


BOARD NOTICE 9 OF 2017

CODE OF CONDUCT IN TERMS OF SECTION 19(1) OF THE GEOMATICS PROFESSION ACT 19, 2013.

The South African Geomatics Council has, in consultation with the Minister of Department of Rural Development and Land Reform, prepared a code of conduct for registered persons for the purpose of publication in terms of section 19(1) of the Geomatics Profession Act 19, 2013 (Act No. 19 of 2013).

The attached code of conduct shall come into effect after thirty (30) days from the date of publication.

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MR M RIBA
CHAIRPERSON OF THE SOUTH AFRICAN GEOMATICS COUNCIL
DATE: 19/01/2016

South African Geomatics Council

Draft Code of Conduct of the Geomatics Profession

Revision 5

Framed in terms of section 19(1) of the Geomatics Profession Act, 19 of 2013

1. Definitions

(1) In this Code, unless the context indicates otherwise—

“allied professionals” means any person registered in terms of

- (a) Section 18(1)(a) of the Architectural Profession Act, 44 of 2000, or
- (b) Section 18(1)(a) of the Engineering Profession Act, 46 of 2000, or
- (c) Section 18(1)(a) of the Landscape Architectural Profession Act, 45 of 2000, or
- (d) Section 13(1)(b) or section 13(1)(c) of the Planning Profession Act, 36 of 2002, or
- (e) Section 18(1)(a) of the Quantity Surveying Profession Act, 49 of 2000.

or any other person registered in terms of any other Act of the Parliament of the Republic of South Africa and accepted by Council in consultation with the Minister to be an allied profession, provided that such acceptance shall be published by notice in the Government Gazette.

“Council” means the South African Geomatics Council established in terms of section 3(1) of the Act;

“document” shall include any plan, report, letter, opinion or certificate, whether required in terms of other legislation or not, which is produced in the course of a member’s professional duties;

“environment” means environment as defined in section 1 of National Environmental Management Act, 107 of 1998;

“geomatics equipment” means anything used in the carrying on of the work of the geomatics profession and includes any instrument, machine, aircraft, vehicle, vessel, computer programme or any system;

“geomatics practice” means a

- (a) sole proprietorship owned by a member practicing in the business of the geomatics profession, or

- (b) a partnership, in which the partners include at least one member engaged in the business of the geomatics profession on behalf of the partnership, and may include allied professionals, provided that Council has agreed in writing to the inclusion of any allied professional in the partnership, or
- (c) a company as contemplated in section 17(1) of the Act;

"information" includes drawings, designs, records, reports, specifications, calculations, contractual documents, as-built records or plans and any other documents, including electronic data, that form part of any of the records relating to the geomatics profession work carried out by a member of geomatics practice;

"member" means a geomatics practitioner as defined in section 1 of the Act;

"the Act" means the Geomatics Profession Act, 19 of 2013.

- (2) In this Code, any word or expression derived from a word or expression defined in subsection (1) has a corresponding meaning unless the context indicates that another meaning is intended.

2. Preamble

- (1) The purpose of the Code of Conduct is to –
 - (a) Make rules prohibiting actions or conduct by members or by geomatics practices, as the case may be, which constitute improper conduct, and where such actions or conduct give rise to a charge of improper conduct against a member or a geomatics practice, which must be investigated by Council in terms of section 20 of the Act; and
 - (b) to ensure that all registered persons apply their knowledge and skills in the interest of their profession, the public and the environment and execute all work with integrity and professionalism.
- (2) All members and all geomatics practices are subject to the rules.
- (3) All members are obliged to carry out geomatics work in a professional manner guided by skill, competency and integrity.

CHAPTER I: TRANSPARENCY AND EQUITY

3. Transparency and equity in the geomatics profession

- (1) Members and geomatics practices may not perform any act or conduct themselves in any way which knowingly or deliberately frustrates the implementation of the transparency and equity principle prescribed of section 2(c)(v) of the Act.

- (2) Members and geomatics practices shall as far as is possible give effect to the transparency and equity principle of the Act when offering employment and training opportunities and in assessing the suitability of members for promotion, inclusion in partnership or appointment as directors or shareholders of companies contemplated in section 17 of the Act.

CHAPTER II: QUALITY AND INTEGRITY

4. The integrity of the geomatics profession

(1) Members and geomatics practices -

- (a) must state their professional qualifications truthfully; and
 - (i) may not undertake or offer to undertake work which may only be performed in terms of any law by a person registered in a specified category, which category is defined in terms of the Act, or which is work which may only be performed by any other profession;
 - (ii) may not misrepresent, or permit misrepresentation of their academic or professional qualifications, competency or experience, nor exaggerate their own degree of responsibility for any professional service;
- (b) must discharge their duties to their employers, clients, associates and the public with integrity, fidelity and honesty;
- (c) must not undertake any professional service under conditions or terms that would compromise their ability to carry out their responsibilities.
- (d) must not engage in any act of dishonesty, corruption, bribery or unethical conduct;
- (e) may not, unless required by law or by these rules, divulge any information of a confidential nature obtained in the exercise of their professional duties;
- (f) must notify the Council immediately if they become aware of a violation of these rules by any other member or geomatics practice; and
- (g) must notify the Council immediately they are declared insolvent by any Court in the Republic of South Africa.
- (h) may not without satisfactory reasons destroy or dispose of, or knowingly allow any other person to destroy or dispose of, any information within a period of 10 years after completion of the professional service concerned;
- (i) may not issue any information in respect of geomatics profession work prepared by them or by any other person under their direction or control, unless such information bears the date of issue, the name and registration number of the responsible member or geomatics practice.

- (2) A member must make professional decisions and/or recommendations and/or provide professional opinions that are independent, honest, objective and based on an investigation and knowledge of facts relevant to any matter in respect of which he or she is consulted by a client or employer;
- (3) A member must not sign or otherwise identify as having been issued by him or her or his or her practice, any document of which he or she or his or her practice is not the bona fide author;
- (4) A member who serves in a geomatics practice as sole proprietor, partner or director must ensure that adequate supervision and control is exercised over persons in the practice undertaking geomatics profession work.
- (5) A member who is employed in his or her professional capacity must ensure that adequate supervision and control is exercised over persons who are answerable to or under the control, direction or supervision of the member, when undertaking geomatics profession work.

5. Appointments, fees and payment for geomatics profession work

- (1) Members and geomatics practices shall ensure that all appointments for geomatics profession work include –
 - (a) the fee or fee estimate or rate for the work;
 - (b) the deliverable products or services;
 - (c) the estimated delivery date or estimated time to completion;
 - (d) the specification for the work; and
 - (e) any direct costs or expenses which may occur or be reasonably assumed to occur and which are to be paid for by the client,provided that where a client waives the requirement for any of the items in sections (a) to (e) these need not be provided.
- (2) Members and geomatics practices will charge reasonable fees for services rendered.
- (3) In the absence of fees having been agreed between a member or geomatics practice and the client prior to commencement of the client's instruction, members and geomatics practices may not charge more than the fee permitted by a recommended tariff published in terms of the Act.
- (4) Members and geomatics practices may not accept appointment for geomatics profession work conditional upon the payment of a deposit or any other form of payment, by the client, prior to commencement of such work;
- (5) Members and geomatics practices may not demand or accept payment for geomatics profession work prior to completion of the work; provided that this rule will not be interpreted to prohibit progress or staged or phased payment for work by prior agreement between the member or practice and the client.

6. Supersession

No member or geomatics practice may supersede another member or practice, as the case may be, on any geomatics profession work which he, she or the practice knows, or ought to have known or suspected, had been entrusted to such other member or practice without first ascertaining from him or her or the practice, in writing or by any other means satisfactory to the council, that the client's instruction has been terminated.

7. Partnership with allied professionals

A member may not in his or her professional capacity enter into a partnership unless all the member's partners are members; provided that a partnership may include allied professionals; provided further that members may enter into a partnership with persons who are not allied professionals with the written consent of Council.

8. Touting and paying for work

Members and geomatics practices may not tout or canvas for geomatics work, either personally or through any other person, or improperly seek to obtain an appointment, or by way of commission or otherwise, make or offer to make payment to a client or prospective client or employer or prospective employer or any other person for obtaining such appointment.

9. Direct interest, gratuities and commissions, and conflict of interests

- (1) Members and geomatics practices may not, either directly or indirectly, receive any gratuity, or commission or other financial benefit on any article or process used in or for the purpose of the professional service in respect of which they are employed, unless such gratuity, commission or other financial benefit has been authorised in writing by the employer or client concerned.
- (2) Members and geomatics practices must take all reasonable steps to avoid a conflict of interests between clients or employers.

10. Name and style of carrying on a geomatics practice

- (1) No geomatics practice may use a name with any misleading content for the title and style or name of the practice nor claim in any practice name, letterhead, advertising material, document or publication, or in any other way, either directly, indirectly or by inference, to be competent to perform work which may only be performed in terms of any law by a person registered in a specified category, which category is defined in terms of the Act, if no

such suitably registered person is a sole proprietor, partner or director, or full-time employee as the case may be, of the geomatics practice.

- (2) In the event that a geomatics practice does anything or causes to be done anything in contravention of section (1) then the sole proprietor, partners or directors, as the case may be, of the geomatics practice may be held, jointly and severally to be in contravention of section 4(a) of this Code and may be held, jointly and severally, to be guilty of an offence in terms of section 36(6) of the Act.

11. Documentation and advertising

- (1) Members and geomatics practices may not advertise their professional services in a laudatory manner which undermines the dignity of the profession or brings the profession into disrepute.
- (2) All media used by a member or a geomatics practice for the purpose of advertising, marketing, professional communication or professional correspondence, including press advertisements, letterheads, reports, electronic communication, and social media communication may display the following -
- (i) the name of the member or geomatics practice and relevant branches of practice;
 - (ii) the name or names of the sole proprietor, partners or directors as the case may be, and their registration numbers
 - (iii) the category or categories of registration for the sole proprietor, partners or directors, as the case may be;
 - (iv) a description of the geomatics profession work which the member or geomatics practice may undertake;
 - (v) relevant physical and postal addresses, telephone numbers, fax numbers, email addresses and company and VAT registration numbers, if applicable.
- (3) A member or geomatics practice may display a name plate or panel of plain character bearing his or her name or the name of the practice, as the case may be, at the entrance to the office of the member or practice and at the entrance to a building in which the office is located.
- (4) Members and practices may not reproduce, use or display Council's logo in any form or manner without the written approval of Council.

12. Advertising of geomatics equipment

No member or geomatics practice may permit his or her name or the name of the practice, as the case may be, to be used in connection with the direct advertisement of any geomatics equipment.

13. Work outside the borders of the Republic of South Africa

Members and geomatics practices must order their conduct in connection with work outside the borders of the Republic of South Africa in accordance with these rules in so far as they are not inconsistent with the law of the country concerned; provided that where there are recognised standards of professional conduct in a country outside the Republic, they must adhere to those standards in as far as they are not inconsistent with these rules; provided further that where there are no officially recognised standards or rules of professional conduct in such country, these rules shall apply.

CHAPTER III: PROMOTION OF THE PROFESSION, COMPETENCE AND STANDARDS**14. The dignity and reputation of the geomatics profession**

Members and geomatics practices -

- (a) must order their conduct so as to uphold the dignity, standing and reputation of the profession and of Council;
- (b) may not, whether practicing their profession or otherwise, deliberately or knowingly injure the professional reputation of any other member or geomatics practice;
- (c) must provide professional services of quality and scope, and to a level, which is commensurate with accepted standards and practices in the geomatics profession;
- (d) must discharge their duties to their employers, clients, associates and the public effectively with skill, efficiency, professionalism, knowledge, competence, care and diligence;
- (e) may not undertake or offer to undertake a professional service for which their education, training and experience does not render them competent; and
- (f) must when providing professional service, engage in and adhere to acceptable practices.

15. Technical and Professional competence

- (1) Where geomatics profession work is performed by a person on behalf of a member, the member shall be responsible for supervising the work, for completion of the work, and for the quality of the work, regardless of whether or not the work is reserved in terms of section 16 of the Act or is reserved in terms of any other legislation.

- (2) A member should not allow an unregistered person to perform the work of a Geomatics Practitioner.
- (3) A member shall regularly engage in continuing professional development activities in order to ensure that he or she remains up to date with developments within the geomatics fields and maintain his or her professional expertise and competence.

CHAPTER IV: THE ENVIRONMENT

16. The environment

Members and geomatics practices must at all times have regard for and promote practices and procedures that protect the health, safety and welfare of people and the environment and shall -

- (a) in carrying out the work of the geomatics profession strive to avoid adverse impact on the environment; and
- (b) comply with any legislation the purpose of which is to protect the environment and to promote sustainable development.
- (c) Make good on any unauthorised damage.

CHAPTER V: TRANSFORMATION

17. Transformation of the geomatics profession

- (1) Members and geomatics practices may not perform any act or conduct themselves in any way which knowingly or deliberately frustrates the transformation purpose of the Act or which frustrates the implementation of the principle stated of section 2(c)(v) of the Act.
- (2) Members and geomatics practices shall wherever possible give effect to the transformation purpose of the Act and the principle stated in sections 2(c)(i) and 2(c)(v) of the Act through the enhancement of professionalism and competence of persons registered in terms of the Act and through development and transfer of geomatics profession skills, knowledge and standards.

CHAPTER VI: GENERAL

18. Replacement of existing rules

These rules replace chapter VIII, entitled "Improper Conduct" of the rules published in terms of The Professional and Technical Surveyors' Act, 40 of 1984.