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Explanatory Memorandum

Proposed CBE Regulations: Identification of Engineering Work

Introduction

Section 26(1) of the Engineering Profession Act,2000 (Act 46 of 2000) requires ECSA to consult with recognised voluntary associations, persons, bodies and industries that may be affected by any laws regulating the built environment professions regarding the identification of the type of engineering work which may be performed by persons registered in any categories provided for in the Act, including work which may fall into the scope of any other profession regulated by the professions' act referred to in the Council for the Built Environment Act, 2000 (Act 43 of 2000). Section 26(2) of the Act requires ECSA to submit recommendations to the Council for the Built Environment (CBE) following such consultation.

Section 20 of the Council for the Built Environment Act requires the CBE to identify the scope of work for every category of registered persons after receipt of the recommendations of the councils for professions prepared in terms of their respective acts. Thereafter, a person who is not registered by ECSA may not perform any work identified for any category provided for in the Engineering Profession Act.

Development of Draft Proposals

In preparation for drafting the proposed Regulations, ECSA convened a Steering Committee called the Identification of Engineering Work Steering Committee (IDoEW-SC) to conceptualise and develop a model which would form the basis of the proposed Regulations. The Committee prepared two documents, namely Baseline Report and Framework for the Identification of Engineering Work:

Baseline Report which:

- sets out the reasons for the identification of engineering work;
- proposes a procedure to specify engineering work that needs to be reserved for Registered Engineering Persons making use of competency standards;
- provides a preliminary list of Identified Engineering Work functions to be reserved; and
- documents the process which has been followed by the Steering Committee.

Framework for the Identification of Engineering Work which:

- sets out the approach to the identification of work;
- establishes the manner in which work for categories of persons registered with ECSA may be identified; and
- provides the logical framework for the development of regulations.