



Joburg Water held to account: Watered-down response not enough; FIX THE BURST PIPE!

Following the digging of his pavement while fixing a burst water pipe, a frustrated resident brought the matter to the attention of Johannesburg Water to have it fixed. Yet, despite being alerted to the urgency of the situation, the municipal-owned entity took a long time to resolve the matter. The prolonged delay caused frustration for the resident, who grew increasingly concerned about his well-being and the state of his property.



Image: Kibler Park property drenched after unattended burst pipe

After several attempts to have this issue addressed, the resident approached the Office of the Ombudsman, which found the allegations to be justified and subsequently launched an investigation into the matter. Our findings proved in favour of the complainant and our office went on to recommend that the pipes and pavement be fixed as a remedial action.

Recognising the gravity of the situation, Joburg Water allocated resources to swiftly fix the water hole caused by the burst pipe. As a result, the water pipe that had plagued Kibler Park for months was finally repaired in May 2023, providing relief to both residents and motorists.

The recent case of Johannesburg Water's undue delays to this matter highlights the importance of accountability, swiftness and transparency within the public service.

Thanks to the diligent investigation and intervention by our office, the issue was successfully resolved, and Joburg Water finally addressed the long-overdue problem.

This incident should serve as a catalyst for improved infrastructure management in Johannesburg and help to ensure that such delays are avoided, and the safety and well-being of residents remain a top priority.

Pensioner denied pension fund payout: The Ombudsman investigates

Former employee, *Mr. Buthelezi began working for the Greater Johannesburg Transitional Metropolitan Council (which fell under the Johannesburg Administration Water and Waste Department), from 1964 to 1995, when he was medically boarded due to a sudden illness.

As he was now unable to continue working, he proceeded to complete all the necessary paperwork for processing of his provident fund claim benefits. However, months after the submission of all the prescribed documents, he attempted to track the progress of his application but to his surprise, was informed that the money had already been deposited into his account.

Realising that his account was empty, he decided to seek clarity from his former employer which subsequently led to him lodging an official complaint against the city's administration. He requested that they review their monthly records indicating the deduction of money, however, he was told that the files were no longer kept by the city but had since been handed over to NBC Holdings (retirement fund administrators of the previous Greater City of Johannesburg Municipality).

According to the Prescription Act No 68 of 1969, which stipulates that 'unclaimed benefit' is prescribed if the claim was not made within the past three years. Existing retirement arrangements with NBC Holdings, and City Power started their investigation under the NBC Umbrella. He provided a bank statement proving that the provident fund had failed to pay the amount owed to him. Sadly, back in the 1960s, there was no mechanism in place to archive or back up customer information, companies largely depended on physical documentation. Yet, despite using the complainant's name and ID number to conduct checks or inquiries, it led to a dead end.

Around 2001, Mr. Buthelezi and other members of the Provident Fund requested that the Johannesburg Municipal Group Life Provident Fund (JMGLPF) be finalised and that all monies due be paid out to members and because NBC Holdings was appointed as the administrator by the employee to finalise the matter, they were to ensure that the payments were made. Due to various reasons, not all members were paid out and Mr Buthelezi was one of the unfortunate few.

In October 2002, all documentation files were collected from the IMATU Office by NBC Holdings. IMATU has no documentation of members in respect of JMGLPF. Mr. Buthelezi then approached the Office of the Ombudsman





as his last resort and we found that the City of Johannesburg had an obligation to investigate this case, seeing that it was not handled properly with failure to conduct FSCA and SAFLII checks.

This case was of interest to our office, primarily because it raised the question of whether we as an office, have jurisdiction to investigate cases that predate the existence of the office, which was established in 2015. Currently, the Ombudsman By-Law has no limitation to what matters we as an office can take up (which counters our efforts to close such gaps relating to 20-year-old incidents after the amalgamation of the various regions into what is now known as the City of Johannesburg).

it is therefore important that our office have the current Ombudsman By-Law amended and reviewed, to help address such issues and avoid accepting and investigating matters decades later without traceable references.

Note: Although this case is an exception due to the confinement of the current Ombudsman By-Law, we urge residents to contact our office as soon as they encounter a problem with the City's departments or entities to avoid the prescription of their matters(s) as per the above case.

*Not his real name

A call for residents to have their say in the amendment and review of the Ombudsman By-Law, 2014. Closing date: 10 October 2023

The public is invited to submit written comments on the amendment and review of the City of Joburg Ombudsman By-Law 2014, in terms of section 7(5) of the Rationalisation of Local Government Affairs Act 1998, Section 12 of the Local Government Municipal Systems Act no 32 of 2000.

While the Office of the Ombudsman for the City of Johannesburg is not a judicial body, our primary role as an office of last instance is to contribute towards accelerated service delivery by promoting good governance and advocating for basic human rights through the investigation and conciliation of service delivery-related complaints lodged by residents against the City's departments and entities.

The authority and influence of our office derives from our basis in law, our mandate to report to Council of the City, and our power to publicise findings and reports on administrative actions and procedures to help improve the lives of the communities in which we serve.

It is on this premise that we set out to amend and review our By-Law, in the hope that it will help our office to :-

1. Close the gaps identified from the inception of an investigation of a complaint,
2. Strengthen the powers of the Office of the Ombudsman to ensure (a) its independence, efficiency, and effectiveness (b) that remedial actions are binding, and (c) that the City's departments and entities implement the Ombudsman's remedial actions and
3. Cover offenses, penalties, and consequences relating to non-compliance within the provisions of the said By-Law.

NOTICE OF REQUEST FOR PUBLIC COMMENTS ON THE AMMENDMENT AND REVIEW OF THE CITY OF JOHANNESBURG OMBUDSMAN BY-LAW 2014

The public is hereby invited to submit written comments on the Amendment and Review of the City of Johannesburg Ombudsman By-law 2014, in terms of section 7(5) of the Rationalisation of Local Government Affairs Act 1998, Section 12 of the Local Government Municipal Systems Act no 32 of 2000. The City of Johannesburg Ombudsman By-law 2014 is amended and reviewed to be consistent with the legislative requirements and for effective implementation.

The proposed amendment and/or review of the By-Law is aimed at:

1. Closing gaps that have been identified during investigation of complaints raised with the office since its inception.
2. Strengthening powers of the Office of the Ombudsman to ensure:
 - a. Its independence, efficiency, and effectiveness.
 - b. That remedial actions of the Ombudsman are binding.
 - c. That City Departments and Entities implement Ombudsman's remedial action.
3. Covering offences, penalties, and consequences regarding non-compliance within the provisions of the By-law.

The public and interested and affected organisations have 30 days commenting period from the date of this advert and the final date for comments is by end of business day on 10 October 2023.

A copy of the City of Johannesburg Ombudsman By-Law may be obtained from the website: www.joburg.org.za and maybe inspected at the city's regional offices during the business hours from 08:00 –16:00 on weekdays.

Enquiries and written comments are to be submitted to the following emails: nondumisop@joburg.org.za and/or justins@joburg.org.za

Issued on behalf of Councillor Peter Rafferty, Chairperson: Section 79 Committee Oversight Committee on the Legislature (OCOL)

Acting Secretary to Council, Mr. Andile Goba, City of Johannesburg Council Legislature, 4th Floor, Council Chamber Wing, Metro Centre, 158 Civic Boulevard, Braamfontein, Johannesburg.



What do the amendments and review of the Ombudsman By-Law mean for you and me as residents of the City of Johannesburg?

Several benefits to the amendments and review of the Ombudsman By-Law, 2014 make it desirable for both residents and officials alike.

Our office will not only continue to promote and protect individual rights but will also (a) help to encourage a more efficient public administration, (b) provide access to a cost-effective dispute resolution mechanism and (c) help to bridge the gap between the City of Johannesburg and the public by promoting cooperation instead of litigation.

As residents, you are therefore encouraged to forward your written comments to nondumisop@joburg.org.za and/or justins@joburg.org.za by **10 October 2023**.

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