



DWAE Position Paper as input to the Provincial and Municipal Policy Review Process

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Helgard Muller
CD: WS



water & forestry

Department:
Water Affairs and Forestry
REPUBLIC OF SOUTH AFRICA



Presentation Outline

- Background and process
- Detail on DWAF discussion paper
- Powers and functions
- Recommendations



DWAF Process (1)

- DPLG started a process in 2007 to develop a White Paper to revise both local and provincial government- (+circulation of generic questionnaire)
- In July 2008, the DG tasked CD:WS to develop a DWAF position and lead the process of internal consultations informed by the Department's experiences in dealing with LG
- The instruction was that DWAF is not "just another stakeholder" in municipal services but due to the critical role of water supply and sanitation in municipalities, DWAF should develop a strong position.



DWAF's Process (2)



- In August 2008, a 1st draft comprising of 12 key strategic issues and recommendations was produced and presented to the Minister at a policy board meeting for inputs and endorsement
- Discussion document supported by Minister but revised to incorporate her inputs.
- Between August and December 2008, wide consultations were held throughout DWAF including all regions and other sector stakeholders
- Engagements with the then dplg were initiated to discuss DWAF's position in terms of the LG White Paper review process
- Similar areas of focus between DWAF and dplg



Proposed Positions in Discussion Document



1. Differentiated approach:

Such as a system of local government where more independency and authority is given to those municipalities that can perform based on defined criteria and not only because they are rural or urban. This “selection” should at least apply to all the metros and secondary cities and a method of accreditation for others based on some key performance indicators. More authority to be provided in the sense of discretion in the use of grants and other allocations.



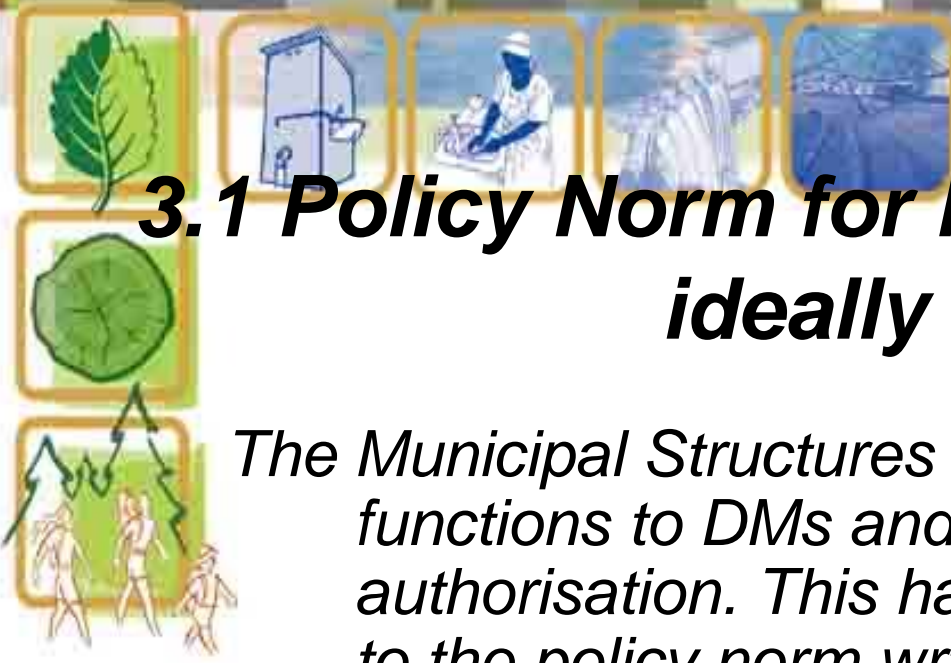
2. Section 78 process:

The process and the practical application of this process at municipal level for the appointment of a Water Service Provider must be amended as part of the review.

Secondly it is important that the Department has oversight in whether a responsible decision has been taken by the WSA in terms of the provider function.

Thirdly it must give preference to water boards as public utilities.

Lastly it is realized that water boards must work hard at ways to change perceptions to enable them be viewed by municipalities as the provider of choice.



3.1 Policy Norm for Municipalities that can ideally be WSAs

The Municipal Structures Act assigns water services functions to DMs and to LMs by way of authorisation. This has resulted in confusion as to the policy norm wrt municipalities that can ideally be WSAs

The CGTA review process needs to provide guidance and clarity as to the normative policy position with regard to the role of DMs vs LMs, taking into cognisance the most sustainable service delivery option for a specific area. Future considerations for authorizations of WSAs to be done within the SFWS principles.




3.2 Policy Norm wrt Municipalities that can ideally be WSA's

The roles of the MEC's and CGTA Minister in terms of the Municipal Structures Act to assign WS functions to a municipality must be reviewed and checked against the current "legal inability" of the Minister of Water and Environment Affairs to re-allocate functions to another municipality or sphere of government

The process should review the powers the CGTA Minister to assign WSA functions and allow a greater role for the DWEA Minister in the process whilst clarifying the roles of the two Ministers in respect of water services



4. Consistently underperforming WSA's:



The Policy Review Process must provide mechanisms for the Minister of DWAF to quickly intervene as the process prescribed in section 63 of the Water Services Act is cumbersome. For example it must look at ways to allow the Minister to appoint a service provider immediately on behalf of the municipality should the municipality fail to rectify the failure within a specific timeframe.

Track developments in the electricity sector especially around the REDS because if a municipal function such as electricity may be “taken away” the logical question must be asked why not water as well.



5. Interventions

- *Minister Hendricks in her 2008 budget speech announced that the Department would “take over” the water services functions of those municipalities that fail to perform. To do this a Water Minister needs mechanism that will allow for quick interventions*
- *The review process must strengthen the Department’s hand in ‘taking over’ those municipalities that are in crisis by making provisions for the Minister of Water to quickly intervene where there is crisis.*



6. Roles and responsibilities between National and Provincial Departments

An anomaly in the current LG system of governance is that provinces do not have a legislated role wrt water services delivery apart from the intervention process (s139 of the Constitution)

It is important that the review process relook at the role of Provincial government, clearly defining it in terms of water services delivery

Investigate the role of the Water Minister in compelling a provincial executive to intervene in the event of a water crisis.



7. Competency levels of professional water services officials.

Policy Review to incorporate human capital strategies. Whilst DWAF has published regulations to regulate competencies of some water services officials it is essential to ensure that the right managers are heading WS at our municipalities. DWAF team must further develop concrete proposals.

Consider the study “Professionalism and personal development of senior management in local government” by dplg and the WRC study as well as position of CFO’s as regulated by NT



Powers and Functions

i.e. who is or will be the WSA?



Background

- S84 (b) of the Municipal Structures Act allows for MEC's and the Minister of dplg to adjust powers and functions of district municipalities by way of authorization
- A policy gap was identified regarding the adjustment of powers and functions by the dplg Minister
 - there is no policy for the process and criteria that should inform decisions regarding whether to authorize or not;
 - whether the authorization can be reversed, if so, under what conditions



Background

- DWAFA commissioned a team to give advice as to how should government respond to these policy questions especially in relation to water services.
- The study recommended that:
 - There should be no large scale review of powers and functions of WSAs outside the context of an overall review of the roles of DMs and LMs
 - Considerations for adjustments must be in response to exceptionally low levels of performance
 - A clear, consistent and defensible policy process must be followed in considering an adjustment
 - A formal review of the allocation of a function to a municipality must not be initiated unless:
 - There are indications from preliminary investigations that the poor services delivery problem cannot be addressed through support or intervention
 - It is aligned to a 5 year review process by CGTA



Progress to date (1)

- Taking into account the sector's existing initiatives on measuring the performance of municipalities the following steps have been taken:
 - A WSA performance assessment tool has been developed using the SFWS KPIs
 - The tool allows for an in-depth investigation/diagnosis based on the level of performance of a municipality as a WSA after the initial assessment
 - A 5 year period analysis has been identified as a reasonable time frame to determine the trends since the WSAs are new institutions and can not be benchmarked
 - Where a decision to undertake a diagnosis has been taken, 6 indicators have been identified to determine whether the municipality is viable or not viable as a WSA
 - If not viable - adjust powers and functions
 - If viable provide support



Progress to date (2)

- The tool will be piloted in Limpopo where a request was sent requesting that the following LMs be authorized as WSAs:
 - Greater Tzaneen LM(which falls under Mopani DM);
 - Makhado LM (which falls under Vhembe DM);
 - Greater Tubatse LM (which falls under Sekhukhene DM);
 - Elias Motsoaledi LM (which falls under Sekhukhene DM)
- Outcomes of this pilot would inform future processes that would flow from the White Paper Process




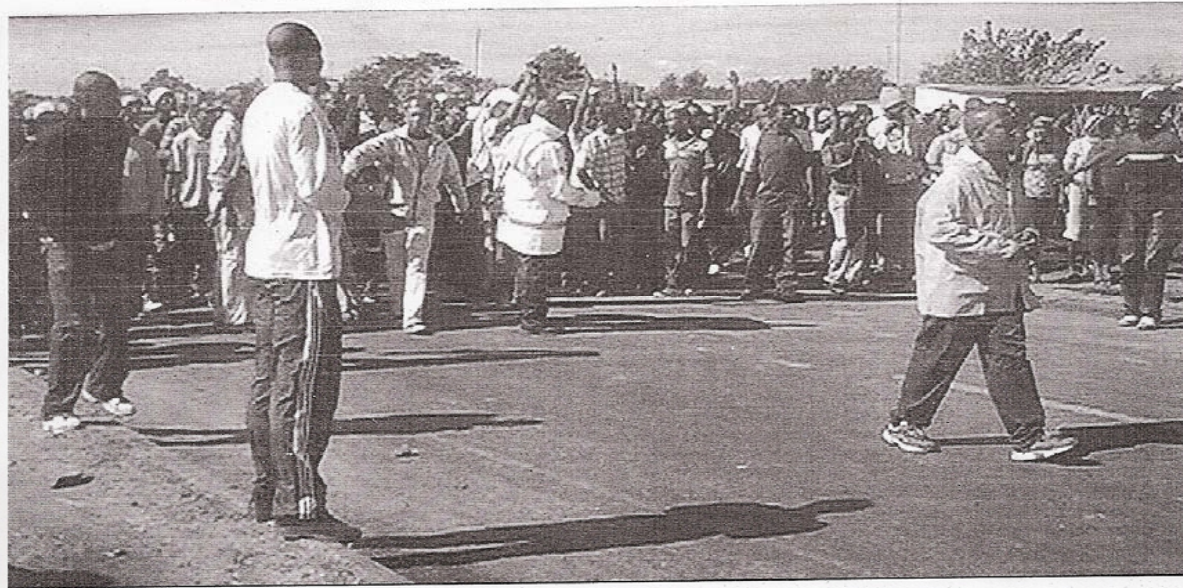
Progress to date (3)

- Parallel to the DWAE process on powers and functions the CGTA is leading a major review process of Provincial and Local Government policies.
- CGTA has confirmed the following:
 - Assessment of functional assignments of classified municipalities
 - Development of new legislation for powers and functions
 - Develop of a new framework for Provincial Government
 - Reform the two tier system of local government (DM and LM)



Current status in the sector

- 
- Policy and Strategy “pause” across government
 - CGTA to submit new proposals by December 2009
 - All the problems with service delivery still there and even worse in some areas.
 - Urgency from sector and public for improvement.



HAPPY PEOPLE: Hundreds of the Phola residents near Ogies on the outskirts of eMalahleni took to the streets yesterday in protest against lack of water supply, which they claim has been going on for nearly a year. PHOTOS: ALFRED MOSELAKGOMO

Council offices set on fire over water dispute

DRY TAPS ENRAGE PHOLA RESIDENTS

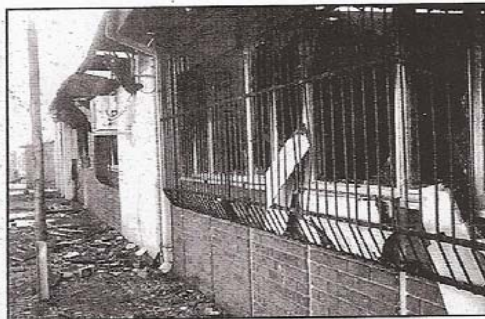
Alfred Moselakgomo

Frustration over water shortages took a nasty turn when angry residents set a municipal office alight yesterday.

Hundreds of Phola residents near Ogies on the outskirts of eMalahleni (Witbank) embarked on an impromptu march in protest against lack of water, which they said has been going on for nearly a year.

Joel Mabena, one of the protesters, said residents had on several occasions informed the municipality about water disconnections, but nothing came of it.

"Water taps in our area run dry every day and the municipality is not willing to help," said



GUTTED: Part of the eMalahleni council offices which was burnt by protesters in Phola over lack of water.

destroyed in the raging fire.

She said the cause of the water shortages in Phola was the result of a burst pipe.

"It's been only three weeks since the area experienced water shortages because a Clewer-Ogies pipeline, which supplies the area with water, has burst," she said.

Malatjie said the pipe had been repaired and asked residents to calm down as their water supply would resume soon.

Deputy Minister of Home Affairs Mulusi Gigaba was the mediator between the community and the municipality.

Police spokesman Superin-



Recommendations (1)

- Revise the discussion document in line with the new government and departmental changes
- Investigate the implications of the electricity sector's recommendation to amend s156 of the constitution and paving the way for the limitation of the executive authority of municipalities in certain functions.
- Allowing for institutional reform of water services in support of the departments institutional realignment study (WS reforms not to be delayed by WR Institutions)
- Continued consultations and engagements with the relevant stakeholders



Recommendations (2)

- Development of concrete proposals around the policy recommendations made and developing a **priority list** from the 14 key strategic issues raised in the discussion document
- In other words- no Big Bang but systematically addressing priorities
- Continued engagement with the CGTA to ensure a meaningful input and alignment into the process
- ***This meeting can assist by indicating their priorities that will make the biggest impact.***
- Look for Quick Wins and keep to the 80/20 principle



Thank you