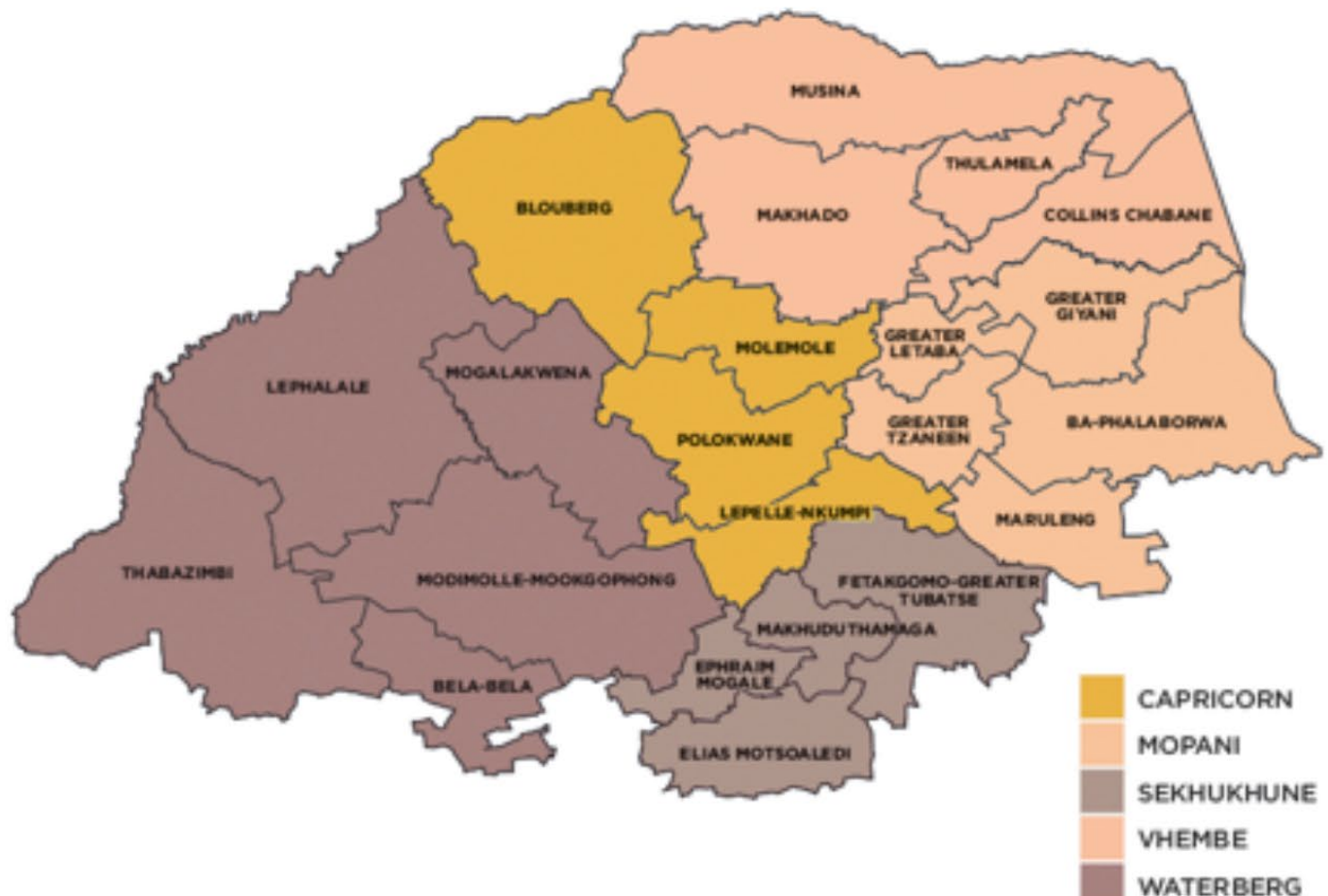


WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

MODIMOLLE-MOOKGOPONG LOCAL MUNICIPALITY



OCTOBER 2026

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Map

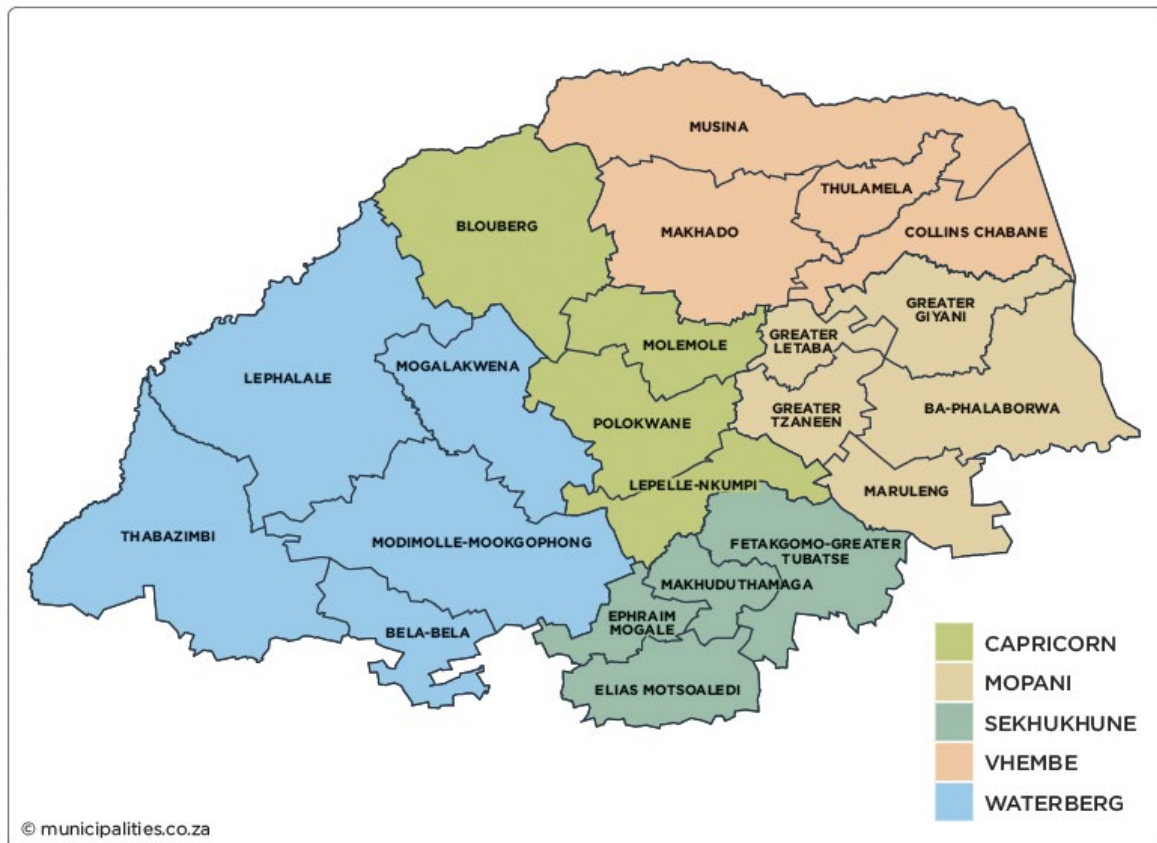


Figure 1: Geographical location of Modimolle Mookgophong Local Municipality (source Municipalities of South Africa, <https://municipalities.co.za/provinces/view/5/limpopo>)

The Modimolle-Mookgophong Local Municipality (MMLM) is situated in the Waterberg District Municipality, South Limpopo.

Assessment: Progressive realization of the right to water in Modimolle-Mookgophong Local Municipality (MMLM)

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 110,000 (IDP) to 131,622 (<i>Blue Drop</i>) Population growth rate: 2.16% Sex Ratio: Moderate female majority Dependency: 25.1% under 15; dependency ratio 53.5	
Unemployment	36%	
KEY IMPLEMENTATION INDICATORS		
Availability	River water, dam, groundwater 12% of capacity is used	
Physical Access	No communal source	0
	Communal source +200m	NI
	Communal source – 200m	NI
	Water source in yard	27.54%
	Piped water in house	52.1%
	Service delivery point/household coverage ratio	0.6
Economic Access	Tariff variation: Residential, business + 2 other categories Tariff structure: Increasing block tariff (4 blocks, R14.33-R28.94) FBW: Indigent only Indigency: 4.0% of service delivery points, increasing trend	
Adequacy	Media reports on how outages compelled court action	
Quality	Microbiological compliance	20.0%
	Chemical (acute) compliance	10.0%
	Chemical (chronic) compliance	19.8%
Efficiency	WUE Score: 93 l/p/d (Excellent) Non-revenue water: 37%	
REASONABLE MEASURES		
Policy Efforts	By-law, Indigent Policy and Register, WSDP (reference only)	
Financial Resources (2024/25)	Budget sufficiency: 102% Revenue coverage: 123% Revenue collection rate: 78% Renewal spending: 1% Maintenance spending rate: 6%	
Human Resources	Blue Drop shortfall: 13 Process Controllers, 0 Supervisor, 3 Technicians, 2 Qualified scientists	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	Political infighting	
Water planning issues	-Unreliable statistics - Inadequate bulk water supply	

	- Lack of water master plan
Funding model	-High levels of unemployment -Revenue collection rate: 78%
Infrastructure issues	-Ageing Infrastructure (bulk pipes) -High water loss through leaking meters and bursting pipelines
Electricity issues	Not mentioned
Ecological drivers	-Inadequate ground water resources -Inadequate ground water on Municipal land
Consumer issues	-Informal settlements use pit latrines that poses health risk
Water services intermediaries	Not mentioned
Third-party interference	-Allegations of corruption
Intergovernmental coordination	Not mentioned
Scale	10,368km ² 5 WTWs, 7 pump stations, 607 km of bulk water supply lines, 0 km of reticulation pipelines and 16 reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	Not mentioned
Low literacy and education levels	No Schooling: 6.9%, higher Education: 10.6%
Infrastructure backlogs	Not mentioned
Limited yellow fleet	-Lack of tools, equipment, machinery and vehicles for operation and maintenance
High vacancy rate	-Lack of skilled personnel at water treatment plants

Narrative

RIGHTS HOLDERS

Population estimates for the Modimolle-Mookgophong Local Municipality range from 110 000 (*IDP*) to 131 622 (*Blue Drop*). The population growth rate of 2.16% is higher than the national average of 1.3%. There is a moderate female majority and 25.1% of the population are under the age of 15. The dependency ratio of 53.5 is higher than the reported national 2024 average of 48.4 and the global average of 58.4.¹ There is a high rate of unemployment (expanded definition) at 36%.

KEY IMPLEMENTATION INDICATORS

The Modimolle-Mookgophong Local Municipality is authorised to provide water services and does so by operating 5 water treatment works. Raw water is abstracted from, amongst others the Donkerpoort Dam, Pienaars River (Roodeplaat Dam), Welgevonden Dam and groundwater from various collieries.

In terms of physical access, 27.54% of consumers reportedly have a water connection in their yard, and 52.1% enjoy water piped into their dwellings. Another 0% of the population have access to a communal source within 200m of their dwellings, and 0% rely on communal sources further than 200m away. The service delivery point/household coverage ratio is 0.6 meaning that the current service delivery points cover 60% of the households counted in the 2022 Census.

The Modimolle-Mookgophong Local Municipality does not provide a universal Free Basic Water Allowance, although in terms of law a municipality is not required to have one. Despite some unemployment, only about 4% of service delivery points are covered by the indigency policy. Since 2017, the number of households benefiting from the indigency policy has increased. The tariff structure (2021/22) shows an increasing block tariff structure (least expensive block is R14.33, most expensive is R28.94). The municipality has 4 tariff categories.

There were some media reports on water services outages and that the community approached a court for relief. However, there is concern with water quality, with the Modimolle-Mookgophong Local Municipality reporting microbiological compliance at 20% and chemical acute compliance at 10% and chronic at 19.80%.

Water use efficiency is excellent. The *Blue Drop* score of >93 l/p/d is excellent. According to the 2021/22 Auditor-General report, 37% of all water produced is non-revenue water.

REASONABLE MEASURES

The Modimolle-Mookgophong Local Municipality has a water services by-law, a valid Indigent Policy and a WSDP which only referenced in the IDP.

The Modimolle-Mookgophong Local Municipality's financial indicators between 2021/22 and 2024/25 show that the municipality's own revenue is enough to cover its operational

expenditure budget. The municipality's total income, which includes intergovernmental transfers, is enough (123%) to cover capital and operational expenditure. The capital budget allocated to the renewal of all the municipality's infrastructure ranged from 1% to 10% and maintenance spend ranged from 4% to 6%. The revenue collection rate has fluctuated between 68% and 81% according to MFMA Schedule C datasets.

There are 4 staff employed in water treatment, and no information on the number of people working for the water and sanitation department. According to the latest *Blue Drop* report, there is a staff shortfall of 13 process controllers, 3 technicians and 2 qualified scientists.

SYSTEMIC DRIVERS OF RIGHTS NON-COMPLIANCE

The key systemic drivers of rights non-compliance in the Modimolle-Mookgophong Local Municipality are:

- **Leadership issues:** Political infighting.
- **Water planning issues:** This municipality has a number of water planning issues that include unreliable statistics, inadequate bulk water supply and the lack of a water master plan.
- **Funding model:** The municipality has high unemployment and a revenue collection rate of 78%.
- **Electricity issues:** Not mentioned.
- **Infrastructure issues:** The municipality has ageing infrastructure and there are high water losses through leaking meters and bursting pipelines.
- **Ecological drivers:** There are inadequate ground water resources.
- **Consumer issues:** Many informal settlements use pit latrines that poses a health risk.
- **Third-party interference:** Some allegations of corruption.
- **Scale:** Water services in the Modimolle-Mookgophong Local Municipality are spread out over 10 368 km².

OVERSIGHT

1. Based on its 2021 Inquiry into Access to Water and the Efficacy of Water Services Authorities within Limpopo Province, the SAHRC made specific findings and issued directives against the Bela-Bela Local Municipality (see Table: Oversight).
2. Department of Water and Sanitation: The Regulator notes the dire state of management and drinking water quality in the Mookgophong, Mabaleng, Mabatlane and Roedtan water supply system. The WSI is placed under regulatory surveillance and the Municipal Manager is required to submit a detailed corrective action plan within 20 days of publishing of this report. The plan must map the activities, responsible persons, timelines, and expected improvement as outlined in the Regulatory Comment.

Expanded Table

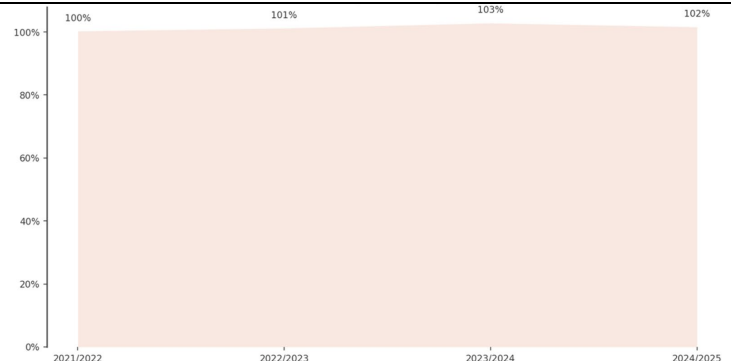
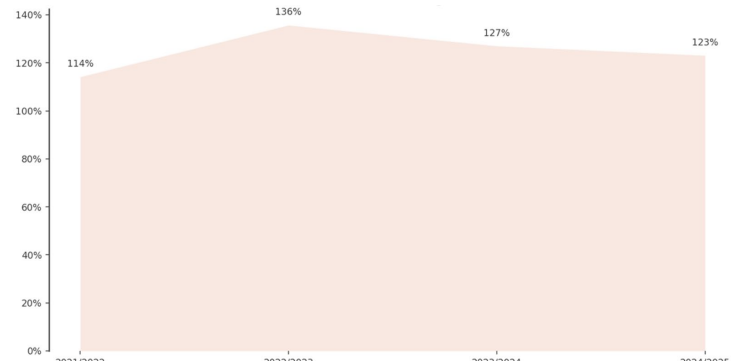
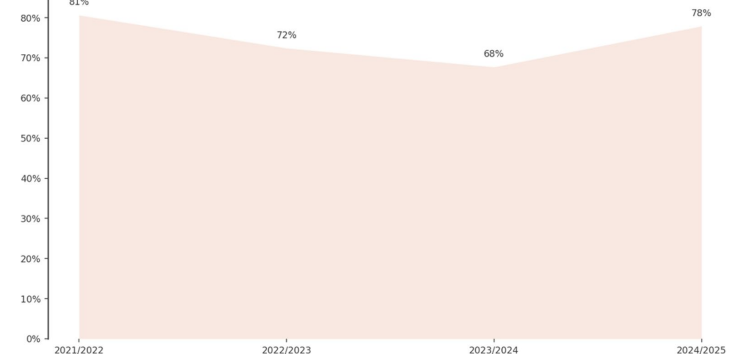
Indicator	Measurement	Sources
Name of the WSA		
Geographical information about the WSA.	South Limpopo situated on part of the Gauteng border.	
Spatial extent	10,368km ²	https://municipalities.co.za/overview/1242/modimolle-mookgophong-local-municipality
Municipal wards	14	IDP 2023/24, p. 65
Traditional Authorities	No traditional authorities	IDP 2023/24, p. 288
Is the WSA authorized to provide water services?	yes	IDP 2023/24, p. 121
Is the WSA currently providing water services?	water treatment and distribution	IDP 2023/24, p. 121
Method of service provision	self	IDP 2023/24, p. 121
Context indicators		
Details of any water related stresses experienced within the past five years.	Floods and the impacts of cyclone Freddy in Oct 2022 and March 2023 caused damages estimated at R 340,5 million. https://www.citizen.co.za/news/disaster-relief-provided-limpopo-following-floods-may-2023/ Extensive drought in 2016 led to the declaration of a provincial disaster. This was the worst drought recorded for the area since 1983. https://health-e.org.za/2016/09/07/limpopo-water-shortage-worsens-drought-conditions-continue/	
Demographics		
Population	131,622(Blue Drop) 130,113 (2022 Census) 110,000(IDP)	2023 Blue Drop Report, p. 262-263; https://municipalities.co.za/demographic/1242/modimolle-mookgophong-local-municipality IDP 2023/24, p. 64
Number of households (Census 2022)	46,119	https://municipalities.co.za/demographic/1242/modimolle-mookgophong-local-municipality
Number of domestic household service delivery points (2021/2022) (Non-Financial Census of Municipalities)	27,754	https://municipalities.co.za/services/1242/modimolle-mookgophong-local-municipality

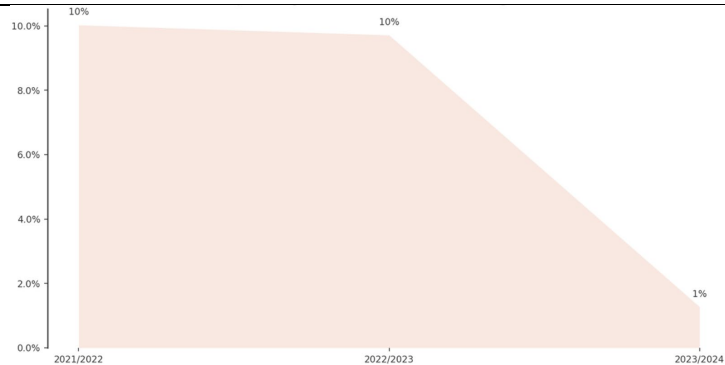
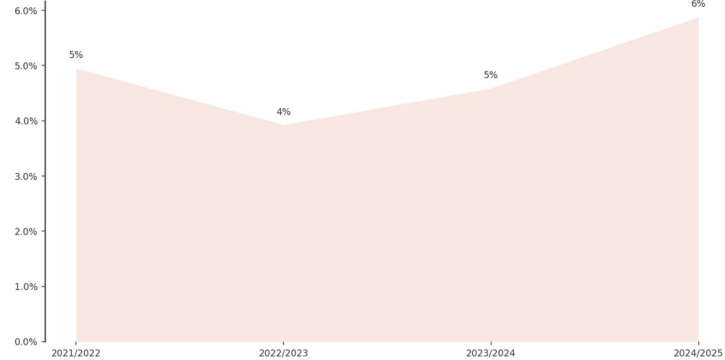
Ratio service delivery points / households	0.60	
Number of non-domestic consumers	505	https://municipalities.co.za/services/1242/modimolle-mookgophong-local-municipality
Males per 100 females	99.7	https://municipalities.co.za/demographic/1242/modimolle-mookgophong-local-municipality
Gender Split	49.9% Male 50.1% Female	
Population growth rate per annum	2.16%	https://municipalities.co.za/demographic/1242/modimolle-mookgophong-local-municipality
Education	No Schooling: 6.9% Higher Education: 10.6%	https://municipalities.co.za/demographic/1242/modimolle-mookgophong-local-municipality
Financial capacity		
Economically active population (15-64)	66.1%	https://municipalities.co.za/demographic/1242/modimolle-mookgophong-local-municipality
Unemployment rate	36%	IDP 2023/24, p. 50.
Dependency rate	53.5	https://municipalities.co.za/demographic/1242/modimolle-mookgophong-local-municipality
Population under 15	25.1%	https://municipalities.co.za/demographic/1242/modimolle-mookgophong-local-municipality
Universal FBW Allowance	no	IDP 2023/24 p. 129
Number of service delivery points receiving FBW: 2021/22	1,108	https://municipalities.co.za/services/1242/modimolle-mookgophong-local-municipality
Percentage of FBW service delivery points	4.0%	

Increase/decrease of FBW 2017/2018 – 2021/2022	255 to 1,108 Increase		https://municipalities.co.za/services/1242/modimolle-mookgophong-local-municipality
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	S 140: 2 triggers and s 138: 2 triggers		NT Municipalities Meeting Criteria, item 158
Details of the triggers present.	Failure to make payments as and when due for longer than 90 days that amount to more than R 1 million.	☒	
	Operating at a deficit of more than 5% of the total direct revenue.	☒	
	Negative OR outstanding audit.	☒	
	Negative cash position for two or more consecutive years.	☐	
	Failure to make any payment to Eskom when due that amounts to more than 2% of the operating expenditure.	☒	
	Failure to make any payment to the Water Board when due that amounts to more than 2% of the operating expenditure.	☐	
	Failure to make any payment to any other creditor when due that amounts to more than 2% of the operating expenditure.	☐	
	Failure to make any payment to Eskom when due that amounts to more than 40% of the operating expenditure.	☐	
	Failure to make any payment to the Water Board when due that amounts to more than 40% of the operating expenditure.	☐	
	Failure to make any payment to any other creditor when due that amounts to more than 40% of the operating expenditure.	☒	
Is municipality considered to be in financial distress?	yes		NT Municipalities Meeting Criteria, item 158
Is the municipality currently subject to a provincial intervention?	No		AGSA Website Based Report 2021/22
Water management			
Is the rainfall within the WSA area (July 2022 to January 2023) above or below the average rainfall (464mm) for South Africa?	300 – 500mm		WeatherSA, Historical Rain map
Water abstraction authorized?	No		2023 Blue Drop Report p. 261

Volume of authorized/(unauthorized) water abstraction?	(2,000 kl/d)			2023 <i>Blue Drop Report</i> p. 261
How many water treatment plants are in the WSA’s water services network?	Modimolle/Mookgophong WSA manages 5 WSSs, 7 pump stations, 607 km of bulk water supply lines, 0 km of reticulation pipelines and 16 reservoirs. Total design capacity is 17.1 ML per day. 17.1 ML of capacity is available. Average production: 2.0 ML per day 12% of capacity is used 2023 <i>Blue Drop</i> critical risk: 4 (Mookgophong, Mabaleng, Mabatlane, Roedtan)			2023 <i>Blue Drop Report</i> , p.250, 259, p. 279
How many biophysical water sources does this WSA have access to?	River	☒		2023 <i>Blue Drop Report</i> , p. 279
	Dam	☒		
	Saltwater	☐		
	Groundwater	☒		
Names of rivers and dams	Donkerpoort Dam, Pienaars River (Roodeplaat Dam), Welgevonden Dam, groundwater.			2023 <i>Blue Drop Report</i> , p. 279
How many infrastructure water sources does this WSA have?	Water reclamation	☐		IDP 2023/24, p. 101-102
	Desalination	☐		
	From natural source	☒		
Political Stability				
Is there a coalition government?	Yes ANC 14, DA 7, EFF 4, VF PLUS 3			https://municipalities.co.za/management/1242/modimolle-mookgophong-local-municipality
Has there been mayoral instability in the last 5 years?	Media reports indicate some mayoral instability. The municipality has had three mayors in less than two and a half years. Another mayor went into office in February 2023 and again in May 2023, by June 2023 there were already reports expressing dislike for the new mayor. Some reports highlight problems of corruption that amount to more than R 9 mil (2019). - https://www.citizen.co.za/news/limpopo-mayor-from-hell-june-2023/ - https://www.news24.com/news24/forensic-probe-reveals-litany-of-corruption-in-limpopo-modimolle-mookgophong-municipality-20190824			Media Reports
MM/CFO Vacancy Snapshot	AGSA Website Based Report 2022/23			AGSA Web Based Report 2021/22
	Is the council established?	Yes		
	Council instability the previous year?	No		
	MM vacancy at the end of the year?	Yes		
	Number of months the MM has been in position.	0		

	CFO vacancy at the end of the year?	No	
	Number of months the CFO has been in position.	47	
Policy Efforts			
Water By-law			
Is there a water by-law?	yes		By-law
Citation of by-law	MN 354 in PG 1550 of 24 October 2008 By-law was adopted before the amalgamation of Modimolle Local Municipality and Mookgopong Local Municipality.		
Mark with “yes” if the by-law makes provision for the following:	Matters incidental to providing water services to residents,	yes	By-law
	including communal sources	no	
	Protecting water supply systems.	no	
	Prohibiting wasting water	yes	
	Prohibiting illegal connections	no	
	Sets out standards for water installations and maintaining water infrastructure	yes	
	The installation and upkeep of fire extinguishing systems	no	
	How service charges are calculated and levied	yes	
	Measures to ensure the quality of potable water	yes	
	Preventing water pollution	yes	
	Anything else?	Temporary water supply	
		Water audit	
Water Services Development Plan			
Is there a water services development plan?	Referred to in the IDP		IDP 2023/24, p 121
The validity duration of the plan (which years)	No information		
General Policy Framework			
Is there an Indigent Policy?	none, but provision in budget		Indigent Policy
IDP			
Water services issues identified in the IDP	Ageing Infrastructure in line with bulk pipe Inadequate ground water resources Inadequate ground water on Municipal land Inadequate bulk water supply High water loss Lack of water master plan		IDP 2023/24, p 123

	Upgrading of water Donkerpoort water treatment plant High water loss through leaking meters and bursting pipelines Lack of skilled personnel at water treatment plants Informal settlements use pit latrines that poses health risk Lack of tools, equipment, machinery and vehicles for operation and maintenance											
Resource Efforts												
Financial Resources												
Budget sufficiency (Total Budget revenue/total budgeted expenditure)	 <table><thead><tr><th>Period</th><th>Budget sufficiency (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>100%</td></tr><tr><td>2022/2023</td><td>101%</td></tr><tr><td>2023/2024</td><td>103%</td></tr><tr><td>2024/2025</td><td>102%</td></tr></tbody></table>	Period	Budget sufficiency (%)	2021/2022	100%	2022/2023	101%	2023/2024	103%	2024/2025	102%	MFMA Section 71 Schedule C 2021 to 2025 Reports
Period	Budget sufficiency (%)											
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Revenue Coverage % (Total Budgeted Revenue/Total budgeted CAPEX+OPEXx100)	 <table><thead><tr><th>Period</th><th>Revenue Coverage %</th></tr></thead><tbody><tr><td>2021/2022</td><td>114%</td></tr><tr><td>2022/2023</td><td>136%</td></tr><tr><td>2023/2024</td><td>127%</td></tr><tr><td>2024/2025</td><td>123%</td></tr></tbody></table>	Period	Revenue Coverage %	2021/2022	114%	2022/2023	136%	2023/2024	127%	2024/2025	123%	MFMA Section 71 Schedule C 2021 to 2025 Reports
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Revenue Collection Rate % (Actual revenue collected/budgeted revenue x 100)	 <table><thead><tr><th>Period</th><th>Revenue Collection Rate %</th></tr></thead><tbody><tr><td>2021/2022</td><td>81%</td></tr><tr><td>2022/2023</td><td>72%</td></tr><tr><td>2023/2024</td><td>68%</td></tr><tr><td>2024/2025</td><td>78%</td></tr></tbody></table>	Period	Revenue Collection Rate %	2021/2022	81%	2022/2023	72%	2023/2024	68%	2024/2025	78%	MFMA Section 71 Schedule C 2021 to 2025 Reports
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Capital budget allocated to renewal of existing assets (amount allocated to renewable/total capital budget)				MFMA Section 71 Schedule C 2021 to 2025 Reports
Maintenance spending rate % (Total maintenance expenditure/total revenue collected) x100				MFMA Section 71 Schedule C 2021 to 2025 Reports
Infrastructure Resources				
Current infrastructure value	257,746,000			Budget, Sheet A9, Item 138, Adjusted Budget 20/21
Was the allocated capital budget spent?	yes			
Was the allocated operational budget spent?	yes			
Human and Skills Resources				
Total number of staff employed in the water services provision department.	No information			
Total number of staff employed in water treatment	4 (3 supervisory, 1 technical)			2023 Blue Drop Report; p. 255, 257
Supervisor Staff/WTW Ratio	0.6			2023 Blue Drop Report, p. 255
Technical Staff/WTW Ratio	0.2			2023 Blue Drop Report, p. 257
Staff Shortfall	13 Process Controllers 0 Supervisor 3 Technicians 2 Qualified scientists			2023 Blue Drop Report, p. 255, 257
Implementation				
Physical Access				
Physical access to water, number of consumers, and percentage of total consumers. [households]	Communal source +200m	NI		Modimolle- Mookgopong Local Municipality - Services
	Communal source – 200m	NI		
	Water source in yard	27, 754		

Piped water inside dwelling	52.1%		Modimolle- Mookgophong Local Municipality - Demographic
Economic Access			
Economic access to water.	Free basic water for all	☐	Determination and Amendment of Service Charges, Taxes, Levies, Tariffs and Fees [2019]
	Free basic water for Indigent	☒	
	Cross subsidy	☐	
	Prepaid	☐	
Step tariff for households in rand excl VAT. For 2019/20	0 < 10kl	14.33	Determination and Amendment of Service Charges, Taxes, Levies, Tariffs and Fees [2019]
	11kl < 20kl	16.53	
	21kl < 30kl	22.08	
	31kl <	28.94	
Categories of water use:	- Residential use - Bulk, Trade, Industry and other non-domestic consumers. - Water by truck (mostly informal settlements and some rural schools) - Flat rate for consumers without meters (R 100 per month)		Determination and Amendment of Service Charges, Taxes, Levies, Tariffs and Fees [2019]
Tariffs for schools.	Industry and other use		Determination and Amendment of Service Charges, Taxes, Levies, Tariffs and Fees [2019]
	0 < 30kl	31.70	
	31kl <	36.39	
	Water Tanks		
	Per kl	111.22	
Tariffs for clinics	Industry and other use		Determination and Amendment of Service Charges, Taxes, Levies, Tariffs and Fees [2019]
	0 < 30kl	31.70	
	31kl <	36.39	
	Water Tanks		
	Per kl	111.22	
Do schools and clinics have access to water on their premises.	- 9 Educational facilities with no services - 1 Educational facility with inadequate services		DWS Website, WSDP Audit, Service Delivery Overview, Service Levels Profile, 2.1.1 Education Plan and 2.1.2 Health Plan.
Adequacy			
Number of planned interruptions in 2023.	No information		
Number of unplanned interruptions in 2022/23	No information		
Media reports on outages:	This WSA has experienced enough outages for the community to be successful in a court application in 2021. Many residents supply on water tankers for their supply, despite the statistics captured in the budget. Some tankers broke down which led many residents without any water during a period in Oct 2022.		WJT Verification

	- https://www.politicsweb.co.za/politics/municipality-forced-to-supply-water--afriforum - https://www.sabcnews.com/sabcnews/residents-of-phomolong-in-limpopo-decry-unreliable-water-supply/	
Quality		
What is the WSA's blue drop score?	2023: 51.1% 2011: 81.7%	2023 <i>Blue Drop Report</i> , p. 279
Blue Drop Score Improved/Deteriorated (2011-2023)	Deteriorated	
Blue Drop microbiological compliance score	20.0% (1 Excellent WTW; 4 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 264
Blue Drop chemical (acute) compliance score	10.0% (0 Excellent WTWs; 5 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 265
Blue Drop chemical (chronic health) compliance score	19.8% (1 Excellent WTWs; 4 Good WTWs)	2023 <i>Blue Drop Report</i> , p. 265
Does the WSA have a contract with the lab to test water samples?	No information.	WJT Verification
<i>Green Drop Risk Rating</i>	Critical Risk	2023 <i>Green Drop Report</i> , p. 293
Efficiency		
Blue Drop Water Use Efficiency Score	93 l/p/d (Excellent)	2023 <i>Blue Drop Report</i> , p. 262
No Drop Score 2021/22	No available information	2023 <i>No Drop Report</i> , p. 175
Amount of non-revenue water in liters and in rands value.	R20.19 million in water losses Equivalent to 37% of all water flowing through municipal pipelines	https://mfma-2024.agsareports.co.za/municipality/5-modimolle-mookgophong
Main reasons for water losses.	None recorded	2023 <i>No Drop Report</i> , p. 175
Oversight		
Department of Water and Sanitation		
<i>Blue Drop actions</i>	The Regulator notes the dire state of management and drinking water quality in the Mookgophong, Mabaleng, Mabatlane and Roedtan water supply system. The WSI is placed under regulatory surveillance and the Municipal Manager is required to submit a detailed corrective action plan within 20 days of publishing of this report. The plan must map the activities, responsible persons, timelines, and expected improvement as outlined in the Regulatory Comment	2023 <i>Blue Drop Report</i> , p. 280
<i>Green Drop actions</i>	None recorded	2023 <i>Green Drop Report</i> , p. 295

Judicial Oversight		
Where any judgements delivered that involved water services delivery?	yes	
Full citation of judgement.	Mazibuko and Others v City of Johannesburg and Others [2009] ZACC 28	
Summary of judgement and the impact for future water services delivery.	The state has a duty not to interfere with the enjoyment of socio-economic rights. The state does not have a duty to immediately realise the right to water for everyone; instead, the state must take reasonable legislative and other measures to progressively realise the right within available state resources. It is not the place of the court to determine or quantify what is sufficient water. To assess the reasonableness of the legislative and policy measures used: State must be able to show what information it considered and the process it followed to determine its policy. If the process followed is flawed or the information gathered is inadequate or incomplete, appropriate relief may be sought. The Court's evaluation of the City's Free Basic Water Policy: (1) it has different levels of water provision; (2) the city uses pre-paid and credit meters; (3) provision to register as an indigent; (4) it is reasonable to afford basic water to all, rich and poor; (5) it is acceptable to afford basic water on a per household basis and not per person; (6) water policy was revised regularly; (7) communities too have duties, one such duty is to apply to be registered as an indigent if they wish to claim these benefits. Moving from a deemed consumption system to a pre-paid metered system with a free allocation of basic water is not a retrogressive step. Discontinuation of water for not reloading the meter with credits is not a discontinuation of service as per the Water Services Act and the municipality do not need to follow the giving notice and other related procedures.	Paras 47, 48, 50, 71, 78-102, 142
Full citation of judgement.	Government of the Republic of South Africa v Grootboom [2000] ZACC 19	
Summary of judgement and the impact for future water services delivery.	Access to a right, in this case the water right, would include removing barriers to access the right, empowerment measures, and special measures for vulnerable groups. Measures must ensure access over time to a greater number of people that must be guided by targets. This requires legislation, policies, programmes and plans that ensure the implementation of legislation. All vulnerable groups must at least have access to basic service delivery.	
Full citation of the judgement.	Capricorn District Municipality v SANCO [2014] ZASCA 39	
Summary of judgement and the impact for future water services delivery.	Appeal from the High Court, Limpopo Division. Legal Question: Is the interdict given by the HC a competent order? The interdict mandated Capricorn District to repair and replace all leaking pipes and all defective meters within 12 months. In addition, the HC ordered that the WSA may	Paras 25 and 21

	only recover a flat rate of about R 70 for water services delivered from affected households. Judgement: The appeal succeeded. The SCA found that the HC cannot order the WSA to replace and repair the leaky pipes because water leakages do not adversely affect consumers. This is because water leakages are not captured by any water meter reflecting what is payable to any consumer. (Bear in mind that the community alleged they were liable to pay for the wasted water.) A court may also not determine the rates as which water services are charged as this is in contravention of the separation of powers.	
March 2021	Media report (This may be an unreported judgement) - AfriForum approached the Limpopo High Court in Pietersburg (Polokwane) for an interdict to force the Modimolle-Mookgophong Local Municipality to supply water to Naboomspruit, Roedtan and Thusang. - The Application was unopposed and granted. The court order - Two boreholes in Nyl Valley and two replacement boreholes must be set up and connected to the water network within 10 days of the order. - Water pumps of sufficient size and pumping capability to supply the daily allowed water quota must be installed at the Welgevonden Dam. - Enough spare parts must be ordered to maintain water services infrastructure. - Parts that are used for repairs must also be replaced within two weeks after use. - The MM was specifically made liable to ensure that borehole pumps are equipped with generators to allow continued water supply during power outages.	https://www.politicweb.co.za/politics/municipality-forced-to-supply-water--afriforum
SAHRC Reports		
Where any reports received and investigated on the right to water by the SAHRC?	yes	
Reference details of the report.	Inquiry into Access to Water and the Efficacy of Water Services Authorities within Limpopo Province (SAHRC Oct 2021)	
Summary of the report and the impact for future water services delivery.	Department of Cooperative Governance, Human Settlements and Traditional Affairs Finding: • The Commission finds that the Limpopo Department of Cooperative Governance,	

	Human Settlements and Traditional Affairs (CoGHSTA) is not effectively playing its role as an oversight body in terms of ensuring that access to water is a reality within the Limpopo Province. Recommendation: • The Commission recommends that the CoGHSTA identifies municipalities that (i) apply for grants and fail to spend such grants, (ii) do not apply for grants at all; and (iii) receive the grants and use them inappropriately. The CoGHSTA should come up with an action plan on how this will be mitigated. This action plan is to be submitted to the Commission within three (3) months after the receipt of this report. Department of Water and Sanitation Findings: • The Commission finds that the Limpopo Department of Water and Sanitation (DWS) is failing to play its oversight role. • The DWS does not assist or intervene when the Municipalities fail to provide sufficient water to their communities in terms of sections 62 and 63 of the Water Services Act, respectively. • The DWS has failed to take action when a municipality has failed or is unable to apply/ access municipality grants while communities are not provided with water. Recommendations: • The Commission recommends that the DWS must submit to the Commission, a detailed plan, with timeframes on how it will provide support to the municipalities in order to resolve the water crisis in Limpopo. • The DWS must submit to the Commission a list of municipalities that applied for water grant/s, the list must also provide the outcome of the grant/s or progress made in processing the grant/s. • If the application had been declined, the DWS must provide the reason/s as to why the application was declined. • The DWS must also provide details of the assistance provided to the municipality after declining the application. • The above requested information must be submitted to the Commission within three (3) months after the receipt of this report.	
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	Office of the Premier of Limpopo Province Findings: • The Commission has found that it is not clear as to how the Office of the Premier for the Limpopo Province plays its oversight role over municipalities that are failing to provide water. • The Office of the Premier for the Limpopo Province is therefore failing to monitor the provision of water by the municipalities in Limpopo. Recommendation: • The Commission recommends that the Office of the Premier for the Limpopo Province must conduct an assessment and evaluation of the provision of water in the Limpopo Province, develop and submit measures to effectively support the municipalities to ensure adherence to the Water Services Act and Compulsory Standards. This information must be submitted to the Commission within three (3) months of the receipt of this report.	
Specific findings for the WSA	Finding: • <i>The Commission finds that the Municipality is in violation of its obligations to supply clean drinking water.</i> Recommendations: • The Municipality indicated that it has a rotational schedule of providing the communities with water, therefore the Commission recommends that the Municipality submits the schedule referred to, within three (3) months after receipt of this report. • The Municipality must provide the Commission with a detailed plan with timeframes within three (3) months after the receipt of this report, on how it will provide water to communities within its jurisdiction in line with the Water Services Act and Compulsory Standards.	Inquiry into Access to Water and the Efficacy of Water Services Authorities within Limpopo Province (SAHRC Oct 2021)
Legislature Oversight		
Any oversight actions taken in the duration of the current (5 th) administration.	None.	
Other Oversight Institutions		
Details of any oversight action taken.	None.	

Sources:

- Auditor-General of South Africa MFMA Report for 2022/23 <https://mfma-2022.agsareports.co.za/province/limpopo>

- Department Water and Sanitation *Water Services Development Planning Website Tool* <https://ws.dws.gov.za/wsdp/Index.aspx#>
- Department Water and Sanitation *Municipal Strategic Self-Assessment for year ended in 2022*
- Department Water and Sanitation *Blue Drop Progress Report 2022*
- Municipal Demarcation Board *Municipal Powers and Functions Capacity Assessment 2018: Sectoral Report for Water and Sanitation*
- Independent Electoral Commission *Local Government Elections Dashboard* accessed at <https://results.elections.org.za/dashboards/lge/>
- Municipalities of South Africa <https://municipalities.co.za/provinces/view/5/limpopo>
- National Treasury *Municipalities Meeting Criteria for Determining Serious Financial problems in Terms of Sections 138 and 140 of the MFMA for the fourth quarter of 2022/23*
- South African Human Rights Commission *Inquiry into Access to Water and the Efficacy of Water Services Authorities within Limpopo Province* (SAHRC Oct 2021)
- WeatherSA *Historical Rainmap for July 2022- January 2023* accessed at <https://www.weathersa.co.za/home/historicalrain>
- World Health Organisation *Statistics* accessed at <https://www.who.int/data/gho/data/indicators/indicator-details/GHO/number-of-diarrhoea-deaths-from-inadequate-water-sanitation-and-hygiene>

Municipal Documentation

- Municipality *Annual Budget 2020/21*
- Municipality *Integrated Development Plan 2021/22*
- Municipality *Water Services By-Law*
- Municipality *Tariff By-Law*
- Municipality *Determination and Amendment of Service Charges, Taxes, Levies, Tariffs and Fees 2019*