**DRAFT TERMS OF REFERENCE**

**GAUTENG DARD - ENVIRONMENTAL ASSESSMENT PRACTITIONERS (EAP) FORUM**

1. INTRODUCTION

NEMA includes, *inter alia,* a set of principles that are binding on all organs of state in exercising their respective mandates. These principles, contained in Section 2 of the Act, are of particular importance when deciding on activities that have the potential to impact negatively on the environmental right enshrined in the constitution. The principles explicitly state in Section 2(2) that ***“Environmental management must place people and their needs at the forefront of its concern….”***, in Section 2(3) that ***“Development must be socially, environmentally and economically sustainable”*** and in section 2(4)(i) ***that “The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment”***. The Act further includes a section (Chapter 5, as amended) guiding integrated environmental management. This section (sections 23 and 24) sets out the objectives of Integrated Environmental Management (IEM), procedures to be followed and minimum requirements for an adequate IEM process. The Environmental Impact Assessment Regulations are currently the main form of implementation of IEM.

Gauteng MEC for Economic, Environmental, Agriculture and Rural Development, Mr. Lebogang Maile, committed to the establishment of a quarterly EIA EAP Forum to improve the environmental regulatory system in the Province at the MEC EIA open day held on 02 November 2014. The purpose of the Forum is to coordinate the EIA process in order to reduce the cost of doing business in Gauteng, ensuring regulatory compliance and striving to make the environmental impact assessment process more effective and efficientThe forum was subsequently launched on 31 March 2015 at the Gauteng Investment Centre in Sandton by the Chief Director: Sustainable Use of the Environment, Mr. Loyiso Mkwana. A five member task team to draft the terms of reference (ToRs) for the forum was establishe,d comprising of GDARD, IAIA and private consultants. The task team is to provide feedback on the terms of reference within 14 days after the meeting. A task team meeting was held on 08 April 2015 at La Terra Earth Sciences offices. The following were discussed and agreed to form part of the ToRs:

The objective is to establish an interactive forum comprising of EAPs and GDARD, the purpose of which is to achieve better efficiency and effectiveness in implementing the environmental impact assessment processes

2. PURPOSE AND OBJECTIVES OF GDARD-EAPs FORUM

2.1 The overall purpose of the GDARD-EAPs forum is to ensure that there is interaction between government and EAPs. The forum will further provide coordination to ensure that the EIA process reduces the cost of doing business in Gauteng and ensuring regulatory compliance.

2.2 The specific objectives of the GDARD-EAPs Forum are as follows:

* + 1. The forum should be a platform where EAPs can assist in identifying and assisting in streamlining environmental authorisation processes to reduce the cost of doing business in Gauteng Province..
    2. A mechanism to find consensus on the mutual interpretation of the law and Regulations by both government and EAPs
    3. To identify the challenges and solutions for addressing transitional arrangements with the changes in legislation, policies, etc
    4. To assist in identifying opportunities to streamline and implement other legal processes, such as Water Use Licences, town planning processes, etc
    5. to identify gaps and challenges from both GDARD and EAPs
    6. To assist in improving efficiency – Ensure smooth transition into the EIA management system
    7. To play a role in the formulation and reviewing of policies and guidelines.

3. COMPOSITION

3.1 The GDARD-EAPs Forum will be constituted of nominated members from GDARD (SuE Branch). The forum will be open to all EAPs in South Africa.

3.2 Task team to be established to act as true representation of everyone

4. FREQUENCY OF FORUM MEETINGS

The Forum meetings will be held on a quarterly basis. The forum must able to allow attendance of specialists e.g. Wetland Specialists, Botanists, etc. The EAPs from other sectors such as Eskom, Mining Industries are also encouraged to participate.

5. LOGISTICAL ARRANGEMENTS

6.1 The meetings will take place at a venue that it central for both GDARD and EAPs.

6.2 The meetings will be chaired by GDARD.

6.3 The secretariat for the Forum meetings will be undertaken by GDARD.

6.4 The following administrative arrangement shall guide the functioning of the Forum:

(a) The secretariat will be responsible for the administrative and logistical arrangements and minutes for all meetings;

(c) The proposed Agenda will be circulated for additions/amendments at least one week before the meeting and minutes must be circulated no later than two (2) weeks after the meeting;

7. REPORTING

7.1 The forum will report any matters to the MEC on a bi-yearly basis, to evaluate its functionality and effectiveness.

**8. REVIEW**

8.1 These Terms of Reference shall be reviewed annually.

**9. RESOLUTIONS OF THE FORUM**

All discussions and agreements are binding on the Department and EAPs as the Forum representatives, except in cases where the resolution may be illegal or fraudulent.

**10. CONFLICT RESOLUTION**

10.1 The intention of the forum is to promote interaction of the Department and EAPs, however if conflict arise the matter will be referred to the MEC for final decision.