

# **Government Gazette**

### **REPUBLIC OF SOUTH AFRICA**

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# GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

# DEPARTMENT OF SOCIAL DEVELOPMENT DEPARTEMENT VAN MAATSKAPLIKE ONTWIKKELING

No. R. 1427

8 November 2002

# REGULATIONS REGARDING THE ELECTION AND APPOINTMENT OF MEMBERS OF A PROFESSIONAL BOARD

The Minister of Social Development intends, in terms of section 28(1)(gD)(viii) of the Social Services Professions Act, 1978 (Act No 110 of 1978) and on the recommendation of the South African Council for Social Service Professions, to make the regulations in the Schedule hereto.

Interested parties are invited to submit written comments on the proposed regulations within thirty days of publication of this notice, by –

- mailing comments to the Registrar, S A Council for Social Service Professions, Private Bag X2, Hatfield, Pretoria, 0028;
- (b) faxing comments to the Registrar, S A Council for Social Service Professions at (012) 342 3025;
- delivering comments to the Registrar, S A Council for Social Service Professions, 2<sup>nd</sup> Floor, DRU Building, 413 Hilda Street, Hatfield, Pretoria.
- (d) E-Mailing comments to the Registrar, at <a href="mailto:sacssp@lantic.net">sacssp@lantic.net</a>.

#### **SCHEDULE**

#### **DEFINITIONS**

1. In this Schedule "the Act" means the Social Service Professions Act, 1978 (Act 110 of 1978), and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless inconsistent with the content –

"agent" means any person designated in writing by a candidate to represent him or her at an event referred to in regulation 18 or 19;

"ballot paper" means the ballot paper referred to in regulation 17;

"candidate" means any person nominated in terms of regulation 11;

"community" means all South African citizens;

"council" means the South African Council for Social Service Professions (SACSSP) established in terms of section 2(1) of the Act;

"cover envelope" means the cover envelope referred to in regulation 17(3);

"election" means the election of the members of the professional board concerned;

"identification envelope" means the identification envelope referred to in regulation 16;

"member" means a member of the professional board concerned;

"member of the profession concerned" means a member of the profession for which the professional board is to be established;

"Minister" means the Minister of Social Development;

"nomination form" means the nomination form referred to in regulation 10;

"nomination time" means the date and hour specified in regulation 10:

"polling day" means the day on which the period specified in the notice published in terms of regulation 15 expires;

"polling officer" means a polling officer appointed in terms of regulation 21(1);

"professional board" means a professional board established in terms of section 14A of the Act;

"register" means the register referred to in section 19;

"registration number" means a registration number contained in the register referred to in section 19;

"registered address" means the address appearing in the register of the council on the date of despatch of a ballot paper;

"returning officer" means the officer referred to in regulation 8;

"section" means a section of the Act;

"serial number" means the number referred to in regulation 16(2);

"the number of members to be elected" means the number of members referred to in the relative notice published in terms of regulation 9(2);

"voter" means any person who is entitled to vote at an election in terms of regulations 5, 6 and 7.

#### QUALIFICATIONS FOR PERSONS TO BE ELECTED OR APPOINTED AS MEMBERS OF A PROFESSIONAL BOARD

- 2. A person who is elected or appointed as a member of a professional board in terms of section 28(gD)(viii) of the Act shall
  - (a) be a South African citizen who is resident in the Republic; and
- (b) not be a person prohibited from continuing in office as a member in terms of regulation 24(a).

#### TERM OF OFFICE

- 3. The members of a professional board shall hold office for a period of five years determined from the date on which the notice referred to in regulation 19(13) is published in respect of them.
- 4. Members may, at the expiry of their terms of office, be eligible for re-election and reappointment.

#### QUALIFICATIONS OF VOTERS

- 5. Subject to regulations 6 and 7, every person registered with the Council in terms of sections 17, 18 and 18A of the Act, as the case may be, to practise the profession for which a professional board is to be established, shall be entitled to record one vote at the election for every member of the profession registered in terms of the same section and practising the same profession on the same level as the voter concerned.
- 6. In the case of the election of members of a professional board for a profession for which the registrar of the council does not yet keep a register in terms of section 19 -
- (1) a numbered list of voters containing the names and postal addresses of members of the profession concerned, shall be provided to the council by the representative body or group of persons with whom the Council has consulted, before recommending to the Minister that the professional board be constituted; and
- (2) only the persons whose particulars are on the list referred to in subregulation (1) shall be entitled to, during this first election of the professional board, bring out one vote for each member of the professional board on the same level as he or she is practising as described in the list of voters.
- 7. Notwithstanding the provisions of regulation 5 and 6, no person shall be entitled to vote at the election if, on the day on which he or she votes, he or she is not a South African citizen.

#### RETURNING OFFICER

8. The registrar or the person deputising for him or her shall be the returning officer for elections held in terms of these regulations.

#### SUBMISSION OF NOMINATIONS

- 9. (1) Nominations for candidates shall be requested as follows:
- (a) The returning officer shall, for the purposes of any nomination required for members of the profession to be elected, through a written request and by notice in the *Gazette*, invite such nominations from prescribed institutions and all members of the profession concerned, not more than 120 days and not less than 90 days prior to the election.
- (b) The Minister shall, for the purpose of any nominations of persons to be appointed by him or her from the community, through the media and by notice in the *Gazette*, invite such nominations.
- (2) Nomination of candidates for the election of the number of members to be elected, may be submitted to the returning officer up to the date and hour specified in Annexure A, which date shall not be later than 30 days after the date of publication of such notice.
- 10. Each candidate shall be nominated on the nomination form as set out in Annexure A or B, as the case may be, and nominations shall reach
  - (a) in the case of members to be elected, the returning officer not later than the hour and date indicated in annexure A; and

(b) in the case of the members to be appointed by the Minister, not later than the date indicated by the Minister in Annexure B.

#### NOMINATION OF CANDIDATES

- 11. (1) No person shall be accepted as a candidate for election unless -
- (a) he or she is nominated in writing in the prescribed form (Annexure A), as such a candidate before the expiry of the nomination time;
- (b) he or she is nominated by a person whose name appears on a register kept by the council for the profession concerned: Provided that in the case of a professional board for which the council has not yet instituted a register, the nominations be made by a person whose name is on the list of voters provided in terms of regulation 6;
- (c) he or she accepts such nomination in writing, in the form of Annexure A, before the expiry date of the nomination time specified on the nomination form; and
- (d) he or she deposits with the returning officer an amount of R50 before the expiry of the nomination time.
- (2) The amount referred to in paragraph (d) above shall be refunded to a candidate -
  - (a) if he or she is elected in terms of these regulations; or
- (b) if he or she receives a number of votes greater than or equal to at least one third of the total number of votes received by the elected candidate.
- 12. A nomination in terms of regulation 11 shall be invalid -
  - (a) unless it contains all the particulars as required in Annexure A; and
- (b) if a voter signs the nomination form of more candidates than the total number of members to be elected.
- 13. (1) If the number of persons accepted as candidates is equal to or less than the number of members to be elected, the returning officer shall forthwith declare the candidates who were so accepted to be duly elected members and shall cause a notice to that effect to be published in the Gazette.
  - (2) (a) If the number of duly elected members referred to in subregulation (1) is less than the number of members to be elected, the returning officer shall, within 14 days of the publication of the notice referred to in subregulation (1), publish a notice referred to in regulation 9(1) with regard to the election of the members still to be elected.
  - (b) The provisions of these regulations shall apply in the same manner to the nomination and election of such members.
- 14. (1) If, on or before the polling day, a candidate dies or notifies the returning officer in writing of the withdrawal of his or her candidature, and the remaining number of candidates is equal to or less than the number of members to be elected, the election shall be stopped immediately and the returning officer shall forthwith declare the said candidates to be duly elected members and shall cause a notice as contemplated in regulation 13 to be published.

(2) If, on or before the polling day, a candidate dies or notifies the returning officer in writing of the withdrawal of his or her candidature, and the remaining number of candidates exceeds the number of members to be elected, the elections shall, notwithstanding, be proceeded with: Provided that any votes which have been or are recorded in his or her favour will be ignored in the determination of the result of the election.

#### NOTICE OF ELECTION

15. If the number of candidates is more than the number of members to be elected, the returning officer shall, within 14 days of the nomination time, cause a notice to be published in the manner specified in regulation 9, to the effect that during the period of 30 days immediately preceding the polling day an election of the number of members to be elected shall be held from amongst the said candidates and that such election shall take place by secret ballot, which shall be provided by the returning officer.

#### ISSUING OF BALLOT PAPERS

- 16. (1) If an election by ballot becomes necessary, the returning officer shall send by post to the registered postal address of each voter, not less than 30 days before the polling day, a ballot paper, identification envelope in the form of Annexure C and cover envelope together with directions concerning the procedure to be followed by the voter in order to vote and the procedure to be followed for the return of the said documents.
- (2) The returning officer shall allocate a serial number to each ballot paper despatched in terms of subregulation (1) and shall record the date of despatch thereof.
- (3) Where a letter or identification envelope so despatched is lost or destroyed or spoilt, the returning officer shall, if on the strength of an affidavit he or she is satisfied of such loss or destruction or spoilage, despatch or deliver to the voter to whom the original documents were despatched, at his or her request, a new ballot paper or identification envelope or both.

#### **BALLOT PAPERS**

- 17. (1) A voter shall cast his or her vote by personally making an X mark in the square appearing on the ballot paper opposite the name of the candidate for whom he or she wants to vote.
  - (2) A ballot paper referred to in subregulation (1) shall be in the form of Annexure D.
  - (3) A voter shall -
    - (a) place his or her ballot paper in the identification envelope and seal it;
  - (b) complete and sign the declaration on the identification envelope in the presence of two witnesses, who shall certify his or her signature;
  - (c) place the identification envelope in a cover envelope addressed to the returning officer and post or otherwise convey it to him or her.
- (4) On the counterfoil of the ballot paper referred to in subregulation (2) only the serial number of the ballot paper concerned shall be specified.

# EXAMINATION AND SAFE-KEEPING OF PAPERS RECEIVED BY THE RETURNING OFFICER

18. The returning officer shall place each identification envelope received by him or her unopened in a ballot box previously sealed by him or her in the presence of a candidate, agent or polling officer while it was empty, and shall keep such ballot box in safe custody up to and on the polling day so that no person other than himself or herself shall have access to it.

#### DETERMINATION OF RESULT OF ELECTION

- 19. (1) The returning officer shall, as soon as possible after polling day, but not later than the first working day thereafter, in the presence of the candidates, agents and polling officers who are then present, commence to determine the result of the election and shall
  - (a) examine the identification envelopes to determine whether the declarations were completed in accordance with the provisions of regulation 17(3);
  - (b) open such identification envelopes as in his or her opinion meet the requirements of regulation 17(3) and place the ballot papers in a ballot box sealed in the manner referred to in regulation 18; and
  - (c) examine the ballot papers and determine the validity of each such ballot paper.
  - (2) The returning officer shall reject a ballot paper in each instance where the voter -
    - (a) has not returned such ballot paper in the identification envelope;
  - (b) has neglected to complete the declaration on the identification envelope in every particular in accordance with the provisions of regulation 17(3);
  - (c) has not marked his or her ballot paper, or his or her ballot paper is invalid, owing to any uncertainty;
    - (d) has voted for more candidates than the number of members to be elected;
  - (e) has cast more than one vote per candidate or has returned more than one ballot paper; and
    - (f) has voted for a person who was not a candidate;

and no votes cast on such ballot paper shall be taken into account at the counting of the votes recorded at the election.

- (3) No vote cast on a ballot paper which is not received by the returning officer before the hour on the polling day determined by him or her shall be taken into account at the counting of the votes recorded at the election.
- (4) Notwithstanding the provisions of subregulation (2), no ballot paper or vote shall be rejected solely on account of the fact that a vote thereon or such vote has been recorded otherwise than by means of the X mark referred to in subregulation 17(1), unless the returning officer is of the opinion that a vote for a particular candidate has been changed to a vote for another candidate.

- No vote on a ballot paper which has been rejected in terms of these regulations and no vote which has thus been rejected shall be counted at the determination of the result of the election.
- The returning officer shall endorse on every ballot paper which he or she rejects (6)as invalid that it has been so rejected, and he or she shall, opposite every vote which he or she rejects, endorse the name of the candidate for whom such vote was cast.
- If an objection against the rejection of a ballot paper or vote has been registered, the returning officer shall endorse on the ballot paper that such objection has been registered.
- If any objection is raised by or on behalf of a candidate against the acceptance of a ballot paper or vote, the returning officer shall endorse on the ballot paper concerned that an objection has thus been registered.
- As soon as the returning officer has ascertained the validity or otherwise of all the ballot papers and of all the votes recorded thereby in terms of these regulations, he or she shall determine the number of votes cast for each candidate and which are not rejected in terms of these regulations, and he or she shall, subject to the provisions of subregulation (10) and the number of members to be elected, in descending numerical sequence per profession, declare those candidates who drew the largest numbers of such votes to be duly elected members of the professional board.
- If two or more candidates have received an equal number of votes and as a result it is not possible in terms of subregulation (9) to declare as many candidates as there are members to be elected to the professional board, the returning officer shall declare the candidates in respect of whom such a declaration is possible to be duly elected members of the professional board with effect from the date contemplated in subregulation (13), and the returning officer shall immediately in the presence of the candidates, the agents (if present) and the polling officers determine by drawing lots which of the candidates, who received an equal number of votes shall be declared elected.
- The returning officer shall, as soon as possible, cause the result of the election, including the number of votes recorded for each candidate, to be published in the Gazette.
- As soon as possible after the election of the members referred to in subsection (1), the Minister shall inform the registrar of the names and particulars of the persons who have been appointed by him or her.
- The registrar shall, within 30 days of the constitution of the professional board, make known by notice in the Gazette the names of the members of the professional board and the dates of their election or their appointment by the Minister as the case may be.

#### GENERAL PROVISIONS

- The returning officer shall, immediately after the result of the election has 20. been determined in terms of these regulations
  - seal in a separate parcel all the ballot papers which he or she has rejected in terms of these regulations, together with a list of any votes which he or she has so rejected mentioning the number of ballot papers concerned and, if it was possible to ascertain them, the names of the candidates affected by such rejection, and mark the parcel with the expression "rejected ballot papers";
  - seal in a separate parcel the counterfoils of all ballot papers which have been issued by him or her and mark the parcel with the expression "counterfoils";

- (c) seal in a separate parcel all other papers relating to the election including the nomination of candidates, and mark the parcel "election papers".
- (2) The returning officer shall forthwith deliver the parcels referred to in subregulation (1) to the registrar, who shall keep such parcels unopened for a period of at least one year, unless he or she is otherwise directed by a competent court.
- 21. (1) The returning officer may at any time appoint such polling officers as he or she may deem necessary to assist him or her in the performance of his or her functions in terms of these regulations.
- (2) The said polling officers shall carry out their functions under the supervision and by direction of the returning officer.
- (3) No candidate or any person in the service of or under the control of a candidate shall be appointed as a polling officer.
- 22. The returning officer and every polling officer, candidate or agent who is entitled to be present at the examination of papers or the determination of the result of the election in terms of regulation 19 shall, before he or she assumes the office of returning officer or before he or she may be so present as polling officer, candidate or agent, make a declaration on oath or affirmation in the form of Annexure E.
- 23. Except in so far as is otherwise provided by or in terms of these regulations, the returning officer shall perform his or her duties in terms of these regulations during the hours between 08:00 and 12:30 and 14:00 and 16:00 on every day of the week that is not a Saturday, a Sunday or a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994).

#### VACATION OF OFFICE AND FILLING OF VACANCIES

- 24. A member of a professional board shall vacate his or her office if -
- (a) the member's estate is sequestrated or he or she has entered into a composition with the creditors of his or her estate;
- (b) the member has been absent from more than two consecutive ordinary meetings of the professional board without the professional board's leave;
- (c) the member is disqualified under any law from practising his or her profession;
- (d) the member ceases to be a South African citizen or to be permanently resident in the Republic;
- (e) the member is convicted of an offence, whether in the Republic or elsewhere, in respect whereof he or she is sentenced to imprisonment without the option of a fine;
- (f) the member becomes a patient or a State patient as defined in section 1 of the Mental Health Act, 1973 (Act No 18 of 1973);
  - (g) the member -

- (i) in the case of an elected member who ceases to hold a qualification required for his or her election or submits his or her resignation in writing to the registrar; or
- (ii) in the case where a member appointed by the Minister ceases to hold a qualification required for his or her appointment or submits his or her resignation in writing to the Minister; or
- (h) the Minister terminates his or her membership for reasons which are just and fair.
- (2) Every vacancy on the professional board shall be filled in the same manner in which the member who vacates office was elected or appointed, as the case may be, and every member so elected or appointed shall hold the office for the unexpired portion of the period for which the member whose office became vacant was elected or appointed.

### ANNEXURE A

#### S A COUNCIL FOR SOCIAL SERVICE PROFESSIONS

NOMINATION FOR ELECTION OF MEMBERS OF THE PROFESSIONAL BOARD FOR

•••••••••••			
REQUEST FOR NOMINATIONS			
1.	In terms of the provisions of regulation 10(a) of the regulations regarding the election of members of the professional board, nominations are hereby requested for candidates to be elected by (specify) to serve on the professional board for		
2.	Nominations are invited for the election of the following members of the professional board for (specify): (specify).		
3.	Each (specify) who is a South African citizen resident in the Republic shall be eligible for nomination.		
4.	Each (specify) resident in the Republic who is a South African citizen may sign not more than nomination/s (specify).		
5.	(1) Each candidate shall be nominated separately in the following form:		
	NOMINATION FORM		
they a	nate (print the full first names, surname <b>and registration number</b> of the candidate as ppear in the register, or number as it appears in the official list of voters provided to the delete which is not applicable))		
for ele	ction as a member of the Professional Board for in the following category:		
(print	fure of person nominating		
	•		

(2) Each person who signs a nomination form shall lodge a declaration in the following form with the nomination:

#### DECLARATION BY PERSON WHO NOMINATES

number as it appears in the official list of voters provided to the council (delete which is not applicable))						
I am a South African citizen resident in the Republic at (state full residential address and telephone number)						
	person nominating					
I certify that of this declar	the deponent has acknowledged that he/she knows and understands the contents ration. Sworn to/affirmed and signed before me at					
	on					
Commission	er of Oaths					
Office held						
(3)	Simultaneously with the lodging or not later than the time and date determined in subparagraph (4), each candidate shall lodge with the returning officer -					
(a)	a curriculum vitae of not more than 150 words, including, where possible, a telephone and/or fax number where the candidate may be reached;					
(b)	passport photograph on which the candidate's name and council registration number are indicated on the back;					
(c)	a deposit of R50,00;					
(4)	his or her consent to the nomination in the following form:					

#### CONSENT TO NOMINATION

I (print full first names, surname and registration number as they appear in the

		Imber as it appears in the official list of voters provided to the council (delete which ble))	
	· · · · · · · · · · · · · · · · · · ·	declare that -	
	(a)	I consent to nomination;	
	(p)	l am a South African citizen;	
	(c)	I am permanently resident in the Republic at (state full residential address and telephone number):	
	(d)	I agree to accept nomination in the following category:	
		nominee	
Sworn	n to/affi	rmed and signed before me at on	
		er of Oaths	
Office	held		
(4)	Each later	n nomination shall be lodged with the returning officer by post, fax or by hand not than on	
Form	s are av	railable from the returning officer.	
4.	of the	nination which does not comply with the above requirements and the requirements regulations regarding the election and appointment of members of a social service ssional board, or which has not been lodged with the returning officer at the address d below by the said time and date shall be invalid.	
		OFFICER	
Addr	ess		
Telep	hone a	nd fax number	
Date			

#### ANNEXURE B

# S A COUNCIL FOR SOCIAL SERVICE PROFESSIONS

NOMINATION OF CANDIDATES TO BE APPOINTED BY THE MINISTER OF SOCIAL DEVELOPMENT AS MEMBERS OF THE PROFESSIONAL BOARD FOR .....

#### REQUEST FOR NOMINATIONS

1.	In terms of the provisions of regulation 10(b) of the regulations relating to the election of members of a social service professional board, nominations are hereby requested for candidates to be appointed by the Minister to serve on the professional board for
2.	Nomination of (category to be specified)
	Nominations are invited for the appointment of representative(s) of
	Each representative of
3.	(1) Each candidate shall be nominated separately in the following form:
NOM	INATION FORM
I nom	inate (print the full first names and surname of the candidate
for no	mination of candidate to be appointed by the Minister as a member of the professional for in the following category:
*	
Signa	ture of person nominating
Print	full first names and surname)
follow	(2) Each person who signs a nomination form shall lodge a declaration in the ring form with the nomination:
	DECLARATION BY PERSON WHO SIGNS NOMINATION
decla	nt the full names and surname) re that I represent the sector concerned and I am a South African citizen resident in the blic at (state full residential address)

GOVERNMENT GAZETTE, 8 NOVEMBER 2002

16 No. 24039

Signature of nominee

Sworn to/affirmed and signed before me at on		
Commissioner of Oaths		
Office held		
(4) Each nomination shall be lodged with the Ministry by post, fax or by hand at not later than		
Forms are available from the Ministry at the address indicated below.		
4. A nomination which does not comply with the above requirements and the requirements of the regulations regarding the election of members of a social service professional board, or which has not been lodged with the Ministry at the address stated below by the said time and date shall be invalid.		
Representative of Ministry		
Address		
Telephone and fax number		
Date:		

## ANNEXURE C

#### S A COUNCIL FOR SOCIAL SERVICE PROFESSIONS

ELECTION OF MEMBERS OF THE PROFESSIONAL BOARD FOR .....

#### **VOTER'S DECLARATION OF IDENTITY**

	VOIER S DECLARATION OF IDENTIFI		
I (prin voters that -	at full names and surname as they appear in the register, or on the official list of sfurnished to the Council, as the case may be),, declare		
(a)	the enclosed ballot paper was issued to me;		
(p)	I am a South African citizen;		
(c)	I am resident in the Republic at (state full residential address)		
(d)	I have not returned any other ballot paper in this election; and		
(e)	my registration number or number on the official list of voters furnished to the council (as the case may be) is		
 Signa	ture		
Witne	sses:		
(1)			
(2)			

## ANNEXURE D

# S A COUNCIL FOR SOCIAL SERVICE PROFESSIONS

EL	LECTION OF MEMBERS OF THE PROFESSIONAL BOARD FOR	
BALLOT PAPER FOR		
Electi	ion of member/members	
	es of candidates Column for voter's X bhabetical order per category	
Each by pla	RUCTION TO VOTERS  voter shall be entitled to vote for	
(a) (b) (c) (d) (e) (f) (g) (h)	the declaration on the identification envelope is not in order; it is not lodged in the identification envelope; it is not marked or does not clearly indicate which candidates have been voted for; it contains votes for more candidates than there are members to be elected; it bears any writing or mark by which a voter may be identified; an identification envelope contains more than one ballot paper; it contains more than one vote per candidate; or it contains votes for a person who was not a candidate.	
enve addr	ballot paper shall be folded face inwards and placed in the accompanying identification elope which shall be sealed and then placed in a covering envelope which shall be sealed and ressed to the returning officer at	

### ANNEXURE E

S A C	OUNCIL FOR SOCIAL SERVICE PROFESSIONS
ELECTION OF MEM	BERS OF THE PROFESSIONAL BOARD FOR
PRESENT DUE	ATH OR AFFIRMATION FOR POLLING OFFICERS OR PERSONS RING THE EXAMINATION OF BALLOT PAPERS OR THE MINATION OF THE RESULT OF THE ELECTION
I,	(full name)
the confidentiality of th in terms of the <i>Social S</i> for some lawful reason,	ch/affirm that I shall undertake to maintain and to help maintain e voting at the election of the professional board for
Signature	
this declaration/affirma	ent has acknowledged that he/she understands the contents of ation. This declaration/affirmation was sworn to/affirmed before signature was placed thereon in my presence.
Commissioner of Oaths	
Office held	
Date:	Place