



## MEMORANDUM

Review and strategic response to the  
**REVISED NATIONAL WATER  
AMENDMENT BILL (2025)**

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## 1. OVERVIEW OF THE REVISED BILL

On 10 October 2025, the Minister of Water and Sanitation published a notification of her intention to introduce the **National Water Amendment Bill (2025)** into parliament. The revised version of the Bill (initially published for comment in 2023) could introduce major changes to water governance, allocation, and trading that may directly affect the agricultural sector, should it be promulgated in its current form.

## 2. KEY PROVISIONS RELEVANT TO AGRICULTURE

### Prohibition of Private Water Trading:

The revised Bill explicitly prohibits the sale or transfer of water use entitlements. This may affect existing informal trading arrangements among farmers and irrigation boards.

### Use it or lose it:

The revised Bill requires the surrender of unused water allocations to the National Government as the public trustee of water resources. If the holder of a water use entitlement no longer needs that entitlement, the water allocation must revert to the National Government so that it can be allocated equitably by the Minister.

### Reinforced Equity in Allocation:

Water allocation will prioritize historically disadvantaged individuals and communities, potentially reshaping access frameworks in agricultural regions.

### Water User Associations:

The revised Bill requires that a model constitution contained in Bill must be used as a basis for drawing up and proposing a constitution for a proposed water user association. The Bill introduces tighter governance requirements for WUAs, including reporting obligations and alignment with national equity objectives.

### Water Source Areas:

The revised Bill prohibits the issuing of a water use licence within water source areas which are vulnerable to agriculture.

### Reallocation between sectors:

The revised Bill also allows for the reallocation of water between sectors and provinces.

## 3. DIFFERENCES FROM THE INITIAL DRAFT

The revised version provides **more precise language on what constitutes prohibited water trading**, addressing concerns raised during public consultations.

Compared to the initial draft, the revised Bill places **stronger emphasis on redress and transformation** in water allocation.

Unlike the previous version of the Bill (2023), the **provisions with respect to remuneration for financial loss due to compulsory licensing for existing lawful water uses** (or when granted a licence for a lesser use than the existing lawful water use) **are deleted** in the revised version of the Bill.

Apart from the fact that the new Section 27A's **"fit and proper person" provision is vague**, the revised Bill **stipulates that historical violations have to be taken into account** when applications for licenses are considered. This aligns with the determination of personal liability in section 156A of the revised Bill.

New provisions **require WUAs to demonstrate compliance with national water policy objectives**, which were less defined in the earlier draft.

## 4. IMPLICATIONS FOR AGRICULTURAL STAKEHOLDERS

### Operational Adjustments:

Farmers may need to revise water use strategies, especially where trading or transfers were previously relied upon.

### WUAs Under Scrutiny:

Associations must prepare for increased regulatory oversight and ensure their governance structures align with the revised Bill.

### Potential Resource Reallocation:

Existing users may face reduced allocations or increased competition for water resources.

## 5. EXPECTED NEXT STEPS IN THE PARLIAMENTARY PROCESS

The Bill will next be **referred to the Portfolio Committee** on Water and Sanitation.

**Public submissions** will be invited during the next phase of stakeholder engagement.

**Parliamentary debate and potential amendments** are expected before final adoption.

## 6. AgriSA'S PRELIMINARY STRATEGIC RESPONSE

### Engage Legal Advisors:

To assess the legal and operational implications of the Bill.

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### Consult with Aligned Organisations:

Including the South African Association of Water Users Associations (SAAFWUA) to coordinate a unified response.

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### Formulate an Advocacy Strategy:

To represent agricultural interests in upcoming consultations with government.



[Click here](#) for the  
**Revised National Water Amendment Bill (2025)**



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