

REPORT ON CPA PERFORMANCE FOR 1ST TO 3RD QUARTER 2015-2016

Presentation to the Portfolio Committee on Rural
Development and Land Reform

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rural development
& land reform

Department:
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1. BACKGROUND

- The Communal Property Associations Act, 1996 (Act No. 28 of 1996) was passed to enable communities to establish Communal Property Associations (CPAs) whose primary objective is to acquire, hold and manage land on behalf of and for the benefit of its members. CPAs were intended to provide members with a simplified form of legal entity.
- A total of 1483 CPAs have been registered since the passing of this Act, with 48 registered in 2015-2016 financial year.
- Since their establishment, these CPAs have been afflicted by a number of problems.

2. TURN AROUND STRATEGY

The Department of Rural Development and Land Reform (DRDLR) has taken various steps to ensure that resources and systems are in place to deal with various challenges facing CPAs; namely;

1. CPA District Fora

- Establishment of Communal Property Associations District Fora in all the 44 Districts in the country.
- Serve as a platform for the CPAs to share experiences, approaches and lessons on how to handle CPA matters.
- A number of dispute resolution interventions in ailing CPAs have been done by these District Fora.
- The benefit of these Fora is that they avail services in close proximity to CPAs

TURN AROUND STRATEGY cont....

2. Tenure Forum

- In light of many new officials that have been reassigned and appointed to deal with Tenure matters in provinces a forum of Tenure implementers has been established by the Department.
- The purpose of this forum is to capacitate newly appointed officials who lack experience on the various Tenure programmes and legislations, which include the Communal Property Associations Act.

TURN AROUND STRATEGY cont....

3. Advisory Committee on Judicial Administrations

- This committee screens each request to see if there are alternative interventions before a CPA can be placed under administration
- The Committee members are from the CPI Unit, Legal Services, Provincial Shared Services Centre and the Land Claims Commission.

4. Training

- A total of 138 CPAs received training during this reporting period.

5. Expanded scope of the Land Rights Management Facility (LRMF)

- The scope of the LRMF has been extended to include support and regularisation of the CPAs

3. CPAs UNDER JUDICIAL ADMINISTRATION

1. Barolong boo Seitshiro

- The CPA was placed under administration due to the failure of the previous committee to exercise its fiduciary duties.
- The CPA bank accounts have been frozen.

2. Khomani San

- This CPA was characterised by gross dysfunctionality.
- An Administrator was appointed to manage the affairs of the CPA until a new committee is elected.
- A parallel process was initiated to kick-start the business operations under the supervision of a farm manager.
- The business enterprises will ensure that the CPA will be sustainable when the CPA takes over.

CPAs UNDER JUDICIAL ADMINISTRATION cont....

3. Rama

- DRDLR instituted proceedings against the Rama CPA Executive Committee following lack of accountability and misuse of CPA finances.
- The Auditors have been given access to the three ABSA accounts held by the CPA.
- However there is another account into which the CPA transfers money but the bank says it is not held by Rama and they can therefore not give Auditor access to it because it is not listed in the Court Order.
- The Auditors are now focusing on interviewing the Rama Executive Committee to clarify the flow of money and the transactions that went through the Bank accounts.

4. CPA PERFORMANCE IN THE FIRST THREE QUARTERS OF 2015/16

- DRDLR's Annual Performance Plan (APP) indicates that 200 CPAs will be supported towards compliance for the year 2015-2016.
- This translated into 50 CPAs to be supported per quarter
- **First Quarter**
 - No CPA was regularised in the first quarter, but many of them were supported and were at different stages of been compliant to the CPA Act.
- **Second Quarter**
 - DRDLR achieved half its target in the second quarter. A total of 25 CPAs were supported towards compliance in this quarter.

CPA PERFORMANCE IN THE FIRST THREE QUARTERS OF 2015/16 cont...

Third Quarter

- DRDLR exceeded its target and supported 100 CPAs instead of the planned 50.
- The reason for the over achievement was due to the fact that provinces used different strategies to improve performance.

5. NATIONAL COMPLIANCE TRENDS

Province	2009-10	2011-12	2012-13	2013-14	2014-15	2015-16
Eastern Cape	16	21	22	23	29	13
Free State	11	12	22	23	32	12
Gauteng	8	10	11	11	12	13
Kwazulu-Natal	27	30	30	30	33	19
Limpopo	10	24	34	35	53	31
Mpumalanga	8	16	26	27	42	75
Northern Cape	4	11	12	13	30	26
North West	10	21	39	40	33	14
Western Cape	6	13	13	13	20	05
National Summary	100	158	209	171	284	208

6. CPA THAT LOST LAND

- Some of the challenges that led to the loss of land are disputes amongst community members.
- Some sales are alleged to have been concluded without proper consultation and in some instances without the knowledge of some community members.
- Investigations are underway to verify these allegations.
- Where CPAs have validly sold land those CPAs must be deregistered.
- A process of deregistering of CPAs without land has already started in some provinces.

7. CPAs WITHOUT LAND

1 Eastern Cape

Name	Registration no	Program	Extent	Members	Transaction
Alpha	03/0634/A	Redistribution	219.5097	15	Sold Land
Fuzani	06/0920/A	Redistribution	193.3821	2	Sold land
Iliso Lomzi	02/0478/A	Redistribution	102.3734	16	Sold land
Isidingo	00/0243/A	Redistribution	216.6084	44	Sold land
Lingelihle	00/0243/A	Redistribution	216.6084	44	Sold land
New Life	01/0348/A	Redistribution	85.9724	20	Sold land
Nqancula	00/0211/A	Redistribution	305.0551	60	Sold land
Nyathi	04/0679/A	Redistribution	870.1937	16	Sold land
Sinethemba	01/0344/A	Redistribution	1735.0000	19	Sold land
Nangu Family	08/1137/A	Redistribution	115	12	Land Never transferred

CPAs WITHOUT LAND Cont...

2 FREE STATE

Name	Reg no.	Program	Extent	Members	Transaction
Iketsetseng	99/0148/A	Redistribution	429	98	Sold land
Itireleng	98/0114/A	Restitution		29	Sold land
Itshokolele	99/0150/A	Redistribution	7.1578	18	Sold land
Kopano	97/0019/A	Redistribution	55.9199	97	Land sold in execution
Mabaso	98/0090/A	Redistribution		7	Sold land
Marematlou	98/0047/A		446.8435	214	Sold land
Moleme	98/0119/A	Redistribution	247	48	Sold land
Morakabi	02/0389/A	Redistribution	248.9748	11	Sold land
Sekekete	02/0396/A	Redistribution	198.7460	6	Sold land

CPAs WITHOUT LAND Cont...

3 NORTHERN CAPE

Name	Reg no.	Program	Extent	Members	Transaction
Boichoko Small Farmers	98/0116/A	Redistribution	127.7798	920	Sold land
Dingleton Small Farmers	02/0513/A	Redistribution	84.4909	3	Sold land
Dirisanang Small Farmers	98/0095/A	Redistribution	5345.0271	400	Sold land
Langverwacht Boerevereniging	98/0099/A	Redistribution	5616	46	Sold land
Lawane Saamstaan	05/0820/A	Redistribution	1.8452	5	Sold land

CPAs WITHOUT LAND Cont...

4. NORTH WEST

Name	Reg. no	Program	Extent	Members	Transaction
Reaoboka		Redistribution	400	10	Sold land

8. PROVISIONAL CPAs

There are a total of 18 provisional CPAs in the country

1. Rietdraai
2. Rekgonne
3. Goedehoop
4. Ritchie Small Farmers
5. Bakone Ba Phetta
6. Jay Dee Rovon
7. Shayizandla (PCPA)
8. Goudina
9. Ses`khona
10. Enjabuleni
11. Masakhane
12. Mkhuzane

PROVISIONAL CPAs Cont...

- 13. Mgxobeleni
- 14. Siphumelele
- 15. Mahobe
- 16. Diyatalawa
- 17. Osizweni
- 18. KwaXolo/ Dalumuzi

THANK YOU

