

**TOWARDS THE ESTABLISHMENT OF A REGISTRATION AUTHORITY FOR
ENVIRONMENTAL ASSESSMENT PRACTITIONERS IN SOUTH AFRICA
CONSULTATIVE PROCESS WITH KEY STAKEHOLDERS**

RECORD OF NATIONAL STAKEHOLDER CONFERENCE

**28TH & 29TH MARCH 2006
Airport Grand Hotel, Johannesburg**

DAY ONE: 28TH MARCH 2006

1. INTRODUCTION

David Shandler, the conference facilitator, welcomed all to the two-day meeting. The programme was reviewed and explained. All agreed to proceed with the programme as presented with the understanding that the participants and the facilitator would be flexible to the needs of the process in relation to the required changes and timing of the programme items.

The participants were asked to introduce themselves. The participants were mostly from professional bodies represented on the ICB as well as additional professional bodies identified through the process, provincial and national government and included. See list of attendees in annexure A.

David Shandler suggested the "fourfold way" as the ground rules for the discussions: *show up and be present, listen to what has heart and meaning, tell the truth without blame and judgement, and be open about the outcome.*

David Shandler then introduced Joanne Yawitch to make the opening address.

2. OPENING ADDRESS

*Joanne Yawitch, Deputy Director General: Environmental Quality,
Department of Environmental Affairs & Tourism*

Joanne Yawitch welcomed all and recognised that, over the past few months, the process had enabled the participation of more and new role-players in the environmental assessment field. This was important in the context of the need for transformation of the sector as a whole.

The unifying feature of those present was that all were engaged with one of the most disliked administrative processes in the country – the EIA application and authorisation process. In that context this process (the ICB/DEAT initiative) was essential in enabling recognition of the role of environmental assessment practitioners (EAPs) and in setting standards for quality in the sector.

The set of problems that were identified at the start of the process included:

- The unregulated state of the profession has brought it into disrepute
- The public has no recourse for compensation as a result of poor practice of professionals
- There are no fixed fee structures for EAPs, leading to a wide range of fees being charged with no clear relationship between competence and fees
- There is no structured mentoring or training in the industry
- There is no database of EIA practitioners (difficult to find reputable professionals)
- There is no single interface for government with the EA profession

- There is no place to address transformation (race, gender etc.) of the EA profession

Joanne Yawitch stated that it was Government's preference for professionals to ensure self-regulation and that DEAT did not want to have to step in to regulate professionals. DEAT would ideally like to see a system that includes the following essential aspects:

- Need to set credible standards while enabling access for new entrants
- Need to take account of people's qualifications, experience and other relevant skills and abilities
- Need a simple and streamlined system of certification and registration
- Need to be careful not to create a complicated administrative system (the proposed system looked as if it was quite complicated)
- Need to accommodate EAPs working in government
- Need to have recommended professional rates and benchmarking for these rates.

DEAT would promulgate new EIA Regulations under the National Environmental Management Act in April with an effective date in July 2006. It was the intention to make registration of environmental assessment practitioners compulsory in terms of the amended NEMA. For this reason, the Department would like to see the output from the current stakeholder engagement process being submitted to the Minister as soon as possible, with the intention to plan and implement a workable registration system swiftly.

The DDG identified transformation as a key challenge to the profession. She also noted the important contribution this sector could make to the country; for example, in promoting and recognizing *pro bono* work for poor communities. In closing she wished the participants a productive time in working towards a single registration authority for EAPs.

3. OVERVIEW OF THE PURPOSE OF THE PROCESS AND PROPOSED OUTCOMES

*Maitland Seaman, Chairman of the Interim Certification Board
Environmental Assessment Practitioners of South Africa*

The following summarises the inputs made in the presentation:

The **overall outcome of the process** was to move from the current voluntary certification of EAPs in South Africa, as carried out by the Interim Certification Board, towards the appointment of a legally recognized Registration Authority for Environmental Assessment Practitioners.

Background to the process:

- The Minister of Environmental Affairs and Tourism had expressed concern regarding the poor quality and lack of objectivity of EIA reports;
- Section 24H of the NEM Amendment Act 8 of 2004 provides for the appointment of 'Registration Authorities' for EA Practitioners;
- On 18 March 2005, the Minister requested the ICB to play a coordinating and facilitating role in the creation of a formal structure for the regulation and registration of environmental assessment practitioners in South Africa.

Background to the challenge for quality assurance in EIA practice in SA:

- "Environment" covers biological, physical, social, economic and cultural elements (cf. National Environmental Management Act 107 of 1998), EIA involves all these aspects.
- EIA Regulations: EIAs are compulsory for activities likely to have a "substantial detrimental effect" on the environment and the use of independent environmental consultants is required.

BUT

- There is no objective check, however, on the competence of these independent environmental consultants.
- As more and more practitioners enter the environmental assessment profession, the need to uphold professional standards and provide some level of assurance about the quality of EA work is underlined, and the imperative for certification grows.
- To address this deficiency:
 - May 1998: An SAIE&ES / IAIAsa working group was established to investigate the need for certification of environmental practitioners. Certification systems elsewhere in the world were considered in devising an appropriate system for South Africa.
 - September 1998: A discussion document was prepared and workshopped regionally, made available on the IAIAsa website, circulated to members of both SAIE&ES and IAIAsa, and presented in a revised form at the IAIAsa conference.
 - April 1999: IAIAsa and SAIE&ES decided to proceed with the development of a system of voluntary certification for environmental assessment practitioners.
 - February 2001: Interim Certification Board (ICB) established. The function of the ICB is to provide an operating structure for the certification process.

THE ICB is a combined initiative of, and endorsed by:

Association for the Advancement of Black Scientists, Engineers and Technologists (AABSET)
 Association of Consulting Town and Regional Planners (ACTRP)
 Environmental Law Association (ELA)
 International Association for Impact Assessment South African Affiliate (IAIAsa)
 Institute of Landscape Architects of South Africa (ILASA)
 Institute of Waste Management of Southern Africa (IWMSA)
 The South African Association for Consulting Engineers (SAACE)
 South African Black Technical and Allied Careers Organisation (SABTACO)
 South African Council for the Landscape Profession (SACLAP)
 South African Institute of Architects (SAIA)
 South African Institute for Civil Engineers (SAICE)
 Southern African Institute of Ecologists and Environmental Scientists.(SAIE&ES)
 South African Institute for Engineering and Environmental Geologists (SAIEG)
 South African Planning Institute (SAPI)
 The Water Institute of South Africa (WISA)

What is 'certification'?

The formal way by which the education, training, experience and competence is recognised through the granting of a certificate.

[Accreditation] is the process used to determine and recognise whether an educational course, programme or institution has met pre-determined training criteria.

[Registration] is the process of establishing, maintaining and updating an official list or record]

- Currently, there is no formal certification available for EAPs who do not have a natural science background.
- Certification provides a safeguard regarding quality of EA for clients, decision-makers and the public, whilst recognising the professionalism of members.

What kind of certification system is currently in place?

- *Voluntary certification by the industry itself* - It is relatively flexible, inexpensive, could be introduced relatively quickly, and has less adverse impact on existing EAPs.
- The voluntary certification system is the point of departure for a regulated, compulsory system envisaged in S24H of the NEM Amendment Act (2004) that makes provision for a "registration authority" for EAPs.

- The idea is to draw on lessons learned from the voluntary system to arrive at a certification system that has the support of most EAPs.

The process leading up to an application to be a registration authority consists of 4 phases:

PHASE 1: Identify and communicate with stakeholders

PHASE 2: Series of workshops in the different provinces, for all EAPs and authorities [February 2006]

PHASE 3: National conference for nominated representatives of professional organizations and authorities [March 2006]

PHASE 4: Preparation and submission of application [April 2006]

The desired outcome of the process:

1. *Broad agreement on:*
 - the structure & constitution of the certification body;
 - the certification process and criteria;
 - codes of conduct and ethics, and disciplinary action.
2. *Successful application to be a registration authority*

QUESTIONS AND DISCUSSION:

QUESTIONS/ISSUES:

- Q: Victor Mongwe, Department of Economic Development, Environment & Tourism (DEDET): Limpopo – Will this be the only registration board established or will there be others? There are for example, existing certification and registering board for SA Institute of Chemical Engineers etc.? Has the ICB engaged these registration authorities?
- Q: Andrew Duthie, International Association of Impact Assessment - What is being done within government to improve the capacity of government officials who review EIAs?
- Q: Dept. Minerals & Energy: What training is being given to private practitioners to implement the law?
- Q: Hendrik van der Hoven, SACLAP: Is SACLAP's system recognised by SACNASP? Further, SACLAP would be keen to see formal linkages between its certification and registration process and that being proposed in the new body in a manner that enables a single standard and independent certification body.
- Q: Jaques Laubscher, South African Institute of Architects: What is the definition of 'environment' that will be used as this has bearing on the competency sets required for professionals.

RESPONSES:

Joanne Yawitch:

- Ideally there should be one certification standard and system and registration authority for all EAPs. There should be no difference in competency standards for where professionals practice, i.e. within government or in private practice. However, the system should acknowledge that there would be different requirements with regard to experience, associated with the particular role of those private or government sector professionals in implementing the new EIA regulations.

- The issues of training for government officials are being addressed by DEAT in the implementation of the NEMA EIA Regulations.
- Training, competency areas and qualification standards are issues that need to be taken further in debate during the conference.

4. QUALITY ASSURANCE IN ENVIRONMENTAL ASSESSMENT PRACTICE IN SOUTH AFRICA: BEST PRACTICE AND ISSUES RAISED IN PROVINCIAL WORKSHOPS

Susie Brownlie

South African Institute of Ecologists and Environmental Scientists

Quality assurance in environmental assessment in South Africa relies on three main things:

- *Competence (including academic training, experience and core competencies)*
- *Ethical conduct*
- *Review*

In developing and updating the proposed certification system and process as set out in the draft proposal (single text circulated for the conference discussion), the ICB looked at local systems for professional certification and registration (e.g. SACNASP) as well as international systems for certification of environmental assessment practitioners.

The following EA certifications systems worldwide have been reviewed by *Woodley & Morgan (2004): Certification of EAPs: recommended scheme for developing countries:*

- *Environment Institute of Australia and New Zealand*
Environmental degree, 5 years experience in environmental practice in past 10 years, nominated by 3 respected EAPs, at least 2 referee statements, commitment to ongoing training and professional improvement, statement of ethical conduct. Reviewed every 2 years.
- *Academy of Board Certified Environmental Professionals (USA)*
Bachelors degree and minimum 9 years professional environmental experience; 5 years in responsible charge. M degree substitutes for 1 year experience, PhD for 2. 8 letters of recommendation, examination, maybe interview. Application reviewed by 7 members.
- *Canadian Environmental Certification Approvals Board*
Tertiary education, minimum 5 years experience, 3 peer evaluators, commitment professional development, tied to code of ethics. Reviewed every 5 years.
- *Institute Environmental Management and Assessment (UK)*
Experience, competence, skills. Log of continuing professional development, submitted with application for annual renewal.
- *National Registry of Environmental Professionals (USA)*
Bachelors degree, 5 years work experience, exam (plus lower categories)
- *Institute of Professional Environmental Practice (USA)*
Bachelors degree, 15 years of professional work (10 in responsible charge), written and oral exam, 3 references, code of ethics.

Criteria common to certification systems?

- Education
- Professional experience
- Core competencies
- Continuing professional development
- Code of conduct or ethics tied to disciplinary process

Issues raised through the provincial consultation process

The 'bigger' issues:

- Transformation of the sector is required.
- Need a professional council similar to other professions, with its own Act.
- Need one, and only one, body to certify/register environmental assessment practitioners, overlaps with SACNASP, etc.
- Capacity of officials tasked with reviewing and making decisions based on EIAs is a major issue. There's an urgent need to 'level the playing fields' between private and public sectors.
- The scope of certification – what about EAPs who don't do EIAs? What about specialists who contribute to EIAs?
- Lack of progress with the unit standards in the environmental field, lack of clarity wrt accreditation of courses – both degree/diploma courses, as well as short courses.
- Tying the need to be registered as an EAP to legal requirements for Environmental Assessment work.

Other key issues:

- Government officials must be certified too. Criteria for certification should apply equally to consultants and EAPs in the private sector and to government officials reviewing or drafting decisions based on EA work; should definitely not have a 'dual standard'.
- Categories of certification: a phased approach, starting with two categories ('in-training / associate', and 'lead / professional'), looking to others in future ('reviewer', 'associated specialist', etc)
- The system of referees, particularly with regard to easy access to people who can act as referees, needs to be improved
- Representivity and transformation – emphasis on promoting skills transfer and mentoring, and on the constitution of the Certification Committee reflecting the demographics of SA in terms of race and gender
- Need a Continuing Professional Development requirement after initial certification
- Optimum ratios of 'in training' to 'professional' EAPs in government departments and large organizations, to ensure quality control
- Professional charge-out rates
- Professional liability
- 'Crossing over' of EAPs between authorities and private sector – acting as both referee and player
- Who will finance the registration authority?

QUESTIONS AND DISCUSSION:

QUESTIONS/ISSUES:

Q: Cally Henderson, SAIE&ES: Why would SA want to look to core competencies?

Q: Simon Nicks, ACTRP: Are there best practice examples in developing countries?

Q: Core competencies - -is this not really what it is all about?

Q: Pravin Singh, SAPI – Interim certification needs to move from voluntary to compulsory and that lends legitimacy.

Q: Victor Mongwe, (DEDET): Limpopo: what will the eventual body be?

RESPONSES:

- About 2/3 of systems have competencies as certification criteria and this is seen as being at the heart of quality assurance for practice.

- There are no other developing country or African examples. The World Bank has in fact looked to the ICB's voluntary system as a potential developing country standard.
- Generally, best practice shows that it is important to have qualifications, experience and core competencies.
- In response to the last two issues and questions, Susie Brownlie indicated that it was the intention of the process to move from a voluntary system to a compulsory one and that the body that is endorsed through this process will apply to be recognised as a registration authority.

5. OVERVIEW OF THE *DRAFT PROPOSAL* FOR THE ESTABLISHMENT OF A REGISTRATION AUTHORITY FOR ENVIRONMENTAL ASSESSMENT PRACTITIONERS IN SOUTH AFRICA

*Marlene Laros, Consultant to the ICB
MLA-Sustainability Matters*

Marlene Laros explained that the draft proposal document or "single text" that had been prepared for discussion at this conference set out the draft proposal to the Minister of Environmental Affairs and Tourism for the emerging body to be recognised as a registration authority for EA practitioners in South Africa.

The document had been prepared on the basis of comments that had been provided by stakeholders engaged in the provincial workshops on the existing voluntary system. The existing voluntary system is currently endorsed by all of the organisations that are on the Interim Certification Board as presented by Maitland Seaman in the earlier presentation. The draft proposal was also developed on the assumption that a single registration body was supported by the ICB members and that the existing system should be amended where required, rather than starting *de nova* in developing a certification system.

She led the participants through the sections of the document and explained that in order for a proposal to meet the requirements of section 24H of the National Environmental Management Amendment Act, Act No 8 of 2004, the following key aspects needed to be addressed adequately: (a) the constitution of the association; (b) a list of the members of the association; (c) a description of the criteria and process to be used to register environmental assessment practitioners; (d) a list of the qualifications of the members of the association responsible for the assessment of applicants for registration; (e) a code of conduct regulating the ethical and professional conduct of members of the association; and (f) any other prescribed requirements. The draft proposal therefore contained the following specific sections:

- Parts 1 & 2: Purpose and objects of the body, definitions and the constitution. The constitution was produced as a stand alone document with cross referencing to the main document.
- Part 3: List of members of the association
- Part 4: Description of the criteria and process used to certify and register environmental assessment practitioners
- Part 5: List of the qualifications of the members of the association responsible for the assessment of applicants for certification
- Part 6: Code of Conduct regulating the ethical and professional conduct of certified environmental assessment practitioners
- Part 7: Future activities of the Board

Marlene Laros explained that the purpose of the conference was to try and reach as much agreement as possible on the content of these aspects of the application. In order to enable this, the process would be a systematic presentation of the different sections followed by discussion related to that section. She mapped out how the content would be dealt with during the conference.

QUESTIONS AND DISCUSSION:

QUESTIONS/ISSUES:

- Q: It is clear that there will be additional members needed on the Board for EAPs in SA, so as to include new bodies as well as more government departments, etc.
- Q: Why are we not working towards a Board for Environmental Managers rather than one for EAPs? The law is not cast in stone, can change, we could open it to broader field of people working in this sector and contributing to society.
- Q: EA should be recognised as part of a bigger cycle of environmental management; can't forget about the management and compliance part of the process or ignore the value of other Environmental Impact Management tools, e.g. auditing, EMPs and Environmental Frameworks.
- Q: The process must stay focused on EIA practice as this is the mandate of this collective.
- Q: Carmen du Toit, SABTACO: If major different approaches are suggested, would they be considered? For example if a different route to becoming certified was proposed, would this be considered? There were some ideas that SABTACO would like to suggest in order to open up access to certification and registration.

RESPONSES:

- It is the intention to make the future Board representative of all major players and hence changing the representation will be essential.
- The mandate of this process is to focus on the certification and associated registration of EAPs specifically. The establishment of a broader body for environmental practitioners may be a medium-term requirement.
- All suggestions to ensure quality control in the EA profession are welcomed and must be considered.

6. DISCUSSION OF DRAFT PROPOSAL: SECTION ONE: PURPOSE AND OBJECTS OF THE CERTIFICATION BODY AND DRAFT CONSTITUTION

Prof. Jan Glazewski

Institute of Marine & Environmental Law, University of Cape Town

Jan Glazewski led participants through the content of Parts 1 & 2 of the draft proposal as well as the content of the draft Constitution. The Draft Proposal and Constitution are included as Annexure A of this record as "the single text" put forward by the ICB for discussion at the national conference.

QUESTIONS AND DISCUSSION:

QUESTIONS/ISSUES:

Q: How can representatives of professional bodies be responsible for certifying practitioners? Surely this would amount to being a player and a referee? The ICB needs to address this issue in the institutional proposals.

Q: Prof. Fabio Todeschini, South African Institute of Architects: Perhaps the proposed functions speak to two different but related structures, e.g. an Institute and a Council, where the Council is the registration and policing body, including respected members of society, and the Institute comprises members of the profession? All the councils are set up by Acts. The Council for the Built Environment has covered a lot of this ground.

Q: How will the concern be addressed that certification will become a rubber stamping exercise within a white elitist dominated profession?

I: Use the term 'registration' rather than 'certification' – certification is usually a 'one-off' requirement whilst registration must be renewed periodically.

I: There was a sense that some participants were not comfortable with the terminology set in the constitution or to deal with the details of the constitution until there is clarity on the objectives of certification, and how the certification system will work (i.e. the certification committee).

Susie Brownlie explained that the NEMA regulations introduced the term "registration". However, registration is inextricably tied to certification process and criteria. Her understanding is that certification (i.e. meeting the agreed standards of practice/certification criteria) enables professionals to be entered into a "register" of EAPs. Registration should not merely be the development of a list or a database – as this would not amount to quality assurance as anyone could get their name on the list. The new body that will be formed will have to be able to assure the quality of the professionals it registers and it can only do this by setting and applying agreed standards/criteria.

David Shandler suggested that it would be appropriate in the light of the last set of issues raised to consider adapting the programme of the conference to deal with some of the foundational issues of the proposed body.

While there seemed to be general consensus that it was desirable to strive for one registration / certification body for EAPs, the specific purpose, objectives and functions of the body needed to be clarified first. Thereafter, it would be appropriate to consider an appropriate institutional vehicle and associated Constitution in detail. For the sake of simplicity, use of the term 'registration' during the remainder of the conference would implicitly include certification in its ambit.

This proposed change to the programme for the following day, which was to deal with the purpose and objectives and then consider the remaining elements of the draft proposal, was accepted. A revised agenda would be discussed at the start of the session the following day.

David Shandler thanked all for their participation and requested timeous reconvening for the second day of the conference to enable discussion of the remaining programme.

DAY TWO: 29TH MARCH 2006

7. INTRODUCTION

David Shandler summarised the previous day's proceedings. He indicated that he felt that there had been significant agreement emerging from the process thus far.

There is agreement that:

- Registration of EAPs is needed
- A single body for this purpose is desirable
- Registration should cover EAP involvement in government and private sector; and,
- It will be mandatory to be registered in order to practice EA in South Africa.

David Shandler proposed the following agenda for the day which conformed mostly to the proposed agenda except that the issues in relation to institutional form would not be dealt with until the other key issues were clarified.

1. Objectives and definitions
2. Criteria
3. Process
4. Conduct and ethics
5. Institutional options

8. OBJECTIVES AND DEFINITIONS

Marlene Laros introduced the content of Parts 1 and 2 of the draft proposal (the single text – see Annexure A) that set out the proposed objectives of the Environmental Assessment Practitioners Board as well as relevant definitions and terminology. The discussion and issues raised in the plenary debate that followed are recorded below referencing specific sections of the single text where relevant:

- Definitions should be added for “transformation” and “empowerment”.
- A preamble should be included to set out normative statements and process intention statements.
- Objective 1: All agreed this objective should stay.
Advance the practice of, and promote quality in, environmental assessment
- Objective 2: Suggest delete up to “pledged”, then keep “uphold a defined code of ... replace “conduct” with “ethics and to act in the best interest of the environment, sustainable development (add) and the public good. The reworded version would read: *Uphold a defined code of ethics and act in the best interest of the environment, sustainable development and the public good*.
Objective 2 could also be part of objective 3 as it deals with quality assurance in terms of ethics and the public interest.
- Objective 3: Provide (add) relevant authorities, the public and (add) development proponents appointed to conduct and regulate environmental assessments.

- Objective 4:
 - (add) To create and maintain a resource base which guides...
 - take out first line... so that the objective starts... "Promote/set....core competencies" this should be the focus of the objective.
 - Delete the word "professional"
 - Objectives 4 and 5 are could be seen as sub sections under objective 3.
 - The dual intent of setting and promoting standards needs to be addressed and dealt with in the institutional arrangements.
- Objective 5:
 - Take out the word "minimum".
 - Concerns were raised around duplication of SAQA and the relevant Standards Generating Bodies. It is clear that the registering authority would need to work with the SGBs for the sector to with respect to setting competencies and qualifications as requirement for certification and registration.
 - "To promote core competencies delete "encourage".
 - Add a reworded "continued professional development" objective and a separate objective for transformation
- Objective 6:
 - Add this objective into the preamble
- Carmen du Toit (SABTACO) suggested that the following issues be captured in the objectives:
 - To facilitate and promote the empowerment of HDIs within the EA field, and associated transformation of EA practice (e.g. by facilitating access to opportunities leading to registration for HDIs).
 - To establish procedure for registration and sanction.
 - To promote awareness in the purpose and practice of EIA in South Africa.
- Norman Brauteseth (ELA) – suggested that the organisation should stay focused around a few key objectives, with the rest of the statements being ancillary. He presented the following proposal for the organisational objects statement:
 - To create a register for EAPs,
 - To set the criteria and procedures for admission to such register,
 - To provide standards of ethical conduct for registered members and transformation, empowerment, disciplinary and other matters related thereto;
 - To procure and maintain registration in terms of s24H of the NEM Amendment Act 2004.
- General comments were raised around the institutional and financial ramifications of a body that would appear to have wide ranging functions.

David Shandler summarised that there had been constructive debate regarding the proposed objectives of the registration authority. In general, it would be important to separate institutionally the functions of promotion, communications, education, awareness and

transformation from the functions and process of registration (or “certification” as described in section 24H).

It was agreed that the drafting team would carry forward these inputs into the next draft of the proposal (the single text).

9. CERTIFICATION CRITERIA AND PROCESS

Susie Brownlie presented the content of Part 4 of the draft proposal (the single text). This section of the single text (see Annexure A) covered the following aspects:

- 4.1 Categories of certification
- 4.2 Certification process
- 4.3 Referees
- 4.4 Criteria use to certify EAPs (including qualifications, experience and core competencies)

QUESTIONS AND DISCUSSION:

QUESTIONS/ISSUES:

Q: Why do we not have a compulsory internship/articles requirement for new entrants into the profession? This make the playing fields clear upfront when entering this profession.

Q: A system of structured learning is important and hence the competency set is really important as this ultimately will be the standard.

Q: Where is the line drawn in terms of current activities and future activities of the body? Perhaps it is being designed to take on too much?

I: This process is out of step with the SAQA processes and really should be looking towards a professional statutory council in the long term. When will DEAT fall in step with these broader council etc processes?

I: Carmen du Toit (SABTACO): The context is a developing country and this should not be forgotten. There is a need for redress in terms of the past education systems that were applied and the access that HDIs have had to professional training and opportunities for experience or to “be in responsible charge”. Therefore:

- We need a ‘fast track’ to enable HDIs access to registration;
- If a person does not meet all of the criteria then there could be structured learning processes together with the competency requirements and mentorship within a workable timeframe.
- Enable ways of testing competencies and consider the possibility of introducing an examination as this could cut out the need for referees, which is currently a barrier for young black and female professionals

I: Fabio Todeschini (SAIA): The criteria are critical but these need to be addressed in a tangible way in terms of how they defined and measured. Environment is defined broadly. Experience is that there is a lack of competency in certain areas, e.g. economic processes or urban processes and structure.

- I: Tim Fasheun (Dept Agriculture & Environmental Affairs – KZN): There is a problem with the notion that one must have experience in 'doing' EAs before reviewing them; this is not the reality in any department in the country.
- I: Zaida Tofie (SABTACO): There are lots of concerns regarding competencies, but perhaps an examination could work before being admitted to register. This is an approach applied internationally to enable foreigners to be admitted to a register; e.g. if the qualifications and/ or experience were acquired outside of South Africa.
- I: Lize McCourt (EIM: DEAT): The role of regulators is different and therefore a different set of competencies should be set out. This role is more about applying policies, process adequacy, access to just administration. If we only used the experience criterion in terms of how the draft proposal is worded, then we would cut out most of the officials working as EAPs in the country. This would be unfortunate, as quality assurance is required in all professional roles within the EIA process.
- I: Pravin Singh (SAPI): This process should be aiming towards the establishment of a professional council and should therefore try to conform to the overall council systems in terms of certification/ registration categories: professional, associate and candidate, as these are known and understood in all professions.
- I: Lineo Ramataboe-Henry (SAQA: SGB) raised the following issues:
- Core competencies should always be seen together with criteria for assessment.
 - The proposed system will need to fall in line with national policy and how Recognition of Prior Learning (RPL) will be assessed.
 - There is clearly a need for an EA qualification standard which would include core competency (the 'know' and the 'do'). This could be developed by SAQA in partnership with ICB and other stakeholders.
- I: Cally Henderson (SAIE&ES): Registration and certification need to be separated as this is a recognised approach. Certification is supposed to be a once off with re-registration being the renewal, proving continued professional development etc.
- I: Simon Nicks (ACTRP): It is very important that there is one system for both regulators and private practitioners. This will raise the bar in terms of how these professionals are valued by the state and hopefully impact remuneration levels as well.
- I: Mondo Komane (SAIEP): The inclusion of a further category for Environmental Control Officers is very important. Timeframes should be included for people to graduate from one professional level to another.
- I: Sibonelo Mbanjwa (Dept. Tourism, Environment and Conservation: Northern Cape Province): In service learning, must be linked to qualification criteria and the "structured learning process" is supported.
- I: Jeremy Boswell (SAACE and SAICE): The competency area that deals with World Bank systems should be excised as this is not specific only to SA.
- I: Andrew Duthie (IAIAsa): Perhaps the competency issues need to be dealt with in detail by a smaller group or steering committee?

At this point David Shandler summarised the key issues arising from the morning's discussions. The future proposed system needed to address:

- Transformation and how the proposed certification/registration system deals with setting and applying appropriate competency levels that enable quality assurance. Related to this was a set of specific issues that had been raised:
 - The need for a "grandparent clause" in the system;
 - Core competencies and criteria for assessment (education and experience is where emphasis is needed);
 - Enable immediate redress through a faster-track process specifically to encourage the application and enable registration of young, black and female EAPs (see above);
 - Private sector and public sector competencies should be the same for EAPs; the exact nature of requirements regarding experience might differ, however.
 - Explore the examination route to registration;
 - Use Council for the Built Environment terminology for categories of EAPs;
 - Ensure recognition of prior learning in competency assessment criteria;
 - Ensure consistency between constitution and the rest of the single text;
 - Explore a SAQA recognised EA qualification;
 - Address the definitions of certification and registration and make this clear to stakeholders;
 - ECOs need a home;
 - Need to set time periods for "learning" for associate categories.

Having summarised the above, David Shandler asked if there were key issues of content that still needed to be addressed in relation to Part 4 of the single text.

QUESTIONS AND DISCUSSION:

QUESTIONS/ISSUES:

- I: Richard Fuggle (SACNASP): He wished to point out that while SACNASP was fully transformed in terms of its board representation, the body had asked him, a white male and expert in EIA practice, to represent this body.
- SACNASP needs clarity as to whether the DDG of DEAT is requesting these stakeholders to develop a body that is different to that proposed in s.24H. Her emphasis was on issues of transformation and fees rather than on quality assurance and registration. Clearly, the need was for registration that enabled quality assurance through appropriate processes and systems. It is these processes and systems that need to deal expressly with enabling access to HDIs.
 - The transformation and representivity of the Board will be an absolute requirement.
 - SACNASP needs to be advised as to how to engage this process further and what institutional linkages should be considered for professionals registered with this body who are already working in the EIA field.
 - SACNASP would also like clarity on how specialists providing inputs to the EAs will be certified or registered.

- As what is needed is a statutory body (i.e. Council for EAPs), we should be working for this directly rather than establishing a further interim measure (through the registration authority route) as this is creating confusion.

Q: Pravin Singh: How will the inputs of this process be taken forward? Is this just a rubber-stamping process? Concerned that this process lack legitimacy in terms of how stakeholders have been engaged.

I: Lize McCourt (EIM: DEAT): While the DDG had stated the Department's preference for one body, the regulations make provision for more than one. She agreed that in the long-term a professional council would be needed.

I: Fabio Todeschini (SAIA): SAIA supported the establishment of a council that is linked to the other existing councils.

I: Andrew Duthie (IAIAsa): The organisations who have actually been part of the ICB for the past years of actual operation (i.e. certifying professionals) have endorsed the current system. What is suddenly different? All of these organisations have been party to the MoU for the process with DEAT to establish a registration authority. Surely, this was the mandate of organisational representatives in coming to this conference, i.e. to move forward on the basis of an agreed position that we will work together to establish the registering body. There is a fear that this process has and will continue to rework past processes, with some organisations, simply not wanting the process to move forward.

I: Pravin Singh (SAPI): It is important to remember that the support was qualified support.

I: Norman Brauteseth: Regardless of long-term, the Minister is still effectively asking for an interim measure as the establishment of a statutory council will take a few years at least.

I: Ainsley Simpson (SAIEP): The benchmarks that have been set in the criteria are "high". A further issue associated with EA practice is that of acknowledging associated professions, for example, social impact assessment specialists.

I: Simon Nicks (ACTRP): What all existing professions need to acknowledge is that good EIA practice is not simply an add-on to existing professional skills sets. We need an entirely new set of skills and this is what we should be focussing on.

I: Maitland Seaman (ICB): We have come a long way in dealing with many of these detailed issues and in many cases the issues that have been raised are not new to the ICB. They are also not simple issues to resolve as the context is one where there are no specified qualifications and where there is a drastic need for transformation. We should not throw the baby out with the bathwater (in other words throw out the draft proposal) as there is a lot of consensus and many of the suggestions and proposals could be included.

I: William Mngoma (DAEA: KZN): Suggests that those organisational objectives that have been mostly agreed to, should be the guideline for the type of competencies required as well as the institutional vehicle for the registering body.

David Shandler suggested that the meeting break for lunch. After lunch, he suggested that the discussions focus on the way forward by revisiting the process objectives and how these can best be achieved in terms of the existing MoU between the ICB and DEAT.

10. THE PROCESS MOVING FORWARD

David Shandler explained that it was clear that further work would be needed on the content of the draft proposal and suggestions had been made in this regard during the day. He thought that it would be appropriate to reach agreement on the next steps before participants needed to leave the conference.

David Shandler summarised the following:

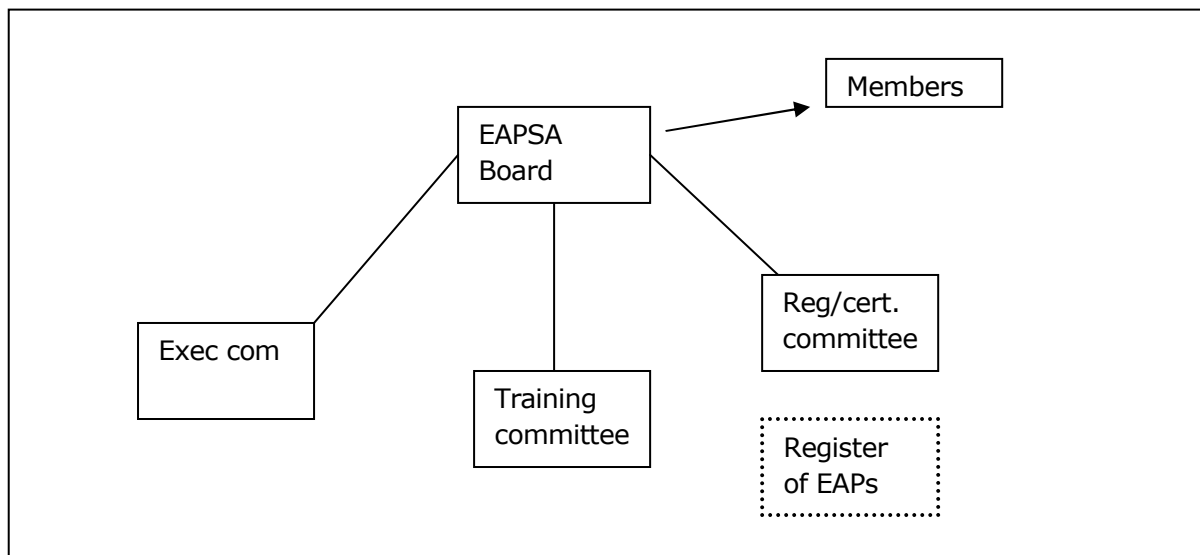
- There is an existing voluntary system which is currently being implemented and endorsed by the existing ICB members;
- The ICB was intending to move from a voluntary system to a mandatory system while changing its board during 2005. The Minister's request in 2005 had coincided with this process. The ICB had engaged the DEAT in an MoU to work towards a registration authority by co-ordinating a stakeholder process. The purpose of the process was to reach as much agreement as possible on a submission to the Minister that would propose this new body as the registration authority provided for in s.24H. The provincial stakeholder process and this conference had been designed specifically to solicit input on the draft proposal and to reach as much agreement as possible on its content.
- It is clear that what is needed in the long-term is a statutory body in the form of a professional council for EAPs. It is also clear that interim measure may be required in order that systems for enabling quality assurance can be established.

With the above as the context, David Shandler requested that the stakeholders discuss how the process can be taken forward.

I: Why do we need the interim measure? Surely this will only serve to confuse?

I: Much emphasis has been put on the role of ETQAs and SETAs in this registration discussion, but they serve a completely different role to professional councils.

I: Norman Brauteseth presented the following institutional proposal that could deal with taking the process forward: The Board is made up of members who are EAPSA ICB certified and include other independent experts and those who serve with serving the public interest as primary role, as is the standard practice in professional councils. The registration/certification committee operates independently from EAPSA and certifies professionals and maintains the register. This then frees up the organisation to play other roles such as training and continued professional developing, managing mentorship programmes etc.



I: Ainsley Simpson (SAIEP): The representivity of the current ICB needs to be addressed both in terms of gender and racial profile and in terms of relevant disciplines, for example, the social scientists are not represented and neither are heritage practitioners. SALGA may also be an important body to involve.

I: Carmen du Toit (SABTACO): It is important that the transformation agenda does not lose energy, which is what tends to happen as soon as institutional issues are discussed.

I: Jeremy Boswell (SAACE and SAICE): Proposed an alternative set of institutional relationships for the interim and long term. He also suggested that these and the other more detailed issues be carried forward by a mandated working group.

David Shandler requested that the process ahead be addressed before deciding on the composition of the working group as the process and related tasks may require a particular representation. The following process ahead was agreed:

1. Write up process to mid April (including conference)
2. Convene Working Group and revise draft proposal (in consultation with key bodies e.g. SAQA, including the recommendations for the Business plan) (June and July 2006)
3. Submit proposal to ICB and then circulate to all registered stakeholders for comment
4. Working Group revises the proposal (on basis of comments received).
5. Record of comments and suggested revisions to proposal considered by ICB.
6. A further stakeholder meeting/conference with mandated representation to discuss the final draft proposal.
7. Board members and certification committee are nominated and a new body is constituted.
8. Submit application for new body to be recognised as registration authority for EAPs in SA.

David Shandler then moved to requesting nominations for the working group. The following people were nominated to the working group.

Amanda Britz (EIA: DEAT)

Andrew Duthie (IAIASa)

Carmen du Toit (SABTACO)

Barrie Gasson (SAPI)

Mondo Komane (SAIEP)

William Mngoma (DAEA: KZN)

Sibonelo Mbanjwa (DTE&C: NC)

David Shandler then moved to closure by pointing out the importance of the issues that had been addressed over the past two days in the context of sustainable development in South Africa. He thanked all for their constructive engagement throughout the conference and wished the ICB and all of the stakeholders, success in the process ahead.