

**Minister of Public Works
Ms Stella Sigcau
29 September 2000**

[Back](#)

Introducing legislation on the Built Environment Professions, NA

Madam Speaker,
Honourable Members of Parliament

1. INTRODUCTION

Today marks an important juncture on a journey, which started shortly after this country's first democratic election in 1994. In that year, my predecessor, Minister Jeff Radebe, appointed a Forum called the Built Environment Forum to review the regulation of the professions that are active within the built environment.

This initiative was borne of the necessity to mobilise the significant resources embodied within our professions to meet the challenges of our emerging democracy.

2. NATURE AND PURPOSE

The review undertaken by the Built Environment Forum identified a number of deficiencies in the existing regulation.

The seven Bills before the House aim

- to overcome these deficiencies,
- to create a framework for the ongoing transformation and development of the professions,
- and to maximise the contribution of the professions to the social and economic challenges that are at the core of Government's delivery and development agenda.

The first Bill establishes an overarching Council for the Built Environment Professions to ensure co-ordination with Government and between the different professions.

Four of the Bills re-enact the laws on the existing professional Councils for Engineers, Architects, Quantity Surveyors and Property Valuers, all of which are administered by Public Works.

The remaining two Bills establish new Councils for two professions - Project and Construction Management and Landscape Architects.

Madam Chair, Honourable Members,

Professional expertise in our country is a national asset and should be managed as a scarce resource of high value. While this is a renewable resource it is also one that is subject to degradation if standards are allowed to decline or if interest in entering the professions as a career is not promoted.

The intrinsic value of the built environment professions lies in their essential role and function in social and economic development. The enabling legislation before you today seeks to promote this potential and to unlock the innovation and creativity of our professions for the improved quality of life of all South Africans.

3. BACKGROUND TO POLICY AND LEGISLATION

Policies of the previous Government limited the role of the professions to the service of an elite and subordinated it to the agenda of segregation that has degraded our built environment and continues to constitute a physical barrier to our objective of nation building.

In a society in which blacks were to remain poor and subordinate there was no need to consider the need for access by the majority of our population to basic infrastructure, let alone to professional services.

Bantu education and job-reservation also ensured that blacks would never enter the professions as Architects and Engineers, let alone as Project Managers.

Honourable members,

It is in this context that all key public and private sector stakeholders came together in the Built Environment Forum to oversee and engage in a comprehensive "Investigation into the Statutory Regulation of the Professions Active in the Built Environment in South Africa".

This report commissioned by the Department and undertaken by the Human Sciences Research Council (HSRC) formed the departure point of the policy that underpins our new legislation and that has engaged the full participation of stakeholders.

Because of the significance of the professions as an essential asset in our development agenda, it is important that I should highlight the depth of our investigation and the care that we have taken in finalising Government policy and draft legislation.

With regard to the initial investigation:

- Invitations for submissions were sent to 228 stakeholder organisations.
- A total of 88 submissions were received and analysed.
- Requests for information were sent to 116 organisations in 23 countries.
- An analysis of preliminary results were presented and debated at five meetings of the Forum.

With regard to the policy and draft legislation:

- The debates of the Forum informed the final report and provided the basis for the policy framework that was approved by all key stakeholders last year.
- The draft Bills were then individually discussed with the relevant professions.
- In July 1999, I published the policy framework and the draft legislation for public comment.
- In March 2000, taking cognisance of public comment, the draft Bills were appropriately amended and ultimately certified.
- Since then the legislation has been further refined by the Parliamentary Portfolio Committee on Public Works.

Under the very able leadership of the Chairperson, Honourable iNkosi Hlengwa, the Portfolio Committee conducted public hearings during June of this year.

From all accounts these public hearings were a great success and inputs received there promoted further debate on complex issues.

Constructive co-operation of all the political parties represented, made it possible to effect meaningful and incisive improvements to the Bills.

I would like to thank iNkosi Hlengwa and Honourable Members for effecting these changes that have reinforced the spirit and intention of the legislation to appropriately balance the interests of the professions with those of the public.

Madam Speaker, I will now address the intentions of the 7 Bills, the shortcomings they aim to overcome, and the principles that have guided the finalisation of this legislation.

4. SHORTCOMINGS IN EXISTING LEGISLATION

As already stated, the Department of Public Works is responsible legislatively and administratively for the four existing professions, Architects, Engineers, Quantity Surveyors and Property Valuers.

Currently, each Council for the above professions operates independently and in isolation.

Some shortcomings in the inherited regulatory system include :

- Inconsistencies in the execution of the core functions of the different statutory Councils;
- Lack of proper co-ordination between the different professions with respect to national development priorities;
- Insufficient and, in some cases, no recognition of different categories of professions (eg Architectural Technologists / Technicians);
- Inability to respond to innovation and to recognise new professions;
- Exclusive governance by registered professionals as manifested in their representation on the councils and a lack of transparency, particularly in regard to the disciplinary procedures against registered professionals.

5. THE NEW LEGISLATION

Honourable members,

The enabling legislation before the house addresses these shortcomings while maintaining the strengths of the existing legislation. It creates a framework for the ongoing transformation and development of the professions, and it creates structured co-ordination and improved accountability to the public.

The new Council for the Built Environment will advise Government on matters impacting on the built environment as a whole, and will act as a vehicle of communication between Government and the professions. This Council will manage co-ordination between the professions to support matters of national importance such as resource utilisation, human resource development, public safety, health and the environment. It will enable the recognition of new professions and will promote registration of different categories within the profession, effectively opening up the professions to wider access.

The CBE will ensure consistent application by the different Councils of policy and principle in relation to matters that they already regulate, such as:

- to identify work that requires the competence of a specific profession and to ensure professional standards, health and safety and the protection of the public;
- to accredit professional training programmes and institutions;
- to register professionals;
- to establish codes of conduct and disciplinary procedures for members of the respective professions; and
- to establish guidelines on appropriate fee structures.

The CBE will further promote a range of new priorities and will also act as an appeal body for affected professionals, as well as for aggrieved members of the public.

The Councils for Each of the 6 Professions will register professionals in a manner that promotes technical and ethical standards, competence and performance, including the principle of continuous professional development. It will promote recognition of our professions regionally and internationally.

In keeping with the precepts of our democracy, the need for transparency and for people-centred development the new legislation opens up the professions to the public. It promotes partnership through representation by the professions, the State and the public on the principle of a 60:20:20 proportional representation. It further requires representation in terms of race, gender, disability and regional distribution.

Recognition of the different categories of the professions (such as technologists and technicians) will enable greater access to professional service by the public. Linked to the required recognition of prior learning, the legislation creates new opportunities for access and career path development within each profession.

In response to the requests of certain of the professions we have moved boldly to establish new Councils for Project and Construction Management as well as Landscape Architects who were previously regulated as a subset of the Architectural Profession.

We are convinced that this is fully in keeping with the spirit and intention of the new regulatory framework and that the regulation of Project and Construction Management will indeed promote enhanced delivery, value for money to public and private sector clients, and the promotion of our socio-economic objectives.

6. CONCLUSION

Madame Speaker, fellow members of the House,

In conclusion, I would like to thank the Portfolio Committee on Public Works as well as the Department's drafting team, and all stakeholders for the hard work that has been put into the legislation before us.

Your concern and attention to detail has ensured that the Bills that are before the house today genuinely promote the growth and development of the built environment professions to the benefit of all South Africans.

Much hard work lies ahead to fully implement the new statutory framework and in this task we will continue to rely on the common commitment of all role-players to the national project of transformation.

[top](#)