SUBMISSIONS ON THE

DRAFT STRATEGIC FRAMEWORK FOR WATER AND SANITATION SERVICES, 2026

Submitted to:
The Director-General, Department of Water and Sanitation Subject: Comments and submissions on the Draft Strategic Framework for Water and Sanitation Services, 2026

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1 INTRODUCTION

1.1 AgriSA welcomes the opportunity to comment on the Draft Strategic Framework for Water and Sanitation Services, 2026 ("the Framework"), published by the Department of Water and Sanitation ("the Department").

1.2 AgriSA is a national agricultural organisation representing the interests of commercial agricultural producers and affiliated agricultural organisations throughout South Africa. Its members operate across a wide range of agricultural sectors and geographical areas and are directly affected by the availability, reliability, affordability and regulation of water and sanitation services.

1.3 AgriSA recognises the importance of the Framework in establishing a coherent national policy approach to the provision, regulation, financing and sustainable management of water and sanitation services. The agricultural sector has a direct interest in these matters, not only as a significant user of water resources, but also as an employer, provider of housing and, in many instances, an incidental provider of domestic water and sanitation services to employees and other lawful occupiers residing on privately owned agricultural land.

1.4 AgriSA supports the constitutional objectives of progressively improving access to sufficient water, promoting adequate sanitation, protecting public health and ensuring environmentally sustainable water management. These objectives are consistent with the agricultural sector's interest in the responsible stewardship of natural resources, the welfare of rural communities, sustainable food production and the long-term viability of agricultural enterprises.

1.5 The Framework nevertheless has potentially significant implications for agricultural landowners, particularly insofar as it addresses water and sanitation services on privately owned land, the responsibilities of water services intermediaries, the powers and obligations of water services authorities, financing arrangements, tariff regulation, infrastructure development and environmental compliance.

1.6 AgriSA's principal concern is that the Framework should move beyond restating existing policy commitments and identify effective interventions to reverse the deterioration of water resources and the infrastructure on which reliable services depend. It must distinguish clearly between the constitutional and statutory responsibilities of the State and the separate obligations that agricultural landowners may have under applicable law. Farmers who provide domestic services incidentally to agricultural operations should not be treated as substitutes for municipalities or expected to assume unfunded public-service responsibilities.

1.7 These submissions are intended to contribute constructively to the finalisation of the Framework. They are informed by earlier AgriSA draft submissions concerning amendments to the Water Services Act and the National Water Act, together with relevant policy considerations relating to water pricing, institutional water governance and the provision of water services on privately owned land.

2 GENERAL COMMENTS ON THE FRAMEWORK

2.1 AgriSA supports the Framework's objectives of improved institutional accountability, reliable service delivery, financial sustainability, infrastructure maintenance, water quality and climate resilience. However, an updated strategic framework must do more than reaffirm existing policies: it must confront failures of implementation and identify concrete corrective measures.

2.2 AgriSA is concerned that the Framework is insufficiently interventionist in responding to the deterioration of water resource quality and the condition and performance of water and sanitation infrastructure. Incremental policy adjustments will not, on their own, address dysfunctional infrastructure, inadequate maintenance, untreated wastewater discharges and persistent institutional failures. The Framework should prioritise measurable rehabilitation programmes, effective enforcement, credible funding and demonstrable improvements in operational performance.

2.3 The consequences of deteriorating infrastructure and water quality extend well beyond the immediate municipal service area. Interruptions in supply, failures of wastewater treatment works and pollution of shared water resources threaten public health, agricultural production, livestock, food processing, downstream users and environmental integrity. The Framework should recognise the urgency of these risks and direct institutions towards practical, time-bound remedies.

2.4 Agriculture depends on properly functioning public water institutions and on the protection of water resources. AgriSA submits that the primary responsibility for addressing failing public infrastructure, unlawful pollution and inadequate municipal service delivery must remain with the competent organs of state. Farmers may cooperate in appropriate, lawfully structured initiatives, but such cooperation cannot be presumed or presented as a substitute for the discharge of public duties.

2.5 AgriSA considers that implementation must be grounded in legality, administrative justice and cooperative governance, but also in enforceable institutional accountability. The Framework should identify the institutions responsible for critical interventions, the actions required, realistic funding sources, measurable milestones and consequences for continued non-performance.

2.6 Particular care should be taken to ensure that the Framework does not purport to introduce binding legal obligations, registration requirements, financial liabilities or compliance duties beyond those authorised by existing legislation. Where additional obligations are contemplated, they should be introduced through the appropriate legislative or regulatory processes, following meaningful consultation and a comprehensive assessment of their financial and practical implications.

2.7 AgriSA accordingly recommends that the Framework expressly distinguish between existing statutory requirements, proposed policy directions and measures that remain dependent on future legislative amendments. This distinction is particularly important given the Framework's references to proposed amendments to the Water Services Act and other institutional reforms that have not necessarily been finalised.

Principles governing the implementation of the Framework

2.8 AgriSA submits that the successful implementation of the Framework requires an approach that reconciles the constitutional rights of residents to access basic water and sanitation services with the statutory responsibilities of water services authorities, the existing obligations of water services intermediaries and the lawful rights and interests of agricultural landowners and other water users.

2.9 The Framework should expressly recognise that these responsibilities and interests are complementary and must be considered together. The existence of public responsibilities does not extinguish obligations imposed upon private parties by applicable law, while the existence of private service provision should not, in itself, relieve organs of state of their statutory responsibilities.

2.10 AgriSA supports the consistent application of minimum requirements relating to public health, water quality, sanitation, environmental protection and consumer rights. At the same time, the administrative and technical arrangements through which compliance is achieved should be appropriate to the nature, scale, location and risk profile of the relevant service.

2.11 The implementation of the Framework should be based on reliable information, demonstrable service needs, transparent decision-making, appropriate financial arrangements and clear institutional accountability. Measures affecting agricultural landowners, rural residents or other water users should be developed through meaningful consultation with the relevant stakeholders and implemented in accordance with applicable legislation.

2.12 AgriSA further submits that public funding, incentives and support arrangements should be directed towards objectively identifiable service delivery needs and demonstrable public benefits. Their allocation should be transparent, equitable and subject to appropriate financial and operational safeguards, irrespective of whether the services are provided through public or privately owned infrastructure.

2.13 In this regard, AgriSA supports a cooperative approach that prioritises improved service outcomes, the protection of lawful rights, the efficient use of public resources and the development of sustainable solutions suited to the circumstances of rural communities.

2.14 AgriSA recommends that the Framework identify a limited set of urgent national interventions directed at infrastructure at risk of failure, non-compliant wastewater works, severe water losses and priority pollution sources. These should have published baseline assessments, assigned institutional responsibility, funding arrangements, time-bound milestones and regular public performance reporting.

2.15 Where responsible water services institutions persistently fail to implement corrective measures, the Framework should explain the available lawful escalation, oversight and intervention mechanisms and when they should be considered. Additional policy statements will not be effective without implementation capacity, monitoring and consequences for continued non-performance.

3 WATER AND SANITATION SERVICES ON PRIVATELY OWNED AGRICULTURAL LAND

(Relevant provisions: Sections 2.3, 3.2.3, 5.4.6, 5.6.1, 6.3 and 7.4 of the Framework)

3.1 The provision of water and sanitation services on privately owned agricultural land is one of the aspects of the Framework most directly relevant to AgriSA's members. The Framework recognises the 2024 Water and Sanitation Services Policy on Privately Owned Land and envisages greater integration of privately owned land into municipal planning, regulatory oversight, service delivery and monitoring.

3.2 AgriSA supports the principle that persons residing lawfully on agricultural land should have access to appropriate water and sanitation services, irrespective of whether such land is publicly or privately owned. The agricultural sector has an established history of providing water, sanitation and associated infrastructure to employees and their families, often in rural areas situated considerable distances from municipal service networks.

3.3 Such services are frequently provided through privately developed and maintained infrastructure, including boreholes, reservoirs, pipelines, pumps, storage tanks, treatment facilities, septic systems and other decentralised sanitation arrangements. Agricultural landowners may also incur ongoing costs in respect of electricity, water testing, maintenance, infrastructure replacement and the management of these facilities.

3.4 These arrangements differ materially from conventional municipal service delivery. In many instances, the provision of domestic water and sanitation is incidental to agricultural production and associated employment or accommodation arrangements. The landowner is not conducting a commercial water supply undertaking and ordinarily does not possess the institutional capacity, financial resources or revenue base of a municipal water services provider.

3.5 AgriSA is concerned that an undifferentiated application of municipal regulatory standards, administrative systems and reporting obligations to agricultural landowners could impose substantial additional costs on farms without necessarily improving the quality or availability of services.

3.6 This concern is particularly relevant to smaller and emerging agricultural enterprises, labour-intensive farms and agricultural properties supporting several households through privately maintained systems.

3.7 AgriSA therefore recommends that the Framework expressly recognise the distinct circumstances under which water and sanitation services are provided on agricultural land. A differentiated approach should distinguish between commercial water services providers, municipal service delivery entities and landowners who provide services incidentally to their principal agricultural activities.

3.8 This distinction should not diminish the importance of appropriate service standards or the protection of persons residing on farms. Rather, it should ensure that regulatory obligations are reasonable, achievable and proportionate to the nature and scale of the services concerned.

3.9 AgriSA submits that the respective responsibilities of the State, water services authorities and agricultural landowners should be clearly distinguished and implemented in accordance with applicable legislation. The statutory responsibility of water services authorities to ensure access to basic water and sanitation services throughout their areas of jurisdiction should be recognised alongside the existing legal obligations of agricultural landowners, including those arising from their status as water services intermediaries and applicable employment, accommodation and other arrangements. Neither the existence of privately provided services nor the responsibilities of public authorities should be interpreted as automatically relieving another party of obligations lawfully imposed upon it.

3.10 The Framework should clarify how national and local government intend to support the extension and improvement of water services on privately owned land, including circumstances in which existing private infrastructure is already providing services that would otherwise fall within the responsibilities of the relevant water services authority.

3.11 AgriSA proposes an express policy statement recognising that domestic water and sanitation provision by agricultural landowners is ordinarily incidental to farming operations. Such provision must comply with applicable law, but should not be treated as an assumed extension of municipal service delivery. Any additional contribution to public infrastructure or services should rest on clearly authorised, properly funded and, where appropriate, voluntarily concluded arrangements.

3.12 Judicial consideration of access to services, dignity and farm occupiers is relevant to the Framework. The cases distinguish public-service responsibilities from private obligations, require meaningful attention to the circumstances of occupiers and, where applicable, recognise the rights of owners and the need for lawful procedures.

3.13 In *Mshengu and Others v Msunduzi Local Municipality and Others* (11340/2017P) [2019] ZAKZPHC 52; [2019] 4 All SA 469 (KZP), the KwaZulu-Natal High Court addressed the failure to provide adequate water, sanitation and refuse collection to farm occupiers and labour tenants. It found that the responsible municipalities had failed to comply with their constitutional and statutory obligations and required specific planning and reporting concerning those communities. The judgment demonstrates that residents on privately owned farms must not be overlooked in municipal water services planning.

3.14 Mshengu recognised the responsibilities of water services authorities and the need for cooperation with landowners when lawful access and service improvements are pursued. AgriSA accordingly submits that the Framework should identify existing public and private obligations accurately and promote reasonable cooperation and practicable arrangements for access, installation, financing and maintenance. Any reliance on Mshengu should be read subject to the applicable statutory provisions and the subsequent procedural history of that litigation.

3.15 In *Daniels v Scribante and Another* (CCT 50/16) [2017] ZACC 13; 2017 (4) SA 341 (CC), the Constitutional Court held that an occupier protected by the Extension of Security of Tenure Act 62 of 1997 (ESTA) could make improvements necessary to render her existing dwelling compatible with human dignity, without the owner's consent being an absolute prerequisite. The proposed improvements included an indoor water supply and washbasin. The Court required meaningful engagement concerning implementation, while recognising that improvements remain subject to applicable law.

3.16 Daniels does not establish a general duty for a farm owner to finance every improvement proposed by an occupier. It does establish that a landowner's property rights cannot be treated as an automatic veto over improvements necessary to bring an ESTA dwelling into conformity with human dignity, and that the respective parties should engage meaningfully about the practical arrangements.

3.17 In *Hattingh and Others v Juta* (CCT 50/12) [2013] ZACC 5; 2013 (3) SA 275 (CC), the Constitutional Court interpreted rights under ESTA in a manner requiring a just and equitable balance between occupiers' rights and the rights of owners or persons in charge, taking account of the particular circumstances. The case did not determine a water-service dispute, but its approach to competing rights remains relevant to proposed arrangements on agricultural land.

3.18 The provision of water on farms was also the factual background to *South African Human Rights Commission v Agro Data CC and Another* (CCT 264/24) [2026] ZACC 16 (22 April 2026). Occupiers alleged that access to borehole water had been restricted, and the South African Human Rights Commission (SAHRC) issued directives following an investigation. The question before the Constitutional Court was the legal effect of SAHRC directives, not a final adjudication of every disputed right to water or of the landowner's liability to finance supply.

3.19 The Constitutional Court held unanimously in *Agro Data* that section 184(2)(b) of the Constitution, read with the South African Human Rights Commission Act 40 of 2013, does not authorise the SAHRC to issue binding directives of its own force. The Commission may investigate, make findings, recommend steps towards redress and seek appropriate relief from a court. The judgment therefore underscores both the importance of protecting basic rights and the need for lawful, enforceable processes rather than assuming that an investigative directive itself creates an enforceable obligation.

3.20 AgriSA accordingly proposes that the Framework expressly recognise the duties that may arise under ESTA, the Water Services Act, contracts and other applicable law; require genuine consideration of the needs and dignity of occupiers; and provide for effective municipal planning and fair processes for resolving disputes. Neither the existence of a municipal duty nor the fact of private ownership should be treated as a blanket answer to the obligations arising in a particular case.

3.21 Where an occupier's access to an established service is disputed, affected parties should avoid arbitrary or unilateral measures, obtain appropriate technical information where necessary, and make use of meaningful engagement, mediation and lawful dispute-resolution processes. Any question of continued supply, charges or reimbursement must be resolved by reference to applicable law and the facts, rather than a presumed universal right to free private supply.

3.22 AgriSA further submits that the Framework does not adequately address situations in which persons reside or take up residence on privately owned agricultural land without the express permission of the owner or person in charge, or where the authority, scope or continued existence of permission is disputed. Such circumstances may arise where additional household members or unrelated persons move onto a farm, where a resident remains following the termination of employment or a housing arrangement, or where the legal basis of occupation is contested. Uncertainty regarding status may create significant practical difficulties in planning, financing and maintaining water and sanitation services and in determining the obligations of the respective parties.

3.23 The absence of express permission should not, however, lead to an automatic finding that a person is an unlawful occupier or is excluded from statutory protection. Under ESTA, consent may be express or tacit; section 3(4) creates a rebuttable presumption of consent after one year of continuous and open residence, and section 3(5) deems knowledge of the owner or person in charge after three years. The Constitutional Court in *Mereki and Others v Moladora Trust and Another* [2025] ZACC 16 confirmed the significance of tacit consent, the statutory presumptions and the prescribed process for terminating protected rights to use land. The applicability of ESTA, or another statutory regime where relevant, must be determined on the facts and the law.

3.24 Moreover, the right to family life under section 6(2)(d) of ESTA cannot be treated as conferring an unlimited right to accommodate additional persons regardless of the consequences for a farm. In *Hattingh and Others v Juta* [2013] ZACC 5, the Constitutional Court required a just and equitable balance between an occupier's family-life interests and the rights of the landowner, having regard to the particular circumstances. It follows that an additional resident's position cannot be resolved solely by either the absence of separate written consent or an assertion of family relationship.

3.25 AgriSA is concerned that, if the Framework does not distinguish the various forms of occupation, farmers may be expected to extend and finance privately owned water and sanitation infrastructure for an indeterminate number of additional residents, including persons whose entitlement to remain is genuinely disputed. Capacity constraints, environmental authorisations, health and safety requirements, security, access to infrastructure and operational costs may be materially affected. The Framework should not imply that occupation without permission automatically creates an open-ended obligation on an owner to provide new housing or expand private services beyond duties established by applicable law or agreement.

3.26 Equally, an unresolved residence dispute should not be treated as authority for arbitrary eviction, the unlawful disconnection of established essential services or the denial of appropriate protection to vulnerable persons. Any termination of residence, eviction, alteration of agreed services or enforcement measure must follow the relevant legal procedures, including ESTA and, where applicable, other legislation governing unlawful occupation, together with the requirements of the Constitution and any binding court order. Immediate health and safety risks and the circumstances of children and other vulnerable residents require appropriate attention.

3.27 AgriSA accordingly recommends that the Framework prescribe a clear, lawful procedure for disputed or unauthorised residence on agricultural land. The procedure should provide for verification of the factual and legal basis of occupation; early notice and meaningful engagement between the owner, affected persons and the water services authority; assessment of existing service arrangements and immediate minimum health and sanitation needs; identification of the party legally responsible for current services and any proposed expansion; and arrangements for technical support, appropriate funding and dispute resolution. Municipalities should have a defined role in assessing and addressing the needs of persons who cannot lawfully remain on a property, including appropriate consideration of alternative accommodation or services where required by applicable law.

3.28 Pending lawful resolution of an occupation dispute, any interim service arrangements should be proportionate, practical and expressly without prejudice to the determination of the parties' respective residence, property, contractual and statutory rights. The Framework should make clear that temporary assistance or cooperation to protect health and dignity does not, merely by being provided, conclusively determine the legal status of an additional resident, create permanent tenure, or establish a general entitlement to unlimited private infrastructure or free services. The legal consequences of particular conduct and any alleged consent remain matters for determination under applicable law.

4 STATUS AND RESPONSIBILITIES OF WATER SERVICES INTERMEDIARIES

(Relevant provisions: Sections 3.4.2 and 5.6.1 of the Framework)

4.1 The Framework identifies agricultural landowners supplying water and sanitation services to farm dwellers as examples of water services intermediaries. It further contemplates minimum service standards, consumer protection requirements, registration, municipal by-law compliance and mechanisms for dispute resolution.

4.2 AgriSA acknowledges the existing statutory framework governing water services intermediaries under Chapter V of the Water Services Act, 108 of 1997. The Act provides for the regulation of water services intermediaries, including registration requirements that may be introduced through municipal by-laws, applicable standards and enforcement arrangements.

4.3 AgriSA nevertheless considers it essential to preserve the distinction between a water services intermediary and a water services provider undertaking the formal provision of municipal water services.

4.4 The mere fact that a farmer provides domestic water to employees or lawful occupiers through an existing farm water system should not, without more, result in that farmer being treated as a municipal water services provider for purposes of licensing, technical staffing requirements, commercial reporting, financial regulation or other obligations directed at formal water supply undertakings.

4.5 This distinction is particularly important in the context of the proposed Water Services Amendment Bill. In its earlier draft submissions concerning that Bill, AgriSA raised concerns about the potential consequences of insufficiently differentiated licensing and regulatory requirements for landowners providing incidental services. The concern relates to possible uncertainty in the proposed regulatory arrangements and should not be construed as an assertion that the Bill already imposes municipal water services provider licensing obligations on ordinary agricultural landowners.

4.6 The Framework should accordingly avoid terminology that could inadvertently conflate these different statutory categories. It should expressly distinguish between the existing legal position under the Water Services Act and any proposed new regulatory requirements dependent on future legislative amendments.

4.7 AgriSA proposes that administrative, technical and reporting requirements applicable to agricultural water services intermediaries be proportionate to the number of households served, the nature and source of supply, the complexity of the relevant infrastructure and the risks presented to users. Such differentiation should concern the practical means of achieving compliance and should not diminish applicable minimum standards relating to water quality, sanitation, public health or consumer protection.

4.8 AgriSA notes that section 24 of the Water Services Act permits a water services authority to require the registration of water services intermediaries, or specified classes of intermediaries, through its by-laws. The Framework should accurately reflect this statutory position and should not be interpreted as independently imposing a universal registration obligation. Where registration is lawfully required, AgriSA recommends that simplified, accessible and proportionate procedures be developed for agricultural intermediaries, without compromising applicable minimum service standards.

4.9 Similarly, routine reporting obligations should be confined to information reasonably necessary to establish compliance with applicable service standards. Duplication of reporting to municipalities, the Department, catchment management agencies and other authorities should be avoided.

4.10 AgriSA supports the provision of appropriate guidance and technical assistance to intermediaries. The Department should, in consultation with organised agriculture and local government, develop practical guidance suitable for farm water systems, including groundwater-based supply, decentralised sanitation, water quality testing, maintenance and emergency response.

4.11 AgriSA further submits that mechanisms for addressing alleged non-compliance should be cooperative and corrective in the first instance, except where immediate intervention is justified by a serious risk to health or safety. Reasonable notice, an opportunity to make representations, clear remedial instructions and appropriate timeframes should form part of the regulatory approach.

4.12 The Framework should consequently affirm that its provisions relating to water services intermediaries are intended to secure appropriate outcomes for users and not to impose an unnecessary additional licensing and administrative burden on agricultural landowners.

5 MUNICIPAL RESPONSIBILITIES, PLANNING AND SUPPORT FOR RURAL SERVICES

(Relevant provisions: Sections 5.4.6, 6.3, 6.4 and 6.8 of the Framework)

5.1 AgriSA supports the Framework's recognition that water services authorities remain central to planning, facilitating and overseeing access to water and sanitation services throughout their areas of jurisdiction, including privately owned agricultural land.

5.2 The inclusion of privately owned agricultural land in municipal Integrated Development Plans and Water Services Development Plans is an important element of equitable rural service delivery. As illustrated by Mshengu v Msunduzi Local Municipality, general planning commitments are insufficient if the particular needs of farm occupiers and labour tenants are not identified and addressed. AgriSA accordingly submits that municipal planning should provide for assessment of existing services, identified backlogs, affected households, implementation steps and the resources reasonably required to give effect to applicable service obligations.

5.3 AgriSA is concerned that the Framework could expand municipal regulatory oversight of services on agricultural land while leaving the underlying failures of municipal infrastructure, technical capacity and service delivery insufficiently addressed. The Framework should require municipalities to account for their own service delivery responsibilities and identify the specific measures, resources and implementation dates needed to fulfil them.

5.4 Municipal planning should not be limited to identifying the responsibilities of agricultural landowners. It should also identify existing service gaps, the condition of rural infrastructure, the households served by private systems and the measures required to improve access sustainably.

5.5 In circumstances where a landowner has established and continues to maintain infrastructure providing basic services to lawful residents, municipalities should be encouraged to explore practical arrangements for technical cooperation, infrastructure improvements and appropriate cost-sharing.

5.6 These arrangements could include municipal assistance with water quality monitoring, infrastructure upgrades, bulk water connections where feasible, technical support for decentralised systems and appropriate participation in publicly funded programmes aimed at addressing basic service backlogs.

5.7 AgriSA submits that municipalities must meet their own statutory responsibilities rather than regard services already provided by agricultural landowners as a reason to defer public investment or shift additional costs. Existing obligations of individual landowners and intermediaries remain applicable; any wider service delivery role should be expressly justified, lawfully arranged and appropriately funded.

5.8 Rural service planning should take cognisance of the spatial characteristics of agricultural areas. The dispersed nature of settlements, limited municipal infrastructure coverage, variable groundwater conditions, seasonal agricultural activity and high per-household infrastructure costs require solutions different from those commonly applied in densely populated urban areas.

5.9 The Framework should accordingly provide for area-specific service solutions that are technically appropriate, financially viable and responsive to local conditions.

5.10 AgriSA recommends that water services authorities be required to engage meaningfully with affected agricultural landowners, organised agriculture and rural communities during the preparation and revision of Water Services Development Plans.

5.11 This engagement should extend beyond general public participation processes and should include the identification of existing private infrastructure, realistic service requirements, potential cooperation arrangements and infrastructure investment priorities.

5.12 The Department should furthermore ensure that municipalities receive appropriate guidance on their responsibilities in relation to privately owned land. Uniform national principles, supported by adaptable local implementation arrangements, would reduce uncertainty and inconsistent municipal practices.

5.13 AgriSA further submits that the ability of water services authorities to fulfil their responsibilities towards rural communities depends, in part, on the appropriate allocation and management of revenue collected for water and sanitation services. The Framework should therefore establish a clear relationship between the financial ring-fencing of municipal water and sanitation functions and the effective discharge of service delivery responsibilities throughout the relevant municipality's area of jurisdiction, including privately owned agricultural land.

5.14 In particular, the financial separation of water and sanitation functions should enable municipalities to identify the resources available for maintaining, improving and extending services to underserved rural areas. Municipalities should be required to account transparently for how water and sanitation expenditure addresses service delivery requirements in rural communities, including circumstances where basic services are provided through infrastructure owned or maintained by agricultural landowners.

5.15 AgriSA recommends that the Framework encourage municipalities to make provision within their water services planning and budgeting processes for appropriate support to eligible households on privately owned agricultural land. Such provision should be based on verified needs, applicable statutory responsibilities and transparent funding arrangements, rather than an assumption that landowners will independently finance all improvements to rural water and sanitation services.

5.16 Water Services Development Plans and related implementation guidelines should expressly address circumstances in which the status of persons residing on agricultural land is disputed. Water services authorities should assess minimum service needs and any vulnerability without prematurely determining tenure rights, clarify available municipal support and the financial implications of any proposed intervention, and coordinate with the competent authorities responsible for lawful tenure and eviction processes. A landowner's participation in necessary interim public-health arrangements should not be treated as an automatic undertaking to finance additional permanent capacity.

6 FREE BASIC WATER AND SANITATION SERVICES

(Relevant provisions: Sections 7.4.1 and 7.4.2 of the Framework)

6.1 AgriSA supports the objective of ensuring that qualifying indigent households have access to basic water and sanitation services, including households residing on privately owned agricultural land.

6.2 The Framework recognises the importance of free basic water and sanitation policies and contemplates extending relevant arrangements to underserved communities and households on privately owned land.

6.3 AgriSA is concerned that this policy objective could remain ineffective unless accompanied by workable arrangements enabling qualifying households on agricultural land to benefit from the same public support mechanisms available to comparable households elsewhere.

6.4 Where an agricultural landowner provides water and sanitation services to qualifying households through privately owned infrastructure, the cost of maintaining those services may be borne substantially or entirely by the landowner.

6.5 The availability of publicly funded basic services should not depend solely on whether the household receives its water through a municipal reticulation system or a privately operated farm system.

6.6 AgriSA therefore submits that the Framework should provide for the development of mechanisms through which qualifying households residing on agricultural land may benefit from appropriate municipal or national support without creating an additional unfunded obligation for the landowner.

6.7 Such mechanisms could include support for eligible infrastructure, agreed service provision arrangements, water quality testing or appropriately designed reimbursement or subsidy systems. Their design should prevent duplication of benefits and ensure that public funding reaches its intended beneficiaries.

6.8 AgriSA recognises that the financing of free basic services must remain subject to applicable legislation, municipal financial management requirements and available public resources. Nevertheless, the practical exclusion of rural households from publicly supported basic services merely because services are provided through private agricultural infrastructure would undermine the Framework's stated objective of equitable access.

6.9 The Framework should therefore expressly recognise the need to develop equitable and administratively workable funding arrangements for basic services on privately owned agricultural land.

6.10 AgriSA further submits that the financial ring-fencing of municipal water and sanitation functions should support greater transparency regarding the allocation of public funding for basic services, including funding intended to benefit qualifying households on privately owned agricultural land.

6.11 Water services authorities should be able to demonstrate how the funding allocated to free basic water and sanitation, together with relevant national transfers and other lawful funding sources, is applied towards meeting the needs of qualifying households throughout their areas of jurisdiction. The fact that services are provided through privately owned infrastructure should not, in itself, result in the exclusion of eligible households from consideration in municipal planning and funding arrangements.

6.12 AgriSA recommends that the Framework provide for appropriate mechanisms through which municipalities may support the provision and improvement of basic services on agricultural land, including properly structured service agreements, infrastructure assistance and technical support, where authorised by applicable legislation and justified by the circumstances. Such arrangements should avoid duplication of public funding and should not undermine the financial sustainability of municipal water and sanitation services.

7 FINANCIAL SUSTAINABILITY, **WATER TARIFFS AND COST RECOVERY**

(Relevant provisions: Sections 4.6 and 7.1 to 7.5 of the Framework)

7.1 AgriSA supports the principle that water and sanitation services should be financially sustainable and that responsible cost recovery is necessary to ensure the maintenance, renewal and long-term functionality of infrastructure.

7.2 Financial sustainability cannot be achieved merely by increasing charges to compliant users. The Framework should require a credible response to avoidable water losses, infrastructure deterioration, deficient collection practices, inefficient expenditure and weak financial governance, with public reporting on corrective action and outcomes.

7.3 The agricultural sector operates under significant financial constraints and is exposed to production risks, climatic variability, commodity price fluctuations and changing input costs. Irrigated agriculture is particularly sensitive to increases in the cost of water because water is an essential production input and agricultural investments frequently have long repayment and production horizons.

7.4 AgriSA supports transparent, evidence-based and lawful water pricing arrangements, with due consideration of affordability, predictability, efficient expenditure and the ability of users to absorb tariff increases.

7.5 Although the Framework is primarily directed at water and sanitation services, its financial provisions and references to raw water tariffs and water resource charges have broader implications for the agricultural sector. These provisions should therefore remain aligned with the National Water Act and the applicable national water pricing strategy.

7.6 AgriSA submits that tariff reform should be informed by verified cost information, clearly identified service obligations, realistic demand projections, credible revenue forecasts and an appropriate distinction between different components of the water value chain.

7.7 Costs relating to water resource management, bulk infrastructure, water treatment, municipal distribution, wastewater treatment and other functions should be clearly distinguished to avoid duplication or inappropriate cross-recovery.

7.8 The Framework should discourage arrangements whereby costs attributable to municipal inefficiency, avoidable water losses, non-payment or unrelated institutional functions are transferred indiscriminately to agricultural users or other compliant consumers.

7.9 Increases in water charges should be accompanied by transparent disclosure of the underlying cost base, the purpose of the proposed increase, the intended service improvements and the expected consequences for affected user categories.

7.10 AgriSA submits that tariff methodologies should be based on accurate and verifiable information. Particular care should be taken not to confuse registered water use volumes, authorised entitlements, actual consumption and water physically supplied or made available. These measures are not interchangeable and inappropriate reliance on any one of them could produce inequitable charging outcomes.

7.11 Where material tariff adjustments are necessary, their introduction should be predictable and, where justified, phased over an appropriate period. The consequences for agricultural production, investment decisions, food security, rural employment and the competitiveness of agricultural exports should be assessed.

7.12 AgriSA supports the principle of independent and accountable economic regulation, provided that the resulting arrangements are transparent, efficient and do not create overlapping regulatory authority or unnecessary additional costs.

7.13 The Framework should also provide for effective consultation with agricultural water users and representative organisations before material changes are made to tariff principles or charging arrangements affecting agriculture.

7.14 AgriSA accordingly recommends that the financial provisions of the Framework expressly recognise affordability, verified and efficient costs, tariff predictability, transparency, avoidance of duplicate charging and the importance of maintaining economically sustainable agricultural production.

Ring-fencing of municipal water and sanitation revenues

7.15 AgriSA supports the Framework's recognition of the need for the institutional and financial ring-fencing of municipal water and sanitation functions. The proper allocation, management and reinvestment of revenue generated from these services are fundamental to ensuring financial sustainability, infrastructure maintenance, service reliability and accountability to consumers.

7.16 AgriSA is concerned that inadequate financial controls and the diversion of water and sanitation revenue away from essential operational and infrastructure needs can perpetuate maintenance backlogs and service failure. In circumstances of deteriorating infrastructure and water quality, the Framework should require transparent disclosure of maintenance and renewal funding, prioritised reinvestment and corrective plans where service performance is declining.

7.17 AgriSA accordingly submits that the Framework should strengthen its existing provisions on financial ring-fencing by expressly requiring water services authorities to maintain appropriately separated financial records, budgets and performance information for water and sanitation services. Revenue derived from these services should be prioritised towards meeting their efficient operating costs, infrastructure maintenance, asset renewal, applicable financing obligations and reasonably anticipated future investment requirements.

7.18 This approach should not preclude lawful and transparent cross-subsidisation or the allocation of genuine operating surpluses to other municipal functions where the financial sustainability and reasonable infrastructure requirements of the relevant water and sanitation services have first been adequately provided for. Any such allocation should, however, be subject to appropriate financial governance, transparent reporting and compliance with applicable municipal financial management legislation.

7.19 AgriSA submits that the ring-fencing of revenue should be complemented by transparent disclosure of the costs incurred, revenue collected, subsidies received, expenditure undertaken and amounts allocated towards maintenance and capital investment. This information should be sufficiently detailed to enable consumers and other stakeholders to assess whether tariff increases are justified and whether revenue is being utilised effectively.

7.20 The implications for rural service delivery are particularly important. Agricultural landowners frequently provide and maintain domestic water and sanitation infrastructure serving employees and other lawful occupiers at their own expense. In many instances, these services are provided in areas where municipalities have limited infrastructure or provide little direct operational support.

7.21 AgriSA recognises that the ring-fencing of municipal revenues does not, in itself, establish an entitlement to financial reimbursement for agricultural landowners. It should nevertheless facilitate greater transparency regarding the resources available to municipalities for fulfilling their water and sanitation responsibilities in rural areas and provide an appropriate financial basis for considering support arrangements where privately owned infrastructure contributes to the provision of basic services.

7.22 Where municipalities collect water and sanitation tariffs from agricultural consumers, the financial management of those revenues should reflect the principles of transparency, equitable treatment and the efficient provision of the services concerned. More generally, municipal water services budgets and investment plans should appropriately recognise service delivery obligations extending to rural households, including qualifying households residing on privately owned agricultural land.

7.23 AgriSA further submits that the implementation of financial ring-fencing should not be confined to metropolitan municipalities. While recognising the importance of the National Treasury's metropolitan trading services reform programme, comparable principles of transparent accounting, financial sustainability and prioritised reinvestment should be promoted across all water services authorities, including district and local municipalities serving predominantly rural and agricultural areas. The implementation arrangements should be proportionate to institutional capacity and consistent with the applicable legislative framework.

7.24 AgriSA accordingly recommends that the Framework expressly link the ring-fencing of water and sanitation revenues to accountable expenditure, infrastructure maintenance, transparent tariff determination and equitable service delivery across municipal areas of jurisdiction. This would strengthen the financial sustainability of water services while supporting improved services to rural communities and reducing the risk that agricultural landowners are expected to compensate for persistent failures in municipal service delivery and investment.

8 INSTITUTIONAL GOVERNANCE AND THE ROLE OF WATER USER ASSOCIATIONS

(Relevant provisions: Sections 4, 5.3, 5.4.5, 5.4.9 and 5.5 of the Framework)

8.1 AgriSA supports the Framework's emphasis on institutional reform, improved accountability and clearer responsibilities across the water sector.

8.2 An effective institutional framework is fundamental to achieving sustainable water services delivery. Fragmented responsibilities, insufficient technical capacity and weak coordination between national government, water services authorities, water boards, catchment management agencies and other institutions can undermine both the efficient management of water resources and the delivery of reliable services.

8.3 AgriSA nevertheless considers that institutional reform should build on the capabilities and experience of existing water management institutions rather than unnecessarily duplicating their functions or undermining established arrangements that continue to operate effectively.

8.4 Water User Associations ("WUAs") are particularly relevant in this regard. While their primary responsibilities generally concern water resource management and related infrastructure rather than municipal domestic water services, they possess valuable operational knowledge of local water systems, infrastructure requirements, hydrological conditions and the needs of agricultural water users.

8.5 AgriSA supports the recognition of WUAs as important stakeholders in integrated water management, provided that their statutory functions under the National Water Act are respected.

8.6 The Framework should not create an expectation that WUAs must assume additional municipal water services responsibilities merely because they possess relevant technical expertise or operate infrastructure within a particular area.

8.7 Where cooperation between a WUA and a water services authority may improve services to rural communities, such cooperation should be based on clearly defined responsibilities, appropriate legal authority, voluntary and properly authorised agreements, sound financial arrangements and the protection of existing infrastructure commitments.

8.8 In particular, infrastructure developed and financed primarily for agricultural water supply should not be reassigned or burdened with additional service obligations without appropriate consideration of its design capacity, existing lawful commitments, operating costs and the rights of affected users.

8.9 AgriSA further submits that the establishment or restructuring of water institutions should not result in overlapping charges, duplicated administrative requirements or uncertainty concerning responsibility for infrastructure maintenance and service delivery.

8.10 The proposed establishment of an independent water regulator should be accompanied by a clear delineation of regulatory responsibilities. AgriSA supports effective independent oversight in principle, particularly where it promotes transparent tariffs, accountable service delivery, credible performance information and protection against unreasonable costs.

8.11 However, the functions of such a regulator should be carefully coordinated with those of the Department, catchment management agencies, water services authorities and other relevant institutions. The Framework should not assume that proposed institutional reforms are already legally operative where their implementation remains dependent on legislation.

8.12 AgriSA recommends that the institutional provisions be refined to recognise the contribution of WUAs, preserve their distinct statutory character and ensure that any additional responsibilities arising from partnerships with water services authorities are expressly agreed upon and appropriately funded.

9

WATER SERVICES PLANNING, **WATER RESOURCE AVAILABILITY AND AGRICULTURAL WATER SECURITY**

(Relevant provisions: Sections 1.2, 3.5.4, 6.3, 6.4 and 6.5 of the Framework)

9.1 AgriSA notes that the Framework acknowledges the relationship between water services delivery and water resource management, while expressly recognising that irrigation access and broader water resource allocation fall principally within the National Water Resource Strategy and the applicable water resource management framework.

9.2 AgriSA supports maintaining this distinction. The regulation of domestic water services and the administration of lawful water uses for agricultural production are related but separate statutory functions.

9.3 The Framework should not be interpreted as providing an independent basis for modifying, restricting or reallocating existing lawful agricultural water uses outside the procedures established by the National Water Act.

9.4 This is particularly relevant where the expansion of municipal services may require additional water resources in catchments that are already under pressure.

9.5 AgriSA supports the progressive improvement of domestic water services, but submits that such programmes should be based on credible assessments of resource availability, infrastructure requirements, projected demand and the effect on existing authorised water users.

9.6 AgriSA submits that proposals involving additional water requirements or possible adjustments to existing water uses should be evaluated within the applicable statutory framework, with due consideration of available resources, basic human needs, ecological requirements, existing lawful water uses, equity, socio-economic consequences and the interests of affected users.

9.7 Decisions concerning agricultural water use should be evidence-based, procedurally fair and consistent with the National Water Act. Relevant considerations include existing lawful uses, the need for equitable access and redress, efficient and beneficial water use in the public interest, investments already made, socio-economic consequences, water resource conditions and the likely effects on other water users. AgriSA supports the application of these considerations through transparent and lawful decision-making processes. The specific statutory provisions governing the decision concerned must be applied, while relevant considerations under the National Water Act should inform integrated planning and the assessment of competing water requirements.

9.8 The Framework should accordingly require meaningful coordination between water services authorities, catchment management agencies, the Department and affected water users when planning additional water services infrastructure or significant expansions in water demand.

9.9 AgriSA further submits that water services planning should consider demand management, leakage reduction, infrastructure rehabilitation, appropriate reuse and other measures that may reduce pressure on existing water resources before additional resource requirements are pursued.

9.10 Water resource security for agriculture should also be recognised as a legitimate consideration in integrated planning. Stable water availability supports food production, employment, investment and the economic sustainability of rural communities.

9.11 AgriSA recommends that section 6.4 be strengthened to provide expressly for consultation with affected lawful water users and relevant WUAs when proposed water services developments may materially influence water availability, infrastructure operation or existing water management arrangements.

10 INFRASTRUCTURE DEVELOPMENT, MAINTENANCE AND THE PROTECTION OF AGRICULTURAL LAND

(Relevant provisions: Sections 5.7, 6.5 and 8 of the Framework)

10.1 AgriSA supports the Framework's focus on infrastructure maintenance, lifecycle costing, the replacement of ageing infrastructure and the need for more sustainable investment in water and sanitation services.

10.2 The deterioration of water infrastructure presents significant risks to agricultural producers and rural communities. Failures in bulk water supply, wastewater treatment, pumping systems and related infrastructure may disrupt agricultural operations and contribute to the degradation of land and water resources.

10.3 AgriSA therefore supports an approach that prioritises preventative maintenance and the rehabilitation of existing infrastructure alongside the development of new services.

10.4 Infrastructure investment should be based on sound technical assessments, verified service needs and realistic operating and maintenance budgets. The development of infrastructure without adequate provision for its long-term operation may provide temporary benefits while creating additional financial and environmental risks.

10.5 AgriSA further submits that the planning and implementation of infrastructure projects must take appropriate account of the rights and interests of agricultural landowners where infrastructure is proposed on or across privately owned land.

10.6 Water pipelines, treatment works, pumping stations, access roads, servitudes and related infrastructure may interfere with agricultural production, disrupt access, constrain future land use or affect existing irrigation systems.

10.7 AgriSA supports the development of infrastructure serving legitimate public needs. However, such development must proceed in accordance with applicable legislation governing property rights, servitudes, environmental authorisations, compensation and administrative decision-making.

10.8 The Framework should encourage early engagement with affected landowners and seek cooperative solutions that minimise interference with agricultural activities.

10.9 The possible utilisation of existing agricultural infrastructure to support wider rural service delivery warrants consideration. Voluntary partnerships should be based on clear agreements addressing ownership, capacity, financing, operation, maintenance, liability and the rights of existing users. Where public authorities exercise statutory powers affecting privately owned land or infrastructure, such measures must comply with applicable legislation, procedural requirements and any relevant compensation provisions. The Framework should encourage early engagement and cooperation between public authorities, affected landowners and intended beneficiaries.

10.10 Agricultural producers should not be expected to subsidise public infrastructure development or assume long-term operational liabilities without their agreement and an appropriate legal and financial basis.

10.11 AgriSA recommends that the Framework explicitly incorporate respect for property rights, existing water-related infrastructure, fair allocation of project costs and meaningful engagement with affected agricultural landowners into its infrastructure planning principles.

10.12 AgriSA recognises the principles established in *Daniels v Scribante and Mshengu v Msunduzi Local Municipality* concerning dignity, meaningful engagement and the practical implementation of lawful improvements to farm dwellings and basic services. Agricultural landowners should cooperate reasonably with lawful measures, while relevant technical conditions, statutory procedures and legitimate property interests are appropriately addressed.

10.13 The Framework should encourage early engagement between occupiers, landowners and public authorities; identify the person or institution legally responsible for each step; and address access to land, safety, approvals, funding, ownership, long-term maintenance and practical dispute resolution before infrastructure works commence. The fact of privately owned land should not be treated as a reason to exclude qualifying households from planning.

11

ENVIRONMENTAL PROTECTION, **WASTEWATER MANAGEMENT AND POLLUTION CONTROL**

(Relevant provisions: Sections 3.5, 4, 8.5 and 9 of the Framework)

11.1 AgriSA supports the Framework's commitment to environmental protection, improved wastewater management, water quality monitoring and more effective regulation of pollution.

11.2 The deterioration of water resource quality, particularly where wastewater treatment works are inadequately maintained or operated, is a serious and urgent concern. The Framework should respond with clear priorities for rehabilitation, compliance monitoring, enforcement and the prevention of recurring pollution, rather than relying primarily on existing policy commitments.

11.3 Agricultural producers depend on water of an appropriate quality for irrigation, livestock watering, processing and other operational purposes. The discharge of untreated or inadequately treated wastewater may adversely affect production systems, soil health, ecosystems and the suitability of water for particular agricultural applications.

11.4 These effects may extend beyond the area served by the responsible municipality and may affect downstream agricultural users who have limited practical control over the source of pollution.

11.5 AgriSA therefore calls for decisive, lawful and consistent enforcement against serious or persistent unlawful wastewater discharges, including those attributable to municipal and other public institutions. The Framework should provide for risk-based intervention, enforceable corrective measures, transparent reporting and escalation where responsible institutions fail to act.

11.6 Environmental accountability should apply consistently to public and private entities. Agricultural producers should not be exposed to increasing compliance costs and enforcement measures while persistent failures by public service providers remain inadequately addressed.

11.7 The Framework should recognise the importance of improved wastewater treatment as a measure to protect agricultural production and the broader water resource.

11.8 AgriSA further supports the responsible reuse of treated wastewater where technically suitable and consistent with applicable legal and health requirements. Reuse may contribute to water security, reduce pressure on freshwater resources and provide opportunities for beneficial application in appropriate agricultural contexts.

11.9 Such arrangements must, however, be governed by clear quality standards, monitoring requirements, the allocation of responsibility for treatment and the management of health and environmental risks.

11.10 Agricultural users should not be expected to bear the costs of correcting inadequate wastewater treatment undertaken by another institution, nor should they be held responsible for contamination arising outside their control.

11.11 Where treated wastewater is offered for agricultural reuse, appropriate arrangements should address the quality and reliability of supply, permissible applications, testing, liability and the financial implications for users.

11.12 The Framework should also promote greater coordination between wastewater regulation and catchment management in order to identify pollution sources, protect downstream users and prioritise the remediation of significant pollution incidents.

11.13 AgriSA recommends that the final Framework expressly recognise the consequences of wastewater infrastructure failure for downstream agriculture and provide for stronger institutional accountability, transparent water quality information and effective corrective measures.

11.14 AgriSA recommends that the Department publish a risk-based programme for restoring non-compliant wastewater treatment facilities and addressing priority sources of pollution of shared water resources. The programme should provide for coordinated action by the competent authorities, verified improvement in discharge compliance and receiving-water quality, and regular disclosure of progress and outstanding failures.

12

WATERLESS AND ALTERNATIVE ON-SITE **SANITATION SYSTEMS ON AGRICULTURAL LAND**

(Relevant provisions: Sections 3.2.2, 4.4.1, 6.3.2 and 7.4.2 of the Framework)

12.1 AgriSA supports the Framework's recognition that non-sewered and on-site sanitation systems may provide appropriate solutions in rural and low-density areas. In particular, AgriSA considers that waterless and low-water sanitation technologies should be expressly recognised as legitimate and potentially sustainable long-term sanitation solutions on privately owned agricultural land.

12.2 Agricultural properties are frequently situated beyond the reach of municipal sewerage networks and may depend on limited groundwater or other locally available water resources. Conventional waterborne sanitation systems may be financially impractical or place unnecessary pressure on water resources that are also required for agricultural production and domestic consumption.

12.3 Properly designed and maintained waterless sanitation systems, including appropriate dry sanitation and other decentralised technologies, may provide a practical alternative that conserves water while meeting acceptable standards of hygiene, public health, environmental protection and human dignity.

12.4 AgriSA submits that the suitability of sanitation systems should be determined by their performance, safety, environmental compatibility, lifecycle costs, accessibility, user acceptability and the circumstances of the property concerned. Properly designed waterless sanitation should be recognised as a legitimate long-term option where it provides the required standards of hygiene, privacy, dignity and environmental protection. The selection of an appropriate technology should involve consultation with intended users and should not result in the provision of an inferior level of service merely because an alternative system is less expensive.

12.5 AgriSA notes that the Framework proposes compliance with ISO 30500 for all non-sewered sanitation interventions. However, ISO 30500:2025 applies to defined categories of prefabricated integrated non-sewered sanitation treatment units and does not encompass every form of on-site sanitation. The Framework should therefore be amended to require compliance with ISO 30500, or the applicable South African adoption thereof, where the relevant technology falls within its scope, while recognising other appropriate sanitation systems that satisfy the applicable statutory, technical, public health and environmental requirements.

12.6 AgriSA recommends that existing, safe and environmentally appropriate on-site sanitation systems on agricultural land be recognised, subject to compliance with applicable health, environmental and technical requirements. The introduction of new standards should not automatically necessitate the replacement of functioning infrastructure merely because it does not conform to a particular technology specification that was not designed for that system.

12.7 Appropriate sanitation standards should address the protection of groundwater and surface water, the prevention of contamination, hygienic operation, user safety and the safe management and disposal of waste. Particular attention should be given to local soil conditions, groundwater vulnerability, flood risks and the practical availability of maintenance and waste management services.

12.8 AgriSA further submits that the adoption of appropriate waterless sanitation solutions should be supported through technical guidance, recognition within municipal Water Services Development Plans and access to relevant infrastructure support programmes where qualifying households are concerned.

12.9 Where existing systems require upgrading, reasonable transitional arrangements and appropriate technical and financial support should be available. Agricultural landowners should not be compelled to install disproportionately expensive waterborne systems where an appropriate waterless alternative can achieve the required health and environmental outcomes.

12.10 AgriSA accordingly recommends that the Framework expressly recognise waterless and other appropriate on-site sanitation technologies as legitimate long-term solutions for agricultural land, subject to applicable safety and environmental requirements, and provide for a differentiated, technology-neutral and outcome-based approach to their regulation.

12.11 Consistent with the dignity principles considered in Daniels v Scribante, the adequacy of waterless and other on-site sanitation solutions should be judged by health, hygiene, privacy, accessibility, safety, environmental protection and the needs of users, not by installation cost or technology alone. Daniels did not decide the acceptability of waterless systems, and no such holding is advanced here.

12.12 A system should not be regarded as unsuitable merely because it is waterless or decentralised, nor should it be accepted if it provides inadequate or undignified facilities. A technology-neutral standard, meaningful user consultation and appropriate maintenance arrangements should guide the selection and continued use of sanitation systems.

13

CLIMATE RESILIENCE, DROUGHT MANAGEMENT **AND WATER CONSERVATION**

(Relevant provisions: Sections 6.6, 8.5 and 9.4 of the Framework)

13.1 AgriSA supports the integration of climate resilience, adaptation planning and risk-informed infrastructure investment into national water and sanitation policy.

13.2 Agriculture is directly exposed to climatic variability, including droughts, floods, changing rainfall patterns and extreme weather events. These conditions influence agricultural production and the reliability of water and sanitation services in rural areas.

13.3 AgriSA supports practical adaptation measures aimed at improving water use efficiency, infrastructure resilience, storage management, monitoring and the effective allocation of available resources in accordance with applicable law.

13.4 The Framework should nevertheless recognise that climate adaptation cannot be achieved through demand restrictions alone. Improved infrastructure, the reduction of avoidable losses, reliable information, responsible investment and effective institutional coordination are essential components of resilience.

13.5 In particular, municipalities should be expected to address avoidable distribution losses and infrastructure inefficiencies as part of their climate response strategies.

13.6 AgriSA also emphasises the importance of reliable and accessible climate, hydrological and water resource information. Agricultural producers make significant long-term investment decisions based on expectations regarding water availability, climatic conditions and the reliability of relevant infrastructure.

13.7 The Framework should promote cooperation with agricultural organisations and other stakeholders in the development of climate risk assessments and adaptation strategies, including the appropriate sharing of information and locally relevant observations.

13.8 Measures introduced in response to drought or water scarcity should be transparent, proportionate, technically justified and consistent with applicable statutory procedures. They should take account of the circumstances of different user sectors and the consequences for agricultural production and rural livelihoods.

13.9 AgriSA recommends that the Framework expressly include organised agriculture in relevant climate resilience planning processes and recognise the contribution that efficient agricultural water management, appropriate water-saving sanitation technologies and existing rural infrastructure may make to broader resilience objectives.

14 STRATEGIC PARTNERSHIPS AND **COOPERATION WITH THE AGRICULTURAL SECTOR**

(Relevant provisions: Sections 5.7, 5.8, 6.8, 7.3 and 11 of the Framework)

14.1 AgriSA recognises that carefully structured partnerships can assist service delivery. However, partnership language should not obscure the primary service delivery, infrastructure and regulatory responsibilities of government, or imply a general expectation that farmers will compensate for institutional failure.

14.2 The agricultural sector has extensive practical experience in operating and maintaining water-related infrastructure, managing dispersed water systems, responding to drought conditions and providing basic services in rural environments.

14.3 This experience could contribute meaningfully to improving water services in areas where municipal infrastructure and technical capacity remain limited.

14.4 Where a genuine operational need and public benefit can be demonstrated, the Framework may facilitate specific cooperation between water services authorities, organised agriculture, landowners, WUAs and other institutions. Such cooperation should be voluntary where no independent legal duty exists and should be supported by clearly allocated responsibilities and appropriate resources.

14.5 Appropriate cooperation could support the identification of rural service needs, technical assistance, infrastructure planning, training, water quality monitoring and the development of locally suitable service models.

14.6 Partnerships should be based on lawful authority, clear agreement where required, defined outcomes and an equitable allocation of costs and liabilities. They must not operate as an indirect transfer of municipal infrastructure, financing or service delivery responsibilities to agricultural landowners, while leaving intact any obligations that already arise under applicable law.

14.7 Where the agricultural sector provides infrastructure, services or technical expertise in support of public service delivery objectives, appropriate consideration should be given to the financial and operational implications of that contribution.

14.8 The Framework should recognise that privately owned agricultural infrastructure may already serve both productive and domestic purposes. Its use for additional public service delivery must therefore be evaluated against existing operational requirements, physical capacity and the rights of affected parties.

14.9 AgriSA recommends that the Department establish a structured engagement mechanism with organised agriculture to identify opportunities for practical cooperation, develop suitable guidelines for services on agricultural land and address recurring implementation difficulties.

14.10 Such engagement should be undertaken at national level where common policy issues arise and at regional or local level where infrastructure, service delivery and resource management arrangements require site-specific solutions.

Incentives for agricultural investment in rural water and sanitation services

14.11 AgriSA submits that incentives may be appropriate where landowners choose to undertake additional qualifying investments that deliver demonstrable public water or sanitation benefits. Such initiatives should complement, and not displace, government's duty to maintain and improve public services. The Framework should first identify the public service gaps and the measures government itself will take to address them.

14.12 AgriSA considers that the contribution of agricultural landowners should be recognised not only through regulatory arrangements governing water services intermediaries, but also through positive measures that encourage further investment in sustainable rural water and sanitation services. A purely compliance-driven approach risks overlooking opportunities for voluntary cooperation, innovation and cost-effective infrastructure development.

14.13 The Framework should therefore provide for the development of an appropriate incentive and support programme through which agricultural landowners may be encouraged to undertake qualifying investments that contribute demonstrably to national or municipal water and sanitation objectives. Such measures could include financial assistance, infrastructure co-funding, targeted grants, appropriate rebates, technical support and other incentives developed in consultation with the relevant departments and National Treasury.

14.14 In particular, consideration should be given to incentives for investments that improve access to safe domestic water, expand appropriate sanitation facilities, introduce water-efficient or waterless sanitation technologies, protect groundwater resources, improve water quality monitoring or contribute to climate-resilient rural infrastructure. Such investments may produce benefits beyond the immediate agricultural enterprise by reducing pressure on public infrastructure, improving environmental outcomes and contributing to the progressive realisation of access to basic services.

14.15 AgriSA notes that the Framework already contemplates the use of public infrastructure funding and co-funding arrangements to support appropriate water and sanitation infrastructure on privately owned land. AgriSA recommends that the Department, in consultation with National Treasury and water services authorities, develop clear implementation guidelines identifying the circumstances in which existing grant mechanisms may lawfully be utilised to support qualifying services or infrastructure on agricultural land. Such guidelines should address eligibility, public benefit, beneficiary protection, ownership, procurement, operation and maintenance, the contribution of participating landowners and compliance with applicable public finance requirements. Any additional incentive arrangements should be separately considered and introduced through the appropriate legal and budgetary processes.

14.16 The possible introduction of targeted tax incentives or other financial measures should also be investigated in consultation with National Treasury and other relevant authorities. Such incentives could encourage capital investment in qualifying water conservation, water treatment and sanitation infrastructure, particularly where the investment produces independently verifiable public benefits. Any tax measure would require consideration through the applicable tax policy and legislative processes.

14.17 Any incentive programme should distinguish between investments necessary to fulfil existing statutory obligations and additional or enhanced investments voluntarily undertaken in furtherance of public service delivery objectives. Incentives should not weaken applicable service standards or relieve agricultural landowners of existing legal responsibilities. Rather, they should encourage improvements beyond minimum requirements, the extension of services to qualifying beneficiaries and cooperation that advances the objectives of the Framework.

14.18 AgriSA acknowledges that incentives involving public funding would require appropriate safeguards to ensure transparency, accountability and value for money. Eligibility criteria should therefore be based on measurable outcomes, verified expenditure, compliance with applicable standards and the demonstrable contribution of the relevant investment to public service delivery. Funding arrangements should avoid duplication of benefits and provide certainty regarding ownership, operation, maintenance and long-term responsibilities.

14.19 AgriSA recommends that the Department, in consultation with National Treasury, water services authorities, organised agriculture and representatives of affected communities, investigate the feasibility of appropriately structured incentives and co-funding arrangements for investments that demonstrably advance public water and sanitation objectives. Any programme should be based on clearly defined eligibility criteria, measurable service improvements, equitable access to funding and safeguards against duplication of benefits. The allocation of public funding should prioritise identified service needs and provide for appropriate accountability concerning the ownership, maintenance and long-term operation of infrastructure.

Participation by rural residents and accountability for partnerships

14.20 AgriSA recognises that successful water and sanitation services on privately owned agricultural land require meaningful cooperation between government, landowners and those who depend on the services. The importance of meaningful engagement in *Daniels v Scribante*, and the treatment of farm occupiers' service needs in *Mshengu v Msunduzi Local Municipality*, support opportunities for affected residents and, where relevant, their recognised representatives to participate in planning and implementation. Such engagement should complement, not displace, existing legal procedures.

14.21 Such consultation should address service needs, appropriate technology, maintenance arrangements, user responsibilities, complaints mechanisms and other matters necessary to ensure that the services provided are safe, accessible, acceptable and sustainable. The participation of intended beneficiaries should be structured to facilitate constructive engagement without unnecessarily duplicating existing statutory consultation processes.

14.22 AgriSA further submits that agreements involving public funding or the utilisation of privately owned infrastructure for public service delivery should clearly identify the parties' respective responsibilities and establish appropriate arrangements for monitoring performance, addressing complaints and maintaining services over time. These measures should protect the interests of beneficiaries, public institutions and participating landowners alike.

15 REGULATORY COMPLIANCE, MONITORING AND ADMINISTRATIVE BURDENS

(Relevant provisions: Sections 4.5, 5.6.1 and 10 of the Framework)

15.1 AgriSA supports transparent monitoring, reliable performance information and accountability for the provision of water and sanitation services.

15.2 The Framework's emphasis on digital information systems, performance indicators, reporting and improved regulatory oversight is constructive, particularly where these measures assist in identifying institutional failures and improving services.

15.3 However, the expansion of compliance and reporting systems should be carefully designed to avoid unnecessary duplication and disproportionate administrative requirements.

15.4 Agricultural landowners providing incidental services should not be subjected to the same reporting, audit or administrative systems as large municipal or commercial water services providers merely because their activities fall within the definition of a water services intermediary.

15.5 The nature and extent of compliance obligations should reflect the risks associated with the relevant water system, the number of users served and the resources reasonably available to the responsible party.

15.6 Existing information already supplied to public authorities should be used where appropriate, rather than requiring agricultural producers to submit substantially similar information to multiple institutions.

15.7 AgriSA also submits that regulatory authorities should adopt clear and consistent guidance, reasonable implementation periods and accessible compliance support.

15.8 Digital reporting systems should not become a barrier to compliance in rural areas where connectivity, technical expertise or administrative resources may be constrained.

15.9 In developing performance measures, the Department should distinguish between the responsibilities of public institutions and the circumstances of privately operated systems. The success of the Framework should be measured principally by improvements in access, safety, reliability, environmental compliance and financial sustainability rather than by administrative compliance indicators alone.

15.10 AgriSA recommends that the monitoring provisions be refined to provide for risk-based, differentiated reporting requirements and to avoid creating unnecessary administrative costs for agricultural producers.

15.11 AgriSA recommends that the Framework promote accessible, transparent and fair mechanisms for resolving disputes concerning the provision, standard, financing and maintenance of water and sanitation services on privately owned land. Such mechanisms should facilitate early engagement between water services authorities, intermediaries and affected users, encourage practical corrective arrangements and preserve the statutory rights and remedies available to all parties. Appropriate provision should be made for urgent intervention where public health, safety or the continuity of essential services is at risk.

15.12 The Constitutional Court's decision in *South African Human Rights Commission v Agro Data CC and Another* [2026] ZACC 16 should inform complaints guidance: SAHRC recommendations and directives do not, without a court order or other applicable legal authority, operate as binding coercive commands. The Framework should identify the legally available enforcement and review mechanisms, while promoting early resolution and appropriate action where essential services and human dignity are at risk.

15.13 AgriSA further recommends that the Framework establish a referral and dispute-management pathway where additional persons occupy farm accommodation without express authorisation or their status is contested. Relevant officials should be able to identify the competent authority, record interim service responsibilities, facilitate meaningful engagement and ensure that service disputes are not used to circumvent lawful tenure or eviction procedures. The process should not purport to adjudicate contested occupation rights without legal authority.

16

SECTOR TARGETS, IMPLEMENTATION TIMEFRAMES **AND ACCOUNTABILITY**

(Relevant provisions: Sections 2.3 and 10, and Annexures 2 and 4 of the Framework)

16.1 AgriSA supports the establishment of measurable sector targets, provided that they are based on reliable information, properly defined indicators and realistic implementation arrangements.

16.2 The Framework identifies a range of targets relating to access, infrastructure development, service reliability, water quality, financial sustainability and institutional performance. These provide a potentially valuable basis for monitoring progress and identifying areas requiring intervention.

16.3 AgriSA is, however, concerned that certain targets require clarification before they can serve as reliable measures of implementation.

16.4 Target 1, relating to services on privately owned land, provides that all water services authorities should have provided 70% of water and sanitation services on privately owned land by 2035. The intended meaning of this target is unclear. It does not adequately identify whether the percentage relates to households, properties, existing service backlogs or the proportion of services for which the relevant authority is responsible.

16.5 AgriSA submits that the target should be reformulated to identify a measurable outcome, an appropriate baseline and the institutional responsibility for achieving that outcome.

16.6 In particular, it should not create the impression that privately owned agricultural land is excluded from ordinary municipal responsibilities, or that the State's responsibility is satisfied merely through the regulation of services already supplied by landowners.

16.7 Similarly, targets relating to the expansion of free basic services should identify how households on agricultural land will be included, how service levels will be measured and how the necessary financial and institutional support will be provided.

16.8 AgriSA notes that the Framework expressly describes certain assessments of earlier sector targets as preliminary and subject to verification. This underscores the importance of validating performance information before it is used to justify additional regulatory measures or financial obligations.

16.9 The Framework requires greater consistency between its various implementation timelines. In particular, the sector target table provides for the implementation of free basic water and sanitation policies by all water services authorities by 2035, whereas section 7.4.1 refers to a 2025 target. AgriSA recommends that the Department reconcile these dates, clarify whether they represent separate policy commitments or implementation milestones and ensure that the final Framework presents consistent and achievable timeframes.

16.10 AgriSA further recommends that the Department review the consistency of the Framework's institutional terminology, statutory references and implementation assumptions before finalisation. References to proposed legislation and anticipated institutional arrangements should be clearly distinguished from existing law.

16.11 Targets should reflect the ability of the responsible institutions to implement them. Where outcomes depend on the availability of public financing, technical capacity, infrastructure development or cooperation with private landowners, these dependencies should be expressly acknowledged.

16.12 AgriSA submits that compliance targets should not be imposed upon agricultural landowners without determining the legal basis for the obligation, the practical implications of compliance and the availability of appropriate technical and financial support.

16.13 Accordingly, AgriSA recommends that all targets affecting privately owned agricultural land be reviewed in consultation with organised agriculture and that their implementation be supported by clearly defined baselines, institutional responsibilities, funding arrangements and realistic timeframes.

16.14 AgriSA recommends that the Framework distinguish aspirational sector targets from urgent remedial commitments. Priority water-quality and infrastructure measures should be supported by verified baselines, specific responsible institutions, published deadlines, allocated resources and a credible mechanism for escalation where implementation falls behind.

17

SOCIO-ECONOMIC IMPACT ASSESSMENT **AND PHASED IMPLEMENTATION**

(Relevant provisions: Sections 4.5.10, 7, 10 and 11 of the Framework)

17.1 AgriSA acknowledges that the Framework is primarily a strategic policy instrument and that certain measures contemplated therein may require subsequent legislative amendments, regulations, municipal by-laws or administrative implementation arrangements.

17.2 It is nevertheless important that the cumulative impact of these measures on the agricultural sector be evaluated before additional obligations are introduced.

17.3 Regulatory costs arising from additional water quality testing, technical upgrades, registration, monitoring, administrative reporting, infrastructure replacement or revised service standards may become substantial when considered collectively.

17.4 These costs may be particularly difficult to absorb for smaller agricultural enterprises, farms supporting numerous households and operations relying on decentralised water and sanitation systems.

17.5 The consequences should be assessed not only in terms of the direct financial burden but also in relation to investment in farm infrastructure, employment, the continued provision of employee accommodation and the long-term sustainability of agricultural operations.

17.6 AgriSA accordingly submits that the Department should undertake or commission an appropriate socio-economic impact assessment of proposed measures with material implications for agricultural landowners and other affected rural stakeholders.

17.7 Such an assessment should distinguish between regulatory obligations already applicable under existing legislation and genuinely new requirements arising from the Framework or subsequent reforms.

17.8 AgriSA further recommends that implementation be phased where substantial technical or financial adjustments are required. Existing infrastructure should be assessed against the relevant standards, with appropriate recognition given to compliant systems and reasonable opportunities to address identified shortcomings.

17.9 Measures intended to improve basic services should not inadvertently discourage private investment in rural housing, water infrastructure and sanitation facilities.

17.10 The Department should engage with organised agriculture during the development of implementation guidelines, model municipal by-laws, registration procedures, technical standards and support measures.

17.11 AgriSA would support a practical implementation approach that combines appropriate service standards with regulatory certainty, effective technical assistance, equitable financing and realistic timeframes.

18 RELATIONSHIP WITH **EXISTING AGRISA POLICY POSITIONS**

18.1 AgriSA submits that the Framework should be considered within the broader context of legislative and policy reforms affecting South Africa's water sector, including proposed amendments to the Water Services Act and the National Water Act.

18.2 In its draft submissions concerning the Water Services Amendment Bill, 2025, AgriSA advocated greater legal certainty regarding the distinction between formal water services providers and agricultural landowners supplying domestic water incidentally to farming activities. Those submissions proposed differentiated regulatory treatment, proportionate compliance requirements and appropriate safeguards against unnecessary administrative burdens.

18.3 In its draft submissions concerning the National Water Amendment Bill, 2026, AgriSA supported equitable access, transformation, environmental protection and effective water governance, while raising concerns regarding legal certainty, procedural fairness, existing lawful water uses, the consequences of regulatory changes for agricultural investment and the operational viability of Water User Associations.

18.4 The present submissions are informed by those earlier policy proposals and seek to ensure consistency between the Framework and the broader legislative reform process, particularly regarding water services intermediaries, institutional accountability, water security and proportionate regulation.

18.5 In relation to water pricing, AgriSA submits that tariff arrangements should be predictable, equitable and transparent, supported by appropriate consultation, reliable financial information and due consideration of the consequences for agricultural production and food security.

18.6 The Framework should complement, rather than undermine, the relevant principles of legal certainty, efficient water resource management, equitable access and effective institutional governance.

18.7 In particular, policy reforms aimed at improving rural water and sanitation services should preserve legal certainty for agricultural landowners and water users, avoid unnecessary duplication of institutional functions and ensure that public service obligations are accompanied by appropriate public accountability and funding arrangements.

18.8 AgriSA supports constructive reform that improves the quality, reliability and accessibility of water and sanitation services. Such reform will be more effective where it takes account of existing agricultural practices, the operational realities of rural areas and the capacity of affected stakeholders to implement new requirements.

19 CONCLUSION

19.1 AgriSA supports the Framework's stated objectives but considers that its present approach is too dependent on existing policies and institutional arrangements. The continued decline in water resource quality and the condition of key water and sanitation infrastructure call for more decisive, measurable interventions and firmer accountability for delivery.

19.2 The Framework should therefore identify immediate priorities for rehabilitation of failing infrastructure, prevention and remediation of pollution, improved operation and maintenance, effective compliance enforcement and financial recovery. These priorities require responsible institutions, funded implementation plans, milestones and transparent reporting.

19.3 AgriSA nevertheless considers that certain provisions require further refinement to ensure that the Framework is legally coherent, practically implementable and appropriately responsive to the circumstances of privately owned agricultural land.

19.4 Of particular importance is the need to preserve the distinction between the responsibilities of water services authorities, formal water services providers and agricultural landowners who provide services incidentally to farming activities.

19.5 The Framework must not assume that agricultural landowners will absorb the financial and operational consequences of failing municipal services. Farmers must fulfil their existing legal obligations to residents and other users, but any additional public-service role requires a proper legal and financial basis. Government remains responsible for discharging its own statutory functions.

19.6 AgriSA supports practical cooperation where it can improve outcomes, provided that participation beyond existing legal obligations is appropriately agreed, technically feasible and funded. Incentives for voluntary agricultural investment may be investigated, but they cannot substitute for effective government intervention, infrastructure rehabilitation and accountable municipal service delivery.

19.7 AgriSA further emphasises that the financial sustainability of the water sector must be pursued through efficient institutions, transparent tariff arrangements, appropriate financial ring-fencing, responsible expenditure, reliable infrastructure and equitable cost allocation. Revenue derived from municipal water and sanitation services should be prioritised towards sustaining and improving those services, with sufficient transparency to demonstrate that rural communities and agricultural areas are appropriately considered in municipal service delivery planning and expenditure.

19.8 Institutional reform, water services planning and infrastructure development must also take appropriate account of lawful agricultural water use, existing infrastructure commitments, property rights and the importance of water security for food production and rural economic activity.

19.9 The Framework should expressly recognise appropriate waterless and alternative on-site sanitation systems as legitimate long-term solutions for agricultural land, where these systems satisfy applicable public health and environmental requirements. This would support water conservation, reduce unnecessary infrastructure costs and provide practical sanitation solutions for rural communities.

19.10 AgriSA further submits that implementation of the Framework should be guided by consistent service standards, equitable access to funding, lawful and effective mechanisms for redress and meaningful consultation. The jurisprudence in Mshengu, Daniels, Hattingh and Agro Data highlights the need to protect the dignity of farm occupiers, clarify respective public and private duties, respect lawful property interests and avoid legally unsupported enforcement mechanisms. Practical service improvements should be pursued through shared accountability and appropriately resourced arrangements.

19.11 AgriSA accordingly requests that the Department strengthen the final Framework to provide concrete and funded measures to arrest infrastructure deterioration and water quality decline, and to clarify the respective duties of public institutions and agricultural landowners. The detailed recommendations in these submissions should inform those revisions.

19.12 AgriSA remains committed to constructive engagement with the Department and other relevant institutions to advance sustainable water management, improved rural service delivery and practical solutions that protect public health, support agricultural production and promote the welfare of rural communities.

19.13 AgriSA would welcome further consultation concerning the development of implementation guidelines and regulatory arrangements affecting water and sanitation services on privately owned agricultural land.

REFERENCE DOCUMENTS AND AUTHORITIES

Department of Water and Sanitation, Draft Strategic Framework for Water and Sanitation Services, 2026, Government Gazette No. 55396, Government Notice No. 7914 (11 September 2026).

Constitution of the Republic of South Africa, 1996, in particular sections 8, 9, 10, 24, 25(6), 27, 33, 152, 153 and 184.

Water Services Act 108 of 1997, in particular the duties of water services authorities and Chapter V (water services intermediaries).
https://www.gov.za/sites/default/files/gcis_document/201409/a108-97.pdf

National Water Act 36 of 1998, including the provisions governing lawful water use and decisions regarding water authorisations.
https://www.gov.za/sites/default/files/gcis_document/201409/a36-98.pdf

Extension of Security of Tenure Act 62 of 1997 (ESTA), particularly section 6 and other applicable provisions concerning occupiers' rights and residence on agricultural land.

Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE), where applicable, and section 26(3) of the Constitution, concerning eviction in terms of a court order following consideration of relevant circumstances.

Mereki and Others v Moladora Trust and Another (CCT 121/24) [2025] ZACC 16; 2025 (6) SA 35 (CC) (1 August 2025), regarding tacit consent, presumptions and the lawful termination of protected land-use rights under ESTA.
https://www.saflii.org/za/cases/ZACC/2025/16.html

South African Human Rights Commission Act 40 of 2013, especially the Commission's powers in relation to investigations and securing redress.

Mshengu and Others v Msunduzi Local Municipality and Others (11340/2017P) [2019] ZAKZPHC 52; [2019] 4 All SA 469 (KZP) (29 July 2019).
https://www.saflii.org/za/cases/ZAKZPHC/2019/52.html

Daniels v Scribante and Another (CCT 50/16) [2017] ZACC 13; 2017 (4) SA 341 (CC) (11 May 2017).
https://collections.concourt.org.za/items/828cea7b-064e-4f97-b2d6-b50e350dc60e

Hattingh and Others v Juta (CCT 50/12) [2013] ZACC 5; 2013 (3) SA 275 (CC) (14 March 2013).
https://www.saflii.org/za/cases/ZACC/2013/5.html

South African Human Rights Commission v Agro Data CC and Another (CCT 264/24) [2026] ZACC 16 (22 April 2026), including the judgment's clarification of the legal status of SAHRC directives.
https://collections.concourt.org.za/items/80800cb6-b758-4f97-8a25-03a381ca5714

South African Human Rights Commission v Agro Data CC and Another (39/2023) [2024] ZASCA 121; 2024 (6) SA 443 (SCA), cited as part of the procedural history addressed by the Constitutional Court.
https://www3.saflii.org/za/cases/ZASCA/2024/121.html

Department of Water and Sanitation, Water and Sanitation Services Policy on Privately Owned Land (2024), as referred to in the Draft Framework.

AgriSA, draft submissions on the Water Services Amendment Bill (B24–2025), and draft submissions on the National Water Amendment Bill (B1–2026), 17 July 2026 (internal documents informing policy alignment; final institutional approval status to be confirmed).

International Organization for Standardization, ISO 30500:2025, Non-sewered sanitation systems — Prefabricated integrated treatment units — General safety and performance requirements for design and testing (subject to verification of any applicable South African adoption).

ANNEXURE A

CONSOLIDATED PROPOSED RECOMMENDATIONS

A.1 Clarify in the final Framework which obligations arise from existing legislation and which depend upon proposed amendments or future institutional reforms (submission paragraphs 2.5–2.7).

A.2 Confirm the distinct public service-delivery duties of government and independently applicable legal duties of landowners; do not presume that farmers will assume additional public-service responsibilities or costs, while protecting health, dignity and lawful property interests (1.6; 2.4; 2.8–2.13; 3.7–3.11; 3.12–3.21).

A.3 Require identification of farm occupiers' and labour tenants' service needs in Integrated Development Plans and Water Services Development Plans, supported by practical implementation and accountable reporting (3.13–3.14; 5.2; 5.10–5.15).

A.4 Differentiate incidental agricultural water services intermediaries from formal providers; preserve service standards while tailoring administration and reporting to scale and risk (4.3–4.12; 15.3–15.10).

A.5 Reflect accurately the discretionary mechanism for registration under section 24 of the Water Services Act and avoid introducing a blanket registration rule through policy alone (4.8).

A.6 Develop lawful support mechanisms for qualifying basic-service households on farms, including technical assistance and appropriately authorised public infrastructure funding and co-funding (5.13–5.15; 6.1–6.12; 14.15).

A.7 Require transparent service-specific municipal accounting, credible infrastructure rehabilitation and renewal plans, prioritised reinvestment and reporting on operational performance, while recognising lawful cross-subsidies (7.2; 7.15–7.24).

A.8 Base tariffs and charging arrangements on verifiable and efficient costs, clear methodologies, consultation, reasonable predictability and avoidance of duplicate charging (7.1–7.14).

A.9 Respect the separate statutory functions of WUAs; permit additional service-delivery partnerships on legally authorised, funded and appropriately agreed terms (8.4–8.12).

A.10 Ensure planning for new municipal water demand follows the National Water Act and duly considers basic needs, ecological requirements, equity and existing lawful users (9.3–9.11).

A.11 Provide for early engagement concerning infrastructure on privately owned land, including lawful access, approvals, cost allocation, responsibilities and dispute resolution (10.5–10.13).

A.12 Prioritise urgent rehabilitation of failing wastewater infrastructure, consistent enforcement of pollution controls, corrective action against persistent non-compliance, and independently verifiable monitoring of downstream water quality impacts (11.1–11.14).

A.13 Accept compliant waterless and other decentralised sanitation solutions on a technology-neutral basis, safeguarding hygiene, privacy, accessibility and human dignity (12.1–12.12).

A.14 Apply ISO 30500 only where the relevant system falls within its scope and recognise other lawful technical standards where appropriate (12.5–12.7).

A.15 Include agricultural stakeholders in climate resilience, drought planning and water-efficiency measures, including water-loss reduction (13.1–13.9).

A.16 Enable clearly defined and appropriately funded voluntary partnerships where farmers can contribute to specific public outcomes, without treating agricultural landowners as substitutes for municipal service delivery, and consult affected beneficiaries (14.1–14.10; 14.20–14.22).

A.17 Investigate public-benefit-based incentives and co-funding for additional qualifying investment, subject to transparent eligibility and relevant legislative and budgetary processes (14.11–14.19).

A.18 Provide accessible mediation, complaints and lawful enforcement mechanisms; recognise the distinction between recommendations of the SAHRC and binding court orders under Agro Data [2026] ZACC 16 (15.11–15.12).

A.19 Clarify target definitions, baseline measurements and institutional responsibility, and reconcile the free basic services target dates appearing in the Framework (16.1–16.13).

A.20 Undertake proportionate regulatory and socio-economic assessments before materially new obligations are introduced; phase implementation where justified (17.1–17.11).

A.21 Specify how disputed and unauthorised residence on agricultural land must be addressed: require lawful verification of occupation status, respect ESTA presumptions and family-life rights, protect existing basic-service and due-process rights, clarify municipal and landowner responsibilities for interim and expanded services, and provide a referral mechanism for lawful resolution without automatically transferring open-ended infrastructure costs to farmers (3.22–3.28; 5.16; 15.13).

A.22 Require urgent, time-bound, funded and publicly monitored intervention to address deteriorating resource quality and failing water and sanitation infrastructure, with institutional accountability and lawful escalation where corrective action is not implemented (1.6; 2.1–2.5; 2.14–2.15; 11.2; 11.5; 11.14; 16.14; 19.1–19.2).

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