water affairs
Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA

EdST

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MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 907 FOR WRITTEN REPLY

A draft reply to the above question asked by Mrs M Wenger (DA) is attached for your consideration.

DIRECTOR-GENERAL

DATE: 08/05/2012

DRAFT REPLY APPROVED/AMENDED

MRS B E E MOLEWA, MP
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

DATE: 2012/05/10

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 907

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 20 APRIL 2012 (INTERNAL QUESTION PAPER NO. 09)

907. Mrs M Wenger (DA) to ask the Minister of Water and Environmental Affairs:

(1) What has been the response of the Department of Water Affairs to the judgment in case number 767/2008: Mohlala Civil Engineering CC and 103 others (applicants) and Department of Water Affairs and Forestry (respondent);

(2) whether the department has complied with the judgment; if so, how was this conclusion reached; if not, why not;

(3) whether the department has been approached for any compensation by Mohlala Civil Engineering CC and 103 others for lost work opportunities; if not, how was this conclusion reached; if so, what was the response of the department;

(4) whether the department intends to meet with representatives of the applicants to find a resolution to the dispute, if not, why not; if so, what are the relevant details?

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REPLY:

(1) In response to the court judgment handed down by Judge Hartzenberg in which the Department was ordered to continue with the services of the applicants until an open tender process was finalised, budgeted an amount of R11 million through the Mpumalanga Region. The amount was thereafter entrusted to the Independent Development Trust (IDT) (Implementing Agent) to continue securing the services of the applicants until the open tender process was completed. Attached hereto is a closure report pertaining to projects undertaken expending the R11 million budget as **Annexure A**.

(2) See the detailed report mentioned in paragraph 1 above.

(3) Subsequent to the conclusion of the open tender process, the applicants through their attorney HJ Groenewald lodged another court application against the Department in which they allege that the Department was in contempt of court due to failure to comply with the court order mentioned above in paragraph 1. The Department filed an answering affidavit disputing the contempt of court averments and the application was never pursued by the applicant. Instead, the applicants through their attorney wrote a letter to the Department demanding compensation in respect of all the applicants for lost job opportunities. The Department after investigating the claim wrote to the legal representative of the applicants refuting their claim due to the fact that there is no factual or legal base to their claim. This demand too was never pursued by the applicants.

(4) The Department has no intention of meeting the representatives of the applicants due to the reasons advanced in paragraph 3 above. If the applicant hold the view that they have a genuine claim against the Department (which is denied), they may use other legal remedies at their disposal to pursue their claim. Therefore, the Department complied fully with the court order. The Department issued an open tender process inviting all interested parties to bid to render services to the Department.

The applicants were also at liberty to participate in the process. However, they chose not to participate as they seemed to have the belief that they were entitled to render services to the Department and did not want the Department to open the process to other interested parties. After failing to pursue the court case, the applicants seem to have now resorted to applying pressure on the Department through Parliament. These borders on abuse of Parliament processes by litigants who have realised that there is no legal basis for them to proceed with a court action which they have initiated.

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DEPARTMENT OF WATER AFFAIRS AND FORESTRY
WORKING FOR WATER PROGRAMME

CLOSE OUT REPORT

Programme : **Working for Water Programme**
Province : **Mpumalanga**
Programme year : **2009/2010**

1. BACKGROUND

The Department of Water Affairs and Forestry is continuing its Working for Water Programme under its control, which has its aim to conserve water and bio-diversity and to promote sustainable catchment management and land care including fire management and job creation through the prevention and control of invasive alien vegetation in the Republic of South Africa.

The Independent Development Trust was appointed as an Implementing agent to control various Working for Water projects on behalf of the Department after a resolution was taken to appoint Implementing Agents in seeking to advance the programme.

The Department made available a budget of R11 million to the IDT to implement the programme.

2. PURPOSE OF THE PROGRAMME

The purpose of the Programme is to conserve water and bio-diversity and to promote sustainable catchment management, and land care, including fire management and job creation through the prevention and control of invasive alien vegetation in the Republic of South Africa.

3. SCOPE OF THE PROGRAMME

The programme entails the control of invasive plant alien vegetation in the Mpumalanga Province as follows.

Project Name	Municipality	Number of contractors	Budget	
DWAF Upper Sand	Bushbuckridge	26	R2 600, 000.00	
DWAF Robbers Pass	Thaba Chewu	4	R400, 000.00	
DWAF Upper Sabie	Thaba Chewu	4	R400, 000.00	
DWAF Hazyview Sabaan	Mbombela	5	R500, 000.00	
DWAF White River	Mbombela	5	R600, 000.00	
DWAF Gladdespruit	Mbombela	4	R400, 000.00	
DWAF Crocodile Tributaries	Mbombela	2	R200, 000.00	
DWAF Louw's Creek	Umjindi	4	R400, 000.00	
DWAF Driekopies Dam	Nkomazi	4	R300, 000.00	
DWAF Lower Komati	Nkomazi	3	R400, 000.00	
DWAF Barberton	Umjindi	5	R500, 000.00	
DWAF Vygeboom Dam	Chief Albert Luthuli	3	R300, 000.00	
DWAF Nooitgedacht	Chief Albert Luthuli	3	R300, 000.00	
DWAF Oshoek	Chief Albert Luthuli	4	R400, 000.00	
DWAF Inyaka Dam	Bushbuckridge	10	R1 000, 000.00	
DWAF Blyde River	Thaba chewu	5	R400, 000.00	
DWAF Upper Elands	Emakhazaeni	5	R500, 000.00	

4.1 SUMMARY OF PROGRESS

The programme scope of work involved the clearing and control of invasive alien plant species.

- The overall clearing of the species is complete
- Implementation process of the programme is complete
- Overall physical programme is 100%
- Final expenditure is 99.97%

4.1.3 PROGRAMME MANAGEMENT TEAM

A project team composed of IDT Programme Implementation Manager, IDT Project Officers, IDT Programme Manager, DWAF Programme Implementation Manager and DWAF Area Managers. This team was responsible for project implementation. The DWAF Officials as the custodians of the programme were involved in the development of contracts for contractors and determining the scope of work. The IDT Officials were tasked with the actual implementation of the programme and also managing the programme finances. IDT was also responsible reporting on the programme progress and managing the contractors.

4.3 SOCIAL IMPACT

The Programme has managed to absorb and create the following job opportunities

- HDI's = 1240
- Women = 539
- Youth = 23929

4.4 FINANCIAL PROGRESS

4.4.1 EXPENDITURE PER PROJECT

Project Name	Allocated Amount	Amount Spent	Balance
DWAF Upper Sand	R2 600, 000.00	R2, 575, 367.15	R24, 632.85
DWAF Inyaka Dam	R1 000, 000.00	R991, 369.06	R8, 630.40
DWAF Hazyview Sabaan	R500, 000.00	R494, 209.89	R5, 790.11
DWAF White River	R500, 000.00	R481, 688.01	R18, 311.99
DWAF Upper Sabie	R400, 000.00	R392, 886.42	R7, 113.58
DWAF Upper Elands	R500, 000.00	R499, 964.64	R35.36
DWAF Blyde River	R500, 000.00	R482, 780.39	R17, 219.61

DWAF Robbers Pass	R400, 000.00	R399, 499.87	R500.13
DWAF Louw's Creek	R400, 000.00	R399, 948.44	R51.56
DWAF Barberton	R500, 000.00	R499, 978.18	R21.82
DWAF Lower Komati	R300, 000.00	R297, 685.75	R2, 314.25
DWAF Driekopies Dam	R400, 000.00	R398, 308.94	R1, 691.06
DWAF Oshoek	R400, 000.00	R399, 107.77	R892.23
DWAF Nooitgedacht	R300, 000.00	R299, 940.17	R59.83
DWAF Vygeboom	R300, 000.00	R299, 889.18	R110.82
DWAF Croc Tributaries	R200, 000.00	R196, 701.91	R3, 298.09
DWAF Gladdespruit	R400, 000.00	R398, 335.89	R1, 664.11
	R9 600, 000.00	R9 507, 661.66	R92, 338.34

4.4.2 TOTAL PROGRAMME EXPENDITURE

Budget Allocated	**Budget committed to Project**	**Expenditure To date**	**% Expenditure**
R11 00, 000.00	**R10, 175, 000.00**	**R10, 185, 228.34.48**	

5. SUCCESS STORIES

- The programme was implemented without any serious deviations from the budget
- All projects were completed within the approved budget
- The Department was supportive through out the entire project implementation process
- Operations (actual clearing) were completed on time

6. ACHIEVEMENTS

- The objective of the programme which was to clear the identified area of invasive plant species was achieved.
- Good working relationship was established between IDT and the department.

7. CHALLENGES

- It was a challenge to work with disgruntled contractors who were always looking for errors to use to their advantage.
- Familiarizing contractors with the IDT Supply Chain Processes
- High number of contractors per Project Officer and the vastness of the area.
- Tight implementation phase resulting in incurring more expenditure as officers had to work long hours.

8. CONCLUSION

- Programme objectives were achieved