



agriculture
& rural development

Department:
Agriculture and Rural Development
PROVINCE OF KWAZULU-NATAL

Communication Services

Daily News – Page 1

12 September 2018



BACKCHAT AND
TRENDING **METRO P2**

INDEPENDENT

**Daily
News**

— FOUNDED 1878, DURBAN, SOUTH AFRICA [IOL.CO.ZA]
WEDNESDAY, SEPTEMBER 12 2018 —

FORMER land affairs department official Patrick Masoka hangs his head as he is sentenced to 10 years in jail for stealing a farm and livestock that had been awarded to labour tenants. | FRED KOCKOTT

Civil servant jailed for farm theft

FRED KOCKOTT AND THABISO GOBA

Land reform manager guilty of fraud, theft amounting to R5.3m

THE Shabalala family of Ladysmith were promised ownership of the farm they had lived on and worked all their lives 10 years ago, as part of the government's land redistribution programme.

They were also promised assistance in line with the land reform policy.

However, today Kuickvlei stands derelict, they were booted out of the main homestead on the property, some of their livestock was stolen, and they are yet to take ownership of the farm.

How this happened emerged this week in the Durban Commercial Crimes Court, where former Rural Development and Land Reform Department project manager Patrick Masoka was sentenced to 10 years in prison for stealing the farm and livestock, after being found guilty earlier this year of fraud and two counts of theft amounting to R5.3 million.

Magistrate Judy Naidoo heard that in working as project manager in

northern KwaZulu-Natal, Masoka had devised a simple but corrupt scheme where he and his family took ownership and control of the commercially viable Kuickvlei.

In terms of the land claim settlement, the Shabalala family was to become the owners, and would also receive grants and assistance in line with the government's objective to support emerging farmers.

Instead, Masoka took over the farm and removed cattle and sheep as if they were his own. He did this by creating a trust deed that omitted the Shabalalas as the new owner.

He also amended documents that enabled him and his family to move into the main homestead and benefit from agricultural development grants. Masoka ended up defrauding the State and the Shabalalas of more than R5.3m.

Through subsequent plundering of

its assets, Kuickvlei soon deteriorated and is no longer the viable farm it was when sold to the government in 2008.

Although the farm was later seized by the Asset Forfeiture Unit, it has since become even more dilapidated, Naidoo said.

She said the case highlighted how easily corrupt officials had been able to manipulate the land reform process to defraud beneficiaries.

According to evidence, the Kuickvlei case was just one of 28 similar cases in KwaZulu-Natal.

Naidoo said properties such as Kuickvlei could have been used to uplift previously disadvantaged people, but had ended up in the hands of corrupt and greedy State functionaries.

"The Shabalalas," Naidoo said, "were totally unsophisticated and had the wool pulled over their eyes when the accused appropriated the farm for himself and his family.

"The Shabalalas accepted this because they knew no better of their rights and because he was an official with land affairs.

"The head of the family, Wilson Shabalala, is very old and had to travel all the way from Ladysmith to testify. He was very emotional and cried. In his twilight age, he needs to have some security and reassurance that he and his family would be given what was rightfully theirs – the land they have lived on since birth," Naidoo said.

"The Shabalalas are still left in limbo regarding the ownership of the property."

Naidoo said people were getting fed up with the slow pace of land reform and the associated corruption.

"As we read about the government's new policy of expropriation of land without compensation, one sincerely hopes that the policies and procedures implemented will be more

streamlined and effected in the interests of the community, and not left to greedy individuals who only seek to uplift themselves at the expense of more needy people," she said.

While attorney Madoda Nxumalo had appealed for leniency in light of Masoka's disability – he uses crutches to walk – Naidoo said he was a fully functional member of society who did not deserve preferential treatment, but rather punishment for his crime.

She rejected the argument that a non-custodial sentence and associated correctional supervision would be suitable. "It would be tantamount to a mere slap on the wrist and send a wrong message," Naidoo said.

After sentencing, Nxumalo indicated he would apply for leave to appeal Masoka's conviction. Pending this application, the court ordered that Masoka immediately start serving his jail sentence. | *Roaming Reporters*

First published by GroundUp. Read more at www.roamingreporters.co.za