

Why land Bill was withdrawn



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Moneyweb

A parliament public works committee has withdrawn the Expropriation Bill pending the conclusion of a parliamentary process to review the merits of changing the Constitution to expropriate land without compensation.

The move by the committee doesn't necessarily mean that the Expropriation Bill has been ditched for good, but that it might be re-introduced at a later stage. The public works committee said on Tuesday that it has temporarily withdrawn the Bill to give the constitutional review committee time to complete its work.

The committee is tasked with holding public consultations across the country about the government's proposal to expropriate land without compensation.

The committee was set up after MPs voted in favour of a motion in February to begin a process to amend section 25 of the Constitution – known as the property clause. It has to report back to parliament on its findings by September 28.

President Cyril Ramaphosa recently stepped up land reform efforts by saying the ANC had decided to change the constitution to push plans to expropriate land without compensation.

The public works committee said the published findings of the constitutional review committee might result in a “new parliamentary process including legislative processes and new directions” before the end of 2018.

In other words, the findings of the committee might require Minister of Public Works Thulas Nxesi to redraft a new Expropriation Bill. The redrafted Bill would also include clauses that would provide guidelines and processes for the state to follow in expropriating land without compensation.

Law observers have argued that the current Bill, which was passed by parliament in 2016, is at odds with government's plan to expropriate land without compensation. Chiefly, the Bill provides for land to be expropriated in the public interest – for example, to build a road, dam or power station – and doesn't provide for expropriation without compensation.

Meanwhile, the government wants to enact provisions in the law that allows it to expropriate land in the public interest.

“That Bill [the redrafted one] will give more clarity on how South Africans should deal with the land question and the property issues that today still favour the minority at the expense of the majority, in particular, black people,” the public works committee said.