

Submission: Parliamentary Portfolio Committee on Water Affairs and Forestry

Review of the National Water Act (Act No. 36 of 1998)

Groundwater Aspects

Submission by:

**Ground Water Division
of the Geological Society of South Africa**

The National Water Act (Act No 36 of 1998) was promulgated 10 years ago. At the time it was heralded as groundbreaking legislation in the management of water resources, and this is no less true today. The legislation was very carefully thought out, and allows for the holistic management of water in South Africa. From a groundwater perspective, the Act changed the status of groundwater from “private” to “public”, bringing it in to line with other water sources and providing a mechanism for more effective control.

Unfortunately, the implementation of the National Water Act has proved to be problematic as it is highly dependent on sufficient skilled and experienced staff – both in the public and private sector. An inability to implement the National Water Act prevents groundwater from being used productively and sustainably to promote economic growth and social upliftment; or creates unnecessary burdens on those who attempt to do so.

Some specific issues that relate directly to provisions within the National Water Act include:

- The absence of quantified guidance in terms of setting volumes associated with reasonable domestic use, market gardening etc. in order that decisions are less subjective.
- The failure to register and verify existing groundwater use across most parts of the country.
- The general authorisations for groundwater, including why some of the most productive aquifers in South Africa have a 0 m³/ha/a general authorisation (e.g Atlantis Aquifer, Cape Flats Aquifer, Langebaan Road Aquifer etc.), this requiring any potential groundwater user to go through a licensing process.
- The inability of DWAF to issue groundwater use licenses; alternatively why such applications are so onerous and take months and years to issue, rather than weeks.
- Why groundwater abstraction is subject to both a water use license (Department of Water Affairs and Forestry) and environmental authorisation (Department of Environment Affairs and Tourism); and why a single streamlined licensing process has not been implemented.

Promulgation of the National Water Act requires groundwater management be undertaken in an integrated hydrological framework. While this is clearly the correct direction to take, it requires

an investment in human resources in order to develop and maintain geohydrological skills and experience both in the public and private sector. Historically, the Directorate of Geohydrology of DWAF played a crucial role in this regard. However, the demise of the Directorate (as a result of restructuring within DWAF) and the loss of expertise from DWAF has resulted in the little expertise that is left being thinly spread throughout the Department; and the Department no longer being able to grow it's own human resources or play a leadership role in the groundwater community.

It is crucial that a grouping similar to the old Directorate of Geohydrology be established to develop and strengthen DWAF's expertise and experience in the field of groundwater, with it's earlier inability to integrate with other groups and structures within DWAF being an area that has to be addressed. This grouping – to be functional at both Head Office and in the Regions – should have the following key focus areas:

- Rural water supply: In addition to using groundwater to ease the plight of millions of South Africans in general – and women in particular – who suffer because of inadequate access to potable water; this focus area could be used to develop the practical skills to recent graduates through a 2 year internship programme.
- Extension services: DWAF has a responsibility to provide extension services to Catchment Management Agencies, District Municipalities and Local Authorities and other users or polluters of groundwater.
- Licensing and control: The development and implementation of a streamlined and effective groundwater licensing procedure would be the responsibility of this sub-group.
- Data management and monitoring: Proper groundwater management is highly dependent on access to data. This function currently managed by DWAF needs to be expanded to capture and exchange data with consultancies, universities and other groups.
- Staff development: By ensuring the ongoing development of groundwater skills within DWAF, the country will be ensured of sufficient skills and experience to manage the country's groundwater supplies.

Through this submission we would like to make the Portfolio Committee aware of the inadequacies relating to the implementation of the National Water Act and challenges facing the groundwater fraternity, and ask that resources be allocated to address these. It is recommended a person be appointed to establish a task team that will investigate these matters, and report back to the Portfolio Committee within 6 months regarding what has to be done, how will it be implemented and what resources human and financial are required for successful implementation.

We thank you for affording us the opportunity to make this presentation; and we look forward to progress in these matters.

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