

Environmental Assessment Practitioners Association of South Africa

Advancing environmental assessment practice in South Africa



EAPASA Malpractice Policy

Complaint Procedure: EAP Non-Compliance to Code of Ethical Conduct and Practice

What to do

- Any person who feels aggrieved by an act or omission of an Environmental Assessment Practitioner (EAP) or who reasonably believes that an EAP is guilty of misconduct, may lodge a complaint with the EAPASA Registrar.
- Any person lodging a complaint of improper conduct against an EAP with EAPASA must lodge the complaint in terms of the prescribed form accompanied by a sworn affidavit, which must be signed by the complainant or by his or her duly authorised representative – for the Form and Affidavit, see Annexures A and B, copies of which are available on the Association’s website: www.eapasa.org

What a compliant should contain

A complaint should:

- Specify the act, non-compliance with code, omission or such other conduct constituting misconduct by an EAP. The non-compliance with code, omission or such other conduct constituting misconduct must be informed by the Code of Ethical Conduct and Practice which sets the standards through which the conduct of EAPs are assessed.

EAPASA 1

Board Members: Ms Snowy Makhudu (Chairperson), Mr Khangwelo Desmond Musetsho (Vice-Chairperson), Mr Ntsako Baloyi, Mr Zama Dlamini, Mr Siyabonga Gqalangile, Ms Jacqui Hex, Mr Phumudzo Nethwadzi, Mr Danie Neumann Ms Minnette Le Roux, Dr Jennifer Molwantwa, Mr Khathutshelo Tshipala, Adv. Thato Moeeng and Ms Letlhogonolo Tungamirai.
Registrar: Dr Patrick Sithole

NPO Reg. No. 122-986

- Include all supporting evidence relating to the complaint.
- Identify witnesses who may be able to provide evidence in support of the complaint.
- Indicate the complainant's willingness to –
 - Assist the Professional Conduct Committee (PCC) with the investigation or with obtaining of material information in respect of the complaint.
 - Appear before the PCC and the Appeals Committee (where necessary) at the time and place specified in a notice issued by the Chairperson of the PCC or the Chairperson of the Appeals Committee, to give evidence and to produce any document or object. The PCC and Appeals Committees may also elect to convene the hearing through the use of electronic/virtual meeting tools.
- The Registrar, upon receipt of a complaint with information of conduct which *prima facie* points to improper conduct by an EAP, must refer the complaint to the PCC to determine whether the EAP should be charged.
- The Registrar and PCC shall be under no obligation to conduct a formal enquiry in respect of every complaint submitted to the Association. Misunderstandings and disputes which may arise between EAPs and their clients, but that do not amount to a breach of the Code of Ethical Conduct and Practice will not be entertained by the Association.
- A duly completed complaint form and supporting documents may be sent to EAPASA in one of the following ways:
 - Email to the following email addresses: registrar@eapasa.org and admin2@eapasa.org
 - Hand Delivery or Courier to the EAPASA Office,

Unit 19 Oxford Office Park,
3 Bauhinia Street,
Highveld Techno Park,
Centurion,
0157

- EAPASA only has jurisdiction to investigate complaints of improper conduct brought against EAPs (Registered and Candidate Environmental Assessment Practitioners) registered as such with EAPASA.
- Any person who is not registered in any of the listed categories is referred to as a non-registered person and will be prohibited from providing services of an Environmental Assessment Practitioner after 08 February 2022.
- Complaints received against non-registered persons are referred to the relevant environmental Competent Authority and / or the South African Police Services for investigation.
- The submission and/or subsequent investigation of a complaint of improper conduct does not replace any civil or criminal proceedings against an EAP. EAPASA's disciplinary processes can run concurrently with such proceedings and consequently, nothing prevents a complainant from instituting any civil proceedings against an EAP after submitting a complaint with EAPASA.

Proceedings after a complaint has been received

- Once a complaint has been received, the Registrar will refer the complaint to the PCC for investigation along with the Registrar's recommendation on whether the complaint should be entertained further.

Publication of findings and sanction

- The EAPASA Registrar must publish the findings and sanction imposed by the PCC or the Appeals Committee, as may be applicable, on the EAPASA website.