



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA



EdTM

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MINISTER OF WATER AND SANITATION

NATIONAL ASSEMBLY: QUESTION 2908 FOR WRITTEN REPLY

A draft reply to the above mentioned question asked by Ms Z B N Balindlela (DA) is attached for your consideration.

DIRECTOR-GENERAL

DATE: 28/11/14

DRAFT REPLY APPROVED/AMENDED

MRS NP MOKONYANE
MINISTER OF WATER AND SANITATION

DATE: 01.12.14.

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 2908

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 21 NOVEMBER 2014
(INTERNAL QUESTION PAPER NO. 28)

2908. Ms Z B N Balindlela (DA) to ask the Minister of Water and Sanitation:

Whether, with reference to her reply to question 394 for oral reply on 13 November 2014 and given the Supreme Court of Appeal's finding in Midi Television (Pty) Ltd and the Western Cape Director of Public Prosecutions in 2007, she can indicate in what way substantial prejudice to the administration of justice could occur if the names of the mines are published; if not, what are the names of the mines who were operating without valid water use licenses as at 1 November 2014; if so, what are the relevant details? NW3551E

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REPLY:

The answer to the above question is supplementary to the oral answer provided on 13 November 2014, in lieu of the quoted SCA decision: -

The disclosure of the requested information will unduly compromise the Department and has as a result been classified as sensitive/highly confidential by the Department, due to the fact that the majority of names of the alleged mines who are operating without valid water use licenses are still "suspected perpetrators" and are currently under investigation for both administrative and criminal action. Disclosing the information (the names of the mines), prematurely will constitute unfair administrative justice on account of procedural unfairness i.e violation of the right to fair trial and an accused Constitutional right in respect of the presumption of innocence.

It is on the aforementioned premise that the Department respectfully declines the disclosure of the requested information.

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