

# PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND BILL

28 FEBRUARY 2019



agriculture,  
forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

# PRESENTATION LAYOUT

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- Purpose
- Overview of previous NEDLAC engagement
- Why DAFF developed this BILL
- What does PDALB entails
- Major tools and instruments
- Overview of the Bill
- Other relevant processes
- Concluding Remarks
- Discussion and questions



## PURPOSE

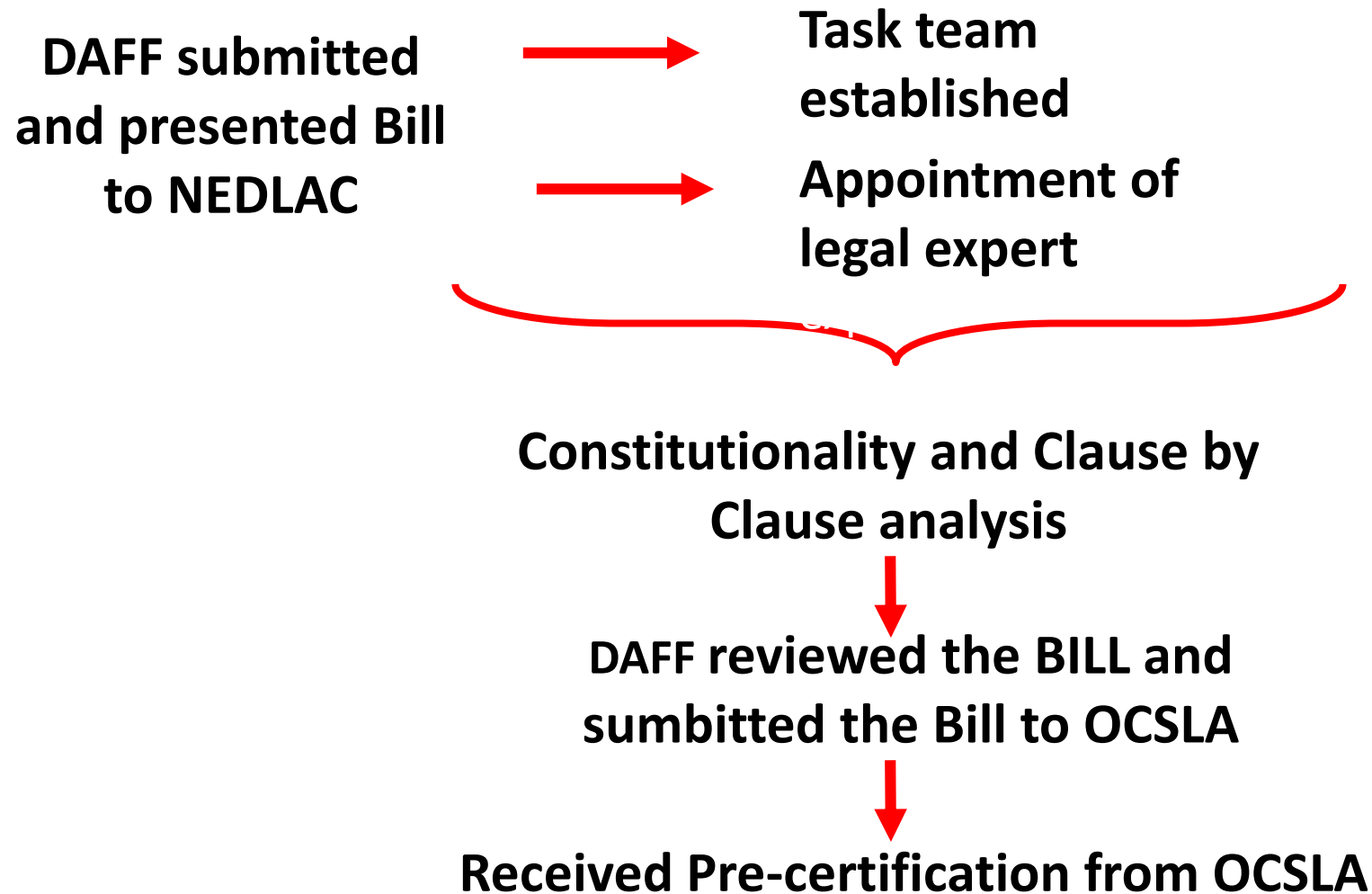
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- Request the NEDLAC to consider the revised Bill, as pre-certified by the Office of State Law Advisors, for the inputs in terms of the NEDLAC process.
- Provide an overview of the Bill to clarify technical areas to enable the finalisation of the Bill.



## PREVIOUS ENGAGEMENT WITH NEDLAC & RESULTS

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## WHY DAFF DEVELOPED THE BILL

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- National responsibility
- Severe limited extend of high value agricultural land
- Competing land uses: Agricultural and non-agricultural
- Continues loss of agricultural land
- Preserve and develop agricultural land for food production
- Food production must be increase by 50% by 2050 to prevent a serious food insecurity crisis



## WHAT IS PDALB

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- Preservation and Development of Agricultural Land Bill is envisaged to be Single piece of National legislation to manage agricultural land in the entire country with the aim to preserve agricultural land for food security.



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## TOOLS AND INSTRUMENTS

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- **Agricultural land management principles**
  - *Agro-ecosystem management*
  - *Productivity*
  - *Stability*
  - *Resiliency*
  - *Viability*
  - *Equitability*
- **Agricultural land evaluation and classification systems**
  - *Agricultural Land capability*
  - *Agricultural Suitability and Potentiality*



## TOOLS AND INSTRUMENTS

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- **Agricultural sector plan**
  - *To guide agricultural growth and development in the Republic*
- **Protected Agricultural Areas**
  - *Demarcation of high value and best available agricultural land*
- **Agro ecosystem management and authorisations**
  - *Listing activities*
- **National Agro Eco Information System**
  - *National repository that contain geo-referenced data and information on land capability classification, suitability, current state of and the use of agricultural land.*





## WHAT DOES PDALB ENTAIL?

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- Chapter 1: Interpretation and Objects
- Chapter 2: Agricultural land management
- Chapter 3: Agro ecosystem management
- Chapter 4: Institutional Framework
- Chapter 5: National Agro Eco Information System
- Chapter 6: Appeals, compliance and contraventions
- Chapter 7: General and Miscellaneous Provisions



## BILL OUTLINE

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### Chapter 1: Interpretation and Objects ( 3 clauses)

#### ***Clause 1: Definitions***

This clause sets out the key definitions for the Act, including definitions which pertain to agricultural areas, agricultural land, food security and the national agro-eco information system.

#### ***Clause 2: Objects of Act***

This clause sets out the objects of the Bill.

#### ***Clause 3: Application of Act***

This clause provides that the Bill will be applicable to all agricultural land in the Republic and that it binds all organs of state in all spheres of government.



# OUTLINE CONTINUES

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## CHAPTER 2

### ***Clause 4: Principles***

This clause provides for the principles underpinning the Bill.

### ***Clause 5: Agricultural land evaluation and classification***

This clause gives the Minister powers to establish evaluation and classification systems to appraise agricultural land and to spatially delineate agricultural areas.

### ***Clause 6: Preparation of provincial agricultural sector plans***

This clause sets the national criteria and guidelines for compiling and preparing provincial agricultural sector plans.



## OUTLINE CONTINUES

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### ***Clause 7: Purpose of provincial agricultural sector plans***

This clause sets out the purpose of provincial agricultural sector plans.

### ***Clause 8: Content of provincial agricultural sector plans***

This clause prescribes the information that must be contained In provincial agricultural sector plans.

### ***Clause 9: Status of provincial agricultural sector plan***

This clause provides the status of provincial agricultural sector plans.

### ***Clause 10: Compliance with provincial agricultural sector plans***

This clause provides for the MECs to monitor compliance with provincial agricultural sector plans.



## OUTLINE CONTINUES

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### ***Clause 11: Declaration of protected agricultural areas***

This clause provides for the declaration of national and provincial protected agricultural areas by both the Minister and the MEC.

### ***Clause 12: Procedure to declare protected agricultural areas***

This clause outlines the procedure for declaring protected agricultural areas.

### ***Clause 13: Review, withdrawal and amendment of protected agricultural areas***

This clause empowers the Minister and the MEC to review, withdraw and amend the protected agricultural areas every five years, where necessary.



## OUTLINE CONTINUES

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### CHAPTER 3: Agro-ecosystem management

#### ***Clause 14: General objectives of agro-ecosystem management***

This clause provides the general objectives of agro-ecosystem management.

#### ***Clause 15: Agro-ecosystem authorisations***

This clause provides for applications for agro-eco-system authorisations.

#### ***Clause 16: Listing of activity and agricultural area***

This clause provides for the listing of activities which may not commence without an agro ecosystem authorisation and agricultural areas in which listed activities may not commence without an agro-ecosystem authorisation.





## OUTLINE CONTINUES

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### ***Clause 17: Procedure for listing an activity and agricultural area***

This clause provides the procedure for listing activities and agricultural areas.

### ***Clause 18: Procedure for delisting an activity or agricultural area***

This clause prescribes the procedure for delisting or amending an activity or agricultural area.

### ***Clause 19: Identification of competent authority***

This clause provides for the identification of the competent authority responsible for granting agro-ecosystem authorisations.



## OUTLINE CONTINUES

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### ***Clause 20: Considerations of applications by competent authority***

This clause provides for the consideration of agro-ecosystem authorisation applications by competent authorities.

## **CHAPTER 4 Institutional Framework**

### ***Clause 21: Establishment of committees***

This clause provides for the establishment of an advisory committee and technical committees.

### ***Clause 22: Appointment of technical and other advisors***

This clause provides for the appointment of technical and other advisors.



## OUTLINE CONTINUES

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### ***Clause 23: Performance assessment framework***

This clause provides that the Minister must publish a monitoring, evaluation and assessment framework on the administration of the envisaged Act

## CHAPTER 5

### ***Clause 24: Establishment of national Agro-eco Information System***

This clause provides for the establishment, operation and maintenance of a national agro-eco information system.

### ***Clause 25: Objectives of national agro-eco information system***

This clause provides for the objectives of the national agro-eco-Information system.



## OUTLINE CONTINUES

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### **Clause 26: Content of national agro-eco information system**

This clause provides for the scope of the national agro-eco information system.

## **CHAPTER 6**

### **Clause 27: Right to appeal**

This clause provides an appeal process for any person aggrieved by the decision of a competent authority in respect of an application for an agro-ecosystem authorisation.

### **Clause 28: Establishment and composition of Appeal Board**

This clause provides for the establishment of the Appeal Board.



## OUTLINE CONTINUES

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### ***Clause 29: Investigation and consideration by Appeal Board***

This clause provides for the investigation and consideration of appeals by the Appeal Board.

### ***Clause 30: Consideration of appeal by Minister***

This clause gives the Minister authority to consider an appeal and to make a decision.

### **Clause 31: Compliance inspections**

It makes provision for the appointment of an official or any other person, as an inspector to investigate any non compliance.



## OUTLINE CONTINUES

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### ***Clause 32: Contravention directives***

This clause provides for the issuing of contravention directives to persons who contravene the envisaged Act.

### ***Clause 33: Investigation and gathering of data on agricultural land***

This clause provides for the investigation and gathering of data on agricultural land.

## CHAPTER 7

### ***Clause 34: Delegations***

Minister and the Director-General to delegate certain powers.





## OUTLINE CONTINUES

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### ***Clause 35: Regulations***

This clause authorises the Minister to make regulations. The Regulations may provide that failure to comply therewith constitutes a criminal offence and may prescribe penalties for such offences.

### ***Clause 36: Offences***

This clause provides for criminal offences.

### ***Clause 37: Penalties***

This clause prescribes penalties for certain offences.



## OUTLINE CONTINUES

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### ***Clause 38:***

This clause amends the Subdivision of Agricultural Land Repeal Act, 1998 (Act No. 64 of 1998), to the extent reflected in the Schedule.

### ***Clause 39: Short title and commencement***

This clause provides the short title and commencement of the envisaged Act.



## OTHER RELEVANT PROCESSES

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- Public consultation was conducted in all nine Provinces as well as Nationally.
- The Social Economic Impact Assessment System (SEIAS) was completed during 2016/17 financial year and the Department of Planning, Monitoring and Evaluation (DPME) granted approval to present the Bill to relevant clusters.
- The Bill was pre-certified by the Office of the Chief State Law Advisor confirming that the Bill is constitutional and is inline with the current drafting style.



## CONCLUDING REMARKS

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- PDALB is concerned with one specific dimension of agricultural land –How to preserve and guide the development of agricultural land .
- It introduces strategic and technical instruments, to preserve agricultural land (agricultural land management principles, agricultural sector plans, protected agricultural areas).





# THANK YOU



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# DISCUSSION

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QUESTIONS / COMMENTS



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