



AUDITOR-GENERAL
SOUTH AFRICA

AUDIT REPORT

Emadlangeni Local Municipality

2023-24

Report of the auditor-general to the KwaZulu-Natal Provincial Legislature and the Council on Emadlangeni Local Municipality

Report on the audit of the financial statements

Opinion

1. I have audited the annual financial statements of the Emadlangeni Local Municipality set out on pages xx to xx, which comprise the statement of financial position for the year ended 30 June 2024, statement of financial performance, statement of changes in net assets, cash flow statement and the statement of comparison of budget and actual amounts for the year then ended, as well as notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Emadlangeni Local Municipality as at 30 June 2024 and its financial performance and cash flows for the year then ended in accordance with the South African Standards of Generally Recognised Accounting Practice (GRAP) and the requirements of the Municipal Finance Management Act 56 of 2003 (MFMA) and the Division of Revenue Act 5 of 2023 (Dora).

Basis for opinion

3. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the responsibilities of the auditor-general for the audit of the financial statements section of my report.
4. I am independent of the municipality in accordance with the International Ethics Standards Board for Accountants' *International code of ethics for professional accountants (including International Independence Standards)* (IESBA code) as well as other ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA code.
5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Emphasis of matters

6. I draw attention to the matters below. My opinion is not modified with respect to these matters.

Material impairment – Consumer debtors disclosure

7. As disclosed in note 12 to the financial statements, the municipality recognised an impairment allowance of R39,32 million (2022-23: R32,96 million) on consumer debtors, as the recoverability of these amounts was considered doubtful.

Underspending of conditional grants and receipts

8. As disclosed in note 14 to the financial statements, the municipality underspent on several of its conditional grants by R25,82 million (2022-23: R5,92 million). The majority of this amount is related to the underspending on the Disaster grant of R17,56 million.

Material losses – electricity

9. As disclosed in note 38 to the financial statements, the municipality incurred material technical electricity losses of R3,38 million (2022-23: R3,57 million) and non-technical electricity losses of R1,12 million (2022-23: R0,30 million) which represented 43% (2022-23: 39%) of total electricity purchases. The losses were mainly due to ageing electricity network infrastructure and illegal connections.

Restatement of corresponding figures

10. As disclosed in note 49 to the financial statements, the corresponding figures for 30 June 2024 were restated as a result of an error in the financial statements of the municipality at, and for the year ended, 30 June 2023.

Going concern

11. I draw attention to note 57 to the financial statements, which indicates that the municipality incurred a net deficit of R10,44 million for the year ended 30 June 2024 and as of that date the municipality's current liabilities exceed its assets by R6,60 million (2022-23: R4,83 million), and although cash and cash equivalents improved to R17,01 million (2022-23: R2,92 million), these funds were not sufficient to cover the municipality's unspent conditional grants and other current liabilities. These events or conditions, along with the other matters as outlined in the aforementioned note, indicate that uncertainty exists that may cast significant doubt on the municipality's ability to continue as a going concern.

Other matter

12. I draw attention to the matter below. My opinion is not modified with respect to this matter.

Unaudited disclosure notes

13. In terms of section 125(2)(e) of the MFMA, the particulars of non-compliance with the MFMA should be disclosed in the financial statements. This disclosure requirement did not form part of the audit of the financial statements and, accordingly, I do not express an opinion on it.

Responsibilities of the accounting officer for the financial statements

14. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with GRAP and the requirements of the MFMA and DoRA and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

15. In preparing the financial statements, the accounting officer is responsible for assessing the municipality's ability to continue as a going concern; disclosing, as applicable, matters relating to going concern; and using the going concern basis of accounting unless the appropriate governance structure either intends to liquidate the municipality or to cease operations or has no realistic alternative but to do so.

Responsibilities of the auditor-general for the audit of the financial statements

16. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

17. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report. This description, which is located at page xx to xx, forms part of our auditor's report.

Report on the annual performance report

18. In accordance with the Public Audit Act 25 of 2004 (PAA) and the general notice issued in terms thereof, I must audit and report on the usefulness and reliability of the reported performance information against predetermined objectives for the selected material performance indicators presented in the annual performance report. The accounting officer is responsible for the preparation of the annual performance report.

19. I selected the following material performance indicators related to basic service delivery and infrastructure development key performance area (KPA) presented in the annual performance report for the year ended 30 June 2024. I selected those indicators that measure the municipality's performance on its primary mandated functions and that are of significant national, community or public interest.

KPA 1 – Basic service delivery and infrastructure development

1.1.1.1. Number of households connected through rural electrification at eMadlangeni Phase 2, Ward 5 for the year ending 30 June 2024

1.1.1.2. Number of households connected through rural electrification at Blue Mountain Phase 2, Ward 4 for the year ending 30 June 2024

1.1.1.3. Number of households connected through rural electrification at Dorothea, Ward 1 for the year ending 30 June 2024

1.1.1.4. Number of households connected through rural electrification at KwaNtaba Phase 3, Ward 4 for the year ending 30 June 2024

1.1.1.5. Number of households connected through rural electrification at Kaarpoort Phase 3, Ward

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- 1.2.1.1. 0,4 Kms of paved municipal road which has been resurfaced to the surfaced road, Scheepers Street Phase 2, Ward 2 for the year ending 30 June 2024
- 1.2.1.2. 0,8 Kms of paved municipal road which has been resurfaced to the surfaced road, Plein Street Ward 2 for the year ending 30 June 2024
- 1.2.1.3 Upgrade of Sports field in Ward 2 for the year ending 30 June 2024
- 1.2.1.4 Maintenance of 60 kms of gravel roads in all 6 Wards for the year ending 30 June 2024
- 1.2.1.6 Re-gravelling of 4,6 Kms of Dorothea access road in Ward 1 for the year ending 30 June 2024
- 1.2.1.7 Rehabilitation of 0,6 Kms of Keerom Street in Ward 2 for the year ending 30 June 2024
- 1.2.1.8 Re-gravelling of 2,4 Kms of Vaalbank access road in Ward 4 for the year ending 30 June 2024
- 1.2.1.9 Re-graveling of 4,6 kms of reserved access road in Ward 4 for the year ending 30 June 2024
- 1.2.1.10 Re-gravelling of 2,9 Kms of Lenz access road in Ward 5 for the year ending 30 June 2024
- 1.2.1.11 Re-gravelling of 4,6 Kms of Mlwane access road in Ward 6 for the year ending 30 June 2024
- 1.4.1.2 Number of Job opportunities created under EPWP.
- 1.4.1.3 Number of capacity-building interventions for local entrepreneurs and SMMEs provided
- 1.5.1.2 Number of lightning conductors installed
- 1.5.1.4 Number of Disaster Management training & awareness campaigns conducted
- 1.6.1.1 Number of new households provided with new electricity connections (municipal supply) within the 2023-24 financial year.
- 1.7.1.2 Number of formal households, businesses, and government areas with access to refuse removal within the 2023-24 financial year.

20. I evaluated the reported performance information for the selected material performance indicators against the criteria developed from the performance management and reporting framework, as defined in the general notice. When an annual performance report is prepared using these criteria, it provides useful and reliable information and insights to users on the municipality's planning and delivery of its mandate and objectives.

21. I performed procedures to test whether:

- the indicators used for planning and reporting on performance can be linked directly to the municipality's mandate and the achievement of its planned objectives
- all the indicators relevant for measuring the municipality's performance against its primary mandated and prioritised functions and planned objectives are included

- the indicators are well defined to ensure that they are easy to understand and can be applied consistently, as well as verifiable so that I can confirm the methods and processes to be used for measuring achievements
- the targets can be linked directly to the achievement of the indicators and are specific, time-bound and measurable to ensure that it is easy to understand what should be delivered and by when the required level of performance as well as how performance will be evaluated
- the indicators and targets reported on in the annual performance report are the same as those committed to in the approved initial or revised planning documents
- the reported performance information presented in the annual performance report in the prescribed manner and is comparable and understandable
- there is adequate supporting evidence for the achievements reported and for measures taken to improve performance.

22. I performed the procedures to report material findings only; and not to express an assurance opinion or conclusion.

23. The material findings on the reported performance information for the selected material indicators is as follows:

Target not directly related to indicator

Number of new households provided with new electricity connections (municipal supply) within the 2023-24 financial year

24. The target of one certificate of competence does not relate directly to the indicator, which measures the “number of new households provided with new electricity connections (municipal supply) within the 2023-24 financial year”. This makes it difficult to plan for the achievement of the indicator. Consequently, the reported achievement does not provide useful information on the indicator’s achievement.

Other matters

25. I draw attention to the matters below.

Achievement of planned targets

26. The annual performance report includes information on reported achievements against planned targets and provides measures taken to improve performance. This information should be considered in the context of the material findings on the reported performance information.

27. The table that follows provides information on the achievement of planned targets and lists the key service delivery indicators that were not achieved as reported in the annual performance report. The measures taken to improve performance are included in the annual performance report on pages [xx to xx].

Basic service delivery and infrastructure development

<i>Targets achieved: 74%</i>		
<i>Budget spent: 103%</i>		
Key basic service delivery and infrastructure development indicators not achieved	Planned target	Reported achievement
1.1.1.3 Number of households connected through rural electrification at Dorothea, Ward 1 for the year ending 30 June 2024	151	0
1.2.1.5 0,7KMs of paved municipal road which has been resurfaced to surfaced road: Kerk Street, Phase 3 Ward 2	0,7 kms	0.5 kms
1.2.1.6 Re-gravelling of 4,6 Kms of Dorothea access road in Ward 1 for the year ending 30 June 2024	4,6 kms	0
1.2.1.7 Rehabilitation of 0,6 Kms of Keerom Street in Ward 2 for the year ending 30 June 2024	0,6 kms	0
1.2.1.8 Re-gravelling of 2,4 Kms of Vaalbank access road in Ward 4 for the year ending 30 June 2024	2,4 kms	0
1.2.1.9 Re-graveling of 4,6 kms of reserved access road in Ward 4 for the year ending 30 June 2024	4,6 kms	0
1.2.1.10 Re-gravelling of 2,9 Kms of Lenz access road in Ward 5 for the year ending 30 June 2024	2,9 kms	0
1.2.1.11 Re-gravelling of 4,6 Kms of Mlwane access road in Ward 6	4,6 kms	0

Material misstatements

28. I identified material misstatements in the annual performance report submitted for auditing. These material misstatements were in the reported performance information for the basic service delivery and infrastructure development KPA. Management did not correct all of the misstatements and I reported material findings in this regard.

Report on compliance with legislation

29. In accordance with the PAA and the general notice issued in terms thereof, I must audit and report on compliance with applicable legislation relating to financial matters, financial management and other related matters. The accounting officer is responsible for the municipality's compliance with legislation.

30. I performed procedures to test compliance with selected requirements in key legislation in accordance with the findings engagement methodology of the Auditor-General of South Africa (AGSA). This engagement is not an assurance engagement. Accordingly, I do not express an assurance opinion or conclusion.

31. Through an established AGSA process, I selected requirements in key legislation for compliance testing that are relevant to the financial and performance management of the municipality, clear to allow consistent measurement and evaluation, while also sufficiently detailed and readily available to report in an understandable manner. The selected legislative requirements are included in the annexure to this auditor's report.
32. The material findings on compliance with the selected legislative requirements, presented per compliance theme, are as follows:

Annual financial statements

33. The annual financial statements submitted for auditing were not prepared in all material respects in accordance with the requirements of section 122(1) of the MFMA. Material misstatements of non-current assets, current assets, current liabilities, revenue and disclosure items identified by the auditors in the submitted financial statement were subsequently corrected resulting in the financial statements receiving an unqualified audit opinion.

Procurement and contract management

34. Sufficient appropriate audit evidence could not be obtained that contracts were awarded to suppliers based on preference points that were allocated and calculated in accordance with the requirements of section 2(1)(a) of the Preferential Procurement Policy Framework Act 5 of 2000 and its regulations.

Expenditure management

35. Reasonable steps were not taken to prevent irregular expenditure amounting to R47,29 million, as disclosed in note 53 to the annual financial statements, as required by section 62(1)(d). The majority of the irregular expenditure were caused by non-compliance with procurement processes and payments made relating to expired contracts.
36. Reasonable steps were not taken to prevent unauthorised expenditure amounting to R16,04 million, as disclosed in note 51 to the annual financial statements, in contravention of section 62(1)(d) of the MFMA. The majority of the unauthorised expenditure was caused by overspending on budgeted expenditure and various non-cash items.
37. Reasonable steps were not taken to prevent fruitless and wasteful expenditure, as disclosed in note 52 to the annual financial statements, in contravention of section 62(1)(d) of the MFMA. The majority of the disclosed fruitless and wasteful expenditure was caused by interest on late payments to Eskom.
38. Money owed by the municipality was not always paid within 30 days, as required by section 65(2)(e) of the MFMA.

Other information in the annual report

39. The accounting officer is responsible for the other information included in the annual report. The other information referred to does not include the financial statements, the auditor's report and those selected material indicators in the scoped-in basic service delivery and infrastructure development KPA presented in the annual performance report that has been specifically reported on in this auditor's report.
40. My opinion on the financial statements, the report on the audit of the annual performance report and the report on compliance with legislation do not cover the other information included in the annual report and I do not express an audit opinion or any form of assurance conclusion on it.
41. My responsibility is to read this other information and, in doing so, consider whether it is materially inconsistent with the financial statements and the selected material indicators in the scoped-in basic service delivery and infrastructure development KPA presented in the annual performance report or my knowledge obtained in the audit or otherwise appears to be materially misstated.
42. I did not receive the other information prior to the date of this auditor's report. When I do receive and read this information, if I conclude that there is a material misstatement therein, I am required to communicate the matter to those charged with governance and request that the other information be corrected. If the other information is not corrected, I may have to retract this auditor's report and re-issue an amended report as appropriate. However, if it is corrected this will not be necessary.

Internal control deficiencies

43. I considered internal control relevant to my audit of the financial statements, annual performance report and compliance with applicable legislation; however, my objective was not to express any form of assurance on it.
44. The matters reported below are limited to the significant internal control deficiencies that resulted in the findings on the selected material indicators included in the annual performance report and the material findings on compliance with legislation included in this report.
45. The accounting officer and management did not exercise adequate oversight and review controls over financial and performance reporting to ensure the fair presentation of the financial statements and the annual performance report.
46. Daily and monthly processes coupled with effective records management were not implemented to ensure the preparation of quality financial and performance reporting.

47. Management did not ensure that the action plan of the prior year was timeously implemented to prevent repeat findings as well as to prevent non-compliance with legislation.

Pietermaritzburg

13 December 2024



A U D I T O R - G E N E R A L
S O U T H A F R I C A

Auditing to build public confidence

Annexure to the auditor's report

The annexure includes the following:

- The auditor-general's responsibility for the audit
- The selected legislative requirements for compliance testing

Auditor-general's responsibility for the audit

Professional judgement and professional scepticism

As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements and the procedures performed on reported performance information for the selected material performance indicators and on the municipality's compliance with selected requirements in key legislation.

Financial statements

In addition to my responsibility for the audit of the financial statements as described in this auditor's report, I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the municipality's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made
- conclude on the appropriateness of the use of the going concern basis of accounting in the preparation of the financial statements. I also conclude, based on the audit evidence obtained, whether a material uncertainty exists relating to events or conditions that may cast significant doubt on the ability of the municipality to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify my opinion on the financial statements. My conclusions are based on the information available to me at the date of this auditor's report. However, future events or conditions may cause the municipality to cease operating as a going concern
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

Communication with those charged with governance

I communicate with the accounting officer regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

I also provide the accounting officer with a statement that I have complied with relevant ethical requirements regarding independence and communicate with them all relationships and other matters that may reasonably be thought to bear on my independence and, where applicable, actions taken to eliminate threats or safeguards applied.

Compliance with legislation – selected legislative requirements

The selected legislative requirements are as follows:

Legislation	Sections or regulations
Municipal Finance Management Act 56 of 2003	Sections: 1, 11(1), 13(2), 14(1), 14(2)(a), 14(2)(b), 15, Sections: 24(2)(c)(iv), 28(1), 29(1), 29(2)(b), 32(2), 32(2)(a), Sections: 32(2)(a)(i), 32(2)(a)(ii), 32(2)(b), 32(6)(a), 32(7), Sections: 53(1)(c)(ii), 54(1)(c), 62(1)(d), 63(2)(a), 63(2)(c), Sections: 64(2)(b), 64(2)(c), 64(2)(e), 64(2)(f), 64(2)(g), Sections: 65(2)(a), 65(2)(b), 65(2)(e), 72(1)(a)(ii), 112(1)(j), Sections: 116(2)(b), 116(2)(c)(ii), 117, 122(1), 122(2), Sections: 126(1)(a), 126(1)(b), 127(2), 127(5)(a)(i), Sections: 127(5)(a)(iii), 129(1), 129(3), 133(1)(a), 133(1)(c)(i), Sections: 133(1)(c)(ii), 170, 171(4)(a), 171(4)(b)
MFMA: Municipal budget and reporting regulations, 2009	Regulations: 71(1)(a), 71(1)(a)(b), 71(2)(a), 71(2)(b), Regulations: 71(2)(d), 72(a), 72(b), 72(c)
MFMA: Municipal Investment Regulations, 2005	Regulations: 3(1)(a), 3(3), 6, 7, 12(2), 12(3)
MFMA: Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014	Regulations: 5(4), 6(8)(a), 6(8)(b), 10(1)
MFMA: Municipal Supply Chain Management Regulations, 2017	Regulations: 5, 12(1)(c), 12(3), 13(b), 13(c), 16(a), Regulations: 17(1)(a), 17(1)(b), 17(1)(c), 19(a), 21(b), Regulations: 22(1)(b)(i), 22(2), 27(2)(a), 27(2)(e), Regulations: 28(1)(a)(i), 29(1)(a), 29(1)(b), 29(5)(a)(ii), Regulations: 29(5)(b)(ii), 32, 36(1), 36(1)(a), 38(1)(c), Regulations: 38(1)(d)(ii), 38(1)(e), 38(1)(g)(i), 38(1)(g)(ii), Regulations: 38(1)(g)(iii), 43, 44, 46(2)(e), 46(2)(f)"
Construction Industry Development Board Act 38 of 2000	Section: 18(1)
Construction Industry Development Board Regulations, 2004	Regulations: 17, 25(7A)
Division of Revenue Act	Sections: 11(6)(b), 12(5), 16(1); 16(3)
Municipal Property Rates Act 6 of 2004	Section: 3(1)
Municipal Systems Act 32 of 2000	Sections: 25(1), 26(a), 26(c), 26(h), 26(i), 29(1)(b)(ii), 34(a), Sections: 34(b), 38(a), 41(1)(a), 41(1)(b), 41(1)(c)(ii), 42, Sections: 43(2), 54A(1)(a), 56(1)(a), 57(2)(a), 57(6)(a), Sections: 66(1)(a), 66(1)(b), 67(1)(d), 74(1), 96(b)
MSA: Disciplinary Regulations for Senior Managers, 2011	Regulations: 5(2), 5(3), 5(6), 8(4)
MSA: Municipal Planning and Performance Management Regulations, 2001	Regulations: 2(1)(e), 2(3)(a), 3(3), 3(4)(b), 7(1), 8, 9(1)(a), Regulations: 10(a), 12(1), 15(1)(a)(i), 15(1)(a)(ii)
MSA: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006	Regulations: 2(3)(a), 4(4)(b), 8(1), 8(2), 8(3)
MSA: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014	Regulations: 17(2), 36(1)(a)
MSA: Municipal Staff Regulations	Regulations: 7(1), 31
Prevention and Combating of Corrupt Activities Act 12 of 2004	Section: 34(1)
Preferential Procurement Policy Framework Act 5 of 2000	Sections: 2(1)(a), 2(1)(f)
Preferential Procurement Regulations, 2017	Regulations: 4(1), 4(2), 5(1), 5(3), 5(6), 5(7), 6(1), 6(2), Regulations: 6(3), 6(6), 6(8), 7(1), 7(2), 7(3), 7(6), 7(8), Regulations: 8(2), 8(5), 9(1), 10(1), 10(2), 11(1), 11(2)
Preferential Procurement Regulations, 2022	Regulations: 4(1), 4(2), 4(3), 4(4), 5(1), 5(2), 5(3), 5(4)