

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA

CASE NO: 15437/14

In the matter between:

**CONCERNED RESIDENTS OF FLAG
BOSHIELO WEST**

1st Applicant

SMAKELENG JACOB BALOYI

2nd Applicant

KLAAS BAPELA

3rd Applicant

SELLO FREDDIE PHEFADI

4th Applicant

MARIA MOKOMANE

5th Applicant

ELSIE LETAGENG

6th Applicant

and

SEKHUKHUNE DISTRICT MUNICIPALITY

1st Respondent

EPHRAIM MOGALE LOCAL MUNICIPALITY

2nd Respondent

**MEC, DEPARTMENT OF WATER AFFAIRS,
LIMPOPO**

3rd Respondent

MINISTER OF WATER AND SANITATION

4th Respondent

MINISTER OF BASIC EDUCATION

5th Respondent

MINISTER OF HEALTH

6th Respondent

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA**

7th Respondent

FILING NOTICE

DOCUMENTS FOR FILING: THE APPLICANTS' REPLYING AFFIDAVIT

DATED at JOHANNESBURG on this the 27TH day of JUNE 2015



**CENTRE FOR APPLIED LEGAL STUDIES
ATTORNEY FOR THE APPLICANTS**

1st Floor DJ Du Plessis Building

Wits University

1 Jan Smuts Avenue,

Braamfontein

Tel: 011- 717 8607

Fax: 011-717 1702

Email: Zeenat.Sujee@wits.ac.za

Ref: Ms Z Sujee

C/O CENTRE FOR CHILD LAW

Faculty of Law

Law Building (Room 4-31)

University of Pretoria

Pretoria

Tel: 012 420 4502

Fax: 012 420 4499

Ref: Ms. C. Du Toit

TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT

**AND TO: SC Mdluli Attorneys
Attorney for the First Respondent**

Ref: SD Mdluli/SSDM0001
C/o Lekhu Pilson Attorneys
Suite 0220, Burlington House
235 Helen Joseph Street
Pretoria
Tel: 012 323 4547
Fax: 086 402 6613
Ref: MR J Lekhu

AND TO: EPHRAIM MOGALE LOCAL MUNICIPALITY
13 Ficus Street,
Marble Hall

AND TO: State Attorney
Attorneys for the Third to Sixth Respondents
SALU Building,
316 Thabo Sehume Street,
Pretoria
Tel: 012 309 1500
Fax: 086 629 0146
Ref: 1375/2015/Z65 (3rd Respondent)
1376/2015/Z65 (4th Respondent)
1377/2015/Z65 (5th Respondent)
1378/2015/Z65 (6th Respondent)

AND TO: PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
The Union Buildings
Plein Street,
Pretoria

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA**

CASE NO: 15437/15

In the matter between:

CONCERNED RESIDENTS OF FLAG

BOSHIELO WEST

First applicant

SMAKELENG JACOB BALOYI

Second Applicant

KLAAS BAPELA

Third Applicant

SELLO FREDDIE PHEFADI

Fourth Applicant

MARIA MOKOMANE

Fifth Applicant

ELSIE LETAGENG

Sixth Applicant

and

SEKHUKHUNE DISTRICT MUNICIPALITY

First Respondent

EPHRAIM MOGALE LOCAL MUNICIPALITY

Second Respondent

MEC, DEPARTMENT OF WATER AFFAIRS,

LIMPOPO

Third Respondent

HVK

D/S

MINISTER OF WATER AND SANITATION

Fourth Respondent

MINISTER OF BASIC EDUCATION

Fifth Respondent

MINISTER OF HEALTH

Sixth Respondent

THE PRESIDENT OF THE REPUBLIC OF

SOUTH AFRICA

Seventh Respondent

REPLYING AFFIDAVIT

INTRODUCTION

I, the undersigned,

DIRKIE SOLOMON MOHLOKWANE

do hereby make oath and say as follows:

- 1 I am an adult male pensioner residing at stand number 2121 Elandskraal, Limpopo.
- 2 I am the chairperson of the first applicant and the deponent to the founding affidavit. I am authorised to depose to this affidavit.
- 3 The facts contained herein are, unless otherwise stated or where the contrary appears from the context, within my personal knowledge and are true and correct.
- 4 To the extent that I make submissions of a legal nature, these are on the advice of the

MVK

D/S

first applicant's legal representatives, which advice I accept as correct.

OVERVIEW OF THIS AFFIDAVIT

5 As set out in the founding papers, this is an application for access to basic water supply. It is premised on the Constitution, the Water Services Act(the Act"), the regulations promulgated under the Act and the respondents' free basic water policy as set out in its Water and Sanitation by-laws of September 2010.

6 This affidavit is filed in reply to the answering affidavit filed by the first respondent. It adopts the following scheme:

6.1 First I deal with the first respondent's overall approach adopted in the answering affidavit;

6.2 I set out our opposition to the application for condonation;

6.3 I deal with the respondents failure to deal meaningfully with the facts adduced in the affidavits filed on behalf of the applicants;

6.4 I deal with the respondents flawed understanding of the nature and extent of its constitutional and statutory obligations and its implications for their reliance on the first respondents '*rotation plan*';

6.5 I demonstrate that the respondents have failed to put up a sustainable defence to the applicants claim for interim and final relief; and

6.6 Lastly, I respond ad seriatim to the averments made in the answering affidavit.

HVK D/S

THE RESPONDENTS APPROACH TO THIS CASE

- 7 The tone and content of the answering affidavit reveals a shockingly callous attitude to the plight of the communities affected by the respondents' dismal failure to meet their constitutional and statutory obligation to provide the applicants with access to a basic water supply.
- 8 The high watermark of the first respondent's case is that in terms of the so-called rotation plan, the applicants receive water twice a week. This, they contend, is sufficient to meet their legal obligations to the applicants. Furthermore, the first respondent contends that any hardship suffered by the applicants is of their own doing because they 'waste' water and thus fail to conserve enough water to meet their needs for the remaining five days of the week.
- 9 As I demonstrate below, this argument is quite shocking if one has regard to the true nature of the respondents' legal obligations in relation to basic water supply. Moreover, in blandly relying on the rotation plan, the respondents have, in a cavalier fashion, glossed over the intricate factual accounts which have been put forward by the applicants which show that the rotational plan is not being implemented as the respondents would have this Court believe. Indeed the affidavits filed with the founding affidavit show that:
- 9.1 Water supply is erratic and unreliable;
- 9.2 Water is very seldom received on the days identified in the rotation plan; and
- 9.3 There are a number of residents (particularly those in higher lying areas) who do not receive any water at all.
- 10 Furthermore, since this application was instituted water supply has continued to be

HVK

D/S

erratic and unreliable in that:

- 10.1 In March 2015, we received water every alternate week. In essence, it was two days in the month.
 - 10.2 In April 2015, we received water once a week. However, the water supply was very slow. We were unable to fill our at least two 25 litre containers as we usually do.
 - 10.3 In May 2015, we only received water in the first two weeks of May. For the remaining two weeks, we have not had access to water;
 - 10.4 Residents in certain areas have continued to have no water supply at all. In this regard I attach hereto supporting affidavits of Ben Matemane, Maria Mojapelo, Diana Sefoloshe and Piet Chauke.
- 11 While the respondents have failed to pertinently address the plight of these residents it is also significant that they have not denied these residents' account of lack of access to water. They have instead sought to rely notionally on the 'rotation-plan' without putting up any facts which specifically deal with the implementation of the plan. This in the face of detailed accounts by residents that many of them do not receive water at all and, for those that do, water supply is erratic and unreliable.

THE NATURE OF THE LEGAL OBLIGATIONS ON THE RESPONDENTS

- 12 As set out in the founding papers, the Water Services Act sets the regulatory framework which governs water service institutions such as the first respondent. A 'basic water supply' is defined in the Act as *'the prescribed minimum standard of water supply services necessary for the reliable supply of a sufficient quantity and quality of water to households, including informal households, to support life and personal*

Hvk

D/S

hygiene'.

- 13 Section 3 of the Act guarantees access to a basic water supply and sanitation. The first respondent, as a water services provider, is required by section 3 of the Act to take reasonable measures to realise our right of access to a basic water supply
- 14 In terms of section 4 of the Act water services are provided in terms of conditions set by the providers, such as the first respondent. Section 4(2) prescribes that these conditions be accessible to the public and accord with the conditions for the provision of water services contained in the by-laws promulgated by the authority. To the extent that the authority in question intends to limit or discontinue water services, such decision must be fair and equitable, provide for reasonable notice and ultimately not result in a denial of access to a sufficient supply of water.
- 15 Section 9 of the Act provides that the Minister may from time to time prescribe 'compulsory national standards' relating, among others, to the provision of water services and the 'effective and sustainable use of water resources for water services'. The Minister has published a set of regulations relating to compulsory national standards and measures to conserve water. Regulation 3(b) provides that:

'The minimum standard for basic water supply services is -

(a) the provision of appropriate education in respect of effective water use; and

(b) a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month -

(i) at a minimum flow rate of not less than 10 litres per minute;

(ii) within 200 metres of a household; and

(iii) with an effectiveness such that no consumer is without a supply for more than seven full days in any year.'

- 16 Regulation 3(b) self-evidently regulates quantity, flow rate, distance and frequency of water supply. It states categorically that no consumer should be left without a water

supply for more than seven days in any year.

- 17 The above definition of basic water supply was incorporated in the first respondent's by-laws which were promulgated in September 2010 under Local Authority Notice 193. These by-laws define a basic water supply in the same manner as the Act and adopts the prescribed minimum quantities set out in Regulation 3(b).

THE ROTATION PLAN DOES NOT MEET THE PRESCRIBED MINIMUM STANDARD

- 18 The rotation plan does not meet the prescribed minimum standard for basic water supply and thereby violates the Constitution, the Act, the regulation and the first respondent's by-laws

- 19 On the respondents own version (which is disputed by the applicants) the rotation plan results in the delivery of water to the applicants on two days in a week.

- 20 This is in sharp contrast with the definition of basic water supply which states that:

20.1 Water must be delivered at a minimum flow rate of not less than 10 litres per minute; and

20.2 Water must be delivered with an effectiveness such that no consumer is without a supply for more than seven full days in any year.

- 21 The rotation plan results in residents being without any water for five days of a week. This means that, on the respondent's version, in one year residents are without water for 260 full days. This is a staggering number of days when juxtaposed with the legislative injunction that no consumer be without water for more than seven full days in year.

HUK

nll

THE ROTATION PLAN IS UNLAWFUL IN THAT IT IMPAIRS THE APPLICANTS RIGHTS
TO EQUALITY AND DIGNITY

22 I am advised that our courts have recognised that access to water in South Africa has historically been conditional upon land ownership, wealth and residency rights. Race was a key factor in determining whether one had access to water and sanitation.

23 In her June 2015 address to the National Council of Provinces, attached as "RA1" hereto, on the budgetary implications of the National Water Resource Strategy, the Minister of Water Affairs emphasised a seamless integrated approach on the management of water resources. Emphasising the importance of the right, and the extent to which it remains inaccessible the Honourable Minister said:

"For the downtrodden, marginalized and ordinary people, like Ma-Dlamini, who has to share water from the river with animals whilst facing various security challenges of abuse and molestation, radical socio-economic transformation in the area of water and sanitation cannot be delayed any further. For Ma-Dlamini's grand-daughter who continues to miss school due to unhygienic sanitation conditions both at home and at school the situation needs even more urgent attention.

The right to water as a basic service is a constitutional right. Yet, ownership of access to water continues to perpetuate inequality and poverty in our country. However, we are convinced that with this budget we will be able to open up this protected space so as to ensure that water as a natural resource is available and shared by all."

24 On the allocation of funds to the first respondent for the purposes of Water supply, she said:

"In Limpopo the Department will be implementing a total of eight regional bulk infrastructure projects totalling R 955 million including projects in the , Mopani and Water Berg as well as Vhembe and Sekhukhune District Municipalities, which includes the Bulk Distribution System to be connected to the De Hoop and Nandoni Dams, respectively".

25 It is clear from the this address to the NCOP that national budgetary allocations and

water policies are directed at the eradication of the very indignity and harm experienced by most if not all of the applicants to this application.

- 26 Speaking in Mopani in August 2014, President Jacob Zuma dealt with how unacceptable it was that rich communities received endless amounts of clean water on demand while poor people are left without water. He said *"It cannot be that people have access to clean water in affluent suburbs, while the people of Mopani municipality don't enjoy the same rights... you are equal citizens of this country and you have the right to access water as any other South African"*.
- 27 The respondents' reliance on the rotation plan is an affront to the rights and dignity of the applicants. It suggests that the applicants should be satisfied with a substandard level of service that flies in the face of what the state itself has identified as an acceptable basic water supply necessary to support life and personal hygiene.
- 28 I would venture to say that it would never be acceptable for the government to attempt to supply water only on two days per week to any suburb in the country which house more affluent residents. If it is unacceptable in rich affluent communities, it is equally unacceptable in poor impoverished communities. It is callous, derogatory and dehumanising for the state to suggest that we should be content with such a pitiful standard of service and that any hardship suffered is of our own doing.
- 29 On this score the rotation plan is in violation of our rights of access to water, the Water Services Act, the regulations and the first respondents free basic water policy and its by-laws.

THE RESPONDENTS RELIANCE ON CAPACITY CONSTRAINTS IS LEGALLY FLAWED

30 The respondents have alleged that the Flag Boshielo Plant was constructed in 1998 and became operation in 2006. The respondents however have failed to inform the Court why it was necessary to change from the Elandskraal water plant to the Flag Boshielo Water Plant. The applicants have been significantly worse off after the change to the Flag Boshielo Water Plant. In all material respects this change was a retrogressive measure which deprived residents of access to sufficient water.

31 If indeed the Flag Boshielo Water Plant was only constructed in 1998, the question remains as to:

31.1 Why the respondents decided to disestablish the Elandskraal plant which was able to meet the basic needs of residents, albeit through communal taps? This is not dealt with the first respondent's answering affidavit;

31.2 Why the Flag Boshielo plant was not constructed with sufficient capacity to realise the rights of residents to sufficient water? In this regard I must indicate that there has been no significant population growth in our communities, which would sustain an argument that the respondents were faced with an unanticipated swell in population growth. Indeed, because the areas which are affected by this application are largely outlying areas which are more rural in nature, there is no great influx of people wishing to live here. The size of the population is relatively stable;

31.3 If there are shortcomings in the design of the Flag Boshielo plant, why is it taking the respondents over fifteen years to attend to this in circumstances where what is at stake is the lives, livelihood and health of residents?;

31.4 Why is the first respondentsilenton interim measures which were considered and which could supplement the water supply delivered from the Flag Boshielo plant? The answering affidavit is glaringly silent on other measures considered

in order to address the plight of residents. The most obvious alternative measure is the temporary trucking in of water to the affected areas on days when the respondents are unable to deliver water through taps. This is not dealt with at all in the answering affidavit. One can therefore assume that these measures were not even considered.

32 I turn now to answer *ad seriatim* the allegations in the answering affidavit

***Ad seriatim* response**

33 **Ad paras 1 to 4**

33.1 I deny that the deponent has the requisite personal knowledge of the facts which form the bedrock of this application. In this regard I point out that:

33.1.1 She does not state when she commenced in her post as Chief Operations Officer and, moreover when she was deployed to her current position of Acting Municipal Manager.

33.1.2 She further does not detail the history of her employment with the first respondent and the extent of her involvement in the provision of water to the communities affected by this application;

33.1.3 She gives absolutely no indication of exactly which factual allegations fall outside her knowledge and, if so, on what evidence she relies to make those allegations.

33.1.4 The deponent's failure to take this honourable court into her confidence on these issues means simply that she has failed to demonstrate personal knowledge of the facts in the affidavit.

34 I further deny that the deponent is authorised to depose to the affidavit and has the necessary standing to oppose this application on behalf of the first respondent, I admit the remaining allegations in these paragraphs.

35 **Ad paras 5 and 6**

I admit the content of these paragraphs.

36 **Ad para 7**

Save to note the basis of the opposition, I deny the veracity thereof. I will demonstrate below that the applicants have indeed make out a case for interim relief.

37 **Ad para 8**

I note the contents of this paragraph.

38 **Ad paras 9 to 12**

38.1 I have no knowledge on the content of these paragraphs. The extent of my knowledge is limited to the facts pleaded in the founding affidavit. I place on record however that whatever measures may have been adopted to meet demand in the 156 villages, this could never result in less water being supplied than:

38.1.1 What residents received before the Flag Boshielo plant became operational; and

38.1.2 The minimum basic water supply prescribed by the Water Services Act, Regulation 3(b) and the first respondent's own Water and Sanitation by-law.

39 Ad paras 13 and 14

I deny the contents hereof. The picketing was directed against the failure by the first and second respondent to supply us with water. I deny further (for the reasons contained in the founding papers and this affidavit) that the rotation plan is in accordance with accepted standards.

40 Ad paras 15 and 16

40.1 I have no knowledge the contents hereof. I place on record that with the construction of the Flag Boshielo plant, water supply to our villages dramatically decreased, so much so that by 2009 the supply was limited, erratic and unreliable. There were times when we faced prolonged periods without supply from the respondents. To date that remains the case.

40.2 Given the circumstances pleaded in this affidavit and the founding affidavit, the applicants simply cannot be expected to endure until 2017 without a reliable and water supply. This is an outright violation of our rights.

41 Ad para 17

Save to admit the first respondent's constitutional obligation, I have no knowledge of the remaining content hereof. I do however state that the first respondent's cannot act in violation of the Constitution, the Water Services Act and its very own by-laws. I have demonstrated that this is the effect of the rotation plan.

42 **Ad para 18**

I note the contents hereof.

43 **Ad paras 19 and 20**

I admit the contents insofar as they relate to the requirements for interdictory relief. I deny however that a case has not been made for interdictory relief.

44 **Ad para 21**

I admit the contents hereof.

45 **Ad para 22**

I deny the contents hereof. I have demonstrated that the applicants are constitutionally entitled to a basic water supply as set out in regulation 3(b).

46 **Ad para 23**

46.1 I admit only the provisions of the statutes as pleaded in this and the founding affidavit. I deny that even where water supply is subject to a municipality's available resources, such supply cannot consistently and impermissibly disregard the Water Services Act and the Regulations to such an extent that the supply becomes erratic and in some cases, non-existent.

46.2 Furthermore, the first respondent has in its Water and Sanitation by-laws adopted the minimum supply standard set out in Regulation 3(b). It is not at liberty to adopt a lesser standard, particularly in the light of the effects of such

HVK

D/1

lesser standard, as detailed in the founding affidavit.

46.3 Finally, the first respondent has not made out a case that it lacks the resources to provide more.

47 **Ad para 24**

I deny the contents of this paragraph and deny in particular that the first respondent has made out a case for the limitation of our rights under section 36 of the Constitution. Further argument will be made on this point at the hearing of this matter.

48 **Ad para 25**

I admit the contents hereof, but deny that the failure to do so means that the application should be dismissed. On the contrary, these rights establish the applicants' entitlement and we seek to rely on those very provisions as determining the ambit of our right of access to water.

49 **Ad para 26**

I deny the contents hereof. We have made out a case for access to water in terms of the Constitution, the Act, Regulation 3(b) and the first respondent's bylaw.

50 **Ad paras 27 to 29**

I deny the content hereof. We are not being provided with free basic water neither in terms of the required standard nor the rotation plan. In the absence of such water supply one cannot even begin to address the question of water conservation. There is simply no available water to conserve.

51 **Ad paras 30 to 32**

I deny the content hereof. I have demonstrated the irreparable harm suffered by the lack of access to water in the founding affidavit. Our very existence is at stake if this is not rectified.

52 **Ad para 33**

I deny the contents hereof for the reasons pleaded in this and the founding affidavit.

53 **Ad paras 34 to 36**

53.1 I deny the contents hereof. I deny further that they constitute lawful reasons for the first respondent's failure to provide the applicants with access to water in terms of the statutory scheme pleaded in this application.

53.2 The balance of convenience does favour the grant of the order. The first respondent has failed to take this Court into its confidence on the alleged problems being experienced in meeting the applicants' demand for access to water.

53.3 They have furthermore put forward no facts to demonstrate that they considered alternatives to providing water from the Flag Boshielo plant.

53.4 The first respondent has not made out a case that it lacks capacity to provide more water.

54 **Ad para 37**

54.1 I deny the content hereof. Any further delay has a severe and prejudicial

impact on our daily living conditions and hence our dignity. We require immediate access to a reliable and safe water supply. It is becoming increasingly difficult, if not near impossible to subsist without water or the small quantities that are availed to us. We should not be expected, simply because we belong to impoverished communities. This is particularly so in circumstances where the very resource we are deprived of quite literally means the difference between life and death.

54.2 Our national government has said that water is life, and the first respondent is obliged to honour that motto by adhering to the minimum standards for its supply. The very failure to do so places us at risk everyday, and on that basis we will not be afforded substantial redress in due course as alleged by the first respondent.

55 Ad paras 38 to 40

55.1 I deny the content hereof. The first respondent is already in violation of its constitutional obligations. As things stand they are not even adhering to the prescripts of the rotation plan. I deny further that this plan is in accordance with the Constitution and the Water Services Act.

55.2 The applicants do indeed have no other remedy but to seek the immediate enforcement of their rights of access to adequate water. There is nothing demonstrating why they should be denied this relief.

56 Ad paras 41 to 59

56.1 We oppose the grant of condonation. I am advised that condonation cannot be had for the mere asking. A party seeking condonation must make out a case entitling it to the court's indulgence. Any explanation furnished for the lateness

must be reasonable enough to excuse the default and, as this reply demonstrates the respondents have failed to make out a case entitling them to an indulgence.

56.2 The respondents had to file answering papers by 2 April 2015. As appears from “KKN2” to the answering affidavit, they were granted an indulgence by the applicant to file on 17 April 2015. They only filed on 12 June 2015, a delay of thirty nine (39) court days, when the period is computed as from 17 April 2015. The respondents have not furnished a reasonable explanation for the delay.

56.3 Not only do they file late, but they also fail to put forward a proper explanation as to why they were late. They then fail to show any appreciation for the plight of these poor communities.

56.4 The extent of the delay unduly prolongs the afflictions of the five communities represented in this application and heightens their desperation. This desperation has manifested itself in crop failure and food insecurity for those engaged in subsistence farming.

56.5 For the women in my and the other four communities, the lack of access can be summed up in one word – dignity. In the communities represented in this application, women are responsible for finding and fetching water for their families. This includes all the water they need for drinking, washing, cooking, and cleaning. They walk miles, carry heavy burdens, wait for hours and as the founding papers demonstrate pay exorbitant prices to purchase water in cases where they have absolutely no access. The work is back-breaking and all-consuming. Often water collected from the Lepelle River is contaminated, even deadly. In these instances, communities face an impossible choice – certain death without water or possible death from illness.

56.6 Once they are old enough, girls join this effort. They spend countless hours trying to provide this basic life necessity. Women also struggle most from the lack of adequate sanitation, as I have demonstrated in this affidavit, the often unspoken part of the water and sanitation crisis. The girls in these communities drop out of school and in turn are locked in a cycle of poverty.

56.7 In the face of the severity of the shortage and its effects, the respondents deem it prudent to take 25 court days to decide to oppose the application, and on the eve of this court deciding the matter on an unopposed basis, file an affidavit some 39 court days late. The application was served on the respondents on 5 March 2015 and a notice of intention to oppose filed on 12 March 2015.

56.8 The applicants proceeded on 14 May 2015 to set the matter down for hearing on an unopposed when the answering affidavit due on 17 April 2015 was not filed. In terms of the notice of set down the matter was to be heard on 19 June 2015.

56.9 One week before the hearing of the matter and on 12 June 2015, the respondents filed an answering affidavit. Thus, on 19 June 2015 the applicants may very well have been granted access to water. Their plight would have been addressed. Instead, on the belated filing of the answering affidavit, their attempts at enforcing a basic constitutional right, are once again being unduly prolonged, and given the fact that the affidavit fails to disclose a meritorious defence - I dare say - frustrated.

56.10 The explanation proffered for the non-compliance is that the delay is predicated on the complexity of the dispute. Given the lack of complexity in the response, I submit that this explanation is without substance. The first respondent says that the attorneys advised counsel on the advantages and disadvantages of not opposing and that this advice was taken to the council for deliberation and

resolution. The deponent fails to taken this court into her confidence on why 25 court days lapsed between the service of the application and a decision as to how it should be dealt with.

56.11 There is no cogent explanation on when the meeting authorising the opposition to the application was convened, why such meeting could not be convened earlier so as to comply with the rules of court given the basic rights said to be at stake in this matter and, most importantly why it took the respondents, who at all times material to this application were legally represented more than a month to appoint counsel in defence of this matter.

56.12 What the facts show is a flagrant disregard for the rules of this court by a litigant who is callous to its consequences. It shows the approach of a litigant who aware of the dire nature of the alleged infringement, and of the time constraints prescribed by the rules, appoints counsel one week before the filing of its answering affidavit is due and further fails to give proper instruction on the nature of its defence. The primary explanation is one directed at explaining away the lateness because of consulting with counsel and locating documents dating back to May 2006. This explanation is unreasonable and does not excuse a delay of 39 court days.

56.13 If indeed the respondents have a proper appreciation of their role as the sphere of government facilitating the implementation of the basic guarantee to water, it was incumbent on them to, in the interests of dignity and accessibility to basic services, avoid any embarrassing situation by complying with the rules of this court and properly litigating this matter. To blame their delay on the regular process associated with the defence of any matter is unconscionable and most importantly, in the light of the important issue raised in this matter, unreasonable and does not excuse the default.

56.14 There is in any event no prospect that the first respondent's defence will succeed. It is indefensible that the first respondent has chosen in its bylaw to adopt the minimum standards of water supply as set out in the Water Services Act and the Regulations thereto, yet refuses to implement those standards.

56.15 It is further indefensible that the rotation plan, which the first respondent alleges to be in operation, is effectively not being implemented too. The effect is that the applicants' water supply, only in the cases where such water is supplied is erratic and unreliable. In other cases it is non-existent. There is no plausible defence to this and the first respondent's prospects on the merits of its defence are weak.

57 Ad paras 60 and 61

57.1 I deny the contents of these paragraphs. The first respondent has in essence not raised any defence to this application. It puts forwards its constrained resources and argues simply that because it must, as it is constitutionally obliged to do, meet the needs of other villages in the area, it is permissible for it to violate the applicants' rights.

57.2 This is unlawful. No defence has been made and this application should succeed.

58 Ad paras 62 to 64

I deny the content of these paragraphs. Our application in its entirety shows that we have made a case for interim relief to access water in terms of the Constitution, the Water Services Act, Regulation 3(b) and the first respondent's Water and Sanitation by-laws.

HVK

ND/S

59 **WHEREFORE** we persist with the relief we seek and contend that we have made out a case for it.

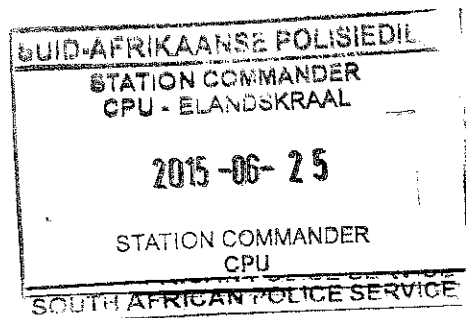
D/S Malokwane

DEPONENT

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of his knowledge both true and correct. This affidavit was signed and sworn to before me at Elandskraal on this the 25th day of **JUNE** 2015, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, have been complied with.

M 04603575- sgt
Mgasofo (H/V KCASAGC)

COMMISSIONER OF OATHS



Full names: HLAKISI VINCENT KCASAGC

Address: SAPS ELANDSKRAAL
MARBLE HALL 0450

Capacity: SERGEANT

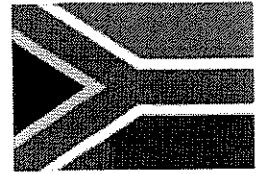


Republic of South Africa

South African Government

www.gov.za

Together we move South Africa forward



HOME

ABOUT

NEWSROOM

SERVICES

DOCUMENTS

Home » Newsroom » Speeches

Minister Nomvula Mokonyane: Water and Sanitation Budget Vote NCOP 2015/16

10 Jun 2015

Address by the Minister of Water and Sanitation, Ms. Nomvula Mokonyane, National Council of Provinces budget review – Parliament

Honourable Chairperson of the NCOP
 Honourable Chairperson of the Select Committee and Honourable Members
 Chairpersons and Chief Executives of Boards and Other Entities
 Government Officials
 Distinguished Guests
 Ladies and Gentlemen

In about 16 days' time South Africa will be joined by the rest of the progressive humanity to celebrate a milestone in the history of the country – the 60th anniversary of the founding of the Freedom Charter.

The Freedom Charter is a document that stood, for all these years, as a beacon of hope for the people of South Africa in their auspicious journey towards a democratic, non-racial and non-sexist country.

As we join the rest of South Africa during this Youth Month in the celebration of the 60th and 39th Anniversary of the Freedom Charter and the June 16th Uprising, respectively; let me take this opportunity to commit both myself and the Deputy Minister, together with the entire team of the department and the Entities, to demonstrating a sense of urgency in dealing with the realities of inequality, poverty and unemployment..

For the downtrodden, marginalised and ordinary people, like Ma-Dlamini, who has to share water from the river with animals whilst facing various security challenges of abuse and molestation, radical socio-economic transformation in the area of water and sanitation cannot be delayed any further. For Ma-Dlamini's grand-daughter who continues to miss school due to unhygienic sanitation conditions both at home and at school the situation needs even more urgent attention.

The right to water as a basic service is a constitutional right. Yet, ownership of access to water continues to perpetuate inequality and poverty in our country. However, we are convinced that with this budget we will be able to open up this protected space so as to ensure that water as a natural resource is available and shared by all.

Importantly, the active participation of our people in the water sector is also vital to ensure that water-issues such as water conservation and water demand management programmes, water awareness education and vandalism of infrastructure get taken up as societal issues.

Honourable Chairperson and Members, as guided by the National Development Plan, the ANC Manifesto and the second National Water Resource Strategy, we will continue to apply a seamless integrated approach to managing our water resources.

This is a co-ordinated approach that is inter-dependent and inter-related to other Departments at National level, other spheres of government, the private sector, civil society, and to the people. In addition, this approach will ensure that we

provide a sustainable and holistic approach across the value chain of water supply, from source to tap and from tap back to source.

However, our engagement with local government has identified a number of challenges; prominent of which were the issues of ageing infrastructure, lack of budgets for operations and maintenance, poor technical capacity as well as lack of proper water and sanitation plans.

It will be in this Financial year where we will have to do an objective review of roles and responsibilities of local authority with respect to capacity, leadership and viability of local government as Water Services Authorities.

In pursuit of solutions aimed at addressing these challenges, the department continues to work in close concert with the Department of Co-operative Governance and Traditional Affairs (CoGTA) and National Treasury to enhance and strengthen the Back to Basics Programme. To this end, clear benchmarks of acceptable performance have been set in an effort to ensure that all municipalities perform their basic responsibilities consistently and without fail.

Whilst the Back to Basics Programme focuses, in general, on the 27 District Municipalities that are dysfunctional; on the other hand, the Department of Water and Sanitation in co-operation with the Province of North West and Eastern Cape has made Section 139 (1)(b) interventions on water and sanitation matters in Madibeng, Ngaka Modiri Molema and Makana and would continue with such on a case-by-case basis.

Honourable Chairperson and Members,

In support of the National Development Plan in regard to forward strategic planning we shall prioritise the implementation of National Water Resource Strategy II (NWRS 2). Moving forward, the strategic framework articulated herein shall serve as a guiding document for all stakeholders in the water sector in pursuit of effective and efficient delivery of service.

In the drive towards improved delivery of service to our people, we shall be guided by the following Strategic Priorities:

- Water Resource Management
- Water Infrastructure Development
- Water and Sanitation Services, and
- Water Sector Regulation and Policy Development.

The achievement of these Strategic Priorities is paramount. In this regard, we therefore, then, need to improve our service delivery model that will also have to be matched by the requisite technical expertise and capacity within the Department and the Entities.

This budget vote today takes account of all the policy and strategic imperatives as well as the implementation of the Annual Performance Plan for 2015/16. And the total budget for the department for the 2015/16 financial year is R 16,4 billion. Over the medium-term, this budget is expected to grow to more than R 17 billion by 2016/17 as the department strives to improve the delivery of service to the people.

Thus, our budget vote per programme will be as follows:

- R1,5 billion is allocated to Administration.
- R808 million is allocated to Water Planning and Information Management.
- R12,4 billion is allocated to Water Resources Infrastructure Development.
- R1,4 billion is allocated to Water and Sanitation Services.
- R231 million is allocated to Water Sector Regulation and Policy Development.

In addition, the department will also transfer, R3,7 billion in 2015/16 and R4,0 billion in 2016/17 to the Water Trading Entity through the Water Infrastructure Management programmes.

The Regional Bulk Infrastructure Programme:

Honourable Members, the implementation of regional bulk infrastructure plays a critically important role in ensuring that we provide a sustainable and holistic value-chain of water supply and sanitation infrastructure.

In this regard I am pleased to announce that in this financial year we will be spending in excess of R 6 billion through our Regional Bulk Infrastructure Grant in various projects across the provinces to address these infrastructure challenges. We shall also focus our attention on Acid Mine Drainage with the view of turning this environmental hazard into an opportunity to produce water.

In Mpumalanga, we will be spending an amount of R 286 million towards water infrastructure development and maintenance this financial year. Projects that will benefit in this programme include the Msukaligwa Regional Water Supply Scheme, Amsterdam and Sheppmore bulk water scheme, Carolina/Selobela Water Supply Scheme, and Emalahleni Bulk Water Supply Upgrade and Northern Nzikazi Bulk Water Scheme among others.

The Eastern Cape on the other hand will receive an amount of R 1,2 billion for during this financial year. These funds will address the challenges of bulk infrastructure the areas are OR Tambo District Municipality, and the King Sabata Dalinyebo Local Municipality water supply scheme and sanitation, the Xhoxa Bulk Water Supply in Chris Hani, the Mbizana Bulk Water Supply in Alfred Nzo and many others across the province. This will include the intervention in Makana and the support to complete the Nooitgedacht Coega Low Level Scheme.

In Limpopo the Department will be implementing a total of eight regional bulk infrastructure projects totaling R 955 million including projects in the Mopani and Water Berg as well as Vhembe and Sekhukhune District Municipalities, which includes the Bulk Distribution System to be connected to the De Hoop and Nandoni Dams, respectively

The North West Province will receive an amount of R757 million to implement various infrastructure development and maintenance schemes in Greater Taung Local Municipality under the Dr. Ruth Mompati District Municipality.

This budget will thus address challenges with ground water quality, as well as inadequate bulk supply. Other projects include the Pilanesberg Bulk Water Supply Scheme which will benefit various municipalities for both domestic and industrial water supply. The challenges in the Madibeng Local Municipality will also be addressed.

The Northern Cape will receive an amount of R 341 million for its Regional Bulk Infrastructure Grant projects.

Several bulk water schemes are currently under construction, these are the Namakwa Bulk Water and the Heuningvlei Bulk Water Supply Schemes which will ensure sustainable water supply to Springbok and the surrounding towns as well as the John Taolo Gaetsewe Municipality, respectively.

The construction of the Kalahari East Pipeline Extension and the Vaal Gamagara Bulk Water Supply Projects will also be pursued.

KwaZulu-Natal will receive an amount of R1, 4 billion, this financial year. Among the schemes to benefit through the Regional Bulk Infrastructure Grant in KwaZulu-Natal are the Lower uThukela Regional Bulk which will deliver potable water southwards to local developments and rural communities. This will also link into the existing Umgeni Water North Coast Supply system supplying 586 thousand people with water.

The Raising of Hazelmerne Dam will augment the water supply to the KwaZulu-Natal North Coast for domestic use and irrigation downstream of the dam. The Jozini-Ingwavuma Bulk Water Supply Project will provide the Jozini Local Municipality with sustainable water supply.

The Free State province will receive R 484 million for their Regional Bulk Infrastructure Grant projects for this financial year. The province is currently implementing ten projects which are all aimed at increasing its capacity for water supply through augmentation and refurbishment of water infrastructure. Critical of these projects is the size optimisation, routing and integration of a pipeline to supply water to Mangaung Metro Municipality directly from the Gariep Dam on the Orange River.

Gauteng will receive R 349 million for these projects. Currently there are two projects being implemented under Regional Bulk Infrastructure Grant. These include the Sedibeng Regional Sanitation and Westonaria Regional Sewer Schemes. The Sedibeng project was initiated due to spillages of raw sewage into the Vaal River. The Westonaria Regional Sewer Scheme covers parts of the City of Johannesburg Metro, Randfontein, Westonaria and other projects that were initiated to address the backlog of Sanitation Services.

The other two Strategic Projects are Syferfontein and Lion's Park. These will be implemented to unlock infrastructure development in the south and north of the City of Johannesburg, respectively.

To date department has invested R533 million through Regional Bulk Infrastructure Grant and Accelerated Infrastructure Community Projects with a further R 194,8 million allocated for the 2015/16 period.

Honourable Chairperson and Members,

We will also spend significant amounts of money through the following grants and programmes in this financial year:

The Accelerated Community Infrastructure Programme will receive R 254 million in this financial year. The programme will focus on universal access to water services by implementing projects related to Water Conservation and Demand Management. Furthermore, the programme will also attend to managing the revenue system whilst monitoring and evaluating the water supply systems through metering.

The Municipal Water Infrastructure Grant will receive more than R2.5 billion. The programme aims to facilitate the planning, acceleration and implementation of various projects that will ensure water supply to communities that were not previously served. In addition, we will also spend an amount of R 31,8 million on rain water harvesting to provide poor farmers with quality water as well as general assistance for their harvests.

In this regard, Honourable Chairperson and Members, we firmly believe that the funds allocated will go a long to assist us meet the various challenges of water shortages, inadequate sanitation services and general infrastructure decay and dilapidation.

Sanitation infrastructure:

Honourable Members, in our quest to address the sanitation backlog our priority is the complete eradication of the use of bucket toilets across the country in formal areas by the end of December 2015.

In the 2014/15 Financial Year, the Bucket Eradication Programme eradicated 20 560 bucket toilets in the Free State (4056), Eastern Cape (2672); Northern Cape (2421); North West (398). Through this Programme, the remaining bucket toilets will be eradicated at a cost of R 975 million.

Through the Rural Household Infrastructure Grant, the Department delivered 9347 dry on-site sanitation solutions to rural communities in the Free State (392); Eastern Cape (2334), North West (425), KwaZulu-Natal (3903), Limpopo (1843); Mpumalanga (450) whereas Limpopo Province delivered 11 088 and particularly in the 27 priority district municipalities by the end of the 2014/15 Financial Year.

In 2015/16, some R115 million will be invested and a further 11 000 units will be provided in these provinces and municipalities to eradicate rural sanitation backlogs.

Overall, the Budget allocations for the two Sanitation Grants is as follows;

- The allocation for the Bucket Eradication Grant is R975,3 million and will eradicate some 30 069 Bucket Toilets;
- Rural Household Infrastructure Grant (Direct Grant) is R48,182 million delivering 5 072 dry on-site sanitation solutions whereas the Rural Household Infrastructure Grant (Indirect Grant) allocation is R67,328 million and will deliver some 7 426 dry on-site sanitation solutions, respectively. This service is rendered in the 27 Priority District Municipalities through the Water Services Authorities as well as the department as implementing Agent.

Currently, it is estimated that some 88 127 households in formal settlements are utilising the bucket system as a form of sanitation. This backlog is found predominantly in the Eastern Cape, Free State, Northern Cape and North West provinces and at the end of this programme the Department would have eradicated some 58 453 buckets with decent sanitation in the form of water borne sanitation.

In pursuit of sustainability of the programme, we shall also strive to standardise sanitation costs, align sanitation projects amongst the various government departments, and ensure that adequate budgets are set aside for the operations and maintenance of the infrastructure.

Honourable Chairperson and Members, the Implementation programme for the 2015/16 year is as follows:

In the Eastern Cape Province, the Department will focus on eradicating some 5013 bucket toilets in the municipalities such as Makana (Grahamstown – 288), Sundays River Valley (Patterson – 1 245), Ndlambe (Nemato – 1 250) and in Nelson Mandela Bay Metropolitan Municipality (Despatch – 2 230 Units); the latter emanating from the relocation of families from the nearby informal settlement to serviced sites at a cost of R150 million.

Whereas a significant part of the Bucket toilet backlog is located in the Free State province however, the programme seeks to eradicate some 16 521 buckets as follows - In the Setsoto Local Municipality buckets will be eradicated in projects such as Marquard (848 Units), Ficksburg (5 396 Units), Senegal (2 913 Units) and Clocolan (3 379 Units). On the other hand, in the Nketoana Local Municipality, the Department will be eradicating buckets in following areas: Petrus Steyn (2 424 Units), Lindley (517 Units), Arlington (210 Units) and lastly Reitz (834 Units) at a cost of R495,6 million.

In the Northern Cape Province, a total of 8 337 buckets toilets will be eradicated in a number of municipalities that include Emthanjeni: Britstown (424 Units) and in the Khara Hais: Rosedale (2 374), Pabalello (533 Units), Louisvale (800), Dekota Weg (306 Units), Kameelmond (122) and Kalksloot (138 Units). In addition, bucket toilets will also be eradicated in the Renosterburg Local Municipality in the project areas of (Petrusville Phase 2 – 20 Units) and Phillipstown (107 Units) as well as in the Siyacuma Local Municipality in the areas of Bongani (555), Griekwastad (480 Units) and Campbell (596 Units).

Lastly, projects in the Ubuntu Local Municipality, including in Victoria West (890 Units) will be assisted. And in the Nama-Khoi Local Municipality various sites will be targeted (192 Units) and in Kai Garib (800 Units). The allocation for Northern Cape Province will be R250,1million.

In the North West province, a total of 198 buckets will be eradicated in the City of Matlosana Local Municipality in areas such as Kanana (73 Units) as a continuation of the work commenced during the previous financial year. Finally, the community of Boitumelong (125 Units) in the Lekwa-Teemane Local Municipality will also see the provision of water borne sanitation and the replacement of the bucket toilets by December 2015 at a cost of R5,9 million.

In conclusion, Honourable Chairperson and Members I wish to submit that a firm foundation has been created for the department. We now need to consolidate our monitoring and evaluation endeavors with yourselves.

Secondly, Honourable Chairperson I would like to thank the Deputy Minister for her diligence and the Members of this Honourable House for their support in the work of the department as well as the members of the public who constantly liaised with the Department on very important issues of service delivery. We need One Message, but Many Voices. As the department we are pleased with the level of co-operation and support we continue to receive from the leadership in the various provinces and for that I wish to thank all our provinces.

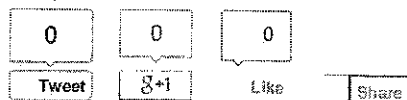
Lastly, I would like to thank the Director General, Senior Management and staff for the plans we have in place and the work we continue to execute as we reach out to the service needs of our people.

Dankie.

Issued by: Department of Water and Sanitation

More from: Department of Water and Sanitation

More on: Water



EXPLORE GOV.ZA

Statements

Documents

Events

Handwritten signatures and initials: D/S and HMK

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA

CASE NO: 15437/15

In the matter between:

**CONCERNED RESIDENTS OF FLAG
BOSHIELO WEST**

First applicant

SMAKELENG JACOB BALOYI

Second Applicant

KLAAS BAPELA

Third Applicant

SELLO FREDDIE PHEFADI

Fourth Applicant

MARIA MOKOMANE

Fifth Applicant

ELSIE LETAGENG

Sixth Applicant

and

SEKHUKHUNE DISTRICT MUNICIPALITY

First Respondent

EPHRAIM MOGALE LOCAL MUNICIPALITY

Second Respondent

**MEC, DEPARTMENT OF WATER AFFAIRS,
LIMPOPO**

Third Respondent

MINISTER OF WATER AND SANITATION

Fourth Respondent

MINISTER OF BASIC EDUCATION

Fifth Respondent

M.V.K.

B.M.

MINISTER OF HEALTH

Sixth Respondent

THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA

Seventh Respondent

SUPPORTING AFFIDAVIT

I, the undersigned,

BEN MATEMANE

hereby make oath and state:

1. I am an adult male residing at stand number 243, Elandskraal.
2. Except where the context indicates otherwise, the facts contained in this affidavit are within my personal knowledge. To the best of my belief, they are both true and correct.
3. I have read the affidavit of **DIRKIE SOLOMON MOHLOKWANE** and confirm that I and the people residing in the area receive no water supply.



DEPONENT

Thus signed and sworn to at Elandskraal.....on this 25th day of June.....2015, the deponent having acknowledged that he knows and understands the

HVK

contents of this affidavit, that he has no objection to taking the prescribed oath and that he considers the oath to be binding on his conscience.

Mgaboqo MUKGASAGO
COMMISSIONER OF OATHS

ALIKHA M. P. FOLISILLI
STATION COMMANDER
CPU - ELANDSKRAAL
2015-06-25
STATION COMMANDER
CPU
SOUTH AFRICAN POLICE SERVICE

HMK

B.M.

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA

CASE NO: 15437/15

In the matter between:

**CONCERNED RESIDENTS OF FLAG
BOSHIELO WEST**

First applicant

SMAKELENG JACOB BALOYI

Second Applicant

KLAAS BAPELA

Third Applicant

SELLO FREDDIE PHEFADI

Fourth Applicant

MARIA MOKOMANE

Fifth Applicant

ELSIE LETAGENG

Sixth Applicant

and

SEKHUKHUNE DISTRICT MUNICIPALITY

First Respondent

EPHRAIM MOGALE LOCAL MUNICIPALITY

Second Respondent

**MEC, DEPARTMENT OF WATER AFFAIRS,
LIMPOPO**

Third Respondent

MINISTER OF WATER AND SANITATION

Fourth Respondent

MINISTER OF BASIC EDUCATION

Fifth Respondent

ell *Phu* *Lieut*

R
P
T.

MINISTER OF HEALTH

Sixth Respondent

THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA

Seventh Respondent

SUPPORTING AFFIDAVIT

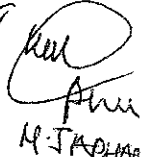
I, the undersigned,

MARIA MOJAPELO

hereby make oath and state:

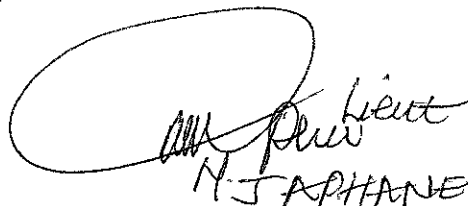
1. I am an adult female residing at stand number 18, Mbuzini.
2. Except where the context indicates otherwise, the facts contained in this affidavit are within my personal knowledge. To the best of my belief, they are both true and correct.
3. I have read the affidavit of **DIRKIE SOLOMON MOHLOKWANE** and confirm that I and the people residing in the area receive no water supply.


DEPONENT

R.P.T.

M. JOHANNES

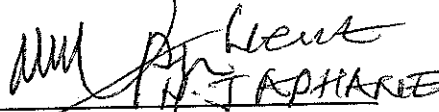
Thus signed and sworn to at ELANDSKRAAL on this 25 day of

JUNE.....2015, the deponent having acknowledged that he knows and understands the

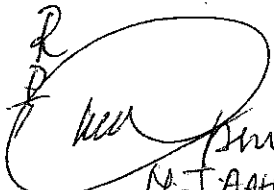

N. JOHANNES

contents of this affidavit, that he has no objection to taking the prescribed oath and that he considers the oath to be binding on his conscience.

WILDF-APRIKAANSE POLISIEDIE
STATION COMMANDER
CPU - ELANDSKRAAL
2015-06-25
STATION COMMANDER
CPU
SOUTH AFRICAN POLICE SERVICE


N.J. PHAHLE
COMMISSIONER OF OATHS




N.J. PHAHLE

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA

CASE NO: 15437/15

In the matter between:

**CONCERNED RESIDENTS OF FLAG
BOSHIELO WEST**

First applicant

SMAKELENG JACOB BALOYI

Second Applicant

KLAAS BAPELA

Third Applicant

SELLO FREDDIE PHEFADI

Fourth Applicant

MARIA MOKOMANE

Fifth Applicant

ELSIE LETAGENG

Sixth Applicant

and

SEKHUKHUNE DISTRICT MUNICIPALITY

First Respondent

EPHRAIM MOGALE LOCAL MUNICIPALITY

Second Respondent

**MEC, DEPARTMENT OF WATER AFFAIRS,
LIMPOPO**

Third Respondent

MINISTER OF WATER AND SANITATION

Fourth Respondent

MINISTER OF BASIC EDUCATION

Fifth Respondent

Hvk

TS

MINISTER OF HEALTH

Sixth Respondent

THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA

Seventh Respondent


SUPPORTING AFFIDAVIT

I, the undersigned,

DIANA SEFOLOSHE

hereby make oath and state:

1. I am an adult female residing at stand number 1123, Elandskraal.
2. Except where the context indicates otherwise, the facts contained in this affidavit are within my personal knowledge. To the best of my belief, they are both true and correct.
3. I have read the affidavit of **DIRKIE SOLOMON MOHLOKWANE** and confirm that I and the people residing in the area receive no water supply.



DEPONENT

Thus signed and sworn to at Elandskraal on this 25th day of June 2015, the deponent having acknowledged that he knows and understands the

HVK.

contents of this affidavit, that he has no objection to taking the prescribed oath and that he considers the oath to be binding on his conscience.

04602575 Sgt
Ngasago (HUKASALO)
COMMISSIONER OF OATHS

...AFRIKAANSE POLISIEM.
STATION COMMANDER
CPU - ELANDSKRAAL
2015-06-25
STATION COMMANDER
CPU
SOUTH AFRICAN POLICE SERVICE

D-S.

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG PROVINCIAL DIVISION, PRETORIA

CASE NO: 15437/15

In the matter between:

**CONCERNED RESIDENTS OF FLAG
BOSHIELO WEST**

First applicant

SMAKELENG JACOB BALOYI

Second Applicant

KLAAS BAPELA

Third Applicant

SELLO FREDDIE PHEFADI

Fourth Applicant

MARIA MOKOMANE

Fifth Applicant

ELSIE LETAGENG

Sixth Applicant

and

SEKHUKHUNE DISTRICT MUNICIPALITY

First Respondent

EPHRAIM MOGALE LOCAL MUNICIPALITY

Second Respondent

**MEC, DEPARTMENT OF WATER AFFAIRS,
LIMPOPO**

Third Respondent

MINISTER OF WATER AND SANITATION

Fourth Respondent

MINISTER OF BASIC EDUCATION

Fifth Respondent



PIET

MINISTER OF HEALTH

Sixth Respondent

THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA

Seventh Respondent

SUPPORTING AFFIDAVIT

I, the undersigned,

PIET CHAUKE

hereby make oath and state:

1. I am an adult male residing at stand number 419, Morarela.
2. Except where the context indicates otherwise, the facts contained in this affidavit are within my personal knowledge. To the best of my belief, they are both true and correct.
3. I have read the affidavit of **DIRKIE SOLOMON MOHLOKWANE** and confirm that I and the people residing in the area receive no water supply.

PIET

DEPONENT

Thus signed and sworn to at ELANDSKRAAL on this 25 day of
JUNE.....2015, the deponent having acknowledged that he knows and understands the

 Lieut
N-J APHANE

contents of this affidavit, that he has no objection to taking the prescribed oath and that he considers the oath to be binding on his conscience.

BLUID-APRIKAAANSE POLISIEDI
STATION COMMANDER
CPU - ELANDSKRAAL

2015-06-25

STATION COMMANDER
CPU
SOUTH AFRICAN POLICE SERVICE

[Handwritten signature]
LIEUT
N.J. APHANE

COMMISSIONER OF OATHS

PIET