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GOVERNMENT NOTICE

DEPARTMENT OF LAND AFFAIRS

No. 840

31 August 2001

PUBLICATION OF EXPLANATORY SUMMARY OF THE PLANNING PROFESSION BILL, 2001

The Minister for Agriculture and Land Affairs intends to introduce the Planning Profession Bill, 2001 (the Bill) in the National Assembly in 2001. The explanatory summary of the Bill is hereby published in accordance with Rule 241(c) of the rules of the National Assembly.

INTRODUCTION

In 1997, the Department of Land Affairs and the South African Council of Town and Regional Planners concluded that in order to transform the town and regional planning profession a new legislation is required to replace the Town and Regional Planners Act, 1984 (Act No. 19 of 1984). In order to determine the new policy for the profession a Transition Committee was appointed.

The object of the Bill is to repeal the Town and Regional Planners Act, 1984 (Act No. 19 of 1984).

The Bill aims to establish mechanisms for quality control by means of mandatory registration of all persons in the planning profession and by work reservation. It also seeks to broaden the access to the profession and to tighten the ethical standards with which planners will have to comply. To achieve the said objectives, the Bill establishes a juristic person to be known as South African Council for Planners whose function is to administer the profession.

SUMMARY

Clauses 1 and 2 makes provision for definitions and contains the principles for the planning profession which will apply to all registered persons and which will guide the interpretation, administration and implementation of the Bill.

Clause 3 establishes the South African Council for Planners (hereinafter referred to as 'the Council'). Clause 4 deals with the constitution of the Council as well as the bodies and persons who are to nominate the members of the Council. The clause further seeks to provide for the nomination procedures, the appointment of the chairperson, vice-chairperson and the members of the Council, the procedure to be followed in the absence of the chairperson and the vice-chairperson, and the term of office of members of the Council which is four years. The filling of vacancies is also provided for and the Minister (of Land Affairs) is empowered to extend or shorten the period of office of members of the Council.

Clause 5 provides for the disqualification of persons from membership of the Council, circumstances under which a member of the Council must vacate his or

her office and the filling of vacancies. The clause also makes provisions for the Minister to appoint a person to fill any vacancy which may occur.

Clause 6 provides for the establishment of committees to assist the Council in the performance of its functions or to investigate matters relating to any of its functions.

Clause 7 provides for the functions of the Council which include, amongst other things, the promotion of high standard of education and training in the planning sector, sound governance of the profession and the promotion of public interest.

Clause 8 provides for the administrative duties and powers of the Council.

Clause 9 provides for meetings of Council and states that a minimum of two meetings must be held per year. Clause 10 provides that a decision of the majority of the members of the Council present at a meeting constitutes the decision of the Council. Clause 10 furthermore provides that decisions properly taken are not invalid if a vacancy exists or a member is disqualified.

Clause 11 makes provision for the determination by the Minister in concurrence with the Minister of Finance the remuneration of members of the Council.

Clause 12 provides for the control and transparency with regard to the funds of the Council. It also provides that the Council must report to the Minister on the financial status and the activities of the Council.

Clause 13 makes provision for the categories in which a person can register in the planning profession. It also authorises the Council to determine the titles that may be used in the planning profession. This clause further provides for matters in respect of registration of persons by the Council. Clause 14 deals with the cancellation of registration. Clause 15 provides for the return of registration certificate in the event of the cancellation of registration.

Clause 16 regulates the procedure, including extensive consultation, to prescribe work to be reserved for the planning profession.

Clause 17 provides for the recognition by the Council of voluntary associations that complies with the guidelines determined by the Council.

Clause 18 provides for a code of conduct and a code of practice for the planning profession.

Clause 19 to 23 provides for the appointment of an investigating committee to investigate a charge of improper conduct, the appointment of a disciplinary tribunal to conduct a disciplinary hearing and follow up of improper conduct which could lead to deregistration of a registered person.

Clause 24 provides for the establishment of an Appeal Board, its meetings, procedures and administration and the remuneration of members of the Appeal Board. Clause 27 provides that a registered person found guilty of improper conduct, a person aggrieved by a decision of the Council regarding his or her registration in terms of clause 13 or the cancellation of his or her registration in terms of clause 14 or a person objecting to a rule under certain circumstances, may lodge an appeal with the Appeal Board.

Clause 28 makes provision for an appeal against a decision of the Appeal Board to the appropriate High Court of South Africa.

Clause 29 regulates the determination and payment of professional fees.

Clause 30 empowers the Minister to make regulations and the Council to make rules, and also prescribes the consultation procedure to be followed by the Minister and the Council before the publication of such regulations and rules.

Clause 31 provides for the procedure of evidence regarding matters of the planning profession.

Clause 32 provides for the rectification of errors that might occur in any process that is performed in terms of the Bill.

Clause 33 prescribes the liability of the Council, its members, committees, officials and registered persons.

Clause 34 provides for the delegation of powers by the Minister and the Council.

Clause 35 prescribes the offences and penalties in the case of a person being found guilty of contravening any provision of the Bill.

Clause 36 regulates the transitional arrangement between the Town and Regional Planners Act, 1984 (Act No. 19 of 1984) and the date of implementation of the Bill.

Copies of the Bill may be obtained from:

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