

Agbiz makes presentation to Portfolio Committee on Agriculture, Land Reform and Rural Development on PDALB

Background

The Portfolio Committee on Agriculture, Land Reform and Rural Development held public hearings in Parliament on 10 October into the Preservation and Development of Agricultural Land Bill (PDALB). Agbiz, Agri SA the Institute for Race Relations, SAAI, the Minerals council of South Africa, the Black Agricultural Commodities Federation and Inyanda National Land Movement & Rural Women's Assembly all presented their submissions on the Bill.

Objectives of the Bill

The Bill aims to provide a regulatory framework for sustainable agricultural development. It promotes a balanced approach to the use of agricultural land in South Africa by introducing strategic and technical instruments to preserve agricultural land. The Bill will promote the delineation of high value agricultural land and the establishment of a national agro-eco information system that will guide investment on agricultural land.

In a presentation to the portfolio committee on 17 February 2023, the Department of Agriculture, Land Reform and Rural Development acknowledged that the current institutional, legal and administrative frameworks governing the development of agricultural land is ineffective in protecting agricultural land for purposes of food production and do not conform to the constitutional requirements. A new framework for the protection is therefore critically important.

Agbiz presentation

In its presentation, Agbiz pointed out that there is a dire need for the protection of productive agricultural land, especially high-potential land suitable for cropping. South Africa is losing valuable agricultural land to other land uses such as residential- and mining use, at an alarming rate. The existing legislation aimed at protecting agricultural land is very old and highly inadequate. Agbiz therefore supports the Bill in principle and the vision to classify, zone, preserve, and develop agricultural land for productive agricultural use in order to ensure long-term and sustained food security.

Agbiz told the portfolio committee that the organisation was advocating for a legal regime whereby natural, agricultural resources enjoy the same legal status and protection, in the public interest, as, for example, the extraction of precious metals or industrial development. There needs to be a balancing of various economic and other interests. Balancing the interests of agriculture, housing and industrial development is complex. Under the current legal regime, the owner or lawful user of agricultural land has no legal remedy to retain the agricultural nature of land if the Minister of Mineral Resources and Energy awards a mining right over the land under the Mineral and Petroleum Resources Development Act. The owner or occupier must be compensated but cannot stop a land use change from taking place. Where an application is made to prospect, explore or mine in a protected area, the Minister of Environmental Affairs can veto the action in the interests of safeguarding the area's biodiversity. The Minister of Agriculture, Land Reform and Rural Development has no such right when scarce, high potential agricultural land is under threat.

Agbiz therefore supports equal status and greater recognition for the scarcity and value of high potential agricultural land and proposes a system of integrated authorisations where the Minister responsible for Agriculture can make input when the agroecosystem portion of such authorisation is considered.

The search and seizure provisions in the Bill are quite invasive and Agbiz cautioned against these provisions and requested a procedure that takes into account the right to privacy of landowners. It is not acceptable as provided for in subclause 31(3) for an inspector enter any agricultural land at any reasonable time without previous notice.

The portfolio committee appreciated Agbiz' s support for the Bill and the recommendations made in order to improve the Bill. The Department of Agriculture, Land Reform and Rural Development will respond to the public submission on Friday, when the portfolio committee meets with them.

By Agbiz Head of Legal Intelligence, Annelize Crosby