

ENGINEERING COUNCIL OF SOUTH AFRICA

Eligibility and Disqualification Criteria for Council Nominees

NOMINATIONS OF COUNCIL MEMBERS FOR THE ENGINEERING COUNCIL OF SOUTH AFRICA TO BE APPOINTED BY THE MINISTER OF THE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE TO SERVE ON THE COUNCIL

GENERAL ELIGIBILITY CRITERIA

Description	Criteria	Additional Criteria
Registered Persons	<p>Rule 4.1 (Procedure for the Nomination of Council Members - Government Gazette No.34377- Board Notice 120 of 2011, dated 24 June 2011)</p> <p>(a) Be registered as a Professional Engineer, Professional Engineering Technologist, Professional Certificated Engineer, Professional Engineering Technician or registered in a specified category;</p> <p>(b) Have background or experience in the engineering profession in one or more of the following: education, training, professional conduct, professional practice, and institutional affairs;</p> <p>(c) Make a declaration of being prepared to serve on the Council and/or any of its committees;</p> <p>(d) Be a South African citizen and ordinarily resident in the Republic of South Africa; and</p>	<p>(a) Be in good standing with the applicable Voluntary Association, Nominating Body as well as the Regulatory Body he or she is registered with, including compliance with Continuing Professional Development (CPD).</p> <p>(b) Have received professional recognition/recommendation from his or her industry peers/bodies (i.e., evidence to be provided- certificate, award, etc.).</p> <p>(c) A Chartered Director (SA)® or Certified Director® or membership of a relevant professional body to demonstrate sound knowledge underpinned by the Director Competency Framework in line with the IoDSA</p>

Description	Criteria	Additional Criteria
	<p>(e) Be willing to sign and adhere to ECSA's Code of Conduct for the Council and Committee Members.</p>	<p>or other professional body, as well as demonstrated depth and breadth of knowledge, skills, and experience would be advantageous.</p> <p>(d) In compliance with the letter and spirit of the law, and best corporate governance practices, members who are currently serving on the 6th Term Council, will be considered provided they are eligible for nomination. The first time suitable and qualified nominees will be considered based on their skills, experience and optimal balance of knowledge taking into consideration the rotation principles to be applied for continuity purpose.</p> <p>(e) Having served at the highest decision-making bodies of organisations, his or her own company/business and/or in his or her employment (i.e., Executive or board level) would be advantageous.</p> <p>(f) Having some form of governance training at board / council level (i.e., Certificate as proof of training) would be advantageous.</p> <p>(g) Must not be serving more than three (3) boards at the same time.</p> <p>Note: In line with good corporate governance practices Council members will be precluded from working for or on behalf of ECSA for the duration of their term in Council (i.e., Assessors, reviewers,</p>

Description	Criteria	Additional Criteria
		moderators, accreditation panel member, etc.).
Persons not required to be registered	<p>Rule 4.2 (Procedure for the Nomination of Council Members - Government Gazette No.34377- Board Notice 120 of 2011, dated 24 June 2011)</p> <ul style="list-style-type: none"> (a) Have insight into matters concerning the safety and health of the public; (b) Have expertise supplementary to the direct field of responsibility of the Council and the engineering profession, such as law, accounting, political science, economics, environmental management and education; (c) Make a declaration of being prepared to serve on the Council and/or any of its committees; (d) Be a South African citizen and ordinarily resident in the Republic of South Africa; and (e) Be willing to sign and adhere to ECSA's Code of Conduct for the Council and Committee Members. 	<ul style="list-style-type: none"> (a) Be in good standing with the relevant professional bodies/affiliations/associations/ accreditations for their area of expertise. (b) Have received professional recognition/ recommendation from his or her industry peers/bodies (i.e., evidence to be provided- certificate, award, etc.); (c) Having served at the highest decision-making bodies of organisations, and/or his or her own company/business and/or in his or her employment (i.e., Executive or board level) would be advantageous. (d) A Chartered Director (SA)® or Certified Director® or membership of a relevant professional body to demonstrate sound knowledge underpinned by the Director Competency Framework in line with the IoDSA or other professional body, as well as demonstrated depth and breadth of knowledge, skills, and experience would be advantageous. (e) In compliance with the letter and spirit of the law, and best corporate governance practices, members who are currently serving on the 6th Term Council, will be considered provided they are eligible for nomination. The first time suitable and qualified nominees will be considered based on their skills, experience and optimal balance of knowledge taking into consideration the rotation principles to be applied for continuity purposes. (f) Having some form of governance training at board / council level (i.e., Certificate as proof of training) would be advantageous. (g) Have expertise supplementary to the direct field of

Description	Criteria	Additional Criteria
		<p>responsibility of the Council and the engineering professions, such as Finance (preferably CA), Audit, Risk & Compliance, HR & Labour Relations and Information Technology.</p> <p>(h) Must not be serving more than three (3) boards/ board committees at the same time.</p> <p>Note: In line with good corporate governance practices Council members will be precluded from working for or on behalf of ECSA for the duration of their term in Council (i.e., Assessors, reviewers, moderators, accreditation panel member, etc).</p>

DISQUALIFICATION CRITERIA

In addition, section 6 of the EPA prescribes the **disqualification** from membership of Council and vacation of Office as follows:

- (1) A person may not be appointed as a member of the Council if that person -
 - (a) is not a South African citizen and ordinarily resident in the Republic.
 - (b) is an unrehabilitated insolvent.
 - (c) has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both.
 - (d) subject to subsection (3), has been convicted of an offence in a foreign country and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both.
 - (e) has, as a result of improper conduct, been removed from an office of trust; or
 - (f) has, in terms of this Act, been found guilty by the disciplinary tribunal or the Council of improper conduct.

- (2) A member of the Council must vacate his or her office if he or she -
 - (a) becomes disqualified in terms of subsection (1) from being appointed as a member of the Council.
 - (b) resigns by written notice addressed to the Registrar.
 - (c) is declared by the High Court to be of unsound mind or mentally disordered, or is detained under the Mental Health Act, 1973 (Act No. 18 of 1973).
 - (d) has, without leave of the Council, been absent from more than two consecutive meetings of the Council.
 - (e) was appointed in terms of section 3(1)(a) and after that appointment a change in his or her circumstances arises that affects the ratio of the membership referred to in section 3(1).
 - (f) was appointed in terms of section 3(1)(b) and ceases to be employed by the State; or
 - (g) ceases to be permanently resident in the Republic.

- (3) For the purposes of subsection (1)(d), the Minister must take cognisance of the prevailing circumstances in a foreign country relating to a conviction.

- (4) (a) If a member of the council dies or vacates his or her office before the expiration of his or her term of office, the Minister may, after consultation with the Council, and subject to section 5(1), appoint a person to fill the vacancy for the unexpired portion of the period for which that member was appointed.
- (b) If the Minister appoints a person to fill the vacant seat, the appointment must be made within 60 days from the date on which the vacancy occurred.

