

# **LEGAL DOCUMENTATIONAL RECORD**

**Dr. ANTHONY REES VS. ALLIED HEALTH  
PROFESSIONS COUNCIL**

**WITH REFERANCE TO THE  
REGISTRATION OF MRS. CONSTANCE MEYER**

Year 2001

## **CURRICULLM VITAE: Dr. C. Meyer MCPP MNIMH (Dip Phyt UK) Phytotherapist**

Constance (Connie) Meyer  
32 Odendall Road  
Aurora  
DURBANVILLE 7550  
☎ :021-976.5200  
fax : 021-975.2401  
email : [cmeyer@ctnet.co.za](mailto:cmeyer@ctnet.co.za)

### **SUMMARY OF QUALIFICATIONS**

Certificate:	Medical technology (2 years)	Cape Technical College (1970)
Diploma:	Herbalism (cum laude)	South African College of Herbalism (1992)
Diploma:	Primary Health care (1 year) (cum laude)	Primary Health Care Academy Pharma Natura (1996)
Diploma:	Herbal Medicine (4 years)	School of Phytotherapy UK (1996)

### **RELEVANT EXPERIENCE**

20 years: Primary Health Care / health products advisor / Health Journalist  
Medical Technology: Karl Bremer Hospital / Tygerbery Dept Cytology (1968-1970)  
National Childbirth Education Association - Founder and Chairperson (1981-1985)  
Health Shop consultant (1985-1992)  
Cosmopolitan Magazine 9Several Health-related articles)  
Vital Health News (Several articles on herbal medicine)  
Co-author: The Illustrated Book of Herbs (Struik 1996)  
Have worked with several British herbalists and 3 months at the Clinic of Herbal Medicine in London.  
Now in private practice as a Medical Hebralist and run a training clinic for students.  
Editor of the Herbal Practitioner (Official Journal of the SA Association of Herbal Practitioners.)  
Writer for the UK magazine on herbal medicine : Health Sciences Institute, UK.

### **PROFESSIONAL MEMBERSHIPS**

College of Practitioners of Phytotherapy (UK) - Full Member  
National Institute of Medical Herbalists (UK) - Full Member  
South African Association of Herbal Practitioners - Chairperson  
Herbalists and Naturopaths Liason Committee - Vice Chairperson  
National Herbalists Association of Australia - Affliliate Member

### **OTHER RELEVANT DETAILS**

Languages : English, Afrikaans and German  
Organic growing of herbs

### **MISSION STATEMENT**

Should I be elected to serve on the Council, I would strive to place the profession of Phytotherapy firmly in the health care system, by ensuring that all aspects of practice and education are of the highest professional standard. I would furthermore aim to serve the needs of all the practitioners of Phytotherapy, so that they may feel secure in the knowledge that their needs as practitioners are being met. Finally, by co-operating with members from all other professions in health care, I'd like to see a system in place that best serves the needs of the public, in terms of holistic health care.

## **The Allied Health Professions Council of South Africa**

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61 Rose Street, Riviera, Pretoria, 0084. PO Box 31565, Wonderboom Poort,  
0033  
Telephone (012) 329-4001 Fax: (012) 329-2279 e-mail: [healthco@mweb.co.za](mailto:healthco@mweb.co.za)

20 July 2001

TO ALL CURRENT MEMBERS OF COUNCIL, CANDIDATES FOR ELECTION TO THE COUNCIL,  
LIAISON COMMITTEES, ASSOCIATIONS AND OTHER STAKEHOLDERS

I have pleasure in announcing that the votes have been counted by the Council's auditors and verified by an official of the Electoral Institute of Southern Africa.

The result of the election was as follows:

a) AYURVEDA

The person elected to the Council was Ms P Vassen. The following votes were received:

Dr TR Govender: 05 votes  
Dr V Naiker: 03 votes  
Ms P Vassen: 24 votes

b) CHINESE MEDICINE AND ACUPUNCTURE

The person elected to the Council was Dr G Mohamed. The following votes were received:

Dr SA Adam: 43 votes  
Dr G Mohamed: 162 votes

c) CHIROPRACTIC

The person elected to the Council was Dr ML Milani. The following votes were received:

Dr ML Milani: 75 votes  
Dr DE Whitfield: 59 votes

d) HOMOEOPATHY

The person elected to the Council was Dr TP Tsotetsi. The following votes were received:

Dr LR Brom: 67 votes  
Dr AHA Ross: 78 votes  
Dr PM Sidiya: 18 votes  
Dr TP Tsotetsi: 86 votes

e) NATUROPATHY

The person elected to the Council was Dr P Essex-Clark. The following votes were received:

Dr JM Badenhorst: 03 votes  
Dr P Essex-Clark: 23 votes  
Dr D Karalis: 05 votes  
Dr ML Sotywambe: 02 votes  
Dr WA Tomlinson: 22 votes  
Dr C Webber: 13 votes

f) OSTEOPATHY

The person elected to the Council was Dr LF Pleass. The following votes were received:

Dr I Essop: 07 votes  
Dr LF Pleass: 27 votes

g) PHYTOTHERAPY

The person elected to the Council was Dr C Meyer. The following votes were received:

Dr IZ Lukhozi: 03 votes

Dr C Meyer: 05 votes

Dr AT Rees: 04 votes

h) THERAPEUTIC AROMATHERAPY

The person elected to the Council was Ms N Nye. The following votes were received:

Ms JM Hale: 58 votes

Ms S Nye: 132 votes

i) THERAPEUTIC MASSAGE THERAPY

The person elected to the Council was Ms B Esterhuysen (unopposed)

j) THERAPEUTIC REFLEXOLOGY

The person elected to the Council was Ms J Hart. The following votes were received:

Ms SM du Raan: 89 votes

Ms JA Hart: 265 votes

Ms H Khoza: 05 votes

I would like to congratulate the new members of Council and wish them a happy and productive period of office. The persons who were unsuccessful are thanked for the interest shown in the Council and for making themselves available for election. The first meeting of the new Council will be held as follows:

Date: Saturday 04 August 2001

Time: 14:00

Venue: Natura

First Floor

Pine Square Building

Corner of Pinaster Street and 18<sup>th</sup> Avenue (entrance in 18<sup>th</sup> Avenue)

Hazelwood

Pretoria

All will be welcome. Individual letters to members of the new Council will be sent out soon.

Yours faithfully

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LEONIE MACDONALD  
REGISTRAR

# Anthony Trevor Rees

**Phytotherapist**  
**(Registration No. A6868)**

P.O. Box 746, Margate, 4275 Tel – 082 626 0969 Email – phytotherapy-college@webmail.co.za

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BY EMAIL and PRIORITY MAIL

To : **The Registrar**  
**Allied Health Professions Council**  
PO Box 31565  
Wonderboom Poort  
0033

29<sup>th</sup> July, 2001

## **ERROR IN REGISTRATION AND DEMAND FOR REMOVAL FROM COUNCIL**

Dear Leonie Mc Donald,

In terms of **Section 3(b)** of the Allied Health Professions Act (Reference A) , I hereby request that the Registrar **immediately remedy a procedural error**, which has taken place with respect to the registration of Mrs. Constance Meyer as a Phytotherapist.

The registration of Constance Meyer onto the Phytotherapy Register is contrary to the provisions of the Allied Health Professions Act, as she was only qualified in late 1996, and not on or before 1995.

With reference to her Curriculum Vitae which was submitted for eligibility for contesting in elections for appointment to the Council as a Phytotherapist, her qualifications prior to 1996, were listed as :

Medical Technology – Cape Technikon  
South African College of Herbalism Diploma (1 year course) (1991)  
Pharma Natura Course (1 year course) (1994)

In terms of **Section 46 (1)(c)** of the Allied Health Professions Act, it states that persons wishing to register for temporary registration must have prerequisites, which are not covered by the above training prior to 1995. (Reference B). I can attest to the lack of scope of training of the courses mentioned above as I was Registrar of the South African College of Herbalism in 1994-1995.

The South African College of Herbalism Herbalism Diploma is not a professional Diploma. The Pharma Natura course is not a professional Diploma, but is a basic course of instruction aimed for further education of health store and pharmacy staff by industry for industry and the sale of complementary medicines.

As her qualification for registration as a Phytotherapist was obtained in late 1996, her eligibility for registration is now in contravention to the Allied Health Professions Act. However, her qualification will enable her to register as a Phytotherapist once Professional Boards

**are established and the opening of the registers for post-1996 qualifiers takes place under the said Board's jurisdiction.**

In terms of **Section 13**, the Rectification of errors and validation of irregular acts, I hereby demand the Registrar to take cognizance of this error/irregular act, and state that I reserve my rights to approach the Minister of Health to effect a remedy if deemed necessary. (Reference C)

I hereby also demand that Mrs. Contance Meyer's registration be set-aside by the Registrar with immediate effect in terms of **Section 16 (6) (b)**, which states that an error in terms of registration be set aside by the Council at it's first meeting following upon the date on which such registration occurred. (Reference D)

As the next Council meeting takes place on the 3<sup>d</sup> of August 2001, I expect a remedy to be applied on this date, as Mrs. Constance Meyer was not registered by an approved accreditation committee of the Council and took place after the last accreditation committee and before the "next" Council meeting.

Further to this, Mrs. Constance Meyer was not eligible for registration, and was by default not eligible for election to Council. Therefore in terms of **Section 6 (b)**, I demand that should Mrs. Constance Meyer's registration be set aside on or before the next Council meeting as prescribed by the Act and that she be removed from Council forthwith. (Reference E).

This must be effected in terms of **Section 6 (2) (b)** , which states that a member of Council must vacate office if he or she ceases to hold any qualification for his or her appointment. (Reference F).

In the event of the Council not serving it's statutory mandate in this regard, I shall have no choice, but voluntarily de-register myself from the Council's register in protest, and not recognize the Council's jurisdiction in the future.

Please note that this procedural error can also effect a new "**Aggrieved Group**" of practitioners, namely all graduates of the South African College of Herbalism, who qualified during or prior to 1995, as a legal precedent has been set by Mrs. Connie Meyer's registration and Council appointment on the said qualifications.

Yours sincerely,

.....

**Anthony Rees**

Cc :  
The Minister of Health  
Advocate. Gary Pienaar – Public Protector's Office

**References (Taken Directly from the Allied Health Professions Act)**

- |   |                                                                                                                                                                              |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A | to control the practice of the professions and to investigate in accordance with the provisions of this Act complaints relating to the affairs of practitioners and students |
| B | a phytotherapist shall be a Phytotherapy Certificate that has been obtained before 1995 from an educational institution which consisted of at least the subjects of-         |
|   | (i) anatomy;                                                                                                                                                                 |

(ii) herbal materia medica;

(iii) nutrition;

(iv) pathology; and

(v) physiology.

C If anything required to be done under this Act in connection with the appointment of any member of the council is omitted or is not done in the manner required by this Act, the Minister may order such steps to be taken as may be required to rectify the omission or error, or may validate anything done in an irregular manner, in order to give effect to the objects of this Act.

D Any registration or refusal of registration by the registrar in the exercise of a power delegated to him in terms of paragraph (a), shall be of full force and effect, unless it is set aside or amended by the council at its first meeting following upon the date on which such registration or refusal of registration occurred.

E No person- who in terms of this Act or the Health Professions Act, 1974 (Act 56 of 1974), is disqualified from practising his or her profession; [*Para. (b) substituted by s. 7 (b) of Act 50 of 2000.*] shall be appointed as a member of the council.

F A member of the council shall vacate his or her office if he or she- (b) ceases to hold any qualification necessary for his or her appointment.

# Anthony Trevor Rees

**Phytotherapist**  
**(Registration No. A6868)**

P.O. Box 746, Margate, 4275 Tel – 082 626 0969 Email – phyotherapy-college@webmail.co.za

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To : **The Registrar**  
**Allied Health Professions Council**  
**PO Box 31565**  
**Wonderboom Poort**  
**0033**

4<sup>th</sup> August, 2001

**Request For Information In Terms Of The Promotion To Access Of Information Act (Act 2 Of 2000) and the Promotion of Administrative Justice Act (Act 3 of 2000).**

Dear Leonie Mc Donald,

With reference to my previous letter dated the **28<sup>th</sup> of July, 2001**, I hereby request that the Registrar of the Allied Health Professions Council furnish me with information for the protection of my Rights.

It is my contention that the Allied Health Professions Council has erroneously registered Mrs. Constance Meyer as a Phytotherapist for the year 2001. I have recently obtained knowledge of this error. I am with the hope that this error will be remedied in terms of **Section 16(6)(b)** of the Allied Health Professions Act, and that her election to Council be rescinded in terms of **Section 6(2)(b)** of the Allied Health Professions Act, 2001 on/or before the official Council meeting on the **19<sup>th</sup> of August, 2001**. (As advertised by the Registrar)

If no remedial action is undertaken by the Council's Registrar within the prescribed time stated, I will be forced to accept that the Council (Noun) has tacitly admitted that it is at fault, and shall be liable to further proceedings being instituted through judicial or other means.

In lieu of my Constitutional Right to access information held by the State, that is required for the protection of my rights, I hereby request certain documentation to be supplied to myself in terms of **Section 4** of the Promotion To Access Of Information Act 21 of 2000. ([Reference A](#)).

I hereby request copies of the following from the Registrar:

- 21 Mrs. Constance Meyer's prescribed Application For Registration Form/s
- 22 Mrs. Constance Meyers Certified Copies of Training in Phytotherapy of other Health-related Courses.
- 23 Mrs. Constance Meyers correspondence from and to the Council since the inception of her personal / practitioner file.
- 24 Full Minutes of Accreditation Committee Meetings where Mrs. Constance Meyer's application has been tabled.
- 25 Mrs. Constance Meyer's Registration Certificate and Letter of Registration.

This request is being carried out in terms of **Section 9(e)** of the Promotion To Access Of Information Act (Act 2, of 2000), in an effort for me to try to understand the processes and procedures involved in the registration of Practitioners and Therapists in terms of the Allied Health Professions Act ([Reference B](#))

In terms of **Section 54** of the Promotion To Access Of Information Act (Act 2, of 2000), I am willing to undertake the payment of costs incurred in the copying and postage of the said documents. ([Reference C](#)).

Further to the above documentation referred to in my request, **I hereby officially request that the Registrar state in writing the reasons for her registering Mrs. Constance Meyer as a Phytotherapist. It is my contention that I have been prejudiced by the election of Mrs. Constance Meyer to Council, by virtue of her questionable registration.** This is being requested in terms **Section 5(1), 5(2) and 5(3)** of the Promotion of Administrative Justice Act, 3 of 2000. ([Reference D](#))

## Anthony Rees

.....  
Cc:

The Minister of Health  
Advocate. Gary Pienaar – Public Protector's Office

### **References (From the Promotion To Access Of Information Act (Act 2, of 2000))**

- A Act applies to record whenever it came into existence
3. This Act applies to ~
- (a) a record of a public body; and
  - (b) a record of a private body,
- regardless of when the record came into existence.
- B generally, to promote transparency, accountability and effective governance of all public and private bodies by, including, but not limited to, empowering and educating everyone
- (i) to understand their rights in terms of this Act in order to exercise their rights in relation to public and private bodies;
  - (ii) to understand the functions and operation of public bodies: and
  - (iii) to effectively scrutinize, and participate in, decision-making by public bodies that affects their rights.
- C 54. (1) The head of a private body to whom a request for access is made must by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing the request.

### **References (From the Promotion of Administrative Justice Act, 3 of 2000)**

- D 5.(1) Any person whose rights have been materially and adversely affected by administrative action and who has not been given reasons for the action may, within 90

days after the date on which that person became aware of the action or might reasonably have been expected to have become aware of the action, request that the administrator concerned furnish written reasons for the action.

(2) The administrator to whom the request is made must, within 90 days after receiving the request, give that person adequate reasons in writing for the administrative action.

(3) If an administrator fails to furnish adequate reasons for an administrative action, it must, subject to subsection (4) and in the absence of proof to the contrary, be presumed in any proceedings for judicial review that the administrative action was taken without good reason.

# Anthony Trevor Rees

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To : **The Registrar**  
**Allied Health Professions Council**  
**PO Box 31565**  
**Wonderboom Poort**  
**0033**

17<sup>th</sup> August, 2001

## **Request For Council To Table My Past Correspondence At The Council** **Meeting On The 19<sup>th</sup> of August, 2001**

Dear Leonie Mc Donald,

Subsequent to my previous letters, dated the 29<sup>th</sup> of July and the 4<sup>th</sup> of August, I have noted that the issue surrounding Mrs. Constance Meyer and her removal from the Register for Phytotherapy and her appointment to the Council **has not been added to the agenda for the Council meeting on the 19<sup>th</sup> of August, 2001.**

This lack of adherence to tabling issues which are pertinent to the Council and it's Members, once again reinforces my opinion that the Council's Executive and the Registrar are unilaterally conspiring to ignore the said issues.

I hereby demand that the Registrar immediately make amendments to the Council's Agenda and table this pertinent legal issue for consideration and possible discussion by the Council at the meeting.

Should the appropriate remedies requested not be applied, I will be forced to invoke my Constitutional Rights to protest and summons the relevant authorities with a higher jurisdiction than the Council to act on my behalf.

**Anthony Rees**

.....  
Cc:

The Minister of Health  
Advocate. Gary Pienaar – Public Protector's Office

## **The Allied Health Professions Council of South Africa**

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61 Rose Street, Riviera, Pretoria, 0084. PO Box 31565, Wonderboom Poort, 0033  
Telephone (012) 329-4001 Fax: (012) 329-2279 e-mail: [healthco@mweb.co.za](mailto:healthco@mweb.co.za)

**THE FIRST MEETING OF THE ALLIED HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA, ESTABLISHED IN TERMS OF SECTION 5 OF THE ALLIED HEALTH PROFESSIONS ACT, 1982 (ACT 63 OF 1982), WILL BE HELD FROM 09:00 TO 16:00 ON SATURDAY, 19 AUGUST 2001 AT NATURA, FIRST FLOOR, PINE SQUARE BUILDING, CORNER OF 18<sup>TH</sup> AND PINASTER STREETS, HAZELWOOD, PRETORIA.**

### **Directions to Natura:**

**From Johannesburg:** Take the N1 (Pietersburg) highway to Pretoria. Take the Atterbury offramp and turn left into Atterbury. At next big set of robots turn left into Charles Street. (Opposite the City Lodge Hotel) Continue along Charles and turn left into 18<sup>th</sup> Street. Natura is on the left hand side in the third block, on the corner of 18<sup>th</sup> and Pinaster (entrance in 18<sup>th</sup> Street).

**From central Pretoria:** Take Schoeman Street east, to one block beyond Duncan Street. Turn right. Street (joins up with) becomes Duncan street after 1 block. Proceed along Duncan to Charles Street. Turn left into Charles, right into 18<sup>th</sup> Street. Natura is on the left hand side in the third block, on the corner of 18<sup>th</sup> and Pinaster (entrance in 18<sup>th</sup> Street).

**From the Airport:** Take R21 towards Pretoria, join the N1 (Pietersburg) highway and continue towards Pretoria. Take the Atterbury offramp and turn left into Atterbury. At next big set of robots turn left into Charles Street. (Opposite the City Lodge Hotel) Continue along Charles and turn left into 18<sup>th</sup> Street. Natura is on the left hand side in the third block, on the corner of 18<sup>th</sup> and Pinaster (entrance in 18<sup>th</sup> Street).

### **MEMBERSHIP OF THE COUNCIL**

Elected in terms of section 5(1)(a)(ii) of the Act (Ayurveda): **Ms P Vassen**

Elected in terms of section 5(1)(a)(i) of the Act (Chinese Medicine and Acupuncture): **Dr G Mohamed**

Elected in terms of section 5(1)(a)(iii) of the Act (Chiropractic): **Dr ML Milani**

Elected in terms of section 5(1)(a)(iv) of the Act (Homoeopathy): **Dr TP Tsotetsi**

Elected in terms of section 5(1)(a)(v) of the Act (Naturopathy): **Dr P Essex-Clark**

Elected in terms of section 5(1)(a)(vi) of the Act (Osteopathy): **Dr LF Pleass**

Elected in terms of section 5(1)(a)(vii) of the Act (Phytotherapy): **Dr C Meyer**

Elected in terms of section 5(1)(a)(viii) of the Act (Therapeutic Aromatherapy): **Ms N Nye**

Elected in terms of section 5(1)(a)(ii) of the Act (Therapeutic Massage Therapy): **Ms B Esterhuysen**

Elected in terms of section 5(1)(a)(viii) of the Act (Therapeutic Reflexology): **Ms J Hart**

Appointed by the Minister in terms of section 5(1)(b)(i) of the Act (Department of Health): **Ms R Mdlalose**

Appointed by the Minister in terms of section 5(1)(b)(ii) of the Act (Legal person): **Mr RAH Bhikha**

Appointed by the Minister in terms of section 5(1)(b)(iii) of the Act (Community): **Mr F Manxiwa**

Appointed by the Minister in terms of section 5(1)(b)(iii) of the Act (Community): **Adv LM Molopa**

Appointed by the Minister in terms of section 5(1)(b)(iii) of the Act (Community): **Mr MM Mthombeni**

Appointed by the Minister in terms of section 5(1)(b)(iii) of the Act (Community): **Mrs MLC Munro**

21 WELCOME BY THE REGISTRAR

22 OPENING REMARKS BY DR ML MILANI

23 APOLOGIES

24 ELECTION OF A COUNCIL CHAIRPERSON AND VICE-CHAIRPERSON

25 EXTENSIONS TO THE AGENDA

26 MINUTES OF PREVIOUS MEETINGS

26.4 Meeting of Council held on Sunday 17 February 2001

26.5 Meeting of Exco held on Sunday 1 April 2001

26.6 Meeting of Exco held electronically on 1 June 2001

27 MATTERS ARISING FROM THE ABOVE-MENTIONED MINUTES

28 ELECTION OF A COUNCIL EXECUTIVE COMMITTEE

29 REQUESTED DECISION ON SIGNATORIES FOR COUNCIL CHEQUES

All Council cheques are signed by the Registrar and one of two designated members of Council.

10 ESTABLISHMENT OF COUNCIL SUBCOMMITTEES

It is suggested that the Council consider the establishment of the following subcommittees:

10.1 **Accreditation Committees**

- a) The establishment of the professional boards has taken longer than was previously envisaged.
- b) Many applications for registration in the various professions are currently being received (approximately 1 000 received to date).
- c) The function of the Accreditation Committees will be taken over by the professional boards when they have been established. (The professional boards will consider all applications for registration in the relevant professions and will make recommendations directly to Council.)
- d) In order to deal with this backlog, it is suggested that four (temporary) Accreditation Committees be established. Each Accreditation Committee should receive a mandate from the Council to handle applications received during the period 4 August to the date of the first meeting of the relevant professional board, when such Accreditation Committee should dissolve. Each Accreditation Committee should be delegated the power to deal with accreditation matters (applications for registration, etc) for the professions that will in due course fall under a particular professional board.
- e) It is further suggested that each Accreditation Committee consist of:
  - the Chairperson of the Council, or if the Chairperson of the Council is the professional representative on the Council for one of the professions concerned, then the Vice-Chairperson (such Chairperson or Vice-Chairperson of the Council, as the case may be, to also be the Chairperson of the Accreditation Committee concerned);
  - the members of the Council representing the professions concerned; and
  - one of the four community members.
  - Members of the Integrated Health Professions Liaison Committee to be co-opted to assist where necessary.
- f) It is further suggested to the Council that the power to approve the registration of the applicants found to be registerable be delegated to the relevant Accreditation Committee. The Accreditation Committee should be required to report to the Council for ratification of these decisions at each Council meeting until the professional board can take over this function, but in the meantime, successful candidates may be registered.
- g) Any application regarding which the Accreditation Committee may have any reservations should be referred the relevant professional board.
- h) The Council is further requested to approve that the “window” period for the receipt of applications in terms of the “grandfather clause” be extended until 31 December and that the public be informed via the media that after 31 December, no further applications in this category will be considered. (No advertisements to this effect have been placed yet.)

10.2 **Finance Committee**

- a) This is a proposed new Committee. (This function could be delegated to the Executive Committee, but it would perhaps be a good idea to spread the workload of Council members by involving all members of Council in at least one subcommittee.)
- b) The Finance Committee should have at least three members. Ideally, the members should be Council members who have financial expertise. It is suggested that one of the members also be a member of the Executive Committee of the Council and that this person be the Chairperson of the Finance Committee.
- c) It is suggested that during the periods between Council meetings the following procedure be adopted, that:
  - the Registrar be delegated the authority to approve expenditure to a maximum of R1 000 for assets and R5 000 for consumables;
  - the Financial Committee be delegated the authority to approve (electronically if necessary), prior to payment, proposed expenditure from R1 000 for assets and R5 000 for consumables to R10 000; and
  - the full Council at the next Council meeting after such expenditure, be requested to retrospectively ratify expenditure in terms of (i) and (ii) above, as well as approving, prior to payment (if necessary electronically), any proposed expenditure above R10 000.
- d) It is further suggested that, as soon as the Pastel V accounting programme is properly implemented in the Registrar's office, a financial report regarding income and expenditure be submitted to the Financial Committee (electronically) on a monthly basis.
- e) The Finance Committee should meet soon to compile a Council budget for 2002.
- f) The Finance Committee should report to the Council/Executive Committee of the Council at each meeting of the Council/Executive Committee.
- g) It is suggested that the Finance Committee be tasked to urgently investigate a suitable staff and salary structure for permanent staff for the Registrar's office and make recommendations to Council/Exco at the next meeting.

### 10.3 **Disciplinary Committees**

- a) The establishment of temporary Disciplinary Committees is suggested to assist the Registrar during the period from 4 August until this function is taken over by the professional boards.
- b) It is suggested that four temporary Disciplinary Committees be established and that each Disciplinary Committee be delegated the power that is possible in terms of the Regulations to deal with disciplinary matters for the professions that will fall under a particular professional board.
- c) Each Disciplinary Committee should receive a mandate from the Council to handle applications received during the period 4 August to the date of the first meeting of the relevant professional board, when such Disciplinary Committee should dissolve.
- d) It is further suggested that each Disciplinary Committee consist of:
  - the Chairperson of the Council, or if the Chairperson of the Council is the professional representative on the Council for one of the professions concerned, then the Vice-Chairperson (such Chairperson or Vice-Chairperson of the Council, as the case may be, to also be the Chairperson of the Disciplinary Committee concerned);
  - the members of the Council representing the professions concerned; and
  - one of the four community members.
- e) The Registrar to report on the matter of a student (PR Bayer) practising prior to registration.

### 10.4 **Education Committee**

It is suggested that the Accreditation Committees deal with education issues until the professional boards are established.

## 11 ESTABLISHMENT OF PROFESSIONAL BOARDS

- 11.1 a) The Minister has not yet been requested to establish professional boards, in view of a policy decision taken by the Department of Health that the request should be approved by the new Council. A professional board shall consist of at least two, but not more than three elected persons per profession falling under such board. The elected persons must be registered practitioners of such profession, with a maximum of eight elected members, plus one Council member to represent the community. A Council decision is therefore requested as follows:

That the Minister be requested to establish the following professional boards:

- a) **The Professional Board for Ayurveda and Chinese Medicine:**
  - Ayurveda (3 elected registered ayurveda practitioners);
  - Chinese Medicine and Acupuncture (3 elected registered Chinese medicine and acupuncture practitioners); and
  - One Council member representing the community.
  
- a) **The Professional Board for Chiropractic and Osteopathy:**
  - Chiropractic (3 elected registered chiropractors);
  - Osteopathy (2 elected registered osteopaths); and
  - One Council member representing the community.
  
- a) **The Professional Board for Homoeopathy, Naturopathy and Phytotherapy**
  - Homoeopathy (2 elected registered homoeopaths);
  - Naturopathy (2 elected registered naturopaths);
  - Phytotherapy (2 elected registered phytotherapists); and
  - One Council member representing the community
  
- a) **The Professional Board for Therapeutic Aromatherapy, Therapeutic Massage Therapy and Therapeutic Reflexology**
  - Therapeutic Aromatherapy (2 elected registered therapeutic aromatherapists);
  - Therapeutic Massage Therapy (2 elected registered therapeutic aromatherapists);
  - Therapeutic Reflexology (2 elected registered therapeutic reflexologists); and
  - One Council member representing the community

21.4 The Council is further requested to consider the matter of which Council member representing the community should be allocated to serve on each professional board. The Council's nominations will be submitted to the Minister with a request that she make known these appointments to the professional boards at the same time that they are established in the Government Gazette (i.e. in the same Ministerial Notice).

11.3 The Council is requested to approve that the electoral process for the election of persons to the professional boards be contracted out. The Electoral Institute of Southern Africa, which was appointed by the Department of Health to monitor the recent Council election, is preparing a quote for the management of the professional board election. In view of the urgency of commencing with the elections for members of professional boards, it is suggested that the quote be submitted to the Finance Committee for a recommendation to Exco.

21.4 The report from the Council's auditors regarding the Council election is attached for the information of Council.

22 **FINANCIAL REPORT BY THE REGISTRAR**  
**To be tabled**

23 **REQUEST FOR A NEW REGISTER: UNANI TIBB**  
The final application was sent out separately.

24 **REQUEST FOR A NEW REGISTER: BODY AND SKINCARE THERAPY**  
Final application to be tabled.

25 **COUNCIL'S INVESTIGATION INTO A SCHOOL ALLEGEDLY ISSUING FRAUDULENT CERTIFICATES**  
The Registrar to report

26 **INVESTIGATION INTO A STUDENT HOMOEOPATH WHO HAS BEEN IN PRACTICE**  
The Registrar to report

27 REQUESTS RECEIVED FROM ADV JM VAN DEN BERG

28 TRIPS TO CHINA AND HONG KONG

Council to note that:

- a) the Registrar and Dr Ghoesain Mohamed have been informed that they will both be invited (all expenses paid) to attend a three-day world congress on Aids, to be held in Hong Kong at the end of August. The official invitations have not yet been received.
- b) A group of sponsors in China have indicated that they will be inviting the following individuals to, at no cost to themselves, tour CM+A universities, hospitals and herbal manufacturers in four provinces of the Peoples Republic of China for a period of 10-12 days in Sept/Oct this year. Although the official invitations have not yet been received, we have been informed that they intend to invite the following persons individually:
  - c) the member of Council for Chinese Medicine and Acupuncture, Dr Ghoesain Mohamed;
  - d) the member of Council for the Department of Health, Mrs Rose Mdlalose;
  - e) the Registrar, Mrs Leonie MacDonal;
  - f) previous member of Council for Chinese Medicine and Acupuncture, member of the CM+A Liaison Committee and possible member of the professional board, Dr Peter Smith;
  - g) member of the CM+A Education Subcommittee, Dr Kun Yu, who is making all the arrangements; and
  - h) possibly one further person, probably the new Chairperson of Council.

29 PROPOSED HOMOEOPATHIC PHARMACIST COURSE

20 DATE OF THE NEXT MEETING

It is suggested that the next meeting of the full Council be held during November. Members of Council are requested to have their diaries available at the meeting, so that a convenient date for the next meeting can be set.

21 GENERAL

22 CONCLUSION

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LEONIE MACDONALD  
REGISTRAR

**Dr. Anthony Rees**

P.O. Box 746, Margate, 4275

Tel ~ 082 626 0969 Email ~ [phytotherapy-college@webmail.co.za](mailto:phytotherapy-college@webmail.co.za)

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**The Registrar**  
**P.O. Box 31565**

Wonderboom Poort  
0033

29<sup>th</sup> August, 2001

**INFORMATION REQUESTED FROM THE REGISTER OF THE ALLIED  
HEALTH PROFESSIONS COUNCIL**

Dear Leonie Mc Donald,

Thank you for your email dated the 21<sup>st</sup> of August, 2001.

I note that your email states “ *Your complaint regarding Dr Connie Meyer’s registration was referred by the Council to a small committee for further investigation and a report to the next meeting of council, to be held in October*”.

I however have investigated your statement and have been informed that this issue has been solely mandated to Advocate Lettie Malopa, the legal representative appointed to Council by the Minister of Health. If my information is incorrect, please advise me of the names and contact details of those persons investigating my official complaints, so that I may add these to the legal record.

The Registrar is mandated to apply the said remedies referred to in my previous correspondence, as mandamus in her fiduciary capacity in terms of her enabling regulations of the Allied Health Professions Act.

I would like to inform the Council that in terms of the Promotion to Access of Information Act, 1 of 2000, and the Promotion of Administrative Justice Act, 3 of 2000, the respondent of my official requests has 30 (thirty) days in which to furnish me with the requested information from the day of the requests being officially lodged.

I also note that Mrs. Contance Meyer’s registration as a Phytotherapist was not ratified and minuted at the Council Meeting on the 18<sup>th</sup> of August.

I also would like to take this opportunity to raise an vexing issue which leaves me questioning the Registrar’s inaction in providing me a copy of the Phytotherapists register for 2001 upon my request during the Councillor Election Process. I requested this vital information to exercise my right to campaign in the election process on a level playing-field with full disclosure from the Council of potential voters. During this time I enquired for such a list and was told by the Registrar’s office that “We do not have an up-to-date register”.

Subsequently I have obtained a full register of Phytotherapists from a third party who has made a statement that the Registrar had provided him a copy of the said register just prior to the election process. This in my opinion has further demonstrated just-cause for me to raise the question of a conspiracy against myself by the Council and/or the Registrar.

Therefore, in terms of sections (5)(1), (5)(2) and (5)(3) of the Promotion of Administrative Justice Act, 3 of 2000, I further demand an explanation to the Registrar’s administrative decision not to share a register with me, as per my right and reasonable request.

.....  
**Dr. Anthony Rees**

cc: Minister of Health

Advocate Garry Pienaar - Public Protector's Office  
Advocate Lettie Malopa - Allied Health Practitioner's Council Legal Representative

## **Dr. Anthony Rees**

P.O. Box 746, Margate, 4275

Tel ~ 082 626 0969 Email ~ [phytotherapy-college@webmail.co.za](mailto:phytotherapy-college@webmail.co.za)

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The Registrar  
P.O. Box 31565  
Wonderboom Poort  
0033

4<sup>th</sup> September, 2001

### **CLARIFICATION REQUIRED URENTLY FROM THE ALLIED HEALTH PROFESSIONS COUNCIL**

Dear Leonie Mc Donald,

Today, at 4:20pm I telephoned Advocate Lettie Malopa, the person appointed to the Allied Health Professions Council by the Minister of Health for her legal expertise, to enquire about any progress with respect to the issues I have raised in the last month regarding Mrs. Constance Meyer.

I was lead to believe that Advocate Lettie Malopa was mandated by a decision at the last Council meeting to advise the Council of their legal standing with respect to my legal protest and demands in terms of the Allied Health Professions Act, the Promotion of Administrative Justice Act and the Promotion to Access of Information Act.

On inquiry to Advocate Lettie Malopa I was informed that she had not been briefed on the legal correspondence, which I have entered into with the Registrar's office. I was informed by her that she was not mandated to further inquiries into the said issues as she could not form any legal opinions, and that it is the Council's mandate to appoint private legal representation to form any opinion and prescribe a remedy. She also stated that any further requests from myself should not be directed to her, but the Registrar of the Allied Health Professions Council.

Further to this, Advocate Lettie Malopa stated that she was upset that her contact details had been divulged to persons such as myself, as she was merely a Councillor and not a Legal Advisor to the Council.

On further inquiry and stating to her that I have called upon the Public Protector to investigate these irregularities, she was most evasive by stating "Well, I suppose that it is every citizen's right in this country to use such methods ... however I want to state that I am not the Council, and that only Council can make decisions as a group "

I am aware that Advocate Lettie Malopa has been appointed by the Allied Health Professions Council as Chairperson of the Disciplinary Committee, and I find it ludicrous that such a person can absolve themselves from fulfilling their mandate to form official inquiries with respect to my well documented protest and demands.

**I demand to know who has been mandated to attend to these matters,** as nobody has been named by the Registrar to be responsible for this task. By this inaction, I am at a loss of words to describe the Council's Administrative function and hence am morally obligated to proceed further in my protests and demands for the protection of my rights.

Since Mrs. Constance Meyer's registration as a practitioner has not been ratified by the Council at a Council Meeting till date. I am of the legal opinion that **Mrs. Constance Meyer is not legally registered and hence is not legally authorized to serve as a Councillor on the Allied Health Professions Council.**

As this untenable situation remains the status quo, **I hereby reject Mrs. Constance Meyer's jurisdiction as the Phytotherapy Representative on Council.**

To this effect, I shall no longer take heed or cognisance to any resolutions that are as a result of Mrs. Constance Meyer's direct or indirect involvement in Council affairs and decision making.

**Further to this I demand that a Registered Phytotherapist be appointed to the Council forthwith, as there is no official representation for Phytotherapy on Council at this time.**

I also note that 'Herbalists' no longer fall under the jurisdiction of the Allied Health Professions Council, as their definition as practitioners under the old Chiropractic, Homeopathic and Allied Health Service Profession Act no longer exists in Law.

Instead, 'Phytotherapy' has been promulgated as a new profession and 'Phytotherapists' are a new class of practitioners.

To this end, I wish to enquire which legal mechanisms were put in place, by means of legislation to transfer past-registered Herbalists to the NEW Phytotherapy register. In my legal opinion, this constitutes further cause for a urgent enquiry, as these professions are distinctly different as one denotes Traditional Western Herbal Medicine practice and the other, Modern Medical Herbalism.

.....  
**Dr. Anthony Rees**

cc: Minister of Health  
Advocate Garry Pienaar - Public Protector's Office  
Advocate Lettie Malopa - Allied Health Practitioner's Council Legal Representative

## **Anthony Trevor Rees**

**Phytotherapist**  
**(Registration No. A6868)**

P.O. Box 746, Margate, 4275 Tel - 082 626 0969 Email - [phytotherapy-college@webmail.co.za](mailto:phytotherapy-college@webmail.co.za)

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To : **The Registrar**  
**Allied Health Professions Council**  
**PO Box 31565**  
**Wonderboom Poort**  
**0033**

6th September, 2001

### **RE: YOUR EMAIL SENT ON THE 6TH OF SEPTEMBER, 2001**

Dear Leonie Mc Donald,

Your email of the 6th of September, 2001 refers. (Attached to this document)

Since the Registrar of the Allied Health Professions Council is mandated to furnish me with information I requested officially more than a month ago, and not applied a remedy to the

spurious activities perpetuated by the Council, I was within my right to approach the public servant, Advocate Lettie Malopa to enquire whether she was mandated by the Council to investigate this matter. This was undertaken with the fact that certain Councillors of the Council, plus other public members present at the last Council meeting, witnessed the fact that this issue was mandated to Advocate Lettie Malopa.

Since you have failed to furnish me with the names of the 'committee' tasked to investigate this issue, as per my request, I have no choice but to obtain my officially requested information through my own resources, as full [dis]closure (sic) , nor good faith has not been forthcoming for the Registrar's office.

As you have admitted that this issue is sub-judice, and with the fact that I am representing myself, I am legally entitled to discuss the issues with the Allied Health Service Council's legal representative to seek closure in this issue.

As I am not an imbecile (*one requiring legal supervision in the performance of his or her legal affairs : Mirriam Websters Law Dictionary*), and for the fact that I am not interested in wasting my financial resources on a matter of principal and blatant misadministration by the Council, I am confident that I am within my rights to invoke my common-law right to self-representation and to begin proceedings to effect a remedy.

Without prejudice.

Yours sincerely,

**Dr. Anthony Rees**

.....

Copy of email referred to:

On Thu, 6 Sep 2001 18:22:40 +0200 "Allied Health Professions Council of South Africa" <healthco@mweb.co.za> wrote:

From: "Allied Health Professions Council of South Africa" <healthco@mweb.co.za>

To: "International College of Phytotherapy" <phytotherapy-college@webmail.co.za>

Date Thu, 6 Sep 2001 18:22:40 +0200

Dear Anthony

Your letters of 30 August and 4 September refer. I told you previously that your complaint regarding Dr Connie Meyer's registration was referred by the Council to a small committee for further investigation and a report to the next meeting of the Council, to be held in October. I stand by this statement. You will be informed of progress after the next meeting of the Council.

Adv Molopa is correct in refusing to discuss the matter with you. She is a member of Council and as such, the Council may request her legal opinion on matters or mandate her to assist the Council with any matter that may have a legal implication. She is free to make her own decision on whether she wishes to assist the Council. It is a matter between Adv Molopa and the Council.

It is most improper of you to expect Adv Molopa to discuss Council business, and particularly Council business that is currently sub judice with an outsider.

Regards

Leonie

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To this date (18<sup>th</sup> September, 2001), I await a response from council on their actions to be taken.