



**The Office of the Official Opposition
Free State Provincial Legislature**

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Date:	14 August 2023
To:	Lieutenant Colonel Pule South African Police Services: Station Commander Heidedal Police Station
From:	Dr Roy Jankielsohn MPL DA Provincial Leader Free State Province
Re:	Heidedal Community: Memorandum of Demands

Dear Col Pule,

The Witherow Dam Quarry poses a grave danger to the residents, as evidenced by the series of tragic incidents, the most recent victim being, Dustin Khukari, that have occurred due to the hazardous conditions at the quarry.

In response to a question from the Democratic Alliance (DA) (**attached hereto**), the MEC for Cooperative Governance and Traditional Affairs in the Free State has provided a recommendation regarding the ongoing deadly threat posed by the Witherow Dam Quarry in Heidedal to residents. The MEC recommended that: "the South African Police Service (SAPS), as the lead investigative authority, should open a case to gather all relevant information and evidence. This will facilitate a comprehensive understanding of the incidents and enable the implementation of appropriate remedial actions.

In light of this, the Democratic Alliance demands the following:

1. That the SAPS accepts and acknowledges the contents of this memorandum.



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2. The SAPS opens a case to gather all the relevant information and evidence in line with the recommendation of the MEC.
3. Issue a compliance notice to the landowner, outlining the necessary steps be taken to eliminate or minimise the risk associated with the Heidedal Quarry Dam in line with the recommendations of the MEC.
4. Conducts a speedy investigation into the death of Dustin Khukari, whose family have indicated that there may have been foul play in his death.
5. Investigates the several other deaths which have occurred at the Witherow Quarry Dam.
6. Investigates the ongoing situation of the Witherow Quarry Dam, and the owner(s) and holds them responsible for the carnage it has brought the community.
7. Strengthens the fight against drugs and drug dealing in the Heidedal community by taking visible steps to curb drug dealing and drug related crimes.

We trust that the above inputs will be recognised by the SAPS as an attempt to make positive contributions to improving conditions in the Heidedal community.

Your positive feedback in this regard will be greatly appreciated.

Roy Jankielsohn MPL

DA Free State Leader

Accepted by:

Name

CAPT. IS MASO/DA

Signature

226.Hon. R Jankielsohn (DA) asks the Hon. MEC responsible for COGTA&HS: Mr. Makume.

In view of the many deaths of children at the Witherow Dam Quarry at Heidedal:

1. Will the provincial government ensure that this is declared a disaster area? If not, why not? If so, what are the relevant details?
2. Have any steps been taken to ensure that this site is secured to prevent further deaths? If not, why not? If so, what are the relevant details?

NO RESPONSE

RESPONSE

23/06/2023

Based on the Disaster Management Act, Section 1 (a) & (b) read with Section 2 (1)(b), the sporadic incidents at the Witherow dam do not meet the criteria to be classified as a disaster. However, it is important to acknowledge that these incidents have resulted in unfortunate deaths, which require appropriate attention and action.

In my professional opinion in line with the legislative and legal substances, the responsibility for implementing effective preventative measures to eliminate or reduce the risk lies with the landowner, who, in this case, is not the municipality. It is crucial that the landowner be held accountable for their role in ensuring the safety of individuals near the dam.

Considering the gravity of the situation and the need for a thorough investigation into the unfortunate deaths, I recommend that the South African Police Service (SAPS), as the lead investigative authority, open a case to gather all relevant information and evidence. This will facilitate a comprehensive understanding of the incidents and enable the implementation of appropriate remedial actions.

To address the issue effectively, SAPS should consider issuing a compliance notice to the landowner, outlining the necessary steps to be taken to eliminate or minimise the risk associated with the dam. If the landowner fails to comply with the compliance notice or if there is evidence of gross negligence, SAPS should also consider charging the landowner accordingly.

Taking swift and decisive action in this matter will not only ensure justice for the victims but also serve as a deterrent for similar incidents in the future. It is imperative that all stakeholders work together to promote public safety and prevent such tragedies from occurring again.