

EAPASA

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**Environmental Assessment
Practitioners Association
of South Africa**

Advancing environmental assessment practice in South Africa



Email: registrar@eapasa.org / Website: www.eapasa.org

EAPASA Malpractice Policy

Version 9, 20 July 2021

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1. Introduction

- 1.1. A key objective of EAPASA is to register, depending on their experience:
 - 1.1.1. Environmental Assessment Practitioners (Registered EAPs); or
 - 1.1.2. Candidate Environmental Assessment Practitioners (Candidate EAPs).
- 1.2. Once registered, EAPs become members of the Association and must comply with the prescribed Code of Ethical Conduct and Practice, and failure to do so constitutes improper conduct.
- 1.3. EAPASA is obliged, as a registration authority, to, amongst other things:
 - 1.3.1. uphold and apply the code of conduct and impose sanctions on those members who fail to adhere thereto;
 - 1.3.2. promote quality assurance regarding environmental assessment practice;
 - 1.3.3. facilitate the transformation and restructuring of environmental assessment practice profession;
 - 1.3.4. ensure the professionalisation of environmental assessment practitioners through continued training and development support, which must also focus specifically on support for candidate black people, women, youth and people with disabilities in order to achieve the progressive transformation and restructuring of the profession that is representative of the demographics of the country; and
 - 1.3.5. promote awareness of the purpose and practice of environmental assessment in South Africa.
- 1.4. In terms of regulation 10 of the Section 24H Registration Authority Regulations of the National Environmental Management Act (NEMA), Act 107 of 1998, EAPASA must develop, administer and enforce a code of conduct regulating the ethical and professional conduct for registered environmental assessment practitioners and registered candidate environmental assessment practitioners.
- 1.5. Registered persons are subject to the disciplinary supervision of EAPASA. The Code of Ethical Conduct and Practice lays down standards which must be complied with.
- 1.6. It is an overriding obligation under the code of conduct that, in carrying out professional work, a registered person is expected to act with due skill, competency and integrity.

2. Purpose of the Malpractice Policy

2.1. This Malpractice Policy serves to:

2.1.1. provide EAPASA members and complainants with an overview of the procedures to be implemented by EAPASA in discharging its statutory obligations; and

2.1.2. supplement and give effect to the EAPASA Constitution and Rule Book, the Code of Ethical Conduct and Practice, the NEMA and the Section 24H Registration Authority Regulations.

3. Definitions

3.1. **“Improper conduct”** means a transgression of the EAPASA Code of Ethical Conduct and Practice.

3.2. **“Registered EAP”** means a person admitted to and included on the Register of Environmental Assessment Practitioners who meets the requirements for registration in terms of the criteria, standards and process of the Section 24H Registration Authority Regulations of the National Environmental Management Act (NEMA), Act 107 of 1998, as amended, who is thereby authorised to hold primary responsibility for the planning, management, co-ordination or review of environmental impact assessments and associated Environmental Management Programmes (EMPrs), either in the role of assessor or in the role of a reviewer.

3.3. **“Candidate EAP”** means a Candidate Environmental Assessment Practitioner, registered in terms of the criteria, standards and process of the Section 24H Registration Authority Regulations who has the required formal qualification, or similar, but does not have the required professional experience for registration as a Registered EAP.

3.4. **“The Committee” or “The Professional Conduct Committee”** means the Professional Conduct Committee constituted in terms of clause 6.2.1 of this policy.

3.5. **“Complaint”** means any information or allegation relating to or regarding improper conduct by a person registered with EAPASA, which comes to the attention of the Registrar or the Board, in accordance with the Rules of EAPASA for the lodging of complaints.

3.6. **“Complainant”** means any persons who has submitted a complaint to EAPASA in respect of a Registered EAP or Candidate EAP. A complainant

does not have to be directly affected and can be an interested party.

3.7. **“EAP” or “Environmental Assessment Practitioner” means**, depending on the context and unless otherwise specified, both a Candidate EAP and a Registered EAP.

3.8. **“PCC”** means the Professional Conduct Committee, being an *Ad Hoc* Committee of the Board of EAPASA charged with the responsibility of implementation of this policy.

4. How to deal with Misconduct

4.1. EAPASA is mandated to enforce the Code of Ethical Conduct and Practice and to discharge obligations arising from its designation as the single registration authority, conferred in accordance with the NEMA and applicable Regulations.

4.2. In discharging its obligations, EAPASA is obliged to consider and take any reasonable steps necessary for the protection of the public and the environment in their dealings with EAPs.

4.3. In pursuance of the discharge of its duties and obligations mentioned above, EAPASA must investigate:

4.3.1. any act of alleged improper conduct by an EAP; and/or

4.3.2. investigate any complaint, charge or allegation of improper conduct against an EAP.

4.4. In executing its functions, EAPASA adheres to the Code of Ethical Conduct and Practice, made in terms of the Rule Book of EAPASA and the EAPASA Constitution and as may be amended from time to time.

4.5. Investigations conducted in terms of this Policy are directed towards the professional conduct of Registered and Candidate EAPs and the remedial action that falls within the powers and competence of EAPASA. It is not EAPASA’S intention nor within its competency to deal with compensation for damages on behalf of any person or enforce specific performance against any person. To the extent necessary, civil and/or criminal proceedings remain available to interested persons or complainants as may be applicable.¹

4.6. EAPASA is responsible for administering the code of conduct and must ensure that the code is available to all members of the public at all reasonable times – it is on the website www.eapasa.org.

¹ SACAP, ‘Rules for Investigations, Disciplinary Hearings and Appeals’, p.1

4.7. All Registered and Candidate EAPs must comply with the code of conduct and failure to do so constitutes improper conduct.

5. Code of Ethical Conduct and Practice

5.1. All Candidate and Registered EAPs are required to adhere to the following Code of Ethical Conduct and Practice.

5.2. All EAPs must:

- 5.2.1. 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;
- 5.2.2. 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;
- 5.2.3. advise the incorporation of environmental considerations from the earliest stages of policy, plan, programme or project conception or development;
- 5.2.4. not conduct professional activities in a manner involving dishonesty, fraud, deceit, misrepresentation or bias;
- 5.2.5. 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;
- 5.2.6. clearly differentiate between facts and opinions in their work;
- 5.2.7. to the best of their ability, keep informed of advances in environmental assessment practice, and will integrate such knowledge into their professional activities;
- 5.2.8. inform a prospective client or employer of any professional or personal interests which may impair the objectivity or impartiality of their work;

- 5.2.9. 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;
- 5.2.10. 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;
- 5.2.11. 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.);
- 5.2.12. 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;
- 5.2.13. 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;
- 5.2.14. not advertise their professional services in a self-laudatory manner or in a manner that may discredit the profession;
- 5.2.15. 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;
- 5.2.16. actively discourage misrepresentation or misuse of work carried out by them or performed under their direction;
- 5.2.17. 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, undertake environmental assessment work for that organisation (so-called 'in house'

work), in a manner that ensures the “in-house” EAPs work is subject to review by an independent EAP;

5.2.18. 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;

5.2.19. conduct her/his work at the highest possible standard reasonable to be expected from a professional in that position; and

5.2.20. when so requested, comply with all reasonable requests or directions of the Professional Conduct Committee as may be made and communicated in writing, within the time specified in such written request or direction by this committee. Failure to do so shall amount to a gross violation of this policy.

6. Professional Conduct Committee

6.1. The EAPASA Professional Conduct Committee

6.1.1. Clause 10.4.10.6.1 of the EAPASA Constitution makes provision for the Board to establish a Professional Conduct Committee (PCC). This committee is an *ad hoc* committee convened on an as-and-when-necessary basis and whose proceedings are governed by the provisions of this Policy read with the relevant charter.

6.1.2. The PCC is responsible for:

6.1.2.1. responding to complaints regarding the conduct or practices of Registered EAPs or Candidate EAPs;

6.1.2.2. investigating complaints and/or conducting hearings based on the procedures applicable in terms hereof or as specified in any EAPASA Policy from time to time; and

6.1.2.3. to recommend decisions to the EAPASA Board in respect of matters referred to it including appropriate sanctions to be imposed where relevant.

6.2. Composition of the Professional Conduct Committee

6.2.1. The PCC must consist of at least three (3) persons selected by the Board.

6.2.2. In composition of the PCC, the Board must ensure that two of the members are Registered EAPs, at least one person is Black and one is female.

6.2.3. The Committee may be assisted by experts of its choice who will form part of the committee; provided that:

6.2.3.1. such experts may not exceed Two (2) unless a higher number is expressly approved by the Board;

6.2.3.2. one person is

6.2.3.2.1. an admitted attorney or advocate, practicing as such for at least five (5) years and with experience relevant to the administration of a member based association, organisation or entity; and

6.2.3.2.2. a Registered EAP and a subject matter expert relevant to the particular matter for consideration by the PCC.

6.2.3.3. Assisting experts shall only have an advisory capacity and no voting rights in the decision making process of the PCC.

6.3. Procedures for dealing with misconduct

6.3.1. The following general procedure shall be applied by EAPASA in executing functions in accordance with this policy:

6.3.1.1. On identification of an alleged contravention or on receipt of a complaint, a PCC will be convened by the Registrar in accordance with the rules set by the Board and from such members eligible for appointment to the PCC.

6.3.1.2. The PCC shall, within 72 hours of being convened, take a decision whether to conduct an investigation into the alleged contravention or complaint, taking into account the Registrar's recommendation.

6.3.1.3. Where the PCC decides to conduct an investigation into the alleged contravention or allegation, the EAP must be advised of the alleged contravention or complaint, in writing and within a period of 5 working

days from the convening of the PCC. Such written notification shall be via registered or electronic mail.

- 6.3.1.4. The EAP shall be afforded a period of 10 working days, from the period referred to in 6.3.1.3, to provide written representations in respect of the alleged contravention or complaint. Any extension of this period shall be pursuant to the receipt of a written request and for such a period as may be determined at the sole discretion of the PCC, which extended period may not exceed a further 10 day working period.
- 6.3.1.5. The PCC may elect to hold a hearing (formal enquiry) or dispose of the alleged contravention or complaint within a period of a maximum of 45 working days from expiry of the period referred to in 6.3.1.4. For the avoidance of doubt, the convening of a hearing, deliberations and finalisation of the PCC's recommendation shall be confined to the 45 day working period referred to in this clause.
- 6.3.1.6. In the event the PCC elects to convene a hearing, details of the time and place for the hearing shall be communicated promptly to the EAP to afford the EAP a period of no less than 7 working days to prepare for the hearing. The PCC may also elect to convene the hearing through the use of electronic/virtual meeting tools.
- 6.3.1.7. An EAP is entitled to be represented at the hearing so convened by any person who is a Registered EAP. Legal representation in proceedings of the PCC is prohibited save as may be specifically authorised in terms of this policy.
- 6.3.1.8. Where an EAP seeks to have a legal representative during the PCC proceedings, the EAP must submit a written application setting forth compelling reasons for such no less than 5 working days prior to the date set for a hearing.
- 6.3.1.9. The PCC may grant the EAP a right to professional legal representation at its sole absolute discretion, taking into account the nature of the charges brought against the EAP; the degree of legal or factual complexity involved; the potential seriousness of the consequences of an adverse finding; and any other factors which the PCC in its discretion considers relevant in light of the circumstances which prevail in the particular case.
- 6.3.1.10. The PCC may appoint an EAP with at least fifteen years' experience as a prosecutor to gather and lead evidence before the PCC.

6.3.1.11. Depending on the nature of the contraventions or alleged complaint, the PCC may retain legal representation. Where the PCC retains legal representation, the EAP shall automatically be entitled to legal representation without the need for an application as envisaged in 6.3.1.8.

6.3.2. The Board may prescribe forms for use in connection with the conduct of such enquiries and hearings, which forms are to be used insofar as practically possible.

6.3.3. The PCC will determine its own procedures for the conduct of proceedings of hearings convened by the PCC.

6.3.4. The procedure to be followed at a hearing shall include a minimum of the following:

6.3.4.1. The Prosecutor appointed by the PCC shall have a duty to begin proceedings and present the evidence against the EAP;

6.3.4.2. The EAP will have an opportunity to respond to the case presented through cross examination;

6.3.4.3. The EAP shall be afforded an opportunity to present his/her evidence;

6.3.4.4. The Prosecutor will have an opportunity to respond to the case presented through cross examination;

6.3.4.5. The members of the PCC may examine all witnesses as may be necessary and in their discretion to the extent that it becomes necessary in the opinion of the PCC to enable the members of the PCC to take a decision, and

6.3.4.6. After all evidence has been presented, the PCC will adjourn to consider all evidence and to make its decision.

6.3.5. The PCC will take a decision that either finds the EAP:

6.3.5.1. not guilty;

6.3.5.2. guilty on all or some of the charges proffered against the EAP; and determine an appropriate sanction against the EAP, which may include;

6.3.5.2.1. suspension of the member from the Association for a specified period (for a maximum period as determined in accordance with the schedule of penalties approved by the Board); or

6.3.5.2.2. expulsion of the EAP from the Association; and

6.3.5.2.3. a fine determined by the PCC, which fine will not exceed the maximum amount for such fines as may be determined by the Board from time to time.

6.3.6. The Chairperson of the PCC shall forward the decision of the PCC to the Registrar within 5 days from the date of the decision.

6.3.7. The Registrar shall, within 2 days of receipt of the Chairperson's report, advise the EAP and any complainant (where relevant) in writing of the decision of the PCC and the Registrar shall furnish a summary of the record of decision of the PCC to the next Board Meeting.

6.3.8. The EAP or the Complainant shall have a period of 5 working days from receipt of a decision of the PCC to note an intention to appeal the findings of the PCC to the Appeals Committee and a further period of 14 working days from the date of receipt of the record and written reasons for the PCC's decision, to submit an appeal to the Appeals Committee.

6.3.9. The details of the PCC hearing and outcomes may be published after a decision has been made, in accordance with a procedure as may be approved by the Board, following the expiry of the 5 working day period within which an appeal may be lodged to the Appeals Committee.

6.3.10. If an EAP refuses or fails to attend a PCC hearing, fails to comply with the lawful issued directives of the PCC or fails to conduct themselves in a professional manner during the proceedings of the PCC, the PCC shall be entitled to proceed without input from such member and to conclude its hearing or investigation and to make such a finding as it deems fit.

6.3.11. All documentation, proceedings and outcomes which are the subject of the PCC deliberations remain confidential until such time as a decision is made.

7. Appeals Committee

7.1. Clause 10.4.10.6.2 of the EAPASA Constitution makes provision for the Board to establish an Appeals Committee. This committee is an *ad hoc* committee convened on an as-and-when-necessary basis and whose proceedings are governed by the provisions of this Policy read with the relevant charter.

7.2. Any person affected by a decision of the PCC or the Registration Committee may lodge an appeal with the Appeals Committee in respect of any decision made by the PCC or the Registration Committee.

7.3. No appeal shall be made in respect of the decisions of the Appeals Committee.

7.4. The Appeals Committee shall be constituted by:

7.4.1. three (3) members who shall:

7.4.1.1. include at least 2 Board Members who are registered EAPs;

7.4.1.2. include 1 independent member who shall be a person with appropriate legal experience, being a retired Judge or a retired Magistrate (who served as such for at least five (5) years); and

7.4.1.3. ensure that at least one person is Black and one person is Female.

7.5. The Appeals Committee will receive the findings of the PCC or the Registration Committee within 14 working days of the noting of an appeal by an EAP or a complainant.

7.6. The EAP or the complainant shall have 14 working days from the date of receipt of the PCC's record and reasons for its decision to submit an appeal against the decision of the PCC by delivering a written notice of appeal to the Appeals Committee which should at least contain the following information:

7.6.1. the name, postal, email addresses and telephone numbers of the appellant and their representatives;

7.6.2. whether the whole or part of the finding and/or sentence is appealed against and if in part, which part, and

7.6.3. the grounds on which the appeal is lodged specifying the findings of fact and/or rulings of law appealed against.

7.7. Once an Appellant has filed his/her appeal, the Registrar of the Association shall be afforded a period of 10 working days to submit representations on behalf of the Association in respect of the appeal submitted.

7.8. Within 5 working days of receipt of the Registrar's submission or on expiry of the 10 working day period referred to in 7.7, the Appeals Committee will consider the application submission from the Registrar (where relevant) and make a decision to either:

7.8.1. dismiss uphold the appeal wholly or in part based on the written submissions;

7.8.2. hold a hearing to provide the appellant, Registrar or interested party an opportunity to make oral submission to amplify any written submission received;

7.8.3. set aside or vary the finding, disciplinary action or both.

7.9. The details of the Appeals Committee hearing and outcomes may be published after a decision has been made, in accordance with a procedure as may be approved by the Board, after 10 working days from the date on which the Appeals Committee decision is delivered.

8. Lodging of a compliant

8.1. **Any person** who feels aggrieved by an act or omission of an EAP or who reasonably believes that an EAP is guilty of misconduct, may lodge a complaint with the EAPASA Registrar.

8.2. 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 (For the Form and Affidavit, see Annexures A and B, copies of which are available on the Association's website: www.eapasa.org) and be signed by the complainant or by his or her duly authorised representative.

8.3. A complaint should:

8.3.1. 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;

8.3.2. include all supporting evidence relating to the complaint;

8.3.3. identify witnesses who may be able to provide evidence in support of the complaint;

8.3.4. indicate the complainant's willingness to –

8.3.4.1. assist the PCC with the investigation or with obtaining of material information in respect of the complaint; and

8.3.4.2. 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 be give evidence and to produce any document or object. The Appeals Committee may also elect to convene the hearing through the use of electronic/virtual meeting tools.

8.4. 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.

8.5. 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.

8.6. A duly completed complaint form and supporting documents may be sent to EAPASA in one of the following ways:

8.6.1. Email to the following email address: complaints@eapasa.org

8.6.2. Hand Delivery or Courier to the EAPASA Office,

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

8.7. EAPASA only has jurisdiction to investigate complaints of improper conduct brought against EAPs (Registered and Candidate Environmental Assessment Practitioners) registered as such with EAPASA.

8.8. 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.

8.9. Complaints received against non-registered persons are referred to the relevant environmental Competent Authority and / or the South African Police Services for investigation.

8.10. 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.

9. Proceedings after a complaint has been received

9.1. 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. The procedures followed by the PCC are as outlined in clause 6.3 herein.

9.2. The investigation and consideration of complaints lodged with the Association is strictly confined to the evaluation of acts, omissions, non-compliance with the code or such other conduct constituting misconduct relating to the provision of professional services. The process is punitive in nature and not restorative. Neither the PCC nor the Appeals Committee can compel an EAP to perform to give effect to any obligation.

10. Publication of findings and sanction

10.1. The EAPASA Registrar must publish the findings and sanction imposed by the PCC or the Appeals Committee, subject to the provision of clauses 6.3.9 or 7.9, as may be applicable, on the EAPASA website.

ANNEXURE A: EAPASA FORM FOR LODGING A COMPLAINT AGAINST A REGISTERED EAP

NAME AND SURNAME OF COMPLAINANT	
TELEPHONE NUMBER OF COMPLAINANT	
CELL NUMBER OF COMPLAINANT	
EMAIL ADDRESS OF COMPLAINANT	
NAME OF REGISTERED OR CANDIDATE EAP	
REGISTRATION NUMBER OF EAP OR CANDIDATE EAP	
DATE OF APPOINTMENT OF EAP BY COMPLAINANT (WHERE APPLICABLE)	
HAS A MEETING BEEN CONVENED WITH THE EAP	
NATURE OF COMPLAINT	
DATE DISPUTE AROSE	
ARE YOU ACTIONING ON YOUR BEHALF OF OR FOR ANOTHER?	

ANNEXURE B: AFFIDAVIT TEMPLATE

I, the undersigned, _____ **(your name)** do hereby declare under oath the following:

I am the complainant in this matter, an adult _____ **(gender i.e. male, female or transgender; and occupation)**

and I reside/carry out business at _____

_____ **(physical address).**

The contents herein contained fall within my personal knowledge and are both true and correct, unless specified otherwise.

The person against whom this complaint is lodged (hereinafter referred to as "the EAP") is _____,

_____ **(registration number)** (if known), an adult _____ **(gender and occupation)**

who ordinarily carried out business at _____ **(name and address of company**

that EAP works for) (if known to complainant).

Details of other persons involved in this matter are (e.g. Developer, Project Manager, Specialist Consultants, and their level of involvement):

I am dissatisfied with (please outline clearly what you are dissatisfied with, provide specific information, including dates, work agreed on, the clauses of the Code of Ethical Conduct and Practice which have been allegedly transgressed):

I have attached the following documents:

YES

NO

6.1 A copy of the form (appointment of EAP, if applicable to complaint)

6.2 Any documents and or records (including electronic data relating to the work such as reports, environmental standards and specifications, calculations, contractual documents, photographs or the like) which will serve to illustrate or substantiate any of the complaint, as listed below:

I know and understand the contents of this declaration.

I have no objection to taking the prescribed oath.

I consider the prescribed oath as binding on my conscience.

DEPONENT

It is hereby certified that the aforesaid declaration was signed and sworn in my presence on this the ___ day of _____ 20___, at _____, the deponent having confirmed and acknowledged:

- a) That the deponent knows and understands the contents of this declaration;
- b) That the deponent has no objection to taking the prescribed oath; and
- c) That the deponent considers the prescribed oath as binding on the deponent's conscience.

COMMISSIONER OF OATHS

Full names: _____

Address: _____

Rank/office held: _____

Area for which appointed: _____

NOTES:

1. The first step is to seek clarity or attempt to resolve matters directly with the EAP. If you are still unable to resolve the issue(s), please fill in the Complaint Form.
2. The complaint form must be in **English** and typed. No handwritten affidavits will be accepted.
3. If you are a Registered or Candidate EAP, please include your registration number and discipline.
4. A copy of the complaint and supporting evidence will be made available to the EAP concerned in terms of the *audi alteram partem rule*.
5. Please send the completed Complaint Form, Affidavit and any supporting documents via email, courier or hand delivery, to (*we do not advise using post*):

Dr Patrick Sithole
EAPASA Registrar
Unit 19 Oxford Office Park, 3 Bauhinia Street, Highveld Techno Park
Centurion, 0157
Email: registrar@eapasa.org

ANNEXURE C: SANCTIONS

SANCTIONS TO BE IMPOSED

Should a Registered EAP be found:

1. Guilty of contravention of the Rules of the Code of Conduct of Registered EAP for the first or second time within the 5 years of the registration cycle.
 - The Registered EAP is liable for an amount of R20 000 per contravened rule
2. Guilty of contravention of the Rules of the Code of Conduct of Registered EAP for the third time within the 5 years of registration cycle.
 - The registered EAP still liable for an amount of R20 000 per contravened rule, with temporary suspension of being a Registered EAP. The EAP can practice as a Candidate EAP for a year and will be mandatory that they work under the supervision of a mentor/Registered EAP. The Registrar will assign the EAP a mentor. The EAP is liable for all the cost, including peer review by the mentor.
3. Guilty of contravention of the Rules of the Code of Conduct of Registered EAP for the fourth time within the 5 years of registration cycle.
 - Expulsion takes place, EAP blacklisted for 5 years before they are eligible to reapply.
4. "ALL Payments should be made within 30 days of finalising the contravention. Failure to provide proof of payment within the stipulated timeframes will result in the escalation of the contravention to the Board for steeper impositions".

All the charged EAPs and their contraventions and penalties will be advertised on the EAPASA website for a period not exceeding 5 years which will be in line with their registration cycles.