**PROPERTY PRACTITIONERS BILL, 2018 PROVINCIAL PUBLIC HEARINGS COMMENTS (18 -27 SEPTEMBER TO 2018)**

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| **PROVINCE: EASTERN CAPE, EAST LONDON** | | | |
| **ORGANISATION/INSTITUTION** | **SECTION** | **COMMENT** | **DEPARTMENT’S RESPONSE** |
| 1. **South African Property Valuers Association (SAPVA)** | Definition  Section 1(a) (v) | SAPVA submits that the definition will cause confusion because it will allow unregistered valuers to be registered or regulated under the Bill.  SAPVA further submits that they are already regulated by their legislation, therefore they should be excluded from being regulated by the Bill | The Dept concurs and the provision will be revised accordingly.In line with the comment from the Council of Property Valuers to exclude professional valuers from the definition and application of the legislation. |
| 1. **Nelson Mandela University (NMU)** | Preamble | NMU submits that the preamble must be explicit on the transformation imperative of the Bill.  The NMU there propose as follows “To provide for mechanisms of expediting the transformation of the sector, and continuously assess its performance in this regard. | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
|  | Object of the Bill | NMU further submit that there should be checks and balances on the sector performance, in particular on the transformation imperatives which require a re-think on the monitoring and evaluation capabilities.  NMU therefore propose that the following sentence should be added “Create mechanisms for the continuous monitoring and evaluation of the sector performance on the transformation imperatives | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
|  | Section 7, Composition of the Board | NMU submits that amongst the skills and competences required for an effective and efficient functioning of the Board of Authority, advanced property sector policy analysis and research expertise should be added | The DTI has done a comprehensive study regarding rationalization of the Public Entities which mainly deals with regulating various sectors. And they are prepared to share the rationalization process with the Committee in particular the NCR legislation amendment. |
|  | Chapter 11, section 69, Property sector transformation | NMU propose that the following paragraph should be added in section 63(3) (b) “An independent mechanism in the form of a South African Research Chair for the Property Sector Transformation must be established. The SARChair on the Property Sector Transformation will be created in partnership with the National Research Foundation, and hosted, through competitive and open selection, by one of the SA Public Institutions of Higher Learning, tenable for five years, to a maximum of fifteen (15) years and reviewed after every five (5) years to determine extension within the hosting institution of higher learning.  NMU further submit that the Research Chair in Property Sector Transformation is aimed at increasing the national scientific research and innovation capability through the development of human capacity and stimulating the generation of new knowledge in the property sector.  NMU furthermore submit that this Chair is intended to support the realisation of the South Africa’s transformation into knowledge-based economy in which the generation of knowledge translates into socio-economic benefits.  NMU submit that the Research Chair in Property Sector Transformation will be a central repository of expert knowledge on pre-determined areas of the transformation of the property sector in South Africa.  NMU submit that the property sector transformation priorities that will inform research in the first ten years of the promulgation of the Property Practitioners Act include:   * Barriers to entry and meaningful participation in the property sector by previously disadvantaged individuals; * Demographic distribution of skills that determine resilience in the property sector; * Inclusive, accessible and transformatory curriculum development and enhancement in the TVET and higher education sectors in South Africa; * Systematic patterns of discriminatory behaviour in the property development and management value-chain; * Efficacy of compliance ,monitoring and enforcement mechanisms to advance the transformation of the property sector; * The rural-urban dynamic in property sector growth and transformation; and * The contribution of the property sector in urban spatial transformation and economy. | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly  The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly  The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly  The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly  The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
|  | Parliamentary Procedure | NMU submits that while acknowledging the State Law Advisers’s adviser on the procedure the Bill should follow , it is also important to foreground a need for consultation with the rural communities in the process of finalising the Bill as the residential property market in SA is growing within the rural areas in a manner unimagined | The Dept noted the comments and the procedure as raised will be dealt with through the NCOP development process |
| **3 University of Fort Hare (UFH)** | Chapter 11, section 69, Property sector transformation | UF submits that transformation in very minimal in the Bill and therefore propose that there should be a stand-alone chapter in the Bill that deals with transformation in detail e.g. setting out milestones, timeframes and clear targets etc. | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
|  | General comments | UF submits that there are no incentives for those who would want to participate in transforming the sector e.g. tax breaks etc. | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
|  |  | UF further submits that the Bill should stipulates sanction for those who are anti-transformation e.g. fronting | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
|  |  | UFH submits that there should be a recognition of prior learning policy in the Bill | Comments noted |
| 1. **Xoliswa Ntini ( Xoliswa Ntini Properties)** | Chapter 11, section 69, Property sector transformation | Xoliswa submits that it is not clear in the Bill as to how transformation should take shape | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
|  | Chapter 4, Establishment, appointment, resources, powers and duties of property practitioners ombud | Xoliswa submits that she welcome the establishment of the Ombud’s office | The Ombuds chapter will be omitted in lieu of the establishment the Human Settlements Ombud in the Human Settlements Bill. |
|  | Barriers to entry | Xoliswa further that qualification such CPD complicate the sector and the sector requires soft skills (marketing, negotiating skills etc) which are not encompassed in the Bill | The Dept noted the comment and a prescribed requirements regarding soft skills will be dealt by way of regulations |
|  | General Comment | Xoliswa submits that developers should not be regarded as property practitioners irrespective of whether they sell their own properties. She further submit that the main issue is the unavailability stock to sell | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
| 1. **Bam Tshangana (Bam Tshangana Properties)**   **Representing National Property Forum (NPF)** | Barriers to entry | NPF submits prior 2008 it was easy to get the qualification.  NPF further submit that the old method of qualifying should be brought back as the new one is encouraging the illegal estate agents to mushroom.  NPF submits further that there should be a programme for those who had qualified as principal before to be brought back  NPF submits that incubation of principals should be taken seriously.  Issue of stipend should be addressed | The Dept note the concern and educational requirements and training will be determined by way of regulations including the determination regarding various incubation programmes |
|  | Services SETA | NPF submits that the involvement of services SETA need a lot of attention | The Dept recognize that one of the objectives of the Services SETA is to develop qualifications, but however the Authority will be expected to provide training and development such as CPD over and above the qualifications as developed by the Services SETA. In this regard strategic partnership and collaboration will be consolidated between the two entities regarding the application of this Act in relation to training |
|  | Exemption of the private seller to register as a property practitioner | NPF submits that this can be loophole in the Bill | The Dept note the comment and it will be dealt by way of regulations |
|  | Section 55, Property practitioner not entitled to remuneration in certain circumstances | NPF submits that this not fair because the transfer of the property might be delayed as a result either of the seller of purchaser breaching contract, while the estate agent would have performed his or hers or its part. | The Dept concurs with the proposal and the provision will be reconsidered accordingly as raised by SAPOA |
| 1. **Ronnie Coetzee** | Section 51, Trust Account | Ronnie comments that trust account focuses on the letting but not on sale | The Dept note the comment |
| **KWA ZULU NATAL, DURBAN** | | | |
| 1. **South African Property Owners Association (SAPOA)** | Section 46, Application for FFC | SAPOA submits that it has no objection of the renewal and payment of fees, However they recommend that the period of renewal be extended from 1year to 3 years | The Dept concurs with the comment and the provision will be reconsidered to reduce the burden of renewing FFC annually and provide that it will be now be renewable every three years. |
|  | Section 7, Composition and appointment of Board | SAPOA submit that the Board should be representative of all subsectors of the property sector | The Dept concurs and as raised during the public hearings, the Portfolio Committee need to relook not only the composition but the overall alignment of this provision with NCR  The DTI has done a comprehensive study regarding rationalization of the Public Entities which mainly deals with regulating various sectors. And they are prepared to share the rationalization process with the Committee in particular the NCR legislation amendment. |
|  | Section 2, application of Act | SAPOA submits that non-listed owners are overly regulated and therefore recommend that they should be exempted from the application of this Bill | The Dept note the comment, however the objectives of the Bill is to regulate the entire property market |
| 1. **Nondumiso CEO Idwala Properties Group** | Barrier to entry/Costs | Nondumiso submits that the opening and maintenance of trust and business accounts and the renewal fees is costly | Comments noted and the Dept will review the disqualification provisions as set out in section 49 and redraft the section accordingly to exclude subsection (vi), (vii), (viii) and subsection (b), (c) and (d) will be aligned accordingly with subsection (a) |
|  | General comments | Nondumiso submits that government should give its stock to the estate agents. She further submits that the banks are denying black owned business distressed properties | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
| 1. **South African Valuers Council (SAVC)** | Definition  Section 1(a) (v) | SAPVA submits that the definition will cause confusion because it will allow unregistered valuers to be registered or regulated under the Bill.  SAPVA further submits that they are already regulated by their legislation, therefore they should be excluded from being regulated by the Bill | The Dept concurs and the provision will be revised accordingly.in line with the comment from the Council of Property Valuers to exclude professional valuers from the definition and application of the legislation. |
|  | Chapter 4, Establishment, appointment, resources, powers and duties of property practitioners ombud | SAVC commented on the number of ombuds, e.g. CSOS Ombud, Human Settlements Ombud, and the proposed one for the property practitioner. SAVC further asked as to how are they going to work | The Ombuds chapter will be omitted in lieu of the establishment the Human Settlements Ombud in the Human Settlements Bill. |
| 1. **Property Group** | Chapter 11, section 69, Property sector transformation | Property Group ask as to how the Bill envisages to address the issue of transformation | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
|  | General comment | Property Group submits that government should give its stock to the estate agents. | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
| 1. **Mr van Niekerk** | Definition section 1, Property practitioner | Mr van Niekerk submits that the Bill need to clearly define who is the property practitioner | Comments noted provision to be reconsidered accordingly |
|  | Barrier to entry | Mr van Niekerk further submits that cost to enter in this kind of business are high, including those of trust account and renewal fees | Comments noted and the Dept will review the disqualification provisions as set out in section 49 and redraft the section accordingly to exclude subsection (vi), (vii), (viii) and subsection (b), (c) and (d) will be aligned accordingly with subsection (a). However and registration fees are prescribed by the legislation |
|  | Section 64(4), Franchising | Mr van Niekerk submits that if the Bill make franchisor to be responsible for the actions of the franchisee, it will disincentives a person who want bring transformation in this area of enterprise | Comments noted |
|  | Chapter 11, section 69, Property sector transformation | Mr van Niekerk submits that this section in its current form does not support transformation | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
| 1. **Just Properties** | S64, Franchising | Just Properties submits that some franchisor do fronting | Comments noted |
|  | Section 46, Application for FFC | Just properties submits that the EAAB does not issue FFC on time | Comments noted |
| 1. **Nxumalo Attorneys** | Definition section 1 | Nxumalo Attorneys submits that the word **“conveyancer”** should be clearly articulated in the Bill | Comments noted and will be considered. |
| 1. **James** | Definition section 1 | James submits that managing agents should be included under the definition of the property practitioner | As raised consistently during the public hearings, the managing agents will be reincorporated in the definition (iv) |
| 1. **Khathi Attorneys** | Definition, section 1 | Khathi Attorneys submits that the word **“emerging agent”** should be defined under definitions | Comments noted |
| 1. **South African Property Valuers Association Council(SAPVAC)** | Definition, section 1(v) | SAPVA submits that the definition will cause confusion because it will allow unregistered valuers to be registered or regulated under the Bill.  SAPVA further submits that they are already regulated by their legislation, therefore they should be excluded from being regulated by the Bill | Comments noted definition to be reconsidered in order to exclude professional valuers from definition and application of the legislation. |
|  | General comments | SAPVAC further submits that by broadening the scope of the property practitioner, the definition must also include that a person cannot sell his or he its property | Comments noted |
| 1. **Small Business Institute (SBI)** | General comments | SBI propose that there should be a once-off (6) months assistance for new entrance | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
| 1. **Dwayne Lawrence** | General Comments | Dwayne submits that the sector is overly regulated. He further submits that it is extremely difficult for new entrants (barrier to entry) | Comments noted and the Dept will review the disqualification provisions as set out in section 49 and redraft the section accordingly to exclude subsection (vi), (vii), (viii) and subsection (b), (c) and (d) will be aligned accordingly with subsection (a) |
| 1. **Le-Anne** | General comments | Le-Anne propose that the Board must look at the interest of the property practitioners especially advertising on Billboards | Comments noted |
| **GAUTENG, BOKSBURG, EKURHULENI** | | | |
| 1. **University of Johannesburg (UJ)** | Definition, section 1 | UJ submits that the word **“entity”** is not defined. Further the word **“MEC”** is not defined as there might be a need set up a Regional Office which the MEC might have a role to play  UJ further submit that why is the definition of the property practitioner excludes attorneys and candidate attorneys | The Dept note the comment and the provision will be revised by way of a new insertion in the definition  The Dept note the comment and the provision will be revised accordingly as raised by REBOSA |
|  | Sections (8)(a), Disqualification from membership of the Board | UJ submits that why a person who is not a South African cannot be appointed as a Board member | The main purpose of that provision is to deal with disqualification including those who are not lawfully residing in the Republic. |
|  | Section 20, Establishment of property practitioner ombud’s office | UJ submits that it support the establishment of such an office | The Ombuds chapter will be omitted in lieu of the establishment the Human Settlements Ombud in the Human Settlements Bill. |
|  | Section 28(2), Powers of inspectors to enter, inspect, search and seize | UJ submits that, how much time is required for a notice before an inspection can be conducted | Comments noted, however the time frame will be prescribed by regulations |
|  | Chapter 11, section 69, Property sector transformation | UJ submits that the Bill must clearly out line its transformational agenda | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
|  | Section 7, Composition and appointment of the Board | UJ submits that there should be a consumer representative as a member of the Board | The Dept concurs and as raised during the public hearings, the Portfolio Committee need to relook not only the composition but the overall alignment of this provision with NCR  The DTI has done a comprehensive study regarding rationalization of the Public Entities which mainly deals with regulating various sectors. And they are prepared to share the rationalization process with the Committee in particular the NCR legislation amendment. |
| 1. **Council for Debt Collectors (CDC)** | section 76 | CDC submits that, even though the Debt Collectors Act is being repealed the Council was never consulted or engaged as a stakeholder. The other important concerns of the CDC may be summarized as follows:   * The Department of Justice (Doj) has embarked on a process to remove the exclusion of attorneys from the Debt Collectors Act. Reason being abuse of court processes and fees has necessitated their inclusion under the Debt Collectors Act. * At the time when the protection of attorneys is being by the Act, The Bill aims once again to create an exemption from the Debt Collectors Act. * The Bill makes no provision for any fee structure or enforcement process for the recovery of debts. * There is no provision made for a Code of Conduct for debt collection in the Bill * There are no amendments in the Magistrate Court Act which provides for every Property Practitioner to collect arrear rent, levies, and charging of fees. In the absence of such amendments collecting arrear rent, levies and charging fees would then be committing a criminal offence. * The Bill appears to exclude those employees who merely collect and receive monies payable on a lease. This in effect would mean that the employees demanding the arrear amounts would not be considered a property practitioner and fall outside the ambit of the Bill and would in effect then be unregulated. * The amendment will have severe negative impact on consumers. The actions of managing agents and their employees as well as the fees they charge will be become unregulated and lead to the exploitation of consumers who have fallen behind on the payment of rent and levies.   In short the Bill must be aligned with the Debtors Collectors Act in order to protect the consumers. | Provision to be reconsidered in order to be aligned with the Debtors Collectors Act which aims at protecting the consumers.  As raised consistently during the public hearings, the managing agents will be reincorporated in the definition (iv) |
| **3.**  **South African Council for the Property Valuers Profession (SACPVP)** | Definitions, section 1 | SACPVP submits that they are already regulated under the Property Valuers Profession Act,2000  SACPVP further submits that the word “assessment” should be defined or be excluded property valuers as there might be unintended consequences  SACPVP therefore propose that subsection “(ee) be inserted under exclusions in the definition and will read as follows “excluding a person regulated under Property Valuers Act, 2000” | The Dept concurs and the provision will be revised accordingly.in line with the comment from the Council of Property Valuers to exclude professional valuers from the definition and application of the legislation. |
| 1. **National Property Forum(NPF)** | Section 1 Definition | NPF submits that the definition exclude, sheriffs, attorneys and developers, except developers who sell their properties. | Comments noted, however it must be noted that sheriffs are excluded in definition. Further the definition will be amended to include attorneys and developers who use third parties to sell their properties |
|  | sections 53, Trust account | NPF further submits that 99% of the estate agents do not use Trust Accounts. NPF therefore propose that it should not be mandatory for businesses that have annual turnover of less R 1.5 M to open a Trust Account | Comments noted, the Minister will prescribe exemptions in terms of keeping trust account |
|  | Section 69, Property Sector transformation | NPF submits that transformation of the sector should have a dedicated chapter which will outline the timeframe, targets etc. , transformation should not be dealt by way of a section. | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
| 1. **Rendom Property Management(RPM)** | Definition, section 1 | RPM submit that section 1 of the Bill is inconsistence with the Community Schemes Ombud Service Act (CSOS) and Sectional Title Scheme Management Act (STSM) | As raised consistently during the public hearings, the managing agents will be reincorporated in the definition (iv) |
|  | Barriers/ costs | RPM submit that a BEE and Tax clearance certificate falls outside the ambit of the Bill and they can hamstring the business of the property practitioner. | Comments noted and the Dept will review the disqualification provisions as set out in section 49 and redraft the section accordingly to exclude subsection (vi), (vii), (viii) and subsection (b), (c) and (d) will be aligned accordingly with subsection (a) |
|  | Section 76, Transitional provisions | RPM further submit that the transitional provision does not take into consideration the rights of the property practitioners | The Dept note the comments |
|  | General comments | RPM furthermore submit that there must be a clear clarity on the roles of CSOS and EAAB | Comments noted and the alignment with the CSOS and the Rental Housing Act will be done accordingly as raised by BASA |
| 1. **National Association of Managing Agent (NAMA)** | Definition, section 1 | NAMA submits that developers should be included in the definition of the Property practitioners Bill | The Dept note the comment and the provision will be revised accordingly |
|  | General comments | NAMA further submits that the licensing of managing agents should be considered as it is an international standard | Comments noted |
|  |  | NAMA submits that the guidelines should be promulgated so that it will determine which entity should regulate managing agents | Comments noted and the alignment with the CSOS and the Rental Housing Act will be done accordingly as raised by BASA |
| 1. **Institute of Estate Agents of South Africa(IEASA)** | Definition, section 1 (a)(vi)(cc) | IEASA submit that candidate attorneys should not be exempted from the application of the Bill | Comments noted, however it must be noted that sheriffs are excluded in definition. Further the definition will be amended to include attorneys and developers who use third parties to sell their properties |
|  | Section 47, Prohibition on rendering services without FFC | IEASA submit that this section need to be reconsidered | The Dept note the comment, however section 47 will be applied in conjunction with the provision dealing with “deemed to be in possession” |
|  | section 54, Duty of property practitioner to keep accounting records and other documents | IEASA submit that the requirement that the property practitioner should keep documents for the period of 10 years whereas attorneys keep them for the period of 5 years must be reviewed | The Dept note the comment and therefore the responsibility of keeping accounting records will be reduced from 10 years to 5 years by way of substitution in section |
|  | Section 55(5), property practitioner not entitled to remuneration in certain circumstances | IEASA submit that this item should remain as an item on which the parties may agree upon. IEASA further propose that alternatively the parties may agree in writing. | Comments noted |
|  | Section 65, prohibition on conduct to influence issue of certain certificates | IEASA propose that there should be a provision under section 65(2) which reads as follows: “a property practitioner may not in any way pay , directly or indirectly to any person or entity with the intention to pay for exclusive right in a particular estate” | The Dept concurs and the provision will be revised by way of insertion as proposed |
|  | Section 67, Language of agreements | IEASA submit that the drafting of agreement of sale or lease in any official language requested by the purchaser or lessee places an unjustifiable administrative as well as cost burden on the property practitioner concern. | The Dept concurs and the provision will be revised accordingly section 67(1) and be aligned with the National Credit Act NCA) in relation to provisions dealing with language of statement of intent. |
|  | Section 68, Consumer education and information | IEASA supports this provision | Comments noted |
|  | Section 69(4), Property Sector Transformation | IEASA supports transformation and further propose the use of levy duty to take certain percentage to contribute into the fund | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
| **COMMENTS FROM THE FLOOR** | | | |
| 1. **GPRS Properties** | Definitions, section 1(a) | GPRS submit that the definition of the property practitioner excludes entity of a company | Comments noted |
|  | Definitions, section 1 | GPRS submit that there should be clarity between candidate attorney and Intern | Comments noted |
|  | Section 1(a)(iv) | GPRS further submit that the exclusion of managing agents poses a risky | Comments noted. As raised consistently during the public hearings, the managing agents will be reincorporated in the definition (iv) |
|  | Section 4, exemptions | GPRS submit that it is concerned about the amount of work that the Property Practitioner Regulator Authority will have in processing the exemptions | Comments noted. The Dept will consider that the provision be made to group exemptions that could apply to a specified calls of persons. The Dept further submit that this will lessen the burden placed on the Authority to consider multiple applications from the same industry players who are facing the same issues. |
|  | Section 56, Mandatory indemnity insurance | GPRS submit that why is the property practitioner must have indemnity insurance | The Dept note the comment, however the rationale of inserting this provision is to advance consumer protection |
|  | Section 66, mandatory disclosure form | GPRS propose that English is the commercial language and as such mandatory disclosure form should be written in English | The Dept concurs and the provision will be revised accordingly section 67(1) and be aligned with the National Credit Act NCA) in relation to provisions dealing with language of statement of intent.  Comments noted |
|  | Section 67, Language of agreements | GPRS propose that English is the commercial language and as such agreements should be drafted in English. | The Dept concurs and the provision will be revised accordingly section 67(1) and be aligned with the National Credit Act NCA) in relation to provisions dealing with language of statement of intent.  Comments noted |
|  | Section 68, Consumer education and information | GPRS propose that English is the commercial language and as such the consumer education and information should be done in English. | The Dept concurs and the provision will be revised accordingly section 67(1) and be aligned with the National Credit Act NCA) in relation to provisions dealing with language of statement of intent.  Comments noted |
|  | Section 71, Penalties | GPRS submit that the Regulator does not have power to imprison property practitioners | Comments noted |
| 1. **Thabo** | Chapter 4, Establishment, appointment, resources, powers and duties of property practitioners Ombud | Thabo submit that the office must appoint experienced members of the profession | The Ombuds chapter will be omitted in lieu of the establishment the Human Settlements Ombud in the Human Settlements Bill. |
|  | General comments | Thabo submit that the Bill must also support property practitioners | Comments noted |
| **LIMPOPO PROVINCE, POLOKWANE** | | | |
| 1. **Property Valuers Association (PVA)** | Definitions, section 1 | SACPVP submits that they are already regulated under the Property Valuers Profession Act,2000  SACPVP further submits that the word “assessment” should be defined or be excluded property valuers as there might be unintended consequences  SACPVP therefore propose that subsection “(ee) be inserted under exclusions in the definition and will read as follows “excluding a person regulated under Property Valuers Act, 2000” | Comments noted definition to be reconsidered in order to exclude professional valuers from definition and application of the legislation. |
| 1. **Joe** | Section 55(1)(5), | Joe submit that the attorneys paying commission must make sure that the property practitioners whom they are working with are registered before paying them | The Bill prohibits the payment by attorneys to property practitioner without a valid FFC |
| 1. **Polokwane Municipality** | Section 7, Composition of the Board | Polokwane municipalities submit that the Board of the Authority must have a town planner as one of its members as the Board regulates built environment. | The Dept concurs and as raised during the public hearings, the Portfolio Committee need to relook not only the composition but the overall alignment of this provision with NCR  The DTI has done a comprehensive study regarding rationalization of the Public Entities which mainly deals with regulating various sectors. And they are prepared to share the rationalization process with the Committee in particular the NCR legislation amendment. |
| **FREE STATE PROVINCE, MANGAUNG** | | | |
| 1. **SERVICES SETA (SETA)** | S1 Definition | SETA submit that the definition of “property practitioner is too broad as it encompasses a wide and diverse variety of persons in the scope of a “property practitioner”. | The objective of the Bill is to regulate additional role players who are currently unregulated. |
|  | Section 3, Objects of the Bill | SETA further submits that section 3(f) that one of the objects of the Bill is to “provide for education , training and development of property practitioners and candidate property practitioners”  SETA submits that the term ‘provide ‘is a particular concern to Services SETA as this is in direct conflict with Services SETA’s rights as Services SETA to provide qualifications.  SETA further submits that the Bill is unclear as to who would provide this training and allows for the Board to advise the Minister on the education and training of property practitioners in terms of section 9(g). SETA submits that providing education, training and development is a function already performed by Services SETA and to subsequently provide such mandate to another body via the Bill will lead to a conflict of jurisdiction. | The Dept recognize that one of the objectives of the Services SETA is to develop qualifications, but however the Authority will be expected to provide training and development such as CPD over and above the qualifications as developed by the Services SETA. In this regard strategic partnership and collaboration will be consolidated between the two entities regarding the application of this Act in relation to training |
|  | Section 38(1), Grants | SETA submits that this is also a mandate which falls within the scope of Service SETA’s area of practice in terms of section 10(1)(b)(iii). | The grants payable in terms of the Bill will be solely utilized to promote transformation and the wellbeing of the property market. |
| 1. **.**  **South African Council for the Property Valuers Profession (SACPVP)** | Definitions, section 1(a)(v) | SACPVP submits that they are already regulated under the Property Valuers Profession Act,2000  SACPVP further submits that the word “assessment” should be defined or be excluded property valuers as there might be unintended consequences  SACPVP therefore propose that subsection “(ee) be inserted under exclusions in the definition and will read as follows “excluding a person regulated under Property Valuers Act, 2000” | Comments noted definition to be reconsidered in order to exclude professional valuers from definition and application of the legislation. |
| 1. **Black Professional Valuers (BPV)** | Section 69, Property Sector Transformation | BPV submit that the Bill is not clear on transformation | The Dept concurs and as consistently raised during the public hearings, a new chapter on transformation will be drafted and section 69 will be substituted accordingly |
|  | Entry barriers/ costs | BPV submit that there the requirement to open trust account, payment of fees, continuous development (CPD) etc. amounts to barriers to entry into the profession. | Comments noted and the Dept will review the disqualification provisions as set out in section 49 and redraft the section accordingly to exclude subsection (vi), (vii), (viii) and subsection (b), (c) and (d) will be aligned accordingly with subsection (a) |