

COMMENTS TO THE PARLIAMENTARY COMMITTEE ON THE GEOMATICS PROFESSION BILL (B4-2013)

WOULD LIKE TO RAISE THREE ASPECTS OF THIS LEGISLATION:

- **The lack of consultation**, notwithstanding the Paragraph 4 of the Memorandum on the Objects of the Bill
- **The lack of cognizance of the existing Plato Act**
- **Specific changes to the Bill** (The composition of the Council and need for an identifiable Education and Training Committee)

Lack of Consultation:

- First appearance of a draft Bill October 2005 (GG 28216) – An exact replica of the Planning Profession Act of 2002 “Planner” replaced with “Surveyor” and “Planning” replaced with “Surveying”. The steering committee responsible for the drafting of this Bill was made up entirely of full time employees of the Department with no outside consultation or input. The period for comment covered the entire December recess of 2005.
This Bill was ‘road showed’, not ‘workshopped’ in late November 2005, at various centres around the country as a finished product. No attempt was made at these presentations to engage with the stakeholders or to take note of the various concerns raised – no minutes or recordings of these ‘road shows’ were taken..
- The Plato Council had to bring considerable, verging on acrimonious, pressure to bear on the Deputy Director General in the Department and the Chief Surveyor General before a meeting between the Council and the steering committee was agreed to. From the outset the steering committee made it clear there would be no resolutions taken at the meeting other than giving Plato an opportunity to elaborate on its comments on the Bill.
- In spite of several requests from me, as President of Plato, for at least some non-departmental representation, the steering committee remained limited to members of the Department.
- Under the new Chief Surveyor General, the Bill reappeared in January 2010 as the Geomatics Profession Bill with some positive changes, not the least being the name change. Once again the stakeholders were given very restricted time to comment before the Bill went dormant for another 15 months.
- May 2011 the Bill was published (GG 34319) again in essentially the version we have before us today. The meeting referred to in the Memorandum as being the 24 June 2010 in fact took place on 24 June 2011. It is correct many stakeholders were invited to this meeting which took the form of a workshop under the joint chairmanship of the Chief Surveyor General and Legal Advisor of the Department.
The stakeholders invited to this meeting included amongst others, the voluntary associations, Plato, Eskom, educational institutions, and Transnet – there can be no doubt that most of these must have made comment on the Bill. As the current Bill, is essentially a replica of the ‘2011 version’ one can only assume that these comments were totally ignored.

Paragraph 4 of the Memorandum is at best incorrect and misleading; nobody outside of the steering committee was “consulted” in the drafting of this Bill, stakeholders, including Plato, were only invited to comment after the event.

Lack of Cognizance of the Plato Act (Act 40 of 1984):

The Bill is intended to repeal the current PROFESSIONAL AND TECHNICAL SURVEYORS' ACT OF 1984 (Act 40 of 1984), as amended. This Act is commonly known as the Plato Act.

The Act was determined by the SA Law Reform Commission, in January of 2010, to be non-discriminatory; the same Commission also recommended the Act be retained without amendment.

The Plato Act is not controversial legislation and carries no political goals, baggage or aspirations other than that it was promulgated in 1984, that is it is pre 1994 legislation. None of the transformation goals and objectives of the Bill are hindered by the Plato Act.

The Act is currently being administered by the “Plato” Council which is a fully functioning, self funding Council appointed by the Minister. The Council functions within the full set of regulations promulgated in terms of the Act.

The proposed Act is unashamedly a cut and paste copy of the Planning Profession Act of 2002, simply replacing “Planners” with “surveyors” and more recently replacing “Surveyors” with “Geomatitians”. The authors of the Bill totally ignored the entire contents of the existing Plato Act, or any other legislation pertaining to statutory professional councils for that matter, in favour of copying an act in its infancy.

Considering the Planning Profession Act of 2002, now in its eleventh year of operation;

1. There are as yet no Rules or Regulations in place which means that the Council is administering an act within rules applicable to repealed legislation with obvious inconsistencies or overlaps.
2. The said Council unsuccessfully attempted to promulgate regulations in 2008 and has recently employed a consulting firm of attorneys to drive the establishment of a set of rules.
3. Paragraph 18 of this Act requires the establishment of a Code of Conduct to be included in its rules, which it is still without – consequently no such code is in place.
4. No compulsory Continuous Professional Development programme is in place for persons registered in terms of this Act.

The Plato Act currently functions within its Rules, has identified acts of improper conduct and the means to discipline and sanction its members. It also has an established Continuous Professional Development programme in place.

Unlike the Planning Profession Act which recognises one generic professional discipline, the Plato Act currently recognises six different disciplines/branches within the Geomatics industry:

- a) Land Surveying
- b) Engineering Surveying

- c) Hydrographic Surveying
- d) Photogrammetric Surveying
- e) Mine Surveying
- f) and Geo-information Science

Each of these branches has its own set of academic and practical registration requirements and operates within differing legislation and environments.

The objection here is not necessarily that the Plato Act should have been retained and amended but that the Plato Act, which I reiterate is not politically influenced nor is it in anyway discriminatory, should have been used, together with its rules, as the basis for the re-drafting of the Geomatics Profession Bill and not the Planning Profession Act.

Specific changes to the Bill:

I am under no illusion that the Bill, in its present form, having reached this advanced stage of the process, is likely to prevail. However as President of the Plato Council, with eleven years of experience in this position, I would like to strongly urge two fundamental changes to the Bill.

1. The composition of the Council
2. The establishment of the Education and Training Committee.

1. Composition of the council:

Section 4. The composition of the Council should specifically preclude candidates, technicians and “in-training” persons.

A statutory professional council is not a voluntary association established to look after the interests of its members nor is it a “union” established to protect the needs of a labour force. A statutory council is specifically established to maintain a high level of technical, professional and ethical standards in order to protect the public and give credibility for its registered members. This can only be achieved if the controlling council is made up of members, who, through experience and academic achievement, have reached and have a reason to maintain the standards that the council intends to uphold.

If it is the intention of the Bill to allow representation on the Council of Technicians, Candidates or “in training” persons this should be by way of a specific appointment on the Council.

Section 4.(1)(a)(i) Reword “one is the Chief Surveyor General.....” “..and one is the Chief Director National Geo-Spatial Information”.

The latter plays a significant role in the surveying and mapping infrastructure of the entire country. While falling under the authority of the Chief Surveyor General this branch of the Department cannot be ignored and its representation needs to be entrenched in the Bill.

Section 4.(1)(a)(ii) This should be reduced to ONE member in the full time employment of the State. There is no need for representation for the sake of ‘balance of power’ on a Council such as this.

Section 4.(1)(b) The composition of the Council does not adequately address the various disciplines that are currently registered in terms of the existing Act, nor does it allow for the inclusion of new disciplines that may in the future fall under its control.

While all falling within the broad definition of “Geomatics”, the existing disciplines, currently being registered by PLATO, are individually very different from each other. In some cases they operate under and are responsible to entirely different legislation, an example being the Professional Land Surveyors who function largely in terms of the Land Survey Act while the Professional Mine Surveyors operate under various acts pertaining to health and safety on a mine as well as the registration of mineral resources.

The PLATO Act also recognises Hydrography and Photogrammetry as Geomatics disciplines, however neither of these have voluntary associations that would qualify in terms of Chapter 4.

The broad category of “represent the voluntary associations” is not enough. The Bill needs to entrench meaningful representation for each of the existing disciplines as well as make provision for any future discipline that may be incorporated, for example Remote Sensing Practitioners.

Currently registered disciplines include:

- a) Professional Land Surveyors
- b) Engineering Surveyors
- c) Hydrographic Surveyors
- d) Photogrammetric Surveyors
- e) Mine surveyors
- f) Geo-information Science Practitioners

The Education and Training Committee

Section 6.(2)The Education and Training Committee;

This paragraph is totally inadequate considering the work required from this committee.

The composition of this committee should be elaborated on and **stipulated in the Bill** and must include a balance of suitably qualified academics from institution offering Geomatics qualifications as well as members from the Council, the Chief Surveyor General’s office, the Council on Higher Education and the geomatics industry. To simply co-opt as necessary is not satisfactory for a committee intended to carry out the functions as set out in the Bill.

In order to give this committee the authority that it will require to do its work, notwithstanding that it will be responsible to the Council, its members should also be **Ministerial appointees** and its funding should be separate for that of the council.

One of the functions of this committee, set out in the Bill, is the requirement (Section 8(1)(d)(ii)) to accredit all institutions offering geomatics qualifications at least once every four years. Considering number of institutions offering qualifications in the various disciplines of geomatics and if this is to be done properly, this will be an arduous and costly task.

This committee is also required to evaluate 'geomatics' qualifications gained at foreign and unaccredited institutions as being equivalent to the council's academic requirements necessary for registration.

Also under the mandate of this committee is the time to time reviewing of the practical training components of the various levels of registration.

A simple *"The Council must, in the prescribed manner, appoint an Education and Training Committee"* is not adequate.

Education and Training is one of the three main functions of the Council, alongside Registration and Discipline, and arguably the most important.

Mr Chairperson,

In the absence of discarding this version of the Bill in its entirety, in lieu of a version to be based on the existing Act, my request to you and your committee is;

1. that you seriously reconsider the composition of the Council and the composition of the Education and Training Committee, neither of which requests will have any impact on the goals and objective of the legislation. In the scheme of thing the financial implications are negligible.
2. that you make it a requirement that the Bill not be enacted until the applicable rules, drafted through meaningful consultation with the current Council and the voluntary associations, (not a 'cut and paste' of the proposed Planners Act Rules and Regulations) are available for approval by the minister. The current situation with the Planning Profession, eleven years later, is not acceptable.