

# DEPARTMENT OF WATER AFFAIRS 4<sup>th</sup> NATIONAL STEERING COMMITTEE MEETING FOR THE ESTABLISHMENT OF CATCHMENT MANAGEMENT AGENCIES (CMAs)

Date: 3 December 2013 Time: 09:00 to 14:00

Venue: Protea Hotel, OR Tambo, Kempton Park

#### 1. OPENING

#### 1.1 Welcome and opening remarks

The chairperson, Mr Nepfumbada, welcomed everyone to the meeting. He announced that this would be the last time he would chair an NSC meeting as he had taken on a different portfolio within DWA with effect from 1 December 2013.

The chairperson explained that the absence of members of the Human Resources (HR) Task Team was due to their attendance of a DWA meeting with trade unions.

The attendance list (Appendix B) reflects the names of those who signed the attendance register.

#### 1.2 Apologies

The apologies were recorded.

### 1.3 Approval of the Agenda

The agenda was approved with the addition of Item 7.2: Policy review implications for WUAs and Irrigation Boards.

#### 2. REVIEW OF THE MINUTES OF THE PREVIOUS MEETING

#### 2.1 Adoption of minutes

The minutes of the meeting of 31 May 2013 were adopted with the following amendments and corrections:

- Item 1.1 page 1: 'Breede-Gauritz' should read 'Breede-Gouritz'
- Item 4 page 6: "Western Cape RO had initiated the business case for the Berg-Olifants CMA" was deleted as it was reported to be untrue.
- Item 6 page 15: "The Minister was required to give a directive...." should read, "A submission would be given to the Minister to give a directive..."
- Attendance register page 24: Add "Co-Chair" next to the names of Thoko Sigwaza and Ndileka Mohape.

## 2.2 Matters Arising

No.	Action	Progress
1	Item 2.2 no. 7  The risk management plan, listing the risks relating to the establishment of the CMAs, would be scrutinised by RSCs and circulated to all NSC members before the next NSC meeting, in preparation for submission to the PMG.	Ms Bofilatos reported that each RSC's risk plan was being updated. Feedback on the status of the risk plans would be provided in the presentation under item 4 of the agenda of this meeting. She clarified that there were two risk plans:  • Each region had a risk plan relating to the establishment of the CMA in that region  • Risk plan relating to the implementation plan.  The chairperson stated that the most important risk would be to ignore the risk management plan.  The risk management plan (matrix) that reflected the total project and strategic risks relating to the establishment of CMAs (including the timelines) was still outstanding and would be distributed to NSC members before the next meeting.  Action: PMT/RSCs.
2	Item 2.2 nos. 8, 9, 10, 11, 12 The necessary meeting between the Minister of Water Affairs and DDGs to discuss issues of regional leadership had not yet been held. The action items would remain on the agenda of NSC meetings until addressed.	The formal meeting between the Minister of Water Affairs and DDGs had not yet taken place.  Mr Singh and the chairperson would take up the matter in the context of the current scenario in terms of regional leadership and the process to establish CMAs.  Action: Mr Singh and Mr Nepfumbada
3	Item 2.2 no 13 Consultation with CSOs concerning the rollout of CMAs and reports from RSCs on public consultation process [would be] part of the formal agenda of each NSC meeting.	Ms Bofilatos reported that CSOs were represented in the NSC and were part of the support from civil society of the process to establish CMAs. CSOs and NGOs were also represented in RSC meetings the Catchment Management Forum (CMF) meetings.  Mr Ashe requested a matrix of CSOs invited to and participating in the meetings, especially to the RSC meetings, and the stakeholder representivity at all levels of consultation (names and affiliation of representatives). He indicated that CSOs were only actively involved in two regions. The NSC noted that more needed to be done to ensure that interactions with CSOs and NGOs were effective.  Action: PMT
4	[An update on the dedicated support capacity (a mix of skills ranging from economics to finance) and project management] required in the establishment of CMAs, and on the appointment of a PSP to support DWA	The process to appoint a PSP to support the establishment of CMA had been initiated. The ToR had already been approved by Top Management but had been delayed by the Departmental Bid Adjudication Committee (DBAC) processes. The resources currently available in DWA were being used to continue the work in line with the

No.	Action	Progress
	HO and ROs would be given at the next NSC meeting.	implementation plan.
		Ms Karar mentioned that a proposal had been submitted to DWA and there have been interactions concerning the WRC acting as a Research and Development (R&D) partner. The WRC could support the CMA roll-out process by providing data from various studies and by creating a community of practice that would give access to the required expertise.
		Mr Khan suggested that DWA should consider partnering with other science and R&D institutions in order to optimise the available resources and expertise.
		Mr Buthelezi suggested that the WRC should participate in the RSC and task team meetings.
		The chairperson requested that the necessary steps be taken to expedite the appointment of a PSP and encouraged the PMT to access the knowledge generated by the WRC and other R&D institutions. Input prepared jointly by the PMT and the WRC should be presented to future NSC meetings.  Action: Mr Singh/PMT/WRC
5	Item 2.2 no 18  The new turnaround strategy for WUAs was in its early stages of development and the ICMA, BOCMA and other stakeholders would be consulted in order to finalise the strategy. The draft document would be circulated to the NSC members for comment.	The turnaround strategy for transformation of Irrigation Boards to WUAs had been superseded by a change in policy direction that had come about as a result of the review of the NWA. WUAs and Irrigation Boards would be disestablished and their functions would be managed by the CMAs through the Catchment Management Strategy (CMS).
6	Item 2.2 no 20 Ms Bofilatos would inform NSC members of the composition of the task teams as well as the dates of future meetings of each task team.	Four task teams had been set up. Most of the NSC members participated in one or more task teams. Meetings were held regularly and the dates for the next meetings were decided during each meeting.
7	RSCs should discuss and confirm the number of proto CMA staff, the number of vacant proto CMA posts and the estimated full staff compliment of the new CMAs to the project management team.	Ms Bofilatos reported that the HR Task Team was currently addressing this issue. The task team progress report would be presented under item 5 of the agenda of this meeting.
8	Item 4 The presentation, Progress in the Establishment of CMAs: A National Overview, would be circulated to all the ROs and RSCs.	The presentation had been circulated to ROs and RSCs.
9	Item 5.2 Task teams need to understand water users' needs and take cognisance their	The needs of water users formed an integral part of the discussions taking place in the task teams.

No.	Action	Progress
	expectations in terms of the services	
	provided by the CMA.	
10	Item 5.2	Participation in the task teams had been consistent
	Task team members should be made aware of their responsibilities and the	and good. Responsibilities of task team members were detailed in the task teams' ToR.
	importance of their full participation in the	were detailed in the task teams TOK.
	task teams.	
11	Item 5.3	The matter had been addressed.
	An email would be sent to CDs at ROs	
	informing them of the meeting on 12	
	June 2013 and requesting nominations	
	for appropriate regional representatives to participate on the Finance, Viability	
	and Sustainability task team.	
12	Item 5.3	The matter was being dealt with as part of the
	Changes to Section 57 to provide the	amendment of the NWA.
	making of water use charges being	
	vested in the Minister and not the CMAs,	
	and to specify that the water use charges made per WMA should be received by	
	the relevant CMA, should be addressed	
	as part of the legislative review process.	
13	Item 5.3	The matter would be addressed in the Information
	Urgent attention should be given to	and Monitoring Systems Task Team presentation
	aligning WARMS with the CMAs as the	(under item 5 of the agenda of this meeting) and was
	system was required in order to address	dealt with in the current proposal for the systems required to ensure the functioning of the CMA.
	the chapter 4 functions in the NWA as well as for purposes of making and	required to ensure the functioning of the CiviA.
	receiving water use charges.	
14	Item 5.3	The matter would be addressed in the Information
	Compatibility and interaction of systems	and Monitoring Systems Task Team presentation
	(particularly systems required in order for the CMAs to do the billing for water use,	(Under item 5 of the agenda of this meeting) and was dealt with in the current proposal for the systems
	such as SAPS and WARMS) and costs	required to ensure the functioning of the CMA.
	of using alternative, simpler systems	<b>3</b>
	should be investigated by the task teams	
	in order to find a uniform approach that	
15	applied to all CMAs.	The matter was being addressed by the Directorate
15	Item 5.3  A review of the current licence	The matter was being addressed by the Directorate: Water Use Allocation.
	administration fee should be considered	Trator Odo / modulori.
	in the WRM policy review process and	
	linked with the pricing strategy review.	
16	Item 5.3	The matters needed to be addressed by the Branch
	The task team would address the	Regulation, and formed part of the broader policy
	following matters raised by NSC members:	discussion within DWA.
	<ul> <li>A charge for the recreational use of</li> </ul>	
	water (such as houseboats on dams)	
	Access to water by resource-poor	
	communities that relied on water.	
17	Item 6	The public participation process used for the two
	Effective stakeholder participation would	established CMAs had been documented. A chapter

No.	Action	Progress
	be incorporated in the business cases of all new CMAs.	on stakeholder participation would be included in all the CMA business cases for final gazetting.
18	Item 6 The following input from NSC members would be addressed:  1) The need for proper guidelines to structure and standardise the remuneration of CMA staff (taking into account the specialised WRM skills requirements, capacity building and retention)  2) Current salary determination processes should be simplified.  3) The Minister should give a directive in respect of the remuneration of governing board members.	The remuneration of governing board members and CEOs of CMAs was addressed in a draft document and was being dealt with by the relevant task team, and was aligned to the Presidency Review Framework. A national policy framework was being developed to standardise the remuneration of governing boards and CEOs.
	4) Stakeholder reimbursement policy should be finalised to facilitate the stakeholder engagement process.	The Stakeholder Empowerment Unit of DWA was in the process of developing a guideline document concerning the establishment of fora in support of the NWRS. The reimbursement policy for attending forum meetings will be addressed in the document.
	5) Budget allocations and timelines for community empowerment were required.	The matter was noted.
	6) Stakeholder groups outside of the existing structures must be engaged in the CMA establishment process.	The matter was noted.
	7) ROs should produce concretised plans focussing on the sustainability of the CMAs in terms of efficiencies of capacity empowerment before designing business cases.	The matter was noted.
19	Item 7 The Water Information Network South Africa (WIN-SA) should be requested to include the lessons learnt by the two existing CMAs in their newsletter.	WIN-SA collaborated with the WRC in a project that would capture lessons learnt about CMAs. The project was set to commence in April 2014.
20	Item 8.1  PMG and NSC structures should be reviewed at the next NSC meeting.	The matter was not addressed.
21	Item 8.2  Matters at the regional level should be addressed by the RSCs and only matters of national relevance should be brought to the NSC.	The matter was noted
22	Item 8.2 The delegation or assignment of functions to the CMAs would be considered as part of the current legislative (and policy) reviews.	The matter was noted.
23	Item 8.2 The separation of WUA and CMA functions would be considered as part of the current legislative review process	This matter was addressed under action item no. 5.

No.	Action	Progress
	and in the development of risk management plans	
24	Item 8.2 Engagement between the CMAs and the ROs and the CMA and DWA HO would be addressed and formed part of the CMA starter pack.	The item was reported on under item 5.1 of the agenda of this meeting.
25	Item 8.2 Timelines would be reviewed and clear targets set for the establishment of the CMAs that were lagging behind.	This matter was addressed in the Regional Implementation Plans and would be incorporated in the National Implementation Plan for the establishment of CMAs.
26	Item 8.2 The existing CMAs would contribute documentation and knowledge to the development of the starter pack for new CMAs	The ICMA and BOCMA participated in all the task teams and contributed to the development of Starter Pack.
27	Clarification and communication of policy (including remuneration packages for CMA CEOs) and procedures in terms of staff transfers (from proto CMAs to CMAs) would be addressed urgently. Intervention was required from DWA top management, particularly in terms of the non-functionality of the Change Management and Communication task team.	The Change Management and Communication Task Team had changed its name to HR Task Team.  The HR Task Team was dealing with all issues related to personnel.  Refer to action item 18 for input concerning the remuneration packages for CMA CEOs.
28	Item 8.2 Consultations with stakeholders were being hindered by the absence of a stakeholder remuneration policy and a budget to implement such a policy. This matter had to be addressed.	Ms Bofilatos indicated that no policy or clear guideline was in place for the remuneration and reimbursement of CSO and NGO representatives attending DWA stakeholder meetings. The Minister was clear about stakeholder involvement in fora, in the CMA establishment processes as well as many of the components of the NWA. The PMT's Stakeholder Component Group had been tasked to develop a guideline for stakeholder fora that would address reimbursement of CSOs and NGOs for costs incurred to attend the fora.
		Treasury and the Department of Public Service and Administration (DPSA) documents gave guidelines for the reimbursement issue. In addition, the Presidential Review Task Team recommendations addressing the issue would be presented to Cabinet. It was anticipated that the document would be received by DWA towards the end of January 2014.  ROs expressed concern about the absence of interim measures to ensure continued stakeholder
		participation.  CSOs and some of the ROs emphasised the need

No.	Action	Progress
		for guidelines or a policy concerning reimbursement in respect of all forms of stakeholder participation. It was suggested that DWA should engage a working group from civil society to ensure increased participation from the appropriate stakeholders. Teleconferences were also suggested as a means to hold meetings. The existing community fora could be used to stimulate stakeholder participation.  The NSC supported the proposals made by CSOs and the chairperson concluded as follows:  The stakeholder participation and consultation process with regard to the establishment of CMAs must be appropriately resourced.  The processes of engagement with respect to the established CMAs should be sustainable.  A task team should be established to assist the NSC to ensure that the appropriate people attended stakeholder and public consultation meetings. (Refer to item 8 under the agenda of this meeting).
29	Item 8.2  Adequate budget was required in order to facilitate empowerment initiatives in the regions.	The matter was addressed under action item no 28.

# 3. PROGRESS ON THE ESTABLISHMENT OF CMAs (MS BOFILATOS) (Presentation 1)

Progress on and key timelines for the establishment of CMAs, based on the implementation plan approved by the Minister were presented as follows:

- 16 August 2013: NWRS was gazetted and included boundaries of nine WMAs.
- September 2013: The governing board appointment process had commenced for four of the CMAs: Inkomati-Usuthu, Breede-Gouritz, Limpopo and Pongola Umzimkulu.
- October 2013: Business cases for Limpopo and Pongola Umzimkulu CMAs were submitted to and approved by the Minister, and gazetted for comment.
- 8 November 2013: Gazette notices of the establishment of the Limpopo and Pongola Umzimkulu CMAs were published for public comment.
- January 2014: A joint evaluation committee coordinated by National Treasury would meet to evaluate the CMA business cases and list the entities in the PFMA.
- February 2014: Inkomati-Usuthu and Breede-Gouritz CMAs would be gazetted for establishment.
- March 2014: Board appointments for the Inkomati-Usuthu and Breede-Gouritz CMAs would be submitted to the Minister for approval.

Stakeholder participation that had taken place in relation to the establishment of the Inkomati-Usuthu and Breede-Gouritz CMAs during the three month gazetting period had been captured in a report detailing the activities, the dates of meetings, the types of engagements and the issued discussed. Attendance registers and minutes of all the meetings were available from the respective ROs and made available on the RSC webpage.

A draft delegation of functions document had been made prepared by the WRM Function and Delegation Task Team. The final document would be distributed to NSC members in January 2014. The document had been aligned to the delegation and information systems matrix document developed by the

Monitoring and Information Systems Task Team. An institutional business model was being developed and would be presented under item 5.1 of the agenda of this meeting, submitted to Top Management in January 2014 and to the Minister for approval in March 2014. The Financial Viability and Sustainability Task Team had prepared a draft financial policy for CMAs, including ringfencing the proto CMA functions and budgets, and a proposal for the CMAs to utilise SAP. The HR Task Team had developed a national change and communication strategy and a generic organisational structure of CMAs, which had been endorsed. Numerous challenges had been experienced in developing a draft transfer agreement, which would be aligned to the DPSA's guidelines for conditions of service. The final transfer agreement would be presented to the NSC (item 5.3 of the agenda of this meeting), to Top Management in January 2014 and to the Minister in March 2014.

Further critical milestones of the implementation plan for CMA establishment included:

- Fast-tracking the development of business cases for the Vaal, Berg-Olifants, Mzimvubu-Tsitsikamma and Orange CMAs for gazetting
- Ongoing consultation with trade unions at national and regional levels
- National Treasury listing of the Inkomati-Usuthu and Breede Gouritz CMAs
- Finalisation of the major policy recommendations of the task teams for presentation to the NSC for endorsement and submission to Top Management.
- The selection process for CMA governing boards, which had already commenced for Inkomati-Usuthu and Breede Gouritz CMAs.

# 4. CONSOLIDATED PROGRESS ON THE ESTABLISHMENT OF CMAs BY THE REGIONS (MS CRONJE) (Presentation 2)

Ms Cronjé presented a high level synopsis of the progress made at regional level in relation to the establishment of CMAs. The report focussed on the following:

- Progress on the establishment of RSCs in the WMAs with regard to the status of implementation plans, communication plans and business cases, and the number of stakeholder meetings held.
- The regional support plan for the project in terms of capacity, skills and budgetary requirements of each WMA.
- Challenges experienced by the ROs in relation to the lack of policies and guidelines for the following areas:
  - CMA staff remuneration policy and packages
  - Rules of engagement between CMAs and ROs
  - o The establishment and post-establishment of CMAs to ensure the creation of sustainable institutions.
  - Procedures with regard to the alignment of systems.
  - The distinction of roles and responsibilities between the ROs and the CMAs.
  - The transfer of staff, budgets and other resources from DWA HO and ROs
  - Delegations and assignments to the CMAs
  - The regulation of CMAs by the ROs.
  - Reimbursement of costs incurred by CSOs and NGOs to attend stakeholder consultation meetings

ROs had cautioned that a lack of the necessary resources and capacity would result in delays and would compromise the quality of work.

- Recommendations made by the ROs:
  - The establishment of CMAs must be project driven. A decision must be made on how the process would be taken forward and specific timelines and budgets should be allocated to the project.
  - A policy concerning the reimbursement of costs incurred by CSOs and NGOs to attend stakeholder consultation meetings should be implemented without further delay.
  - The political sensitivities concerning the establishment of the CMAs should be taken into account in the establishment process. A higher level of engagement with strategic stakeholders was necessary.
  - Direction should be given to staff with regard to transfers to CMAs and the relevant policies and

- guidelines should be developed urgently.
- Provincial strategic objectives needed to be linked with the CMAs in terms of the Provincial Growth and Development Strategy and the CMSs.

#### **Comments and questions**

The chairperson invited the ROs to give information in addition to Ms Cronjé's report.

- Mr Khan commented that the report presented issues that should be addressed at the project management and not the NSC level.
- Mr van Aswegen pointed out that the development of the business case for the Olifants Letaba CMA had been expedited.

Other NSC members enquired about and commented on aspects of the report as follows:

- Mr Ashe enquired about the plans to expedite the business case for the Vaal CMA.
- Ms Deedat asked who the 'capacity building and empowerment' was targeted at and who the stakeholders were that Ms Cronjé referred to in her report.
- Ms Schreiner raised the following points for clarity:
  - Reporting on the number of stakeholder consultations held was meaningless. The NSC needed to be informed of the purpose of the consultations, who attended the meetings and what views were expressed at the meetings.
  - The variability of budgets required by ROs for stakeholder empowerment was confusing. What was meant by stakeholder empowerment, what did this process entail and was there commonality across the nine 'projects' in terms of 'stakeholder empowerment'?
  - At what stage did draft information or communication plans become approved plans and who was responsible for approving the plans?
  - o It was reported that the Breede-Gouritz and the Inkomati-Usuthu CMAs were gazetted in July 2013. What processes had taken place since then?
  - It appeared that a number of the policies and guidelines reported to be lacking, already existed. Were these policies accessible from the DWA intranet, and if so why was there a sense that the ROs were unaware of their existence?
  - The report indicated that the Eastern Cape RO lacked capacity to support the establishment of the Mzimvumbu-Tsitsikamma CMA. What was the contingency plan and the process to ensure that sufficient support was provided?
- Mr van Zyl queried and commented on the following:
  - Was there a framework of deliverable indicators based on three areas: establishment of CMAs, functionality of CMAs and participation? The report to the NSC indicated progress with regard to the implementation process. Targets should be set for delivery to the NWRS. Reverse engineering would be necessary in order to ensure that the CMAs were established and functional at a certain point in time. There should be clear indicators and key deliverables against which to report.
  - How did the CMA implementation process link to the NDP and the NWRS? The process should contribute to meeting the objectives of the NDP and the NWRS. It was necessary to focus activities on outcome achievement according to targets.
  - Was there a process to set up the functionality of the business of the CMAs? The CMAs would have to address key challenges that should inform the priority actions.
- Ms Karar observed that the disparity between the budgets for each CMA was questionable, that 'empowerment' had various interpretations and that the viability of the CMAs did not only refer to financial viability. The central principle was related to whether the CMAs were accountable 'upwards' or 'downwards'. Viability was also related to stakeholder involvement, credibility, accountability and compliance. Stakeholder participation should be benchmarked and should not constrain the roll out of the process.
- Ms Schreiner remarked that the differences in the figures presented for capacity and skills development for each CMA were puzzling. She indicated that the difference between 'consultation' and 'empowerment' should be clearly understood and explained that that which related to enabling people to participate in the establishment of a CMA and that which related to participating in WRM were two separate issues.

#### 5. PROGRESS AND ACTION PLANS: TASK TEAMS

# 5.1 Information and Monitoring Systems Task Team and WRM Function and Delegation Task Team (Ms Rajah and Ms Bofilatos) (Presentation 3)

#### CMA establishment process: Roadmap and matrix

Ms Rajah reported that the task teams had completed the development of a further four stages of the roadmap processes and roles, dependencies, alignment of task teams and input to business cases) since the previous NSC meeting. The final three stages (test, refine and analyse, support implementation) had not yet been fully addressed.

A process of information gathering, consultations and task team meetings was used to develop a systems matrix to look at the functions and delegations, and the associated information and monitoring systems aligned to the functions. Enabling factors were added and prioritised, and DWA's and CMA's roles were identified in establishing the systems and processes. The matrix presented at the previous meeting was populated using this information, and aligned with the information from the other task teams. The information from the WRM Function and Delegation Task Team was combined with that of the Information and Monitoring Systems Task Team. Resources in respect of the costing of the initial set up of CMAs were added to the matrix. Sequences and dependencies were looked at in order to prioritise processes. Further work was being done in respect of the structure of resources and to refine and finalise the institutional business model, which would be sent to NSC members in January 2014 for comment. A flow chart outlining the process and requirements for initial CMA establishment was used to map the delegations and the systems.

#### Delegations and systems set up

Ms Bofilatos emphasised the three processes involved in the establishment of CMAs: Administrative, operational and participatory. The following information had been documented and was available from the DWA: Institutional Oversight webpage on CMAs.

The organisational structure of the CMAs would be set up and the initial functions and systems would be put in place during the first 6 months after a CMA had been gazetted. The functions and systems of CMAs had been aligned in the task teams' matrix in order to map the resources that would be required by each CMA.

#### Phases of setting up CMAs

- Phase 1: Developing relationships and legitimacy by:
  - Developing administrative systems
  - Developing a CMS
  - Building relationships and the CMA's profile among stakeholders
- Phase 2: Building capacity and consolidate once the CMS had been developed and increase capacity within the CMA in order to undertake WRM
- Phase 3: CMA as a fully functional and responsible authority.

#### **Transfer of functions to CMAs**

The transfer of functions to CMAs would take place in three phases as follows: Phase 1:

Initial functions (outlined in Section 80 of NWA) and associated systems would be transferred to the CMAs. Other functions carried out by the CMAs in phase 1 (not necessarily delegated functions) included:

- Accept and process license applications
- Register and validate water use
- Control of water use
- Determination of water use charges in consultation with DWA and stakeholders

• Enforcement of water use authorisation conditions (cooperatively with DWA).

Resources and costs requirements related to the organisational establishment would take into account:

- Appointment of the governing board and capacity building
- Setting up the CMA business and information management systems
- Appointment or transfer of the initial staff complement
- Initial capital expenditure on systems (communications equipment and computers).

#### Phase 2:

CMA functions after the first two years of establishment and once the CMS had been approved by the governing board and endorsed by the Minister were the following:

- Water resources monitoring
- Disaster management
- Water conservation and demand management
- Issuing of general authorisations and limited authorisation functions
- Institutional oversight.

#### **Functional delegation**

The draft document on CMA initial, inherent and delegated functions and timeframes had been consulted in numerous task team meetings and would have to be aligned to the proposed amended legislation. All NSC members could access the draft document through the following link: <a href="Initial inherent delegated assigned functions of CMA 12 June">Initial inherent delegated assigned functions of CMA 12 June</a> (3) (2).docx. Alignment of the document and the development of the institutional business model based on the matrix developed by both task teams were in progress and would be finalised by March 2014.

#### **CMA Starter Pack**

A starter pack was being developed and would be used by CMAs to guide them through the necessary processes. The starter pack incorporated generic policies, guidelines, best practice and systems as well as the relevant document templates to facilitate the functionality of CMAs. Lessons learnt from the existing CMAs would be implemented in the new CMAs.

#### Way forward

- The information systems and delegations document would be finalised.
- Outstanding issues would be resolved, including the following,:
  - o Administrative system queries
  - Archiving
  - WMA change implications, such as WARMS information and water use charges
  - o Disruption of services related to WRM and finalisation of the migration plan.
- Issues concerning verification and validation relating to CMAs (Section 35 of NWA) had to be addressed.

# 5.2 Finance and Viability Task Team (Mr Ramsing) (Presentation 4)

The task team realised that the work done from the technical perspective would impact on how the finance aspect would be configured and had implications for the sustainability of the CMA business.

The objectives of the task team were:

- To provide what financial support and financial arrangement are required for the viability and sustainability for CMAs.
- To look into holistic viability of CMAs
- To guide the development and implementation of the internal controls and financial management systems.

The task team had considered the following issues regarding the establishment of CMAs:

• The financial sustainability of the CMA

- The regulatory compliance with accounting standards
- The internal control and segregation of duties
- The capacity required for the management of revenue collection and supply chain management (SCM) processes
- The need for effective and efficient budget and expenditure processes
- An integrated approach to financial reporting
- The importance of reliable enterprise resource planning (ERP) systems.

#### Phase 1: Target Date end December 2013

A complete separation of the Main Account and the Water Trading Entity (WTE) would take place during this phase. An initial analysis of all staff employed on the Main Account and on WTE and who performed financial functions relating to the Main Account and WTE showed that 124 employees at ROs performed more than 50% of their duties for WTE but resided in the Main Account. It was established that the CMAs would not have sufficient finance capacity, especially management capacity, to sustain the finance component of the CMAs.

The interim business operating model developed by the task team was outlined as follows:

- Support from DWA HO would be a mixture of centralised and decentralised functions, with HO
  playing a role in terms of Strategy Developers, Monitoring of Internal Control, Training of Regional
  Finance Managers, and Systems Control.
- Operational and transactional functions will be decentralised to the ROs.
- Proper negotiations with staff, organised labour and all the relevant stakeholders were important.
- Costs related to the relocation of staff should take place at State cost.
- A total separation between Main Account and WTE staff who performed more than 50% of WTE functions, was necessary.
- Consultation with the key stakeholders prior to migration of staff as well as the creation and advertisement of the posts were important.
- The analysis of the actual lower level posts will be determined by certain criteria related to the dynamics of the specific environment, namely:
  - o The number of clients and accounts managed
  - o The total value of the accounts managed
  - The number of sites and extended sites created by the region
  - o The size of the expenditure budget.

The segregation of duties and the impact on accounting standards were critical aspects to be taken into account when configuring the finance component of the CMAs.

The generic operating model developed by the task team took into account the phased approach and a ringfencing approach followed by the establishment of proto CMAs, which would become CMAs. The CFO: WTE would manage the finances of the proto CMAs until they became fully functional CMAs. Sufficient capacity for finance management would have to be developed during the interim period to ensure that the business plans for finance, audit action plans, generic performance agreements were prepared, performance was assessed against set standards, monitoring and evaluation functions were conducted, audit processes, delivery standards and systems controls were managed, and training was provided.

#### Phase 2: Target date end January 2014

This phase focussed on the development of a generic structure and ringfencing of proto CMAs. The task team had engaged with the RSCs and was working on a proposal for the operating model and generic structure of proto CMAs, which proposed the appointment of a Deputy Director to head of the finance divisions of proto CMAs. Policy recommendations concerned:

- Ringfencing of proto CMAs in the regions as part of the first step towards the establishment of CMAs to ensure the readiness of the proto CMAs to transition to CMAs.
- Augmentation for the establishment of CMAs needed be provided for the CMAs' set up and operation during the first three years of development. Responsibility for collecting charges should be delegated to the CMAs within the first 18 months of their establishment, as the collection of revenue would

become one of the sources of financing of the CMAs.

#### Phase 3: Target Date end March 2014

The third phase of the process would focus on migration and the appointment of suitable candidate to fill the posts. Policy recommendations concerned:

- An augmentation grant to the CMAs to cover certain aspects of operations. The WRM charges will be utilised for the core functions of the CMAs and DWA will ensure compliance.
- An augmentation for operational support.
- CMA business planning and reporting requirements should be defined to dictate rules and the accepted approach to:
  - o CMA budgeting, linked to imperatives, functions and revenue
  - o Establishing water use revenue targets for the CMA in line with the Pricing Strategy
  - Motivating financial support through CMA business planning
  - o Ensuring responsible financial governance and controls of public funds.

The normal operating expenditure, the process of setting up the CMA would incur various once-off costs, including organisational establishment costs that would be funded by DWA.

The integration between people, process and technology would have to addressed in order to ensure efficient, functional CMAs.

### **Challenges and mitigating factors**

- DWA was currently operating within 19 WMAs in terms of transactional activities while the NWRS2 had proclaimed nine WMAs on 16 August 2013.
- The nine WMAs should be activated in the DWA system (SAP and WARMS) to prepare for the smooth transition towards the establishment of CMAs.
- The two existing CMAs were not fully functional as some functions were still being performed by DWA. They were funded from the fiscus, and should be funded from water use management charges.
- The ringfencing of proto CMAs should take effect immediately as recommended by the CFO: WTE
- Alignment between all the task teams was necessary.
- The separation between Main Account and WTE finance functions should become effective as soon as possible.

#### **Next steps**

- Functions that were of national importance should be under the Main Account
- All functions performed under WTE in the regions should be ringfenced in the proto CMA
- DWA would develop a financial framework of augmentation to the CMAs
- DWA would ensure responsible financial governance and controls of public funds through monitoring and compliance.

The task team required the following from the NSC:

- Directives in respect of relevant structure that supported the establishment of CMAs
- Approval of proposals recommended by the task team
- Support for the proposals of the task team to Top Management.

#### **Comments and questions**

Ms Petersen asked whether the cost of the proposed structure had been compared to the cost of the current structure in the existing CMAs.

Ms Deedat commented that the interface between and transition from DWA to the proto CMAs and the CMAs in terms of capacity building was unclear. The task team's proposals did not address equity, a key element of the NWRS, and only addressed CMAs as businesses.

Ms Kobe indicated that the business case for the Limpopo CMA had also proposed an organisational

structure that included a finance division comprising 6 posts, based on the RSC's directive.

Ms Karar commented that although the CMAs would not be financially viable institutions in the initial phases of establishment, their revenue would be enhanced by the waste discharge charge. The task team's proposal should be viewed from the perspective of the principles for decentralisation and the current structure of the ROs. This warranted an investigation.

#### Ms Schreiner indicated that:

- A principle position should be taken with regard to certain functions being paid for by the fiscus, particularly those functions performed by the CMAs for the national and public good. The presentation stated that regulatory functions would be covered from the fiscus, whereas only some of the regulatory functions would be covered from the fiscus.
- The task team's proposal provided for a very large number of posts (about 25) in the finance divisions of each CMA. This matter should be considered carefully in the context of the work already done by the RSC and HO about the number of posts necessary for each CMA. Another concern was about whether or not staff currently employed at DWA had the required skills to be transferred to CMAs. A strategic process to assess the capacity and skills requirements of the CMAs in relation to the capacity and skills available at DWA, and to identify staff that is required by the CMA would be necessary.
- SAP was an extremely inflexible and expensive programme and there were uncertainties about whether SAP served the aims of CMAs. Other programmes that would be able to interface successfully with DWA requirements should be considered.

#### Mr Buthelezi commented that:

- The financial viability of CMAs did not imply that the CMAs had to generate their own funds. The legislation was clear on this matter.
- There was a clear communication gap between some of the information presented by the task team and the work done by the RSCs and the other task teams.
- Proposals should be based on appropriate information.

Mr Singh agreed with other NSC members that it would be problematic to have an excessive number of finance posts within the CMAs. He suggested that DWA should reflect on the issues raised and the task team's proposal in this regard.

#### Mr van Zyl commented that:

- The viability and sustainability of functional CMAs had not been addressed in the presentation.
- A thorough business analysis of costing all the components of establishing CMAs was necessary
- A proper financial model that integrated the business of WRM was required.

He suggested that the task team should provide proposal with regard to the above issues.

The chairperson commented that the presentation did not connect the various elements outside of the purview of DWA.

Ms Bofilatos informed the meeting that a comprehensive financial analysis of all the CMAs, which addressed the viability aspect, had been completed and the document was available to NSC members. CMA business cases presented a detailed financial and viability analysis. NSC members were encouraged to obtain all the relevant documentation that was available on the webpage. Ms Bofilatos would communicate the details of the webpage to NSC members.

**Action: Ms Bofilatos** 

Mr Ashe proposed the establishment of an advisory group to advise and work with the CMAs across the country. He suggested that the RSCs could be converted into such advisory bodies. He requested that all information on water quality throughout the country should be made available and accessible to the public.

Ms Deedat suggested that a matrix would provide a holistic view and should also be developed for the other aspects of the process, such as task team meetings that have specific agendas, outcomes and recommendations and key documentation as attachments.

Mr Buthelzi suggested that integrated task team reports should be presented to the NSC and that task teams should bring clear recommendations to the NSC for deliberation, adoption and recommendation to Top Management.

The chairperson emphasised that the task teams were committees of the NSC. He suggested that a mechanism to facilitate the efficient flow of documentation should be implemented in order to ensure that discussions at NSC meetings were informed by the outcomes of previous NSC meetings and subsequent activities.

Ms Bofilatos indicated that all the completed documentation as well as documents brought to and arising from the NSC meetings would be made available to all NSC members. A matrix with regard to stakeholder involvement would be developed, populated, distributed to all NSC members and made accessible to everyone from the webpage.

**Action: Ms Bofilatos** 

#### 5.3 Human Resources Task team

The chairperson proposed that the HR Task Team's presentation should not be presented at the meeting as elements of the task team's work had been raised in the other presentations and subsequent discussions.

# 6. GOVERNMENT EMPLOYEES PENSION FUND (GEPF) AS PENSION PROVIDER FOR CMAS (MR KOBUS REYNEKE, GOVERNMENT PENSIONS ADMINISTRATION AGENCY) (Presentation 5)

Ms Bofilatos provided the context for the presentation from GEPF. In establishing the CMAs, one of the critical points relating to the conditions of service for staff transferred to CMAs concerned pension provision. The presentation by Mr Reyneke was for noting by the NSC.

Mr Reyneke gave a brief overview of the GEPF, a Defined Benefit Pension Fund and Africa's largest pension fund, under the following headings:

- Defined Benefit Pension Funds versus Defined Contribution Pension Funds
- The difference between a Pension and a Provident Fund
- Pros and cons of Defined Benefit Pension Funds versus Defined Contribution Pension Funds
- Participation to the GEPF
- Contribution Rates
- Benefits of the GEPF
- Resignation Benefits
- Death before Retirement (in service)
- Retirement: Early Retirement, Death after Retirement, Ill health retirement
- Funeral Benefit
- Transfers into the GEPF
- Purchase of Service
- Other Benefits
- Conclusion:
  - The GEPF was designed as a long-term employment retirement vehicle and offered exceptionally high In Service Death Benefits and III Health Retirement Benefits.
  - The GEPF offered exceptional security to its members in retirement due to its size and Defined Benefit nature.
  - The GEPF provided a guaranteed annual increase of 75% of the Consumer Price Index (CPI).
  - A decision would have to be taken about whether the CMAs would join the GEPF as a single unit

or as nine separate entities, and whether or not CMA staff would be compelled to belong to the GEPF.

Mr Reyneke cautioned that the Post-Retirement Medical Benefit must be negotiated upfront with DWA employees who would be transferred to the CMAs.

The chairperson indicated that the HR Task Team would assume the GEPF to be the pension provider of choice for staff of the nine CMAs. The Finance and Viability Task Team would be advised to deal with the financial risks attributed to a decision that the CMA staff would belong to the GEPF. The WRC was asked to consider matters of relevance to the establishment of new institutions in the context of the water sector, and give input to DWA.

Action: HR Task Team, Finance and Viability Task Team, WRC

#### 7. GENERAL

#### 7.1 Discussions on the possible workshop on lessons learnt (BOCMA, ICMA and Spain)

Several parties interested in the implementation of the water business had undertaken a study visit to Spain. It was proposed that a workshop facilitated by BOCMA, ICMA and Rand Water should be held to share experiences and the information gathered during the visit. Mr van Zyl indicated that South Africa was signing agreements with several countries concerning basin cooperation and suggested that the proposed workshop be extended to address basin cooperation.

#### 7.2 Policy review implications for WUAs and Irrigation Boards

The chairperson suggested that the Operational Policy Framework and Stakeholder Involvement Task Team led by Ms Brisley (refer to item 8 of the agenda of this meeting) would address the policy review implications for WUAs and Irrigation Boards and provide feedback to the NSC.

Action: PMT/Operational Policy Framework and Stakeholder Involvement Task Team

#### 7.3 Other business

 Ms Deedat requested that the presentations and documents provided at all RSC meetings should be sent to the CSOs for information purposes.

**Action: PMT** 

**Action: BOCMA, ICMA** 

• The PMT was requested to distribute all the presentations presented at this meeting to all NSC members together with the minutes of the meeting.

**Action: PMT** 

#### 8. WAY FORWARD

The chairperson summarised the actions arising from the NSC's discussions as follows:

 The presentations focussed at the project management level and the actions arising from those discussions would be addressed by the PMT.

Action: PMT

• The comments made by NSC members in relation to the matters arising from the previous NSC meeting (refer to item 2.2) as well as the presentations (refer to items 4 and 5.2) would be taken up by DWA: IO.

**Action: Ms Bofilatos** 

 Another task team should be added under the NSC, to address the operational policy framework and stakeholder involvement in the establishment of CMAs. It was necessary to ensure that a process was in place to allow the project to progress within the approved timeframes, and connect with high level policies, such as the NWRS and NDP. It was proposed that the task team should be led by Ms Marie Brisley, CD: Policy and Strategy. The task team would be informed by the inputs from the NSC meeting and connect with the RSCs, CSOs and NSC members.

**Action: PMT** 

#### Resolution:

**Date** 

The NSC approved the addition of the Operational Policy Framework and Stakeholder Involvement Task Team led by Ms Brisley, CD: Policy and Strategy.

### 9. CLOSURE

Chairperson

The chairperson thanked everyone for participating in the meeting and assured the NSC of his ongoing commitment to the policies and implementation of the CMA establishment process.
The meeting ended at 14:00.

## **APPENDIX A: ACTION ITEMS**

No.	Action	Responsible
4	Hom 2.2 no. 4	Person/structure
1	Item 2.2 no. 1  The risk management plan (matrix) that reflected the total project and strategic risks relating to the establishment of CMAs (including the timelines) was still outstanding and would be distributed to NSC members	PMT/RSCs
	before the next meeting.	
2	Item 2.2 no 2 The formal meeting between the Minister of Water Affairs and DDGs had not yet taken place. Mr Singh and the chairperson would take up the matter in the context of the current scenario in terms of regional leadership and the process to establish CMAs.	Mr Singh and Mr Nepfumbada
3	Item 2.2 no 3  Mr Ashe requested a matrix of CSOs invited to and participating in the meetings, especially to the RSC meetings, and the stakeholder representivity at all levels of consultation (names and affiliation of representatives). The NSC noted that more needed to be done to ensure that interactions with CSOs and NGOs were effective.	PMT
4	Item 2.2 no 4  The chairperson requested that the necessary steps be taken to expedite the appointment of a PSP [to support the establishment of CMA] and encouraged the PMT to access the knowledge generated by the WRC and other R&D institutions. Input prepared jointly by the PMT and the WRC should be presented to future NSC meetings.	Mr Singh/PMT/WRC
5	Item 5.2  NSC members were encouraged to obtain all the relevant documentation [concerning the project for the establishment of CMAs] that was available on the webpage. Ms Bofilatos would communicate the details of the webpage to NSC members.	NSC members/Ms Bofilatos
6	Item 5.2  Ms Bofilatos indicated that all the completed documentation as well as documents brought to and arising from the NSC meetings would be made available to all NSC members. A matrix with regard to stakeholder involvement would be developed, populated, distributed to all NSC members and made accessible to everyone from the webpage.	Ms Bofilatos/PMT
7	Item 6 The HR Task Team would assume the GEPF to be the pension provider of choice for staff of the nine CMAs.	HR Task Team WRC
8	Item 6 The Finance and Viability Task Team would be advised to deal with the financial risks attributed to a decision that the CMA staff would belong to the GEPF.	Finance and Viability Task Team
9	Item 6 The WRC was asked to consider matters of relevance to the establishment of new institutions in the context of the water sector, and give input to DWA.	WRC
10	Item 7.1  A workshop, facilitated by BOCMA, ICMA and Rand Water, should be held to share experiences and the information gathered during the study visit to Spain [and to address basin cooperation].	BOCMA/ICMA
11	Item 7.2 Operational Policy Framework and Stakeholder Involvement Task Team led by Ms Brisley would address the policy review implications for WUAs and Irrigation Boards and provide feedback to the NSC.	PMT/Operational Policy Framework and Stakeholder Involvement Task Team

No.	Action	Responsible Person/structure
12	Item 7.3	PMT
	Ms Deedat requested that the presentations and documents provided at all RSC meetings should be sent to the CSOs for information purposes.	
13	Item 7.3	PMT
	The PMT was requested to distribute all the presentations presented at this meeting to all NSC members together with the minutes of the meeting.	
14	Item 8	PMT
	Another task team would be added under the NSC to address the	
	operational policy framework and stakeholder involvement in the	
	establishment of CMAs. The task team would be led by Ms Marie Brisley,	
	CD: Policy and Strategy and be informed by the inputs from the NSC meeting and connect with the RSCs, CSOs and NSC members.	
15	Item 8	PMT
	The presentations focussed at the project management level and the	
	actions arising from those discussions would be addressed by the PMT.	
16	Item 8	Ms Bofilatos
	The comments made by NSC members in relation to the matters arising	
	from the previous NSC meeting (refer to item 2.2) as well as the	
	presentations (refer to items 4 and 5.2) would be taken up by DWA: IO.	

## **APPENDIX B: ATTENDANCE LIST AND APOLOGIES**

NAME	INSTITUTION
A Mofokeng	DWA HO
A Starkey	DWA KZN
A-D Maumela	DWA LP
Anil Singh	DWA HO
Ashia Petersen	DWA WC
Barbara Schreiner	Pegasys
Bryan Ashe	CSO
Carey Rajah	DWA HO
David Malelo	DWA HO
Eiman Karar	WRC
Emmah Malatji	DWA HO
Enele Mmakgang	DWA WC
Eustathia Bofilatos	DWA HO
F Guma	DWA MP
Fred van Zyl	DWA HO
Hameda Deedat	CSO
Jay Reddy	DWA KZN
Johann van Aswegen	DWA MP
Ken Haumann	Mott MacDonald
Lucy Kobe	DWA LP
M Matseba	DWA GP
Mamaponesa Morape	DWA HO
Marie Brisley	DWA HO
Mark Bannister	DWA HO
Mark Ramsing	DWA HO
Matome Mahasha	DWA HO
Mbangiseni Nepfumbada	DWA HO, Chairperson
Moses Mahunonyane	DWA FS
Ndileka Mohapi	DWA HO
Nomvuzo Mjadu	DAFF
Nosie Mazwi	DWA NC
Palo Dibete	DAFF
Paskoliah Kachieng'a	VNG International/ Centre for Municipal Research and Advise
askollari Nacriicing a	(CMRA)
Petunia Selowa	DWA HO
Phakamani Buthelezi	BOCMA
Pumsa Gasa-Lubelwana	DWA EC
Rachalet Cronjé	DWA HO
Rashid Khan	DWA WC
Sam Thobejane	DWA NW
Sibusi Maseko	DWA HO
Siziwe Blie	DWA EC
Tsakane Baloi	DWA HO
Heather Erasmus	Write Connection (Scribe)
Troduct Liasilias	Time Connection (Control)
APOLOGIES	
Abe Abrahams	DWA NC
Adam Bogoshi	DWA Human Resources
Dhesigen Naidoo	WRC
Hennie Smith	DWA Gauteng
Jackson Bryan	ICMA

NAME	INSTITUTION
Mpho Mofokeng	DWA CFO: WTE
Ntili Tsheliso	DWA FS
Petunia Ramunenyiwa	DWA Regional Coordination
Pumza Gaza-Lubelwana	DWA EC
Thoko Sigwaza	DWA HO
Thomas Gyedo-Ababio	ICMA
Thompson Isa	DWA: HO
Wendy Ralekoa	DWA NW
Wensley Allestair	DWA HO

#### **APPENDIX C: ACRONYMS**

BOCMA Breede-Overberg Catchment Management Agency

CD Chief Directorate
CFO Chief Financial Officer

CMA Catchment Management Agency
CMF Catchment Management Forum
CMS Catchment Management Strategy

CPI Consumer Price Index
CSO Civil Society Organisation

DAFF Department of Agriculture, Forestry and Fisheries

DBAC Departmental Bid Adjudication Committee

DDG Deputy Director-General

DPSA Department of Public Service and Administration

DWA Department of Water Affairs ERP enterprise resource planning

GEPF Government Employees Pension Fund

HO Head Office
HR Human resources

ICMA Inkomati Catchment Management Agency

IO Institutional Oversight

KZN KwaZulu Natal

NDPNational Development PlanNGONon-government organisationNSCNational Steering Committee

NWA National Water Act

NWRS National Water Resource Strategy
PFMA Public Finance Management Act
PMT Project Management Team
PSP professional service provider
R&D Research and Development

RO Regional Office

**WRM** 

RSC Regional Steering Committee
SCM supply chain management
ToR Terms of Reference
WMA Water Management Area
WRC Water Research Commission

Water Resource Management

WTE Water Trading Entity
WUA Water User Association