



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

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Reference: 6/2/2/6

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 2628

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER:
(INTERNAL QUESTION PAPER NO. 27) 01 SEPTEMBER 2023**

2628. Mrs M R Mohlala (EFF) to ask the Minister of Water and Sanitation:

With reference to his reply to question 2100 on 28 June 2023, which outlines the existing regulatory frameworks and enforcement measures, (a) what are the reasons that the measures have proven ineffective in holding municipalities accountable for their negligence, (b) what specific steps of intervention will he take to address the systemic failures that allow municipalities to disregard their obligations and (c) how will he ensure that the measures result in tangible improvements and the prevention of further contamination?

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MINISTER OF WATER AND SANITATION

(a) The root cause for most municipalities being non-compliant is poor management and leadership that do not prioritise budgets for maintenance and operation; as well as poor billing and revenue collection leading to deterioration of infrastructure. Non-adherence to standard operating processes for drinking water treatment and wastewater treatment is caused by municipalities failing to hire the necessary staff with the correct skills and qualifications.

Rapid rural-urban migration coupled with housing developments, has also resulted in increased connections to water-borne sewage systems. However, many municipalities have not invested in upgrading their sewage collection and treatment infrastructure to cater for this increase, and many wastewater treatment systems lack the capacity to deal with the increased sewage load. The Department of Water and Sanitation (DWS) has estimated that it would require approximately R50 billion to address this backlog in wastewater treatment system capacity.

- (b) The Department has initiated an action plan to address the worst performing municipalities (scoring less than 10%) in terms of the Blue and Green Drop Watch reports. In developing this plan together with the Department of Cooperative Governance and Traditional Affairs (COGTA) and National Treasury (NT) it was established that half of the 30 municipalities which scored less than 10% in the Green Drop and / or Blue Drop assessments are also on COGTA's list of 66 dysfunctional municipalities.


A quarter of the 30 municipalities are also on National Treasury's list of 79 municipalities in service delivery and financial crisis or in serious financial trouble and requiring intervention. NT has recommended that Provinces implement mandatory interventions in terms of Section 139(5) of the Constitution and Chapter 13 of the MFMA for these municipalities. Whilst national interventions are provided for in the Constitution, the capacity to intervene at national level is limited and Provinces must lead such interventions.

- (c) The Department has commenced with the amendment of the Water Services Act to strengthen its water services regulatory framework and its ability to effectively rectify contraventions. This will be done through the introduction of an operating license system for Water Service Providers (WSP), to be managed by DWS as the national regulator. This will require that water services only be provided by an entity (municipality or other entity) that has an operating license. This will enable WSAs to ensure that WSPs have minimum competency, capability, and performance levels to provide the required standard of water services.


A further amendment will be made to Section 63 of the Act, which currently only provides for an intervention under the Constitution, to enable the Minister, to issue administrative action similar to the National Water Act but additionally, as a last resort, to force separation of the water services function from the municipal administration where there is persistent failure to meet license conditions. In such instances, the Water Services Authority will be required to contract with a licensed Water Service Provider (after a S78 Systems Act process). The appointed licensed WSP will take over all the functions related to providing the water service, including billing and revenue collection, Supply Chain Management and Human Resource Management. Currently S63 is impractical because it does not provide for all these functions to be taken over – the amendments will enable the licensed WSP to be funded. This amendment Bill is en-route to Cabinet for approval to embark on public consultations.

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DRAFT REPLY: ~~RECOMMENDED/ NOT RECOMMENDED/ AMENDED~~


DR SEAN PHILLIPS
DIRECTOR-GENERAL
DATE: 08/09/23

DRAFT REPLY: APPROVED/ NOT APPROVED/ AMENDED


MR SENZO MCHUNU, MP
MINISTER OF WATER AND SANITATION
DATE: 03/09/2023