

# SACAP

▶ NEWSLETTER

09

Identification  
of Work



■ GEBERIT

13

SACAP Ekurhuleni  
Municipal Workshops  
a Success

24

Guidelines  
Professional Fees



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South African Council  
for the Architectural Profession

# About SACAP



The South African Council for the Architectural Profession (SACAP) is legally charged to regulate the architectural profession in South Africa in terms of the Architectural Profession Act No. 44 of 2000 (the Act). The architectural profession includes professional architects, senior architectural technologists, architectural technologists, architectural draughtspersons and candidates in each of the categories of registration, all of whom are required to be registered with SACAP before they can practice architecture.

SACAP regulates the architectural profession by setting up standards for registration, education and training, professional skills, conduct, performance and ethics. SACAP also keeps a register of candidates and professionals who meet the standards; approve programmes at higher institutions of learning which persons must complete to register; and take action when professionals on our register do not meet the standards.

More information about SACAP is available on [www.sacapsa.com](http://www.sacapsa.com) or call 011 479 5000.



SACAP NEWSLETTER

# CONTENTS



06



16



18



21

- 03** President's welcome note: Leading change
- 04** From the Registrar's desk  
Architectural profession titles are legally protected
- 06** New normal to architectural profession
- 08** Online learning in the time of Covid-19  
Impact on architectural students
- 09** Identification of Work
- 10** Covid-19: Good architecture is a human right
- 12** SACAP stand against gender-based violence (GBV)
- 13** SACAP Ekurhuleni municipal workshops a success
- 14** The significance of written terms of appointment  
(Rule 4.1 of the Code of Professional Conduct)
- 15** May - June 2020 report: The affects of Covid-19  
on the architectural learning sites
- 16** How to cope with financial stress
- 17** SACAP and the VA IID - A new dawn
- 18** "How will the pandemic change  
architectural education?"
- 20** The architectural profession is experiencing  
devastating financial distress as a result of the  
economic downturn and the Covid-19 pandemic
- 21** Maintaining good health while working from home
- 22** The new normal within the built environment
- 24** Guidelines professional fees committee
- 26** SACAP NewZ worthy
- 27** Profiles

# REDUCE THE SPREAD OF COVID-19 WASH YOUR HANDS.



Charles Ntsindiso Nduku

*“We know that our profession, like other sectors and industries, faces severe economic risk and challenges in retaining jobs.”*

Since the first positive case of COVID-19 in February 2020, the coronavirus has overtaken our lives and transformed our world, presenting an unprecedented medical, economic and human challenge. The implications of the coronavirus outbreak for every nation has been severe and worse for South Africa, which was already in an economic recession.

“Without doubt, given what we know since February, COVID-19 will certainly further deepen the South African downturn woes. At this stage, our central scenario is for a deep recession in 2020, followed by a rapid upswing in economic growth,” said Tito Mboweni, Minister of Finance.

It is times like these when true leadership is tested. Leading is not getting it all right the first time, but the ability to deliver our mandate while taking care of our internal stakeholders’ health. We are in the era where the whole world is facing a crisis due to the Covid-19 pandemic. True leaders should be able to admit that they do not have all answers and tap into expertise of all people around them, to be able to steer their organisation.

On the 8th of May we had a Webinar session with the topic “Impact Of COVID-19 to the Architectural Profession.” The webinar hosted by SACAP in collaboration with industry thought leaders looked into the gravity of the current professional environment amid COVID-19. I will like to express my gratitude to all panellist for great suggestions made to survive these trying times.

During the coronavirus pandemic, we must be leaders of responsiveness and good corporate citizenship. We know that our profession, like other sectors and industries, faces severe economic risk and challenges in retaining jobs. Our business is under extreme pressure and now more than ever we look to everyone to pull together to beat this, while we do everything in our power to safeguard jobs.

While we will continue to embody ‘the interests of all our stakeholders’ and do all we can to help those who are affected and help flatten the curve, our primary objective is to keep you safe. We will continue to do everything we can to protect the profession and help you adapt to the new normal, while we learn to come to grips with it.

As our President and Ministers continue to reassure us that this will pass, I urge you to keep the faith and adhere to all the set regulations!

Together we can beat this and revive our profession.

## PRESIDENT’S WELCOME NOTE: **LEADING CHANGE**



Advocate (Adv) Toto Fiduli

## FROM THE REGISTRAR'S DESK

*“Registered professionals invest money and years of study to be able to legally use these titles, therefore, it is imperative that they are protected from unregistered persons.”*

# ARCHITECTURAL PROFESSION TITLES ARE LEGALLY PROTECTED

### 1. Protected titles

Section 21 of the Architectural Profession Act prohibits anyone from using authorized titles if they are not registered on the relevant category of registration within the South African Council for the Architectural Profession. These titles are reserved and protected for persons with the education, experience and training needed for registration in the architectural profession. Authorized titles are aligned with the registration category as well as education, experience and training. Only persons who have met the above requirements are entitled to use the protected titles. The purpose of section 21 is to give some basic quality assurance to a consumer that anyone who uses protected titles has met all the competence requirements and has necessary skills to undertake architectural work. This contributes to the general quality of the built environment.

### 2. Willful misrepresentation

Registered professionals often do not promote their professional services in a truthful and responsible manner. Often registered professionals promote themselves to consumers as registered Professional Architects when they are not. This is a serious risk because registered professionals may be appointed by consumers to undertake work, for which they are not competent or skilled to perform.

It is important to understand that a registration category is aligned to qualifications, competencies and experience. So, if a registered professional promotes himself or herself as Professional Architect when he or she is not registered in that category, this conduct amounts to willful misrepresentation. Misrepresentation is a serious offence, particularly when a consumer appointed a registered professional on the basis that he or she is a Professional Architect when in fact, he or she is a Professional Architectural Technologist or draughtsperson. Often consumers complain to SACAP that a registered professional misrepresented his or her title. Registered professionals should always be upfront with consumers about their registration category and the authorized title.

SACAP recognizes the toil of each and every registered professional, in order to be entitled to use the authorized titles. Accordingly, a person who uses a title that he or she has not earned, commits fraudulent misrepresentation. This is very critical for registered professionals to understand, particularly if we are to protect the reputation of the profession and promote high standards. The Investigating Committee of SACAP is flooded with complaints about misuse of authorized titles by registered professionals and unregistered persons alike. SACAP intends to raise awareness to the public and the architectural profession about the authorized titles and categories of registration.

### 3. Unregistered persons

SACAP has noted with concern proliferation of persons on Facebook, LinkedIn and various social media platforms who promote architectural services without being registered in any of the categories of registration. In particular, these persons promote themselves as registered persons, advertise architectural work, and use authorized titles when they are not registered. These persons have no education or training in architecture; thus, their conduct places consumers at risk and their work will certainly compromise the quality of the built environment. Section 26 (3) of the Architectural Profession Act stipulates that a person may not represent or promote himself or herself as a registered person to the public without being registered with SACAP. Furthermore, such person may not use authorized titles. This section prohibits misrepresentation by any person who is not registered with SACAP.

Although SACAP has a memorandum of understanding with the South African police services to report all these fraudulent activities, we have not seen significant progress in these cases. In addition, we have written to Facebook and LinkedIn management to raise concerns about persons who are misleading unsuspecting members of the public and bringing the name of the architectural profession into disrepute. SACAP, the public and all recognized Voluntary Association must work together to combat these fraudulent activities and protect the architectural profession.

Furthermore, we have seen an increase in the number of persons who fraudulently use registration numbers of other professionals. SACAP is concerned that this conduct is impacting negatively on the integrity of the architectural profession. We encourage all registered professionals to report any fraudulent use of their registration numbers to submit drawings to the Local Authority to the enforcement authorities. SACAP is partnering with the City of Johannesburg to combat fraudulent use of registration numbers. The City of Johannesburg online submission system will be linked with the SACAP register to verify registration in real time before applications can be assessed. We intend to engage the City of Cape Town as well. In addition, SACAP is introducing a privy seal, a mechanism which allows members of the public to verify registration on a real time basis. We hope that these mechanisms will help combat fraudulent use of registration numbers.

### 4. Conclusion

While the core mandate of SACAP is to protect the public by creating standards, which registered persons must comply to and to maintain the integrity and the enhancement of the status of the architectural profession. The protection of titles and categories of registration is equally critical to maintain the integrity and professionalism of the profession. Registered professionals invest money and years of study to be able to legally use these titles, therefore, it is imperative that they are protected from unregistered persons. SACAP, Voluntary Associations and the public should collectively work together to protect these titles. In addition, a concerted effort is required from the entire architectural profession to fight the scourge of unregistered persons who bring the name of the profession into disrepute daily. It cannot be a free for all.

Lastly, fraudulently used registration numbers are equally damaging to the integrity of the profession, because it is persons who have no training whatsoever in architecture who commit these crimes. A concerted effort is required from all stakeholders to combat these illegal activities.



# NEW NORMAL TO ARCHITECTURAL PROFESSION

*A complete relook into design standards and principles will have to be developed to accommodate the new expected normal. From the recent trends experienced social distancing in design has already become the norm in design especially in space planning of public and commercial projects.*

The trend of Work from Home in the commercial world has already taken off and less office space in the future will be required in the commercial hubs of the country. The relook of inner city/commercial hubs vacant/unoccupied office space will be ideal for residential rezoning.

Design team collaboration will have to be through virtual methods with CAD BIM software as the main interaction method between team leaders and consultants. The method of project presentations will have to be based on PowerPoint type or other readily available presentation software. The only negative aspect of the electronic medium will be the smaller and lower SACAP registered categories i.e. draughtspersons that do not have access to the electronic medium, nor do they always have the necessary funds or experience to do so.

Architectural students will have to be exposed to all new social norms in design with the required technological backup. Subject to the duration of the pandemic and such time a vaccine has successfully been developed and all be vaccinated as during the polio pandemic, distance learning will have to be the alternate method through webinars and virtual presentations workshops.

## Architectural professionals play critical role in curbing the pandemic in terms of:

- Social distancing measures on sites
- Projects Managers to reduce/limit the number of disciplines/contractors on construction sites at any one-time during construction and apply staggered time slots
- Tools and strategies to navigate the current global crisis as architecture embraces the new normal
- Educating the built environment professionals on the finer detail of design to accommodate social distancing in accordance with the expected new normal
- Built environment students/practitioners to be exposed to the latest technology and will have to remain abreast of new innovations.

## Architecture in post covid-19 world

Due to the severe impact of the lockdown, it is doubted that the built environment practitioners who have not survived this drastic onslaught will return to the profession when all returns to a new normality. This will possibly be a repeat of the late 70's recession which nearly brought the small one-man architectural practices to a total demise.

From experience it took some 20 to 25 years for the confidence in the architectural profession to return. Only the larger and consortium/alliance practices at the time survived through government projects. A new breed of professionals with expanded specially honed skills will be required to serve the profession in the new normal.

**Linke Ströhmenger**  
SAIAT President and Director



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## ONLINE LEARNING IN THE TIME OF COVID-19 IMPACT ON ARCHITECTURAL STUDENTS



To fight the spread of coronavirus and maintain social-distancing, schools across the country have temporarily closed and quickly transitioned from on-campus, face-to-face learning to online learning. For every student in architectural education throughout the country, the last few months have been confusing, frustrating, stressful and unpredictable.

SACAP reached out to some students to find out how they are coping and found that irrespective of which part of the programme they are studying, students studying architecture are worried about completing their work. They are concerned about how they will be taught and assessed, whether the usual deadlines will apply, and the effect this will have on their studies and employment.

*"We're all reacting in different ways to this crisis. Being confined to our homes more than is usual, and losing physical touch with our friends, lectures and University surrounding is a considerable challenge and adapting is hard," shared a student. - Alexander Mbedzi*

At the beginning of the process to reintroduce the students to lectures and varsity work from home students were given 2 pathways that they could follow to proceed with the year, in simple terms:

**Pathway 1** (designed for those who have access to internet and resources) is where students continue with daily lectures and assignments through online methods such as Microsoft video meetings and online submission of assignments

**Pathway 2** (for those who do not have access to internet or resources) will receive intensive tutoring when then varsity reopens.

Currently 97-100% of our department's students are on Pathway 1 and it has been going well with the major issues being technical issues that the department has responded to as quickly as possible.

Some of the core issues that have been solved is the internet availability, as the varsity has supplied a certain amount of data for

students to proceed with lectures and submissions. Students could apply for a laptop from the varsity. We have also been given access to Adobe Creative cloud software student licenses to continue our work without having to pay for the expensive programs.

*Therefore, as the general concerns have been solved by the varsity, daily concerns such as internet connection and laptop issues are extremely dependent on the individual students and their situations at the time and therefore must be solved as they arise. Regarding this I do not have any more suggestions as to what should happen in the coming months as classes have become well situated in the digital learning methods and it is still early for any more concerns to arise." - 4<sup>th</sup> year student Zara Poorun Nelson Mandela University (NMU)*

The University is providing laptops for students (but they are not very useful for Architecture students). Some students say they are finding it quite difficult to work from home due to distractions. Many of the amenities in the Architecture departments are not available at home.

Its indeed unprecedented times and SACAP wishes to encourage architectural students to keep in mind that the profession of architecture will still be there when this pandemic ends. There will be economic challenges ahead, but the best practices will always want to recruit the best talent, so nothing has changed. What you do now in your online school will affect your opportunities, put your hand up and ask for help.

*We are in this together!*  
*- Katlego Nkgomo University of the Free State*

## IDENTIFICATION OF WORK

The Architectural Profession Act came into effect in 2000 replacing the Architects Act of 1970. Under section 26 of the Architectural Profession Act of 2000, the Council is enjoined to consult with stakeholders regarding the identification of the type of architectural work which may be performed by registered persons. After consultations, the Council is mandated to submit recommendations to the Council for the Built Environment (CBE) regarding the Identification of Work (IDOW).

In terms of section 20 of the CBE Act, after receipt of the recommendations from the Council, the CBE is enjoined to determine policy with regard to the identification of work for the different categories of registered persons and consult with stakeholders. After consultation with the Competition Commission, and in consultation with the Council, the CBE is mandated to identify the scope of work for every category of registered persons.

The commencement date of section 26 of the Architectural Profession Act was set for 1 July 2005. Previous Councils did prepare IDOW, however, an acceptable IDOW was never finalised. Therefore, from 1 July 2005 to date, the architectural profession does not have an approved IDOW. Thus, the 5th term Council prioritised the IDOW.

Since 2018, the Council has consulted extensively with stakeholders and the consultation culminated in a draft IDOW. Many registered persons raised myriad of concerns about the IDOW, most of the concerns are that the IDOW is exclusionary and that many registered persons who are not registered as Professional Architects will lose all their work due to the IDOW.

The Council's response is that no registered person who is competent and experienced will be excluded to perform work for his or her clients as the IDOW already addressed the concerns raised by the registered persons, as well as those raised by the Competition Commission, in that this IDOW is inclusive and allows for mobility through the various categories of registration as well as work or project types.

The Council has put mechanisms such as Recognition of Prior Learning and Special Consent in place to ensure that registered persons who are experienced and competent continue to perform work for their clients.

It must be noted that South Africa is leading the way of registering individuals in various categories professionally and for providing a framework which allows for mobility.

On 4 October 2019, the CBE identified the scope of work for every category of registered persons for the architectural profession. The scope of work was published under gazette number 42739. The scope of work identified by the CBE is high level. Accordingly, the CBE Scope of Work must be read in conjunction with the IDOW which will be published by SACAP.

Furthermore, Council met with the Competition Commission to discuss the IDOW. At the meeting, it was agreed that Council will make written submissions regarding the IDOW. We submitted written submissions on the IDOW in February 2020. The Competition Commission is yet to communicate their reaction to SACAP.

In so far as regulatory compliance is concerned, SACAP and the CBE have complied with the statutory provisions. The Council is preparing to launch the IDOW after 15 years of noncompliance with section 26 of the Architectural Profession Act.

**By Vusi Phailane and Kevin Govender**





# COVID-19: GOOD ARCHITECTURE IS A HUMAN RIGHT

*Social architecture is the conscious design of an environment that encourages a desired range of social behaviours leading towards some goal or set of goals.*

By Kay-Lee Cupido

January 1918 signalled the start of one of the deadliest pandemics in human history, the Spanish Flu. Towards the end of 1920, one third of the world's population was infected and an estimated 50 million deaths were recorded.

This deadly virus was spread by World War I soldiers' movements between various army camps. The infections and spread of the virus intensified, as infected soldiers were treated and quarantined in close proximity, in hospital tents devoid of natural ventilation and sunlight. Once infected soldiers showed signs of improved health they returned to duty, spreading the virus.

In South Africa the virus spread via rail. Soldiers discharged from duty travelled home across the length and breadth of South Africa. Unfortunately, no precautionary measures to stop the spread of the virus were taken at railway stations.

In the Cape Peninsula the need for healthy living became evident in the crowded living conditions in the Malay Area and the Coloured living areas of Woodstock, Salt River and Observatory. This led to one of the few major positive results of the Spanish Flu.

Influential Capetonians were at that time convinced that the overcrowded living conditions, where a prime factor in the spread of the virus. This prompted the City Council to take action. On 31 October 1918 the Council agreed to rapidly build houses for City employees with better living conditions.

The town of Bloemfontein also jumped into action. After the completion of an extensive survey, it was identified that housing the poor was the most pressing need. The town tried to abolish slums by buying up the buildings in these areas and turn it into more humane living conditions.

## Present Day, 7 April 2020

Day 12 of South Africa's Nationwide Lockdown, to assist in "flattening the curve" of the Covid-19 pandemic. Social distancing, self-isolation and good hygiene has become the new normal to curb the spread of this pandemic. But is this possible for all South Africans?

The apartheid era's Groups Areas Act, left us with an overwhelming mission to re-dress. Instead of re-visiting our past and the mistakes made, how will we improve on it during a pandemic and in the future?

According to ISMAPS, in Cape Town alone, there are +/- 146,000 households in 437 informal settlement pockets. These settlements consist of informal structures erected in such close proximity to each other, that the words "**social distancing**" and "**self-isolation**" are just that, words. It is almost impossible for residents to conform to the regulations of the Disaster Management Act. Informal Settlements are vast labyrinths, where the distance between shelters are at times less than a metre wide. This is less than the required minimum social distance required to be safe. The high density this creates in these areas, will allow for the rapid spread of any disease.

Natural ventilation and sunlight is minimal in most of these informal structures. The numbers of residents grows annually, as people migrate to cities in search of better or any job opportunities. Quite a vast number of families also migrate to the Western Cape in particular for better educational opportunities. When a map of the food resources of the Southern African Development Community (SADC) countries is studied, it clearly indicates that most of the food sources are located in South Africa. Therefore, there has been a huge migration from the neighbouring SADC countries in terms of food security and better job opportunities. This has contributed to the exponential growth of informal settlements and the need for low cost housing.

How do we equip Informal Settlements, new or even those dating back 30 years, to cope with any pandemic? There is no easy, right or wrong answer to this question.

Basic services such as clean water ("wash your hands & sanitize") is a scarce commodity, which leaves these vulnerable communities at even greater risk. Running water is a luxury in these conditions and often taps are shared between large communities of people. The simple acts of washing your hands, is not achievable to all, as water is transported in containers to households for use.

In 1994 the South African government implemented the Reconstruction and Development Programme (RDP) Housing Programme to address the socio-economic ills of our past. This housing programme rolled out quick and fast across the country. Today there are many cases of RDP houses showing poor workmanship and inferior building quality.

RDP houses as small as 45sqm (one bedroom) are, to date, housing large families. This makes self-isolation and social distancing very difficult during any disaster. The RDP model also makes no

allowance for open aired, or any other recreational or public open spaces. These open spaces are not only vital for social interaction, but during critical times like these, could be used to erect temporary quarantine sites for residents needing to self-isolate.

Since 1994 many RDP houses have been built, but South Africa is still facing a huge housing backlog with poor living conditions.

Families grow and their need for space increase over time. Hence the boom of informal back yard dwellings. For most people this comes in the form of formal structure namely a granny flat. However, this is not the case for some families. Some families living in RDP houses due to lack of financial resources, revert to informal structures such as corrugated iron and wooden shacks and, or Wendy houses. In the end, 2 to 3 generations can live on a small 75sqm serviced site, which is the allowed minimum size of any serviced site. Again, under these living conditions, adhering to the National Disaster Act becomes very difficult.

These living conditions, although less dense than an informal settlement, still does not allow any form of social distancing, nor does it allow for self-isolation, if and when a family member falls ill. To improve on the RDP housing system, the Department of Human Settlements & Sanitation launched the Breaking New Ground (BNG) housing system. BNG housing is aimed at providing housing opportunities to households with an income of less than R3 500 per month.

*Humanitarian Architecture is architecture that seeks to improve humanitarian issues such as disaster relief, disease and poverty.*

This improved system is currently being implemented and brings families from unsafe Informal Settlements to dignified homes. With the help of accredited Built Environment professionals such as professional registered Architect professionals, Town and Urban Planners, the BNG housing model can be used to create more human and sustainable living environments.

The COVID-19 pandemic could be a huge turning point for architectural and urban design professions. That said prior to the pandemic, some Architectural and Built Environment professionals were already heading the call to design better living spaces, leading to better communities. The current pandemic should therefore urge all Built Environment professionals to adjust their idea of good architecture and urban design.

The connection between architecture and health is evident. Social Architecture and Humanitarian Architecture should be at the forefront, when designing new low-income housing developments and upgrading existing informal settlements.

Designing future housing developments should adhere to principles that will allow large scale developments to be "locked down" into smaller, secure communities. These smaller communities should have access to open spaces centrally accessible to the community but be able to isolate itself in the event of a future disaster or pandemic.

An open central space in the smaller communities, will allow this area to form a base if a temporary quarantine facility needs to be erected.

The need for food increases dramatically during any disaster. These communal spaces should be flexible to allow residents the opportunity to establish food gardens to sustain themselves. Housing units for families should be of good quality workmanship, be it freestanding homes or apartments. Adequate ventilation, sunlight and insulation is key.

In any third world countries, public transport is key. What allowances should be made to re-think the planning of this essential service, inclusive of the informal trade industry that flows from these transport hubs? Should we as the built environment profession, now more than ever, work hand in hand with government regulators and give thought to the legislative by-laws?

There is much thought to be given to create safe transient spaces while waiting for public transport. A lesson to be learnt from the Spanish Flu; as mentioned earlier, how do we control the spread of a pandemic, when even today we have no safety measures on our trains stations and other public transport hubs.

Educating our future architects at all accredited learning sites should also be key. Students must be exposed to the knowledge to enable them to address the all-important fundamental needs of shelter, warmth, access to clean water and food. Humanitarian Architecture and Social Architecture should be explored more to enable our future architects to be more prepared to for pandemics and disasters.

In the coming months, would it be helpful for South Africa to study the social model developed over the years by Sweden?

In 1918 Östersund, a remote city in Sweden, was hit hard by the Spanish Flu. When a medical team moved through the city, they

found families crowded into small shacks, a stone through away from the City's well-built municipal buildings. The City leaders sprang into action and had a school converted into a medical facility, as the town had none. This might not be options available for South Africa at the moment, but the swift actions taken, led to a social model implements across Sweden, that are well known and praised for.

One hundred years later, Östersund is once again growing rapidly. Housing is a priority and new developments are spacious, well-ordered and equipped with schools and playgrounds.

**“There's nothing that shows confidence like building stuff,” as quoted by AnnSofie Andersson councillor of Ostersund.**

**Resources**  
 JZE Architects  
 Cocoon Network  
 ISMAPS  
 Wikipedia  
 Arch Daily  
 Open Architecture (formerly known as Architecture for Humanity)  
 Department of Human Settlements & Sanitation  
 The Conversation web

**News articles & thesis's**  
 1. The Open-Air Treatment of PANDEMIC INFLUENZA  
 2. Spatial Influence of Apartheid and the South African City  
 3. 'Black October': The impact of the Spanish Influenza Epidemic of 1918 on South Africa  
 4. How Spanish flu helped create Sweden's modern welfare state

**Edits**  
 Principal – Tamboerskloof Primary



Photo taken prior to lockdown

# SACAP EKURHULENI MUNICIPAL WORKSHOPS A SUCCESS

On 13 March 2020, the South African Council for the Architectural Profession (SACAP) had a successful workshop with registered persons, unregistered persons, Building Control Officers (BCO), representatives from the local authority offices in Ekurhuleni and some members of the public.

This was the first outreach programme of the year 2020, as SACAP has been embarking on regional Municipal Workshops across provinces, where it is engaging the public, local authorities and registered persons on the issues affecting the architectural profession, including registration, professionalization of Building Inspectors, Continuing Professional Development (CPD) and the Code of Conduct.

The attendees of the workshop received information, clarity, and responses to their questions and concerns on registration of Building Control Officers (BCO) presented by Mr Creswell Basson followed by presentations from Ms. Thulile Maphanga from the registrations department and Ms. Kgaogelo Mashile from the Legal and Compliance department. Some of the matters raised included the issue of persons submitting building plans without being registered with SACAP. These workshops will assist SACAP to understand issues and concerns from its stakeholders, to enable SACAP to come up with strategies to deal with the concerns.

The registration of BCOs is ongoing. Through this process, all BCO will be subject to the standards in the profession. This process will enhance the status of BCOs and promote ethical standards.

With the hope that this coronavirus pandemic comes to pass soon enough to allow a normal flow of life in the world again, more Regional Municipal Workshops will be rolled out to other provinces throughout the year, as part of the continued stakeholder engagement activities to educate registered persons, BCOs and the public about architectural profession and the role of SACAP.

**More information regarding the upcoming SACAP Regional Municipalities Workshops will be communicated on the relevant platforms.**



Photo taken prior to lockdown

## SACAP STAND AGAINST GENDER-BASED VIOLENCE (GBV)

IF YOU NEED HELP TO DEAL WITH GBV CONTACT:

- Emergency number:** 0800 428 428
- USSD number:** \*120\*7867#
- Skype:** "HelpmeGBV"
- SMS number:** "Help" to 31531
- Website:** [www.gbv.org.za](http://www.gbv.org.za)





# THE SIGNIFICANCE OF WRITTEN TERMS OF APPOINTMENT

## (RULE 4.1 OF THE CODE OF PROFESSIONAL CONDUCT)

We have observed with concern that more often registered architectural professionals undertake to perform architectural work for clients, without setting out the terms of appointment in writing. In most cases the reasons given for this deficiency is that a project is too small or a project is for a family friend or a long-time friend. Over the years, we have noted that most of these projects where parties enter into verbal terms of appointment do not end well. Ultimately, a client lodges a complaint of improper conduct with South African Council for the Architectural Profession (SACAP) against a registered architectural professional. Regardless of the magnitude or scale of the project or whether the project is for a family friend or a long-time friend, we implore all registered architectural professionals to ensure that before agreeing to work with a client, the terms of appointment must be in writing. The written terms of appointment ensure that both the registered architectural professional and a client know what their obligations and responsibilities are from the onset. Everyone is clear from the commencement of the project. This is the reason why compliance with rule 4.1 of the Code of Professional Conduct is compulsory.

### Rule 4.1 of the SACAP Code of Professional Conduct provides as follows:

A registered person shall only:

- 4.1 undertake to perform architectural work where the registered person has clearly set out in writing the terms of the appointment, which must inter alia include the following:
  - 4.1.1 the scope of the work;
  - 4.1.2 the services to be provided;
  - 4.1.3 the allocation and limitation of responsibilities;



- 4.1.4 fee payable for the work or services, the method of calculating it (if appropriate) and the stage(s) at which it will be payable;
- 4.1.5 the budget (if applicable) or other cost limit for the project, work or service, and the method and implication of estimating costs;
- 4.1.6 provisions for termination of the agreement;
- 4.1.7 details of the professional indemnity insurance; and
- 4.1.8 provision for dispute resolution

Rule 4.1 directs that a registered architectural person, cannot commit to perform architectural work for a client, until terms of appointment have been reduced to writing. The phrase “must inter alia include” means that the written terms of appointment must include at least the eight aspects set out therein, but could include more. The first step toward a successful completion of the project is to ensure that terms of appointment are in writing and have been agreed upon by the parties. Furthermore, it is important to note that if there are variations to the written terms of appointment, the variations should be recorded in writing as well. This is the main objective of Rule 4.1.

Many registered architectural professionals do not put the terms of appointment in writing, most of the terms of appointment are verbal. Verbal terms of appointment are prohibited by Rule 4.1 of the Code of Professional Conduct. The risk of a verbal terms of appointment is that parties can have different understanding the terms and conditions, but by putting everything in writing, the parties are able review whether they have the same understanding on the terms of appointment and if there are areas of disagreement that parties can renegotiate before committing to a project. Consumers invest significant amount of money in these

projects and registered architectural professionals bring their skills and competencies, therefore written terms of appointment bring certainty on the terms on conditions and the responsibility for each party for a successful project.

It is our honest opinion that registered architectural professionals are simply not making the best use of the written terms of appointment and trust us when we say, time spent now on putting together proper terms of appointment in writing, is a problem avoided in the future. The majority of complaints received by SACAP each year are centred around noncompliance with Rule 4.1. The written terms of appointment certainly serve as a protection. The challenge is that most registered architectural professionals can be too trusting at times and this can expose them to a serious financial loss and unnecessary disputes.

Properly prepared terms of appointment between the architectural professional and client will clearly communicate the project's terms and conditions, determine the responsibilities of each party, and set expectations for schedule and payment for the services. The most successful architectural projects are those where open lines of communication are established, and trust and respect are mutually granted. This can be achieved with properly written terms of appointment.

It is important that reasonable timelines are set for the project. Thus, professional work should be performed without undue delay and, within the agreed timelines and as far as it is reasonably practicable, in accordance with any time-scale and cost limits. It is important that the clients are kept informed about the progress of the project and of any issue which may significantly affect its quality or cost and timelines. The projects are regularly monitored and reviewed. Again, this can be easily attained where terms of appointment are in writing. A defaulting party can be easily put to terms and a dispute can be easily resolved by referring to the written terms of appointment.

*By Adv Toto Fiduli*



## MAY – JUNE 2020 REPORT: THE AFFECTS OF COVID-19 ON THE ARCHITECTURAL LEARNING SITES

The news of the corona virus pandemic changed the world as we know it. The national lockdown proved how important the work of the architectural profession is, as families were now confined to their living spaces.

With the already existing challenge of needing to finish a ‘jam-packed’ curriculum and the shortages of essential resources at the Architectural Learning Sites (ALSs), the news of the national lockdown, announced on the 23rd March 2020 by the South African President Mr Cyril Ramaphosa, presented an even greater obstacle for the Heads of Schools across the ALSs’.

The ALSs’ had to suspend all formal academic teaching and learning from around mid-March until the 01st June 2020. The ALSs’ needed to come up with a system of online teaching. The socio-economic situation of most students makes distant teaching and learning difficult as many students are not privileged to have access to laptops and wifi, the ALSs’ have needed to come up with a strategy of ensuring that they provided equal opportunity to complete the academic year.

However, the ALSs’ are committed to ensuring a credible education experience and live lectures are being recorded and made available for the students. SACAP will support the Heads of schools and students as best as possible.

*By Kimberly Rowen*



# HOW TO COPE WITH FINANCIAL STRESS

**C**OVID-19 in South Africa strikes at a time when the economy was already in recession, making the challenges more than just an impact on our physical and mental health, but also a significant impact financially. While we cannot ignore, the vast inequalities in South African, this epidemic has put the spotlight on the depth of poverty and households relying on a single income. Stress and anxiety faced by business and individuals are unavoidable – so how can we cope?

Firstly, it's not a time to panic, but it is time to be realistic and practical. If you are out of money and have no job, lost a job but have cash on hand, or have been working on a pay cut, the best thing to do is cut all non-essential expenses immediately. Call those you owe money and request a payment plan. Banks in South Africa have come out offering all types of assistance from payment breaks, available insurance and reduction of premiums amongst other initiatives.

The Department of Labour has reported payment to 862,550 workers more than R3 billion since April 16, 2020, through the

Covid-19 Temporary Employee Relief Scheme. Everyone will be looking for jobs. It is time to prepare to compete for jobs as everyone is out there actively looking for work – find what sets you apart and put it out there. It is undoubtedly time to tap into your own skill sets. If you are still fortunate to have a job, now is the time to carefully assess your financial health and reach out to your financial advisor to relook your savings and investments – evaluate and limit your exposure. It's also an excellent time to extend a helping hand and take advantage of the tax rebate this will afford you.

## What can individuals faced with unemployment do at this stage?

The recommendation is that you file an unemployment claim with the Department of Labour if you have not already done so. There are several relief initiatives in place from private organisations, and the government. Now is the time to investigate your options and apply for assistance as needed. Seek help by all means and refuse pride to get in your way, these are unprecedented times and we all need to get by.


## What should business owners do to receive assistance?


Business owners can apply for relief from the UIF Department of Labour's fund. Additionally, many loans have been made available by the government and private companies, including payment breaks. Some of the COVID-19 interventions measures include SMME Relief Finance Schemes, Business Growth and Resilience Facility, Restructuring of SEFA-funded loans and Informal Sector address.


Make contact with the Department of Labour, Department of Small Business and other organisations offering support for guidance and other programs for which your business might be eligible to participate.

Additionally, if your business can show that it is unable to make payments during this time as a result of the COVID-19, you can apply to The South African Revenue Service to defer tax payments without incurring penalties.

Lastly, now is the best time to take care of our mental and physical health it is, even more, a time for those who can, to demonstrate an abundance of empathy. Every one of us can show an act of kindness in the true spirit of UBUNTU. It is also a time to be hopeful, as we will emerge stronger from this crisis.

 **For financial help individual please contact:** <https://uifecc.labour.gov.za/covid19/>

 **For business assistance contact:** [treasury.gov.za](https://treasury.gov.za), [resbank.co.za](https://resbank.co.za), Banking Association SA and <https://uifecc.labour.gov.za/covid19/>

 **For Health and Wellness contact:** <https://sacoronavirus.co.za/category/lockdown-fitness-tutorials/>



# SACAP AND THE VA IID – A NEW DAWN

*In these stressful times, while architectural professionals and interior designers alike are struggling, I'd like to share some good news: The African Institute of the Interior Design Professions (IID) is working with SACAP to give full legal recognition for the professions of interior design and interior architecture. This means that our professions and our titles will be protected by the statutes of SACAP.*

Under SACAP's directive, the IID has set up working groups to refine the designations according to SAQA-recognized qualifications, devise a new interiors PPE exam, and develop a stringent RPL process. The tertiary institutions offering interior design degrees will need to be accredited through SACAP as well.

As I have mentioned in a previous article, well-designed interiors cannot be separated from the architecture in which they reside. Now that the world has ground to a sudden halt and we are all confined inside our homes, the importance of should be obvious to everyone, and not only fellow design professionals. Let us all learn from this unprecedented crisis and, once the lockdown lifts, work together to address basic human rights issues such as overcrowding and safety.

The post-Covid reality means we cannot ignore the physical and psychologically impacts of social distancing and sanitation when we design buildings as well as their interiors.

Together, let's talk to the end users, listen to the community, consult the elders/teachers/welfare workers/front line medical staff, always remembering that health and well-being comprise both mental and physical health ... in short, we must understand the needs of the end user rather than foist a cookie-cutter infrastructure solution as a forgone conclusion. SACAP has a huge role to play here and we are willing partners.

My hope is that we can convene a multi-disciplinary task force of architectural professionals, engineers, landscape architects and interior designers/architects to tackle these problems together, as today's challenges are too complex for one profession alone. Architectural Professionals and interior designers/interior architects already design spaces that are conducive to healthy living for our clients; now let us do the same for all South African citizens. The IID believes that living in safe, humane conditions is a basic right under our Constitution, not a luxury.

We are excited to join the SACAP family and, together, make a meaningful contribution to the built environment!

**Prof Des Laubscher**  
Chair of the Board IID



# “HOW WILL THE PANDEMIC CHANGE ARCHITECTURAL EDUCATION?”

By Adheema Davis

**Disclaimer:** My article is not intended to provide hard resolutions, but rather to shift our perspectives toward the meaningful and magical possibilities of accessible, decolonised, and reflexive architectural education.

To ask, “How will this pandemic change architectural education?” requires a pause, as it positions architectural education as another victim of the capitalist machine brought to a grinding halt by this global pandemic. It has, for some time now, required redress but at a halt we are afforded the chance to wholly reconstruct - in truth, architectural education will change, because the way in which we think about architecture must change.

Our government’s call for a nationwide lockdown as a necessary measure to reduce the impact of Covid-19, was an implementation in the best interest of our public health and safety. In post-Apartheid South Africa, our population is still largely divided along socio-spatial lines, exposing the majority of our most vulnerable as Black (across the segregationist lines of Asian, Indian, Coloured,

and Black), impoverished, city-dwellers. Indicating that racism too is a public health and safety concern, in South Africa and societies across the world.

*“Architects, as imaginers of what is possible, are powerfully placed to deconstruct the physical, psychological and symbolic walls of social relations, building the kind of South Africa we all want to, and can, live in.” - Pierre Brouard.*

In recent days after the deaths of George Floyd in the United States; of Collins Khosa, Petrus Miggels, Elma Robyn Montsumi and numerous others on homeground, we see how complex and compounded socio-spatial inequalities are, and the responsibility that exists within each of us to stand for intersectional justice. The simultaneous global demands for equitable access to public healthcare as a basic human right; an end to brutality at the hands of the police and armed forces; as well as the removal of remnants of racism from our cities, as monuments to King Leopold II, Cecil John Rhodes, Paul Rizzo and others fall to the feet of this generation tired of bearing the weight of oppression recalling #feesmustfall and #decoloniseeducation movements - indicate that the revolution is for absolute systemic transformation.

*“Our strategy should be not only to confront empire, but to lay siege to it. To deprive it of oxygen. To shame it. To mock it. With our art, our music, our literature, our stubbornness, our joy, our brilliance, our sheer relentlessness, and our ability to tell our own stories. Stories that are different from the ones we’re being brainwashed to believe.” - Arundhati Roy*

Brouard’s almost magical\* thinking positions architects within this revolution, signifying that the possible change to architectural education as result of this pandemic must go beyond physically distanced learning, to an interrogation of access, content, and pedagogy. I implore architectural learning sites, educators, and learners to reflect on this, and to work toward an architectural education that is a just service to common dignity for our country and its people.

Like any disease, architectural education has shown its symptoms - our preoccupation with productivity and continued churning of commodity architecture has exhausted studio culture, limiting the possibilities of reflexivity between learners and educators, reducing the speculative nature of the architectural project to the immediacy of BIM, and rendering architecture as ill-fitting and ill-produced form as opposed to equitable engagements with the oft-forgotten spaces and occupants of our cities. While I caution against the ease of superficiality that technology can bring, I am not blind to the enrichment that it can provide, generating forms only previously imagined, and connecting us across space and time - indicating that access to the internet and technology too is a basic human right. It must be remembered as a tool that assists a reflexive learning

space, and not one that replaces it. My request is simply to use this time to reflect and grow, together, meaningfully.

What if architectural education reflected stories across the socio-spatial spectrum of our South Africa, revising our history in present time, learning equally from learners and educators of the protected, erased, and forgotten heritage of all of our people - celebrating and expressing the wonder of our differences through architecture in form and thought. In order to heal and restore from this pandemic, we must turn inward and address the realities of racism within, it is, after all, in the best interest of our public health and safety.



Kimberlé Crenshaw introduced the theory of intersectionality, the idea that when it comes to thinking about how inequalities persist, categories like gender, race, and class are best understood as overlapping and mutually constitutive rather than isolated and distinct. (Accessed online: 9 June 2020 <https://www.merriam-webster.com/dictionary/intersectionality>).

*\*“You have knowledge of things that your teachers don’t - you know things that you need to learn to explain, albeit only to yourself. This knowledge is something quite exceptional, even magical.”*

**Magical knowledge as defined by Gaarith Williams in his Open letter to Students of Colour in Architecture SA January/February 2019.**





## THE ARCHITECTURAL PROFESSION IS EXPERIENCING DEVASTATING FINANCIAL DISTRESS AS A RESULT OF THE ECONOMIC DOWNTURN AND THE COVID-19 PANDEMIC

South Africa, like many parts of the world, is experiencing an economic catastrophe primarily as a result of the COVID-19 pandemic. It is crucial to understand and comprehend that architecture is a critical sector in driving and influencing economic activity globally and on the South African economy. The Architectural Profession is a fundamental part of a more significant system in the process of economic development and undoubtedly, social change.

Since the world is reeling under a global crisis caused by the COVID-19 pandemic, The South African Council for the Architectural Profession (SACAP) recently undertook a study conducted by Leading Edge Research looking into the severity of this pandemic in the profession.

A total of 1817\* Architectural practises took part in the survey of which 38% of these practices said they had not had any work during the lockdown, and a further 35% said the work has only been sufficient to cover costs for one month, while Micro and Small practices reported having the least work.

SACAP remains positive and anticipates a total recovery of the economy post the pandemic but cannot ignore the fact that the majority of these practises will not be able to reopen for employees

to return to their jobs after the lockdown regulations are fully lifted. The architectural profession currently sits with 20% of practices having had to lay off staff with a further 35% planning to retrench staff in the next 3 months.

“While we cannot foresee the future, we must aim to create solutions based on the current situation and our first responses,” said Advocate Toto Fiduli, Registrar of SACAP. “Our research further tells us that up to 28% of practices have closed or could close down because of the lockdown. SACAP and Voluntary Associations should combine its knowledge to fight against the coronavirus by creating innovative solutions that stick around for a while.”

Despite the availability of government relief funds, many are battling to access the resources and expressed concern about the process of obtaining these funds.

“This is undoubtedly the most crucial test for the architectural profession; if one practise fails, then we all fail,” concluded Fiduli

\*2 600 staff are employed by the 1817 practices interviewed. These practices have retrenched 908 or 7% of staff employed.

## MAINTAINING GOOD HEALTH WHILE WORKING FROM HOME



The coronavirus pandemic has hit our economy and the architectural profession is one of the sectors that has taken a knock. Some architectural practices have shut down and many more forced to reduce staff, in an attempt to reduce fixed costs and maintain a stable income.

Technology and the ever-emerging modern trends make it easier to run a company from anywhere and for employees to work from home. The old stigmas about businesses run from a garage, spare bedroom, or studio has become a thing of the past. There is likely to be an increase in the number of Home-based entrepreneurs as time goes by.

The coronavirus (COVID-19) is presenting new and unique challenges. We are navigating uncharted waters with this virus, making it essential to find new ways to work and interact while also taking care of our mental health and well-being.

Below we have collated a few tips on how to take care of yourself during this time. Importantly, you must be deliberate in enforcing some if not all of these tips:

- 1. WAKE UP EARLY** – meditate, clear your mind and plan your day.
- 2. WORK THE REQUIRED HOURS AND TAKE BREAKS** – set boundaries and monitor your time. Working from home should not mean overworking yourself.
- 3.** When you are struggling to **STRIKE A BALANCE** get in touch with your line manager and HR to ease the burden and work on a productive schedule.
- 4. ADHERE TO AGREED DEADLINES** – don't be afraid to push back better to manage your load and your organisation's expectations of you.
- 5. EXERCISE** – walk around your home – enjoy some of this online exercise. <https://sacoronavirus.co.za/category/lockdown-fitness-tutorials/>
- 6. GO OUTSIDE** – it so easy to be absorbed in your work and not go out for at least 20minutes. Vitamin D is vital.
- 7. CONSUME NEWS WISELY** – news sites can easily cause anxiety and panic -monitor your intake.
- 8. ONLINE COURSES** – Many South African Universities offer free online courses. Sign up for that course you've always been keen on doing.
- 9. PERSONAL HYGIENE** – don't fall into the trap of not bathing, brushing your teeth and even staying in your pyjamas for days on end.
- 10. GET ENOUGH SLEEP**
- 11. EAT** – eat healthy meals and take lots of liquids like water, water with honey and ginger to boost your immune system.
- 12. CHECK ON FAMILY AND FRIENDS** – make the call and check in on your loved ones.
- 13. PARTICIPATE IN YOUR CHILDREN AND SPOUSES' LIVES** – play games, read books and eat at least one meal together.
- 14. THE WEEKEND IS JUST THAT** – Check out.

*Finally, be kind to yourself; we are all just trying our best to cope.*

# THE NEW NORMAL WITHIN THE BUILT ENVIRONMENT

As we all sit at home and our industry grinds to a standstill, I have spent a lot of time pondering and wondering just how the lower income groups in our community are coping during this lockdown. Even in the best of times, their living conditions are appalling: overcrowding, lack of essential services such as running water, basic electricity and garbage removal, lack of security. Now, these conditions have become emergencies. After all, how can families practice social distancing when they are already crammed into a single shack? How can people wash their hands when water is only available from communal taps on open streets? How can people avoid gathering while waiting to collect water from the tankers? People living in disadvantaged communities live in a deadly Catch-22: if they abide by the laws laid down by our government to stop the

spread of the Covid-19, they will starve; and if they go out to seek food and water, they risk catching the virus. Sadly, this is because we have not looked beyond the 51/9 stand-alone township house designed during the apartheid regime rule nearly seventy years ago. Today's RDP housing still reflects the outdated 59/9 mentality and is wholly inadequate for the needs of our democratic society.

So where have we gone wrong in this important sector? The first call should be to enlist the skills, experience and training of the highly skilled professionals we have within the fraternity of the built environment to apply appropriate design and architecture for ALL our citizens. Moreover, these professionals – architects, interior designers, landscape architects, engineers, etc. – must be brought together in

multi-disciplinary teams, since the requirements for today's houses are so much more complex than they were even a few decades ago.

Before I address this challenge further, let me take a further step backwards. Our democracy was already founded speaking the right language, and our Constitution is still one of the best in the world. In the words of Chief Justice Pius Langa, written in December 2006:

*“When the Constitution was adopted in 1996, a new order was established in South Africa and it brought about an end to oppression and authoritarianism. The new Constitution was founded on values based on human rights and freedoms, human dignity, non-racism, non-sexism and the rule of law. An open society was created with government based on the will of the people and where every citizen is equally protected by law.”*

Now let us turn to the Bill of Rights enshrined in the Constitution:

#### “Rights

- (1) This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.
- (2) The state must respect, protect, promote and fulfil the rights in the Bill of Rights.

#### 24 Environment

Everyone has the right-

- (a) to an environment that is not harmful to their health or well-being
- (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that-
  - i) prevent pollution and ecological degradation;
  - ii) promote conservation; and
  - iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”

So how do we address the Bill of Rights as experts in the built environment? From an IID perspective, the message is simple: we believe that *interior design is a crucial tool that can improve the quality of life and uphold human dignity for all. Socially responsible design can help alleviate a range of problems caused by poverty, illness, lack of education, lack of basic shelter, or badly designed physical environments.* As such, we are continuously working to change public perception of interior design as merely a decorative pastime for only an elite segment of the world's population.

Now that the world has ground to a sudden halt and we are all confined inside our homes, the importance of well-designed interiors should be obvious and tangible. Let us learn from this unprecedented crisis and, once the lockdown lifts, take steps together to address issues such as overcrowding. After all, rows and rows of matchbox houses are not only unfit to inhabit, but create public health risks for all South Africa.

Together, let's talk to the end users, listen to the community, consult the elders/teachers/welfare workers/front line medical staff, remember that health and well-being comprise both mental and physical health ... in short, understand the needs of the end user rather than foist a cookie-cutter infrastructure solution as a forgone conclusion.

Why aren't we applying the basic sustainability, environmental and climatic concepts we use designing single family homes for the wealthy to settlement homes (emphasis on “homes”, not “houses”? Since we live in a moderate climate for at least nine months of the year, why don't township homes encompass outdoor spaces, which reduce the spread of airborne diseases, and have big windows and higher ceilings, which can create better air exchange than mechanical systems? Why aren't we employing cultural signifiers and environmental design elements such as public spaces, intermediary spaces and personal spaces when we design homes, which not only create a feeling of ownership and dignity, but can also deter crime?

This pandemic is undoubtedly a test of our courage. My hope is we can learn from this crisis convene a combined task force of professional architects and interior designers to tackle these problems together. We already design spaces that are conducive to healthy living, both mentally and physically, for our clients; now let us do the same for all South African citizens. Living in safe, humane conditions is a basic right under our Constitution, not a luxury.

**Prof Des Laubscher**  
Chair of the Board IID



# GUIDELINES PROFESSIONAL FEES

## Fees Committee

### 1. SACAP statutory mandate

- 1.1 In terms of section 34 (1) (2) of the Architectural Profession Act, the South African Council for the Architectural Profession (SACAP) must, in consultation with the voluntary associations, formulate recommendations with regard to the principles referred to in section 4(k)(v) of the Council for the Built Environment Act, 2000. The SACAP must annually, after consultation with the voluntary associations, determine guideline professional fees and publish those fees in the Gazette.
- 1.2 In terms of section 4 (k) (v) of the Council for the Built Environment (CBE) Act, the CBE may ensure the consistent application of policy by the councils for the professions with regard to determination of fees which registered persons are entitled to charge in terms of any of the professions' Acts, and in accordance with any legislation relating to the promotion of competition.

### 2. CBE Policy Framework on Guidelines Professional Fees

- 2.1 In terms of the CBE policy framework on guidelines professional fees, a client and a registered person are free to agree on a professional fee in accordance with legislation that promotes competition principles. Therefore, a registered person and a client must charge professional fees which shall ensure a sustainable and competitive built environment.
- 2.2 SACAP publishes guideline professional fees for the purpose of guidance required to promote market efficiency and redress consumers' information deficit relative to the professional's knowledge and expertise. The guideline professional fees are not prescribed or set as maximum or minimum mandatory fees to be charged for professional services rendered.
- 2.3 The built environment professional services suffer from information asymmetries for four main reasons: (i) the services often involve application of the professional's individual and unique human capital; (ii) results are usually qualitative and difficult to assess; (iii) most transactions are non-repetitive and atypical and most consumers of built environment products are 'once-off' purchasers; and (iv) there is a general need for confidentiality between consumers and service providers that inhibits the sharing of information between consumers.
- 2.4 This is exacerbated by the fact that built environment products fall under the category of goods known as "experience goods", where consumers are only able to determine product or service quality after purchase and consumption. They are also referred to as "trust goods" or "credence goods" which can only be assessed with the help of highly technical standards and which do not allow for learning through the repeat-purchase mechanism.

- 2.5 The guidelines professional fees are therefore directed at:
  - a) addressing inadequate information about built environment goods and services that can prevent the public and the consumers from properly judging value attributes and quality, thereby making it more difficult for them to effectively attach any price to it;
  - b) facilitating efficiency and enhancing benefit for the development of sustainable resources in the built environment;
  - c) assisting in consumer choices for public goods that would have significant negative impacts on the wider community and the public at large in case such decisions are not available;
  - d) promotion of social justice – there is a widely held view that close attention should be given to assisting disadvantaged or otherwise vulnerable consumers to participate effectively in markets, and ensuring that they do not fall victim to scams and inappropriate trading practices.<sup>1</sup>

### 3. Competition Commission ruling on the exemption application

- 3.1 On 4 February 2014, SACAP filed an exemption application with the Competition Commission for the publication of guidelines professional fees in terms of schedule 1, Part A of the Competition Act. The basis of the application was that the guidelines professional fees are necessary to maintain professional standards or the ordinary functioning of the profession as alluded to by the Competition Act.
- 3.2 On 10 February 2016, the Competition Commission declined to grant the exemption application in terms paragraph 4 (a) to (c) of schedule 1 of the Competition Act. The Competition Commission concluded that the publication of the fee guidelines amounts to indirect price-fixing in contravention of the Competition Act. The Competition Commission found that people offering their services within the built environment will make use of the fee guidelines as benchmarks when negotiating their fees with consumers. This reduces price competition and could also result in higher prices to the detriment of consumers.
- 3.3 Furthermore, the Competition Commission indicated that they have conducted a review of international best practice and found that building industries in other countries are moving away from the practice of publishing fee guidelines as an attempt to increase price competition in the market.

### 4. Background on publication of guidelines professionals' fees

- 4.1 In the past decade, SACAP published guidelines professional fees based on an inflation adjustment (mostly concluded by Statistics SA). In 2018, a recognised voluntary association of SACAP, the South African Institute for Architects (SAIA) conducted a survey on the state of the architectural

profession. The survey included the level of architectural fees charged by registered architectural professionals. The results indicated that most registered persons are not pricing according to the guideline fees.

- 4.2 Furthermore, the survey results indicated that the architectural profession is in a state of decline, in that 15% of practicing architectural practices showed a loss. The second survey which was conducted in 2019, underscored the findings of the 2018 survey<sup>2</sup>.
- 4.3 SACAP's view is that due to the declining state of the profession, the transformation of the architectural profession has been hampered because black students do not view the architectural profession as a lucrative profession. Lack of interest in the architectural profession is demonstrated by the national demographics which were compared to SACAP registered persons. These are some of the things which were came out of the survey which were noted.

### NATIONAL DEMOGRAPHIC

Demographic	AM	CM	IM	WM	AF	CF	IF	WF
EPA %	42.7%	5.2%	1.7%	5.1%	35%	4.4%	1.1%	4.0%

### SACAP

Demographic	AM	CM	IM	WM	AF	CF	IF	WF
Registrations	1222	474	560	5135	430	166	197	1804
Percentage	12%	5%	6%	51%	4%	2%	2%	18%

- 4.4 Based on the fees actually charged by the architectural practices that took part in the survey as well as international benchmarking studies, a completely new set of guidelines professional fee was compiled. The guideline professional fee is based on actual data collected through the survey, statistical work done by an Actuary and the inclusion of different levels of complexities.
- 4.5 Furthermore, the declining state of the architectural profession as per the SAIA survey was analysed, compared with other professions (specifically a salary study) which were successful in transformation. The actual input data enabled SACAP to come up with a new guideline professional fee. Therefore, the proposed guideline professional fees are based on actual fees charged by registered persons plus the costs of providing architectural services.
- 4.6 SACAP decided to appointed an independent Actuary to collect data and prepare guidelines professional fee. The Actuary used the SAIA survey as a baseline. Attached hereto is the data and methodologies used by the Actuary to come up with proposed guidelines fees<sup>3</sup>. This approach by SACAP eliminates any likelihood of indirect price-fixing in contravention of the Competition Act.

### 5. International comparative studies

#### Board of registration of Architects and Quantity Surveyors (BORQS) Kenya

- 5.1 In terms of the Architects and Quantity Surveyors Act in Kenya, the Board may from time to time, subject to the confirmation of the Minister, make by-laws for all or any of the following purposes; for the scale of fees to be charged by architects and quantity surveyors for professional advice, services rendered, and work done; and for the fees to be paid for registration under the Act.
  - 5.1.1 Section 38 of the By Law stipulates that subject to the provisions of the Act and of these By-laws, the Conditions of Engagement and the Scale of Professional Charges shall be those contained in the Fourth Schedule to these By-laws as from time to time amended or reproduced by the Board.
  - 5.1.2 Furthermore, section 40 of the By Laws stipulates that it shall be the duty of the Registrar to publish in the Gazette at intervals of not more than five years the scale of charges referred to in by-laws 38 and 39, and with the minimum of delay to publish in the Gazette from time to time any revisions made to that scale.

#### Zambia Institute of Architects Act

- 5.2 In terms of section 37 of the Zambian Institute of Architects, a registered architect shall charge for professional services rendered at such rates as may be prescribed by the Minister, upon recommendation by the Council, by statutory instrument.

#### Ghana Architect Act of 1969

- 5.3 In terms of section 6 of the Act, the Council is entitled to make by-laws for the scale of fees to be charged by architects for professional advice, services rendered and work done.

#### Architects and Quantity Surveyors Act No 4 of 2010 (Tanzania)

- 5.4 In terms of section 53 of the By Laws, with approval of the Minister, the board may prescribe scale of fees which may be charged by architects and quantity surveyors or firms of services rendered by them.

#### Malawi Architects and Quantity Surveyors

- 5.5 In Malawi, the Architects and Quantity Surveyors Rules provides for scales of fees including other provisions related thereto which shall apply to any work done and services rendered by architects.

#### Architects Registration Act No 23 of 2008 (Botswana)

- 5.6 In terms of section 51 of the Act, the Minister may after consultation with the Council make regulations for the better carrying out of the objects and purpose of the Act, and any such regulations may provide for the establishment of tariffs of fees for the provision of services of the architectural profession.

<sup>1</sup> CBE Policy Framework on guideline professional fees

<sup>2</sup> SAIA fees benchmark surveys

<sup>3</sup> Data and Methodology

The Architects Registration Act provides for the Architects Registration Council to determine in consultation with the Minister, the Tariff of Fees. The Framework for the Delivery of Architectural Services and Use of the Tariff of Fees describes the basis and use of the Tariff of Fees, rules, conditions regarding payments and contractual obligations of the parties, the architectural services and the context within which such services are to be rendered.

- 5.7 The trend in Africa is very clear, scale of fees or tariff of fees is still being used and, in some countries, it is compulsory to charge prescribed fees. These Countries appreciate that guideline professional fees or scale of fees/tariffs addresses inadequate information about built environment services that can prevent the public and the consumers from properly judging value attributes and quality thereof, thereby making it more difficult for them to effectively attach any price to it. In South Africa, the inability of the public to properly judge value attributes of architectural services has led to awfully low unsustainably architectural fees, poor quality workmanship, low salaries of architectural professionals and unsustainability of the profession. While the trend is different in Europe or developed economies, South Africa cannot be compared with first world countries.
- 5.8 The scrapping of fee scales or guideline fees has generally occurred in more developed countries, where the clients have a better understanding of the work of the architects and there are more modes of delivery than available here in South Africa.

**6. Importance of guidelines professional fees for architectural professionals and the public**

6.1 Guidelines professional fees are meant to guide clients and architectural professionals in identifying the scope of

architectural services and determining appropriate fees for those professional services.

- 6.2 Furthermore, the primary purpose of the guidelines professional fee is to guide the public to a fair exchange of value in establishing appropriate fees for an architectural professional service. Because of these significant changes in the design and construction industry, it is impossible to assume that the same professional fee will be appropriate for all projects even if the projects are of the same size and building type. Requirements will vary, and the guidelines will help both client and an architectural professional in determining the appropriate fee for a unique building project.
- 6.3 The SAIA survey of fees reveals a wide range of fees charged (the dots on the survey charts) demonstrating conclusively that despite guideline fees being in existence there is no alignment of fees. Therefore, there is no evidence that registered professional uses the benchmark as guideline when negotiating their fees with consumers. There is no evidence that guideline fees have resulted in higher prices to the detriment of consumers
- 6.4 Greater emphasis should be made on the complexity and uniqueness of the architectural and construction processes. The public simply do not know what work is necessary and do need guidance. Following the SAIA survey, the work done by the Actuary and the Fees Committee, and the clarifications of the Scope of Work in the Framework, the public will have a better understanding of the appropriate fees related to a proper service and should question their architectural profession if the fees are substantially higher or lower.

# PROFILES



**CHARLES NTSINDISO NDUKU**  
President of the South African Council for the Architectural Profession (SACAP)

Practicing architect and well-known proponent of transformation in the South African architectural profession, Charles Ntsindiso Nduku, brings a wealth of experience to his new role as the President of the South African Council for the Architectural Profession (SACAP).

Nduku, who received his National Diploma in Architecture in 1991 at the Peninsula Technikon (PENTECH) in Cape Town, Western Cape, was elected to head up our architectural sector regulator on 3 May 2019, taking over from Letsabisa Shongwe, the first woman President of the Council. He is also a holder of a Bachelor of Architectural Studies from the University of Cape Town (1997), followed by a Bachelor of Architecture from the same institution in 1999.

This Qumbu native entered the architectural profession in 1992 as an architectural technologist in Mthatha, Eastern Cape. This was followed by a stint at Osmond Lange Architects in East London. He started his own company, NN Architects, in 2003, growing it to the extent where the East London-headquartered firm now has branches in Cape Town and Mthatha and handles projects of different magnitudes. Projects range from offices, educational facilities, health facilities, warehouses, factories and private homes.

Nduku is currently occupying various leadership positions, including being the President of the Buffalo City Masters Football Association (BCMFA); South African Black and Technical Allied Carriers Organization (SABTACO) Present; and former President of the South African Institute of Architects (SAIA) Border-Kei Region. Nduku first led the SAIA Border-Kei Region in 2007 to 2008; where he became the first black President. He was then reappointed to lead BKIA for the second time from 2018-2019. During his first presidency in Border Kei, he served as a Board Member in SAIA and a Convener of Habitat Committee. Furthermore, he was appointed to serve the Fourth Term SACAP Council and was the Convener of the SACAP Fees Committee. He is also a Board Member of the Housing Association of East London (HAEL).

The new SACAP President has committed to bringing an era of transparency and reform to the Council.

# SACAP NewZ WORTHY

**1. PROFESSIONAL PRACTICE EXAMINATION (PPE) RE-SCHEDULED**

**12 JUNE 2020**

The Professional Practice Examination that was scheduled for Wednesday, 25 March 2020 has been re-scheduled to Wednesday, 15 July 2020 due to COVID -19 Lockdown. The PPE will now be conducted on an online platform and all eligible candidates will receive link to access the examination.

Candidates are also advised to ensure that they have a fully functional computer system e.g. Desktop or Laptop and stable internet access.

**2. 35% OF ARCHITECTURAL PRACTISES TO RETRENCH STAFF IN THE NEXT 3 MONTHS – AMID COVID-19**

**09 JUNE 2020**

The South African Council for the Architectural Profession (SACAP) and South African Institutes of Architects have initiated this survey, with support from the South African Institutes of Architectural Technologist, South African Institutes of Building Design, the South African Institutes for Draughting and Freedom Architecture Consulting Empowerment. The survey was conducted by Leading Edge Research. A total of 1817 Architectural practises took part in the survey. Findings show a significant negative impact to the profession.

<https://www.sacapsa.com/news/511711/Survey-results-on-Impact-of-Covid-19-and-economic-downturn-on-the-architectural-profession.htm> to access the survey results on Impact of Covid-19 and economic downturn on architectural profession.



**LETSABISA SHONGWE**  
Vice President

**Letsabisa Shongwe** was the first woman to be appointed as the President of the South African Council for the Architectural Profession when she assumed office on 27 July 2018. She has also served the Council as the Chairperson of the Stakeholder Relations Committee, as well as being a member of the Fees Committee.

Shongwe is a registered Professional Architect and a member of SAIA. Her academic qualifications include an M.Arch and BTech Degree from the Tshwane University of Technology in 2010. In 2005 she was a Regional Corobrik Winner, coming in at second position nationally.

She was previously involved on the 2010 FIFA projects. The current Vice President of SACAP has more than 15 years' experience in the sector and currently heads and runs Arch-live Architects, which has offices in Midrand and Bloemfontein. She is passionate about mentoring young architects and has hosted school children and students at her practice in order to speak to their interest in architecture.

## PROFILES



## PROFILES



**ROWAN GRAHAM NICHOLLS**  
Member of REMCO, Audit and Risk Committee

**Rowan Graham Nicholls** is a qualified Chartered Accountant and Auditor with more than 12 years's experience as board member. He is registered with the South African Institute of Chartered Accountants (SAICA) and the Independent Regulatory Board of Auditors (IRBA).

He is currently the sole practitioner running his accounting practice, Nicholls Accounting.

Nicholls brings a wealth of experience to the South African Council for the Architectural Profession, having been a board and audit committee member at various institutions, including the South African Weather Service; the Western Cape Gambling and Racing Board; Film and Publications Board, National Empowerment Fund and the Agricultural Research Council, among many others.

He holds a B.Comm Degree from Rhodes University and various other qualifications as an auditor. He previously worked for the South African Marine Corporation (15 years) and KPMG-Peat Marwick (15 years).



**KEVIN GARY BINGHAM**  
Chairperson: Education Committee

**Kevin Bingham** is a professional architect and director of an award-winning practice based in Durban, and is currently serving on the Council of the International Union of Architects (UIA). Kevin is a past President of the South African Institute of Architects (SAIA), and a former President of the KZN Region of SAIA.

He has served on SAIA committees since 1992. Kevin was elected to the SAIA National Board in 2012-2018 and has served as the chairperson on numerous committees and trusts in education, architecture, and interior design, at local, regional, national and international levels. His appointment in 2019 to the South African Council for the Architectural Profession sees him chair the Education Committee, and he represents this Council on the international Canberra Accord.

He has served as an honorary senior lecturer in Architecture, and has lectured full-time (1997-2007) in both Architecture and Interior Design, in South Africa, Australia, and in the UK. His research interest include Architecture Education and Medical Architecture, focusing on health risks in Public Health Facilities, including studies under a Fogarty Research Fellowship (USA) at Harvard University's School of Public Health.



**LUFUNO MOTSHERANE**  
Chairperson: Remuneration Committee

**Lufuno Motsherane** has a Masters in Business Administration, Post Graduate Diploma in management, Honours degree in Human Resource Development and several certificates in Human Resources and Labour relations. He is currently studying towards a PHD in Business administration.

With 24 Years of experience in the Corporate Services/ Human Resources sector, Lufuno is currently the Head of Human Capital at the Companies and Intellectual Property Commission (CIPC). He is also the REMCO chairperson across the boards he serves, which are; National Libraries of South Africa, Gauteng Film Commission, Mining qualifications Authority and board member at the Development Bank of Southern Africa.



**LWAZIKAZI NGODWANE**  
Chairperson: Stakeholder Relations Committee

**Lwazikazi Ngodwane** is a Professional Architect who hails from town called Queenstown in the Eastern Cape. She has over 8 years of experience and is currently involved in the construction and close out of 19 provincial buildings. She is a fifth term Council member at SACAP and she chairs the Stakeholder Relations Committee.

Lwazikazi has been involved in the execution of many projects in her career, including "presidential", industrial, commercial, residential and educational projects. Her main focus lies in limiting the barriers to access in the architectural profession and carving out opportunities for South African professionals to thrive internationally. Her personal values, creativity and authenticity have by far, shaped her career to be an inspired and dynamic one.

With her hands-on approach, she is committed to the success of SACAP and its registered persons.



**MANDISA PRINCESS DAKI**  
Chairperson: Investigations Committee

**Mandisa Daki** has more than 15 years' experience in the architectural profession, having founded her practice, Qhakaza Africa Consulting, way back in 2004.

She holds a Diploma in Architectural Technology from the Durban University of Technology. She has also completed a course in Design and Engineering Approach for Airborne Diseases at the University of Pretoria.

Daki has several years' of experience in organisational leadership having been a Regional Committee member of the South African Institute of Architects in KwaZulu-Natal (2016 – 2018). She was also part of the Disciplinary Tribunal of the South African Council for the Architectural Profession in 2018.

She is also committed to the development of young professionals in the sector and has been a voluntary mentor since 2008 where she provides free seminars and coaching. She is a big supporter of the development of women and was an ambassador for Brand South Africa.



**MOHAMMED ALLIE MOHIDIEN**  
Chairperson: Registration Committee

With more than 33 years in the architectural profession, **Mohammed Allie Mohidien's** experience in the sector speaks for itself.

Currently the President of the SA Institute of Draughting, Mohidien has served as an apprentice and worked as an artisan – later becoming a Draughtsperson.

With his undoubted passion for transformation, Mohidien's has actively ensured that he employs students from the Cape Peninsula University of Technology (CPUT) and provides services to disadvantaged communities and low income areas.

His commitment to supporting up-and-coming architectural practitioners; Mohidien has committed himself to working hard to improve the conditions of Draughtspersons, Technologists and Senior Technologists.

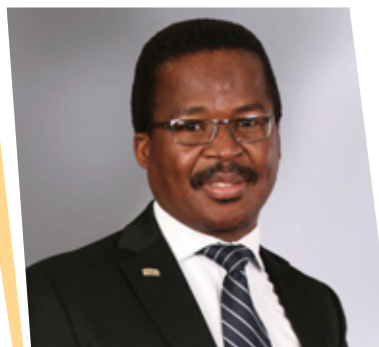
He was previously a Committee member on the SACAP Interim IDoW Committee since 2017 and a member of the South African Institute of Draughting (SAID) Executive Committee since 2016.



## PROFILES



## PROFILES



**SITSABO DLAMINI**  
Chairperson: Continuing Professional Development Committee

**Dr Sitsabo Dlamini** has been in the architectural profession for almost 30 years. He started out as a Draughtsperson in 1992 and has been rising up through the profession since then.

His qualifications include a Diploma in Architectural Technology from Technikon Northern Transvaal (now Tshwane University of Technology); Post-Graduate Diploma in International Construction Development from the University of Bath (UK), a Masters' Degree in International Construction Management (Bath) and a Doctorate in Construction Management and Engineering (University of Reading, UK).

Dr Dlamini also has experience as both an academic and a professional in the architectural sector, as he has also taken the role of lecturer and external examiner in architecture at both the University of South Africa and the University of the Witwatersrand. He has also supervised undergraduate students doing their dissertations at the University of Reading.

He has presented research findings at conferences and industrial gatherings here in South Africa and abroad (Canada and the UK). He has also published papers on the sector in various local and international publications.

He was also involved in the 2010 FIFA World Cup infrastructure projects in Mpumalanga and KwaZulu-Natal. His areas of interest include construction economics; public sector management; architecture and civil engineering, among others. He is a Construction Education and Training Authority-accredited facilitators, assessor and moderator. He is also a registered Professional Senior Architectural Technologist; and registered with the South African Council for Project and Construction Management.



**VUSI JAMES PHAILANE**  
Chairperson: Identification of Work Committee

**Vusi James Phailane** is a professional architect registered with the South African Council for the Architectural Profession (SACAP). He served as Council member in the Fourth Term Interim Council and chaired the IDOW and Investigation committees.

Phailane is currently a Chief Architect for the Department of Public Works and Infrastructure. He has been practising architecture and worked for prominent architectural firms including GAPP Architects and Mpethe Morojela Architects.

He has a long list of projects under his belt, including the Constitution Hill, Johannesburg (Urban Solution, 2004); Maropeng, Sterkfontein; Apartheid Museum, Johannesburg (GAPP Architects and Urban Designers, 2006). He also worked on the Nelson Mandela Children's Hospital, Parktown (Sheppard Robson, 2015).

His area of specialized expertise includes: health care planning, construction project management, construction law and contract management, architectural design and planning for various building categories and research. Phailane is currently enrolled for a Master of Science in Building Construction Project Management at the University of the Witwatersrand.

He obtained his Master's Degree in Architecture (MArch. Professional, 2008) at the University of the Witwatersrand. He also holds a Bachelor of Architectural Studies with Honours (BArch. Honours, 2006); and a Bachelor of Architectural Studies (BAS, 2004) – both from the University of Witwatersrand.



**KARUNI NAIDOO**  
Chairperson: Transformation Committee

**Karuni Naidoo** is a Professional Architect with 31 years of experience. She completed her Matric in 1979 at the Gandhi Desai High School in Durban, and a Bachelor of Architecture (6 year degree) in 1988 at the University of Natal (now UKZN). She was the first black woman to graduate in Architecture from the University of Natal. In 1992 she registered with the South African Council for Architects (now SACAP) and became a member of the Institute of South African Architects (now SAIA).

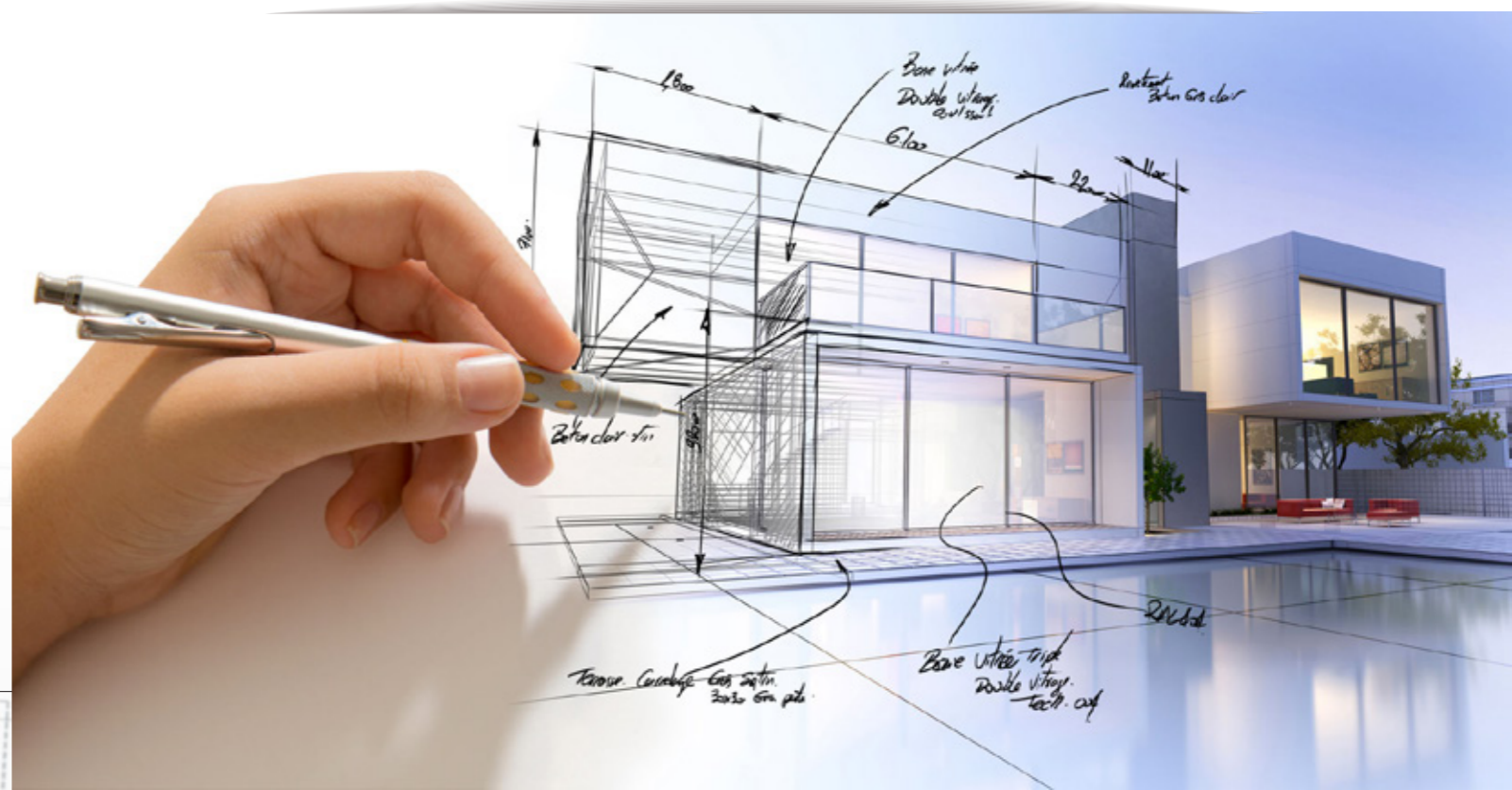
Her early work experience includes: The Urban Foundation; MA Gafoor Architects; Kiran Laloo Architects; and VARA Architects. She practiced as Karuni Naidoo Architects between 1992 and 1994, and completed post-graduate studies in Housing for non-degree purposes in 1995. Between 1996 and 2001 she lectured in Architecture at the ML Sultan Technikon (now DUT), and continues to provide support to architectural education at both UKZN and DUT.

Karuni established CNN Architects in 1995, together with two colleagues, in order to be listed as a black practice on the Pilot Roster of the National Department of Public Works, and receive their first public sector appointment. Taking advantage of empowerment opportunities after the first democratic elections, CNN Architects continued to grow steadily over the following 25 years. The practice has mentored 52 architectural students from UKZN and DUT, as well as SACAP candidates. Karuni has been sole Principal since 2008, and continues to provide voluntary services to a range of causes, organizations and institutions. Further details at [www.cnnarchitects.co.za](http://www.cnnarchitects.co.za)

In 2015, Karuni was instrumental in initiating the Women in Architecture (WiASA) initiative at SACAP. She continues to lead the WiASA KZN group. She is Chairperson of the SAIA Transformation Committee and a member of the SAIA Board. She has developed a network of women from the regions, and through her work, continues to highlight the under-representation of black women in a traditionally white, male-dominated architectural profession. She also continues to lobby for empowerment and work opportunities for blacks and women, in order for them to grow sustainable practices.

Karuni was winner of the 2017 "SA Women in Construction Award: Architecture", as well as the 2018 KZN "SA Women in Property Award: Businesswoman of the Year: Entrepreneur".

In 2020, Karuni was appointed Council Member of the Council for Built Environment, where she serves as a member of the Built Environment Matters Committee. She is Chairperson of the DPWI/CBE Women Empowerment and Gender Equality Transformation Collaborative Forum.



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### CONTACT CENTRE

General enquiries - Registration, Upgrades, Professional Practice Exams (PPE), Continuing Professional Development (CPD), frequently asked questions (FAQ)

**Email: [info@sacapsa.com](mailto:info@sacapsa.com)**

### FINANCE UNIT

Account - Annual Fees and other fees accounts including CPD renewal fees, re-registration fees

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### IDOW - COMMITTEE

Identification of Work (IDoW) - Matrix and Exemptions

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### LEGAL

Filing a complaint and lodging an affidavit

**Email: [legal@sacapsa.com](mailto:legal@sacapsa.com)**



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