



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

Enquiries: T Ntili
Telephone: 082 803 3204
Reference: 6/2/2/6

NATIONAL COUNCIL OF PROVINCES

FOR WRITTEN REPLY

QUESTION NO 263

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 21 APRIL 2023
(INTERNAL QUESTION PAPER NO. 13)

263. Mr G Michalakis (Free State: DA) to ask the Minister of Water and Sanitation:

- (1) Whether, with reference to his reply to Question 1044 on 22 December 2022 and the reply to Question 53 by the Minister of Cooperative Governance and Traditional Affairs on 6 April 2023, his department has been informed that the Matjhabeng Local Municipality is in contravention of section 151 of the National Water Act, 1998 (Act No. 36 of 1998);
- (2) why no criminal charges have been laid against the previous Executive Director of Infrastructure if the municipality has acknowledged that the offence was as a result of his non-performance;
- (3) whether his department has been informed that there have never been any successful criminal actions against any executive directors or municipal managers for contravention of the section of the law; if not, why not; if so, what are the relevant details;
- (4) whether it is his department's responsibility to ensure that municipalities are not in contravention of any laws, especially where it amounts to criminal offences; if not, why not; if so, what are the relevant details?

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MINISTER OF WATER AND SANITATION

- (1) The Department of Water and Sanitation (DWS) is aware that the Matjhabeng Local (LM) is in contravention of section 151 (1) (d) of the National Water Act and as such, has issued several Directives to the municipality which have not been complied with. In further efforts to avoid to intergovernmental disputes and settle the matter without resorting to judicial proceedings; the DWS also engaged the Free State Department of Cooperative Governance and Traditional Affairs (CoGTA). The Free State MEC for CoGTA in the Province wrote a letter to the municipality dated 29 April 2022, regarding contraventions of section 151 of the National Water Act (NWA).

Since November 2022, the DWS has been implementing an intervention in Matjhabeng LM through Bloem Water. The intervention is intended to assist the municipality to restore wastewater infrastructure. The scope of the project includes refurbishment of the wastewater treatment works, pump stations and repairs of the dilapidated blocked sewer networks.

- (2) The DWS is not aware of the offences which the municipality has acknowledged regarding the previous Executive Director of Infrastructure.
- (3) The DWS has not been informed of successful criminal actions against any executive directors or municipal managers for contravention of Section 151 of the National Water Act.
- (4) The DWS has been monitoring Matjhabeng Local Municipality as part of its regulatory function regarding non-compliance relating to operations and maintenance of wastewater infrastructure. Enforcement actions, including non-compliance letters, Notices and Directives were issued by the DWS to compel the municipality to comply with norms and standards applicable to wastewater services.

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


DR SEAN PHILLIPS
DIRECTOR-GENERAL

DATE: 08/05/23

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DRAFT REPLY: APPROVED/ NOT APPROVED/ AMENDED


MR SENZO MCHUNU, MP
MINISTER OF WATER AND SANITATION

DATE: 16/05/23