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



BUSINESS REGULATORY REVIEW AGENCY, P.O. BOX 50593, LUSAKA TEL: 211 228301/9 EMAIL: INFO@BRRA.ORG.ZM

11th September, 2017

Mr. Lemmy N. Namanyanga Acting Director General Water Resources Management Authority LUSAKA



BRRA/101/9/1

RE: REGULATORY IMPACT ASSESSMENT REPORT: GROUND WATER REGULATIONS AND LICENCING OF DRILLERS

With reference to the above mentioned subject, the Business Regulatory Review Agency wishes to inform you that it has approved the Regulatory Impact Assessment report on proposed Groundwater Regulations and Licensing of Drillers and recommends that the Authority proceeds to finalize and effect the regulations.

The approval is based on inter alia:

- 1. The proposed regulations are subsidiary law supported by the Water Resources Management Act, No. 21 of 2011;
- 2. The proposed regulations are targeted at a legitimate problem that is managing water as a finite resource. They are aimed at ensuring quality of water for the public and safety of boreholes and maintaining good standards and practices in the drilling sector;
- 3. The costs associated with the proposed regulations are merely for defraying administrative costs: and
- 4. Does not increase the cost of doing business in Zambia for business houses.

Overall, the Agency is satisfied that the proposed regulations adhere to the general principles for regulating business specified in the Business Regulatory Act, No. 3 of 2014.

Sharon C.K. Sichilongo Director & CEO

BUSINESS REGULATORY REVIEW AGENCY



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

