



# **WATER TRIBUNAL**

**MANUAL  
FOR THE PURPOSES OF  
SECTION 14 OF THE  
PROMOTION OF ACCESS TO  
INFORMATION ACT, 2000  
(ACT NO. 2 OF 2000)**

**8 March 2005**

## **PREAMBLE**

WHEREAS the Constitution of the Republic of South Africa Act, 1996, in its section 32, provides, amongst others, that everyone has a right of access to any information held by the state and that national legislation must be enacted to give effect to the right;

WHEREAS the Promotion of Access to Information Act, 2000 was enacted to give effect to the right;

WHEREAS, in order to promote a transparent and accountable Government in the area of water resources management, parliament established the Water Tribunal in terms of section 146(1) of the National Water Act, 1998;

WHEREAS the Registrar of the Water Tribunal is the information officer of the Water Tribunal in terms of the Promotion of Access to Information Act, 2000;

WHEREAS the Water Tribunal is committed to the implementation of the principles and values underlying the Promotion of Access to Information Act, 2000 and

WHEREAS, in terms of section 14 of the Promotion of Access to Information Act, 2000, the chairperson of the Water Tribunal, in his capacity as the information officer of the Water Tribunal, is obliged to compile a manual to enable everyone to have access to any information held by the Water Tribunal.

NOW THEREFORE the Registrar of the Water Tribunal herewith presents, to the public, the manual of the Water Tribunal with a view to facilitating access to any information held by the Water Tribunal, subject only to the law.

## **THE WATER TRIBUNAL**

Unless otherwise indicated, all sections referred to in this document are sections under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

## **1 STRUCTURE AND FUNCTIONS**

(section 14(1)(a))

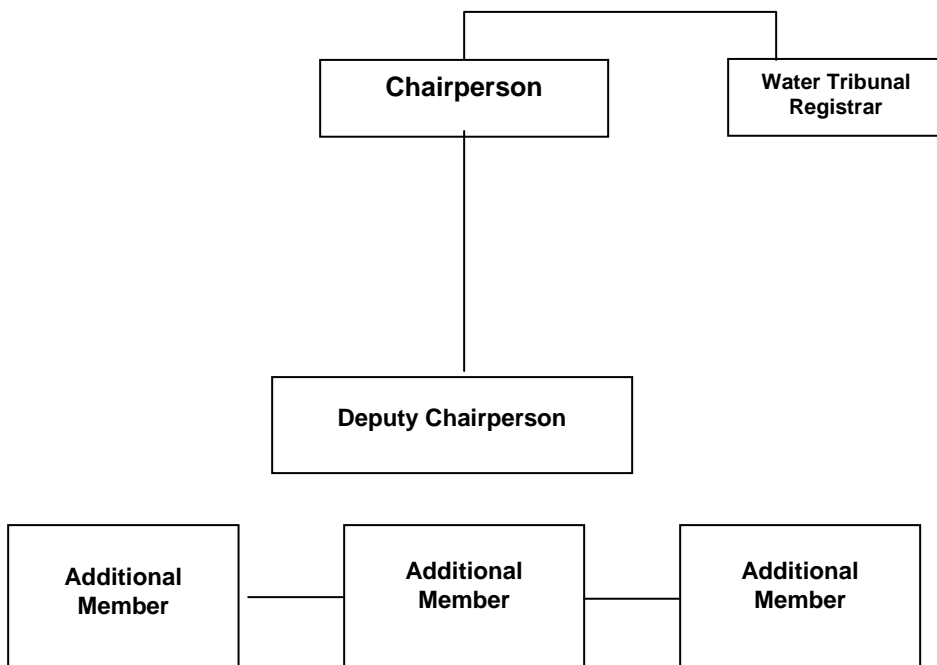
### **1.1 The Structure of the Water Tribunal**

The Water Tribunal is an independent body, which has jurisdiction in all the provinces of the Republic, and may conduct hearings anywhere in the Republic.

The chairperson is appointed by the Minister on the recommendation of the Judicial Service Commission, and the deputy chairperson and additional members are appointed by the Minister on the recommendation of the Water Research Commission.

The chairperson must have knowledge of the law, and the other persons must be qualified in water resources management, engineering or related fields. Currently, the chairperson is Advocate Majake Mabesele, the deputy chairperson is Professor Robyn Stein, and the additional members are Ms Lesley Steele, Advocate Omphemetse Mooki and Dr Wendy Singo.

## 1.2. A schematic representation of the structure of the Water Tribunal



## 1.3 Functions

To hear appeals against certain decisions made by a responsible authority, catchment management agency or water management institution, as well as hearing of claims for compensation under the National Water Act, 1998 (Act No. 36 of 1998).

Appeals and applications are set out under section 148(1) of the National Water Act. This section reads as follows:

- "(1) There is an appeal to the Water Tribunal -
- (a) against a directive issued by a catchment management agency under section 19(3) or 20(4)(d), by the recipient thereof;
  - (b) against a claim by a catchment management agency for the recovery of costs under section 19(5) or 20(7) by the person affected thereby;
  - (c) against the apportionment by a catchment management agency of a liability for costs under section 19(8) or 20(9), by a person affected thereby;
  - (d) against a decision of a water management institution on the temporary transfer of a water use authorisation under section 25(1), by a person affected thereby;
  - (e) against a decision of a responsible authority on the verification of a water use under section 35 by a person affected thereby;

- (f) against a decision of a responsible authority on an application for a licence under section 41, or on any other application to which section 41 applies, by the applicant or by any other person who has timeously lodged a written objection against the application;
- (g) against a preliminary allocation schedule published by a responsible authority under section 46(1), by any interested person;
- (h) against the amendment of a condition of a licence by a responsible authority on review under section 49(2), by any person affected thereby;
- (i) against a decision of a responsible authority on an adjudication of claims made under section 51(1), by any person affected thereby;
- (j) against a directive issued by a responsible authority under section 53(1), by the recipient thereof;
- (k) against a claim by a water management institution for the recovery of costs under section 53(2)(a), by the person against whom the claim is made;



(l) against a decision by a responsible authority on the suspension, withdrawal or reinstatement of an entitlement under section 54, or on the surrender of a licence under section 55, by the person entitled to use water or by the licensee; and

(m) against a declaration made by, directive given by or costs claimed by the Minister in respect of a dam with a safety risk under section 118(3) or (4)."

An appeal must commence within 30 days after publication of the decision in the *Gazette*, or after notice of the decision has been sent to the appellant; or after reasons for the decision have been given, whichever occurs last.

The hearing of claims for compensation as set out under section 22(8) of the National Water Act. This section reads as follows:

"(8) A claim for compensation must be lodged with the Water Tribunal within six months of the relevant decision of the responsible authority.

- (9) The Water Tribunal has jurisdiction to determine liability for compensation and the amount of compensation payable in terms of this section.
- (10) After the Water Tribunal has decided that compensation is payable and determined the amount of compensation, the responsible authority may enter into negotiations with the claimant and, within 30 days after the decision of the Water Tribunal, offer an allocation of water instead of compensation.”

**2 CONTACT DETAILS (section 14(1)(b))**

**Information Officer:**

Ms Veneta Nair

**(The Registrar of the Water Tribunal)**

Postal address: Private Bag X316

**PRETORIA**

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Street address: 191 Schoeman Street  
Water Affairs and Forestry  
Waterbron Building  
**PRETORIA**  
0001

Tel.: (012) 336-8325

Fax: (012) 336-6799

E-mail address: [watertribunal@dwaf.gov.za](mailto:watertribunal@dwaf.gov.za)

Website address: [www.dwaf.gov.za](http://www.dwaf.gov.za)

### **3. ACCESS TO RECORDS HELD BY THE WATER TRIBUNAL**

#### **3.1 Automatically Available Records (section 14(1)(e))**

The following records of the Tribunal are automatically available from the website.

3.1.1 Decisions of the Water Tribunal

3.1.2 The Procedural Rules (in process)

## **4 Records Available On Request (sections 14(1)(d))**

The following records may be obtained on request:

### **4.1 Water Tribunal Administration**

4.1.2 Reports (e.g. Annual Reports)

4.1.3 Minutes of meetings (excluding minutes/deliberations for purposes of taking decisions)

## **5 REQUEST PROCEDURE**

### **5.1 Request**

5.1.1 If a requester complies with all the procedural requirements in the Act relating to the request for access to a record, and if access to that record is not refused on any lawful grounds, then the registrar must give the requester access to such a record.

5.1.2 Access to a record may be refused on the following grounds:

5.1.2.1 If the privacy of third party who is a natural person would be affected;

5.1.2.2 If the records are privileged records from legal proceedings;

5.1.2.3 If the information requested is research information;

5.1.2.4 If the request is frivolous or vexatious, or would involve a substantial and unreasonable diversion of resources.

5.1.2.5 If the annual reports have not yet been submitted to the Minister.

## **5.2 Procedure**

5.2.1 A request must be made in writing directly to the registrar of the Water Tribunal, to the above mentioned address.

## **6 REMEDIES** (section 14(1)(h))

6.1 If a requester is dissatisfied with any decision of the information, the requester may lodge an appeal to a court of law in terms of section 79 to 82 of the Act.