

Namibia

Namibia Nursing Association Act, 1993

Act 28 of 1993

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Namibia Nursing Association Act, 1993

Contents

1. Definitions	1
2. Establishment of Association	1
3. Objects of Association	2
4. Constitution of Association	2
5. Powers of Association	2
6. Management of Association	3
7. Structure of Association	4
8. President, vice-president and treasurer	4
9. Committees of management	4
10. Meetings of management	4
11. Meetings of Association	4
12. Regulations	5
13. Repeal of laws and transitional provisions	5
14. Short title	6



Republic of Namibia
Annotated Statutes

Namibia Nursing Association Act, 1993
Act 28 of 1993

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ACT

To provide for a nursing association for Namibia and a management to control its affairs; to define its powers; and to provide for incidental matters.

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:-

1. Definitions

In this Act, unless the context indicates otherwise -

“**Association**” means the Namibia Nursing Association established by section 2;

“**branch**” means a branch of the Association established under section 7(1);

“**group**” means a group established within a branch under section 7(2);

“**management**” means the management of the Association referred to in section 6;

“**midwife**” includes an accoucher;

“**prescribed**” means prescribed by rules;

“**this Act**” includes the rules made or deemed to be made under this Act.

2. Establishment of Association

- (1) There is hereby established an association to be known as the Namibia Nursing Association.
- (2) The Association shall be a juristic person.

3. Objects of Association

The objects of the Association shall be -

- (a) the provision and development of an efficient and adequate nursing service through research, nursing education and management;
- (b) the promotion of primary health care in Namibia;
- (c) the enhancement of the status, maintenance of the integrity and the promotion of the interests of the nursing profession in Namibia and internationally.

4. Constitution of Association

(1) The Association shall subject to the provisions of this Act, consist of -

- (a) all persons -
 - (i) who under any law -
 - (aa) are registered as nurses or midwives;
 - (bb) are enrolled as nurses or midwives;
 - (cc) are enrolled as nursing auxiliaries;
 - (dd) are registered as student nurses or student midwives; or
 - (ee) are enrolled as pupil nurses or pupil nursing auxiliaries;
 - (ii) who are competent to be registered or enrolled as nurses, midwives or nursing auxiliaries,
in Namibia and who have applied for membership of the Association and paid the subscription contemplated in section 12(d); and
- (b) any Namibian citizen or any other person lawfully admitted to Namibia for permanent residence therein, and resident in Namibia, upon whom the management has conferred honorary membership.

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

(3) Any person referred to in subsection (1) may by notice dispatched by registered post, resign as a member of the Association: Provided that no resignation shall become effective unless a period of at least one month has expired since such notice was dispatched.

5. Powers of Association

For the purposes of achieving its objects, the Association may -

- (a) consider any matter affecting the nursing profession or the members thereof and make representations or take such action in connection therewith as the Association may deem advisable;
- (b) purchase, hire or otherwise acquire any property, whether movable or immovable, keep or sell or let or hypothecate or otherwise dispose of, or deal in any other manner with property acquired by it;
- (c) raise or borrow money on such terms and conditions as may be agreed upon;
- (d) accept donations and receive moneys offered or due to it;
- (e) apply its funds to the establishment of a reserve fund, or invest at its discretion any funds not immediately required for its affairs;

- (f) act as a trustee of any trust;
- (g) appoint an executive director and other officers or employees and determine their duties and conditions of service;
- (h) establish and control a sick or a provident or pension fund for the said director, officers and employees;
- (i) arrange with any insurer for the provision of insurance cover for the president of the Association and other members of the management and for the said director and officers and employees, in respect of bodily injury, disability or death resulting solely and directly from an accident occurring in the course of the performance of their duties;
- (j) pay the expenses incurred in connection with its administration,

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

6. Management of Association

- (1) The affairs of the Association shall be controlled by the management of the Association, which shall exercise and perform the powers, duties and functions of the Association with due regard to the provisions of this Act.
- (2) The management shall consist of -
 - (a) one member elected in the prescribed manner for every 100 members of each branch who are members referred to in section 4(1)(a)(i)(aa) and (dd): Provided that only a registered nurse shall be so elected; and
 - (b) two members elected in the prescribed manner by the members referred to in section 4(1)(a)(i)(bb) and (cc): Provided that only enrolled nurses shall be so elected.
- (3) Notwithstanding the provisions of this Act -
 - (a) the first management shall consist of the persons elected immediately before the commencement of this Act by the members of the Nursing Association of South West Africa, established by the Nursing Association of South West Africa Act, 1979 (Act [14 of 1979](#));
 - (b) the election contemplated in paragraph (a) shall be deemed to have been lawfully held in terms of subsection (2) as if this Act had been in operation at the time of such election.
- (4) No person other than a Namibian citizen or a person lawfully admitted to Namibia for permanent residence therein, and resident in Namibia, may become a member of the management.
- (5) A member of the management shall hold office for a period of five years, and shall after expiration of his or her term of office be eligible for a re-election for only one further term.
- (6) A member of the management shall vacate his or her office if -
 - (a) the estate of such member is sequestrated or such member enters into a compromise with his or her creditors;
 - (b) such member is absent from more than two consecutive meetings of the management without its leave;
 - (c) such member ceases to be a member of the Association;
 - (d) such member is convicted of a criminal offence, whether in Namibia or elsewhere, in respect whereof a sentence to imprisonment without the option of a fine is imposed;
 - (e) such member is of unsound mind and has been so declared by a competent court; or

- (f) such member submits a written notice to the management indicating his or her resignation as a member of the Management.

7. Structure of Association

- (1) The Association may establish branches for each of the regions into which it may divide Namibia: Provided that it shall establish at least seven such branches.
- (2) The Association may establish such groups within the branches as it considers fit.
- (3) A committee may be elected for each branch or group by the members of the branch or group concerned and which shall consist of such number of members as the Association may determine.

8. President, vice-president and treasurer

- (1) The members of every newly constituted management shall at the first meeting of that management elect from amongst themselves a president, vice-president and treasurer.
- (2) A person who holds office as president, vice-president or treasurer shall hold office during the term of office of a member of the management, unless he or she resigns sooner or ceases to be a member of the management.
- (3) The vice-president may, when the president is absent or is for any reason unable to act as president, perform all the functions and exercise all the powers of the president.
- (4) If both the president and the vice-president are absent from a meeting of the management, the members present shall elect one from amongst themselves to preside at the meeting and the person so presiding may at the meeting perform all the functions and exercise all the powers of the president.
- (5) If the office of president, vice-president or treasurer becomes vacant, the members of the management shall at the first meeting after such vacancy has occurred, elect from amongst themselves a new president, vice-president or treasurer, as the case may be.

9. Committees of management

The management may establish committees to assist it in the performance of its functions and appoint any person as a member of any such committee, whether or not such person is a member of the Association and may delegate any of its powers to any such committee.

10. Meetings of management

- (1) Meetings of the management shall be held at the times and places determined by the management.
- (2) The majority of the members constituting the management shall form a quorum for a meeting of the management.
- (3) The decision of a majority of the members of the management present at any meeting of the management shall be the decision of the management: Provided that in the event of an equality of votes the person presiding at that meeting shall have a casting vote in addition to his or her deliberative vote.

11. Meetings of Association

- (1) There shall be held at least twice during the term of office of the management, meetings of the Association at the times and places determined by the management: Provided that the management may at any time convene a special meeting of the Association and it shall convene a special meeting on a reasoned request in writing by at least 50 members of the Association and such meeting shall be held at the time and place determined by the management.

- (2) The quorum for any such meeting shall be prescribed.
- (3) The decision of the majority of the members present at a meeting of the Association shall be the decision of the Association.

12. Regulations

The management may make rules by notice in the Gazette relating to -

- (a) the election by way of secret ballot of members of the management;
- (b) the admission of persons referred to in section 4(l)(a)(ii) and (b) as members of the Association;
- (c) the circumstances in which the Association may terminate the membership of any person or a member may be exempted from any liability towards the Association;
- (d) the subscription payable by members or categories of members of the Association;
- (e) the rights, privileges, duties and liabilities of members or categories of members of the Association;
- (f) the allowances which may be paid to members of the management when engaged in the affairs of the Association;
- (g) the criteria for membership of a branch or group;
- (h) the holding of and procedure at meetings of the Association, the management, a committee, branch or group;
- (i) any matter which may or is required to be prescribed under this Act; and
- (j) generally, all matters which are necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

13. Repeal of laws and transitional provisions

- (1) Subject to the provisions of subsection (2), the said Nursing Association of South West Africa Act, 1979 is hereby repealed.
- (2) Any regulation or rule made or deemed to have been made under the provisions of the Act referred to in subsection (1) shall, unless inconsistent with the provisions of this Act, be deemed to be a rule made under the corresponding provisions of this Act.
- (3) On the date of commencement of this Act -
 - (a) all assets, liabilities, rights and obligations of the said Nursing Association of South West Africa shall vest in the Association;
 - (b) every person employed immediately before that date by the said Nursing Association of South West Africa shall be employed by the Association as if such person were appointed under section 5;
 - (c) every person who was a member or honorary member of the said Nursing Association of South West Africa shall become a member or honorary member of the Association, as the case may be, as if such person became entitled thereto under section 4(1);
 - (d) anything done under a provision of the Act referred to in subsection (1) which could have been done under a corresponding provision of this Act, shall be deemed to have been done under such corresponding provision;
 - (e) any reference in any law, register, deed or other document to the said Nursing Association of South West Africa shall be construed as a reference to the Association.

14. Short title

This Act shall be called the Namibia Nursing Association Act, 1993.