



**The Office of the Official Opposition  
Free State Provincial Legislature**

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| <b>Date:</b>    | <b>6 May 2022</b>  |
| <b>To:</b>      | <b>Hon Nkosazana Clarice Dlamini Zuma MP<br/>Minister of Cooperative Governance and Traditional Affairs<br/>The Republic of South Africa</b> |
| <b>Cc:</b>      | <b>Hon Enoch Godwana MP<br/>Minister of Finance<br/>The Republic of South Africa</b>   |
| <b>Cc:</b>      | <b>Hon Mxolisi Dukwana MPL<br/>MEC: Cooperative Governance and Traditional Affairs<br/>Free State Province</b>                               |
| <b>From:</b>    | <b>Hon Leona Kleynhans MPL<br/>Member of the Provincial Legislature<br/>Free State Province</b>  |
| <b>Subject:</b> | <b>Illegal electricity cut-offs in Maluti-a-Phofung municipality</b>   |

Dear Minister,

For the past two weeks the Maluti-a-Phofung municipality has been cutting the electricity to businesses and households in Harrismith due to non-payment of the accounts. While we agree that a municipality has an obligation to collect revenue and implement its Credit Control and Debt Management policy this cannot be





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done in conflict with the law which provides for administrative justice for consumers.

For the following reasons we believe that the current activities being implemented by the municipality are illegal:

- A Credit Control and Debt Management policy was adopted by council in June 2021. The new council elected on 1 November 2021 has not adopted any resolution to embark on the current cut-off programme.
- Contrary to the provisions of Sec 102 of the Municipal Systems Act, consumers have not received regular bills, containing meter readings, and applicable tariffs, allowing for verification by the consumers. The 'duplicate statements' provided on request from the municipality, and containing estimates, are also not legal tender and are not compliant with SARS requirements.
- The Credit Control and Debt Management Policy of 2021, upon which the municipality is relying, states that seven days notice must be provided of impending cut-offs. This has not been done.
- The policy makes no provision for the demand of a 50% instant payment, thus denying consumers their right to query the account, or to verify the amount being claimed, or to make arrangements to obtain the funds. Failing the payment of 50% the electricity is summarily disconnected. Some businesses have been without electricity for more than 10 days.
- Sec 102 of the Municipal Systems Act makes provision for a mechanism to dispute an account, and these disputes must be resolved within 3 months. This has not been done and disputes remain unresolved for several years.





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- Several Interim Court Orders have been obtained by some businesses due to the above irregularities. It is clear that the courts agree that these cut-offs do not comply with legal requirements.
- Engagements by councillors with the municipal manager, Mr Mothamaha, and Executive Committee have brought no relief, as they believe they are within their rights.

It is our plea that you will intervene in this municipality and explain the illegality of their actions. The Constitution provides for administrative justice for consumers of municipal services and the current arbitrary and illegal activities may not be condoned.

Kind regards

Leona Kleynhans

Member of the Official Opposition

Free State Provincial Legislature

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