



For inclusion in Contract

TERMS OF REFERENCE

**FOR
A SHORT-TERM CONSULTANT
DEPLOYED UNDER THE DANISH-SOUTH AFRICAN
URBAN ENVIRONMENT MANAGEMENT PROGRAMME**

**WITHIN THE
DEPARTMENT OF
ENVIRONMENTAL AFFAIRS AND TOURISM**

National Waste Management Bill

INTERNATIONAL EXPERT

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1. Information summary

1.	<p><i>Title:</i></p> <p>Specialist for providing technical inputs on the content of the Waste Bill during the public participation process.</p>
2.	<p><i>Client:</i></p> <p>The Urban Environment Management Programme PSC Secretariat, Department of Environment and Tourism, DEAT Programme Advisor: Bo Leth-Espensen +2712 310 3228 ble@deat.gov.za</p>
3.	<p><i>Management of this project:</i></p> <p>DEAT Waste Bill Public Participation Programme Programme Director: Zanele Mvusi +2712 310 3388 zmvusi@deat.gov.za Project Manager: Tinus Joubert +27 12 310 3524 tinusjoubert@absamail.co.za</p>
4.	<p><i>The specific problem</i></p> <p>The public participation process for the National Waste Bill need to be conducted nationally. An international expert need to be appointed to provide inputs on the waste bill from an international perspective. It must be an expert with a wide scope of expertise and understanding of the operational aspects of the international waste scenario but also have a good understanding of the SA situation and context..</p>
5.	<p><i>The main output</i> to be delivered is:</p> <ul style="list-style-type: none"> • commenting on the technical defensibility of the formulation of definitions; • providing input, based on international experience, on the approach to be taken to the management of land contamination and other technical aspects of the Bill; • commenting on drafts of the Bill in terms of technical implications of proposed wording and approaches; • where requested, providing recommendations on possible refinements and/ or expansion of draft provisions in the Bill; • advising DEAT on identified technical issues; and • reviewing and commenting on technical submissions/comments received during the participation process.
6.	<p><i>Perspective</i></p> <p>These inputs will be used together with the comments received during the public participation process as a basis to finalise the National Waste Bill to be submitted top Parliament on 13 June 07.</p>
7.	<p><i>Indicators of successful accomplishment</i></p> <p>The Waste Bill presented to Parliament on time with the necessary amendments.</p>
8.	<p><i>INPUTs</i></p> <ul style="list-style-type: none"> • Consultant (days): 30 working days over 3 months • 2 Flights , 10 x (Accommodation + pD) • All other costs to be borne by DEAT
9.	<p><i>Dates:</i></p> <p>Commencement March 2007 (earliest); End May 31, 2007</p>
10.	<p><i>Submission of all outputs</i></p>

2. Project Budget Frames

Consultant days and staff days

	Consultant Days	
Preparation	5	
Input 1:	10	
Input 2:	10	
Final Review	5	
(@ R 7200 per day)		
TOTAL		R 270 000.00

Other expenses

	UEM	
2 Flights	R 20000.00	
Accommodation & per Diem (10)	R 12000.00	
TOTAL	R 32000.00	

All other expenses will be covered by DEAT.

3. Introduction and Background

In 1996 the Department of Environmental Affairs and Tourism (DEAT) undertook a review of existing environmental legislation in order to ensure that environmental legislation was aligned to the Constitution and new policies, as well as to consolidate and streamline laws governing the environment. The National Environmental Management Act (Act no 107 of 1998 – NEMA) was developed as overarching framework legislation for environmental management in SA. More recently, as part of the law reform process, DEAT undertook to develop national legislation governing pollution and waste management. DEAT has now completed the development of the draft National Environmental Management: Waste Management Bill. The Waste Management Bill is subsidiary and supporting legislation to NEMA that seeks to legally obligate the principles of the White Paper on Integrated Pollution and Waste Management for South Africa.

The development of the Waste Management Bill is undertaken with the assistance of an external legal drafter and financial assistance from the Danish International Development Assistance Agency (Danida). The Waste Management Bill was published in the Government Gazette on 12 January 07. An obligatory public

comment period of 90 days is currently applicable. During this period of time DEAT is obligated to consult widely with relevant stakeholders regarding the contents of the Bill.

4. Objectives

The immediate objective is to provide DEAT with the necessary international expertise to enable them to draft and finalise the National Waste Management Bill within the SA waste management context.

This however also require an international expert with ample experience within the SA waste management field. The consultant must have technical expertise/experience in and a good understanding of:

- the matters to be dealt with in the Bill;
- the development of waste management legislation; and
- the IP and WM Policy for SA
- the National Waste Management Strategy for South Africa.

5. Main Output

The final output will be the completed Waste Management Bill which will be submitted to parliament by 13 June 2007.

All written inputs from the international consultant will be compiled in a single file and, along with other reportings to the Programme, serve as a final output from the consultant to the PSC.

6. Key Tasks

DEAT has identified the need to appoint an international technical expert to provide *ad hoc* technical assistance to the DEAT during the drafting process. The assistance to be given includes the following

- commenting on the technical defensibility of the formulation of definitions;
- providing input, based on international experience, on the approach to be taken to the management of land contamination and other technical aspects of the Bill;
- commenting on drafts of the Bill in terms of technical implications of proposed wording and approaches;
- where requested, providing recommendations on possible refinements and/ or expansion of draft provisions in the Bill;
- advising DEAT on identified technical issues; and
- reviewing and commenting on technical submissions/comments received during the participation process.

7. Scope of work, management etc:

The Consultant will refer to the Project Manager (consultant) and liaise closely with the Project Manager under the direct guidance of the Project Director (DEAT).

The process includes consultation with all relevant national departments as well as provincial environment departments and local authorities. Individual meetings will also be conducted with NGO's and Industry. Public meetings will also be conducted in each province with the assistance of the provincial environment departments. A Waste Conference is also planned for local authorities.

8. Management, Administration, Reporting

The Project Director will be

Zanele Mvusi

Chief Director: Pollution and Waste Management.

+27 12 310 3388

Resource persons available in DEAT

- Obed Baloyi
- Dee Fisher
- Rantsadi Moatshe

9. Inputs

The Consultant will provide

- Specialist input regarding international Waste Management approaches.
- Sound understanding of the Waste Management context in SA
- Drafting skills with regard to the Waste Bill in terms of proposed wording for specific clauses.

DEAT will provide

- Staff time as indicated
- All background information available and pertinent about the Waste Bill
- Venues and catering for workshops and meetings.
- Access to stakeholders important for input into the Waste Bill..
- All practical arrangements in connection with the meetings and workshops.

10. Monitoring, Reporting

The outputs will serve, also as a formal reporting mechanism.

They will be submitted to the Drafting consultant. The Drafting consultant is responsible for incorporating all inputs into the Bill. Project Director must declare that the project has been completed before the last instalments are paid.

11. Financial Management

This follows the procedures outlined in the contract of the assignment.

12. List of Annexures

A. Draft Waste Management Bill

13. List of References

None

Annexure A

Draft National Environmental Management: Waste Management Bill.