



**Manual on the Promotion of Access to Information Act,
(No. 2 of 2000), for the Council for the Built Environment**

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1. BRIEF SUMMARY OF CBE STRUCTURE

The CBE has its head office in Brooklyn, Pretoria; with all the Professional Councils within the Gauteng province.

The Council of the CBE was established by Section 5 of the CBE Act and consists of 20 (twenty) members, with the appointments ranging from representatives from the State, professionals within the built environment sector to general members of the public. The Chairperson and the Deputy Chairperson are appointed by the Minister of Public Works in terms of Section 9 of the Act.

2. OVERVIEW

The CBE is a Schedule 3A entity established by the Council for the Built Environment Act (43 of 2000; herein after referred to as “the Act”). Through the Act, the CBE is tasked with overseeing the six built environment professional councils, responsible for regulating the professions of the Architects, Engineers, Landscape Architects, Quantity Surveyors, Project and Construction Managers and Property Valuers respectively. The CBE is governed by a twenty member council, which is appointed by the Minister of Public Works. The members represent the professional councils, government and the general public. The CBE Council, which is the accounting authority, reports to Parliament through the Minister of Public Works.

As such, the CBE has, at its disposal, information gathered in the ordinary course of its business. This information is of interest to all of CBE stakeholders.

3. THE OBJECTS OF THE CBE

The objects of the council are to –

- (a) promote and protect the interests of the public in the built environment;
- (b) promote and maintain a sustainable built environment and natural environment;
- (c) promote ongoing human resource development in the built environment;
- (d) facilitate participation by the built environment professions in integrated development in the context of national goals;
- (e) promote appropriate standards of health, safety and environmental protection within the built environment;

- (f) promote sound governance of the built environment professions;
- (g) promote liaison in the built environment in the field of training, both in the Republic and elsewhere, and to promote the standards of such training in the Republic;
- (h) serve as a forum where the representatives of the built environment professions may discuss the relevant—
 - (i) required qualifications;
 - (ii) standards of education;
 - (ii) training and competence;
 - (iv) promotion of professional status; and
 - (v) legislation impacting on the built environment; and
- (i) ensure the uniform application of norms and guidelines set by the councils for the professions throughout the built environment

4. FUNCTIONS, POWERS AND DUTIES OF COUNCIL

The council may –

- (a) advise government on any matter falling within the scope of the built environment, including resource utilisation, socio-economic development, public health and safety and the environment, and for this purpose carry out such investigations as it or the relevant Minister deems necessary;
- (b) communicate to the Minister information on matters of public importance acquired by the council in the course of the performance of its functions under this Act;
- (c) make recommendations to the Minister on the composition, functions, assets, rights, employees or financing of the council;
- (d) advise the Minister with regard to the amendment of this Act, if necessary, in order to support the norms and values of the built environment professions;
- (e) facilitate inter-ministerial co-operation concerning issues relating to the built environment
- (f) provide advice and consultation on national policy that could impact on the built environment, human resource development in relation to the built environment professions, find the recognition of new professions;
- (g) comment, if necessary, on all proposed legislation impacting on health and safety in the built environment;

- (h) direct communication from the Minister or the relevant Minister to the councils for the professions;
- (i) advise the councils for the professions on matters of national importance where the needs of State, as communicated [o the council through the relevant Minister, require joint and co-ordinated action by the built environment professions;
- (j) coordinate the establishment of mechanisms for professionals to gain international recognition;
- (k) ensure the consistent application of policy by the councils for the professions with regard to-
 - (i) accreditation;
 - (ii) the registration of different categories of registered persons;
 - (iii) key elements of competence testing of registered persons;
 - (iv) codes of conduct to be prescribed by the councils for the professions;
 - (v) the principles upon which the councils for the professions must base the determination of fees which registered persons are entitled to charge in terms of any of the professions' Acts, and in accordance with any legislation relating to the promotion of competition;
 - (vi) standards of health, safety and environmental protection within the built environment;
 - (vii) the recognition of voluntary associations for the built environment professions, by approving the framework for that recognition submitted by the councils for the professions, taking due cognizance of the characteristics of each built environment profession;
- (l) investigate or initiate investigations into matters pertaining to its functions and policies with regard to the built environment and, if necessary, recommend legislation in this regard;
- (m) act as an appeal body with regard to matters referred to it in terms of the law regulating the built environment professions;
- (n) in consultation with councils for the professions, obtain recognition for the councils for the professions as bodies responsible for the establishment of education and training standards in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);
- (o) ensure the consistent application of policy throughout the built environment by encouraging coordination between the councils for the professions;

- (p) promote coordination between the Council on Higher Education and the councils for the professions in relation to the accreditation of education institutions;
- (q) liaise with the Competition Commission, established in terms of the Competition Act, 1998 (Act No. 89 of 1998), on behalf of the councils for the professions regarding the identification of work for the built environment professions;
- (r) review fees published by the councils for the professions to ensure the consistent application of the principles regarding such fees;
- (s) charge—
 - (i) membership fees in the prescribed manner from the councils for the professions, calculated pro rata to the number of persons registered with that council;
 - (ii) fees payable for appeals in terms of section 21; and 55
 - (iii) any other fee it considers necessary.
- (t) institute legal proceedings to recover all outstanding membership fees payable under this Act;
- (u) consider proposals from the councils for the professions with regard to the determination of policy contemplated in paragraph (k);
- (v) receive and assimilate the annual reports of the councils for the professions and submit a summary to the Minister;
- (w) purchase, hire or otherwise acquire or dispose of property, borrow money on the security of the assets of the council or accept and administer any trust or donation;
- (x) subject to this Act, approve standing orders for the regulation of its proceedings and of all other matters relating to the management, powers and duties of the council;
- (y) perform such functions as may be prescribed; and
- (z) generally do all such things as the council deems necessary or expedient to achieve the objectives of this Act.

5. THE INFORMATION OFFICER AT THE CBE

The CBE Chief Information Officer is the Chief Executive Officer of the CBE.

Chief Information Officer	Tel	Fax	Email
Chief Executive Officer	012 346 3985	012 3463986	info@cbe.org.za

Designated Deputy Information Officer is the Manager: CEO's Office.

Deputy Information Officer	Tel	Fax	Email
Manager: CEO's Office	012 346 3985	012 3463986	info@cbe.org.za

The Chief and Deputy Chief Information Officers share the same physical and postal address.

Physical Address	Postal Address
121 Muckleneuk Street	P O Box 915
Cnr Florence Ribeiro Ave	Groenkloof
& Middle Street	0027
Nieuw Muckleneuk	

The relevant Information Officer will reply within a period of 30 days to inform you whether your request has been granted or refused.

In certain circumstances, you will be required to pay a fee to the CBE before your request is considered and when the information is made available to you.

6. THE HUMAN RIGHTS COMMISSION GUIDE AND HOW TO ACCESS IT

Section 10 of PAIA, requires the Human Rights Commission to compile in each official language, a guide containing such information, in an easily comprehensive form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide must be made available by the Human Rights Commission by 31 August 2003. Its contact details are:

Human Rights Commission
PAIA Unit
The Research and Documentation Department
Private Bag 2700
Houghton, 2041

Telephone number: (011) 484-8300
Telefax number: (011) 484-0582
Email address: paia@sahrc.or.za
Web-site address: www.sahrc.org.za

7. RECORDS KEPT BY THE CBE

The CBE holds records in general and categories including the following documents:

Institutional records

- (a) CBE Council and Committees – Agendas and Minutes;
- (b) Internal Correspondence;
- (c) External Correspondence;
- (d) Internal Policies and Procedures;
- (e) Commercial Contracts with Third Parties;
- (f) Memoranda of Understanding with other statutory bodies;
- (g) Records relating to auditing of quality assurance mechanisms of higher education institutions;
- (h) Financial Records
 - (i) General Accounting Records;
 - (ii) Annual Budgets;
 - (iii) Annual Financial Reports;
 - (iv) Annual Financial Statements;
 - (v) Asset Registers;
 - (vi) Income Tax Records;
 - (vii) Internal Financial Policies
- (i) Human Resource Records
 - (i) Staff employment contracts;
 - (ii) Internal policies and procedures;
 - (iii) Personnel records;
- (j) Statutory records

The requester may also request information, which is available in terms of legislation, such as the following:

- (i) Basic Conditions of Employment Act, Act No. 75 of 1997
- (ii) Companies Act, Act No. 61 of 1973
- (iii) Compensation for Occupational Injuries and Health Diseases Act, Act No. 130 of 1993

- (iv) Copyright Act, Act No. 98 of 1978
 - (v) Employment Equity Act, Act No. 55 of 1998
 - (vi) Income Tax Act, Act No. 45 of 1967
 - (vii) Insolvency Act, Act No. 24 of 1936
 - (viii) Intellectual Property Laws Amendments Act, Act No. 38 of 1997
 - (ix) Labour Relations Act, Act No. 66 of 1995
 - (x) Occupational Health and Safety Act, Act NO. 85 of 1993
 - (xi) PFMA Act, Act No. 1 of 1999
 - (xii) Pension Funds Act, Act No. 24 of 1956
 - (xiii) Skills Development Act, Act No. 97 of 1998
 - (xiv) Skills Development Levies Act, Act No. 9 of 1999
 - (xv) South African Qualifications Authority Act, Act No. 58 of 1995
 - (xvi) Trade Marks Act, Act No. 194 of 1993
 - (xvii) Unemployment Contributions Act, Act No. 4 of 2002
 - (xviii) Unemployment Insurance Act, Act No. 63 of 2001
 - (xix) Value Added Tax Act, Act No. 89 of 1991
- (k) Research and support information relating to:
- (i) IDoW policy
 - (ii) Continuous Professional Development (CPD)
 - (iii) Recognition of Prior Learning [RPL] (awaiting Council approval)
 - (iv) Code of Conduct for professions (revised and awaiting Council approval)
 - (v) Accreditation of built environment programmes (awaiting Council approval)
 - (vi) Determination of professional fees
 - (vii) Competency standards for registration
 - (viii) Registration of built environment professionals
 - (ix) Recognition of voluntary associations
 - (x) Appeals and tribunals
 - (xi) International agreements
 - (xii) Standard Generating Bodies
 - (xiii) Recognition of New Professions

8. HOW TO REQUEST RECORDS

8.1 A request to access to records of the CBE must –

- (a) Substantially correspond with Form C of Annexure B to the Regulations regarding Promotion of Access to Information (GNR 187, GG 23119 of 15

February 2002). For ease of reference, the form is reproduced as Schedule 1 to this manual;

- (b) Be submitted to the Information Officer of the CBE together with any applicable request fee.

8.2 The request form must –

- (a) Provide sufficient particulars to enable the CBE to identify:
 - (i) The requester and
 - (ii) The record or records requested;
- (b) Indicate format of access requested;
- (c) Specify the postal address or fax number of the requester in the Republic of South Africa;
- (d) Identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested records are required for the exercise or protection of that right;
- (e) If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed and;
- (f) If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the CBE.

8.3 Request and Access Fee –

- (a) A requester is required to pay the applicable request and access fees contemplated in sections 52 and 54 of the Information Act and as prescribed in items 2, 3 and 4 of Part ii of annexure A to the Regulations regarding the Promotion of Access to Information (GNR 187 GG 23119 of 15 February 2002). For ease of reference the prescribed and access fees are set out in Schedule 2 to this manual.
- (b) In addition, a requester may also be required to pay a deposit.
- (c) The CBE may withhold access to any record requested until the requester concerned has paid the applicable fees.
- (d) The CBE may refuse an application for access to a record –
 - (i) if the request does not comply with the procedural requirements of the Information Act;

- (ii) on any ground contemplated in Chapter 4 of Part 3 of the Promotion to Access to Information Act; or
- (iii) any other lawful reason.

9. REMEDIES FOR REFUSAL OF REQUEST

The CBE does not have an internal appeal procedure in place to facilitate appeals against decisions of the Information Officer and the Deputy Information Officer.

An aggrieved party may by way of an application, apply to court for appropriate relief. On hearing the application, the Court may grant any order that is just and equitable including:

- (a) Confirming, amending or setting aside the decision that is the subject of application;
- (b) Requiring the Information Officer to take some action or to refrain from taking such actions as the Court considers necessary within a period mentioned in the order;
- (c) Granting an interdict, interim or specific relief, a declaratory order or compensation; and
- (d) Appropriate Cost Order.

10. SCHEDULES

The following schedules form part of this Manual:

Schedule 1: Application for Access to Information

Schedule 2: Prescribed Fee Scales