



# NSBE PAGES



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## FROM THE DESK OF THE PRESIDENT



### 1. High court matter

Our legal challenge on the matter of appointment of the current council was resolved through an out of court settlement. All parties agreed to persuasion by the new Minister to seek an alternative way of resolving this dispute. The gist of our matter was premised against the following background:

The Constitution contemplates a democracy that is representative, and that also contains elements of participatory democracy. As the preamble openly declares, what is contemplated here is “a democratic and open society in which government is based on the will of the people”. Our Constitution calls for open and transparent government and requires legislative organs to facilitate public participation in the making of laws by all legislative organs of the State<sup>8</sup>.

Consistent with this constitutional order, section 36 of the Engineering Profession Act expressly provides for comment by interested persons as part of the rule making process, participation which is described in subsection (3) of the Engineering Profession Act as “consultation”.

This is understandable because, firstly, the rules concerned are analogous to regulations and are therefore in the nature of subordinate legislation and, secondly, they govern a very important profession.

<sup>8</sup> Matatiele Municipality v The President (2) 2007 (6) SA 477 (CC) at para [40]

It is common cause that no rules were made by ECSA in connection with the calling for nominations in terms of section 3(1)(a) and (b), prescribing the nominating bodies who are entitled to nominate persons in terms of section 3(1)(a)(i), and prescribing how the different disciplines and categories of the engineering profession and the registered bodies contemplated in section 18 are to be represented by the 30 registered persons mentioned in section 3(1)(a)

After extensive discussions with all parties concerned, it was resolved that the term of office of the current council will be shortened. This will allow them to implement the process of making rules and these should be in place by end of August 2011, where after the nomination process for the establishment of the next council will commence.

The Rules making process for the composition of council requires us to participate as it is a public process. The draft rules will be made public for comments in March 2011.

Attached is the settlement which was made a court order.

## **2. NSBE 2010 AGM**

I am delighted to report once again about a successful NSBE 2010 Annual General Meeting which was held in November last year in Durban. Attached to this E-news is

the AGM report from our Acting Managing Director: Mr Sakhile Monose.

## **3. Initiatives for value add to NSBE members**

There is always a pertinent question asked from the profession and by potential NSBE members about "what is in it for me if I Join NSBE".

Besides what we are traditionally known for, which is fighting for transformation in the entire engineering spectrum, promote public awareness about engineering profession and its opportunities, function as a representative and supportive body on engineering issues, and encourage participation in the mainstream economy, wealth creation and distribution, we have also created NSBE structures geared for skills development and capacity building in our country, and engaged government to partner with us on job creation and efficient services delivery. These initiatives are focussed to the following infrastructure departments: Transport, Cooperative Governance and Traditional Affairs, Public Works, Energy, Water and Environmental affairs. We have also made presentations to some Premiers, hoping that we will cover all nine provinces.

What we offer to the government is a holistic collective approach which NSBE can bring to address skills development, capacity building, efficient services delivery and job

creation. NSBE has student chapters who feed into skills development, subscribed ordinary engineers who can capacitate our public sector and make it efficient, and companies who have joined NSBE Business Forum who are spread across the country to inject their skills wherever it is required.

The government will enter into a MoU from which we are developing specific Service Level Agreements to achieve above objectives.

Through this initiative, NSBE members will have opportunities to participate in government infrastructure development, operation and maintenance without going through uncertain and often bureaucratic processes. Our engineers will participate in planning, packaging and implementing infrastructure projects and our young engineering prospects will have mentorship opportunities.

The government-NSBE collaboration further intends to create a new green economy industry to alleviate global warming and dependency on fossil fuel generated electricity while at the same time creating sustainable decent jobs.

What we need to do as NSBE is to prepare readiness of our structures for this major beneficial engagement. Our office will be in touch with provincial structures to rally everyone behind this project. We will also use our website quite extensively as an interactive instrument for registration and subscription, and publication of our documents and presentations.

#### **4. Professional registration & In Service Training campaigns.**

Whilst NSBE is commended for success in the fight for our right to have proper representivity at ECSA council, more struggle needs to be waged against what is perceived to be stumbling blocks for our members to access and practice engineering profession. The two criteria which are most complained about are (i) professional registration, and (ii) In-Service Training which precedes qualification at Universities of Technology.

On professional registration, NSBE took a position to challenge the manner of assessment for registration in all engineering disciplines and categories. We are of the view that there is no compliance with provisions and spirit of the Act in ways that ECSA has defined and conducting registration processes. To prove our case, we are following a challenge launched by Mr Linda Mtembu that was refused registration after nine years of persistent application. His appeal application is based on fundamental principles of fairness, reasonableness, and lawful administrative action. If his appeal is successful, it will be a ground breaking outcome and will compel ECSA to review their registration criterion. All documents related to this case will be posted to our website. We encourage our members to comment and record their experiences on this topic. Mr Mtembu has even suggested

that we launch a campaign called **“Awulethe I Pr-Eng Yami” (Please bring my Pr-Eng).**

On the second topic of In-Service training, this requirement accounts as one of the biggest barrier for our students to qualify at the universities of technology. How the scheme works is that students must spend some time of approximately a year at a work place doing practical work relevant to the degree enrolled for. Although the reasons for practical training appear noble, the challenge is to get that short term practical employment. It is an aspect completely out of students and universities influence. If our students fail to get short term practical employment, they are unable to proceed with their studies and subsequently fail to qualify. NSBE is of the view that practical work should be left to the future when one has completed theoretical studies and should not hinder students from completing academic program. To this end, we will engage universities of technology as part of assisting our competent students to complete their studies and graduate.

#### **5. Special NEC Meeting**

A special NEC meeting will be convened tentatively on Friday 25 February 2011 in Johannesburg. The NEC will discuss

Action plans for 2011  
Contributions in ECSA Rules consultations

NSBE & Government business relations and MoU's

NSBE 2011 Strat Plan

NSBE name review

Preparations for Gala Dinner and 2011 AGM

With regards to item 5.5, a number of Voluntary Associations with predominantly white membership have expressed desire to collaborate with NSBE on a number of issues. However, they have reservations about us being defined in a strong language; “black society”. Further there are possible sponsors who appreciate good progressive work we are doing but feel compromised to associate with “black” polarising definition of our organization. Even the ruling party, the African National Congress has hinted to our non-unifying name. On the other hand, there are equally strong views about maintaining our name as it is. We will discuss this and weigh all options at our disposal.

#### **6. Johannesburg Offices**

NSBE will open a Satellite Office in Midrand, Johannesburg effectively from the 01<sup>st</sup> of February 2011 to mainly deal with the establishment of the NSBE Business Forum Structure. We will retain a Pietermaritzburg Office as the Headquarters of NSBE for administration purposes until the next elective conference and annual general meeting.

## FROM THE DESK OF THE MANAGING DIRECTOR



### Foreword:

Greetings fellow members of NSBE!

This year 2011 has been declared the year of 'Job Creation' by the President of the ruling party, President Jacob Zuma in his January 08 Statement. This in essence culminates to the urgent pace at which the government must move in delivering a better livelihood for the citizens of the Republic. It is in line with these imperatives of the Country that the NSBE seek to up its approach in addressing issues of economic participation, capacity building of engineering skills amongst blacks, and the creation of programmes that have far reaching impact in alleviating unemployment levels.

### 2010 Annual General Meeting Report

In November 2010 we held our AGM; I therefore would like to take the opportunity

and thank all members and guests that made it to the event. In this occasion resolutions were made, and they covered the following topics:

- a. PURSUIT OF PUBLIC INSTITUTIONS FOR ORGANISATIONAL SUSTENANCE
- b. SOLICITATION OF SPONSORSHIPS
- c. MEMBERSHIP GROWTH (VALUE ADD ON MEMBERSHIP BENEFITS)
- d. ANNUAL ACTIVITIES AIMED AT RAISING FUNDING AND VISIBILITY FOR THE ORGANISATION
- e. FORMATION OF A WORKING COMMITTEE

### 1. Pursuit of Public Institutions for Organisational Sustenance

AGM resolved:

- That NSBE will be sustained through maintenance of existing partnerships with some of the Public Institutions and

forging new relations with more Public Institutions.

- The following Institutions were identified:

1. *Regulatory Authorities, i.e. ECSA, CBE, etc.*
2. *Department of Higher Education and Training*
3. *Department of Public Works*
4. *Department of Transport*
5. *Department of Energy*
6. *Department of Labour*
7. *Local Government/ Municipalities*
8. *Department of Water and Environmental Affairs*
9. *Department of Trade and Industry*
10. *NERSA*

## 2. Solicitation of Sponsorships

AGM resolved:

- That the purpose of raising funds is to enable NSBE to sustain its **Programs**, and **Administration** overheads.
- That NSBE will Target the following Markets:
  - Corporate
  - Government
  - Donor Organisations

- Black Engineering Companies

- That NSBE shall learn from:

- BMF (Business Management Forum)
- BLA (Black Lawyers Association)
- SAICA (South African Institute of Chartered Accountants)

## 3. Membership Growth

- 3.1 In considering Membership Growth the AGM looked into the following:

### 3.3.1 Discussion:

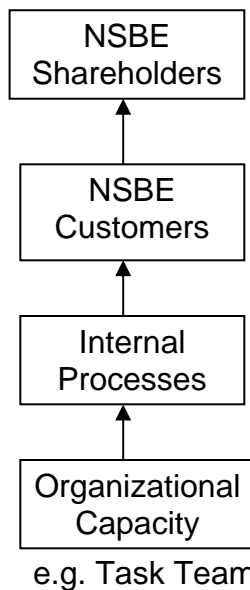
- The eligibility for membership
- Benefits for members
- Visibility of organisation
  - Not vocal on issues affecting engineering
  - Lack of consistent communication
- Define the value that the members are looking for from the organisation

### 3.3.2 Ideas on membership and value add benefits:

- Define membership benefits for students
  - Creating networks with the commercial world
  - Information sharing and seminars
- Set up bursary scheme for students that is linked to mentorship
- Assist Engineers to register with ECSA
- Assist Engineers with training and seminars that will help them with CPD points

### 3.3.3 Suggestions/ Proposals on how to grow membership

- Growth Strategy identified:



- That a Task Team will be setup to be responsible for the membership growth.
- All members of the commission that dealt with Membership Growth to form part of the Task Team.
- Bring One movement – every NSBE member to be encouraged to bring one new member every 3-6 months
- Use technology to bring new membership into the organisation.
- Use technology to keep membership updated of the latest news.

## 4. Annual Activities aimed at Raising Funding and Visibility for the Organisation

The AGM looked at Annual Activities aimed at Raising Funding and Visibility for the Organisation under the following:

### 3.4.1 Raising Funding for the Organisation

That NSBE should consider the following to raise funding:

- Through providing Training Programs; sub-contract

training services and charge a percentage.

- Through providing Recruitment Services; sub-contract the services and charge a percentage or a fee.
- Through hosting Conferences and Seminars, Breakfasts, Workshops, Networking Dinners, etc.
- Golf Days Tournaments
- Competitions (i.e. Cell phones)

#### **3.4.2 Visibility for the Organisation**

NSBE should consider the following to increase awareness and promotion of the organisation:

- Student Chapters
- Media
- Community Activities

#### **5. Formation of a Working Committee**

- Finally the members agreed to the formation of a working committee that will assist in the work done by the National Office, develop and drive National programmes.
- The process of the formation of a Working Committee will be facilitated by the NSBE National Office.

In conclusion, Fellow members let us all embrace this year as a year of delivery towards attainment of our objectives and goals. May I take the opportunity and wish all of you a great year!