



SOUTH AFRICAN COUNCIL FOR THE LANDSCAPE ARCHITECTURAL PROFESSION

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CEO
Council for Built Environment
PO Box 915
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0027

Attention: Mr Bheki Zulu

RE: SACLAP COMMENTS REGARDING DRAFT POLICY DOCUMENT ON PROPOSED AMENDMENTS TO STATUTORY REGULATORY FRAMEWORK OF THE BUILT ENVIRONMENT PROFESSIONS

The SACLAP Council could not convene to discuss the contents of the document and the comments listed below emanate from an email distribution of the document and comments received from Council members. Due to our limited resources we could not properly consult our voluntary association either, however, the documents have been sent through to them and we hope that they would have submitted comments directly to you.

The Landscape Architects had for years, operated as a board under the Architects Act, Act 70 of 1971, and were obviously delighted to be elevated to Council status with its independence among the other Built Environment Professions. It is therefore as a surprise that the policy proposes that we be “degraded” to a Board again!

The distribution of the document, without prior knowledge, as well as the tight time frame raises the question of why the sudden change in direction, particularly as amendments to the various Professional Acts were circulated for comment at the end of 2007. No deadline was given for the comments of the previous Acts and we had to request, in a number of cases to be furnished with a copy of the proposed amendments and therefore it seems that this new direction was already being considered at that stage.

In light of transparency and proper consultation, we would request that these concerns be addressed, specifically as the document refers to consultation that did take place which did not include any members of our Council or our Profession, to our knowledge. It also refers to “midterm review” of which we never received any feedback, even though we requested this, in writing, on numerous occasions, but we were told that there was some document being prepared. This policy document also refers to research information obtained from the CSIR, which we are also unaware of and did not give input into, and we also request that this document be made available for our edification.

In broad terms we must admit that this document does seem to address some of our concerns as a small Council, to operate, and although the details are not clear, we trust that the intention is to assist smaller Councils with the administration that they are obliged to fulfill in terms of the Act. In the

preamble, we are glad to note that the Department of Public Works, as well as the Built Environment Profession is an important cog in the “national wheel” and we are considered to be a national asset, however, we are unsure of which regulators of other regulated professions were consulted, in order to come up with the proposed amendments. We consider ourselves as being a key stakeholder in the Built Environment Professions and we have definitely not been formally, or informally, consulted regarding this matter and the departments thinking on this issue. In fact we were led to believe that a number of other revisions to the current CBE Act were being considered in terms of draft legislation that the CBE reluctantly released to us upon several requests.

In terms of the findings of the DPW’s midterm review, emanates a concern about the limited access of historically disadvantaged individuals to the Built Environment educational programmes. This is certainly not an ambit that the Councils can address and this concern needs to be directed towards the tertiary institutions. The Councils (any one is specific – I suggest SACLAP?) support any which way that they can, the involvement of historically disadvantaged individuals and actively promote the profession as widely as possible.

You also refer to the limited opportunities for potential graduates to get practical training which again is not the ambit of the Council, but we can report that this is not the case within the Landscape profession and that most practices currently have positions available at all levels for historically disadvantaged individuals as well as recent graduates. In fact there is a huge shortage of trained landscape architectural practitioners. You also refer to a low level of registration amongst the building professions; again, we would like to believe that this is not the case and that we have registered at least half of the graduated landscape architects. The remaining half consist of people in Government or people who have opted to move to another profession or occupation altogether, as well as people that have left the country. We are however, struggling to track people to register in the lower categories, as they are largely taken up by the construction industry and not the consulting industry.

We believe that if there is a concern as to the alignment of the Council’s and their activities and that of Government and the National imperatives, these should be made clear to the Councils by instruction from the Department of Public Works and/or the CBE to the other Councils. To date we have received no such communication and are totally unaware of this perception.

The fact that most Built Environment professions are a scarce resource is a well known and well documented fact, however, external factors like the security situation in the country and the tendency to discount fees within the Built Environment profession are more directly related to professionals leaving and fewer people studying toward becoming a landscape architect, this may also apply to the other built environment professionals..

We concur with the shortcomings of the present regulatory framework, as these issues were highlighted in our submissions, both to CBE and Department of Public Works.

In terms of the proposed regulatory changes to the framework we support the idea of more clear description of the relationship between the CBE and the various professional statutory bodies or boards (as you refer to them) and we therefore support the clarification in terms of the 21 points listed which will reside with the new Council. We are however, concerned about the fact that Councils will be converted to professional boards which will have juristic personality, as this will make decisions that Council make specifically in terms of hearings and investigations into malpractice, will make the individuals accountable and this will place a large burden on individuals serving on the boards in a personal and private capacity. As the duties of the new boards are aligned with most of our current duties, we have no real comment on this. The liability of the new board members needs to be clarified as we are concerned about their rights (as well as roles and responsibilities) and should their decisions be questioned in a juristic legal environment (i.e. civil cases) against members of such boards related to their decisions in terms of their accreditation or withdrawing thereof, and investigation in professional practice matters. (I propose that this paragraph be re-worded – there are many different points in one long sentence – not sure of the meaning)

Regarding compulsory registration for all professionals to practice, all the Built Environment Councils are in agreement that we are concerned about the legality of implementing compulsory registration.

Regarding access to the Built Environment Professions, the question remains why the Minister would be responsible for prescribing qualifications and post academic training and the examinations prescribed for professionals to qualify to register in terms of the new legislation. Surely in the spirit of the duties that the current Councils perform and that the new boards will continue to perform, this should be one of them as it directly relates to the quality of professionals and the various qualities and protecting the public in terms of their actual knowledge and expertise, as is indicated in 6.6.2.2, the Built Environment Professionals authority over the registration of persons who intend to practice in the Built Environment Profession.

In conclusion, again, we need to reiterate our concern as to the time frame indicated to implement this draft policy, as it took 8 years to effect any changes that were highlighted during the drafting of the previous suite of regulations in terms of the documents or proposed amendments dated November 2007. From the attached programeme it would seem that the CBE is now trying to completely revise these acts within a period of 3 months which will allow for limited consultation with the wide variety of stakeholders that should be given the opportunity to participate in this important process.

Regards

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