

SOUTH AFRICAN COUNCIL FOR PLANNERS



The South African
Council *for* Planners
S A C P L A N

POLICY GUIDELINES	
Policy Framework for Recognition of Voluntary Associations	
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POLICY GUIDELINES

Policy Framework for Recognition of Voluntary Associations

1. Definitions

In this Policy, and unless the context otherwise indicates, any expression or word to which a meaning has been assigned in the Planning Profession Act, 2002, (Act No 36 of 2002), bears the same meaning and –

- (i) **“code of conduct”** means the code of conduct drawn up by the Council in terms of section 18(1) of the Act;
- (ii) **“corporate member”** means a member of an association which is eligible to vote at any meeting of such association;
- (iii) **“Council”** means the South African Council for Planners established in terms of section 3 of the Act;
- (iv) **“governing body”** means the highest authority of an association charged with controlling it;
- (v) **“in good standing”** means that a member of a voluntary association who is not regarded by such voluntary association as being in default of its constitution or by-laws;
- (vi) **“Minister”** means the Minister responsible for the Department of Rural Development and Land Reform;
- (vii) **“registered persons”** means persons registered in any of the categories of registration referred to in section 13 of the Act;
- (viii) **“the Act”** means the Planning Profession Act, 2002 Act no 36 of 2002;
- (ix) **“voluntary association”** for purposes of these rules means any voluntary association, organisation, institute, institution, or other body of planners recognised by the Council in terms of section 17;
- (x) **“voting member”** means a member of an association, who is entitled to vote in terms of its constitution.

2. Introduction

Section 17 of the Planning Profession Act, 2002 requires that:

- “(1) Any voluntary association which has as its main object the promotion and protection of the interests of the planning profession, and which applies its profit, if any, in promoting its said main object, may apply to the Council to be recognised as such.*
- (2) ...*
- (3) The Council may, if the voluntary association complies with the rules made under section 30(2), recognise that organisation and issue to it a certificate of recognition.*
- (4) ...”*

Section 32 of the Rules on the Recognition of Voluntary Associations indicates that:

- “(1) An application for the recognition of a voluntary association shall be in the form published for such purposes on the website and shall be accompanied by all documents listed in the said form, and such additional information as the Council may determine in each specific case.*
- (2) ...”*

The South African Council for Planners (SACPLAN) wishes to provide the framework within which associations / institutions will have to submit an application for recognition of a Voluntary Association as identified in the Planning Profession Act, 2002.

3. The Aim of the Policy Framework for Recognition of Voluntary Associations

The aim of the policy framework for recognition of voluntary associations is to provide guidelines for the requirements and process of the recognition. The guidelines set out principles that ensure that the recognition of voluntary associations is fair and reasonable, and that the principles are applied uniformly across the profession.

4. Principles Underpinning Requirements for Recognition of Voluntary Associations

The aim of the requirements for recognition is to ensure that the voluntary associations:

- (i) Provide a minimum quality of professional expertise, and are committed to the development of the profession.

- (ii) Represent a sufficient number of a recognised section of the profession whose voice needs to be heard.
- (iii) Have suitable governance processes that are in line with those of the profession.
- (iv) Will have a positive impact on the profession if recognised by the SACPLAN.

5. Requirements with which an Association must comply to qualify for recognition as a Voluntary Association

Any association wishing to be recognised as a *voluntary association* must comply with the following requirements:

- (i) The association must be governed by a formally accepted constitution which –
 - (a) is not in conflict with the Constitution of the Republic of South Africa;
 - (b) is not in conflict with the Act or any policies and rules of the Council; and
 - (c) does not obligate its members to adhere to a code of conduct, which is in conflict with the Council’s Code of Conduct, or any applicable code of practice published by the Council.
- (ii) The association must be of South African origin and its *governing body* must be independent of direct influence by any foreign body.
- (iii) The association must adhere strictly to its constitution, and be able to satisfy the Council of such adherence.
- (iv) An association wishing to be recognised as a *voluntary association* must also comply with the following requirements –
 - (a) The association must have as one of its core missions the promotion of the interests of its members and the planning profession.
 - (b) An association, which consists primarily of individual members, must have at least 100 *voting members*, who are *in good standing* with the association. If an association referred to in 5(iv)(b) does not comply with this requirement, the Council may condone such failure on condition that-
 - a. at the time of application, the association must prove that at least 80% of the requirement is met; and that

- b. by no later than one year from date of recognition as voluntary association, the association must prove that 100% of the requirement is met, failing that the recognition as a voluntary association will laps.
- (c) An association, which consists primarily of institutions / companies as members, must have at least 10 institutions / companies / associations, who are *in good standing* with the association. If an association referred to in 5(iv)(c) does not comply with this requirement, the Council may condone such failure on condition that:
 - a. at the time of application, the association must prove that at least 80% of the requirement is met; and that
 - b. by no later than one year from date of recognition as voluntary association, the association must prove that 100% of the requirement is met, failing that the recognition as a voluntary association will laps.
- (d) A majority of its *voting members* must be *registered persons* in the case of associations with individual membership, or the principals of the member institutions / associations must be registered persons. If an association does not comply with this requirement, the Council may condone such failure on condition that-
 - a. at the time of application, the association must prove that at least 30% of its *voting members* are *registered persons*; and that
 - b. by no later than six (6) months from date of recognition as voluntary association, the association must prove that at least 40% of its *voting members* are *registered persons*, and that
 - c. by no later than one year from date of recognition as voluntary association, the association must prove that a majority of its *voting members* are *registered persons*, failing that the recognition as a voluntary association will laps.
- (e) A majority of the members of its *governing body* must be *registered persons*.
- (v) In addition to the requirements referred to above, an association wishing to be recognised as a *voluntary association* must also comply with the following requirement:

- (a) The association must have as one of its core missions the promotion of the interests of its members and the interests of the planning profession.

An association must declare, in writing, a commitment to promote registration with the SACPLAN among its members and undertake to solicit a commitment by its members to promote registration among their employees.

6. Forms of Voluntary Associations

The following forms of voluntary associations will be considered to be recognised as *Voluntary Associations*:

- (i) Associations whose membership consists of natural persons who are -
 - (a) practising in planning as set out in section 2(a) of the Act; or
 - (b) practising in its capacity as persons registered in any particular category of registration contemplated in section 13 of the Act.
- (ii) Associations whose membership consists of juristic persons, including sole proprietors, who are engaged in carrying out work of an urban and regional planning nature, and may include a representative body(ies) of educational institutions.

7. Exemptions

- (i) Notwithstanding the provisions of sections 5 and 6, the Council may exempt an association from having to comply with any of the requirements prescribed therein if the Council is satisfied that such condonation is in the interest of achieving the objectives contemplated in the Act and the Rules.
- (ii) The Council may impose such conditions as it deems appropriate on an association who has been exempted in terms of section 7.

8. Application for Recognition

Any association wishing to be recognised as a *voluntary association* must submit an application, in the format prescribed in **Appendix A** of this policy, to the Council and provide all the information required therein, and such additional information as the Council may determine in each particular case.

9. Rights and Obligations of Council and Voluntary Associations

The Act determines that the Council:

- must consult with the South African Qualifications Authority established by the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), or any body established by it and the *voluntary associations*, to determine competency standards for the purpose of registration in terms of the National Qualifications Framework; (*Section 8(4)(a)*)
- may advise or assist any educational institution, *voluntary association* or examining body with regard to educational facilities for and the training of registered persons and prospective registered persons; (*Section 8(4)(h)*)
- must consult with all *voluntary associations* and any person, body or industry determined by the Minister regarding the identification of certain areas of planning work to be reserved for registered persons, including work which may fall within the scope of any other profession; (*Section 16(1)*)
- may annually, but must at least every three years, after consultation with *voluntary associations*, determine guideline professional fees and publish such fees in the Gazette; (*Section 29(1)*) and
- must publish a draft of the proposed rule, repeal or amendment in the Gazette together with a notice calling on interested persons and *voluntary associations* to comment in writing within a period not less than 30 days from the date of publication of the notice. (*Section 30(3)(a)*).

The Council undertakes to -

- (1) Promote a greater awareness among registered persons of the advantages of membership of voluntary associations.
- (2) Provide information on the Voluntary Association on its website.
- (3) Provide space in its electronic newsletter (SACPLAN Bulletin) for information on and projects of the Voluntary Association.
- (4) Provide a web link on its website to the Voluntary Association.



APPLICATION FORM

Recognition as a Voluntary Association in terms of Section 17 of the Planning Profession Act, 2002

Name of Association: _____

Domicilium (physical address): _____

Postal address: _____

Name of CEO / Executive Director / National Secretary:

Telephone: _____

Fax: _____

E-mail: _____

Website: _____

I, _____

in my capacity as _____

of the _____

and on behalf of the _____

hereby make application for recognition as a Voluntary Association in terms of Section 17(1) of the Planning Profession Act, 2002 (Act No. 36 of 2002).

- I enclose the required information in substantiation of the application and confirm that the information, to my best knowledge, is accurate and complete.
- I confirm that the Association has consistently complied in all respects with its Constitution and Bylaws, since its establishment.
- I confirm that the Association is aware that any recognition previously granted by the SACPLAN or its predecessor has lapsed.
- I confirm that the Association has committed itself to adhere to the applicable provisions of the Planning Profession Act, 2002 as well as the applicable provisions of the Rules, once recognised as a Voluntary Association.

Signed on this day _____ **of** _____ **(month)** _____ **(year).**

Name and Surname

Signature

Information and Supporting Documents that must accompany any application for Recognition as a Voluntary Association:

1. Current Serving President / Chairperson:

- (a) Date of Inauguration; and
- (b) Date of Termination of Term.

2. Members of the governing body:

- (a) A list of the names and registration numbers of the members of its governing body; and
- (b) The Governing Body's Profile (Detailed analysis must be submitted).

3. Constitution and Bylaws:

- (a) Copy of the Association's Constitution and Bylaws;
- (b) Date formally adopted (most recent amendments);
- (c) Copy of the resolution of adoption; and
- (d) Please attach a copy of the Minutes of the Association's most recent Annual General Meeting.

4. Code of Conduct: Yes No (* Tick ✓)

(If "Yes", a copy of the Code of Conduct must be submitted with the application)

5. Membership Profile: (Detailed analysis must be submitted)

- (a) Number of Voting Members;
- (b) Number of Persons Registered with the SACPLAN; and
- (c) Composition of members (race, gender, etc.)

6. Relationship with Foreign Bodies and Proof of Autonomy

(Describe relationship and provide confirmation of autonomy from direct foreign influence on policy.)

7. Statements of Commitment:

An association must declare, in writing, a commitment to promote registration with the SACPLAN among its members and undertake to solicit a commitment by its members to promote registration among their employees.