

MINISTRY OF HUMAN SETTLEMENTS AND PUBLIC WORKS

PRESS RELEASE

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THE KZN SLUMS ACT IN A CONSTITUTIONAL CONTEXT

(KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Act, Act 6 of 2007)

The Constitutional Court yesterday ruled in a majority decision of the Court that the KwaZulu -Natal Slums Act does fall within the Province's legislative competence in that it deals primarily with housing. It did however, find that one section of the Slums Act is inconsistent with a section of the Constitution. This means that the KZN Slums Act has to be amended to meet this compliance requirement and then the goal of ensuring that the poorest of the poor have access to shelter and the building of sustainable human settlements will proceed.

It is understood by a few that this Act is a mechanism to deprive the poor and destitute people of our country of a place to stay. This is a wholly false view held mainly by those who benefit from "shack farming" where tiny shacks are rented out to large numbers of families thus resulting in their living in over-crowded squalor.

It is encouraging that the Constitutional Court notes that the intention of the KwaZulu-Natal Slums Act is a "salutary one". The MEC for Human Settlements and Public Works, Maggie Govender, points out that: "The objective of the KwaZulu-Natal Slums Act is not just to eliminate slums but its overarching purpose is to provide poor communities with shelter as envisaged in the Freedom Charter where it is proclaimed that 'There shall be housing, security and shelter'."

It must also be recognised that the MEC for Human Settlements and Public Works has not exercised the contested provision of the Slums Act and has acted fully within the framework of existing legislation.

We respect the majority judgment of the Constitutional Court and our legal team is now briefed to fully analyse the Constitutional Court's judgment and to advise the MEC on the appropriate amendments to revise a piece of legislation aimed at assisting the poorest of the poor.

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