

## NORTHERN CAPE PROVINCIAL LEGISLATURE

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### OFFICE OF THE DEPUTY SPEAKER

Date: 11 SEP 2007

Our Ref: Final Mand: [B6B-2007]  
Your Ref:

Enquiries: CPC Haas

**TO: CHAIRPERSON OF THE NCOP  
Mr MJ MAHLANGU**

**FINAL MANDATE FOR THE HOUSING CONSUMERS PROTECTION MEASURES  
AMENDMENT BILL [B6B - 2007]**

**(Section 76 Bill)**

#### **INTRODUCTION**

The Chairperson of the Portfolio Committee on Housing & Local Government Hon CAT Smith tabled the Committee's negotiating mandate as adopted by the Portfolio Committee on **23 August 2007** on the *Housing Consumers Protection Measures Amendment Bill* [B6B - 2007]. The mandate was duly adopted by the legislature in terms of rule 133 of the Northern Cape Provincial Legislature.

#### **PROCESS FOLLOWED**

The Speaker referred the *Housing Consumers Protection Measures Amendment Bill* [B6B - 2007] to the Portfolio Committee on Housing and Local Government.

The Portfolio Committee received a briefing on the Bill from the Northern Cape's Permanent Delegate to the NCOP Hon Tau at its meeting on the **01 August 2007**.

The Portfolio Committee resolved at its meeting of **01 August 2007** to hold public hearings on the referred Bill in the Regions of Frances Baard, Pixley ka Seme, Kgalagadi, Siyanda and Namaqua to solicit the views of the affected beneficiary communities and stakeholders with regard to the *Housing Consumers Protection Measures Amendment Bill*.

Five (5) public hearings were held on **16 August 2007** as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Legislature on their views.

On **23 August 2007** the Portfolio Committee on Housing & Local Government deliberated and considered the *Housing Consumers Protection Measures Amendment Bill* [B6B - 2007].

## **PUBLIC INPUTS ON THE BILL**

The public hearings held were well attended by the members of the public.

The members of the public supported the Bill and made the following comments:

- The Amendment Bill does not address the renovation of old municipal houses.
- The Bill enables consumers to interact with contractors.
- The Bill must be properly implemented in order to benefit the housing consumers.
- The Bill must provide mechanisms to ensure that contracted tenderers have the capacity to do the work.
- NHBRC must have a permanent designated council inspector.
- Registration with the NHBRC can be extended to ensure that contractors are accredited.
- The decentralisation of the NHBRC to the regions important.
- Owner-builders can register if they want to sell.
- The old law made mention of the house, now defects on the roofs are included and repairs can be applied for at the NHBRC.

## **PORTFOLIO COMMITTEE POSITION AND RECOMMENDATIONS AT THE NEGOTIATING STAGE**

The Portfolio Committee on Housing & Local Government in principle **supports** the Bill.

### **COMMITTEE COMMENTS ON THE BILL**

- Many contractors in the Northern Cape have not yet registered with the NHBRC.
- The Bill provides protection for owner builders.
- The Bill further provides for late enrolment and non-declared late enrolment of houses with the NHBRC.
- An appeal process is in place to ensure that exemptions are not refused by the NHBRC and that the National Minister can make the final decision.
- The old law made mention of the house, now defects on the roofs are included and repairs can be applied for at the NHBRC.

### **RECOMMENDATIONS OF THE COMMITTEE**

- NHBRC must also be accountable and report to the MEC of Housing & Local Government in Provinces.

- u The decentralisation of the NHBRC to the regions.
- u Through the NHBRC, regular Inspections must take place.
- u The National Minister may consider delegating appeal authority (s22) to the MEC's of Provinces.
- u The Amendment Bill should also address renovation of old municipal houses.

The Negotiating Mandate was tabled on 23 August 2007 in the House. The Committee recommended to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill, taking note of the concerns raised by the Committee as well as those of the public.

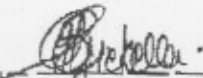
The House therefore conferred on the Permanent Delegates the authority to participate in negotiations and to raise the concerns expressed.

#### **COMMITTEE POSITION AFTER CONSIDERATION OF NEGOTIATING MANDATE BY THE NCOP SELECT COMMITTEE**

The Portfolio Committee's Negotiating Mandate indicated that the Northern Cape will support the *Housing Consumers Protection Measures Amendment Bill [B6B - 2007]* on condition that the concerns raised by the Committee will also be considered.

#### **FINAL VOTING MANDATE**

In terms of Section 65 of the Constitution, the Portfolio Committee on Housing & Local Government recommends that the House confer authority on the Head of its Delegation to the NCOP **to vote in support** of the *Housing Consumers Protection Amendment Bill [B20B - 2006]*.



Hon. G. Cjiekella  
Deputy Speaker