**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 2512**

**INTERNAL QUESTION PAPER [No 24-2023 SIXTH PARLIAMENT]
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**2512. Mr N S Matiase (EFF) to ask the Minister of Agriculture, Land Reform and Rural Development:**

(1) Whether, since the ruling of the Pietermaritzburg High Court delivered on 11 June 2021, she has ensured administrative and corrective measures such as implementing an alternative system of recording customary and other informal rights to land of persons and communities residing in land held by trusts; if not, why not; if so, what are the relevant details;

(2) whether she has ensured that the necessary administrative capacity to implement Chapter XI of the KwaZulu-Natal Land Affairs Act, Act 11 of 1994, and that of the KwaZulu-Natal Land Affairs (Permission to Occupy) Regulations are reinstated; if not, why not; if so, what are the relevant details? **NW2856E**

**THE MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:**

1. Yes, the Communal Land Bill and the Communal Land Tenure Policy are being developed for public comment and they seek to provide for the transfer of communal land held in trust by the State, to communities and community members occupying such communal land; as well as to provide for the award of comparable redress; registration of communal land; land rights inquiries; the democratic administration of communal land; the establishment of communal land boards; dispute resolution mechanisms; and to amend and repeal certain laws.
2. Yes, the process to design a fit-for-purpose structure for the Department of Agriculture, Land Reform and Rural Development (DALRRD) is in progress and the capacity constraints analysis was completed. The Land Tenure Unit has completed a proposed new structure to accommodate these functions and recommend a separate Directorate at national and provincial levels for communal tenure and the creation of District sub-directorates for communal tenure to accommodate this order. Currently, the existing capacity within DALRRD handles all matters related to communal land, working with Ingonyama Trust Board (ITB) secretariat. The new Board has also been appointed and DALRRD has seconded a well-qualified official to act as the Chief Financial Officer for the ITB.