

EAPASA

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**Environmental Assessment
Practitioners Association
of South Africa**

Advancing environmental assessment practice in South Africa



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EAPASA Code of Conduct and Ethical Practice

2026

Board Members: Mr Sabelo Nkosi (Chairperson), Ms Emmy Molepo (Vice-Chairperson),
Ms Minnette Le Roux, Adv Thomas Tshabalala, Mr Khathutshelo Tshipala, Ms Jane Mahaba,
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DFFE Secondments: Dr Sabelo Malaza alt. Ms Sindiswa Dlomo.
CEO/Registrar: Dr Patrick Sithole
NPO Reg. No. 122-986

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Preamble

The overriding objectives for the Code of Conduct and Ethical Practice is to strive for excellence in the Environmental Assessment Practice, to protect the environment against unsound Environmental Impact Assessment practices and the delivery of services to the public with due care, skill, diligence and integrity, applying all relevant knowledge in the process.

Should these objectives not be met, Registered Practitioners are subject to the disciplinary supervision of the Association. The Rules lay down standards of professional conduct and ethical practice which must be complied with. Failure to do so may result in a disciplinary hearing.

Regulation 10 of the S24H Regulations requires the Association to draw up a Code of Conduct ("Code") for Registered Practitioners. All such persons shall comply with the Code and failure to do so may constitute improper conduct.

Any failure to comply with the provisions of this Code shall be dealt with in line with the disciplinary procedures as set out in the Malpractice Policy.

Where a particular conduct is not specifically stipulated in this Code it does not mean that such conduct cannot form the basis of disciplinary proceedings. Each case shall be judged on its merits, and there may be circumstances in which unacceptable or improper conduct or serious professional incompetence is found even where there has been no breach of the express terms of this Code. The rules in this Code are not exhaustive.

A disciplinary order may be made against any Registered Practitioner convicted of a criminal offence that has material relevance to such person's fitness to practise as a Registered Practitioner.

Definitions

“Association” means the association, as more fully described in clause 2 of the EAPASA Constitution, known as the Environmental Assessment Practitioners Association of South Africa, a non-profit entity duly registered in accordance with Section 24H of the NEMA.

“Cancelled” means the voluntary dissolution of registration by a registered professional, without them being found guilty of improper conduct; these professionals are still bound by their findings, specifications or documents conducted prior and/or on the date of dissolution.

“Competent Authority (CA)” means the government departments in the One Environmental System (OES) which are the Department of Mineral Resources and Energy (DMRE), the Department of Forestry, Fisheries and the Environment (DFFE) and the Department of Water Affairs and Sanitation (DWS) and their provincial and local divisions as envisioned in the National Environmental Laws Amendment Act 02 of 2022.

“Environmental Assessment (EA)” means the process of identifying, analysing, assessing, evaluating and communicating the potential environmental risks and impacts of an activity in its area of influence, and finding ways of improving the environmental sustainability of the outcome by due consideration of feasible alternative, appropriate mitigation of adverse impacts and enhancement of benefits, the preparation of related environmental management programmes and their implementation, the equitable distribution of these impacts and benefits, with the appropriate engagement of relevant stakeholders, and may involve the integration of a range of specialist findings.

“Environmental Assessment Practitioner (EAP)” means a registered individual in terms of S24H of the NEMA, that is responsible for the planning, management, co-ordination or review of environmental impact assessments, strategic environmental assessments, environmental management programmes or any other appropriate environmental instruments introduced through regulations, as defined in section 1 of the NEMA.

“Environmental Impact Assessment (EIA)” means a systematic process of identifying, assessing and reporting environmental impacts associated with an activity and includes basic assessment and S&EIR; as defined in Regulation 1 of the EIA Regulations, 2014 as amended.

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“NEMA” means the National Environmental Management Act 107 of 1998, as amended.

“Persons/Professionals” – any person registered under the Councils of the Built Environment and/or EAPASA.

“Professional Conduct Committee (PCC)” means the decision-making authority that evaluates the conduct of a Registered/Candidate EAPs as established by the EAPASA Board, in accordance with the EAPASA Constitution or policies developed pursuant to the Constitution.

“Public” means any natural or juristic persons, group or class of people whose environmental wellbeing has been materially and adversely affected by the improper conduct of an EAP, as envisioned in Section 4 of the Promotion of Administrative Justice Act 3 of 2000.

“Candidate EAP or Registered Candidate EAP” means an EAP who is registered in terms of the criteria, standards and process determined by the EAPASA Board in accordance with Section 24H Regulations, who has a required formal qualification, or equivalent, but does not have the required professional experience for registration as a Registered EAP.

“Registered EAP” means an EAP who is registered in terms of the criteria, standards and process determined by the Board in accordance with Section 24H Regulations and the applicable Policies, Regulations and such other instruments as may be applicable from time to time.

“Registered Practitioners” here within refers to both Registered and Candidate EAPs.

“S24H Regulations” means the NEMA, 1998, S24H Registration Authority Regulations, 2016.

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“EIA Regulations” means the NEMA, 1998, Environmental Impact Assessment Regulations, 2014, as amended.

“Terminate” means that EAPASA reserves the right to discontinue registration of an EAP that is found guilty of Section 49A of the NEMA, and/or Regulation 14 of the S24H Regulations in accordance with Section 49B of the NEMA.

“Suspend” means that EAPASA reserves the right to withhold registration for a determined period of time for an EAP that is found guilty of Section 49A of the NEMA, and/or Regulations 9 and/or 14 of the S24H Regulations in accordance with Section 49B of the NEMA.

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Application

This Code of Conduct applies to a Registered or Candidate Environmental Assessment Practitioners in whatever capacity they may work or act in, as a natural person, whether in private or public practice, as sole practitioner, partner, director or employee (whether as Registered or Candidate Environmental Assessment Practitioner) and whether in the employ of another Registered Practitioner or not.

If a Registered or Candidate Environmental Assessment Practitioner fails to comply with any provision of the NEMA; section 24H Registration Authority Regulations; EAPASA Constitution, Code of Conduct, Malpractice Policy and/or any other Rules; published in terms thereof, which is deemed by the Association or Professional Conduct Committee to constitute improper conduct, shall proceed with disciplinary action against such Registered or Candidate Practitioner.

In the event of any improper conduct committed prior to the effective date of this Code of Conduct, the Association or Professional Conduct Committee shall have authority to charge a registered or candidate practitioner under the Code of Conduct applicable at time of the incident.

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Rule 1 – Integrity

Registered Practitioners Shall-

- 1.1. take into consideration the standard of honesty and integrity that underpin this Code of Conduct when performing Environmental Impact Assessment work;
- 1.2. at all times act with honesty and integrity and avoid any action or situation which may be detrimental to the esteem and dignity of the profession; or conduct which brings the profession into disrepute;
- 1.3. 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, private, or any other conflicting interests;
- 1.4. not make any statement which is contrary to their professional opinion or which they know or ought to have known to be misleading, unfair to others or discreditable to the profession;
- 1.5. not knowingly undertake work in circumstances or under conditions or terms that would compromise their ability to carry out their responsibilities and fulfil their commitments to their clients or employers;
- 1.6. not misrepresent, or knowingly permit misrepresentation of their own or any other persons' academic or professional qualification or competency, nor exaggerate their degree of responsibility for any environmental impact assessment work;
- 1.7. notify the Association without delay if they become subject to any disqualification as contemplated in Regulation 18(1) of the Section 24H Regulations as failure to do so may be deemed by the Association as improper conduct;
- 1.8. 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 providing false, biased or undocumented claims or accusations, or by any other malicious action;
- 1.9. remain bound by these rules, even after the occurrence of non-payment of the annual registration fees and after suspension or termination of registration in terms

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of Regulation 9 the Regulations, due to failure to pay prescribed annual registration fees;

- 1.10. not practice as a registered or candidate environmental assessment practitioner during the period in which their registration has been suspended or terminated in terms of Regulation 9 of the Regulations, due to failure to pay annual prescribed registration fees;
- 1.11. not practice as an EAP after their registration has been suspended or terminated in terms of Regulation 20 of the Regulations due to being found guilty of improper conduct by the PCC, CA and/or Association;
- 1.12. shall not practice EAP after their registration has been cancelled;
- 1.13. in the instance that an EAP decides to cancel their registration, any findings or work conducted during their tenure as an EAP can still be sanctioned for any improper conduct;
- 1.14. treat clients and fellow EAPs with due dignity, respect, and courtesy;
- 1.15. in giving advice, exercise impartiality and independent professional judgement; and
- 1.16. not engage in any activities in any manner including, but not limited to of dishonesty, fraud, forgery, deceit, misrepresentation, bias, corruption or bribery.

Rule 2 – Competency

Registered Practitioners Shall –

- 2.1. be duly qualified in accordance with the Criteria and Procedural Guideline;
- 2.2. discharge their duties to the employer, client, agent, associate, and the public with due skill, diligence and competence;
- 2.3. where reasonably possible, make appropriate arrangements for the fulfilment of professional obligations in the event of incapacity and/or absence from work, and/or inability to perform work;

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- 2.4. only undertake EIA or EA work which is identified for the category of registration in which they are registered in terms of Regulation 15 of the Regulations and in accordance with the registration categories in force;
- 2.5. where work is carried out by a registered candidate under their supervision, take responsibility for ensuring that such candidate is appropriately registered, competent to perform the task, and is adequately supervised;
- 2.6. shall ensure that registered candidates do not have any financial interest in an EIA practice or multidisciplinary practice that performs EA work other than in respect of bona fide remuneration for their services; and
- 2.7. a registered EAP candidate must perform work under the direction, control and/or continual supervision of a registered EAP professional entitled to perform such work and who must assume responsibility for any such work performed by the candidate EAP.
- 2.8. regularly undertake continuing professional development activities in order to ensure that they keep up to date with developments in the practice of EIAs and to enhance and maintain their professional expertise and competence.
- 2.9. in either public or private employ 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;
- 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;
- 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);

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- 2.12. Conduct her/his work at the highest possible standard reasonable to be expected from a professional in that position.

Rule 3 - Promotion of services

Registered Practitioners Shall –

- 3.1. only communicate and promote themselves and their professional services with honesty, describing both in a manner that is related only to the work of the professional categories of registration represented in a practice;
- 3.2. credit the EIA and/or EA work done during a period as a principal or employee of another environmental assessment practice and shall make clear reference and description to such practice;
- 3.3. ensure that the name under which an environmental assessment practice operates is not misleading or capable of being confused with that of another practice; and
- 3.4. not use the EIA and/or EA work prepared by another registered professional without written authority from the originating registered professional;
- 3.5. not use a registered EAP's details without their knowledge, approval or consent. This refers to the EAPASA registration number, Name, Surname, Curriculum Vitae, and/or any other personal information that serves as a means of identity;

Rule 4 - Administrative functions

Registered Practitioners Shall –

- 4.1. ensure that before they undertake any professional work, they have entered into a written agreement with the client or employer which must, inter alia, include:
 - (a) proof of professional registration;
 - (b) the scope of EA work;
 - (c) the scope of service to be provided;
 - (d) the allocation and limitation of responsibilities;
 - (e) the fees payable for the EIA and/or EA work or services, the method of fee calculation (if appropriate), and the stage(s) at which fees will be payable;
 - (f) provision for dispute resolution;
 - (g) termination of the agreement;

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- (h) details of professional indemnity insurance; including –
- I. name of the insurer;
 - II. the name of the insured;
 - III. amount of cover;
 - IV. policy number; and
 - V. validity period.
- 4.2. not change the terms of appointment including the scope of work without the written instruction or approval of the client or employer, including but not limited to carry out professional work within the agreed time or within a reasonable time;
- 4.3. ensure that at the completion of each milestone the client or employer signs off where the scope of work involves more than one stage;
- 4.4. only issue any findings, specifications or documents in respect of work performed or administered by them or by a person in their employ which bears their name and/or registration number or the name of their EA practice;
- 4.5. in the case that a registered EAP details have been used on an application or project in which the said EAP has consulted or assisted, ensure that the application or project is subjected to review by an independent EAP;
- 4.6. attend to all corrections requested by the national, provincial and local authorities, and independent EAP on the findings, specifications or documents prepared by them within a reasonable time;
- 4.7. issue certificates that are based on the correct facts on site;
- 4.8. take adequate and appropriate professional indemnity insurance to cover all environmental assessment work undertaken;
- 4.9. when requested by the EAPASA, provide evidence of professional indemnity insurance within a specified time;
- 4.10. within 30 (thirty) days of change of personal details, such as email address, physical and postal addresses, telephone and numbers of the practice, inform the Association in writing thereof and ensure that such details are kept updated;

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- 4.11. keep all plans, records, certificates, and/or findings, specifications and documents commencing from the start of work and up to a period of 5 (five) years from date of final completion;
- 4.12. not disclose confidential information obtained from clients except with written permission and in compliance with the Protection of Personal Information Act 4 of 2013;
- 4.13. keep their clients or employer informed in writing about the progress on work undertaken on their behalf within a reasonable time and of any issue which may significantly affect its quality or cost, and any other considerations which may substantially affect the project; and
- 4.14. take responsibility for work carried out by their subordinates, including EAPs registered as candidates.

Rule 5 - Establishment of an Environmental Assessment practices

- 5.1. Any registered principal who conducts EIAs and or EAs in any form shall within 30 (thirty) days of the establishment of the practice, register it with the Association, giving full details of the practice name, address from which the practice is conducted, type of practice supported with corresponding registration details, and names of partners, shareholders, directors, and employees undertaking EA work in the practice
- 5.2. The Association shall be informed in writing of any changes in name, type, address, and composition of a practice and its termination, within 30 (thirty) days of the relevant occurrence;
- 5.3. The registered principals of a practice shall display their registration certificates in a prominent place in their physical and/or virtual work place;
- 5.4. A registered EAP shall not, except with the permission of the Association and under such conditions as the Association may prescribe, enter into any professional relationship or association for purposes of performing EA work with any person who

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is not a registered person or a registered professional of a closely allied profession. Permission will not be granted if the person concerned:

- 5.4.1. is disqualified from registration under any provisions of the Regulations or from membership of any closely allied profession;
- 5.4.2. is qualified to register under any category provided for under the Regulations but has not done so;
- 5.5. A person registered in the category of a candidate shall not establish an EA practice, act as a principal or a shareholder in an EA practice;.
- 5.6. Letterhead

The letterheads of the EAP shall display the following:

- (a) Name of the EA practice or the EAP themselves, and their registration number(s);
- (b) The type of EAP:
 - (i) Registered EAP
 - (ii) Candidate EAP
- (c) The professional designation and qualifications;
- (d) Physical and postal address, telephone, email, Companies and Intellectual Property Commission (CIPC) and value-added-tax (VAT) registration numbers, if applicable;
- (e) Registered persons shall use their titles and EAPASA registration number in all EA reports and other documentation relating to their work in the EA profession, prepared by or for them.
- (f) Practices or registered professionals may not display the Association's logo on any corporate stationery or letterheads, as it is protected in terms of trade mark laws.

Rule 6 - Public interest and environmental protection

Registered Practitioners –

Shall, in the performance of their duties -

- 6.1. take all reasonable measures to the best of their knowledge/expertise to minimise any adverse impact on the environment;

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- 6.2. respect the constitutional rights of individuals and communities that could be affected by their work;
- 6.3. comply with the NEMA, EIA Regulations, S24H Regulations and any other environment laws or any other applicable law governing the environment and EA work;
- 6.4. where appropriate, advise a client or employer in writing how best to conserve and enhance the quality of the environment and its natural resources; and
- 6.5. when providing professional advice to a client or employer, and such advice is not accepted, inform them in writing of any consequences which may be detrimental to the health, safety or interests of the public;
- 6.6. advise the incorporation of environmental considerations from the earliest stages of policy, plan, programme or project conception;
- 6.7. include the incorporation of environmental considerations throughout all stages the project life cycle, including, but not limited to the policy, plan, programme or project development;

Rule 7- Foreign EAP Practitioners

- 7.1. All foreign EA professionals must comply with the NEMA, EIA regulations, S24H of the Regulations to practice EIAs or EA work lawfully in South Africa.
- 7.2. No foreign EA professionals shall be authorised to practise EIAs or EA work in South Africa unless they have applied and have been granted registration by Association for the duration of the specific contract.

Rule 8 - Disciplinary procedures

Disciplinary procedures are set out in Malpractice Policy and in the Investigations and Disciplinary Hearings and Appeal procedure published under Board Notice

Repeal of Rules

The Rules published under the Code of Conduct, 2024 are hereby repealed, subject to section 12(2) of the Interpretation Act 33 of 1957.

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Short Title

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