

REPORT OF THE PORTFOLIO COMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, LAND AND ENVIRONMENTAL AFFAIRS:

PRE- TAKING LAGISLATURE AND TAKING LEGISLATURE TO THE PEOPLE IN THE EMALAHLENI LOCAL MUNICIPALITY, NKANGALA DISTRICT, 03 – 06 MARCH 2015

1. INTRODUCTION

The Mpumalanga Provincial Legislature (the Legislature) has a responsibility in terms of Section 118 of the Constitution of the Republic of South Africa, Act 108 of 1996, (the Constitution) to facilitate public involvement in its legislative and other processes. Sections 114 and 133 of the Constitution, read with Rule 190(4) and Rule 131 of the Rules and Orders of the Mpumalanga Provincial Legislature (the Rules) directs the Legislature to hold the Executive accountable for the exercising of powers and performance of their functions. Therefore, the Portfolio Committee on Agriculture, Rural Development, Land and Environmental Affairs (the Committee) regularly conducts public hearings and oversight visits to projects of the Department of Agriculture, Rural Development, Land and Environmental Affairs (the department) and other projects; in the various municipalities of the Province.

In terms of Rule 190(4) and Rule 131 of the Rules and Orders of the Mpumalanga Provincial Legislature (the Rules) the Portfolio Committee has a constitutional mandate to oversee the performance of the department and to hold the Executive Authority accountable for the delivery of core mandated services.

One of the instruments that enable the Portfolio Committee to execute their mandate is to undertake oversight-visits to various projects in the Province.

2. PURPOSE OF THE “TAKING LEGISLATURE TO THE PEOPLE” PROJECT (TLP)

The purpose of the TLP is to reach out to the communities and to enable the people to have access to the Legislature, especially people who are living in deep rural areas. The Legislature seeks to hear the voice of the people and to ascertain whether provincial government delivers services effectively and efficiently within the respective municipalities.

3. OBJECTIVES OF THE VISITS

The following objectives shaped the oversight visits to the projects of the Department of Agriculture, Rural Development, Land and Environmental Affairs:

- To evaluate the progress made on projects reflected in the Annual Performance Plan (APP) implemented by the department. The Legislature seeks to ascertain whether provincial government delivers services effectively and efficiently within the respective municipalities.
- To determine the extent to which public funds are efficiently, economically and effectively used by the department in the implementation of its projects;
- To interact with project beneficiaries in order to hear their concerns.
- To fast track service delivery of core services to the communities within the municipality in which the department has funded projects.
- To assess the progress made by the department in addressing the findings made by the Committee during the Pre-TLP oversight visits.

The purpose of the public hearing, which was actually a joint hearing of the Economic and Social Transformation Clusters, was to allow the MECs a platform to report back to the community and the Committee on the range of service delivery concerns which had been raised during the pre-TLP oversight visits which took place from on 27 to 30 January 2015. The public hearing thus provided Members of the Legislature with an opportunity to engage the public on a range of service delivery issues.

3. METHOD OF WORK

In preparation for the TLP, the research section conducted pre-site visits to the Municipality in early January 2015. Comprehensive research reports were compiled that informed the Committee's programme for the Pre-site visits. Subsequent to the pre-site research visits, the Committee embarked on a special pre-TLP oversight visit to the Municipality from 26 to 30 January 2015.

Findings made by the Committee from the Pre-TLP oversight visits were sent to the department to enable the department to prepare written responses on the findings.

Progress reports were due late in February 2015. The department's progress report was tabled by the MEC in the Office of the Speaker on 18 February 2015.

On 26 February 2015 the Committee was finally briefed comprehensively on the latest status of the identified projects and adopted a detailed itinerary for the oversight visits to the projects.

4. MEETING WITH SMMEs AND COOPERATIVES

During the Pre-TLP oversight visits, the Committee held a meeting with SMMEs and Cooperatives. The following issues affecting the department were raised during the meeting:

a) Perfect Combination Co-operative:

The Cooperative adopts illegal dumping sites and converts them to sporting grounds and parks. They request the department to conduct awareness campaigns to the surrounding mines on pollution. The concern was that the Local Municipality was too polluted.

b) Inzi Primary Cooperative

The Cooperative adopts illegal dumping sites and converts them to sporting grounds and parks. Their concern was that they need financial assistance so they can expand their project to deal with the issue of pollution in the municipality. Another concern raised was on the training of members of the cooperative so they can participate in the Environmental Programme of the department.

c) Representative from the Secondary Cooperatives.

The representative raised a concern that the main problem affecting cooperatives in the municipality was the scarcity of agricultural land.

4.1. RECOMMENDATIONS EMANATING FROM THE MEETING WITH SMMEs AND COOPERATIVES

In light of the above mentioned issues raised in the meeting with SMMEs and Cooperatives, the Committee recommends that:

- The department must visit the above mentioned cooperatives and address all the issues raised.

5. OVERSIGHT ON GOVERNMENT FUNDED PROJECTS

5.1. TUMPO COOPERATIVE

5.1.1. Project background

The project is located in Nooitgedacht 300JS farm and is 8.2ha in extent. The project consist of five beneficiaries and deals with vegetable and livestock production on a small scale. The project produces goats and chickens which are sold to the surrounding community. The vegetables that are produced are also sold to the local community.

Through the extension support that is provided by the department, the beneficiaries have been linked with Agricultural Research Council which has assisted the project to test the performance of yellow potatoes in the Emalahleni area.

This is a small-scale project that has benefited from the Masibuyele Emasimini program. The Department has ploughed, and planted 1 ha of maize for the project and the seeds have germinated. The department has also supported the project with 3x 50kg of maize; 12x 50kg of LAN, and 12x 50kg 3:2:3 fertilizers. The department has also provided disking and spraying services.

4.1.2. Project Profile

The department provided the following information in terms of the project profile:

District and Municipality	Nkangala District Municipality, eMalahleni Local Municipality
Village name and ward	Nooitgedacht, Ward 29
Form of ownership	Privately purchased
Number of hectares	8.2 Ha
Beneficiaries	5
Name of beneficiary	Mrs Thoko Masilela
Type of Project	Crops
Source of funding	DARDLEA

4.1.3. Findings made during the Pre-TLP visit

The Committee conducted oversight visit to the project on 30 January 2015 and made the following findings:

- a) Theft remains a major challenge affecting the project. A water pump which was used to irrigate the vegetables had been stolen. However, the beneficiaries managed to replace the water pump.
- b) The project was not properly fenced and the beneficiaries raised a concern that this poses a risk on the development of the farm.
- c) Through the extension support that is provided by the department, the beneficiaries have been linked with the Agricultural Research Council which has assisted the project to test the performance of yellow potatoes in the Emalahleni area.
- d) The project was experiencing a lot of challenges with the support provided by the Agricultural Research Council. The beneficiaries raised a concern that the department was not assisting them resolve the challenges that they have with the ARC.
- e) Market remains a challenge which affects most of the small holding farmers in the local municipality.

4.1.4. Responses from the department:

The above mentioned findings were sent to the department for the department to prepare written responses. The following was noted from the responses provided by the department:

The Tumpo Agricultural Cooperative was one of the food security initiatives supported by the department. The department is aware of the challenges the beneficiaries were experiencing. The department has included the project on its list of 25 new food gardens to be established in the eMalahleni Local Municipality. The food gardens initiative supports the beneficiaries with amenities necessary for the establishment of a proper garden, amongst which included fencing, wheelbarrows, hosepipes, watering cans, spades, forks, rakes, seeds, fertilizers and etc.

The department has started the process of engaging the Agricultural Research Council regarding the challenges raised by the beneficiaries in respect of the sweet potato project.

The department will continuously make follow ups with the ARC and report back to the beneficiaries.

Through the Agri business and economic services, the department will link the farmers to the local markets and will ensure that farmers get good prices for their produce.

The department wishes to reiterate its commitment to assist the farmers of Mpumalanga to produce on the land and sell the produce to the market in order to fight hunger and poverty and consequently generate income.

4.1.5. Research Analysis on the responses provided by the department.

The research section analysed the above responses and raised the following issues:

- a) The responses of the department are not providing timeframes on the date when the challenges are going to be addressed in the project.
- b) The department's responses do not specifically indicate how the challenges faced by the farmers are going to be addressed in assisting the farmers to grow into emerging farmers.

4.1.6. TLP Programme

The Committee conducted an oversight visit to the project during the main TLP Programme. The Committee met with the HOD, Regional Director, Project Managers and Project Beneficiaries. However, the Committee noted that officials from the Agricultural Research Council did not attend the meeting.

The Committee deliberated with the DARDLEA and Project Beneficiaries at length. The following issues were noted during the deliberations:

- The beneficiaries reported that the department sent an engineer to come assist them with the issue of the borehole. In addition, the beneficiaries reported that the ARC visited the project after the visit by the Committee in January 2015.
- The HOD committed the department that they will take over the project and ensure that all their challenges are addressed. Furthermore, the HOD reported that the fencing for the project will be done in the first quarter of the 2015/16 financial year.

- The beneficiaries appreciated the department for taking over the project, after the ARC had abandoned them.
- The cooperative will start with the piggery project in the near future in an effort to expand the project. They reported that they had been taken to training on how to start and manage the piggery project.
- The Committee appreciated the enthusiasm of the beneficiaries and encouraged them to sustain the project to ensure that not only their families benefit from it, but it can benefit the community at large.

4.1.7. FINDINGS EMANATING FROM THE OVERSIGHT VISITS

After the deliberations, the Committee made the following findings:

1. The HOD committed the department that it will take over the project and ensure that it is sustained and that it expands.
2. The department did not enter into a Memorandum of Understanding with the Agricultural Research Council.
3. Fencing for the project will be done in the first quarter of the 2015/16 financial year. Upon enquiry with the project beneficiaries on 21 July 2015, the fencing had not been provided for the project.
4. The Tumpo Cooperative will start with the piggery project in the near future.

4.1.7. RECOMMENDATIONS EMANATING FROM THE OVERSIGHT VISITS

The Committee recommends that the department must:

1. Continue supporting the project to ensure that it is sustained and that it expands;
2. In future, enter into a Memorandum of Understanding with organisations that are supporting cooperatives so that roles are clearly defined.
3. Provide the project with fencing within 30 days after the date of tabling of this report.
4. Provide the necessary support to the project, more especially the veterinary support to ensure that the piggery project is sustained.

4.2. SKHOSANA COMMERCIAL PROJECT

4.2.1. Project Background

This is one of the large scale projects in Emalahleni that has received Masibuyele Emasimini services in the 2014/15 financial year. The project is located in Haartebeeslagte and is owned by Mr Zephaniah Skhosana. The project is a good example of a successful land reform project in Emalahleni local municipality. The project has also received Masibuyele Emasimini services in 2010/11 and 2011/12 financial years.

Mr Skhosana is one of the successful farmers who specialize in livestock and crop production. Currently 2 200 ha are used for maize production and 1200 ha is used as grazing land. Only 60ha is properly fenced and most of the portions of land that are used by Mr Skhosana have been rented from people who are unable to use it. The project manager indicated that there are about 47 people working in Mr Skhosana's farms.

This project has also benefited from the Masibuyele eSibayeni project and has received 30 Nguni heifers and 1 bull in 2013/14. The contract with the Department ends in 2017. The cattles could not adapt to the environment in the farm and as a result 6 died. Currently there are 24 cattles of the Department in which include 19 cows and 5 calves. The project manager indicated that veterinary services are received from the Department when required.

4.2.2. Project Profile

District and Municipality	Nkangala District Municipality; eMalahleni Local Municipality
Village name and ward	Haartebeeslaaghte, Ward 29
Form of ownership	Privately purchased
Number of hectares	10029 Ha
Beneficiaries	One male; one female;
Name of beneficiary	Mr. Z Skhosana
Type of Project	Vegetable and livestock production
Source of funding	DARDLEA and own funding

4.2.3. Findings made during the Pre-TLP visit

- a) Skhosana Commercial Project is one of the successful projects which specialize in livestock and crop production.
- b) The project received 30 Nguni heifers and 1 bull in the 2013/14 financial year. The cattles could not adapt to the environment in the farm and as a result, 6 cattles died.
- c) The farmer raised a concern on the challenge of the availability of land for his project to grow.

4.2.4. Responses from the department:

The eMalahleni Municipality is one of the priority areas earmarked by the department to expand the Land reform initiatives. The municipality is strategically located to absorb farmers from the congested former homeland areas in the same district which is Dr. JS Moroka and Thembisile Hani Municipalities.

The department will work closely with the Department of Rural Development and Land Reform to assist Mr. Skhosana in his plight to acquire more land for expansion. Although eMalahleni is strategically located, there are challenges of competing land uses between agriculture and mining. In that sense, the agricultural scope is becoming limited.

To respond to the question of support by veterinary services, the department acknowledged that indeed there were challenges associated to staff shortages. Veterinary Services is one of the scarce skills and the department has been experiencing shortages of veterinary doctors. The department has however managed to recruit 6 veterinary doctors through the head hunting process and further placed 10 Animal Health Technicians who were the Mpumalanga Provincial Government bursary holders. The department is also in the process of appointing further 7 Animal Health Technicians to address the challenge. The eMalahleni Municipality has benefitted from this recruitment process.

4.2.5. Research Analysis on the responses provided by the department.

The research section analysed the above responses and raised the following issues:

- a) The department's responses do not provide specific dates when the issue of land will be addressed in Mr. Skhosana's project. The department must provide specific timelines on the dates when the project will be assisted with land for expansion.

- b) The department has not indicated the number of veterinary doctors and animal technicians that have been appointed specifically for eMalahleni local municipality.

4.2.5. TLP Programme

Legal Opinion

The Committee requested the Legal Section of the Legislature to provide a legal opinion with regard to the status of the lease agreement entered into by the parties, (Mr Z Skhosana, a commercial farmer and Eskom). The legal opinion provided amongst others the following recommendations:

- A firm of attorneys (Notary public) specializing in property law be appointed by Mr. Skhosana for the purpose of drafting and registering the notarial lease agreement on the leased property.
- The lease will be reflected on the title deed and in this way; Mr. Skhosana will have real right to the use and enjoyment of the leased property. (Should the lessor unlawfully evict the lessee, the lessee may evoke estoppel proceedings against the lessor utilizing the principles of contract law).
- Alternatively, Mr. Skhosana must report the verbal threats of eviction or harassment by officials to Eskom, in writing. Our advice is based on the understanding that the contract is between Mr. Skhosana and Eskom, represented by the Accounting Officer who has an obligation to inform Mr. Skhosana in writing in the event he breaches the terms of the contract, as opposed to the alleged verbal threats of eviction.

The Committee deliberated at length with the DARDLEA and project beneficiaries.

The following issues were noted from the deliberations:

- The HOD reported that the Legal section of the department will assist Mr. Skhosana with the notarial lease agreement. In addition, the HOD reported that the department was in a process of identifying another piece of land, owned by government where Mr. Skhosana can be moved to.
- The HOD reported that training will be provided to Mr Skhosana and his staff members. In addition, the HOD reported that the department established a training

programme where young people will be linked with successful farmers like the one for Mr Skhosana so they can acquire skills.

- The Committee was of the view that the department must try to secure the current farm as it was often difficult to develop a farm from the start.

4.2.6. FINDINGS EMANATING FROM THE OVERSIGHT VISIT

After the deliberations, the Committee made the following findings:

1. Mr. Skhosana was getting constant oral threats of eviction from the leased property from Eskom officials around the area.

4.2.7. RECOMMENDATIONS EMANATING FROM THE OVERSIGHT VISIT

The Committee therefore recommends that the department must:

1. Finalize the Legal process of drafting and registering the notarial lease agreement on the leased property.
2. The department must finalise the process of identifying a farm where Mr. Skhosana can be moved to and ensure that a suitable farm is allocated to Mr. Skhosana.

4.4. PUBLIC HEARING

The public hearing was conducted as a joint public hearing of the Economic and the Social Cluster at Lynnville Stadium. The following issues relating to the department were raised during the public hearing:

- a) **Ward 13** – submitted his land claim 13 years ago. The land claimed is in Haartebeeslaaghte 339 JS. The claim was gazzeted 2 times.
- b) **Ward 9** – indicated that they have not been receiving agriculture services for the past two years.

- c) **Ward 27** – indicated that ward 27 was surrounded by mines and raised a concern that the mines were polluting their oxygen.

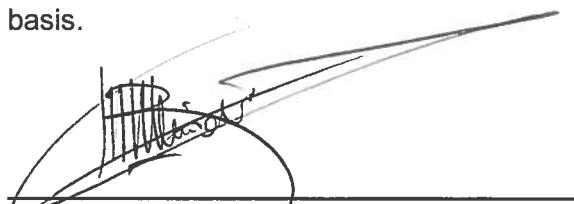
The MEC responded to the above mentioned issues as follows:

- a) All land claim concerns will be directed to the provincial office of the Department of Rural Development and Land Reform.
- b) The MEC made a commitment that in the new financial year, he will ensure that tractors are made available to all people that need the service.
- c) He reported that the department will work closely with the Department of Economic Development and Tourism, as mines were a responsibility of the Department of Economic Development and Tourism to see how the issue of air pollution is addressed in the municipality.

6. CONCLUSION

The Chairperson of the Portfolio Committee, Hon VV Windvoël, extends his appreciation to Members of the Committee, the MEC and departmental officials, all stakeholders and the support staff of the Legislature for their participation during this oversight visit to the community of the Emalahleni Local Municipality, in enhancing the oversight role of the Legislature. The Portfolio Committee tables this report to the House for adoption with its recommendations.

Unless otherwise stated, the department should provide progress reports on all issues raised to the relevant Portfolio Committee by **30 August 2015** and thereafter on quarterly basis.



 HON. VV WINDVOËL (MPL)

29/07/2015

 DATE

**CHAIRPERSON: PORTFOLIO COMMITTEE ON
 AGRICULTURE, RURAL DEVELOPMENT, LAND
 AND ENVIRONMENTAL AFFAIRS**