



11 May 2012

Court convicts and fines grazier more than \$9,000 for water theft

The NSW Office of Water today welcomed the recent conviction and fine imposed on a Condobolin grazier, Shaun Graham Hamilton, by the Condobolin Local Court for illegally taking water.

The Magistrate found Mr Hamilton guilty of the charge brought against him, imposing fines and costs totaling \$9,581.

NSW Water Commissioner, David Harriss, said the conviction related to the taking of water during a period when a 'temporary water restriction order' was in place across the Lachlan Valley due to the extreme drought conditions being experienced at the time of the offence in mid 2010.

"The illegal actions of Mr Hamilton had the potential to impact on downstream licensed water users, stock and domestic users and the environment by reducing the volume of available water in an already severely stressed water source as a result of the prolonged drought," said Mr Harriss.

Mr Harriss said at the time of the offence, Wyangala Dam had dropped to less than 4.5 per cent of capacity and there was not enough water to provide flows to the full length of the Lachlan River over a full year.

"The temporary water restriction order had been widely advertised in the local media and numerous public meetings were held to inform the local community about the existence of the order."

"The order was put in place to ensure critical human needs could be met, as well as the long term viability of the water source and to mitigate adverse actual and potential environmental impacts in the region."

"These types of water restrictions are used sparingly and are closely monitored so that the inconvenience for water users is minimised."

"Water theft puts the livelihoods of individuals, rural communities and the environment at risk, but the risks are greatly increased during times of severe drought, as happened in this instance."

"While the vast majority of water users do the right thing, some people still think they can illegally access water without getting caught."

"This conviction shows that the community will not tolerate illegal water-related activities in New South Wales and that all water users are obliged to comply with the law and make themselves aware of temporary water restriction orders."

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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 jail terms.

Under the relevant legislation water theft can attract penalties up to \$2.2 million and individual persons can be sent to jail for up to 2 years.

"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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