

Ref: IDoW update

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## IDENTIFICATION OF WORK (IDoW)

**UPDATE: 14 DECEMBER 2018**

### 1. Background

The previous update (dated 28 September 2018) provided a synopsis and contextual background to the identification of work process and must be read in conjunction with this update.

### 2. Purpose

The purpose of this update is to keep stakeholders informed of the process followed and the progress thereof. The desired outcome is to invite dialogue on the process and the broader issue of regulating the built environment professions.

### 3. The 'new' approach following the rejection of the exemption applications by the Competition Commission

The Competition Commission's (CC) rejection of the exemption applications led to reconsidering the process followed by the CBE and the Councils for the Built Environment Professions (CBEP). The 'new' approach focusses on enabling legislation of both the CBE and the CBEP.

The CBE noted the CC's concerns on the exemption applications. The CBE's statutory mandate is to, after consultation with the CC and in consultation with the councils for the professions, **identify the scope of work for each category of registered persons** [section 20(2) of the Council for the Built Environment Act 43 of 2000 (the CBE Act)].

The CBE has interpreted the scope of work to mean "... **the range of work performed by a registered person in terms of a specific piece of legislation other than the legislation that created the councils for the professions, or the statutory duties which may be performed by a registered person.**"

The CBE is currently in the process of identifying the scope of work of each category of registration. This is undertaken in consultation with the CBEP and considering information already available to the CBE.

#### **4. Further engagement with the Competition Commission**

The CBE acknowledges the mandate of the CC and its role in transformation. All engagements with the CC will therefore seek to balance the mandates of the CC, CBE and CBEP, and to adequately protect the public interest. There were informal discussions with the Advocacy division of the CC on 8 November 2018. It is envisaged that a memorandum of understanding will be entered into by the parties to facilitate further co-operation.

#### **5. Regulating the built environment professions**

It is submitted that the need to identify the scope of work for each category of registration is the cornerstone of regulating the built environment professions. Alternative regulatory approaches should be considered and where applicable, combined to ensure that regulation is inclusive and enabling instead of unjustifiably restrictive.

#### **6. Timelines**

The CBE intends to, in terms of section 20 (2)(a) of the CBE Act, consult with the CC on the scope of work identified for each category of registration before the end of February 2019, and thereafter conclude the process in consultation with the CBEP by the end of March 2019.

#### **7. Conclusion**

Albeit that the identification of the scope of work is the cornerstone of regulating the professions, it is only one building block in a regulatory framework. Other components should be developed and implemented. An organic, gradual process is foreseen with regular reviews of published provisions.

#### **8. Input invited**

The above information is intended to inform stakeholders and relevant parties on the current approach and progress made thereon. Stakeholders are invited to submit their input on this matter. Without limiting input, comments on the following will be specifically appreciated:

1. Proposed alternative regulatory approaches that can ensure persons undertaking built environment work are competent and accountable without unfairly restricting competition
2. With regard to the above, the possibility of self-regulation in the professions, or a combination of self- and government -regulation through an agency
3. The protection of titles as the only regulatory method or in combination with other measures

Input must be submitted to [pieter@cbe.org.za](mailto:pieter@cbe.org.za) or [sihle@cbe.org.za](mailto:sihle@cbe.org.za).

