

The 'big four' functions

Finality in sight

On 3 January 2003, Minister Sidney Mufamadi published a notice for all nine provinces which revokes authorisations in terms of section 84(3) of the Municipal Structures Act. These authorisations deal with four important district municipal functions, namely, the bulk supply of water, electricity and sewage purification works, and municipal health services. As of 5 December 2000, the Minister authorised local municipalities to continue performing these district municipal functions.

Clarification on the final allocation of the function division between district and local municipalities was one of the more important matters that had to be resolved before the end of the two-and-a-half year transition period, ending on 30 June 2003. In reaching his final decision, the Minister consulted with the national Cabinet member responsible for the functional area in question as well as the nine MECs responsible for local government.

Final function division

The Minister followed a uniform approach in allocating the bulk supply of electricity and municipal health services. With regard to **electricity**, the status quo will continue to apply until the national restructuring of this industry is

key points

- Section 84(3) revocation notices published in January 2003 will take effect on 1 July 2003.
- District municipalities will be responsible for performing municipal health services.
- Licence holders in the electricity industry will be responsible for bulk supply of electricity.
- District or local municipalities, as authorised per province, will perform the bulk water supply and sewage purification works functions.

finalised. Thus, existing license agreements are respected and the function will be rendered by the municipalities that have licenses to supply bulk electricity to their communities. **Municipal health services** have been defined as environmental health performed by district municipalities. A district municipality may request one, more or all of the local municipalities within its area to perform the function on its behalf. Primary health care is still the responsibility of the nine provincial governments and they may decide with which municipalities they would like to enter into agreements to perform the function. The Minister co-authorised municipalities to perform the **water** and **sewage functions** and the unique circumstances in each province were taken into account when the revocation notices were drafted with regard to these two functions. What follows is a summary of the nine individual revocation notices.

Gauteng, Free State, Northern and Western Cape

In these four provinces, the revocation notices empower the local municipalities to continue rendering the bulk water supply and sewage purification works functions to their communities.

Eastern Cape

District municipalities in this province, except for the local municipalities forming part of the Cacadu District Municipality and Buffalo City Municipality, will perform the bulk water supply and sewage purification works functions.

KwaZulu-Natal

District municipalities will perform the bulk water supply and sewage purification works functions except in the instances of the Msunduzi, uMhlathuze and Newcastle Municipalities.

Limpopo

The district municipalities retain the performance of the bulk water supply and sewage purification works functions, except for the local municipalities forming part of Waterberg District Municipality and the Polokwane Municipality.

Mpumalanga

The local municipalities forming part of the Eastvaal, Nkangala and Ehlanzeni District Municipalities are authorised to perform the bulk water supply and sewage purification works functions. In the remainder of the province the district municipalities will perform the function.

North West

The local municipalities forming part of the Bojanala and Southern District Municipalities are authorised to perform the bulk water supply and sewage purification works functions. In the remainder of the province the district municipalities will perform the function.

Northern Cape

The local municipalities forming part of the Kalagadi District Municipality are authorised to

perform the bulk water supply and sewage purification works functions. In the remainder of the province the district municipalities will perform the function.

Conclusion

The section 84(3) revocation notices will take effect on 1 July 2003. The publication of these notices finally ends the period of political uncertainty and practical confusion that the communities, district and local municipalities have experienced since 5 December 2000 with regard to budgeting for and performing these four functions. Municipal integrated development plans will in certain instances have to be revised to reflect the new division of functions between the district and local municipalities. This will influence their budgets as well as medium-term expenditure frameworks. Not less important is the effect on the transfer of staff, assets, liabilities and records between the relevant municipalities. Where municipalities currently perform section 84(2) functions, such as fire-fighting services, the division of functions needs to be finalised by the provinces before 1 July 2003 in terms of a provincial section 18 authorisation notice.

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