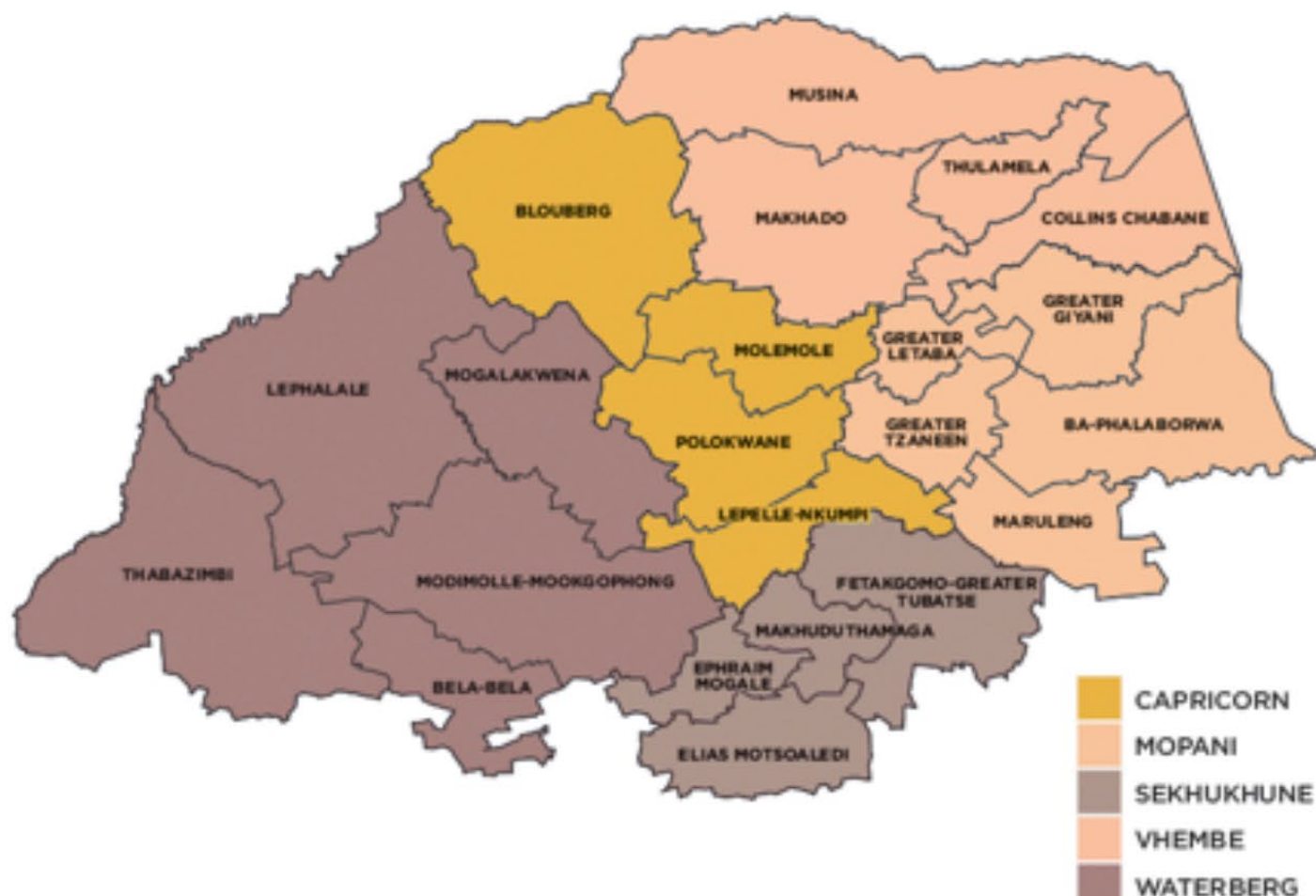


WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

MOGALAKWENA

LOCAL MUNICIPALITY



OCTOBER 2026

Table of Contents

Map	3
Assessment: Progressive realization of the right to water in Mogalakwena Local Municipality (MLM)	4
Narrative	6
RIGHTS HOLDERS	6
Expanded Table	8
Name of the WSA.....	8
Context indicators	8
Demographics	8
Financial capacity	9
Water management	10
Political Stability	11
Policy Efforts.....	12
Water By-law	12
Water Services Development Plan	12
General Policy Framework	12
IDP	12
Resource Efforts	13
Financial Resources	13
Infrastructure Resources	14
Human and Skills Resources.....	14
Implementation	14
Physical Access	14
Economic Access	14
Adequacy	15
Quality.....	15
Efficiency	16
Oversight	16
Department of Water and Sanitation	16
Judicial Oversight	16
SAHRC Reports	17
Legislature Oversight.....	20
Other Oversight Institutions.....	20
Sources:.....	20

Map

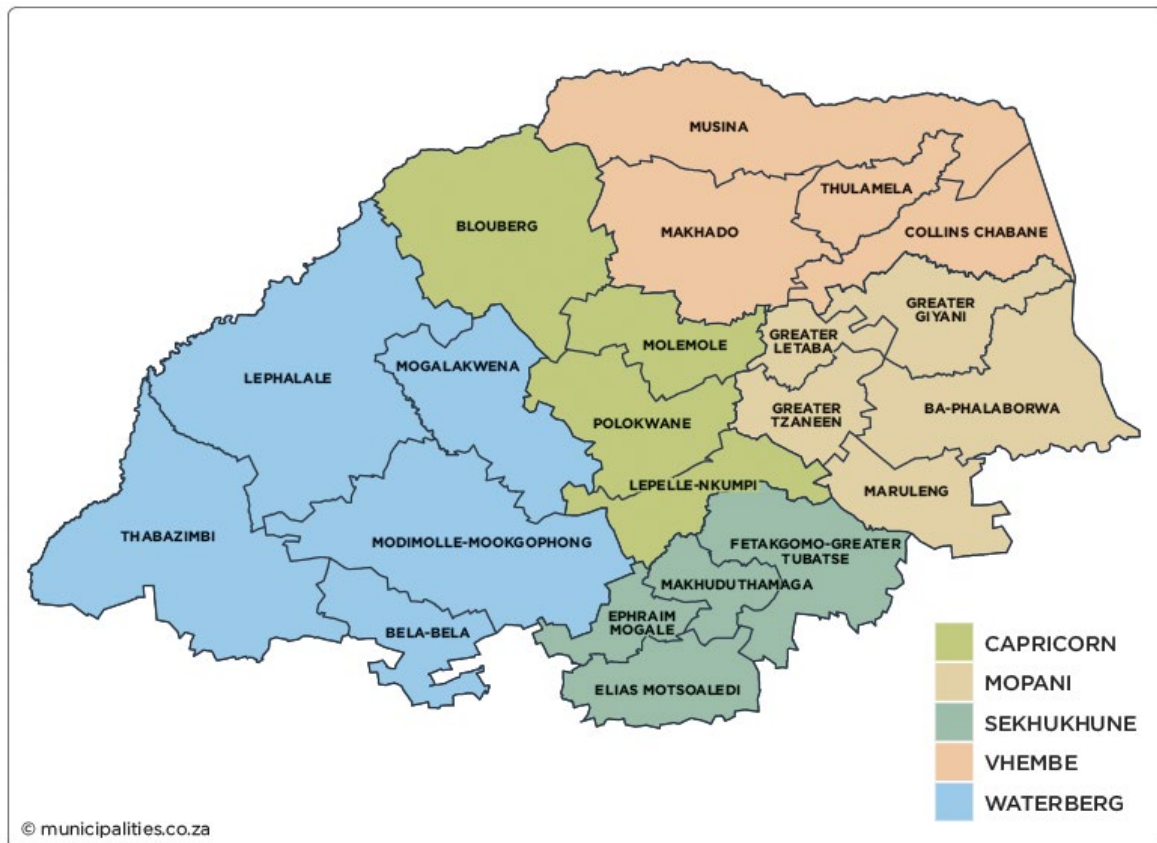


Figure 1: Geographical location of Mogalakwena Local Municipality (source Municipalities of South Africa, <https://municipalities.co.za/provinces/view/5/limpopo>)

The Mogalakwena Local Municipality (MLM) is situated in the Waterberg District Municipality, Central Limpopo.

Assessment: Progressive realization of the right to water in Mogalakwena Local Municipality (MLM)

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 39,733 (<i>Blue Drop</i>) to 378,198 (2022 Census) Population growth rate: 2.1% Sex Ratio: Moderate female majority Dependency: 30.5% under 15; dependency ratio 62.3	
Unemployment	40.2%	
KEY IMPLEMENTATION INDICATORS		
Availability	Dam, groundwater NI% of capacity is used	
Physical Access	No communal source	0
	Communal source +200m	11.4%
	Communal source – 200m	36.5%
	Water source in yard	52.1%
	Piped water in house	36.2%
	Service delivery point/household coverage ratio	0.80
Economic Access	Tariff variation: Residential, business + 7 other categories Tariff structure: Increasing block tariff (4 blocks, R20.42-R43.38) FBW: Indigent only Indigency: 2.1% of service delivery points, decreasing trend	
Adequacy	Media reports on chronic shortages	
Quality	Microbiological compliance	85.9%
	Chemical (acute) compliance	0.0%
	Chemical (chronic) compliance	99.4%
Efficiency	WUE Score: 254 l/p/d (Poor) Non-revenue water: 23%	
REASONABLE MEASURES		
Policy Efforts	No by-law, outdated WSDP, indigent policy in place	
Financial Resources (2024/25)	Budget sufficiency: 100% Revenue coverage: 130% Revenue collection rate: 91% Renewal spending: NI% Maintenance spending rate: 5%	
Human Resources	Blue Drop shortfall: 7 Process Controllers, 0 Supervisors, 4 Technicians, 2 Qualified scientists	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	Political instability	
Water planning issues	-Unreliable statistics -Calibration of Bulk Meters	

	-Submission of DATA on BDS
Funding model	-High levels of unemployment - Operation and maintenance costs are economically unsustainable - Regular chlorination a challenge
Infrastructure issues	-Aged infrastructure causing high water losses -Infrastructure backlogs are still high in most settlements -Full SANS 241 Analysis at Point of Use a challenge - Need to consolidate Water Supply System (WSS's) into one system
Electricity issues	Loadshedding issues
Ecological drivers	- Water quality and reliability remain problematic, especially in rural areas
Consumer issues	- Inadequacy in terms of yields to address the growing demand due to unplanned settlements
Water services intermediaries	- Service Level Agreements with WSP's
Third-party interference	-Allegations of corruption
Intergovernmental coordination	Not mentioned
Scale	6,156km ² 1 WSS, 0 pump stations, 0 km of bulk water supply lines, 0 km of reticulation pipelines and 0 reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	Not mentioned
Low literacy and education levels	No Schooling: 11.2%, higher Education: 8.7%
Infrastructure backlogs	Water services backlog: 23,450 households
Limited yellow fleet	Not mentioned
High vacancy rate	- Shortage of Operational Personnel

Narrative

RIGHTS HOLDERS

Population estimates for the Mogalakwena Local Municipality range from 39 733 (Blue Drop) to 378 198 (Census 2022). The population growth rate of 2.1% is higher than the national average of 1.3%. There is a moderate female majority and 30.5% of the population are under the age of 15. The dependency ratio of 62.3 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 40.2%.

KEY IMPLEMENTATION INDICATORS

The Mogalakwena Local Municipality is authorised to provide water services and does so by operating 1 water treatment work. Raw water is abstracted from, amongst others the Doorndraai Dam and groundwater from various collieries.

In terms of physical access, 52.1% of consumers reportedly have a water connection in their yard, and 36.2% enjoy water piped into their dwellings. Another 36.5% of the population have access to a communal source within 200m of their dwellings, and 11.4% rely on communal sources further than 200m away. The service delivery point/household coverage ratio is 0.8 meaning that the current service delivery points cover 80% of the households counted in the 2022 Census.

The Magalakwena 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 2.1% of service delivery points are covered by the indigency policy. Since 2017, the number of households benefiting from the indigency policy has decreased. The tariff structure (2021/22) shows an increasing block tariff structure (least expensive block is R20.42, most expensive is R43.38). The municipality has 9 tariff categories.

There were some media reports on chronic water services outages. However, there is concern with water quality, with the Mogalakwena Local Municipality reporting microbiological compliance at 85.9% and chemical acute compliance at 0% and chronic at 99.4%.

Water use efficiency is poor. The *Blue Drop* score of >254 l/p/d is poor. According to the 2021/22 Auditor-General report, 23% of all water produced is non-revenue water.

REASONABLE MEASURES

The Mogalakwena Local Municipality does not have a water services by-law and the WSDP is outdated. The municipality does have a valid Indigent Policy.

The Mogalakwena 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 (130%) to cover capital and operational expenditure. The capital budget allocated to

maintenance spend ranged from 3% to 5%. The revenue collection rate has fluctuated between 71% and 110% according to MFMA Schedule C datasets.

There are no 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 7 process controllers, 4 technicians and 2 qualified scientists.

SYSTEMIC DRIVERS OF RIGHTS NON-COMPLIANCE

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

- **Leadership issues:** Political instability.
- **Water planning issues:** This municipality has a number of water planning issues that include unreliable statistics, the calibration of bulk meters and the submission of data on the BDS.
- **Funding model:** The municipality experiences high levels of unemployment. The operation and maintenance costs to supply water are economically unsustainable. Regular chlorination is a challenge to fund.
- **Electricity issues:** There are challenges associated with loadshedding.
- **Infrastructure issues:** The municipality has aged infrastructure that causes high water losses. There are still high infrastructure backlogs. A full SANS 241 analysis shows a Point of Use challenge. There is a need to consolidate the water supply systems into one.
- **Ecological drivers:** Water quality and reliability remain a problem, especially in rural areas.
- **Consumer issues:** There are inadequate supply to meet the growing demand of unplanned settlements.
- **Third-party interference:** Some allegations of corruption.
- **Scale:** Water services in the Mogalakwena Local Municipality are spread out over 6 156 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. The Auditor General: In 2020/21 an update on previous material irregularities were issued. In 2021/22 another three material irregularities were issued. (See details in Table under Oversight).

Expanded Table

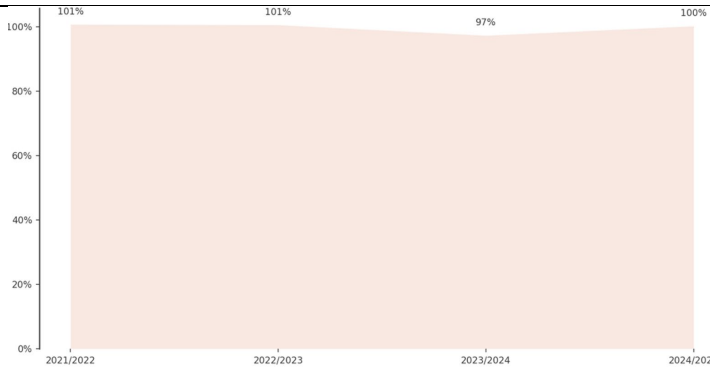
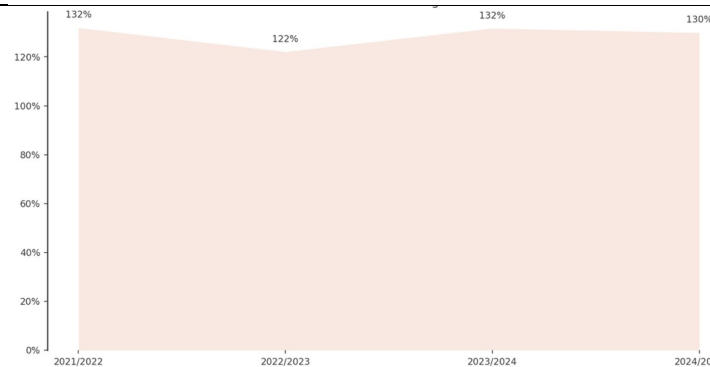
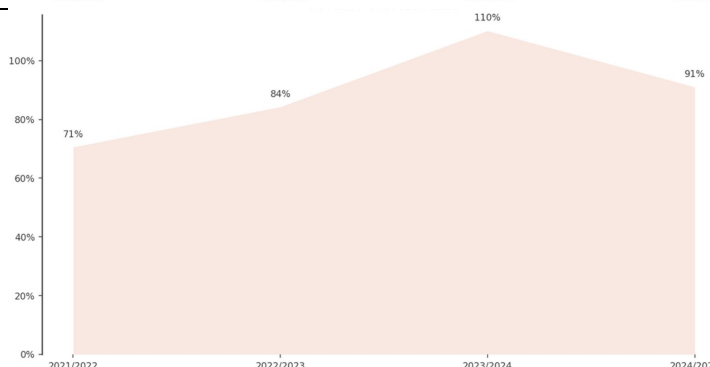
Indicator	Measurement	Sources
Name of the WSA		
Geographical information about the WSA.	Situated in Central Limpopo and part of Waterberg District Municipality.	
Spatial extent	6,156km ²	https://municipalities.co.za/overview/1139/mogalakwena-local-municipality
Municipal wards	32	IDP 2023/24, p. 76
Traditional Authorities	9	IDP 2023/24, p. 188
Is the WSA authorized to provide water services?	yes	IDP 2023/24, p. 132
Is the WSA currently providing water services?	water treatment and distribution	
Method of service provision	self	IDP 2023/24, p. 132
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	39,733 (<i>Blue Drop</i>) 378,198 (2022 Census) 307,682 (IDP)	2023 <i>Blue Drop Report</i> , p. 262-263; https://municipalities.co.za/demographic/1139/mogalakwena-local-municipality IDP 2023/24, p. 74
Number of households (Census 2022)	109,294	https://municipalities.co.za/demographic/1139/mogalakwena-local-municipality
Number of domestic household service delivery points (2021/2022) (<i>Non-Financial Census of Municipalities</i>)	87,811	https://municipalities.co.za/services/1139/mogalakwena-local-municipality
Ratio service delivery points / households	0.80	

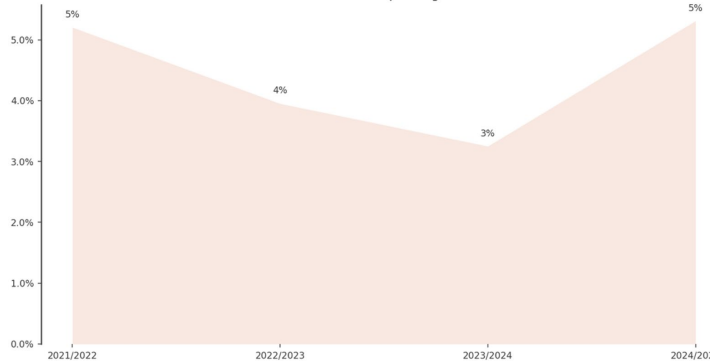
Number of non-domestic consumers	2,071	https://municipalities.co.za/services/1139/mogalakwena-local-municipality
Males per 100 females	91.3	https://municipalities.co.za/demographic/1139/mogalakwena-local-municipality
Gender Split	47.7% Male 52.3% Female	
Population growth rate per annum	2.10%	https://municipalities.co.za/demographic/1139/mogalakwena-local-municipality
Education	No Schooling: 11.2% Higher Education: 8.7%	https://municipalities.co.za/demographic/1139/mogalakwena-local-municipality
Financial capacity		
Economically active population (15-64)	61.6%	https://municipalities.co.za/demographic/1139/mogalakwena-local-municipality
Unemployment rate (2011)	40.2%	IDP 2023/24, p. 80
Dependency rate	62.3	https://municipalities.co.za/demographic/1139/mogalakwena-local-municipality
Population under 15	30.5%	https://municipalities.co.za/demographic/1139/mogalakwena-local-municipality
Universal FBW Allowance	no	IDP 2023/24 p. 147
Number of service delivery points receiving FBW: 2021/22	1,836	https://municipalities.co.za/services/1139/mogalakwena-local-municipality
Percentage of FBW service delivery points	2.1%	
Increase/decrease of FBW 2017/2018 – 2021/2022	2,591 to 1,836 Decrease	https://municipalities.co.za/services/1139/mogalakwena-local-municipality

Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	s 138: 2 triggers		NT Municipalities Meeting Criteria, item 157
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?	No		NT Municipalities Meeting Criteria, item 157
Is the municipality currently subject to a provincial intervention?	According to AGSA: no According to Municipalities.co.za : yes, since Jan 2020		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 data		2023 Blue Drop Report p. 261
Volume of authorized/(unauthorized) water abstraction?	No data		2023 Blue Drop Report p. 261
How many water treatment plants are in the WSA's water services network?	Mogalakwena WSA manages 1 WSS, 0 pump stations, 0 km of bulk water supply lines, 0 km of reticulation pipelines and 0 reservoirs. Total design capacity – no data available		2023 Blue Drop Report, p.250, 259-260, p. 281

	Available capacity – no data available. Average production – no data available Capacity used – no data available 2023 <i>Blue Drop</i> critical risk: 0		
How many biophysical water sources does this WSA have access to?	River ☐ Dam ☒ Saltwater ☐ Groundwater ☒ 		2023 <i>Blue Drop Report</i> , p.281
Names of rivers and dams	Doorndraai Dam		2023 <i>Blue Drop Report</i> , p. 281
How many infrastructure water sources does this WSA have?	Water reclamation ☐ Desalination ☐ From natural source ☒		IDP 2023/24, p. 101-102
Political Stability			
Is there a coalition government?	No ANC 42, EFF 13, DA 5, VF PLUS 2, APC 1, PAC 1		https://municipalities.co.za/management/1139/mogalakwena-local-municipality
Has there been mayoral instability in the last 5 years?	Overall, the WSA has experienced leadership instability. The SIU made several recommendations which must be implemented to combat corruption in the WSA. There have been at least five mayors in less than five years. In addition, the MM position has also been contested on more than one occasion. - https://www.capricornfm.co.za/siu-recommendations-on-mogalakwena-municipality-will-be-implemented-mayor/ - https://www.sabcnews.com/sabcnews/mogalakwena-municipality-appeals-to-set-aside-the-appointment-of-manager/ - https://www.sowetanlive.co.za/news/south-africa/2022-09-13-high-court-declares-malulekes-appointment-as-mogalakwena-municipal-manager-unlawful/#google_vignette - https://www.news24.com/citypress/news/5-mayors-in-less-than-5-years-20160802		
MM/CFO Vacancy Snapshot	AGSA Website Based Report 2022/23 Is the council established? Yes Council instability the previous year? No MM vacancy at the end of the year? No Number of months the MM has been in position. 22 Months CFO vacancy at the end of the year? No		

	Number of months the CFO has been in position.	17 Months	
Policy Efforts			
Water By-law			
Is there a water by-law?	no		By-law
Citation of by-law	None		WJT Verification
Mark with “yes” if the by-law makes provision for the following:	Matters incidental to providing water services to residents,		
	including communal sources		
	Protecting water supply systems.		
	Prohibiting wasting water		
	Prohibiting illegal connections		
	Sets out standards for water installations and maintaining water infrastructure		
	The installation and upkeep of fire extinguishing systems		
	How service charges are calculated and levied		
	Measures to ensure the quality of potable water		
	Preventing water pollution		
	Anything else?		
Water Services Development Plan			
Is there a water services development plan?	Not approved (A draft is available)		IDP 2021/2022, p 79
The validity duration of the plan (which years)	3 years Last reviewed 2016		
General Policy Framework			
Is there an Indigent Policy?	yes		Indigent Policy
IDP			
Water services issues identified in the IDP	Water quality and reliability remain problematic, especially in rural areas. Operation and maintenance costs are economically unsustainable. Inadequacy in terms of yields to address the growing demand due to un-planned settlements. Borehole sources are not supposed to be the only abstraction points upon which a municipality relies on–		IDP 2023/24, p 132-5

	instead, it should serve as a supplementary supply to a bulk water supply system. Full SANS 241 Analysis at Point of Use. Shortage of Operational Personnel. Consolidating Water Supply System (WSS's) into one system Regular chlorination. Drinking Water Quality Publication Performance. Service Level Agreements with WSP's Calibration of Bulk Meters Submission of DATA on BDS Electricity loadshedding Water services backlog: 23,450 households											
Resource Efforts												
Financial Resources												
Budget sufficiency (total budget revenue (excl. capital transfers)/ total budgeted OPEX) x 100	 <table><thead><tr><th>Period</th><th>Budget sufficiency (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>101%</td></tr><tr><td>2022/2023</td><td>101%</td></tr><tr><td>2023/2024</td><td>97%</td></tr><tr><td>2024/2025</td><td>100%</td></tr></tbody></table>	Period	Budget sufficiency (%)	2021/2022	101%	2022/2023	101%	2023/2024	97%	2024/2025	100%	MFMA Section 71 Schedule C 2021 to 2025 Reports
Period	Budget sufficiency (%)											
2021/2022	101%											
2022/2023	101%											
2023/2024	97%											
2024/2025	100%											
Revenue coverage % (Total budgeted revenue (incl. capital transfers) / total budgeted CAPEX+ OPEX) x 100	 <table><thead><tr><th>Period</th><th>Revenue coverage (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>132%</td></tr><tr><td>2022/2023</td><td>122%</td></tr><tr><td>2023/2024</td><td>132%</td></tr><tr><td>2024/2025</td><td>130%</td></tr></tbody></table>	Period	Revenue coverage (%)	2021/2022	132%	2022/2023	122%	2023/2024	132%	2024/2025	130%	MFMA Section 71 Schedule C 2021 to 2025 Reports
Period	Revenue coverage (%)											
2021/2022	132%											
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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>71%</td></tr><tr><td>2022/2023</td><td>84%</td></tr><tr><td>2023/2024</td><td>110%</td></tr><tr><td>2024/2025</td><td>91%</td></tr></tbody></table>	Period	Revenue collection rate (%)	2021/2022	71%	2022/2023	84%	2023/2024	110%	2024/2025	91%	MFMA Section 71 Schedule C 2021 to 2025 Reports
Period	Revenue collection rate (%)											
2021/2022	71%											
2022/2023	84%											
2023/2024	110%											
2024/2025	91%											

Maintenance spending rate % (Total maintenance expenditure / total revenue collected) x 100				MFMA Section 71 Schedule C 2021 to 2025 Reports
Infrastructure Resources				
Current infrastructure value	192,218,000			Budget, Sheet A9, Item 138, Adjusted Budget 20/21
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	0 (0 supervisory, 0 technical)			2023 Blue Drop Report; p. 255, 257
Supervisor Staff/WTW Ratio	0.0			2023 Blue Drop Report, p. 255
Technical Staff/WTW Ratio	0.0			2023 Blue Drop Report, p. 257
Staff Shortfall	7 Process Controllers 0 Supervisor 4 Technicians 2 Qualified scientists			2023 Blue Drop Report, p. 255, 257
Vacancies as a percentage of the total staff (municipality-wide)	No information			WJT Verification
Implementation				
Physical Access				
Physical access to water, number of consumers, and percentage of total consumers. [households]	Communal source +200m	9,998	11.4%	Mogalakwena Local Municipality - Services
	Communal source – 200m	32,030	36.5%	
	Water source in yard	45,783	52.1%	
		87,811		
Piped water inside dwelling	36.2%			Mogalakwena Local Municipality - Demographic
Economic Access				
Economic access to water.	Free basic water for all	☐		Tariff Policy 2011
	Free basic water for Indigent	☒		
	Cross subsidy	☐		
	Prepaid	☐		
Step tariff for households in rand excl VAT. For 2021/22	0 < 10kl	20,42		Municipal Tariffs Combined 2021/22, para 5
	11kl < 50kl	21,67		
	51kl < 100kl	26,07		

	101kl <	43,38	
Categories of water use:	- Domestic use - Business use - Flats use - Industrial use - Hospitals use - Schools, churches, hostels and sports clubs - Departmental		Municipal Tariffs Combined 2021/22, para 5
Tariffs for schools.	Flat rate of R 21,67 p/kl.		Municipal Tariffs Combined 2021/22, para 5
Notes.	This is the same tariff for businesses, industries, flats and departments.		
Tariffs for clinics	Flat rate of R 20,42 p/kl.		Municipal Tariffs Combined 2021/22, para 5
Do schools and clinics have access to water on their premises.	- 8 Educational facilities have no services. - 4 Educational facilities have access to inadequate services. - 22 Health facilities have access to 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		Section 80 reports and WSIG report, WJT Verification
Number of unplanned interruptions in 2022/23	Sudden breakdowns		No information
	Average duration		
	Emergencies, not due to poor maintenance		
Media reports on outages:	Media reports show that many problems are experienced by the community. It would appear that the WSA is only able to pump water to some of its residents on certain days. The report refers to "chronic" shortages. A collaboration with NECXON Systems had the WSA access to a Battery Energy Storage System to mitigate the risk of reservoirs running dry due to power outages. - https://www.news24.com/citypress/news/mogalakwena-looted-and-robbed-blind-20230430 - https://www.itnewsafrika.com/2023/07/necxon-systems-ensures-water-supply-stability-in-collaboration-with-lwua/		
Quality			
What is the WSA's blue drop score?	2023: 40.9% 2011: 0.0%		2023 <i>Blue Drop Report</i> , p. 281
Blue Drop Score Improved/Deteriorated (2011-2023)	Improved		

Blue Drop microbiological compliance score	85.9% (0 Excellent WTWs; 1 Unacceptable WTW)	2023 <i>Blue Drop Report</i> , p. 264
Blue Drop chemical (acute) compliance score	0.0% (0 Excellent WTWs; 1 Unacceptable WTW)	2023 <i>Blue Drop Report</i> , p. 265
Blue Drop chemical (chronic health) compliance score	99.4% (1 Excellent WTW; 0 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 265
Does the WSA have a contract with the lab to test water samples?	SLA is available with Lepelle Northern Water	WJT Verification
<i>Green Drop</i> Risk Rating	Critical Risk	2023 <i>Green Drop Report</i> , p. 296
Efficiency		
Blue Drop Water Use Efficiency Score	254 l/p/d (Poor)	2023 <i>Blue Drop Report</i> , p. 262-263
No Drop Score 2021/22	2%	2023 <i>No Drop Report</i> , p. 177
Amount of non-revenue water in liters and in rands value.	R9.02 million Equivalent to 23% of all water flowing through municipal pipelines	https://mfma-2024.agsareports.co.za/municipality/5-mogalakwena
Main reasons for water losses.	WD/WCM Strategy, Planning and Implementation Asset Management Technical Skills Compliance and Performance	2023 <i>No Drop Report</i> , p. 177
Oversight		
Department of Water and Sanitation		
<i>Blue Drop</i> actions	None	2023 <i>Blue Drop Report</i> , p. 281
<i>Green Drop</i> actions	None	2023 <i>Green Drop Report</i> , p. 296
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,	Paras 47, 48, 50, 71, 78-102, 142

	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.	
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 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.	Paras 25 and 21
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. 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	Findings: • The Mogalakwena Local Municipality acknowledged that it is not providing water to all communities within its jurisdiction, for example, Ga-Mushi and other villages. • <i>The Commission finds that the Municipality does not comply with the Water Services Act and Compulsory Standards.</i> Recommendations: • The Commission recommends that the Municipality must develop and submit a detailed schedule of how communities will be provided with water within three (3) months after the receipt of this report. • The Municipality must provide the Commission with a detailed plan with timeframes within three (3) months after the receipt of the report, on how it will provide water to every resident within its jurisdiction in line with the Water Services Act and the 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		
Auditor General 2020/21: Update on material irregularities	The AO instituted a preliminary investigation into the matter on 12 February 2020. The preliminary investigation revealed that two officials were directly involved. The municipality issued letters of suspension in May 2020 for the duration of the investigation. The formal investigation was concluded in August 2020, which identified the responsible officials and recommended that they be charged for financial misconduct. The two officials implicated have both resigned in the process of disciplinary actions which had commenced in March 2021. As a result, the disciplinary proceedings were withdrawn. The recovery process has commenced through the court. According to the report appropriate action is being taken to resolve the MI.	AGSA Status of Material Irregularities in National, Provincial and Local Government for 15 April 2022, p 54
Auditor General 2021/22	Issued 3 Material Irregularities	
	At Mogalakwena Local Municipality, we could not obtain evidence that payments to water tankering service providers were for water delivered to communities, resulting in a likely financial loss of R11,36 million. We notified the municipal manager of a material irregularity on this matter.	

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 *Integrated Development Plan 2023/24*
- Municipality *Indigent Policy 2011*
- Municipality *Municipal Tariffs Combined 2021/22*