

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
LANDSCAPE ARCHITECTURAL  
PROFESSION BILL**

**[B 18—2000]**

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*(As agreed to by the Portfolio Committee on Public Works (National Assembly))*

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**[B 18A—2000]**

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**AMENDMENTS AGREED TO**  


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**LANDSCAPE ARCHITECTURAL PROFESSION BILL**  
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**CLAUSE 3**

1. On page 3, from line 6, to omit “appropriate representation of race, gender and disability” and to substitute “the principles of transparency and representivity”.

**CLAUSE 5**

1. On page 4, in line 3, to omit “properly” and to substitute “duly”.

**CLAUSE 6**

1. On page 4, from line 21, to omit paragraph (c) and to substitute:
  - (c) has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both;
2. On page 4, after line 23, to insert the following paragraph:
  - (d) subject to subsection (3), has been convicted of an offence in a foreign country and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both;
3. On page 4, after line 40, to insert the following subsection:
  - (3) For the purposes of subsection (1)(d), the Minister must take cognisance of the prevailing circumstances in a foreign country relating to a conviction.

**CLAUSE 8**

1. On page 5, after line 12, to insert the following subsection:
  - (2) The registrar must enter into a performance agreement, as prescribed, with the council on acceptance of his or her appointment.

**CLAUSE 9**

1. On page 5, from line 21, to omit subsection (3) and to substitute:
  - (3) If the requisite majority of the members who are entitled to sit as members at a meeting of the council, make a decision or authorise an act at that meeting, the decision made or act performed under that authorisation, is valid despite the fact that at that meeting a member who had become disqualified in terms of section 6(2) but had not vacated his or her office, sat as a member.

## CLAUSE 10

1. On page 5, in line 30, after “council” to insert “after consultation with the CBE”.

## CLAUSE 12

1. On page 6, in line 12, to omit “or”.
2. On page 6, after line 12, to insert the following paragraph:

(h) the fees payable for an appeal in terms of section 24(1); or

## CLAUSE 13

1. On page 6, in line 21, to omit “every five years” and to substitute “during its term of office”.
2. On page 6, in line 22, to omit “the five-year period” and to substitute “that term of office”.

## CLAUSE 15

1. On page 8, in line 1, after “year” to insert:

or such other period as may be agreed to by the Minister after a request by the council

## CLAUSE 18

1. On page 8, in line 45, to omit “only”.
2. On page 8, in line 46, after “profession” to insert “only”.

## CLAUSE 19

1. On page 9, in line 5, after “competence” to insert “as measured”.
2. On page 9, from line 21, to omit paragraph (ii) and to substitute:

(ii) has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both;
3. On page 9, after line 23, to insert the following subparagraph:

(iii) if the applicant has, subject to paragraph (b), been convicted of an offence in a foreign country and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both;
4. On page 9, after line 31, to insert the following paragraph:

(b) For the purposes of paragraph (a)(iii), the council must take cognisance of the prevailing circumstances in a foreign country relating to a conviction.

5. On page 9, after line 33, to add the following subsection:

(4) For the purposes of this section “prior learning” means the previous learning and experience of a learner, howsoever obtained, against the learning outcomes required for a specified qualification and the acceptance for the purposes of qualification of that which meets those requirements.

#### CLAUSE 24

1. On page 10, in line 46, to omit “lies” and to substitute “is lodged”.

#### CLAUSE 25

1. On page 11, from line 18, to omit subsection (8) and to substitute:

(8) 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.

#### CLAUSE 26

1. On page 11, in line 33, to omit “4” and to substitute “20”.

#### CLAUSE 30

1. On page 13, in line 2, to omit “area” and to substitute “professional field”.
2. On page 13, in line 3, to omit “at least 10 years” and to substitute “appropriate”.
3. On page 13, in line 4, to omit “at least 10 years” and to substitute “appropriate”.

#### CLAUSE 31

1. On page 13, in line 43, to omit “investigating committee” and to substitute “person referred to in subsection (2)”.
2. On page 13, in line 49, to omit “investigating committee” and to substitute “person referred to in subsection (2)”.

#### CLAUSE 32

1. On page 14, in line 32, after “must” to insert “, within 30 days”.
2. On page 15, from line 3, to omit subsection (5) and to substitute:
 

(5) The council must publish the finding and the sanction imposed in terms of subsection (3) in the *Gazette*.
3. On page 15, from line 5, omit subsections (6) and (7) and to substitute:
 

(6) The council must give effect to the decision of the disciplinary tribunal.

CLAUSE 34

1. On page 15, in line 37, to omit “(vi)” and to substitute “(v)”.

CLAUSE 36

1. On page 16, from line 9, to omit “, not inconsistent with this Act,”.

CLAUSE 37

1. On page 16, in line 26, to omit “Procedure and evidence” and to substitute “Procedure and evidence for evidential purposes”.
2. On page 16, in line 30, to omit “thing” and to substitute “function”.
3. On page 16, in line 31, to omit “done, has or has not been done” and to substitute “performed, has or has not been performed”.

CLAUSE 39

1. On page 17, in line 3, after “faith” to insert “in terms of this Act”.

CLAUSE 41

1. On page 17, after line 27, to insert the following subsection:  

(2) If the council wilfully or in a grossly negligent manner fails to comply with section 15(8) it is guilty of an offence and liable to a fine calculated according to the ratio determined for a period of five years’ imprisonment in terms of the Adjustment of Fines Act, 1991.