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**ISISHAYAMTHETHO SAKWAZULU-NATAL**

**KWAZULU-NATAL WETGEWER**

**KWAZULU-NATAL PROVINCIAL LEGISLATURE**

**TO: THE CHAIRPERSON,  
NATIONAL COUNCIL OF PROVINCES**

**FINAL MANDATE**

**PROVINCE : KWAZULU-NATAL**  
**BILL : HOUSING DEVELOPMENT AGENCY BILL  
[B1B – 2008]**  
**DATE : Tuesday, 17<sup>th</sup> June 2008**

**PROVINCIAL PROCESS :**

Provincial Portfolio Committee/s : Housing Portfolio Committee  
Portfolio Committee :  
meeting date/s : Tuesday, the 17<sup>th</sup> of JUNE 2008  
Provincial NCOP meeting date/s : Tuesday, the 17<sup>th</sup> of JUNE 2008  
Consultation : Parliamentary Legal Advisors, Special & Permanent Delegates

**VOTE OF THE KWAZULU-NATAL PROVINCIAL LEGISLATURE:**

The Provincial Standing Committee on National Council of Provinces Matters met today, Tuesday, the 17<sup>th</sup> of June 2008, & agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to *support* the Housing Development Agency Bill [B1B – 2008] as amended by the Select Committee on Public Services on 11 June 2008.



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## NORTH WEST PROVINCIAL LEGISLATURE

Legislature Offices  
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PORTFOLIO COMMITTEE ON DEVELOPMENTAL LOCAL GOVERNMENT,  
HOUSING AND PROVINCIAL AFFAIRS

Enquiries: Mr. O. Bogatsu  
Email : [obogatsu@nwpl.org.za](mailto:obogatsu@nwpl.org.za)  
Tel : 082 779 4636 / 018 3927155

**Date : 5th June 2008**

**REPORT ON THE FINAL MANDATE: HOUSING DEVELOPMENT  
AGENCY BILL (B1 S-2008)**

### 1. TERMS OF REFERENCE

The Housing Development Agency Bill was referred to the Portfolio Committee on Developmental Local Government, Housing and Provincial Affairs for consideration after being briefed by the permanent Delegate (Hon P. Moatshe) on the 8<sup>th</sup> May 2008.

### 2. CONSIDERATIONS

There was a need for Public Hearing to solicit the views and inputs from different stakeholders and the Communities of the North West Province. The Public Hearing was held on the 28<sup>th</sup> May 2008 in the Legislature Chamber at 09h00 where members of the communities were present from the four Regions of the North West Province.

### 3. RESOLUTIONS

The Portfolio Committee after having considered the Inputs and Views of the Public resolved that the permanent Delegates should support the Housing Development Agency Bill and submit the following as Amendments and Additions:

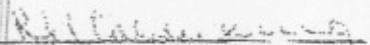
- a. The North West Province has always been experiencing problems with the available Housing Agency in the Province. The Committee needed to be clarified if the Housing Development Agency is going to replace the North West Housing Corporation which has been a problematic Agency in the Province and how will the National Agency link with these Provincial Agency.
- b. The Bill does not come clear with regard to issues of accountability in the Provincial Level. This matter should be clarified in the same bill.
- c. The draft Bill was drafted last year August 2007 and the same Bill was referred to the Province in May 2008; this raises a serious concern to the public because it seems as if they are only consulted to rubberstamp something which has been finalized by the National Parliament.
- d. The Committee also wanted to submit that the public deemed it necessary to have Provincial Representative of the Chief Financial Officers and one representative from the House of Traditional Leadership as Board Members of the Agency.
- e. Clause 06, Acquiring privately owned land has caused problems before and the Committee wants to know how the National Government will succeed in getting control over privately owned land. The acquiring of land should be specified in the Bill to clarify if the housing funds are going to be channeled from the National Government rather than in the Provincial Government as it has always been the case.
- f. There is currently a process of Appropriation Bill which is aimed at moving privately owned land from the hands of the State; the Committee wants to know why the Housing Agency Development Bill is referring to Expropriation Act of 1975.
- g. Clause 07, the concern of the Committee is with regard to the role of the Department of Housing in the Province if the Agency will deal with the uncompleted housing developments.
- h. Clause 08, the Committee submits that the period to review the Mandate of the Agency should be reduced from five years to two / three years.
- i. Clause 09 should clarify the role of the Provincial MEC if the Bill allows for further member to be designated by Minister of Provincial and Local Government.
- j. The Portfolio Committee would like to submit that the Select Committee on Local Government should ensure that Bills referred to

Provinces are drafted in the languages understood by the communities of the respective Provinces and the same Bills are availed to these provinces in time to allow the relevant Portfolio Committees to make thorough consultation with the public.

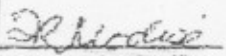
#### 4. CONCLUSION

The Portfolio Committee on Developmental Local Government, Housing and Provincial affairs and the communities of the North West Province agreed to support the Bill with provision that the above proposals are duly considered.

Signed,

  
Hon L. R.M. Mahlakeng

Chairperson - Developmental Local Government, Housing & Provincial Affairs

  
Hon T. Modise

Speaker - North West Provincial Legislature

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Wes-Kaapse Provinsiale Parlement  
Western Cape Provincial Parliament  
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FINAL MANDATE OF THE WESTERN CAPE PROVINCE ON THE HOUSING  
DEVELOPMENT AGENCY BILL [B1C-2008] (NCOP)

Final mandate of the Western Cape Provincial Parliament on the *Housing Development Agency Bill [B1C - 2008]* (NCOP), as resolved by the Standing Committee on Governance on 17 June 2008.

The Western Cape Provincial Parliament having considered the subject of the *Housing Development Agency Bill [B1C-2008]* (NCOP) referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP), begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill with the following amendments.

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

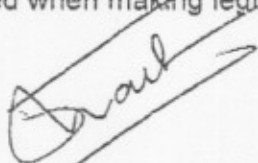
CLAUSE 32

1. On page 13, in line 28, to amend words preceding subclause (2) as follows:

"(2) After consultation, [The] the Minister may, [after consultation with the Agency and Parliament,] make and table regulations for approval by Parliament regarding-"

The explanatory note on the amendment of Clause 32

This amendment is submitted with the understanding and interpretation that this Bill is dealt with as a section 76 Bill and therefore the regulations empowered by this enactment will also be handled through the process followed when making legislation in terms of section 76 of the Constitution.

  
G R STRACHAN  
On behalf of Speaker  
17 JUNE 2008



## OFFICE OF THE SPEAKER



Sesengiso Mzantsi Resolunda  
Gosengomolanga  
Hunt ya Mzantsi ya Mpumalanga  
Isesengiso Mzantsi Resolunda Iseng Mpumalanga

9 June 2008

Enquiries: Mr D Mashego

Tel: (013) 766 1147/1399

### FINAL MANDATE

## HOUSING DEVELOPMENT AGENCY BILL [B 1B-2008]

The Portfolio Committee on Local Government and Housing (the Committee) met on 05 JUNE 2008 to consider the principles and details of the Housing Development Agency [B 1B-2008] (the Bill).

After careful deliberation, the Committee has resolved to support the Bill.

The Delegation representing the Province of Mpumalanga in the National Council of Provinces (the NCOP) is hereby conferred with authority and mandated to vote in favour of the Bill.

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YN:RUSA  
SPEAKER: MPUMALANGA  
PROVINCIAL LEGISLATURE

09.06.2008  
DATE

"We are about : Law making, Oversight, Public Participation  
and Public Involvement"

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**FREE STATE LEGISLATURE**

**LOCAL GOVERNMENT AND HOUSING COMMITTEE**

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**Report on the voting mandate regarding the Housing Development Agency [B1B-2008]**

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**1. Report from the inter-provincial meeting**

- a) On June 17, 2008 Adv T Malakoane, Legal Advisor of the Free State Legislature, briefed the Portfolio Committee: **Local Government and Housing** on the report from the inter-provincial meeting held on June 4, 2008.

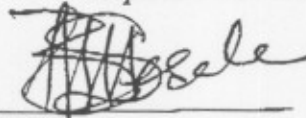
**2. Consideration**

The Portfolio Committee considered the report and agreed to vote in favour of the Bill.


**3. Resolution**

The Committee resolved that:

- (a) Authority be conferred to the Free State Delegation, to vote for the adoption of the Bill.

  
 PZ Matosa  
 Speaker  
 FREE STATE LEGISLATURE

June 17, 2008

  
 E Roekman  
 Secretary to the Free State Legislature



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**EASTERN CAPE PROVINCIAL LEGISLATURE**

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Enquiries: A. Sigama  
Email: asigama@ecleg.gov.za

Date: 18 June 2008

**PORTFOLIO COMMITTEE ON HOUSING*****Report on Final Mandate of the Housing Development Agency Bill (B1B-2008)*****1. *Terms of reference***

The Housing Development Agency Bill (B1B-2008), herein referred to as the Bill, was referred to the Portfolio Committee on Housing by the NCOP Business Committee for consideration in order to formulate a provincial mandate.

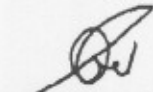
**2. *Consideration of the Bill***

The Portfolio Committee was briefed on the content, effect and proposed amendments. The Committee noted that most concerns that were raised by the Province were addressed; however, the Province feels strongly that the Housing Development Agency must also submit annual reports to Provincial Legislatures and must also be subjected to oversight by Provincial Legislatures.

**3. *Resolution***

The Committee resolved that the following final mandate be conferred:

- To vote for the adoption of the Bill.
- That the permanent delegate be mandated to represent the Province at the meeting considering the final mandates and vote for the adoption of the Bill as amended.



**HON. N KIVIET  
SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE**