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GENERAL NOTICE

NOTICE 668 OF 2008

DEPARTMENT OF PUBLIC WORKS

PUBLICATION OF THE EXPLANATORY SUMMARY OF THE BUILT ENVIRONMENT PROFESSION BILL, 2008

1. The Minister of Public Works ("the Minister") intends to introduce the Built Environment Profession Bill, 2008, in the National Assembly. This explanatory summary of the Bill is hereby published in accordance with rule 241(1)(c) of the Rules of the National Assembly, as well as Rule 186(1)(b) of the Rules of the National Council of Provinces.
2. Every citizen's right to practice his or her trade, occupation or profession freely is enshrined in the Constitution. However, the said practice of a trade, occupation or profession may be regulated by law and such regulation is often necessary in the interests of the orderly practice of the trade, occupation or profession and the protection of the public. It is against this background that the current bill is presented to Parliament.
3. The objects of the Bill are to:
 - 2.1 establish the South African Council for the Built Environment and professional boards;
 - 2.2 regulate the built environment professions to promote growth and transformation;
 - 2.3 provide for registration of persons within the built environment profession;

- 2.4 provide for the protection of the public against unprofessional conduct by registered persons;
- 2.5 provide for dissolution of the present councils and provide for transitional matters in regard thereto; and
- 2.6 promote and maintain the standards of education and training in the built environment profession.

- 4. Regulation of the built environment professions is nothing new. For instance, the regulation of the professional engineering profession dates back to the Professional Engineers' Act, 1968 (Act No. 81 of 1968) and, in the years since then, similar legislation having at its core the regulation of the remaining professions covered in this Bill followed. This culminated in a bundle of legislative enactments that were passed by Parliament in 2000, establishing independent professional councils for each of the six built environment professions and the Council for the Built Environment, an umbrella body.
- 5. Lessons have been learnt over the past eight years since that legislation was passed in 2000 and those lessons have culminated in this Bill. The regulatory model adopted in the bill represents a significant break from the present model where each of the six built environment professions was independent in favour of a system where the umbrella body, to be called the South African Council for the Built Environment ("the Council"), will be the juristic person, with the present professional councils becoming professional boards under the Council.
- 6. The professional boards will however retain primary responsibility for regulating their specific professions, albeit in a more synchronized format. The professional boards will, for instance, retain primary responsibility for control over training in their specific areas of practice and holding professionals practising in their respective areas to account. The Council, on the other hand, is to focus on macro issues affecting the professions as a whole and be the voice of the professions. Each board will have the right to nominate its represen-

tative on the Council, thus ensuring that the Council has a fair balance between the representatives of the professions, educational institutions, policy makers and the public.

7. One of the most significant innovations of the Bill is the provision for compulsory registration as a prerequisite for practising any of the built environment professions. This system is also not new, having lent itself to useful application in the legal and health professions. It will ensure that no built environment professional falls out of the regulatory scheme, thus entrenching accountability and ethical behaviour.
8. The Bill provides for the establishment, functions and powers of the Council and professional boards, the education, training and registration of professionals, unprofessional conduct and general and transitional provisions. It is envisaged, under the transitional arrangements, that from the date of the first meeting of the Council constituted under this Bill, all rights, obligations, assets and liabilities acquired or incurred by the existing professional councils shall immediately vest in the Council and the Council shall be deemed to have acquired or incurred those rights, obligations, assets and liabilities under this Bill.
9. The Bill, once promulgated, will repeal the Council for the Built Environment Act, 2000 (Act No. 43 of 2000), the Architectural Profession Act, 2000 (Act No. 44 of 2000), the Landscape Architectural Profession Act, 2000 (Act No. 45 of 2000), the Engineering Profession Act, 2000 (Act No. 46 of 2000), the Property Valuers Profession Act, 2000 (Act No. 47 of 2000), the Project and Construction Management Professions Act, 2000 (Act No. 48 of 2000), and the Quantity Surveying Profession Act, 2000 (Act No. 49 of 2000).
10. The Minister and the Department commend the Bill to you, the people of South Africa, for your scrutiny, interrogation and comment in the very vibrant spirit of participative lawmaking.

As soon as the Bill is introduced in Parliament, copies can be obtained from the Department of Public Works website: www.publicworks.gov.za

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