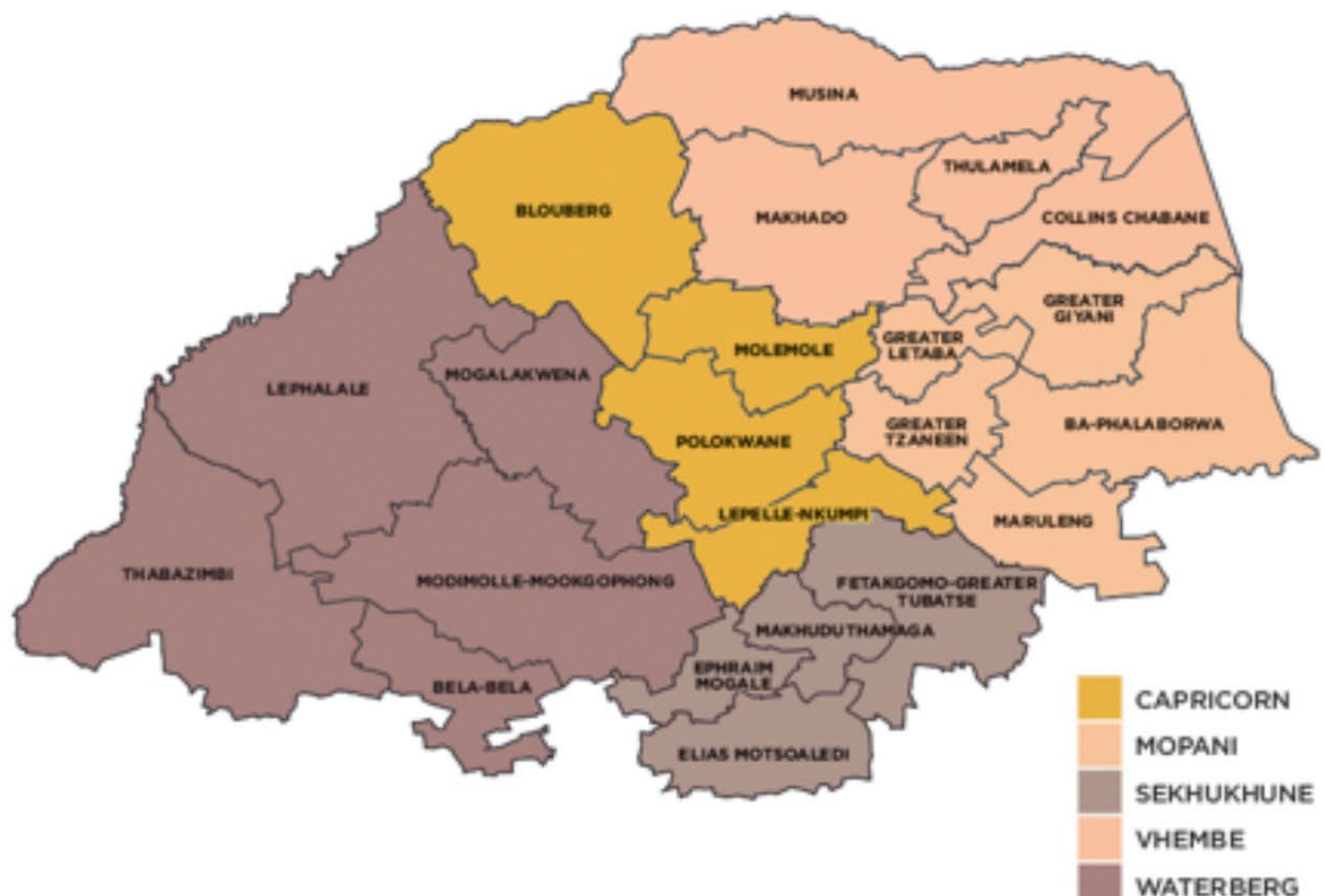


WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

POLOKWANE LOCAL MUNICIPALITY



OCTOBER 2026

Table of Contents

Map	3
Assessment: Progressive realization of the right to water in Polokwane Local Municipality (PLM).....	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	15
Adequacy	15
Quality.....	16
Efficiency	16
Oversight	17
Department of Water and Sanitation	17
Judicial Oversight	17
SAHRC Reports	18
Legislature Oversight.....	20
Other Oversight Institutions.....	20
Sources:.....	20

Map

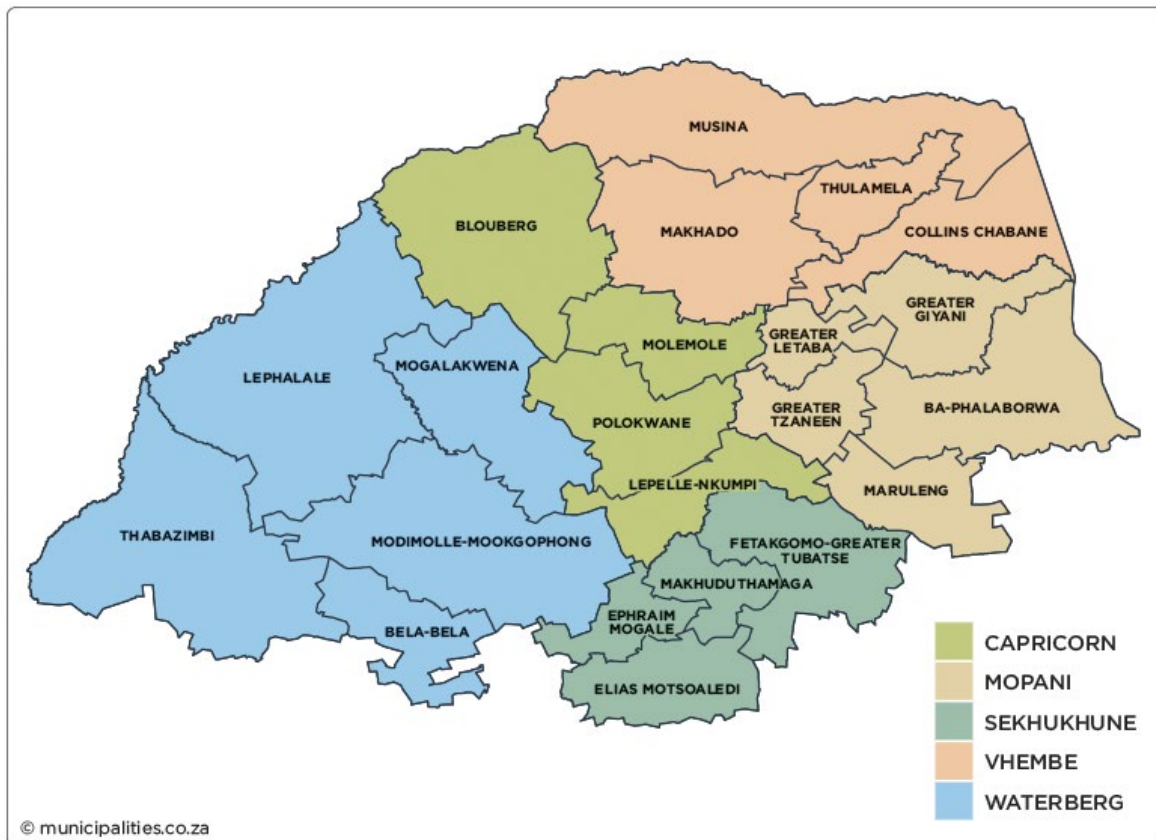


Figure 1: Geographical location of Polokwane Local Municipality (source Municipalities of South Africa, <https://municipalities.co.za/Provinces/view/5/limpopo>)

The Polokwane Local Municipality is situated in the Capricorn District Municipality. It is also the capital city of Limpopo.

Assessment: Progressive realization of the right to water in Polokwane Local Municipality (PLM)

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 498,999 (<i>Blue Drop</i>) to 859,671 (IDP) Population growth rate: 1.4% Sex Ratio: Moderate female majority Dependency: 28.1% under 15; dependency ratio 53.6	
Unemployment	20.7%	
KEY IMPLEMENTATION INDICATORS		
Availability	River water, dam, groundwater 15% of capacity is used	
Physical Access	No communal source	0
	Communal source +200m	19.4%
	Communal source – 200m	7.9%
	Water source in yard	72.7%
	Piped water in house	41.4%
	Service delivery point/household coverage ratio	0.82
Economic Access	Tariff variation: Residential, business, schools, mining, government Tariff structure: Increasing block tariff (6 blocks, R9.68-R31.85) FBW: Indigent only Indigency: 0.3% of service delivery points, decreasing trend	
Adequacy	No official information, media reports of inconsistent water and power supply	
Quality	Microbiological compliance	99.8%
	Chemical (acute) compliance	66.3%
	Chemical (chronic) compliance	99.4%
Efficiency	WUE Score: 199 l/p/d (Good) Non-revenue water: 24%	
REASONABLE MEASURES		
Policy Efforts	By-law, Indigent Policy and Register, WSDP	
Financial Resources (2024/25)	Budget sufficiency: 101% Revenue coverage %: 113% Revenue collection rate: 92% Renewal spending: 9% Maintenance spending rate: 15%	
Human Resources	<i>Blue Drop</i> shortfall: 1 Process Controller, 0 Supervisor, 1 Technician, 2 Qualified scientists	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	-Lack of enforcement of regulations/bylaws	
Water planning issues	-Unreliable statistics -Lack of maintenance plans	

Funding model	-Lack of cost recovery in rural areas -Limited operation and maintenance of infrastructure due to shortage of funds - Lack of smart metering systems
Infrastructure issues	- Aging water infrastructure - Unapproved technical reports
Electricity issues	Not mentioned
Ecological drivers	-Lack of sustainable water sources for current and future demand -Over reliance on boreholes in rural areas with risk of contaminating ground water by pit latrines - Drought effects on surface water resources such as Molepo dam
Consumer issues	-Illegal extension of houses has an impact on demand
Water services intermediaries	Not mentioned
Third-party interference	-Allegations of corruption, fraud and mismanagement -Theft and vandalism
Intergovernmental coordination	-Uncoordinated allocation of new settlement in rural areas by traditional authorities has a major impact on municipal planning and budgeting
Scale	5,054km ² 7 WTWs, 4 pump stations, 195 km of bulk water supply lines, 1,101km of reticulation pipelines and 158 reservoirs - Vast distances and scattered settlements
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	Not mentioned
Low literacy and education levels	No Schooling: 6.6%, higher Education: 16.8%
Infrastructure backlogs	
Limited yellow fleet	Very limited yellow fleet to mend the Municipality's gravel roads and maintain water and sanitation infrastructure
High vacancy rate	Not mentioned

Narrative

RIGHTS HOLDERS

Population estimates for the Polokwane Local Municipality range from 498 999 (Blue Drop) to 859 671 (IDP). The population growth rate of 1.4% is higher than the national average of 1.3%. There is a moderate female majority and 28.1% of the population are under the age of 15. The dependency ratio of 53.6 is higher than the reported national 2024 average of 48.4 and the global average of 58.4.¹ There is a moderate rate of unemployment (expanded definition) at 20.7%.

KEY IMPLEMENTATION INDICATORS

The Polokwane Local Municipality is authorised to provide water services and does so by operating 7 water treatment works. Raw water is abstracted from, amongst others the Tudumo, Olifants River, Ebenezer Dam, Hout River, Seshego Dam, Chuniespoort Dam, and Molepo Dam and groundwater from various collieries.

In terms of physical access, 72.7% of consumers reportedly have a water connection in their yard, and 41.4% enjoy water piped into their dwellings. Another 7.9% of the population have access to a communal source within 200m of their dwellings, and 19.40% rely on communal sources further than 200m away. The service delivery point/household coverage ratio is 0.82 meaning that the current service delivery points cover 82% of the households counted in the 2022 Census.

The Polokwane 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 0.3% of service delivery points (which is extremely low) 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 R9.68, most expensive is R31.85). The municipality has 5 tariff categories.

There were some media reports on inconsistent water and power supply. However, there is minor concern with water quality, with the Mogalakwena Local Municipality reporting microbiological compliance at 99.8% and chemical acute compliance at 66.30% and chronic at 99.40%.

Water use efficiency is good. The *Blue Drop* score of >199 l/p/d is good. According to the 2021/22 Auditor-General report, 24% of all water produced is non-revenue water.

REASONABLE MEASURES

The Polokwane Local Municipality has a water services by-law, and Indigent Policy and a WSDP.

The Polokwane Local Municipality's financial indicators between 2021/22 and 2024/25 show that the municipality's own revenue is just enough (101%) to cover its operational expenditure budget. The municipality's total income, which includes intergovernmental transfers, is enough (113%) to cover capital and operational expenditure. The capital budget allocated to renewal of assets ranged from 4% to 11% maintenance spend ranged from 14% to 16%. The revenue collection rate has fluctuated between 113% and 123% according to MFMA Schedule C datasets.

There are 14 staff employed in water treatment, and 418 people working for the water and sanitation department. According to the latest *Blue Drop* report, there is a staff shortfall of 1 process controller, 1 technician and 2 qualified scientists.

SYSTEMIC DRIVERS OF RIGHTS NON-COMPLIANCE

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

- **Leadership issues:** Lack of enforcing bylaws.
- **Water planning issues:** This municipality has a number of water planning issues that include unreliable statistics and a lack of maintenance plans.
- **Funding model:** There is a lack of cost recovery in rural areas and limited operation and maintenance of infrastructure due to a shortage of funds. Additionally there is a lack of smart metering systems.
- **Electricity issues:** None mentioned.
- **Infrastructure issues:** The municipality has aging water infrastructure and unapproved technical reports.
- **Ecological drivers:** There are not enough sustainable water sources to meet the current and future demand. The municipality overly relies on boreholes in rural areas with an accompanying risk of contaminating ground water by pit latrines. Droughts also affect surface water such as Molepo Dam.
- **Consumer issues:** Illegal extensions of houses have an adverse impact on demand.
- **Third-party interference:** There are some allegations of corruption, fraud and mismanagement. In addition, the municipality experience frequent instances of vandalism and theft of water infrastructure.
- **Scale:** Water services in the Polokwane Local Municipality are spread out over 5 054 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).

Expanded Table

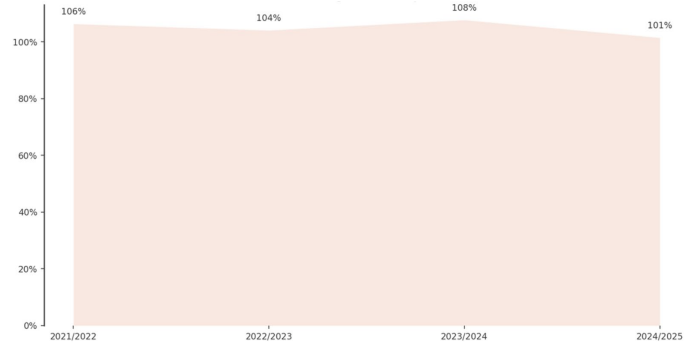
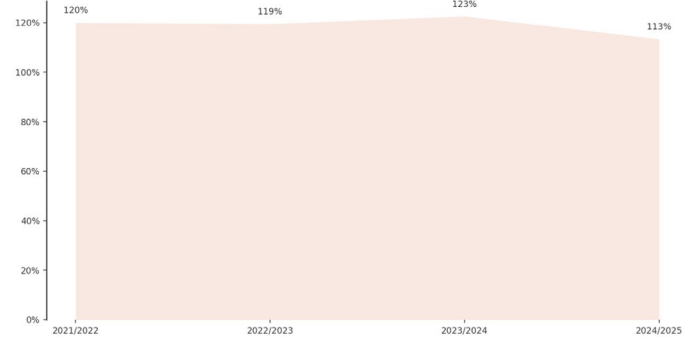
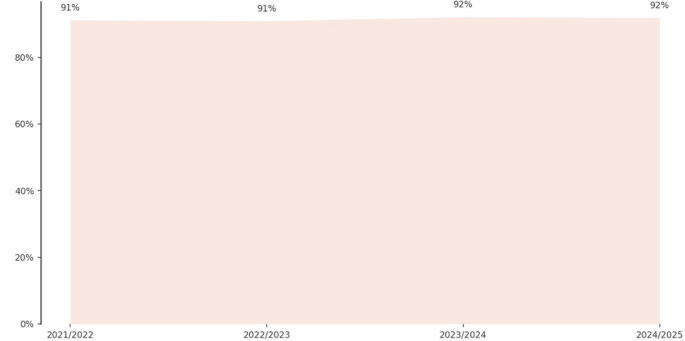
Indicator	Measurement	Sources
Name of the WSA		
Geographical information about the WSA.	Central Limpopo, part of Capricorn District Municipality. Capital city of Limpopo.	
Spatial extent	5,054km ²	https://municipalities.co.za/overview/1121/polokwane-local-municipality
Municipal wards	45	IDP 2023/24, p 1131
Traditional authorities	14	IDP 2023/24, p 87
Is the WSA authorized to provide water services?	yes	IDP 2023/24, p282
Is the WSA currently providing water services?	both water treatment and tap water	IDP 2023/24, p 282
Method of service provision	Self	IDP 2023/24, p 282
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/	This is a provincial indicator. So, it will remain the same for each WSA in the same province.
Demographics		
Population	498,999 (<i>Blue Drop</i>) 843,459 (2022 Census) 859,671 (IDP)	2023 <i>Blue Drop Report</i> , p. 262-263; https://municipalities.co.za/demographic/1121/polokwane-local-municipality IDP 2023/24, p. 211
How many households? (census 2022)	249,443	https://municipalities.co.za/demographic/1121/polokwane-local-municipality
Number of domestic household service delivery points (2021/2022) (<i>Non-Financial Census of Municipalities</i>)	203,554	https://municipalities.co.za/services/1121/polokwane-local-municipality
Ratio	0.82	

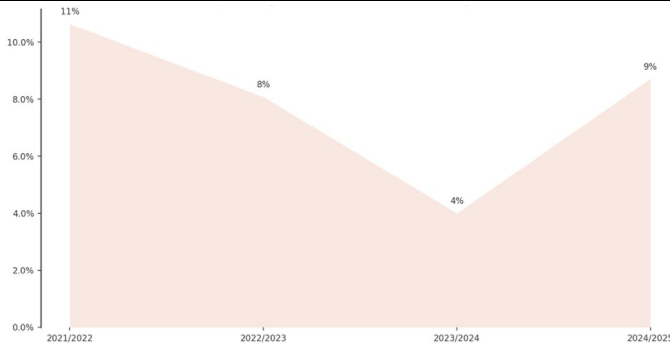
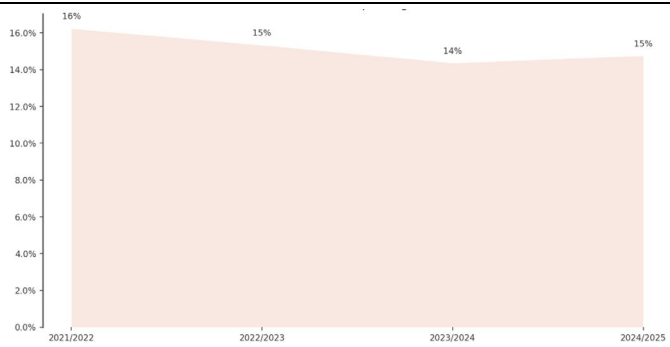
Number of non-domestic consumers	3,849	https://municipalities.co.za/services/1121/polokwane-local-municipality	
Males per 100 females	93.2	https://municipalities.co.za/demographic/1121/polokwane-local-municipality	
Gender split	48.2% Male 51.8% Female		
Population growth rate per annum	1.4%	https://municipalities.co.za/demographic/1121/polokwane-local-municipality	
Education	No Schooling: 6.6% Higher Education: 16.8%	https://municipalities.co.za/demographic/1121/polokwane-local-municipality	
Financial capacity			
Economically active population (15-64)	65.1%	https://municipalities.co.za/demographic/1121/polokwane-local-municipality	
Unemployment rate	20.7%	IDP 2023/24, p 240	
Dependency rate	53.6	https://municipalities.co.za/demographic/1121/polokwane-local-municipality	
Population under 15	28.1%	https://municipalities.co.za/demographic/1121/polokwane-local-municipality	
Universal FBW Allowance	no	IDP 2023/24, p 286	
Number of service delivery points receiving FBW: 2021/22	6,804	https://municipalities.co.za/services/1121/polokwane-local-municipality	
Percentage of FBW service delivery points	0.3%		
Increase/decrease of FBW 2017/2018 – 2021/2022	7,820 to 6,804 Decrease	https://municipalities.co.za/services/1121/polokwane-local-municipality	
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	s 138: 2 triggers	NT Municipalities Meeting Criteria, item 151	
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 151
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?	200 – 300mm		WeatherSA, Historical Rain map
Water abstraction authorized?	No		2023 <i>Blue Drop Report</i> p. 261
Volume of authorized/(unauthorized) water abstraction?	(2,209 kl/d)		2023 <i>Blue Drop Report</i> p. 261
How many water treatment plants are in the WSA's water services network?	Polokwane WSA manages 7 WSSs, 4 pump stations, 195 km of bulk water supply lines, 1,101 km of reticulation pipelines and 158 reservoirs. Total design capacity is 14.8 MI per day. 14.8 MI of capacity is available. Average production: 2.2 MI per day 15% of capacity is used		2023 <i>Blue Drop Report</i> , p.250, 259-260, p. 285

	2023 <i>Blue Drop</i> critical risk: 0			
How many biophysical water sources does this WSA have access to?	River	☒		2023 <i>Blue Drop Report</i> , p. 285
	Dam	☒		
	Saltwater	☐		
	Groundwater	☒		
Names of rivers and dams	Tudumo, Olifants River, Ebenezer Dam, Hout River, Seshego Dam, Chuniespoort Dam, and Molepo Dam			2023 <i>Blue Drop Report</i> , p. 285
How many infrastructure water sources does this WSA have?	Water reclamation	☐		IDP 2023/24, p 285
	Desalination	☐		
	From natural source	☒		
Political Stability				
Is there a coalition government?	No ANC 57, EFF 20, DA 7, VF PLUS 2, ABC 1, ACDP 1, COPE 1, MSM 1			https://municipalities.co.za/management/1121/polokwane-local-municipality
Has there been mayoral instability in the last 5 years?	Media reports show that the WSA has had problems with corruption, fraud and mismanagement, but that action has been taken against some of the perpetrators. The same mayor has been in office since 2021. - https://www.citizen.co.za/news/polokwane-municipality-suspends-two-officials-may-2023/ - https://www.citizen.co.za/news/polokwane-municipality-fraud-corruption-irregular-expenditure-latest/ - https://www.news24.com/news24/southafrica/news/polokwane-municipality-suspends-two-top-officials-after-forensic-report-implicates-them-in-corruption-20230617 - https://www.iol.co.za/pretoria-news/news/john-mpe-sworn-in-as-polokwane-mayor-62210b1b-53b7-43d7-8c88-697bfd7d810			
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.	n/a		
	CFO vacancy at the end of the year?	No		
	Number of months the CFO has been in position.	58		

Policy Efforts			
Water By-law			
Is there a water by-law?	yes		By-law
Citation of by-law	MN 196 in PG 1937 of 14 June 2011		By-law
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	yes	
	Sets out standards for water installations and maintaining water infrastructure	yes	
	The installation and upkeep of fire extinguishing systems	yes	
	How service charges are calculated and levied	yes	
	Measures to ensure the quality of potable water	yes	
	Preventing water pollution	yes	
	Anything else?		
Water Services Development Plan			
Is there a water services development plan?	Referred to in the IDP		IDP 2023/24, p. 1062
The validity duration of the plan (which years)	Unknown		
General Policy Framework			
Is there an Indigent Policy?	yes		Indigent Policy 2021/22
IDP			
Water services issues identified in the IDP	Lack of sustainable water sources for current and future demand. Over reliance on boreholes in rural areas with risk of contaminating ground water by pit latrines Lack of cost recovery in rural areas Aging water infrastructure		IDP 2023/24, p 305-306

	Uncoordinated allocation of new settlement in rural areas by traditional authorities has a major impact on municipal planning and budgeting Lack of maintenance plans Limited operation and maintenance of infrastructure due to shortage of funds Theft and vandalism Illegal extension of houses has an impact on demand Lack of smart metering systems Unapproved technical reports Lack of enforcement of regulations/bylaws Drought effects on surface water resources such as Molepo dam Vast distances and scattered settlements											
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>106%</td></tr><tr><td>2022/2023</td><td>104%</td></tr><tr><td>2023/2024</td><td>108%</td></tr><tr><td>2024/2025</td><td>101%</td></tr></tbody></table>	Period	Budget sufficiency (%)	2021/2022	106%	2022/2023	104%	2023/2024	108%	2024/2025	101%	MFMA Section 71 Schedule C 2021 to 2025 Reports
Period	Budget sufficiency (%)											
2021/2022	106%											
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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>120%</td></tr><tr><td>2022/2023</td><td>119%</td></tr><tr><td>2023/2024</td><td>123%</td></tr><tr><td>2024/2025</td><td>113%</td></tr></tbody></table>	Period	Revenue coverage (%)	2021/2022	120%	2022/2023	119%	2023/2024	123%	2024/2025	113%	MFMA Section 71 Schedule C 2021 to 2025 Reports
Period	Revenue coverage (%)											
2021/2022	120%											
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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>91%</td></tr><tr><td>2022/2023</td><td>91%</td></tr><tr><td>2023/2024</td><td>92%</td></tr><tr><td>2024/2025</td><td>92%</td></tr></tbody></table>	Period	Revenue collection rate (%)	2021/2022	91%	2022/2023	91%	2023/2024	92%	2024/2025	92%	MFMA Section 71 Schedule C 2021 to 2025 Reports
Period	Revenue collection rate (%)											
2021/2022	91%											
2022/2023	91%											
2023/2024	92%											
2024/2025	92%											

Capital budget allocated to renewal of existing assets (Amount allocated to renewal / Total capital budget) x 100				MFMA Section 71 Schedule C 2021 to 2025 Reports
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	2,034149.000			Budget, Sheet A9, Item 138, Adjusted Budget 20/21
Human and Skills Resources				
Total number of staff employed in the water services provision department.	418 positions, only 306 filled			WJT Verification
Total number of staff employed in water treatment	14 (11 supervisory, 3 technical)			2023 Blue Drop Report; p. 257
Supervisor Staff/WTW Ratio	7.0			2023 Blue Drop Report, p. 255
Technical Staff/WTW Ratio	0.4			2023 Blue Drop Report, p. 257
Staff Shortfall	1 Process Controller 0 Supervisors 1 Technician 2 Qualified scientists			2023 Blue Drop Report, p. 255, 257
Vacancies as a percentage of the total staff (municipality-wide)	112% 26%			WJT Verification
Implementation				
Physical Access				
Physical access to water, number of consumers, and percentage of total consumers. [households]	Communal source +200m	39 450	19.4%	Polokwane Local Municipality - Services
	Communal source – 200m	16 170	7.9%	
	Water source in yard	147 934	72.7%	
Piped water inside dwelling	41.4%			Polokwane Local Municipality - Demographic

Economic Access				
Economic access to water.	Free basic water for all	☐		IDP 2023/24, p 286
	Free basic water for Indigent	☒		
	Cross subsidy	☐		
	Prepaid	☐		
	All residents in rural water schemes receive free basic water, but only indigents receive free water services in urban water schemes.			IDP 2023/24, p 286
Step tariff for households in rand excl VAT. For 2021/22	0 < 5kl	R 9.68		Final Approved Tariffs 2021/22, p 15
	6kl < 15kl	R 15.22		
	16kl < 30kl	R 16.61		
	31kl < 50kl	R 22.15		
	51kl < 100kl	R 26.31		
	101kl <	R 31.85		
Categories of water use:	- Domestic use - Industrial use - Silicon smelters - Department of public works the Airforce base - Dalmada water cooperation and Broadlands - Schools and hostels - Potgietersrus Platinums Limited - Kolobe Civils and Plumbing - Businesses, commercial and other customers			Final Approved Tariffs 2021/22, p 15
Tariffs for schools.	Flat rate of R 22.15 per kl.			Final Approved Tariffs 2021/22, p 17
Notes.				
Tariffs for clinics	0 < 30kl	R 22.15		Final Approved Tariffs 2021/22, p 17
	31kl < 50kl	R 29.08		
	51kl < 100kl	R 33.24		
	101kl <	R 37.39		
Notes.	Assuming it falls within the “Businesses, commercial and other customers” category.			Final Approved Tariffs 2021/22, p 17
Do schools and clinics have access to water on their premises.	14 Health facilities with inadequate access to water			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 official information, some media reports about inconsistent water supply and power outages			
Number of unplanned interruptions in 2022/2023	Sudden breakdowns			
	Average duration			
	Emergencies, not due to poor maintenance			

Media reports on outages:	Some media reports show that the WSA has struggled to complete essential water infrastructure construction projects. Others show that communities have complained and protested about inconsistent water supply and power outages. - https://www.actionsa.org.za/actionsa-vows-to-hold-polokwane-mayor-to-account-for-delayed-water-projects-following-oversight/ - https://www.groundup.org.za/article/seshengo-community-march-in-polokwane-to-end-inconsistent-water-supply-and-power-outages/ - https://www.groundup.org.za/article/thousands-protest-in-polokwane-demanding-water/	
Quality		
What is the WSA's blue drop score?	2023: 56.2% 2011: 92.6%	2023 <i>Blue Drop Report</i> , p. 285
Blue Drop Score Improved/Deteriorated (2011-2023)	Deteriorated	
Blue Drop microbiological compliance score	99.8% (7 Excellent WTWs)	2023 <i>Blue Drop Report</i> , p. 264
Blue Drop chemical (acute) compliance score	66.3% (1 Excellent WTW; 5 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 265
Blue Drop chemical (chronic health) compliance score	99.4% (7 Excellent WTWs)	2023 <i>Blue Drop Report</i> , p. 265
Does the WSA have a contract with the lab to test water samples?	The municipality has its own laboratory facility and its participating in the Z-Scores with (National Laboratory Association - South Africa) NLA –SA and (South African Bureau of Standards) SABS in proficiency testing.	WJT Verification
<i>Green Drop Risk Rating</i>	High Risk	2023 <i>Green Drop Report</i> , p. 303
Efficiency		
Blue Drop Water Use Efficiency Score	199 l/p/d (Good)	2023 <i>Blue Drop Report</i> , p. 262-263
No Drop Score 2021/22	69%	2023 <i>No Drop Report</i> , p. 181
Amount of non-revenue water in liters and in rands value.	R68.51 million Equivalent to 24% of all water flowing through municipal pipelines	https://mfma-2024.agsareports.co.za/municipality/5-polokwane
Main reasons for water losses.	Pipe bursts (Mainly AC Pipes) Leaking Valves & Fire Hydrants Bridged meters Unread meters Wrong meter readings Water Quality and meter age	WJT Verification

Oversight		
Department of Water and Sanitation		
<i>Blue Drop</i> actions	None	2023 <i>Blue Drop Report</i> , p. 285
<i>Green Drop</i> actions	None	2023 <i>Green Drop Report</i> , p. 303-304
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 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 it 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:	
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	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 Polokwane Local Municipality acknowledged that it is not providing water to all the residents within its jurisdiction due to an increasing population, traditional leadership allocation of residential land which does not comply with the Municipal Development Master Plan, urbanisation, as well as the lack of maintenance of aging infrastructure. <i>The Commission finds that the Municipality is in violation of its obligations to supply water to some of the communities in its jurisdiction.</i> Recommendations: - The Municipality must provide the Commission with a detailed plan indicating how the Municipality will continuously ensure access to water to all affected areas. The plan must be supplied to the Commission within three (3) months after receipt of this report. - The Municipality must further establish the measures of addressing the synergy on the allocation of residential land by traditional leaders with the municipal master development plan and submit same to the Commission within three months of its receipt of this report.	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 2023/24*
- Municipality *Water Services By-Law*
- Municipality *Indigent Policy 2021/22*
- Municipality *Final Adopted Tariff 2021*