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PROVINCIAL NOTICE

The following Bill is hereby published for general information:

Western Cape Housing Development Amendment Bill [B
1—2005]

P.N. 36/2005

4 February 2005

Any person or organisation wishing to comment on the said Bill is requested to lodge such comment in writing before or on 25 February 2005:

(a) by posting it to:

The Acting Secretary:
Western Cape
Provincial Parliament (Attention: Mr. J. Nkabinde)
P.O. Box 648
Cape Town
8000

(b) by email to:

jnkabinde@wcpp.gov.za

(c) by fax to:

J. Nkabinde
(021) 487-1685

R. G. Hindley

Acting Secretary to Parliament

INHOUD

PROVINSIALE KENNISGEWING

Die volgende Wetsontwerp word hierby vir algemene inligting gepubliseer:

Wes-Kaapse Behuisingsontwikkelingswysigingswetsontwerp
[W 1—2005]

P.K. 36/2005

4 Februarie 2005

Enige persoon of organisasie wat kommentaar oor die genoemde Wetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 25 Februarie 2005:

(a) deur dit te pos aan:

Die Waarnemende Sekretaris:
Wes-Kaapse
Provinsiale Parlement (Aandag: mnr. J. Nkabinde)
Posbus 648
Kaapstad
8000

(b) deur dit te epos aan:

jnkabinde@wcpp.gov.za

(c) deur dit te faks aan:

J. Nkabinde
(021) 487-1685

R. G. Hindley

Waarnemende Sekretaris van die Parlement

GENERAL EXPLANATORY NOTE:

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

BILL

To amend the Western Cape Housing Development Act, 1999; to provide for the abolition of the Western Cape Housing Development Board; to provide for the establishment of an advisory panel to advise the Provincial Minister on housing matters; to regulate the transfer of assets of the Western Cape Housing Development Board, and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

Amendment of section 1 of Act 6 of 1999

1. Section 1 of the Western Cape Housing Development Act, 1999 (Act 6 of 1999) (the principal Act), is amended— 5
- (a) by the insertion before the definition of “Board” of the following definition: 5
 “‘accounting officer’ means the Head of Department;”;
 - (b) by the insertion after the definition of “accounting officer” of the following definition: 10
 “‘Advisory Panel’ means the Western Cape Housing Advisory Panel established in terms of section 5;”;
 - (c) by the deletion of the definition of “Board”;
 - (d) by the insertion before the definition of “Department” of the following definition: 15
 “‘Code’ means the National Housing Code;”;
 - (e) by the insertion before the definition of “provincial housing programme” of the following definition: 20
 “‘Provincial Government’ means the provincial government of the Western Cape as indicated in section 103(1)(i) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);”;
 - (f) by the deletion of the word “and” at the end of the definition of “Provincial Minister”;
 - (g) by the insertion after the definition of “Provincial Minister” of the following definitions: 25
 “‘Provincial Revenue Fund’ means the Provincial Revenue Fund of the Province as contemplated by the definition of ‘Revenue Fund’ in the Public Finance Management Act;”;

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skappings uit
bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in be-
staande verordenings aan.
-
-

KONSEPWETSONTWERP

Om die Wes-Kaapse Behuisingsontwikkingswet, 1999 te wysig; om voorsiening te maak vir die afskaffing van die Wes-Kaapse Behuisingsontwikkingsraad; om voorsiening te maak vir die instelling van 'n adviespaneel om die Provinsiale Minister oor behuisingsaangeleenthede te adviseer; om die oordrag van bates van die Wes-Kaapse Behuisingsontwikkingsraad te reguleer, en om voorsiening te maak vir sake wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie Wes-Kaap, soos volg:—

Wysiging van artikel 1 van Wet 6 van 1999

1. Artikel 1 van die Wes-Kaapse Behuisingsontwikkingswet, 1999 (Wet 6 van 5 1999)(die Hoofwet), word gewysig—

- (a) deur die volgende omskrywing voor die omskrywing van “behuisingsontwikkeling” in te voeg:
“Adviespaneel” die Wes-Kaapse Behuisingsadviespaneel ingestel ingevolge artikel 5;”;
- 10 (b) deur die volgende omskrywing na die omskrywing van “Hoof van die Departement” in te voeg:
“Kode” die Nasionale Behuisingskode;”;
- (c) deur die volgende omskrywing na die omskrywing van “provinsiale behuisingsprogram” in te voeg:
15 “Provinsiale Inkomstefonds” die Provinsiale Inkomstefonds soos beoog by die woordomskrywing van ‘Inkomstefonds’ in die Wet op Openbare Finansiële Bestuur;”;
- (d) deur die volgende omskrywing na die omskrywing van “Provinsiale Minister” in te voeg:
20 “Provinsiale Regering” die provinsiale regering van die Wes-Kaap soos aangedui in artikel 103(1)(i) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);”;
- (e) deur die woord “en” aan die einde van die omskrywing van “Provinsie” te skrap;
- 25 (f) deur die volgende omskrywing na die omskrywing van “Raad” in te voeg:
“rekenpligtige beampte” die Hoof van die Departement;”;
- (g) deur die omskrywing van “Raad” te skrap;

“Public Finance Management Act” means the Public Finance Management Act, 1999 (Act 1 of 1999); and:”.

Substitution for “Board” of “Advisory Panel” in Act 6 of 1999

2. The principal Act is amended by the substitution for the word “Board”, wherever it occurs, of the words “Advisory Panel”, except if indicated otherwise. 5

Amendment of section 4 of Act 6 of 1999

3. Subsection (1) of section 4 of the principal Act is amended—
- (a) in paragraph (d), by the deletion of the word “and” at the end of that paragraph;
 - (b) by the substitution for paragraph (e) of the following paragraph: 10
“(e) must appoint[s] the members of the [Board] Advisory Panel in accordance with section 8; and”; and
 - (c) by the addition of the following paragraphs:
 - “(f) must administer every national housing programme and every provincial housing programme which is consistent with national housing policy and for this purpose may, in accordance with that programme and the prescripts contained in the Code, approve- 15
 - (i) any projects in respect thereof; and
 - (ii) any financing thereof;
 - (g) must determine provincial housing development priorities in accordance with national housing policy; 20
 - (h) must, in respect of housing development, apply procurement policy determined by the National Minister; and
 - (i) must administer the assets contemplated in section 6.”. 25

Substitution of section 5 of Act 6 of 1999 25

4. The following section is substituted for section 5 of the principal Act:

“Establishment of Western Cape Housing Advisory Panel

5. There is established an advisory panel to be known as the Western Cape Housing Advisory Panel.”. 30

Substitution of section 6 of Act 6 of 1999

5. The following section is substituted for section 6 of the principal Act:

“Abolition of Western Cape Housing Development Board

- 6. (1) The Western Cape Housing Development Board is abolished. 35
- (2) All movable and immovable property, including any right or claim in the latter property, and all the rights and liabilities of the Board abolished in terms of subsection (1), pass to the Provincial Government on the date on which the Western Cape Housing Development Amendment Act, 2005 comes into operation. 40
- (3) The Registrar of Deeds must, at the request of the Head of Department and on submission by him or her of the relevant title deeds and the certificate referred to in subsection (5), make the necessary endorsements in the deeds registry and on the title deeds to give effect to the passage of immovable property referred to in subsection (2). 45
- (4) No transfer duty, stamp duty or registration fee is payable in respect of the passage of immovable property referred to in subsection (2).
- (5) The Head of Department must, for the purposes of subsection (3), issue a certificate to the effect that the immovable property, claim or right mentioned in the certificate has passed to the Provincial Government.”. 50

- (h) deur die volgende omskrywing na die omskrywing van "rekenpligtige beampte" in te voeg:

"'Wet op Openbare Finansiële Bestuur' Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999)."

5 Vervanging van "Raad" deur "Adviespaneel" in Wet 6 van 1999

2. Die Hoofwet word gewysig deur die woord "Raad", oral waar dit voorkom, deur die woord "Adviespaneel" te vervang, behalwe indien anders aangedui.

Wysiging van artikel 4 van Wet 6 van 1999

3. Subartikel (1) van artikel 4 van die Hoofwet word gewysig—
- 10 (a) in paragraaf (d), deur die woord "en" aan die einde van daardie paragraaf te skrap;
- (b) deur paragraaf (e) deur die volgende paragraaf te vervang:
- "(e) [stel] moet die lede van die Raad [aan] aanstel ooreenkomstig artikel 8; en"; en
- 15 (c) deur die volgende paragrawe toe te voeg:
- "(f) moet elke nasionale behuisingsprogram en elke provinsiale behuisingsprogram wat met die nasionale behuisingsbeleid bestaanbaar is, administreer en kan vir hierdie doel, in ooreenstemming met daardie program en die voorskrifte in die Kode vervat—
- 20 (i) enige projekte wat deel van die program uitmaak, goedkeur; en
- (ii) enige finansiering daarvan goedkeur;
- (g) moet provinsiale behuisingsontwikkelprioriteite ooreenkomstig nasionale behuisingsbeleid bepaal;
- (h) moet ten opsigte van behuisingsontwikkeling die verkrygingsbeleid wat
- 25 deur die Nasionale Minister bepaal is; en
- (i) moet die bates in artikel 6 beoog, administreer."

Vervanging van artikel 5 van Wet 6 van 1999

4. Artikel 5 van die Hoofwet word deur die volgende artikel vervang:

"Instelling van Wes-Kaapse Behuisingsadviesraad"

- 30 5. Daar word 'n adviespaneel aangestel wat bekend sal staan as die Wes-Kaapse Behuisingsadviespaneel."

Vervanging van artikel 6 van Wet 6 van 1999

5. Artikel 6 van die Hoofwet word deur die volgende artikel vervang:

"Afskaffing van Wes-Kaapse Behuisingsontwikkingsraad"

- 35 6. (1) Die Wes-Kaapse Behuisingsontwikkingsraad word afgeskaf.
- (2) Alle roerende en onroerende eiendom, insluitende enige reg of aanspraak op laasgenoemde eiendom, en al die regte en laste van die Raad wat ingevolge subartikel (1) afgeskaf word, gaan oor op die provinsiale regering van die Wes-Kaap op die datum waarop die Wes-Kaapse Behuisingsontwikkingswysigingswet, 2005 in werking tree.
- 40 (3) Die Registrateur van Aktes moet op versoek van die Hoof van die Departement en by voorlegging deur hom of haar van die betrokke titelbewyse en die sertifikaat bedoel in subartikel (5), die nodige endosemente in die akteskantoor en op die titelbewyse aanbring om die oorgang van onroerende eiendom bedoel in subartikel (2) van krag te maak.
- 45 (4) Geen hereregte, seëlregte of registrasiegeld is betaalbaar ten opsigte van die oorgang van onroerende eiendom in subartikel (2) bedoel nie.
- (5) Die Hoof van die Departement moet vir die doeleindes van subartikel (3) 'n sertifikaat uitreik ten effekte dat die onroerende eiendom, eis of reg in die sertifikaat bedoel, oorgegaan het op die provinsiale regering van die Wes-Kaap."
- 50

Substitution of section 7 of Act 6 of 1999

6. The following section is substituted for section 7 of the principal Act:

"Duties and functions of Advisory Panel

7. (1) The Advisory Panel must— 5
- (a) advise the Provincial Minister on provincial housing policy and strategy; and
 - (b) serve as a forum for informed decision-making regarding provincial housing policy and strategy; 10
 - (c) advise the Provincial Minister on housing development matters such as multiyear housing development plans and housing development proposals; and
 - (d) on instruction of the Provincial Minister, conduct and manage investigations for the benefit of informed decision-making. 15
- (2) The administrative functions of the Advisory Panel are performed by officers in the service of the Department."

Amendment of section 8 of Act 6 of 1999

7. Section 8 of the principal Act is amended—
- (a) by the substitution for the heading of the following heading: 20
"Composition of [Board] Advisory Panel";
 - (b) by the substitution for subsection (1) of the following subsection:
"(1) The [Board] Advisory Panel consists of not more than [nine] five members appointed by the Provincial Minister in accordance with subsection (2) and with due regard to the demography of the Province, but only persons with knowledge of, or qualifications or experience in the field of, housing development [housing matters] and who are resident in the Province may be appointed as members." 25
 - (c) by the substitution for subsection (4) of the following subsection:
"(4) Notwithstanding the provisions of paragraph (b) of subsection (2), the Provincial Minister may appoint officials of the department to the Advisory Panel, with due regard to paragraph (a) of subsection (2)."; 30
 - (d) by the deletion of subsection (5).

Amendment of section 10 of Act 6 of 1999

8. Section 10 of the principal Act is amended by the deletion of subsections (1), (2), (4), paragraph (c) of subsection (5) and subsection (7). 35

Substitution of section 11 of Act 6 of 1999

9. The following section is substituted for section 11 of the principal Act:

"Allowances of Advisory Panel members

11. A member of the Advisory Panel, except a member appointed in terms of section 8(4), must be appointed on such terms and conditions and may be paid such allowances and be reimbursed for such expenses as are determined by the Provincial Minister in concurrence with the Provincial Minister responsible for finance." 40

Repeal of section 12 of Act 6 of 1999

10. Section 12 of the principal Act is repealed. 45

Amendment of section 15 of Act 6 of 1999

11. Paragraph (b) of subsection (2) of section 15 of the principal Act is amended by the substitution for the word "Board" of the words "Provincial Minister".

Vervanging van artikel 7 van Wet 6 van 1999

6. Artikel 7 van die Hoofwet word deur die volgende artikel vervang:

"Pligte en funksies van Adviespaneel

- 5 7. (1) Die Adviespaneel moet—
 (a) die Provinsiale Minister adviseer oor provinsiale behuisingsbeleid en
 strategie; en
 (b) dien as 'n forum vir ingeligte besluitneming rakende provinsiale
 behuisingsbeleid en strategie;
10 (c) die Provinsiale Minister adviseer oor behuisingsontwikkelingsake
 soos meerjarige behuisingsontwikkelingsplanne en behuisings-
 ontwikkelingsvoorstelle; en
 (d) in opdrag van die Provinsiale Minister ondersoek met die oog op
 ingeligte besluitneming instel en bestuur.
15 (2) Die administratiewe funksies van die Adviespaneel word deur
 beampes in die diens van die Departement verrig."

Wysiging van artikel 8 van Wet 6 van 1999

7. Artikel 8 van die Hoofwet word gewysig—
 (a) deur die opskrif deur die volgende opskrif te vervang:
20 **"Samestelling van [Raad] Adviespaneel"**;
 (b) deur subartikel (1) deur die volgende subartikel te vervang:
 "(1) Die [Raad] Adviespaneel bestaan uit hoogstens [nege] vyf lede
 wat deur die Provinsiale Minister aangestel word in ooreenstemming
 met subartikel (2) en met inagneming van die demografie van die
25 Provinsie, maar slegs persone met 'n kennis van, of kwalifikasies of
 ondervinding op die gebied van, behuisingsontwikkeling [behuisings-
 aangeleenthede], en wat in die Provinsie woonagtig is, kan as lede
 aangestel word.";
 (c) deur subartikel (4) deur die volgende subartikel te vervang:
30 "(4) Ten spyte van die bepalings van paragraaf (b) van subartikel (2),
 kan die Provinsiale Minister beampes van die departement in die
 Adviespaneel aanstel, met behoorlike inagneming van paragraaf (a) van
 subartikel (2)."; en
 (d) deur subartikel (5) te skrap.

Wysiging van artikel 10 van Wet 6 van 1999

8. Artikel 10 van die Hoofwet word gewysig deur subartikels (1), (2), (4), paragraaf (c) van subartikel (5) en subartikel (7) te skrap.

Vervanging van artikel 11 van Wet 6 van 1999

9. Artikel 11 van die Hoofwet word deur die volgende artikel vervang:

"Toelaes van Adviespaneellede

- 40 11. 'n Lid van die Adviespaneel, behalwe 'n lid ingevolge artikel 8(4)
 aangestel, moet aangestel word op daardie bedinge en voorwaardes, en kan
 daardie toelaes betaal word en vir daardie uitgawes vergoed word wat die
45 Provinsiale Minister met die instemming van die Provinsiale Minister
 verantwoordelik vir finansies bepaal."

Herroeping van artikel 12 van Wet 6 van 1999

10. Artikel 12 van die Hoofwet word herroep.

Wysiging van artikel 15 van Wet 6 van 1999

- 50 11. Paragraaf (b) van subartikel (2) van artikel 15 van die Hoofwet word gewysig
 deur die woord "Raad" deur die woorde "Provinsiale Minister" te vervang.

Amendment of section 16 of Act 6 of 1999**12. Section 16 of the principal Act is amended—**

(a) in subsection (5), by the substitution for the word "Board" of the words "Provincial Minister"; and

(b) by the substitution for subsection (7) of the following subsection:

"(7) The Provincial Minister may, after consultation [with the Board and] with the accounting officer of the Fund, out of money paid into the Fund as contemplated in section 13(2), allocate to a local government accredited under subsection (2) such amounts as that Provincial Minister considers necessary."

Amendment of section 19 of Act 6 of 1999**13. Section 19 of the principal Act is amended—**

(a) by the substitution for subsection (1) of the following subsection:

"(1) Any movable property that has passed to the [Board] Provincial Government in terms of section 6(2) and any rights, liabilities and obligations in respect of such movable property must, subject to this subsection and subsection (3), be transferred not later than a date determined by the National Minister, after consultation with the Provincial Minister, [by the Board] to the local government within whose area of jurisdiction such property is mainly utilised."

(b) in subsections (2) and (4), by the substitution for the word "Board", wherever it occurs in those subsections, of the words "Provincial Government"; and

(c) by the substitution for subsection (6) of the following subsection:

"(6) Subsections (3) and (4), with the necessary changes, apply to immovable property or a registrable claim or right transferred in terms of this section."

Amendment of section 20 of Act 6 of 1999

14. Section 20 of the principal Act is amended by the substitution for the word "Board", wherever it occurs, of the words "Provincial Government".

Amendment of section 21 of Act 6 of 1999

15. Section 21 of the principal Act is amended by the substitution for the word "Board", wherever it occurs, of the words "Provincial Government".

Amendment of section 22 of Act 6 of 1999

16. (1) Section 22 of the principal Act, with the exception of subsection (11), is amended by the substitution for the word "Board", wherever it occurs, of the words "Provincial Government".

(2) Subsection (11) of section 22 of the principal Act is amended by the substitution for "Western Cape Housing Development Board" of "Provincial Government".

Amendment of section 23 of Act 6 of 1999

17. Section 23 of the principal Act is amended by the substitution for the word "Board", wherever it occurs, of the words "Provincial Government".

Amendment of section 24 of Act 6 of 1999

18. Section 24 of the principal Act is amended by the deletion of subsection (2).

Amendment of section 25 of Act 6 of 1999

19. Section 25 of the principal Act is amended by the deletion of paragraph (a) of subsection (1).

Wysiging van artikel 16 van Wet 6 van 1999

12. Artikel 16 van die Hoofwet word gewysig—
- (a) in subartikel (5), deur die woord “Raad” deur die woorde “Provinsiale Minister” te vervang; en
- 5 (b) deur subartikel (7) deur die volgende subartikel te vervang:
- “(7) Die Provinsiale Minister kan, na oorleg [met die Raad en] met die rekenpligtige beampte van die Fonds, uit gelde inbetaal in die Fonds soos beoog in artikel 13(2), die bedrae wat daardie Provinsiale Minister nodig ag, toeken aan ’n plaaslike regering wat kragtens subartikel (2)
- 10 geakkrediteer is.”.

Wysiging van artikel 19 van Wet 6 van 1999

13. Artikel 19 van die Hoofwet word gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- 15 “(1) Enige roerende eiendom wat oorgegaan het op die [Raad] Provinsiale Regering ingevolge artikel 6(2) en enige regte, laste en verpligtinge ten opsigte van daardie roerende eiendom moet, behoudens hierdie subartikel en subartikel (3), nie later nie as [a] ’n datum wat die Nasionale Minister na oorleg met die Provinsiale Minister bepaal, oorgedra word [deur die Raad] aan die plaaslike regering binne wie se regsgebied daardie eiendom hoofsaaklik benut word.”;
- 20 (b) in subartikels (2) en (4), deur die woord “Raad”, oral waar dit in daardie subartikels voorkom, deur die woorde “Provinsiale Regering” te vervang; en
- (c) deur subartikel (6) deur die volgende subartikel te vervang:
- 25 “(6) Subartikels (3) en (4) is, met die nodige veranderinge, van toepassing op onroerende eiendom of ’n registreerbare eis of reg wat ingevolge hierdie artikel oorgedra word.”.

Wysiging van artikel 20 van Wet 6 van 1999

14. Artikel 20 van die Hoofwet word gewysig deur die woord “Raad”, oral waar dit voorkom, deur die woorde “Provinsiale Regering” te vervang.

30 Wysiging van artikel 21 van Wet 6 van 1999

15. Artikel 21 van die Hoofwet word gewysig deur die woord “Raad”, oral waar dit voorkom, deur die woorde “Provinsiale Regering” te vervang.

Wysiging van artikel 22 van Wet 6 van 1999

- 35 16. (1) Artikel 22 van die Hoofwet (behalwe vir subartikel (11)) word gewysig deur die woord “Raad”, oral waar dit voorkom, deur die woorde “Provinsiale Regering” te vervang.
- (2) Subartikel (11) van artikel 22 van die Hoofwet word gewysig deur “Wes-Kaapse Behuisingsontwikkelingsraad” deur “Provinsiale Regering” te vervang.

Wysiging van artikel 23 van Wet 6 van 1999

- 40 17. Artikel 23 van die Hoofwet word gewysig deur die woord “Raad”, oral waar dit voorkom, deur die woorde “Provinsiale Regering” te vervang.

Wysiging van artikel 24 van Wet 6 van 1999

18. Artikel 24 van die Hoofwet word gewysig deur subartikel (2) te skrap.

Wysiging van artikel 25 van Wet 6 van 1999

- 45 19. Artikel 25 van die Hoofwet word gewysig deur paragraaf (a) van subartikel (1) te skrap.

Savings

20. Anything done under or in terms of the principal Act by the Western Cape Provincial Housing Development Board abolished by section 6(1) of the principal Act (as amended) is deemed to have been done by the Provincial Minister.

Amendment of Arrangement of Act 6 of 1999

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21. The arrangement of the principal Act is amended—

(a) by the substitution for the references to sections 5 and 6 of the following references:

“5. Establishment of Western Cape Housing Advisory Panel

6. Abolition of Western Cape Housing Development Board”;

10

(b) by the substitution for the reference to section 11 of the following reference:

“11. Allowances of Advisory Panel members”; and

(c) by the deletion of the reference to section 12.

Amendment of the long title of Act 6 of 1999

22. The following long title is substituted for the long title of the principal Act:

15

“To provide for the [repeal] abolition of the [Western Cape Provincial Housing Law, 1994;] Western Cape Housing Development Board; to determine general principles applicable to housing in the Province of the Western Cape; to define the role of the provincial and local spheres of government in housing development; to establish a [Provincial Housing Development Board] Western Cape Housing Advisory Panel and a Provincial Housing Development Fund; to ensure that housing development is integrated with all other facets of development in a holistic way, and to provide for matters incidental thereto.”.

20

Short title and commencement

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23. This Act is called the Western Cape Housing Development Amendment Act, 2005 and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

Voorbehoudsbepaling

20. Enigiets kragtens of ingevolge die Hoofwet gedoen deur die Wes-Kaapse Provinsiale Behuisingsontwikkelingsraad wat kragtens die herroepe artikel 5 van die Hoofwet ingestel is, word geag deur die Provinsiale Minister gedoen te gewees het.

5 Wysiging van indeling van Wet 6 van 1999

21. Die indeling van die Hoofwet word gewysig—

- (a) deur die verwysings na artikels 5 en 6 deur die volgende verwysings te vervang:
- 10 “5. Instelling van Wes-Kaapse Behuisingsadviespaneel
 6. Afskaffing van Wes-Kaapse Behuisingsontwikkelingsraad”;
- (b) deur die verwysing na artikel 11 deur die volgende verwysing te vervang:
- “11. Toelae van Adviespaneellede”; en
- (c) deur die verwysing na artikel 12 te skrap.

Wysiging van lang titel van Wet 6 van 1999

- 15 22. Die lang titel van die Hoofwet word deur die volgende lang titel vervang:

20 “Om voorsiening te maak vir die [herroeping] afskaffing van die [Wes-Kaapse Provinsiale Behuisingswet, 1994;] Wes-Kaapse Behuisingsontwikkelingsraad; om algemene beginsels wat op behuising in die provinsie Wes-Kaap van toepassing is, te bepaal; om die rol van die provinsiale en plaaslike regeringsfeer in behuisingsontwikkeling te omskryf; om 'n [Provinsiale Behuisingsontwikkelingsraad] Wes-Kaapse Behuisingsadviespaneel en 'n Provinsiale Behuisingsontwikkelingsfonds in te stel; om te verseker dat behuisingsontwikkeling op 'n holistiese wyse met alle ander fasette van ontwikkeling geïntegreer word, en om voorsiening te maak vir sake wat daarmee in verband staan.”.

25

Kort titel en inwerkingtreding

23. Hierdie Wet is die Wes-Kaapse Behuisingsontwikkelingswysigingswet, 2005 en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant*
- 30 bepaal.

EXPLANATORY MEMORANDUM WESTERN CAPE HOUSING DEVELOPMENT AMENDMENT BILL

Introduction

The aim of the Western Cape Housing Development Amendment Bill is to amend the Western Cape Housing Development Act of 1999 (Act 6 of 1999), to provide for the abolition of the Western Cape Housing Development Board; to provide for the establishment of an advisory panel to advise the Provincial Minister on housing matters; to regulate the transfer of assets of the Western Cape Housing Development Board, and to provide for matters incidental thereto.

Comment on Individual Clauses

Clause One

This clause amends section 1 of the principal Act by inserting definitions of "accounting officer"; "Advisory Panel"; "Code"; "Provincial Government"; "Provincial Revenue Fund"; "Public Finance Management Act"; and by the deletion of the definition of "Board".

Clause Two

This clause provides for the substitution for the word "Board" with the words "Advisory Panel", except if indicated otherwise.

Clause Three

This clause provides for the extension of the functions of the Provincial Minister to include those formerly performed by the disestablished Board.

Clause Four

This clause provides for the establishment of the Western Cape Housing Advisory Panel.

Clause Five

This clause deals with the abolition of the Western Cape Housing Development Board and the transfer of assets of the Board to the Provincial Government of the Western Cape.

Clause Six

This clause defines the duties and functions of the Advisory Panel and provides for the administrative functions of the panel to be performed by officers in the service of the Department.

Clause Seven

This clause deals with the composition of the Advisory Panel which should not consist of more than five members with knowledge of, or qualifications or experience in the field of housing development and who are resident in the Province. It also allows for the Minister to appoint officers to the Advisory Panel.

Clause Eight

This clause amends the meeting procedure of the former Board to that which applies to the Advisory Panel.

Clause Nine

This clause deals with the allowances of Advisory Panel members and reimbursement of expenses as determined jointly by the Provincial Minister in concurrence with the Provincial Minister responsible for finance.

Clause Ten

This clause repeals Section 12 of the principal Act, which allowed for the appointment of committees for the former Board.

Clause Eleven

This clause amends the principal Act by the substitution for the word "Board" of the words "Provincial Minister".

VERKLARENDE MEMORANDUM WES-KAAPSE WYSIGINGSWETSONTWERP: BEHUISINGS- ONTWIKKELING

Inleiding

Die doel van die Wes-Kaapse Behuisingsontwikkelingswysigingswet is om die Wes-Kaapse Behuisingsontwikkelingswet van 1999 (Wet 6 van 1999) te wysig om voorsiening te maak vir die afskaffing van die Wes-Kaapse Behuisingsontwikkelingsraad, om voorsiening te maak vir die instelling van 'n adviespaneel om die Provinsiale Minister oor behuisingsaangeleenthede te adviseer, om die oordrag van bates van die Wes-Kaapse Behuisingsontwikkelingsraad te reguleer, en om voorsiening te maak vir sake wat daarmee in verband staan.

Kommentaar oor Individuele Klousules

Klousule Een

Hierdie klousule wysig artikel 1 van die Hoofwet deur omskrywings van "adviespaneel", "Kode", "Provinsiale Inkomstefonds", "Provinsiale Regering" en "Wet op Openbare Finansiële Bestuur" in te voeg, en deur die omskrywing van "Raad" te skrap.

Klousule Twee

Hierdie klousule maak voorsiening vir die vervanging van die woord "Raad" deur die woord "Adviespaneel", behalwe indien anders aangedui.

Klousule Drie

Hierdie klousule maak voorsiening vir die uitbreiding van die funksies van die Provinsiale Minister om dié in te sluit wat voorheen deur die afgeskafte Raad verrig is.

Klousule Vier

Hierdie klousule maak voorsiening vir die instelling van die Wes-Kaapse Behuisingsadviespaneel.

Klousule Vyf

Hierdie klousule handel oor die afskaffing van die Wes-Kaapse Behuisingsontwikkelingsraad en die oordrag van die Raad se bates aan die Provinsiale Regering van die Wes-Kaap.

Klousule Ses

Hierdie klousule omskryf die pligte en funksies van die Adviespaneel en maak voorsiening daarvoor dat die administratiewe funksies van die paneel deur beamptes in diens van die Departement verrig moet word.

Klousule Sewe

Hierdie klousule handel oor die samestelling van die Adviespaneel, wat uit nie meer nie as vyf lede met 'n kennis van, of kwalifikasies of ondervinding op die terrein van, behuisingsontwikkeling moet bestaan en wat in die Provinsie woon. Dit maak ook voorsiening dat die Minister beamptes in die Adviespaneel kan aanstel.

Klousule Agt

Hierdie klousule wysig die vergaderingsprosedure van die voormalige Raad om op die Adviespaneel van toepassing te wees.

Klousule Nege

Hierdie klousule handel oor die toelaes van Adviespaneellede en vergoeding vir uitgawes wat die Provinsiale Minister met die instemming van die Provinsiale Minister verantwoordelik vir finansies bepaal.

Klousule Tien

Hierdie klousule herroep artikel 12 van die Hoofwet, waarvolgens komitees vir die voormalige Raad aangestel kon word.

Clause Twelve

This clause amends the principal Act by the substitution for the word "Board" of the words "Provincial Minister" and omits reference to consultation with the Board in allocating funds to accredited municipalities.

Clause Thirteen

This clause deals with the transfer of assets of the disestablished Board to the Provincial Government.

Clause Fourteen

This clause amends the principal Act by omitting all reference to "Board" in the writing off of old dispensation loans and replacing it with "Provincial Government".

Clause Fifteen

This clause refers to the manner in which the net proceeds derived as a result of infrastructure that was provided by loans or advances must be utilised. It amends the principal Act by substitution for the expression "Board" for the expression "Provincial Government".

Clause Sixteen

This clause deals with the management of the assets of the Board and amends the principal Act by substitution for the expression "Board" for the expression "Provincial Government".

Clause Seventeen

This clause deals with the inspection of premises and amends the principal Act by substitution for the expression "Board" for the expression "Provincial Government".

Clause Eighteen

This clause deals with the delegation of powers and deletes the section in the principal Act that makes reference to the delegation of powers of the Board.

Clause Nineteen

This clause deletes the requirement in the principal Act for regulations concerning the procedure for the performance of any function by the Board.

Clause Twenty

This clause makes provision for anything done under or in terms of the principal Act by the previous Board to be deemed to have been done by the Provincial Minister.

Clause Twenty-One

This clause deals with the amendment of the arrangement of the principal Act by the substitution for the references to the establishment of the Western Cape Advisory Panel, the abolition of the Western Cape Housing Development Board and allowances of Advisory Panel members.

Clause Twenty-Two

This clause is the amendment of the long title of the principal Act to provide for the repeal of the Western Cape Housing Development Board and to establish the Western Cape Housing Advisory Panel.

Clause Twenty-Three

This clause is the short title and commencement and allows for the Western Cape Housing Development Amendment Act, 2005 to come into operation on a date to be determined by the Premier by proclamation in the *Provincial Gazette*.

Klousule Elf

Hierdie klousule wysig die Hoofwet deur die woord "Raad" deur die woorde "Provinsiale Minister" te vervang.

Klousule Twaalf

Hierdie klousule wysig die Hoofwet deur die woord "Raad" deur die woorde "Provinsiale Minister" te vervang en laat die verwysing na oorleg met die Raad by die toekenning van fondse aan geakkrediteerde munisipaliteite weg.

Klousule Dertien

Hierdie klousule handel oor die oordrag van die afgeskafte Raad se bates aan die Provinsiale Regering.

Klousule Veertien

Hierdie klousule wysig die Hoofwet deur alle verwysings na "Raad" by die afskrywing van lenings wat volgens die vorige stelsel aangegaan is, weg te laat en dit deur "Provinsiale Regering" te vervang.

Klousule Vyftien

Hierdie klousule verwys na die wyse waarop die netto opbrengs wat verkry word uit infrastruktuur wat deur lenings of voorskotte verskaf is, gebruik moet word. Dit wysig die Hoofwet deur die uitdrukking "Raad" deur die uitdrukking "Provinsiale Regering" te vervang.

Klousule Sestien

Hierdie klousule handel oor die bestuur van die Raad se bates en wysig die Hoofwet deur die uitdrukking "Raad" deur die uitdrukking "Provinsiale Regering" te vervang.

Klousule Sewentien

Hierdie klousule handel oor die inspeksie van persele en wysig die Hoofwet deur die uitdrukking "Raad" deur die uitdrukking "Provinsiale Regering" te vervang.

Klousule Agttien

Hierdie klousule skenk aandag aan die delegering van bevoegdhede deur die artikel in die Hoofwet wat na die delegering van bevoegdhede van die Raad verwys te skrap.

Klousule Negentien

Hierdie klousule skrap die vereiste in die Hoofwet dat regulasies gemaak moet word aangaande die prosedure vir die verrigting van enige funksie deur die Raad.

Klousule Twintig

Hierdie klousule maak voorsiening daarvoor dat enigiets wat die voormalige Raad kragtens of ingevolge die Hoofwet gedoen het, geag moet word deur die Provinsiale Minister gedoen te gewees het.

Klousule Een-en-twintig

Hierdie klousule handel oor die wysiging van die Hoofwet se indeling deur die betrokke vorige verwysings te vervang deur verwysings na die instelling van die Wes-Kaapse Adviespaneel, die afskaffing van die Wes-Kaapse Behuisingsontwikkelingsraad, en toelaes van Adviespaneellede.

Klousule Twee-en-twintig

Hierdie klousule handel oor die wysiging van die lang titel van die Hoofwet om voorsiening te maak vir die afskaffing van die Wes-Kaapse Behuisingsontwikkelingsraad en die instelling van die Wes-Kaapse Behuisingsadviespaneel.

Klousule Drie-en-twintig

Hierdie klousule verstrek die kort titel, te wete die Wes-Kaapse Behuisingsontwikkelingswysigingswet, 2005 en maak voorsiening vir die inwerking-trediging daarvan op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* sal bepaal.