

REPUBLIC OF SOUTH AFRICA

NATIONAL WATER ACT AMENDMENT BILL, 2013

*(As introduced by the Portfolio Committee on Water and Environmental Affairs as a section 76
Bill; explanatory summary of Bill
published in Government Gazette No. 00000000 of 0000000000000)
(The English text is the official text of the Bill.)*

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

[B --- 2013]

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the National Water Act, 1998, so as to effect certain textual improvements; to make provisions for an alignment and integration of the process for consideration of water use licenses with the timeframes for applications for mineral resources authorizations and environmental authorizations for authorization; to provide for the appointment of the Minister of Water and Environmental Affairs as the responsible authority for internal appeals only in respect of appeals against a refusal of a water use license to an applicant for mineral resources authorization ; to amend the provisions relating to the Water Tribunal as the appeal authority in respect of a refusal of a water use license to an applicant for a mineral resources authorization and to provide for matters connected therewith.

Be it enacted by the Parliament of the Republic of South Africa, as follows: —

(a) the substitution for the definition of "Department" of the following definition:

“ ‘Department’ means the Department of Water Affairs **[and Forestry]**”;

Amendment of section 41 of Act 36 of 1998

(b) the insertion of a new section 41 (5) after section 41 (4) :

1. “ Provision is hereby made for an alignment and integration of the process for consideration of a water use license within the timeframes for application for mineral resources authorizations in terms of the applicable mineral resources legislation and environmental authorizations in terms of the applicable environmental legislation ;

- 2 To provide for the appointment of the Minister of Water and Environmental Affairs as the responsible authority for internal appeals only in respect of appeals against a refusal of a water use license to an applicant for mineral resources authorization

Amendment of section 148 of Act 36 of 1998

(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, provided that an appeal against a refusal or decline for a water use license for mineral resources authorizations in terms of the applicable mineral resources legislation and environmental authorizations in terms of the applicable environmental legislation shall be considered as an internal appeal to be considered by the Minister of Water and Environmental Affairs as stipulated in regulations to be published in terms of section 26 (1) (k) of the Act

(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 provided that an appeal against a refusal or decline for a water use license for mineral resources authorizations in terms of the applicable mineral resources legislation and environmental authorizations in terms of the applicable environmental legislation shall be considered as an internal appeal to be considered by the Minister of Water and Environmental Affairs as stipulated in regulations to be published in terms of section 26(1) (k) of the Act

Short title and commencement

82. This Act is the National Water Amendment Act, 2013 and comes into operation on a date fixed by the President by Proclamation in the Gazette.