



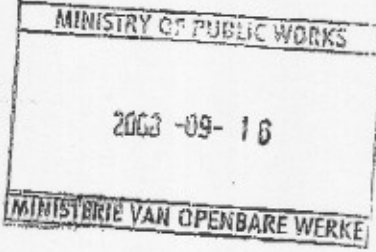
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MINISTRY OF FINANCE
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Me A. T. Didi
Minister of Public Works
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PRETORIA
0001

Dear *Comrade Thoko*

The significant role played by our allocations in the rapid acceleration and focus on infrastructure and the built environment compels me to take an active interest and voice my concerns on the contents of the Built Environment Professions Bill. I am also a Fellow of the South African Academy of Engineering and a recipient of the centenary award of the South African Institute of Civil Engineering. So, I have a multifaceted interest in the passage of this Bill.

Indeed our fiscal policy over many years now has sought to prioritise state investments in infrastructure, and crowd in massive private sector investments in the built environment. We have as a nation made sacrifices in many other sectors of expenditure in order initially to resuscitate, and now further to accelerate built environment expenditure to what is now and over the medium term, the most rapidly growing area of government expenditure.

It goes without saying that to realise delivery on the magnitude of expenditures we have envisioned, there should be a concomitant increase in the supply of skilled people entering the built environment professions and most crucially, the stability and security of these professions and professionals, as well as their quality and capacity to carry out their professional duties. One responsibility of the state in this regard is to expand funding and enrolment for engineering and related fields in our higher education institutions. Another is to ensure that the standards and professional integrity of the engineering disciplines are governed effectively and in line with international best practice.

*What are these
offer is contrary
and not based
on sufficient
impact for
the built
environment*

While the underlying objectives of the Built Environment Professions Bill are not in question, it is clear that insufficient consultation has gone into its drafting. The Bill, as presently formulated, threatens to destabilise our engineering disciplines and undermine our efforts to expand engineering training and broaden access to these professions. Indeed almost every professional council and association in these sectors has voiced its opposition to the Bill, and opposition has come not just from an 'old guard', but more so from the most progressive voices who at the forefront of broadening participation and expanding opportunities for broad-based development. I believe the people concerned should be heard and taken seriously. Not to do so would risk not only our current and future infrastructure and technology investments, but our most important investment - human capital.

*Explain
Consultation
process
embodied
upon by
the Dept
from the
submission
to the
Account*

There are many aspects of the Bill that have been raised as areas of concern, and which I raise here for your attention and action in the interest of the broader build programme of SA Inc, in the paragraphs that follow.

*Already
B.F.*

*By how
will be
represented*

Section 52 repeals the acts that establish a number of professional councils, and after the 'effective date' of the first meeting of the SACBE, six councils will cease to exist, among them the Engineering Council (ECSA), the Architectural and Landscape Architectural Council, Quantity Surveyors council etc. Whilst the act speaks of constituting "professional boards", it does so entirely at the discretion of the Minister, and there is no guarantee in the Bill that any of the professional councils dissolved will actually be reflected in the professional boards. Thus even the relatively small representation of professional boards on the council (SACBE), may not necessarily be a voice of the existing professional councils in the SACBE.

*We can't build
the process
including Board
of your parent
consultation
removed already
against H.M
improvement
as well.*

The implication of this is that all the professions 'dissolved' do not exist once the SACBE is formed, or alternatively dissolve into just one 'built environment' profession, until at the Minister's discretion (in terms of section 15) professional boards are constituted.

This creates a great deal of administrative uncertainty - is a Civil Engineer still authorised to sign off on project designs or payment certificates between the time when the ECSA act that defines the work, is repealed, and the time when a professional board is set up? Indeed it is even unclear whether it is the SACBE which authorises an engineer to do such engineering work or whether it is the professional board if and when it is constituted. Such confusion in roles and responsibilities impose a risk on delivery that our country can ill afford.

The acrimony and ill-feeling caused by an umbrella body such as the SACBE, who in aggregate have no expertise in any particular profession is in itself a risk, both on professional standards in a fast changing technological world, as well on the morale of professionals who know their profession best and should govern their profession themselves. This is exacerbated by the dissolution of the acts

that govern the individual professions which (presently) provide for new professionals to be reviewed by practicing professionals, rather than by outsiders applying criteria non-specific to the profession. The risk here is the future quality of built environment professionals, as well as the inter-operability of professionals from other countries.

Current councils, especially in engineering are also partly responsible for: the safety of the public and the environment; setting the standards of academic qualifications and practical training required for registration as a practitioner; administering the process of accreditation and registration; and for investigating and sanctioning unprofessional conduct. It is not clear how an umbrella body with a broad focus can achieve this in conjunction with a professional board without its own profession-specific act.

The engineering disciplines regulated by ECSA extend beyond the traditional built environment and includes nine main disciplines, namely, Aeronautical, Agricultural, Chemical, Civil, Electrical and Electronic, Industrial, Mechanical, Mining and Metallurgical Engineering. The ability for many of these highly technical professions to realistically be adequately governed even with the best of intentions, by the SACBE as it is constituted with the representation outlined in the Bill is doubtful.

There is no reason why an umbrella body cannot be set up to oversee the application of the principles of fairness and access whilst allowing the existing professions to maintain their legislation, peer review mechanisms, and their relative autonomy in responding to the changing technology, needs and conditions in their professions. Indeed even an ombudsman that receives complaints of unfair practice may be more effective than the complete upheaval of the system and the resulting dilution of professionalism.

In the international arena, we have much to lose from the new system. Not only are recognition agreements in jeopardy as some of the existing councils have complained, but existing country professional standards and ethics that should apply to contracts with overseas contractors delivering construction projects, mechanical and process plant in our new refineries, our nuclear build programme etc, will all have been repealed away. Indeed it is not clear how the new Bill would impact the decisions of overseas professionals we may require, and who are accustomed to autonomous professional institutions. The impact of the international arena on local professionals however, is said to probably result in emigration by those who wish to maintain an internationally recognised status. It must be noted that besides almost every local professional council speaking out against the Bill, international professional bodies have also condemned it.

In conclusion, I would like to say that although the objects of the 'council' and therefore the Bill are (amongst others) to promote and maintain a sustainable built environment, and to promote ongoing human resource development in the

accords & how those will be accommodated in Council's
impact in various letters

First in all acts

built environment industry, I am concerned that neither will be achieved. Instead the implementation of the Bill increases the risk of skills flight, reduction of skills attraction from other countries, reduced quality of our own skills, dilution of professional oversight and governance and therefore reduced safety and other standards, and slow-down in delivery due to administrative confusion.

Explain why not

I propose that the decision to repeal existing professions is reviewed as ultimately any obstacles to access to professions or any other form of discrimination is not a feature of the professional acts themselves. Rather it could be from people administering these.

Let us find real solutions which address the problems of access and transformation without imposing other greater problems that could affect delivery and transformation of our country as a whole, and let us find them in consultation with our existing professionals.

Regards,

Trevor A. Manuel, MP
Minister of Finance

Date: 16 September 2008