
GAUTENG PROVINCIAL LEGISLATURE

**SECOND GAUTENG HOUSING
AMENDMENT ACT, 2002**

ASSENTED TO
[Signature]
PREMIER

ENGLISH TEXT SIGNED BY THE PREMIER
ASSENTED TO ON *15 July 2002*

CERTIFIED CORRECT AS PASSED BY
THE GAUTENG PROVINCIAL LEGISLATURE
SIGNED *[Signature]*
SPEAKER
DATE *12 July 2002*

No 4, 2002

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.
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ACT

To amend the Gauteng Housing Act, 1998 so as to provide for the establishment of an advisory panel; to delete or substitute certain obsolete expressions; to insert certain provisions; and to provide for matters connected therewith.

BE IT ENACTED by the Gauteng Provincial Legislature, as follows:—

Amendment of section 1 of Act No. 6 of 1998, as amended by section 1 of Act No. 6 of 2000.

1. Section 1 of the Gauteng Housing Act, 1998 (hereinafter referred to as the principal Act) is hereby amended— 5

(a) by the insertion before the definition of “Constitution” of the following definition:

“ ‘advisory panel’ means the advisory panel established in terms of section 5” 10

(b) by the deletion of the definition of “Board”

(c) by the substitution of the definition of “department” of the following:

“ **‘department’ means the Department of Housing [and Land Affairs] in the Province**”

(d) by the substitution of the definition of “head of department” of the following: 15

“ **‘head of department’ means the head of the department of Housing in the Province**”

(e) by the substitution of the definition of “Member” of the following:

“ ‘Member’ means a member of the advisory panel contemplated in section 5”; 20

Amendment of section 4 of Act No. 6 of 1998

2. Section 4 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (c) of the following paragraph:
 “(c) present the provincial legislature with an annual report on the activities of the department [Gauteng provincial housing advisory board];” 5
- (b) by insertion after paragraph (i) of the following paragraphs:
 “(j) after consultation with the provincial organization representing municipalities as contemplated in section 163 (a) of the Constitution, do everything in his or her power to promote and facilitate the provision of adequate housing in the Province within the framework of national housing policy. 10
- (k) monitor the implementation of national and provincial housing policy; 15
- (l) promote policy adherence in the execution of national housing programmes in the Province by monitoring delivery in terms of agreed criteria; 15
- (m) promote programme and project performance as well as policy compliance in the execution of national programmes in the province including those administered by accredited municipalities; 20
- (n) administer every national housing programme and every provincial housing programme which is consistent with national housing policy, approve— 20
- (i) any projects in respect thereof; and 25
- (ii) the financing thereof out of money paid into Gauteng Provincial Housing Fund established in terms of section 12(1) of the Act; 25
- (o) determine housing development priorities within the Province in accordance with national housing policy; 30
- (p) administer assets contemplated in section 20.” 30

Substitution of section 5 in Act No. 6 of 1998

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

“Establishment of Advisory Panel

5. The MEC must establish an advisory panel to advise the MEC on any matter relating to housing development.” 35

Substitution of section 6 in Act No. 6 of 1998

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

“Composition of Advisory Panel

6. (1) (a) The advisory panel contemplated in section 5 must consist of not more than six (6) persons. 40
- (b) The advisory panel must consist of one or more fit and proper persons who have knowledge, qualifications or experience in the field of housing development.
- (c) The MEC must appoint the members of an advisory panel by— 45
- (i) calling for nominations for members by publishing a notice in the Gazette and four newspapers circulating in the province.”

Substitution of section 7 in Act No. 6 of 1998

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

“Functions of advisory panel

7. The advisory panel must—

- (a) advise the MEC on provincial housing policy and strategy;
- (b) advise the MEC on the acceptability of housing development matters such as the multi-year housing development plans and housing development initiatives;
- (c) conduct and manage investigations required by the MEC;
- (d) identify, promote, monitor and evaluate policy, legislation and programmes with regard to housing development and its impact on the quality of life for the people of the province and the delivery of services;
- (e) promote stakeholder participation in housing development, in particular consumer and grassroots sector participation; and
- (f) keep abreast of international developments in housing development policy.”

Substitution of section 8 in Act No. 6 of 1998

6. The following section is hereby substituted for section 8 of the principal Act:

“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 MEC may determine.

(2) A member [of the board] may be paid such allowances as the MEC may determine with the concurrence of the Member of the Executive Council responsible for financial matters in the Province.”

Substitution of section 9 in Act No. 6 of 1998

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

“Term of office of a member

9. A member is appointed for the period determined by the MEC at his or her appointment and may be reappointed on termination of that period.”

Substitution of section 10 in Act No. 6 of 1998

8. The following section is hereby substituted for section 10 of the principal Act:

“Circumstances in which office must be vacated

10. A member ceases to be a member if—

- (a) he or she resigns;
- (b) 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) ;
- (c) he or she becomes of unsound mind;
- (d) he or she is convicted of an offence and sentenced to imprisonment without the option of a fine; and
- (e) he or she becomes a member of Parliament, a Provincial Legislature, a Municipal Council, the Cabinet or the Executive Council of a Province; and
- (f) the MEC may at any time terminate the membership of a member for reasons which are just and fair.”

Repeal of section 11 of Act No. 6 of 1998

9. Section 11 of the principal Act is hereby repealed.

Amendment of section 20 of Act No. 6 of 1998

10. Section 20 of the principal Act is hereby amended—

- (a) by the substitution for the expression “Gauteng Housing Advisory Board” 5
wherever it occurs of the expression “department”

Amendment of section 21 of Act No. 6 of 1998

11. Section 21 of the principal Act is hereby amended—

- (a) by the substitution for the expression “board” wherever it occurs of the 10
expression “advisory panel”

Short title

12. This Act is called the Second Gauteng Housing Amendment Act, 2002.