

# THE LEGISLATIVE ROLE OF THE REGULATOR

VENUE: SANC CHAMBER

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**South African Nursing Council**  
*Regulating nursing, advocating for the public*

VISION - Excellence in professionalism and  
advocacy for health care users

# PRESENTATION OUTLINE

1. INTRODUCTION
2. LEGISLATIVE FRAMEWORK
3. PURPOSE OF LEGISLATIVE HIERARCHY
4. NURSING ACT
5. REGULATIONS UNDER THE NURSING ACT

# LEGISLATIVE FRAMEWORK

- The Constitution of South Africa, 1996
- Nursing Act 2005, Act 33 of 2005
- National Health Act 61 of 2003
- Consumer Protection Act 68 of 2008
- Higher Education Act 101 of 1997
- Protection of Personal Information Act 4 of 2013
- National Health Insurance Bill ????????????
- The list is truly extensive

# PURPOSE OF LEGISLATIVE HIERARCHY

The Constitution holds:

- We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to –
- In Section 7(3) the rights in the Bill of Rights are subject to the limitations contained or referred to –

# PURPOSE OF LEGISLATIVE HIERARCHY

- In Section 36, or elsewhere in the Bill.
- Freedom of trade, occupation and profession.
- Section 22, every citizen has the right to choose their trade, occupation or profession freely. The practice of a trade, occupation or profession **may be regulated by law.**

# PURPOSE OF LEGISLATIVE HIERARCHY

## Limitation of rights

- Section 36(1) The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including—

# PURPOSE OF LEGISLATIVE HIERARCHY

- (a) the nature of the right;
  - (b) the importance of the purpose of the limitation;
  - (c) the nature and extent of the limitation;
  - (d) the relation between the limitation and its purpose;  
and
  - (e) less restrictive means to achieve the purpose.
- Section 36(2), except as provided in subsection (1) or in any other provision of the Constitution, no law may limit any right entrenched in the Bill of Rights.

# THE NURSING ACT 33 OF 2005

- The SANC is exists under section 2 of the Nursing Act (Act No. 33 of 2005) as a statutory body and its mission is to serve and protect health care users by regulating nursing and midwifery profession.

## Section 3 – Objects of Council.

“The objects of the Council are to –

- a) serve and protect the public in matters involving health services generally and nursing services in particular;



# THE NURSING ACT 33 OF 2005

- b) perform its functions in the best interest of the public and in accordance with national health policy as determined by the Minister;
- c) promote the provision of nursing services to the inhabitants of the Republic that complies with universal norms and values;
- d) establish, improve, control conditions, standards and quality of nursing education and training within the ambit of this Act and any other applicable laws;

## THE NURSING ACT 33 OF 2005 Cont...

- e) maintain professional conduct and practice standards for practitioners within the ambit of any applicable law;
- f) promote and maintain liaison and communication with all stakeholders regarding nursing standards, and in particular standards of nursing education and training and professional conduct and practice both in and outside the Republic;
- g) advise the Minister on the amendment or adaptation of this Act regarding matters pertaining to nursing;

# THE NURSING ACT 33 OF 2005 Cont...

- h) be transparent and accountable to the public in achieving its objectives and in performing its functions;
- i) uphold and maintain professional and ethical standards within nursing; and
- j) promote the strategic objectives of the Council.”

# REGULATIONS UNDER THE NURSING ACT

- Scope of Practice Regulation
- Regulations Relating to the Accreditation of Institutions as NEI's
- Regulations Regarding The Register For Learner/Student Nurses and Learner/Student Midwives
- Acts and Omissions Regulations
- New Private Practice Regulation
- Code of Ethics

# Thank you!

**Please familiarise yourself with the Nursing Act and all relevant legislation in order to be able to be a better and safer Practitioner.**