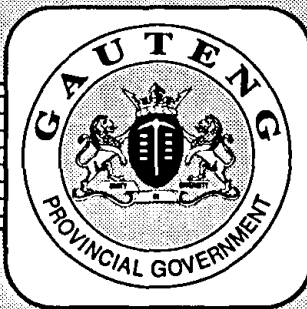


THE PROVINCE OF
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Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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Vol. 3

PRETORIA, 17 DECEMBER 1997
DESEMBER

No. 429

PREMIER'S NOTICE

Premier's Notice 54

17 December 1997

DEPARTMENT OF HOUSING AND LAND AFFAIRS

I, M. D. Mofokeng, Member of the Executive Council of the Province of Gauteng responsible for housing matters in the Province, with the concurrence of other members of the Executive Council, under section 2 of the Residential Landlord and Tenant Act (Act No. 3 of 1997), hereby establish the Landlord Tenant Dispute Resolution Board for the said Province.

In terms of section 4 (1) read with sections 4 (2) and 4 (3) of the said Act it is hereby notified—

- (1) that the names of the persons appointed as members of the said Landlord Tenant Dispute Resolution Board are as follows:

Chairperson: Mr Edwin Molahlehi

Members: Mr Trevor Bailey
Ms Kathleen Dlephu-Matolo
Mr Neo Amos Lucky Segapo
Mr Yusuf Wadee

Alternate members: Ms Lungile Zondi
Mr Brian Leveson

- (2) that the date from which the aforesaid appointments take effect is 2 January 1998 for a period of one year.

M. D. MOFOKENG, MEC.

Date: 10 November 1997.

செய்துள்ள திட்டம்

தமிழக அரசின் திட்டமிடல் மற்றும் திட்டமிடல்

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GENERAL NOTICE

NOTICE 3931 OF 1997

DEPARTMENT OF HOUSING AND LAND AFFAIRS

GAUTENG HOUSING BILL

Notice is hereby given that the Member of the Executive Council for Housing and Land Affairs intends to promulgate the Gauteng Housing Bill in the form set out in the Schedule.

Any person or organisation wishing to comment on this proposed legislation may lodge written comments or representations on or before **21 January 1998** by posting, faxing or handing them in at the following address:

Office of the M.E.C.
Department of Housing and Land Affairs
37 Sauer Street
Private Bag X79
MARSHALLTOWN
2107
Fax: (011) 838-8971
Tel: (011) 355-4000.

BILL

To provide for the promotion and facilitation of housing development within the Province of Gauteng; to lay down applicable general principles; to establish a provincial housing advisory board, fund, consultative forum, management committee and to define their functions and responsibilities; to provide for powers and duties of Member of the Executive Council responsible for Housing and Land Affairs in regard to accreditation of local authorities, housing corporations, secure tenure, housing programmes, provision of rental and social housing; and to provide for matters connected therewith.

PREAMBLE

WHEREAS in terms of section 26 of the Constitution of the Republic of South Africa, 1996, everyone has the right to have access to adequate housing, and the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right;

AND WHEREAS the Provincial Legislature of Gauteng recognises that –

Housing as adequate shelter, fulfils a basic human need;
Housing is both a product and a process;
Housing is a product of human endeavour and enterprise;
Housing is a vital part of integrated developmental planning;
Housing is a key sector of the national economy;
Housing is vital to the socio-economic well-being of the community;

BE IT THEREFORE ENACTED BY the Provincial Legislature of Gauteng, as follows:

Definitions

1. In this Act, unless the context otherwise indicates –

"Board" means Gauteng provincial housing advisory board established under section 5;

"Committee" means management committee referred to in section 22;

"Constitution" means Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)

"data bank" means the national housing data bank contemplated in the Housing Act, (Act No xxx of 1997);

"department" means the Department of Housing and Land Affairs;

"Forum" means Gauteng Provincial Housing Consultative Forum established under section 16;

"Former board" means provincial housing board established under the Housing Arrangement Act, 1993 (Act No 155 of 1993);

"Fund" means the Gauteng Provincial Housing Fund referred to in section 12;

"head of department" means the most senior officer of the provincial administration in charge of the Department of Housing and Land Affairs in the province;

"housing assistance measure" means any housing assistance measure contemplated in section 4(3) of the Housing Act, 1997 (Act No xxx of 1997);

"housing development" means the establishment and maintenance of habitable, stable and sustainable public and private residential environments to ensure viable households and communities in areas allowing convenient access to economic opportunities, health, educational and social amenities in which all citizens and permanent residents of the Republic will, on a progressive basis, have access to –

- (a) permanent residential structures with secure tenure, ensuring privacy and providing adequate protection against the elements;
- (b) potable water, adequate sanitary facilities, waste disposal and domestic energy supply;

"housing development project" means any plan or proposal to undertake housing development as contemplated in any national housing programme;

"Member" means member of the board contemplated in section 6;

"MEC" means the member of the executive council responsible for housing matters in the province;

"municipality" means a municipality as defined in section 10B of the Local Government Transition Act, 1993 (Act No 209 of 1993);

"national housing programme" means any national plan to facilitate housing development including, but not limited to, any housing assistance measure or other arrangement or measure intended to assist persons who cannot independently provide for their own housing needs or to facilitate housing delivery or for the rehabilitation and upgrading of existing housing stock, including municipal services and infrastructure;

"Province" means Province of Gauteng;

"This Act" includes regulations; and

"Regulations" means regulations made under section 27.

Application of the Act:

- 2. The provisions of this Act must apply throughout the Province.

Principles underpinning housing development in the Province.

- 3. The following principles shall underpin housing development policy and the implementation thereof in the province:-
 - (1) Gauteng provincial government must after consultation with the provincial organisation representing municipalities as contemplated in section 163 (a) of the Constitution, do everything in its power to promote and facilitate the provision of housing in the province within the framework of national policy in respect of housing development.
 - (2) For the purposes of subsection (1), the provincial government must –
 - (a) determine provincial policy in respect of housing development that –
 - (i) upholds the principles referred to in or prescribed under section 2 of the Housing Act, 1997 (Act No. xxx of 1997);

- (ii) complies with the provisions of the code referred to in section 4 of the Housing Act, 1997 (Act No. xx of 1997).
- (b) promote the adoption of any legislation to ensure effective housing delivery;
- (c) support and strengthen the capacity of municipalities to effectively perform their duties and responsibilities in respect of housing development;
- (d) co-ordinate housing and related activities in the province;
- (e) support local government in the exercise of its powers, the performance of its functions and execution of its duties and responsibilities;
- (f) carry out the duties and responsibilities of local government in terms of this Act whenever a municipality is not able to do so itself; and
- (g) cause a multi-year plan in respect of the execution of national housing programmes in the province to be prepared in accordance with guidelines that the Minister may approve for the financing of such a plan with money from the Fund.

General Powers and duties of the member of the executive council

4. In addition to other powers assigned to him or her by this Act or any other legislation, the MEC shall have the following duties and functions -
- (a) to carry out the duties and responsibilities and exercise any power of the provincial government referred to in section 3;
 - (b) to establish norms, standards, frameworks and provincial policies which are not inconsistent with the Housing Act, 1997 (Act No xxx of 1997), in order to deal effectively with matters pertaining to housing development that require to be dealt with uniformly across the province;
 - (c) to present the provincial legislature with an annual report on the activities of the Gauteng provincial housing advisory board;
 - (d) to present the Minister of Housing with provincial motivations for fund allocations from the South African Housing Fund to the Gauteng Provincial Housing Fund for the purpose of funding national housing programmes in the province;
 - (e) to report to the provincial legislature on progress in the province with housing programmes, the activities of accredited municipalities and the transactions of the Gauteng Provincial Housing Fund, and to present the provincial legislature with the annual statements and balance sheet of the Gauteng Provincial Housing Fund;
 - (f) to accredit any municipality which may apply for accreditation; provided that the municipality concerned satisfies the accreditation criteria as agreed between the member of the executive council and the Minister;
 - (g) to allocate moneys from the Gauteng Provincial Housing Fund to any accredited municipality provided that the municipality concerned maintains separate accounts for the administration of national housing programmes; and
 - (h) to establish targets in respect of housing delivery in the province.

Establishment of Provincial Housing Advisory Board.

5. There is hereby established a board known as the Gauteng Provincial Housing Advisory Board.

Composition of board

6. (1) The board must consist of not more than six members.
- (2) The members of the board must be appointed by the Member of the Executive Council after consulting other members of the executive council of the Province.
- (3) A member or alternate member of the board must –
 - (a) be a fit and proper person; and
 - (b) have knowledge, qualifications or experience in the field of housing development.
- (4) The Member of the Executive Council must designate one of the members of the board as the chairperson and another member as the vice-chairperson of the board.
- (5) Whenever the chairperson of the board is absent or unable to fulfil any of the functions of the chairperson, the vice-chairperson of the board must act as chairperson of the board.
- (6) Whenever both the chairperson and the vice-chairperson of the board are absent or unable to fulfil any of the functions of the chairperson, the Member of the Executive Council may designate another member of the board to act as chairperson of the board.
- (7) If a member of the board other than its chairperson or vice-chairperson requests, the MEC may appoint an alternate member to act for that member in his or her stead when he or she is absent from a meeting of such board.

Powers and duties of board

7. The board shall have the following powers and duties:–

- (1) advise the Member of the Executive Council on matters pertaining to housing;
- (2) at the request of the Member of the Executive Council, advise the MEC on matters pertaining to housing;
- (3) to monitor the implementation of national and provincial housing policy;
- (4) to promote policy adherence in the execution of national housing programmes in the province by monitoring delivery in terms of agreed criteria;
- (5) to promote programme and project performance in the execution of national housing programmes in the province which shall include monitoring the implementation of national housing programmes in respect of policy adherence by accredited municipalities;
- (6) to carry out the policy directives of the MEC not inconsistent with national policy;

- (7) to report to the MEC on activities of the board when called upon to do so; and
- (8) to carry out any duties and functions pertaining to housing development assigned to the board by the MEC.

Conditions of Service

- 8. (1) A member of the board, other than a person who is in the employment of the State, must be appointed on such conditions of service as the Member of Executive Council may determine.
- (2) A member of the board may be paid such allowances as the Member of the Executive Council may determine with the concurrence of the Member of the Executive Council responsible for financial matters in the Province.

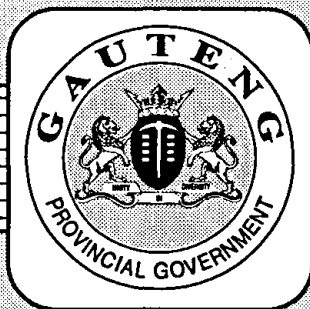
Term of office of a member

- 9. A member of the board must, subject to subsections (1) and (2) of section 11, hold office for the period determined by the Member of the Executive Council at his or her appointment, but not exceeding three years, and may be re-appointed on the termination of this period.

Vacation of office by a member

- 10. (1) A member or alternate member of the board must vacate his or her office if –
 - (a) he or she resigns;
 - (b) without the leave of the board, misses three consecutive meetings of the board;
 - (c) his or her estate is sequestrated or he or she applies for assistance contemplated in section 10(1)(c) of the Agricultural Credit Act, 1966 (Act No 28 of 1966);
 - (d) he or she becomes of unsound mind;
 - (e) he or she is convicted of an offence and sentenced to imprisonment without the option of a fine; and
 - (f) he or she becomes a member of Parliament, a Provincial Legislature, the council of a municipality, the Cabinet or the Executive Council of a Province.
- (2) A member of the board who has interest in a particular project should declare such interest and when such a matter is placed on the table for discussion, he or she should recuse himself or herself from such a meeting.
- (3) The Member of the Executive Council may at any time terminate the period of office of a member of the board if, in the opinion of the Member of the Executive Council, sufficient reasons exist to make such a termination.

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Vol. 3

**PRETORIA, 17 DECEMBER
DESEMBER 1997**

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Premier's Notice 54

17 December 1997

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Mr Neo Amos Lucky Segapo
Mr Yusuf Wadee

Alternate members: Ms Lungile Zondi
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- (2) that the date from which the aforesaid appointments take effect is 2 January 1998 for a period of one year.

M. D. MOFOKENG, MEC.

Date: 10 November 1997.

சென்னை நகராட்சி

சென்னை நகராட்சி சட்டம், 1947-ன் கீழ் செயல்படும் சென்னை நகராட்சி

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- (d) co-ordinate housing and related activities in the province;
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- (f) carry out the duties and responsibilities of local government in terms of this Act whenever a municipality is not able to do so itself; and
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General Powers and duties of the member of the executive council

4. In addition to other powers assigned to him or her by this Act or any other legislation, the MEC shall have the following duties and functions -
- (a) to carry out the duties and responsibilities and exercise any power of the provincial government referred to in section 3;
 - (b) to establish norms, standards, frameworks and provincial policies which are not inconsistent with the Housing Act, 1997 (Act No xxx of 1997), in order to deal effectively with matters pertaining to housing development that require to be dealt with uniformly across the province;
 - (c) to present the provincial legislature with an annual report on the activities of the Gauteng provincial housing advisory board;
 - (d) to present the Minister of Housing with provincial motivations for fund allocations from the South African Housing Fund to the Gauteng Provincial Housing Fund for the purpose of funding national housing programmes in the province;
 - (e) to report to the provincial legislature on progress in the province with housing programmes, the activities of accredited municipalities and the transactions of the Gauteng Provincial Housing Fund, and to present the provincial legislature with the annual statements and balance sheet of the Gauteng Provincial Housing Fund;
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5. There is hereby established a board known as the Gauteng Provincial Housing Advisory Board.

Composition of board

6. (1) The board must consist of not more than six members.
- (2) The members of the board must be appointed by the Member of the Executive Council after consulting other members of the executive council of the Province.
- (3) A member or alternate member of the board must –
 - (a) be a fit and proper person; and
 - (b) have knowledge, qualifications or experience in the field of housing development.
- (4) The Member of the Executive Council must designate one of the members of the board as the chairperson and another member as the vice-chairperson of the board.
- (5) Whenever the chairperson of the board is absent or unable to fulfil any of the functions of the chairperson, the vice-chairperson of the board must act as chairperson of the board.
- (6) Whenever both the chairperson and the vice-chairperson of the board are absent or unable to fulfil any of the functions of the chairperson, the Member of the Executive Council may designate another member of the board to act as chairperson of the board.
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7. The board shall have the following powers and duties:–
 - (1) advise the Member of the Executive Council on matters pertaining to housing;
 - (2) at the request of the Member of the Executive Council, advise the MEC on matters pertaining to housing;
 - (3) to monitor the implementation of national and provincial housing policy;
 - (4) to promote policy adherence in the execution of national housing programmes in the province by monitoring delivery in terms of agreed criteria;
 - (5) to promote programme and project performance in the execution of national housing programmes in the province which shall include monitoring the implementation of national housing programmes in respect of policy adherence by accredited municipalities;
 - (6) to carry out the policy directives of the MEC not inconsistent with national policy;

- (7) to report to the MEC on activities of the board when called upon to do so; and
- (8) to carry out any duties and functions pertaining to housing development assigned to the board by the MEC.

Conditions of Service

- 8. (1) A member of the board, other than a person who is in the employment of the State, must be appointed on such conditions of service as the Member of Executive Council may determine.
- (2) A member of the board may be paid such allowances as the Member of the Executive Council may determine with the concurrence of the Member of the Executive Council responsible for financial matters in the Province.

Term of office of a member

- 9. A member of the board must, subject to subsections (1) and (2) of section 11, hold office for the period determined by the Member of the Executive Council at his or her appointment, but not exceeding three years, and may be re-appointed on the termination of this period.

Vacation of office by a member

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 - (c) his or her estate is sequestrated or he or she applies for assistance contemplated in section 10(1)(c) of the Agricultural Credit Act, 1966 (Act No 28 of 1966);
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- (2) A member of the board who has interest in a particular project should declare such interest and when such a matter is placed on the table for discussion, he or she should recuse himself or herself from such a meeting.
- (3) The Member of the Executive Council may at any time terminate the period of office of a member of the board if, in the opinion of the Member of the Executive Council, sufficient reasons exist to make such a termination.

Meeting of the Board

11. (1) The first meeting of the board must be held at such time and place as the Member of the Executive Council may determine, and all meetings of the board thereafter must be held at such times and places as the chairperson of the board may determine;
- (2) The chairperson or, in his or her absence, the vice-chairperson may at any time in his or her discretion convene a special meeting of the board.
- (3) The quorum for a meeting of the board shall be more than half of its members.
- (4) The attendance and procedure at meetings of the board must be determined by the board subject to the directions of the Member of the Executive Council, if any.
- (5) The administrative functions of the board must be performed by officers and employees of the Department designated by the head of department.

Establishment of Gauteng Provincial Housing Fund

- 12 (1) There is hereby established a fund to be known as the Gauteng Provincial Housing Fund.
- (2) A fund referred to in subsection (1) must be utilised for the purpose of implementation of national housing programmes and other activities prescribed by the Housing Act, (Act No. xxx of 1997).
- (3) The fund shall consist of –
 - (a) all moneys allocated to the fund by the Minister in terms of section 13(1) of the Housing Act, 1997;
 - (b) all moneys which stood to the credit of the fund referred to in section 13 of the Housing Arrangements Act, 1993 (Act No 155 of 1993), immediately before the acceptance of this Act which money shall devolve upon the fund;
 - (c) all moneys realised as a result of the sale, letting or allocation of assets contemplated in section 15(2)(a) to (g) of the Housing Act, 1997; and
 - (d) any other money lawfully obtained and paid into the fund.

Functions of head of department in relation to the fund

13. (1) The head of department must be the accounting officer in relation to the moneys in the fund.
- (2) The head of department must, subject to this Act and the Housing Act, 1997, be responsible for the administration of the fund and in particular for –
 - (a) all expenditure out of the fund; and
 - (b) the collection for the credit of the fund of all moneys due or accruing to the fund and the prosecution of all claims in favour of the fund or the board whether under contract or otherwise.

- (3) The head of department must as soon as possible after 31 March in each year submit detailed statements signed by him or her showing the result of the previous year's transactions and the balance sheet of the Fund to the Member of the Executive Council.

Functions of member of executive council in relation to the fund

14. (1) The Member of the Executive Council may, in consultation with the provincial treasury, prescribe -
- (a) the details of the management of the Fund;
 - (b) the procedure relating to issues from the Fund and the repayment to the Fund amounts issued therefrom;
 - (c) the rates of interest to be charged in respect of moneys issued out of the Fund which may vary according to the purpose for which such moneys are to be used;
 - (d) the manner in which the accounts of the Fund are to be kept; and
 - (e) any other matter which he or she considers necessary or expedient to prescribe in relation to the control of the Fund.
- (2) MEC must lay statements and balance sheet upon the Table in the Provincial Legislature within 14 days of receipt thereof by him or her if the Provincial Legislature is in session, or if the Provincial Legislature is not in session, within 14 days after the commencement of its next session.

Auditing of books and statements of accounts

15. (1) The books and statements of account and balance sheet of the Fund shall be audited annually by the Auditor-General.
- (2) The Auditor-General may require any person (including any local government, company or other body or any person in the employ of such a government, company or body) to make available for examination all books, registers and documents in his or her possession or under his or her control which would, in the opinion of the Auditor-General, facilitate the carrying out of the audit referred to in subsection (1).

Establishment of housing consultative forum

16. The Member the Executive Council may establish a forum to be known as the Gauteng Provincial Housing Consultative Forum.

Duties and functions of the forum

17. (1) The forum must have the following duties and functions -
- (a) to establish formal procedures and mechanisms to promote consultation and information sharing between the Provincial Government and all major stakeholders in civil society and local government with regard to the Provincial Government policy, legislative and funding roles in regard to housing in the Province;

- (b) to ensure that policy, legislation and fund allocation with regard to housing development are consistent with the general principles applicable to housing development;
- (c) to ensure transparency, accountability and equity in the administration of housing development.
- (d) to promote the participation of all relevant stakeholders in the housing development process; and
- (e) to create an environment in which all role players meet their respective obligations.

Appointment of members of Forum.

18. (1) The Forum must consist of not more than 30 members appointed by the Member of the Executive Council with the concurrence of other members of the executive council; Provided that if the number of members appointed is less than 30, the number of members appointed shall be divisible by three.
- (2) In appointing any person as a member of the Forum, the Member of the Executive Council must –
 - (a) have due regard to the knowledge, qualification and experience of such person in regard to housing or housing related matters; and
 - (b) ensure that -
 - (i) one third of such members shall be nominated by local government in the Province;
 - (ii) one third of such members shall be nominated by various organisations and community-based groups in civil society representing the interest of consumers of housing goods and services in the Province; and
 - (iii) one third of such members shall be nominated by the business sector or sectors supplying or financing housing goods and services in the Province.
- (3) A member of the Forum shall hold office for the period determined by the Member of the Executive Council at his or her appointment provided that –
 - (i) such period of office may be terminated by the Member of the Executive Council if in his opinion there are sufficient reasons therefore; and
 - (ii) such members' period of office is terminated if the body referred to in subsection (2)(b) which nominated him or her, withdraws such nomination.
- (4) The Member of the Executive Council shall be the chairperson of the Forum and meetings of the forum shall take place at such times and places as the Member of the Executive Council may determine.
- (5) The quorum for a meeting of the Forum shall be more than 50% of its members.

Abolition of the provincial housing board

19. The Provincial Housing Board (in this part referred to as the "former Board") for the Province in section 11 (1) of the Housing Arrangement Act, 1993 (Act No 155 of 1993), is hereby abolished.

Abolition of Executive Committee of provincial housing board.

20. The Executive Committee of provincial housing board established under of section 11A (1)(a) of Housing Arrangements Act, 1993 (Act No. 155 of 1993), is hereby abolished.

Transfer of assets, liabilities, rights, duties, and obligations of the former Board.

21. (1) On the date of commencement of this Act, all assets, liabilities, rights, duties and obligations of the Provincial Housing Board abolished in section 19 of this Act, pass subject to sections 14 and 15 of Housing Act, 1997 (Act No. xxx 1997), to the Management Committee.
- (2) Subject to Housing Act, 1997 (Act No. xxx of 1997), all assets, liabilities, rights, duties and obligations transferred to Management Committee in terms of subsection (1), must be dealt with in accordance with the MEC's directive.

Management committee

- 22 (1) The Member of the Executive Council must establish a management committee.
- (2) The management committee referred to in subsection (1) must consist of the number of members to be determined by the MEC.
- (3) The MEC may prescribe-
- (a) the qualifications for appointment, the terms of office of, and the vacation of office by, members of the committee, and the filing of incidental vacancies in the committee;
 - (b) the manner of appointment of the Member of the Committee;
 - (c) the convening of, procedure and rules at, and quorum for, meetings of committee and the keeping of minutes of such meetings; and
 - (d) the designation of persons employed by the department to perform the work relating to the functions of the management committee.
- (4) (a) The committee may, with prior approval of the Member of the Executive Council establish a subcommittee to assist it in the performance of its functions.
- (b) The composition of a subcommittee established under subsection (1) shall be determined by the committee.
- (c) The committee may assign any of its functions to such a subcommittee, but shall not be divested of such functions and may amend or rescind any decision of such a subcommittee.
- (d) The committee may dissolve a subcommittee established under subsection (1) at any time.

Powers and functions of Management Committee

23. The Management Committee must-

- (1) establish a secretariat to be accountable to the head of department, for performing all secretarial functions of the Gauteng Consultative Forum, the Provincial Housing Advisory Board and the Management Committee;
- (2) provide provincial data and information for the national housing data bank and the national housing information system;
- (3) perform the functions, powers and duties of the Provincial Housing Board abolished in terms of this Act and to administer the assets, liabilities, rights, duties and obligations of the Provincial Housing Board as set out in sections 15 and 16 of the Housing Act, 1997 (Act No xxx of 1997);
- (4) establish an audited register of assets under the management of the provincial administration;
- (5) make arrangements for the transfer of housing assets, liabilities, rights, duties and obligations to accredited municipalities;
- (6) approve the financing of national housing programmes from the Provincial Housing Fund and to administer the fund, to allocate subsidies and ensure that the annual provincial allocation from the South African Housing Fund is spent;
- (7) administer, or appoint agents to administer national housing programmes within the Province;
- (8) establish subcommittees-
 - (a) to encourage and develop new and innovative ways of reducing the cost of housing development and diversifying the type of design and layout used in provincial projects;
 - (b) to assess project applications received by the province in terms of any national housing programme administered by the province;
 - (c) to monitor and manage national housing programmes implemented in the province and projects approved by the province or an accredited municipality;
 - (d) to evaluate the impact of programmes and projects, giving due regard to loopholes and bottlenecks which impede the achievement of provincial objectives and targets;
 - (e) to manage and monitor the process of the accreditation of local authorities as determined in the Housing Act, 1997 (Act No xxx of 1997); and
 - (f) to investigate and promote the establishment of housing corporations and to monitor the registration, functions and development of such housing corporations.

Assignment of powers and functions by MEC

24. (1) The Member of Executive Council may assign any power or function that is to be exercised or performed in terms of this Act to a Municipal Council.

- (2) An assignment contemplated in subsection (1) must-
- (i) be made in terms of an agreement between the MEC and Municipal Council; and
 - (ii) take effect upon proclamation by the Premier.

Delegation of powers and assignment of duties.

25. (1) The Member of the Executive Council may, subject to such conditions as he or she may determine-
- (a) delegate any power conferred upon him or her under this Act: except the power to make regulation; and
 - (b) assign any of his or her duties in terms of this Act, to the Head of Department or a person employed by the department or the Management Committee.
- (2) The head of department may, for the effective execution of the provisions of this Act --
- (a) delegate any power conferred on him or her by this Act; and
 - (b) assign any duty imposed upon him or her by this Act, except any duty as accounting officer, to an officer or employee of the department, either in his or her personal capacity or by virtue of the rank he or she holds or the post he or she occupies.
- (3) Any officer or employee to whom any power has been so delegated or duty has been so assigned, must exercise such power or perform such duty subject to the conditions that the person who made the delegation or assignment considers necessary.
- (4) Any such delegation or assignment-
- (a) must be in writing;
 - (b) does not prevent the person who made the delegation or assignment from exercising such power or performing such duty himself or herself; and
 - (c) may at any time be withdrawn in writing by such person.

Annual report

26. (1) The Head of Department must annually submit to the MEC a report on activities in terms of this Act.
- (2) The MEC must immediately delay submit such report to the Provincial Legislature.

Regulations

27. The Member of the Executive Council may make regulations not inconsistent with this Act or the Housing Act, 1997 (Act No xxx of 1997), regarding any of the following matters --
- (a) the accreditation of local authorities;
 - (b) the establishment, registration and functions of housing corporations;

- (c) securing tenure option to be made available to housing beneficiaries;
- (d) housing development programmes to be executed by the provincial government as well as local governments in the province;
- (e) the provision of rental or other social housing properties in the province; and
- (f) generally, any matter which the MEC deems necessary or expedient to prescribe in order to achieve the objects of this Act.

Short title and commencement

28. This Act shall be called Gauteng Housing Act, 1997 and shall come into operation on a date fixed by the Premier by Proclamation in a Provincial Gazette.

MEMORANDUM ON THE OBJECTS OF GAUTENG HOUSING BILL, 1997

1. Background

- 1.1 The national housing law lays down general principles and provides certainty in regard to the functions of the three spheres of Government in respect of housing development. It also makes provision for the transfer of certain functions, assets and liabilities, and for the establishment of new financing and institutional arrangements within Provincial Governments. The Gauteng Housing Bill seeks to enhance that national law and to make all the necessary provincial legislative arrangements for the implementation of that law.
- 1.2 Housing is a functional area of concurrent national and provincial legislative competence as defined under schedule 4 of the Constitution. In view of the demand for suitable housing and tenure types in the Province, the Provincial Government wishes, through the Gauteng Housing Bill, to create an appropriate legal framework within which to develop and regulate housing in the Province.

2. Objectives of the Bill

2.1 Fulfilling national requirements

The Bill aims to set in place all the legislative provisions required for the implementation of the national Housing Bill including the establishment of a provincial housing fund, the establishment of appropriate institutional arrangements to replace the Provincial Housing Board established under the Housing Arrangements Act, No 155 of 1993, and the establishment of procedures for the accreditation of local authorities.

2.2 Institutional arrangements

Section 8(13) of the Housing Bill provides that any Provincial Housing Board established under the Housing Arrangements Act, No 155 of 1993, may be abolished by a law of the relevant

provincial legislature and that that law must provide for the performance of the functions of the PHB under new arrangements. The Gauteng Housing Bill makes provision for the abolition of the Gauteng Housing Board and the establishment of the Gauteng Provincial Housing Advisory Board, the Gauteng Provincial Housing Consultative Forum, and the Management Committee through which National Housing Programmes will be managed in future.

2.3 Establishing a regulatory framework

The Bill empowers the Member of the Executive Council responsible for Housing to promulgate regulations on all matters which may be necessary to develop and regulate housing in the Province. Present circumstances necessitate a range of regulatory measures to assist the Provincial Government in fulfilling its housing mandate. Key measures include the promulgation of:-

- procedures for accrediting Local Authorities to, in the first instance, receive transfer of housing assets and liabilities and, in the second instance, adopt functions in regard to national housing programmes;
- regulations to promote the establishment and empowerment of social housing institutions, and to control and monitor the activities of such institutions in the Province;
- regulations to ensure the good management of existing rental housing in the Province, and to promote the delivery of rental and other social housing types through new housing policy;
- regulations in regard to security of tenure; and
- regulations to facilitate the implementation of housing development programmes in the province.

3. Contents of Bill

3.1 Section 1 - Definitions

This section contains all definitions which would be required for interpreting the Bill.

3.2 Section 2 - Application of the Act

This section makes the Bill applicable in the Province of Gauteng.

3.3 Section 3 - Principles underpinning housing development in the Province

This section prescribes the principles which shall underpin housing development in the province.

3.4 Section 4 - General Powers and duties of the member of the executive council

This section prescribes the functions, duties and powers of the member of the executive council responsible for housing in the Province.

3.5 Section 5 - Establishment of Provincial Housing Advisory Board

This section establishes the Board.

3.6 Section 6 - Composition of the Board

This section prescribes that the aforementioned Board shall consist of six (6) members and further prescribes the manner in which the Board shall be appointed.

3.7 Section 7 - Powers and Duties of the Board

This section prescribes the functions and responsibilities of the Board.

3.8 Section 8 - Conditions of Service

This section makes provision for the remuneration of Board members.

3.9 Section 9 - Term of office of members

This section prescribes the duration of service of members of the Board.

3.10 Section 10 - Vacation of office by a member

This section prescribes the conditions under which Board members shall vacate their positions as members of the Board.

3.11 Section 11 - Meetings of the Board

This section makes provision for the meetings of the Board as well as the secretarial functions of the Board.

3.12 Section 12 - Establishment of Gauteng Provincial Housing Fund

This section establishes the Fund and prescribes the purpose and contents of the Fund.

3.13 Section 13 - Function of head of department in relation to the fund

This section designates the head of department as accounting officer for moneys in the Fund.

3.14 Section 14 - Function of member of executive council in relation to the fund

This section prescribes the functions, duties and powers of the member of the executive council responsible for housing in regard to the Fund.

3.15 Section 15 - Auditing of books and statements of account

This section makes provision for the Fund to be audited by the Auditor-General.

3.16 Section 16 - Establishment of housing consultative forum

This section establishes the forum.

3.17 Section 17 - Duties and functions of the forum

This section prescribes the functions and duties of the forum.

3.18 Section 18 - Appointment of member of Forum

This section prescribes that the forum shall consist of members nominated by local government, consumers and suppliers and that their number shall not exceed thirty (30). The section further prescribes the terms of members of the forum and the manner in which meetings of the forum shall be held.

3.19 Section 19 - Abolition of the Provincial Housing Board

This section abolishes the Provincial Housing Board established under the Housing Arrangements Act, No 155 of 1993.

3.20 Section 20 - Abolition of Executive Committee of provincial housing board

This section abolishes the Executive Committee of the Provincial Housing Board established under the Housing Arrangements Act, No 155 of 1993.

3.21 Section 21 - Transfer of assets, liabilities, rights, duties and obligations of the former Board

This section provides for the transfer of all assets, liabilities, rights, duties and obligations from the former Board to the Management Committee established under section 22.

3.22 Section 22 - Management Committee

This section establishes the management committee and makes provision for operational matters related thereto.

3.23 Section 23 - Powers and functions of Management Committee

The section prescribes the duties, functions and powers of the Management Committee.

3.24 Section 24 - Assignment of powers and functions by MEC

This section makes provision for the assignment of powers and functions to Local Authorities.

3.25 Section 25 - Delegation of powers and assignment of duties

This section makes provision for the delegation of powers and duties by the MEC and the head of department in relation to housing matters.

3.26 Section 26 - Annual report

This section prescribes that an annual report shall be prepared by the head of department for presentation before the Provincial Legislature.

3.27 Section 27 - Regulations

This section makes provision for the promulgation of regulations by the MEC in regard to a range of matters including accreditation of local authorities, housing corporations, tenure, housing programmes, rental and social housing and other matters.

3.28 Section 28 - Short title and commencement

This section provides that the name of the legislation shall be Gauteng Housing Bill.

KENNISGEWING 3931 VAN 1997**WETSONTWERP**

Om voorsiening te maak vir die bevordering en fasilitering van behuisingsontwikkeling in die provinsie Gauteng; om toepaslike algemene beginsels te stel; om 'n provinsiale behuisingsadviesraad, fonds, raadplegende forum en bestuurskomitee in te stel en hulle werksaamhede en verantwoordelikhede te omskryf; om voorsiening te maak vir bevoegdhede en pligte van die LUR verantwoordelik vir Behuising en Grondsake met betrekking tot die akkreditering van plaaslike owerhede, behuisingskorporasies, sekerheid van titel, behuisingsprogramme en die verskaffing van huur- en maatskaplike behuising; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

AANHEF

NADEMAAL elkeen ingevolge artikel 26 van die Grondwet van die Republiek van Suid-Afrika, 1996, die reg het op toegang tot geskikte behuising en die staat redelike wetgewende en ander maatreëls moet tref om binne sy beskikbare middele hierdie reg in toenemende mate te verwesenlik;

EN NADEMAAL die Provinsiale Wetgewer van Gauteng erken dat -

Behuising as toereikende skuiling in 'n basiese menslike behoefte voorsien;
Behuising sowel 'n produk as 'n proses is;
Behuising 'n produk van die mens se strewe en ondernemingsgees is;
Behuising 'n kerndeel van geïntegreerde ontwikkelingsbeplanning is;
Behuising 'n sleutelsektor van die nasionale ekonomie is;
Behuising van wesenlike belang vir die sosio-ekonomiese welsyn van die gemeenskap is;

WORD DAAR DERHALWE BEPAAL deur die Provinsiale Wetgewer van Gauteng, soos volg:

Woordomskrywing

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken -

"behuisingsbystandsmaatreël" 'n behuisingsbystandsmaatreël beoog in artikel 4(3) van die Behuisingswet, 1997 (Wet No xx van 1997);

"behuisingsontwikkeling" die instelling en instandhouding van bewoonbare, stabiele en volhoubare openbare en privaat woonomgewings om lewensvatbare huishoudings en gemeenskappe te verseker in gebiede wat gerieflike toegang tot ekonomiese geleenthede en gesondheids-, opvoedkundige en maatskaplike fasiliteite bied waarin alle burgers en permanente inwoners van die Republiek op 'n progressiewe grondslag toegang sal hê tot -

(a) permanente woonstrukture met sekerheid van titel, wat privaatheid verseker en toereikende beskerming teen die elemente bied;

(b) drinkbare water, toereikende sanitêre fasiliteite, vullisverwydering en hulshoudelike energievoorsiening;

"behuisingsontwikkelingsprojek" 'n plan of voorstel om behuisingsontwikkeling te onderneem soos beoog in 'n nasionale behuisingsprogram;

"databank" die nasionale behuisingsdatabank beoog in die Behuisingswet, 1997 (Wet No. xx van 1997);

"departement" die Departement van Behuising en Grondsake;

"departementshoof" die mees senior beampte van die provinsiale administrasie in beheer van die Departement van Behuising en Grondsake in die Provinsie;

"Fonds" die Gauteng Provinsiale Behuisingsfonds in artikel 12 bedoel;

"Forum" die Gauteng Provinsiale Raadplegende Behuisingsforum by artikel 16 ingestel;

"gewese raad" die Provinsiale Behuisingsraad ingestel kragtens die Wet op Behuisingsreëlings, 1993 (Wet No 155 van 1993);

"Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No 108 van 1996);

"hierdie Wet" ook die regulasies;

"Komitee" die bestuurskomitee in artikel 22 bedoel;

"lid" 'n lid van die raad in artikel 6 bedoel;

"LUR" die LUR verantwoordelik vir behuisingsaangeleenthede in die Provinsie;

"munisipaliteit" 'n munisipaliteit soos omskryf in artikel 10B van die Oorgangswet op Plaaslike Regering, 1993 (Wet No 209 van 1993);

"nasionale behuisingsprogram" 'n nasionale plan om behuisingsontwikkeling te fasiliteer, insluitende maar nie beperk nie tot 'n behuisingsbystandsmaatreël of 'n ander reëling of maatreël bedoel om persone by te staan wat nie onafhanklik in hulle eie behuisingsbehoefte kan voorsien nie of om behuisingslewering te fasiliteer of vir die rehabilitasie en opgradering van bestaande behuisingsvoorraad, insluitende munisipale dienste en infrastruktuur;

"Provinsie" die provinsie Gauteng;

"Raad" die Gauteng Provinsiale Behuisingsadviesraad by artikel 5 ingestel; en

"regulasies" regulasies kragtens artikel 27 uitgevaardig.

[Please take another look at the use of capitals for defined terms - national legislation normally uses lower case.]

[Please also note the consistent use of defined terms throughout the text.]

Toepassing van Wet

2. Die bepalings van hierdie Wet moet dwarsdeur die Provinsie toegepas word.

Beginnels onderliggend aan behuisingsontwikkeling in die Provinsie

3. Die volgende beginsels lê ten grondslag aan behuisingsontwikkelingsbeleid en die implementering daarvan in die Provinsie:
- (1) Die Gauteng provinsiale regering moet, na oorleg met die provinsiale organisasie wat munisipaliteite verteenwoordig soos beoog in artikel 163(a) van die Grondwet, alles in sy vermoë doen om die voorsiening van behuising in die Provinsie te bevorder en te fasiliteer binne die raamwerk van nasionale beleid ten opsigte van behuisingsontwikkeling.
 - (2) Vir doeleindes van subartikel (1) moet die provinsiale regering -
 - (a) provinsiale beleid ten opsigte van behuisingsontwikkeling bepaal wat -
 - (i) die beginsels bedoel in of voorgeskryf ingevolge artikel 2 van die Behuisingswet, 1997 (Wet No xx van 1997), handhaaf;
 - (ii) voldoen aan die bepalings van die kode bedoel in artikel 4 van die Behuisingswet, 1997 (Wet No xx van 1997);
 - (b) die aanvaarding van wetgewing om doeltreffende behuisingslewering te verseker, bevorder;
 - (c) die vermoë van munisipaliteite om hulle pligte en verantwoordelikhede ten opsigte van behuisingsontwikkeling doeltreffend uit te voer, ondersteun en versterk;
 - (d) behuisings- en verwante bedrywighede in die Provinsie koördineer;
 - (e) plaaslike regering ondersteun in die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte en verantwoordelikhede;
 - (f) die pligte en verantwoordelikhede van plaaslike regering ingevolge hierdie Wet uitvoer telkens wanneer 'n munisipaliteit nie in staat is om dit self te doen nie; en
 - (g) sorg dat 'n meerjaarplan ten opsigte van die uitvoering van nasionale behuisingsprogramme in die Provinsie opgestel word in ooreenstemming met riglyne wat die Minister [van Behuising? See section 4(d). Or a definition?] goedkeur vir die finansiering van so 'n plan met geld uit die Fonds.

Algemene bevoegdhe en pligte van die LUR

4. Benewens ander bevoegdhe en pligte aan hom of haar verleen by hierdie Wet of enige ander wetgewing, het die LUR die volgende pligte en werksaamhede:
 - (a) Om die pligte en verantwoordelikhede en enige bevoegdheid van die provinsiale regering in artikel 3 bedoel, uit te voer en uit te oefen;
 - (b) om norme, standarde, raamwerke en provinsiale beleide op te stel wat nie onbestaanbaar is nie met die Behuisingswet, 1997 (Wet No xx van 1997), ten einde aangeleenthede rakende behuisingsontwikkeling wat eenvormig dwarsdeur die provinsie hanteer moet word, doeltreffend te hanteer;
 - (c) om 'n jaarverslag oor die werksaamhede van die Gauteng Provinsiale Behuisingsadviesraad aan die provinsiale wetgewer voor te lê;
 - (d) om provinsiale motiverings vir die toewysing van fondse uit die Suid-Afrikaanse Behuisingsfonds aan die Gauteng Provinsiale Behuisingsfonds vir doeleindes van die befondsing van nasionale behuisingsprogramme in die Provinsie aan die Minister van Behuising voor te lê;
 - (e) om aan die provinsiale wetgewer verslag te doen oor vordering in die Provinsie met behuisingsprogramme, die bedrywighede van geakkrediteerde munisipaliteite en die transaksies van die Gauteng Provinsiale Behuisingsfonds, en om die jaarlikse state en die balansstaat van die Gauteng Provinsiale Behuisingsfonds aan die provinsiale wetgewer voor te lê;
 - (f) om enige munisipaliteit wat om akkreditasie aansoek doen, te akkrediteer. Met dien verstande dat die betrokke munisipaliteit voldoen aan die maatstawwe vir akkreditasie soos ooreengekom tussen die LUR [LUR/MEC has been defined] en die Minister;
 - (g) om geld uit die Gauteng Provinsiale Behuisingsfonds toe te wys aan enige geakkrediteerde munisipaliteit. Met dien verstande dat die betrokke munisipaliteit afsonderlike rekeninge hou vir die administrasie van nasionale behuisingsprogramme; en
 - (h) om telkens te stel met betrekking tot behuisingslewering in die provinsie.

Instelling van Provinsiale Behuisingsadviesraad

5. Daar word hierby 'n raad ingestel wat bekend staan as die Gauteng Provinsiale Behuisingsadviesraad.

Samestelling van Raad

6. (1) Die Raad bestaan uit hoogstens ses lede.

- (2) Die lede van die Raad moet deur die LUR aangestel word na oorleg met ander lede [which members - any or all of them?] van die Uitvoerende Raad van die Provinsie.
- (3) 'n Lid van die Raad of sy of haar plaasvervanger moet -
 - (a) 'n gepaste en geskikte persoon wees; en
 - (b) beskik oor kennis, kwalifikasies of ondervinding op die gebied van behuisingsontwikkeling.
- (4) Die LUR moet een van die lede van die Raad aanwys as voorsitter en 'n ander lid as ondervoorsitter van die Raad.
- (5) Wanneer die voorsitter van die Raad afwesig is of nie in staat is om enige van die werksaamhede van die voorsitter te verrig nie, moet die ondervoorsitter van die Raad as voorsitter van die Raad optree.
- (6) Wanneer sowel die voorsitter as die ondervoorsitter van die Raad afwesig is of nie in staat is om die werksaamhede van die voorsitter te verrig nie, kan die LUR 'n ander lid van die Raad aanwys om as voorsitter van die Raad waar te neem.
- (7) Indien 'n ander lid van die Raad as sy voorsitter of ondervoorsitter dit versoek, kan die LUR 'n plaasvervanger aanstel om in daardie lid se plek waar te neem wanneer hy of sy afwesig is van 'n vergadering van die Raad.

Bevoegdhede en pligte van Raad

7. Die Raad het die volgende bevoegdhede en pligte:

- (1) Om die LUR oor aangeleenthede rakende behuising te adviseer;
- (2) om, op versoek van die LUR, die LUR oor aangeleenthede rakende behuising te adviseer; [(1) and (2) can and should be combined: Om, uit eie beweging of op versoek van die LUR, die LUR oor aangeleenthede rakende behuising te adviseer.]
- (3) om die implementering van nasionale en provinsiale behuisingsbeleid te monitor;
- (4) om die nakoming van beleid te bevorder by die uitvoering van nasionale behuisingsprogramme in die Provinsie deur lewering aan die hand van ooreengekome maatstawwe te monitor;
- (5) om program- en projekprestasie te bevorder by die uitvoering van nasionale behuisingsprogramme in die Provinsie, wat insluit die monitering van die implementering van nasionale behuisingsprogramme ten opsigte van die nakoming van beleid deur geakkrediteerde munisipaliteite;

- (6) om die beleidsvoorskrifte van die LUR wat nie met nasionale beleid onbestaanbaar is nie, uit te voer;
- (7) om, wanneer hy versoek word om dit te doen, aan die LUR verslag te doen oor bedrywighede van die Raad; en
- (8) om enige pligte en werksaamhede rakende behuisingsontwikkeling wat deur die LUR aan die Raad opgedra word, uit te voer.

Diensvoorwaardes

- 8. (1) 'n Lid van die Raad, uitgesonderd 'n persoon wat in diens van die Staat is, moet aangestel word op die diensvoorwaardes wat die LUR bepaal.
- (2) 'n Lid van die Raad kan sodanige toelaes betaal word as wat die LUR met die instemming van die Lid van die Uitvoerende Raad verantwoordelik vir finansiële aangeleenthede in die Provinsie bepaal.

Ampstermyn van lid

- 9. Behoudens artikel 11(1) en (2) beklee 'n lid van die Raad sy of haar amp vir die tydperk wat die LUR by sy of haar aanstelling bepaal, maar hoogstens drie jaar, en hy of sy kan aan die einde van daardie tydperk heraangestel word.

Ampsontruiming deur lid

- 10. (1) 'n Lid van die Raad of sy of haar plaasvervanger moet sy of haar amp ontruim indien -
 - (a) hy of sy bedank;
 - (b) hy of sy sonder verlof van die Raad van drie agtereenvolgende vergaderings van die Raad afwesig is;
 - (c) sy of haar boedel gesekwesteer word of hy of sy aansoek doen om bystand beoog in artikel 10(1)(c) van die Wet op Landboukrediet, 1966 (Wet No 28 van 1966);
 - (d) hy of sy geestelik versteurd raak;
 - (e) hy of sy skuldig bevind word aan 'n misdryf en gevonnissen word tot gevangenisstraf sonder die keuse van 'n boete; en [of?]
 - (f) hy of sy 'n lid van die Parlement, 'n provinsiale wetgewer, die raad van 'n munisipaliteit, die Kabinet of die uitvoerende raad van 'n provinsie word.
- (2) 'n Lid van die Raad wat 'n belang by 'n bepaalde projek het, moet sodanige belang verklaar en wanneer sodanige aangeleentheid aan die beurt kom vir bespreking, moet hy of sy hom of haar aan sodanige vergadering onttrek.
- (3) Die LUR kan te eniger tyd die ampstermyn van 'n lid van die Raad beëindig indien, na die mening van die LUR, daar voldoende rede vir sodanige beëindiging bestaan.

Vergaderings van Raad

11. (1) Die eerste vergadering van die Raad moet gehou word op die tyd en plek wat die LUR bepaal, en alle vergaderings van die Raad daarna moet gehou word op die tye en plekke wat die voorsitter van die Raad bepaal.
- (2) Die voorsitter of, in sy afwesigheid, die ondervoorsitter kan te eniger tyd na sy of haar goeddunke 'n spesiale vergadering van die Raad belê.
- (3) Die kworum vir 'n vergadering van die Raad is meer as die helfte van sy lede.
- (4) Die bywoning van en prosedures op vergaderings van die Raad moet deur die Raad bepaal word behoudens die voorskrifte van die LUR, as daar is.
- (5) Die administratiewe werksaamhede van die Raad moet verrig word deur amptenare en werknemers van die departement wat deur die departementshoof aangewys word.

Instelling van Gauteng Provinsiale Behuisingsfonds

12. (1) Daar word hierby 'n fonds ingestel wat bekend staan as die Gauteng Provinsiale Behuisingsfonds.
- (2) Die Fonds (in subartikel (1) bedoel,) [Unnecessary: "Fund" has been defined; see also section 17] moet gebruik word vir die doel van die implementering van nasionale behuisingsprogramme en ander werksaamhede voorgeskryf by die Behuisingswet, 1997 (Wet No xx van 1997).
- (3) Die Fonds bestaan uit -
- (a) alle gelde aan die Fonds toegewys deur die Minister [van Behuising] ingevolge artikel 13(1) van die Behuisingswet, 1997;
 - (b) alle gelde in die krediet van die fonds bedoel in artikel 13 van die Wet op Behuisingsreëlins, 1993 (Wet No 155 van 1993), onmiddellik voor die aanvaarding van hierdie Wet, welke gelde op die Fonds oorgaan;
 - (c) alle gelde gerealiseer as gevolg van die verkoop, verhuur of toewysing van bates beoog in artikel 15(2)(a) tot (g) van die Behuisingswet, 1997 [(Wet No xx van 1997)]; en
 - (d) enige ander geld wat wettig verkry en in die Fonds gestort word.

Werksaamhede van departementshoof met betrekking tot Fonds

13. (1) Die departementshoof is die rekenpligtige beampte met betrekking tot die geld in die Fonds.
- (2) Die departementshoof is, behoudens hierdie Wet en die Behuisingswet, 1997 [(Wet No xx van 1997)], verantwoordelik vir die administrasie van die Fonds en in die besonder vir -

- (a) alle besteding uit die Fonds; en
 - (b) die insameling tot krediet van die Fonds van alle gelde wat verskuldig is aan die Fonds of wat die Fonds toeval en die opvolging van alle eise tén gunste van die Fonds of die Raad, hetsy onder kontrak of andersins.
- (3) Die departementshoof moet so gou moontlik na 31 Maart elke jaar gedetailleerde state deur hom of haar onderteken wat die resultaat van die vorige jaar se transaksies en die balansstaat van die Fonds toon, aan die LUR voorleë.

Werkzaamhede van LUR met betrekking tot Fonds

14. (1) Die LUR kan, in oorleg met die provinsiale tesourie, die volgende voorskryf:
- (a) Die besonderhede van die bestuur van die Fonds;
 - (b) die prosedure rakende betalings uit die Fonds en die terugbetaling aan die Fonds van bedrae wat daaruit betaal is;
 - (c) die rentekoerse wat gehef moet word ten opsigte van gelde betaal uit die Fonds, wat kan wissel volgens die doel waarvoor sodanige geld gebruik staan te word;
 - (d) die wyse waarop die rekeninge van die Fonds gehou moet word; en
 - (e) enige ander aangeleentheid wat hy of sy nodig of dienstig ag om voor te skryf met betrekking tot die beheer van die Fonds.
- (2) Die LUR moet die state en die balansstaat in die provinsiale wetgewer ter tafel lê binne 14 dae na ontvangs daarvan deur hom of haar indien die provinsiale wetgewer dan in sessie is of, indien die provinsiale wetgewer nie dan in sessie is nie, binne 14 dae na die begin van sy volgende sessie.

Ouditering van boeke en rekeningstate

15. (1) Die boeke en rekeningstate en balansstaat van die Fonds moet jaarliks deur die Ouditeur-generaal geouditeer word.
- (2) Die Ouditeur-generaal kan van enige persoon (insluitende enige plaaslike regering, maatskappy of ander liggaam of enige persoon in diens van so 'n regering, maatskappy of liggaam) vereis om alle boeke, registers en dokumente in sy of haar besit of onder sy of haar beheer wat na die mening van die Ouditeur-generaal die uitvoering van die ouditering in subartikel (1) bedoel sal fasiliteer, beskikbaar te stel.

Instelling van Raadplegende Behuisingsforum

16. Die LUR kan 'n forum instel wat bekend moet staan as die Gauteng Provinsiale Raadplegende Behuisingsforum.

Pligte en werksaamhede van die Forum

17. (1) Die Forum het die volgende pligte en werksaamhede:
- (a) Om formele prosedures en meganismes in te stel om oorlegpleging en inligtingdeling tussen die provinsiale regering en alle belangrike belanghebbendes in die burgerlike samelewing en plaaslike regering met betrekking tot die provinsiale regering se beleids-, wetgewende en befondsingsrolle ten opsigte van behuising in die Provinsie te bevorder;
 - (b) om te verseker dat beleid, wetgewing en fondstoewysing met betrekking tot behuisingsontwikkeling in ooreenstemming is met die algemene beginsels wat op behuisingsontwikkeling van toepassing is;
 - (c) om deursigtigheid, aanspreeklikheid en billikheid in die administrasie van behuisingsontwikkeling te verseker;
 - (d) om die deelname van alle tersaaklike belanghebbendes aan die proses van behuisingsontwikkeling te bevorder; en
 - (e) om 'n omgewing te skep waarin alle rolspelers hulle onderskeie verpligtinge nakom.

Aanstelling van lede van Forum

18. (1) Die Forum moet bestaan uit hoogstens 30 lede aangestel deur die LUR met die instemming van ander lede van die Uitvoerende Raad [Which members - any or all?]: Met dien verstande dat indien die getal lede aangestel minder as 30 is, die getal lede aangestel deur drie gedeeltes moet kan word.
- (2) By die aanstelling van 'n persoon as 'n lid van die Forum moet die LUR -
- (a) behoorlik ag slaan op die kennis, kwalifikasies en ondervinding van sodanige persoon met betrekking tot behuising of behuisingsverwante aangeleenthede; en
 - (b) verseker dat -
 - (i) een derde van sodanige lede deur plaaslike regering in die Provinsie benoem word; [local government(s) / local authorities - difference / consistency?]
 - (ii) een derde van sodanige lede deur verskillende organisasies en gemeenskapsgebaseerde groepe in die burgerlike samelewing wat die belange van verbruikers van behuisingsgoedere en -dienste in die Provinsie verteenwoordig, benoem word; en
 - (iii) een derde van sodanige lede deur die sakesektor of sektore wat behuisingsgoedere en -dienste in die Provinsie verskaf of finansier, benoem word.

- (3) 'n Lid van die Forum beklee die amp vir die tydperk wat die LUR by sy of haar aanstelling bepaal. Met dien verstande dat -
 - (i) sodanige ampstermyn deur die LUR beëindig kan word indien daar na sy of haar mening voldoende rede daarvoor bestaan; en
 - (ii) sodanige lid se ampstermyn beëindig word indien die liggaam in subartikel (2)(b) bedoel wat hom of haar benoem het, sodanige benoeming terugtrek.
- (4) Die LUR is die voorsitter van die Forum en vergaderings van die Forum moet plaasvind op die tye en plekke wat die LUR bepaal.
- (5) Die kworum vir 'n vergadering van die Forum is meer as 50% van sy lede.

Afskaffing van Provinsiale Behuisingsraad

19. Die Provinsiale Behuisingsraad (in hierdie deel die "gewese raad" genoem) vir die Provinsie, ingestel by artikel 11(1) van die Wet op Behuisingsreëlings, 1993 (Wet No 155 van 1993), word hierby afgeskaf.

Afskaffing van Uitvoerende Komitee van Provinsiale Behuisingsraad

20. Die Uitvoerende Komitee van die Provinsiale Behuisingsraad, ingestel by artikel 11A(1)(a) van die Wet op Behuisingsreëlings, 1993 (Wet No 155 van 1993), word hierby afgeskaf.

Oordrag van bates, aanspreeklikhede, regte, pligte en verpligtinge van die gewese raad

21. (1) Op die datum van inwerkingtreding van hierdie Wet gaan alle bates, aanspreeklikhede, regte, pligte en verpligtinge van die Provinsiale Behuisingsraad afgeskaf by artikel 19 van hierdie Wet, oor op die Komitee, behoudens artikels 14 en 15 van die Behuisingswet, 1997 (Wet No xx van 1997).
- (2) Behoudens die Behuisingswet, 1997 (Wet No xx van 1997), moet alle bates, aanspreeklikhede, regte, pligte en verpligtinge wat kragtens subartikel (1) aan die Komitee oorgedra is, ooreenkomstig die LUR se voorskrif hanteer word.

Bestuurskomitee

22. (1) Die LUR moet 'n bestuurskomitee instel.
- (2) Die Komitee (in subartikel (1) bedoel,) [Unnecessary - defined] moet bestaan uit die getal lede wat deur die LUR bepaal word.
- (3) Die LUR kan die volgende voorskryf:
 - (a) Die kwalifikasies vir aanstelling, die ampstermyn van en die ontruiming van die amp deur lede van die Komitee, en die vul van toevallige vakatures in die Komitee;

- (b) die wyse van aanstelling van die lede van die Komitee;
 - (c) die belê van, prosedure en reëls op en kworum vir vergaderings van die Komitee en die hou van notule van sulke vergaderings; en
 - (d) die aanwysing van persone in diens van die departement om die werk rakende die werksaamhede van die Komitee te verrig.
- (4)
- (a) Die Komitee kan, met goedkeuring vooraf van die LUR, 'n subkomitee instel om hom by te staan by die verrigting van sy werksaamhede.
 - (b) Die samestelling van 'n subkomitee ingestel ingevolge subartikel (1) moet deur die Komitee bepaal word.
 - (c) Die Komitee kan enige van sy werksaamhede aan so 'n subkomitee opdra maar word nie van sodanige werksaamhede ontnem nie en kan enige besluit van so 'n subkomitee wysig of herroep.
 - (d) Die Komitee kan 'n subkomitee ingestel kragtens subartikel (1) te eniger tyd ontbind.

Bevoegdhede en werksaamhede van Komitee

23. Die Komitee moet -

- (1) 'n sekretariaat instel om teenoor die departementshoof aanspreeklik te wees vir die verrigting van alle sekretariële werksaamhede van die Gauteng Provinsiale Raadplegende Behuisingsforum, die Provinsiale Behuisingsadviesraad en die Komitee;
- (2) provinsiale data en inligting vir die nasionale behuisingsdatabank en die nasionale behuisingsinligtingstelsel verskaf;
- (3) die werksaamhede, bevoegdhede en pligte verrig van die Provinsiale Behuisingsraad wat ingevolge hierdie Wet afgeskaf word en die bates, aanspreeklikhede, regte, pligte en verpligtinge van die [gemelde?] Provinsiale Behuisingsraad te administreer soos uiteengesit in artikels 15 en 16 van die Behuisingswet, 1997 (Wet No xx van 1997);
- (4) 'n geouditeerde register van bates onder die bestuur van die provinsiale administrasie instel;
- (5) reëlins tref vir die oordrag van bates, aanspreeklikhede, regte, pligte en verpligtinge betreffende behuising aan geakkrediteerde munisipaliteite;
- (6) die finansiering van nasionale behuisingsprogramme uit die Provinsiale Behuisingsfonds goedkeur en die Fonds administreer, subsidies toewys en verseker dat die jaarlikse provinsiale toewysing uit die Suid-Afrikaanse Behuisingsfonds bestee word;

- (7) nasionale behuisingsprogramme binne die Provinsie administreer of agente aanstel om dit te administreer; en
- (8) subkomitees instel -
 - (a) om nuwe en innoverende maniere aan te moedig en te ontwikkel om die koste te verlaag van behuisingsontwikkeling en van die diversifisering van die tipe ontwerp en uitleg wat in provinsiale projekte gebruik word;
 - (b) om projekaansoeke wat deur die Provinsie ontvang word, te evalueer aan die hand van enige nasionale behuisingsprogram wat deur die Provinsie geadministreer word;
 - (c) om nasionale behuisingsprogramme wat in die Provinsie geïmplementeer word en projekte wat deur die Provinsie of 'n geakkrediteerde munisipaliteit goedgekeur is, te monitor en te bestuur;
 - (d) om die impak van programme en projekte te evalueer, met behoorlike inagneming van skuiwergate en knelpunte wat die bereiking van provinsiale oogmerke en teikens belemmer;
 - (e) om die proses van die akkreditering van plaaslike owerhede te bestuur en te monitor soos bepaal in die Behuisingswet, 1997 (Wet No xx van 1997); en
 - (f) om die instelling van behuisingskorporasies te ondersoek en te bevorder en om die registrasie, werksaamhede en ontwikkeling van sulke behuisingskorporasies te monitor.

Opdra van bevoegdheid en werksaamhede deur LUR

- 24. (1) Die LUR kan enige bevoegdheid of werksaamheid wat ingevolge hierdie Wet uitgeoefen of verrig moet word, aan 'n munisipale raad opdra.
- (2) 'n Opdrag beoog in subartikel (1) moet -
 - (i) gedoen word ooreenkomstig 'n ooreenkoms tussen die LUR en die munisipale raad; en
 - (ii) in werking tree by proklamasie deur die Premier.

Delegasie van bevoegdheid en opdra van pligte

- 25. (1) Die LUR kan, behoudens die voorwaardes wat hy of sy bepaal -
 - (a) enige bevoegdheid aan hom of haar verleen ingevolge hierdie Wet, delegeer, uitgesonderd die bevoegdheid om regulasies uit te vaardig; en

- (b) enige van sy of haar pligte Ingevolge hierdie Wet aan die departementshoof of 'n persoon in diens van die departement of die Komitee opdra.
- (2) Die departementshoof kan, vir die doeltreffende uitvoering van die bepalings van hierdie Wet -
 - (a) enige bevoegdheid aan hom of haar verleen ingevolge hierdie Wet, delegeer; en
 - (b) enige plig op hom of haar gelê ingevolge hierdie Wet, uitgesonderd enige plig as rekenpligtige beampte, opdra aan 'n beampte of werknemer van die departement, hetsy in sy of haar persoonlike hoedanigheid of uit hoofde van die rang wat hy of sy hou of die pos wat hy of sy beklee.
- (3) 'n Beampte of werknemer aan wie 'n bevoegdheid aldus gedelegeer is of 'n plig aldus opgedra is, moet sodanige bevoegdheid uitoefen of sodanige plig uitvoer behoudens die voorwaardes wat die persoon wat die delegasie of opdrag gedoen het, nodig ag.
- (4) Enige sodanige delegasie of opdrag -
 - (a) moet skriftelik wees;
 - (b) verhinder nie die persoon wat die delegasie of opdrag gedoen het, om sodanige bevoegdheid self uit te oefen of sodanige plig self uit te voer nie; en
 - (c) kan te eniger tyd skriftelik deur sodanige persoon ingetrek word.

Jaarverslag

- 26. (1) Die departementshoof moet 'n verslag oor werksaamhede ingevolge hierdie Wet jaarliks aan die LUR voorlê.
- (2) Die LUR moet sodanige verslag onmiddellik aan die provinsiale wetgewer voorlê.

Regulasies

- 27. Die LUR kan regulasies uitvaardig wat nie onbestaanbaar is nie met hierdie Wet of die Behuisingswet, 1997 (Wet No xx van 1997), betreffende enige van [of al?] die volgende aangeleenthede:
 - (a) Die akkreditering van plaaslike owerhede;
 - (b) die instelling, registrasie en werksaamhede van behuisingskorporasies;
 - (c) die beskikbaarstelling van die opsie van sekerheid van titel aan behuisingsbegunstigdes;
 - (d) behuisingsontwikkelingsprogramme wat deur die provinsiale regering asook deur plaaslike regerings in die Provinsie uitgevoer staan te word;

- (e) die voorsiening van huur- of ander maatskaplike behuisingseiendomme in die Provinsie; en
- (f) oor die algemeen, enige aangeleentheid wat die LUR nodig of dienstig ag om voorgeskryf te word ten einde die oogmerke van hierdie Wet te verwesenlik.

Kort titel en inwerkingtreding

28. Hierdie Wet heet die Gauteng Behuisingswet, 1997, en tree in werking op 'n datum wat die Premier by proklamasie in die Provinsiale Koerant bepaal.

GAUTENG BEHUISINGSWETSONTWERP**VERKLARENDE MEMORANDUM****1. Agtergrond**

- 1.1 Die nasionale behuisingswet stel algemene beginsels en bied sekerheid met betrekking tot die funksies van die drie sfere van regering ten opsigte van behuisingsontwikkeling. Dit maak ook voorsiening vir die oordrag van sekere funksies, bates en aanspreeklikhede, en vir die instelling van nuwe finansierings- en institusionele reëlings binne provinsiale regerings. Die Gauteng Behuisingswetsontwerp is daarop gemik om daardie nasionale wet aan te vul en om al die nodige provinsiale wetgewende maatreëls vir die implementering van daardie wet te tref.
- 1.2 Behuising is 'n funksionele gebied van konkurrente nasionale en provinsiale wetgewende bevoegdheid soos omskryf in Bylae 4 van die Grondwet. In die lig van die vraag na geskikte behuising en tipes grondbesit in die Provinsie wil die Provinsiale Regering, deur middel van die Gauteng Behuisingswetsontwerp, 'n geskikte wetlike raamwerk skep waarbinne behuising in die Provinsie ontwikkel en gereguleer kan word.

2. Oogmerke van die Wetsontwerp**2.1 Voldoening aan nasionale vereistes**

Die Wetsontwerp is daarop gemik om al die wetgewende bepalings in te stel wat nodig is vir die implementering van die nasionale Behuisingswetsontwerp, insluitende die instelling van 'n provinsiale behuisingsfonds, die instelling van geskikte institusionele reëlings vir die vervanging van die Provinsiale Behuisingsraad ingestel by die Wet op Behuisingsreëlings, No 155 van 1993, en die instelling van prosedures vir die akkreditering van plaaslike owerhede.

2.2 Institusionele reëlings

Artikel 8(13) van die Behuisingswetsontwerp bepaal dat enige provinsiale behuisingsraad ingestel ingevolge die Wet op Behuisingsreëlings, No 155 van 1993, afgeskaf kan word by 'n wet van die betrokke provinsiale wetgewer en dat daardie wet voorsiening moet maak vir die funksies van die PBR onder nuwe reëlings. Die Gauteng Behuisingswetsontwerp maak voorsiening vir die afskaffing van die Gauteng Behuisingsraad en die instelling van die Gauteng Provinsiale Behuisingsadviesraad, die Gauteng Provinsiale Raadplegende Behuisingsforum en die Bestuurskomitee, waardeur nasionale behuisingsprogramme in die toekoms bestuur sal word.

2.3 Instelling van 'n reguleringsraamwerk

Die Wetsontwerp stel die Lid van die Uitvoerende Raad verantwoordelik vir behuising in staat om regulasies uit te vaardig oor alle aangeleenthede wat nodig kan wees om behuising in die Provinsie te ontwikkel en te

reguleer. Huldige omstandighede vereis 'n verskeidenheid reguleringsmaatreëls om die Provinsiale Regering by te staan om sy behuisingsmandaat ten uitvoer te bring. Sleutelmaatreëls sluit in die promulgering van -

- prosedures vir die akkreditering van plaaslike owerhede om, in die eerste plek, die oordrag van behuisingsbates en -aanspreeklikhede te ontvang en, in die tweede plek, funksies met betrekking tot nasionale behuisingsprogramme aan te neem;
- regulasies om die instelling en bemagtiging van maatskaplike behuisingsinstellings te bevorder, en om die bedrywighede van sulke instellings in die Provinsie te beheer en te monitor;
- regulasies om die goeie bestuur van bestaande huurbehuising in die Provinsie te verseker, en om die lewering van huur- en ander tipes maatskaplike behuising te bevorder deur nuwe behuisingsbeleid;
- regulasies met betrekking tot sekerheid van titel; en
- regulasies om die implementering van behuisingsontwikkelingsprogramme in die Provinsie te fasiliteer.

3. Inhoud van die Wetsontwerp

3.1 Artikel 1 - Woordomskrywing

Hierdie artikel bevat al die woordomskrywings wat nodig is om die Wetsontwerp te kan uitlê.

3.2 Artikel 2 - Toepassing van die Wet

Hierdie artikel maak die Wetsontwerp van toepassing in die provinsie Gauteng.

3.3 Artikel 3 - Beginsels wat aan behuisingsontwikkeling in die Provinsie ten grondslag lê

Hierdie artikel skryf die beginsels voor wat aan behuisingsontwikkeling in die Provinsie ten grondslag moet lê.

3.4 Artikel 4 - Algemene bevoegdhede en pligte van die Lid van die Uitvoerende Raad

Hierdie artikel skryf die funksies, pligte en bevoegdhede van die Lid van die Uitvoerende Raad verantwoordelik vir behuising in die Provinsie voor.

3.5 Artikel 5 - Instelling van Provinsiale Behuisingsadviesraad

Hierdie artikel stel die Raad in.

3.6 Artikel 6 - Samestelling van die Raad

Hierdie artikel skryf voor dat gemelde Raad uit ses (6) lede moet bestaan en skryf verder die wyse voor waarop die Raad aangestel moet word.

3.7 Artikel 7 - Bevoegdhede en pligte van die Raad

Hierdie artikel skryf die funksies en verantwoordelikhede van die Raad voor.

3.8 Artikel 8 - Diensvoorwaardes

Hierdie artikel maak voorsiening vir die besoldiging van lede van die Raad.

3.9 Artikel 9 - Ampstermyn van lede

Hierdie artikel skryf die ampstermyn van lede van die Raad voor.

3.10 Artikel 10 - Ampsontruiming deur 'n lid

Hierdie artikel skryf die voorwaardes voor waarop lede van die Raad hulle posisies as lede van die Raad moet ontruim.

3.11 Artikel 11 - Vergaderings van die Raad

Hierdie artikel maak voorsiening vir die vergaderings van die Raad en ook vir die sekretariële funksies van die Raad.

3.12 Artikel 12 - Instelling van Gauteng Provinsiale Behuisingsfonds

Hierdie artikel stel die Fonds in en skryf die doel en inhoud van die Fonds voor.

3.13 Artikel 13 - Funksie van departementshoof met betrekking tot die Fonds

Hierdie artikel wys die departementshoof aan as die rekenpligtige beampte vir gelde in die Fonds.

3.14 Artikel 14 - Funksie van Lid van Uitvoerende Raad met betrekking tot die Fonds

Hierdie artikel skryf die funksies, pligte en bevoegdhede van die Lid van die Uitvoerende Raad verantwoordelik vir behuising voor met betrekking tot die Fonds.

3.15 Artikel 15 - Ouditering van boeke en rekeningstate

Hierdie artikel bepaal dat die Fonds deur die Ouditeur-generaal geouditeer moet word.

3.16 Artikel 16 - Instelling van Raadplegende Behuisingsforum

Hierdie artikel stel die Forum in.

3.17 Artikel 18 - Pligte en funksies van die Forum

Hierdie artikel skryf die funksies en pligte van die Forum voor.

3.18 Artikel 18 - Aanstelling van lede van Forum

Hierdie artikel skryf voor dat die Forum moet bestaan uit lede benoem deur plaaslike regering, verbruikers en verskaffers en dat hulle hoogstens dertig (30) in getal mag wees. Die artikel skryf verder die ampstermyne van lede van die forum voor en die wyse waarop vergaderings van die Forum gehou moet word.

3.19 Afskaffing van die Provinsiale Behuisingsraad

Hierdie artikel skaf die Provinsiale Behuisingsraad ingestel by die Wet op Behuisingsreëlings, No 155 van 1993, af.

3.20 Artikel 20 - Afskaffing van Uitvoerende Komitee van Provinsiale Behuisingsraad

Hierdie artikel skaf die Uitvoerende Komitee van die Provinsiale Behuisingsraad, ingestel by die Wet op Behuisingsreëlings, No 155 van 1993, af.

3.21 Artikel 21 - Oordrag van bates, aanspreeklikhede, regte, pligte en verpligtinge van die gewese raad

Hierdie artikel maak voorsiening vir die oordrag van alle van bates, aanspreeklikhede, regte, pligte en verpligtinge van die gewese raad aan die Bestuurskomitee ingestel by artikel 22.

3.22 Artikel 22 - Bestuurskomitee

Hierdie artikel stel die bestuurskomitee in en maak voorsiening vir verbandhoudende bedryfsaangeleenthede.

3.23 Artikel 23 - Bevoegdhede en funksies van Bestuurskomitee

Hierdie artikel skryf die pligte, funksies en bevoegdhede van die Bestuurskomitee voor.

3.24 Artikel 24 - Opdra van bevoegdhede en funksies deur LUR

Hierdie artikel maak voorsiening vir die opdra van bevoegdhede en funksies aan plaaslike owerhede.

3.25 Artikel 25 - Delegering van bevoegdhede en opdra van pligte

Hierdie artikel maak voorsiening vir die delegering van bevoegdhede en pligte deur die LUR en die departementshoof met betrekking tot behuisingsaangeleenthede.

3.26 Artikel 26 - Jaarverslag

Hierdie artikel skryf voor dat 'n jaarverslag deur die departementshoof opgestel moet word vir voorlegging aan die Provinsiale Wetgewer.

3.27 Artikel 27 - Regulasies

Hierdie artikel maak voorsiening vir die promulgering van regulasies deur die LUR met betrekking tot 'n verskeidenheid aangeleenthede, insluitende die akkreditering van plaaslike owerhede, behuisingskorporasies, grondbesit, behuisingsprogramme, huur- en maatskaplike behuising en ander aangeleenthede.

3.28 Artikel 28 - Kort titel en inwerkingtreding

Hierdie artikel bepaal dat die naam van die wetgewing die Gauteng Behuisingswetsontwerp is.

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UMTHETHO SIVIVINYO

Ukulungiselela imigomo yokugqugquzela nokuqhubela phambili ukuthuthukiswa kwezindlu esifundazweni saseKgawuteng; ukubhala phansi izimisomgomo ezengamele; ukumisa ibhodi yesifundazwe ezokweluleka kwezezindlu, isikhwama semali, inkundla yokubonisana, ikomidi ephethe umsebenzi, kuphinde futhi kuchazwe nemisebenzi yabo abayunikeziwe nokufanele bayenze; ukubeka imigomo amagunyazo nemisebenzi yokwenziwa yiLungu leKomidi eliKhulu eliPhethe elibhekene nezeZindlu nezoMhlaba mayelana nokukhethwa kohulumeni bendawo abazomela abanye, izinhlangano zezezindlu, isikhathi sesivumelwano esikhuselekile, izinhlelo zezezindlu, imigomo yezindlu zokuqashisa nezomxhaso; kanye nokumisa imigomo eqondene nezezindlu.

ISINGENISO

NJENGOBA ngokwesigaba 26 soMthethosisekelo waseNingizimu Afrika ka 1996, wonke umuntu enelungelo lokuthola indlu ngokwenelisayo, futhi uhulumeni kufanele athathe izinyathelo ezifanele njengokushaya umthetho nezinye izinyathelo ezidingekayo namandla okubhekana nazo ukuwuphumelelisa nokuqhubela phambili lomgomo wezezindlu;

FUTHI NJENGOBA isishayaMthetho saseKgawuteng sibona ukuthi -

Ukwakhiwa kwezindlu kuzoletha indawo yokukhosela, ngakhokhe kugcwalise isikhala esibalulekile nesiqala esiyisidingo somuntu;
Ukwakhiwa kwezindlu kuthi kungumphumela kubuye futhi kube yinto eqhubekayo;
Ukwakhiwa kwezindlu kungumphumela wokusebenza nemizamo yoluntu
Ukwakhiwa kwezindlu kuyinxenye ebalulekile kakhulu entuthukweni ehlelelwe nehlanganisile;
Ukwakhiwa kwezindlu kungumkhakha obalulekile noholayo ngakwezomnotho wesizwe;
Ukwakhiwa kwezindlu kubalulekile ekusimamiseni ezenhlalakahle nezomnotho emphakathini;

NGAKHOK-KE UYASHAYWA UMTHETHO yisiShayaMthetho sesifundazwe sase Kgawuteng ngokulandelayo:

IZINCAZELO

1. KuloMthetho, ngaphandle uma okuqukethwe kukhomba okunye -

“ibhodi” ichaza ibhodi eyelulekayo kwezezindlu esifundazweni saseKGawuteng njengoba kubekiwe esigabeni 5;

“iKomidi” lichaza ikomidi eliphethe njengoba kubekiwe esigabeni 22;

“uMthethosisekelo” uchaza uMthethosisekelo waseNingizimu Afrika, ka 1996 (uMthetho ongunombolo 108 ka 1996);

“inqolobane yolwazi” ichaza inqolobane yolwazi lwesizwe eqondene nezezindlu njengoba kubekiwe esigabeni 6 soMthetho wezezindlu, ka1997 (uMthetho ongunombolo xxx ka 1997);

“umnyango” uchaza uMnyango wezezindlu nezoMhlaba;

“iNkundla” ichaza iNkundla yokuBonisana kwezeZindlu esiFundazweni saseKgawuteng ngokwesigaba 16;

“iBhodi yangaphambilini” ichaza ibhodi eyamiswa ngaphansi koMthetho i-Housing Arrangement ka 1993 (Act No 155 ka 1993);

“Isikhwama semali” sichaza Isikhwama semali yezeZindlu eKgawuteng ngokwesigaba 12;

“inhloko yomnyango” ichaza lowo osesikhundleni esiphezulu kunazo zonke embusweni wezezindlu okunguyena owengamele ezezindlu nezoMhlaba esifundazweni;

“umxhaso wezezindlu” uchaza yinoma yiluphi uhlobo losizo lokutholwa kwezindlu ngokwesigaba 4(3) soMthetho wezezindlu nozoMhlaba esifundazweni;

“ukuthuthukiswa kwezezindlu” kuchaza ukwakhiwa nokumiswa kwendawo yokuhlala ekhuselekile futhi ibe inesimo sendawo esizungezile esisimeme esizokwenza amakhaya kanjalo nendawo yomphakathi kube yileyo ephephile nekhuselekile, uphinde futhi umphakathi ufinyelele emathubeni ezomnotho, impilo, imfundo kanye nasezintweni zokuzijabulisa nokuzilolonga, uphinde futhi umphakathi wakuleli, ngokusezingeni lenqubekela phambili, ukwazi -

- (a) ukuthola izakhiwo zamakhaya anesikhathi sokuhlala kuwo esikhuselekile, okugcizelela inhloko yangasese emakhaya lawo, kanye nokuvikeleka okwanele ezintweni eziyisikhukhukiso empilweni;
- (b) ukuthola amanzi aphahekayo, izakhiwo zezindlu zangasese, ukuchithwa kukadoti, kanjalo nokukupheka nokukhanyisa emakhaya;

“umkhankaso wokuthuthukiswa kwezezindlu” uchaza yinoma yiluphi uhlelo noma inhloso yokwakhiwa kwezindlu ngokohlelo lukazwelonke lokuthuthukiswa kwezezindlu;

“ilungu” lichaza ilungu lebhodi ngokwesigaba 6;

“ilungu lomkhandlu ophethe” lichaza ilungu lomkhandlu ophethe okuyiwona ubhekene nezezindlu esifundazweni;

“umasipala” uchaza umasipala njengoba kuchaziwe esigabeni 108 weLocal Government Transition Act, ka 1993 (uMthetho ongunombolo 206 ka 1993);

“uhlelo lokwakhiwa kwezindlu” lichaza yinoma yiluphi uhlelo lukazwelonke lokuqhuba ukwakhiwa kwezindlu lapho kuhlenganisa kodwa futhi kube kungacini lapho, yinoma yiluphi uhlobo losizo lokuthola indlu noma olunye nje uhlelo olunjalo inhloso yalo okungukusiza abantu abangekwazi ukuzitholela ngokwabo izindlu noma ukusiza ukuqhuba ukwakhiwa noma ukulungiswa kwezindlu ezikhona nokwabiwa kwazo, lapho kuhlenganiswa namasevisi kamasipala kanye nezakhiwo zakhe;

“isiFundazwe” sichaza isiFundazwe saseKgawuteng;

"loMthetho" ubala imithethomgomo; kanye

"imithethomgomo" ichaza imithethomgomo ebekwe ngokwesigaba 27

ukusebenza kwaloMthetho

2. izimiso ezishaywe yiloMthetho kufanele kube yizo ezisebenzayo kusona sonke isifundazwe.

IZIMISO MGOMO OKUYIZONA EZENDLALELE UKUTHUTHUKISWA KWEZEZINDLU ESIFUNDAZWENI:-

3. Lezi zimisomgomo ezilandelayo yizona okufanele zibe yisendlalelo sokuthuthukiswa nokuqhutshwa kwayo intuthuko yezezindlu esifundazweni:-

- (1) Uhulumeni wesifundazwe saseKgawuteng kufanele enze konke okusemandleni akhe, emveni kokubonisana nenhlangothi yesifundazwe emele omasipala ngokwesigaba 163 (a) soMthethosisekelo, ukugqogquzelela nokusingatha ukuvulelwa kwezindlu esifundazweni ngaphansi kwesisekelo esingu mthetho mgomo wokuthuthukisa ezezindlu.

- (2) Ngokuhambisana nesigatshana (1) uhulumeni wesifundazwe kufanele -

- (a) anqume umthethomgomo oqondene nokuthuthukisa ezezindlu ozo -

- (i) qhuba izimisomgomo ezibekiwe esigabeni sesibili (2) soMthetho weZindlu, ka1997 (uMthetho ongunombolo xxx ka 1997);

- (ii) gcina imithetho migomo eyinqubo yemithetho kazwelonke yezezindlu njengoba kubekiwe esigabeni 4 soMthetho wezeZindlu, ka 1997 (uMthetho ongunombolo xxx ka 1997);

- (b) agqogquzelele ukwamukelwa komthetho wesifundazwe ukwenza isiqiniseko sokuthi izindlu ngempela ziba khona futhi ziyadluliselwa emphakathini;

- (c) aseke futhi aqinise amandla omasipala ukuze baphumulele ukuqhuba indima yabo emaqondana nokuthuthukisa ezezindlu;

- (d) abe ngumxhumanisi kwezezindlu kanye nakwezinye izinto eziqondene nezindlu esifundazweni;

- (e) eseke uhulumeni wendawo ekusebenziseni amandla akhe, ekwenzeni imisebenzi abekelwe yona nabhekene nayo;

- (f) afeze imisebenzi okungeyamasipali ngokuhambisana naloMthetho uma umasipali engakwazi ukuzifezela yena ngokwakhe leyomisebenzi;

- (g) abonelele ukuthi uhlelo lokufezwa komkhankaso kazwelonke mayelana nezezindlu esifundazweni luyakhiwa futhi luhambisana naleyo mizila enokugunyazwa nguNgqongqoshe ukuthi ixhaswe ngesiKhwama semali leso esiqondene.

AMANDLA NEMISEBENZI YELUNGU LOMKHANDLU OPHETHE

4. ukwengeza kulawomandla elivele selinawo ngokwaloMthetho neminye futhi, ilungu lomkhandlu ophethe (MEC) lizoba nalamandla nemisebenzi elandelayo-
- (a) ukwenza imisebenzi elinikezwe yona nokufanele liyenze nokusebenzisa ugunyazo elilunikezwe uhulumeni wesifundazwe ngokwesigaba 3;
- (b) ukubeka imithetho yenqubo amabanga, izisekelo kanye nemithetho migomo yesifundazwe engephikisane noMthetho wezeZindlu ka 1997, (uMthetho ongunombolo xxx ka 1997), ukuze likwazi ukubhekana ngempumelelo noma yiluphi udaba oluqondene nentuthuko kwezezindlu oludinga ukuqhutshwa ngendlela efanayo esifundazwe sonkana.
- (c) Libeke umbiko wonyaka phambi kwezithebe zesishayamthetho sesifundazwe libika ngakhokonke okuqhubekayo nokwenziwa yibhodi elulekayo ngezezindlu esifundazweni sase Gawuteng;
- (d) linikeze uNgqongqoshe wezeZindlu iziphakamiso zesifundazwe ezeseka ukwabiwa kwezimali ezizophuma esikhwameni semali yeZindlu saseNingizimu Afrika kwabelwa isikhwameni semali yeZindlu esiFundazweni saseKgawuteng ngenhloso yokuxhasa uhlelo lokwakhiwa nokukhishwa kwezindlu zesifundazwe;
- (e) libikele isishaya mthetho sesifundazwe ngenqubekela phambili eyenzekayo esifundazweni mayelana nohlelo lwezindlu, ngemisebenzi yomasipala abakhethiwe ukukhipha izindlu kanjalo nangokwenziwe ngezimali zesikhwama sesifundazwe saseKgawuteng, liphinde futhi libeke phambi kwezithebe zesishaya mthetho sesifundazwe izitatimende zemibiko yonyaka kanye nombhalo ochaza isimo sezimali (balance sheet) zesiKhwama semali yesiFundazwe saseKgawuteng;
- (f) likhethe noma yimuphi umasipala onokufaka isicelo ukuthi makamele abanye omasipala uma umasipala lowo ozanelisayo izidingo zokumela abanye omasipala njenge sivumelwano phakathi komkhandlu noNgqongqoshe;
- (g) likhiphe izimali esiKhwameni semali yesiFundazwe saseKgawuteng labele umasipala lowo okhethiwe kodwa lokho kwenzeka kuphela uma umasipala lowo one akhawonti yemali eyahlukile nesecceleni ayigcinileyo yokuphatha uhlelo lukazwelonke lwezezindlu;
- (h) libeke unqamula juqu wokukhishwa kwezindlu esifundazweni .

UKUSUNGULWA KWEBHODI YOKWELULEKA NGEZEZINDLU ESIFUNDAZWENI SASEKGAWUTENG

5. Kusungulwa ibhodi ezokwaziwa njenge Bhodi eyelulekayo kwezezindlu esiFundazweni saseKgawuteng.

Isakhiwo sebhodi

6. (1) LeBhodi kufanele ibe namalungu angeqile kwayisithupha.
- (2) amalungu ebhodi kufanele akhethwe yiLungu loMkhandlu oPhethe emveni kokubonisana namanye amalungu omkhandlu wesiFundazwe.
- (3) ilungu lebhodi kumbe lowo olibambele kufanele -
 - (a) kube ngumuntu ofanele nofanelekile; futhi
 - (b) abe nolwazi, nekhono elifundelwe kanye nolwazi oluphekekile emkhakheni wokuthuthukisa ezezindlu.
- (4) Ilungu loMkhandlu oPhethe kufanele libeke ilungu elilodwa lebhodi libe ngusihlalo bese kuthi elinye ilungu libe yisekela likasihlalo webhodi.
- (5) Njalo uma ongusihlalo webhodi engekho kumbe engakwazi ukwenza umsebenzi wakhe njengosihlalo, kufanele isekela lakhe lithathe izintambo zikasihlalo kuze kube ngabe usihlalo uyabuya kumbe useyakwazi ukuphinda futhi azibambele mathupha.
- (6) Uma bobabili usihlalo nasekela lakhe bengekho kumbe bobabili bengekwazi ukubamba izintambo zokuba ngusihlalo, ilungu loMkhandlu oPhethe lingabeka omunye umuntu oyilungu lebhodi ukuthi abe ngusihlalo ngesikhathi usihlalo nasekela lakhe bengekho kumbe bengekwazi ukuhlalela.
- (7) Uma ilungu lebhodi elingesiya usihlalo kumbe isekela likasihlalo licela, i-MEC ingakhetha omunye umuntu ozomela lelolungu ngesikhathi lingekho emhlanganweni othize webhodi.

Amandla nemisebenzi okunikezwe ibhodi

7. Ibhodi izoba namandla nalemisebenzi elandelayo:-
 - (1) ukweluleka iLungu loMkhandlu oMkhulu oPhethe mayelana nezinto eziqondene nezezindlu;
 - (2) kuthi ngokufakwa kwesicelo yiLungu loMkhandlu oPhethe, yaluleke i-MEC mayelana nezinto eziqondene nezezindlu;
 - (3) kufanele yengamele ukugcinwa komthetho mgomo wokukhishwa kwezindlu kuzwelonke nasesifundazweni.

- (4) igqugquzelele ukugcinwa komthetho mgomo ngesikhathi kugcinwa uhlelo lokukhishwa kwezindlu esifundazweni ngokwengamela ukubona ukuthi zikhishwa ngaleyondlela okuvunyelenwe ngayo;
- (5) ukugqugquzelela uhlelo kanye nokugcina umkhankaso wokukhishwa kwezindlu ngokohlelo lukazwelonke esifundazweni okuzohlenganisa nokwengamela nokugcinwa kohlelo lwezindlu kuzwelonke ngokugcinwa komthetho mgomo yilabo masipala abamele abanye ngenxa yokuthi bekhethiwe;
- (6) ukugcina imiyalelo yomthetho mgomo we-MEC engaphikisani nomthetho mgomo kazwelonke;
- (7) ukubikela i-MEC mayelana nezinto ezenziwa yibhodi uma iyalelwa ukuthi mayenze njalo; futhi
- (8) ukwenza imisebenzi eyinikeziwe kanye naleyo okungumsebenzi wayo ukuthi mayiyenze eyinikezwe y- MEC mayelana nokuthuthukiswa kwezezindlu.

Imibandela yokusebenza

8. (1) ilungu lebhodi, ngaphandle komuntu ovele esebenzela uhulumeni, kufanele liqashwe ngemibandela yokusebenza leyo enokumiswa yiLungu loMkhandlu oPhethe.
- (2) Ilungu lebhodi linokukhokhelwa leyomali eyomiswa yiLungu loMkhandlu eliPhethe ngokuvumelana nelungu loMkhandlu oPhethe okuyiwona ubhekene nezezimali zesiFundazwe.

Ubude besikhathi ilungu lisesikhundleni

10. (1) ilungu lebhodi kumbe olibambele kufanele lishiye phansi isikhundla uma--
 - (a) liwuyeka umsebenzi;
 - (b) ngaphandle kwemvume yebhodi, liphutha emihlanganweni emithathu yebhodi ilandelana;
 - (c) lamukwa yinkantolo amandla okuziphathela impahla yalo enesisindo semali kumbe uma efaka isicelo ngokwesigaba 10(1)(c) we-Agricultural Credit Act ka 1966 (uMthetho ongunombolo 28 ka 1966)
 - (d) uma lilahlekelwa izinqondo zalo;
 - (e) Uma lilahlwa yicala futhi lithola isigwebo sokudonsa ejele ngaphandle kokunikezwa ithuba lokukhetha ukukhokha inhlawulo yemali; noma

- (f) liba yilungu lasePhalamende, isishayamthetho sesifundazwe, umgwamanda kamasipala, umkhandlu kahulumeni kumbe yilungu lomkhandlu ophethe isifundazwe.
- (2) Ilungu loMkhandlu oPhethe uma linentshisekelo eqondene nalo ngqo emkhankasweni othize kufanele lazise ngaleyontshisekelo, kuthi uma lolodaba seludingidwa, iphume ingabi khona ngesikhathi kudingidwa udaba lolo.
- (3) Ilungu loMkhandlu oPhethe lingalisusa esikhundleni ilungu lebhodi, noma yingasiphi isikhathi, uma ngokubona kwalo kunezizathu ezanele zokuthatha leso sinyathelo

Imihlangano yebhodi

- 11 (1) umhlangano wokuqala webhodi kufanele ubanjwe ngesikhathi leso nasendaweni leyo eyonqunywa yiLungu lomkhandlu oPhethe, futhi yonke imihlangano elandelayo kufanele ibanjwe ngezikhathi nasezindaweni eziyonqunywa ngusihlalo webhodi;
- (2) Usihlalo noma, uma engekho, isekela lakhe, nangasiphi nje isikhathi ngokubona kwakhe, angabiza umhlangano webhodi oyisipesheli;
- (3) Ikhuworumu yomhlangano webhodi kufanele ibe ngaphezulu kukahafu wamalungu ebhodi ewonke;
- (4) Ukwethanyelwa nenqubo yomhlangano webhodi kufanele kube ngaleyondlela eyonqunywa yibhodi kodwa ngube ngokuqondiswa yiLungu loMkhandlu oPhethe, uma ukhona;
- (5) Imisebenzi yebhodi yobuphathi nobubhalane kufanele yenziwe yiziphathimandla kanye nezisebenzi zomnyango njengoba zizobe zijutshwe yinhloko yomnyango.

UKUSUNGULWA KWESIKHWAMA SEMALI YESIFUNDAZWE SASEKGAWUTENG

12. (1) Kumiswa isikhwama semali ngaphansi kwalomthetho esizokwaziwa njenge Sikhwama seMali yesiFundazwe saseKgawuteng.
- (2) Lesisikhwama okukhulunywa ngaso esigastshaneni (1) sizosetshenziselwa ukugcina imigomo yohlelo lokukhishwa kwezindlu kuzwelonke kanye nezinye izidingo ezihambisana noMthetho wezeZindlu, ka 1997 (umthetho ongunombolo xxx ka 1997).
- (3) LesisiKhwama seMali sizoqukatha -

- (a) zonke izimali ezabelwe isikhwama leso nguNgqongqoshe ngokwesigaba 13(1) soMthetho wezeZindlu ka 1997;
- (b) Zonke izimali ezabe zingaphansi kwesikhwama ngokwesigaba 13 se-Housing Arrangement Act 1993[uMthetho ongunombolo 155 ka 1993], okuyizimali okufanele ukuthi ngaphambi kokwamukelwa kwaloMthetho zibe ngaphansi kwalesisikhwama;
- (c) Zonke izimali ezitholakale ngokudayisa, ukuqashisa kumbe ukuchitha impahla ngokwesigaba 15(2)(a) kuya ku (g), ngaphansi koMthetho wezeZindlu ka 1997; kanye
- (d) nanoma iyiphi imali engenile ngokusemthethweni yakhokhelwa isikhwama.

Imisebenzi yenhloko yomnyango malungana nesikhwama semali

13. (1) Inhloko yoMnyango kufanele ibe ngumgcini wamabhuku okubala imali yesikhwama.
- (2) Inhloko yoMnyango kufanele, ngokwaloMthetho nangokuhambisana noMthetho wezeZindlu, ibe nomsebenzi wokubhekelela ukuphathwa kwesikhwama semali ikakhulukazi:
- (a) zonke izimali eziphumayo esikhwameni; kanye
 - (b) nokuqoqwa kwemali ekweletwa isikhwama iphinde futhi iqoqe ngezandla zomthetho yonke into eqondene nesikhwama kumbe ibhodi ngaphansi kwesivumelwano noma ngayiphi indlela.
- (3) Inhloko yomnyango kufanele ngangokukhawulezisa okungenzeka emva komhlaka 31 March wonyaka ngonyaka, ihambise izitatimende ezisayindwe nguye eziveza imiphumela yonke yokusetshenziswa kwezimali kwanyakenye kanjalo nesimo esikhombisa ukusetshenziswa kwazo izimali konke kuye kubekwe phambi kwezithebe kweLungu loMkhandlu oPhethe.

Imisebenzi yomkhandlu ophethe malungana nesikhwama semali

14. (1) Ilungu loMkhandlu oPhethe, ngokubonisa nomgcini wezimali zesifundazwe, lingamisa umthetho mayelana:
- (a) nemininigwane yokuphathwa kwesiKhwama semali;
 - (b) nenqubo okufanele ilandelwe mayelana nokukhokhwa kwemali ephuma esiKhwameni nokukhokhwa kwemali engena esiKhwameni uma imali leyo ekhokhwayo kungeyenani eliphansi;
 - (c) nezinga lenzalo ekhokhiswayo ngemali ekhishwe esiKhwameni enokwahlukahluka kuye ngomsebenzi lowo imali ekhishelwe wona;

(d) nendlela yokugcinwa kwemali yesikhwama;

(e) Nanoma yiluphi udaba alubona kufanele alubhekelele oluqondene nokulawulwa kwemali.

Ukucwaningwa kwamabhuku ezimali kanye nezitatimende zama akhawonti

15. (1) Amabhuku nezitatimende zokugcinwa kwezimali kanye nezibalo ezikhombisa isimo sezimali zesiKhwama kufanele kucwaningwe mnyaka yonke nguMcwaniing wezimali-zoMphakathi (Auditor-General).

(2) Umcwaniing wezimali angafuna noma ngubani othintekayo, (lapho kubalwa nohulumeni wendawo, inkampani, inhlango kumbe umuntu oqashiwe yilohulumeni, inkampani kumbe inhlango) ukuthi alethe konke okukuyena okufana namabhuku, amarejista nezincwadi, uma lezizinto, ngokombono woMcwaniing wezimali-zoMphakathi, zidingeka ukuze ucwaniing lolo lwenzeke ngendlela njengokuba kubekiwe esigatshaneni (a).

UKUSUNGULWA KWENKUNDLA YOKUBONISANA NGEZEZINDLU

16. Ilungu loMkhandlu oPhethe lingasungula inkundla eyokwaziwa njengeNkundla yokuBonisana ngezeZindlu esiFundazweni saseKgawuteng.

Imisebenzi enikezwe nefanele ukwenziwa yinkundla

17. (1) LeNkundla kufanele ibe nalemisebenzi elandelayo -

(a) ukusungula izinqubo kanye nezindlela zokugqugquzelela ukubonisana, ukwabelana ngolwazi phakathi kukaHulumeni wesifundazwe kanye nabobonke ababambe iqhaza emphakathini oziphilelayo kanye nohulumeni wendawo, malungana nomthetho mgomo kaHulumeni wesifundazwe, nomsebenzi wokushaywa komthetho wokuxhaswa ngezimali zokwakhiwa kwezindlu esiFundazweni;

(b) Kufanele iqikelele ukuthi umthetho mgomo, umthetho wesishayamthetho, kanye nokwabiwa kwezimali zokuthuthukisa ezezindlu kuyahambisana ngokuphelele nemigomo jikelele yokuthuthukiswa kwezezindlu.

(c) yenze isiqiniseko sokuthi zonke izinto ezenziwayo maqonqana nokuthuthukiswa kwezezindlu kwenziwa ngendlela ebonakalayo kuwonkewonke, ngokuqikelela ukuwazisa umphakathi ngokwenzekayo ngendlela eneqiniso nebonelelelayo;

(d) ukugqugquzelela ukufaka isandla kokwenziwayo kwabo bonke ababambe iqhaza ekuthuthukisweni kwezezindlu; kanye

(e) nokwenza isimo esikuvumelayo ukuthi bonke ababambe iqhaza bakwazi ukubamba iqhaza ngempumelelo.

Ukukhethwa kwamalungu enkundla

18. (1) Inkundla kufanele ibe namalungu angeqile Ku 30 akhethwe yiLungu loMkhandlu oPhethe ngokuvumelana namanye amalungu omkhandlu ophethe. Kodwa uma inani lamalungu akhethiwe lingaphansi kuka 30, kufanele inani lamalungu akhethiwe lihambe ngantathu.
- (2) Ekukhetheni umuntu ozoba yilungu lenkundla, ilungu loMkhandlu oPhethe kufanele -
- (a) libhekelele ukuthi umuntu lowo unalo yini ulwazi, ubufundiswa ngokwekhono kanye nokuphekeka ngokoqeqesho mayelana nezezindlu; futhi,
 - (b) lenze isiqiniseko sokuthi
 - (i) inxenye yesithathu yalamalungu ngakhethwe nguhulumeni wendawo esifundazweni;
 - (ii) inxenye yesithathu kufanele kube ngakhethwe yilabo ababambe iqhaza abafana nezinhlangano zemiphakathi, abanikazi bezindlu kanye nalabo abanikeza isevisi kulokhu esiFundazweni.
 - (iii) enye inxenye yesithathu kufanele kube ngeyamalungu amelele umkhakha wosomabhizinisi okuyibi abahluwayela ngezinto zokwakha nalabo abakhokhela izinto zokwakha ngokunjalo nalabo abanikeza isevisi kulokhu esiFundazweni
- (3) ILungu lenkundla lizothabatha isikhundla esingangesikhathi leso esinqunywe yiLungu loMkhandlu oPhethe ngesikhathi ilungu lelo libekwa esikhundleni uma -
- (i) isikhathi leso sokuba sesikhundleni singanqanyulwa yiLungu loMkhandlu oPhethe uma ngokombono wakhe kunezizathu ezanele zokuthatha lesosinyathelo.
 - (ii) isikhathi leso sokuba sesikhundleni kwalelilungu singa nqanyulwa uma umkhandlu lowo okukhulunywa ngawo esigatshaneni 2(b) ukuhoxisa ukukhethwa kwalo lelilungu.
- (4) ILungu loMkhandlu oPhethe kufanele libe ngusihlalo wenkundla kanye nemihlangano okufanele ukuba ibanjwe ngezikhathi nasezindaweni lezo eziyonqunywa yiLungu loMkhandlu oPhethe.
- (5) Ukuze umhlangano noma yimuphi ozohlalwa uqhubeke, kufanele wethanyelwe ngabantu abangaphezulu kukahafu wamalungu ewonke ephelele (50%)

UKUQEDWA KWEBHODI YEZEZINDLU ESIFUNDAZWENI

19. iBhodi yesiFundazwe yezeZindlu (kulexenywe ibizwa njenge "bhodi yaphambilini") yesiFundazwe ngokwesigaba 11(1) soMthetho i-Housing Arrangement (uMthetho 155 ka 1993), iyaqedwa.

Ukuqedwa kweKomidi ePhethe yebhodi yezeZindlu esifundazweni

20. IKomidi ePhethe yeBhodi yezeZindlu esifundazweni eyasungulwa ngokwesigaba 11A (1) (a) soMthetho i-Housing Arrangement, ka 1993 (uMthetho ongunombolo 155 ka 1993), iyaqedwa.

Ukudluliswa kwempahla, izikweleti, amalungelo, imisebenzi eyabelwe, izibopho okungokweBhodi yaphambilini.

21. (1) Ngosuku lokuqala ukusebenza kwaloMthetho yonke inhlobo yempahla, izikweleti, amalungelo, imisebenzi eyabelwe, kanye nezibopho obekuse mahlombe eBhodi yezeZindlu eSifundazweni eqediwe ngokwesigaba 19 saloMthetho, kuyadluliswa konke ngokuhambisana nezigaba 14 no 15 zoMthetho wezeZindlu, ka 1997 (uMthetho ongunombolo xxx ka 1997), kube ngaphansi kwesandla sekomidi eliMenenjayo
- (2) Ngokuhambisana noMthetho wezeZindlu, ka 1997 (uMthetho ongunombolo xxx ka 1997), zonke izikweleti, amalungelo, imisebenzi eyabelwe, kanye nezibopho okudluliselwe emahlombe ekomidi emenenjayo ngokwesigatshana (1), kufanele kusingathwe ngokomthetho oyomiswa yi-MEC.

IKOMIDI EPHETHE UMSEBENZI (IKOMIDI EMENENJAYO)

- 22 (1) Ilungu loMkhandlu oPhethe kufanele lisungule ikomidi eliZomenenja.
- (2) Lelikomidi elimenjenayo okukhulunywa ngalo esigatshaneni (1) kufanele libe namalungu ayinani lelo eliyonqunywa yi-MEC.
- (3) I-MEC ingenza isinqumo mayelana
- (a) nokuqashwa ngokwezinga lobufundiswa ngekhono, isikhathi sokuba sesikhundleni, nokusishiya phansi isikhundla, ngamalungu ekomidi, kanjalo nokugcwaliswa kwalezozikhala ezivelile emakomidini;
- (b) nendlela yokuqashwa kweLungu loKomidi;
- (c) nokubanjwa kwemihlangano, inqubo yayo, kanjalo nemithetho yakhona emihlanganweni yekimidi nokwenziwa nokugcinwa kwamaminithi aleyo mihlangano;
- (d) nokukhethwa kwabantu abaqashwe umnyango ukuba benze imisebenzi emalungana naleyo yekomidi emenenjayo.

- (4) (a) Ikomidi, ngokuthi iqale ithole imvume yeLungu loMkhandlu oPhethe, lingasungula ikomidana elizoba ngaphansi kwekomidi elizosiza ukwenza imisebenzi yekomidi.
- (b) Ukwakheka kwekomidi elisungulwe ngokwesigatshana (1) kuzomiswa yikomidi
- (c) Ikomidi lingawaba umsebenzi walo liwabele ikomidana lelo, kodwa lokho kuzobe kungasho ukuthi lowomsebenzi awusaqondene nalo futhi lingayichibiyela kumbe lizishintshe izinqumo zalekomidana.
- (d) Ikomidi lingaliqeda ikomidana elimiswe ngokwesigatshana (3) noma yingasiphi isikhathi.

Amandla nemisebenzi yeKomidi eliMenenjayo

23 Ikomidi elimenenjayo kufanele -

- (1) limise iHhovisi loMphathiswa elizobe lingaphansi kwenhloko yomnyango, okuyilona elizokwenza yonke imisebenzi yobubhalane eyenziwa yiNkundla yokuBonisana eKgawuteng, neBhodi yesiFundazwe yokuBonisana ngezeZindlu kanjalo naleyo yeKomidi emenenjayo;
- (2) likhiphe imininingwane yolwazi kanye nezasiso likuphakele inqolobane yesizwe yemininingwane yolwazi kanye nohlelo lukazwelonke ngolwazi kwezezindlu;
- (3) lifeze imisebenzi yalo, lisebenzise amandla, lenzee nemisebenzi elinikezwe yona yiBhodi yezeZindlu esiFundazweni eseyiqediwe ngokwaloMthetho liphinde futhi lengamele impahla, izikweleti, amalungelo, imisebenzi eliyinikeziwe kanye nezibopho zeBhodi yezeZindlu esiFundazweni njengoba kubekiwe esigabeni 15 no 16 soMthetho wezeZindlu, ka 1997 (uMthetho ongunombolo xxx ka 1997)
- (4) Lisungule iregista ecwaningiwe ebalula ngempahla eyenganyelwe ngabaphathi bombuso wesifundazwe.
- (5) Lenze amalungiselelo okudlulisa impahla, izikweleti, amalungelo, kanye nezibopho kwezezindlu konke kuye komasipala abakhethiwe.
- (6) Linikeze imvume yokuxhaswa ngezimali kwezinhlelo zezezindlu kuzwelonke okuyizimali ezizobe ziphuma esiKhwameni semali yesiFundazwe, liphinde futhi lisengamele isikhwama lesi , labe izimali zomxhaso lenze nesiqiniseko sokuthi isabelo sezimali zesifundazwe zonyaka eziphuma esiKhwameni sezimali zezeZindlu eNingizimu Afrika zisetshenziwe zonke.
- (7) Lengamele ukuphatha noma likhethe abazolimelela ekwengameleni ukuphathwa kwezinhlelo zikazwelonke zezeZindlu ngaphakathi kwemingcele leyo yesifundazwe.

(8) Lisungule amakomidana -

- (a) azogqugquzelela ukusungulwa kwezindlela ezintsha ezihlahla indlela yokwehlisa izindleko zokuthuthukiswa kwezezindlu nokwenza kube nezindlela eziningi ezahlukahlukene zokudweba nokuphonsa esivivaneni sokwakhiwa kwezindlu nakweminye imikhankaso ehambisana nokuthuthukisa kwezezindlu;
- (b) azocwaninga izicelo ezamukelwe yisifundazwe ngokwanoma yiluphi uhlelo lwezezindlu kuzwelonke, okuwuhlelo olwenganyelwe yisifundazwe;
- (c) aluse futhi alawule izinhlelo zezezindlu kuzwelonke okuyizinhlelo ezifezwa ezingeni lesifundazwe naleyo mikhankaso yemisebenzi egunyazwe yisifundazwe noma yilowo masipala omelele abanye ukuthi iqhubeke;
- (d) libheke ngeso elibanzi elikalayo imiphumela yezindlela nemikhankaso, libe futhi libhekekela izihlabe nobuhixixi obukhona obunokukhubaza ukuphumelela kwempokophelo nezinhloso zesifundazwe;
- (e) lenze umsebenzi wophenyo ukuqaphela ukusebenza kohlelo lokumelela komasipala ngokuhambisana noMthetho wezezindlu, ka 1997 (uMthetho ongunombolo xxx ka 1997); bese -
- (f) liphenya futhi ligqugquzelele ukusungulwa kwezinhlangano zezezindlu liphinde futhi likubhekisise ngeso elibanzi ukuregistwa, kwemisebenzi kanye nentuthuko elethwa yilezinhlangano zezezindlu.

Ukugunyaza kwe-MEC ngamandla kanye nemisebenzi okumele yenziwe

- 24. (1) Ilungu loMkhandlu oPhethe linganikeza umkhandlu kaMasipala igunya kumbe umsebenzi wokwenza lokho okufanele makwenziwe ngokwaloMthetho.
- (2) Umsebenzi onikeziwe ngokwesigatshana (1) kufanele-
 - (i) wenziwe ngokwesivumelwano phakathi kwe-MEC noMkhandlu kaMasipala
 - (ii) uqale ukusebenza ngesimemezelo sikaNdunankulu.

Ukudluliswa kwamagunya kanye nokunikezwa kwemisebenzi

- 25. (1) Ilungu loMkhandlu ophethe, ngokwemibandela leyo elinokuyibeka-

- (a) lingadlulisa noma yiliphi igunya elininikezwe yiloMthetho, ngaphandle kwamandla okumisa inqubo mgomo; futhi
 - (b) Linganikeza yinoma yimiphi imisebenzi elinikezwe yona nokufanele liyenze ngokwaloMthetho, liyinikeze iNhloko yoMnyango kumbe umuntu oqashwe umnyango kumbe iKomidi eMenenjayo.
- (2) Inhloko yomnyango, ukuze imigomo yaloMthetho ifezeke -
- (a) ingadlulisa noma yiliphi igunya elininikezwe yiloMthetho, futhi
 - (b) inganikeza yinoma yimiphi imisebenzi enikezwe yona nokufanele iyenze ngokwaloMthetho, iyinikeze lowo onesikhundla kumbe umuntu oqashwe umnyango, imnikeze yena ngqo kumbe ngenxa yesikhundla sakhe noma ngokomsebenzi vele awenzayo.
- (3) Leso siphathimandla kumbe umqashwa onikezwe igunyazo lelo ngoba lidlulisiwe, kumbe umsebenzi lowo awunikeziwe, kufanele igunya alisebenzise kumbe umsebenzi awenze ngokulandela imibandela leyo ebekiwe maqondana negunya kumbe umsebenzi lowo.
- (4) Lokhukudlulisa kumbe ukunikeza umsebenzi-
- (a) kufanele kubhalwe phansi;
 - (b) kungabi nesivimbezelo sokuthi lowo odlulise amandla kumbe wanikeza umsebenzi akwazi ukuzibambela mathupha
 - (c) Lokho kudlulisa kumbe umsebenzi ungahoxiswa ngokubhalwe phansi yilowo muntu

Umbiko wonyaka

26. (1) Inhloko yoMnyango kufanele kuthi kanye ngonyaka yenze umbiko iwubeke phambi kwezithebe ze-MEC ibika ngemisebenzi yonke engokwaloMthetho.
- (2) I-MEC kufanele ngokushesha nokungachithi sikhathi ibeke phambi kwezithebe zesiShayaMthetho sesiFundazwe lowombiko.

Izinqubomgomo

27. Ilungu loMkhandlu oPhethe lingamisa izinqubomgomo ezingenakho ukuphikisana naloMthetho kumbe uMthetho wezeZindlu ka 1997 (uMthetho ongunombolo xxx ka 1997), mayelana nanoma yikuphi kwalokhu okulandelayo -
- (a) ukukhethwa komasipala abamele abanye;
 - (b) Ukusungulwa, ukurejiswa, neimisebenzi, yezinhlangano zezezindlu;

- (c) ukwazisa labo abanokuzuza ngezinhlobonhlobo ezikhuselekile zokuthabatha indawo yokuhlala;
- (d) izinhlelo zokuthuthukisa ezezindlu kufanele ziphathwe uhulumeni wesifundazwe kanye nomasipala wesifundazwe.
- (e) ukukhishwa kwezindlu zokuqashisa kumbe zomxhaso esifundazweni; kanye
- (f) nanganoma yiluphi udaba i-MEC ebona kunesidingo kumbe kuphuthuma ukuba ilubhekelele ukugcina imiyalelo yaloMthetho.

ISIHLOKO SIFINQIWE KANYE NOSUKU LOKUQALA UKUSEBENZA

LoMthetho ubizwa ngokuthi uMthetho wezeZindlu eKgawuteng futhi uzoqala ukusebenza ngosuku lolo oluyomiswa nguNdunankulu ngesimemezelo kusoMqulu wesifundazwe.

UMBHALO KAFUSHANE NGEZINHLOSO ZOMTHETHOSIVIVINYO WEZEZINDLU EKGAUTENG, KA 1997

1. Umlando

1.1 Umthethosivivinyo wezeZindlu ka 1997, uyisinyathelo sikaHulumeni kaZwelonke sokuzama ekwesula yonke imthetho kazwelonke eqondene nezezindlu bese evala isikhala lesi ngesisekelo somthetho ozoba ngumhlahlandlela wokuthuthukiswa kwezindlu kuyona yomithathu imikhakha kahulumeni ngokuhambisana nomthethosisekelo. Umthetho kazwelonke wezezindlu ubeka izimiso mgomo aphinde futhi ubeke obala imisebenzi yayo yomithathu imikhakha kahulumeni mayelana nokuthuthukiswa kwezezindlu. Uphinde futhi umise imigomo mayelana nokudluliswa kwemisebenzi, impahla nezikweletu kanjalo nokumiswa kwezinhlelo namaziko kabusha emikhakheni kaHulumeni wesiFundazwe. Umthethosivivinyo weZezindlu eKgawuteng ufuna izindlela zokuwenza ube yimpumelelo lomthetho kazwelonke uphinde futhi wenze onke amalungiselelo esishayamthetho sesifundazwe ukuze lomthetho usebenze.

1.2 Ukwakhiwa kwezindlu umsebenzi wohamba kanyekanye phakathi kukahulumeni kazwelonke nowesifundazwe ukuze wenzeke ngendlela eyimpumelelonjengoba kubekiwe esigabeni 4 soMthethosisekelo. Ngokubona isimo esiFundazweni sokudingeka kwezindlu kanye nohlobo oluthize lesivumelwani ngesikhathi nesimo sokuhlala, uHulumeni wesiFundazwe ufisa, ngesikhali esinguMthethosivivinyo weZezindlu eKgawuteng, ukwakha isisekelo esifanelekile somthetho ozoba umsuka wokusingula nokuqhuba ukwakhiwa kwezindlu esiFundazweni.

2. Inhloso yoMthethosivivinyo

Lomthethosivivinyo uhlose ukuphakela yonke imthetho edingekayo ukuze loMthethosivivinyo kazwelonke ube yimpumelelo lapho kubalwa nokusungulwa kwesikhwama semali yesifundazwe, ukusungulwa kwezigceme ezithize ngaphakathi kwalo iziko esikhundleni sebhodi yezeZindlu esiFundazweni esikhona ngokwe Housing Arrangements Act, uMthetho ongunombolo 155 ka 1993, kanjalo nokusungulwa kwezinqubo zokukhethwa komasipala abazomela abanye.

2.2 Amalungiselelo amaziko

Isigaba 18(3) soMthethosivivinyo sibeka ukuthi noma iyiphi iBhodi yesiFundazwe yezeZindlu eyasungulwa ngaphansi kwe Housing Arrangements Act, uMthetho ongunombolo 155 ka 1993, ungesulwa umthetho wesishayamthetho sesifundazwe esiqondene uphinde futhi lowo mthetho uhlinzekele ukwenziwa kwemisebenzi yayo iBhodi ngaphansi kohlelo olusha. Umthethosivivinyo wezeZindlu eKgawuteng ubeka umthetho wokuqedwa kwebhodi yezezindlu eKgawuteng kanye nokumiswa kwebhodi yoKweluleka kwezeZindlu esiFundazweni, ebizwa ngokuthi yibhodi yoKweluleka kwezeZindlu esiFundazweni saseKgawuteng, iNkundla yokuBonisanakwezeZindlu esiFundazweni saseKgawuteng, kanye nekomidi emenenjayo okuyilona ziko okuzophathwa ngalo iziNhlelo zoKwakhiwa kweZindlu kuZwelonke esikhathini esizayo.

2.3 Kusungulwa isisekelo sengubomgomo

Umthethosivivinyo unikeza iLungu loMkhandlu oPhethe kwezeZindlu amandla okumisa imigomo yenqubo enokudingeka emsebenzini wokuthuthukisa ezezindlu zesiFundazwe. Isimo okuyiso njengamanje senza kube nesidingo semigomo emisiwe nezoba yinqubo ezosiza uHulumeni wesiFundazwe ukugcina umsebenzi anikezwe wona wokukhipha izindlu. Izinyathelo ezibalulekile zibala ukumiswa: -

- kwenqubo yokukhethwa koHulumeni bendawo abazomela abanye okokuqala nje, ukuze bemukele impahla nezikweleti osekudluliselwa kubona, okwesibili, bathabathe imisebenzi emalungana nezinhlelo zikazwelonke zokwakhiwa kwezindlu;
- kwenqubomgomo yokugququzelela ukusungulwa nokunikeza amandla amaziko axhasa umphakathi ngezindlu, kanjalo nokulawula nokubheka ngeso elibanzi lawomaziko esiFundazwe;
- imigomo yenqubo ukwenza isiqiniseko sobuphathi obusezingeni eliphezulu kulezozindlu eziqashisayo esiFundazweni, ukugququzelela ukukhishwa kwezindlu eziqashisayo ngokunjalo nayinoma iluphi uhlobo lokuxhasa umphakathi ngezindlu ngokomthetho mgomo omusha wokwakhiwa kwezindlu;
- kwemigomo eyinqubo ukuqhuba izinhlelo zokuthuthukiswa kwezezindlu esifundazweni.

3. Okukukethwe uMthethosivivinyo

3.1 Isigaba 1 - izincazelo

Lesisigaba siqukethe zonke izincazelo ezidingekayo ukutolika uMthethosivivinyo.

3.2 Ukusebenza koMthetho

Lesisigaba senza ukuthi uMthethosivivinyo usebenze esiFundazweni saseKgawuteng.

3.3 Isigaba 3 - Izimisomgomo eziyisisekelo sokuthuthukiswa kwezindlu esiFundazweni

Lesisigaba simisa imithethomgomo ezoba yisisekelo sokuthuthukiswa kwezindlu esifundazweni.

3.4 Isigaba 4 - Amandla nemisebenzi jikele kwelunga lomkhandlu ophethe

lesisigaba sibeka imisebenzi okufanele mayenziwe, imisebenzi enikeziwe kanye namandla elungu lomkhandlu eliphethe elibhekene nokwakhiwa kwezindlu esiFundazweni

3.5 Isigaba 5 - Ukusungulwa kweBhodi yokwaluleka kwezeZindlu esiFundazweni

Lesisigaba sisungula iBhodi

3.6 Isigaba 6 - Isakhiwo seBhodi

Lesisigaba simisa ukuthi iBhodi kufanele ibe namalungu ayisithupha (6) siphinde futhi sinqume ukuthi lamalungu ebhodi kufanele akhethwe kanjani

3.7 Isigaba 7 - Amandla nemisebenzi kweBhodi

Lesisigaba simisa imisebenzi okufanele yenziwe nebhekene nebhodi

3.8 Isigaba 8 - Imibandela yokusebenza

Lesisigaba sibeka imigomo yokuholelwa kwamalungu eBhodi

3.9 Isigaba 9 - Isikhathi sokubamba isikhundla

Lesisigaba sinquma mgesikhathi leso amalungu eBhodi okufanele asisebenze njengamalungu

3.10 Isigaba 10 - Ukusishiya kwelungu isikhundla

Lesisigaba Sibeka imigomo okufanele ngenxa yayo amalungu eBhodi ashiye phansi izikhundla zobulungu bebhodi

3.11 Isigaba 11 - Imihlangano yeBhodi

Lesisigaba simisa imigomo mayelana nokubanjwa kwemihlangano yeBhodi kanyekanye nemisebenzi yobuphathiswa beBhodi

3.12 Ukusungulwa kwesiKhwama seMali yesiFundazwe saseKgawuteng

Lesisigaba sisungula isiKhwama semali nenhloso yaso kanye nesikuqukathayo

3.13 Isigaba 13 - Imisebenzi yenhloko yomnyango malungana nesikhwama

Lesisigaba siqoka inhloko yomnyango njengomgcini-mabhuku emali yesiKhwama

3.14 Isigaba 14 - Umisebenzi welungu lomkhandlu ophethe malungana nesikhwama

lesisigaba sibeka imisebenzi okufanele mayenziwe, imisebenzi enikeziwe kanye namandla elungu lomkhandlu eliphethe malungana nesikhwama

3.15 Isigaba 15 - Ukucutshugulwa kwamabhuku emali kanye nezitatimende zama-akhawonti

Lesisigaba sibeka umthetho wokuthi isiKhwama semali fufanele isimo saso sicutshungulwe nguMcebunguli-Jikelele

3.16 Isigaba 16 - Ukumiswa kwenkundla yokubonisana ngezezindlu

Lesisigaba simisa inkundla yokubonisana

3.17 Isigaba 17 - Imisebenzi okufanele yenziwe nenikezwe yona inkundla

Lesisigaba sinikeza imisebenzi okufanele yenziwe nenikezwe inkundla

3.18 Isigaba 18 - Ukukhethwa kwamalungu eNkundla

Lesisigaba sibeka ukuthi inkundla kufanele ibe namalungu akhethwe nguhulumeni wendawo, abasebenzisa, nabaphakeli nokuthi Inani labo kufanele lingeqi ku 30. Lesisigaba siyaqhubeka sibeke ubude besikhathi sokuba yilungu nokuthi Imihlangano yonkundla kufanele ibajwe kanjani.

3.19 Isigaba 19 - Ukuqedwa kweBhodi yezeZindlu esiFundazweni

Lesisigaba siqeda iBhodi yezeZindlu esiFundazweni eyamiswa ngaphansi koMthetho i-Housing Arrangements, ongunombolo 155 ka 1993.

3.20 Isigaba 20 Ukuqedwa kweKomidi ePhethe yeBhodi yezeZindlu esiFundazweni

Lesisigaba siqeda iKomidi ePhethe iBhodi yezeZindlu esiFundazweni eyamiswa ngaphansi koMthetho i-Housing Arrangements, ongunombolo 155 ka 1993.

3.21 Isigaba 21 - Ukudluliswa kwempahla, izikweleti, amalungelo, imisebenzi nezibopho obekungokweBhodi yaphambilini

Lesisigaba sidlulisa impahla, izikweleti, amalungelo, imisebenzi nezibopho obekungokweBhodi yaphambilini kuyiswa kwiKomidi emenenjayo esungulwe ngokwesigaba 22

3.22 Isigaba 22 - iKomidi emenenjayo

Lesisigaba sisungula iKomidi emenenjayo siphinde sihlizzekele izinto okufanele zenziwe ezimalungana nalokho

3.23 Isigaba 23 - Amandla nemisebenzi kweKomidi emenenjayo

Lesisigaba sibeka imisebenzi okufanele mayenziwe, imisebenzi enikeziwe kanye namandla kweKomidi emenenjayo

3.24 Isigaba 24- Ukunikezwa kwe-MEC kwamandla nemisebenzi

Lesisigaba sihlizzeke ngokunikezwa koHulumeni beNdawo amandla nemisebenzi

3.25 Isigaba 25 - Ukudluliswa kwamandla nokunikezwa kwemisebenzi

Lesisigaba sihlizzeke ngokudlulisa kwe-MEC amandla ayo nokunikeza kwayo imisebenzi emalungana nokwakhiwa kwezindlu iyinikeza inhloko yomnyango

3.26 Isigaba 26 - Umbiko wonyaka

Lesisigaba simisa ukuthi kufanele umbiko wonyaka wenziwe inhloko yomnyango ukuze wethulwe ezithebeni zesiShayamthetho sesiFundazwe

3.27 Isigaba 27 - Inqubomgomo

Lesisigaba sihlizzekele ukumiswa kwenqubomgomo yi-MEC malungana nezinto eziningi ezifana nokukhethwa komasipala abazomela abanye, izinhlangano zezindlu, isikhathi sokubamba iqhaza, uhlelo lokwakhiwa kwezindlu, zokuqashisa kanye nezinye nje izinto ezifana nalokho.

3.28 Isigaba 28 - Isihloko sifinqiwe nosuku lokuqala

Lesisigaba siquma ukuthi ibizo laloMthetho kuzoba uMthethosivivinyo waseKgawuteng.

NOTICE 3931 OF 1997

MOLAOKAKANYWA

Go beakanyetša kgodišo le nolofatšo ya tšhabollo ya kagodintlo ka Profenseng ya Gautheng; go hloma metheokakaretšo ye e tlogo dirišwa; go hloma lekgotlakeletši la kagodintlo ka Profenseng; Sekhwama, foramo ya ditherišano, komiti ya taolo le go laetša mešomo le maikarabelo a tšona ka botlalo; go fana ka maatla le mešomo ya Leloko la Khuduthamaga leo le rwelego maikarabelo a Kagodintlo le Mererong ya tša Naga; le go beakanyetša merero ye mengwe ye e sepelelanago le ditaba tše di tšweleditšwego ka mo godimo.

MATSENO

Le ge e le gore go ya ka karolo 26 ya Molaotheo wa Repabliki ya Afrika Borwa, 1996, motho mang le mang o na le tokelo ya go ba le bodulo bjo bo lekanego, gomme mmušo o swanetše go tšea magato a maleba a molao le a mangwe, go ya ka mo o ka kgonago ka gona, go phethagatša tokelo ya kgato ka kgato;

MOLA E LE GORE Lekgotlatheramelao la Profense ya Gauteng le lemoga gore -

Kagodintlo bjalo ka tšhireletšo ye e lekanego, e phetha senyakwa sa botho sa metheo;
Kagodintlo ke setšweletšwa ebile ke tshepetšo;
Kagodintlo ke setšweletšwa sa maiteko le boithaopo bja batho;
Kagodintlo ke karolo ye bohlokwa ya togamaano ya tšhabollo ye e kopantšwego;
Kagodintlo ke karolo ye bohlokwa ya ekonomi ya setšhaba;
Kagodintlo ke karolo ye bohlokwa kgolong ya ekonomi ya setšhaba;

KA FAO GO BEWA MOLAONG KE Lekgotlatheramelao la Profense ya Gauteng ka tsela ye:

Ditlhalošišo

1. Ka mo Molaong wo, ntle le ge diteng di hlaloša ka tsela ye nngwe -

"Boto" e ra gore, lekgotlakeletši la kagodintlo ka Profenseng ya Gauteng, leo le theilwego ka tlase ga karolo 5;

"Komiti" e ra gore komititaolo yeo e ukangwego ka karolong 22;

"Molaotheo" o ra gore Molaotheo wa Repabliki ya Afrika Borwa, 1966 (Molao wa 108 wa 1996)

"bobotlokelo bja data" bo ra gore bobotlokelo bja data ya kagodintlo tša setšhaba yeo e akantšwego ka Molaong wa Kagodintlo, (Molao wa Nomoro xxx wa 1997);

"Kgoro" e ra gore Kgoro ya Kagodintlo le Merero ya Naga;

"Foramo" e ra Foramo ya Ditherišano ka ga Kagodintlo Profenseng ya Gauteng yeo e theilwego ka tlase ga karolo 16;

"Boto ya pejana" e ra boto ya kago ya dintlo ya profense yeo e theilwego ka tlase ga

peakanyo ya Molao wa Peakanyo ya Kagodintlo, 1993 (Molao wa Nomoro 155 wa 1993);

"Sekhwama" se ra Matlotlo a Kagodintlo ka Profenseng ya Gauteng ao a ukangwego karolong ya 12;

"hlogo ya kgoro" e ra mohlankedimogolo wa taolo ya profense yo a laolago Kgoro ya tša Kagodintlo le Merero ya Naga ka profenseng;

"Kelothušo kagong ya dintlo" e ra thušo ye nngwe le ye nngwe ya kelo ya thušo kagong ya dintlo yeo e akantšwego karolong 4(3) ya Molao wa Kagodintlo, 1997 (Molao wa Nomoro ya xxx wa 1997);

"tlihabollo ya kagodintlo" e ra go thewa le go hlokomela mafelo a dulegago, a sa fetogego ao a loketšego bodulo bja setšhaba le tikologo tša madulo a praebete go kgonthišiša kgonagalo ya tulo ya malapa le setšhaba tikologong tše gomme go kgonthiša phihlelelo ya dibaka tša mešomo, maphelo, thuto le ditlabakelo tša phedišano ya setšhaba moo baagi ka moka le badudi ba ruri ba Repabliki, ka mokgwa wo theilwego godimo ga tšwelopele, ba be le phihlelelo go -

- (a) meago ya ruri ya bodulo ka nako ya bodulo ye e šireletšegilego, yeo e kgonthišišago sephiri le go fana ka tšhireletšego ye e lekanego kgahlanong le dielemente;
- (b) meetse ao a ka nwegago; ditlabakelo tše di lekanego tša tlhwekišo, ntšho ya ditšhila le phepele ka enetši (motlakase) wa ka gae;

"morero wa tlihabollo ya Kago ya dintlo" o ra maano a mangwe le a mangwe goba tšhišinyo ya go tlihabolla kagodintlo bjalo ka ge e akantšwe mo lenaneong le lengwe le le lengwe la setšhaba la kagodintlo;

"Leloko" le ra leloko la boto leo le ukangwego karolong ya 6.

"MEC" e ra leloko la Khuduthamaga leo le rwelegpo maikarabelo a ditaba tša kagodintlo ka profenseng;

"mmasepala" e ra mmasepala bjalo ka ge go hlalošitšwe mo karolong 10B ya Molao wa Mmušogae wa Phetišetšo, 1993 (Molao 209 wa 1993);

"lenaneo la kagodintlo la setšhaba" e ra leano le lengwe le le lengwe la setšhaba go kgonagatša tlihabollo ya kagodintlo go akaretšwa; eupša go sa lekanyetšwe fela go, mekgwa ye mengwe le ye mengwe ya thušo kagong ya dintlo goba dipeakanyetšo tše dingwe goba ditekanyetšo tše ka tšona go ikemišeditšwego go thuša batho bao ba sa kgonego go ka phethagatša dinyakwa tša go aga dintlo ka bobona goba go kgonagatša khwetšo ya dintlo goba tsošološo le peakanyetšo ya dintlo tše di lego gona, go akaretšwa ditirelo tša mmasepala le infrastraktša;

"Profense" e ra Profense ya Gauteng;

"Molao wo" o akaretša melawana; gomme

"Melawana" e ra melawana yeo e dirilwego ka tlase ga karolo 27.

Tirišo ya Molao:

2. **Dipeakanyetšo tša Molao wo di swanetše go šoma Profenseng ka moka.**

Metheo yeo e thekgago morero wa tlhabollo ya Kagodintlo ka Profenseng.

3. **Metheo ye e latelago e tla thekga maikemišetšo a tlhabollo ya kagodintlo le tirišo ya maikemišetšo ao ka profenseng:**

- (1) **Mmušo wa profense ya Gauteng o swanetše, morago ga ditherišano le mokgatlo wa profense wo o emelago bommasepala, bjalo ka ge go akantšwe mo karolong 163 (a) ya Molaotheo, o dire se sengwe le se sengwe se lego maatla a ona go godiša le go kgonagatša kabo ya dintlo ka profenseng mo mohlakong wa maikemišetšo a setšhaba malebana le tlhabollo ya kagodintlo.**
- (2) **Mo moholeng wa karolwana (1), mmušo wa profense o swanetše -**

(a) go laetša maikemišetšo a profense maelana le tlhabollo ya kagodintlo ao a -

- (i) **thekgago maikemišetšo ao a ukangwego mo go goba ao a šupetšwago ka tlase ga karolo 2 ya Molao wa Kagodintlo, 1997 (Molao wa Nomoro ya xxx wa 1997);**
- (ii) **sepelelanago le dipeakanyetšo tša molao woo o ukangwego mo karolong 4 ya Molao wa Kagodintlo, 1997 (Molao wa Nomoro xxx wa 1997).**

(b) go tšwetša pele kamogelo ya peomolao wo mongwe le wo mongwe go netefatša kgontšho ye e tiilego ya go fa batho bodulo;

(c) go thekga le go tliša maatla a bommasepala go phetha mešomo ya bona le maboikarabelo a bona ka lehlakoreng la tlhabollo ya kagodintlo.

(d) go lomaganya merero ya tša bodulo le merero ye mengwe ye e amanago le yona ka profenseng;

(e) thekga mmušogae go phethagatša maatla a wona, go diragatša mešomo ya wona le go phethagatša mešomo le maikarabelo a wona;

(f) go phethagatša mešomo le maikarabelo a mmušogae go elana le Molao wo ge mmasepala o šitwa go phethagatša se ka bowona; le

(g) go hlola polane ya ngwaga ya go ba le maikemišetšo a mantši ka ga phethagatšo ya mananeo a setšhaba kabong ya madulo ka profenseng tšeo

di beakantšwego go elana le dintlhahlahli tšeo Tona e ka di dumelelago go lefela polane ya go swana le yeo ka tšhelete go tšwa Sekhwameng.

Maatla le mešomo ka kakaretšo ya Leloko la Khuduthamaga

4. Mo kokeletšong ya maatla a mangwe ao a abetšwego ke Molao wo goba theramelao ye nngwe le ye nngwe, Tona (MEC) e tla ba gape le ditshwanelo le ditiro tše di latelago -
- (a) go phethagatša ditshwanelo le maikarabelo le go diragatša maatla a mangwe le a mangwe a mmušo wa profense ao a ukangwego mo karolong 3;
 - (b) go thea dikelo, maemo, mehlako le maikemišetšo a profense ao a sa thulanego le Molao wa Kagodintlo, 1997 (Molao wa Nomoro xxx 1997), ka maikemišetšo a go phethagatša ka tshwanelo merero ye e amanago le tihabollo ya kabo ya bodulo yeo e nyakago go diragatšwa ka go lekana profenseng ka moka;
 - (c) Go fa lekgotlatheramelao la profense pego ya ngwaga ka ga mešomo ya lekgotlakeletši la profense ya Gauteng la kagodintlo;
 - (d) go fa Tona ya Dintlo mabaka a profense a gore ba fiwe tšhelete go tšwa Sekhwameng sa Kagodintlo sa Afrika Borwa go fetišetšwa go Sekhwama sa Kagodintlo sa Profense ya Gauteng go lefela mananeo a kagodintlo tša setšhaba ka profenseng;
 - (e) go bega go theramelao ya profense ka ga tšwelopele ka profenseng mabapi le mananeo a kagodintlo, mešomo ya bommasepala bao ba amogetšwego semolao le dipheketšetšo tša Sekhwama sa Kagodintlo ya Profense ya Gauteng, le go neela theramelao ya profense dipego tša ngwaga le lenanetekanyetšo la Sekhwama sa Kagodintlo sa Profense ya Gauteng;
 - (f) go amogela semolao mmasepala wo mongwe le wo mongwe wo o ka dirago kgopelo ya tumelelo; feela ge e le gore mmasepala wo o amegago o kgotsofatša dikelo tša tumelelo bjalo ka ge di kwanetšwe ke leloko la Khuduthamaga le Tona;
 - (g) go aba ditšhelete go tšwa go Sekhwama sa Kagodintlo sa Profense ya Gauteng go ya go mmasepala wo o dumeletšwego ge fela mmasepala wo o amegago o ba le ditšhupamatlotlo tše di kgaoganego tša taolo ya mananeo a kagodintlo ya setšhaba; le
 - (h) go thea ditebanywa maelana le kabo ya dintlo ka profenseng.

Go thewa ga Lekgotlakeletši la Kagodintlo ka Profenseng.

5. Mo bjale go theilwe lekgotla leo le tsebjago gore ke Lekgotlakeletši la Kagodintlo ka Profenseng ya Gauteng.

Sebopego sa lekgotla

6. (1) Lekgotla ga le a swanela go ba le maloko a fetago a tsheletšego.
- (2) Maloko a lekgotla a swanetše go kgethwa ke Leloko la Khuduthamaga ka morago ga go rerišana le maloko a Khuduthamaga ya Profense.
- (3) Leloko goba leloko la tlhatlolano la lekgotla le swanetše -
 - (a) go ba motho wa maswanedi le gona a phetše gabotse, gape
 - (b) a be le tsebo, dithuto goba maitemogelo mo karolong ya tlhabollo ya dintlo.
- (4) Leloko la Khuduthamaga le swanetše go kgetha le lengwe la maloko a lekgotla bjalo ka modulasetulo a kgethe le leloko le lengwe go ba motlatšamodulasetulo wa lekgotla.
- (5) Nako ye nngwe le ye nngwe ge modulasetulo wa lekgotla a se gona goba a šitwa go ka phethagatša o mongwe wa mediro ya gagwe ya bodulasetulo, motlatšamodulasetulo wa lekgotla o swanetše go tšea maemo ao gomme a dire bjalo ka modulasetulo wa Lekgotla.
- (6) Nako ye nngwe le ye nngwe ge modulasetulo gotee le motlatšamodulasetulo ba lekgotla ba se gona goba ba šitwa ke go ka phethagatša mediro ya bodulasetulo, Leloko la Khuduthamaga le ka no kgetha leloko le lengwe la lekgotla go phethagatša mediro yeo ya bodulasetulo.
- (7) Ge leloko la lekgotla ka ntle ga modulasetulo wa lona goba motlatšamodulasetulo a ka kgopela, Tona (MEC) e ka no kgetha leloko la tlhatlolano go ema legatong la leloko leo ge leloko leo le se gona kopanong ya mohuta woo ya lekgotla.

Maatla le mešomo ya lekgotla

7. Lekgotla le tla ba le maatla le mešomo ye e latelago:
 - (1) go eletša Leloko la Khuduthamaga ka ga ditaba tšeo di amanago le kago ya dintlo;
 - (2) Ka kgopelo ya Leloko la Khuduthamaga, le eletše Mokhuduthamaga (MEC) ka ga ditaba tšeo di amanago le tša kago ya dintlo;
 - (3) go hlokomela phetišo ya maikemišetšo a setšhaba le profense ka ga kagodintlo;
 - (4) go hlokomela kgomarelo go maikemišetšo go tšwetša pele mananeo a setšhaba kagong ya dintlo ka profenseng ka go hlokomela kabo go elana le kelo yeo go dumelelanwego ka yona;

- (5) go tšwetša pele mananeo le tiro tša merero tšwetšo peleng ya mananeo a setšhaba a kago ya dintlo ka profenseng ao a tla akaretšago tlhokomelo ya phethišo ya mananeo a setšhaba a kagodintlo maelana le kgomarelo ya bommasepala, bao ba amaogetšwego semolao, go maikemišetšo;
- (6) go phethagatša ditaelo tša Mokhuduthamaga (MEC) tšeo di sego kgahlanong le maikemešetšo a setšhaba;
- (7) go begela Mokhuduthamaga ka ga ditiro tša lekgotla ge le kgopetšwe go dira bjalo; le
- (8) go phethagatša mošomo o mongwe le o mongwe wo o amanago le tlhabollo ya kagodintlo woo o abetšwego lekgotla ke Mokhuduthamaga (MEC).

Maemo Mošomong

8. (1) Leloko la lekgotla, ka ntle ga motho yo a šomelago Mmušo, le swanetše go fiwa modiro go ya ka maemo a mošomo ao a beilwego ke Leloko la Khuduthamaga.
- (2) Leloko la lekgotla le ka no lefša diputseletšo go elana le ka moo go akantšwego ke Leloko la Khuduthamaga ka tumelelano le Leloko la Khuduthamaga leo le rwelego maikarebelo a merero ya ditšhelete ka Profenseng.

Pakatiro ya leloko

9. Leloko la lekgotla le swanetše, go elana le dikarolwana (1) le (2) tša karolo 11, go ba modirong lebaka leo le tloga bewa ke Leloko la Khuduthamaga nakong ya kgetho, eupša e seng nakong ye e fetago mengwaga ye meraro, gomme le ka na la kgethwa gape ge nako ya lona ya go šoma e fihlile mafelelong.

Go rola modiro ga leloko

10. (1) Leloko goba leloko la tlhatlolano la lekgotla le swanetše go rola modiro wa lona ge e le gore -
 - (a) le tlogela mošomo;
 - (b) ntle ga lili ye e dumeletšwego ke lekgotla, o palelwa ke go tsenela dikopano tša lekgotla tše latelanago tše tharo;
 - (c) o amogwa bohwa bja gagwe goba o dira kgopelo yeo e akantšwego ka go karolo 10(1)(c) ya Molao wa Sekoloto sa tša Temo, 1966 (Molao wa Nomoro 28 wa 1966);
 - (d) o tsenwa ke bolwetši bja monagano;

- (e) o a golegwa gomme a romelwa kgolegong ntle le go fiwa sebaka sa tefišo;
 - (f) ge e eba leloko la Palamente, Theramelao ya Profense, Khansele ya mmasepala, Kabinete goba leloko la Khuduthamaga ya Profense.
- (2) Leloko la lekgotla leo le nago le dikgahlego tše dingwe, ka ntle ga modiro wa lona, le swanetše go hlagiša dikgahlego tše nyanyeng, gomme ge lekgotla le rerišana ka dikgahlego tše, leloko leo le amegago le se be gona ditherišanong tše.
 - (3) Leloko la Khuduthamaga le ka na la fetšiša pakatiro ya leloko la lekgotla nako ye nngwe le ye nngwe ge, e le gore go ya ka kgopolo ya Leloko la Khuduthamaga go na le mabaka a kwalago e bile a kgodiša gore leloko leo le rakilwe modirong.

Kopano ya Lekgotla

11. (1) Kopano ya mathomo ya lekgotla e swanetše ka nako le lefelo leo le kgethilwego ke Leloko la Khuduthamaga, gomme dikopano tša lekgotla tše di tlogo latela morago ga fao nako le lefelo la tšona di tlo beakanywa ke modulasetulo wa lekgotla;
- (2) Modulasetulo goba, ge a se gona, motlatšamodulasetulo a ka no mo nakong ye nngwe le ye nngwe, yeo yena mong a bonago e lokile, a bitša pitšo ya Kopano ya lekgotla le ikgethago.
- (3) Khoramo ya kopano ya lekgotla e bopša ke maloko a a fetago palogare ya maloko a lekgotla.
- (4) Go tsena le tshepediso dikopanong tša lekgotla di swanetše go beakanywa ke lekgotla go elana le ditaelo tša Leloko la Khuduthamaga ge e le gore le gona.
- (5) Mešomo ya taolo ya lekgotla e swanetše go dirwa ke bahlankedi le bašomedi ba Kgoro bao ba kgethilwego ke hlogo ya Kgoro.

Go thewa ga Sekhwama sa Kagodintlo sa Profense ya Gauteng

12. (1) Mo go thewa sekhwama seo se tlogo tsebja ka leina la Sekhwama sa Kago ya Dintlo sa Profense ya Gauteng.
- (2) Sekhwama se se ukangwego mo karolwaneng (1) se swanetše go šomišetšwa lebaka la tirišo ya mananeo a kagodintlo a setšhaba le ditiro tše dingwe tše di beilwego ke molao wa Kagodintlo (Molao No. xxx wa 1997).
- (3) Sekhwama se tla bopša ka -
 - (a) ditšhelete ka moka tše di abetšwego sekhwama se ke Tona go ya ka dipeelano tša karolo 13(1) ya Molao wa Kagodintlo wa 1997.
 - (b) ditšhelete kamoka tše di bego di le krediteng ya sekhwama se se ukangwego

ka go karolo 13 ya Molao wa Dipeakanmyo tša Kagodintlo, wa 1993 (Molao No. 155 wa 1993) kgauswinyana pele ga kamogelo ya Molao wo e lego tšhelete yeo e tlogo fetišetšwa ka go sekhwama;

- (c) ditšhelete ka moka tše di hweditšwego ka baka la dithekišo, khiro goba kabo ya matlotlo ao a ukangwego ka go karolo 15(2)(a) go ya go (g) ya Molao wa Kagodintlo, wa 1997; le
- (d) tšhelete ye nngwe le ye nngwe yeo e hweditšwego ka molao mme ya tsentšhwa ka sekhwameng.

Mehola ya hlogo ya kgoro ka kamano le sekhwama

- 13. (1) Hlogo ya kgoro e swanetše go ba mohlankedimohlakiši ka kamano le ditšhelete tša sekhwama.
- (2) Hlogo ya kgoro e swanetše, ka taolo ya Molao wo le Molao wa Kagodintlo wa 1997, go ba le maikarabelo a go laola sekhwama se mme kudukudu malebana le
 - (a) ditshenyagalelo ka moka tša sekhwama, le
 - (b) Kgoboketšo ya dikrediti tša sekhwama tša ditšhelete ka moka tše di lebanego goba di tswalelago sekhwama le kotlo ya dikleime ka moka go hola sekhwama goba boto e ka ba ka fase ga kontraka goba ka tsela ye nngwe.
- (3) Hlogo ya kgoro o swanetše, ka pelapela ka mo go kgonegago, morago ga la 31 Matšhe ngwaga ka ngwaga a neele dipego tše di saenilwego ke yena di laetša dipelo tša dipapatšisano tša ngwaga wo o fetilego le lenanetekanetšo ya Sekhwama go Leloko la Khuduthamaga.

Mehola ya Khuduthamaga ka kamano le Sekhwama

- 14. (1) Leloko la Khuduthamaga (MEC) le ka, therišanong le sešegotlotlo sa profense, beela.
 - (a) ditaba ka botlalo tša taolo ya Sekhwama;
 - (b) tshepetšo mabapi le ditaba tše di tšwago Sekhwameng le pušeletšo tša ka Sekhwameng tša diroto tše di tšwago ka go sona;
 - (c) ditekanyo tša tswalo tše di tlogo bitšwa mabapi le ditšhelete tše di ntšhitšwego ka Sekhwameng di ka no fapana go ya ka mohola woo ditšhelete di tlogo šomišetšwa wona.
 - (d) tsela yeo diakhaonto tša Sekhwama di tlogo bolokwa ka gona; le
 - (e) taba efe le efe yeo a ka e bonago e nyakega goba e lego mohola mabapa le taolo

ya Sekhwama.

- (2) Mokhuduthamaga/ MEC o swanetše go hlalša dipego le lenanetekanetšo nyanyeng ka go Theramelao ya Profense lebakeng la matšatši a 14 ge a se no e amogela ge Theramelao ya Profense e le tulong goba ge Theramelao ya Profense e se tulong, lebakeng la matšatši a 14 morago ga thomišo ya tulo ye e latelago.

Tlhakišo ya dipuku le dipego tša diakhaonto

15. (1) Dipuku le dipego tša diakhaonto le lenanetekanyetšo tša Sekhwama di tla hlakišwa ngwaga ka ngwaga ke Mohlakisiphaphare.
- (2) Mohlakisiphaphare a ka nyaka gore motho ofe le ofe (go akaretšwa pušo tikologo efe le efe, khamphani goba, mokgatlo goba motho mang le mang a bee pepeneneng dipuku ka moka gore di hlahlobje, direjestara le ditokumente tše a di swerego goba ka tlase ga taolo ya gagwe tše di tlogo, go ya ka kgopolo ya Mohlakisiphaphare, nolofatša phethagatšo ya tlhakišo ye e ukangwego ka go karolwana

Go hlongwa ga Foramo ya therišano ya kagodintlo

16. LelokolaKhuduthamagalekahloma foramo yeo e tlogo tsebja ka la Foramo therišano ya kagodintlo ya Profense ya Gauteng, (Gauteng Provincial Housing Consultative Forum.)
17. (1) Foramo e swanetše go ba le mediro le meholo ye e latelago -
 - (a) go thea ditshepetšo ka molao le ditsela tša go hlatloša therišano le kabelano ya tshedimošo gare ga Mmušo wa Profense e beng mašako ba bagolo setšhabeng le mmušong wa tikologo mabapi le Morero wa Mmušo wa Profense, theramelao le ditsela tša go fepa ka ditšhelete malebana le kagodintlo ka Profenseng.
 - (b) go kgonthiša gore morero, pewo molao le kabo ya ditšhelete malebana le tlhabollo ya kagodintlo di sepelelana le ditheo tša kakaretšo tše di dirišwago tlhabollong ya kago ya dintlo.
 - (c) go kgonthiša ponagatšo, maikarabelo le tekatekano mo tshepedišong ya tlhabollo ya kago ya dintlo.
 - (d) go tšwetšapele kgathotema ya bengmašako ba maswanedi ka moka ka go tlhabollo ya kagodintlo.
 - (e) go hlola tikologo yeo ka go yona bengmašako ka moka ba kgotsofatšago ditlamego tša bona tše di ba lebanego.

Peo ya maloko a Foramo

18. (1) Foramo e se bopše ke maloko a go feta 30 a a beilwego ke Leloko la Khuduthamaga ka tumelelano le maloko a mangwe a Khuduthamaga. Ge e se fela ge palo ya maloko a a beilwego e le ka fase ga 30, palo ya maloko a a beilwego e tla arolega ka tharo.
- (2) Mo pewong ya motho mang le mang bjalo ka leloko la Foramo, Leloko la Khuduthamaga le swanetše go -
- (a) hlokomela tsebo, boithutelo le boitsebelo bja motho yo bjalo malebana le ditaba tše di amago kagodintlo goba ditaba tše di amanago le kago ya dintlo; le
- (b) kgonthiša gore -
- (i) teetharong ya maloko a mohuta woo e tlo kgethwa ke pušolegae ya ka Profenseng.
- (ii) teetharong ya maloko a mabjalo e tla kgethwa ke mekgatlo ya go fapana le dihlopha tše di tšwago setšhabeng di emelago dikgahlego tša bareki ba dithoto tša kagodintlo le ditirelo ka Profenseng; le
- (iii) teetharong ya maloko a mohuta woo e tla kgethwa ke lekala la kgwebo goba lekala le le abago goba le thušago ka ditšhelete dithotong tša kago ya dintlo le ditirelo ka Profenseng.
- (3) Leloko la Foramoletla ba ofising lebaka le tlogo bewa ke Leloko la Khuduthamaga -
- (i) pakayeo e ka fedišwa ke Leloko la Khuduthamaga ge, kgopolong ya gagwe go na le mabaka a a lekanego; le
- (ii) paka ya leloko leo e fedišwa ge mokgatlo wo e ukangwego ka rolwaneng ya (2) (b) wo o mo kgethilego o gogela kgetho ya gagwe morago.
- (4) Leloko la Khuduthamaga e tla ba modulasetulo wa Foramo mme dikopano tša Foramo di tla swarwa ka nako tšeo le mafelo ao Leloko ka Khuduthamaga le tlogo a kgetha.
- (5) Khoramo ya kopano ya Foramo e tla feta 50% ya maloko a yona.

Phedišo ya boto ya kagodintlo ya Profense

19. Boto ya kagodintlo ya Profense (mo karolong ye e tlo kangwa e el "boto ya pejana") ya Profense ka go karolo 11 (1) ya Molao wa thulaganyo ya Kagodintlo, 1993 Molao No. 155 wa 1993), mokhwi o a fedišwa.

Phedišo ya Komitiphethišo ya Boto ya Kagodintlo ya Profense

20. Komitiphethišo ya boto ya Kagodintlo ya Profense ye e hlomilwego ka tlase ga Karolo 11A (1) (a) ya Molao wa Thulaganyo ya Dintlo, a 1995, (Molao No. 155 wa 1993) ka sekhwi o a phumolwa.

Tšhutišo ya matlotlo, melato, ditokelo le ditlamego tša Boto ya pejana.

21. (1) Mo go letšatšikgwele la go thoma ga Molao wo, matlotlo, melato, ditokelo, meholo le ditlamego ka moka tša Boto ya kagodintlo ya Profense ye e fedišitšwego ka go karolo 19 ya Molao wo, di a fedišetšwa.¹⁹ Ka taolo ya dikarolo 14 le 15 tša Molao wa kagodintlo wa 1997 (Molao No xxx 1997) ka go Komititaolo.
- (2) Ka taolo ya Molao wa Kagodintlo wa 1997 (Molao No. xxx wa 1997) matlotlo, melato, ditokelo, meholo le ditlamego ka moka tše di šutišetšwego go Komititaolo go ya ka karolwana (1), di swanetše go swarwa go ya ka taolo ya Mokhuduthamaga MEC.

Komititaolo

22. (1) Leloko la Khuduthamaga le swanetše go hloma komititaolo.
- (2) Mokhuduthamaga/MEC a ka bea -
 - (a) maithutelo a pewo, go ya ka mabaka a ofisi, le go tlogela ofisi ga maloko a Komiti, le go tlatša dikgoba tše di hlolegago ka sewelo ka Komiting;
 - (b) tsela ya go bea Leloko la Komiti;
 - (c) piitšo ya, tshepetšo le melao mo, le khoramo ya dikopano tša komiti le go lota metsotso a dikopano tše bjalo; le
 - (d) maemo a batho bao ba thwetšwego ke kgoro go dira modiro wo o amanago le meholo ya Komititaolo.
- (4) (a) Komiti e ka, ka tumelelo ya pele ga lebaka ya Leloko la Khuduthamaga, hloma Komitiana go e thuša mo phethagatšong ya meholo ya yona.
- (b) Tlhamo ya dikomitiana ka tlase ga Karolwana (1) e tla beakanywa ke komiti.
- (c) Komiti e ka abela ye mengwe ya meholo ya yona go komitiana ye bjalo, eupša e ka se amogwe meholo ye mebjalo mme e ka fetoša goba ya fediša sephetho sa komitiana ye bjalo.
- (d) Komiti e ka phatlalatša komitiana ye e hlomilwego ka tlase ga karolwana (1) nako ye nngwe le ye nngwe.

Maatla le meholo ya Komititaolo

23. Komititaolo e swanetše go -
 - (1) hloma bongwaledi bjo tlogo ikarabela go, hlogo ya kgoro, mabapi le phethagatšo ya meholo ka moka ya bongwaledi ya Foramothersano ya Gauteng, Boto ya keletšo ya

kagodintlo ya Profense le Komititaolo;

- (2) e beakanye data le tshedimošo tša Profense go fa pankha ya data ya setšhaba ya kagodintlo le lenaneotshedimošo la setšhaba la kagodintlo;
- (3) phethagatša meholo, maatla le mediro ya Boto ya Kagodintlo ya Profense ye e fedišitšwego go ya ka dipeelano tša Molao wo le go laola matlotlo, melato, ditokelo, mediro le ditlamego tša Boto ya Kagodintlo ya Profense go ya ka mo go beakantšwego ka go dikarolo 15 le 16 tša Molao wa Kagodintlo, wa 1997 (Molao No. xxx wa 1997);
- (4) hloma rejistara ye e hlakišitšwego ya matlotlo ka tlase ga tshepedišo ya taolo ya Profense;
- (5) dira dithulaganyo mabapi le tšhutišo ya matlotlo, melato, ditokelo, mediro le ditlamego tša kagodintlo go ya go bommasepala ba ba amogetšwego semolao.
- (6) dumelela kabo ya ditšhelete ya mananeo a kagodintlo a setšhaba go tšwa go Sekhwama sa Kagodintlo sa Profense le go laola sekhwama, go aba dithušo le go kgonthiša gore kabelo ya ngwaga ya profense go tšwa go Sekhwama sa Kagodintlo sa Afrika-Borwa, e dirišitšwe;
- (7) laola goba o bee baemedi go laola mananeo a kagodintlo a setšhaba ka gare ga Profense;
- (8) hloma dikomitiana -
 - (a) gohlohleletša le go hlabolla ditsela tše difsa diphetogo tša go fokotša ditshenyagalelo tša tlihabollo ya kagodintlo le go fapafapantšha mohuta wa moakanyetšo le kalo tše di dirišwago diprojekeng; tša Profense
 - (b) go sekaseka dikgopelo tša diprotšeke/merero tše di amogetšwego ke profense go ya ka dipeelano dife le dife tša lenaneo la setšhaba la kagodintlo le le sepetšwego ke profense.
 - (c) go hlapetša le go laola mananeo a kagodintlo a setšhaba a a thomilwego ka profenseng le diprotšeke tše di dumeletšwego ke profense goba mmasepala wo o amogetšwego.
 - (d) go tsinkela khuetšokhuetšo ya mananeo le diprotšeke, go hlokomedišišwa mafokodi le ipataganyo tše di šitišago phihlelelo ya maikemišetšo le dinepo tša profense.
 - (e) go laola le go hlapetša tshepetšo ya kamogelo ya dipušogae go ya ka moo go beilwego ka go Molao wa Kagodintlo, 1997 (Molao No. xxwa 1997); le
 - (f) go nyakišiša le go tšwetša pele go hlongwa ga dikoporasi tša kagodintlo le go hlapetša go ngwadišwa, meholo le tlihabollo ya dikoporasi tše bjalo.

Kabo ya maatla le meholo ya Mokhuduthamaga/ MEC

24. (1) Leloko la Khuduthamaga le ka no aba maatla goba mohola ofe le ofe woo o tlogo phethwa goba go diragatšwa go ya ka dipeelano tša Molao wo, go Khansele ya Mmasepala.

(2) Kabo ye e ukangwego ka go karolwana (1) e swanetše -

(i) go dirwa go ya ka dipeelano tša kwano gare ga MEC le Khansele ya Mmasepala.

(ii) go thoma go šoma ka kgoeletšo ya Tonakgolo.

Phetišetšo ga maatla le kabo ya mediro

25. (1) Leloko la Khuduthamaga le ka, ka taolo ya mabaka ao le ago go a bea -

(a) fetišetša maatla afe le afe ao a lego magetleng a gagwe ka tlase ga Molao wo; ka ntle le maatla a go ira melawana;

(b) aba wo mongwe le wo mongwe wa mediro ya gagwe go ya ka dipeelano tša Molao wo, go Hlogo ya Kgoro goba motho yoo a hirilwego ke kgoro goba Komititaolo.

(2) Hlogo ya kgoro e ka, gore go be le phethagatšo ye nepagetšego ya dipeekanyetšo tša Molao wo -

(a) fetišetša maatla afe le afe ao a a filwego ke Molao wo; le

(b) aba modiro ofe le ofe wo o beilwego godimo ga gagwe ke Molao wo, ka ntle le modiro wo a ego mohlankedi mohlakisi, go mohlankedi goba modiredi wa kgoro, maatla a gagwe goba ka lebaka la maemo ao a lego go ona goba poso yeo a lego go yona.

(3) Mohlankedi goba modiredi yo mongwe le yo mongwe yoo maatla afe le afe a fetišeditšwego go yena ba modiro o abilwego ka tsela yeo, o swanetše go šomiša maatla a mohuta woo, goba a phethe modiro ka taolo ya mabaka ao motho yo a dirilego phetišetšo yeo goba kabo yeo a bonago go nyakega.

(4) Phetišetšo goba kabo efe le efe ye bjalo -

(a) e swanetše go ngwalwa;

(b) ga e thibele motho yo a dirilego phetišetšo goba kabo go diriša maatla ao goba modiro wo mobjalo ka noši ;
le

- (c) e ka no bušetšwa morago ka go ngwalwa nako ye nngwe le ye nngwe ke motho yo bjalo.

Pego ya ngwaga

- 26 (1) Hlogo ya kgoro e swanetše go neela Mokhuduthamaga/MEC pego ya ngwaga ya ditiro tša gagwe go ya ka Molao wo.
- (2) Mokhuduthamaga/MEC o swanetše go hlagiša pego ye bjalo ka bjako pele ga Theramelao ya Profense.

Melawana

27. Leloko la Khuduthamaga le ka dira melawana ye e sa thulanego le Molao o, goba Molao wa Kagodintlo wa 1997 (Molao. No. xxx 1997), mabapi le efe le efe ya tše di latelago -
- (a) kamogelo ya dipušogae;
 - (b) tlhomo, ngwadišo le meholo ya dikoporasi tša kagodintlo;
 - (c) go kgonthiša dikgetho tša tokelo ya dithoto tše di swanetšego go hwetšagala go baholegi ba kagodintlo;
 - (d) mananeo a tlhabollo ya kagodintlo a phethagatšwe ke mmušo wa profense gammogo le dipušogae tša ka profenseng;
 - (e) peakanyetšo ya rente goba dithoto dife le dife tša leago tša kagodintlo ka profenseng; le
 - (f) ka kakaretšo; taba efe le efe yeo Mokhuduthamaga/MEC e bonago e nyakega goba e swanetše go bea gore maikemišetšo a molao wo a fihlelwe.

Thaetlele ye kopana le go thoma

28. Molao wo o tla bitšwa Molao wa Kagodintlo wa Gauteng, 1997 gomme o la thoma go šoma tšatšikgweding leo le beilwego ke Tonakgolo ka kgoeletšo ka go Kuranta ya Mmušo ya Profense.

MOLAOKAKANYWA WA KAGODINTLO WA GAUTENG

MEMORANTAMOTLHALOSI

1. BOITHEKGO

1.1 Molaokakanywa wa kagodintlo wa 1997, ke maitekelo a Mmušo wa naga go fediša melao ka moka ya setšhaba ya kagodintlo le go tloša molao wo ka molao wa mohlako go hlahla tlhabollo ya kagodintlo ka gare ga makala ka moka a Mmušo go ya ka Molaotheo. Molaokakanywa wa setšhaba o hlagiša fela metheokakaretšo mme wa beakanyetša bonnete malebana le meholo ya makala a mararo a Mmušo mabapa le tlhabollo ya kagodintlo. Gape molaokakanywa wa setšhaba o beakanyetša tšhutišo ya meholo ye itšego, matlotlo, le melato, le go hlomiwa ga tša kabo ya ditšhelete le ditheo ka go Mmušo wa Profense.

Molaokakanywa wa kagodintlo wa Gauteng o nyaka go hlatloša molaokakanywa wa setšhaba tse di nyakegago tša pewomelao tša Profense mabapa le go dirišwa ga molaokakanywa woo.

1.2. Kagodintlo ke lekalatiro la tshepelelano ya molao wa setšhaba le wa Profense go ya ka mo go tlase ga šetulo ya Molaotheo. Ka baka la nyako ya dintlo tše maswanedi tša dithoto (thenya) ka Profenseng, Mmušo wa Profense o nyaka, ka go diriša molaokakanywa wa kagodintlo wa Gauteng, go hlola mohlako wo o nepagetšego wa molao woo ka go wona go tlogo hlabollwa le go laola kagodintlo ka Profenseng.

2. MAIKEMIŠETŠO A MOLAOKAKANYWA

2.1. Kgotsotfatšo ya dinyakwa tša setšhaba

Molaokakanywa o nepile go bea madulong dipeakanyetšo tša molao ka moka tše di nyakegago mabapi le go dirišwa ga molaokakanywa wa setšhaba wa kagodintlo go tsenywa le go hlongwa ga sekhwama sa Profense sa kagodintlo go hlongwa ga dithulanyo tša dihlolongwa tše maswanedi go tšea maemo a Boto ya kagodintlo ya Profense ye e hlomilwego ka fase ga Molao wa Dipeakanyo tša kagodintlo, No.155 wa 1993, le go hlomiwa ga ditshepetšo tša kamogelo ya dipušogae.

2.2 Dithulaganyo tša dihlolongwa

Karolo 8 (13) ya molaokakanywa wa kagodintlo o beakanyetša gore Boto ya kagodintlo ya Profense efe le efe ye e hlomilwego ka tlase ga Molao wa Dipeakanyo tša kagodintlo, No.155 wa 1993, e ka no fedišwa ke molao wa theramelao ya Profense ye e lebaganego le gore molao wo o swanetše go

beakanyetša phethagatšo ya meholo ya PHB/BKP ka tlase ga dithulaganyo tše mpsha. Molaokakanywa wa kabodintlo wa Gauteng o beakanyetša phedišo ya Boto ya kagodintlo ya Gauteng le go hlongwa ga lekgotlakeletši la Kagodintlo ya Profense, foramotherišano ya kagodintlo ya Profense, le Komititaolo tšeo ka tšona mananeo a kagodintlo a setšhaba a tlogo sepedišwa ka gona ka moso.

2.3 Tlhomo ya mohlako wa taolo

Molaokakanywa wokhwi o fa leloko la Khuduthamaga le le ikarabelago mo go kagodintlo go goeletša melawana ditabeng ka moka tšeo di kago nyakega go hlabolla le go laola kagodintlo ka Profenseng. Mabaka a bjale a gapeletša gore go be le dikgato tša taolo go thuša Mmušo wa Profense phethagatšong ya taolo ya wona ya kagodintlo.

- * ditshepišo tša kamogelo ya semolao ya dipušogae go, sa pele, amogela tšhutišo ya matlotlo le melato le, sa bobedi, tiišetša meholo malebana le mananeo a setšhaba a kagodintlo:

šapele tlhomo le matlafatšo ya dihlongwa tša leago tša kagodintlo, le go laola le go hlapetša ditiro tša dihlongwa tše bjalo ka Profenseng,

- * melawana go kgonthiša taolo ye botse ya kagodintlo ya khirišo ka Profenseng, le go tšwetšapele ditefo tša rente le mehuta ye mengwe ya kagodintlo ya leago ka morero wo mofsa wa kagodintlo,
- * melawana malebana le sekhurithi sa go ba le mobu; le

nta ya nolofatšo tirišo ya mananeo a tlihabollo a kagodintlo ka Profenseng

3. Dikagare tša molaokakanywa

3.1 Karolo 1 - Ditlhalošišo

Karolo ye e na le ditlhalošišo ka moka tše di kago nyakega tlhathollong ya molaokakanywa.

3.2 Karolo 2 - Tirišo ya molao

Karolo ye e dira gore molaokakanywa o šomišege ka Profenseng ya Gauteng.

1833 Ditheo tše di thekgilego tlihabollo ya kagodintlo ka Profenseng.

Karolo ye e kgethela ditheo tšeo di tlogo šupa tlihabollo ya kagodintlo ka Profenseng.

3.4 Karolo 4 - Maatlakakaretšo le mediro ya leloko la khuduthamaga

Karolo ye e kgethela meholo, mediro le maatla a leloko la khanselephethišo ye e ikarabelago go kagodintlo ka Profenseng.

3.5 Karolo 5 - Thewo ya lekgotlakeletši la kagodintlo la profense

Karolo ye e hloma Lekgotlakeletši.

3.6 Karolo 6 - Tlhamo ya lekgotlakeletši

Karolo ye e bea gore Lekgotlakeletši le le boletšwego le tla ba le maloko a seelago (6) mme e beela gape tsela yeo ka yona Lekgotla le tlogo bewa.

3.7 Karolo 7 - Maatla le mediro ya lekgotlakeletši

Karolo ye e kgethela meholo le maikarabelo a Lekgotla.

3.8 Karolo 8 - Ditlamo tša modiro

Karolo ye e beakanyetša tefo ya maloko a Lekgotla.

3.9 Karolo 9 - Pakatiro ya maloko

Karolo ye e bea lebaka la tirelo la maloko a Lekgotla.

3.10 Karolo 10 - Go tlogela ofisi ga leloko

Karolo ye e bea mabaka ao ka ona maloko a Lekgotlakeletši a tlogo tlogela maemo a ona a go ba maloko a Lekgotlakeletši

3.11 Karolo 11 - Dikopano tša Lekgotlakeletši

Karolo ye e beakanyetša dikopano tša Lekgotlakeletši gammogo le meholo ya bongwaledi bja Boto.

3.12 - Thewo ya sekhwama sa kagodintlo sa Profense ya Gauteng

Karolo ye e hloma sekhwama mme ya bea meholo le diteng tša sekhwama

3.13 Karolo 13 - Mohola wa hlogo ya kgoro kamanong le sekhwama.

Karolo ye e hlaola hlogo ya kgoro bjalo ka mohlankedimohlakiši wa ditšhete ka sekhwameng

3.14 - Mohola wa leloko la khuduthamaga kamanong le sekhwama

Karolo ye e kgethela meholo, mediro le maatla a leloko la khuduthamaga le le ikarabelago go kagodintlo malebane le sekhwama.

3.15 Karolo 15 - Tlhakišo ya dipuku le dipego tša akhaonto

Karolo ye e beakanyetša gore sekhwama se hlakišwe ke mohlakišipharephare.

3.16 Karolo 16 - Thewo ya foramotherišano ya kagodintlo

Karolo ye e thea foramo

3.17 Karolo 17 - Mediro le meholo ya foramo

Karolo ye e bea meholo le mediro ya foramo.

3.18 Karolo 18 - Pewo ya maloko a foramo

Karolo ye e bea gore foramo e tla ba le maloko a o a kgethilwego ke pušogae, bareki le baagi ba dinyakwa le gore palo ya ona e ka se fete masometharo (30). Go iša pele karolo ye e bea dipakatiro tša maloko a foramo le ka moo dikopano tša foramo di tlogo swarwa.

3.19 Karolo 19 - Phedišo ya boto ya kagodintlo ya Profense

Karolo ye e fediša Boto ya kagodintlo ya Profense ye e hlomilwego ka tlase ga molao wa dithulaganyo tša kagodintlo, No.155 wa 1993.

3.20 Karolo 20 - Phedišo ya komitiphetišo ya boto ya kagodintlo ya profense

Karolo ye e fediša komitiphetišo ya Boto ya kagodintlo ya Profense ye e hlomilwego ka tlase ga molao wa dithulaganyo tša kagodintlo, No.155 wa 1993.

3.21 Karolo 21 - Tšhutišo ya matlotlo, melato, ditokelo, mediro le ditlamego tša boto ya pejana.

Karolo ye e beakanyetša go šuthišwa ga matlotlo ka moka, melato, ditokelo mediro le ditlamego go tšwa go Boto ya pejana go ya go komititaolo ye e hlomilwego go ya ka karolo 22.

3.22 Karolo 22 - komititaolo

Karolo ye e hloma komititaolo mme ya beakanyetša ditaba tša tshepedišo tše di amanago nayo.

3.23 Karolo 23 - Maatla le meholo ya komititaolo

Karolo ye e bea mediro, meholo le maatla a komititaolo.

3.24 Karolo 24 - Kabo ya maatla le mohola ya Mokhuduthamaga/MEC

Karolo ye e beakanyetša kabo ya maatla le meholo go dipušogae.

3.25 Karolo 25 - Phetišetšo ya maatla le kabo ya mediro

Karolo ye e beakanyetša phetišetšo ya maatla le mediro ka Mokhuduthamaga/MEC le hlogo ya kgoro ka kamano le ditaba tša kagodintlo.

3.26 Karolo 26 - Pego ya ngwaga

Karolo ye e bea gore pegu ya ngwaga etlo rulagangwa ke hlogo ya kgoro go hlalishwa pele ga tharamelao ya Profense.

3.27 Karolo 27 - Melawana

Karolo ye e beakanyetša kgoeletšo ya melawana ke Mokhuduthamaga/MEC mabapi le ditaba tše mmalwa go tsenywa le kamogelo ya semolao ya dipușogae, dikoporasi tsa kagodintlo, thenya, mananeo a kagothuto, dirente le kagodintlo ya leago le ditaba tše dingwe.

3.28 Karolo 28 - Thaetlele ye kopana le thomišo

Karolo ye e beakanyetša gore leina la molao wo e be Molaokakanywa wa Kagodintlo wa Gauteng.

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Kabo ya maatla le meholo ya Mokhuduthamaga/ MEC

24. (1) Leloko la Khuduthamaga le ka no aba maatla goba mohola ofe le ofe woo o tlogo phethwa goba go diragatšwa go ya ka dipeelano tša Molao wo, go Khansele ya Mmasepala.

(2) Kabo ye e ukangwego ka go karolwana (1) e swanetše -

(i) go dirwa go ya ka dipeelano tša kwano gare ga MEC le Khansele ya Mmasepala.

(ii) go thoma go šoma ka kgoeletšo ya Tonakgolo.

Phetišetšo ga maatla le kabo ya mediro

25. (1) Leloko la Khuduthamaga le ka, ka taolo ya mabaka ao le ago go a bea -

(a) fetišetša maatla afe le afe ao a lego magetleng a gagwe ka tlase ga Molao wo; ka ntle le maatla a go ira melawana;

(b) aba wo mongwe le wo mongwe wa mediro ya gagwe go ya ka dipeelano tša Molao wo, go Hlogo ya Kgoro goba motho yoo a hirilwego ke kgoro goba Komititaolo.

(2) Hlogo ya kgoro e ka, gore go be le phethagatšo ye nepagetšego ya dipeekanyetšo tša Molao wo -

(a) fetišetša maatla afe le afe ao a a filwego ke Molao wo; le

(b) aba modiro ofe le ofe wo o beilwego godimo ga gagwe ke Molao wo, ka ntle le modiro wo a ego mohlankedi mohlakisi, go mohlankedi goba modiredi wa kgoro, maatla a gagwe goba ka lebaka la maemo ao a lego go ona goba poso yeo a lego go yona.

(3) Mohlankedi goba modiredi yo mongwe le yo mongwe yoo maatla afe le afe a fetišeditšwego go yena ba modiro o abilwego ka tsela yeo, o swanetše go šomiša maatla a mohuta woo, goba a phethe modiro ka taolo ya mabaka ao motho yo a dirilego phetišetšo yeo goba kabo yeo a bonago go nyakega.

(4) Phetišetšo goba kabo efe le efe ye bjalo -

(a) e swanetše go ngwalwa;

(b) ga e thibele motho yo a dirilego phetišetšo goba kabo go diriša maatla ao goba modiro wo mobjalo ka noši ;
le

- (c) e ka no bušetšwa morago ka go ngwalwa nako ye nngwe le ye nngwe ke motho yo bjalo.

Pego ya ngwaga

- 26 (1) Hlogo ya kgoro e swanetše go neela Mokhuduthamaga/MEC pego ya ngwaga ya ditiro tša gagwe go ya ka Molao wo.
- (2) Mokhuduthamaga/MEC o swanetše go hlapiša pego ye bjalo ka bjako pele ga Theramelao ya Profense.

Melawana

27. Leloko la Khuduthamaga le ka dira melawana ye e sa thulanego le Molao o, goba Molao wa Kagodintlo wa 1997 (Molao. No. xxx 1997), mabapi le efe le efe ya tše di latelago -
- (a) kamogelo ya dipušogae;
 - (b) tlhomo, ngwadišo le mehola ya dikoporasi tša kagodintlo;
 - (c) go kgonthiša dikgetho tša tokelo ya dithoto tše di swanetšego go hwetšagala go baholegi ba kagodintlo;
 - (d) mananeo a tlhabollo ya kagodintlo a phethagatšwe ke mmušo wa profense gammogo le dipušogae tša ka profenseng;
 - (e) peakanyetšo ya rente goba dithoto dife le dife tša leago tša kagodintlo ka profenseng; le
 - (f) ka kakaretšo; taba efe le efe yeo Mokhuduthamaga/MEC e bonago e nyakega goba e swanetše go bea gore maikemišetšo a molao wo a fihlelwe.

Thaetlele ye kopana le go thoma

28. Molao wo o tla bitšwa Molao wa Kagodintlo wa Gauteng, 1997 gomme o la thoma go šoma tšatšikgweding leo le beilwego ke Tonakgolo ka kgoeletšo ka go Kuranta ya Mmušo ya Profense.

MOLAOKAKANYWA WA KAGODINTLO WA GAUTENG

MEMORANTAMOTLHALOSI

1. BOITHEKGO

1.1 Molaokakanywa wa kagodintlo wa 1997, ke maitekelo a Mmušo wa naga go fediša melao ka moka ya setšhaba ya kagodintlo le go tloša molao wo ka molao wa mohlako go hlahlala tlhabollo ya kagodintlo ka gare ga makala ka moka a Mmušo go ya ka Molaotheo. Molaokakanywa wa setšhaba o hlagiša fela metheokakaretšo mme wa beakanyetša bonnete malebana le meholo ya makala a mararo a Mmušo mabapa le tlhabollo ya kagodintlo. Gape molaokakanywa wa setšhaba o beakanyetša tšhutišo ya meholo ye itšego, matlotlo, le melato, le go hlomiwa ga tša kabo ya ditšhelete le ditheo ka go Mmušo wa Profense.

Molaokakanywa wa kagodintlo wa Gauteng o nyaka go hlatloša molaokakanywa wa setšhaba tse di nyakegago tša pewomelao tša Profense mabapa le go dirišwa ga molaokakanywa woo.

1.2. Kagodintlo ke lekalatiro la tshepelelano ya molao wa setšhaba le wa Profense go ya ka mo go tlase ga šetulo ya Molaotheo. Ka baka la nyako ya dintlo tše maswanedi tša dithoto (thenya) ka Profenseng, Mmušo wa Profense o nyaka, ka go diriša molaokakanywa wa kagodintlo wa Gauteng, go hlola mohlako wo o nepagetšego wa molao woo ka go wona go tloga hlabollwa le go laola kagodintlo ka Profenseng.

2. MAIKEMIŠETŠO A MOLAOKAKANYWA

2.1. Kgotsotfatšo ya dinyakwa tša setšhaba

Molaokakanywa o nepile go bea madulong dipeakanyetšo tša molao ka moka tše di nyakegago mabapi le go dirišwa ga molaokakanywa wa setšhaba wa kagodintlo go tsenywa le go hlongwa ga sekhwama sa Profense sa kagodintlo go hlongwa ga dithulanyo tša dihlolongwa tše maswanedi go tšea maemo a Boto ya kagodintlo ya Profense ye e hlomilwego ka fase ga Molao wa Dipeakanyo tša kagodintlo, No. 155 wa 1993, le go hlomiwa ga ditshepetšo tša kamogelo ya dipušogae.

2.2 Dithulaganyo tša dihlolongwa

Karolo 8 (13) ya molaokakanywa wa kagodintlo o beakanyetša gore Boto ya kagodintlo ya Profense efe le efe ye e hlomilwego ka tlase ga Molao wa Dipeakanyo tša kagodintlo, No. 155 wa 1993, e ka no fedišwa ke molao wa theramelao ya Profense ye e lebaganego le gore molao wo o swanetše go

beakanyetša phethagatšo ya meholo ya PHB/BKP ka tlase ga dithulaganyo tše mpsha. Molaokakanywa wa kabodintlo wa Gauteng o beakanyetša phedišo ya Boto ya kagodintlo ya Gauteng le go hlongwa ga lekgotlakeletši la Kagodintlo ya Profense, foramotherišano ya kagodintlo ya Profense, le Komititaolo tše ka tšona mananeo a kagodintlo a setšhaba a tlogo sepedišwa ka gona ka moso.

2.3 Tlhommo ya mohlako wa taolo

Molaokakanywa wokhwi o fa leloko la Khuduthamaga le le ikarabelago mo go kagodintlo go goeletša melawana ditabeng ka moka tše di kago nyakega go hlabolla le go laola kagodintlo ka Profenseng. Mabaka a bjale a gapeletša gore go be le dikgato tša taolo go thuša Mmušo wa Profense phethagatšong ya taolo ya wona ya kagodintlo.

- * ditshepišo tša kamogelo ya semolao ya dipušogae go, sa pele, amogela tšhutišo ya matlotlo le melato le, sa bobedi, tiišetša meholo malebana le mananeo a setšhaba a kagodintlo:

iapele tlhommo le matlafatšo ya dihlolongwa tša leago tša kagodintlo, le go laola le go hlapetša ditiro tša dihlolongwa tše bjalo ka Profenseng,

- * melawana go kgonthiša taolo ye botse ya kagodintlo ya khirišo ka Profenseng, le go tšwetšapele ditefo tša rente le mehuta ye mengwe ya kagodintlo ya leago ka morero wo mofsa wa kagodintlo,
- * melawana malebana le sekhurithi sa go ba le mobu; le

nta ya nolofatšo tirišo ya mananeo a tlhabollo a kagodintlo ka Profenseng

3. Dikagare tša molaokakanywa

3.1 Karolo 1 - Ditlhalošišo

Karolo ye e na le ditlhalošišo ka moka tše di kago nyakega tlhathollong ya molaokakanywa.

3.2 Karolo 2 - Tirišo ya molao

Karolo ye e dira gore molaokakanywa o šomišege ka Profenseng ya Gauteng.

1833 Ditheo tše di thekgilego tlhabollo ya kagodintlo ka Profenseng.

Karolo ye e kgethela ditheo tše di tlogo šupa tlhabollo ya kagodintlo ka Profenseng.

3.4 Karolo 4 - Maatlakakaretšo le mediro ya leloko la khuduthamaga

Karolo ye e kgethela meholo, mediro le maatla a leloko la khanselephethišo ye e ikarabelago go kagodintlo ka Profenseng.

3.5 Karolo 5 - Thewo ya lekgotlakeletši la kagodintlo la profense

Karolo ye e hloma Lekgotlakeletši.

3.6 Karolo 6 - Tlhamo ya lekgotlakeletši

Karolo ye e bea gore Lekgotlakeletši le le boletšwego le tla ba le maloko a seelago (6) mme e beela gape tsela yeo ka yona Lekgotla le tlogo bewa.

3.7 Karolo 7 - Maatla le mediro ya lekgotlakeletši

Karolo ye e kgethela meholo le maikarabelo a Lekgotla.

3.8 Karolo 8 - Ditlamo tša modiro

Karolo ye e beakanyetša tefo ya maloko a Lekgotla.

3.9 Karolo 9 - Pakatiro ya maloko

Karolo ye e bea lebaka la tirelo la maloko a Lekgotlao.

3.10 Karolo 10 - Go tlogela ofisi ga leloko

Karolo ye e bea mabaka ao ka ona maloko a Lekgotlakeletši a tlogo tlogela maemo a ona a go ba maloko a Lekgotlakeletši

3.11 Karolo 11 - Dikopano tša Lekgotlakeletši

Karolo ye e beakanyetša dikopano tša Lekgotlakeletši gammogo le meholo ya bongwaledi bja Boto.

3.12 - Thewo ya sekhwama sa kagodintlo sa Profense ya Gauteng

Karolo ye e hloma sekhwama mme ya bea mohola le diteng tša sekhwama

3.13 Karolo 13 - Mohola wa hlogo ya kgoro kamanong le sekhwama.

Karolo ye e hlaola hlogo ya kgoro bjalo ka mohlankedimohlakiši wa ditšhelete ka sekhwameng

3.14 - Mohola wa leloko la khuduthamaga kamanong le sekhwama

Karolo ye e kgethela meholo, mediro le maatla a leloko la khuduthamaga le le ikarabelago go kagodintlo malebane le sekhwama.

3.15 Karolo 15 - Tlhakišo ya dipuku le dipego tša akhaonto

Karolo ye e beakanyetša gore sekhwama se hlakišwe ke mohlakišipharephare.

3.16 Karolo 16 - Thewo ya foramotherišano ya kagodintlo

Karolo ye e thea foramo

3.17 Karolo 17 - Mediro le meholo ya foramo

Karolo ye e bea meholo le mediro ya foramo.

3.18 Karolo 18 - Pewo ya maloko a foramo

Karolo ye e bea gore foramo e tla ba le maloko a o a kgethilwego ke pušogae, bareki le baagi ba dinyakwa le gore palo ya ona e ka se fete masometharo (30). Go iša pele karolo ye e bea dipakatiro tša maloko a foramo le ka moo dikopano tša foramo di tlogo swarwa.

3.19 Karolo 19 - Phedišo ya boto ya kagodintlo ya Profense

Karolo ye e fediša Boto ya kagodintlo ya Profense ye e hlomilwego ka tlase ga molao wa dithulaganyo tša kagodintlo, No.155 wa 1993.

3.20 Karolo 20 - Phedišo ya komitiphetišo ya boto ya kagodintlo ya profense

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3.21 Karolo 21 - Tšhutišo ya matlotlo, melato, ditokelo, mediro le ditlamego tša boto ya pejana.

Karolo ye e beakanyetša go šuthišwa ga matlotlo ka moka, melato, ditokelo mediro le ditlamego go tšwa go Boto ya pejana go ya go komititaolo ye e hlomilwego go ya ka karolo 22.

3.22 Karolo 22 - komititaolo

Karolo ye e hloma komititaolo mme ya beakanyetša ditaba tša tshepedišo tše di amanago nayo.

3.23 Karolo 23 - Maatla le meholo ya komititaolo

Karolo ye e bea mediro, meholo le maatla a komititaolo.

3.24 Karolo 24 - Kabo ya maatla le mohola ya Mokhuduthamaga/MEC

Karolo ye e beakanyetša kabo ya maatla le meholo go dipušogae.

3.25 Karolo 25 - Phetišetšo ya maatla le kabo ya mediro

Karolo ye e beakanyetša phetišetšo ya maatla le mediro ka Mokhuduthamaga/MEC le hlogo ya kgoro ka kamano le ditaba tša kagodintlo.

3.26 Karolo 26 - Pego ya ngwaga

Karolo ye e bea gore pegu ya ngwaga etlo rulagangwa ke hlogo ya kgoro go hlagišwa pele ga theramelao ya Profense.

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Karolo ye e beakanyetša kgoeletšo ya melawana ke Mokhuduthamaga/MEC mabapi le ditaba tše mmalwa go tsenywa le kamogelo ya semolao ya dipušogae, dikoporasi tsa kagodintlo, thenya, mananeo a kagothuto, dirente le kagodintlo ya leago le ditaba tše dingwe.

3.28 Karolo 28 - Thaetlele ye kopana le thomišo

Karolo ye e beakanyetša gore leina la molao wo e be Molaokakanywa wa Kagodintlo wa Gauteng.

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