

TERMS OF REFERENCE

INTERNATIONAL INDIVIDUAL CONSULTANCY (Local and international applicants are encouraged to apply)

Consultant Title: Water and Sewerage Legislation Review

Requesting Section: WASH

Programme Area and Specific Project Involved:

Pacific Island Country Governments have strengthened institutional frameworks for equitable & sustainable water, sanitation and hygiene services, particularly in target countries (**WASH Enabling Environment**)

1. Background

UNICEF works to operationalize the commitments of Pacific Islands governments and partners to achieve the WASH Sustainable Development Goal of universal and sustainable water and sanitation services with a progressive reduction of inequalities, especially for the most vulnerable children, in times of both stability and crisis. UNICEF supports the review and development of overarching WASH policies and strategies to promote multi-sectoral coordination and the way forward for more effective programming in WASH.

In Fiji, different ministries within the government are mandated to improve WASH services for children and their families. Although relevant legislation exists in terms of Environmental Management, Public Health, Water Supply and related areas, comprehensive legislation to cover all components of water and sewerage services management does not yet exist.

The Water Authority of Fiji (WAF), under the Water Authority of Fiji Act 2007, is mandated to deliver water and sewerage services. The regulatory function for water and sewerage services is with the Department of Water and Sewerage (DWS). There is no legal framework to guide the regulatory operations of DWS but it has been operating under current Cabinet directive to undertake policy formulation in addition to the regulatory function.

In April 2012, the Rural Water and Sanitation Policy (RWSP) formulated by DWS was approved.

This is now being revised and integrated with the Draft National Water and Sanitation Policy and the Draft National Water Resource Management and Sanitation Policy as an overarching sectoral coordinating policy called the National Water Resource Management and Sanitation. An accompanying National Implementation Plan was developed following the first Fiji WASH Summit – SDGs Workshop, which contains key activities, budget as well as roles and responsibilities for the realization of the policy goal.

The Government of Fiji has called for a review of existing laws on water and sewerage to avoid any duplication of roles and responsibilities. The Water Act 1955 and Sewerage Act 1985 were repealed in 2007 through the Water Authority of Fiji Promulgation 2007; however, these have been included as By-Laws in the Water Authority of Fiji Act 2007. The 5 Year and 20 Year National Development Plan also requires a review of existing policies, regulations, standards, incentives, legislations, and processes governing the provision of water and sanitation services to improve quality of service and access.

Fiji Ministry of Infrastructure, Transport, Disaster Management and Meteorological Services has chosen UNICEF as a partner of choice to reinforcing commitments to and investments in WASH by supporting the review of water and sewerage legislations and develop a regulatory framework for effective implementation. With a one stop-shop water and sewerage legislation and standards, the Department of Water and Sewerage will have increased capacity to regulate water and sewerage services effectively for the benefits of children and their families, and their health and full development.

2. Purpose of the assignment

The consultant will work on the legislation review process of national and policy frameworks for Water and Sewerage in Fiji. The consultant will support the Ministry of Infrastructure, Transport, Disaster Management and Meteorological Services to undertake consultations with other ministries and other partners. Based on the desk review and consultations with stakeholders, the consultant will identify options and strategies for the

formulation of the new Water and Sewerage Act that incorporates the Rural Water and Sanitation Policy and the National/Water Resource Management and Sanitation policy.

3. Scope and methodology:

The scope of work and methodology has been developed together with the Ministry.

The consultant will:

- review existing legislations in Fiji relevant to water supply and sewerage services to ensure that they meet modern day requirements for adequate water supply delivery and sewerage services, as well as relevant regional approaches and draw out lessons for Fiji;
- identify legislations that are aligned to international jurisdictions, including the Sustainable Development Goals – with water as a Human Right, Convention on the Rights of the Child (CRC), and the Convention of the Rights of Persons with Disabilities (CRPD);
- facilitate discussions with relevant water and sewerage stakeholders and discuss their views on the regulatory framework for monitoring and evaluation of national and water effluent quality. This also includes consultation with the government on the current regulatory responsibilities and functions of the Department of Water and Sewerage;
- identify requirements the legal framework most effective to result in improving WASH services for the Department of Water & Sewerage to carry out responsibilities. The framework will consider standards, data collection, resources and demand surveys, monitoring, evaluation and coordination of water supply and sewerage development as well as management of studies/research.

The coverage of the work will also encompass the core work of water and sewerage and creating enabling environment through:

- Developing of a Code of Practice for Water and Sewerage Works.
 - Formulation of a monitoring system for testing of water and effluent quality.
 - Management of database on water supply and sewerage facilities.
 - Formulation of licensing procedures and requirements for waterworks Fitters Licence and Sanitary Drain Layers Licence
 - Coordinate national and international funding and technical support;
 - Promote other collaborative activities by other Government and Non-governmental agencies in the sector;
 - Provide technical and professional support on water and Sewerage related activities to the State and Local Government and the community water supply and sewerage committees;
 - Creation of an enabling environment for meaningful private sector participation in the sector. Provision of a framework for the regulation of private sector participation in water supply and sewerage projects. Formulate laws for private Initiatives in the Water supply industry;
 - Implementation of the provisions of the National Water Resources Management and Sanitation Management Policy.
 - Establish legal framework to reaffirm the fundamental policy making and regulatory role of the Department of Water and Sewerage as a facilitator, setting macroeconomic and sector policies that create an enabling environment, ensuring coordination among stakeholders and overseeing the performance of utilities, to accomplish its social and economic development objectives.
 - Assist in drafting the proposed technical content of the legislation.
 - Liaise with the Solicitor General's Office on matters of legal drafting and processes for introducing the legislation.
 - Prepare a report on the form and extent of regulation of the water and sewerage service provision and stakeholder consultations.
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4. Work Schedule/Work Plan (See detailed tentative timeline Excel sheet)

Payments will be made upon satisfaction. Approval for payment of invoices will come from the Director of Water and Sewerage Department to UNICEF for finalization of payments.

All submitted work (reports etc) must reviewed and approved by the legislative committee and the Director of Water and Sewerage.

Deliverables	Duration (Estimated # of days)	Estimated Timing	Schedule payment	of
Progress Report 1 Development of work plan and approved by the Department of Water and Sewerage. Situation analysis report Draft legislative framework and code of practice for water works and sewerage works.	40 days	January - February	15%	
Progress Report 2 1 st round divisional and national consultation report. Draft 1 of the Water and Sewerage Act	20 days	March	10%	
Progress Report 3 2 nd round divisional and national consultation report. Draft 2 of the Water and Sewerage act Draft 1 of code of practice for water works and sewerage works	20 days	April	10%	
Progress Report 4 3 rd round divisional and national consultation report. Final draft of Water and Sewerage Act. Final draft of code of practice of water and sewerage works	20 days	May	20%	
Progress Report 5 Presented to solicitor's general's office Cabinet for tabling of Act and standards and guidelines Final SG approved Act and standard guidelines	60 days	June – August	20%	
Progress Report 6 Final Cabinet approved Act and code of practice for water works and sewerage works. 2 Dissemination workshop and report (national and divisional)	20 days	September	25%	

Total duration: 180 working days within a period of 9 months, which must include a break of a minimum of 2 weeks before reaching 9 months.

Tentative timeline attached. Some activities/tasks may take longer than anticipated. If additional time is needed, the contract will be amended accordingly with prior approval.

5. Supervision

The consultant will be under the direct supervision of the Director of the Water and Sewerage Department, but with technical guidance and involvement from the WASH Specialist at the UNICEF Office.

6. Official Travel

- The consultancy does not require any travel.
 - The consultancy is open to a national consultant, preferably; but should a suitable candidate be an international consultant, travel cost from home to Fiji inclusive of visa will be reimbursed with proof of documentation. The travel is expected to be the most economical fare option.
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7. Work Place

The consultant will work out of the Department of Water and Sewerage Office under the direct supervision of the Director. UNICEF WASH Specialist will provide technical oversight and regularly engage in reviewing and also supporting the consultant in meeting the deliverables. The consultant must use their own laptop. If based in the office a shared office space and temporary internet access within the office will be provided. The Consultant will budget for office supplies to be used during this consultancy and must be included in the proposal.

8. Qualifications

Education: Have at least a master's degree in related fields of environment, water, sanitation and hygiene, and direct work experience in legislation/policy development or other policy related work.

Experience: have a minimum of 7 years of experience in the water and sanitation sector in relation to decentralized planning, strategy and policy/legislation development. Previous experience of working directly with government at national level is an advantage. Must have experience in legislative development in a developing country.

Skills: Proven ability to develop/share legislation, policy, strategy and plans in a participatory manner. Excellent communication and facilitation skills. Demonstrated high quality writing skills.

Knowledge: Familiarity with national and regional policy frameworks for environment, water and sanitation. Knowledge of the political, economic and social contexts of the Fiji Islands or other Pacific Island countries is an asset.

Languages: Fluency in English

Competencies:

- Appreciation for diversity and capacity gaps; ability to work in a multi-cultural, international staff and with Pacific government staff.
 - Ability in working independently and experience in being directly accountable to senior level decision makers.
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