

GRANGE COMMUNAL PROPERTY ASSOCIATION

CONSTITUTION

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Constitution

History and vision

A group of farm dwellers who were experiencing tenure insecurity and harassment applied for assistance to purchase land, through the Labour Tenants Act 3 of 1996. The group agreed to form an association in terms of the Communal Property Associations Act, Act 28 of 1996 in order to purchase the farm as agreed with the former landowner. Their vision is to undertake farming here to sustain their livelihood.

1. Name and address of the Association

The name of the Association shall be the Grange Communal Property Association.

The postal address of the Association shall be P.O.Box 85, Ladysmith, 3370.

The physical address of the Association shall be Grange Farm, Ladysmith, 3370.

2. Purposes of the Association

- 2.1 To take transfer of, and to hold the farm Grange Farm Remainder of Groot Hoek No 1081, situated in the Klip River district in the Ladysmith

magisterial area, KwaZulu-Natal, and any other property which the Association may acquire in future.

- 2.2 To manage and develop the property of the Association for the benefit of its members.

3. Principles of the Association

- 3.1 There shall be fairness in the community.
- 3.2 All people, irrespective of age, shall have freedom of speech and their opinion.
- 3.3 There shall be trustworthiness.
- 3.4 There shall be harmony among the community members.
- 3.5 There shall be cooperation among community members.
- 3.6 The community shall do all that is agreed upon.
- 3.7 Members shall abide by the agreed Rules.

4. Membership of the Association

- 4.1 All adults over eighteen and of sound mind who form the nine households that established this Association, are members of the Association.
- 4.2 The names of members and households shall be listed and the secretary shall keep this list up to date.

5. Rights of members

- 5.1 To participate in meetings, giving their opinions and views and helping to make decisions. Every member has the right to vote at meetings.
- 5.2 To stand for and be elected to the Committee.
- 5.3 Access to information about the Association: copies of the Constitution, Community Rules, financial records, minutes of meetings and information about decisions made.

- 5.4 Access to and use of resources, within the framework of the agreed Rules and plans.

6. Responsibilities of members

- 6.1 To attend and participate in meetings.
- 6.2 To abide by the Rules of the Association.
- 6.3 To monitor that Rules are kept.
- 6.4 To report anything suspicious taking place on the farm to the Chairperson.
- 6.5 To help with the building and maintenance of community infrastructure through contributing labour and finance as agreed to in community meetings e.g. the dip, fencing, firebreaks.

7. Allocation of land use rights to households

- 7.1 Exclusive rights to residential and agricultural plots shall be allocated to each household.
- 7.2 Grazing rights on communal land shall be allocated to each household according to agreed Rules
- 7.3 Each household shall have equal rights to use of land.
- 7.4 These rights shall not be leased, sold or bequeathed to outsiders.

8. Recognition of new households

When it is proposed that a new household be recognised the following is the procedure:

- 8.1 The household that the new household comes from shall apply to the Committee with a motivation for why a new household should be established and recognised.
- 8.2 The committee shall call a general meeting informing people of the names of the household members

- 8.3 The committee shall refer the application together with its recommendation to the members in a general meeting.
- 8.4 The proposed household members shall attend the meeting and answer any questions put to them from the floor.
- 8.5 The general meeting shall make a decision on whether to recognise the new household.
- 8.6 If this is approved the household shall be registered on the list as a recognised household which is eligible for allocation of land use rights.

9. Termination of membership

9.1 Voluntary termination

9.1.1 Members who leave voluntarily shall have their membership terminated and their names shall be removed from the membership list

9.2.1 Members who intend to terminate their membership shall do so in writing to the Committee 3 months before they intend to leave

9.3.1 If a household is dissolved or moves away their houses may be sold to other members of the Association

9.2 Involuntary termination

9.2.1 The following are grounds for termination of membership:

- Corruption
- Continual breaking of Community Rules and violation of this Constitution
- When a household has left the community without informing the Committee of its intentions, for more than one year.

9.2.2 No membership will be terminated without following internal procedures and due legal processes

9.2.3 A charge will be laid against the wrongdoer with the Committee
The Committee shall investigate charges and inform the wrongdoer

9.2.4 If the charges have substance the Committee shall set a date for a hearing

9.2.5 All parties shall present their cases to the hearing

9.2.6 The Committee shall then make a recommendation to members at a general meeting

- 9.2.7 If members decide that the membership shall be terminated the Committee shall be instructed to begin legal action against the wrongdoer
- 9.2.8 A member who is evicted shall be compensated as part of the settlement as specified in the Court Order.

10. Committee

- 10.1 There shall be a Committee to manage the day-to-day affairs of the Association and to represent the interests of the members.
- 10.2 There shall be nine Committee members. These members must come from different households
- 10.3 The Committee shall be elected at a general meeting
- 10.4 The term of office shall be two years
- 10.5 The Committee shall meet at least once a month and their quorum shall be five members
- 10.6 If a vacancy arises the remaining committee members shall co-opt another person
- 10.7 A Committee member may be removed or replaced by a decision of the general meeting.
- 10.8 The Committee may delegate specific responsibilities to sub-committees appointed for specific purposes as the need arises.
- 10.9 A sub-committee shall be appointed for the management of cattle. Each household shall appoint a representative to this committee.

11. General Meetings

- 11.1 The Committee shall call a general meeting of members at least once every three months
- 11.2 The secretary shall notify members of the meeting two weeks in advance.
- 11.3 The quorum shall be 30% of members
- 11.4 The general meeting has the power to:

- Decide on matters for the community and give instructions to the committee to carry out.
- Elect a Committee every two years
- Appoint people to special tasks.
- Review and if necessary amend the Community Rules.
- Decide on recognising new households.
- Agree on financial contributions and expenditure proposed by the Committee before these are undertaken.

12. Finances

- 12.1 The Committee shall open a bank account. There shall be two signatories.
- 12.2 When expenditure is agreed the secretary shall collect the money, recording names and amounts paid, and shall issue receipts (if possible, at the meeting where this is decided). The secretary shall then give the money to the treasurer, and this amount shall be recorded and signed for. The treasurer shall then see the money is used for its purpose.
- 12.3 The treasurer shall keep and bank money as needed. The treasurer shall keep proper records of all financial transactions, keeping receipts from purchases and also bank records.
- 12.4 Financial records shall be accessible to all members.
- 12.5 Expenses incurred by Committee members in carrying out their duties shall be paid by the Association as agreed by the general meeting.

13. Community Rules

13.1 There shall be community Rules, which may be amended from time to time by agreement in the general meeting on the following matters:

- Procedure and functioning of the Committee and sub-committees
- Land resource use
- Cattle management
- Fire breaks
- Farm infrastructure
- Land allocation procedures and records
- Membership lists

13.2 These Rules shall be written down by the secretary, kept updated and be available to members.

14. Discipline

- 14.1 Members who break community Rules shall be reported to the Committee who will talk to them.
- 14.2 Members who persist in breaking the rules after the Committees intervention shall have to account for their behaviour to a general meeting.
- 14.3 The community may instruct the committee to impose a fine on the offender.

15. Dispute resolution

- 15.1 The committee shall settle disputes between and amongst members.
- 15.2 If a dispute cannot be settled inside the Association the Committee or a member may ask the Department of Land Affairs to mediate.
- 15.3 If the Committee or any member is not satisfied with the outcome of the dispute they have the right to appeal to the Director-General of the Department of Land Affairs and the court.

16. Amendments to the constitution

This constitution may be changed by a majority vote at a general meeting where at least 60% of the members are present.

17. Dissolution of the Association

- 17.1 The decision to dissolve the Association shall be passed at a general meeting called for the purpose by consensus, where 80% of the members are present.
- 17.2 The Committee shall sell the land and assets and divide the proceeds amongst the households equally.