



Province of the
EASTERN CAPE
COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS

GUIDELINES ON THE PARTICIPATION OF TRADITIONAL LEADERS IN MUNICIPAL COUNCILS

**GUIDELINES ON THE PARTICIPATION OF TRADITIONAL LEADERS IN MUNICIPAL
COUNCILS**

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GUIDELINES ON THE PARTICIPATION OF TRADITIONAL LEADERS IN MUNICIPAL COUNCILS

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1. **Head of Department**

These Guidelines on the Participation of Traditional Leaders in Municipal Councils has been recommended by **Mr V. Mlokothe** in my capacity as the Acting Head of the Department of Cooperative Governance and Traditional Affairs. I am satisfied and concur with the content of these guidelines.

The development of these guidelines will ensure that the Department is able to exercise its powers in compliance with the law and guide decision-making in the organisation.

Signed	
Designation	Acting Head of Department: Mr V. Mlokothe Department of Cooperative Governance & Traditional Affairs
Date	09/04/2025

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2. **Executive Authority**

The Department of Cooperative Governance and Traditional Affairs has 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 for the Participation of Traditional Leaders in Municipal Councils will contribute towards the Department's endeavour to improving the living standards of our people, especially those who live in the rural areas of our Province.

Signed	
Designation	MEC: Honourable Zolile Williams Department of Cooperative Governance and Traditional Affairs
Date	23 April 2025

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1. ABBREVIATIONS AND ACRONYMS

COGTA: Cooperative Governance & Traditional Affairs

HOD: Head of Department

IDP: Integrated Development Plan

MEC: Member of the Executive Council

MFMA: Municipal Finance Management Act

TKLA: Traditional & Khoi-San Leadership Act

2. DEFINITIONS

In these guidelines unless the context indicates otherwise, the following expressions bear the meanings assigned to them below:-

TERM	DEFINITION
Committee	Means any Committee of the Municipal Council established in terms of the applicable Rules and Orders.
Constitution	Means Constitution of the Republic of South Africa, 1996.
Councillor	Means a member of the municipal council as per Section 1 of the Municipal Systems Act.
Council	Means the Municipal Council of a District and Local Municipality
District council	Means the municipal council of a district municipality.
Framework Act	Means the Traditional Leadership and Governance Framework Act, 41 of 2003.
Identified Traditional Leader	Means a Traditional Leader identified by the MEC for the purpose of participating in the proceedings of a Municipal Council.
Local House	Means a Local House of Traditional Leaders established in terms of section 48 of the Eastern Cape Traditional Leadership and Governance Act, 2017 (Act No.1 of 2017).
MEC	Means a Member of the Eastern Cape Executive Council responsible for Traditional Affairs in the Province.
MFMA	Means the Local Government Municipal Finance Management Act, 56 of 2003.

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Municipal Council or Council	Means a Municipal Council referred to in section 157 of the Constitution.
Municipal Structures Act	Means the Local Government: Municipal Structures Act, 117 of 1998.
Municipal Systems Act	Means the Local Government: Municipal Systems Act, 32 of 2000.
Partner	Means a person who permanently lives with another person in a manner as if married defined in the Traditional Leadership and Governance Framework Act, 41 of 2003.
Sitting	Means a period when the council or committee is in plenary.
Traditional Leader	Means any person who, in terms of customary law of the traditional community concerned, holds a traditional leadership position, and is recognised in terms of the Traditional Leadership and Governance Framework Act, 2003.
Traditional Constituency	Means Traditional Councils falling within the area of jurisdiction of a municipality.

3. PREAMBLE

Whereas:

Mindful of the provision of Section 211 (1) of the Constitution of the Republic of South Africa which recognises the status and role of the institution of traditional leadership in accordance with customary law.

Mindful of the provision of Section 212 of the Constitution which provides for the enactment of the national legislation to make provisions for the allocation of roles for traditional leadership at local level on matters affecting local communities.

Mindful of the provision of Section 81 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended by Section 64 of Traditional and Khoi-San Leadership, 2019 (Act No. 3 of 2019) hereinafter referred to as TKLA which provides for the participation of Traditional Leaders in the proceedings of the relevant municipal council.

Mindful of the provision of Section of Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended by Section 50 of TKLA, which provides for the establishment of Local Houses in the jurisdictional area of a district or local authority.

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With the ushering of a new democratic order in South Africa, it has been and still is the vision of the government that the institution of traditional leadership is transformed and supported so that it plays a role in socio-economic development and nation building.

According to the White Paper on Traditional Leadership and Governance, 2003, the transformation of the institution of traditional leadership must, among other things promote sound relationships between itself and other spheres of government, act in partnership with municipalities by creating good relationships in order to enhance service delivery. The role of the institution of traditional leadership is therefore not to usurp the role of government in traditional communities but to complement and support the government in improving the quality of life of the rural communities.

4. SCOPE OF APPLICATION

These Guidelines are applicable to all Traditional Leaders participating in the proceedings of the relevant municipal councils in terms of Section 81 of the Local government: Municipal Structures Act, 1998, as amended.

5. OBJECTIVES OF THE GUIDELINES

The purpose of this guidelines/framework is to: —

- 5.1 Give effect to the provisions of Section 81 of the Local Government: Municipal Structures Act and Section 4 of the Traditional Leadership and Governance Framework Act.
- 5.2 Strengthen the relationship between municipal councils and traditional councils.
- 5.3 Enhance good governance, service delivery and stability in traditional community areas.
- 5.4 Promote partnerships between municipal councils and traditional councils.
- 5.5 Provide guidelines/framework for uniformity with regards to participation of traditional leaders in all affected municipalities throughout the province.

6. LEGISLATIVE AND REGULATORY FRAMEWORK

The legislative framework for the management of relations between municipal councils and traditional councils is contained in a few pieces of legislation including, but not limited to: -

- 6.1 Constitution of the Republic of South Africa.

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- 6.2 Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019).
- 6.3 Local Government: Municipal Structures Act, 198 (Act No. 117 of 1998), as amended.
- 6.4 Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended.
- 6.5 Eastern Cape Traditional Leadership and Governance Act, 2017 (Act No. 1 of 2017).
- 6.6 Intergovernmental Relations Act, 2005 (Act No. 13 of 2005)
- 6.7 Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

7. VALUES AND GUIDING PRINCIPLES

7.1 Values

The institution of traditional leadership must be transformed to be in harmony with the Constitution and Bill of Rights so that: -

- 7.1.1 Democratic governance and the values of an open and democratic society may be promoted; and
- 7.1.2 Gender equality within the institution of traditional leadership progressively advance in line with custom.

7.2 Guiding principles

The institution of traditional leadership must: -

- 7.2.1 Promote freedom, human dignity and the achievement of equality and non-sexism.
- 7.2.2 Derive its mandate and primary authority from applicable customary law and practices.
- 7.2.3 Strive to enhance tradition and culture.
- 7.2.4 Promote nation building, harmony and peace among people.
- 7.2.5 Promote the principles of co-operative governance in its interaction with all spheres of government and organs of the state; and
- 7.2.6 Promote an efficient, effective, and fair disputes resolution system.
- 7.2.7 Promote a fair system of administration of justice as envisaged in the applicable legislation.

8. STATUS OF TRADITIONAL LEADERS PARTICIPATING IN MUNICIPAL COUNCILS

A Traditional Leader participating in the proceedings of a local or district municipal council, or metropolitan municipality as the case may be: -

- 8.1 Have the general right to attend and participate in any meeting of the municipal council.

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- 8.2 He or she is subject to the rules and orders of the relevant municipality and any regulation prescribed by the MEC, participate in debate, submit motions, make proposals, and ask questions.
- 8.3 Must be a member of the relevant local house of Traditional Leaders and designated by such Local House to participate in the proceedings of the relevant municipal council.
- 8.4 Must perform such official or ceremonial duties as the municipal council may request him or her to do.
- 8.5 Must attend and participate in any meeting of a committee of the relevant municipal council to which he or she has been co-opted to be a member.
- 8.6 May address the municipal council on any matter directly or indirectly affecting traditional leadership or traditional communities, or any other matter involving traditional communities within the jurisdiction of the relevant municipal council.
- 8.7 May not request any other member of the relevant local house to participate in the proceedings of a municipal council on his or her behalf.
- 8.8 Is not an elected representative of the municipal council and as such is not entitled to vote on any matter before the relevant municipal council or committee of the council, and as such cannot be included for the purpose of establishing a quorum of the council or committee.
- 8.9 Is subject to the Code of Conduct contained in Schedule 1 of the Local Government: Municipal Systems Act and standing rules and orders of the relevant municipality.

9. ROLES AND RESPONSILITIES OF TRADITIONAL LEADERS PARTICIPATING IN MUNICIPAL COUNCILS

Traditional Leaders participating in the proceedings of a Municipal Council have the following functions: -

- 9.1 Influencing municipalities in embracing and promoting heritage, language, customs, and traditions.
- 9.2 Supporting municipalities in the identification of community needs.
- 9.3 Facilitating the involvement of traditional communities in the development and reviewal of integrated development plans (IDPs) of a municipality concerned.
- 9.4 Supporting the relevant municipality in promoting integrated local economic development and planning.

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- 9.5 Facilitating the participation of the relevant traditional communities in any affairs of the municipality that requires or allows for public participation, including the affairs of Ward Committees.
- 9.6 Participating in relevant development programmes of the relevant municipality.
- 9.7 Make recommendations and propose appropriate interventions in respect of service delivery within the defined areas of jurisdiction of the relevant Traditional Councils.
- 9.8 Promoting indigenous knowledge system for sustainable development.
- 9.9 Influencing municipalities in the developing programmes that assist in curbing initiation deaths during initiation seasons, working hand in hand with all relevant stakeholders involved in the initiation programme.
- 9.10 Influencing municipalities in developing moral regeneration programmes and ensure that municipalities commit to the incorporation of these programmes in the plans.
- 9.11 Alerting any relevant municipalities of any hazard or calamity that threatens their areas of jurisdiction and contribute to disaster management programmes.

In addition to the above roles, an identified Traditional Leaders have the responsibility to: -

- 9.12 Attend all Council or Committee meetings.
- 9.13 Promote the idea of Co-operative Governance, Integrated Development Planning, Sustainable Development and Service Delivery.
- 9.14 Report or provide feedback to Traditional Leaders from their respective constituencies at least once per quarter.
- 9.15 Within three weeks from the date of the Municipal Council sitting, prepare a report on all matters affecting the relevant traditional communities, as discussed, and resolved upon by such Municipal Council; and
- 9.16 Submit the report to the relevant Local House falling within the jurisdictional area of the relevant District or Metropolitan municipality.

An identified Traditional Leader/s may not:

- 9.17 Absent himself or herself from attending sittings or meetings of the Council or that of a committee without informing the relevant authority (office of the Speaker and a traditional leader designated as a coordinator of all identified Traditional Leaders of a municipality concerned).

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- 9.18 Boycott proceedings of the Council or that of a committee without consulting and informing members of his or her constituency, the relevant Local House, and the Provincial House; or
- 9.19 Request the intervention by Provincial House or MEC on the challenges relating to his or her participation in the proceedings of the relevant municipal councils without consulting the relevant Local House.

CHAPTER B:

10 RELATIONSHIPS BETWEEN MUNICIPAL COUNCILS AND TRADITIONAL LEADERS PARTICIPATING IN MUNICIPAL PROCEEDINGS

A Traditional Leader participating in Municipal Councils must respect the status, roles, powers, and functions of each other as public office bearers to give effect to the principle of co-operative governance. He/she must co-operate with others mainly to promote mutual trust and good faith by:

- 10.1 Fostering sound working relations with one another.
- 10.2 Assisting and supporting one another in the execution of their roles and responsibilities.
- 10.3 Adopting agreed upon procedures and internal disputes resolution mechanisms.
- 10.4 Participating traditional leaders remaining non-partisan.
- 10.5 Development of a communication strategy and mutually agreed protocol for information sharing, co-ordination, and consultation purposes.
- 10.6 Identification of a Traditional Leader to coordinate all activities and ensuring meaningful participation and attendance.
- 10.7 Advising the Local House of traditional leaders of any conduct contrary to the applicable code of conduct and ethics such conduct shall be dealt with in terms of the code of conduct as envisaged in the Traditional Leadership and Governance Act, 2005 (Act No. 4 of 2005).
- 10.8 Providing leadership jointly to the members of their respective constituencies (Traditional Councils and Ward Committees).
- 10.9 Jointly report back to communities on the programmes and projects implemented by the municipality.
- 10.10 Forging the synergy partnerships between members of Ward Committees and Traditional Councils.

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- 10.11 Ensuring constant communication and sharing of information between members of the Ward Committees and Traditional Councils.
- 10.12 Jointly organise capacitation programmes for members of the Ward Committees and Traditional Councils for them to understand the statutory mandate in respect of the status and roles of the institutions in community development.
- 10.13 Complementing each other when performing or engaging with communities on the programmes of traditional leadership institutions and that of the municipality.
- 10.14 The Council (municipality) through office of the Speaker must ensure that identified traditional leaders are provided with the notice of the sitting or meeting as well as other necessary documents in advance, to enable them to familiarise themselves with the agenda of such sitting.
- 10.15 In instances where agenda item/s as proposed and submitted by Traditional Leaders for consideration by Troika and their inclusion in the order paper are removed from the same, the office of the Speaker must forthwith inform the Chief Whip or Coordinator of Traditional Leaders of such removal before the sitting.
- 10.16 The MEC responsible for Traditional Affairs together with the Chairperson of the relevant local house Provincial House must be informed of any dispute between the Municipality and Traditional Leaders participating in municipalities before approaching a Court of law.

11 ACCOUNTABILITY OF TRADITIONAL LEADERS PARTICIPATING IN MUNICIPAL COUNCILS

- 11.1 Traditional Leaders participating in Municipal Councils must conduct themselves in line with the code of conduct provided in Schedule 5 of the Local Government: Municipal Structures Act.
- 11.2 Traditional Leader participating in Municipal Councils must table the reports of their meetings at least once a month at the meeting of the traditional constituency and local house concerned.
- 11.3 The meeting shall be held at the seat of the municipality.

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12 SUPPORT AND CAPACITY BUILDING TO TRADITIONAL LEADERS PARTICIPATING IN MUNICIPAL COUNCILS

The department and municipalities shall support and strengthen the capacity of traditional leaders participating in municipal councils by providing skills development programmes and any other support deemed reasonable to make their participation effective.

13 CODE OF CONDUCT FOR TRADITIONAL LEADERS PARTICIPATING IN MUNICIPAL COUNCILS

13.1 Traditional Leader must:

- 13.1.1 Perform the functions of the office in good faith, honestly and in a transparent manner; and
- 13.1.2 At all times in the best interests of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.

13.2 Attendance at meetings

An identified traditional leader must attend all meetings of the municipal council and that of a committee of which he or she is a member and must remain in attendance, except when: -

- 13.2.1 Leave of absence is granted in terms of applicable law or as determined by the rules and orders of the council; or
- 13.2.2 A traditional leader is required in terms of the code of conduct not to attend the meeting.

13.3 Disclosure of interests

An identified traditional leader must: -

- 13.3.1 Disclose to the municipal council, to any committee of which he or she is a member of any direct or indirect personal or private business interest that a traditional leader, a spouse, partner, or business associates of a concerned traditional leader may have in any matter before the council or the committee; and
- 13.3.2 Withdraw from the proceedings of the council or committee when that matter is considered by the council or committee unless the council or committee decides that the traditional leader's direct or indirect interest in the matter is trivial or irrelevant.

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An identified traditional leader who or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality must:-

13.3.3 Disclose full particulars of the benefit of which such a traditional leader is aware at the first meeting of the municipal council at which it is possible for the traditional leader to make the disclosure. This section does not apply to an interest or benefit which a traditional leader, or a spouse, partner, business associates or close family member has or acquires in common with other residents of the municipality.

13.4 Personal gain

An identified traditional leader may not use the position or privileges of a traditional leader or confidential information obtained as a traditional leader participating in the proceedings of a municipal council for private gain or to improperly benefit another person. Except with the prior consent of the municipal council or that of a committee, an identified Traditional Leader may not:

13.4.1 Be a party to or beneficiary under a contract for the: -:

- a) Provision of goods or services to the municipality; or
- b) Performance of any remunerated work other than as a traditional leader for the municipality.

13.4.2 Obtain a financial interest in any business of the municipality; or

13.4.3 For a fee or other consideration appear on behalf of any other person before the council or a committee.

13.4.4 If more than one quarter of the council objects to consent being given to a Traditional Leader in terms of sub-item (2), such consent may only be given to a Traditional Leader with the approval of the MEC responsible for Traditional Affairs.

13.5 Declaration of interests

An identified Traditional Leader must within sixty (60) days after being identified to participate in the proceedings of a Municipal Council declare in writing to the municipal manager the following financial interests held by such a Traditional Leader:

13.5.1 Shares and securities in any company.

13.5.2 Membership of any close corporation.

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13.5.3 Interest in any trust.

13.5.4 Directorship.

13.5.5 Partnership.

13.5.6 Other financial interests in any business undertaking.

13.5.7 Interests in property.

13.5.8 Subsidies, grants and sponsorships by any organisation.

13.5.9 Employments, remuneration and pension.

13.5.10 Any change in the nature or detail of the financial interest of an identified Traditional Leader must be declared in writing to the Municipal Manager annually.

13.5.11 Gifts received by an identified Traditional Leader above the prescribed amount (as prescribed in terms of municipal rules and orders) must also be declared.

13.5.12 A Municipal Council must determine which financial interest completed in sub-item (1) must be made public having regard to the need for confidentiality and the public interest for disclosure.

13.6 Rewards, gifts and favours

An identified Traditional Leader may not request, solicit or accept any rewards, gifts or favour for: —

13.6.1 Persuading the Council or a Committee in regard to the exercise of any power, function or duty.

13.6.2 Making a representation to the Council or a Committee of the council; or

13.6.3 Disclosing privileged or confidential information.

13.7 Unauthorised disclosure of information

A participating Traditional Leader may not without the permission of the municipal council or that of a committee disclose any privileged or confidential information of the Council or Committee to any unauthorised person/s. For the purpose of this item, privileged or confidential information of the Council includes any information:

13.7.1 Determined by the municipal Council or Committee to be privileged or confidential.

13.7.2 Discussed in closed session by the council or committee.

13.7.3 Disclosure of which would violate a person's right to privacy; or

13.7.4 Declared to be privileged, confidential or secret in terms of law.

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13.7.5 This item does not derogate from the right of any person to access to information in terms of applicable national legislation.

13.8 Intervention in administration

A participating Traditional Leader may not, except as provided by law: —

13.8.1 Interfere in the management or administration of any department of a municipality unless mandated by council.

13.8.2 Give or purport to give any instruction to any employee of the municipality except when authorised to do so.

13.8.3 Obstruct or attempt to obstruct the implementation of any decision of the Council or that of a committee by an employee of the municipality; or

13.8.4 Encourages or participate in any conduct which would cause or contribute to maladministration in the municipality.

13.9 Council property

A participating Traditional Leader may not, use, take, acquire, or benefit from any property or asset owned, controlled or managed by the municipality to which he or she has no right.

13.10 Duty of the chairperson of a municipal council

If the Chairperson of a Municipal Council, on reasonable suspicion is of the opinion that a provision of the code of conduct has been breached, he or she must:

13.10.1 Authorise an investigation to establish facts and circumstances of the alleged breach.

13.10.2 Give a participating Traditional Leader a reasonable opportunity to reply in writing the alleged breach; and

13.10.3 Report the matter in the meeting of a council after paragraph (a) and (b) has been compiled with.

13.10.4 A report in terms of sub-item a1 (c) is open to members of the public.

13.10.5 The Chairperson must report the outcome of the investigation to the chairperson of the relevant Local House and MEC responsible for Traditional Affairs in the Province: Provided that, in the event of an alleged breach of the code of conduct by the chairperson of the relevant Local House, the outcome of the investigation must be reported with the MEC.

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13.10.6 The Chairperson must ensure that each traditional leader is given a copy of the code of conduct and such a copy is made available in every room or place where the council or committee meets.

13.11 Breach of the code of conduct

A Municipal Council may establish a committee to—

13.11.1 Investigate or a finding on any alleged breach of the Code of Conduct; and

13.11.2 Make appropriate recommendation to the Council.

If the Council or special Committee finds that an identified Traditional Leader has breached a provision of the Code of Conduct, the Council may—

13.11.3 Issue a formal warning to an identified Traditional Leader; or

13.11.4 Request the MEC to suspend or withdraw the participation of an identified traditional leader in the proceedings of the municipal council.

13.11.5 The MEC may appoint a person or Committee to investigate any alleged breach of the provision of the Code of Conduct and make recommendations on whether the right of an identified Traditional Leader to participate in the proceedings of the Municipal Council should be suspended or withdrawn.

13.11.6 In the absence of applicable provincial legislation, the Commission Act, 1947 may be applied to an investigation.

If the MEC is of the opinion that an identified Traditional Leader has breached a provision of the Code of Conduct, and that such breach warrants a suspension or withdrawal of the right of an identified Traditional Leader to participate in the proceedings of the Council, the MEC may—

13.11.7 Suspend such an identified Traditional Leader for a period and conditions determined by him or her; or

13.11.8 Withdraw the participation of such affected identified Traditional Leader.

13.11.9 Any investigation conducted in terms of this item must be done in accordance with the rules of natural justice.

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14 ROLES AND RESPONSIBILITIES OF HOUSES OF TRADITIONAL AND KHOI-SAN LEADERS IN RESPECT OF THE PARTICIPATION OF TRADITIONAL LEADERS IN MUNICIPAL COUNCILS

14.1 Local houses of Traditional and Khoi-San leaders

A Local House of Traditional and Khoi-San Leaders established within the jurisdiction of a District or Metropolitan Municipality must:

- 14.1.1 Monitor the participation of Traditional Leaders in the proceedings of Municipal Councils of the relevant District or Metropolitan and Local Municipalities.
- 14.1.2 Provide the necessary support and advice to Traditional Leaders in Municipal Councils, to ensure their effective and meaningful contribution in Councils.
- 14.1.3 Facilitate the reporting back to constituencies by Traditional Leaders in Municipal Councils.
- 14.1.4 Liaise with relevant Offices of Municipal Speakers for the purpose of determining the impact of the participation of Traditional Leaders in Councils as well as addressing any challenges thereof.
- 14.1.5 Hold quarterly meetings or engagements with the Chief Whips or Coordinators of Traditional Leaders in Municipal Councils.
- 14.1.6 Ensure that Traditional Leaders in Municipal Councils hold caucus meetings before crucial sittings of the Council and have a position on some agenda items.
- 14.1.7 When deemed it necessary, send a representative to attend causes and guide Traditional Leaders on the approach on some agenda items.
- 14.1.8 Facilitate the compilation of reports by Traditional Leaders in Councils.
- 14.1.9 Consider and consolidate reports as submitted by Chief Whips of Traditional Leaders in respective the Councils.
- 14.1.10 Keep the Provincial House so informed and facilitate any intervention on the participation of Traditional Leaders in Municipal Councils by the Provincial House
- 14.1.11 Formally inform the Provincial House of any vacancy within the Municipal Council, emanating from the 20% membership of Traditional Leaders in Municipal Council.
- 14.1.12 Prepare and submit a half yearly and annual reports to the Provincial House on the participation of Traditional Leaders in Municipal Councils.

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15 ALLOCATION OF TOOLS OF TRADE TO THE IDENTIFIED TRADITIONAL LEADERS

15.1 Tools of trade

In respect of tools of trade, a municipality (municipal council) may provide a participating Traditional Leader/s with:

15.1.1 Office space at the seat of a municipal council (municipal building).

15.1.2 Office furniture (including a desktop, printer and cartridges).

15.1.3 Stationery; and

15.1.4 Office telephone.

Provided that such facilities may only be used for work purpose related to such an identified traditional leader's responsibilities and duties, subject to applicable by-laws and relevant rules and orders of the municipality (municipal council) concerned. A municipality may provide a participating Traditional Leader/s with a:

15.1.5 Contract mobile cell phone.

15.1.6 Laptop or iPod; and

15.1.7 Study assistance.

Provided that the council has taken a resolution to provide identified traditional leader/s with such resources and that such resources must be used for work related purposes, responsibilities and duties whilst working or outside the office space.

Provided further that the study or course to be undertaken by an identified traditional leader is related to the issues of governance (preferably at local level) and that the duration of the course is not more than three years.

16 PAYMENT OF OUT-OF-POCKET EXPENSES, ALLOWANCES & BENEFITS TO THE IDENTIFIED TRADITIONAL LEADERS

16.1 Out of pocket expenses

In terms of these Guidelines out of pocket expenses refers to the actual and necessary expenditure incurred by an identified traditional leader when attending meetings or event

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arranged by a Municipal Council or a Committee of such a Council or any ceremonial or official duties which such an identified traditional leader has been requested by the council to attend, provided that such expenditure has been authorised by the municipality:

16.1.1 The use of own transport.

16.1.2 Public transport.

16.1.4 Parking; and

16.1.4 Tollgate.

For the purposes of claiming out of pocket expenses, an identified traditional leader must complete the necessary forms or documentations and produce receipts with actual amount incurred in respect of the use of public transport, payment of parking and tollgate/s.

A municipality may, by resolution of the council or any other measures, determine a flat rate or an amount not less than **R800.00 per month** to be paid to an identified traditional leader/s without a privately owned vehicle nor use it for official duties of the council or committee, but rather use a public mode of transport.

16.2 Subsistence allowances

16.2.4 Payment of subsistence allowances is intended to cover for the cost incurred by an identified traditional leader in respect of refreshments and of being absent overnight from the normal residence by such an identified traditional leader.

16.2.5 Payment and rates or amount to be paid in respect of subsistence allowance shall be done in accordance with applicable by-laws, approved policies or procedures used by the relevant municipality, on the submission of all necessary documentation by an identified traditional leader.

16.2.6 No claim shall be made where a meal (in the form of breakfast or lunch) has been provided at no expense on the part of identified traditional leader.

16.3 Sitting allowances

16.3.1 A municipality may pay an identified traditional leader a sitting allowance for his or her attendance of council sitting or meeting of the council or that of a committee: Provided that a notice for such sitting or meeting has been issued by the relevant authority.

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- 16.3.2 The department has noted that municipalities are exploring various methods for the payment of sitting allowances to identified traditional leaders for example—
- a) Some municipalities are paying identified traditional leaders a determined monthly stipend.
 - b) Whereas some municipalities are paying identified traditional leaders a determined amount per sitting.
- 16.3.3 It is based on the above that department encourages municipalities to continue paying sitting allowances to identified traditional leaders in accordance with the council resolution taken by the municipality concerned.
- 16.3.4 A Municipal Council may by resolution of the Council, pay an amount higher than the proposed to identified traditional leaders for their attendance of council or committee meetings.
- 16.3.5 A Municipal Council may consider meetings of Standing Committees and attendance of municipal events as sittings, to which Traditional Leaders in Council may be paid an amount determined for sitting allowance: Provided that such a municipality has adopted to compensate Traditional Leaders through a per sitting option.

17 APPROVAL OF THE GUIDELINES

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

18 ADMINISTRATION OF THE GUIDELINES

Responsibility and accountability for implementing the guidelines rests with the Head of Department and ultimately the Executive Authority.

19 EFFECTIVE DATE OF THE GUIDELINES

These guidelines shall become effective on the date it is signed by the Executive Authority (MEC) responsible for Cooperative Governance and Traditional Affairs.

20 PROCEDURE OF THE GUIDELINES

There is no separate procedure for the implementation of the guidelines as they will be incorporated into the daily activities of the management of all affected directorate's

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programmes. It is therefore critical that the management of affected programmes or directorates familiarise themselves with the contents of the guidelines.

22. REVIEW OF THE POLICY

These Guidelines will be reviewed in five (5) years from the date of its approval by the Executive Authority or when the need arises.

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