

Ref: IDoW update

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IDENTIFICATION OF WORK (IDoW)

UPDATE: 29 MARCH 2019

1. Background

Two previous updates (on 28 September and 14 December 2018) alluded to a new approach to identification of work, further engagement with the Competition Commission (CC) and the regulation of the built environment professions. These matters are still relevant and are receiving ongoing attention.

2. Purpose

The purpose of this update is to keep stakeholders informed of the process followed and the progress made since the previous update (14 December 2018). The desired outcome is to invite dialogue on the process and the broader issue of regulating the built environment professions.

3. The approach being followed with the IDoW process moving forward

The CBE is following its statutory mandate 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)]. This follows recommendations made by the six councils for the built environment professions (CBEP). The CBE, as per the professions acts (the six acts establishing the CBEP) and the Council for the Built Environment Act, 43 of 2000 (the CBE Act), has the statutory mandate to identify work. The CBE has identified the scope of work for each category of registration and is interpreting the scope of work as ***“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.”***

4. Engagement with the Competition Commission to continue

The CBE acknowledges the mandate of the CC and its role in transformation. All engagements with the CC will therefore still seek to balance the mandates of the CC, CBE and CBEP, and to adequately protect the public interest. The CC will therefore be continuously consulted to forge a way forward on the identification of work process, and eventually the regulation of the professions.

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.

The CBE is committed to develop a framework within which IDoW should be applied. The framework will contain the principles on which work should be demarcated, and measures to mitigate any negative effects of such demarcation. It should therefore be a blue print for the implementation of identification of work, in a manner that is fair, non-restrictive yet protective of the public.

6. The next steps

The CBE will continue to, in terms of section 20 (2)(a) of the CBE Act, seek consultation with the CC on the scope of work identified for each category of registration, and thereafter conclude the process in consultation with the CBEP. This is to be followed by the introduction of a framework of IDoW implementation.

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
4. The above as components of a Framework for IDoW Implementation.

Input must be submitted to pieter@cbe.org.za or sihle@cbe.org.za.