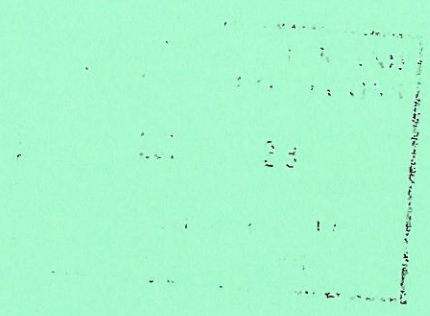




water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA




EdST

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Reference: 1/2/1

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 3316 FOR WRITTEN REPLY


Find below is a draft reply to the questions asked by Mr G R Morgan (DA) for your consideration.


ACTING DIRECTOR-GENERAL

DATE: 23/11/2017

DRAFT REPLY APPROVED/AMENDED

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

DATE: 20/11/20

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO. 3316

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 28 OCTOBER 2011
(INTERNAL QUESTION PAPER NO. 35)

3316. Mr G R Morgan (DA) to ask the Minister of Water and Environmental Affairs:

- (1) With reference to the media statement by her department on 20 October 2011 (details furnished), what are the names of the interested and affected parties whose views she took into consideration;
- (2) whether she has found that the Water Tribunal will still be able to adjudicate the appeals against the granting of the licence fairly; if not, why not; if so, how was this conclusion reached;
- (3) when is the Water Tribunal expected to adjudicate on the matter;
- (4) whether she will consider petitions by other entities awaiting confirmation on water use licences for her intervention in getting suspensions lifted; if not, why not; if so, what are the relevant details;
- (5) whether she intends to take steps to ensure that the management of the Vele Colliery will include all interested and affected parties into the management forum that the mine is expected to establish; if not, why not; if so, what are the relevant details?

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REPLY:

- (1) The names of the interested and affected parties who submitted their views through their legal representative, the Centre for Environmental Rights are:
 - Mapungubwe Action Group;
 - Endangered Wildlife Trust;
 - Association of Southern African Professional Archaeologists;
 - Peace Parks Foundation;
 - Birdlife South Africa; and
 - Wilderness Foundation.
- (2) The lifting of the suspension on the water licence and the appeal before the Water Tribunal are two separate processes which do not influence each other. The lifting of the suspension is an interim measure pending the outcome of the appeal before the Water Tribunal. The decision to lift the suspension does not in any way influence the outcome of the Water Tribunal appeal. The appeal is lodged in terms of section 148(1) of the National Water Act (NWA), 1998 (Act 36 of 1998) and the request to lift the suspension is in terms of section 148(2)(b) of the NWA.



- (3) The Water Tribunal is an independent body which determines its processes independently from the administration of the Department. It will therefore be difficult for the Department to indicate as to when the Water Tribunal will adjudicate on the appeal.
- (4) Yes, any person whose water licence is suspended by virtue of an appeal that is lodged with the Water Tribunal can in terms of section 148(2)(b) of the National Water Act, submit a request for the lifting of the suspension of the water licence pending the adjudication of the appeal.
- (5) In terms of condition 17 of Appendix II on the licence conditions, the Vele Colliery Mine is required within three months of the issuance of the water licence to establish a Monitoring Forum which among its stakeholders include interested and affected parties and should the mine exclude any of the forum's stakeholders, such a conduct will be a breach of a condition of the water licence and if such exclusion is brought to the attention of the Department, the Department's Control, Monitoring and Enforcement Component will intervene by ensuring that the mine is in compliance with the water licence conditions.

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