



## water affairs

Department:  
Water Affairs  
REPUBLIC OF SOUTH AFRICA

MINISTRY OF WATER AND  
ENVIRONMENTAL AFFAIRS

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MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 1353 FOR WRITTEN REPLY

A draft reply to the above-mentioned question asked by Mrs A T Lovemore (DA); is attached for your consideration.

DIRECTOR-GENERAL (Acting)

DATE: 20/05/2010

DRAFT REPLY APPROVED/AMENDED

MS B P SONJICA, MP  
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

DATE: 22/05/2010

## NATIONAL ASSEMBLY

### FOR WRITTEN REPLY

#### QUESTION NO 1353

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 07 MAY 2010  
(INTERNAL QUESTION PAPER NO. 12)

**1353. Mrs A T Lovemore (DA) to ask the Minister of Water and Environmental Affairs:**

- (1) What are the details of the enforcement protocol to be followed by the Blue Scorpions with regard to water service authorities in the event of identified non-compliance with any requirement of the National Water Act, Act 36 of 1998, or the Water Services Act, Act 108 of 1997;
- (2) what are the details of the enforcement protocol to be followed by the Blue Scorpions with regard to other organs of state in the event of non-compliance with any requirement of the abovementioned Acts;
- (3) whether the Blue Scorpions will focus only on non-compliance identified as offences in both Acts; if not, what are the relevant details of their mandate;
- (4) whether the Blue Scorpions will have the authority to issue a directive in terms of section 19(3) of the National Water Act, Act 36 of 1998; if not, (a) who has the authority to issue such a directive and (b) how does her department assess compliance or non-compliance with a section 19(3) directive;
- (5) whether the Blue Scorpions will be authorised to apply the provisions of section 53 of the National Water Act, Act 36 of 1998; if not, (a) who is authorised to apply these provisions and (b) under which circumstances; if so, what are the relevant details? NW1589E

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#### **REPLY:**

- (1) The agreed enforcement protocol for Water Services Authorities (WSA) in essence means that the principles of cooperative government are first applied by the various regulation units in the Department of Water Affairs (DWA). In practice it leads to a positive engagement process that is first followed with a specific municipality to try to get the WSA to comply. In the event of non-compliance a directive is issued by the relevant Regional Office and if the conditions of the directive are not adhered to; the protocol's final step is applied which means that criminal charges are laid against the transgressing WSA.
- (2) The protocol for other organs of state is exactly the same as that for WSA's.
- (3) No, the Compliance, Monitoring and Enforcement Directorate (CME Directorate, and unofficially known as the Blue Scorpions) also proactively monitors compliance with directives in partnership with other regulatory units in DWA. Their expertise and main function lies especially in enforcing and providing support to regional offices of DWA as well as support to the SAPS and NPA to bring cases to court.

- (4)(a) No, regional offices are delegated to implement this section and the CME Directorate assists regions in the compilation of these directives.
- (4)(b) Once a directive is issued, a monitoring process follows by the regional offices with the support of head office.
- (5)(a) No, regional offices are delegated to implement this section and the CME Directorate assists regional offices in the compilation of these directives as per the provisions made in the National Water Act.
- (5)(b) The issuing of a S53 directive takes place when there is an unlawful water use activity.

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