



Case no. 961/2019

IN THE HIGH COURT OF SOUTH-AFRICA
(NORTHERN CAPE DIVISION)

KIMBERLEY: THE 28TH DAY OF FEBRUARY 2020

BEFORE THE HONOURABLE MS JUSTICE WILLIAMS

In the matter between:

**THE ACTING DIRECTOR-GENERAL:
DEPARTMENT OF RURAL
DEVELOPMENT AND LAND REFORM**

APPLICANT

And

**THE RICHTERSVELD SIDA
!HUB COMMUNAL PROPERTY ASSOCIATION**

RESPONDENT

HAVING HEARD **MS MANKUROANE** for the Applicant and having read the documents filed of record:

IT IS ORDERED THAT:

1. The Respondent be placed under administration under the Applicant in terms of Section 13(1) of the Communal Property Association Act, Act 28 of 1996;
2. The Applicant be authorized to implement the administrative plan for the Respondent, as set out in **Annexure X** hereto;
3. For purposes of the implementation of the administrative plan, the Applicant shall be authorized to do all things necessary, which shall include, but not be limited to:-
 - 3.1 appoint employees to assist with the implementation of the administration plan;

- 3.2 do all things necessary to comply with the terms of this order and to maintain the affairs of the Respondent in good and proper order; and is specifically authorised and instructed to perform the following tasks:
- 3.2.1 The day to day management of the affairs of the Respondent;
 - 3.2.2 The control of the Respondent's ordinary running expenses;
 - 3.2.3 The payment of the Respondent's ordinary running expenses;
 - 3.2.4 The maintenance and control of books, records and documents of the Respondent;
 - 3.2.5 Updating the register of members of the Respondent in compliance with the Respondent's constitution and the Communal Property Associations Act, Act 28 of 1996;
 - 3.2.6 Mandating and instructing the auditors of the Respondent to prepare the financial statements of the Respondent; and requiring of the auditors of the dormant companies and trusts in the Richtersveld group of companies to prepare consolidated financial statements of the group;
 - 3.2.7 Convening (including the determination of date, time and venue), holding and chairing the annual general meetings or any other meetings of the Respondent or which the Applicant deems necessary for the fulfillment of her tasks;
 - 3.2.8 Engaging the services of the Independent Electoral Commission of South Africa ("the IEC") or any other suitable body or person(s) to serve as election monitors;
- 3.3 The Applicant shall, in her sole discretion be entitled:-
- 3.3.1 to schedule the meetings referred to above on the same day or on different days; as she deems fit and practicable;
 - 3.3.2 to engage the assistance of IEC or any other suitable body or person(s), to assist her in maintaining order at and monitoring the voting of the respondent;
 - 3.3.3 to determine the nomination process to be followed, provided that it shall be fair and transparent;



- 4. The Applicant is required to make regular reports to the Court and the village meetings on progress and challenges in effecting the Administration Implementation Plan, allowing comments, inputs and queries in respect of the reports;
- 5. This Court may be approached on these papers, on good cause shown and notice to the Applicant to amend the Administration Implementation Plan.

BY THE COURT
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
NORTHERN CAPE DIVISION,
KIMBERLEY

[Signature]

MS. K. MINNAAR 5043, Kimberley 8300
REGISTRAR

2020 -02- 28

SA---751/201800577/GMM/ks
T&G---Megan Du Toit

GRIFFIER VAN DIE HOOGGERECHSHOF SUID-AFRIKA,
NOORD-KAAPSE AFDELING,
KIMBERLEY

STATE ATTORNEY
PRIVATE BAG/PRIVAATSAK X5034
KIMBERLEY 8300

2020 -02- 05

[Signature]

KIMBERLEY NORTHERN CAPE
TEL: 053 807 7800

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ANNEXURE X

KPA / OBJECTIVE	ACTIVITIES	TIME FRAME
<p>Review of the Deed of Settlement</p>	<p>Consult parties to determine the need to review the Deed of Settlement dated 22 October 2007</p> <p>Refer the matter to court for amendments of the Deed of Settlement</p> <p>Implement the amended Deed of Settlement</p> <p>Review of the functioning of committees/entities established in terms of the RESPONDENT constitution and the taking of such steps as are necessary to ensure their proper functioning</p> <p>Consult with all structures on possible committee operations to ensure accountability and transparency</p> <p>Prepare status reports on relationship between committees, RESPONDENT constitution and recommend and implement good governance practices between the RESPONDENT and its structures</p> <p>Identify changes to be incorporated into constitution</p> <p>Represent the RESPONDENT in mandatory stakeholders meetings relating to the achievements of the needs of the community</p>	<p>2nd year of Administration</p>
<p>Ensure that the administration of the RESPONDENT is conducted in an orderly, efficient and accountable</p>	<p>Perform the day to day management of the affairs of the RESPONDENT</p> <p>Develop a plan and budget for the establishment of a fully functional RESPONDENT office and</p>	<p>For a period of 3 years of the administration of the RESPONDENT</p>

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manner	related structures Appoint farm managers/caretaker (where necessary) to manage the properties of the RESPONDENT	
Ensure the sound management of all RESPONDENT assets	<p>Identify and record all assets of the RESPONDENT</p> <p>Prepare a management plan in respect of the RESPONDENT assets and the establishment of a system for their periodic review and control</p> <p>Develop policies and systems for the allocation of rights and access to economic opportunities including payment of dividends</p> <p>Establish necessary structures for community and stakeholder participation through consulting community structures and other stakeholders</p> <p>Conduct an investigation into the unauthorized use of RESPONDENT assets and the taking of such measures as are necessary to protect the RESPONDENT assets</p>	1 st year of administration
	<p>Ensure that persons responsible for unauthorized use of assets are held accountable</p> <p>Prepare an overview report on key areas that need engagement and</p> <p>policy development</p>	
Ensure that the membership register of the RESPONDENT is correct and updated in compliance with the RESPONDENT constitution, the	<p>Investigate membership situation</p> <p>Develop a report on the membership status quo relative to the constitutional requirements for membership</p>	1 st year of the administration and yearly during the AGM's to be held during the administration period

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<p>RESPONDENT Act and the order of the Land Claims Court and that a membership list is updated and adopted by members</p>	<p>Identify steps for a transparent process to be taken to correct and update the register (including identifying those members who are deceased, errors on the list, omissions of member details.</p> <p>Allow for membership allocations</p> <p>Facilitate a process with the Elders committee to assess these applications in terms of the constitutional clause</p> <p>Applications that are recommended for approval to the Administrator are noted</p> <p>Update the membership register</p> <p>Membership register adopted</p> <p>Display reviewed membership register in the various places prior to the AGM's</p> <p>Submit updated register at AGM or RESPONDENT for approval</p> <p>Issue each member with membership card</p>	
<p>Consider whether there is a need to amend the constitution of the RESPONDENT and the investment and community trust structures</p>	<p>Facilitate at least 2 workshops with RESPONDENT members to test the revisions to the constitution before they are tabled at the GM or the AGM</p> <p>The workshop will focus on assessing the constitution against experience of its operation since inception highlighting areas which might require adjustment and clarifying these adjustments</p> <p>Prepare resolutions amending the constitution based on this engagement in collaboration with the members, departmental officials, the</p>	<p>2nd year of the Administration</p>

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	<p>constituted</p> <p>Nominate independent trustees and obtain nomination of trustee from Department of Rural Development and Land Reform</p> <p>Arrange for the nomination and election of community representatives on the Investment Holding Company and Investment Trust</p> <p>Oversee that new Trustees are registered with the Master of the High Court</p> <p>Agree with Investment Trust on dividend amount</p> <p>Submit updated membership register to Trust and oversee the payment of dividends to members of the RESPONDENT</p>	6 months from date of appointment
<p>Ensure the execution of general meetings, special general meetings and AGM's as contemplated in the RESPONDENT constitution and any other meeting the administrator may deem necessary for the fulfillment of his task</p>	<p>Compile annual plan for the types of meetings</p> <p>Publish the scheduled meetings at local areas where members are currently residing</p>	4 weeks of the 1 st year of administration
<p>Conduct elections of RESPONDENT committee in terms of clause 13 of the constitution</p>	<p>Arranging an election of committee members to take place on 30 November 2020 to represent the four Richtersveld towns RESPONDENT members in compliance with the RESPONDENT constitution, the RESPONDENT Act</p>	2 nd year of administration
<p>Skills Transfer</p>	<p>Provide new elected members with the following training</p> <p>RESPONDENT Act</p> <p>Leadership and Ethics</p>	3 rd year of administration

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	Financial Management Dispute Resolution	
Write up and submit the formal documentation required by the RESPONDENT Act	Develop annual report based on all the major activities of the RESPONDENT whilst under administration Prepare a handover report	Yearly until 2021 or the date of termination of administration

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