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GOVERNMENT NOTICE

DEPARTMENT OF HEALTH

No. R. 568

12 July 2007

NURSING ACT, 2005 (ACT NO. 33 OF 2005)

REGULATIONS RELATING TO THE NOMINATION AND APPOINTMENT OF MEMBERS OF THE COUNCIL

The Minister of Health intends, in terms of section 58(1)(a) of the Nursing Act, 2005 (Act No 33 of 2005) and after consultation with the Council, to make the regulations set out in the Schedule.

Interested persons are invited to submit substantiated comments or representations on the proposed regulations to the Director-General: Health (for the attention of the Director: Stakeholder Relations and Management), Department of Health, Private Bag X828, PRETORIA 0001, within two months from the date of publication of this notice.

SCHEDULE

Definitions

1. In these regulations “**the Act**” means the Nursing Act, 2005 (Act No. 33 of 2005), and any expression to which a meaning has been assigned in the Act shall bear such meaning.

Nomination of Members of Council

2. (1) The members of the Council contemplated in section 5(1)(a) and section 5(1)(b)(viii) and (ix) of the Act must be appointed by the Minister on the basis of nominations made by interested parties or persons.

(2) The Minister must, by notice in the *Gazette* and an advertisement placed in at least two newspapers with national circulation, and by any other means regarded necessary by him or her, invite nominations contemplated in sub-regulation (1) for persons to be considered for appointment to the Council.

- (3) The notice and advertisement contemplated in sub-regulation (2) must be published at least four months prior to the expiry of the term of office of the current Council and appointment of new members of the Council and must state the requirements referred to in regulation 5 and the closing date for nominations.
3. (1) The Minister must request nomination of one person each from:-
- (a) the Director-General: Health for a person to be appointed in terms of section 5(1)(b)(i) of the Act;
 - (b) the Law Society of the Northern Provinces for a person to be appointed in terms of section 5(1)(b)(ii) of the Act;
 - (c) the Financial Services Board for a person to be appointed in terms of section 5(1)(b)(iii) of the Act;
 - (d) the South African Pharmacy Council for a person to be appointed in terms of section 5(1)(b)(iv) of the Act;
 - (e) the Council for Higher Education for a person to be appointed in terms of section 5(1)(b)(v) of the Act;
 - (f) the Consumer Council for a person to be appointed in terms of section 5(1)(b)(vi) of the Act; and
 - (g) the Member of the Executive Council responsible for health in each province.
- (2) The Minister must appoint three persons in terms of section 5(1)(b)(vii) of the Act, from those nominated in terms of sub-regulation (1)(g).

Nomination requirements

4. A nomination made in terms of section 5(1)(a) and section 5(1)(b)(viii) and (ix) must be submitted to the Registrar before or on the closing date appearing in the notice or advertisement referred to in regulation 2(2).
5. A nomination contemplated in regulation 4 must be in the format contemplated by Annexure A, and must include at least-
- (a) a detailed curriculum vitae of the nominee outlining such nominee's expertise and his or her written acceptance of the nomination;
 - (b) a written motivation by the nominee outlining and detailing his or her vision for the nursing profession, the contribution the nominee may have made to the nursing profession and future contribution he or she intends making towards the development of the nursing profession;
 - (c) the name and contact details of the person or interested party making the nomination and two referees, and a detailed motivation supporting the nomination of such nominee, including the nominee's actual or potential

leadership qualities, the expertise in a particular field of nursing and the nominee's ability to assume the responsibilities and functions entrusted by the Act;

- (d) proof of registration with the Council;
- (e) a certificate of good standing; and
- (f) a declaration, under oath, to execute the functions of the Council and to ensure adherence to the Act and any other applicable prescript if appointed.

6. Any nomination form that is incomplete and does not conform to the requirements outlined in regulation 5 is invalid and will not be considered for purposes of appointment as a member.

Returning Officer

7. (1) The Registrar is the returning officer for nominations in terms of section 5(1)(a) and (b)(viii) and (ix) of the Act.
- (2) The returning officer may appoint such other officers as he or she may deem necessary for the achievement of the objects of these regulations.
- (3) The returning officer must verify that each nomination complies with the provisions of Regulation 5 before accepting any nomination.
- (4) The returning officer must submit all valid nominations to the Minister of Health within 15 days of the closing date published in the *Gazette* and advertisement referred to in regulation 2(2).

Selection Process

8. (1) The Minister must appoint a panel comprising of at least three members to consider the nominations received.
- (2) The panel must then select and recommend 22 candidates to be considered by the Minister for appointment of 16 members in terms of section 5(1)(a) and section 5(1)(b)(viii) and (ix) of the Act.
- (3) In selecting the 22 candidates, the panel must take into consideration the following-
- (a) Relevant expertise and experience in at least one field of nursing;
 - (b) Expertise in a range of health services;
 - (c) Expertise in policy formulation or in education and training of nurses;
 - (d) Ethical standing of the nominee;
 - (e) Geographic distribution in terms of provinces;
 - (f) Rural and urban areas;

- (g) Knowledge and expertise in the regulation of nursing;
 - (h) Representivity in terms of race and gender; and
 - (i) Any other relevant factor.
- (4) The selection panel may select candidates utilizing both a screening process and interviews of nominees.
- (5) The panel must attach a report for each of the recommended 22 candidates and submit to the Minister for consideration of appointment to the Council.
- (6) Notwithstanding, the Minister has the power to appoint any other suitable person to ensure that the objectives of sub-regulation (2) are achieved in case the nominations received by the returning officer fail to do so.

Appointment of Members of Council

9. The Minister must appoint the 25 members of the Council and publish the names of such appointed members and the date of commencement of their period of office in the *Gazette* as soon as possible.
10. (1) Persons appointed by the Minister as members of the Council must submit-
- (a) a written acceptance of the appointment within seven days of receiving such appointment notification; and
 - (b) a signed declaration that he or she will uphold the provisions of the Act and other applicable prescript.

Repeal

11. The following regulations published in the *Gazette* are hereby repealed:

| Government Notice no. | Date of publication |
|------------------------------|----------------------------|
| R.1924 | 15 October 1993 |
| R1318 | 10 October 1997 |

ANNEXURE A***NOMINATION FORM***

- (1) We/I nominate (print the full names of the candidate as they appear in the register or roll, as the case may be) _____

To be considered for appointment as a member of the South African Nursing Council in the following category:

- Professional Nurse
 - Midwife
 - Staff Nurse
 - Auxilliary Nurse
- (Delete whichever is not applicable)

- (a) Signature (person nominating) _____

Print full first names and surname as they appear in the register or roll, as the case may be (person nominating)

Registration Number:

- (b) Signature (person seconding the nomination) _____

Print full first names as they appear in the register or roll, as the case may be

Registration Number:

(2) **DECLARATION BY PERSON WHO NOMINATES**

I (print the full first names and surname as they appear in the register or roll, as the case may be) _____

declare that I am a South African citizen resident in the Republic at (state residential address) _____

Signature

(3) CONSENT TO NOMINATION

I (print full names, surname and registration number as they appear in the register or roll, as the case may be),

 declare that: -

- (a) I consent to nomination;
- (b) I am a South African citizen;
- (c) I am permanently resident in the Republic at (state full residential address) _____;
- (d) I agree to accept nomination in the following category:
- Professional nurse;
 - Midwife;
 - Staff nurse; or
 - Auxilliary nurse;
- (Delete which is not applicable)
- (e) I am aware of the provision of the Nursing Act, 2005 (Act No. 33 of 2005), with particular regard to section 6 thereof; and
- (f) I undertake to abide by the Code of Conduct for members of the Nursing Council.

Signature

 Date:

I certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration.

Sworn to / affirmed and signed before me at _____ on ____

Commissioner of Oaths: _____
 Position/Rank: _____
 Date: _____
 Signature: _____

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