



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

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FOR IMPLEMENTATION

Effective as of 6 May 2016

**REQUIREMENTS FOR RECOGNITION
AS A VOLUNTARY ASSOCIATION**

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

The South African Council for the Landscape Architectural Profession has, as prescribed in Section 14(d) of the Landscape Architectural Profession Act, 2000 (Act No. 45 of 2000), determined the requirements for recognition as a Voluntary Association

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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, Act No. 45 of 2000 (referred to as **the Act** hereafter) shall bear the same meaning and –

“association” means an association of natural persons engaged in the landscape architectural profession and or a built environment profession within any of the categories specified in section 18(1) 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;

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

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

ABBREVIATIONS

CBE	Council for the Built Environment
CPD	Continued Professional Development;
SACLAP	South African Council for the Landscape Architectural Profession
VA	Voluntary Association

1. INTRODUCTION

The South African Council for the Landscape Architectural Profession, as the registration body for the landscape professions, recognises that Voluntary Associations (VA's) have an important role to play in promoting and growing the landscape professions within the built environment.

The South African Council for the Landscape Architectural Profession herewith sets out the requirements for recognition as a Voluntary Association in terms of section 14(d) (subject to section 25) of the Landscape Architectural Profession Act, Act 45 of 2000.

2. OBJECTIVES FOR RECOGNITION OF VOLUNTARY ASSOCIATIONS

As per the Policy Framework on Recognition of Voluntary Associations, April 2010, developed by the CBE, the aim of the requirements for recognition are to ensure that the Voluntary Association:

- Promote sound professional expertise in terms of its members, and are committed to the development of the profession;
- Represents a sufficient number of SACLAP registered professionals (in any categories) that inform decisions made relating to the profession;
- Have suitable governance processes that are in line with those of the profession;
- Will have a positive impact on the built environment and on the registration categories as defined by the Council;
- Assist and support the Council where possible to determine and meet its transformation targets;
- Assist and support the Council regarding placement of candidates in work places.

3. REQUIREMENTS TO QUALIFY FOR RECOGNITION AS A VOLUNTARY ASSOCIATION

To qualify for recognition as a Voluntary Association, an association shall comply with the following:

- The association shall be established as a juristic person with a vested interest in the landscape profession that it represents and its main objectives to include promotion of the professional interests of its members;
- The association shall have a constitution which –
 - Is not in conflict with the Constitution of the Republic of South Africa;
 - Is not in conflict with the Act;
 - Provides for its management structure, nomination procedure and requirements with which members nominated to office shall comply;
 - Provides for its powers in general and for the enrolment of members, termination of membership and associated matters,
 - Provides for the requirements for membership in different classes and rules for cancellation and re-instatement thereof; and
 - Where appropriate provides for a code of conduct for its members, which is not in conflict with the Council's Code of Conduct, and a system of disciplinary procedures which includes appropriate sanctions when the code is contravened.
- The association must adhere strictly to its constitution, and be able to satisfy the Council of such adherence;
- The association must demonstrate its relevance to the profession that it represents;
- Upon initial application to the Council to be recognised as a Voluntary Association, a minimum of 5% (or as otherwise negotiated with the Council) of the associations voting members must be registered with the Council in terms of Section 19 of the Act (or any other statutory body within the built environment, where the Voluntary Association is multi-disciplinary). In the instance where establishment of new registration categories applies, this may be relaxed for a specific period of time, to allow for the registration process to take effect;
- The association must aim to increase its percentage of professionally registered members (with the Council or any other statutory body within the built environment, where the Voluntary Association is multi-disciplinary) to a significant proportion (50% or more), or as may be negotiated during the application process.
- The association must be able to demonstrate its relevance through sufficient representation of registered professionals in applicable and appropriate SACLAP registration categories Council withholds the right to, in consultation with the VA, set timeframes and define goals to this end;
- Whilst it is not necessary to have registered persons as members of the association governing body upon initial application to the Council, the majority of a Voluntary Association's governing body must be registered persons (with the Council or any other statutory body within the built

environment, where the Voluntary Association is multi-disciplinary) within the first 10 years from date of recognition as a Voluntary Association.

4. APPLICATION FOR RECOGNITION

Any association wishing to be recognised as a Voluntary Association must submit an application containing the minimum required information, as set out below, to the Council and any such additional information as the Council may determine in each particular case:

- i. Name of the association;
- ii. Physical address and contact details including web address, if applicable;
- iii. List of names and membership numbers, if applicable, of the members of its governing body including details of the head/ president and vice head/ president;
- iv. Information pertaining to the number of members including number of members who are registered persons (with the Council or any other statutory body within the built environment, where the Voluntary Association is multi-disciplinary); and
- v. A copy of the association's constitution.

The function of a Voluntary Association application review and recognition will be overseen by the Professional Practice Committee of SACLAP. The association will be informed in writing within 60 (sixty) working days of date of receipt of all required information on the way forward. At this point discussions and negotiations will begin and the registration of the Voluntary Association will be concluded as quickly as possible.

SACLAP will levy a fee for the initial application, payable upfront as part of the application process and subsequent renewal of the Voluntary Association status as per the rates included in the annual Rate Table of the Council. For a copy of this document please refer to the download page of the website – www.saclap.org.za.

5. RECOGNITION AS A VOLUNTARY ASSOCIATION AND DURATION OF RECOGNITION

If, after consideration of an application referred to above, the Council is satisfied that the association meets the relevant requirements for recognition, the Council may recognise such association as a Voluntary Association and issue it with a certificate of recognition in terms of Section 25(3) of the Act.

The certificate of recognition of a Voluntary Association is valid for a period of five (5) years from the date of issue, as prescribed in Section 25(4) of the Act, which the date is deemed to be the date on which the Council resolves to recognise the Voluntary Association.

The Voluntary Association must display its certificate of recognition in a prominent place at its head office as prescribed in Section 25(5) of the Act.

The Council must, within thirty (30) days from the date on which it recognises a Voluntary Association, publish the name of such Voluntary Association on its website, and thereafter make it known as it may deem appropriate.

The Voluntary Association in turn is to establish a link on its website to the SACLAP website home page.

6. ROLES AND RESPONSIBILITIES OF THE COUNCIL AND VOLUNTARY ASSOCIATION

6.1 Governance

The Council is obliged to consult with the Voluntary Association/s in terms of the following sections of the Act:

- Sections 3(1)(a)(i) and 4(1): Nominating persons as members of Council
- Section 13(d): Determining competency standards
- Section 13(k): Determining conditions relating to the continuing of education and training
- Section 26(1)(a): Identification of work
- Section 22 (1) and (2): Renewal of Registration (delegated in terms of CPD Policy)
- Section 27(1): Drafting of Code of Professional Conduct
- Section 34(1) & (2): Determining Professional Fees
- Section 38(2) & (3): Minister consults: Rules of Exemption

6.2 Membership

The Council undertakes to promote a greater awareness among registered persons of the advantages of membership of Voluntary Associations. Whilst membership of Voluntary Associations is not compulsory, SACLAP undertakes to encourage registered persons to belong to at least one recognised Voluntary Association.

6.3 Continued Professional Development

Voluntary Associations have an important role to play in the implementation of Continued Professional Development (CPD) in that they can offer Category One (1) activities, as well as validate and monitor activities offered (in Category One (1) only) by other providers. Validation and monitoring will be conducted in accordance with guidelines as may be published by the SACLAP in this regard in the Continued Professional Development Policy.

The Voluntary Association's may charge a fee for validating CPD Category One (1) activities and should ensure broader access and participation of the whole profession. Voluntary Associations' may offer discounts to their members as a further benefit.

All Voluntary Associations will validate the CPD activities and submit these to the SACLAP on a quarterly basis, to align with the Council meeting schedule of SACLAP for same to be endorsed, in the template as prepared by the Council in order to ensure consistency in credit allocation. Submissions are to be made at least two weeks prior to a Council meeting as communicated by the Registrar's Office.

The Voluntary Associations are to submit the following basic essential information for each validated activity for which endorsement is being sought:

- A programme / agenda of the activity,
- Duration of the activity,
- A synopsis of the content of the activity,
- The motivation of how / why this contributes to CPD,
- The CV of the presenter/s, and
- A recommendation in terms of the category of CPD the activity should be registered in.

(Note: This is a list of basic essential information to accompany all submissions. Refer to the CPD Policy for a comprehensive listing of criteria that may apply to CPD events and what the VA should keep record / proof of.)

6.4 Annual Reporting

A Voluntary Association must provide annual reporting to the Council by 31 March of each year reflecting compliance with the qualifying requirements as set out in Section 2 and 4 above, in addition to the following:

- Reporting and statistical data on CPD Category One (1) activities with regards to validation procedures, validations done, activities, certification and records of attendance by registered professionals;
- Reporting and statistical data in terms of transformation within the Voluntary Association and assistance and support provided to the Council in terms of its transformation initiatives; and
- Information with regards to membership profile including paid-up membership list.

A Voluntary Association must have paid up, active membership of no less than 75% of its members with full voting rights, to be verified in annual reporting.

A Voluntary Association must advise the Council of any changes to its constitution within 60 days of the date on which the changes were approved / effected.

6.5 Transformation

Voluntary Associations also play an important role with regards to transformation within the profession and must strive to assist and support the Council in its transformation initiatives. The Council will consult the Voluntary Associations with regard to the proposed transformation initiatives. Record of such initiatives and/ or activities should be thoroughly documented and included in the annual report.

7. RENEWAL AND LAPSING OF RECOGNITION

The recognition of a Voluntary Association remains in effect for as long as it meets the requirements contained herein.

As prescribed in Section 25(6) of the Act, the recognition of a Voluntary Association lapses (a) if that association no longer complies with the requirements contemplated in Section 14(d) of the Act or (b) at the expiry of the five year period.

A Voluntary Association must, at least four (4) months prior to the expiry of its recognition, apply to the SACLAP for renewal thereof as prescribed in Section 25(7) of the Act. Such application must contain information as per Section 4.

Notwithstanding the above-mentioned renewal application, a Voluntary Association must annually submit the required information as prescribed in 6 above. Voluntary Associations that have not submitted annual reports to the Council by 31 March of each year must do so within thirty (30) days of that deadline to maintain their recognition.

A Voluntary Association that does not comply with any deadline specified in these requirements will be deemed to have failed to comply with these requirements and the recognition of the Voluntary Association will lapse.

If at any time during the five year period, a Voluntary Association becomes aware that it no longer complies with these requirements, it is to notify the Council forthwith in writing of such fact and provide the reasons for it.

If the Council is satisfied that a Voluntary Association has ceased to comply with these requirements, the recognition of such Voluntary Association lapses in terms of Section 25(6)(a) of the Act on the date on which the Council resolves that the Voluntary Association ceased to comply.

8. AMENDMENT OF THE REQUIREMENTS FOR RECOGNITION

If the Council at any stage decides to amend the requirements for recognition, the Council must:

- Inform all Voluntary Associations of this decision and provide them with the amendments;
- Call for comment on the amendments from the Voluntary Associations; and
- Prescribe such amendments in terms of Section 36 of the Act.

If an amendment of the requirements so prescribed results in a Voluntary Association ceasing to comply with the requirements, that Voluntary Association must, within twelve (12) months from the date of which the amended requirements have been prescribed, take the necessary steps to comply with the amended requirements, and provide the Council with proof that it does comply.

The Council may at its discretion extend the above-mentioned period by an additional period not exceeding a further twelve (12) months, if the Council is satisfied that the Voluntary Association in question has taken definite steps to comply with the requirements, but has nevertheless not succeeded in the time allowed. It remains the responsibility of the Voluntary Association to, for this purpose, timeously submit a written request in this regard and should provide therein insight and/ or proof of the steps taken and efforts made to comply with requirements.

If a Voluntary Association fails or refuses to comply with any of the requirements and/ or revisions thereof, within the period allowed, its recognition as a Voluntary Association lapses on the day when the Council resolves that the Voluntary Association ceased to comply with the requirements.

9. RETURN OF RECOGNITION CERTIFICATE

A Voluntary Association whose recognition has lapsed must, within 30 days from the date on which it is so directed in writing by the Council, return its certificate of recognition as prescribed in Section 25(8) of the Act.

10. GUIDELINES FOR APPEAL PROCESS

In the event that the Voluntary Association feels that the review process has in any way been discriminatory or is unsatisfied with the outcome of the process, it may within sixty (60) days of

receiving the decision, inform the Registrar in writing of its grievance/s. The Registrar will within thirty (30) days confirm receipt of the grievance/s and advise on the way forward.

Should the Voluntary Association still not be satisfied with the outcome of the results, after the above process has been undertaken, further appeals can be submitted to the Council for the Built Environment (CBE) in terms of the applicable legislation at the cost of the association.

ANNEXURE 1 – Voluntary Association Database Requirements

As a minimum, the following information should be captured for each member on the database:

- i. Full name
 - o First name
 - o Middle names
 - o Surname
- ii. Postal address
- iii. Contact details
 - o Cell nr
 - o Home nr
 - o Work nr
 - o Email address
- iv. Gender
- v. Race
- vi. Disability
- vii. Identification nr
- viii. Date of birth
- ix. Geographic region