

# Taking ECSA to court was a ‘last resort’, says Saice

14th March 2017

By: [Anine Kilian](#)  
Contributing Editor Online

Taking legal action against the [Engineering](#) Council of [South Africa](#) ([ECSA](#)) was a last resort in attempts to have the current [ECSA](#) council suspended, South African Institution of Civil [Engineering](#) ([Saice](#)) CEO [Manglin Pillay](#) told [Engineering News Online](#) on Tuesday.

Last week [Engineering News Online](#) reported that [Saice](#) and other voluntary associations falling under the umbrella of [ECSA](#) had applied to the High Court to have the council suspended owing to concerns over the legitimacy of the new council, which was appointed by Public Works Minister [Thulas Nxesi](#) in July 2016.

In a [media briefing](#) on Tuesday, [Saice](#) stated that the court action arose from alleged irregularities in the appointment of [ECSA](#)'s current council, where changes were made – without the legally required consultation – to the outgoing council's approved list of proposed members for the new council that it submitted to the Minister.

The [Engineering](#) Profession Act, No 46 of 2000 (EPA) requires the Public Works Minister to consult with the outgoing council if there are insufficient nominations.

“There were 46 names and four vacancies in the list approved by the council last March,” Pillay said on Tuesday.

He explained that the court papers allege that the final list of council members to be considered by the Minister in September comprised 49 individuals with one vacancy – meaning six people on the [ECSA](#) approved list were removed without consultation.

“We started a consultation process with [ECSA](#), the Council for the Built [Environment](#) and the Department of Public Works (DPW) in August last year and still have not been able to come to an [amicable solution](#), which is why we are forced to go the legal route,” Pillay stated.

He added that [ECSA](#)'s role was vital to the quality of [engineering infrastructure services](#), as it registers [engineering](#) practitioners and regulates their practice, as well as accredits [education](#) and [training](#) programmes in various fields of [engineering](#) – ensuring high standards and global recognition.

“By undermining the quality of oversight of [engineering](#) practitioners in [South Africa](#), the entire pipeline of [engineering infrastructure services](#), [manufacturing](#) and production will be at risk,” he stressed, adding that this could potentially result in the [health](#) and [safety](#) of the public being placed in jeopardy.”

Fellow voluntary association [Consulting Engineers South Africa](#) CEO [Chris Campbell](#) added during the [media briefing](#) on Tuesday that allegations of compromised good governance, the lack of consultation with affected industries, and the questionable integrity of the appointments under the guise of transformation would erode the profession and impact on industry both locally and internationally.

“Our citizens deserve to experience less flooding, and fewer bridge or roof collapses, not more,” he said.

Campbell added that South African consultants work extensively globally and specifically in neighbouring States.

International accreditation through the [Sydney](#), Dublin and [Washington Accords](#) is dependent on a substantial peer review [system](#) for professional registration with [ECSA](#).

“[ECSA](#) allegedly [plans to] dissolve the extensive peer review [system](#) and [will] consequently compromise the recognition of professionally registered [engineering](#) practitioners internationally – as it is a prerequisite for being a signatory to these accords,” he said.

Industry players who have joined the court action say the lack of integrity in the new [ECSA](#) council appointment process has opened the door for individuals who are unknown to the industry, and who now have undue influence over the profession.

“Senior industry professionals caution that [ECSA](#) is at risk of diluting the peer review mechanism . . . [which] is [also] a prerequisite for [South Africa](#) retaining its recognition by the International [Engineering](#) Alliance,” Campbell reiterated.

He added that, of particular concern in this regard, is the new council’s aim to disband many of [ECSA](#)’s registration-related committees – undermining quality assurance and rigour in the professional registration process.

[ECSA](#), on Tuesday issued a statement, saying it was undeterred by the allegations made by [Saice](#).

It stated that the council nomination procedure was done in accordance with the requirements of Section 4 of the EPA.

“As a statutory council that regulates and registers [engineering](#) practitioners, [ECSA](#)’s mandate is subordinated to the DPW, which upholds the legislative authority for the built [environment](#) in its entirety. [ECSA](#) is the second respondent in this matter,” the industry body said in a statement.

[ECSA](#) said it would not comment further until the court ruled on the matter. 🇷🇺