



**MINISTER
WATER AND SANITATION
REPUBLIC OF SOUTH AFRICA**

Private Bag X313, Pretoria, 0001, 185 Francis Beard Street, Sedibeng Building, Tel: +27 12 336 8733, Fax: +27 12 336 8717
Private Bag X9052, Cape Town, 8000, 120 Plein Street, Tel: +27 21 464 1500, Fax: +27 21 465 3362

Ref: 12/7/Dam Safety

**MEMBER STATEMENT TO BE DELIVERED BY THE MINISTER OF
WATER AND SANITATION, MISS PEMMY MAJODINA, DURING
PLENARY IN CAPE TOWN, ON 17 SEPTEMBER 2024**

**MEASURES TAKEN BY THE DEPARTMENT OF WATER AND
SANITATION ON DAM SAFETY**

Honorable Speaker,

1. We welcome this opportunity to make a statement to this House on matters pertaining to the safety of dams in South Africa.
2. In the past four weeks, we have witnessed the terrible disaster that affected the community of Riverlands, in the Swartland Local Municipality when four farm dams failed and destroyed houses and municipal infrastructure.
3. This unfortunate disaster brought attention to the issue of dam safety in South Africa and how this affects communities residing downstream of dams.
4. Honourable members will recall how the community of Charlesville and Itumeleng townships were displaced from their houses and lives were lost when a tailings dam failed in the Free State town of Jagersfontein in September 2022.
5. These two recent and unfortunate incidents, make it important for me to highlight the issues pertaining to the safety of dams in South Africa.

6. Chapter 12 of the National Water Act, Act 36 of 1998, as well as the regulations published in Government Notice R-139 of 2012, requires the owner of a dam that meets the requirements of a dam with a safety risk, to register such a dam and to comply with all other the regulations pertaining to the type and the size of dam.
7. Over and above the registration of the dam, the owner must apply for a Dam Safety licence to construct, alter, or repair the dam before construction can commence.
8. The owner of a dam must also appoint an Approved Professional Person (APP), which is a registered dam engineering expert, to conduct compulsory dam safety evaluations at least once every five years.
9. The National Water Act defines a dam with a safety risk as a dam with a minimum vertical wall height of 5m and capable of storing more than 50 mega-liters of water. A dam that does not meet these two requirements is not regarded as a dam with a safety risk.
10. According to the register of dams with a safety risk in my department's database, there are 5703 registered dams. My department owns 323 of the dams in the register. However, the storage capacity of the departmental dams makes up approximately 87% of the total volume of water stored in all the 5703 dams, due to the size of the departmental dams.
11. Over the past two years, my department has issued non-compliance instructions, pre-directives, and directives to owners of dams who were found to be non-compliant with the regulations.
12. We have also ensured increased compliance by organs of state such as Water Boards and Eskom regarding the dams that they own.
13. This shows that we are not only targeting non-compliant private dam owners, but also those that belong to the various organs of state, including dams owned by my department.

14. The National Water Act puts the responsibility for the safety of dams on the dam owner.
15. My department has released the results of a preliminary investigation into the causes of the failure of the four dams at Riverlands. In summary, it was found that none of the dams had been registered with the department as dams with a safety risk as required by law, and that the licenses to construct the dams were not obtained when they were built.
16. The current owner of the four dams is the Department of Rural Development and Land Reform. I have submitted the preliminary investigation report to the Minister of Rural Development and Land Reform, Minister Nyhontso, with a request for his department to provide a response to the findings. We will await feedback on the processes followed by his department when acquiring the farm on behalf of government, as the dams were already in existence when the farms were purchased.
17. Working in collaboration with the Department of Rural Development and Land Reform, we have rehabilitated the areas where the four dams failed, to ensure the safety of the public and livestock. The remnants of the failed dams as well as the fourth dam where we intervened and lowered the water level, were unsafe and had steep unsafe areas which could collapse and further cause injury or death if left unrehabilitated.
18. On the issue of Jagersfontein tailings dam that failed on 11 September 2022, my department has concluded criminal investigations, and the docket has been handed over to the National Prosecution Authority (NPA). The responsible prosecutor has acquired all the statements and affidavits. The matter is expected to be enrolled in 2025.
19. My department also appointed the University of Pretoria and the University of the Witwatersrand to conduct a technical forensic investigation on the failure of the Jagersfontein Tailings Storage Facility. The final report was handed over to the department on Monday, 9 September 2024. The report may be used in the criminal

proceedings and therefore cannot be made public until advised by the NPA.

20. One of the roles of my department is to issue water use licenses to ensure that water resources are utilized sustainably and equitably. For example, the Middle-Letaba catchment is water-stressed and communities in the catchment have raised concerns as to whether some users are over-abstracting water from the three rivers that feed the Middle Letaba Dam, resulting in insufficient water being available for other users.
21. To address these concerns, we have established a Ministerial Advisory Committee, chaired by the Retired Judge-President Bernard Ngoepe, who is being assisted by various experts to investigate the complaints raised by the community. This Advisory Committee is expected to report to the Minister by January 2025.
22. We are also working on plans to build additional infrastructure which would enable the available water resources in the Middle Letaba system to be supplemented. Furthermore, we will be engaging with major water users in the Middle-Letaba catchment, with a view to negotiating possible reductions in water use in the interim while the catchment remains water-stressed.
23. My department has taken measures to augment the human resource capacity of its specialist unit for Dam Safety Regulation and has approved a structure that will see more engineers being employed in the unit. The recruitment process has already begun.
24. Apart from strengthening our internal capacity, my department is working with the Engineering Council of South Africa to find ways of making it easier for young engineering professionals to acquire the necessary skills and experience to be approved as APPs. We will make the APP application requirements easier but will not compromise on the necessary standards required of an APP to practice dam engineering.
25. As part of the recommendations in the Riverlands report, my department has prepared a Notice to be published in the Government

Gazette, giving all owners of dams with a safety risk an opportunity to classify and register the dams that meets the dam safety requirements in terms of Section 117 of National Water Act. The Notice will give dam owners a period of 60 days to register existing dams that are not registered as required.

26. A media awareness campaign, including both print media and electronic media is being planned by the department to ensure greater coverage to those who may not have access to the gazetted Notice.
27. We will also be engaging with organisations representing sectors such as agriculture and mining, to request them to assist the Department to ensure that all dams with a safety risk are registered with the Department and that dam owners ensure that all dams, include tailings dams, meet dam safety requirements.
28. Furthermore, we will engage with the Department of Cooperative Governance and Traditional Affairs and National Treasury, to find ways of assisting municipalities that own dams and require support to ensure that their dams are safe and compliant. This intervention will be extended to other state departments to ensure that all dams owned by government are compliant with dam safety legislation.



MISS PEMMY C.P MAJODINA, MP
MINISTER OF WATER AND SANITATION

10/09/2024