



SOUTH AFRICAN COUNCIL FOR PLANNERS

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Tel: 011-318 0460, 318 0437 Fax: 011-318 0405
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NOTICE OF COMPLAINT

SWORN AFFIDAVIT

In terms of the Planning Profession Act, 2002 (Act 36 of 2002) (the "Act")

Addressed to the South African Council for Planners (SACPLAN)

I, the undersigned
(FULL NAMES)

in my capacity as

acting for:

hereby make oath and give notice to said Council as follows: (✓ tick appropriate block)

- This notice takes the form of a Charge of Improper Conduct;
- This notice takes the form of an Official Complaint;
- This notice takes the form of a Charge of a Transgression of the provisions of the Planning Profession Act, 2002 (Act 36 of 2002);
- This notice takes the form of a Charge of a Transgression of the provisions of the SACPLAN Code of Conduct for Registered Persons;

for which purpose the following details are presented:

1. Name of the Accused Registered Person (Planner)

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.....

2. Name/Identity of the Complainant

.....
.....

3. Subject of complaint/charge: (✓ tick appropriate block)

- Unfair/unjust injury to the reputation of another registered person (planner) contemplated in the Act

- Failure of registered person (planner) to make public disclosure of personal interests of the registered person pertaining to any decision to be made in the planning process in which the registered person is involved or is required to become involved
- Failure of registered person (planner) to abstain from participation as an advisor or decision maker in a matter in which the registered person may have a personal interest
- Unjust receipt by the registered person (planner) of a gift or favour intended to influence the registered person's objectivity as adviser or decision maker in a planning process
- Soliciting by the registered person (planner) of prospective clients or employment through use of false or misleading claims, harassment or duress
- Abuse of power of the office of a registered person (planner) to seek or obtain special advantage which is not in the public interest
- Using confidential information acquired in the course of the duties of the registered person (planner) to further personal interests
- Disclosing of confidential information acquired in the course of the duties of a registered person (planner)
- A registered person (planner) committing a deliberately wrongful act which may reflect adversely on the planning profession
- Stating or implying that the registered person (planner) is prepared, willing or able to influence decisions by improper means
- Failing to accurately represent the registered person's (planner's) qualifications to practice as regulated in terms of the Act
- Failure by a registered person (planner) to respect the rights of other persons and not to violate any right of any person as may be protected by the Constitution of South Africa
- A registered person (planner) performing work reserved for registered persons in connection with a matter which is the subject of a dispute or litigation, based on condition that payment for such work will be made only if such dispute or litigation ends in favour of the person or body for which such work is performed
- A registered person (planner) performing work reserved for registered persons during any period in which such registered person is suspended in terms of the Act
- A registered person (planner) committing an offence in the performance of work as a registered person
- A registered person (planner) accepting remuneration for performance of work reserved for registered persons from any person other than the client or employer, without the prior approval of such client or employer
- A registered person (planner) knowing attempting to endeavour to be appointed Instead of another registered person in a particular engagement after a client Has employed such registered person

A registered person (planner) shall not use or copy the work of any other registered person without due reference to the source of such work

A registered person (planner) failing to comply with a specific provision of the Act (specify) Section(s)

A registered person (planner) failing to comply with the Rules of Conduct: Ethics (specify) Section(s)

4. Summary of Facts

4.1 For the above purposes, I summarise the pertinent facts of this matter below: –

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(If the space provided is not sufficient, please attach a separate document detailing the facts as required)

4.2 I enclose the following annexures in support of the aforesaid Notice of Complaint:

Annexure 1:

Annexure 2:

Annexure 3:

Annexure 4:

(If the space provided is not sufficient, please attach a separate document detailing the facts as required)

5. Receipt of Notices

5.1 For the purposes hereof, I confirm that, in my capacity as Complainant, I shall receive notice in respect of this matter at the following physical address:

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.....
.....

(insert complainant's physical address)

5.2 In addition to the above my further contact details are:

E-mail address:

Contact telephone number:

Fax number:

Postal address:

..... Postal Code:

6. Acknowledgement by Complainant

6.1 In completing and signing this Notice of Complaint, and attesting thereto, I acknowledge that, should SACPLAN identify *prima facie* evidence to justify a further investigation into this matter and which may result in a hearing before a Disciplinary Tribunal appointed for such purpose, I shall make myself available to appear before such Tribunal and to present evidence in as far as it may be required and, to the extent that I am capable thereof, provide whatever supporting documents or physical or verbal evidence that may be required by the Disciplinary Committee of SACPLAN in order to bring this matter to conclusion.

6.2 I acknowledge the fact that, in participating in any disciplinary hearing that may be conducted by the Disciplinary Tribunal of SACPLAN, I may be represented by an appointed legal representative of my choice and at my cost.

6.3 I further acknowledge that, in considering the possible sanctions contemplated in the Planning Profession Act, 2002 (Act 36 of 2002), the registered person against which this complaint is lodged, may, if found guilty:

- be cautioned or reprimanded;
- be fined;
- be suspended as a registered person for a specified period of time;
- be removed from the register of persons, on the records of SACPLAN by the permanent cancellation of such person's registration, with the result that such person may not practise as a professional planner or technical planner from the effective date of such cancellation or registration.

6.4 I furthermore acknowledge that any party to the aforesaid proceedings will have the right to appeal against the finding and the reasons for such finding of the Disciplinary Tribunal of SACPLAN, which appeal shall be heard by the Appeal Board appointed by the Minister in terms of the aforesaid Act.

.....
SIGNATORY: COMPLAINANT

I certify that the declarant acknowledges that he/she is conversant with this declaration and understands it, and that the declarant uttered the following words: "I swear that the contents of this declaration are true, so help me God".

COMMISSIONER OF OATHS:

NAME:

TITLE / DESIGNATION

DATE:

PLACE:

STAMP