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Free State Agriculture template for submission to the

FREE STATE EXPROPRIATION BILL PUBLIC HEARINGS

LOGISTICS: The Portfolio Committee on Public Works and Infrastructure is holding public hearings on the Expropriation Bill from **13 to 16 May 2021** (cancelled until further notice due to Covid-19) in the Free State:

DATE:	TIMES:	Local Municip:	TOWN:	DISTRICT:	VENUE:
13 May	10h00 – 13h00	Dihlabeng LM	Bethlehem Town	Thabo Mofutsanyana	To be announced
14 May	10h00 – 13h00	Mafube LM	Frankfort	Fezile Dabi	To be announced
15 May	10h00 – 13h00	Matjhabeng LM	Welkom	Lejweleputswa	To be announced
16 May	10h00 – 13h00	Botshabelo	Botshabelo	Mangaung & Xhariep	To be announced

ACTION PLAN:

1. Mobilise at least 10 farmers to attend each of the 4 hearings
2. Prepare well for a 3 minute max input (from the Template below) – Identify someone to speak to the media
3. Be there by 09:00 latest to make sure you get into the hall for the proceedings starting at 10:00 – space yourself out in groups as they only let 50-100 in at a time into the venue depending on COVID-19 regulations
4. Once inside, sit in at least 3 separate groups spaced into the different sections of the venue. You will have to leave once your input is made.
5. When doing your input:
 - a. State clearly that you do not support the Expropriation Bill in its current form
 - b. Speak to the panel and not to the audience in the language you are most comfortable in
 - c. Do not be intimidated by the audience or respond to anything they say
 - d. Make sure there are other farmers video/voice recording your input and taking photos to send onto the FSA social media team please
6. If there are farmers left waiting outside during proceedings do not be intimidated by the masses or be tempted to shout anything to them as they will try incite you to anger –
7. Stay calm yet firm at all times
8. Stay within the **Land Policy** (*Grond beleid*) as mandated by our members at Free State Agriculture’s 2019 Congress (*see the end*).

Template for FS Agricultures Input:

I, *state your name* on behalf of the +750 Free State Agriculture member farmers of the district, reject the Expropriation Bill in its current format for the following 5 reasons (*only pick 5 – you will not have enough time to read all!*).

1. We reject all reference to circumstances where compensation could be nil or even below market value, hence we reject **Section 12(3) and 12(4)** and any other reference to the possibility of nil Compensation
2. We strongly believe that opening the gap for Expropriation for Land Reform at Nil Compensation will cause a total collapse in the South African economy because it will destroy investor confidence and will **NOT** be in the **Best** Public interests. It will also not be in the best interests of current and future black land owners.
3. Commercial Farmers have already been investing their returns on agriculture in other investments outside of agriculture slowing the growth of the sector and employment ability just because of the possibility of the nil compensation clause being enacted.
4. As much as just and equitable land reforms is needed in South Africa, doing so by means of Expropriation (for State ownership), and even worse Expropriation with nil Compensation, is by **no** means the best way to achieve Land Reform! And is **NOT** in the **Best** Public interests. Expansion of private property rights must be pursued and **not** the accumulation of land by the state!
5. There is no need to amend legislation to “*make the implicate explicite*” if S25 of the Constitution of South Africa already clearly makes provision for calculating compensation of land for land reform.
6. Market value as the basis for compensation, as explicitly stated in the Constitution is non-negotiable
7. **The definition of “Public interest” in the Bill is far too broad and will provide opportunities for misuse of power by government officials**
8. **The definition of “Expropriation” should inter alia be in line with permutations of expropriation as recognised by courts internationally and focus should be on the loss that the owner suffers, not on acquisition by government organs.**
9. **Access to courts is non-negotiable** however the Bill does not support the financial burden of the land owner to access the courts if the already expropriated land owner doesn’t feel they received just and equitable compensation.
10. Land owners are expropriated of their means of earning an income if they are compensated at less than market value, and until they receive compensation from the state for their already expropriated land.

11. *your own addition – NB speak to specifics in the BILL – and don’t waffle – be short and to the point noting the*

time limit imposed at the hearing

We hence **reject** the Bill in its current format.

Thank you.



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The **position of Free State Agriculture (FSA)** on the legislative issue regarding property rights include the following:

The Land Policy (*Grond Beleid*) of Free State Agriculture:

1. FSA rejects the Expropriation Bill (B23-2020) in its current form and any amendment to section 25 of the Constitution (Act 108 of 1996) or any similar bills of which FSA is of the opinion that such amendment may have a negative impact on any form of private property rights. At the same time, any expropriation of any form of private property without compensation is completely rejected.
2. FSA will oppose any legislation that may have a negative impact on any form of property right or expropriation without compensation of any form of private property
3. FSA supports future-oriented economically sustainable agricultural development that aims to pursue the expansion of the agricultural sector as well as food security to the people of South and Southern Africa.
4. The state must fulfil its responsibility with regard to infrastructure, extension services and other agricultural support services in cooperation with the private sector to help build the entire agricultural sector.
5. The state, commercial banks and other financing institutions must establish models to provide financing that provides full title to all new entrants to agriculture.
6. Property rights must be expanded to be accessible for all South Africans. The Expropriation Bill diminishes and threatens property rights.

In line with the position of the organisation's mandate from our members, Free State Agriculture rejects the unacceptable provisions of the Expropriation Amendment Bill.