



LEGAL AND COMPLIANCE PRACTICE NOTE: SAC2026/001PN

Practice note regarding the mandatory obligation to report any unprofessional or improper conduct against natural science professionals

1. INTRODUCTION

The South African Council for Natural Scientific Professions (SACNASP) is a statutory and regulatory body established in terms of the Natural Sciences Professions Act No. 27 of 2003 (NSP Act). Part of its mandate, the Council's role is to ensure ethical and proper professional conduct of natural science professionals in South Africa.

Through its sub-committee, the Professional Conduct Committee (PCC), Council is mandated to oversee, review, advise on and, where appropriate, assist in drafting any conduct regulatory legislation applicable to Council, and moreover to oversee SACNASP's complaints handling and disciplinary process(es) in accordance with the Code of Conduct and the NSP Act.

2. OBJECTIVE

- 2.1 The objective of this practice note aims to clarify the mandatory obligation of registered natural scientists, natural and juristic persons, to report any alleged unprofessional or improper conduct to the Council. That obligation aims to ensure compliance with the Code of Conduct and the NSP Act and most importantly to prevent any unprofessionalism and unethical behaviour within the Natural Science Profession.
- 2.2 The practice note further includes clear guidance on when and how to report any alleged misconduct, and further to empower natural science professionals to make ethical choices that safeguard the public interest and the environment and the Natural Science Profession.
- 2.3 Council, as the regulator, should ensure that the Code of Conduct and the NSP Act are available to all members of the public.



3. DISCUSSION

- 3.1 According to Council's Code of Conduct, "**unprofessional or improper conduct**" means an improper or disgraceful or dishonourable or unworthy conduct or breach of Code of Conduct rules made in terms of sections 28 of the Act or conduct which, when regard is had to the profession of person who is registered in terms of this Act, is improper or dishonourable or unworthy.
- 3.2 Sections 28 and 29 of the NSP Act, demands that any alleged improper conduct complaint brought against a natural science professional, can, after review and with reasonable grounds that the Code of Conduct and NSP Act might have been breached, refer the complaint to the Investigation Committee (IC). If after reviewing the merits of the complaint and having reviewed the supporting evidence, the IC can recommend to Council that the practitioner be charged with improper conduct.
- 3.3 Council will, after reviewing the report from the IC and being satisfied beyond reasonable doubt that an improper conduct was committed, charge the professional with improper conduct. The charge sheet will, in detail, state the nature of the alleged improper conduct and further afford the practitioner an opportunity to either admit or deny the alleged charges.
- 3.4 The practitioner will be afforded an opportunity to in writing either deny or accept the allegations levelled against him or her. If the practitioner admits liability regarding the charges, Council will then find him or her guilty and a proper sanction be given. Sanctions includes either a fine, cancellation of membership or for the matter being referred to SAPS for further investigation.
- 3.5 In circumstances where the practitioner denies any liability relating to alleged improper conduct, but sufficient evidence proves that an improper conduct was committed, the matter will then be referred to disciplinary tribunal for formal adjudication. The Council will then appoint a Disciplinary Tribunal to conduct a disciplinary hearing. Both the Tribunal and the alleged practitioner will, according to the NSP Act, be allowed legal representation and can also subpoena any person or documents that will assist in their case. The practitioner has the right to be heard, and can call witnesses, be cross-examined and cross-examine Council witnesses.



4. EXPECTATIONS FROM NATURAL SCIENCE PRACTITIONERS AND THE TYPES OF MISCONDUCT ACTS TO REPORT

4.1 As indicated above, failure to comply with the NSP Act and the Code of Conduct, will constitute improper conduct, which may result in the alleged practitioner being found guilty and being sanctioned in terms of the section 33 (3) of the NSP Act as amended.

4.2 The Code of Conduct elaborates on the kinds of professional conduct expected from a natural science practitioner which are as follows:

4.2.1 To protect the public and the environment by refraining from improper, unlawful or negligent behaviour in rendering natural scientific services.

4.2.2 To act in accordance with applicable laws, ethical principles and standards.

4.2.3 To discharge duties with due care, skill, integrity and diligence.

4.2.4 To disclose conflicts of interest and any financial benefits in writing.

4.2.5 To uphold the integrity, dignity and reputation of the natural science profession.

4.2.6 To always maintain confidentiality and proper documentation when rendering professional services.

4.2.7 To always undertake work for which they are competent and registered for in accordance with schedule 1 of the NSP Act.

4.2.8 To refrain from harming another person's professional reputation and integrity without just cause.

4.2.9 Avoid misleading the public or derogatory advertising.

5. PROCESS OF REPORTING UNPROFESSIONAL OR IMPROPER CONDUCT TO SACNASP

5.1 STEP 1: IDENTIFICATION OF MISCONDUCT:

Natural science practitioners should be vigilant of conducts that may be non-complaint, unethical or improper. This includes, but is not limited to:

- ✓ Breaches of the Council's Code of Conduct;
- ✓ Failure to adhere to the standards and provisions of the NSP Act; and
- ✓ Conduct that brings the natural science professions into disrepute.



5.2 STEP 2: INTERNAL ASSESSMENT:

Before formal reporting, practitioners are encouraged to use the guidelines set by the Code of Conduct to ensure that their alleged complaints are of professional standards rather than personal grievances.

5.3 STEP 3: REPORTING PROCEDURE:

5.3.1 **Documentation:** Collate all evidence, including technical reports, calculations, or communications that demonstrate the alleged misconduct or non-compliance with the Code of Conduct and the NSP Act.

5.3.2 **Formal Submissions:** Submit a written report to SACNASP, ensuring that the report includes a clear rationale explaining the context and the specific sections of the NSP Act or Code of Conduct believed to have been violated. SACNASP will present information supplied regarding complaints to the PCC for consideration and a decision on how to proceed.

5.3.3 **Affidavit Submission:** To ensure objectivity and authenticity of the complaint, the complaint is lodged in a form of an affidavit to be signed by the complainant and commissioned by Commissioner of Oath. In the affidavit the complainant should indicate further the steps or actions taken prior to formally lodging the complaint with SACNASP.

5.3.4 **Power of Attorney:** When submitting a complaint on behalf of a juristic person or another person, complainants are required to include a power of attorney or resolution authorising you to represent or act on behalf of the complainant.

5.3.5 **Supporting Evidence:** The complainant has an obligation to ensure that supporting evidence was legally obtained and it clearly demonstrates the improper act that allegedly contravened the Code of Conduct or the NSP Act.



- 5.3.6 **Evidence Effect:** The supporting evidence should clearly indicate the consequential effect, such as financial loss or organizational impact. It is imperative that any evidence available be submitted together with your complaint/affidavit to assist Council in investigating the alleged transgressions.
- 5.3.7 **Duty to Investigate:** SACNASP will investigate any substantiated professional conduct allegation/s or transgression of the Code of Conduct and the NSP Act, as amended to determine whether it warrant to heard at Tribunal Hearing.
- 5.3.8 **Right to be Heard:** SACNASP should share the lodged complain with the alleged respondent with the purpose of affording him or her an opportunity to either deny or accept the allegations levelled against him or her. This is in line with the *audi alteram partem* principle, which is the right to be heard and supports a fair and transparent process.
- 5.3.9 **Anonymous Complaints:** Anonymous complaints can be accepted initially, but please be aware that your identity might be revealed at later stages of the investigation.
- 5.3.10 **Clear Details:** When submitting a complaint, please ensure that the complaint meets the following checklist for complaints:
- ✓ The full names and contact details of the complainant must be provided;
 - ✓ The full names and contact details of the respondent must be provided;
 - ✓ A full description of the matter must be provided including a detailed account of the incident(s) and the date(s) of same; and
 - ✓ Any evidence supporting the complaint must be submitted. It is prudent that the complainant specify whether he or she has already shared evidence, whether he or she has partially shared and partially held back evidence or if he or she has no evidence.



5.3.11 Non-Adherence with Lodging Requirements: Please be advised that failure to adhere to these lodgement requirements, might either result in your complainant being delayed or not considered at all.

6. SEEKING GUIDANCE AND FURTHER INFORMATION

For additional queries or clarifications, natural scientists are encouraged to contact SACNASP directly on LegalDepartment@sacnasp.org.za or visit the official SACNASP website.

7. DISCLAIMER

The purpose of this Practice Note is to give advice on best legal practices in the Natural Sciences. Advice is given in good faith and SACNASP disclaims all liability for any loss, damage or expense that may be incurred through acting on such advice. This Practice Note is to be read in conjunction with the NSP Act and the Code of Conduct and does not replace them.