
AFFIDAVIT

1. I, the undersigned, George Michalakis with identity number 8801065043088, am an adult male, with office at 100-120 Plein Street, Cape Town. I am currently employed as a Member of Parliament in the Parliament of the Republic of South Africa.

2. I confirm that I am duly authorised to depose of this affidavit and confirm that the facts herein contained fall within my personal knowledge and are true and correct unless the context provides otherwise.


3. I herewith lay criminal charges in terms of the transgression of
 - the South African Constitution sec 24 and 27;
 - The National Water Act 36 of 1998 sec 151 (1) (j) and (2);
 - The National Environmental Management Act 107 of 1998 sec 49 (A) (1) (e) and (f).

4. Charges are laid against Ms Patricia de Lille as minister of Public Works and Infrastructure in her capacity as political head of the national Department of Public Works and Infrastructure. Charges are also laid against Dr Alec Moemi in his capacity as Director General of

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the Department of Public Works and Infrastructure. The Minister and Director General are ultimately responsible for any actions and omissions by the Department.

5. On 29 August 2022, I visited Odendaalsrus for the purpose of parliamentary oversight. I was shown the area around the Odendaalsrus Correctional Centre. Sewage lay dammed up in the open field next to the facility, which subsequently flows into the adjacent storm water channels (see attached photos, marked Annexure A).

 6. On 2 September 2022, ^{the DA} I submitted a parliamentary question to the Minister of Public Works and Infrastructure, which was responded to on 14 October 2022 (see Annexure B). In paragraph 1 of the response, the Minister acknowledges that section 151 of the National Water Act was contravened by her Department as a direct consequence of a faulty sewerage plant under the jurisdiction of her department.

7. I note that the Minister has set out various steps that are allegedly being taken to address this contravention of the National Water Act. However, I submit that:

a) The Minister is aware and acknowledges that her Department is currently in contravention of an Act that makes such contravention a criminal offence.

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- b) Addressing the issue does not exempt the Minister and her Department from their guilt in committing a criminal offence by contravening the National Water Act and that earlier and more urgent steps should have been taken to address the issue;
- c) If the Minister and her Department acted sooner and more decisively, the damage caused by the faulty pump could have been limited and/or contained and the extent to which the criminal offence was committed, could have been limited.
8. On 18 November 2022, I again visited the Odendaalsrus Correctional Centre to inspect the alleged progress that has been made to address the situation. I found the situation unchanged from my last visit in August 2022, indicating that the matter still does not enjoy the urgency a contravention of the National Water Act warrants.
9. The Minister and her Department by their own admission contravened section 151 of the National Water Act by either intentionally or negligently committing an act or omission which caused significant pollution or degradation of the environment or is likely to cause significant pollution or degradation of the environment or affect the environment.

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10. Section 151(2) of the National Water Act states that “any person who contravenes any provision of subsection (1) is guilty of an offence and liable, on the first conviction, to a fine or imprisonment for a period not exceeding five years, or to both a fine and such imprisonment and, in the case of a second or subsequent conviction, to a fine or imprisonment for a period not exceeding ten years or to both a fine and such imprisonment”.

11. As a Member of Parliament representing the Free State province, I will forsake my duties and responsibilities not to lay charges. In the Minister’s response, she already acknowledged that the situation has in the past led to human rights violations and other negative consequences for the correctional facility and residents in the area.

Signed on this 18th day of November 2022 at the Odendaalsrus Police Station.


George Michalakis MP
0827936071
Contact Number

I certify that the above signature is the true signature of George Michalakis and that he acknowledged to me:

1. that he knows and understands the contents of this declaration;



2. that he has no objection to taking the prescribed oath;
3. that he considers the prescribed oath to be binding to his conscience.

The deponent thereafter uttered the words: "I swear that the contents of this declaration are true, so help me God". The deponent signed this declaration in my presence at Odendaalsrus on this 18th day of November 2022.

[Handwritten Signature]
COMMISSIONER OF OATHS

2022
 11
 18

I certify that the above statement was taken by me and that the deponent has acknowledged that he/she knows and understands the contents of the statement. This statement was signed in the presence of the deponent and myself. The deponent's signature was placed thereon in my presence.

te **Odendaalsrus** op **2022-11-18** om **17:15**

[Handwritten Signature]
LOTSATCHI BUTIMANA
 (SIGNATURE OF THE COMMISSIONER OF OATHS)

LOTSATCHI BUTIMANA
 FULL FIRST NAME AND SURNAME OF THE COMMISSIONER OF OATHS

Odendaalsrus
 BUSINESS ADDRESS (OFFICE ADDRESS)

199 N. STR.
SAPS.

BANK/RANK: _____

SUID-AFRIKAANSE POLISIEDIENS
GEMEENSKAPDIENSENTRUM
ODENDAALSRUS

2022 -11- 18

SOUTH AFRICAN POLICE SERVICE
COMMUNITY SERVICE CENTRE
ODENDAALSRUS

L.B.A. *[Handwritten Signature]*

ANNEXURE A



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LIBA *[Signature]*



MINISTRY
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NATIONAL COUNCIL OF PROVINCES

WRITTEN REPLY

QUESTION NUMBER: 656 [CW753E]
INTERNAL QUESTION PAPER NO.: 31 of 2022
DATE OF PUBLICATION: 02 SEPTEMBER 2022
DATE OF REPLY: 14 OCTOBER 2022

656. Ms C Labuschagne (Western Cape: DA) asked the Minister of Public Works and Infrastructure:

Sewage pumps at Odendaalsrus Correctional Centre

(1) Whether it is in contravention of section 151 of the National Water Act, 1998 (Act No. 36 of 1998), for her and her department not to (a) address the sewage pumps at the Odendaalsrus Correctional Centre and (b) rehabilitate the already contaminated water streams and land around such a facility; if not, what is the position in this regard; if so,

(2) whether she has been informed that her department's failure to address the said matter constitutes a human rights violation; if not, what is the position in this regard; if so, what are the relevant details;

(3) (a) what steps are being taken to address said issue and (b) what are the relevant details in this regard?

CW753E

REPLY:

The Minister of Public Works and Infrastructure:

(1) I was informed the Department of Public Works & Infrastructure (DPWI) and Mathjabeng Municipality had a challenge as both their sewerage plants were faulty,

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hence, in contravention of Section 151 of the National Water Act, 1998 (Act No. 36 of 1998).

- (a) The DPWI in conjunction with Mathjabeng Municipality have addressed the problem by having both sewer plants running. DPWI Bloemfontein Regional Office has installed one pump, grinder and mixer and the pump station is currently working.
- (b) The Mathjabeng Municipality has put up an action plan to rehabilitate the already contaminated water streams and land around such facility as this falls within their jurisdiction and not under the DPWI Bloemfontein Regional Office.
- (2) The Bloemfontein Regional Office DPWI and the Client Department (DCS) has on several occasions engaged with other Stakeholders in the Region such as South African Human Rights Commission , Department of Water and Sanitation and Mathjabeng Municipality in an endeavour to completely address the matter and to avoid Human Rights violation.
- (3)
- (a) A task team has been developed to address the problem by different spheres of government, namely:
- **Department of Correctional Services** - Monitoring the sewerage plant on daily basis in case of any fault on the temporary solution to ensure continuous running of the sewer plant
 - **Department of Water and Sanitation** – Monitoring the implementation of action plan and progress against the timelines and offering advisory support
 - **Department of Public Works and Infrastructure** – Currently repairing the remaining two pumps, which are currently at the manufacture. Contractor has also been appointed to undertake the installation of pumps once they are repaired at the manufacture.
 - **Matjabeng Municipality** – Fully repairing their sewer pump station, implementation of action plan to clean the water stream channels
- (b)
- Matjabeng Municipality pump station has been restored back to operation.
 - DPWI pump station has been temporary restored back to operation awaiting repair of two faulty pump in order for the pump station to be fully operational.
 - There are no more sewer spillage inside the prison.
 - The task team is working to ensure that storm water channels are cleaned.
 - The task team in negotiation with guest house owner to unblock the storm water channel passing through his property which is causing water to be stagnant.

