



# **SOUTH AFRICAN PLANNING INSTITUTE**

## **CODE OF CONDUCT: JULY 2005**

### **1. INTRODUCTION**

The Constitution of the South African Planning Institute (SAPI) contains a Code of Conduct for members. In addition, the Planning Professions Act (No. 36 of 2000) (PPA) governs the planning profession in South Africa, which was previously controlled in terms of the Town and Regional Planning Act (No 19 of 1984). Both pieces of legislation contain directives regarding professional conduct (See Appendix 1 and 2).

Notwithstanding this, the SAPI National Board saw a need for a more specific code of conduct or operating code. This is consistent with Section 18 (i) of the PPA where it states that the South African Council of Planners (SACP) must “*include in its rules a code of conduct for registered persons*”.

### **2. CONTEXT AND STATUS OF THE CODE OF CONDUCT**

2.1 This Code of Conduct provides a guideline and framework to which members of the Institute must adhere.

2.2 Membership to SAPI implies acceptance of the Code of Conduct.

2.2.1 Notwithstanding the legal provisions and the relevant legislation, this Code of Conduct extends further as a method of self-regulation creating a new ethic and responsibility.

2.2.2 SAPI will canvass the South African Council of Planners to adopt this Code of Conduct as part of its rules in terms of Section 18 of the PPA.

2.2.3 This Code of Conduct does not replace or substitute Section 18 of the PPA. It is used over and above those within the PPA.

2.2.4 This Code of Conduct includes principles relating to the relationship between each individual member and the Institute, i.e. its members and the objectives of the Institute to the extent that all members shall uphold the constitutional objectives of the Institute which includes inter alia: the timeous payment of fees; the attendance of functions and contributing to the successful operation of the Institute

2.3 This Code of Conduct is binding on all members of the South African Planning Institute.

### **3. FOUNDING PRINCIPLES**

3.1 A planner's primary obligation is to serve the public interest. It includes the interests of the present generation and those yet to come.

3.2 Planners shall endeavour to deepen the values espoused in the South African Bill of Rights at all times, including specifically –

- (a) Its *democratic spirit*, ensuring freedom of speech, association, demonstration and movement;
- (b) Its *humanistic spirit*, promoting respect for personal human dignity, freedom, citizenship, equality, privacy and basic needs;
- (c) Its *environmental spirit*; by pressing for clean, healthy, dignified and safe living environments; and the protection of the natural environment.

3.2.1 Planners shall not discriminate in any way.

3.2.2 Planners shall at all times be conscious of the ethical dimension of the recommendations and representations offered to clients, communities and decision-makers.

### **4. RULES**

A member's primary responsibility is to uphold the dignity of SAPI and of the planning profession, as well as the interests of the public. This implies the following specific rules:-

4.1 A member shall act with competence, honesty and integrity in their professional activities.

4.2 A member shall exercise their independent professional judgement to the best of their skill and understanding.

- 4.3 A member shall not make or subscribe to any statements or reports which are contrary to their bona fide professional opinion.
- 4.4 A member shall take all reasonable steps to maintain their professional competence throughout their working lives, including where applicable, compliance with any Continuing Professional Development (CPD) regulations set down in terms of the Planning Professions Act.
- 4.5 A member shall not bring SAPI or the planning profession into disrepute.

## **5. OBLIGATIONS**

In addition to the above, the following obligations shall apply:

- 5.1 Notwithstanding their obligations to their client, members shall be accountable to the public and shall ensure the public shall be consulted appropriately as required by the relevant legislation.
- 5.2 While it is understood that members will be exercising independent and specialist judgement, such judgement on major decisions should be exercised only after the necessary consultation with beneficiaries, affected parties and / or the public at large.
- 5.3 Members shall respect the rights of others and in particular the rights of the public.
- 5.4 Members shall approach their responsibilities in a way that seeks to promote the profession through capacity-building, and to promote informed decision-making where relevant with respect to affected parties.
- 5.5 Members acknowledge that all persons have the right to a healthy and ecologically balanced environment. In order to secure this right, members shall strive to foster and promote balanced and appropriate social and economic growth and development of the country and its people.
- 5.6 Members shall be familiar with planning and environmental principles both internationally and nationally to achieve the above objective. In particular, they shall strive to promote the rational use of natural resources with regard to local, regional and national planning in the maintenance or creation of both balanced and sustainable ecological and biological areas.
- 5.7 Members are expected to be familiar with all the relevant legislation that relates both directly and indirectly to planning and the environment.
- 5.8 All members shall discharge their duties with due regard to this Code of Conduct.
- 5.9 Members will uphold, and subscribe to, honest, fair and just governance measures in all their affairs and activities that promote the meaningful involvement and participation of all relevant stakeholders.

5.10 It is the duty of every member to report to SAPI any allegations of a breach of this code of conduct by any member, and to assist in any investigation contemplated by Section 8.4 of the SAPI Constitution.

## **6. PROCEDURE FOR DISCIPLINARY ACTION**

6.1 A member is guilty of improper conduct if he or she –

- (a) fails to abide by the principles and responsibilities set down in Clause 8 of the SAPI Constitution.
- (b) fails to abide by the provisions of Chapter 5 of the Planning Professions Act No. 36 of 2002, specifically if he or she:
  - performs work reserved for registered persons in connection with any matter which is the subject of a dispute or litigation, on condition that payment for such work will be made only if such dispute or litigation ends in favour of the person for whom such work is performed;
  - performs work reserved for registered persons during any period for which he or she is suspended under the Act;
  - commits an offence in the performance of his or her work as a registered person;
  - accepts remuneration for the performance of work for registered persons from any person other than his or her client or employer without the prior approval of such client or employer; or
  - fails to comply with the provisions of this Act.

6.2 The procedure to be followed in the case of alleged disciplinary action shall be consistent with Section 8.4. of the SAPI Constitution .

# **APPENDIX 1**

## **Code of Conduct of the Planning Professions Act, No 36 of 2000 (PPA)**

Chapter 5 of the PPA is dedicated to “professional conduct”. It reads:

*“Code of conduct:*

18. (1)*The Council must include in its rules a code of conduct for registered persons.*

(2)*The Council is responsible for administering the code of conduct and must ensure that the code of conduct is available to registered persons and members of the public at all reasonable times.*

(3)*In addition to what is contained in the code of conduct, a registered person is required-*

(a) *to do nothing calculated to unjustly or unfairly injure the reputation of another registered person;*

(b) *to make public disclosure of all his or her personal interests regarding any decision to be made in the planning process in which he or she serves, or is requested to serve;*

(c) *to abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which he or she has a personal interest, and leave any chamber in which such matter is under deliberation, unless the personal interest has been made a matter of public record, his or her employer, if any, has given written approval, and the public official, public agency or body with jurisdiction to rule on ethical matters has expressly authorised his or her participation;*

(d) *to receive or seek no gifts or favours, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favours were intended or expected to influence a participant’s objectivity as an advisor or decision-maker in the planning process;*

(e) *not to solicit prospective clients or employment through use of false or misleading claims, harassment or duress;*

(f) *not to use the power of any office to seek or obtain special advantage that is not in the public interest nor any special advantage that is not a matter of public knowledge;*

(g) *not to use confidential information acquired in the course of his or her duties to further a personal interest;*

- (h) not to disclose confidential information acquired in the course of his or her duties unless required to do so or by circumstances to prevent substantial injury to third persons;*
- (i) not to commit a deliberately wrongful act which reflects adversely on the planning profession or seek business by stating or implying that he or she is prepared, willing or able to influence decisions by improper means;*
- (j) to accurately represent his or her qualifications to practise planning as well as his or her education and affiliations; and*
- (k) to respect the rights of every person and not violate any right of another person protected by the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)”*

## APPENDIX 2

### SAPI Code of Conduct in terms of the Constitution

Section 8 (3) of the SAPI Constitution (amended **June 2003** *should read January 2003*)  
Section 8.3 is dedicated to professional conduct. It reads:

*“8.3. Professional Conduct:*

*8.3.1. A Member may not accept any dishonest commission, or any commission for which he/ she is not adequately qualified to perform.*

*8.3.2. A Member shall be remunerated solely by his / her salary and may not accept any remuneration which pertain to the duties entrusted to him / her.*

*8.3.3. A Member who is commissioned to prepare to act as a consultant in connection with the preparation of any planning project shall not:*

*(a) engage in any private dealings in fixed property relating to the project;  
and / or*

*(b) undertake any other work or commission relating to the project without the prior consent of the commissioning authority and the Board.*

*8.3.4. A Member who holds a planning-related appointment in the Public Sector shall not engage in any private dealings in fixed property within the area of jurisdiction for which he /she holds such appointment, nor shall he/ she carry out any private commission with regard to matters that are affected either directly or indirectly by planning proposals relating to such area of jurisdiction, without the written consent of his / her employer and the Board.*

*8.3.5. A Member, on being approached to proceed with professional work upon which to his / her knowledge another person was previously engaged, shall notify the fact to such person.*

*8.3.6. A Member, on being approached to proceed with professional work upon which to his / her knowledge another person was previously engaged, shall notify the fact to such person. Should both parties not be satisfied with the transfer of the work, the Members shall obtain consent from the Board prior to commencing the work.*

8.3.7. *A Member:*

- (a) shall only make himself/herself, his/her firm or his/her company that performs Planning work, known or give notice of his/her firm or company's Planning services in a dignified manner such as to uphold the standing and reputation of the profession. Any advertisement, notice or information disseminated by a Planner concerning his /her professional practise shall not be undignified, misleading or inaccurate nor shall it in any way negatively reflect on the work or professional standing or any other Planner.*
  
- (b) may display his/her name on its own or together with those other professionals on a notice board in the area of a development project with which he/she is professionally involved.”*