**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 395**

**INTERNAL QUESTION PAPER [No 9-2020SIXTH PARLIAMENT]
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**395. Mrs A Steyn (DA) to ask the Minister of Agriculture, Land Reform and Rural Development:**

1. Whether any amount was paid over to the Community Property Association and Trust as part of the land claims on behalf of the Ebenhaezer, Vaalplaas and Beeswater Communities in the Western Cape; if so, (a) will any further amounts be paid over and (b) what (i) amount(s) and (ii) dates are envisaged for this transfer;
2. has her department found that (a) previous payments were utilised by the trustees in line with the goals set for land reform and (b) the necessary checks and balances are in place to ensure that future transfers will also adhere to the goals set;

(3) what (a) are the details of the checks and balances that are in place to ensure that the land and/or money is used in accordance with the aims of land reform and

(b) steps has her department taken to ensure that the checks and balances are indeed functional? **NW574E**

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

1. An amount of R19,914,060.00 (Nineteen Million Nine Hundred Fourteen Thousand and Sixty Rand) was paid over to the Ebenhaeser Trust as the business arm of the CPA in terms of section 42C of the Restitution of Land Rights Act,22 of 194 as amended and in pursuance of the Settlement Agreement entered between the Minister, Ebenhaeser CPA and the Commission on Restitution. No amounts have been paid over to the Vaalplaas and Beeswater communities.

(a) yes a further amount or tranche will be paid over to the Ebenhaeser Trust and

(b) (i) an amount of R45,366,940.00 (Forty Five Million Three Hundred Sixty Six Thousand Nine Hundred Forty Rand will be paid (ii)and will be transferred.

1. (a) Yes, previous payments were utilised by trustees in line with the goals set for land reform and (b) yes the necessary check and balances are in place to ensure that future transfers will adhere to goals set;
2. (a) A Service Level Agreement (SLA) was signed between the Department and the Ebenhaeser Trust confirming the terms of engagement regarding the financial management, administration, and disbursement of funds allocated for post settlement and business support of the Ebenhaeser land claim;

A Budget for a specific financial year is submitted to the Provincial department of Agriculture for a due diligence analysis;

A Business Plan is drafted by an external service provider and this must meet the approval of the multi-stakeholder Joint Co-ordinating Committee;

The Trust has a procurement policy in place and there is a Trust Deed registered at the Master of the HIGH Court setting forth the principles for governance. The Trust Deed, allows for both the Department and Provincial Agriculture to nominate external trustees with the necessary experience and expertise in the operations of trusts and business to assure that Trust operate in an accountable manner;

There are multiple-signatories (four) on the Trust Account held at a financial institution, where authorization for expenditure is required. These include the respective chairpersons of the CPA and Trust, the accountant and;

A Memorandum of Agreement was entered into between the CPA (as land holding entity and representative of the claimant community) and the Ebenhaeser Trust, and MOA sets out the roles and responsibilities, the regulation of the relationship, and also conflict resolution mechanism between these entities.

Audited Annual Financial Reports are compiled by an external auditor.

 (b)The Department established a multi-stakeholder Joint Co-ordinating Committee (JCC) constituted as an oversight body over of processes and procedures adopted in the implementation of the Community Development and Land Acquisition Plan andthe Settlement Agreement of 2015.

 The terms of Reference was concluded between the parties / members which are the following:

 The Department of Agriculture, Land Reform and Rural Development, the Commission on Restitution of Land Rights; Matzikama local municipality; Provincial department of Agriculture; National Department of Water and Sanitation; The Ebenhaeser CPA; Ebenhaeser Trust.

 The Department has entered ito an agreement with VINPRO (the commodity organization in the wine industry. VINPRO has a direct involvement with the Ebenhaeser Trust and CPA in the form of mentoring and guidance.

 The JCC sits bi-monthly and members report on issues under their respective watch and their mandates.

 **END**