

IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, JOHANNESBURG)

CASE NO: 3950/18

BEFORE THE HONOURABLE JUDGE WRIGHT on 23 JUNE 2023

“ X “



Wright J

In the matter between:

**SAVE THE VAAL ENVIRONMENT**

Applicant

And

**EMFULENI LOCAL MUNICIPALITY**

First Respondent

**NKOANE: DITHABE OUPA**

Second Respondent

**THE PREMIER GAUTENG PROVINCE**

Third Respondent

**THE MEMBER OF THE EXECUTIVE COUNCIL:  
CO-OPERATIVE GOVERNANCE AND  
TRADITIONAL AFFAIRS (GAUTENG)**

Fourth Respondent

**THE MEMBER OF THE EXECUTIVE COUNCIL:  
FINANCE (GAUTENG)**

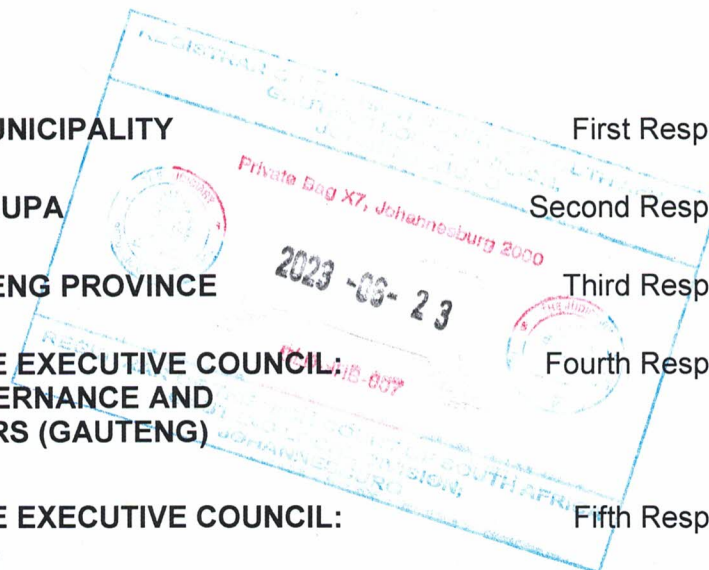
Fifth Respondent

**THE MINISTER OF WATER AND SANITATION**

Sixth Respondent

**THE MINISTER OF ENVIRONMENTAL AFFAIRS**

Seventh Respondent



**THE MINISTER OF FINANCE**

Eighth Respondent

**MUNICIPAL MANAGER: EMFULENI LOCAL MUNICIPALITY**

Ninth Respondent

and

**THE RIVER PROPERTIES AND SAFETY ASSOCIATION**

Intervening Party

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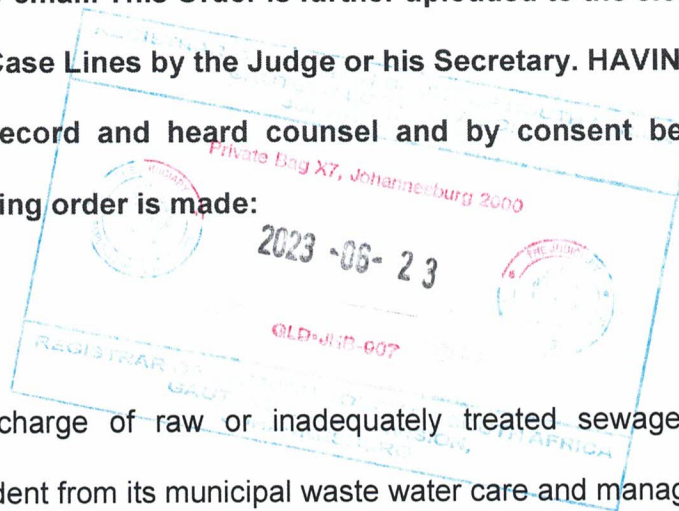
**COURT ORDER**

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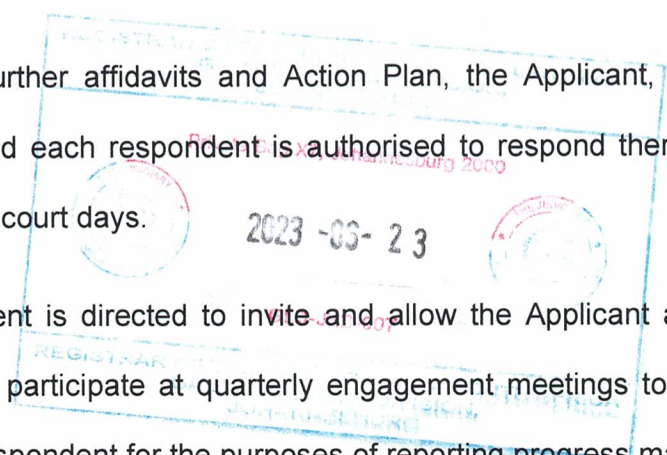
This Order is made by agreement between the parties an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or his Secretary. **HAVING** read the papers filed on record and heard counsel and by consent between the parties, the following order is made:

**IT IS ORDERED:**

1. The discharge of raw or inadequately treated sewage by the First Respondent from its municipal waste water care and management system into the Rietspruit River and/or the Klip River and/or the Vaal River and/or the Vaal River Catchment Area is in contravention of section 28(1) of the National Environmental Management Act 107 of 1998 ("NEMA") and section 19(1) of the National Water Act 36 of 1998 ("NWA") and must be prevented.



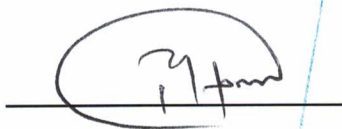
2. The Sixth Respondent is directed to file a further affidavit within 45 court days of the date of this order, together with relevant reports including:
  - 2.1. an outline of all measures taken to date in respect of the Sixth Respondent's intervention in terms of section 63 of the Water Services Act 108 of 1997 to, amongst other things, prevent the contraventions described in paragraph 1 ("the intervention"), and
  - 2.2. as an annexure to the affidavit, the Sixth Respondent's Action Plan in respect of the intervention, which Action Plan will provide a timeframe for its implementation and details of its funding.
3. The First Respondent may, within 45 court days of this order, file a further affidavit regarding measures taken and to be taken by the First Respondent to prevent the contraventions described in paragraph 1.
4. The Seventh Respondent is directed to file a further affidavit within 45 court days of the date of this order, outlining the role it has played in criminal investigations related to contraventions described in paragraph 1.
5. On receipt of the further affidavits and Action Plan, the Applicant, the Intervening Party and each respondent is authorised to respond thereto within a period of 30 court days.
6. The Sixth Respondent is directed to invite and allow the Applicant and Intervening Party to participate at quarterly engagement meetings to be held by the Sixth Respondent for the purposes of reporting progress made regarding the implementation of the Action Plan and other measures taken



to address the contraventions described in paragraph 1. The Sixth Respondent shall be represented at the meetings by, amongst others, the persons with technical expertise who are responsible for the implementation of the Action Plan.

7. The Applicants and Intervening Party will receive notice of the meetings/sessions at least 7 working days prior thereto.
8. The Applicant is authorised to set this matter down for consideration of the Action Plan, its implementation, and the engagement meetings referred to in paragraphs 6 and 7 above by the court, and for a reconsideration of this order, insofar as it be deemed necessary by the Applicant.
9. The parties are authorised to approach the Deputy Judge President to appoint a Case Manager in respect of this matter.
10. The question of costs is reserved.

**BY ORDER OF COURT**



**REGISTRAR OF THE HIGH COURT**



PL CARSTENSEN SC  
DM SMITH  
P SCHOEMAN  
Applicant's Counsel  
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