

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**COUNCIL FOR THE BUILT
ENVIRONMENT BILL**

[B 16—2000]

(As agreed to by the Portfolio Committee on Public Works (National Assembly))

[B 16A—2000]

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AMENDMENTS AGREED TO

COUNCIL FOR THE BUILT ENVIRONMENT BILL
[B 16—2000]

CLAUSE 4

1. On page 4, from line 51, to omit paragraph (s) and to substitute:
 - (s) charge—
 - (i) membership fees in the prescribed manner from the councils for the professions, calculated pro rata to the number of persons registered with that council;
 - (ii) fees payable for appeals in terms of section 21; and
 - (iii) any other fee it considers necessary.

CLAUSE 5

1. On page 5, from line 12, to omit subsection (2) and to substitute:
 - (2) The council consists of the following members, taking into account, among other things, the principles of transparency and representivity:
 - (a) One representative from the department.
 - (b) Not more than three persons nominated, from the nominations contemplated in section 6(2)(a) by state departments within whose functional areas the professions are also practised, taking due cognisance of provincial participation.
 - (c) Two representatives nominated by each council for the professions, which representatives may be members of a council for the professions, a voluntary association for the built environment professions or any other person with appropriate expertise.
 - (d) Not more than four persons nominated, from the nominations contemplated in section 6(2)(b) by the public through an open process of public participation.

CLAUSE 6

1. On page 5, from line 34, to omit “and the voluntary associations for the built environment professions”.
2. On page 5, in line 38, to omit “and (d)”.
3. On page 5, in line 39, to omit “5(2)(e)” and to substitute “5(2)(d)”.
4. On page 5, in line 45, to omit “5(2)(a), (b), (c) or (d)” and to substitute “5(2)(a), (b) or (c)”.
5. On page 5, in line 47, after “5(2)(b)” to insert “and”.
6. On page 5, from line 47, to omit “and the voluntary associations for the built environment professions”.
7. On page 5, in line 50, to omit “5(2)(a), (b), (c) or (d)” and to substitute “5(2)(a), (b) or (c)”.
8. On page 5, in line 51, to omit “5(2)(e)” and to substitute “5(2)(d)”.

9. On page 6, in line 2, to omit “voluntary association for the built environment profession”.

CLAUSE 8

1. On page 6, from line 21, to omit paragraph (c) and to substitute:
 - (c) has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both.
2. On page 6, after line 23, to insert the following paragraph:
 - (d) subject to subsection (3), has been convicted of an offence in a foreign country and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both.
3. On page 6, in line 27, to omit “and (d)”.
4. On page 6, in line 37, to omit “or (d)”.
5. On page 6, after line 43, to insert the following subsection:
 - (3) For the purposes of subsection (1)(d), the Minister must take cognisance of the prevailing circumstances in a foreign country relating to a conviction.

CLAUSE 9

1. On page 6, from line 50, to omit subsection (1) and to substitute:
 - (1) The Minister must, in the prescribed manner, appoint a chairperson and a deputy chairperson for every newly constituted council.
2. On page 7, from line 9, to omit subsection (5) and to substitute:
 - (5) If the office of the chairperson or the deputy chairperson becomes vacant, the Minister must, in the prescribed manner, appoint one of the members as chairperson or deputy chairperson, as the case may be, and the member so appointed holds office for the unexpired portion of the period for which his or her predecessor was appointed.

CLAUSE 11

1. On page 7, from line 39, to omit subsection (3) and to substitute:
 - (3) If the requisite majority of the members who are entitled to sit as members at a meeting of the council, make a decision or authorise an act at that meeting, the decision made or act performed under that authorization, is valid despite the fact that at that meeting a member who had become disqualified in terms of section 8(2) but had not vacated his or her office, sat as a member.

CLAUSE 15

1. On page 9, after line 2, to insert the following subsection:
 - (2) The registrar must enter into a performance agreement, as prescribed, with the council on acceptance of his or her appointment.

CLAUSE 17

1. On page 9, from line 20, to omit subsection (1) and to substitute:
 - (1) The funds of the council consist of any money received in terms of this Act, and all other monies accrued to the council from any other legal source, including—
 - (a) membership fees payable by the councils for the professions to the council;
 - (b) donations, contributions or grants received from any person, institute or government; and
 - (c) interest on investments.
2. On page 9, in line 26, after “functions” to insert:

and generally to pursue the objects of the council
3. On page 9, in line 31, to omit “must” and to substitute “may”.

CLAUSE 21

1. On page 10, in line 46, after “may” to insert:

upon payment of the prescribed fee and
2. On page 11, in line 2, to omit “at least 10 years” and to substitute “appropriate”.
3. On page 11, in line 3, to omit “at least 10 years” and to substitute “appropriate”.
4. On page 11, in line 4, to omit “area” and to substitute “professional field”.

CLAUSE 22

1. On page 11, from line 11, to omit “, not inconsistent with this Act,”.