

MANENBERG PEOPLE'S CENTRE

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Manenberg Peoples' Centre
Submission to Water Bylaw Amendments

12th January 2018

The MPC want to respond to the Water Bylaw Amendments because we feel that some of these amendments will negatively affect us as an NGO and the Manenberg community at large to which we deliver a basket of various services. We wish to bring to your attention the various legislation on which our objections/ comments are based.

The Constitution

The Constitution of the Republic of South Africa 108 of 1996 provides section 27 that everyone has the right to access to sufficient water

The Constitution also provided section 33 (1) that every person has the right to administrative action that is lawful, reasonable and procedurally fair.

The Water Services Act (WSA)

The Water Services Act section 3 secures the right of access to basic water supply and sanitation. Section 4(3) of the Act provides for procedures that limit or discontinue water services must be fair and equitable. The process used must provide for reasonable notice and opportunity to make representation.

Section 4(3)(c) provide that a person may not be denied access to basic water services due to non-payment, where that person proves, to the satisfaction of the relevant water service authority that he/she is unable to pay for basic services.

Municipal Systems Act (MSA)

Section 95 sets out the requirements for regular and accurate, accessible mechanisms to query accounts and metered consumption, and appeal procedures that provide prompt redress for inaccurate accounts.

It also provides that equitable service delivery must be provided throughout the municipality.

Water Services Development Plan (WSDP)

Water Services Act section 4(1) - A water service authority must take reasonable steps to bring its Water Services Development Plan to the notice of the consumers, potential consumers' industrial users and water services institutions within the area of jurisdiction.

Question - *Why was the possibility of a drought levy not identified in your recent 2016/ 2017 WSDP. Was the WSDP advertised for comment (please provide proof thereof)*

As per your WSDP 2016/17 of the businesses that was surveyed 99% of businesses were not using alternative water. In the report to the parliamentary water portfolio committee the in 2009 and as Water Demand Strategy COCT was to reduce consumer wastage to less than 2% by 2012. These targets was never met This is reflected in your WSDP "99% of businesses surveyed do not use alternative water"

City of Cape Town Water Bylaw 2010

All references made to the Trade Metrology Act 1973 in the main bylaw must be replaced with the Legal Metrology Act of 2014

Section 24 (1) provided that if the water supply to a consumer is interrupted for more than 24 hours (**a requirement as per Regulation 4 of section 9 of the Water Services Act**), the City will endeavor to provide an alternative basic water supply as soon as reasonably possible.

Section 51(6) (a) “a pipe or water fitting will not be included in schedule 2 unless it bears the standardization mark of SABS” **Why is it that of the water management device which was installed by the City do not bear the SABS approval standardization markings and is therefore in contravention of the Legal Metrology Act of 2014 section 17 (2)(a) and COCT Water Bylaw**

Many residences who receive water via a water management device are complaining that they wait for days and in some cases weeks for waters to be reinstated. I have never ever heard COCT providing alternative basic water services. The COCT is therefor in violation of this section of the bylaw. The same of the complaints raised at the public consultation meeting on 08/012018 with regards to the malfunctioning water management devices was raised at the Portfolio Committee on Water Affairs and Forestry (DWAF) Legacy workshop in 2008 and again at the parliamentary committee on 4 February 2009 by various communities from Delft, Mitchells Plain, West Bank, Philippi and Atlantis.it would seem nothing has changed.

Section 28 metering of water supply-

While the bylaw the City’s punitive requirements and legislation on the metering is well stated the bylaw is on the maximum number of times that estimated meter readings will be allowed. Irregular and erratic meter readings the cause of great financial hardship to consumers with limited financial means. To be suddenly issued with a very high water bill because an actual reading was done after many months of estimations is unacceptable and unfair. Consumers are thereafter issued with disconnection notices.

Amendment 13 (d) the word ‘**private meter**’ must be reflected as an amendment as it does not form part of the current bylaw.

Amendment 13(g) it would really seem that the COCT is forcing prepayment meter and the water management device upon the citizenry.

Amendment 13(h) (22) and (23) is not implementable. This amendment is requesting the owner to be its own whistle blower .It then imply that once the usage is exceeded on the property the owner who is also expected to be the whistle blower will be penalised.

Amendment 14- What is the economic impact by the deletion of section 31(4)(b) and (c).Does this mean that no water will be sold to the Ports Authority of South Africa and the Airports Company of South Africa. Has an n alternative supplier sourced by them outside of the COCT supply?

Resale of Water Section 31 (2) When COCT sell water to companies that sell bottle water is this violation of this section?

Section 38 and Schedule 1 cross reference each other but no legislation is stated in the bylaw relating to the Water Demand and Pollution Strategy document