

The South African Council for the Project and Construction Management Professions.

Call for Comment

Proposed rules relating to the Recognition of Voluntary Associations

SACPCMP in compliance with the provisions of section 25(1) and (7) of the Act (48 of 2000) do hereby make a call for comments regarding the rules for the recognition of the Voluntary Associations.

Written comments and input on the proposed draft Rules, as set out in the Schedule, are invited from interested and affected persons, body and Voluntary Associations and should be submitted to:

The Registrar
Ms T. Machimane
SACPCMP
P.O. BOX 6286
HALFWAY HOUSE
1685

B9 International Business Gateway
Corner New Road and 6th Road
Midrand

COMMENTS SHOULD BE SUBMITTED BEFORE OR ON 06 MARCH 2007

Schedule

Definitions

1. In these rules, and unless the context otherwise indicates, any expression or word to which a meaning has been assigned in the Project and Construction Management Professions Act, 2000 (Act No. 48 of 2000), bears the same meaning
 - i) “**association**” for purposes of these Rules means an institute, institution, association, society or federation established by Construction Project Management and Construction Management practitioners to collectively promote their professional and / or business interests;
 - ii) “**committee**” means a committee established in terms of section 17 of the Act;
 - iii) “**CBE**” means the council for the Built Environment established by section 2 of the Council for the Built Environment Act, 2000 (Act No 43 of 2000);
 - iv) “**registrar**” means the person appointed as the Registrar in terms of section 8(1)(a)
 - v) “**Council**” means The South African Council for the Project and Construction Management Professions established by section 2 of the Act;
 - vi) “**department**” means the national department responsible for public works;
 - vii) “**in good standing**” means a member of an association whose subscription are fully paid up and who is eligible to vote at any official meeting of the Association;
 - viii) “**Minister**” means the Minister responsible for Public Works;
 - ix) “**The Act**” means the Project and Construction Management Professions Act, 2000 (Act 48 of 2000).
 - x) “**Voluntary association**” means any Voluntary Association recognized by the Council in terms of section 25(3).

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

2. Any association wishing to be recognized as a voluntary association must submit an application, in the format prescribed in Appendix A of these Rules, to the Council and provide all the information required therein, and such additional information as the Council may determine in each particular case and from time to time.
 - i) Have a Constitution which includes reference to furthering the aims and objects of the Profession and can be committed to the promotion and regulation of the registered Project and Construction Management Professionals within the Republic of South Africa
 - ii) Have no less than 50 persons as members, who are registered Professional Project and/OR Construction Managers in terms of the PCMP Act(48 of 2000), or in the opinion of the Council , be sufficient representative of the Professions
 - iii) Be a body corporate with perpetual succession and all other powers to be able to sue and be sued in terms of its Constitution.
 - iv) Have an established secretarial office with sufficient staff to maintain it in a proper manner, or able to satisfy the Council with alternative arrangements.
 - v) Maintain a register (roll) of members, which register (roll), must be made available at the Voluntary Association's secretarial office at any time for perusal by its membership or any member of the public
 - vi) Have a code of conduct or code of ethics which is not in conflict with the Council's own code or codes, and maintain a disciplinary system to impose appropriate sanctions when the code is contravened.
 - vii) Be able to satisfy the Council that it is able to financially sustain itself as a Voluntary Association for the period in which the certificate is granted (five years)
 - viii) Be able to sustain a service to its members and the general public within confines of its Constitution and the general context of Project and Construction Management
 - ix) Keep its members informed of any matters brought to its attention by the Registrar of the Council
 - x) Be able within its Constitution to make provisions for annual general meetings and special general meetings of its membership and to disseminate other reports, publications, whenever it is necessary to do so.

- xi) Keep proper accounting records of all moneys collected by way of subscription or any method set out in its Constitution and produce annual financial statements/audited accounts for dissemination to its membership. At any time the books of account should be open for inspection by the membership.
- xii) Be able to encourage its membership and be the responsible party for arranging and recording the accreditation of members in terms of Continuing Professional Development.
- xiii) Provide information to the public on matters relating to the Project and Construction Management Professions.
- xiv) Nominate in writing two representatives with the mandate to speak on behalf of the Association.
- xv) The Association should annually by not later than the end of October, submit in writing to the Registrar full particulars of any amendments effected to its Constitution during the 12 preceding months
- xvi) All applications for recognition for recognition as a Voluntary Association will be subject to a nominal non-refundable administration fee that will be revised from time to time.

APPLICATION FOR RECOGNITION PROCEDURE

3. Any association wishing to be recognized as a Voluntary Association must submit an application, in a prescribe format as attached in Appendix A of the rules, to the Council for the attention of the Registrar and provide the following information:
 - i) The Association's Constitution
 - ii) List of no less that 50 members registered Professional persons with the Council
 - iii) Code of conduct or code of ethics
 - iv) Financial report,
 - v) Letter nominating representatives, and
 - vi) An application fee

RECOGNITION AS A VOLUNTARY ASSOCIATION

4. When the Council has satisfied itself that the association has complied with the provisions of rule 2 and 3, Council will in terms of section 25(3) recognize and the association and issue it with a certificate of recognition. The certificate of recognition is valid for a period of five years from the date of issue. The Voluntary Association must display its certificate of recognition in a prominent place at its head office.

TERMS OF REFERENCE FOR THE RECOGNISED VOLUNTARY ASSOCIATIONS

5. The terms of reference for the recognised Voluntary Associations shall be guided by the following section of the Act,

Section 3(a)(i)	Nomination of persons to serve as a Council member
Section 4(1)	Nomination of persons to serve as a Council member
Section 13 (d)	Determination of competency standards for registration
Section 13(K)	Determining CPD requirements
Section 26(1)	Identification of Work
Section 27(1)	drafting of code of conduct
Section 34(1)	determine principles for the Tariff of fees
Section 34(2)	Determination of Professional fees
Section 38(2)(3)	Minister to consult regarding rules for rectification of errors and exemptions.

RENEWAL OF RECOGNITION PROCEDURE

6. All recognised Associations must in terms of section 25(7) of the Act, at least three months prior to the expiry of its recognition; submit a renewal in the prescribed format as attached in Appendix B of the rules, to the Council for the attention of the Registrar and provide amendments to information provided with previous application or renewal.

LAPSING OF RECOGNITION

7. The recognition of a Voluntary Association in terms of section 25(6) lapses
- (a) if that association no longer complies with the requirements contemplated in section 14(d), or
 - (b) at the expiry of the five-year period referred to in subsection (4) that “*A certificate of recognition is valid for a period of five years from the date of issue*”

A voluntary Association whose recognition has lapsed must, within 30 days from the date on which it is so directed in writing by the Council, return its certificate of recognition.

AMENDMENTS OF THE REQUIREMENTS FOR RECOGNITION

8. If it becomes necessary to amend the requirements for recognition including application fee, the Council must inform all Voluntary Associations of the decision and call for comments within 30 days and prescribe the amendments in terms of section 36 of the Act.

If the amendments of the requirements so prescribed results in a Voluntary Association ceasing to comply with the requirements, that Voluntary Association must, within twelve months from the date on which the amended requirements have been prescribed, take the necessary steps to comply with the amended requirements, and provide the Council with proof that it comply. If the Voluntary Association fails or refuse to comply with any of the amended requirements within the period allowed its recognition as a Voluntary Association lapses on the day when the Council resolves that the Voluntary Association ceased to comply with the requirements.