

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**SOUTH AFRICAN NATIONAL
WATER RESOURCES
INFRASTRUCTURE AGENCY
SOC LIMITED BILL**

[B 24—2023]

(As agreed to by the Portfolio Committee on Water and Sanitation)

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AMENDMENTS AGREED TO

SOUTH AFRICAN NATIONAL WATER RESOURCES INFRASTRUCTURE AGENCY SOC LIMITED BILL

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CLAUSE 1

1. On page 4, in line 32, to omit “appointed in terms of section 11” and to substitute “as contemplated in section 7”.
2. On page 4, in line 34, to omit “24(1)” and to substitute “23(1)”.
3. On page 4, in line 36, to omit “24(4)” and to substitute “23(4)”.
4. On page 4, in line 51, to omit “37” and to substitute “36”.
5. On page 5, in line 37, to omit the definition of “waterwork” and to substitute the following definition:

“**waterwork**” means a government waterwork owned or controlled by the Minister and includes any borehole, dam, weir, canal, pipeline, siphon, pump station, reservoir, structure, earthwork or equipment installed or used for or in connection with water use.”

CLAUSE 3

1. On page 6, in line 17, to omit “shareholding” and to substitute “shares”.
2. On page 6, in line 20, to omit “16” and to substitute “15”.

CLAUSE 5

1. Clause rejected.

CLAUSE 7

1. On page 7, in line 11, after “Department” to insert “, the National Assembly”.
2. On page 7, in line 39, to omit the 3rd “,” and to substitute “or” between the words right and title.
3. On page 7, from line 39, to omit “or interest”.
4. On page 7, in line 50, to omit “but are not limited to,”.
5. On page 8, in line 7, after “Republic” to insert “of South Africa”.
6. On page 8, in line 11, after “Republic” to insert “of South Africa”.

CLAUSE 8

1. On page 8, in line 24, to omit “24”, and to substitute “23”.
2. On page 8, in line 31, to omit “11” and to substitute “10”.
3. On page 8, in line 34, to omit “17”, and to substitute “16”.

CLAUSE 9

1. On page 8, in line 47, to omit paragraph (f), and to substitute the following paragraph (f):

“(f) adopt and accept an interim code of conduct for the Board, which is acceptable to the Minister and thereafter, within six months of the appointment of the Board, the Board must develop a code of conduct for itself which must be approved by the Minister;”.

CLAUSE 11

1. On page 9, in line 9, to omit “8”, and to substitute “7”.
2. On page 9, from line 10, to omit, “the number of persons that the Minister may determine” and to substitute “no less than 3 and no more than 5 persons”.
3. On page 9, from line 18, to omit “to serve on the nominations committee” and to substitute “in the areas referred to in subsection (4)(a)(i)-(iii)”.
4. On page 9, from line 24, to omit paragraph (a) and to substitute the following paragraph:

“(a)the proven skills, knowledge, experience and professional registrations of an applicant in areas of—

- (i) governance, audit, legal and risk management;
- (ii) project finance, treasury management and financial management;
- (iii) water resources infrastructure development, operations and management;
- (iv) social development and poverty eradication;
- (v) economic management and development;
- (vi) corporate governance compliance;
- (vii) operation and maintenance of national water resources infrastructure;
- (viii) human resource management; and
- (ix) environmental management and compliance, necessary for the efficient and effective exercising of the Board’s powers and performing its duties; and”.

5. On page 9, in line 48, to omit “and”, and substitute “or”.
6. On page 9, in line 53, to omit the word “board” and to substitute “Board”.
7. On page 9, in line 56, after “Minister”, insert “as referred to in section 7(3)(b)(i)”.
8. On page 9, in line 58, after “Minister of Finance”, insert “as referred to in section 7(3)(b)(ii)”.

9. On page 10, to substitute “(8)” and insert the following:

(8) If insufficient number of suitable persons are recommended in terms of this section, the Minister may appoint those suitable and recommit to the nominations Committee the outstanding number in line with subsection (1), (2), (3), (4) and (5), whilst confirming the appointment of those designated and must be appointed in terms of subsection (7).

CLAUSE 14

1. On page 10, in line 47, to omit “19”, and to substitute “18”.
2. On page 10, in line 50, to omit “11”, and to substitute “10”.

CLAUSE 15

1. On page 11, in line 8, to omit “14(1)”, and to substitute “13(1)”.
2. On page 11, in line 10, to omit “14(2)”, and to substitute “13(2)”.
3. On page 11, in line 12, to omit “14(3)”, and to substitute “13(3)”.
4. On page 11, in line 14, to omit “11”, and to substitute “10”.

CLAUSE 17

1. On page 11, in line 57, to omit “special majority”, to substitute “a 75% majority of the members delegated to each of the committees established by the Board in terms of subsection (1) and assigned in terms of subsection (2)”.
2. On page 12, in line 6, to omit “13(2)”, and to substitute “12(2)”.

CLAUSE 20

1. On page 12, in line 17, to omit “19”, and to substitute “18”.
2. On page 12, in line 25, to omit “19”, and to substitute “18”.

CLAUSE 22

1. On page 12, in line 45, to omit “17”, and to substitute “16”.

CLAUSE 24

1. On page 13, in line 36, to omit “14(1)”, and to substitute “13(1)”.

CLAUSE 27

1. On page 15, from line 14, to omit “section 24(1) and 26(1) and (2) is executed”, and to substitute “section 23(1), sections 25(1) and (2) is executed”.

CLAUSE 31

1. On page 15, from line 40, to omit “section 37(2) and 37(5)”, and to substitute “sections 36(2) and 36(5)”.
2. On page 16, in line 7, to omit “20”, and to substitute “19”.

CLAUSE 34

1. On page 17, after line 25, to insert the following subsection (8):

“(8) The Minister must table in Parliament, the revised corporate plan every year once the initial corporate plan has been determined and approved by the Minister in terms of this section.”

CLAUSE 35

1. On page 17, after line 40, to insert the following subsection (5):

“(5) The Minister must table in Parliament the annual report of the Agency, for consideration every year once the Minister has received it in terms of this Act.”

CLAUSE 38

1. On page 19, in line 8, to omit “37”, and to substitute “36”.
2. On page 19, in line 9, to omit “section 37(5)”, and to substitute “section 36(5)”.

CLAUSE 48

1. On page 21, in line 58, to omit “7”, and to substitute “6”.

ARRANGEMENT OF SECTIONS

1. On page 3, in line 12, to omit “5. Application of Companies Act to Agency”.
2. On page 3 to page 4, the “**ARRANGEMENT OF SECTIONS**” must be renumbered in line with the removal of clause “5. Application of Companies Act to Agency”.