

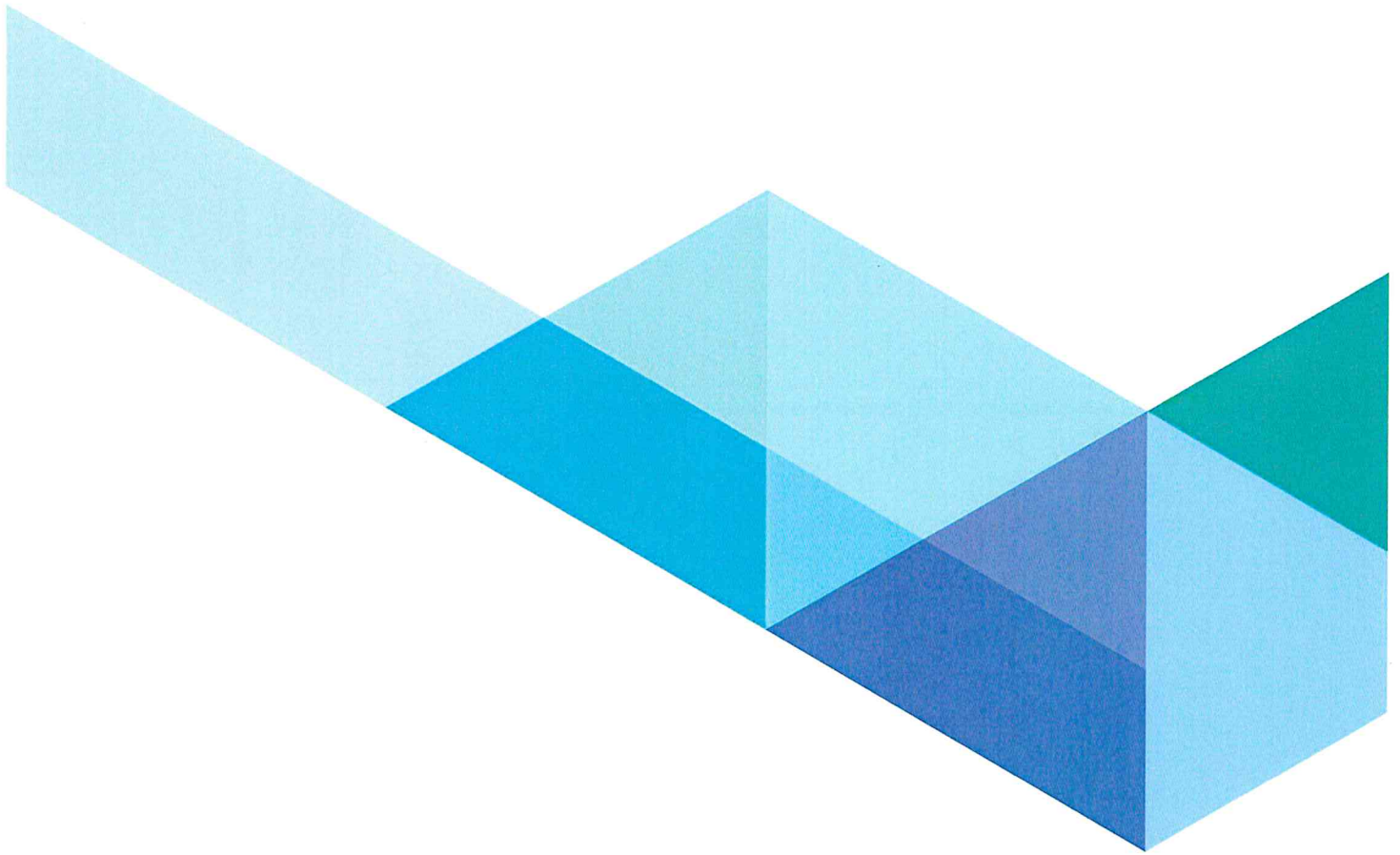


AUDITOR-GENERAL  
SOUTH AFRICA

# AUDIT REPORT

uMhlathuze Municipality

2023-24



# Report of the auditor-general to KwaZulu Natal Provincial Legislature and the council on City of uMhlathuze Municipality

## Report on the audit of the financial statements

### Opinion

1. I have audited the financial statements of the City of uMhlathuze Municipality set out on pages xx to xx, which comprise the statement of financial position as at 30 June 2024, statement of financial performance, statement of changes in net assets, cash flow statement and statement of comparison of budget and actual information 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 City of uMhlathuze Municipality as at 30 June 2024 and its financial performance and cash flows for the year then ended in accordance with the Standards of Generally Recognised Accounting Practice (GRAP) and the requirements of the Municipal Finance Management Act 56 of 2003 (MFMA).

### 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 in respect of these matters.

### Material impairments – Receivables from exchange transactions

7. As disclosed in note 4 to the financial statements, an allowance for impairment of R119,3 million (2022-23: R120 million) on receivables from exchange transactions was raised as the recoverability of these amounts were doubtful.

### **Material losses - Bad debts written off**

8. As disclosed in note 33 to the financial statements, R60,68 million (2022-23: R245,95 million) was written off as bad debts from exchange and non-exchange transactions.

### **Material impairments – Property, plant and equipment**

9. As disclosed in notes 8 and 37 to the financial statements, an impairment of R50,33 million (2022-23: R10,12 million) was processed on items of property plant and equipment, of which R48,5 million was on land that was no longer expected to be used by the municipality for the initial purposes intended.

### **Material losses – Water (bulk purchases)**

10. As disclosed in note 34 to the financial statements, water distribution losses of R402,29 million (2022-23: R434,10 million) was incurred, which represented 55% (2022-23: 57%) of total water purchased. These losses were largely due to illegal connections, metering losses and leakages.

### **Other matter**

11. I draw attention to the matter below. My opinion is not modified in respect of this matter.

### **Unaudited disclosure notes (MFMA125)**

12. 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**

13. 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 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.
14. 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**

15. 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.

16. 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, forms part of our auditor's report.

### Report on the audit of the annual performance report

17. 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 against predetermined objectives for the selected key performance area presented in the annual performance report. The accounting officer is responsible for the preparation of the annual performance report.

18. I selected the following key performance area presented in the annual performance report for the year ended 30 June 2024 for auditing. I selected a key performance area that measures the municipality's performance on its primary mandated functions and that are of significant national, community or public interest.

Key performance area	Page numbers	Purpose
Basic service delivery and infrastructure development	XX	Integrated infrastructure and efficient services

19. I evaluated the reported performance information for the selected key performance area 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 on its mandate and objectives.

20. 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 is 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 the measures taken to improve performance.

21. I performed the procedures for the purpose of reporting material findings only; and not to express an assurance opinion or conclusion.

22. I did not identify any material findings on the reported performance information for the selected key performance area.

### Other matter

23. I draw attention to the matter below.

### Achievement of planned targets

24. 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.

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: 75%</i> <i>Budget spent: 97%</i>		
<b>Key service delivery indicator not achieved</b>	<b>Planned target</b>	<b>Reported achievement</b>
Percentage of total water losses	<=26%	29%
Number of new sewer connections meeting minimum standard	75	10
Percentage of wastewater samples compliant to water use licence conditions	>=90%	55%
Number of Pumps replaced in Water and Sanitation Services	44	28
Kilometres of gravel roads upgraded to surfaced road (New tarred roads)	2,50	1,9
Number of projects completed as per approved project plan	13	9

Key service delivery indicator not achieved	Planned target	Reported achievement
Number of subsidised housing units completed	75	10
Number of reports on missing beneficiaries for Post 1994 completed houses	2	0
Date of signing donation agreement with Public Works on properties to be transferred to rightful beneficiaries	30 June 2024	Not signed

## Report on compliance with legislation

25. 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.
26. 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.
27. 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 [type of auditee], 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.
28. I did not identify any material non-compliance with the selected legislative requirements.

## Other information in the annual report

29. 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 key performance areas presented in the annual performance report that have been specifically reported on in this auditor's report.
30. 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.
31. 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 key performance area presented in the annual performance report or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

32. If, based on the work I have performed, I conclude that there is a material misstatement in this other information, I am required to report that fact.

33. I have nothing to report in this regard.

### Internal control deficiencies

34. 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.

35. I did not identify any significant deficiencies in internal control.

### Material irregularities

36. In accordance with the PAA and the Material Irregularity Regulations, I have a responsibility to report on material irregularities identified during the audit and on the status of material irregularities as previously reported in the auditor's report.

### Status of previously reported material irregularities

#### Overpayment for sports fitness centre

37. I identified non-compliance with section 78(1) (c) of the MFMA, which requires that each senior manager and each official exercising financial management responsibilities must take all reasonable steps within their respective areas of responsibility to ensure that any unauthorised, irregular, or fruitless and wasteful expenditure and any other losses are prevented. In this regard, contracts for the development and construction of a fitness centre in Esikhaleni, Richards Bay, KwaZulu-Natal were awarded, and payments were made for goods and services not delivered. The overpayment was disclosed as irregular expenditure under assessment in note 48 to the 2022-23 financial statements. The overpayment is likely to result in a material financial loss if not recovered. The accounting officer was notified of the material irregularity on 29 March 2023.

38. The following actions were taken by the accounting officer:

- Disciplinary action against the officials that did not discharge their duties with due care as required by the MFMA and their agreed conditions of employment. These officials were suspended and their services later terminated in February 2023.
- The project management consultant and contractor's contracts have since been terminated on 10 May 2022 and 12 April 2022 respectively, and the process of financial recovery for the overpayment is underway through a legal process.
- Criminal cases against the suppliers have been lodged with the South African Police Service and the Directorate for Priority Crime Investigations in August 2022.

39. The current progress is that the criminal and civil recovery cases are ongoing.

40. Based on my evaluation of the information and evidence provided in the accounting officers's written submission and actions taken, this matter will not be pursued further as an MI and is therefore closed.

*Auditor-General*

Pietermaritzburg

29 November 2024



AUDITOR - GENERAL  
SOUTH AFRICA

*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 key performance area 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 a 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	<p>Section 1 - paragraph (a), (b) &amp; (d) of the definition: irregular expenditure</p> <p>Section 1 - definition: service delivery and budget implementation plan</p> <p>Sections 11 (1), 13(2), 14(1), 14(2) (a), 14(2) (b), 15, 24(2) (c) (iv), 29(1).</p> <p>Sections 29(2) (b), 32(2), 32(2) (a), 32(2) (a) (i), 32(2) (a) (ii), 32(2) (b), 32(6) (a),</p> <p>Sections 32(7), 53(1) (c) (ii), 54(1) (c), 62(1)(d). 62(1) (f)(i), 62(1) (f)(ii),</p> <p>Sections 62(1) (f) (iii), 63(1) (a), 63(2) (a), 63(2)(c). 64(2) (b), 64(2) (c), 64(2) (e).</p> <p>Sections 64(2) (f), 64(2) (g), 65(2) (a), 65(2) (b), 65(2) (e), 72(1) (a) (ii), 112(1) (j),</p> <p>Sections 116(2) (b), 116(2) (c) (ii), 117, 122(1), 122(2), 126(1) (a), 126(1)(b),</p> <p>Sections 127(2), 127(5) (a) (i). 127(5) (a) (ii), 129(1), 129(3), 133(1)(a),</p> <p>Sections 133(1) (c) (i), 133(1) (c) (ii), 170, 171(4)(a), 171(4)(b)</p>
MFMA: Municipal Budget and Reporting Regulations, 2009	Regulation 71 (1), 71 (2), 72
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	<p>Regulations 5, 12(1) (c), 12(3), 13(b), 13(c), 13(c) (i). 16(a), 17(1)(a), 17(1)(b),</p> <p>Regulations 17(1) (c). 19(a), 21 (b), 22(1) (b) (i), 22(2). 27(2) (a), 27(2) (e)</p> <p>Regulations 28(1) (a) (i), 28(1) (a) (ii). 29(1) (a) and (b), 29(5) (a) (ii), 29(5) (b) (ii),</p> <p>Regulations 32, 36(1), 36(1)(a), 38(1) (c), 38(1) (d) (ii). 38(1) (e). 38(1) (g) (i),</p> <p>Regulations 38(1)(g) (ii), 38(1)(g) (iii), 43, 44, 46(2)(e). 46(2) (f)</p>
MSA: Disciplinary Regulations for Senior Managers, 2011	Regulations 5(2), 5(3), 5(6), 8(4)
Annual Division of Revenue Act	Sections 11(6) (b), 12(5), 16(1); 16(3)

Legislation	Sections or regulations
Construction Industry Development Board Act 38 of 2000	Section 18(1)
Construction Industry Development Board Regulations, 2004	Regulations 17, 25(7A)
Municipal Property Rates Act 6 of 2004	Section 3(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), 6(3), 6(6), 6(8), 7(1), Regulations 7(2), 7(3), 7(6), 7 (8), 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)
Prevention and Combating of Corrupt Activities Act 12 of 2004	Section 34(1)
Municipal Systems Act 32 of 2000	Sections 25(1), 26(a), 26(c), 26(h), 26(i), 27(1), 29(1) (b) (ii), 29(2) (a), Sections 29(2) (c), 34(a), 34(b), 38(a), 41 (1) (a), 41(1) (b), 41 (1)(c) (ii), 42, Sections 43(2), 56(a), 57(2) (a), 57(4B), 57(6) (a). 66(1)(a), 66(1) (b). Sections 67(1) (d), 74(1), 93J(1), 96(b)
MSA: Municipal Planning and Performance Management Regulations, 2001	Regulations 2(1) (e), 2(3) (a), 3(3), 3(4) (b), 3(5)(a). 7(1), 8, 9(1) (a), 10(a), Regulations 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)