

Shongweni Licence Compliance Monitoring Committee

EnviroServ Shongweni Landfill Site P.O. Box 15005 Ashwood 3608 : Tel 031-7691134

TERMS OF REFERENCE (EnviroServ Submission)

1) Preamble

In terms of the Waste Management Licence issued on 14 April 2014 by the Department of Environmental Affairs to EnviroServ Waste Management (Pty) Limited for the Shongweni Waste Management Facility:

- a) *EnviroServ must maintain and ensure continued functioning of a Monitoring Committee for the normal lifetime of the site and for a period of at least two years after the closure of the site or at such longer period as may be determined by the Director.*
- b) *The Monitoring Committee must formulate terms of reference and a code of conduct according to the Minimum Requirements, Second Edition, 1998 by the Department of Water Affairs and Forestry.*
- c) *The Monitoring Committee must be comprised of relevant interested and affected persons.*
- d) *The Monitoring Committee must meet at least twice a year and not later than 30 days after the external audit report has been submitted.*
- e) *The Licence Holder must keep minutes of all meetings of the Monitoring Committee and distribute these minutes to all members of the Monitoring Committee within 14 days after the meeting.*

2) Purpose

- a) The purpose of the Shongweni Licence Compliance Monitoring Committee (SLCMC) is to create a forum where community representatives can monitor compliance with the conditions set out in the licence, and to provide a forum where their needs and concerns can be addressed with representatives of the Licence Holder and relevant authorities.

3) Membership and meetings

- a) Representatives of the Licence Holder and officials representing each of the relevant state, provincial, regional government departments have automatic membership.
- b) Membership is also open to relevant interested and affected parties, including individuals and representatives of non-government or community organisations who wish to participate on a voluntary basis provided that, in the opinion of the Licence Holder, there is no commercial or competitor conflict of interest. Political parties may not be represented.
- c) The SLCMC meets twice a year, one meeting being within 30 days of the annual external audit report being submitted to the authorities.
- d) Members must be given 14 days' notice of the meeting.
- e) There are no quorum requirements provided that proper notice of the meeting has been given.
- f) Recommendations and resolutions of the meeting are by general consensus.

4) Code of Conduct

- a) By their participation, members undertake to act in good faith and in a responsible manner; to be constructive and solution-orientated; to avoid personal attacks; and to keep their constituencies informed.

5) Facilitator

- a) The Licence Holder may appoint and remunerate a facilitator to manage the affairs of the committee and chair meetings.
- b) The duties of the facilitator include the administration of the SLCMC; maintenance of a register of members; convening meetings; drawing up agendas; chairing meetings; compiling/distributing minutes within 14 days of the meeting; acting as spokesperson for the committee; and any other tasks delegated by the committee.

6) Information and communication

- a) The Licence Holder will endeavour to make all relevant documentation available to members.
- b) Technical and proprietary information provided to committee members by the Licence Holder may not be distributed to any third party other than the licensing authority without the written consent of the Licence Holder.
- c) Only the facilitator is mandated to act as the spokesperson for the committee.

7) Costs

- a) The Licence Holder will meet reasonable costs necessary to ensure the effective functioning of the SLCMC.