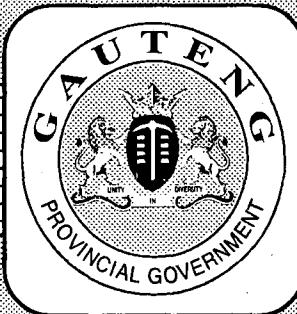


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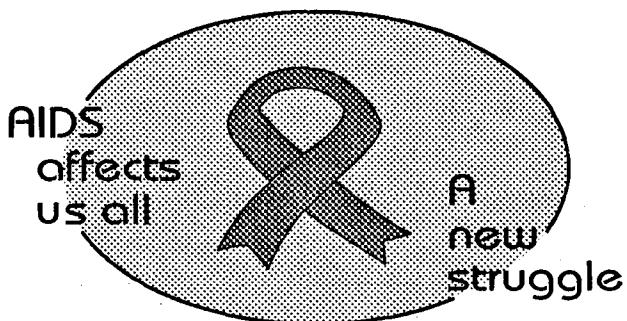
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Vol. 8

PRETORIA, 13 MAY 2002

No. 129

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GENERAL NOTICE

NOTICE 1259 OF 2002

GAUTENG PROVINCIAL LEGISLATURE

PUBLICATION OF THE 2ND GAUTENG HOUSING AMENDMENT BILL

Notice is hereby given that the Member of the Executive Council for Housing intends to introduce the 2nd Gauteng Housing Amendment Bill, 2002 in the Legislature as published in this Extraordinary Gazette.

Any person or organisation wishing to comment on this proposed Legislation may lodge written comments on or before 3 June 2002 by posting, faxing or handing them in at the following address:

The Secretary to the Legislature
Gauteng Provincial Legislature
C/o Committee Co-ordinator (Ms B Makgato)
Private Bag X52
Johannesburg
2000

Physical Address
Gauteng Provincial Legislature
Corner President and Loveday Str
Johannesburg
Tel No: (011) 498-5474
Fax No: (011) 498-5719

SECOND GAUTENG HOUSING AMENDMENT BILL, 2002**GENERAL EXPLANATORY NOTE:**

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

— Words underlined with solid line indicate insertions in existing enactments.

BILL

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 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-
 - (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"
 - (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 :

" "**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";

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];"

- (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.

(k) monitor the implementation of national and provincial housing policy;

(l) promote policy adherence in the execution of national housing programmes in the Province by monitoring delivery in terms of agreed criteria;

- (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;
- (n) administer every national housing programme and every provincial housing programme which is consistent with national housing policy, approve-
 - (i) any projects in respect thereof; and
 - (ii) the financing thereof out of money paid into Gauteng Provincial Housing Fund established in terms of section 12(1) of the Act;
- (o) determine housing development priorities within the Province in accordance with national housing policy;
- (p) administer assets contemplated in section 20."

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."

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.

(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-

- (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 Provincial Housing Advisory Board" 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 expression "advisory panel"

Short title

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

MEMORANDUM ON THE OBJECTIVES OF THE GAUTENG HOUSING AMENDMENT BILL, 2002.

1. REASONS FOR THE BILL

1.1 The purpose of the Bill

The Bill is being introduced to align the Gauteng Housing Act, 1998 (Act No. 6 of 1998) with the amendments made to the National Housing Act, 1997 (Act No. 107 of 1997). The Second Gauteng Housing Amendment Bill seeks to address current inefficiencies of state institutional arrangements legislated by the Gauteng Housing Act, 1998, by-

- (a) abolishing the Gauteng Provincial Housing Advisory Board;
- (b) transferring the powers, duties, rights and obligations of the Gauteng Provincial Housing Advisory Board to the MEC; and
- (c) providing for the establishment of an Advisory Panel and for matters connected thereto.

1.2 Background

During September 2000, the National Cabinet approved the abolition of both the South African Development Housing Board and Provincial Housing Development Boards. This was an outcome of an extensive year long national audit conducted by the National Department of Housing. The audit revealed that the Boards were not performing their advisory role. The underlying reasons for lack of performance were identified as:

- The overall lack of real commitment from Board members, as seen by poor attendance of meetings and to an extent that a quorum could often not be constituted. This refers specifically to South African Housing Development Board.

With reference to the Provincial Housing Development Boards the audit revealed that:

- Their functions had grown in different directions and that their role changed from being advisory to an authoritative role;
- Most members of the Board, if not all, had a conflict of interest and would more often than not approve projects to their benefit;
- There were no clear lines of accountability to the Provincial Executive or communities they were supposed to be representing;
- The powers of setting strategic priorities in respect of housing development were vested in them instead of the MEC and more often than not these did not coincide with those set by the MEC;
- Little consultation occurred between the Housing Boards and the sectors they were representing; and
- The bulk of the work of the Boards (assessing and evaluating of projects, and setting strategic objectives) was carried out by departmental officials.

In the light of the above the National Cabinet resolved that the South African Housing Development Board and Provincial Housing Development Boards be abolished and be substituted by advisory panels to advise the Minister on any matter relating to housing development. It further, approved that the Provincial Housing Development Boards be abolished and that the functions performed or supposed to have been performed by the Boards be transferred to the MEC responsible for housing and supported by his or her respective department. In addition, approval was granted for MEC's to establish advisory panels.

It was said that the establishment of the advisory panels would allow both the Minister and MEC latitude to appoint housing experts on any matter and therefore speed up the decision making process.

To this end, the National Department of Housing has effected the above, by enacting the Housing Amendment Act, 2001 (Act No. 4 of 2001). Section 4 of the Housing Amendment Act, 2001 substitutes

section 5 of the Housing Act, 1997 (Act No. 107 of 1997) and thereby abolish the South African Housing Development Board by necessary implication. Section 4 of the Housing Amendment Act, 2001 replaces the South African Housing Development Board with an advisory panel. Section 8 of the Housing Act, 1997 (Act No. 107 of 1997) has been repealed by section 6 of the Housing Amendment Act, 2001 (Act No. 4 of 2001).

The repealed section 8 provided for Provincial Housing Development Boards. The repeal of section 8, by necessary implication means the abolishment of the Provincial Housing Development Boards.

1.3 Deliberations

As appears from the above, it became imperative that the Department introduce amendments to Gauteng Housing Act, 1998 (Act No. 6 of 1998) for the purpose of aligning it with the Housing Amendment Act, 2001 (Act No. 4 of 2001).

It is important to note that the amendment to abolish the Gauteng Provincial Housing Advisory Board has enormous implications. The Gauteng Provincial Housing Advisory Board is a provincial public entity, a bearer of rights, duties and obligations. The Board is established by section 5 of Gauteng Housing Act, 1998 (Act No. 6 of 1998). The Act is being amended to cater for the transfer of the assets, duties and obligations of the Gauteng Provincial Housing Advisory Board to the Department.

When the National Housing Board established by section 2 of the Housing Arrangement Act, 1993 (Act No. 155 of 1993) was abolished by section 13 of the Housing Act, 1997 (Act No. 107 of 1997), section 14 of the Housing Act, 1997 provided for transitional measures. These measures included, among others, arrangements regarding assets and liabilities of the National Housing Board. They were to vest in the Provincial Housing Development Boards.

Section 5 of the Gauteng Housing Act, 1998 (Act No. 6 of 1998) established the Gauteng Provincial Housing Advisory Board and all assets and liabilities of the National Housing Board were vested in the Gauteng Provincial Housing Advisory Board.

Assets of the Gauteng Provincial Housing Advisory Board consists of funds appropriated by the Provincial Legislature, donations, proceeds of disposing assets, etc. All these have been considered in amending the Gauteng Housing Act, 1998.

After careful consideration of these matters the Department decided to substitute the Gauteng Provincial Housing Advisory Board. In terms of section 5 of the Housing Amendment Act, 2001 (Act No. 4 of 2001) it is the responsibility of the MEC to administer assets contemplated in section 14 of the Housing Act, 1997 (Act No. 107 of 1997).

Furthermore, the Bill provides for the establishment of the Gauteng Provincial Housing Advisory Panel. The function of the Advisory Panel will be to advise the MEC on matters pertaining to housing development and to clearly indicate what the line of accountability is. The Advisory Panel will be accountable to the MEC. Unlike the previous Board, the monitoring of the implementation of the national and provincial housing policy is vested in the MEC.

Above all, the approval of housing projects will now vest in the MEC. The MEC may also delegate or assign some of his or her responsibilities to an official within the Department. In addition the MEC is not precluded from appointing housing experts. The current arrangements will therefore speed up the decision making process.

2. FINANCIAL IMPLICATIONS

With respect to the Advisory Panel, the Department has made provisions in its operational budget for the remuneration of members of the Advisory Panel. There are no envisaged financial implications for municipalities.

4. CLAUSE BY CLAUSE EXPLANATION OF THE BILL

Section 1. provides for the amendment of section 1 of the Gauteng Housing Act, 1998 (hereinafter referred to as principal Act):

- by inserting and deleting certain definitions in the Act.

Section 2: provides for the amendment of 4 of the principal Act-

- by the insertion of paragraphs (j) to (o) which extend the powers and duties of the MEC. Among others powers, the MEC will be approving projects and determining housing development priorities in the Province. It further substitute certain obsolete expressions.

Section 3: provides for the substitution of section 5 in the principal Act. Section 5 provides for the establishment of the advisory panel which will advise the MEC on matters pertaining to housing development, a function which was previously supposed to be performed by Board.

Section 4: provides for the composition of an advisory panel.

Section 5: provides for the functions of an advisory panel.

Section 6: provides for conditions of service of an advisory panel.

Section 7: provides for term of office of a member of an advisory panel.

Section 8: provides for circumstances in which a member of an advisory panel must vacate office.

Section 9: provides for the repeal of section 11 of the principal Act.

Section 10: provides for the substitution of certain obsolete expressions in the principal Act.

Section 11: provides for the substitution of certain expressions in the principal Act.

Section 12: provides for the short title of the Act.

TWEEDE GAUTENGSE BEHUISINGWYSIGINGSWETSONTWERP, 2002**ALGEMENE VERDUIDELIKENDE AANTEKENING:**

[] Woorde in donkerdruk in vierkantige hakies dui op weglatings van bestaande bepalings

Woorde wat met 'n soliede lyn ondersteep is, dui op invoegings in bestaande bepalings

WETSONTWERP

Om die Gautengse Behuisingswet, 1998 te wysig om voorsiening te maak vir die vestiging van 'n adviespaneel; om sekere verouderde uitdrukings te skrap of te vervang; om sekere bepalings in te voeg; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

Word daar soos volg deur die Gautengse Proviniale Wetgewer VERORDEN:

Wysiging van artikel 1 van Wetnr. 6 van 1998, soos gewysig deur artikel 1 van Wetnr. 6 van 2000.

1. Artikel 1 van die Gautengse Behuisingswet, 1998 (hierna die Hoofwet genoem) word hiermee gewysig -
 - (a) deur die invoeging van die volgende omskrywing voor die omskrywing van "Grondwet":
"adviespaneel" beteken die adviespaneel gevestig ingevolge artikel 5"
 - (b) deur die skrapping van die omskrywing van "Raad"
 - (c) deur die vervanging van die omskrywing van "departement" met die volgende:
"departement" beteken die Departement van Behuisung [en Grondsake] in die Provincie"
 - (d) deur die vervanging van die omskrywing van "departementshoof" met die volgende:
"departementshoof" beteken die hoof van die Departement van Behuisung in die Provincie"
 - (e) deur die vervanging van die omskrywing van "Lid" met die volgende:

"'Lid' beteken 'n lid van die adviespaneel soos in artikel 5 beoog";

Wysiging van artikel 4 van Wetnr. 6 van 1998

2. Artikel 4 van die Hoofwet word hiermee gewysig -

- (a) deur die vervanging van paragraaf (c) met die volgende paragraaf:
- "(c) aan die provinsiale wetgewer 'n jaarlikse verslag oor die aktiwiteite van die departement [Gautengse provinsiale behuisingsadviesraad] voorlê;"
- (b) deur die invoeging na paragraaf (i) van die volgende paragrawe:
- "(j) na konsultasie met die provinsiale organisasie wat munisipaliteit verteenwoordig soos beoog in artikel 163 (a) van die Grondwet, alles in sy of haar vermoë doen om die voorsiening van toereikende behuising in die Provinsie binne die raamwerk van die nasionale behuisingsbeleid te bevorder en te faciliteer.
- (k) die implementering van nasionale en provinsiale behuisingsbeleid te monitor;
- (l) die bevordering van die nakoming van beleid in die uitvoering van nasionale behuisingsprogramme in die Provinsie, deur lewering ingevolge ooreengekome kriteria;
- (m) die bevordering van program- en projekprestasie, asook die nakoming van beleid in die uitvoering van nasionale programme in die Provinsie insluitend dié wat deur geakkrediteerde munisipaliteit gadministreer word;
- (n) elke nasionale behuisingsprogram en elke provinsiale behuisingsprogram wat konsekwent is met die nasionale behuisingsbeleid administreer, en goedkeuring verleen aan -
- (i) enige projekte ten opsigte daarvan; en
- (ii) die finansiering daarvan uit geld wat in die Gautengse Provinsiale Behuisingsfonds gevestig ingevolge artikel 12(1) van die Wet inbetaal is;
- (o) prioriteite ten opsigte van behuisingsontwikkeling binne die Provinsie ooreenkomsdig nasionale behuisingsbeleid te bepaal;
- (p) bates soos beoog in artikel 20 administreer."

Vervanging van artikel 5 in Wetnr. 6 van 1998

3. Die volgende artikel vervang hiermee artikel 5 van die Hoofwet:

"Vestiging van Adviespaneel

5. Die LUR moet 'n adviespaneel vestig om die LUR van raad te bedien oor enige aangeleentheid wat op behuisingsontwikkeling betrekking het."

Vervanging van artikel 6 in Wetnr. 6 van 1998

4. Die volgende artikel vervang hiermee artikel 6 van die Hoofwet:

"Samestelling van Adviespaneel

6(1)(a) Die adviespaneel beoog in artikel 5 moet bestaan uit hoogstens ses (6) persone.

- (b) Die adviespaneel moet bestaan uit een of meer gesikte en behoorlike persone wat oor kennis, kwalifikasies of ervaring op die gebied van behuisingsontwikkeling beskik.
- (c) Die LUR moet die lede van die adviespaneel aanstel deur -
 - (i) nominasies vir lede aan te vra deur middel van 'n kennisgewing in die provinsiale koerant en vier koerante wat in die Provinsie gesirkuleer word."

Vervanging van artikel 7 in Wetnr. 6 van 1998

5. Die volgende artikel vervang hiermee artikel 7 van die Hoofwet:

"Funksies van adviespaneel

7. Die adviespaneel moet -

- (a) die LUR oor provinsiale behuisings en strategie adviseer;
- (b) die LUR adviseer oor die aanvaarbaarheid van aangeleenthede rakende behuisingsontwikkeling, soos behuisingsontwikkelingsplanne oor veelvoudige jare en inisiatiewe ten opsigte van behuisingsontwikkeling;
- (c) ondersoeke uitvoer en bestuur soos deur die LUR vereis;
- (d) beleid, wetgewing en programme identifiseer, bevorder, monitor en evaluateer met betrekking tot behuisingsontwikkeling en die impak daarvan op die lewensgehalte van die mense van die Provinsie en die levering van dienste;
- (e) die deelname van belanghebbendes in behuisingsontwikkeling bevorder, veral die deelname van verbruikers en die fundamentele sektor; en
- (f) op die hoogte bly van internasionale verwikkelinge ten opsigte van behuisingsontwikkelingsbeleid."

Vervanging van artikel 8 in Wetnr. 6 van 1998

6. Die volgende artikel vervang hiermee artikel 8 van die Hoofwet:

"Diensvoorwaardes

8. (1) 'n Lid [**van die raad**] wat nie 'n persoon in die Staat se diens is nie, moet aangestel word op sodanige diensvoorwaardes as wat die LUR mag bepaal.

(2) 'n Lid [**van die raad**] mag sodanige toelaes as vergoeding ontvang as wat die LUR mag bepaal, met die instemming van die Lid van die Uitvoerende Raad verantwoordelik vir finansiële sake in die Provincie."

Vervanging van artikel 9 in Wetnr. 6 van 1998

7. Die volgende artikel vervang hiermee artikel 9 van die Hoofwet:

"Ampstermyne van 'n lid

9. 'n Lid word aangestel vir die tydperk wat deur die LUR ten tye van sy of haar aanstelling bepaal word en kan teen beëindiging van sodanige tydperk heraangestel word.'

Vervanging van artikel 10 in Wetnr. 6 van 1998

8. Die volgende artikel vervang hiermee artikel 10 van die Hoofwet:

"Omstandighede waaronder amp ontruim moet word

10. 'n Lid se lidmaatskap word gestaak indien:

- (a) hy of sy bedank;
- (b) sy of haar boedel gesekwestreer word of indien hy of sy aansoek doen om bystand soos beoog in artikel 10(1)(c) van die Wet op Landboukrediet, 1966 (Wetnr. 28 van 1966);
- (c) hy of sy ontoerekeningsvatbaar word;
- (d) hy of sy aan 'n oortreding skuldig bevind word en tronkstraf sonder die keuse van 'n boete opgelê word; en
- (e) hy of sy 'n lid van die Parlement, 'n Provinsiale Wetgewer, 'n Municipale Raad, die Kabinet of die Uitvoerende Raad van 'n Provincie word; en
- (f) die LUR te enige tyd die lidmaatskap van 'n lid om billike en regverdig redes beëindig."

Herroeping van artikel 11 van Wetnr. 6 van 1998

9. Artikel 11 van die Hoofwet word hiermee herroep.

Wysiging van artikel 20 van Wetnr. 6 van 1998

10. Artikel 20 van die Hoofwet word hiermee gewysig -

- (a) deur vervanging van die uitdrukking "Gautengse Provinciale Behuisingsadviesraad" waar dit ook al voorkom met die uitdrukking "departement"

Wysiging van artikel 21 van Wetnr. 6 van 1998

11. Artikel 21 van die Hoofwet word hiermee gewysig -

- (a) deur vervanging van die uitdrukking "raad" waar dit ook al voorkom met die uitdrukking "adviespaneel"

Korttitel

12. Hierdie Wet staan bekend as die Tweede Gautengse Behuisingswysigingswetsontwerp, 2002.

MEMORANDUM OOR DIE DOELWITTE VAN DIE GAUTENGSE BEHUISING-WYSIGINGSWETSONTWERP, 2002**1. REDES VIR DIE WETSONTWERP****1.1 Die doel van die Wetsontwerp**

Die wetsontwerp word ingestel om die Gautengse Behuisingswet, 1998 (Wetnr. 6 van 1998) in ooreenstemming te bring met die wysigings wat aan die Nasionale Behuisingswet (Wetnr. 107 van 1997) aangebring is. Die Tweede Gautengse Behuisingswysigingswetsontwerp het ten doel om huidige tekortkominge van staatsinstitusionele reëlings wat deur die Gautengse Behuisingswet, 1998 verorden is aan te spreek deur -

- (a) die Gautengse Provinciale Behuisingsadviesraad af te skaf;
- (b) die bevoegdhede, pligte, regte en verpligte van die Gautengse Provinciale Behuisingsadviesraad aan die LUR oor te dra; en
- (c) voorsiening te maak vir die vestiging van 'n Adviespaneel en vir aangeleenthede wat daarmee verband hou.

1.2 Agtergrond

Gedurende September 2000, het die Nasionale Kabinet die afskaffing van beide die Suid-Afrikaanse Behuisingsontwikkelingsraad en die Provinciale Behuisingsontwikkelingsrade goedgekeur. Dit was die gevolg van 'n uitgebreide, jaarlange nasionale oudit wat deur die Departement van Behuisings uitgevoer is. Die oudit het aan die lig gebring dat die Rade nie hulle raadgewende rol vervul het nie. Die onderliggende redes vir hierdie gebrek aan prestasie is soos volg geïdentifiseer:

- * 'n Algehele gebrek aan werklike toewyding deur Raadslede, soos bewys deur swak bywoning van vergaderings tot so 'n mate dat 'n kworum nie saamgestel kon word nie. Die verwys spesifieker na die Suid-Afrikaanse Behuisingsontwikkelingsraad.

Met verwysing na die Provinciale Behuisingsontwikkelingsrade het die oudit aan die lig gebring dat:

- * Hulle funksies in verskillende rigtings gegroei het en dat hul rol verander het van 'n raadgewende na 'n gesaghebbende rol;
- * Die meeste lede van die Raad, indien nie almal nie, 'n konflik van belang gehad het en in die reël projekte tot hulle eie voordeel sou goedkeur;
- * Daar geen duidelike hiërargie van aanspreeklikheid was teenoor die Provinciale Uitvoerende Bestuur of aan die gemeenskappe wat hulle veronderstel was om te verteenwoordig nie;

- * Die bevoegdheid om strategiese prioriteite ten opsigte van behuising daar te stel by hulle berus het in plaas van in die LUR, en dat die prioriteite in die reël nie ooreengeskou met dit wat deur die LUR daargestel is nie;
- * Min konsultasie plaasgevind het tussen die Behuisingsrade en die sektore wat hulle verteenwoordig het; en
- * Die oorgrote meerderheid van die Rade se werk (evaluering van projekte en daarstelling van strategiese doelwitte) deur departementebeampies uitgevoer is.

Teen die agtergrond van bogenoemde het die Nasionale Kabinet besluit om die Suid-Afrikaanse Behuisingsontwikkelingsraad en die Provinciale Behuisingsontwikkelingsrade af te skaf en te vervang met adviespanele om die Minister van raad te bedien oor enige aangeleentheid wat op behuisingsontwikkeling betrekking het. Goedkeuring is verder verleen vir die Provinciale Behuisingsontwikkelingsrade om afgeskaf te word en vir die funksies wat deur hulle uitgevoer is, of veronderstel was om deur hulle uitgevoer te word, oor te dra aan die LUR belas met behuising en ondersteun deur sy of haar onderskeie departement. Hierbenewens is goedkeuring verleen vir LURs om adviespanele daar te stel.

Die mening is gehuldig dat die vestiging van adviespanele aan beide die Minister en die LUR die geleentheid sou bied om behuisingskundiges aan te stel ten opsigte van enige aangeleentheid en daardeur die besluitnemingsproses te bespoedig.

Met hierdie doel voor oë het die Nasionale Departement van Behuisings bogenoemde bewerkstellig deur die Behuisingswysigingswet, 2001 (Wetnr. 4 van 2001) uit te vaardig. Artikel 4 van die Behuisingswysigingswet, 2001 vervang artikel 5 van die Behuisingswet, 1997 (Wetnr. 107 van 1997) en skaf daarvan by noodwendige implikasie die Suid-Afrikaanse Behuisingsontwikkelingsraad af. Artikel 4 van die Behuisingswysigingswet, 2001 vervang die Suid-Afrikaanse Behuisingsontwikkelingsraad met 'n adviespaneel. Artikel 8 van die Behuisingswet, 1997 (Wetnr. 107 van 1997) word herroep deur artikel 6 van die Behuisingswysigingswet, 2001 (Wetnr. 4 van 2001).

Artikel 8 wat herroep is, het voorsiening gemaak vir Provinciale Behuisingsontwikkelingsrade. Die herroeping van artikel 8 beteken by noodwendige implikasie die afskaffing van die Provinciale Behuisingsontwikkelingsrade.

1.3 Beraadslaging

Soos duidelik blyk uit bogenoemde het dit noodsaaklik geword vir die Departement om wysisings aan die Gautengse Behuisingswet, 1998 (Wetnr. 6 van 1998) aan te bring met die doel om dit in ooreenstemming te bring met die Behuisingswysigingswet, 2001 (Wetnr. 4 van 2001).

Dit is belangrik om daarop te let dat die afskaffing van die Gautengse

Provinsiale Behuisingsadviesraad groot implikasies inhoud. Die Gautengse Provinsiale Behuisingsadviesraad is 'n provinsiale openbare liggaam, 'n draer van regte, pligte en verpligtinge. Die Raad het ingevolge artikel 5 van die Gautengse Behuisingswet, 1998 (Wetnr. 8 van 1998) tot stand gekom. Die Wet is gewysig om voorsiening te maak vir die oordrag van die bates, pligte en verpligtinge van die Gautengse Provinsiale Behuisingsadviesraad aan die Departement.

Toe die Nasionale Behuisingsraad, wat deur artikel 2 van die Behuisingsregelingswet, 1993 (Wetnr. 155 van 1993) daargestel is, deur artikel 13 van die Behuisingswet, 1997 (Wetnr. 107 van 1997) afgeskaf is, het artikel 14 van die Behuisingswet, 1997 voorsiening gemaak vir oorgangsmaatreëls. Hierdie maatreëls het, onder andere, reëlings ingesluit rakende die bates en laste van die Nasionale Behuisingsraad. Hulle sou deur die Provinsiale Behuisingsontwikkelingsrade beskik word.

Artikel 5 van die Gautengse Behuisingswet, 1998 (Wetnr. 6 van 1998) het die Gautengse Provinsiale Behuisingsadviesraad daargestel en alle bates en laste van die Nasionale Behuisingsraad het by die Gautengse Provinsiale Behuisingsadviesraad berus.

Bates van die Gautengse Provinsiale Behuisingsadviesraad bestaan uit fondse wat deur die Provinsiale Wetgewer bewillig is, skenkings, opbrengste op die verkoop van bates, ens. Al hierdie bates is in ag geneem tydens die wysiging van die Gautengse Behuisingswet, 1998.

Na deeglike oorweging van hierdie aangeleenthede, het die Departement besluit om die Gautengse Provinsiale Behuisingsadviesraad te vervang. Ingevolge artikel 5 van die Behuisingswysigingswet, 2001 (Wetnr. 4 van 2001) is dit die verantwoordelikheid van die LUR om bates soos beoog in artikel 14 van die Behuisingswet, 1997 (Wetnr. 107 van 1997) te administreer.

Verder maak die Wetsontwerp voorsiening vir die vestiging van die Gautengse Provinsiale Adviespaneel vir Behuisings. Die funksie van die Adviespaneel sal wees om die LUR te adviseer oor sake wat op behuisingsontwikkeling betrekking het en om die hiërargie van aanspreeklikheid duidelik aan te dui. Die Adviespaneel sal aan die LUR verantwoordelik wees. Anders as die vorige Raad, berus monitering van die implementering van die nasionale en provinsiale behuisingsbeleid by die LUR.

Bo alles sal die goedkeuring van behuisingsprojekte nou by die LUR berus. Die LUR mag ook sekere van sy of haar verantwoordelikhede aan 'n beampie binne die Departement deleger of opdra. Verder word die LUR nie daarvan weerhou om behuisingskundiges aan te stel nie. Die huidige reëlings sal derhalwe die besluitnemingsproses bespoedig.

2. FINANSIEËLE IMPLIKASIES

Ten opsigte van die Adviespaneel het die Departement in sy bedryfsbegroting voorsiening gemaak vir vergoeding aan lede van die Adviespaneel. Geen

finansiële implikasies vir munisipaliteite word in die vooruitsig gestel nie.

4. VERDUIDELIKING VAN DIE WETSONTWERP KLOUSULE BY KLOUSULE

Artikel 1: maak voorsiening vir die wysiging van artikel 1 van die Gautengse Behuisingswet, 1998 (hierna die Hoofwet genoem):

- * deur die invoeging en skrapping van sekere omskrywings in die Wet.

Artikel 2: maak voorsiening vir die wysiging van artikel 4 van die Hoofwet -

- * deur invoeging van paragrawe (j) tot (o) wat die bevoegdhede en pligte van die LUR uitbrei. Tesame met ander bevoegdhede, sal die LUR projekte goedkeur en prioriteit ten opsigte van behuisingsontwikkeling in die Provincie bepaal. Verder word sekere verouderde uitdrukkings daardeur vervang.

Artikel 3: maak voorsiening vir die vervanging van artikel 5 in die Hoofwet. Artikel 5 maak voorsiening vir die vestiging van 'n adviespaneel wat die LUR van raad sal bedien ten opsigte van aangeleenthede wat op behuisingsontwikkeling betrekking het, 'n funksie wat voorheen veronderstel is om deur die Raad uitgevoer te word.

Artikel 4: maak voorsiening vir die samestelling van 'n adviespaneel.

Artikel 5: maak voorsiening vir die funksies van 'n adviespaneel.

Artikel 6: maak voorsiening vir die diensvoorraades van 'n adviespaneel.

Artikel 7: maak voorsiening vir die ampstermyn van 'n lid van die adviespaneel.

Artikel 8: maak voorsiening vir omstandighede waarin 'n lid van die adviespaneel die amp moet ontruim.

Artikel 9: maak voorsiening vir die herroeping van artikel 11 van die Hoofwet.

Artikel 10: maak voorsiening vir die vervanging van sekere verouderde uitdrukkings in die Hoofwet.

Artikel 11: maak voorsiening vir die vervanging van sekere uitdrukkings in die Hoofwet.

Artikel 12: maak voorsiening vir die korttitel van die Wet.

SEPEDI**MOLAOKAKANYWA-PHETOŠWA WA BOBEDI WA GAUTENG WA KABO YA DINTLO, WA 2002**

[] Mantšu a a ngwadilwego ka bokoto ka mašakaneng a sekwere a laetša tše di tlogetšwego melaong ye e lego gona

-----Mantšu a a thaletšwego ka mothalo wo o sa kgaoganywago a laetša tše di tsenyeleditšwego melaong ye e lego gona.

MOLAOKAKANYWA

Go fetoša Molao wa Gauteng wa Kabo ya Dintlo, 1998 gore o kgonagatše go hlongwa ga panele ya keletšo; go phumola goba go tliša mebolelwana ye mengwe legatong la ye mengwe; go tsenya ditaelo tše dingwe; le go fana ka merero ye mengwe ye e amanago le tše.

Lekgotlapeomelao la Gauteng le BEA MOLAO wo ka tsela ye e latelago:

Phetošo ya karolo 1 ya Molao wa Nomoro 6 wa 1998, bjalo ka ge o fetošitšwe ka karolo 1 ya Molao wa Nomoro 6 wa 2000

1. Karolo 1 ya Molao wa Gauteng wa Kabo ya Dintlo wa 1998 (wo o tla hlaloswago mo bjalo ka Molaohlogo) o fetošwa ka tše di latelago:

(a) ka go tsenya tlhaloso ye e latelago pele ga tlhaloso ya “Molaotheo”

“ ‘panele ya keletšo’ ke panele ya keleletšo ye e hlomilwego go ya ka karolo ya 5”

(b) ka go phumola tlhaloso ya “Boto”

(c) ka go tsenya tlhaloso ye e latelago legatong la tlhaloso ya “kgoro”:

“ ‘**kgoro**’ e ra Kgoro ya Kabo ya Dintlo [**Ie Merero ya Mabu**] ka Profenseng”

(d) ka go tsenya tlhaloso ye e latelago legatong la tlhaloso ya “hlogo ya kgoro”:

“ ‘**hlogo ya kgoro**’ e ra hlogo ya kgoro ya Kabo ya Dintlo ka Profenseng”

(e) ka go tsenya tlhaloso ye e latelago legatong la tlhaloso ya “Leloko”

“ **Leloko** ke leloko la panele ya keletšo leo le akanywago karolong ya 5”

Phetošo ya karolo 4 ya Molao wa Nomoro 6 wa 1998

2. Karolo 4 ya Molao hlogo e fetošwa ka tše di latelago-

(a) ka go tsenya temana ye e latelago legatong la temana (c):

“(c) go fa lekgotlapeomelao la profense pego ya ngwaga-ka-ngwaga ka ga ditiro tša **kgoro** [**Lekgotlakeletšo la Gauteng la kaboo ya dintlo**];”

(b) ka go tsenya ditemana ye e latelago legatong la temana (i):

“(j) **morago ga go rerišana le mokgatlo wa profense wo o emelago** bommasepala bjalo ka ge go akantšwe karolong 163 (a) ya Molaotheo, le dire se sengwe le se sengwe ka mo go lego maatleng a lona go tšweletša le go eta pele kaboo ye e lekanego ya dintlo ka Profenseng motheong wa leanotshepedišo la kaboo ya dintlo;

(k) le hlapetše go tsenywa tirišong ga leanotshepedišo la bosetšhaba le la profense la kaboo ya dintlo;

(l) le tšweletše kgomarelo ya leanotshepedišo phethagatšong ya lenaneo la bosetšhaba la kaboo ya dintlo ka Profenseng ka go hlapetše kaboo go ya ka ditshwanelego tše di kwanetšwego;

(m) le tšweletše go šongwa ga mananeo le diprojeke gammogo le go obamelwa ga leanotshepedišo phethagatšong ya mananeo a bosetšhaba ka profenseng, go akaretšwa le ao a laolwago ke bommasepala bao ba filwego maatla;

(n) le laole lenaneo le lengwe le le lengwe la bosetšhaba la kaboo ya dintlo le le lengwe le le lengwe la profense la kaboo ya dintlo leo le sepedišanago le leanotshepedišo la bosetšhaba la kaboo ya dintlo, gomme a amogelete –

- (i) diprojeke dife goba dife tše di lego mabapi le tše; le go thekgwa ga tšona ka ditšelete tše di lefetšwego Sekhwameng sa Gauteng sa Kabo ya Dintlo, seo se hlomilwego go ya ka karolo 12 (1) ya Molao wo;
- (o) le kgonthiše dišedi tša tlhabollo ya kabotya dintlo ka Profenseng go ya ka leanotshepedišo la bosetšhaba la kabotya dintlo;
- (p) le laole dithoto tše di akantšwego karolong ya 20"

Go emelwa ga karolo 5 Molaong wa Nomoro ya 6 wa 1998

3. Karolo ya 5 ya Molaohlogo e emelwa ke karolo ye e latelago:

"Go hlongwa ga panele ya keletšo"

5. Leloko la Lekgotlaphethiši le swanetše go hloma panele ya keletšo go eletša Leloko la Lekgotlaphethiši morerong ofe goba ofe wo o amanago le tlhabollo ya kabotya dintlo"

Go emelwa ga karolo 6 Molaong wa Nomoro 6 wa 1998

4. Karolo ya 6 ya Molaohlogo e emelwa ke karolo ye e latelago:

"Tlhamo ya panele ya keletšo"

6(1)(a) Panele ya keletšo ye e akantšwego karolong ya 5 e swanetše go ba le batho ba palo ye e sa fetego tshela (6).

- (b) Panele ya keletšo e swanetše go ba le motho o tee goba ba ba fetago moo ba ba swanelegago le gona e le ba maleba, bao ba nago le tsebo, mangwalo goba boitemogelo mererong ya tlhabollo ya kabotya dintlo.
- (c) Leloko la Lekgotlaphethiši le swanetše go hloma maloko a panele ya keletšo ka –

- (i) go dira boipiletšo bja gore go kgethwe maloko ka go phatlalatša tsebišo ka Kuranteng ya Mmušo le ka dikuranteng tše nne tše di balwago ka profenseng”

Go emelwa ga karolo ya 7 ka Molaong wa Nomoro 6 wa 1998

5. Karolo 7 ya Molaohlogo e emelwa ke karolo ye e latelago

“Mešomo ya panele ya keletšo.

7. Panele ya keletšo e swanetše-

- (a) go eletša Leloko la Lekgotlaphethiši ka ga leanotshepedišo la profense la kabo ya dintlo le ka ga mokgwa wa go šoma;
- (b) go eletša Leloko la Lekotlaphethiši ka ga kamogelego ya merero ya tlhabollo ya kabo ya dintlo go swana le maano a mengwaga ye mentši a tlhabollo ya kabo ya dintlo le matsapa a tlhabollo ya kabo ya dintlo;
- (c) go etelela pele le go sepediša dinyakišišo tše di nyakwago ke Leloko la Lekgotlaphethiši;
- (d) go ūupa, go tšweletša, go hlapetša le go sekaseka leanotshepedišo, melao le mananeo mabapi le tlhabollo ya kabo ya dintlo le khuetšo ya yona go boleng bja lephelo la batho ba profense le kabong ya ditirelo;
- (e) go tšweletša go kgatha tema ga beng-karolo tlhabollong ya kabo ya dintlo, kudukudu go kgatha tema ga makala a badiriši le ga batho ba maemo a tlwaelegilego; le
- (f) go dula e sedimošitšwe ka ga ditiragalo tša boditšhabatšhaba leanotšhepedišong la tlhabollo ya kabo ya dintlo”

Go emelwa ga karolo 8 Molaong wa Nomoro 6 wa 1998

6. Karolo ya 8 ya Molaohlogo e emelwa ke karolo ya e latelago:

“Mabaka a Tirelo

- 8 (1) Leloko [**la boto**] ntle le motho yo a thwetšwego ke Mmušo, o swanetše go thwalwa mabakeng a tirelo ao a tla bewago ke Leloko la Lekgotlaphethiši.
- (2) Leloko [**la boto**] le ka lefelwa diputseletšo go ya le ka moo go ka bewago ke Leloko la Lekgotlaphethiši ka kwano le Leloko la Lekgotlaphethiši leo le nago le boikarabelo mererong ya ditšelete ka Profenseng”

Go emelwa ga karolo ya 9 Molaong wa Nomoro 6 wa 1998

7. Karolo ya 9 ya Molaohlogo e emelwa ke karolo ye e latelago:

“Lebaka la go šoma la leloko

9. Leloko le hlongwa lebakeng leo le bewago ke Leloko la Lekotlaphethiši ge le hlongwa gomme le ka hlongwa gape ge lebaka leo le fela”.

Go emelwa ga karolo ya 10 Molaong wa Nomoro 6 wa 1998

8. Karolo ya 10 ya Molaohlogo e emelwa ke karolo ye e latelago:

“Mabaka ao ka wona mošomo o swanetšego go tlogelwa

10. Leloko le tlogela go ba leloko ge:

- (a) le rola mošomo;
- (b) thoto ya lona e phatlalatšwa goba ge le ka kgopela thušo ye e akanywago karolong ya 10(1)(c) ya Molao wa Krediti ya tša Temo, 1966 (Molao wa Nomoro 28 wa 1966);
- (c) le ka ba le bofokodi bja monagano;
- (d) le ka bonwa molato gomme la romelwa kgolegong ntle le tefišo
- (e) le ka ba leloko la Palamente, Lekgotlapeomelao la Profense, Khansele ya Mmasepala, Kabinete goba Khanselephethiši ya Profense; le gona
- (f) Leloko la Lekotlaphethiši le ka fediša bosetho bja leloko nakong efe goba efe ka mabaka ao a lokilego le gona a kwagalago”.

Go fedišwa ga karolo 11 ya Molao wa Nomoro 6 wa 1998

9. Karolo 11 ya Molaohlogo e a fedišwa.

Phetošo ya karolo 20 ya Molao wa Nomoro 6 wa 1998

10. Karolo 20 ya Molaohlogo e fotošwa-

- (a) ka go tsenya lentšu la “kgoro”go gongwe le go gongwe moo go tšwelelago mmolelwana wa “Boto ya Keletšo ya Profense ya Gauteng ya Kabo ya Dintlo”.

Go fetošwa ga karolo 21 ya Molao wa Nomoro ya 6 wa 1998

11. Karolo ya 21 ya Molaohlogo e fetošwa –

- (a) ka go tsenya mmolelwana wa “panele ya keletšo” go gongwe le go gongwe mo go tšwelelago lentšu la “boto”

Hlogo ye kopana

12. Molao wo o bitšwa Molaophetošwa wa Bobedi wa Gauteng wa Kabo ya Dintlo, 2002.

MEMORANTAMO KA GA MAIKEMIŠETŠO A MOLAOKAKANYWA-PHETOŠWA WA GAUTENG WA KABO YA DINTLO, 2002

1. MABAKA A MOLAOKAKANYWA

1.1 Morero wa Molaokakanywa

Molaokakanywa wo o tlišwa go nyalanya Molao wa Gauteng wa Kabo ya Dintlo wa 1998 (Molao wa Nomoro ya 6 wa 1998) le diphetošo tše di dirilwego go Molao wa Bosetšhaba wa Kabo ya Dintlo, 1997 (Molao wa Nomoro ya 107 wa 1997). Molaokakanywa-phetošwa wa Bobedi wa Gauteng wa Kabo ya Dintlo o nyaka go hlokomela mabofokodi a bjale a dipeakanyo tša mmušo tša mekgatlo tše di beilwego Molaong wa Gauteng wa Kabo ya Dintlo, 1998, ka –

- (a) go fedisa Boto ya Keletšo ya Profense ya Gauteng ya Kabo ya Dintlo;
- (b) go fetišetša maatla, maikarabelo, ditokelo le ditlamego tša Boto ya Keletšo ya Profense ya Gauteng ya Kabo ya Dintlo go Leloko la Lekgotlaphethiši; le
- (c) go kgonagatša go hlongwa ga Panele ya Keletšo le ga merero ye e amanago le yona.

1.2 Botšo

Kgweding ya Setemere 200, Kabinete ya Bosetšhaba e ile ya amogela go fediswa ga bobedding, Boto ya Afrika Borwa ya Tlhabollo ya Kabo ya Dintlo le Diboto tša Profense tša Tlhabollo ya Kabo ya Dintlo. Se e bile ditlamorago tša tekolo ye e tseneletšego ya ngwaga ka moka ya bosetšhaba, yeo e bego e sepedišwa ke Kgoro ya Bosetšhaba ya Kabo ya Dintlo. Tekolo yeo e ile ya utolla gore Diboto di be di sa phethe mošomo wa tšona wa keletšo. Mabaka a motheo a go se šome gabotse a ile a šupša e le:

- Tlhaelelo ya kakaretšo ya boikemišetšo bja makgonthe go tšwa go maloko a Boto, bjale ka ge go bonwe ka go ba gona dikopanong ka go fokola, moo e lego gore gantši maloko ao a bego gona a be a sa lekane go ka dira khoramo. Mo go šupša kudu Boto ya Afrika Borwa ya Tlhabollo ya Kabo ya Dintlo.

Mabapi le Diboto tša Profense tša Tlhabollo ya Kabo ya Dintlo, tekolo e ile ya utlolla gore:

- Mešomo ya tšona e be e goletše mahlakoreng a a fapafapanego le gore maikarabelo sa tšona a fetogile go tloga go a boeletši go ya go a bobušannoši;
- Bontši bja maloko a Boto, ge e le gore ga se ka moka ga wona, a be a na le dikgahlegelo tše di thulanago gomme gantši a be a dumelela diprojekte go ikhola;
- Go be go se na ditaetšo tše di sekilego tša boikarabelo go Khanselephethiši ya Profense, goba go ditšhaba tše di bego di swanetše go emelwa;
- Maatla a go beakanya dišedi tša go šoma mabapi le tlhabollo ya kabu ya dintlo a be a beilwe go tšona go ena le go Leloko la Lekgotlaphethiši, gomme gantši maatla a a be a sa sepedišane le ao a beilwego ke Leloko la Lekgotlaphethiši;

- Go bile le ditherišano tše nnyane magareng a Diboto tša Kabo ya Dintlo le mafapha ao di bego di a emela; le gona
- Bogolo bja mešomo ya Diboto (kelo le tshekatsheko ya diprojeke, le go bewa ga maano a go šoma) bo be bo phethwa ke bahlankedi ba mmušo.

Ka lebaka la dintlha tša ka godimo, Kabinet ya Botsetšhaba e ile ya tšeа sephetho sa gore Boto ya Afrika Borwa ya Tlhabollo ya Kabo ya Dintlo le Diboto tša Profense tša Tlhabollo ya Kabo ya Dintlo di fedišwe gomme di tšeelwe legato ke dipanele tša keletšo go eletša Tona ka ga morero ofe goba ofe wo o amanago le tlhabollo ya kaboo ya dintlo. Go tšwela pele e ile ya dumelela gore Diboto tša Profense tša Tlhabollo ya Kabo ya Dintlo di fedišwe le gore mešomo ye e bego e dirwa, goba ye e bego e swanetše go dirwa ke Diboto e fetišetšwe go Leloko la Lekgotlaphethiši leo le rwelego boikarabelo bja kaboo ya dintlo gomme le thušwa ke kgoro ya lona. Godimo ga moo Leloko la Lekgotlaphethiši le ile la fiwa tumelelo ya go hloma dipanele tša keletšo.

Go ile ga thwe go hlongwa ga dipanele tša keletšo go be go tla dumelela bobeding Tona le Leloko la Lekgotlaphethiši bokgoni bja go hloma ditsebi tša kaboo ya dintlo mabapi le morero ofe goba ofe gomme ka go rialo go potlakišwe lenaneo la go tšeа diphetho.

Go kgonagatša se, Kgoro ya Bosetšhaba ya Kabo ya Dintlo e tsentše se tirišong, ka go hloma Molaophetošwa wa Kabo ya Dintlo, 2001 (Molao wa Nomoro ya 4 wa 2001). Karolo 4 ya Molaophetošwa wa Kabo ya Dintlo, 2001 e tšeа sebaka sa karolo 5 ya Molao wa Kabo ya Dintlo, 1997 (Molao wa Nomoro ya 107 wa 1997) gomme ka go rialo e fediša Boto ya Afrika Borwa ya Tlhabollo ya Kabo ya Dintlo ka tlhaloso ye e lego bohlokwa. Karolo 4 ya Molaophetošwa wa Kabo ya Dintlo, 2001 e bea panele ya keletšo sebakeng sa Boto ya Afrika Borwa ya Tlhabollo ya Kabo ya Dintlo. Karolo ya 8 ya Molao wa Kabo ya Dintlo, 1997 (Molao wa Nomoro ya 107 wa 1997 e fedišitšwe ka karolo 6 ya Molaophetošwa wa Kabo ya Dintlo, 2001 (Molao wa Nomoro ya 4 wa 2001).

Karolo ya 8 ye e fedišitšwego e be e kgonagatša go ba gona ga Diboto tša Profense tša Tlhabollo ya Kabo ya Dintlo. Go fedišwa ga Karolo 8 ka tlhaloso ye e lego bohlokwa go ra gore Diboto tša Profense tša Tlhabollo ya Kabo ya Dintlo di fedišitšwe.

1.3 Ditherišano

Bjalo ka ge go bonala ka tše di lego ka godimo, go bile bohlokwa gore Kgoro e tliše diphethošo go Molao wa Gauteng wa Kabo ya Dintlo, 1998(Molao wa Nomoro ya 6 wa 1998) ka morero wa go o nyalelana le Molaophetošwa wa Kabo ya Dintlo , 2001 (Molao wa Nomoro ya 4 wa 2001).

Go bohlokwa go lemoga gore phethošo ya go fediša Boto ya Keletšo ya Profense ya Gauteng ya Kabo ya Dintlo e na le ditlamorago tše kgolo. Boto ya Keletšo ya Profense ya Gauteng ya Kabo ya Dintlo ke thoto ya setšhaba ya profense, gomme e na le ditokelo, maikarabelo le ditlamo. Boto e hlomilwe ka karolo 5 ya Molao wa Gauteng wa Kabo ya Dintlo, 1998 (Molao wa Nomoro ya 6 wa 1998) Molao wo o fetošwa gore go kgonagatšwe phetišetšo ya dithoto, maikarabelo le ditlamo tša Boto ya Keletšo ya Gauteng ya Kabo ya Dintlo go Kgoro.

Ge Boto ya Bosetšhaba ya Kabo ya Dintlo ye e hlomilwego ka karolo 2 ya Molao wa Peakanyo ya Kabo ya Dintlo, 1993 (Molao wa Nomoro 155 wa 1993), e fedišwa ka karolo ya 13 ya Molao wa Kabo ya Dintlo, 1997 (Molao wa Nomoro 107 wa 1997), karolo 14 ya Molao wa Kabo ya Dintlo, 1997, o kgonagaditše magato a magareng. Magato a akaretše, magareng a tše dingwe, dipeakanyo tše di lego mabapi le dithoto le ditlammo tša Boto ya Bosetšhaba ya Kabo ya Dintlo. Tšona di be di tla bewa magetleng a Diboto tša Profense tša Thabollo ya Kabo ya Dintlo.

Karolo 5 ya Molao wa Gauteng wa Kabo ya Dintlo, 1998 (Molao wa Nomoro 6 wa 1998) e hlomile Boto ya Profense ya Gauteng ya Kabo ya Dintlo, gomme dithoto ka moka le ditlammo tša Boto ya Bosetšhaba ya Kabo ya Dintlo di beilwe magetleng a Boto ya Keletšo ya Gauteng ya Kabo ya Dintlo.

Dithoto tša Boto ya Keletšo ya Profense ya Gauteng ya Kabo ya Dintlo di akaretša ditšhelete tše di filwego ke Lekgotlapeomelao la Profense, dikabelo, ditšhelete tše di hweditšwego ge go rekišwa dithoto, bj.bj. Tše ka moka di ile tša elwa šedi ge go fetošwa Molao wa Gauteng wa Kabo ya Dintlo wa 1998.

Morago ga kelohloko ya magato a, Kgoro e ile ya tšeа sephetho sa go fetoša Boto ya Keletšo ya Profense ya Gauteng ya Kabo ya Dintlo. Go ya ka karolo 5 ya Molaophetošwa wa Kabo ya Dintlo, 2001 (Molao wa Nomoro ya 4 wa 2001) ke boikarabelo bja Leloko la Lekgotlaphethiši go laola dithoto tše di akantšwego go karolo ya 14 ya Molao wa Kabo ya Dintlo, 1997 (Molao wa Nomoro ya 107 wa 1997).

Go feta moo, Molaokakanywa o kgonagatša go hlongwa ga Panele ya Keletšo ya Profense ya Gauteng ya Kabo ya Dintlo. Mošomo wa Panele ya Keletšo e tla ba go eletša Leloko la Lekgotlaphethiši ka ga merero ye e amanago le tlhabollo ya kabotya dintlo le go laetša ka mo go kwalago tema ya boikarabelo. Panele ya Keletšo e tla ba le boikarabelo go Leloko la Lekgotlaphethiši. Go se swane le Boto ya peleng, go hlapetšwa ga go tsenywa tirišong ga leanotshepedišo la bosetšhaba le la profense la kabotya dintlo, go beilwe magetleng a Leloko la Lekgotlaphethiši.

Ka godimo ga tšohle, go dumelwelwa ga diprojeke tša kabotya dintlo gabjale go magetleng a Leloko la Lekgotlaphethiši. Leloko la Lekgotlaphethiši le ka rolela goba la fetišetše a mangwe a maikarabelo a lona go mohlanked yo a lego ka Kgorong. Godimo ga moo, Leloko la Lekgotlaphethiši ga le thibelwe go hloma ditsebi tša kabotya dintlo. Ka lebaka leo, dipeakanyo tša bjalo di tla potlakiša lenaneo la go tšeа diphetho.

2. DITLAMORAGO TŠA DITŠHELETE.

Mabapi le Panele ya Keletšo, Kgoro e kgonagaditše gore ditekanyetšong tša yona tša go šoma e akaretše ditefelo tša maloko a Panele ya Keletšo. Ga go na ditlamorago tše di bonwago tša ditšhelete go bommasepala.

3. TLHALOSO YA TEMANA KA TEMANA YA MOLAOKAKANYWA

- Karolo 1: e fa taelo ka ga go fetošwa ga karolo 1 ya Molao wa Gauteng wa Kabo ya Dintlo, 1998 (wo mo o bitšwago Molaohlogo);
- ka go tsenya le go phumolwa ga ditlhaloso tše dingwe Molaong wo.

Karolo 2: e fa taelo ka ga phetošo ya tše 4 tša Molaohlogo –

- ka go tsenya ga temana (j) go (o) tše di katološago maatla le maikarabelo a Leloko la Lekgotlaphethiši. Magareng a maatla a mangwe, Leloko la Lekgotlaphethiši le tla be le maatla a go dumelela diprojeke le go bea dišedi tša tlhabollo ya kabo ya dintlo ka Profenseng. Go feta moo e fa mantšu a mangwe ao a emelago sebaka sa a mangwe ao a se sa dirišwago.

Karolo 3: e fana ka taelo ya gore karolo ya 5 ya Molaohlogo e tšeelwe sebaka ke ye nngwe.

Karolo ya 5: e fana ka ga go hlongwa ga panele ya keletšo ye e tla eletšago Leloko la Lekgotlaphethiši ka ga merero ye e amanago le tlhabollo ya kabo ya dintlo, e lego mošomo wo peleng o bego o bego o swanetše go dirwa ke Boto.

Karolo 4: e fana ka ga go hlangwa ga panele ya keletšo.

Karolo 5: e fana ka ga mešomo ya panele ya keletšo

Karolo 6: e fana ka ga mabaka a tirelo a panele ya keletšo

Karolo 7: e fana ka ga lebaka la go šoma ga maloko a panele ya keletšo.

Karolo 8: e fana ka mabaka ao a ka wona leloko la panele ya keletšo le swanetšego go tlogela mošomo.

Karolo 9: e fana ka ga go fedišwa ga karolo 11 ya Molaohlogo.

Karolo 10: e fana ka go emelwa ga mebolelwana ye mengwe ye e se sa dirišwago go Molaohlogo.

Karolo 11: e fana ka ga go emelwa ga mebolelwana ye mengwe go Molaohlogo.

Karolo 12: e fana ka hlogo e kopana ya Molao.

ISIZULU**ISICHI BIYELO SESIBILI SOMTHETHOSIVIVINYWA WEZINDLU E-GAUTENG,
2002****AMANOTHI OKUCHAZA NGOKUBANZI:**

[] Amagama abhalwe ngamagama amakhulu amnyama asho okushiyewe ngaphandle kumthetho okhona njengamanje.

Amagama adwetshelwe ngomugqa omkhulu omnyama ngaphansi asho izinto ezengeziwe kulomthetho okhona njengamanje.

UMTHETHOSIVIVINYWA

Ukuze kuchitshiyelwe uMthetho wezeZindlu e-Gauteng, 1998 ukuze ukwazi ukuhlinzekela ukusungulwa kwethimba lokweluleka (*i-advisory panel*), ukuze kususwe noma kufakwe esikhundleni sokunye imishwana ebeka ngokucacile, ukuze kulungiselelwe ezinye izindaba ezeyanyaniswa nalomthetho.

KUFANELE UGUNYAZISWE yisiShayamthetho sase-Gauteng kanjena:

Ukuchitshiyelwa kwesigaba 1 soMthetho onguNombolo 6 ka 1998, njengoba uchitshiyelwe yisigaba 1 soMthetho onguNombolo 6 ka 2000.

- 1 Isigaba 1 soMthetho wezeZindlu e-Gauteng, 1998 (lapha kulombhalo obizwa ngokuthi nguMthetho omkhulu) lapha uyachibiyelwa.
 - (a) ngokuthi kufakwe ngaphambi kwencazelo “yoMthethosisekelo” lencazelo elandelayo:
“ithimba lokweluleka’ iisho iphaneli enikeza ngezeluleko esungulwe ngokwesigaba 5”
 - (b) ngokususa incazelo “yeBhodi”
 - (c) ngokususa incazelo “yomnyango” kulokhu okulandelayo:

"'umnyango' uchaza uMnyango wezeZindlu [kanye neziNdaba eziphathelene noMhlaba] esiFundazweni"

- (d) ngokususa incazel "yenhloko yomnyango" kulokhu okulandelayo:

"'inhloko yomnyango' isho inhloko yomnyango wezeZindlu esiFundazweni"

- (e) ngokususa incazel "yeLungu" kulokhu okulandelayo:

"'ilunqu' kushiwo ilungu lethimba lokweluleka okukhulunywe ngokusigaba 5"

Isichibiyelo sesigaba 4 soMthetho onguNombolo 6 ka 1998

2. Isigaba 4 soMthetho omkhulu lapha siyachitshiyelwa-

- (a) ngokususa ipharagrafu (c) kulepharagrafu elandelayo:

"(c) nika isishayamthetho sesifundazwe umbiko wonyaka ngezinto umnyango ozenzayo [ibhodi yesifundazwe sase-Gauteng yokweluleka kwezezindlu];"

- (b) ngokufaka ngemuva kwepharagrafu (i) kulamapharagrafu alandelayo:

"(j) ngemuva kokubonisana nenhlangano yesifundazwe emele omasipala njengoba kubekiwe kusigaba 163 (a) soMthesisekelo, enza yonke into esemandleni akhe ukuthuthukisa kanye nokukhuthaza izimiso zezindlu ezanele esiFundazweni ebe elawulwa ngumgomu kazwelonke kwezezindlu.

- (k) ukubheka ukuqalisa ukusebenza komgomu kazwelonke kanye nowesifundazwe kwezezindlu;

- (l) ukukhuthaza ukulandelwa komgomu uma kuqhutshwa izinhlelo zikazwelonke kwezezindlu esifundazweni ngokuthi abheke ukuthi okwenzekayo kuyahambisana yini nemibandela ekuvunyelwene ngayo;

- (m) akhuthaze uhlalo kanye nokusebenza kwezinhlalo kanjalo nokuhambisana nomgomo ekwenziweni kwezinhlalo zikazwelonke esifundazweni kubandakanya nalezo ezenganyelwe omasipala abagunyaziwe;

- (n) angamele zonke izinhlelo zikazwelonke kanye nezesifundazwe zezezindlu ezhambisanayo nomgomo kazwelonke wezezindlu, agunyaze-

- (i) noma imiphi imisebenzi emikhulu ekhona bese
- (ii) ewunikeza izimali emalini ekhokhwe esiKhwameni sezeZindlu sesiFundazwe esisungulwe ngokusho kwesigaba 12(1) soMthetho;
- (o) abalule izinto ezesemqoka kwezokuthuthukiswa kwezezindlu esifundazweni ngokuhambisana nomgomo kazwelonke kwezezindlu;
- (p) aphathe amafa noma ingcebo ekukhulunywe ngayo kusigaba 20.

Ukususwa kwesigaba 5 kuMthetho onguNombolo 6 ka 1998

3. Lesi sigaba esilandelayo siyasuswa lapha kusigaba 5 soMthetho omkhulu:

"Ukusungula kwethimba lokweluleka

- 5 U-MEC kufanele asungule ithimba lokweluleka ukuze limeluleke ezindabeni eziphathelene nezentuthuko kwezezindlu".

Ukususwa kwesigaba 6 kuMthetho onguNombolo 6 ka 1998

4. Lesi sigaba esilandelayo siyasuswa lapha kusigaba 6 soMthetho omkhulu:

"Ukwakheka kwethimba lokweluleka

- 6(1) (a) IThimba lokweluleka okukhulunywe ngokusigaba 5 kufanele lingabi nabantu abangaphezulu kwabayisithupha (6).

- (b) Ithimba lokweluleka kufanele libe nomuntu ophile kahle oyedwa noma ngaphezulu koyedwa onolwazi, nemfundo noma kube umuntu oseke wasebenza emkhakheni wezokuthuthukiswa kwezezindlu.

- (c) UNggongqoshe wesifundazwe, u-MEC, kufanele akhethe ilungu lethimba lokweluleka ngokuthi:

- (i) abeke isaziso ku-Gazette kanye nasemaphephandabeni amane atholakala esifundazweni esimayelana nokukhethwa kwamalungu"

Ukususwa kwesigaba 7 kuMthetho onguNombolo 6 ka 1998

5. Lesi sigaba esilandelayo lapha siyasuswa kusigaba 7 soMthetho omkhulu:

"Imisebenzi yethimba lokweluleka

7. Ithimba lokweluleka kufanele

- (a) liluleke u-MEC ezindabeni eziphathelene nomgomo kanye namasu kwezezindlu;
- (b) liluleke u-MEC ngokumukeleka kwezindaba eziphathelene nezokuthuthukiswa kwezezindlu njengezinhelelo zaminyaka yonke zezokuthuthukiswa kwezezindlu (*housing development plans*) kanye nezinhelelo ezibhekiswe kwezokuthuthukiswa kwezezindlu;
- (c) liqhuba noma lilawule uphenyo njengoba kusho u-MEC;
- (d) likhombe, lithuthukise, libheke futhi libukeze umgomo, umthetho kanye nezinhelelo ngokuphathelene nezokuthuthukiswa kwezezindlu kanye nomthelela ezinawo ezingeni lempilo kubantu besifundazwe kanye nokuhlinzekwa kwezidingo;
- (e) likhuthaze ukubambisana phakathi kwalabo ababambe iqhaza ekuthuthukisweni kwezezindlu, ikakhulukazi abathengi bezindlu kanye nokubamba iqhaza koquqaba; kanye
- (f) nokuhlala lazi ngezinto ezenzekalayo emhlabani wonke jikelele kwezokuthuthukiswa komgomo wezezindlu."

Ukususwa kwesigaba 8 kuMthetho onguNombolo 6 ka 1998

6. Lesi sigaba esilandelayo lapha siyasuswa kusigaba 8 soMthetho omkhulu:

"Izimo zokusebenza

8. (1) Ilungu **[lebhodi]** ngaphandle komunye umuntu oqashwe nguHulumeni, kufanele aqashwe kusimo sokusebenza esingachazwa ngu-MEC.

(2) Ilungu **[lebhodi]** lingakhokhelwa izibonelelo njengoba kunganquma u-MEC ngokuvumelana nelungu loMkhandlu oThatha iziNqumo ezibhekene nevezimali kulesiFundazwe."

Ukususwa kwesigaba 9 kuMthetho onguNombolo 6 ka 1998

7. Lesi sigaba esilandelayo lapha siyasuswa kusigaba 9 soMthetho omkhulu:

"Isikhathi sobulungu

9. Ilungu likhethwa isikhathi esishiwo ngu-MEC ngesikhathi elikhetha futhi lingaphindwe likhethwe ekupheleni kwasikhathi leso"

Ukususwa kwesigaba 10 kuMthetho omkhulu onguNombolo 6 ka 1998

8. Lesi sigaba esilandelayo lapha sisusiwe kusigaba 10 soMthetho omkhulu:

"Izimo lapho ubulungu bungaphela khona

10. Ilungu liphelelwa ubulungu uma-

- (a) lesula esikhundleni;
- (b) liwa ngakwezezimali noma licela usizo okukhulunya ngalo kusigaba 10(1)(c) soMthetho weziKweletu eziPhathelene nezoLimo, 1966 (uMthetho onguNombolo 28 ka 1966);
- (c) liphazamiseka engqondweni;
- (d) lilahlwa icala bese ligwetshwa ejele jinganikezwa ithuba lokuthi likhokhe inhlawulo; futhi
- (e) liba ilungu lePhalamende, lePhalamende lesiFundazwe, IoMkhandlu woMasipala, leKhabhinethi noma u-MEC; futhi
- (f) u-MEC angabuqedha ubulungu belungu ngenxa yezizathu ezizwakalayo futhi ezinobulungiswa."

Ukuqedwa kwesigaba 11 soMthetho onguNombolo 6 ka 1998

9. Isigaba 11 soMthetho omkhulu lapha siyaqedwa.

Ukuchitshiyelwa kwesigaba 20 soMthetho onguNombolo 6 ka 1998

10. Isigaba 20 soMthetho omkhulu lapha siyachitshiyelwa-

- (a) ngokususa isigejana samazwi athi "iBhodi eluleka ngezeZindlu esiFundazweni sase-Gauteng" kufakwe "umnyango" endaweni yawo.

Ukuchitshiyelwa kwesigaba 21 soMthetho onguNombolo 6 ka 1998

11. Isigaba 21 soMthetho omkhulu lapha siyachibiyelwa-

- (a) ngokususa igama elithi "ibhodi" lapho livela khona kufakwe "ithimba lokweluleka"

Isifinyezo

12. LoMthetho ubizwa ngokuthi nguMthetho oyisiChibiyelo sesiBili kwezeZindlu e-Gauteng, 2002.

**IMEMORANDAMU NGEZINHLOSO ZESICHIBIYELO SOMTHETHOSIVIVINYWA
WEZEZINDLU E-GAUTENG, 2002**

1. IZIZATHU ZOMTHETHOSIVIVINYWA

1.1 Inhoso yoMthethosivivinywa

Umthethosivivinywa wenzelwa ukuhlanganisa kahle uMthetho wezeZindlu e-Gauteng, 1998 (uMthetho onguNombolo 6 ka 1998) ngezichibiyelo ezenziwe nguMthetho kaZwelone kwezeZindlu, 1997 (uMthetho onguNombolo 107 ka 1997). Isichibiyelo soMthethosivivinywa wesiBili kwezeZindlu e-Gauteng sihlose ukucacisa imithelela yezinhlelo zezikhungo zikahulumeni ezigunyazwe nguMthetho wezeZindlu e-Gauteng, 1998, ngokuthi

- (a) uqede iBhodi eLulekayo kwezeZindlu esiFundazweni sase-Gauteng;
- (b) undlulise amandla, imisebenzi, amalungelo kanye nezibopho zeBhodi yokweLuleka ngezeZindlu esiFundazweni sase-Gauteng ku-MEC, kanye
- (c) nokuhlinzekela ukusunguiwa kweThimba lokweLuleka kanye nezinye izindaba ezeyanyaniswa nayo.

1.2 Umlando

Ngo-September 2000, iKhabhinethi kaZwelone yagunyaza ukuqedwa kwawo womabili amabhodi, iBhodi yezokuThuthukiswa kwezeZindlu eNingizimu Afrika kanye neBhodi yezokuThuthukiswa eziFundazweni. Lokhu kwakungukuqedwa kwe-odithi kazwelone eyenziwe nguMnyango kaZwelone wezeZindlu. I-odithi iveza ukuthi amaBhodi kade engawenzi umsebenzi wawo wokululeka. Izizathu ezaholele ekuhlulekeni ukusebenza kwabonakala :

- Kungukungabibiko kokuzibophezelwa kwempela kumalungu eBhodi, njengoba kwabonakala endleleni ayehambela ngayo imihlangano kangangokuba kwakuvame ukuthi ikhoramu ingahlangani. Lokhu kuqonde kakhulu iBhodi yezokuThuthukiswa kwezeZindlu eNingizimu Afrika.
- Ngokuphathelene namaBhodi ezokuThuthukiswa kwezeZindlu eziFundazweni i-odithi yaveza lokhu:
 - Imisebenzi yayo yakhula yathatha imikhakha eyahlukahlukene kwase kuthi imisebenzi yawo yashintsha kweyokuthi aluleke aba ondlovu kayiphikiswa;
 - Amalungu amanangi eBhodi, uma kungewona wonke, ayezihlomulisa futhi ezikhathini eziningi agunyaze amaprojethi ukuze kuzuze wona;
 - Yayingekho indlela ecacile yokubika kuziPhathimandla zesiFundazwe noma kumiphakathi okwakufanele ngabe bayimele;
 - Amandla okwenza amasu okubhekela izinto ezibalulekile ngokuphathelene nentuthuko kwezezindlu ayekuyo ibhodi kunokuba

- abe ku-MEC kanti futhi ezikhathini eziningi lamandla abo ayengahambisani nalawo amiswe ngu-MEC;
- Kwaba nokukhulumisana okuncane okwenzeka phakathi kwamaBhodi ezeZindlu kanye nemikhakha ababeyimele, futhi
 - Iningi lomsebenzi wamaBhodi (ukubheka kanye nokuhlola amaprojethi, kanye nokumisa izinhloso ezhileleke kahle) wenziwa ngabasebenzi bakahulumeni.

Ngokubheka lokhu okungenhla iKhabhinethi kaZwelonke yanquma ukuthi iBhodi kaZwelonke kwezokuThuthukiswa kwezeZindlu eNingizimu Afrika kanye namaBhodi eziFundazwe kwezokuThuthukiswa kwezeZindlu avalwe bese kuthi esikhundleni sawo kube ama-advisory panel azoluleka uNgqongqoshe (*Minister*) kunoma iluphi udaba oluphathelene nezokuthuthukiswa kwezeZindlu. Yaphinda futhi yagunyaza ukuba amaBhodi ezokuThuthukiswa kwezeZindlu eziFundazweni avalwe bese kuthi imisebenzi ayenzayo kanye naleyo ekufanele ayenze indlluliselwe ku-MEC obhekene nezezindlu ebe esizwa ngumnyango ofanele. Ukwengeza ingunya lanikezwa ko-MEC ukuba basungule amathimba okweluleka.

Kwashiwo ukuthi ukusungulwa kwamathimba okweluleka kuzonika uNgqongqoshe kanye no-MEC ilungelo lokwazi ukuba baqashe izazi kwezeZindlu kunoma iluphi udaba bese kuthi ngaleyo ndlela baphuthumise uhlelo lokuthathwa kwezinqumo.

Kuze kube manje, uMnyango kaZwelonke kwezeZindlu usukuqalisile loku okungenhla, ngokuthi umise isiChibiyelo soMthetho wezeZindlu, 2001 (uMthetho onguNombolo 4 ka 2001). Isigaba 4 soMthetho oyisiChibiyelo wezeZindlu, 2001 singena esikhundleni sesigaba 5 soMthetho wezeZindlu, 1997 (uMthetho onguNombolo 107 ka 1997) bese kuthi ngaleyo ndlela uqedo iBhodi yezokuThuthukiswa kwezeZindlu eNingizimu Afrika ngendlela efanele. Isigaba 4 soMthetho oyisiChibiyelo wezeZindlu uqedo iBhodi yezokuThuthukiswa kwezeZindlu eNingizimu Afrika nge-advisory panel. Isigaba 8 soMthetho wezeZindlu, 1997, (uMthetho onguNombolo 107 ka 1997) usususwe yisigaba 6 soMthetho oyisiChibiyelo wezeZindlu, 2001 (uMthetho onguNombolo 4 ka 2001).

Isigaba 8 esisusiwe besihlelela amaBhodi ezokuThuthukiswa kwezeZindlu eziFundazweni. UKususwa kwasigaba 8, ngokwenziwa okufanelekile kusho ukuqedwa kwamaBhodi ezokuThuthukiswa kwezeZindlu eziFundazweni

1.3 Ukuxoxisana kabanzi

Njengoba kubonakala ngenhla, kubesemqoka ukuthi uMnyango uqalise ngezichibiyelo kuMthetho wezeZindlu e-Gauteng, 1998 (uMthetho onguNombolo 6 ka 1998) ngenhloso yokuwenza uvumelane noMthetho oyisiChibiyelo kwezeZindlu, 2001 (uMthetho onguNombolo 4 ka 2001)

Kubalulekile ukuba sazi ukuthi isichibiyelo sokuqedwa kweBhodi yokweLuleka ngezeZindlu esiFundazweni sase-Gauteng kunemiphumela eminingi. IBhodi yokweLuleka ngezeZindlu esiFundazweni sase-Gauteng ingoyomphakathi wesifundazwe, inamalungelo, nemisebenzi kanye nezibopho. IBhodi yasungulwa isigaba 5 soMthetho wezeZindlu e-Gauteng, 1998 (uMthetho onguNombolo 6 ka

1998). UMthetho uyachitshiyelwa njengamanje ukuze uhlinzekela ukundluliselwa kwempahla, imisebenzi kanye nezibopho zeBhodi yokweLuleka ngezeZindlu esiFundazweni sase-Gauteng kuMnyango.

Ngesikhathi kusungulwa iBhodi kaZwelonekwezeZindlu ngesigaba 2 soMthetho wezokuHlelela iZindlu, 1993 (uMthetho onguNombolo 155 ka 1993) waqedwa ngesigaba 13 soMthetho wezindlu, 1997 (uMthetho 107 ka 1997), isigaba 14 soMthetho wezeZindlu, 1997 uhlinzekela izinhlelo zesikhashana ngenkathi kusandluliselwa amandla. Lezi zinhlelo zibandakanya, kwezinye izinto, amalungiselelo ngokuphathelene negcebo kanye nezikweletu zeBhodi kaZwelonekwezeZindlu. Amandla ayemakhulu kakhulu kumaBhodi ezokuThuthukiswa kwezeZindlu eziFundazweni.

Isigaba 5 soMthetho wezeZindlu e-Gauteng, 1998 (uMthetho onguNombolo 6 ka 1998) wasungula iBhodi yokweLuleka ngezeZindlu esiFundazweni sase-Gauteng kwase kuthi yonke impahla kanye nezikweletu zeBhodi kaZwelonekwezeZindlu kwabasezandleni zeBhodi yokweLuleka ngezeZindlu e-Gauteng.

Impahla yeBhodi yokweLuleka ngezeZindlu esiFundazweni sase-Gauteng inezimali ezifakwe isiShayamthetho sesiFundazwe, iminikelo, imali etholakele kudayiswa impahla ethile, njll. Konke lokhu kubhekewa ngesikhathi kuchitshiyelwa uMthetho wezeZindlu e-Gauteng, 1998.

Ngemuva kokubhekisisa ngokucophelela lezi zinto uMnyango unqume ukuthi ususe iBhodi yokweLuleka ngezeZindlu esiFundazweni sase-Gauteng. Ngokusho kwesigaba 5 saloMthetho oyisiChibiyelo kwezeZindlu, 2001(uMthetho onguNombolo 4 ka 2001) ngumsebenzi kaNgqongqoshe weseFundazwe ukuba aphathe ingcebo ekukhulunywe ngayo kusigaba 14 soMthetho wezeZindlu, 1997 (uMthetho onguNombolo 107 ka 1997).

Ngale kwalokho, uMthethosivivinywa uhlinzekela ukusungulwa kweThimba lezokweLuleka ngezeZindlu esiFundazweni sase-Gauteng. Umsebenzi weThimba lezokweLuleka kuzoba ukululeka u-MEC ezindabeni eziphathelene nezokuthuthukiswa kwezezindlu kanye nokuhombisa ngokucacile ukuthi amandla ayo agcinaphi. IThimba lokweLuleka liyosebenza ngokwethembeka ku-MEC. Hhayi njengeBhodi yangaphambili, ukubhekwa kokuqaliswa komgommo wezezindlu kazwelonekanye nowesifundazwe kusemahломbe ka-MEC.

Ngale kwakho konke lokhu, ukugunyazwa kwamaprojethi ezezindlu manje sekuzoba semahlombe ka-MEC. U-MEC angadluliselena noma anikeze amandla akhe komunye ongumsebenzi kuMnyango wakhe. Ukwengeza u-MEC akavinjelwe ukuba akhethe izazi kwezezindlu. Amalungiselelo amanje ngaleyondlela azosheshisa uhlelo lokuthathwa kwezinqumo.

2. IMITHELELA KWEZEZIMALI

Ngokuphatelene nethimba lezokweluleka, uMnyango wenze izibonelelo kusabelo mali sawo ukuba ukhokhele amalungu ethimba lezokweluleka. Awukho umthelela wezimali ongako komasipala.

4. INCAZELO YEZIGATSHANA NGEZIGATSHANA ZOMTHETHOSIVIVINYWA

Isigaba 1: sihlinzeka ukuchitshiyelwa kwesigaba 1 soMthetho wezeZindlu e-Gauteng, 1998 (lapha obizwa ngokuthi nguMthetho omkhulu):

- Ngokuthi kufakwe bese kususwa izincazelo ezithile kuMthetho.

Isigaba 2: sihlinzeka ukuchitshiyelwa kuka-4 kuMthetho omkhulu-

- Ngokufaka amapharagrafu (j) kuya (0) andisa amandla kanye nemisebenzi kaNgqongqoshe wesiFundazwe. Kwamanye amandla anawo, u-MEC kuzoba ukugunyaza amaprojethi bese ebheka izinto eziempoka kwezokuthuthukiswa kwezezindlu esiFundazweni. Futhi kuphinde kususe amandla angenakuphikiswa.

Isigaba 3: sihlinzeka ukususwa kwesigaba 5 kuMthetho omkhulu.

Isigaba 5: sihlinzeka ukusungulwa kwethimba lokweluleka ezoluleka u-MEC ezindabeni eziphathelene nezokuthuthukiswa kwezezindlu, umsebenzi ngaphambilini okwakufanele wenziwe iBhodi.

Isigaba 4: sihlinzeka ukwakhiwa kwethimba lokweluleka.

Isigaba 5: sihlinzeka ngemisebenzi yethimba lokweluleka.

Isigaba 6: sihlinzeka ngezimo zokusebenzu kwethimba lokweluleka.

Isigaba 7: sihlinzeka ngesikhathi sobulungu bethimba lokweluleka.

Isigaba 8: sihlinzeka ngezimo ekuzothi kuzo ilungu lethimba liyeke esikhundleni.

Isigaba 9: sihlinzeka ngokuqedwa kwesigaba 11 soMthetho omkhulu.

Isigaba 10: sihlinzeka ngokususwa kwemishwana ezingenamkhawulo bese kufakwa eminye kuleyo yoMthetho omkhulu.

Isigaba 11: sihlinzeka ngokususwa bese kufakwa okunye kumishwana ethile yoMthetho omkhulu.

Isigaba 12: sihlinzekela isifinyezo soMthetho.

IMPORTANT NOTICE

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Director: Financial Management
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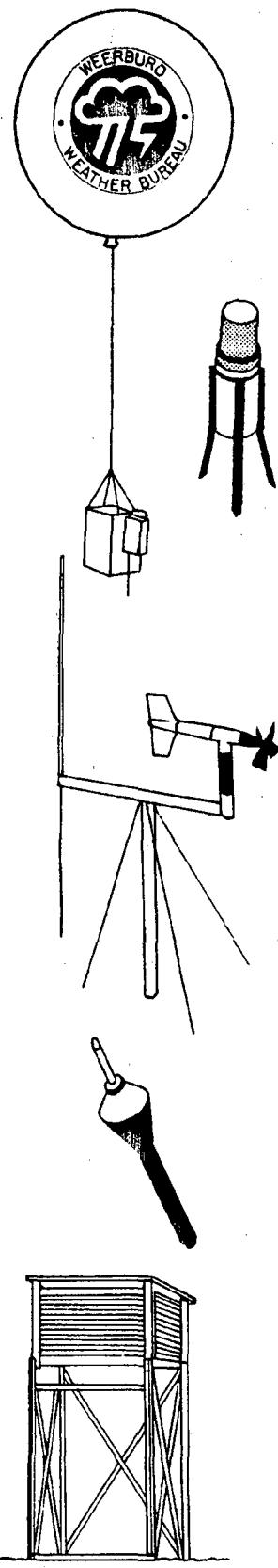
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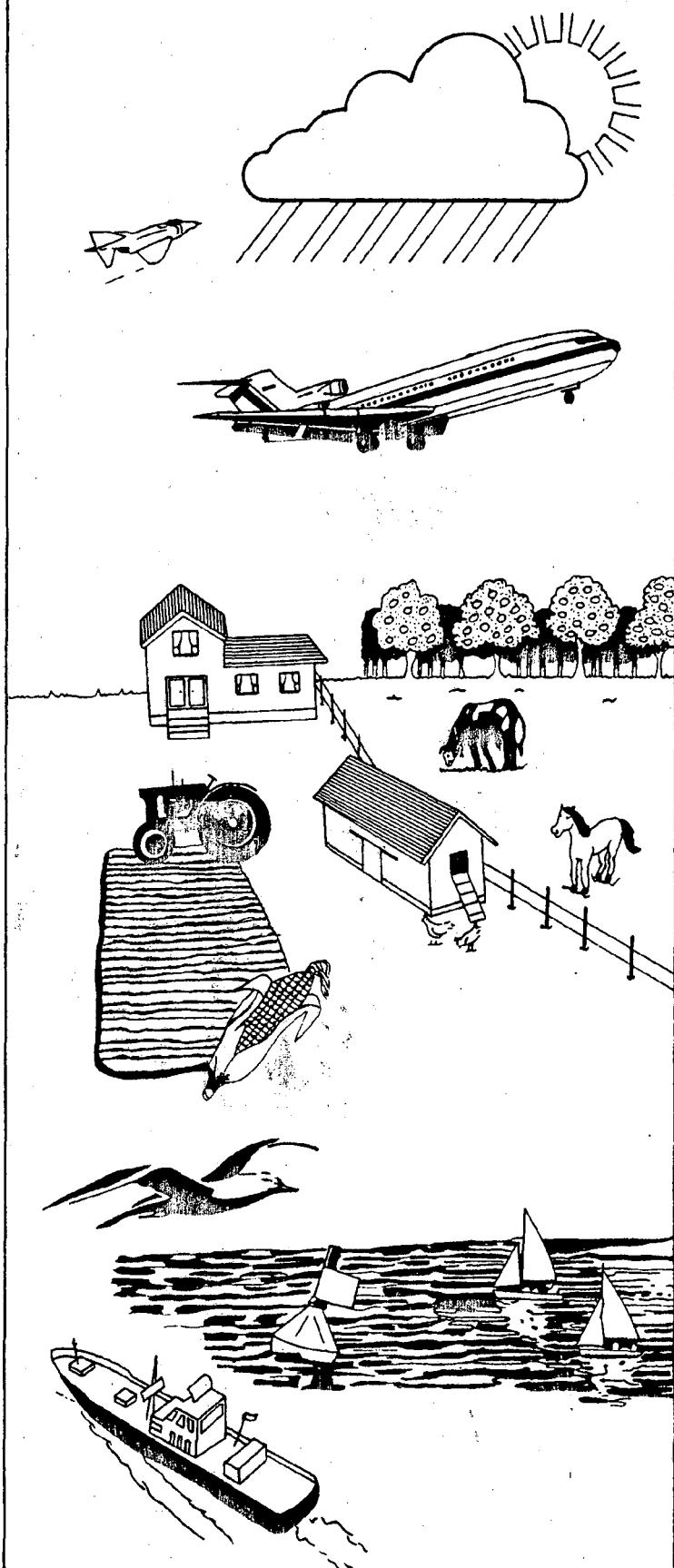
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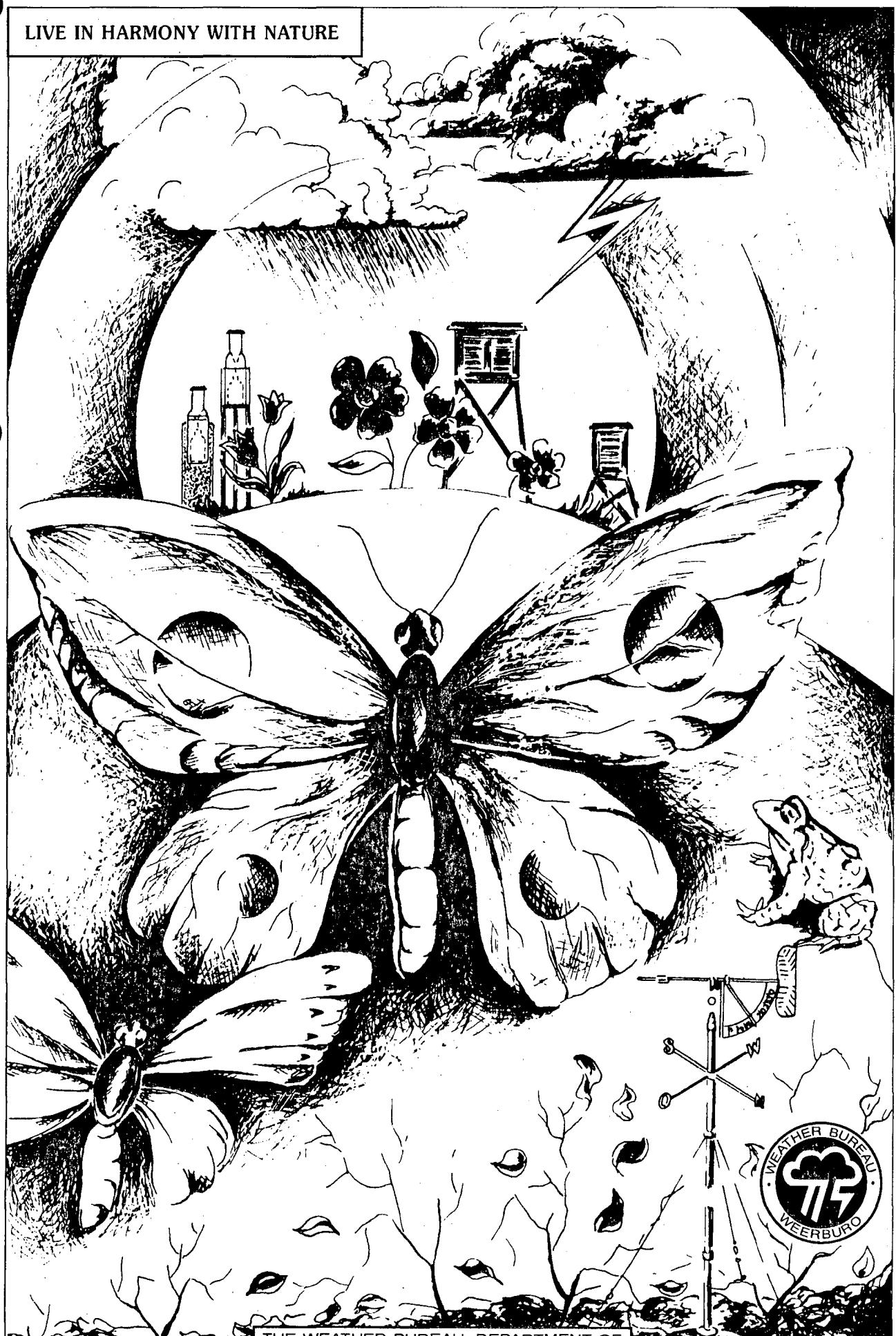
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