

PRETORIA INSTITUTE FOR ARCHITECTURE (PIA)

CONSTITUTION

SEPTEMBER 2001

1. PRINCIPLES

The fundamental principles of equality, justice and freedom of association as outlined in the South African Constitution and the South African Bill of Rights are implicit in this constitution

2. CONSTITUTION RECORD

- 2.1 This Constitution defines the manner in which the Pretoria Institute for Architecture will function as a voluntary association, and the manner in which its members will conduct themselves in their professional capacities, and what duties, obligations and advantages are gained by members
- 2.2 This Constitution will be put before the general meeting of the Pretoria Institute for Architecture in September 2001 for adoption. This Constitution supersedes the previous Constitutions of the Pretoria Architectural Society (PAS) later known as the Pretoria Institute for Architecture (PIA)
- 2.3 This Constitution has been amended to incorporate the new legislation, namely the Architectural Profession's Act no. 44 of 2000 and the adoption of the Constitution does not require the disbanding and/or re-establishment of the Pretoria Institute for Architecture

3. CONSTITUTIONAL STATEMENT

The Pretoria Institute for Architecture is constituted as a representative group of architectural professionals, which group -

- 3.1 is affiliated to the South African Institute of Architects
- 3.2 adheres to the Rules of SACAP and the Act in general
- 3.3 practices within the greater Pretoria area
- 3.4 seeks to enhance the interest of its members and to strengthen the architectural profession by-
 - 3.4.1 agreeing to ethical standards in order to maintain the worthiness and dignity of the architectural profession
 - 3.4.2 promoting ongoing training to develop and increase the competence and skills of members and to improve the understanding of the principles of architecture
 - 3.4.3 establishing forums to support and represent members to government,

industry and to the wider building professions and the property owning public

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3.4.4 advancing the understanding of the principles and standards of architecture in the community at large

3.4.5 aspiring to develop and maintain a high quality and sustainable environment

3.4.6 recognising the consultative process as a cornerstone of the emerging democracy

4. NAME OF THE INSTITUTE

The Institute shall be known as the Pretoria Institute for Architecture

5. STATUS OF THE INSTITUTE

The Institute shall be a juristic person and -

5.1 shall have the capacity to sue and be sued

5.2 may acquire rights and incur obligations, and acquire and dispose of assets in its own name and independent of its members

5.3 shall have proportional succession regardless of changes in its membership

5.4 is not formed and does not exist for the purpose of carrying on any business that has as its object the acquisition of gain by the Institute or its individual members

5.5 the income and assets of the Institute shall be applied only for investment and for the promotion of the aims and objectives referred to in clause 9 herein below and no portion thereof shall be paid or transferred directly or indirectly to any members other than in terms of this constitution

5.6 no part of the income or assets of the Institute shall be paid, directly or indirectly, by way of dividend, donation or otherwise, to any person other than provided for in this Constitution

6. LIMITED LIABILITY

The liability of members of any class is limited to the amount of unpaid subscriptions or other monies owing by them to the Institute

7. DEFINITIONS

In this Constitution unless the context indicates otherwise -

7.1 "By-laws" means the rules of this Institute passed by the Management

Committee from time to time for the proper functioning of the PIA, which may include Rules of Ethics of the practice of architecture, which rules may however not be in conflict with any provisions of this Constitution

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- 7.2 “Management Committee” means the group of elected office bearers of this Institute
- 7.3 “Member” means any person admitted as a member of this Institute in whatever category as provided for in this Constitution
- 7.4 “Prescribed” means prescribed by the provisions of this Constitution and/or the by-laws and/or rules or regulations promulgated in terms of the Act
- 7.5 “Act” means the Architectural Profession Act no. 44 of 2000
- 7.6 “Constitution” means the Constitution of the Pretoria Institute for Architecture
- 7.7 “SAIA” means the South African Institute of Architects
- 7.8 “SACAP” means the South African Council for the Architectural Profession
- 7.9 “PIA” means the Pretoria Institute for Architecture and “Institute” shall have a similar meaning

8. RELATIONSHIP WITH THE SOUTH AFRICAN INSTITUTE OF ARCHITECTS

The PIA is affiliated to the SAIA and subscribes to the objectives which are substantially similar to those of the SAIA and shall generally co-operate with the SAIA in order to build and sustain a strong profession while it is so affiliated. Any resolution to resign from such affiliation to the SAIA can only be passed by a two thirds majority vote taken by the professional members present at a general meeting of the PIA. The Management Committee can in its discretion, adopt or resign from affiliations to other bodies in the interest of its members

9. AIMS AND OBJECTIVES

The aims and objectives of the PIA shall be to:

- 9.1 further the interests of its members by the enhancement of their legal and professional status, by the provision of practice support and by representing them when called upon to do so
- 9.2 maintain the worthiness and dignity of the architectural profession by upholding ethical standards
- 9.3 advance the ability, skill and understanding of the principles of architecture by promoting ongoing training
- 9.4 enable members of allied professional associations to become members of this Institute

- 9.5 consult with the SACAP and SAIA in drawing up, amending if necessary, and supporting and enforcing the code of conduct for registered persons as referred to in clause 27 of the Act

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- 9.6 refer a complaint regarding improper conduct of any registered person to the SACAP in terms of Section 28(1)(b) of the Act, should the PIA have reasonable grounds to suspect that a registered person has committed an act which may render him or her guilty of improper conduct or if a complaint, charge or allegation of improper conduct has been received by the PIA

10. ETHICS

The PIA endorses the Code of Ethics of the SAIA for Architect and Master Architect members. The Management Committee can in its discretion, adopt other or alter existing codes to serve the interest of non-architect members

11. MEMBERSHIP

The PIA shall have the categories of membership with relevant rights and obligations as set out hereunder

11.1 PROFESSIONAL CATEGORIES (VOTING MEMBERS)

- 11.1.1 **Professional Master Architect:** A Professional Master Architect member shall be a professional registered architect in terms of the Act. The following requirements should be met to the satisfaction of the Management Committee:
- A minimum of ten years post graduate experience in practice or allied disciplines
 - Accomplished professional ability and skill
 - The Applicant should be active in the profession of architecture
- 11.1.2 **Professional Architect:** A Professional Architect member shall be a professional registered architect in terms of the Act. This category requires members to be active in the profession of architecture
- 11.1.3 **Professional Senior Architectural Technologist:** A Professional Senior Technologist member shall be a registered senior technologist in terms of the Act. This category requires members to be active in the profession of architecture
- 11.1.4 **Professional Architectural Technologist:** A Professional Technologist member shall be a registered technologist in terms of the Act. This category requires members to be active in the profession of architecture
- 11.1.5 **Special Member:** A Special Member shall be a person not being eligible for any other category of membership whose application is accepted by the Management Committee

- 11.1.6 **Life Member:** A Life Member shall be a member registered in the professional categories whom the Management Committee wishes to honour for services to and excellence in the profession

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11.2 OTHER CATEGORIES (NON VOTING MEMBERS)

- 11.2.1 **Professional Architectural Draughtsperson:** A Professional Draughtsperson member shall be a Registered Draughtsperson in terms of the Act. This category requires members to be active in the profession of architecture. The Management Committee may, in its discretion, decide to allocate voting rights to this category, once the educational and practical requirements for this category are known
- 11.2.2 **Candidate Architect:** A Candidate Architect member shall be a registered Candidate Architect in terms of the Act
- 11.2.3 **Candidate Senior Architectural Technologist:** A Candidate Technologist member shall be a registered Candidate Professional Technologist in terms of the Act. The Management Committee may waive this requirement where an Applicant is in possession of a qualification acceptable to the Management Committee and carries on a profession contributing to or related to the practice of architecture
- 11.2.4 **Candidate Architectural Technologist:** A Candidate Technologist member shall be a registered Candidate Professional Technologist in terms of the Act. The Management Committee may waive this requirement where an Applicant is in possession of a qualification acceptable to the Management Committee and carries on a profession contributing to or related to the practice of architecture
- 11.2.5 **Candidate Architectural Draughtsperson:** A Candidate Draughtsperson member shall be a registered Candidate Draughtsperson in terms of the Act. The Management Committee may waive this requirement where an Applicant is in possession of a qualification acceptable to the Management Committee and carries on a profession contributing to or related to the practice of architecture
- 11.2.6 **Retired Member:** Retired membership is bestowed by the SACAP and SAIA, and application should first be made directly to the SACAP and SAIA, prior to the PIA being approached in the matter. A Retired Member shall be a person who is no longer engaged in the profession of architecture either as a practitioner or as an employee and who does not retain a share in an architectural practice. A Retired Member shall no longer be a member of the South African Council for the Architectural Professions. A retired member may be placed in this category by application by reason of his/her-

- 11.2.6.1 having retired from practice or employment; or
- 11.2.6.2 changing the nature of his/her employment or business from that of architect or architectural practice to an employment or business outside the field of architecture; or
- 11.2.6.3 not being able to continue his/her employment as an architect or the practice of architecture due to ill health or other reason acceptable to the Management Committee

11.2.7 **Honorary Member:** An Honorary Member shall be a person who is not eligible to be registered in the professional categories as 11.1 above, but is a person of distinction whom the Management Committee wishes to honour

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11.2.8 **Student Member:** A Student Member shall be a student in the architectural disciplines at an accredited tertiary institution, performing studies to the acceptance of the Management Committee

11.2.9 **Friend of the PIA:** A Friend of the PIA shall be a person not eligible to be registered in the professional categories as 11.1 above, but who wishes to be associated with the PIA and whose application is accepted by the Management Committee. However, a paid up member of another provincial institute may be admitted in this category of the PIA, at the discretion of the Committee who would charge an appropriate enrolment fee

11.3 LETTERS OF DESIGNATION

In order to designate their affiliate membership of the South African Institute of Architects, members of this Institute shall be entitled to use the following letters of designation:

Professional Master Architect	PIA (Master)
Professional Architect	PIA
Professional Senior Architectural Technologist	PIA
Professional Architectural Technologist	PIA
Professional Architectural Draughtsperson	PIA
Special Member	PIA (Special Member)
Candidate Architect	PIA (Candidate)
Candidate Senior Architectural Technologist	PIA (Candidate)
Candidate Architectural Technologist	PIA (Candidate)
Candidate Architectural Draughtsperson	PIA (Candidate)
Retired Member	PIA (Retired)
Honorary Member	PIA (Honorary)
Life Member	PIA (Life)
Student Member	PIA (Student)
Friend Member	PIA (Friend)

11.4 APPLICATION FOR MEMBERSHIP OR FOR CHANGE OF CATEGORY OF MEMBERSHIP

11.4.1 An Applicant shall have conducted and shall continue to conduct him/herself

in such

a manner that his/her membership will not detract from the dignity and standing of this Institute

- 11.4.2 A person who is desirous of becoming a member or of changing his/her category of membership shall be required to satisfy the conditions as set out by the Management Committee

- 11.4.3 The Management Committee shall consider each application

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- 11.4.4 The Management Committee shall cause relevant details of the application to be made known to all members. Consideration shall be given to the comments which any member or members of this Institute may submit
- 11.4.5 Application to be transferred to the Retired category of membership may be considered by the Management Committee without reference to the members
- 11.4.6 Individual application may not be made for the Honorary and Life categories
- 11.4.7 The Management committee shall consider Honorary and Life membership of the PIA only upon nomination by at least five members. The Management Committee shall make known such an application to the membership. Comment from membership for the consideration the Management Committee may be submitted in writing within four weeks of the particulars being made available. Should no adverse comment be received within that period the Management Committee may, in its discretion, admit the Applicant as a member in the applicable category
- 11.4.8 The Management Committee shall reveal the particulars of an application that complies with the requirements for membership. The particulars of the Applicant shall include address, qualification, field of activity and the names of his/her partners. Comment from membership for the consideration of the Management Committee may be submitted in writing within four weeks of the particulars being made available. Should no adverse comment be received within that period the Management Committee may, in its discretion, admit the Applicant as a member in the applicable category
- 11.4.9 Where the application is incomplete or the information provided is not clear or raises doubts or where upon circulation an objection or adverse comment is received, the Management Committee shall call for such additional information as it considers necessary. It may furthermore request the Applicant to give additional information or explanation by means of a personal interview. Where the Management Committee is of the opinion that objections received are invalid or adverse comment is unwarranted the Management Committee may, in its discretion, admit the Applicant as a

member

- 11.4.10 The Management Committee may reject an application after the procedure outlined in 11.4.8 has taken place, by upholding objections raised or deciding that the Applicant's particulars do not conform to the category of membership applied for
- 11.4.11 The Management Committee may consider applications as special cases and offer an appropriate category of membership to deserving applicants. After so deciding, reference to the members shall be made as provided for above
- 11.4.12 Members shall be issued with evidence of membership. The cards or certificates issued shall remain the property of the Institute and shall be surrendered on demand. The name of every member shall be entered on a register to be called "The Roll of Members"

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- 11.4.13 Termination of membership for whatever reason shall entail forfeiture of all rights of membership including the right to the use of the letters of designation referred to in the by-laws
- 11.4.14 No pro-rata reduction of a subscription will be refundable for any curtailment of membership, except upon proof of transfer to a recognised regional institute

11.5 RIGHTS OF MEMBERS

- 11.5.1 Every member shall be entitled to attend any general meeting of this Institute and upon application, a committee meeting of the Management Committee
- 11.5.2 Professional members shall be entitled:
 - 11.5.2.1 to take part in any discussion on any matter at any general meeting
 - 11.5.2.2 to vote on any resolution put to the membership of this Institute, except that non-architects shall not be entitled to vote on matters pertaining to the work, or professionalism of architects/master architects
 - 11.5.2.3 to nominate and vote for members to serve on the Management Committee
 - 11.5.2.4 to be nominated and elected to serve on the Management Committee and to hold any office in this Institute
- 11.5.3 Life members and honorary members shall be exempt from the payment of the annual subscription and levies

- 11.5.4 Honorary members shall not incur any of the obligations nor be entitled to any of the rights of members other than those referred to in clause 11.4.1 above
- 11.5.5 Non-Professional Members shall be entitled to take part in any discussion at a general meeting but shall not have voting rights
- 11.5.6 It shall be the duty of every member to notify the Management Committee of any change of address or employment, partnership, association or membership of any company or close corporation through which he/she is practising architecture - (change of style in practice)
- 11.5.7 The liability of each member is limited to the amount of any subscription, fine, levy or other debt owing by him/her to this Institute
- 11.5.8 Membership of this Institute shall not confer upon any member any rights whatever to a share or a participation in any asset belonging to this Institute

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11.6 MEMBERSHIP FEES AND SUBSCRIPTIONS

- 11.6.1 The Management Committee shall determine entrance fees for all categories each year, subject to the approval at a general meeting
- 11.6.2 The Management Committee shall determine subscriptions for all categories of members, subject to the approval of a general meeting. These shall include:
 - 11.6.2.1 an amount for affiliation to the South African Institute of Architects, and/or other affiliated bodies
 - 11.6.2.2 an amount determined as per the approved budget of this Institute
 - 11.6.2.3 the Management Committee may further introduce a differentiated subscription for salaried members
- 11.6.3 The financial year of this Institute shall commence on the first day of July and annual subscriptions and levies shall be due on that day

11.7 CESSATION OF MEMBERSHIP AND RE-ADMISSION

A member shall cease to be a member:

- 11.7.1 upon receipt by the Management Committee of his/her written resignation from membership

- 11.7.2 should he/she fail to pay the annual subscription within two months after the same has become due. Application for alternative forms of payment may be considered by the Management Committee. Should the outstanding amount be paid the same year, the re-enrollment fee as prescribed will be waived
- 11.7.3 should the Management Committee decide to terminate such member's membership after such member has been found guilty of improper conduct by a disciplinary tribunal of the SACAP

12. GOVERNANCE

- 12.1 The management of the affairs of this Institute shall be vested in the Management Committee, whose members shall be elected out of and by the members of this Institute and who shall hold office for such periods as provided for herein. The members of the Management Committee, office bearers, employees and executive office bearers shall be deemed exonerated and indemnified from all liabilities, costs, losses and expenses in the discharge of their duties, in their personal or professional capacity

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- 12.2 The Management Committee shall comprise of the following professional members:
 - 12.2.1 The President
 - 12.2.2 The Vice President
 - 12.2.3 The Immediate Past President
 - 12.2.4 Seven further members of which at least four shall be Professional Architects or Master Architects. The President or the Vice President shall be a Professional Architect or a Master Architect
- 12.3 The Management Committee may in its discretion co-opt not more than three additional members from the membership of this Institute to serve on the Management Committee for the session. More than three members may be co-opted to assist with particular tasks
- 12.4 Members of the Management Committee shall be appointed to office of this Institute without remuneration. No remuneration or other benefit in money or money's worth shall be given to any member of the Management Committee except payment for costs incurred in the course of duties undertaken
- 12.5 Any member of the Management Committee may be removed from office before expiry of his/her period of office by resolution at a general or a special meeting
- 12.6 The Management Committee may act notwithstanding any vacancies on the Management Committee. Any vacancy that occurs during a session may be filled by appointment by the remaining members of the Management

Committee for a period up to the next Annual General Meeting

- 12.7 The President, or in his absence the Vice President, shall preside at all meetings of the Management Committee and in the absence of both the President and the Vice President the remaining members of the Management Committee shall elect one of its number as chairman
- 12.8 The Management Committee shall:
- 12.8.1 convene an Annual General Meeting of the members of this Institute in accordance with the rules and procedure as prescribed herein
 - 12.8.2 convene special general meetings of members if deemed to be warranted and shall be bound to do so if required in writing by at least twenty five members, such requisition to be signed by all the members requiring the meeting and stating the grounds therefore. Such special general meeting shall be held at such time and place as the Management Committee may determine
 - 12.8.3 meet not less than once every three months to attend to the business of this Institute

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- 12.8.4 hold special Management Committee meetings by order of the President or failing him the Vice President on the written request of at least three Management Committee members
- 12.8.5 appoint committees or sub-committees, prescribe the rules regulating their proceedings and delegate powers and duties to such committees
- 12.8.6 cause proper minutes to be kept of the proceedings of all meetings of this Institute, of the Management Committee and of all committees and any such minutes of any meeting. If purported to be signed by the chairman of such meeting or by the chairman of the next succeeding meeting, such signature shall be conclusive evidence of the approval of the facts therein stated
- 12.8.7 appoint representatives of this Institute on any other body
- 12.8.8 appoint and dismiss such employees as it may deem necessary
- 12.8.9 make rules consistent with this Constitution

**13. THE ELECTION OF OFFICE BEARERS
(Hereinafter referred to as members of the Management Committee)**

- 13.1 The terms of office of the Management Committee members shall be staggered,

whereby five members retire from office each alternate year and the remaining five remain in office. The Vice President is exempted from this rule. The Vice President of the outgoing committee shall become the president of the incoming committee without requiring further nomination and election

Should the Vice President not take up the office of President, the Management Committee shall elect both Vice President and President from amongst its ranks

- 13.2 When the President retires after his two-year term he will serve on the committee for one further two year term as the Immediate Past President. Should the President not complete his/her term, the Vice President shall become President and the Management Committee shall elect a Vice President from amongst its ranks
- 13.3 Retiring members of the committee may be re-elected. The President may, upon request by the Management Committee, serve one further term of office. The President shall not serve more than two consecutive two-year terms. A past President may again make himself/herself available for the presidency after a further lapse of four years
- 13.4 Any member with voting rights may nominate, in writing, a candidate or candidates for election to the Management Committee provided that each such candidate is a member with voting rights and shall have signified acceptance by signing his/her nomination

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- 13.5 A member of the Management Committee shall cease to hold office :
- 13.5.1 when his/her term of office expires
 - 13.5.2 if he/she resigns in writing
 - 13.5.3 if he/she ceases to be a member of the Institute
 - 13.5.4 if his/her registration is terminated in terms of the act
 - 13.5.5 if he/she is absent from three consecutive meetings without apology
 - 13.5.6 if he/she is removed from office by resolution of a general meeting
 - 13.5.7 if he/she is at any time convicted of extortion, bribery, theft, fraud, forgery or purgery
 - 13.5.8 if he/she is guilty of conduct which in the opinion of two thirds of the Management Committee, is not becoming of a member of the Committee

14. MEETINGS OF THE MANAGEMENT COMMITTEE

- 14.1 A simple majority of all members of the Management Committee shall form a quorum at any meeting of the committee, provided that :
- at least four members of the management Committee shall be present
 - at least two architect / master architect members of the Management Committee shall be present
- 14.2 Any person present at a meeting shall excuse him/herself if any matter affecting his/her personal or professional interest is discussed

14.3 Not less than fourteen days notice shall be given to each member at his registered address for any regular meeting of the Management Committee

14.4 Not less than seven days notice shall be given to each member at his registered address

for any special meeting of the Management Committee and the notice shall set out the grounds therefore

14.5 A majority of the members present at a meeting shall decide on matters where there is a difference of opinion while the chairman not having a deliberate vote, shall exercise a casting vote in the case of an equal number of votes

15. GENERAL MEETINGS OF THIS INSTITUTE

15.1 One twentieth of the members with voting rights shall form a quorum necessary to

constitute any general meeting or special general meeting, for which due notice has been given. The quorum shall be maintained throughout the meeting

15.2 If no quorum is present, the meeting shall be adjourned and shall be resumed twenty minutes later at the same place. The members with voting rights then present shall form a quorum, provided that no fewer than 10 members shall be present

15.3 The Management Committee shall call a special general meeting within twenty-one days of receipt of a written requisition signed by at least twenty members stating the grounds therefore

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15.4 At least fourteen days notice of the place, time and agenda for a special general meeting shall be given. The chairperson at such a meeting shall be, in order of priority:

- The President
- Vice President
- Committee member
- A chairperson elected from among the members with voting powers present

16. FINANCIAL STATEMENTS, BOOKS AND ACCOUNTS

16.1 The PIA shall ensure that annual financial statements are prepared at the end of every financial year of the PIA, which financial statements shall be audited by the auditors of the PIA to be appointed at every Annual General Meeting of the PIA

16.2 The Management Committee shall present an audited financial report for approval at each Annual General Meeting for the preceding financial year

16.3 The financial year of the PIA shall be the last day of June of every year

- 16.4 The accounts and minutes of the PIA shall be open for inspection to any member upon application to the secretary, who shall have the duty to produce the same for inspection at all reasonable times
- 16.5 For purposes of signing cheques or other banking or financial documents or any other documents in terms of which the PIA shall incur any obligations or shall dispose any assets, two designated signatures are required; one by a member of the Management Committee, and one by a member of the secretariat

17. FUTURE AMENDMENTS TO THIS CONSTITUTION

- 17.1 The Management Committee is required to first approve a proposed amendment to this Constitution prior to such a proposed amendment being considered by the membership of the PIA at a general or special meeting
- 17.2 An amendment to this Constitution must be approved by two-thirds of the professional membership present at a general or special meeting at which the proposal for the amendment is being considered. Such notice of the proposal to move an amendment to the Constitution must be included in the notice convening the meeting
- 17.3 Only professional members may submit proposals for amendment and all proposals for amendment shall be addressed to the President
- 17.4 A proposal shall be supported by not less than 10 (ten) professional members
- 17.5 Any amendment must be approved by not less than a two thirds majority of those members voting

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18. AMALGAMATION, CESSATION OR WINDING UP

- 18.1 The PIA may be amalgamated with any similar institute by a resolution adopted by a two thirds majority of members eligible to vote and who attend an annual general meeting or a special general meeting
- 18.2 The PIA may be wound up by a resolution adopted by a two thirds majority of members eligible to vote and who attend an annual general meeting or a special general meeting
- 18.3 The provisions of the Company's Act 1973 as amended, shall where applicable, govern the procedures applying to the winding up of the PIA
- 18.4 All surplus assets remaining after the satisfaction of all liabilities, shall be transferred to another society, association or organisation with objects substantially similar to those contained in this Constitution

19. BY-LAWS

The Management Committee may from time to time introduce by-laws for the proper functioning and governance of the PIA

ADDENDUM TO CONSTITUTION : BY-LAWS

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