



**Publication:** Sunday Independent, The - Main  
**Title:** Unregistered constructors are criminals, says building council  
**Publish date:** 12 Mar 2023  
**Page:** 5

**Reach:** 22375  
**AVE:** R 34945.20  
**Author:** Staff Reporter

CRIMINAL CONDUCT

## Unregistered constructors are criminals, says building council

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THE COUNCIL for the Built Environment (CBE), a state entity, has warned of its intention to use its constitutional powers to make it a criminal offence for unregistered people to lead infrastructure development projects.

The national Department of Public Works and Infrastructure's schedule 3A public entity made this announcement recently as part of a campaign to clamp down on impropriety in the construction industry, some of which was exposed in the Zondo Commission's state capture report.

The CBE announced it intended "to make it illegal for a non-registered person to administer and lead infrastructure projects in South Africa".

"(The) CBE, with professional bodies, will engage with law enforcement agencies to ensure that people practising (construction without being registered) are held liable for wrongdoing.

"The CBE will be engaging the Construction Industry Development Board to establish a joint inspectorate to assist law enforcement agencies," said the CBE's chief executive, Dr Msizi Myeza. By making it illegal for developers to enter into construction deals while they are not registered with recognised construction associations, the CBE is trying to curb fraud, corruption and shoddy workmanship that has over the years engulfed the industry.

Myeza said unregistered persons were not able to obtain professional indemnity cover for the work they performed, especially if there were defects or errors in it. "That can cause loss of lives and property," he said.

"Additionally, people masquerading as professionals in infrastructure development was also raised sharply during the Zondo Commission, and we have a responsibility to intervene."

The CBE said irrespective of whether the infrastructure developer has contracted with the state or a private entity, the developer should be legally registered with relevant associations such as the SA Council for the Architectural Profession, the Engineering Council of SA and the SA Council for the Project and Construction Management Profession, among others.

One example of substandard construction converts RDP houses that are uninhabitable as a result of defects. Some have collapsed; others do not have suitable sewerage systems, resulting in occupants being unable to use internal toilets. In France township, Pietermaritzburg, residents were handed low-cost homes with many defects, including cracking walls and faulty toilets, in early 2000. There have also been reports of soccer fields the government spent millions of taxpayers' money constructing that cannot not be used because of poor workmanship.

Myeza said that as a result of infrastructure developers not being registered with recognised bodies, there had been an ongoing deterioration in the quality of construction work, "resulting in design errors, project overruns and unjustifiable deviations. This has cost the government a lot of money".

The CBE issued the warning while the National Treasury published on its website infrastructure developers who have been blacklisted for up to 10 years for various cases of misconduct. These include failure to return undue payments, submission of fraudulent B-BBEE certificates, engaging in corrupt and fraudulent practices, non-performance, misrepresentation, unethical behaviour, impropriety, and conflicts of interest, among many others.

Some blacklisted companies have directors who hold prominent positions in the public and private sectors.

The CBE said among examples of unethical conduct are Eskom's coal-fired power plants Medupi and Kusile. Creamer Media's *Engineering News* website published in February 2019 that these power plants cost vastly more than they should have, and were completed behind schedule. "Kusile and Medupi are some of the failing infrastructure projects led by non-registered persons," said a CBE official.

"The lack of professional affiliation results in a huge financial loss for the state when these individuals cannot be held responsible for their professional conduct." | *Falcons*