

Period 1890 to 1968

History of Legislation for the Registration of Professional Engineers in the Republic of South Africa

by
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THE EARLY DAYS

In 1890 Sir Gordon Sprigg introduced a Bill in the Parliament of the Cape Colony for the protection of Civil Engineers and Architects. As it met with so much opposition from both professions, who felt that it would place colonial youths at a disadvantage, it was withdrawn.

In 1893 the "Association of Engineers and Architects" drafted a petition for the statutory recognition of individual engineers and architects. This was submitted by Mr Carl Jeppe to the "Volksraad" of the "Zuid-Afrikaanse Republiek". It found favour at first but was rejected at the next meeting of the "Raad".

In 1903 the Legislative Council of the Transvaal Colony passed an Ordinance requiring the appointment of engineers to take charge of machinery. Although this Ordinance provided for the issue of Mine Managers', Mine Overseers', Engineers' and Engine Drivers' Certificates, the term "Engineer" was not defined nor were his qualifications prescribed. In 1906 this Ordinance was amended and provision was made for "Engineers' Certificates of Competency". The Transvaal Colony Ordinance remained in force until the Union Parliament passed the "Mines and Works Act" in 1911. Thereby only engineers who were holders of certificates of competency were recognised by law and their responsibilities defined by Regulations promulgated in the interest of safety in industry.

In 1904 the "Cape Society of Civil Engineers" approached the Attorney General of the Cape colony who agreed to introduce a Bill in the Cape Parliament entitled "Bill of Control and Regulate the Practice of the Profession of Civil Engineers". It was read a first time and put down for a Second Reading in April 1905. However, owing to opposition from the mechanical and electrical engineers, land surveyors and others, amendments were proposed.

The amended bill was drafted in such a manner that it embraced civil, mechanical and electrical engineers, but in 1907 it was dropped, principally because of the difficulty of defining the respective spheres of activities of the various branches of engineers.

In 1914 the Council of the South African Society of Civil Engineers decided that the difficulties attended on securing the passage of a Registration Bill were so great that it would be better as a first step to obtain a charter similar to the "Charter of Canadian Civil Engineers". A Draft "Charter" was being prepared when war broke out and no approaches were made to the Government.

In 1921 Mr Kenneth Austin, a Council member of the "South African Institution of Engineers", proposed legislation for the legal registration of engineers of the Union of South Africa. The Council agreed to his proposal and Mr Austin produced his "Engineers Private

Bill 1922" (Annexure A) * which was referred to various interested parties as well as to the Civil, Electrical and Mechanical Institutions in England. These Institutions advised against registration and stated that it should be left to employers and not the public to decide whom they may engage as engineers. After further deliberations the South African Institution of Engineers arrived at the conclusion that no useful purpose would be served in carrying the matter any further.

Over the next 15 years the question of improving the status of engineers was discussed on numerous occasions by the Councils of the S A Institution of Engineers and the S A Society of Civil Engineers, but without any definite steps being taken.

* For the reasons set out at the end of this part, it unfortunately was not possible to include the Annexures in this publication,

Early in 1935, at the instigation of the S A Institution of Engineers, a "Status of Engineers Joint Committee" was formed with the S A Society of Civil Engineers and the S A Institute of Electrical Engineers. This Committee was constituted as follows:

Messrs. K Richardson (SAIE) (in the Chair), J White (SAIEE) and EJ Hamlin (SASoc of CE) with Messrs JC Hawkins, H Denehy and CT Cocks as alternate members. As a first step the matter was discussed with DR H Pirow, the Government Mining Engineer, who advised that the engineers' societies should endeavour to get an enabling clause inserted in the "Companies Bill" due to be tabled in Parliament. He felt that the clause should be so framed that the Governor General would have the power to grant certain engineering societies a "Charter", thereby establishing engineering as a closed profession.

Early in 1936 the Secretary for Justice was approached, but he expressed the opinion that it would be impossible to add a clause to the "Companies Bill" as suggested. The matter was also discussed with Minister O Pirow, who agreed with the Secretary of Justice. The Committee then considered promoting a Registration Bill which would cater for members of certain branches of engineering, with the registration of the individual in the hands of the relevant society representing the particular branch of engineering. This was discussed with the Secretary of Justice, who indicated that the proposal could constitute the basis for a separate bill, and the Status Committee proceeded to draft a Bill for the registration of civil, electrical and mechanical engineers.

During mid 1937 the draft Bill (Annexure B) was referred to the three societies participating in the work of the Status Committee. The proposed Bill made provision for the reservation of the title "Statutory Registered Engineer" and the performance of the work of such an engineer. The Bill also named the SA Society of Civil Engineers, the SA Institute of Electrical Engineers and the SA Institution of Engineers as "Statutory Societies" who constituted the sole registration authorities. In order to secure uniformity of procedure, the Bill made provision for the appointment of the "Central Board of Control" composed of two members from each of the "Statutory Societies". The Bill also made provision for the suspension of registration in the event of a registered engineer being found guilty of unprofessional conduct.

The draft Bill was approved in principle by the S A Society for Civil Engineers but was accorded only qualified approval by the Councils of the other two organisations. At this stage Mr Richardson resigned as Chairman of the Status of Engineers Joint Committee in favour of Mr. R E Kanthack who represented the SA Society of Civil Engineers.

During the next few years Mr Kanthack, together with Messrs Richardson and White, played a prominent role in discussions and correspondence with the Government and various interested parties.

Towards the end of 1938 the Controlling Executive of the Association of Scientific and Technical Societies became interested in the matter and appointed Messrs Kanthack and White to approach the responsible Minister. The Honourable Mr Oswald Pirow, then Minister of Commerce and Industries, felt however that interviews with him should be postponed until a definite conclusion on the general principles had been arrived at.

During March 1939 Mr JW Higgerty, MP introduced a private motion on the registration of engineers in Parliament but this motion met with a very mixed reception and after a lengthy discussion the debate was adjourned.

Early in 1940 Mr Kanthack interviewed the Honourable Mr R Stuttaford, then Minister of Commerce and Industries, who consulted the Clerk of the House of Assembly. He advised that it was the kind of Bill that should be introduced by a private member of Parliament as a Public Bill. However, due to the second world war further action in this regard was postponed until a more opportune time.

On 18 August 1942 a small group of graduate engineers and lecturers at the University of the Witwatersrand founded the "Engineers Graduate Association" with its main objective the improvement of the status of the graduate engineer.

On 16 May 1945 the "Status of Engineers Joint Committee" resumed its activities. At this meeting, which was attended by Dr FE Kanthack (SASCE) (Chairman), Mr K Richardson (SAIE) and Mr J White (SAIEE), it was decided to recommend to their respective Councils that the "Chemical, Metallurgical and Mining Society of S A" be invited to take part in the deliberations of the Committee. The three Councils agreed and the CMM Society of SA accepted the invitation.

The next meeting of the Status committee, which was held on 25 July 1945, was attended by the following: Dr FE Kanthack (SASCE) (Chairman), Messrs JJP Dolan (SAIE), J White (SAIEE) and JJP Bok (CMMSSA) as members and Prof WG Sutton, Messrs K Richardson, JC Fraser and DR PN Lategan their alternate members. The meeting decided to amend the Bill to make provision also for the registration of chemical engineers and to refer the amended Bill to their respective Councils for comment.

On 25 October 1945 the Engineering Graduate Association changed its scope and title and became the "Engineers Association (SA)". Its "aims and objects" prominently stated the following: "to draft, submit and pilot through Parliament a Bill establishing the status and defining the qualifications required of statutory engineers" EASA then proceeded to collect information to assist in the formulation of a "Status Bill".

THE ENGINEERS ASSOCIATION AND THE INSTITUTES

The next meeting of the "Status of Engineers Joint Committee" took place on 30 April 1946 and the members reported the views of their Councils. The SA Society of CE was in favour of proceeding with the omnibus Bill while the other three societies had various reservations. Mr. White also advised the meeting that the SAIEE had applied for registration of the name of the Institute, its badge and letters of designation, under the "Protection of Names,

Uniforms and Badges Act of 1935", which would restrict their use to the Institute and its members only. He also mentioned that it was the intention to apply for the registration of the title "Corporate Electrical Engineer".

The Committee resolved to pass this information on to the other societies and to recommend that they consider investigating the possibilities of this alternate course of action. Subsequent to the meeting the SA Soc of CE and SAIE also applied for registration of their names, seals and letters of designation under the relevant Act. The three societies were successful in their applications and the SA Soc of CE, who had changed its title to the SA Institution of Civil Engineers, was registered as such.

During June 1946 EASA deliberated the attempts of the "Status of Engineers Joint Committee" to draft an acceptable Bill for the registration of engineers but decided that "..... co-operation was out of the question as the Bill would be determined by the individual Councils of the Societies".

The registration of engineers was debated at the "Conference of the Commonwealth Engineering Institutions" held in London during September 1946, where the effects of registration in the two Commonwealth countries where statutory registration was in force was considered. The conference came to the conclusion that "individual registration was ineffective, unnecessary and undesirable and therefore it could not be recommended". This, to a large extent, retarded the efforts of the three South African societies to proceed with the Bill.

During October 1946 EASA decided to invite the "Tak Witwatersrand Ingenieursafdeling van die Suid-Afrikaanse Akademie vir Wetenskap en Kuns" to discuss matters of common interest. The first meeting took place on 27 May 1947 with the EASA representatives Prof WJ Walker, Messrs VJS Velden, JF Oldfield and C Rogers, and the Akademie representatives Dr MM Loubser, Mr AJA Roux, Dr JK Marais, and Mr SA Malan attending. The members of the Akademie agreed to explore all ways and means to enlist the support of their Akademie engineering colleagues in obtaining the status of the engineers as envisaged by EASA.

During 1947 the controlling Executive of AS & TS approached the Councils of its "Constituent Societies" and inquired whether or not they would support a proposal that the Government be requested to sponsor a Bill to effect the registration of individual scientific and technical societies as such. Eight societies supported the proposal, four supported in principle only, while two did not reply.

In the meantime the Pretoria members of EASA were clamouring increasingly to know what action was being taken in regard to the EASA Bill on the status of engineers and an "Action Committee" consisting of Prof WJ Walker, Messrs JF Oldfield, FMF Seawright and LC Reynolds, with his alternate Mr J Loopuit, was appointed by EASA. The Committee was instructed to draft a Bill for the registration of individual engineers and industrial scientists following the lines of the "Medical and Dental Act". It was also stipulated that the minimum qualification had to be a university degree, although initially all engineers would have to be considered for registration. The draft Bill was prepared and tabled at an EASA Council meeting on 14 November 1947 (Annexure C). This Bill, which was mainly the work of Prof Walker, was then referred to the various branches of EASA and the Akademie and numerous comments and suggested amendments were submitted. During February 1948 EASA approached the SAICE for their support but the Institutions' reaction was that they could not accept the invitation unless EASA agreed to fall in line with the constituent societies of AS & TS.

During November 1948 the Controlling Executive of AS&TS requested the Minister of the Interior to receive a deputation to discuss registration. One of the important points mentioned in the letter was that a comprehensive examination of the matter had demonstrated that compulsory registration of the individual was a contentious matter and that protection of the public and the qualified professional person could best be achieved by the simple process of an Act which would provide for the registration of approved Scientific and Technical Societies as such. The Act would make provision for the registration of societies of standing and would provide for schedules specifying the minimum qualifications for corporate membership of each society, and for the registration of their letters of designation. It would also provide for the establishment of a Council to advise the Minister administering the Act. In reply the Minister of the Interior advised AS&TS that their approach should be directed to the Minister of Commerce and Industries and accordingly a committee was appointed to deal with that Department.

In the meantime very little progress was made by EASA during the second half of 1948, as certain members of their "Action Committee", including Prof Walker, were overseas. However, the "Status Action Committee", formed jointly by EASA and the Akademie, met during March 1949 and decided to again approach the SAICE as well as the SAIEE and the SAIE. These societies, however, indicated that they could not see their way clear to collaborate with EASA on the principle of individual registration. EASA then realised that these member societies of AS&TS were supporting the concept of society registration and EASA and the Akademie would have to proceed on their own in an endeavour to obtain individual registration as they, on their part, were completely opposed to society registration.

The matter of registration was again considered at the "Conference of Commonwealth Engineering Institutions" held during April 1950 when it was resolved that:

After reviewing the position of the countries represented, together with the experience of registration of engineers where it was in force, the Conference recommended to the Councils of its Constituent Societies that the public and the profession were best protected from the practice of unqualified persons by maintaining high standards of admission to corporate membership of their Societies and not by registration.

During January and February 1950 EASA conducted a survey of the opinions of its members regarding registration of the individual with the following results:

In favour	290
Against	10
Uncertain	19

This was followed by a further survey amongst all engineers of whom EASA could obtain addresses and who were mostly members of the constituent societies of AS&TS. The results of this survey were as follows:

In favour of individual registration	1905
In favour of society registration	204
No form of registration	52

The AS&TS societies namely:

The Chemical, Metallurgical & Mining Society of SA The Institution of Certificated Engineers SA, The SA Institute of Electrical Engineers The SA Institution of Civil Engineers and The SA Institution of Engineers took grave exception to this opinion survey and issued a joint statement to their members in which "they strongly deprecated the unauthorised canvassing of their members on a matter directly affecting the engineering profession by a body which would not be considered as representative of the profession and that therefore the opinion survey be disregarded". The statement also mentioned that the Councils of the societies had studied the EASA draft Bill and that they were opposed to it. The statement furthermore reiterated their support for society registration.

During that period Prof Walker was granted an interview by a Government Commission investigating matters in connection with industrial legislation. He explained the views of EASA regarding the registration of engineers and on request submitted a copy of their draft Bill.

On 28 July 1950 a delegation appointed by AS & TS interviewed the Secretary of Commerce and Industries and discussed with him the question of registration of Scientific and Technical Societies.

THE ONE MAN COMMISSION OF DR F J DE VILLIERS

Following these approaches by EASA and AS&TS, the Minister of Commerce and Industries in August 1950 appointed a "One Man Commission" in the person of Dr FJ de Villiers to investigate all aspects and forms of registration. The Secretary for the Department addressed letters to AS & TS and EASA requesting memoranda covering the following aspects of the matter:

- (a) The desirability of registration;
- (b) The trends of other countries;
- (c) The type of registration preferred i.e. group or individual, indicating the reasons for preference;
- (d) Any draft Bills which might have been drawn up.

In reply to this request, memoranda were submitted early in 1951 by AS&TS and EASA, explaining their preference for society and individual registration respectively. A number of interviews and discussions with Dr de Villiers followed.

In December 1951 the SAICE conducted a ballot amongst its members on the question of registration of individual engineers. In a 55% poll 382 voted in favour while only 53 were against the principle. This information was passed on to DR de Villiers who requested the other engineering societies to conduct referenda on the same lines as the civils.

In July 1952 the SAICE convened a meeting of representatives of all AS&TS constituent engineering societies for a round table discussion on registration. At the meeting it was reported that the SAICE had taken a vote on the question of registration and, as the majority of its members were in favour of individual registration, the Council of the Institution was bound to act on the instruction of its members. It was felt, however, that there was no chance of getting registration without the support of the other branches of the engineering profession. It was also reported at the meeting that Dr de Villiers had indicated

that a fair amount of pressure had been brought to bear on the Government for registration of the engineering profession and consequently he had been instructed to find ways and means of implementing registration. It therefore was felt that it would be to the advantage of all concerned to collaborate, otherwise it was possible that the Government might pass legislation which would be unsuitable to the profession. At the meeting copies of a draft Bill prepared by the SAICE were handed out for the information of the other societies.

The SAICE convened further round table discussion meetings during November 1952 and March 1953 and the views of the various societies were fully discussed, as well as the possibility of conducting referenda on the matter. At the March discussions it was noted that the Chemical, Metallurgical and Mining Society of SA had informed the SAICE in writing that they did not wish to participate in any further discussions and that they would not agree to a ballot of their members being taken. The representatives of the other societies, however, agreed to recommend to their respective Councils that referenda be conducted to test the opinion of their corporate members regarding registration. It was also agreed to recommend that, before the referenda were held, the respective Councils would take a secret vote of the opinion of their Council members and that the results thereof be included in a Joint Explanatory Statement which would accompany the ballot papers addressed to the corporate members of the Societies concerned. It was also suggested that the ballot paper would contain only a single question: "Are you in favour of registration of the individual engineer?" The various Councils agreed to these recommendations and copies of the Joint Statement (Annexure D), which included the results of the secret Council ballots, were sent out on 8 May 1953 to all corporate members of the participating societies, together with the ballot papers which had to be returned by 8 June 1953.

The results of these referenda, which were largely influenced by the opinions of the various Councils, were as follows:

Institution	Voters for	Voters Against	% Poll
SA Institution of Civil Engineers	461	187	70
SA Institution of Mechanical Engineers	99	319	70
SA Institution of Electrical Engineers	133	443	74
Institute of Certificated Engineers SA	123	461	69
SA Chemical Institute	144	384	59

This information was passed on to Dr de Villiers who indicated that he felt that the statement issued at the time of the ballot could have unduly influenced the members' views. He was therefore doubtful whether the ballot could serve the purpose for which it was intended.

During the next two years the societies whose members voted against individual registration paid little attention to the question of registration. The SAICE, EASA and the Akademie, however, were actively considering a course of action to establish individual registration on their own and discussions took place with DR de Villiers to ascertain the best way to proceed in this matter. During September 1953 EASA and the Akademie also had meetings with Dr de Villiers and shortly thereafter again approached the SAICE for their collaboration. During November 1953 EASA and the Akademie had further discussions with Dr de Villiers who advised that they should come together with the SAICE and present a joint proposal for a Bill and that, in the event that this should prove impossible, they could

submit two Bills which, after publication in the Government Gazette, could be tested by the opinions of all interested parties.

The first meeting of representatives of the three bodies took place during January 1954, with Messrs JF Oldfield and Mr Kok of EASA, Drs MM Loubser and AJA Roux of the Akademie, and Messrs WP Mc Laren and LG Reynolds of the SAICE present. This "Joint Committee" met frequently and more discussions took place with Dr de Villiers with a view to draft a joint Bill. During this time differences of opinions emerged.

- (i) The SAICE wished to exclude the certificated engineers and felt strongly that legislation should be applicable only to those branches of engineering in favour of registration, which at that time would only be civil engineers.
- (ii) EASA wished to make it applicable to all engineers, including certificated engineers.
- (iii) The Akademie supported EASA but also wished to include certain other scientists.

However, the "Joint Committee" proceeded with its work on the draft of a Joint Bill and consulted Mr S Bam of Rooth and Wessels, a firm of attorneys, who had experience of the Medical and Dental Act. Numerous amendments were made and eventually a Joint Bill was produced which was referred towards the end of 1954 to the three Councils concerned who suggested further amendments to the Bill.

The amended draft Bill was then referred to the AS&TS Engineering Societies for their information and, together with a progress report by DR O Brune and a memorandum by Rooth and Wessels, it was published in the EASA Journal of June 1955 (Annexure E). Dr O Brune of EASA played a prominent role in the drafting of this Bill which was in fact hardly different in principle to the Bill EASA had submitted to DR de Villiers in 1951!

THE INSTITUTES DISAGREE

On 25 May 1955 The Chemical Metallurgical and Mining Society of SA, The SA Institution of Mechanical Engineers, The SA Institution of Electrical Engineers and The Institution of Certificated Engineers SA held a joint meeting to discuss the draft Bill prepared by EASA, the Akademie and the SAICE. Present at the meeting were:

DR P N Lategan (Chairman)	CMMS
DR J T Mc Intyre	CMMS
Mr. L T Campbell Pitt	SAIME
Mr. A C Backeberg	SAIME
Mr. H W Hutton	SAIME
Prof G R Bozzoli	SAIEE
Mr. A W Lineker	SAIEE
Mr. A R Mullins	SAIEE
Mr. J Downie	ICERTESA
Mr. A W P Hallet	ICERTESA

In opening the meeting the chairman gave a short review of what had transpired on the question of registration during the past few years. He pointed out that the key-stone of the draft Bill was section 26(1)(a), which prohibited anybody but a registered civil engineer to perform any act pertaining to the calling of a civil engineer, and therefore other branches of

engineering would be seriously affected. After a lengthy discussion of the draft Bill it was unanimously decided:

- "(i) that the draft Bill be opposed by every means available and if necessary, an approach be made to large employers of engineers for their collaboration and assistance;
- (ii) that as a matter of courtesy the SAICE (as a constituent society of AS&TS) be invited to appoint representatives to meet the committee in order that they may be advised of the feelings of the societies represented on the committee;
- (iii) that at an opportune time Dr de Villiers be invited to meet the committee as it was felt that he had not heard of the opposition to the draft Bill."

The SAICE accepted the invitation and a further meeting of the committee took place on 20 June 1955 which the representatives of SAICE namely, Prof JEB Jennings, Messrs PJ Louw and WP McLaren attended. They were advised of the feelings of the four societies and their objections were discussed in detail. After these protracted discussions, during which the SAIEE indicated that they were opposed to registration in any form, it was agreed that arrangements should be made for representatives from the four societies opposing the Bill to interview Dr de Villiers and advise him of their views. The committee also suggested that the representatives of the SAICE should discuss the opinions expressed at the meeting with EASA and the Akademie prior to further discussions with Dr de Villiers.

A further meeting of the committee took place on 30 June 1955 during which a memorandum was discussed for presentation to Dr de Villiers during the forthcoming meeting with him.

The committee met Dr de Villiers during the morning of 4 July 1955 (Annexure F) and explained the views of the four participating societies and elaborated on their objections to the SAICE - EASA - Akademie Bill. The representatives of the participating societies then discussed the possibility of evolving some form of recognition of the engineering societies on similar lines to the "charters" in operation in Britain. At the end of the meeting Dr de Villiers stated that he did not wish to disturb the established societies from which the country benefited but rather to promote their well-being. He urged, however, that an effort should be made to secure a course of action agreeable to all.

During the afternoon of the same day Dr de Villiers met representatives of the SAICE, EASA and the Akademie (Annexure G). Dr de Villiers gave a brief verbal report on the proceedings of the meeting he had with the other four societies that morning. The sequence of events leading up to the draft Bill as published by EASA in June 1955 were dealt with and the representatives put forward the views of their respective organisations. At the conclusion of the meeting it was agreed that further efforts should be made to resolve the differences between the two groups in order to get all engineers together.

On 12 September 1955 round-table discussions took place between the SAICE, SAIEE and SAIME in an endeavour to resolve their differences. This was followed by further discussions between the three parties during the next twelve months but very little progress was made. In the meantime Dr de Villiers was pressing for a progress report on the resolution of the differences of opinions but nothing could be reported. During this period the committee on registration formed by the societies who were against individual registration met a few times and considered a compromise proposal that would make provision for the registration of the individual by their own societies, but with an umbrella

council constituted of representatives of the various societies, universities and Government. However, little progress was made and it was therefore decided to invite the SAICE, EASA and the Akademie to take part in further deliberations. They agreed to this proposal and a "Joint Registration Committee" was established.

THE JOINT REGISTRATION COMMITTEE

The following seven societies participated in the Joint Registration Committee:

The SA Institute of Mining and Metallurgy
 The SA Institution of Civil Engineers
 The SA Institution of Mechanical Engineers
 The SA Institute of Electrical Engineers
 The Institution of Certificated Mechanical & Electrical Engineers SA
 Die SA Akademie vir Wetenskap en Kuns (Ingenieursafdeling)
 The Engineers Association SA

Although a few changes were made to their representation on the committee during the next few years, a typical list of members who served on the committee was as follows:

DR P N Lategan (Chairman)	SAIMM
Mr. H Britten	SAIMM
DR J T Mc Intyre	SAIMM
Prof J E B Jennings	SAICE
Mr. L C Reynolds	SAICE
Mr. H Schrader	SAICE
Mr. L T Campbell Pitt	SAIME
Mr. S Craib	SAIME
Mr. L C Grubb	SAIME
Prof G R Bozzoli	SAIEE
Mr. A W Lineker	SAIEE
Mr. A R Mullins	SAIEE
Mr. A W P Hallett	ICERTMEESA
Mr. C J Hopewell	ICERTMEESA
Mr. J Lownie	ICERTMEESA
DR M M Loubser	Akademie
Mr. D P J Retief	Akademie
DR A J A Roux	Akademie
DR O Brune	EASA
Mr. J E Laschinger	EASA
Mr. G E Rogerson	EASA

At the first meeting the Joint Registration Committee on 7 August 1956, a "Registration of Engineers Sub-committee" was appointed as follows:

Mr. A R Mullins (Chairman)	SAIEE
Mr. L T Campbell Pitt	SAIME
Mr. A W P Hallett	I CERT MEESA
Prof J E B Jennings	SAICE
Mr. J E Laschinger	EASA
DR P N Lategan (Chairman of the main Committee)	

The terms of reference referred to the subcommittee were:

- (a) To consider the question of the registration of engineers ab initio.
- (b) To give further consideration to a scheme affecting the members of the engineering profession only.

This subcommittee met frequently and arrived at certain heads of agreement and on 7 May 1957 produced a report which stated that agreement had been reached on three major issues:

- (i) Legal recognition of the qualifications of the professional engineer.
- (ii) The establishment of a code of ethics and legal machinery for its enforcement.
- (iii) All practicing professional engineers should come compulsorily under a single control for (i) and (ii).

The Sub-Committee's report concluded as follows:

"Although the Subcommittee had not been able to reach agreement on all points, it wished to emphasise that the points on which it had reached agreement were of major importance and that the mere fact that the various bodies had met together for frank discussions on these subjects was an advance towards unity in the profession which could not be allowed to fall away."

The Subcommittee therefore suggested that the Main Committee should make a strong recommendation to the various Councils that, whether or not agreement would be reached between the respective Councils on registration, the question of unity in the profession should be actively pursued.

The Joint Registration Committee considered the Subcommittee's report but could also not reach consensus on the question of reservation of work for the professional engineer and decided to refer the Subcommittee's views to the participating societies. At a meeting of the Joint Registration Committee which took place on 28 February 1958, the views of the societies were considered. All of them were of the opinion that the status of the professional engineer should conform to recognised standards of technical qualifications and practical experience and that there should be a common code of ethics applicable to all professional engineers. From the various comments, however, it was not quite clear how this was to be achieved. On the question of reservation of work for professional engineers there was a wide divergence of views which the Joint Registration Committee could not resolve.

All societies, however, strongly favoured the establishment of a federal body to act on behalf of the profession on all matters of common interest, including the question of registration. A firm resolution in this regard was, however, deferred until after the "Commonwealth Engineering Institutions Conference" which was due to be held in Australia during March 1958. Prof JEB Jennings (SAICE), Mr J Hewitson (SAIEE) and Mr DA Dallamore (SAIME) attended the conference and canvassed the views of delegates on the subject of registration of professional engineers and unity amongst the different branches of engineering. They reported back to their respective councils, strongly advocating the

unification of the profession as a whole and urged that the efforts of the various societies should be directed towards this goal prior to further consideration be given to details of registration which would be acceptable to all concerned.

On 17 July 1959 the Joint Registration Committee met and considered the report of the delegates to the conference as well as the views of the SAICE, SAIEE and SAIME who supported the recommendations of their delegates. After considerable discussion and careful consideration of the function of the committee, it was resolved that the Joint Registration Committee be dissolved with a strong recommendation to the societies who had participated in the deliberations of the committee to direct their efforts towards a more united front of the engineering profession per se.

The SAICE, SAIEE and SAIME then established a "Liaison Committee" under the chairmanship of Prof Jennings to consider heads of agreement for the unification of the engineering profession. The committee came to the conclusion that all the engineering societies should be invited to attend a "National Conference" on the proposed establishment of a "Professional Engineers' Joint Council of South Africa" (PEJC) on which all acceptable engineering societies would be represented.

The "National Conference" under the chairmanship of Prof Jennings took place on 24 November 1959 and was attended by two delegates each from all the engineering societies of AS&TS as well as the Akademie and EASA, but excluding the chemical engineers who did not wish to participate (Annexure H). After the chairman made a statement on the deliberations of the Liaison Committee and the events leading up to the proposal to establish the PEJC, consideration was given to "heads of agreement" which could form the basis for drafting an acceptable constitution. At the end of the meeting a "Constitution Drafting Committee" was appointed as follows:

Mr LT Campbell Pitt (Convenor), Mr AR Mullins, Dr O Brune, Mr H Britten, Dr MM Loubser and Prof JEB Jennings (ex officio). Mr Mullins contacted the "American Engineers' Joint Council" and obtained details regarding its constitution and functions. This information proved invaluable and enabled the Constitution Drafting Committee to expedite the drafting of a suitable constitution.

A further meeting of the "National Conference" was held on 29 April 1960 to consider the draft constitution and only a few amendments were made. The revised constitution was then circulated to all the councils of the engineering societies concerned for their comments and approval. All societies agreed to the draft constitution and gave the green light to proceed with the establishment of the "Professional Engineers Joint Council of South Africa".

THE PROFESSIONAL ENGINEERS JOINT COUNCIL

The next meeting of the "National Conference" was held on 21 November 1960 to implement the formation of PEJC (Annexure I). The main object of the meeting was to reach agreement amongst the representatives of the nine participating societies on the initial membership of the PEJC. A secret ballot was held during the meeting on the basis of mutual acceptability of the requirements for corporate membership of the individual societies, with the stipulation that only those societies who would receive a unanimous vote from all societies participating would become foundation members of PEJC.

The following five societies received a unanimous vote and thus became the foundation members of PEJC:

The SA Institution of Civil Engineers
The SA Institute of Electrical Engineers
The SA Institution of Mechanical Engineers
Die Afdeling Ingenieurswese van die SA Akademie vir Wetenskap en Kuns
The Engineers' Association (South Africa)

It was also decided that other societies, whose requirements for corporate membership would satisfy the standards laid down by PEJC, would be given an opportunity to become constituent members once PEJC was functioning.

The inaugural meeting of the Professional Engineers Joint Council of South Africa was held on 21 February 1961 and Prof JEB Jennings was elected as its first President, with Dr AJA Roux as Vice-President. After this meeting the councils of the five constituent member societies of PEJC circulated a notice of the establishment of PEJC and its aims and functions for the information of their members and other interested parties (Annexure J).

Over the next few years PEJC expanded to include as full members the following societies:

The SA Institution of Agricultural Engineers
The SA Institution of Chemical Engineers
The SA Institution of Mining and Metallurgy
The SA Association of Consulting Engineers

PEJC thus became more truly representative of all professionally qualified engineers in the country than any other body had ever been.

For the first two years PEJC directed its attention mainly at consolidation of its position and establishing contact with government departments, especially regarding the participation of local professional engineers in the development of the Orange River Project, and thus very little attention was given to the matter of registration.

However, in November 1961 the Honourable J de Klerk, the Minister of Labour, addressed a social function organised by the "Liaison Committee of Engineering Societies" in Pretoria and hinted that he would be prepared to give favourable consideration to the registration of engineers (Annexure K).

On 7 May 1962 PEJC appointed a committee comprising Mr. R H Main (Convenor), Mr LT Campbell Pitt, Dr MM Loubser and Mr AR Mullins to consider Minister de Klerk's address and to draft a memorandum on the subject of registration of engineers.

Late in 1962 Prof Jennings delivered a most thought-provoking address on the "Registration of Professional Engineers" to an open meeting convened by EASA and which was attended by most of the prominent members of the engineering profession (Annexure L). In his address he dealt with the aims and objects of PEJC, AS&TS and their constituent societies which were directed mainly to the promotion of the professions. He then stressed the need for a statutory body to be established for the control of the engineering profession with its main functions the maintenance of a register of professional engineers, the enforcing of a code of ethics and the recognition of curricula and examinations for professional engineers.

At the PEJC meeting held on 26 February 1963 Dr A J A Roux followed Prof Jennings as President. At this meeting Mr RH Main, the Chairman of the committee which had been appointed in May 1962 to consider registration, tabled copies of the Bill which had been published in the EASA Journal in June 1955, with some minor amendments which had been effected during the intervening years. He also tabled two memoranda, one dealing with Minister de Klerk's address (Annexure M) and the other "An Analysis of the two forms of Registration - Individual and Society" (Annexure N).

A "special" meeting of PEJC was then held on 2 April 1963 to consider only the question of registration of engineers. At this meeting many divergent views and fears were expressed (Annexure O) and a small committee was appointed with Mr RH Main, convenor, and Messrs MR Gericke and F Jackson as members to consider the establishment and functions of a "Qualifications Accreditation Committee" and its relationship to the existing societies and PEJC.

At the next special meeting of PEJC on 11 June 1963 the report of the committee was considered and after many views were expressed, it was decided to consider two cardinal points at the next special meeting:

- (a) What sort of Registration Board must be considered and how would it be constituted?
- (b) Would it be possible to bring about a close relationship between the societies and the "Accreditation Committee"?

These points were considered at special meetings of the Board of Management of PEJC held on 21 June, 13 August and 17 September 1963 and, as the various views were debated, ideas began to crystallise. A report on the deliberations of the Board of Management at these meetings was drawn up and referred to the councils of the constituent member societies of PEJC for their reaction and, if possible, their acceptance of the main principles (Annexure P).

The comments of the societies (Annexure Q) regarding the report were considered by PEJC at a meeting held on 2 December 1963. It was noted that in every case, apart from a number of amendments which had been suggested, the councils of the member societies supported the principles embodied in the PEJC report and that they agreed that PEJC should go ahead with the preparation of a draft Bill, but without prejudice to the position of the councils, especially those of the societies whose members had voted against registration in June 1953. However, two very important issues remained unresolved, namely the question of defining a "Professional Engineer" and the work to be reserved for him. The meeting therefore appointed another committee consisting of Mr AR Mullins, convenor, Prof JEB Jennings and Mr FJ Oliver to try and find a solution to this problem. Subsequent to the meeting Mr Mullins invited Mr F Jackson to take part in the deliberations of the committee.

The report of this committee (Annexure R), which had become known as the "Whisky Committee", was considered by PEJC at its 6th Special Meeting on registration on 3 February 1964 (Annexure S). The meeting noted that the committee had recommended that the aims and objects of a Bill for the registration of professional engineers should be to establish a statutory body which would:

- (a) register professional engineers and maintain such a register;
- (b) without interfering with the curricula of any educational institution set standards of education training and experience for enrollment of professional engineers on the register;

- (c) formulate and enforce a Code of Ethics applicable to registered engineers;
- (d) have the power of a lower court to deal with cases of breach of the Code of Ethics.

It was also noted that the committee was of the opinion that it was not possible to define professional engineering but that the title "registered professional engineer" should be protected by law. The committee also felt that it was desirable that professional engineering work should be undertaken by a registered professional engineer and considered that after the promulgation of the Registration Act, employers of professional engineers, whether in their own employ or as consultants, should be influenced to pass regulations or introduce instructions to this end. Full and frank discussions followed but the two cardinal issues, viz. the definition of a professional engineer and the reservation of work, remained unresolved. It was, however, decided that members of the Board should study the draft Bill which was tabled by Mr Main on 26 February 1963, taking into account the discussions that took place since that date, and submit their views on the suitability or otherwise of each section of the draft Bill.

DRAFT BILL

On 20 April 1964 all the comments submitted were considered by PEJC and a major breakthrough was made regarding a long-standing stumbling block, namely which engineers, if any, should be forced by law to register. Mr F Jackson, representing the SA Institution of Civil Engineers, suggested that consulting engineers in private practice should be required to register within six months of the promulgation of the legislation and that other engineers would not be forced by law to register for a period of at least five years after promulgation, and then only on the recommendation of the registering council. After a full debate on the various implications of such a step, PEJC accepted the proposal and decided to refer the suggestion to the constituent societies of their views. The meeting then appointed a "Drafting Committee" consisting of Mr MR Gericke (convenor), Prof JEB Jennings, Mr RH Main and the President, Dr AJA Roux, to redraft the Bill taking into account all the deliberations at the PEJC meetings during the previous twelve months. The Drafting Committee produced a redraft of the Bill (Annexure T) and seeing that the constituent societies had accepted the suggestion put forward by Mr Jackson, it accordingly included a section setting out which engineers had to register and when.

The revised Bill was accepted by PEJC at its meeting held on 15 June 1964 and on the suggestion of the committee agreed that it should be referred to the Registrars of the S A Institute of Architects, the SA Medical and Dental Council and the Public Accountants and Auditors Board for their opinions and that thereafter it be submitted to a legal advisor. At the end of this meeting Mr AR Mullins was elected President of PEJC and became a member of the Drafting Committee.

Copies of the Draft Bill were sent to the Registrars and thereafter the Drafting Committee met Mr WH Barnard, Registrar of Medical, on 2 July 1964; Mr RR Webber, Registrar of the Accountants, on 7 July 1964; and Mr JS Lewis, Registrar of the Architects, on 8 July 1964. They made many very important suggestions regarding the details of the various sections of the Bill. Mr Lewis also laid great emphasis on the absolute necessity for the Bill being introduced as a government measure as the Architects had suffered a great deal of inconvenience through their Private Act.

The Registrars were also generally of the opinion that the Draft Bill contained far too much detail which would make its implementation both difficult and inflexible. It was also felt that in that form it would invite undue interference both by the state and the public in the

domestic affairs of the council. They suggested that it should be redrafted in such a way that only major principles were stated and the definite functions of the council defined, coupled with an omnibus clause to provide the necessary flexibility. In addition the Bill should provide powers for the council to frame regulations which would provide the machinery for the proper functioning of the Act (Annexure U).

The recommendations of the Registrars were considered by PEJC at its meeting held on 20 July 1964 and it was decided that the Drafting Committee should redraft the Bill on the lines suggested and that legal opinion be obtained to assist the committee in its work. Mr. Barry Turnbull of the firm of attorneys Webber, Wentzel, Hoffmeyer and Turnbull was approached to assist the committee in redrafting the Bill which was completed early in November 1964 and which followed the suggestions made by the Registrars (Annexure V).

On 19 October 1964 Mr AR Mullins (President), Dr AJA Roux (Immediate Past President), Mr RH Main (Senior Vice-president) and Mr MR Gericke (Junior Vice-president) of PEJC had a meeting with the Honourable Dr N Diederichs, Minister of Economic Affairs, and mentioned that PEJC was engaged in drafting a Bill for the registration of Professional Engineers, stressing the absolute necessity that the Government should sponsor such a Bill. The Minister stated that for this to be possible he would require a short memorandum on the subject and a copy of the draft bill to raise the matter at Cabinet level. The Minister also expressed the view that there was no further need to approach the matter via the "One-Man Commission" (Dr FJ de Villiers) and that PEJC should deal directly with him and his Department. In accordance with the Minister's request, a "Memorandum on the Proposal to Promulgate a Bill to Establish a South African Council of Professional Engineers" (Annexure W) was submitted to him and at the same time he was advised that the draft Bill had been referred to the constituent societies of PEJC for their comments and that as soon as these would have been received and processed, copies of the Bill would be submitted to him.

A number of comments and suggestions were received from the societies and the Drafting Committee incorporated these in the Bill as far as possible. All the comments as well as the committee's re-draft were considered by PEJC at a special meeting held on 9 April 1965 and further amendments to the Bill were agreed to. The Drafting Committee then produced a revised Draft Bill dated 4 May 1965 (Annexure X), copies of which were submitted to Dr Diederichs.

On 17 May 1965 Mr MR Gericke had informal discussions with the Honourable PO Sauer, Leader of the House of Assembly, and Mr RJ MacFarlane, Clerk of the House of Assembly. Mr Gericke gave a brief outline of the endeavours of PEJC to obtain government sponsored legislation for the registration of professional engineers and requested their guidance in this regard. They advised that PEJC should present its case to the Minister of Economic Affairs and his advisors in the best possible light and delay conducting a referendum until the Minister had given his views on the matter, seeing that there was always the possibility that his legal advisors might amend the Bill to such an extent that it would affect the basic principles, which would then require a further referendum, a step which might prove embarrassing to both the Minister and PEJC. After this meeting a copy of the draft Bill was sent to Mr MacFarlane for his views which, according to the Honourable PO Sauer, were highly respected by the Cabinet. Subsequently Mr MacFarlane informed Mr Gericke that in his opinion there should be no objection to the proposed Bill being introduced in Parliament and proceeded with as a government measure.

On 22 June 1965 Mr RH Main succeeded Mr Mullins as President of PEJC.

WHICH GOVERNMENT DEPARTMENT?

The next indications of developments came from Dr SJ van Heerden, Deputy Secretary for the Department of Planning, when he informed Mr Gericke on 20 August 1965 that they had received a letter from the Minister of Economic Affairs, asking the Minister of Planning to consider the advisability of his Department dealing with the whole matter of registration of engineers. After careful consideration, however, they had advised their Minister the Honourable J Haak, that the Department of Education Arts and Science would be better equipped to deal with the matter. The Minister of Planning therefore wrote to the Honourable J de Klerk, Minister of Education Arts and Science advising him of the Department's views. Minister de Klerk then requested one of the Deputy Secretaries of his department, Mr P Grobbelaar, to investigate the matter. Mr Gericke contacted Mr Grobbelaar, who indicated that they had considered all the documentation sent to them by the Department of Economic Affairs and had decided to refer the matter to the "Straszacker Commission" for guidance. The Commission considered the matter on 26 August 1965 and Prof DW de Vos, the Vice-Chairman of the Commission and also a Board Member of PEJC, advised that there was no doubt that they would support the Bill and that they favoured the Department of Education Arts and Science to handle this legislation.

On 5 October 1965 Mr Grobbelaar informed Mr Gericke that they had received favourable comments from all parties consulted and that they had submitted a memorandum to their Minister recommending that their Department should handle the Bill as a government measure.

PEJC was then officially notified in writing on 15 November 1965 by the Minister of Economic Affairs that the proposed Bill would be handled by the Minister of Education Arts and Science and that all documents relating to the matter had been handed over to that Department.

The very next day Mr RH Main (President), Dr AJA Roux (Past President), and Messrs LT Campbell Pitt and MR Gericke (Vice-Presidents) of PEJC interviewed Dr JJ Op't Hof, Secretary for the Department of Education Arts and Science, and Mr DCM van der Merwe, legal adviser to the Department, and gave them a brief background to the endeavours of PEJC in connection with legislation for the registration of professional engineers. DR Op't Hof promised the delegation that his Department would expedite their investigations but warned that they would have to observe various formalities including consultations with interested parties.

On 16 May 1966 Mr DCM van der Merwe, the legal adviser to the Department, had informal discussions with Prof DW de Vos regarding certain details in the draft Bill which required clarification and amending. These were referred to PEJC and agreement was reached on most of the suggestions. In the meantime the Department had submitted the draft Bill to the five universities with engineering faculties and certain interested government departments for their views and comments.

On 20 June 1966 Mr LT Campbell Pitt was elected President of PEJC.

After the Department had received the comments invited from the universities and certain government departments, Dr Op't Hof called a meeting on 27 October 1966 of all parties concerned (Annexure Y). This meeting was also attended by Mr LT Campbell Pitt, Prof JEB Jennings and Messrs AR Mullins, RH Main and F Jackson representing PEJC. Prof DW de Vos also attended the meeting, but as a representative of the University of Pretoria. Full and

frank discussions took place regarding the submissions made to the Department but very little progress was made at this meeting. However, two most important points emerged from these discussions. It was considered that the Bill was too brief and vague and that more of the clauses in the Regulations Chapters, such as for instance the constitution of the Council, should be embodied in the intended Act itself. It was also made clear that before the Department could make a recommendation to the Minister, the draft Bill would have to be accepted in principle by all the constituent societies of PEJC.

Although no further formal meetings were held during the following months, various suggestions were received from the Department. These were all considered by PEJC and those which were agreed to were incorporated in the draft Bill dated 27 February 1967 (Annexure Z).

At a meeting of PEJC held on 27 February 1967 the revised draft Bill was accepted by PEJC with only a few minor editorial amendments which would not affect any matters of principle. The meeting also decided that the draft Bill should be referred to the councils of the constituent societies in order to ascertain their support for the latest draft and that thereafter a referendum be conducted of all corporate members of the societies.

On 1 March 1967 the President of PEJC addressed a letter (Annexure A1) to all Presidents of the constituent societies and copies of the draft Bill dated 27 February 1967 were circulated to all their Council Members. The letter requested the Presidents to inform PEJC not later than 15 April 1967 if their Council Members could support the Bill in its latest form. A Memorandum was attached for their guidance. The letter also dealt with the proposed referendum which was to be held and the form in which it should be conducted.

In due course all constituent societies advised PEJC that their Councils had accepted the principles of the draft Bill and that they had agreed to the proposed referendum to ascertain the views of the individual members of their societies. On 17 April 1967 the Executive Committee of PEJC considered the procedures for conducting the referenda. It was decided that a letter from the President of PEJC should be addressed to each individual corporate member of the participating societies together with a copy of the proposed Bill for their information. It was also agreed that PEJC would arrange for the printing of all documents and that the societies would address the envelopes to its members.

As the proposed Bill had been developed and drafted in English only and as a great number of members of the societies were Afrikaans speaking, the Bill was translated into Afrikaans, under the guidance of Prof DW de Vos, for inclusion in the documents for the referenda.

On 7 June 1967 copies of the covering letter signed by the President of PEJC (Annexure B1), which mentioned that the Councils of the constituent societies had accepted the principles of the draft Bill, together with copies of the draft Bill in English and Afrikaans, as well as ballot papers which had to be returned by 7 July 1967, were sent to all corporate members of the constituent societies of PEJC.

At a PEJC meeting held on 19 June 1967 Mr MR Gericke was elected President of PEJC with Mr F Jackson as Vice-president

The result of the ballot was an overwhelming support for registration of the individual engineer as provided for in the draft Bill (Annexure C1). In a 55% poll a total of 6 913 members voted in favour of registration in accordance with the draft Bill, while only 352 members voted against.

On 26 July 1967 the results of the referenda together with copies of the amended draft Bill were sent to the Secretary for Education Arts and Science with a formal request that the Minister should now proceed with legislation in accordance with the draft Bill as a government measure. In reply to this letter the Secretary Dr Op't Hof on 25 August 1967 addressed a letter to the President of PEJC, advising him that it had been decided at Cabinet level that the handling of the proposed legislation would be transferred to the Department of Public Works and that in future PEJC would have to deal with the Secretary of that Department.

On receipt of this letter Mr Gericke, on 29 August 1967 phoned Mr J Driessen, Secretary for the Department of Public Works, but was informed that he had left that morning in the company of his Minister, the Honourable WA Maree, on an extended official tour overseas. Mr Gericke then spoke to Mr KB Pienaar, the Deputy Secretary, who informed him that they had received all the documentation from the Department of Education Arts and Science only the previous day and that he was of the opinion that any discussions with PEJC on such an important matter should be deferred until the return of Mr Driessen. He also indicated that the Minister, before his departure, had instructed them to proceed with all their preliminary investigations and that Mr GS Pool, the legal adviser in their Department, would personally attend to this.

THE FINAL HURDLES

The first meeting between representatives of the Department and PEJC took place on 25 October 1967 (Annexure D1). The Department was represented by Messrs J Driessen, KB Pienaar, H Cawood, G Linde, GS Pool, JP Nel, W Barry and H Watson, while Messrs MR Gericke, F Jackson, LT Campbell Pitt and Prof DW de Vos represented PEJC. At this meeting Mr Pool stated that the Department's tasks had been complicated by the fact that it was virtually impossible to either define the term "professional engineer" or "the work specifically pertaining to the calling of a professional engineer". He stated that the Bill hinged on "Acts by unregistered persons" constituting legal offenses and that therefore a solution to the problem of lack of definitions had to be found, as without this fundamental principle the Bill could not form a valid legal instrument. He therefore suggested that the Bill should empower the Minister, in consultation with the registering Council, to set out in the Regulations specific items of work which should be reserved for the professional engineer. These schedules could then be amended from time to time by proclamation in the Government Gazette.

Mr Pool also stated that they considered that a council of 32 members was too large and therefore too cumbersome to operate effectively. Furthermore, it would be against legal principles that the Councils of the Societies and PEJC would appoint members of the registering council, which would be a statutory body and therefore only the Minister could appoint such members. He suggested a small council of 9 members with "Professional Advisory Committees" for each branch of engineering and an "Education Advisory Committee" to assist the council in its functions.

Mr Pool also indicated that in order to conform to legal requirements, the Bill would have to be extensively revised in consultation with PEJC. He then mentioned that the Netherlands Institute of Engineers and the Institution of Certificated Mechanical and Electrical Engineers SA had lodged objections to the draft Bill. It was pointed out to the Department that the Constitution of both of these institutions permitted applicants without the necessary professional qualifications to become corporate members and therefore they could not be considered as professional bodies. However, the draft Bill made provision for individual

registration and therefore members of these particular institutions with the necessary professional qualifications would be accepted for registration.

At the close of the meeting Mr Driessen mentioned that Mr Pool had discussions that morning with the Department of Justice who indicated, that provided the fundamental principles could be agreed upon and the revised Bill submitted to them during November 1967, they would be able to process the Bill ready for Parliament when it would be convened in February the following year.

On 27 October 1967 PEJC at a special meeting considered Mr Pool's proposals. The meeting considered that it would be extremely difficult to specify and name particular items of work that should be reserved for professional engineers but decided that PEJC would agree to the recommendation if Mr. Pool remained adamant that the Bill as drafted would not constitute a proper legal instrument.

The reduction of council to only nine members, however, was totally unacceptable and the meeting requested the representatives of PEJC to advise Mr Pool that:

- (a) It was essential that all branches of engineering should be represented on the Council;
- (b) All professional societies should have a voice in the Council;
- (c) A substantial number of members of the council should be elected;
- (d) All universities with engineering faculties had a right to be represented;
- (e) It was accepted that the Minister would himself select and appoint certain members of the council.

On 1 November 1967 Messrs Gericke, Jackson, LT Campbell Pitt and Prof de Vos representing PEJC, met Messrs Pool and Nel of the Department and conveyed the views of PEJC (Annexure E1). Mr Pool remained adamant that work would have to be reserved for professional engineers, and the representatives on behalf of PEJC agreed that the Bill would make provision for this. After considerable discussion of the question who should be appointed on the Council, Mr Pool suggested the following:

- (a) The Bill would make provision for the Minister, in consultation with the registering Council, to recognise professional engineering societies for the purpose of nominating one member each to be appointed by the Minister on the council. It would then be left to the respective councils to decide on how they would arrive at their nominations, either by election by their respective society members, or by the relevant councils themselves.
- (b) PEJC would nominate three members to be appointed by the Minister on the Council.
- (c) The five universities with engineering faculties would nominate one member each to be appointed by the Minister on the council.
- (d) The Minister would select and appoint two professional engineers in the service of the State to serve on the council.
- (e) The Minister would select and appoint one member of council with a knowledge of legal matters.

Mr Pool also suggested that the education advisory committee would consist of nine members:

- (a) The five universities with engineering faculties would nominate one member each to be appointed by the Minister.
- (b) PEJC would nominate two members to be appointed by the Minister.
- (c) The Minister would select and appoint two members on the Committee.

Mr Pool furthermore suggested that the professional advisory committees representing the various branches of engineering would each consist of the following:

- (a) Three persons nominated by the relevant recognised professional engineering society to be appointed by the Minister;
- (b) One person nominated by the universities with engineering faculties to be appointed by the Minister;
- (c) One person in the service of the State selected and appointed by the Minister.

Mr Gericke discussed these proposals with members of the Executive Committee of PEJC who felt that the Board Members of PEJC should pass this information on to their respective Councils and to advise Mr Gericke, as soon as possible, if their Councils would agree to PEJC proceeding with the negotiations with the Department on the basis proposed by Mr Pool. In due course the Board Members advised that their respective Councils had agreed to PEJC proceeding with its negotiations on this basis.

In the meantime Mr Pool achieved the impossible and completed the revised draft Bill, including the draft Regulations, and submitted a copy thereof to PEJC on 11 November 1967 (Annexure F1). Copies of the document were immediately sent to all Board Members of PEJC.

On 24 November 1967 PEJC at a special meeting considered the revised draft Bill section by section and made numerous comments and suggested a number of amendments to the revised draft Bill. These were immediately passed on to Mr. Pool. The PEJC representatives Messrs Gericke, Jackson, Campbell Pitt and Prof de Vos met Messrs Driessen, Pienaar, Pool and Nel of the Department on 28 November 1967 (Annexure G1). Mr Driessen informed the representatives of PEJC that their Minister, the Honourable WA Maree, had given his support to the Bill and that at a full Cabinet meeting, held on 14 November 1967, it was decided that the Bill would be introduced as a Government Bill early in the 1968 session of Parliament. The Cabinet had also decided that at the First Reading of the Bill, it would be proposed that it be referred to a Select Committee. The PEJC comments were then discussed in detail and agreement was reached regarding all the amendments which had to be incorporated in the draft Bill.

All the Presidents of the constituent societies of PEJC were then advised on 1 December 1967 regarding the latest developments and that the Bill would be printed in the Government Gazette early in 1968, when copies would be made available to them.

On 11 December 1967 the PEJC representatives Messrs. Gericke, Jackson, Campbell Pitt and Prof de Vos met the Honourable W A Maree, the Minister, and Mr J Driessen, Secretary for the Department of Public Works (Annexure H1). Mr. Gericke conveyed to the Minister the appreciation of PEJC for all the assistance and support that his Department had given to expedite the final stages of drafting the Bill for the registration of professional engineers. The Minister then expressed his appreciation for the cordial and friendly relations that had developed and the considerate approach by PEJC during the various discussions in connection with the draft Bill. He also indicated that the revised draft Bill had been handed to the Department of Justice who would be responsible for the final phrasing of the Bill before presentation to Parliament.

Mr Nel of the Department of Public Works advised Mr Gericke on 17 January 1968 that Mr F van Zyl Smit of the Department of Justice had made certain amendments to the draft Bill and that he was sending a copy immediately to Mr Gericke for the consideration of the

representatives of PEJC. He also mentioned that Mr van Zyl Smit was leaving for Cape Town on 24 January for the Parliamentary session and suggested that if further discussions would be required, a meeting should be arranged before that date. The representatives of PEJC considered the draft Bill as revised by the Department of Justice and felt that certain amendments should be discussed with the Department.

On 22 January 1968 the representatives of PEJC, Messrs Gericke, Campbell Pitt and Prof de Vos, met Messrs Pool and Nel of the Department of Public Works, and Mr van Zyl Smit of the Department of Justice. All proposed amendments were discussed and agreement reached on the further minor revisions required. On 23 January 1968 Mr van Zyl Smit submitted the revised draft to the Department of Public Works for final vetting. He also indicated that if PEJC and the Department would agree to the revised Bill, he would be able to complete the translation not later than 20 February 1968 and, as soon as final approval had been obtained from the Minister of Public Works, it would be published immediately in the Government Gazette.

The revised draft Bill was made available to PEJC and was considered by the Board of PEJC at a meeting held on 26 January 1968. The meeting noted that the Department of Public Works was in full agreement with the revised draft Bill as it stood and the PEJC had to indicate to the Department whether it accepted it or not. Prof Jennings strongly objected to the wide powers granted to the Minister in accordance with the provisions of the draft Bill and maintained that this could lead to undue interference by the Minister in the domestic affairs of the council. However, after lengthy discussions, all Board Members with the exception of Prof Jennings agreed that the draft Bill be accepted and proceeded with. This information was immediately passed on to the Department who advised Mr van Zyl Smit. After ministerial approval was obtained the Bill was handed over to the Government Printer.

BILL BEFORE PARLIAMENT SELECT COMMITTEE

On 1 March 1968 the Honourable WA Maree, Minister of Public Works, introduced the Professional Engineers' Bill (Annexure I1) for the First Reading in Parliament and on his proposal it was agreed that it be referred to a Select Committee.

PEJC obtained copies of the Bill tabled at the First Reading in Parliament and submitted these to the Presidents of the constituent societies of PEJC and the Institution of Certificated Mechanical and Electrical Engineers of SA for their information. A letter drawing attention to the most significant amendments which had been made to the draft Bill previously submitted to them, and the reasons therefore, was also addressed to all Presidents for circulation to the members of their societies (Annexure J1).

On 11 March 1968 Mr Pool requested Mr Gericke to furnish the names of all Presidents of the constituent societies of PEJC in order that they could be called to give evidence to the Select Committee, should this be required. This was immediately done in consultation with the various Presidents of the relevant societies.

The Select Committee was duly appointed and consisted of Messrs JM Connan, ASD Erasmus, RGL Hourquebie, TNH Janson, SF Kotze, AL Schlebusch, HM Timoney, A van Breda and Dr WL Vosloo. At its first meeting held on 13 March 1968, Mr SF Kotze was elected Chairman of the Select Committee.

On 25 March 1968 the Secretary of the House of Assembly addressed letters to PEJC and all its constituent societies inviting them to submit memoranda setting out their comments on the Bill before Parliament. The PEJC memorandum setting out the history of the Bill and the necessity of the intended legislation was submitted on 17 April 1968 (Annexure K1). The constituent societies of PEJC as well as universities with engineering faculties also submitted memoranda, all in favour of the Bill, while the Certificated Mechanical and Electrical Engineers expressed their opposition to the Bill. Various other interested organisations also submitted written representations suggesting various amendments.

On 26 April 1968 the Select Committee decided to call for verbal evidence from only those bodies who had raised objections on matters affecting principles, and that Prof DW de Vos of the Faculty of Engineering, University of Pretoria, who was a Board Member of PEJC and Vice-Chairman of the Straszacker Commission, be summoned to give evidence before the Committee and attend other committee meetings when verbal evidence, by the bodies invited, would be given. It was also decided that Mr GS Pool would attend all meetings of the Select Committee.

The Select Committee on 6 May 1968 examined Prof de Vos, Messrs J Driessen and GS Pool. On 7 May Messrs M van der Spuy, GAP Low, O Rau and IHM Drewett, representing the Institution of Certificated Mechanical and Electrical Engineers of SA, gave verbal evidence and expressed their opposition to the Bill. Prof de Vos and Mr Pool were then further examined.

On 8 May 1968 Prof de Vos was again examined and Dr AJ van Zyl and Mr R McLlelland, representing the Association of Technical Colleges RSA, gave verbal evidence setting out the important role that these colleges were playing in the field of engineering education and requested that they should have some say on the registering Council.

The Select Committee on 9 May 1968 examined Messrs K Friedlaender and RF Hurly, representing the Central Council of Land Surveyors of the RSA, who suggested some minor amendments to the Bill. Messrs SG Stock, FC Robertson and FI de Waal, representing the SA Association of Consulting Engineers, then gave verbal evidence in support of their request that the Bill should make provision for a "Professional Private Practice Advisory Committee" to be appointed by the Minister.

Prof de Vos met Mr Gericke during the evening of 9 May 1968 and they 'phoned Mr Pool who suggested a few amendments to the Bill in order to satisfy the submissions made by certain of the delegations. These included the following:

- (a) The Bill should make provision for the Minister to appoint one member of Council for nominations submitted by the Association of Technical Colleges R S A.
- (b) The Minister should be empowered to appoint a member of Council from among persons who were holders of the Government Certificate of Competency.
- (c) In order to recognise engineers in private practice, at least one member of each of the Professional Advisory Committees should be a consulting engineer in private practice.

Mr Gericke discussed these suggestions with Prof de Vos and the Vice-president of PEJC, Mr F Jackson, who agreed that the Bill be amended accordingly. Mr Pool proceeded to draft the relevant sections for submission to the Select Committee.

The Bill as amended by Mr Pool was considered by the Select Committee on 13 and 14 May 1968 and it was unanimously agreed to support the Bill in the amended form. On 16 May

1968 it was handed to the Government Printer for printing the Second Reading edition which was then vetted by Mr Pool.

A verbatim report on the deliberations of the Select Committee and the verbal evidence given and examined was printed and distributed to all the members of Parliament (Annexure L1).

PROFESSIONAL ENGINEERS' BILL PASSED

On 14 June 1968 at 7.30 pm, the Minister of Public Works, the Honourable WA Maree, proposed the Second Reading of the Professional Engineers' Bill in the House of Assembly (Annexure M1). He then delivered his introductory address, making use of notes prepared by Prof de Vos and Mr Pool. He was followed by Messrs JM Connan, AL Schlebusch, HM Timoney and RGL Hourquebie, who all spoke in support of the Bill. This was followed immediately by the Third Reading when the Bill without any amendments was unanimously passed by Parliament at 8.26 PM the same evening and referred to the Senate.

The Professional Engineers' Bill was introduced by the Minister in the Senate on Monday 17 June 1968 at 9.40 pm. After the Minister's address, Senator Henderson spoke in favour of the bill. Senator Miles Cadman raised an objection to the term "Professional Engineer" but this did not receive any support. The Professional Engineers' Bill was then unanimously passed by the Senate at 10.00 pm the same evening.

On 28 June 1968 Mr M R Gericke and Prof DW de Vos met Messrs GS Pool, JP Nel and PF de Villiers of the Department of Public Works to discuss the modus operandi for giving effect to the Profession Engineers' Act as soon as possible (Annexure N1). It was considered essential that the Members of the Council and the Advisory Committees should be appointed as soon as possible and that they then be invited to service on a "Shadow Council" and "Shadow Advisory Committees" in order that all preliminary works could be attended to and recommendations formulated by the time that the Act would come into operation.

The State President had signed the Professional Engineers' Act 1968 (Act 81 of 1968) on 20 June 1968 and this was published in the Government Gazette No 2119 on 5 July 1968 (Annexure O1). Thereby the endeavours of so many prominent members of the engineering profession over so many years to establish legislation for the registration of professional engineers eventually came to fruition. On 19 July 1968 the Department of Public Works addressed letters to all bodies named in the Act requesting them to submit, within sixty days, their nomination for members to be appointed by the Minister on the Council and the various Advisory Committees.

The Minister of Public Works then published a notice No 207 in the Government Gazette No 2133 on 26 July 1968 advising that the Professional Engineers' Act 1968 (Act 81 of 1968) would come into operation on 14 February 1969 (Annexure P1).

On 29 August 1968 Messrs MR Gericke, F Jackson and Prof DW de Vos met the Honourable B Coetzee, then Minister of Public Works, and Mr J Driessen, Secretary for the Department (Annexure Q1). They discussed the nominations submitted to the Department as well as the list of professional engineers in the service of the State from which the Minister himself could select individuals for appointment on the Council and the various Professional Advisory Committees. They also stressed the need for the early appointment of Members of

Council and of the Advisory Committees and Mr Driessen undertook to have all letters of appointment ready for signature on 20 September 1968.

The Board of PEJC at a meeting held on 27 September 1968 considered a forecast of the financial requirements of the SA Council for Professional Engineers up until the time that it would be in receipt of its own funds and decided to approach its constituent societies to make loans available to the Council at an interest rate of 6,75%.

In the meantime, letters had been sent to all persons appointed by the Minister on the Council and Advisory Committees with effect from 14 February 1969, and their names were published by Notice No 1771 in the Government Gazette No 2178 on 4 October 1968 (Annexure R1).

SHADOW COUNCIL

All the Members appointed on the Council and the Advisory Committees were invited to attend "Shadow Council" and "Shadow Advisory Committees" meetings. On 7 October 1968 the "Shadow Council" held its first meeting to discuss all preliminary work required to implement the provisions of the Act (Annexure S1). Mr J Driessen opened the meeting whereafter Mr. M R Gericke was elected chairman with Prof DW de Vos as Vice-Chairman. A great many matters were discussed including the relationship of the Council with PEJC and the engineering societies. Various committees were appointed to consider particular aspects regarding the implementation of the provisions of the Act and to make recommendations to the Shadow Council. One of these committees was the Regulations committee which was requested to consider, in consultation with Mr. Pool, all the Regulations he had drafted, including his proposed Regulation dealing with the reservation of work for the professional engineer.

The meeting also noted, with appreciation, that all the constituent societies of PEJC had agreed to make short term loans available to the Council at an interest rate of 6,75% to finance the work of the Council until it would be in receipt of its own funds.

The Shadow Council held its second meeting on 29 November 1968 to consider and discuss the interim reports of the various committees as well as other pressing matters (Annexure T1). The third and last meeting of the Shadow Council was held on 31 January 1969, when all recommendations to the South African Council for Professional Engineers were finalised (Annexure U1). These also dealt with the proposed Regulations for the effective functioning of the Council, including a section dealing with the requirements with which an association of engineers would have to comply in order to qualify for recognition as a professional engineers' institute (Annexure A of Annexure U1). The meeting also agreed to recommend the draft Regulation dealing with the proposed reservation of work for the professional engineer (Annexure B of Annexure U1).

THE ACT BECOMES A LEGAL INSTRUMENT

On 14 February 1969, the date on which the Professional Engineers' Act, 1968 (Act 81 of 1968) came into operation, the South African Council for Professional Engineers met for the first time as a de jure Council (Annexure V1). Mr J Driessen, Secretary for the Department of Public Works, chaired the opening of the meeting and Mr MR Gericke was elected President with Prof DW de Vos as Vice-president

The Minister of Public Works then addressed the Council and the President spoke in reply. Thereafter the Council attended to the formal business of the meeting.

All the recommendations of the "Shadow Council" and "Shadow Advisory Committees" were considered and accepted with some minor amendments by the Council. These included the following:

- (a) The proposed draft Regulations in terms of the provision of the Act.
- (b) A preliminary list of examinations to be recognised for the purpose of registration as recommended by the "Shadow Education Advisory Committee" under the chairmanship of Prof D W de Vos.
- (c) The application forms for registration and registration and annual fees.
- (d) The requirements with which an association of engineers would have to comply in order to qualify for recognition as a professional engineers' institute.
- (e) The proposed Regulation dealing with the reservation of certain kinds of work for the professional engineer.

The Council then resolved that all these Regulations be recommended to the Department of Public Works for their consideration.

The Council also appointed various committees to assist it in its functions of implementing all the provisions of the Act.

All the recommendations of the Council regarding the proposed Regulations were considered by the Department and agreed to. After vetting by the Department of Justice they were published with some minor amendments in the Government Gazette No 2298 of 14 March 1969 (Annexure W1). This Government Gazette also contained a Notice No R382 dealing with the Minister's intention to reserve certain kinds of work for professional engineers and the details thereof. According to the requirements of the relevant section in the Act, the Notice also extended an invitation to interested parties to submit any objections or representations concerning the proposed provision to the Secretary for Public Works within sixty days of the date of the notice.

The following organisations submitted representations to the Department setting out their objections to the intended Regulation:

The S A Iron and Steel Corporation Ltd
The Steel and Engineering Industries Federation of S A
The S A Coal Oil and Gas Corporation LTD
The Institute of South African Architects
The Chapter of the South African Quantity Surveyors
The Central Council of Land Surveyors of the R S A
The S A Institute of Draughtsmen
The Institution of Certificated Mechanical and Electrical Engineers S A

All these organisations were then invited to send representatives to meetings convened by the Department of Public Works to hear verbal evidence in support of their submissions. These meetings, chaired by Mr GS Pool of the Department and attended by Mr MR Gericke, Prof DW de Vos, Mr LT Campbell Pitt and Mr AR Mullins on behalf of the South African Council for Professional Engineers, were held on 17, 18 and 19 June 1969. After careful consideration of the submissions made and the verbal evidence given, some minor amendments were made to the proposed Regulation.

The Regulation dealing with the kinds of work reserved for professional engineers was then published by the Minister of Public Works by Notice No R3063 in the Government Gazette No 2500 of 8 August 1969 (Annexure X1). Thereby the Professional Engineers' Act, 1968 (Act 81 of 1968) became a valid legal instrument enforceable by law for the benefit of the Republic of South Africa.

ANNEXURES

The Annexures referred to by Dr Gericke were carefully collected and selected by him and are of real historical significance, quite apart from making for fascinating reading. However, in ECSA's archives they take up about 45 cm of shelf space! All that ECSA can do is to undertake to take good care of these documents and to make them available to interested persons who then can study and/or copy them on the premises.