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MEDIA STATEMENT

Identification of Work (IDoW) and Publication of Professional Fee Guidelines

The Council for the Built Environment (CBE) and the six Built Environment Professional Councils (BEPCs) are mandated by their enabling legislation to annually, after a process of consultation, determine and publish guideline professional fees for the relevant professions in the Government Gazette. The client has a right to choose any service provider according to the guarantee that they will receive a quality service at a reasonable cost. Professional guideline fees are not prescriptive; they are merely guidelines to assist the client to make an informed decision as to whom to appoint and at what rate.

Having set out the importance of the Identification of Work (IDoW) and the publication of guideline professional fees, the CBE and BEPCs further wish to advise the public as follows:

- i. The CBE lodged an exemption application, on behalf of each of the BEPCs, to the Competition Commission relating to the IDoW.
- ii. Each of the BEPCs lodged exemption applications to the Competition Commission relating to the mandate to determine and publish guideline professional fees.

The Commission, after an extensive period of investigating the applications, rejected all applications, i.e. applications for the identification of work and publication of guideline professional fees.

The CBE and BEPCs decided to enter into further discussions with the Commission, pursuing an outcome in terms of the CBE's and BEPCs' statutory mandates. Simultaneously, legal recourse available was duly noted and may be considered as a last resort. The Director-General of the Department of Public Works facilitated a high-level discussion with the Commissioner. The CBE was consequently offered an opportunity to engage with officials of the Commission, in pursuance of a settled outcome on a date that is still to be finalised. The implications of this process are as follows: pending a reversal of the Commissions' findings, the BEPCs will not be in a position to publish guideline professional fees, i.e. until the matter is resolved, no guideline professional fees may be published by the BEPCs.

In light of the above, the CBE and the BEPCs wish to assure the public that their other statutory mandates will be executed in terms of the enabling legislation. The public and all other stakeholders will be kept abreast of all developments.

About CBE and the six BEPCs:

The Council for the Built Environment (CBE) was established by the Council for the Built Environment Act, 2000 (Act No. 43 of 2000), which was passed by Parliament in November 2000, along with a suite of Acts regulating and establishing the six built environment professional councils (BEPCs) for the following professions: Architecture, Project and Construction Management, Engineering, Landscape Architecture, Property Valuation and Quantity Surveying.

The CBE and the six BEPCs are mandated to, amongst others, maintain professional standards, establish and enforce competence and performance criteria in relation to professional registration, promote a culture of mutual accountability within the professions and to promote and protect the public interest, especially where consumers may not be in the position to assess the quality of the services provided by the built environment professional (BEP). Key within the regulatory frameworks provided for by the CBE Act and the respective six BE professions Acts are the identification of work (IDoW) provisions. These provisions intend to make professional registration compulsory. Compulsory professional registration will ensure that professional services are performed only by registered persons, who having demonstrated the necessary competence and training, are measured against the standards determined by the relevant BEPC and comply with a profession specific code of conduct.

The CBE and the six BEPCs reiterate the importance of the identification of work and thus compulsory registration for protection of the public in their dealings with built environment professionals. The safety of the public is central to ensuring that work in the built environment is performed only by registered, and thus competent, persons. Identification of work is also important in ensuring that services in the built environment are provided by registered professionals, who are accountable to the Codes of Conduct of their professional councils, and subject to the mandated investigating and disciplinary processes in terms of the professions Acts. Aggrieved members of the public are able to lodge complaints with the professional councils in connection with the professional conduct of registered persons, through the mechanisms provided.

The CBE may review the published guideline professional fees and refer the fees back to a BEPC for reconsideration. The CBE may also receive grievances against published guidelines of professional fees. A BEPC aggrieved by the CBE's review may refer the matter to the Minister for a final decision. Publishing the guideline fees is a statutory requirement for the BEPCs, it is imperative for the regulators to comply with their Acts to guide the public as required.

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