

**MINISTRY FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTIONS FOR WRITTEN REPLY**

**QUESTION NUMBER NO 2021/95**

**Mr C Brink (DA) to ask the Minister of Cooperative Governance and Traditional Affairs:**

Whether, with reference to a Special Adjustment Budget Vote debate in May 2020, during which the former Deputy Minister of Cooperative Governance and Traditional Affairs, Mr P Tau, indicated that an Electricity Ombudsman will be appointed to resolve disputes between electricity suppliers and users, the ombudsman has been appointed; if not, what is the position in this regard; if so, what are the relevant details?

**REPLY:**

The ESKOM Technical Task Team that was established as an interdepartmental and intergovernmental platform to facilitate the discussion and resolution on matters relating to outstanding payments and debt owed to ESKOM. The Task Team resolved that an Ombudsman must be appointed to process and verify the amount of debt owed by organs of state to municipalities, and in turn the debt owed by municipalities to Eskom, Water Boards, Department of Water and Sanitation Trading Entity.

As the custodian of the Intergovernmental Relations Framework (IGRFA) Act 13 of 2005, my Department was tasked to initiate and facilitate the appointment of an Ombudsman. The Department obtained advice from its Legal Services Unit and the Unit dealing with intergovernmental relations on the feasibility of appointing an Ombudsman to act as an intergovernmental dispute facilitator. It was concluded that such an appointment would not be feasible as the IGRFA makes specific reference to an “Intergovernmental Dispute Facilitator” with key responsibilities that are different to the definition and role of an Ombudsman.

The Technical Task Team endorsed the establishment of a panel of intergovernmental dispute facilitators instead. Given the technical nature of the disputes, such a panel will comprise of senior officials from member departments and stakeholder entities making up the ESKOM Technical Task Team.

This process is now underway and the department of COTGTA has also developed the terms of reference that will frame the functioning of such panel which was approved and endorsed by the Technical Task Team.