



environment & tourism



INTERIM CERTIFICATION BOARD FOR
ENVIRONMENTAL ASSESSMENT
PRACTITIONERS OF SOUTH AFRICA

TOWARDS THE ESTABLISHMENT OF A REGISTRATION AUTHORITY FOR ENVIRONMENTAL ASSESSMENT PRACTITIONERS IN SOUTH AFRICA

CONSULTATIVE PROCESS WITH KEY STAKEHOLDERS

*REPORT TO MINISTER MARTHINUS VAN SCHALKWYK,
MINISTER OF ENVIRONMENTAL AFFAIRS & TOURISM*

Prepared by Marlene Laros on behalf of the ICB, 1 November 2006

This report serves to update the Minister of Environmental Affairs & Tourism on the progress made and key challenges encountered in the consultative process towards the establishment of a registration authority for environmental assessment practitioners in South Africa.

Further, this report presents the redesign of the consultative process and revision of the work plan of the Memorandum of Understanding¹ between the Interim Certification Board (ICB) and the Department of Environmental Affairs & Tourism (DEAT) in order that these key challenges can be addressed in a systematic and coherent manner.

The ICB submits that in order for a registration body for EAPs to play an effective quality assurance role, two critical issues need to be addressed:

- *the development of SAQA (South African Qualifications Authority) approved qualifications standards for environmental assessment practice; and,*
- *the establishment of the enabling legal mechanism that would make registration compulsory for EAPs (amendment of the NEMA Regulations).*

The timeframe associated with the above two turn-key processes is beyond the control of the ICB but rests with the mandated agencies SAQA and DEAT respectively. The proposed way forward, summarised in Figure 1, seeks to address these key issues within the consultative process, while establishing a representative structure for the proposed registration body.

1. Introduction

Since, 2001, the ICB, representing 17 organisations has been, and continues to, provide for the voluntary certification of Environmental Assessment Practitioners (EAPs) in South Africa

¹ On 5 December 2005, the Department of Environmental Affairs and Tourism (DEAT) and the Interim Certification Board (ICB) concluded and signed a Memorandum of Understanding to enable the ICB to co-ordinate a consultative process with key stakeholders towards the establishment of a registration authority for environmental assessment practitioners in South Africa as provided for in section 24H of the National Environmental Management Amendment Act, Act No 8 of 2004.

(80 practitioners certified to date). This voluntary certification system has been developed and applied in the absence of formal qualifications standards for environmental assessment practice in South Africa. The lack of SAQA-compliant qualifications standards remains a key challenge in the establishment registration criteria that are seen as equitable.

In 2004 the DEAT amended section 24 of the National Environmental Management Act (NEMA Amendment Act, Act No. 8 of 2004) which provided for the recognition of registration authorities for EAPs in SA but did not make the registration of EAPs compulsory. It is noted that it is the Minister's intention to make registration compulsory in due course. It is likely however, that until such time as registration for practitioners becomes a legal requirement, it will not be possible to meaningfully enable quality assurance in environmental assessment practice.

In March 2005, at the time when the ICB would have dissolved and called for nominations of a new Board, Minister Marthinus van Schalkwyk requested a co-ordinated and urgent response from professionals to address quality assurance in professional environmental assessment practice. The Minister was becoming increasingly concerned about professional standards and ethics in environmental assessment practice.

In December 2005 a consultative process was initiated in terms of the MoU between DEAT and ICB. The purpose of the process was to consult stakeholders with a view to reaching as much agreement as possible on the content of a proposal for the establishment of a registration authority. According to section 24 of NEMA, this proposal needs to include the constitution of the association; the description of the criteria and process to be used to register environmental assessment practitioners; a code of conduct regulating the ethical and professional conduct of members of the association.

The following sections provide: a report on process made in terms of the existing MoU between the DEAT and the ICB (section 2), a summary of the progress made by the Working Group mandated by the national conference (March 06) (section 3). Section 4 summarises the key challenges and plans to address them, and the proposed way forward is presented in section 5.

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

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

- *Press release, 27 January 2006*
- *Background Information Document, January 2006*
- *Record of Provincial Workshops, Comments and Responses Document, March 2006*
- *Record of Provincial Workshops and Input from Stakeholders, March 2006*
- *Single Text document for National Conference, March 2006*
- *Draft Constitution of the Environmental Assessment Practitioners Board of South Africa*
- *Programme, National Stakeholder Conference, 28th & 29th March 2006, Airport Grand Hotel, Johannesburg*
- *Record of National Stakeholder Conference, 28th & 29th March 2006, Airport Grand Hotel, Johannesburg*
- *Summary Report on the Outcome of the Conference, 28 & 29th March and Status quo of the Process*
- *Draft Record of Working Group Meeting One, 14 & 15 September 2006"*

2. Consultative process and progress on agreed phases of work

Detailed progress reports have tracked the implementation of the work programme and budget of the Memorandum of Understanding. The following summarises the overall progress per phase.

Phase One: Planning, stakeholder identification & development of communication materials

Broad consultation was solicited via adverts in national and provincial newspapers, press releases, email network communications, professional member lists of the members of the ICB and large consulting companies.

Phase Two: Provincial consultation

Workshops were held in each Province and were well attended. The workshop debates and written input were captured in detail. The following attendance was achieved at the meetings:

Table 1: Summary of attendance at Provincial Workshops held in Jan/Feb 2006

Province	Date of meeting	Attendance
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+

Phase Three: National Conference

The conference was attended by 60 representatives of professional bodies represented on the ICB with additional professional bodies identified through the process, as well as provincial and national government. The Conference had set out to discuss and reach as much agreement as possible on a draft single text of a proposal to the Minister for the establishment of a registration authority for EA practitioners in South Africa.

While there was significant ground covered and there was agreement in principle that it is desirable to have one registering authority, there was not sufficient agreement on the constitution, certification criteria (including qualifications, recognition of prior learning and experience and competency areas as a whole), the certification process, or the sanction process. It was also recognised that the South African Qualifications Authority needed to play a key role in developing the required *competencies and qualifications* for EA practitioner and that a process would need to be pursued in parallel with developing the proposal further.

In order to enable the draft proposal to be developed further while taking into account the inputs of the conference and the process as a whole. The following individuals were nominated to a *working group* that would be responsible for compiling a revised draft proposal to the Minister: Mondo Komane, Amanda Britz, William Mngoma, Carmen du Toit, Andrew Duthie, Barry Gasson and Sibonelo Mbanjwa.

Phase Four: Planning next steps (submission of proposal application to the Minister)

Phase four would have concluded the proposal for submission to the Minister. However, it is clear that further consultation is required to conclude a proposal that has adequate support of

relevant stakeholders. It is proposed that the final phase of the process be redesigned to address the identified key challenges directly.

3. The Working Group's progress

The Working Group (WG) mandated by the national conference (28 & 29 March 06) to revise the draft proposal held a working session on 14 & 15 September 2006 at which proposals to amend the *Draft Proposal* were discussed. A further WG working session will be held on 25 & 26 January 2007 to conclude the revisions to the proposal. This revised *Proposal* will be the basis for a further round of stakeholder consultation (proposed at organisational, provincial and national levels). See Way forward, section 5.

In terms of the content of the proposal WG has made significant progress in addressing some of the foundational aspects (purpose and objectives) of the constitution of the registration authority, its institutional form and function, categories of registration, the criteria and process for registration. A key focus of the WG's debate was on the formal qualifications for practitioners and required competencies for the categories of professionals to be registered. The key challenges remain, as in the voluntary system, the need for formal qualifications standards for environmental practice in South Africa.

4. The key challenges and how they are addressed in the work plan

The following summarises the key challenges that must be addressed in order to conclude a proposal that will have broad agreement from stakeholders.

- i) Development of relevant levels of formal qualification standards for environmental practice, in terms of:
 - a. the National Qualifications Framework implemented by SAQA (levels 5 to 7) which would need to describe the competency areas for the categories of practitioners as Unit Standards.

Engage SAQA in the development of relevant Unit Standards.

Discussions with SAQA and its relevant Standards Generating Body are underway to pursue the development of Unit Standards, based on the agreed competencies as described by the WG. The input of a relevant expert will be required in the conversion of the agreed competency areas into Unit Standards in the appropriate SAQA format.

- b. The standards and content of coursework offered in the degrees and short-courses in the broad arena of environmental practice offered by institutions of higher learning to ensure that their course offerings at relate in a meaningful way to the SAQA Unit Standards approach for Environmental Assessment Practitioners.

Engage institutions of higher learning to address content and standard of education and training offerings.

- ii) The registration system must acknowledge the different roles of government/ regulatory/ *review practitioners* who may never have undertaken EIAs but provide a review function in the EIA process and *practitioners* who undertake EIAs in private practice or within parastatals, utilities etc.

The challenges are manifold here:

- Some stakeholders hold the view that one must have undertaken EIAs in order to be a reviewer.

- The current context is that many government officials and private practitioners who are already practicing may not hold the relevant qualification recognised in terms of the existing or proposed registration criteria.

Recognise different competency sets for different roles of reviewer and practitioner

The WG has proposed general competencies for practitioners but has also described competencies specific to review practitioners and practitioners respectively.

SAQA to assist with assessing formal qualifications.

- iii) The need to provide for easily accessible and equitable registration options that are inclusive, including an examination option.

The working group has recommended the inclusion of an examination to enable unsuccessful applications to prove their competencies, should they so wish. This will require significant work and collaboration with institutions of higher learning and SAQA.

Develop an examination/ competency assessment system.

- iv) The need to ensure that the proposed board and committees of the registration authority are representative and champion transformation in the profession.

The WG has suggested representation on the Board of the Registration Authority.

The WG is also recommending an approach to the registration process and that will support the development of professionals towards registration through Continued Professional Development.

- v) The need in the medium-term for a statutory Environment Professions Council.

In order for the environment professions to follow the line of other professional sectors, a Council for Environment Professions needs to be established for all professional environmental practitioners.

5. The way forward

The proposed way forward is summarised in Figure 1 and needs to achieve the following outcomes:

- Sufficient agreement of all relevant stakeholders on the content of the proposal to be revised by the Working Group and submitted to the Minister (by end September 2007).
- Establishment and recognition by the Minister, of the registration body by appointing a Board, Registration Committee and securing operational budget on the basis of a business plan (by end June 2008).
- Registration of Environmental Assessment Practice Unit Standards with SAQA in terms of the National Qualifications Framework (by May 2008).
- Completing enabling regulatory instruments with the Department Environmental Affairs & Tourism, specifically the amendment of the NEMA Regulations to make registration compulsory for practicing EAPs (by end of June 2008).

In order to achieve these outcomes revised work programme of the MoU is being finalised between DEAT and the ICB. This work plan is divided into the following sub-phases of work:

Sub-phase I Working Group Proposal Revision (DRAFT 1 of the revised proposal)
(October 2006 to February 2007)

Sub-phase II Business Planning, Development of Unit Standards and Examination/s & Working Group Proposal Revision (DRAFT 2 of proposal and advertised

draft of Unit Standards)
(February 2007 to June 2007)

Sub-phase III Proposal Submission to Minister and establishment of the Registration Authority
(June 2007 to November 2007)

Sub-phase IV Launch & operationalisation of Registration Authority & publication of Gazette notices
(December 2007 to June 2008).