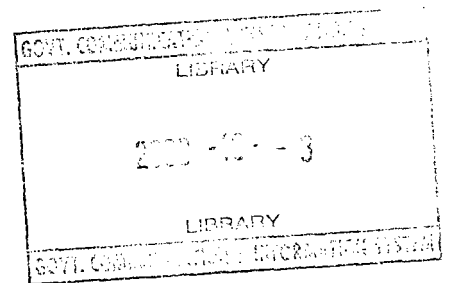


REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
ENGINEERING PROFESSION  
BILL**

[B 19—2000]



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

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[B 19A—2000]

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**AMENDMENTS AGREED TO**  

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**ENGINEERING PROFESSION BILL**  
**[B 19-2000]**  

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**CLAUSE 3**

1. On page 3, from line 10, to omit “appropriate representation of race, gender and disability” and to substitute “the principles of transparency and representivity”.
2. On page 3, in line 18, to omit “branches” and to substitute “disciplines”.
3. On page 3, in line 27, after “CBE” to insert:

and if no agreement is reached the CBE must refer the matter to the Minister for a final determination

**CLAUSE 5**

1. On page 4, in line 9, to omit “properly” and to substitute “duly”.

**CLAUSE 6**

1. On page 4, from line 27, 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 4, after line 29, 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 4, after line 46, to insert the following subsection:

(3) For the purposes of subsection (1)(d), the Minister must take cognizance of the prevailing circumstances in a foreign country relating to a conviction.

**CLAUSE 8**

1. On page 5, after line 20, to add the following subsection:

(2) The chief executive officer must enter into a performance agreement, as prescribed, with the council on acceptance of his or her appointment.

**CLAUSE 9**

1. On page 5, from line 29, 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 authorisation, is valid despite the fact that at that meeting a member who had become disqualified in terms of section 6(2) but had not vacated his or her office, sat as a member.

#### CLAUSE 10

1. On page 5, in line 38, after “council” to insert “after consultation with the CBE”.

#### CLAUSE 12

1. On page 6, in line 19, to omit “or”.
2. On page 6, after line 19, to insert the following paragraph:

(h) the fees payable for an appeal in terms of section 24(1); or

#### CLAUSE 13

1. On page 6, in line 28, to omit “every five years” and to substitute “during its term of office”.
2. On page 6, in line 29, to omit “the five-year period” and to substitute “that term of office”.

#### CLAUSE 15

1. On page 8, in line 9, after “year” to insert:  

or such other period as may be agreed to by the Minister after a request by the council

#### CLAUSE 18

1. On page 9, in line 3, to omit “only”.
2. On page 9, in line 4, after “profession” to insert “only”.

#### CLAUSE 19

1. On page 9, in line 15, after “competence” to insert “as measured”.
2. On page 9, from line 30, to omit subparagraph (ii) and to substitute:  

(ii) 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;
3. On page 9, after line 32, to insert the following subparagraph:  

(iii) if the applicant has, subject to paragraph (b), 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:

4. On page 9, after line 40, to insert the following paragraph:

(b) For the purposes of paragraph (a)(iii), the council must take cognizance of the prevailing circumstances in a foreign country relating to a conviction.

5. On page 9, after line 42, to add the following subsection:

(4) For the purposes of this section “prior learning” means the previous learning and experience of a learner, howsoever obtained, against the learning outcomes required for a specified qualification and the acceptance for the purposes of qualification of that which meets those requirements.

#### CLAUSE 24

1. On page 11, in line 4, to omit “lies” and to substitute “is lodged”.

#### CLAUSE 25

1. On page 11, in line 18, to omit “some” and to substitute “a”.
2. On page 11, from line 24, to omit subsection (8) and to substitute:

(8) A voluntary association whose recognition has lapsed must, within 30 days from the date on which it is so directed in writing by the council, return its certificate of recognition.

#### CLAUSE 26

1. On page 11, in line 39, to omit “4” and to substitute “20”.

#### CLAUSE 30

1. On page 13, in line 13, to omit “area” and to substitute “professional *field*”.
2. On page 13, in line 14, to omit “at least 10 years” and to substitute “appropriate”.
3. On page 13, in line 15, to omit “at least 10 years” and to substitute “appropriate”.

#### CLAUSE 31

1. On page 14, in line 1, to omit “investigating committee” and to substitute “person referred to in subsection (2)”.
2. On page 14, in line 7, to omit “investigating committee” and to substitute “person referred to in subsection (2)”.

#### CLAUSE 32

1. On page 14, in line 46, after “must” to insert “, within 30 days”.

2. On page 15, from line 18, to omit subsection (5) and to substitute:  

(5) The council must publish the finding and the sanction imposed in terms of subsection (3) in the *Gazette*.
3. On page 15, from line 20, to omit subsections (6) and (7) and to substitute:  

(6) The council must give effect to the decision of the disciplinary tribunal.

#### CLAUSE 34

1. On page 15, in line 53, to omit “(vi)” and to substitute “(v)”.

#### CLAUSE 36

1. On page 16, from line 25, to omit “, not inconsistent with this Act,”.

#### CLAUSE 37

1. On page 16, in line 42, to omit “Procedure and evidence” and to substitute “Procedure and evidence for evidential purposes”.
2. On page 16, in line 46, to omit “thing” and to substitute “function”
3. On page 16, in line 47, to omit “done, has or has not been done” and to substitute “performed, has or has not been performed”.

#### CLAUSE 39

1. On page 17, in line 19, after “faith” to add “in terms of this Act”.

#### CLAUSE 41

1. On page 17, after line 43, to insert the following subsection:  

(2) If the council wilfully or in a grossly negligent manner fails to comply with section 15(8) it is guilty of an offence and liable to a fine calculated according to the ratio determined for a period of five years’ imprisonment in terms of the Adjustment of Fines Act, 1991.

#### CLAUSE 42

1. On page 18, from line 16, to omit subsection (4) and to substitute:  

(4) The Minister must, after consultation with the Engineering Council of South Africa, determine the voluntary associations and other nominating bodies referred to in section 4 for the purpose of inviting nominations for the appointment of the first council.