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OPPOSITION PARTIES IN SPAT

DA and ActionSA in court over sewage crisis

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INSTEAD of uniting in their legal fight against eThekweni Municipality's failure to repair the city's health hazard sewage infrastructure, the DA and ActionSA were at each other's throats.

The two parties took the municipality to court over the sewage crisis.

The matter was heard at the Pietermaritzburg High Court on Thursday and Friday and was adjourned after the full Bench reserved the judgment.

ActionSA, in its affidavit filed in 2022, claimed that the municipality had failed to maintain and repair its sewage infrastructure, which would have prevented untreated effluent from spilling into rivers, the ocean and beaches, while in 2023 the DA lodged its legal documents.

DA councillor Thabani Mthethwa said his party used the court action to expose the municipality's failure to deal with sewerage challenges.

"It was only after court papers were filed that the municipality began to

make superficial attempts to address the crisis, clearly demonstrating that without pressure from the DA, no meaningful steps would have been taken," said Mthethwa.

The municipality is yet to respond to questions sent to its spokesperson, Gugu Sisilana.

However, the DA's KwaZulu-Natal chairperson and Minister of Public Works and Infrastructure Dean Macpherson issued a damning press statement on Friday, alleging that the ActionSA's legal team had gone to

court "unprepared". He alleged that the ActionSA's lawyers could not answer "basic" questions from the court.

ActionSA provincial leader Zwakele Mncwango hit back at Macpherson, saying he was a lonely man seeking attention. Macpherson alleged that ActionSA's lawyers performed so badly that some of its embarrassed leaders hastily left the court. He said the DA effectively saved the legal action by spending the majority of Thursday and Friday presenting a strong argument that the ANC-led municipality was not complying with "legally binding" national and provincial directives and lacked a credible action plan to fix the sewage crisis and rampant vandalism on the wastewater infrastructure.

"We also exposed that the municipality had not adhered to its water licences. Things got so bad for ActionSA that they were only able to argue their case for a mere 30 minutes before resigning in defeat," said Macpherson.

Mncwango said he did not attribute the statement to the whole DA leadership, but to Macpherson, whom he said was obsessed with ActionSA.

"I think he is just frustrated," said Mncwango. He alleged that Macpherson was annoyed that the DA was forced by the court to join ActionSA's application, which was filed on November 16, 2022, whereas the DA wanted to lodge a separate litigation, which it filed against the city in 2023.

"Because did not want this thing to be about ActionSA, we invited all stakeholders, including political parties, to join us on this litigation so that we can be together in court. They decided not to respond, then four months later, they went to go to court on their own," said Mncwango.

He said he was happy when the DA lodged its application, which was later joined with that of ActionSA.

"The only problem we had was that the DA, by joining our matter, delayed it because it was supposed to be heard some time ago, but the DA



DA LEADERS Dean Macpherson and Heinz de Boer picketing outside the Pietermaritzburg High Court this week.

was not ready as it had to read affidavits. You have not heard us attacking the DA because I am happy that we are fighting together for the same residents. Why must we provoke each other?" said Mncwango.

He said he did not understand why the city was opposing the matter, instead of fixing the sewerage using part of its R1.5 billion which was allocated to repair infrastructure that was damaged by floods. Mncwango said he was confident that the ActionSA legal team put up strong arguments.

Mncwango said the other contention was over the parties supporters who picketed outside the court. The DA had sought permission while ActionSA did not - resulting in police being called to disperse ActionSA supporters. Mncwango said that while inside the court, he was alerted to the chaos caused by police and when questioned them, was told that the DA had complained about their presence.

"DA provincial leader Francois Rodgers and I went outside and spoke to the police, and the matter was easily resolved, but Dean was angry because he wanted a fight with the ActionSA."

Macpherson said Mncwango was "sick" and denied calling police to disperse "hobos", which he said ActionSA recruited to pose as its members.

Macpherson said ActionSA should be grateful that the parties were co-applicants "because we saved them from humiliation".

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