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Expropriation Bill still has substantial flaws

The DA notes revisions to the draft Expropriation Bill, presented to the portfolio committee on public works last week by Deputy Minister Jeremy Cronin ("Value is just one factor in expropriation bill", Business Report, April 18). However, there are a number of concerning provisions that remain and should not be included in the final version of the bill.

The Expropriations Bill was first introduced in Parliament in 2008 but was withdrawn after it was met with serious opposition. It was deemed unconstitutional in that it vested power in government officials to decide on the amount of compensation for expropriated land, rather than the courts. The new draft bill has changed this and allows the courts, rather than the state, to decide the compensation payable.

In all other aspects, the 2013 version of the bill is flawed in a number of respects:

- It extends wide-ranging powers to not only the minister of public works, but also government departments and other state entities at all three tiers of government;
- The definition of "property" continues to be very broad and can therefore be read as applying to any and all kinds of property with an economic value;
- It allows an "expropriating authority" to take up ownership and possession of property before paying any compensation;
- It states that compensation becomes payable only when its amount has been agreed with the state or decided by the courts;
- It puts great pressure on the expropriated owner to accept the compensation offered by the state, rather than remain without the benefit of either the property or its value in money; and

■ While the National Development Plan recognises the vital importance of security of property rights, this bill runs the risk of undermining this.

Cronin assured us that this bill would

not lead to an "orgy of expropriation", but in its current state, the proposed legislation may very well lead to this.

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