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Concerns over the new Expropriation Bill to be considered...

DATE: MONDAY, June 09, 2008

By Oupa Segalwe

MAFIKENG: Chairperson of the Portfolio Committee on Public Works in the National Assembly, Ms. Thandi Tobias-Pokolo has assured North West property owners that the concerns they have raised about the proposed amendments to the Expropriation Act of 1975 will be taken into consideration.

The Committee held Public Hearings on the Expropriation Bill at Tshing township in Ventersdorp on Friday, attracting hundreds of interested parties most of whom were commercial farmers from all over the province.

According to the National Department of Public Works, this move came about because the current Act was found to be inconsistent with the South African constitution.

“The new Bill ... stems from the imperative to review the current Expropriation Act of 1975 which is still in force but stands incongruent to the spirit and provisions of the Constitution,” said spokesperson Lucky Mochalibane in a statement.

He said this was the case especially on issues relating to equality (clause 9) property rights (Clause 25), access to information (Clause 32), and lawful, reasonable and procedurally fair administrative decision making (Clause33).

Chapter two of the Constitution states that any law or conduct which is inconsistent with it is invalid and that the obligations imposed by it must be fulfilled.

The current Act bestows the Minister with powers to expropriate property for public purposes while the new Bill broadens the scope to include the expropriation of property also in the public interest.

Mochalibane said expropriation was an instrument guaranteed by the Constitution that government may use to obtain land or property for reasons of public purpose and public interest to:

- Provide municipal purpose (develop townships, build cemeteries)
- Establish utility services – (telephone, water and electricity)
- Effect land reform, land restitution and security of land tenure; and
- For Educational purposes

Although the proceedings got off to a sour start with most of the commercial farmers chanting “Die Stem”, when the packed Extension 2 Community Hall was asked to sing the national anthem, the Hearing was a success.

Agri North West Chief Executive Officer Boeta du Tiot said his organization had a problem with the Bill as among other things “it gives wide powers to the Authority (Minister).”

He said Agri NW was of the view that the Bill “in its current form would damage business confidence” and would also be a threat to the country’s food security.

However Land Access Movement of SA (LAMOSA) Executive Director Constance Mogale said they supported the Bill.

“We are of the view that this Bill will also help with the settling of all restitution cases that are still outstanding because of resistance from land owners,” she said.

Mogale said her movement was satisfied the Bill as it would take into account the needs of farm dwellers when compensating the owners unlike the current legislation which only caters for the interests of the owners.

Tobias-Pokolo told the convention that the hearings were being held in order to take into account the views of the people and all the interested parties.

She said slammed the media, saying because of bad press people had an impression that the government wanted to “do land grabs like in Zimbabwe, which is not true.”

Tobias-Pokolo said if any of the members of the public were to feel aggrieved due to the Bill once passed by Parliament, they had a right to legal recourse and judicial review.

The hearings will continue elsewhere in the country until June 13, 2008.

Following this process, it is anticipated that the inputs will be consolidated and other parliamentary processes regarding the Bill completed by the end of the month.

ENDS

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