

## BOARD NOTICE 13 OF 2018

**SACLAP**

SOUTH AFRICAN COUNCIL FOR THE LANDSCAPE ARCHITECTURAL PROFESSION

**FOR PUBLIC COMMENT****REVISED PROCEDURE FOR THE NOMINATION OF COUNCIL MEMBERS 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.

The South African Council for the Landscape Architectural Profession calls for written comments and input from Voluntary Associations, Registered persons any interested member of the public on the revised Procedure for the Nomination of Council members.

A copy of this Procedure can be downloaded from our website: [www.saclap.org.za](http://www.saclap.org.za)

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**CLOSING DATE FOR COMMENTS: 5TH March 2018**

Ms Cecilia Chinga  
**REGISTRAR**

## 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 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 13 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 of the Act.

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

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

## ABBREVIATIONS

<b>BE</b>	Built Environment
<b>BEP</b>	Built Environment Profession
<b>BEPC</b>	Built Environment Professional Council
<b>CBE</b>	Council for the Built Environment
<b>DPW</b>	Department of Public Works
<b>EXCO</b>	Executive Committee of Council
<b>NDPW</b>	National Department of Public Works
<b>SACLAP</b>	South African Council for the Landscape Architectural Profession
<b>VA</b>	Voluntary Association

## TABLE OF CONTENTS

1.	Introduction.....	1
2.	Composition of the Council .....	1
3.	Calling for Nominations i.e. Invitations .....	1
4.	Requirements for Nominees as Council Members.....	1
4.1	Registered Persons (Professional Representatives) .....	1
4.2	Persons Not Required to be Registered (i.e. Public Representatives) .....	2
5.	Term of Office of Members of Council .....	2
6.	Disqualification from Membership of the Council .....	2
7.	Vacating Membership of the Council.....	2
8.	Nominations for Registered Persons in Terms Of Section 3(1)(a) of the Act .....	2
9.	Nominations for Registered Persons, by the State, in Terms of Section 3(1)(b) of the Act.....	3
10.	Nominations for Public Representation, in Terms of Section 3(1)(c) of the Act.....	3
11.	Confirmation of Council Members Available for Re-Appointment.....	3
12.	Deliverables to Accompany any Nomination.....	3
13.	Recommendation Panel .....	3
14.	Assessment of Nominations .....	4
15.	The Reserve List .....	5
16.	Submission to the Minister of DPW.....	5

## 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 websites of the SACLAP, the Council for the Built Environment (CBE) and the National Department of Public Works (NDPW) to submit nominations.
- iii. Nominations for members of 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. 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, as stated in Section 2 above.

### 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, as well as
- v. The aspects listed in Section 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, or where the categories of registration outnumber the available seats, the landscape professions should as far as possible, 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.
- iv. Professionals in service of the state should indicate their willingness to be retained on the reserve list should their employment status change and result in their resignation as state representatives during the course of a Council term.

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

- i. Nominations will be invited from all tiers of Government, i.e. 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.
- v. 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 considered for re-appointment, 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.
- iii. Where the President is available for re-appointment, the Vice President and or an Executive Committee (EXCO) member, to whom this function is delegated is to complete the form.
- iv. Continuity for the in-coming Council is critical in order to ensure a smooth transition between the in-coming and out-going Council. Ideally not less than 20% of the in-coming Council members should have served a previous term.

**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 SACLAP prescribed nomination form, completed by the nominator;
- ii. The SACLAP acceptance and declaration form 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.
  - c. A representative from the Council of the Built Environment (CBE).
  - d. Any other person/s nominated by the Council to ensure transformational representivity on the panel; and that has legal knowledge of both **the Act** and the Constitution of South Africa.

- v. 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 first 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) of **the Act**], i.e. from registered persons and from the State nominations [(Section 3(1) (b) of **the Act**] 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. All nominations are to have a nominator and nominee. No self-nominations will be accepted.
- iii. The administrative assistance required by the Recommendation Panel is to be fulfilled by the Registrar's Office.
- iv. 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.
- v. At the meeting of the Recommendation Panel, a chairperson is to be elected.
- vi. 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 and mandates of **the Act** such as finance; legal and or human resources.
- vii. The Recommendation Panel shall consider the submission made by the out-going President or representative of EXCO of SACLAP regarding Council member/s that are available for re-appointment as set out in Section 11 above. The sole purpose of this is to ensure continuity of SACLAP matters.
- viii. The Recommendation Panel is to set out in the Nomination report, the motivation relating to the representivity of the various categories of registration, and the apportionment thereof.
- ix. The Recommendation Panel shall take into account transformational, race and geographic representivity in its recommendation.
- x. 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 this regard, and how it has been addressed.

## **15. THE RESERVE LIST**

- i. The Council must compile a Reserve List, as per Section 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. Representivity on the reserve list, in line with the SACLAP categories of professional registration is also to be considered.
- v. The Reserve List should include the following number of minimum nominations:
  - a. Professional Representatives, which includes a proportional amount of individuals reflective of the number of individuals on the Register of Professionals at that time – fifteen (15)
  - b. State Representatives – three (3)
  - c. Public Representatives – six (6)
- vi. In the event that insufficient nominations have been received for on the reserve list in the initial call for nominations, the Council must, as soon as it has been inaugurated, go through a process of re-advertising for nominations i.e. invite individuals in all the professional categories as per the rules above in order to augment the reserve list.
- vii. A Recommendation Panel is then to be established as per 13 above to deliberate on the nominations in line with the provisions of 14 above.
- viii. The Registrar will notify all nominees that are on the Reserve List within thirty (30) days of the appointment of the Council members.
- ix. A nominee on the Reserve List must notify the Registrar in writing as soon as they are no longer available for consideration for appointment as a replacement Council member.
- x. The existing Reserve List is then to be augmented accordingly in the same report format as the original nominations and submitted to the NDPW
- xi. The timeframes for this process should be the same as for the initial nomination process, however the advertisement time can be reduced to thirty (30) days.

## **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 and formally endorsed. The outcome of this process is to be recorded in a covering letter that is to accompany the submission of the Recommendation Panel Report.
- iii. In the event that the recommendations of the Recommendation Panel are not acceptable to Council, a written motivation is to be prepared by the President and provided to the Registrar's Office within the timeframes required in order to timeously submit the Recommendation Report to the Minister.
- iv. The Registrar shall submit the Recommendation Report together with the Council's Motivation, Report (if necessary), and advise the Minister accordingly of the concerns raised in order for the Minister to make the final appointments.