

# Legal and Policy update for 2024

Agbiz Media Day  
December 2023



# Topics for discussion

- Introduction
- Water Act amendments
- Aquaculture Bill
- Tobacco Control Bill
- Labour migration

# Introcuction

# Introduction

- Election year – lobbying and campaigning around sensitive issues such as transformation, migration and water- and land reform.

# Water Act amendments

# National Water Amendment Bill

- Bill published for comments by 16 January 2024.
- Problematic clauses include the following:
  - **Existing lawful use** – additional conditions and obligations may be imposed.
  - Volume can be curtailed if not utilised.
  - **Water user associations:** Obligatory clause in constitution containing strategy for gender and racial transformation.
  - **Transformation/ redress prioritised in the allocation of licences:** No longer just a factor, but elevated as a priority factor in allocation of licences.
  - **Re-allocation of water between sectors, provinces and catchment areas.**
  - **32-meter setback:** in areas declared by the Minister as regulated activities in terms of section 21 of the Act.

# National Water Amendment Bill

- Water use licences may not be issued for any ploughing activity unless the 32-meter set-back has been established. The Minister may also prescribe further restrictions relating to other threats that may be faced by water source areas.
- **Prohibition of trading in water:** The Constitutional recently court found that the National Water Act allows for the transfer of water use entitlements and that parties may also charge fees for transferring the rights. (Lotter NO v Minister of Water and Sanitation and Others (725/2020) [2021] ZASCA 159 )
- It seems that the Bill intends to nullify that interpretation by amending the Act.

# National Water Amendment Bill

- Bill specifically states that a water entitlement may be surrendered in order to facilitate a licence application for water from the same resource on other land belonging to the same owner, but that such water use cannot be traded in any way and that such water must be surrendered to the national government.
- Water for irrigation may be transferred, on application, to other land belonging to the same owner for a maximum of 24 months, but conditions may apply.



# Aquaculture Development Bill

- Previously in NEDLAC – around 2018.
- Has resurfaced.
- Requires registration or licencing of all aquaculture activities and permitting of specific activities.
- Transitional period of 2 years.

# Tobacco and Electronic Delivery Control bill

- Proposes further restrictions on the branding, display and advertising of tobacco products.
- Tobacco products are legal products.
- Whilst the potential harmful consequences of smoking are recognised, this kind of restriction on advertising, promotion and display does not apply to any other product that is legally sold in South Africa.
- This constitutes a very severe restriction on the free market.
- The Bill is likely to have a substantial impact on the tobacco industry, the agricultural value chain, and the retail industry.

# Migration

Migration policy currently before NEDLAC.

White Paper on Citizenship Immigration and Refugee Protection published for comment.

Employment Services Amendment Bill to be tabled in Parliament soon – will expand on obligations of employers that employ foreign workers.

Will allow Minister of Employment and Labour to set quotas for the employment of foreign workers.

# Thank you!

Grain Building, 1st Floor, 477 Witherite Street, The Willows, Pretoria, South Africa, 0184

PO Box 76297, Lynnwood Ridge, South Africa, 0040

Tel. +27 12 807 6686 | Fax. +27 12 807 5600

admin@agbiz.co.za | www.agbiz.co.za

Vat nr. 4920204684

