MEDIA STATEMENT

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EXPROPRIATION BILL FOR PUBLIC COMMENTS

The National Public Works Portfolio Committee will visit Queenstown (Monday, 9 June 2008) and Mthatha (Tuesday, 10 June 2008) in the Eastern Cape to conduct public hearings on the proposed Expropriation Bill.

The hearings will take place on Monday, 9 June 2008 at the Indoor Sports Centre in Queenstown starting at 10 in the morning, before continuing at the O R Tambo Hall in Mthatha on Tuesday, 10 June 2008 in an attempt to accord as many South Africans as possible, an opportunity to “hear and be heard”.

The new Bill is the brainchild of the National Department of Public Works and stem 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 dealing especially with equality (clause 9) property rights (Clause 25), access to information (Clause 32), and lawful, reasonable and procedurally fair administrative decision making (Clause 33).

In November 2007, the Department of Public Works published a policy document as part of the review process and this was followed by consultative engagements with interested parties both in government and the private sector including the participation of the organized agricultural sector.
The Department also briefed Cabinet before presenting the amended Act to the Portfolio Committee on 26 March 2008, thereby marking the beginning of a formal process by Parliament to adopt the new Bill for the purposes of discussions, consultative engagements and consolidation before it is passed into law.

Expropriation is 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)
- To establish utility services – (telephone, water and electricity)
- To effect land reform, land restitution and security of land tenure
- For Educational purposes

Whereas the 1975 Act narrowly focused on the market value as the sole determinant for the negotiations preceding expropriation, the proposed new Bill, in line with the constitution (clause 25 (3), takes a holistic view and considers other relevant factors such as the current use of the property, the history of the acquisition, the extent of the direct state involvement and subsidy in the acquisition and beneficial capital improvement of the property, among others. It also recognises the rights of tenants, and farm-workers and extend compensation to them should they be affected by the Expropriation.

Following the process of Public hearing, it is anticipated that the inputs will be consolidated and other parliamentary processes regarding the Bill completed by the end of June 2008.

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