



FREE STATE LEGISLATURE

PORTFOLIO COMMITTEE ON AGRICULTURE, RURAL ECONOMIC DEVELOPMENT, SMALL BUSINESS, SPORT, ARTS & CULTURE

Negotiating Mandate

TO: Chairperson of the Select Committee on Land Reform, Environment,
Mineral Resources and Energy

NAME OF BILL: Preservation And Development Of Agricultural Land Bill

NUMBER OF BILL: B8B-2021

DATE OF DELIBERATION: 23 April 2024

VOTE OF THE LEGISLATURE:

The Portfolio Committee on Agriculture, Rural Economic Development, Small Business, Sport, Arts & Culture as designated by the Free State Legislature votes in favour of the Bill.

HON. M TSIU
CHAIRPERSON OF PORTFOLIO COMMITTEE ON AGRICULTURE, RURAL
ECONOMIC DEVELOPMENT, SMALL BUSINESS, SPORT, ARTS & CULTURE
FREE STATE LEGISLATURE

23 April 2024



**REPORT OF THE PORTFOLIO COMMITTEE ON AGRICULTURE, RURAL,
ECONOMIC DEVELOPMENT, SMALL BUSINESS, SPORT, ARTS AND CULTURE
WITH REGARD TO THE PUBLIC HEARINGS CONDUCTED ON PRESERVATION
AND DEVELOPMENT OF AGRICULTURAL LAND BILL [B 8B—2021]**

Draft report

**TO THE HONOURABLE SPEAKER AND HONOURABLE MEMBERS OF THE
FREE STATE LEGISLATURE**

The Portfolio Committee on Agriculture, Rural, Economic Development, Small Business, Sport, Arts and Culture, responsible for the Departments of Agriculture and Rural Development, Sport, Arts, Culture and Recreation, and Economic, Small Business Development, Tourism and Environmental Affairs, herewith submits its report which includes inputs by the public and recommendations with regards to the Public Hearing conducted on Preservation and Development of Agricultural Land Bill [B 8B—2021].

The Portfolio Committee wishes to express its gratitude to the National Department of Agricultural, Land Reform and Rural Development and all Stakeholders from the Public and Private Sectors for their inputs and effective participation during consideration of the Bill.

Chairperson and Members of the Portfolio Committee:



TSIU, M
CHAIRPERSON

BULWANE, K.W

CLOETE, A

JANKIELSOHN, R

MAPENA, L.N.

MOLELEKI, M. S

TSHABALALA, A

TSHABALALA, V.W

Report Compiled by: **Zinhle Mkhwane and Kgathatso Nkeane**

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Report for tabling in the Legislature on:

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1. INTRODUCTION AND PURPOSE OF THE BILL

The Portfolio Committee on Agriculture, Rural, Economic Development, Small Business, Sport, Arts and Culture, responsible for the Departments of Agriculture and Rural Development, Sport, Arts, Culture and Recreation, and Economic, Small Business Development, Tourism and Environmental Affairs conducted the public hearings on Preservation and Development of Agricultural Land Bill [B 8B—2021].

To provide that the Act applies to all agricultural land within the Republic; to provide principles for the management of agricultural land; to provide for agricultural land evaluation and classification; to provide for the preparation, purpose and content of provincial agricultural sector plans; to provide for the declaration of protected agricultural areas; to provide for the general objectives of agro-ecosystem management, agro-ecosystem authorisations, the listing and delisting of activities or areas within agro-ecosystems and the identification of competent authorities; to provide for the establishment of committees and the appointment of technical and other advisers to advise the Minister, MECs and competent authorities; to provide for a performance assessment framework; to provide for the establishment and management of the national agro-eco information system; to provide for appeal procedures; to provide for the appointment and functions of inspectors; to provide for contravention directives and the investigation and gathering of data on property; to provide for the delegation of powers; to enable the Minister to make regulations and determine norms and standards; to provide for offences and penalties; to provide for the amendment of the Subdivision of Agricultural Land Repeal Act, 1998 (Act No. 64 of 1998); and to provide for matters connected therewith.

2. MEMBERS OF THE PORTFOLIO COMMITTEE

The Portfolio Committee comprises the following Members:

Tsiu, M	(Chairperson)
Bulwane, K.W	(Member)
Cloete, A	(Members)
Jankielsohn, R.	(Member)
Mapena, L.N.	(Member)
Moleleki, M.S,	(Member)
Tshabalala, A	(Member)
Tshabalala, V.W	(Member)

3. PROCEDURE OF THE PORTFOLIO COMMITTEE

The Portfolio Committee on Agriculture, Rural, Economic Development, Small Business, Sports, Arts and Culture was briefed by the Department of Agricultural, Land Reform and Rural Development on the 12 April 2024 and undertook the process of Public Participation and Education throughout the Free State Province.

The Public Hearings were conducted in 3 districts of the province, covering all five districts through clustering which is as follows:

Date	Venue	Time
16 April 2024	<i>Multi-Purpose Centre Qwa Qwa, Maluti-A-Phofung Local Municipality for Thabo Mofutsanyane District Municipality</i>	11H00
18 April 2024	<i>Tshepahalo Community Hall, Viljoenskroon, Moghaka Local Municipality for Fezile Dabi and Lejweleputswa District Municipality</i>	09H00
20 April 2024	<i>Gariepdam Hall, Kopanong Local Municipality, Gariepdam for Mangaung Metro and Xhariep District</i>	09H00

4. OVERVIEW OF THE PUBLIC HEARINGS ON PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND BILL [B 8B—2021]

4.1 Below are the inputs that were submitted by stakeholders.

Throughout all public hearings, the public has welcomed the proposed Bill.

- I. The bill protects and preserves agricultural land for the minority which has a big chunk of the piece of land and,
- II. The bill must include distribution of agricultural land to emerging farmers and historically disadvantaged individuals such as youth, women, black people and people with disabilities.
- III. The name of the bill should include the word distribution. Renaming the bill to Distribution, Preservation and Development of Agricultural Land.
- IV. The bill will work hand in hand with the climate change bill and will curb the global warming challenge.
- V. The bill must make sure that it includes that municipalities identify land in townships. e.g. open spaces for agricultural use, this will eliminate those spaces being used as dumping sites.
- VI. The bill when properly regulated will have a positive impact on the decrease or alleviation of poverty and the creation of jobs in South Africa.
- VII. The South African government must increase the budget allocation of the Department of Agriculture land and rural development, so that the Department can effectively and efficiently implement these current bills.
- VIII. The bill should not remove its focus from the current agricultural land found in places that are not identified as to be preserved in the bill which are being affected by soil erosions happening due to global warming and other factors that affect the land.
- IX. The bill is going to play an imperial role in food and water security.
- X. Sections in the bill that speaks to what the MEC and Minister must do should also include participation by municipalities at a local level, so as to make it clear to MEC's of Agriculture and Cooperative Governance and other stakeholders, that there is a huge role played by Municipalities through the District

Development Model as land is found within municipalities. Thus, this exclusion promotes silos planning leaving gaps in the implementation once this bill is an act.

- XI. The bill should encourage or force that the Agricultural Plan should be within the Integrated Development Plans (IDP's) of municipalities.
- XII. That the monitoring and evaluation processes should include reporting by the Department every financial year of the failures and successes of the core of this bill.

4.2 General Comments by the Public and Stakeholders.

- Throughout all public hearings, the public has welcomed the proposed Bill.
- That the implementation of the bill into an act must be as quick as possible.
- That the regulations that are going to be put into place by the National Department of Agricultural, Land Reform and Rural Development must be watertight and involve public participation.

4.4 Clause specific inputs.

PREAMBLE: Add to the stem the loss of agricultural biodiversity after to encourage the optimal use of agricultural land and to provide for food and **water** security. (water is missing from the sentence)

Chapter One Interpretation and Objects.

Definition of Agricultural potential: The definition of agricultural includes the use of animals, fungi, trees so the definition of agricultural potential should also include these as well. Furthermore, who will analyse and calculate this potential? The emphasis on productivity per unit area in time with specified management inputs for a given crop implies monocultural production. Assessment of other approaches to production such as traditional farming using polycultures that produce diverse yields, should be considered.

Definition of Agricultural Purposes: This definition specifically links dwelling units and buildings on the land to the agricultural use of the land. How will the tenure rights of farm dwellers be protected if they have historically lived on the land but the agricultural use changes or the farm owner chooses to no longer employ them.

Definition of Optimal Agricultural use: What unit of time will be used to measure progress? This definition is open to a lot of interpretation, for example who decided what a best suited or adapted farming practise is, further clarity is sought.

Definition of Farming Unit: Should include the dimensions of land care and ecological viability over time, social and cultural appropriateness, and contribution to food sovereignty.

Definition of Sustainable Agriculture: Should include social aspects of related to decision making around production systems, equity, and redress of past injustice.

CHAPTER 2

PRINCIPLES (MISSING)

There needs to be a principle reflecting a necessary reflecting a necessary a more transformative approach to a just agroecological transition to farming systems that supports more access to land.

Principles that support integrated biodiverse production for local food security.

The principle of Productivity: Assessments tend to overlook diverse production systems. Smallholder producers may not be seen as needing protection from other land uses and inclusion in provincial agricultural plans and support.

Protected Agricultural Areas

Section 11(2)(b) This section provides conditions which the Minister may declare a national protected area, include "areas of unique agricultural biodiversity and heritage.", as another reason.

Irrigated Agricultural Land: Does this mean all irrigated agricultural land will be declared? Does this include government and private irrigation systems? Should this condition be qualified? Commercial agriculture should be encouraged to reduce the use of freshwater resources.

Procedure to declare protected agricultural areas: This clause outlines the procedure the Minister or MEC to declare protected agricultural areas. The public are only afforded the opportunity to participate in objecting to the declarations of protected agricultural areas. There should be also a procedure outlined for making requests or petitions to have areas of agricultural value declared.

CHAPTER 3 AGRO- ECOSYSTEM MANAGEMENT

General Objectives of agro-ecosystem management: Should include the impact of the agricultural activities themselves which depending on the approach may have impacts on the climate, water use and pollution. This impact assessment should consider the cumulative impact of combined activities in an agro-system and not just single projects or developments.

The chapter on agro-system in Section 14 does not include procedures for resolving disputes or conflicts of interest between the different ministers or Mecs when considering approval for listed activities impacting agro-system and guide public interest in contesting decisions made by the competent authority.

CHAPTER 6

OFFENCES: How will compliance with these provisions be monitored? These are important but difficult offences to monitor.

5. RECOMMENDATIONS

The Committee recommendations:

- 5.1 The Committee requests that inputs from the public hearings be considered at the negotiating mandate meeting of the NCOP.
- 5.2 The Committee votes in favour of the Preservation and Development of Agricultural Land Bill [B 8B—2021]