



Province of the
EASTERN CAPE

COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS

TRADITIONAL AFFAIRS BRANCH

**Guidelines on Sittings of Traditional Councils and
Payment of Sittings to Non-Traditional Leaders
Members of Traditional Councils (both 40% elected &
60% selected Members)**

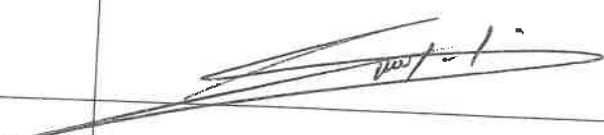
SIGN OFF

1. **Head of Department**

These Guidelines on the Sitzings of Traditional Councils and Payment of Sitting Allowance to None- Traditional Leaders members of Traditional Councils (both 40% & 60% elected and selected members) are approved by me in my capacity as the Acting Head of Department of Cooperative Governance & Traditional Affairs.

I am satisfied and concur with the content of these guidelines.

The development of these guidelines will ensure effective & efficient functioning of Traditional Councils and improve the provision of services to rural communities.

Signed	
Designation	Acting Head of Department (M. Baza)
Date	26.9.2017

SIGN OFF

2. **Executive Authority**

The Department of Cooperative Governance and Traditional Affairs has an unprecedented opportunity to improve the lives of the people by effectively rendering many services that it is expected to provide. We have envisaged a Department that has the required capacity to respond adequately to challenges of its people.

I therefore trust that these Guidelines on Sitzings of Traditional Council and Payment of Sitting Allowances to Non- Traditional Leaders of Traditional Councils (both 40% elected & 60% selected members) will contribute towards creating the institutional environment necessary and conducive for members of Traditional Councils in the execution of their duties for the betterment of rural communities within the Province.


Signed	
Designation	MEC: Honourable Fikile Xasa Department of Cooperative Governance and Traditional Affairs
Date	07/9/2017

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“salary section”	means a section responsible for processing payments within the department
“Secretary”	An official (Senior Administrative Clerk) appointed / designated to assist the Traditional Council in the execution of its functions.
“Sitting”	means the ordinary meeting of Traditional Council.
“Traditional Council”	means a council established in terms of section 6 of the Act.
“the Act”	means Eastern Cape Traditional Leadership and Governance Act, 2017 (Act No. 1 of 2017).
“Working days”	means Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, excluding public holidays.

2. Introduction

Chapter 12 of the South African Constitution (Act No. 108 of 1996), specifically acknowledges the Institution of Traditional Leadership, its place and role in the system of democratic governance. It provides for the continued authority and functioning of such leaders in accordance with traditional law, within the broader legal framework, and for Traditional Leaders to participate at Local Government Level.

Section 6, of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003) as amended, provides that the National Government and a Provincial Government, may adopt such legislative or other measures as may be necessary to support an strengthen the capacity of Traditional Councils within the Province to fulfil their functions.

Accordingly section 37 of the Traditional Leadership and Governance Act, 2017 (Eastern Cape Act No 1 Of 2017) stipulates that a member of a Traditional Council must be paid such allowances as may be determined by the Premier in consultation with the MEC for Finance however, the provision regarding meetings of Traditional

Council is contained in section 13 of the Traditional Leadership and Governance Act, 2017 (Eastern Cape Act No 1 of 2017).

3. PURPOSE OF THE GUIDELINES

Part of the Department's responsibility is to ensure the full implementation of both National and Provincial Legislation impacting on the Traditional Leadership Institution. It is also the responsibility of the Department to create a conducive environment for Traditional Councils, by providing the necessary resources and support, to strengthen the capacity of members of Traditional Councils in order for them to carry out their legislative mandate. The purpose of these guidelines therefore, is to provide processes for conducting Sittings of Traditional Councils and Payment of Sittings Allowance to Non – Traditional Leaders of Traditional Councils (both 40% elected and 60% selected members) in line with the mandate of the Department.

4. OBJECTIVES OF THE GUIDELINES

In the main the guidelines seeks to among others—

- 4.1. Affirm that sitting allowances are paid to Non- Traditional Leaders of Traditional Councils (both 40% elected and 60% selected members) and further clarify the circumstances under which such sittings are paid.
- 4.2. Provide the number of sittings that a Traditional Council should hold per financial year.
- 4.3. Provide the minimum rate to be paid to Non- Traditional Leaders of Traditional Councils (both 40% elected & 60% selected members) per sitting for their attendance of traditional council sittings.
- 4.4. Provide procedures for coordinating and conducting sittings of Traditional Councils.
- 4.5. Outline the roles and responsibilities of all role-players in the coordination of sittings and processing of payment of sitting allowance.
- 4.6. Outline the process of claiming a sitting allowance and documents needed for the processing of a claim by the Department.

5. LEGISLATIVE AND REGULATORY FRAMEWORK

- 5.1. Constitution
- 5.2. Traditional Leadership and Governance Framework Act, 2003.
- 5.3. Eastern Cape Traditional Leadership and Governance.

6. GUIDING PRINCIPLES

A number of principles that support transformation of Traditional Leadership Institutions and good governance must be used to direct the implementation of these Guidelines. The guiding principles must include, but not limited to the following:

- 6.1. **Accountability:** Members of Traditional Councils must at all times maintain accountability of all resources allocated to support Traditional Councils. They should ensure that all decisions taken by the institutions they represent are not biased and that their responsibilities to communities are all times maintained;
- 6.2. **Communication:** Effective communication between members of Traditional communities, traditional councils and the Department should ensure access to information and improvement of service delivery as well as the empowerment of community members to participate in government programmes.
- 6.3. **Community well-being and empowerment:** The well-being of traditional communities and empowerment of members of traditional councils and communities must take centre stage in all programmes of traditional councils or Department. These should be realised through regular public dialogues and feedback in order to transfer knowledge and share experience.
- 6.4. **Decision-making:** Decisions taken by Traditional Councils must take into account the interests, concrete needs and values of community members within their jurisdiction.

6.5. **Effectiveness:** Actions and decisions taken by Traditional Councils pertaining community development and service delivery must be directed towards achieving set objectives of the Department in a manner that constitutes efficient use of limited resources by considering economic, social and environmental costs.

6.6. **Equity:** The vital participation of women within Traditional Leadership Institutions and community development must be recognised and encouraged. Furthermore, their full participation on the matters outlined must be ensured.

6.7. **Participation:** The participation of community members in Traditional Councils and governance must be promoted and participation by vulnerable person/people with disabilities must be ensured.

6.8. **Transparency:** Decisions of Traditional Councils must be taken in an open and transparent manner, and access to information must be provided whenever required in accordance with applicable legislation.

6.9. **Value for Money:** Resources allocated to Traditional Councils must be utilised in a most optimal manner in order to give members of Traditional Communities the best possible value for money.

7. SCOPE OF APPLICABILITY

These Guidelines shall apply to Members of Traditional Councils in the Eastern Cape and Officials of the Department of Cooperative Governance & Traditional Affairs.

8. SITTINGS OF TRADITIONAL COUNCIL

8.1. The ordinary sittings of Traditional Councils shall be held as approved by the Head of Department for that particular financial year, as they will be increased annually as determined by the Member of the Executive Authority.

- 8.2. Both 40% and 60% members of a Traditional Councils (none Traditional Leaders) shall be entitled to payment rate for their attendance of such sittings.
- 8.3. Members of Traditional Councils who are in the full-time employment of the state shall not be entitled to be paid sitting allowance, but shall be entitled to such benefits as provided for by their condition of service.
- 8.4. In a case where the sitting cannot be held on the scheduled dates, the Chairperson, in consultation with the members of the Traditional Council, must agree on an alternative date. However, such a date must be within that particular month and the Chairperson must ensure that such new arrangement is communicated timeously in writing to the Department.
- 8.5. All ordinary sittings of a Traditional Council must be held at a Traditional Council's building or any neutral venue as may be determined by the Chairperson in consultation with all members.
- 8.6. The Chairperson must, when so required by the MEC or if so requested by at least one-third of the total number of members of the Traditional Council call a special sitting of a Traditional Council.
- 8.7. Any special sitting must be called on no less than two days or 48hours notice and no business or items other than the specified in the notice shall be dealt with at that special sitting.
- 8.8. No sitting allowance shall be paid to members of Traditional Councils for their attendance of special sittings.

9. SITTING PROCEDURES

A traditional council must, whenever there is an ordinary sitting of the council apply the following standard procedures;

- 9.1. The secretary, on the instruction of the Chairperson, must give notice to every member of the council by written notice specifying the date, time and the venue

where the sitting will be held, at least seven days before the date of such ordinary sitting.

- 9.2. Where possible, the agenda with all items to be discussed during the sitting must be attached in the notice in order to give members enough time to prepare for such sitting and be able to make meaningful contribution.
- 9.3. All sittings of the Traditional Councils must be presided over by the Senior Traditional Leader as the head of the Traditional Council or any other member of the Traditional Council as designated by the Senior Traditional Leader.
- 9.4. In areas where Traditional Councils are headed by a headman, sittings of such Traditional Councils shall be presided over by the headman who has been designated by the royal family or elected by the members of such traditional council to be the Chairperson.
- 9.5. A sitting of a Traditional Council can only take place, if fifty percent plus (50%+1) of the total number of members of the Traditional Council are in attendance or present. No proceedings shall take place unless a quorum is present.
- 9.6. For each item discussed or debated by the sitting, a specific resolution must be made, and where appropriate decisions of a Traditional Council sitting must be taken by a general consensus, but where consensus cannot be reached, such decisions must be taken by majority of fifty percent plus one (50%+1) of members present constituting a quorum.
- 9.7. When there is no quorum present at a sitting but the Chairperson recommends that certain discussions on the various agenda items take place, members present will be compensated / paid as if a sitting had taken place: Provided that such a Traditional Council will not be able to convene one other sitting within the dates stipulated in the sitting schedule or on any remaining date of the month in question, provided such decisions are rectified by a majority of members in the meeting immediately succeeding such sitting.

- 9.8. An official from the department who has been designated as the secretary of a Traditional Council shall be responsible for the recording of all proceedings of the sitting and he or she must ensure that all important discussions are precisely minuted.
- 9.9. In an areas where there is no assigned official (designated official) responsible for the administration of a Traditional Council, the Regional Head must assign an official from regional offices to serve as scribes on the sittings of the Traditional Council whenever there are sittings.
- 9.10. To allow for the views of all members, the Chairperson has the responsibility to ensure that no individual member or certain group of members dominate/s the proceedings of a sitting.
- 9.11. The minutes must reflect, among others—
- (a) Date, time and place of the meeting;
 - (b) The names of the members present;
 - (c) Agenda items;
 - (d) Summary of every decision or resolution taken by the sitting;
 - (e) Action to be taken;
 - (f) Person/s responsible for the action;
 - (g) Deadlines/timeframes for action to be taken and;
 - (h) If a member so requests, the fact that he or she voted against any decision taken.
- 9.12. All uncompleted action items must be carried to the next sitting until they are completed otherwise a new and more realistic deadline should then be set.
- 9.13. It is the responsibility of the secretary to ensure that all action items are followed up as resolved/specified, and where necessary seek the assistance of the Chairperson in ensuring that all resolutions are fully implemented.

- 9.14. Where feasible, the minutes of the sitting must be distributed to all members who attended the sitting or approved recipients within (2) two weeks of the sitting to ensure that members who have been given responsibilities with timeframes are able to make reference to what they are expected to do and on which date are they report on the progress.
- 9.15. The Chairperson must verify the minutes and ensure that the secretary properly keeps the minutes of the sittings in a file and be made available whenever they are needed.
- 9.16. A copy of the minutes of each sitting must be forwarded to the regional offices of Traditional Affairs within three (3) working days after the sitting.
- 9.17. At the discussion of the last item on the agenda, the Secretary must distribute an attendance register for all members present to sign.
- 9.18. Failure to sign an attendance register shall be proof that such member did not attend and shall not be entitled to the payment of the sitting allowance.

10. PROCEDURE FOR CLAIMING SITTING ALLOWANCE

- 10.1. Non - Traditional Leaders of Traditional Council (both 40% elected & 60% selected members) are entitled to be paid per sitting.
- 10.2. The amount payable to members per sitting shall be in accordance with the determination made by the by the Executive Authority for each financial year.
- 10.3. Sitting allowance is paid in recognition of the time devoted by members in attending sittings of the Traditional Councils.
- 10.4. To qualify for payment of sitting allowance, a member must have been present for the duration of the sitting.

- 10.5. If for whatever reason, a member is unable to stay for the whole duration of the sitting, he or she must inform or request the permission of the Chairperson.
- 10.6. The Chairperson must look at the circumstances surrounding the member and if he or she is satisfied that the circumstance is beyond the member's control, he or she can grant the permission. However, such a request must be recorded/reflected in the minutes.
- 10.7. A member who has tendered an apology or is absent from the sitting of a Traditional Council will not be entitled for the payment of sitting allowance nor any other benefits payable to members in attendance of the sitting.

11. ROLES AND RESPONSIBILITIES

11.1 A claimant / Member

- 11.1.1 Each Member / Claimant whenever he or she claims sitting allowance will be expected to—
- (a) Attend a sitting of a Traditional Council;
 - (b) Complete the prescribed Subsistence & Travelling Claim forms detailing the name of the Member/claimant, dates of the sitting and amount claimed.
 - (c) Complete a sundry payment advice;
 - (d) Attach a copy of certified Identity Document or smart card;
 - (e) Attach a stamped bank form with a date not older than three (3) months.
 - (f) Sign and attach an attendance register with the stamp of a Traditional Council signed by both Chairperson and Secretary of a Traditional Council.
- 11.1.2. In the event whereby a member/claimant has changed a bank account, such a member/claimant must submit a new stamped bank form to the department and attach the same whenever he or she claims for sitting allowance.

11.2 Senior Administrative Clerk (Secretary of a Traditional Council)

11.2.1. An Administrative Clerk responsible for the administration of a Traditional Council or any official from the Region (Traditional Affairs) designated to assist in terms of providing administration support to a Traditional Council without a secretary shall be responsible for the following—

- (a) Coordinating sittings of Traditional Council, as instructed by the Chairperson.
- (b) Ensuring that all forms to be completed by claimant/members for claiming sitting allowance are available at the date of the sitting.
- (c) Recording all proceedings of the sitting.
- (d) Ensuring that all action items/decisions taken are followed up and implemented as required by the specific sitting.
- (e) Completion and safe-keeping of the attendance registers of the sittings of the Traditional Council.
- (f) Compilation of sundry payment advice for each member.
- (g) Verification of all documentations attached to the claim of a member.
- (h) Submission of claim documentations and minutes of the sitting to the Regional Offices (Traditional Affairs Offices) within three (3) working days after sitting.

11.3. Regional Heads (Regional Offices of Traditional Affairs)

11.3.1 A Regional Head or any designated official shall be responsible for, but not limited to, the following—

- (a) Managing and coordinating the sittings of all Traditional Councils within his/her area of jurisdiction.
- (b) Ensuring the distribution of all relevant forms needed to be completed by claimants/members of Traditional Councils within his or her working jurisdiction.
- (c) Assigning officials from Regional Offices to officiate over sittings of Traditional Councils that are without designated Secretaries.

- (d) Verification of all documentation received from Traditional Councils which are to be forwarded to the Head Office for payment.
- (e) Compilation of a report detailing the total number of Traditional Councils that held sittings and the dates of sittings for each quarter.
- (f) Facilitating the submission and filing of minutes and attendance registers of all sittings of Traditional Councils.
- (g) Managing and facilitating the submission of claim forms and claims attachments to Head Office (Bhisho) within fifteen (15) working days after receipt of the same from Traditional Councils.
- (h) Monitoring the full implementation and adherence to those Guidelines by affected persons from his/her areas of work jurisdiction.

11.4 Head Office (Institutional Support Services)

11.4.1. The Department (Institutional Support Services Directorate) must, in consultation with Regional Head concerned, assign officials from the nearest Regions (e.g. Rharhabe Kingdom) to be responsible for among others—

- (a) Verification of all documentation from regions/kingdoms submitted for payment of sitting allowance.
- (b) Verifying that all people who appear in the attendance register and completed the claim forms are those who were democratically elected to serve in the Traditional Council.
- (c) Checking the claims against the attendance registers and highlighting the names of the claimants as they appear in the attendance registers.
- (d) Confirming bank details through telephone with the claimant/member before capturing.
- (e) Capture all information needed to effect payment (e.g. allocations / amounts to be paid).
- (f) Submitting documents to salary section within five (5) working days after recipient of the same from kingdoms/regions.

- (g) Compiling of a report reflecting/detailing the total number of claims captured on the system and date of submission to the salary section.

11.5 **Salary Section**

Salary section shall be responsible for, among others--

- (a) Checking / verifying all supporting documents.
- (b) Checking payments that need to be effected.
- (c) Capturing bank details of claimants.
- (d) Authorising payments.
- (e) Ensuring that all payments are credited to the bank account of claimants / members at least before the last day of the month after the sitting.

SCHEDULE 1

DATES OF SITTINGS OF TRADITIONAL COUNCILS

FINANCIAL YEAR	MONTH	WEEKS/DATES
2017/18	May 2017	2 nd – 15 th
	June 2017	1 st – 15 th
	July 2017	2 nd – 14 th
	August 2017	1 st – 15 th
	September 2017	1 st – 15 th
	October 2017	2 nd – 13 th
	November 2017	1 st – 15 th
2018 / 2019	May 2018	2 nd – 15 th
	June 2018	1 st – 15 th
	July 2018	2 nd – 13 th
	August 2018	1 st – 15 th
	September 2018	3 rd – 14 th
	October 2018	1 st – 15 th
	November 2018	1 st – 15 th

SCHEDULE 2

FORMAT OF TRADITIONAL COUNCILS SITTINGS MINUTES

1. COVER PAGE

The cover page of the sitting minutes must reflect the following;

Name of Traditional Council	
Region	
District	
Date of Sitting	
Venue of the Sitting	
Time of the Sitting	
Name of the Chairperson / Person presided over the sitting	
Signature of the Chairperson	
Name of the Secretary / Scribe	
Signature of the Secretary	
Stamp of the Traditional Council	

2. CONTENT OF THE SITTING MINUTES

The content of the sitting minutes must clearly and summarily reflect the following:

AGENDA ITEMS	DISCUSSIONS	RESOLUTIONS TAKEN	TIME-FRAME	RESPONSIBLE PERSON/S
1.	➤	✓		
2.	➤	✓		
3.	➤	✓		
4.	➤	✓		
5.	➤	✓		
6.	➤	✓		
7.	➤	✓		
8.	➤	✓		
9.	➤	✓		
10.	➤	✓		

12. APPROVAL OF GUIDELINES

These Guidelines shall be approved by the Executive Authority on the recommendation of the Acting Head of Department as per updated departmental delegations.

13. ADMINISTRATION OF THE GUIDELINES

Responsibility and accountability for implementing these guidelines shall rest with the Head of Department and ultimately the Executive Authority.

14. EFFECTIVE DATE OF THE GUIDELINES

Guidelines shall become effective on the date signed by the Executive Authority (MEC for Cooperative Governance & Traditional Affairs).

15. PROCEDURES OF THESE GUIDELINES

There is no separate procedure for the implementation of these guidelines as they will be incorporated into the daily activities of the managers/assistant directors of Traditional Affairs Branch. It is therefore critical that all managers within the programme to familiarise themselves with the content of these guidelines.

16. GUIDELINES REVIEW

These guidelines shall be reviewed three (3) years from the effective date to determine their effectiveness and appropriateness and may be reviewed before that time if so required.