

# ***PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND BILL (PDALB)***

## ***PRESENTATION TO THE GAUTENG PROVINCIAL LEGILATURE***

***11 APRIL 2024***



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# ABBREVIATIONS

- **ASRDC:** Agricultural Sustainable Rural Development committee
- **DEXCO:** Departmental Executive Committee
- **DPME:** Department of Planning, Monitoring and Evaluation
- **MINTEC:** Ministerial Technical Committee
- **NEDLAC:** National Economic Development and Labour Council
- **NDP:** National Development Plan
- **OCSLA:** Office of the Chief State Law Advisor
- **PDALB:** Preservation and Development of Agricultural Land Bill
- **SALA:** Subdivision of Agricultural Land Act, Act 70 of 1970



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# NEXUS OF FOOD PRODUCTION AND NATURAL RESOURCES

- The optimal use of natural agricultural resources is important in light of extreme weather conditions.
- Management and protection of land is needed to ensure food security



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# NEXUS OF FOOD PRODUCTION AND NATURAL RESOURCES

- 0,4ha = Required to feed one person/year (Int. norm)
- 12m ha = Left for RSA (arable land, rain-fed) farming
- 12m ha can only feed 30m people (RSA popu. = 60,4m)
- OR conversely RSA has 0,2ha available per person/year
- Stats modelling → RSA will have 66 million people in 2028,
- Right to provide food s27 of the Constitution
- **Chapter 2: Bill of Rights (RSA Constitution)**

**'The state must take reasonable legislative and other measures, within its available resources to achieve the progressive realization of each of these rights'**



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# NEXUS OF FOOD PROD. & NATURAL RESOURCES

- **Chapter 2: Bill of Rights (RSA Constitution)**  
**'The state must take reasonable legislative and other measures, within its available resources to achieve the progressive realization of each of these rights'**
- **s27 Everyone has the right to have access to (b) sufficient food and water**



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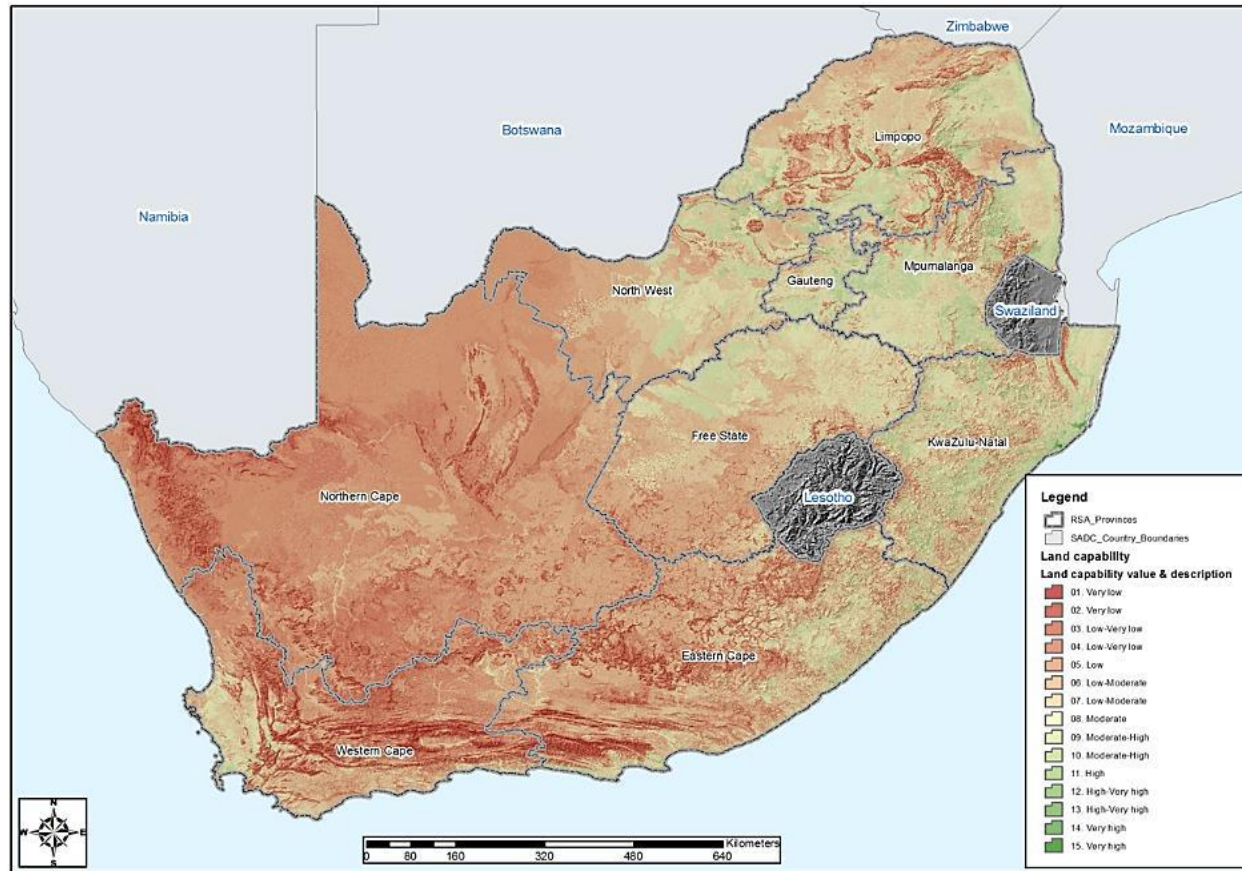
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# Land Capability classification in South Africa

(spatial modelled approach – soil, climate & terrain)



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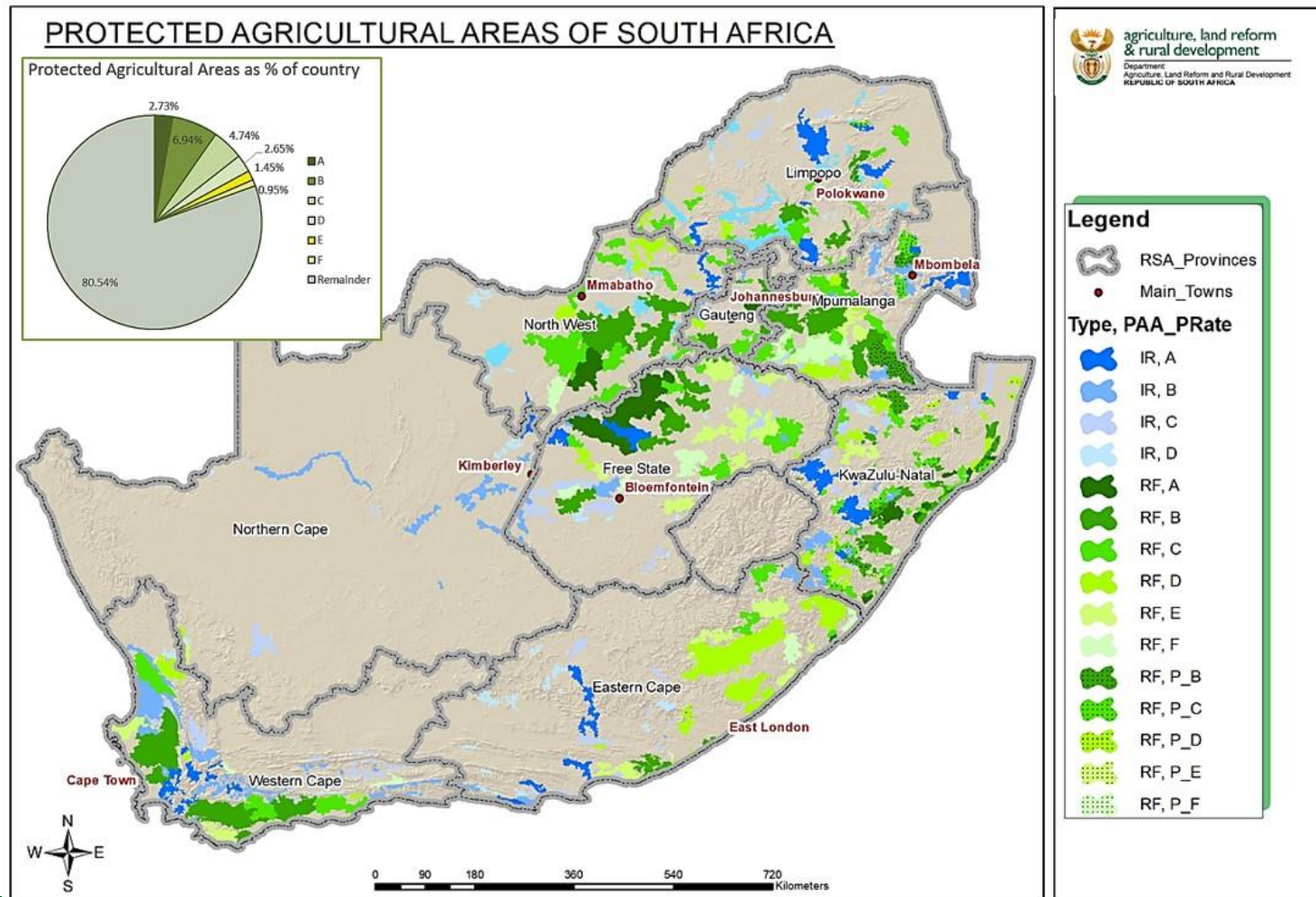


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# High Potential areas



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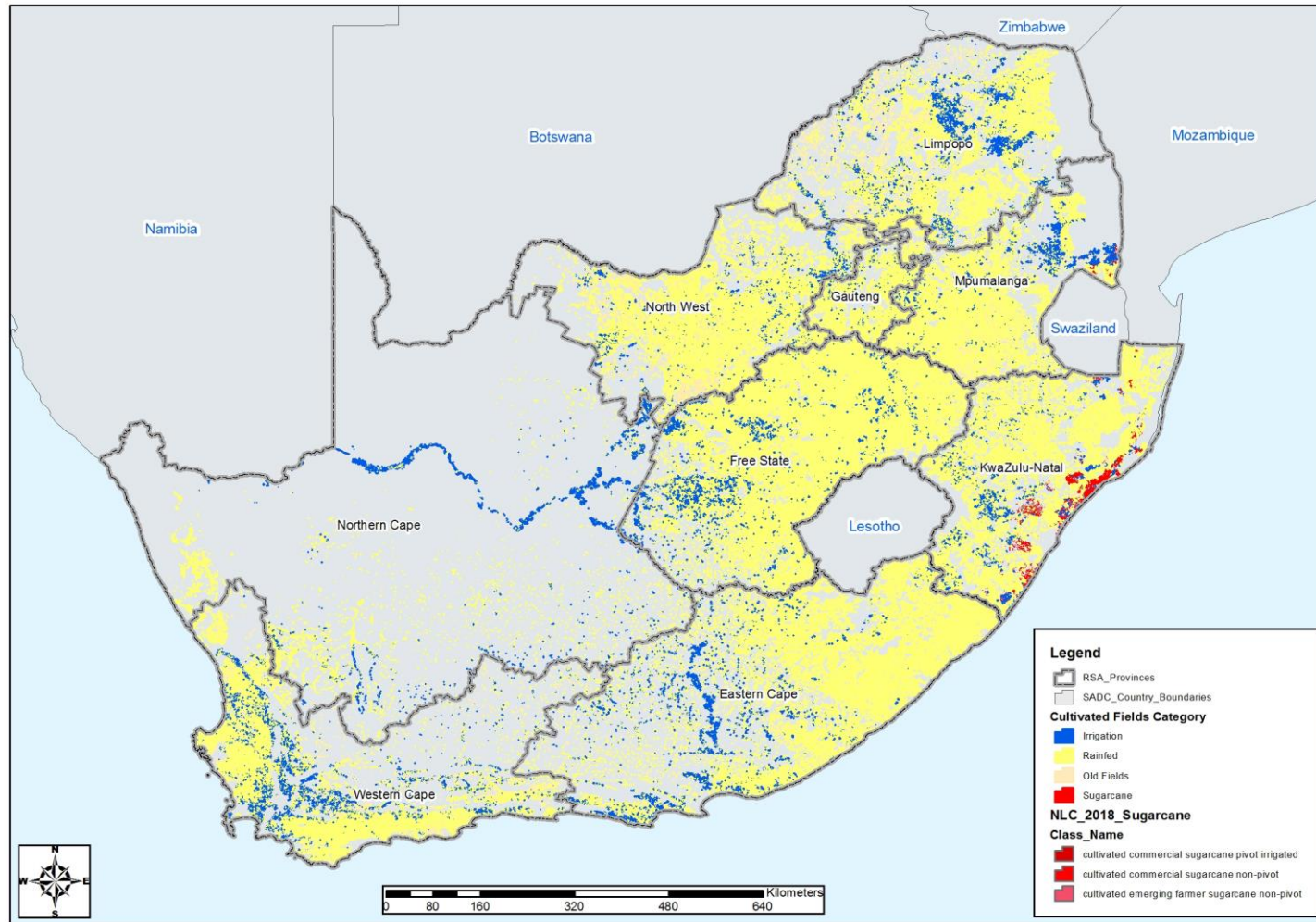
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# South Africa cultivated areas



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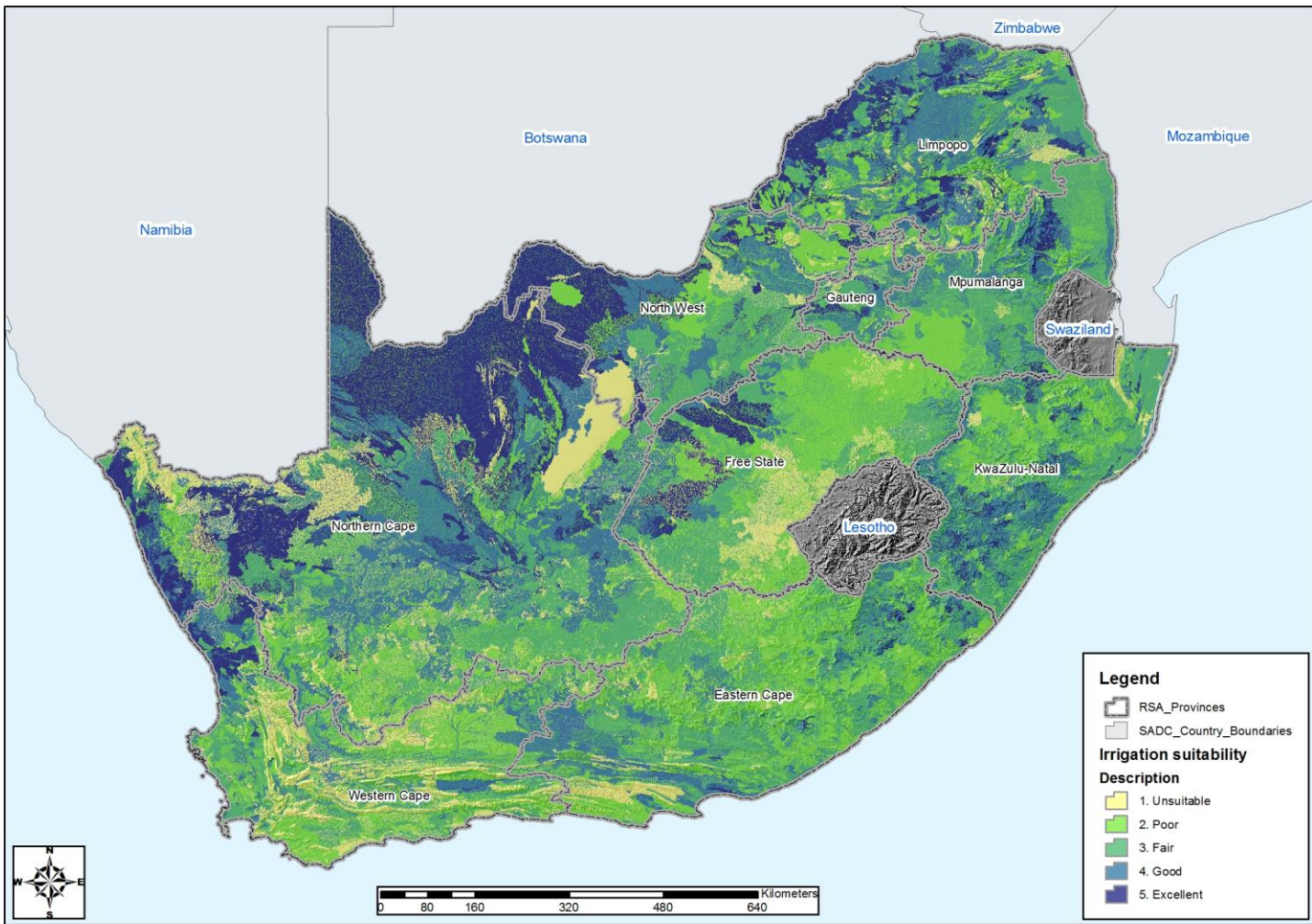


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# South Africa Irrigation suitability



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# IRRIGATED SUITABILITY CLASSES FOR SOUTH AFRICA

Irrigation suitability class	Area in Ha	% of South Africa
Unsuitable	13 314 351.80	12.7%
Poor (poorly suitable)	32 185 375.73	26.39%
Fair	33 104 589.65	27.14%
Good	24 563 631.68	20.14%
Excellent	16 550 206.70	13.57%

Table 1: Irrigation suitability is dependent on properties of soil such as soil depth, slope and water table



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# IRRIGATED SUITABILITY CLASSES FOR SOUTH AFRICA

<u>Priority Rating:</u>	<u>Area (Ha)</u>	<u>% of country</u>
A	1 354 410.27	1.11%
B	5 155 940.16	4.23%
C	4 195 548.86	3.44%
D	2 717 797.61	2.23%
E	1 769 932.29	1.45%
F	1 159 893.86	0.95%
<b>Total</b>	<b>16 353 523.07</b>	<b>13.41%</b>

Table 2: Rainfed High Potential Areas in South Africa according to priority ratings for rainfed (A – F)



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# FOCUS AREAS

- The Bill seeks to entrench regulatory measures for the security of **high potential agricultural land** to make more land available for cultivation, livestock production and advance socio-economic interests of all South Africans.
- Furthermore, it will promote a balanced approach to the use of agricultural land in South Africa by introducing strategic and **technical instrument to preserve agricultural land**



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# PDALB alignment to the NDP

- NDP Vision 2030 states that the national food security goal for South Africa is to maintain a **positive trade balance** for primary and processed agricultural products whilst job creation and increased agricultural productivity is needed to address food insecurity at household and individual level in rural areas
- The Bill aims to increase agricultural production, improve **food security** and ensure that the underused land due to current provision of SALA is returned to production.



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# PDALB ALIGNMENT TO GOVERNMENT PRIORITIES

- ❑ Creation and enablement of policy environment to attract community, public, private sector partnership to leverage private sector **investment.**
- ❑ PDALB aims to delineate **high value agricultural land** and the establishment of a **national agro-eco information system** that will guide investment on agricultural land.



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# STRATEGIC IMPERATIVES OF THE BILL

- ❑ The Preservation and Development of Agricultural Land Bill will serve to legally and **proactively** promote agricultural practices on **best** available agricultural land.
- ❑ The Bill will ensure the sustainable development of the Agricultural sector to maintain and increase **rural** employment; and
- ❑ Ensure a reduction in poverty levels and a sustained improvement in the quality of life of rural and urban populations.



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# PRINCIPLES OF THE BILL

This Bill identifies the following 6 important principles

## **Agro ecosystem management**

- Emphasises the assessment performance of the agroecosystem

## **Productivity**

- Preservation of all high value agricultural land to increase productivity.

## **Stability**

- Sustained food production depends on stable agroecosystems.

## **Resilience**

- Ability of agroecosystem to recover its functionality, structure after a disturbance.

## **Viability and equitability**

Viable farming units & farming systems based on equal access



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# KEY TECHNICAL CONSIDERATION BILL

- **The Definitions:** focuses key definitions amongst including agricultural areas, agricultural land, food security and national agroecosystem.
- **Applicability of the Bill:** The bill will be applicable to all agricultural land and binds all organs of state in all spheres of government i.e. Mining sector which was previously excluded from SALA.



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# KEY TECHNICAL CONSIDERATION BILL cont.

- **Clause 5:** focuses on agricultural land evaluation and classification system which authorizes Minister to establish on agricultural land, including spatial delineation of agricultural areas.
- **Clause 6:** relates to preparation of provincial agricultural sector plans and sets national criteria and guidelines for compiling such provincial agricultural sector plan



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# KEY TECHNICAL CONSIDERATION BILL cont.

- **Clause 6 TO 10:** sets out preparation, purpose, content and monitoring of agricultural sector plan which includes coordination and harmonization of agricultural land policies, plans, programmes and decisions aimed at promoting and preserving sustainable agricultural environment.
- **Clause 11 TO 13:** relates to declaration of provincial and national agricultural protected agricultural areas and outlines procedures for declaration, reviewal and amendment by Minister or MECs



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# KEY TECHNICAL CONSIDERATION BILL

## continue

- **Clause 14 TO 16:** sets out objectives of the agroecosystem management which includes listing of agricultural activities and activities which may not commence without an agricultural agro-ecosystem authorization.
- **Clause 18:** prescribe procedure for delisting or amending agricultural activity or agricultural area.



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# KEY GOVERNANCE CONSIDERATION OF THE BILL, cont.

- **Clause 19 & 20:** provides for identification of competent authority responsible for granting agroecosystem authorisation and consideration of applications.
- **Clause 21 TO 23:** provides for establishment of advisory and technical committee including performance assessment framework by Minister after consultation with MECs for publishing, monitoring and evaluation of the envisaged Act.



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# KEY GOVERNANCE CONSIDERATION

## cont.

- **Clause 24 TO 26:** provides for the establishment of national agro-eco information system, objectives and content of the agroecosystem management
- **Clause 27 TO 30:** prescribe appeal procedure for any person aggrieved by decision of competent authority, appointment of appeal panel and consideration of Appeals by Minister.
- **Clause 31 TO 33:** deals with compliance inspection and provisions for issuing directives as well as investigation and data gathering for competent authority on agricultural land.



# KEY ADMINISTRATIVE CONSIDERATION

- **Clause 34:** authorises Minister and the Director-General to delegate certain powers vested in them under the Act
- **Clause 35:** authorises Minister to make regulations including fines for persons who failed to comply with provisions of the envisaged Act.
- **Clause 36 TO 39:** deals with offences, penalties and repeal of SALA and related short title of the envisaged Act.



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# NEED FOR THE BILL

- 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 does not conform to the constitutional requirements.
- As such it is of importance to promulgate the Preservation and Development of Agricultural Land Bill (PDALB) into law to proactively protect agricultural land for food production to comply to section 27(1)(b) of the Constitution.



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# CONSULTATION WITHIN GOVERNMENT

- The Socio-Economic Impact Assessment was conducted, and the Department of Planning, Monitoring and Evaluation (DPME) confirmed that the Bill should proceed to be presented at relevant Cluster/s.
- The Bill was submitted to the ASRDC, DEXCO, MINTEC and MINMEC and to committees within the Department for inputs and comments.
- The Bill was also submitted to the National Economic Development and Labour Council for consideration and the Department received the NEDLAC report dated 16 March 2020.



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# CONSULTATION WITHIN GOVERNMENT

- The Bill was presented to the ESEID DG cluster and was supported on the 19 October 2020 for further processing to the ESEID Cabinet Committee for consideration and approval for submission to Parliament.
- The Bill was submitted to the Office of the Chief State Law Adviser (OCSLA) for consideration to provide a preliminary legal opinion on the constitutionality and legality thereof. The Department received confirmation on 1<sup>st</sup> April 2021 that the Bill has been certified and was submitted to Parliament for introduction
- The Bill has been introduced for Parliamentary process during 2021/2022 financial year



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# PUBLIC CONSULTATIONS

- Public interaction on Preservation and Development of Agricultural Land Bill was conducted followed by the road show giving presentation on the Bill to clarify areas of contention in an attempt to provide interested parties with an opportunity to make oral inputs on the Bill.
- The road show was conducted to all 9 provinces.
- Gazette requesting inputs from the public.



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# CONCLUSION

We hereby present the Preservation and Development of Agricultural Land Bill (PDALB) for consideration by the Portfolio Committee on Environment, Agriculture and Rural Development in the Gauteng Provincial Legislature.



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