

**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**



**PUBLIC PROTECTOR  
SOUTH AFRICA**

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**ADVISORY REPORT OF THE PUBLIC PROTECTOR ON AN INVESTIGATION INTO  
ALLEGATIONS OF FAILURE BY THE CITY OF EKURHULENI METROPOLITAN  
MUNICIPALITY TO COLLECT REFUSE IN THE KEMPTON PARK AREA**

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## **ADVISORY REPORT OF THE PUBLIC PROTECTOR ON AN INVESTIGATION INTO ALLEGATIONS OF FAILURE BY THE CITY OF EKURHULENI METROPOLITAN MUNICIPALITY TO COLLECT REFUSE IN THE KEMPTON PARK AREA**

### **1. INTRODUCTION**

- 1.1. This is an advisory report 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. The report communicates my observations following an investigation into the complaint that was lodged by Mr Mike Waters, the Gauteng Chairperson of the Democratic Alliance Party and MP (The Complainant) on 30 August 2019, into allegations of failure by the City of Ekurhuleni Metropolitan Municipality (City of Ekurhuleni) to collect refuse in the Kempton Park area, resulting in an unhygienic build-up of refuse, putting community members at risk.
- 1.3. A copy of the advisory report is provided to the following persons in terms of section 8(3) of the Public Protector Act, 1994:
  - 1.3.1. Mr Mzwandile Masina, Executive Mayor of the City of Ekurhuleni;
  - 1.3.2. Dr Imogen Mashazi, City Manager: City of Ekurhuleni;
  - 1.3.3. Ms Alderman Patricia Khumalo, Speaker of the Council, City of Ekurhuleni Metropolitan Municipality; and
  - 1.3.4. Mr Mike Waters (the Complainant)

### **2. THE COMPLAINT**

- 2.1 The Complainant made the following allegations against the Municipality:

- 2.1.1 *“I am writing to you with regard to the increasing health risk in Kempton Park due to the City of Ekurhuleni inability to collect refuse which is resulting in refuse piling up and Kempton Park been rat-infested.*
- 2.1.2 *According to the National Environmental Management Waste Act, 2008 (Act No 59 of 2008 the CoE is compelled to provide regular and reliable refuse collection to its residents. In this case, refuse is supposed to be collected once a week on the same day for any particular household. This is not happening”.*
- 2.1.3 *The residents of Kempton Park are paying for services they are not receiving and despite assurances by the CoE to the Environmental Portfolio Committee in the National Assembly late last year, the situation has deteriorated not improved”.*
- 2.1.4 *As submission petitions to Parliament does not work, I am thus appealing to your office to conduct an urgent investigation into this crisis.*
- 2.1.5 *I look forward to your positive and prompt response”.*

### **3. POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR**

- 3.1 The Public Protector is an independent constitutional institution established under section 181(1)(a) of 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, that 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) directs that the Public Protector has additional powers and functions prescribed by national legislation.
- 3.4 The Public Protector is further mandated by the Public Protector Act to investigate and redress maladministration and related improprieties in the conduct of state affairs. The Public Protector is also given the power to resolve disputes through conciliation, mediation, negotiation, advising the complainant regarding appropriate remedies or any other means that may be expedient under the circumstances.
- 3.5 The Public Protector is further mandated by the Public Protector Act to investigate and redress maladministration and related improprieties in the conduct of state affairs and is also given the power to resolve disputes through conciliation, mediation, negotiation or any other appropriate alternative dispute resolution mechanism.
- 3.6 In the *Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others*<sup>1</sup> the Constitutional Court per Chief Justice Mogoeng stated the following when confirming the powers of the Public Protector:

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<sup>1</sup> CCT 143/15; CCT171/15 [2016] ZACC 11, 2016 (5) BCLR 618 (CC); 2016 (3) SA 580 (CC); 31 March 2016.

- 3.6.1 “Complaints are lodged with the Public Protector to cure incidents of impropriety, prejudice, unlawful enrichment or corruption in government circles;<sup>2</sup>
- 3.6.2 An appropriate remedy must mean an effective remedy, for without effective remedies for breach, the values underlying and the rights entrenched in the Constitution cannot properly be upheld or enhanced;<sup>3</sup>
- 3.6.3 Taking appropriate remedial action is much more significant than making a mere endeavor to address complaints which was the most I could do in terms of the Interim Constitution. However sensitive, embarrassing and far – reaching the implications of her report and findings, I am constitutionally empowered to take action that has that effect, if it is the best attempt at curing the root cause of the complaint;<sup>4</sup>
- 3.6.4 The legal effect of these remedial measures may simply be that those to whom they are directed are to consider them properly, with due regard to their nature, context and language, to determine what course to follow;<sup>5</sup>
- 3.6.5 Every complaint requires a practical or effective remedy that is in sync with its own peculiarities and merits. It is the nature of the issue under investigation, the findings made and the particular kind of remedial action taken, based on the demands of the time, that would determine the legal effect it has on the person, body or institution it is addressed to;<sup>6</sup>
- 3.6.6 The Public Protector’s power to take appropriate remedial action is wide but certainly not unfettered. What remedial action to take in a particular case, will

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<sup>2</sup> Para [65].

<sup>3</sup> Para [67].

<sup>4</sup> Para [68].

<sup>5</sup> Para [69].

<sup>6</sup> Para [70].

be informed by the subject-matter of the investigation and the type of findings made;<sup>7</sup>

3.7 Section 6(9) of the Public Protector Act, 1994, provides that: -

*“Except where the Public Protector in special circumstances, within his or her discretion, so permits, a complaint or matter referred to the Public Protector shall not be entertained unless it is reported to the Public Protector within two years from the occurrence of the incident or matter concerned.”*

3.8 In this instance, the Public Protector does not consider section 6(9) of the Public Protector Act applicable in that although the investigation of this matter has taken longer to conclude as per this advisory report, however the alleged incident under investigation occurred within the two year period from the date the complaint was lodged with the Public Protector.

4. The City of Ekurhuleni is an organ of state and its conduct amounts to conduct in state affairs and, therefore, the matter falls within the mandate of the Public Protector to investigate.

5. The power and jurisdiction of the Public Protector to investigate and take appropriate remedial action was not disputed by any of the parties.

## 6. THE INVESTIGATION

### 6.1. Methodology

6.1.1. The investigation was conducted in terms of section 182 of the Constitution and sections 6 and 7 of the Public Protector Act.

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<sup>7</sup> Para [71].

- 6.1.2. The Public Protector Act confers on the Public Protector the sole discretion to determine how to resolve a dispute relating to allegations of improper conduct or maladministration.
- 6.1.3. The investigation process included the exchange of correspondence and documentation between the Public Protector and the City of Ekurhuleni's, Ms Mandisa Phosa, Divisional Head: Waste Operation.
- 6.1.4. All relevant documents and correspondence were obtained and analyzed. Relevant laws, policies, and related prescripts were also considered and applied throughout the investigation.

## **6.2 Approach to the investigation**

- 6.2.1 The approach to the investigation included analysis of the relevant documentation and consideration and application of the relevant laws, regulatory framework, and prescripts.
- 6.2.2 Like every Public Protector investigation, the investigation was approached using an inquiry process that seeks to find out:
  - 6.2.2.1 What happened?
  - 6.2.2.2 What should have happened?
  - 6.2.2.3 Is there a discrepancy between what happened and what should have happened and does that deviation amounts to maladministration and improper conduct?



- 6.2.2.4 In the event of improper conduct or maladministration, what would it take to remedy the wrong occasioned by the said improper conduct or maladministration?
- 6.2.3 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 particular case, the factual enquiry principally focused on whether the conduct of the Ekurhuleni Metropolitan Municipality and/or its officials constituted maladministration, improper conduct.
- 6.2.4 The enquiry regarding what should have happened, focuses on the law or rules that regulate the standard that should have been met by the Ekurhuleni Metropolitan Municipality to prevent maladministration and/or improper conduct.
- 6.2.5 In the event of maladministration what would it take to remedy the wrong or to place the Complainants as close as possible to where they would have been had the undue delay and/or maladministration not taken place?
- 6.2.6 The enquiry regarding the remedy or remedial action seeks to explore options for redressing the consequences of maladministration. Where a Complainant has suffered maladministration or improper conduct, the idea is to place him or her as close as possible to where he or she would have been had the City of Ekurhuleni or organ of state complied with the regulatory framework setting the applicable standards for good administration.

**6.3 On analysis of the complaint, the following issues were considered and investigated:**

6.3.1 Whether the City of Ekurhuleni failed to fulfil its legislative duty to collect refuse in and around the Kempton Park area as prescribed in the National Environment Management Waste Act.

**6.4 KEY SOURCES OF INFORMATION**

**6.4.1 Documents**

6.4.1.1 A copy of the Complainant's complaint document dated 30 August 2019;

6.4.1.2 A copy of a report of the bid evaluation committee meeting dated 19 December 2019.

6.4.1.3 A copy of Kempton Park round refuse schedule dated 31 August 2020;

**6.5 Correspondence sent and received**

6.5.1.1 Allegations letter sent to Dr. Imogen Mashazi dated 08 October 2019;

6.5.1.2 A copy of a response email from Ms Mandisa Phosa dated 11 October 2019;

6.5.1.3 Letter to the City of Ekurhuleni Municipality Manager, Supply Chain Management, Dr. Imogen Mashazi from the Office of the Public Protector, dated 08 October 2019;

6.5.1.4 Response received from Ms. Mandisa Phosa, Waste Operations: Divisional Head, dated 14 October 2019;

6.5.1.5 Follow up response from Ms. Mandisa Phosa, Waste Operations: Divisional Head, dated 14 October 2019;

6.5.1.6 Discretionary letter sent to the Complainant dated 28 October 2020.

## 6.6 Legislation and other prescripts

- 6.6.1 The Constitution of the Republic of South Africa 108 of 1996;
- 6.6.2 The Public Protector Act, 23 of 1994;
- 6.6.3 Municipal Systems Act, 32 of 2000;
- 6.6.4 National Environment Management Waste Act, 56 of 2008.
- 6.6.5 City of Ekurhuleni Metropolitan Municipality Integrated Waste Management By-Laws dated 25 March 2021

## 6.7 Case Law

- 6.7.1 Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others CCT 143/15; CCT171/15 [2016] ZACC 11, 2016 (5) BCLR 618 (CC); 2016 (3) SA 580 (CC); 31 March 2016

## 7. THE DETERMINATION OF THE ISSUES IN RELATION TO THE EVIDENCE OBTAINED AND CONCLUSIONS MADE WITH REGARD TO THE APPLICABLE LAW AND PRESCRIPTS.

- 7.1 Whether the City of Ekurhuleni failed to fulfil its legislative duty to collect refuse in and around the Kempton Park area as prescribed in the National Environment Management Waste Act.

### Common cause issue

- 7.1.1 It is common cause that during the period under investigation the Kempton Park area experienced poor service delivery as a result of the failure by the City of Ekurhuleni to ensure regular and reliable waste collection, resulting in

huge amounts of waste that was not collected by the Municipality piling up in the area.

Issues in dispute

- 7.1.2 According to the Complainant, the City of Ekurhuleni failed to collect refuse in the Kempton Park area resulting in an unhygienic build-up of refuse, putting the community members at risk.
- 7.1.3 The municipality acknowledged in a letter dated 14 October 2019 that there was a challenge with waste removal in the Kempton Park area due to the incessant breakdown of trucks which hampered service provision.
- 7.1.4 The Municipality further indicated that alternative measures were devised to remedy the aforesaid failure, to clear excessive refuse backlogs after hours (including on weekends) by utilizing neighbouring depots' resources.
- 7.1.5 The City of Ekurhuleni made the following undertakings to further enhance waste removal functions, eradicate backlogs and ensure constant refuse removal:
  - 7.1.5.1 Prioritising repair of waste removal trucks as and when breakdowns occur;
  - 7.1.5.2 Procurement of twenty-three (23) waste removal trucks to complement the existing fleet;
  - 7.1.5.3 Procurement of the "AS AND WHEN" contract, which was anticipated to be concluded in December of 2019; and

7.1.5.4 Once the procurement processes were concluded, contract vehicles will be utilised, where necessary, to prevent the occurrence of backlogs and ensure that areas are serviced as scheduled weekly.

7.2 In a follow-up letter from the City of Ekurhuleni dated 11 May 2020, Ms. Mandisa Phosa, Divisional Head: Waste Operations, reported that:

7.2.1 Waste management services were rendered weekly in compliance with the National Environmental Management Waste Act, 56 of 2008.

7.2.2 Non- availability of specialised equipment as a result of incessant breakdown is still a challenge however, the following measures are implemented to ensure consistent refuse as scheduled:

(a) Waste removal vehicles are prioritized for repair as and when breakdowns occur.

(b) 23 Waste removal trucks were procured, delivered in November 2019, and distributed to waste management depots within the City of Ekurhuleni to complement the existing fleet, as per the distribution list in the table below:

Type of Vehicle	CCC	Number of Vehicles
UD CWE 330 REL compactor	Alberton	5
UD CWE 330 REL compactor	Bedfordview	2
UD CWE 330 REL compactor	Brakpan	2
UD CWE 330 REL compactor	Boksburg	3
UD CWE 330 REL compactor	Germiston	5
UD CWE 330 REL compactor	Nigel	1
UD CWE 330 REL compactor	Kempton Park	2
UD CWE 330 REL compactor	Benoni	1

Mercedes REL compactor	Edenvale	2
Total		23

7.2.3 The “AS AND WHEN” required contract was finalised and implemented from the end of January 2020 to date, to prevent the occurrence of backlogs and ensure a reliable provision of refuse removal service.

7.2.4 Ms Mandisa Phosa further asserted that with the introduction of Contractors, the provision of waste management services improved drastically and no backlogs were experienced.

7.2.5 On 14 September 2020, the Public Protector investigation team from the Gauteng Provincial Office, accompanied by the District Manager for Waste Management Mr. Nicky Moela, conducted random inspections *in loco* in and around the Kempton Park CBD to ascertain whether the provision of waste management services has improved as reported by the Municipality.

7.2.6 In this regard, the following streets in Kempton Park were visited as illustrated in the pictures below:



Figure 1: Pretoria Street



Figure 2: Engen Service Station in Kempton Park Commissioner Street



Figure 3: Taxi rank in Pretoria Street in Kempton Park



Figure 4: Corner Avenue and Central Avenue Street



Figure 5: Central Street

7.2.7 Although the City of Ekurhuleni conceded to having experienced challenges with refuse collection resulting in a backlog, during the inspection *in loco*, the



Public Protector investigation team could not observe any form of refuse that was left in piles, thrown into pits, or left on the streets except for the small plastic bags lying outside of the stores which Mr. Nicky Moela submitted that this refuse is collected twice a day at 9h00 in the morning and 13h00 in the afternoon.

7.3 *Application of the relevant law and prescripts*

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

Section 2 of the Constitution provides that *“The Constitution is the supreme law of the Republic, law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled”*.

7.3.2 Section 24(a) of the Constitution provides that, *“Everyone has the right to an environment that is not harmful to their health or well-being”*.

7.3.3 Section 152 of the Constitution provides for the objects of local government. In terms of section 152(1) of the Constitution, the objects of local government are amongst other things:

- (a) To provide democratic and accountable government for local communities;*
- (b) to ensure the provision of services to communities in a sustainable manner;*
- (c) ...*
- (d) to promote a safe and healthy environment; and*
- (e) ...*

7.3.4 Section 152 (2) of the Constitution provides that *“A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).*

- 7.3.5 Section 156(1) of the Constitution 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; and*
  - (b) *any other matter assigned to it by national or provincial legislation.*
- 7.3.6 In terms of Part B of Schedule 5 of the Constitution, the Municipality has the competency to control refuse removal, refuse dump and solid waste disposal.
- 7.3.7 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 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 policy-making.*
    - (f) *Public administration must be accountable.*
    - (g) *Transparency must be fostered by providing the public with timely, accessible, and accurate information.*
    - (h) *Good human-resource management and career-development practices, to maximise human potential, must be cultivated.*
    - (i) *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.*

(2) *The above principles apply to —*

- (a) *administration in every sphere of government;*
- (b) *organs of state; and*
- (c) *public enterprises.*

7.3.8 Section 11 of the Municipal Systems Act<sup>8</sup> regulates Executive and Legislative Authority of the Municipality and stipulate *inter alia*:

(1) *“The executive and legislative authority of a municipality is exercised by the council of the municipality, and the council takes all the decisions of the municipality subject to section 59.*

(2).....;

(3) *A municipality exercises its legislative or executive authority by:*

- (a) *developing and adopting policies, plans, strategies and programs, including setting targets for delivery;*
- (b) *promoting and undertaking development;*
- (c) *establishing and maintaining an administration;*
- (d) *administering and regulating its internal affairs and the local government affairs of the local community;*
- (e) *implementing applicable national and provincial legislation and its by-laws;*

(f) .....

(g) .....

(h) .....

(i) .....

(j) .....

(k) .....

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<sup>8</sup> Act 32 of 2000.

- (l) promoting a safe and healthy environment;*
- (m) passing by-laws and taking decisions on any of the above-mentioned matters; and*
- (n) doing anything else within its legislative and executive competence”.*

7.3.9 City of Ekurhuleni Metropolitan Municipality Integrated Waste Management By-Laws provides for integrated waste management and matters incidental thereto; to give effect to the environmental rights in section 24 of the Constitution, by regulating the collection, storage, disposal, and other waste management activities within the jurisdiction of the City of Ekurhuleni; to provide; in conjunction with any other applicable law, an effective legal and administrative framework, within which the municipality can manage and regulate waste management activities; to ensure that waste is avoided, or otherwise minimised, reused, recycled, and recovered, and that the remainder thereof is treated and disposed of in an environmental sound manner, to promote and ensure an effective delivery of waste service; and to ensure universal access to the municipal waste services.

7.3.10 The objectives of the by-laws are the:

- (a) Promote of the Waste Management Hierarchy in terms of National Waste Management Strategy;
- (b) Regulate the collection and removal of domestic waste, dailies and general business waste by the Municipality in order to ensure the efficient unaffected provision of the service;
- (c) Provide for the collection and removal of other types of waste;
- (d) Provide for the registration of waste transporters and generators;
- (e) Prohibit dumping and burning of waste and impose appropriate penalties on dumping and burning of waste and other offences; and
- (f) Manage and promote the recycling of waste, and provide for the regulation of informal recycles.

- 7.3.11 The City of Ekurhuleni is bound in terms of sections 24(a) and section 152 of the Constitution, read with Part B Schedule 5 of the Constitution and section 11(l) of the Local Government: Municipal Systems Act to ensure that the Municipality promotes a safe and healthy environment for the communities falling within its administration.
- 7.3.12 Furthermore, section 152(2) of the Constitution further requires the Municipality to strive in its financial and administrative capacity to achieve the objects espoused in subsection 152(1) of the Constitution, which includes amongst other things the duty to provide democratic and accountable government for local communities; to ensure the provision of services to communities in a sustainable manner, and to promote a safe and healthy environment and as prescribed in its by-laws.

### **CONCLUSION**

- 7.3.13 South Africa is founded on, *inter alia*, the values of a democratic government, which includes principles of accountability and responsiveness. Therefore, whenever a delivery system is adopted by a particular municipality, it remains the responsibility of that municipality to be accountable for all its activities, which includes the assurance of consistent service provision of an acceptable quality.
- 7.3.14 The provision of services to local communities in a sustainable manner is also a constitutional imperative for all municipalities. However, the provision of consistent and sustainable services depends on municipal institutions that are properly managed, both financially and administratively.
- 7.3.15 In this instance, the City of Ekurhuleni conceded in its response to my office that during the period under investigation, it experienced challenges with the

collection and removal of refuse in the Kempton Park area, due to incessant breakdown of trucks which hampered service provision.

- 7.3.16 Although the City of Ekurhuleni has subsequently put measures in place to address these challenges, including by procuring new trucks and concluding a “AS AND WHEN” required contract, to prevent the occurrence of backlogs and to ensure a reliable provision of refuse removal services, the City of Ekurhuleni by its admission, acknowledged that it had failed to ensure the provision of refuse removal services to the communities of Kempton Park in a sustainable manner, resulting in these communities being exposed to an unsafe and unhealthy environment, in contravention of the obligations imposed upon municipalities in terms of section 24(a) of the Constitution.
- 7.3.17 Furthermore, the Complainant had to seek alternative interventions on behalf of Kempton Park residents, in order to address the adverse impact as a result of a lack of proper service delivery, including by approaching my office for recourse. Therefore, there is sufficient evidence to conclude that the City of Ekurhuleni failed to deliver on this constitutional imperative by proactively and timeously instituting measures, both financially and administratively, to prevent such failures in service delivery as required by the supreme law of the Republic.
- 7.3.18 This conclusion is premise on the observation that the City of Ekurhuleni only took delivery of the waste removal trucks in November 2019 and concluded the “As and When” required contract in January 2020, after the Complainant had already lodged a complaint with my office. This is indicative of a failure in the planning processes of the City of Ekurhuleni to implement a permanent solution to the service delivery challenges by timeously initiating the procurement of waste removal trucks instead of resorting to constant repairs, which undoubtedly also had an adverse impact on the municipal budget.

7.3.19 Evidence obtained during the course of the investigation indicates that, had the City of Ekurhuleni instituted the procurement of new waste removal trucks, the consequent service delivery failures and negative impact thereof on the community of Kempton Park would have been averted.

## **8. OBSERVATIONS**

8.1 Based on the evidence obtained during the investigation, particularly the admission by the City of Ekurhuleni that there were challenges in the provision of waste management services and/or refuse removal in and around the Kempton Park area due to the breakdown of waste removal trucks, I am persuaded to conclude that the allegations raised by the Complainant that the City of Ekurhuleni failed to ensure uninterrupted refuse removal services in the Kempton Park area, resulting in an unhygienic build-up of refuse, putting community members at risk, is substantiated.

8.2 However, I have also taken cognisance of the fact that the City of Ekurhuleni has implemented an action plan by purchasing extra refuse removal trucks and distributing them around Ekurhuleni depots to address these deficiencies, as confirmed by the inspection *in loco*. However, had the Municipality ensured that the trucks were properly maintained/serviced and/or implemented the action plan sooner, the interruption of refuse removal services to the communities of Kempton would not have occurred.

## **9. RECOMMENDATION**

9.1 In order to address the issues raised in above observations, it is recommended that the City Manager of the City of Ekurhuleni must:

- 9.1.1 Noting that the contract for the appointment of specialised waste management vehicles, equipment and support services on an “As and When” required basis was concluded on 30 June 2020, timeously commence the procurement process prior to the cessation of this contract(s), to ensure the sustainable provision of refuse removal services in the Kempton Park area, without any interruptions.
- 9.1.2 Ensure that the waste removal trucks and other equipment associated with the sustainable provision of these services, are properly maintained and serviced as required.
- 9.1.3 Ensure that any outsourced services are properly monitored and managed.
10. Based on the above mentioned conclusions, I am therefore closing the file on the matter in a form of an advisory report.
11. Should there be any enquiries or responses to this correspondence, you are at liberty to approach my Personal Assistant, Mr Ephraim Kabinde who is contactable on 012 366 7108 and alternatively, per return e-mail at [ephraimk@pprotect.org](mailto:ephraimk@pprotect.org).



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**ADV BUSISIWE MKHWEBANE  
PUBLIC PROTECTOR OF THE  
REPUBLIC OF SOUTH AFRICA**

**DATE:29/09/2021**