



DEPARTMENT OF ENVIRONMENTAL AFFAIRS
AND TOURISM



INTERIM CERTIFICATION BOARD FOR
ENVIRONMENTAL ASSESSMENT
PRACTITIONERS OF SOUTH AFRICA

CONSULTATIVE PROCESS ON THE ESTABLISHMENT OF A REGISTRATION AUTHORITY FOR ENVIRONMENTAL ASSESSMENT PRACTITIONERS IN SOUTH AFRICA

Process Update and Invitation to comment on:

FINAL DRAFT PROPOSAL FOR THE ESTABLISHMENT OF AN ENVIRONMENTAL ASSESSMENT PRACTITIONERS ASSOCIATION OF SOUTH AFRICA

Comments requested by 20 March 2009:

The Final Draft Proposal can be downloaded at www.eapsa.co.za or requested via Glaudin Kruger
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Background

In November 2005, the Department of Environmental Affairs and Tourism (DEAT) and the Interim Certification Board (ICB) for Environmental Assessment Practitioners of South Africa (representing 17 organisations) signed a Memorandum of Understanding (MoU). This MoU and associated budget has enabled a broad *Consultative Process* for the establishment of an Environmental Assessment Practitioners' Association which is proposed to act as a Registration Authority for environmental assessment practitioners (EAPs) in South Africa as provided for in Section 24H of the National Environmental Management Amendment Act, Act No. 8 of 2004 (NEMA).

Key outcomes required

In order that the proposed Registration Authority performs an effective quality assurance role in environmental assessment practice in South Africa, the following outcomes will need to be achieved:

- the establishment of a representative and recognised Association that would establish a Registration Authority and agreed registration system that is legally competent in terms of section 24H of NEMA Amendment Act, Act 8 of 2004;
- the registration of a qualification for environmental assessment practice within the National Qualifications Framework in collaboration with SAQA; and,
- the conclusion of relevant enabling legal mechanisms making it compulsory for EAPs to be registered.

Minister Van Schalkwyk has pledged support for achievement of all of the above outcomes and the effective operation of a Registration Authority.

The Consultative Process for the establishment of an Environmental Assessment Practitioner's Association

The *purpose of the Consultative Process* is to strive for broad agreement on the purpose, function and structure of a proposed future Registration Authority; its constitution; Code of Ethical Conduct and Practice; the registration criteria and process; and, the sanction processes. These are the key elements that must be addressed in an application to the Minister of Environmental Affairs and Tourism when a body wishes to apply to be recognised as a Registration Authority (RA) for Assessment Practitioners in terms of Section 24H of NEMA.

The process has focused on engaging professionals active in the field of environmental assessment (EA) practice. Thus far, the *Consultative Process* has involved the circulation of a first draft *Proposal* setting out the above key elements (January 2006), provincial workshops (February and March 2006) and the first National Stakeholder Conference (March 2006.). A Working Group was mandated at this conference to revise the Proposal. Draft Two of the Proposal was circulated in October 2007 for comment and a second National Stakeholder Conference was held in November 2007 to discuss this draft. On the basis of comments received on Draft Two and an extension of the Working Group's mandate, a final Draft Proposal has been compiled for a final round of stakeholder comment. See below the list of documentation related to the consultative process.

The Working Group has held five work sessions and has concluded their revisions to this final draft Proposal. They present it for your priority consideration and response. All organisations listed below will be engaged to present a mandated response to the proposal by 20 March 2009.

Thereafter, the Association will be formed by founding members and a Board will be nominated and selected. This Board will, on behalf of the Association, finalise the proposal and apply to be recognised as Registration Authority for EAPs in South Africa, in terms of Section 24H of NEMA.

Development of a Qualification for Environmental Assessment Practice

The South African Qualifications Authority (SAQA) and the Department of Environmental Affairs and Tourism (DEAT) agreed on a Joint Implementation Plan (JIP) for the development of a qualification for Environmental Assessment Practice. A nomination call was broadcast for a Task Team of subject matter experts to assist in the development of the qualification. Fourteen nominations were received and forwarded to SAQA. From these nominations, SAQA selected a Task Team for the generation of the qualification. The Task Team held four working sessions and a draft qualification, Advanced Certificate: Environmental Assessment Practice (Level 7) was published in the Government Gazette for comment in April 2007. The qualification has now been finalised by the Task Team on the basis of comments received and was registered in terms of the National Qualifications Framework on 26 November 2008.

Enabling the legal mechanism that will make it mandatory for EAPs to be registered

On receipt of the proposal from the new Board, the Minister may choose to recognise the body and in such case will then publish a notification of the registration authority's recognition and a date by which all EAPs practicing in South Africa will need to be registered. It is likely that the published effective date will allow for a phase-in period of between 18 months and three years.

The Next Steps

- a. *Establishment of the Environmental Assessment Practitioner's Association:* On finalisation of the Constitution, Rule Book and Business Plan, the Working Group and representatives of the ICB and other participating national stakeholders will resolve to form the new Association.
- b. *Board Nomination process for the new association:* The second National Stakeholder Conference agreed on Board nominations and a selection committee. Once a nomination call has been advertised, this committee will select the first Board in terms of the representation specified in the Constitution.
- c. *Conclusion and submission of the application to the Minister (in terms of Section 24H):* The Board, once constituted with a Registration Sub-Committee, will then finalise the proposal and submit the application to the Minister on behalf of the Association, to be recognised as a registration authority envisaged in Section 24H of NEMA.

Documentation available from this process

The following documents that record the history and debates in this consultative process are available on the EAPSA website: www.eapsa.co.za

"Towards the establishment of a registration authority for environmental assessment practitioners in South Africa, consultative process with key stakeholders

- *Press release, 27 January 2006*
- *Background Information Document, January 2006*
- *Record of Provincial Workshops, Comments and Responses Document, March 2006*
- *Record of Provincial Workshops and Input from Stakeholders, March 2006*
- *Single Text document for National Conference, March 2006*
- *Draft Constitution of the Environmental Assessment Practitioners Board of South Africa*
- *Programme, National Stakeholder Conference, 28th & 29th March 2006, Airport Grand Hotel, Johannesburg*
- *Record of National Stakeholder Conference, 28th & 29th March 2006, Airport Grand Hotel, Johannesburg*
- *Summary Report on the Outcome of the Conference, 28 & 29th March 2005 and Status quo of the Process*
- *Record of Working Group Meeting One, 14 & 15 September 2006*
- *Letter and Report to Minister Marthinus van Schalkwyk, Minister of Environmental Affairs and Tourism, November 2006*
- *Process Update, January 2007*
- *Record of Working Group Meeting Two, 25 & 26 January 2007*
- *Process Update June 2007*
- *Record of Working Group Meeting Three, 18 September 2007*
- *Nomination Call and List of Nominations received for Subject Matter Experts for the SAQA Task Team for the development of a Qualification /Unit Standards for Environmental Assessment Practice in South Africa, 15 August 2007 (including comments by the Working Group, 18 September 2007.*
- *Process Update, October 2007.*
- *Draft Proposal for the Establishment of an Environmental Assessment Practitioners Board of South Africa (18 October 2007*
- *Record of the Second National Stakeholder Conference, 20 & 21 November 2007*
- *Comments and responses report on Draft Proposal, 14 November 2008*
- *Draft Environmental Assessment Practice Qualification Level 7 and Explanatory Document (30 April 2008)*
- *Final Draft Proposal for the Establishment of an Environmental Assessment Practitioners Association (14 November 2008).*
- *Environmental Assessment Practice Qualification Level 7 (proposed for registration on 26 November 2008)*

List of organisations to be engaged for formal response to the draft Proposal:

Associations, Councils and Institutes:

1. Association for the Advancement of Black Scientists, Engineers and Technologists (AABSET)
2. Association of Consulting Town and Regional Planners (ACTRP)
3. South African Council for Natural Scientific Professions (SACNASP)
4. South African Council for the Landscape Architectural Profession (SACLAP)
5. Environmental Law Association (ELA)
6. South African Affiliate of the International Association for Impact Assessment (IAIAsa)
7. Institute of Landscape Architects of South Africa (ILASA)
8. Institute of Waste Management (IWM)
9. The South African Association for Consulting Engineers (SAACE)
10. South African Black Technical and Allied Careers Organisation (SABTACO)
11. South African Institute of Architects (SAIA)
12. South African Institute for Civil Engineers (SAICE)
13. Southern African Institute of Ecologists and Environmental Scientists (SAIE&ES)
14. South African Planning Institute (SAPI)
15. Water Institute of Southern Africa (WISA)
16. South African Institute for Engineering and Environmental Geologists (SAIEG)
17. South African Institute for Environmental Practitioners (SAIEP)
18. South African Institute for Environmental Health (SAIEH)

National Government Departments:

19. Department of Environmental Affairs and Tourism (DEAT)
20. Department of Minerals and Energy (DME)
21. Department of Arts, Culture, Science and Technology (DACST)
22. Department of Land Affairs (DLA)
23. Department of Water Affairs and Forestry (DWAF)
24. Department of Provincial and Local Government (DPLG)

Provincial Departments:

25. Department of Agriculture, Conservation and Environment (Gauteng)
26. Department of Agriculture, Conservation and Environmental Affairs (North West)
27. Department of Economic Affairs, Environment and Tourism (Eastern Cape)
28. Department of Finance and Economic Development (Limpopo)
29. Department of Agriculture and Environment Affairs (KwaZulu Natal)
30. Department of Tourism, Environment and Conservation (Northern Cape)
31. Department of Environmental Affairs and Development Planning (Western Cape)
32. Department of Agriculture, Conservation and Environmental Affairs (Mpumalanga)
33. Department of Tourism, Environmental and Economic Affairs (Free State)

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