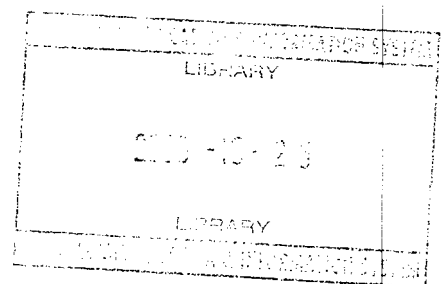


REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE AMENDMENTS
TO
CHIROPRACTORS, HOMEOPATHS
AND ALLIED HEALTH SERVICE
PROFESSIONS SECOND
AMENDMENT BILL**

[B 66-2000]

*(As agreed to by the Select Committee on Social Services
(National Council of Provinces))*



[B 66A—2000]

ISBN O 621296457

AMENDMENTS AGREED TO

CHIROPRACTORS, HOMEOPATHS AND ALLIED HEALTH SERVICE PROFESSIONS SECOND AMENDMENT BILL [B 66-2000]

CLAUSE 1

1. On page 3, from line 19 to 21, to omit the definition of “impaired”.
2. On page 3, in line 31, to omit “ ‘physiotherapist, ” and to substitute “ ‘phytotherapist,”.
3. On page 3, in line 58, to omit “therapeutic” and to substitute “a therapeutic”.
4. On page 4, in line 17, to omit “; and” and to substitute “; or”.
5. On page 4, in line 22, to omit “; and” and to substitute “: or”.

CLAUSE 3

1. On page 4, in line 36, to omit [“Establishment of Allied Health Professions Council of South Africa”] and to substitute:

[“Establishment of [Chiropractors, Homeopaths and] Allied Health [Service] Professions [Interim] Council of South Africa”]

CLAUSE 4

1. On page 5, from line 5, to omit paragraph (e) and to substitute:

(e) to make recommendations to the Minister within a period of 12 months calculated as from the date of commencement of the Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Act, 2000, on the constitution of [a new] the council [within a period not exceeding 36 months calculated as from the date of commencement of the Chiropractors, Homeopaths and Allied Health Service Professions Amendment Act, 1995; and] with due regard to the number of persons registered in terms of this Act in respect of every profession: Provided that—

(i) registers for chinese medicine and acupuncture, therapeutic aromatherapy, therapeutic massage therapy and therapeutic reflexology must be opened within a period referred to in paragraph (e); and

(ii) each profession shall not have more than three representatives on the council;

CLAUSE 5

1. On page 5, in line 19, to omit [“General powers of council”] and to substitute [“General [functions] powers of council”].

CLAUSE 6

1. On page 6, from line 2, to omit paragraph (a) and to substitute:

- (a) ten persons elected in the prescribed manner of whom—
- (i) one is registered as an acupuncturist and has been elected in the prescribed manner;
 - (ii) one is registered as an ayurvedic practitioner and has been elected in the prescribed manner;
 - (iii) one is registered as a chiropractor and has been elected in the prescribed manner;
 - (iv) one is registered as a homeopath and has been elected in the prescribed manner;
 - (v) one is registered as a naturopath and has been elected in the prescribed manner;
 - (vi) one is registered as an osteopath and has been elected in the prescribed manner;
 - (vii) one is registered as a phytotherapist and has been elected in the prescribed manner;
 - (viii) one is registered as a therapeutic aromatherapist and has been elected in the prescribed manner;
 - (ix) one is registered as a therapeutic massage therapist and has been elected in the prescribed manner; and
 - (x) one is registered as a therapeutic reflexologist and has been elected in the prescribed manner; and

2. On page 6, in line 25, after “law;” to insert “and”.

CLAUSE 7

1. On page 7, from line 9, to omit subsection (2) and to substitute:

- (2) A member of the council shall vacate his or her office if he or she—
- (a) [he] becomes subject to any disqualification contemplated in subsection (1);
 - (b) [he] ceases to hold any qualification necessary for his or her appointment;
 - (c) **[he]** has been absent from more than two consecutive ordinary meetings of the council without the council’s leave;
 - (d) [he] was appointed by the Minister and tenders his or her resignation in writing to the Minister and the Minister accepts his or her resignation;
 - (dA) was elected by a professional board and tenders his or her resignation to the council and the council accepts his or her resignation;
 - (e) **[he]** becomes a patient or **[President’s]** State patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
 - (f) **[he]** is convicted in the Republic or elsewhere of an offence for which he or she is sentenced to imprisonment without the option of a fine; or
 - (g) **the Minister in the public interest terminates his membership]**
 - (h) becomes impaired to the extent that he or she is unable to carry out his or her duties as a member of the council.

CLAUSE 10

1. On page 8, in line 51, after “profession;” to insert “or”.

CLAUSE 14

1. On page 11, in line 23, to omit [“Allied health professions”] and to substitute [“Allied health [service] professions”].
2. On page 11, in line 27, to omit “man” and to substitute “[man] humans”.

CLAUSE 15

1. On page 12, in line 50, after “by” to insert “the”.

CLAUSE 16

1. On page 13, from line 27, to omit subsections (1) and (2) and to substitute:

(1) Subject to the provisions of subsection (2), the Minister may from time to time, on the recommendation of the council, prescribe the qualifications obtained by virtue of examinations conducted by [a university or other] an educational institution or examining authority which, when held singly or conjointly with any other qualification, [shall] may entitle any holder thereof to registration under this Act as a [chiropractor, homeopath or] practitioner of an allied health [service] profession, [as the case may be,] if he or she has, before or in connection with or after the acquisition of the qualification in question, complied with such conditions or requirements as may be so prescribed: Provided that if a professional board has been established in terms of section 10A(1), the council must first consult the relevant professional board before making a recommendation to the Minister relating to a qualification to be prescribed.

(2) No qualification obtained by virtue of examinations conducted by [a university or other] an educational institution or examining authority situated outside the Republic shall be prescribed under this section unless—

- (a) such qualification entitles the holder thereof to practise as a [**chiropractor, homeopath or**] practitioner of an allied health [**service**] profession, [**as the case may be,**] in the country or state in which such [**university or other**] educational institution or examining authority is situated; and
- (b) the council is satisfied that possession of such qualification indicates a standard of professional training not lower than that prescribed in respect of the training of [**chiropractors, homeopaths or**] practitioners of allied health [**service**] professions within the Republic.

CLAUSE 17

1. On page 13, from line 43, to omit subsection (1) and to substitute:

(1) The council may accept a qualification other than a qualification referred to in section 16B, for the purpose of registration under this subsection, if such qualification, in the opinion of the council, indicates a satisfactory standard of professional education, and may, subject to the provisions of [**subsections**] subsection (2) [**and (3)**]

and section 15(1) and (2), register any person as a [chiropractor, homeopath or] practitioner of an allied health [service] profession who possesses such qualification and who, in the opinion of the council, possesses sufficient professional knowledge and ability and is proficient in at least one of the official languages of the Republic: Provided that if a professional board has been established in terms of section 10A(1), the council must first consult the relevant professional board before making a recommendation to the Minister relating to a qualification to be prescribed.

CLAUSE 22

1. On page 15, from line 14, to omit paragraph (g) and to substitute:
 - (g) is unable for any reason to practise the profession for which he or she is registered in terms of this Act.

CLAUSE 23

1. On page 15, in line 37, to omit “may” and to substitute “must”.
2. On page 15, from line 50, to omit subsection (3) and to substitute:
 - (3) If a professional board holding an inquiry under this section, finds the person charged guilty of **[improper or disgraceful unprofessional]** conduct or of conduct which in consideration of the profession in respect of which that person is registered, is **[improper or disgraceful unprofessional]**, it shall note its finding and inform such person thereof, and shall at the same time inform such person of the penalty the imposition of which it intends to recommend to the council, and it shall before the next ensuing meeting of the council submit to the council the minutes of the proceedings at the inquiry together with the recommendation concerning a proper penalty.

CLAUSE 24

1. On page 16, in line 9, to omit “the” and to substitute “that”.
2. On page 16, in line 50, after “or” insert “a”.

CLAUSE 29

1. On page 18, in line 38, to omit “Act or any” and to substitute “Act, any”.

CLAUSE 35

1. On page 20, from line 9, to omit paragraph (a) and to substitute:
 - (a) a **[magistrate with no fewer than ten years experience as a magistrate,]** person who is legally qualified and who has practised in the field of law for a period of at least ten years who shall be the **[chairman]** chairperson; and

CLAUSE 36

1. On page 20, omit section 41 and to substitute:

41. The provisions of this Act and the [Medical, Dental and Supplementary] Health [**Service**] Professions Act, 1974 (Act No. 56 of 1974), shall not be construed as derogating from the right which a [medicine man or] herbalist contemplated in the Code of Zulu Law may have to practise his or her profession.

LONG TITLE

1. On page 2, in the sixth line. to omit the second “and”.