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**PROGRESS REPORT FOR THE HUMAN SETTLEMENTS PORTFOLIO COMMITTEE REGARDING THE IMPLEMENTATION OF THE PUBLIC PROTECTOR’S REPORT AS IT PERTAINS TO THE FOUR PETITIONERS FROM GA-RANKUWA AND MABOPANE**

**24 MAY 2023**

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8. **PURPOSE**
   1. The purpose of this report is for the Portfolio Committee to:
      1. Note the Progress Report on the MAWIGA Ministerial Project whereby Phase 1 of 8 000 property transfers will commence by June 2023.
      2. Note the Progress Report on the actions pertaining to the MAWIGA four (04) petitioners’ subsequent to the Portfolio Committee’s oversight visit to the North West Province on the 31 March 2023.
      3. Notes that the on-going consultation processes with the four (04) Petitioners and relevant stakeholders and that the Department commits to report progress on a quarterly basis to the until the matter is concluded.
      4. Note that the matter of the psycho-social support for the Petitioners is currently being addressed by the Department through the appointment of a wellness professional service provider.
9. **INTRODUCTION**
   1. This report is consolidated by the National Department of Human Settlements (NDHS) based on written inputs received from the North West Housing Corporation (NWHC), the City of Tshwane (COT) Metropolitan Municipality, the Housing Development Agency (HDA), the North West Department of Human Settlements (NWDHS) and the Gauteng Department of Human Settlements (GDHS).
   2. This progress report covers the two components to the matters regarding the MAWIGA Community which the Minister is currently resolving:
      1. The MAWIGA Ministerial Project aimed at resolving the ownership and transfer of properties to 14 000 households residing in Ga-Rankuwa Units 7 and 8, Mabopane M, S, U and X and Winterveld; and
      2. The four (04) MAWIGA Petitioners whose properties were illegally sold and transferred by officials in COT and the NWHC.
10. **BACKGROUND TO THE MAWIGA MINISTERIAL PROJECT**
    1. The MAWIGA Petitions Group consists of representatives of community members in Ga-Rankuwa Units 7 and 8, Mabopane M, S, U and X and Winterveld, who have been trying since 1990 to obtain title deeds to their properties on the basis of a Department of Local Government, Housing, Planning and Development Circular (Ref7/8/2/1) that provided for the disposal of all state owned and subsidized properties constructed before 30 June 1993 in favour of their beneficiaries.
    2. The Minister then declared a Ministerial Project to resolve ownership and transfer for 8 000 uncontested properties as phase 1 of the estimated 14 000 households affected. The project is progressing well with conveyancers appointed and beneficiary verification almost concluded. The first batch of transfers will be lodged by the end of June 2023.
    3. In 2015 the community, through the Petitions Group, petitioned the National Council of Provinces (NCOP) and presented their case to the Premier of Gauteng in 2017. Engagements with Gauteng Province continued until 2020 without any tangible results and proceeded to engage the NDHS throughout 2021.
    4. The MAWIGA Petitions Group met with the Minister of Human Settlements in January 2022, where again they presented their case and disputed that any moneys are owed to third parties that prevents the transfer of their properties.
    5. The Minister of Human Settlements engaged the Members of Executive Councils (MECs) responsible for Human Settlements in North West and Gauteng, the COT, the NWHC and the premier of the North West Province to obtain all the necessary information, including the Corporation’s Loan Book, to resolve the MAWIGA matter in particular, but also NWHC’s property portfolio that should be transferred to beneficiaries.
    6. By February 2022, the Minister directed that all properties (as presented by the Corporation) that could be transferred, should be transferred without delays, and committed to continue discussions to resolve the outstanding matters on the properties in dispute.
11. **BACKGROUND TO THE FOUR MAWIGA PETITIONERS**
    1. The four (4) MAWIGA Petitioners are part of the MAWIGA Greater Community whose properties were illegally sold and transferred by officials in the COT and the NWHC. This is the matter over which Parliament’s Human Settlements Portfolio Committee has been engaging the NDHS to resolve. This report provides progress on the action taken following the Portfolio Committee’s Oversight Visit conducted in the North West province on 31 March 2023.
    2. In 2018, the Public Protector published a report (Public Protector’s Report 14 of 2018) on an investigation into allegations of maladministration by the NWHC and the COT regarding improprieties in the sales and transfers of properties by the Corporation situated within the boundaries of the City of Tshwane.
    3. The following four Petitioners were the victims of the alleged maladministration, namely:
12. Mr. Ernest Kgasoe (2281 Unit 8, Ga-Rankuwa).
13. Mr. Michael Mere (2827 Zone 2, Ga-Rankuwa).
14. Mr. Bongo Sepeng (992 Zone 7, Ga-Rankuwa).
15. Ms. Marie Ledingoane (309 Block X, Mabopane).
    1. The above-mentioned properties belonged to the Bophuthatswana Homeland, under the Bophuthatswana Housing Corporation, which were later inherited by the NWHC under the new dispensation.
    2. The findings of the Public Protector regarding the above-mentioned investigation were the following:
       1. The COT Metropolitan Municipality, in failing to conclude township establishment, through the provision of an approved general plan, was guilty of maladministration in respect of all 4 complainants.
       2. The NHWC, in failing to transfer the properties in the names of the beneficiaries, was guilty of maladministration.
       3. There was improper conduct on the part of COT in respect of fraudulent sales of three of the beneficiaries’ properties and failure to compensate the beneficiaries.
16. **PROGRESS REPORT ON SUPPORT PROVIDED BY THE DEPARTMENT TO THE FOUR PETIONERS** 
    1. **The Vacant Stands offered to Ms Bongo Sepeng:**
       1. Ms Sepeng rejected the 2 vacant sites offered to her in Ga Rankuwa Zone 4 (Erf 9063 and 9064 respectively, each measuring 600sqm, totaling 1200sqm). However, in the stakeholder meeting held on 19 May 2023, NWHC indicated that they are willing to re-open discussions with Ms Sepeng to offer her the stands that she had preferred, that are adjacent to Erfs 9063 and 9064 in Ga-Rankuwa Zone 4. Ms Sepeng has agreed to this proposal and discussions with her in this regard will take place during the week starting on 22 May 2023.
       2. COT also took Ms Sepeng on a site visit to view alternative vacant stands at Lady Selbourne in Pretoria. Ms Sepeng has confirmed that the site visit took place on 12 May 2023.
       3. COT confirmed that Ms Sepeng has advised that she would like the largest stand in the middle of the area that she was shown. The stand identified is erf 677 which is 1172 square meters. COT indicated that Ms Sepeng committed to communicate her final decision to the municipality by the week beginning 15 May 2023.
       4. However, COT has subsequently informed Ms Sepeng that the price of the stand that she is interested in is more than R700 000 based on the values of the property market in the area. The position of COT is that should Ms Sepeng accept this stand offered to her, the municipality would not be able to build her a top structure, as this would set a wrong precedence.
       5. In the stakeholder’s meeting held on 19 May 2023, various stakeholders expressed the opinion that Ms Sepeng’s matter must be treated as a special case to be tabled before Council for resolution. COT indicated that it would take three (3) to four (4) weeks to table the matter before Council. The meeting also proposed that this matter be elevated to the Minister of Human Settlements to engage with the Mayor and Municipal Manager of COT, to consider applying special dispensation for Ms. Sepeng.
    2. **The Construction of a Top Structure for Mr Ernest Kgasoe:**
       1. Mr Kgasoe has accepted vacant land at erf 757 Mogwase Unit 2, measuring at 1441sqm. The Offer to Purchase was signed by both parties.
       2. Mr Kgasoe’s land is currently owned by the Department of Public Works (DPW). NWHC has attempted to engage DPW on the matter, to fast track the transfer of ownership rights into the name of Mr Kgasoe. NWHC has received no cooperation from DPW. The matter has been escalated to the MEC in the province for intervention.
       3. The NWDHS (through the Planning and Technical Services Unit), consulted Mr Kgasoe regarding the specifications and designs of the Military Veterans house and on 16 May 2023, NWDHS conducted a site visit with him at the identified stand.
       4. NWDHS has confirmed that once all the transfer processes have been finalized for Mr Kgasoe’s site, he will be issued with a title deed. The value of Mr Kgasoe’s stand is estimated at R200 000. NWDHS has requested NWHC to provide written confirmation to proceed with the actual construction on site upon designs being approved.
       5. At the stakeholder’s meeting held on 19 May 2023, Mr Kgasoe raised concerns that the properties surrounding his stand are upmarket and of high value, and upon viewing specifications and designs of the military veterans’ structures, his view is that the specs are inferior to the type of properties surrounding his stand.
       6. In consideration of the values of the properties in the area where his stand is located, Mr Kgasoe is requesting Government to develop specifications and designs for Petitioners, and that the NWDHS considers offering him specifications and designs that are higher than those of the military veterans’ structure.
    3. **The Construction of a Top Structure for Ms Marie Ledingoane:**
       1. Ms Ledingoane has been offered Stands No. 12049 and 12050 Block X Mabopane. Each stand is measured 258sqm, totaling 570sqm.
       2. The Offer to Purchase has been signed by both parties (Ms Ledingoane and NWHC) and the paid-up letter has been signed to facilitate the transfers of the properties in her name.
       3. With the assistance of the GDHS, COT will take responsibility for the construction of the top structure (utilizing the Military Veterans quantum subsidy and specifications) at the offered stand. GDHS has given COT the approval to proceed with construction.
       4. COT is in the process of confirming the variation order with the province and the matter will be tabled at COTs Bid Adjudication Committee on 23 May 2023. The subsidy application will be made in consultation with Ms Ledingoane. The appointed contractor will discuss the specifications with Ms Ledingoane. COT envisages that construction will begin in July 2023.
    4. **Expediting Township Establishment Processes for the Issuing of a Title Deed for Mr. Michael Mere:**
       1. Mr. Mere owns property 2877 Zone 2, Ga-Rankuwa. NWHC has provided Mr. Mere with a letter confirming that he has paid the full purchase price and will be able to utilise the property until township establishment processes have been finalized as well as the title deed is transferred to him.
       2. The township Ga-Rankuwa Zone 2 is situated on Farms Oudekraal Sjambok 726 owned by COT, as well farms on Portions 3 Medunsa 237 JR owned by RSA & Portion 4 of Medunsa 237 which is privately owned.
       3. Attempts to register the township by NWHC, GDHS & COT were unsuccessful due to complex land consolidation processes related to land ownership.
       4. COT referred the matter to HDA to evaluate the land portions and advise on the most expeditious way forward.
       5. During the stakeholder’s meeting held on 19 May 2023, Mr Mere confirmed that on 9 May 2023, a representative from HDA conducted an evaluation of the property.
       6. HDA has raised concerns that currently it is unable to assist further because detailed information (records / files) on work that had already been initiated by COT to establish the township where Mr Mere’s site is located, has not been availed to HDA by COT. HDA is unable to review the documents and take the work forward.
       7. During the stakeholder’s meeting held on 19 May 2023, COT was advised to urgently appoint a conveyancer and work with the Deeds Office, to expedite this process. Mr Mere’s matter may require special dispensation. COT was also advised to appoint a specialist property lawyer who understands old order property legislation and new order property legislation.
17. **The Payment and Revision of Ex-Gratia Amounts Paid to Petitioners:**
    * 1. Ms Ledingoane has been offered and accepted the ex-gratia payment of R10 000 as well as an apology letter as per NWHC resolution.
      2. Mr Kgasoe accepted ex gratia payment of R10 000 as well as an apology letter as per NWHC resolution.
      3. Mr Mere accepted ex gratia payment of R10 000 as well as an apology letter as per NWHC resolution.
      4. Ms Sepeng had initially rejected the ex-gratia payment of R10 000. During the Portfolio Committee meeting held on 31 March 2023 in Rustenburg, Ms Sepeng was shown a copy of an apology letter by the Chief Executive Officer (CEO) of NWHC. However, Ms Sepeng has confirmed that she has not yet received a signed letter.
      5. During the stakeholder’s meeting held on 19 May 2023, Ms Sepeng also requested NWHC to separate matters relating to the apology letter from the ex-gratia payment. She also indicated that that she is willing to accept the R10 000 ex-gratia payment. NWHC committed to paying the ex-gratia to Ms Sepeng by 26 May 2023.
      6. NWHC has confirmed that regarding the revision of the ex-gratia payments, as previously reported in the last Portfolio Committee meeting, NWHC is unable to reconsider a revision of the R10 000 ex-gratia amount paid to the petitioners.
    1. **Consultation with Lawyers for Human Rights for Losses Incurred by Petitioners:**
       1. The Petitioners have requested that the Chairperson of the Human Settlements Portfolio Committee, in consultation with Parliament’s Legal Advisory Services, provides guidance on the most appropriate process to approach Lawyers for Human Rights.
       2. The Petitioners envisage that expert legal opinion on losses the Petitioners have incurred, the revision of the ex-gratia payment amounts based on the losses incurred, and a determination of COT’S responsibility towards further compensating the Petitioners.
    2. **The Opening of a Case Against Tshwane Municipality for Illegal Sales of Petitioners’ Properties**
       1. The matter is in progress. On 18 May 2023, the CEO of NWHC wrote a letter to the Municipal Manager of COT, requesting COT to furnish NWHC with the names of the City officials who effected the illegal sale and transfer of the Petitioners’ properties.
       2. Furthermore, NWHC was informed by the Mahikeng Police that due to the crime being committed in the municipal jurisdiction of COT, NWHC will have to open the case at a police station in Tshwane and have at hand the following information: details of where the offense happened, confirmation of who’s names the properties were registered in when the crime happened, and the names of the perpetrators.
       3. During the stakeholder’s meeting held on 19 May 2023, COT confirmed that the municipality had conducted their own internal investigations, and that the information required by NWHC with the names of the perpetrators, would be availed by 26 May 2023. During this meeting, COT indicated that the municipality still intends to take the Public Protector’s report on review.
    3. **The Provision of Psycho-Social Counselling Support Services to the Four Petitioners:**
       1. During the meeting of the Human Settlements Portfolio Committee held on 31 March 2023, the Chairperson of the Portfolio Committee made a recommendation to NDHS to facilitate the provision of counselling services to the four petitioners.
       2. The NDHS’ Employee Health Wellness Unit (EHWU) has confirmed that according to Government’s policy, the key beneficiaries of the EHW programme are the members of NDHS and their immediate families only.
       3. During a meeting of stakeholders held on 19 March 2023, the Petitioners made inputs on this matter. Mr Mere indicated that until the matters relating to the issuing of his title deed are resolved, counseling services will not be useful for him at this moment. He also indicated that he requests the CEO of NWHC and the Mayor of COT to visit his property, to understand the extent to which he has suffered by not having a title deed.
       4. Ms Ledingoane indicated that until the process of constructing her house is complete, counseling services will not be useful for her at this moment. Ms Sepeng indicated that she will appreciate the counseling services, and requests that these be offered concurrently with resolving the matter of identifying a suitable stand for her and constructing her house. Mr Kgasoe indicated that while he appreciates the efforts of NDHS and the counseling services that would be offered, he is concerned about receiving poor quality service from facilities where counseling is offered for free.
       5. To ensure that continuous psycho-social support is provided the Petitioners, the NDHS programme team will request the Acting DG to approve the provision of special support to the Petitioners, through the appointment of a dedicated service provider.
18. **RECOMMENDATIONS**
    1. It is recommended that the Portfolio Committee:
       1. Note the Progress Report on the MAWIGA Ministerial Project whereby Phase 1 of 8000 property transfers will commence by June 2023.
       2. Note the Progress Report on the actions pertaining to the MAWIGA four (04) petitioners’ subsequent to the Portfolio Committee’s oversight visit to the North West Province on the 31 March 2023.
       3. Notes that the on-going consultation processes with the four (04) Petitioners and relevant stakeholders and that the Department commits to report progress on a quarterly basis to the until the matter is concluded.
       4. Note that the matter of the psycho-social support for the Petitioners is currently being addressed by the Department, through the appointment of a professional service provider.