

Value is just one factor in expropriation bill

Donwald Pressly

A NEW Expropriation Bill allowing the state to buy land at agreed prices will be piloted through Parliament in the third quarter of this year, but Deputy Public Works Minister Jeremy Cronin acknowledges that it will help fast-track land restitution and reform.

Expropriation of land would have to be "just and equitable".

Market value would be one of five factors taken into consideration when expropriating.

It would also need to take into account the current use of the land and the history of its use, the history of its acquisition by the current owner and any investment in the property.

While Agri SA's legal officer, Annelize Crosby, described it as "not a bad bill", the National Agricultural Marketing Council member John Purchase said he had some concerns, including the wide ambit of the definition of "property".

"It makes it very broad in terms of what can be expropriated... this remains a problem."

Purchase said that, for example, this definition included intellectual property as well as equity in businesses.

Pressed at a media conference yesterday whether the bill was targeted at "paleface" (white) farmers, who still own the bulk of commercial farmland, Cronin said: "Clearly a significant part of

expropriation is about land reform and restitution."

Checks and balances had been built into the legislation and, he believed, it was a significant improvement on legislation that was withdrawn "at the eleventh hour" in 2008.

The 2008 bill had removed the property owner's right to contest in court the expropriation and payout offered by the government.

DA public works spokeswoman Anchen Dreyer said among the areas of concern about the 2013 version were that it extended wide-ranging powers not only to the public works minister "but also to government departments and other state entities at all three

tiers of government".

Pressed on whether this could mean Zimbabwe-style grabs of 51 percent shares in businesses, Cronin said that any expropriation would have to be done in terms of the law.

To grab "granny's savings or shares or whatever... you would have to argue a persuasive case that it is [for] a public purpose".

Crosby said that while the government was obliged to pay 80 percent of the amount owed to the expropriated subject on the date of expropriation, there was a clause that would provide the state with a loophole to delay this payment. Agri SA would challenge this clause during the public hearings.