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2026 CBE Amendment Bill Presentation

August 2026

Presentation Outline

- CBE Amendment Bill
 1. Rationale for the CBE Amendment Bill
 2. Drafting of the CBE Bill and its Principles
 3. What is New in the 2026 CBE Bill?
 - a. CBE as a Built Environment Single Regulator
 - b. Establishment of Professional Boards
 - c. Register of Professional Service Providers (RoPSP)
 - d. Credentialing Scheme
 - e. Enhanced Investigative Powers
 - f. Establishment of Built Environment Guarantee Fund
 4. Legislative Process Implementation Framework



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Rationale for the CBE Amendment Bill



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The Supreme Law of the Republic

- **Section 22 of the Constitution** : “Every citizen has the right to freely choose their **trade, occupation, or profession**”.
- **However, the practice of these may be regulated by law**
- Through Act 43 of 2000 , the CBE has been given the critical task of :
 - being a catalyst for **change and transformation**
 - developing **regulations, policies and frameworks** to advance the built environment sector
 - drive the built environment **skills pipeline** to support the infrastructure development



**Built Environment
Acts**



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Built Environment Regulatory Reforms

- On 14 November 2024, Minister Macpherson addressing Parliament said :
 - “Another key contributor to delays has been the **lack of enforceable oversight standards** within our regulatory framework”.
 - “We are addressing this by empowering the Council for the Built Environment, or **CBE**, to **set mandatory standards across the sector**”.
 - “Legislation will require registration for **all practitioners in the built environment**”.
 - “We believe this measure will ensure that **only qualified, accountable professionals** are entrusted with our nation’s infrastructure projects. ”
 - “This is not merely a bureaucratic requirement; it is a **safeguard for public funds and a commitment to quality**”.
- On 9 June 2025, Minister Macpherson when tabling DPWI budget speech in the National Assembly said:
 -I will be introducing a revised Council for the Built Environment Bill to strengthen governance, clarify regulatory powers, and ensure greater accountability across the built environment sector...



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Professionalisation and Transformation of the Built Environment

- Honourable Deputy Minister Sihle Zikalala, during budget vote 13 July 2025 speech made the following remarks:
 - *“...the CBE remains seized with the implementation of the Professionalisation and Capacity Building Strategy for the Built Environment to improve the **registration of black professionals and women professionals***
 - *The CBE is progressing in its endeavours to implement a skills pipeline to ensure systemic strengthening in relation to the **nuanced demand and supply dynamics** within the Built Environment.*
 - *This programme focuses on a refined Candidacy Programme and a **comprehensive national database of unemployed graduates and professionals.**”*



Built Environment Professionalization and Skills Development Strategy, endorsed by MinMEC in November 2023, which outlines 12 strategic interventions to professionalize the built environment sector.



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Drafting of the CBE Bill and its Principles

The proposed Bill will:

1. Establish CBE as strong **single regulator** of the built environment.
2. Strengthen **public safety, regulatory frameworks** and **mandatory standards** for the built environment.
3. Strengthen **accountability, oversight** and **professionalisation** of built environment practitioners.
4. Addresses **fragmentation** across regulatory bodies and weak enforcement capacity.
5. Streamline and modernise the built environment **governance** structures, systems and processes.
6. Establish a **Register of Professional Service Providers (RoPSP)**, to regulate, standardise, and ensure compliance as well as track record of performance (**mechanism to blacklist non-performing PsP**)
7. Responds to **sector transformation** and **diversity** and enable the development future ready built environments practitioners
8. Enables **stronger investigation capacity, code of ethics** and **disciplinary mechanisms**.
9. Align to **current policy environment** and **governance reforms**.
10. Support the **infrastructure build programme** of government aimed at addressing triple challenge
11. Establish a **Built Environment Guarantee Fund**
12. Regulate specialised and high-risk work through competency-based **credentialling** beyond professional registration with a regulatory body.



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What is New in the 2026 CBE Bill?

New Provision	Why It Is Being Introduced
CBE as a Single Built Environment Regulator	To reduce fragmentation, improve consistency, and provide a unified regulatory framework across the built environment professions.
Introduction of Professional Boards	To retain profession-specific expertise while operating within a coordinated regulatory system.
Register of Professional Service Providers	To ensure that firms providing professional services have appropriately registered professionals, improve accountability, and provide transparency to government and the public.
Credentialling Scheme	To regulate specialised and high-risk work through competency-based credentialling beyond professional registration.
Built Environment Guarantee Fund	- To provide a mechanism for compensating members of the public who suffer financial losses arising from professional misconduct or negligence. - To Establish the board for the Build Environment Guarantee Fund
Enhanced Investigative Powers	To enable investigations into structural failures, building collapses, and other incidents affecting public safety.
Public Safety and Emergency Incident Framework	To establish clear protocols for investigations, reporting and coordination following built environment disasters.
Stronger Enforcement and Penalties	To improve compliance and deter unregistered practice and professional misconduct.
Ministerial Regulation and Standard-Setting Powers	To allow the Minister in consultation with CBE, to prescribe mandatory regulations and standards relating to registration, credentialling, public safety and infrastructure quality.
Climate Resilience and Building Safety Regulations	To enable regulation of green buildings, climate adaptation, energy efficiency and mandatory safety inspections.



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Lessons from Building Collapse Investigations: How the Bill Responds



Finding: Fragmented oversight

Response: CBE as Single Regulator



Finding: Limited investigative powers

Response: Expanded investigation authority



Finding: Lack of specialist competency controls

Response: Credentialling Scheme



Finding: Weak accountability of firms

Response: Register of Professional Service Providers



Finding: Limited mechanisms for public recourse

Response: Guarantee Fund



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Unpacking of the Introduction of Professional Boards



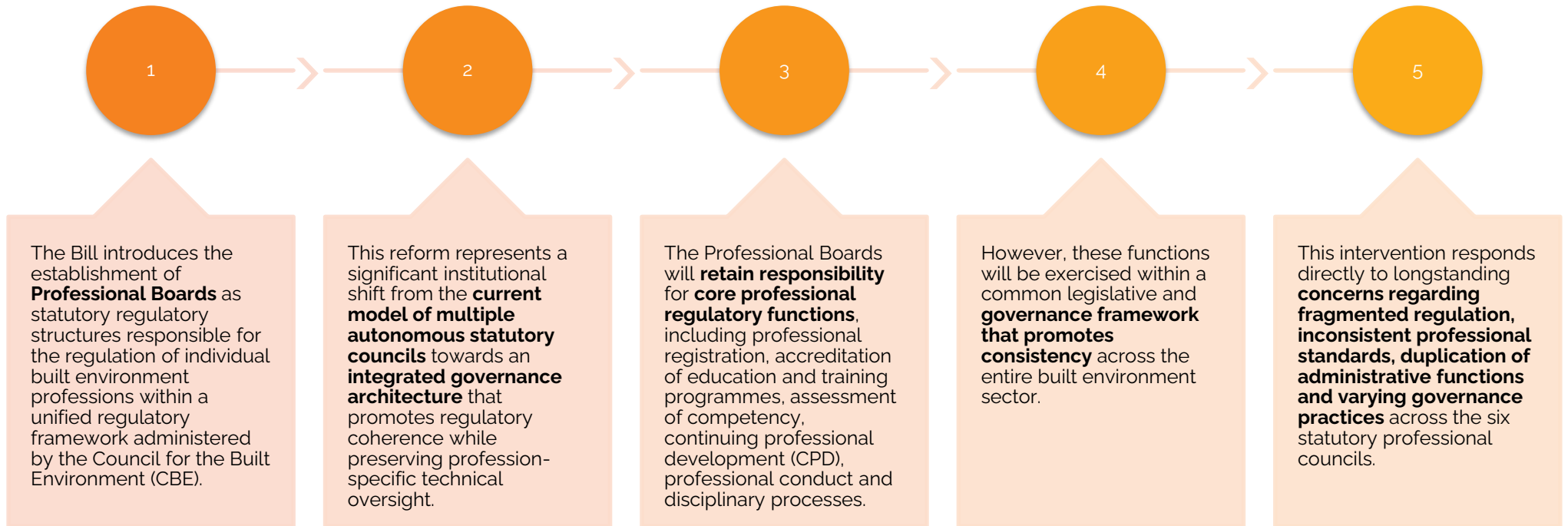
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Policy Intervention



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Policy Rationale



The current regulatory landscape has evolved over several decades, with each professional council developing its own governance arrangements, registration systems, disciplinary procedures and operational practices.



While these arrangements have supported profession-specific regulation, they have also resulted in significant variations in regulatory standards and institutional performance.



The absence of an integrated regulatory model has limited the ability of government to implement coherent professionalisation policies, respond effectively to cross-cutting regulatory challenges and ensure consistent levels of public protection across the built environment professions.



The introduction of Professional Boards seeks to modernise this governance framework by separating strategic regulatory oversight from profession-specific technical regulation.



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Intended Policy Outcome

- The introduction of Professional Boards seeks to achieve several strategic policy outcomes, including:
 - **Harmonisation of professional regulatory standards** across the built environment sector.
 - **Improved governance** through standardised accountability and oversight mechanisms.
 - **Greater consistency** in professional registration, disciplinary processes and accreditation systems.
 - **Reduced duplication** of administrative and governance functions.
 - More **effective implementation** of national **transformation** and **professionalisation** policies.
 - **Improved coordination** between professions involved in multidisciplinary infrastructure projects.
 - **Strengthened public confidence** through a more **transparent** and **accountable** regulatory system.
- Ultimately, the Professional Board model positions the CBE as a modern integrated regulator capable of exercising strategic oversight while ensuring that each profession continues to regulate the technical aspects unique to its discipline.



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Unpacking of the Register of Professional Service Providers (RoPSP)



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Policy Intervention



The Bill introduces the Register of Professional Service Providers (RoPSP) as a national regulatory mechanism for organisations that provide professional built environment services.



While the current legislative framework regulates individual professionals, it does not formally recognise or regulate the professional entities through which these professionals provide services. Consequently, clients often engage consulting firms, multidisciplinary practices or engineering companies without a clear regulatory mechanism for verifying organisational compliance with professional standards.



The Register of Professional Service Providers addresses this regulatory gap by establishing a formal register of organisations that provide professional built environment services and meet prescribed regulatory requirements.



Registration on the RoPSP will demonstrate that an organisation maintains appropriate professional capacity, employs suitably registered professionals and complies with applicable legislative and ethical obligations.



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Policy Rationale

Infrastructure delivery increasingly occurs through multidisciplinary professional practices rather than individual practitioners operating independently.

While individual professionals remain accountable for their professional work, organisational systems, governance arrangements and quality assurance processes play an equally significant role in determining project outcomes.

Recent infrastructure failures have demonstrated that organisational shortcomings, including inadequate supervision, poor quality management systems and weak professional governance, can contribute significantly to public safety failures.

The current regulatory framework focuses almost exclusively on individual accountability, with limited oversight of the professional organisations responsible for delivering services.

The Register therefore expands the regulatory framework to recognise organisational accountability alongside individual professional responsibility.



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Intended Policy Outcome

- The introduction of the Register seeks to:
 - Improve transparency within the professional services market.
 - Strengthen accountability of professional service providers.
 - Improve confidence in procurement and infrastructure delivery.
 - Support government due diligence during procurement processes.
 - Reduce opportunities for misrepresentation of professional capability.
 - Promote higher standards of organisational governance and quality assurance.
 - Improve public confidence in professional service delivery.
 - Deregister non-performing and unethical built environment professional service providers.
- In practical terms, the Register provides clients, government institutions and the public with greater assurance that professional services are delivered through organisations operating within an appropriately regulated environment.



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Unpacking of the Credentialing Scheme



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Policy Intervention

- The Bill introduces a **Credentialing Scheme** as a mechanism for **recognising specialised** professional competencies beyond traditional professional registration.
- Professional registration has historically been based primarily on academic qualifications, structured practical training and competency assessment leading to registration within a prescribed professional category.
- However, the built environment continues to evolve rapidly through technological innovation, climate adaptation, digital infrastructure, specialist engineering methodologies and increasingly complex infrastructure programmes. These developments require **specialised competencies that extend beyond traditional registration categories**.
- The Credentialing Scheme provides a **structured framework** through which **additional specialist knowledge, skills and competencies** may be formally recognised by the regulator.



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Policy Rationale

- **Professional registration** establishes **minimum competency to practise** within a profession.
- It does not necessarily **distinguish practitioners** who possess **advanced expertise in specialised technical** fields.
- Government increasingly requires **specialised professional expertise** in areas such as:
 - forensic structural investigations;
 - climate-resilient infrastructure;
 - digital engineering and Building Information Modelling (BIM);
 - infrastructure asset management;
 - disaster reconstruction;
 - public sector infrastructure delivery;
 - building safety investigations; and
 - sustainable infrastructure development.
- The **absence of a nationally recognised mechanism** for validating these competencies **limits government's ability to identify appropriate expertise** and constrains career progression within the professions.
- Credentialing provides a policy instrument for recognising emerging and specialised competencies while encouraging continuous professional development and lifelong learning.



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Intended Policy Outcome

- The Credentialing Scheme seeks to:
 - **Promote continuous professional** learning throughout a professional's career.
 - **Recognise specialised competencies** required for modern infrastructure delivery.
 - Improve the quality of professional services.
 - Support government in identifying professionals with scarce and critical skills.
 - Encourage innovation within the professions.
 - **Strengthen international recognition** and mobility of South African professionals. Improve workforce planning for strategic infrastructure programmes.
- The intervention **aligns professional regulation with international trends where competency-based recognition** increasingly complements traditional qualification-based registration systems.



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Unpacking of the Enhanced Investigative Powers



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Policy Intervention

- The Bill significantly **strengthens the investigative powers** of the Council for the Built Environment by expanding its **authority to investigate matters** affecting the integrity, safety and regulation of the built environment.
- The existing legislative framework provides limited investigative powers, often restricting intervention to matters referred by professional councils or requiring reliance on information voluntarily provided by regulated entities.
- The proposed Bill establishes a more **proactive regulatory model** by enabling the CBE to undertake investigations into systemic failures, professional misconduct, governance deficiencies and matters affecting public safety.
- Importantly, **the enhanced powers** recognise that failures within the built environment are frequently multidisciplinary in nature and require coordinated regulatory intervention rather than isolated profession-specific investigations.



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Policy Rationale

- South Africa has experienced several catastrophic built environment failures, including building collapses, structural failures and infrastructure defects, which have **highlighted weaknesses in the existing regulatory framework**.
- Investigations into these incidents have consistently demonstrated that failures seldom arise from the conduct of a single professional. Rather, they often involve **multiple professions, inadequate governance arrangements, regulatory gaps, insufficient oversight** and **systemic failures** across the infrastructure delivery value chain.
- The existing fragmented investigative model limits the regulator's ability to **identify root causes and implement systemic regulatory reforms**.
- Enhanced investigative powers enable **the CBE to move beyond disciplinary enforcement towards a preventative, risk-based regulatory approach** focused on identifying systemic weaknesses before they result in harm.



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Intended Policy Outcome

- The **strengthened investigative framework** seeks to:
 - **Enhance public protection** through earlier regulatory intervention.
 - Improve the regulator's ability to **investigate complex multidisciplinary failures**.
 - **Strengthen accountability** across the infrastructure delivery system.
 - Identify systemic regulatory and governance weaknesses.
 - **Generate evidence-based recommendations** for legislative and policy reform.
 - **Improve collaboration** between regulators and enforcement agencies.
 - Promote a **preventative regulatory culture** focused on reducing infrastructure failures.
- Ultimately, this reform **reinforces the CBE's role as the national regulator** responsible not only for professional oversight but also for safeguarding the public interest through proactive regulation of the built environment.



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Unpacking of the Establishment of a Built Environment Guarantee Fund



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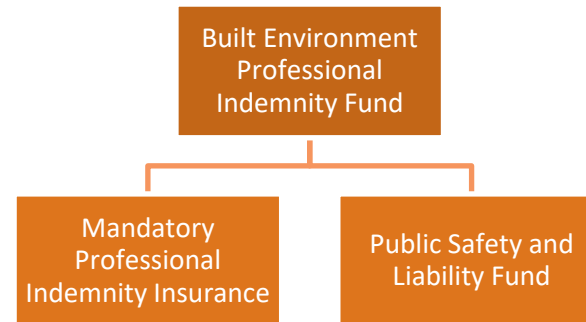
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Proposal for the Establishment of a Built Environment Guarantee Fund

Strengthening Public Protection, Professional Accountability, Infrastructure Resilience and State Capability

- The Built Environment Guarantee Fund (BEGF) is a national risk management and public protection mechanism for the South African built environment sector.
- The proposed framework consists of three complementary pillars:
 - **Mandatory Professional Indemnity Insurance (PII)** for built environment professionals operating in private practice;
 - **A Professional Indemnity Fund (PIF)** for salaried built environment professionals employed by government and public entities; and
 - **Public Safety and Liability Cover (PSLC)** to provide compensation mechanisms for members of the public affected by professional negligence.



- The proposal aims to strengthen public protection, reduce fiscal exposure to government, improve professional accountability, support infrastructure delivery, and advance the professionalisation agenda under Pillar 6 of the South African Construction Action Plan (SACAP).
- South Africa currently regulates professional conduct but does not adequately regulate professional risk.



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Strategic Context

- Built environment professionals occupy a unique position within society because their decisions directly influence public safety, infrastructure performance, economic growth and national development
- Professionals are responsible for:
 - Designing public infrastructure;
 - Approving building plans;
 - Supervising construction works;
 - Certifying compliance;
 - Managing infrastructure projects;
 - Ensuring public safety through the built environment lifecycle.
- Failures in professional services can result in:
 - Loss of life and serious injuries;
 - Building collapses;
 - Infrastructure failures;
 - Environmental damage;
 - Service delivery interruptions;
 - Significant financial losses to government.
- Recent incidents such as the George Building Collapse, Ormonde Building Collapse and Verulam Temple Collapse demonstrate that professional failures can have catastrophic consequences extending far beyond contractual disputes.
- **Key message: Built environment failures are not merely technical failures; they are public safety, economic and governance failures.**



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The Current Accountability Gap

- South Africa's current professional regulatory framework is built on four pillars:
 1. Professional registration;
 2. Professional discipline;
 3. Continuing Professional Development;
 4. Professional Codes of Conduct.
- While these mechanisms are important, they do not provide financial recourse when professional negligence causes harm.
- Current Position - A professional may:
 - Be suspended;
 - Be fined;
 - Be deregistered;
 - Face disciplinary action.
- However:
 - Victims may not be compensated;
 - Government may absorb financial losses;
 - Infrastructure owners may bear reinstatement costs;
 - Communities may remain without adequate recourse.
- The consequence is a significant gap between professional accountability and public protection.
- **Key Question: Who pays when professional negligence causes loss of life, infrastructure failure or significant financial loss?**



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Public Sector Liability Challenge

- Under the State Liability Act:
- Government remains vicariously liable for professional negligence committed by employees acting within the scope of employment.
 - This creates three major challenges:



- The DPWI Feasibility Study concludes that a dedicated Professional Indemnity Fund offers a more sustainable and accountable solution.
- **Key Message: The current model externalises risk to the fiscus while discouraging professional practice within government.**



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Pillar 2: Professional Indemnity Fund For Public Sector Professionals

The DPWI Feasibility Study identifies a critical challenge facing government-employed professionals.

Under current arrangements:

- Government professionals remain personally exposed to professional liability risks;
- Government retains rights of recovery under PFMA and MFMA provisions;
- Design errors may result in financial recovery processes against employees;
- Professionals often avoid undertaking design work due to liability concerns.

Consequences

- Reduced professional confidence;
- Overreliance on external consultants;
- Weakening of internal technical capability;
- Difficulty attracting and retaining scarce skills.

The Fund would:

- Protect professionals against bona fide professional errors;
- Enable greater insourcing of professional services;
- Support professional excellence;
- Reduce consultant dependence;
- Strengthen state capability.

Key Message: The Fund enables government professionals to practice their professions with confidence while maintaining accountability.



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Summary of The Built Environment Guarantee Fund?

The Built Environment Guarantee Fund is proposed as a comprehensive risk protection mechanism for the built environment sector

The Fund will serve three primary functions:

- **Professional Risk Protection:** Protect professionals against claims arising from professional negligence, errors and omissions
- **Public Protection:** Provide mechanisms through which members of the public may seek compensation where professional negligence has been established.
- **Infrastructure Risk Protection:** Protect government and infrastructure owners from significant financial losses associated with professional failures.

The Fund therefore creates a bridge between:

- Professional regulation;
- Public protection;
- Fiscal risk management;
- Infrastructure resilience.

Key Message: The Built Environment Guarantee Fund is not simply an insurance mechanism. It is a national public protection and infrastructure risk management instrument.



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Summary of Key Interventions And Intended Benefits of the CBE Amendment Bill

POLICY INTERVENTION	WHAT THE BILL INTRODUCES	GOVERNMENT BENEFITS	PUBLIC & INDUSTRY BENEFITS
Professional Boards	Establishes Professional Boards within a single CBE regulatory framework to undertake profession-specific regulatory functions while operating under harmonised governance and oversight arrangements.	• Harmonised regulation across all built environment professions. • Reduced duplication of governance and administrative functions. • Consistent registration, accreditation and disciplinary processes. • Improved implementation of national professionalisation and transformation policies. • Stronger strategic oversight of the regulatory system.	• More consistent professional standards. • Improved quality and integrity of professional regulation. • Fair and transparent disciplinary processes Greater public confidence in the competence of registered professionals. • Improved multidisciplinary collaboration on infrastructure projects.
Register of Professional Service Providers (RoPSP)	Creates a national register of organisations providing professional built environment services, ensuring firms meet prescribed regulatory and professional requirements.	• Strengthens procurement due diligence Improves oversight of professional firms delivering public infrastructure. • Supports infrastructure governance and risk management. • Creates a verified national database of compliant service providers. • Enhances accountability across the infrastructure delivery value chain.	• Clients can verify legitimate professional firms. Greater transparency in the professional services market. • Increased confidence in consulting firms undertaking public and private projects. • Higher organisational standards and professional accountability. • Reduced risk of engaging unqualified or non-compliant service providers.
Credentialing Scheme	Establishes a formal framework for recognising specialised professional competencies beyond traditional professional registration.	• Supports government identification of scarce and critical infrastructure skills. • Improves workforce planning. • Enables deployment of appropriately credentialed professionals on complex infrastructure programmes Supports innovation and digital transformation within the sector. • Strengthens national capability in specialised technical fields.	• Formal recognition of specialist expertise. • Improved career progression and professional mobility. Encourages lifelong learning and continuous professional development. • Greater confidence that specialist work is undertaken by suitably qualified practitioners. • Better quality infrastructure outcomes.
Enhanced Investigative Powers	Expands the investigative powers of the CBE to investigate systemic failures, governance weaknesses, professional misconduct and matters affecting public safety across the built environment.	• Earlier regulatory intervention before systemic failures escalate. • Improved evidence-based policy and legislative reform. Better coordination between regulators and enforcement agencies. • Stronger oversight of infrastructure failures. • Improved governance and accountability across the built environment sector.	• Stronger protection of public safety. • More effective investigation of building collapses and infrastructure failures. • Increased accountability of professionals and institutions. Greater public confidence in regulatory oversight. • Lessons learned from investigations translate into safer infrastructure.
Guarantee Fund	Establishes a statutory Guarantee Fund to provide financial protection to members of the public who suffer losses arising from prescribed professional conduct or circumstances, subject to the provisions of the Act and prescribed rules.	• Strengthens consumer protection within the built environment regulatory framework. • Reinforces confidence in the professional regulatory system. Supports a modern risk-based regulatory environment. Provides an additional accountability mechanism alongside disciplinary processes. • Enhances confidence in government regulation of the professions	• Provides an avenue for financial recourse where eligible losses are suffered. • Improves protection of consumers of professional services. Strengthens public trust in registered professionals. Reinforces ethical and professional conduct across the sector. • Demonstrates that the regulatory system places public protection at its core.



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Legislative Process Implementation Framework



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GAZETTING, PUBLIC PARTICIPATION AND CONSULTATION

The CBE Bill will be undertaken in line with the process outlined in the National Policy Development Framework 2020.

Taking lessons from the “Doctors for Life International, v Speaker of the National Assembly” ruling by the Constitutional Court of South Africa that emphasized the importance of public participation in the legislative process.

Adequate opportunities for consultation will be created, especially for the built environment practitioners, regulatory bodies, voluntary associations institutions of higher educations, local government sector, state owned entities, national and provincial government departments, NGO and advocacy sector and the private sector.



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From Technical Drafting to Enactment

- The Council for the Built Environment Bill has successfully completed the technical development phase, including the Draft Bill, Bill Matrix and SEIAS.
- The next phase requires a structured implementation approach to guide the Bill through executive approval, public participation and parliamentary processes.

Institution	Strategic Role
Ministry of Public Works & Infrastructure	Executive Sponsor and Political Leadership
DPWI: Policy Branch	Legislative Process Owner
CBE	Strategic Technical and Communications Partner
Office of the Chief State Law Adviser	Constitutional and Legislative Certification
DPWI Led Public Consultation	Solicit input for SIEAS
Cabinet	Executive Approval
Gazetting of the Draft Bill for Consultation	Consolidated Public Participation Report produced by the DPWI
Parliamentary Process	Legislative Deliberation and Oversight
President	Assent and Promulgation



National Public Participation and Communications Strategy

- Strategic Objective
 - To ensure that every stakeholder affected by the proposed legislative reforms has an opportunity to understand, engage with and contribute meaningfully to the legislative process.

Engagement Pillar	Implementation Activities
Public Awareness	National media campaign, website, FAQs, explainer videos, social media
Stakeholder Consultation	Built Environment Professional Councils, Voluntary Associations, academia, industry roundtables
Government Engagement	National, provincial and municipal consultations
Public Participation	Gazette submissions, provincial roadshows, public hearings, webinars
Parliamentary Support	Committee briefings, technical presentations and response reports



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Communications and Public Participation Implementation Programme

- Communications Campaign Throughout the Legislative Journey

Legislative Phase	Communications Focus	Key Outputs
Executive Processing	Internal alignment	Ministerial briefs, FAQs, executive updates
Gazette Publication	National awareness	Media launch, website, digital campaign
Public Consultation	Stakeholder mobilisation	Roadshows, webinars, workshops, radio engagements
Parliamentary Process	Legislative support	Committee briefings, newsletters, technical responses
Presidential Assent	National announcement	Media campaign and implementation communication
Implementation	Regulatory readiness	Guidelines, workshops, implementation toolkit



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REPUBLIC OF SOUTH AFRICA

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THANK YOU

