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OF THE PROVINCE OF
WESTERN CAPE**

P.N. 442/2010 2 December 2010

It is hereby notified that the Premier of the Province of Western Cape has assented to the following Act which is hereby published for general information:—

No. 5 of 2010: Western Cape District Health Councils Act, 2010.

*As 'n Nuusblad by die Poskantoor Geregistreer***KANTOOR VAN DIE PREMIER
VAN DIE PROVINSIE
WES-KAAP**

P.K. 442/2010 2 Desember 2010

Hiermee word bekend gemaak dat die Premier van die Provinsie Wes-Kaap die onderstaande Wet wat hierby ter algemene inligting gepubliseer word, bekragtig het:—

No. 5 van 2010: Wes-Kaapse Wet op Distriksgesondheidsrade, 2010.

*Ibhaliswe ePosini njengePhephandaba***I-OFISI YENKULUMBUSO
YEPHONDO LENTSHONA
KOLONI**

P.N. 442/2010 2 Disemba 2010

Kwenziwa isaziso apha sokuba iNkulumbuso yePalamente yePhondo leNtshona Koloni iwamkele ngokusemthethweni lo Mthetho ulandelayo opapashelwe ulwazi gabalala apha:—

Nomb 5 ka-2010: UMthetho waMabhunga ezeMpilo eZithile weNtshona Koloni, 2010.



(English text signed by the Premier)
(Assented to 29 November 2010)

ACT

To provide for certain matters relating to district health councils so as to give effect to section 31 of the National Health Act, 2003; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

Definitions

1. In this Act, a word or expression which is defined in the National Health Act has the meaning ascribed to it in that Act, and unless the context indicates otherwise — 5
- “**chairperson**” means the chairperson of a district health council;
- “**Department**” means the provincial department responsible for health in the Province;
- “**district health council**” means a district health council established by the Provincial Minister in terms of section 31(1) of the National Health Act; 10
- “**district health manager**” means a person appointed as district health manager by the Provincial Minister in terms of section 8(1);
- “**member**” means a member of a district health council;
- “**National Health Act**” means the National Health Act, 2003 (Act 61 of 2003); 15
- “**prescribe**” means prescribe by regulation;
- “**Province**” means the Province of the Western Cape;
- “**Provincial Health Council**” means the Council established in the Province by section 26(1) of the National Health Act;
- “**Provincial Minister**” means the Provincial Minister responsible for health services in the Province; 20
- “**this Act**” includes any regulation made in terms of section 12.

Composition of district health councils

2. (1) A district health council consists of the persons referred to in section 31(2)(a) of the National Health Act, namely— 25
- (a) a member of the metropolitan or district municipal council situated in the health district in question, nominated by the relevant council;
- (b) a person appointed by the Provincial Minister to represent him or her;
- (c) a member of the council of each local municipality within the health district, nominated by the members of the relevant council; and
- (d) not more than five other persons, appointed by the Provincial Minister after 30 consultation with the municipal council of the metropolitan or district municipality, as the case may be.
- (2) In accordance with section 31(2)(b) of the National Health Act, the member referred to in subsection (1)(a) is the chairperson of the district health council.
- (3) In the case of a cross-boundary district, the relevant members of the Provincial 35 Executive may each appoint a member to represent them and the persons contemplated in subsection (1)(d) must be appointed by the relevant members of the Provincial Executive in consultation with each other.

Term of office of members of district health councils

3. (1) A member of a district health council holds office for a term of three years, and may be reappointed.

(2) When the term of office of a member expires, the member may remain in office for a period not exceeding six months until his or her successor has been appointed or he or she is reappointed. 5

Removal from office

4. The Provincial Minister must remove a member of a district health council from office if the member —

- (a) is declared insolvent by a court of the Republic; 10
- (b) is declared to be of unsound mind by a court of the Republic;
- (c) is convicted during his or her term of office of any offence and sentenced to imprisonment without the option of a fine, either in the Republic, or outside the Republic, if the conduct constituting the offence would have been an offence in the Republic; 15
- (d) is voluntarily absent, without leave of the district health council, from three consecutive ordinary meetings of the district health council;
- (e) in the case of a member referred to in section 2(1)(a) or (c), ceases to hold an office by virtue of which that member was appointed to the district health council or is replaced by the municipal council concerned; or 20
- (f) is incapable to perform his or her duties.

Vacancies

5. (1) A vacancy in a district health council occurs if—

- (a) a member tenders his or her resignation to the Provincial Minister in writing; 25
- (b) a member is removed from office in terms of section 4;
- (c) in the case of a member appointed in terms of section 2(1)(b), the Provincial Minister withdraws the appointment; or
- (d) a member dies.

(2) When a vacancy in a district health council occurs as a result of the death of a member, the chairperson must inform the Provincial Minister in writing within seven days thereof. 30

(3) A vacancy in a district health council must be filled by the nomination or appointment of a person in accordance with the relevant provision of section 2(1) for the unexpired period of the term of office of the previous member.

(4) A decision of the district health council is not invalid because of a vacancy in the district health council when the decision was taken. 35

Functions of district health councils

6. A district health council—

- (a) may consult with or receive representations from any person, organisation, institution or authority on any matter regarding health or health services; 40
- (b) must act in accordance with relevant and applicable laws and policies of the national or provincial government and the municipal council concerned;
- (c) must at least annually provide reports as prescribed on its activities to the Provincial Minister; and
- (d) must ensure that appropriate and comprehensive information is disseminated to the local communities on the health services in the health district. 45

Meetings of district health councils

7. (1) A district health council may make rules of order for its proceedings, but those rules must be consistent with this Act and the National Health Act.

(2) The municipal council referred to in section 2(1)(a) must nominate a member of that council as an alternate to act in the chairperson's place when the chairperson is absent from a meeting. 50

(3) A district health council must meet at least once per quarter.

- (4) A quorum for a meeting of a district health council is at least half of the members plus one.
- (5) A district health council must strive to reach its decisions by consensus, but if a decision cannot be reached by consensus, the decision of the majority of the members of the district health council present at a meeting is the decision of the district health council. 5
- (6) When there is an equality of votes, the person presiding at the meeting must cast a deciding vote in addition to his or her deliberative vote.
- (7) A district health council may invite any person to a meeting of the district health council to serve in an advisory capacity. 10
- (8) The Provincial Minister or his or her nominee must convene the first meeting of a district health council within 90 days of the commencement of this Act.
- (9) The chairperson must—
- (a) convene the other meetings of the district health council; and
 - (b) report to the Provincial Health Council when required to do so by the Provincial Minister. 15
- (10) A member, excluding—
- (a) a member referred to in section 2(1)(a) or (c); and
 - (b) a member who is in the employ of an organ of state,
- is entitled to be reimbursed according to the tariffs applicable to persons employed in terms of the Public Service Act, 1994 (Proclamation 104 of 1994), for reasonable actual subsistence and travelling expenses necessitated by the attendance of a meeting of a district health council. 20

District health manager

- 8.** (1) The Provincial Minister must appoint a district health manager for every health district in terms of the Public Service Act, 1994. 25
- (2) A district health manager must—
- (a) with the concurrence of the chairperson, compile the agenda for a meeting of the district health council;
 - (b) keep a proper record of attendance at, minutes of and resolutions adopted at, every meeting of the district health council; 30
 - (c) ensure that a copy of a record referred to in paragraph (b) is signed by the chairperson and sent to the Provincial Minister after each meeting; and
 - (d) perform the other functions assigned to the district health manager by the Provincial Minister or the Head of the Department. 35

General support

- 9.** The Department must provide technical and logistical support to a district health council.

District health plans

- 10.** (1) A district health manager must develop a district health plan in accordance with section 33 of the National Health Act after consultation with the district health council, the Head of the Department and the district or metropolitan municipality concerned. 40
- (2) The district health plan must—
- (a) set out a detailed budget and performance targets for health services in the health district, including services to which both the Provincial Government and the municipal council of the district or metropolitan municipality concerned contribute; and 45
 - (b) include a communication plan for the dissemination of information and reporting to local communities on those health services. 50
- (3) The municipal council of a district or metropolitan municipality must ensure that the district health manager is provided with the necessary assistance to develop the district health plan relating to the health services rendered by that municipality.
- (4) The Provincial Minister must, after consultation with the district health council, approve the budget and performance targets in respect of health services rendered by the Department. 55

(5) The municipal council of the district or metropolitan municipality must, after consultation with the district health council, approve the budget and performance targets in respect of municipal health services.

Disputes

11. If— 5

(a) the Provincial Minister and the municipal council of a district or metropolitan municipality cannot reach agreement within the prescribed period on the budget or performance targets for health services in a health district to which both the Provincial Government and the municipality must contribute; or

(b) there is a breach of an agreement between the Provincial Minister and the municipal council pertaining to the budget or performance targets, the intergovernmental dispute-settlement mechanism provided for in Chapter 4 of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005), must be utilised to resolve the dispute. 10

Regulations 15

12. The Provincial Minister may make regulations regarding any matter which —

(a) may or must be prescribed in terms of this Act;

(b) is reasonably necessary for or incidental to the development and approval of district health plans; and

(c) the Provincial Minister considers necessary and appropriate to prescribe in order to achieve the purposes of this Act. 20

Short title and commencement

13. This Act is called the Western Cape District Health Councils Act, 2010, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*. 25

(Engelse teks deur die Premier geteken)
(Bekragtig op 29 November 2010)

WET

Om voorsiening te maak vir sekere aangeleenthede met betrekking tot distriksgesondheidsrade ten einde uitvoering te gee aan artikel 31 van die Wet op Nasionale Gesondheid, 2003; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan. 5

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie Wes-Kaap, soos volg:—

Woordomskrywings

1. In hierdie Wet het 'n woord of uitdrukking wat in die Wet op Nasionale Gesondheid omskryf word, die betekenis wat in daardie Wet daaraan geheg word, en tensy dit uit die samehang anders blyk, beteken — 5

“**Departement**” die provinsiale departement verantwoordelik vir gesondheid in die Provinsie;

“**distriksgesondheidsbestuurder**” ’n persoon ingevolge artikel 8(1) as distriksgesondheidsbestuurder deur die Provinsiale Minister aangestel; 10

“**distriksgesondheidsraad**” ’n distriksgesondheidsraad ingevolge artikel 31(1) van die Wet op Nasionale Gesondheid deur die Provinsiale Minister ingestel;

“**hierdie Wet**” ook enige regulasie ingevolge artikel 12 uitgevaardig;

“**lid**” ’n lid van ’n distriksgesondheidsraad;

“**Provinsiale Gesondheidsraad**” die Raad wat by artikel 26(1) van die Wet op Nasionale Gesondheid in die Provinsie ingestel is; 15

“**Provinsiale Minister**” die Provinsiale Minister verantwoordelik vir gesondheidsdienste in die Provinsie;

“**Provinsie**” die Provinsie Wes-Kaap;

“**voorsitter**” die voorsitter van ’n distriksgesondheidsraad; 20

“**voorskryf**” by regulasie voorskryf;

“**Wet op Nasionale Gesondheid**” die *National Health Act, 2003* (Wet 61 van 2003).

Samestelling van distriksgesondheidsrade

2. (1) ’n Distriksgesondheidsraad bestaan uit die persone waarna daar in artikel 31(2)(a) van die Wet op Nasionale Gesondheid verwys word, naamlik— 25

(a) ’n lid van die metropolitaanse of distriksmunisipale raad wat in die betrokke distrik geleë is, genomineer deur die betrokke raad;

(b) ’n persoon aangestel deur die Provinsiale Minister om hom of haar te verteenwoordig; 30

(c) ’n lid van die raad van elke plaaslike munisipaliteit binne die gesondheidsdistrik, genomineer deur die lede van die betrokke raad; en

(d) nie meer as vyf ander persone nie, aangestel deur die Provinsiale Minister na oorleg met die munisipale raad van die metropolitaanse of distriksmunisipaliteit, na gelang van die geval. 35

(2) In ooreenstemming met artikel 31(2)(b) van die Wet op Nasionale Gesondheid, die lid waarna daar in subartikel (1)(a) verwys word is die voorsitter van die distriksgesondheidsraad.

(3) In die geval van 'n oorgrensdistrik, kan elkeen van die betrokke lede van die Provinsiale Uitvoerende Gesag 'n lid aanstel om hulle te verteenwoordig en die persone beoog in subartikel (1)(d) moet deur die betrokke lede van die Provinsiale Uitvoerende Gesag in oorleg met mekaar aangestel word.

Ampstermyn van lede van distriksgesondheidsrade 5

3. (1) 'n Lid van 'n distriksgesondheidsraad dien vir 'n termyn van drie jaar, en kan heraan gestel word.

(2) By verstryking van die ampstermyn van 'n lid kan die lid in die amp aanbly vir 'n tydperk van hoogstens ses maande tot die aanstelling van sy of haar opvolger of sy of haar heraanstelling. 10

Ampsontheffing

4. Die Provinsiale Minister moet 'n lid van 'n distriksgesondheidsraad uit die amp onthef indien die lid—

- (a) insolvent verklaar word deur 'n hof van die Republiek; 15
- (b) geestelik versteurd verklaar word deur 'n hof van die Republiek; 15
- (c) gedurende sy of haar ampstermyn skuldig bevind word aan 'n misdryf en tot gevangenisstraf sonder die keuse van 'n boete gevonnissen word, hetsy in die Republiek, of buite die Republiek indien die gedrag wat die misdryf uitmaak 'n misdryf in die Republiek sou wees;
- (d) uit vrye wil, en sonder toestemming van die distriksgesondheidsraad, afwesig is van drie opeenvolgende gewone vergaderings van die distriks- 20
gesondheidsraad;
- (e) in die geval van 'n lid bedoel in artikel 2(1)(a) of (c), ophou om 'n amp te beklee op grond waarvan daardie lid in die distriksgesondheidsraad aangestel is, of indien daardie lid deur die betrokke munisipale raad vervang word; of 25
- (f) nie in staat is om sy of haar pligte uit te voer nie.

Vakatures

5. (1) 'n Vakature in 'n distriksgesondheidsraad ontstaan indien —

- (a) 'n lid sy of haar bedanking skriftelik aan die Provinsiale Minister voorlê; 30
- (b) 'n lid ingevolge artikel 4 uit die amp onthef word; 30
- (c) in die geval van 'n lid wat ingevolge artikel 2(1)(b) aangestel is, die Provinsiale Minister die aanstelling terugtrek; of
- (d) 'n lid te sterwe kom.

(2) Binne sewe dae nadat 'n vakature in 'n distriksgesondheidsraad ontstaan as gevolg van die afsterwe van 'n lid, moet die voorsitter die Provinsiale Minister skriftelik van die vakature in kennis stel daarvan. 35

(3) 'n Vakature in 'n distriksgesondheidsraad moet gevul word deur die benoeming of aanstelling van 'n persoon ooreenkomstig die toepaslike bepaling van artikel 2(1) vir die onverstreke gedeelte van die ampstermyn van die vorige lid.

(4) 'n Besluit van die distriksgesondheidsraad is nie ongeldig as gevolg van 'n vakature wat in die distriksgesondheidsraad bestaan het op die tydstip waarop die besluit geneem is nie. 40

Werksaamhede van distriksgesondheidsrade

6. 'n Distriksgesondheidsraad —

- (a) kan oorleg pleeg met of vertoë ontvang van enige persoon, organisasie, instelling of owerheid op enige aangeleentheid met betrekking tot gesondheid of gesondheidsdienste; 45
- (b) moet optree ooreenkomstig die tersaaklike en toepaslike wette en beleidsrigtings van die nasionale of provinsiale regering en die betrokke munisipale raad; 50
- (c) moet ten minste elke jaar verslae aangaande sy bedrywighede aan die Provinsiale Minister voorlê; en
- (d) moet toesien dat toepaslike en volledige inligting ten opsigte van die gesondheidsdienste binne die gesondheidsdistrik onder die plaaslike gemeenskappe versprei word. 55

Vergaderings van distriksgesondheidsrade

7. (1) 'n Distriksgesondheidsraad kan ordereëls maak vir sy verrigtinge, maar daardie reëls moet bestaanbaar wees met hierdie Wet en die Wet op Nasionale Gesondheid.
- (2) Die munisipale raad bedoel in artikel 2(1)(a) moet 'n lid van daardie raad as plaasvervanger benoem om in die voorsitter se plek op te tree wanneer die voorsitter van 'n vergadering afwesig is. 5
- (3) 'n Distriksgesondheidsraad moet minstens een keer per kwartaal vergader.
- (4) 'n Kworum vir 'n vergadering van 'n distriksgesondheidsraad is minstens die helfte van die lede plus een.
- (5) Die distriksgesondheidsraad moet poog om sy besluite by wyse van konsensus te neem, maar indien 'n besluit nie by wyse van konsensus geneem kan word nie, is die besluit van die meerderheid van die lede van die distriksgesondheidsraad teenwoordig by 'n vergadering, die besluit van die distriksgesondheidsraad. 10
- (6) In die geval van 'n staking van stemme moet die persoon wat op die vergadering voorsit, 'n beslissende stem uitbring benewens sy of haar beraadslagende stem. 15
- (7) 'n Distriksgesondheidsraad kan enige persoon uitnooi na 'n vergadering van die distriksgesondheidsraad om in 'n raadgewende hoedanigheid te dien.
- (8) Die Provinsiale Minister of sy of haar verteenwoordiger moet die eerste vergadering van 'n distriksgesondheidsraad belê binne 90 dae nadat hierdie Wet in werking getree het. 20
- (9) Die voorsitter moet —
- (a) die ander vergaderings van die distriksgesondheidsraad belê; en
 - (b) aan die Provinsiale Gesondheidsraad verslag doen wanneer die Minister dit verlang.
- (10) 'n Lid, met die uitsondering van— 25
- (a) 'n lid waarna daar in artikel 2(1)(a) of (c) verwys word; en
 - (b) 'n lid wat in diens is van 'n staatsinstelling,
- daarop geregtig om vergoed te word volgens die tariewe wat van toepassing is op persone aangestel ingevolge die Staatsdienswet, 1994 (Proklamasie 104 van 1994) vir redelike werklike reis-en-verblyf-toelaes genoodsaak deur die bywoning van 'n vergadering van 'n distriksgesondheidsraad. 30

Distriksgesondheidsbestuurder

8. (1) Die Provinsiale Minister moet 'n distriksgesondheidsbestuurder vir elke gesondheidsdistrik aanstel ingevolge die Staatsdienswet, 1994.
- (2) 'n Distriksgesondheidsbestuurder moet— 35
- (a) met die instemming van die voorsitter, die sakelys opstel vir 'n vergadering van die distriksgesondheidsraad;
 - (b) 'n behoorlike rekord hou van die bywoning van, die notules van en die besluite aanvaar op, elke vergadering van die distriksgesondheidsraad;
 - (c) verseker dat 'n afskrif van 'n rekord bedoel in paragraaf (b) deur die voorsitter onderteken word en ná elke vergadering aan die Provinsiale Minister gestuur word; en 40
 - (d) die ander werksaamhede verrig wat deur die Provinsiale Minister of die Departementshoof aan die distriksgesondheidsbestuurder opgedra word.

Algemene steun

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9. Die Departement moet tegniese en logistieke steun aan 'n distriksgesondheidsraad verleen.

Distriksgesondheidsplanne

10. (1) 'n Distriksgesondheidsbestuurder moet, ná oorlegpleging met die distriksgesondheidsraad, die Departementshoof en die betrokke distriks- of metropolitaanse munisipaliteit, 'n distriksgesondheidsplan opstel ooreenkomstig artikel 33 van die Wet op Nasionale Gesondheid. 50
- (2) Die distriksgesondheidsplan moet —
- (a) 'n gedetailleerde begroting en prestasietekens vir gesondheidsdienste in die gesondheidsdistrik stel, met inbegrip van dienste waartoe sowel die 55

Provinsiale Regering as die munisipale raad van die betrokke distriks- of metropolitaanse munisipaliteit bydra; en

(b) 'n kommunikasieplan vir die verspreiding van inligting en verslagdoening oor daardie gesondheidsdienste aan plaaslike gemeenskappe insluit.

(3) Die munisipale raad van 'n distriks- of metropolitaanse munisipaliteit moet toesien dat die distriksgesondheidsbestuurder voorsien word van die nodige bystand ten einde die distriksgesondheidsplan met betrekking tot gesondheidsdienste wat deur daardie munisipaliteit gelewer word, op te stel. 5

(4) Die Provinsiale Minister moet, ná oorlegpleging met die distriksgesondheidsraad, die begroting en prestasieteikens met betrekking tot gesondheidsdienste wat deur die Departement gelewer word, goedkeur. 10

(5) Die munisipale raad van die distriks- of metropolitaanse munisipaliteit moet, ná oorlegpleging met die distriksgesondheidsraad, die begroting en prestasieteikens ten opsigte van munisipale gesondheidsdienste goedkeur.

Geskille 15

11. Indien—

(a) die Provinsiale Minister en die munisipale raad van 'n distriks- of metropolitaanse munisipaliteit nie binne die voorgeskrewe tydperk eenstemmigheid kan bereik oor die begroting of prestasieteikens vir gesondheidsdienste in 'n gesondheidsdistrik waartoe sowel die Provinsiale Regering as die munisipaliteit moet bydra nie; of 20

(b) daar 'n skending is van 'n ooreenkoms tussen die Provinsiale Minister en die munisipale raad rakende die begroting of prestasieteikens, moet die interregeringsgeskilbeslegtingsmeganisme waarvoor in Hoofstuk 4 van die *Intergovernmental Relations Framework Act, 2005* (Wet 13 van 2005), voorsiening gemaak word, gebruik word om die geskil te besleg. 25

Regulasies

12. Die Provinsiale Minister kan regulasies uitvaardig betreffende enige aangeleentheid wat—

(a) ingevolge hierdie Wet voorgeskryf kan of moet word; 30

(b) redelikerwys nodig is vir of gepaard gaan met die opstel en goedkeuring van distriksgesondheidsplanne; en

(c) die Provinsiale Minister nodig en gepas ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

Kort titel en inwerkingtreding 35

13. Hierdie Wet heet die Wes-Kaapse Wet op Distriksgesondheidsrade, 2010, en tree in werking op 'n datum wat by proklamasie in die *Provinsiale Koerant* deur die Premier bepaal word.

(Isiqendwana sesiNgesi sityikitywe yiNkulumbuso)
(Savunyelwa ngowama 29 Novemba 2010)

UMTHETHO

Lo mthetho ulungiselela imibandela ethile ephathelele kumabhunga ezempilo ezithili, ukuze kufezekiswe icandelo 31 lomthetho oyi-National Health Act, 2003, kwanokulungiselelwa imibandela chambelana nawo.

XA UTHE LOMTHETHO WAPHUNYEZWA yipalamente yephondo leNtshona Koloni, ngokwale ndlela ilandelayo:—

Inkcazelo

1. Kulo Mthetho, igama okanye ibinzana elicacisiweyo kumthetho oyi-National Health Act libhekiselele kuloo nto ithethwayo kula Mthetho, ngaphandle kokuba okuqulathiweyo kuchaza nto yimbi —

- “**IBhunga lezeMpilo lePhondo**” lithetha iBhunga elasekwa kwiPhondo ngokwecandelo 26(1) lomthetho oyi-National Health Act;
- “**Ibhunga lezempilo lesithili**” lithetha ibhunga lezempilo lesithili elasekwa nguMphathiswa wePhondo ngokwecandelo 31(1), lomthetho oyi-National Health Act;
- “**ilungu**” lithetha ilungu lebhunga lesithili;
- “**I-National Health Act**” ithetha umthetho oyi-National Health Act, 2003 (Act 1 of 2003);
- “**iPhondo**” lithetha iPhondo leNtshona Koloni;
- “**iSebe**” lithetha isebe lephondo elijongene nezempilo kwiPhondo;
- “**lo Mthetho**” ubandakanya nawuphi na ummiselo owaqulunqwa ngokwecandelo 12;
- “**ukuyalela**” kuthetha okuyalelwa ngumgaqo;
- “**umphathi wezempilo wesithili**” uthetha umntu oqeshwe njengomanejala wezempilo wesithili nguMphathiswa ngokwecandelo 8 (1);
- “**UMphathiswa wePhondo**” uthetha uMphathiswa wePhondo ojongene neenkonziso zempilo kwiPhondo;
- “**usihlalo**” uthetha usihlalo webhunga lezempilo lesithili.

Ukumiselwa kwamabhunga ezempilo ezithili

- 2.** (1) Ibhunga lezempilo lesithili linabantu abakhankaywe kwicandelo 31(2)(a) loMthetho weZempilo weLizwe, abangaba
- (a) Ilungu lemetropolitan okanye lebhunga lomasipala wesithili ekubhekiswe kuwo, otyunjwe libhunga elifanelekileyo;
 - (b) umntu otyunjwe nguMphathiswa wePhondo ukuba abengummeli wakhe
 - (c) Ilungu lebhunga likamasipala okwisithili sezempilo, otyunjwe ngamalungu ebhunga elifanelekileyo; kwane
 - (d) akufuneki bantu bangaphezulu kwesihlanu, abatyunjwe ngumPhathiswa wePhondo emva kokubonisana nebhunga lomasipala wemetropolitan okanye wesithili, njengoko kufuneka.
- (2) Ngokwecandelo 31(2)(b) loMthetho weZempilo weLizwe, ilungu elikhankanywe kwicandelwana (1)(a) ngusihlalo webhunga lezempilo lesithili.
- (3) Kwimeko yesithili esikumda onqumlezayo, ilungu ngalinye labaseMagunyeni oLawulo lwePhondo lisenokonyula ilungu elingummeli walo kwaye abantu abachazwe

kwicandelwana (1)(d) kufuneka batyunjwe ngamalungu afanelekileyo kwabase-Magunyeni oLawulo lwePhondo ngokubonisana.

Ixesha lokuba sezikhundleni kwamalungu

3. (1) Ilungu lebhunga lezempilo lesithili liya kusebenza ixesha elingayi kudlula kwiminyaka emithathu kwaye lisengaphinda lityunjwe. 5

(2) Ekupheleni kwexesha lokuba sesikhundleni kwelungu, ilungu liya kuhlala likweso sikhundla isithuba esingayi kudlula kwiinyang ezintandathu, kude konyulwe umntu oza kungena kweso sikhundla okanye libe ilungu elo liphinde lonyulwa.

Ukususwa esikhundleni

4. UMphathiswa wePhondo kufuneka alisuse ilungu kwisikhundla sebhunga lezempilo lesithili ukuba ilungu elo —

- (a) lifunyaniswe liseamatyaleni angahlawulekiyo yinkundla yomthetho yeRiphabliki;
- (b) inkundla yeRiphabliki ilifumanise linengxaki yengqondo;
- (c) lithe lafunyaniswa linetyala ngexesha lisesikhundleni lize ligwetyelwe intolongo linganikwanga sohlwayo, kwiRiphabliki okanye ngaphandle kwiRiphabliki ukuba oku kuziphatha kwenza ityala bekuya kuba lityala kwiRiphabliki; 15
- (d) alibangakho ngokuzithandela, kwiintlanganiso ezintathu ngokulandelelana, libe lingekho kwikhefu elimiselwe libhunga lezempilo lesithili, zebhunga lomasipala; 20
- (e) kwimeko apho ilungu ekubhekiselelwa kwicandelo 2(1)(a) okanye (c), liyayeka esikhundleni elalityunjelwe sona kwibhunga lezempilo lesithili, okanye liyakhutshwa libhunga lomasipala elichaphazelekayo kungene omnye umtyunjwa; okanye 25
- (f) aliwenzi ngendlela eyanelisayo umsebenzi walo.

Izithuba

5. (1) Isithuba esikwibhunga lezempilo lesithili sivela xa ilungu lithe—

- (a) lakwazisa ukurhoxa kwalo kuMphathiswa wePhondo ngembalelwano;
- (b) lasuswa esikhundleni ngokwecandelo 4; 30
- (c) kwimeko apho ilungu latyunjwa ngokwecandelo 2(1)(b), uMphathiswa wePhondo uya kurhoxisa ukutyunjwa kwelo lungu; okanye
- (d) lasweleka.

(2) Ukuba kuvuleka isithuba kwibhunga lezempilo lesithili ngenxa yokufa kwelungu, usihlalo uya kumazisa ngembalelwano uMphathiswa kwisithuba seentsuku ezisixhenxe ngoko ke. 35

(3) Isithuba esikwibhunga lezempilo lesithili kufuneka sizaliswe ngokutyunjwa okanye ngokuqeshwa komntu ngokuhambelana nommiselo ekubhekiselelwa kuwo licandelo 2(1) oya kuba sesikhundleni selungu elimkileyo ixesha elingayi kuphelelwa.

(4) Isigqibo esaye sathatyathwa kwibhunga lezempilo lesithili, asiyi kuyeka ukusebenza kuba ngelo xesha sasithatyathwa ngalo kwakukho isithuba kwibhunga lezempilo lesithili. 40

Imisebenzi namagunya amabhunga ezempilo ezithili

6. Ibhunga lezempilo lesithili—

- (a) lingabonisana okanye lamkele ingxelo evela kuye nawuphi na umntu, umbutho, iziko okanye igunya nakwezphi na izinto ezinxulumene neeNkonzo zeMpilo okanye ezeMpilo; 45
- (b) kufuneka liyenze ngokuhambelana nemithetho kwanemigaqo-nkqubo echaphazelekayo nesetyenziswayo yorhulumente wesizwe okanye owephondo kunye nebhunga likamasipala ochaphazelekayo; 50
- (c) kufuneka lithi rhoqho ngonyaka landlale ingxelo njengoko kuyalelweyo nguMphathiswa wePhondo; kwaye

- (d) liqinisekise ukuba kunatyiswa iingcombolo zolwazi ezifanelekileyo, ezaneleyo nezibanzi koomasipala beenqila ngeenkonzo zempilo kwesa sithili sezempilo.

Intlanganiso zamabhunga ezempilo ezithili

7. (1) Ibhunga lezempilo lesithili liyakwenza imithetho yeendlela eziya kuhamba ngazo iinkqubo zalo, kodwa loo mithetho kufuneka ihambelane nalo Mthetho kunye nomthetho, oyi-National Health Act. 5
- (2) Ibhunga lomasipala ekubhekiselelwa kulo kwicandelo 2(1)(a) kufuneka lityumbe ilungu lebhunga elo njengomntu oya kusebenza njengosihlalo xa ethe akabikho usihlalo entlanganisweni. 10
- (3) Kufuneka ibhunga lezempilo lesithili lihlalane kube kanye ngekota ubuncinane.
- (4) Umyinge wabantu abakhoyo entlanganisweni yebhunga lezempilo lesithili iba sisiqingatha samalungu esinelinye ilungu ngaphezulu ubuncinane.
- (5) Ibhunga lezempilo lesithili kufuneka lizame kangangoko ukufikelela kwizigqibo ngokwemvumelwano, kodwa apho sithe isigqibo asathathwa ngokwemvumelwano, iya kuba sisigqibo sesininzi samalungu ebhunga lezempilo lesithili akhoyo entlanganisweni siya kuba sesona sigqibo sebhunga lezempilo lesithili. 15
- (6) Xa zithe zalingana iivoti, umntu okhokele intlanganiso usengavota naye ukongeza kwelo cala afuna ukulivotela.
- (7) Ibhunga lezempilo lesithili liya kumema nawuphi na umntu ukuba aye entlanganisweni yebhunga lezempilo asebenze njengomntu onika iingcebiso. 20
- (8) UMphathiswa okanye lowo amtyumbileyo kufuneka abize intlanganiso yokuqala yebhunga lezempilo lesithili kwisithuba seentsuku ezingama 90 uqalile usebenza lo Mthetho.
- (9) USihlalo wezempilo wesithili kufuneka— 25
- (a) abize ezinye iintlanganiso zebhunga lezempilo lesithili; kwaye
- (b) enze ingxelo kwiBhunga lezempilo lePhondo xa kukho imfuneko yoko eyalelwe nguMphathiswa wePhondo.
- (10) Ilungu, ngaphandle— 30
- (a) kwelungu elikhankanywe kwicandelo 2(1)(a) okanye (c); kwane
- (b) lungu eliqashwe liqumrhu likarhulumente,
- linelungelo lokufumana imbuyekiso efanelekileyo ngokomyinge onikwa abantu abaqeshwe ngokoMthetho weeNkonzo zoLuntu ka 1994 (Isaziso 104 sika 1994), ngokwesibonelelo esifanelekileyo neendleko zohambo ezenzeka ngokuzimasa intlanganiso yebhunga lezempilo lesithili. 35

UMphathi wezempilo wesithili

8. (1) UMphathiswa wePhondo uya kuqesha umphathi wezempilo kwizithili oya kusebenza kuzo zonke izithili ngokomthetho oyi-Public Service Act, 1994.
- (2) Umphathi wezempilo wesithili— 40
- (a) uya kuthi ngokuvumelana nosihlalo, enze i-ajenda yentlanganiso yebhunga lezempilo lesithili;
- (b) uya kugcina irekhodi echanekileyo yobukho bamalungu entlanganisweni, amanqaku entlanganiso kunye nezisombululo ekuvunyelenwe ngazo, kuzo zonke iintlanganiso zebhunga lezempilo lesithili;
- (c) uya kuqinisekisa ukuba ikopi yerekhodi ekubhekiselelwa kuyo kumhlathi (b) ityikityiwe ngusihlalo aze ayithumele kuMphathiswa wePhondo emva kwentlanganiso nganye; kwaye 45
- (d) uyakwenza eminye imisebenzi ayabelweyo nguMphathiswa wePhondo, yiNtloko yeSebe okanye libhunga lezempilo lesithili.

Inkxaso ngokubanzi

9. ISebe kufuneka lize nenkxaso enobungcali necwangcisekileyo kwibhunga lezempilo lesithili. 50

Izicwangciso sezempilo sezithili

10. (1) Umphathi wesithili sezempilo uya kuqulunqa isicwangciso sezempilo sesithili, ngokuhambelana necandelo 33 lomthetho oyi-National Health Act emva kokuba ebonisene nebhunga lezempilo lesithili, iNtloko yeSebe kunye nomasipala ochaphazelekayo wesithili okanye owemetropolitan. 5

(2) Isicwangciso sezempilo sesithili—

(a) siya kumisela izinto ekujoliswe kuzo ngohlahlo lwabiwo-mali nangomsebenzi weenkondo zempilo kwisithili sezempilo; kwaye

(b) kubandakanywe nesicwangciso sonxibelelwano esimalunga nokunatyiswa kweengcombolo zolwazi nokunika ingxelo kwiindawo ezihlala abantu kwinqila, malunga nezinto nkonzo zempilo. 10

(3) Ibhunga lomasipala wesithili okanye umasipala wemetropolitan kufuneka aqinisekise ukuba umphathi wezempilo wesithili uxhotyiswa ngoncedo olufanelekileyo ukuze aqulunqe isicwangciso sezempilo sesithili kwiinkondo zempilo abonelela ngazo umasipala lowo. 15

(4) UMphathiswa wePhondo kufuneka athi emva kokubonisana nebhunga lezempilo lesithili, anike imvume yohlahlo lwabiwo-mali nezinto ekujoliswe kuzo ngomsebenzi ngokubhekiselele kwiinkondo ezenziwa liSebe.

(5) Ibhunga lomasipala wesithili okanye umasipala wemetropolitan kufuneka emva kokubonisana nebhunga lezempilo lesithili anike imvume kuhlahlo lwabiwo-mali nezinto ekujoliswe kuzo ngomsebenzi ngokubhekiselele kwiinkondo zempilo zikamasipala. 20

IiMbambano

11. Ukuba —

(a) uMphathiswa wePhondo kunye nebhunga lomasipala lesithili okanye umasipala wemetropolitan engenakufikelela kwisigqibo ngokwexesha elimiselweyo lohlahlo lwabiwo-mali okanye izinto ekujoliswe kuzo ngomsebenzi weenkondo zempilo apho uRhulumente wePhondo kunye nomasipala kufuneka ukuba babenegalelo; okanye 25

(b) kophulwe isigqibo phakathi koMphathiswa wePhondo nebhunga lomasipala ngokuphathelele kuhlahlo lwabiwo-mali okanye izinto ekujoliswe kuzo ngomsebenzi, 30

makusetyenziswe iindlela zokusombulula imbambano ephakathi koorhulumente njengoko kuchaziwe kwiSahluko 4 somthetho i- Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005). 35

IMimiselo

12. UMphathiswa wePhondo uya kwenza imimiselo ephathelele kuwo nawuphi na umbandela

(a) osenokumiselwa okanye ekufuneka umiselwe ngokwalo Mthetho;

(b) nawuphi na umbandela awubona ufanelekile okanye ungabalulekanga kuphuhliso nasekwamkelweni kwezicwangciso zempilo zesithili; kwaye 40

(c) nawo nawuphi na umbandela awuthatha njengofanelekileyo nolungele ukuba ungayalela ukuze kuphunyezwe injongo yalo Mthetho.

Isihloko esifutshane nokuqala kokusebenza komthetho

13. Lo Mthetho ubizwa ngokuba nguMthetho waMabhunga ezeMpilo eZithili weNtshona Koloni, 2010, noya kuqalisa ukusebenza ngomhla oya kumiselwa yiNkulumbuso ngokuwubhengeza kwiGazethi yePhondo. 45

