



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

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NATIONAL COUNCIL OF PROVINCES

FOR WRITTEN REPLY

QUESTION NO 4

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 10 FEBRUARY 2022
(INTERNAL QUESTION PAPER NO. 01)

4. Mr M A P De Bruyn (Free State: FF Plus) to ask the Minister of Water and Sanitation:

- 1) When last were the agreements between Bloem Water, his department, and the Free State municipalities (a) revised and/or (b) renegotiated.
- 2) whether there is enough oversight from his department to ensure that water boards deliver enough water in a sustainable manner to municipalities; if not, why not; if so, what are the relevant details.
- 3) What steps can be taken against water boards in cases where they neglect their responsibility of delivering safe and clean water?

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MINISTER OF WATER AND SANITATION

- 1) Bloem Water has concluded new Service Level Agreement (SLA) with the following municipalities:
 - Kopanong Local Municipality in February 2021
 - Mantsopa Local Municipality at the end of June 2021.

The review of the existing SLA with the Mangaung Metro should be concluded before the end of the financial year 2021/22 as it is coordinated by the Department of Water and Sanitation (DWS) and South African Local Government Association (SALGA).

- 2) The Department is monitoring compliance to drinking water quality by both Water Services Authorities and water boards. Oversight of the water boards from the Department is through Quarterly performance monitoring in line with:
- Section 44 of the Water Services Act (Act. No. 108 of 1997) (WSA) which states that *a water board must within four months after the end of each financial year, issue a report on the activities of the water board for that financial year to assess the performance of the water board.*
 - Treasury Regulation section 29.3.1 which states that *the accounting authority of a public entity must establish procedures for quarterly reporting to the executive authority to facilitate effective performance monitoring, evaluation and corrective action.*

The quarterly report consists of the following performance indicators, amongst others:

- Bulk potable water quality compliance (SANS 241:2015)
- Reliability of supply – assurance of portable water supply to their clients (Water Services Authorities)
- Increased access to water – expanding the operational area to ensure that water services reach the unserved areas through CAPEX projects (infrastructure development) as well the operation and maintenance of infrastructure provision for future capital requirements and expansion.

Section 32 of the Water Services Act (WSA) stipulates the duties of the water boards with regard to the provision of services. This is to ensure that the water boards deliver their services efficiently and in a sustainable manner.

The debt owed to Water Boards by Municipalities has a negative impact on the water boards' ability to deliver water in a sustainable manner to Municipalities. In the case of Bloem Water, the drought has also exacerbated the situation.


- 3) Section 62 and 63 of the Water Services Act provides for monitoring and interventions if a water services authority or water board has not effectively performed any function imposed on it. The Minister may, in consultation with the Minister for Provincial Affairs and Constitutional Development, request the relevant Province to intervene in terms of section 139 of the Constitution.
- Section 73 (f) of the WSA gives the Minister the powers to perform the functions of a water services authority or water board;
 - Section 45 of the WSA allows the Minister to conduct an investigation into the affairs and the financial position of the water board.
 - Section 45(2) The Minister may appoint a person to investigate the affairs into the financial position of a water board.

- Section 45(3) The Minister may recover the reasonable fees and disbursements of any person so appointed from the water board concerned.


Furthermore, Section 19 of the WSA requires the Water Services Authorities to enter into contracts with water service providers (water boards). The contract clarifies the relationship between the Water Services Authorities and water boards to ensure effective and efficient water services provision.

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


DR SEAN PHILLIPS
DIRECTOR-GENERAL
DATE: 24/02/2022

DRAFT REPLY SUPPORTED / NOT SUPPORTED ✓


MR SENZO MCHUNU, MP
MINISTER OF WATER AND SANITATION
DATE: 08/03/22