



**forestry, fisheries
& the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

**Proposed extension to the current term of appointment
of the EAPASA by 12 months**

Circulation:

External Comments

Compiled by:

Chief Directorate: IEA

COMMENTS AND RESPONSE REPORT – no objection raised by stakeholders for the inclusion of their names and contact details in this comments and responses report

	STAKEHOLDER	COMMENT	RECOMMENDATION/ CONCLUSION	RESPONSE
1.	Ashleigh Mckenzie ACER (Africa) Environmental Consultants Tel: 035 340 2715	I support the extension of EAPASA's appointment.	None.	The support is noted.
2.	Ansone' Esterhuizen Zitholele Consulting Tel: 011 207 2060	I am not in favour of EAPASA remaining the governing body for all EAPs. There is no one to report misconduct of the organization to. This needs to urgently be addressed.	I believe a department or entity should be listed to adequately cover EAPASA as currently any complaints against them are handled internally and matters are not resolved.	Please note that the EAPASA is a registered non-profit organisation. In addition, they are recognised as a professional body by the SAQA. As such, any complaints against the association may be reported in terms of the aforementioned to the relevant authority. Further, the EAPASA is governed by a Governance Agreement with the

				Department. A complaint against the association may therefore also be lodged with the Department
3.	Tasneem Steenkamp Afro Development Planning Tel: 060 521 7919	<p>I do not agree that an extension should be granted for several reasons, as stated below:</p> <ul style="list-style-type: none"> • Five years should have been sufficient for action to reach a decision, e.g. discussions with relevant stakeholders; identification of vision, aims and objectives, as well as gaps; development of an action plan, etc. Why this has not taken place in the past five years; and, how this will be resolved in the additional year, has not been made clear at all. It is therefore only further delay when a decision should be reached. • During the five year term the fundamental issue regarding the overlap between SACNASP and EAPASA has not been addressed. This is a critical issue affecting a large body of professionals adding uncertainty and additional burdens of time and cost of being professionally registered on both SACNASP and EAPASA, and usually the additional IAIA membership as well. This is exorbitant and inefficient. • Several extensions for registration of EAPs was granted over the past five years. Ongoing delays regarding the status of EAPASA only serves to create further uncertainty and frustration amongst professionals regarding EAPASA vs 	None.	<p>Please note that there has been significant work done in terms of options for the long-term registration of EAPs. A relevant consideration with respect to a final decision by the Minister is that of sustainability particularly from a financial perspective, and stability of the sector. Given that the date for the compulsory registration of EAPs was on 8 August 2022, the sustainability of the EAPASA particularly from a financial perspective could not be adequately determined since EAP registration prior to 8 August 2022 was voluntary. In part this was needed to provide the necessary clarity regarding who requires registration as an EAP in order to undertake certain work, which could only be achieved through amendments to the relevant Regulations. Currently, the EAPASA is appointed for the registration of EAPs and additional time is required in order for the Minister take a better informed decision on the long-term viable option for the registration of EAPs.</p>

		<p>SACNASP (and even SACPLAN as mentioned below).</p> <ul style="list-style-type: none"> • This argument fundamentally underpins several other important issues in the industry that have not been addressed, namely: <ul style="list-style-type: none"> ○ The ‘quality of the professional’ in terms of academic background and experience directly influences the quality of EIAs undertaken ○ If we are not adequately preparing EAPs to address the historical land use challenges plaguing our country, how can we hope to use this mechanism to achieve sustainable land use planning (social, economic and environmental in line with NEMA). ○ Consideration of other critical sustainable land use planning tools that largely fall under strategic environmental assessments are not considered adequately under this professional body. This again raises confusion between the requirement of SACNASP vs. EAPASA, but also calls into question the claims under SACPLAN which claims that this work can be done by town and regional planners. This calls into question again, allowing 		<p>The mandate of the SACNASP and the EAPASA are fundamentally different, with the SACNASP registering specialists in terms of the Natural Scientific Professions Act and governed by the Minister of Higher Education, Science and Innovation which specialists will conduct specialist studies required for EIAs. This is a portion of the work being done in the environmental assessment space. EAPs that are registered are responsible for a set of specified tasks in terms of the section 24H Registration Authority Regulations and this is not limited to specialist assessments. Being SACNASP registered doesn’t equate to meeting the requirements to register under EAPASA, and vice versa. The legislative framework and associated legal mandates for these bodies are vastly different and while investigations is underway to determine how best to approach these different bodies and requirements, it is not something that can be resolved quickly as it will entail, as a minimum, amendments to national legislation.</p>
--	--	---	--	---

		<p>professionals without environmental scientific background but also adequate knowledge and experience in sustainable land use planning and working with multidisciplinary teams to make fundamental decisions in terms of planning and policy, which has cascading impacts.</p> <ul style="list-style-type: none"> ○ This registration is devoid of consideration and alignment with international EIA regulations. That being said, this would need to be carefully considered against South Africa's unique spatial legacy and associated wicked problems, linked to apartheid, as mentioned above. 		<p>Extensions to the compulsory deadline for the registration of EAPs was necessary in order that the section 24H Registration Authority Regulations were refined to adequately cover the intended sector, to allow the EAPASA to register more EAPs, and to allow unregistered EAPs additional time to register.</p> <p>The quality of work conducted by EAPs that are registered is governed by a code of conduct to which each EAP that is registered must subscribe. Registration is intended to professionalise the sector and improve the quality of work conducted by EAPs.</p> <p>Currently, strategic environmental assessments are not included in the scope of specified tasks that may only be conducted by an EAP that is registered.</p> <p>The effect of not extending the period of EAPASA's appointment will mean that the legal requirement to register remains in place but the body enabled to do so is no longer in place. It is not clear what the alternative suggestion is as the comment</p>
--	--	--	--	---

				is indicating a need for oversight of EAPs yet the body that can fulfil that should no longer remain in place as the proposed extension is not supported.
4.	Dr. Jan Marx jantmarx@gmail.com	<p>It is with concern that I take note of another extension on the appointment of EAPASA as the single registration authority being considered. What are the reasons for this?</p> <p>Numerous EAP's spent long hours compiling their submissions and paid the fees applicable. The applications were handed in on time and if there were any additional requirements it was adhered to.</p> <p>It seems as if there is a hidden agenda regarding this matter. Are the applications received not representative? Is there some kind of political power struggle? The only contributing factor in this decision-making should be the environment, nothing else.</p> <p>On many levels in South Africa standards are lowered. When it comes to the environment, we can not afford to lower standards. We are on the last leg to save our planet and to achieve this we need expertise to execute Environmental Assessments and make decisions concerning our natural resources.</p>	<p>If applicants do not meet the set criteria to register as candidate EAP's or EAP's they should not be allowed to be involved with Environmental Assessments. It is as easy as that.</p>	<p>The EAPASA was initially appointed by the Minister for a period of 5 years, which period comes to an end in February 2023. This proposed extension of the EAPASA appointment term is the first extension. The reference to "another" extension is therefore not accurate nor understood. The need for EAPASA to remain in place as registration authority stems from the fact that the current term of appointment comes to an end on 7 February 2023. The most sustainable and stable long-term option for the registration of EAPs is currently being considered but since this investigation is not yet complete the extension of the existing body is proposed to ensure the functions can continue unhindered. Please also note the responses in 3. above.</p> <p>If the proposed extension is not supported, there will be no body appointed to register EAPs – the experts who according to the</p>

				<p>comment need to conduct quality environmental assessments.</p> <p>The requirement to be a registered EAP has been in place since August 2022.</p>
5.	<p>Dr. Patrick Sithole EAPASA Tel: 076 859 8796</p>	<p>The EAPASA Board and staff supports the Minister's intention to extend the appointment of the organisation as the single Registration Authority in terms of section 24H(3), read with section 24H(6), of the National Environmental Management Act, 1998 (Act No. 107 of 1998) for a period of 12 months and beyond.</p> <p>In terms of section 24H of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA): "(1) An association proposing to register its members as environmental assessment practitioners may apply to the Minister to be appointed as a registration authority in such manner as the Minister may prescribe". To this end, a voluntary certification system for Environmental Assessment Practitioners (EAPs), was initially provided by an Interim Certification Board (ICB), commencing in 2001. In November 2005, the then Department of Environmental Affairs and Tourism (DEA&T) and the ICB signed a Memorandum of Understanding (MoU) which allowed them, among other things, to register EAPs. This MoU and</p>	<p>The EAPASA Board and its Staff believe that the Minister should not only extend the appointment of EAPASA by 12 months until 2024 but appoint EAPASA on a permanent term to ensure continuity on the registration and regulation of Environmental Assessment Practitioners in South Africa.</p>	<p>The comment, support of the term extension, progress of work conducted to date, and the recommendation is noted. A permanent appointment is not considered appropriate though.</p>

		<p>associated budget enabled a broad Consultative Process which led to the establishment of a new Non-Profit making Organisation (NPO) namely, EAPASA which is currently handling the registration and regulation of the EAPs in South Africa. During the consultative process, there was strong consideration of transferring the registration function to be government regulated and that the government institutional option should be that of a public entity. This proposal did not materialize which led to the formation of the new NPO. The EAPASA was ultimately established in 2012 and subsequently applied to the Minister of Environmental Affairs to be appointed as the sole registration authority in July 2016. The Minister of the then Environmental Affairs published, on 22 July 2016, the Section 24H Registration Authority Regulations, in terms of sections 24(5)(e), 24H and 44 of the NEMA under Government Notice No. 849, in Government Gazette No. 40154, for implementation and prescribing requirements for registration. In August 2017 the (late) Minister of Environmental Affairs approved the appointment of the EAPASA as a sole registration authority for EAPs in South Africa for an initial agreed period of 5 years. The importance of EAPASA as a Registration Authority is to ensure that a certain standard/benchmark is maintained by all EAPs within the sector based on their registration and regulation</p>		
--	--	---	--	--

		<p>using a set of core competencies developed in line with its accreditation under the South African Qualifications Authority (SAQA) as a Statutory Professional Body in terms of the National Qualifications Framework (Act No. 67 of 2008) and also in line with the Section 24H Registration Authority Regulations as it relates to the registration of EAPs. Registration of EAPs is therefore being done to ensure best practice within the environmental sector, upholding of ethical conduct of EAPs and provide quality assurance in the field of environmental assessment or management. EAPASA currently exists as an inclusive Professional Body for all impact assessment practitioners within the environmental sector in South Africa. Furthermore, the organisation exists to fortify the environmental sector and must therefore be seen as a focal point that regulates EAPs much like other sectors in South Africa. For instance, the engineering sector is regulated by the Engineering Council of South Africa (ECSA) and the health sector is regulated by the Health Professions Council of South Africa (HPCSA). EAPASA has therefore managed to abide by its legal mandate during the course of operation and has even exceeded the minimum requirements in most areas.</p> <p>Legal Mandate of EAPASA:</p>		
--	--	--	--	--

		<p>The legal mandate for the EAPASA stems from Regulation 6(1) of the 24H Registration Authority Regulations, which states: “6. (1) The objectives of a registration authority contemplated in section 24H of the Act must, as a minimum— (a) promote quality assurance regarding environmental assessment practice; (b) promote the best interest of the environment, sustainable development and the public good; (c) facilitate the transformation and restructuring of environmental assessment practice profession; (d) ensure the professionalisation of environmental assessment practitioners through continued training and development support, which must also focus specifically on support for candidate black people, women, youth and people with disabilities in order to achieve the progressive transformation and restructuring of the profession that is representative of the demographics of the country; and (e) promote awareness of the purpose and practice of environmental assessment in South Africa”.</p> <p>SAQA Accreditation: One of the key requirements of a professional body is accreditation with SAQA. As mentioned previously, EAPASA has already been recognised by the South African Qualifications Authority (SAQA) as a Statutory Professional Body in terms of the National</p>		
--	--	--	--	--

		<p>Qualifications Framework (NQF) Act, Act 67 of 2008 (as amended, March 2018). EAPASA received this recognition from the South African Qualifications Authority (SAQA) as the statutory Professional Body in 2019. It is important to highlight that SAQA will only accredit a single (one) professional body per discipline. For now, EAPASA is the only professional body that will be recognised by SAQA to carry out the professional registration of Environmental Assessment Practitioners in South Africa. It is also important to highlight that in 2019, EAPASA published the Continuing Professional Development (CPD) Guidelines to ensure that registered members commit to ongoing professional development, maintenance of high standards and professional competence.</p> <p>Registration of EAPs To date: EAPASA has managed to register 919 professional Registered EAPs and 202 Candidate EAPs since its establishment through the online registration platform launched on 27 November 2018. This is a huge success in such a limited timeframe, and this was achieved through a lot of hard work by the EAPASA Board and its staff. In trying to encourage registration, EAPASA has been conducting EAP Registration awareness through hosting physical and virtual roadshows across the country and</p>		
--	--	---	--	--

		<p>universities, TV and radio interviews, social media announcements and bulkmail communications to different stakeholders. EAPASA has trained assessors who assist in reviewing the applications received from the various applicants. The assessors evaluate the applications to ensure that all the core competency requirements are met, and fairness is applied. Support for Applicants is provided by the Office Staff through telephone calls, virtual meetings and responding to email queries. All the required information on registration requirements and processes is accessible from the EAPASA website (www.eapasa.org).</p> <p>Benefits of EAPASA Registration:</p> <p>It is also important at this point to highlight some of the benefits that EAPASA has noted from its members as a result of registration:</p> <ul style="list-style-type: none">• Registration as an Environmental Assessment Practitioner (EAP) ensures compliance with national legislation and allows a practitioner to operate/function independently.• Enhancement of Quality Assured Environmental Assessment Practice through certified recognition of qualification(s), competence and knowledge which adds value, status and marketing/employability for a practitioner.• A Registered EAP is recognised as a “professional” just as other professions in other sectors, which		
--	--	---	--	--

		<p>creates a feeling of “trust”, “confidence” and “worth” to clients and colleagues. This automatically connects the practitioner to other registered professionals and related professional organisations.</p> <ul style="list-style-type: none">• Assists in improving career prospects, thereby ensuring that the registered practitioner remains relevant in the sector.• Protects Registered EAPs who comply and uphold the EAPASA code of ethics from people and clients involved in unprofessional and unethical behaviour.• Assists practitioners with access to improved standards of environmental practice through strategic partnerships with Voluntary Associations (VAs) and other Professional Organisations like the Council of Built Environment (CBE) and the South African Council for Natural Scientific Professions (SACNASP).• Potential for higher earnings due to recognition as a professional.• Registration as an EAP levels the playing field for all practitioners in what has become a “cut-throat” sector.• Access to international markets and clients since EAPASA is the first legislated EAP Registration body in the world.• Provides an opportunity for Registered EAPs to give back to the community by empowering graduates through the EAPASA Mentorship Programme Sector Professionalisation <p>According to the Acting Minister for the Public Service and Administration, Mr Thulas Nxesi, it is critical for every sector in the country to be</p>		
--	--	--	--	--

		<p>professionalized including government officials. As a result of this drive, the professionalization Framework was introduced to ensure that only qualified and competent individuals are appointed into positions of authority, in pursuit of a transformed, professional, ethical, capable and developmental public sector. Public officials should have the right qualifications and technical skills and be inducted into Batho Pele principles, and they must live the values of chapter 10 of the South African Constitution. The Page 5 of 9 registration of environmental professionals by EAPASA has therefore enhanced the aspect of professionalisation not only within government, but in the private sector. Professionalisation of EAPs comprises of those attributes and behaviours that serve to maintain the interests of the general public and the national environment. In accommodating several disciplines involved with Registered EAPs, EAPASA has made submissions to SAQA to bring on board the social practitioners, Environmental Social Governance practitioners (ESG) Heritage practitioners and Environmental Control Officers (ECOs) in order to represent the broad spectrum of environmental assessment professionals. Transformation Part of EAPASA's objectives is to drive transformation within the environmental sector. As such, a Transformation Strategy was developed and adopted in 2019 with</p>		
--	--	---	--	--

		<p>the aim of promoting transformation of Environmental Assessment Practice in South Africa through the empowering of Historically Disadvantaged Individuals. The EAPASA Board is a perfect example of this transformation, and it is constituted of individuals who are well constituted in terms of expertise, sector based experience, diversity and representativity in terms of our national demographics. Details of these aspects are contained in our Constitution which was voted for and adopted by all the registered EAPASA members at the 2020 Annual General Meeting (AGM). The EAPASA Board therefore abides by this submission.</p> <p>International Awards: In 2022, EAPASA received an international award in honour of their work and the way the organisation has managed to formalize its internal structures and processes to include the registration, regulation and continuing professional development processes for environmental assessment practitioners in South Africa. EAPASA has become the benchmark organisation on similar initiatives in other countries across the world.</p> <p>Conferences and Workshops: EAPASA successfully hosted its first SADC (Regional) Conference in 2022. Delegates (private</p>		
--	--	---	--	--

		<p>and government officials) from South Africa and some of the other 16 SADC countries attended this conference. The delegates engaged with governments and other relevant professionals operating within the Environmental sector in Africa in order to determine synergies that can assist in standardising the Environmental Assessment practice and develop guideline documents for Best Practice and regional alignment. EAPASA will continue to host workshops locally as has been reported in our quarterly reports to the DFFE. Public Relations and Communications PR and Communications is responsible for preparing and updating the EAPASA communication strategy. The strategy includes maintaining the Association's website, liaising with media, generating social media posts, arranging and attending roadshows and conferences and making recommendations to the Board on media and public relations guidelines and strategies in order to promote EA principles and practice. This is achieved through the use of Newsletters – Electronic EAP-mails containing news about EAPASA's activities and the environmental industry in general are drafted at least quarterly. The newsletter is sent to Registered EAPs and other EAPASA subscribers. EAPASA has four (4) social media platforms, namely Facebook, Twitter, LinkedIn and Instagram. These platforms assist with</p>		
--	--	--	--	--

		<p>promoting brand awareness, customer service and provide a quick means to communicate with our stakeholders as the world and our organisation moves towards the 4th Industrial Revolution. Press releases are utilised to distribute official statements to different media houses to provide information or make an announcement to our stakeholders. In terms of managing EAPASA's online presence, the website makes it easier for prospective EAPs and other interested parties to access information about the organisation and have a better understanding of what is being offered to them by the organisation. Most of our work as EAPASA is based on our website. EAPASA also makes use of outreach programmes including roadshows to attract prospective EAPs interested in registering with the Professional Body and raise awareness of environmental assessment and sustainable practices.</p> <p>Regulation of EAPs: EAPASA has also established the Professional Conduct Committee (PCC) which is responsible for investigating malpractice complaints against Registered EAPs. This is to ensure Registered EAPs abide by the EAPASA Code of Ethical Conduct and Practice. The establishment of PCC in an improved EA sector. To date, EAPASA has received a total</p>		
--	--	--	--	--

		<p>number of 20 complaints of which only 5 were valid complaints. Of the 5 valid complaints, 3 cases were dismissed and only 2 recommended for charging and currently undergoing appeal process. This shows how seriously EAPASA, and its Board/ Committees are working tirelessly to instill confidence and quality within the sector.</p> <p>Continuing Professional Development: The organisation has been validating courses so that Registered EAPs can claim CPD points. Mentorship is one of the key drivers of professional development and transformation, EAPASA has been assigning the mentees to Registered EAPs using its Mentorship Framework Guidelines. There are currently initiatives proposed to be undertaken with other councils like the Council for the Built Environment (CBE) which will enhance the EAPASA Mentorship program.</p> <p>Financial Viability: EAPASA has been running efficiently with support from the DFFE over the past few years and the organisation has produced clean audits annually. Since the compulsory registration came into effect on the 8th of August 2022, the organisation has witnessed a significant improvement in terms of its financial position. We believe that the organisation has the ability to achieve its operating objectives and</p>		
--	--	--	--	--

		<p>fulfill its mission from a financial perspective over the long-term.</p> <p>Governance Processes:</p> <p>The Minister responsible for the then Department of Environmental Affairs (DEA) published on 22 July 2016, the Section 24H Registration Authority Regulations, in terms of sections 24(5)(e), 24H and 44 of the NEMA under Government Notice No. 849, in Government Gazette No. 40154, and appointed the EAPASA as a registration authority for the implementation and prescribing registration requirements for EAPs and regulation of the practice of environmental assessment in South Africa. The DEA wanted an institution that could operate independently as can be inferred from Regulations 3, 4 and 5 of the Section 24H Registration Authority Regulations. The now Department of Forestry Fisheries and the Environment (DFFE) therefore has a responsibility to ensure that the EAPASA functions efficiently and the EAPASA has a responsibility to operate sustainably. The mission of the DFFE is providing leadership in environmental management, conservation and protection towards sustainability for the benefit of South Africans and the global community. Furthermore, the EAPASA is run by a Board which is elected based on the EAPASA Constitution of 2016 as amended in 2020. Board</p>		
--	--	---	--	--

		<p>Members are elected by members in good standing at a General Meeting. Currently the Board is constituted of 9 Board members with an agreed criteria within the Constitution to cover among other things, EAP qualification, Finance and Risk Management, Legal, IT, Human Resources and Administration. The Constitution provides guidance with respect to the duration, responsibilities, mandate, etc for the Board members. Governance is achieved through designated committees such as the Registration, Quality and Standards, Audit, Risk and Finance, Professional Conduct, Appeals, Public Relations and Marketing committee. The Board is currently constituted of 5 females and 4 black males. Of the 5 females, 2 are black, 2 white and 1 is Indian. The Board provides policy leadership for EAPASA in terms of the EAPASA Constitution and of the Rule Book of the Association. This Board comprises of experts with background on audit and risk management, legal or corporate governance, IT and human resource, and Registered EAPs with vast sector-based experience. Transparency EAPs are afforded an opportunity during the General Meetings to elect Board members from the nominees who will represent their interests. According to the EAPASA Constitution (obtainable on www.eapasa.org) General Meetings are held every second calendar year. During the GM, EAPs also receive audited</p>		
--	--	--	--	--

		<p>financial statements. All government notices are also shared with the registered members. Organisational Performance Management Measures and performance guidelines have been put in place to ensure that the organisation reaches its goals. EAPASA has managed to meet all other government agreements beyond expectations and has achieved all the requirements in the DFFE's Annual Performance Plan. The Minister can also make reference to submitted APP reports and the financial plans. Measures and performance guidelines have been put in place to ensure that the organisation reaches its goals. EAPASA has managed to meet all other government agreements beyond expectations and has achieved all the requirements in the DFFE's Annual Performance Plan. EAPASA has submitted Annual Performance Plans for the past 4 financial years (since 2019). EAPASA's performance has always reached above satisfactory and more (>80%). The Minister can make reference to submitted APP reports, the Financial Sustainability Report and Business Plan which were previously submitted to DFFE. Strategic Alliances In its endeavor to entrench itself within the various professional sectors and also provide guidance within the country, EAPASA has signed two (2) key Memorandum of Understanding (MoUs) with the Council for the Built Environment (CBE) and the</p>		
--	--	---	--	--

		<p>South African Council of Natural Scientific Professions (SACNASP). The CBE is a statutory council established in terms of the Council for the Built Environment Act (No 43 of 2000). The purpose of the MoU with the CBE is to provide a framework for collaboration and good working relations between the two parties. The organisations agree to establish and maintain collaboration relations to enhance the Built Environment image, promote good standards, promote the usage of professionally registered persons, research support and promoting and protecting the interest of the public in the built and natural environment. The EAPASA and the CBE have over the past few years already worked together and engaged on mutually beneficial areas of interest. On the other hand, the SACNASP is also a statutory entity established in terms of the Natural Scientific Professions Act, No. 27 of 2003 as the legislated regulatory body for natural science practitioners in South Africa, and a Statutory Professional Body recognised by the South African Qualifications Authority under the National Qualifications Framework Act, Act No. 67 of 2008. The purpose of the MoU is to, within the boundaries of the applicable legislation, ensure synergies as there are a number of overlapping areas between EAPASA and SACNASP. The parties are committed to working together and share experiences and best</p>		
--	--	--	--	--

		<p>practice guided by principles of co-operation and goodwill. The EAPASA has enough support structures to be able to handle any type of professional and operational challenge as a result of these MoUs. Additionally, a number of other important MoUs have been signed and/or are in the process of being signed with other relevant organisations like the Council of Higher Education (CHE), various Voluntary Associations, etc.</p> <p>Closing Statement: Based on the detailed breakdown of information above, a great deal of work has gone into setting up policies, procedures and ensuring systems are in place to assist EAPs in belonging to a professional body they can be proud of. EAPASA aspires to improve the quality of environmental assessment practice in South Africa and will continue to engage with all the various stakeholders in order to function even more efficiently.</p>		
6.	<p>Dr. Richard Hill Tel: 083 455 6297</p>	<p>Please be informed that I support the Minister of Forestry, Fisheries and the Environment, the Honourable Barbara Creecy, in her gazetted intention to extend the appointment of the Environmental Assessment Practitioners Association of South Africa (EAPASA) for a further 12 months, from 7 February 2023 until 7 February 2024. This comment is submitted in my personal</p>	<p>To establish the most sustainable way forward for the long-term regulation of environmental professionals in South Africa, I suggest that the Department of Forestry, Fisheries and the</p>	<p>The support is noted.</p> <p>The comment is noted. The recommendations will be considered for the long-term regulation of EAPs. Please note that in order to potentially achieve this, significant law reform is anticipated and that this cannot be achieved in the immediate term. For now, the extension to</p>

		<p>professional capacity and not as a representative of any organisation or association.</p> <p>Regarding the Minister’s intention to decide the most sustainable way forward for the long-term regulation of Environmental Assessment Practitioners (EAPs) in South Africa, I propose that, post 7 February 2024, EAPASA be elevated to form the Council for Environmental Professionals, which Council was first proposed in the national Environmental Impact Assessment and Management Strategy (EIAMS) (Department of Environmental Affairs, 2014). The Council for Environmental Professionals could in future act as the long-term single Registration Authority for EAPs and other associated environmental professionals, with the necessary underpinning statute having been adopted by the Parliament of South Africa. Before elaborating, I provide information about my experience of the professionalisation of environmental practitioners that has informed my proposal. Over the period 2010 to 2014, I was an active member of the Project Steering Committee appointed by the then Minister of Environmental Affairs and Tourism to develop the national strategy and was the final editor of the EIAMS report. In November 2011, I was appointed as a founding Board Member of EAPASA. In these two capacities, I was able to play a bridging role between the national strategy and EAPASA. I resigned from the EAPASA Board on 28 February 2019 and was appointed as EAPASA Registrar on 1</p>	<p>Environment appoints a Working Group representing the range of environmental professionals listed in the revised Table 4 above, and others as relevant, to assist you in this important development of policy and strategy to further contribute to the sustainable development of South Africa.</p> <p>I respectfully request the Honourable Minister Creecy to give serious consideration to the evolution of EAPASA into the proposed Council for Environmental Professionals as EAPASA already has most of the necessary policies and systems in place.</p>	<p>the current term of appointment of the EAPASA is necessary to ensure that a registration authority remains in place and in order for the Minister to have adequate time to consider the options for the long term registration of EAPs.</p>
--	--	--	--	--

		<p>March 2019 which position I held up to November 2020.</p> <p>In late 2021, I was appointed by the Association of Professional Heritage Practitioners (APHP) as their consultant to assist them develop the documentation required to submit to the South African Qualifications Authority (SAQA) the designation of Professional Heritage Practitioner (PHP). The application to SAQA to register the PHP designation has been submitted through the office of the EAPASA Registrar, anticipating that the non-statutory PHP designation, once registered, will be regulated by EAPASA in its capacity as a SAQA recognised statutory Professional Body. EAPASA and APHP share a common interest in dealing with a range of professionals working in the fields of environmental, heritage and cultural resource assessment and management. The APHP has chosen to commit the future professional registration and regulation of heritage impact practitioners with EAPASA, on the understanding that other groups of environmental professionals are intent on following the same route. These emerging professional groupings include inter alia Social Impact Practitioners (SIPs) and Environmental Authorisation Follow-up Practitioners (EFPs, currently termed Environmental Control Officers). In my interactions over the past year with APHP, SAQA, EAPASA and the Association for Southern African Professional Archaeologists (ASAPA), I have realised that smaller professional bodies have a limited number of potentially</p>		
--	--	---	--	--

		<p>registerable professionals which in turn limits their income from application fees and annual professional fees. Table 4 (below) from the 2014 national strategy (page 158) shows the proposed Council for Environmental Professionals as an umbrella body in a coordinating capacity for a range of environmental professional associations as subsidiary bodies. 'Pillar 1' of 'Building Platform 5' of the EIAMS describes this Council as follows (page 152): Pillar 1: A statutory Council for Environmental Professionals is constituted, with sub-bodies – professional associations – representing the various disciplines (e.g. EAPASA); all environmental professionals are registered by the Council and belong to the appropriate association(s).</p> <p>Although the EIAMS report did not detail how this Council and the subsidiary professional associations would function, the model is likely to be financially unsustainable for most of these small professional associations (Table of Councils for Environmental Professionals included in the comment as Table 4).</p> <p>I have therefore revised Table 4 to reflect a more viable situation in which the statutory Council for Environmental Professionals absorbs the subsidiary associations – possibly with Council sub-committees for each designation – and acts as the single SAQA recognised Professional Body and Registration Authority, with its own founding Act of Parliament, regulations, policies, physical infrastructure (an office, website, online registration and CPD systems)</p>		
--	--	---	--	--

		<p>and human resources (office staff and contracted attorneys, auditors, etc.) rather than expecting each of the subsidiary associations to duplicate the supporting physical infrastructure, human resources, and various reporting requirements including Annual Financial Statements (Revised Table 4 included in the comment).</p> <p>The grouping of a range of associated environmental professionals under one statutory Council for Environmental Professionals is consistent with the recommendation of the EIAMS and only varies in the detail required for implementation.</p>		
7.	<p>Sithabisiwe Ncube Naledzi Environmental Consultants Tel: 087 550 1529</p>	<p>I write as a Senior Environmental Assessment Practitioner employed at Naledzi Environmental Consultants (Pty) Ltd (Naledzi). Naledzi is an Environmental Management Company that has served the Environmental Assessment Sector for twenty (20) years and employs several Environmental Assessment Practitioners, supports the Minister of Forestry, Fisheries and the Environment, the Honourable Barbara Creecy, in her gazetted intention to extend the appointment of the Environmental Assessment Practitioners Association of South Africa (EAPASA) for a further 12 months, from 7 February 2023 until 7 February 2024. The above notwithstanding, Naledzi submits that the said 12 months extension should be followed by an arrangement where the appointment of EAPASA becomes permanent, just as other Professional Bodies in other ministries or departments have been established on a permanent</p>	<p>Naledzi submits that the said 12 months extension should be followed by an arrangement where the appointment of EAPASA becomes permanent, just as other Professional Bodies in other ministries or departments have been established on a permanent basis.</p>	<p>The comment and support is noted. Please note that the current term extension is necessary in order that a registration authority for EAPs remains in place and in order to ensure that the Minister has sufficient time to consider the long term option for the registration of EAPs. There has been no decision taken to absorb the EAPASA into any other organisation. In the immediate term, an extension of the current term of appointment of the EAPASA is required. The longer-term options are currently being investigated, which should lead to long-term stability and sustainability in the sector.</p>

		<p>basis. We give examples of entities such as the ones we list below, just to name a few, most of which form part of the Council for the Built Environment (CBE, https://cbe.org.za/about/#councils) : Gauteng Office: Southdowns Ridge Office Park, Cnr John Vorster & Nellmapius Drive, Centurion, 0157 Limpopo Office: 141 Thabo Mbeki Street, Fauna Park, Polokwane, 0700 Tel: 012 003 3383 Fax: 087 550 1537 Tel: 087 550 1529 Fax: 087 550 1537 info@naledzi.co.za www.naledzi.co.za Offices in Gauteng, Limpopo, KZN & Eastern Cape (1) The South African Council for the Landscape Architectural Profession (SACLAP) was established as a statutory council in terms of Section 2 of the South African Council for the Landscape Architectural Profession Act (No. 45 of 2000). (2) The Engineering Council of South Africa (ECSA) is a statutory body established in terms of the Engineering Profession Act, 2000 (No. 46 of 2000), and derives its mandate and responsibilities from the Act. (3) The South African Council for the Property Valuers Profession (SACPVP) is a statutory body established on 1 January 1983 as the South African Council for Valuers, which was replaced by the SA Council for the Property Valuers Profession, established by Section 2 of The Property Valuers Profession Act, 2000. (4) The Quantity Surveying profession has benefited from a governing institution in one form or another since 1905. The Association of South African Quantity Surveyors was formed in 1971 with the proclamation of Act 36 of 1970. This legislation, with subsequent amendments, governed the profession up until the establishment of the South</p>		
--	--	---	--	--

		<p>African Council for the Quantity Surveying Profession (SACQSP) in terms of the Quantity Surveying Professions Act (No 49 of 2000), which was promulgated on 26 November 2000 and came into operation on 26 January 2001. Other entities include the SACNASP and the HPCSA respectively, again, just to name a few. EAPASA has been established slightly differently in that it is an NPO, an Association whose appointment is for a limited period, which is not sustainable in the long run. This arrangement does not ensure stability in the organisation, and the sector and does not guarantee the long-awaited government plans for the professionalisation of the state, amongst other endeavours, mainly because of the uncertainties. Naledzi understands that decisions on this matter require time and as such the Minister needs time to adequately consider the most sustainable way forward for the long-term regulation of Environmental Assessment Practitioners (EAPs) in South Africa. Naledzi and its staff members, most of whom are registered with EAPASA, support that EAPASA should be re-appointed not only for a further 12 months but should be appointed post 7 February 2024 as the long-term registrar and regulator of EAPs and other associated environmental professionals in South Africa. Gauteng Office: Southdowns Ridge Office Park, Cnr John Vorster & Nellmapius Drive, Centurion, 0157 Limpopo Office: 141 Thabo Mbeki Street, Fauna Park, Polokwane, 0700 Tel: 012 003 3383 Fax: 087 550 1537 Tel: 087 550 1529 Fax: 087 550 1537 info@naledzi.co.za </p>		
--	--	---	--	--

		<p>www.naledzi.co.za Offices in Gauteng, Limpopo, KZN & Eastern Cape We would like to encourage the Minister to commence a process, through the Parliament of the Republic of South Africa, or other mechanisms best suited for this, to establish an Act of Parliament specifically established to deal with EAPASA or Environmental Assessment Practitioners, in the same mould as the other entities and their Acts listed above. This will go a long way in providing the certainty, or guarantees required of the sector. We believe that any option that the Minister may take, that leads to EAPASA being absorbed by any of the other entities mentioned above or established the same way as some of the above, would be tantamount to the Minister abdicating her responsibility of taking care of the core mandate of the DFFE, that of looking after the provisions of NEMA and any associated Environmental Matters, and the Environmental Practice, and the professionals by extension are in the main link with the DFFE. Such an option would continue to subject Environmental Professionals/Sector as subservient to other sectors, which has been going on for a very long time, to the detriment of the very same environmental practitioners.</p>		
8.	<p>Moses Kgopana SATIVA TEC (Pty) Ltd. Tel: 076 328 1558</p>	<p>SATIVA Travel and Environmental Consultants (Pty) Ltd (SATIVA) supports the Minister of Forestry, Fisheries and the Environment, the Honourable Barbara Creecy, in her gazetted intention to extend the appointment of the Environmental Assessment Practitioners Association of South Africa (EAPASA) for a further 12 months, from 7 February 2023 until 7</p>	<p>Our organisation and its registered professionals therefore support that EAPASA should be re-appointed not only for a further 12 months but should be appointed</p>	<p>The support is noted.</p>

		February 2024. SATIVA understands that decisions of this matter requires time and as such the Minister needs time to adequately consider the most sustainable way forward for the long-term regulation of Environmental Assessment Practitioners (EAPs) in South Africa.	post 7 February 2024 as the long-term registrar and regulator of EAPs and other associated environmental professionals in South Africa.	
9.	Lizelle van Schalkwyk CBE Tel: 012 346 3985	The Council of the Built Environment (CBE) is a statutory body established in terms of the Council for Built Environment Act (No. 43 of 2000) and an entity of the Department of Public Works and Infrastructure (DPWI). Sections 3(c) and (d) of the CBE Act mandate it to promote ongoing human resource development in the built environment, and to facilitate participation by the built environment professions in integrated development in the context of achieving national goals. It is an overarching body that lead, regulate, coordinate and advise the six Professional Councils namely: Architectural Profession, Landscape Architectural Profession, Engineering Profession, Property Valuers Profession, Project and Construction Management Professions, and Quantity Surveying Profession. The CBE also entered into a working relationship with the following professional bodies as part of the built environment family – South African Council for Planners, Environmental Assessment Practitioners Association of South Africa, and South African Geomatics Council. In this regard the MoU with the Environmental Assessment Practitioners Association of South Africa (EAPASA) was signed on 12 November 2021 in order to concretise the work	As a representative of the CBE 6 th term Council I would like to take this opportunity to recommend the extension of the appointment of EAPASA until February 2024 or a longer period. This will allow us an opportunity to build on the work that commenced two years ago in advancing the cause of transforming the built environment sector.	The information provided, support of the extension and recommendation is noted. The proposed extension is done to ensure a longer-term sustainable solution can be found.

		<p>relationship and deliverables. The MoU led to the appointment of two (2) of the EAPASA Board Members being appointed by the Minister of Public Works and Infrastructure, the Honourable Ms. Patricia De Lille, in 2022 as per Section 5(3)(a) and (b) of the Council for the Built Environment Act, 2000 (Act No 43 of 2000), as Council members of the Council for the Built Environment (CBE) in its 6th Term.. EAPASA's inputs into the CBE and its councils have been invaluable in advancing the cause of a sustainable built environment. The built environment professions play a key role in infrastructure development, which is intended to leverage the country's economic development. We, therefore, require committed individuals within organizations like EAPASA who will take on the challenge of developing the professions, and enhancing the skills profile of the country, as well as support the built environment programmes aimed at ensuring spatial justice. The CBE will continue to support EAPASA in order to ensure its sustainability.</p>		
10.	<p>Gavin McLachlan Association of Professional Heritage Practitioners Tel: 083 272 6300</p>	<p>The Executive Committee of the Association of Professional Heritage Practitioners (APHP) supports the Minister of Forestry, Fisheries and the Environment, the Honourable Barbara Creecy, in her gazetted intention to extend the appointment of the Environmental Assessment Practitioners Association of South Africa (EAPASA) for a further 12 months, from 7 February 2023 until 7 February 2024. The APHP recognises the Minister's requirement for time to adequately consider the most sustainable way forward for the long-term regulation</p>	<p>The APHP Executive Committee maintains that EAPASA should be re-appointed not only for a further 12 months but should be appointed post 7 February 2024 as the long-term regulator of EAPs and other associated environmental</p>	<p>The support and progress is noted.</p>

		<p>of Environmental Assessment Practitioners (EAPs) in South Africa. The APHP Executive Committee maintains that EAPASA should be re-appointed not only for a further 12 months but should be appointed post 7 February 2024 as the long-term regulator of EAPs and other associated environmental professionals in South Africa. The APHP's interest in this matter is as follows. At the APHP Annual General Meeting on 25 May 2022, members resolved to work closely with EAPASA in the process of submitting to the South African Qualifications Authority (SAQA) an application for the registration of the new designation of Professional Heritage Practitioner (PHP). The APHP appointed Dr Richard Hill, the previous Registrar of EAPASA, to assist us in this professionalisation process. The application to SAQA states that the PHP designation, once registered, will in future be regulated by EAPASA in its capacity as a SAQA recognised statutory Professional Body. EAPASA and APHP share a common interest in dealing with a range of professionals working in the fields of environmental, heritage and cultural resource assessment and management. The EAPASA Registrar, Dr Patrick Sithole submitted the application for the PHP designation to SAQA in the fourth quarter of 2022, and we keenly await the outcome of the SAQA registration process. Association of Professional Heritage Practitioners info@aphp.org.za www.aphp.org.za Page 2 of 2 The APHP has chosen to commit the future professional registration and regulation of heritage impact practitioners with</p>	professionals in South Africa.	
--	--	--	--------------------------------	--

		EAPASA, on the understanding that other groups of environmental professionals are intent on following the same route. The emerging professional groups include inter alia social impact practitioners, environmental and governance practitioners, and environmental control officers. The APHP Executive Committee is open to meeting with Minister Barbara Creecy, yourself, and officials of the Department of Forestry, Fisheries and the Environment to provide information on the proposed registration and regulation of Professional Heritage Practitioners in South Africa.		
11.	Friedemann Essrich Tel: 082 488 7142	To circulate the invite for comment on the closing date is fundamentally flawed. Why was this invitation not sent out in early December? Is the minister and the DFFE trying to prevent public participation?	None.	Please note that you received the notification from the IAIAsa and not the Department. The Department advertised the public consultation in a national newspaper, gazetted the consultation and shared the invitation for comments at the time of the gazetting of the consultation process (early in December 2022).
12.	IAIAsa c/o Sue George Tel: 011 655 7183	IAIAsa is a voluntary organisation representing the interests of environmental practitioners and allied professions in South Africa. After being notified of the Minister's intention to extend the appointment of the Environmental Assessment Practitioners Association ("EAPASA") dated 2 December 2022 IAIAsa issued a notice to all members, and database contacts requesting the completion of a survey. Although no mention of funding and sustainability of the registration authority was apparent in the published notice, it was brought to our attention that	It is requested that the Minister consider extending the EAPASA term by more than 1 year as this is seen as insufficient, especially since much of its current term was affected by a number of extensions to the requirement to be registered as an EAP,	The comment and the outcome of the survey conducted is noted. The recommendation will receive due consideration. Please note that the Minister will consult on any proposed change in fees should a revision in fees be deemed necessary by the Minister.

		<p>the short extension of appointment proposed by the Minister of one year was to resolve this issue. It is also understood that the self-sustainability of a registration authority is linked to the fees charged for applications and annual memberships, and as a result the extension of the current registration authority's appointment will very likely require an amendment to the existing fees which are likely be published soon. The survey (survey included in the comment) was compiled without input from the registration authority to ensure independence. The results can therefore be considered an accurate reflection of the industry's opinion relating to the proposed extension. The notice issued by IAIAAsa was as follows: The Environmental Assessment Practitioners Association of South Africa was appointed as the single registration authority for a period of five years with affect from 8 February 2018 until 7 February 2023. The intention is to extend the appointment until 7 February 2024 to enable the Minister to adequately consider what the most sustainable way forward for the long term regulation of environmental assessment practitioners would be.</p> <p>Members of the public are invited to submit written comments or inputs within 40 days (Comment by 11 January 2023) of the publication of this notice in the Gazette (2 December 2022) Any enquiries in connection with the notice can be directed to Alvan Gabriel at agabriel@dffe.gov.za or 066 081 9554. Comments or imports received after the closing date may be disregarded. If you have not seen the Notice</p>	<p>as well as the COVID-19 pandemic. It is also requested that any proposals to amend application and annual fees be issued for review and comment prior to finalisation/promulgation.</p>	
--	--	---	--	--

		<p>to date or wanted to submit comment but have not had the opportunity we are facilitating this by means of a quick survey. Please complete the survey by 17h00 10 January 2023 if you would like your input included in the IAIAAsa submission to DFFE. A request was made to all receivers of the notification to complete a survey in order for IAIAAsa to provide feedback/comment to DFFE. Sixty five (65) responses were submitted by various individuals (85% being IAIAAsa members) within a 24 hour period. A copy of the full results from the survey is attached for your further perusal. Below is a summary of the relevant responses:</p> <ol style="list-style-type: none">1. More than 50% of the respondents were not aware that the appointment of EAPASA as the registration authority was not permanent.2. More than 75% of the respondents indicated that they have had an opportunity to review the extension notice. Those who had not yet reviewed the notice indicated that they had either not received the notification or that the timeframe that the notice was published for comment was over a holiday period when focus is elsewhere.3. Sixty percent (60%) of respondents are already registered EAPs with 15% practicing as an EAP with registration in process. For those who are not yet registered the main reason appears to be time constraints as the registration process demands a lot of information.4. When considering the Registration Authority activity over the 5 years since appointment, most respondents believe that there has been an improvement in the environmental sector.5. In response to the question whether EAPASA		
--	--	--	--	--

		<p>represents them well as an EAP, responses were very varied, with many reasons provided. 6. Less than 22% of respondents have little to no confidence in EAPs proficiency on the basis of him/her being registered as an EAP. The remaining 78% have a great deal or enough confidence or are unsure. 7. In response to the question regarding whether the registration of EAPs has improved practice in the sector the respondents are divided 50/50. 8. Almost 100% of respondents indicated that the registration requirements are available and accessible to them – showing that EAPASA roadshows, information sessions, workshops and website have performed well. 9. More than 50% of the respondents believe that registration of EAPs is leading to better quality EIAs and audits and that EAPASA represents a broad spectrum of environmental assessment professionals. 10. Almost 60% of the respondents indicated that the registration authority is assisting EAPs to stay updated with the latest requirements in the field of environmental assessment. 11. More than 60% believe that enough is being done to include or accommodate persons who have been in the profession before the requirement to be registered. 12. With regards to the review of applications for registration, the responses are mostly that they are reviewed sufficiently. 13. With regards to support being available for applicants who do not qualify for registration and that the registration authority practices a commendable degree of oversight over the professional conduct of EAPs, the responses were very varied. 14. A number of successes of</p>		
--	--	--	--	--

		<p>EAPASA which have benefited the respondents and made their jobs easier were submitted including, amongst others: a. Continuous updates received on EAPASA related information. b. EAPASA won an international award. c. The credibility of practicing EAPs has been established which provides the opportunity for undertaking work where professional registration is required. d. Increased respect and credibility given to EAPs that are now seen as professionals which has also increased consulting fees. e. Improvement in the quality of work produced. f. Provides recourse and accountability. g. The need to obtain CPD points to remain registered ensures that EAPs remain up-to-date with changes in the industry. h. Providing guidance and a platform for Candidate EAPs. i. Information sharing. j. Sense of belonging. 15. More than 75% of the respondents believe that the EAPASA board is well constituted in terms of expertise, sector-based experience, representation and national demographics. 16. With regards to who the enforcing authority is relating to contraventions with regulation 14 of the section 24H Registration Authority Regulations it is clear that many responders (almost 43%) are under the impression that EAPASA, and not the competent authority, is the enforcing authority. 17. Almost 60% of respondents do not believe that the registration authority is protecting registered EAPs from false accusations from activists and Interested and Affected Parties. 18. Over 64% of respondents believe that EAPASA's governance processes and structures are effective and transparent. 19. Over</p>		
--	--	---	--	--

		<p>75% of respondents believe that EAPASA should be appointed for another 5 years as the single registration authority, with many of the responses indicating that the current registration authority has undertaken a substantial amount of work that would be lost if a new body were to be appointed. EAPASA are only gaining traction now with the last 5 years being considered more of a training and trial phase. In addition, given the various extensions to become a registered EAP, EAPASA has not had sufficient time to iron out the process and registrations of EAPs. Great effort has been expended to set up the entity and extending by 1 year is too short. Some even indicate that EAPASA should be appointed for more than 5 years as the permanent body.</p> <p>A number of additional comments were submitted and can be reviewed in the attached document. It is apparent that much confusion exists around the mandate of EAPASA. Of significant concern is the jurisdiction of the enforcing authority for offences in terms of Regulation 14 of S24H as highlighted in point 16 above. In practice it appears that this uncertainty may result in the lack of enforcement of this regulation by the competent authority. Of additional concern is the loss of focus on registration in South Africa as a result of the energy being invested in other activities such as regional integration and standardisation as demonstrated by the most recent "regional conference". The inability of EAPASA to sustain itself is of concern. This concern is raised in the absence of any</p>		
--	--	--	--	--

		<p>understanding of what funding has been provided thus far, and what the proposals are for the future sustainability of the organisation. It is our observation that if EAPASA concentrates on achieving the registration of all the practitioners and officials whose applications are in “draft” format (3665 as per the EAPASA website on 11/01/2023) the organisation will be more than sustainable as they will have the “economies of scale” and will also be able to maintain an affordable fee for practitioners.</p>		
13.	<p>Jones & Wagener Engineering and Environmental Consultants c/o Jacqui Hex Tel: 011 519 0200</p>	<p>Jones & Wagener (Pty) Ltd Engineering and Environmental Consultants (J&W) supports the Minister of Forestry, Fisheries and the Environment, the Honourable Barbara Creecy, in her gazetted intention to extend the appointment of the Environmental Assessment Practitioners Association of South Africa (EAPASA) for a further 12 months, from 7 February 2023 until 7 February 2024. J&W understands that decisions of this matter require time and as such the Minister needs time to adequately consider the most sustainable way forward for the long-term regulation of Environmental Assessment Practitioners (EAPs) in South Africa.</p>	<p>Our organisation and its registered professionals therefore support that EAPASA should be re-appointed not only for a further 12 months but should be appointed post 7 February 2024 as the long-term registrar and regulator of EAPs and other associated environmental professionals in South Africa.</p>	<p>The comment and support is noted. The current proposed extension is done to ensure a longer-term sustainable solution can be found.</p>