

	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.

	candidacy phase accreditation system. PB runs the risk of making uninformed decisions	
	16(2)(g) - PBs may appoint examiners, conduct exams, grant certificates, charge fees – entails a further impinging on and marginalization of educational institution's functions.	-
	16(2)(e) - International recognition will be lost if peer evaluation is not maintained and if registrar is to decide on the registration of professionals	-
17	17(2),(3) - Educ. Instit. to apply to PB for accreditation, PB may refuse application, PB may impose conditions and requirements – is an imprudent intrusion on the responsibilities of the educ. Instit. in collaboration with Higher Education SA	This is a delegated function which is for the purposes of registration only.
	17(4) - Criminalization for non-compliance – effectively resulting in the Vice-Chancellor being imprisoned for up to 12 months is an unconscionable state of affairs	-
	17(1) - Educational institutions may not offer a programme if it is not registered by a PB. Drafters don't understand the HE Act and the CHE's accreditation system to make candidacy phase accreditation the permission to offer a programme. The PB may not accredit a programme but it remains the CHE decision whether it continues to be accredited.	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.
	17(2) - Is strange and written without regard to the way things work	
	17(3) - Allows PBs to veto the establishment of an educational programme – unacceptable to the university as an autonomous institution	PB will not veto any educational programmes being offer by educational institutions. The role of the PB, subject to the delegation received ito HEA, is to merely accredit educational programmes for purposes of registration in a profession. In other words the educational institution may continue to offer a programme which is not accredited by the PB, but that educational institution will not be allowed to represent that such educational programme share satisfy

	candidacy phase accreditation system. PB runs the risk of making uninformed decisions	
	16(2)(g) - PBs may appoint examiners, conduct exams, grant certificates, charge fees – entails a further impinging on and marginalization of educational institution's functions.	-
	16(2)(e) - International recognition will be lost if peer evaluation is not maintained and if registrar is to decide on the registration of professionals	-
17	17(2),(3) - Educ. Instit. to apply to PB for accreditation, PB may refuse application, PB may impose conditions and requirements – is an imprudent intrusion on the responsibilities of the educ. Instit. in collaboration with Higher Education SA	This is a delegated function which is for the purposes of registration only.
	17(4) - Criminalization for non-compliance – effectively resulting in the Vice-Chancellor being imprisoned for up to 12 months is an unconscionable state of affairs	-
	17(1) - Educational institutions may not offer a programme if it is not registered by a PB. Drafters don't understand the HE Act and the CHE's accreditation system to make candidacy phase accreditation the permission to offer a programme. The PB may not accredit a programme but it remains the CHE decision whether it continues to be accredited.	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.
	17(2) - Is strange and written without regard to the way things work	
	17(3) - Allows PBs to veto the establishment of an educational programme – unacceptable to the university as an autonomous institution	PB will not veto any educational programmes being offer by educational institutions. The role of the PB, subject to the delegation received ito HEA, is to merely accredit educational programmes for purposes of registration in a profession. In other words the educational institution may continue to offer a programme which is not accredited by the PB, but that educational institution will not be allowed to represent that such educational programme share satisfy

		the educational requirement for purposes of registration in a profession.
	17(5) - What about the CHE and the new NQF Bill – collaboration with the CHE is proposed	The CHE will be represented on the Council.
	17(1) - The CHE is responsible for the accreditation of programmes and should continue to make such decision.	Noted.
	17(1),(2),(3) – (1) PB cannot decide on the educational part of the qualification – prerogative of the CHE (2) PB can only accredit the qualification for admission to the profession (3) The words “education” and “training” may be confusing as higher education institutions do not provide training	(1) This is a delegated function. (2) noted (3) Training refers to post academic qualification training to gain experience.
	Autonomy of educational providers: (1) Clause 17 is impractical and interferes with the autonomy of the higher education providers (2) Impractical because it implies that any course offered by a provider for CPD would require permission or accreditation from a PB – administrative nightmare and logistically impossible Suggest that the provision should prohibit a provider from purporting that a particular course is accredited or would be accredited, when it is not.	(1) This is for accreditation purposes only. (2) clause 17 deals with the accreditation of educational programmes for purposes of registration in a profession. There is no requirement for courses offered by service providers for CPD to be accredited by PBs.
	17(2)(a) – delete - The boards and council should not be concerned with the activities of a higher education institution 'before teaching', and should not be required to furnish details regarding education or training since it is the nature of the graduate that is of concern to the professional body. Any evaluation of a qualification that	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. Clause 17(2) provides educational institution to apply to PBs for accreditation of their programmes. On receipt of such application, if necessary, the PB's may ito Clause 17(2)(a)

		the educational requirement for purposes of registration in a profession.
	17(5) - What about the CHE and the new NQF Bill – collaboration with the CHE is proposed	The CHE will be represented on the Council.
	17(1) - The CHE is responsible for the accreditation of programmes and should continue to make such decision.	Noted.
	17(1),(2),(3) – (1) PB cannot decide on the educational part of the qualification – prerogative of the CHE (2) PB can only accredit the qualification for admission to the profession (3) The words "education" and "training" may be confusing as higher education institutions do not provide training	(1) This is a delegated function. (2) noted (3) Training refers to post academic qualification training to gain experience.
	Autonomy of educational providers: (1) Clause 17 is impractical and interferes with the autonomy of the higher education providers (2) Impractical because it implies that any course offered by a provider for CPD would require permission or accreditation from a PB – administrative nightmare and logistically impossible Suggest that the provision should prohibit a provider from purporting that a particular course is accredited or would be accredited, when it is not.	(1) This is for accreditation purposes only. (2) clause 17 deals with the accreditation of educational programmes for purposes of registration in a profession. There is no requirement for courses offered by service providers for CPD to be accredited by PBs.
	17(2)(a) – delete - The boards and council should not be concerned with the activities of a higher education institution 'before teaching', and should not be required to furnish details regarding education or training since it is the nature of the graduate that is of concern to the professional body. Any evaluation of a qualification that	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. Clause 17(2) provides educational institution to apply to PBs for accreditation of their programmes. On receipt of such application, if necessary, the PB's may ito Clause 17(2)(a)

	may be done by a board or council should be based on the graduate i.e. at the point of qualification or thereafter, and the abilities, knowledge and competence of the graduate.	request further information for purpose of process such application for accreditation.
	17(3) – delete - This gives the professional body inappropriate and unchecked powers. Surely it cannot veto educational programmes.	The PB will not be vetoing educational programme. The educational institution will still be able to offer such programmes however, for purposes of registration in a profession, such educational qualification would not be recognized without accreditation by the PB.
	17(4) – delete - This gives the professional body inappropriate and unchecked powers.	This penalty will only apply to educational institutions if they misrepresent to students that the successful completion of such educational programmes will satisfy the qualification requirement for purpose of registration in a particular BEP
	17(5) – revise - 'Education and training' and 'profession' are conflated (and reference is to the SAQA Act).	This clause needs to be reworded.
18	Revise - The prohibition of persons from practicing any built environment profession' unless registered, twinned with the general vagueness of what constitutes the built environment, "definition: the physical world that has been intentionally created through science and technology for the benefit of mankind", makes it difficult to know exactly who this Bill applies to.	The definition of built environment profession refers to the professions for which a professional board is established in terms of Section 15. The provisions of this Bill will therefore apply to those BE professions for which a PB is established ito clause 15
	18(3) – concern about the registration process	What is the concern?
	18(3) - Registration of the individual must be judged by the -- Professional boards on advice of peers. Bill will jeopardize recognition of SA education standards	Registration will be judged by the professional boards. It is not clear how the Bill will jeopardize recognition of SA education standards.
	18(3) the Registrar of the SACBE decides whether an applicant complies with the requirements for registration. Must remain with BE professionals	The registration process is determined by the professional boards and the registrar only performs an administrative function.

	may be done by a board or council should be based on the graduate i.e. at the point of qualification or thereafter, and the abilities, knowledge and competence of the graduate.	request further information for purpose of process such application for accreditation.
	17(3) – delete - This gives the professional body inappropriate and unchecked powers. Surely it cannot veto educational programmes.	The PB will not be vetoing educational programme. The educational institution will still be able to offer such programmes however, for purposes of registration in a profession, such educational qualification would not be recognized without accreditation by the PB.
	17(4) – delete - This gives the professional body inappropriate and unchecked powers.	This penalty will only apply to educational institutions if they misrepresent to students that the successful completion of such educational programmes will satisfy the qualification requirement for purpose of registration in a particular BEP
	17(5) – revise - 'Education and training' and 'profession' are conflated (and reference is to the SAQA Act).	This clause needs to be reworded.
18	Revise - The prohibition of persons from practicing any built environment profession' unless registered, twinned with the general vagueness of what constitutes the built environment, "definition: the physical world that has been intentionally created through science and technology for the benefit of mankind", makes it difficult to know exactly who this Bill applies to.	The definition of built environment profession refers to the professions for which a professional board is established in terms of Section 15. The provisions of this Bill will therefore apply to those BE professions for which a PB is established in clause 15
	18(3) – concern about the registration process	What is the concern?
	18(3) - Registration of the individual must be judged by the -- Professional boards on advice of peers. Bill will jeopardize recognition of SA education standards	Registration will be judged by the professional boards. It is not clear how the Bill will jeopardize recognition of SA education standards.
	18(3) the Registrar of the SACBE decides whether an applicant complies with the requirements for registration. Must remain with BE professionals	The registration process is determined by the professional boards and the registrar only performs an administrative function.

	18(4) – registrar empowered to satisfy himself whether an applicant satisfies the requirements must remain with BE Professionals	The registration process is determined by the professional boards and the registrar only performs an administrative function.
	18(3),(4) - Compulsory Registration – 18(3) & (4) inconsistent with 16(3)(a), 20(1) and 21(1). Registrar competent to appraise applications of registration. Such appraisal should be done by the boards.	We do not see the inconsistency
	18(2),(3) – will BE Professionals be responsible for registration	The registration process is determined by the professional boards and the registrar only performs an administrative function.
19	Must ensure that the matters relating to professional registration falls within the responsibilities of the boards	The registration process is determined by the professional boards and the registrar only performs an administrative function.
	Creates confusions as to who is responsible for the registration and the register	The registration process is determined by the professional boards and the registrar only performs an administrative function.
20	Restoration of name to the register – insert clause for unrehabilitated insolvent to be restored after a period of five years.	Insolvency should not be grounds from removal or suspension of a professional
23	Allow for appeal process if someones application has been turned down	A general appeal section need to be considered. 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 comiitee level then the candidate may appeal to the Board.
	Register as Proof of Registration – The issuing of annual registration certificate is administratively cumbersome. Proposes the issuing of a "life" certificate and annual issue confirmation of registration.	Should remain an annual event.
25	Concerned about the Minister's role	
	Lack of provision for international accreditation and recognition	Section 4 (1) (m) provides for the council to coordinate the establishment of mechanisms for professionals to gain international recognition.
	Impression created – a person may qualify for registration on the strength of obtaining the	International standards will be maintained but the registration process will be made more transparent

	18(4) – registrar empowered to satisfy himself whether an applicant satisfies the requirements must remain with BE Professionals	The registration process is determined by the professional boards and the registrar only performs an administrative function.
	18(3),(4) - Compulsory Registration – 18(3) & (4) inconsistent with 16(3)(a), 20(1) and 21(1). Registrar competent to appraise applications of registration. Such appraisal should be done by the boards.	We do not see the inconsistency
	18(2),(3) – will BE Professionals be responsible for registration	The registration process is determined by the professional boards and the registrar only performs an administrative function.
19	Must ensure that the matters relating to professional registration falls within the responsibilities of the boards	The registration process is determined by the professional boards and the registrar only performs an administrative function.
	Creates confusions as to who is responsible for the registration and the register	The registration process is determined by the professional boards and the registrar only performs an administrative function.
20	Restoration of name to the register – insert clause for unrehabilitated insolvent to be restored after a period of five years.	Insolvency should not be grounds from removal or suspension of a professional
23	Allow for appeal process if someones application has been turned down	A general appeal section need to be considered. 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 comiitee level then the candidate may appeal to the Board.
	Register as Proof of Registration – The issuing of annual registration certificate is administratively cumbersome. Proposes the issuing of a “life” certificate and annual issue confirmation of registration.	Should remain an annual event.
25	Concerned about the Minister’s role	
	Lack of provision for international accreditation and recognition	Section 4 (1) (m) provides for the council to coordinate the establishment of mechanisms for professionals to gain international recognition.
	Impression created – a person may qualify for registration on the strength of obtaining the	International standards will be maintained but the registration process will be made more transparent

	prescribed qualifications and passed the additional examination. This is a departure from the peer review process, which are prescribed by international agreements. Non compliance will endanger SA's recognition.	
26	May have negative consequence on the universally accepted independence of the profession	It is not understood how the prescription of qualifications by the Minister will negatively affect the independence of the professions
	Impression created – a person may qualify for registration on the strength of obtaining the prescribed qualifications and passed the additional examination. This is a departure from the peer review process, which are prescribed by international agreements. Non compliance will endanger SA's recognition.	The registration process will include a peer review process
	<p>26(1) - Registration of persons who hold a qualification that is not prescribed – Minister provides for in consultation with council:</p> <p>(1) the composition of the council will result in the lack of the requisite knowledge to make informed decisions, such as the decisions on whether a qualification indicates "a satisfactory standard of professional education and training"</p> <p>it is disquieting that a person who is unable to obtain a university degree may still be permitted to register merely on the basis of passing an examination approved by the board</p>	<p>The basis for the assumption that the council will lack requisite knowledge is not understood.</p> <p>A person with no diploma or degree will not be able to register</p>
	Clause 26(1) give a confusing message – PB will carry out registration – yet clause 18(2) and (3) allocate this function to the Registrar	The professional boards sets the criteria for registration and the registrar's task is an administrative one
	26(3) - The nature of examinations or evaluation should not be done by the Council but on recommendation of the relevant PBs	<p>We need to discuss the role of the professional boards in terms of S 26 (3) (Tebogo)</p> <p>The minister is to prescribe the framework for how foreign qualification how to be recognized by professional boards. S26(3) contemplates examination be held for these foreign qualified being conducted by the PB in a manner</p>

	prescribed qualifications and passed the additional examination. This is a departure from the peer review process, which are prescribed by international agreements. Non compliance will endanger SA's recognition.	
26	May have negative consequence on the universally accepted independence of the profession	It is not understood how the prescription of qualifications by the Minister will negatively affect the independence of the professions
	Impression created – a person may qualify for registration on the strength of obtaining the prescribed qualifications and passed the additional examination. This is a departure from the peer review process, which are prescribed by international agreements. Non compliance will endanger SA's recognition.	The registration process will include a peer review process
	<p>26(1) - Registration of persons who hold a qualification that is not prescribed – Minister provides for in consultation with council:</p> <p>(1) the composition of the council will result in the lack of the requisite knowledge to make informed decisions, such as the decisions on whether a qualification indicates "a satisfactory standard of professional education and training"</p> <p>it is disquieting that a person who is unable to obtain a university degree may still be permitted to register merely on the basis of passing an examination approved by the board</p>	<p>The basis for the assumption that the council will lack requisite knowledge is not understood.</p> <p>A person with no diploma or degree will not be able to register</p>
	Clause 26(1) give a confusing message – PB will carry out registration – yet clause 18(2) and (3) allocate this function to the Registrar	The professional boards sets the criteria for registration and the registrar's task is an administrative one
	26(3) - The nature of examinations or evaluation should not be done by the Council but on recommendation of the relevant PBs	<p>We need to discuss the role of the professional boards in terms of S 26 (3) (Tebogo)</p> <p>The minister is to prescribe the framework for how foreign qualification how to be recognized by professional boards. S26(3) contemplates examination be held for these foreign qualified being conducted by the PB in a manner</p>

		determined by council.
28	(1),(2) – delete - Not clear, but appear to infringe on the right of a university to determine who may teach. Why would a foreigner need to be deemed a professional by the board in order to (in (1)) 'promote education or training for practising...' or in order to allow the person to 'give demonstrations' (in (2)) at an institution?	Title "Registration of persons not permanently resident within the Republic for educational and training purposes.
	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
	28(2) – define the word "demonstration"	Tebogo to define "demonstrate" No need to define.
	The reasoning for this clause remains elusive. No requirements necessary for qualification are specified, which may result in confusion and inconsistent implementation	The person concerned will have to be qualified academically.
	(1) - Are unclear and confer rights not easy understood. Is the intention that a non permanent resident of the RSA may be registered for a period of time as determined by the Council? It is understood that demonstrations also include examinations	This Section applies to foreigners who intend to lecture in education institutions
	Accreditation should be review in light of current & future education legislation	Accreditation and accreditation visits are necessary in order to ensure that the education standards satisfy the requirements for registration.
	Explain the rationale for clause 29(5) and how it would be implemented in practice	This is a balancing act bet public interest/protection vs students who have not been adequately trained.
	(1) places an acute administrative burden on the educ. Instits. (2) Penalty of losing accreditation is excessive (3) Present system allows deficient programmes	

		determined by council.
28	(1),(2) – delete - Not clear, but appear to infringe on the right of a university to determine who may teach. Why would a foreigner need to be deemed a professional by the board in order to (in (1)) 'promote education or training for practising...' or in order to allow the person to 'give demonstrations' (in (2)) at an institution?	Title "Registration of persons not permanently resident within the Republic for educational and training purposes.
	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
	28(2) – define the word "demonstration"	Tebogo to define "demonstrate" No need to define.
	The reasoning for this clause remains elusive. No requirements necessary for qualification are specified, which may result in confusion and inconsistent implementation	The person concerned will have to be qualified academically.
	(1) - Are unclear and confer rights not easy understood. Is the intention that a non permanent resident of the RSA may be registered for a period of time as determined by the Council? It is understood that demonstrations also include examinations	This Section applies to foreigners who intend to lecture in education institutions
	Accreditation should be review in light of current & future education legislation	Accreditation and accreditation visits are necessary in order to ensure that the education standards satisfy the requirements for registration.
	Explain the rationale for clause 29(5) and how it would be implemented in practice	This is a balancing act bet public interest/protection vs students who have not been adequately trained.
	(1) places an acute administrative burden on the educ. Instits. (2) Penalty of losing accreditation is excessive (3) Present system allows deficient programmes	

without	
ts during i? d how it	
process rogantly	
3. In any address n ECSA	
as are in s	
s quality egulation pectable ected.	
could be	
gards to d should	
i tool of ition of ent	
ersonal ct	The intention is to request stats w regards to the particulars listed under clause 29(1).he disclosure of personal information will not be ressay and the disclosure of such stats will therefore i be on breach of any person's right to privacy.
rs to be ishes pension methods dress re not	Agree: to be reword to remove prejudice existing students on such programme.