



MEDIA STATEMENT

Clanwilliam Regional Court slaps Tierhoek Boerdery with a R3.5M fine for water and environmental transgressions

14 June 2019

A strong cooperation between the Department of Water and Sanitation (DWS), the WC Provincial Department of Environmental Affairs and Development and the NPA Assets Forfeiture Unit has resulted in the Tierhoek Boerdery Pty (Ltd) being slapped with a fine of R3.5 Million. The matter first appeared at the Clanwilliam Regional Court in March 2018, and was finalized today. The Boerdery was taken to court following allegations of unlawful water activities. Tierhoek first appeared in court after the department (DWS) conducted the first Monitoring and Enforcement Blitz in the West Coast region during Enforcement Month of November 2017.

Following further investigations, six more charges were added resulting in 11 criminal charges. The farm owners were found guilty of all charges. Out of the 11 counts: six relate to water, while five relate to environmental transgressions.

The water related counts are as follows:

- 1. Contravened Dam Safety Regulation 4(1) of National Water Act, 36 of 1998 by unlawfully and intentionally failed to apply for a licence to construct the dams with safety risk without permission from the Director General of the department.**
- 2. Contravened Regulation 10 of the Safety of Dams Regulations where he constructed category 2 dams without relevant documents.**
- 3. Contravened Section 120(2) , 151k and 151(2) of NWA, 36 of 1998 and Regulation 37 of the Regulations of the Safety Dams where he unlawfully and intentionally failed to register the dams with safety risk within 120 days and submit registration documents to the department after completing constructing the dams.**
- 4. Contravened Regulation 3 pertaining to the registration of water use.**
- 5. Contravened Regulation 7 pertaining to the registration of water use by unlawfully & intentionally failed to be in possession of a registration certificate to use water.**
- 6. Contravened section 151(1) (a) and section 151(2) of NWA 36, 1998, sections 21(b) and 22(a-c) of the act by unlawfully and intentionally failed to comply with the act by storing water without authorisation.**



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For these contraventions, the offender was instructed to make a payment of R1 250 000 - 00 to the DWS, R1 250 000 - 00 will go to DEA&DP, while the NPA gets R1 000 000 - 00.

Director for Regulation, Ms. Boniswa Hene says today's court decision should serve as a deterrent to other National Water Act offenders. "Government acknowledges that the farming community also plays a vital role in the socio-economic development of the country; however, we encourage every water user to respect the law. We call on all other potential transgressors to come forward and exercise voluntary compliance with water and related laws. DWS is available to assist the water users with compliance to Regulations", says Hene.

ENDS

Issued by the Department of Water & Sanitation

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