



DEPARTMENT OF ENVIRONMENTAL AFFAIRS
AND TOURISM



INTERIM CERTIFICATION BOARD FOR
ENVIRONMENTAL ASSESSMENT
PRACTITIONERS OF SOUTH AFRICA

**CONSULTATIVE PROCESS ON
THE ESTABLISHMENT OF A REGISTRATION AUTHORITY FOR
ENVIRONMENTAL ASSESSMENT PRACTITIONERS IN SOUTH AFRICA**

Invitation to comment on:

***FINAL DRAFT PROPOSAL FOR THE ESTABLISHMENT OF AN
ENVIRONMENTAL ASSESSMENT PRACTITIONERS ASSOCIATION OF SOUTH AFRICA***

Comments requested by 20 March 2009:

The Final Draft Proposal can be downloaded at www.eapsa.co.za or requested via Glaudin Kruger
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Background

In November 2005, the Department of Environmental Affairs and Tourism (DEAT) and the Interim Certification Board (ICB) for Environmental Assessment Practitioners of South Africa (representing 17 organisations) signed a Memorandum of Understanding (MoU). This MoU and associated budget has enabled a broad *Consultative Process* for the establishment of an Environmental Assessment Practitioners' Association which is proposed to act as a Registration Authority for environmental assessment practitioners (EAPs) in South Africa as provided for in Section 24H of the National Environmental Management Amendment Act, Act No. 8 of 2004 (NEMA).

Key outcomes required

In order that the proposed Registration Authority performs an effective quality assurance role in environmental assessment practice in South Africa, the following outcomes will need to be achieved:

- the establishment of a representative and recognised Association that would establish a Registration Authority and agreed registration system that is legally competent in terms of section 24H of NEMA Amendment Act, Act 8 of 2004;
- the registration of a qualification for environmental assessment practice within the National Qualifications Framework in collaboration with SAQA; and,
- the conclusion of relevant enabling legal mechanisms making it compulsory for EAPs to be registered.

Minister Van Schalkwyk has pledged support for achievement of all of the above outcomes and the effective operation of a Registration Authority.

The Consultative Process for the establishment of an Environmental Assessment Practitioner's Association

The *purpose of the Consultative Process* is to strive for broad agreement on the purpose, function and structure of a proposed future Registration Authority; its constitution; Code of Ethical Conduct and Practice; the registration criteria and process; and, the sanction processes. These are the key elements that must be addressed in an application to the Minister of Environmental Affairs and Tourism when a body wishes to apply to be recognised as a Registration Authority (RA) for Assessment Practitioners in terms of Section 24H of NEMA.

The process has focused on engaging professionals active in the field of environmental assessment (EA) practice. Thus far, the *Consultative Process* has involved the circulation of a first draft *Proposal* setting out the above key elements (January 2006), provincial workshops (February and March 2006) and the first National Stakeholder Conference (March 2006.). A Working Group was mandated at this conference to revise the Proposal. Draft Two of the Proposal was circulated in October 2007 for comment and a second National Stakeholder Conference was held in November 2007 to discuss this draft. On the basis of comments received on Draft Two and an extension of the Working Group's mandate, a final Draft Proposal has been compiled for a final round of stakeholder comment. See below the list of documentation related to the consultative process.

The Working Group has held five work sessions and has concluded their revisions to this final draft Proposal. They present it for your priority consideration and response. All organisations listed below will be engaged to present a mandated response to the proposal by 20 March 2009.

Thereafter, the Association will be formed by founding members and a Board will be nominated and selected. This Board will, on behalf of the Association, finalise the proposal and apply to be recognised as Registration Authority for EAPs in South Africa, in terms of Section 24H of NEMA.

Development of a Qualification for Environmental Assessment Practice

The South African Qualifications Authority (SAQA) and the Department of Environmental Affairs and Tourism (DEAT) agreed on a Joint Implementation Plan (JIP) for the development of a qualification for Environmental Assessment Practice. A nomination call was broadcast for a Task Team of subject matter experts to assist in the development of the qualification. Fourteen nominations were received and forwarded to SAQA. From these nominations, SAQA selected a Task Team for the generation of the qualification. The Task Team held four working sessions and a draft qualification, Advanced Certificate: Environmental Assessment Practice (Level 7) was published in the Government Gazette for comment in April 2007. The qualification has now been finalised by the Task Team on the basis of comments received and was registered in terms of the National Qualifications Framework on 26 November 2008.

Enabling the legal mechanism that will make it mandatory for EAPs to be registered

On receipt of the proposal from the new Board, the Minister may choose to recognise the body and in such case will then publish a notification of the registration authority's recognition and a date by which all EAPs practicing in South Africa will need to be registered. It is likely that the published effective date will allow for a phase-in period of between 18 months and three years.

The Next Steps

- a. *Establishment of the Environmental Assessment Practitioner's Association:* On finalisation of the Constitution, Rule Book and Business Plan, the Working Group and representatives of the ICB and other participating national stakeholders will resolve to form the new Association.
- b. *Board Nomination process for the new association:* The second National Stakeholder Conference agreed on Board nominations and a selection committee. Once a nomination call has been advertised, this committee will select the first Board in terms of the representation specified in the Constitution.
- c. *Conclusion and submission of the application to the Minister (in terms of Section 24H):* The Board, once constituted with a Registration Sub-Committee, will then finalise the proposal and submit the application to the Minister on behalf of the Association, to be recognised as a registration authority envisaged in Section 24H of NEMA.

Documentation available from this process

The following documents that record the history and debates in this consultative process are available on the EAPSA website: www.eapsa.co.za

"Towards the establishment of a registration authority for environmental assessment practitioners in South Africa, consultative process with key stakeholders

- *Press release, 27 January 2006*
- *Background Information Document, January 2006*
- *Record of Provincial Workshops, Comments and Responses Document, March 2006*
- *Record of Provincial Workshops and Input from Stakeholders, March 2006*
- *Single Text document for National Conference, March 2006*
- *Draft Constitution of the Environmental Assessment Practitioners Board of South Africa*
- *Programme, National Stakeholder Conference, 28th & 29th March 2006, Airport Grand Hotel, Johannesburg*
- *Record of National Stakeholder Conference, 28th & 29th March 2006, Airport Grand Hotel, Johannesburg*
- *Summary Report on the Outcome of the Conference, 28 & 29th March 2005 and Status quo of the Process*
- *Record of Working Group Meeting One, 14 & 15 September 2006*
- *Letter and Report to Minister Marthinus van Schalkwyk, Minister of Environmental Affairs and Tourism, November 2006*
- *Process Update, January 2007*
- *Record of Working Group Meeting Two, 25 & 26 January 2007*
- *Process Update June 2007*
- *Record of Working Group Meeting Three, 18 September 2007*
- *Nomination Call and List of Nominations received for Subject Matter Experts for the SAQA Task Team for the development of a Qualification /Unit Standards for Environmental Assessment Practice in South Africa, 15 August 2007 (including comments by the Working Group, 18 September 2007.*
- *Process Update, October 2007.*
- *Draft Proposal for the Establishment of an Environmental Assessment Practitioners Board of South Africa (18 October 2007*
- *Record of the Second National Stakeholder Conference, 20 & 21 November 2007*
- *Comments and responses report on Draft Proposal, 14 November 2008*
- *Draft Environmental Assessment Practice Qualification Level 7 and Explanatory Document (30 April 2008)*
- *Final Draft Proposal for the Establishment of an Environmental Assessment Practitioners Association (14 November 2008).*
- *Environmental Assessment Practice Qualification Level 7 (proposed for registration on 26 November 2008)*

List of organisations to be engaged for formal response to the draft Proposal:

Associations, Councils and Institutes:

1. Association for the Advancement of Black Scientists, Engineers and Technologists (AABSET)
2. Association of Consulting Town and Regional Planners (ACTRP)
3. South African Council for Natural Scientific Professions (SACNASP)
4. South African Council for the Landscape Architectural Profession (SACLAP)
5. Environmental Law Association (ELA)
6. South African Affiliate of the International Association for Impact Assessment (IAIASa)
7. Institute of Landscape Architects of South Africa (ILASA)
8. Institute of Waste Management (IWM)
9. The South African Association for Consulting Engineers (SAACE)
10. South African Black Technical and Allied Careers Organisation (SABTACO)
11. South African Institute of Architects (SAIA)
12. South African Institute for Civil Engineers (SAICE)
13. Southern African Institute of Ecologists and Environmental Scientists (SAIE&ES)
14. South African Planning Institute (SAPI)
15. Water Institute of Southern Africa (WISA)
16. South African Institute for Engineering and Environmental Geologists (SAIEG)
17. South African Institute for Environmental Practitioners (SAIEP)
18. South African Institute for Environmental Health (SAIEH)

National Government Departments:

19. Department of Environmental Affairs and Tourism (DEAT)
20. Department of Minerals and Energy (DME)
21. Department of Arts, Culture, Science and Technology (DACST)
22. Department of Land Affairs (DLA)
23. Department of Water Affairs and Forestry (DWAFF)
24. Department of Provincial and Local Government (DPLG)

Provincial Departments:

25. Department of Agriculture, Conservation and Environment (Gauteng)
26. Department of Agriculture, Conservation and Environmental Affairs (North West)
27. Department of Economic Affairs, Environment and Tourism (Eastern Cape)
28. Department of Finance and Economic Development (Limpopo)
29. Department of Agriculture and Environment Affairs (KwaZulu Natal)
30. Department of Tourism, Environment and Conservation (Northern Cape)
31. Department of Environmental Affairs and Development Planning (Western Cape)
32. Department of Agriculture, Conservation and Environmental Affairs (Mpumalanga)
33. Department of Tourism, Environmental and Economic Affairs (Free State)

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**FINAL DRAFT PROPOSAL FOR THE ESTABLISHMENT OF AN
ENVIRONMENTAL ASSESSMENT PRACTITIONERS ASSOCIATION OF SOUTH AFRICA**

**Proposing to act as a Registration Authority for environmental assessment practitioners in South Africa
in terms of the National Environmental Management Amendment Act, Act 8 of 2004**

Compiled by the Working Group on behalf on National Stakeholders

14 November 2008

Purpose of this document

This Final Draft Proposal has been compiled by a Working Group¹ mandated by two National Stakeholder Conferences, held as part of the Consultative Process towards the establishment of a registration authority for Environmental Assessment Practitioners (EAPs) in South Africa. This Consultative Process arises out of a Memorandum of Understanding that was signed between the Department of Environmental Affairs and Tourism (DEAT) and the Interim Certification Board (ICB) in November 2005 and revised in July 2007.

The purpose of the Consultative Process is to achieve as much agreement as possible on the contents of a proposal for the establishment of a Registration Board, which will apply to the Minister of Environmental Affairs Board to be recognised as a Registration Authority for EAPs in SA in terms of Section 24H of the National Environmental Management Amendment Act, Act 8 of 2004.

Section 24H of the National Environmental Management Amendment Act, Act 8 of 2004 sets out the following requirements and procedure for the establishment of registration authorities:

“24H. Registration authorities

- (1) An association proposing to register its members as environmental assessment practitioners may apply to the Minister to be appointed as a registration authority in such manner as the Minister may prescribe.
- (2) The application must contain -
 - (a) the constitution of the association;
 - (b) a list of the members of the association;
 - (c) a description of the criteria and process to be used to register environmental assessment practitioners;
 - (d) a list of the qualifications of the members of the association responsible for the assessment of applicants for registration;
 - (e) a code of conduct regulating the ethical and professional conduct of members of the association; and
 - (f) any other prescribed requirements.
- (3) After considering an application and any other additional information that the Minister may require, the Minister may -
 - (a) by notice in the Gazette, appoint the association as a registration authority; or
 - (b) in writing addressed to the association, refuse the application, giving reasons for such refusal.
- (4) The Minister may, for good cause and in writing addressed to the association, terminate the appointment of an association as a registration authority.
- (5) The Minister must maintain a register of all associations appointed as registration authorities in terms of this section.” [S.24H inserted by Act 8/2004]

¹ Working Group members: Amanda Britz (DEAT), Mondo Komane (SAIEP), William Mngoma (DAEA, KZN), Barry Gasson (SAPI), Sibonelo Mlbanjwa (DTEC, N. Cape), Carmen du Toit (SABTACO) and Board Member of ICB, and Andrew Duthie (IAIAsa) and Board Member of ICB. Facilitator and drafter: Marlene Laros (MLA-Sustainability Matters, Consultant to ICB).

This Final Draft Proposal presents the draft constitution for the proposed Environmental Assessment Practitioners Board of South Africa and provides for the requirements in terms of Section 24H as the basis for the application to the Minister. The application will be submitted by the first Board to be appointed per the provisions within the Constitution as set out herein.

This proposal is hereby presented to all National Stakeholders for discussion and comment. Formal response will be sought from each National Stakeholder organisation listed in Schedule 4 of the draft constitution, indicating their support and /or comment.

Comments are to be sent in writing to Glaudin Kruger: PO Box 599, Onrusrivier, 7201, Tel 028 316 2905, Fax 088 028 316 2905, Email kruger@kruger-associates.com **by 20 March 2009**.

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PART 1: PREAMBLE

Since 1994, South Africa's sustainable development governance systems have been advanced substantially with major improvements to the legal mechanisms for environmental protection and environmental justice. The establishment of equitable systems for access to educational, economic and professional opportunities has also enabled key national government transformation and empowerment strategies in South Africa.

South Africa is in a process of economic recovery and redevelopment aiming at a growth target of 6%. The key challenges are addressing poverty, with 43.2% of people living below the poverty line² as well as the increasing income gap between rich and poor³. ASGISA (the Accelerated Shared Growth Initiative for South Africa) aims to halve poverty and unemployment by 2014. This strategy also identifies binding constraints on the economy. Initiatives to address these include, amongst others: environmental governance; infrastructure investment; education and skills development; and, governance and institutional interventions.

South Africa is currently concluding a National Sustainable Development Strategy and debating the sustainable future it wishes to achieve. One of the legal mechanisms available to enable sustainable development decision-making is the environmental authorisation requirement. The requirement for environmental impact assessment authorisation for listed activities was established in 1997⁴ and replaced by regulations promulgated in terms of the National Environmental Management Act, Act 107 of 1998 in 2006⁵.

The implementation of these regulations and amendments has identified a range of legal, institutional capacity and professional challenges in the system. One of the key challenges has been the quality and ethics of environmental assessment practice.

A voluntary registration system provided by the Interim Certification Board since 2001 is supported by 17 associations⁶, to date, certifying 90 practitioners. In the planning for the succession of the ICB and in the consultative process towards the establishment of a Registration Authority, as provided for in Section 24H of NEMA, the following key challenges have needed to be addressed:

- Firstly, there have been enormous historical inequities in access to opportunities in education, training and professional work in South Africa. Ensuring a representative Board and an equitable registration system has been a major focus of the Working Group.
- Secondly, the lack of registered qualification standards in terms of South Africa's National Qualifications Framework has meant that until now, there has been no accepted equitable basis for the establishment or assessment of professional competencies for environmental assessment practice.
- Thirdly, including government officials who play a regulatory review role in environmental assessment within the proposed registration system, has required specific attention.
- Finally, accommodating the range of professionals such as planners, environmental scientists and managers, engineers, and landscape architects, etc. practicing as EAPs (as well as their relevant professional qualifications and registration systems) in the absence of a registered qualification standard has proved a further challenge.

South Africa's environmental authorisation requirements are likely to evolve into more strategically and proactively geared approaches using Environmental Management Frameworks, Strategic Environmental Assessments and

² This percentage has declined from 51.4% in 2001 to 43.2% in 2006 and is measured against a poverty line of R3 000 per capita per annum in 2000 constant Rand (Development Indicators Mid Term Review, Office of the Presidency, 2006)

³ Gini coefficient 0.685 in 2006 - measures the inequality as a proportion of its theoretical maximum. The Gini coefficient can range from 0 (no inequality) to 1 (complete inequality). The index: 0.613 in 2006. This index calculates the weighted sum of inequality within subgroups. In 1993, 61 per cent of inequality was between race groups; however, by 2006 inequality between race groups had declined to 40 per cent. Over the same period, inequality within race groups has become much more prominent.

⁴ Regulations published in terms of sections 26 and 28 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), by Government Notice R. 1183 of 5 September 1997, as amended by Government Notice R. 1355 of 17 October 1997, Government Notice R. 448 of 27 March 1998 and Government Notice R. 670 of 10 May 2002.

⁵ Government Notice Nos. R. 612, R. 613, R. 614, R. 615, and R. 616 in Government Gazette No. 28938 of 23 June 2006

⁶ Association for the Advancement of Black Scientists, Engineers and Technologists (AABSET); The Association of Consulting Town and Regional Planners (ACTRP); Department of Arts, Culture Science and Technology (DACST); Department of Environmental Affairs and Tourism (DEAT); Environmental Law Association (ELA); International Association for Impact Assessment South African Affiliate (IAIAsa); Institute of Landscape Architects of South Africa (ILASA); Institute of Waste Management of Southern Africa (IWM); The South African Association of Consulting Engineers (SAACE); South African Black Technical and Allied Careers Organization (SABTACO); South African Council for the Landscape Architectural Profession (SACLAP); South African Institute of Architects (SAIA); South African Institution of Civil Engineering (SAICE); Southern African Institute of Ecologists and Environmental Scientists (SAIE&ES); South African Planning Institution (SAPI); South African Institute for Engineering and Environmental Geologists (SAIEG); and, Water Institute of Southern Africa (WISA).

Sustainability Assessments. While these evolving approaches will enable sustainability targets to be embedded into strategic government investment planning and decision-making, they are also likely to require commensurate evolution in terms of professional quality assurance.

In addressing the above challenges the following outcomes are planned in order that the proposed Registration Board can play an effective quality assurance role in environmental assessment practice in South Africa:

- a. the establishment of a representative and recognised Registration Board and agreed registration system that is legally competent in terms of section 24H of NEMA Amendment Act, Act 8 of 2004 and that articulates effectively with the National Qualifications Framework of South Africa, under the constitution as set out in this final draft proposal;
- b. the registration of a qualification for environmental assessment practice within the NQF in collaboration with SAQA; and,
- c. the conclusion of relevant enabling legal mechanisms making it a requirement for EAPs to be registered.

Message from the Working Group:

In achieving the Working Group's mandate of revising the proposal and addressing comments, we have had a profound experience and we wish to share with other stakeholders the immense value and constructive spirit of the process within which we have been engaged. Most important, has been the significant deepening of understanding of the key interests and positions of participating organisations and sectors. We hope that on the basis of this improved understanding, that the process can move forward with co-operation and trust between stakeholders in achieving the above outcomes.

For further background see appendices and further documentation on the website: www.eapsa.org.za

**PART 2: CONSTITUTION OF THE ENVIRONMENTAL ASSESSMENT
PRACTITIONERS ASSOCIATION OF SOUTH AFRICA**

CONSTITUTION

of the

**ENVIRONMENTAL ASSESSMENT PRACTITIONERS
ASSOCIATION OF SOUTH AFRICA**

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1.

THE ASSOCIATION

1.1 A voluntary association, or *universitas personarum*, is hereby established under the name:

ENVIRONMENTAL ASSESSMENT PRACTITIONERS ASSOCIATION OF SOUTH AFRICA

The Association will henceforth conduct its affairs in terms of the provisions of this constitution.

1.2 The Association will continue for an indefinite period, and may be wound up or dissolved by the Board in the manner referred to in clause 16.

2.

DEFINITIONS AND INTERPRETATION

In this constitution, unless the context clearly indicates otherwise:

- 2.1 “GM” means the general meeting of the Association to be held every two years for the purpose of, *inter alia*, electing Board members.
- 2.2 “the Association” means the voluntary association, or *universitas personarum*, referred to in clause 1.
- 2.3 “the Association Assets” means all the assets of the Association under administration by the Board from time to time.
- 2.4 “Black” means any South African citizen who had no franchise in national elections prior to 1994 (as defined through the Preferential Procurement Policy Framework Act (5 of 2000) and the accompanying Preferential Procurement Regulations, 2001).
- 2.5 “the Board” means the Board referred to in clause 9.
- 2.6 “Candidate EAP” means an Environmental Assessment Practitioner who has the required formal qualification, the Advanced Certificate: Environmental Assessment Practice and meets some, but not all, of the criteria related to nature and length of professional experience necessary for registration as an EAP.
- 2.7 “the Commissioner” means the Commissioner for the South African Revenue Service.
- 2.8 “Committee” means any committee established by the Board, whether comprising members of the Board and/or employees, agents or contractors of the Association, which the Board may establish subject to this constitution.
- 2.9 “Day” means ordinary business day.

- 2.10 “EAP” means an environmental assessment practitioner, namely a person responsible for the planning, management, co-ordination and review of environmental impact assessments, strategic environmental assessments, environmental management plans or any other environmental assessment instruments introduced through legislation, either in the role of assessor or in the role of a reviewer of existing assessments.
- 2.11 “Founding members” means the individuals listed in Schedule 3 responsible for establishing the Association.
- 2.12 “Members” means individuals who are REAPs or registered Candidate EAPs in good standing and, therefore, members of the Association in terms of clause 7.
- 2.13 “NEMA” means the National Environmental Management Act, No. 107 of 1998.
- 2.14 “the NPOA” means the Nonprofit Organisations Act, 1997.
- 2.15 “REAP” means a registered environmental assessment practitioner who is qualified to undertake environmental assessments and is registered in terms of the criteria, standards and process determined by the Board in consultation with interested and affected parties.
- 2.16 “the Register” means the register of registered EAPs contemplated in clause 3.
- 2.17 “Registered” means admitted to and included on the Register of environmental assessment practitioners who meet the requirements for registration as either an EAP or as a Candidate EAP.
- 2.18 “the Republic” means the Republic of South Africa.
- 2.19 The masculine includes the feminine, and the singular includes the plural, and references to people includes juristic persons, and *vice versa* in all cases.
- 2.20 Reference to any statutory provision includes a reference to that provision as modified, amended, extended or re-enacted from time to time, and any statutory replacement of such provision from time to time.

3.

PURPOSE, OBJECTIVES AND FUNCTIONS OF THE ASSOCIATION

3.1 The Association has been established as an altruistic and philanthropic institution of a public character, in order to promote, on a non-profit basis, the advancement of the practice and quality of environmental assessment in South Africa in the public interest, in the interest of the environment and in terms of relevant legislation through establishing and maintaining *inter alia* a registration authority for environmental assessment practitioners.

3.2 Purpose

The overriding purpose of the Association is to promote the public interest through the advancement of the quality of environmental assessment practice in South Africa by establishing, promoting and maintaining registration of Environmental Assessment Practitioners in terms of s24H of the National Environmental Management Act, Act 107 of 1998.

3.3 Objectives

The objectives of the Association are:

3.3.1 To provide relevant authorities, development proponents and the public in general with quality assurance regarding EAPs appointed to conduct and regulate environmental assessments by:

- Establishing criteria (education, professional experience, competency and continued professional development requirements) and procedures for registration and sanction of EAPs;
- Upholding a defined Code of Ethical Conduct and Practice and acting in the best interest of the environment, sustainable development and the public good; and
- Establishing disciplinary procedures and sanction mechanisms.

3.3.2 To promote continued professional development for EAPs in South Africa;

3.3.3 To promote the empowerment of black and female professionals within the EA field and the transformation of EA practice; and

3.3.4 To promote awareness of the purpose and practice of environmental assessment in South Africa.

3.4 Functions

The functions of the Association (and/or through its Board or committees) are to:

3.4.1 Register qualified persons as Environmental Assessment Practitioners (EAPs);

3.4.2 Establish and maintain a register of individuals who are qualified to operate as EAPs;

3.4.3 Set and audit academic and other qualifications and competency standards in terms of, and to the extent permitted by or under, the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);

3.4.4 Promote ongoing professional development, set and audit professional development standards and accredit providers of education and training where relevant and where permitted by or under applicable legislation;

- 3.4.5 Promote the transformation of the profession in terms of representivity and practice;
- 3.4.6 Liaise with the Council on Higher Education in relation to the accreditation of education institutions;
- 3.4.7 Determine fees payable to the Association by registered persons;
- 3.4.8 Prescribe and enforce a Code of Ethical Conduct and Practice;
- 3.4.9 Identify the type of work to be performed by a registered person;
- 3.4.10 Advise government or the Minister on environmental assessment issues or issues that may impact on sustainable development as necessary;
- 3.4.11 Communicate, to government or the Minister, information on matters of public importance acquired during the course of its work;
- 3.4.12 Liaise with relevant government entities if necessary;
- 3.4.13 Work towards the establishment of a statutory council for the environmental professions; and
- 3.4.14 Generally, do all such things as the board deems necessary or expedient to achieve the objectives.

Note: Provisions 3.4.3 and 3.4.6 are intended to provide for, but do not necessarily commit the Association to performing these roles. It will also depend on whether or not the Association motivates to be identified as the relevant ETQA (Education and Training Quality Assurance Body) by the Council on Higher Education or whether there is a more relevant and competent body in existence. The response from SAQA and other stakeholders is that it is desirable for these functions to be included.

4.

THE ASSOCIATION'S ASSETS AND FINANCIAL MATTERS

- 4.1 The Association Assets comprise all the assets (including, but not limited to, all money and other corporeal and incorporeal property) under administration by the Board from time to time.
- 4.2 The Association Assets may be increased by:
 - 4.2.1 Capital accruals and accrued and undistributed income; and
 - 4.2.2 Any and all further amounts or assets (including movable and immovable property) which may from time to time become payable or transferable to the Association by way of donation, purchase, cession, assignment, or in any other lawful way.
- 4.3 Bank Account**
 - 4.3.1 The Board shall open a bank account in the name of the Association with a registered Bank or Building Society.
 - 4.3.2 The Board shall ensure that all monies received by the Association are deposited in the abovementioned bank account as soon as possible after receipt.

4.4 Signatures

- 4.4.1 All cheques, agreements and other documents requiring signature on behalf of the Association must be signed in such manner as the Board resolves from time to time, on condition that all such documents must be signed by at least Two (2) duly authorised people, at least one of whom needs to be a Board member.

4.5 Financial Year End

- 4.5.1 The Association's financial year end shall be the last day of February of each year

4.6 Financial Records

- 4.6.1 The Board shall ensure that the Association keeps proper records and books of account, which fairly reflect the affairs of the Association.

4.7 Annual Narrative Report and Financial Statements

- 4.7.1 The Board shall ensure that the Association prepares an annual narrative report describing the Association's activities and an Annual Financial Statement for each financial year. The Annual Financial Statements shall conform to generally accepted accounting principles and shall include a statement of income and expenditure and a balance sheet of assets and liabilities.
- 4.7.2 Within Three (3) months after drawing up the Annual Financial Statements, the Board shall ensure that the books of account and financial statements are audited and certified in the customary manner by an independent practising chartered accountant.
- 4.7.3 A copy of the Annual Financial Statements and annual narrative report shall be made available to all members as soon as possible after the close of the financial year by posting them on the Association's website and by supplying any member with copies on request. They shall also be presented in full at the next general meeting of members called in terms of the provisions of this constitution.

5.

ASSOCIATION POWERS

- 5.1 The Association has the power to elect the Board, as set out in clause 9, which will be responsible for the achievement of the purpose, objectives and the functions of the Association as specified in this constitution.
- 5.2 The Association also has the power to amend this constitution from time to time as set out in clause 16.
- 5.3 The Board of the Association will have all powers it requires to pursue and achieve the Purpose and Objectives of the Association, and discretion as to how it deals with the Association Funds for this purpose, subject to the limitations implicit in the Purpose and Objectives and subject to the further provisions of this constitution and relevant policy and legislation.
- 5.4 Without limiting the general nature of the powers referred to in clause 5.1 above, they will include the following:
- 5.4.1 The general investment and administrative powers set out in Schedule One.
- 5.4.2 The following special powers, which the Board may exercise:

- 5.4.2.1 To solicit and accept, at its discretion, additional donations and contributions for the Association; provided that:
- 5.4.2.1.1 All donations accepted will be subject to the applicable terms of this constitution, and may not:
- 5.4.2.1.1.1 Be unilaterally revocable at the instance of the donor; or,
- 5.4.2.1.1.2 Seek to impose conditions on the Association which are inconsistent with the terms of this constitution.
- 5.4.2.1.2 If a donation is offered for a specific purpose which cannot be implemented, or which would be in conflict with the Purpose and Objectives or any other term of this constitution, the Board must refuse or refund the donation, as the case may be.
- 5.4.2.2 The Board will be entitled to pay any amount of the Association Funds to another similar voluntary association; trust; section 21 company; or other body, on condition that such body undertakes to use those funds in accordance with the Purpose and Objectives of the Association, and in a manner approved of by the Board.
- 5.4.3 The power generally to do all things which are incidental or conducive to achieving the Purpose and Objectives of the Association.

6.

ASSOCIATION POWERS: LIMITATIONS AND QUALIFICATIONS ARISING FROM THE INCOME TAX ACT

- 6.1 The Association will apply to the Commissioner for approval under section 30 of the Income Tax Act (**Act 58 of 1962**) as a public benefit organisation, with the intention of qualifying for exemption from the payment of income tax under section 10(1)(cN) of the Income Tax Act, and for exemption from estate duty and donations tax.
- 6.2 If, and for as long as, the Association is approved as a public benefit organisation, the powers of the Association will be limited in the manner stipulated in the provisions set out in section 30 of the Income Tax Act and outlined in Schedule Two of this constitution.

7.

MEMBERS OF THE ASSOCIATION

- 7.1 The names of the founding Members of the Association are recorded in Schedule Three.
- 7.2 Every person admitted to the Register will become a Member of the Association upon registration, it being intended that:
- 7.2.1 The founding Members will, as soon as practical, apply for admission to the Register on the basis that any initial Member whose application is unsuccessful will be deemed to have resigned his/her membership; and
- 7.2.2 Once the Register has been established, only people admitted to the Register will qualify for membership of the Association.
- 7.3 The Board may at any time, if it reasonably believes this to be in the interests of the Association, terminate the Membership of any person, on condition that:

- 7.3.1 The disciplinary procedure outlined in section 4 of the Rule Book is followed.
- 7.3.2 A resolution for the termination of Membership must be adopted by at least Two-thirds ($\frac{2}{3}$) of the Board members attending any quorated meeting of the Board.
- 7.3.3 Before any such resolution is adopted, the person whose Membership it is proposed to terminate must be given a reasonable opportunity to hear and respond to the reasons for the proposed termination.
- 7.4 Membership of the Association will terminate if:
 - 7.4.1 A Member resigns.
 - 7.4.2 A Member dies.
 - 7.4.3 A Member, having been admitted to the Register, is removed from the Register for any reason whatsoever.
 - 7.4.4 A Member is found to have breached the Association's Code of Ethical Conduct and Practice and/or is removed from the association in terms of clause 7.3.
 - 7.4.5 A Member's Membership is terminated in terms of clause 7.3.

8.

GENERAL MEETINGS OF THE ASSOCIATION

- 8.1 The following persons will be entitled to attend general meetings of the Association:
 - 8.1.1 Any member.
 - 8.1.2 Members of the Board.
 - 8.1.3 Any person invited by the Board.
- 8.2 A general meeting of the Association will be convened at any time at the request of:
 - 8.2.1 The Board;
 - 8.2.2 The chairperson;
 - 8.2.3 Any Two (2) members of the Board;
 - 8.2.4 Any Three (3) Members of the Association.
- 8.3 A GM of the Association must be held every second calendar year on condition that no less than Twenty-one (21) days' prior written notice of a GM must be given to all persons entitled to attend it, which notice must state in broad terms the business to be transacted at the GM.
- 8.4 The GM must be convened by the chairperson of the Board. If the chairperson fails or refuses to convene the GM, any of the other people referred to in clause 8.2 will be entitled to do so.
- 8.5 The business of a GM will include the following:
 - 8.5.1 The election of a person to chair the GM, if the chairperson is unavailable;

- 8.5.2 The election of Board members;
- 8.5.3 The presentation and consideration of the report of the chairperson covering the activities of the Association since the last GM; and
- 8.5.4 The presentation and consideration of the audited annual financial statements of the Association in respect of the period since the last GM.
- 8.6 Members may attend a GM in person or by proxy. Proxies must be in such form as the Board will determine from time to time.
- 8.7 A quorum constituting a GM of the Association will be Ten (10) per cent of the Members.
- 8.8 If a GM of the Association has been duly convened but no quorum is present, that GM must be adjourned to another date, as may be determined by the chairperson. Notice reflecting the adjournment must be given to all the Members, in the manner provided for in this constitution. At the reconvened GM, the Members then present in person, or by proxy, will be deemed to constitute a quorum.
- 8.9 Every Member is entitled to One (1) vote at a GM. Voting will be by way of a show of hands or by secret ballot, as determined by the chairperson in his/her entire discretion.
- 8.10 Proper minutes must be kept of the proceedings of every GM, and a record of the persons present. The minutes must be signed by the chairperson or whoever chairs the next GM, and must be available at all times for inspection or copying by any Member.
- 8.11 If a general meeting other than the routine two-yearly GM is convened, then no less than Twenty-one (21) days' prior written notice must be given to all persons entitled to attend it, which notice must state in broad terms the business to be transacted at the meeting.
- 8.12 The provisions of clauses 8.5 to 8.9 (with the changes required by the context) will apply also to general meetings other than routine two-yearly General Meetings.
- 8.13 Despite anything to the contrary contained in this constitution, a resolution signed by Two-thirds ($\frac{2}{3}$) of the Members of the Association will be as valid as if it had been passed at a duly convened general meeting. It will not be necessary for Members to sign the original resolution; signature of a true copy will be sufficient, as will be a true copy which is signed and then scanned and transmitted electronically.

9.

THE BOARD

- 9.1 The Association is governed and administered by the Board in the public interest in terms of this constitution and of the Rule Book of the Association.
- 9.2 The business and management of the affairs of the Association will be in the hands of the Board or a Committee or person duly authorised or appointed by the Board.
- 9.3 In addition to the powers and authorities conferred upon it in this constitution, the Board may exercise all such powers and do all such things and acts as may be exercised or done by the Association which are not hereby expressly directed or required to be done by general meeting, subject nevertheless to such acts and things not being inconsistent with this constitution, the Rule Book or with any resolution passed at any general meeting of the Association.

- 9.4 Committees: Notwithstanding anything to the contrary contained in this constitution, the Board may from time to time appoint and delegate to committees any of its powers and impose such conditions with regard to such delegations as it thinks fit.
- 9.5 Status: The Association will be a juristic person with full powers to institute and defend legal proceedings, appeals and arbitrations in its own name and to hold, buy, sell, encumber, bank and pledge assets, movable and immovable, invest, re-invest from time to time and at all times to do all acts necessary to protect and further its interests and all legal processes and documents to give effect thereto, may be signed by the chairperson or his/her designated deputy. Such proceedings must be in the name of the Association.
- 9.6 Liability of Members:**
- 9.6.1 No member will have any claim for damages or compensation (including costs) against the Association including its Board and Committees arising from or in connection with the enforcement (including the exercise and/or fulfilment of powers, rights and obligations) of this constitution (including its rules and code of ethical conduct and practice).
- 9.6.2 The members of the Board and the members of the Registration Committee, the Disciplinary Committee, the members of any other committees of the Association, the officers and employees of the Association are indemnified and held harmless by the Association against all claims (whether for damages, losses, costs, charges, expenses or otherwise) which are made against them arising from or in connection with the execution or purported execution of any duties on behalf of the Association.
- 9.7 Only natural persons may be members of the Board and serve in their individual capacities.
- 9.8 The initial members of the Board are those people whose names appear on Schedule Four.
- 9.9 The Board will meet a minimum of twice a year but will need to set up a schedule to process and respond to other matters, such as recommendations of the Committees and requests to appeal decisions of committees between Board meetings.
- 9.10 There must at all times be at least Thirteen (13) members of the Board. New and replacement members of the Board are appointed, elected and removed in the manner set out below.
- 9.11 In electing or appointing members to the Board from time to time, the Association must seek to maintain a Board membership which comprises:
- 9.11.1 Nine (9) REAPs of whom Four (4) should preferably be in the fulltime employment of a provincial government, Four (4) should be women and Four (4) should be black and all should be respected and experienced specialists in the practice of Environmental Assessment who:
- 9.11.1.1 are registered EAPs
- 9.11.1.2 have a good conceptual and practical understanding of sustainable development;
- 9.11.1.3 have in-depth knowledge and experience of the required competencies for EA in South Africa and are able to demonstrate their application at a high level;
- 9.11.1.4 have knowledge and experience of the relevant law, policy and regulations governing EIA and underpinning approaches to sustainable development in South Africa; and,
- 9.11.1.5 are respected for their contribution to the development of EA practice and the community of practitioners in South Africa.

- 9.11.2 One (1) representative of the academic or education sector relevant to environmental assessment and who may or may not be a Member of the Association.
- 9.11.3 One (1) person employed at national government level with extensive relevant experience in the area of environmental assessment and sustainable development and who may or may not be a Member of the Association.
- 9.11.4 Two (2) respected members of the wider community who have demonstrated a sustained and active interest in environmental management and sustainable development in the Republic and who may or may not be Members of the Association.
- 9.11.5 At least Six (6) people who are female.
- 9.11.6 At least Seven (7) people who are black.
- 9.12 In order to avoid doubt, it is recorded that, if the Association is unable, despite its best efforts, to attract a Board membership which complies strictly with the provisions of clause 9.11, the Board will be properly constituted as long as it has at least Thirteen (13) duly appointed or elected members.
- 9.13 The Board will develop a Transformation Charter outlining how it intends to promote representivity within the profession, the transformation of EA practice and targets and objectives related to ensuring representivity on the Board and committees of the Association.
- 9.14 Where the situation envisaged in Clause 9.12 exists, the efforts to ensure Board membership in line with clause 9.11 should be recorded and the Board should review the Transformation Charter to ensure it addresses the challenges in the most effective way.
- 9.15 At every GM Seven (7) of the Thirteen (13) members of the Board must resign.
- 9.15.1 Every Board member must resign once in every four year cycle covering two General Meetings, if they have served for two years or more, and even if they intend to offer themselves for re-election.
- 9.15.2 If after the provision at clause 9.15.1 has been met, additional Board members need to resign to bring the total resignations to seven, and if the Board members cannot decide among themselves who will resign, this will be determined by the drawing of lots.
- 9.15.3 No board member will serve for longer than four years without having submitted themselves for re-election at a General Meeting of the Members.
- 9.15.4 Seven (7) of the members elected to the initial Board of the Association will need to resign after two years but may submit themselves for re-election for two further terms if they so choose – a term being the period between one routine two-yearly GM and the next.
- 9.15.5 At each GM, at least Seven (7) Board members must be elected to replace those resigning.
- 9.16 Retiring Board members will remain eligible for re-election, on condition that no person may serve more than Eight (8) consecutive years as a Board member.
- 9.17 **Nominations:** Nominations for Board members should be motivated in terms of the criteria and composition set out in clause 9.11 and circulated in a two-step process in advance of any GM so as to give members a chance to think about nominations in advance and put forward additional nominations where there are gaps evident in terms of the representation and composition outlined in clause 9.11 above.
- 9.17.1 In the first step, the Board must call for nominations at least Sixty (60) days before the GM of Registered EAPs where selection of board members takes place by:

- 9.17.1.1 Notifying registered EAPs in writing and publishing a notice in at least two national newspapers and any other appropriate media, indicating the categories of members to constitute the Board, the number of representatives to be appointed in each category and the persons or bodies entitled to nominate persons in the specified categories, and the criteria for eligibility and selection;
- 9.17.1.2 Inviting all interested persons, voluntary associations, institutions and organisations to submit nominations within Sixty (60) days; and
- 9.17.1.3 Taking any other steps the Board deems necessary.
- 9.17.2 Nominations should be sent to the Board Thirty (30) days before the next GM of Registered EAPs. Nominations should specify for which category the nominee is being nominated and include a motivation based on criteria specified in clause 9.11 above, a short CV of the person nominated as well as a signed acceptance of nomination from the person nominated. Nominations supported by signed acceptance forms must be posted on the website and circulated to all Registered EAPs Twenty Five (25) days before the next GM. The motivation and CV should be included;
- 9.17.3 A notice accompanying the nominations circulated should indicate that further nominations may be added, and specifically, nominations designed to ensure that the available nominees align to the desired composition of the Board (clause 9.11) as far as possible. Additional nominations in this second step should reach the Board not later than Fourteen (14) days before the next GM and be posted on the website and circulated to all Registered EAPs Ten (10) days before the next GM.
- 9.18 If, for whatever reason, the number of Board members falls below the minimum stipulated in clause 9.10, the remaining Board members must, by way of a resolution adopted by at least two-thirds ($\frac{2}{3}$) of their number, appoint people of their choice as replacement Board members to bring the composition of the Board back in line with clauses 9.10 and 9.11 until the next GM. Registered EAPs should be notified of any such changes within Two (2) weeks and notices of the changes should be published in at least two national newspapers and on the Association's website.

10.

TERMINATION OF BOARD MEMBERSHIP

Membership of the Board will terminate if a member:

- 10.1 Resigns; or
- 10.2 Dies; or
- 10.3 Becomes unfit to act or incapable of acting as a member; or
- 10.4 Is provisionally or finally sequestered; or is placed under an administration order; or compounds with his/her creditors in order to obtain relief from debts owed to those creditors; or commits any act of insolvency; or
- 10.5 Is disqualified in terms of the Companies Act, from acting as a director of a company; or
- 10.6 Is convicted of any offence listed in schedule 1 or schedule 2 to the Criminal Procedure Act, 1977, or any other offence involving dishonesty; or

- 10.7 If the Board believes, with good cause, that the removal from office of a Board member is necessary and in the best interests of the public as expressed in the purpose and objectives of the Association, the Board may adopt a resolution to remove any Board member from office, on condition that:
- 10.7.1 Before any such resolution is adopted, effort has been made and documented to resolve the matter without resorting to removal of the member, except where the gravity or nature of the problem warrants a summary response;
- 10.7.2 The Board member facing removal must be given a reasonable opportunity to hear and respond to the reasons for the proposed removal.
- 10.7.3 Any resolution for the removal of a Board member must be adopted by at least two-thirds ($\frac{2}{3}$) of the remaining Board members.

11.

COMMITTEES OF THE BOARD

- 11.1 As appears from clause 9 above, all executive powers of the Association will vest in the Board and committees that the Board may establish, which will be entitled to act on behalf of the Association in all matters and in terms of this constitution and the Association's Rule Book.
- 11.2 The Board must establish the following committees:
- 11.2.1 A **Registration Committee**, whose primary responsibilities are:
- 11.2.1.1 maintaining a register of EAPs in terms of the Rule Book;
- 11.2.1.2 deciding the outcome of applications for registration or re-registration of EAPs in terms of this constitution and the Rule Book;
- 11.2.1.3 referring complaints received to the disciplinary committee;
- 11.2.1.4 considering possible amendments to the Code of Ethical Conduct and Practice and making recommendations to the Board; and
- 11.2.1.5 maintaining a roster of experienced REAPs who agree to act as independent referees and allocating referees from this list, in the registration committee's discretion, for review of applications.
- 11.3 The Board may establish:
- 11.3.1 A **Disciplinary Committee** responsible for:
- 11.3.1.1 responding to complaints regarding the conduct or practices of REAPs or registered Candidate EAPs;
- 11.3.1.2 conducting hearings to investigate complaints based on the procedures outlined in the Rule Book; and
- 11.3.1.3 deciding on disciplinary measures or sanctions to be taken, where necessary, in regard to registered EAPs based on procedures outlined in the Rule Book.
- 11.3.2 A **Standards and Criteria Committee** responsible for periodically reviewing the adequacy, validity and relevance of the standards, criteria and procedures applied by the Registration,

Disciplinary and Professional Development Committees and making recommendations to the Board on:

- 11.3.2.1 possible amendments to the SAQA registered qualification or components of it;
- 11.3.2.2 amendments to criteria applied in the internal process of assessing the competence of EAPs;
- 11.3.2.3 amendments to the Code of Ethical Conduct and Practice provided in Section 1 of the Rule Book; and
- 11.3.2.4 amendments to the procedures followed by the Registration, Disciplinary and Professional Development Committees.
- 11.3.3 A **Professional Development Committee** responsible for creating an enabling environment for professional development and mentoring of registered Candidate EAPs and responsible for assessing the Professional Development and Skills Transfer reports of applicants for re-registration and making recommendations to the Board on:
 - 11.3.3.1 the adequacy of the Continuing Professional Development Reports of applicants for re-registration in terms of the criteria and weightings outlined in Sections 2 and 3 of the Rule Book;
 - 11.3.3.2 a roster of REAPs who are willing to play a mentorship role for registered Candidate EAPs;
 - 11.3.3.3 improvements that could be made to the criteria, standards and procedures applied in the registration and re-registration processes; and
 - 11.3.3.4 a transformation charter and strategy.
- 11.3.4 A **Public Relations Committee** responsible for maintaining the Association's website, liaising with media and making recommendations on media and public relations guidelines and strategies to the Board in order to promote EA principles and practice.
- 11.4 The members of every committee will be selected and appointed by the Board from time to time in its discretion, subject to clause 11.6 in the case of the Registration Committee and Section 4 of the Rule Book in the case of the Disciplinary Committee, and provided that selection is made so as to ensure the required levels of competence and reliability and that all committees are representative in terms of race and gender. The Board will be entitled, at any time and in its entire discretion, to remove, replace and substitute any member of any executive committee.
- 11.5 The Board members must from time to time elect a chairperson, vice-chairperson, treasurer and secretary from among their number.
- 11.6 **Composition of the Registration Committee:** The Board must ensure that at least Four (4) REAPs who are members of the Board serve on the Registration Committee and of whom half are black and half are female.
- 11.7 **Composition of the Disciplinary Committee:** The disciplinary committee will consist of at least Three (3) persons selected by the Board, two of whom should be REAPs and should include one black and one female REAP. The disciplinary committee may be assisted by experts of its choice who will form part of the disciplinary committee; provided that such experts may not exceed Two (2) in number without the approval of the Board.

11.8 Appeals

- 11.8.1 An appeal may be lodged with the Board in respect of any decision made by any committee of the Board including the disciplinary committee and the registration committee.
- 11.8.2 No appeal shall be made in respect of:
- 11.8.2.1 a decision of the Board unless it is a decision which was delegated by the Board;
- 11.8.2.2 any decision or finding where a member has admitted to contravening the Code of Conduct or Rules in writing (save to the extent that any penalty or suspension imposed may be appealed);
- 11.8.2.3 any decision of the Appeal Board.
- 11.8.3 The Appeal Board shall be constituted by three Board members and an independent party with appropriate legal experience, appointed by the Board in its sole discretion.
- 11.8.4 The rules of the appeal process shall be determined and detailed in the Rule Book.
- 11.9 The Board may, in their own discretion, employ a full time or part time Registrar and other staff. The Registrar would:
- 11.9.1 Process applications and administer the registration process in such a way as to facilitate the work of the Registration Committee;
- 11.9.2 Manage the administration and bookkeeping functions;
- 11.9.3 Maintain the register.
- 11.10 Before the Board approves any amendment to the Rule Book or criteria and procedures for admission to the Register, the Board must, whether through the Registration Committee or otherwise, solicit comments from members of the Association, as well as interested and affected members of the general public, by circulating the proposed amendments to members and placing an appropriate advertisement on the website as well as in a newspaper with national circulation. A minimum of four weeks will be given for comments to reach the Board from the date of publication of the proposed changes.

12.

PROCEDURE AT COMMITTEE MEETINGS

Unless the Board decides otherwise, any committee (including the Registration Committee) established by the Board may conduct its meetings and regulate its proceedings as it finds convenient, on condition that:

- 12.1 Unless the Board stipulates otherwise, the chairperson will be entitled to chair all meetings of every committee. In the absence of the chairperson, the members of the committee must elect a person to chair the meeting from their number, provided that the chairperson of each committee is always a member of the Board and a respected and experienced REAP.
- 12.2 The chairperson of a committee or the chairperson of the Board may at any time convene a meeting of a committee.
- 12.3 The quorum necessary for the transaction of any business by a committee will be One-half ($\frac{1}{2}$) of its members.

- 12.4 At meetings of a committee, each member will have One (1) vote.
- 12.5 Questions arising at a committee meeting will be decided by a majority of votes. In the event of an equality of votes the chairperson of the committee will not have a casting or second vote. The chairperson or other person who chairs the meeting will decide, in his/her entire discretion, whether a vote is taken by a show of hands or by secret ballot.
- 12.6 Proper minutes must be kept of the proceedings of every committee, and a record of the persons present at each meeting. The minutes must be signed by the chairperson of the committee, or the other member who chairs the next meeting, and must be available at all times for inspection or copying by any member of the committee and by any member of the Board.

13.

MEETINGS OF THE BOARD

- 13.1 Meetings of the Board may be convened at any time at the request of:
- 13.1.1 The Board;
- 13.1.2 The chairperson; or
- 13.1.3 Any Two (2) members of the Board.
- 13.2 At least Two (2) Board meetings must be convened every calendar year. Unless the Board in its entire discretion decides otherwise, any Board meeting must be convened on not less than Fourteen (14) days' written notice to all Board members, which notice must contain an agenda stating in broad terms the business to be conducted at the meeting: on condition that, should the chairperson, having been requested to give notice of a Board meeting, fail to give it within Seven (7) days of the request, the persons requesting the meeting will be entitled themselves to give notice of and to convene the meeting.
- 13.3 Representation of Members at Board Meetings
- 13.3.1 Board members may attend meetings of the Board in person only, and not by proxy.
- 13.3.2 Only persons who have been duly elected or appointed as members of the Board in terms of this constitution will be entitled to attend meetings of the Board.
- 13.3.3 Members of the Board should attend all meetings of the Board but may not miss more than one meeting in every two-year cycle.
- 13.4 Resolutions and Voting
- 13.4.1 At all meetings of the Board, any matter put to the vote will be decided by a simple majority of votes, except where this constitution requires a Two-thirds ($\frac{2}{3}$) majority.
- 13.4.2 A matter put to the vote will be decided by a show of hands unless any member, before or on a show of hands, requests that the matter be decided by a secret ballot. Any secret ballot will be taken in a manner determined by the chairperson in his/her entire discretion.
- 13.4.3 Each Board member present at a Board meeting will be entitled to One (1) vote. The chairperson will NOT be entitled to a second or casting vote in the event of an equality of votes.

13.5 Quorum

13.5.1 A quorum constituting a meeting of the Board will be one-half ($\frac{1}{2}$) of the members, that is Seven (7) members.

13.5.2 If any meeting of the Board has been duly convened but no quorum is present, that meeting must be adjourned to another date, which must be at least Five (5) days later, as may be determined by the chairperson. Notice reflecting the adjournment must be given to all Board members in the manner provided for in this constitution. At the reconvened meeting, the members then present will be deemed to constitute a quorum.

13.6 Minutes

Proper minutes must be kept of the proceedings of every Board meeting, and a record of the persons present. The minutes must be signed by the chairperson or the other person who chairs the next meeting, and must be available at all times for inspection or copying by any Board member.

13.7 Written Resolution

Despite anything to the contrary contained in this constitution, a resolution signed by Two-thirds ($\frac{2}{3}$) of the members of the Board will be as valid as if it had been passed at a duly convened meeting. It will not be necessary for members to sign the original resolution; signature of a true copy will be sufficient, as will be a true copy which is signed and then scanned and transmitted electronically.

14.

NOTICES

14.1 Notice of all meetings provided for in this constitution must be delivered personally, or be sent by prepaid registered post, fax or e-mail to the last address or fax number provided by each person concerned to the Association, or in any other manner which the Board decides is appropriate.

14.2 If a mistake is made and notice of a meeting is not given to any person entitled to it, that mistake will not invalidate the proceedings of the meeting.

14.3 If posted, notices will be deemed to have been received Five (5) days after posting.

15.

LEGAL STATUS

15.1 The Association has independent legal personality distinct from its Members, is characterised by perpetual succession and:

15.1.1 May own immovable and movable property and enter into contracts in its own name; and

15.1.2 May sue or be sued in its own name.

15.2 In order to avoid doubt, it is confirmed that, because the Association is a juristic person distinct from its Members, the debts of the Association will be its own debts and not those of its Members, except to the extent that any Member may expressly assume liability for any debt of the Association.

16.

AMENDMENTS TO CONSTITUTION AND DISSOLUTION

- 16.1 Subject to the remainder of this constitution, the terms of this constitution may be amended, the name of the Association may be changed and the Association may be dissolved:
- 16.1.1 By decision adopted by the Members at a duly convened and quorate general meeting attended in person or by proxy by at least Twenty-five (25) per cent of the Members, on condition that written notice of the proposed resolution is given not less than Twenty-eight (28) days prior to the date of the meeting, and such notice states the nature of the resolution to be proposed. Any such resolution will be deemed to have been adopted only if it is supported by not less than Two-thirds ($\frac{2}{3}$) of the Members present in person or by proxy at the meeting;
- OR
- 16.1.2 By resolution adopted in terms of clause 8.13.
- 16.2 If the Association, when it is wound up or dissolved, is registered as a non-profit organisation under the NPOA, any assets remaining after all its liabilities have been met, must be transferred to another voluntary association; trust; section 21 company which qualifies as a non-profit organisation as defined in the NPOA; or statutory body; and, which has objectives similar to the Purpose and Objectives of the Association.

17.

INDEMNITY

- 17.1 Subject to the provisions of any relevant statute, all Board members and all office bearers will be indemnified by the Association for all acts done by them in good faith on its behalf; and it will be the duty of the Association to pay all costs and expenses which any such person incurs or becomes liable for as a result of any contract entered into, or act or deed done by that person in the performance in good faith of his/her duties on behalf of the Association.
- 17.2 Subject to the provisions of any relevant statute, no Board member or office bearer of the Association will be liable for:
- 17.2.1 The acts, receipts, omissions or defaults of any other member or office bearer, or for having joined in any receipt or other act for conformity; or
- 17.2.2 Any loss or expense suffered by the Association through the insufficiency or deficiency of title to any property acquired by the Association; or
- 17.2.3 The insufficiency or deficiency of any security in or on which the money of the Association may be invested; or
- 17.2.4 Any loss or damage arising from the bankruptcy, insolvency or delictual act of any person with whom any money or securities are deposited; or
- 17.2.5 Any loss or damage caused in any other way, which occurs in, or in relation to, the performance of that member's or office bearer's duties, unless it arises as a result of his/her dishonesty, or failure to exercise the degree of care, diligence and skill required by law.

I CERTIFY THAT THIS CONSTITUTION WAS DULY ADOPTED BY THE MEMBERS OF THE ASSOCIATION ON _____ 2009.

_____, in
his/her capacity as chairperson of the Association.

SCHEDULE ONE

GENERAL INVESTMENT AND ADMINISTRATIVE POWERS

Without limiting the discretionary and specific powers set out in the preceding constitution, but subject to the limitations and qualifications set out in it, the Board will have the following general investment and administrative powers:

1. To invest the Association Funds in registered financial institutions in the RSA.
2. To take over investments and assets forming the subject matter of donations made to the Association, and to retain them in the form in which they are received, or to realise (sell) them and re-invest the proceeds.
3. To realise (sell) or vary any investments from time to time forming part of the Association Funds and to re-invest the proceeds in any investments authorised by this Schedule.
4. To allow funds or monies forming part of the Association Funds to remain uninvested or in their original state of investment on acquisition by the Association.
5. To borrow on such terms and conditions as the Board decides for any of the objects of the Association; including the payment of liabilities; the making of a loan in furtherance of the Objectives of the Association; the preserving or acquiring of any assets or investments; the subscription of any shares; with powers from time to time to consent to any alteration or variation of the terms applicable thereto; and as security for any money so borrowed, the Board will be entitled to mortgage, pledge (either generally or specifically) or otherwise encumber, all or any portion of the Association Funds, in the manner and on terms and conditions as it sees fit, with the right also to replace such borrowings or security.
6. To guarantee (either free of charge or for payment) the performance of contracts or obligations of any person (including a juristic person), upon such terms and conditions, and with or without security, as the Board in its discretion sees fit; provided that any such person must be wholly or chiefly engaged in activities which further the Purpose and Objectives of the Association.
7. To exercise the voting power attached to any shares forming part of the Association Funds as the Board considers appropriate, and the Board will be entitled to enter into any arrangements it considers necessary for the liquidation, reconstruction or amalgamation of any company of whose capital the shares form a part.
8. To deal with any of the assets forming part of the Association Funds, by way of exchange, sale, lease or otherwise, and in exercising any powers of sale the Board will be entitled to cause a sale to be effected by public auction, tender or private treaty, as it considers appropriate.
9. To purchase or otherwise acquire immovable property, and in respect of any immovable property forming part of the Association Funds:
 - 9.1 To exchange, sell, lease or otherwise deal with that immovable property or any portion of it, and to grant rights or options in respect of it; to register mortgage bonds; and to maintain, repair or improve any buildings on, or forming part of, such immovable property.
 - 9.2 To execute any act or deed relating to alienation, partition, exchange, transfer, mortgage, hypothecation or otherwise in any Deeds Registry, Mining Titles Office or other public office; to deal with servitudes, usufructs, limited interests or otherwise; and to make any applications, grant any consents and agree to any amendments, variations, cancellations, cessions, releases, reductions, substitutions or otherwise generally relating to any deed, bond or document and to obtain copies of any deeds, bonds or documents for any

purposes and generally to do or cause to be done any act whatsoever in any such Registry or office.

10. To exercise all such management and executive powers as are normally vested in the Boards of Voluntary Associations, including (but without limitation) the following:
 - 10.1 To purchase or acquire in any way stock-in-trade, plant, machinery, land, buildings, agencies, shares, debentures and every other kind or description of movable and immovable property.
 - 10.2 To manage, insure, sell, lease, mortgage, dispose of, give in exchange, work, develop, build on, improve, turn to account or in any way otherwise deal with the Association's undertaking or all or any part of its property and assets.
 - 10.3 To apply for, purchase or by any other means acquire, protect, prolong and renew any patents, patent rights, licences, trademarks, concessions or other rights and to deal with and alienate them as provided in paragraph 10.2 of this Schedule One.
 - 10.4 To open and operate banking accounts and to overdraw such accounts.
 - 10.5 To make, draw, issue, execute, accept, endorse and discount promissory notes, bills of exchange and any other kind of negotiable or transferable instruments.
 - 10.6 To enter into indemnities, guarantees and suretyships and to secure payment under such instruments in any way.
 - 10.7 To take part in the management, supervision and control of the business or operations of any other voluntary association, trust, company or body, and to enter into partnerships.
 - 10.8 To remunerate any person or persons, either in cash or otherwise, for services rendered in the establishment of the Association or in the development or carrying-on of its activities.
11. The Board will be entitled generally to deal with assets and investments forming part of the Association Assets in any manner it decides is proper, and to this end is hereby vested with all additional powers which are necessary to enable it to do so.
12. All powers and authority granted to the Board in terms of this Schedule may be exercised not only in the Republic but in any other part of the world.

SCHEDULE TWO

LIMITATIONS AND QUALIFICATIONS OF THE ASSOCIATION'S POWERS BASED ON THE INCOME TAX ACT (ACT 58 OF 1962)

If and for as long as the Association is approved as a public benefit organisation, the powers of the Association will be limited in the manner stipulated in the provisions set out in section 30 of the Income Tax Act (Act 58 of 1962 as amended) as follows:

1. The sole object of the Association must be to carry on one or more public benefit activities as defined in section 30(1) of the Income Tax Act, where:
 - 1.1 All such activities are carried on in a non-profit manner and with an altruistic or philanthropic intent;
 - 1.2 No such activity is intended to directly or indirectly promote the economic self-interest of any fiduciary or employee of the Association, otherwise than by way of reasonable remuneration payable to that fiduciary or employee;
 - 1.3 At least Eighty-five (85) per cent of such activities, measured as the cost related to the activities and the time expended in respect thereof, are carried out for the benefit of persons in the Republic, unless the Minister of Finance, having regard to the circumstances of the case, directs otherwise; provided that cost incurred for the benefit of people outside the Republic will be disregarded to the extent of donations received by the Association from people who are not resident in the Republic, and receipts and accruals derived directly or indirectly from such donations, which donations, receipts and accruals have not previously been taken into account for the purposes of this proviso; and
 - 1.4 Every activity carried on by the Association must be for the benefit of, or widely accessible to, the general public at large, including any sector thereof (other than small and exclusive groups).
2. The Association must have at least Three (3) persons, who are not connected persons in relation to each other, to accept the fiduciary responsibility for the Association, and no single person may directly or indirectly control the decision-making powers relating to the Association.
3. The Association is prohibited from distributing any of its funds to any person (otherwise than in the course of undertaking any public benefit activity) and is required to utilise its funds solely for the Object for which it has been established; provided that the provisions of this clause, (clause 3 of schedule 2) will not prohibit the Association from retaining any investment (other than any investment in the form of a business undertaking or trading activity, or asset which is used in such business undertaking or trading activity) in the form that it was acquired by way of donation, bequest or inheritance.
4. If and when the Association is wound-up or dissolved in any manner provided for in this constitution, or as required by law, the net remaining assets of the Association, after all the obligations and commitments of the Association have been met, must be paid or transferred to:
 - 4.1 Any similar public benefit organisation which has been approved in terms of section 30 of the Income Tax Act; or
 - 4.2 Any institution, board or body which is exempt from tax under the provisions of section 10(1)(cA)(i) of the Income Tax Act, which has as its sole or principal object the carrying on of any public benefit activity.

5. The Association will be prohibited from accepting any donation which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A of the Income Tax Act: Provided that a donor (other than a donor which is an approved public benefit organisation or an institution, board or body which is exempt from tax in terms of section 10(1)(cA)(i) of the Income Tax Act, which has as its sole or principal object the carrying on of any public benefit activity) may not impose conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.
6. The Association must submit to the Commissioner a copy of any amendment to this constitution, and all required income tax returns together with the relevant supporting documents.
7. The Association must comply with such conditions as the Minister of Finance may prescribe by way of regulation to ensure that the activities and resources of the Association are directed in the furtherance of its Object.
8. The Association must not knowingly become a party to, or knowingly permit itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under the Income Tax Act or any other Act administered by the Commissioner.
9. The Association must not pay any remuneration, as defined in the Fourth Schedule to the Income Tax Act, to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector in which the Association operates, and in relation to the service rendered; and the Association must not economically benefit any person in a manner which is not consistent with its Object.
10. The Association must comply with such reporting requirements as may be determined by the Commissioner.
11. If the Association provides funds to any association of persons contemplated in paragraph 10(iii) of Part 1 of the Ninth Schedule to the Income Tax Act, the Association must take reasonable steps to ensure that those funds are utilised for the purpose for which they have been provided.
12. The members must ensure that any books of account, records or other documents relating to the Association:
 - 12.1 Where kept in book form, are retained and carefully preserved for a period of Four (4) years after the date of the last entry in any such book; or
 - 12.2 Where not kept in book form, are retained and carefully preserved for a period of Four (4) years after completion of the transactions, acts or operations to which they relate.
 - 12.3 The Association must not use its resources directly or indirectly to support, advance or oppose any political party.

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SCHEDULE THREE

FOUNDING MEMBERS OF THE ASSOCIATION

[To be added once the association is established.]

**SCHEDULE FOUR
INITIAL MEMBERS OF THE BOARD**

Initial Members of Board will be selected through a nomination call and selection process as contemplated in Section 9.17 of the Constitution. The membership of a Nominations and Selection Committee has been agreed at a National Stakeholder Conference (20 & 21 November 2007) for the purpose of the establishment of the Association. This committee will select the initial members of the Board in terms of the following requirements:

1. There must be at least Thirteen (13) members of the Board.
 - 1.1 In electing or appointing members to the Board the Association must seek to maintain a Board membership which comprises:
 - 1.1.1 Nine (9) REAP's: of whom Four (4) should preferably be in the fulltime employment of a provincial government, Four (4) should be women and Four (4) should be black and all should be respected and experienced specialists in the practice of Environmental Assessment who:
 - 1.1.1.1 have a good conceptual and practical understanding of sustainable development;
 - 1.1.1.2 have in-depth knowledge and experience of the required competencies for EA in South Africa and are able to demonstrate their application at a high level;
 - 1.1.1.3 have knowledge and experience of the relevant law, policy and regulations governing EIA and underpinning approaches to sustainable development in South Africa; and,
 - 1.1.1.4 are respected for their contribution to the development of EA practice and the community of practitioners in South Africa.
 - 1.1.2 One (1) representative of the academic or education sector relevant to environmental assessment and who may or may not be a Member of the Association.
 - 1.1.3 One (1) person employed at national government level with extensive relevant experience in the area of environmental assessment and sustainable development and who may or may not be a Member of the Association.
 - 1.1.4 Two (2) respected members of the wider community who have demonstrated a sustained and active interest in environmental management and sustainable development in the Republic and who may or may not be Members of the Association.
 - 1.1.5 At least Six (6) people who are female.
 - 1.1.6 At least Seven (7) people who are black.

LIST OF INITIAL BOARD MEMBERS AND THEIR QUALIFICATIONS:

[To be included after the selection of the initial board.]

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

SCHEDULE FIVE

INITIATING ORGANISATIONS

[May require updating prior to submission to the Minister]

Associations, Councils and Institutes:

1. Association for the Advancement of Black Scientists, Engineers and Technologists (AABSET)
2. Association of Consulting Town and Regional Planners (ACTRP)
3. South African Council for Natural Scientific Professions (SACNASP)
4. South African Council for the Landscape Architectural Profession (SACLAP)
5. Environmental Law Association (ELA)
6. South African Affiliate of the International Association for Impact Assessment (IAIASa)
7. Institute of Landscape Architects of South Africa (ILASA)
8. Institute of Waste Management (IWM)
9. The South African Association for Consulting Engineers (SAACE)
10. South African Black Technical and Allied Careers Organisation (SABTACO)
11. South African Institute of Architects (SAIA)
12. South African Institute for Civil Engineers (SAICE)
13. Southern African Institute of Ecologists and Environmental Scientists (SAIE&ES)
14. South African Planning Institute (SAPI)
15. Water Institute of Southern Africa (WISA)
16. South African Institute for Engineering and Environmental Geologists (SAIEG)
17. South African Institute for Environmental Practitioners (SAIEP)
18. South African Institute for Environmental Health (SAIEH)

National Government Departments:

19. Department of Environmental Affairs and Tourism (DEAT)
20. Department of Minerals and Energy (DME)
21. Department of Arts, Culture, Science and Technology (DACST)
22. Department of Land Affairs (DLA)
23. Department of Water Affairs and Forestry (DWAF)
24. Department of Provincial and Local Government (DPLG)

Provincial Departments:

25. Department of Agriculture, Conservation and Environment (Gauteng)
26. Department of Agriculture Conservation and Environmental Affairs (North West)
27. Department of Economic Affairs, Environment and Tourism (Eastern Cape)
28. Department of Finance and Economic Development (Limpopo)
29. Department of Agriculture and Environment Affairs (KwaZulu Natal)
30. Department of Tourism, Environment and Conservation (Northern Cape)
31. Department of Environmental Affairs and Development Planning (Western Cape)
32. Department of Agriculture, Conservation and Environmental Affairs (Mpumalanga)
33. Department of Tourism, Environmental and Economic Affairs (Free State)

PART 3: RULE BOOK OF ASSOCIATION OF ENVIRONMENTAL ASSESSMENT PRACTITIONERS OF SOUTH AFRICA

The Rule Book of the Environmental Assessment Practitioners Board of South Africa contains all procedures and rules established for the operation of the Association and Board in accordance with the provisions of the Constitution of the Environmental Assessment Practitioners Board. This Rule Book may be updated from time-to-time by resolution adopted by the Board within the process and after meeting consultation requirements set out in the Constitution.

SECTION 1: CODE OF ETHICAL CONDUCT AND PRACTICE

All registered EAPs and Candidate EAPs who are admitted to the Register of Environment Assessment Practitioners Board are required to adhere to the following Code of Ethical Conduct and Practice

1. Environmental assessment practitioners shall carry out their professional activities, as far as reasonable and practical, in accordance with principles of sustainable development, and in compliance with the letter and intent of relevant environmental legislation.
2. Environmental assessment practitioners shall at all times place the integrity of the environment, including conservation and long term sustainable use of the biophysical environment and the social welfare, health and safety aspects of the socio-economic environment, above any commitment to sectional or private interests.
3. Environmental assessment practitioners shall ensure the incorporation of environmental considerations from the earliest stages of project conception or policy development.
4. Environmental assessment practitioners shall not conduct professional activities in a manner involving dishonesty, fraud, deceit, misrepresentation or bias.
5. Environmental assessment practitioners will clearly differentiate between facts and opinions in their work.
6. Environmental assessment practitioners will, to the best of their ability, keep informed of advances in environmental assessment practice, and will integrate such knowledge into their professional activities.
7. Environmental assessment practitioners will inform a prospective client or employer of any professional or personal interests which may impair the objectivity of their work.
8. Environmental assessment practitioners will not neglect or subvert good professional practice in order to secure personal gain, or attempt to injure the reputation or opportunities for employment of another environmental assessment practitioner by false, biased or undocumented claims or accusations, by any other malicious action, or by offers of gifts or favours.
9. Environmental assessment practitioners will use the best available information. Where enough relevant and reliable information cannot be obtained, this deficiency must be explicitly stated in the findings of the environmental assessment, in terms of any assumptions and limitations in the environmental assessment, the risks to the environment, levels of confidence in predictions, and implications for decision making of information deficiencies.
10. Environmental assessment practitioners must take responsibility for the findings of the environmental assessment for which they are responsible. (It is noted that the environmental assessment practitioner cannot be held responsible for decisions made by other parties, purportedly based on the findings of the environmental assessment.)
11. Environmental assessment practitioners must conduct professional activities, as far as appropriate, in an interdisciplinary manner and recognise the need to collaborate with suitably qualified persons in subject areas where they are relatively inexperienced or unspecialised.

12. Environmental assessment practitioners should undertake particular environmental assessment work in a position of responsible charge where they are competent to do so. This must be applied without impediment of transformation or prejudice in accessing work opportunities in new fields.
13. Environmental assessment practitioners shall not advertise their professional services in a self-laudatory manner that may discredit the profession.
14. Environmental assessment practitioners shall not misrepresent or allow or permit misrepresentation of their own or their associates' academic or professional qualifications, or exaggerate their degree of responsibility for any work of a professional nature.
15. Environmental assessment practitioners shall actively discourage misrepresentation or misuse of work carried out by them or performed under their direction.
16. Environmental assessment practitioners in either public or private employ shall not undertake, review or make decisions based on environmental assessment work where they have a vested or other financial interest in decisions or actions that may arise from the assessment.
17. Where an environmental assessment practitioner is employed by an organization that is either the proponent of development or stands to benefit directly from development proposed by an outside party, and undertakes environmental assessment work for that organization (so-called 'in house' work), his/her environmental assessment work must be subject to review by an independent environmental assessment practitioner.
18. Environmental assessment practitioners will demonstrate commitment to the purpose and objectives of the Association, and comply with the provisions of this Constitution and any Rules of the Association.
19. An EAP must conduct her/his work at the highest possible level of work reasonable to expect from a person in that position.

SECTION 2: CRITERIA AND PROCEDURE FOR REGISTRATION

The following section describes the criteria and procedure to be applied by the Environmental Assessment Practitioners Board in admitting practitioners to the Register. It should be read in conjunction with the Qualification for Environmental Assessment Practice and the associated outcomes and criteria. Before the Association can operate as a Registration Authority for Environmental Assessment Practitioners, the Minister of Environmental Affairs and Tourism will need to officially appoint it as the Registration Authority. The Minister will also set a date by which all EAPs will need to be registered in order to practice. This deadline will be set so as to ensure that reasonable time is given to enable practitioners to meet the requirements and criteria for registration and register as either a REAP or a Registered Candidate EAP. This will require that the following is in place after the official appointment of the Association:

- Adequate educational institutions offering the required qualification;
- Adequate trained assessors to conduct assessments for Recognition of Prior Learning;
- Adequate numbers of experienced REAPs prepared to act as referees for registration applications;
- Adequate numbers of experienced REAPs prepared to act as mentors to Registered Candidate EAPs.

1. REGISTRATION OF EAPS

Once the Environmental Assessment Practitioners Association has been recognised as the Registration Authority for Environmental Assessment Practitioners by the Minister of Environmental Affairs and Tourism, and the deadline, as set by the Minister of Environmental Affairs and Tourism, after which registration will be required, has been reached:

- 1.1 A person may not practice as an EAP unless s/he is registered as an EAP.
- 1.2 A person who falls into the category of Candidate EAP, must register as a candidate and perform work on environmental assessments under supervision.
- 1.3 EAPs will have to apply for re-registration every five years.
- 1.4 Two categories of practitioners will be entitled to undertake Environmental Assessments:
 - 1.4.1 **Registered Environmental Assessment Practitioners (REAP):** In order to register, **REAPs** must meet **all criteria necessary to register as an EAP in South Africa. They** will be EAPs who are qualified to take overall responsibility for conducting or reviewing environmental assessments in their professional capacity as practitioners within South Africa, provided that, in so doing, they adhere to professional registration requirements, the Code of Ethical Conduct and Practice of **conduct, ethics and practice and continued professional development to which they are bound as registered EAPs.**
 - 1.4.2 **Registered Candidate Environmental Assessment Practitioner (Candidate EAP):** This category of registration is for EAPs who have the required formal qualification, the Advanced Certificate: Environmental Assessment Practice and meet some, but not all, of the criteria related to the nature and length of professional experience necessary for registration as an EAP. These Candidate EAPs are qualified to undertake work associated with, or contributing to, environmental assessment on projects, provided that such work is supervised, reviewed, and 'signed off' by a REAP. That is, a Registered EAP would take responsibility for work carried out by a Candidate environmental assessment practitioner. Candidate EAPs must adhere to the Code of Ethical Conduct and Practice applicable to all registered EAPs.

2. CRITERIA FOR REGISTERING ENVIRONMENTAL ASSESSMENT PRACTITIONERS

- 2.1 Criteria will be developed and amended from time to time by the Board in consultation with members of the Association and other interested and affected parties, for registering and re-registering EAPs. The general criteria for registration are set in 2.2 below for:
- a. Registration of Environmental Assessment Practitioners and Candidate Environmental Assessment Practitioners.
 - b. Re-registration of Environmental Assessment Practitioners
- 2.2 The requirement to register as an EAP before being able to practice will only apply after the deadline for registration, as set by the Minister, has been reached. This deadline will take into account:
- a. the time required to get a set of SAQA-registered qualification standards in operation;
 - b. time required to enable an adequate geographical spread of educational providers accredited to offer the relevant accredited courses;
 - c. time required to enable an adequate geographical spread of available competent assessors for 'recognition of prior learning' (RPL); and
 - d. the time required to register existing practitioners.
- 2.3 **Criteria for registration of EAPs:** Criteria include the following basic requirements:
- 2.3.1 **Formal certificate of competence.** A SAQA accredited qualification, the Advanced Certificate: Environmental Assessment Practice, NQF Level 7, has been established and includes specified exit level outcomes and associated assessment criteria for the assessment of competence arising from formal study or recognition of prior learning. Registration would require an Advanced Certificate: Environmental Assessment Practice:
- a) Issued by an accredited educational programme,
- OR
- b) Issued by a competent and accredited assessor based on a Recognition of Prior Learning assessment.
- 2.3.2 **Nature and length of professional experience** necessary for effective practice as an EAP. The minimum requirements for **appropriate professional experience**⁷ are as follows:
- a) A minimum of three years appropriate professional experience; and
 - b) A minimum of three Environmental Assessments (EAs) or Reviews, at an appropriate scale, conducted in that time in which the applicant has held primary responsibility for the conduct or review of the EAs and which demonstrate the required level of competence given the context of the EAs in each of the Exit Level Outcomes listed below and, as relevant, adequately meet the criteria specified for each of these in the Advanced Certificate: Environmental Assessment Practice:
 - ELO 1: Demonstrate a conceptual understanding of the environment; sustainable development; environmental assessment; and, integrated environmental management. (Range: Conceptual understanding includes but is not limited to performance, quality, function, structure and thresholds).
 - ELO 2: Demonstrate the ability to think holistically, systemically, systematically, spatially and in an integrative manner and to discern what is relevant to decision-making.
 - ELO 3: Identify and apply environmental assessment and management procedures and methods.

⁷ Appropriate professional experience refers to relevant experience in the field of environmental practice associated with environmental assessment – demonstrating competence in the required areas.

- ELO 4: Review and monitor environmental assessment procedures and methods.
- ELO 5: Conduct applied research activities in a specific context. (Note: An EAP is not required to conduct specialist studies).
- ELO 6: Meet specific communication requirements at all levels through environmental reporting processes and stakeholder engagement.

- 2.3.4 In addition, registered EAPs and Candidate EAPs would need to formally undertake to conduct themselves in a responsible and ethical manner in accordance with the Code of Ethical Conduct and Practice.
- 2.4 **Criteria for re-registration:** On application for re-registration after each five year registration period, a registered environmental assessment practitioner would have to provide evidence of continuing professional development and skills transfer within the environmental assessment field as per the requirements set out below. Detailed guidelines for Continued Professional Development are provided in section 3 of the Rule Book.
- 2.4.1 **Evidence must be provided demonstrating effective competence in practice** over the previous five year period of registration and based on the set criteria. This evidence must be provided by way of an explicit list of environmental assessments or reviews in which the applicant was involved, specifying the time period and dates of involvement, involvement in what capacity and a brief outline of how these demonstrate ongoing competence in terms of the set criteria.
- 2.4.2 **Evidence that the applicant has updated and improved his/her skills, knowledge and understanding** in the field of environmental assessment during the past five year registration period, through *inter alia*:
- a) Completing formal, accredited education and training, including distance education;
 - b) Attending short courses, including in-house training and/or training provided by a voluntary environmental assessment organization approved by the Board;
 - c) Attending conferences, meetings, workshops, seminars;
 - d) Private study of journals, papers, texts, etc (informal learning activities).
- 2.4.3 **Evidence that the applicant has contributed to transformation, skills transfer, capacity building and awareness raising** in the environmental assessment field during the past five year registration period, through *inter alia*:
- a) Giving talks, lectures, training sessions, and/or participating in discussion forums (or similar) on environmental assessment;
 - b) Publication and/or presentation of papers on environmental assessment;
 - c) Mentoring Candidate environmental assessment practitioners (EAPs), specifically, black entrants;
 - d) Advising, reviewing work carried out by, or in any other way assisting Candidate EAPs;
 - e) Providing relevant *pro bono* services to non-government organizations, community based groups or organisations that work for public benefit.
- 2.5 The Board will determine the number of continuing professional development and skills transfer units that can be credited in terms of each of the above activities, and the total number of units that will be required during each five year period of registration. An initial proposal is set out in Section 3, guidelines for Continuing Professional Development.
- 2.6 Registered environmental assessment practitioners must maintain an accurate record of activities they intend to use as evidence of Continuing Professional Development to support their re-registration application, providing dates, descriptions of the activity and of their role in that activity, for submission to the Board on application for renewal of membership every five years. An initial template is provided as Annexure 3B) to section 3.

3. REGISTRATION BY THE BOARD

- 3.1 A person must apply to the Board for registration using the prescribed application form.
- 3.2 The relevant application form must be accompanied by the prescribed fee.
- 3.3 The Board must register the applicant as a REAP or registered Candidate EAP and issue a registration certificate if, after consideration of an application, the Board is satisfied that the applicant meets the criteria referred to in section 2.
- 3.4 An applicant may be disqualified from registration if:
- a) the applicant does not qualify for registration or re-registration as an EAP or a Candidate EAP in terms of the criteria;
 - b) the applicant breaches the Code of Ethical Conduct and Practice as specified in the Rule Book of the Association;
 - c) the applicant has been removed from an office of trust on account of improper conduct;
 - d) the applicant 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;
 - e) 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;
 - f) the applicant is declared by the High Court to be of unsound mind or mentally disordered, or is detained under the Mental Health Act, 1973; and /or
 - g) the applicant is an un-rehabilitated insolvent whose insolvency was caused by his or her negligence or incompetence in performing work falling within the scope of the category in respect of which he or she is applying for registration.
- 3.5 The Board must provide the applicant with a notice of a refusal referred to in section 3.4 and provide reasons for such refusal.

4. CANCELLATION OF REGISTRATION

- 4.1 The council may cancel the registration of a registered person if she or he:
- a) Becomes disqualified from registration as contemplated in section 3.4 of the Rule Book and in terms of Section 7.3 of the Constitution of the Association;
 - b) Has erroneously been registered, or has been registered on information subsequently proved to be false; or,
 - c) Fails to pay the prescribed annual fee or portion thereof, within 60 days from it becoming due or within such further period as the Board may allow, after the expiry of the 60 days.
- 4.2 The Board must provide the registered person with a notice of cancellation, as referred to in 4.1 (above), noting the reasons for cancellation of registration.

5. REGISTRATION PROCESS

- 5.1 All potential applicants who fulfil the criteria for registering as EAPs are encouraged to apply to the Board via the Registrar for the Environmental Assessment Practitioners Board of South Africa: **include address**. Once the DEAT has passed the legislation intended to make registration compulsory, it will no longer be possible to practice as, or use the designation of, EAP without being registered.
- 5.2 Applications using the standard format and forms should be sent to the Registrar for the Environmental Assessment Practitioners Board of South Africa: **include address**. Applications must include certified copies of qualifications and the information and portfolio of evidence of competence required of applicants and specified on the application form.

- 5.3 The Registrar will receive the application and assign two anonymous and independent referees to review the application. The referees will complete a report on their assessment of the candidate in a standard format. The completed referees' reports, together with the candidates' application, will be considered by the Registration Committee who will make the decision regarding admission to the Register; or refusal; or, may recommend that:
- a) Further information, or further evidence of competence be supplied;
 - b) An interview be held that is structured specifically to assess the competence of an individual in terms of specific outcomes and criteria and using a structured interview process.
- 5.4 In the case that the Registration Committee decides to refuse admission to the Register, specific reasons and recommendations in terms of further qualifications, experience or work on improving competencies will be provided to the candidate. In such situations, the Registration Committee may recommend that the applicant:
- a) Register and work in the field as a registered Candidate EAP and follow a structured mentorship and learning process and apply for registration once the criteria can be met (Note: this assumes that enabling mentorship and CPD programmes becomes an important role of the new body);
 - b) Request to be formally assessed in terms of Recognition of Prior Learning in terms of the Advanced Certificate: Environmental Assessment Practice.
- 5.5 If the applicant feels that the decision made by the Registration Committee is not in line with the criteria and other requirements for registration specified, she or he may appeal to the Board using the appeal procedure outlined in Clause 11.8 of the Constitution and further in Section 5 of the Rule Book.
- 5.6 The Board will compile and update a Register of EAPs. This Register will be made available on the Association's website and in any other means decided by the Board. The Register will provide the names and contact details of all registered EAPs or Registered Candidate EAPs, their qualifications, their province and town/city of residence, and the main areas in which they conduct environmental assessment work.
- 6. REFEREES**
- 6.1 Each individual applying for registration will be assigned two anonymous and independent referees by the Registration Board.
- 6.2 Referees should be REAPs who are respected by their peers for their expertise and ethical conduct and should be individuals who clearly satisfy all the registration requirements. The Registration Committee will maintain a list of individuals who would be willing to be called on to act as a referee and provide their reports timeously to the Registration Committee.
- 6.3 A roster system will be applied when assigning referees to applicants while ensuring independence, objectivity and no conflict of interest exists (for example, referees should not be employed by/at the same organisation as the applicant). In the event that a Registrar is employed by the Association, the Registrar should be responsible for managing the roster and assigning referees.
- 6.4 The confidential referees' reports will accompany the application when it is assessed and considered by the Registration Committee.

ANNEXURE 2A) SUMMARY OF CRITERIA FOR REGISTRATION

EAP Registration Categories	Criteria (Once SAQA-registered Qualification Standards are in place with requisite operational systems, ETQA etc.)
Registered Candidate EAPs	<p>1. Formal certificate of competence A SAQA accredited qualification, the Advanced Certificate: Environment Assessment Practice, NQF Level 7, arising from formal study or recognition of prior learning</p> <p>2. Professional experience: Signed up for up to 3 years relevant professional experience under professional mentorship of a registered EAP and including a practical programme arranged to enable demonstration of competence in practice based on the exit level outcomes and criteria specified in the Advance Certificate as well as undertaking by supervisor to provide referees report</p>
Registered EAPs	<p>1. Formal certificate of competence A SAQA accredited qualification, the Advanced Certificate: Environment Assessment Practice, NQF Level 7, arising from formal study or recognition of prior learning</p> <p>2. Professional experience: An application indicating a minimum of three years experience as well as a minimum of three Environmental Assessments or Reviews conducted in that time in which the applicant has held primary responsibility for the conduct or review of the EA. Further, a motivation outlining how and why the EAs or Reviews demonstrate the required level of competence, given the context of the EA, in each of the exit level outcomes listed in the SAQA accredited Advance Certificate and, as relevant, adequately meet the criteria specified for each of these as well as copies of the three EAs and letters from 2 referees</p>
Re-registration requirements	<p>CPD report for re-application and assessment by CPD and Registration Committees on a five-yearly basis, providing:</p> <ul style="list-style-type: none"> a. Evidence demonstrating effective competence in practice showing that the applicant has continued to develop b. Evidence that the applicant has updated and improved his/her skills, knowledge and understanding. b. Evidence that the applicant has contributed to skills transfer, capacity building and awareness raising in the environmental assessment field during the past five year registration period

ANNEXURE 2B) SUMMARY OF THE THREE STEP REGISTRATION PROCESS

Step 1: Application

Complete the standard application form and attach all the required documents for either:

- Registration as an EAP
- Registration as a Candidate EAP
- Re-registration as an EAP

What documents must be included with your application?

DOCUMENTS TO INCLUDE	REGISTRATION AS AN EAP	REGISTRATION AS CANDIDATE EAP	RE-REGISTRATION
Qualification as EAP	A certified copy of certificate of qualification - Advanced Certificate: Environmental Assessment Practice		Evidence of improved skills, knowledge or understanding
Professional experience	Motivation covering: <ul style="list-style-type: none"> ▪ Number of years experience; ▪ Copies of 3 Assessments or Reviews in which you held primary responsibility ▪ Explanation of how the 3 Assessments or Reviews demonstrate competence in exit level outcomes 	Motivation explaining what aspects of the criteria you meet and which would need further development: <ul style="list-style-type: none"> ▪ Number of years experience; ▪ Copies of any Assessments or Reviews in which you held primary responsibility ▪ Explanation of to what extent the Assessments or Reviews demonstrate competence in exit level outcomes and the gaps 	Motivation regarding continued competence in practice: <ul style="list-style-type: none"> ▪ List of EAs or reviews ▪ Time periods ▪ Capacity in which participated ▪ How these demonstrate ongoing competence in exit level outcomes
Contribution to the profession			Evidence of contribution to skills transfer, capacity building and awareness raising

Where should you send your application?

Address of the EAPASA Offices

Step 2: Review and Recommendations

Once the Registrar receives complete application documents, she or he will:

- ♦ In the case of applications for registration as an EAP or a Candidate EAP: Allocate two referees to review the application, draw up a report and make recommendations to the Registration Committee on the outcome of the application.
- ♦ In the case of applications for re-registration as an EAP: Forward the application to the Continuing Professional Development (CPD) Committee who will review the application and make a recommendation to the Registration Committee. The committee may request further information.

Step 3: Registration Committee Decision

The Registration Committee will meet to make decisions on applications for registration and re-registration based on the recommendations of the referees or of the CPD Committee. The committee may request further information before making a final decision. The Registration Committee will meet four times a year to consider applications for registration. Applicants will be notified in writing, once the decision has been made. If an application is successful a registration certificate will be issued. Should an application be unsuccessful, the applicant will receive reasons for this decision.

If an applicant believes that the decision reached is incorrect, they may appeal to the Board to review the decision. The appeal process is set out in section 5 of the Rule Book.

SECTION 3: GUIDELINES FOR CONTINUING PROFESSIONAL DEVELOPMENT

1. Introduction

For the purposes of the Registration Authority for Environmental Assessment Practitioners in South Africa (hereinafter referred to as 'the Registration Authority'), a clear distinction is made between:

1. *Professional development* of registered **Candidate EAPs** leading to registration as an EAP; and
2. *Continuing Professional Development* of **Registered EAPs**.

1.1 Professional development

It is recommended that registered Candidate EAPs who are working towards registration as EAPs should plan their professional development in order specifically to work towards meeting the requirements for registration. Annexure 3A provides guidance in this respect.

The support and assistance of employers and/or mentors is important to ensure that a Candidate EAP progresses to becoming a registered EAP. Employers should ensure that the firm or department allocates adequate resources to appropriate training and relevant experience, recognizing that professional development will benefit that firm or department in time.

1.2 Continuing Professional Development

Once registered, the focus of an EAP's Continuing Professional Development will differ according to his/her area of work; background training; competencies; experience; and, career aspirations.

Continuing Professional Development (CPD) is defined as: "The systematic maintenance, improvement and broadening of knowledge and skills and the development of personal qualities necessary for the execution of professional and technical duties, and contribution to capacity building in the field, throughout an environmental assessment practitioner's working life."

Demonstration of CPD shows a commitment to ongoing professional development, maintenance of high standards and professional competence. A well-defined CPD requirement in terms of professional registration also helps EAPs' employers to justify the allocation of time and money for staff development.

WHO BENEFITS FROM CPD?

The registered environmental assessment practitioner will benefit as CPD:

- Maintains or increases one's level of technical competence;
- Extends one's range of skills;
- Develops new areas of expertise;
- Promotes confidence and pride in one's work; and
- Establishes links with fellow professionals, thereby increasing one's career options.

The public and employers will benefit. A registered EAP, having to comply with CPD obligations, means that the public and employers can rely on:

- Professionals whose skills are being maintained and developed;
- Skilled professional service; and
- Technical competence.

All registered Environmental Assessment Practitioners (EAPs) will be required to undertake and record Continuing Professional Development activities as a prerequisite to periodic renewal of their professional registration.

The responsibility for meeting the CPD obligation rests with the individual registered EAP. However, it is very difficult for an individual to develop professionally without some support and encouragement at work. Employers should ensure that the firm, or department, allocates adequate

resources to training, that training opportunities are made available, and that CPD is accepted as an important and integral part of professional life.

2. CPD requirements

All registered EAPs are required to submit CPD record sheets (Annexure 3B) when applying to renew their registration. Failure to submit evidence of CPD will result in renewal of registration being reviewed by the appropriate committee and applicable sanctions being imposed.

In order for an EAP to optimize his/her CPD, it is recommended that the EAP explicitly identifies and prioritises those particular areas within his/her current and/or foreseeable future work, including specific personal and career ambitions, that would benefit from additional learning or skills acquisition. The CPD programme should strive to address those priority areas.

The rationale for CPD activities should be captured on the CPD record sheet. To this end, it is recommended that the following information be captured in an introductory section prepared by the registered EAP in support of the CPD record sheet:

- a) tasks expected to perform in current work position;
- b) related areas of required expertise;
- c) skills needed to perform tasks well;
- d) longer term career ambitions;
- e) priority areas for professional development; and
- f) a planned CPD programme for the coming year/s.

The CPD record sheet should show progress in two key areas, namely:

Area 1: Evidence of the EAP's updating and improving his/her knowledge and understanding of environmental assessment, and technical skills.

CPD could target areas needed:

- to undertake current environmental assessment (EA) work more effectively;
- to keep in touch with EA issues not directly related to one's day-to-day work;
- to develop skills complementary to professional EA activities, and designed to help career progression or to maintain competence (e.g. managerial skills, knowledge management, etc.).

The examples given below are not exhaustive. If unsure whether or not an activity will be deemed relevant, it should be included:

- Attending an 'outside' seminar, conference, congress, colloquium or workshop;
- Attending meetings of associations or professional organizations in the field of impact assessment or related fields;
- Attending an accredited training course at a university or technikon;
- Attending a training course run by a voluntary environmental assessment organization approved by the Registration Authority⁸;
- Attending 'in-house' training or small-group discussions or colloquia;
- Study through distance learning programmes.

Area 2: Contribution to the EA industry, capacity building and awareness raising: evidence of the EAP's having 'given back' his/her knowledge, understanding or related skills of environmental assessment to peers, Candidate EAPs and the wider public.

The examples given below are not exhaustive. If unsure whether or not an activity will be deemed relevant, it should be included:

- Giving presentations or talks on impact assessment or related topics;
- Building capacity in professional impact assessment teams through advice or guidance;
- Voluntary work in support of sustainability, environmental or conservation bodies, including assisting non-government organizations or community-based organizations with EA or related work on a *pro bono* basis;
- Involvement in boards, committees or sub-committees, working groups, focus groups, forums or panels related to environmental assessment;

⁸ May include relevant professional councils, institutes, societies or associations (e.g. IAIAAsa)

- Reading relevant journals / articles;
- Networking with other EAPs, EA organizations or institutions;
- Providing training, tutoring, and /or lecturing in EA or related topics;
- Co-ordinating and /or running short courses;
- Mentoring Candidate EAPs and /or supporting the development of other aspiring EAPs (refer to Annexure 3B for supporting information and a recommended approach);
- Writing papers and articles on environmental assessment.

In each Area:

- List discrete activities;
- List activities in chronological order;
- List details such as the dates, time spent on each activity, and a brief description of the subjects covered.

3. Adjusting CPD requirements:

In certain circumstances (e.g. illness; maternity leave, temporary offshore residence), considered on a case-by-case basis, the requirement for CPD may be adjusted. Requests for CPD requirements to be adjusted should be made in writing to the Registration Authority.

4. Part-time professional work

Registered EAPs who work part-time will need to be no less competent than those in full-time work, and will should thus strive to meet the full CPD requirements over any five year period.

ANNEXURE 3A): GUIDANCE FOR CANDIDATE EAPs AND THEIR EMPLOYERS OR MENTORS (AS RELEVANT) - PROFESSIONAL DEVELOPMENT PLAN AND ASSOCIATED RECORD SHEET

In order for Candidate EAPs to work towards registration, they need to select or target those skills, competencies or areas of experience that would assist them in satisfying the EP registration requirements. Mentors and/or employers of Candidate EAPs can play an important role in helping them work towards registration, by co-operating with them and supporting them in preparing a personalized Professional Development Plan; facilitating professional development in priority areas identified by the Candidate EAP; and, ensuring that they keep a clear record of their professional development during the period of mentorship.

The Professional Development Plan should:

- Identify the gaps between the requirements for EAP registration and the candidate's current training, skills, competencies and experience;
- Identify ways in which those gaps could best be met in one's current working environment (e.g. by undertaking specific activities that would address those needs, such as additional training, experience);
- Prioritize related activities;
- Plan, as far as practicable, to undertake those activities during the subsequent year covered by the professional development plan;

The Professional Development Plan can be a short, succinct, statement – perhaps no more than half a page in length – of one's current situation and what one needs to do to stay there. Alternatively, it can be a detailed analysis of personal and professional circumstances, aspirations and needs and the steps one has identified to meet those needs.

Record sheets of professional development should:

- Be legible and well presented;
- Record only those activities which have contributed to meeting the EAP registration requirements;
- Show clearly the date(s) or period(s) in which the various professional development activities were undertaken;
- Show clearly the nature of the activity undertaken (e.g. distance learning, home-based reading, course, conference, seminar, workshop, etc.), as well as details of the activity itself;
- Capture the number of hours, days or months spent on each activity;
- Explain the relationship between one's Professional Development Plan and the activities completed, and evaluate whether or not one has met the objectives of that Plan.

Priority area for professional development, to meet certification requirements	Type of activity targeted to meet professional development need	Target date	Description of activity undertaken	Date / time of activity
e.g. evaluation of impact significance	e.g. training course	e.g. mid-year	e.g. accredited short course at local university	e.g. July 2010

Name of Candidate EAP:Contact details:

Time period of professional development:

I declare that all information on this form is true, accurate and complete to the best of my knowledge.

Signature:.....

Date:...../...../.....

ANNEXURE 3B): CPD RECORD SHEET FOR REGISTERED EAPs

There is no prescribed form for CPD, although it must meet certain criteria. The essential requirement is that it should form the primary focus for defining and recording a registered EAP's professional development. As the needs of each individual EAP for CPD will differ depending on his/her area of work and background training, competencies, experience and career aspirations, the emphasis of each CPD will be different.

The requirement for CPD is to gain **a minimum of 125 points of CPD over a five year period**; with a **minimum of 25 points from Area 1 and 50 points from Area 2**. Each practitioner should keep adequate records of evidence which can be assessed and verified if subject to audit. This record sheet is to be submitted to the registration authority on application for renewal of professional registration.

The table below provides a guide to CPD activities and the allocation of points. The Registration Authority may periodically issue additional guidelines/clarification of activities, categories and points.

Key CPD activity.	Description of activity	Typical Evidence	Points per hour
Area 1: Updating and improving the individual's knowledge and understanding of environmental assessment, and technical skills			
1	Formal, accredited education and training, including distance education	Certificates of attendance or attainment; Certificates / degrees / diplomas awarded	5
2	Attending short courses, including in-house training and/or training provided by a voluntary environmental assessment organization approved by the Registration Authority,	Certificates of attendance or attainment, attendance records, receipts of payments	2
3	Attending conferences, meetings, workshops, seminars	Certificates of attendance or attainment, attendance records, receipts of payments	1
4	Private study of journals, papers, texts etc (informal learning activities)	Diary records, personal declaration	1
Area 2: Contributing to the EA industry, capacity building and awareness raising			
1	Presentations to courses, conferences or seminars where there is a contribution to the environmental assessment profession but the paper is not published in a refereed journal.	Handout notes; conference brochures which name the person and the paper, etc	2
2	Part-time or guest lecturer to environmental courses at academic institutions (points are per hour of actual face-to-face presentation and allow for time of preparation of the lecture material)	Academic institute records, course notes presented, receipts of payments made as a lecturer	2
3	Mentoring Candidate- or aspiring EAPs	Diary records, statement from recipient of mentoring	5
4	Service activities to professional EA bodies, associations (committees or sub-committees, Board, Panels, advice, etc.)	Minutes of meetings, attendance records	1
5	Publication of technical or research papers.	The actual publication in which the paper appears; acceptance letter from an editor, conference organiser	5
6	Developing new networks to promote EA	Diary records, records of agreements and correspondence	1
7	<i>Pro bono</i> activities	Records of the organisation with which the involvement takes place; diary entries	5

Name:Contact details:

EAP Registration Number:.....

Five-year period:

I declare that all information on this form is true, accurate and complete to the best of my knowledge.

Signature:.....

Date:...../...../.....

Area 1: Updating and improving the individual's knowledge and understanding of environmental assessment, and technical skills					
CPD activity number	Description of activity	Date of activity	Hours or days spent on activity	Evidence	Points
Area 2: Contributing to the EA industry, capacity building and awareness raising					
CPD activity number	Description of activity	Date of activity	Hours or days spent on activity	Evidence	Points

SECTION 4: DISCIPLINARY COMMITTEE PROCEDURES

The following are the disciplinary procedures that apply to contraventions of the Constitution and the Rule Book:

1. The member will be advised of the alleged contravention on behalf of the Association in writing as soon as practically possible after the disciplinary committee has been charged with the adjudication of the alleged contravention.
2. The disciplinary enquiry proceedings will be commenced within 90 days (or such extended period as the Disciplinary Committee may determine). The Member will be given fair warning of the time and place at which the disciplinary enquiry will be held if a hearing will be held.
3. The member is entitled to be represented at the disciplinary enquiry by a fellow member (free of consideration and not in any professional capacity). The member is not entitled to any other representation; provided that the disciplinary committee may in exceptional cases, on written application by the member setting forth compelling reasons, grant the member the right to professional legal representation. This representation may be granted at the absolute discretion of the disciplinary committee in order to attain procedural fairness, and taking into account such factors as the nature of the charges brought against the member; the degree of legal or factual complexity involved; the potential seriousness of the consequences of an adverse finding; the availability of suitably qualified legal representatives amongst fellow members; and any other factors which the disciplinary committee in its discretion considers relevant in light of the circumstances which prevail in the particular case.
4. The Board (or the chairperson, or the vice-chairperson of the Association) may appoint a member with at least fifteen years experience (free of consideration and not in any professional capacity) as a prosecutor to prosecute the alleged contravention before the disciplinary committee and to gather evidence of the alleged contravention.
5. The Board may prescribe forms for use in connection with such disciplinary proceedings. In such event, such forms will be used insofar as practically possible.
6. The disciplinary committee will determine its own procedures for holding the disciplinary enquiry.
7. The chairperson of the disciplinary committee will maintain order during the disciplinary enquiry.
8. If appointed, the prosecutor will detail the alleged contravention at the commencement of the disciplinary proceedings and will present evidence of the alleged contravention to the disciplinary committee.
9. The member will have an opportunity to state his/her case and, if necessary, to present evidence to the disciplinary committee in respect of the alleged contravention.
 - 10.1 The prosecutor, the member and the disciplinary committee may examine all witnesses.
 - 10.2 After all evidence has been presented, the disciplinary committee will adjourn to consider all evidence and to make its decision.
 - 10.3 The disciplinary committee in respect of each contravention will either:
 - (i) exonerate the member;
 - (ii) reprimand the member;

- (iii) suspend the member from the Association for a specified period (but not exceeding the maximum number of days for such suspensions as determined by the Board from time to time); or
- (iv) expel the member from the Association;

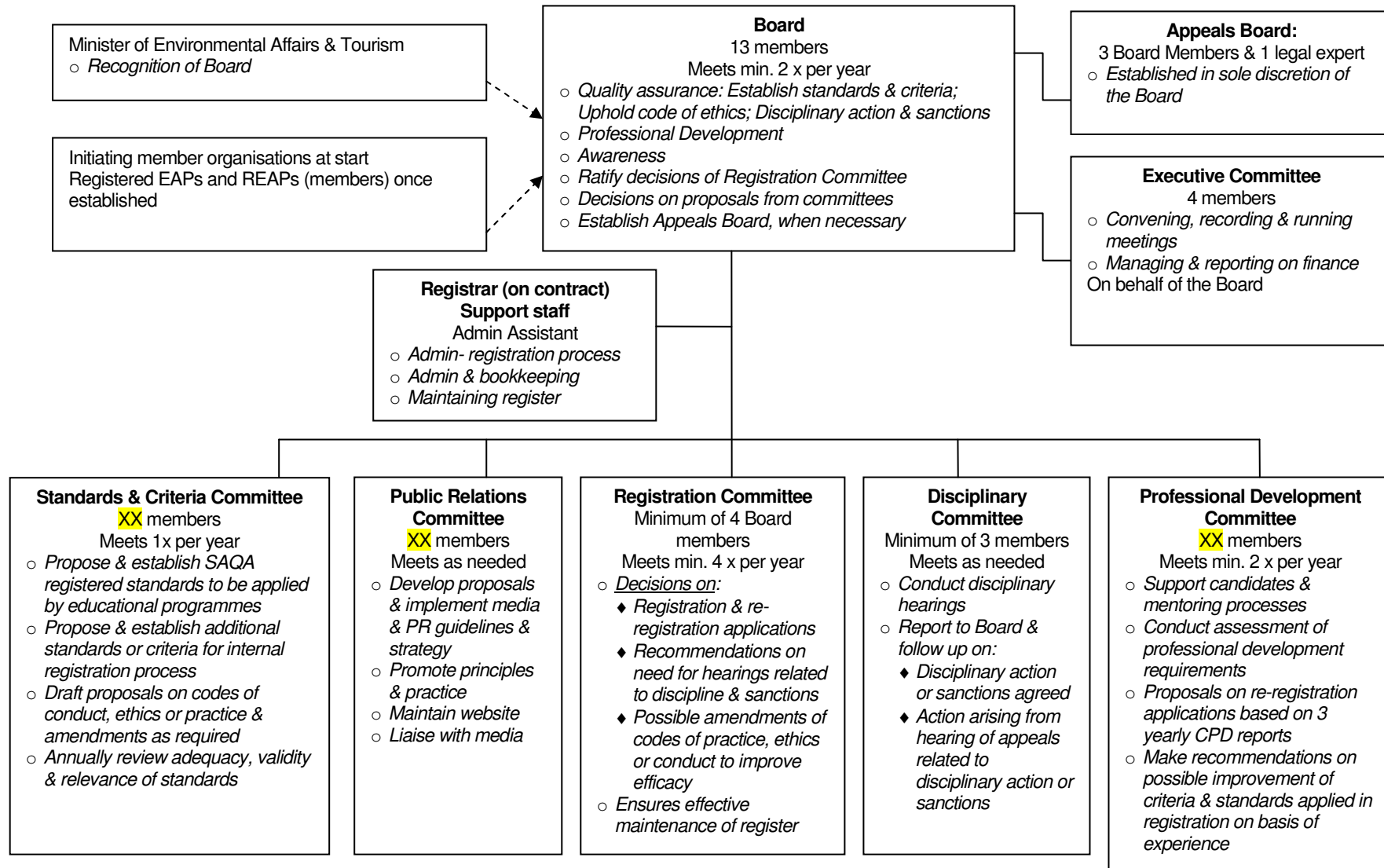
and, in all such cases, the disciplinary committee may fine the member; such fine will be the amount determined by the disciplinary committee, which fine will not exceed the maximum amount for such fines as may be determined by the Board from time to time.

- 10.4 The chairperson of the disciplinary committee (or the Association on his/her behalf) will advise the member either orally or in writing of the decision of the disciplinary committee and such chairperson will submit a written report to the Board on the disciplinary enquiry and its decisions as soon as practically possible.
- 10.5 The details of the disciplinary enquiry may be published as the Board (or the chairperson or the vice-chairperson of the Association) may determine.
- 10.6 If a Member refuses, or fails, to attend a disciplinary enquiry after reasonable notification and attempts to make reasonable arrangements, he/she waives all his/her rights in respect of the disciplinary enquiry and the disciplinary enquiry may proceed in his/her absence.

SECTION 5: APPEAL PROCEDURE

1. An appeal shall be lodged with the Board in writing within 30 days of the decision (and reasons for that decision) being communicated in writing to the member. The Board will in turn refer the matter to the appeal Board in its sole discretion/ where deemed appropriate. The appeal shall be accompanied by the prescribed fee and in a format as prescribed by the Appeal Board from time to time.
2. The committee responsible for making the decision which is the subject of the appeal may submit a written answer within 30 days of receiving the appeal.
3. Where new matter is raised in the answer, which was not dealt with in the appeal submission/, the member appealing the decision may reply within 15 days of receiving the answer.
4. Upon receipt of all documents, the Registrar shall arrange for the appointment of an Appeal Board in accordance with the Constitution and on decision by the Board.
5. The Appeal Board shall adopt those procedures which, in its sole discretion, it deems appropriate for the appeal in question.
6. The Appeal Board may hear evidence or receive any documents on such terms and conditions as it may decide.
7. It may decide the appeal on the papers before it or, if it considers necessary, direct that a formal appeal hearing be held.
8. Where a sub-committee or member intends to be legally represented at the hearing of an appeal, the member shall give 10 days written notice of such intention to all parties to the appeal. In such circumstances, the other party to the appeal may also then be legally represented.
9. The Appeal Board hearing the matter may:
 - ◆ uphold the appeal;
 - ◆ dismiss the appeal;
 - ◆ substitute any decision as it deems fit;
 - ◆ make such order as, in its discretion, it deems the circumstances may require, provided that it is within the terms of the Constitution and the jurisdiction of the committee which took the decision being appealed against; and
 - ◆ make any order as to costs as it deems appropriate, including an order for security for costs.
10. In making any order, the Appeal Board shall furnish written reasons for its decision within 30 days of that order.
11. All decisions of the Appeal Board are final and binding on all parties to the appeal.

PART 4: PROPOSED STRUCTURE FOR THE ENVIRONMENTAL ASSESSMENT PRACTITIONERS BOARD OF SOUTH AFRICA



PART 5: LOGICAL FRAMEWORK FOR THE ENVIRONMENTAL ASSESSMENT PRACTITIONERS ASSOCIATION OF SOUTH AFRICA

The following presents a logical framework for the proposed Environmental Assessment Practitioners Association of South Africa as the basis for the Business Plan and Budget for the first three years of operation. A brief introduction to the concepts used in the logframe is provided as well as a speculative budget for the first three years of operation).

OBJECTIVE	TARGETS			KEY PERFORMANCE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
	Y1	Y2	Y3			
<p>LONG TERM GOAL: Sustainable development is secured through effective environmental management in the public interest <i>This should be amended to the DEAT statement on National Sustainable Development Strategy, once available</i></p>				<p>NEMA highlights a range of aspects of the environment that indicators should track: the physical, biological, social, economic and cultural. Need to select few focused indicators. <i>Some suggestions:</i></p> <ul style="list-style-type: none"> ▪ Summary of state of the environment reports providing geographically disaggregated numbers for sustainability status: good, adequate, unsustainable, crisis + for SoE in each category: improving, stable, deteriorating ▪ # ha or % further degradation of environment or deterioration of environmental factors identified as critically important conservation targets ▪ % of targets met for the control of pollution, negative environmental impact and environmental degradation ▪ No purely commercial developments take place in areas designated as important for environmental conservation ▪ % compliance with conditions set in the authorisations granted by competent authorities ▪ # of authorisations withdrawn per year disaggregated by reason and province ▪ % of authorisations subjected to a compliance check once authorised activity has been undertaken and within a year of authorisation being granted 	<p>State of Environment report</p> <p>DEAT records and annual reports on EIAs</p>	<ul style="list-style-type: none"> ▪ Environmental planning correctly and adequately identifies potential threats and sensitive areas ▪ All additional measures necessary to ensuring sustainable development and effective environmental conservation are effectively implemented ▪ Environmental conservation is understood to be a condition for sustainable development, not in contradiction to it
<p>PURPOSE: The quality of environmental assessment practice in South Africa is advanced in the interests of current and future generations</p>				<ul style="list-style-type: none"> ▪ # and % of EIAs not approved in the review process disaggregated for first or subsequent reviews and for basic assessments, scoping reports and EIAs ▪ # and % of applications whose recommendations were rejected by competent authorities on submission disaggregated for basic assessments, scoping reports and EIAs and also in terms of failure to comply with relevant regulations or inadequate public participation process ▪ # and % of decisions of EIAs overturned on appeal for reasons related to the adequacy of the EIA disaggregated for basic assessments, scoping reports and EIAs and by major category of reasons given ▪ # of authorisations where the recommendations of reviewer and EIA differ, disaggregated by refused, where EIA recommends activity be accepted or accepted where EIA recommends activity be rejected ▪ ratio of authorisations granted to total applications per year ▪ # applicants renegeing on agreements related to mitigation measures to be taken, for genuine reasons of an inability to do so, that should or could have been picked up in EIA (Is this a measure of EIAs?) ▪ # and % of EIAs, selected through random sample for external evaluation, judged to be good, adequate or inadequate disaggregated for basic assessments, scoping reports and EIAs 	<p>DEAT records of reviews</p> <p>DEAT records of submissions</p> <p>DEAT records of appeals</p> <p>DEAT records of reviews</p> <p>DEAT records of compliance checks</p> <p>External evaluation report</p>	<ul style="list-style-type: none"> ▪ Minister makes registration compulsory for EAPs ▪ DEAT keeps accurate statistics ▪ Enabling environment established for officials employed by government to conduct reviews of EIAs ▪ An adequate spread of educational institutions prepared to provide accredited courses ▪ The regulations result in identification of activities and environments

OBJECTIVE	TARGETS			KEY PERFORMANCE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
	Y1	Y2	Y3			
<p>OUTPUT 1: A register of competent and reputable EAPs able to effectively and ethically conduct and review Environmental Assessments is promoted, established and maintained in terms of s24H of the NEMA Act 2004 as amended</p>				<ul style="list-style-type: none"> ▪ # of applications for registration disaggregated for EAPs, Candidate EAPs and re-registration as well as by gender and race per year ▪ # and % of applicants registered per year disaggregated for EAPs, Candidate EAPs and re-registration as well as by gender and race per year ▪ % of those applying who were informed of the outcome of their applications more than 4 months after application ▪ % of graduates of multidisciplinary environmental degrees registered as EAPs ▪ # per year and cumulatively of EAPs removed from the register disaggregated by lapsed membership, failing to meet CPD criteria and disciplinary action ▪ # of cases of breach of Code of Ethical Conduct and Practice reported disaggregated by XX ▪ # of relevant complaints about a registered EAP disaggregated by type, time to resolve and outcome ▪ # of cases of breach of Code of Ethical Conduct and Practice taking > 90 days to investigate and resolve 	<ul style="list-style-type: none"> ▪ Minutes recording Board's final decisions on applications ▪ Registration committee minutes ▪ Administrative reports and records ▪ Database with registration details ▪ Disciplinary committee minutes ▪ Minutes recording Board's final decisions on disciplinary hearings 	<ul style="list-style-type: none"> ▪ Professionals with the relevant background apply in sufficient numbers ▪ Board is regarded as credible, fair, unbiased and supportive of professionals ▪ Adequate numbers of experienced and respected REAPs are willing to act as referees. ▪ Databases and records are appropriately designed, maintained and up to date
<p>OUTPUT 2: EAPs in SA are actively supported in their continued professional development in a way that promotes the empowerment of Historically Disadvantaged Individuals within the EA field and the transformation of EA practice</p>				<ul style="list-style-type: none"> ▪ # of candidates requesting assistance with mentorships ▪ # of candidates assisted with mentorships ▪ # of candidates unable to find mentors in their area disaggregated by province ▪ % of REAPs indicating preparedness to act as mentors ▪ # and % of candidates accepted for registration disaggregated to show registration within the target time frame or longer and by province ▪ % representivity of registration list in terms of gender and race per year and cumulatively ▪ # of candidates meeting re-registration criteria linked to CPD and as % of those applying for re-registration disaggregated by gender and race and by province ▪ # of re-registration applications that do not meet CPD criteria disaggregated for each criterion. ▪ # and % of EAPs per year that fail to submit re-registration applications 	<ul style="list-style-type: none"> ▪ Records and data base ▪ Minutes of Professional Development Committee ▪ Minutes of Board meetings recording decisions on re-registration 	<ul style="list-style-type: none"> ▪ Adequate numbers of appropriate professionals commit to acting as mentors ▪ The profession attracts prospective EAPs who are black and/or women
<p>OUTPUT 3: Relevant, valid and adequate standards and criteria are established, regularly reviewed and used as a basis for assessment and registration of competent practitioners</p>				<ul style="list-style-type: none"> ▪ # of complaints made against registered EAPs related to failure to meet adequate professional standards ▪ # and % of appeals from applicants not registered disaggregated for outcome of appeal ▪ % correlation between performance factors identified in the outcomes stated in the SAQA accredited qualification and actual performance evidence in random samples of EIAs submitted for external assessment ▪ Peer review index: Given by results of 3 yearly assessment through interviews and surveys testing correlation of standards of practice as well as registration criteria and standards. ▪ 	<ul style="list-style-type: none"> ▪ Minutes ▪ Reports ▪ Database of accredited providers ▪ External evaluation reports 	<ul style="list-style-type: none"> ▪ Adequate number and spread of educational institutions willing and able to offer accredited courses ▪ Adequate numbers and spread of qualified service providers able to do RPL assessments ▪ No significant delays or bottlenecks arising from SAQA requirements ▪ Council for Higher Education assigns to an ETQA ▪ ETQA accredits accurately and timeously

OBJECTIVE	TARGETS			KEY PERFORMANCE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
	Y1	Y2	Y3			
<p>OUTPUT 4: Development practitioners, government officials and the public in general are aware of the purpose, value, principles and criteria of effective environmental assessment in South Africa</p>				<ul style="list-style-type: none"> ▪ % of government officials polled who regard EIAs as a blockage to development (can be done relatively informally at the end of almost any gathering of relevant officials for training, etc. where a request for a quick poll could be made ▪ Instances where it is said or implied that environmental assessment is a blockage to development ▪ # and range of those accessing the website disaggregated for hits, downloading and commenting ▪ Estimated number of people reached through targeted media campaigns ▪ 	<ul style="list-style-type: none"> ▪ Reports ▪ Media reports ▪ Website monitor ▪ Evaluation of public participation processes 	<ul style="list-style-type: none"> ▪ Board has access to required resources and capacities for monitoring of media, etc.
<p>OUTPUT 6: A capable and capacitated Registration Board for EAPs is effectively established, administered, managed and sustained in terms of its constitution</p>				<ul style="list-style-type: none"> ▪ % activities and targets met per year ▪ Unqualified audit report available for signature of board on time for inclusion in documentation of stipulated meeting annually ▪ # of times documentation not circulated 1 week before board or committee meetings 	<ul style="list-style-type: none"> ▪ Reports ▪ Audit report ▪ Minutes 	<ul style="list-style-type: none"> ▪ Board has access to required resources and capacities

OUTPUT 1: A register of competent and reputable EAPs able to effectively and ethically conduct or review Environmental Impact Assessments is promoted, established and maintained in terms of section 24H of the NEMA Act 2004 as amended

ACTIVITIES	RESOURCES (BROAD BUDGET ASSUMPTIONS)		
	YEAR 1	YEAR 2	YEAR 3
1.1 Establish Terms of Reference (ToR) for registration and disciplinary committees 1.2 Establish registration committee and allocate roles and responsibilities 1.3 Establish disciplinary committee and allocate roles and responsibilities 1.4 Hold 4 meetings of registration committee annually at 3 monthly intervals 1.5 Convene meetings of disciplinary committee within 1 month of receipt of a complaint 1.6 Establish and actively disseminate Code of Ethical Conduct and Practice 1.7 Establish guidelines, systems and procedures for registration, sanctions and discipline and publicise 1.8 Establish annual schedule of meetings for registration and disciplinary committees 1.9 Set up, update and maintain an accurate register of REAPs and Candidate EAPs past and present 1.10 Finalise mechanism and process for reviewing the registration of EAPs registered by the ICB and implement fully within 6 months of first Board meeting 1.11 Plan and implement a media strategy for publicising the registration board, key principles, registration criteria and standards, dates and deadlines for applications as well as procedures for registration 1.12 Ensure all documentation required by registration committee for each applicant is complete and circulated to all members of the registration committee a minimum of 1 week before the registration committee meets 1.13 Provide members of the disciplinary committee with a full set of documentation necessary to enable them to make recommendations on possible sanctions or further investigation a minimum of 1 week before a scheduled meeting 1.14 Provide reports and documentation regarding registration and/or decisions arising from disciplinary hearings to Board a minimum of 1 week before Board meetings 1.15 Notify all applicants of the outcome of applications with reasons where relevant within 1 week of decisions by the Board 1.16 Provide supporting documentation for appeals in relation to registration or sanctions to be heard by the Board 1.17 Report progress against targets every six months	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 6 meetings (2 additional in first year) of Registration Com ▪ Honorarium of RX x 4 members x 4 meetings of Disciplinary Com ▪ R50 refreshments x 13 members x 6 meetings ▪ X return flights to attend meetings ▪ RX for advertisements and notices in media ▪ R4500 x 4 days consultant fees (increase assumes this will in practice take place in late 2008 or 2009) 	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 6 meetings of Registration Com ▪ Honorarium of RX x 4 members x 2 meetings of Disciplinary Com ▪ R50 refreshments x 13 members x 4 meetings ▪ X return flights to attend meetings ▪ RX for advertisements and notices in media 	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 6 meetings of Registration Com ▪ Honorarium of RX x 4 members x 2 meetings of Disciplinary Com ▪ R50 refreshments x 13 members x 4 meetings ▪ X return flights to attend meetings ▪ RX for advertisements and notices in media

OUTPUT 2. EAPs in South Africa are actively supported in their continued professional development in a way that promotes the empowerment of Historically Disadvantaged Individuals within the EA field and the transformation of EA practice

ACTIVITIES	RESOURCES		
	YEAR 1	YEAR 2	YEAR 3
2.1 Finalise committee ToR 2.2 Establish a professional development committee and allocate roles and responsibilities 2.3 Hold a minimum of 2 meetings annually 2.4 Establish schedule of dates for committee meetings 2.5 Develop a transformation charter and strategy that includes: targeting potential candidates who are black and/or women; identifying mentors; publicising the profession and the support available; as well as promoting professionalism and the code of ethical practice and behaviour in the public interest 2.6 Canvass experienced EAPs and relevant companies to provide mentoring support to Candidate EAPs 2.7 Visit targeted educational institutions to mobilise black and/or women students to join the profession 2.8 Ensure all members of the CPD committee receive all relevant documentation 1 week before committee meetings 2.9 Establish systems and procedures for acknowledging and responding to requests for support from Candidate EAPs within 1 week and 1 month respectively 2.10 Establish systems and procedures for reminding EAPs to submit applications for re-registration 2.11 Establish systems and procedures for assessing applications for re-registration in terms of CPD criteria, motivating proposals to the Board and for communicating with applicants 2.12 Provide Registration Committee with motivation and documentation to support recommendations on re-registration at least 1 week before committee meetings 2.13 Report progress against targets and any changes in strategy and plans every six months, including an analysis of registration data related to registration of EAPs and candidates who are black and/or women	<ul style="list-style-type: none"> ▪ Honorarium of RXX x X members x 4 meetings (2 additional in first year) of PD Com ▪ R50 refreshments x X members x 4 meetings ▪ X return flights to attend meetings ▪ X return flights to target educational institutions ▪ R4500 x 2 days consultant fees to develop electronic booklet on CPD 	<ul style="list-style-type: none"> ▪ Honorarium of RXX x X members x 2 meetings of PD Com ▪ R50 refreshments x X members x 2 meetings ▪ X return flights to attend meetings ▪ X return flights to target educational institutions 	<ul style="list-style-type: none"> ▪ Honorarium of RXX x X members x 2 meetings of PD Com ▪ R50 refreshments x X members x 2 meetings ▪ X return flights to attend meetings ▪ X return flights to target educational institutions

OUTPUT 3.: Relevant, valid and adequate standards and criteria are established, regularly reviewed and used as a basis for assessment and registration of competent practitioners

ACTIVITIES	RESOURCES		
	YEAR 1	YEAR 2	YEAR 3
3.1 Finalise committee ToR 3.2 Establish a standards and criteria committee and allocate roles and responsibilities 3.3 Establish schedule of dates for committee meetings 3.4 Develop a strategy, plan and deadlines for establishing, publicising, applying, institutionalising and reviewing the criteria and standards 3.5 Finalise user-friendly outline of competency criteria, standards, systems and procedures for deciding whether applicants qualify to register as an EAP, Candidate EAP or re-register as an EAP. 3.6 Ensure members and interested and affected parties are able to participate in periodic reviews conducted by the committee of the outcomes and criteria of the SAQA registered Advanced Certificate to be applied by educational institutions as a basis for educational programmes or for recognition of prior learning 3.7 Apply for the Association to become the SAQA Standards Generating Body 3.8 Communicate with and visit key educational institutions to publicise and promote the Advanced Certificate and discuss how it could be made available 3.9 Discuss practicalities of Recognition of Prior Learning (RPL) mechanism with SETA and develop a proposal for ensuring adequate capacity to conduct RPL assessments will be available. 3.10 Report progress against targets and any changes in strategy and plans every six months	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 8 meetings (7 additional in first year) of Standards and Criteria Committee ▪ R50 refreshments x X members x 7 meetings ▪ X return flights to attend meetings ▪ X return flights to target educational institutions ▪ R4500 x 20 days consultant fees to assist with unit standards 	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 1 meetings of Standards and Criteria Committee ▪ R50 refreshments x X members x 1 meetings ▪ X return flights to attend meetings ▪ X return flights to target educational institutions 	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 1 meetings of Standards and Criteria Committee ▪ R50 refreshments x X members x 1 meetings ▪ X return flights to attend meetings ▪ X return flights to target educational institutions

OUTPUT 4: Development practitioners, government officials and the public in general are aware of the purpose, value, principles and criteria of effective environmental assessment in the South Africa

ACTIVITIES	RESOURCES		
	YEAR 1	YEAR 2	YEAR 3
4.1 Finalise committee ToR 4.2 Establish a public relations committee and allocate roles and responsibilities 4.3 Establish schedule of dates for committee meetings 4.4 Develop a media and public relations strategy; plan; and, deadlines for promoting the purpose, value, principles and criteria of effective environmental assessment in the Republic with input from other committees 4.5 Implement strategy and plans in coordination with other committees 4.6 Maintain website and liaise with media 4.7 Publicise requirement for registration if included in the regulations 4.8 Report progress against targets and any changes in strategy and plans every six months	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 4 meetings of PR committee ▪ R50 refreshments x X members x 4 meetings ▪ X return flights to attend meetings ▪ X return flights for publicity events ▪ RX for media notices and advertisements ▪ RX for PR events 	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 2 meetings of PR committee ▪ R50 refreshments x X members x 2 meetings ▪ X return flights to attend meetings ▪ X return flights to attend meetings ▪ X return flights for publicity events ▪ RX for media notices and advertisements ▪ RX for PR events 	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 2 meetings of PR committee ▪ R50 refreshments x X members x 2 meetings ▪ X return flights to attend meetings ▪ X return flights for publicity events ▪ RX for media notices and advertisements ▪ RX for PR events

OUTPUT 5: A capable and capacitated Registration Board for EAPs is effectively established, administered, managed and sustained in terms of its constitution

ACTIVITIES	RESOURCES		
	YEAR 1	YEAR 2	YEAR 3
5.1 Apply to Minister to operate as registration authority and include request on compulsory registration 5.2 Decide on location of office(s) and secure office space and equipment 5.3 Agree schedule of dates for a minimum of 4 board meetings in first year and 2 annually thereafter and a General Meeting every 2 years 5.4 Allocate roles and responsibilities in board, including electing Chair, Secretary and Treasurer 5.5 Finalise agreed staff establishment required 5.6 Develop job descriptions 5.7 Finalise budget and fundraising strategy and implement 5.8 Recruit, select and appoint a Registrar and administrator/bookkeeper on contract for x hrs per week 5.9 Finalise any outstanding issues regarding constitution, registration or procedures for Board 5.10 Draft suggested amendments for inclusion in the regulations governing EIAs 5.11 Ensure establishment of an Appeals Committees to hear appeals in regard to registration and discipline or sanctions where the decisions of committees are disputed 5.12 Identify administrative support requirements entailed in the plan and ToR of each committee and establish systems necessary to support the work of the board and committees 5.13 Establish communication system especially to board and committee members and registered EAPs and Candidate EAPs 5.14 Establish financial management and bookkeeping systems and procedures 5.15 Administer the register of REAPs and candidates as well as all records of the Association 5.16 Maintain the website 5.17 Establish systems for maintaining records of payment of fees and sending reminders 5.18 Report progress against targets and any changes in strategy and plans every six months	<ul style="list-style-type: none"> ▪ 2 x laptop computers ▪ Office furniture and equipment ▪ Telephone and ADSL and electronic network ▪ Office rent ▪ RX for advertisements for vacancies in press ▪ Salaries for Registrar and administrator/bookkeeper ▪ Honorarium of RX x 13 members x 8 meetings of Board (add 4 in 1st year) ▪ R50 refreshments x 13 members x 8 meetings ▪ X return flights to meetings ▪ R4500 x 20 days consultant fees for assistance with systems and database 	<ul style="list-style-type: none"> ▪ Additional Office furniture and equipment ▪ Office running costs ▪ RX contingency for advertisements for vacancies ▪ Salaries ▪ Honorarium of RX x 13 members x 4 meetings of Board ▪ R50 refreshments x 13 members x 4 meetings ▪ X return flights to meetings ▪ R4500 x 5 days consultant fees for assistance with systems and database 	<ul style="list-style-type: none"> ▪ Additional Office furniture and equipment ▪ Office running costs ▪ RX contingency for advertisements for vacancies ▪ Salaries ▪ Honorarium of RX x 13 members x 4 meetings of Board ▪ R50 refreshments x 13 members x 4 meetings ▪ X return flights to meetings ▪ R4500 x 5 days consultant fees for assistance with systems and database ▪ R5000 per day x 20 days External evaluator

A Guide to the Logical Framework Analysis applied as the basis for the development of a draft Business Plan

OBJECTIVES	TARGETS	OBJECTIVELY VERIFIABLE INDICATORS	MEANS OF VERIFICATION	IMPORTANT ASSUMPTIONS
<p>(1) GOAL: (The changed situation in society you aim to contribute to achieving (<i>gives meaning to what you do but you cannot achieve it alone</i>); needs to be aligned to broader policy objective of government regarding environment)</p>	<p>Specific targets need to be set for each indicator. They should specify 'how much', 'how many' or 'how well' & be linked to a date. You will generally need a baseline measure to set a useful target & measure change.</p>	<p>(8) Indicators are what you will use to measure & assess change & effective achievement – signs of success. Impact indicators E.g. # (number) of red data species</p>	<p>(11) Tells you where you will get the information required by the indicators</p>	<p>(5) External conditions you assume will exist, are outside your control but will affect what you achieve. Risks you will need to influence or manage.</p>
<p>(2) PURPOSE (The result your organisation exists to achieve)</p>		<p>(9) Outcome indicators E.g. # & % of EIA decisions overturned on appeal for reasons related to the adequacy of the EIA done</p>	<p>(12)</p>	<p>(6)</p>
<p>(3) OUTPUTS (The specific results that must be achieved to achieve the purpose)</p>		<p>(10) Output indicators E.g. # & % of EAPs who meet the continuing professional development criteria for re-registration annually</p>	<p>(13)</p>	<p>(7)</p>
<p>(4) ACTIVITIES (The actions that must be taken to achieve each result)</p>	<p>(14) Resources/Inputs (The resources that will be needed to achieve the activities - including people, finance, information, specific skills and equipment etc)</p>			

Note: the numbering indicates the sequence of the analysis

Speculative Budget for first three years of operation:

BOARD BUDGET

ITEM	DESCRIPTION/NOTES	2008/2009	2009/2010	2010/2011	TOTALS
Meetings: Board & Coms					
Honoraria - Board	R1000 x 13 members x 8/4mtgs	R104,000.00	R52,000.00	R52,000.00	R244,000.00
Honoraria – Committees	R1000 x 26 members x 28/17mtgs	R728,000.00	R442,000.00	R442,000.00	R884,728.00
Travel	20 mems fly x 36/21 mtgs @R3000	R2,160,000.00	R1,260,000.00	R1,260,000.00	R4,680,000.00
Refreshments	R50 x 39 members x 36/21 mtgs	R70,200.00	R40,950.00	R40,950.00	R152,100.00
HR and Staffing					
Contract Staff	Registrar + Admin/bookkeeper & support	R520,000.00	R520,000.00	R520,000.00	R1,560,000.00
Short Term Consulting	48 days in year 1 (@R4500/day), 30 days year 2 and 25 days in year 3 (@R5000/day)	R216,000.00	R150,000.00	R125,000.00	R491,000.00
Operations					
Web site	Design and maintenance	R10,000.00	R10,000.00	R10,000.00	R30,000.00
Data base	Design	R50,000.00	R10,000.00	R10,000.00	R70,000.00
Advertising, notices etc	Design and advertising costs	R50,000.00	R40,000.00	R20,000.00	R110,000.00
Subsistence and Travel	See visits sheet	R20,000.00	R5,000.00	R5,000.00	R30,000.00
Workshops & meetings	See events sheet	R300,000.00	R30,000.00	R120,000.00	R450,000.00
Publication and Printing	Info leaflets, booklets etc	R50,000.00	R10,000.00	R10,000.00	R70,000.00
Administration					
Office equipment		R100,000.00	R10,000.00	R10,000.00	R120,000.00
Office operating costs	R10 000 per month	R120,000.00	R100,000.00	R100,000.00	R320,000.00
Vacancy ads		R10,000.00	R4,000.00	R4,000.00	R18,000.00
General Office Admin		R24,000.00	R24,000.00	R24,000.00	R72,000.00
TOTAL		R 4,502,200.00	R 2,677,950.00	R 2,742,950.00	R 9,301,828.00