



South African Council for the Architectural Profession

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Presentation: SACAP statutory mandate and CPD Compliance
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BUILT ENVIROMENT PROFESSIONS

DEPARTMENT OF PUBLIC WORKS

Mr. Thulas Nxesi

COUNCIL FOR THE BUILT ENVIRONMENT C B E

SA COUNCIL
FOR THE
ARCHITECTURAL
PROFESSION

ENGINEERING
COUNCIL OF
SOUTH AFRICA

SA COUNCIL
FOR THE
LANDSCAPE
ARCHITECTURAL
PROFESSION

SA COUNCIL
FOR THE
PROJECT AND
CONSTRUCTION
MANAGEMENT
PROFESSION

SA COUNCIL
FOR THE
PROPERTY
VALUERS
PROFESSION

SA COUNCIL
FOR THE
QUANTITY
SURVEYING
PROFESSION





SACAP COUNCIL COMPOSITION

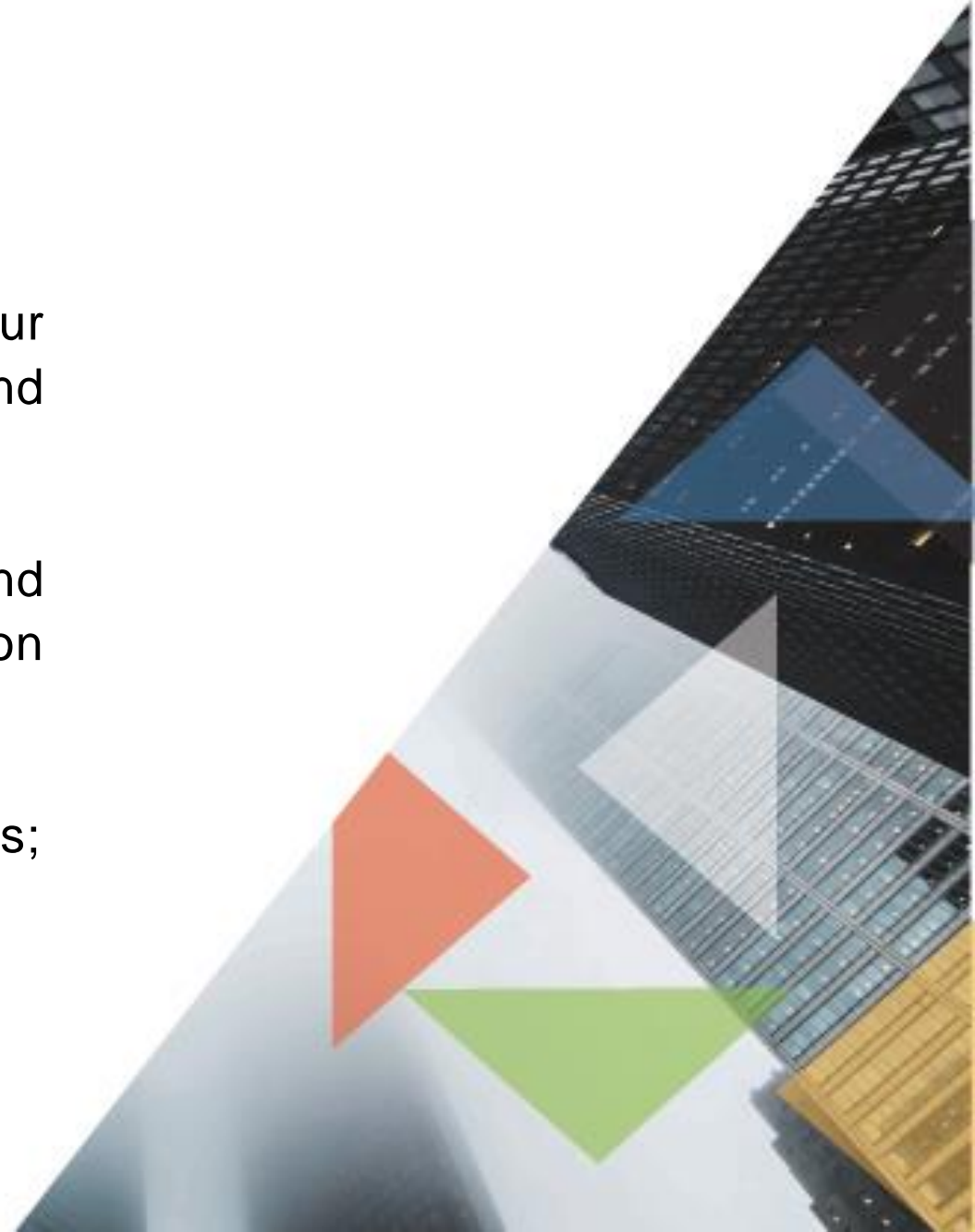
- ❖ The South African Council for the Architectural Profession (SACAP) is a statutory body established in terms of Section 2 of the Architectural Profession Act, No 44 of 2000.
- ❖ The Council is composed of seven(7) registered persons who must represent the four **(4) categories of registration**; two(2) professionals in the service of the State and two (2) members of the public.
- ❖ The Minister is empowered by the Act to appoint the Council.



SACAP COUNCIL MANDATE

Council is mandated to:

- ❖ Register architectural professionals in the four (4) categories of registration, candidates and specified categories;
- ❖ Accredite architectural learning institutions and consult with the Council for Higher Education in relation to education in architecture;
- ❖ Determine registration and/or application fees;
- ❖ Keep a register of Registered Persons;
- ❖ Administer the affairs of SACAP;





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SACAP COUNCIL MANDATE

- ❖ Protect the public in their dealings with registered persons;
- ❖ Take any steps it considers necessary for the improvement of the standards of services rendered by registered persons;
- ❖ Protect the built environment against unsound architectural practices;
- ❖ Recognise voluntary associations;
- ❖ Determine identification of work;
- ❖ Formulate professional fees guidelines; and
- ❖ Make rules with regard to any matter permitted by the Act and any other matter for the better execution of this Act.





SACAP COUNCIL MANDATE

Section 17 of the Act stipulates that Council *may establish any committee, including an Investigating Committee, to assist it in the performance of its functions and may appoint any person as a member of the Committee.*

SACAP Council performs myriad of functions through its Committees, eg *Education, Fees, IDoW, Stakeholder Engagement, Investigating, Remuneration Committees.*





LICENSE TO PRACTICE

Registration is a pre-requisite for practising architecture

- ❖ Section 18 (2) of the Act - *a person may not practice in any of the categories contemplated in subsection (1) unless he or she is registered in that category;*
- ❖ Section 41 (1) of the Act - *a person who contravenes Section 18 (2) is guilty of an offence;*
- ❖ Section 26 (3) (b) and (d) of the Act - *a person who is not registered in terms of the Act, may not pass himself or herself as a registered person;*
- ❖ Section 26 (3) (c) of the Act - *a person who is not registered in terms of the Act, may not use any **title** referred to in Sections 18 and 21; and*
- ❖ *Titles are **reserved** for Registered Persons only.*





RULES OF PROFESSIONAL CONDUCT

Code of Professional Conduct
Section 27 of the Act



Registered Persons are
subject to the disciplinary
supervision of SACAP
Council.

It is an **over-riding obligation**
that in carrying out
professional work Registered
persons are expected to act
with **due skill, competency**
and **Integrity**





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RULES OF PROFESSIONAL CONDUCT

- ❖ Rules prescribes the ethical principles and rules of conduct that all RPs are expected to uphold and be measured against;
- ❖ Rules sets out values, principles and standards that RPs have to adhere to when dealing with the public;
- ❖ SACAP takes great interest in the professional conduct and integrity of RPs.
 - Rule 1-** Unprofessional Conduct;
 - Rule 2-** Technical competence & professional work;
 - Rule 3-** Promotion of services;
 - Rule 4-** Professional responsibilities;
 - Rule 5-** Establishment of an architectural practice;
 - Rule 6-** International work.



RULES OF PROFESSIONAL CONDUCT

- ❖ Annually SACAP receives approximately 150 complaints;
- ❖ The complaints are against persons **who are not registered; registered persons and persons whose registration has been cancelled** due to failure to pay prescribed annual fees;
- ❖ The majority of complaints are about the standard of services, ***eg. poor communication; failure to comply with building regulations; failure to do the work within a reasonable time; misrepresentation; Copying intellectual work of another professional; fraudulent using Municipality stamps on plans; causing construction to commence prior to the approval of the plans; changing the scope of work without approval; failure to set out terms of appointment in writing.***



CANCELLATION OF REGISTRATION

Section 20 (1) (a) (iii) provides that the Council may cancel the registration of a Registered Person if he or she fails to pay the prescribed annual fees within 60 days from it becoming due or within such a period the Council may allow.

Section 20 (3) - Council must, at a written request of any Registered Person, cancel his or her registration.



CANDIDATES

Section 18 (3) of the Act read with Rule 2.3 –

A person registered in the category of candidate must perform work in the category for which he or she is registered under the direction, control and/or continual supervision of a registered professional entitled to perform such work and who must assume responsibility for any such work performed by the candidate.

A Candidate cannot have any pecuniary interest in the practice other than in respect of bona fide remuneration for his or services as a candidate. Thus, a Candidate cannot engage in any other business other than that of candidate.



Council is mandated to regulate the architectural profession for the benefit of the public;

Members of the public are entitled to receive quality architectural services.

Council is required to protect the reputation of the architectural profession by ensuring that all persons offering architectural services are registered and in good standing and ensure compliance with all rules and regulations.



IDENTIFICATION OF WORK(IDoW)





IDENTIFICATION OF WORK(IDoW)

In terms of section 26 (1) of the Architectural Profession Act (APA), the Council must consult with all Voluntary Association; any person;anybody;or any industry, that may be affected by any laws regulating the built environment profession regarding the identification of the type of architectural work which may be performed by persons registered in any of the categories referred to in Section 18.

SACAP withdrew its application for exemption with the Competition Commission in favour of reviewing the Policy. Council resolved to consider Protection of Titles and Scope of Profession of each category in relation to the Act





WAYFORWARD IDoW





PROGRESS

The 4th Term Council is currently engaging in a public participation process and hopes to submit recommendations to the CBE regarding the work identified in terms of section 26 (1) of the Architectural Profession Act, for its consideration and identification in terms of section 20 of the Council for the Built Environment Act, 2000.

On the 04 December 2018, SACAP had a meeting with recognised Voluntary Associations to get industry's reviews on the IDoW policy.

SACAP anticipates to submit the IDoW policy within 2018/2019 Financial year.



CONTINUING PROFESSIONAL DEVELOPMENT (CPD)

Basil Ingle: CPD Officer





CONTINUING PROFESSIONAL DEVELOPMENT (CPD)

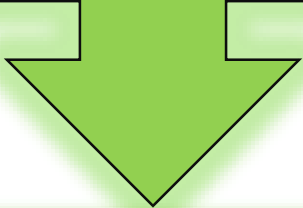
According to Rule 2 (2.4) of the Code of Professional Conduct, “a registered person shall regularly engage in continuing professional developments in the practice of architecture and to enhance and maintain his/her professional expertise and competence.





WHY CPD?

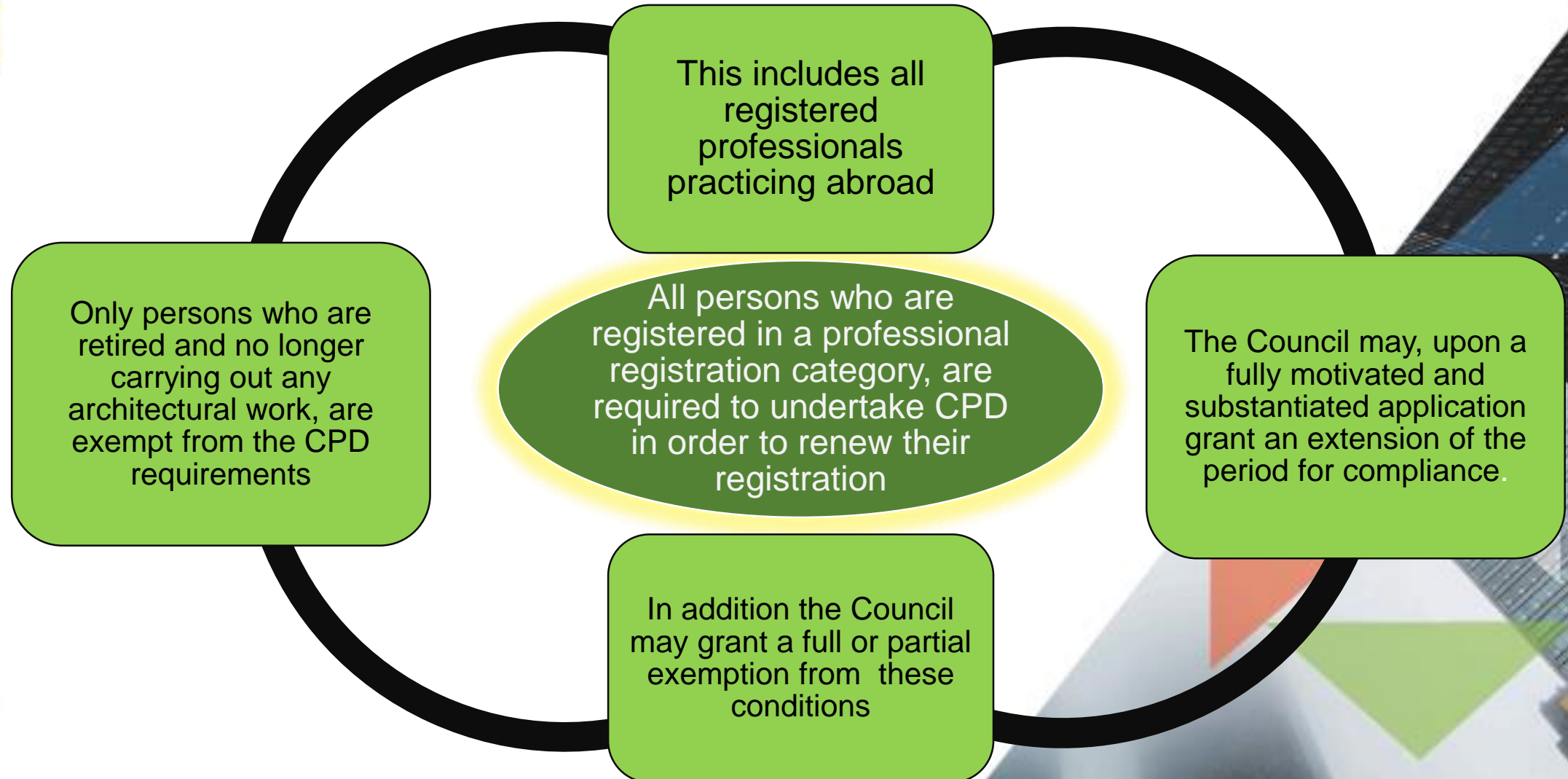
In terms of Section 13(k) of the Architectural Profession Act, 2000 (Act 44 of 2000) SACAP determined the conditions relating to and the nature and extent of continuing professional development (CPD) required in order to qualify for the renewal of registration as contemplated in Section 22(2) of the said Act.



The relevant conditions are set out in the Schedule, published in the Government Gazette on 17 March 2017, as Board Notice 43 of 2017.



WHO MUST UNDERTAKE CPD?





SUMMARY OF CPD CATEGORIES AND CREDITS REQUIRED





CATEGORY 1: DEVELOPMENTAL ACTIVITIES

ACTIVITY	CREDITS REQUIRED PER ANNUM	CREDITS TO BE CLAIMED PER 5 YEAR CYCLE
<p>Attendance of structured educational/developmental meetings (conferences, seminars, workshops, lectures, etc.)</p> <ul style="list-style-type: none">• Presented or validated by SACAP Recognised Voluntary Associations; or• Presented by accredited SACAP Architectural Learning Sites	Compulsory 1 Credit	Compulsory 5 Credits
<p>Mentoring architectural students in studio at any of the accredited SACAP Architectural Learning Sites (ALS) on voluntary basis for at least 4 hours per week over a period of a year to the maximum of 5 credits per year.</p>		



CATEGORY 2: WORK BASED ACTIVITIES

ACTIVITY	CREDITS REQUIRED PER ANNUM	CREDITS TO BE CLAIMED	
		Per Annum	Per 5-year Cycle
a. Architectural work: <ul style="list-style-type: none"> • Project work; or • Lecturing at an accredited SACAP ALS 	400 hours = 1 Credit	2 Credits	10 Credits
b. In-house training or mentoring of: <ul style="list-style-type: none"> • Candidates (registered as such with SACAP) • Architectural students, as required by validated architectural programmes 	50 hours = 1 Credit	1 Credit	5 Credits



CATEGORY 3: INDIVIDUAL ACTIVITIES

ACTIVITY	CREDITS REQUIRED PER ANNUM	MAXIMUM TO BE CLAIMED	
		Per Annum	Per 5-year Cycle
a. Membership of one or more SACAP Recognised Voluntary Associations	1 Full financial year membership = 1 credit	1 Credit	5 Credits
a. Individual activities	As per table in Annexure 'B' to the Board Notice	3 Credits	15 Credits



THE END





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