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DATE / DATUM	22 FEBRUARY 2008	FAX NO / FAKS NO	(012) 337 3487 (012) 346 3929
FROM / VAN:	EGON WORTMANN – EXECUTIVE DIRECTOR		
NO OF PAGES / AANTAL BLADSYE:	Cover/dekblad + 3		
SUBJECT / ONDERWERP	RESPONSE FROM THE ASAQS ON THE DRAFT POLICY DOCUMENT ON THE PROPOSED SACBE RESTRUCTURING		

Dear Sirs,

Background to this Response

This report is the official response from the Association of South African Quantity Surveyors (ASAQS) in response to the invitation to all stakeholders to make comment by no later than Friday 28 March 2008 on the Draft Policy Document (dated March 2008) prepared by the Department of Public Works on the proposed restructuring of the SACBE. It is with regret that the limited time available to make comment did not permit the proper consultation with our 3700 odd members, nor is the available information sufficiently detailed to be able to properly assess the overall impact on the current CBE Council, the six statutory Councils and their many Voluntary Associations (VA's).

This report is mainly restricted to preliminary comments in as much as the proposal will have an impact on the ASAQS, being a VA in support of the South African Council for the Quantity Surveying Professions (SACQSP). We are aware that the SACQSP will be submitting their own independent report, so this report will refrain from repeating some of the concerns that may already be contained in the report of the SACQSP. The main thrust of this report is to analyse the impact that the proposals will have on the numerous VA's.

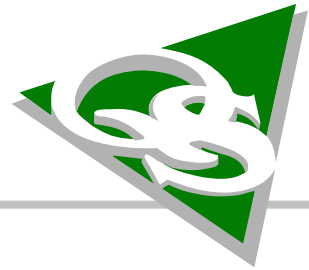
It should also be noted that the concerns expressed by the ASAQS and SACQSP will be restricted to the perspective of the Quantity Surveying profession. But it would be true to say that these expressed concerns would in all likelihood also be equally applicable to the five other professions directly affected by this new proposal.

Overview Response

It is with some shock and amazement that the ASAQS had to learn from the newspapers that the Minister of Public Works, Minister Thoko Didiza, was contemplating incorporating some of the functions and responsibilities of the six statutory Council of the Built Environment under the domain of the SA Council for the Built Environment (SACBE). This will include the SACQSP and it effectively means that some of the statutory responsibilities will be taken away from the SACQSP (and the other 5 Councils) and transferred to the newly formed SACBE.

Some general points to consider are:

- **The SACQSP and ASAQS were not consulted in any way before the surprise announcement was made – this we find totally unacceptable**



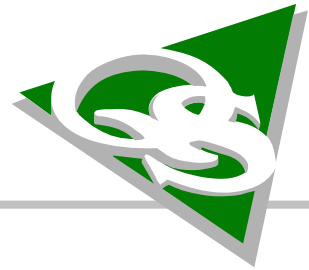
- The serious implications of this proposed legislation for the SACQSP, the other 5 BE Councils and all the respective voluntary organisations (which we represent), cannot be over-emphasised
- The absolute need for total transparency to ensure public participation before the announcement was totally disregarded
- This matter has come as a complete surprise to us all. Even the two SACQSP representatives that serve on the current CBE Council (Mr Lucas Chauke and Mrs Ellie van der Hoven) were totally unaware about this development and they had no prior knowledge before this announcement was made. The various stakeholders within the built environment community were therefore effectively prevented from commenting upon, or contributing to a debate on the proposals and this lends credence to those who may be suspicious that this process has been embarked upon for reasons other than those that would be considered beneficial to either the built environment community or the public at large.
- In spite of unconvincing assurances given by some of the DPW authorities to the contrary, it appears that a process has been embarked upon with undue haste to create a new legislative tool, based upon a set of observations included in the draft proposal, which are demonstrably incorrect. At this stage all that appears to remain for the stakeholders and interest groups to do is to make comment on the editorial and structural content of the Draft Policy Document, whereas the basic principles of the entire proposal is not really up for debate any longer. This we find quite intolerable and absolutely insensitive of the initiators of the proposal, particularly in the present socio-economic and societal landscape where every effort should be made to reach consensus only after due consultation and support of the majority of stakeholders and interest groups has been achieved. Anything less than that would simply represent political bullying

Voluntary Associations – Lines of Communication

We note with concern that in the Draft Policy Document, no mention whatsoever is made of the Voluntary Associations currently recognised by the current six statutory Councils. This being the case, we are extremely concerned what this means for the professional/administrative interaction between/amongst the stakeholder groups.

Under the current legislation, the numerous VA's fall directly under their applicable statutory Council. All concerns and developments within the respective VA's are channelled through the applicable statutory Council to the current CBE. There is a well-established line of communication, where the VA's channel their communication through the statutory Councils to the CBE, rather than to report directly to the CBE. It is recognised however, that the effectiveness of the CBE in this system has on occasions been questioned, ostensibly due to 'internal' difficulties within that organisation. In terms of current legislation, the VA's fall wholly under the statutory Councils and there is no direct link between the VA's and CBE. The VA's thus have one "boss" as it were – their applicable statutory Council.

Now that some of the duties and responsibilities will be removed from the statutory Councils and incorporated within the SACBE structures, it begs the question of who the VA's should now report to. It would stand to reason that the VA's would report some matters to the professional Boards (in terms of those roles and responsibilities still retained by them) and others to the SACBE (in terms of those matters transferred into the



SACBE domain). We anticipate that this will lead to much confusion and the inevitable duplication of effort again, as the VA's will have to report to their two respective "bosses". We are very concerned about the lines of communication, which are unclear and in danger of confusing everyone. This is based on the concern that the roles and responsibilities of the professional Boards and SACBE are not very clear and these need to be far better defined.

Voluntary Associations – Representation

Under the current legislation, all the division and interest groups of the VA's are represented on the statutory Councils. In this way the interests of all divisions are catered for and their voices are heard on the statutory Council. This allows the statutory Councils to report any concerns of the VA's to the CBE.

The representivity and structure of the SACBE Council has not been clarified, so it is difficult to comment on whether the required representivity on the SACBE will and/or can be assured under the new structure. This is a concern that needs to be addressed before the new legislation is finalised.

Two Versions of the Draft Policy Document

It has been noted that there are currently two different versions of the Draft Policy Document in circulation. Both versions are however dated March 2008, to add further confusion. The first version has an index and lists clauses 1 through to 7.3. The second version (handed out in hard paper copy format during the Consultative Meeting organised by the DPW in Pretoria on 18 March 2008) has no index and lists clauses 1 through to 5.

Please clarify which version is to be regarded as the correct one. For the purposes of this report, it was assumed that the second version (with less numbering and more bullets) is the correct one, but this needs to be confirmed.

Funding Model Questioned

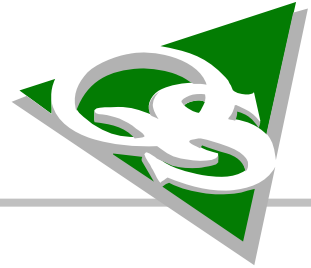
The last paragraph under clause 4.1 states the following:

It is further envisaged that the current professional councils will cease to exist and all their assets, liabilities, rights and obligations will be transferred to the SACBE. This will enable the SACBE to have the necessary economies of scale in regard to financial, human and other physical resources to support all the professional boards in fulfilling their legislative mandate.

The last paragraph under clause 4.4 goes on as follows:

All rights, obligations, assets and liabilities acquired or incurred by the professional councils will vest in the new SACBE and all employees of the professional councils and CBE will be deemed to be employees of the SACBE.

The ASAQS strongly questions how the SACBE can simply take over all "assets and liabilities" of the professional councils, some of which have been built up over many



decades (particularly SACQSP, SACAP and ECSA) by the registered persons of the respective professional council. Surely the DPW cannot be taken serious when suggesting such a ludicrous proposal. What right does the DPW have to simply take over all “assets and liabilities” of the professional councils ??

Conclusion

The ASAQS questions the need for the proposed legislation to be promulgated with such haste without the necessary proper consultation with all the stakeholders and interest groups within the built environment. To allow a limited period of only around three weeks for comment is simply insufficient to do justice to the seriousness of the matter.

The ASAQS would contend that any perceived current problems within the built environment are not really an indication that structural changes are necessary, but that the duties and responsibilities of the current CBE have simply not been properly discharged. Serious questions need to be asked why the CBE has not performed better to avoid this unfortunate situation to develop.

The ASAQS is not against change, provided that the changes made will lead to an improved situation. We are not convinced that the proposed legislation will sufficiently address the current concerns in any meaningful shape or form.

Regards,

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**EGON WORTMANN
EXECUTIVE DIRECTOR**