



28 March 2012

Illegal dam court case costs company more than \$58,000

The NSW Office of Water today said it welcomed the recent conviction and fine imposed on the company November Foxtrot Sierra Pty Ltd by the Armidale Local Court for failing to comply with a direction to remove an illegal dam on Nowlands Creek.

The Magistrate found the company guilty of the charge, imposing a fine and costs totaling \$58,824.

NSW Water Commissioner, David Harriss, said the conviction related to the construction of an illegal dam across Nowlands Creek and failure to observe a direction to remove the dam.

“Illegal dams can directly impact on licensed downstream water users, stock and domestic users and the environment by substantially reducing the volume of water flowing in Nowlands Creek” said Mr Harriss.

“Acts of this nature can put the livelihoods of individuals, rural communities and the environment at risk, especially during times of drought, as occurred in this case.”

“While the vast majority of water users do the right thing, some people still think they can illegally construct dams, ignore directions and access water without getting caught.”

“This ruling shows that the community will no longer tolerate illegal water-related activities in New South Wales.”

Mr Harriss said the NSW Office of Water is committed to managing and protecting the State’s water resources in a fair and sensible manner, but would not hesitate to take the appropriate action if people have broken the law including prosecution which could result in substantial fines or even gaol terms.

Under the relevant legislation, companies can currently receive a maximum penalty of \$22,000 for the offence and \$11,000 for an individual. It should be noted that in most cases costs will also be ordered which means a company can end up paying an even higher price for non-compliance.

However; under the provisions of the *Water Management Act 2000* which will shortly apply across the State, the maximum penalty for the offence of failing to comply with a direction is \$1.1 million for a company with continuing daily penalty of \$132,000 and \$247,500 for an individual with a continuing daily penalty of \$66,000.

“The NSW Office of Water takes all allegations of water breaches seriously and will not hesitate to bring cases to court when warranted,” Mr Harriss said.

Anyone wishing to report suspected illegal water activities can do so confidentially on **1800 633 362** or emailing **watercompliance@water.nsw.gov.au**

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