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## COUNCIL FOR THE BUILT ENVIRONMENT

### IDENTIFICATION OF WORK POLICY AND TEMPLATE FOR THE BUILT ENVIRONMENT COUNCILS

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## FINAL POLICY DOCUMENT AND TEMPLATE

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## CONTENTS

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Abbreviations.....	ii
Definitions.....	iii
Summary.....	v
1 INTRODUCTION .....	1
1.1 Background and Context.....	1
1.2 Objectives of the Policy and Templates .....	3
1.3 Critical Questions in Developing the Policy and Template .....	3
1.4 Research Methodology .....	4
1.5 Structure of the study .....	5
2 THE IDENTIFICATION OF WORK POLICY .....	7
2.1 Policy Goals and Objectives.....	7
2.2 Applicability .....	7
2.3 Policy Issues .....	8
2.3.1 When is the identification of work by Built Environment Council's justified?.....	8
2.3.2 How should reserved work be demarcated within the profession?.....	9
2.3.3 How should the identification of work process be done?.....	10
2.4 Overlaps with Other BE Professions .....	14
2.5 Implementation, monitoring and evaluation .....	15
3 THE IDENTIFICATION OF WORK TEMPLATE .....	16
3.1 Introduction.....	16
3.2 The Identification of Work Process.....	16
3.3 Submission of the identification of work for comment.....	19
3.4 The Template .....	20

## Abbreviations

BE	-	Built Environment
BEC	-	Built Environment Council
CBE	-	Council for the Built Environment
DPW	-	Department of Public Works
VA	-	Voluntary Associations

## Definitions

“Built Environment Councils” means the:

- (a) South African Council for the Architectural Profession, established by the Architectural Profession Act, 2000;
- (b) South African Council for the Project and Construction Management Professions, established by the Project and Construction Management Professions Act, 2000;
- (c) Engineering Council of South Africa, established by the Engineering Profession Act, 2000;
- (d) South African Council for the Landscape Architectural Profession, established by the Landscape Architectural Profession Act, 2000;
- (e) South African Council for the Property Valuers Profession, established by the Property Valuers Profession Act, 2000; and
- (f) South African Council for the Quantity Surveying Profession, established by the Quantity Surveying Profession Act, 2000;

“Built Environment Professions Acts” or the “Professions Acts” refer to the:

- (a) Architectural Profession Act, 2000;
- (b) Engineering Profession Act, 2000;
- (c) Landscape Architectural Profession Act, 2000;
- (d) Project and Construction Management Professions Act (Act No. 48 of 2000)
- (e) Property Valuers Profession Act, 2000; and
- (f) Quantity Surveying Profession Act, 2000;

“Category” refers specifically to the categories in which a person may register as prescribed by the council regulating the profession under which they fall

“Competency” refers to the knowledge, skills, abilities, attitudes and judgement required for effective performance in a particular occupation or profession, or to enable a person to meet the requirements of a specific job or task.

“Identification of work” this refers to the work identified by any of the six Built Environment Councils that may only be performed by persons registered in any of the

categories of registration recognised by the Built Environment Council according to that Profession's Act. A person who is not registered in terms of the relevant Built Environment Professions Act may not perform any kind of work identified for any category of registered persons, but persons are allowed to perform identified work if such work is performed in the service of, or by order of and under the direction, control, supervision of or in association with a registered person entitled to perform the work identified and who must assume responsibility for any work so performed.

"Public"	means any person or group of persons who is, or whose environment is, either directly or indirectly affected by any project and construction management activity, or by a product, outcome or influence of a project and construction management activity, which may impact on the health, safety and interest of such person or group of persons.
"Practice"	means regularly and consistently carry out project and construction management work identified in section 4 of this document, and charging professional fee for such work and accruing professional responsibility to a client or an employer for the performance of such functions 'Principal Agent' means the person or entity appointed by the client and who has full authority and obligation to act in terms of the construction contracts.
"Professional"	means a person who is registered as such in terms of any of the 30 Professions Acts
"Registered person"	means a person registered in terms of any of the Professions Acts
"Registration"	the process of assessment of competency of applicants and of entering the names of suitably qualified (competent) persons as professionals, candidates and specified category persons into an official register, kept according to categories that specify the professional areas in which registered persons are competent to practice. Registration allows registered persons to use a specific title that serves as indication of competency to members of the public.

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## Summary

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This document presents the Council for the Built Environment's policy for the identification of work to be adopted by the built environment professions councils, and a resulting framework to guide the implementation of the policy. It has been formulated to guide the councils in their identification of work, incorporating existing standards and legislation while guarding against imposing unnecessary regulation and uncompetitive practices. The policy also serves to harmonise the overlaps between work identified by the councils, and work identified for the various categories of registered persons within the councils.

The process adopted to arrive at this policy and template involved commenced with a review of the literature to unpack the issues and international experiences in the field of identification of work. Issues arising were then identified and the Built Environment councils contacted for their comments on the issues. The results were then incorporated into a preliminary draft document and a template for the identification of work which was discussed with stakeholders at three subsequent workshops in Centurion, Cape Town and Pietermaritzburg. Feedback in the form of written submissions from workshop participants and further interviews with identified expert persons in the Built Environment professions have also been incorporated into the policy and template. We have also engaged with the Built Environment Councils to get their recommendations on the final policy and template.

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SECTION 1

INTRODUCTION

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# 1 INTRODUCTION

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## 1.1 Background and Context

The Council for the Built Environment Act, 2000 (Act No. 43 of 2000) establishing the Council for the Built Environment (CBE) was passed by Parliament in November 2000 along with the suite of Acts regulating and re-establishing the six Built Environment (BE) professions. The Act became operational in September 2001, following the establishment of the six BE professions councils for Architectural, Engineering, Landscape Architectural, Quantity Surveying, Project and Construction Management and Property Valuers professions. The CBE is established as an overarching body for the built environment professions, and its core objectives include:

- Ensuring consistent application of the policy within the professions.
- Advising Government on matters impacting on the built environment.
- Managing coordination between the councils to support matters of national interest.
- Enabling the recognition of new professions.
- Promoting the recognition of different categories within the professions.
- Acting as an appeal body for affected professionals and aggrieved members of the public.

The CBE and the six BE professions councils (BECs) are also mandated to maintain professional standards, competence and performance; promote a culture of mutual accountability within the professions, their clients, and the public; and to promote and protect the public interest, especially where consumers may not be in the position to assess the quality of the service.

Key amongst the regulatory framework provided for by the CBE Act and the six BE professions Acts are the identification work clauses. These are intended to ensure that professional functions are performed only by persons with the necessary competence. Identification of Work is a concept that is used in defining practice and services by registered persons under legislation regulating built environment professions. In the South African environment, the concept originates from the "reservation of work" concept, and refers to provisions in legislation that reserve certain aspects of work or functions for persons who comply with specific competency requirements, for example,

those registered under a certain professional body and within certain categories<sup>1</sup>. The rationale behind the identification and reservation of work arises from the view that the market for professional services may not work efficiently due to imperfections, negatively affecting the consumers.

Section 20 of the Council for the Built Environment Act, 2000 (Act No 43 of 2000) states that the CBE must “after receipt of the recommendations of the councils for the professions submitted to it, in terms of the professions’ Acts, and before liaising with the Competition Commission, determine policy with regard to the Identification of Work for the different categories of registered persons; and consult with any person, body or industry that may be affected by the Identification of Work.” The CBE is also required to “...after consultation with the Competition Commission and in consultation with the councils for the professions, identify the scope of work for every category of registered persons.”

The BE Professions Acts further require the BECs to submit recommendations to the CBE on any work that should be identified for its consideration and identification (implying recognition) after consulting with any party that might be affected by the identification of the work . The significance of identified work in the BE is such that any person who is not registered in terms of the relevant BE Professions Act will be prevented from carrying out “...any kind of work identified for any category of registered persons” or causing “himself or herself to be held out as a person registered in terms of the relevant Acts” or allowed to “... use the name of any registered person or any name or title referred to in the relevant Built Environment Professions Acts”<sup>2</sup>.

Section 20 (1) (a) of the Council for the Built Environment Act then calls for the CBE to provide a framework to:

- i) guide circumstances in which identification of work should be exercised to achieve protection of the public;
- ii) broadly define methods of demarcation of registered persons to fit particular situations;
- iii) list the principles for effective identification of work.

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<sup>1</sup> *Policy Document on the Statutory Regulation of the Built Environment Professions*, Government Gazette No. 20281, June 1999

<sup>2</sup> Council for the Built Environment Act, 2000 (Act No 43 of 2000)

This framework should apply across the whole of the built environment professions and should design policies and arrangements that ensure a coordinated approach in the identification of work for each profession and provide a single, consistent, comprehensive and explicit framework on which to base demarcation of work for all professions and categories of registration. The policy framework should provide guidance on how to identify work for each profession, ensure suitable levels of competition are allowed in the profession and with other professions and rationalise the overlap between identification of work in the various BE professions.

The need to develop this policy document and template for the CBE and the BE professions is thus critical in guiding the process of identifying work for professional BE councils.

## **1.2 Objectives of the Policy and Templates**

The objective of this policy is to provide an overarching framework for the Council for the Built Environment that can be used to guide the Built Environment professions in their identification of work. The policy covers the identification of work for the built environment professions and the demarcation of such identified work between categories of registration in the same profession. It also addresses the procedure to be followed where identified work falls within the scope of any other BE profession.

The policy also proposes monitoring and evaluation guidelines for a policy on identification of work in the South African BE.

## **1.3 Critical Questions in Developing the Policy and Template**

To develop a policy framework that will guide the identification of work in such a way that the interests of the public are protected and the Built Environment Councils have a standard method for identifying work to be reserved for persons registered within any of the categories identification in that profession, several issues have to first be resolved. These are:

1. Is the identification of work necessary for professions in the Built Environment in South Africa?
2. What are the key issues that an identification of work policy must incorporate if it is to

adequately protect the public interest?

3. What is the preferable way of implementing such an identification of work policy?

Investigating these questions led to several subsidiary questions arising, namely;

4. How is identified work demarcated within professional categories in a Built Environment profession?
5. What is the preferable way of demarcating work between the professional categories in the same Built Environment profession?
6. What is the preferable way of managing overlaps where similar work is identified by more than one Built Environment profession?

These were answered through the research methodology.

#### **1.4 Research Methodology**

To arrive at the appropriate policy for the Council for the Built Environment and the BECs, a two-phase research methodology was used.

In the first step, a thorough review of the literature around the subject matter. Was carried out focusing on:

- Current issues in identification of work policies, locally and internationally, in order to establish best practice,
- The BE professions and their identification of work processes to date, and
- The legislative environment in South Africa.

After a synthesis of the literature review, the key issues and findings identified the critical issues necessary to propose a policy for the identification of work within the South African BE. This was distilled into a survey instrument, in this case a questionnaire for structured interviews. Surveys – through structured interviews - were then carried out with participants from each of the six professional councils, specifically the individuals within these councils responsible for the identification of work. Subsequently, a draft policy document and template was drawn up for comment and tabled for discussion at stakeholder workshops held in three venues across the

country. The feedback from workshop participants, and subsequent further interviews with interested stakeholders constituted the final step in arriving at the policy.

## 1.5 Structure of the study

This document is presented in two parts:

- This section, Section 1, introduces the policy and template
- Section 2 presents the policy framework to guide the identification of work within the BE, arising from the review of the literature, interviews and workshops, and
- Section 3 presents the template arising from the policy framework which will guide the submission of identification of work policies for the BECs

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SECTION 2

THE IDENTIFICATION OF WORK POLICY

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## 2 THE IDENTIFICATION OF WORK POLICY

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### 2.1 Policy Goals and Objectives

The objectives of this policy are to:

1. Provide a coordinated framework for the identification of work and the demarcation of identified work between professions
2. Provide for an effective and efficient mechanism for addressing and recognising overlaps and duplication between work identified by different professions
3. Ensure that where work is to be carried out by different categories of professionals, there are clear and transparent ways of determining the category of profession to carry the work out
4. Ensure the transparency and accountability of the identification of work process, and
5. Facilitate the most economically, socially and technically efficient use of built environment professions and their categories of registration with a view to attaining maximum benefits for the public

### 2.2 Applicability

The policy applies to the six BECs established by law, that is, the councils for the Architectural, Engineering, Landscape Architectural, Project and Construction Management, Property Valuers and Quantity Surveying Professions.

## 2.3 Policy Issues

### 2.3.1 When is the identification of work by Built Environment Council's justified?

Work should be identified when there is sufficient reason to believe that there may be negative consequences if it is carried out by persons who are not registered by a Built Environment Council or registered in a category within that council. The reasons **may be any** of the six indicated below, but any other reasons will be considered by the CBE if they are reasonable.

1. High impact on third parties (externalities) – in particular, if the health and safety of the general public is dependent on the proper execution of the work. A risk impact assessment, for example could be used to show the probability and severity of failure to provide the adequate quality of professional services.
2. If the public is likely to have little grasp of the professionals work (asymmetric information) and the impact of this is estimated as severe
3. Where there is high potential for conflict of interest or fraud on the part of persons carrying out professional work
4. Where there is a high degree of unequal bargaining power between consumers and professionals
5. Where there is a significant risk of impact on the natural environment or the country's heritage, as defined by a body or process independent of the BE professions such as the National Environmental Management Act or environmental impact assessments.
6. Where an overarching national policy rationale exists.

Reasons should be comprehensive and justify why, for example, the health and safety of the general public is at risk if the services are not reserved. The costs (not necessarily quantified, these may be qualitative) of the reservation of work should be indicated, as should the anticipated benefits.

Identified work should also meet **all** of the conditions indicated below:

1. The consequences of allowing the work to be carried out by persons other than the BE professionals is high,
2. The ability of the public to remedy the above consequences is low, costly or unduly time consuming, and

3. The Built Environment is unlikely to provide a satisfactory response to the identified above in reasonable time.

If it passes the above tests, identified work will only be undertaken by registered persons and those who are not registered will be prohibited from undertaking identified work.

### **2.3.2 How should reserved work be demarcated within the profession?**

Once the work to be reserved has been identified, the knowledge areas and competences required to carry it out should be identified in order to determine which level of professional can undertake the work.

The BEC carrying out the work should clearly set out the basis to be used in identifying the category of professionals. Examples of the bases that could be used are:

- a) Competencies – the competencies should be clearly identified, and it should be specified if they are work-based or worker based competencies
- b) Complexity – the ranking of complexity by the profession and the skills required for each complexity level should be indicated
- c) Risk impact – the impact of the work and risks associated with non-performance or poor performance should be stated
- d) Cost – there should be a clear correlation between the costs of the work and skills/abilities required to carry it out

Any other basis for demarcation may be used if it is to the satisfaction of the CBE.

It is encouraged that competencies be used as the main criteria in the demarcation of identified work, as they are transparent and speak directly to the registered person's ability to carry out the work. Where competencies are used, these must be clearly defined by the BEC and there should be an explanation of how these assist the professional to carry out the work demarcated.

To justify the reservation of work to a specific category of professional, one or a combination of the above cases should be cited as the justification for allocating the work. The principle of subsidiarity should guide the decision as to the level of competence required to carry out the work, and should allow those with the minimum competencies required to properly carry out the work to do so.

Based on the demarcation above, the persons identified as competent to carry out the work should be identified. The persons could be categorised according to:

- Educational level – here, the appropriate NQF levels should be identified, but provision should also be made for the recognition of prior learning and experience
- Relevant experience - determined based on work done on and level of responsibility on similar projects
- Skills level – a relevant test for determining the possession of the appropriate skills should be given
- Their record in continuing professional development

Any combination of the above or any other basis for demarcation may be used if it is to the satisfaction of the CBE.

Once registered in the relevant category or categories, qualified professionals should be allowed to freely practise their profession within the identified area of competency, and those who are not registered within those categories will be prohibited from undertaking identified work.

### **2.3.3 How should the identification of work process be done?**

Given the once-off or occasional nature of identification of work, it is understandable that few organisations have policies in place to guide the process. General principles can however be identified from professions and countries where the process has already taken place. The identification of work process addresses relatively complex public interest issues and potential trade-offs, and thus requires a largely consultative process. The suggested process is indicated below and in Fig. 1, and involves;

- i) The selection of a committee within the BEC to guide the process,
- ii) The preparation of a draft identification of work document and submission to the profession for comment
- iii) Public notification of the process, and a call for submissions from the public,
- iv) A consultation with interest groups if these are identifiable, and finally,
- v) Ratification and gazetting of the identification of work.

These steps are discussed in greater detail below.

**i) The selection of a committee within the BEC to guide the process**

As the parties best capable of identifying what work they would like reserved and categorising it, the BECs would need to kick start the process internally before submitting documents for public appraisal. Some degree of experience in the industry may be needed for this. The suggested approach therefore begins with the formation of a committee to guide within the profession and to guide the entire process.

It is imperative that the BECs identification of work committee should be as representative as possible of all the categories of registered persons within the profession and elected according to democratic principles. Proof of attempts made in this regards by the BECs may be required.

The identification of work committee should then solicit a reference group comprising of stakeholders and affected parties who would like to contribute to the Identification of Work. The 'Identification of Work' document will be based on the policy and template provided by the CBE.

**ii) The preparation of a draft identification of work document**

The identification of work process follows, where work is identified, justification offered for the reservation and after a process of debate and synthesis, the list of reserved work and the professionals to carry it out is identified. This should then be submitted to the profession's registered persons for comment. It is important to bear in mind that a proportion of the professionals may not be registered but are qualified to perform work, and should be included in the consultations.

**iii) Public notification**

Comment should then be invited from the public through publication in the mass media and public hearings in at least three of the major cities in South Africa. The comments received should incorporate the comments into a final identification of work document that is then published in the media and simultaneously forwarded to the CBE for ratification. The CBE will invite further comments from the public by publication and public hearings. If after that process the CBE is satisfied that the reservation of work is proper, then it will forward the document to the Competition Commission.

**iv) Consultation with interest groups**

If necessary, any special interest groups identified should be consulted for their input, for example the South Africa Local Government Association where local authorities are likely to be significantly affected

**v) Ratification and gazetting of the identification of work**

Following the Competition Commission's ratification of the identification of work, the final step is to have the Minister of Public Works gazette the identification of work into legislation. After the identification of work is legislated only registered people will be permitted to undertake work identified and it will be a criminal offence for a non-registered person to carry out such work.

The suggested flowchart in Fig. 1 below is not meant to document a rigid and linear process, and it is anticipated that some of the activities may be carried out simultaneously or in a different order.

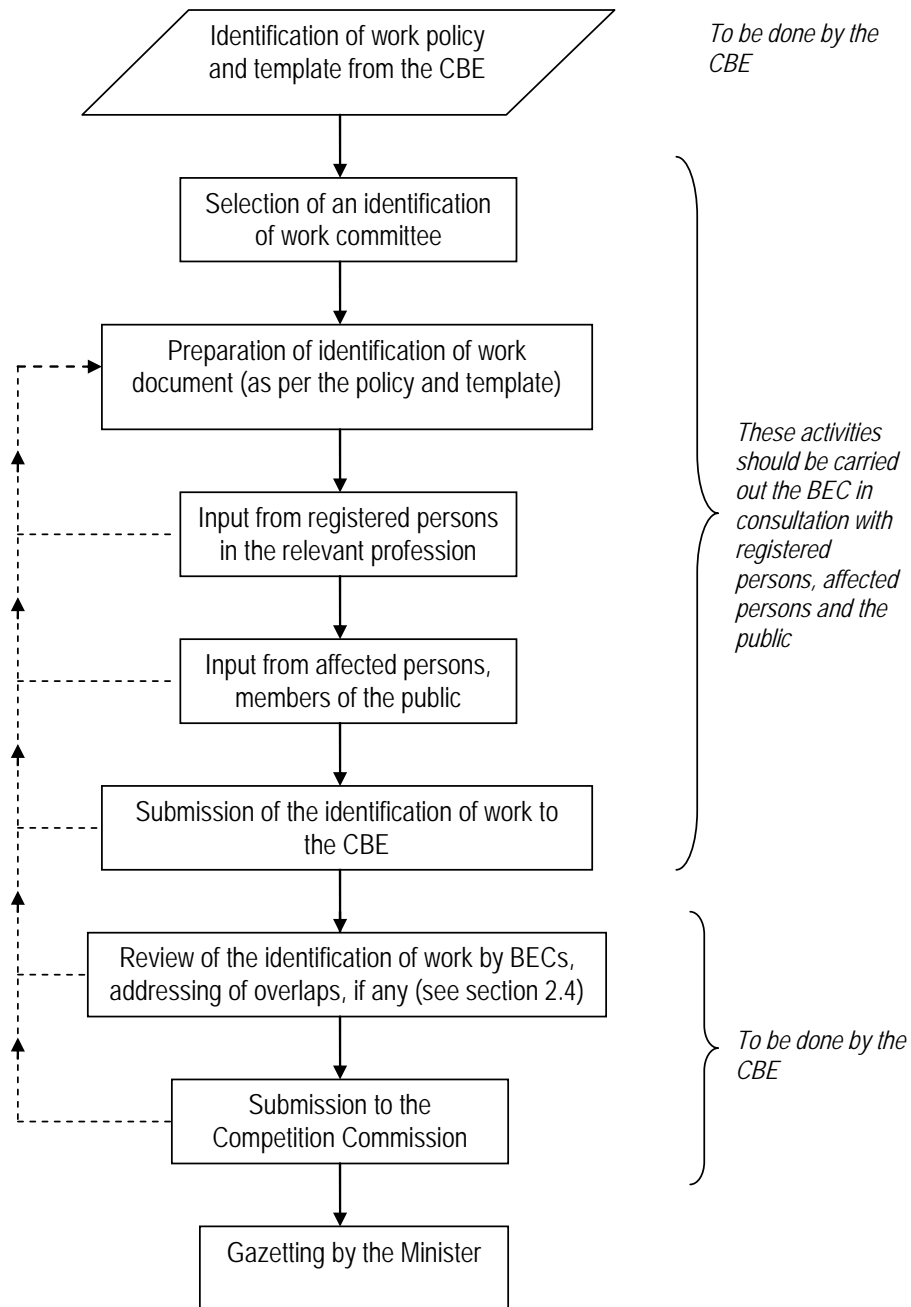


Fig. 1: Tentative process for the identification of work

A BEC should also consider, when planning an identification of work process:

- The duration of the process – the start and end dates should be clearly communicated and adequate to cater for the above-mentioned processes
- The resources required, and
- Possible linkages to related processes by other professions.

After the entire process is complete, the CBE should embark on a national awareness campaign to inform the public on:

- the role of the BE professions;
- the different registration categories within the professions and their functions;
- how work has been identified for the professions; and
- the implications of identification of work for the public.

## 2.4 Overlaps with Other BE Professions

Where there are significant overlaps in identified work between two or more professions, the following process is suggested.

1. After the BECs submit their 'identification of work' to the CBE, and two or more professions have identified similar work, then the BECs will follow the steps below.
2. The affected BECs shall meet, and:
  - decide which professions have the competencies best suited for the work in question,
  - require professionals to register within that profession, and
  - allow for exemptions from registration for other professions with similar competencies, giving appropriate conditions.
3. If there is no agreement on any of the above issues, any of the affected professions should submit the overlap to the CBE for resolution, through a commission set up especially for that disputed work. The CBE's role is to determine if it is appropriate for work in question to be regulated under the responsibility of the profession, or if the work more appropriately falls within the domain of another profession. To determine this, the CBE should look at the competencies required to carry out the work and the quantum of work carried out by a person in their normal exercising of duties, and:
  - If the work carried out requires competencies, skills and training that predominantly found within one profession, and

- The quantum of work done within that profession exceeds a certain percentage (which should be determined after consultation with the professions),

then the CBE should instruct that the work be allocated to the proper profession.

The CBE shall give all the affected parties opportunity to present their case, and shall give proper consideration to the members of the commission set up to adjudicate to ensure fairness

The commission shall then give a binding decision as to under which profession the work should be identified, and the conditions for other BE professions to carry out such work

4. Any affected party may appeal the commission's decision to a higher authority, the most appropriate of which is the Competition Commission

## **2.5 Implementation, monitoring and evaluation**

The CBE will undertake appropriate actions to implement this policy, including providing information on the policy to the BECs and guidance in executing it. The CBE will also monitor and evaluate the policy implementation amongst the BECs to determine the efficacy of the policy and its effectiveness in assisting them to identify reserved work.

Monitoring and evaluation takes two forms:

- (i) the monitoring and evaluation of the process of identification of work and
- (ii) the monitoring and evaluation of the outcomes of the process to assess its impact on the BE and the national context.

The first is relatively straightforward, and will involve the formulation of a step-by-step process to ensure that the key steps in a proper identification of work have been followed. If the CBE is of the opinion that the policy has not been followed in the identification of work, then they may require the process to be undertaken again. The latter is a more difficult prospect, and the impact of the requisitions of the BE may need research to unpack. It is suggested that at intervals, preferably annually or bi-annually, the CBE allow for research on the impact of reservation of work on the

economy and on the stakeholders in the BE. This will take the form of a qualitative survey of the BEC committee responsible for the process both during and after their process of identification of work. The results of this survey should be used to modify, if necessary, or instruct future identification of work processes. However, the first review of the identification of work should be done within six months to one year of the implementation of the policy to identify as soon as possible any initial problems.

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SECTION 3

THE IDENTIFICATION OF WORK TEMPLATE

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## 3 THE IDENTIFICATION OF WORK TEMPLATE

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### 3.1 Introduction

This template should be applied to the Identification of Work to be carried out by all BECs. An explanation of the proposed template outline is given in sections 3.2 to 3.4, and then the actual template follows in section 3.5.

### 3.2 The Identification of Work Process

A four-step process should be apparent in the process of identifying BE work.

#### Step 1: Commencing the Identification of Work Process

The Identification of Work process should begin with the formation of a representative committee within the profession to guide the identification of work. Such a committee should be representative of all the categories of registered persons within the profession, and elected according to democratic principles. A wider reference group may be solicited if deemed necessary so as to include stakeholders from outside the profession, with whom the identification of work committee can interact with regularly in identifying work.

The identification of work process should then be guided by the template.

#### Step 2: Background Information to the Identification of Work

The BEC should then describe the profession and its existing legislative framework, including:

- a) its role within the generic built environment process and resulting interactions with other BE professions;
- b) the types of services it offers, activities and tasks carried out, duties and responsibilities involved;
- c) the minimum skills and competencies required to carry out its services, activities and tasks;

- d) the various categories and/or distinct levels of competencies within the profession, the distinguishing features between the categories, and the entry and registration requirements for these categories;
- e) the professions and the persons eligible to participate in the profession's work;
- f) the legislation governing the profession and the features of this legislation; guidance provided by various statutory bodies
- g) the professions/services that serve as substitutes for the services offered, and
- h) the typical clients for the profession.

The above information serves to put in context the need for identification of work by the particular profession.

### **Step 3: Identify the work to be reserved**

#### **Identification of work**

The BEC profession will then need to the work that should be identified for its registered professionals. The degree of description of the work to be identified should be such that the competencies required for its execution can be clearly distinguished. The reasons for the identification of work should be given for each category of work identified. If there are any specific conditions under which work should be identified these should be given, for example, if under specific site conditions work should only be carried out by certain professionals. Finally, the minimum competencies required to carry out the work should be stated.

#### **Demarcation of work**

The category(ies) and/or levels of competencies of professional who can carry out the identified work should then be noted. There may be overlaps between work reserved for different categories of persons within the same profession, and these need to be identified and the mode of addressing these stated. In general, the principle of subsidiarity should govern the decision regarding the category of registered professional who should carry out the work, or the competency level at which the work should be carried out.

## Overlaps with and exemption of other professions

Where the identification of work has implications for another built environment profession or another profession governed by statute, that profession should be represented in the process of identification and should also be invited to comment on the proposed identification of work at the earliest possible stage.

If there are any other professions that should be exempt from the reservation claimed, i.e., whose registered persons are allowed to carry out the identified work, then these should be mentioned and the reason for the exemption stated.

Where another profession has already identified the work in question as work should be carried out by its own registered persons, the process identified in section 2.4 of the policy should be followed.

### **Step 4: Show that the identification of work and its reservation is necessary for benefit of the public, through an assessment of the impact and benefits of the identification of work**

Through a checklist below, the BEC should indicate the impact and benefits of the identification of work and its impact on the public. The checklist should consider:

- a) The (qualitative and/or quantitative) costs or risks of not reserving the work
- b) The likely (qualitative and/or quantitative) costs of the proposed reservation of work; the impact on the market for services and on competition; and the parties who will bear these costs
- c) The likely benefits of reserving the work; and the parties who will reap these benefits;
- d) Alternative approaches to reserving the work, including non-regulatory action
- e) The feedback from public after consultation on the points above

A rigorous assessment of the costs and benefits of the identification of work will need to be carried out in each case. This includes the likely effects of the proposed restriction on both productive and allocative efficiency, and an assessment of the net public benefit if restrictions are made.

### 3.3 Submission of the identification of work for comment

The identification of work should be submitted for comment at three stages:

- (i) Within the BEC, the identified work should be circulated for comment to registered persons in a manner that reasonably ensures that all the registered persons have knowledge of and access to the identification of work
- (ii) After consensus within the profession is reached, the work should be submitted to the general public for comment. Should consensus among the different categories of registration within the BEC not be reached, or in the opinion of the registrar of the BEC prove difficult to reach, then the identification of work should be referred to the CBE for arbitration and a binding decision as to how to proceed
- (iii) Finally, after the CBE has sent the identified work to the Competition Commission and it has been ratified, the CBE will then forward the identified work to the Minister responsible who may at his or her discretion also submit it to the public before ratification.

### 3.4 The Template

#### A) The Process a Professional Council should use in the Identification of Work

Stage	Membership	Start and finish dates	Comments
1 Formation of an identification of work committee	Registered professionals		<i>This should be as representative as possible of all the categories of registration</i>
2 Formation of reference group for external stakeholders by advertising in the media	Stakeholders		<i>Not mandatory but would be good practice</i>
3 Identification of Work	Registered professionals, Stakeholders		<i>As per the template below</i>
4 Invitation of comment from the public through: a) publication of identified work in the mass media b) public hearings in at least three of the major cities in South Africa	Stakeholders, the public, Government		<i>Mandatory notice periods should be set by the CBE to ensure sufficient public participation</i>
5 Final Identification of Work Document incorporating comments	Identification of Work Committee		<i>The comments from the public should be forwarded together with the completed documents to the CBE to ensure the final document reflects the public's input</i>
6 Assessment of Identification of Work Document, ratification	CBE		<i>Assessed for conformance to CBE policy, legal implications and overlaps with other professions</i>
7 Assessment of Identification of Work Document, ratification	Competition Commission		<i>Assessed for compliance with competition regulations</i>
8 Gazetting the identification of work into legislation	Minister of Public Works		

## B) Background Information to the Identification of Work

### Describe the profession and its existing legislative framework

1. Describe the professions role within the generic built environment process

2. Describe the services offered by the profession

3. Describe the categories of professions recognised by the BEC, the nature of work performed by each category and the duties and responsibilities involved; and the minimum skills and competencies required to carry out such work

Category of professional	Nature of Work performed by the Category	Entry requirements	Duties and Responsibilities Involved (for each type of work)	Specific skills and competencies required

4. Which legislation governs the profession, and what does it provide for in the identification of work?

5. What professions carry out work similar in nature to that identified in (2) above?

6. Who are the typical clients for the profession?

**C) Identifying the Work to be reserved**

1. Identification of work

Type of work requiring identification	Reasons for the identification of the Work	Conditions for Identification of Work	Minimum competencies required to carry out the work	Lowest level of competency or category of professional eligible to carry out work	Any other profession carrying out the work?

2. If there are any other professions whose registered persons are allowed to carry out the identified work, should they be exempt from the identification of work? Give reasons.

3. Demarcation of work: which categories of professionals and/or levels of competency are eligible to carry out reserved work?

Lowest level of competency or category of professional eligible to carry out work	Certification/qualification of category	Basis for demarcating work to that competency level/category (e.g., the complexity of the work, risk impact, cost, etc)	Nature of Work to be performed by the Professional	Specific skills and competencies required

**D) Showing that the identification of work and its reservation is necessary for benefit of the public**

For each of the 'work identified in section C) 1. above, indicate:

Type of work requiring reservation:
The qualitative and/or quantitative costs or risks of not reserving the work:
The likely qualitative and/or quantitative costs of the proposed reservation of work, including the impact on the market for services and on competition
The parties who will bear these costs
The likely benefits of reserving the work
The parties who will reap these benefits
Any alternative approaches to reserving the work, including non-regulatory action
The feedback from public consultation on the points above

### E) Further Explanatory Notes

Any explanatory notes should be attached here

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### F) Other Implementation Details

<b>Policy Owner</b>	CBE
<b>Implementation Date</b>	
<b>Review Date</b>	The first review of the identification of work should commence between six months to one year of its implementation, jointly done by the CBE and the relevant BEC. Thereafter reviews should be carried out every two years.
<b>Related Information</b>	<ul style="list-style-type: none"><li>• CBE and the BE Acts</li><li>• Competition Acts</li><li>• The Promotions of Administrative Justice Act, Act 3 of 2000</li></ul>