

Reworked bill's quiet comeback

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THE government has resubmitted the controversial expropriation bill, backing down on many of its radical proposals — including one that empowered the state to pay less than market value for properties targeted for expropriation.

In the reworked bill, which has been gazetted for public comment, the state also moots the temporary expropriation of property when the government needs land or other property for emergencies.

According to the bill, owners whose properties have been temporarily expropriated for emergencies could have them returned to them once the situation has been stabilised.

The bill has come under severe criticism from civil rights group AfriForum, which said it would erode property rights. Metalworkers' union Numsa is also not happy with it and has called for the expropriation of land without compensation to fast-track land reform. The disbanded ANC Youth League executive advanced a similar argument.

The bill was withdrawn in parliament in 2008 following vociferous objections by a wide range of stakeholders, who said the legislation was a threat to the free-market economy and would usurp constitutionally enshrined property rights.

The 2008 edition of the bill stated that "an expropriating authority [a minister] may determine an amount of compensation that is below the market value of the property".

This has been dropped in the reworked version of the bill, which was quietly released for public comment by the Department of Public Works this week after it was approved by the cabinet last week.

The new version says that when determining the amount of compensation to be paid, the minister must not factor in:

- That the property has been taken without the consent of the owner;
- The special suitability of the property for the purpose for which it is required by the expropriating authority, if it is unlikely that the property would have been purchased for that purpose in an open market; and
- Improvements made on the property in question after the date on which the notice of expropriation was served upon the claimant.

The bill compels the state, as the expropriating authority, to produce evidence of how it arrived at a value for property earmarked for expropriation.

Public Works Minister Thulas Nxesi, whose department is sponsoring the bill, said it was crucial for the roll-out of the government's multibillion-rand infrastructure development programme.

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