



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

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CODE OF CONDUCT

For Public Comment

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

The South African Council for the Landscape Architectural Profession has, under Section 27 (1) of the Landscape Architectural Profession Act, 2000 (Act Nr 45 of 2000) determined the Code of Conduct for registered professionals.

Date: January 2011

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Acknowledgement:
Council for the Built Environment

1. OBJECTIVE

- 1.1 This Code of Conduct aims to promote the standard of ethical behaviour by any person registered by the South African Council for the Landscape Architectural Profession in terms of the Landscape Architectural Profession Act, 45 of 2000.
- 1.2 Furthermore it is aimed at promoting sound corporate governance principles within the landscape architectural environment and the broader built environment.
- 1.3 Every Landscape Architect registered with the South African Council for the Landscape Architectural Profession is guided by this Code of Conduct.

2. JURISDICTIONAL APPLICATION

- 2.1 Where a person is registered in another country as a landscape professional by a body similar to the South African Council for the Landscape Architectural Profession and that person practices or carries out work within the borders of the Republic of South Africa, and the provisions of this Code of Conduct are contrary to the provisions of the Code of Conduct of the country where that person is registered as a landscape professional, the provisions of this Code of Conduct supersedes those of that country.
- 2.2 Where the work of a registered person is done in another country and the provisions of the Code of Conduct of that country is contrary to the provisions of this Code of Conduct, the provisions of the Code of Conduct applicable in that country supersedes the provisions of this Code of Conduct.

3. INTERPRETATION

In this Code of Conduct, unless context otherwise indicates:

- 3.1 Word signifying the singular shall include the plural and vice versa.
- 3.2 Headings of clauses are for convenience only and shall not aid in the interpretation or modification of clauses of this Code of Conduct.
- 3.3 Words and phrases defined in this Code of Conduct shall bear the meanings assigned to them throughout this Code of Conduct.
- 3.4 The word “registered person” means a person registered by the South African Council for the Landscape Architectural Profession as a Professional Landscape Architect, Professional Landscape Technologist; Professional Landscape Technician or Professional Landscape Assistant in terms of section 18 of the Landscape Architectural Profession Act, 45 of 2000.
- 3.5 Councils for the professions means any of the following Councils:
 - (a) South African Council for the Architectural Profession, established by the Architectural Profession Act, 2000;
 - (b) South African Council for the Project and Construction Management Professions, established by the Project and Construction Management Professions Act, 2000;
 - (c) Engineering Council of South Africa, established by the Engineering Profession Act, 2000;
 - (d) South African Council for the Landscape Architectural Profession, established by the Landscape Architectural Profession Act, 2000;
 - (e) South African Council for the Property Valuers Profession, established by the Property Valuers Profession Act, 2000; and

- (f) South African Council for the Quantity Surveying Profession, established by the Quantity Surveying Profession Act, 2000.

4. PRINCIPLES GOVERNING THE CONDUCT OF THE PARTIES

A registered person shall -

- 4.1 Perform his or her duties and functions diligently and honestly;
- 4.2 Fulfil all obligations imposed on him or her in this Code of Conduct;
- 4.3 Act in good faith and best interest of good corporate governance;
- 4.4 Act in all respects in a manner that is that is consistent with the integrity of the landscape architectural profession;
- 4.5 Not maliciously or recklessly injure or attempt to injure the reputation of another party.

5. PUBLIC INTEREST

A registered person shall, in the execution of his or her duties -

- 5.1 Promote and maintain the highest standard and have regard for the health and safety of the public;
- 5.2 Immediately take measures or report to the appropriate authority any situation in which the public is exposed to risk concerning health, safety, interest or welfare;
- 5.3 Respect the constitutional rights of the individuals or community involved;
- 5.4 At all times maintain strict confidentiality of information obtained from clients or employers;
- 5.5 Not act in a manner that may be construed as betrayal of public trust;
- 5.6 Ensure that the information presented to an individual or community is given in a form and language that the community or individual can understand;
- 5.7 Have due regard for the consequences of proposed work on health, safety, interest and welfare and customs of local communities;
- 5.8 Treat with respect and obey the laws, customs, tradition and cultures of communities;
- 5.9 Have due regard for the consequences of the proposed work on social, political and religious beliefs of the community;
- 5.10 Act responsibly and honestly in execution of all work;
- 5.11 Report to the South African Council for the Landscape Architectural Profession the professional advice submitted but not accepted by an individual or community if he or she is of opinion that such non-acceptance of advice may jeopardise the health, safety and welfare of the public;
- 5.12 Exercise due care and diligence especially where projects and lay clients and members of the public are concerned;
- 5.13 When an employer or client proposes activities that will adversely affect the safety, health, interest or welfare of the public, inform the employer or client of accepted professional principles and practice and the possible adverse consequences of the proposed activities, and take all reasonable steps to find alternative solutions to such proposed activities, but when all else fails:
 - 5.13.1 Must inform the South African Council for the Landscape Architectural Profession of such activities and professional advice submitted;
 - 5.13.2 Where there is concrete evidence of risk to public safety and health, clause 4.13.1 supersedes all confidentiality clauses in this Code of Conduct;

- 5.14 Not accept work beyond his or her competence except if such work is undertaken in conjunction with a registered person who has the required competence, after a written disclosure to the employer or client and upon receiving written approval from the employer or client.

6. ENVIRONMENTAL PROTECTION

A registered person shall, in the execution of his or her duties -

- 6.1 Have due regard for the protection of the environment;
- 6.2 Maximise the use of renewable resources;
- 6.3 Promote sustainable development and protect the reproductive capacity of the environment;
- 6.4 Apply environmentally friendly procedures;
- 6.5 Anticipate negative impact on the environment and on people's environmental rights as enshrined in the Constitution;
- 6.6 Take all reasonable measures to minimise the adverse impact on the environment, people's environmental rights as enshrined in the Constitution and biodiversity. This involves measures to cease, modify or control an act that may result in environmental degradation or infringing on the people's environmental rights that are enshrined in the Constitution;
- 6.7 Take all reasonable measures to avoid disturbance of landscapes and sites that constitutes the nation's cultural heritage sites. Where it cannot be altogether avoided, take measures to minimise impact;
- 6.8 Not wilfully accept or propose work that has a direct or indirect negative impact on sustainability of biodiversity or potential threat to ecosystems, unless a valid environmental impact assessment has been undertaken and proposals on the minimisation and remedial action submitted and approved by the relevant authority;
- 6.9 Avoid waste spillage that may result in environmental degradation or disturbance of ecosystems. Where it cannot be avoided, take measures to minimise, re-use or recycle or dispose of it in a responsible manner;
- 6.10 Inform employers or clients that all registered persons are subject to this section of the Code of Conduct.

7. CLIENTS AND EMPLOYERS

A registered person shall -

- 7.1 Before accepting a proposal for work, inform the client or employer about his or her registration status. This includes providing the client or employer with details of procedures for complaints and verification of registration status;
- 7.2 Where possible, provide the client or employer with a plan with the details of work to be done and the proposed completion date or time of the work;
- 7.3 Finalise the terms of service provision or employment regarding scope of work, limits of responsibility, remuneration and conditions for termination of service in writing before he or she commences work for an client or employer;
- 7.4 Report regularly to the client or employer about the progress of work;

- 7.5 Inform the client or employer timeously of avoidable or unavoidable delays in the progress of the work he or she is executing;
- 7.6 Never alter the scope of work without the approval of the client or employer;
- 7.7 Report regularly to the client or employer about the expected cost of work done and the expected date of completion;
- 7.8 Use prudent advertising that is not misleading, exaggerated or contrary to public interest when he or she approaches a prospective client to ensure that only facts that are true, correct and to the point are presented; and his or her capabilities and competence are not overstated.

8. PERSONAL AND BUSINESS ETHICS

A registered person shall not -

- 8.1 Solicit or accept or receive a gift or a bribe in return for the performance of duties;
- 8.2 Become involved directly or indirectly in acts of corruption or deception or dishonesty;
- 8.3 Recklessly, intentionally, maliciously or carelessly do anything that may directly or indirectly injure the reputation, prospects or business of other registered persons;
- 8.4 Become involved in acts that may negatively affect the integrity of the profession;
- 8.5 Conduct himself or herself in a manner that may be construed as improper, disgraceful, inappropriate and dishonourable;
- 8.6 Accept from or offer to someone in a business relationship either with himself or herself or with the client or employer a gift, gratuity, inducement, confidential information, commission, entertainment, benefit, royalty or service in return for performance of his or her duties;
- 8.7 Accept payment from another party other than the client or employer for the relevant work - unless the payment is made on behalf of the client or employer for professional services rendered;
- 8.8 Reproduce work prepared by another person (without properly acknowledging it) to create the impression that he or she had done it;
- 8.9 If work is done outside the borders of the Republic of South Africa, fail to obey the requirements of this Code of Conduct and the laws of another country in so far as they apply to the landscape architectural profession and the proposed work, as well as those of the other country that does not have its own code of ethics or code of conduct;
- 8.10 Use information not known to others in order to gain unfair advantage in a business relationship;
- 8.11 Fail to comply with the requirements of this Code of Conduct unless the South African Council for the Landscape Architectural Profession gives approval to do so.

9. COMPETENCIES, EXPERIENCE AND QUALIFICATION

A registered person shall not -

- 9.1 Misrepresent or allow the misrepresentation of his or her registration status or of others, professional qualifications, experience, responsibility or competence, membership of institutions or associations or other such bodies or registration of others or himself or herself
- 9.2 Divulge information directly or indirectly provided by an client or employer to a third party unless required to do so by law or required to do so by this Code of Conduct to assist in the investigation of a complaint made to the South African Council for the Landscape Architectural Profession or required to

do so by a disciplinary tribunal of the South African Council for the Landscape Architectural Profession or written permission is given by the client or employer to divulge the information.

10. PROFESSION

A registered person shall -

- 10.1 Maintain an obligation to his or her profession by advancing his or her own knowledge, education and training and those of team members and colleagues in order to serve clients and employers to the required professional standards; and nurturing and developing junior and new professionals throughout their careers;
- 10.2 Promote the dignity, prestige and integrity of the landscape architectural profession;
- 10.3 Deliver work that meets the standards of quality of the landscape architectural profession;
- 10.4 Advertise and communicate to the public his or her professional services in a respectable manner that presents a fair representation of his or her experience, knowledge, skills and competencies, does not prejudice or disrespect the beliefs, cultures, religion and interests of the public and does not negatively impact on the dignity and integrity of landscape architectural profession;
- 10.5 Review the work of another registered person only when -
 - (a) the review is to be used in a court of law or another form of dispute resolution;
 - (b) the review is to be used by one of the Councils for the Professions and
 - (c) a disciplinary tribunal has been appointed by such Council to hear a complaint against such registered person;
 - (d) given written notice that the services of such other registered person have been terminated;
 - (e) such other registered person has been notified of the intended review and is given an opportunity to study the review and comment on its contents;
 - (f) such other registered person has been fully paid for work done;
 - (g) a client or employer requested a review of the work of another registered person
- 10.6 Only issue work documents that -
 - (a) have been signed by all registered persons concerned with the content of the documents;
 - (b) clearly bear the names of registered persons (or practices) who signed the document,
 - (c) their registration status, their physical addresses, postal addresses, fax numbers or telephone numbers;
 - (d) show the date of signature of the documents;
 - (e) indicate the respective responsibilities of those who performed the relevant work;
- 10.7 Properly supervise work delegated to others to ensure satisfactory completion;
- 10.8 Accept and perform his or her work conscientiously with due care, fidelity, honesty, integrity, objectivity, thoroughness, care, diligence and total compliance with the laws, codes of practice and regulations that apply to the landscape architectural profession;
- 10.9 Act as a faithful agent or trustee of his or her client or employer in his or her work;
- 10.10 Treat all persons equitably regardless of race, gender, sex, ethnic or social origin, colour, sexual orientation, disability, religion, conscience, belief, political affiliation, culture or language;
- 10.11 Provide work to accepted standards and norms of the landscape architectural profession;
- 10.12 Give opinions, statements and reports that are honest, reliable, fair, impartial and based on facts;

- 10.13 Immediately disclose in writing to his or her client, employer, prospective client and prospective employer any conflict of interest that is actual, potential, perceived or that could reasonably be construed as being actual or potential or perceived and must in any such a case withdraw from the work even if the work has already started unless -
- (a) the client or employer agrees in writing that the work may continue acknowledging the information about the conflict in writing
 - (b) the matter is disclosed in all relevant documents or reports and
 - (c) if it will compromise the legitimate interests of the work in which case the client or employer must be advised by an independent registered person in writing to obtain professional legal advice on the matter;
- 10.14 Not quote a fee for work without having received sufficient information to enable him or her to assess the nature and scope of the work required in executing the work;
- 10.15 Must carry out his or her responsibilities according to the required professional standards towards his or her client and employer through:
- (a) having at his or her command, the qualifications, knowledge, training, education, experience, resources in work force and financial ability before accepting the work or if unable to meet these requirements; and
 - (b) disclose to the client or employer in writing the particulars of the lack of qualifications, knowledge, training, education, experience, resources in work force financial ability necessary to complete the work;
- 10.16 Reply as soon as practically possible or within 30 days to correspondence from the client or employer;
- 10.17 Inform the client or employer in writing when accepting work about the procedures for submitting complaints against conduct or the work of a registered person;
- 10.18 Closely maintain and satisfy the scope and objectives of the work even when there have been changes by the client or employer;
- 10.19 Not attempt to replace another registered person that has been duly appointed by a client or employer to do the work without confirming that the appointment was duly terminated and must ensure no other registered person was already appointed before accepting the appointment, unless there is a written permission from the client or employer confirming that the first registered person was unable to satisfy the requirements of the work or is injured, become disabled or deceased and is unable to carry out the work as initially agreed;
- 10.20 Continuously improve his or her professional skills and those of his or her subordinates.

11. GENERAL PRINCIPLES

A registered person shall -

- 11.1 Sign documents only when the work has been done by himself or herself or under his or her direct supervision;
- 11.2 Where work has been done with others, accept joint responsibility with co-signatories for the work concerned;
- 11.3 Notify the South African Council for the Landscape Architectural Profession immediately if he or she is declared insolvent, provisionally or finally sequestrated or liquidated; becomes medically unfit to be or

- remain a registered person; becomes physically unable to carry out his or her duties according to the required standards of the profession, is declared by a competent authority or court to be mentally ill or is convicted of a criminal offence;
- 11.4 Report to the South African Council for the Landscape Architectural Profession or a relevant authority if another registered person provides a client or employer with a misleading opinion, analysis or conclusion about work;
 - 11.5 Fully cooperate with any request for information or directive from the South African Council for the Landscape Architectural Profession when a complaint has been lodged against a registered person or where the South African Council for the Landscape Architectural Profession deems there to be a *prima facie* breach of this Code of Conduct;
 - 11.6 Accept responsibility for the work that he or she does;
 - 11.7 Keep all plans, records, instructions, certificates, drawings, electronic or otherwise, intact for 10 years or from such period as stipulated by any law, whichever is the longer;
 - 11.8 Respect the intellectual property rights of others;
 - 11.9 Arrange suitable professional indemnity insurance to protect clients or employers;
 - 11.10 Reveal to a prospective client or employer the appropriate amount of professional indemnity insurance on request;
 - 11.11 Obtain the client's or employer's written authorisation to proceed with work or to place an order on behalf of the client or employer;
 - 11.12 Must keep any money of the client or employer held in trust by a registered person in a bank account separate from his or her own or that of the business entity that is used for his or her own practice and credit the interest earned on the money to the client or employer;
 - 11.13 At all times comply with the stipulations of the contract for a particular work, and maintain complete fairness, transparency, strict independence and impartiality in respect of his or her work;
 - 11.14 Pay promptly for goods delivered and/or services rendered in accordance with contractual obligations unless quality, progress or similar circumstances indicate otherwise, in which case the client or employer must be notified of such circumstances in writing;
 - 11.15 Not subcontract without the written consent of the client or employer and if the client or employer agrees to subcontracting, subcontracts must accurately describe the responsibilities of each party to the contract including details about the termination of the contract. Subcontractors must also adhere to all the provisions and stipulations of the contract between the registered person and the client or employer;
 - 11.16 Not rely on the critical information supplied by the client or employer, without appropriate qualification or confirmation of such information from the reliable independent sources;
 - 11.17 At all times, adhere to the principle of sound corporate governance and "zero tolerance" to fraud or corruption;
 - 11.18 Treat client or employer with due dignity, respect and courtesy.