



## water affairs

Department:  
Water Affairs  
REPUBLIC OF SOUTH AFRICA

MINISTRY OF WATER AND  
ENVIRONMENTAL AFFAIRS

2011-09-05

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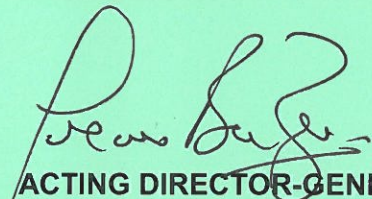
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Enquiries: Ms Mochotlhi  
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Reference: 2/1/5/1

### MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

### NATIONAL ASSEMBLY: QUESTION 2307 FOR WRITTEN REPLY

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

  
ACTING DIRECTOR-GENERAL

DATE: 5/09/2011

DRAFT REPLY APPROVED/AMENDED

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

DATE: 20/09/07

NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO 2307**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 26 AUGUST 2011**  
**(INTERNAL QUESTION PAPER NO. 26)**

**2307. Dr L L Bosman (DA) to ask the Minister of Water and Environmental Affairs:**

- (1) On which statutory provisions does her department rely for refusing to permit the transfer of water rights from one user to another.
- (2) whether her department takes the AgriBEE Charter into consideration when considering applications for the transfer of water rights from one user to another; if not, why not; if so, what are the relevant details;
- (3) whether her department gives due consideration to property rights and the rights of individuals of access to water in the Bill of Rights when rejecting applications for the transfer of water rights from one user to another; if not, why not; if so, what are the relevant details?

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**REPLY:**

- (1) The Department is guided by the provisions of Chapter 4 of the National Water Act (Act 36 of 1998) in granting or refusing applications for water use, including the permit to transfer water rights from one user to another.
- (2) The AgriBEE charter is one of the many guiding principles that the Department takes into consideration when determining whether or not to grant the application for water use, including the transfer of water rights from one user to another. While the AgriBEE is a statement of intent, the Act stipulates clearly the considerations that the Department must follow when considering such applications.
- (3) The Act sets out the fundamental principles that the Department must follow to achieve these principles. These principles recognise the basic human rights as enshrined in the Constitution of the Republic of South Africa (Act 108 of 1996) (the Constitution). The Department in granting or refusing the application for the transfer of water rights from one person to another is informed by these principles.

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