



Publication: Zululand Observer Weekend - Agriculture
Title: Parliament passes Expropriation Bill
Publish date: 14 Oct 2022
Page: 31

Reach: 9323
AVE: R 28018.42
Author: Val van der Walt

Parliament passes Expropriation Bill

T Val van der Walt

HE Expropriation Bill, which makes it possible for expropriation without compensation, is one step closer to becoming enacted into law.

This after the National Assembly debate on 28 September which passed the Bill as referred to it by the Portfolio Committee on Public Works and Infrastructure.

The Bill – which was rejected last year – currently allows the expropriation of land only for public purposes and in the interest of the public, as stipulated in Section 25 of the Constitution.

While Section 25(3) requires the amount of compensation for land to be 'just and equitable' – reflecting an equitable balance between the public interest and the interests of those affected – the Bill makes it possible for expropriation of land with 'nil compensation'.

According to the National Assembly,

the Bill aims to repeal the existing Expropriation Act, which will provide a common framework in line with the Constitution to guide the processes and procedures for the expropriation of property by the State.

The assembly said it would seek to provide considerations where nil compensation may be appropriate in the public interest.

It added in a statement that the Portfolio Committee on Public Works and Infrastructure had engaged with the public and organised citizen groups, political parties and traditional leaders for their views on the Bill.

Reacting to the passing of the Bill, Agri SA bemoaned the fact that the assembly did not use the debate to 'engage with the serious flaws which remain in the Bill and missed this opportunity to mitigate its likely harm to the agricultural sector and wider economy.'

"Our position remains that the inclusion of the nil compensation clause will undermine access to capital and capital formation for the sector and economy," said Agri SA in a statement.

"Examples from similar land policies implemented in countries like Zimbabwe and Venezuela illustrate the potentially disastrous impact these can have on agriculture, the economy, and society."

As the Bill now makes its way to the National Council of Provinces (NCOP), Agri SA says it calls on legislators to take into account the Bill's apparent flaws and potentially devastating economic impact.

"A further assault on the certainty of property rights will only add to a climate that deters investment in the agriculture sector, which will undermine the country and region's food security."

