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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 143

2006

REGULATIONS RELATING TO THE FIRST ELECTION OF THE MEMBERS OF THE ALLIED HEALTH PROFESSIONS COUNCIL OF NAMIBIA: ALLIED HEALTH PROFESSIONS ACT, 2004

The Minister of Health and Social Services, under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004) and on the recommendation of the Interim Allied Health Professions Council of Namibia, established under section 59 of that Act, has -

- (a) made the regulations set out in the Schedule; and
- (b) withdrawn Government Notices Nos. 217, 218, 219, 222, 224, 227 and 228 of 20 October 1999 and Government Notice No. 185 of 28 July 2000.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, a word or expression defined in the Act has that meaning, and -

"audiologist" means a person registered as such under the Act;

"audiometrician" means a person registered as such under the Act;

"biokineticist" means a person registered as such under the Act;

"clinical technologist" means a person registered as such under the Act;

"community speech and hearing worker" means a person registered as such under the Act;

"Council" means the Allied Health Professions Council of Namibia established by section 3 of the Act;

"dental technician" means a person registered as such under the Act;

"dental therapist" means a person registered as such under the Act;

"diagnostic radiographer" means a person registered as such under the Act;

"dietician" means a person registered as such under the Act;

"dispensing optician" means a person registered as such under the Act;

"electro-encephalographic technician" means a person registered as such under the Act;

"emergency care practitioner (basic)" means a person registered as such under the Act;

"emergency care practitioner (intermediate)" means a person registered as such under the Act;

"environmental health practitioner" means a person registered as such under the Act;

"environmental health practitioner assistant" means a person registered as such under the Act;

"food inspector" means a person registered as such under the Act;

"hearing aid acoustician" means a person registered as such under the Act;

"Interim Allied Health Professions Council" means the Interim Allied Health Professions Council established under section 59 of the Act;

"masseur" means a person registered as such under the Act;

"medical laboratory technician" means a person registered as such under the Act;

"medical orthotist" means a person registered as such under the Act;

"medical prosthetist" means a person registered as such under the Act;

"medical rehabilitation worker" means a person registered as such under the Act;

"medical technologist" means a person registered as such under the Act;

"ocularist" means a person registered as such under the Act;

"occupational therapist" means a person registered as such under the Act;

"occupational therapy assistant" means a person registered as such under the Act;

"occupational therapy technician" means a person registered as such under the Act;

"optometrist" means a person registered as such under the Act;

"orthomedic orthotist" means a person registered as such under the Act;

"orthopaedic prosthetist" means a person registered as such under the Act;

"orthopaedic technical assistant" means a person registered as such under the Act;

"orthopaedic footwear technician" means a person registered as such under the Act;

"orthoptist" means a person registered as such under the Act;

"paramedic (advanced life support)" means a person registered as such under the Act;

"physiotherapist" means a person registered as such under the Act;

"physiotherapy assistant" means a person registered as such under the Act;

"podiatrist" means a person registered as such under the Act;

"qualified voter" -

- (a) in respect of a physiotherapist to be elected in terms of section 7(2)(a) of the Act, means any person registered as a physiotherapist, as a podiatrist, as a biokineticist, as a physiotherapy assistant, as a masseur, as a medical rehabilitation worker or as a remedial gymnast;
- (b) in respect of an occupational therapist to be elected in terms of section 7(2)(b) of the Act, means any person registered as an occupational therapist, as an orthomedic orthotist, as a medical orthotist, as a medical prosthetist, as an ocularist, as an orthopaedic prosthetist, as an occupational therapy assistant, as a single medium therapist in occupational therapy, as an occupational therapy technician, as an orthopaedic footwear technician or as an orthopaedic technical assistant;
- (c) in respect of a medical technologist to be elected in terms of section 7(2)(c) of the Act, means any person registered as a medical technologist or as a medical laboratory technician;
- (d) in respect of an optometrist to be elected in terms of section 7(2)(d) of the Act, means any person registered as an optometrist, as a dispensing optician or as an orthoptist;

- (e) in respect of a paramedic (advanced life support) to be elected in terms of section 7(2)(e) of the Act, means any person registered as a paramedic (advanced life support), as an emergency care practitioner (basic) or as an emergency care practitioner (intermediate);
- (f) in respect of a dental technician to be elected in terms of section 7(2)(f) of the Act, means any person registered as a dental technician or as a dental therapist;
- (g) in respect of an environmental health practitioner to be elected in terms of section 7(2)(g) of the Act, means any person registered as an environmental health practitioner, as an environmental health practitioner assistant or as a food inspector;
- (h) in respect of either a diagnostic radiographer or a therapeutic radiographer to be elected in terms of section 7(2)(h) of the Act, means any person registered as a radiographer, as a diagnostic radiographer, as a therapeutic radiographer, as a clinical technologist, as a radiography assistant, as an electro-encephalographic technician or as a radiation technologist;
- (i) in respect of a speech therapist and audiologist to be elected in terms of section 7(2)(i) of the Act, means any person registered as a speech therapist, as an audiologist, as a speech therapist and audiologist, as a hearing aid acoustician, as an audiometrician, as a community speech and hearing worker, as a speech and hearing correctionist or as a speech and hearing assistant; and
- (j) in respect of a dietician or a person registered to practise an allied health profession to which the Act applies as so declared under section 60, to be elected in terms of section 7(2)(j) of the Act, means any person registered as a dietician, as a nutritionist or as a registered person practising a profession to which the Act applies as declared under section 60,

who is a Namibian citizen and is ordinarily resident in Namibia;

"radiation technologist" means a person registered as such under the Act;

"radiographer" means a person registered as such under the Act;

"radiography assistant" means a person registered as such under the Act;

"remedial gymnast" means a person registered as such under the Act;

"speech and hearing assistant" means a person registered as such under the Act;

"speech and hearing correctionist" means a person registered as such under the Act;

"speech therapist" means a person registered as such under the Act;

"speech therapist and audiologist" means a person registered as such under the Act;

"therapeutic radiographer" means a person registered as such under the Act;

"single medium therapist in occupational therapy" means a person registered as such under the Act;

"returning officer" means the person appointed as such under regulation 2; and

"the Act" means the Allied Health Professions Act, 2004 (Act No. 7 of 2004).

Returning officer

2. (1) The registrar, or a person appointed by him or her in writing for such purpose, must act as the returning officer for the purpose of the first election of the members of the Council referred to in section 7(6) of the Act.

(2) If the returning officer, before the commencement of the election or at any time during such election, for any reason is or becomes unable to act as the returning officer, the registrar, or if the registrar is not available, the president of the Interim Allied Health Professions Council, must appoint in writing another person to act as the returning officer.

Nomination of candidates

3. (1) When the first election of the members of the Council referred to in section 7(6) of the Act is to be held, the returning officer must publish in the *Gazette*, and must forward by prepaid registered post to every physiotherapist, podiatrist, biokineticist, physiotherapy assistant, masseur, medical rehabilitation worker, remedial gymnast, occupational therapist, orthomedic orthotist, medical orthotist, medical prosthetist, ocularist, orthopaedic prosthetist, occupational therapy assistant, single medium therapist in occupational therapy, occupational therapy technician, orthopaedic footwear technician, orthopaedic technical assistant, medical technologist, medical laboratory technician, optometrist, dispensing optician, orthoptist, paramedic (advanced life support), emergency care practitioner (basic), emergency care practitioner (intermediate), dental technician, dental therapist, environmental health practitioner, environmental health practitioner assistant, food inspector, radiographer, diagnostic radiographer, therapeutic radiographer, clinical technologist, radiography assistant, electro-encephalographic technician, radiation technologist, audiologist, speech therapist and audiologist, hearing aid acoustician, audiometrician, community speech and hearing worker, speech and hearing correctionist, speech and hearing assistant, dietician, nutritionist and a registered person practising a profession to which the Act applies as declared under section 60, who are Namibian citizens and are ordinarily resident in Namibia, at his or her address as it appears in the register concerned, an "Invitation for Submission of Nomination of Candidates for Election as Members of the Allied Health Professions Council" substantially in the form of FORM 1 -

- (a) inviting the submission of the nomination of candidates for the first election of members of the Allied Health Professions Council of Namibia -
 - (i) by physiotherapists, podiatrists, biokineticists, physiotherapy assistants, masseurs, medical rehabilitation workers and remedial gymnasts, who are Namibian citizens and are ordinarily resident in Namibia, of physiotherapists who are Namibian citizens and are ordinarily resident in Namibia;
 - (ii) by occupational therapists, orthomedic orthotists, medical orthotists, medical prosthetists, ocularists, orthopaedic prosthetists, occupational therapy assistants, single medium therapists in occupational therapy, occupational therapy technicians, orthopaedic footwear technicians and orthopaedic technical assistants, who are Namibian citizens and are ordinarily resident in Namibia, of occupational therapists who are Namibian citizens and are ordinarily resident in Namibia,

- (iii) by medical technologists and medical laboratory technicians who are Namibian citizens and are ordinarily resident in Namibia, of medical technologists who are Namibian citizens and are ordinarily resident in Namibia,
 - (iv) by optometrists, dispensing opticians and orthoptists, who are Namibian citizens and are ordinarily resident in Namibia, of optometrists who are Namibian citizens and are ordinarily resident in Namibia,
 - (v) by paramedics (advanced life support), emergency care practitioners (basic) and emergency care practitioners (intermediate), who are Namibian citizens and are ordinarily resident in Namibia, of paramedics (advanced life support), who are Namibian citizens and are ordinarily resident in Namibia,
 - (vi) by dental technicians and dental therapists who are Namibian citizens and are ordinarily resident in Namibia, of dental technicians who are Namibian citizens and are ordinarily resident in Namibia,
 - (vii) by environmental health practitioners, environmental health practitioner assistants and food inspectors, who are Namibian citizens and are ordinarily resident in Namibia, of environmental health practitioners who are Namibian citizens and are ordinarily resident in Namibia,
 - (viii) by diagnostic radiographers, therapeutic radiographers, clinical technologists, radiography assistants, electro-encephalographic technicians and radiation technologists, who are Namibian citizens and are ordinarily resident in Namibia, of diagnostic radiographers and of therapeutic radiographers who are Namibian citizens and are ordinarily resident in Namibia,
 - (ix) by speech therapist and audiologists, audiologists, hearing aid acousticians, audiometricians, community speech and hearing workers, speech and hearing correctionists and speech and hearing assistants, who are Namibian citizens and are ordinarily resident in Namibia, of speech therapists and audiologists who are Namibian citizens and are ordinarily resident in Namibia; and
 - (x) by dieticians, nutritionists and persons registered to practise an allied health profession to which the Act applies as so declared under section 60, who are Namibian citizens and are ordinarily resident in Namibia, of dieticians or persons referred to in section 7(1)(j) of the Act, who are Namibian citizens and are ordinarily resident in Namibia;
- (b) specifying the final date, and the closing time on that date, on or before which the nominations referred to in paragraph (a) must be submitted to the returning officer;
 - (c) specifying the address of the returning officer at which the nominations referred to in paragraph (a) must be delivered;
 - (d) enclosing with the FORM 1 forwarded to every physiotherapist, podiatrist, biokineticist, physiotherapy assistant, masseur, medical rehabilitation worker, remedial gymnast, occupational therapist, orthomedic orthotist, medical orthotist, medical prosthetist, ocularist, orthopaedic prosthetist, oc-

cupational therapy assistant, single medium therapist in occupational therapy, occupational therapy technician, orthopaedic footwear technician, orthopaedic technical assistant, medical technologist, medical laboratory technician, optometrist, dispensing optician, orthoptist, paramedic (advanced life support), emergency care practitioner (basic), emergency care practitioner (intermediate), dental technician, dental therapist, environmental health practitioner, environmental health practitioner assistant, food inspector, radiographer, diagnostic radiographer, therapeutic radiographer, clinical technologist, radiography assistant, electro-encephalographic technician, radiation technologist; audiologist, speech therapist and audiologist, hearing aid acoustician, audiometrician, community speech and hearing worker, speech and hearing correctionist, speech and hearing assistant, dietician, nutritionist and to a registered person practising a profession to which the Act applies as declared under section 60, in terms of this subregulation, one "Nomination Form" substantially in the form of FORM 2; and

- (e) advising the address where additional nomination forms may be obtained.

(2) The final date for the submission of nominations to the returning officer to be specified in terms of subregulation (1)(b) must be a date not less than 30 days, and not more than 60 days, after the date of the publication in the *Gazette* of the notice of "Invitation for Submission of Nomination of Candidates for the First Election of Members of the Allied Health Professions Council of Namibia" referred to in subregulation (1).

- (3) A person referred to in subregulation (1) of this regulation -

- (a) may return the Nomination Form or Nomination Forms concerned, duly completed, to the returning officer at any time after the date of publication of the notice in the *Gazette* in terms of that subregulation; and
- (b) must return the Nomination Form or forms referred to in paragraph (a) to the returning officer in such a manner that it is, or that they are, received by the returning officer on or before the closing time on the final date for submission of the Nomination Forms specified in the notice referred to in that paragraph.

Eligibility for election as a member of the Council and nomination as candidate

4. (1) No person may be nominated as a candidate for election as a member of the Council unless he or she -

- (a) is registered as a physiotherapist, occupational therapist, medical technologist, optometrist, paramedic (advanced life support), dental technician, environmental health practitioner, diagnostic radiographer or therapeutic radiographer, speech therapist and audiologist, or dietician or as a person referred to in section 7(2)(j) of the Act;
- (b) is not disqualified in terms section 8 of the Act to be elected as such a member.

(2) The nomination of a person as a candidate for election as a member of the council is not valid, unless -

- (a) the nomination is made -

- (i) in respect of the nomination of a physiotherapist for election, by any two persons who are registered as physiotherapists, podiatrists, biokineticists, physiotherapy assistants, masseurs, medical rehabilitation workers or remedial gymnasts, who are Namibian citizens and are ordinarily resident in Namibia;
- (ii) in respect of the nomination of an occupational therapist for election, by any two persons who are registered as occupational therapists, orthomedic orthotists, medical orthotists, medical prosthetists, ocularists, orthopaedic prosthetists, occupational therapy assistants, single medium therapists in occupational therapy, occupational therapy technicians, orthopaedic footwear technicians or orthopaedic technical assistants, who are Namibian citizens and are ordinarily resident in Namibia;
- (iii) in respect of the nomination of a medical technologist for election, by any two persons who are registered as medical technologists or medical laboratory technicians, who are Namibian citizens and are ordinarily resident in Namibia;
- (iv) in respect of the nomination of an optometrist for election, by any two persons who are registered as optometrists, dispensing opticians or orthoptists, who are Namibian citizens and are ordinarily resident in Namibia;
- (v) in respect of the nomination of a paramedic (advanced life support) for election, by any two persons who are registered as paramedics (advanced life support), emergency care practitioners (basic) or emergency care practitioners (intermediate), who are Namibian citizens and are ordinarily resident in Namibia;
- (vi) in respect of the nomination of a dental technician for election, by any two persons who are registered as dental technicians or dental therapists, who are Namibian citizens and are ordinarily resident in Namibia;
- (vii) in respect of the nomination of an environmental health practitioner for election, by any two persons who are registered as environmental health practitioners, environmental health practitioner assistants or food inspectors, who are Namibian citizens and are ordinarily resident in Namibia;
- (viii) in respect of the nomination of a diagnostic radiographer or a therapeutic radiographer for election, by any two persons who are registered as radiographers, diagnostic radiographers, therapeutic radiographers, clinical technologists, radiography assistants, electro-encephalographic technicians or radiation technologists, who are Namibian citizens and are ordinarily resident in Namibia;
- (ix) in respect of the nomination of a speech therapist and audiologist for election, by any two persons who are registered as audiologists, speech therapist and audiologists, hearing aid acousticians, audiometricians, community speech and hearing workers, speech and hearing correctionists or speech and hearing assistants, who are Namibian citizens and are ordinarily resident in Namibia; and

- (x) in respect of the nomination of a dietician or of a person referred to in section 7(2)(j) of the Act for election, by any two persons who are registered as dieticians, nutritionists or persons registered to practise an allied health profession to which the Act applies as so declared under section 60, who are Namibian citizens and are ordinarily resident in Namibia,

substantially in the form of FORM 2 ("Nomination Form"), duly completed;

- (b) the Nomination Form referred to in paragraph (a) is submitted or sent to the returning officer so as to be received by that returning officer before the closing time on the final date for submission of nominations to the returning officer as specified, in terms of regulation 3(1)(b), in the relevant FORM 1 ("Invitation for Submission of Nomination of Candidates for the First Election of Members of the Allied Health Professions Council of Namibia") referred to in regulation 3(1) and as published by notice in the Gazette;
- (c) the persons who make the nominations, state in the relevant FORM 2 ("Nomination Form") referred to in paragraph (b) their full names, addresses and capacities as they appear in the register concerned, and sign such form; and
- (d) the person nominated as a candidate and whose name appears as such in the relevant FORM 2 ("Nomination Form") submitted to the returning officer pursuant to paragraph (b) -
 - (i) signifies his or her consent to the nomination in writing, either by means of his or her signature on such Nomination Form, or by means of a separate letter, telegram or facsimile, which must be submitted or sent to the returning officer at his or her address as it appears in the relevant FORM 1 ("Invitation for Submission of Nomination of Candidates for the First Election of Members of the Allied Health Professions Council of Namibia") referred to in paragraph (b), so as to be received by the returning officer not later than the closing time on the final date for the submission of nominations referred to in that paragraph (b); and
 - (ii) complies with subregulation (8).

(3) The nomination of a person as a candidate for election as a member of the Council is not valid if more than one person is so nominated on the same Nomination Form.

(4) A physiotherapist, podiatrist, biokineticist, physiotherapy assistant, masseur, medical rehabilitation worker, remedial gymnast, occupational therapist, orthomedic orthotist, medical orthotist, medical prosthetist, ocularist, orthopaedic prosthetist, occupational therapy assistant, single medium therapist in occupational therapy, occupational therapy technician, orthopaedic footwear technician, orthopaedic technical assistant, medical technologist, medical laboratory technician, optometrist, dispensing optician, orthoptist, paramedic (advanced life support), emergency care practitioner (basic), emergency care practitioner (intermediate), dental technician, dental therapist, environmental health practitioner, environmental health practitioner assistant, food inspector, radiographer, diagnostic radiographer, therapeutic radiographer, clinical technologist, radiography assistant, electro-encephalographic technician, radiation technologist, audiologist, speech therapist and audiologist, hearing aid acoustician, audiometrician, community speech and

hearing worker, speech and hearing correctionist, speech and hearing assistant, dietician, nutritionist and a registered person practising a profession to which the Act applies as declared under section 60, who is a Namibian citizen and is ordinarily resident in Namibia, may sign and submit not more than one Nomination Form to the returning officer.

(5) If any of the persons referred to in subregulation (4) signs and submits to the returning officer more than one Nomination Form referred to in that subregulation, the returning officer must -

- (a) accept as valid only the Nomination Form received first from that person; and
- (b) reject the nominations received subsequent to the nomination accepted as a valid nomination in terms of paragraph (a).

(6) If -

- (a) any person referred to in subregulation (4) submits to the returning officer more than one Nomination Form; and
- (b) the returning officer is unable to determine the sequence in which the relevant Nomination Forms were submitted by the person making the nominations referred to in paragraph (a),

the returning officer must reject all the Nomination Forms submitted by that person.

(7) A person nominated as a candidate in terms of this regulation, whether or not he or she has signified his or her consent to such nomination in terms of paragraph (d) of subregulation (2), may withdraw, at any time before the closing time on the final date for the submission of nominations referred to in paragraph (b) of that subregulation, his or her candidature by means of a written notice under his or her signature and delivered to the returning officer before the closing time on such date.

(8) A person nominated as a candidate in terms of this regulation and who has signified his or her consent to such nomination in terms of paragraph (d) of subregulation (2), must submit in writing to the returning officer, not later than ten days after the closing time on the final date for submission of nominations referred to in paragraph (b) of that subregulation -

- (a) full particulars of his or her academic qualifications;
- (b) the period of time or the periods of time that he or she practised or has been practising his or her profession, and the address or addresses where he or she so practised such profession or is so practising such profession;
- (c) the period of time or the periods of time that he or she has been employed by any employer in his or her profession, or was so employed or is so being employed, the name and address or the names and addresses of that employer or those employers who so employed him or her, or where he or she is so being employed;
- (d) the capacity in which he or she was or is being employed by each of the respective employers referred to in paragraph (c), and his or her main functions and responsibilities when so employed; and

- (e) a mission statement in which he or she sets out briefly what he or she intends to achieve as a member of the Allied Health Professions Council of Namibia,

including a colour passport photograph of him or her, which photograph must have been taken not more than 12 months before the date of the submission to the registrar of the Nomination Form concerned, and as proof of his or her Namibian citizenship, a certified copy of his or her identity document or of his or her birth certificate or of his or her certificate of citizenship.

- (9) A candidate who fails to comply with subregulation (8) must be regarded as having withdrawn from the election.

Nomination list and voting date

5. (1) If -

- (a) one physiotherapist, or one occupational therapist, or one medical technologist, or one optometrist, or one paramedic (advanced life support), or one dental technician, or one environmental health practitioner, or either one diagnostic radiographer or one therapeutic radiographer, or one speech therapist and audiologist, or either one dietician or one registered person referred to in section 7(2)(j) of the Act, is validly nominated as a candidate in terms of regulation 4, then that physiotherapist, occupational therapist, medical technologist, optometrist, paramedic (advanced life support), dental technician, environmental health practitioner, or either the diagnostic radiographer or the therapeutic radiographer, speech therapist and audiologist, or either the dietician or registered person referred to in section 7(2)(j) of the Act, so nominated must be regarded as having been duly elected as a member of the Council and no election must be held relating to the election of a person so nominated as a member of the Council;
- (b) no physiotherapist, or no occupational therapist, or no medical technologist, or no optometrist, or no paramedic (advanced life support), or no dental technician, or no environmental health practitioner, or neither a diagnostic radiographer nor a therapeutic radiographer, or no speech therapist and audiologist, or neither a dietician or registered person referred to in section 7(2)(j) of the Act, as the case may be, is validly nominated as a candidate in terms of regulation 4, the Minister may appoint, in accordance with section 7(8) of the Act, as a member or as members of the Council a person or persons in the place of the person or persons not so nominated;
- (c) if more than one physiotherapist, or more than one occupational therapist, or more than one medical technologist, or more than one optometrist, or more than one paramedic (advanced life support), or more than one dental technician, or more than one environmental health practitioner, or more than either one diagnostic radiographer or one therapeutic radiographer, or more than one speech therapist and audiologist, or more than either one dietician or registered person referred to in section 7(2)(j) of the Act, are validly nominated as candidates in terms of regulation 4, an election must be conducted in accordance with these regulations for the purpose of electing as a member of the Council or as members of the Council, one physiotherapist, one occupational therapist, one medical technologist, one optometrist, one paramedic (advanced life support), one dental technician, one environmental health practitioner, either one diagnostic radiographer or one therapeutic radiographer, one speech therapist and audiologist, either one dietician or

one registered person referred to in section 7(2)(j) of the Act, from amongst the persons so nominated as candidates for election as such members of the Council.

(2) For the purpose of an election referred to in subregulation (1), the returning officer must publish in the *Gazette* a notice -

- (a) stating the names of the physiotherapists, occupational therapists, medical technologists, optometrists, paramedics (advanced life support), dental technicians, environmental health practitioners, diagnostic radiographers or therapeutic radiographers, speech therapist and audiologists, dieticians or registered persons referred to in section 7(2)(j) of the Act, nominated as candidates for election as members of the Council;
- (b) notifying that the first election for the members of the Council must be held;
- (c) specifying the final date for the casting of votes in accordance with regulation 6, including the time on such date before which votes must be cast; and
- (d) specifying the address where ballot papers for the purpose of such election may be obtained.

(3) The date specified in terms of paragraph (c) of subregulation (2) must be a date not less than 30 days, and not more than 60 days, after the date of the publication of the notice in terms of that subregulation.

(4) Not less than 30 days before the date specified in terms of paragraph (c) of subregulation (2), the returning officer must forward by prepaid registered post to the address of every qualified voter as it appears in the register concerned, or deliver to every qualified voter by hand -

- (a) a ballot paper substantially in the form of FORM 3 ("Interim Allied Health Professions Council of Namibia: Ballot Paper for the First Election of Members of the Allied Health Professions Council of Namibia"), in which ballot paper the names of the applicable candidates have been printed;
- (b) an identification envelope which bears a declaration substantially in the form of FORM 4 ("Interim Allied Health Professions Council of Namibia: Form of Declaration on Identification Envelope"); and
- (c) the particulars of each candidate as submitted by that candidate in terms of regulation 4(8)(a), (b), (c), (d) and (e).

(5) If a ballot paper or an envelope forwarded to a qualified voter in terms of subregulation (4) is lost, destroyed or spoilt, the returning officer, if satisfied that the envelope or the ballot paper is so lost, destroyed or spoilt, must forward or submit, at the written request of the qualified voter concerned, to that qualified voter a fresh ballot paper or envelope, or both, as the case may be.

(6) Every ballot paper must bear a secret mark affixed to it by the returning officer, which secret mark must be so affixed before the ballot paper is handed or sent to a qualified voter.

Manner of voting

6. (1) A qualified voter, when casting his or her vote at the election of the members of the Council, must -

- (a) mark the ballot paper with a cross ("X") next to the name of the candidate for whom he or she is voting, but must not mark such ballot paper with more than one cross;
- (b) insert the ballot paper, folded face inwards, into the identification envelope and seal such envelope;
- (c) sign, in the presence of a witness, the declaration printed on the identification envelope, which witness must also sign the envelope in the presence of that qualified voter; and
- (d) insert the identification envelope into a covering envelope and forward such covering envelope by prepaid registered post, or deliver it, to the returning officer, so as to be received at the address of the returning officer before the time on the final date specified in terms of regulation 5(2)(c).

(2) A voter must be regarded as having invalidated his or her ballot paper, and the votes on such ballot paper must not be counted, if he or she -

- (a) votes for more than one person nominated as a candidate for election as a member of the Council; or
- (b) votes for a person who has not been validly nominated and whose name does not appear on the ballot paper; or
- (c) votes more than once for the same candidate or returns more than one ballot paper; or
- (d) does not clearly indicate the candidate for whom he or she is voting; or
- (e) marks the ballot paper in any manner other than by means of a cross ("X").

(3) A qualified voter -

- (a) may vote in accordance with subregulation (1) at any time after the receipt of the ballot paper forwarded to him or her in terms of regulation 5(4); and
- (b) must vote in accordance with subregulation (1), and must submit his or her ballot paper to the returning officer, at any time before the time on the final date specified in terms of regulation 5(2)(c).

(4) No vote on a ballot paper must be counted unless such ballot paper -

- (a) when received by the returning officer, is enclosed in the identification envelope concerned; and
- (b) is received at the address of the returning officer before the time on the final date specified in terms of regulation 5(2)(c).

(5) The witness referred to in subregulation (1)(c) must be a person of not less than 21 years of age and who has not been declared mentally ill by a competent court in terms of the Mental Health Act, 1973 (Act No. 18 of 1973).

Counting of votes

7. (1) The returning officer must -

- (a) keep in safe custody all the identification envelopes received by him or her pursuant to regulation 6(1)(d); and
- (b) not open, unless in accordance with subregulation (3), any identification envelope.

(2) The Minister must appoint in writing, at the written request of the returning officer, as a scrutineer any person whom he or she considers to be a suitable person for such purpose, which person must perform such functions relating to the election of the members of the Council as set out in these regulations and as the Minister may determine and specify in such written appointment.

(3) As soon as practicable after the final date specified in terms of regulation 5(2)(c), the returning officer, in conjunction with, and in the presence of, the scrutineer appointed in terms of subregulation (2), must -

- (a) examine each identification envelope duly received before the specified time on such final date, to verify whether the declaration on such envelope has been signed by a qualified voter and by a competent witness in accordance with regulation 6(1)(c);
- (b) open every identification envelope he or she is satisfied as having been signed as required by paragraph (a);
- (c) remove every ballot paper, kept folded, from every identification envelope referred to in paragraph (b) and insert every folded ballot paper into a closed ballot box with an aperture for inserting such ballot papers;
- (d) when all the ballot papers have been inserted into the ballot box in accordance with paragraph (c), open the ballot box, examine the ballot papers and separate the invalidated ballot papers from the valid ballot papers;
- (e) count the votes on the valid ballot papers to ascertain the number of valid votes recorded for each candidate; and
- (f) compile, as soon as possible after the final date for the casting of votes determined in terms of regulation 5(2)(c), separate lists in respect of all the physiotherapists, occupational therapists, medical technologists, optometrists, paramedics (advanced life support), dental technicians, environmental health practitioners, diagnostic radiographers and therapeutic radiographers, speech therapist and audiologists, dieticians or registered persons referred to in section 7(2)(j) of the Act, nominated as candidates for election as members of the Council in order of the number of votes received by each of those candidates, commencing with the candidate who received the highest number of votes and ending with the candidate who received the lowest number of votes.

- (4) The -
 - (a) physiotherapist;
 - (b) occupational therapist;
 - (c) medical technologist;
 - (d) optometrist;
 - (e) paramedic (advanced life support);
 - (f) dental technician;
 - (g) environmental health practitioner;
 - (h) the diagnostic radiographer or therapeutic radiographer;
 - (i) speech therapist and audiologist;
 - (j) dietician or the registered person referred to in section 7(2)(j) of the Act,

who received the highest number of votes must be regarded as having been duly elected as a member of the Council.

(5) In the event of the number of votes recorded for any two or more candidates being equal, and if such equality of votes affects the outcome of the election, the returning officer must determine, in the presence of the scrutineer, by lot which of the candidates having received equal votes must be declared duly elected as a member or as members of the Council.

(6) Any candidate, or a representative appointed by him or her in writing for such purpose -

- (a) may be present during the proceedings by the returning officer and the scrutineer in accordance with subregulations (3), (4) and (5); and
- (b) must not intervene in or render any assistance relating to the proceedings referred to in paragraph (a), at any point in time, unless upon the specific instructions or request of the returning officer.

(7) The returning officer must furnish the registrar, as soon as practicable after the counting of the votes in accordance with subregulation (3), -

- (a) in writing with the names of the persons elected as members of the Council in the election conducted in accordance with these regulations, confirmed in writing by the scrutineer appointed in terms of subregulation (2); and
- (b) with all the identification envelopes, ballot papers and lists of candidates referred to in subregulation (8).

(8) The registrar must keep -

- (a) all the identification envelopes referred to in subregulation (3)(a);

- (b) all other identification envelopes received after the date and time referred to in subregulation (3)(a), but must not open such identification envelopes;
- (c) all the valid ballot papers and the invalidated ballot papers received, which valid ballot papers and invalidated ballot papers must be kept separately; and
- (d) the list of the candidates compiled in accordance with subregulation (3)(f),

in safe custody for a period of not less than six months after the date of the receipt thereof pursuant to subregulation (7).

General

8. (1) All the nomination forms, ballot papers and other forms and documents referred to in these regulations must be completed or signed or marked, as the case may be, in ink or with a ballpoint pen by the person completing, signing or marking such nomination form, ballot paper, other form or document.

(2) Any nomination form, ballot paper, other form or document referred to in subregulation (1) which is completed or signed or marked in any way other than by means of ink or with a ballpoint pen, must be regarded as invalid *ab initio*.

ANNEXURE

FORM 1

**INTERIM ALLIED HEALTH PROFESSIONS COUNCIL OF NAMIBIA:
INVITATION FOR SUBMISSION OF NOMINATIONS
OF CANDIDATES FOR THE FIRST ELECTION AS MEMBERS OF
THE ALLIED HEALTH PROFESSIONS COUNCIL OF NAMIBIA**

Notice is hereby given that the First Election of ten members of the Allied Health Professions Council of Namibia is to be held in terms of section 7 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004), which members must consist of one physiotherapist, one occupational therapist, one medical technologist, one optometrist, one paramedic (advanced life support), one dental technician, one environmental health practitioner, either one diagnostic radiographer or one therapeutic radiographer, one speech therapist and audiologist, either one dietician or one registered person referred to in section 7(2)(j) of the Act.

Nominations for physiotherapists, occupational therapists, medical technologists, optometrists, paramedics (advanced life support), dental technicians, environmental health practitioners, diagnostic radiographers or therapeutic radiographers, speech therapist and audiologists, dieticians or registered persons referred to in section 7(2)(j) of the Act, eligible as candidates for election are invited. All nominations must be delivered or submitted to the address of the returning officer specified below so as to be received at that address not later than _____ (time) on the _____ (day) of _____ (month) _____ (year).

GENERAL NOTES:

1. Any person registered as a physiotherapist, occupational therapist, medical technologist, optometrist, paramedic (advanced life support), dental technician, environmental health practitioner, diagnostic radiographer or therapeutic radiographer, speech therapist and audiologist, dietician or a registered person referred to in section 7(2)(j) of the Act, who is a Namibian citizen and ordinarily resident in Namibia and who is not disqualified in terms of section 8 of the Allied Health Professions Act, 2004, to be elected as a member of the Council, is eligible for nomination.
2. Nominations must be made on a nomination form substantially in the form of FORM 2 (Nomination Form) of the Regulations Relating to the First Election of Members of the Allied Health Professions Council of Namibia made under the Allied Health Professions Act, 2004. The necessary Nomination Forms may be obtained from the returning officer at the address specified at the bottom of this FORM 1.
3. Each candidate must be nominated on a separate Nomination Form.
4. Any -
 - (a) of the following two registered persons are entitled to sign a nomination form in respect of one physiotherapist to be nominated as a candidate: physiotherapists, podiatrists, biokineticists, physiotherapy assistants, masseurs, medical rehabilitation workers or remedial gymnasts;
 - (b) of the following two registered persons are entitled to sign a nomination form in respect of one occupational therapist to be nominated as a candidate: occupational therapists, orthomedic orthotists, medical orthotists, medical

prosthetists, ocularists, orthopaedic prosthetists, occupational therapy assistants, single medium therapists in occupational therapy, occupational therapy technicians, orthopaedic footwear technicians or orthopaedic technical assistants;

- (c) of the following two registered persons are entitled to sign a nomination form in respect of one medical technologist to be nominated as a candidate: medical technologists or medical laboratory technicians;
- (d) of the following two registered persons are entitled to sign a nomination form in respect of one optometrist to be nominated as a candidate: optometrists, dispensing opticians or orthoptists;
- (e) of the following two registered persons are entitled to sign a nomination form in respect of one paramedic (advanced life support) to be nominated as a candidate: paramedics (advanced life support), emergency care practitioners (basic) or emergency care practitioners (intermediate);
- (f) of the following two registered persons are entitled to sign a nomination form in respect of one dental technician to be nominated as a candidate: dental technicians or dental therapists;
- (g) of the following two registered persons are entitled to sign a nomination form in respect of one environmental health practitioner to be nominated as a candidate: environmental health practitioners, environmental health practitioner assistants or food inspectors;
- (h) of the following two registered persons are entitled to sign a nomination form in respect of one diagnostic radiographer or one therapeutic radiographer to be nominated as a candidate: radiographers, diagnostic radiographers, therapeutic radiographers, clinical technologists, radiography assistants, electro-encephalographic technicians or radiation technologists;
- (i) of the following two registered persons are entitled to sign a nomination form in respect of one speech therapist and audiologist to be nominated as a candidate: speech therapist and audiologists, hearing aid acousticians, audiometricians, community speech and hearing workers, speech and hearing correctionists or speech and hearing assistants; and
- (j) of the following two registered persons are entitled to sign a nomination form in respect of one dietician or one registered person referred to in section 7(2)(j) of the Act to be nominated as a candidate: dieticians, nutritionists or persons registered to practise an allied health profession to which the Act applies as so declared under section 60,

for the first election of members of the Allied Health Professions Council of Namibia.

5. Each nomination form must state the full names of the person nominated and must be signed -

- (a) in the case of any two persons registered as physiotherapists, podiatrists, biokineticists, physiotherapy assistants, masseurs, medical rehabilitation workers or remedial gymnasts, nominating a physiotherapist as a candidate, by those two persons;

- (b) in the case of any two persons registered as occupational therapists, orthomedic orthotists, medical orthotists, medical prosthetists, ocularists, orthopaedic prosthetists, occupational therapy assistants, single medium therapists in occupational therapy, occupational therapy technicians, orthopaedic footwear technicians or orthopaedic technical assistants, nominating a occupational therapist as a candidate, by those two persons;
 - (c) in the case of any two persons registered as medical technologists or medical laboratory technicians, nominating a medical technologist as a candidate, by those two persons;
 - (d) in the case of any two persons registered as optometrists, dispensing opticians or orthoptists, nominating an optometrist as a candidate, by those two persons;
 - (e) in the case of any two persons registered as paramedics (advanced life support), emergency care practitioners (basic) or emergency care practitioners (intermediate), nominating a paramedic (advanced life support) as a candidate, by those two persons;
 - (f) in the case of any two persons registered as dental technicians or dental therapists, nominating a dental technician as a candidate, by those two persons;
 - (g) in the case of any two persons registered as environmental health practitioners, environmental health practitioner assistants or food inspectors, nominating a environmental health practitioner as a candidate, by those two persons;
 - (h) in the case of any two persons registered as radiographers, diagnostic radiographers, therapeutic radiographers, clinical technologists, radiography assistants, electro-encephalographic technicians or radiation technologists, nominating a diagnostic radiographer or a therapeutic radiographer as a candidate, by those two persons;
 - (i) in the case of any two persons registered as speech therapist and audiologists, hearing aid acousticians, audiometricians, community speech and hearing workers, speech and hearing correctionists or speech and hearing assistants, nominating a speech therapist and audiologist as a candidate, by those two persons; and
 - (j) in the case of any two persons registered as dieticians, nutritionists or persons registered to practise an allied health profession to which the Act applies as so declared under section 60, nominating a dietician or a registered person referred to in section 7(2)(j) of the Act as a candidate, by those two persons.
6. The person nominated as a candidate must endorse the relevant Nomination Form confirming his or her consent to the nomination. If the person nominated as a candidate is not available to endorse the Nomination Form, he or she may forward his or her consent to such nomination to the returning officer by letter, telegram or facsimile, so as to be received by the returning officer not later than the date and time for the delivery or submission of nominations as specified above.
7. The registered address and qualifications of every person signing the Nomination Form must be stated on such Form.

8. A Nomination Form must be duly completed and signed by the persons concerned.
9. A Nomination Form must be completed in ink or with a ballpoint pen.

Returning Officer

Interim Allied Health Professions Council of Namibia

Address: No. 37 Schönlein Street
Windhoek West
P O Box 50021
Bachbrecht

Date: _____

FORM 2

**INTERIM ALLIED HEALTH PROFESSIONS COUNCIL OF NAMIBIA:
NOMINATION FORM:
FIRST ELECTION OF MEMBERS OF THE ALLIED HEALTH
PROFESSIONS COUNCIL OF NAMIBIA**

We, the undersigned, being registered as physiotherapists, podiatrists, biokineticists, physiotherapy assistants, masseurs, medical rehabilitation workers or remedial gymnasts, in the case of the nomination of a physiotherapist / being registered as occupational therapists, orthomedic orthotists, medical orthotists, medical prosthetists, ocularists, orthopaedic prosthetists, occupational therapy assistants, single medium therapists in occupational therapy, occupational therapy technicians, orthopaedic footwear technicians or orthopaedic technical assistants, in the case of the nomination of an occupational therapist / being registered as medical technologists or medical laboratory technicians, in the case of the nomination of a medical technologist / being registered as optometrists, dispensing opticians or orthoptists, in the case of the nomination of an optometrist / being registered as paramedics (advanced life support), emergency care practitioners (basic) or emergency care practitioners (intermediate), in the case of the nomination of a paramedic (advanced life support) / being registered as dental technicians or dental therapist, in the case of the nomination of a dental technician / being registered as environmental health practitioners, environmental health practitioner assistants or food inspectors, in the case of the nomination of an environmental health practitioner / being registered as radiographers, diagnostic radiographers, therapeutic radiographers, clinical technologists, radiography assistants, electro-encephalographic technicians or radiation technologists, in the case of the nomination of a diagnostic radiographer or a therapeutic radiographer / being registered as speech therapist and audiologists, hearing aid acousticians, audiometricians, community speech and hearing workers, speech and hearing correctionists or speech and hearing assistants, in the case of the nomination of a speech therapist and audiologist / being registered as dieticians, nutritionists or persons registered to practise an allied health profession to which the Act applies as so declared under section 60, in the case of the nomination of a dietician or a registered person referred to in section 7(2)(j) of the Act;* hereby nominate:

(full names) _____
of (address) _____

a registered physiotherapist / a registered occupational therapist / a registered medical technologist / a registered optometrist / a registered paramedic (advanced life support) / a registered dental technician / a registered environmental health practitioner / a registered diagnostic radiographer or a registered therapeutic radiographer / a registered speech therapist and audiologist / a registered dietician or a registered person referred to in section 7(2)(j) of the Act, * as a candidate for the first election of a member of the Allied Health Professions Council of Namibia.

*Delete whichever is not applicable

Particulars of persons making the nomination:

1. Full names _____
Registered to practise as _____
Registration number _____
Registered address _____

Signature _____
Date _____

2. Full names _____
Registered to practise as _____
Registration number _____
Registered address _____

Signature _____
Date _____

I, _____
(Full names)

the undersigned, being the person nominated as set out above -

- (a) consent to my nomination as a candidate for election as a member of the Allied Health Professions Council of Namibia;
- (b) confirm that I am conversant with the provisions of the Allied Health Professions Act, 2004, that I subscribe to and fully support the Preamble to that Act and that I have no objection to the taking of the oath or the solemn * affirmation provided for in section 7(13) of that Act;
- (c) confirm that I am not disqualified in terms of section 8 of that Act to be a member of the Council;
- (d) declare that -
 - (i) neither myself nor my spouse, nor any of my partners or my employer, as the case may be, have any business interests; and
 - (ii) I am not a member of, or have any shares or interest in, any organisation, which may be, or may come, in conflict with, or may be detrimental to, my being a member of the Council; and
- (e) undertake and commit myself to inform the Council immediately and in writing should I or my spouse or any of my business partners or my employer, as the case may be, or any organisation in which I have any shares or interest, come in conflict with, or become detrimental to, my being a member of the Council.

Signature

Date

Registered to practise as _____
Registration number _____
Registered address _____

NOTE: A Nomination Form must be completed in ink or with a ballpoint pen.

*Delete whichever is not applicable

FORM 3

**INTERIM ALLIED HEALTH PROFESSIONS COUNCIL OF NAMIBIA:
BALLOT PAPER FOR THE FIRST ELECTION OF MEMBERS OF
THE ALLIED HEALTH PROFESSIONS COUNCIL OF NAMIBIA**

Official mark of returning officer:

First election of members of the Allied Health Professions Council of Namibia.

INSTRUCTIONS TO VOTERS:

1. A voter is entitled to vote for one candidate only, and must vote by placing a cross ("X") next to the name of each candidate for whom he or she votes.
2. A ballot paper is invalidated if the voter -
 - (a) votes for more than one candidate;
 - (b) votes for a person who has not been validly nominated and whose name does not appear on the ballot paper;
 - (c) votes more than once for the same person or returns more than one ballot paper;
 - (d) does not clearly indicate for whom he or she is voting;
 - (e) marks the ballot paper in any manner other than by means of a cross ("X");
or
 - (f) marks the ballot paper in any manner other than in ink or with a ballpoint pen.
3. The ballot paper must be folded face inwards and be inserted into the accompanying identification envelope.
4. The voter must complete and sign the declaration on the identification envelope in the presence of a witness, who must also sign the declaration. The witness must be a person who is not less than 21 years of age and who has not been declared mentally ill by a competent court in terms of the Mental Health Act, 1973 (Act No. 18 of 1973).
5. The identification envelope must be sealed and then inserted into the covering envelope, which must be sent to the Returning Officer, the Interim Allied Health Professions Council of Namibia, P O Box 50021, Bachbrecht, Windhoek, or delivered to the Returning Officer at the offices of the Interim Allied Health Professions Council, No. 37 Schönlein Street, Windhoek West, so as to be received by the returning officer not later than _____ (time) on _____ (day) _____ (month) _____ (year).

FORM 4

**INTERIM ALLIED HEALTH PROFESSIONS COUNCIL OF NAMIBIA:
FIRST ELECTION OF MEMBERS OF THE ALLIED HEALTH
PROFESSIONS COUNCIL OF NAMIBIA FORM OF DECLARATION
ON IDENTIFICATION ENVELOPE**

I, _____
(Full names)

Identity No. _____, being a _____
(profession) Registration No. _____

declare that I am the person to whom the enclosed ballot paper was addressed, that I am a Namibian citizen and ordinarily resident in Namibia, and that I have not returned any other ballot paper in this election.

Signature

Date

Signature of Witness

Full names, identification number and address of witness:

