

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
NATIONAL WATER
BILL**

[B 34—98]

*(As agreed to by the Portfolio Committee on Agriculture, Water Affairs and Forestry
(National Assembly))*

[B 34A—98]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEFKOMITEE-AMENDEMENTE
OP
NASIONALE
WATERWETSONTWERP**

[W 34—98]

*(Soos goedgekeur deur die Portefeuljekomitee oor Landbou, Waterwese en Bosbou
(Nasionale Vergadering))*

[W 34A—98]

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AMENDMENTS AGREED TO

NATIONAL WATER BILL [B 34—98]

PREAMBLE

1. On page 2, in the eighth line, to omit “*territorial*”.

CHAPTER 1: Explanatory note

1. On page 14, in line 8, after “countries,” to omit “and”.
2. On page 14, in line 9, after “water” to insert:

and the need to establish suitable institutions in order to achieve the purpose of the Act
3. On page 14, in line 10, to omit “purposes and” and to substitute:

fundamental principles in accordance with
4. On page 14, in line 15, to omit “for the purpose of the Act and” and to substitute:

used in the Act as well as

CLAUSE 1

1. On page 14, after line 25, to insert:

“catchment”, in relation to a watercourse or watercourses or part of a watercourse, means the area from which any rainfall will drain into the watercourse or watercourses or part of a watercourse, through surface flow to a common point or common points;
2. On page 14, from line 27, to omit the definition of “coastal marine waters”.
3. On page 14, after line 34, to insert:

“entitlement” means a right to use water in terms of any provision of this Act or in terms of an instrument issued under this Act;
4. On page 14, in line 40, to omit “including” and to substitute “includes”.
5. On page 14, in line 41, to omit “resource” and to substitute “course”.
6. On page 14, from line 46, to omit the definition of “person” and to substitute:

“person” includes a natural person, a juristic person, an unincorporated body, an association, an organ of state and the Minister;
7. On page 14, in line 48, to omit “in relation to a water resource”.

8. On page 14, in line 49, to omit the second “the” and to substitute “a”.
9. On page 16, from line 12, to omit subsection (a) and to substitute:
 - (a) to satisfy basic human needs by securing a basic water supply, as prescribed under the Water Services Act, 1997 (Act No. 108 of 1997), for people who are now or who will, in the reasonably near future, be—
 - (i) relying upon;
 - (ii) taking water from; or
 - (iii) being supplied from, the relevant water resource; and
10. On page 16, after line 22, to omit the definition of “responsible authority” and to substitute:

“responsible authority” in relation to a specific power or duty in respect of water uses, is—

 - (a) if that power or duty has been assigned by the Minister to a catchment management agency, that catchment management agency; or
 - (b) if that power or duty has not been so assigned, the Minister;
11. On page 16, in line 28, to omit “adjacent to and”.
12. On page 16, in line 30, before “frequency” to insert “a”.
13. On page 16, in line 41, to omit “Director-General” and to substitute “Minister”.
14. On page 16, after line 44, to insert:

“water management area” is an area established as a management unit in the national water resource strategy within which a catchment management agency will conduct the protection, use, development, conservation, management and control of water resources;
15. On page 16, in line 46, to omit “or”.
16. On page 16, in line 47, after “management” to insert:

or any person who fulfils the functions of a water management institution in terms of this Act
17. On page 16, from line 48, to omit “or any other underground collection of water”.

CLAUSE 2

1. On page 18, after line 26, to add:

and for achieving this purpose, to establish suitable institutions and to ensure that they have appropriate community, racial and gender representation.

CLAUSE 4

1. On page 18, in line 39, before “fire” to insert “domestic gardening, animal watering,”.

2. On page 18, from line 44, to omit “entitlement to water use” and to substitute “right to use water”.

CLAUSE 5

1. On page 20, in line 27, after “strategy” to insert:
 or any component of that strategy
2. On page 20, in line 30, after “strategy” to insert:
 or the component in question
3. On page 20, in line 31, after “strategy” to insert:
 or the component in question
4. On page 20, in line 33, after “strategy” to insert:
 or the component in question
5. On page 20, in line 35, to omit “30” and to substitute “90”.
6. On page 20, in line 36, to omit “and”.
7. On page 20, after line 36, to insert the following paragraph:
 (b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the Minister considers to be appropriate; and

CLAUSE 6

1. On page 20, in line 41, to omit “policies,”.
2. On page 20, in line 42, after “Minister” to insert “and institutional arrangements”.
3. On page 20, in line 43, after “resources” to insert:
 within the framework of existing relevant government policy in order to achieve—
 (i) the purpose of this Act; and
 (ii) any compulsory national standards prescribed under section 9(1) of the Water Services Act, 1997 (Act No. 108 of 1997);
4. On page 20, in line 45, after “Reserve” to insert:
 and identify, where appropriate, water resources from which particular requirements must be met
5. On page 20, in line 47, before “projected” to insert “actions to be taken to meet”.

6. On page 20, from line 49, to omit paragraph (c) and to substitute:
 - (c) establish water management areas and determine their boundaries;
7. On page 22, in line 2, to omit “and”.
8. On page 22, after line 4, to insert:
 - (i) state the objectives in respect of water quality to be achieved through the classification system for water resources provided for in this Act;
 - (j) contain objectives for the establishment of institutions to undertake water resource management;
 - (k) determine the inter-relationship between institutions involved in water resource management; and
 - (l) promote the management of catchments within a water management area in a holistic and integrated manner.
9. On page 22, in line 7, to omit “water resource” and to substitute “watercourse”.

CLAUSE 7

1. On page 22, in line 11, to omit “Application of” and to substitute “Giving effect to”.
2. On page 22, in line 13, to omit “apply” and to substitute “give effect to”.

CLAUSE 8

1. On page 22, in line 27, to omit “8” and to substitute “7”.
2. On page 22, in line 36, after “strategy” to insert:

or any component of that strategy
3. On page 22, in line 37, to omit “Director-General” and to substitute “Minister”.
4. On page 22, in line 38, after “strategy” to insert:

or any component of that strategy
5. On page 22, in line 41, after “strategy” to insert:

or the component in question
6. On page 22, in line 42, after “strategy” to insert:

or the component in question
7. On page 22, in line 44, after “strategy” to insert:

or the component in question
8. On page 22, in line 46, to omit “30” and to substitute “90”.
9. On page 22, in line 47, to omit “and”

10. On page 22, after line 47, to insert:

- (b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the catchment management agency considers to be appropriate; and

CLAUSE 9

1. On page 24, in line 5, to omit “policies,”.

2. On page 24, in line 11, after “23” to insert “and”.

3. On page 24, in line 15, after “law” to insert:

, including any development plan adopted in terms of the Water Services Act, 1997 (Act No. 108 of 1997)

4. On page 24, in line 17, to omit “and”.

5. On page 24, in line 19, to insert “; and”.

6. On page 24, after line 19, to add:

- (i) set out the institutions to be established.

CLAUSE 10

1. On page 24, in line 21, to omit “Director-General” and to substitute “Minister”.

2. On page 24, in line 25, to omit “Director-General” and to substitute “Minister”.

3. On page 24, in line 34, to omit “Director-General” and to substitute “Minister”.

CLAUSE 11

1. On page 24, in line 42, to omit “Application of” and to substitute “Giving effect to”.

2. On page 24, in line 43, to omit “Director-General” and to substitute “Minister”.

3. On page 24, in line 44, to omit “apply” and to substitute “give effect to”.

CHAPTER 3: Explanatory note

1. On page 24, in line 53, after “Chapter 2.” to add:

Parts 4 and 5 deal with measures to prevent the pollution of water resources and measures to remedy the effects of pollution of water resources.

PART 2: Explanatory note

1. On page 26, in line 25, to omit “Director-General” and to substitute “***Minister***

2. On page 26, in line 35, to omit “duties” and to substitute “***duty***

CLAUSE 13

1. On page 26, in line 39, to omit “Director-General” and to substitute “Minister”.
2. On page 26, from line 39, to omit “in accordance with that system and”.
3. On page 28, in line 9, to omit “Director-General” and to substitute “Minister”.
4. On page 28, in line 20, to omit “30” and to substitute “60”.
5. On page 28, in line 21, to omit “and”.
6. On page 28, after line 21, to insert:
 - (b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the Minister considers to be appropriate; and

CLAUSE 14

1. On page 28, in line 28, to omit “Director-General” and to substitute “Minister”.

CLAUSE 15

1. On page 28, in line 31, to omit “Application of” and to substitute “Giving effect to”.

PART 3: Explanatory note

1. On page 28, in line 45, to omit “Director-General” and to substitute “*Minister*”.
2. On page 28, in line 47, to omit “Water in the Reserve may not be allocated under Chapter 4.”.

CLAUSE 16

1. On page 30, in line 3, to omit “Director-General” and to substitute “Minister”.
2. On page 30, in line 9, to omit “Director-General” and to substitute “Minister”.
3. On page 30, in line 15, to omit “30” and to substitute “60”.
4. On page 30, in line 16, to omit “and”.
5. On page 30, after line 16, to insert the following paragraph:
 - (b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the Minister considers to be appropriate; and

CLAUSE 17

1. On page 30, in line 21, to omit “Director-General” and to substitute “Minister”.

PART 4: Explanatory note

1. On page 30, in line 33, after “controls” to insert “, *occupies*”.
2. On page 30, in line 35, to omit “water management institution” and to substitute “*catchment management agency*”.
3. On page 30, in line 37, to omit “proportionally”.

CLAUSE 19

1. On page 30, in line 39, to omit “has a right to use” and to substitute “occupies or uses”.
2. On page 30, from line 43, to omit “or coastal marine waters”.
3. On page 32, in line 6, to omit “water management institution” and to substitute “catchment management agency”.
4. On page 32, in line 12, to omit “water management institution” and to substitute “catchment management agency”.
5. On page 32, in line 14, to omit “water management institution” and to substitute “catchment management agency”.
6. On page 32, in line 15, after “(4)” to insert “jointly and severally”.
7. On page 32, in line 15, after “from” to omit “any or all of”.
8. On page 32, in line 28, to omit “water management institution” and to substitute “catchment management agency”.
9. On page 32, in line 29, to omit “proportionally”.
10. On page 32, in line 30, to omit “water management institution” and to substitute “catchment management agency”.
11. On page 32, in line 31, after “(4)” to insert “, to the extent of such benefit”.
12. On page 32, from line 34, to omit subsection (8) and to substitute:
 - (8) If more than one person is liable in terms of subsection (5), the catchment management agency must, at the request of any of those persons, and after giving the others an opportunity to be heard, apportion the liability, but such apportionment does not relieve any of them of their joint and several liability for the full amount of the costs.
13. On page 32, after line 36, to omit subsection (9).

CLAUSE 20

1. On page 34, in line 8, to omit “water management institution” and to substitute “catchment management agency”.
2. On page 34, in line 13, after “incident;” to insert “and”.
3. On page 34, in line 14, to omit “water management institution” and to substitute “catchment management agency”.
4. On page 34, in line 16, to omit “seven” and to substitute “14”.
5. On page 34, in line 16, after “days” to insert:

, failing which it will be deemed to have been withdrawn
6. On page 34, in line 21, to omit “water management institution” and to substitute “catchment management agency”.
7. On page 34, in line 25, to omit “water management institution” and to substitute “catchment management agency”.
8. On page 34, in line 25, to omit “claim reimbursement of” and to substitute “recover”.
9. On page 34, after line 26, to insert:

(8) The costs claimed under subsection (7) may include, without being limited to, labour, administration and overhead costs.
 (9) If more than one person is liable in terms of subsection (7), the catchment management agency must, at the request of any of those persons, and after giving the others an opportunity to be heard, apportion the liability, but such apportionment does not relieve any of them of their joint and several liability for the full amount of the costs.

CHAPTER 4: Explanatory note

1. On page 34, in line 31, after “water” to insert “*in the public interest*”.

PART 1: Explanatory note

1. On page 34, in line 38, to omit “declared”.
2. On page 34, from line 43, to omit “(Provision is however made for general authorisations and existing lawful uses to be converted to licensed uses under certain circumstances).”.
3. On page 34, in line 44, to omit “Director-General” and to substitute “*Minister*”.

CLAUSE 21

1. On page 36, in line 1, to omit “or coastal marine waters”.

2. On page 36, in line 5, to omit “Schedule 8” and to substitute “section 37(1)”.
3. On page 36, from line 7, to omit “or coastal marine waters”.
4. On page 36, in line 10, to omit “or coastal marine waters”.

CLAUSE 22

1. On page 36, from line 58, to omit subsection (6) and to substitute:

(6) Any person who has applied for a licence in terms of section 43 in respect of an existing lawful water use as contemplated in section 32, and whose application has been refused or who has been granted a licence for a lesser use than the existing lawful water use, resulting in severe prejudice to the economic viability of an undertaking in respect of which the water was beneficially used, may, subject to subsections (7) and (8), claim compensation for any financial loss suffered in consequence.
2. On page 38, in line 7, to omit “in the original entitlement” and to substitute “in the existing lawful water use”.
3. On page 38, from line 19, to omit subsections (11) and (12).

CLAUSE 23

1. On page 38, from line 25, to omit subsection (1) and to substitute:

(1) Subject to the national water resource strategy, the Minister may determine the quantity of water in respect of which a responsible authority may issue general authorisations and licences to use water from water resources within its water management area.
2. On page 38, in line 28, to omit “Director-General” and to substitute “Minister”.
3. On page 38, from line 29, to omit “total quantity of water which a responsible authority may allocate” and to substitute:

quantity of water in respect of which a responsible authority may issue a general authorisation and licence
4. On page 38, in line 35, to omit “Director-General” and to substitute “Minister”.

CLAUSE 25

1. On page 38, in line 40, to omit “Temporary transfer of water use authorisations for irrigation” and to substitute:

Transfer of water use authorisations
2. On page 38, in line 41, to omit “Subject to any regulation made by the Minister,”.

3. On page 38, after line 46, to insert:
 - (2) A person holding an entitlement to use water from a water resource in respect of any land may surrender that entitlement or part of that entitlement—
 - (a) in order to facilitate a particular licence application under section 41 for the use of water from the same resource in respect of other land; and
 - (b) on condition that the surrender only becomes effective if and when such application is granted.
4. On page 38, after line 46 to insert:
 - (3) The annual report of a water management institution or a responsible authority, as the case may be, must, in addition to any other information required under this Act, contain details in respect of every permission granted under subsection (1) or every application granted under subsection (2).

CLAUSE 26

1. On page 40, from line 7, to omit paragraph (d) and to substitute:
 - (d) prescribing the outcome or effect which must be achieved by the installation and operation of any waterwork;
2. On page 40, from line 10, to omit “any waterwork, in order to protect a water resource or coastal marine waters” and to substitute:

“any waterwork, where it is necessary or desirable to monitor any water use or to protect a water resource
3. On page 40, in line 14, after “resource” to insert “or”.
4. On page 40, in line 15, to omit “or coastal marine waters”.
5. On page 40, in line 18, to omit “or coastal marine waters”.
6. On page 40, in line 19, to omit “prescribing management practices to be used to treat waste,” and to substitute:

prescribing the outcome or effect which must be achieved through management practices for the treatment of waste,
7. On page 40, in line 21, to omit “or coastal marine waters”.
8. On page 40, in line 23, to omit “or coastal marine waters”.
9. On page 40, in line 49, before “The” to insert:

When making regulations,
10. On page 40, in line 52, after “resources” to insert “or”.
11. On page 40, from line 52, to omit “or coastal marine waters”.

CLAUSE 27

1. On page 42, in line 16, to omit “of the water use or uses to be authorised” and to substitute:
 - (i) of the water use or uses if authorised; or
 - (ii) of the failure to authorise the water use or uses;

2. On page 42, after line 23, to insert:
 - (j) the quality of water in the water resource which may be required for the Reserve and for meeting international obligations; and
 - (k) the probable duration of any undertaking for which a water use is to be authorised.
3. On page 42, from line 25, to omit “the Director-General, or where the responsible authority is the Director-General,”.

CLAUSE 28

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 27:

Existing requirements of licences

- 28.** (1) A licence contemplated in this Chapter must specify—
- (a) the water use or uses for which it is issued;
 - (b) the property or area in respect of which it is issued;
 - (c) the person to whom it is issued;
 - (d) the conditions subject to which it is issued;
 - (e) the licence period, which may not exceed forty years; and
 - (f) the review periods during which the licence may be reviewed under section 49, which must be at intervals of not more than five years.
- (2) Subject to subsection (3), restriction, suspension or termination in terms of this Act and review under section 49, a licence remains in force until the end of the licence period, when it expires.
- (3) Subject to subsection (4), a responsible authority may extend the licence period of a licence if this is done as part of a general review of licences carried out in terms of section 49.
- (4) An extension of a licence period contemplated in subsection (3) may only be made after the responsible authority has considered the factors specified in section 49(2) and all other relevant factors, including new applications for water use and has concluded that there are no substantial grounds not to grant an extension.
- (5) An extension of a licence period in terms of subsection (3) may only be given for a single review period at a time as stipulated in subsection (1)(f).
- (6) If the licence period of a licence is extended in terms of subsection (3), the licence may, in respect of the period for which it is extended, be issued subject to different conditions which may include a lesser permitted water use.

CLAUSE 29

1. On page 44, after line 19, to insert:
 - (iv) specifying the volume which may be returned;
2. On page 44, in line 48, to omit paragraph (i) and to substitute:

- (i) in the case of a licence—
 - (i) specifying times when water may or may not be used;
 - (ii) containing provisions for its termination if an authorised use of water is not implemented or not fully implemented;
 - (iii) designating water for future or contingent use; or
 - (iv) which have been agreed to by the licensee.

CLAUSE 32

1. On page 46, from line 31, to omit subsection (1) and to substitute:
 - (1) An existing lawful water use means a water use—
 - (a) which has taken place at any time during a period of two years immediately before the date of commencement of this Act; or
 - (b) which has been declared an existing lawful water use under section 33,
and which—
 - (i) was authorised by or under any law which was in force immediately before the date of commencement of this Act;
 - (ii) is identified as a stream flow reduction activity in section 36(1);
or
 - (iii) is identified as a controlled activity in section 37(1).

CLAUSE 33

1. On page 46, in line 46, to omit “(a), (c) and (d)” and to substitute “(b)(i), (ii) or (iii)”.
2. On page 48, in line 2 to omit “(a), (c) and (d)” and to substitute “(b)(i), (ii) or (iii)”.

CLAUSE 35

1. On page 48, in line 22, to omit “Licences for” and to substitute “Verification of”.
2. On page 48, in line 23, after “lawfulness” to insert “or extent”.
3. On page 48, in line 25, to omit “licence for” and to substitute “verification of”.
4. On page 48, in line 27, to omit “licence”.
5. On page 48, from line 32, to omit subsection (3) and to substitute:
 - (3) A responsible authority—
 - (a) may require the applicant, at the applicant’s expense, to obtain and provide it with other information, in addition to the information contained in the application;
 - (b) may conduct its own investigation into the veracity and the lawfulness of the water use in question;

- (c) may invite written comments from any person who has an interest in the matter; and
 - (d) must afford the applicant an opportunity to make representations on any aspect of the application.
6. On page 48, from line 34, to omit subsection (4) and to substitute:
- (4) A responsible authority may determine the extent and lawfulness of a water use pursuant to an application under this section, and such determination limits the extent of any existing lawful water use contemplated in section 32(1).
7. On page 48, from line 36, to omit subsection (5).
8. On page 48, in line 38, to omit “a licence” and to substitute “verification”.
9. On page 48, in line 41, to omit “a licence” and to substitute “verification”.
10. On page 48, in line 42, to omit “licence” and to substitute “verification”.
11. On page 48, from line 42, to omit “a licence” and to substitute “verification”.

CLAUSE 36

Clause rejected.

NEW CLAUSE

That the following be a new Clause to follow Clause 35:

Declaration of stream flow reduction activities

- 36.** (1) The following are stream flow reduction activities:
- (a) the use of land for afforestation which has been or is being established for commercial purposes; and
 - (b) an activity which has been declared as such under subsection (2).
- (2) The Minister may, by notice in the *Gazette*, in relation to a particular area specified in that notice, declare any activity (including the cultivation of any particular crop or other vegetation) to be a stream flow reduction activity if that activity is likely to reduce the availability of water in a watercourse to the Reserve, to meet international obligations, or to other water users significantly.
- (3) In making a declaration under subsection (2), the Minister must consider—
- (a) the extent to which the activity significantly reduces the water availability in the watercourse;
 - (b) the effect of the stream flow reduction on the water resource in terms of its class and the Reserve;
 - (c) the probable duration of the activity;
 - (d) any national water resource strategy established under section 5; and
 - (e) any catchment management strategy established under section 8.

(4) Before making a declaration under subsection (2), the Minister must—

- (a) publish a notice in the *Gazette*—
 - (i) setting out the activity proposed to be declared a stream flow reduction activity; and
 - (ii) inviting written comments to be submitted on the proposed declaration, specifying an address to which and a date before which comments are to be submitted, which date may not be earlier than 60 days after publication of the notice;
- (b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the Minister considers to be appropriate; and
- (c) consider all comments received on or before the date specified in paragraph (a)(ii).

(5) Every notice published in terms of subsection (4)(a) must contain a schedule in which must be listed all stream flow reduction activities set out in subsection (1) and those which have, up to the date of the notice, been declared to be stream flow reduction activities under subsection (2).

PART 5: Explanatory note

1. On page 50, from line 35, to omit “will become” and to substitute “***are identified in the Act as***”.
2. On page 50, in line 36, to omit “when the Act commences”.
3. On page 50, in line 38, after “the” to insert “***identification or***”.

CLAUSE 37

1. On page 50, from line 41, to omit subsection (1) and to substitute:
 - (1) The following are controlled activities:
 - (a) irrigation of any land with waste or water containing waste generated through any industrial activity or by a waterwork;
 - (b) an activity aimed at the modification of atmospheric precipitation;
 - (c) a power generation activity which alters the flow regime of a water resource;
 - (d) intentional recharging of an aquifer with any waste or water containing waste; and
 - (e) an activity which has been declared as such under section 38.

CLAUSE 38

1. On page 52, in line 10, to omit “30” and to substitute “60”.
2. On page 52, in line 15, to omit “and”.
3. On page 52, after line 15, to insert:
 - (c) must consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the Minister considers to be appropriate; and

4. On page 52, after line 17, to add:

(4) Every notice published in terms of subsection (1) must contain a schedule on which must be listed all controlled activities set out in section 37(1)(a) to (d) and those which have, up to the date of the notice, been declared to be controlled activities under subsection (1).

PART 6: Explanatory note

1. On page 52, in line 25, to add:

A general authorisation does not replace or limit an entitlement to use water, such as an existing lawful water use or a licence, which a person may otherwise have under this Act.

CLAUSE 39

1. On page 52, in line 27, after “may” to insert “, subject to Schedule 1,”.
2. On page 52, in line 36, after “authorised” to insert “under subsection (1)”.
3. On page 52, in line 43, to omit “30” and to substitute “60”.
4. On page 52, in line 44, to omit “and”.
5. On page 52, after line 44, to insert:

(b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the responsible authority considers to be appropriate; and

6. On page 52, after line 46, to add:

(5) An authorisation to use water under this section does not replace or limit any entitlement to use water which a person may otherwise have under this Act.

CLAUSE 40

1. On page 54, in line 8, to omit “entitlement to” and to substitute “authorisation to use”.

CLAUSE 41

1. On page 54, in line 23, after “may” to insert:
, to the extent that it is reasonable to do so,
2. On page 54, in line 23, after “it” to insert “by a given date”.
3. On page 54, from line 53, to omit paragraph (c) and to substitute:

(c) to satisfy the responsible authority that the interests of any other person having an interest in the land will not be adversely affected.

PART 8: Explanatory note

1. On page 56, in line 8, after “for” to insert “*a*”.
2. On page 56, in line 8, to omit “authorities” and to substitute “*authority*”.
3. On page 56, in line 8, to omit “general” and to substitute “*compulsory*”.
4. On page 56, in line 9, to omit “in respect”.
5. On page 56, in line 9, after “use” to insert:

in respect of one or more water resources within a specific geographic area
6. On page 56, in line 9, to omit “, and” and to substitute “*It*”.
7. On page 56, in line 9, to omit “the requirement to” and to substitute:

requirements for a responsible authority to
8. On page 56, in line 16, to omit “issue a general invitation” and to substitute “*publish a notice*”.
9. On page 56, in line 17, after “media,” to insert “*requiring people*”.
10. On page 56, in line 19, to omit “assessments” and to substitute “*assessment*”.
11. On page 56, from line 26, to omit “Water required for the Reserve and to fulfil international obligations may not be allocated.”.

CLAUSE 43

1. On page 56, in line 36, to omit “Invitation to apply for licences” and to substitute “Compulsory licence applications”.
2. On page 56, in line 50, after “resource” to insert “and the water use”.
3. On page 56, in line 47, to omit “a general invitation to” and to substitute “a notice requiring”.
4. On page 56, in line 49, to omit “An invitation” and to substitute “A notice”.
5. On page 58, in line 4, to omit “30” and to substitute “60”.

CLAUSE 45

1. On page 58, in line 12, before “Allocation” to insert “Proposed”.
2. On page 58, after line 22, to insert:

(b) assigned to meet the requirements of existing licences;
3. On page 58, after line 40, to add:

(c) must consider what further steps, if any, are appropriate to bring

the contents of the notice to the attention of interested persons, and take those steps which the responsible authority considers to be appropriate.

4. On page 58, in line 37, to omit “comments” and to substitute “objections”.
5. On page 58, in line 38, to omit “comments” and to substitute “objections”.
6. On page 58, in line 39, to omit “comments” and to substitute “objections”.
7. On page 58, in line 40, to omit “30” and to substitute “60”.

CLAUSE 46

1. On page 58, in line 42, to omit “comments” and to substitute “objections”.
2. On page 58, in line 43, to omit “16” and to substitute “15”.

CLAUSE 48

1. On page 60, in line 15, after “person” to insert “in respect of the water use in question”.

CLAUSE 49

1. On page 60, from line 42, to omit “a condition specifying the period of notice to be given for termination,” and to substitute “the period thereof,”.
2. On page 62, from line 1, to omit subsection (3) and to substitute:

(3) An amendment contemplated in subsection (2) may only be made if the conditions of other licences for similar water use from the same water resource in the same vicinity, all as determined by the responsible authority, have also been amended in an equitable manner through a general review process.

CLAUSE 54

1. On page 64, in line 25, to omit “licences” and to substitute “entitlements to use water”.
2. On page 64, from line 26, to omit “the licensee” and to substitute:

any person entitled to use water under this Act
3. On page 64, in line 27, to omit “a licence if the licensee” and to substitute:

the entitlement if the person
4. On page 64, in line 28, to omit “licence” and to substitute “entitlement”.

5. On page 64, in line 31, to omit “A licence” and to substitute “An entitlement”.
6. On page 64, in line 33, to omit “licensee” and to substitute “person concerned”.
7. On page 64, in line 35, to omit “a licence” and to substitute “an entitlement”.
8. On page 64, in line 36, to omit “licensee” and to substitute “person concerned”.
9. On page 64, in line 37, to omit “licensee” and to substitute “person concerned”.
10. On page 64, in line 39, to omit “A licensee” and to substitute “The person concerned”.
11. On page 64, in line 40, to omit “a licence” and to substitute “an entitlement to use water”.
12. On page 64, in line 41, to omit “a licence” and to substitute “an entitlement”.

CHAPTER 5: Explanatory note

1. On page 66, in line 3, after “of” to insert “*water resource management*”.
2. On page 66, in line 4, to omit “policies” and to substitute “*strategies*”.

PART 1: Explanatory note

1. On page 66, in line 7, to omit “set” and to substitute “*establish*”.
2. On page 66, in line 8, to omit “policy” and to substitute “*strategy*”.
3. On page 66, in line 14, to omit “principle” and to substitute “*principles*”.
4. On page 66, in line 15, to omit “Waste” and to substitute “*Water use*”.
5. On page 66, in line 16, after “effective” to insert “*and efficient*”.
6. On page 66, in line 16, to omit “a charge” and to substitute “*water use charges*”.
7. On page 66, in line 17, to omit “a”.
8. On page 66, in line 17, after “supply” to insert:

from a waterwork or of an authorisation to use water

CLAUSE 56

1. On page 66, in line 18, to omit “policy” and to substitute “strategy”.
2. On page 66, in line 20, to omit “policy” and to substitute “strategy”.
3. On page 66, in line 20, after “use” to insert:

within the framework of existing relevant government policy
4. On page 66, in line 21, to omit “policy” and to substitute “strategy”.
5. On page 66, in line 21, to omit “policy” and to substitute “strategy”.
6. On page 66, in line 37, to omit “policy” and to substitute “strategy”.
7. On page 68, in line 1, to omit “policy” and to substitute “strategy”.
8. On page 68, in line 22, to omit “policy” and to substitute “strategy”.
9. On page 68, in line 31, to omit “policy” and to substitute “strategy”.
10. On page 68, in line 33, to omit “and”.
11. On page 68, in line 37, after “water” to insert “; and”
12. On page 68, after line 37, to insert:

(c) must consider measures necessary to support the establishment of tariffs by water services authorities in terms of section 10 of the Water Services Act, 1997 (Act No. 108 of 1997), and the use of lifeline tariffs and progressive block tariffs.
13. On page 68, from line 38, to omit “policy” and to substitute “strategy”.
14. On page 68, in line 41, to omit “policy” and to substitute “strategy”.
15. On page 68, in line 42, to omit “policy” and to substitute “strategy”.
16. On page 68, in line 44, to omit “60” and to substitute “90”.
17. On page 68, in line 45, to omit “and”.
18. On page 68, after line 45, to insert:

(b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the Minister considers to be appropriate; and

CLAUSE 57

1. On page 68, in line 47, to omit “policy” and to substitute “strategy”.
2. On page 68, in line 52, to omit “policy” and to substitute “strategy”.
3. On page 70, in line 1, to omit “Director-General” and to substitute “Minister”.

CLAUSE 58

1. On page 70, in line 11, to omit “Director-General” and to substitute “Minister”.
2. On page 70, in line 12, to omit “Director-General” and to substitute “Minister”.
3. On page 70, in line 16, to omit “Director-General” and to substitute “Minister”.

CLAUSE 60

1. On page 70, in line 49, to omit “Director-General” and to substitute “Minister”.
2. On page 72, in line 4, after “property” to insert “notwithstanding section 66”.

PART 2: Explanatory note

1. On page 72, in line 6, to omit “if” and to substitute “*once*”.

CLAUSE 61

1. On page 72, in line 8, to omit “Director-General” and to substitute “Minister”.
2. On page 72, in line 9, to omit “Director-General” and to substitute “Minister”.
3. On page 72, in line 10, after “Act” to insert:
 , including assistance for making licence applications,
4. On page 72, in line 11, to omit “Director-General” and to substitute “Minister”.
5. On page 72, in line 17, to omit “Director-General” and to substitute “Minister”.
6. On page 72, in line 25, after “who” to insert “wilfully”.

CHAPTER 6

Chapter rejected.

NEW CHAPTER

1. That the following be a new Chapter to follow Chapter 5:

CHAPTER 6**GENERAL POWERS AND DUTIES OF MINISTER AND DIRECTOR-GENERAL***Part 1: Delegations, directives, expropriation, condonation and additional powers*

Part 1 of this Chapter sets out various powers and duties of the Minister which are of a general nature, such as the powers of delegation and expropriation, and intervention in litigation. More specific powers and duties are dealt with elsewhere in the Act.

Delegation of powers by Minister

63. (1) The Minister may, in writing and subject to conditions, delegate a power vested in the Minister in terms of this Act to—

- (a) an official of the Department by name;
- (b) the holder of an office in the Department;
- (c) a water management institution;
- (d) an advisory committee established under section 99; or
- (e) a water board as defined in section 1 of the Water Services Act, 1997 (Act No. 108 of 1997).

(2) The Minister may not delegate the power—

- (a) to make a regulation;
- (b) to authorise a water management institution to expropriate under section 64(1);
- (c) to appoint a member of the governing board of a catchment management agency; or
- (d) to appoint a member of the Water Tribunal.

(3) The Minister may, in writing and subject to conditions, permit a person to whom a power has been delegated to delegate that function to another person.

(4) The Minister may give a directive to the Director-General in relation to the exercise of any of the Director-General's powers or performance of any of the Director-General's duties, including any power delegated to the Director-General.

(5) The Director-General must give effect to a directive in terms of subsection (4).

Expropriation of property

64. (1) The Minister, or a water management institution authorised by the Minister in writing, may expropriate any property for any purpose contemplated in this Act, if that purpose is a public purpose or is in the public interest.

(2) Subject to this Act, the Expropriation Act, 1975 (Act No. 63 of 1975), applies to all expropriations in terms of this Act.

(3) Where the Minister expropriates any property under this Act, any reference to "Minister" in the Expropriation Act, 1975, must be construed as being a reference to the Minister.

(4) Where any water management institution expropriates property under this Act, any reference to "Minister" and "state" in the

Expropriation Act, 1975, must be regarded as being a reference to that water management institution.

Expropriation for rehabilitation and other remedial work

65. (1) If a person who is required under this Act to undertake rehabilitation or other remedial work on the land of another, reasonably requires access to that land in order to effect the rehabilitation or remedial work, but is unable to acquire access on reasonable terms, the Minister may—

- (a) expropriate the necessary rights in respect of that land for the benefit of the person undertaking the rehabilitation or remedial work, who will then be vested with the expropriated rights; and
- (b) recover all costs incurred in connection with the expropriation, including any compensation payable, from the person for whose benefit the expropriation was effected.

(2) Where a servitude of abutment, aqueduct or submersion is expropriated under this section, the Minister or water management institution responsible for the expropriation has the same rights as those vesting in the holder of a servitude under section 128.

Condonation of failure to comply with time period

66. The Minister may, in exceptional circumstances and for a good reason, extend a time period or condone a failure to comply with a time period.

Dispensing with certain requirements of Act

67. (1) In an emergency situation, or in cases of extreme urgency involving the safety of humans or property or the protection of a water resource or the environment, the Minister may—

- (a) dispense with the requirements of this Act relating to prior publication or to obtaining and considering public comment before any instrument contemplated in section 158(1) is made or issued;
- (b) dispense with notice periods or time limits required by or under this Act; and
- (c) authorise a water management institution to dispense with—
 - (i) the requirements of this Act relating to prior publication or to obtaining and considering public comment before any instrument is made or issued; and
 - (ii) notice periods or time limits required by or under this Act.

(2) Anything done under subsection (1)—

- (a) must be withdrawn or repealed within a maximum period of two years after the emergency situation or the urgency ceases to exist; and
- (b) must be mentioned in the Minister's annual report to Parliament.

Intervention in litigation

68. The Minister may intervene in litigation before a court or in a hearing before the Water Tribunal with regard to any matter contemplated in this Act.

Part 2: General provisions regarding regulations

Part 2 requires the Minister to consult with the public when making regulations under this Act, and also to submit regulations for scrutiny by the National Assembly. If the National Assembly rejects a regulation it must be repealed or amended.

Making of regulations

69. (1) The Minister must, before making any regulations under this Act—

- (a) publish a notice in the *Gazette*—
 - (i) setting out the draft regulations; and
 - (ii) inviting written comments to be submitted on the proposed regulations, specifying an address to which and a date before which the comments must be submitted, which date may not be earlier than 60 days after publication of the notice;
- (b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the Minister considers to be appropriate;
- (c) consider all comments received on or before the date specified in paragraph (a)(ii); and
- (d) on request by the National Assembly or a committee of the National Assembly report the extent to which a specific comment has been taken into account, or if a comment was not taken into account, provide the reason why it was not taken into account.

(2) Any regulation made under this Act may provide that a contravention of or failure to comply with a regulation is an offence and that any person found guilty of the offence is liable to a fine or to imprisonment for a period not exceeding 5 years.

National Assembly may consider regulations

70. (1) The Minister must, within 30 days after making any regulations under this Act, table the regulations in the National Assembly for consideration.

(2) In considering regulations tabled in the National Assembly in terms of subsection (1), a committee of the National Assembly, must consider and report to the National Assembly whether the regulations—

- (a) are consistent with the purposes of this Act;
- (b) are within the powers conferred by this Act;
- (c) are consistent with the Constitution; and
- (d) require clarification.

(3) The National Assembly may, not later than the twentieth sitting day of the National Assembly after the date on which the regulations were tabled, reject these regulations.

(4) If the National Assembly rejects any regulations, it must state its reasons.

Rejected regulations

71. (1) The Minister must, within 30 days after being informed in writing that the National Assembly has rejected any regulations,

repeal or amend those regulations so as to address the matters raised by the National Assembly.

(2) Any regulations rejected by the National Assembly remain in force until repealed or amended.

Part 3: Powers relating to catchment management agencies

The Minister has the responsibility to manage and authorise the use of the nation's water resources. This means that the Minister fulfils the functions of a catchment management agency in a water management area for which no catchment management agency is established, or where such an agency has been established but is not functional. The Minister may dispense with certain requirements of this Act for as long as is necessary to deal with an urgent situation or an emergency.

Powers and duties of catchment management agencies vest in Minister in certain circumstances

72. (1) In areas for which a catchment management agency is not established or, if established, is not functional, all powers and duties of a catchment management agency, including those powers and duties described in sections 79 and 80 and in Schedule 3, vest in the Minister.

(2) In areas for which a catchment management agency is established, those powers and duties described in Schedule 3 which have not been assigned by the Minister to the catchment management agency, vest in the Minister.

Assignment of powers and duties to catchment management agencies

73. (1) The Minister may, after consultation with the catchment management agency concerned, by notice in the *Gazette*, assign to that catchment management agency—

- (a) a power or duty of a responsible authority; and
- (b) any power or duty listed in Schedule 3.

(2) In assigning any power or duty under subsection (1), the Minister may—

- (a) limit the area within which an assigned power may be exercised or duty may be performed; and
- (b) attach conditions to that assignment.

(3) Before assigning a power or duty to a catchment management agency under subsection (1), the Minister must consider—

- (a) the capacity of the catchment management agency to exercise the power or perform the duty; and
- (b) the desirability of assigning that power or duty.

(4) The Minister must promote the management of water resources at the catchment management level by assigning powers and duties to catchment management agencies when it is desirable to do so.

Directives to water management institutions

74. (1) The Minister may give a directive to a water management institution in relation to the exercise of any of the institution's

powers or the performance of any of the institution's duties, including any power or duty assigned or delegated to that institution.

(2) The Minister must give a water management institution not less than 14 days' notice of the Minister's intention to give a directive under subsection (1) if it relates to any assigned power or duty, and must allow the institution an opportunity to comment.

(3) Every directive, or a summary thereof, given to a water management institution by the Minister and which relates to an assigned power or duty—

(a) must be published by the Minister in the *Gazette*; and

(b) must be included in the annual report of the institution.

(4) A failure to comply with subsection (3) does not affect the validity of the directive.

(5) A water management institution must give effect to a directive given to it by the Minister under subsection (1).

Part 4: Powers of Director-General

Delegation of powers by Director-General

75. The Director-General may, for the purposes of this Act, in writing and subject to conditions, delegate a power including a power granted or delegated to the Director-General under this Act to—

(a) an official of the Department by name;

(b) the holder of an office in the Department; or

(c) a water management institution.

Appointment of persons on contract

76. (1) The Director-General may, when necessary, appoint employees on contract outside the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

(2) Appointments made under subsection (1) must be limited to persons to perform duties at sites where the Department—

(a) is engaged in actual construction or investigatory work; or

(b) is associated with specific projects relating to actual construction or investigatory work.

(3) The Director-General must, from time to time, and after consultation with the Department of Public Service and Administration, determine the conditions of employment of such employees.

(4) Such employees shall be remunerated from money appropriated for that purpose by Parliament.

CHAPTER 7

Chapter rejected.

CHAPTER 8

1. On page 80, in line 44, to omit "8" and to substitute "7".

Explanatory note

1. On page 80, in line 48, to omit “a local level” and to substitute “*the regional or catchment level*”.
2. On page 80, in line 51, to omit “Director-General” and to substitute “*Minister*”.

PART 1: Explanatory note

1. On page 82, in line 2, to omit “10” and to substitute “9”.
2. On page 82, in line 5, after “1” to insert “*a*”.
3. On page 82, in line 5, to omit “agencies” and to substitute “*agency*”.
4. On page 82, in line 5, after “for” to insert “*a*”.
5. On page 82, in line 6, to omit “geographical areas” and to substitute “*water management area*”.

CLAUSE 78

1. On page 82, in line 28, after “may,” to insert “subject to section 6(1)(c),”.
2. On page 82, in line 30, before “determine” to insert “identify and”.
3. On page 82, in line 41, to omit “establishing” and substitute “the establishment of”.
4. On page 82, in line 41, to omit “Director-General” and to substitute “Minister”.
5. On page 82, in line 49, to omit “30” and to substitute “60”.
6. On page 82, in line 50, to omit “and”.
7. On page 82, after line 50, to insert:
 - (b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the Minister considers to be appropriate; and
8. On page 84, in line 2, after “(a)(ii)” to insert “; and”.
9. On page 84, after line 2, to insert:
 - (d) report to the Minister on the proposed establishment of the catchment management agency.

CLAUSE 80

1. On page 84, in line 28, to omit “Main” and to substitute “Initial”.
2. On page 84, in line 29, after “79” to insert:
 - , upon the establishment of a catchment management agency,
3. On page 84, in line 29, to omit “main” and to substitute “initial”.
4. On page 84, in line 31, after “advise” to insert “interested persons”.
5. On page 84, in line 33, to omit “and”.

6. On page 84, in line 34, after “activities” to insert “of water users and”.
7. On page 84, after line 35, to add:
 - (d) to promote the co-ordination of its implementation with the implementation of any applicable development plan established in terms of the Water Services Act, 1997 (Act No. 108 of 1997); and
 - (e) promote community participation in the protection, use, development, conservation, management and control of the water resources in its water management area.

CLAUSE 81

1. On page 86, in line 5, to omit “10” and to substitute “9”.
2. On page 86, in line 26, after “concerned” to insert:

and state the reasons for not appointing that nominee
3. On page 86, in line 42, to omit “period” and to substitute “term of office”.
4. On page 86, after line 45, to insert:

(14) A member nominated for appointment to the board by an organ of state or body is accountable to that organ of state or body.

CLAUSE 82

1. On page 86, in line 46, after “officer” to insert “and committees”.
2. On page 86, in line 48, to omit “Director-General” and to substitute “Minister”.
3. On page 86, after line 58, to add:

(5) A catchment management agency may establish committees, including an executive committee and consultative bodies, to perform any of its functions within a particular area or generally or to advise it, and must determine how they must function.

CLAUSE 83

1. On page 88, after line 7, to insert:

(2) The Minister must remove a member nominated by an organ of state or body from a governing board if that organ of state or body requests the Minister to do so.

PART 3: Explanatory note

1. On page 88, in line 16, to omit “Original” and to substitute “*Initial*”.
2. On page 88, in line 16, to omit “are concerned with” and to substitute “, *dealt with in Part 2, include*”.
3. On page 88, in line 17, to omit “as well as”.

4. On page 88, in line 18, to omit “and”.
5. On page 88, in line 19, after “strategy” to insert:

and the promotion of community participation in water resource management within its water management area

6. On page 88, in line 23, after “water” to insert “*use*”.

CLAUSE 84

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 83:

Funding of catchment management agencies

84. (1) A catchment management agency may raise any funds required by it for the purpose of exercising any of its powers and carrying out any of its duties in terms of this Act.

(2) A catchment management agency must be funded by—

- (a) money appropriated by Parliament;
- (b) water use charges; and
- (c) money obtained from any other source for the purpose of exercising its powers and carrying out its duties in terms of this Act.

CLAUSE 85

Clause rejected.

CLAUSE 87

1. On page 88, in line 47, to omit “Director-General” and to substitute “Minister”.

CLAUSE 88

1. On page 90, in line 11, to omit “Director-General” and to substitute “Minister”.
2. On page 90, from line 16, to omit “or the Director-General”.
3. On page 90, in line 18, to omit “, the Director-General”.
4. On page 90, in line 26, to omit “Director-General” and to substitute “Minister”.

5. On page 90, in line 28, to omit “Director-General” and to substitute “Minister”.
6. On page 90, in line 37, to omit “the Director-General may with the approval of the Minister” and to substitute “the Minister may”.
7. On page 90, in line 43, to omit “Director-General” and to substitute “Minister”.
8. On page 90, in line 45, to omit “Director-General” and to substitute “Minister”.
9. On page 90, in line 49, to omit “Director-General” and to substitute “Minister”.
10. On page 90, in line 52, to omit “Director-General” and to substitute “Minister”.
11. On page 92, in line 1, to omit “Director-General” and to substitute “Minister”.
12. On page 92, in line 3, to omit “Director-General” and to substitute “Minister”.
13. On page 92, in line 5, to omit “Director-General” and to substitute “Minister”.
14. On page 92, in line 8, to omit “Director-General” and to substitute “Minister”.
15. On page 92, in line 9, to omit “Director-General” and to substitute “Minister”.

CLAUSE 89

1. On page 92, in line 25, to omit “and”.
2. On page 92, after line 25, to insert:
 - (b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the Minister considers to be appropriate; and

CLAUSE 90

1. On page 92, in line 41, to omit “Director-General” and to substitute “Minister”.

NEW CLAUSE

1. That the following be a new Clause:

Regulations on catchment management agencies

- 89.** (1) Subject to subsection (2), the Minister may make regulations—
- (a) prescribing a maximum and a minimum number of members of a governing board;
 - (b) requiring the establishment of consultative forums and determining their composition and functions;

- (c) determining, in consultation with the Minister of Finance, the basis and extent of remuneration and payment of expenses of members of governing boards and committees; and
 - (d) on any other matter which is necessary or desirable for the efficient functioning of catchment management agencies and their governing boards and committees.
- (2) In making regulations, the Minister must take into account all relevant considerations, including the need to—
- (a) achieve adequate representation of and consultation with organs of state, bodies representing different sectors and other interests within the areas of jurisdiction of catchment management agencies; and
 - (b) secure the efficient and cost effective functioning of catchment management agencies and their management structures.

CHAPTER 9

1. On page 92, in line 46, to omit “9” and to substitute “8”.

Explanatory note

1. On page 94, in line 11, to omit “Director-General” and to substitute “**Minister**”.

CLAUSE 92

1. On page 94, in line 48, to omit “establishing” and to substitute “the establishment of”.
2. On page 94, in line 54, to omit “30” and to substitute “60”.
3. On page 94, in line 55, to omit “and”.
4. On page 94, after line 55, to insert:
 - (b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the Minister considers to be appropriate; and
5. On page 96, in line 2, after “(a)(ii)” to insert “; and”.
6. On page 96, after line 2, to insert:
 - (d) report to the Minister on the proposed establishment of the water user association.

CLAUSE 94

1. On page 96, in line 32, to omit “5” and to substitute “4”.

CLAUSE 95

1. On page 96, in line 39, to omit “Director-General” and to substitute “Minister”.
2. On page 96, in line 49, to omit “or the Director-General”.

3. On page 96, in line 51, to omit “Director-General” and to substitute “Minister”.
4. On page 98, in line 3, to omit “Director-General” and to substitute “Minister”.
5. On page 98, in line 4, to omit “Director-General” and to substitute “Minister”.
6. On page 98, in line 16, to omit “Director-General” and to substitute “Minister”.
7. On page 98, in line 21, to omit the first “Director-General” and to substitute “Minister”.
8. On page 98, in line 21, to omit the second “Director-General” and to substitute “Minister”.
9. On page 98, in line 23, to omit “Director-General” and to substitute “Minister”.
10. On page 98, in line 26, to omit “Director-General” and to substitute “Minister”.
11. On page 98, in line 30, to omit “Director-General” and to substitute “Minister”.
12. On page 98, in line 31, to omit “Director-General” and to substitute “Minister”.
13. On page 98, in line 32, to omit “Director-General” and to substitute “Minister”.
14. On page 98, in line 35, to omit “Director-General” and to substitute “Minister”.
15. On page 98, in line 36, to omit “Director-General” and to substitute “Minister”.
16. On page 98, in line 40, to omit the first “Director-General” and to substitute “Minister”.
17. On page 98, in line 40, to omit the second “Director-General” and to substitute “Minister”.

CLAUSE 96

1. On page 98, in line 51, to omit “Director-General” and to substitute “Minister”.
2. On page 100, in line 8, to omit “and”.
3. On page 100, in line 8, to omit “30” and to substitute “60”.
4. On page 100, after line 8, to insert:
 - (b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the Minister considers to be appropriate; and

CLAUSE 97

1. On page 100, in line 13, to omit “Director-General” and to substitute “Minister”.
2. On page 100, in line 14, to omit “Director-General” and to substitute “Minister”.

CHAPTER 10

1. On page 102, in line 14, to omit “10” and to substitute “9”.

CHAPTER 11

1. On page 104, in line 18, to omit “11” and to substitute “10”.

CLAUSE 102

1. On page 104, in line 29, after “may” to insert:
 , in consultation with the Cabinet

CLAUSE 103

1. On page 104, after line 42, to insert:
 (e) which items of Schedule 4, if any, apply to the body;

CLAUSE 106

1. On page 106, after line 25, to add:
 (4) The Director-General must send a copy of the report to the Secretary to Parliament.

CHAPTER 12: Explanatory note

1. On page 108, in line 12, after “controls” to insert “*determined*”.
2. On page 108, in line 12, to omit “Director-General” and to substitute “*Minister*”.

CLAUSE 110

1. On page 108, in line 22, after “waterwork”, to insert:
 which must, where the Minister considers it appropriate, comply with the requirements contained in regulations made under section 26 of the Environment Conservation Act, 1989 (Act No. 73 of 1989)
2. On page 108, in line 28, to omit “30” and to substitute “60”.
3. On page 108, after line 28, to insert:
 (b) consider what further steps, if any, are appropriate to bring the

contents of the notice to the attention of interested persons, and take those steps which the Minister considers to be appropriate; and

4. On page 108, in line 28, to omit “and”.
5. On page 108, in line 35, to omit “intended to be”.
6. On page 108, after line 37, to add:
 - (3) Within two years after the completion of any waterwork contemplated in subsection (2)(a), the Minister must decide either—
 - (a) to demolish the waterwork; or
 - (b) after complying with subsection (1) to the appropriate extent, to retain the waterwork.

CLAUSE 112

1. On page 108, in line 43, to omit “Director-General” and to substitute “Minister”.
2. On page 108, in line 45, to omit “Director-General” and to substitute “Minister”.

CLAUSE 113

1. On page 108, in line 50, to omit “Director-General” and to substitute “Minister”.
2. On page 108, in line 51, to omit “Director-General” and to substitute “Minister”.

CLAUSE 116

1. On page 110, in line 22, to omit “recreation at”.
2. On page 110, in line 23, to omit “recreational activities at”.
3. On page 110, after line 33, to add:
 - (2) In making the regulations, the Minister must take into account all relevant considerations, including—
 - (a) the safety and protection of government waterworks;
 - (b) the need for control of the use of government waterworks;
 - (c) the safety and security of persons using government waterworks for recreational purposes; and
 - (d) the cost of protecting and controlling government waterworks and the recovery of these costs.

CHAPTER 13

1. On page 110, in line 34, to omit “13” and to substitute “12”.

CLAUSE 117

1. On page 112, in line 5, to omit “Director-General” and to substitute “Minister”.
2. On page 112, in line 16, after “wall;” to omit “and”.

CLAUSE 118

1. On page 112, in line 27, to omit “Director-General” and to substitute “Minister”.
2. On page 112, in line 28, to omit “plans” and to substitute “drawings”.
3. On page 112, in line 29, to omit “Director-General” and to substitute “Minister”.
4. On page 112, in line 30, to omit “Director-General” and to substitute “Minister”.
5. On page 112, in line 31, to omit “Director-General” and to substitute “Minister”.
6. On page 112, in line 40, to omit “Director-General” and to substitute “Minister”.
7. On page 112, in line 44, to omit “Director-General” and to substitute “Minister”.
8. On page 112, in line 47, to omit “Director-General” and to substitute “Minister”.
9. On page 112, in line 51, to omit “Director-General” and to substitute “Minister”.
10. On page 112, in line 53, to omit “Director-General” and to substitute “Minister”.

CLAUSE 119

1. On page 114, from line 8, to omit paragraph *(a)* and to substitute:
 - (a)* ensure that the task is carried out according to acceptable dam engineering practices;
2. On page 114, from line 12, to omit paragraph *(d)* and to substitute:
 - (d)* where the task includes constructing, altering or repairing a dam, issue a completion certificate to the owner of the dam to the effect that the task on that dam has been carried out according to the applicable design, drawings and specifications.

CLAUSE 120

1. On page 114, in line 31, to omit paragraph *(c)*.
2. On page 114, after line 34, to add:
 - (3)* A successor-in-title to an owner of a dam with a safety risk must promptly inform the Director-General of the succession, for the substitution of the name of the owner.

CLAUSE 121

1. On page 114, in line 37, to omit “or the Director-General, as the case may be,”.

CLAUSE 122

1. On page 116, in line 2, to omit “a category of persons” and to substitute “owners of dams belonging to certain categories”.
2. On page 116, in line 5, to omit “a person” and to substitute “an owner of a dam belonging to a certain category”.

CLAUSE 123

1. On page 116, in line 28, to omit “establishing” and to substitute “for the establishment of”.
2. On page 116, in line 50, to omit “tasks relating to”.
3. On page 116, in line 52, after “a” to insert “dam of a”.
4. On page 116, in line 52, after “category” to omit “of dams”.
5. On page 116, in line 56, to omit “plans” and to substitute “drawings”.
6. On page 118, in line 2, to omit “Director-General” and to substitute “Minister”.
7. On page 118, in line 4, to omit “for” and to substitute “to obtain”.
8. On page 118, from line 7, to omit subparagraph (v) and to substitute:
 - (v) requiring an approved professional person, appointed for a dam of a specific category, to keep records of information and drawings, and to compile reports;
9. On page 118, in line 13, to omit “categories of dams” and to substitute “dam”.
10. On page 118, in line 14, to omit “plans” and to substitute “drawings”.
11. On page 118, in line 18, to omit “category of dams” and to substitute “dam”.
12. On page 118, after line 18, to insert:
 - (d) requiring the owner of a dam with a safety risk to accomplish regular monitoring of the dam, to the extent and manner prescribed;
13. On page 118, in line 19, to omit “category of dams” and to substitute “dam”.
14. On page 118, in line 28, after “for” to insert “dealing with”.
15. On page 118, in line 30, after “1990)” to insert:

, and any other appropriate statutory professional bodies

CHAPTER 14

1. On page 118, in line 31, to omit “14” and to substitute “13”.

Explanatory note

1. On page 118, in line 40, after “entry;” to insert “*and*”.
2. On page 118, from line 40, to omit:
; and compensation must be paid for any damage caused as a result of the entry and inspection

CLAUSE 124

1. On page 118, in line 44, to omit “Director-General” and to substitute “Minister”.
2. On page 118, in line 48, after “on behalf of the” to insert “Minister or a”.

CLAUSE 125

1. On page 120, in line 23, to omit “inspector” and to substitute “authorised person”.
2. On page 120, in line 47, after “appointment” to insert “contemplated in section 124(2)”.

CLAUSE 127

1. On page 122, after line 30, to insert:
(2) The servitude claimed under subsection (1)(a) may be —
(a) a personal servitude in favour of the claimant; or
(b) a praedial servitude in favour of the claimant in the claimant’s capacity as owner of property on which the claimant may use the water.
2. On page 122, after line 32, to add:
(3) A person who intends to claim a servitude under this section must follow the procedure set out in Schedule 2.

CLAUSE 132

1. On page 126, in line 37, after “register” to insert:
“the acquisition, amendment or cancellation of”.
2. On page 126, from line 38, to omit subsection (3).

PART 3: Explanatory note

1. On page 128, in line 11, to omit “and transferred between the Minister” and to substitute “*the State*”.

CLAUSE 135

1. On page 128, after line 26, to add:
 - (3) The rights of the state or a water management institution in respect of improvements on property not owned by the State or the institution may be transferred to another person or authority.

CLAUSE 136

1. On page 128, from line 34, to omit subsection (3).

CHAPTER 15

1. On page 128, in line 38, to omit “15” and to substitute “14”.

Explanatory note

1. On page 128, in line 42, to omit “Director-General” and to substitute “*Minister*”.
2. On page 128, in line 43, to omit “*networks*” and to substitute “*systems*”.
3. On page 128, in line 43, to omit “networks” and to substitute “*systems*”.

PART 1

1. On page 130, in line 1, to omit “*networks*” and to substitute “*systems*”.

CLAUSE 137

1. On page 130, in line 2, to omit “networks” and to substitute “systems”.
2. On page 130, in line 3, to omit “networks” and to substitute “systems”.
3. On page 130, in line 3, to omit “Director-General” and to substitute “Minister”.
4. On page 130, in line 5, to omit “networks” and to substitute “systems”.
5. On page 130, in line 12, to omit “and marine coastal water”.

CLAUSE 138

1. On page 130, in line 15, to omit “Director-General” and to substitute “Minister”.

PART 2: Explanatory note

1. On page 130, in line 21, to omit “Director-General” and to substitute “*Minister*”.
2. On page 130, in line 24, to omit “Director-General” and to substitute “*Minister*”.

CLAUSE 139

1. On page 130, in line 31, to omit “Director-General” and to substitute “Minister”.
2. On page 130, in line 36, to omit “relating to water found underground”.

CLAUSE 141

1. On page 132, in line 2, to omit “Director-General” and to substitute “Minister”.

CLAUSE 142

1. On page 132, in line 10, to omit “Director-General” and to substitute “Minister”.
2. On page 132, in line 12, to omit “Director-General” and to substitute “Minister”.

PART 3: Explanatory note

1. On page 132, in line 23, after “of” to insert “*any dam or any other*”.

CLAUSE 145

1. On page 132, in line 32, after “must” to insert “, at its own expense,”.
2. On page 132, after line 37, to insert:
 - (d) any risk posed by any dam;
 - (e) levels likely to be reached by floodwaters from time to time;
3. On page 132, in line 41, to omit “Director-General” and to substitute “Minister”.

CHAPTER 16

1. On page 132, on line 43, to omit “16” and to substitute “15”.

Explanatory note

1. On page 132, in line 45, after “against” to insert “*certain*”.

2. On page 134, in line 1, after “authority” to omit “and applications in respect of certain decisions by water management institutions” and to substitute:

, catchment management agency or water management institution

3. On page 134, from line 4, to omit “The responsible authority is the Director-General or a water management institution to which the Director-General has assigned or delegated decision making powers. A person may appeal to the Tribunal against a decision which adversely affects that person’s rights, which in most cases will relate to authority to use water.”.

CLAUSE 146

1. On page 134, in line 18, to omit “expertise” and to substitute “knowledge”.
2. On page 134, in line 21, to omit “a selection panel as described in Part 1 of Schedule 6” and to substitute:

the Judicial Service Commission contemplated in section 178 of the Constitution

3. On page 134, in line 27, after “Tribunal” to insert “in consultation with the Minister of Finance”.
4. On page 134, in line 28, to omit “selection panel” and to substitute “Judicial Service Commission”.

CLAUSE 147

1. On page 134, from line 33, to omit subsection (1) and to substitute:
 - (1) Subject to section 146(4), after having considered the necessary field of knowledge for the purposes of hearing a particular matter, the chairperson may nominate one or more members of the Water Tribunal to hear a matter and a decision by such member or members constitutes a decision by the Tribunal.
2. On page 134, in line 40, after “purpose” to insert “or from any other source,”.

CLAUSE 148

1. On page 134, after line 44, to omit subsection (1) and to substitute:
 - (1) There is an appeal to the Water Tribunal —
 - (a) against a directive issued by a catchment management agency under section 19(3) or 20(4)(d), by the recipient thereof;
 - (b) against a claim by a catchment management agency for the recovery of costs under section 19(5) or 20(7) by the person affected thereby;
 - (c) against the apportionment by a catchment management agency of a liability for costs under section 19(8) or 20(9), by a person affected thereby;

- (d) against a decision of a water management institution on the temporary transfer of a water use authorisation under section 25(1), by a person affected thereby;
 - (e) against a decision of a responsible authority on the verification of a water use under section 35 by a person affected thereby;
 - (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;
 - (g) against a preliminary allocation schedule published by a responsible authority under section 46(1), by any interested person;
 - (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;
 - (i) against a decision of a responsible authority on an adjudication of claims made under section 51(1), by any person affected thereby;
 - (j) against a directive issued by a responsible authority under section 53(1), by the recipient thereof;
 - (k) against a claim by a water management institution for the recovery of costs under section 53(2)(a), by the person against whom the claim is made;
 - (l) against a decision by a responsible authority on the suspension, withdrawal or reinstatement of a licence under section 54, or on the surrender of a licence under section 55, by the licensee; and
 - (m) against a declaration made by, directive given by or costs claimed by the Minister in respect of a dam with a safety risk under section 118(3) or (4).
- (2) An appeal under subsection (1) —
- (a) does not suspend a directive given under section 19(3), 20(4)(d) or 53(1); and
 - (b) suspends any other relevant decision, direction, requirement, limitation, prohibition or allocation pending the disposal of the appeal, unless the Minister directs otherwise.

2. On page 134, after line 53, to omit subsection (3) and to substitute:

(3) The procedure for lodging, hearing and deciding —

- (a) an appeal under subsection (1); and
- (b) an application for the determination of compensation under section 22,

is contained in Part 2 of Schedule 6.

3. On page 136, in line 2, after “Tribunal” to insert:

, including the procedure for lodging and opposing an appeal or an application and the hearing thereof by the Tribunal

CLAUSE 149

1. On page 136, after line 6, to omit subsection (1) and to substitute:
- (1) A party to a matter in which the Water Tribunal—

- (a) has given a decision on appeal under section 148, may, on a question of law, appeal to a High Court against that decision; or
- (b) has determined the liability for compensation or the amount of compensation under section 22(9), may, on a question of law, appeal to a High Court against that determination.

CLAUSE 150

1. On page 136, in line 33, to omit “Director-General” and to substitute “Minister”.

CHAPTER 17

1. On page 136, in line 41, to omit “17” and to substitute “16”.

CLAUSE 151

1. On page 138, in line 3, to omit “an authorised” and to substitute “a permitted”.
2. On page 138, in line 16, to omit “or coastal marine waters”.
3. On page 138, in line 18, to omit “or coastal marine waters”.
4. On page 138, in line 20, to omit “or”.
5. On page 138, in line 22, after “3” to insert “; or”.
6. On page 138, after line 22 to insert:
 - (m) commit contempt of the Water Tribunal.

CLAUSE 152

1. On page 138, in line 28, before “compensation” to insert “Enquiry in respect of”.
2. On page 138, in line 29, to omit “(1)”.
3. On page 138, in line 32, to omit “or marine coastal waters”.
4. On page 138, in line 36, to omit “or marine coastal waters”.
5. On page 138, from line 40, to omit subsection (2).

CLAUSE 153

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Award of damages

153. After making a determination in terms of section 152, the Court may —

- (a) award damages for the loss or harm suffered by the person referred to in section 152 against the accused;
- (b) order the accused to pay for the cost of any remedial measures implemented or to be implemented; and
- (c) order that the remedial measures to be implemented, be undertaken either by the accused or the relevant water management institution.

CLAUSE 154

1. On page 140, in line 6, to omit “implied permission of an employer, the employer is” and to substitute:

implied permission of the employer or principal, as the case may be, the employer or principal, as the case may be, is

2. On page 140, in line 8, before “employer” to insert:

“principal or employer, as the case may be”

CLAUSE 155

1. On page 140, in line 11, to omit “Removal of cause of stream flow reduction” and to substitute:

Interdict or other order by High Court

2. On page 140, in line 12, to omit “Director-General” and to substitute “Minister”.

CHAPTER 18

1. On page 140, in line 17, to omit “18” and to substitute “17”.

CLAUSE 162

1. On page 144, in line 10, after “of” to insert “the registered address or”.

SCHEDULE 1

1. On page 146, after the second line, to insert:

[Sections 4(1) and 22(1)(a)(i) and Item 2 of Schedule 3]

2. On page 146, after the first line of item (1), to omit paragraphs (a) and (b) and to substitute:

- (a) take water for reasonable domestic use in that person’s household, directly from any water resource to which that person has lawful access;

- (b) take water for use on land owned or occupied by that person, for —
- (i) reasonable domestic use;
 - (ii) small gardening not for commercial purposes; and
 - (iii) the watering of animals (excluding feedlots) which graze on that land within the grazing capacity of that land, from any water resource which is situated on or forms a boundary of that land, if the use is not excessive in relation to the capacity of the water resource and the needs of other users;

SCHEDULE 2

1. On page 148, after line 2, to insert:

[Sections 127(3), 129(2), 129(5)(b) and 132(3)]
2. On page 148, in line 2 of item 1, to omit “relevant land” and to substitute:

land which will be subject to the servitude
3. On page 148, in line 1 of item 3(a), to omit “The authorisation for” and to substitute “The entitlement of the claimant to”.
4. On page 148, after the second line of item 3 to insert:
 - (b) a description of the land which will be subject to the servitude;
 - (c) whether the servitude claimed is a personal or a praedial servitude;
 - (d) in the case of a personal servitude, the name, identity number or registration number (if applicable) of the person in whose favour the servitude is claimed;
 - (e) in the case of a praedial servitude, a description of the land in favour of which the servitude is claimed;
5. On page 148, in line 1 of item 3(c), before “the route” to insert:

in the case of a servitude of aqueduct,
6. On page 148, in line 1 of item 3(d), before “where” to insert:

in the case of a servitude of submersion,
7. On page 148, in line 2 of item 3(e), to omit “inconvenience experienced by the landowner” and to substitute:

loss and inconvenience to the owner or occupier of the land which will be subject to the servitude,
8. On page 148, in line 1 of item 3(h), after “required” to insert “, during the construction period,”.
9. On page 148, in line 1 of item 3(h)(iii), after “workshops;” to insert “or”.
10. On page 148, in line 1 of item 3(h)(iv), to omit “; or”.
11. On page 148, to omit item 3(h)(v).
12. On page 148, after item 3(h)(v), to insert:
 - (i) the extent and location of any land reasonably required for construction, operating and maintaining a proposed waterwork on the land which will be subject to the servitude;

13. On page 148, in line 1 of item 4, to omit “details required in terms of item 3(c), (d) and (e)” and to substitute:

location of the proposed waterworks on the land which will be subject to the servitude

14. On page 148, in line 1 of item 8, after “may” to insert:

, not earlier than 14 days and not later than 90 days after the notices required in terms of this Schedule have been given,

SCHEDULE 3

1. On page 150, after line 4, to insert:

[Sections 72, 73 and 151(1)(l)]

2. On page 150, in line 1 of item 1, to omit “71,”.

3. On page 150, in line 4 of item 1, after “Act” to insert:

, to the extent that such powers and duties have been assigned or delegated to it, and within the constraints of the assignment or delegation

4. On page 150, after line 4 of item 2, to insert:

(c) subject to the provisions of the Act, develop and operate a waterwork in furtherance of its catchment management strategy; and

5. On page 150, after line 6 of item 2, to insert the following paragraph:

(e) by notice to a person taking water, and after having given that person a reasonable opportunity to be heard, limit the taking of water in terms of Schedule 1.

6. On page 150, after line 4 of item 3(5)(a)(ii), to insert:

(b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the catchment management agency considers to be appropriate; and

7. On page 150, in line 3 of item 3(5)(a)(ii), to omit “30” and to substitute “60”.

8. On page 150, in line 4 of item 3(5)(a)(ii), to omit “and”.

9. On page 150, in line 2 of item 3(5)(b), after “(a)(ii)”, to add “; and”.

10. On page 150, after line 2 of item 3(5)(b), to add:

(c) consider all applicable conditions for provision of services and bylaws made under the Water Services Act, 1997 (Act No 108 of 1997), by water services institutions having jurisdiction in the area in question.

11. On page 152, to omit item 5.

12. On page 154, in line 1 of item 7(3)(c)(ii), to omit “and”.

13. On page 154, in line 1 of item 7(3)(c)(iii), after “use”, to insert “; and”.

14. On page 154, after item 7(3)(c)(iii), to add:
- (iv) any water rationing or water use limitations by a water services institution having jurisdiction in the area in question under the Water Services Act, 1997 (Act No 108 of 1997).

SCHEDULE 4

1. On page 150, after line 3, to insert:
 - [Sections 79(2) and 82(4)]
2. On page 156, in line 1 of item 3(4), to omit “Director-General” and to substitute “Minister”.
3. On page 156, in line 1 of item 3(5), to omit “Director-General” and to substitute “Minister”.
4. On page 156, after line 3 of item 3(6), to add:
 - (7) The board must, in consultation with the Minister of Public Service and Administration, determine the salary of its chief executive officer, subject to the approval of the Minister.
5. On page 160, in line 1 of item 8, to omit “Director-General” and to substitute “Minister”.
6. On page 162, in the second line of 11(3), to omit “the meeting will stand adjourned” and to substitute:
 - the person presiding at that meeting may adjourn the meeting.
7. On page 164, at the end of item 19(1)(d), to add:
 - , which may include —
 - (i) full decision making powers on particular matters; or
 - (ii) a requirement to refer decisions back to the board for ratification.
8. On page 164, in line 2 of item 21(4), to omit “Director-General” and to substitute “Minister”.
9. On page 164, in line 1 of item 22, to omit “Director-General” and to substitute “Minister”.
10. On page 164, in line 1 of item 22(f), to omit “Director-General” and to substitute “Minister”.
11. On page 166, in line 1 of item 23(e), to omit “Director-General” and to substitute “Minister”.
12. On page 166, after line 8 of item 23, to insert:
 - (d) must provide for capacity building amongst its board members and officials;
13. On page 166, in line 1 of item 24(c), to omit “Director-General” and to substitute “Minister”.
14. On page 166, in the heading of item 25, to omit “Director-General” and to substitute “Minister”.
15. On page 166, in line 2 of item 25(1), to omit “Director-General” and to substitute “Minister”.

16. On page 166, in line 1 of item 25(2), to omit “Director-General” and to substitute “Minister”.
17. On page 166, in line 1 of item 25(3), to omit “Director-General” and to substitute “Minister”.
18. On page 166, in line 2 of item 25(3), to omit “Director-General” and to substitute “Minister”.
19. On page 166, in line 3 of item 25(3), to omit “Director-General” and to substitute “Minister”.
20. On page 166, in line 1 of item 25(4), to omit “Director-General” and to substitute “Minister”.
21. On page 166, in line 1 of item 25(5), to omit “Director-General” and to substitute “Minister”.
22. On page 166, in the heading of item 26, to omit “Director-General” and to substitute “Minister”.
23. On page 166, in line 3 of item 26, to omit “Director-General” and to substitute “Minister”.
24. On page 166, in line 2 of item 27, to omit “Director-General” and to substitute “Minister”.
25. On page 166, in the heading of item 28, to omit “Director-General” and to substitute “Minister”.
26. On page 166, in line 1 of item 28(1), to omit “Director-General” and to substitute “Minister”.
27. On page 168, in line 1 of item 29(1), to omit “Director-General” and to substitute “Minister”.
28. On page 168, in line 2 of item 29(1), to omit “Director-General” and to substitute “Minister”.
29. On page 168, in line 1 of item 29(1)(a), to omit “Director-General” and to substitute “Minister”.
30. On page 168, in line 2 of item 29(1)(b), to omit “Director-General” and to substitute “Minister”.
31. On page 168, in line 1 of item 29(2), to omit “Director-General” and to substitute “Minister”.
32. On page 168, in line 2 of item 29(3), to omit “Director-General” twice and to substitute “Minister” twice.
33. On page 168, in line 2 of item 31, to omit “part” and to substitute “item”.
34. On page 170, in line 1 of item 33(1)(c), to omit “the Director-General or”.
35. On page 170, in line 1 of item 33(2), to omit “Director-General” and to substitute “Minister”.
36. On page 170, in line 2 of item 33(3), to omit “Director-General” and to substitute “Minister”.
37. On page 170, in line 3 of item 33(4), to omit “Director-General” and to substitute “Minister”.

38. On page 170, after item 33(6), to insert:

(7) The institution must —

- (a) if it is a catchment management agency, table its annual report in Parliament; or
- (b) if it is a water user association, send a copy of its annual report to the Secretary to Parliament.

SCHEDULE 5

1. On page 172, after line 3, to insert:

[Sections 91(1)(f), 93(1) and 94(2)]

2. On page 172, in line 1 of item 2, to omit “9” and to substitute “8”.

3. On page 174, in line 2 of item 7(3), to omit “Director-General” and to substitute “Minister”.

4. On page 182, in line 2 of Option (b), to omit “Director-General” twice and to substitute “Minister” twice.

SCHEDULE 6

1. On page 184, after line 2, to insert:

[Sections 146(5) and 148(3)]

2. On page 184, in line 3 of item 2, after “dishonesty” to add:

or has been sentenced to imprisonment without the option of a fine. A disqualification under this subitem ends three years after the sentence has been served.

3. On page 184, to omit item 3.

4. On page 184, to omit item 4(1) and to substitute:

(1) Whenever necessary, the Minister must request the Judicial Service Commission to—

- (a) publish a notice in the *Gazette* calling for nominations for appointment to the Water Tribunal; and
- (b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the Commission considers to be appropriate.

5. On page 184, in line 7 of item 4(2), to omit “; and” and to substitute:

, which may not be earlier than 30 days after publication of the notice;
and

6. On page 186, in line 2 of item 6(1), to omit “or a water allocation as contemplated in section 22”.

7. On page 186, in line 4 of item 6(1), after “authority” to omit “and on the other parties to the matter” and to insert “or catchment management agency”.

8. On page 186, to omit item 6(2).

9. On page 186, in line 2 of item 6(3), to omit “or the late delivery of a notice of opposition“
10. On page 186, in line 1 of item 6(4), after “authority” to insert:
or a catchment management agency
11. On page 186, in line 1 of subitem 7(4), to omit “a record” and to substitute “minutes containing a summary of the proceedings”.
12. On page 186, in line 1 of item 8(2), after “by” to insert “a”.

SCHEDULE 7

1. On page 190, after line 2, to insert:
[Section 163(1)]

SCHEDULE 8

Schedule rejected.