

DELEGATIONS OF POWERS AND DUTIES IN TERMS OF THE NATIONAL WATER ACT, 1998

By virtue of the powers vested in me by Section 63 of the National Water Act, 1998, (Act No. 36 of 1998), I, Buyelwa Sonjica, MP, in my capacity as Minister of Water Affairs and Forestry, hereby delegate the powers and duties fully described hereunder, to the incumbents and future incumbents of the under mentioned posts.

A reference to the incumbent of a particular post also includes the incumbent of a post senior to the said post in the functional line. The incumbent of a senior post shall only exercise the powers and duties herein delegated with good reason and shall be accountable for his or her decision to do so; such exercise of authority must be recorded in writing.

I reserve the right at any time to amend or withdraw any delegation and at any time exercise directly the powers vested in the delegatee and may at any time give a directive to the delegatee as to the performance of any function.

Buyelwa Sonjica, MP

Minister of Water Affairs and Forestry

Date: 23 June 2005

DELEGATION OF POWERS AND DUTIES¹
IN TERMS OF THE NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998)

SECTIONS	POWERS AND DUTIES	AMENDED DELEGATION TO WHOM
1(xxiv)	To declare a collection of water to be a watercourse.	Executive Manager: Water Use
1(xxiv)	The publication of a notice in the Gazette of a collection of water as a watercourse.	Executive Manager: Water Use
5(1)	The establishment, subject to subsection 5(4), of a national water resource strategy.	Not delegated.
5(4)(b)	The reviewing of the national water resource strategy.	Not delegated.
5(5)(a) (i), (ii) and (iii)	The publication of a notice in the Gazette of the proposed national water resource strategy or any component of that strategy, the address where it can be inspected and inviting written comments thereon.	Director-General.
5(5)(b)	To consider and take what further steps are appropriate to bring the contents of the proposed national water resource strategy, or any component, to the attention of interested persons.	Executive Manager: Strategic Co-ordination.
5(5)(c)	To consider all comments received on the proposed national water resource strategy.	Not delegated.
8(4)	To give written consent to establish a catchment management strategy or any component of that strategy.	Not delegated.

10(1)	The establishment of guidelines for the preparation of catchment management strategies.	Director-General.
10(3)	To consider and determine any proposed component of a catchment management strategy which raises a material question of policy or raises a question concerning the relationship between the Department and other organs of state or the relationship between organs of state and their respective role in developing or implementing a catchment management strategy.	Not delegated.
12(1)	To prescribe as soon as reasonably practicable a system for classifying water resources as set out in subsection 12(2)(a), (b) and (c).	Not delegated.
13(1)	To determine, as soon as reasonably practicable and subject to subsection (4), for all or part of every significant water resource, a class in accordance with the prescribed classification system and resource quality objectives.	Director-General.
13(4)	The publication of a notice in the Gazette setting out the details required in subsection 13(4)(a) and inviting written comments.	Director-General.
13(4)(b)	To consider and take what further steps are appropriate to bring the contents of the notice to the attention of interested persons.	Director-General
13(4)(c)	To consider all comments received on the proposed class or proposed resource quality objectives.	Director-General.
14(1)	To determine a preliminary class or resource quality objectives.	Director-General.
16(1)	To determine as soon as reasonably practicable and subject to subsection (2), the Reserve for all or part of a water resource.	Director-General.

16(3)(a)	The publication of a notice in the Gazette setting out the proposed Reserve and inviting written comments.	Director-General.
16(3)(b)	To consider and take what further steps are appropriate to bring the contents of the notice to the attention of interested persons.	Executive Manager: Resource Directed Measures
16(3)(c)	To consider all comments received on the proposed Reserve.	Director-General.
17(1)	To determine before the use of water under section 22(5) can be authorised the preliminary Reserve for all or part of a water resource.	Director-General.
19(3)	To direct any person who fails to take the measures required under subsection 19(1), to take the measures set out in subsection 19(3)(a), (b) and (c).	Regional Director ³ .
19(4)	To take the measures considered necessary to remedy the effects of pollution should the person fail to comply or comply inadequately with a directive.	Regional Director.
19(5)	To recover jointly and severally all the costs incurred as a result of acting under subsection (4) in remedying the effects of pollution from the persons set out in this subsection-	Cluster Manager.
19(6)	To claim the costs under subsection (5) from any other person who benefited from the measures undertaken to remedy the situation.	Cluster Manager.
19(8)	At the request of any of the persons liable, apportion liability if more than one person is held liable in terms of subsection 19(5).	Cluster Manager.

20(4)(d)	<p>To direct verbally to the responsible person the measures be taken to contain emergency incidents;</p> <p>To direct in writing to the responsible person the measures be taken to contain emergency incidents.</p>	<p>Regional Deputy Director</p> <p>Regional Director.</p>
20(5)	To confirm a verbal directive within 14 days in writing.	Regional Director.
20(6)	To take the measures considered necessary to remedy the effects of pollution should the responsible person fail to comply or inadequately comply with a directive or it is not possible to give a directive timeously to the responsible person.	Regional Director.
20(7)	To recover jointly and severally all reasonable costs in remedying the effects of pollution, from every responsible person-	Cluster Manager.
20(9)	At the request of the persons liable, apportion liability if more than one person is held liable in terms of subsection 20(7).	Cluster Manager.
22(2)(e)	To direct that any return seepage, run-off or water containing waste which emanates from that use must be returned to the water resource, unless directed otherwise.	Cluster Manager.
22(3)	To dispense with the requirement for a licence for water use if the purpose of this Act will be met under any other law.	Executive Manager: Water Use.
22(4)	To promote arrangements with other organs of state to combine licences into a single licence requirement.	Executive Manager: Water Use.
22(5)	Subject to section 17, authorise the use of water before the items set out in subparagraph 5(a)-(e) are in place.	See delegations of powers and duties of Chapter 4 of the Act.

22(10)	To enter into negotiations with the claimant after the Water Tribunal has awarded compensation, to offer an allocation of water instead of compensation.	Executive Manager: Water Use.
23(1)	Subject to the national water resource strategy, to determine the quantity of water in respect of which a responsible authority may issue a general authorisation and a licence from a water resource in its water management area.	Executive Manager: Water Use.
23(2)	Until the national water resource strategy has been determined, to make a preliminary determination of the quantity of water in respect of which a responsible authority may issue a general authorisation and a licence from a water resource.	Executive Manager: Water Use.
24	To grant a licence to use water found underground on land not owned by the applicant:	Executive Manager: Water Use.
25(1)	<p>At the request of a person authorised to use water for irrigation, on a temporary basis and on conditions as may be determined, to allow:</p> <p>the use of some or all of that water for a different purpose on the same property; or</p> <p>the use of some or all of that water on another property in the same vicinity and for the same or similar purpose.</p>	<p>Regional Director.</p> <p>Chief Engineer.</p>

25(2)	<p>To surrender an entitlement in order to facilitate a particular licence application under Section 41:</p> <p>the authorisation of the use of water between different sectors, catchments, or water management areas;</p> <p>for all other authorisations under this section.</p>	<p>Director General.</p> <p>Executive Manager: Water Use.</p>
25(3)	<p>To publish an annual report of every permission granted under subsection 25(1) or any application granted under 25(2).</p>	<p>Director: Administration.</p>
26	<p>Subject to subsection (4) to make the regulations set out in section 26(1).</p>	<p>Not delegated.</p>
27(1)	<p>To take into account all relevant factors in considering the issuing of a general authorisation;</p> <p>Or a licence.</p>	<p>Director-General</p> <p>Executive Manager: Water Use, unless stated otherwise in these delegations.</p>
27(2)	<p>To give a responsible authority (excluding the Minister) the written approval to issue a licence to itself.</p>	<p>Director-General.</p>
28(3)	<p>Subject to section 28(4) to extend the licence period, if this is done as part of a general review of licences carried out in terms of section 49.</p>	<p>Executive Manager: Water Use.</p>

29(1)	<p>To attach conditions to a general authorisation.</p> <p>To attach conditions to a licence.</p>	<p>Director-General.</p> <p>Executive Manager: Water Use, unless stated otherwise in these delegations.</p>
29(2)	<p>To make an obligation to pay compensation a condition of a licence.</p>	<p>Executive Manager: Water Use.</p>
30(1)	<p>If it is necessary for the protection of a water resource or property, to require the applicant to give security in respect of any obligation or potential obligation arising from a licence.</p>	<p>Executive Manager: Water Use.</p>
30(3)	<p>To determine the type, extent and duration of any security-</p> <p>If less than R200 000</p> <p>From R200 000 and less than R500 000</p> <p>R500,000 or more.</p>	<p>Regional Director:</p> <p>Executive Manager: Water Use</p> <p>Director-General.</p>
30(5)	<p>If the security is in the form of an insurance policy, to require that the responsible authority be jointly insured under or be a beneficiary of the insurance policy.</p>	<p>Executive Manager: Water Use.</p>

30(6)	<p>To decide that any security given under section n30 amended or discharged;</p> <p>If less than R200 000</p> <p>From R200 000 and less than R500 000</p> <p>R500,000 or more.</p>	<p>Regional Director:</p> <p>Executive Manager: Water Use</p> <p>Director-General.</p>
33(1)	<p>On an application of any person to declare, subject to subsection 3, a water use which is not one contemplated in section 32(1)(a) to be an existing lawful water use.</p>	<p>Cluster Manager.</p>
33(2)	<p>To declare on its own initiative, subject to subsection 3, a water use which is not one contemplated in section 32(1)(a) to be an existing lawful water use.</p>	<p>Cluster Manager.</p>
34(2)	<p>Subject to any regulation made under section 26(1)(c), require the registration of an existing lawful water use.</p>	<p>Regional Director.</p>
35(1)	<p>To require by written notice any person claiming an entitlement to an existing water use, to apply for the verification of that use.</p>	<p>Chief Engineer.</p>

35(3)	<p>To require the applicant to obtain and provide information in addition to the information contained in an application;</p> <p>To conduct its own investigation into the veracity and lawfulness of the water use;</p> <p>To invite written comments from any person who has an interest in the matter.</p>	<p>Regional Director.</p> <p>Chief Engineer.</p> <p>Chief Engineer.</p>
35(4)	To determine the extent and lawfulness of a water use pursuant to an application under section 35(1).	Cluster Manager.
35(6)	To condone for good reason a late application and charge a reasonable additional fee.	Regional Director.
36(2)	To declare any activity 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.	Not delegated.
36(3)	Before making a declaration, to consider the items set out in section 36(3)(a)-(e).	Not delegated.
36(4)(a)	The publication of a notice in the Gazette setting out the proposed activity to be declared a stream flow reduction activity and inviting written comments thereon.	Executive Manager: Water Use.
36(4)(b)	To consider and take further applicable steps to bring the contents of the notice to the attention of interested persons.	Executive Manager: Water Use.
36(4)(c)	To consider all comments received on the proposed stream flow reduction activity.	Not delegated.

38(1)	To declare generally or specifically and subject to subsection (2), an activity to be a controlled activity if that activity is likely to impact detrimentally on a water resource.	Not delegated.
38(3)(a)	The publication of a notice in the Gazette setting out the activity or category of activities proposed to be declared a controlled activity and inviting written comments thereon.	Director-General.
38(3)(b)	To make the notice known in the case of a specific activity on a specific site by delivering or sending a copy to the owner or the person in control of the site and to every organ of state which, and to every person who, has an interest in the matter.	Regional Director.
38(3)(c)	To consider and take what further steps are appropriate to bring the contents of the notice to the attention of interested persons.	Executive Manager: Water Use.
38(3)(d)	To consider all comments received on the proposed controlled activity.	Not delegated.
39(1)	To authorise, subject to Schedule 1 and sections 26 and 29, all or any category of persons to use water.	Director-General.
39(4)(a)	The publication of a notice in the Gazette setting out the proposed general authorisation and inviting written comments.	Director-General.
39(4)(b)	To consider and take what further steps are appropriate to bring the contents of the notice to the attention of interested persons.	Executive Manager: Water Use.
39(4)(c)	To consider all comments received on the proposed general authorisation.	Executive Manager: Water Use.

40(1)	<p>Subject to section 22(5),</p> <p>To consider an application for a water use licence, except for-</p> <p>(i) Up to 50 000 m³ storage and 25 l/s abstraction;</p> <p>(ii) All sewerage works and industries up to 5 000 m³ discharge;</p> <p>(iii) All general waste disposal sites; and</p> <p>(iv) to consider an application for a stream flow reduction activity water use licence for areas less than 10 hectares in extent for each separately registered property.</p>	<p>Executive Manager: Water Use except as indicated in this delegation.</p> <p>Regional Director.</p>
40(3)	<p>To determine a reasonable fee for the processing of a licence application;</p> <p>To waive the fee for processing a licence in deserving cases;</p> <p>To recover the fee of a licensing application.</p>	<p>Director-General.</p> <p>Director-General.</p> <p>Regional Director.</p>
40(4)	<p>To decline to consider a licence application for the use of water to which the applicant is already entitled by way of an existing lawful water use or under a general authorisation.</p>	<p>Regional Director.</p>
41(1)	<p>To determine that an application for a licence be in the form, contain the information and be accompanied with a processing fee as determined.</p>	<p>Regional Director.</p>

41(2)(a)	To the extent that it is reasonable to do so, require the applicant to obtain and provide by a given date additional information; an assessment by a competent person of the likely effect of the proposed licence on the resource quality and an independent review of the assessment furnished, by an acceptable person.	Executive Manager: Water Use; Regional Director.
41(2)(b) and (c)	To conduct its own investigation on the likely effect of the proposed licence and invite written comments from any organ of state or person who has an interest in the matter.	Executive Manager: Water Use; Regional Director.
41(3)	Direct that an assessment comply with the requirements contained under section 26 of the Environment Conservation Act, 1989.	Regional Director.
41(4)(a)	Require that an applicant for a licence give notice in newspapers and other media describing the licence, requiring written objections to be lodged before a specified date and to contain any other particulars required.	Regional Director.
41(4)(b)	To require that the applicant takes such other steps to bring the application to the attention of relevant organs of state, interested persons and the general public.	Regional Director.
41(4)(c)	To consider and satisfy himself/herself that the interests of any other person will not be adversely affected.	Regional Director.
42(a)	To notify the applicant and any person who objected to the application of the decision and the reasons for the decision on a licence application.	Regional Director.
43(1)	To require, on the grounds set out in subsection (1) (a)-(d), that water use in respect of one or more watercourses within a geographic area be licensed.	Director-General.

43(1)	To issue a notice requiring a person to apply for a licence for one or more types of water use contemplated in section 21.	Regional Director.
43(2)	To determine such other information to be contained in a notice under 43(1).	Director-General.
43(3)	To take other steps to bring the notice to the attention of interested persons.	Regional Director.
44	For good reason condone a late application; and Charge a reasonable additional fee.	Regional Director. Regional Director.
45(1)	To prepare a proposed allocation schedule specifying how water from the water resource in question will be allocated.	Manager: Water Use.
45(3)	To decide whether all available water is to be allocated.	Executive Manager: Water Use.
45(4)(a)	To publish the proposed allocation schedule in the Gazette.	Executive Manager: Water Use.
45(4)(b)	To invite written comments to be submitted on the proposed allocation schedule setting out an address and a date when the comments are to be submitted by.	Executive Manager: Water Use.
45(4)(c)	To consider and take what further steps are appropriate to bring the contents of the proposed notice to the attention of interested persons.	Executive Manager: Water Use.
46(1)	Consider all the objections and prepare a preliminary allocation schedule.	Executive Manager: Water Use.
46(1)(a) and (b)	To publish a notice in the Gazette with a copy of the preliminary schedule or stating where it can be inspected and that an appeal in respect of any unsuccessful objection may be made in accordance with Chapter 15.	Executive Manager: Water Use.

46(2)	To amend the preliminary schedule as directed by the Water Tribunal.	Executive Manager: Water Use.
47(1)	To publish a notice in the Gazette that the preliminary allocation schedule has become final and contain in the notice a copy of the schedule or to state where it can be inspected.	Executive Manager: Water Use.
49(1)	To review a licence at the time stipulated.	Regional Director.
49(2)	On review to amend a licence as set out in subsections 2(a)-(c).	Cluster Manager.
50(1)	To amend or substitute a licence condition under the conditions set out in subsections (1)(a), (b) and (c).	Cluster Manager.
50(2)	To require the licensee to obtain written consent of any affected person or to make a formal application in terms of section 52, before amending or substituting a licence.	Regional Director.
51(1)	To adjudicate upon conflicting claims between a licensee and a successor-in-title or between different successors-in-title in respect of claims for the amendment or substitution of licence conditions.	Cluster Manager.
52(3)	To consider an application to amend or review a licence.	Executive Manager: Water Use.
52(4)	To amend any condition of a licence with the agreement of the licensee.	Cluster Manager.
53(1)	By notice in writing to a person who contravenes the conditions set out in subparagraphs (a), (b) and (c) direct that the person or the owner of the property in relation to which the contravention occurs, take the action specified in the notice to rectify the contravention within the time period specified in the notice.	Chief Engineer.

53(2)	If no action is taken within the time specified in the notice, or any longer time allowed, to carry out the works and other action to rectify the contravention and recover the reasonable costs from the person on whom the notice was served; or to apply to a competent court for relief.	Regional Director.
54(1)	Subject to subsections 54(3) and (4) and subsection (1) (a)-(c) by notice to any person entitled to use water under this Act, Suspend the entitlement; or Withdraw the entitlement.	Regional Director Executive Manager: Water Use.
54(3)	To give a directive to a person to take specified steps to remedy a failure within a specified time.	Regional Director.
54(5)	To reinstate for good reason an entitlement withdrawn under subsection 54(1).	Executive Manager: Water Use.
55(1)	To accept the surrender and cancellation of a licence issued.	Regional Director.
55(2)	To refund any charge or part of any charge paid in respect of a licence surrendered.	Regional Director.
56(1)	To establish subject to subsection (7) and with the concurrence of the Ministry of Finance, a pricing strategy for charges for water use within the framework of existing relevant government policy.	Not delegated.
56(7)(a)	The publication of a notice in the Gazette setting out the proposed pricing strategy and inviting written comments thereon.	Executive Manager: Institutional Oversight.

56(7)(b)	To consider and take what further steps are appropriate to bring the contents of the proposed pricing strategy to the attention of interested parties.	Executive Manager: Institutional Oversight.
56(7)(c)	To consider all comments received on the proposed pricing strategy.	Executive Manager: Institutional Oversight.
57(2)	To make water use charges payable to a relevant water management institution within a specific water management area.	Director-General, when the Minister is deemed to be a water management institution.
57(3)	To make water use charges on a national or on a regional basis payable to the state or apportioned under the circumstances set out under sub-section 3(b).	Director-General.
58(1)	To direct that a water management institution recover any charges for water use made by the Minister under section 57(1)(a) from water users within its water management area, or area of operation.	Cluster Manager.
58(2)	To allow a water management institution which has been directed to recover charges under 58(1) to retain such portion of all charges recovered in order to recompense it for expenses and losses.	Senior Executive Manager: Policy and Regulation.
59(3)(a)	To determine with the concurrence of the Minister of Finance if a water use charge is not paid the rate of interest payable during the period of default; To publish a notice in the Gazette of the interest determined.	Not delegated. Director: Administration.
59(3)(b)	To restrict or suspend the supply of water to the water user from a waterwork or the authorisation to use water, until the charges, together with interest, have been paid.	Senior Executive Manager: Policy and Regulation.

60(2)	On written application by any person and within 30 days of the application issue a certificate stating the amount of any unpaid water charges on land and any interest due.	Area Manager.
61(1)	Subject to any regulation, and subsection (3), give financial assistance to any person for the purposes of this Act, including assistance for making licence applications.	Senior Executive Manager: Policy and Regulation.
62	To make regulations relating to matters referred to in this section.	Not delegated.
63(1)	To delegate in writing and subject to conditions any powers or duties vested in the Minister in terms of the Act.	Not delegated.
63(2)	To delegate the power to:- (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.	Not delegated.
63(3)	In writing and subject to conditions to permit a person to whom a power or duty has been delegated to delegate that function to another person.	Not delegated.
63(4)	To give a directive to the Director-General in relation of 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.	Not delegated.

64(1)	<p>Subject to any other law, to expropriate any property, if the purpose is a public purpose or in the public interest.</p> <p>To authorise a water management institution to expropriate, if the purpose is a public purpose or in the public interest.</p>	<p>Not delegated.</p> <p>Not delegated.</p>
64(1)	<p>Subject to any other law, the issuing of authority to any person in terms of this section read with section 6(1)(a) of the Expropriation Act, 1975 to enter upon any land and perform thereon any act permitted under the said section in order to ascertain whether the said section in order to ascertain whether the said land is suitable for the purpose or use contemplated or for determining the value thereof;</p> <p>The expropriation as referred to in this section read with section 7 of the Expropriation Act, 1975, of property, or the taking of a right to use property temporarily for the purposes referred to in section 64(1): provided that if the amount of compensation offered is mentioned in the notice of expropriation, the recommendation of eh Board on Land Affairs as to the basis on which the amount of compensation should be determined, is not deviated from;</p> <p>The withdrawal of an offer of an amount as compensation under the circumstances contemplated by section 7(2)(d) of eh Expropriation Act, 1975;</p>	<p>Director: Administration.</p> <p>Deputy Director: Administration.</p> <p>Deputy Director: Administration.</p>

	<p>The extension of the period of eight months referred to in section 10(5)(a) of the Expropriation Act, 197: Provided that a Deputy Director: Administration may only extend the period in aggregate by not more than one year;</p> <p>To ask for particulars as contemplated in section 10(7) of the Expropriation Act, 1975;</p> <p>To deposit an amount of compensation referred to in section 21(1) of the Expropriation Act, 1975.</p>	<p>Deputy Director: Administration.</p> <p>Deputy Director: Administration.</p> <p>Deputy Director: Administration.</p>
65(1)(a)	The expropriation of the necessary rights in respect of land where a person is required to undertake rehabilitation or remedial works and is unable to acquire access on reasonable terms.	Not delegated.
65(1)(b)	To recover all costs including compensation incurred in connection with the expropriation referred to in subsection (1)(a).	Director: Administration.
66	To extend in exceptional circumstances and for good reason the time period, or condone a failure to comply with a time period.	Senior Executive Manager: Policy and Regulation.
67(1)	<p>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-</p> <p>(a) to dispense with the requirements of the Act relating to prior publication or to obtaining and considering public comment before any instrument contemplated in section 158(1) is made or issued;</p>	Regional Director.

	(b) to dispense with notice periods or time limits required by or under this Act;	Regional Director.
	(c) to authorise a water management institution to dispense with the requirements of this Act relating to prior publication or to obtaining; and considering public comment before any instrument is made or issued opinion and notice periods or time limits required under this Act.	Regional Director.
68	To intervene in litigation before a court or in a hearing before a Water Tribunal with regard to any matter contemplated in this Act.	Director-General.
69(1)	To make regulations under this Act.	Not delegated.
69(1)(a)	The publication of a notice in the Gazette of draft regulations and inviting written comments thereon.	Director-General.
69(1)(b)	To consider and take what further steps are appropriate to bring the contents of the proposed draft regulations to the attention of interested persons.	Director-General.
69(1)(c)	To consider all comments received on the draft regulations.	Not delegated.
69(d)	On request by the National Assembly or the National Council of Provinces or a committee of the National Council of Provinces report the extent to which a specific comment was taken into account and provide the reasons why it was not taken into account.	Director-General.
70	To table regulations within 30 days with the National Assembly and the National Council of Provinces.	Not delegated.

71(1)	Within 30 days after been informed in writing that the National Assembly has rejected any regulations, repeal or amend those regulations.	Not delegated.
72(1)	To exercise those powers and duties set out in sections 79 and 80 and in Schedule 3, that vest in the Minister when a catchment management area is not established or functional.	Not delegated, except as set out in this power of delegation.
72(2)	To exercise those functions set out in Schedule 3 which have not been assigned to a catchment management agency.	Not delegated, except as set out in this power of delegation.
73(1)	After consultation with a catchment management agency, and subject to subsection (3), by notice in the Gazette, assign to that catchment management agency a power or duty of a responsible authority and any power or duty listed in schedule 3.	Not delegated.
73(1)	To publish in the Gazette the notice of assignment.	Executive Manager: Institutional Oversight.
74(1)	To give a directive to a water management institution in relation to any of the institution's powers or the performance of any of its duties, including any power or duty that has been assigned or delegated to it.	Not delegated.
74(2)	In relation to any assigned power or duty, to give the water management institution not less than 14 days notice of the intention to give a directive under 74(1).	Director-General.
74(3)	To publish in the Gazette any directive or any summary thereof, given to a water management institution not less than 14 days notice of the intention to give a directive under 74(1).	Director-General.

78(1)	<p>To-</p> <p>(a) establish subject to section 6(1)(c) a catchment management agency, give it its name and identify and determine its water management area; or</p> <p>(b) amend the name or water management area of an established water management area.</p>	<p>Not delegated.</p> <p>Not delegated.</p>
78(2)(a) and (b)	<p>To require a person who has submitted a proposal contemplated in subsection (1), to provide further information; and</p> <p>To instruct the Director-General to conduct further investigations.</p>	Not delegated.
78(3)(a)	<p>The publication in the Gazette of the proposed establishment of the catchment management agency, the proposed name and the water management area and inviting written comments thereon.</p>	Executive Manager: Institutional Oversight.
78(3)(b)	<p>To consider and take what further steps are appropriate to bring the contents of the proposed notice to the attention of interested persons.</p>	Regional Director.
78(3)(c)	<p>To consider all comments received on the proposed establishment of the catchment management agency.</p>	Not delegated.
81(1)	<p>To appoint the members of the governing board of a catchment management agency.</p>	Not delegated.
81(2)	<p>To determine the extent to which relevant local government should be represented on the governing body of each catchment management agency.</p>	Not delegated.

81(3)	To establish an advisory committee to recommend which organs of state and bodies within the water management area should be represented or reflected on the governing board and the number of representatives each should be invited to nominate.	Not delegated.
81(5)	After receiving the committee's recommendations, to decide which organs of state and bodies will be invited to nominate representatives and how many representatives each may nominate for appointment to the governing board.	Not delegated.
81(6)	To communicate the decision reached under section 81(5) to the organs of state and other bodies and to take the necessary steps to obtain nominations from them by a specified date.	Regional Director.
81(7)	Subject to subparagraphs (a) and (b) to appoint the persons nominated by the organs of state and the bodies concerned with the invitation.	Not delegated.
81(8)	If no nominee is appointed to inform the organ of state or the body concerned and to state the reasons therefore and to invite further nominations.	Not delegated.
81(9)	If nominations are outstanding by the specified date under subsection (6), to appoint members of the board and to fill any vacancy.	Not delegated.
81(10)	After appointing members to the board, to appoint additional selected members to satisfy the requirements of subparagraphs (a)-(f).	Not delegated.
81(11) and (12)	To determine the term of office and extend the term of office of a member.	Not delegated.

82(1)	To convene the first meeting of the governing board of a catchment management agency.	Executive Manager: Institutional Oversight.
82(3)	With regard to the recommendation made by the governing board at its first meeting, appoint a chairperson and any other person as a deputy chairperson.	Not delegated.
82(5)	To establish committees, including executive committee and consultative bodies to perform any of its functions within a particular area or generally or to advise it.	Not delegated.
83(1)	Subject to subparagraphs (a)-(c) to remove a member from the governing board, or remove the chairperson or deputy chairperson from office.	Not delegated.
83(2)	Upon request of an organ of state or body remove a member nominated by that organ of state or body from a governing board.	Not delegated.
83(3)	If a person ceases to be a member of a governing body before that person's term of office has expired, to appoint for the remainder of the term another person, subject to subparagraphs (a) and (b).	Not delegated.
86(1)(d)	Subject to subsections (2) and (3) to delegate any power of a catchment management agency to a person or body who is not a member of the governing board or employees of a catchment agency.	Not delegated.
87(1)	If a catchment management agency falls within the provisions of subparagraphs (a)-(g), to direct that the catchment management agency takes specified action; and withhold any financial assistance until the directive is complied with.	Director-General.

87(3)	Subject to subparagraphs (a) and (b) to take over the relevant power or duty if the catchment management agency has failed to remedy the situation.	Not delegated.
87(4)(a)	To do anything that a catchment management agency may be empowered to do in respect of a power or duty that is taken over.	Director-General or as set out in these delegations.
87(4)(d)	When satisfied that the catchment management agency is once more able to exercise its functions effectively, to cease exercising those functions.	Director-General.
87(4)(e)	To recover from the catchment management agency all costs incurred as set in this subsection.	Cluster Manager.
88(1)	Subject to subparagraphs (a)-(c), to disestablish a catchment management agency.	Not delegated.
88(2)(a)	The publication of a notice in the Gazette stating the intention and the reasons for disestablishing a catchment management agency and inviting written comments.	Executive Manager: Institutional Oversight.
88(2)(b)	To consider and take what further steps are appropriate to bring the contents of the notice to the attention of interested persons.	Regional Director.
88(2)(c)	To consider all comments received on the proposed disestablishment.	Executive Manager: Institutional Oversight.

92(3)(b)	To consider and take what further steps are appropriate to bring the contents of the proposed water user association to the attention of interested parties.	Regional Director.
92(3)(c)	To consider all comments received on the proposed water user association.	Executive Manager: Institutional Oversight.
92(4)	To decide that sufficient consultation has taken place and that the requirements of section 91 need not be fulfilled.	Executive Manager: Institutional Oversight.
92(5)	<p>To determine the cost and whether the water user association should pay for the cost in complying with subsection (3);</p> <p>To require the person proposing the establishment of a water user association to pay the costs in advance.</p> <p>To recover the cost decided upon.</p>	<p>Executive Manager: Institutional Oversight.</p> <p>Executive Manager: Institutional Oversight.</p> <p>Regional Director.</p>
93(3)	To require that other provisions must be incorporated in a constitution of a water user association and to approve its final constitution.	Not delegated.
94(2)	To direct to what extent a water user association may be exempted from Schedule 4.	Executive Manager: Institutional Oversight.
95(3)	If a water user association falls within the provisions of subparagraphs (a)-(g), to (i) direct that the water user association take specific action; or	Not delegated.

	<p>(ii) withhold any financial assistance until the directive is complied with; or</p> <p>(iii) by notice addressed to the association and the member concerned, terminate the office of that member of the management committee and arrange for the vacancy to be filled.</p>	<p>Director-General.</p> <p>Not delegated.</p>
95(5)	To take over the relevant function of the association or to appoint a suitable person to take over the duty or power, if the association has failed to remedy the situation.	Director-General.
95(6)(a)	To do anything that a water user association agency may be empowered to do in respect of a power or duty that is taken over.	Director-General or as per these delegations.
95(6)(d)	When satisfied that the association is once more able to exercise its functions effectively, to cease exercising those functions.	Not delegated.
95(6)(e)	To recover from the Water user Association all cost incurred as set in this subsection.	Cluster Manager.
96(1)	Subject to subparagraphs (i)(a)-(f), to disestablish a water user association.	Not delegated.
96(2)(a)	The publication of a notice in the Gazette stating the intention and the reasons for disestablishing the water user association and inviting written comments.	Not delegated.

96(2)(b)	To consider and take what further steps are appropriate to bring the contents of the proposed Notice to the attention of interested persons.	Regional Director.
96(2)(c)	To consider all comments received on the proposed disestablishment.	Not delegated.
97(1)(b)	To appoint a person to carry out the winding up of a water user association if the constitution does not provide for the winding up.	Cluster Manager.
97(4)	To direct that an amount equivalent to any financial contributions with interest, made to the association from public funds, be reimbursed before any assets are distributed.	Director-General.
98(5)	To accept, with or without amendments, or reject the proposal prepared in terms of section 91 to transform the board into a water user association.	Not delegated.
98(6)	By publication of a notice in the Gazette, declare the board a water use association; give it a name; determine its area of operation; and approve its constitution.	Executive Manager: Institutional Oversight.
99(1)	To establish, subject to subsection (7). (a) an advisory board; (b) give or change its name; (c) determine or amend its purpose and functions; (d) make appointments to the committee; (e) remove persons from the committee and (f) disestablish an advisory committee.	Not delegated.

99(3)	The determination in concurrence with the Minister of Finance of the remuneration and allowance payable to members of the advisory committee, in respect of the performance of their duties as such members.	Not delegated.
100	To make regulations to matters referred to in this section.	Not delegated.
102	In consultation with the Cabinet, establish a body to implement any international agreement entered into by the South African Government and a foreign government. The publication of a notice in the Gazette of the body established.	Not delegated. Not delegated.
103(1)	To determine the requirements of the notice in respect of the items mentioned in subparagraphs (a)-(g).	Not delegated.
103(2)	To direct that a body established under section 102 perform additional functions.	Not delegated.
107(1)	To appoint a person, subject to the consent of the other parties to the agreement or if the agreement provides so, to investigate the affairs or financial position of a body.	Not delegated.
107(2)	To provide such information and access to books and information as set out in this subsection.	Not delegated.
107(3)	To recover from the body the reasonable fees and disbursements of any person appointed under subsection (1).	Director-General.
108	To disestablish the bodies named in this section.	Not delegated.
109	To acquire, construct or alter (where the alteration impacts on a water resource to affect the flow or quality) to the amount of 50 million Rand;	Deputy Director-General: Operations.

	<p>alter (where the alteration does not impact on a water resource to affect the flow or quality), repair, operate, or control government waterworks for the reasons set out in this section to an amount of 50 million Rand;</p> <p>To acquire, construct or alter, repair, operate, or control government waterworks for the reasons set out in this section to an amount:</p> <p>Above 50 million to 100 million Rand; and</p> <p>More than 100 million Rand.</p>	<p>For minor alterations, repairing, operation and control:</p> <p>Up to R10 million: Regional Director.</p> <p>Above R10 million to R50 million Rand: Chief Director: Development; Cluster Manager.</p> <p>Director-General.</p> <p>Not delegated.</p>
110(1)(a)	To prepare an environmental impact assessment which, where considered appropriate, must comply with the requirements contained in regulations made under the Environment Conservation Act, 1989 (Act No. 73 of 1989).	Executive Manager: Integrated Water Resources Planning.
110(1)(b)	The publication of a notice in the Gazette of the proposal to construct a waterwork, containing a summary of the environmental impact assessment and inviting written comments thereon.	Executive Manager: Integrated Water Resources Planning.
110(1)(c)	To consider and take what further steps are appropriate to bring the contents of the proposed waterwork to the attention of interested persons.	Regional Director.

110(1)(d)	To consider all comments received on the proposal to construct a waterwork and the environmental impact assessment.	Up to R10 million: Regional Director. Above R10 million; Cluster Manager.
110(3)	To decide to either demolish a waterwork constructed under subsection (2) or after complying with subsection (1), to retain the waterwork.	Cluster Manager.
111	To finance the acquisition, construction, alteration, repair, operation and control of government waterworks from funds appropriated by Parliament or from any other source.	Director-General.
112(1)	To make water available from a government water work for allocation.	Director-General.
112(2)	To fix a charge for water allocated from a government waterwork in accordance with Chapter 5.	Director-General.
113(1)	To determine the conditions and the persons to whom the water of a government waterwork and the surrounding state-owned land may be made available to for recreational purposes.	Setting of policy and overall conditions: Executive Manager: Water Use. Approval of sustainable utilisation plans: Cluster Manager.
113(2)	To control or prohibit access to any government waterwork; and to determine reasonable charges for entry and use of any water surface or land.	Regional Director. Chief Financial Office.

115(1)	To transfer, sell or otherwise dispose of any government waterwork to any person.	Not delegated.
115(2)	To specify in concurrence with the Minister of Finance an amount from which national executive approval is required to transfer, sell or dispose of a government waterwork.	Not delegated.
116	Subject to subsection (2) to make regulations relating to matters referred to in this section.	Not delegated.
117(a)	The approval of an "approved professional person" for the purposes of Chapter 12 after consultation with the Engineering Council of South Africa.	Executive Manager: Water Use
118(1)(a)	To provide any information, drawings, specifications, design assumptions, documents and test results requested.	Regional Director; Chief Engineer: Dam Safety Office
118(1)(b)	To give any person access to that dam to determine whether- (i) that dam is a dam with a safety risk; (ii) that dam should be declared to be a dam with a safety risk; (iii) whether a directive should be issued for specific repairs or alterations to that dam; or (iv) the owner has complied with any provisions of this Act applicable to that dam.	Regional Director; Chief Engineer: Dam Safety Office
118(2)	To declare, subject to section 121, a category of dams to be dams with a safety risk; and The publication of a notice in the Gazette of category of dams with a safety risk.	Senior Executive Manager: Policy and Regulation. Senior Executive Manager: Policy and Regulation.

118(3)(a)	By written notice to the owner of a dam, and subject to section 121, declare that dam to be a dam with a safety risk.	Senior Executive Manager: Policy and Regulation.
118(3)(b)	To direct that the owner of a dam with a safety risk, at the owner's cost, submit a report by an approved professional person regarding the safety of that dam.	Chief Engineer: Dam Safety Office.
118(3)(c)	To direct, subject to subsection (5), that the owner of a dam with a safety risk at the owner's cost, undertake specific repairs or alterations to that dam which are necessary to protect the public, property or the resource quality from a risk of failure of that dam.	Executive Manager: Water Use.
118(4)	To undertake the repairs or alterations and recover the cost from the owner, if the owner of the dam fails to comply with a directive given in subsection (3)(c).	Senior Executive Manager: Policy and Regulation.
122(1)	Subject to subsection (4) to exempt, on conditions determined, the owners of dams belonging to a category of dams from compliance with a provision or regulation made under this Chapter. The publication of a notice in the Gazette of any exemption granted.	Senior Executive Manager: Policy and Regulation. Senior Executive Manager: Policy and Regulation.
122(2)	Subject to subsection (4) to exempt, on conditions determined, the owners of dams belonging to a category of dams from compliance with a provision or regulation made under this Chapter.	Senior Executive Manager: Policy and Regulation.
122(3)	To withdraw an exemption; or impose further or new conditions in respect of the exemption.	Director-General. Senior Executive Manager: Policy and Regulation.

123	To make regulations, subject to subsection (3), relating to matters referred to in this section.	Not delegated.
124(1)	To appoint in writing any suitable person as an authorised person to perform the functions contemplated in sections 125(1), (2) and (3).	Director.
124(2)	To provide a certificate of appointment in which the nature of the authorised persons functions is described.	Director.
135(1)(a)	To remove any waterwork placed in good faith on land belonging to another.	Director-General.
135(1)(b)	To transfer the rights held in respect of improvements on such land to another person or authority.	Director-General.
136(1)	To transfer a personal servitude, whether registered or not, to a water management institution, or from a water management institution to the State or another water management institution.	Director-General.
137(1)	To establish national monitoring systems on water resources.	Director-General.
138	After consultation with the persons set out in this section, establish mechanisms and procedures to co-ordinate the monitoring of water resources.	Executive Manager: Water Resources Information Management.
139	To establish national information systems regarding water resources.	Director-General.
141	To require in writing, that any person must, within a reasonable time or on a regular basis, provide the Department with any data, information, documents samples or materials required for the purposes set out in this section.	Executive Manager: Water Resources Information Management.

142	Determining a reasonable charge to make information available; and making information contained in the national information system available.	Senior Executive Manager: Policy and Regulation. Director.
143	To make regulations relating to matters referred to in this section.	Not delegated.
145(2)	To establish where reasonably practicable an early warning system in relation to the events set out in subsection (1).	Senior Executive Manager: Policy and Regulation.
146(3)	To determine the number of additional members in addition to the Chairperson and the deputy chairperson that the Tribunal should consist of.	Not delegated.
146(5)	To appoint the Chairperson, deputy chairperson and additional members of the Tribunal on the recommendation of the Judicial Service Commission and Water Research Commission.	Not delegated.
146(6)	To determine whether the chairperson or deputy chairperson of the Tribunal will be on a fulltime or part-capacity.	Not delegated.
146(7)	To determine, in consultation with the Minister of Finance, the employment conditions and the remuneration of the Chairperson, the deputy chairperson and the members of the Tribunal.	Not delegated.
146(8)	To terminate, after consultation with the Judicial Service Commission, or the Water Research Commission and under the circumstances set out in this subsection, the appointment of any member of the Tribunal.	Not delegated.

148(2)(b)	To direct that when an appeal to the Tribunal is made, it does not suspend the decision, direction, requirement, limitation, prohibition or allocation pending the disposal of the appeal.	Not delegated.
148(5)	To approve rules made by the Chairperson for the procedure of the Water Tribunal and application and appeal fees payable by a claimant or appellant. To publish contents of the above in the Gazette.	Not delegated. Director: Legal Services.
150(1)	To direct at any time and in respect of any dispute between any persons relating to any matter contemplated in this Act, that the persons concerned attempt to settle their dispute through a process of mediation and negotiation.	Director-General.
150(3)	To appoint a mediator if the persons concerned have failed to do so.	Director-General.
152(b)(ii)	To require a court to enquire into the harm, loss or damage caused to a water resource.	Director-General.
Schedule 3		
Item 2	To- manage and monitor permitted water use within a water management area; conserve and protect the water resources and resource quality within a water management area; subject to the Act, to develop and operate a waterwork in furtherance of a catchment management strategy;	Regional Director.

	Do anything necessary to implement catchment management strategies; and Limit the taking of water in terms of Schedule 1.	
Item 3(1)	To make rules to regulate water use.	Regional Director.
Item 3(5)(a)	The publication of a notice in the Gazette setting out the proposed rules and inviting written comments thereon.	Regional Director.
Item 3(5)(b)	To consider and take what further steps are appropriate to bring the contents of the proposed notice to the attention of interested persons.	Regional Director.
Item 3(5)(c) and (d)	To consider all comments received as well as the conditions for water services and bylaws made in terms of the Water Services Act, 1997.	Cluster Manager.
Item 4(1)	To require that a water user- (a) install a recording or monitoring device to monitor storing, abstraction and use of water; (b) establish links with any monitoring or management system to monitor storing, abstraction and use of water; and (c) keep records on the storing, abstraction and use of water and submit the records to the relevant Regional Director.	Regional Director.
Item 4(2)	If a water user fails to comply with a requirement set out in subitem (1)(a) and (b) and to undertake the installation or establishment of such links and to recover the cost from that water user.	Cluster Manager.

Item 5(1)	By written notice to the owner or person in control of a waterwork require that person to collect and submit particular information within a specified period to ascertain whether that waterwork is constructed, maintained and operated in accordance with the Act.	Regional Director.
Item 5(2)	To direct the owner or person in control of a waterwork at the owner's own cost and within a specified period to- (a) undertake specific alterations to the waterwork; (b) install a specific device; or (c) demolish, remove or alter the waterwork or render the waterwork inoperable in a manner specified in the directive.	Cluster Manager.
Item 5(4)	If an owner fails to comply with a directive, to undertake the alterations; install the device; or demolish, remove or alter the waterwork; or render the waterwork inoperable and to recover the reasonable cost from the person to whom the directive was issued.	Regional Director.
Item 6(1)	If a water shortage exists or about to occur, despite any authorisation, but subject to subsection (3)- (i) limit or prohibit the use of water; (ii) require any person to release stored water under that person's control; (iii) prohibit the use of any waterwork; and	Director-General.

	(iv) require specified water conservation measures to be taken. The publication of the notice in the Gazette; or	Regional Director.
	giving written notice to each of the water users in the area likely to be affected,	Regional Director.
	of the restrictions set out in item 6(2).	Regional Director.
Item 6(4)	If the owner or the person in control of the waterwork contravenes a notice issued under subitem (1)- to modify or require the owner of a waterwork to modify the waterwork so that it cannot be used to take more water than that allowed for in the notice; or to remove the waterwork or require the owner to remove the waterwork if the notice contains a prohibition on the use of that waterwork.	Cluster Manager. Cluster Manager.
Item 6(5)	To determine whether the owner should be held reasonable for any reasonable costs incurred in acting under subitem (4).	Cluster Manager.
	To recover the costs determined.	Regional Director.

SCHEDULE 4		
Item 2(1)(b)	To determine the term of office of a board member if the water management institution has no constitution.	Not delegated.
Item 2(2)	To direct that an institution pay a board member from the revenues of the institution an amount of remuneration.	Not delegated.
Item 3(4)	To direct, after consultation with the board, that the board remove the chief executive officer from office.	Not delegated.
Item 3(7)	To approve the salary of the chief executive officer.	Not delegated.
Item 8	To recover in the name of an institution a debt due to the institution, from a person who contravenes item 7 of this Schedule through a competent court, under the situations set out in subparagraphs (a) and (b).	Not delegated.
21(4)	To direct that a board must review and revise a business plan for- a body to implement an international agreement; a Catchment Management Agency/a Water User Association.	Director-General. Executive Manager: Institutional Oversight.
Item 22(f)	To determine and other information to be contained in a business plan for- a body to implement an international agreement; a Catchment Management Agency/a Water User Association.	Director-General. Executive Manager: Institutional Oversight.

Item 23(f)	<p>To determine what other financial information must be contained in a business plan for-</p> <p>a body to implement an international agreement;</p> <p>a Catchment Management Agency/a Water User Association.</p>	<p>Director-General.</p> <p>Executive Manager: Institutional Oversight.</p>
Item 24(c)	<p>To determine what other matters must be contained in preparing or revising a financial target for-</p> <p>a body to implement an international agreement;</p> <p>a Catchment Management Agency/a Water User Association.</p>	<p>Director-General.</p> <p>Executive Manager: Institutional Oversight.</p>
Item 25(2)	<p>To make comments to the Board within the time period specified on a prepared or revised business plan for-</p> <p>a body to implement an international agreement;</p> <p>a Catchment Management Agency/a Water User Association.</p>	<p>Director-General.</p> <p>Executive Manager: Institutional Oversight.</p>
Item 25(4)	<p>To direct that a Board to include or omit any matter, including a financial matter from a business plan for-</p> <p>a body to implement an international agreement;</p> <p>a Catchment Management Agency/a Water User Association.</p>	<p>Director-General.</p> <p>Executive Manager: Institutional Oversight.</p>
Item 27	To direct that a business plan as it exists need not be followed-	

	<p>a body to implement an international agreement;</p> <p>a Catchment Management Agency/a Water User Association.</p>	<p>Director-General.</p> <p>Executive Manager: Institutional Oversight.</p>
Item 28(1)	<p>To direct that the board submit specific information for-</p> <p>a body to implement an international agreement;</p> <p>a Catchment Management Agency/a Water User Association.</p>	<p>Director-General.</p> <p>Executive Manager: Institutional Oversight.</p>
Item 29(1)	<p>To request information on the affairs and financial position of the institution; and access to such books, accounts, documents and assets as may be required for-</p> <p>a body to implement an international agreement;</p> <p>a Catchment Management Agency/a Water User Association.</p>	<p>Director-General.</p> <p>Executive Manager: Institutional Oversight.</p>
Item 29(2)	<p>To appoint a person to investigate the affairs or financial position of an institution; and</p>	
	<p>Recover the reasonable fees and disbursements of that person from that institution if-</p> <p>a body to implement an international agreement;</p>	<p>Not delegated.</p> <p>Director-General.</p>

	a Catchment Management Agency/a Water User Association.	Executive Manager: Institutional Oversight.
Item 30	To enter into the premises of any institution and to take possession of any book, record or asset of the institution in order to comply with this Part or any investigation.	Director-General.
Item 33(3)	To determine the fond information to be contained on its operation during a financial year in its annual report for- a body to implement an international agreement; a Catchment Management Agency/a Water User Association.	Director-General. Executive Manager: Institutional Oversight.
Item 33(4)	To determine the fond information to be contained on its operation during a financial year in its annual report for- a body to implement an international agreement; a Catchment Management Agency/a Water User Association.	Director-General. Executive Manager: Institutional Oversight.
Schedule 6		
Item 1	To determine the period of office that a member of a Water Tribunal is appointed, which may not exceed four years.	Not delegated.
Item 3(1)(a)	Subject to Sub-item (2) to publish a notice in the Gazette calling for nominations for appointments to the Water Tribunal.	Director-General.
Item 3(1)(b)	To consider and take what further steps are appropriate to bring the contents of the notice to the attention of interested persons.	Director-General.

BUYELWA SONJICA, MP

MINISTER OF WATER AFFAIRS AND FORESTRY

DATE: