



GAUTENG
LEGISLATURE
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FINAL VOTING MANDATE

TO: The Chairperson of the National Council of Provinces.

Hon T Modise

NAME OF BILL: Communal property Associations Amendment Bill

NUMBER OF BILL: [B12B-2017]

DATE OF DELIBERATION: 22 November 2018

VOTE OF THE LEGISLATURE:

The Gauteng Provincial Legislature supports the principle and detail of the bill and therefore votes in favour of-

- Communal Property Associations Amendment Bill

HON NTOMBI MEKGWE

SPEAKER

GAUTENG PROVINCIAL LEGISLATURE

Date: 26/11/2018



**ECONOMIC DEVELOPMENT, ENVIRONMENT, AGRICULTURE AND RURAL DEVELOPMENT
PORTFOLIO COMMITTEE**

FINAL VOTING MANDATE

ON

COMMUNAL PROPERTY ASSOCIATIONS AMENDMENT BILL [B12B - 2017] (s76)

The Chairperson of the Economic Development, Environment, Agriculture and Rural Development Portfolio Committee, Mr. Errol Magerman, tables the Committee's report on the Final Voting Mandate on the Communal Property Associations Amendment Bill [B12B-2017] (s76), as follows:

1. PROCESS FOLLOWED

The Speaker, Hon. Ntombi Mekingwe formally referred the Communal Property Associations Amendment Bill [B12B-2017] (s76) on the 19th June 2018 to the Portfolio Committee on Economic Development, Environment, Agriculture and Rural Development, in terms of GPL Rules 245 (1) read with 246 (1) and 247 and 248 for consideration and reporting.

The Committee deliberated on and adopted the Negotiating Mandate on Tuesday, 6th November 2018.

At the meeting held on Thursday, 22nd November 2018, the committee having considered the Minutes of the NCOP Select Committee on Land & Mineral Resources, deliberated and adopted the Final Voting Mandate on the Communal Property Associations Amendment Bill [B12B-2017] (s76).

2. PRINCIPLES AND DETAILS OF THE BILL

The Communal Properties Association Amendment Bill seeks to address the short comings of, as well as amend the Communal Properties Association Act, 1996 (Act No. 28 of 1996) in order to: provide for the establishment of a Communal Property Associations Office; empower the minister to appoint a Registrar of the Communal Property Associations; provide for the functions of the Registrar; provide improved protection of the rights of communities in respect of movable and immovable property administered by an association; provide for the formation of CPAs in respect of land restituted to labour tenants and to further regulate on the management of CPAs placed under administration (DRDLR, 2017).

The Bill is meant to apply throughout the Republic without precluding members of traditional councils from being members of CPAs.

3. OBJECTIVES OF THE BILL

The objects of the Act are to—

- (a) clarify the objective of CPAs;
- (b) establish the CPAs Office;
- (c) empower the Minister to appoint the Registrar of CPAs;
- (d) provide for the functions of such Registrar;
- (e) provide for the protection of rights and interests in respect of movable and immovable property administered by CPAs;
- (f) provide for the formation of CPAs in respect of land restituted to labour tenants; and
- (g) further regulate on the management of CPAs placed under administration.

4. FINANCIAL IMPLICATIONS

The Bill seeks to ensure that land claimed for communities is transferred to and remains under the ownership of the same individuals that should be the rightful beneficiaries. This will eliminate the problems that have been encountered in the past with individuals making claims for land and disposing of such land as their properties at a later stage. There is a strong possibility of the increase in tenure insecurity for vulnerable groups such as the elderly, women, the disabled and children. The transfer of such land to the rightful owners will increase security of tenure for individuals. The 60% threshold required for approval to sell community property is meant to protect community members against unscrupulous acts by committee members which include disposing of community property without involving the members.

The economic impacts of the services provided by CPAs could be varied. These impacts could be dictated to by the composition of the CPA members as well as the skills they bring to the service of the community and the times dedicated to such communities. These workforce bills could be in the forms of salaries, consultation fees by specialists and administrative fees. The provision of security of tenure however, places the beneficiaries in a position where they can leverage greater economic benefits with the use of the land right as collateral in dealing with financial institutions. This still places the risk to the community, of unscrupulous dealings by the CPA with financial institutions that could recover unpaid loans through the sale of movable and or immovable assets of the community to redeem their non-serviced loans. The proper implementation of the Bill could assist in the increase of job opportunities in rural areas because these are very dependent on agriculture and would reverse the urban migration trend, thus, easing the pressure on resources in urban areas (UNDP, 2018).

5. FINAL POSITION ADOPTED BY THE COMMITTEE

In terms of the Section 65 of the Constitution, the Portfolio Committee on Economic Development, Environment, Agriculture and Rural Development confer authority on the Gauteng Provincial Delegate/s to National Council of Provinces to **vote in favour** on the Communal Property Associations Amendment Bill [B12B-2017] (s76). However, a minority report has been submitted by the Democratic Alliance Party as they voted against the Bill.

