

# TOWARDS A REGISTRATION AUTHORITY FOR ENVIRONMENTAL ASSESSMENT PRACTITIONERS IN SOUTH AFRICA

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## RECORD OF PROVINCIAL WORKSHOPS AND INPUT FROM STAKEHOLDERS

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## **SECTION ONE: SUMMARY**

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The process being run by the Interim Certification Board for Environmental Assessment Practitioners is in response to a call from the Minister of Environmental Affairs and Tourism, for the environmental assessment industry to regulate itself, thus addressing and rectifying problems with poor quality Environmental Impact Assessments (EIAs) and lack of objectivity. A key mechanism for tackling these problems is seen to be through the establishment of a registration authority for environmental assessment practitioners.

The provincial workshops highlighted a number of important issues in this regard:

1. In the longer term, a statutory professional council should be established for Environmental Assessment Practitioners, along the lines of other professional councils. That is, the appointment of a registration authority in terms of s24H of NEMA should be seen as an interim measure to give assurance of quality in environmental assessment work, but this mechanism is not seen to be the optimum solution to problems of poor quality EIAs from a number of perspectives.
2. There are a number of critical factors associated with the appointment of a registration authority for environmental assessment practitioners that will determine the outcome of reliance on this authority to improve both the quality of environmental assessment in South Africa. These factors are:
  - The need for a single body to certify and register environmental assessment practitioners. At the moment there is overlap between existing certification/registration schemes and that of the proposed registration authority. For example, environmental scientists are currently registered with SACNASP, and a number of professions make provision for registration of 'environmental' professionals within their own Acts. Also, s24H makes provision for the appointment of more than one registration authority for environmental assessment practitioners, potentially leading to a number of such authorities with conflicting and competing standards.
  - The lack of capacity within environmental authorities responsible for evaluating EIAs and taking decisions based on these EIAs is recognized as a significant problem. It is essential that the registration authority strives to assist in rectifying this problem through setting appropriate standards for competence and defining relevant categories for registration. The disparity between private and public sector as regards capacity in environmental assessment must be addressed as a matter of priority to 'level the playing fields' and retain capacity within government.
  - The effectiveness and efficiency of a registration authority will depend on the level of support and financial assistance provided by government. The success of the registration authority – and ultimately a professional council – requires a long term view and should not be seen as an 'instant fix'.
  - The nature and scope of links between the NEMA regulations for environmental assessment and the requirements of environmental assessment practitioners to be certified by a registration authority will determine the role that the registration authority will be able to play in providing quality assurance in environmental assessment work. It is important that areas of environmental assessment work are not excluded in this process.
  - The lack of capacity within environmental authorities responsible for evaluating EIAs and taking decisions based on these EIAs is recognized as a significant problem. It is essential that the registration authority strives to assist in rectifying this problem through setting appropriate standards for competence and defining relevant categories for registration. The disparity between private and public sector as regards capacity in environmental assessment must be

addressed as a matter of priority to 'level the playing fields' and retain capacity within government.

3. With specific regard to the establishment of a registration authority, issues were raised about the following aspects:

- Legal matters
- Categories of certification
- Codes of ethics and practice, and disciplinary action
- Representation and transformation of the environmental assessment industry
- Financial and professional charge-out rates
- Who should be certified / registered
- Certification or registration with other bodies
- Certification of specialists who contribute to environmental assessment
- Academic training and accreditation
- Continuing professional improvement, mentoring
- Referees and sponsors
- Other

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## SECTION TWO: RECORD OF PROVINCIAL WORKSHOPS AND WRITTEN INPUT FROM STAKEHOLDERS

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### 1. Attendance of provincial workshops

<b>Province</b>	<b>Date of meeting</b>	<b>Attendance</b>
Western Cape	13 February 2006	35+
Eastern Cape	22 February 2006	20+
Northern Cape	20 February 2006	15+
Mpumalanga	14 February 2006	40+
Limpopo	2 March 2006	20+
Gauteng	14 February 2006	+/- 100
Free State	21 February 2006	25+
KwaZulu Natal	21 February 2006	60+
North West	15 February 2006	34+

### 2. Written input from stakeholders

Written input was received from 9 stakeholders (Appendix 2).

### 3. Key issues raised

Issues raised during the provincial workshops and in writing, have been grouped thematically below.

#### 1. **Legal issues (constitution of certification body, association, liability, appeals, constitutional issues)**

- Need a Council for EAPs with its own legislation, rather than going the s24H route. Should become one of the 'professions' Acts like the Architectural Professions Act, the Landscape Architectural Professions Act, Engineering Profession Act, etc. A statutory body for EAP certification was proposed and supported, rather than a registration authority (or authorities) that could be appointed by the Minister (and de-appointed?). Suggested that there's a need for continuity, one standard, and security in the registration/certification body. Why not a separate Act?
- Consideration of registration directly with the authority, as opposed to a separate certification process
- Board must be predominantly made up of EAPs who themselves meet EAP criteria; should not be made up of representatives from other professions

- Need to involve, or speak to, environmental auditors registration body, who are talking about certifying EMS professionals. Would someone certified with that body (who would do some EA work) be recognized by the ICB/ registration authority [person to send information to Glaudin Kruger]
- Recommend talk to, or involve, the Council for the Built Environment (established ito Act 43 of 2000).
- Suggest liaise with Health Professions Council of South Africa (ito Health Professions Act 56 of 1974 – established to define standards of professional education and training, setting and maintaining fair standards of professional practice): there are environmental practitioners active in that area too and we could learn from their Council.
- Suggest invite SA Society for Aquatic Scientists to become part of, or participate in, process, since many are involved in EA work. [to send information and details].
- Mining sector should be represented and/or included in the process; SA Institute of Mining and Metallurgy and/or Chamber of Mines.
- If NEMA Regs exclude mining, EAPs could operate in the mining sector without being registered with registration authority; this would defeat the aim of such authority.
- Need for legal review to go through state advisors desks with legal framework from state.
- Need to do legal consideration in terms of other enabling legislation and possible conflicts with scope of other professional bodies with respect to possible impacts on EAPs. Legislation in terms of NEMA only is not enough. Check against other certification bodies in other pieces of legislation, set a path to end aim from previous patterns set
- Need to return to what Act allows – ‘may recognise’. Uncertainty in terms of what legal requirements are, and what the minister wants. This should be supplied to the delegates prior to the Conference

## **2. Other legal issues**

- Clarification on terminology: EAP, environmental scientist, environmental manager, accreditation, certification, registration, etc.
- Need confirmation that the application to be appointed as a registration authority would go through MINMEC and MINTECH as per other regulatory processes.
- Would the registration authority take accountability for its certified EAPs should they contravene the codes of conduct, ethics or practice? Who claims liability if client suffers? Suggestion to look at engineering industry and its liability processes.
- Professional liability / indemnity an issue. Registration authority should require proof of professional indemnity or liability cover from individuals; i.e.should be a prerequisite of certification to have insurance cover in this respect. The certification body could direct EAPs to an appropriate cover. Liability definitions need to be cleared.
- Controls to allow ‘in-house’ EAP should be considered in terms of legality and included.
- What happens to people who don’t meet the certification requirements? Would they be prevented from practicing?

## **3. Categories of certification**

3.1 *Broad support for two categories, namely 'professional or lead EAP' and 'in-training and associate EAP'*

3.2 *Need for a separate category of 'regulatory' or 'administrative' EAP?*

- Suggest 'regulatory' rather than 'administrative'.
- Suggest have two levels of regulatory, to ensure that inexperienced individuals have work signed off by those with more experience.
- Many EAPs currently in government do not have practical experience in co-ordinating and managing the EA process and would have problems in becoming certified. Some have relevant training and formal qualifications, but many (most) lack experience. This imbalance in capacity between private and public sectors is essential to address.
- Absolutely critical NOT to have different standards between professional/lead EAP and EAPs in environmental authorities, as this would perpetuate disparity between private and public sector. Concern if different standard for private and public sector because implies / perception that public sector "less" professional, contradicts the objective / purpose of professional certification. Could, however, emphasise different competencies should the registration authority decide to have different categories.
- Participants felt that the criteria for government officials should be same as for private practitioners. Frustrations arise precisely because government / regulatory officials do not have practical EIA experience and lack the necessary capacity to do their EA work.
- It was suggested that EAPs in government would need to know relatively more about such things as the World Bank safeguard policies, the IFC policies, etc. Other participants pointed out the importance of teamwork and cooperation in ensuring that EAs did indeed enable sustainable development, and thus it should be required of all EAPs – both those within government and those outside of government – to be familiar with these policies. Should feed into World Bank, IFC requirements, would enhance professional ability.
- There is a need to change the current view that EAPs within government authorities are effectively using these authorities as 'training grounds' before moving to the private sector. Need to encourage capacity retention through appropriate incentives and salary structures. Levelling the playing fields between private and public sector through a standardized certification process could help in this respect. Suggested that the value of the administrative/regulatory EAP is not appreciated enough; in that case, the Minister should be advised.
- Definition of EAP should extend beyond the RoD to those who would be responsible for using the information emerging from the EA. That is, core competencies should include post-RoD implementation.

3.3 *The category of 'in training and associate EAPs':*

- Support for this category.
- Suggested that an 'in training and associate' EAP category could be established to allow for internship and skills transfer from certified EAPs to those less skilled. It was noted that the 'in training' category effectively catered for this purpose, but consideration could be given to a different name.
- Advantage of this category would be that more EAPs could be brought 'into the fold' and bound by the codes of conduct, ethics and practice, and not excluded from the larger body of practitioners.

- There is currently a lack of sufficiently qualified / experienced supervisors to ensure adequate supervision and thus quality assurance, particularly in the public sector. It was suggested that departments should develop policy with regard to the composition of staff, to ensure that this problem would be addressed. Consultants and/or government authorities could register their staff as "in-training" or "associates" to allow for mentoring and skills transfer. Reference was made to the SACNASP's 'scientists in training' programme (legislated process) – that could be considered with regard to mentoring or skills transfer for EAPs. This programme stipulates a 1:3 ratio of supervisor: mentors/ trainees. This ratio could, however, be dependant upon capability / ability of supervisor and their relevant area of expertise / competence.
- It was proposed that certified EAPs should demonstrate that they have contributed to skills transfer / mentoring of EAPs 'in training' when applying to remain on the register of certified EAPs at specified intervals.

#### 3.4 A category for 'reviewer EAP':

- Some people felt such a category would be useful, others not.
- Not economically feasible for smaller projects to undergo EIA review.
- Disincentive for certification for such category because smaller projects usually do not require review. However, many of the smaller projects / activities are the ones that are having a substantial environmental impact.
- Noted that an EAP with significantly more years of experience and highly respected in the EA community would carry out review more efficiently – a review category could thus contribute to improving the effectiveness and efficiency of review.
- Additional experience doesn't necessarily mean greater competence- would need peer review, or people of high standing in EA field, to vouch for reviewer's competence; can't rely only on their years of experience.
- Perhaps category for EA manager, to allow for control of those who carry out environmental management of existing projects.
- Could merge 'reviewer' and 'regulatory' categories, with subcategories reflecting experience and roles; some felt that government officials should be registered as 'reviewers'.

#### 3.5 Other

- Perhaps have a series of categories relating to the scope and/or scale of work – these must be clearly delineated and defined.
- Perhaps category for EA manager, to allow for control of those who carry out environmental management of existing projects
- Perhaps think of categorizing EAPs in terms of the type of work they do? Or at least make provision to capture the main areas of proficiency of EAPs (e.g., mining EA, rural development EA, etc). Point made that an EAP should undertake work in which s/he was competent (code of ethics), but that it would be useful for prospective clients to have this information.
- Important to spell out exactly what experience and competencies are required for registration/certification; need to define milestones. Experience: needs to be clear 'on what' and 'how wide' – e.g. 'small' versus 'large and complex' EA.

- Should not limit certification or registration only to those EAPs who do large EIAs. Should include EAPs who can demonstrate core competencies and do 'small' EIAs, else would exclude most of the EAPs in South Africa.
- Different individuals take more or less working experience to demonstrate core competencies. Is the number of years of experience a valid criterion?
- Some felt that more time spent in formal education should be tied to relatively less years of experience (e.g. if a postgraduate degree in environmental practice were to require 3 years experience, an undergraduate degree in environmental practice should require more, say 5 years experience).
- Important to define exactly what would qualify as an 'environmental practice' degree.

#### **4. Codes of ethics and practice, disciplinary procedures and sanction**

- Need to be explicit as to how the registration authority will deal with unethical behaviour or practice contrary to the code of conduct or practice. Suggest need to differentiate between punitive and corrective measures.
- Problem when clients don't give all the right information to EAPs. Could one not include something to the effect that EAPs have a right to 'down tools' when proponents withhold essential information, perhaps in code of ethics or code of conduct?
- Implication of the costs to the Board due to disciplinary processes – including legal representation against the Board due to a disciplinary action taken
- Codes of conduct: wheel shouldn't be reinvented. Under the building professions (built environment) for example etc there are a number of existing codes that could be drawn on.
- Ethical position on EAPs doing 'in house' EAs for large firms or institutions?
- Government officials responsible for evaluating, reviewing or taking decisions based on EIAs should not be allowed to undertake EA work or act as EA consultant. That is, officials should not act as referee and player. It is too often the case that Government officials are consulting or have a vested interest in private sector development. The Code of Conduct and Ethics should make it clear that government EAPs should not have a financial or other vested interest in private sector development, should not review any EA where there is such interest. In a nutshell, government officials should only work within government, private sector EAPs should only work in that sector; one should not 'cross over'.

#### **5. Transformation, representation**

- Must be recognised that transformation is not the principal target of this process; developing an 'elite' grouping of certified or registered EAPs with demonstrated competency is.
- The number of certified EAPs with the ICB is not a true reflection on the number of 'black' EAPs practising in South Africa. Not sure how many have applied for certification.
- Skills transfer and mentoring of 'in training' EAPs felt to be important.
- Recognized that transformation relied on there being an interested and willing body of PDIs moving into the EA field.
- Transformation within professional institutes and associations was noted as problematic in general.

- Some form of incentive system to encourage organizations to motivate their employees to become certified should be explored. Perhaps greater recognition of quality EA work? This approach would promote skills transfer in the EA field.
- Learnership links with appropriate SETA (currently no SETA covering EA, perhaps look to a new SETA to cover EAPs?). Develop learnerships to assist with development of trainee EAPs who may have qualifications but not experience.
- Need to work closely with the environmental management Standards Generating Body, to ensure that certification is linked to formal skills development
- SETAs – recommend stay away from this avenue wrt transformation and skills transfer, as few (if any) of the SETAs are working effectively. Project management SETA seems to be the best of them...but don't see this avenue as having potential.
- Could give consideration to an 'internship' for 'graduates in EA; suggest one or two years internship. Government could possibly fund this? To take the form of community service, working with certified EAPs.
- Registration authority and activities will need to have the effect of increasing competence in government

## **6. Financial issues, charge-out rates**

- Professional certification could encourage more competitive salary scales for EAPs in the public service. This in turn could attract more skilled EAPs to the public sector.
- EAP certification would probably necessitate a work study review of salary scales for environmental officers / assessing officers within government to include various scales / categories, i.e. professional / lead EAPs/ EAPs in-training / reviewers, etc.
- The new certification body should, similar to other professional bodies, review and either recommend, or provide guidance on, fee structures for EAPs, to give the profession credibility and protect its integrity. Suggest should 'recommend' fees (not fix or set fees, as this could be contrary to the Competition Act 89 of 1998) – in different provinces in SA, realistically, could – or would have to - charge different rates, according to what the market could bear. Range of fees charged is very wide and could undermine EA practice. Suggest look to ACTRP, ILASA, SACNASP recommendations wrt fees and draft guidance in future.
- Fees for registration should be reasonable and affordable so as not to scare people away from certification.

## **7. Who should be certified**

- When would government officials have to undergo certification, prior to appointment in the civil service or after appointment in the government service? Both options would be feasible – if not already certified, could be appointed as an 'in-training' EAP at a different salary scale until s/he has gained sufficient experience and competencies to be certified.
- Need to certify broader range of environmental practitioners – ie those doing SEA, EMPs, EMS, EIAs, ECO work, rural development, etc. Why limit to those doing EA work? Perhaps a phased approach, starting with EA practitioners and broadening to include other categories at a later stage.
- Caution against 'diluting' the thrust of the certification process by trying to certify too many groups; suggest stick to EA practitioners. Keep it simple. The biggest concern is the 'fly by night' EAPs. Should focus on, and use existing remedies (s24H of NEMA Amendment Act,

rather than looking in the longer term to the establishment of a separate Council and Act for EAPs), to address this problem.

- Issue of South African Citizenship – this must be considered and a position thereon included.

## **8. Certification with other bodies**

- Dual certification (registration) / overlap between SACNASP and the ICB, as well as between other professional institutions (e.g. Landscape Architects, SAIE&ES). Seems to be conflict between ICB and SACNASP standards. Will SACNASP registration be carried over to / recognized by new registration authority? Should SACNASP be registering EAPs – they come from not only a natural science background?
- Problematic if Minister appoints more than one registration authority, with different standards, etc.
- The effectiveness of a registration authority for EAPs would be diluted should there be more than one such authority.
- Need one, and only one, body to handle EAPs, regardless of their background (ie scientific or other).
- Need to address this problem with SACNASP, other organizations that certify people in the EA field.
- Environmental auditors registration body is talking about certifying EMS professionals – would someone certified with that body be recognized by the ICB/ registration authority [person to send information to Glaudin Kruger].

## **9. Certification of specialists who contribute to EA**

- Quality of reports depends in part on specialists. Consideration should be given to certifying the various specialists that give input to EA. Registration authority should take on this task: needs to enter in to wider debate with bodies such SACNASP to ensure quality of certified specialists..
- Public participation process is often neglected – need to explore recognition of PP specialists, as nothing in place for registration of PP specialists. Noted that this is currently a core competency requirement of ICB process.
- Suggestion for SAHRA type 'speciality' identification / categories which augment EA practitioner skills with specialist area such as Chem. Eng, soil science, etc
- Perhaps a category for 'associated specialists' to give those specialists who can't register or be certified elsewhere a home.

## **10. Academic training and accreditation of courses**

- Specific disciplines with EA incorporated as part of the training should be recognized (eg engineering degree with an environmental management component).
- The value of short 'training' courses is questionable; should emphasise appropriate formal training and academic qualifications.
- It is essential that the Standards Generating Body for Environmental Management generates robust standards for EAPs. Question whether or not this process is 'jumping the gun' by determining criteria while the SGB has not identified standards. Critical that this process and its outcome inform the setting of standards for Environmental Management. The last thing one wants is for the SGB to 're-invent the wheel' and come up with conflicting standards from those used by a Registration Authority.

### **11. Continued professional improvement, mentoring**

- Wide support for continued professional improvement and skills transfer / mentoring.
- Need to give clear criteria for continual professional improvement.
- There is a limit to the number of 'in training' EAPs that a certified EAP could oversee without letting quality assurance and review standards slip. Recommend that an ideal ratio between certified EAPs and 'in training' EAPs be set. Generally felt that a 3:1 ratio would be appropriate, as stipulated by SACNASP.
- Suggest a 2-3 year period of certification, at the end of which certified EAPs would have to motivate for their continued certification on the basis of continued work in the EA field, continued professional improvement and skills transfer/mentoring. Would need some system of keeping a record of relevant work experience, list of projects and responsibility (etc.) to motivate continued certification/registration at set periods.

### **12. Referees, sponsors**

- Use the term 'referees' rather than 'sponsors'; implies that they are giving judgment on the applicant's competence and not simply supporting the applicant, regardless of his/her competence.
- Need to improve access to referees and certified EAPs, to facilitate applications: the registration authority should have a list of certified EAPs that applicants could use as referees. Perhaps make provision to allow for highly respected EAPs who aren't certified to act as sponsors/referees.
- Option of including 'expert witness' by authorities on known practitioners? Generally felt that Government officials should only be able to act as referees on an application if they are certified EAPs.
- Referees must not be limited to just those that are registered – this was felt to be too limiting at least for the next few years until a large pool of EAPs are available. In some provinces there were not enough certified EAPs to act as referees. The counter to this position is that there would be limited quality assurance of referees, thus undermining the purpose of having referees.
- Is there an alternative mechanism for peer review other than through referees as this makes access very difficult for emerging practitioners?

### **13. Other**

- Establish the Registration Authority and then revisit aspects or add other components such as accreditation of courses, other categories, etc. That is, adopt a phased approach.
- How long would certification be valid for? Renew annually or greater intervals? Suggest every 2-3 years should provide proof of work, etc.
- Definition of an EAP – currently too restrictive as it does not cater for authorities who review EA work. Point made that people reviewing EA work should have had the practical experience 'doing' EAs, to give them perspective. Without that, individuals lack the depth and understanding of doing EA in practice. Representative from government agreed – recommend that all EAPs have the required practical experience before undertaking review work, else need to send EAPs on training courses, etc; these courses do not effectively substitute for on – the – ground experience. In summary, only certified EAPs should undertake review work.

- The issue of distribution of certified EAPs across the country was raised. Surely this could be problematic? In other words, if smaller provinces or areas had fewer certified EAPs but relatively large number of development projects, what would need to be done? Suggested that market forces would begin to operate in the EAP field.
- What will happen to those who are already certified – will they be recognized by new authority?
- Many EAPs have heaps of scoping experience, but not the full EIA. Should not limit certification to those with experience in managing large EIAs, provided that they can demonstrate the core competencies [many of these competencies could be sufficiently demonstrated through 'driving' a scoping process, since drawing up ToR for specialist input, evaluating potential significance of impacts, and determining appropriate mitigation and management often formed part of this process].
- Foreign EAPs working in South Africa – should have a 'rapid registration' system for them
- Certification should not inhibit recruitment of new 'in training' EAPs. Suggestion to recommend a ratio of certified EAPs to those 'in training' could help address this issue, to ensure access to and support for emerging EAPs.
- Process issue: stakeholders request provision to view, and comment on, draft application to the Minister prior to that submission.
- Criteria: could look to an exam instead of the current process.
- A registration authority should not undertake training and capacity building. Rather, it should ensure that registration is accessible and promote easy access to registration, promote quality assurance.
- Important for registered EAPs to get some value from the registration, not simply to pay fees every year.
- Statutory councils meet 4 times a year, important to tie consultations around registration in with this schedule so that reps can get directives/mandates from Senior Councils.
- Proponent has a responsibility to ensure that s/he appoints a competent EAP.
- EAP should provide proof of certification when undertaking EA work in terms of the NEMA or EIA regulations.

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## APPENDIX 1: RECORDS OF PROVINCIAL WORKSHOPS

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**PLEASE NOTE:** The agenda for all provincial workshops was as follows:

#### 1. Introduction

- a. *Welcome, attendance and apologies*
- b. *Purpose of the meeting*
- c. *Agenda review*
- d. *Questions of clarity*

#### 2. Presentation

- a. *Certification, the ICB*
- b. *Questions of clarity*

#### 3. Discussion of key issues

#### 4. The way forward

## 1. WESTERN CAPE PROVINCE

Workshop held at Menzies Building, University of Cape Town, Cape Town  
14h00, 13 February 2006

### 1. Attendance

More than 35 people attended this workshop. People came from the City of Cape Town and surrounding areas.

### A: ISSUES RAISED

BROAD DESCRIPTION	DETAILED DESCRIPTION
Legal requirements of section 24H of NEMA	Constitution
	Association
	Liability and appeals <ul style="list-style-type: none"> <li>• Liability definitions need to be cleared, use of articles – legislation firms it up</li> </ul>
	Constitutional issues <ul style="list-style-type: none"> <li>• Codes of conduct: wheel shouldn't be reinvented. Under the building professions (built environment) for example etc there are a number of existing codes that can be implemented – these should be looked as possible templates?</li> </ul>
Categories of certification	EAP 'in training'
	<ul style="list-style-type: none"> <li>• Current ICB process focused on outputs (e.g RoD) – mustn't lose objective of Sustainable Development, clients are the long term users of information. Practitioners definition expanded to beyond RoD stage potentially- to those that will use the info. Used by the client, developers. <b>Captured by core competencies.</b></li> <li>• Call admin category "regulatory" instead of "admin" – better descriptor</li> <li>• Elaboration under categories, need to know exactly what is required – the setting up a milestones. Experience: needs to be clear on "what?" and "how wide"? <b>Cannot go as far as what sort or projects you should have worked on.</b></li> </ul>
Transformation,	<ul style="list-style-type: none"> <li>○ ICB needs to make an effort re. black mentorship, represent. black professions in built environment. <b>Umbrella body can't</b></li> </ul>

representation of the industry	<p>drive what happens in member organizations. ICB can drive active mentoring system, demonstrate how mentoring emerging practitioners. Gender and race in representation are recognized has being critical by DEAT within this ICB process. But shortage of people, shift from AA to BBE can be problematic. The role of this ICB is not to sort out equity issues on individual consultant basis, cannot take on anything beyond.</p> <ul style="list-style-type: none"> <li>○ Registration; by its very nature is elitist, quality assured "cannot take everyone". Transformation: not core target of this process. Developing an elite grouping is.</li> <li>○ Appeal for those present to take this process to younger colleagues, not always accessible</li> <li>○ Debate is being dictated by those from bigger consultancies, other consultancy "world" not being considered...needs to be acknowledged. E.g. exemptions require v different set of skills - EIA regulations likely to be changed...</li> </ul>
Who should be certified	<ul style="list-style-type: none"> <li>○ Simply having a degree in environmental practice, not appropriate. Last category proposed is problematic. Category : environmental practice is vast, anything can fit in. Defining what an appropriate environmental practice degree is important.</li> <li>○ Doesn't help to be relaxed re. criteria to ensure political correctness, only to come unstuck later. Flexibility can be built in later, there is a need to be rigorous now.</li> <li>○ People not in possession of degrees, different sets of qualifications from those who are practicing. Whatever set of criteria drawn up must be simple, because everything cant be catered for, v wide field</li> <li>○ Industry v fragmented: are we doing ourselves a disservice? For e.g, if we need an engineer, we get <i>Pr.Eng</i> – this has a high degree of acceptability and "standardization – not easy in this process because the sector/industry I v fragmented. This needs to be considered.</li> <li>○ Experience often doesn't equate to competence</li> </ul>
Certification with other registration bodies	<ul style="list-style-type: none"> <li>○ 3 parallel authorities at moment, young person may be thinking: "what could I get out of it [this ICB process]?" Whatever system is developed must be active involved in the wider body of professional. (certified people). Issue of value, what sort of value can one get out of the process? DEAT has indicated that they want a body to be very active, promoting access to the system. Generally access to the system has sometimes been difficult for younger people entering the market.</li> <li>○ Power dilution: more than one body</li> </ul>
Certification of specialists from different disciplines who contribute to the EIA	<ul style="list-style-type: none"> <li>○ Important to look at categories to register specialists so that the EAP know they can draw on specialists – possibility should be looked at. This needs to be an issue looked further down the line. Process should be more subjective. Plea to look at criteria – if anything can be tightened up. Request please to forward suggestions.</li> <li>○ Social scientists, as an e.g., "associated specialists" would be useful to include. To accommodate those that don't fit in. Give a home for those people.</li> </ul>
Academic training and the accreditation of courses in ea	<ul style="list-style-type: none"> <li>○ Accreditation qualification: needs clarity often get asked will a certain course get them in accreditation?</li> </ul>
Continual professional improvement, commitment to mentoring, training	<ul style="list-style-type: none"> <li>○ Emerging black practitioners: in accreditation look at practitioners to take up emerging black professionals, establish mentorship relationship that can be demonstrated - link to certification. Voluntary actions difficult: only when statutory do things happen.</li> <li>○ Continued professional development (CPD) – very important, if we are to fit into international framework</li> </ul>

emerging professionals	<ul style="list-style-type: none"> <li>○ Concern over specifics re. CPD....Requirements on screen (draft) look v onerous. <b>This has been taken from elsewhere – provided as discussion, nothing fixed. Emphasize need for continued input in this respect.</b></li> </ul>
Perceived consultation deficiencies?	<p>Are the voices of those not identified as stakeholders being heard? (i.e. those that are practicing as “non-mainstream” EIA practitioners). Concern that they won’t be represented at the national workshop if not members of the various professional bodies.</p> <p>- SACLAP (ILASA) not notified of meeting. (Landscape arch. Body) This perhaps emphasizes the fact that stakeholder consultation may be poor? <b>Notification was sent to all ICB representative bodies, SACLAP/ILASA being one of those bodies. No intention to exclude anyone. Access and depth of initial consultation was not ideal possibly.</b></p> <p>- Any association may register – even if they are left out of this particular consultative process.</p>
Mandate issues	<ul style="list-style-type: none"> <li>• Registration body; cannot be involved in training etc....purely registration body? No, DEAT wants a body that is accessible, proactive, even by having exec function, promoting info., provide quality insurance etc...</li> </ul>
Role of certification/extracting value	<ul style="list-style-type: none"> <li>• Important to get value out of body, not merely pay your fees once a year and not hear from again...not make the profession too static, not make them able to switch roles: 3 years may be too onerous.....special case evoked, if you can demonstrate competence, but point is NB considered</li> </ul>
Organizations underpinning the ICB	<ul style="list-style-type: none"> <li>• Supporting organizations underpinning ICB do not have practitioners on board that can do EIAs.- understanding issue?</li> </ul>
Registration of foreign consultants	<ul style="list-style-type: none"> <li>• SA cert process: get to work in different countries re. foreign consultants working in SA...e.g. work with local consultant for X time.....<b>demonstration of core competency...If you are implementing EIA regs in SA – that will link to requirement to be registered.</b> System needs to allow for rapid registration of sorts</li> </ul>
The role of context in the process	<ul style="list-style-type: none"> <li>• Link to certifying all the right people – will also need to have the effect of increasing competence in government. One size doesn’t fit all, context is very specific <b>Need for country based systems, WB looking at using SA as a test case, things are moving in that direction.</b></li> </ul>
Broad applicability/relevance of process	<ul style="list-style-type: none"> <li>• Shouldn’t only be regulatory in SA, should feed into WB/Equator banks requirements, will enhance professional ability</li> </ul>
Relationship with capacity building within government	<ul style="list-style-type: none"> <li>• Capacity building in the government departments need to be debated more</li> </ul>
Link with statutory councils?	<ul style="list-style-type: none"> <li>• Statutory councils; meet 4 times a year, important to tie consultations in with this so that reps can get directives/mandates from Senior. Councils. Timing NB in this respect</li> </ul>

## B:QUESTIONS ASKED

Broad topic	Question
<i>ICB</i>	<ul style="list-style-type: none"> <li>• Is certification specifically around EIA process, or is there scope for certification for broader environmental. processes? <b>Focused to EIA as it stands now, linked to needs of authorities. Possibly of this being the first part of a wider process...</b></li> <li>• Will single registering authority being instituted? <b>DEAT cant say no to other registering authorities. applying, DEAT would like ICB to enable single body.</b></li> <li>• What does this offer me as a professional, distinct from other Cert boards</li> </ul>
<i>Consultation process</i>	<ul style="list-style-type: none"> <li>• What has been done to identify stakeholders....are we satisfied it's a complete list? <b>The process used a complete database list, also adverts in national newspapers. Draft documents send out – this is the start of the process, required active attention. Documents will be sent out for circulation. Best place to start now is mandated representation. Not ideal: but only way to make conference "fair"</b></li> <li>• Have you contacted environmental division of professional engineers? <b>Engineering bodies are represented on the ICB</b></li> <li>• Have you asked provincial depts for people who undertake environmental work? <b>Yes</b></li> <li>• Have you talked to other organisations that have gone through this process? <b>Difficulty benchmarking with other professions. But there are definitely lessons to be learned.</b></li> </ul>
<i>Representivity</i>	<ul style="list-style-type: none"> <li>▪ (see point above filed under "consultation process – also applies)</li> </ul>
<i>Referees</i>	<ul style="list-style-type: none"> <li>• Why the difference between sponsor and referee? <b>Semantic, tied to the original process</b></li> </ul>
<i>Training</i>	<ul style="list-style-type: none"> <li>• .How current should training and experience should be (e.g engineers have to practice x hours/year)? <b>Initial ICB: needed to give evidence of current....but was subsequently omitted....ICB are looking at it, it is an important issue. Requirement for CPD will be there....</b></li> <li>• Environmental. Practice: what qualifications are being looked at.? <b>Emphasis on interdisciplinary study, with an EA component; not looking at any specific degree.</b></li> </ul>

## 2. KWAZULU NATAL PROVINCE

Workshop held at Cedara Auditorium, near Hilton, KwaZulu Natal  
14h00, 21 February 2006

### 1. Attendance

More than 60 people attended this workshop, representing both government and consultants, as well as the NGO sector. People came from as far afield as Matatiele, Piet Retief, Newcastle – as well as from Durban and Pietermaritzburg.

### 2. Issues raised

#### 2.1 Legal requirements (constitution of certification body, association, liability, appeals, constitutional issues)

#### 2.2 Other legal issues

- How does ICB take accountability for its certified EAPs should they 'malperform' – who claims liability if client suffers? Suggestion to look at engineering industry and its liability processes with respect to 'misperformance' and repercussions.
- Professional liability / indemnity an issue. ICB should play a role in this. Brazilian and Mozambican Impact assessment authorities have a tight range of criteria for registration of licensed practitioners (including professional indemnity) – suggestion to explore these.

#### 2.3 Categories of certification

#### 2.4 Codes of ethics and practice, disciplinary procedures and sanction

- How will the registration authority address unethical behaviour? Suggest need to differentiate between punitive and corrective measures.

#### 2.5 Transformation, representation

#### 2.6 Financial issues, charge-out rates

#### 2.7 Who should be certified

- Quality of reports depends in part on specialists. Consideration should be given to certifying the various specialists that give input to EA. ICB should take on this task: needs to enter in to wider debate with bodies such SACNASP to ensure quality of certified specialists.

- Suggest broader application of certification to SEA and other environmental processes. Is it possible to have different categories, i.e. consultants undertaking SEA, EMPs, EMS, EIAs, ECO work, etc.

## 2.8 Certification with other bodies

- Need to have one body certifying EAPs. Need to address this problem with SACNASP, other organizations that certify people in the EA field.
- Seems to be conflict between ICB and SACNASP standards. Will SACNASP registration be carried over to / recognized by new registration authority? SACNASP and ICB need to liaise and develop way forward.
- Environmental auditors registration body is talking about certifying EMS professionals – would someone certified with that body be recognized by the ICB? [person to send information to Glaudin Kruger]

## 2.9 Certification of specialists who contribute to EA

- Quality of reports depends in part on specialists. Consideration should be given to certifying the various specialists that give input to EA. ICB should take on this task: needs to enter in to wider debate with bodies such SACNASP to ensure quality of certified specialists..
- Public participation process is often neglected – need to explore recognition of PP specialists, as nothing in place for registration of PP specialists. Noted that this is currently a core competency requirement of ICB process.
- Suggestion for SAHRA type 'speciality' identification / categories which augment EA practitioner skills with specialist area such as Chem. Eng, soil science, etc

## 2.10 Academic training and accreditation of courses

- Specific disciplines with EA incorporated as part of the training should be recognized (eg engineering degree with an environmental management component).

## 2.11 Continued professional improvement, mentoring

- General support for ongoing professional development.
- Link with SETAs (possibly new SETA to cover EAPs) and develop learnerships to assist with development of trainee EAPS who may have qualifications but not experience.

## 2.12 Referees, sponsors

### 2.13 Other

- What will happen to those who are already certified – will they be recognized by new authority
- Learnership links with appropriate SETA (currently no SETA covering EA)
- A statutory body for EAP certification was proposed and supported, rather than a registration authority (or authorities) that could be appointed by the Minister (and de-appointed?). Suggested that there's a need for continuity, one standard, and security in the registration/certification body. Why not a separate Act?
- Many EAPs have heaps of scoping experience, but not the full EIA. Will only individuals who have done full EIA work be certified? Or could they be certified if they can demonstrate the core competencies at a less 'grand' level? Should not limit certification to those with full EIA experience.
- Certification should not inhibit recruitment of new 'in training' EAPs. Suggest a recommended ratio of certified EAPs to those 'in training', to ensure access to and support for emerging EAPs.

### 3. Workshop closed

### 3. FREE STATE PROVINCE

Workshop held at Louis Botha Hall, Lebohang Building, Bloemfontein  
14h00, 21 February 2006

#### 1. Attendance

Approximately 25 people attended, mainly from Bloemfontein.

#### A: ISSUES RAISED

BROAD DESCRIPTION	DETAILED DESCRIPTION
<b>Categories of certification</b>	Where do you put people who police EMPs? Perhaps different categories for doing EIAs and EMPs?

#### B: QUESTIONS ASKED

Broad topic	Question
<i>Representivity</i>	<ul style="list-style-type: none"> <li>▪ .Business South Africa should also be represented.</li> <li>▪ .Difference between people doing EIAs full time and part time. Universities should stay away.</li> </ul>
<i>Competence issues</i>	<ul style="list-style-type: none"> <li>▪ The process of EIAs should identify if you are incapable or on the wrong path.</li> <li>▪ Local knowledge important. Have to be a way to take a small project to something bigger.</li> <li>▪ Independence a big issue.</li> <li>▪ Issue of scale – separation between professionals.</li> <li>▪ Industries like ESKOM and SASOL do their own EIAs due to complexity of the industrial processes. Where do they fit in? How do you maintain integrity if it is done "in-house"?</li> </ul>

<i>Referees</i>	<ul style="list-style-type: none"> <li>▪ .More rule-based, more people can come through.</li> </ul>
<i>Training</i>	<ul style="list-style-type: none"> <li>▪ .How do you get in if there is not such an option? Possible entrance barrier.</li> </ul>
<i>Ethics</i>	<ul style="list-style-type: none"> <li>▪ .Municipalities – work outside the district. Should they register? <i>Conflict of interest. Player and referee.</i></li> <li>▪ How are you going to measure independence and professionalism?</li> <li>▪ Conflict of interest was a big issue, one of the DTEEA people present, who assesses EIAs and writes RoDs, defending his right also to do EIAs, which he carries out privately and submits to the same department and section of which he is a member.</li> </ul>
<i>Discipline</i>	<ul style="list-style-type: none"> <li>▪ .How are you going to handle disputes? (in the industry)</li> </ul>
<i>Other</i>	<ul style="list-style-type: none"> <li>▪ .Big problem is the lack of capacity in government. How is the ICB going to address this problem? Officials are in a position for less than a year. Why certify the practitioner and the government lack competence.</li> <li>▪ .Clear definition of practitioner needed.</li> <li>▪ .How will the representatives at this meeting be able to take the issues further?</li> </ul>

#### 4. LIMPOPO PROVINCE

Workshop held at the Polokwane Visarend Lapa, Polokwane  
11h00, 2 March 2006

##### 1. Attendance

Approximately 22 people attended this workshop, representing both government and consultants, as well as the NGO sector.

##### A: ISSUES RAISED

BROAD DESCRIPTION	DETAILED DESCRIPTION
Categories of certification	EAP 'in training' - Category supported by those present.
	EIA reviewer - Category considered in future; would need peer review or people of high standing in EA field to vouch for reviewer - can't rely only on their years of experience.
Code of ethics, practice	It is too often the case that Government officials are consulting or have a vested interest in private sector development. The Code of Conduct and Ethics should make it clear that government EAPs should not have a financial or other vested interest in private sector development, should not review any EA where there is such interest. In a nutshell, government officials should only work within government, private sector EAPs should only work in that sector; one should not 'cross over'.
Transformation, representation of the industry	Need transfer of skills from the private to the public sector, and also from certified EAPs to those 'in-training', especially PDIs. There are many black EAPs in Limpopo, but few are certified (not sure if they've applied or not). Perhaps current list of certified EAPs doesn't reflect accurately the profile of EA practice and the numbers of black or PDI EAPs.
Financial issues, charge-out rates	Essential to recommend or give guidance on fees, to give the profession credibility and protect its integrity. Range of fees charged is very wide and could undermine EA practice. Suggest look to ACTRP, ILASA, SACNASP recommendations wrt fees and draft guidance in future.
Who should be certified	Many government officials would have problems in becoming certified. Some have relevant training and formal qualifications, but many (most) lack experience. This imbalance in capacity between private and public sectors is essential to address.
Academic training and the accreditation of	It is essential that the Standards Generating Body for Environmental Management generates robust standards for EAPs. Question whether or not this process is 'jumping the gun' by determining criteria while the SGB has not identified standards.

courses in EA	Critical that this process and its outcome inform the setting of standards for Environmental Management. The last thing one wants is for the SGB to 're-invent the wheel' and come up with conflicting standards from those used by a Registration Authority.
Continual professional improvement, commitment to mentoring, training emerging professionals	Essential that EAPs keep their registration current by providing evidence of continuing professional practice. Agreed that Continuing Professional Improvement is needed, as well as skills transfer.
Referees in support of applicant	Finding referees who know your work is often difficult. Important that referees know the applicant and his/her work. In Limpopo province, for example, there are very few certified EAPs. Even when potential referees / sponsors are approached, they fail to deliver the referee's report to the ICB. Need an improved system of referees – perhaps make provision to allow for highly respected EAPs who aren't certified to act as sponsors/referees?
Other	Some concern about low attendance at workshop. Essential that those who have not attended should have the opportunity to look at and give comment on draft proposals before they go to the Minister.
	EAP should provide proof of certification when undertaking EA work in terms of the NEMA or EIA regulations.
	Suggested that should tie categories of certification to complexity of work – e.g. should only be able to do work that is commensurate with the EAP's experience and competence. Discussion around the complexities of this proposal and alternative strategy to rely on a strong code of conduct and ethics instead.

## 5. MPUMALANGA PROVINCE

Workshop held at the Provincial Complex, Nelspruit  
15h30, 14 February 2006

### 1. Attendance

Dr Garth Batchelor, Chief Director of the Mpumalanga Department of Agriculture, Conservation and the Environmental Affairs, hosted the workshop. Thirty-seven people attended the workshop, from Nelspruit, White River, Piet Retief, Witbank, Waterval Boven and Ermelo. Participants comprised government officials, consultants from a range of professions, and NGO representatives.

### 2. Issues raised

#### 2.1 Legal requirements (constitution of certification body, association, liability, appeals, constitutional issues)

#### 2.2 Other legal issues

- Need confirmation that the application to be appointed as a registration authority would go through MINMEC and MINTECH as per other regulatory processes.

#### 2.3 Categories of certification

##### *Regulatory EAPs and Professional EAPs:*

- Would there need to be different criteria for certification of government officials (proposed 'regulatory EAPs') compared with 'lead' or 'professional' EAPs in the private sector, since many would not have had practical experience in co-ordinating and managing the EA process? It was felt that it was important not to have a different standard to be attained for certification, but perhaps a different focus?
- Participants felt that the criteria for government officials should be same as for private practitioners. Frustrations arise precisely because government / regulatory officials do not have practical EIA experience.
- It was suggested that EAPs in government would need to know relatively more about such things as the World Bank safeguard policies, the International Finance Corporation policies, etc. Other participants pointed out the importance of teamwork and cooperation in ensuring that EIAs did indeed enable sustainable development, and thus it should be required of all EAPs – both those within government and those outside of government – to be familiar with these policies.

- There should definitely not be different standards or categories for EAPs in the private sector and those within the environmental authorities. Concern if different standard for private and public sector because implies / perception that public sector “less” professional, contradicts the objective / purpose of professional Certification.
- There is a need to change the current view that EAPs within government authorities are effectively using these authorities as ‘training grounds’ before moving to the private sector. Need to encourage capacity retention through appropriate incentives and salary structures. Leveling the playing fields between private and public sector through a standardized certification process could help in this respect.

*In-training EAPs:*

- Suggested that an ‘associate’ EAP category could be established to allow for internship and skills transfer from certified EAPs to those less skilled. It was noted that the ‘in training’ category effectively catered for this purpose, but consideration could be given to a different name.
- There is currently a lack of sufficiently qualified / experienced supervisors to ensure adequate supervision and thus quality assurance, particularly in the public sector. It was suggested that departments should develop policy with regard to the composition of staff, to ensure that this problem would be addressed. Consultants and/or government authorities could register their staff as “in-training” or “associates” to allow for mentoring and skills transfer. Reference was made to the SACNASP’s ‘scientists in training’ programme (legislated process) – that could be considered with regard to mentoring or skills transfer for EAPs. This programme stipulates a 1:3 ratio of supervisor: mentors/ trainees. This ratio could, however, be dependant upon capability / ability of supervisor and their relevant area of expertise / competence.
- It was proposed that certified EAPs should demonstrate that they have contributed to skills transfer / mentoring of EAPs ‘in training’ when applying to remain on the register of certified EAPs at specified intervals.
- The question was asked: would EAPs have to have carried out large EIAs in order to meet the certification criteria? The issue of small EAPs carrying out ‘low level’ EA work was raised – many of these practitioners have not managed large EIAs. Discussion focused on the need to demonstrate competence in core areas; many of these competencies could be sufficiently demonstrated through ‘driving’ a scoping process, since drawing up ToR for specialist input, evaluating potential significance of impacts, and determining appropriate mitigation and management often formed part of this process. In summary, EAPs who have not managed large EIAs would not necessarily be excluded from certification.

*With regard to a category for ‘reviewer EAP’:*

- Not economically feasible for smaller projects to undergo EIA review.
- Disincentive for certification for such category because smaller projects usually do not require review. However, many of the smaller projects / activities are the ones that are having a substantial environmental impact.
- Noted that an EAP with significantly more years of experience and highly respected in the EA community would carry out review more efficiently – a review category could thus contribute to improving the effectiveness and efficiency of review.

#### 2.4 Codes of ethics and practice, disciplinary procedures and sanction

- Categorisation of EAPs to undertake work which falls within their area of competence / experience. Covered in the ICB Code of Ethics / Conduct.

#### 2.5 Transformation, representation

- Skills transfer and mentoring of 'in training' EAPs was felt to be important, although it was recognized that this strategy relied on there being an interested and willing body of PDIs moving into the EA field.
- Transformation within professional institutes and associations was noted as problematic in general.
- Some form of incentive system to encourage organizations to motivate their employees to become certified should be explored. Perhaps greater recognition of quality EA work? This approach would promote skills transfer in the EA field.

#### 2.6 Financial issues, charge-out rates, salary scales

- Professional certification could encourage more competitive salary scales for EAPs in the public service. This in turn could attract more skilled EAPs to the public sector.
- EAP certification would probably necessitate a work study review of salary scales for environmental officers / assessing officers within government to include various scales / categories, i.e. professional / lead EAPs/ EAPs in-training / reviewers, etc.
- The new certification body should, similar to other professional bodies, review and either recommend, or provide guidance on, fee structures for EAPs. Civil engineers charge percentage of project cost. This approach would not be relevant for EAPs because the scope of work is not directly related to the value of the proposed development.

#### 2.7 Who should be certified

- When do government officials have to undergo certification, prior to appointment in the civil service or after appointment in the government service? Both options would be feasible – if not already certified, could be appointed as an 'in-training' EAP at a different salary scale until s/he has gained sufficient experience and competencies to be certified.
- There is a limit to the number of 'in training' EAPs that a certified EAP could oversee without letting quality assurance and review standards slip. Recommend that an ideal ratio between certified EAPs and 'in training' EAPs be set. Generally felt that a 3:1 ratio would be appropriate, as stipulated by SACNASP.

#### 2.8 Referees, sponsors

- The certification body should have a list of certified EAPs that applicants could use as referees.
- Could government officials act as referees? They could, provided that they were certified EAPs. (It was noted that applicants could draw only one of the two referees from their current place of employment.)

#### 2.9 Other

- The issue of distribution of certified EAPs across the country was raised. Surely this could be problematic? In other words, if smaller provinces or areas had fewer certified EAPs but relatively large number of development projects, what would need to be done? Suggested that market forces would begin to operate in the EAP field.

#### 3. Workshop closed

## 6. EASTERN CAPE PROVINCE

Workshop held at PE Museum Bayworld, Port Elizabeth  
14h00, 22 February 2006

### 1. Attendance

Approximately 20 people attended, from East London, Umtata, Matatiele, Port Elizabeth.

### 2. Issues raised

#### *Legal issues*

- Professional liability – should be a prerequisite of certification to have insurance cover in this respect. The certification body could direct EAPs to an appropriate cover.

#### *Categories of certification*

- Perhaps think of categorizing EAPs in terms of the type of work they do? Or at least make provision to capture the main areas of proficiency of EAPs (eg mining EA, rural development EA, etc). Point made that an EAP should undertake work in which s/he was competent (code of ethics), but that it would be useful for prospective clients to have this information.

#### *Transformation, representation*

- SETAs – recommend stay away from this avenue wrt transformation and skills transfer, as few (if any) of the SETAs are working effectively. Project management SETA seems to be the best of them...but don't see this avenue as having potential.
- What about an 'internship' for 'graduates in EA? Government could possibly fund this? To take the form of community service, working with certified EAPs?

#### *Financial issues, charge-out rates*

- Fees for registration should be reasonable and affordable so as not to scare people away from certification.
- Could the registration authority be a vehicle for the regulation of consultants' fees? Suggest should 'recommend' fees (not fix or set fees, as this could be contrary to the Competition Act 89 of 1998) – in different provinces in SA, realistically, could – or would have to - charge different rates, according to what the market could bear.

### *Who should be certified*

- Need to certify broader range of environmental practitioners – ie those who work in rural development. Why limit to those doing EA work? Perhaps a phased approach, starting with EA practitioners and broadening to include others at a later stage.
- Caution against 'diluting' the thrust of the certification process by trying to certify too many groups; suggest stick to EA practitioners. Keep it simple. The biggest concern are the 'fly by night' EAPs. Should use existing remedies (s24H) to address this problem.

### *Certification with other bodies*

- Dual certification (registration) / overlap between SACNASP and the ICB. Problematic; ideally want one body to handle EAPs, regardless of their background (ie scientific or other)

### *Continued professional improvement, mentoring*

- Support for continued professional improvement and skills transfer / mentoring.

### *Other*

- How long would certification be valid for? Renew annually or greater intervals? Suggest every 2-3 years should provide proof of work, etc.
- Problematic if Minister appoints more than one registration authority, with different standards, etc.
- Need a Council for EAPs with its own legislation, rather than going the s24H route. Should become one of the 'professions' Acts like the Architectural Professions Act, the Landscape Architectural Professions Act, Engineering Profession Act, etc.
- Recommend talk to, or involve, the Council for the Built Environment (established by Act 43 of 2000).
- Definition of an EAP – currently too restrictive as it does not cater for authorities who review EA work. Point made that people reviewing EA work should have had the practical experience 'doing' EIAs, to give them perspective. Without that, individuals lack the depth and understanding of doing EA in practice. Representative from government agreed – recommend that all EAPs have the required practical experience before undertaking review work, else need to send EAPs on training courses, etc; these courses do not effectively substitute for on – the – ground experience. In summary, only certified EAPs should undertake review work.
- Problem when clients don't give all the right information to EAPs. Could one not include something to the effect that EAPs have a right to 'down tools' when proponents withhold essential information, perhaps in code of ethics or code of conduct?

- Suggest liaise with Health Professions Council of South Africa (its Health Professions Act 56 of 1974 – established to define standards of professional education and training, setting and maintaining fair standards of professional practice): there are environmental practitioners active in that area too and we could learn from their Council.
  - Also suggest invite SA Society for Aquatic Scientists to become part of, or participate in, process, since many are involved in EA work. [to send information and details]
3. Workshop closed

## **7 NORTH WEST PROVINCE**

Workshop held at the Council Chamber, Rustenburg Local Authority  
14h00, 15 February 2006

### 1. Attendance

The workshop was attended by approximately 35 people who came from Rustenburg, Potchefstroom and Mmbatho. There was a good mix of consultants and government officials.

### 2. Issues raised

#### *Legal issues*

- What happens to people who don't meet the certification requirements? Would they be prevented from practicing?

#### *Categories of certification*

- Suggest merge reviewer and regulatory categories, with subcategories reflecting experience and roles
- Suggest have two levels of regulatory, to ensure that inexperienced individuals have work signed off by those with more experience.
- Lack of experience and qualifications relate to EAPs from government and from the private sector, so why make a special case for authorities? Should all meet the same criteria. Maybe the value of the administrative/regulatory EAP is not appreciated enough; in that case, the Minister should be advised.
- Support for an 'associate' category of EAP.

#### *Code of ethics and sanction*

- What can be done about 'pliable' consultants?
- What can be done about political interference applying pressure on government officials who in turn place pressure on EAPs?
- EAPs should be protected when they feel there's a problem with decision making – perhaps include as an amendment to NEMA?

### *Referees*

- Is there a need for referees? Perhaps have an alternative mechanism for peer review that does not have the effect of excluding emerging professionals?
- Problematic to find referees as there are so few certified EAPs in this province.

### *Criteria*

- With regard to experience – some people become competent quickly, others take longer. Are there other measures that could be used?
- An entrance exam could be considered as a 'short cut' to certification.

### *Other*

- Establish the Registration Authority and then revisit aspects or add other components such as accreditation of courses, other categories, etc.
- Need rigorous monitoring and evaluation – research on the weaknesses of the current EA quality system to identify criteria and core competencies to determine baseline (indicators?). Then need to evaluate the system and review quality on a regular basis.

### *Process issues*

- Circulate draft proposal to all stakeholders on database after national conference.

3. Workshop closed

## 8 GAUTENG PROVINCE

Workshop held at the Development Bank of South Africa Auditorium, Midrand  
14h00, 14 February 2006

### 1. Attendance

Approximately 100 people attended.

### A: ISSUES RAISED

BROAD DESCRIPTION	DETAILED DESCRIPTION
Legal requirements of section 24H of NEMA	<p><b>Constitution</b></p> <ul style="list-style-type: none"> <li>❖ Legal mechanisms of how this body would be controlled?</li> <li>❖ Need for legal review to go through state advisors desks with legal framework from state.</li> <li>❖ Need to do legal consideration in terms of other enabling legislation and possible conflicts with scope of other professional bodies with respect to possible impacts on EAPs. Legislation in terms of NEMA only is not enough. Check against other certification bodies in other pieces of legislation, set a path to end aim from previous patterns set.</li> <li>❖ Need to return to what Act allows – ‘may recognise’. Uncertainty in terms of what legal requirements are, and what the minister wants. This should be supplied to the delegates prior to the Conference.</li> <li>❖ Consideration of a Registration with the authority, as opposed to a separate Certification process. Team approval as part of the EIA process as elsewhere in Africa (e.g. Uganda, Kenya).</li> <li>❖ Must not be about EIAs ONLY must be wider than EIAs alone. Must include specialists in the whole range of tools.</li> <li>❖ Board must be dominantly made up of EAPs – must meet EAP criteria themselves, not from other professions</li> </ul>
	<p><b>Association</b></p> <p>&lt; no comment at this time &gt;</p>
	<p><b>Liability and appeals</b></p> <ul style="list-style-type: none"> <li>❖ Issue of insurance cover – professional indemnity / liability requirements – this needs to be considered and included</li> </ul>
	<p><b>Constitutional issues</b></p> <p>&lt; no comment at this time &gt;</p>
Other legal issues	<ul style="list-style-type: none"> <li>❖ Clarification on terminology – scientist vs practitioner, SACNASP registration – registered only for natural science NOT EIAs, missing social aspect. Issues of definition of a “natural scientist”? Clarification in SACNASP brochure as implies otherwise.</li> <li>❖ Clarification on terminology – certification vs registration (list) vs accreditation (educational qualification)</li> <li>❖ Confusion with SACNASP – specialist vs EAP registration, clarification between terminology</li> <li>❖ Conflicts between various enabling legislations – extensive legal review should be carried out (e.g. engineering)</li> <li>❖ Controls to allow ‘in-house’ EAP should be considered in terms of legality and included</li> </ul>

	<ul style="list-style-type: none"> <li>❖ Issue of mining – mining was not in parent bodies, but run a parallel process that is very similar to EIA process, serious concern that must be addressed (interaction between DEAT and DME).</li> <li>❖ Concern was raised that no filtering mechanism is present to remove 'bad practitioners'</li> </ul>
Categories of certification	<p><b>EAP 'in training'</b></p> <ul style="list-style-type: none"> <li>❖ Need for 'in training' categories was underscored, mentor concept</li> </ul>
	<p><b>EIA reviewer</b></p> <ul style="list-style-type: none"> <li>❖ What of certification of reviewers! They after all are passing judgement on projects carried out by professionals that shall require certification, but no similar constraints on their technical ability have been highlighted.</li> <li>❖ Crucial importance of government reviewers.</li> <li>❖ In terms of certification of EAPs it was suggested that Government input on the quality of work, e.g. indicate what successful EIAs have carried out, could be requested in determination of suitability as an EAP</li> </ul>
	<p>Additional categories felt to be needed</p> <ul style="list-style-type: none"> <li>❖ Reviewer (professional +++)</li> <li>❖ Administrative</li> <li>❖ Environmental manager – potentially similar to the "in-training" category to allow for control of who may carry out environmental management of existing projects</li> </ul>
	<p><b>Other</b></p> <ul style="list-style-type: none"> <li>❖ Heavily slanted to consultants, many of the core competencies would not be encountered by government reviewers for instance.</li> <li>❖ It is suggested that a series of categories relating to the Scope of Work be linked to the formal categories of certification – these must be clearly delineated and defined and alternatives should be indicated. Registered as a professional engineer irrespective – but then control scope by qualification – controlled by code of conduct. EAP – professional + 'in training' ... then set scope below that. Scope may be further related to whether the type of projects undertaken to date are limited to a single localised geographic site or a linear development or very large geographic scale projects – this form of specialisation should be indicated if possible.</li> <li>❖ Set types of EAP but then link them to the scope within which that professional may operate – thus an expert in Project type A may not be competent to carry out Project type B, or other environmental control areas – this must be included in some or other manner. Cross reference to the scope linked to professional status as used by SACNASP and other professional bodies.</li> <li>❖ The scope should not be limited to EIA practitioners alone – NEMA makes allowance for a range of tools including for instance risk assessment, but the core competencies do not make allowance for such a range of abilities.</li> <li>❖ Environmental managers – what of a category or scope that relates to EMP maintenance, EMP development alone? Further – what of contract managers?</li> <li>❖ A suggestion was made that an Environmental auditor model could be followed with academic, on the job training, scope being set in which you are allowed to work</li> <li>❖ Categories need to be expanded – too generalist and makes more difficult to allow sponsors</li> <li>❖ Issue of 'in-house' EAP – how to review it?</li> <li>❖ Mentor programme and formal sponsor programme should be set up – but issues of time of said people.</li> <li>❖ Review definition of "environmental scientists" vs "environmental managers" vs "environmental practitioners" vs "ecological scientist" – clarification and determination of 'homes' for bodies.</li> <li>❖ Simplification of process – considered as being onerous, especially if add Board exams, interim qualifications. The possibility of an</li> </ul>

	EAP admission exam especially due to the wide range of backgrounds that professionals are coming from was suggested to speed the process up. This could be something like the legal board exam.
Codes of ethics and practice, and disciplinary procedure or sanction	<p><b>Code of ethics</b></p> <ul style="list-style-type: none"> <li>❖ Code of conduct to control scope of work done</li> <li>❖ Ability to allow Board to have an auditing process in place</li> </ul>
	<p><b>Disciplinary process</b></p> <ul style="list-style-type: none"> <li>❖ Implication of the costs to the Board due to disciplinary processes – including legal representation against the Board due to a disciplinary action taken</li> </ul>
Transformation, representation of the industry	
Financial issues, charge-out rates	<ul style="list-style-type: none"> <li>❖ Cost of registration? Implications of different categories and possible multiple registration costs. Cost proposal.</li> <li>❖ Benefits from being registered.</li> <li>❖ Costs of Board will happen – including legal representation against disciplinary action against the Board\</li> </ul>
Who should be certified	Issue of South African Citizenship – this must be considered and a position thereon included What of certification of project teams or other groups?
Certification with other registration bodies	Queried why SACNASP was not on list of founder members – clarification that this is so, but that SACNASP does have a memorandum of understanding with the ICB
Certification of specialists from different disciplines who contribute to the EIA	Concern that EAPs are NOT related to EIAs alone!
Academic training and the accreditation of courses in ea	<p>CPD requirements to maintain or reach certification requirements need to detailed – both for new professionals and existing professional that may not have the perceived best educational background for carrying out EIAs</p> <p>A crucial issue raised – to do an EIA all one really needs is practical experience in doing an EIA! Must be high lighted as crucial. A suitable academic background is certainly not acceptable by itself.</p> <p>Minimum training standards – including possibly an entry exam – concept of a board exam must be written into legislation.</p> <p>Grandfather clause for previously qualified. BUT set requirements for new people coming through education system now.</p> <p>Need a SETA concept to cover minimum qualifications and link it to formal skills development and increase thereof.</p>
Continual professional improvement, commitment to mentoring, training emerging	Courses may be linked to categories of EAP as per scope (see issue of Scope above)

professionals	
Referees in support of applicant	Referees must not be limited to just those that are registered – this was felt to be too limiting at least for the next few years until a large pool of EAPs are available to chose from with the related higher probability of registered professionals knowing an individuals work.
Other	<ul style="list-style-type: none"> <li>❖ EAP process of certification – cannot exclude people from carrying out EIAs unless registered</li> <li>❖ Time period for certification process</li> <li>❖ Automatic acceptance of registered EAPs within categories of new board???</li> <li>❖ More research is needed with all relevant legislation (e.g. EAP Act) should be in place prior to certification</li> <li>❖ Issue of time constraints above.</li> <li>❖ Careful that the message is that we must move forward, don't stall the process, a lot of work has been done already – specific issues related to say exclusion of mining industry.</li> <li>❖ Option of including expert witness by authorities on known practitioners – to facilitate registration process</li> </ul>

### B: QUESTIONS ASKED

Question topic No.	Broad topic	Question
1	ICB	< no specific comment at this time >
2	Consultation process	<p>Concern with respect to the level of engagement – does it go further than these 9 regional meetings? Concern that additional input may not be able to be sent to the conference. It was noted that further input could be sent to the parent bodies of the ICB for presentation at the conference by the designated attendees.</p> <p>Is the aim to establish ICB as a new body OR set-up a new body related to this legislation? This was not clear in the information put out about the workshops.</p> <p>Lack of consultation is seen as it is perceived that the ICB is seen as a fait accompli.</p> <p>Concern that the criteria for core responsibilities are set and that no further consultation in this regard is planned. Conference MUST have a high level of qualified EAPs present!</p> <p>Consultation is core to the work of an EAP – but the process to date seems a bit short thereon. More feedback is needed. Feed back can come via the ICB parent bodies or via the ICB itself – the ICB as it stands should send out info to members so that people know what the status is. For instance put status onto a relevant webpage – e.g. EAPSA.co.za and DEAT.gov.za – for status updates. BUT must be updated often and soon!</p> <p>Request that the final input from these workshops be made available via these electronic links mentioned in the point above before it goes to the Minister – with allowance for comment if at all possible.</p>
3	Representivity	< no specific comment at this time >
4	Need for certification	This was not argued but taken as a given need
5	Legal issues	< see comments above >
6	Competence issues	< see comments above >
7	Types of EA	< see issues relating to scope above and the complete toolbox of impact assessment >

	undertaken	
<b>8</b>	Referees	❖ It was noted that 'Sponsors' should be but don't have to be registered EAPs. Issue raised is thus the problem of knowledge of person, to get up to speed with your core competencies. Strong guidelines needed to ensure this process occurs smoothly.
<b>9</b>	Mentoring	< see comments above >
<b>10</b>	Continuing education	< see CPD items >  ❖ Considered to be crucial ❖ Issue raised of the importance of actually doing 'work' – that is continuing actual hands-on experience in the field, and some means of crediting this to a person to thus maintain their accreditation status.
<b>11</b>	Training	< see CPD items >  The need to include grandfather clauses relating to what training makes an EAP.
<b>12</b>	Accreditation of courses	Need for a SETA type of association link for accrediting courses.
<b>13</b>	Ethics	< no specific comment at this time >
<b>14</b>	Discipline	< see comments above >
<b>15</b>	Transformation	< no specific comment at this time >
<b>16</b>	Other	❖ What are the benefits of registration and costs? It was noted that the benefit should be to the public NOT to the practitioners. But the issue was also raised that professional benefits should accrue to the EAP for being certified.

## 9. NORTHERN CAPE PROVINCE

Workshop held at Training Hall, Francis Baard District Municipality  
10h00, 20 February 2006

### 1. Attendance

Approximately 15 people attended, mainly from Kimberley and a few from Upington.

### A: ISSUES RAISED

BROAD DESCRIPTION	DETAILED DESCRIPTION
Certification with other registration bodies	SACNASP – Big issue. Purely for science, memorandum of understanding. They choose not be part of the process. Legally wrong to do EIAs.
Continual professional improvement, commitment to mentoring, training emerging professionals	Continual professional development very important.  ICB should come up with more specific requirements: degree, experience, core competence, cover of specific fields.

### B : QUESTIONS ASKED

Broad topic	Question
<i>Representivity</i>	<ul style="list-style-type: none"> <li>▪ .Will the ICB become a “spokesperson” (recognized body) for issues?</li> <li>▪ Will the ICB become statutory? <i>Not enough time, thus voluntary registration. Probably regulated by DEAT in the future.</i></li> </ul>

<i>Need for certification</i>	<ul style="list-style-type: none"> <li>▪ Only people who want to be registered should be registered, not an automatic process.</li> </ul>
<i>Legal issues</i>	<ul style="list-style-type: none"> <li>▪ SACNASP</li> <li>▪ Government officials – internship? Is it necessary to differentiate between officials and practitioners?</li> <li>▪ The applicant also has a responsibility to appoint a competent consultant. <i>How will the applicant know the consultant is competent???</i></li> </ul>
<i>Competence issues</i>	<ul style="list-style-type: none"> <li>▪ Small consultancies (FS, NC) to not always deal with “big EIAs” and get rejected. Entrance barrier very high. Must be a way to show competency.</li> <li>▪ If the consultant feels inadequately trained, he will not undertake the EIA – professionalism.</li> <li>▪ Entrance exam – will help with subjectivity.</li> </ul>
<i>Referees</i>	<ul style="list-style-type: none"> <li>▪ .Certification process run voluntary by Board (EAPS). Possibly 1500 practitioners, only 70 EAPS. Are they going to be the soul body? There should be stepping stones regarding to competency etc..</li> <li>▪ Local knowledge very important.</li> </ul>
<i>Mentoring</i>	<ul style="list-style-type: none"> <li>▪ Entrance barrier with mentorship. Might “steal” clients away.</li> </ul>
<i>Ethics</i>	<ul style="list-style-type: none"> <li>▪ How do you measure independence? <i>Ethics</i></li> </ul>
<i>Other</i>	<ul style="list-style-type: none"> <li>▪ Misinformation to the public – access to information by the general public</li> </ul>

## APPENDIX 2: WRITTEN INPUT FROM STAKEHOLDERS

<b>Name</b>	<b>Issue</b>
Janine Nicholson (Environmental Risk Management cc)	<ul style="list-style-type: none"> <li>• Dual registration with SACNASP as EAP or environmental scientist, registration with auditor schemes, etc. Don't have time or money!</li> <li>• Registration requirements favour consultants employed by large consultancies. Small consultancies may not only do EA work, and could be penalized over time.</li> <li>• Sponsors/referees – requirement should be scrapped as impossible to expect everybody to find a registered EAP</li> <li>• Opposed to registration in specific categories to which EAP would be limited. Bound by code of ethics so should not take on work if out of depth.</li> <li>• The value of short 'training' courses is questionable; should emphasise appropriate formal training / academic qualifications and relevant experience.</li> <li>• Object to proposal that government authorities be asked to comment on quality of work by a particular individual. Officials are not always impartial, many don't have the background or experience to evaluate EA work.</li> </ul>
Joanna Goeller (Knight Piesold Consulting)	<ul style="list-style-type: none"> <li>• Don't see the need for another registration authority; there is SACNASP</li> <li>• Different categories of EAP makes it necessary to apply for registration in more than one category, with cost implications</li> <li>• Need to consider all legal implications and laws.</li> <li>• Would like opportunity to review and comment on the draft proposal before it is submitted to the Minister</li> </ul>
CL Reichardt (University of the Witwatersrand, School of Mining Engineering)	<ul style="list-style-type: none"> <li>• Failure to engage with mining industry: SA Institute of Mining and Metallurgy and/or Chamber of Mines should have been (i.e. should be) consulted. Number of consequences if this sector is not included in the process.</li> <li>• Inadequate consultation with stakeholders – national workshop will be largely attended by DEAT staff and nominees and there would be limited representation from organizations that have already endorsed the initiative.</li> </ul>
Cornelis van den Berg (Ecoscope)	<ul style="list-style-type: none"> <li>• Will registration – and payment – be required for every form of environmental work? EMPs, EIAs, EMS, auditing, etc? If so, would be undesirable.</li> <li>• Registration should 'have teeth', should be acknowledged by the authorities, should protect the profession and professionalism.</li> <li>• Registration shouldn't be a financial burden</li> </ul>

	<ul style="list-style-type: none"> <li>• Maintenance of certification should span 3-5 year periods; doesn't need to be annual.</li> <li>• Essential that government officials be certified; if not, then don't pursue registration.</li> </ul>
Charl de Villiers (Botanical Society)	<ul style="list-style-type: none"> <li>• Focus on EAPs excludes a large body of people involved in environmental management. Could one not expand on the definition of an EAP to include others (e.g. ECOs, auditors, specialists, etc).</li> <li>• Lack of training and experience should not disqualify one from registration. Should aim to bring as many environmental practitioners into the 'fold'. Consider an entry-level threshold with limitation as to what such person may and may not do, tied to codes of conduct, ethics. Give clear directions wrt steps needed to be registered, and encourage incremental movement up the 'ladder' towards certification.</li> <li>• Smaller consultancies have most to lose if restriction placed on practice, to livelihoods; important to consult with them.</li> <li>• EA profession draws on a wide range of backgrounds. Many non-scientists can't register with another professional body (eg SACNASP); need recognition of this by state and members of the registration body.</li> </ul>
Willem van Biljon	<ul style="list-style-type: none"> <li>• The conference will only be attended by members of the ICB. Not all EIA practitioners currently belong to these member organisations. Therefore it is imperative that the outcome of the conference be distributed for public comment.</li> <li>• Why it is not possible to incorporate the proposed process under SACNASP. There is already an act for scientific professions in place and to my mind it is only the criteria that needs to be adapted.</li> </ul>
Adrian Sillito (SEC & ECC Joint Venture)	<ul style="list-style-type: none"> <li>• The principle of improving quality and having a screening system for EIA practitioners is excellent and is supported.</li> <li>• I am a little concerned about the exclusive rather than the inclusive nature of the process currently being followed.</li> <li>• Whilst it is important to have standards for EIA practitioners, I feel that any umbrella body should add value to the profession by screening its membership and identifying weaknesses in a constructive manner. Some form of mentorship could possibly be considered to bring the practitioner up to speed in these areas. In this way I believe that such an organisation could really add value to the profession and actively promote membership of the organisation and improve standards.</li> <li>• Owing to the severe skills shortage in our country, I believe that most professionals have value and everyone should be encouraged to improve on their EIA practice.</li> </ul>
Rod Bulman (Phelamanga Projects)	<ul style="list-style-type: none"> <li>• Need to improve the capacity of assessing authorities and require them not to accept inadequate reports. Build the capacity of the assessing authority by appointing on merit and competence, and requiring professional qualifications.</li> <li>• The bias towards formal training in a 'hard' scientific discipline tends to discount the role of the 'softer' social sciences. Formal training is important and should be included, but should not be the dominant criterion.</li> <li>• The focus is narrowly on impact assessment and even more narrowly on the application of the EIA regulations. This runs counter to the trend</li> </ul>

	<p>towards viewing the environment in a more holistic and integrated fashion. Let's go wider than pure impact assessment, to 'environmental practitioner'. Public participation, heritage, strategic development, impact assessment - these are all specialists and should be recognised as such. Those who want to do impact assessment can do so, without having a monopoly on the licensing.</p> <ul style="list-style-type: none"> <li>• Certification on its own is insufficient to promote quality. It must be accompanied by an increased professionalism. Professionalism is wider than just qualifications. Such a positivist approach will do us a disservice in the end as it is narrow in focus.</li> <li>• Establish a professional association, run by professionals that, <i>inter alia</i>, will act as a certifying authority for 'environmental practitioners', as an alternative to establishing a registration authority. If we don't run the show we will be dictated to. We know best how to regulate ourselves.</li> </ul>
<p>Claire Blancher (Knight Piesold Consulting)</p>	<ul style="list-style-type: none"> <li>• Duplication of certification of EAPs by SACNASP, for example, is undesirable. Need to work towards a single certification/registration body.</li> <li>• Important that clients request certified environmental practitioners, and that DEAT only consider reports submitted by certified lead environmental consultants. This will only be achieved if the legislative framework makes certification mandatory. We therefore urge the proposed regulatory authority to make this a key objective, and to take the necessary steps to encourage legal support in this regard.</li> <li>• ICB needs to involve tertiary education centres, institutions, universities and colleges in accrediting courses, degrees.</li> <li>• Important that specialists too are certified, to ensure good quality EA. Registration authority should make this a key objective.</li> <li>• Government officials should be certified as reviewers, having to attend certain courses rendering them competent at environmental report review.</li> <li>• Does not seem appropriate that someone with a PhD needs the same experience as someone with an undergraduate degree in environmental practice. The ICB should consider a weighted system, whereby more experience is required if the candidate only has an undergraduate degree, and three years if they have a postgraduate degree.</li> <li>• Issue of liability must be explored.</li> </ul>