

**CODE OF CONDUCT AND TERMS OF REFERENCE FOR THE SHONGWENI LANDFILL SITE MONITORING COMMITTEE**

It is recognised that it is desirable and in the public interest that the activities of the Shongweni Landfill Site be monitored by a committee that is representative of interested and affected parties.

**1 GUIDING PRINCIPLES AND CODE OF CONDUCT**

- 1.1 All proceedings of the committee shall be recorded and made accessible to the public.
- 1.2 All recommendations made by the committee shall be undertaken with the aim of building consensus, and shall be arrived at through democratic means.
- 1.3 All members of the committee shall act in an accountable and responsible manner.
- 1.4 All relevant issues identified in the committee shall be addressed with the necessary urgency.
- 1.5 All parties shall have access to relevant information relating to the work of the committee to facilitate decision-making which relates to monitoring.
- 1.6 All proceedings within the committee shall be conducted in good faith and will strive towards a common understanding.
- 1.7 In the spirit of participative governance, members of the committee shall commit themselves to the Constitution of the Republic of South Africa.

**2 PURPOSE AND FUNCTION OF THE COMMITTEE**

- 2.1 By their participation on the committee, members agree that the purpose and function of the committee is to monitor the site with particular reference to:
  - 2.1.1 the standard of operation on the site;
  - 2.1.2 the degree of nuisance and/or health hazard caused or likely to be caused to neighbouring communities;
  - 2.1.3 the degree to which the biophysical environment is impacted upon, and when necessary, propose, discuss and recommend appropriate mitigation measures;
  - 2.1.4 the effectiveness of any mitigation measures;
  - 2.1.5 compliance with conditions of the relevant permit issued by the Department of Water Affairs and Forestry;
  - 2.1.6 propose, if deemed necessary, a monitoring programme for any additional issues of concern
- 2.2 Goals, Aims and Objectives of the committee should be to:
  - 2.2.1 promote environmental awareness and capacity building that will improve the ongoing monitoring of the site;
  - 2.2.2 promote a sustainable social and physical environment through responsible management procedure, future rehabilitation and informed monitoring of the site through a consultative process;
  - 2.2.3 develop trust among participants and interested and affected parties.

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- 2.2.4 evaluate and recommend improvements, where necessary, to the complaints procedure;
- 2.2.5 oversee the implementation of a monitoring programme;
- 2.2.6 make input into and oversee the implementation of any rehabilitation plan for the site and cells of the site;
- 2.2.7 jointly advise, negotiate, monitor and evaluate matters relating to pre and post closure;
- 2.2.8 make recommendations on the permit or amendment conditions.

2.3 The participation by a member on the committee shall not be interpreted as a waiver of such person's right to challenge any issue pertaining to the site outside of the forum of the committee.

**3 COMPOSITION OF THE COMMITTEE DECISION MAKING PROCESS AND VOTING POWERS**

- 3.1 It is intended that the committee should include representatives of the company, all affected communities, interested non-governmental organisations and government officials and politicians within whose area the operations of the landfill site falls
- 3.2 There shall be no limit on the number of representatives of any interested or affected group, provided that all groups are given equal opportunity to speak at any meeting.
- 3.3 Membership of the committee shall be split into Compulsory Members (irrevocable, DWAFF, Other Provincial and Metro/Local Government officials) and Voluntary Members (the rest)
- 3.4 The quorum for a meeting shall be 6 persons representing the following organisations:  
*NOTE: see list of organisations (Annexure A)*
  - 3.4.1 3 from the compulsory member organisations, i.e. DWAFF, Lesvoserv, another
  - 3.4.2 3 from voluntary member organisations.*This point will be reviewed in 3 months time i.e. October 1997.*
- 3.5 In the event that there is no quorum at a meeting, the meeting shall stand adjourned for 30 days and notice shall be given to all members. If the event that no quorum is present at the adjourned meeting, those present shall constitute a quorum. Matters relating to a change in this document shall only be dealt with at a meeting at which a full quorum is present.
- 3.6 Where possible, issues will be debated until consensus is reached.
- 3.7 Where consensus cannot be reached, decision making shall be undertaken through democratic means i.e. voting by organisations present at the meeting. (See Annex A)
- 3.8 Any decision taken by a duly constituted meeting of the monitoring committee shall be binding to the committee.

#### 4 CHAIRPERSON

- 4.1 A chairperson and deputy chairperson shall be elected/appointed by the members of the committee and shall hold office for a period of 1 year subject to the following:
  - 4.1.1 a chairperson may be requested to resign on a majority vote of 75% of the persons present and entitled to vote;
  - 4.1.2 a chairperson who is absent for three consecutive meetings without reasonable cause, shall be deemed to have resigned.
- 4.2 In the event of the resignation of the chairperson, the deputy chairperson shall assume the duty of the chairperson until the term of office is completed.
- 4.3 In the event that the chairperson is unable to attend a meeting, the deputy chairperson shall hold the chair for the meeting.
- 4.4 It shall be the duty of the chairperson to ensure the orderly conduct of meetings and to ensure that all persons present and wishing to speak, are given a reasonable opportunity to do so.

#### 5 MEETING

- 5.1 The committee shall meet once per month or at such intervals as a majority of the members may agree, but not less than 4 times per annum.
- 5.2 Meetings shall take place at such a place as the committee shall decide, but should be held within 10 Km of the landfill site. Where possible the meetings shall take place out of normal business hours so as to facilitate the attendance of interested and affected parties.
- 5.3 In the event of an unusual incident on site, any member of the committee may request the chair to call an emergency meeting of the committee to deal with the incident.
- 5.4 The committee should deal with the following matters at the meetings:
  - 5.4.1 reports and/or complaints received by members of the public;
  - 5.4.2 issues and areas of concern to the committee. Whenever possible, these should be forwarded in writing to the chairperson for inclusion on the agenda, and if answers are needed should also be forwarded to the relevant group before the meeting to facilitate discussion at the meeting;
  - 5.4.3 report back on any meetings pertaining to the site held outside of the committee e.g. meetings between authorities and the company;
  - 5.4.4 audit reports prepared by independent consultants; and
  - 5.4.5 other reports prepared in respect of the site.

- 5.5 Where possible, meetings of the committee shall be preceded by a site inspection in the presence of the managers of the site who shall supply such information as may reasonably be required by members of the committee.
- 5.6 Enviroserv shall ensure that all reports and/or complaints directed at it by any person and the responses thereto are recorded in writing, which shall be made available at each meeting of the committee.

5.7 Enviroserv shall ensure that the audit reports prepared by the independent consultants are circulated to committee members at least 21 days before the date of the meeting at which it is to be considered.

5.8 Enviroserv shall ensure that the consultants who prepared the audit report are available at the meeting of the committee to answer all reasonable questions directed at them.

5.9 If the monitoring committee is not satisfied with the an issue in the report and has a legitimate concern, the consultant who prepared the report shall be given an opportunity to respond to this.

5.10 If there is still a justified concern and the majority of the members present at a meeting consider the matter requires peer or specialist review or further investigation, such matter shall be referred to an appropriate specialist for review and the cost thereof shall be borne by Enviroserv.

#### 6 ADMINISTRATION

- 6.1 A representative from Enviroserv shall act as the secretary of the committee and shall be responsible, in conjunction with the chairperson, for convening meetings, taking minutes and disseminating minutes and other relevant information to the members of the committee.
- 6.2 The secretary shall take all reasonable steps to ensure that members of the committee are notified timely of the dates and venues of meetings.