

# Foundation of tribunal's impartiality

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LAST week's article about the independence of the provincial Rental Housing Tribunals and the conduct of its members and staff generated much public interest. The Tribunals perform a judicial function and must ensure high standards of service delivery in a non-partisan and unbiased manner.

To carry out the functions of a Tribunal, the Minister of Housing appoints staff that may include inspectors, technical advisers, mediators and administrative support staff in terms of section 11 (2) of the Rental Housing Act 50 of 1999.

A compulsory requirement for an appointment of any staff is a certificate of appointment to the

Tribunal [s 11(3)]. The "certificated" appointment is the legal basis that established a nexus between the staff and the Tribunal.

The Tribunal can delegate powers to its staff and can determine conditions for them for the proper performance of its functions. The Tribunal can therefore also withdraw a delegated power given to its staff or "set aside or amend any decision of the delegate made in the exercise of such powers" [s 11 (4)]. A staffer or a member must at all times be impartial in exercising of her or his duty.

Dr. Sayed Iqbal Mohamed  
Chairperson, Organisation of Civic Rights; Member of the KwaZulu Natal Rental Housing Tribunal  
[www.ocr.org.za](http://www.ocr.org.za)