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LRC
Legal Resources Centre

Your Ref: B6-2020
Our Ref: WW/SS

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The Chairperson
Portfolio Committee on Agriculture, Land Reform and Rural Development
3rd floor
90 Plein Street
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Per email: pnyamza@parliament.gov.za

Dear Sir

Comments on the Upgrading of Land Tenure Amendment Bill [B6-2020]

Your call for public comments on the Upgrading of Land Tenure Amendment Bill [B6-2020] has reference.

The Legal Resources Centre is a non-profit public interest law firm. Much of the work of our organisation is devoted to representing poor rural communities. The LRC represented the four communities who challenged the Communal Land Rights Act of 2004 in the Constitutional Court which led to the judgement setting the Act aside in *Tongoane and Others v The Minister of Agriculture and Land Affairs and Others* CCT 100-09, the labour tenants who successfully asked the Constitutional Court to appoint a Special Master to oversee the implementation of the Land Reform (Labour Tenants) Act in *Mwelase and Others v Director-General for the Department of Rural Development and Land Reform and Another* [2019] ZACC 30 and the Land Access Movement of South Africa (LAMOSA) in setting aside the amendment of the Restitution Act to re-open land claims in *Land Access Movement of South Africa and Others v Chairperson of the National Council of Provinces and Others* (CCT40/15) [2016] ZACC 22. Our submissions stem from our work with such communities.

Apart from the written submissions provided herewith, we request an opportunity to address the Committee at the scheduled virtual hearings later this month.

These submissions will be structured as follows:

1. The context within which ULTRA operates;

2. Legal-historical context;
3. The amendment bill's attempt at addressing:
   a) the *Rahube* decision
   b) the *Herbert/Senqu* Municipality decision
4. Conclusion and summary of recommendations

1. The context within which ULTRA operates

At its core, the Upgrading of Land Tenure Act 112 of 1991 is about making 'insecure' tenure rights, secure. The rights the Act considers 'insecure', are rights not recorded in the South African Deeds Registry system, and are therefore considered 'off-register'.

While South Africa probably has more registered private title than any other African country, this is not necessarily the blessing it purports to be. Pre-constitutionally, property rights in South Africa developed in the context of the elevation of the private, common law ownership model that traditionally sees the ownership of a single, surveyed piece of land attached to a single individual or entity who generally holds the property unencumbered. In order to protect such private property rights, a sophisticated and expensive Deeds Registry system, supported by private sector surveyors and conveyancers and municipalities, developed over time.

That system remains in place today. However, it remains predictably outside the reach of most South Africans. In their book published in 2017, *Untitled: Securing Land Tenure in Urban and Rural South Africa*, Hornby, Kingwell, Royston and Cousins (eds)[1] argue that, based on their research, nearly 60% of the South African population or 30 million people were 'off-register'. That includes the estimated 1,5 million people in RDP houses whose transfers were not recorded, the 5 million people in RDP houses who have never received title due to backlogs, people in backyard shacks, on farms and, in particular, people in communal areas.

The insecurity of the tenure of these 30 million people is particularly stark precisely because a formalised Deeds Registry exists and a legal system that continues to elevate titled private property rights to be the very definition of secure tenure. Anyone not able to afford being a part of that system, or whose property rights system does not fit the Deeds Registry's model, is relegated to being insecure. And that insecurity has real impacts: Ms Rahube was legally evicted from her home based on what the title deed to that home stated. Off-register property is not regarded as an asset because it cannot secure loans, and in turn, the property is seen as of little or no value by a system that only values such assets. As a result, communities, farm workers and shack dwellers displaced through development of a mine, for example, can lawfully lose their property without being compensated for its value.

[1] Pietermaritzburg, KZN University Press 2017.

While there are those that suggest that the solution to this fundamental South African problem is to simply expand titled private property rights to all through the Deeds Registry, that solution does not only appear unrealistic[2] and prohibitively expensive, but even if it was realistic, would likely lead to exacerbating the problem. This is the case because a range of different tenure systems have developed in South Africa that do not fit the formal system of title deeds based on "surveyed plots with a singular registered owner".[3] Many of these tenure systems are characterised by what Cousins calls 'social tenures', "shared in character, not individual, and that are embedded in social relationships […] Need is more important than ability to pay. Rights are often shared and derive from accepted membership of a family, kinship group or community".[4] It is not possible to simply fit the existing titling system onto these tenure systems without erasing most of the rights held in terms of these tenure systems. This will *increase* tenure insecurity rather than solve it. Even the most ardent supporters of an expanded titling system in South Africa, acknowledge that the system itself will need to be adapted substantially in order to fit the underlying tenure patterns.

An enormous amount of thinking has gone into what alternatives to the existing system could look like. Manona, Kingwell and others advocate for an entirely new system of land administration based on a statutory recording of off-register rights that exist parallel to the Deeds Registry.[5] Beinart, Delius and Hay argue that the transformation of the existing Deeds Registry to recognise appropriate forms of family ownership might be preferable. Cousins suggests "a more fundamental overhaul of land tenure laws and land administration, leading to systematic recognition of and large-scale support for social tenures, in all their diversity. This would involve stronger laws protecting rights-holders, and an adjudication system that allows new forms of evidence in determining who holds rights. The approach would require establishing new institutions for negotiating, recording and registering rights under social tenures".[6]

In any of these scenarios, significant state resources would have to be diverted to the successful implementation of an alternative.

ULTRA was adopted in 1991 by the last apartheid government and based on their myopic view of tenure that recognised only titled private property. It does not engage in any way with the complexity of tenure systems in South Africa, but seeks simply to turn off-register rights into registered rights. It gave no thought to the racial and gender

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[2] Somewhere between a third and half of RDP houses built, have not yet been registered. Of those registered, the title deeds of a substantial number of these were not updated when transferred because it is simply too expensive for most people to do that.
[3] Cousins, Ben *Alternatives to individual land titling* Daily Maverick, 28 August 2018.
[4] Ibid.
[5] See for example Kingwell, Rosalie *Policy Brief on an Integrated, Inclusive Land Administration system* available at https://landnnes.org/wp-content/uploads/2020/06/Land-Administration-Policy-Brief-Kingwill-R-202003.pdf.
[6] Beinart, W, Delius, P and Hay, M 2017 *Rights to Land: A guide to tenure upgrading and restitution in South Africa* Fanele Press.

discrimination that underpinned the tenure regimes, such as Permission to Occupy certificates and deeds of grant, that it simply sought to upgrade to titled rights.

This is why Mrs Rahube was evicted from her home based on a title deed that necessarily had to be registered exclusively in the name of a man, her brother, despite her *de facto* rights to the property.

The drafters of ULTRA also gave no thought to the fact that higher courts of law are largely inaccessible to the majority of South Africans because of the costs involved and it is therefore not an effective mechanism to protect their tenure rights. It is no accident that the second case that this amendment bill seeks to deal with, *Graham Robert Herbert N.O and Others v Senqu Municipality and Others* [2-10] ZACC 31, was brought by applicants of whom the Constitutional Court says this:[7]

*It is apparent from this statement [*of the Court in DVB Behuising*] that the Upgrading Act targets for conversion into ownership tenuous and rights which were granted to Africans. It is not clear from the papers whether the Trust falls within the class or group of people in the interest of whom the Act was enacted. What is clear though is that the Trust and its predecessors were actively involved in the implementation of shameful policies of the apartheid government by recruiting black workers to provide cheap labour for the mining industry. Those workers travelled long distance from their homes and families and were obliged to work under the most appalling conditions, while living in single-sex hostels, which exposed them to all sorts of illnesses and dangers associated with mining operations and arising from their migrant status. However, the constitutional and legal question whether the Trust is entitled to claim conversion of rights under the Upgrading Act is not before this Court. Consequently, we need not express any opinion on it. The sole issue placed before this Court for determination is the question whether the relevant provisions are inconsistent with the Constitution.*

Parliament is required, by order of court, to amend ULTRA to bring it in line with the Constitution. It is our submission that ULTRA itself, even with the necessary tinkering, remains a wholly inappropriate piece of legislation for solving the complex and urgent issue of the insecurity of the property rights of 30 million South Africans. We urge the committee to turn its attention towards engaging the bigger question of how best to secure tenure rights in South Africa, in the face of overwhelming evidence that simply committing to extending the existing Deeds Registry without more, exacerbates rather than eases tenure insecurity.

Such an intervention is made all the more urgent by Minister Didiza's comments to this committee on 26 June 2020, that the Department is developing a Communal Land Tenure Bill that was described as "a matter of priority" for this Committee. No Communal Land Tenure Bill can succeed in the absence of an alternative system of

[7] At para 24-25.

land recordal in South Africa. As long as we are only able to record property rights at a single level as the existing Deeds Registry dictates, communal land can only be registered at one level: if that is the level of the community, the tenure rights of the individuals and families within that community are rendered more insecure.

This is not a theoretical prediction. We know this from evidence on the ground. Communal land is currently held at the community level by the State in trust for communities. The LRC is inundated with complaints from community members who lose access to the land they have rights to because the Minister, the traditional council or even the Communal Property Associations make decisions on their behalf without their input. In cases such as *Maledu and Others v Itereleng Bakgatla Mineral Resources (Pty) Limited and Another* (CCT265/17) [2018] ZACC 41, *Baleni and Others v Minister of Mineral Resources and Others* (73768/2016) [2018] ZAGPPHC 829; [2019] 1 All SA 358 (GP), and *Bafokeng Land Buyers Association and Others v The Royal Bafokeng Nation and Others* (CIV APP 3/17) [2018] ZANWHC 5, community members fortunate enough to get legal representation pro bono from public interest law firms were able to protect their rights from decisions taken at a communal level that deprived them of their rights. Most community members don't have such access to courts and as a result their rights are simply erased by the title deed holder, whether the Minister or a communal structure.

As we discuss below, the amendment to ULTRA necessitated by the Constitutional Court's order in *Herbert*-case, may make it possible, in theory, for traditional councils to apply, in terms of sections 19 and 20 of ULTRA, to have the title deed of a communal area transferred to the council. Within the current context, that will erase the rights held at individual and family level and lead to greater, rather than reduced, tenure insecurity.

The tinkering with ULTRA without a parallel process of overhauling the recordal and registration of rights in South Africa will thus, at best, lead to an entrenchment of the status quo whereby the majority of 'off-register' rights of 30 million South Africans retain their insecure status. At worst, it would deepen the insecurity of tenure problem by reinforcing the hierarchy between 'titled' and 'untitled' tenure.

It is worth noting at this point that the explanation of the Director Genera, Mr Mdu Shabane, to the Committee as captured in the minutes of the meeting dated 26 June 2020, is very misleading. Mr Shabane is quoted as explaining that while the problem with the Communal Land Rights Act which was declared unconstitutional was that the Act aimed to transfer "the outer boundaries of land", or the communal land as a whole in private ownership, to structures like traditional councils, ULTRA is different as it "deals with deeds of grant at the level of households and not at the level of a traditional council". <u>On the contrary</u>:

1. Section 19 and 20 of ULTRA, on the face of it, provides for precisely the problematic model of communal land to be transferred in titled private property

to “a tribe” or a community – which must necessarily be held by a communal structure such as a traditional council, with no provision for the protection of household, individual and overlapping rights; and

2. ULTRA specifically does not provide title “at the level of households” as Mr Shabane indicated, but to individuals. This is precisely why Mrs Rahube was excluded from the title deed that went to her brother as an individual. While the proposed amendment allows for that individual to also be a woman, where appropriate, it retains the structure of the Act that titling is in the name of an individual or single entity.

Such an overhaul of the recordal and registration system will require deep and broad consultation, investigation and debate and, more importantly, the resources behind it to ensure that a proposed solution can be implemented. That is where the Minister, her department and this Committee should turn their focus now.

2. Legal-historical context

It is worth noting the context within which ULTRA was enacted in order to understand why it is not the legislation that can solve the tenure problem in South Africa. In their book, *Rights to Land: A Guide to Tenure Upgrading and Restitution in South Africa*, Beinart, Delius and Hay, describe the historical context:[8]

In the last years of apartheid, the white government began to rethink its attitude to private tenure among African people. The apartheid system had failed to prevent mass African urbanisation and the state had at last accepted this as a reality. Moreover, the government increasingly sought the ballast of an African middle class that might defuse the most radical expressions of opposition. National Party leaders, themselves more convinced of the benefits of private enterprise, belatedly recognised that private property could be an important element in middle-class advance […] At the same time, the state began to rethink its notions of occupation of land in the former homelands. Previously, land newly purchased from whites to expand the Bantustans had largely been placed under tribal authorities, but plans were develop to subdivide some of the land into small farms for individuals, rather than as customary land under chiefs. In 1991, as part of the early moves towards a political settlement, the Land Acts were abolished, enabling black people to purchase land as the title-holders anywhere in the country. However, this applied only to land registered with the Deeds Office, not to the off-register landholding described earlier in the former homelands.

It is within this context that, in 1991, the Upgrading of Land Tenure Rights Act was passed. It envisioned upgrading tenure in townships to private title and could potentially be used in the rural areas to ‘upgrade’ off-register rights of black landholders. It has all the hallmarks of apartheid-era legislation: a top-down bureaucratic system that takes

[8] P33-34.

as a starting point the State's right to determine, from the top, who the legitimate rightsholder is and to grant that person the exclusive status as private property owner.

As Minister Didiza explained to this Committee in June 2020, ULTRA and the Interim Protection of Informal Land Rights Act (IPILRA) were meant to be placeholder legislation until the task of formulating proper tenure reform under the constitutional dispensation was completed. It is a constitutional imperative to do so: section 25(6) of the Constitution reads:

A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.

Our concern is that the longer the legislature and the executive focus its attention on panel-beating inherited pieces of legislation into a constitutionally permissible format without tackling the more fundamental issue of overhauling South Africa's tenure recordal and registration system, the more difficult it will become to do so. The expanded implementation of ULTRA, in particular in the vast tracks of rural land in the country held in terms of "social tenure" or overlapping customary rights, will only serve to make the eventual proper recordal and registration of those rights more difficult.

3. The proposed amendments

While it is or submission, that an amendment to ULTRA will not solve the bigger problem of tenure insecurity in South Africa, there can be no doubt as to the importance of these amendments to the Act as long as it remains applicable and in particular in order to minimize the damage the Act may do to tenure already rendered vulnerable. We thus make the following submissions relevant to these proposed amendments:

3.1 Amendments in response to the *Rahube* judgement

Mrs Rahube, her brother Mr Rahube and others moved into a house located in Mabopane in the North West Province in the 1970s. At the time, the grandmother was considered the owner of the property until she passed away in 1978. At the time, Mrs Rahube and her brothers were living in the house. The brothers moved out in the 1980s and 1990s and a remaining uncle in 2000. However, unbeknownst to Mrs Rahube, her brother was nominated by the family to be the holder of the certificate of occupation of the property and in 1988 he was issued a deed of grant. The deed was issued in terms of Proclamation R293 (later the Black Administration Act) which did not allow for women to be registered as holders of such rights.

When ULTRA took effect in the North West province in 1998, it automatically converted deeds of grant into ownership rights. Thus, despite the fact that he was not residing at

the property in question and Mrs Rahube was, her brother became the registered owner. She only became aware of this when in August 2009, her brother instituted eviction proceedings against her. Mrs Rahube responded by challenging the constitutional validity of section 2(1) of the Act which automatically upgraded property rights acquired under legislation that blatantly excluded black women from being property rights holders.

The High Court found that section 2(1) was unconstitutional in that it provided for the *"automatic conversion of land tenure rights into ownership without any procedures to hear and consider competing claims. The High Court reasoned that people who were not holders of certificates or deeds of grant were prevented from acquiring ownership of properties in which they had a substantial interest. This exclusion was inherently gendered because, in terms of the Proclamation, women could not be the head of a family, and thus, could not have a certificate or deed of grant registered in their name*".[9]

The Constitutional Court had no difficulty in confirming the invalidity of this section for violating s9(1) of the Constitution. "This section does not pass the lowest threshold of constitutional scrutiny", wrote Goliath J.

The Court spent some time in unpacking why the mechanisms provided by the Act for objections to entries into the Deeds Registry do not save the Act from constitutional invalidity. The Court notes that:

1. Section 2(1) provides no internal review mechanism or even a requirement for the Minister to be "satisfied that the interests and rights of putative holders are protected";
2. The only mechanism available is to object, within 30 days of becoming aware of an entry – which may not be more than a year after the entry was made – to the Minister. This is meaningless given that there is no "procedure by which affected parties are notified of the automatic upgrading of the right". It certainly did not help Mrs Rahube.
3. While the Court accepts the time-bar of 30 days for an objection, it is unjust in the absence of allowing for condonation for the late filing of an objection or appeal.
4. It is also only possible, with the existing mechanism, to appeal a right after it has been registered. Because ULTRA provides for automatic upgrade, it may often not be possible to show that a right is registered even though it was upgraded by operation of law. That means that an objection is impossible.

The Court suspended its order of invalidity for a specific reason: to give the legislature time "to conduct the necessary factual enquiry to establish the full extent of redress

[9] At para 14.

demanded".[10] This is a task to be taken seriously by the legislature so as to avoid worsening the unintended consequences of this legislation. We are not convinced that the proposed amendments put forward by the department are based on such a 'necessary factual enquiry'. Apart from the concerns we raise below, the fact that a comprehensive Socio-Economic Impact Assessment was not placed before this Committee alongside the Amendment Bill is not a matter merely of procedural irregularity, but of substantive concern.

The proposed amendments seek to remedy section 2 in the following way:

1. The conversion of tenure rights into ownership will no longer happen automatically, but by application to the Minister (clause 1(a));
2. When receiving such an application, the Minister must publish a notice in the gazette which informs all interested persons of the application for conversion (clause 1A);
3. The notice must give interested persons an opportunity to object and a timeframe within which to do so which must not be less than one calendar month (clause 1B);
4. When an objection is received, the Minister must "institute an inquiry" to determine the facts and to make a decision relating to the conversion of the rights.
5. Clause 2, dealing with tenure rights in townships for which registries are yet to be created, inserts a reference to persons who "could have been the holder" of a tenure right "but for laws or practices that unfairly discriminated against such persons". This ensures that women who were *de facto* owners but not granted tenure rights may apply for ownership.
6. Clause 3 inserts the possibility of an appeal to a court to set aside a conversion or registration.

As a response to the outcome of the *Rahube* matter and based on the cases that come through our offices, we raise the following critique:

1. While the amendment now make provision for an application procedure that includes a notice published in the Gazette to alert interested parties, this mechanism seems wholly out of step with the reality of most of the women who might be affected by this Act. It assumes that women in rural and urban areas have access to Government Gazettes in the first place, and further that such access is frequent enough that they would be able to spot a notice relevant to them and raise an objection within a timeframe which is undetermined, but presumably not much more than one calendar month. With respect, we have no reason to believe that this is a mechanism that will be accessible to most women impacted by this legislation.

[10] At para 70.

2. While we submit that any process that centralises the State as the decision-maker over legitimate claims to tenure arrangement rather than local processes relying on local knowledge, will fail in attempting to capture the true nature of the tenure it seeks to secure.
3. However, in so far as the legislation is adamant to centralise the State in this process, more pro-active procedures for notifying interested parties exist in various other pieces of legislation and should at a minimum be imported here. The Restitution of Land Rights Act, for examples, requires in section 11 that the Commission notify "any other party that might have an interest" in a land claim to give them an opportunity to object. Such requirements also sometimes rest on private parties applying for authorisations in terms of the National Environmental Management Act, for example. There are precedents for land right investigations in existing title adjustment legislation and regulations. In the case of applications in terms of ULTRA, an approach that requires the applicant to provide information of at least family members with an interest in the property combined with a more pro-active approach by the Minister to notify such parties (including by, for example, advertising in local newspapers) may be preferable. Whatever the route to be taken, the details of a proposed process must be based on the kind of investigation into the implications of the process envisioned by the Constitutional Court when granting parliament the time to properly consider these amendments.
4. Once an objection is received, the amendment requires the Minister to "make an enquiry". We are left with no indication of what the nature of such an enquiry will be and, indeed, how the department intends to fund it. Despite promising to provide the Committee with a draft Socio-economic Impact Assessment (SEIA) of the proposed Bill, and despite specific requests to see the SEIA from partner organisations, no-one has had sight of this SEIA. It is difficult to meaningfully comment on a provision that is as vague as this one.
5. Most fundamentally, the mechanisms proposed by the amendments give no recognition to the existing tenure arrangement on the ground whereby tenure is arranged at family level. Local processes and knowledge have been the basis for localised security of tenure for generations. The Act continues to rely on an individual bringing an application on behalf of him- or herself (rather than the family), for other individuals to object and for the Minister to then arbitrate between the various individual claims. That is not reflective of most tenure arrangements on the ground; rather, it serves to elevate one person's rights over the equal and overlapping rights often held by others within a family.

3.2 Amendments in response to the Herbert/Senqu Municipality-judgement

The department's only proposed response to the judgement in the *Herbert/Senqu Municipality*-matter is to make the Act applicable across the entire country (its application previously excluded former homeland areas).

We submit that it is deeply concerning for the legislature to adopt such an amendment – without any further precautionary amendments – without a careful investigation into what the implications of this amendment will be. As mentioned, the Constitutional Court suspended its declarations of invalidity and gives the legislature ample time to cure unconstitutional statutes precisely to enable the legislature to take the time to do the investigations that courts cannot do. It is irresponsible not to consider the impacts of the rest of the legislation as it becomes applicable across the country. We urge the legislature to do so. For example:

1. Section 3 of the existing legislation pertains to unsurveyed land held in terms of a PTO or customary entitlements. Because this section is so out of step with the realities of how PTOs are actually held and managed, research indicates that this section is most often ignored by the people it is designed to assist. However, where it is used, there is no obvious reason why the discrimination perpetuated by section 2 of the Act will not be replicated by section 3. Its application across the entire country will only exacerbate this potential effect.
2. A key reason why the Act was initially not made applicable across the country was because the complex nature of the tenure arrangements in communal areas was not yet properly understood and an alternative system for recordal and registration of those rights developed. The failure of the Communal Land Rights Act to secure these arrangements led to its constitutional downfall. To now make ULTRA applicable across the country may undo all the attempts to secure these rights, with disastrous consequences for South Africans who have already been prejudiced by the inadequate state response to section 25(6) of the Constitution.
3. It is not clear what the implication of this amendment to ULTRA is to Kwa-Zulu Natal, where the KwaZulu Natal Land Affairs Act of 1992 provides for upgrading of tenure in areas where ULTRA may now be applicable. More concerning, it is not clear whether the Ingonyama Trust may be considered an ‘owner’ for purposes of ULTRA which will give it undue power in blocking potential localised upgrades of tenure.

At a minimum, we submit that the legislature must ensure that the right to Free, Prior and Informed Consent of unregistered land rights holders as contained in the Interim Protection of Informal Land Rights Act be made permanent (and regulations passed) and its applicability alongside ULTRA recognised explicitly in an amendment to ULTRA. If the legislature feels bound by the Court’s order to find ‘quick’ interim solutions, then this is the simplest and most effective way to ensure that within families and communities, rights holders, in particular women, can resist the upgrading of tenure that will unduly erase their legitimately held land rights.

4. Conclusion: summary of recommendations

In conclusion, we summarise our submissions:

1. ULTRA is legislation inherited from the pre-constitutional era which was meant to be replaced by legislation that would entirely overhaul the South African system of recording and registering rights. Such an overhaul is necessary given the various tenure regimes that have emerged in South Africa in its diversity.
2. ULTRA is rooted in the notion that titled private property rights is the gold standard of tenure and that all other forms are inferior. It is an all or nothing system where one person or entity owns land exclusive to all others. As such, the model is completely incompatible with the tenure systems based on customary law and those that have developed outside the formal Deeds Registry system.
3. While the amendment of ULTRA is crucial to curb the impact of the Act in erasing certain tenure right, in particular those held by women, ULTRA does not provide a long-term solution to securing tenure in South Africa.
4. The legislature should focus its attention on that bigger project.
5. In the meantime, and to assist in minimizing the damage of the absence of an appropriate land recordal and registration system, we submit that the Interim Protection of Informal Land Rights Act should be made permanent, regulations passed and its applicability alongside ULTRA made explicit in these amendments.
6. With regards to the proposed amendments to ULTRA:
    a. The proposed amendments perpetuates a top-down model that centralises the State in determining tenure rights holders. This model is problematic and should be replaced by an approach that uses local processes and knowledge as a starting point.
    b. The proposed model of application, notice and objection is not practical or realistic.
    c. There is too little detail related to how objections will be dealt with to provide meaningful comment.
    d. There is no indication of how the Department intends to fund these newly established processes.
    e. There is no evidence that the impact of the amendment to broaden the applicability of the Act has been assessed. This is very concerning given that the potential impact is significant.

We thank the Committee for this opportunity to make submissions and look forward to addressing you at the hearings.

Yours sincerely

LEGAL RESOURCES CENTRE
Per:

[electronically signed]

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