



**Portfolio Committee
on Cooperative Governance,
Human Settlements &
Traditional Affairs**

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Hon LC Dlamini
Chairperson: Select Committee on Social Services

NEGOTIATING MANDATE

Name of the Bill: **Property Practitioners Bill**

Number of the Bill: **B21B – 2018**

Date of deliberation: **Tuesday, 12 March 2019**

Vote of the Legislature: **The legislature votes in favour**

(Subject to consideration of the proposed amendments)

AJ Beukes

Signature:

Hon AJ Beukes

Chairperson: PC on Cooperative Governance, Human Settlements & Traditional Affairs

12/03/2019

Date:

NORTHERN CAPE PROVINCIAL LEGISLATURE



NEGOTIATING MANDATE OF THE PROPERTY PRACTITIONERS BILL [B21B – 2018]

(Section 76 Bill)

1. INTRODUCTION

The Chairperson of the Portfolio Committee on Cooperative Governance, Human Settlements & Traditional Affairs, Hon AJ Beukes, tables the Committee's negotiating mandate on the ***Property Practitioners Bill* [B21B – 2018]** as adopted by the Portfolio Committee on **Tuesday, 12 March 2019**.

2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the ***Property Practitioners Bill* [B21B – 2018]** to the Portfolio Committee on Cooperative Governance, Human Settlements & Traditional Affairs on **11 February 2019**.
- 2.2 On **Wednesday, 20 February 2019**, the Portfolio Committee on Cooperative Governance, Human Settlements & Traditional Affairs received a briefing on the Bill from the Northern Cape's Permanent Delegate to the NCOP, Hon D Stock and the National Department of *Human Settlements*.
- 2.3 The Portfolio Committee resolved to hold public hearings on the referred Bill in all five regions and also called for written submissions to solicit the views of communities and stakeholders with regard to the ***Property Practitioners Bill***.
- 2.4 Five (5) Public Hearings were held on **Thursday, 07 March 2019 in Frances Baard, Pixley Ka Seme, ZF Mgcawu and John Taolo Gaetsewe regions and Friday, 08 March 2019 in Namakwa Region** as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Provincial

- 2.5 Radio Adverts were conducted to inform stakeholders of the scheduled public hearings in all regions apart from John Taolo Gaetsewe region. The following radio stations were utilized: Radio Riverside, Radio Teemaneng, Radio Kaboesna, Radio Revival, Radio Llwasi, Radio NFM and Radio Vaaltar FM.
- 2.6 On **Tuesday, 12 March 2019** the Portfolio Committee on Cooperative Governance, Human Settlements & Traditional Affairs deliberated and considered the ***Property Practitioners Bill [B21B – 2018]***.

3. COMMITTEE INPUTS ON THE BILL

- 3.1 Represented in the Properties Regulatory Authority should be done on a rotational basis in order to accommodate all provinces per cluster of regions.
- 3.2 The bill must also have a clause that will relook at the commission paid to property practitioners in order to ensure that commission paid to estate agencies is not detrimental to new interns in the industry.
- 3.3 The bill must also ensure that the SETA which is established to train estate agencies is well coordinated in all provinces.

4. STAKEHOLDERS'/PUBLIC INPUTS ON THE BILL

The following are inputs for consideration in the Bill:

- 4.1 The office of the Estate Agency Affairs Board is non-functional and it is not adequately regulated.
- 4.2 The bill must include the section that will assist to regulate commission earned by estate agent. Furthermore, consideration must be given to pay practitioners basic salaries in order to professionalise the industry.
- 4.3 Clause 50: The fidelity certificate should be transferable within the proposed period. However, the tax clearance certificate must be in order, and must be required from the estate agent company and not from individual practitioners.
- 4.4 The bill must ensure that in most instances favours the buyer.
- 4.5 Clause 68: Developer and seller be replaced with buyer. This is informed by the fact that the clients never want to pay fees for such agreements and this is taken out of the profits of the practitioner.
- 4.6 The Bill must ensure that the public is educated on all contractual issues related to the procurement of property.
- 4.7 The Bill must make provision for young people to be trained as property practitioners and also make it easy for them to enter the market.

5. WRITTEN SUBMISSIONS ON THE BILL

No written inputs were received.

6. STAKEHOLDERS POSITION ON THE BILL

The majority of the stakeholders voted in favour of the Bill.

7. PORTFOLIO COMMITTEE POSITION ON THE BILL

After due deliberation, the Portfolio Committee on Cooperative Governance, Human Settlements & Traditional Affairs supports the Bill.

8. COMMITTEE ADOPTION OF THE BILL

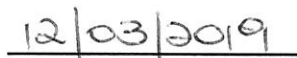
The Committee adopted this negotiating mandate, duly signed by the Chairperson of the Committee.

The Committee recommends to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill.



HON AJ Beukes

Chairperson: PC on Cooperative Governance, Human Settlements & Traditional Affairs



Date