

Public Works Portfolio
080819

CLAUSE	COMMENTS/INPUTS	RESPONSE
1	Include a grievance procedure for persons to appeal to the council against a decision a PB.	This is the authority of the board and cannot refer the matter to council has it will remove the peer review mechanism. If the peer review takes place at committee level then the candidate may appeal to the Board.
	Defn of BE is vague	It is broad to be inclusive of all engineering disciplines
	Defn of Registrar should be "the person" rather than "a person".	Agree – amend accordingly
	The current BE professions practice more than a single industry, but section 1(1), 3(b) provides mention of the Built environment industry	Definition of Built environment is board and inclusive
	(1) clarify "Built Environment" – inconsistent with CIDB definition. Delete the words "for the benefit of mankind"	(1) The definition of BE as detailed in the Bill is not intended to be consistent with the definition in CIDB. There is further not legal requirement for this definition to be consistent with the definition in the CIDB Act as the CIDB Act does not supercede the BE Bill.
	(2) refine and clarify "unprofessional conduct"	(2) defined as such as to give a disciplinary committee of peers the final discretion whether conduct is unprofessional or not.
	(1) Built environment – this definition excludes the property valuation. Add "shall include reference to the profession of property valuation" at the end of the "benefit of mankind." (2) Candidate and professional – need to be the same ie a person who registers as such in any of the BEP (3) Prescribe – insert "or rule" to read " means prescribe by regulation or rule"	(1)The definition of BE defines the environment in which the BEP are practice. Property Valuation is a profession which is performed in the BE. (2) check wording / agree (3) Agree – amend accordingly
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	<p>meanings if you read clause 1 with clause 48. Clause 48(1)(a)(i) – candidates who are studying Clause 48(1)(a)(v) – candidates in service or work base training Clause 48(1)(a)(v) should refer to learner candidate.</p>	<p>Delete the words “enrolled at any accredited educational institution” from clause 48(1)(a)(i) Delete clause 48(1)(a)(iii) – on the Minister prescribing the duration of curricula</p>
	<p>(1) “built environment” means the physical world that has been intentionally created through science [and], technology, <u>art and skill.</u> These aspects are important in all the built environment professions, although the relative importance of each varies among professions</p> <p>(2) “Sustainable” – as used in clause 3(a) – provide a definition for – Suggest: <u>“sustainable means acting and behaving in a manner that meets the needs of the present without compromising the ability of future generations to meet their own needs”</u></p>	<p>Decided that the word “ art and skill” should not be included</p> <p>There is no need to define sustainable as it is used in its ordinary terms – the Bill would define the word “sustainable” if it was intended to change its ordinary meaning.</p>
	<p>Defn: Profession; Professional categories Professional discipline</p>	<p>Profession – ordinary meaning prevails ie. Architects, Engineers, etc Professional Discipline – within the Profession you would have professional disciplines eg. Civil engineers, electrical engineer etc. Professional categories – within a professional discipline you would have professional categories eg. Pr. Engin, Prof. Technologists etc.</p>
	<p>definition of unprofessional conduct is vague. Does not refer to the code of conduct</p>	<p>Failure to comply with the code of conduct or code of practice will constitute improper conduct.</p>
2.	<p>Delete clause 2(2) – PFMA not relevant for the establishment of the council – See 13</p>	<p>Okay</p>
3.	<p>Bill includes natural environment but Town Planners and Environment Management Consultant not included in the Built Professions.</p>	<p>Town Planners and Environment Management Consultant work within the BE and therefore fall within the BE Profession. They will however only be regulated by this Bill once the Minister, by notice in the GG establishes a</p>

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		Professional Board iro such professions. [15(1)]
	<p>3(b) – reference is made to the built environment industry. In terms of the definition of the built environment, this includes the construction industry and associated industries. It would be useful if it is made clear whether the intention is to refer to the Built Environment Professions, or to all industries working in the Built Environment. As such, it is suggested that the clause reads:</p> <p>“promote-[ongoing human resource development in the built environment [industry] professions”</p> <p>Should the intent be to indicate the construction industry, rather than the Built Environment Professions, the wording should be changed to reflect that.</p>	<p>The definition of built environment is wide to include all disciplines within the Engineering profession.</p> <p>The transitional arrangements makes specific reference to the BEPs which would on effective date be subject to this Bill. The Minister may, after consultation with the council, by notice in the GG establish PBs in respect of other BEPs</p>
4	Concern that BEP Bill removes authority of universities as it grants boards the authority on education and training matters.	The Bill does not remove the authority of the universities to determine their educational programmes, but provides for the PB to access the educational programmes of a university for accreditation towards registration within the BEP
	Functions of Council in section 4 are extensive. Council of SACBE cannot take over functions of all six professional councils because it meets only 2 times annually. Many decisions and rulings i.t.o. the Bill needs to be made by the SACBE Council as well as interaction with the minister.	Ito the Bill Council is required to meet <u>at least</u> two times a year. Thus, Council may, depending on the extent of the work, decide to meet more that twice a year. In addition hereto, the actual “leg” work of council will be done by the PB and council committees. Further, decisions of Council will be implemented by the Registrar and Council’s support staff.
	Function of council - Clause 4(1) is a potential conflict area. The roles and responsibilities of the Council and boards should be clearly defined to avoid conflict and for 16(3) to be meaningful. Suggestion are made in this regard	
	4(1)(k) Council should not wait for the Minister ‘s request to provide advise.	Agree

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	4(1)(n) After "professional boards" add "taking due cognizance of the differences between the professions"	Seems like a reasonable request
	4(1)(n)(v) Recognise specialization.	This is surely to be considered in the fee structure
	4(1)(n) Existing voluntary associations should be automatically recognized.	The intention is for existing VAs to be automatically recognized. Work it in transitional arrangements.
	4(1)® & (2)(b) Will revenue of PB be pooled and redistributed to PB at the discretion of Council, regardless of income earned individual boards. Will viable PBs be required to subsidize council and non-viable PBs? Suggest that non-viable PB be funded by the State.	Ito the Bill professional, of the BEPs regulated by this Act, will be required to register with the SACBE and not with a PB. Thus, the income generated through registration will be funds of the SACBE and not that of individual PB. The SACBE will from the funds earned through, among other, registration fees, will allocate a budget to the individual professional boards.
	<p>4(1)(e) Council to control and exercise authority iro education and training –</p> <p>(1) not feasible for one body to exercise such control of all the professions with their respective disciplines, sub-disciplines, specialities and categories.</p> <p>(2) Well administered councils stretched for capacity – pooling of resources will not have the desired effect</p> <p>(3) Unlikely that a single council will have the necessary expertise and capacity to negotiate and maintain the international accords.</p>	<p>(1) the accreditation of educational programmes and the determination of standards iro of the various BEPs, together with their respective disciplines, sub-disciplines, specialities and categories, will be done by the respective BEPs. Council will ensure consistent application of policy in this regard. Will liaise with the relevant authorities to obtain recognition of the PBs as quality assurers etc.</p> <p>(2) Assumption – the intention is to retain the staff of all seven council but to restructure the organization to ensure effective administration. See draft organizational structure.</p> <p>(3) According to 15(2)(f) the PBs, which has the necessary expertise, will establish mechanisms for professionals to gain recognition of their qualifications and professional status in other countries.</p>
	4(n)(iii) Ensure consistent application of policy – competence testing by professionals – appears from this that no input to be obtained from	The following steps are included in the process of obtaining registration in a BEP, namely, (1) educational qualification; (2) practical training; and (3) peer review [competency

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	education or training institutions.	testing by professionals]. Education and training institutions are involved during the process of students obtaining their required educational qualifications. The competency testing by professionals [a peer review assessment] refers to the evaluations of candidates professionals for purposes of registration in a profession. The peer review assessment, is an assessment by professionals in the specific profession, and does not necessitate input from education and training institutions.
	<p>4(1)(d)</p> <ul style="list-style-type: none"> - The council will determine strategic policy regarding education – fundamentally the function of Higher Education - Do not restrict to strategic policy of DPW – should include the broader needs of the economy 	<p>The Clause refers to educational requirements for purposes of registration and practicing in a BEP</p> <p>Replace "national public works policy" with "government policy"</p>
	<p>4(1)(e)</p> <ul style="list-style-type: none"> - Council will control and exercise authority in respect of all matters affecting education and training – unacceptable – is the responsibility of universities - Composition of council – mainly of non professionals – threatening the existence of the profession 	<p>Universities will determine the educational programmes which they would like to offer. Council and the PB will determine which programmes offered by the universities are to be accredited for purposes of registration in a BEP.</p> <p>Members on the SACBE are to ensure the interest of the BE as a whole and not specific individual professions. The interests of the specific individual professions will be protected by the respective PBs.</p>
	<p>4(1)(m)</p> <ul style="list-style-type: none"> - Add "to gain <u>and maintain</u>" international recognition - Section 4(1)m passing of this bill would 	<p>Agree</p> <ul style="list-style-type: none"> - How? Transitional arrangements provides for the SACBE to assume all liabilities and obligations of

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	<p>4(2)(b)</p> <ul style="list-style-type: none"> - Renumber 4(2)(b) to 4(1)(s) – councils responsibility to ensure financial sustenance of PBs 	<p>Agree</p>
	<p>4(1)(n)(v)</p> <ul style="list-style-type: none"> - Does not understand why govt. would require such tariffs as its policy is to procure consultants on a competitive basis. This is anti-competitive and value for money cannot be interrogated at the procurement stage. - The setting of fee tariffs is viewed by the international community as being anti-competitive. – check against competition commission. Alternatively, PBs should only be empowered to publish data associated with historic fees 	<p>These are recommended fees which professionals may charge.</p>
	<p>4(1)(m)</p> <ul style="list-style-type: none"> - International recognition will be lost if peer evaluation is not maintained and if registrar is to decide on the registration of professionals 	<p>Peer review is to be done at PB level. Registrar is only to attend to the administrative aspects of registration.</p>
	<p>4 (1)(f) – Uniform guidelines throughout the Built Environment Professions is an extremely important requirement which will greatly serve the public in</p>	<p>The intention of this clause is to ensure that the norms and guidelines established by PB are applied consistently from in respect of all professionals within that profession.</p>

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	<p>its understanding of and interaction with the professions. Consideration should be taken of the different functions and methods of the different professions. This will be accommodated by the revised clause:</p> <p>"ensure [the] that uniform [application of norms and guidelines set by] principles are determined and practiced by professional boards throughout built environment professions"</p>	<p>The clause does not intent for council to establish uniform norms and guideline for application by the various PBs.</p>
	<p>4 (1)(j) – Considering the broad impact of the Built Environment professions, co-operation should be facilitated on a very wide scale and at various levels, including directly with government departments, and at all levels of government. The clause could read:</p> <p>"facilitate [inter-ministerial] co-operation concerning issues relating to the built environment between all levels and spheres of government"</p>	<p>Lydia</p>
	<p>4 (1)(k) and 4 (1)(l)– In the light of the democratic <u>principles of freedom of speech and in encouragement of public participation, the council should not require the ministers' request to provide advice and comments, but should be able to provide such advice and comments whether it is desired or not. The following proposed clause reflects this:</u></p> <p><u>"provide advice, if requested by the minister, or at such other time as it may deem fit and necessary, in respect of national policy that could impact on the built environment in any way, including built environment human resource development in relation to the built environment professions and to the recognition of new professions within or affecting the built</u></p>	<p>Agree</p>

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