



## **MEDIA STATEMENT**

### **The Department of Water and Sanitation takes a farmer to court**

28 March 2018

The Department of Water and Sanitation (DWS) in the Western Cape under the leadership of Minister Gugile Nkwinti took a farmer to the Clanwilliam Regional Court following allegations of unlawful water activities. This comes at a period when the province is battling the worst drought in decades; as such drought has been declared a national disaster by the Chairperson of the Inter-Ministerial Task Team (IMTT) on Drought and Water Scarcity, the Minister of Corporate Governance and Traditional Affairs (COGTA).

DWS opened a criminal case against **Tierhoek Boerdery Pty (Ltd), in Wildschutskraal – Clanwilliam** early this year. This was after the department conducted the first Enforcement and Monitoring Blitz in the West Coast region during Enforcement Month in 2017. Enforcement Month is celebrated annually by the department during the month of November. During this period, DWS working with Cape Nature, the Department of Environmental Affairs Development and Planning (DEA&DP) visited a total of 25 properties in the region to verify water use versus water allocations after the local Water User Associations (WUA's) and individuals reported of suspected unlawful water use activities. This triggered the department to act.

DWS Director for Regulation, Ms. Boniswa Hene says during the blitz period, the department and its partners uncovered some activities that are against the National Water Act 36 of 1998, Dam Safety Regulations, and National Environmental Management Act 107 of 1998.

#### **The farmer is facing five criminal charges:**

1. Failure to meet the requirements for issuance of a licence before constructing a dam with safety risk.
2. Failure to produce a licence to construct category 2 dam with safety risk before construction of such dam.
3. Failure to register and to submit an application to register dams with a safety risk within 120 days to the Department of Water and Sanitation after completion of the dam.



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4. Contravened Section 49A of the National Environmental Management Act (NEMA) 107 of 1998 by developing infrastructure for the off-stream storage of water including dams and reservoirs with a combined capacity of 50 000 cubic meters.
5. Contravened the NEMA 107 Of 1998 by developing a dam where the highest part of the dam wall is 5 meters higher.

“Before DWS opened a case, the National Water Act allows the transgressor to rectify the transgressions by affording such an offender a period of 120 days (four months) to rehabilitate the transgression.

The increasing stress that is placed on water as a natural resource will have very severe effects on the agricultural, environmental and the green economy sectors. The department takes issues of unlawful water use activities and resistance to redress very seriously. As a result, five more cases are under investigation and we will continue making sure that water users comply”, said Hene.

The matter was postponed till the 14<sup>th</sup> of August.

**ENDS**

Issued by the Department of Water & Sanitation

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