

	<p>opportunities to rectify shortcomings without disrupting the programme</p> <p>(4) What protection is afforded to students during periods of suspension of accreditation? Explain the rationale for clause 29(5) and how it would be implemented in practice</p>	
	(1) - This is covered in the accreditation process and it would seem as if it is worded very arrogantly	
	(2) - This is disruptive of the programme. In any institution, opportunity is given to address deficiencies. The accreditation system in ECSA deals with this in a professional manner	
	(3) - This is unacceptable. What measures are in place to protect the students and graduates	
	(5) - This is unacceptable – university has quality mechanisms making the proposed regulation unnecessary. The university is a respectable autonomous institution which must be respected.	
	(5) - PB to monitor every examination - could be disruptive to the university	
	Powers given to the Minister with regards to education and training are misplaced and should be given to the Minister of Education.	
	(2),(3) - Do not use accreditation as a tool of leverage – withdrawal and restoration of accreditation not in the interest of the student	
	(1) – revise - It is not clear that the section complies with the provisions concerning personal information in the Access to Information Act	The intention is to request stats with regards to the particulars listed under clause 29(1). The disclosure of personal information will not be necessary and the disclosure of such stats will therefore not be on breach of any person's right to privacy.
	(2) – delete - The punitive measure appears to be unaligned with the offence and unfairly punishes graduates qualifying during the time of suspension of the accreditation. Also, it is silent of the methods in the current accreditation system that address problems, in terms of which programmes are not	Agree: to be reword to remove prejudice to existing students on such programme.

	suspended, but are able to be improved without undue disruption.	
	(4) - This is patently unfair – see also above	As above –
	(5) – delete - Such responsibility lies with the university, and not with a professional board	the intention of this provision
30	Scope of work – Minister does not have to heed to advise by council or board. (delete S30(1))	The Minister may consult with the council, professional board and any relevant voluntary association before defining the scope of any built environment profession
	(3)(a)(iii) - Where will the detail of the "prescribed act" be defined?	The reference is incorrect
	Is section 30 dealing with ID of Works? If so, it is out of line with section 5(10)	Wording can be harmonised
31	Allow for appeal procedure for someone whose registration has been turned down	Appeal will be made to council
32	Define specialist	This will be dealt with in the regulations.
40	Appeal committee should also inform the council	
	Appeal – silent on the right of appeal to a higher body if unsatisfied with the decision of council	The Bill is silent on this matter but the affected person may approach a court for relief.
41	Clause 41 needs clarification as the penalty of 5 years contradicts clause 39(3)(b)	There is no contradiction as the penalty of 5 years only applies to those persons who were suspended or their names struck off in terms of S 39 (3)
44	Clarify clause 44 – appears to be in conflict with clause 18, negates any of the provisions of the Act; and contradicts all provisions of the Act. In view of the comprehensive safeguards contained in the Act, the minister's powers of exemption should be deleted.	Section 44 (1) allows the establishment of companies of engineers and other professions. The people who are employed by such company or its directors, must however be registered in order to perform professional acts.
	- Registration of the individual must be judged by the Professional boards on advice of peers. - Bill will jeopardize recognition of SA education standards	The registration criteria will be determined by the professional boards

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	Exemption from operation of the provisions of the Act – 44(1) negates clause 18.	Section 44 (1) allows the establishment of companies of engineers and other professions. The people who are employed by such company or its directors, must however be registered in order to perform professional acts.
46	The reasoning for this clause remains elusive. No requirements necessary for qualification are specified, which may result in confusion and inconsistent implementation	If a person practices a BE profession in the absence of being registered with SACBE, such person in term of Clause 46(1) will not be able to recover costs for such services rendered. In other word he would not have recourse to the courts in the event of his client failing to pay him for his services.
	Is unclear	
47	(1) is extremely problematic (2) reminds one of the extent of search and seizure (3) implementation – potential for confusion (4) the exact mandate and powers of the investigator will have to be detailed and communicated to the institutions (5) penalty is militant	Powers of the investigator will be defined in the regulations. Contemplates a situation where there is a need for an accreditation visit. If the institution does not co-operate the PB need to have power to enter the institution. Does public institution have the right to privacy?
	Why is this necessary? The university is open to the public	
	Is unnecessarily adversarial- does not align with current co-operation approach to accreditation	
	Investigations on education and training be done in consultation with quality assurance body.	
	Provision under "investigation...education and training..." be deleted as it offers search and seize powers	
48	(1) Registration of students is ill-advised and unnecessary (2) Students not involved in projects for which registration is necessary	The requirement for the registration of students will be removed from the Bill.
	Minister's power, in consultation with the council – comments on 26 equally applicable	Minister's role in issuing regulations ito this Bill is to ensure alignment with government policies. the relevant PB will ensure the relevant standards etc applicable iro their respective professions, the council will ensure consistent application by the PB of policies.

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	Publication of Regulations – Power given to Minister to regulate without consulting creates scope for abuse of power.	Clause 48(5) authorizes the Minister to make regulations without the requisite consultation referred to in 48(1), but only on recommendation by the council and if it is proven to be in the public interest.
	48(1)(a)(i) It is not necessary to register students as they are not working as practitioners	This will be addressed Should be amended
	48(1)(a)(ii), (iii) and (e)(ii) (1) The standards of qualifications offered are the responsibility of Peers and the university and not the Minister. (2) – totally unacceptable and not in the interest of public and safety. University is autonomous – can decide its programme length and standards exit level outcome of a qualification and not the Minister.	The standards of qualifications will be determined by the professional boards and only published by the Minister. The Minister will prescribe standards for a programme that has as its objects to qualify any person for the practicing of any built environment profession. The university is autonomous and can decide its programme length and standards as long as that programme does not have as its objects to qualify any person for the practicing of any built environment professions
	48(1)(a)(ii),(ii) & (e)(i) Powers of Minister to regulate standards and requirements – neither minister nor council have the expertise – Minister of Education should regulate	The Minister of Education does not have the expertise to regulate the education and training standards of prospective professionals without any input from the professionals concerned. The professional boards will be involved in setting the standards of education and training for the purposes of qualifying for a profession
	48(f)(ii) Substitute the word “candidate” with the word “person” – definition of “candidate” is specifically defined in the Bill	The proposed amendment will be effected and the section amended accordingly.
	Definition of “candidate” – seems to have two 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.	Clause 48 (1) (a) (i) will be amended to remove any reference to students who are still at education institutions as “candidates”.
	Should not regulate duration of curriculum	The provision that empowers the Minister to regulate

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		duration of curriculum will be removed.
	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
	Regulations – proposes the addition of clause 48(f)(iii) to read as follows – “The code of conduct for Council members and Professional board members.	S43 already provides for this.
	48(5) Publication of Regulations – Power given to Minister to regulate without consulting creates scope for abuse of power.	This power will be exercised by the Minister in exceptional cases. In order to curb the scope for abuse, this power will be exercised on recommendation of the council Need to make correction – should refer to subsection 4.
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