



Northern Cape
Provincial Legislature

**PORTFOLIO COMMITTEE
ON SAFETY, TRANSPORT AND
LIAISON, ROADS AND PUBLIC
WORKS**

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Honourable L Suka
Chairperson – Select Committee on Economic and Business Development

NEGOTIATING MANDATE

Name of the Bill: **Expropriation Bill**

Number of the Bill: **B4B – 2015**

Date of deliberation: **Thursday, 21 April 2016**

Vote of the Legislature: **The Committee Supports the Expropriation Bill [B4B – 2015]**

Handwritten signature of GG Oliphant in cursive.

Signature:

**Hon GG OLIPHANT
Chairperson**

Date: 21 April 2016



NEGOTIATING MANDATE FOR THE EXPROPRIATION BILL [B4B-2015]

(Section 76 Bills)

1. INTRODUCTION

The Chairperson of the Portfolio Committee on Safety, Transport, Roads & Public Works, Hon GG Oliphant tables the Committee's Negotiating mandate on the **Expropriation Bill, [B4B-2015]** as adopted by the Portfolio Committee on **21 April 2016**.

2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the **Expropriation Bill, [B4B-2015]** to the Portfolio Committee on Safety, Transport, Roads & Public Works, on 26 february **2016**.
- 2.2 The Portfolio Committee received a briefing on the Bill on 16 **March 2016**, from the Northern Cape's Permanent Delegate to the NCOP, Hon Faber, and the National Department of Public Works.
- 2.3 The Portfolio Committee resolved at the meeting of 16 **March 2016**, to conduct public hearings on the referred Bill, to solicit the views of communities and stakeholders with regard to the **Expropriation Bill, [B4B-2015]**.
- 2.4 *The* Portfolio Committee further called for written submissions via print media and radio.
- 2.5 Public Hearings were conducted in the John Taolo Gaetsewe District, Pixley ka Seme District, ZF Mgcawu District and Namakwa District **on 18 April 2016**, as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Provincial Legislature in respect of the Bill.
- 2.6 On **21 April 2016**, the Portfolio Committee on Safety, Transport, Roads & Public Works deliberated and considered the **Expropriation Bill, [B4B-2015]**

3. GENERAL COMMENTS MADE BY THE PUBLIC

- The word property must be properly defined in the Bill.
- Clear time frames in terms of compensation must be clearly outlined in the Bill.
- No interest amount is indicated in the Bill.
- Between the time of receiving notice of expropriation and the actual expropriation there is no time frame as to who is responsible for the keep up of the property.
- On urgent expropriation how does a person show damages and who is responsible for the levies.
- What happens in an instance where there is a dispute and the property is used as means of income?
- The word expropriation must be debated.
- The Bill is silent on projected income.
- The Bill does not say which local authority will deal with expropriation issues.
- Time frames must be set to companies in an event where the land needs rehabilitation.
- The definition of public interest should be looked into and also clearly state that the word 'public interest' is not to be defined in the context of ideological interest or ulterior motives.
- The accrual of interest during the consultative process should be addressed.
- Not allow for interest accrual due to the fact that disputes may arise thereby delaying the process and resulting in more being paid ultimately.
- Provide for timeframes when and how rates and taxes should be paid by owners.
- Reconsider timeframes attached to communicating with persons in rural areas in terms of administration of documentation.

- The beneficiation of upcoming farmers is not clearly stated in the Bill.
- The issue of Municipal/Residential land should be considered for inclusion in the Bill.
- Concern was raised regarding guarantees for "Property subject to mortgage and deed of sale" as contained in Clause 18.
- The Bill is not clear about the compensation for the loss of property to farmers in respect of future alternative business ventures.
- The Bill should be specific regarding compensation for rural and urban land.
- Clause 21 is giving much power to the expropriating authority. Both parties must have equal powers.

4. WRITTEN INPUTS ON THE BILL

- Written submissions were received.

5. COMMITTEE INPUTS

The Committee notes that most of the inputs made by the community/public are contained in the Bill.

The committee requests that the amount of interest rate be stated in the Bill.

Clause 21 be amended so that both parties are entitled to refer the matter to courts.

6. KEY DETERMINING PRINCIPLES

The public hearings held by the Portfolio Committee were successful.

NB: The majority of the people who attended the public hearing supported the Bill.

7. PORTFOLIO COMMITTEE POSITION ON THE BILL

After due deliberation and taking note of the Public's input, the Portfolio Committee on Safety, Transport, Roads & Public Works **supports** the Bill.

8. COMMITTEE ADOPTION OF THE BILL

The Committee adopted this Negotiating Mandate duly signed by the Chairperson of the Committee.

The Committee recommends to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to **support** the Bill, taking note of the comments and recommendations raised by the Committee as well as inputs from the public.



HON GG Oliphant

Chairperson: PC on Safety, Transport, Roads & Public Works