



INTERNET ARTICLE

The process of applying for a water use license accelerated

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The Department of Water and Sanitation (DWS) is on an accelerated mode of optimising the processing of water use licenses to bring about the much needed radical economic transformation of South Africa.

The big question that needs to be responded to for the many water users and interested stakeholders is: What is meant by the term “water use license”? Water use licensing entails the authorisation of the abstraction and use of water for various economic and developmental initiatives; these to include mining, industry, local government, forestry and agriculture.

DWS’ Deputy Director-General (DDG) for Regulations, Compliance and Authorisation, Anil Singh, points out that “whereas other uses such as irrigation are less complicated and in fact easier to authorise, other uses such as mining are more complicated and therefore take longer to authorise.”

Singh explains that these are uses that have an impact on the quality of South Africa’s water resources due to the discharging that happens during operations – as a result of which they potentially have an adverse impact on both our surface and ground water.

He stresses that not having a water use license should surely place such uses in a position of conflict with the law. It is a legal requirement to be in possession of such a license for lawful water use as required by the National Water Act (Act 36 of 1998). According to section 29(1) of the Water Act (Act 36 of 1998), a responsible authority may attach conditions to every general authorisation or license.

The time line for finalising the water use licence is a period of nine months (207 working days) provided the applicant provides all the requisite information the department needs to make the necessary assessment. “However, this period has most of the time not been met due to a number of reasons such as the applicant not submitting all the required information, a lack of sufficient personnel to assess water use applications, uncoordinated requirements from other



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departments, that is those with related regulatory mandates, and unrefined business process for water use,” Singh adds.

To make it easier for people to apply and get their licenses quickly, the Minister Nomvula Mokonyane, together with Director-General Margaret-Ann Diedericks, implemented these interventions: Project Letsema, which will be phased out at the end of the current financial year as it was found not sustainable to manage water authorisations as a regulatory process via a project.

DWS has established the Chief Directorate: Water Use Authorisation located in the National Office, and which shall also have fully fledged structures in the provincial offices (as these offices are entry points for all water use license applications and will thus be responsible for similar functions). DWS has finalised its comprehensive wall to wall business process of water use licensing. This has reduced the timeline of finalising water use licence applications from nine months (207 working days) to seven months (153 working days). This business process will result in a reduction of 54 working days, which amounts to 26% improvement on the licensing turnaround time.

The success of the process has been achieved by optimising water use authorisation business well before the application is received by the department. “Our new business process now provides for a pre-application stage that is well mapped-out to provide site visits, advise the prospective applicant about the feasibility of the water use undertaking, and provide full briefing on the application requirements. This process takes a maximum of 47 working days and thereafter an applicant is afforded 100 days to submit a water use licence application”, according to Singh.

This pre-application process takes a total of 147 working days and plus the 153 days of processing the application within the Department, which process is legislated at a maximum of 300 working days.

The department has formalised engagement fora with related State Owned Enterprises, mining houses and other big industries. The purpose of these engagements is to remove possible bottlenecks in the water use application process and also to support future development plans of these institutions and therefore forge the type of water use support required from the department.



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An agreement was reached between DWS, the Department of Environmental Affairs (DEA) and the Department of Mineral and Energy (DMR) to streamline regulatory requirements relating to licensing specifically of mining related applications. These regulations were legislated in June 2014, with consequent amendments to the department's enabling legislation. The three departments are finalising each of their draft regulations that shall serve to enhance efficiency in their regulatory regime, and eliminate any possibility of duplication of functions and/or any linear approaches to licensing.

Singh advised that the DWS is to launch its electronic water use licensing authorisation and administration system (e- WULAAS) project in April 2015. "This Information Communication Technology (ICT) system is our primary business process tool to support enhanced business process, improve efficiency of administration and on line applications and enhance transparency and confidence in our water license regulatory regime," added Singh.

According to Singh, the department has so far eradicated its water use license backlog of 171 from 1 October 2014 to January 2015. "There are currently about 1660 existing license applications on our books and we are accelerating their completion by pooling our human resources to finalise these by August 2015," Singh noted.

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