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SAICE posted a blog site inviting members to comment on the The Portfolio Committee on Economic Development has invited interested people and stakeholders to submit written comments on the Infrastructure Development Bill [B 49-2013].



Below, are the comments that were posted by 7 SAICE members.

No	Author	Email	Comment
1	James Croswell	James.Croswell@hatch.co.za	<p>Dear Stephen,</p> <p>I was trying to respond to the request to put some comment on the SAICE Blog about the Infrastructure Development Bill, but unfortunately, after having done my comment, the blog would not accept my submission and continually ask me to fill in information which I had already filled in. Anyway my content is now lost and I will have to put my thoughts down again!</p> <p>The bill deals with the limitation of SIP is arising from the National Infrastructure Plan (NIP) and on the face of it excludes private-sector involvement from initiating such projects. This limits the private sector involvement to the possibility of tendering for work involved in implementation where the state does not have the capacity. I believe that the private sector should be able to initiate projects which qualify as SIP's. Obviously the conditions precedent to acceptance, by the proposed Commission, of a particular project would have to be met. Considering the definition of "infrastructure", read together with Part 1. 2. (g) would indicate that there is a possible route to what is suggested above.</p> <p>The benefits to all would appear to be the centralised facilitation of the SIP. In particular reference should be made to Part 3. 8. (4) (a) where organs of state need to cooperate to ensure that there is no conflict between proposed and existing projects. The provisions of Part 5. 17 (1) would also indicate that matters could be expedited to the benefit of all.</p> <p>The only other point which I would like to make is the unfortunate use, in Part 2.4.(l), of the term "decent employment opportunities". I can find no relevant definition of "decent work" nor would it appear that anyone has given proper thought to the meaning of the word which has now become emotive. This is a term which has crept in over the last short while and is normally used in criticism of any project where, in the mind of the speaker, the work opportunities generated are "not suitable" (by what metric is also not defined). This criticism is particularly vented on projects under the EPWP which is attempting to create employment opportunities on a large scale, but where the underlying reality is that the majority of the opportunities will be for menial tasks, irrespective of the rhetoric. Appeal should be made that the word "decent" should simply be removed as it creates the wrong impression and expectation.</p> <p>James Croswell PrEng FSAICE</p>
2	Sid Nothard	sgna@mwem.co.za	<p>Comments on the DPW Green Building Policy:</p> <p>Global Warming: If the climate is changing it is nothing new – it has been doing so since this planet was first formed, and none of it was</p>

			<p>caused by humans. GW proponents argue that burning fossil fuels will create a barrier in the upper atmosphere that will prevent heat from escaping, thus causing our "problem". So how come it cannot prevent heat from the sun getting to the surface of the earth, and thus causing global cooling?</p> <p>Now governments have cottoned on to GW and are either clamouring for aid, and/or have an excuse to impose yet more tax, this time a "Carbon Tax". All the more to spend and waste. This one must be stopped and buried immediately.</p> <p>One volcano causes more pollution than man ever did, so if the government wants to impose a tax that would be of some use, it should be a volcano tax. And strangely enough when there is a lot of debris in the atmosphere from volcano eruptions, temperatures drop! The paper promotes sustainability, which I wholeheartedly endorse. However, the paper makes no mention of the most unsustainable issue facing us, namely population explosion. The botanist Malthus very clearly demonstrated what happens when any specie undergoes uncontrolled reproduction. It soon gets to the point where it destroys its food supply, and mass starvation sets in. How many more billions can this planet support before it runs out of resources?</p> <p>I support the development of energy saving design and technology for buildings. I think that at present they are not cost effective, and it will be a challenge to get them to that point. However what I don't want to see is government constructing buildings for their use at taxpayer's expense.</p>
3	Mehboob Babamia	mehboobb@tshwane.gov.za	<p>The Objects of the Bill acknowledge the significant role of public infrastructure delivery, also to be sustained over time. It addresses a comprehensive structure of political representatives in all spheres, as it is vital that the local sphere of government as coalface of delivery is suitably represented. These range from the Commission, to Secretariat and Steering Committees (essentially Section 12) but does not adequately address the structure and composition of technical teams. Whilst the Director General of the applicable Department/Lead Department of a Project is identified as an Accounting Officer, there is no guidance as to what expertise the other team members are required to possess.</p> <p>In particular, Engineering professionals are not specifically provided for. The matter of technical representatives and structuring must be better defined.</p>
4	Dr RL Harrison Pr Eng	rharrison@hatch.co.za	<p>Strategic Integrated Projects should be scheduled (duration and commencement) to be counter-cyclic relative to the economy in order to optimally use scarce human and other resources, to achieve the most effective return on the tax money and to stabilise the engineering and construction industries. The Infrastructure Development Bill should state this objective.</p>
5	Gerrit Venter	gerven@vodamail.co.za	<p>Steven, I received the request today-cannot comment in detail. I was involved with Municipal assistance through DBSA. This worked for a few years, but not effective due to inability from Municipality and Province side to implement recommendations by the group, and unwillingness to co-operate. I am of opinion that this should be addressed in document, time is required to work something out,</p>

			perhaps with Allyson
6	Johan Gerber	johan.gerber@smec.com	<p>Comment to the "Portfolio Committee on Economic Development": Give SAICE members a give a new, realistic date for comment and involvement.</p> <p>I am surprised that this request is sent just one day before the deadline for comments. For something that is so important to our profession and industry, and to our country as a whole, I would expect that Civil Engineers would be asked for their input much sooner. When something is done too late, it is poorly planned and organised. I expect people who could give valuable input will disregard this as just another poorly managed call for involvement by government, and not be as productively involved as they could have been.</p> <p>To give any more detail comment with the little time provided would be counter-productive, because we would be going along with a poorly planned and organised participation process. Rather give a new, realistic date for comment and involvement.</p>
7	Tony Abrahamson	tony@transjuris.co.za	<p>Comments on the Draft Infrastructure Development Bill</p> <p>These comments were originally drawn up in response to the draft Bill published in GG 36143 on 8 February 2013. On perusal of B 49 – 2013 there does not seem to have been significant amendments, so I would suggest that most of the comments below are still relevant.</p> <p>1. General background to the Infrastructure Development Bill</p> <p>This Bill is in support of a process that has been undertaken as a government flagship process over the period 2011/2012, which commenced with the publication of the "State of South Africa's Economic Infrastructure: Opportunities and Challenges" by the DBSA dated 2012 and which provided input to the National Development Plan published at about the same time.</p> <p>These processes ran parallel to the formation of the Presidential Infrastructure Coordinating Commission (PICC), which first met in April 2012. The opening speech by the Deputy President included the following:</p> <p>"Cabinet set up the Presidential Infrastructure Coordinating Commission – the PICC – to bring together representatives of the three spheres, with its membership comprising Cabinet members, Premiers, Metro mayors and South African Local Government Association (SALGA) representatives. The PICC is chaired by the President and in his absence, the Deputy President."</p> <p>The PICC released its strategic plan during 2012 entitled "A summary of the Southern African National Infrastructure Plan" which identified 18 Strategic Infrastructure Project (SIP) themes, which within SIP 6 and 7 included road maintenance and public transport as key projects. (Note that in this document SIP = Strategic Infrastructure Project while in the Bill SIP = Strategic Integrated Project.)</p> <p>Having undertaken basic research and produced a strategy direction towards the implementation of strategic infrastructure projects, and the President having made pronouncements about infrastructure being a leading catalyst in the growth of employment, the next priority was to devise a process (the Bill) that can deliver the projects. It appears that Cabinet considers that under current government structures (national departments, provinces and municipalities) the</p>

			<p>capacity to quickly mobilize and implement the projects at the pace required will not succeed.</p> <p>Consequently, the Infrastructure Bill has been devised to give Cabinet, through the Minister of Economic Development acting under directly under the President, the means to undertake the SIPs through a centrally based entity that can plan, coordinate, finance and implement these projects.</p> <p>2. Comments on the Bill</p> <p>Section 2: Objects of the Act</p> <p>Section 2(b): The wording “the identification and implementation.....” allows for the execution (funding, procurement etc.) to be undertaken by entities established under the Bill. There may be a concern that provinces and municipalities could be side-lined due to the haste with which Cabinet wished to deliver these projects. Where capacity allows, it would be better to channel the implementation through existing government entities. but this is provided for in the Bill.</p> <p>Section 3: Continued existence, structure and composition of Presidential Coordinating Commission</p> <p>The PICC has been operating for some time under structures much like are being provided for in the Bill, but have to date operated without legislation. This has been fine to date, as the main thrust of the work has been to get out an agreed policy and strategic plan.</p> <p>Note that there are 4 layers of entities established under the Bill:</p> <ul style="list-style-type: none"> • Presidential Coordinating Commission (PCC) chaired by the President • Management Committee chaired presumably by the President or Deputy President (although the Bill is silent about who should chair it) • Secretariat chaired by the Minister of Economic Development • Steering Committee chaired by the Deputy-General of the ministry that is responsible for a project or projects assigned to it. <p>Section 3(1)(e): In addition to one representative of SALGA, representatives of Category 1 Municipalities should also be on the top structure – the PICC</p> <p>Section 4: Functions of Commission</p> <p>Section 4(c): The wording “designate in Section 7” allows for implementation to be undertaken directly by the PICC.</p> <p>Section 4(k): The wording “call for proposals for implementation”. It is not clear if this means that the PICC itself may or will call for tenders, and then award the project. It would seem unlikely for the PICC to be so hands-on in the process, but it could if it wanted to.</p> <p>Section 5: Expropriation of land by Commission</p> <p>Section 5(1): The Bill provides that the PICC may expropriate land. No reference is made to the current Expropriation Act, 1975 (Act 63 of 1975), but 5(2)(a) may be referring to an act that will replace this old legislation. The replacement Bill for the Expropriation Act was being considered a while back, but has not yet been enacted due to issues with certain provisions. Without the use of the Expropriation Act or its replacement, the process of expropriating land will lie directly with the PICC and the courts will decide on compensation. This may be rather subjective instead of exercising the provisions in the Expropriation Act where payments would be based on technical</p>
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