



Thursday 28 June 2012

## **Prosecution for unlawfully taking water costs company director \$370,000**

NSW Water Commissioner, David Harriss, today welcomed the Land and Environment Court's decision of 27 June 2012 to convict and fine a Condobolin farmer for ten offences relating to taking water unlawfully.

The Honourable Justice Pain found the farmer guilty of the charges under the Water Management Act 2000, imposing a fine and costs totalling \$370,000.

Mr Harriss said the conviction related to ten offences which involved the taking of at least 280 megalitres of water from the Lachlan River.

"The offences took place between April and August 2008, during a time of severe drought in the Lachlan Valley."

"Acts of this nature can put the livelihoods of individuals, rural communities and the environment at risk," said Mr Harriss.

"At the time of the offences, severe flow restrictions were announced on the Lachlan River."

"The man was convicted of taking at least 280 megalitres of water from the Lachlan River system when no allocation was made for general security water access licence holders. The Court found that this very likely affected the rights of other water users and harmed the environment."

"The ten offences occurred from four separate occasions of taking water from the River to irrigate wheat and canola crops. The crops grown with that water were subsequently sold for profit and the offences were committed for financial gain."

"Taking this water involved a breach of his company's water access licence and works approval conditions, as it failed to order the water and failed to report a faulty water meter. The farmer, who was the company's sole director, was found to have knowingly authorised or permitted the ten offences."

In handing down her decision Justice Pain found that the offences gave rise to a breach of public trust which is placed upon licence holders by the State that they abide by the licences and approvals granted under the Water Management Act 2000. At the time of the offences, town water supply, high security, stock and domestic licence holders were reduced to 70 per cent allocation.

Mr Harriss said that unlawful taking of water reduces the amount of water available for other licence holders and affects the State's ability to maintain the flow of the river, which harms the environment.

**Media contact:** Anne Brook (02)6701 9662 or 0419 120 527

Our news releases are on the web: [www.water.nsw.gov.au](http://www.water.nsw.gov.au) Follow us on Twitter @OfficeofWater



# Media Release

There are substantial maximum penalties for offences under the provisions of the Water Management Act 2000. Taking water unlawfully can now attract penalties up to \$2.2 million for a company 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 to ensure licence and approval conditions are met and the valuable resource is shared fairly.

Anyone wishing to report suspected illegal water activities can do so confidentially on 1800 633 362 or emailing [watercompliance@water.nsw.gov.au](mailto:watercompliance@water.nsw.gov.au)

**ENDS**

**Media contact:** Anne Brook (02)6701 9662 or 0419 120 527

Our news releases are on the web: [www.water.nsw.gov.au](http://www.water.nsw.gov.au) Follow us on Twitter @OfficeofWater