

**REPORT OF THE PUBLIC PROTECTOR IN TERMS OF SECTION 182(1)(b) OF THE
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 AND SECTION 8(1) OF
THE PUBLIC PROTECTOR ACT, 1994**



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**INVESTIGATION INTO ALLEGATIONS OF MALADMINISTRATION, IMPROPER
CONDUCT AND FAILURE BY THE FUNCTIONARIES OF VHEMBE DISTRICT
MUNICIPALITY AND MUSINA LOCAL MUNICIPALITY TO MAINTAIN THE SEWAGE
INFRASTRUCTURE AT MUSINA, MATSWALE PHASE 10, WARD 5**

TABLE OF CONTENTS		
ITEM	DESCRIPTION	PAGE
	LIST OF ACRONYMS AND ABBREVIATIONS	
	EXECUTIVE SUMMARY	
1.	INTRODUCTION	10
2.	THE COMPLAINT	10
3.	POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR	12
4.	ISSUE IDENTIFIED FOR INVESTIGATION	13
5.	THE INVESTIGATION	14
6.	THE DETERMINATION OF THE ISSUE IN RELATION TO THE EVIDENCE OBTAINED AND CONCLUSIONS MADE WITH REGARD TO THE APPLICABLE LAW AND PRESCRIPTS	19
7	FINDINGS	49
8	REMEDIAL ACTION	50
9	MONITORING	52

LIST OF ACRONYMS AND ABBREVIATIONS

ACRONYMS/ABBREVIATIONS	DESCRIPTIONS
Constitution	Constitution of the Republic of South Africa, 1996
Investigation Team	Public Protector Investigation Team
MFMA	Local Government: Municipal Finance Management Act, 2003
MLM	Musina Local Municipality
MLM By-Law	Refuse Removal, Refuse Dumps, and Waste Disposal By-Law, Gazette Vol 24, No 2858
MSA	Local Government: Municipal Systems Act, 2000
Municipal Manager	Municipal Manager: Vhembe District Municipality and Musina Local Municipality
Public Protector Act	Public Protector Act, 1994
Public Protector Rules	Rules relating to Investigations by the Public Protector and Matters Incidental thereto, 2018, (as amended)
VDM	Vhembe District Municipality
WSA	Water Service Act, 1997

EXECUTIVE SUMMARY

- (i) This is a report of the Public Protector issued in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996 (Constitution), which empowers the Public Protector to report on any conduct in state affairs that is suspected to be improper or to result in any impropriety or prejudice and section 8(1) of the Public Protector Act, 1994 (Public Protector Act), which provides that the Public Protector may make known the findings, point of view or recommendation of any matter investigated by her.
- (ii) The report relates to an investigation into allegations of maladministration, improper conduct and failure by the functionaries of the Vhembe District Municipality (VDM) and the Musina Local Municipality (MLM) to properly maintain the sewage infrastructure at Musina, Matswale Phase 10, Ward 5.
- (iii) The investigation originates from a complaint lodged with the Limpopo Provincial Office of the Public Protector on 20 May 2024, by Mr KS Semono (the Complainant) on behalf of the residents of Musina, Matswale Phase 10 Ward 5, in the Limpopo Province.
- (iv) The Complainant alleged, *inter alia*, that:
 - (a) The community of Matswale Phase 10, Ward 5 at Musina have suffered because of poor service delivery by the Local Municipality and continuous sewage spillage in the area for a long time, resulting in significant harm to the environment and public health;
 - (b) The bad smell of sewage in the residential area is creating discomfort, and the raw sewage water flows to the nearby water stream, which has tall vegetation, putting residents at risk of increased exposure to mosquitoes, malaria, and other diseases;

- (c) The residential area's sewage system requires improvement, either by covering or placing it underground; and
 - (d) The drains are constantly blocked, and the District Municipality has failed to resolve the problem.
 - (e) The Complainant provided the Investigation Team with the pictures depicting the state of the condition in Matswale Phase 10, Ward 5:
- (v) Based on the analysis of the complaint, the following issue was considered and investigated:
 - (a) Whether the functionaries of the VDM and the MLM failed to properly maintain the sewage infrastructure located at Matswale Phase 10, Ward 5 which resulted in a sewage spillage at a residential area, if so, whether such conduct is improper in terms of section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act
- (vi) The investigation was conducted in terms of section 182(1) of the Constitution and section 6(4) of the Public Protector Act. It included an analysis of all the relevant documents, application of relevant laws, case law and related prescripts.
- (vii) On 09 June 2025, notices in terms of section 7(9) of the Public Protector Act were sent via email to Mr Tshiwanammbi the Municipal Manager of MLM and Mr Kutama the Municipal Manager of VDM to provide them with an opportunity to respond to the likely adverse findings and proposed remedial action.
- (viii) Section 7(9)(a) and (b) of the Public Protector Act provide persons/parties

implicated and/or affected by an investigation by the Public Protector, with an opportunity to make representations in response thereto.

- (ix) On 20 June 2025, a response to the Section 7(9) Notice was received from VDM and the response was duly considered by the Public Protector.
- (x) On 26 June 2025, a response to the Section 7(9) Notice was received from MLM and the response was duly considered by the Public Protector.
- (xi) Having regard to the evidence, the regulatory framework determining the standard that the VDM and MLM should have complied with, and the impact on good administration, the Public Protector makes the following adverse findings:
 - (a) Whether the functionaries of the VDM and the MLM failed to properly maintain the sewage infrastructure located at Matswale Phase 10, Ward 5 which resulted in a sewage spillage at a residential area, if so, whether such conduct is improper in terms of section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act
 - (aa) The allegation that the functionaries of the VDM and the MLM failed to properly maintain the sewage infrastructure located at Matswale Phase 10, Ward 5, which resulted in sewage spillage into a residential area, **is substantiated**.
 - (bb) VDM did not dispute the allegation of sewage spillage at Matswale Phase 10, Ward 5, and stated that the spillage was caused by damage to the manhole caused by the contractor grading the road.
 - (cc) VDM does not have measures in place to prevent persistent sewage spillage at Matswale Phase 10, Ward 5, including a bylaw that deals with the protection of the environment.

- (dd) The resultant pollution and stench were not adequately addressed by both VDM and MLM, and as a result, the Complainant's rights to an environment that is not harmful to their health or well-being, as envisaged in section 24 of the Constitution, were violated.
- (ee) VDM does not monitor the spilling of sewage in Matswale Phase 10, Ward 5, leading to a worsening situation, and MLM does not monitor the removal or prevention of illegal dumping of rubbish in the area.
- (ff) MLM failed to place a waste container at Matswale Phase 10, Ward 5, as previously undertaken, and the environment was also not rehabilitated to reduce the unpleasant smell.
- (gg) The conduct of the functionaries of the VDM and MLM constitutes improper conduct as envisaged by section 182(1) of the Constitution and maladministration as envisaged in sections 6(4)(a)(i) of the Public Protector Act.
- (xii) Having regard to the evidence, the regulatory framework determining the standard, the functionaries of the Municipality should have complied with and the impact on the community, the Public Protector takes the following remedial action in terms of section 182(1)(c) of the Constitution:

The Municipal Manager of VDM

- (a) Within **ten (10) calendar days** from the date of receipt of this report, conduct an inspection and routine maintenance of the sewer infrastructure in Musina in terms of section 63(1) of the MFMA to prevent a recurrence;
- (b) Within **sixty (60) calendar days** from the date of receipt this report, ensure that VDM undertakes the process of promulgation of water service by-laws, inclusive

- of the sanitation aspects and its environmental impact in terms of section 156(2) of the Constitution;
- (c) Conducts quarterly inspections and monitors the sewage infrastructure and maintains a safe and healthy environment at Matswale Phase 10, Ward 5, in terms of section 152(1)(d) of the Constitution;
 - (d) Within **sixty (60) calendar days** from the date of receipt of this report, monitor and report to Council, on measures taken to permanently address the sewage blockage, waste collection and environment protection at Matswale Phase 10, Ward 5, in line with section 63(1) of the MFMA.
 - (e) Within **sixty (60) calendar days** from the date of receipt of this report, in line with available budget and cooperative governance support, conduct a professional engineering study of all affected arears in the Musina area, design and develop specification towards the development of a new infrastructure that will permanently resolve water crisis and overflowing drainages, in line with the Municipality's Supply Chain Management Policy.

The Municipal Manager of MLM

- (a) Within **thirty (30) calendar days** from the date of receipt of this report, place the waste collection container and provide a schedule to regularly remove waste at Matswale Phase 10, Ward 5 in terms of section 156(2) of the Constitution;
- (b) Within **thirty (30) calendar days** from the date of receipt of this report, place "No dumping" signage in the area with penalties for illegal dumping by residents in terms of section 11(3)(e) of MSA;
- (c) Within **sixty (60) calendar days** from the date of receipt of this report, monitor and report to Council, on measures taken to permanently address the waste

collection and environment protection at Matswale Phase 10, Ward 5, in line with section 63(1) of the MFMA.

1. INTRODUCTION

- 1.1 This is a report of the Public Protector issued in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996 (the Constitution) and section 8(1) of the Public Protector Act, 1994 (the Public Protector Act).
- 1.2 This report is submitted in terms of section 8(1) read with section 8(3) of the Public Protector Act, which empower the Public Protector to make known the findings of an investigation, to affected parties (including the Complainant), for such persons to note the outcome of the investigation and to implement the remedial action, where applicable:
- 1.2.1 The Municipal Manager of VDM, Mr ZN Kutama,
 - 1.2.2 The Municipal Manager of MLM, Mr N Tshiwanammbi, and
 - 1.2.3 Mr KS Semono (the Complainant)
- 1.3 The report relates to an investigation into allegations of maladministration, improper conduct and failure by the functionaries of the Vhembe District Municipality (VDM) and the Musina Local Municipality (MLM) to properly maintain the sewage infrastructure at Musina, Matswale Phase 10, Ward 5.

2. THE COMPLAINT

- 2.1. The investigation originates from a complaint lodged with the Limpopo Provincial Office of the Public Protector on 20 May 2024, by Mr KS Semono (the Complainant) on behalf of the residents of Musina, Matswale Phase 10, Ward 5, in the Limpopo Province.
- 2.2 The Complainant alleged, *inter alia*, that:

- 2.2.1 The community of Matswale Phase 10, Ward 5, at Musina have suffered because of poor service delivery by the Local Municipality and continuous sewage spillage in the area for a long time, resulting in significant harm to the environment and public health;
- 2.2.2 The bad smell of sewage in the residential area is creating discomfort, and the raw sewage water flows to the nearby water stream, which has tall vegetation, putting residents at risk of increased exposure to mosquitoes, malaria, and other diseases;
- 2.2.3 The residential area's sewage system requires improvement, either by covering or placing it underground; and
- 2.2.4 The drains are constantly blocked, and the District Municipality has failed to resolve the problem.
- 2.2.5 The Complainant provided the Public Protector Investigation Team (Investigation Team) with the pictures shown below depicting the state of the condition in Matswale Phase 10, Ward 5:



Picture 1: Spillage and wastewater at Matswale Phase 10, Ward 5



Picture 2: Water stream and overgrown vegetation

3. POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR

3.1. The Public Protector is an independent constitutional institution established in terms of section 181(1)(a) of the Constitution of the Republic of South Africa, 1996 (the Constitution), to strengthen constitutional democracy through investigating and redressing improper conduct in state affairs.

3.2. Section 182(1) of the Constitution provides that:

“The Public Protector has the power, as regulated by national legislation –

- (a) to investigate any conduct in state affairs, or in the public administration in any sphere of government, which is alleged or suspected to be improper or to result in any impropriety or prejudice,*
- (b) to report on that conduct; and*
- (c) to take appropriate remedial action”.*

- 3.3. Section 182(2) of the Constitution directs that the Public Protector has the additional powers and functions as prescribed by national legislation. The Public Protector's powers are regulated and amplified by the Public Protector Act, 1994 (the Public Protector Act), which states, amongst others, that the Public Protector has the powers to investigate and redress maladministration and related improprieties in the conduct of state affairs.
- 3.4. The VDM and MLM are organs of the state in terms of section 239 of the Constitution, and the conduct of its functionaries amounts to conduct in state affairs, as a result, the Public Protector is satisfied that the complaint falls within her competency to investigate as envisaged in section 182(1)(a) of the Constitution and section 6(4)(a)(i) of the Public Protector Act.
- 3.5. Neither VDM nor MLM disputed the mandate of the Public Protector to investigate this matter.

4. ISSUE IDENTIFIED AND INVESTIGATED

- 4.1. Based on the analysis of the complaint, the following issue was identified to inform and focus the investigation:
- 4.1.1 Whether the functionaries of the VDM and MLM failed to properly maintain the sewage infrastructure located at Matswale Phase 10, Ward 5 which resulted in a sewage spillage at a residential area, if so, whether such conduct is improper in terms of section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act

5. THE INVESTIGATION

5.1. Methodology

5.1.1. The investigation is conducted in terms of section 182 of the Constitution, read with sections 6 and 7 of the Public Protector Act.

5.1.2. The Public Protector Act confers on the Public Protector the sole discretion to determine the format and procedure to be followed in conducting any investigation with due regard to the circumstances of each case.

5.2. Approach to the Investigation

5.2.1 The approach to the investigation included the exchange of documents, analysis of the relevant documentation and information received from the Municipalities as well as independently sourced information, consideration and application of the relevant laws, the regulatory framework, and prescripts.

5.2.2 The investigation was approached using an enquiry process that seeks to determine:

- (a) What happened?
- (b) What should have happened?
- (c) Is there a discrepancy between what happened and what should have happened and does that deviation amount to improper conduct or maladministration or abuse of power?
- (d) In the event of improper conduct or maladministration, what would it take to remedy the wrong and what action should be taken?

The question regarding what happened is resolved through a factual enquiry relying on the evidence provided by the parties and independently sourced during the investigation. In this case, the factual enquiry principally focused on the measures put in place by the functionaries of the Municipalities to ensure proper maintenance of the sewage infrastructure located at Matswale Phase 10, Ward 5.

- 5.2.3 The enquiry regarding what should have happened focuses on the law and prescripts that regulate the standards that should have been met by the functionaries of the Municipalities in the provision of services, maintenance and repair of the sewage infrastructure.

5.3 The Investigation Process

- 5.3.1 The investigation process commenced with correspondence to Mr Tshiwanammbi, the Municipal Manager of MLM, requesting his response to the allegations and later with Mr Kutama the Municipal Manager of VDM

5.4 Key Sources of Information

5.4.1 Correspondence and documents

- 5.4.1.1 The Complaint form dated, 20 May 2024;
- 5.4.1.2 Email from the Investigation Team to the Municipal Manager, Musina Local Municipality, Mr Nathi Tshiwanammbi, dated 30 June 2024;
- 5.4.1.3 Email response from the Municipal Manager of Vhembe District Municipality, Mr Zwanda Norman Kutama to the Investigation Team dated 03 July 2024;

- 5.4.1.4 Letter from the Investigation Team to the Municipal Manager, Vhembe District Municipality dated 08 July 2024,
- 5.4.1.5 Response received from the Municipal Manager, Vhembe District Municipality dated 11 July 2024;
- 5.4.1.6 Email to the Municipal Manager, Vhembe District Municipality dated 28 August 2024;
- 5.4.1.7 Response received from the Municipal Manager Vhembe District Municipality dated 09 September 2024;
- 5.4.1.8 Email from the Investigation Team to the Municipal Manager, Vhembe District Municipality dated 03 October 2024;

5.4.2 Telephonic communications

- 5.4.2.1 Telephone call received from Mr Nathaniel Kgatla, Personal Assistant of the Municipal Manager of Musina Local Municipality, on 01 July 2024;
- 5.4.2.2 Telephone communication with the Complainant, on 15 July 2024;
- 5.4.2.3 Telephone communication with Mr Maluleke, Manager of Technical Services at Vhembe District Municipality, on 16 July 2024;
- 5.4.2.4 Telephone communication with Ms Muofhe, Manager Waste Operations at Vhembe District Municipality, on 17 July 2024;
- 5.4.2.5 Telephone communication with Ms Muofhe, Manager Waste Operations at Vhembe District Municipality, on 12 March 2024; and

5.4.2.6 Telephone call received from Ms Muofhe, Manager Waste Operations at Vhembe District Municipality, on 13 March 2024;

5.4.3 Legislation and other prescripts

5.4.3.1 Constitution of the Republic of South Africa, 1996;

5.4.3.2 Public Protector Act, 1994;

5.4.3.3 Local Government: Municipal Systems Act, 2000 (MSA); and

5.4.3.4 Local Government: Municipal Finance Management Act, 2003

5.4.3.5 Water Service Act, 1997;

5.4.3.6 Rules relating to Investigations by the Public Protector and Matters Incidental thereto, 2018, (as amended); and

5.4.3.7 MLM: Refuse Removal, Refuse Dumps, and Waste Disposal By-Law, Gazette Vol 24, No 2858;

5.4.4. Case Law

5.4.4.1 *The City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd and Another* [2011] ZACC 33; 2012 (2) BCLR 150 (CC); 2012 (2) SA 104 (CC) (1 December 2011).

5.4.5 **Inspection *in loco***

5.4.5.1 On 18 July 2024, an inspection *in loco* was conducted at Musina Matswale Phase 10, Ward 5 by the Investigation Team, officials from the District Municipality and the Complainant.

5.4.5.2 On 12 March 2025, the Investigation Team conducted a follow-up *inspection in loco* to assess the current conditions of Matswale Phase 10, Ward 5.

5.4.6 **Notice issued in terms of section 7(9)(a) of the Public Protector Act**

5.4.6.1 Section 7(9)(a) and (b) of the Public Protector Act provides that persons implicated in an investigation by the Public Protector, are to be allowed an opportunity to make representations regarding the same.

5.4.6.2 On 09 June 2025, a Notice in terms of section 7(9)(a) of the Public Protector Act was issued to the following persons to provide them with an opportunity to respond to the likely adverse findings and proposed remedial action:

(a) Mr Kutama, the Municipal Manager of Vhembe District Municipality.

(b) Mr Tshivanammbi, the Municipal Manager of Musina Local Municipality.

5.4.6.3 **Responses to the Notice issued in terms of section 7(9)(a) of the Public Protector Act**

5.4.6.3.1 On 20 June 2025, a response was received from Vhembe District Municipality.

5.4.6.3.2 On 26 June 2025, a response was received from Musina Local Municipality.

5.4.7 The responses and information/ evidence submitted in response to the notices, were duly considered by the Public Protector in relation to the substance of the

allegations against the VDM or the grounds for adverse comments or findings against or remedial action involving the Municipality.

6. THE DETERMINATION OF THE ISSUE IN RELATION TO THE EVIDENCE OBTAINED AND CONCLUSIONS MADE WITH REGARD TO THE APPLICABLE LAW AND PRESCRIPTS

6.1 Whether the functionaries of the VDM and the MLM failed to properly maintain the sewage infrastructure located at Matswale Phase 10, Ward 5 which resulted in a sewage spillage at a residential area, if so, whether such conduct is improper in terms of section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act

Common cause

- 6.1.1 Matswale Phase 10 is located at Musina Ward 5 within the Musina Local Municipality.
- 6.1.2 The community of Matswale Phase 10, Ward 5, is experiencing continuous sewage spills in the area, resulting in residents being exposed to an environment that is harmful to their health and well-being.
- 6.1.3 The VDM is the water authority in the Vhembe region and is responsible for all water and sanitation services.

Issue in dispute

- 6.1.4 The issue for the Public Protector's determination is whether the functionaries of the VDM and MLM failed to maintain the sewage infrastructure, resulting in persistent sewer blockages, bad smell and sewage spillage in the residential area.

The Complainant's version

- 6.1.5 The Complainant submitted that the community has been affected by persistent sewage spillage and non-responsiveness from the Municipality.
- 6.1.6 According to the Complainant, the sewage spillage has caused harm to the environment and public health. There is a persistent bad smell and blocked drains, and the Municipality has failed to address the problem. He further contended that the layout of the sewage piping system is of very poor quality.
- 6.1.7 The residents of Matswale Phase 10, Ward 5, are disgruntled with the VDM and MLM's failure to resolve the continuous environmental pollution, as well as the stench resulting from the sewage spillage in their area.

The MLM's version

- 6.1.8 A Notice in terms of Rule 23(1) of the Public Protector Rules as amended, dated 12 June 2024, was issued to the Municipal Manager of MLM, Mr N Tshivanammbi, requesting his response to the allegations.
- 6.1.9 On 01 July 2024, a telephone call was received from Mr Kgatla, who is the Personal Assistant to Mr Tshivanammbi, and he confirmed that the complaint

was being attended to and that a response was being prepared. Once the letter was signed, it would be sent to the Investigation Team.

- 6.1.10 The MLM did not respond to the Investigation Team. However, a response dated 01 July addressing the allegations was received from the VDM on 03 July 2024.

The VDM's version

- 6.1.11 In the response dated 03 July 2024, the Municipal Manager of VDM, Mr ZN Kutama (Mr Kutama) stated *inter alia*, that:
- 6.1.11.1 The Municipality acknowledged the letter from the Public Protector sent to MLM dated 06 June 2024, which was referred to VDM regarding the sewage spillage in a residential area at Matswale Phase 10, Ward 5;
- 6.1.11.2 The challenges of sewerage spillage in Matswale Phase 10, Ward 5, emanated from a contractor who was paving the road. Whilst grading, the contractor broke the sewer pipe and manholes, which led to rocks and sand blocking the sewage system;
- 6.1.11.3 The sewer maintenance team would unblock the pipeline; however, it will recur due to the amount of sand that has infiltrated the sewer pipe;
- 6.1.11.4 The contractor was approached to replace the broken sewer pipeline and to mend the affected manhole by 05 July 2024;
- 6.1.11.5 The Municipality was aware of the sewerage spillage at Matswale Phase 10, Ward 5;
- 6.1.11.6 The Municipality and the contractor conducted an inspection on 29 June 2024;

- 6.1.11.7 The Municipality together with the contractor will replace the broken sewer line and flush out the infiltrated sand along the collector pipeline and manhole to ensure that the sewage flows without any blockages;
- 6.1.11.8 The anticipated completion period for the replacement of the pipeline and flushing was 05 July 2024;
- 6.1.11.9 Concerning by-laws, the Municipality is in the process of promulgating water service by-laws, which are inclusive of sanitation aspects and its environmental impact (Policy at the drafting stage); and
- 6.1.11.10 The Municipality assured the Public Protector that all corrective measures are regarded as high priority, to ensure that the Municipality remedies the spillages affecting residents in Matswale Phase 10 in Musina.

The VDM's further version

- 6.1.12 On 08 July 2024, the Investigation Team sent a letter to VDM seeking feedback on progress regarding the undertakings made in the letter dated 01 July 2024.
- 6.1.13 On 11 July 2024, the Investigation Team received a response from Mr Kutama who stated *inter alia* that:
 - 6.1.13.1 The sewage system and manhole were successfully repaired, rocks were removed, and the sand was flushed. The project was completed on 10 July 2024;
- 6.1.14 He shared pictures with the Investigation Team depicting the pre-and-post repairs of the pipes and the manhole as shown below.

BEFORE



Picture 3: Before repairs at Matswale Phase 10, Ward 5 (Courtesy of VDM)

AFTER



Picture 4: shows after the repairs at Matswale Phase, Ward 5 (Courtesy of VDM)

Communication with the Complainant

- 6.1.15 On 15 July 2024, the Investigation Team contacted the Complainant to confirm the information received from Mr Kutama, indicating the successful repair of the sewer system and manhole, including the removal of rocks and flushing of sand.
- 6.1.16 In his response, the Complainant stated that the flow of wastewater was slow and that the area had not been properly cleaned by the VDM.

Additional information from the VDM

- 6.1.17 On 16 July 2024, the Investigation Team telephonically contacted Mr W Maluleke (Mr Maluleke), the General Manager of Technical Services at the VDM, regarding the response of the complainant to the report submitted by VDM. Mr Maluleke stated that he would arrange a crew to clean the affected area and trim the vegetation near the water stream by 18 July 2024.
- 6.1.18 On 17 July 2024, Ms Matshili Muofhe, the Manager Waste Operations at VDM, telephonically contacted the Investigation Team and stated that she would be sending the maintenance supervisor to meet with the Investigation Team and the Complainant on-site.

Inspection in Loco

- 6.1.19 On 18 July 2024, the Investigation Team, together with the Complainant and the maintenance supervisor of VDM, Mr Timothy Mbedzi (Mr Mbedzi), conducted an inspection *in loco* at Matswale Phase 10, Ward 5.
- 6.1.20 During the inspection, the Investigation Team observed that the sewage pipe and the manhole had been repaired and there was no sewage spilling as shown in the pictures below.



Picture 5: Repaired sewer pipe

- 6.1.21 However, dry raw sewage was visible, the area was extremely dirty, and the stench of sewage was overwhelming.



Picture 6: Dry sewage after repairs at Matswale Phase 10



Picture 7: Repaired manhole but the area was dirty

- 6.1.22 In addition, the Investigation Team also observed water from a nearby stream mixed with raw sewage, which had spilled over the area as shown in the picture below.



Picture 8: Smelly waterway where sewage was flowing at Matswale Phase

- 6.1.23 In addition, sewage had overflowed into the nearby water stream, which had overgrown vegetation, and rubble was not collected.



Picture 9: Stream with grown vegetation

Interviews held with the residents of Matswale Phase 10, Ward 5

- 6.1.24 The Investigation Team interviewed a few residents of Phase 10 to gauge their reaction after the repairs were done by the VDM.
- 6.1.25 *Resident A*, stated that:
- 6.1.25.1 Life has significantly improved since the sewage system was repaired, and even the toilet in his house is now functioning properly since the blocked main sewer line had caused the wastewater to push back to the toilets inside residents' houses. However, he raised concern about the increase in mosquitoes due to the water stream and overgrown vegetation in the area and recommended that the VDM remove the vegetation and waste from the stream and install a bin for proper disposal of refuse;

- 6.1.25.2 The VDM should cover the sewage spillage with gravel to help reduce the unpleasant smell; and
- 6.1.25.3 There is a need for the VDM to enhance its services since currently there is a delay of approximately two (2) to three (3) days in receiving assistance to respond to blocked toilets; and
- 6.1.25.4 The recent repairs made by the VDM have improved the flow of the toilets when flushed. However, there is a delay of two days for the Municipality to address reports regarding blocked toilets.

Resident B

- 6.1.25.5 Resident B also expressed concern regarding the prevalence of mosquitoes in the area due to the nearby stream and overgrown vegetation and also recommended that the VDM should remove the vegetation and accumulated waste from the stream to address the issue;
- 6.1.25.6 The area should also be fumigated to control the mosquito population; and
- 6.1.25.7 In addition, the VDM must improve the flow of the toilets when flushed. However, there is a delay of two to three days for the Municipality to address blockages and residents have to travel approximately 180km to Thohoyandou to report complaints relating to blocked ablution facilities.

Resident C

- 6.1.25.8 Resident C also raised concern about the presence of mosquitoes, snakes, and an unpleasant smell from the overgrown vegetation. Additionally, he mentioned that there were instances where babies had been abandoned in the dense reeds.

- 6.1.25.9 He urged VDM to clear the overgrown vegetation and upgrade the sewage pipes to accommodate the growing population in the area. He further stated that the current sewage pipe is small and was used when the area had a smaller population. He indicated that adjustments are necessary to meet the current needs of the larger community.

Further Correspondence with VDM

- 6.1.26 On 28 August 2024, a follow-up letter was sent to Mr Kutama regarding the observations made by the Investigation Team relating to the reeds in the stream, the mosquitoes, the persistent bad smell in the area; and dumping of rubbish, which makes the area very dirty and harmful to the residents.
- 6.1.27 In his response dated 09 September 2024, Mr Kutama stated that:
- 6.1.27.1 A tractor loader backhoe (TLB) will be deployed to Matswale Phase 10, Ward 5, to remove the reeds in the stream and to cover the wet soil in the area with dry soil to eliminate the bad odour which should be completed by 13 September 2024;
- 6.1.27.2 It is the responsibility of MLM to collect waste and ensure that the area is clean. However, the VDM engaged MLM on the issue of waste material collection, and MLM confirmed that it would place a waste collection container in the affected area and ensure it was removed regularly; and
- 6.1.27.3 MLM planned to put the waste collection container between January to March 2025.

Further Correspondence with VDM

- 6.1.28 On 03 October 2024, a letter was sent to Mr Kutama requesting him to confirm whether VDM has complied with its action plan relating to the cutting of the reeds in the stream and the covering of raw sewage with dry soil to eliminate the smell by 13 September 2024.
- 6.1.29 On 09 October 2024, a response was received from Mr Kutama, and he stated that the reeds were removed, and the raw sewage was covered with dry soil to eliminate the smell on 13 September 2024.
- 6.1.30 He attached pictures as proof of the undertakings made as shown below:



Picture 10: The area after the TLB has removed some of the rubbish

- 6.1.31 The picture below shows the road after it was covered with dry soil in an effort to eliminate the sewage smell.



Picture 11: Road after being covered with dry soil

Follow-up Inspection in loco

- 6.1.32 On 12 March 2025, the Investigation Team conducted a follow-up inspection *in loco* to assess the current conditions of Matswale Phase 10, Ward 5 and discovered that the area was still full of waste and sewage spillage, though VDM had previously attended to the spillage as shown below.



Picture 12: Raw sewage and refuse

- 6.1.33 A lot of refuse had again accumulated around the manhole and was mixed with raw sewerage spillage as observed during the on-site inspection.



Picture 13: The manhole, sewage and rubbish



Picture 14: The extent of dirt dumped in the area and raw sewage



Picture 15: Dry sewage in another manhole



Picture 16: The stream, overgrown reeds and dirt

- 6.1.34 To avoid the spillage in his yard, a resident had to hire a plumber to direct the spillage from the pipes in his yard to the dumping area outside.



Picture 17: Pipe connected by a resident to direct raw sewage from his yard to the street

- 6.1.35 On 12 March 2025, the Investigation Team contacted Ms Muofhe, the VDM Manager of Waste operations, to address the ongoing sewage spillage affecting the residents, the unpleasant smell posing a health hazard in Matswale Phase 10 as well as the illegal dumping of rubbish.
- 6.1.36 Ms Muofhe stated that she was unaware of the plight of the community of Matswale, Phase 10, Ward 5. She assured the Investigation Team that she would promptly dispatch a team to investigate, clean up the area and repair the sewage pipes.
- 6.1.37 On 13 March 2025, Ms Muofhe confirmed by telephone that the team was busy cleaning the area and fixing all sewage pipes at Matswale Phase 10, Ward 5.
- 6.1.38 She provided the Public Protector with the photos as proof of work being

done.



Picture 18: TLB cleaning the area (Courtesy of VDM)



Picture 19: Cleaned area with wastewater (Courtesy of VDM)



Picture 20: Municipal official placing a no-dumping sign (Courtesy of VDM)



Picture 21: The area after it was cleaned (Courtesy of VDM)

6.1.24 *Notice issued in terms of section 7(9)(a) of the Public Protector Act*

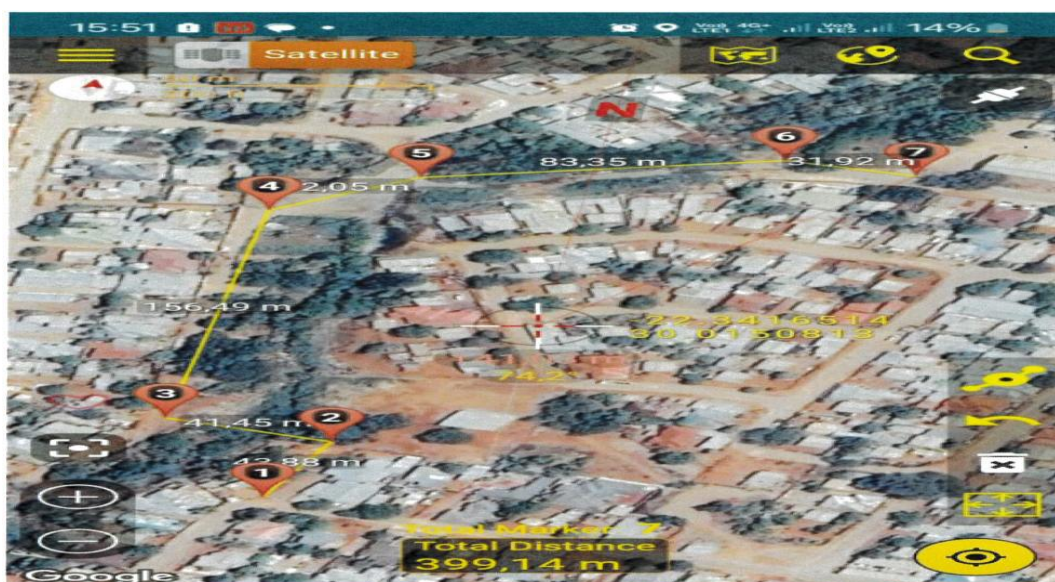
6.1.35.1 On 09 June 2025, a Notice in terms of section 7(9) of the Public Protector Act was issued to Mr Tshivanammbi and Mr Kutama to provide them with an opportunity to respond to the likely adverse findings and proposed remedial action.

6.1.35.2 Section 7(9)(a) of the Public Protector Act provides that persons implicated or affected in an investigation by the Public Protector are to be afforded an opportunity to make representations regarding the same.

Response to the notice issued in terms of section 7(9)(a) of the Public Protector Act, 1994 by VDM

6.1.36 On 20 June 2025, Mr Kutama, the Municipal Manager of VDM, responded to the section 7(9) Notice and, in addressing the remedial action of the Public Protector, indicated the following:

- 6.1.36.1 The Municipality's maintenance and planning team conducted an investigation on 10 June 2025 to determine the cause of the persistent sewage spillage in the area. It was observed that the previously repaired manhole and pipeline were not spilling, but the manhole that fed into it was blocked;
- 6.1.36.2 The blocked pipeline mentioned above is the same line where one household illegally connected a sewer pipe, causing harm to the environment as a result of blockages;
- 6.1.36.3 The sewage in the area is operating on 110mm pipes, which is over the capacity based on the number of households connected to it. It was observed that the cause of the frequent blockages was as a result of foreign materials found inside the pipe when the team unblocks it;
- 6.1.36.5 The combination of illegal/unwanted disposal in the area and the size of the pipeline contributes to the blockage of the pipeline. The picture 23 below shows the map of the pipeline at Matswale Phase 10, Ward 5;



Picture 22: Google map showing the pipeline at Matswale Phase 10, Ward 5. (Courtesy of VDM)

- 6.1.36.6 The proposed remedial action is to upgrade the sewer line as shown in the photo above, marked 4 and 5. The upgrade will start from Point 1 to 7, where the 110 mm pipes run through;
- 6.1.36.8 The Municipality will report on the progress of the promulgation of the bylaw to the Public Protector with the expected timeframes of completion;
- 6.1.35.9 Quarterly inspection will be conducted by the municipalities maintenance team to ensure that the spillage is contained through high-pressure jetting of the system and maintenance in terms of unblocking until the new proposed upgraded pipeline to permanently address this crisis. Quarterly reports will be furnished to the office of the Public Protector;
- 6.1.36.10 The Municipality will, within 60 calendar days, ensure that a permanent solution is implemented and that the report will be presented to Council addressing the sewage blockages in Matswale Phase 10, Ward 5 in Musina; and
- 6.1.36.11 The Municipality will, within 60 calendar days after submitting the report to Council, appoint a professional engineer to conduct a study on areas affected by constant sewage spillages in Musina and prioritise the funding of developing new infrastructure, which is in line with the supply chain management policy.

Response by MLM to the notice issued in terms of section 7(9)(a) of the Public Protector Act, 1994

- 6.1.37 On 26 June 2025, Mr Tshivanammbi, the Municipal Manager of MLM, responded to the section 7(9) Notice and, in addressing the remedial action of the Public Protector, indicated that the municipality has a waste collection schedule in place and collects waste in Matswale Phase 10 on Thursdays.
- 6.1.38 Environmental awareness campaigns were conducted in the area by the

Municipality in an effort to curb the challenge of illegal dumping waste.

- 6.1.39 The procurement of a service provider to provide skip bins of, which one will be placed in Matswale Phase 10, ward is underway.
- 6.1.40 The Municipality placed a no dumping sign in the area after cleaning on 13 March 2025 in an effort to curb illegal dumping of waste.
- 6.1.41 The Municipality is already undertaking the remedial actions in paragraph 8.1.3.6 and 8.1.3.7.

Applicable law

The Constitution of the Republic of South Africa, 1996 (the Constitution)

- 6.1.42 Section 24¹ *The Constitution provides that everyone has the right.*

(a) to an environment that is not harmful to their health or well-being; and

(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation; promote conservation; and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

- 6.1.43 Section 152 of the Constitution provides *inter alia* that:

(1) The objects of local government are –

(a) To provide democratic and accountable government of local

¹ Constitution of the Republic of South Africa, 1996

communities;

(b) To ensure the provision of services to communities in a sustainable manner;

(c) To promote a safe and healthy environment;

(2) A Municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).

6.1.44 Section 156(1) provides that: *“A municipality has executive authority in respect of, and has the right to administer ---*

(a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5.

(b) any other matter assigned to it by national or provincial legislation”.

6.1.45 Schedule 4, Part B provides that: *“The following local government matters to the extent set out in section 155(6)(a) and (7) water and sanitation services limited to potable water, supply systems and domestic wastewater and sewage disposal systems”.*

6.1.46 Section 156(2) provides that *“A municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer”.*

6.1.47 Section 195 of the Constitution provides that public administration in every sphere of government must be underpinned by amongst others, the following democratic values and principles –

(1) Public administration must be governed by the democratic values and principles.

- (2) *enshrined in the Constitution, including the following principles:*
- (a) *A high standard of professional ethics must be promoted and maintained;*
 - (b) *Efficient, economic, and effective use of resources must be promoted;*
 - (c) *Public administration must be development-oriented;*
 - (d) *Services must be provided impartially, fairly, equitably, and without bias;*
 - (e) *People's needs must be responded to, and the public must be encouraged to participate in policymaking;*
 - (f) *Public administration must be accountable;*
 - (g) *Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation. (Own emphasis)*

6.1.48 Section 237 of the Constitution states that:

"All constitutional obligations must be performed diligently and without delay".

Local Government: Municipal Systems Act, 2000

6.1.49 Section 4(2) of MSA provides that: *"The council of a municipality, within the municipality's financial and administrative capacity and having regard to practical considerations, has the duty to—*

- (a) *exercise the municipality's executive and legislative authority and use the resources of the municipality in the best interests of the local community;*
- (g) *promote and undertake development in the municipality;*
- (h) *.....;*
- (i) *promote a safe and healthy environment in the municipality; and*
- (j) *contribute, together with other organs of state, to the progressive realisation of the fundamental rights contained in sections 24..... of the Constitution.*

- 6.1.50 Section 4(3) of MSA provides that: *“A municipality must in the exercise of its executive and legislative authority respect the rights of citizens and those of other persons protected by the Bill of Rights”*.
- 6.1.51 Section 6(2)(a) of the MSA provides that: *“The administration of a municipality must—(a) be responsive to the needs of the local community”*.
- 6.1.52 Section 73(1) - *“states that a municipality must give effect to the provisions of the Constitution”*.
- 6.1.53 Section 11(3)(e) provides that *“A municipality exercises its legislative or executive authority by implementing applicable national and provincial legislation and its by-laws”*.

Local Government: Municipal Finance Management Act, 2003

- 6.1.54 Section 63(1)(a) and(b) provides that *“The accounting officer of a municipality is responsible for the management of - (a) the assets of the municipality, including the safeguarding and the maintenance of those assets; and (b) the liabilities of the municipality”*.

Water Services Act, 1997

- 6.1.55 Section 2 of the Water Services Act provides for:
- “(a) the right of access to basic water supply and the right to basic sanitation necessary to secure sufficient water and an environment not harmful to human health or well-being;*
- 6.1.56 Section 3 of the Water Services Act provides for the right of access to basic

water supply and basic sanitation as follows:

- “(1) Everyone has a right of access to basic water supply and basic sanitation.*
- (2) Every water services institution must take reasonable measures to realise these rights”.*

**Refuse Removal, Refuse Dumps, and Solid Waste Disposal By-Law,
Gazette Vol 24, No 2858 (MLM)**

- 6.1.57 *Section 18(1) of the by-law provides that: “The municipality has the responsibility to ensure that all refuse within the municipal area is collected, disposed of or recycled”.*

Case law

- 6.1.58 *The Constitutional Court in the City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd and Another*², stated that section 73(1) of the Local Government Municipal Systems Act places a general duty on municipalities to give effect to the provisions of the Constitution and to *“give priority to the basic needs of the local community; promote the development of the local community; and ensure that all members of the local community have access to at least the minimum level of basic services”.*

² City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd and Another (CC) [2011] ZACC 33; 2012 (2) BCLR 150 (CC); 2012 (2) SA 104 (CC) (1 December 2011)

Analysis

- 6.1.59 The evidence before the Public Protector reveals that is lack of maintenance of the sewerage infrastructure by the VDM resulting in persistent untreated sewage spillage in Matswale Phase 10, Ward 5, resulting in the community being exposed to a harmful environment.
- 6.1.60 Evidence further indicates that effluent is washed back in the ablution facilities of some of the resident causing blockages and sewerage spillage in the manholes due to the amount of sand that infiltrates the sewer pipes. Although the VDM acknowledges the challenges facing the community of Matswale Phase 10, Ward 5, and attributes the challenge to the contractor who was paving the road and allegedly broke the sewer pipe and manholes, while grading, which led to rocks and sand blocking the sewage system, however, the municipality has failed take all reasonable measures to prevent the persistent degradation of the environment and provision of an environment that is not harmful to human health and well-being.
- 6.1.61 Furthermore, despite the functionaries of the VDM being aware of the damage caused by the contractor and the risk that the community is exposed to as a result of the conduct of the contractor, the Municipality failed to take corrective action and only attended to the plight of the residents after the intervention of the Public Protector.
- 6.1.62 It is evident that the efforts by the Municipality working with the contractor to replace the broken sewer line and flush out the infiltrated sand along the collector pipeline and manhole to ensure that the sewage flows without any blockages has not been effective. The Municipality has failed to develop and implement permanent maintenance strategies that would prevent the recurring risks contrary to the provisions of Section 28(1) of NEMA which

requires that every person, in this instance, the VDM and MLM, who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.

- 6.1.63 Furthermore, the functionaries of VDM and MLM have not adequately maintained and managed the sewerage infrastructure to ensure that it operates at its optimal capacity as required to prevent the discharge of sewage and untreated water in line with section 152(1)(b) and (d) of the Constitution which enjoins the functionaries of the VDM and MLM to ensure that services to the communities are provided in a sustainable manner and promote a safe and healthy environment. In addition, section 2(a) of the Water Services Act, emphasizes the right to *inter alia*, basic sanitation essential for ensuring a none harmful environment for human health and well-being.
- 6.1.64 The VDM and MLM did not exercise the municipalities' executive and legislative authority by using the resources of the municipality in the best interest of the local community as envisaged by section 4(2)(a) of the MSA.
- 6.1.65 The spillage resulted in discomfort and an unpleasant smell, which affected the residents and impacted the environment, thereby infringing the residents' right to an environment that is not harmful to their health or well-being as envisaged in section 24 of the Constitution.
- 6.1.66 Section 237 of the Constitution imposes a duty on state officials to perform their constitutional obligations diligently and without delay. The evidence before the Public Protector shows that the inaction of the functionaries of the

Municipalities violated their duties and obligations as envisaged in section 237.

- 6.1.67 The Constitutional Court in the *City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd and Another*, confirmed the Municipality's duty in terms of section 73(1) of the Municipal Systems Act to prioritise community needs and the provision of basic services. Accordingly, it was incumbent on the functionaries of the Municipality to ensure the proper maintenance of the infrastructure and expedient resolution of the environmental pollution and health risks posed to the community as a result of the sewage spillage.
- 6.1.68 The inspection in loco conducted by the Investigation Team at Matswale Phase 10 clearly indicate that the measures put in place by the VDM to address the sewage spillages are not sufficient to provide a hazard-free environment to the community. Instead, the inspections revealed a deteriorating and worsening situation at Matswale Phase 10, Ward 5.
- 6.1.69 The Public Protector further notes with concern that the functionaries of the MLM did not ensure that all refuse within the Municipal area is collected, disposed of or recycled in line with section 18 of the Refuse Removal, Refuse Dumps, and Solid Waste Disposal By-law, Gazette vol 24, no 2858. The on-site inspections highlighted the dire need for the functionaries of the MLM to create advocacy on the sustainability of the environment amongst the community of Matswale Phase 10 and their responsibility to ensure that they keep a safe and clean environment.
- 6.1.70 Section 2(2) of NEMA provides *inter alia* that *environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably*.

- 6.1.71 Section 2(4)(a)(i) (ii) and (iv) of NEMA provides that sustainable development requires the consideration of all relevant factors including that the disturbance of ecosystems and loss of biological diversity are avoided, pollution and degradation of the environment is avoided, or, where they cannot be altogether avoided, are minimised and remedied and that the waste is avoided or where it cannot be altogether avoided, minimised and re-used or recycled where possible and otherwise disposed of in a responsible manner.
- 6.1.72 The Municipal Manager of VDM, as the head of the administration of the Municipality has an obligation to ensure that the sewerage infrastructure in Matswale Phase 10 is properly maintained to prevent sewage spillage and to provide a safe environment to the community. This obligation extends to the Municipal Manager of MLM to also ensure that waste management measures are implemented and that waste is disposed of in a responsible manner that would not endanger the health and well-being of the community.
- 6.1.73 The Public Protector acknowledges the commitment made by the VDM in its response to the section 7(9)(a) notice dated 13 May 2025, that the Municipality is in the process of appointing an engineering firm “to *provide all professional services to develop new* infrastructure that will permanently resolve the water crisis and overflowing drainage”.

Conclusion

- 6.1.74 The VDM and MLM have not ensured a permanent solution to repair the affected sewage pipes and manholes, causing persistent sewage spillages, unpleasant smell, and the collection of rubbish in the area.
- 6.1.75 The VDM does not have a by-law which deals with water, sanitation and environment, which is indicative of poor or inadequate planning by the Municipality.

7. FINDINGS

7.1. Having regard to the evidence, the regulatory framework determining the standard that the VDM and MLM should have complied with, and the impact on good administration, the Public Protector makes the following findings:

7.1.1 **Whether the functionaries of the VDM and the MLM failed to properly maintain the sewage infrastructure located at Matswale Phase 10, Ward 5 which resulted in a sewage spillage at a residential area, if so, whether such conduct is improper in terms of section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act**

7.1.2 The allegation that the functionaries of the VDM and the MLM failed to properly maintain the sewage infrastructure located at Matswale Phase 10, Ward 5, which resulted in sewage spillage into a residential area, **is substantiated**.

7.1.3 VDM did not dispute the allegation of sewage spillage at Matswale Phase 10, Ward 5, and stated that the spillage was caused by damage to the manhole caused by the contractor grading the road.

7.1.4 The VDM does not have measures in place to prevent persistent sewage spillage at Matswale Phase 10, Ward 5, including a bylaw that deals with the protection of the environment.

7.1.5 The resultant pollution and stench were not adequately addressed by both VDM and MLM, and as a result, the Complainant's rights to an environment that is not harmful to their health or well-being, as envisaged in section 24 of the Constitution, were violated.

- 7.1.6 VDM does not monitor the spilling of sewage in Matswale Phase 10, Ward 5, leading to a worsening situation, and MLM does not monitor the removal or prevention of illegal dumping of rubbish in the area.
- 7.1.7 MLM failed to place a waste container at Matswale Phase 10, Ward 5, as previously undertaken, and the environment was also not rehabilitated to reduce the unpleasant smell.
- 7.1.8 The conduct of the functionaries of the VDM and MLM constitutes improper conduct as envisaged by section 182(1) of the Constitution and maladministration as envisaged in sections 6(4)(a)(i) of the Public Protector Act.

8. REMEDIAL ACTION

- 8.1. The Public Protector is empowered in terms of section 182(1)(c) of the Constitution to take appropriate remedial action to redress the conduct referred to in this report upon the conclusion of an investigation where adverse findings are made.
- 8.2. In *Economic Freedom Fighters v Speaker of the National Assembly and Others: Democratic Alliance v Speaker of the National Assembly and Others*, the Constitutional Court per Mogoeng CJ held that the remedial action taken by the Public Protector has a binding effect.
- 8.3. Having regard to the evidence, the regulatory framework determining the standard, the functionaries of the Municipality should have complied with and the impact on the community, the Public Protector takes the following remedial action in terms of section 182(1)(c) of the Constitution:

The Municipal Manager of VDM

- 8.3.1 Within **ten (10) calendar days** from the date of receipt of this report, conduct an inspection and routine maintenance of the sewer infrastructure in Musina in terms of section 63(1) of the MFMA to prevent a recurrence;
- 8.3.2 Within **sixty (60) calendar days** from the date of receipt of this report, ensure that VDM undertakes the process of promulgation of water service by-laws, inclusive of the sanitation aspects and its environmental impact in terms of section 156(2) of the Constitution;
- 8.3.3 Conducts quarterly inspections and monitor the sewage infrastructure and maintains a safe and healthy environment at Matswale Phase 10, Ward 5, in terms of section 152(1)(d) of the Constitution;
- 8.3.4 Within **sixty (60) calendar days** from the date of receipt of this report, monitor and report to Council, on measures taken to permanently address the sewage blockage, waste collection and environment protection at Matswale Phase 10, Ward 5, in line with section 63(1) of the MFMA.
- 8.3.5 Within **sixty (60) calendar days** from the date of receipt of this report, in line with available budget and cooperative governance support, conduct a professional engineering study of all affected areas in the Musina area, design and develop specification towards the development of a new infrastructure that will permanently resolve water crisis and overflowing drainages, in line with the Municipality's Supply Chain Management Policy.

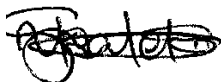
The Municipal Manager of MLM

- 8.3.6 Within **thirty (30) calendar days** from the date of receipt of this report, place the waste collection container and provide a schedule to regularly remove waste at Matswale Phase 10, Ward 5 in terms of section 156(2) of the Constitution;
- 8.3.7 Within **thirty (30) calendar days** from the date of receipt of this report, place “No dumping” signage in the area with penalties for illegal dumping by residents in terms of section 11(3)(e) of MSA;
- 8.3.8 Within **sixty (60) calendar days** from the date of receipt of this report, monitor and report to Council, on measures taken to permanently address the waste collection and environment protection at Matswale Phase 10, Ward 5, in line with section 63(1) of the MFMA.

9. MONITORING

- 9.1 The Municipal Manager is to submit an action plan to the Public Protector within **thirty (30) calendar days** from the date of this report on the implementation of the remedial action referred to in paragraph 8 above.
- 9.2 The submission of the implementation plan and the implementation of the remedial action shall, in the absence of a court order, be complied with within the period prescribed in this report to avoid being in contempt of the Public Protector.
- 9.3 In line with the Constitutional Court Judgement in the matter of *Economic Freedom Fighters*, and in order to ensure the effectiveness of the Public Protector, the remedial action prescribed in this Report is legally binding on the

Municipality unless there is an Interim Interdict or Court Order directing otherwise.



ADV KHOLEKA GCALEKA
PUBLIC PROTECTOR
REPUBLIC OF SOUTH AFRICA
DATE:30 JUNE 2025

Assisted by: Ms Nthoriseng Motsitsi

Executive Manager: PII Inland