

# Water Resources Management Authority

## Presentation on the development of a Regulatory Impact Assessment for regulations for Licencing of drillers, Groundwater and Boreholes

By Emmanuel Mumba



# Regulatory Impact Assessment

In terms of procedural requirement, section 6 of the BRRA Act provides that a public body shall before introducing a policy or law:

- (a) Give notice to BRRA;
- (a) Hold public consultations with enterprises who are likely to be affected by the proposed law or policy as well as people who are likely to benefit;
- (c) Perform a regulatory impact assessment (RIA) which should be submitted to BRRA for approval; and
- (d) Submit a report of public consultations to BRRA together with a RIA.



# Problem Definition

- Unregulated abstractions due to absence of groundwater regulations prior to 2011 Water Resources Management Act No. 21 of 2011
- Population increase and Industrialization resulting in increased pressure on groundwater resources
- Substandard construction of boreholes driven by need to increase profit margin after proliferation of drilling companies post 2005 era



# Objectives

- Manage groundwater resources in an equitable and sustainable manner
- Collect groundwater construction and abstraction information
- Promote best practices standards that ensure the construction of cost effective boreholes
- Provide legal backing for actions in respect of disaster areas and strategic water resources protection areas



## Methodology and Work Process

- WARMA requested a format from BRA
- WARMA did an internal review and internalized the requirements
- Cost benefit analysis part was most challenging
- Settled on a hybrid of CBA and CEA
- First draft received some comments from BRA and the RIA was finalised after final review



# Compliance With BRA Act

## Compliance with the requirements of the BRA Act:

- (a) A detailed report for public consultations; and
- (b) A proposed regulatory impact assessment in relations to the proposed fees and charges and the new groundwater licensing regime.

**Note:** It is within BRRA's mandate to review the public consultation report and determine whether or not the consultations carried out were sufficient.



# Approval From BRA

Upon review of the public consultation report and the regulations impact assessment, BRA approved the proposed regulations and they sent a copy to Ministry of Justice.

A letter of approval from BRA is provided below:



# Approval From BRA



**WARMA - Water Resources Management Authority**





# Challenges

- Regulation faced inertial from drillers and citizens due to distortions and misrepresentation on the impact of regulations
- The process of carrying out a RIA requires a huge budget i.e sensitization



# Challenges

- Limited Monitoring and Evaluation tools on the impact of regulations. Further investments is likely to increase the cost of implementation and may have a ripple effect on the consumer.



## Lessons learnt

- Continuous public engagement on objective and goals of the regulation is vital
- Monitoring and evaluation of the impact of regulations is important for the benefit of humanity

