No 97 - 2017] FOURTH SESSION, FIFTH PARLIAMENT

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

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ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

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THURSDAY, 30 NOVEMBER 2017

ANNOUNCEMENT

The Speaker:

Referral to committee of the request for Legislature comments on the particulars of a Constitutional Amendment as requested in terms of Section 74 (5)(b) of the Constitution, 1996.

Standing Committee on the Premier

TABLING

The Speaker:

REPORT OF THE PETITIONS COMMITTEEE ON THE THEMBALETHU FARMERS UNITY PETITION.

The Petitions Committee, having considered a petition received from Thembalethu Farmers Unity in George reports as follows:

1. Introduction

In March 2016, the Committee received a petition from Thembelethu Farmers Unity in George. The purpose of the petition was to legally obtain access to utilise the land known as Sandkraal Farm. Their petition was submitted to the Petitions Committee after five years of trying to obtain legal access to Sandkraal Farm, better known as Thembalethu Farm. The Committee resolved to engage with the George Municipality and the Department of Human Settlements to provide feedback as to the reasons why neither of these two government institutions have not endorsed or approved the usage of the land by these farmers.

This report discusses the Committee's recommendations taken during engagement sessions with stakeholders.

2. Overview

The Committee held two meetings on 2 September 2016. The first meeting was a session with the Department of Human Settlement's Head of Department, Mr T Mguli. During this engagement the Committee needed to establish whether it would be possible to obtain a lease agreement in order to assist the farmers. In the second meeting of 2 September 2016, the Department of Human Settlements agreed to enter into a lease agreement with Thembalethu Farmers Unity. The Department of Human Settlements also informed the Committee, in a letter dated 1 December 2016, of its intention to provide a one year lease agreement to the Thembalethu Farmers Unity.

In December 2016, a stakeholder meeting was held including the Thembalethu Farmers Unity, the Department of Agriculture, the Department of Rural Development and Land Reform, the George Municipality, the Breede-Gouritz Catchment Management Area and the Department of Human Settlements. At this meeting, the farmers informed the stakeholders that they require a 10 year lease agreement as that is the only lease duration that would allow them to attain full farming assistance (i.e. technical farming support, funding support and farming infrastructure support excluding water provision) from the Department of Agriculture and the Department of Rural Development and Land Reform. It was further confirmed that the farmers required more than a five year lease agreement in order to acquire meaningful assistance from the above-mentioned departments.

Furthermore, it was brought to the Committee's attention that should the Department of Human Settlements enter into a lease agreement it would need to avail water for the emerging farmers, as there was currently no water available. The Department of Human Settlements indicated that it was not in a position to fund this, as it was estimated to cost more than R6 million to have the necessary infrastructure in place. To compound the matter, the Department considered utilising water from the Schaapkop River. Investigations were conducted and found that the river was contaminated and could not be used for farming purposes.

The Department of Human Settlements decided that given the above-mentioned circumstances it was not in a position to enter into a lease agreement with the Thembalethu Farmers Unity. The Department also informed the Committee that it would serve them with a notice requesting them to vacate the land within 12 months. The Department confirmed that it would, on behalf of the farmers, request the Department of Rural Development and Land Reform to identify and/or acquire an alternative farm for the farmers.

Subsequently, various engagements took place between the Petitions Committee, the Department of Human Settlements, the Department of Rural Development and Land Reform and the George Municipality, in order to find a solution. These meetings took place on 4 March 2017, 21 April 2017, 5 May 2017, 26 May 2017, 9 June 2017 and 30 June 2017.

During the meeting of 30 June 2017, the Committee discussed a letter dated 29 June 2017, wherein the Department outlined a way forward. Neither the Department of Human Settlements nor the George Municipality could provide the funding for the infrastructure for water supply, which was a major concern. Other concerns were (a) the unavailability of an entity to manage

the lease should it be entered into (b) the future use of the property. The Department indicated that it could not enter into a long term lease agreement due to its plans to develop the land for integrated human settlement development purposes. The Department of Human Settlements informed the Committee that it would give the farmers 24 months to vacate Sandkraal farm.

In addition, the Department of Human Settlements sent a letter to the Department of Rural Development and Land Reform to identify alternative land. The Department of Rural Development and Land Reform identified three farms located within the George Municipality that have been offered by private land owners. In addition to this the Lagoon Bay Developers submitted a proposal indicating its interest to accommodate 100 farmers on its privately owned land. All four options needed to be assessed for farming potential as well as the availability of water, amongst other factors that were needed for effective farming conditions.

3. RECOMMENDATION

Given the above options, the Committee RECOMMENDED that the Department of Human Settlements, in consultation with the Department of Rural Development and Land Reform, provide an agreement and assurance in writing that the Thembalethu Farmers will not be evicted without having temporal, or the above mentioned alternative land in place. This written feedback should be furnished to the Petitions Committee by 30 November 2017.

No 97 - 2017] Vierde Sessie, Vyfde Parlement

PARLEMENT VAN DIE PROVINSIE WES-KAAP

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AANKONDIGINGS, TERTAFELLEGGINGS EN KOMITEEVERSLAE

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DONDERDAG, 30 NOVEMBER 2017

AANKONDIGING

Die Speaker:

Verwysing na komitee van die versoek om kommentaar van die Wetgewer oor die besonderhede van 'n grondwetlike wysiging ingevolge artikel 74 (5)(b) van die Grondwet, 1996.

Staande Komitee oor die Premier

TERTAFELLEGGING

Die Speaker:

VERSLAG VAN DIE PETISIESKOMITEE OOR DIE THEMBALETHU BOERE-EENHEID PETISIE.

Na oorweging van 'n petisie ontvang van die Thembalethu Boere-eenheid in George doen die Petisieskomitee soos volg verslag:

1. Inleiding

In Maart 2016 het die Komitee 'n petisie ontvang van die Thembalethu Boere-eenheid in George. Die doel van die petisie was om wettig toegang te verkry om die grond bekend as die plaas Sandkraal te benut. Hul petisie is voorgelê aan die Petisieskomitee na vyf jaar se pogings om wettige toegang te verkry tot die plaas Sandkraal, beter bekend as die Thembalethu Farm. Die Komitee het besluit om met die George Munisipaliteit en die Departement van Menslike Nedersettings te skakel om terugvoering te gee oor die redes waarom nie een van hierdie twee regeringsinstellings nie die gebruik van die grond deur hierdie boere bekragtig of goedgekeur het nie.

Hierdie verslag bespreek die Komitee se aanbevelings gedurende skakelingsessies met belanghebbers.

2. Oorsig

Die Komitee het twee vergaderings op 2 September 2016 gehou. Die eerste vergadering was ‘n sessie met die Departement van Menslike Nedersettings se Departementshoof, mnr T Mguli. Gedurende hierdie skakeling moes die Komitee vasstel of dit moontlik sou wees om ‘n huurooreenkoms te bekom ten einde die boere by te staan. In die tweede vergadering van 2 September 2016 het die Departement van Menslike Nedersettings ingestem om ‘n huurooreenkoms met die Thembalethu Boere-eenheid te sluit. Die Departement van Menslike Nedersettings het die Komitee ook in ‘n brief gedateer 1 Desember 2016 ingelig oor sy voorneme om ‘n eenjaar-huurooreenkoms aan die Thembalethu Boere-eenheid te voorsien.

In Desember 2016 is ‘n belanghebbervergadering gehou, insluitende die Thembalethu Boere-eenheid, die Departement van Landbou, die Departement van Landelike Ontwikkeling en Grondhervorming, die George Munisipaliteit, die Breede-Gouritz Opvangbestuursgebied en die Departement van Menslike Nedersettings. By hierdie vergadering het die boere die belanghebbers ingelig dat hulle ‘n 10-jaar huurooreenkoms benodig omdat dit die enigste huurtydperk is wat hulle in staat sal stel om volle boerderybystand (d.w.s. tegniese boerderybystand, befondsing van bystand en boerdery-infrastruktuurbystand uitsluitende watervoorsiening) van die Departement van Landbou en die Departement van Landelike Ontwikkeling en Grondhervorming te bekom. Daar is verder bevestig dat die boere meer benodig as ‘n vyfjaar-huurooreenkoms ten einde betekenisvolle bystand te verkry van die bogenoemde departemente.

Verder is dit ook onder die Komitee se aandag gebring dat indien die Departement van Menslike Nedersettings ‘n huurooreenkoms sou sluit, hy water vir die opkomende boere sal moet verkry aangesien daar tans geen water beskikbaar is nie. Die Departement van Menslike Nedersettings het aangedui dat hy nie in ‘n posisie was om dit te befonds nie, omdat dit na raming meer as R6 miljoen sou kos om die nodige infrastruktuur in plek te kry. Om die saak verder te kompliseer, het die Departement dit oorweeg om water uit die Schaapkoprivier te gebruik. Ondersoeke is gedoen en daar is gevind dat die rivier besmet was en nie vir boerderydoeleindes gebruik kon word nie.

Die Departement van Menslike Nedersettings het besluit dat gegewe die bogenoemde omstandighede hy nie in ‘n posisie was om ‘n huurooreenkoms met die Thembalethu Boere-eenheid te sluit nie. Die Departement het die Komitee ook meegedeel dat hy hulle ‘n kennisgewing op hulle sal bedien wat hulle versoek om die grond binne 12 maande te ontruim. Die Departement het bevestig dat hy namens die boere die Departement van Landelike Ontwikkeling en Grondhervorming sal versoek om ‘n alternatiewe plaas vir die boere te identifiseer en/of verkry.

Hierna het verskeie skakelings plaasgevind tussen die Petisieskomitee, die Departement van Menslike Nedersettings, die Departement van Landelike Ontwikkeling en Grondhervorming en die George Munisipaliteit, ten einde ‘n oplossing te vind. Hierdie vergaderings het plaasgevind op 4 Maart 2017, 21 April 2017, 5 Mei 2017, 26 Mei 2017, 9 Junie 2017 en 30 Junie 2017.

Gedurende die vergadering van 30 Junie 2017 het die Komitee ‘n brief gedateer 29 Junie 2017 bespreek waarin die Departement ‘n pad vorentoe uiteensit. Nie die Departement van Menslike Nedersettings of die George Munisipaliteit kon die befondsing voorsien vir die infrastruktuur vir watervoorsiening nie, wat ‘n groot bekommernis was. Ander bekommernisse was (a) die onbeskikbaarheid van ‘n entiteit om die huurooreenkoms te bestuur sou dit gesluit word en (b) die toekomstige gebruik van die eiendom. Die Departement het aangedui dat hy nie ‘n langtermyn-huurooreenkoms kon sluit nie weens sy planne om die grond te ontwikkel vir geïntegreerde menslike nedersetting ontwikkelingsdoeleindes. Die Departement van Menslike Nedersettings het die Komitee meegedeel dat hy die boere 24 maande sou toelaat om die plaas Sandkraal te ontruim.

Hierbenewens het die Departement van Menslike Nedersettings ‘n brief aan die Departement van Landelike Ontwikkeling en Grondhervorming gestuur om alternatiewe grond te identifiseer. Die Departement van Landelike Ontwikkeling en Grondhervorming het drie plase geïdentifiseer binne die George Munisipaliteit wat deur privaat grondeienaars aangebied is. Hierbenewens het die Lagoon Bay Developers ‘n voorstel ingedien wat sy belang aandui om 100 boere op sy privaatbesitgrond te akkommodeer. Al vier opsies moet eers geassesseer word vir boerderypotensiaal sowel as die beskikbaarheid van water, onder ander faktore wat benodig word vir doeltreffende boerderytoestande.

3. AANBEVELING

Gegewe bogenoemde opsies het die Komitee AANBEVEEL dat die Departement van Menslike Nedersettings, in oorleg met die Departement van Landelike Ontwikkeling en Grondhervorming, ‘n skriftelike ooreenkoms en versekering voorsien dat die Thembalethu-boere nie uitgesit sal word sonder dat tydelike of die bogenoemde alternatiewe grond in plek is nie. Hierdie geskrewe terugvoering moet teen 30 November 2017 aan die Petisieskomitee verskaf word.

IPALAMENTE YEPHONDO LENTSHONA KOLONI

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IZAZISO, IMICIMBI EZA KWANDLALWA NEENGXELO ZEKOMITI

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LWESIBINI, 29 NOVEMBA 2017

ISIBHENGEZO

USomlomo:

Ukuthunyelwa kwikomiti kwesicelo sezimvo zeNdlu yoWiso-mthetho ngeenkcukacha zeSilungiso soMgaqo-siseko njengoko kuceliwe ngokwemigaqo yeCandelo 74 (5)(b) loMgaqo-siseko, 1996.

IKomiti eSisigxina kwiNkulumbuso

UMCIBI OOZA KWANDLALWA

USomlomo:

INGXELO YEKOMITI YEZIBONGOZO NGESIBONGOZO SEMANYANO YAMAFAMA ASE- THEMBALETHU

IKomiti yeZibongozo, emva kokuqwalasela isibongozo esifunyenwe kwiManyano yaMafama ase-Thembalethu eGeorge inika le ngxelo ilandelayo:

1. Intshayelelo

NgoMatshi 2016, iKomiti yafumana isibongozo esivela kwiManyano yaMafama aseThembelethu eGeorge. Injongo yesi sibongozo yayikukufumana ngokusemthethweni ukufikelela ekusebenziseni umhlaba owaziwa ngokuba yiSandkraal Farm. Isibongozo sabo sangeniswa kwiKomiti yeZibongozo emva kweminyaka emihlanu bezama ngokusemthethweni ukungena eSandkraal Farm, neyaziwa ngcono njengeThembalethu Farm. IKomiti yagqiba ekubeni ibonisane noMasipala waseGeorge neSebe lezokuHlaliswa koLuntu

ukuze inikwe inkcazelo ngezizathu ezibangela ukuba omabini la macandelo karhulumente engakhange akuvume okanye akuphumeze ukusetyenziswa kwalo mhlaba ngala mafama.Le ngxelo ixoxa ngeziphakamiso zeKomiti ezathathwa ngethuba leeseshoni zokubonisana nabaninizabelo.

2. Isishwankathelo

IKomiti yabamba iintlanganiso ezimbini ngomhla we 2 Septemba 2016. Intlanganiso yokuqala yayiyiseshoni neNtloko yeSebe lezokuHlaliswa koLuntu, uMnu T Mguli. Ngethuba lezi ngxoxo iKomiti yafuna ukwazi ukuba kungenzeka na ukuba kufunyanwe isivumelwano sengqesho ukunceda amafama. Kwintlanganiso yesibini ngomhla we 2 Septemba 2016, iSebe lezokuHlaliswa koLuntu lavuma ukungena kwimvumelwano yengqesho neManyano yaMafama aseThembalethu. ISebe laxelela iKomiti nokuba, kwileta yomhla woku 1 Disemba 2016, ngeenjongo zalo zokunika iManyano yaMafama aseThembalethu isivumelwano sengqesho sonyaka omnye.

NgoDisemba 2016, kwabanjwa intlanganiso yabaninizabelo kuquka iManyano yaMafama aseThembalethu, iSebe lezoLimo, iSebe lezoPhuhliso lwaMaphandle neNguqu kezoMhlaba, uMasipala waseGeorge, uMmandla waseBreede-Gouritz woLawulo lweeNdawo eziQokelela aManzi eMvula neSebe lezokuHlaliswa koLuntu. Kule ntlanganiso, amafama azisa abaninizabelo ukuba funa isivumelwano sengqesho seminyaka eli 10 njengoko yayililo kuphela ixesha lengqesho elaliya kubavumela ukuba bafumane uncedo olupheleleyo lokuba ngamafama (okt. Inkxaso yobuchwepheshe bokulima nokufuya, inkxaso yezimali nenkxaso yeziseko zokulima nokufuya, ngaphandle kokubonelelwa ngamanzi) kwiSebe lezoLimo neSebe lezoPhuhliso lwaMaphandle neNguqu kwezeMihlaba. Kwangqinwa nokuba amafama adinga ixesha elingaphezu kweminyaka emihlanu lesivumelano sengqesho ukuze afumane uncedo olubonakalayo kula masebe akhankanywe ngentla.

Ngaphezulu, kwaziswa iKomiti ukuba xa iSebe lezokuHlaliswa koLuntu lithe langena kwisivumelwano sengqesho kuza kufuneka libonelele ngamanzi la mafama asakhasayo, njengoko kungekho manzi akhoyo kungokunje. ISebe lezokuHlaliswa koLuntu lachaza ukuba alinakukwazi ukuxhasa oku ngezimali, njengoko kwakuqikelwa ukuba kungabiza ngaphezu kwe R6 sezigidi ukufumana iziseko ezifunekayo. Ukuyenza nzima nangakumbi le meko, iSebe lalijonge ukusebenzisa amanzi avela kuMlambo iSchaapkop. Kwaqhutywa uphando kwafunyaniswa ukuba loo mbambo umdaka yaye awunakusetyenziselwa iinjongo zokulima nokufuya.

ISebe lezokuHlaliswa koLuntu lagqiba ekubeni ngenxa yezi meko zikhankanye ngentla alikwazi ukungena kwisivumelwano sengqesho neManyano yaMafama aseThembalethu. ISebe laxelela iKomiti nokuba liza kuwanika isaziso sokuba aphume kuloo mhlaba kwiinyanga ezili 12. ISebe laqinisekisa ukuba liza kucela iSebe lezoPhuhliso lwaMaphandle neNguqu kwezeMihlaba. Egameni lamafa ukuba lalathe okanye lifumanele amafama enye ifama.

Emva koko, luninzi uthethwano oluthe lwaqhubeka phakathi kweKomiti yeZibongozo, iSebe lezokuHlaliswa koLuntu, iSebe lezoPhuhliso lwaMaphandla neNguqu kwezeMihlaba noMasipala waseGeorge, ukuze kufunyanwe isisombululo. Ezi ntlanganiso zaqhuba ngomhla we 4 Matshi 2017, 21 Epreli 2017, 5 Meyi 2017, 26 Meyi 2017, 9 Juni 2017 nowama 30 Juni 2017.

Ngethuba lentlanganiso yomhla wama 30 Juni 2017, iKomiti yaxoxa ngeleta eyayibhalwe ngomhla 29 Juni 2017, apho iSebe lalicacisa khona umkhombandlela. ISebe lezokuHlaliswa koLuntu noMasipala waseGeorge abazange bakwazi ukubonelela ngenkxaso mali yeziseko zokubonelela ngamanzi, nekwakuyinkxalabo enkulu. Ezinye iinkxalabo yayikukuba (a) ukungabikho kwequmrhu eliza kulawula esi sivumlelwano xa kuthe kwangenwa kuso (b) ukusetyenziswa komhlaba kwixa elizayo. ISebe lachaza ukuba alinakukwazi ukungena kwisivumelwano sengqesho sexesha elide ngenxa yezicwangciso zalo zokuphuhlis lo mhlaba ngenjongo yokwakha izindlu kuwo. ISebe lezokuHlaliswa koLuntu lachazela iKomiti ukuba liza kunika amafama iinyanga ezingama 24 ukuba aphume eSandkraal farm.

Ngaphezulu, iSebe lezokuHlaliswa koLuntu lathumela ileta kwiSebe lezoPhuhliso lwaMaphandle neNguqu kwezeMihlaba ukuba lalathe loo mhlaba ungomnye. ISebe lezoPhuhliso lwaMaphandle neNguqu kwezeMihlaba lalatha iifama ezintathu ezimi kuMasipala waseGeorge ekuthenjiswe ngazo ngabaninizo babucala. Ngaphezu koku abeLagoon Bay Developers bangenisa isiphakamiso esichaza ukuba banomdla wokungenisa amafama ali 100 kumhlaba wabo wabucala. Zone ezi ndlela kwakufuneka zihlolelwe ukulungela ukulima nokufuya kunye nobukho bamanzi, phakathi kwezinye izinto ezazifuneka njengeemeko ezilungele ukulilma nokufuya.

3. IZIPHAKAMISO

Ngokwezi ndlela zingentla, iKomiti YAPHAKAMISA ukuba iSebe lezokuHlaliswa koLuntu, ngobambiswano neSebe lezoPhuhliso lwaMaphandle neNguqu kwezeMihlaba, babonelele ngesivumelwano nesiqinisekiso esibhaliweyo sokuba aMafama aseThembalethu akayi kugxothwa ngaphandle kokuba kubekho amalungiselelo okanye lo mhlaba ungomnye ukhankanywe ngasentla ukhoyo. Le nkcazelo ibhaliweyo kufuneka inikwe iKomiti yeZibongozo ngomhla wama 30 Novemba 2017.