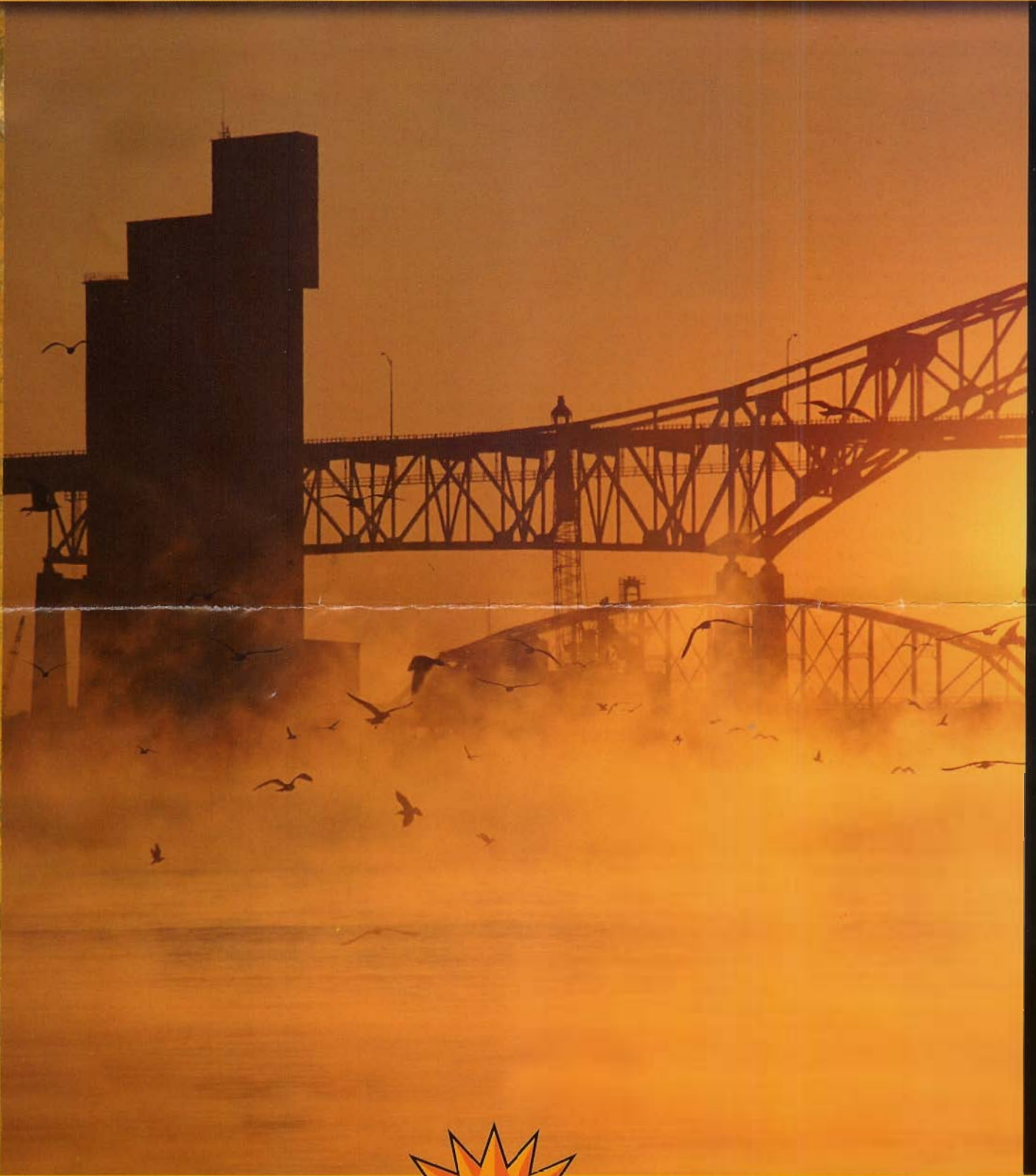


COUNCIL NEWS

DEC 2008

NEWSLETTER OF THE SOUTH AFRICAN COUNCIL FOR THE QUANTITY SURVEYING PROFESSION



THE SOUTH AFRICAN COUNCIL

for the

QUANTITY SURVEYING PROFESSION

DIE SUID-AFRIKAANSE RAAD vir die **BOUREKENAARSPROFESSIE**

Established in terms of the Quantity Surveying Profession Act 2000 (Act 49 of 2000)
Ingestel ingevolge die Wet op die Bourekenaarsprofessie 2000 (Wet 49 van 2000)

MESSAGE FROM THE PRESIDENT

In the past 12 months, the independent office of the South African Council for the Quantity Surveying Profession (Council) has consolidated its roles in, *inter alia*, serving registered persons, facilitating the registration of qualified persons and serving the general public. Greater clarity and level of awareness have been achieved on the division of roles and responsibilities between the Council and its presently sole voluntary association, the Association of South African Quantity Surveyors (ASAQS).



portfolio committee dealing with this matter. This was in addition to other high level conversations among the professional councils, which identified the risks to the growth of scarce skills and transformation if the Bill was passed without further consultations and fundamental changes. The ASAQS input to the debate on the proposed Bill and support of Council's position is much appreciated.

The latest decision to review the Bill after further consultations with the professions and stakeholders is widely welcomed.

Although some outside the Council were apprehensive of the underlying motive and consequences of the separation of the administrative offices of the Council and ASAQS in July 2007, the separation has clearly been beneficial to both entities. Under the effective leadership of the registrar, Professor Gaye Le Roux, the financial status of the Council has shown significant improvement, as has the quality of services rendered to the general public, candidates and registered persons. The Council has engaged closely with the accreditation and examination processes to ensure that future generation of quantity surveyors are afforded the best opportunity to attain professional status without diluting the local and international relevance and competency of the quantity surveying profession.

In 2008, the reciprocity agreement between the Council and the Royal Institution of Chartered Surveyors (RICS) was renewed for a further five-year term. The purpose of the agreement is to strengthen the mutual goal of setting and regulating professional standards in quantity surveying for the advancement of the profession so as to widen the opportunities for members and registered persons internationally. Registered persons are encouraged to leverage this agreement, especially if they participate in the delivery of international projects.

At the beginning of this year, the built environment professions were confronted with a proposal to radically amend the structure and functions of professional councils, principally based on the government's desire to accelerate the pace of transformation in the professions. The SACQSP established a task team to co-ordinate Council's response to the proposed Bill. The Council ratified and submitted constructive comments to the parliamentary

The current Council is in its fourth and final year of service to the profession, until September 2009. I thank members of Council for the excellent dedication, commitment, expertise and service that they have given selflessly to the profession through various roles on Council and council committees. Professor Paul Bowen and Professor Rob Pearl recently resigned their appointment on Council for personal reasons and have received acknowledgement from Council for their remarkable contributions. A call for nominations will be issued shortly to fill the two vacancies for the balance of the term of this Council.

The Council remains committed to serving the quantity surveying profession while protecting the public interest. We will collaborate with other professional councils and entities to enhance ethical, safe and competent services in a transforming built environment. In this context and to maintain our status as a learned profession, Council has initiated an annual quantity surveying conference with a successful inaugural conference in October 2008 appreciably supported by the ASAQS, and careful audit of continuing professional development (CPD) submissions made by registered persons.

A number of resolutions taken by the Council are presented in this newsletter. I trust you will study them closely.

I wish every registered person a restful and safe holiday season, and the achievement of their highest personal and organizational goals in 2009.

Professor Raymond Nkado
President

RESEARCH CONFERENCE AND WORKSHOP: 9 OCTOBER 2008

This event, which was well attended, with papers of a high standard presented to delegates representing various Built Environment professions, is due to become an annual highlight on the SACQSP Calendar. Sincere congratulations are expressed to the Chairman of the Education, Standards and Research Committee on his having taken the initiative in arranging this Conference and Workshop on behalf of the Council.

RESIGNATIONS

On 9 October 2008, the resignations of two council members, Professors Bowen and Robert Pearl were accepted by the council

On behalf of the Council, the President paid tribute to Professor Bowen and expressed sincere appreciation for the major role he had played in supporting the work of the Council, promoting the highest standards in education, and contributing to the publication of SACQSP accreditation and examination policies. In response to Professor Pearl's resignation, the President thanked him for his commitment to the work of the SACQSP and, in particular, to education, maintenance of standards and research where he had engaged in valuable debate in these matters. Professor Pearl, current President of the Association of S A Quantity Surveyors, represented a key link between the ASAQS and the Council. Both members of Council would be missed.

REGISTRATION MATTERS

1

All persons seeking professional registration in terms of Act 49/2000 should register as Candidate Quantity Surveyors and fulfil the requirements for registration as Professional Quantity Surveyors.

2

The effective date of in-training commencement is the date on which an Applicant's request for registration as a Candidate Quantity Surveyor is confirmed.

3

The Council may allow a reduction of a maximum of one year of the required "in-training period as recognition of years "in-training" after Masters and PhD degrees have been awarded.

CONGRATULATIONS TO THE MINISTER OF PUBLIC WORKS

On behalf of all Members of the Council and all persons registered in terms of the Quantity Surveying Profession Act 2000 (Act 49 of 2000) congratulations are extended to Mr Geoff Doidge, the Minister of Public Works on his recent appointment. The Council wishes him an eminently successful term of office and looks forward to his support in fulfilling its mandate in terms of Act 49/2000



THE QUANTITY SURVEYING PROFESSION ACT 2000 (ACT NO 49 OF 2000)

Categories of Registration

With effect from 9 October 2008, no additional categories of statutory registration in terms of Act 49/2000 will be introduced. Council has resolved – for the foreseeable future – to maintain solely the two categories of registration described in Section 18(1) of the Quantity Surveying Profession Act 2000 (Act 49 of 2000), viz.

- Professional Quantity Surveyor
- Candidate Quantity Surveyor

Identification of Work to be performed by persons registered in terms of Act 49/2000

A comprehensively revised document which requires approval by a **resolution** to be taken by the **full** Council will be published in due course. In the interim, the SACQSP Registrar will respond to all enquires: registrar@sacqsp.co.za

How does the Council deal with complaints about improper conduct and implementation of disciplinary action?

1. A complaint is received against a registered person (Section 28(1)(b) of Act 49 /2000).
2. The registered person has not (yet) been charged with improper conduct by the Council (Section 29(1) of Act 49/2000).
3. The Council's obligation to charge a registered person arises only after considering the Investigating Committee's report in terms of Act 49/2000, Sections 28(2)(b) and (4). Section 29(1) refers.
4. There is no charge for misconduct without the Investigating Committee's report, which can only be prepared after considering the complainant's reply to the registered person's response to the complaint.
5. If the registered person remains silent following receipt of the complaint, the Investigating Committee must formulate a charge sheet in terms of Section 29(3).
6. If the registered person admits to the charges stated by the Investigating Committee, the Council then finds them guilty of improper conduct and acts in terms of Section 29(4)(b).

7. The Council's obligation to appoint a tribunal in terms of section 30(1) of Act 49/2000 applies after the registered person has been charged – on the basis of the Investigating Committee's report, that is after the charge sheet has been compiled and issued in terms of Section 29(2).
8. Section 30(1) of Act 49/2000 states that the tribunal is appointed to hear a charge of improper conduct if the registered person charged denies the charge, or fails to admit or deny the charge (in writing) as required by Section 29(3)(b) of Act 49/2000.
9. Thus, before appointing a tribunal, a report of the investigating Committee (in terms of section 28 (2)(b) and (4)) must be considered. However this can only be properly finalised after the complainant's response to the reply by the registered person has been received.

Mandatory SACQSP accreditation visits to be conducted to every educational institution in the RSA which has a department, school or faculty of quantity surveying, in terms of Act 49 / 2000

The accreditation of the following tertiary institutions for a 5-year period from 1 January 2008 to 31 December 2013 was ratified by the full Council on 9 October 2008 and they would not be visited during the proposed, extended accreditation phase, provided that they complied with requirements related to submission of their annual reports:

Universities of Cape Town, Free State, KwaZulu-Natal, Pretoria, the Nelson Mandela Metropolitan University and the Witwatersrand.

While full accreditation of the NMMU has been retained for the 2008 intake of first year students, the institution, of its own accord, has requested SACQSP accreditation for a Candidacy Phase (with effect from 2009) in terms of the SACQSP Accreditation Policy, and will inform the Council when, in due course, it intends to submit its application for full accreditation. New applicants for the 2009 academic year will not enjoy accreditation status.

Each institution was objectively assessed in terms of its (reported) compliance with the criteria stated in the SACQSP-approved Accreditation Policy.

If compliance with the following criteria was evident in the report submitted by an institution, accreditation would be awarded:

- Criteria for programme accreditation (on which the SACQSP Accreditation Policy was based) published by the Higher Education Quality Committee (HEQC) of the Council on Higher Education (CHE).
- SACQSP-specific criteria, substantially incorporating specific outcomes developed by the SAQA Standards Generating Body for Quantity Surveying (SGB for QS).
- Detailed information on programme entry levels, programme exit levels, research output and resources (eg staff, library, facilities, amenities).

If, in an Assessor's opinion, compliance with the foregoing criteria was demonstrated, SACQSP-accreditation was recommended for ratification by the Council. However, if an Assessor was of the opinion that prerequisite compliance was not evident, the Assessor would specify the additional information required to finalise the assessment process, and the Registrar would request the institution to provide a written response.

All other (currently non-accredited) institutions will be visited by an SACQSP Accreditation Panel during 1 May to 31 July 2009. The Council will receive a full report arising from each visit, recommending ratification by the Council of the category of SACQSP-accreditation in respect of each programme specified by the individual institution, which could range from a quantity surveying qualification at NQF Level 4 (Certificate) to NQF Level 7 (Honours degree).

The S A Council for the Project and Construction Management Professions has requested collaboration with the SACQSP in conducting joint Accreditation Visits to tertiary institutions, and the SACQSP has responded that the principle of collaboration is welcomed and will be encouraged but issues of programme divergence between Quantity Surveying / Construction Economics on the one hand and Construction Management on the other, must be clearly identified prior to formalising an SACQSP / SACPCMP Memorandum of Understanding on the full scope of the proposed collaborative programme accreditation visits.

1 JANUARY 2009: SACQSP TARIFF OF PROFESSIONAL FEES AND NEW ADDENDUM "A": TIME CHARGES

The revised Tariff introduces a substantial increase in basic fees charged by Quantity Surveyors, to compensate for "bracket creep" which has occurred since 2003. In addition, an allowance has also been made to close the gap between the fees earned by Quantity Surveyors and other Built Environment Professionals when collective bargaining is implemented. Increased involvement by Quantity Surveyors relative to Mechanical and

Electrical installations – when they are not appointed to provide a full service – has also been taken into account.

The previous 4 project development stages (A to D) are substituted by 6 stages, as adopted by the Property Council of South Africa (PROCSA) and all other Built Environment Professions.

The basis for revision of the Time Charges remains unchanged.

CONTINUING PROFESSIONAL DEVELOPMENT

The Registrar is currently conducting the first (annual) audit of 500 randomly-selected CPD records submitted by PrQSS for the 5-year cycle ending on 31 December 2007.

BELIEVE IT OR NOT...

Recently, a member of the public needed advice, so he wrote to the Registrar of the SACQSP:

We require the services of a registered surveyor to help us give an expert opinion on an account and process regarding a building project. There is a dispute regarding the account and process on how the project was handled. I will appreciate if you could avail me contact names of persons in P...

and the Registrar responded:

Thank you for your enquiry. Please access the website of the Assoc. of SA Quantity Surveyors: www.asaqs.co.za check through the list of ASAQS practices in P... and, at your own discretion, draft a list of the firms which you may wish to consider. The Council maintains strict impartiality and does not make recommendations of this nature.

However, whomsoever you decide to approach should be persons registered as Professional Quantity Surveyors (PrQSs) in terms of the Quantity Surveying Profession Act 2000 (Act 49 of 2000), **and it is incumbent upon you to ask them for their registration numbers to ensure that you do not employ an unregistered person.**

If you have any doubt, please submit to me (in writing) the list of name/s of persons whom you decide to approach and I will provide written confirmation that they

- 1 are registered and
- 2 in good standing.

The member of the public took the Registrar's advice, selected a range of Quantity Surveying firms operating in P... and replied:

Many thanks for your honest and prompt reply. I found a practice with a number of partners and made an appointment to see one of them on Monday 17/11/2008.

...Quantity Surveyors & Project Managers

I should mention though that one practice merely declined to help stating that they only deal with "big projects".

My small R4million project was undertaken by a Technologist who seemed to have no project management experience and expertise resulting in me incurring an extra R1million in unanticipated costs and construction delays. I am now in legal and financial trouble as a result.

Perhaps you can help by asking members of all the other councils [Architects/Construction & Project management/Engineers] to disclose information regarding services of other professionals when members of the public are seeking help with construction projects and contracts. It appears at the moment everyone in the building industry claims to be everything!

I hope you could use my experience to encourage members of your own profession to be available for some of our small projects. I will gladly avail my whole story free of charge when complete.

Please just let me know if all partners at ...QS are registered and in good standing with your Council.

The Registrar was very pleased that the member of the public had responded so positively to the advice provided, and immediately replied:

Your action in identifying potential service providers and requesting the SACQSP Registrar to verify the registration of those persons supports the Council's policy of strict compliance with the most important aspect of its statutory mandate: **protection of the public** – because, in the **final analysis, the whole purpose of Act 49/2000** – encompassing

- 1 education,
- 2 registration,
- 3 legislation, for example
 - identification of work to be performed by persons registered in terms of the Act,
 - recommendation of the tariff of fees to be charged by registered persons for professional services rendered to their clients
- 4 discipline/dealing with charges of improper conduct by registered persons and also charging unregistered persons with contravention of the Law of the RSA **is directed, in its entirety, at protecting the public**

Your current, most regrettable experience serves to demonstrate the non-negotiable urgency of implementation of due diligence by all statutory Councils operating in the Built Environment with regard to strict monitoring of the

- (a) competence of persons registered in terms of their respective Acts and
- (b) work performed by persons registered in each category of those Acts

Have you informed the Registrar of the SA Council for the ... Profession of this matter? If not, the correct address is registrar@...

Information published on my Council's website: www.sacqsp.org.za may be of further interest.

I will investigate and confirm, in writing, the registered status of all the principals in the ...QS practice.

The Registrar checked the statutory register maintained by the Council in terms of Section 11 of Act 49/2000 and informed the member of the public that according to the statutory register maintained by the Council in terms of Section 11 of the Quantity Surveying Profession Act 2000 (Act 49 of 2000) there was no resident registered Professional Quantity Surveyor (PrQS) in the firm he had selected – only a Candidate Quantity Surveyor – and that this practice was therefore operating in contravention of the Law of the RSA and the SACQSP Code of Professional Conduct.

The member of the public replied:

I have contacted Mr X..., a partner with ...QS and he has been very helpful in accepting to help with my case. Mr... is a Quantity surveyor with Mr X...

And the Registrar responded:

Thank you for conveying your decision. **Kindly record my formal reply on behalf of the SACQSP:** Mr X... is not a registered Pro-

fessional Quantity Surveyor in terms of Section 18 of the Quantity Surveying Profession Act 2000 (Act 49 of 2000). He is a Candidate.

And the member of the public replied:

Thank you. Noted.

UNBELIEVABLE? – NO ...PERFECTLY TRUE and incredible!!

But, because the SACQSP protects the public, and the public is blissfully ignorant (and uninformed?) of the risks involved in employing the services of non-registered persons, the Registrar provided the member of the public with a contact number for the registered PrQS Principal in the ...QS practice, and also personally called the principal to remind him of his need to comply with the following clauses in the SACQSP Code of Professional Conduct:

Clause 3.6: Registered persons must ensure that where work is carried out on behalf of a registered Professional Quantity Surveyor by an employee or by anyone else acting under a registered Professional Quantity Surveyor's direction or control, such registered person shall be responsible for ensuring that the person is competent to perform the task, and if necessary, is adequately supervised; and

Clause 4.7: Any office established for the purpose of conducting a quantity surveying practice shall be under the continuous, direct and personal supervision of a registered Professional Quantity Surveyor: Provided that the registrar may give permission for such office to be supervised on an intermittent basis for such period of time as the registrar may, in his or her discretion, determine. Conditions for such permission are that a registered Professional Quantity Surveyor shall be present in such office for a least one full day per week during normal office hours and that the time of attendance is prominently displayed outside the office. Permission will normally be granted to allow time for the replacement of a registered Professional Quantity Surveyor who has resigned or who has left for some reason or to allow time for the employment of staff where an office has to be established in an area because of the award of a project.

The Principal in the ...QS practice was quick to respond to the member of the public, and to the Registrar:

Thank you for communicating to me. I was contacted by the Registrar of the Council and I confirmed that I am indeed in charge of the ...QS office in P...

The Candidate did brief me about the task at hand. There should be no problem and I am available to guide and help him. I will contact you very soon when I come to the office.

While the moral of the story is caveat emptor (Let the buyer beware), nevertheless statutory Councils must be VISIBLE IN TAKING THE HIGH GROUND in terms of their mandated function, and are obligated, in terms of the Law of the RSA, to close the circle of PROTECTION OF THE PUBLIC.