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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 2395[NO.NW2970E]**

**INTERNAL QUESTION PAPER NO.: 38**

**DATE OF PUBLICATION: 16OCTOBER2020**

**DATE OF REPLY: 26 NOVEMBER 2020**

**2395. Ms A M Siwisa (EFF)asked the Minister of Public Works and Infrastructure:**

(1) On what legislation and/or legal provisions did she rely when she published her department’s Expropriation Bill of 2020 before the completion of the parliamentary process to amend section 25 of the Constitution of the Republic, 1996, to allow for land expropriation without compensation;

(2) whether she has found that the publication of her department’s Expropriation Bill for 2020 will not hinder the parliamentary process in any way?**NW2970E**

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**REPLY:**

**The Minister of Public Works and Infrastructure:**

1. The Expropriation Bill [B23-2020] is to replace the Expropriation Act 63 of1975. The Act of 1975 is inconsistent with the Constitution of South Africa, as also noted by the Presidential Advisory Panel on Land Reform and Agriculture. The Expropriation Bill [B23-2020] was published in the Government Gazette for submission to Parliament in terms of Rule 276(1) (b) and (c) of the Rules of the National Assembly.
2. No.The Office of the Chief State Law Advisor (OCSLA) granted the final certification on 28 September 2020. The OCSLA found that the Expropriation Bill [B23-2020] is constitutional and therefore should proceed for parliamentary processes.

The review of section 25 of the Constitution, 1996 is the preserve of the Constitutional Review Committee (CRC) of Parliament. In terms of the separation of powers doctrine the three arms of the state must respect the constitutional status, institutions, powers and functions accorded to each one of them.