



# Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 662

Cape Town  
Kaapstad

07 August 2020

No. 43604

## THE PRESIDENCY

No. 872                      07 August 2020

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**Act No. 1 of 2020: National Public Health Institute of South Africa Act, 2020**

## MO-PRESIDENTE

No. 872                      07 August 2020

Mo go tsebiswa gore Mo-Presidente o dumetse molao o latelago, wona o tla gatiswa e le tsebiso ya kakaretšo:—

**Nmr 1 ya 2020: Molao wa Sehlongwa sa tša Maphelo a Setšhaba sa Afrika Borwa wa 2020**

ISSN 1682-5843



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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

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*(English text signed by the President)  
(Assented to 5 August 2020)*

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# ACT

To provide for the establishment of the National Public Health Institute of South Africa in order to coordinate, and where appropriate to conduct, disease and injury surveillance; to provide for specialised public health services, public health interventions, training and research directed towards the major health challenges affecting the population of the Republic; and to provide for matters connected therewith.

## PREAMBLE

**RECOGNISING** that the right of all South Africans to have access to health care services requires the State to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right;

**RECOGNISING** that communicable and non-communicable diseases, occupational health, cancer, injuries and prevention of violence and environmental health are important health challenges in South Africa;

**MINDFUL** that the realisation of that right can be achieved by, amongst others, the—

- establishment of a single national public entity to provide public health services to the country that performs critical public health functions and that requires a high level of coordination across functions, such as surveillance and research;
- restructuring and transformation of the public health sector to provide evidence-based leadership and public health services, and to serve as focal point for the efforts to protect and improve health; and
- development of policies that will enable the single national public health entity to provide public health functions and services nationally;

**AND IN ORDER TO—**

- provide support, expertise and advice to government to achieve improvements in the health of the population;
- provide coordinated disease and injury surveillance, research, training and workforce development, monitoring and evaluation of services and interventions directed towards the major health problems affecting the population; and
- provide training, conduct research and support interventions aimed at reducing the burden of communicable and non-communicable diseases and injuries and aimed at improving occupational health, and environmental health.

—————  
**(English text signed by the President)**  
**(Assented to 5 August 2020)**  
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# MOLAO

**Go phethagaletša hlango ya Sehlongwa sa tša Maphelo a Setšhaba sa Afrika Borwa bakeng sa go rulaganya, mme moo go hlokegago go diragatša dinyakišišo tša malwetši le dikgobalo; go phethagaletša ditirelo tšeo di kgethegilego tša maphelo a setšhaba, dinyakišišo tša maphelo a setšhaba, katišo le dinyakišišo tšeo di lebišitšwego mathateng a tša maphelo a magolo ao a amago batho ba Rephabliki; mme le go phethagaletša merero yeo e lego malebana.**

## KETAPELE

**GO LEMOGWA** gore tokelo ya ma-Afrika Borwa ka moka ya gore a fihlelele ditirelo tša maphelo, e hloka gore Pušo e tšee magato ao a kwagalago a peomelao le amangwe, ka moo go kgonagalago ka didirišwa tšeo di lego gona, go fihlelela katlego ya go ya go ile ya tokelo ye;

**GO LEMOGWA** gore malwetši a tharano le ao e sego a tharano, tša maphelo mošomong, kankere, dikgobalo le thibelo ya bošoro le maphelo tikologong ke mathata a tša maphelo a bohlokwa mo Afrika Borwa;

**RE GOPOLA** gore phethagatšo ya tokelo yeo e ka fihlelelwa ka, gare ga tše dingwe—

- hlango ya sehlongwa se tee sa bosetšhaba bakeng sa go phethagaletša ditirelo tša maphelo a bosetšhaba nageng seo se dirago mešomo ye bohlokwa ya tša maphelo a setšhaba mme seo e hlokago thulaganyo ya maemo a godimo mešomong ye e fapafapanego, go swana le tekolo le dinyakišišo;
- peakanyo ka leswa le phetošo ya lekala la maphelo a setšhaba bakeng sa go phethagaletša boetapele bja ponagalo le ditirelo tša maphelo a setšhaba, mme le go dira bjalo ka mafelo a bohlokwa bakeng sa go šireletša le go kaonafatša maphelo; le
- tlhabollo ya dipholisi tšeo di tšilego go kgontšha sehlongwa sa tša maphelo se tee go phethagaletša mešomo ya tša maphelo le ditirelo tša setšhaba ka bophara;

**MME KA LEBAKA LA GO—**

- fana ka thekgo, tsebo le keletšo go mmušo bakeng sa go fihlelela dikaonafatšo maphelong a batho;
- phethagaletšo ya tekolo yeo e rulagantšwego ya malwetši le dikgobalo, nyakišišo, katišo le tlhabollo ya mošomo, tekolo le phetleko ya ditirelo le ditsenelelo tšeo di lebišitšwego go mathatagolo a maphelo ao a amago batho; le go
- phethagaletša katišo, dinyakišišo mme le go thekga ditsenelelo tšeo di ikemišeditšego go fokotša malwetši a tharano le ao e sego a tharano le dikgobalo mme tšeo e sego tša maikemišetšo a kaonafatšo ya tša maphelo mošomong, le maphelo tikologong.

**B**E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

### Definitions

1. In this Act, unless the context indicates otherwise—
- “**Minister**” means the Cabinet member responsible for health; 5
  - “**NAPHISA**” means the National Public Health Institute of South Africa established by section 2;
  - “**prescribed**” means prescribed by regulation made in terms of this Act;
  - “**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999); 10
  - “**public health**” includes the science of protecting the safety and improving the health of communities through education, policy-making and research for disease and injury prevention;
  - “**public health sector**” means that part of the health sector that is owned or controlled by an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996; 15
  - “**surveillance**” means an information-based activity involving the collection, analysis and interpretation of large volumes of data originating from a variety of sources to predict, observe and minimise the harm caused by outbreak, epidemic and pandemic situations, and to increase knowledge about which factors contribute 20 to the harm caused by outbreak, epidemic and pandemic situations; and
  - “**this Act**” includes any regulation made in terms of this Act.

### Establishment of National Public Health Institute of South Africa

2. (1) There is hereby established a juristic person to be known as the National Public Health Institute of South Africa, comprising of divisions dealing with the following: 25
- (a) Communicable Diseases;
  - (b) Non-Communicable Diseases;
  - (c) Occupational Health;
  - (d) Cancer Surveillance;
  - (e) Injury and Violence Prevention; and 30
  - (f) Environmental Health.
- (2) The NAPHISA is a national public entity as defined in section 1 of the Public Finance Management Act.

### Functions of NAPHISA

3. (1) The NAPHISA must— 35
- (a) promote cooperation between the Republic and other countries with regard to epidemiological surveillance and management of diseases, exposures and injuries;
  - (b) coordinate, develop and maintain surveillance systems to collect, analyse and interpret public, occupational and environmental health data in order to guide 40 health interventions;
  - (c) use surveillance data and other sources of information, where appropriate, to advise on the setting of health policies, priorities and planning;
  - (d) use public, occupational and environmental health information for monitoring and evaluation of policies and interventions; 45
  - (e) coordinate reference laboratory and referral services;
  - (f) provide leadership and direction to provinces and local authorities in respect of disease and injury surveillance and outbreak response;
  - (g) strengthen capacity in public, occupational and environmental health surveillance in order to reduce the burden of disease and injury; 50
  - (h) strengthen the capacity of the workforce in occupational and environmental health by developing the curriculum for occupational and environmental health;
  - (i) strengthen cross-border, regional and international collaboration on communicable diseases, non-communicable diseases, occupational health and safety, 55 cancer, injury and violence prevention and environmental health;

**E** DIRWA MOLAO ke Palamente ya Rephabliki ya Afrika Borwa, ka mo go latelago:—

### Dihlalošo

1. Mo Molaong wo, ntle le ge tshwaraganyo e laetša ka tsela ye nngwe—
  - “**Tona**” e ra Leloko la kabinete leo le nago le maikarabelo a tša maphelo; 5
  - “**NAPHISA**” e ra Sehlongwa sa tša Maphelo a Setšhaba sa Afrika Borwa seo se hlamilwego ka karolo 2;
  - “**laetšwe**” e ra yeo e laetšwego ka molawana wo o dirilwego go ya ka Molao wo; “**Public Finance Management Act**” e ra *Public Finance Management Act*, 1999 (Molao 1 wa 1999); 10
  - “**maphelo a setšhaba**” e akaretša saense ya tšhireletšo ya polokego le go kaonafatša maphelo a batho ditikologong ka thuto, tiragatšo ya pholisi le dinyakišišo bakeng sa thibelo ya malwetši le dikgobalo;
  - “**lekala la maphelo a setšhaba**” le ra karolo yela ya lekala la maphelo leo e lego la goba leo le laolwago ke lekala la mmušo bjalo ka ge go hlalošitšwe go karolo 239 15
  - ya Molaotšhe wa Rephabliki ya Afrika Borwa, wa 1996;
  - “**tekolo**” e ra tiragatšo ya tshedimošo yeo e akaretšago kgoboketšo, phetleko le hlathollo ya datha ye ntšhi yeo e hwetšagalago mafelong a mantšhi bakeng sa go phopholetša, lekola le go fokotša kotsi yeo e hlolwago ke tiragalo, le maemo a tengkgolo, mme le go oketša tsebo ya gore dihlolakotsi tša tiragalo ke eng le 20
  - maemo a tengkgolo; le
  - “**Molao wo**” o akaretša melawana yeo e dirilwego go ya ka Molao wo.

### Hlango ya Sehlongwa sa tša Maphelo a Setšhaba sa Afrika Borwa

2. (1) Go hlango sehlongwa seo se tlilego go tsejwa bjalo ka Sehlongwa sa tša Maphelo a Setšhaba sa Afrika Borwa, seo se nago le makala ao a šomanago le tše di latelago: 25
  - (a) Malwetši a tharano;
  - (b) Malwetši ao e sego a tharano;
  - (c) Tša Maphelo Mošomong;
  - (d) Tekolo ya Kankere; 30
  - (e) Thibelo ya Kgobalo le Bošoro; le
  - (f) Maphelo tikologong.
- (2) NAPHISA ke sehlongwa sa setšhaba sa Bosetšhaba bjalo ka ge go hlalošitšwe go karolo 1 ya *Public Finance Management Act*.

### Mešomo ya NAPHISA 35

3. (1) NAPHISA e swanetše go—
  - (a) godiša tirišano magareng ga Rephabliki le dinaga tše dingwe mabapi le tekolo ya malwetši a tengkgolo le taolo, ditšweletšo le dikgobalo;
  - (b) rulaganya, go tšweletša le go hlokomela mananeopeakanyo a go kgoboketša, go lekola le go fetleka datha ya maphelo a setšhaba, mešomong le tikologong ya sona go kgona go hlahla magato ao a tla tsenago ka bogare a tša maphelo; 40
  - (c) diriša datha ya tekolo le mekgwa ye mengwe ya tshedimošo, mo go swanetšego, go eletša ka go dira dipholisi tša maphelo, tše bohlokwa le peakanyetšo;
  - (d) šomiša tshedimošo ya tša maphelo a setšhaba, mešomo le tikologo ya sona go hlokomela le go lekola dipholisi le magato a go tsena ka bogare; 45
  - (e) rulaganya dilaporatori tša ditirelo tša tšhupetšo le thomelo;
  - (f) phethagaletša boetapele le taelo go diprofense le bolaodi bja segae malebana le phetolo ditiragalong tša malwetši le ditiragalo le tekolo ya dikgobalo;
  - (g) tiiša bokgoni bja tlhokomelo ya tša maphelo setšhabeng, mešomong le tikologong go kgona go fokotša morwalo wa bolwetši le kgobalo; 50
  - (h) tiiša bokgoni bja bašomi go tša maphelo mešomong le tikologong ka go tšweletša lenaneothuto la tša maphelo mešomong le tikologong;
  - (i) tiiša tšhomišanommogo ya mellwaneng, dileteng le boditšhabatšhaba ka ga malwetši a tharano, le malwetši ao e sego a tharano, maphelo le polokego ya 55
  - mešomong, kankere, kgobalo le thibelo ya bošoro le maphelo a tikologong;

- (j) strengthen epidemiology and surveillance of communicable diseases, non-communicable diseases, occupational health and safety, cancer, injury and violence prevention and environmental health;
- (k) advise the Minister on strategies to improve the health of the population;
- (l) support the health sector response and make recommendations to the Department of Health on— 5
  - (i) control measures for disease outbreaks; and
  - (ii) mitigating risks and hazards of injury and violence, cancer and workplace exposures;
- (m) collaborate with relevant government departments and government agencies to implement communication strategies on public, occupational and environmental health issues and outbreak response; 10
- (n) provide technical support to all spheres of government and other regulatory bodies on surveillance of communicable diseases, non-communicable diseases, occupational health and mitigation strategies for occupational exposures, cancer, injury and violence prevention and environmental health; 15
- (o) coordinate research and, where appropriate, conduct research to inform policy and guidelines on communicable diseases, non-communicable diseases, occupational health, cancer surveillance, injury and violence prevention and environmental health, and must develop processes for dissemination of research findings to key stakeholders; 20
- (p) participate in research independently or collaborate with government, academic institutions, scientific institutions and any other similar institutions;
- (q) strengthen advocacy, social mobilisation and partnerships in order to address communicable diseases, non-communicable diseases, occupational health, cancer surveillance, injury and violence prevention and environmental health; 25
- (r) provide training and technical information on health issues to health professionals, governmental and regulatory bodies;
- (s) contribute to human resource development in the public health sector;
- (t) maintain accredited reference and specialised laboratories for pathogen detection, disease and injury surveillance and monitoring, outbreak response and the provision of scientific evidence to prevent and control infectious diseases; 30
- (u) monitor trends in occupational and environmental health; and conduct workplace health risk assessments; 35
- (v) support the monitoring of workplaces in order to assess worker exposure to workplace hazards;
- (w) produce and distribute reports on health and disease profiles, injuries and violence, occupational and environmental health;
- (x) provide specialised and referral services related to occupational safety and health, and environmental health, including— 40
  - (i) specialised analytical laboratory services to support the practice of occupational medicine, occupational hygiene and environmental health;
  - (ii) consultations on the appropriate collection of samples;
  - (iii) measurement of selected contaminants from environmental and biological samples collected from the workplace and from workers, and participation in quality assurance schemes for selected hazardous agents; 45
  - (iv) analyses of workplace contaminants in biological and environmental samples for toxic metals, organic substances, pesticides and persistent organic pollutants; 50
  - (v) specialised testing for bio-aerosols and nano-particles;
  - (vi) assessment of occupational allergies;
  - (vii) advising on the prevention of occupational diseases, occupational injuries and environmental health risks;
  - (viii) conducting workplace visits and risk assessments of hazardous factors; 55 and
  - (ix) providing pathology services for occupational and environmental health;

- (j) tiiša tša thuto ya leuba le tekolo ya malwetši ao e sego a tharano, maphelo le polokego ya mešomong, kankere, kgobalo le thibelo ya bošoro gammogo le tša maphelo a tikologong;
- (k) eletša tona ka maano a go kaonafatša maphelo a batho;
- (l) thekga phetolo ya lekala la maphelo mme le go kaonafatša ditšhišinyo go Kgoro ya Maphelo ka ga— 5  
 (i) magato a taolo bakeng sa thomo ya malwetši; le  
 (ii) phokotšo ya dikotsi le bošoro, kankere le ditlhagišo tša mošomong;
- (m) šomišana le dikgoro tša mmušo le diagente tša mmušo tšeo di amegago go phethagatša maano a poledišano mabapi le mathata a tša maphelo a setšhaba, mešomong le tikologong ga mmogo le phetolo yeo e tla tšweletšwago; 10
- (n) phethagaletša thekgo ya sethekgeniki makaleng ka moka a mmušo le mekgatlo ye mengwe ya taolo go tša tekolo ya malwetši a tharano, malwetši ao e sego a tharano, tša maphelo mošomong le maano a kaonafatšo bakeng sa ditlhagišo tša mešomong, kankere, kgobalo le thibelo ya bošoro le maphelo tikologong; 15
- (o) rulaganya dinyakišišo, mo go swanetše, dira dinyakišišo go thuša ka pholisi le methalohlhali malwetšing a tharano le ao e sego a tharano, tša maphelo mešomong, tekolo ya kankere, dikgobalo le thibelo ya bošoro le maphelo tikologong mme e swanetše go hlama ditsela tša phatlalatšo ya dikhwetšo tša dinyakišišo bakgathatemeng ba motheo; 20
- (p) kgathatema dinyakišišong ka boyona goba šomišana le mmušo, dihlongwa tša thuto, dihlongwa tše itšego le dihlongwa tše dingwe;
- (q) tiiša kemelo, tša leago le tirišanommogo bakeng sa go šomana le malwetši a tharano, ao e sego a tharano, maphelo mošomong tekolo ya kankere, kgobalo le thibelo ya bošoro le tša maphelo tikologong; 25
- (r) phethagaletša katišo le tshedimošo ya sethekgeniki ka ga merero ya maphelo go bašomi ba tša maphelo, mekgatlo ya mmušo le ya taolo;
- (s) thuša thabollong ya methopo ya bomotho lekaleng la mmušo la tša maphelo; 30
- (t) tšweletša tšhupetšo yeo e netefaditšwego le dilaporatori tše di šomago bjalo ka tše di kgethegilego bakeng sa nyakišišo ya dihloamalwetši, tekolo ya malwetši le dikgobalo le tekolo, phetolo go leuba la malwetši le phethagaletšo ya bohlatse bja saense bakeng sa go thibela le go laola malwetši a phetelelo;
- (u) lekola ditlwaedi tša maphelo mešomong le tikologong; le go dira ditekolo tša dikotsi tša mabapi le maphelo mešomong; 35
- (v) thekga tekolo ya mešomong bakeng sa go fetleka go bewa ga bašomi kotsing ya mešomong;
- (w) tšweletša le go phatlalatša dipego tša maphelo le malwetši, dikgobalo le bošoro bja tša maphelo, mešomong le tikologong; 40
- (x) fana ka ditirelo tše bohlokwa kudu tša moswananoši tšeo di amanago le polokego ya tša maphelo mešomong, ga mmogo le tikologong, go akaretšwa—  
 (i) ditirelo tša moswananoši tša laporatori yeo e thekgago tirišo ya kalafo mešomong, go hlweka mešomong le ditikologong ka moka tša mošomo; 45  
 (ii) ditherišano malebana le kgoboketšo ye e swanetšego ya dišupo;  
 (iii) tekanyetšo ya ditšhilafatšo tšeo di kgethilwego tikologong le dišupo tša paolotši tšeo di kgobokeditšwego mešomong gotšwa go bašomi, le kgathotema dikemeng tša netefatšo ya boleng bakeng sa dilo tšeo di kgethilwego tša kotsi; 50  
 (iv) phetleko ya ditšhilafatši tša mošomong dišupong tša paolotši le tikologo bakeng sa ditšhipi tše kotsi, dilo tša hlago, sebolaya ditshenekegi le ditšhilafatši tša kgafetšakgafetša;  
 (v) diteko tše kgethegilego bakeng sa tša *bio-aerosol* le tša nanopathekele; 55  
 (vi) tekolo ya dialeji tša mešomong;  
 (vii) keletšo ya thibelo ya malwetši a mešomong le dikgobalo tša mešomong;  
 (viii) phethagaletšo ya maeto a mešomong le phetleko ya dikotsi tša dilo tše fapafapanego; le 60  
 (ix) fana ka tirelo ya thuto ya malwetši go tša maphelo mešomong le tikologong ya mešomo;



- (y) support the monitoring of communities that are at risk of exposure to environmental health hazards; and
- (z) provide support to provinces and local authorities in disease and injury surveillance and outbreak response.
- (2) For the purposes of subsection (1)(e), “referral services” means any specialist services that require specialist knowledge, skills and interventions. 5
- (3) The NAPHISA may—
- (a) liaise with any other regulatory authority or institution and may, without limiting the generality of this power, require the necessary information from, exchange information with and receive information from any such authority or institution in respect of matters of common interest; 10
- (b) negotiate cooperative agreements with any regulatory authority or institution in order to ensure the consistent application of the principles of this Act;
- (c) undertake operational research;
- (d) cooperate with persons and institutions undertaking basic research in the Republic and in other countries by the exchange of scientific knowledge and the provision of access to the resources and specimens available to the NAPHISA; 15
- (e) participate in joint research operations with any person, including government departments, tertiary institutions, museums and scientific institutions; 20
- (f) cooperate with educational authorities, scientific or technical societies, higher education health institutions or industrial institutions representing employers and employees for the promotion of the instruction and training of health professionals, scientists, researchers, technical experts and other supporting personnel in tertiary institutions; 25
- (g) enter into contracts, within or outside the Republic, with any person, government or institution, and may execute any contract, deed or other document in the Republic or any foreign country;
- (h) purchase or acquire any movable or immovable property;
- (i) manage, insure, lease, sell, mortgage, dispose of, develop, maintain, improve or in any other way deal with any of its property or assets; 30
- (j) apply for, purchase or by any other means acquire, protect, extend, renew, deal with or alienate any patents, patent rights, licences, trademarks, concessions or other rights;
- (k) borrow money, within or outside the Republic, in line with the Public Finance Management Act; 35
- (l) invest money in accordance with the framework prescribed in section 7 of the Public Finance Management Act;
- (m) open and operate banking accounts in terms of section 7 of the Public Finance Management Act; 40
- (n) make, draw, issue, execute, accept, endorse or discount promissory notes, bills of exchange and any other kind of negotiable or transferable instruments;
- (o) enter into indemnities, guarantees and suretyships and secure payment thereunder in line with the Public Finance Management Act;
- (p) enter into agreements to facilitate or secure the payment of commitments and to this end indemnify any person or cede, exchange or cancel agreements; 45
- (q) undertake and execute any trust;
- (r) form and have an interest in any company for—
- (i) the purpose of acquiring the business or all or any assets or liabilities, or both, of any company; or 50
- (ii) any other purpose which directly or indirectly benefits the NAPHISA;
- (s) take part in the management, supervision and control of the business or operations of any company or business;
- (t) enter into partnerships;
- (u) make donations to further the interests of the NAPHISA; 55
- (v) act as principal, agent, contractor or trustee;



- (y) thekga tlhokomelo ya mafelo a setšhaba ao a lego kotsing ya go lebana le dikotsi tša maphelo tikolong; le
- (z) fana ka thekgo go di profense le taolo ya selegae mabapi le tebelelo ya malwetši le dikgobalo ga mmogo le phetolo yeo e tla tšweletšwago.
- (2) Bakeng sa mehola ya karolwana (1)(e), “ditirelo tša thomelo” dira ditirelo dife goba dife tšeo di kgethegilego tšeo di hlokago tsebo yeo e kgethegilego, bokgoni le ditsenelelo. 5
- (3) NAPHISA e ka—
- (a) rerišana le bolaodi bofe goba bofe bja maatla goba sehlongwa mme e ka, ntle le go fokotša kakaretšego ya maatla a yona, kgopela tshedimošo efe goba efe yeo e hlokegago gotšwa go, abelana tshedimošo le mme le go hwetša tshedimošo gotšwa bolaoding bofe goba bofe goba sehlongweng malebana le merero ya kgahlegelo yeo e swanago; 10
- (b) rerišana ka ditumellano tša tirišanommogo le bolaodi bofe goba bofe ba maatla goba sehlongwa bakeng sa go netefatša tiragatšo ye e swanetšego ya dikokwane tša Molao wo; 15
- (c) diragatša dinyakišišo tša boikgethelo;
- (d) dirišana le batho le dihlongwa tšeo di dirago dinyakišišo tša motheo mo Rephabliki le dinageng tše dingwe ka thušano ya tsebo ya saense le phethagaletšo ya phihlelelo ya methopo le dišupo tšeo di ka dirišwago ke NAPHISA; 20
- (e) kgathatema ditiragatšong tša dinyakišišommogo le motho ofe goba ofe, go akaretšwa dikgoro tša mmušo, dihlongwa tša godimo, dimusiamo le dihlongwa tša saense;
- (f) dirišana le bolaodi bja tša thuto, saense goba sethekgeniki, thuto ya godimo le dihlongwa tša maphelo goba dihlongwa tša diintasteri tšeo di emetšego bathwadi le bašomi, bakeng sa kgodišo ya taelo le katišo ya bašomi ba tša maphelo, boradisaense, banyakišiši, ditsebi tša sethekgeniki le bašomi ba bangwe ba thekgo dihlongwa tša godimo; 25
- (g) tsenela ditumellano, gare ga goba ka ntle ga Rephabliki, le motho ofe goba ofe, mmušo goba sehlongwa mme e ka diragatša tumellano efe goba efe, tokomane ya borui goba tokomane ye nngwe mo Rephabliki goba nageng efe goba efe ya ka ntle; 30
- (h) reka goba hwetša thoto yeo e šutago goba yeo e sa šutego;
- (i) laola, šireletša, hiriša, rekiša, kadimiša, phethagaletša, tšweletša, hlokomela, kaonafatša, goba ka tsela efe goba efe šomana le thoto efe goba efe ya yona; 35
- (j) dira kgopelo ya, reka goba ka tsela ye nngwe hwetša, šireletša, atološa, mpshafatša, šomana le goba hlokomologa ditokelo tša ngwalollo, dilaesense, maswao, dikgwebo le ditokelo tše dingwe;
- (k) adima tšhelete, mo gare ga goba ka ntle ga Rephabliki, go sepelelana le *Public Finance Management Act*; 40
- (l) beeletšwa tšhelete go ya ka tlhako yeo e beilwego go karolo 7 ya *Public Finance Management Act*;
- (m) bula le go sepetša diakhaonto tša pankaga go ya ka karolo 7 ya *Public Finance Management Act*; 45
- (n) dira, thala, nea, diragatša, amogela, thekga goba fokotša ditlankana tša tshepišo, taelo ya tefišo le didirišwa tše dingwe tša therišano goba phetišetšo;
- (o) tsena dišireletšong, dinetefatšong le moemela moadimi mme le netefatšo ya tefelo go ya ka *Public Finance Management Act*;
- (p) tsenela ditumellano bakeng sa go nolofatša goba go netefatša tefelo ya ditlamego le go lokolla motho ofe goba ofe goba go fetišetša, fetola goba phumola ditumellano; 50
- (q) phethagaletša le go diragatša thrasete efe goba efe;
- (r) dira le go ba le kgahlegelo go khamphani bakeng sa—
- (i) mohola wa go hwetša kwebo goba dikoloto ka moka goba tše dingwe, goba ka bobedi, tša khamphani; goba 55
- (ii) mohola ofe goba ofe woo o nago le poelo ye thwii goba yeo e sego ye thwii go NAPHISA;
- (s) kgathatema bolaoding, tekolong le taolong ya kgwebo goba ditshepetšo tša khamphani efe goba efe goba kgwebo; 60
- (t) tsenela ditirišanommogo;
- (u) nea meneelo go tšweletša dikgahlegelo tša NAPHISA;
- (v) dira bjalo ka hlogo, moagente, mošomedi goba wa thrasete;

- (w) charge for the rendering of laboratory services and other services;
- (x) remunerate any person for services rendered in the operation and development of the NAPHISA's business;
- (y) appoint officers and employees at such remuneration and on such conditions as it may deem fit subject to the relevant labour legislation; 5
- (z) pay gratuities and pensions to its officers and employees;
- (zA) establish and manage pension schemes, in consultation with the Minister of Finance, medical aid schemes and other incentive schemes for its officers and employees, and appoint trustees and other officials for such schemes;
- (zB) produce and sell by-products; and 10
- (zC) provide training and technical information on health issues to health related community organisations and non-profit organisations.

#### Governance and control of NAPHISA

4. (1) The NAPHISA is governed and controlled, in accordance with this Act, by its Board. 15

(2) The Board is the accounting authority of the NAPHISA and must ensure that it fulfills its responsibilities in terms of Chapter 6 of the Public Finance Management Act.

#### Composition of Board

5. The Board consists of the following members, appointed by the Minister, taking into account, amongst other things, the appropriate representation of race, gender and disability: 20

- (a) An official from the national Department of Health;
- (b) two members, each with special knowledge in one of the following areas:
  - (i) economics, financial matters or accounting; and
  - (ii) legal matters; 25
- (c) seven members, each with special knowledge in one of the following areas:
  - (i) communicable diseases;
  - (ii) non-communicable diseases;
  - (iii) occupational health;
  - (iv) cancer surveillance; 30
  - (v) injury and violence prevention;
  - (vi) environmental health; and
  - (vii) field epidemiology;
- (d) three members, each representing a cluster of three provinces that must be prescribed based on demographics and burden of disease, and who must be nominated on a rotational basis by the respective provinces in the prescribed manner; 35
- (e) the Chief Financial Officer of the NAPHISA by virtue of his or her office;
- (f) the Chief Executive Officer of the NAPHISA by virtue of his or her office; and
- (g) one member nominated by the schools of public health within publicly funded higher education institutions. 40

#### Appointment of members of Board

6. (1) The Minister must, before appointing the members contemplated in section 5(b) and (c), by notice in the *Gazette* and in two or more nationally circulating newspapers in the Republic, invite all interested persons to nominate, within the period specified in the notice, persons who in the opinion of such interested persons are fit to be so appointed, stating the grounds upon which such opinion is based. 45

(2) If a suitable person or the required number of persons is not nominated in accordance with subsection (1), the Minister must appoint an appropriate person who qualifies to be appointed in terms of this Act. 50

(3) A member of the Board holds office for a period of at least five years as the Minister may determine at the time of appointment, and is eligible for reappointment.

- (w) lefiša bakeng sa neo ya ditirelo tša laporatori le ditirelo tše dingwe;
- (x) lefela motho ofe goba ofe bakeng sa ditirelo tšeo di phethagaleditšwego tshepetšong le tšweletšong ya kgwebo ya NAPHISA;
- (y) thwala bahlankedi le bašomi ka tefelo le dipeelano tšeo e bonago di swanetše go ya ka molao wo malebana wa tša mešomo; 5
- (z) lefela ditebogo le diphešene bahlankeding ba yona le bašomi;
- (zA) hlama le go laola dikeme tša phenšene, ka therišano le Tona ya Matlotlo, dikeme tša thušo ya tša maphelo le dikeme tše dingwe tša thušo bakeng sa bahlankedi ba yona le bašomi, mme e thwale ba tša thrasete le bahlankedi ba bangwe bakeng sa dikeme tše; 10
- (zB) tšweletša le go rekiša ditšweletšwa tša lehlakoreng; le
- (zC) fana ka tlhahlo le tshedimošo yeo e tseneletšego ya mathata a tša maphelo go mekgatlo ya setšhaba yeo e amegago le mekgatlo yeo e ikemego.

#### **Pušo le taolo ya NAPHISA**

- 4. (1) NAPHISA e bušwa le go laolwa, go ya ka Molao wo, ke Boto ya yona. 15
- (2) Boto ke bolaodi bja tšhupaletlotlo ya NAPHISA mme e swanetše go netefatša gore e phethagatša maikarabelo a yona go ya ka Kgaolo 6 ya *Public Finance Management Act*.

#### **Hlango ya Boto**

- 5. Boto e hlango ke maloko ao a latelago, ao a thwetšwego ke Tona, go eleletšwa, 20  
gare ga tše dingwe, kemelo ya merafe, bong le kgo lofalo:
  - (a) Mohlankedi wa Kgorong ya tša Maphelo ya bosetšhaba;
  - (b) maloko a mabedi, le lengwe le le lengwe le nago le tsebo yeo e kgethegilego mafelong ao a latelago:
    - (i) thutaboiphedišo, merero ya ditšhelete goba tšhupaletlotlo; le 25
    - (ii) merero ya molao;
  - (c) maloko a šupa, le lengwe le le lengwe le nago le tsebo yeo e kgethegilego:
    - (i) malwetši a tharano;
    - (ii) malwetši ao e sego a tharano;
    - (iii) tša maphelo mešomong; 30
    - (iv) tekolo ya kankere;
    - (v) kgobalo le thibelo ya kotsi;
    - (vi) maphelo a tikologong; le
    - (vii) lefelo la tša leuba;
  - (d) maloko a mararo, le lengwe le le lengwe le emela dihlopha tša diprofense tše tharo tšeo di swanetšego go hlathwa go ya ka dipalo-palo tša badudi le morwalo wa bolwetši, go mme ba swanetše go kgethwa ka go šielana ke diprofense tšeo ba di emetšego ka tsela yeo go nyakegago; 35
  - (e) Mohlankedi Mogolo wa tša Matlotlo wa NAPHISA ka lebaka la mošomo wa gagwe; 40
  - (f) Mohlankedi Kudumaga Mogolo wa tša Matlotlo wa NAPHISA ka lebaka la kantoro ya gagwe; le
  - (g) leloko le tee leo le kgethilwego ke dikolo tša maphelo a setšhaba mo gare ga dihlongwa tša thuto ya godimo tšeo di hwetšago thušo ya tšhelete setšhabeng.

#### **Thwalo ya maloko a Boto**

45

- 6. (1) Tona o swanetše go, pele a thwala maloko ao a hlalošitšwego go karolo 5(b) le (c), ka tsebišo Kuranteng ya Mmušo gape dikuranteng tše pedi goba tša go feta tše pedi tšeo di phatlalatšwego mo Rephabliki, laletša batho ba moka bao ba nago le kgahlego gore ba kgethe, mo nakong ye ngwadilwego tsebišong, batho bao go ya ka boikgopolelo bja batho ba kgahlegelo ba nago le maswanedi a go ka kgwethwa, ba bolela mabaka a boikgopolelo bjoo. 50
- (2) Ge motho yo a swanetšego goba palo yeo e hlokegago ya batho e sa kgwethwa go ya ka karolwana (1), Tona o swanetše go thwala motho yo a swanetšego yo a nago le maswanedi a go thwalwa go ya ka Molao wo.
- (3) Leloko la Boto le šoma kantorong botelele bja nako ya mengwaga ye mehlano ka moo Tona a ka laelago ka nako ya thwalo, mme a ka thwalwa gape. 55

(4) A member of the Board, excluding a member who is in the full-time employment of the State, must be appointed on such conditions as the Minister may, with the concurrence of the Minister of Finance, determine.

(5) If the number of members of the Board is reduced to such an extent that a quorum cannot be obtained, the Minister may appoint suitably qualified persons on a temporary basis to serve on the Board for a period no longer than 12 months until new members are appointed in terms of section 5. 5

#### **Chairperson and vice-chairperson of Board**

7. (1) The Minister must appoint a chairperson and vice-chairperson of the Board from the members contemplated in section 5(b) and (c). 10

(2) Whenever the chairperson of the Board is absent or unable to perform his or her functions as chairperson, the vice-chairperson must act as chairperson, and if the vice-chairperson is absent or unable to act as chairperson, the members must designate another member of the Board to act as chairperson until the chairperson or vice-chairperson is available. 15

(3) Any person acting as chairperson of the Board in terms of subsection (2) must perform all the functions of the chairperson.

#### **Disqualification from membership of Board, vacation of office by member, removal of member from Board and dissolution of Board**

8. (1) A person may not be appointed or remain as a member of the Board if that person— 20

- (a) is not a South African citizen and ordinarily resident in the Republic;
- (b) is not fit and proper;
- (c) is an unrehabilitated insolvent;
- (d) has at any time been convicted in a court— 25
  - (i) of an offence and sentenced to more than 12 months' imprisonment without the option of a fine; or
  - (ii) of an offence involving dishonesty, whether in the Republic or outside the Republic if the conduct constituting the offence would have been an offence in the Republic, and sentenced to imprisonment without the option of a fine; 30
- (e) has been removed from an office of trust;
- (f) is an employee of the NAPHISA other than a member contemplated in section 5;
- (g) is disqualified in terms of section 69 of the Companies Act, 2008 (Act No. 71 of 2008); or 35
- (h) is a member of the National Assembly, permanent delegate to the National Council of Provinces, member of a provincial legislature or member of a Municipal Council. 40

(2) A member of the Board must vacate his or her office if he or she— 40

- (a) becomes disqualified in terms of subsection (1);
- (b) submits his or her resignation to the Minister in writing;
- (c) is declared to be of unsound mind by a court of the Republic; or
- (d) has, without the leave of the Board, been absent from two consecutive meetings of the Board in a financial year. 45

(3) If a member of the Board dies or vacates his or her office in terms of subsection (2), the Minister may, subject to section 6, appoint a person to fill the vacancy for the unexpired portion of the period for which that member was appointed.

(4) The Minister may remove a Board member from the office on account of misconduct or inability to perform his or her duties efficiently after due inquiry. 50

(5) The Minister may dissolve the Board for failure to perform its duties in terms of the Act after due inquiry.

#### **Meetings of Board**

9. (1) The meetings of the Board and the conduct of business at meetings must be done in accordance with the rules determined by the Board. 55

(2) A quorum for a meeting of the Board is the majority of its members.

(4) Leloko la Boto, go sa akaretšwe leloko leo e lego mošomi wa ka botlalo wa Mmušo, le swanetše go thwalwa go ya ka dipeelano tšeo Tona a ka di laetšago, ka tumellano le Tona ya Matlotlo.

(5) Ge palo ya maloko a Boto e fokoditšwe go fihla moo e leng gore batho ga ba lekanela, Tona a ka thwala batho bao ba nago le boitemogelo ba nakwana bakeng sa go šoma Botong botelele bja nako ya go se fete dikgwedi tše 12 go fihlela maloko a mafsa a thwalwa go ya ka karolo 5. 5

#### **Modulasetulo le Motlatša-modulasetulo wa Boto**

7. (1) Tona o swanetše go thwala modulasetulo le Motlatša-modulasetulo wa Boto gotšwa malokong ao a hlalošitšwego go karolo 5(b) le (c). 10

(2) Ge modulasetulo wa Boto a se gona goba a palelwa ke go phethagatša ditshwanelo tša gagwe bjalo ka modulasetulo, motlatša-modulasetulo o swanetše go dira bjalo ka modulasetulo mme ge motlatša-modulasetulo a se gona goba a palelwa ke go phethagatša ditshwanelo tša gagwe, maloko a swanetše go kgetha leloko le lengwe la Boto go dira bjalo ka modulasetulo go fihlela modulasetulo goba motlatša-modulasetulo a ba gona. 15

(3) Motho wo mongwe le yo mongwe wa Boto go ya ka karolwana (2) o swanetše go dira mešomo ya gagwe ya bodulasetulo.

#### **Kganetšo bolokong bja Boto, tlogelo ya mošomo ka leloko, tlošo ya leloko Botong le phedišo ya Boto** 20

8. (1) Motho a ka se thwalwe Botong bjalo ka leloko ge motho yoo—  
 (a) e se moagi wa Afrika Borwa mme a sa dule mo Rephabliki;  
 (b) a sa itekanela ebile a sa swanela;  
 (c) e le mokoloti yo a sa tšošološwago; 25  
 (d) a tšhotšhišitšwe nakong efe goba efe kgorotshekong—

(i) ka molato mme a neilwe kotlo ya kgolego ya dikgwedi tše 12 ntle le kgotho ya faene; goba

(ii) ka molato wa go akaretša go hloka nnete, le ge e le mo Rephabliki goba ka ntle ga Rephabliki ge tiragatšo yeo e lego molato e be e tlile goba molato mo Rephabliki, mme a išitšwe kgolegong ntle le kgetho ya faene; 30

(e) a tlošitšwe sehlongweng sa trasete;

(f) e le mošomi wa NAPHISA ntle le leloko leo le hlalošitšwego go karolo 5;

(g) a ganeditšwe go ya ka karolo 69 ya *Companies Act*, 2008 (Molao 71 wa 2008); goba 35

(h) e le leloko la Seboka sa Maloko a Palamente, Morongwa wa sa ruri go Khansele ya Bosetšhaba ya Diprofense, leloko la peomelao ya profense goba leloko la Khansele ya Mmasepala.

(2) Leloko la Boto le swanetše go tlogela mošomo wa lona ge le—

(a) ganetšwa go thwalwa bjalo ka leloko la Boto go ya ka karolwana (1); 40

(b) romela lengwalo la tholomodiro go Tona ka tsela ya lengwalo;

(c) begilwe bjalo ka motho yo a sa itekanelago monaganong ke Kgorotsheko mo Rephabliki; goba

(d) ntle le tetla ya Boto, le sa ba gona dikopanong tše pedi tša Boto ngwageng wo tee wa ditšhelete. 45

(3) Ge leloko la Boto le hlokošana goba le tlogela mošomo go ya ka karolwana (2), Tona a ka, go ya ka karolo 6, thwala motho go tlatša sekgoba bakeng sa nako yeo e sa felago yeo leloko leo le thwaletšwego yona.

(4) Tona a ka tloša leloko la Boto mošomong ka lebaka la maitshwarompe goba palelo ya go diragatša ditshwanelo tša gagwe ka tsela ye e phethagetšego morago ga nyakišišo yeo e swanetšego. 50

(5) Tona a ka fediša Boto bakeng sa palelo ya go diragatša ditshwanelo tša yona go ya ka Molao morago ga nyakišišo ye e swanetšego.

#### **Dikopano tša Boto**

9. (1) Dikopano tša Boto le tshepetšo ya mošomo dikopanong di swanetše go diragatšwa go ya ka melao yeo e laetšwego ke Boto. 55

(2) Tekanelo ya kopano ya Boto e dirwa ke bontšhi bja maloko.

(3) A decision of the majority of the members of the Board at any meeting constitutes a decision of the Board, and in the event of an equality of votes the member presiding at the meeting has a casting vote in addition to his or her deliberative vote.

(4) A decision taken by the Board or an act performed under the authority of the Board is not invalid by reason only of a vacancy on the Board, or where a person who is not entitled to sit as a member of the Board sat as a member at the time when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by the requisite majority of the members of the Board who were present at the time and entitled to sit as members. 5

(5) Minutes of the proceedings of every meeting of the Board must be prepared and entered in a book kept for that purpose. 10

(6) Minutes of the proceedings of each meeting must be submitted at the next meeting of the Board and, if passed as correct, must be confirmed by the signature of the chairperson or other member presiding thereat and may, when so confirmed, be evidence in a court of law of the proceedings of the first-mentioned meeting. 15

#### **Committees of Board**

10. The Board may, in order to assist it in the performance of its functions, appoint—
- (a) one or more committees consisting of Board members; and
  - (b) expert advisory committees consisting of members other than members of the Board. 20

#### **Appointment, performance agreement and removal of Chief Executive Officer**

11. (1) The Board must, in consultation with the Minister, appoint a fit and proper and suitably qualified South African citizen as the Chief Executive Officer of the NAPHISA.

(2) The Chief Executive Officer holds office for a term of five years and may be reappointed for one additional term of five years. 25

(3) The appointment of a person as the Chief Executive Officer is subject to the conclusion of a written performance agreement entered into between that person and the Board.

(4) The Board must, after consultation with the Minister, annually enter into a written performance agreement between the Chief Executive Officer and the Board. 30

(5) The Board and the Chief Executive Officer may, in writing and by agreement, amend the performance agreement.

(6) The Board may, in consultation with the Minister, remove the Chief Executive Officer from office on account of serious misconduct, incapacity or incompetence, after affording him or her reasonable opportunity to be heard and subject to applicable legislation. 35

(7) If the Chief Executive Officer is unable to perform his or her functions, or during a vacancy in the office of Chief Executive Officer, the Board may, after consultation with the Minister, designate another employee of the NAPHISA to act as Chief Executive Officer. 40

(8) No person may be designated as an acting Chief Executive Officer for a period longer than 180 days.

#### **Functions of Chief Executive Officer**

12. (1) The Chief Executive Officer—
- (a) is the administrative head of the NAPHISA; 45
  - (b) is responsible for the proper and diligent implementation of the Public Finance Management Act;
  - (c) must appoint suitably qualified persons as employees of the NAPHISA in accordance with an organisational structure and on terms and conditions approved by the Board; and 50
  - (d) subject to the Public Finance Management Act, must cause the necessary accounting and other records to be kept.



(3) Sepheto sa bontšhi bja maloko a Boto ao a lego gona kopanong efe goba efe ke sepheto sa Boto mme bakeng sa tekatekano ya dibouto leloko leo le swerego kopano le na le bouto ya go dira sepheto godimo ga bouto ya gagwe ya ditherišano.

(4) Sepheto seo se dirilwego ke Boto goba tiro yeo e dirilwego ka tlase ga bolaodi bja Boto ga se seo se sa šomego ka lebaka fela la gore Boto ga e gona, goba ge motho yo a sa swanelago go dula bjalo ka leloko la Boto a dutše bjalo ka leloko ka nako yeo sepheto se bego se dirwa goba ge tiro e be e dumelwa ke bontšhi bja maloko a Boto ao a bego a le gona ka nako yeo mme a na le maswanedi a go dula bjalo ka maloko.

(5) Metsotso ya ditshepetšo tša kopano ye nngwe le ye nngwe ya Boto e swanetše go dirwa le go tsenywa pukung mme e lotelwe lebaka leo.

(6) Metsotso ya ditshepetšo tša kopano ye nngwe le ye nngwe e swanetše go romelwa kopanong yeo e latelwago ya Boto mme, ge e dumetšwe bjalo ka ye e nepagetšego, e swanetše go netefatšwa ka mosaeno wa modulasetulo goba leloko la bodulasetulo mme e ka, ge e netefaditšwe ka tsela ye, ba bohlatse kgorotshekong ya molao bja kopano yeo e hlalošitšwego mathomong.

### Dikomiti tša Boto

10. Boto e ka, bakeng sa go thuša phethagatšong ya mešomo ya yona, thwala—

- (a) komiti ye tee goba tše ntšhi tšeo di nago le maloko a Boto; le
- (b) dikomiti tša keletšo ya ditsebi tšeo di hlolwago ke maloko ntle le maloko a Boto.

### Thwalo, Tumelelano ya tiragatšo ya mošomo le tloša ya Mohlankedi Kuduthamaga Mogolo

11. (1) Boto e swanetše, ka therišano le Tona, go thwala moagi wa Afrika Borwa yo a nago le maswanedi bjalo ka Mohlankedi Kuduthamaga Mogolo wa NAPHISA.

(2) Mohlankedi Kuduthamaga Mogolo o šoma botelele bja nako ya mengwaga ye mehlano mme a ka thwalwa gape botelele bja mengwaga ye mehlano.

(3) Thwalo ya motho bjalo ka Mohlankedi Kuduthamaga Mogolo e sepela le phethagatšo ya tumellano ya tiro ya mošomo ka tsela ya lengwalo yeo e dirwago ke motho yoo le Boto.

(4) Boto, morago ga therišano le Tona, e swanetše go tsenela tumelelano ya tiragatšo ya mošomo ka tsela ya lengwalo ka ngwagale ngwaga magareng ga Mohlankedi Kuduthamaga Mogolo le Boto.

(5) Boto le Mohlankedi Kuduthamaga Mogolo, ka tsela ya lengwalo mme le ka kwano, ba ka fetoša tumelelano ya tiragatšo ya mošomo.

(6) Boto e ka, ka therišano le Tona, tloša Mohlankedi Kuduthamaga Mogolo mošomong ka lebaka la maitshwarompe kgolo, go hloka bokgoni goba palelo, morago ga go mo nea monyetla wo o kwagalago wa go theeletšwa mme go ya ka molao wo o šomago.

(7) Ge Mohlankedi Kuduthamaga Mogolo a palelwa ke go ke go dira mešomo ya gagwe, goba bakeng sa sekgoba kantorong ya Mohlankedi Kuduthamaga Mogolo, Boto e ka, morago ga therišano le Tona, kgetha mošomi wo mongwe wa NAPHISA go dira bjalo ka Mohlankedi Kuduthamaga Mogolo.

(8) Ga go motho yo a ka kgethwago bjalo ka Mohlankedi Kuduthamaga Mogolo botelele bja nako yeo e sa fetego matšatši a 180.

### Mešomo ya Mohlankedi Kuduthamaga Mogolo

12. (1) Mohlankedi Kuduthamaga Mogolo—

- (a) ke hlogo go tša bolaodi bja NAPHISA;
- (b) o na le maikarabelo a go phethagatša tsenyotirišong ya *Public Finance Management Act*;
- (c) o swanetše go thwala batho bao ba swanetšego bjalo ka bašomi ba NAPHISA go ya ka sebopego sa mokgatlo mme le ka mabaka le dipeelano tšeo di dumeletšwego ke Boto; le
- (d) go ya ka Molao wa Taolo ya Matlotlo a Setšhaba, o swanetše go diragatša go lotwa ga direkhoto tša tšhupaletlotlo le tše dingwe.



- (2) As administrative head of the NAPHISA, the Chief Executive Officer is responsible for—
- (a) delivering on the agreed mandate of the NAPHISA as determined by the Board in terms of this Act;
  - (b) the formation and development of internal rules and directives for an efficient administration; 5
  - (c) the organisation and control of staff;
  - (d) the maintenance of discipline;
  - (e) the effective deployment and utilisation of staff to achieve maximum operational results; 10
  - (f) signing of memoranda of understanding with key stakeholders;
  - (g) the issuing of guidelines regarding the manner in which claims should be handled;
  - (h) making the annual report, financial statements and audit report on those statements in respect of the NAPHISA accessible to the public once the annual report, financial statements and audit report have been tabled in Parliament by the Minister; and 15
  - (i) the exercise of any such powers and performance of any such duties as may be delegated or assigned to him or her by the Board.
- (3) The Chief Executive Officer must, upon request by the Minister— 20
- (a) furnish the Minister with information or a report in respect of any case, matter or subject dealt with by the NAPHISA; and
  - (b) provide the Minister with reasons for any decision taken by the NAPHISA, the Board, the Chief Executive Officer or any other employee of the NAPHISA. 25

### Annual Report

13. Subject to the Public Finance Management Act—
- (a) the Chief Executive Officer must, in consultation with the Board, prepare and submit an annual report, financial statements and the report of the auditors on those statements to the Minister; and 30
  - (b) the Minister must table the annual report and statements referred to in paragraph (a) in Parliament within one month of receipt thereof.

### Transfer or secondment of certain persons to or from employ of NAPHISA

14. (1) A person who is in full time employ of the State or of an institution receiving financial aid from the State may, with his or her consent and subject to the laws governing the public service and the approval of the Chief Executive Officer, be transferred or seconded to the employ of the NAPHISA. 35

(2) A person who is in the employ of the NAPHISA may, with his or her consent and subject to the laws governing the public service and the approval of the Chief Executive Officer, be transferred or seconded to the employ of the State or an institution receiving financial aid from the State. 40

(3) A person who is in the employ of another institution may, with his or her consent and subject to the applicable laws and the approval of the Chief Executive Officer of that institution, be transferred or seconded to the employ of the NAPHISA.

(4) A person who is in the employ of the NAPHISA may, with his or her consent and subject to the laws governing the public service and the approval of the Chief Executive Officer, be transferred or seconded to the employ of another institution. 45

(5) The rights, privileges and benefits of an employee contemplated in this section by virtue of his or her conditions of service as an employee of the NAPHISA, the State or an institution receiving financial aid from the State may not be adversely affected by a transfer or secondment. 50

### Intellectual property rights

15. (1) The rights in respect of any invention or design or any work eligible for copyright protection by an employee of the NAPHISA in the course and scope of the employee's employment vests in the NAPHISA. 55

- (2) Bjalo ka hlogo ya NAPHISA, Mohlankedi Kuduthamaga Mogolo o na le maikarabelo a—
- (a) go phethagaletša mošomo wo o dumeletšwego wa NAPHISA bjalo ka ge o laetšwe ke Boto go ya ka Molao;
  - (b) hlango le tšweletšo ya melao ya ka gare le ditaelo bakeng sa tshepetšo ye e phethagetšego; 5
  - (c) thulaganyo le taolo ya bašomi;
  - (d) tšweletšo ya kgalemo;
  - (e) phatlalatšo ya bašomi le tirišo ya bašomi go fihlelela dipelo tša godimo tša tshepetšo; 10
  - (f) go saena memorantamo ya kwano le bakgathatema ba bohlokwa;
  - (g) go nea methalohlahli mabapi le mokgwa woo dikgopelo di swanetšego go sepetšwa;
  - (h) go dira dipego tša ngwaga, ditatamente tša matlotlo le pego ya phetleko go ditatamente tšeo mabapi le NAPHISA tšeo di hwetšagalago setšhabeng ge pego ya ngwaga, ditatamente tša matlotlo le pego ya phetleko di tšweleditšwe Palamenteng ke Tona; mme 15
  - (i) go diragatša ya maatla afe le phethagatšo ya ditshwanelo dife goba dife ka moo a di neilwego ke Boto.
- (3) Mohlankedi Kuduthamaga Mogolo o swanetše go, ka kgopelo ya Tona— 20
- (a) nea Tona tshedimošo goba pego mabapi le taba efe goba efe, morero goba hlogo yeo e phethagaletšwego ke NAPHISA; le
  - (b) phethagaletša Tona ka mabaka a sepheto sefe goba sefe seo se dirilwego ke NAPHISA, Boto, mohlankedi kuduthamaga mogolo goba mošomi ofe goba ofe wa NAPHISA. 25

#### Pego ya ngwaga

##### 13. Go ya ka *Public Finance Management Act*—

- (a) Mohlankedi Kuduthamaga Mogolo, ka therišano le Boto, o swanetše o beakanya le go romela pego ya ngwaga, ditatamente tša ditšhelete le pego ya bofetleki ya ditatamente tšeo go Tona; mme 30
- (b) Tona o swanetše o dira pego ya ngwaga le ngwaga le ditatamente tšeo di hlalošitšwego go tema (a) go Palamente mo kgwedeng ye tee ya kgwetšo.

#### Go šutišwa goba tšhutišo ya mošomedi yo a itšego go ya goba gotšwa mošomong wa gagwe wa NAPHISA

14. (1) Motho yo e lego mošomedi wa mmušo goba wa Sehlongwa seo se hwetšago thušo ya tšhelete gotšwa go mmušo a ka, ka tumelelo ya gagwe ga mmogo le go ya ka melao yeo e laolago ditirelo tša setšhaba le ka tumelelo ya Mohlankediphare-phare, go šutišwa goba go fetišetšwa go re e be mošomedi wa NAPHISA. 35

(2) Motho yo e lego mošomedi wa NAPHISA a ka, ka tumelelo ya gagwe ga mmogo le go ya ka melao yeo e laolago ditirelo tša setšhaba le ka tumelelo ya Mohlankediphare-phare, go šutišwa goba go fetišetšwa go ba mošomedi wa Mmušo goba sehlongwa seo se hwetšago thušo ya ditšhelete gotšwa go Mmušo. 40

(3) Motho yo a šomelago Sehlongwa se sengwe a ka, ka tumelelo ya gagwe ga mmogo le go ya ka melao yeo e šomišwago le ka tumelelo ya Mohlankediphare-phare wa Sehlongwa seo, go šutišwa goba go fetišetšwa gore e be mošomedi wa NAPHISA. 45

(4) Motho yo a šomelago Naphisa a ka, ka tumelelo ya gagwe ga mmogo le go ya ka melao yeo e laolago ditirelo tša setšhaba ga mmogo le ka tumelelo ya Mohlankediphare-phare, go šutišwa goba a fetišetšwe go ba mošomedi wa sehlongwa se sengwe.

(5) Ditokelo le mehola ya mošomedi tšeo di ngwadilwego karolweng ye ka lebaka la maemo a gagwe a tirelo bjalo ka mošomedi wa NAPHISA, Mmušo goba wa Sehlongwa seo se hwetšwago thušo ya ditšhelete go tšwa go Mmušo a ka se itemogele mathata ka go šutišwa goba ka tšhutišo ye. 50

#### Ditokelo tša thoto ya bohlale bja Bohlodi

15. (1) Ditokelo mabapi le thomo goba thalo goba mošomo ofe goba ofe wo o swanetšego ke tšhireletšo ya tokelo ya ngwalollo ka mošomi wa NAPHISA nakong ya thwalong ya mošomi di laolwa ke NAPHISA. 55

(2) The NAPHISA may in its discretion, but subject to such conditions as the Minister may determine, assign or dispose of any rights contemplated in subsection (1).

(3) The NAPHISA must, in respect of research conducted by the employees of the NAPHISA—

- (a) subject to properly informed consent, ensure that in work conducted in respect of indigenous knowledge, written information transfer and material transfer agreements are established before the undertaking of the research; and 5
- (b) protect, with the consent of the parties, any work, invention, discovery or improvement derived from indigenous knowledge, originally held by any person or community, in such a manner that the person or community participates in the benefits arising from such protection. 10

(4) If the rights in respect of an invention or design properly registered in the Republic in terms of subsection (1) are vested in the NAPHISA or assigned to the NAPHISA in terms of subsection (2), the NAPHISA must award the person responsible for the invention, financial participation by him or her in respect of the proceeds derived from such invention or design at such a percentage as may be prescribed. 15

(5) The NAPHISA must ensure that the person contemplated in subsection (4) receives the payment contemplated in subsection (4) timeously.

(6) The NAPHISA must, with regard to research conducted by employees of the NAPHISA in the area under the jurisdiction of a traditional leader, notify the National House of Traditional Leaders, in writing, of its intention to conduct such research. 20

#### **Finances of NAPHISA**

**16.** The NAPHISA is funded by—

- (a) money appropriated by Parliament;
- (b) fees received for services rendered; 25
- (c) income earned on surplus moneys deposited or invested;
- (d) grants, donations and bequests made to it;
- (e) royalties; and
- (f) money received from any other source.

#### **Delegation of functions** 30

**17.** (1) The Board may, subject to such conditions as it may determine, delegate to the chairperson, any member or committee of the Board or the Chief Executive Officer any function entrusted to the Board under this Act.

(2) The Chief Executive Officer may delegate to an employee of the NAPHISA any function entrusted to the Chief Executive Officer under this Act or delegated to the Chief Executive Officer in terms of subsection (1). 35

(3) A delegation in terms of subsection (1) or (2) does not preclude the performance of that function by the Board or the Chief Executive Officer, as the case may be.

(4) The delegation of a function in terms of subsection (1) or (2)—

- (a) must be in writing and may be subject to such terms and conditions as the Board or Chief Executive Officer may determine or impose; 40
- (b) may at any time be amended or revoked by the Board or Chief Executive Officer; and
- (c) does not divest the Board or Chief Executive Officer of the responsibility concerning the performance of that function. 45

#### **Limitation of liability**

**18.** No member of the Board, employee of the NAPHISA or other person performing work for the NAPHISA is liable in respect of anything done or omitted in good faith in the performance of any function in terms of this Act.

- (2) NAPHISA e ka dira boikgethelo ba go, efela go ya ka dipeelano tšeo Tona a ka di laolago, nea goba go tlogela ditokelo dife goba dife tšeo di hlalošitšwego go karolwana (1).
- (3) NAPHISA e swanetše go, mabapi le nyakišišo yeo e dirilwego ke bašomi ba NAPHISA— 5
- (a) go ya ka tetla ya tsebo, netefatša gore mošomo wo o dirwago mabapi le tsebo ya setlogo, phetišetšo ya tshedimošo yeo e ngwadilwego, ditumellano tša phetišetšo tše bohlokwa di a phethagaletšwa pele go ka dirwa dinyakišišo; mme
- (b) šireletša, ka tetla ya baamegi, mošomo ofe goba ofe, thomo, khwetšo goba kaonafatšo yeo e hweditšwego tsebong ya setlogo, yeo e bego e swerwe ke motho goba tikologo mathomong, ka tsela yeo motho goba tikologo e kgathago tema dikholegong tšeo e lego tša tšhireletšo ye. 10
- (4) Ge ditokelo mabapi thomo goba thalo yeo e ngwadišitšwego ka tshwanelo mo Rephabliki go ya ka karolwana (1) di laolwa ke NAPHISA goba di neilwe NAPHISA go ya ka karolwana (2), NAPHISA e swanetše go nea motho yo a nago le maikarabelo a thomo, kgathotema ya ditšhelete ka yena mabapi le dipoelo tšeo di hweditšwego dithomong tše goba thalo ka phesente yeo e ka tšwago e beilwe. 15
- (5) NAPHISA e swanetše go netefatša gore motho yo a hlalošitšwego go karolwana (4) o hwetša tefelo yeo e hlalošitšwego go karolwana (4) ka bonako. 20
- (6) NAPHISA e swanetše go, mabapi le nyakišišo yeo e dirilwego ke bašomi ba NAPHISA lefelong leo le lego ka tlase ga taolo ya moetapele wa setšo, tsebiša Ntlo ya Bosetšhaba ya Baetapele ba Setšo, ka tsela ya lengwalo, ka maikemišetšo a yona a go diragatša nyakišišo ye.

**Ditšhelete tša NAPHISA**

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**16. NAPHISA e thušwa ka ditšheletše—**

- (a) tšeo di lekanyeditšwego ke Palamente;
- (b) ditefelo tšeo di hweditšwego bakeng sa ditirelo tšeo di neilwego;
- (c) moputso wo o hweditšwego le tšhelete ya mašaledi yeo e loketšwego goba e beleditšwego; 30
- (d) dithušo tša tšhelete, meneelo le mafa ao e a hwetšago;
- (e) diroyalithi; le
- (f) tšhelete yeo e hwetšwago gotšwa dikhwameng tše dingwe.

**Kabelo ya mešomo**

- 17.** (1) Boto e ka, go ya ka dipeelano tšeo e ka dilatelago, abela go modulasetulo, leloko lefe goba lefe goba komiti ya Boto goba Mohlankedi Kuduthamaga Mogolo mošomo ofe goba ofe wo o neilwego Boto ka tlase ga Molao. 35
- (2) Mohlankedi Kuduthamaga Mogolo a ka abela mošomo ofe goba ofe go mošomi wa NAPHISA wo o neilwego Mohlankedi Kuduthamaga Mogolo ka tlase ga Molao goba wo o neilwego Mohlankedi Kuduthamaga Mogolo go ya ka karolwana (1). 40
- (3) Kabelo go ya ka karolwana (1) goba (2) ga e thibele phethagatšo ya mošomo ka Boto goba Mohlankedi Kuduthamaga Mogolo, ka moo go lego ka gona.
- (4) Kabelo ya mošomo go ya ka karolwana (1) goba (2)—
- (a) e swanetše go ba ka tsela ya lengwalo mme e ka ba go ya ka mabaka le dipeelano tša Boto goba Mohlankedi Kuduthamaga Mogolo a ka di laolago goba gapeletšwago; 45
- (b) e ka fetošwa ka nako ye nngwe le ye nngwe goba ya gogelwa morago ke Boto goba Mohlankedi Kuduthamaga Mogolo; mme
- (c) ga e ganetše Boto goba Mohlankedi Kuduthamaga Mogolo maikarabelo mabapi le phethagatšo ya mošomo woo. 50

**Tekanyetšo ya sekoloto**

- 18.** Ga go leloko la Boto, mošomi wa NAPHISA goba motho yo a dirago mošomo wa NAPHISA yo a tla rwalwago maikarabelo mabapi le selo se sengwe le se sengwe seo se dirwago goba se tlogelwago ka tšhepagalo tiragatšong ya mošomo ofe goba ofe go ya ka Molao wo. 55

**Regulations**

- 19.** (1) The Minister may make regulations regarding—
- (a) any matter which in terms of this Act may or must be prescribed;
  - (b) disease and injury surveillance; and
  - (c) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act. 5
- (2) Before the Minister makes any regulation under this section, he or she must publish a draft of the proposed regulation in the *Gazette* together with a notice calling on interested persons to comment, in writing, within a period stated in the notice of not less than 30 days from the date of publication of the notice. 10
- (3) If the Minister alters the draft regulations, as a result of any comment, he or she need not publish those alterations before making the regulations.
- (4) A regulation made under this section may, for any contravention thereof or failure to comply therewith, prescribe a fine or imprisonment for a period not exceeding three months. 15

**Transfer of certain property belonging to State to NAPHISA**

- 20.** Any immovable property belonging to the State may be transferred to the NAPHISA on such conditions as the Minister with the concurrence of the Minister of Finance may determine in order to enable the NAPHISA to perform its functions. 20

**Transfer of employees, assets and liabilities from National Health Laboratory Service to NAPHISA**

- 21.** (1) A person who is employed by the National Health Laboratory Service established by section 3 of the National Health Laboratory Service Act, 2000 (Act No. 37 of 2000), immediately before the commencement of this Act and who was transferred to the National Health Laboratory Service in terms of item 2(b) and (c) of the Schedule to the said Act must, in accordance with the Labour Relations Act, 1995 (Act No. 66 of 1995), and any applicable collective bargaining agreement with organised labour, be transferred to the NAPHISA on the date when this section takes effect. 25
- (2) The remuneration and other terms and conditions of service of a person transferred in terms of subsection (1) may not be less favourable than the remuneration, terms and conditions applicable to that person immediately before his or her transfer, and he or she remains entitled to all rights, benefits, including pension benefits, and privileges to which he or she was entitled immediately before such transfer. 30
- (3) A person transferred to the NAPHISA in terms of subsection (1) remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately before his or her transfer to the extent that they remain applicable. 35
- (4) Any proceedings against such person which were pending immediately before his or her transfer must be disposed of as if that person had not been transferred.
- (5) For the purposes of the Income Tax Act, 1962 (Act No. 58 of 1962), no change of employer must be regarded as having taken place when a person contemplated in subsection (1) takes up employment at the NAPHISA. 40
- (6) When the employees referred to in subsection (1) are transferred to the NAPHISA, all assets and liabilities of the National Health Laboratory Service referred to in that subsection that were transferred to the National Health Laboratory Service in terms of item 2 of the Schedule to the National Health Laboratory Service Act, 2000 (Act No. 37 of 2000), must be transferred to and vest in the NAPHISA at the same date. 45

**Short title and commencement**

- 22.** This Act is called the National Public Health Institute of South Africa Act, 2020, and comes into operation on a date fixed by the President by proclamation in the *Gazette*. 50

**Melawana**

19. (1) Tona a ka dira melawana mabapi le—

- (a) morero ofe goba ofe woo e lego gore go ya ka Molao wo o ka goba o swanetše go laelwa;
- (b) tekolo ya malwetši le dikgobalo; le
- (c) morero ofe goba ofe wa thušo goba wo bohlokwa wa taolo goba tshepetšo gore go na le hlokego ya go phethagaletša bakeng sa tsenyotirišong ya swanelo goba tshepetšo ya Molao wo.

(2) Pele Tona a dira melawana ka tlase ga karolo ye, o swanetše go gatiša thala ya molawana wo o šišintšwego Kuranteng ya Mmušo gammogo le tsebišo yeo e bitšago batho bao ba nago le kgahlego go dira diswayaswayo, ka tsela ya lengwalo, mo nakong yeo e hlalošitšwego tsebišong e se ka tlase ga matšatši a 30 go tloga ka letšatšikgwedi la phatlatatšo ya tsebišo.

(3) Ge Tona a fetiša melawanathala, ka lebaka la swayaswayo efe goba efe, ga go hlokego ya go gatiša diphešo pele a dira melawana.

(4) Molawana wo o dirilwego ka tlase ga karolo ye o ka, bakeng sa tlolo efe goba efe goba palelo ya kobamelo, phethagaletša faene goba kgolego botelele bja nako yeo e sa fetego dikgwedi tše tharo.

**Phešetšo ya thoto ye rilego yeo e lego ya mmušo go NAPHISA**

20. Thoto efe goba efe yeo e sa šutego ya Mmušo e ka fetišetšwa go NAPHISA ka dipeelano tšeo Tona ka tetla ya Tona ya Matlotlo a ka di laolago bakeng sa go kgontšha NAPHISA go dira mešomo ya yona.

**Phešetšo ya bašomi, dithoto le dikoloto gotšwa go Tirelo ya Laporatori ya Maphelo ya Bosetšhaba go NAPHISA**

21. (1) Motho yo a thwetšwego ke Tirelo ya Laporatori ya Maphelo ya Bosetšhaba yeo e hlanngwego ka karolo 3 ya *National Health Laboratory Service Act, 2000* (Molao 37 wa 2000), pele ga thomo ya Molao wo mme yo a bego a fetišeditšwe go Tirelo ya Laporatori ya Maphelo ya Bosetšhaba go ya ka ntlha 2(b) le (c) tša Šetule ya Molao wo o laeditšwego o swanetše go, go ya ka *Labour Relations Act, 1995* (Molao 66 wa 1995), mme le tumellano mmogo ye e šomago ya ditherišano le thulaganyo ya tša mešomo, fetišetšwa go NAPHISA ka letšatšikgwedi leo karolo ye e thomago go šoma ka lona.

(2) Moputso le mabaka le dipeelano tše dingwe tša tirelo tša motho yo a fetišeditšwego go ya ka karolwana (1) ga se tša swanela go ba tšeo di sa amogegago go feta moputso, mabaka le dipeelano tšeo di šomago go motho woo pele ga phešetšo ya gagwe mme o tla tšwelapele ka go dumelelwa ditokelo, dikholego, go akaretšwa dikholego tša phenšene, le menyetla yeo a bego a na le yona pele ga phešetšo yeo.

(3) Motho yo a fetišeditšwego go NAPHISA go ya ka karolwana (1) o tšwelapele ka go angwa ke diphešo goba dife, ditshepetšo, diphešo tša melato le ditaello tšeo di šomago mothong yoo pele ga phešetšo ka moo di tšwelago pele ka go šoma.

(4) Ditshepetšo dife goba dife kgahlanong le motho yo tšeo di bego di diragetšwa pele ga phešetšo di swanetše go phethagaletšwa eke motho yo ga se a fetišetšwa.

(5) Bakeng sa mohola wa *Income Tax Act, 1962* (Molao 58 wa 1962), ga go phetolo ya mošomo yeo e swanetšego go bonwa eke e diragetše ge motho yo a hlalošitšwego go karolwana (1) a thoma go šoma go la NAPHISA.

(6) Ge bašomi bao ba hlalošitšwego go karolwana (1) ba fetišeditšwe go NAPHISA, dithoto le dikoloto ka moka tša Tirelo ya Laporatori ya Maphelo ya Bosetšhaba go ya ka ntlha 2 ya Šetule go *National Health Laboratory Service Act, 2000* (Molao 37 wa 2000), di swanetše go romelwa go mme di laolwa ke NAPHISA ka letšatšikgwedi le le swanago.

**Thaetlele ye kopana le go thoma go šoma ga Molao**

22. Molao wo o bitšwa Molao wa Sehlongwa sa tša Maphelo a Setšhaba sa Afrika Borwa, wa 2020, mme o thoma go šoma ka letšatšikgwedi leo le beilwego ke Mopresidente ka kgoeletšo Kuranteng ya Mmušo.









Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za  
Publications: Tel: (012) 748 6053, 748 6061, 748 6065