

IMPLEMENTATION PROTOCOL AND DEED OF DELEGATION

**ENTERED INTO BY AND BETWEEN THE CITY
OF CAPE TOWN AND THE WESTERN CAPE
GOVERNMENT IN ITS DEPARTMENT OF
HUMAN SETTLEMENTS**

  E.J.    -PdeL

IMPLEMENTATION PROTOCOL

Entered into by and between

THE PROVINCIAL MINISTER OF HUMAN SETTLEMENTS IN THE WESTERN CAPE

(hereafter referred to as "the Province")

and

THE MUNICIPAL COUNCIL OF THE CITY OF CAPE TOWN MUNICIPALITY

(hereafter referred to as "the MUNICIPALITY")

on

THE ADMINISTRATION OF NATIONAL AND PROVINCIAL HOUSING PROGRAMMES

DATE: 14 JUNE 2012

on the

**GRANTING OF LEVELS 1 AND 2 MUNICIPAL ACCREDITATION OF THE CITY OF CAPE TOWN
MUNICIPALITY**

    
E.J. B.L.

PREAMBLE

Having regard to the City of Cape Town Municipality's written application to the Western Cape Provincial Minister for Human Settlements to be accredited at Level 2 for the purposes of administering national and provincial housing programmes and the issuing of an accreditation compliance certificate,

Recognising the efforts made by the City of Cape Town Municipality to develop sufficient capacity and a sound Municipal Human Settlements Development Plan,

Acknowledging the role played by the Western Cape Department of Human Settlements in supporting the capacitation of the Municipality and monitoring the progress made by the Municipality,

Desiring to ensure the accelerated and effective implementation of national and provincial housing programmes resulting in integrated human settlements,

And operating within the legal mandate of the Provincial Minister, the Provincial Minister is formalising the granting of Level 1 and Level 2 accreditation of the City of Cape Town Municipality, as contemplated in the *National Accreditation Framework for Municipalities to Administer National Housing Programmes (2006)*, through this Implementation Protocol.

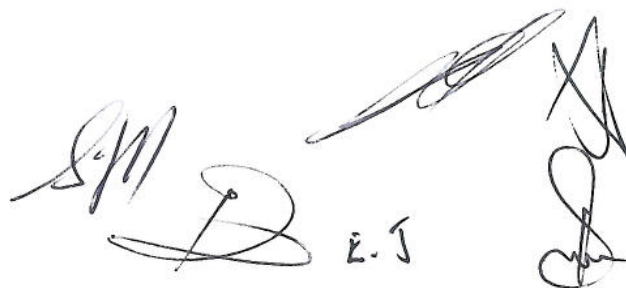
Now therefore the Parties agree as follows:

1. Definitions

For the purpose of this Protocol, unless the context indicates otherwise:

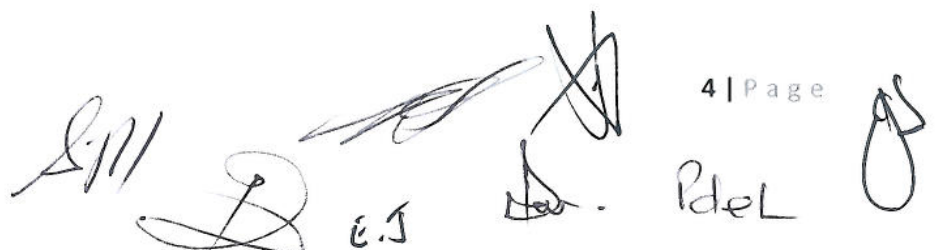
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- a. **"National Accreditation Framework"** means the *National Accreditation Framework for Municipalities to Administer National Housing Programmes*, as published from time to time by the Minister of Human Settlements;
- b. **"the APP"** means the relevant Provincial Annual Performance Plan;
- c. **"the Department"** means the Western Cape Government Department responsible for Human Settlements/Housing;
- d. **"Deed of Delegation"** means the document annexed hereto and marked "Deed of Delegation", incorporated in this Protocol and forming an integral part thereof;
- e. **"the DORA"** means the applicable Division of Revenue Act, as promulgated annually;
- f. **"the Housing Act"** means the Housing Act, 1997, (Act No 107 of 1997);
- g. **"the Provincial Housing Act"** means the Western Cape Housing Development Act, 1999, (Act No 6 of 1999),;
- h. **"the Funds Transferred"** refers to the funds transferred by the Provincial Minister to the Municipality for the purposes of administering national housing programmes as published in the Government Gazette;
- i. **"the Provincial Minister"** means the Minister responsible for Human Settlements of the Government of the Western Cape and the accrediting authority in terms of this Protocol;
- j. **"the Municipality"** means the City of Cape Town Municipality, established in terms of the *Local Government: Municipal Structures Act, 1998* read with the *Province of the*

 E.J.  PdeL 

Western Cape: Provincial Gazette 5588 dated 22 September 2000; being accredited in terms of this Protocol;

- k. **"the PMYHSP"** means the relevant Provincial Multi-Year Human Settlements Plan;
- l. **"the Sector Plan"** means the Municipal Human Settlements Development Plan;
- m. **"this Protocol"** means the agreement as set out in this document and the Annexure/s attached hereto and any such addenda as may be concluded between the Parties;
- n. **"the National Housing Programmes"** means all national housing programmes contained within the National Housing Code (2009) as amended from time to time, with the exception of individual, relocation and Finance Linked Individual Subsidy programmes¹, the administration of which remains the responsibility of the Provincial Minister.
- o. **"the Provincial Housing Programmes"** means any provincial policies to facilitate housing development contemplated in the Provincial Housing Act and framework, with the exception of all individual and relocation programmes, the administration of which remains the responsibility of the Department;
- p. **"the Capacity and Compliance Accreditation Panel"** means the panel appointed by the National Minister of Human Settlements to advise and assist the Minister and MECs in the pre-accreditation assessment process for municipalities and in post-accreditation support.
- q. **"The Council"** means the Municipal Council of the City of Cape Town Municipality established by Provincial Notice No 479 of 2000, issued in terms of section 12 of the Local Government: Municipal Structures Act, Act No 117 of 1998.

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2. Parties

The Parties to this Protocol are:

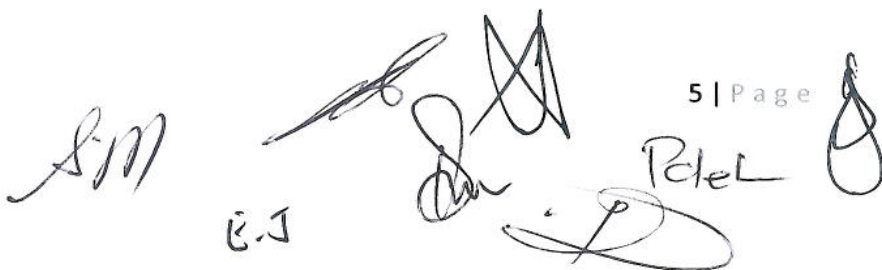
- 2.1 The **Western Cape Government** via its **Department of Human Settlements** herein represented by Bonginkosi Madikizela in his capacity as the **Provincial Minister of the Department**.
- 2.2 The **Municipality** herein represented by **Alderman Patricia de Lille**, in her capacity as the **Executive Mayor**.
- 2.3 The parties are responsible for ensuring effective implementation of the terms of this Protocol.
- 2.4 The Department's Head of Department and the Municipality's Executive Director: Human Settlements are also signatories to this Protocol in recognition of the implications of this Protocol for the Department and the Municipality respectively and accepting the obligations imposed on each of them.

3. Objectives of Protocol

3.1. The objectives of this Protocol are:

- 3.1.1. to formalise the Provincial Minister's decision to accredit the Municipality in terms of Section 10 of the Housing Act and section 16 of the Provincial Housing Act to administer all the national and provincial housing programmes on its behalf, subject to those conditions which are stipulated in this Protocol;

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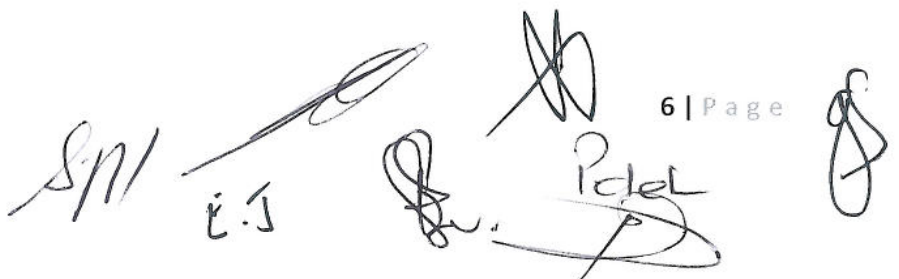
- 3.1.2. to ensure the capacitation of the Municipality in preparation for it to be formally assigned with the executive functions of administering National Housing Programmes; and
- 3.1.3. to clarify, and ensure the performance of, the respective roles and responsibilities of the parties to this Protocol.
- 3.2. The Parties agree to act in common pursuit of these objectives which shall be implemented in accordance with the following terms and principles:
- 3.2.1. Co-operative governance;
 - 3.2.2. Transparency;
 - 3.2.3. Fairness; and
 - 3.2.4. Good governance.

4. Granting and Scope of Accreditation

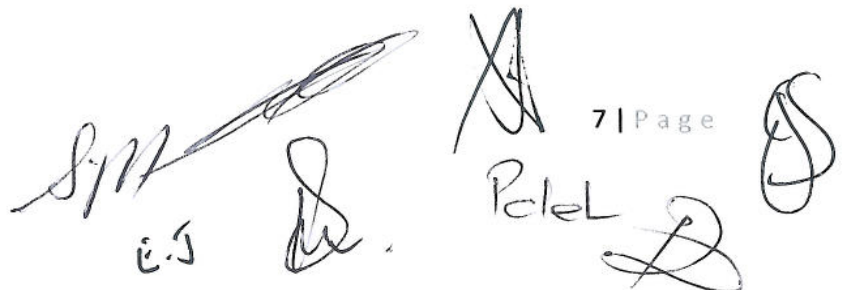
- 4.1. The Provincial Minister hereby grants Levels 1 and 2 Accreditation to the Municipality, as contemplated by the National Accreditation Framework.
- 4.2. In terms of this accreditation, the Municipality is authorised, within its municipal area, to manage and administer national and provincial housing programmes.

5. Roles and responsibilities of the Provincial Minister

- 5.1. The Provincial Minister, as the accrediting authority, has the following roles and responsibilities:

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- 5.1.1. to note the Municipality's Sector Plan and approve the housing development projects identified therein in order to comply with Section 9 (2)(b) of the Housing Act and Section 15(2)(b) of the Provincial Housing Act;
- 5.1.2. to approve the Province's PMYHSP and APP and ensure alignment with the Municipality's Sector Plan through consultation with the Municipality;
- 5.1.3. to issue policy directives to the Municipality that are consistent with national and provincial housing policy and laws and policies and by-laws governing the Municipality, including the rules applicable to the accredited National Housing Programmes;
- 5.1.4. to facilitate the involvement of relevant national and provincial sector departments in aligning their plans and budgets with the Municipality's Sector Plan in order to deliver integrated human settlements;
- 5.1.5. to regularly review the performance of the Municipality against the criteria as set out in the National Accreditation Framework and in terms of the Municipal Sector Plan;
- 5.1.6. to intervene and take the necessary steps as contemplated by the National Accreditation Framework, to ensure adequate performance, if the Municipality fails to perform;
- 5.1.7. to determine the allocation of funds to the Municipality to perform the accreditation functions in terms of the sector formula approved by MINMEC on the 06 December 2006;

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- 5.1.8. to ensure the gazetting of the allocation of funds to accredited municipalities in terms of Schedule 5 grant conditions within the DoRA;
- 5.1.9. to stop payments to the Municipality in the case of clear evidence of financial or programme mismanagement in terms of the DoRA and Municipal Finance Management Act;
- 5.1.10. to take the necessary steps to ensure adequate performance, and if required to withdraw the accreditation given to the Municipality, in terms of section 10 (3) (c) (ii) of the Housing Act, subject to a due process being followed in terms of the Intergovernmental Relations Framework Act, 13 of 2005.

6. Roles and responsibilities of the Department

6.1. The role and responsibilities of the Department are:

- 6.1.1. to transfer the funds as published in the Government Gazette to the Municipality in terms of the annual approved payment schedule.;
- 6.1.2. to support the Municipality in the development of its Sector Plan if required;
- 6.1.3. partake in inter-governmental alignment of planning and budgeting in terms of the Municipality's Sector Plan;
- 6.1.4. to prepare its PMYHSP and APP and ensure alignment with the Municipality's Sector Plan through consultation;

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- 6.1.5. to ensure both municipal and provincial reporting compliance in terms of the Housing Act, the Provincial Housing Act, the Public Finance Management Act and the DoRA in respect of funds allocated to the Municipality;
- 6.1.6. to review the performance of the Municipality against the criteria for accreditation as outlined in the National Accreditation Framework and its approved Sector Plan and to advise the Provincial Minister of any non-performance on behalf of the Municipality;
- 6.1.7. to ensure on going liaison with the Municipality through the unit responsible for managing accreditation within the Department;
- 6.1.8. to undertake a technical assessment of the Department's staff and assets affected by accreditation and to oversee a transfer of staff and assets to the Municipality, if relevant; and
- 6.1.9. to provide the necessary support and capacity to assist the Municipality in the performance of its accreditation functions. This support and capacity will be contained in the Memorandum of Understanding as agreed and signed by the Parties.
- 6.2. The Head of the Department, designated as the accounting officer in terms of section 12(2)(b) of the Housing Act, and Section 17(2) of the Provincial Housing Act shall remain the accounting officer in respect of all monies transferred to the Municipality in terms of this Protocol.
- 6.3. Such accounting officer must, within five months after the end of the financial year, incorporate such financial statements supplied by the Municipality in terms


E.J.





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of paragraph 7.2.9 of this Protocol into the financial statements required to be prepared by that officer in terms of any applicable legislation.

7. Roles and responsibilities of the Municipality

7.1. In respect of the national and provincial housing programmes for which it has been accredited, the Municipality shall undertake the following functions:

7.1.1. subsidy budget planning and allocation, and priority programme management and administration, including:

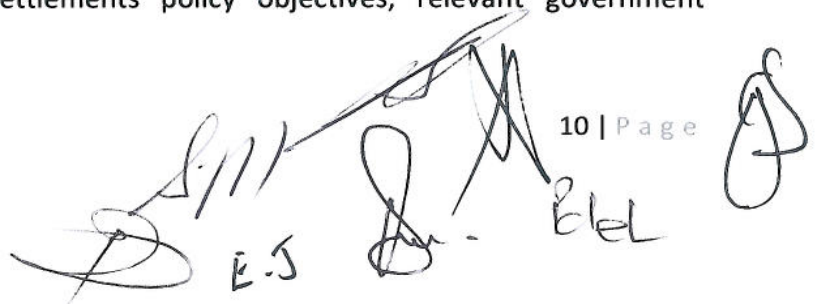
- a. housing subsidy budgetary planning functions across national and provincial housing programmes and projects;
- b. subsidy allocations; and
- c. project identification;

7.1.2. programme management and administration, including:

- a. programme and project evaluation and approval;
- b. contract administration;
- c. subsidy administration;
- d. programme management including cash flow projection and management; and
- e. technical quality assurance functions.

7.2. To ensure the effective exercise of these functions, the Municipality has the following roles and responsibilities:

7.2.1. in terms of relevant national guidelines, to prepare, and submit to the Provincial Minister for noting, a Sector Plan that is aligned to national and provincial human settlements policy objectives, relevant government

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department investment plans, the PMYHSP and APP, and to ensure that the Sector Plan is:

- a. adopted as part of the Municipality's Integrated Development Plan and budget;
- b. integrated into the Municipality's Performance Management System;
- c. aligned with other strategic planning frameworks of the Municipality, such as the Spatial Development Framework, the Infrastructure Master Plan, the Water Services Development Plan, Informal Settlements Management Plan, the Environmental Management Plan and the Integrated Transport Plan;

7.2.2. to put in place the required, or to utilise existing, municipal capacity and systems to perform the accredited functions, including budget tracking; document management; reporting; project tracking; procedures and operations manual; municipal housing subsidy system; and cash-flow tracking;

7.2.3. to establish and capacitate a dedicated human settlements unit within the Municipality;

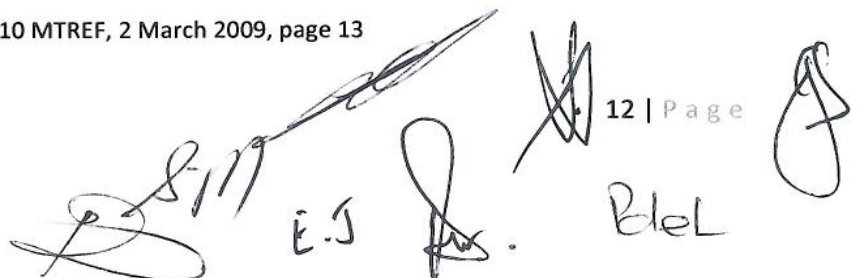
7.2.4. to engage proactively regarding appropriate land availability and acquisition for the development of integrated human settlements;

7.2.5. to engage proactively in resource mobilisation to ensure the development of integrated human settlements;

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- 7.2.6. to maintain a separate account into which the Funds Transferred by the Provincial Minister in terms of the Housing Act is deposited and out of which all disbursements in connection with the administration of the national and provincial housing programmes are made;
- 7.2.7. to reflect all interest received on these funds as "own revenue" and allocate the funds according to municipal priorities²;
- 7.2.8. to demonstrate a commitment towards accelerated service delivery and improved expenditure levels;
- 7.2.9. within two months from 31 March in each year, submit detailed financial statements signed by the City Manager to the provincial accounting officer designated in terms of S 12 (2) (b) of the Housing Act and Section 17(2) of the Provincial Housing Act, showing the results of the previous year's transactions;
- 7.2.10. to make available at the requirement of the Auditor-General for examination all books, registers and documents in the possession of and under the control of any municipal employee which would facilitate the carrying out of such an audit;
- 7.2.11. in the performance of its accredited functions, carry out the policy directives of the Provincial Minister consistent with national housing policy directives, including the rules of any applicable National Housing Programme;

² See Municipal Budget Circular for the 2009/10 MTREF, 2 March 2009, page 13

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- 7.2.12. to provide reports to the Provincial Minister on the activities of the Municipality in terms of the approved Sector Plan and in terms of any other requirements stipulated by the Provincial Minister;
- 7.2.13. to report in terms of both the DoRA and the Municipal Finance Management Act (MFMA), Act No. 56 of 2003, requirements;
- 7.2.14. inform the Provincial Minister of any internal disciplinary matters and/or criminal judgements of fraud or corruption associated with the administration of national and provincial housing programmes;
- 7.2.15. to inform and report to the Provincial Minister regarding any risks associated with the administration of National Housing Programmes and to inform the Provincial Minister of mitigating actions that have been undertaken by the Municipality; and
- 7.2.16. to inform the Provincial Minister of any support and capacity requirements for the administration of the national and provincial housing programmes.

8. Roles and responsibilities of other key stakeholders

The Parties recognise the roles and responsibilities of other key stakeholders, such as National and Provincial Treasuries, the National Department responsible for Human Settlements, the National Department responsible for Co-operative Governance, the Housing Development Agency, the National Home Builders' Registration Council and the South African Local Government Association in providing support to, and monitoring the Municipality, within their respective mandates.

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9. Contributing resources

9.1. The Parties agree to contribute the financial and non-financial resources and associated costs as follows:

9.1.1. The Department:

- a. A Medium Term Expenditure Framework Human Settlements Development Grant allocation as per annual Provincial Gazette;
- b. A Municipal Accreditation Grant in an amount as annually reviewed and agreed upon by both parties will be made available to the City. An amount of R10 million has been gazetted for the 2012/2013 fiscal year;
- c. The secondment of staff to assist with training and support when required and on a basis negotiated between the Parties.

9.2. The Department shall make financial transfers to the Municipality in accordance with the payment schedule referred to in 6.1.1.

9.3. In determining the resources to be contributed by the Parties the relevant National Department of Human Settlement guidelines, DoRA and MINMEC decisions will be taken into account.

10. Managing the Protocol

The Parties undertake to establish the following institutional mechanisms, including their composition and functions for the effective management and implementation of this Protocol:

10.1. The Municipality will establish any task team or committee deemed necessary to facilitate the accreditation function.

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10.2. The Municipality will utilise its existing audit and risk management committees to provide oversight to the human settlements functions.

10.3 The Department will monitor the Protocol to ensure compliance.

10.4 Neither of the Parties' institutional mechanisms referred to in this clause 10 shall be authorised to vary or amend this Protocol.

11. Good faith and reasonableness

In their dealings with each other for purposes of this Protocol, the Parties –

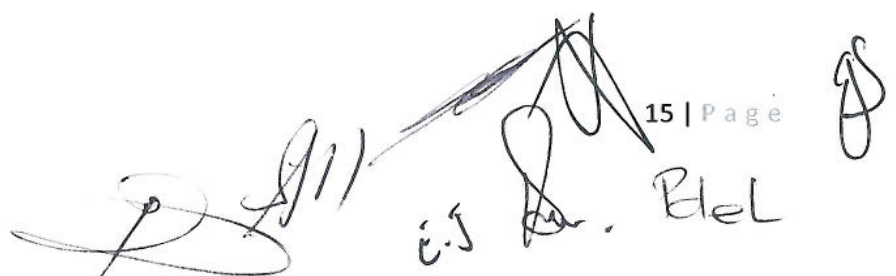
11.1. undertake to act in good faith and reasonably; and

11.2. warrant that they shall not do anything or shall refrain from doing anything that might prejudice or detract from the powers or functions of each other.

12. Dispute resolution

12.1 Either Party is entitled to declare a dispute by written notice to the other Party.

12.2 In the event of any dispute arising from this Protocol, the Parties shall first make every reasonable effort to settle such dispute amicably through the initiation of negotiations or otherwise, as required by section 41(2) of the Intergovernmental Relations Framework Act, 13 of 2005 ("the IRF Act").

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13. Confidentiality

- 13.1. Any Party shall treat information furnished by another Party for purposes of the execution of this Protocol, as confidential.
- 13.2. Subject to this clause, the Party(ies) so furnished with information shall not disclose such information to another person without the prior written consent of the other Party and shall take reasonable steps to ensure that such information is not disclosed to another person.

14. Duration, execution and amending the Protocol

- 14.1. This Protocol will commence on the date of signature of the last-signing Party and will remain in effect for a period of three years linked to the Medium Term Expenditure Framework of the Municipality or until such date that the Municipality receives Level 3 Municipal Accreditation, whichever comes first.
- 14.2. A decision regarding an extension or amendment to the Protocol will be made in terms of a performance assessment of the Municipality in terms of the Sector Plan and budget. This performance assessment may be conducted during or at the end of the three-year implementation period of the Protocol.
- 14.3. If a Municipality has demonstrated its capacity to administer National Housing Programmes effectively, then assignment of the functions must be considered by the Provincial Minister. If the Municipality has failed to perform satisfactorily, then the Protocol must be amended to include the revised Sector Plan, targets and capacitation needs of the Municipality.

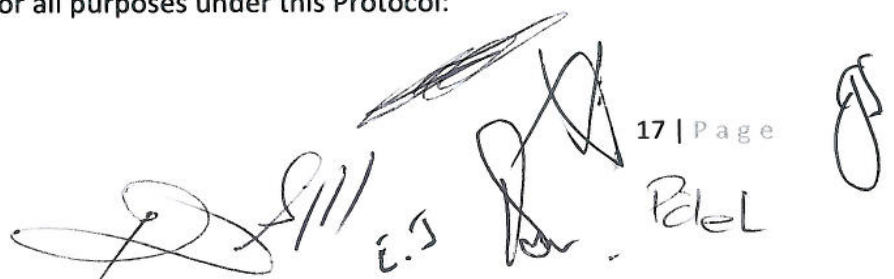
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- 14.4. Save for those terms contained in the Deed of Delegation to be concluded between the Parties, there are no other conditions, representations, whether oral or written and whether expressed or implied, applicable to this Protocol.
- 14.5 This Protocol including the Annexure(s) attached hereto and the Deed of Delegation constitutes the whole agreement between the parties relating to the subject matter of this Protocol. There are no other conditions, representations, whether oral or written and whether expressed or implied, applicable to this Protocol.
- 14.6 Notwithstanding the provisions of clause 14.4 and 14.5 above, it is recorded that the Department and the Municipality will conclude a Memorandum of Understanding detailing the co-operation arrangement between them in order to give effect to the Municipality's Level 2 municipal accreditation.
- 14.7 The Parties reserve the right to amend any of the terms and/or conditions as set forth herein after consultation with each other and after agreeing on the proposed amendment, on 30 (THIRTY) days written notice to the other party and subject to clause 14.8.
- 14.8 No amendment, alteration, addition or variation of this Protocol shall be of any force or effect unless reduced to writing and signed by the Parties. Such changes shall be incorporated as an addendum to this Protocol.

15. Domicilium

- 15.1. The Parties choose the physical addresses set out hereunder as their domicilia citandi et executandi for all purposes under this Protocol:



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THE DEPARTMENT:

Department of Human Settlements
27 Wale Street
CAPE TOWN
8001

THE MUNICIPALITY

The City of Cape Town
Civic Centre
12 Hertzog Boulevard
8001

- 15.2. Notice of change of address must be given in writing, by the Party concerned and delivered by registered mail to the other Parties.

SIGNATURES

Thus done and signed by BONGINKOSI S. MADIKIZELA of the Department in his/her capacity as the Provincial Minister responsible for Human Settlements in the Western Cape at CAPE TOWN on this 14th day of 06 2012
Signature

As Witnesses:

1.
2.

Thus done and signed by Patricia de Lille of the Municipality in his/her capacity as the Executive Mayor having been duly authorised thereto at Cape Town on this 14th day of June 2012.
Signature P. de Lille

As Witnesses:

1. [Signature]
2. [Signature]

The contents of this Protocol are duly noted by MBULELO TSIMANGANA of the Department in his/her capacity as the Head of Department having been duly authorised thereto at CAPE TOWN on this 14th day of JUNE 2012.
Signature M. Tsimangana

As Witnesses:

1. [Signature]
2. [Signature]

The contents of this Protocol are duly noted by Setn Magezi of the Municipality in his/her capacity as the Executive Director: Human Settlements having been duly authorised thereto at Cape Town on this 14th day of June 2012.
Signature [Signature]

As Witnesses:

1. [Signature]
2. [Signature]

LEGAL CERTIFICATION

To the best of my knowledge, this Protocol adheres to acceptable legal rules and is consistent with the exercise of statutory powers or the performance of statutory functions of the Parties to this Protocol.

This Protocol is hereby certified and signed by of the Department of Human Settlements in his/her capacity as the having been duly authorised thereto at on this day of 20....

NAME

DEPARTMENT

8

DEED OF DELEGATION

Entered into by and between

**PROVINCIAL MINISTER OF HUMAN SETTLEMENTS IN THE
WESTERN CAPE, BONGINKOSI MADIKIZELA**

(Hereinafter referred to as "the Provincial Minister")

and

**THE MUNICIPAL COUNCIL OF THE CITY OF CAPE TOWN,
HEREIN REPRESENTED BY ALDERMAN PATRICIA DE LILLE**

(Hereinafter referred to as "the Municipal Council")

(and collectively referred to as the "Parties")

PREAMBLE:

WHEREAS the Provincial Minister is formalising the Level Two accreditation: Full Programme Management and Administration (Delegation) of the City of Cape Town ("the City") by the Municipal Accreditation Compliance and Capacity Assessment Panel on 05 March 2011;

AND WHEREAS the Parties have concluded or will shortly conclude an Implementation Protocol in respect of the decision to accredit the City which shall be read together with this Deed of Delegation (Deed);

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AND WHEREAS the Provincial Minister wishes to delegate certain powers and functions to the Municipal Council for purposes of the administration of such national or provincial housing programmes in respect of which the accreditation was granted.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. The Provincial Minister hereby delegates the powers described in Annexure "A" hereto, to the Municipal Council in terms of:

- 1.1 Section 16 (5) of the Western Cape Housing Development Amendment Act, No. 2 of 2005 which provides –

"For the purposes of the administration contemplated in subsection (4), but subject to section 18, a local government may exercise such powers and must perform such duties of the Provincial Minister as are necessary."

and in terms of

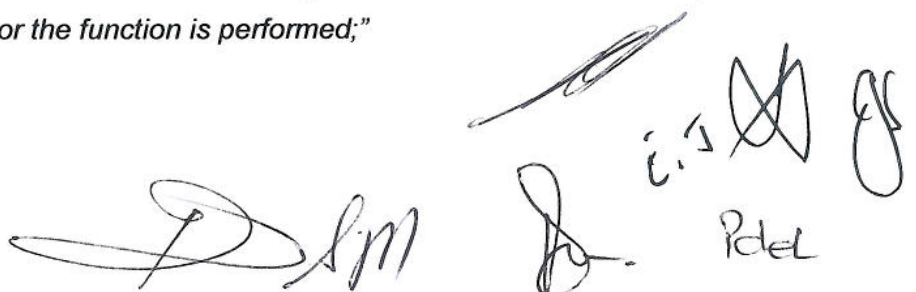
- 1.2 Sections 10(3)(b) of the Housing Act No. 107 of 1997, as amended which provides –

"For the purposes of such administration, but subject to subsection (4), such municipality may exercise such powers and must perform such duties of the relevant provincial housing development board [provincial government] as are necessary for the administration of such national housing programme."

read with section 238 of the Constitution of the Republic of South Africa, 1996, which provides –

"An executive organ of state in any sphere of government may –

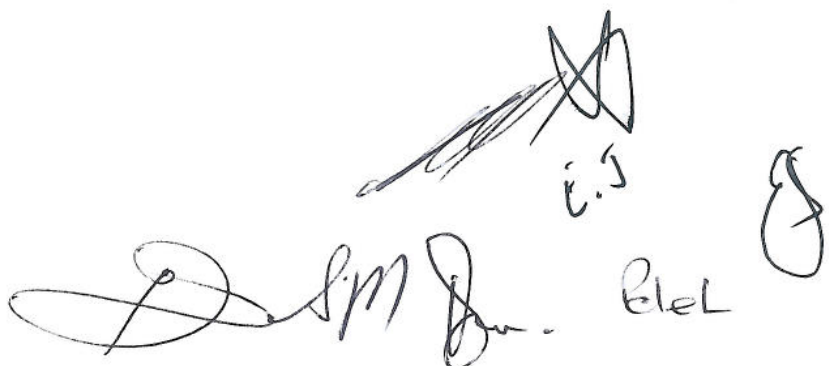
- (a) Delegate any power or function that is to be exercised or performed in terms of legislation to any other executive organ of state, provided the delegation is consistent with the legislation in terms of which the power is exercised or the function is performed;"

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2. The delegations shall come into effect upon the date of signature of this Deed by the last-signing of the Parties and shall terminate upon the written notification of the Provincial Minister to the Municipal Council.
3. The Municipal Council may sub-delegate the powers detailed in Annexure "A" subject to the limitations contained in the Annexure under 'Special Conditions', and provided that all such sub-delegations shall be reduced to writing.
4. The delegations contained in this Deed shall remain in force unless and until these are withdrawn by the Provincial Minister by written notice served on the Municipal Council.
5. The City shall report to the Provincial Minister on its activities conducted and decisions taken in terms of the delegations, in accordance with the reporting provisions contained in the Implementation Protocol.
6. The delegations shall be reviewed regularly by the Parties which review shall coincide with review of the accreditation of the City as provided in the Implementation Protocol and as contemplated in section 16(6) of the Western Cape Housing Development Amendment Act, No. 2 of 2005.
7. The Parties choose as their respective domicilium citandi et executandi for the purposes of legal proceedings and for the purpose of giving or sending any notice provided for or necessary in terms of this Deed, the following addresses:

THE PROVINCIAL MINISTER

Department of Human Settlements
27 Wale Street
CAPE TOWN
8001

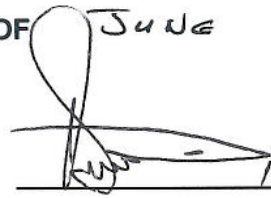
The block contains several handwritten signatures and initials. At the top right, there is a large, stylized signature with the initials 'E.S.' written below it. Below this, there is a long, flowing signature that appears to be 'D. S. M. J.' followed by a period. To the right of this signature are the initials 'E.L.' and a small, circular mark.

THE MUNICIPAL COUNCIL:

The City of Cape Town
Civic Centre
12 Hertzog Boulevard
8001

- 16.2 All notices to be given in terms of this Deed shall be given in writing and be delivered or sent by prepaid registered post to the Party's chosen *domicilium citandi et executandi*.
- 16.3 If delivered by hand, a notice shall be presumed to have been received on the date of delivery, or, if sent by prepaid registered post, be presumed to have been received 7 (seven) business days after the date of posting.
- 16.4 Notwithstanding anything to the contrary contained in this Agreement, a written notice or communication actually received by one of the Parties from the other Party, shall be adequate written notice of communication to such Party.

SIGNED AT Cape Town ON THIS 14th DAY OF JUNE 2012


14/06/2012

THE PROVINCIAL MINISTER
On behalf of THE DEPARTMENT
OF HUMAN SETTLEMENTS OF
THE WESTERN CAPE BEING
DULY AUTHORISED THERETO

WITNESSES:

1.

2.



Witness signatures: E.S., PdeL, SM, and others.

SIGNED AT C Town. ON THIS 14th DAY OF June

2012

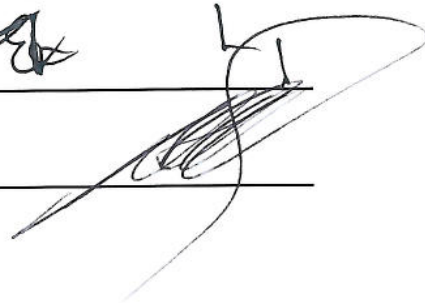
P. de Lille.

THE EXECUTIVE MAYOR

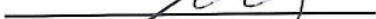
On behalf of the MUNICIPAL
COUNCIL BEING DULY
AUTHORISED THERETO

AS WITNESSES

1.

2.











DEPARTMENT OF HUMAN SETTLEMENTS - Western Cape Housing Development Amendment Act 2005 (Act no. 2 of 2005)

Section	Executive Power	Description of Power	Delegations	Specific Conditions (if any)	Remarks
4(1)(i)	MEC	Management and Approval of all new housing development projects	Municipal Council	- When approving new projects, note the stages of approvals by noting these as either conditional, feasibility or final approvals, or extensions of approved projects. - The delegation excludes individual subsidies (both credit linked and not credit linked), relocation subsidies and new or amended programs listed in the National Housing Code from time to time. - Amendments of housing plans for approved projects shall be made in terms of approved Norms and Standards.	
4(1)(ii)	MEC	Financing of projects i) To implement all actions associated with the HSDG and other related Human Settlement Grants ii) To confirm the acceptance of all funds associated with the HSDG and related Human Settlement Grants iii) To report to the National and Provincial Departments of Human Settlements	Municipal Council		This delegation applies to the approval of subsidy applications and the approval and amendment of subsidy amounts, the amendment of financial details of approved projects and amendment of housing projects
4. Powers and duties of Provincial Minister (1) The Provincial Minister - (f) must administer every national housing programme and every provincial housing programme which is consistent with national housing policy and for this purpose may, in accordance with that programme and the prescripts contained in the Code, approve- (i) any projects in respect thereof; and (ii) any financing thereof;					

DeL

E-V

SPM