

6 May 2015

Ms Akhona Busakwe  
Portfolio Committee on Public Works  
Parliament of South Africa  
Email: abusakwe@parliament.gov.za

Madam

### **The Expropriation Bill of 2015**

1.1 These comments are furnished by Solidarity Trade Union (“Solidarity”) following the invitation for public comment on the proposed Expropriation Bill of 2015.

1.2 Solidarity is a labour union with members who are employees of companies active in nearly every industry in South Africa. The main industries in which Solidarity is organised are metal and engineering, mining, the electrical industry, telecommunications, the chemical industry, agriculture and general industries, including tertiary institutions, aviation and other specialised areas. Solidarity’s mandate is to protect the interests of the workers who are its members and as such Solidarity is exercising its mandate by responding to this request for comments.

1.3 Solidarity wishes to point out that respect for property is fundamentally important for any society hoping to be prosperous and peaceful.

1.4 Solidarity notes that the Expropriation Bill of 2015 weakens property rights by:

- 1.4.1 increasing the scope for bureaucratic discretion in decisions to expropriate;
- 1.4.2 expanding grounds for expropriation; and
- 1.4.3 unduly limiting the likely compensation to be paid out to victims of expropriation.



☎: 012 644 4300 • 📠: 012 664 1198 • ✉: Posbus / PO Box 11760, Centurion, 0046  
🏠: H.v. D.F. Malanrylaan en Eendrachtstraat, Kloofsig, Centurion  
Cnr DF Malan Dr. and Eendracht str., Kloofsig, Centurion

[www.solidariteit.co.za](http://www.solidariteit.co.za) • 0861 25 24 23



1.5 Solidariteit is of the opinion that:

- 1.5.1 the objections by the Institute of Race Relations to the currently tabled Expropriation Bill hold much merit;
- 1.5.2 the IRR's alternative Expropriation Bill, which we understand to have been submitted to the portfolio committee by the IRR (but available here: <http://irr.org.za/reports-and-publications/occasional-reports/files/the-irrs-better-expropriation-bill-2013-22-april-2015>) presents on every point of difference with the currently tabled Expropriation Bill an improvement; and
- 1.5.3 while an even stronger protection for property rights would in future be desirable, the IRR's alternative Expropriation Bill currently presents the best proposal for rectifying the constitutional shortcomings in the existing Expropriation Act and limiting undesirable infringements on property rights in South Africa, without in the process introducing new unconstitutionality.

1.6 Solidariteit would welcome the opportunity to elaborate in oral presentations to the committee on our objections to the current Expropriation Bill.

Piet le Roux  
Head: Solidariteit Research Institute  
Kloofsig, Centurion  
Email: [pleroux@solidariteit.co.za](mailto:pleroux@solidariteit.co.za)

END.

