



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

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**CODE OF CONDUCT/RULES  
FOR  
SACLAP COUNCIL MEMBERS**

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## Table of Contents

A - Definitions:.....	3
B - Introduction:.....	3
C - General Responsibilities of Council: .....	3
D - General Duties and Responsibilities of Individual Members of Council:.....	4
E - Confidentiality:.....	5
F - Conflict of Interest:.....	5
G - Transparency: .....	5
I - Committees of Council:.....	5
J – Administration:.....	5
K - Council meetings: .....	6
L – Finances .....	7
M- Correspondence: .....	7
N – Document Management System:.....	7
O – Conflict Resolution - Mediation / Arbitration provisions: .....	8
P – Transitional arrangements between Council Terms: .....	8

## A - Definitions:

<b>The Act</b>	Landscape Architectural Profession Act no 45 of 2000.
<b>SACLAP</b>	South African Council for the Landscape Architectural Profession
<b>Council</b>	The SACLAP
<b>Registrar</b>	The person appointed under section 8 (a) of the Act
<b>Council Member</b>	The persons appointed by the Minister to serve on the SACLAP as per sections 3, 4 and 5 of the Act.

## B - Introduction:

The role of the SACLAP is stated at the outset of the Act:

**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 purposes of the Act, the following document has been prepared in order to ensure compliance with the above stated Act and to streamline the functioning of the Council.

## C - General Responsibilities of Council:

1. The primary responsibility of Council is to carry out, diligently and objectively, those obligations imposed on it by the South African Landscape Architectural Professions Act (Act Nr 45 of 2000).
2. The Council is appointed for a four year term of office by the Minister.
3. In addition to its primary responsibility, Council also has responsibility for:
  - a. preserving the integrity and good name 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 advancement of the profession;
  - e. promoting the upliftment of previously disadvantaged persons and groups;
  - f. appointing suitably qualified and experienced persons to occupy the position of Registrar for the Council;
  - g. supporting and encouraging persons occupying the above mentioned post and from time to time assessing his / her performance;
  - h. preserving the autonomy of the Council;
  - i. ensuring that adequate development in line with current trends and requirements takes place within the Council;
  - j. ensuring that adequate financial resources exist,
  - k. ensuring that the physical and financial resources are cost-effectively utilised;
  - l. fostering an effective relationship between Council, the Council for the Built Environment and the community at large;
  - m. ensuring that individual members of Council carry out those duties and functions imposed on them in general and that they regularly attend meetings of Council and, furthermore, actively take part in Council's deliberations in particular.

## **D - General Duties and Responsibilities of Individual Members of Council:**

4. Apart from the obligations and responsibilities of the Council as a collective, the members of this collective also have, as individuals, particular obligations and responsibilities.
5. Individual members of Council are to participate, in an objective and unbiased manner, in the deliberations and decision-making processes of Council.
6. The SACLAP prescribes that a member of Council (other than the Registrar) automatically vacates his/her office as member of Council should a situation arise as set out in Section 6 of the Act.
7. 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 secretary 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 to vacate his/her position in terms of Section 6 (2) of the Act.
8. 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 judge issues of policy serving before Council objectively and without any undue regard to pressure, political or otherwise, or opinions to the contrary;
  - b. to come to meetings of Council fully 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 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. to, subject to the provisions of South African common and statutory law, keep confidential any information regarding the Council, its members, registered /candidate professionals coming 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. to assist with the enhancing of the corporate image of the SACLAP as well as assisting with the enhancing of the public image of Council itself;
  - 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.
9. 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.

## **E - Confidentiality:**

10. Council and individual members of Council has 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.

## **F - Conflict of Interest:**

11. 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 them and the SACLAP or any constituent part thereof.
12. Council must 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 the SACLAP or any constituent part thereof on the other hand.
13. 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 EXCO of Council on such a matter, whereupon Council must immediately decide upon it in accordance with generally accepted practice in this regard.

## **G - Transparency:**

14. Subject to E above, Council as well as individual members of Council must at all times endeavour to execute their responsibilities in a manner which is as transparent as the particular circumstances may allow.

## **I - Committees of Council:**

15. The General Responsibilities of Council (see C above) are, with the necessary changes, equally applicable to committees of Council.
16. 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.
17. In preparation for the Full Council as well as the Executive Committee meetings, each committee is to prepare a progress report:
  - a. in terms of the format that is provided by the secretariat,
  - b. all resolutions taken by the committee at any time are to be documented in the progress report for ratification at the Full Council meeting,
  - c. reports are to be submitted to the Registrar/secretariat 14 days prior to the meeting
  - d. the registrar is to circulate the reports to all Council members 10 days prior to the meeting.

## **J – Administration:**

18. Van Der Walt & Company have been appointed as the secretariat for the SACLAP. They are responsible for:
  - i. Keeping the register of registered professionals and candidates as prepared by the Registrar
  - ii. Keeping the contact details of the registered professionals & candidates up to date
  - iii. Circulating information on behalf of the Council as and when required
  - iv. Financial aspects:

1. Invoicing registered professionals no later than 1 April and following up payments.
  2. Informing the finance committee of the outstanding payments after 30, 60 and 90 days
  3. Invoicing of candidates and following up payments
  4. Informing the registration committee of the outstanding payments after 30, 60 and 90 days
  5. Paying expenses once the payment authorisation has been received
  6. Preparing the financial statements on a quarterly basis to coincide with the Full Council meetings.
  7. Preparing audited statements at the end of each financial year – 30 March
- v. Compiling and circulating minutes and agendas as well as associated documentation of the Full Council Meetings as set out in the section below.
  - vi. Reminders for meetings and circulation of necessary documentation
  - vii. Collecting and retaining all documents of Council as per the Document Management System
  - viii. Updating the website on a regular basis as advised by Council Members.

## **K - Council meetings:**

19. A minimum of four Council meetings are to be held per annum. At least two of these meetings are to be full Council meeting. The alternate meetings may be duly constituted by the elected Executive Committee of the SACLAP.
20. For Full Council and Executive Committee Meetings (EXCO) NO substitutes from any organisation can attend. The person appointed by the Minister to the Council is the only person that may attend the Council meeting.
21. Guests may attend Full Council or Executive Committee 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.
22. Full Council Meetings
  - a. Minutes and Agendas are to be prepared by the Secretary and President.
  - b. Minutes of the Full Council meeting are to be circulated in draft format no later than 14 days after such a meeting took place to all the Council members.
  - 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 1 month prior to the meeting.
  - f. All Council members are to provide inputs into the draft Agenda no later than 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 is to be no less than 6 members. If a quorum has not been established the matter will be addressed again at the next meeting. Alternatively if the matter is URGENT, EXCO can, by email seek consensus that a decision regarding the matter can be taken.
  - i. In the event that the vote is a tie, the President will have the deciding vote.
23. Executive Committee Meetings
  - a. The Executive Committee is to be constituted of at least 3 Council members (the President, the Vice President and one other member) 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 no less than 3 members.
  - h. In the event that the vote is a tie, the President will have the deciding vote.

## **L – Finances**

24. The Finance Committee together with the Registrar will deal with the day to day finances of the Council and report to the full Council at each meeting.
25. Claims are to be in line with the SACLAP remuneration policy.
26. Claiming of expenses by Council members:
  - a. The secretary shall ensure that sufficient copies of the Claims forms are provided at Full and EXCO meetings of the Council.
  - b. All Council Members are to complete the Claims form and submit it, together with the necessary receipts and invoices to the Finance Committee Chair person at the meeting.
  - c. All claims are to be signed by the Finance Committee Chair person and the President/vice president prior to payment.
  - d. Payment will be made as soon as is practically possible.
27. Payment of creditors:
  - a. The Chair person of the Finance Committee together with the Registrar / President of the Council are to sign off all payments prior to Van Der Walt and Company processing the payment.
  - b. Payments will only be made on receipt of the original invoice.
28. All banking aspects will require the signature of two of the duly elected persons of which one is to be a bank signatory.

## **M- Correspondence:**

29. General:
  - a. All correspondence shall be drafted in a professional manner.
  - b. All correspondence shall be on the official letterhead of the Council.
  - c. All correspondence is to be signed by the relevant member and state the individuals capacity at Council.
  - d. Copies of all general correspondence are to be sent to the Registrar/Secretariat at all times.
30. Emails:
  - a. All correspondence shall be drafted in a professional manner.
  - b. All email correspondence shall not contain the electronic business signature of the Council Member.
  - c. Council signatures are to be set up by the respective Council members for the sole purpose of SACLAP correspondence.
  - d. All emails relating to Council matters are to be copied to the President and the Vice-president as well as to the Registrar and secretariat.
  - e. Council members are to ensure that all subject lines in emails have an accurate description of the content of the email.
31. Official documentation of the Council:
  - a. This shall be prepared in a professional manner.
  - b. Formatting and templates for various types of documents are available from the Secretariat 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, statutory body etc.

## **N – Document Management System:**

32. All documentation is to be prepared using the appropriate official SACLAP template. Templates can be obtained from the Secretariat/Registrar.
33. All SACLAP correspondence is to be on the correct SACLAP letterhead.
34. All emails are to contain the persons SACLAP signature.

35. All documentation, correspondence and emails are to be copied to the secretariat.
36. At the end of a term of office, a CD is to be submitted to the Registrar/Secretariat that contains soft copies of all SACLAP documentation in the possession of the individual.

### **O – Conflict Resolution - Mediation / Arbitration provisions:**

37. The Conflict Resolution procedure is to be co-ordinated by the Registrar.
38. 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 come to a halt.
39. .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.

### **P – Transitional arrangements between Council Terms:**

40. 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.
41. It would be advisable if no less than two Council members continue for a second term of office.
42. 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, ....., hereby declare that I have read and understood the above and undertake to fulfil my responsibilities in regard to my conduct. in my role as a Council/Committee/Co-opted member of SACLAP.

..... signed at .....on the  
COUNCIL MEMBER

.....  
DATE

..... signed at .....on the  
WITNESS

.....  
DATE