

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

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**Record of Working Group Meeting Two, 25<sup>th</sup> & 26<sup>th</sup> January 2007**

**Chartfield Guest House, Kalk Bay, Cape Town**

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**1. Introduction**

*1.1 Welcome & introductions*

Present:

Working Group Members:

Amanda Britz (DEAT),  
Mondo Komane (SAIEP),  
William Mngoma (DAEA, KZN),  
Barry Gasson (SAPI) and Board Member of ICB,  
Sibonelo Mbanjwa (DTEC, N. Cape)  
Carmen du Toit (SABTACO) and Board Member of ICB, and  
Andrew Duthie (IAIASa) and Board Member of ICB.

Facilitator:

Marlene Laros (MLA-Sustainability Matters, Consultant to ICB)

Apologies: Lineo Ramataboe-Henry (SAQA)

Marlene Laros welcomed all the working group members to the second meeting of the Working Group and asked whether all had received documentation circulated by email, which included:

- Process Update, January 2006
- Letter and Report to Minister Marthinus van Schalkwyk, Minister of Environmental Affairs & Tourism, November 2006
- Draft Record of Working Group Meeting One, 14 & 15 September 2006, and
- Proposed Programme for Working Group Meeting Two, 25<sup>th</sup> & 26<sup>th</sup> January 2007.

*1.2 Purpose & programme of meeting*

The purpose of the meeting is specifically to complete the work mandated by the broader stakeholder forum, which is to revise the draft proposal to the Minister of Environmental Affairs & Tourism for the establishment of a Registration Body

**2. Report on progress**

*2.1 Progress report/process update*

Marlene presented the content of the Letter and Report to Minister Marthinus van Schalkwyk, Minister of Environmental Affairs & Tourism, November 2006. It had been suggested by the ICB at the previous Board meeting that the second conference be replaced by provincial or organisational-based engagement. The Working Group after much deliberation agreed that it was not appropriate to change the process mandated by the larger Stakeholder Forum. The Working Group requested that this be reported back to the ICB at the Board meeting of 20 February 2007.

*2.2 Proposed work programme (presentation and discussion)*

The revised process that had been proposed in November 2006 was discussed. This process underpinned a revised work programme that was a key part of the proposed revised MoU between

DEAT and the ICB. The Working Group concluded that the overall process and work plan would need to be revisited later in the meeting and confirmed once a reply was received from the Minister.

### 2.3 Meeting with the Minister, 31 Jan, WG representation

A meeting had been set up between the ICB and Minister Marthinus van Schalkwyk for 31 January 2007. A delegation from the Working Group that represented both types of EAP was confirmed to attend the meeting: Carmen du Toit and Sibonelo Mbanjwa.

### 3. South African Qualifications Authority information session

Unfortunately, Lineo Ramataboe-Henry could not attend due to illness. She had tendered her apologies. Marlene outlined the SAQA process as set out in the process summary diagram (see Process Update, January 2007).

### 4. Reviewing/confirming Record of Working Group Meeting One (14&15 September 2006) and the proposed amendments to the *draft Proposal*

Marlene indicated that she had made the amendments to the minutes suggested by the Working Group. There were key issues referred to in the Draft Proposal text that would need to be discussed further and these would be highlighted as the record of the previous meeting was reviewed. The following presents the amendments agreed at the meeting:

- It is important to note that the Working Group confirmed the Mission/Purpose and Objectives of the propose Registration Authority.
- Under 2.3, legal personality: "it was agreed that the ultimate medium-term requirement is a Council established through an act of parliament, but that this would need to be pursued in the context of a statutory council for environment professionals".
- Under 2.4, structure amend as follows:

"The Board should no longer represent the 17 professional bodies of the ICB directly as currently set out in the Proposal text, but rather be nominated and appointed from stakeholder groupings that would serve in the interests of the purpose and objectives of the "new body" and those of the public in general. A Board of 13 individuals enabling the following sector-based representation is recommended:

#### For the First Board:

- Review practitioners - 4 (at least 2 from competent authorities, e.g. relevant provincial authorities, others from non-government practice)
- Assessment practitioners - 5 (4 of which are to be registered EAPs in terms of the current voluntary system)
- SAQA/Education - 1
- Government (National DEAT)- 1
- Respected members of the community of South Africa - 2

**Representivity:** Of the practitioners representing the sector on the Board, at least half should be black and half should be female. (Later the Working Group amended this to : "Of the 13 members at least 6 will be female and at least 7 black".)

The second Board is to be elected two years after First Board establishment (i.e. the first "rotation" should aim to include the following representation:

- Registered review practitioners - 4 (at least 2 from competent authorities, e.g. relevant provincial/ national authorities others from non-government practice)
- Registered assessment practitioners - 4
- SAQA/Education - 1
- Government - 1
- Respected members of the community of South Africa - 3

**Terms of office:** should be set for each appointment so that tenure of the board is staggered, thus enabling retention of institutional memory and but sufficient turnover on the Board. i.e. half the board should be elected for two years and the other half for three years to start with and then rotate every two years.

- It was noted the process of establishing the Board may need to include some mandated nomination committee in order to assess nominations. This nominations committee would need clear guidance on the desired representation on the Board. The following stipulations recommendations were proffered by the Working Group in this regard:
  - Representation should mirror the demographics of the country of historically disadvantaged individuals;
  - A geographic spread for review and assessment practitioner representation from within South Africa
- It was also recognised that sub committees would be needed in order to enable the operations of the Board. The subcommittees would make recommendations to the Board;
- A key agreement regarding the structure of the body would be the separation of functions of promotion, communications, education, awareness and transformation from the functions and process of registration (or "certification" or "the criteria and process to be used to register EAPs" as described in section 24H). The Working Group recommends that the registration subcommittee be provided with a terms of reference and mandate to recommend ~~decide~~ admission to the register.
- The Working Group recommends the same representivity requirements for the sub-committees."
- Under 3.2, process used to register EAPs, amend as follows:
  - "All ~~potential~~ applicants who fulfill the criteria used to register EAPs are encouraged to apply. Where necessary, an interview process may also be included to enable comprehensive assessment of applicants. The interview content and process will be documented and conducted in line with the RA guideline to be developed. Should the they applicant not be successful, the registration committee will provide recommendations where further qualifications or experience is needed or where there is a need to develop further competencies. In such a situation, the registration committee recommend that an applicant:
    - Register and work in the field as a candidate/associate and follow a structured mentorship and learning process and apply for registration once these criteria can be met (Note: this assumes that enabling mentorship and CPD programmes becomes an important role of the new body);

- ~~Request to write an examination/ or have relevant competencies tested according to a competency assessment framework, also to be developed in partnership with SAQA."~~
- Under 3.4. Criteria used to certify EAPs, 3.4.1, academic qualifications, amend as follows:
  - "There is significant concern regarding the huge variation in standard, quality and content of environmental-related science education and training provided by institutions of higher learning in South Africa (includes planning, etc). An urgent request needs to be submitted through the appropriate channels to deal with this lack of agreed standards.
- Under 3.4.3, Professional experience amend as follows:

### **Extract from revised proposal**

- b) Professional experience.
  - i) Where the applicant holds a degree in environmental practice<sup>1</sup> from a University (or recognised equivalent, including qualification from a country outside South Africa), a minimum of three years appropriate professional experience ~~in responsible charge~~ is required:
    - Masters 5/6-year or an Honours 4-year degree – 2 years
    - ~~Honours 4-year degree~~ – 2 years
    - Bachelor 3- year degree – 3 Years
  - ii) Where the applicant holds any degree (other than in environmental practice) and a postgraduate degree in environmental practice from a University (or recognised equivalent, including qualification from a country outside South Africa), three years appropriate professional experience ~~in responsible charge~~ are required at minimum;
  - iii) Where the applicant holds any degree (other than in environmental practice) from a University (or recognised equivalent, including qualification from a country outside South Africa), and has attended a short course in environmental practice, five years appropriate professional experience ~~in responsible charge~~ are required at minimum; and,
  - iv) Where the applicant holds a diploma in environmental practice from a University (or recognised equivalent, including qualification from a country outside South Africa), six years appropriate professional experience<sup>2</sup> ~~in responsible charge~~ are required at minimum.

- Under 3.4.4, Core competencies, the following changes were agreed:

### **Edited extract from revised Proposal:**

#### **c) Core competencies.**

Applicants would have to show competence in the following areas:

<sup>1</sup> Environmental practice degrees include environmental management, science, planning, landscape architecture, etc.)

<sup>2</sup> Appropriate professional experience refers to relevant experience in the field of environmental practice associated with environmental assessment – demonstrating competence in the required competencies.

## **I CONCEPTUAL UNDERSTANDING OF SUSTAINABLE DEVELOPMENT AND THE ENVIRONMENT:**

A thorough understanding of the concept of sustainable development and environment, embracing:

- a) Ecological sustainability, recognised as the enabling factor for sustainable development;
- b) Social sustainability, equity and environmental justice;
- c) Economic sustainability.

## **II HOLISTIC THINKING**

Demonstrated ability to think holistically about the structure, functioning and performance of the environmental system, not simply focusing on maximising the efficiency of one of its elements.

## **III SYSTEMIC ANALYSIS**

Demonstrable evidence of having analysed the affected environment in such a way as to identify significant issues, problems and/or characteristics, and having distinguished between underlying causes and superficial symptoms.

## **IV INTEGRATION IN THE EVALUATION OF OPTIONS AND TRADE-OFFS**

Demonstrable proficiency in recognizing linkages and inter-dependencies between, and integrating and co-ordinating significant components of, both the socio-economic and biophysical environments in such a way as to evaluate options and trade-offs, strive for social and ecological resilience and sustainable development, and facilitate sound decision making.

## **V APPLICATION OF ENVIRONMENTAL ASSESSMENT PRINCIPLES, LEGAL REQUIREMENTS, PROCESSES, METHODOLOGIES AND SKILLS**

The following competencies apply to the Registered Environmental Assessment Practitioner and the Registered Environmental Assessment Review Practitioners:

### ***Registered Environmental Assessment Practitioner:***

Demonstration of competence in the application of relevant environmental assessment principles, legal requirements, processes, methodologies and skills appropriate to the context:

- a) the ability to scope and identify the requirements for an environmental assessment for a proposed policy, programme, project or course of action/alternative that is appropriate to the context, scale and potential significance of the proposal/s and that meets legal requirements in terms of applicable treaties, policies, laws and contracts.
- b) the ability to recognise when and how to engage specialist input in a manner that appropriately addresses the scope and requirements of a particular environmental assessment.
- c) the ability to design and manage public participation processes appropriate to the requirements of the environmental assessment and thereby effectively engage, integrate and communicate the inputs of stakeholders;
- d) the ability to systematically and explicitly assess and evaluate the risk and potential significance of environmental impacts, bearing in mind the objectives of sustainable development;
- e) the ability to evaluate the feasibility and effectiveness, of measures to mitigate negative impacts and enhance benefits;
- f) the ability to assess and evaluate alternatives and communicate this in a manner which appropriately informs a recommended course of action;
- g) the ability to monitor and evaluate impacts;
- h) the ability to prepare environmental management plans, programmes and/or systems;
- i) the ability to communicate effectively (evidence of proficiency in oral and written communication skills is to be provided, see section...of application form)

Note: requirement should not prejudice applicants who do not have English as first language.

### ***Registered Environmental Assessment Review Practitioners***

Demonstration of competence in the review of the application of relevant assessment principles, legal requirements, processes, methodologies and skills:

- a) The ability to establish review criteria for an environmental assessment by understanding the scope of the possible decisions to be taken;

- b) The ability to identify and communicate the relevant legal requirements for environmental assessment for a proposed activity;
- c) The ability to assess and evaluate whether environmental assessment process and content are appropriate to the decisions that they inform and specifically demonstrate, the abilities to evaluate whether:
  - i) the scope of an environmental assessments for a proposed policy, programme, project or course of action/alternative is appropriate to the context, scale and potential significance of the proposal/s;
  - ii) relevant legal requirements in terms of applicable treaties, policies, laws and contracts have been appropriately addressed;
  - iii) the risk and potential significance of environmental impacts have been systematically and explicitly assessed and evaluated within an environmental assessment;
  - iv) the feasibility and effectiveness, of proposed measures to mitigate negative impacts and enhance benefits ~~have been appropriated~~ evaluated;
  - v) alternatives have been appropriately assessed and evaluated and communicated in a manner which informs a recommended course of action; and,
  - vi) public participation processes are appropriate to the requirements of the environmental assessment and thereby effectively engage, integrate and communicate the inputs of stakeholders;
  - vii) ~~the ability to review~~ the quality of environmental management plans, programmes and/or systems as represented are adequate.
- d) The ability to provide recommendations whether or not the authorisation should be granted and under what conditions; and,
- e) The ability to communicate effectively (evidence of proficiency in oral and written communication skills is to be provided, see section...of application form).  
Note: requirement should not prejudice applicants who do not have English as first language.

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## 5. Code of conduct regulating the professional & ethical conduct of registered EAPs (review of proposal)

### 5.1 Code of ethics

The Working Group reviewed the draft Code of Ethics included in the draft proposal. All agreed that these should remain but ensure that the language implies relevance to both categories of EAPs.

### 5.2 Sanction and disciplinary measures

In general the content of the draft proposal was supported, the following suggestion was made in relation to 6.2.6:

Where deemed appropriate and necessary by the disciplinary committee, the complainant may be given an opportunity to submit written comment on the defendant's response to the alleged breach. Thereafter, but within reason the defendant should be given a final opportunity to respond in writing, after which no further documentation should be entertained by the disciplinary committee.

### 5.3 Appeal processes for refusal of admission to register (and in sanction)

The Working Group requested that the standardised approach adopted by other similar organisations be reviewed in the process of recommending operation rules/guidelines for the new RA.

## 6. Nominations process for Board and "selection" of Board members

The Working Group recommends the following process for the nomination process and selection of Board members for the first Board:

- i) The following recommendation for the nomination committee be presented for support and mandate at the second national Conference and in writing to each organisation for written response:

Nomination committee: Two WG members (William, Andrew, Mondo, Amanda – two of the four ensuring gender representivity) together with one high profile external moderator make up Nominations Committee. Suggestions for the high profile moderator include: Mamphela Ramphele, Dennis Davis and Albie Sachs.

- ii) Call for nominations for Board. Adverts in all provincial and one national paper/s. (30 days)
- iii) Nominations Committee consider nominations and recommends Board.
- iv) Board appointed
- v) Board submits proposal to Minister

Further discussion ensued on the criteria for selection of the Board members. The following guidance needs to be provided for the nominations committee:

The qualities/skills of the individuals selected for the Board should include:

- Evidence of “public service” or working in the public interest and in a voluntary capacity;
- Interest and commitment to sustainable development in South Africa;
- Commitment to a transformed South Africa;
- Interest and commitment to improving the quality of EA practice in South Africa;
- In good standing in their community and professional field; and
- All other standard requirements need to apply that are relevant to “public office” and good governance principles.

The Working Group revisited the issue of profile and representivity of the Board members: Of the 13 members at least 6 will be female and at least 7 black.

## **7. Requirements for Continued Professional Development**

The revised proposal needs to include two aspects with regard to Continued Professional Development.

- CPD responsibilities of individuals for staying on register or moving from candidate to registered EAP; and,
- Responsibilities of individuals for assisting candidate /associate professionals in acquiring necessary competencies for registration (i.e. mentoring requirements).

## **8. Business plan (3-year) recommendations**

Marlene reported that a three-year (MTEF) business plan would need to accompany the proposal submitted to the Minister. A organisational development expertise was to be employed to assist in the conclusion of the constitution, the structure and the business plan for implementation and operation of the RA.

## **9. Next Steps**

The following next steps were agreed:

1. On the basis of the outcome of the meeting with the Minister, the Working Group’s recommendations, and a finalised MoU, report to the stakeholders on the process database.
2. Circulate Draft proposal together with the description of the mandate extension for the WG, description of the process of commenting and the response required (mandate included) in terms of the draft proposal and board nomination procedure and committee.
3. Preparation for the conference

## **10. Closure of meeting**

Prior to closure of the meeting, the Working Group reflected on the value of their deliberations. All felt that the process of the Working Group had enabled a deep reckoning of the key issues of transformation in the sector. Issues had been discussed in a manner that allowed mutual understanding of positions and interests in the sector. Somehow the value of this process and how it has affected the outcome of the revised proposal needs to be reflected in the preamble to the revised Proposal when it is circulated to stakeholders, e.g., the spirit of working in the Working Group, and how some of the key challenges have been addressed in the revised proposal.

The Working Group indicated their appreciation for the process. The meeting closed at 12h30.