



Environmental Investment Fund of Namibia | ensuring sustainability

TERMS OF REFERENCE FOR THE REVIEW COMMITTEE

The Review Committee (“**RC**”) is a sub-committee of the Environmental Investment Fund of Namibia board of Directors (“**Board**”) envisaged under section 10 of the Environmental Investment Act 13 of 2001 (“**Act**”).

1. Objective

The objective of the RC is to review, investigate and inquire into any activities and processes by any person employed by the Environmental Investment Fund of Namibia (“**EIF**”) in taking decision (s) and/or following procedure(s). The Chief Executive Officer of the EIF (“**CEO**”) shall, in terms of chapter 7 of the EIF Operations Manual, refer review requests and/or applications made by loan and grant holders, potential loan and grant holders and members of the public to the RC (“**Referral(s)**”).

2. Membership

- 2.1. The RC shall comprise of 3 (three) members, which members shall consist of at least one member of the Board and professionals from the public that may also include the EIF Corporate Secretary, as identified and appointed by the Board.
- 2.2. EIF Management level staff members may not serve on the RC. In fact, no person may sit on the RC who has any interest in its findings or has been involved in any way in the hearing leading to the review.
- 2.3. The Chairperson of the RC shall be a member of the Board, as prescribed by the Act and as appointed by the RC, from time to time.
- 2.4. The quorum for meetings of the RC shall be a majority.

ANNEXURE V

2.5. The EIF Review Administrator (“**RA**”) shall act as the Secretary to the RC.

3. Authority

3.1. The RC is authorised by the Board as follows-

- 3.1.1. to investigate any activity within its terms of reference;
- 3.1.2. to seek any relevant information, it requires from any member of staff and/or any relevant third parties, and all members of staff are required to cooperate with any reasonable request made by the RC;
- 3.1.3. to obtain guidance, if it considers it necessary, from the CEO or any other Senior EIF staff member or to obtain legal or other independent professional advice and, if it considers it necessary, to secure the advice or attendance of those with relevant experience; and
- 3.1.4. to investigate and inquire into any misconduct, mismanagement and maladministration by any person employed by the EIF.

4. Review Adjudication Procedures

4.1. The RC, with the support of the RA, shall:

- 4.1.1. convene the first meeting within 10 (ten) working days from receipt of a Referral;
- 4.1.2. examine all written statements submitted by the complainant setting out the grounds for complaint against the EIF decision, activities or procedures;
- 4.1.3. examine the report by the EIF staff member (“**EIF Investigator**”) as appointed by the CEO to investigate the complaint;
- 4.1.4. undertake any further investigations, which it deems fit and necessary, as soon as reasonably practicable. Including but not limited to, obtaining documents or papers from staff members of the EIF or third parties, interviewing EIF staff members and/or determination whether a hearing is required. Such investigation

ANNEXURE V

need not include, unless considered necessary by the RC, a meeting with the complainant; and

4.1.5. determine whether the RC can make its ruling on the basis of the available information or whether a review hearing is required. Such decision must be guided by the contents of the original complaint documents submitted by the complainant, the EIF Investigator's report and additional information that has been gathered by the RC at its discretion in terms of 4.1.4 above.

4.2. If a review hearing is required, the RC shall:

4.2.1. convene such review hearing as soon as reasonably possible after receiving the Referral mentioned in 4.1. above – preferably within 15 (fifteen) working days of receipt of such Referral; and

4.2.2. ensure that the complainant is served with notice of the hearing at least 10 (ten) working days before the scheduled date of the review hearing; and

4.2.3. through its chairperson, determine the parties to attend the review hearing and ensure that the RA provides such parties with the reasonable notice of the review hearing; and

4.2.4. ensure that the RA circulates all documentation, if any, to be considered at the hearing, at least 5 (five) working days before the date scheduled for the review hearing; and

4.2.5. at the review hearing, ensure that the RC chairperson explains the role of the RC and the procedure to be followed and that same is understood by all the parties present; and

4.2.6. at the review hearing, ensure that the evidence of the EIF Investigator is considered first, followed by that of the complainant; and

4.2.7. ensure that the complainant makes its representations to the RC, either orally or in writing. If necessary, the RC shall allow the appellant and the EIF Investigator to cross-question each other and any of the staff members attending as witnesses. However, all

ANNEXURE V

such questions must be directed through the Chairperson of the RC; and

- 4.2.8. allow members of the RC to put such questions as they see fit, to the EIF Investigator, the complainant, the witnesses and/or any other persons attending the hearing; and
 - 4.2.9. shall have full discretion to admit or exclude information as it considers fit and to vary the procedure to be followed at the review hearing; and
 - 4.2.10. adjourn the review hearing in instances where further information needs to be gathered or considered. Any adjourned review hearing will be reconvened at the chairperson's discretion within 5 (five) working days of such adjournment; and
 - 4.2.11. at the review hearing, consider whether the decisions and actions taken by the EIF were fair, reasonable and in line with the EIF policies and procedures.
- 4.3. No representation, by lawyers, unions or any external parties, shall be permitted at the review hearing. The complainant shall represent him/herself.
 - 4.4. RC decisions shall be made on a simple majority.
 - 4.5. When making a finding of the review hearing, the RC shall deliberate over its findings in private and reach a decision regarding the review within 3 (three) working days after the review hearing.
 - 4.6. The RC may make any one or more of the following rulings:
 - 4.6.1. dismiss the complaint; or
 - 4.6.2. refer the matter to the Board with recommendations; or
 - 4.6.3. call for a disciplinary hearing for the EIF staff member involved;
 - 4.7. The RA shall communicate the RC's decision in writing to the complainant, 5 (five) working days from the date of the review hearing.

ANNEXURE V

5. Reporting Procedures

- 5.1. The RA shall be responsible for the production and appropriate circulation of all minutes, papers and correspondence of the meetings of the RC and/or any investigations.
- 5.2. Minute taking at the RC meetings and/or the review hearing may be outsourced at the CEO's discretion.