



**SOUTH AFRICAN COUNCIL
FOR THE
LANDSCAPE ARCHITECTURAL PROFESSION**

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FINAL DRAFT

**CODE OF CONDUCT
FOR
SACLAP COUNCIL MEMBERS
Revision 1**

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DEFINITIONS

In these requirements, and unless the context otherwise indicates, any expression or word to which a meaning has been assigned in the Landscape Architectural Profession Act, 2000 (Act No. 45 of 2000), shall bear the same meaning and –

The Act	Landscape Architectural Profession Act, Act No. 45 of 2000.
Council	The SACLAP
Registrar	The person appointed under section 8 (a) of the Act
Council Member	The person appointed by the National Minister (Public Works) to serve on the SACLAP as per sections 3, 4 and 5 of the Act.

ABBREVIATIONS

CBE	Council for the Built Environment
DPW	Department of Public Works
EXCO	Executive Committee of the Council
SACLAP	South African Council for the Landscape Architectural Profession

1. INTRODUCTION

The role of the SACLAP is as per the Act No. 45 of 2000:

To provide for the establishment of a juristic person to be known as the South African Council for the Landscape Architectural Profession; to provide for the registration of professionals, candidates and specified categories in the landscape architectural profession; to provide for the regulation of the relationship between the South African Council for the Landscape Architectural Profession and the Council for the Built Environment; and to provide for matters connected therewith.

In order to meet the mandates of the Act, the following document has been prepared in order to ensure compliance with the above as stated in the Act and to streamline the functioning of the Council.

2. GENERAL RESPONSIBILITIES OF COUNCIL

The primary responsibility of the Council is to carry out, diligently and objectively, those obligations imposed on it by the South African Landscape Architectural Professions Act (Act No. 45 of 2000).

The Council is appointed for a four year term of office by the National Minister of Public Works as stipulated in the appointment letter.

In addition to its primary responsibility, the Council also has the responsibility for:

- a. preserving the integrity of the profession;
- b. clarifying the mission and strategic objectives of the Council;
- c. promoting and encouraging academic excellence within the accredited institutions to ensure world class performance and global competitiveness;
- d. promoting the upliftment of previously disadvantaged persons;
- e. appointing a suitably qualified and experienced person to occupy the position of Registrar for the Council;
- f. supporting the Registrar by facilitating a Performance Management System (PMS) to undertake an annual performance review ;
- g. preserving the autonomy of the Council;
- h. ensuring the development and advancement of the professions in line with current trends and requirements as per the Council for the Built Environment (CBE) Frameworks.
- i. ensuring adequate financial resources;
- j. ensuring that the physical and financial resources are utilised cost-effectively;
- k. fostering an effective relationship between Council, the Council for the Built Environment, Department of Public Works and the broader public.
- l. ensuring that individual members of Council :
 - carry out duties and functions imposed on them in general
 - attend meetings as per calendar of Council; and
 - participate actively in Council's deliberations.

3. DUTIES OF INDIVIDUAL MEMBERS OF COUNCIL

Apart from the obligations and responsibilities of the Council as a collective, each individual has a particular obligation and responsibility to the Council, based on the position that is held, e.g. Chair of the Finance Committee.

Council members are to participate, in an objective and unbiased manner, in the deliberations and decision-making processes.

The SACLAP prescribes that a member of the Council should automatically vacate his/her office as member, should a situation arise as set out in Section 6 of the Act (Disqualification from membership of council and vacation of office).

In terms of Section 10 (Administrative Powers) of the Act, an individual member of Council therefore has the responsibility to:

- a. regularly attend meetings of Council and to inform Council in writing (or electronic mail), through its designated person, if he/she is not able to attend a particular meeting of Council;
- b. Inform the Registrar of Council in writing (or electronic mail) and without delay when he/she wishes to vacate his/her position in terms of Section 6 (2) of the Act.

Apart from the duties and responsibilities imposed on individual members of Council by the SACLAP, an individual member of Council furthermore has the following moral and ethical responsibilities to the Council, his/her fellow Council members and the South African community at large, namely:

- a. to evaluate issues of policy serving before Council objectively and without any undue regard to pressure, political or otherwise, or opinions to the contrary;
- b. to attend meetings of Council thoroughly prepared and fully apprised of the contents of documentation serving before Council;
- c. to fully participate in Council meetings and not undertake other work in such meetings;
- d. to speak his/her mind at meetings of Council;
- e. to have due regard for the opinions, views and dignity of his/her fellow Council members;
- f. to communicate promptly to the President of Council and/or the Registrar any significant concern or complaint which has come to his/her notice and to allow the President of Council and/or the Registrar to deal with such a matter;
- g. to recognize the Registrar as the primary spokesperson for the Council and the President of Council as the only person to speak for and on behalf of Council;
- h. to foster openness and trust among Council members on the one hand and among Council and the registered /candidate professionals as well as the community at large on the other hand;
- i. to foster openness and trust in relationships between the Council and the government of the Republic of South Africa;
- j. to recognize that no individual member of Council may make any request or demand for action if such action may violate any of the policies and rules of the Council;
- k. to maintain, at all times, the highest ethical standards and not to allow any personal conflict of interest to affect decisions made;
- l. to recognize that authority to govern the SACLAP resides only with Council as a whole and not with any of the individual members of Council;
- m. to ensure that any disclosures made to Council or the Registrar are accurate;
- n. subject to the provisions of South African common and statutory law, to keep confidential any information regarding the Council, its members, registered/candidate professionals brought to his/her knowledge as a result of his/her access to documentation serving before Council and to keep confidential discussions at meetings of Council;
- o. to maintain an overriding loyalty to the SACLAP rather than to any part of it or constituency within it;
- p. uphold the public and corporate image of the SACLAP.
- q. to support the policies and programmes of the SACLAP once established in accordance with the statutory authority of Council; and
- r. to be mindful of the fact that the role of Council is one of strategic policy making and governance and not one of direct involvement in the day-to-day administration and the management of the SACLAP.

Any Council or Committee Member is required to be dressed appropriately when attending Council or Committee Meetings as well as when attending functions relating to SACLAP business or when representing SACLAP.

4. CONFIDENTIALITY

Council members have a legal (as well as a moral and ethical) duty and responsibility to keep matters serving before Council and deliberations and discussions at meetings of Council confidential, especially if such matters, deliberations and/or discussions may potentially be of a libellous or slanderous nature or may potentially publicly, without just cause, embarrass or impair the dignity of individuals (whether they are members of Council, professional/candidate professional, or members of the public), business corporations, non-governmental organizations or structures of national or provincial government.

To this end, a confidential undertaking is to be signed at Council and EXCO meetings.

5. CONFLICT OF INTEREST

All members of Council are at all times obliged and duty bound to disclose any conflict of interest whether potential or real, that exists, or may exist, between the individual and SACLAP or any constituent part thereof. Council should at all times be mindful of any conflict of interest, potential or real, that may exist or may occur in the relationship between the interest of one or more of its members on the one hand and SACLAP or any constituent part thereof on the other hand.

Should any individual member of Council become aware of, or suspect, any real or potential conflict between the interest of any one or more Members of Council and that of the SACLAP or any constituent part thereof, he/she is duty bound to, without delay, officially bring it to the notice of the Registrar, who in turn will immediately deliberate with the Executive Committee of Council on such a matter, whereupon Council must immediately decide upon it in accordance with generally accepted practice in this regard.

To this end, a conflict of interest declaration is to be signed at all Council and EXCO meetings.

6. TRANSPARENCY

Subject to Section 4. above, the Council Members strive to execute their responsibilities in a manner which is as transparent as the particular circumstances may allow at all times.

7. COMMITTEES OF COUNCIL

The General Responsibilities of Council (see 2 above) are, with the necessary changes, equally applicable to Committees of Council. The Committees of Council are as follows:

- Education
 - * Sub Committee: Academic Forum.
- Finance
- Professional Practice
 - * Sub Committee: New Registration Categories.
- Registration for the Landscape Architectural Profession.

The General Duties and Responsibilities of individual members of Council (see D above) are, with the necessary changes, equally applicable to members of Council serving on Committees of Council.

In preparation for the Full Council as well as the Executive Committee meetings, each Committee Chair is to prepare a progress report:

- as per template provided by the Registrar's office.
- all resolutions taken by the Committee at any time are to be documented in the progress report for ratification at the meeting,
- reports are to be submitted to the Registrar, 14 days prior to the meeting or as advised by the Registrar.
- the Registrar is to circulate the reports to all Council Members 7 days prior to the meeting.

8. ADMINISTRATION

van Der Walt & Company is the appointed secretariat for the SACLAP and is responsible for:

- a. Invoicing registered professionals no later than 1 April and following up on payments.
- b. Informing the finance committee of the outstanding payments for each meeting.
- c. Invoicing of candidates and following up on payments.
- d. Paying expenses once the payment authorisation has been received.
- e. Preparing the financial statements on a quarterly basis to coincide with the Council meetings.
- f. Preparing the necessary financial statements in consultation with the Registrar's Office at the end of each financial year as at 31 March in preparation for the external audit by the appointed external auditor/s.
- g. Updating the website on a regular basis as advised by the Registrar.
- h. Hosting the online database platform for SACLAP.

SACLAP utilises the physical and postal address of the Secretariat (van der Walt & Company).

The Registrar's Office is responsible for:

- a. Capturing the applications from individuals on the SACLAP database.
- b. Preparing the register of registered professionals and candidates.
- c. Ensuring that the contact details of the registered professionals and candidates are updated on the database.
- d. Circulating information in mailers on behalf of the Council as and when required.
- e. Preparing agenda and minutes as well as associated documentation for Council meetings as set out in the section below.
- f. Reminders for meetings and circulation of necessary documentation
- g. Collecting and retaining all documents of Council, with the exception of all finance related documents.

9. COUNCIL MEETINGS

A minimum of four Council meetings are to be held per annum, two of which are full Council meetings. The alternate meetings may be duly constituted by the elected EXCO of the SACLAP.

For Full Council and EXCO meetings, NO representatives from any organisation can attend. The person appointed to the Council by the Minister of Public Works, is the only person that may attend the Council meeting.

Guests may attend Full Council or EXCO meetings provided that the necessity thereof has been communicated and agreed to by the President. A timeslot will be allocated on the agenda for such a person to join the meeting at that time.

- Full Council Meetings:
 - - a. Minutes and Agendas are to be prepared by the Registrar's Office and approved by the President.
 - b. Minutes of the Full Council meeting are to be circulated in draft format to all the Council members, no later than 14 days after such a meeting.
 - c. The Full Council can only ratify the set of Full Council minutes at the next Full Council meeting, however matters arising may be discussed and pursued at the EXCO meeting if so agreed.
 - d. The date for the next Full Council meeting will be determined at the end of such a meeting.
 - e. A reminder of the meeting will be sent from the Registrar's Office, one month prior to the meeting.
 - f. All Council members are to provide inputs into the draft Agenda no later than two (2) weeks prior to the meeting.
 - g. The final draft Agenda will be circulated no later than a week before the meeting.
 - h. Quorum at a full Council meeting requires six (6) Members. If there is no quorum, the matter will be addressed again at the next meeting. Alternatively if the matter is URGENT, EXCO can seek consensus via email for a decision regarding the matter.
 - i. In the event that the vote is a tie, the President will have the deciding vote.
- Executive Committee Meetings (EXCO):
 - - a. The EXCO is to be constituted of at least five (5) Council Members (preferably the Chairs of the Committees), the President, and or the Vice President as well as the Registrar.
 - b. Resolutions and decisions may be mandated by the Full Council to the Executive Committee, however this is to be agreed, delegated and noted accordingly at the Full Council Meeting.
 - c. Minutes of the Executive meetings of the Council are to be circulated in draft format no later than 14 days after such a meeting took place to all the Council members.
 - d. EXCO can only ratify the set of EXCO minutes at the next EXCO meeting, however matters arising may be discussed and pursued at the next Full Council meeting.
 - e. The draft Agenda is to be circulated, no later than 1 week before the meeting.
 - f. All Council Members are to provide inputs into the draft Agenda no later than 2 weeks prior to the meeting.
 - g. Quorum at an EXCO meeting is to be 50% plus one member and should the need arise; the Vice President will be invited to that particular EXCO meeting to ensure quorum.
 - h. In the event that the vote is a tie, the President will have the deciding vote.

10. FINANCES

The Finance Committee Chair together with the Registrar will deal with the day to day finances of the Council and report to the full Council at each meeting.

Claims from Council members are submitted as per the SACLAP Remuneration Policy (November 2015) on the template provided by the Registrar's Office. All claims and expenses are to be claimed within a financial year (1 April – 31 March).

- Claiming of expenses by Council members:
 - a. The Registrar's Office shall ensure that claim forms are provided to Council Members.
 - b. All Council Members are to complete the claim form and submit it, together with the necessary receipts to the Registrar's office timeously for approval and payment at the end of that month.
 - c. Payment will be made to the Council Members at the end of that month or as otherwise agreed.

- Payment of creditors:
 - a. Payments will be made in line with the SACLAP Procurement Policy.
 - b. The EXCO will approve all payments prior to van Der Walt and Company processing the payment.
 - c. Payments will only be made on receipt of the original invoice.

- All banking aspects will require the signature of two of the duly elected Council persons of which one is to be a bank signatory.

11. CORRESPONDENCE

- General:
 - a. All correspondence should be directed through and received by the Registrar's Office.
 - b. All correspondence shall be drafted in a professional manner.
 - c. All correspondence shall be on the official letterhead of the Council.

- Emails:
 - a. All correspondence shall be drafted in a professional manner.
 - b. All emails relating to Council matters are to be copied to the Registrar.
 - c. Council members are to ensure that all subject lines in emails have an accurate description of the content of the email.

- Official documentation of the Council:
 - a. All documentation shall be prepared in a professional manner.
 - b. Formatting and templates for various types of documents are available from the Registrar's Office and are to be used as such.
 - c. Official documentation such as letters and reports are to be circulated to the EXCO for comment prior to submission to the relevant authority, institution, and statutory body or similar.

12. DOCUMENT MANAGEMENT SYSTEM

- All documentation is to be prepared using the appropriate official SACLAP template. Templates can be obtained from the Registrar's Office.

- All SACLAP formal correspondence should appear on the most recent SACLAP letterhead.

- All outgoing emails should reflect the SACLAP Registrar's signature.

- All documentation, correspondence and emails are to be copied to the relevant Committee, the relevant Committee Chair, the Council or EXCO depending on the nature of the correspondence.
- At the end of a term of office, a CD is to be submitted by the Council Member to the Registrar that contains soft copies of all SACLAP documentation in the possession of the individual.

13. CONFLICT RESOLUTION MEDIATION/ARBITRATION PROVISION

In terms of Section 30 (1) of the Act, the Council is to appoint a disciplinary tribunal in the case of the improper conduct of a registered professional. In so far as possible, these provisions are to be adapted in the event that a disciplinary situation arises within the Council.

The Conflict Resolution procedure is to be co-ordinated by the Registrar.

The route of mediation is to be explored as a first option prior to the establishment of a disciplinary tribunal in the event that all communication within the Council has been terminated.

14. TRANSITIONAL ARRANGEMENTS BETWEEN COUNCIL TERMS

In as far as possible, the existing Council is to address succession issues. Ideally registered professionals that have served on the various Committees of Council should be nominated to become Full Council Members by the respective Voluntary Association.

It would be advisable if no less than two Council Members continue for a second term of office.

In the event that this cannot be achieved, two Council Members from the existing Council are nominated that will attend the first three Full Council meetings of the newly elected Council as observers and only in an advisory capacity. The persons identified are NOT appointed by the Minister and have no voting rights.

DECLARATION BY COUNCIL MEMBER

I, _____ (print full name and surname), hereby declare, that I have read and understood the above information and undertake to fulfil my responsibilities with regards to my conduct in my role as a Council Member of SACLAP.

COUNCIL MEMBER Signed at _____

DATE

WITNESS Signed at _____

DATE