



water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA

MINISTRY OF WATER AND
ENVIRONMENTAL AFFAIRS

2010 -04- 12

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PRETORIA 0001

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MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 1033 FOR WRITTEN REPLY

A draft reply to the above-mentioned question asked by Mr G R Morgan (DA); is attached for your consideration.


DIRECTOR-GENERAL (Acting)

DATE:

9/4/10


DRAFT REPLY APPROVED/AMENDED


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

DATE: 13. 04. 2010

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 1033

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 30 MARCH 2010
(INTERNAL QUESTION PAPER NO. 9)

1033. Mr G R Morgan (DA) to ask the Minister of Water and Environmental Affairs:

- (1) How many (a)(i) successful criminal actions have been brought against water users since the inception of the National Water Act, Act 36 of 1998, and (ii) what are the relevant details in each case and (b)(i) criminal actions in terms of Act 36 of 1998 are pending at this time and (ii) what are the relevant details of each case;
- (2) what steps does her department need to exhaust before it will take criminal action in terms of Act 36 of 1998 against a (a) municipality or (b) municipal official;
- (3) whether her department has any policy to avoid taking criminal action against another organ of state or sphere of government; if not, how was this conclusion reached; if so, what are the relevant details?

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REPLY:

- (1)(a)(i) None.
- (1)(a)(ii) None.
- (1)(b)(i) Fourteen criminal cases are currently under investigation by the South African Police Services.
- (1)(b)(ii) The State versus Ex Municipal Manager of Machabeng Local Municipality in the Free State is currently on the court roll and was due in court on the 08 and 09 April 2010 in the Welkom Regional Court. The Ex Municipal Manager is charged with contravening the Section 19 of the National Water Act, 1998 (Act 36 of 1998) (NWA) specifically the pollution of water resources. Relevant details of other thirteen cases cannot be discussed in order not to hamper the investigation process as the transgressors have not been formally charged.
- (2)(a) My Department developed an Enforcement Protocol which stipulates the process to be followed to ensure that all avenues of possible rectification/improvement have been expedited. This would include formal notification of non-compliance, investigation and subsequent engagement on adequacy of municipal rectification plans and issuance of a Directive in terms of Section 19 of the National Water Act should unsatisfactory progress be recorded during regulatory monitoring phase. Should the municipality fail to adhere to the Directive requirements and deadlines, prosecution would be initiated against the authority.
- (2)(b) Same as above.
- (3) No, my Department does not have a policy to avoid taking criminal action against another organ of state or sphere of government. In terms of section 156 of the NWA all organs of the State are bound by the provisions of this act.

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