



environment & tourism

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



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**

**Documenting comments during
the public participation process on
the National Waste Management
Bill**

Contents

| | | |
|-------------------|---|----------|
| <u>1.</u> | <u>Information summary</u> | 2 |
| <u>2.</u> | <u>Project Budget Frames</u> | 3 |
| <u>3.</u> | <u>Introduction and Background</u> | 3 |
| <u>4.</u> | <u>Objectives</u> | 4 |
| <u>5.</u> | <u>Main Output</u> | 4 |
| <u>6.</u> | <u>Key Tasks</u> | 4 |
| <u>7.</u> | <u>Scope of work, management etc:</u> | 5 |
| <u>8.</u> | <u>Management, Administration, Reporting</u> | 5 |
| <u>9.</u> | <u>Inputs</u> | 5 |
| <u>10.</u> | <u>Monitoring, Reporting</u> | 5 |
| <u>11.</u> | <u>Financial Management</u> | 5 |
| <u>12.</u> | <u>List of Annexures</u> | 6 |
| <u>13.</u> | <u>List of References</u> | 6 |
| | <u>Annexure A</u> | 7 |
| | <u>Draft National Environmental Management: Waste Management Bill.</u> | 7 |

1. Information summary

| | |
|-----|--|
| 1. | <i>Title:</i> Specialist for documenting comments/inputs at all Waste Bill workshops and meetings during the public participation process |
| 2. | <i>Client:</i> DEAT Waste Bill Public Participation Programme Programme Director: Zanele Mvusi +2712 310 3388 zmvusi@deat.gov.za |
| 3. | <i>Management of this project:</i> Project Manager: Tinus Joubert +27 12 310 3524 tinusjoubert@absamail.co.za |
| 4. | <i>The specific problem</i> The public participation process for the National Waste Bill need to be conducted nationally. A professional need to be appointed to document the inputs and responses during the various meetings and workshops. It must be someone that has the necessary background and understands the context to the Bill. |
| 5. | <i>The main output</i> to be delivered is: A proceedings report for each individual event. Comments and responses report for each individual event A consolidated Public Participation Report A consolidated Comments and Responses Report |
| 6. | <i>Perspective</i> These reports will be used as a basis to finalise the National Waste Bill to be submitted top Parliament on 13 June 07. |
| 7. | <i>Indicators of successful accomplishment</i> The Waste Bill presented to Parliament on time with the necessary amendments. |
| 8. | <i>INPUTs</i> <ul style="list-style-type: none">• Consultant (days): total 47 working days• 8 Flights , 14 x (Accommodation + pD)• All printing costs to be borne by DEAT |
| 9. | <i>Dates:</i> Commencement March 2007 (earliest); End May 31, 2007 |
| 10. | <i>Submission of all outputs</i> May 31, 2007 to DEAT Project Director |

2.

Project Budget Frames

Consultant days and staff days

| | Consultant Days | |
|----------------------------------|------------------------|---------------------|
| Preparation | | |
| Task no. 1: 19 events | 43 | |
| Task no. 2: Consolidated reports | 4 | |
| (@ R 2800 per day) | | |
| TOTAL | 47 | R 131,600.00 |

Other expenses

| | UEM | |
|-------------------------------|-------------------|--|
| 8 Flights | R 20000.00 | |
| Accommodation & per Diem (14) | R 11000.00 | |
| TOTAL | R 32000.00 | |

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 expertise to enable them to document carefully and within the SA waste management context the input and feedback received during the consultation events. These include workshops and meetings nationally with all relevant stakeholders e.g. national and provincial departments, industry, NGO's etc.

5. Main Output

- Public Participation Report

The consolidated public participation report will capture the complete process that was followed during the public participation process. This will include all arrangements, schedules, stakeholders consulted etc. Individual reports will be drafted for each individual event to capture and record the proceedings for each event. This will form the basis for the consolidated report.

- Comments and Responses Report including the completed template as an Annexure

This consolidated report will capture all the comments and responses received during the process within the context of the current waste management situation in SA. This includes the IP & WM policy as well as the NWMS. A template will also be provided which need to be completed in full and will form an attachment to the report. A report will be drafted for each individual event which will form the basis for the consolidated report.

6. Key Tasks

The specialist will be responsible to:

- Attend all Waste Bill workshops and meetings scheduled over the period from 5 March - 23 April 07.
- Document all comments of stakeholders at the workshops/meetings.
- Minute the proceedings of the workshops/meeting
- Consolidate comments into template provided.
- Capture context of comments and input where applicable
- Submit minutes /proceedings of individual meetings/workshops to DEAT within one week after the workshop/meeting date.
- Provide consolidated comment report for the Workshop Review Meetings (DEAT) scheduled for 27 & 28 March and 16 & 20 April.
- Prepare final comment document from Review Meetings for Drafting Consult ant by 22 April 07.
- Consolidate separate documents from meetings/workshops into two final out

- puts:
 - Public Participation Report
 - Comments and Responses Report including the completed template as an Annexure
- Submit final outputs by 4 May 2007.

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 background in Waste Management.
- Sound understanding of the Waste Management context in SA
- Drafting skills with regard to the proceedings and comments during individual events

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 Project Manager. The Project Manager is responsible for forwarding them to the Project Director (DEAT). All outputs will be forwarded to

the PSC Secretariat and the 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.