



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

Enquiries: CX Zwane
Telephone: 060 542 1108
Reference: 6/2/2/6

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 3360

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

3360. Mr N G Myburgh (DA) to ask the Minister of Water and Sanitation:

- (1) What (a) number of criminal charges has his department laid against municipal mayors and/or executive mayors who are in flagrant breach of legislation pertaining to the management of wastewater treatment facilities and water treatment plants (i) in the (aa) 2021-22 and (bb) 2022-23 financial years and (ii) since 1 April 2023 and (b) are the relevant details in each case;
- (2) what (a) are the details of all criminal charges that his department is currently in the process of instituting against municipal managers and/or executive mayors who are in serial transgression of water and sanitation legislation in the 2023-24 financial year and (b) are the relevant details in each case?

NW4481E

---0000---

MINISTER OF WATER AND SANITATION

- (1) (a) Municipal- and executive mayors are generally not charged in matters against the local or district municipality as they are not accounting officers. Municipal Managers are also not as a general rule charged in their personal capacity, but the Municipal Manager is cited as the accounting officer in civil and charged in criminal matters as the head of the municipality (corporate entity). Should gross negligence or misconduct be reported or detected we are obliged to investigate and these individuals including the mayors can be charged. The matters below are cases against municipalities where the Municipal Manager has not been charged in their personal capacity. The Department of Water and Sanitation together with Department of Forestry Fisheries and Environment has however recently had a successful engagement with the National Director Public Prosecutions to reinstate and charge the delinquent Municipal Manager of Lephalale Local Municipality. There are also three contempt of court applications for Lekwa LM, Mookgopong LM and Dr Ruth Segomotsi DM where the Municipal Managers will be held personally liable.

Criminal Enforcement Actions Taken Against Non-Compliant Municipalities			
Sector	2021 – 2022 financial year	2022 – 2023 financial year	1 April 2023 onwards
Local Government [WSA/WSP]	3	10	11
Total	3	10	11

- (2) (a) The criminal charges instituted against municipalities and their municipal managers vary on a case by case basis. Based on section 151(1) of the National Water Act, 1998 (Act no. 36 of 1998) this can include subsection (a) use of water other than permitted under this Act; subsection (c) failure to comply with any condition attached to a permitted water use under this Act; subsection (d) failure to comply with a directive issued under section 19, 20, 53; subsection (i) unlawfully and intentionally or negligently committing any act or omission which pollutes or is likely to pollute a water resource. Cases opened in the 2023/ 2024 financial year are listed in the table below:

Wastewater Treatment Works	Municipality	SAPS CAS Number
Bushkoppies and Goudkoppies WWTW	City of Johannesburg Metropolitan Municipality	62/07/2023 & 423/07/2023
Hoedspruit WWTW	Maruleng LM	10/10/2023
Percy Stewart WWTW	Mogale City	76/08/2023
Hlelo Lunathi Hendrina	Nkangala District Municipality	108/08/2023
Thabazimbi WWTW	Thabazimbi LM	112/08/2023
Lindley WWTW	Nketoana LM	116/09/2023
Koffiefontein WWTW	Letsemeng LM	12/09/2023
Zandspruit pumpstation	Johannesburg Water	127/09/2023
Giyani WWTW	Mopani District Municipality	404/10/2023
Ermelo WWTW diversion	Msukaligwa LM	108/10/2023

—0000—

DRAFT REPLY: RECOMMENDED/ NOT RECOMMENDED/ AMENDED

SPhillips

DR SEAN PHILLIPS
DIRECTOR-GENERAL
DATE: 1 11 2023

DRAFT REPLY: APPROVED/ NOT APPROVED/ AMENDED

S Mchunu

MR SENZO MCHUNU, MP
MINISTER OF WATER AND SANITATION
DATE: 07/11/23