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- Point (v) – Currently, the fees published by the councils are recommendations – professionals may charge whatever fee they choose. If the fee tariffs will remain recommendations, the term “may” is inappropriate in such context. If the intention is for fees to become prescribed,

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	<p>it should be remembered that the relative inputs of various professions vary greatly from project to project, independent of the size of the project – consistency of principle can be attained, not consistency of rules or tables of fees.</p>	
	<p>4(1)(d) delete “education” in “... must make decisions in terms thereof with regard to the professional boards and the built environment professions in respect of matters such as finance, education, training, registration ...”</p> <p>The Department of Education determines policy with regard to Education</p>	<p>Will have no objection thereto, if PC so decides</p>
	<p>4(1)(o) delete - Professional boards do not establish education and training standards, rather they establish professional standards</p>	<p>It to a delegated authority to SAQA – consider rewording the clause to read: “in consultation with professional boards, obtain recognition for professional boards in terms of SAQA Act as bodies responsible for the establishment of education and training standards.”</p>
	<p>4(1)(p) delete - Powers, which are not theirs, may be given to inappropriate parties</p>	<p>PB's will obtain the power to accredit educational institutions in terms of a delegated power from Higher Education SA.</p>
	<p>4(2)(d) Revise, and state more rigorously - These powers of delegation are extremely wide: potentially, one person, with no specified competence, could be given 'authority in respect of all matters affecting the education and training of persons in the built environment'.</p>	<p>This clause is wide as it is a general clause on delegation. The extent of the delegation as well as the person/s to who a function/power is delegated will depend on the nature of the specific function/power to be delegated. Noted for consideration when powers are to be delegate.</p>
5.	<p>Difficulty in registration as professionals. Separate Board for Horticulturists.</p>	<p>Minister may consider in term of 15(1)</p>
	<p>Clarify criteria for the recognitions of VAs</p>	<p>Cannot be dealt with in the Bill. The criteria will be determined by the council, after consultation with the respective PBs</p>
	<p>Existing voluntary associations should be automatically recognized.</p>	<p>The intention is for existing VAs to be automatically recognized. To be dealt with under transitional</p>

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		arrangements.
	5(10) - Is section 30 dealing with ID of Works? If so, it is out of line with section 5(10)	5(10) incorrectly placed under clause 5. Section 30 deals with Scope of Works. Do not see the inconsistency between 5(10) and 30.
6	Composition of SACBE and Professional Boards	
	Insufficient professional representation on SACBE	At least 6 professional from the PB. The other members except community members will be drawn from persons within the BEP
	6(1)(b) One person in the employment of the Department of Public Works who must be a registered professional.	Agree
	One person from each of the departments of Science and Technology, and Minerals and Energy, who must be registered professionals, on the recommendation of the relevant ministers.	Agree
	6(1)(d) Six community representatives, of whom at least three must be registered professionals practicing in the community.	No – council requires other expertise, eg finance, legal. Etc.
	What is meant by "good character" - define	Ordinary grammatical meaning
	6(1)(a) should read one professional for every profession in the built environment . No need to have more than one professional per profession. How many public representatives will the Council have if the principle is applied uniformly?	Agree
	Limited representation of engineering professionals on the SACBE	Council deals with over arching inter professional issues ito of clause 4 of the Bill. In view thereof, there is no need for proportional representation of professions.
	1. The control of the engineering profession is directly linked to the interaction and consultation between the minister and the council through the bill. The danger exists that the very important matters previously taken care of by the EPA could be disregarded and the engineering council and the public will be prejudiced.	(1) There is no basis for this comment.
	A cap is placed on the number of professional	In order to address the engineers concern in this regard the

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	members in the composition of the professional boards	Department will have not objection to this number being capped at no more than 30 member per PB.
	Constitution of council - Welcome the number of community reps on the council, but suggest that all 6 community reps have the expertise necessary for carrying out the functions of the council	Agree – the wording of clause 6(1)(e) does not preclude all 6 community reps. from having the necessary expertise.
	No guarantee that the board rep. on council will be a professional. May be a community rep. or academic. No guarantee that a professional person will be appointed from the tertiary institutions.	Clause 6(1)(a) requires a professional from each professional board to be sit on the council. Consider amending this clause to remove designation of such professionals by the respective professional board. This is to avoid Required persons registered in the various BEPs.
	Composition of Council – (1) it is proposed that the community stakeholders have "expertise necessary for the proper carrying out of the functions of the council or board" (2) it is proposed that community nominations be made through NEDLAC (3) Labour Market Chamber of NEDLAC be give the opportunity to engage the Bill as it affects the community and public (4) Propose that there should also be reps from organizations that provide practical training.	Agree NEDLAC is a body to advise govt on economic matters. Its composition is limited to govt, labour and business and is thus limiting no
	6(4) ... or the statutory body referred to in subsection (1)(f)	6(4) to be deleted if PC allows the amendment to 6(1)(a)
	6(1)(d) – correction – "not more that two" should read " not more than two"	To be corrected
7	7(1)(g) Line 40 – "my" should read "may"	To be corrected
	7(5) after dissolution minister must immediately appoint a new council	This will be done immediate, subject to the required procedure to be followed
	7(8),(5),(6),(7) Concerned about the role of the Minister	What is the specific concern regarding the role of the minister? The Minister's intervention is necessary to ensure that the council act as a law on to its own. The Minister will act in the best interest of the BE and the country.

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	7(2)(f) how does the Minister remove a person nominated by the public	The same manner the Minister will remove any other nominated person.
	7(1) Clarify the use of the words "...or ordinarily resident in the Republic... to avoid unnecessary debate thereon Suggest that only SA citizens should be eligible for membership of the council.	To remain.
	Dissolution of Council – it is untenable that the functions of council rest in the Minister for any length of time. Tardiness in constituting a new council may have far-reaching effects	If the Minister fails to appoint a new council within a reasonable timeframe, members of the profession may still approach the court for relief.
8	- Notice period and method of delivering notices should be stipulated.	
	8(1) concerned about the role of the Minister	What is the specific concern regarding the role of the minister?
	8(1) Bill provides for the Minister to appoint the chair and vice chair and to approve the appointment of the registrar. The potential for political influence and control and the dangers inherent in such influence and control are cause for serious concern. May lose the opportunity of appointing the best Registrar if the minister appoints someone who shares his/her political view over a person who will best benefit the industry. Suggest: (1) council appoint chair and vice chair (2) chair – qualified & registered in one of the professions (3) council registrar – administratively supported by board registrars (4) registrar account to council registrar - qualified & registered in one of the professions	rejected
	Add subclause (8) to read <u>"The council may propose a vote of no confidence on the chairperson or the vice chairperson</u>	To be considered

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9	9(2) Registrar should not have too much power Responsibility should be delegated to a committee of council	Rejected
	Meetings of Council – clarity sought on 9(1) – is minister to determine the time and place of the first meeting of the first term or the first meeting of every term of council. Suggest that minister determine the first meeting of every term of council.	This is a once-off event and therefore the amendment is not necessary.
12	Registrar should not have too much power – responsibility should be delegated to a committee of council	Rejected
	12(4) concerned about the role of minister	Rejected. The Minister will act in the best interest of the country.
	Section 12 which refers to the operational structure envisaged by the is not clear and may create insufficient capacity	Organogram has been done.
	Bill must ensure that matters relating to professional registration falls within the responsibilities of the boards	The peer review will be undertaken by the PB. They would also determine the training required before registration.
	Each Board should have a Registrar with profession-specific knowledge and competence and supported by constituted secretariat	Rejected. Each Board will have a Board Manager.
	Appointment of Registrar – Bill silent on employee benefits. Bill should make principle statement for council to determine employee benefits.	Such matters cannot be legislated.
	12(2) Registrar does not have the capacity and capability to be secretary of council and 6 PBs and registrar of categories within each PB	-
15	Concern that BEP Bill removes authority of universities as it grants boards the authority on education and training matters.	This is only for the purposes of registration.
	15(5) Composition of SACBE and Professional Boards.	
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	Professional councils reduced to boards will be emasculated	Why? Rejected.
	Which one is established first, council or board?	The council is established first.
	15(1),(4) concerned about the role of the Minister	The Minister will act in the best interest of the country.
	15(1) should read "The Minister must/shall... establish a professional board"	Rejected. This goes beyond the existing councils. It is written in that manner to include more boards.
	In section 15(5) the word "for" should be started at the start of each of subsections (g) to (l)	To be corrected.
	Establishment of Boards – silent on administrative head of professional boards. Bill should recognize the administrative head of the professional board	Organogram has been done.
	15(1) - Establishment of Boards – (1) Minister's authority to establish boards lacks definition and appears arbitrary. How is this power to be exercised and what would this entail?	
	15(5)(b) The limitation on community reps not being registered professionals seems unconstitutional and should rather read "preferably not registered professionals"	Check the constitutionality of this section.
	15(5)(a) Committees to have at least one board member who is the chairperson – impractical – insufficient board members for the number of committees	This does not follow.
16	16(1)(b) - It is not appropriate for a professional board to advise on matters pertaining to education and training.	Rejected. Expertise and industry needs will be found in PB.
	16(1)(c) - The scope of 'assist' and 'promote' are not clear. Revise to better reflect the monitoring role of a professional	The assistance they will be rendering will be an expert in their field.

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	body.	
	16(2)(a) - A professional board should not have unlimited access to a university. It falls to the university to invite the professional board onto the campus for such purposes as the university may request. Revise	The power to accredit programmes offered by higher education is delegated to PB by the HEA. Accreditation visits will be undertaken in terms of and subject to HEA. Notwithstanding S17(2) of the Bill provides for educational institutions to apply to PB for accreditation of education programmes offered.
	16(2)(b) – rewrite - Not clear what provisions of the HE Act the clause invokes; and withdrawal of accreditation is not a single event	Query not clear
	16(2)© - delete - It is not the responsibility of a professional body to consult another body regarding education and training	Query is not clear. The author is confused abt the role of HESA.
	16(2)(d) - Revise once the legislation regarding SAQA is settled. - The role of SAQA is changing	Alignment will happen by operation of law.
	16(3)(a) – rewrite - There will be no need for ratification of a board's decision by the Council (for matters falling entirely within the ambit of the board, where ambit is decided by the Council); if an institution sets and exam, it is not within the authority of the professional body to appoint examiners or moderators	
	May have a negative consequences for universally accepted independence of the profession.	
	16(2)(f),(g),(j) – creating confusion as to which authority is responsible for registration of professional and maintenance of the register	The Registrar and the PB have a role in the registration process. The registrar keeps all registers. The registrar gives effect of a decision by the PB to removal. Appeals against that decision
	16(2)(b) - PB to grant, refuse, or withdraw accreditation – no institution to provide training unless accredited by the PB- (1) has consideration been given to the Higher Education Act, No 101 of 1997 and it	Alignment will happen by operation of law.