



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 3359

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 20 OCTOBER 2023
(INTERNAL QUESTION PAPER NO. 36)

3359. Mr N G Myburgh (DA) to ask the Minister of Water and Sanitation:

- (1) What (a) total number of directives have been issued to public entities, including municipalities responsible for the management of water treatment plants and wastewater treatment facilities, for non-compliance with legislation (i) in the (aa) 2021-22 and (bb) 2022-23 financial year and (ii) since 1 April 2023 and (b) number of the specified directives have been fully complied with;
- (2) what follow-up measures have been taken in respect of the entities who are not adhering to departmental and/or ministerial directives?

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MINISTER OF WATER AND SANITATION

- (1) In terms of administrative justice, prior to the issuance of an administrative directive, a notice of intent has to be issued indicating suspected non-compliance and what actions the transgressor will be expected to take should the directive be issued. Upon receipt of the notice the alleged transgressor must respond within a stipulated timeframe and provide a response or plan to rectify the non-compliance. Should no response or representation be received or if the plan submitted is not acceptable, a directive is issued. If the representation brings other facts to light and illustrates that there is no transgression, or an acceptable plan is tabled, then the process does not proceed to the issuance of a directive and the department continues to monitor compliance.

(i)(aa) During the 2021/2022 financial year, the Department had issued a total of 75 Notices of Intention to Issue a Directive in response to identified contraventions related to requirements stipulated under Sections 19 (3) and 22 of the National Water Act (Act 36 of 1998). The Department also issued 36 Directives in response to contraventions. These administrative actions pertain to instances where sewer systems failed to

contain wastewater, or treated wastewater insufficiently resulting in water pollution, and also water users that are engaging in unlawful water uses.

Enforcement Actions taken against non-compliant Municipalities *from April 2021 to March 2022		
Sector	NWA Notices Issued	NWA Directives Issued
Local Government [WSA/WSP]	71	33
Government (National/Province)	4	3
Total	75	36

(bb) During the 2022/2023 financial year, the Department had issued 67 Notices of Intention to Issue a Directive and 25 Directives in response to contraventions in response to identified contraventions related to requirements stipulated under Sections 19 (3) and 22 of the National Water Act. These administrative actions pertain to instances where sewer systems failed to contain wastewater, or treated wastewater insufficiently resulting in water pollution and unauthorised water uses.

Enforcement Actions taken against non-compliant Municipalities *from April 2022 to March 2023		
Sector	NWA Notices Issued	NWA Directives Issued
Local Government [WSA/WSP]	62	23
Government [National/Province]	5	2
Total	67	25

From 1 April 2023 to date, the Department had issued 22 Notices of Intention to Issue a Directive and 5 Directives in response to identified contraventions related to requirements stipulated under Sections 19 (3) and 22 of the National Water Act. These administrative actions pertain to instances where sewer systems failed to contain wastewater, or treated wastewater insufficiently resulting in water pollution and unauthorised water uses.

(ii) Eight (8) public entities have fully complied with the administrative enforcement actions taken by the Department for the period 2021-22, 2022-23 and current financial year. There was partial compliance in other instances which has led to criminal charges being laid against public entities that did not comply.

- (2) The Department has laid 25 criminal charges against public entities that have not complied with the directives issued to compel their compliance with the provisions of the NWA. The Department obtained 3 Plea Sentencing Agreements against Rand West City Local Municipality (LM), Thaba Chweu LM and Lekwa LM for contravening NWA provisions. Criminal charges including causing pollution of water resources were laid, and the municipalities pleaded guilty on all counts. Fines were imposed on each Local Municipalities. The Department is actively monitoring the implementation of compliance with the plea sentencing agreement.

Enforcement Actions taken against non-compliant Municipalities in the past three FYs						
Sectors	Cases Registered at SAPS			Plea Sentencing Agreement		
	FY 21/22	FY 22/23	FY 23/24	FY 21/22	FY 22/23	FY 23/24
Local Government [WSA/WSP]	3	10	11	-	2	1
Government [National/Prov]	-	1	-	-	-	-
Total	3	11	11	0	2	1

Furthermore, the Department obtained a court order against Msukaligwa LM. The Department will continue to monitor the implementation of the court order.

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

SPhillips

DR SEAN PHILLIPS
DIRECTOR-GENERAL
DATE: 3 11 2023

DRAFT REPLY: APPROVED/ ~~NOT APPROVED/ AMENDED~~

S.M. A.
MR SENZO MCHUNU, MP
MINISTER OF WATER AND SANITATION
DATE: 02/11/23