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The Free Basic Services Lesson Series showcases municipal projects aimed at the accelerated implementation of government's Free Basic Services policy. Each of the booklets in the series captures the experience of a particular municipality, with the aim of providing practical illustrations of how local government is tackling the challenges associated with delivering Free Basic Services.

Free Basic Services Lesson Series

**Breede River / Winelands
Local Municipality tackles
water services on farms**



Free Basic Water on farms and privately owned land

The provision of basic services, including Free Basic Water to resident farm workers poses a particular challenge to municipalities.

Policy and legislation holds municipalities ultimately responsible for these services in terms of the Universal Obligation. According to the Water Services Act (108 of 1997) farm owners are defined as water services intermediaries. It is their duty as intermediaries to provide water services to resident farm workers. The relevant water services authority is responsible for regulating and monitoring the service. (Details of the policy and legislation appear in the technical section on page 7)

Although challenges remain, Breede River/Winelands LM, in collaboration with the Cape Winelands District Municipality, has successfully established measures to fulfil its obligation to regulate water services on the farms under its jurisdiction. This lesson tells the story.

The Breede River/Winelands Local Municipality was legally constituted in 2000 and includes the following areas:

- o Ashton
- o Bonnievale
- o McGregor
- o Montagu
- o Robertson

The municipality comprises 24 910 households and a population of 92 175 (Demarcation Board statistics). There are approximately 13 000 households in the towns; the remainder are in the surrounding rural areas, mainly on farms. Although no exact figures exist, Cobus Kritzinger, the Financial Manager of the local municipality, said that a substantial number of farm workers live in the towns.

The municipality covers 3 334.52 square kilometres. Wine and fruit farms are interspersed with the towns. Parmalat and Ashton Canning are the major industrial employers.

The water resources of Breede River/Winelands LM form part of the Brandvlei State Water Scheme. They comprise the Breede River and the dams that have been built in the river. The only exception to this is the town of McGregor. This town gets its water from the McGregor Irrigation Board. The water comes via a canal from the Houtbaais and Hoeks Rivers, which flow from the surrounding mountains.



Locality map showing Breede River Winelands LM (www.demarcation.org.za)

Policy and legislation relevant to water services on farms

Universal service obligation

“Water services authorities have a responsibility to ensure that all people living within their jurisdiction are progressively provided with at least basic water services (the first step up the ladder). This includes people living on private land (for example, farm dwellers) and others who are provided with services by intermediaries.” (Strategic Framework for Water Services 1993:16)

Water Services Intermediaries

The Strategic Framework for Water Services (1993, section 3.5.2) defines farmers as water services intermediaries:

Definition. To be a water services intermediary, there must be a contract with the consumer (for example an employment or property lease contract) whose main purpose is not the provision of water services. Otherwise the agency is a water services provider.

Regulation. Water services authorities may require intermediaries to register with the water services authority and may regulate water services provided by intermediaries in terms of municipal by-laws.

People living on farms. Farmers are employers and are responsible for the housing and related services of their employees living on the farms. Farmers are therefore intermediaries and are responsible for the provision of (at least) basic water services to farm workers and their families living on their farms. Water services authorities are responsible to ensure that the responsibilities of farmers and other intermediaries are set out in by-laws and that these by-laws are enforced.

Service levels. Intermediaries should provide more than just a basic minimum service wherever practical and feasible. Preference should be given to the provision of yard taps and adequate sanitation facilities for each family or dwelling.”

The Water Services Act (108 of 1997, Chapter 5) sets out the duties of water services intermediaries as follows:

- “25. (1) The quality, quantity and sustainability of water services provided by a water services intermediary must meet any minimum standards prescribed by the Minister and any additional minimum standards prescribed by the relevant water services authority.
- (2) A water services intermediary may not charge for water services at a tariff which does not comply with any norms and standards prescribed under this Act and any additional norms and standards set by the relevant water services authority.”

According to the Water Services Intermediary Explanatory Guidelines (20 May 2002) “a water services intermediary may charge a fee for water services provided by it”, conditional to the above provisions of the Water Services Act.

Water Resource Management

The responsibility for the management of water resources in a catchment area lies with the catchment management agency (National Water Act (36 of 1998).

The National Water Act (36 of 1998) defines water user associations and their relationship with the catchment management agency as follows:

“Although water user associations are water management institutions their primary purpose, unlike catchment management agencies, is not water management. They operate at a restricted localised level, and are in effect co-operative associations of individual water users who wish to undertake water-related activities for their mutual benefit. A water user association may exercise management powers and duties only if and to the extent these have been assigned or delegated to it. The Minister establishes and disestablishes water user associations”.

Existing irrigation boards, subterranean water control boards and water boards established for stock watering purposes continue in operation until they are restructured as water user associations.

The Act provides details on the following aspects of water user associations (numbers refer to relevant section):

- 91. Proposal for establishment of water user association
- 92. Procedure for establishment of water user association
- 93. Constitution of water user association
- 94. Powers of water user association
- 95. Directives to water user association
- 96. Disestablishment of water user association
- 97. Winding up affairs of disestablished water user association
- 98. Transitional provisions for certain existing organisations

The Act also includes a model constitution for a water user association.

Who is responsible for water services to farm dwellers?

Farmers are defined in the Strategic Framework for Water Services as water services intermediaries. As such, they are responsible for the provision of water services to farm workers living on the farm. It is the role of the municipality to monitor and regulate water services intermediaries. (See the next section for details of the legislation and policy documents.)

Can a farmer charge farm dwellers a tariff for the provision of water services?

Yes, farmers may charge a fee for water services provided by them, if the services exceed the basic level. Tariffs charged by a water services intermediary must comply with norms and standards prescribed by the Minister; and comply with additional norms and standards prescribed by the water services authority.

Tariffs should be in line with the tariffs that the water services authority charges in towns and should be regulated by the municipality. In practice, according to Breede River/Winelands LM municipal officials, farmers generally do not charge for the water services that they provide. (See the technical section below for details on legislation and policy)

What are the rights and obligations of a water services authority in respect of farmers as water services intermediaries?

The Water Services Act authorises water services authorities to require the registration of water services intermediaries within their areas of jurisdiction.

A water services authority may prescribe minimum standards that in respect of the quality, quantity and sustainability of water services provided by a water services intermediary;

A water services authority may prescribe minimum norms and standards in respect of tariffs that may be charged by a water services intermediary.

What forms the basis for the successful implementation of Free Basic Services on farms and other privately owned land?

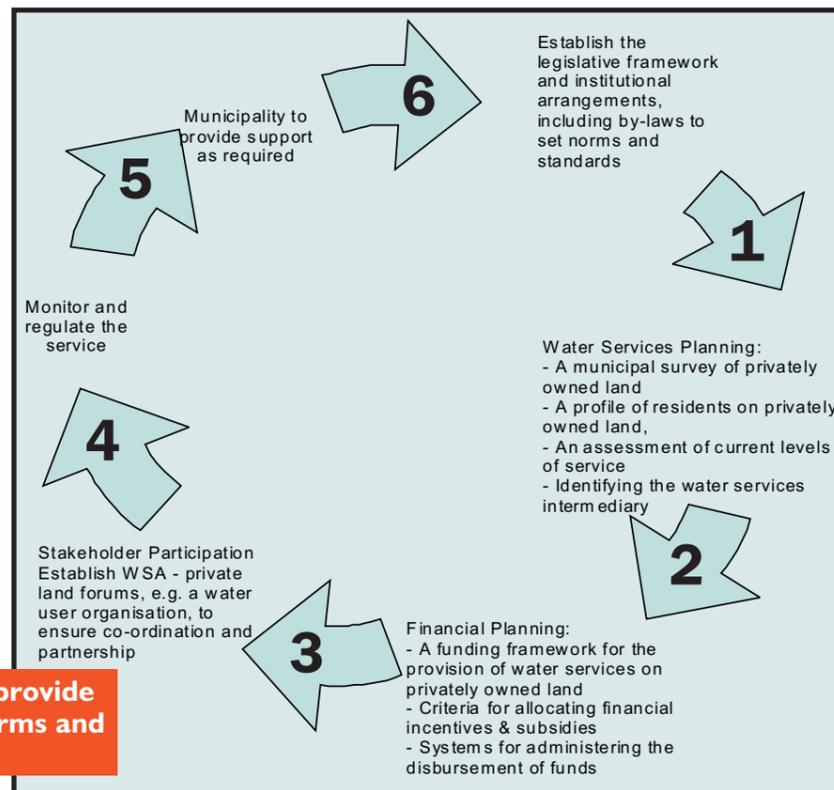
The delivery of Free Basic Services on farms and other privately owned land involves a public private partnership. Possible stakeholders to such a partnership are the municipality, community representatives, the land owners, either individually, or as represented in water user organisations, as well as representatives of relevant industries and donor organisations. All the partners must work closely together to develop a model for the delivery of Free Basic Services on farms and privately owned land that suits their particular circumstances.

How can the municipality support the delivery of Free Basic Services on farms and privately owned land?

It is necessary to create an environment that allows the municipality to set standards and norms for the delivery of Free Basic Services on farms and privately-owned land. This could include by-laws. It is further necessary to provide some incentive to farmers and other land owners to treat drinking water if it currently does not meet the SANS 241 water quality standard. Municipalities should find creative ways to ensure compliance, for example by using monitoring committees, or by increasing subsidies to farmers if they prove that they are taking the necessary steps. It is furthermore essential to invest in building a trust relationship amongst stakeholders.

The diagram depicts a support model for the provision of Free Basic Services on privately owned land (Source: DWAF 2005: Ensuring water services to residents on privately owned land. A Guide for municipalities).

Support Model for municipalities to provide Free Basic Services to residents on farms and other privately owned land



The Department of Water Affairs and Forestry (DWAF) has published a set of guidelines for municipalities for the provision of water services on privately owned land. The subsections below discuss how the municipality has applied these guidelines.

Institutional arrangements

The Cape Winelands DM is the water services authority. Breede River/Winelands LM acts as water services provider to the DM.

“The local municipality has a good relationship with the farming community”, said Mr Jaco Jooste, Assistant Municipal Manager. This good relationship forms the basis for the institutional role that the municipality has to play in terms of the provision of water services on farms.

A key forum for interaction between the Breede River/Winelands LM and the farming community is the Central Breede River Water User Association.

Prior to the formation of a water user association, four irrigation boards managed water use on farms in the area that is today the Breede River/Winelands LM:

- o The Breede River Water Conservation Board was an umbrella organisation for three irrigation boards (see next bullet), each of which managed a water abstraction wall in the Breede River and its associated canal system
- o Le Chasseur & Goree, Angora and Robertson Irrigation Boards.

Today the Central Breede River Water User Association, constituted in terms of Chapter 8 of the National Water Act, has taken over the umbrella management function. The Association has four sub-committees, Le Chasseur & Goree, Angora, Robertson and Zanddrift. These sub-committees remain responsible for the same infrastructure as the previous irrigation boards of the same name were. In the absence of a Catchment Management Agency (see the

According to law any registered water user has the right to become a member of the Central Breede River Water User Association. Current members include:

- o Irrigation farmers
- o Emerging farmers
- o The Breede River / Winelands LM represented by two councilors
- o Industrial water users e.g. Parmalat and wine cellars
- o Recreational water users
- o Gender representatives from sub-committees.

technical section on page 7) the Water User Association oversees that farmers execute their water rights according to their water use licences. Licences and water use tariffs are administered by the Department of Water Affairs and Forestry.

The Water User Association has a number of permanent water control officials patrolling the canal system to ensure that sluices are opened and closed according to each user's licence provisions. Violation of water rights is a criminal offence in terms of Article 151 (1) of the National Water Act.

“Fortunately so far the Association never had an offence”, said Mr Louis Bruwer, the executive officer of the Association.

The water control officials are also responsible for monitoring the maintenance of the canal system.

The institutional reform process is ongoing; for example, the irrigation boards in McGregor are still being restructured into a water user association.

Financial arrangements

The Water Services Act makes provision for financial support to intermediaries. Breederiver/Winelands LM, in collaboration with the Cape Winelands DM, have put this into practice.

According to the Strategic Framework for Water Services 1993 “there is no legal impediment to the use of government grants to fund infrastructure for a poor household on private land not owned by that household, provided that the intermediary (private land owner) makes a financial contribution. This is because the intermediary becomes the owner of the infrastructure once it is installed. Specific policies regarding the appropriate level of contribution and other conditions will be developed by DWAF in collaboration with other government departments”.

Water Services infrastructure on farms is subsidised accordingly.

“The number of houses on farms ranges from 3 to 4 to 800. The need for water infrastructure and the subsidy amount have to accommodate these extremes”, said Nicol van Reizig, a senior environmental practitioner of the District Municipality.

Once a year, the Cape Winelands District Municipality advertises in the local press for farmers to apply for a water services infrastructure subsidy. The maximum subsidy that a farmer can apply for is R25 000 or 25% of the cost of the

infrastructure that the farmer plans to provide. Farmers are given six months to complete the infrastructure project and payment is made once construction is completed. In 2006 R1.4 million was paid out in subsidies to farmers for water services infrastructure. At the end of 2006, 500 of the 860 farmers in the area had received the subsidy.

Funding for the subsidy comes from government funds, local industries and international donors. The Cape Winelands DM has good relations with a number of countries such as the Netherlands that import wine and fruit from the area. International links that industries such as Parmalat or Ashton Canning have, has enabled them to obtain donations to the subsidy fund.

The Cape Winelands DM has drawn up a guideline for water services on farms. This makes provision for a house connection and a flush toilet with a septic tank for each household, if sufficient water is available. Not all areas under the municipality's jurisdiction have the same availability of water. The Montagu area, for example, lies in the Little Karoo and it is considerably drier than the areas to the south of the Langeberg mountain range. Ventilated pit latrines are therefore also subsidised in the Montagu area.

Breede River/Winelands LM provides a service to clean out septic tanks at the cost of the farmer.

Water Services Planning

As part of the evaluation of applications, each applicant farm is visited and a survey is made of current water services on the farm. Apart from these ad hoc surveys, there is currently no comprehensive data base of water services on farms in the Cape Winelands DM, which includes Breede River/Winelands LM. A survey to develop such a database is currently being conducted.

Free Basic Water

“99.9% of farmers provide free water to their workers. I am not aware of a single farmer who expects resident workers to pay for water services”, said Nicol van Reizig.



The Breede River - Source: South African Tourism

The level of water services on farms varies. Three scenarios are applicable to resident farm workers:

- o free basic water services
- o free water services below basic level; or
- o free water services above basic level (fully water-borne services with house connections).

According to the municipal officials, the amount of water available, as well as the financial resources to install the necessary infrastructure, probably determines the level of the water services that are provided on a particular farm.

A substantial number of farm workers live in the towns of Ashton, Montagu, Bonnievale, Robertson or McGregor. These farm workers receive free basic water if they meet the criteria for indigent status.

According to statistics of the Water Services National Information System no households in the Breede River/Winelands LM have access to water services below the basic standard. There is still a basic sanitation supply backlog of 1 707 households. Most of the backlogs occur in the rural areas.

Networking and stakeholder participation

Breede River/Winelands LM cooperates closely with farmers through the Central Breede River Water User Association.

Monitoring and regulating

The monitoring and regulating function of the water services authority is currently only applicable to those farms that have applied for an infrastructure subsidy.

The monitoring and regulating the quality of drinking water on farms is still a major challenge for the Local Municipality.

The farmer is ultimately responsible for the provision of water services to farm workers. Water quality is therefore also the responsibility of the farmer. In practice, farmers use their own drinking water resource for workers or they use some method to purify the raw water that they get from the Breede River and its canal system.

“Currently there is no systematic monitoring of drinking water quality on farms”, said Mr Keyser, the Environmental Health Officer of the Cape Winelands DM.

“We monitor water quality on an ad hoc basis when we get a request from a farmer or a complaint from a clinic, when they get cases of water-related diseases.”

Farmers are becoming increasingly aware of the importance of water quality and there is more and more interest in water purification systems. However, water conditions vary considerably from area to area with the result that no single purification method is applicable to all water resources.

Water quality is complex and so far no single solution has been found for the variety of water qualities, as well as environmental and seasonal conditions that are found in the area.

Farm areas come right up to the town



The Breede River/Winelands municipal offices in Ashton

“Last year we tested various technical solutions as a first step toward a more systematic approach to drinking water quality monitoring on farms and private land. We installed different types of purification apparatus on a number of farms and monitored their performance, for example chlorination versus ionisation”, told Nicol van Reizig.

Conclusion

Water quality monitoring as well as the establishment of a reliable database of current water services on farms are the major challenges of water services provision on farms. In contrast, the high level of water services that farmers provide to their resident workers, with the assistance of the water services authority, can be seen as a major achievement and an example for other municipalities.