

# **Eswatini Association of Architects, Engineers & Surveyors**

## **CONSTITUTION May 2022**

### **1. NAME:**

The name of the organization shall be the Eswatini Association of Architects, Engineers & Surveyors (hereinafter called "the Association").

### **2. OBJECTIVES:**

The objectives of the Association shall be:

- 2.1 To promote, in all their aspects, the professions of Architecture, Engineering and Surveying, and such other disciplines as listed under Clause 2.7, within the Kingdom of Eswatini. To seek the advancement of good management of the professions, and maintenance of the highest professional and ethical standards amongst its present and future practitioners.
- 2.2 To provide an intellectual, professional and social forum for professionally qualified members, technicians, trainees and guests to discuss the past, present and future practice of the professions and the welfare of the Association's members.
- 2.3 To provide an organised professional viewpoint on all matters affecting the professions within the Kingdom.
- 2.4 To establish and administer a Continuing Professional Development (CPD) programme and set standards for participation by members.
- 2.5 To establish a code of conduct to whom all members shall comply, and to evaluate any breach of the Code and take appropriate disciplinary action where necessary.
- 2.6 To provide guidance to Architectural, Engineering and Surveying, and such other disciplines as listed under Clause 2.7, technicians and trainees in respect of suitable studies available and guide and encourage the training of Swazi students for the attainment of recognized qualifications.
- 2.7 To establish and maintain a register of members in the following disciplines:
  - 2.7.1 Architects
  - 2.7.2 Engineers
  - 2.7.3 Surveyors
  - 2.7.4 Project Managers
  - 2.7.5 Town and Regional Planners
  - 2.7.6 Facility Managers
  - 2.7.7 Sectional Title Practitioners
  - 2.7.8 Construction Industry Arbitrators
- 2.8 To establish and maintain a register of practicing professional firms in their respective disciplines. Each firm shall have an office established for a period of at least 6 months which shall have been and remain under the continuous direct and personal supervision of a professionally qualified person, who shall be a professional member of the Association and registered in the same discipline as the firm. The register shall be made available to Government and any other interested persons.

2.9 To establish, regularly update and wherever possible agree with client bodies standard rates for disbursements and travelling expenses and standard minimum fee scales.

2.10 To foster and encourage within the Association the establishment of chapters of individual disciplines.

3. **MEMBERSHIP:**

3.1 Membership shall be in the following categories:

- 3.1.1 Practicing professional firms
- 3.1.2 Professional member
- 3.1.3 Professional Technologist member
- 3.1.4 Graduate member
- 3.1.5 Technologist member
- 3.1.6 Technical/Technician member
- 3.1.7 Trainee member
- 3.1.8 Student member
- 3.1.9 Other Firms

3.2 Categories can be suspended at any time at the discretion of the Committee.

3.3 Requirements for registration to the above categories shall be:

3.3.1 Practicing or other firms shall be registered as either, Professional, Technologist or Technical, depending on the membership status of its shareholders and its senior staff members.

3.3.1.1 Professional firms shall be run by at least one professionally registered member.

3.3.1.2 Technologist firms shall be run by at least one Professional technologist registered member.

3.3.1.3 Technical firms shall be run by at least one Technologist or Graduate registered member.

3.3.2 Qualifications for individual membership to the above categories shall be:

3.3.2.1 Professional:

Applicants shall either:-

(i) Have obtained a degree and passed the final professional examination (or have been exempted there from) and either hold a current and valid membership of a professional Association , society or institution recognised and approved by the Committee or be registered with a professional council or other professional registration body recognized and approved by the Committee.

OR

(ii) Satisfy the Committee that the applicant is capable of and has performed, for a period of not less than 15 years, (in the service of a Government or firm or other body recognized and approved by the Committee) the work of a kind normally carried out by a person qualified for membership under (i) above and have worked for that time under the personal supervision of a professionally qualified person, who shall be a professional member of the Association and registered in the same discipline as the applicant and have passed any examination that may be prescribed.

### 3.3.2.2 Professional Technologist:

Applicants shall either:-

- (i) Have obtained a relevant technical qualification and have passed the final professional examination (or have been exempted there from) and either hold a current and valid membership of a professional technologist in an Association, society or Institution recognised and approved by the Committee or be registered as a professional technologist with a professional council or other professional registration body recognized and approved by the Committee.

OR

- (ii) Satisfy the Committee that the applicant is capable of and has performed, for a period of not less than 15 years, (in the service of a Government or firm or other body recognized and approved by the Committee) the work of a kind normally carried out by a person qualified for membership under (i) above and have worked for that time under the personal supervision of a professionally qualified person, who shall be a professional member of the Association and registered in the same discipline as the applicant and have passed any examination that may be prescribed.

### 3.3.2.3 Graduate:

Applicants shall hold a degree in Architecture, Engineering, Surveying or such other disciplines as listed under Clause 2.7, from a university or other higher educational Institution recognised by a professional Association, society or Institution approved by the Committee and graded by South African Qualifications Authority (or Swazi equivalent) as having the same grading as a South African degree.

### 3.3.2.4 Technologist:

Applicants shall hold a relevant technical degree in Architecture, Engineering, Surveying or such other disciplines as listed under Clause 2.7, from a university or other higher educational Institution recognised by a professional Association, society or Institution by the Committee and graded by South African Qualifications Authority (or Swazi equivalent) as having the same grading as a South African B-Tech.

### 3.3.2.5 Technical:

Applicants shall either:

- (i) hold a Higher National Diploma or Diploma or Associate Degree in Architecture, Engineering, Surveying or such other disciplines as listed under Clause 2.7, from a university or other higher educational Institution recognised by a professional Association, society or Institution approved by the Committee and graded by South African Qualifications Authority (or Swazi equivalent) as having the same grading as a South African diploma.

OR

- (ii) have been employed as an apprentice or trainee for a continuous period of not less than 5 years, in a professional, Government or other office approved by the Committee and have attained the

technical skills necessary to perform the technical work of their profession.

3.3.2.6 Trainee:

Applicants shall have studied for a minimum of 2 years at an approved Institution and/or be employed as a trainee in a professional, Government and other office approved by the Committee and shall produce a certificate from their employers confirming eligibility and recommending election.

3.3.2.7 Student:

Applicants shall have started their first year of full time learnership in architecture, engineering, surveying or related field at a recognised Institution and shall be a student member for a maximum period of 3 years before advancing to another level. A Student application shall be accompanied by proof of current registration.

3.4 Applications for membership shall be on the prescribed form.

4. ENTRANCE FEES AND ANNUAL SUBSCRIPTIONS:

- 4.1 The Committee shall determine annually the entrance fees and subscriptions payable by all categories of members and firms and shall inform each member and firm of the subscriptions due and payable.
- 4.2 The annual subscriptions for any year shall be due in advance on the 1<sup>st</sup> day of September.
- 4.3 Application fees shall be submitted with applications for membership and shall not be refunded in the event of an unsuccessful application.
- 4.4 The Committee may from time to time make a levy upon any group of members for particular purposes, subject to the approval, by simple majority, of that group.
- 4.5 The Committee shall have the power in special circumstances to waive or reduce any application fee, subscription or levy.

5. THE COMMITTEE:

5.1 The Committee of the Association shall comprise:-

- (i) The Chairman
- (ii) The Vice Chairman
- (iii) Secretary
- (iv) Treasurer
- (v) Three Members

Candidates for offices (i) and (ii) shall be professional members of the Association, or graduate members with more than 10 years working experience. Candidates for offices (iii) and (iv) shall be professional or technical or graduate members.

- 5.2 The Committee shall include at least one Architect, one Engineer and one Surveyor.
- 5.3 Voting at elections shall be by secret ballot; each member regardless of class having one vote only; such vote shall be cast in person; no proxies or other form of representation shall be permitted.
- 5.4 The Committee shall be elected at the annual general meeting or extra-ordinary general meeting of the Association and shall hold office from the close of that

meeting until close of the following annual general meeting or extraordinary general meeting at which a new committee is elected.

- 5.5 A quorum shall comprise either the Chairman or Vice Chairman or the Secretary, in addition to three members of the Committee.
- 5.6 Each candidate for election to the Committee shall have a proposer and a seconder either in writing or from the floor and each candidate shall either give verbal assent at the meeting, or if absent, written assent.
- 5.7 In the event of the temporary absence of the Chairman and Vice Chairman from any meeting of the Association, the members present shall elect a chairman to act in his stead. In the event of the resignation of the Chairman and/or his incapacity to act for the period of four months or longer, the Committee may call an extraordinary general meeting of the Association for the purpose of electing a new chairman. Committee members may resign by giving notice in writing to the Secretary of the Association. The Committee shall be empowered to co-opt members to fill vacancies on the Committee.
- 5.8 The Committee shall meet at such times and intervals as may be necessary to carry out their duties as administrators of the Association's affairs; but at least six times in any one year. The Secretary shall keep minutes of all meetings.
- 5.9 In order to carry out the objectives of Clauses 2.7 and 2.8 or in the event of any matter arising which is peculiar only to certain disciplines, the Chairman, after consultation with the Committee, shall appoint a Sub-Committee to investigate and report to him on its findings in accordance with the terms of reference which he shall set down.
- 5.10 The Chairman of each Sub-Committee shall be a member of the Committee and, in the case of matters affecting any particular discipline shall also be a member of the discipline affected.
- 5.11 The Committee shall be the sole authority for the interpretation of the Constitution of the Association and of any by-laws and/or regulations made there under.

## 6. FINANCES:

The financial control of the Association's assets shall be exercised by the Treasurer who shall be empowered to open and operate a banking account. Cheques shall be signed by the Treasurer and either the Chairman or the Secretary. The Treasurer shall prepare and submit a financial statement to the annual general meeting or whenever so required by the Committee.

## 7. CONDUCT OF MEMBERS:

- 7.1 All members of the Association shall conduct their business and professional affairs in all respects in accordance with the accepted code of ethics upheld by the established Professional Associations/Institutions to whom the respective members are affiliated.
- 7.2 Any person or body may lodge a complaint against a member. The Executive Committee shall hear all complaints. Unless otherwise stated, all complaints, responses, notifications, submissions, appointments and invitations shall be in writing.
- 7.3 The Committee shall notify the member of a complaint within 14 days of receiving it, and shall include a copy of the complaint with the notification.
- 7.4 The member may respond within 14 days, and the Committee shall forward a copy of such response to the complainant within 7 days of receiving it. The complainant may make a further submission before the hearing.

- 7.5 A hearing meeting shall be held within 42 days of receipt of the complaint, and the member shall be invited to attend and make an oral submission at the meeting. The meeting shall comprise all the members of the Executive Committee, and the Chairman shall appoint ordinary members in place of any Committee members who cannot attend.
- 7.6 The Committee may make a ruling at the hearing meeting, or at a subsequent meeting held no later than 7 days from the date of the hearing. The ruling shall be decided by a simple majority vote. The member and the complainant shall be notified of the ruling within 7 days, and the member or the complainant may lodge an appeal against the ruling within 14 days.
- 7.7 Upon receipt of a notification of appeal, the Committee shall appoint an appeal board which shall comprise three senior and experienced members of the Association. None of the members of the appeal board shall have been involved in any part of the original complaint process. The appeal board shall meet within 14 days of the ruling Committee, and a ruling shall be made a simple majority vote. The decision of the appeal board shall be final, and the board shall notify the Executive Committee, the member, and the complainant of the ruling within 7 days.
- 7.8 The Committee or the appeal board may:
  - 7.8.1 Exonerate the member of all wrongdoing, or
  - 7.8.2 Reprimand the member in writing and demand a written undertaking that the member shall desist in the relevant act or omission, or
  - 7.8.3 Suspend the member's membership for a specified period, or
  - 7.8.4 Cancel the member's membership

#### **8. ANNUAL GENERAL MEETING:**

- 8.1 An annual general meeting shall be held during the month of August annually for the purposes of electing the Committee and considering any other business of the Association.
- 8.2 Notice of the annual general meeting shall be sent to all members at least four weeks before the meeting together with an agenda proposed by the Committee.
- 8.3 Should any member wish any item to be placed on the agenda, he shall submit this in writing at least two weeks before the meeting. A revised agenda incorporating such items requested shall be sent to all members at least one week before the meeting.
- 8.4 A quorum for the annual general meeting shall be 25% of the members of the Association. Should there be no quorum, then the meeting shall be held fourteen days later provided that notice of such meeting has been sent to all members at least seven days before the meeting and the attendance at this meeting shall constitute a quorum.

#### **9. EXTRAORDINARY MEETING:**

The Committee may at its own discretion or if requested to do so in writing by any 15 members of the Association, call an extraordinary general meeting which shall be conducted in accordance with the requirements of 8.2 to 8.4 inclusive.

#### **10. AMENDMENTS TO THE CONSTITUTION OF THE ASSOCIATION:**

Proposed amendments to the Constitution of the Association shall only be considered at an annual general meeting or extraordinary general meeting provided that an item is placed on the agenda to consider proposed amendments and that the proposed amendments are circulated to members with the agenda. Amendments

shall be incorporated into the Constitution of the Association if approved by a simple majority of those members voting by secret ballot at the meeting with the Chairman having a casting vote.

**11. LIQUIDATION**

Except as far as an annual general meeting or an extraordinary general meeting shall otherwise determine, the Committee shall always be liquidators of the Association whenever it shall be wound up or reconstructed.

**12. INDEMNITY**

The Chairperson, Secretary, Treasurer, members of the Committee, and other officers or officials for the time being of the Association shall be indemnified and held harmless out of the assets and profits of the Association from and against all actions, costs, charges, losses, damages and expenses which they or any of them shall or may incur or sustain by or by reason of any act done, concurred in or omitted in or about the execution of their respective duty or supposed duty in their respective office, except such, if any, as they incur or sustain by or through their own wilful neglect or default respectively and none of them shall be answerable for the acts, defects, neglect or defaults of the other or others of them.

**13. REGULATIONS TO THE CONSTITUTION**

The Committee shall issue regulations as and when necessary to implement the Constitution and manage such things as membership fees, compliance with deadlines, certification of qualifications and any other matters as necessary.