



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

TERMS OF REFERENCE FOR THE PRINCE EDWARD ISLANDS ADVISORY COMMITTEE

Advisory committee established in terms of regulation 50 of the Regulations for the Proper Administration of Special Nature Reserves, National Parks and World Heritage Sites (GN R1061 in *Government Gazette* 28181 of 28 October 2005)

1. INTRODUCTION

The Prince Edward Islands (“**PEIs**”) are the most southerly part of South Africa’s official territory and have the highest level of protection afforded to any natural area under South African law. The islands were declared a special nature reserve in 1995 in terms of the Environment Conservation Act, 1989, (Act No. 73 of 1989) published in Government Notice No. R1703 in *Government Gazette* No. 16796. Section 18(4) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (“**NEM: PAA**”) states that an area which was a special nature reserve immediately before section 18 took effect must for purposes of the section be regarded as having been declared as such in terms of the section.

The national Department responsible for environmental affairs, in this case, the Department of Forestry, Fisheries and the Environment (“**DFFE**”) is the Management Authority for the PEIs Special Nature Reserve. Regulation 54 of the Regulations for the Proper Administration of Special Nature Reserves, National Parks and World Heritage Sites, published in Government Notice No. R1061 in *Government Gazette* No. 28181 of 28 October 2005 (“**the Regulations**”) in terms of NEM: PAA prescribes that the management authority must define the specific mandate of the advisory committee in writing and in specific terms. The regulation prescribes that these terms must include:

- a) the terms of reference;
- b) the method of communicating advice;
- c) the acceptance and rejection of advice offered,
- d) the appointment and removal of committee members; and
- e) the support to be provided together with any remuneration payable.

These Terms of Reference outline the purpose and functions of the Prince Edward Islands Advisory Committee (“**PEIAC**”), its composition, and the working arrangements.

2. PURPOSE OF THE PEIAC

The PEIAC is a statutory committee established in terms of regulation 50 of the Regulations. The purpose of the PEIAC is to provide guidance and recommendations to the Management Authority of the PEIs Special Nature Reserve on the implementation of the management plan for the PEIs Special Nature Reserve and on any other matter involving the management and objectives in the special nature reserve's management plan. The PEIAC does not have any decision-making powers.

Although the Management Authority is not bound to follow the recommendations received from the PEIAC in making decisions about the management of the PEIs Special Nature Reserve, the PEIAC's role as an advisor to the Management Authority is a vital one because the committee members bring a range of expertise, experience and objective views on issues relating to the effective management of the PEIs Special Nature Reserve.

3. THE PEIAC FUNCTIONS

The functions of the PEIAC are as follows:

Regulation 54 contemplates that the advisory committee's mandate and functions are to be determined by the Management Authority in terms of these Terms of Reference within the framework provided by NEM: PAA and the Regulations.

3.1 The PEIAC has the following functions:

- (a) Advise the Management Authority regarding the implementation of the PEIs Special Nature Reserve's management plan, and any legislation relevant to the PEIs Special Nature Reserve.
- (b) Review the monthly Environmental Compliance Reports from the Environmental Conservation Officer's ("**ECO**") detailing the activities at the PEIs on a monthly basis and consider and recommend interventions where appropriate. The ECO team, operating from the Marion Island base, is responsible for all conservation issues at the PEIs during the overwintering period, and reports to the Directorate: Southern Oceans and Antarctic Support ("**D: SO&AS**") on a monthly basis throughout the year on all conservation matters (the overwintering period refers to the year spent at the PEIs). The D: SO&AS must ensure that these reports are circulated to the PEIAC for input.
- (c) Review annual progress reports from researchers in terms of any environmental impacts on the islands.
- (d) Identify specific management objectives to be brought to the attention of the Management Authority.

- (e) Advise the Management Authority on applications for permits in terms of the Regulations or NEM: PAA related to the PEIs Special Nature Reserve referred to it by the Management Authority for consideration.
- (f) Make recommendations to the Management Authority for implementing initiatives and interventions within different management zones as per the PEIs Management Plan where necessary.
- (g) Provide advice to the Management Authority regarding any form of environmental assessment conducted or to be conducted, on the islands.
- (h) Monitor any programme implemented on the islands, such as the Country Clean-up programme, and provide regular reports to the Management Authority about the implementation of those programmes.
- (i) Make recommendations to the Management Authority relating to any intervention which may be required to implement the PEIs' management plan.
- (j) Make recommendations to the Management Authority with regard to additional expertise which may be required on the PEIAC.

The Management Authority may amend or supplement these functions as and when this becomes necessary. The PEIAC does not hold and cannot exercise any power or function not provided for by these Terms of Reference. The PEIAC has no decision-making powers in terms of the legal framework governing the committee. Instead, the committee only provides guidance and recommendations to the Management Authority.

4. APPOINTMENT AND REMOVAL OF PEIAC MEMBERS

- (a) Members of the PEIAC serve in their individual capacity for a fixed term of three years. Although individual members may be selected because of their role in key organisations, they serve on the PEIAC in their individual capacity. The PEIAC members may not therefore delegate their role on the PEIAC to any other person.
- (b) The PEIAC membership is determined based on the range of expertise necessary to advise the Management Authority on the implementation of the management plan to achieve its objectives.
- (c) The Management Authority has the right to remove a member from the PEIAC in the following circumstances:
 - i. the member's behaviour has become disruptive to the continuing functioning of the committee;

- ii. the member fails to attend two conservative meetings of the PEIAC without having provided a valid reason for doing so;
 - iii. the member's conduct has brought the PEIAC into disrepute; and
 - iv. the Management Authority has reason to believe that the member's participation in the affairs of the PEIAC has an adverse effect on the objectives of the committee.
- (d) The Management Authority will endeavour to appoint members to the PEIAC which will represent key performance areas that the PEIs Management Plan is focused on. The key areas/issues include:
- Logistical expertise
 - Biological sciences (botany, geology and zoology)
 - Marine science (e.g. biophysical, oceanography and fisheries),
 - Alien and invasive species management (especially small mammals and invasive plants)
 - Oil pollution management
 - Climate change
 - Earth systems
 - Conservation Sciences and/or Management
 - Protected areas management (terrestrial and MPAs)
 - Legal and/or policy expertise

5. OPERATION OF THE PEIAC

- (a) The DFFE is responsible for convening meetings and providing secretarial support. The Director of Southern Oceans and Antarctic Support is the chairperson of the PEIAC, which will take place either in Cape Town or virtually.
- (b) The Committee is required to meet twice in a calendar year. Agenda items may be tabled and deliberated on, and the PEIAC will make written recommendations to the Management Authority.
- (c) The quorum for a PEIAC meeting is 51% attendance of the appointed committee members.
- (d) The meetings are chaired by the Chairperson appointed by the Management Authority and the DFFE will provide secretarial support services.
- (e) The Secretariat prepares the draft agenda in consultation with the Chairperson of the PEIAC, which is then shared with the committee members for input.
- (f) The Chairperson together with the Secretariat will finalise the agenda after the input by the PEIAC members.
- (g) Any recommendations from the PEIAC must be agreed upon by consensus. The agreed recommendations are then summarised and e-mailed to the PEIAC members by the Secretariat

for confirmation. Once confirmed, the recommendation(s) is/are submitted to the Management Authority.

- (h) Where the PEIAC cannot agree about a proposed recommendation, the Secretariat must prepare a draft aide-memoire reflecting the dissenting views presented during the advisory memoire committee's meeting.
- (i) The draft aide-memoire must be approved by the Chairperson before it is provided to the Management Authority.
- (j) The Chairperson may, during any meeting of the PEIAC, request any member to leave the meeting if, in the opinion of the Chairperson, that member is—
 - i. disrupting the meeting to such an extent that any meaningful discussion is no longer possible; or
 - ii. disrupting the meeting to such an extent that the committee is not able to conclude its business.
- (k) Members of the PEIAC must recuse themselves from any discussion and recommendation made by the PEIAC involving an issue or proposal which relates to any work/research or other matter in which the member is directly or indirectly involved or may benefit from financially or otherwise. In case of any uncertainty as to whether a member should or should not be recused, the Chairperson is empowered to make the final decision on the matter.

6. COMMUNICATION

- (a) The primary means of communicating recommendations to the Management Authority will be through e-mails.
- (b) Urgent matters may be referred to the PEIAC by telephone conveying the issue directly to the Chairperson. The Chairperson will then consult each member of the PEIAC via email or telephone to reach a consensus on which recommendation to provide to the Management Authority on the issue(s).

7. ACCEPTANCE AND REJECTION OF ADVICE OFFERED

- (a) The PEIAC's recommendations may be accepted or rejected by the Management Authority.
- (b) The Management Authority will inform the PEIAC as to whether its advice or recommendations have been accepted or rejected. In the event that any of the recommendations are not accepted, the Management Authority will endeavour to provide the PEIAC with brief reasons for doing so.

8. SUPPORT FOR COMMITTEE

- (a) Membership of the PEIAC has no remunerative benefits. Instead, the Management Authority will cover the travel and accommodation costs to attend meetings in Cape Town, which will be administered by the DFFE.
- (b) The Management Authority will endeavour to make DFFE officials available to support the work of the PEIAC where required, based on the capacity of the officials to do so.

9. TERM OF OFFICE OF MEMBERS OF THE PEIAC

Regulation 55 of the Regulations prescribes that a member of the PEIAC may only be appointed by the Management Authority for a period not exceeding three years. Members of the PEIAC are therefore appointed for a period of three years.