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## BOARD NOTICE

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### BOARD NOTICE 53 OF 2011

### ENGINEERING COUNCIL OF SOUTH AFRICA

#### **Draft Rules: Procedure for the Nomination of Council Members**

ECSA herewith publishes the draft Rules in terms of Section 36(2)(a) of the Engineering Profession Act 46 of 2000, for public comment.

The closing date for submission of comments to ECSA through its website, [www.ecsa.co.za](http://www.ecsa.co.za) or email address [comments@ecsa.co.za](mailto:comments@ecsa.co.za) is no later than 12 April 2011.

## **Engineering Council of South Africa**

### **PROCEDURE FOR THE NOMINATION OF COUNCIL MEMBERS**

### **DRAFT RULES**

The Engineering Council of South Africa, has in terms of sections 36(2)(a) of the Engineering Profession Act 46 of 2000, (the Act) published draft rules for comment.

#### **PREAMBLE**

To provide for the process of nominating persons to serve on the Engineering Council of South Africa in terms of provisions of the Act. In this regard, please see the flowchart, marked Annexure "E".

Service as a member of the Engineering Council is a voluntary contribution of valuable time and wisdom to the engineering profession and to the South African society.

#### **1. Definitions**

In these rules, and unless the context otherwise indicates, any expression or word to which a meaning has been assigned in the Engineering Profession Act, 2000, (Act No. 46 of 2000) bears the same meaning, and -

**"CEO"** means the Chief Executive Officer appointed by the Council, in terms of section 8(1)(a) of the Act.

**"Nominating bodies"** means entities as described in Rule 5.3 hereof.

**"Recommendation panel"** means a panel appointed by Council, as described in Rule 8 hereof to evaluate the nominations and make recommendations for consideration by Council.

**"The profession"** means the engineering profession.

## **2. Composition of the Council**

The composition of Council is defined in section 3 of the Act, which provides for 50 members of whom:

- (a) 30 must be registered persons, excluding candidates, of whom at least 20 must actively practise in the engineering profession-
  - (i) who must be nominated by the voluntary associations, registered persons and prescribed nominating bodies;
  - (ii) who must represent the categories of registered persons contemplated in section 18, in the prescribed manner; and
  - (iii) who must represent the different disciplines of the engineering profession in the prescribed manner;
- (b) ten persons, of whom at least—
  - (i) six must be professionals, in the service of the State nominated by any sphere of government; and
  - (ii) one must be nominated by the department; and
- (c) ten members of the public nominated through an open process of public participation.

## **3. Calling for nominations**

### **3.1 Invitations**

- 3.1.1 The Council shall call for nominations on or at a date determined by the Council which date shall be at least eight (8) months before the date of expiry of the term of office of the sitting members of Council.

- 3.1.2 Registered Persons, Nominating Bodies and Voluntary Associations shall be invited by letter substantially in the form of Annexure A, B and C respectively, copies of which will be placed on ECSA & DPW's website.
- 3.1.3 Nominations for members by the public shall be invited by notice in the Government Gazette and one leading newspaper in each province, which nominations shall be submitted at least 60 (sixty) days from the date of notice.
- 3.1.4 The manner for inviting Registered Persons, Nominating Bodies, Voluntary Associations (VAs), and the Public is prescribed substantially in the form of Annexures A, B, C and D respectively.
- 3.1.5 The manner for inviting the State is described in Rule 6 hereof.

#### **4. Requirements for Nominees as Council Members**

The Council shall consist of registered and non-registered members.

##### **4.1 Registered Persons**

To be eligible for nomination as member of Council a registered person shall comply with the following requirements:

- (a) Be registered as a Professional Engineer, Professional Engineering Technologist, Professional Certificated Engineer, Professional Engineering Technician or registered in a specified category;
- (b) Have a background or experience in the engineering profession in one or more of the following: education, training, professional conduct, professional practice, and institutional affairs;
- (c) Make a declaration of being prepared to serve on the Council and/or any of its committees;
- (d) Be a South African citizen and ordinarily resident in the Republic of South Africa; and
- (e) Be willing to sign and adhere to ECSA's code of conduct for Council and Committee Members.

## **4.2 Persons not required to be registered**

Nominees shall comply with the following requirements:

- (a) Have insight into matters concerning the safety and health of the public;
- (b) Have expertise supplementary to the direct field of responsibility of the Council and the engineering profession, such as law, accounting, political science, economics, environmental management and education;
- (c) Make a declaration of being prepared to serve on the Council and/or any of its committees;
- (d) Be a South African citizen and ordinarily resident in the Republic of South Africa; and
- (e) Be willing to sign and adhere to ECSA's Code of Conduct for Council and Committee Members.

## **4.3 Disqualification from membership of Council in terms of Section 6(1) of the Act**

4.3.1 The following persons shall not be eligible to be appointed as a member of Council:

- (a) A person who is not a South African citizen and ordinarily resident in the Republic;
- (b) An un-rehabilitated insolvent;
- (c) A person who has been convicted of an offence in the Republic and been sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both. This provision excludes offences associated with political objectives and committed prior to 27 April 1994;
- (d) A person who has been convicted of an offence in a foreign country and been sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or both;
- (e) A person who has been removed from an office of trust as a result of improper conduct; or

- (f) A person who has, in terms of the Act (including any previous Act), been found guilty of improper conduct by a disciplinary tribunal or the Council of ECSA.

In terms of Section 6(3) of the Act, the Minister must for the purpose of 4.3.1(d) above, take cognizance of the prevailing circumstances in a foreign country relating to a conviction.

- 4.3.2 Section 5(2) of the Act determines that a member of Council may not serve for more than two consecutive terms of office.

#### **4.4 Compilation of Reserve list**

- 4.4.1 Council may compile a Reserve List of nominees who meet the requirements but are not on the list of nominees recommended for appointment.
- 4.4.2 Nominees shall be required to indicate their availability to be included in a Reserve List if they are not appointed to Council.
- 4.4.3 Council shall use such Reserve List as a first source of nominees when the filling of vacancies on Council during its term of office become necessary, but, if necessary, may nominate for appointment candidates not on the Reserve List.

#### **5.1 Professional Representation in terms of Section 3(1)(a) of the Act**

Thirty (30) registered persons, excluding candidates, of whom at least twenty (20) shall actively practise in the engineering profession:-

- (i) Who must be nominated by the voluntary associations or other registered persons and prescribed nominating bodies;
- (ii) Who must represent the categories of registered persons contemplated in section 18 of the Act, in the prescribed manner; and
- (iii) Who must represent the different disciplines of the engineering profession in the prescribed manner.



## **5.2 Prescribed Representation of the Categories of Registration**

- (i) At least two persons from each category mentioned in Section 18 of the Act and actively practising in the Engineering Profession shall be represented.

## **5.3 Prescribed Disciplines of the Engineering Professions**

The following disciplines must be represented in Council:

Aeronautical Engineering  
Agricultural Engineering  
Chemical Engineering  
Civil Engineering  
Electrical Engineering  
Industrial Engineering  
Mechanical Engineering  
Metallurgical Engineering  
Mining Engineering

## **5.4 Prescribed Nominating Bodies**

5.4.1 Nominating Bodies must be determined by the Council in consultation with the CBE, failing which, by the Minister.

5.4.2 Prescribed Nominating Bodies are organizations having a sound knowledge of the circumstances under which engineering projects and products are delivered, operated and maintained by persons registered under the Act and relating in particular to having a sound understanding of the effects on members of society who are the end users of these projects, products and services. Such organisations shall be considered for determination in terms of section 3(2) of the Act as a Nominating Body. Such organizations shall comply with one of the following criteria:

- (i) Be an Employer with a valid Commitment and Undertaking Agreement with ECSA;
- (ii) Be an organization that upon application to the Council shows satisfactory interest in the engineering profession.

**6. Persons in the service of the State**

- 6.1 Nominations will be invited from Local, Provincial and National Government.
- 6.2 ECSA will approach the Director General of Public Works to facilitate the required nominations.

**7. Public Representation**

Section 3(1)(c) of the Act makes provision for the appointment of ten members of the public, nominated through an open process of public participation.

**8. Recommendation Panel**

- 8.1 When any nomination for members of a new Council becomes necessary, the Council shall constitute a Recommendation Panel within 30 days of the call for nominations.
- 8.2 The Recommendation Panel shall be constituted as follows:
- (a) One registered person from each of the categories of registration;
  - (b) One registered person with special knowledge of engineering education;
  - (c) Two persons in the employ of the State, recommended by the Director-General of the Department Public Works. At least one of the persons must be registered with the Council;
  - (d) Two persons from the public.
  - (e) Any other person nominated by Council to ensure transformational representivity; and
  - (f) One person who has legal knowledge of both the Act and the SA Constitution.

8.3 Members of the Recommendation Panel should preferably be outgoing Council Members who do not qualify for re-appointment.

8.4 Directives to Recommendation Panel:

- (a) The Council shall identify and inform the Recommendation Panel of Council Members that are eligible and available for reappointment. The Recommendation Panel should ensure continuity.
- (b) The Council has the right to ratify or amend the list of nominees recommended by the Recommendation Panel.
- (c) Persons serving on the Recommendation Panel may not serve on the new Council.

8.5 The Recommendation Panel shall consider the following when making recommendations to Council:

8.5.1 The requirements for nominees to be appointed from the profession [Section 3(1)(a)], from registered persons [(Section 3(1)(b))], the public [(Section 3(1)(c))] and from the State [(Section 3(1)(b))].

8.5.2 The Recommendation Panel shall take into account transformational and geographic representivity in its recommendation.

8.5.3 The needs of Council:

The Council shall, within 30 days of the expiry of the notice of invitation, make its recommendations to the Minister based on recommendations from the Recommendation Panel with the view to meeting *inter alia* the following needs of the new Council:

- (a) Persons with a background in standard setting in engineering education and training;
- (b) Persons with experience in the accreditation of engineering educational programmes;
- (c) Persons with experience in the registration processes for engineers, technologists, certificated engineers, technicians and specified categories;

- (d) Persons with experience in preliminary investigations and enquiries related to alleged improper conduct by registered persons;
- (e) Persons with experience in the relationships between ECSA and engineering and other organisations in South Africa and elsewhere, particularly with regard to international recognition of South African education and registration; and
- (f) Persons with an interest in Continuing Professional Development (CPD).

8.6 The administrative assistance required by the Recommendation Panel is to be supported by the legal services of ECSA, a nominee of the CEO and the secretariat to the Recommendation Panel.

## **9. Assessment of Nominations**

- 9.1 All nominations received shall be scrutinised by the CEO firstly to confirm the eligibility of the nominee and compliance with requirements.
- 9.2 The Recommendation Panel shall evaluate each nominee in terms of the Council's needs and the requirements of the Act and identify all nominees who meet the requirements.
- 9.3 The Recommendation Panel shall by a date determined by Council submit a report to Council containing:
  - (i) a list of all nominations received;
  - (ii) a list of nominees recommended;
  - (iii) a reserve list of nominees; and
  - (iv) a list of nominees not eligible and the reasons therefore.

**ANNEXURE A****ENGINEERING COUNCIL OF SOUTH AFRICA****Date****Dear Registered Person****INVITATION TO NOMINATE: ECSA COUNCIL**

You are cordially invited to nominate one or more registered persons for consideration and possible appointment as member(s) to the Engineering Council of South Africa (ECSA) in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000). When nominating, consideration should be given to representivity in respect of race, gender, disability and geographical location.

The following should be noted:

1. Nominees must be registered with the Engineering Council of South Africa, in at least one of the following categories: Professional Engineer, Professional Engineering Technologist, Professional Certificated Engineer, Professional Engineering Technician or a specified category (**registration in the candidate category is expressly excluded in terms of section 3(1)(a) of the Act**).
2. The nominations should be made on the Nomination Form and be signed by the registered person submitting the nomination.
3. Nominees appointed to the Council may not serve for more than two consecutive terms of office.
4. The Council will meet at least twice a year and will be supported by administrative staff. The period of office for the members is four years.
5. The nominations must be accompanied by:
  - 5.1 An Acceptance Form duly completed and signed by the nominee;
  - 5.2 A brief Curriculum Vitae in the attached format; and
  - 5.3 A declaration by the nominee stating that he/she is not disqualified in terms of section 6(1) of the Act nor has he/she served on the Council for two consecutive terms.
6. Successful nominees will be appointed in their own right and will not represent any constituency in particular.
7. Since the potential number of nominations is likely to exceed the number of vacancies on Council by a significant margin, serious consideration will be given to the nominees' expertise, background and ability.

Registered Persons

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8. All nominees must be South African citizens and be ordinarily resident in the RSA.
9. All nominations, duly completed and signed, must be submitted to the Council (**Attention:** ..... ) at the address provided in this correspondence, by no later than..... (date to be at least 60 days from date of invitation). Nominations received after this date will not be considered.
10. ECSA will establish a "Recommendation Panel" (in terms of Rule 8.1 of the Procedure for the Nomination of Council Members) which will be responsible for recommending to Council the names of the nominees considered most suitable for appointment by the Minister. No member of the Recommendation Panel will be eligible for appointment to the Council.
11. The Minister retains the discretion to appoint any person who may have been nominated but not recommended. Therefore the names of all the nominees will be presented to the Minister.
12. More detailed information regarding the process can be viewed on ECSA's Website [www.ecsa.co.za](http://www.ecsa.co.za) just click on "**period or term for which this Council will serve**".
13. Appointments will be on a non-remunerative basis. Only reasonable travel and subsistence expenses will be paid to members.

***Non-citizens, unrehabilitated insolvents, persons convicted of serious offences (excluding political offences), persons found guilty of improper conduct and persons removed from an office of trust do not qualify to serve as members of Council.***

Yours faithfully

**ANNEXURE B****ENGINEERING COUNCIL OF SOUTH AFRICA****Date**

Dear

**INVITATION TO NOMINATE: ECSA COUNCIL**

You are cordially invited to nominate one or more persons for consideration and possible appointment as member(s) of the Engineering Council of South Africa (ECSA) in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000). When nominating, consideration should be given to representivity in respect of race, gender, disability and geographical location.

The following should be noted:

1. **Nominating Bodies** may nominate as many persons as they deem appropriate. Each nomination must be submitted on a separate Nomination Form.
2. Nominees must be registered with the Engineering Council of South Africa, in at least one of the following categories: Professional Engineer, Professional Engineering Technologist, Professional Certificated Engineer, Professional Engineering Technician or a specified category (**registration in the candidate category is expressly excluded in terms of section 3(1)(a) of the Act**).
3. The nominations must be made on the Nomination Form and be signed by a duly authorised representative, typically the Chief Executive or authorised person
4. Nominees appointed to the Council may not serve for more than two consecutive terms of office.
5. The Council will meet at least twice a year and will be supported by administrative staff. The period of office for the members is four years.
6. The nominations must be accompanied by:
  - 6.1 An Acceptance Form duly completed and signed by the nominee;
  - 6.2 A brief Curriculum Vitae in the attached format; and
  - 6.3 A declaration by the nominee stating that he/she is not disqualified in terms of section 6(1) of the Act nor has he/she served on the Council for two consecutive terms.

7. Successful nominees will be appointed in their own right and will not represent their nominating body.
8. Since the number of Voluntary Associations and Nominating Bodies far exceed the number of vacancies on Council, serious consideration will be given to the nominees' expertise, background and ability to represent more than one sector of interest contemplated in section 3 of the Act.
9. All nominees must be South African citizens and be ordinarily resident in the RSA.
10. All nominations, duly completed and signed, must be submitted to the Council (**Attention: .....**) at the address provided in this correspondence, by no later than..... (date to be at least 60 days from date of invitation). Nominations received after this date will not be considered.
11. ECSA will establish a "Recommendation Panel" (in terms of Rule 8.1 of the Procedure for the Nomination of Council Members) which will be responsible for recommending to Council the names of the nominees considered most suitable for appointment by the Minister. No member of the Recommendation Panel will be eligible for appointment to the Council.
12. The Minister retains the discretion to appoint any person who may have been nominated but not recommended. Therefore the names of all the nominees will be presented to the Minister.
13. More detailed information regarding the process can be viewed on ECSA's Website [www.ecsa.co.za](http://www.ecsa.co.za) just click on "**period or term for which this Council will serve**".
14. Appointments will be on a non-remunerative basis. Only reasonable travel and subsistence expenses will be paid to members.

***Non-citizens, unrehabilitated insolvents, persons convicted of serious offences (excluding political offences), persons found guilty of improper conduct and persons removed from an office of trust do not qualify to serve as members of Council.***

Yours faithfully



**ANNEXURE C****ENGINEERING COUNCIL OF SOUTH AFRICA****DATE****Dear****INVITATION TO NOMINATE: ECSA COUNCIL**

You are cordially invited to nominate one or more persons for consideration and possible appointment as member(s) of the Engineering Council of South Africa (ECSA) in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000). When nominating, consideration should be given to representivity in respect of race, gender, disability and geographical location.

The following should be noted:

1. **Voluntary Associations** may nominate as many persons as they deem appropriate. Each nomination must be submitted on a separate Nomination Form.
2. Nominees must be registered with the Engineering Council of South Africa, in at least one of the following categories: Professional Engineer, Professional Engineering Technologist, Professional Certificated Engineer, Professional Engineering Technician or a specified category (**registration in the candidate category is expressly excluded in terms of section 3(1)(a) of the Act**).
3. *The nominations must be made on the Nomination Form and be signed by a duly authorised representative, typically the President or Chief Executive .*
4. Nominees appointed to the Council may not serve for more than two consecutive terms of office.
5. The Council will meet at least twice a year and will be supported by administrative staff. The period of office for the members is four years.
6. The nominations must be accompanied by:
  - 6.1 An Acceptance Form duly completed and signed by the nominee;
  - 6.2 A brief Curriculum Vitae in the attached format; and
  - 6.3 A declaration by the nominee stating that he/she is not disqualified in terms of section 6(1) of the Act nor has he/she served on the Council for two consecutive terms.
7. Successful nominees will be appointed in their own right and will not represent his/her Voluntary Association.

## Voluntary Associations

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8. Since the number of Voluntary Associations and Nominating Bodies far exceed the number of vacancies on Council, serious consideration will be given to the nominees' expertise, background and ability to represent more than one sector of interest contemplated in section 3 of the Act.
9. All nominees must be South African citizens and be ordinarily resident in the RSA.
10. All nominations, duly completed and signed, must be submitted to the Council (**Attention: .....**) at the address provided in this correspondence, by no later than..... (date to be at least 60 days from date of invitation). Nominations received after this date will not be considered.
11. ECSA will establish a "Recommendation Panel" (in terms of Rule 8.1 of the Procedure for Nomination of Council Members) which will be responsible for recommending to Council the names of the nominees considered most suitable for appointment by the Minister. No member of the Recommendation Panel will be eligible for appointment to the Council.
12. The Minister retains the discretion to appoint any person who may have been nominated but not recommended. Therefore the names of all the nominees will be presented to the Minister.
13. More detailed information regarding the process can be viewed on ECSA's Website [www.ecsa.co.za](http://www.ecsa.co.za) just click on "**period or term for which this Council will serve**".
14. Appointments will be on a non-remunerative basis. Only reasonable travel and subsistence expenses will be paid to members.

***Non-citizens, unrehabilitated Insolvents, persons convicted of serious offences (excluding political offences), persons found guilty of improper conduct and persons removed from an office of trust do not qualify to serve as members of Council.***

Yours faithfully

**APPLIES TO ANNEXURES A, B AND C****Proforma Curriculum Vitae**

The format below should be closely followed.

(Unnecessary information should be avoided as far as possible.)

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**CURRICULUM VITAE**

(Name of Nominee)

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**1. General Information:**

**Names & Surname:**

**Date of Birth:**

**RSA Identity Number:**

**Country of Normal Domicile:**

**Professional Registration (ECSA or other):**

**Registration Number:**

**Other Professional Affiliations:**

**Academic Qualifications and Year attained:**

**Years Experience Post-qualification:**

**2. Professional Experience (200 words)**

**Specialisation:**

**Key Experience:** (Brief summary of most important work during stages of career)

**3. Involvement in Profession** (100 words)

**Contributions to Professional Associations, Societies and Councils:**  
(Local & International)

**Other Societies:**

**4. Key Attributes and Contributions on offer to new Council**  
(i.e. Why you should be appointed) (100 words)

**ANNEXURE D****INVITATION TO THE PUBLIC TO BE PUBLISHED IN THE NEWSPAPERS**

ENGINEERING COUNCIL OF SOUTH AFRICA

**Invitation to the Members of the Public**

**Dear Sir/Madam**

**INVITATION TO NOMINATE: ECSA COUNCIL**

Call for Nominations for Members of the Public to be appointed as Members of the Engineering Council of South Africa (ECSA).

In terms of the Engineering Professions Act, 2000 (Act No. 46 of 2000), nominations are invited from members of the general public to serve on the ECSA Council:

- Number of vacancies: **10 vacancies.**

**Background**

In December 2000, the President assented to legislation providing for the establishment of Council for the engineering profession. The Council was established in August 2001 and replaced the previous statutory Council and board for the profession. The Council registers professionals and candidates in their profession, accredits educational institutions, upholds professional conduct, identifies the functions of the profession, recommend professional fees and promotes regional and international recognition of the profession.

The Council will meet at least twice a year and will be supported by administrative staff.

The period of office for the members is four years.

Each nomination must be in writing and must contain the following information in the detail required by the Council. *(Please refer to the Council directly for further information.)*

1. The name and address of the nominating person or organization;
2. The name, address and identity number of the nominee;
3. An Acceptance Form duly completed and signed by the nominee
4. Motivation for the appointment of the nominee to the Council (not exceeding one page);
5. A short Curriculum Vitae of the nominee (not exceeding two pages), the format of which can be found on ECSA's website [www.ecsa.co.za](http://www.ecsa.co.za); and
6. A declaration by the nominee stating that he/she is not disqualified in terms of section 6(1) of the Act nor has he/she served on the Council for two consecutive terms.

Members of the Public

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All nominations, duly completed and signed, must be submitted to the Council (**Attention: .....**) at the address provided in this correspondence, by no later than..... (date to be at least 60 days from date of invitation). Nominations received after this date will not be considered.

***Non citizens, unrehabilitated insolvents, persons convicted of serious offences (excluding political offences), persons found guilty of improper conduct and persons removed from an office of trust (is) are not eligible to serve as members of the Council.***

**Engineering Council of South Africa**

Attention:

Private Bag X691 Bruma, 2026

Tel: 011 607 9500 Fax: 011 622 9295

Email:

Web: [www.ecsa.co.za](http://www.ecsa.co.za)

# **ECSA NOMINATION PROCESS**

## **ANNEXURE E**

### **SCHEDULE 1: FLOW DIAGRAM**

This diagram intends to provide assistance to grasp the process at a glance and does not form part of the Rules.

