



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

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DRAFT FOR PUBLIC COMMENT

Due on the 11 November 2016

**PROCEDURE FOR THE NOMINATION OF COUNCIL
MEMBERS**

Revision 1

**FOR THE
SOUTH AFRICAN COUNCIL FOR THE
LANDSCAPE ARCHITECTURAL PROFESSION
(SACLAP)**

The South African Council for the Landscape Architectural Profession, has in terms of sections 36(2)(a) of the Landscape Architectural Profession Act, 2000 (Act No. 45 of 2000) (the Act) made the following Rules in order to undertake the Nomination Procedure as per Section 4 of the Act.

Date: 14 October 2016

Prepared by the Registrar Mrs Bernadette Vollmer

DEFINITIONS

In these rules, 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) bears the same meaning, and –

“**the Act**” means the Landscape Architectural Profession Act, Act 45 of 2000.

“**association**” means an association of natural persons engaged in the landscape professions and or a built environment profession within any of the categories specified in section 18 of the Act.

“**committee**” means a committee established in terms of Section 17 of the Act.

“**council**” means the South African Council for the Landscape Architectural Profession.

“**professional**” means a person who is registered in terms of Section 19(2)(a) of the Act.

“**Recommendation Panel**” means a panel appointed by the Council, as described in section 8 hereunder to evaluate the nominations and make recommendations for consideration by the Council.

“**registered person**” means a person registered in one of the categories referred to in Section 18.

“**The profession**” means the landscape professions.

“**voluntary association**” means any voluntary association recognised by the council in terms of Section 25.

ABBREVIATIONS

BE	Built Environment
BEP	Built Environment Profession
BEPC	Built Environment Professional Council
CBE	Council for the Built Environment
DPW	Department of Public Works
SACLAP	South African Council for the Landscape Architectural Profession
VA	Voluntary Association

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1. INTRODUCTION

The South African Council for the Landscape Architectural Profession (SACLAP), has in terms of sections 36(2)(a) of the Landscape Architectural Profession Act No. 45 of 2000, hereafter referred to as the Act, made the following Rules to provide for the procedure of nominating persons to serve on the SACLAP as required in Section 4(1) of the Act.

Service as a Council member of the SACLAP is a voluntary contribution of valuable time and wisdom to the landscape professions and to the South African society. Appointment as a Council member comes with important responsibilities. Members are to be willing to actively engage and participate if appointed to the Council.

This document is to be read in conjunction with the Act.

2. COMPOSITION OF THE COUNCIL

As per Section 3(1) of the Act, the council consists of the following members, appointed by the Minister, taking into account among other things, the principles of transparency and representivity:

- (a) six registered persons, excluding candidates, of whom at least four must actively practise in the landscape profession -
 - (i) who must be nominated by the voluntary associations and, registered persons;
 - (ii) who must represent the categories of registered persons contemplated in section 18 in the prescribed manner; and
- (b) two professionals in the Service of the State nominated by any sphere of government, of whom at least one must be nominated by the department; and
- (c) two members of the public nominated through an open process of public participation.

3. CALLING FOR NOMINATIONS i.e. INVITATION

- i. The Council shall call for nominations on or at a date determined by the Council, which shall be no less than six (6) months before the date of expiry of the term of office of the sitting members of the Council.
- ii. Registered Persons and Voluntary Associations shall be invited by letter, copies of which will be placed on the website of SACLAP, the Council for the Built Environment (CBE) and the Department of Public Works (DPW).
- iii. Nominations for members by the public shall be invited by notice in the Government Gazette, as per Section 4(2) of the Act and at least a leading newspaper in each province, which nominations shall be submitted within a period of at least 60 (sixty) days from the date of the notice.
- iv. The manner for inviting nominations from the State is described in section 9 hereunder.

4. REQUIREMENTS FOR NOMINEES AS COUNCIL MEMBERS

The Council shall consist of registered and non-registered members.

4.1 Registered Persons (Professional Representatives)

To be eligible for nomination as member of the Council, a registered person shall comply with the following requirements:

- i. Be registered as a Professional in one of the SACLAP's professional categories of registration as determined in Section 18 of the Act;
- ii. Have a background or experience in the landscape professions in one or more of the following: education, training, professional conduct, professional practice, and institutional affairs;
- iii. Make a declaration of being prepared to serve on the Council and/or any of its committees;
- iv. Be willing to sign and adhere to SACLAP's code of conduct for the Council and Committee Members.

- v. In terms of Section 6(1) of the Act:
 - (a) be a South African Citizen and ordinarily resident in the Republic;
 - (b) not be a rehabilitated insolvent;
 - (c) not have been convicted of an offence in the Republic and been sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both. This provision excludes offences associated with political objectives and committed prior to 27 April 1994;
 - (d) not have been convicted of an offence in a foreign country and been sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or both;
 - (e) not have been removed from an office of trust as a result of improper conduct; or
 - (f) not have been a person who has, In terms of the Act (including any previous Act), been found guilty of improper conduct by a disciplinary tribunal or the Council of SACLAP.

4.2 Persons not required to be registered (i.e. Public Representatives)

Nominees shall comply with the following requirements:

- i. Have insight into matters concerning the safety and health of the public;
- ii. Have expertise supplementary to the direct field of responsibility of the Council and the landscape professions, such as law, accounting, political science, economics, environmental management and education;
- iii. Make a declaration of being prepared to serve on the Council and/or any of its committees;
- iv. Be willing to sign and adhere to SACLAP's code of conduct for the Council and Committee Members.
- v. Including the aspects listed in 4.1v above.

5 Term of office of members of Council

It should be noted that Section 5 of the Act sets out the term of office of Council members.

6 Disqualification from membership of the Council

It should be noted that Section 6(1) of the Act sets out what will disqualify a member of Council.

7 Vacating membership of the Council

It should be noted that Section 6(2) of the Act sets out when a Council member must vacate his or her office.

8. NOMINATIONS FOR REGISTERED PERSONS IN TERMS OF SECTION 3(1)(a) OF THE ACT

Six registered professional persons, excluding candidates, of whom:

- i. At least one person from each professional category mentioned in Section 18(a) or specified in terms of Section 18(c) of the Act and actively practising in the Landscape Profession shall be represented, keeping in mind transformational and geographic representivity.
- ii. In the event that no nominations are received for a category of professional registration, then the landscape professions should be represented proportionally as reflected in the register of registered professional persons as contemplated in section 11(c) of the Act, without compromising transformational and geographic representivity.
- iii. The nomination deliverables as set out in section 12 below are to be met

9. NOMINATIONS FOR REGISTERED PERSONS, BY THE STATE, IN TERMS OF SECTION 3(1)(b) OF THE ACT

- i. Nominations will be invited from Local, Provincial and National Government.
- ii. SACLAP will approach the Director General (DG) of the National Department of Public Works (NDPW), or as otherwise determined, to facilitate the required nominations from public entities referred to in Section 3(1)(b) of the Act through a formal request.

- iii. The office of the DG of the NDPW should submit all compliant nominations to the office of the Registrar of SACLAP by a due date stated in the request.
- iv. The nomination deliverables as set out in section 12 below are to be met

10. NOMINATIONS FOR PUBLIC REPRESENTATION, IN TERMS OF SECTION 3(1)(c) OF THE ACT

- i. Section 3(1)(c) of the Act makes provision for the appointment of two members of the public, nominated through an open process of public participation.
- ii. The procedure of inviting individuals is set out in Section 4(2) of the Act.
- iii. The nomination deliverables as set out in section 12 below are to be met.

11. CONFIRMATION OF COUNCIL MEMBERS AVAILABLE FOR RE-APPOINTMENT

- i. The Council shall identify and inform the Recommendation Panel of Council Members that are eligible and available for re-appointment.
- ii. Where Council advises on members that are to be reappointed, the necessary documentation (Section 12 below) is to be completed by the President and the Council member/s and submitted within the 60 day notice period to the Registrar's Office.

12. DELIVERABLES TO ACCOMPANY ANY NOMINATION

For any of the nominations listed above, the following deliverables are to be submitted to the Registrar's Office:

- i. The nomination form (as per SACLAP), completed by the nominator;
- ii. The acceptance form (as per SACLAP), completed by the nominee;
- iii. The Curriculum Vitae (CV) of the nominee in the SACLAP format; and
- iv. A copy of the nominee's Identification Document (ID).

13. RECOMMENDATION PANEL

- i. When any nomination for members of a new Council becomes necessary, the Council shall constitute a Recommendation Panel within 30 days of the call for nominations.
- ii. The Recommendation Panel shall be constituted as follows:
 - a. Three to five (3-5) registered persons that have a good understanding of the mandates of Council;
 - b. Two persons from the State nominated by the Director General of the National Department of Public Works. At least one of the persons must be registered with the Council;
 - c. Two persons from the public;
 - d. Any other person nominated by the Council to ensure transformational representivity on the panel; and
 - e. One person who has legal knowledge of both the Act and the SA Constitution.
- iii. Members of the Recommendation Panel should preferably be outgoing Council Members who do not qualify for re-appointment. Persons serving on the Recommendation Panel may not serve on the new Council.

14. ASSESSMENT OF NOMINATIONS

- i. All nominations received shall be scrutinised by the Registrar's office firstly to confirm the eligibility of the nominee and compliance with requirements as follows:
 - (a) The requirements for nominees to be appointed from the profession [Section 3(1)(a)], i.e. from registered persons and from the State nominations [(Section 3(1)(b))] as set out in Section 4.1 above.

- (b) The requirements for nominees to be appointed from persons from the public [(Section 3(1)(c)] as set out in Section 4.2 above.
- ii. The administrative assistance required by the Recommendation Panel is to be fulfilled by the Registrar's Office.
- iii. The Recommendation Panel is to meet within 14 days of the closing date of nominations and present its final recommendation to the Council within 7 days of the meeting.
- iv. At the meeting of the Recommendation Panel, a chair person is to be elected.
- v. The Recommendation Panel shall evaluate each nominee in terms of the Council's needs and the requirements of the Act and identify all nominees who meet the requirements. The needs of Council that are to be considered include, but are not limited to:
 - Persons with a background in standard setting in landscape education and training;
 - Persons with experience in the accreditation of landscape educational programmes;
 - Persons with experience in the registration processes for landscape candidates and professionals;
 - Persons with experience in preliminary investigations and enquiries related to alleged improper conduct by registered persons;
 - Persons with experience in the relationships between SACLAP, the landscape sector and other organisations in South Africa and elsewhere, particularly with regard to international recognition of South African education and registration;
 - Persons with an interest in Continuing Professional Development (CPD);
 - Persons with experience in aspects not directly related to the profession such as finance; legal and or human resources.
- vi. The Recommendation Panel shall consider the submission made by the out-going President of SACLAP regarding Council member/s that are available for re-appointment as set out in Section 12 above. The sole purpose of this is to ensure continuity of SACLAP matters.
- vii. The Recommendation Panel shall take into account transformational, race and geographic representivity in its recommendation.
- viii. The Recommendation Panel shall, by a date determined by the Council submit a report, in line with the approved template, to the Council containing:
 - a. a list of all nominations received;
 - b. a list of nominees recommended;
 - c. a reserve list of nominees;
 - d. a list of nominees not eligible and the reasons therefore; and
 - e. confirmation of compliance with the principle of representivity as envisaged by the Act and these Rules, the challenges faced in that regard, and how same was addressed.

15. THE RESERVE LIST

- i. The Council must compile a Reserve List, as per 14 vii c above, of nominees who meet the requirements but are not on the list of nominees recommended for immediate appointment.
- ii. Nominees shall be required to indicate their availability to be included in a Reserve List if they are not appointed to the Council as and when the need arises.
- iii. When a vacancy arises on the Council during its term of office, the Minister may draw on such a Reserve List as a first source of nominees in the filling of the vacancy.
- iv. The reserve list should include a minimum of six individuals.

16. SUBMISSION TO THE MINISTER OF DPW

- i. The Council shall, within 30 days of the expiry of the notice of invitation, make its recommendations to the Minister.
- ii. The Recommendation Panel Report is to be considered by Council.

- iii. In the event that the recommendations of the Recommendation Panel are not acceptable to Council, a written motivation is to be prepared and provided by the Council to the Registrar's Office and the report amended accordingly.