

**Environmental Assessment
Practitioners Association
of South Africa**

Advancing environmental assessment practice in South Africa



RULE BOOK

of the

**ENVIRONMENTAL ASSESSMENT PRACTITIONERS
ASSOCIATION OF SOUTH AFRICA**

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RULE BOOK OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONERS ASSOCIATION OF SOUTH AFRICA

The Rule Book of the Environmental Assessment Practitioners Association of South Africa (EAPASA) contains procedures and rules established for the operation of the Association and its Board in accordance with the provisions of the Constitution of EAPASA. 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 clause 15.3 of the EAPASA Constitution. Definitions used in the Rule Book are the same as those used in the Constitution.

SECTION 1: CODE OF ETHICAL CONDUCT AND PRACTICE

All Registered EAPs (Registered Environmental Assessment Practitioners) and Registered Candidate EAPs who are admitted to the Register of Environment Assessment Practitioners are required to adhere to the following Code of Ethical Conduct and Practice:

1. Environmental Assessment Practitioners shall carry out their professional activities in compliance with relevant environmental legislation and, as far as reasonable and practical, in accordance with principles of sustainable development, and
2. Environmental Assessment Practitioners shall at all times place the integrity of the environment, including conservation and long term 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 advise the incorporation of environmental considerations from the earliest stages of policy, plan, programme or project conception or 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 not neglect or subvert good professional practice in order to secure personal 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.
6. Environmental Assessment Practitioners will clearly differentiate between facts and opinions in their work.
7. 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.
8. Environmental Assessment Practitioners will inform a prospective client or employer of any professional or personal interests which may impair the objectivity or impartiality of their work.

9. 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 decisions or actions that may arise from the assessment.
10. Environmental Assessment Practitioners will use the best available information. Where enough relevant and reliable information cannot be obtained, this deficiency must be explicitly stated in the findings or the review of an environmental assessment, in terms of any assumptions and limitations in the environmental assessment or review, the risks to the environment, levels of confidence in predictions, and implications for decision making of information deficiencies.
11. Environmental Assessment Practitioners must take responsibility for the findings or review 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 or review.)
12. Environmental Assessment Practitioners must conduct professional activities, as far as appropriate, in an interdisciplinary manner and recognise the need to collaborate with suitably qualified persons in subject areas where they are relatively inexperienced or unspecialised.
13. Environmental Assessment Practitioners should undertake particular environmental assessment work in a position of responsible charge where they are competent to do so. This must be applied without impediment of transformation or prejudice in accessing work opportunities in new fields.
14. Environmental Assessment Practitioners shall not advertise their professional services in a self-laudatory manner or in a manner that may discredit the profession.
15. 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.
16. Environmental Assessment Practitioners shall actively discourage misrepresentation or misuse of work carried out by them or performed under their direction.
17. Where an Environmental Assessment Practitioner is employed by an organisation 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 organisation (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 will demonstrate commitment to the purpose and objectives of the Association, and comply with the provisions of the EAPASA Constitution and any Rules of the Association.
19. An EAP must conduct her/his work at the highest possible standard reasonable to expect from a professional in that position.

SECTION 2: CRITERIA AND PROCEDURES FOR REGISTRATION

This section describes the criteria and procedure to be applied by the Registration Committee of the Environmental Assessment Practitioners Association in admitting practitioners to the Register. It should be read in conjunction with the Qualification Standard for Environmental Assessment Practice and the associated exit level outcomes and their associated assessment criteria, which are termed core competencies in the application form for registration.

1. REGISTRATION OF EAPS

Twenty four months after the appointment by the Minister of Environmental Affairs of the Environmental Assessment Practitioners Association of South Africa as the Registration Authority for Environmental Assessment Practitioners, no person other than a registered environmental assessment practitioner may hold primary responsibility for the planning, management, coordination or review of environmental impact assessments and associated EMPs, with effect that:

- 1.1 A person may not practice as an EAP in terms of NEMA unless s/he is registered.
- 1.2 A person who falls into the category of Candidate EAP, must register as a candidate and perform work on environmental assessments under supervision.
- 1.3 Registered EAPs will have to apply for re-registration every five years.
- 1.4 Two categories of practitioners will be entitled to manage, undertake and review Environmental Assessments:
 - 1.4.1 **Registered Environmental Assessment Practitioners (Registered EAP):** In order to register, EAPs must meet all criteria for registration as detailed in the Constitution and Rule Book of EAPASA. Registered EAPs will be authorized to take overall responsibility for conducting, managing or reviewing environmental assessments in their professional capacity as practitioners within South Africa, provided that they adhere to EAPASA's requirements for professional registration, which include upholding the Code of Ethical Conduct and Practice and undertaking continuing professional development activities.
 - 1.4.2 **Registered Candidate Environmental Assessment Practitioner (Candidate EAP):** This category of registration is for EAPs who have a degree accredited in accordance with the Qualification Standard for Environmental Assessment Practice or, prior to the adoption by institutions of higher education of this standard, a degree which is closely aligned to the exit level outcomes, associated assessment criteria and critical cross-field outcomes of the Qualification Standard. If an applicant has such an accredited, or equivalent, qualification in EA practice, no professional experience is required to register as a Candidate EAP. In an application to be registered as a Candidate EAP based on Recognition of Prior Learning, practical experience will be necessary to show competencies equivalent to the exit level outcomes of the Qualification Standard for Environmental Assessment Practice in meeting some, but not all, of the criteria related to the nature and length of professional experience necessary for registration as an EAP. Candidate EAPs are qualified to undertake work associated with, or contributing to, environmental assessment on projects, provided that such work is supervised and reviewed by a Registered EAP. That is, a Registered EAP would take responsibility for work carried out by a Candidate Environmental Assessment Practitioner. Candidate EAPs must nevertheless adhere to the Code of Ethical Conduct and Practice applicable to all registered practitioners.

2. CRITERIA FOR REGISTERING ENVIRONMENTAL ASSESSMENT PRACTITIONERS

2.1 Criteria will be developed and amended from time to time by the Board in consultation with members of the Association and other interested and affected parties, for registering and re-registering EAPs. The general criteria for registration and re-registration are set in 2.2 below.

2.2 The requirement to register as a Registered EAP before being able to practice will only apply after the deadline for registration, as set by the Minister, has been reached.

2.3 **Criteria for registration:** Criteria include the following basic requirements:

2.3.1 **Qualification:** Environmental Assessment Practice awarded by a higher education provider on completion of a learning programme that is accredited by the relevant Quality Council as meeting inter alia the standards contained in the Exit Level Outcomes, Associated Assessment Criteria and the Critical Cross-Field Outcomes of the national qualification standard for Environmental Assessment Practice, South African Qualifications Authority ID 61831, with learning outcomes at least at the South African National Qualifications Framework (NQF) Level Descriptor 8; or a qualification consistent with a future qualification standard for Environmental Assessment Practice developed in conjunction with the Council on Higher Education, according to the requirements of the Higher Education Qualifications Sub-Framework of 2014, under the National Qualifications Framework Act, Act 67 of 2008; or is deemed to be competent, based on a Recognition of Prior Learning assessment, by a competent and accredited assessor who is a Registered EAP, in terms of the relevant Qualification Standard for Environmental Assessment Practice registered with the national qualifications authority.

2.3.2 **Nature and length of professional experience** necessary for effective practice as an EAP. The minimum requirements for appropriate professional experience¹ are as follows:

- a) A minimum of three years appropriate professional experience; and
- b) A minimum of three Environmental Impact Assessments (EIAs) or Reviews, concluded in the period of 10 years preceding the date of coming into effect of the Section 24H Registration Authority Regulations, or initiated in the period of 10 years preceding the date of coming into effect of the regulations, but concluded after the date of the coming into effect of these regulations, which demonstrates the required level of competence; or at least three EIAs or Reviews concluded before the 10 year period contemplated in the regulations, coupled with active, in-depth involvement in the field of EIA during the 10 year period preceding the date of coming into effect of the regulations, which demonstrates the required level of competence; such EIAs or Reviews should be at an appropriate scale, in which the applicant has participated in but not held primary responsibility, and which demonstrate the required level of competence of each of the Exit Level Outcomes listed below and adequately meet the criteria specified for each of these in the Qualification Standard for Environmental Assessment Practice:

ELO 1: Demonstrate conceptual understanding of the environment, sustainable development, environmental assessment, and integrated environmental management.

¹ Appropriate professional experience refers to relevant experience in the field of environmental practice associated with environmental assessment, demonstrating competence in the required areas.

- ELO 2: Demonstrate the ability to think critically, holistically, systemically, systematically, spatially and in an integrative manner and to discern what is relevant to decision-making.
- ELO 3: Demonstrate the ability to identify and apply environmental assessment and management procedures and methods.
- ELO 4: Demonstrate the ability to review environmental assessment and management procedures and methods, and manage and monitor the implementation of development proposals.
- ELO 5: Demonstrate the ability to conduct applied research activities in a specific context.
- ELO 6: Demonstrate the ability to meet specific communication requirements at all levels through environmental reporting processes, stakeholder engagement and conflict management.

The Qualification Standard further promotes the following Critical Cross-Field Outcomes:

- 1) Identifying and solving problems in which responses show that integrative thinking and critical analysis has been made;
- 2) Working effectively with others as a member of an interdisciplinary team;
- 3) Organising and managing oneself and one's activities responsibly & effectively;
- 4) Communicating effectively with stakeholders and authorities;
- 5) Collecting, analysing, organising and critically evaluating information from various sources;
- 5) Using science and technology effectively and showing responsibility towards the environment and the health of others;
- 6) Demonstrating an understanding of the world as a set of related systems by recognising the complex and dynamic nature of these systems as well as the inter-relationships and linkages that exist between systems, and
- 7) Being culturally and aesthetically sensitive to the social and cultural systems of others.

2.3.2 In addition, Registered EAPs and Registered Candidate EAPs would need to formally undertake to conduct themselves in a responsible and ethical manner in accordance with the Code of Ethical Conduct and Practice.

2.4 **Criteria for re-registration:** On application for re-registration after each five year registration period, a Registered EAP would have to provide evidence of continuing professional development and skills transfer within the environmental assessment field as per the requirements set out below. A registered Candidate EAPs would have to provide evidence of professional development activities undertaken over the five year period, as well as a plan to attain any outstanding experience needed for progressing to a Registered EAP. Detailed guidelines for Professional Development and Continued Professional Development over the previous five year period are provided in Section 3 of the Rule Book.

2.4.1 **Evidence must be provided demonstrating effective competence in practice** over the previous five year period of registration, based on the set criteria. This evidence must be provided by way of an explicit list of environmental assessments or reviews in which the applicant was involved, specifying the time period and dates of involvement, involvement in what capacity.

- 2.4.2 **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 *inter alia*:
- a) Completing formal education and training, including distance education;
 - b) Attending short courses, including in-house training and/or training provided by a voluntary environmental assessment organisation approved by the Board;
 - c) Attending conferences, meetings, workshops, seminars; and
 - d) Private study of journals, papers, texts, etc (informal learning activities).
- 2.4.3 **Evidence that the applicant has contributed to transformation, skills transfer, capacity building and awareness raising** in the environmental assessment field during the past five year registration period, through *inter alia*:
- 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 EAPs, particularly Black entrants;
 - d) Advising, reviewing work carried out by, or in any other way assisting Candidate EAPs;
 - e) Providing relevant *pro bono* services to institutions of learning non-government organisations, community based groups or organisations that work for public benefit.
- 2.5 The Board will determine the number of continuing professional development and skills transfer units that can be credited in terms of each of the above activities, and the total number of units that will be required during each five year period of registration.
- 2.6 Registered EAPs and Registered Candidate EAPs must maintain an accurate record of activities they intend to use as evidence of Continuing Professional Development to support their re-registration application, providing dates, descriptions of the activity and of their role in that activity, for submission to the Board on application for renewal of membership every five years.

3. REGISTRATION BY THE BOARD

- 3.1 A person must apply to the Board for registration using the prescribed application form.
- 3.2 The relevant application form must be accompanied by the prescribed fee and sent to the Registrar.
- 3.3 The Board must register the applicant as a Registered EAP or registered Candidate EAP and issue a registration certificate if, after consideration of an application, the Board is satisfied that the applicant meets the criteria referred to in subsection 2 above.
- 3.4 A registration may be terminated for the reasons given in clause 6.4 of the EAPASA constitution and according to the procedures outlined in clause 6.3 of the EAPASA Constitution, consistent with subsection 4 below.
- 3.5 The Board must provide the applicant with a written notice of a refusal referred to in subsection 3.4 and provide reasons for such refusal.

4. TERMINATION OF REGISTRATION

- 4.1 EAPASA acting as a Registration Authority may terminate the registration of a Registered EAP or registered Candidate EAP if she or he:
- (a) no longer meets the criteria prescribed for registration in the Rule Book and in regulation 15 of the Section 24H Registration Authority Regulations, or does not satisfy the requirements for re-registration as a Registered EAP by not meeting the requirements for continuing professional development as laid out in the Rule Book and associated guidelines and criteria determined the EAPASA Board;
 - (b) has erroneously been registered, or has been registered on information subsequently proved to be false;
 - (c) breaches the EAPASA code of ethical conduct and practice as contemplated in regulations 3(2)(e) and 10 of the Section 24H Registration Authority Regulations;
 - (d) has been removed from an office of trust on account of improper conduct;
 - (e) has been convicted of an offence, either in the Republic or elsewhere, after the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and sentenced to imprisonment for a period exceeding 3 months or a fine as alternative thereto, where the offence relates to unethical or unprofessional conduct;
 - (f) is declared by the High Court to be of unsound mind or mentally disordered, or is detained under the Mental Health Act, 1973 (Act No. 18 of 1973);
 - (g) is an un-rehabilitated 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; or
 - (h) fails to pay the prescribed annual fee within 90 days from it becoming due.
- 4.2 The Board must provide the registered person with a written notice of termination, as referred to in subsection 4.1 (above), noting the reasons for termination of registration.
- 4.3 Where registration has been terminated, the individual registration certificate must be returned to the Registrar.

5. REGISTRATION PROCESS

- 5.1 All potential applicants who fulfil the criteria for registering as EAPs are encouraged to apply to the Board via the Registrar for the Environmental Assessment Practitioners Association of South Africa Twenty four months after the appointment by the Minister of Environmental Affairs of the Environmental Assessment Practitioners Association of South Africa as the Registration Authority for Environmental Assessment Practitioners, it will no longer be possible to practice as, or use the designation of, EAP in terms of NEMA without being registered.
- 5.2 Applications using the standard forms and format provided on EAPASA's web-based application system must be submitted online to the EAPASA Registrar Applications must include certified copies of qualifications and the portfolio of evidence of competence required of applicants as specified on the application form. Applicants unable to submit online will need to motivate to the Registrar for special consent to submit hardcopy versions of the application form.
- 5.3 The Registrar will receive the application and assign two anonymous and independent assessors to review the application. The assessors will complete a report on their assessment of the candidate in a standard format. The completed report, together with the candidate's application, will be considered by

the Registration Committee who will make the decision regarding admission to the Register; or refusal; or, may recommend that:

- a) Further information, or further evidence of competence be supplied;
- b) An interview be held that is structured specifically to assess the competence of an individual in terms of specific competencies and criteria, using a structured interview process.

5.4 In the case that the Registration Committee decides to refuse admission to the Register, specific reasons and recommendations in terms of further qualifications, experience or work on improving competencies will be provided to the candidate in writing. In such situations, the Registration Committee may recommend that the applicant register and work in the field as a registered Candidate EAP and follow a structured mentorship and learning process and apply for registration once the criteria can be met.

5.5 If the applicant feels that the decision made by the Registration Committee is not in line with the criteria and other requirements specified for registration, she or he may appeal to the Board using the appeal procedure outlined in Clause 10.8 of the EAPASA Constitution and further in Section 5 of the Rule Book.

5.6 The Board will compile and update a Register of EAPs. This Register will be made available on the Association's website and in any other means decided by the Board. The Register will provide the names and contact details of all Registered EAPs or Candidate EAPs, their qualifications, their province and town/city of residence.

6. ASSESSORS

6.1 Each individual applying for registration will be assigned two anonymous, independent assessors by the Registration Committee.

6.2 Assessors must be Registered EAPs who have undergone formal EAPASA approved Recognition of Prior Learning (RPL) training: applications to undergo RPL training should be made to the EAPASA Registrar. The Registration Committee will maintain a list of Registered EAPs who have completed RPL training and who are willing to be called on to act as an assessor and provide their report timeously to the Registration Committee.

6.3 A roster system will be applied when assigning assessors to applicants, while ensuring independence, objectivity and no conflict of interest. The Registrar will be responsible for managing the roster and assigning assessors.

6.4 A confidential assessor's report will accompany the application when it is assessed and considered by the Registration Committee.

6.5 All personal information submitted to EAPASA will be treated with due confidentiality and stored in a protected digital location. The EAPASA Board and its employees will at all times adhere to the principles of the Protection of Personal Information Act and information will only be used for its intended purpose.

SECTION 2, ANNEXURE A: SUMMARY OF CRITERIA FOR REGISTRATION

Registration Categories	Criteria
Candidate EAPs	<p>1. Formal qualification: Qualification: Environmental Assessment Practice awarded by a higher education provider on completion of a learning programme that is accredited by the relevant Quality Council as meeting inter alia the standards contained in the Exit Level Outcomes, Associated Assessment Criteria and the Critical Cross-Field Outcomes of the national qualification standard for Environmental Assessment Practice, South African Qualifications Authority ID 61831, with learning outcomes at least at the South African National Qualifications Framework (NQF) Level Descriptor 8; or a qualification consistent with a future qualification standard for Environmental Assessment Practice developed in conjunction with the Council on Higher Education, according to the requirements of the Higher Education Qualifications Sub-Framework of 2014, under the National Qualifications Framework Act, Act 67 of 2008; or has an equivalent qualification to the qualification contemplated above; or is deemed to be competent, based on a Recognition of Prior Learning assessment, by a competent and accredited assessor who is a Registered EAP, in terms of the relevant Qualification Standard for Environmental Assessment Practice registered with the national qualifications authority..</p> <p>2. Professional experience: No professional experience is required to register as a Candidate EAP if an applicant has a formal qualification, as outlined in criterion 1 above. In a Recognition of Prior Learning assessment experience will be necessary to show equivalency to the Qualification Standard for Environmental Assessment Practice registered with the national qualifications authority.</p>
Registered EAPs	<p>1. Formal qualification: Qualification: Environmental Assessment Practice awarded by a higher education provider on completion of a learning programme that is accredited by the relevant Quality Council as meeting inter alia the standards contained in the Exit Level Outcomes, Associated Assessment Criteria and the Critical Cross-Field Outcomes of the national qualification standard for Environmental Assessment Practice, South African Qualifications Authority ID 61831, with learning outcomes at least at the South African National Qualifications Framework (NQF) Level Descriptor 8; or a qualification consistent with a future qualification standard for Environmental Assessment Practice developed in conjunction with the Council on Higher Education, according to the requirements of the Higher Education Qualifications Sub-Framework of 2014, under the National Qualifications Framework Act, Act 67 of 2008; or has an equivalent qualification to the qualification contemplated above; or is deemed to be competent, based on a Recognition of Prior Learning assessment, by a competent and accredited assessor who is a Registered EAP, in terms of the relevant Qualification Standard for Environmental Assessment Practice registered with the national qualifications authority.</p> <p>2. Professional experience: An application indicating a minimum of three years experience as well as a minimum of three Environmental Impact Assessments or Reviews conducted in that time in which the applicant has held primary responsibility for the conducting or review of the EIA. Further, a motivation outlining how and why the EIAs or Reviews demonstrate the required level of competence, given the context of the EIA, in each of the exit level outcomes listed in the Qualification Standard for Environmental Assessment Practice and adequately meet the assessment criteria specified for each of these, as well as copies of the three EIAs or Reviews.</p>

Registration Categories	Criteria
Re-registration requirements	<p>Re-application and assessment by Professional Development Committee and Registration Committee on a five yearly basis, providing:</p> <ul style="list-style-type: none">a. A portfolio of evidence demonstrating effective competence in practice over the previous five year period of registration;b. Evidence that the applicant has updated and improved his/her skills, knowledge and understanding;c. Evidence that the applicant has contributed to transformation, skills transfer, capacity building and awareness raising in the environmental assessment field during the past five year registration period; andd. Renewed undertaking to adhere to the EAPASA Code of Ethical Conduct and Practice. <p>A registered environmental assessment practitioner or registered candidate environmental assessment practitioner must, at least three months prior to the expiry of his or her registration, apply to EAPASA for renewal of registration.</p>

SECTION 2, ANNEXURE B: SUMMARY OF THE THREE STEP REGISTRATION PROCESS

Step 1: Application

Complete the standard application form and attach all the required documents for:

- Registration as a Registered EAP;
- Registration as a Candidate EAP; or
- Re-registration as either a Registered EAP or a registered Candidate EAP.

What documents must be included with your application?

DOCUMENTS TO INCLUDE	REGISTRATION AS A Registered EAP	REGISTRATION AS CANDIDATE EAP	RE-REGISTRATION
Qualification	A certified copy of a degree certificate that meets the requirements of the Qualification Standard for Environmental Assessment Practice; or is deemed to be competent, based on a Recognition of Prior Learning assessment, by a competent and accredited assessor who is a Registered EAP, in terms of the relevant Qualification Standard for Environmental Assessment Practice registered with the national qualifications authority.		Evidence of improved skills, knowledge or understanding <ul style="list-style-type: none"> ▪ Training attended/given
Professional experience	Motivation covering: <ul style="list-style-type: none"> ▪ Number of years experience; ▪ Copies of 3 Environmental Impact Assessments or Reviews in which you held responsibility; and ▪ Explanation of how the 3 EIAs or Reviews demonstrate competence in the exit level outcomes (ELOs) of the Qualification Standard, which are described in the application form as core competencies. 	No professional experience is required to register as a Candidate EAP if an applicant has a formal qualification. In a Recognition of Prior Learning assessment a motivation is needed to show equivalency to the Qualification Standard for Environmental Assessment Practice, indicating what aspects of the criteria you meet and which would need further development: <ul style="list-style-type: none"> ▪ Number of months/years of relevant experience; ▪ Copies of any Assessments or Reviews in which you held responsibility; and ▪ Explanation of the extent to which the Assessments or Reviews demonstrate competence in the core competencies and the gaps to be addressed. 	Updated CV as motivation regarding continued competence in practice, and: <ul style="list-style-type: none"> ▪ List of EIAs or Reviews ▪ Project period and capacity in which participated
Contribution to the profession			Evidence of contribution to skills transfer, capacity building, awareness raising and contribution to transformation of the sector in addressing past inequities.

Step 2: Review and Recommendations

Once the Registrar receives application documents from the applicant, she or he will:

- Check the application for administrative completeness and check whether the registration fee has been paid. Only once administrative completeness and payment are confirmed will the application be deemed to be lodged with EAPASA and the legally required registration timeframe will commence.
- Allocate two assessors to review the application, draw up a report and make recommendations to the Registration Committee on the outcome of the application. Should the assessors require additional clarity on particular aspects, the application may be referred back to the applicant, with reasons, for amendment. Should this occur the registration timeframe will be halted until all required information and clarification has been confirmed to have been received by EAPASA. Should the additional information required be substantial, the application may be rejected and a new application would need to be submitted.
- In the case of applications for re-registration as Registered EAP: Forward the application to the Professional Development (PD) Committee who will review the application and make a recommendation to the Registration Committee. This committee may request further information.

Step 3: Registration Committee Decision

The Registration Committee will meet four times a year to make decisions on applications for registration and re-registration, based on the recommendations of the assessors and of the Professional Development Committee. The Registration Committee may request further information before making a final decision. Applicants will be notified in writing once the decision has been made. If an application is successful a registration certificate will be issued. Should an application be unsuccessful, the applicant will receive reasons for this decision.

If an applicant believes that the decision reached is incorrect, they may appeal to the Board to review the decision. The appeal process is set out in Section 5 of the Rule Book.

SECTION 3: GUIDELINES FOR PROFESSIONAL DEVELOPMENT AND CONTINUING PROFESSIONAL DEVELOPMENT

1. Introduction

For the purposes of fulfilling the responsibilities of the Registration Authority for Environmental Assessment Practitioners in South Africa, EAPASA makes a clear distinction between:

- *Professional development* of registered **Candidate EAPs** leading to registration as an EAP; and
- *Continuing Professional Development* of **Registered EAPs**.

1.1 Professional development

It is recommended that registered Candidate EAPs who are working towards registration as EAPs should plan their professional development in order specifically to work towards meeting the requirements for registration. 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 adequate resources are allocated to appropriate training and relevant experience, recognizing that professional development will benefit their organisation by strengthening the professional competence of their employees.

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."

All Registered Environmental Assessment Practitioners (EAPs) will be required to undertake and record Continuing Professional Development activities as a prerequisite for renewal of their professional registration.

The responsibility for meeting the CPD obligation rests with the individual Registered EAP.

2. CPD requirements

All Registered EAPs are required to submit CPD records when applying to renew their registration at the stipulated period. In order for an EAP to optimize his/her CPD, it is recommended that the EAP explicitly identifies and prioritises 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 CPD record sheet should show progress in two key areas, namely:

Area 1: Evidence of the EAP 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;
- keep in touch with EA issues not directly related to one's day-to-day work; and
- 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 organisations 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 an environmental assessment organisation²;
- Attending 'in-house' training or small-group discussions or colloquia; and
- Study through distance learning programmes.
- Reading relevant journals / articles;

Area 2: Contribution to the EA industry, capacity building and awareness raising: evidence of the EAP 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;
- Voluntary work in support of sustainability, environmental or conservation bodies, including assisting non-government organisations or community-based organisations 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;
- Networking with other EAPs, EA organisations or institutions;
- Providing training, tutoring, and/or lecturing in EA or related topics, for instance, giving undergraduate lectures or postgraduate seminars at institutions of higher learning;
- Co-ordinating and/or running short courses;
- Mentoring Candidate EAPs and/or supporting the development of other aspiring EAPs (refer to the CPD Guideline for supporting information and a recommended approach); and

² May include relevant professional councils, institutes, societies or associations (e.g. IAIAAsa)

- Writing papers and articles on environmental assessment; and
- Becoming an EAPASA Assessor, which requires undergoing EAPASA approved Recognition of Prior Learning training,

In each Area:

- List discrete activities;
- List activities in chronological order; and
- List details such as the dates, time spent on each activity, and a brief description of the subjects covered.

It is important to note that CPD points must be obtained from both Area 1 and Area 2 and some activities will be capped to a maximum number of points in a 5 year period. Detail of the points provided per activity and any applicable thresholds are contained in the EAPASA CPD Guideline.

3. Accreditation of Training Courses

During the first registration cycle (2016 to 2020) EAPASA will not accredit training courses and therefore the onus of determining whether a particular training course is appropriate will be left to the person signing-up for the course, to make sure that it meets the training they need to build their case for a well-rounded professional development record. The EAP should provide EAPASA with a certificate of attendance, where such is provided, or a letter from the provider indicating that the EAP has attended and met the requirements for a particular course. The EAP should further provide contact details for the course provider.

4. 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 EAPASA Registrar.

5. 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 strive to meet the full CPD requirements over any five year period.

6. Failure to meet CPD requirements

Failure to meet the CPD requirements will impact on the ability of a Registered or Candidate EAP to re-register at the end of each 5 year cycle, as per Section 10.3.4.1 of the EAPASA Constitution.

SECTION 4: PROFESSIONAL CONDUCT COMMITTEE PROCEDURES

The following are the procedures that apply to contraventions of the EAPASA Constitution and Rule Book:

1. The member will be advised of the alleged contravention on behalf of the Association in writing, via registered mail, as soon as practically possible after the Professional Conduct Committee has been charged with the adjudication of the alleged contravention.
2. The professional conduct enquiry and possible hearing will be commenced within 90 days or such extended period as the Professional Conduct Committee may determine. The Member will be given 60 days warning of the time and place at which the professional conduct hearing will be held, if it is decided that a hearing will be held.
3. The member is entitled to be represented at the professional conduct hearing by one other individual. On written application by the member setting forth compelling reasons, the Professional Conduct Committee may grant the member the right to professional legal representation. This representation may be granted at the absolute discretion of the Committee in order to attain procedural fairness, and taking into account such factors as the nature of the charges brought against the member; the degree of legal or factual complexity involved; the potential seriousness of the consequences of an adverse finding; the availability of suitably qualified legal representatives amongst fellow members; and any other factors which the Professional Conduct Committee in its discretion considers relevant in light of the circumstances which prevail in the particular case.
4. The Board (or the chairperson, or the vice-chairperson of the Association) may appoint a member with at least fifteen years experience as a prosecutor to prosecute the alleged contravention before the Professional Conduct Committee and to gather evidence of the alleged contravention. Depending on the nature of the contraventions, the Professional Conduct Committee may retain legal representation as contemplated in 3 above.
5. The Board may prescribe forms for use in connection with such professional conduct enquiries and hearings, which forms are to be used insofar as practically possible.
6. The Professional Conduct Committee will determine its own procedures for holding the professional conduct hearing.
7. The chairperson of the Professional Conduct Committee will maintain order during the professional conduct hearing.
8. If appointed, the prosecutor will detail the alleged contravention at the commencement of the professional conduct hearing and will present evidence of the alleged contravention to the Professional Conduct Committee.
9. The procedure to be followed at a hearing is as follows:
 - The member will have an opportunity to state his/her case and, if necessary, to present evidence to the Professional Conduct Committee in respect of the alleged contravention.

- The prosecutor, the member and the Professional Conduct Committee may examine all witnesses.
- After all evidence has been presented, the Professional Conduct Committee will adjourn to consider all evidence and to make its decision.

10. The Professional Conduct Committee in respect of each alleged contravention will either:

- exonerate the member;
- reprimand the member;
- suspend the member from the Association for a specified period (but not exceeding the maximum number of days for such suspensions as determined by the Board from time to time); or
- expel the member from the Association;

and, in all such cases, the Professional Conduct Committee may fine the member; such fine will be the amount determined by the Committee, which fine will not exceed the maximum amount for such fines as may be determined by the Board from time to time.

11. The chairperson of the Professional Conduct Committee (or the Registrar on his/her behalf) will advise the member either orally or in writing of the decision of the Professional Conduct Committee and such chairperson will submit a written report to the Board on the professional conduct enquiry and hearing, and its decisions, as soon as practically possible.

12. The details of the professional conduct enquiry may be published after a decision has been made as the Board (or the chairperson or the vice-chairperson of the Association) may determine.

13. If a Member refuses, or fails, to attend a professional conduct hearing after reasonable notification and attempts to make reasonable arrangements, he/she waives all his/her rights in respect of the professional conduct hearing and the professional conduct hearing may proceed in his/her absence.

14. All documentation, proceedings and outcomes which are the subject of the committee's work remain confidential until such time as a decision is made. The register of Registered EAP is public information updated regularly for the relevant authorities and the public.

SECTION 5: APPEAL PROCEDURES

1. An appeal in terms of regulations 12 and 19 of the Section 24H Registration Authority Regulations shall be lodged with the Board in writing within 30 days of the decision (and reasons for that decision) being communicated in writing to the member. The Board will in turn refer the matter to the Appeal Board in its sole discretion, where deemed appropriate. The appeal shall be accompanied by the prescribed fee and in a format as prescribed by the Appeal Board from time to time.
2. The committee responsible for making the decision which is the subject of the appeal may submit a written answer within 30 days of receiving the appeal, or be requested to submit a written answer by the Appeal Board.
3. Where a new matter is raised in the answer, which was not dealt with in the appeal submission, the member appealing the decision may reply within 30 days of receiving the answer.
4. Upon receipt of all documents, the Registrar shall arrange for the appointment of an Appeal Board in accordance with the EAPASA Constitution.
5. The Appeal Board shall adopt those procedures which, in its sole discretion, it deems appropriate for the appeal in question.
6. The Appeal Board may not be constituted by members of the committee responsible for making the decision which is the subject of the appeal.
7. The Appeal Board may hear evidence or receive any documents on such terms and conditions as it may decide.
8. The Appeal Board may decide the appeal on the papers before it or, if it considers necessary, direct that a formal appeal hearing be held.
9. Where a committee of the Board or member of the Association intends to be legally represented at the hearing of an appeal, the member shall give 10 days written notice of such intention to all parties to the appeal. In such circumstances, the other party to the appeal may also then be legally represented.
10. The Appeal Board hearing the matter may:
 - uphold the appeal;
 - dismiss the appeal;
 - substitute any decision as it deems fit;
 - make such order as, in its discretion, it deems the circumstances may require, provided that it is within the terms of the EAPASA Constitution and the jurisdiction of the committee which took the decision being appealed against; and
 - make any order as to costs as it deems appropriate, including an order for security for costs.
11. In making any order, the Appeal Board shall furnish written reasons for its decision within 30 days of that order.