



water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA

MINISTRY OF WATER AND
ENVIRONMENTAL AFFAIRS

2011 -06- 09

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MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 1255 FOR WRITTEN REPLY

A draft reply to the above mentioned question asked by Dr L L Bosman (DA) is attached for your consideration.


ACTING DIRECTOR GENERAL

DATE: 2/1/2011

DRAFT REPLY APPROVED/AMENDED


MRS B E MOLEWA, MP
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

DATE: 18/06/2011

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 1255

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 15 APRIL 2011
(INTERNAL QUESTION PAPER NO. 11)

1255. Dr L L Bosman (DA) to ask the Minister of Water and Environmental Affairs:

- (1) Whether her department will reassess and review the rejected applications for water use transfers to emerging farmers; if not, why not; if so, what are the relevant details;
- (2) whether her department will encourage those applicants whose applications were denied to appeal to the Water Tribunal in terms of section 148 of the National Water Act, Act 36 of 1998; if not, why not; if so, what are the relevant details;
- (3) whether her department intends establishing a task group where her Ministry, industry representatives and interest groups can formulate guidelines for water transfers that would address the need for affirmative action and equal entitlement within the sector; if not, why not; if so, what are the relevant details?

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REPLY:

- (1) The Department is guided by the National Water Act in the processing and issuing of Water Use Licenses. The Act does not make provision for the Minister to reassess and review rejected applications. In terms of section 148(1)(f) of the Act, an aggrieved party may lodge an appeal to the Water Tribunal against a decision of a responsible authority on an application for a license. Section 27(1) (b) of the Act, requires that the Department takes into account all relevant factors, including the need to redress the results of the past racial and gender discrimination.
- (2) The National Water Act does not make provision for the Department to encourage unsuccessful applicants to lodge the appeal to the Water Tribunal. Section 148 provides that an aggrieved party may lodge an appeal to the Water Tribunal, if aggrieved by the decision of a responsible authority. However, the Department in communicating the decision/outcome of the application to the unsuccessful applicant also advises the applicant to lodge an appeal in terms of section 148 of the Act if s/he is not satisfied with the Department's decision. The letter also provides an address of the Water Tribunal as well as the period within which the appeal may be lodged.
- (3) The Department supports the establishment of a broader task team consisting of members of the Department, Agri-SA and NAFU to work on the guidelines pertaining to the implementation of the transfer of water use applications in pursuit of redress and equity. Other water related issues such as water pollution, metering, water conservation, water demand management and water use tariffs would be covered jointly by the task team.

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