

# 2ND CSOS INDABA 2024



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**12-13  
SEPTEMBER 2024**

 **BOLIVIA LODGE,  
POLOKWANE, LIMPOPO**



*Affordable Reliable Justice*

[www.csos.org.za](http://www.csos.org.za)



**Promoting Well Governed,  
Empowered And Transformed  
Community Schemes.**





# LEGISLATION, COMPLIANCE & RULE OF LAW



- **LEGISLATION**

- Constitution of South Africa – Rule of Law
- CSOS Act
- STSMA
- Companies' Act

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# The Constitution of South Africa

- Supremacy of the Constitution and Rule of Law





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# The CSOS Act

- **Section 4 – Regulatory Functions**
  - Training
  - Quality Assurance
  - Custody of governance documentation
- **Section 59 – Registration of schemes**
  - Payment of levies
  - Submission of Annual Returns



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# ST SMA



- **Section 3 – Functions of the BC**
  - **Administrative fund** – (repairs, maintenance, management, and administration of the common property)
  - **Reserve fund** – reasonable sufficient amount of future maintenance and repair of common property
  - Maintenance of common property
  - Control, manage, and administer the common property for the benefit of all owners





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# STSMA

- **Section 10 – Rules**
  - Reasonable application of rules
  - Retrospective application of rules
- **Section 16 – Appointment of Administrators**
  - Financial or administration mismanagement
  - Powers of Administrators
- **Section 18 – STSMA**
  - Composition
  - Mandate and powers



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## Companies Act

- **Governance of HOAs**
  - Common-law vs. non-profit
  - Constitution/MOI
  - Conduct Rules

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# COMPLIANCE

- **Compliance culture of schemes**
  - Scheme registration
  - Payment of levies
  - Submission of annual returns & AFS
  - Quality assurance of governance documentation
  - 10 yr maintenance plan
- Section 36 – Practice Directive
- Transparency and accountability
- Physical verification & validity of registered and unregistered schemes is underway





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## DISPUTES AND BACKLOG

- Alternative Dispute Resolution
- CSOS Jurisdiction
- Automation of Dispute Resolution Services
- Auto population of documents
- Reduced turnaround times on the entire dispute resolution value chain
- Supplementary appointment of a panel of Part-time Adjudicators
- Business re-engineering process is underway

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## TRANSFORMATION OF SCHEMES



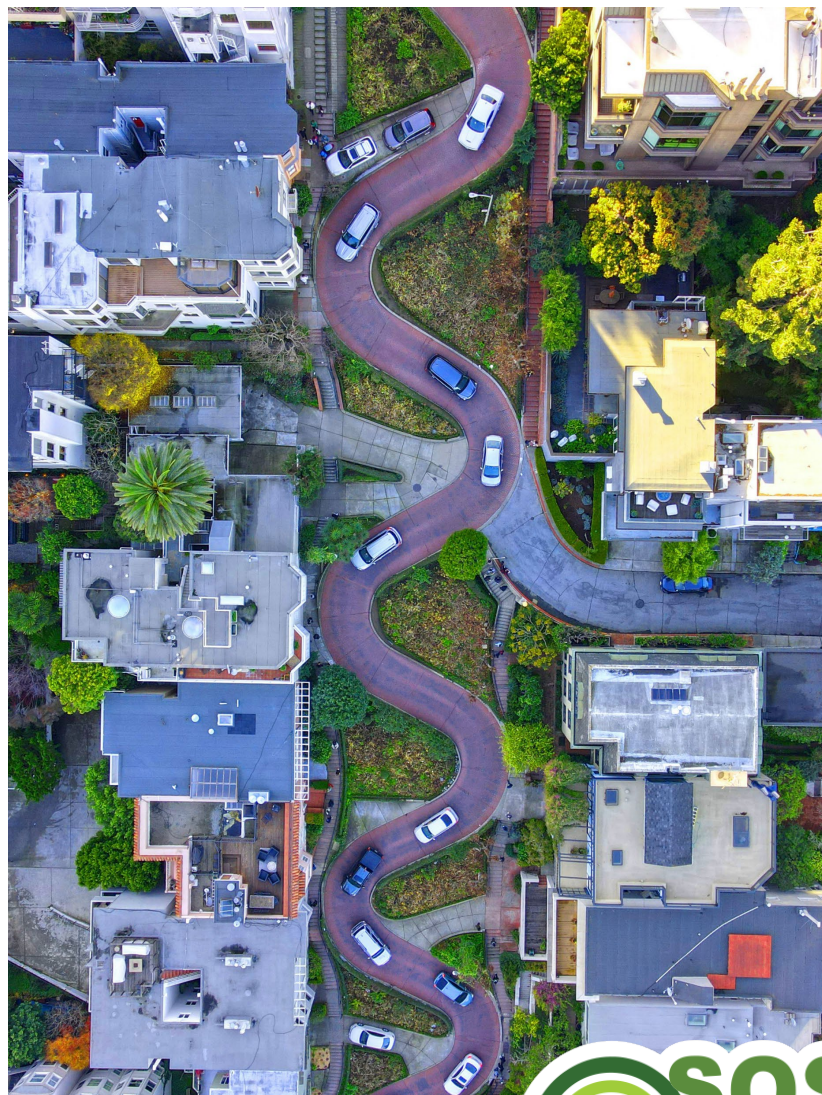
- Economic Participation
- Economic Empowerment Opportunities
- Inclusivity and diversity
- Capacity building
- EMAs
- Financial stability

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THANK YOU



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