

BOARD NOTICE 140 OF 2013



Established in terms of the Quantity Surveying Profession Act 2000 (Act No 49 of 2000)

RULES FOR THE PROCEDURE OF NOMINATION OF SACQSP COUNCIL MEMBERS

In terms of section 36(1) of the Quantity Surveying Profession Act, 2000 (Act 49 of 2000), the South African Council for the Quantity Surveying Profession hereby makes known that it has determined rules as set out in the Schedule hereunder.

The rules contained in the Schedule below shall become effective on 15 July 2013.

SCHEDULE

PREAMBLE

The purpose of these rules is to provide for the process of nominating persons to serve on the South African Council for the Quantity Surveying Profession (SACQSP) in terms of the provisions of the Act.

Service as a member of the SACQSP is a voluntary contribution of valuable time and wisdom to the Quantity Surveying profession and to the South African society.

1. Definitions

In these rules, and unless the context otherwise indicates, any expression or word to which a meaning has been assigned in the Quantity Surveying Profession Act, 2000 (Act No. 49 of 2000) bears the same meaning, and -

“Nominating bodies” means entities as described in Rule 5.4 hereof.

“Recommendation Panel” means a panel appointed by the Council, as described in Rule 8 hereof to evaluate the nominations and make recommendations for consideration by the Council and appointment by the Minister.

“The profession” means the Quantity Surveying profession.

2. Composition of the Council

The composition of the Council is defined in section 3 of the Act, which provides for seventeen members of whom:

- (a) Nine professionally registered persons, excluding candidates, of whom at least six must actively practise in the Quantity Surveying profession-
 - (i) who must be nominated by the voluntary associations, registered persons and prescribed nominating bodies;
 - (ii) who must represent the professional (PrQS) category of registered persons

- contemplated in section 18, in the prescribed manner; and
- (b) two professionals, who are professors or lecturers in quantity surveying at an accredited educational institution nominated by the educational institutions, voluntary associations or registered persons;
 - (c) three persons, of whom at least—
 - (i) two must be professionals, in the service of the State nominated by any sphere of government; and
 - (ii) at least one must be nominated by Public Works department; and
 - (d) three members of the public nominated through an open process of public participation.

3. Calling for nominations

3.1 Invitations

- 3.1.1 The Council shall call for nominations on or at a date determined by the Council, which date shall be at least eight (8) months before the date of expiry of the term of office of the serving members of the Council.
- 3.1.2 Registered Persons, Nominating Bodies and Voluntary Associations shall be invited by letter substantially in the form of Annexure A, B, C and D respectively, copies of which will be placed on the SACQSP and the Voluntary Association's websites.
- 3.1.3 Nominations for members by the public shall be invited by notice in the Government Gazette and one national newspaper, which nominations shall be submitted within a period of at least 60 (sixty) days from the date of notice.
- 3.1.4 The manner for inviting Registered Persons, Voluntary Associations (VAs) and State Employee is prescribed substantially in the form of Annexures A, B and C respectively.
- 3.1.5 The manner for inviting nominations in terms of Section 3(1)(c) and (d) of the Act is described in Rule 6 and Rule 7 hereof respectively.

4. Requirements for Nominees as Council Members

The Council shall consist of registered and non-registered persons of the Quantity Surveying profession.

4.1 Registered Persons

To be eligible for nomination as member of the Council a registered person shall comply with the following requirements:

- (a) Be registered as a Professional Quantity Surveyor or specified categories prescribed by the council
- (b) Have a background or experience in the Quantity Surveying profession in one or more of the following: education, training, professional conduct, professional practice, and institutional affairs;
- (c) Make a declaration of being prepared to serve on the Council and/or any of its committees;
- (d) Be a South African citizen and ordinarily resident in the Republic of South Africa; and
- (e) Be willing to sign and adhere to SACQSP's official Terms of Reference for the Council and Committee Members.

4.2 Persons not required to be registered

Nominees shall comply with the following requirements:

- (a) Have insight into matters concerning the safety and health of the public;

- (b) Have expertise supplementary to the direct field of responsibility of the Council and the Quantity Surveying profession, such as law, accounting, political science, economics, environmental management and education;
- (c) Make a declaration of being prepared to serve on the Council and/or any of its committees;
- (d) Be a South African citizen and ordinarily resident in the Republic of South Africa; and
- (e) Be willing to sign and adhere to SACQSP's Official Terms of Reference for the Council and Committee Members.

4.3 Disqualification from membership of the Council in terms of Section 6(1) of the Act –

4.3.1 The following persons shall not be eligible to be appointed as a member of the Council:

- (a) A person who is not a South African citizen and ordinarily resident in the Republic;
- (b) An un-rehabilitated insolvent;
- (c) A person who has 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) A person who has 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) A person who has been removed from an office of trust as a result of improper conduct; or
- (f) 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 SACQSP.

In terms of Section 6(3) of the Act, the Minister must for the purpose of rule 4.3.1(d) above, take cognizance of the prevailing circumstances in a foreign country relating to a conviction.

4.3.2 Section 5(2) of the Act determines that a member of the Council may not serve for more than two consecutive terms of office.

4.4 Compilation of Reserve list

4.4.1 The Council may compile a Reserve List of nominees who meet the requirements but are not on the list of nominees recommended for appointment.

4.4.2 Nominees shall be required to indicate their availability to be included in a Reserve List if they are not appointed to the Council.

4.4.3 When a vacancy arises on the Council during its term of office, the Minister may draw on such Reserve List as a first source of nominees in the filling of the vacancy.

5. SECTION 3(1)(a) NOMINEES

5.1 Professional Representation in terms of Section 3(1)(a) of the Act

Nine registered persons, excluding candidates, of whom at least six shall actively practice in the Quantity Surveying profession:-

- (i) Who must be nominated by the voluntary associations or other registered persons and prescribed nominating bodies;
- (ii) Who must represent the categories of registered persons contemplated in section 18 of the Act, in the prescribed manner.

5.2 Prescribed Representation of the Categories of Registration

At least two persons from each category mentioned in Section 18 of the Act and actively practising in the Quantity Surveying Profession shall be represented.

5.3 Prescribed Disciplines of the Quantity Surveying Professions

The Quantity Surveying disciplines should be represented proportionally as reflected in the register of registered persons as contemplated in section 11(c) of the Act where possible, without compromising transformational and geographic representivity.

5.4 Prescribed Nominating Bodies

5.4.1 Nominating Bodies are as set out in section 3 (1) (a) to (d) of the Act.

6. Nominations by the State in terms of section 3(1)(c) of the Act

6.1 Nominations will be invited from Local, Provincial and National Government.

6.2 SACQSP will advertise the vacancies on the Department of Public Works website.

7. Public Representation

Section 3(1)(d) of the Act makes provision for the appointment of three members of the public, nominated through an open process of public participation.

8. Recommendation Panel

8.1 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.

8.2 The Recommendation Panel shall be constituted with persons drawn from the existing Council members as follows:

- (a) The Council president and/or vice president
- (b) One registered person from each of the categories of registration;
- (c) One registered person with special knowledge of Quantity Surveying education;
- (d) One persons from the DPW, who must be registered with the Council;
- (e) Any two other persons nominated by the Council to ensure transformational representivity on the panel; and
- (f) One person who has legal knowledge of both the Act and the SA Constitution, failing which the Registrar.

8.3 A minimum of half of the members of the Recommendation Panel should be outgoing Council Members who are not eligible for re-appointment.

8.4 Directives to Recommendation Panel:

- (a) The Council shall identify and inform the Recommendation Panel of Council Members that are eligible and available for re-appointment. The Recommendation Panel should ensure continuity.
- (b) The Council has the right to ratify or amend the list of nominees recommended by the Recommendation Panel.
- (c) Not more than three persons serving on the Recommendation Panel may serve on the new Council.

8.5 The Recommendation Panel shall consider the following when making recommendations to the Council:

8.5.1 The requirements for nominees to be appointed from the profession [Section 3(1)(a)], from registered persons, [(Section 3(1)(b)) the academia, [(Section 3(1)(c)) from the State and [(Section 3(1)(d)) the public.

8.5.2 The Recommendation Panel shall take into account transformational and geographic representivity in its recommendation.

8.5.3 The needs of the Council:

The Council shall, within 30 days of the expiry of the notice of invitation, make its recommendations to the Minister based on recommendations from the Recommendation Panel with the view to meeting *inter alia* the following needs of the new Council:

- (a) Persons with a background in standard setting in Quantity Surveying education and training;
- (b) Persons with experience in the accreditation of Quantity Surveying educational programmes;
- (c) Persons with experience in the registration processes for Quantity Surveying candidates and professionals;
- (d) Persons with experience in preliminary investigations and enquiries related to alleged improper conduct by registered persons;
- (e) Persons with experience in the relationships between the SACQSP and other organisations in South Africa and elsewhere, particularly with regard to international recognition of South African education and registration; and
- (f) Persons with an interest in Continuing Professional Development (CPD).

8.6 The administrative assistance required by the Recommendation Panel is to be supported by the Registrar and the secretariat of the SACQSP.

9. Assessment of Nominations

9.1 All nominations received shall be scrutinised by the Registrar firstly to confirm the eligibility of the nominee and compliance with requirements.

9.2 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.

9.3 The Recommendation Panel shall by a date determined by the Council submit a report to the Council containing:

- (i) a list of all nominations received;
- (ii) a list of nominees recommended;
- (iii) a reserve list of nominees;
- (iv) a list of nominees not eligible and the reasons therefore; and
- (v) confirmation of compliance with the principle of representivity as envisaged by the Act and these Rules, the challenges faced in that regard, and how same was addressed.

ANNEXURES

INVITATION TO REGISTERED PERSONS

ANNEXURE A

Date

Dear Registered Person

INVITATION TO NOMINATE: SACQSP COUNCIL MEMBERS

You are cordially invited to nominate one or more registered persons for consideration and possible appointment as member(s) to the South African Council of the Quantity Surveying Profession (SACQSP) in terms of the Quantity Surveying Profession Act, 2000 (Act No. 49 of 2000). When nominating, consideration should be given to representivity in respect of race, gender, disability and geographical location.

The following should be noted:

1. Nominees must be registered with the SACQSP, in at least one of the following categories: Professional Quantity Surveyor or specified categories prescribed by the Council (**registration in the candidate category is expressly excluded in terms of section 3(1)(a) of the Act**).
2. The nominations should be made on the Nomination Form and be signed by the registered person submitting the nomination.
3. Nominees appointed to the Council may not serve for more than two consecutive terms of office.
4. The Council will meet at least twice a year and will be supported by administrative staff. The period of office for the members is four years.
5. The nominations must be accompanied by:
 - 5.1 An Acceptance Form duly completed and signed by the nominee;
 - 5.2 A brief Curriculum Vitae in the attached format; and
 - 5.3 A declaration by the nominee stating that he/she is not disqualified in terms of section 6(1) of the Act nor has he/she served on the Council for two consecutive terms.
6. Successful nominees will be appointed in their own right and will not represent any constituency in particular.
7. Since the potential number of nominations is likely to exceed the number of vacancies on Council by a significant margin, serious consideration will be given to the nominees' expertise, background and ability.
8. All nominees must be South African citizens and be ordinarily resident in the RSA.
9. All nominations, duly completed and signed, must be submitted to the Council (**Attention: The Registrar**) at the address provided in this correspondence, by no later than..... (date to be within at least 60 days from date of invitation). Incomplete nominations and nominations received after this date will not be considered.
10. SACQSP will establish a "Recommendation Panel" (in terms of Rule 8.1 of the Procedure for the Nomination of Council Members) which will be responsible for recommending to Council the names of the nominees considered most suitable for appointment by the Minister. No more than three members of the Recommendation Panel will be eligible for appointment to the Council.
11. The Minister retains the discretion to appoint any person who may have been nominated but not recommended. Therefore the names of all the nominees will be presented to the Minister.
12. Appointments will be on a non-remunerative basis. Only reasonable travel and subsistence expenses will be paid to members.

Yours sincerely

Registrar of SACQSP

INVITATION TO VOLUNTARY ASSOCIATIONS

ANNEXURE B

DATE

Dear Voluntary Association

INVITATION TO NOMINATE: SACQSP COUNCIL MEMBERS

You are cordially invited to nominate one or more persons for consideration and possible appointment as member(s) of the South African Council for the Quantity Surveying Profession (SACQSP) in terms of the Quantity Surveying Profession Act, 2000 (Act No. 49 of 2000). When nominating, consideration should be given to representivity in respect of race, gender, disability and geographical location.

The following should be noted:

1. **Voluntary Associations** may nominate as many persons as they deem appropriate. Each nomination must be submitted on a separate Nomination Form.
2. Nominees must be registered with the SACQSP, in at least one of the following categories: Professional Quantity Surveyor or specified categories prescribed by the Council (**registration in the candidate category is expressly excluded in terms of section 3(1)(a) of the Act**).
3. The nominations must be made on the Nomination Form and be signed by a duly authorised representative, typically the President or Chief Executive.
4. Nominees appointed to the Council may not serve for more than two consecutive terms of office.
5. The Council will meet at least twice a year and will be supported by administrative staff. The period of office for the members is four years.
6. The nominations must be accompanied by:
 - 6.1 An Acceptance Form duly completed and signed by the nominee;
 - 6.2 A brief Curriculum Vitae in the attached format; and
 - 6.3 A declaration by the nominee stating that he/she is not disqualified in terms of section 6(1) of the Act nor has he/she served on the Council for two consecutive terms.
7. Successful nominees will be appointed in their own right and will not represent his/her Voluntary Association.
8. Since the number of Voluntary Associations and Nominating Body's nominations far exceed the number of vacancies on Council, serious consideration will be given to the nominees' expertise, background and ability to represent more than one sector of interest contemplated in section 3 of the Act.
9. All nominees must be South African citizens and be ordinarily resident in the RSA.
10. All nominations, duly completed and signed, must be submitted to the Council (**Attention: The Registrar**) at the address provided in this correspondence, by no later than..... (date to within be at least 60 days from date of invitation). Incomplete nominations and nominations received after this date will not be considered.
11. SACQSP will establish a "Recommendation Panel" (in terms of Rule 8.1 of the Procedure for Nomination of Council Members) which will be responsible for recommending to Council the names of the nominees considered most suitable for appointment by the Minister. No more than three members of the Recommendation Panel will be eligible for appointment to the Council.
12. The Minister retains the discretion to appoint any person who may have been nominated but not recommended. Therefore the names of all the nominees will be presented to the Minister.
13. Appointments will be on a non-remunerative basis. Only reasonable travel and subsistence expenses will be paid to members.

Yours sincerely

Registrar of SACQSP

INVITATION TO STATE SECTOR EMPLOYEES

ANNEXURE C

DATE

Dear

INVITATION TO NOMINATE: SACQSP COUNCIL MEMBERS

You are cordially invited to nominate one or more persons for consideration and possible appointment as member(s) of the South African Council for the Quantity Surveying Profession (SACQSP) in terms of the Quantity Surveying Profession Act, 2000 (Act No. 49 of 2000). When nominating, consideration should be given to representivity in respect of race, gender, disability and geographical location.

Vacancies: three persons, of whom at least—

- (i) two must be professionals, in the service of the State nominated by any sphere of government; and
- (ii) at least one must be nominated by the National Department of Public Works

The following should be noted:

1. The State Sector may nominate as many persons as they deem appropriate. Each nomination must be submitted on a separate Nomination Form.
2. Nominees must be registered with the SACQSP, in at least one of the following categories: Professional Quantity Surveyor or specified categories prescribed by the Council (**registration in the candidate category is expressly excluded in terms of section 3(1)(a) of the Act**).
3. The nominations must be made on the Nomination Form and be signed by a duly authorised representative, typically the Department Head or Director General.
4. Nominees appointed to the Council may not serve for more than two consecutive terms of office.
5. The Council will meet at least twice a year and will be supported by administrative staff. The period of office for the members is four years.
6. The nominations must be accompanied by:
 - 6.1 An Acceptance Form duly completed and signed by the nominee;
 - 6.2 A brief Curriculum Vitae in the attached format; and
 - 6.3 A declaration by the nominee stating that he/she is not disqualified in terms of section 6(1) of the Act nor has he/she served on the Council for two consecutive terms.
7. Successful nominees will be appointed in their own right and will not represent his/her Voluntary Association.
8. Since the number of nominations for State Sector employees is limited to three, serious consideration will be given to the nominees' expertise, background and ability to represent more than one sector of interest contemplated in section 3 of the Act.
9. All nominees must be South African citizens and be ordinarily resident in the RSA.
10. All nominations, duly completed and signed, must be submitted to the Council (**Attention: The Registrar**) at the address provided in this correspondence, by no later than..... (date to within be at least 60 days from date of invitation). Incomplete nominations and nominations received after this date will not be considered.
11. SACQSP will establish a "Recommendation Panel" (in terms of Rule 8.1 of the Procedure for Nomination of Council Members) which will be responsible for recommending to Council the names of the nominees considered most suitable for appointment by the Minister. No more than three members of the Recommendation Panel will be eligible for appointment to the Council.
12. The Minister retains the discretion to appoint any person who may have been nominated but not recommended. Therefore the names of all the nominees will be presented to the Minister.
13. Appointments will be on a non-remunerative basis. Only reasonable travel and subsistence expenses will be paid to members.

Yours sincerely

Registrar of SACQSP

INVITATION TO THE PUBLIC TO BE PUBLISHED IN THE NEWSPAPERS

ANNEXURE D

INVITATION TO THE PUBLIC TO NOMINATE SACQSP COUNCIL MEMBERS

Call for Nominations for Members of the Public to be appointed as Members of the South African Council for the Quantity Surveying Profession (SACQSP).

In terms of the Quantity Surveying Profession Act, 2000 (Act No. 49 of 2000), nominations are invited from members of the general public to serve on the SACQSP Council:

Number of vacancies: **3 vacancies.**

Background

In December 2000, the President assented to legislation providing for the establishment of Council for the Quantity Surveying profession. The Council was established in August 2001 and replaced the previous statutory Council and board for the profession. The Council registers professionals and candidates in their profession, accredits educational institutions, upholds professional conduct, identifies the functions of the profession, recommends professional fees and promotes regional and international recognition of the profession.

The Council will meet at least twice a year and will be supported by administrative staff.

The period of office for the members is four years.

Each nomination must be in writing and must contain the following information in the detail required by the Council. *(Please refer to the Council directly for further information.)*

1. The name and address of the nominating person or organization;
2. The name, address and identity number of the nominee;
3. An Acceptance Form duly completed and signed by the nominee
4. Motivation for the appointment of the nominee to the Council (not exceeding one page);
5. A short Curriculum Vitae of the nominee (not exceeding two pages), the format of which can be found on SACQSP website www.SACQSP.org.za; and
6. A declaration by the nominee stating that he/she is not disqualified in terms of section 6(1) of the Act nor has he/she served on the Council for two consecutive terms.

All nominations, duly completed and signed, must be submitted to the Council (**Attention: The Registrar**) at the address provided in this correspondence, by no later than..... (date to be within at least 60 days from date of invitation). Incomplete nominations and nominations received after this date will not be considered.

South African Council for the Quantity Surveying Profession

P.O. Box 654 Halfway House, 1685

Tel: 011 312-2560 Fax: 011 312-2562

Email: Registrar@sacqsp.co.za

Web: www.sacqsp.org.za

ANNEXURE E

APPLIES TO ANNEXURES A, B, C AND D

Pro Forma Curriculum Vitae

The format below should be closely followed.

(Unnecessary information should be avoided as far as possible.)

CURRICULUM VITAE

(Name of Nominee)

1. General Information:

Names & Surname:

Date of Birth:

RSA Identity Number:

Citizenship:

Country of Normal Domicile:

Professional Registration (SACQSP or other):

Registration Number:

Other Professional Affiliations:

Academic Qualifications and Years attained:

Years Experience Post-qualification:

2. Professional Experience (200 words)

Specialisation:

Key Experience: (Brief summary of most important work during stages of career)

3. Involvement in Profession (100 words)

Contributions to Professional Associations, Societies and Councils:

(Local & International)

4. Key Attributes and Contributions on offer to new Council

(i.e. Why you should be appointed) (100 words)