

BOARD NOTICE 13 OF 2007**The South African Council for the Project and Construction Management Professions.****Call for Comment****Proposed rules relating to the Recognition of Voluntary Associations**

SACPCMP in compliance with the provisions of section 25(1) and (7) of the Act (48 of 2000) do hereby make a call for comments regarding the rules for the recognition of the Voluntary Associations.

Written comments and input on the proposed draft Rules, as set out in the Schedule, are invited from interested and affected persons, body and Voluntary Associations and should **be** submitted to:

The Registrar
Ms T. Machimane
SACPCMP
P.O. BOX 6286
HALFWAY HOUSE
1685

B9 International Business Gateway
Corner New Road and 6th Road
Midrand

COMMENTS SHOULD BE SUBMITTED **BEFORE** OR ON 20 MARCH 2007

Schedule

Definitions

1. In these rules, and unless the context otherwise indicates, any expression or word to which a meaning has been assigned in the Project and Construction Management Professions Act, 2000 (Act No. 48 of 2000), bears the same meaning
 - i) “**association**” for purposes of these Rules means an institute, institution, association, society or federation established by Construction Project Management and Construction Management practitioners to collectively promote their professional and / or business interests;
 - ii) “**committee**” means a committee established in terms of section 17 of the Act;
 - iii) “**CBE**” means the council for the Built Environment established by section 2 of the Council for the Built Environment Act, 2000 (Act No 43 of 2000);
 - iv) “**registrar**” means the person appointed as the Registrar in terms of section 8(1)(a)
 - v) “**Council**” means The South African Council for the Project and Construction Management Professions established by section 2 of the Act;
 - vi) “**department**” means the national department responsible for public works;
 - vii) “**in good standing**” means a member of an association whose subscription are fully paid up and who is eligible to vote at any official meeting of the Association;
 - viii) “**Minister**” means the Minister responsible for Public Works;
 - ix) “**The Act**” means the Project and Construction Management Professions Act, 2000 (Act 48 of 2000).
 - x) “**Voluntary association**” means any Voluntary Association recognized by the Council in terms of section 25(3).

Requirements with which an Association must comply to qualify for recognition as a Voluntary Association

2. Any association wishing to be recognized as a voluntary association must submit an application, in the format prescribed in Appendix A of these Rules, to the Council and provide all the information required therein, and such additional information as the Council may determine in each particular case and from time to time.
- i) Have a Constitution which includes reference to furthering the aims and objects of the Profession and can ~~be~~ committed to the promotion and regulation of the registered Project and Construction Management Professionals within the Republic of South Africa
 - ii) Have no less than 50 persons as members, who are registered Professional Project and/OR Construction Managers in terms of the PCMP Act(48 of 2000), or in the opinion of the Council , be sufficient representative of the Professions
 - iii) Be a body corporate with perpetual succession and all other powers to be able to sue and be sued in terms of its Constitution.
 - iv) Have an established secretarial office with sufficient staff to maintain it in a proper manner, or able to satisfy the Council with alternative arrangements.
 - v) Maintain a register (roll) ~~of~~ members, which register (roll), must be made available at the Voluntary Association's secretarial office at any time for perusal by its membership or any member of the public
 - vi) Have a code of conduct or code of ethics which is not in conflict with the Council's own code or codes, and maintain a disciplinary system to impose appropriate sanctions when the code is contravened.
 - vii) Be able to satisfy the Council that it is able to financially sustain itself as a Voluntary Association for the period in which the certificate is granted (five years)
 - viii) Be able to sustain a service to its members and the general public within confines of its Constitution and the general context of Project and Construction Management
 - ix) Keep its members informed of any matters brought to its attention by the Registrar of the Council

- x) Be able within its Constitution to make provisions for annual general meetings and special general meetings of its membership and to disseminate other reports, publications, whenever it is necessary to do so.
- xi) Keep proper accounting records of all moneys collected by way of subscription or any method set out in its Constitution and produce annual financial **statements/audited** accounts for dissemination to its membership. At any time the books of account should be open for inspection by the membership.
- xii) Be able to encourage its membership and be the responsible party for arranging and recording the accreditation of members in terms of Continuing Professional Development.
- xiii) Provide information to the public on matters relating to the Project and Construction Management Professions.
- xiv) Nominate in writing two representatives with the mandate to speak on behalf of the Association.
- xv) The Association should annually by not later than the end of October, submit in writing to the Registrar full particulars of any amendments effected to its Constitution during the 12 preceding months
- xvi) All applications for recognition for recognition as a Voluntary Association will be subject to a nominal non-refundable administration fee that will be revised from time to time.

APPLICATION FOR RECOGNITION PROCEDURE

3. Any association wishing to be recognized as a Voluntary Association must submit an application, in a prescribe format as attached in Appendix A of the rules, to the Council for the attention of the Registrar and provide the following information:
 - i) The Association's Constitution
 - ii) List of no less that 50 members registered Professional persons with the Council
 - iii) Code of conduct or code of ethics
 - iv) Financial report,
 - v) Letter nominating representatives, and
 - vi) An application fee

RECOGNITION AS A VOLUNTARY ASSOCIATION

4. When the Council has satisfied itself that the association has complied with the provisions of rule 2 and 3, Council will in terms of section 25(3) recognize the association and issue it with a certificate of recognition. The certificate of recognition

is valid for a period of five years from the date of issue. The Voluntary Association must display its certificate of recognition in a prominent place at its head office.

TERMS OF REFERENCE FOR THE RECOGNISED VOLUNTARY ASSOCIATIONS

5. The terms of reference for the recognised Voluntary Associations shall be guided by the following section of the Act,

Section 3(a)(i)	Nomination of persons to serve as a Council member
Section 4(1)	Nomination of persons to serve as a Council member
Section 13 (d)	Determination of competency standards for registration
Section 13(K)	Determining CPD requirements
Section 26(1)	Identification of Work
Section 27(1)	drafting of code of conduct
Section 34(1)	determine principles for the Tariff of fees
Section 34(2)	Determination of Professional fees
Section 38(2) (3)	Minister to consult regarding rules for rectification of errors and exemptions.

RENEWAL OF RECOGNITION PROCEDURE

6. All recognised Associations must in terms of section 25(7) of the Act, at least three months prior to the expiry of its recognition; submit a renewal in the prescribed format as attached in Appendix B of the rules, to the Council for the attention of the Registrar and provide amendments to information provided with previous application or renewal.

LAPSING OF RECOGNITION

7. The recognition of a Voluntary Association in terms of section 25(6) lapses
- (a) if that association no longer complies with the requirements contemplated in section 14(d), or
 - (b) at the expiry of the five-year period referred to in subsection (4) that “A certificate of recognition is valid for a period of five years from the date of issue”

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.

AMENDMENTS OF THE REQUIREMENTS FOR RECOGNITION

8. If it becomes necessary to amend the requirements for recognition including application fee, the Council must inform all Voluntary Associations of the decision

and call for comments within 30 days and prescribe the amendments in terms of section 36 of the Act.

If the amendments of the requirements so prescribed results in a Voluntary Association ceasing to comply with the requirements, that Voluntary Association must, within twelve months from the **date** on 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 comply. If the Voluntary Association fails or refuse to comply with any of the amended requirements 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.

Annexure A

APPLICATION FORM FOR RECOGNITION AS A VOLUNTARY ASSOCIATION WITH THE SOUTH AFRICAN COUNCIL FOR THE PROJECT AND CONSTRUCTION MANAGEMENT PROFESSIONS

New Application :	Yes	No	(If "Yes") (Tick ✓ applicable box)
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Name of Association:

Physical Address:

E-mail:**Website:**

I,

in my capacity as

of the

and on behalf of the

hereby make application for recognition as a Voluntary Association in terms of Section 14 (d) the South African Council for the Project and Construction Management Professions (Act No. 48 of 2000).

I enclose the required information in substantiation of the application and confirm that the information, to my best knowledge, is accurate and complete.

I confirm that the Association has consistently complied in all respects with its Constitution and Bylaws, since its establishment, or 1 December 2000, whichever is the earlier.

I confirm that the Association has committed itself to adhere to the applicable provisions of Section 36 of the Act as well as the applicable provisions of the Rules published under Board Notice 29 of 4 April 2005, once recognised as a Voluntary Association.

Signed on this**day of****Year**

Capacity

Date

Information & Supporting Documents:

1. Current Serving President / Chairperson:	
(a) Date of Inauguration	
(b) Date of Termination of Term	

2. Constitution : (Must be submitted)	
(a) Date formally adopted (most recent amendments)	
(b) Does the constitution make reference to furthering the aims and objectives of the Professions?	

3. Code of Conduct:	Yes	No	(If "Yes", submit) (* Tick ✓)
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4. Membership Profile:	
(a) Number of Voting Members	
(b) Number of Persons Registered with SACPCMP	
(c) Does the organisation maintain a register of members?	

5. Declaration:
Application fee paid Cheque <input type="radio"/> Direct Transfer <input type="radio"/>
<ul style="list-style-type: none"> I am duly authorised to sign this application on behalf of the organisation.

Signature:

Date:

Designation:

**CALL FOR NOMINATION****closing date: 20 March 2007**

The South African Council for the Project and Construction Management Professions is a statutory body established by section 2 of the Act, 48 of 2000 to regulate the Construction and Project Management Professions.

Nominations are invited from members of the public to fill a vacancy in the Council for a member appointed to serve as a member of the Council in terms of section 3 (c) of the Act, 48 of 2000.

To download the nomination form visit [www.sacpcmp.co.za /news/library/Council nomination form](http://www.sacpcmp.co.za/news/library/Council%20nomination%20form) or send an email titled "nomination form" to registrations@sacpcmp.co.za.

Written nominations should be returned to:

The Registrar
SACPCMP
P.O. Box 6286
Halfway House
1685

Attention: Ms Thoko Machimane
(Tel) 011 318 3402
(Fax) 011 318 3405

Please note that non-citizens, unrehabilitated insolvents, persons convicted of serious offences (excluding political offences), persons found guilty of improper conduct and person removed from an office of trust are not qualified to serve as a member of the Council.

**The South African Council for the Project and Construction
Management Professions.**

Call for Comment

Proposed rules relating to the code of conduct for all persons registered with the South African Council for the Project and Construction Management Professions

SACPCMP in compliance with the provisions of section 27(1) do hereby make a call for comments regarding the rules for the recognition of the Voluntary Associations.

Written comments and input on the proposed draft Rules, as set out in the Schedule, are invited from interested and affected persons, body and Voluntary Associations.

Comments should be submitted before or on 20 March 2007 to:

The Registrar
Ms T. Machimane
SACPCMP
P.O. BOX 6286
HALFWAY HOUSE
1685

B9 International Business Gateway
Corner New Road and 6th Road
Midrand

SCHEDULE

1. Definitions:

The Act – means the Project and Construction Management Professions Act, 48 of 2000.

Council - means the South African Council for the Project and Construction Management Professions established by Section 2 of the Act, 48 of 2000.

Project – means the Total Development envisaged by the client including the Professional Services,

Registered Persons – means persons registered in terms of section 19(2) of the Act.

2. Introduction

All persons registered with the South African Council for the Project and Construction Management Professions shall uphold and advance the honour and dignity of these professions in keeping with high standards of ethical conduct and shall:

- 2.1 act with integrity and sincerity in serving their employers, clients and the public with diligence and care.
- 2.2 strive to increase their competence and the prestige of their profession.
- 2.3 shall apply their skill and knowledge to advance human welfare.
- 2.4 not engage in any act of dishonesty, corruption or bribery.

3. Relations with the public

Registered Persons shall:

- 3.1 in carrying out their responsibilities, have full regard to the public interest.
- 3.2 uphold the honour and dignity of their profession.
- 3.3 be objective and truthful in professional reports, statements, or testimonies, including all relevant and pertinent information therein.
- 3.4 have due regard for the safety, health and welfare of the public and the environment.
- 3.5 express an opinion on a project or construction management subject only when it is founded on adequate knowledge and honest conviction.

4. Relations with employers and clients

Registered Persons shall:

- 4.1 discharge their duties to their employers and clients in a responsible and competent manner.
- 4.2 act in all matters as faithful agents or trustees of each employer or client.
- 4.3 not accept compensation from more than one party for the same service, or for other services pertaining to the same project, without the consent of all interested parties.
- 4.4 disclose to their employers and clients any interest, whether direct or indirect, with other parties dealing with or relating to or in conflict with the business of their employers and clients.
- 4.5 disclose, in writing, to their employers and clients, the status of their professional indemnity cover insurance.
- 4.6 not unless required by law or by this code, divulge any information of a confidential nature which they obtained in connection with an appointment.

5. Relations with other professionals

Registered Persons shall:

- 5.1 Act with integrity, sincerity and honesty in all dealings with all other professionals.
- 5.2 not maliciously or recklessly injure or attempt to injure, whether directly or indirectly, the reputation, prospects or businesses of others.
- 5.3 not discriminate on grounds of gender, race or ethnic origin, sexual orientation, marital status, creed, nationality, disability or age.
- 5.4 not request, propose, or accept professional commissions on a contingency basis under circumstances that may compromise their professional judgement.

6. Standards of Professional performance

Registered Persons shall:

- 6.1 undertake work only for which they possess the necessary skills, knowledge and resources.
- 6.2 not falsify or permit misrepresentation of their own or their associates' academic or professional qualifications.

6.3 endeavour to provide opportunities for professional development and advancement of candidates in their employ or under their supervision.

6.4 undergo regular continuing professional development as prescribed to enhance and maintain their personal professional competence.

6.5 notify the Council immediately on becoming aware of a violation of this code by any other Registered Person.

6.6 notify the Council immediately of becoming insolvent.

6.7 Comply with all requirements or provisions of Act, 48 of 2000.

7. Disciplinary procedures

In the event of a complaint the disciplinary procedures as set out in the Act (48 of 2000) will be applied as follows:

7.1 Sect. 28: Investigation of charge of improper conduct.

7.2 Sect. 29: Charge of improper conduct.

7.3 Sect. 30: Appointment of Disciplinary Tribunal.

7.4 Sect. 31: Disciplinary Hearing.

7.5 Sect. 32: Proceedings after hearing.

7.6 Sect. 33: Appeal against decision of Disciplinary Tribunal