



MINISTRY
WATER AND SANITATION
REPUBLIC OF SOUTH AFRICA

**POLICY DEBATE BY DEPUTY MINISTER OF WATER AND SANITATION, HON.
SELLO SEITLHOLO, AT THE NATIONAL COUNCIL OF PROVINCES, ON 16 JULY
2024**

Thank you, very much Honourable Chairperson.

Blue Drop (drinking water), Green Drop (wastewater) and No Drop reports

Honourable Members, the performance of municipalities when it comes to the provision of water and sanitation services has deteriorated over time, as illustrated by the results of the Department's Blue, Green and No Drop Reports that were released in December last year. The Green Drop report found that the percentage of municipal waste water treatment systems in a critical state of performance increased to 40% compared to 30% in 2013. The Green Drop report also tells us that 90 of the 144 water services had at least one critical wastewater system which was discharging partially treated or untreated sewage into rivers.

At the core of this decline, Honourable Members, is that municipalities are, in many instances, not hiring the necessary staff with the correct qualifications (i.e., plant managers, technicians, process controllers, and scientists). Municipalities also often have weak billing and revenue collection processes and do not prioritize budgets for the maintenance and operation of sanitation infrastructure.

Honorable Members, the presence of sewage in rivers, dams, beaches, the sea, groundwater and the environment results in increased risk of life-threatening water-borne diseases, including diarrhoea, cholera, and meningitis (with most risk to the poor

and vulnerable). It also results in intolerable living conditions for communities who live with raw sewage flows near to, or in, their properties daily. It causes devastation to tourism and services industries – the eThekweni tourism industry is a good example. It results in risks to fresh produce through irrigating with polluted water, contamination of groundwater with same risks, and increased treatment costs for potable water abstracted from polluted rivers. It also causes severe environmental damage, including in some instances, annihilation of fish, plant and other animal life.

Strengthening of DWS regulatory functions

Honourable Chair, in the past the department generally did not take strong regulatory actions against municipalities for sewage pollution – instead, the DWS policy position was that taking regulatory, civil or criminal action against a municipality would be contrary to sound intergovernmental relations.

However, in recent years, the department has been strengthening its regulatory function and making its regulatory actions more consistent, as required by the National Water Act. This has resulted in an increased number of civil actions and criminal charges against municipalities for sewage pollution.

Since 2017, the department has opened 88 criminal cases for sewage pollution involving 52 municipalities, across all 9 provinces. This follows non-responsiveness of the municipalities to notices and directives which are part of the regulatory mechanisms provided by the Act. In 78 of these cases, an investigation is currently underway. For 5 cases, investigations are complete, and the National Prosecuting Authority has decided to prosecute, while 5 cases have been concluded and the department is monitoring the implementation of the court decisions. These include the Govan Mbeki Municipality that was fined R200 million and the Thaba Chweu and Rand West Municipalities, which were each fined R10 million. The courts ordered that the municipalities allocate these fines to the improvement of their sanitation infrastructure. Over the past few years, DWS has also initiated 18 civil cases against municipalities, two of which have been finalised, resulting in court orders against the municipalities to address their sewage pollution.

The need for reform of water and sanitation services

Honourable Chair, while the Department is obliged to lay criminal charges against municipalities guilty of sewage pollution in terms of the National Water Act, and while the Department will continue to do this with increasing consistency, criminal charges and civil action cannot be a sustainable solution to the problem of poor management of municipal wastewater treatment systems. On average, it takes 2-3 years for a criminal case to be finalised (from the date of laying the charge at the police station to the date of a court ruling) – in the meantime the pollution continues.

Structural reform of municipal water and sanitation services is also required, in addition to ongoing support by national government to municipalities. In this regard, during last financial year the Department engaged in a public consultation process on proposed amendments to the Water Services Act. The amendments aim to strengthen the role of municipalities as Water Services Authorities, which are meant to function as local regulators to ensure that the local Water Service Providers – usually internal units within municipalities – provide services which meet minimum national norms and standards. The amendments propose that this should be done through the introduction of an operating license requirement for Water Services Providers, to ensure that Water Service Providers have a minimum level of competency. Water Services Authorities will be required to only approve and contract with Water Services Providers that have an operating license. We will shortly submit the Water Services Amendment Bill to Cabinet to seek approval for it to be considered and adopted by Parliament.

In conclusion Honourable Chair, while we are fully aware that these processes will not resolve the challenges the sector is faced with overnight, we are confident that they will make the necessary impact in turning the state of water and sanitation around and ultimately improve the provision of water and sanitation services to the people of this country.

I thank you!