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Government Notice

Goewermentskennisgewing

The following Government Notice is published for general information.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

N. J. DAVIN

*Secretary of the National Assembly
of South West Africa*

N. J. DAVIN

*Sekretaris van die Nasionale Vergadering
van Suidwes-Afrika*

Windhoek

Windhoek

No. AG. 100

9 November 1979

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PROMULGATION OF ACT OF NATIONAL ASSEMBLY

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

The following Act, which has been adopted by the National Assembly of South West Africa and signed by the Administrator-General in terms of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979) is hereby published in terms of section 19 of that Proclamation:—

Die volgende Wet, wat ingevolge die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), deur die Nasionale Vergadering van Suidwes-Afrika aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 19 van daardie Proklamasie:—

No. 14 of 1979

Nursing Association of South West Africa Act, 1979

No. 14 van 1979

Wet op die Verpleegstersvereniging van Suidwes-Afrika, 1979

Act No. 14, 1979 NURSING ASSOCIATION OF SOUTH WEST AFRICA ACT, 1979

(Afrikaans text signed by the Administrator-General on 5 November 1979)

ACT

To establish a Nursing Association of South West Africa and a management to control its affairs; to define its powers; and to provide for incidental matters.

BE IT ENACTED by the National Assembly of South West Africa, as follows:—

Definitions.

1. In this Act, unless the context indicates otherwise —

- (i) "association" means the Nursing Association of South West Africa established by section 2; (iv)
- (ii) "management" means the management referred to in section 6; (i)
- (iii) "midwife", except in section 6(2)(a), includes an accoucheur; (vi)
- (iv) "prescribed" means prescribed by regulation; (v)
- (v) "territory" means the territory of South West Africa; (ii)
- (vi) "this Act" includes the regulations made thereunder. (iii)

Establishment of Nursing Association of South West Africa.

2. There is hereby established a juristic person to be known as the Nursing Association of South West Africa.

Objects of association.

3. The objects of the association shall be —

- (a) the provision and development of an efficient and adequate nursing service in the territory;
- (b) the enhancement of the status, the maintenance of the integrity and the promotion of the interests of the nursing profession.

Constitution of association.

4. (1) The association shall, subject to the provisions of subsection (2), consist of —

- (a) the persons who under any law —

**WET OP DIE VERPLEEGSTERSVERENIGING VAN
SUIDWES-AFRIKA, 1979**

Wet No. 14, 1979

*(Afrikaanse teks deur die Administrateur-generaal onder-
teken op 5 November 1979)*

WET

Om 'n Verpleegstersvereniging van Suidwes-Afrika en 'n bestuur om sy sake te beheer, in te stel; om sy bevoegdhede te omskryf; en om vir bykomstige aangeleenthede voorsiening te maak.

DAAR WORD BEPAAL deur die Nasionale Vergadering van Suidwes-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken —

Woordomskrywings.

(i) "bestuur" die bestuur in artikel 6 bedoel; (ii)

(ii) "gebied" die gebied Suidwes-Afrika; (v)

(iii) "hierdie Wet" ook die regulasies daarkragtens uitgevaardig; (vi)

(iv) "vereniging" die Verpleegstersvereniging van Suidwes-Afrika by artikel 2 ingestel; (i)

(v) "voorgeskryf" of "voorgeskrewe" by regulasie voorgeskryf; (iv)

(vi) "vroedvrou", behalwe in artikel 6(2)(a), ook 'n vroedmeester. (iii)

2. Daar word hierby 'n regs persoon met die naam Verpleegstersvereniging van Suidwes-Afrika ingestel.

Instelling van Verpleegstersvereniging van Suidwes-Afrika.

3. Die oogmerke van die vereniging is —

Oogmerke van vereniging.

(a) die voorsiening en ontwikkeling van 'n doeltreffende en toereikende verplegingsdiens in die gebied;

(b) die verhoging van die status, die handhawing van die integriteit en die bevordering van die belange van die verplegingsberoep.

4. (1) Die vereniging bestaan, behoudens die bepaling van subartikel (2), uit —

Samestelling van vereniging.

(a) die persone wat kragtens die een of ander wet —

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- (i) are registered as nurses or midwives;
 - (ii) are enrolled as nurses or midwives;
 - (iii) are enrolled as nursing assistants;
 - (iv) are registered as student nurses or student midwives; or
 - (v) are enrolled as pupil nurses or pupil nursing assistants;
- (b) all persons who are competent to be registered or, as the case may be, enrolled as nurses, midwives or nursing assistants and who are admitted as members in terms of this Act;
- (c) all other persons admitted as honorary members in terms of this Act, and who are ordinarily resident in the territory.

(2) Any person who is so registered or enrolled and who does not carry on his profession, may be exempted by the association from any liability towards it.

Powers of association.

5. For the purposes of achieving its objects, the association shall have power —

- (a) to consider any matter affecting the nursing profession or the members thereof and make representations or take such action in connection therewith as the association may deem advisable;
- (b) to divide the association into branches or groups within such branches and exercise control over such branches or groups: Provided that the association shall be divided into at least seven branches;
- (c) to purchase, hire or otherwise acquire any property, whether movable or immovable, to keep or to sell or let or hypothecate or otherwise dispose of, or deal in any other manner with, property acquired by it;
- (d) to raise or borrow money on such terms and conditions as may be agreed upon;
- (e) to accept donations and to receive moneys offered or due to it;
- (f) to apply its funds to the establishment of a reserve fund, or to invest at its discretion any funds not immediately required for its affairs;
- (g) to act as trustee of any trust;

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(i) as verpleegkundiges of vroedvroue geregistreer is;

(ii) as verpleegkundiges of vroedvroue ingeskryf is;

(iii) as verpleegassistente ingeskryf is;

(iv) as studentverpleegkundiges of studentvroedvroue geregistreer is; of

(v) as leerlingverpleegkundiges of leerlingverpleegassistente ingeskryf is;

(b) alle persone wat bevoeg is om as verpleegkundiges, vroedvroue of verpleegassistente geregistreer of, na gelang van die geval, ingeskryf te word en wat ingevolge hierdie Wet as lede toegelaat is;

(c) alle ander persone wat ingevolge hierdie Wet as eredelede toegelaat is, en wat hulle gewone verblyf in die gebied het.

(2) Iemand wat aldus geregistreer of ingeskryf is en wat nie sy beroep beoefen nie, kan deur die vereniging van enige verpligting teenoor hom vrygestel word.

5. Ten einde sy oogmerke te bereik, het die vereniging die bevoegdheid —

Bevoegdhede van vereniging.

(a) om enige aangeleentheid te oorweeg wat die verplegingsberoep of die lede daarvan raak en in verband daarmee verhoë te rig of die stappe te doen wat die vereniging gerade ag;

(b) om die vereniging in takke of groepe binne daardie takke te verdeel en beheer oor sodanige takke of groepe uit te oefen: Met dien verstande dat die vereniging in minstens sewe takke verdeel word;

(c) om enige goed, hetsy roerend of onroerend, te koop, te huur of andersins te verkry, goed deur hom verkry te hou of dit te verkoop of te verhuur of te verhipotekeer of andersins van die hand te sit of op 'n ander wyse daarmee te handel;

(d) om geld op te neem of te leen op die bedinge en voorwaardes waarop ooreengekom word;

(e) om skenkings aan te neem en geld wat hom aangebied word of hom toekom, in ontvangs te neem;

(f) om sy fondse aan te wend vir die instelling van 'n reserwefonds, of enige fondse wat nie onmiddellik vir sy sake nodig is nie na goëddunke te belê;

(g) om as trustee van enige trust op te tree;

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- (h) to employ an executive director and other officers or employees and determine their duties and conditions of service;
- (i) to establish and control a sick or a provident or a pension fund for the officers and employees referred to in paragraph (h);
- (j) to arrange with any insurer for the provision of insurance cover for the president and other members of the management and for officers and employees, in respect of bodily injury, disablement or death resulting solely and directly from an accident occurring in the course of the performance of their duties;
- (k) to pay the expenses incurred in connection with its establishment and administration,

and may, generally, do anything that is conducive to the achievement of its objects and the exercise of its powers, whether or not it relates to any matter expressly mentioned in this section.

Management of association.

6. (1) The affairs of the association shall be controlled by a management of the association, which may exercise the powers and perform the duties of the association with due regard to the provisions of this Act.

(2) Subject to the provisions of section 7, the management shall consist of —

- (a) two members of the association in respect of each of the branches into which the association is divided under section 5, of whom at least one shall be of the female sex, who are registered under the provisions of any law as a nurse as well as a midwife or, in the case of a male person, as a nurse, and who are elected in the prescribed manner from among themselves by the members of the association referred to in section 4(1)(a)(i) and (iv) connected to any such branch;
- (b) one member of the association who is registered under any law as a nurse as well as a midwife and who is elected in the prescribed manner by the members of the association referred to in section 4(1)(a)(ii) and (iii) exercising their professions in the territory.

(3) Subject to the provisions of section 7, a member of the management shall hold office for a period of four years, but shall after the expiration of his term of office be eligible for re-election.

(4) A member of the management shall vacate his office if —

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- (h) om 'n uitvoerende direkteur en ander amptenare of werknemers in diens te neem en hul pligte en diensvoorwaardes te bepaal;
- (i) om 'n siekte- of voorsorgs- of pensioenfonds vir die amptenare en werknemers in paragraaf (h) bedoel, in te stel en te beheer;
- (j) om met 'n versekeraar te reël vir die voorsiening, by wyse van versekering, van dekking vir die president en ander lede van die bestuur en vir amptenare en werknemers, ten opsigte van liggaamlike besering, ongeskiktheid of dood wat uitsluitlik en regstreeks die gevolg is van 'n ongeluk wat in die loop van die verrigting van hul pligte plaasvind;
- (k) om die uitgawes aangegaan in verband met sy instelling en administrasie te betaal,

en kan, in die algemeen, enigiets doen wat bevorderlik is vir die bereiking van sy oogmerke en die uitoefening van sy bevoegdhede, hetsy dit betrekking het op 'n aangeleentheid wat uitdruklik in hierdie artikel vermeld word, al dan nie.

6. (1) Die sake van die vereniging word beheer deur 'n bestuur van die vereniging wat met inagneming van die bepalings van hierdie Wet die bevoegdhede en die pligte van die vereniging uitoefen of verrig.

Bestuur van vereniging.

(2) Behoudens die bepalings van artikel 7 bestaan die bestuur uit —

- (a) twee lede van die vereniging ten opsigte van elkeen van die takke waarin die vereniging kragtens artikel 5 verdeel is, waarvan minstens een van die vroulike geslag moet wees, wat kragtens die bepalings van een of ander wet as 'n verpleegkundige sowel as 'n vroedvrou of, in die geval van 'n manlike persoon, as 'n verpleegkundige geregistreer is, en wat deur die lede van die vereniging in artikel 4(1)(a)(i) en (iv) bedoel, verbonde aan so 'n tak uit hul midde op die voorgeskrewe wyse gekies is;
- (b) een lid van die vereniging wat kragtens die een of ander wet as 'n verpleegkundige sowel as 'n vroedvrou geregistreer is en wat deur die lede van die vereniging in artikel 4(1)(a)(ii) en (iii) bedoel, wat hul beroepe in die gebied beoefen, op die voorgeskrewe wyse gekies is.

(3) Behoudens die bepalings van artikel 7 beklee 'n lid van die bestuur sy amp vir 'n tydperk van vier jaar en kan hy, wanneer sy ampstermyn verstryk het, weer gekies word.

(4) 'n Lid van die bestuur ontruim sy amp indien —

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- (a) his estate is sequestrated or he enters into a compromise with the creditors in his estate;
- (b) he is absent from more than two consecutive meetings of the management without its leave;
- (c) he ceases to be a member of the association;
- (d) he is convicted of an offence, whether in the territory or elsewhere, in respect whereof he is sentenced to imprisonment without the option of a fine;
- (e) he becomes a patient or a President's patient as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973);
- (f) he tenders his resignation in writing to the president.

First members of management.

7. (1) Notwithstanding the provisions of section 6(2) and until such time as the management is constituted in terms of that section, the management shall consist of seven persons appointed by the Administrator-General from among the committees of the branches of the South African Nursing Association in the territory as it is constituted on the date immediately before the commencement of this Act, of whom at least four persons are registered as midwives under any law.

(2) If any person referred to in subsection (1) vacates his office as member of the management, as constituted in terms of that subsection, before the management is constituted in terms of section 6(2), the management, as constituted in terms of that subsection, shall consist of the remaining members so referred to.

President, vice-president and treasurer.

8. (1) The members of every newly constituted management shall at the first meeting of that management elect from among themselves a president, vice-president and treasurer.

(2) A person who holds office as president, vice-president or treasurer shall hold office during the term of office of a member of the management, unless he shall sooner resign or cease to be a member of the management.

(3) The vice-president may, when the president is absent or is for any reason unable to act as president, perform all the functions and exercise all the powers of the president.

(4) If both the president and the vice-president are absent from a meeting of the management, the members present shall elect one from among themselves to preside at that meeting and the person so presiding may at that meeting perform all the functions and exercise all the powers of the president.

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- (a) sy boedel gesekwestreer word of hy met die skuld-eisers in sy boedel 'n skikking aangaan;
- (b) hy sonder verlof van die bestuur van meer as twee agtereenvolgende vergaderings afwesig is;
- (c) hy ophou om 'n lid van die vereniging te wees;
- (d) hy aan 'n misdryf skuldig bevind word, hetsy in die gebied of elders, ten opsigte waarvan hy tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
- (e) hy 'n pasiënt of 'n Presidentspasiënt word soos in artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), omskryf;
- (f) hy skriftelik sy bedanking by die president indien.

7. (1) Ondanks die bepalings van artikel 6(2) en tot tyd en wyl die bestuur ingevolge daardie artikel saamgestel is, bestaan die bestuur uit sewe persone deur die Administrateur-generaal aangestel vanuit die midde van die komitees van die takke van die Suid-Afrikaanse Verpleegstersvereniging in die gebied soos dit op die datum onmiddellik voor die inwerkingtreding van hierdie Wet saamgestel is, van wie minstens vier persone kragtens die een of ander wet as vroedvroue geregistreer is.

Eerste lede van bestuur.

(2) Indien 'n persoon in subartikel (1) bedoel sy amp as lid van die bestuur, soos ingevolge daardie subartikel saamgestel, ontruim voordat die bestuur ingevolge artikel 6(2) saamgestel is, bestaan die bestuur, soos ingevolge daardie subartikel saamgestel, uit die oorblywende aldus bedoelde lede.

8. (1) Die lede van elke nuutsaamgestelde bestuur moet op die eerste vergadering van daardie bestuur 'n president, onderpresident en penningmeester uit hul midde kies.

President, onderpresident en penningmeester.

(2) 'n Persoon wat die amp van president, onderpresident en penningmeester beklee, beklee sy amp vir die duur van die ampstermyn van 'n lid van die bestuur tensy hy eerder bedank of ophou om 'n lid van die bestuur te wees.

(3) Die onderpresident kan, wanneer die president afwesig is of om die een of ander rede nie as president kan optree nie, al die werksaamhede van die president verrig en al sy bevoegdhede uitoefen.

(4) Indien die president sowel as die onderpresident van 'n vergadering van die bestuur afwesig is, kies die aanwesige lede iemand uit hul midde om op daardie vergadering voor te sit en die persoon wat aldus voorsit, kan op daardie vergadering al die werksaamhede van die president verrig en al sy bevoegdhede uitoefen.

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(5) If the office of president, vice-president or treasurer becomes vacant, the members of the management shall at the first meeting after such vacancy has occurred, elect from among themselves a new president, vice-president or treasurer, as the case may be.

Committees of management.

9. The management may establish committees to assist it in the performance of its functions and may in its discretion appoint any person as a member of any such committee, whether or not he is a member of the association and may assign any of its powers to any of those committees.

Meetings of management.

10. (1) The first meeting of the management shall be held at the time and place determined by the Administrator-General and thereafter meetings of the management shall be held at the times and places determined by the management.

(2) The majority of the members constituting the management shall form a quorum for a meeting of the management.

(3) The decision of a majority of the members of the management present at any meeting of the management, shall be the decision of the management: Provided that in the event of an equality of votes the person presiding at that meeting shall have a casting vote in addition to his deliberative vote.

(4) The management may make rules in relation to the holding of and procedure at meetings of the association, the management or a committee of the management.

Meetings of association.

11. (1) There shall be held at least once every two years a meeting of the association at the time and place determined by the management: Provided that the management may at any time convene a special meeting of the association and it shall convene a special meeting on a reasoned request in writing by at least fifty members which shall be held at the time and place determined by it.

(2) The quorum for any such meeting shall be prescribed.

(3) The decision of the majority of the members present at a meeting of the association, shall be the decision of the association.

Regulations.

12. The management may, with the approval of the Administrator-General, make regulations relating to —

(a) the election by way of secret ballot of members of the management;

(b) the admission of persons referred to in section 4(1)(b) and (c) as members of the association;

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(5) Indien die amp van president, onderpresident of penningmeester vakant word, kies die lede van die bestuur op die eerste vergadering nadat die vakature ontstaan het, uit hul midde 'n nuwe president, onderpresident of penningmeester, na gelang van die geval.

9. Die bestuur kan komitees instel om hom by die verrigting van sy werksaamhede behulpsaam te wees, en kan na goeddunke enigiemand as lid van so 'n komitee aanstel, hetsy hy 'n lid van die vereniging is of nie en kan enige van sy bevoegdhede aan enige van daardie komitees opdra.

Komitees van bestuur.

10. (1) Die eerste vergadering van die bestuur word gehou op die tyd en plek wat die Administrateur-generaal bepaal, en daarna word vergaderings van die bestuur gehou op die tye en plekke wat die bestuur bepaal.

Vergaderings van bestuur.

(2) Die meerderheid van die lede wat die bestuur uitmaak, maak 'n kworum vir 'n vergadering van die bestuur uit.

(3) Die besluit van 'n meerderheid van die lede van die bestuur wat op 'n vergadering van die bestuur aanwesig is, is die besluit van die bestuur: Met dien verstande dat by 'n staking van stemme die persoon wat by daardie vergadering voorsit 'n beslissende stem benewens sy beraadslagende stem het.

(4) Die bestuur kan reëls maak met betrekking tot die hou van en prosedure op vergaderings van die vereniging, die bestuur of 'n komitee van die bestuur.

11. (1) Daar word minstens een keer elke twee jaar 'n vergadering van die vereniging gehou op die tyd en plek wat die bestuur bepaal: Met dien verstande dat die bestuur te eniger tyd 'n spesiale vergadering van die vereniging kan belê en hy moet, op skriftelike en gemotiveerde versoek van minstens vyftig lede 'n spesiale vergadering belê, wat gehou word op die tyd en plek wat hy bepaal.

Vergaderings van vereniging.

(2) Die kworum vir so 'n vergadering is soos voorgeskryf.

(3) Die besluit van die meerderheid van die lede wat op 'n vergadering van die vereniging aanwesig is, is die besluit van die vereniging.

12. Die bestuur, kan met die goedkeuring van die Administrateur-generaal, regulasies uitvaardig betreffende —

Regulasies.

- (a) die verkiesing by wyse van geheime stemming van lede van die bestuur;
- (b) die toelating van persone in artikel 4(1)(b) en (c) bedoel as lede van die vereniging;

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- (c) the circumstances in which the association may terminate the membership of any person or a member may be exempted from any liability towards the association;
- (d) the subscriptions payable by members or categories of members of the association;
- (e) the rights, privileges, duties and liabilities of members or categories of members of the association;
- (f) the allowances which may be paid to members of the management when engaged in the affairs of the association;
- (g) the holding of or procedure at meetings of the association, the management or a committee;
- (h) any matter which may or is required to be prescribed under this Act;
- (i) generally, all matters which the management deems necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

Repeal of laws.

13. (1) Subject to the provisions of subsection (2), sections 30 to 40 of the Nursing Act, 1957 (Act 69 of 1957), sections 22 to 28 of the Nursing Amendment Act, 1972 (Act 50 of 1972), and the Nursing Amendment Act, 1973 (Act 14 of 1973), are hereby repealed.

(2) Any regulation or rule made under any provision of an Act repealed by subsection (1), shall, unless inconsistent with the provision of this Act, be deemed to be made under the corresponding provision of this Act.

Short title.

14. This Act shall be called the Nursing Association of South West Africa Act, 1979.

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- (c) die omstandighede waaronder die vereniging die lidmaatskap van iemand kan beëindig of 'n lid van enige verpligting teenoor die vereniging kan vrystel;
- (d) die ledegeld wat deur lede of kategorieë van lede van die vereniging betaal moet word;
- (e) die regte, voorregte, pligte en verpligtinge van lede of kategorieë van lede van die vereniging;
- (f) die toelaes wat aan lede van die bestuur betaal kan word wanneer hulle met die sake van die vereniging besig is;
- (g) die hou van, of prosedure op, vergaderings van die vereniging, die bestuur of 'n komitee;
- (h) enige aangeleentheid wat kragtens hierdie Wet voorgeskryf kan of moet word;
- (i) oor die algemeen, alle aangeleenthede wat die bestuur nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.

13. (1) Behoudens die bepalings van subartikel (2), word artikels 30 tot 40 van die Wet op Verpleging, 1957 (Wet 69 van 1957), artikels 22 tot 28 van die Wysigingswet op Verpleging, 1972 (Wet 50 van 1972), en die Wysigingswet op Verpleging, 1973 (Wet 14 van 1973), hierby herroep. Herroeping van wette.

(2) 'n Regulasie of reël uitgevaardig kragtens 'n bepaling van 'n Wet wat deur subartikel (1) herroep is, word, tensy onbestaanbaar met 'n bepaling van hierdie Wet, geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgevaardig te wees.

14. Hierdie Wet heet die Wet op die Verpleegstersvereniging van Suidwes-Afrika, 1979. Kort titel.