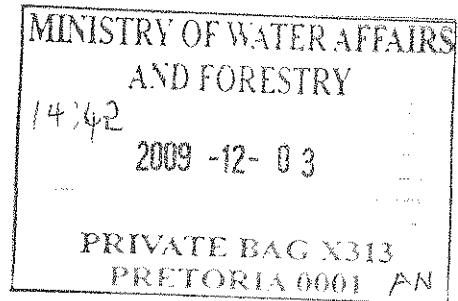




water affairs

Department:
Water and Environmental Affairs
REPUBLIC OF SOUTH AFRICA



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Reference: 6/2/2/6

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 1409 FOR WRITTEN REPLY

A draft reply to the above-mentioned question asked by Mrs A T Lovemore (DA), is attached for your consideration, please.


DIRECTOR GENERAL (Acting)

DATE:


DRAFT REPLY APPROVED/AMENDED


MS B P SONJICA, MP
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

DATE: 08/12/09

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 1409

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 25 SEPTEMBER 2009
(INTERNAL QUESTION PAPER NO 18)

1409. Mrs A T Lovemore (DA) to ask the Minister of Water and Environmental Affairs:

- (a) What are the details of the illegal water users identified by her department; and
- (b) What action is being or will be taken to deal with these illegal water users?

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REPLY:

- (a) In terms of the National Water Act, 1998 (Act No. 36 of 1998) (NWA), My Department can enforce by using the Administrative Law processes, which include issuing notices and directives and execute any works and/ or approach a court (criminal charges or apply civil litigation) for an appropriate relief. Most of the offences in terms of the NWA are with regard to sections 19, 21, 35 (5) (a) and section 53 (1) and (2).

My Department has issued two hundred and thirty one (231) Notices (intention of issuing a Directive) and twenty seven (27) Directives nationally.

- In the Agricultural sector two hundred and eight (208) Notices and nineteen (19) Directives;
- In the Mining Sector five (5) Notices and four (4) Directives; and
- In the Water Services Sector two (2) Notices and three (3) Directives were issued.

As a result of the Notices and Directives issued, about 70% transgressors have complied and some are still in the second phase of investigation. Failure to comply will lead to criminal charges being laid against the transgressors. It must be highlighted that in many instances the transgressors comply when issues of non compliance are brought to their attention even before a directive is issued.

My Department embarked on a strategic enforcement endeavor with the support of SanParks, Kruger National Park officials and other law enforcement agencies, called 'Operation Vuselela' in the Limpopo and Mpumalanga provinces. The operation was to identify and re-act on unlawful water use activities in that region which was a huge success. My Department is in the process of planning and implementing other operations in other stressed catchment areas. In conjunction with the National Prosecuting Authority, My Department is clamping down on Organs of State (i.e. Municipalities) for non-compliance and unlawful activities related to the Water Resource. On 18 August 2009, nine (9) Municipal Managers appeared in the Welkom Regional Court on criminal charges in terms of the NWA and the Water Service Act, 1997 (Act No. 108 of 1997).

It is important to note that organs of State especially municipalities are not excluded from this process. The challenge facing My Department is that in most, municipalities fail to comply due to severe lack of capacity. It is for this reason that the support function that My Department provides to such municipalities remains critical. These two responsibilities pose challenges to My Department as it is required to support municipalities and on the other hand bring to book those that do not comply.

- (b) Various successes have been achieved during the recent past, based on the principles of Cooperative Governance, partnerships (internal and external), diligent execution of the legislative framework and an implementable Communication Plan, within the current challenges.

My Department's Compliance Monitoring and enforcement (CME) unit has been approaching their task in an holistic manner, therefore, harnessing their function in terms of available processes and capacity, and further by consolidating, streamlining and maximizing existing resources. I have instructed My Department to expand the CME unit in order to handle this complex and large task of dealing with the increase in unlawful water use. Posts have been advertised and interviews will be taking place in the month of December 2009 and January 2010. My Departments is also working hard to strengthen and extend the use of Green Scorpions in order to deal with non compliance in the Water Sector.

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