

CIRCULAR TO MEMBERS

DISCIPLINARY MATTERS: SACPLAN



The Planning Professions Act, 2002 (Act 36 of 2002) (the Act) obligates the South African Council for Planners (SACPLAN) to receive and consider complaints against Registered Professional Planners and Registered Technical Planners accused of professional misconduct. Depending on the nature of the complaint and the finding of the Disciplinary Committee of SACPLAN, the result of such a disciplinary enquiry may see the registered person (planner) being suspended or deregistered by the removal of his/her name from the register of persons held by SACPLAN in terms of the Act.

SACPLAN confirms that to date of this circular, a total of 23 disciplinary enquiries remain on record, and such matters are in varying stages of investigation. A number of matters have indeed been concluded by way of disciplinary hearings.

The following broad categories of complaints are on record with SACPLAN:

- planners in private practice accused of allegedly receiving payments on behalf of sub-contracted consultants (i.e. engineers or similar) and failing to compensate such sub-contractors;
- planners in private practice, allegedly acting in an unprofessional manner by not responding appropriately to objections raised by interested and affected parties with regard to land development applications under control of such planners;
- planners in private practice allegedly misrepresenting pertinent facts in a dispute pertaining to a land development application to advance the interests of the client and neglecting to consider the interests of the affected public;
- planners in private practice allegedly acting in an unprofessional manner by failing to advise clients properly and causing clients to suffer damages as a result of unwarranted delays occasioned by the failures of the planner;
- planners in municipal employ allegedly abusing their office to attend to private assignments (in official municipal time) without consent of the employer and allegedly advancing the interests of instructing clients to the detriment of clients of other planners in private practice;
- planners in private practice allegedly failing to give effect to legislative prescripts, resulting in damages suffered by the instructing client; and
- candidate planners allegedly misrepresenting their registered status and accepting instructions from clients and failing to provide a professional service to such clients.

Members are encouraged to take note of the categories of alleged professional misconduct and note that affected parties (members of the public) are evidently becoming more informed with regard to their rights to register complaints against registered planners.

Members are further encouraged to have regard to the Code of Conduct of SACPLAN, read with the relevant provisions of the Act and to remain familiar with the risks of possibly committing professional misconduct in the context thereof.

It also again places emphasis on the requirement for members to hold appropriate Professional Indemnity Insurance.

Per: SAACPP
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