle kelellong mme a tsebahaditswe a le jwalo ke lekgotla le nang le bokgoni.
- 35
- (2) Molemong wa karolwana ya (1)(a), ha ho motho ya tlamehang ho nkuwa a kile a ahlolelwa tlolo ya molao ho fihlela boipiletso bofe kapa bofe bo kgahlanong le ho fumanwa molato kapa kahlolo bo phethetswe, kapa, ebang ho se boipiletso bo sisintsweng kgahlano le ho fumanwa molato kapa kahlolo, nako ya tshisinyo e jwalo e mabapi le boipiletso boo e fedile.
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Mesebetsi ya Ntlo ya Provense ya Baetapele ba Botjhaba

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8. (1) Ntlo ya Provense e na le mesebetsi e latelang:
- (a) Ho eletsa mmuso wa provense kapa mmuso wa ketsamolao provenseng mabapi le merero ya tswelopele e amanang le melao ya setso kapa e amang botjhaba le meetlo ya baahi ba ikamahanyang le tsa botjhaba.
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- (b) Ho eletsa mmuso wa provense le ho ba le seabo ntshetsopeleng ya maano le melao ya provense.

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| (c) | To participate in national and provincial developmental programmes. | |
| (d) | To promote the role of traditional leadership within the Free State Province. | 5 |
| (e) | Participate in partnership with other stakeholders, in provincial initiatives meant to monitor, review and evaluate government programmes in traditional communities. | 10 |
| (f) | To enhance unity and understanding among Free State traditional communities. | |
| (g) | To enhance co-operation between the Local House/s, and the traditional councils in the Free State Province. | 15 |
| (h) | To participate in the structures of government. | |
| (i) | To promote and protect cultural values, morals and indigenous practices of the communities. | 20 |
| (2) | May exercise such other powers and must perform such tasks as may be conferred by the Premier or as may be provided for in any other relevant provincial legislation. | 25 |

CHAPTER 3

Establishment of a Local House of Traditional Leaders

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| 9. | (1) As contemplated in section 17(1) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), a Local House of Traditional Leaders is established for each district municipality where there is more than one traditional council in that district municipality. | 30 |
| | (2) The functions of a Local House of Traditional Leaders in a district municipality where there exists only one traditional council are performed by that traditional council, and such traditional council shall be accorded the status of a Local House. | 35 |
| | (3) The members of the Local House are elected by the electoral college consisting of Kings and/or Queens or their representatives and Dikgosi/Marena residing within the district municipality in question. | 40 |
| | (4) The Premier must, by notice in the <i>Provincial Gazette</i> , call the elections for the first term of the respective Local Houses, within sixty days after the coming into operation of this Act: Provided that such elections must take place within 30 days of the said notice. | 45 |

- (c) Ho ba le seabo mananeong a ntshetsopele ya naha le provense.
- (d) Ho hodisa mosebetsi wa boetapele ba botjhaba ka hara Provense ya Freistata..
- (e) Ho ba le seabo tshbedisanong mmoho le bankakarolo ba bang, boitekong ba provense ba ho beha leihlo, ho sheba botjha le ho lekola mananeo a mmuso hara baahi ba ikamahanyang le tsa botjhaba.
- (f) Ho matlafatsa moya wa kopano le kutlwisisano pakeng tsa baahi ba ikamahanyang le tsa botjhaba Freistata.
- (g) Ho hodisa tshbedisano-mmoho pakeng tsa Matlo/Ntlo a/ya Selehae, le Lekgotla la Botjhaba ka hara Provense ya Freistata.
- (h) Ho ba le seabo dipopehong tsa mmuso.
- (i) Ho hodisa le ho sireletsa metheo ya boitshwaro ya setso, boitshwaro le meetlo ya baahi.

- (2) E ka sebedisa matla a itseng mme ya phethahatsa mesebetsi eo e ka e laelwang ke Tonakgolo kapa e ka bolelwang molaong ofe kapa ofe o amehang wa provense.

KGAOLO YA 3

Ho thehwa ha Ntlo ya Lehae ya Baetapele ba Botjhaba

9. (1) Jwalo ka ha ho boletswe karolong ya 17(1) ya Moralo wa Molao wa Boetapele le Puso ya Botjhaba, 2003 (Molao 41 wa 2003), Ntlo ya Selehae ya Baetapele ba Botjhaba e thehetswe mmasepala wa setereke se seng le se seng se nang le makgotla a botjhaba a fetang bonngwe ka palo mmasepaleng wa setereke seo.
- (2) Mesebetsi ya Ntlo ya Selehae ya Baetapele ba Botjhaba mmasepaleng wa setereke moo ho nang le lekgotla la botjhaba le le leng feela, e phethwa ke lekgotla leo la botjhaba, mme lekgotla leo la botjhaba le tla fuwa maemo a Ntlo ya Selehae.
- (3) Ditho tsa Ntlo ya Lehae di tlameha ho kgethwa ke sehlopha sa ba kgethilweng se nang le marena kapa mafumahadi, kapa baemedi ba bona le dikgosi kapa marena a dulang sebakeng se tasa taolo ya masepala wa setereke seo.
- (4) Tonakgolo e tlameha ho etsa tsebiso *Koranteng ya Mmuso wa Provense*, e ipiletsang dikgethong tsa pele tsa Matlo a fapaneng a Selehae, ho e so fete matsatsi a mashome a tshelatseng kamora ho kenngwa tshbeditsong ha Molao ona. Ha feela eba dikgetho tse jwalo di tlameha ho tshwarwa ho eso fete matsatsi a 30 kamorao ho tsebiso eo.

- (5) The Premier must, by proclamation in the *Provincial Gazette*, prescribe the procedure to be followed at the elections referred to in subsection (4) and any other future elections for Local Houses.
- (6) A Local House of Traditional Leaders has the roles and functions entrusted to it by or in terms of this Act. 5
- (7) The term of office of a Local House is five years.
- Composition of a Local House** 10
10. (1) A Local House consists of not less than 5 and not more than 10 members.
- (2) A third of the members of a Local House must consist of women: Provided that if the Premier is satisfied that there is an insufficient number of women to participate in the Local House, the Premier may, after consultation with the relevant electoral college referred to in section 9(3), determine a lower threshold. 15
- (3) The Premier shall, by notice in the *Provincial Gazette*, determine the number of members to constitute the Local House. 20
- Meetings of the Local House**
11. (1) Meetings of the Local House must be held at such place as the executive committee may from time to time determine. 25
- (2) There must be an ordinary meeting of the Local House at least four times in every year during the session of the district municipality. 30
- (3) Subject to subsections (2) and (4), the Local House must meet during such periods and on such days and during such hours as it may determine.
- (4) The executive committee may at any time, and if so directed by the Premier, must call a special meeting of the Local House on a day and at a place to be determined by the said committee with the approval of the Premier and at such special meeting only such matters as are placed before the Local House must be dealt with. 35
- (5) The Premier may, as soon as possible after the commencement of this Act, convene the Local House in such manner as he or she may deem suitable. 40
- (6) A person designated by the Premier may attend the meetings of the Local House to advise the Local House regarding government policies and legislation that relate to traditional affairs. 45

- (5) Tonakgolo e tlameha ho etsa tsebiso *Koranteng ya Mmuso wa Provense*, mabapi le meijha e lokelang ho latelwa dikgethong tse boletsweng karolwanweng ya (4) ekasitana le dikgethong dife kapa dife tse ding tsa Matlo a Selehae tse tla tshwarwa nakong e tlang.
- (6) Ntlo ya Selehae ya Baetapele ba Botjhaba e na le mosebetsi le boikarabelo boo e bo fuweng ho ya ka Molao ona.
- (7) Nako ya tshebetso ya Ntlo ya Provense ke dilemo tse hlano.

Popeho ya Ntlo ya Lehae

10. (1) Ntlo ya Lehae e tlameha ho ba le ditho tse seng ka tlasa palo ya 5 le tse sa feteng palo ya 10.
- (2) Bonngwe borarong ba ditho tsa Ntlo ya Lehae e tlameha ho ba basadi: Ha feela e le hore Tonakgolo e kgotsfaditswe ke hore ha ho na palo e lkaneng ya basadi ba ka bang le seabo Ntlong ya Lehae, Tonakgolo, kamora ho buisana le sehlopha se amehang sa ba kgethilweng se boletsweng karolwaneng ya 9(3), e ka beha palo e tlase ho e boletsweng.
- (3) Tonakgolo e tla etsa tsebiso semmuso Koranteng ya Mmuso wa Provense, hore setjhaba ka seng se tla ba le palo e kae ya ditho tsa kemedi Ntlong ya Lehae.

Dikopano tsa Ntlo ya Lehae

11. (1) Dikopano tsa Ntlo ya Lehae di tlameha ho tshwarelwa sebakeng se tlang ho tsebahatswa ke komiti ya phethahatso ka makgetlo a itseng.
- (2) Ntlo ya Selehae e tlameha ho tshwara kopano e tlwaelehileng bonyane makgetlo a mane selemong ka seng sesheneng ya mmasepala wa setereke.
- (3) Ho itshetlehlwe dikarolwaneng tsa (2) le (4), Ntlo ya Lehae e tlameha ho ba le kopano dinakong, matsatsing le dihoreng tseo e tlang ho etsa qeto ka tsona.
- (4) Komiti ya phethahatso, ka nako efe kapa efe le haeba Tonakgolo a laela jwalo, e ka bitsa kopano e ikgethang ya Ntlo ya Selehae letsatsing le sebakeng se tlang ho tsebahatswa ke komiti e boletsweng, ka tumello ya Tonakgolo, mme kopanong eo e ikgethang ho tla buisanwa feela ka dintlha tse tekilweng ka pela Ntlo ya Selehae:
- (5) Tonakgolo, kapele kamora ho ba ho qalwe ka Molao ona, e ka kopanya Ntlo ya Lehae ka mkgwa oo e tlang ho bona ho tshwanetse ka ona.
- (6) Motho ya kgethilweng ke Tonakgolo a ka ba teng dikopanong tsa Ntlo ya Lehae ho eletsa Ntlo ya Lehae mabapi le maano le melao ya mmuso e amanang le merero ya setso.

Election of the chairperson and deputy chairperson of the Local House

12. At its first meeting, after it has been convened under section 11(5), the Local House, with the Premier as chairperson, must elect one of its members to be the chairperson, and must thereafter elect another of its members to be the deputy chairperson of the Local House. 5

Roles, functions and duties of the chairperson and deputy chairperson of the Local House

13. (1) The chairperson of the Local House has the following roles, functions and duties: 10
- (a) to call the meetings of the Local House; 15
 - (b) to chair the meetings of the Local House; 15
 - (c) to ensure the efficient day-to-day running of the business of the Local House; and 20
 - (d) to perform any other function or role as may be assigned to him or her by the Premier or this Act. 20
- (2) If the chairperson is absent or for any reason unable to exercise or perform the powers or functions vested in the office of chairperson, or when the office of chairperson is vacant, the deputy chairperson must act as chairperson during the absence or inability of the chairperson or until a chairperson is elected. 25
- (3) If any of the circumstances described in subsection (2) applies with reference to both the chairperson and the deputy chairperson, a member of the Executive Committee designated in terms of the rules and orders must act as chairperson while the said circumstances prevail. 30
- (4) The deputy chairperson or the member of the Executive Committee designated under subsection (3), while acting as chairperson, may exercise the powers and must perform the functions vested in the office of chairperson. 35
- (5) The chairperson, the deputy chairperson or any other member of the Local House designated for that purpose in terms of the rules and orders must preside over meetings of the Local House. 40
- (6) While presiding at a meeting of the Local House, the chairperson, deputy chairperson or any other member presiding must not have a deliberative vote, but must have and exercise a casting vote in the case of an equality of votes. 45

Ho kgethwa ha modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Selehae

- 5 12. Kopanong ya yona ya pele kamora hoba e kopanngwe tlasa karolo ya 11(5), Ntlo ya Selehae, le Tonakgolo, e le modulasetulo, e tlameha ho kgetha e mong wa ditho tsa yona ho ba modulasetulo mme kamorao ho moo e kgethe e mong wa ditho tsa yona ho ba motlatsi wa modulasetulo wa Ntlo ya Selehae.

Mesebetsi le boikarabelo ba modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Selehae

- 10 13. (1) Modulasetulo wa Ntlo ya Selehae o na le boikarabelo le mesebetsi e latelang:
- (a) ho bitsa dikopano tsa Ntlo ya Selehae;
- 15 (b) ho ba modulasetulo dikopanong tsa Ntlo ya Selehae;
- (c) ho netefatsa tsamaiso e hlwahlwa ya letsatsi le letsatsi mererong ya Ntlo ya Selehae; le
- 20 (d) ho phetha mesebetsi kapa boikarabelo bofe kapa bofe bo bong boo Tonakgolo kapa Molao ona o ka bo behang mahetleng a hae.
- (2) Ebang modulasetulo a le siyo kapa a sa kgone ho phetha mesebetsi le boikarabelo ba hae ofising ya bodulasetulo ka lebaka lefe kapa lefe, kapa ha ofisi ya modulasetulo e na le sekgeo, motlatsi wa modulasetulo o tlameha ho tshwara mokobobo e le modulasetulo bosiyong kapa ho se beng le bokgoni ha modulasetulo kapa ho fihlela modulasetulo a kgethwa.
- 25 (3) Ebang boemo bofe kapa bofe bo hlalositsweng karolwaneng ya (2) bo ama modulasetulo le motlatsi wa modulasetulo ka bobedi, setho sa Ntlo ya Selehae se kgethilweng ho latela melao le ditaelo, se tlameha ho ba modulasetulo nakong eo ho ntseng ho rena boemo bo boletsweng
- 30 (4) Motlatsi wa modulasetulo kapa setho sa Lekgotla la Phethahatso se kgethilweng tlasa karolwana ya (3), nakong eo a tshwereng mokobobo e le modulasetulo, a ka sebedisa matla le ho phethahatsa mesebetsi e boikarabelong ba ofisi ya modulasetulo.
- 35 (5) Modulasetulo, motlatsi wa modulasetulo kapa setho sefe kapa sefe sa Ntlo ya Selehae se kgethetsweng mesebetsi oo ho latela dintlha tsa melao le ditaelo, se tlameha ho tsamaisa dikopano tsa Ntlo ya Selehae.
- 40 (6) Nakong eo a tsamaisang kopano ya Ntlo ya Selehae, modulasetulo, motlatsi wa modulasetulo kapa setho se seng se tsamaisang kopano ha se a tshwanela ho ba le voutu empa se tlameha ho sebedisa voutu ya makgaolakang ebang divoutu di lekana.
- 45

- (7) The chairperson or deputy chairperson must vacate his or her office if he or she ceases to be a member of the Local House according to sections 14 and 16, and may be removed from office by resolution of the Local House, and may resign by lodging his or her resignation in writing with the secretary of the Local House. 5
- (8) If the office of chairperson or deputy chairperson becomes vacant, the Local House, under the chairpersonship of the Premier or a person designated by the Premier, must elect a member to fill the vacancy: Provided that the chairperson must in such event preside at the election of the deputy chairperson. 10

Qualification for membership of the Local House

14. (1) No person must become or remain a member of the Local House, unless he or she is of or over the age of 18 years, or if he or she -- 15
- (a) at any time after the promulgation of the Constitution, is convicted of an offence in the Republic, or outside the Republic, if the conduct constituting such offence would have constituted an offence in the Republic, and for which he or she has been sentenced to imprisonment of more than 12 months without the option of a fine, unless he or she has received a pardon; 20
- (b) is an unrehabilitated insolvent; 25
- (c) is of unsound mind and has been so declared by a competent court.
- (2) For the purpose of subsection (1)(a), no person must be deemed as having been convicted of an offence until any appeal against the conviction or sentence has been determined, or, if no appeal against the conviction or sentence has been noted, the time for noting such an appeal has expired. 30

Functions of the Local House

15. The functions of the Local House are: 35
- (a) to advise the district municipality or municipality in question on --
- (i) matters pertaining to customary law, customs, traditional leadership and the traditional communities within the district municipality or metropolitan municipality; 40
- (ii) the development of planning frameworks that impact on traditional communities; or 45
- (iii) the development of by-laws that impact on traditional communities;

(7) Modulasetulo kapa motlatsi wa modulasetulo o tlameha ho tloha ofising ya hae ebang e se e se setho sa Ntlo ya Selehae ho ya ka karolo ya 14 le ya 16, mme a ka tloswa ofising ka qeto ya Ntlo ya Selehae, mme a ka itokolla ka ho kenya lengolo la ho itokolla ho mongodi wa Ntlo ya Selehae.

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(8) Ebang ofisi ya modulasetulo kapa motlatsi wa modulasetulo e ba le sekgeo, Ntlo ya Lehae, tlasa bodulasetulo ba Tonakgolo kapa motho ya kgethilweng ke Tonakgolo, e tlameha ho kgetha setho ho tlasa sekgeo seo. Ha feela e le hore modulasetulo o tlameha ho tsamaisa ho kgethwa ha motlatsi wa modulasetulo boemong bo jwalo.

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Tse etsang hore o kgone ho ba setho sa Ntlo ya Lehae

14. (1) Ha ho motho ya tlamehang ho ba kapa ho dula e le setho sa Ntlo ya Lehae, ntle feela le ha a le dilemo tse 18 kapa ho feta, kapa ebang -

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(a) nako efe kapa efe kamora ho tsebahatswa semmuso ha Molao wa Motheo, a fumanwa a le molato kahara Rephaboliki, kapa kantle ho Rephaboliki, ebang boitshwaro bo bakileng tlolo e jwalo ya molao bo ka be bo etsahetse kahara Rephaboliki, mme a ahloletswe ho hlola tjhankaneng nako e fetang dikgwedi tse 12 ntle boikgethelo ba ho nehwa kotlo ya tjelete, ntle le haeba a fumane tshwarelo;

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(b) e le motho ya tjhonneng ya so kang a lokisa boemo boo ba hae;

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(c) a sa phela hantle kelellong mme a tsebahaditswe a le jwalo ke lekgotla le nang le bokgoni.

(2) Molemong wa karolwana ya (1)(a), ha ho motho ya tlamehang ho nkuwa a kile a ahlolelwa tlolo ya molao ho fihlela boipiletso bofe kapa bofe bo kgahlanong le ho fumanwa molato kapa kahlolo bo phethetswe, kapa, ebang ho se boipiletso bo sisintsweng kgahlano le ho fumanwa molato kapa kahlolo, nako ya tshisinyo e jwalo e mabapi le boipiletso boo e fedile.

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Mesebetsi ya Ntlo ya Lehae

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15. Mesebetsi ya Ntlo ya Lehae ke:

(a) ho eletsa mmasepala wa setereke kapa mmasepala wa motse o amehang mabapi le -

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(i) dintlha tse amanang le molao wa moetlo, meetlo, boetapele ba botjhaba mmoho le baahi ba setso mmasepaleng wa setereke kapa mmasepala wa motse wa toropo e kgolo,

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(ii) ntshetsopele ya ho ralwa ha meralo e amang baahi ba setso; kapa

(iii) ntshetsopele ya melawana e amang baahi ba setso;

- (b) to participate in local programmes that have the development of communities as an object; or
- (c) to participate in local initiatives that are aimed at monitoring, reviewing or evaluating government programmes in communities. 5

CHAPTER 4 GENERAL MATTERS

Vacation of seats 10

16. (1) A member of a House must vacate his or her seat –
- (a) if he or she ceases to be eligible to be a member of the House in terms of section 7 or 14; or 15
 - (b) if he or she resigns his or her seat by submitting his or her resignation in writing to the secretary to a House.
- (2) A member of a Provincial House may lose his or her membership to the Provincial House on account of misconduct as contemplated in Schedule 3. 20

Rules and orders

17. The respective House must make rules and orders in connection with the conduct of its business and proceedings, including rules and orders regulating – 25
- (a) the establishment, constitution, powers and functions, procedures and duration of committees of the relevant House: Provided that provision must be made for a standing executive committee consisting of the chairperson, deputy chairperson and 3 other members elected by the relevant House; 30
 - (b) restrictions on access to such committees; and
 - (c) the designation of members of the House as presiding officers to preside over meetings of the respective House, as and when the chairperson so requires. 35

Quorum

18. The presence of at least – 40
- (a) one-half; or

- (b) ho ba le seabo mananeong a selehae a tobileng ntshetsopele ya baahi; kapa
- (c) ho ba le seabo boitekong ba selehae bo tobileng pehoteihlo, tekolobotjha kapa tekolo ya mananeo a mmuso baahing.

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KGAOLO YA 4 DINTLHA TSA KAKARETSO

Ho tlohelwa ha ditulo

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16. (1) Setho sa Ntlo se tlameha ho tlohela setulo sa sona -
- (a) ebang botho ba hae ba Ntlo bo fela ho latela dintlha tsa karolo ya 7 kapa 14; kapa
- (b) ebang a itokolla setulong sa hae ka ho ngola lengolo la ho itokolla mme a le neha mongodi wa Ntlo.
- (2) Setho sa Ntlo ya Provense se ka lahlehelwa ke botho ba hae Ntlong ya Provense ka baka la boitshwaro bo fosahetseng, jwalo ka ha ho boletswa Shejuling ya 3.

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Melao le ditaelo

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17. Ntlo e amehang e lokela ho etsa melao le ditaelo tse mabapi le ho tsamaiswa ha tshebetso le metjha ya yona, ho kenyeleditswe melao le ditaelo tse laolang -
- (a) ho thehwa, molaotheo, matla le mesebetsi, metjha le nako ya dikomiti tsa Ntlo e amehang: Ha feela e le hore ho tla ba le pehelo e tlang ho etsetswa komiti ya nako tsohle ya phethahatso e nang le modulasetulo, motlatsi wa modulasetulo le ditho tse ding tse 3 tse kgethilweng ke Ntlo e amehang;
- (b) dithibella ho fihlilleheng ha dikomiti tse jwalo; le
- (c) ho kgethwa ha ditho tsa Ntlo hore e be diofisiri tse tsamaisang hore di tsamaisa dikopano tsa Ntlo e amehang, ho latela nako le mokgwa o tlang ho behwa ke modulasetulo.

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Khoramo

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18. Bonnyane boteng ba -
- (a) nngwe borarong; kapa

(b) when a vote is taken on a Bill or by-law, of at least one-half,
of all the members of the House must be necessary to constitute a meeting of the
concerned House.

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Requisite majorities

19. (1) All questions before the House must be determined by a majority of votes
cast by the members present.

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(2) The person designated by the Premier to attend the meetings of the House
in terms of sections 4(6) and 11(6), does not have any voting rights.

Salaries and allowances payable to members of the House

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20. (1) Members of the House are remunerated in terms of the Remuneration of
Public Office Bearers Act, 1998 (Act No. 20 of 1998).

(2) The Premier may, after consultation with the Houses, determine that certain
members of the Houses are full-time members.

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Administration and accountability of the Houses

21. (1) The chairpersons of the Provincial or Local House must, after consultation
with the Premier, appoint a Secretary and such other staff as may be
necessary for the discharge of the work of the Houses.

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(2) Until the necessary staff is appointed as contemplated in subsection (1), the
Premier may designate officers as may be necessary for the purpose of
subsection (1).

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(3) Persons appointed under this section must be remunerated out of and as a
charge on the Provincial Revenue Fund.

(4) The Houses must -

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(a) keep proper records;

(b) have its financial statements audited by the Auditor General;

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(c) disclose the receipt of awards, gifts and favours;

(d) in addition to quarterly meetings, hold an annual meeting to give
account of the activities and finances of the Houses;

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(e) adhere to the Code of Conduct provided for in Schedule 1 of this
Act;

(f) be responsive to the needs of traditional councils;

(b) bonyane halofo, ha ho voutelwa Bili kapa molawana,

ya ditho tsohle tsa Ntlo e tlameha ho ba teng hore kopano ya Ntlo e amchang e be e tshwanetseng.

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Bongata bo hlokehang

19. (1) Dipotso tsohle tse pela Ntlo di tlameha ho hlophiswa ke bongata ba divoutu tse entsweng ke ditho tse teng.

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(2) Motho ya kgethilweng ke Tonakgolo ho ba dikopanong tsa Ntlo ho latela dinlha tsa karolo ya 4(6) le 11(6), ha a na ditokelo tsa ho vouta.

Ditjhelete le ditsiane tse lefshwang ditho tsa Ntlo

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20. (1) Ditho tsa Ntlo di lefshwa ho ya ka Molao wa Meputso ya Diofisiri tse tshwereng Ditulo tsa Setjhaba, 1998 (Molao wa 20, wa 1998).

20

(2) Kamorao ho dipuisano le dikamahanyo le Matlo, Tonakgolo e ka qeta hore ditho tse itseng tsa Matlo e ka ba ditho tsa ka nako tsohle.

Tsamaiso le boikarabelo ba Matlo

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21. (1) Kamorao ho dipuisano le dikamahanyo le Tonakgolo, baduladitulo tsa Ntlo ya Provense kapa Ntlo ya Selehae ba lokela ho kgetha mongodi le basebetsi ba bang ba ka hlokehang hore mosebetsi wa Matlo o tswelle.

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(2) Tonakgolo e ka kgetha diofisiri ho sebetsa ha ho hlokeha ho ya ka karolwana (1), ho fihlela basebetsi ba hlokehang ba hirwa, jwalo ka ha ho boletswa karolwaneng (1).

(3) Batho ba kgethilweng tlasa karolo ena ba tlameha ho putswa mme ditjeho e lokela ho ba tsa Letlole la Kuno la Provense.

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(4) Matlo a tlameha -

(a) ho boloka direkoto tse nepahetseng;

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(b) ho etsa bonnete ba hore ditlaleho tsa ditjhelete tsa bona di hlahlojwa ke Mohlahlobikakaretso wa Diakhaonte;

(c) ho tsebisa botsamaisi ka kamohelo ya bona ya meputso le dimpho;

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(d) hodima dikopano tsa kotara ka nngwe, ba lokela ho ba le kopano tsa selemo le selemo ho tla fana ka tlaleho ya mesebetsi le ditjhelete tsa Matlo;

(e) ba ipapise le Molao wa Boitshwaro o behilweng Shejuling ya 1 ya Molao ona;

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(f) ba ele hloko le ho arabela ditlhoko tsa makgotla a botjhaba;

- (g) establish clear relationships and facilitate co-operation and communication between traditional councils; 5
- (h) submit quarterly reports of their activities to the Provincial Government; 5
- (i) hold the Secretaries of the Houses accountable for the overall performance of the administration of the Houses; 10
- (j) maximise the efficiency of communication and decision-making within the administration of the Houses; 10
- (k) assign clear responsibilities for the management and co-ordination of the administration of the Houses; 15
- (l) involve the Secretaries of the Houses in management decisions as far as is practicable; and 15
- (m) provide an equitable, fair, open and non-discriminatory working environment. 20

Support to the Houses

22. (1) The Provincial Government may adopt legislative or other measures as may be necessary to support and strengthen the capacity of the Houses. 25
- (2) The Premier must, within the Provincial Government's means, give the Houses financial support to enable them to perform their functions.
- (3) The support envisaged in this section may include transport assistance, where it is feasible, taking into consideration budgetary means. 30

Relationship between the Local House and traditional councils

23. (1) The House must investigate matters referred to it by the traditional councils and make recommendations. 35
- (2) The House must advise traditional councils regarding the administration of their affairs. 40
- (3) Members must report on the progress of matters relating to the general interest and welfare of traditional councils quarterly to their respective traditional councils.

- 5
- (g) ba thche dikamano tse hlakileng le ho tsamaisa tshebedisanommoho le kgokahanyo pakeng tsa makgotla a botjhaba;
- (h) ba fe Mmuso wa Provense ditlahelo tsa kotara ka nngwe tsa mesebetsi ya bona;
- 10
- (i) ba lebelle boikarabelo ba tshebetso ka kakaretso ba tsamaiso ya Matlo, ho tswa ho bangodi ba Matlo
- (j) ba hodise bokgoni ba dikgokahanyo le ho nkwa ha diqeto ka hara tsamaiso ya Matlo;
- 15
- (k) a fane ka boikarabelo bo hlakileng bakeng sa botsamaisi le bohokedi ba tsamaiso ya Matlo;
- (l) a dumelle bangodi ba Matlo ho ba le seabo botsamaising le ha ho nkwa diqeto, ho ya kamoo ho ka dumeletsehlang; le
- 20
- (m) ho fana ka tikoloho ya tshebetso e nang le tekatekano, e hlohang leeme le e sa kgetholleng.

Tshehetso ho Matlo

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22. (1) Mmuso wa Provense o kanna wa amohela tshebediso ya melao kapa mawa a mang a hloka halang bakeng sa tshehetso le matlafatso ya bokgoni ba Matlo.
- (2) Tonakgolo, ho latela bokgoni ba Mmuso wa Provense, e tlameha ho neha Matlo tshehetso ya ditjhelete ho a kgontsha ho phetha mesebetsi ya ona.
- 30
- (3) Tshehetso e lohothwang karolong ena e ka kenyeletsa thuso ya dipalangwang moo ho kgonehang, ho etswe hloko ditekanyetso tsa tjhelete.

Dikamano pakeng tsa Ntlo ya Selehae le makgotla a setjhaba

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23. (1) Ntlo e tlameha ho fuputsa dintlha tse rometsweng ho yona ke makgotla a setjhaba mme e etse dikgothaletso.
- (2) Ntlo e tlameha ho eletsa makgotla a setjhaba mabapi le tsamaiso ya merero ya ona.
- 40
- (3) Ditho di tlameha ho etsa tlaleho ho makgotla a tsona a setjhaba mabapi le kgatelopele dintlheng tsa kakaretso tse mabapi le thahasello le thekolohelo ya makgotla a setjhaba.

- (4) Members must table the reports referred to in subsection (3) at the first meeting of the House, after the reports have been submitted to the respective traditional councils.
- (5) Where the Provincial House wishes to interact with a traditional council, such interaction must be done in consultation with the Local House under whose jurisdiction the said traditional council is located. 5

Relationship between the Provincial House and the Provincial Legislature

24. (1) The Speaker of the Provincial Legislature must refer all the Bills introduced in the Legislature that relate to traditional affairs, customary law, traditions or customs of traditional communities in the Province or any other law that has an effect thereon, to the Provincial House for its comments. 10
- (2) The Provincial House must consider and comment on the Bills referred to in subsection (1). 15
- (3) The written notification of the Provincial House's support or opposition of a Bill referred to it, together with the comments, must be submitted to the Speaker within 30 days from the date of such referral. 20
- (4) Notwithstanding subsection (1), the Provincial Legislature may refer any Bill introduced in the Legislature to the Provincial House for its comments. 25

Relationship between a Local House and the Municipal Council

25. (1) The House must, in consultation with traditional councils, advise the Local Government and the municipalities on matters relating to the general interest and welfare of traditional communities. 30
- (2) The Speaker of a district municipality must refer all the draft by-laws that relate to traditional affairs, customary law, traditions or customs of traditional communities in the municipality's jurisdiction, to a Local House for its comments. 35
- (3) A Local House must consider and comment on draft by-laws referred to in subsection (2).
- (4) The written notification of the Local House's support or opposition of a Bill referred to it, together with comments, must be submitted to the Speaker within 30 days from the date of such referral. 40
- (5) Notwithstanding subsection (2), a district municipality may refer any draft by-law to a Local House for its comments. 45

(4) Ditho di tlameha ho teka ditlaleho tse boletsweng karolwaneng ya (3) kopanong ya pele ya Ntlo kamora hore ditlaleho di iswe makgotleng a setjhaba a fapaneng.

5 (5) Moo Ntlo ya Provense e lakatsang ho ka ba le dikgokahano le lekgotla la setjhaba, kgokahano e jwalo e lokela ho etswa ka tumellano le Ntlo ya Selehae eo lekgotla leo la setjhaba le welang tlasa tsamaiso ya yona.

Kamano pakeng tsa Ntlo ya Provense le Lekgotla la Ketsamolao la Provense

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24. (1) Sepikara sa Lekgotla la Ketsamolao la Provense se tlameha ho romela Dibili tsohle tse tsebahaditsweng Lekgotleng la Ketsamolao tse amanang le merero ya botjhaba, molao wa moetlo, setso kapa meetlo ya baahi ba setso kahara Provense kapa molao ofe feela o mong o amanang le tsona, ho Ntlo ya Provense hore e hlahise maikutlo a yona.

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(2) Ntlo ya Provense e tlameha ho lekola le ho ntsha maikutlo mabapi le Dibili tse boletsweng karolwaneng ya (1).

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(3) Tsebiso e ngotsweng ya Ntlo ya Provense e mabapi le tshehetso kapa kganyetso ya Bili e rometsweng ho yona, mmoho le maikutlo, di tlameha ho romelwa ho Sepikara ho e so fete matsatsi a 30 ho tloha letsatsing leo di neng di romelwa ka lona.

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(4) Ho sa natswe karolwana ya (1), Lekgotla la Ketsamolao la Provense le ka romela Bili efe kapa efe e tsebahaditsweng Lekgotleng la Ketsamolao ho Ntlo ya Provense hore e hlahise maikutlo a yona.

Kamano pakeng tsa Ntlo ya Lehae le Lekgotla la Masepala

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25. (1) Ntlo, ka dipuisano le makgotla a setjhaba, e tlameha ho eletsa Mmuso wa Provense le bommasepala dintlheng tsa kakaretso tse mabapi le thahasello le thekolohelo ya baahi ba setso.

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(2) Sepikara sa mmasepala wa setereke se tlameha ho romela meralo yohle ya melawana e amanang le merero ya botjhaba, molao wa moetlo, setso kapa meetlo ya baahi ba setso ba tlasa taolo ya mmasepala, ho Ntlo ya Selehae hore e hlahise maikutlo a yona.

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(3) Ntlo ya Selehae e tlameha ho lekola le ho ntsha maikutlo mabapi le meralo ya melawana e boletsweng karolwaneng ya (2).

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(4) Tsebiso e ngotsweng ya Ntlo ya Lehae e mabapi le tshehetso kapa kganyetso ya Bili e rometsweng ho yona, mmoho le maikutlo, di tlameha ho romelwa ho Sepikara ho e so fete matsatsi a 30 ho tloha letsatsing leo di neng di romelwa ka lona.

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(5) Ho sa natswe karolwana ya (2), mmasepala wa setereke o ka romela moralo wa molawana ofe kapa ofe ho Ntlo ya Selehae hore e hlahise maikutlo a yona.

Relationship between the Provincial House and the Executive Council

26. The Premier must, in consultation with the Provincial House and the Executive Council, determine the relationship between the Executive Council and the House. 5

Privileges and immunities of members of the House

27. Members of the House –
- (a) have freedom of speech in the respective House and its committees, subject to its rules and orders; and 10
 - (b) are not liable to civil or criminal proceedings, arrest, imprisonment or damages for –
 - (i) anything that they have said in, produced before or submitted to the respective Houses or any of its committees, or 15
 - (ii) anything revealed as a result of anything that they have said in, produced before or submitted to the respective House or any of its committees. 20

Oath and affirmation

28. Before members of a respective House begin to perform their functions in the respective House, they must swear or affirm faithfulness to the Republic and obedience to the Constitution in accordance with Schedule 2 of the Constitution, with the necessary changes. 25

Regulations 30

29. The Premier may make regulations relating to:
- (a) any matter which in terms of this Act is required or permitted to be prescribed; 35
 - (b) in general, any matter which is considered necessary or expedient to prescribe for achieving the objects of this Act.

Delegation 40

30. (1) The Premier may in writing delegate any of his or her powers or functions in terms of this Act, except powers to make regulations in terms of section 29, to the MEC or any official. 45
- (2) A delegation in terms of this section may be withdrawn at any time by the Premier or MEC.

Kamano pakeng tsa Ntlo ya Provense le Lekgotla la Phethahatso

26. Tonakgolo, ka dipuisano le Ntlo ya Provense le Lekgotla la Phethahatso, e tlameha ho hlalosa kamano e pakeng tsa Lekgotla la Phethahatso le Ntlo.

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Menyetla le maemo a sa ameng ditho tsa Ntlo

27. Ditho tsa Ntlo -

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(a) di na le bolokolohi ba ho bua Ntlong le dikomiting tsa yona tse fapaneng, ho itshededhilwe melaong le ditaelong tsa yona; mme

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(b) ha di angwe ke ditseko tsa molao kapa diqoso tsa tlolo ya molao, ho tshwarwa, ho kwallwa tjhankaneng kapa tshenyo ka lebaka la -

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(i) eng kapa eng eo ba e buileng, eo ba e hlahiseditseng kapa eo ba e nehileng Matlo kapa dikomiti tsa tsona tse fapaneng, kapa

(ii) eng kapa eng e hlahelletseng hobane ho na le seo ba se buileng, seo ba se hlahisitseng ka pela kapa seo ba nehileng Ntlo kapa dikomiti dife kapa dife tsa yona tse fapaneng.

Tlhapanyo le kano

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28. Pele ditho tsa Ntlo di qala ka mesebetsi ya tsona e fapaneng ya Ntlo, di tlameha ho nka kano kapa ho hlapanya hore di tla tshepahala Rephabliking mme di tla ikobela Molao wa Motheo ho latela Shejuli ya 2 ya Molao wa Motheo, ho kenyeditswe le diphetoho tse hlokehang.

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Melawana

29. Tonakgolo e ka etsa melawana e amanang le:

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(a) taba efe kapa efe eo ho ya ka Molao ona e hlokehang kapa eo ho dumellehang hore e ka laelwa;

(b) ka kakaretso, taba efe kapa efe e nkuwang e hlokeha hore e ka laelwa ka sepheo sa ho fihlella maikemisetso a Molao ona.

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Thomeletso

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30. (1) Tonakgolo e ka romeletsa ka lengolo matla a yona kapa mesebetsi efe kapa efe ya yona ho latela dintlha tsa Molao ona ho Setho sa Lekgotla la Phethahatso kapa ho mohlanka ofe kapa ofe, ntle le matla a ho etsa Melawana ho latela dintlha tsa karolo ya 29.

(2) Thomeletso, ho ya ka karolo ena, e ka kgaotswa neng kapa neng ke Tonakgolo kapa Setho sa Lekgotla la Phethahatso.

Repeal of laws, savings and transitional arrangements

31. (1) The House of Traditional Leaders established under the House of Traditional Leaders Act, 1994 (Act No. 6 of 1994), is deemed to have been established in terms of this Act and must continue to function in terms of this Act for the remainder of its term. 5
- (2) This Act, after coming into operation, shall repeal the House of Traditional Leaders Act, 1994 (Act No. 6 of 1994) and the House of Traditional Leaders Amendment Act, 2000 (Act No. 5 of 2000). 10
- (3) Anything done or any act performed under the repealed laws is deemed to have been done or performed under this Act.
- (4) The representatives of the **Non-Traditional Leaders** (i.e. Batlokoa Ba Mokgalong and Makgolokoe) shall be regarded as Headmen/Headwomen for purposes of representation at the Provincial House, until such time that the status of the two communities is resolved through appropriate forums. 15

Short title 20

32. This Act is called the Free State Provincial and Local Houses of Traditional Leaders Act, 2007, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

Phediso ya melao, dipolokelo le dihlhophiso tsa nakwana

- 5 31. (1) Ntlo ya Baetapele ba Botjhaba e thchilweng tlasa Molao wa Ntlo ya Baetapele ba Botjhaba wa 1994 (Molao 6, wa 1994), e nkwa e le e thchilweng ho latela dintha tsa Molao ona mme e tlameha ho tswela pele ho sebetsa ho latela dintha tsa Molao ona nakong ya yona e setseng.
- 10 (2) Molao ona, ha o geta ho kena tshebetsong, o tla fedisa Molao wa Ntlo ya Baetapele ba Botjhaba, 1994 (Molao 6 wa 1994) le Molao wa Tokiso wa Ntlo ya Baetapele ba Botjhaba, 2000 (Molao 5 wa 2000).
- (3) Sefe kapa sefe se etswang kapa ketso efe kapa efe e etswang tlasa molao wa tokiso e nkwa e le e entsweng tlasa Molao ona.
- 15 (4) Baemedi ba Baetapele **ba o seng ba Botjhaba** (e leng Baulokoa Ba Mokgalong le Makgolokoe) **ba tla tsejwa e le Boramohlongwana** lebitsong la kemedi Ntlong ya Provense, ho fihlela maemo a ditjhaba tsena tse pedi a rarollwa ka diforamo tse nepahetseng.

20 Sehlooho se se kgutshwane

32. Molao ona o bitswa Molao wa Ntlo ya Baetapele ba Botjhaba ya Provense le ya Lehae Freistata, 2007, mme o qala ho sebetsa letsatsing le tlang ho tsebahatswa ke Tonakgolo ka ho etsa tsebahatso *Koranteng ya Mmuso wa Provense*.

SCHEDULE 1

PART A

CODE OF CONDUCT OF MEMBERS OF THE HOUSES

General conduct of members of the Houses

1. A member of the House –
 - (a) must perform the functions allocated to him or her in good faith, diligently, honestly and in a transparent manner;
 - (b) must fulfil his or her role in an effective and efficient manner;
 - (c) must comply with any applicable legislation, promote nation building and principles of democracy and an open society;
 - (d) must act in the best interests of the traditional community or communities he or she serves and must promote unity amongst traditional communities;
 - (e) must foster good relations with the organs of state, other traditional leaders and traditional communities with whom he or she interacts;
 - (f) may not conduct himself or herself in a disgraceful, improper or unbecoming manner;
 - (g) must not use his or her position or confidential information obtained because of his or her position, for personal gain or in order to improperly benefit another;
 - (h) must obey a lawful order given to him or her by a person having authority to give such an order;
 - (i) may not abuse his or her powers or extort or by use of compulsion or by arbitrary means, obtain any tribute, fee, reward or gift;
 - (j) must not excessively use intoxicating liquor or stupefying drugs.

Breaches of Code of Conduct by members of the Houses

2. (1) If there is a reasonable suspicion that a member of the House has breached a provision of this Code of Conduct, the Premier may refer the matter to the chairperson of the House for investigation, failing which an inquiry may be conducted regarding the member of the House concerned by the person appointed by the Premier.

SHEJULE YA 1

KAROLO YA A

BOITSHWARO BA DITHO TSA MATLO

Boitshwaro ba ditho tsa Matlo ka kakaretso

1. Setho sa Ntlo -

- (a) o tlameha ho phethahatsa mesebetsi eo a e nehilweng ka boikithaetso, boitelo, botshepchi le ka mokgwa o bonaletsang;
- (b) o tlameha ho kgatha tema ya hae ka mokgwa o phethahetseng;
- (c) o tlameha ho ikobela molao ofe kapa ofe o amehang, a phahamise kaho ya setjhaba le metheo ya demokrasi le setjhaba se nang le tsamaiso e bulehileng;
- (d) o tlameha ho etsa dintho molemong wa baahi ba botjhaba bao a ba sebeletsang mme a hodise moya wa kopano pakeng tsa dihlopha tsa baahi ba botjhaba.
- (e) o tlameha ho theha dikamano tse ntle le makala a mmuso, baetapele ba bang ba botjhaba le baahi ba botjhaba bao a sebetsang mmoho le bona;
- (f) a se itshware ka mokgwa o tlontlolang, o sa lokang kapa o sa tshwanelang;
- (g) a se sebedise maemo a hae kapa tlhahisoleseding ya lekunutu eo a e fumaneng ka baka la maemo a hae, ho ikgodisa boyena kapa molemong wa motho e mong ka tsela e sa tshwanelang;
- (h) o tlameha ho ikobela taelo ya semolao eo a e fuwang ke motho ya nang le matla a ho ka mo fa taelo e jwalo;
- (i) ha a dumellwa ho sebedisa matla a hae hampe kapa ho sebedisa dikgoka, kapa ho fumana thoholetso, tefo, moputso kapa mpho ka ho qobella kapa ka mekgwa e leeme;
- (j) a se sebedise dinotahi kapa dithetefatsi.

Tlolo ya Molao wa Boitshwaro, ya ditho tsa Matlo

2. (1) Ha eba ho na le pelaelo e utlwahalang ya hore setho sa Ntlo o tlotse pehelo ya Molao ona wa Boitshwaro, Tonakgolo a ka fetisetsa taba ena ho Modulasetulo wa Ntlo hore ho etswe dipatlisiso, mme ebang ho sa be jwalo motho ya kgethilweng ke Tonakgolo a ka etsa diphuputso mabapi le setho sa Ntlo se amehang.

- (2) At an enquiry contemplated in sub-item (1), a member of the House must be given a reasonable opportunity to be heard: Provided that the proceedings shall not be invalidated by failure of his or her attendance of the enquiry.
- (3) The person appointed to conduct the enquiry must -
 - (a) at the conclusion of the enquiry, find whether the member of the House is guilty of a breach of the provision of the Code of Conduct and inform such member of such finding; and
 - (b) forward to the Premier, the record of the proceedings, a statement of the findings, the reasons therefore, and any observations which he or she deems necessary to make.
- (4) If the member of the House has been found guilty of a breach of the Code of Conduct, the Premier may -
 - (a) issue a formal warning to the member of the House;
 - (b) caution or reprimand the member of the House;
 - (c) compel the member of the House to go for rehabilitation for alcoholism, drug dependency or any other improper addiction;
 - (d) impose on the member of the House a fine not exceeding ten thousand rand, payable or recoverable from any remuneration to be paid to him or her in terms of the applicable legislation for the benefit of the Provincial Revenue Fund in such installments as the Premier may determine;
 - (e) direct that for such period not exceeding two years as the Premier may determine, he or she must not be paid any remuneration;
 - (f) suspend the member of the House from official duties for a specified period not exceeding two years;
 - (g) remove the member of the House from office; or
 - (h) impose on him or her any two of the penalties referred to in paragraphs (a), (b) and (c) jointly.
- (5) A member of the House who has been convicted by a competent court of law of any offence referred to in Schedule 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or of any offence which, in the opinion of the Premier, is tantamount to misconduct, is deemed, on account of such conviction, to have been found guilty of misconduct in terms of this schedule, in which event the provisions of sub-item (4) applies with the necessary changes.

- (2) Diphuputsong tse lohothilweng karolwaneng ya (1), setho sa Ntlo se lokela ho fuwa monyetla o lekaneng wa ho fana ka bopaki ba hae: Ha feela tsamaiso ya diphuputso e sa tlo hlokiswa ho tswella ke ho se be teng ha hae diphuputsong.
- (3) Motho ya kgethetsweng ho etsa diphuputso o tlameha hore -
- (a) ha diphuputso di phehelwa, a nke qeto ya hore na setho sa Ntlo se molato wa ho tlola molao wa boitshwaro na, mme a tsebise setho seo qeto eo; hape
 - (b) a fetisetse rckoto ya tsamaiso eo ho Tonakgolo, tleho ya diqeto tse fihletsweng, mabaka a tsona mmoho le tse ileng tsa hlokomelwa tseo a ka ratang ho di hlahisa.
- (4) Ha eba setho sa Ntlo se fumanwa se le molato wa ho tlola Molao wa Boitshwaro, Tonakgolo a ka nna -
- (a) a fana ka tlhokomediso ya semolao ho setho sa Ntlo;
 - (b) a hlokomedisa kapa a omanya setho sa Ntlo;
 - (c) a susumeletsa setho sa Ntlo ho ya batla thuso ya tshokollo botahweng, bokgobeng ba dithetefatsi kapa bokgobeng bofe kapa bofe bo bong bo sa lokang;
 - (d) a mo nehe kotlo ya tjelete e sa feteng Diranta tse dikete di leshome, e lokelang ho lefshwa kapa e nkwe tefong efe kapa efe eo a tlang ho e fumana ho latela dintlha tsa molao o sebetsang molemong wa Letlole la Kuno la Provence ka mekitlane e tlang ho behwa ke Tonakgolo
 - (e) a laele hore nakong e sa feteng dilemo tse pedi ho latela kamoo Tonakgolo e ka bonang kateng, a se lefshwe moputso ofe kapa ofe;
 - (f) a lokolle setho sena sa Ntlo mesebetsing ya hae nakwana e itseng e behilweng, e sa fetaeng dilemo tse pedi;
 - (g) a tlose setho sena sa Ntlo tshebetsong; kapa
 - (h) a mo nehe dikotlo dife feela tse pedi ho tse boletsweng dirapeng tsa (a), (b) le (c) ka nako e le nngwe.
- (5) Setho sa Ntlo se qositsweng ke lekgotla la dinyewe le nang le bokgoni ka tlolo efe feela ya molao ho tse boletsweng ho Shejuli ya 1 ya Molao wa Motjha wa tsa Botlokotsebe, 1977 (Molao 51 wa 1977), kapa ka tlolo efe kapa efe feela ya molao eo ho ya ka Tonakgolo, e tshwanang le boitshwaro bo bobbe, mme ka hona a fumanwa a le molato wa boitshwaro bo bobbe, ho ya ka shejuli ena, mme ha ho le jwalo dipehelo tsa karolwana ya (4) di sebetsa ha ho entswe dipheleho tse hlokehang.

- (6) Whenever a member of the House has been charged with a breach of the Code of Conduct or with any offence contemplated by sub-item (5), the Premier may suspend such member until such time that -
- (a) the member of the House has been found guilty of a breach of the Code of Conduct or of such other offence as contemplated in sub-item (5); or
 - (b) the member of the House has been acquitted in respect of the charge of the breach of the Code of Conduct or such other offence as contemplated in sub-item (5) or the charge of breach of the Code of Conduct or the criminal prosecution against him or her is withdrawn or abandoned.

PART B

MEMBERS OF THE HOUSES

Misconduct

3. A member of the House is guilty of misconduct and may be dealt with in accordance with the provisions of Item 6 of the Schedule of the Traditional Leadership and Governance Framework Act, 2003, if he or she -
- (a) contravenes or fails to comply with any provisions of this Act or fails to perform any duty or to discharge any obligation imposed upon him or her under any other law;
 - (b) is negligent, careless or indolent in the discharge of his or her duties;
 - (c) is unable to execute his or her duties in an efficient manner;
 - (d) disobeys, disregards or makes willful default in carrying out a lawful order given to him or her by a person having authority to give it;
 - (e) conducts himself or herself in a disgraceful, improper or unbecoming manner;
 - (f) is dependent on intoxicating liquor or stupefying drugs;
 - (g) embarks in activities that creates division within or amongst traditional communities;
 - (h) is found guilty by a court of law, for any criminal offence.

- (6) Neng feela ha setho sa Ntlo se qoseditswe ho tlola Molao wa Boitshwaro kapa tlolo efe feela ya molao e boletsweng ke karolwana ya (5), Tonakgolo e ka lokolla setho sena mosebetsing ho fihlela -
- (a) setho sena sa Ntlo a fumanwa a le molato wa tlolo ya Molao wa Boitshwaro kapa wa tlolo efe feela ya molao e boletsweng karolwaneng ya (5); kapa
- (b) setho sa Ntlo o tshwaretse qoso ya tlolo ya Molao wa Boitshwaro kapa tlolo efe feela ya molao e boletsweng karolwaneng ya (5) kapa qoso ya tlolo ya Molao wa Boitshwaro kapa kahlolo ya botlokotsebe kgahlanong le yena e qhadilwe kapa e nyahladitswe.

KAROLO YA B

DITHO TSA MATLO

Boitshwaro bo bobo

3. Setho sa Ntlo se molato wa boitshwaro bo bobo mme ebile se ka ahlolwa ho ya ka diphelelo tsa Sehlomathiso sa 6 sa Shejule ya Moralo wa Molao wa Puso ya Boetapele ba Botjhaba, 2003, ha eba -
- (a) a le kgahlanong kapa a sa ikobele tse boletsweng Molaong ona kapa a sa etse mosebetsi ofe kapa ofe kapa a sa etse tseo e leng boikarabelo bo behilweng mahetleng a hae, tlasa molao ofe feela;
- (b) a sa kgathalle kapa a le bohlaswa phethahatsong ya mesebetsi ya hae,
- (c) a sa kgone ho etsa mesebetsi ya hae ka tsela e phethahetseng;
- (d) a sa mamele, a sa kgathalle kapa a iphanya ho phetha taelo e molaong eo a e nehilweng ke motho ya bolaoding ba ho nehelana ka yona;
- (e) itshwere ka mokgwa o tlontlolang, o sa lokang kapa o sa tshwanelang;
- (f) e le lekgoba la nnotahi kapa dithetefatsi;
- (g) a etsa diketso tse bakang diphapang ka hare kapa dipakeng tsa baahi ba botjhaba;
- (h) a fumanwa a le molato lekgotleng la dinyewe, ka tlolo ya molao ya botlokotsebe, bofe feela.

MEMORANDUM

Purpose

To provide for the establishment of a Provincial House of Traditional Leaders and a Local House of Traditional Leaders, and matters connected therewith in order to give effect to the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003).

Section 1

This clause deals with definitions.

Section 2

This clause deals with the establishment of the Provincial House of Traditional Leaders.

Section 3

This clause deals with the composition of the Provincial House.

Section 4

This clause deals with the meetings of the Provincial House.

Section 5

This clause deals with the election of the chairperson and deputy chairperson of the Provincial House.

Section 6

This clause deals with the roles, functions and duties of the chairperson and deputy chairperson of the Provincial House.

Section 7

This clause deals with the qualification for membership of the Provincial House.

Section 8

This clause deals with the functions of the Provincial House of Traditional Leaders.

Section 9

This clause deals with the establishment of a Local House of Traditional Leaders.

MEMORANDAMO

Maikemisetso

Ho kgonahatsa ho thehwa ha Ntlo ya Provense ya Baetapele ba Botjhaba le Ntlo ya Selehae ya Baetapele ba Botjhaba le merero e amanang le tsona, ho matlafatsa Moralo wa Molao wa Boetapele le Puso ya Botjhaba, 2003 (Molao 41 wa 2003).

Karolo ya 1

Karolo ena e tobane le ditlhaloso.

Karolo ya 2

Karolo ena e tobane le ho thehwa ha Ntlo ya Provense ya Baetapele ba Botjhaba.

Karolo ya 3

Karolo ena e tobane le popeho ya Ntlo ya Provense.

Karolo ya 4

Karolo ena e tobane le dikopano tsa Ntlo ya Provense.

Karolo ya 5

Karolo ena e tobane le ho kgethwa ha modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Provense.

Karolo ya 6

Karolo ena e tobane le mesebetsi le boikarabelo ba modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Provense.

Karolo ya 7

Karolo ena e tobane le se hlokehang hore motho e be setho sa Ntlo ya Provense.

Karolo ya 8

Karolo ena e tobane le mesebetsi ya Ntlo ya Provense ya Baetapele ba Botjhaba.

Karolo ya 9

Karolo ena e tobane le ho thehwa ha Ntlo ya Selehae ya Baetapele ba Botjhaba.

Section 10

This clause deals with the composition of a Local House.

Section 11

This clause deals with the meetings of the Local House.

Section 12

This clause deals with the election of the chairperson and deputy chairperson of the Local House.

Section 13

This clause deals with the roles, functions and duties of the chairperson and deputy chairperson of the Local House.

Section 14

This clause deals with qualification for membership of the Local House.

Section 15

This clause deals with the functions of the Local House.

Section 16

This clause deals with vacation of seats.

Section 17

This clause deals with rules and orders.

Section 18

This clause deals with a quorum.

Section 19

This clause deals with requisite majorities.

Section 20

This clause deals with salaries and allowances payable to members of the Houses.

Karolo ya 10

Karolo ena e tobabe le popeho ya Ntlo ya Selehae.

Karolo ya 11

Karolo ena e tobabe le dikopano tsa Ntlo ya Selehae.

Karolo ya 12

Karolo ena e tobane le ho kgethwa ha modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Selehae.

Karolo ya 13

Karolo ena e tobane le mesebetsi le boikarabelo ba modulasetulo le motlatsi wa modulasetulo wa Ntlo ya Selehae.

Karolo ya 14

Karolo ena e tobabe le se hlokehang hore motho e be setho sa Ntlo ya Selehae.

Karolo ya 15

Karolo ena e tobabe le mesebetsi ya Ntlo ya Selehae.

Karolo ya 16

Karolo ena e tobane le ho tlohelwa ha ditulo.

Karolo ya 17

Karolo ena e tobane le melawana le ditaello.

Karolo ya 18

Karolo ena e tobane le bonnyane bo itseng kopanong ya ditho (khoramo).

Karolo ya 19

Karolo ena e tobane le bongata bo hlokehang.

Karolo ya 20

Karolo ena e tobane le meputso le ditsiane tse lefshwang ditho tsa Matlo.

Section 21

This clause deals with administration and accountability of the House.

Section 22

This clause deals with support of the Houses.

Section 23

This clause deals with the relationship between the Local House and traditional councils.

Section 24

This clause deals with the relationship between the Provincial House and the Provincial Legislature.

Section 25

This clause deals with the relationship between a Local House and the Municipal Council.

Section 26

This clause deals with the relationship between the Provincial House and the Executive Council.

Section 27

This clause deals with privileges and immunities of members of the House.

Section 28

This clause deals with oath and affirmation.

Section 29

This clause empowers the Premier to make regulations.

Section 30

This clause deals with delegation of powers by the Premier.

Section 31

This clause deals with repeal of laws, savings and transitional arrangements.

Section 32

This clause gives the short title.

Karolo ya 21

Karolo ena e tobane le tsamaiso le boikarabelo ba Ntlo.

Karolo ya 22

Karolo ena e tobane le tshchetso ya Matlo.

Karolo ya 23

Karolo ena e tobane le dikamano pakeng tsa Ntlo ya Selehae le makgotla a botjhaba.

Karolo ya 24

Karolo ena e tobane le dikamano pakeng tsa Ntlo ya Provense le Lekgotla la Provense la Ketsamelao.

Karolo ya 25

Karolo ena e tobane le dikamano pakeng tsa Ntlo ya Selehae le Lekgotla la Mmasepala.

Karolo ya 26

Karolo ena e tobane le dikamano pakeng tsa Ntlo ya Provense le Lekgotla la Ketsamelao.

Karolo ya 27

Karolo ena e tobane le menyetla le tse sa ameng ditho tsa Ntlo.

Karolo ya 28

Karolo ena e tobane le tlhapano le kano.

Karolo ya 29

Karolo ena e fa Tonakgolo matla a ho beha melawana.

Karolo ya 30

Karolwana ena e tobane le ho aba matla ha Tonakgolo.

Karolo ya 31

Karolo ena e tobane le phediso ya melao, dipolokelo le ditlhophiso tsa nakwana.

Karolo ya 32

Karolo ena e fana ka sehlooho se sekgutshwane.