



THE SOUTH AFRICAN INSTITUTE OF ARCHITECTURAL TECHNOLOGISTS NPC

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CIPC Reg N^o: 2016/274655/08



SAIAT IS A SACAP RECOGNISED
VOLUNTARY ASSOCIATION

VAT Reg N^o: 4940275813

FOR YOUR URGENT ATTENTION

Date: 08 August 2018

Dear SAIAT Member and other stakeholders

SACAP COUNCIL

As you can recall, it was decided in February 2018 to establish a Legal Trust Fund to be managed by Wright Rose-Innes to cover legal costs incurred and to be incurred as well as any litigation on behalf of the profession that may be required due to actions of the SACAP Council after the appointment of five new members in December 2017 by the Minister of Public Works.

SAIAT instructed its attorneys to follow up on the latest developments at SACAP Council and to advise accordingly, but any possible action required will be hampered by the lack of funds needed for litigation. Please note that SAIAT cannot comment at the moment on any developments until more information is obtained on this matter.

Please find attached to this correspondence a copy of the letter forwarded to SACAP in March 2018 as well as a follow-up letter from SAIAT's attorneys in this regard.

All stakeholders in the profession are requested to contribute voluntary at least R200 to the below trust account using as reference **186184/S0190**:

WRIGHT ROSE-INNES INC TRUST ACCOUNT
ABSA BANK – GERMISTON
ACCOUNT NO. : 404 141 9589
ACB : 630142
SWIFT CODE – ABSAZAJJ

We thank you in anticipation of your support and contributions and will keep you all to date with what transpires. Please feel free to forward to any other professional that might not be on our mailing list.

Regards

FRANS DEKKER

Director: Executive President – SAIAT

DIRECTORS

FJA DEKKER (Executive President), L STRÖHMENGER-DE KLERK (Vice-President), M SMITH (Public Relations)



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Date: 07 March 2018

The Registrar
The South African Council for the Architectural Profession
PO Box 1500
RIVONIA
2128

PER E-MAIL

Dear Me M O'Reilly

SAIAT COUNCIL

SAIAT instructed their legal counsel, Wright Rose Innes, in December 2017 to assess the outcome of the Order granted in the High Court of South Africa (Gauteng Division, Pretoria) case number 83831/2017 and/or case number 63239/2017 in terms of which an interim Order was granted in terms of which the Third to Seventh Respondents were ordered to continue to perform the powers and functions of Councilors of the South African Council for the Architectural Profession until the termination of the term of office of the Council or determination of the review, whichever is the earlier.

The purpose of this instruction was to give an opinion and advice the appointments made by the Minister of Public Works in respect of the Third to Seventh Respondents.

The initial opinion given to SAIAT is that there is very good evidence to believe that the minister, in appointing these members to council, failed to adhere to the requirements of the provisions made in The Architectural Profession Act (Act 44 of 2000) regarding the procedure, transparency and representation regarding the appointment of these members. It is also further clear from the abovementioned Order that the Third to Seventh Respondents appointment to council is therefor subject to a review in the High Court.

Further, SAIAT is aware that even before the Order was granted in the High Court, that certain action groups, not recognised by SACAP as a voluntary association in terms of Section 25(3) of the Act, via the social media advocate that the minister adhered to their

DIRECTORS

FJA DEKKER (Executive President), L STRÖHMENGER-DE KLERK (Vice-President), M SMITH (Public Relations)

pleas and therefore appointed the Third to Seventh Respondents to council to rectify previous decisions made by council.

The fact that the members of council are not representative of the categories of registration as required by the Act, may in future result in decisions taken by council that will not be based on the values that underlie an open and democratic society based on human dignity, equality and freedom as guaranteed in the Bill of Rights as part of the Constitution of the Republic of South Africa.

In order therefore to protect the rights of stakeholders in the Architectural Profession, SAIAT will monitor all decisions taken by council. Any decision taken that is not in terms of Section 36 of the Constitution or that does not that promote the spirit, purport and objects of the Bill of Rights will be communicated to all stakeholders and will be dealt with as provided for in the Constitution of South Africa and other applicable law.

SAIAT therefor appeal to each individual member of council to apply their mind in making decisions to ensure that such steps are not required.

Yours faithfully

FRANS J A DEKKER
Director: Executive President

on behalf of

The SAIAT Board of Directors
The SAIAT National Committee
The SAIAT members
and all other relevant stakeholders

OUR REFERENCE: **R Carrington/sn/186184/S0190**
Direct e-mail: **reneec@wri.co.za**
Direct FAX: **086-635-8495**

YOUR REFERENCE: **Mr. F.J.A. Dekker**

DATE: **8 August 2018**

THE SOUTH AFRICAN INSTITUTE OF
ARCHITECTURAL TECHNOLOGISTS
AND OTHER STAKEHOLDERS
WITHIN THE PROFESSION

info@saiat.org.za

BY EMAIL

Dear Sirs,

Re: **ESTABLISHMENT OF LITIGATION TRUST FUND IN RE MINISTER OF PUBLIC WORKS / SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION INTER ALIA**

1. Our firm has met with and has been instructed further by Mr. Frans Dekker and Ms. Linke Ströhmenger-De Klerk in their official capacities for and on behalf of SAIAT.
2. As you are aware we addressed correspondence during or about January 2018 in terms of which we outlined the mandate we had received namely the investigation of the outcome of the Order granted in the High Court of South Africa Gauteng Division Pretoria case number 83831/2017 or case number 63239/2017.
3. Our further consultation with Mr. Frans Dekker and Ms. Linke Ströhmenger-De Klerk indicated the necessity for us to execute our original mandate in respect of the litigation to gather information to ensure that the interest of the stakeholders that SAIAT and others (SAIBD and FACE) represent are protected and if necessary to give an opinion and advice on possible litigation. Regretfully however the call for funds in this matter was not met with the response hoped for and we are not in possession of sufficient funds to continue to execute our mandate namely the gathering of all outstanding information and the instruction of Senior Counsel to secure an opinion on the possible administrative actions and reviews that may be required.
4. In the circumstances we once again address this correspondence as requested by SAIAT to appeal to all interested parties to make contributions towards the litigation/legal costs/funds administered by our offices.
5. At present and after the deduction of various fees and expenses we presently hold approximately R12 000.00 in credit on the investment account. You will appreciate that

these are not sufficient funds for purposes of executing our mandate.

6. As indicated in our previous communication it is difficult to estimate or calculate what the legal costs in this matter may be but suggest that at least R100 000.00 is necessary in order to make available all documentation and investigate aspects of the matter and to secure an opinion of Senior Counsel.
7. We estimate that legal costs should litigation ensue in this matter could exceed the sum of R400 000.00 to R500 000.00.
8. It is apparent from further recent information received that the five appointees of the Minister of Public Works to the South African Council for the Architectural Professions continue to conduct themselves in a fashion which is contrary to the rules and regulations of the Council for the Architectural Profession including the removal of the current President seemingly contrary to the provisions of the Court Order granted on 12 December 2017 and the suspension of the Registrar. There are other factors that also cause concern and of which you have been made aware.
9. In the circumstances our client is of the view that with additional information coming to light (and the pending process of new Council member elections) that there may be a necessity to act and to commence litigation and to protect the interest of you as stakeholders. The funds need to be available and ready should there be the necessity to take action and matters cannot be dealt with on a reactive basis should the time arise.
10. In the circumstances we await your favourable consideration to additional contributions towards the legal funds in order to place SAIAT (SAIBD and FACE) in a position to take steps should the need arise and should our investigations yield the necessity to do so.
11. Should you wish to address our offices in respect of this matter you are more than welcome to do so and we will gladly respond to any queries that you may have.
12. Please note that this correspondence is not meant to be an opinion as to the merits of any litigation or the current circumstances surrounding the South African Council for the Architectural Profession and/or the Minister of Public Works.

Yours faithfully,

WRIGHT, ROSE-INNES INC.

[Sent electronically therefore unsigned]