

**Public Notice**

**NOTICE OF INTENTION TO REDUCE BULK POTABLE WATER SUPPLY SERVICES: VICTOR KHANYE LOCAL MUNICIPALITY**

The Victor Khanye Municipality (“**the Municipality**”) has a constitutional obligation to provide basic water and sanitation services (“**water services**”) to its residents. To discharge this obligation, the Municipality entered into the Bulk Water Supply Contract (“**BWSC**”) with Rand Water for the provision of bulk potable water services in exchange for payment.

The Municipality has been struggling to service its water account since 2019, as a result the Municipality is currently indebted to Rand Water in the amount of **R 386 947 508.31 was due and payable on 30 March 2024**.

The Municipality’s continuous failure to make payment to Rand Water for the bulk water services debt is an outright breach of the relevant provisions of the BWSC as supported by the provisions of section 33(1)(d) of the Water Service Act 108 of 1997 (“**the WSA**”). This debt threatens the functional and institutional integrity of Rand Water and places in jeopardy Rand Water’s ability to provide bulk water services supply on a financially sustainable basis.

In terms of the relevant provisions of the BWSC and section 4 of the WSA, Rand Water is authorized to reduce bulk water supply services when the Municipality fails to comply with BWSC’s terms and conditions for payment as well as fails to give sufficient evidence of its inability to pay for water services.

The continuous efforts of Rand Water to recover the monies owed by the Municipality have failed and Rand Water has notified the Municipality of its intention to exercise its legislative and contractual powers to reduce/limit bulk potable water services by 20% after 30 days of this notice. All members of the public who are likely to be materially and adversely affected by its reduction in the supply of the bulk water services to the Municipality are hereby notified of Rand Water’s intention to reduce the supply of bulk potable water services to the Municipality.

This reduction does not completely terminate water supply services, but only limit the bulk water supply with 20% leaving the Municipality with 80% which Rand Water justly believes that the Municipality will still be able to maintain continuous supply of water services to its residents. In addition to this Public Notice, your Municipality will initiate public participation processes to ensure that written representation from your direct end users on how the 80% of the water received from Rand Water will be prioritized to minimize the impact to vulnerable members (schools, old age homes, hospitals, etc.).

Rand Water’s planned action is necessary to hold the Municipality accountable to discharge its constitutional and statutory duties, prevent further escalation of the water services debt and enhance Rand Water’s liquidity and ability to discharge its own obligations, all with the goal of protecting the national interest in the sustainability of water services supply.

Members of the public are also advised to take appropriate lawful steps against the Municipality to avert the planned action and protect their interests.

**As contemplated in section 4(3) of the Public Administrative Justice Act, 3 of 2000, Rand Water hereby invites all affected members of the public to submit written representations, comments and/or submissions indicating why Rand Water should or should not proceed with the contemplated reduction of water services.**

The following towns/municipal areas shall be affected by the contemplated reduction:

<b>VICTOR KHANYE LOCAL MUNICIPALITY / AFFECTED TOWNS / POINTS OF SUPPLY</b>
All towns, suburbs and townships of the Municipality’s area of supply.

Public representations, submissions and/or comments should be submitted to:

**RAND WATER GROUP LEGAL SERVICES**

Physical address: 522 Impala Road, Glenvista

Postal address: P O Box 1127, Johannesburg 2000

E-mail address: [Customerservice@randwater.co.za](mailto:Customerservice@randwater.co.za) and [sbxulu@randwater.co.za](mailto:sbxulu@randwater.co.za)

**The closing date for public representations, submissions and/or comments will be end of 30<sup>th</sup> calendar day from date of issue.** Please take note that comments received after the closing date will not be considered.

Such public representations, submissions and / or comments will be considered by Rand Water, and its’ final decision will be published in a notice **within 7 days after closing date**.

Members of the public are informed of their right, should they be so inclined, to challenge the decision of Rand Water in Court by taking it on review.

Reference Number: **VKLM01/2024 Notice**

Issued in terms of section 4 (1)(b) and (3) of the Promotion of Administrative Justice Act, (Act 3 of 2000).

**Isaziso Somphakathi**

**ISAZISO NGENHLOSO YOKUNCIPHISA IZINKONZO ZOKUNIKEZELE NGAMANZI: KUMASIPALA WE VICTOR KHANYE**

U-Masipala wase Victor Khanye (“**uMasipala**”) unesibopho ngokomthetho-sisekelo ukuhlizeka ngamanzi kanye nezinsiza zokuthuthwa kwendle kubahlali bawo (“**izinsika zamanzi**”). Ukufeza lesibopho, uMasipala ungene kwi Nkontileka Yohuhlizeka Ngamanzi Ngobuningi (“**BWSC**”) ne Rand Water ukuze uhlizekelwe ngamanzi amaningi ngokuthi akhokhelwe imali.

uMasipala udonsa kanzima ukusevisa i-akhawunti yawo yamanzi kusukela ngo 2019, okuholelele ekutheni uMasipala kuyimanje ukwelela iRand Water isamba esingu **R 386 947 508.31** obekufanele uyikhokhe zingu **30 March 2024**.

Ukwehleleka kuka Masipala ukukhokhela iRand Water isikwelelu sezinsiza zamanzi amaningi kukukwephula umthetho ngokuphelele ukuhlizeka iBWSC njengokwesekwa kwezihlizeko zesigaba 33(1)(d) ye Water Service Act 108 ka 1997 (“**WSA**”). Lesikwelelu sibeke engcupheni ubuqopho bokusebenza kanye nesikhungo se Rand Water siphinde sibeke engcupheni ikhono le Rand Water ukuhlizeka ngezinsiza zamanzi amaningi ngesisekelo esisimeme ngokwezimali.

Ngokwemibandela efanele ye BWSC kanye nesigaba esingunamba 4 se WSA, iRand Water igunyazwe ukwehlisa izinsiza zokuhlizeka ngobuningi bamanzi lapho uMasipala ehluleka ukubambisana nemigomo nemibandela ye BWSC yokukhokha kanye nokwehleleka ukuhlanga ubufakazi obanele ngokwehleleka kwabo ukukhokhela izinsiza zamanzi.

Imizamo eqhubekayo ye Rand Water yokuthola izimali ezikwelelwa uMasipala ibhuntu shile kanti iRand Water isiyazise uMasipala ngenhloso yawo yokusebenzisa amandla omthetho nawenkontileka ukunciphisa/ ukwehlisa umthamo wezinsiza zamanzi ngo 20% ngemva kwezinsuku ezingu 30 zesaziso. Wonke amalungu omphakathi okungenzeka athintekwe ngokwezimali ngokwehliswa kokuhlizeka kwezidingo-ngqangi zamanzi uMasipala uyaziswa ngalenghloso ye Rand Water yokunciphisa ukuhlizeka komthamo wamanzi ku Masipala.

Lokhu kwehliswa akuziqedi ngokuphelele izidingo zokuhlizeka ngamanzi, kodwa kunciphisa, ukuhlizeka kwamanzi ngobuningi ngo 20% okushiya uMasipala no 80% okuyinto iRand Water ekholelwa ukuthi ngokufanelekile uMasipala usazokwazi ukuqhubeka nokuhlizeka ngamanzi kubahlali bawo. Ukwengeza kulesi Saziso Somphakathi, uMasipala wakho usazaqala izinqubo zokubamba iqhaza komphakathi ukuze uqinisekise izethulo ezibhalwe phansi eziqondile kumphakathi othola lamanzi zokuthi u80% wamanzi atholakala eRand Water uzobekwa kanjani eqhulwini ukuze kuncishiswe umthelela kumalungu asengcupheni oku ... (izikole, amakhaya agcina abadla, izibhedlela, njll.).

Isinyathelo esihleliwe se Rand Water siyadingeka ukuze uMasipala uziphendulele futhi wenze imisebenzi yawo ngokomthetho-sisekelo kanye nangokomthetho oqobo, ukuvimbela ukukhuphuka kwesikwelelu sezinsiza zamanzi kanye nokuthuthukisa imali engena kwi Rand Water nokuvimbela ukuqedwa kwamandla ebhizinisi kanye nekhono lokufeza izibopho zayo, konke lokhu ngenhloso yokuvikela intshisekelo yezwe ngokusimamisa ukuhlizeka kwezinsiza zamanzi.

Amalungu omphakathi ayelulelwa ukuthi athathele uMasipala izinyathelo ezifanele ezisemthethweni ukuze kugwenywe lesisenzo esihleliwe nokuvikela izimfuno zawo.

**Njengoba kuhlangezwe esigabeni 4(3) kwe Public Administrative Justice Act, 3 wango 2000, iRand Water imema wonke amalungu omphakathi athintekile ukuthi aithe izethulo ezibhalwe, imibono kanye/ noma izethulo ezibonisa ukuthi kungani iRand Water kufanele noma kungafanele iqhubekwe nokunciphisa izinsiza zamanzi.**

Lamadlobha/ izindawo zikamasipala ezilandelayo zizothinteka ngokuncishiswa okuhlongozise:

<b>VICTOR KHANYE LOCAL MUNICIPALITY / AMADLOBHA ATHINTEKAYO/ UKUPHAKELWA KWAWO</b>
Wonke amadolobha, izindawo zokuhlala ezisesilungwini namalokishi ahlizeka uMasipala

Izethulo zomphakathi, izethulo kanye /noma ukuphawula kufanele zithunyelwe ku:

**RAND WATER GROUP LEGAL SERVICES**

Physical address: 522 Impala Road, Glenvista

Postal address: P O Box 1127, Johannesburg 2000

E-mail address: [Customerservice@randwater.co.za](mailto:Customerservice@randwater.co.za) noma [sbxulu@randwater.co.za](mailto:sbxulu@randwater.co.za)

**Usuku lokuvala lokubhaliswa komphakathi, izethulo kanye noma ukuphawula kuzoba ukuphela kosuku lwekhalenda mhlaka 30 kusukela zikhishiwe.**

Sicela uqaphele ukuthi imibono engene ngemva kosuku lokuvala ngeke yamukelwe.

Izethulo ezinjalo zomphakathi, izethulo kanye/ nokuphawula kuzocutshungulwa yi Rand Water, futhi isinqumo sokugcina sizoshicilelwa ngesaziso **ezinsukwini ezingu 7 ngemva kosuku lokuvala.**

Amalungu omphakathi ayaziswa ngelungelo lawo, uma enesifiso sokwenzenjalo, angaphikisa isinqumo se Rand Water eNkantolo ukuze sibuyekweze.

Reference Number: **VKLM01/2024 Notice**

Ikhishwe ngokwesigaba 4 (1)(b) kanye no (3) ngokwe Promotion of Administrative Justice Act, (Act 3 ka 2000).

**Public Notice**

**ISIYELELISO SOMNQOPHO WOKWEHLISA UMTHAMO WAMANZI APHATHEKAKO: VICTOR KHANYE LOCAL MUNICIPALITY**

Umasipala we-Victor Khanye (“**the Municipality**”) unesibopho somthetho-sisekelo sokunikela ngamanzi nokuthuthwa kwekucukucuk (“**water services**”) ezakhamuzini zakhe. Ekwenzeni lokhu, umasipala lo ungene esivumelwaneni esibizwa nge-Bulk Water Supply

Contract (“**BWSC**”) ne-Rand Water sokunikelwa kwezenzelwa zamanzi bese iyabhadla.

Umasipala lo uyabhadlela kubhadla isikolo sakhe samanzi ukusukela ngo-2019, ngebanga lalokho umasipala lo ukoloda i-Rand Water **iR 386 947 508.31 ebekufanele ayibhadelwe ngomhlaka 30 March 2024**.

Ukubhadlelwa kukamasipala lo ukubhadla i-Rand Water okuragela phambili kukuphula komgomo we-BWSC osekelwa sigaba u-33(1)(d) se-Water Service Act 108 of 1997 (“**the WSA**”). Isikolodo lesi sithusela ukusebenzi nokunzina kwe-Rand Water begodu kubeka engozini ikhono le-Rand Water lokunikela ngamanzi ngendlela enzinzileko eemalini.

Ngokuya kwemigomo ye-BWSC nendinyana 4 ye-WSA, i-Rand Water igunyazwe ukwehlisa umthamo wezenzelwa zamanzi lokha umasipala nakabhadlelwa kukhambisana nemigomo nemibandela ye-BWSC yokubhadlela izenzelwa kunye nokunikela ngobufakazi obupheleleko bokubhadlelwa kubhadlela izenzelwa zamanzi.

Imizamo eragako ye-Rand Water yokufumana imali eyikolodwa ngumasipala lo ibhadlelwe begodu i-Rand Water imazisile umasipala lo ngomnqopho wayo wokulandela amagunya wayo ngokomthetho namandla wayo wokwehlisa/ukunciphisa umthamo wamanzi nge-20% ngemva kwamalanga ayi-30 wesiyeleliso lesi. Woke amalungu womphakathi ekunekhonakalo yokuthi athintwe kumbi siqunto sokwehlisa umthamo wamanzi kumasipala lo ayaziswa ngomnqopho we-Rand Water wokwehlisa umthamo wamanzi aphakelwa umasipala lo.

Ukwehliswa komthamo lokhu akusikho ukuvala kwamanzi ngokupheleleko, kodwana kunciphisa ukuphakelwa kwawo nge-20% bese umasipala usala nge-80% nekuyinto i-Rand Water ekholelwa ekutheni izokuthiyi umasipala lo asakghona ukuphakela amanzi ezakhamuzini zakhe. NGale kwalokho, isiyelilelo somphakathi lesi, umasipala wakho uzokuthoma ihlelo lokukhulisana nomphakathi lokuqinisekisa bona ufumana izethulo zakho njengomamukeli wezenzelwa ngokuthi i-80% yamanzi avela ku-Rand Water la ayokuphakelwa njani ukwehlisa umthelela phezu kwalabo abasengozini khulu (iinkolo, amakhaya wabadala, iimbhedlela njalo njalo).

Umqopho we-Rand Water lo uyathlogeka ukwenzela bona umasipala lo aziphendulele esibopheni sakhe sangokomthetho-sisekelo sokwenza umsebenzi wakhe, ukukhanda ukuphuphuka kwesikolodo sakhe samanzi nokuvikela ubujami beemali be-Rand Water nekhono layo lokufeza iimbopho zayo, koke lokhu ngomnqopho wokuvikela itjisakalo yenarha ekuyiphakeleni ngamanzi safuthi.

Amalunga womphakathi akhuthazwa bona athathe amadango womthetho apathekako malungana nomasipala ngehloso yokukhanda igadango leli nokuvikela itjisakalo yawo.

**Ngokomnqopho wendinyana u-4(3) we-Public Administrative Justice Act, 3 of 2000, i-Rand Water imema woke amalunga womphakathi athintekileko bona athumele izethulo ezitoliweke, iinkulomo namkha imibono etshwaya bona kubayini i-Rand Water ingakafaneli bona iragele phambili nomnqopho wayo wokwehlisa umthamo wamanzi.**

Iindawo ezilandelayo ziyokuthikamezwa kuciphiswa komthamo wamanzi lokhu:

<b>VICTOR KHANYE LOCAL MUNICIPALITY / AFFECTED TOWNS / POINTS OF SUPPLY</b>
Woke amadorobha, ama-sabhabhu namalokithi aphakelwa ngumasipala lo.

Izethulo zomphakathi, imibono neenkulomo kufanele zithunyelwe ku:

**RAND WATER GROUP LEGAL SERVICES**

Physical address: 522 Impala Road, Glenvista

Postal address: P O Box 1127, Johannesburg 2000

Iposo-moya: [Customerservice@randwater.co.za](mailto:Customerservice@randwater.co.za) naku [sbxulu@randwater.co.za](mailto:sbxulu@randwater.co.za)

**Ilanga lokuvalwa kwezethulo zomphakathi, iinkulomo nemibono kuyokuba kuphela kwelanga lamatjumi amatathu lenyanga ukusukela ekukhutjheni kwesiyelilelo.**

Yeela bona imibono eyokufika ngemva kwelanga lokuvala angeke yamukelwe.

Izethulo zomphakathi, iimphakamiso kunye nemibono zizokuqalwa yi-Rand Water, begodu isiqundo sayo sokugcina siyokuvezwa **kungakapheli amalanga alikhomba ngemva kwelanga lokugcina.**

Amalunga womphakathi aziswa ngelungelo lawo, nakakhanukako, lokuphikisana nesiqundo se-Rand Water eKkhotso ngokubawa bona sibuyekweze.

Inomboro yereferensi: **VKLM01/2024 Notice**

Sikhutjhe ngokwendinyana u-4 (1)(b) no-(3) we-Promotion of Administrative Justice Act, (Act 3 of 2000).

**Openbare Kennisgewing**

**KENNISGEWING VAN VOORNAME OM GROOTMAAT VOORSIENING VAN DRINK WATER TE VERMINDER: VICTOR KHANYE PLAASLIKE MUNISIPALITEIT**

Die Victor Khanye-munisipaliteit (“**die munisipaliteit**”) het ’n grondwetlike plig om basiese water- en sanitasiedienste (“**waterdienste**”) aan sy inwoners te verskaf. Om hierdie verpligting na te kom, het die Munisipaliteit die Grootmaat Watervoorsieningskontrak (“**BWSC**”) met Rand Water aangegaan vir die verskaffing van grootmaat drinkbare waterdienste in ruil vir betaling.

Die Munisipaliteit aanstel reeds sedert 2019 om sy waterrekening te vereffen, en gevolglik is die Munisipaliteit tans die bedrag van **R 386 947 508.31** aan Rand Water verskuldig, wat reeds op **30 Maart 2024 betaalbaar** was.

Die Munisipaliteit se voortdurende mislukking om betaling aan Rand Water te maak vir die grootmaat waterdiensteskuld is ’n volslae oortreding van die relevante bepalings van die BWSC soos ondersteun deur die bepalings van artikel 33(1)(d) van die Waterdienswet 108 van 1997

(“die WSA”). Hierdie skuld bedreig die funksionele en institusionele integriteit van Rand Water, en plaas Rand Water se vermoë om grootmaat waterdienste verskaffing op ’n finansiële volhoubare grondslag aan te bied, in gevaar.

Ingevolge die toepaslike bepalings van die BWSC en artikel 4 van die WSA, is Rand Water gemagtig om grootmaat watervoorsieningsdienste te verminder in gevalle waar die Munisipaliteit in gebrek bly om aan BWSC se bepalings en voorwaardes vir betaling te voldoen, asook faal daarin om voldoende bewys te lever van sy onvermoë om vir waterdienste te betaal.

Die voortdurende pogings van Rand Water om die gelde wat deur die Munisipaliteit verskuldig is, te verhaal, het misluk en Rand Water het die Munisipaliteit in kennis gestel van sy voorneme om sy wetgewende en kontrakuele magte uit te oefen om grootmaat drinkwaterdienste met 20% te verminder na 30 dae van hierdie kennisgewing .

Alle lede van die publiek wat moontlik wesenlik en nadelig geraak mag word deur die vermindering van die verskaffing van die grootmaatwaterdienste aan die Munisipaliteit, word hiermee in kennis gestel van Rand Water se voorneme om die verskaffing van grootmaat drinkwaterdienste aan die Munisipaliteit te verminder.

Hierdie vermindering beëindig nie watervoorsieningsdienste in sy geheel nie, maar beperk slegs die grootmaat watervoorsiening met 20% wat die Munisipaliteit met 80% laat, wat Rand Water tereg glo die Munisipaliteit nog steeds in staat sal stel om deurlopende voorsiening van waterdienste aan sy inwoners te handhaaf. Benewens hierdie Openbare Kennisgewing, sal u Munisipaliteit openbare deelname prosesse inisieer om te verseker dat skriftelike versoë van u, as eindverbruikers, ingewin kan word oor hoe u glo die 80% van die water wat van Rand Water ontvang word, geprioritiseer behoort te word om die impak op kwesbare verbruikers (bv. skole, ouetehuse, hospitale, ens.) te minimaliseer.

Rand Water se beplande optrede word genoodsaak, ten einde die Munisipaliteit aanspreeklik te hou om sy grondwetlike en statutêre verpligtinge na te kom, verdere eskalasië van die waterdiensteskuld te voorkom en Rand Water se likiditeit en vermoë om sy eie verpligtinge na te kom, te verbeter, alles met die oog op die bevordering van nasionale belang, ten einde volhoubaarheid van waterdiensvoorsiening te verseker.

Lede van die publiek word ook aangeraai om toepaslike wetlike stappe teen die Munisipaliteit te neem om die beplande optrede af te weer en hul belange te beskerm.

Soos vervat in artikel 4(3) van die Wet op Openbare Administratiewe Geregtigheid, 3 van 2000, nooi Rand Water hiermee alle geaffekteerde lede van die publiek uit om skriftelike versoë, kommentaar en/of voorleggings in te dien wat aandui waarom Rand Water moet, of nie moet, voortgaan met die beoogde vermindering van waterdienste.

Die volgende dorpe/munisipale gebiede sal deur die beoogde vermindering geraak word:

<b>VICTOR KHANYE PLAASLIKE MUNISIPALITEIT / GEAFFEKTEERDE DORPE / VOORSIENINGSPUNTE</b>
Alle dorpe, voorstede en townships van die Munisipaliteit se voorsieningsgebied.

Openbare versoë, voorleggings en/of kommentaar moet ingedien word by:

**RAND WATERGROEP REGSDIENSTE**

Fisiese adres: Impalaweg 522, Glenvista

Posadres: Posbus 1127, Johannesburg 2000

E-posadres: [Customerservice@randwater.co.za](mailto:Customerservice@randwater.co.za) en [sbxulu@randwater.co.za](mailto:sbxulu@randwater.co.za)

**Die sluitingsdatum vir openbare versoë, voorleggings en/of kommentaar sal einde van die 30<sup>ste</sup> kalenderdag vanaf datum van uitreiking wees.**

Neem asseblief kennis dat kommentaar wat na die sluitingsdatum ontvang word, nie oorweeg sal word nie.

Sodanige openbare versoë, voorleggings en/of kommentaar sal deur Rand Water oorweeg word, en sy finale besluit sal binne **7 dae na die sluitingsdatum** in ’n kennisgewing gepubliseer word.

Lede van die publiek word ingelig oor hul reg en kan, sou hulle so verkies, die beslissing van Rand Water in die hof te betwis deur dit op hersiening te neem.

Verwysingsnommer: **VKLM01/2024 Kennisgewing**

Uitgereik ingevolge artikel 4 (1)(b) en (3) van die Wet op die Bevordering van Administratiewe Geregtigheid, (Wet 3 van 2000).