



DEPARTMENT OF ENVIRONMENTAL AFFAIRS
AND TOURISM



INTERIM CERTIFICATION BOARD FOR
ENVIRONMENTAL ASSESSMENT
PRACTITIONERS OF SOUTH AFRICA

**TOWARDS THE ESTABLISHMENT OF A REGISTRATION AUTHORITY FOR
ENVIRONMENTAL ASSESSMENT PRACTITIONERS IN SOUTH AFRICA
CONSULTATIVE PROCESS WITH KEY STAKEHOLDERS**

Invitation to comment on:

***Draft Proposal for the Establishment of a Registration Board
for Environmental Assessment Practitioners of South Africa***

Comments requested by 20 November 2007:

The 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 for Environmental Assessment Practitioners of South Africa (ICB- representing 17 organisations) signed a Memorandum of Understanding. This MoU and associated budget has enabled a broad *Consultative Process* on the establishment of 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 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 the Draft Proposal;
- the registration of a qualification/unit standards for environmental assessment practice within the NQF in collaboration with SAQA which will take place in parallel with this consultative process; and,
- the conclusion of relevant enabling legal mechanisms involving the Department of Environmental Affairs & Tourism's amendment to the NEMA or EIA regulations making it a requirement for EAPs to be registered.

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

The Consultative Process

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 ethics, 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 for Assessment Practitioners in terms of s.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 & March 2006) and a National Stakeholder Conference (March 2006.). A Working Group was mandated at the conference to revise the Proposal. See below the list of documentation related to the consultative process.

The Draft Proposal

The Working Group has held three work sessions and has recently concluded their revisions to this 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 November 2007**. These organisations will also nominate one mandated representative (ensuring continuity with the First National Stakeholder Conference) to discuss the mandated responses of the national stakeholder organisations at a Second National Stakeholders Conference, 20 & 21 November 2007.

Development of a Qualification/Unit Standard for Environmental Assessment Practice

The South African Qualifications Authority (SAQA) and the Department of Environmental Affairs and Tourism (DEAT) have finalised a Joint Implementation Plan (JIP) for the development of a qualification/Unit Standards for Environmental Assessment Practice within the Standards Generating Body (SGB) for Environmental Sciences, Environmental Management and Waste Management of SAQA. A nomination call was broadcast for a Task Team of subject matter experts to assist in the development of the qualification/Unit Standards. Fourteen nominations were received and forwarded to SAQA. An initial meeting of the Task Team was held on 17 October 2007 and a Task Team work programme is being developed. The Task Team, draft qualifications will be available to stakeholders for comment and will be formally advertised, as per the required parallel SAQA process.

The Working Group's Recommendations and Next Steps

The Working Group has recommended the following course of action:

- a. *Conclusion and submission of the application to the Minister (in terms of s.24H):* The draft proposal requires written response from all National Stakeholders. After the comment period, the WG will assist in concluding the proposal that will be the basis of the application to be submitted to the Minister by the nominated Board in terms of s. 24H.
- b. *Board Nomination process:* The WG recommends that its mandate (i.e. the mandate given at the First National Stakeholder Conference) be extended to include the oversight of the Board nomination process.

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 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 & 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.

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

Associations, Councils & 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 the Landscape Architectural Profession (SACLAP);
4. Environmental Law Association (ELA);
5. South African Affiliate of the International Association for Impact Assessment (IAIASa);
6. Institute of Landscape Architects of South Africa (ILASA);
7. Institute of Waste Management (IWM);
8. The South African Association for Consulting Engineers (SAACE);
9. South African Black Technical and Allied Careers Organisation (SABTACO);
10. South African Institute of Architects (SAIA);
11. South African Institute for Civil Engineers (SAICE);
12. Southern African Institute of Ecologists and Environmental Scientists (SAIE&ES);
13. South African Planning Institute (SAPI);
14. Water Institute of Southern Africa (WISA);
15. South African Institute for Engineering and Environmental Geologists (SAIEG);

National Government Departments:

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

Provincial Departments:

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

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DRAFT

**PROPOSAL FOR THE ESTABLISHMENT OF AN
ENVIRONMENTAL ASSESSMENT PRACTITIONERS BOARD OF SOUTH AFRICA**

**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

18 October 2007

Purpose of this document

This Draft Proposal has been compiled by a Working Group¹ nominated by a National Stakeholder Conference which was 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 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 requires that an organisation or association wishing to be recognised as a Registration Authority must submit an application for consideration by the Minister including:

- (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.

This Draft Proposal presents the draft constitution for the proposed Environmental Assessment Practitioners Board of South Africa and provides further for the above contents 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 November 2007**.

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).

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1. PREAMBLE

Since 1994, South Africa's sustainable development governance systems have been improved substantially with major strides in environmental protection and justice mechanisms. Similarly, enabling equitable systems for access to educational, economic and professional opportunities has 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 and 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 and 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 superseded 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 88 practitioners. In the planning for the succession of the ICB and in the consultative process towards the establishment of a Registration Board, the following key challenges need to be addressed:

- Firstly, there have been enormous historical inequities in access to opportunities in education and 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 and an arena which will still require extraordinary efforts in the future.
- Secondly, the lack of registered qualification standards in terms of South Africa's National Qualifications Framework has meant that there is not an accepted equitable basis for the establishment or assessment of professional competencies for environmental assessment practice and indeed for the arena of professional environmental management practice as a whole.
- Thirdly, accommodating the role of government officials in relevant authorities as reviewers of environmental assessments within the registration system has required more concerted focus. The proposed categories and competencies will address the registration needs of government officials and those in the private sector that play a significant role as review practitioners.

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 calculate 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 No. 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) Water Institute of Southern Africa (WISA).

- 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 context of having no recognised broadly accepted national registered qualification standard has proved a further challenge in deriving one agreed set of criteria for registration. The language and definitions used tries to ensure the broadest application of relevant and involved professionals.

There is no doubt that South Africa's environmental authorisation requirements will evolve into more appropriately geared, scaled and more enabling mechanisms of proactively embedding sustainability targets into strategic government investment planning and decision-making. There is also no doubt that this evolution will add to our professional quality assurance challenges.

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 draft proposal;
- b. the registration of a qualification for environmental assessment practice within the NQF in collaboration with SAQA which will take place in parallel with this consultative process; and,
- c. the conclusion of relevant enabling legal mechanisms involving the Department of Environmental Affairs & Tourism's amendment to the NEMA or EIA regulations 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 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

**2. CONSTITUTION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONERS
BOARD OF SOUTH AFRICA**

CONSTITUTION

of the

VOLUNTARY ASSOCIATION

known as the

**ENVIRONMENTAL ASSESSMENT PRACTITIONERS
BOARD 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 BOARD 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 18.

2.

DEFINITIONS AND INTERPRETATION

In this constitution, unless the context clearly indicates otherwise:

- | | | |
|-----|-------------------------|--|
| 2.1 | “AGM” | means the general meeting of the Association to be held every two years for the purpose of, <i>inter alia</i> , electing Board members. |
| 2.2 | “the Association” | means the voluntary association, or <i>universitas personarum</i> , referred to in clause 1.1. |
| 2.3 | “the Association Funds” | means all the assets of the Association under administration by the Board from time to time. |
| 2.4 | “the Board” | means the Board referred to in clause 9 |
| 2.5 | “the Commissioner” | means the Commissioner for the South African Revenue Service. |
| 2.6 | “EAP” | means an environmental assessment practitioner, namely a person responsible for the planning, management and co-ordination of environmental impact assessments, strategic environmental assessments, environmental management plans or any other environmental assessment instruments introduced through legislation, either in a primary assessment or review role. |
| 2.7 | “executive committee” | means any committee, whether comprising members of the Board and/or employees, agents or contractors of the Association, which the Board may establish in its entire discretion to carry out all or any of the executive powers or functions of the Board. |
| 2.8 | “HDI” | means a historically disadvantaged individual, namely a natural person who, before the Constitution of the Republic of South Africa Act (No. 200 of 1993) came into operation, was disadvantaged by unfair discrimination on the basis of race. |

- 2.9 “Members” means the people admitted to membership of the Association from time to time in terms of clause 7.
- 2.10 “PDI” means a previously disadvantaged individual, namely a natural person who has been the victim of discrimination (as defined in section 1 of the Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000) on one or more of the prohibited grounds defined in section 1 of the same Act.
- 2.11 “NEMA” means the National Environmental Management Act, No. 107 of 1998.
- 2.12 “the NPOA” means the Nonprofit Organisations Act, 1997.
- 2.13 “REAP” means registered environmental assessment practitioner who is qualified to undertake environmental assessments and is registered in terms of the criteria, standards and process set by the Board.
- 2.14 “RREAP” means a registered review environmental assessment practitioner who qualified to review environmental assessments and is registered in terms of the criteria, standards and process set by the Board.
- 2.15 “the Register” means the register of EAPs contemplated in clause 3.
- 2.16 “registered” means admitted to and included on the Register.
- 2.17 “the Republic” means the Republic of South Africa.
- 2.18 The masculine includes the feminine, and the singular includes the plural, and references to people includes juristic persons, and *vice versa* in all cases.
- 2.19 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.

OBJECT OF THE ASSOCIATION

- 3.1 The Association has been established as an altruistic and philanthropic institution of a public character, with the Object, on a non-profit basis, of promoting the advancement of the practice and quality of environmental assessment in South Africa.
- 3.2 Without in any way limiting the general nature of 3.1 above, the Object of the Association will include the purpose, objectives and functions set out below.

3.3 Purpose

The overriding purpose of the Association is:

The advancement of the quality of environmental assessment practice in South Africa through:

- promoting, establishing and maintaining registration of Environmental Assessment Practitioners in terms of s24H of the NEMA Amendment Act 2004;
- setting the criteria and procedures for admission to such register;
- providing for standards of professional and ethical conduct for registered Members; and,
- ensuring compliance with standards of professional and ethical conduct.

3.4 Objectives

The objectives of the Association are:

- 3.4.1 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 ethics and acting in the best interest of the environment, sustainable development and the public good; and
 - Establishing disciplinary procedures and sanction mechanisms.
- 3.4.2 To promote continued professional development for EAPs in South Africa in a manner that promotes the empowerment of **previously disadvantaged individuals and** historically disadvantaged individuals within the EA field and the transformation of EA practice;
- 3.4.3 To promote awareness of the purpose and practice of environmental assessment in South Africa; and
- 3.4.4 To pursue the establishment of a statutory council for environment professions.

3.5 Functions

The functions of the Association are to:

- 3.5.1 Register qualified persons as Environmental Assessment Practitioners (EAP),
- 3.5.2 Identify categories of EAPs,
- 3.5.3 Maintain a register of registered persons,
- 3.5.4 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),**

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

Note: Provisions 3.5.4 and 3.5.5 are intended to provide for, but do not necessarily commit the Board to performing these roles. It will also depend on whether or not the Board motivates to be identified as the relevant ETQA (Education & Training Quality Assurance Body) by Council for Higher Education or whether there is a more relevant and competent body in existence.

- 3.5.6 Promote the transformation of the profession in terms of representivity and practice,
- 3.5.7 Liaise with the Council on Higher Education in relation to the accreditation of education institutions,
- 3.5.8 Determine fees payable to the Association by registered persons,
- 3.5.9 Prescribe and enforce a code of conduct, code of ethics and code of practice,
- 3.5.10 Identify the type of work to be performed by a registered person,
- 3.5.11 Advise government or the Minister on environmental assessment issues or issues that may impact on sustainable development as necessary,
- 3.5.12 Communicate to government or the Minister information on matters of public importance acquired during the course of its work,
- 3.5.13 Liaise with relevant government entities if necessary,
- 3.5.14 Work towards the establishment of a statutory council for the environmental professions, and
- 3.5.15 Generally, do all such things as the board deems necessary or expedient to achieve the objectives.

4.

ASSOCIATION FUNDS

- 4.1 The Association Funds 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 Funds 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.

5.

ASSOCIATION POWERS

- 5.1 The Board will have all powers it requires to pursue and achieve the Object of the Association, and a complete and unfettered discretion as to how it deals with the Association Funds for this purpose, subject to the limitations implicit in the Object and subject to the further provisions of this constitution.
- 5.2 Without limiting the general nature of the powers referred to in clause 5.1 above, they will include the following :
- 5.2.1 The general investment and administrative powers set out in Schedule One.
- 5.2.2 The following special powers, which the Board may exercise in any manner it believes is appropriate, in its sole and absolute discretion :
- 5.2.2.1 To establish separate parts of the Association Funds, with distinct objects and purposes; and if deemed appropriate for administrative, fiscal or other reasons, to keep separate books and to account separately for each such part of the Association Funds.
- 5.2.2.2 To solicit and accept, at its discretion, additional donations and contributions for the Association; provided that:
- 5.2.2.2.1 All donations accepted will be subject to the applicable terms of this constitution, and may not:
- 5.2.2.2.1.1 Be unilaterally revocable at the instance of the donor; or
- 5.2.2.2.1.2 Seek to impose conditions on the Association which are inconsistent with the terms of this constitution.
- 5.2.2.2.2 If a donation is offered for a specific purpose which cannot be implemented, or which would be in conflict with the Object or any other term of this constitution, the Board must refuse or refund the donation, as the case may be.
- 5.2.2.3 To amalgamate with any other voluntary association, trust, section 21 company or other body having objects the same as or similar to the Object of the Association; and in implementation of such amalgamation :
- 5.2.2.3.1 To acquire by donation, purchase or otherwise, all or any part of the property, assets, liabilities and commitments of the other body; and/or
- 5.2.2.3.2 To transfer all or any of the property, assets, liabilities and commitments of the Association to the other body.
- 5.2.2.4 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 Object of the Association, and in a manner approved of by the Board.
- 5.2.3 The power generally to do all things which are incidental or conducive to achieving the Object of the Association.

6.

ASSOCIATION POWERS: LIMITATIONS AND QUALIFICATIONS

- 6.1 It is intended that the Association will apply to the Commissioner for approval under section 30 of the Income Tax Act 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 the remainder of this clause 6.2, which provisions will override any other inconsistent or contradictory terms of this constitution :
- 6.2.1 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 :
- 6.2.1.1 All such activities are carried on in a non-profit manner and with an altruistic or philanthropic intent;
- 6.2.1.2 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;
- 6.2.1.3 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
- 6.2.1.4 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).
- 6.2.2 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.
- 6.2.3 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 6.2.3 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.
- 6.2.4 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 :

- 6.2.4.1 Any similar public benefit organisation which has been approved in terms of section 30 of the Income Tax Act; or
- 6.2.4.2 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.
- 6.2.5 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.
- 6.2.6 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.
- 6.2.7 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.
- 6.2.8 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.
- 6.2.9 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.
- 6.2.10 The Association must comply with such reporting requirements as may be determined by the Commissioner.
- 6.2.11 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.
- 6.2.12 The members must ensure that any books of account, records or other documents relating to the Association :
- 6.2.12.1 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
- 6.2.12.2 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.
- 6.2.13 The Association must not use its resources directly or indirectly to support, advance or oppose any political party.

7.

MEMBERS OF THE ASSOCIATION

- 7.1 The names of the initial 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 initial 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 There must at all times be a minimum of Five (5) Members. If, for any reason, the number of Members falls below this minimum, the remaining Members must, by way of a resolution adopted by a simple majority, co-opt and appoint sufficient people of their choice as Members to bring the number of Members to the required minimum.
- 7.4 The Members may at any time, in their entire discretion, by way of a resolution adopted by a simple majority, admit any person of their choice as a Member, even if that person is not, or is not qualified to be, admitted to the Register.
- 7.5 The Board may at any time, if it believes this to be in the interests of the Association, terminate the Membership of any person, whether or not that person has been admitted to the Register; on condition that :
- 7.5.1 A resolution for the termination of Membership must be adopted by at least Two-thirds (2/3rds) of the members of the Board.
- 7.5.2 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.
- 7.6 Membership of the Association will terminate if :
- 7.6.1 A Member resigns.
- 7.6.2 A Member dies.
- 7.6.3 A Member, having been admitted to the Register, is removed from the Register for any reason whatsoever.
- 7.6.4 A Member's Membership is terminated in terms of clause 7.5.

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 person admitted to Membership of the Association in terms of clause 7.
- 8.1.2 All members of the Board.

- 8.2 A general meeting of the Association may 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 An AGM of the Association must be held every second calendar year on condition that no less than Twenty-one (21) days' prior written notice of an AGM must be given to all persons entitled to attend it, which notice must state in broad terms the business to be transacted at the AGM.
- 8.4 The AGM must be convened by the chairperson of the Board. If the chairperson fails or refuses to convene the AGM, any of the other people referred to in clause 8.2 will be entitled to do so.
- 8.5 The business of an AGM will include the following :
- 8.5.1 The election of a person to chair the AGM, 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 AGM; 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 AGM.
- 8.6 Members may attend an AGM in person or by proxy. Proxies must be in such form as the Board may determine from time to time.
- 8.7 A quorum constituting an AGM of the Association will be Ten (10) per cent of the Members.
- 8.8 If an AGM of the Association has been duly convened but no quorum is present, that AGM 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 AGM, 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 an AGM. 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 AGM, and a record of the persons present. The minutes must be signed by the chairperson or the other person who chairs the next AGM, and must be available at all times for inspection or copying by any Member.
- 8.11 A general meeting other than the AGM must be convened on at least Fourteen (14) days prior written notice 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 AGM.
- 8.13 Despite anything to the contrary contained in this constitution, a resolution signed by Two-thirds (2/3rds) 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.
- 9.2 Only natural persons may be members of the Board.
- 9.3 The initial members of the Board are those people whose names appear on Schedule Two.
- 9.4 There must at all times be Thirteen (13) members of the Board. New and replacement members of the Board are appointed, elected and removed in the manner set out below.
- 9.5 In electing or appointing members to the Board from time to time, the Association must, **as far as may be practical and possible**, seek to maintain a membership which comprises :
- 9.5.1 Four (4) RREAP's, of whom Two (2) should preferably be in the fulltime employment of a provincial government, with the other Two (2) preferably not being in such employment. Of these REAPs, Two (2) should be female and Two (2) should be black.
- 9.5.2 Four (4) REAPs, of whom Two (2) should be female and Two (2) black.
- 9.5.3 One (1) representative of the South African Qualifications Authority, or the wider environmental education sector.
- 9.5.4 One (1) representative of national or provincial government.
- 9.5.5 Three (3) respected members of the wider community.
- 9.5.6 At least Six (6) people who are female.
- 9.5.7 At least Seven (7) people who are black.
- 9.6 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 9.5, the Board will be properly constituted as long as it has at least Thirteen (13) duly appointed or elected members. Board members need not be Members of the Association.
- 9.7 At every AGM half of the members of the Board must resign.
- 9.7.1 If the Board members cannot decide among themselves who will resign, this will be determined by the drawing of lots.
- 9.7.2 At that AGM Board members to replace those resigning, must be elected.
- 9.8 Retiring Board members will remain eligible for re-appointment, on condition that no person may serve more than Three (3) consecutive terms as a Board member – a term being the period between one AGM and the next.
- 9.9 If the Board believes this to be in the best interests of the Association, the Board may adopt a resolution to remove any Board member from office, on condition that :

- 9.9.1 Before any such resolution is adopted, the Board member facing removal must be given a reasonable opportunity to hear and respond to the reasons for the proposed removal.
- 9.9.2 Any resolution for the removal of a Board member must be adopted by at least two-thirds ($\frac{2}{3}$ rds) of the remaining Board members.
- 9.10 If, for whatever reason, the number of Board members falls below the minimum stipulated in clause 9.4, the remaining Board members must, by way of a resolution adopted by at least two-thirds ($\frac{2}{3}$ rds) of their number, appoint sufficient people of their choice as replacement Board members.
- 9.11 Every duly elected or appointed member of the Board will continue to hold office until the occurrence of any event contemplated in clause 11.

10.

MANAGEMENT OF THE ASSOCIATION: EXECUTIVE COMMITTEE

- 10.1 As appears from clause 5 above, all executive powers of the Association will vest in the Board, which will be entitled to act on behalf of the Association in all matters.
- 10.2 If the Board in its entire discretion so decides from time to time, it may :
- 10.2.1 Establish One (1) or more executive committees made up of Board members (and/or any other persons the Board may choose in its entire discretion).
- 10.2.2 Delegate to any such executive committee all or any of the powers of the Board, on condition that the Board will not be divested of any power despite its delegation.
- 10.2.3 Determine the rules and procedures to be followed by any such executive committee in conducting its business.
- 10.3 The Board may at any time in its entire discretion :
- 10.3.1 Reduce, alter or increase the powers and functions of any executive committee.
- 10.3.2 Amend the rules and procedures applicable to any executive committee.
- 10.3.3 Disband (and, if deemed necessary, replace) any executive committee.
- 10.4 The members of every executive committee will be selected and appointed by the Board from time to time in its entire discretion. The Board will be entitled, at any time and in its entire discretion, to remove, replace and substitute any member of any executive committee.

Note: Working Group suggests introducing a clause representivity for race and gender on all executive or sub committees.

- 10.5 The Board members must from time to time elect a chairperson, vice-chairperson, treasurer and secretary from among their number.
- 10.6 In order to avoid doubt it is confirmed that the Board may delegate any or all of its powers not only to an executive committee, but also or alternatively to an executive member of the Board, and/or to any committee, agent, employee or contractor of the Association, as the Board may decide in its entire discretion.

10.7 Registration Committee

- 10.7.1 Despite anything to the contrary contained in this constitution, the Board must call into being and maintain an executive committee known as the Registration Committee, whose tasks must include :
- Proposing criteria and procedures for registration of EAPs, for approval by the Board.
 - Assessing applications for registration, and making recommendations to the Board from time to time as to whether any particular applicant should be admitted to the Register, for final determination by the Board.
- 10.7.2 In determining the criteria and procedures for registration, the Registration Committee and the Board must have regard to all applicable statutory requirements, including but not limited to the requirements of the South African Qualifications Authority.
- 10.7.3 Before the Board approves any amendment to the criteria and procedures for admission to the Register, the Board must, whether through the Registration Committee or otherwise, solicit comments from the general public by placing an appropriate advertisement in a newspaper with national circulation.
- 10.7.4 ~~As far as is practical and possible~~, the Board must ensure that at least Two (2) REAPs and Two (2) RREAPs serve on the Registration Committee, ~~of whom Two (2) should be female and Two (2) black.~~
- 10.7.5 Subject to the provisions of this clause 10.7, the provisions of the remaining clauses of clause 10 will apply to the Registration Committee.

11.

TERMINATION OF BOARD MEMBERSHIP

Membership of the Board will terminate if a member:

- 11.1 Resigns; or
- 11.2 Dies; or
- 11.3 Becomes unfit to act or incapable of acting as a member; or
- 11.4 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
- 11.5 Would be disqualified, in terms of the Companies Act, from acting as a director of a company; or
- 11.6 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
- 11.7 Is removed from office in terms of clause 9.10 above.

12.

PROCEDURE AT EXECUTIVE COMMITTEE MEETINGS

Unless the Board in its entire discretion decides otherwise (as contemplated in clauses 10.2.3 and 10.3.2), any executive 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 executive committee. In the absence of the chairperson, the members of the executive committee must elect a person to chair the meeting from their number.
- 12.2 The chairperson may at any time convene a meeting of an executive committee.
- 12.3 The quorum necessary for the transaction of any business by an executive committee will be One-half (½) of its members.
- 12.4 At meetings of an executive committee, each member will have One (1) vote.
- 12.5 Questions arising at an executive committee meeting will be decided by a majority of votes. In the event of an equality of votes the chairperson 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 executive committee, and a record of the persons present at each meeting. The minutes must be signed by the chairperson 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

Board members may attend meetings of the Board in person only, and not by proxy. Only persons who have been appointed as members in terms of clause 7 will be entitled to attend meetings of the Board.

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 ($\frac{2}{3}^{\text{rds}}$) 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.

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 ($\frac{2}{3}^{\text{rds}}$) 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 notified 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.

BOOKS OF ACCOUNT AND ANNUAL FINANCIAL STATEMENTS

- 15.1 The Board must ensure that the Association keeps proper books of account. Financial statements (including capital and revenue accounts) must be prepared at least once a year, in accordance with generally accepted accounting principles and practice, and must reflect clearly the affairs of the Association. The books of account and financial statements must be audited and certified in the customary manner by an independent practising chartered accountant, or such other appropriately qualified person as may be appointed by the Board in its entire discretion.
- 15.2 A copy of the annual financial statements must be made available to each of the members of the Board as soon as possible after the close of the financial year.

16.

SIGNATURES

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.

17.

LEGAL STATUS

- 17.1 The Association has independent legal personality distinct from its Members, is characterised by perpetual succession and :
- 17.1.1 May own immovable and movable property and enter into contracts in its own name; and
- 17.1.2 May sue or be sued in its own name.
- 17.2 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.

18.

AREA OF OPERATIONS

- 18.1 The Association will be entitled to carry on its activities anywhere in the Republic.
- 18.2 The Association will be entitled to collect contributions throughout the Republic and elsewhere.

19.

AMENDMENTS TO CONSTITUTION AND DISSOLUTION

Subject to clauses 6 and 22, the terms of this constitution may be amended, the name of the Association may be changed and the Association may be dissolved:

- 19.1 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 ($\frac{2}{3}$ ^{rds}) of the Members present in person or by proxy at the meeting;

OR

19.2 By resolution adopted in terms of clause 8.13.

20.

INDEMNITY

- 20.1 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.
- 20.2 Subject to the provisions of any relevant statute, no Board member or office bearer of the Association will be liable for :
- 20.2.1 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
- 20.2.2 Any loss or expense suffered by the Association through the insufficiency or deficiency of title to any property acquired by the Association; or
- 20.2.3 The insufficiency or deficiency of any security in or on which the money of the Association may be invested; or
- 20.2.4 Any loss or damage arising from the bankruptcy, insolvency or delictual act of any person with whom any money or securities are deposited; or
- 20.2.5 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.

21.

BOARD DISCRETION

Where discretions are vested in the Board in terms of this constitution, those discretions, except where expressly limited, will be complete and absolute, and no person affected by any decision made by the Board pursuant to its discretionary powers will be entitled to challenge that decision: provided that the Board must at all times conform to the Object of the Association, and comply with the terms of this constitution. Moreover the Board will be under no obligation to justify or furnish reasons for decisions taken by it in the legitimate exercise of its discretionary powers, except as may be expressly provided for in this constitution.

NPOA REQUIREMENTS

In order to confirm that the Association meets the requirements for registration as a nonprofit organisation under the NPOA, it is recorded that:

- 22.1 The name of the Association is as recorded in clause 1 of this constitution.
- 22.2 The Association's main and ancillary objectives are set out in clause 3 of this constitution.
- 22.3 The Association's income and property are not distributable to its Members or office bearers, except as reasonable compensation for services rendered.
- 22.4 The Association is a body corporate, and the Association has an identity and existence distinct from its Members and office bearers.
- 22.5 The Association will continue to exist notwithstanding changes in the composition of its Board or office bearers.
- 22.6 Neither the Members nor the office bearers of the Association will have any rights in the property or other assets of the Association solely by virtue of their being Members or office bearers.
- 22.7 The powers of the Association are set out and referred to at clause 5 of this constitution.
- 22.8 The Association is governed by its Board. At its discretion, the Board is entitled to delegate some or all of its executive powers to One (1) or more executive committees.
- 22.9 Rules for the convening and conducting of meetings, including quorums required for and minutes to be kept of meetings, are set out at clauses 8, 9, 10, 12 and 13 of this constitution.
- 22.10 All decisions of or by the Association are made by its Board, in terms of clause 13 of this constitution.
- 22.11 The financial transactions of the Association must be conducted by means of one or more banking accounts.
- 22.12 The date of the end of the Association's financial year is the last day of February.
- 22.13 The procedure for amending this constitution is set out and referred to at clause 19.
- 22.14 The procedure whereby the Association may be wound-up or dissolved is similarly set out and referred to in clause 18 of this constitution.
- 22.15 If the Association, when it is wound up or dissolved, is registered as a nonprofit organisation under the NPOA, any assets remaining after all its liabilities have been met, must be transferred to another voluntary association, trust or section 21 company which qualifies as a nonprofit organisation as defined in the NPOA, and which has objectives similar to the Object of the Association.

I CERTIFY THAT THIS CONSTITUTION WAS DULY ADOPTED BY THE MEMBERS OF THE ASSOCIATION ON _____ 2007.

_____, 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 as it sees fit in its sole and absolute discretion.
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 Object 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 sole and absolute discretion sees fit; provided that any such person must be wholly or chiefly engaged in activities which further the Object 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 directors of a company, 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.
 - 10.9 To enter into contracts outside the Republic and execute any contracts, deeds and documents in any foreign country.
11. The Board will be entitled generally to deal with assets and investments forming part of the Association Funds 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.

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SCHEDULE TWO

INITIAL MEMBERS OF THE BOARD

Initial Board members will be selected through a nomination process. Representation on the first Board will be as follows:

1. Four (4) EAPs, of whom Two (2) should preferably be in the fulltime employment of a provincial government in a review role, and Two (2) of whom are not in the fulltime employment of provincial or national government.
2. Five (4) EAPs who are certified under the voluntary ICB system and one (1) other EAP (not certified under the voluntary system).
3. One (1) representative of the South African Qualifications Authority, or of the academic or education sector relevant to environmental assessment.
4. One (1) representative of national government.
5. Two (2) respected members of the wider community.

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SCHEDULE THREE

INITIAL MEMBERS OF THE ASSOCIATION



SCHEDULE FOUR

INITIATING ORGANISATIONS

Associations, Councils & Institutes:

31. Association for the Advancement of Black Scientists, Engineers and Technologists (AABSET);
32. Association of Consulting Town and Regional Planners (ACTRP);
33. South African Council for the Landscape Architectural Profession (SACLAP);
34. Environmental Law Association (ELA);
35. South African Affiliate of the International Association for Impact Assessment (IAIASa);
36. Institute of Landscape Architects of South Africa (ILASA);
37. Institute of Waste Management (IWM);
38. The South African Association for Consulting Engineers (SAACE);
39. South African Black Technical and Allied Careers Organisation (SABTACO);
40. South African Institute of Architects (SAIA);
41. South African Institute for Civil Engineers (SAICE);
42. Southern African Institute of Ecologists and Environmental Scientists (SAIE&ES);
43. South African Planning Institute (SAPI);
44. Water Institute of Southern Africa (WISA);
45. South African Institute for Engineering and Environmental Geologists (SAIEG);

National Government Departments:

46. Department of Environmental Affairs and Tourism (DEAT);
47. Department of Minerals and Energy (DME)
48. Department of Arts, Culture, Science and Technology (DACST);
49. Department of Land Affairs (DLA)
50. Department of Water Affairs and Forestry (DWAFF)
51. Department of Provincial and Local Government (DPLG)

Provincial Departments:

52. Department of Agriculture, Conservation and Environment (Gauteng)
53. Department of Agriculture Conservation and Environmental Affairs (North West)
54. Department of Economic Affairs, Environment and Tourism (Eastern Cape)
55. Department of Finance and Economic Development (Limpopo)
56. Department of Agriculture and Environment Affairs (KwaZulu Natal)
57. Department of Tourism, Environment and Conservation (Northern Cape)
58. Department of Environmental Affairs and Development Planning (Western Cape)
59. Department of Agriculture, Conservation and Environmental Affairs (Mpumalanga)
- Department of Tourism, Environmental and Economic Affairs (Free State)

3. RULE BOOK OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONERS BOARD

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 ETHICS

All registered and candidate EAPs who are admitted to the Register of Environment Assessment Practitioners Board are required to adhere to the following code of ethics:

1. Environmental assessment practitioners shall carry out their professional activities, as far as possible, 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 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 seek employment, grants or 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, to the best of their ability, 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 suitable qualified persons in subject areas where they are relatively inexperienced.

12. Environmental assessment practitioners must only undertake particular environmental assessment work in a position of responsible charge where they have the relevant expertise and experience to undertake that work competently.
 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 the outcome of that work.
 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 shall comply with the objectives of the Board, as well as any Rules laid down by the Board.
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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.

1. CATEGORIES IN WHICH EAPS MUST BE REGISTERED

A person may not practice in any of the categories contemplated in this section unless s/he is registered in that category, after an effective date of recognition of this Board is announced by the Minister of Environmental Affairs & Tourism.

A person who is registered in the category of candidate must perform work on environmental assessments under supervision.

1.1 Registered Environmental Assessment Practitioners

a) Registered Environmental Assessment Practitioner (REAP)

REAPs are qualified to take overall responsibility for conducting environmental assessment in their professional capacity as practitioners within South Africa provided that in so doing they adhere to professional registration requirements, the code of conduct, ethics and practice and continued professional development to which they are bound as registered EAPs.

b) Candidate Registered Environmental Assessment Practitioner (Candidate EAP)

This category of registration is for EAPs who meet some, but not all, of the criteria for registration given in Section XX. These EAPs are qualified to undertake work associated with, or contributing to, conducting environmental assessment on projects, provided that such work is supervised, reviewed, and/or 'signed off' by a REAP. That is, a Registered EAP would take responsibility for work carried out by an Associate or Candidate environmental assessment practitioner. Candidate EAPs must adhere to the code of conduct, ethics and practice to which they are bound as registered EAPs.

1.2 Registered Review Environmental Assessment Practitioner

a) Registered Review Environmental Assessment Practitioner (RREAP)

RREAPs are qualified to take overall responsibility for reviewing environmental assessments in their professional capacity as review practitioners within South Africa provided that in so doing they adhere to professional registration requirements, the code of conduct, ethics and practice and continued professional development to which they are bound as registered EAPs.

b) Candidate Review Environmental Assessment Practitioner (Candidate REAP)

This category of registration is for EAPs who meet some, but not all, of the criteria for RREAPs given in Section These EAPs are qualified to undertake work associated with, or contributing to, the review of environmental assessment on projects, provided that such work is supervised, reviewed, and/or 'signed off' by a RREAP. That is, a RREAP would take responsibility for work carried out by a Candidate Review Environmental Assessment Practitioner. Associate or candidate EAPs must adhere to the code of conduct, ethics and practice to which they are bound as registered EAPs.

2. CRITERIA FOR REGISTERING ENVIRONMENTAL ASSESSMENT PRACTITIONERS

2.1 Criteria will be developed and amended from time to time by the Board for registering and re-registering EAPs. The general criteria for registration are set in 2.2 below and the detailed criteria for each registration categories listed below are set out in Annexure 2a and 2b.

- a. Initial registration for Registered Environmental Assessment Practitioners and Candidate Environmental Assessment Practitioners.
- b. Initial registration for Registered Review Environmental Assessment Practitioners and Candidate Review Environmental Assessment Practitioners
- c. Re-registration as a Registered Environmental Assessment Practitioner
- d. Re-registration as a Registered Review Environmental Assessment Practitioner

2.2 Criteria for initial registration of EAPs

Sets of detailed criteria for each Registration category are set out in Annexure 2 a). Note: these will only apply once a set of SAQA-registered qualification standards are available and in operation and an adequate geographical spread of educational organisations offering the relevant accredited courses and 'recognition of prior learning' (RPL) processes are available.

Criteria for each category will include the following basic requirements:

- a) **Formal certificate of competence.** Specific nature and level of certificate to be determined in consultation with SAQA and will include certificates arising from formal study (i.e. as part of a wider course of study or as a specific course) and from an assessment leading to 'recognition of prior learning'. NQF level to be decided.
- b) **Professional experience** necessary for effective practice at different levels and for the two categories of EAP and gained from relevant work in the environmental assessment field; and
- c) **The effective demonstration of competence in practice** in terms of a set of key criteria linked to core competencies identified by the Board and the relevant SGB of SAQA.

In addition, registered EAPs would need to undertake formally to conduct themselves in a responsible and ethical manner in accordance with the code of conduct, code of ethics and code of practice.

NOTE: The detailed criteria in each area will be determined by the Board. It should be noted that the detailed criteria cannot be finalised until the core competencies, key criteria and qualification standards have been finalised and registered with SAQA. The initial set of detailed criteria for each of the four categories is set out in Annexure 2a):

- 2.3 In addition, provision will be made to consider “special case” applicants who do not fulfil the criteria as set out in a) – c). In “special cases” the Board may request any additional material or information deemed necessary to consider such applications for registration.
- 2.4 **Criteria for re-registration:** On application for re-registration, after a 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 and in their category of practice, either as an RREAP or REAP, as follows and as per the requirements set out below and detailed further in section 3.
- a) Evidence must be provided demonstrating effective competence in practice over the previous **five year period** of registration and based on the set criteria for each category. This evidence must be provided by way of an explicit list of environmental assessments in which the applicant was involved, the time period and dates of involvement, and in what capacity and a brief outline of how these demonstrate ongoing competence in terms of the set criteria.
 - b) 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:
 - i) Completing formal, accredited education and training, including distance education;
 - ii) Attending short courses, including in-house training **and/or training provided by a voluntary environmental assessment organization approved by the Board,**
 - iii) Attending conferences, meetings, workshops, seminars
 - iv) Private study of journals, papers, texts etc (informal learning activities)
- 2.4.2. 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, through:
- 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;
 - d) Advising, reviewing work carried out by, or in any other way assisting candidate environmental assessment practitioners.
 - e) Providing *pro bono* services to non-government organizations, community based groups or organisations that work for public benefit.
- 2.4.3 The Board will determine the number of continuing professional development and skills transfer units that can be credited with 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 Requirements for Continuing Professional Development.
- 2.4.4 Registered environmental assessment practitioners must maintain an accurate record of the above activities to support the re-registration application, providing dates, descriptions of the activity and of the individual’s role in that activity, for submission to the Board annually on annual renewal and payment of membership. An initial template is provided as Annexure 3 b) to section 3.

3. REGISTRATION BY THE BOARD

- 3.1 A person must apply in the prescribed application form, to the Board for registration in a category as in section 1.
- 3.2 The relevant application form must be accompanied by the prescribed fee.
- 3.3 The Board must register the applicant in the relevant category and issue a registration certificate if after consideration of an application the Board is satisfied that the applicant:
- a) Meets the criteria referred to in section 2 as determined by the Board for the relevant category of registration; and,

- b) Has passed any additional examinations that may be determined by the Board.

3.4 The Board may refuse to register an applicant:

- a) If the applicant has been removed from an office of trust on account of improper conduct;
- b) 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;
- c) If 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;
- d) If 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;
- e) If the applicant is an unrehabilitated 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.

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;
- 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 a cancellation referred to in section 4.1.

4.3 If a person who is registered as a candidate qualifies to be registered as a Registered EAP, the Board must cancel his or her registration as a candidate.

5. REGISTRATION PROCESS

5.1 All potential applicants who fulfill 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 All applicants must use the standard format for application and the application forms provided. Applications should include certified copies of qualifications and evidence that the applicant meets the required criteria, written proof of relevant experience and competencies. The written proof will require the presentation of a body of evidence in the form of professional work concluded by the applicant.

5.3 The Registrar will receive the application and assign two anonymous and independent referees to review the application. The referees are required to complete a report on their assessment of the candidate in a standard format. The completed referees' reports together with the candidates' application are considered by the Registration Sub Committee. The Registration Sub Committee can recommend to the Board admission or refusal to the Register or may recommend:

- a) Further written information or further examples of the candidates professional body of evidence of competence;
- b) An interview that is structured specifically to assess the competence of an individual in specific areas using a structured interview process based on a competency assessment framework.

5.4 In the case that the Registration Sub Committee's recommendation to refuse admission to the Register is supported by the Board, specific reasons and recommendations where further qualifications, experience or

work on improving competencies will be provided to the candidate. In such situations, the Registration Sub Committee can recommend that the applicant:

- a) Register and work in the field as a candidate/associate and follow a structured mentorship and learning process and apply for registration once these criteria can be met (Note: this assumes that enabling mentorship and CPD programmes becomes an important role of the new body);
- b) Request to write an examination/ or have relevant competencies further tested according to a competency assessment framework, also to be developed in partnership with SAQA.

5.5 The Board will compile and update a Register of EAPs. This Register will be made available to all registered EAPs and to member organisations of the Board. In addition, this Register will be made available by the Board to other organisations on request, and on terms or conditions decided by the Board. The Register provide the names and contact details of all certified 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 respected by EAP peers and should be individuals who would clearly satisfy all the registration requirements. A list of referees (that is updated from time to time) will be made up of individuals who would be willing to play this role and provide their reports timeously to the Registration Sub Committee.
- 6.3 A roster system will be applied when assigning referees to applicant while ensuring independence (for example, referees should not be employed by/at the same organisation as the applicant).
- 6.4 The confidential referees' reports will accompany the application when it is assessed and considered by the Registration Sub Committee.

ANNEXURE 2A) PROPOSED CRITERIA FOR REGISTRATION

Criteria for registration within the four categories include the following basic requirements:

1. **Formal certificate of competence.** Specific nature and level of certificate to be determined in consultation with SAQA and will include certificates arising from formal study (i.e. as part of a wider course of study or as a specific course) and from an assessment leading to 'recognition of prior learning'. **NQF level to be decided.**
 2. **Professional experience** necessary for effective practice at different levels and for the two categories of EAP and gained from relevant work in the environmental assessment field; and
 3. **The effective demonstration of competence in practice** in terms of a set of key criteria linked to core competencies identified by the Board and the relevant SGB of SAQA.
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In relation to the above broad sets of criteria, the Working Group recommends that:

1. **Formal certificate of competence** issued by an accredited educational programme should be equivalent the following academic or other learning pathways/channels:
 - a) A degree in **environmental practice**⁷ from a South African university (or recognised equivalent, including qualification from a country outside South Africa),

OR
 - b) At least a degree from a South African university (or recognised equivalent, including qualification from a country outside South Africa), and a further post-graduate degree in environmental practice from a South African University (or recognised equivalent, including qualification from a country outside South Africa),

OR
 - c) A certificate of competence issued after an assessment of Recognition of Prior Learning⁸.
2. While the medium-term objective is to establish more detailed requirements for structured professional development and mentoring processes for graduates applying for registration in the candidate categories, the minimum requirements for **appropriate professional experience**⁹ are as follows:
 - a) Where the applicant holds a three-year bachelor's degree (or equivalent) in environmental practice from a University (or recognised equivalent), including qualification from a country outside South Africa), a minimum of three years appropriate professional experience is required. Where the applicant holds a Masters (five or six year degree) or Honours (four year degree), two years of appropriate experience is required.
 - b) Where the applicant holds any degree (other than in environmental practice) and a postgraduate degree in environmental practice from a University (or recognised equivalent, including qualification from a country outside South Africa), three years appropriate professional experience are required at minimum;

⁷ A degree in 'environmental practice' is defined as interdisciplinary study covering the fields of both the natural and human environment, including an environmental assessment component which provides training in the core competencies required to carry out environmental assessment and may include degrees in environmental management or science, planning, landscape architecture etc, that are accredited by the relevant Education Training Quality Assurance body in terms of the Qualifications/Unit Standards approved by the relevant Standards Generating Body of SAQA.

⁸ Recognition of Prior Learning is defined in the National Standards Bodies Regulations (No 18787 of 28 March 1998, issued in terms of the SAQA Act 58 of 1995) and means the comparison of the previous learning and experience of a learner howsoever obtained against the learning outcomes required for a specified qualification, and the acceptance for purposes of qualification of that which meets the requirements.

⁹ Appropriate professional experience refers to relevant experience in the field of environmental practice associated with environmental assessment – demonstrating competence in the required areas.

- c) Where the applicant holds any degree (other than in environmental practice) from a University (or recognised equivalent, including qualification from a country outside South Africa), and has attended a short course in **environmental practice**, five years appropriate professional experience are required at minimum; and,
 - d) Where the applicant holds a diploma in environmental practice from a University (or recognised equivalent, including qualification from a country outside South Africa), six years appropriate professional experience are required at minimum.
- iii) The effective **demonstration of competence in practice**. The Working Group suggests the following areas as the basis for the development of Qualification standards for Environmental Assessment Practice and the application of these criteria in its own assessment of competence when registering EAPs:

Core competencies (applicable to REAPs and RREAPs):

a) Conceptual understanding of sustainable development and the environment:

A thorough understanding of the concept of sustainable development and environment, embracing:

- i) Ecological sustainability, recognised as the enabling factor for sustainable development;
- ii) Social sustainability, equity and environmental justice;
- iii) Economic sustainability.

b) Holistic thinking:

The demonstrated ability to think holistically about the structure, functioning and performance of the environmental system, not simply focusing on maximising the efficiency of one of its elements.

c) Systemic analysis

Demonstrable evidence of having analysed the affected environment in such a way as to identify significant issues, problems and/or characteristics, and having distinguished between underlying causes and superficial symptoms.

d) Integration in the evaluation of options and trade-offs

Demonstrable proficiency in recognizing linkages and inter-dependencies between, and integrating and co-ordinating significant components of, both the socio-economic and biophysical environments in such a way as to evaluate options and trade-offs, strive for social and ecological resilience and sustainable development, and facilitate sound decision making.

e) Application of environmental assessment principles, legal requirements, processes, methodologies and skills

The following competencies apply to the Registered Environmental Assessment Practitioner and the Registered Environmental Assessment Review Practitioners respectively:

Registered Environmental Assessment Practitioner:

Demonstration of competence in the application of relevant environmental assessment principles, legal requirements, processes, methodologies and skills appropriate to the context:

- a) the ability to scope and identify the requirements for an environmental assessment for a proposed policy, programme, project or course of action/alternative that is appropriate to the context, scale and potential significance of the proposal/s and that meets legal requirements in terms of applicable treaties, policies, laws and contracts.
- b) the ability to recognise when and how to engage specialist input in a manner that appropriately addresses the scope and requirements of a particular environmental assessment.
- c) the ability to design and manage public participation processes appropriate to the requirements of the environmental assessment and thereby effectively engage, integrate and communicate the inputs of stakeholders;

- d) the ability to systematically and explicitly assess and evaluate the risk and potential significance of environmental impacts, bearing in mind the objectives of sustainable development;
- e) the ability to evaluate the feasibility and effectiveness, of measures to mitigate negative impacts and enhance benefits;
- f) the ability to assess and evaluate alternatives and communicate this in a manner which appropriately informs a recommended course of action;
- g) the ability to monitor and evaluate impacts;
- h) the ability to prepare environmental management plans, programmes and/or systems;
- i) the ability to communicate effectively (evidence of proficiency in oral and written communication skills is to be provided, see section...of application form)

Note: requirements should not prejudice applicants who do not have English as first language.

Registered Review Environmental Assessment Practitioners

Demonstration of competence in the review of the application of relevant assessment principles, legal requirements, processes, methodologies and skills:

- a) The ability to establish review criteria for environmental assessments by understanding the scope of the possible decisions to be taken;
- b) The ability to identify and communicate the relevant legal requirements for environmental assessment for a proposed activity;
- c) The ability to assess and evaluate whether environmental assessment process and content are appropriate to the decisions that they inform and specifically demonstrate, the abilities to evaluate whether:
 - i) the scope of an environmental assessments for a proposed policy, programme, project or course of action/alternative is appropriate to the context, scale and potential significance of the proposal/s;
 - ii) relevant legal requirements in terms of applicable treaties, policies, laws and contracts have been appropriately addressed;
 - iii) the risk and potential significance of environmental impacts have been systematically and explicitly assessed and evaluated within an environmental assessment;
 - iv) the feasibility and effectiveness, of proposed measures to mitigate negative impacts and enhance benefits have been adequately addressed;
 - v) reasonable and feasible identified alternatives have been appropriately assessed and evaluated and communicated in a manner which informs a recommended course of action;
 - vi) public participation processes are appropriate to the requirements of the environmental assessment and thereby effectively engage, integrate and communicate the inputs of stakeholders;
 - vii) the quality of environmental management plans, programmes and/or systems as represented are adequate.
- d) The ability to provide recommendations on whether or not the authorisation should be granted and under what conditions; and,
- e) The ability to communicate effectively (evidence of proficiency in oral and written communication skills is to be provided, **see section XX of application form – to be designed**)

Note: requirement should not prejudice applicants who do not have English as first language.

ANNEXURE 2B): SUMMARY OF CRITERIA FOR REGISTRATION

EAP Registration Categories	Criteria (Once SAQA-registered Qualification Standards are in place with requisite operational systems, ETQA etc.)
Candidate (EAPs and REAPs)	<p>1. Formal certificate of competence Specific nature and level of certificate to be determined in consultation with SAQA and will include certificates arising from formal study (i.e. as part of a wider course of study or as a specific course) and from an assessment leading to 'recognition of prior learning'. NQF level to be decided.</p> <p>2. Professional experience: Signed up for 2 years relevant professional experience under professional mentorship of a registered EAP</p> <p>3. Demonstration of competence: Signed agreement for 2 year practical programme arranged to enable demonstration of competence in practice based on criteria to be determined + undertaking by supervisor to provide referees report</p>
Registered (REAPs and EAPs)	<p>1. Formal certificate of competence Specific nature and level of certificate to be determined in consultation with SAQA and will include certificates arising from formal study (i.e. as part of a wider course of study or as a specific course) and from an assessment leading to 'recognition of prior learning'. NQF level to be decided.</p> <p>2. Professional experience: Professional Experience reviewing EIAs as per ICB criteria + letters from 2 referees</p> <p>3. Demonstration of competence: through examples of work & motivation demonstrating how examples of work are evidence of competence in environmental assessment reviews based on criteria to be determined</p>
Re-registration requirements	<p>Annual reporting on CPD plan and re-application and assessment by Registration Sub-Committee on CPD on a five-yearly basis, demonstrating:</p> <p>a. Evidence that the applicant has continued to develop professionally in the field of EA review or EIA, as relevant, through</p> <ul style="list-style-type: none"> * demonstrating continued competence in practice based on SAQA recognised standards and criteria * evidence of improved knowledge & skill <p>b. Evidence that the applicant has contributed to skills transfer in the environmental assessment field during the past five year registration period</p>

SECTION 3: REQUIREMENTS 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 **candidate EAPs** leading to registration as an EAP; and
2. *Continuing Professional Development* of **registered EAPs**.

1.1 Professional development

It is recommended that candidate EAPs who are working towards registration should plan their professional development in order specifically to work towards meeting the requirements for registration. Annex A 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 their level of technical competence;
- Extends their range of skills;
- Develops new areas of expertise;
- Promotes confidence and pride in one's work, and
- Establishes links with fellow professionals, and increases their 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;
- 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 (Annex B) 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 prioritizes 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;
- f) planned CPD programme for the coming year/s (depending on the cycle of re-registration).

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 your 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 Authority¹⁰;
- 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;

¹⁰ 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, lecturing;
- Co-ordinating and/or running short courses;
- Mentoring candidate EAPs and/or supporting the development of other aspiring EAPs (refer to Annex B 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 thus be expected to undertake the full 125/50 hours CPD over any five/two 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 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 your 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 your current situation and what you need to do to stay there. Alternatively, it can be a detailed analysis of personal and professional circumstances, aspirations and needs and the steps you have 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 your Professional Development Plan and the activities completed, and evaluate whether or not you have met the objectives of that Plan.

ANNEX 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 50 points of CPD over a two year period**; at **minimum 10 points from Area 1 and 20 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:.....

Two-year period:

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

Signature:.....

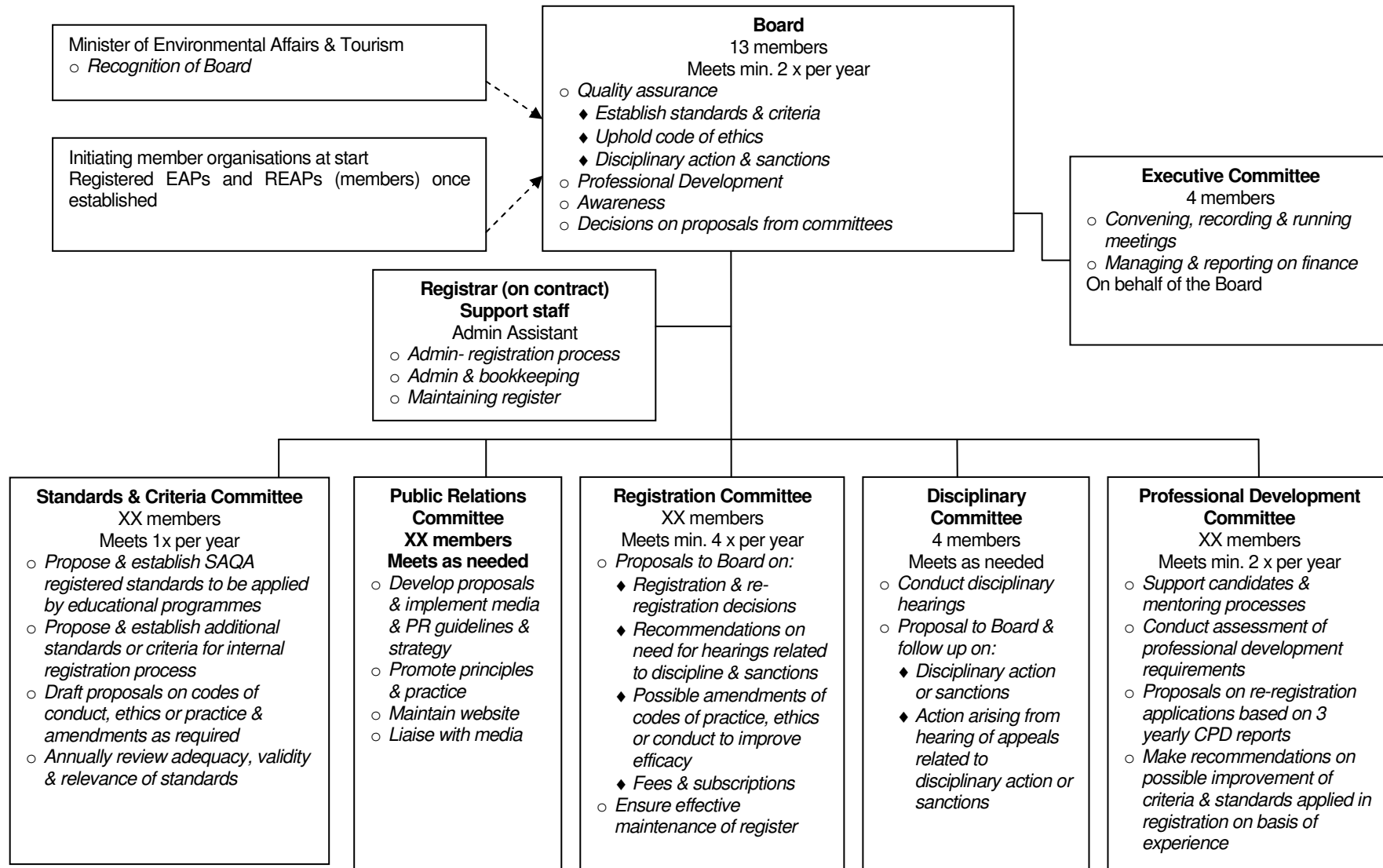
Date:...../...../.....

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: MEASURES FOR SANCTION AND DISCIPLINE OF MEMBERS

1. The Board is empowered to initiate any form of investigation and to take any disciplinary action against any registered Environmental Assessment Practitioner it may deem advisable for an alleged breach of the Code of Ethics.
2. Allegations or complaints regarding such a breach may be lodged with the Board by any interested or affected party, and should give written description of the details and description of the alleged breach, specific clauses of the Code/s which have been transgressed, as well as the relationship between the complainant and the registered Environmental Assessment Practitioner.
3. The Board will establish a disciplinary committee to deal with allegations or complaints of breach of the Code of Ethics or Code of Practice.
4. The disciplinary committee will undertake to deal with the alleged breach or complaint within an agreed on time period (90 days) after receipt of such allegation or complaint and associated documentation.
5. As part of the investigation into an alleged breach of either Code, the accused Environmental Assessment Practitioner will be informed of the complaint, provided with copies of related correspondence, and given an opportunity to respond in writing to such complaint within a specified time period.
6. Where deemed appropriate and necessary by the disciplinary committee, the complainant may be given an opportunity to submit written comment on the defendant's response to the alleged breach. Thereafter, the defendant should be given a final opportunity to respond in writing, after which no further documentation should be entertained by the disciplinary committee.
7. Having undertaken an investigation, the committee will submit its findings to the Board, together with a brief description of the circumstances surrounding the alleged breach or complaint, for approval. The Board may accept the recommendations of the disciplinary committee, may modify these recommendations, or may refer the matter back to this committee for additional investigation and report back.
8. Disciplinary action can take the form of a public or confidential warning or reprimand, suspension or termination of certification status, a fine, the requirement to undertake a specified professional development programme, requirement to work under the supervision of a registered EAP for a specified period of time. The latter may be waived on condition that the accused Environmental Assessment Practitioner undertakes specified remedial action.
9. The Board will inform both the complainant and the accused Environmental Assessment Practitioner of the outcome of the investigation.

5. PROPOSED STRUCTURE FOR THE ENVIRONMENTAL ASSESSMENT PRACTITIONERS BOARD OF SOUTH AFRICA



6. LOGICAL FRAMEWORK FOR THE ENVIRONMENTAL ASSESSMENT PRACTITIONERS BOARD OF SOUTH AFRICA

The following presents a logical framework for the proposed Environmental Assessment Practitioners Board 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</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 environments or deterioration of environmental factors identified as critically important conservation targets ▪ % targets for the control of pollution, negative environmental impact and environmental degradation met ▪ 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 & 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 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 public interest of current and future generations</p>				<ul style="list-style-type: none"> ▪ # & % of EIAs not approved in the review process disaggregated for first or subsequent reviews & for basic assessments, scoping reports & EIAs ▪ # & % of applications whose recommendations were rejected by competent authorities on submission disaggregated for basic assessments, scoping reports and EIAs & further in terms of failure to comply with relevant regulations or inadequate public participation process ▪ # & % of decisions of EIAs overturned on appeal for reasons related to the adequacy of the EIA disaggregated for basic assessments, scoping reports & EIAs & by major category of reasons given ▪ # of authorisations where the recommendations of reviewer & 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 renege 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) ▪ # & % of EIAs selected through random sample for external evaluation judged to be good, adequate or inadequate disaggregated for basic assessments, scoping reports & 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 & environments

OBJECTIVE	TARGETS			KEY PERFORMANCE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
	Y1	Y2	Y3			
<p>OUTPUT 1: A register of competent & reputable EAPs able to effectively & ethically conduct or review Environmental Impact Assessments is promoted, established & 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 REAPs & EAPs & by categories necessary to monitor registration of HDIs per year ▪ # & % of applicants registered per year disaggregated for REAPs & EAPs and by categories necessary to monitor registration of HDIs ▪ % 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 & cumulatively of EAPs removed from the register disaggregated by lapsed membership, failing to meet CPD criteria & disciplinary action ▪ # of cases of breach of codes of conduct, ethics or practice reported disaggregated by code ▪ # of relevant complaints about a registered EAP disaggregated by type, time to resolve & outcome ▪ # of cases of breach of codes of ethics, conduct &/or practice taking < a year to investigate & resolve 	<ul style="list-style-type: none"> ▪ Minutes recording Board's final decisions on applications ▪ Registration committee minutes ▪ Administrative reports & 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
<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 EAPs and REAPs indicating preparedness to act as mentors ▪ # & % of candidates accepted for registration disaggregated to show registration within the target time frame or longer ▪ % representivity of registration list by HDI category per year and cumulatively ▪ # of candidates meeting re-registration criteria linked to CPD & as % of those applying for re-registration disaggregated by HDI category + by province ▪ # of re-registration applications that do not meet CPD criteria disaggregated for own development or contribution to the sector. ▪ # of EAPs that fail to submit re-registration applications annually 	<ul style="list-style-type: none"> ▪ Records & 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 relevant HDI candidates
<p>OUTPUT 3: Relevant, valid and adequate standards and criteria are established, regularly reviewed and used as a basis for assessment & 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 ▪ # & % of appeals from applicants not registered disaggregated for outcome of appeal ▪ % correlation between performance factors identified in the outcomes stated in the unit standards and actual performance evidence in sample of EIAs submitted for external assessment ▪ Peer review index (Results of 3 yearly assessment through interviews & surveys testing correlation of standards of practice & registration criteria & standards) 	<ul style="list-style-type: none"> ▪ Minutes ▪ Reports ▪ Database of accredited providers ▪ External evaluation report 	<ul style="list-style-type: none"> ▪ Adequate number & spread of educational institutions willing & able to offer accredited courses ▪ Adequate numbers & spread of qualified service providers able to do RPL assessments ▪ No significant delays or bottlenecks arising from SAQA requirements ▪ Council for Higher Ed assigns to an ETQA ▪ ETQA accredits accurately & timeously

OBJECTIVE	TARGETS			KEY PERFORMANCE INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
	Y1	Y2	Y3			
OUTPUT 4: Decisions on the usefulness and feasibility of establishing a statutory council for environment professions are taken & implemented in association with other stakeholders				<ul style="list-style-type: none"> ▪ # of areas of environmental practice that continue to be served by overlapping bodies ▪ Total cost of registration fees required of professionals working in environment field ▪ # of areas of environmental practice drawn under a coherent professional council ▪ # & range of professionals participating in drawing up the proposal ▪ # & range of professionals attending consultative workshop ▪ % of participants in consultative workshop supporting proposal put to consultative workshop 	<ul style="list-style-type: none"> ▪ Founding documents & policies of relevant councils ▪ Records of consultative process 	<ul style="list-style-type: none"> ▪ Existing councils see value in establishing a broad council ▪ Environmental professionals interested in seeing a broad statutory council established
OUTPUT 5: Development practitioners, government officials & the public in general are aware of the purpose, value, principles & criteria of effective environmental assessment in South Africa				<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 or whatever where a request for a quick poll could be made – even this is somewhat consciousness raising?) ▪ Instances where it is said or implied that environmental assessment is a blockage to development ▪ # & range of those accessing the website disaggregated for hits, downloading & commenting ▪ Estimated number of people reached through targeted media campaigns ▪ Ratio of positive / negative responses from public participation processes on the value of the process (is this feasible? Could be impacted by perceived 'winners & losers'?) 	<ul style="list-style-type: none"> ▪ Reports ▪ Media reports ▪ Website monitor ▪ Evaluation of public participation processes 	<ul style="list-style-type: none"> ▪
OUTPUT 6: A capable & capacitated Registration Board for EAPs is effectively established, administered, managed & sustained in terms of its constitution				<ul style="list-style-type: none"> ▪ % activities & 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 & capacities

OUTPUT 1: A register of competent & reputable EAPs able to effectively & ethically conduct or review Environmental Impact Assessments is promoted, established & maintained in terms of s24H 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 & disciplinary committees 1.2 Establish registration committee & allocate roles and responsibilities 1.3 Establish disciplinary committee & 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 a recommendation from the Board / registrar 1.6 Establish and actively disseminate codes of ethics, conduct and practice 1.7 Establish guidelines, systems & procedures for registration, sanctions and discipline 1.8 Establish annual schedule of meetings for registration and disciplinary committees 1.9 Set up, update and maintain an accurate register of EAPs and REAPs past and present 1.10 Finalise mechanism & process for reviewing the registration of EAPs registered by the ICB & implement fully within 6 months of first Board meeting 1.11 Plan & implement a media strategy for publicising the registration board, key principles, registration criteria & 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 a recommendations on possible sanctions or further investigation a minimum of a week before a scheduled meeting 1.14 Provide clearly motivated proposals & 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 Hear appeals in relation to registration or sanctions imposed 1.17 Determine fees & subscriptions to be paid by registered EAPs and by applicants for registration 1.18 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 Reg Com ▪ Honorarium of RX x 4 members x 4 meetings of Disciplinary Com ▪ R30 refreshments x 13 members x 6 meetings ▪ X return flights to attend meetings ▪ RX for advertisements & notices in media ▪ R3500 x 4 days consultant fees 	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 6 meetings of Reg Com ▪ Honorarium of RX x 4 members x 2 meetings of Disciplinary Com ▪ R30 refreshments x 13 members x 4 meetings ▪ X return flights to attend meetings ▪ RX for advertisements & notices in media 	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 6 meetings of Reg Com ▪ Honorarium of RX x 4 members x 2 meetings of Disciplinary Com ▪ R30 refreshments x 13 members x 4 meetings ▪ X return flights to attend meetings ▪ RX for advertisements & notices in media

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

ACTIVITIES	RESOURCES		
	YEAR 1	YEAR 2	YEAR 3
2.1 Finalise committee ToR 2.2 Establish a professional development committee & allocate roles & responsibilities 2.3 Hold a minimum of 2 meetings annually 2.4 Establish schedule of dates for committee meetings 2.5 Develop a transformation strategy that includes targeting potential HDI candidates, identifying mentors & publicising the profession and the support available 2.6 Canvass experienced EAPs and relevant companies to provide mentoring support to candidate EAPs 2.7 Visit targeted educational institutions to mobilise HDI 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 & procedures for acknowledging & responding to requests for support from candidate EAPs within 1 week & 1 month respectively 2.10 Establish systems & procedures for reminding EAPs to submit applications for re-registration 2.11 Establish systems & procedures for assessing applications for re-registration in terms of CPD criteria, motivating proposals to the Board & for communicating with applicants 2.12 Provide Board with motivation & documentation to support recommendations on re-registration at least 1 week before board meetings 2.13 Report progress against targets & any changes in strategy and plans every six months, including an analysis of registration data for all categories of HDI targets	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 4 meetings (2 additional in first year) of PD Com ▪ R30 refreshments x X members x 4 meetings ▪ X return flights to attend meetings ▪ X return flights to target educational institutions ▪ R3500 x 2 days consultant fees to develop electronic booklet on CPD 	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 2 meetings of PD Com ▪ R30 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 RX x X members x 2 meetings of PD Com ▪ R30 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 & registration of competent practitioners

ACTIVITIES	RESOURCES		
	YEAR 1	YEAR 2	YEAR 3
3.1 Finalise committee ToR 3.2 Establish a standards & criteria committee & allocate roles & responsibilities 3.3 Establish schedule of dates for committee meetings 3.4 Develop a strategy, plan & deadlines for establishing, publicising, applying, institutionalising & reviewing the criteria & standards 3.5 Draft full set of competency criteria, standards, systems & procedures for deciding whether applicants qualify as an EAP (covering problem solving, knowledge & understanding, practical & technical skills, attitudes & values required, including requirements for formal educational qualification, professional experience, & continued professional development) 3.6 Develop, circulate & amend draft EAP unit standards to be applied by educational institutions as a basis for educational programmes or for recognition of prior learning 3.7 Consult key educational institutions for input & amend if necessary, circulate & amend 3.8 Submit proposed unit standards to SAQA SGB for registration 3.9 Communicate with & visit key educational institutions to publicise & promote the standards & discuss how they could be applied 3.10 Discuss practicalities of Recognition of Prior Learning (RPL) mechanism with SETA 3.11 Report progress against targets & 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 & Criteria Com ▪ R30 refreshments x X members x 7 meetings ▪ X return flights to attend meetings ▪ X return flights to target educational institutions ▪ R3500 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 & Criteria Com ▪ R30 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 & Criteria Com ▪ R30 refreshments x X members x 1 meetings ▪ X return flights to attend meetings ▪ X return flights to target educational institutions

OUTPUT 4: Decisions on the usefulness & feasibility of establishing a statutory council for environment professions are taken & implemented in association with other stakeholders

ACTIVITIES	RESOURCES		
	YEAR 1	YEAR 2	YEAR 3
4.1 Finalise ToR for team with key milestones 4.2 Nominate small team to investigate feasibility & usefulness of establishing a statutory council for environment professions 4.3 Hold exploratory discussions with relevant existing councils & key role players 4.4 Develop a plan, including identifying key stakeholders to be consulted, & allocate roles 4.5 Develop a straw dog proposal as a basis for discussion that outlines rationale & potential roles, advantages & disadvantages 4.6 Hold consultations with other relevant bodies & key individuals 4.7 Draft a proposal motivating what should be done & circulate 4.8 Hold consultative workshop for final decision 4.9 Implement decisions made at consultative workshop 4.10 Report progress against targets & 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 Council for Envir team ▪ R30 refreshments x X members x 4 meetings ▪ X return flights to attend meetings ▪ X return flights for consultative meetings ▪ R3500 x 2 days consultant fees 	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 4 meetings of Council for Envir team ▪ R30 refreshments x X members x 4 meetings ▪ X return flights to attend meetings ▪ X return flights for consultative meetings ▪ R5000 x 7 days legal fees 	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 4 meetings of Council for Envir team ▪ R30 refreshments x X members x 4 mtgs ▪ X return flights to attend meetings ▪ X return flights for consultative meetings ▪ R3500 x 2 days consultant fees ▪ R400 x X delegates to workshop

OUTPUT 5: Development practitioners, government officials & the public in general are aware of the purpose, value, principles & criteria of effective environmental assessment in SA

ACTIVITIES	RESOURCES		
	YEAR 1	YEAR 2	YEAR 3
5.1 Finalise committee ToR 5.2 Establish a public relations committee & allocate roles & responsibilities 5.3 Establish schedule of dates for committee meetings 5.4 Develop a media and public relation strategy, plan & deadlines for promoting the purpose, value, principles, & criteria of effective environmental assessment in SA 5.5 Implement strategy & plans 5.6 Maintain website & liaise with media 5.7 Publicise requirement for registration if included in the regulations 5.8 Report progress against targets & any changes in strategy and plans every six months	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 4 mtgs of PR com ▪ R30 refreshments x X members x 4 meetings ▪ X return flights to attend meetings ▪ X return flights for publicity events ▪ RX for media notices & advertisements ▪ RX for PR events 	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 2 meetings of PR com ▪ R30 refreshments x X members x 2 mtg ▪ X return flights to attend meetings ▪ X return flights for publicity events ▪ RX for media notices & ads ▪ RX for PR events 	<ul style="list-style-type: none"> ▪ Honorarium of RX x X members x 2 meetings of PR com ▪ R30 refreshments x X members x 2 meetings ▪ X return flights to attend meetings ▪ X return flights for publicity events ▪ RX for media notices & ads ▪ RX for PR events

OUTPUT 6: A capable & capacitated Registration Board for EAPs is effectively established, administered, managed & sustained in terms of its constitution

ACTIVITIES	RESOURCES		
	YEAR 1	YEAR 2	YEAR 3
<ul style="list-style-type: none"> ▪ Decide on location of office(s) & secure office space & equipment ▪ Agree schedule of dates for a minimum of 4 board meetings annually + Gen Mtg every 2years ▪ Allocate roles & responsibilities in board, including electing Chair, Secretary & Treasurer ▪ Finalise agreed staff establishment required ▪ Develop job descriptions ▪ Recruit, select and appoint a Registrar & administrator/bookkeeper on contract for x hrs per week ▪ Finalise any outstanding issues regarding constitution, registration or procedures for Board ▪ Apply to Minister to operate as registration authority & include request on compulsory registration ▪ Draft suggested amendments for inclusion in the regulations governing EIAs ▪ Prepare for hearing on appeals in regard to registration & sanctions not resolved at level committees ▪ Identify administrative support requirements entailed in the plan and ToR of each committee and establish systems necessary to support the work of the board & committees ▪ Establish communication system especially to board & committee members & registered EAPs ▪ Establish financial management & bookkeeping systems & procedures ▪ Administer the register of EAPs ▪ Maintain the website ▪ Establish systems for maintaining records of payment of fees & sending reminders ▪ Report progress against targets & any changes in strategy and plans every six months 	<ul style="list-style-type: none"> ▪ 2 x laptop computers ▪ Office furniture & equipment ▪ Telephone & ADSL & electronic network ▪ Office rent ▪ RX for ads for vacancies in press ▪ Salaries for Registrar & administrator/bookkeeper ▪ Honorarium of RX x 13 members x 8 mtgs of Board (add 4 in 1st year) ▪ R30 refreshments x 13 members x 8 mtgs ▪ X return flights to mtgs ▪ R3500 x 20 days consultant fees for assistance with systems & database 	<ul style="list-style-type: none"> ▪ Additional Office furniture & equipment ▪ Office running costs ▪ RX contingency for ads for vacancies ▪ Salaries ▪ Honorarium of RX x 13 members x 4 mtgs of Board ▪ R30 refreshments x 13 members x 4 mtgs ▪ X return flights to mtgs ▪ R3500 x 5 days consultant fees for assistance with systems & database 	<ul style="list-style-type: none"> ▪ Additional Office furniture & equipment ▪ Office running costs ▪ RX contingency for ads for vacancies ▪ Salaries ▪ Honorarium of RX x 13 members x 4 mtgs of Board ▪ R30 refreshments x 13 members x 4 mtgs ▪ X return flights to mtgs ▪ R3500 x 5 days consultant fees for assistance with systems & database ▪ R4000 per day x 20 days External evaluator

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>			

Speculative Budget for first three years of operation:

BOARD BUDGET		Totally Speculative yr 1 figures			
ITEM	DESCRIPTION/NOTES	2007/2008	2008/2009	2009/2010	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	R2160 000.00	R1260 000.00	R1260 000.00	R4680 000.00
Refreshments	R30 x 39 members x 36/21 mtgs	R42 120.00	R24 570.00	R24 570.00	R91 260
HR and Staffing					
Contract Staff	Registrar + Admin/bookkeeper	R120 000.00	R120 000.00	R120 000.00	R360 000.00
Short Term Consulting	48 days @ R3500 year 1 (see logframe for yr 2 & 3)	R168 000.00	R52 500.00	R104 500.00	R504 000.00
Operations					
Web site		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		R20 000.00	R10 000.00	R10 000.00	R40 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		R4 026 120.00	R2 164 070.00	R2 306 070.00	R8 496 260.00