



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

Provincial Gazette
Extraordinary

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Provinsiale Koerant

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kwiGazethi yePhondo

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INHOUD

IZIQUATHO

(*Copies are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

(*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)

Provincial Notice

Provinsiale Kennisgewing

ISaziso sePhondo

The following notice is published for comment:

Die volgende kennisgewing word vir kommentaar gepubliseer:

Esi saziso silandelayo sipapashelwa ukunika izimvo:

216 Draft Western Cape Independent Health Complaints Committee Regulations, 2014 2

216 Konsepregulasies op die Wes-Kaapse Onafhanklike Gesondheidsklagtekomitee, 2014 6

216 Imimiselo esaYilwayo yeKomiti eziMeyo yeZikhalazo yezeMpilo yeNtshona Koloni, 2014 10

Any person or organisation wishing to comment on the draft regulations is requested to lodge such comment in writing before or on 30 September 2014 by—

Enige persoon of organisasie wat kommentaar op die konsepregulasies wil lewer, word versoek om sodanige kommentaar voor of op 30 September 2014 skriftelik in te dien—

Nawuphi na umntu okanye umbutho onqwenela ukungenisa izimvo zakhe malunga nemimiselo uyacelwa ukuba azingenise ezo zimvo ngembalelwano ngaphambili okanye ngomhla wama-30 kweyoMsintsi ka-2014—

- (a) posting it to:
The Head of Department
Attention: Mr K. Vili
Western Cape Department of Health
PO Box 2603
Cape Town 8000;
- (b) emailing it to:
Kholekile.Vili@westerncape.gov.za; or
- (c) faxing it to:
Fax number: 021 483 3205.

- (a) deur dit te pos aan:
Die Departementshoof
Aandag: Mnr. K. Vili
Wes-Kaapse Departement van Gesondheid
Posbus 2603
Kaapstad 8000;
- (b) deur dit per e-pos te stuur na:
Kholekile.Vili@westerncape.gov.za; of
- (c) deur dit te faks na:
Faksnommer: 021 483 3205.

- (a) ngokuziposela ku-:
The Head of Department
Attention: Mr K. Vili
Western Cape Department of Health
PO Box 2603
Cape Town 8000;
- (b) ngokuzi-imeyilela ku-:
Kholekile.Vili@westerncape.gov.za; okanye
- (c) ngokuzifeksela ku-:
INombolo yeFeksi: 021 483 3205.

Inquiries can be directed to Mr K. Vili at 021 483 4001.

Navrae kan gerig word aan mnr. K. Vili by 021 483 4001.

Imibuzo ingathunyelwa kuMnu K. Vili ku-021 483 4001.

PROVINCIAL NOTICE

The following Provincial Notice is published for comment.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika izimvo.

ADV. B. GERBER,
UMLAWULI JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE**DEPARTMENT OF HEALTH**

P.N. 216/2014

22 August 2014

DRAFT WESTERN CAPE INDEPENDENT HEALTH COMPLAINTS COMMITTEE REGULATIONS, 2014

The Provincial Minister of Health in the Western Cape, under section 20 of the Western Cape Independent Health Complaints Committee Act, 2014 (Act 2 of 2014), intends to make the regulations set out in the Schedule.

SCHEDULE**Definitions**

1. In these regulations, any word or expression to which a meaning has been assigned in the Act retains that meaning and, unless the context indicates otherwise—

“**action plan**” means the plan compiled by the Committee in terms of regulation 2(2);

“**Head of Department**” means the head of the department responsible for health services in the Province;

“**manager**” means a person who is the head of a health-care establishment;

“**the Act**” means the Western Cape Independent Health Complaints Committee Act, 2014 (Act 2 of 2014).

Consideration of complaints

2. (1) The Committee must, within five days of receipt of a complaint referred to it in terms of section 10(a) of the Act, hold a planning meeting and assess the complaint in order to compile an action plan and to determine—

(a) whether it needs to meet with any of the parties involved in the complaint to obtain additional information that may assist in the consideration of the complaint;

(b) whether a visit to the relevant health-care establishment is required to verify information provided to the Committee or to obtain additional information that may assist in the consideration of the complaint;

(c) whether additional documents and information are required from the Department or the complainant that may assist in the consideration of the complaint; and

(d) whether the evaluation of the complaint requires expertise and knowledge that none of the members has in a particular subject field.

- (2) The action plan must—

(a) set out the manner in which the Committee intends to deal with the complaint; and

(b) include a reasonable period, which may not exceed 20 days from the date of the planning meeting, by which the implementation of the action plan must be finalised.

- (3) The Committee must, within five days of the finalisation of the implementation of the action plan, meet to evaluate the complaint.

- (4) When evaluating the complaint, the Committee must—

(a) assess all the relevant documents and information available;

(b) ensure that the information required by section 13(3) of the Act is contained in the report to be rendered to the Minister or the Head of Department, as the case may be; and

(c) decide on the recommendation to be made to the Minister or the Head of Department, as the case may be.

- (5) Subject to subregulations (7) and (8)(b), the Committee must, within five days of evaluating the complaint as contemplated in subregulation

- (4), compile and render its report to the Minister or the Head of Department, as the case may be, in accordance with section 13(3) of the Act.

(6) If the Committee decides during its meeting contemplated in subregulation (3) to request an extension of the period referred to in subregulation (5), it must do so in writing and immediately submit the request to the Minister or Head of Department, as the case may be, stating the reasons for the request and a proposed date for rendering the report.

(7) The Minister or Head of Department, as the case may be, may—

- (a) grant an extension of the period and accept the proposed date;
- (b) grant an extension of the period and propose a different date; or
- (c) refuse the request for an extension and immediately notify the Committee of his or her refusal.

(8) (a) If the Minister or Head of Department, as the case may be, refused

an extension of the period within which to render the report, the Committee must render the report in terms of subregulation (5).

(b) For purposes of this subregulation, the five-day period referred to in subregulation (5) commences on the date on which the Committee receives notification of the refusal.

Requesting meetings with parties to complaints

3. (1) If the Committee needs to meet with the complainant or any other person involved in the complaint other than the persons referred to in subregulation (2), the Committee must submit a written notice by hand, electronic mail or facsimile to the complainant or such other person, as the case may be, requesting a meeting.

(2) If the Committee needs to meet with an official of the Department or a member of staff of a health-care establishment, the Committee must submit a written notice by hand, electronic mail or facsimile to the Head of Department or the manager of the health-care establishment, as the case may be, requesting a meeting.

(3) The written notice referred to in subregulation (1) and (2) must contain the following:

- (a) a request to meet with the Committee;
- (b) the proposed date, time and place of the meeting;
- (c) the purpose of the meeting;
- (d) a request to provide the documents and information referred to in the notice, if applicable; and
- (e) if it is the complainant who is requested to meet with the Committee, a brief explanation of what is to be discussed at the meeting.

(4) If an official of the Department, or a member of staff of a health-care establishment, who was requested to meet with the Committee fails, refuses or neglects to attend the requested meeting, the Committee may—

- (a) in the case of an official of the Department, submit a notice to the Head of Department containing a copy of the notice contemplated in subregulation (2) and requesting him or her to ensure the attendance of that person at a new meeting on a new date and time specified by the Committee; or
- (b) in the case of a member of staff of a health-care establishment, submit a notice to the manager containing a copy of the notice contemplated in subregulation (2) and requesting him or her to ensure the attendance of that person on a new date and time specified by the Committee for the meeting.

- (5) If an official of the Department, or a member of staff of a health-care establishment, who was requested as contemplated in subregulation (3)(d) fails, refuses or neglects to provide documents and information at a meeting with the Committee, the Committee may—
- (a) in the case of an official of the Department, request the Head of Department to submit the requested documents and information on a date agreed on by the Head of Department and the Chairperson; or
 - (b) in the case of a member of staff of a health-care establishment, request the manager to submit the requested documents and information to the Committee.

Visits to health-care establishments

4. (1) If a visit to a health-care establishment is required, the Committee must submit a written notice by hand, electronic mail or facsimile to the manager at least seven days before the intended visit.
- (2) The written notice must set out the following:
- (a) the date, time and place of the intended visit;
 - (b) the purpose of the visit;
 - (c) who is requested to be available to meet with the members;
 - (d) the documents and information to be made available for inspection by the members; and
 - (e) the names of the members who will be conducting the visit.
- (3) The Committee may not remove any original documents from a health-care establishment without the consent of the manager.
- (4) The manager may authorise that the documents and information requested by the Committee be copied and given to the members either during their visit or on a date agreed on by the manager and the members.
- (5) If the manager fails, refuses or neglects to provide the documents and information requested by the Committee in terms of subregulation (2)(d), either during the visit or on the agreed date contemplated in subregulation (4), the Chairperson may request the Head of Department to obtain the documents and information.
- (6) If the manager fails, refuses or neglects to give the members referred to in subregulation (2)(e) access to the health-care establishment, the Chairperson may request the Head of Department to grant access to the health-care establishment on a date agreed on by the Head of Department and the Chairperson.

Requesting additional documents and information

5. (1) If the Committee determines that it requires additional documents and information that may assist it in the consideration of a complaint, the Committee must submit a written notice by hand, electronic mail or facsimile to the complainant, the manager or the relevant official from the Department, as the case may be, requesting the additional documents and information.
- (2) The written notice must contain the following:
- (a) the purpose of the request;
 - (b) the documents and information requested by the Committee; and
 - (c) the date by which the documents and information must be submitted to the Committee.
- (3) The complainant, manager or relevant official of the Department, as the case may be, must submit the requested documents and information to the Committee by hand, electronic mail or facsimile by the date stated in the notice.

(4) If the manager or relevant official of the Department fails, refuses or neglects to submit the requested documents and information as contemplated in subregulations (2)(b) and (c), the Head of Department must submit the documents and information to the Committee on a date agreed on by the Head of Department and the Chairperson.

Requests for advisory assistance

6. (1) If the evaluation of a complaint requires expertise and knowledge that none of the members has in a particular subject field, the Committee may, in terms of section 12(6) of the Act, request the approval of the Minister in writing to have a person with the requisite expertise and knowledge participate in a meeting of the Committee to advise the Committee.
- (2) The request must be submitted to the Minister by hand, electronic mail or facsimile and must include—
- (a) the reasons for which the advisory assistance is required; and
 - (b) the expertise and knowledge required to assist the Committee in its consideration of the complaint.
- (3) The Minister may—
- (a) in accordance with the accepted departmental procurement procedures, grant the request; or
 - (b) on providing reasonable grounds, refuse the request.

Short title

7. These regulations are called the Western Cape Independent Health Complaints Committee Regulations, 2014.
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PROVINSIALE KENNISGEWING
DEPARTEMENT VAN GESONDHEID

P.K. 216/2014

22 Augustus 2014

KONSEPREGULASIES OP DIE WES-KAAPSE ONAFHANKLIKE GESONDHEIDSKLAGTEKOMITEE, 2014

Die Provinsiale Minister van Gesondheid in die Wes-Kaap is van voorneme om kragtens artikel 20 van die Wes-Kaapse Wet op die Onafhanklike Gesondheidsklagtekomitee, 2014 (Wet 2 van 2014), die regulasies uiteengesit in die Bylae te maak.

BYLAE

Woordomskrywing

1. In hierdie regulasies behou enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is daardie betekenis en, tensy dit uit die samehang anders blyk, beteken—
- “**aksieplan**” die plan wat ingevolge regulasie 2(2) deur die Komitee opgestel word;
 - “**bestuurder**” ’n persoon wat die hoof van ’n gesondheidsorginstelling is;
 - “**Departementshoof**” die hoof van die departement verantwoordelik vir gesondheidsdienste in die Provinsie;
 - “**die Wet**” die Wes-Kaapse Wet op die Onafhanklike Gesondheidsklagtekomitee, 2014 (Wet 2 van 2014).

Oorweging van klagtes

2. (1) Die Komitee moet binne vyf dae vanaf ontvangs van ’n klagte ingevolge artikel 10(a) van die Wet na hom verwys ’n beplanningsvergadering hou en die klagte assesser ten einde ’n aksieplan op te stel en om vas te stel—
- (a) of die Komitee met enige van die partye betrokke by die klagte moet vergader om bykomende inligting te bekom wat met sy oorweging van die klagte kan help;
 - (b) of ’n besoek aan die tersaaklike gesondheidsorginstelling benodig word om inligting wat aan die Komitee verskaf is, te verifieer of om bykomende inligting te bekom wat met die oorweging van die klagte kan help;
 - (c) of bykomende dokumente en inligting van die Departement of die klaer benodig word wat met die oorweging van die klagte kan help; en
 - (d) of die evaluering van die klagte kundigheid en kennis vereis waaroor die lede nie beskik in ’n bepaalde vakgebied nie.
- (2) Die aksieplan moet—
- (a) die wyse uiteensit waarop die Komitee beoog om met die klagte te handel; en
 - (b) ’n redelike tydperk insluit, wat nie 20 dae vanaf die datum van die beplanningsvergadering mag oorskry nie, waarbinne die implementering van die aksieplan gefinaliseer moet wees.
- (3) Die Komitee moet binne vyf dae vanaf die finalisering van die implementering van die aksieplan vergader om die klagte te evalueer.
- (4) Wanneer die Komitee die klagte evalueer, moet die Komitee—
- (a) alle tersaaklike dokumente en inligting beskikbaar assesser;
 - (b) toesien dat die inligting vereis deur artikel 13(3) van die Wet in die verslag bevat word wat aan die Minister of die Departementshoof, na gelang van die geval, gelewer moet word; en
 - (c) besluit oor die aanbeveling wat aan die Minister of die Departementshoof gemaak moet word, na gelang van die geval.
- (5) Behoudens subregulasies (7) en (8)(b) moet die Komitee binne vyf dae vanaf die evaluasie van die klagte soos beoog in subregulasie (4) sy verslag saamstel en aan die Minister of die Departementshoof, na gelang van die geval, ooreenkomstig artikel 13(3) van die Wet lewer.

(6) Indien die Komitee gedurende sy vergadering beoog in subregulasie (3) besluit om 'n verlenging van die tydperk bedoel in subregulasie (5) te versoek, moet die Komitee dit skriftelik doen en die versoek onmiddellik indien by die Minister of Departementshoof, na gelang van die geval, met vermelding van die redes vir die versoek en 'n voorgestelde datum vir die lewering van die verslag.

(7) Die Minister of Departementshoof, na gelang van die geval, kan—

- (a) 'n verlenging van die tydperk toestaan en die voorgestelde datum aanvaar;
- (b) 'n verlenging van die tydperk toestaan en 'n ander datum voorstel; of
- (c) die versoek om 'n verlenging weier en die Komitee onmiddellik van sy of haar weiering in kennis stel.

(8) (a) Indien die Minister of Departementshoof, na gelang van die geval, 'n verlenging geweier het van die tydperk waarbinne die verslag gelewer moet word, moet die Komitee die verslag ingevolge subregulasie (5) lewer.

(b) Vir die doeleindes van hierdie subregulasie neem die vyfdagtydperk bedoel in subregulasie (5) 'n aanvang op die datum waarop die Komitee kennis van die weiering ontvang.

Versoeke om vergaderings met partye by klagtes

3. (1) Indien die Komitee 'n vergadering benodig met die klaer of enige ander persoon wat by die klagte betrokke is buiten die persone bedoel in subregulasie (2) moet die Komitee 'n skriftelike kennisgewing wat 'n vergadering versoek per hand, per elektroniese pos of per faks indien by die klaer of sodanige ander persoon, na gelang van die geval.

(2) Indien die Komitee 'n vergadering met 'n amptenaar van die Departement of 'n personeellid van 'n gesondheidsorginstelling benodig, moet die Komitee 'n skriftelike kennisgewing wat 'n vergadering versoek per hand, per elektroniese pos of per faks indien by die Departementshoof of die bestuurder van die gesondheidsorginstelling, na gelang van die geval.

(3) Die skriftelike kennisgewing bedoel in subregulasie (1) en (2) moet die volgende bevat:

- (a) 'n versoek om met die Komitee te vergader;
- (b) die voorgestelde datum, tyd en plek van die vergadering;
- (c) die doel van die vergadering;
- (d) 'n versoek om die dokumente en inligting wat na verwys word in die kennisgewing, indien van toepassing, te verskaf; en
- (e) indien dit die klaer is wat versoek word om met die Komitee te vergader, 'n bondige verduideliking van wat by die vergadering bespreek gaan word.

(4) Indien 'n amptenaar van die Departement, of 'n personeellid van 'n gesondheidsorginstelling, wat versoek is om met die Komitee te vergader versuim, weier of nalaat om die versoekte vergadering by te woon, kan die Komitee—

- (a) in die geval van 'n amptenaar van die Departement, 'n kennisgewing wat 'n afskrif bevat van die kennisgewing beoog in subregulasie (2) by die Departementshoof indien en hom of haar versoek om die bywoning te verseker van daardie persoon by 'n nuwe vergadering op 'n nuwe datum en tyd gespesifiseer deur die Komitee; of
- (b) in die geval van 'n personeellid van 'n gesondheidsorginstelling, 'n kennisgewing by die bestuurder indien wat 'n afskrif bevat van die kennisgewing beoog in subregulasie (2) en hom of haar versoek om die bywoning te verseker van daardie persoon op 'n nuwe datum en tyd gespesifiseer deur die Komitee.

(5) Indien 'n amptenaar van die Departement, of 'n personeellid van 'n gesondheidsorginstelling, wat versoek is soos beoog in subregulasie (3)(d) versuim, weier of nalaat om dokumente en inligting te verskaf by 'n vergadering met die Komitee, kan die Komitee—

- (a) in die geval van 'n amptenaar van die Departement, die Departementshoof versoek om die versoekte dokumente en inligting in te dien op 'n datum waaroor die Departementshoof en die Voorsitter ooreenkom; of
- (b) in die geval van 'n personeellid van 'n gesondheidsorginstelling, die bestuurder versoek om die versoekte dokumente en inligting by die Komitee in te dien.

Besoeke aan gesondheidsorginstellings

4. (1) Indien 'n besoek aan 'n gesondheidsorginstelling benodig word, moet die Komitee minstens sewe dae voor die voorgenome besoek 'n skriftelike kennisgewing per hand, per elektroniese pos of per faks by die bestuurder indien.
- (2) Die skriftelike kennisgewing moet die volgende uiteensit:
- (a) die datum, tyd en plek van die voorgenome besoek;
 - (b) die doel van die besoek;
 - (c) wie versoek word om beskikbaar te wees om met die lede te vergader;
 - (d) die dokumente en inligting wat beskikbaar gestel moet word vir die insae van die lede; en
 - (e) die name van die lede wat die besoek gaan aflê.
- (3) Die Komitee mag nie enige oorspronklike dokumente uit 'n gesondheidsorginstelling verwyder sonder die instemming van die bestuurder nie.
- (4) Die bestuurder kan magtig dat afskrifte gemaak word van die dokumente en inligting benodig deur die Komitee en aan die lede gegee word óf tydens hul besoek óf op 'n datum waaroor die bestuurder en die lede ooreenkom.
- (5) Indien die bestuurder óf tydens die besoek óf op die ooreengekome datum beoog in subregulasie (4) versuim, weier of nalaat om die dokumente en inligting te verskaf wat ingevolge subregulasie (2)(d) deur die Komitee versoek is, kan die Voorsitter die Departementshoof versoek om die dokumente en inligting te bekom.
- (6) Indien die bestuurder versuim, weier of nalaat om die lede bedoel in subregulasie (2)(e) toegang tot die gesondheidsorginstelling te gee, kan die Voorsitter die Departementshoof versoek om toegang tot die gesondheidsorginstelling te verleen op 'n datum waaroor die Departementshoof en die Voorsitter ooreenkom.

Versoeke om bykomende dokumente en inligting

5. (1) Indien die Komitee bepaal dat hy bykomende dokumente en inligting benodig wat die Komitee kan help met die oorweging van 'n klagte moet die Komitee 'n skriftelike kennisgewing wat die bykomende dokumente en inligting versoek per hand, per elektroniese pos of per faks indien by die klaer, die bestuurder of die betrokke amptenaar van die Departement, na gelang van die geval.
- (2) Die skriftelike kennisgewing moet die volgende uiteensit:
- (a) die doel van die versoek;
 - (b) die dokumente en inligting deur die Komitee versoek; en
 - (c) die datum waarop die dokumente en inligting by die Komitee ingedien moet word.
- (3) Die klaer, bestuurder of betrokke amptenaar van die Departement, na gelang van die geval, moet die versoekte dokumente en inligting per hand, per elektroniese pos of per faks indien by die Komitee teen die datum vermeld in die kennisgewing.
- (4) Indien die bestuurder of betrokke amptenaar van die Departement versuim, weier of nalaat om die versoekte dokumente en inligting in te dien soos beoog in subregulasies (2)(b) en (c), moet die Departementshoof die dokumente en inligting indien by die Komitee op 'n datum waaroor die Departementshoof en die Voorsitter ooreenkom.

Versoeke om raadgevende hulp

6. (1) Indien die evaluering van 'n klagte kundigheid en kennis vereis waaroor die lede nie beskik in 'n bepaalde vakgebied nie kan die Komitee ingevolge artikel 12(6) van die Wet die goedkeuring van die Minister skriftelik versoek om 'n persoon met die vereiste kundigheid en kennis aan die vergadering van die Komitee te laat deelneem om die Komitee van raad te voorsien.
- (2) Die versoek moet per hand, per elektroniese pos of per faks by die Minister ingedien word en moet die volgende insluit:
- (a) die redes waarom die raadgevende hulp benodig word; en
 - (b) die kundigheid en kennis wat benodig word om die Komitee te help.
- (3) Die Minister kan—
- (a) ooreenkomstig die aanvaarde departementele verkrygingsprosedures die versoek toestaan; of
 - (b) by die verskaffing van redelike gronde die versoek weier.

Kort titel

7. Hierdie regulasies heet die Wes-Kaapse Regulasies op die Onafhanklike Gesondheidsklagtekomitee, 2014.
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ISAZISO SEPHONDO**ISEBE LEZEMPILO**

I.S. 216/2014

22 kweyeThupa 2014

IMIMISELO ESAYILWAYO YEKOMITI EZIMELEYO YEZIKHALAZO YEZEMPILO YENTSHONA KOLONI, 2014

UMphathiswa wezeMpilo weNtshona Koloni, phantsi kwecandelo 20 loMthetho weKomiti eziMeleyo yeZikhalazo yezeMpilo weNtshona Koloni, 2014 (UMthetho 2 ka-2014), uceba ukwenza imimiselo echazwe kwiShedyuli.

ISHEDYULI**Inkcaza-magama**

1. Kule mimiselo, naliphi na igama okanye ibinzana-magama elinikwe intsingiselo kulo Mthetho luhlala linaloo ntsingiselo liyiniweyo, yaye, ngaphandle kwalapho indlela elisetyenziswe ngayo igama ilinika enye intsingiselo—
 - “**isicwangciso samanyathelo**” sithetha isicwangciso esenziwe yiKomiti ngokommiselo 2(2);
 - “**INtloko yeSebe**” ithetha intloko yesebe enoxanduva lweenkonzo zempilo kwiPhondo;
 - “**umphathi**” uthetha umntu oyintloko kwiziko lezempilo;
 - “**uMthetho**” uthetha uMthetho weKomiti eziMeleyo yeZikhalazo yezeMpilo weNtshona Koloni, 2014 (uMthetho 2 ka-2014).

Ukuqwalaselwa kwezikhalazo

2. (1) IKomiti kufuneka ithi, kwisithuba seentsuku ezintlanu yamkele isikhalazo ekubhekiselelwa kuso kwicandelo 10(a) loMthetho, ibe nentlanganiso yocwangciso lokuqwalasela isikhalazo ukuze yenze isicwangciso sokuthabatha amanyathelo nokukhangela ukuba—
 - (a) ingaba kuyafuneka na ukuba ihlangane namaqela abandakanyekayo kwisikhalazo ukuze kufumanekwe ezinye iinkcukacha ezingaluncedo xa kuqwalaselwa isikhalazo;
 - (b) ingaba kuyafuneka na ukuba kuhanjelwe iziko lezempilo elichaphazelekayo ukuqinisekisa ukuba zigqithiswe iinkcukacha kwiKomiti okanye kufuneka ezinye iinkcukacha ezingaluncedo xa kuqwalaselwa isikhalazo;
 - (c) ingaba amanye amaxwebhu nezinye iinkcukacha ezingaluncedo ziyafunwa na kwiSebe okanye kumntu ofake isikhalazo xa kuqwalaselwa isikhalazo; kwanokuba
 - (d) ingaba ukuphonononga kwesikhalazo kufuna ubungcali nolwazi kwinkalo angenalwazi ngayo amalungu lawo.
- (2) Isicwangciso samanyathelo kufuneka—
 - (a) sidandalazise indlela iKomiti eyakuhawulelana ngayo nesikhalazo eso; kwanokuba
 - (b) sikhankanye ixesha elifanelekileyo, elingenakugqitha kwiintsuku ezingama-20 ukusukela ngomhla wentlanganiso yocwangciso, nalapho kufuneka kugqitywe ngendlela esiya kusebenza ngayo isicwangciso samanyathelo.
- (3) IKomiti kufuneka ithi kwisithuba seentsuku ezintlanu zokugqitywa ngendlela esiya kusebenza ngayo isicwangciso samanyathelo, kuhlale intlanganiso yokuphonononga isikhalazo.
- (4) Xana iphonononga isikhalazo, iKomiti kufuneka—
 - (a) ihlole amaxwebhu achaphazelekayo neenkukacha ezifumanekileyo;
 - (b) iqinisekise ukuba iinkcukacha ezimiswe ngokwecandelo 13(3) loMthetho zikhankanyiwe kwingxelo eza kusetyenziswa nguMphathiswa okanye yiNtloko yeSebe ngokuxhomekeke kwimeko; kwanokuba
 - (c) igqibe ngezindululo eziya kwenziwa kuMphathiswa okanye kwiNtloko yeSebe, ngokuxhomekeke kwimeko.

- (5) Ngokuxhomekeke kwimimisela (7) no-(8)(b), iKomiti kufuneka ithi kwisithuba seentsuku ezintlanu zokuphonononga isikhalazo njengoko kuchaziwe kummisela (4), yenze kwaye inike ingxelo kuMphathiswa okanye kwiNtloko yeSebe, ngokuxhomekeke kwimeko leyo, oko ikwenza ngokwecandelo 13(3) loMthetho.
- (6) Ukuba iKomiti ithi ngexesha lentlanganiso echazwe kummisela (3) yagqiba ekubeni yenze isicelo sokwandiswa kwexesha ekubhekiselelwa kulo kummisela (5), kufuneka ibhale ize isingenise ngokukhawuleza isicelo kuMphathiswa okanye kwiNtloko yeSebe, ngokuxhomekeke kwimeko, inike izizathu zokwenza eso sicelo iphakamise nomhla wokungeniswa kwengxelo.
- (7) UMphathiswa okanye iNtloko yeSebe, ngokuxhomekeke kwimeko, iya—
- (a) kunika imvume yokwandisa ixesha yamkele umhla ophakanyisiweyo;
 - (b) kunika imvume yokwandisa ixesha iphakamise omnye umhla; okanye
 - (c) isikhabe isicelo sokwandiswa kwexesha ize iyazise ngokukhawuleza iKomiti ngokukhatywa kwaso.
- (8) (a) Ukuba uMphathiswa okanye iNtloko yeSebe, ngokuxhomekeke kwimeko, akavumi ukwandisa ixesha ebekufaneleke ukuba kungeniswa ingxelo, iKomiti kufuneka ingenise ingxelo ngokummisela (5).
- (b) Ngokweenjongo zalo mmisela, iintsuku ezintlanu ekubhekiselelwa kuzo kummisela (5) ziqala ngomhla iKomiti efumana ngayo isaziso sokukhatywa kwesicelo sayo.

Ukucelwa kweentlanganiso kwabo bachaphazelekayo kwizikhalazo

3. (1) Ukuba iKomiti ifuna ukudibana nomntu owenze isikhalazo okanye naye nawuphi na omnye umntu obandakanyekayo kwizikhalazo ngaphandle kwabantu ekubhekiselelwa kubo kummisela (2), iKomiti kufuneka ingenise ngesandla, ngemeyili isaziso esibhaliweyo kumntu ofake isikhalazo okanye komnye umntu okwanjalo, ngokuxhomekeke kwimeko, acele intlanganiso.
- (2) Ukuba iKomiti ifuna ukudibana negosa leSebe okanye ilungu labasebenzi beziko lezempilo, iKomiti kufuneka ingenise ngesandla, ngemeyili ethunyelwa ngobuxhakaxhaka okanye ngefeksi kwiNtloko yeSebe okanye kumphathi weziko lezempilo, ngokuxhomekeke kwimeko.
- (3) Isaziso esibhaliweyo ekubhekiselelwa kuso kummisela (1) no-(2) kufuneka kubekho oku kulandelayo:
- (a) isicelo sokudibana neKomiti;
 - (b) umhla ophakanyiswayo, ixesha nendawo yentlanganiso;
 - (c) injongo yentlanganiso;
 - (d) isicelo sokukhupha amaxwebhu neenkukacha ekubhekiselelwa kuzo kwisaziso, ukuba zikhona; kwaye
 - (e) ukuba ngumntu ofake isikhalazo ocelwa ukuba adibane neKomiti, kufuneka anike nesishwankathelo esichaza ngomba ekuza kuxoxwa ngawo entlanganisweni.
- (4) Ukuba igosa leSebe okanye ilungu labasebenzi beziko lezempilo elalichelwe ukuba lidibane neKomiti liyasilela, alivumi okanye alibonakalisi nkathalo ngokuya entlanganisweni eceliweyo, iKomiti iya kuthi—
- (a) xa igosa leSebe lithi langenisa kwiNtloko yeSebe isaziso esinesaziso esichaziweyo kummisela (2) lenze isicelo sokuba liqinisekise ukuba uya kubakho loo mntu uchaphazelekayo kwintlanganiso entsha ngomhla owamiselwa yiKomiti; okanye
 - (b) xa ilungu labasebenzi beziko lezempilo, lithi langenisa kumphathi isaziso esinesaziso esichaziweyo kummisela (2) lenze isicelo sokuba liqinisekise ukuba uya kubakho loo mntu uchaphazelekayo kwintlanganiso entsha ngomhla owamiselwa yiKomiti.

(5) Ukuba igosa leSebe okanye ilungu labasebenzi leziko lezempilo elacelwa njengoko kuchaziwe kummisselwana (3)(d) liyasilela, alivumi okanye alibonakalisi nkathalo ekungeniseni amaxwebu neenkukacha kwiKomiti, iKomiti iya kuthi—

- (a) xa igosa leSebe, lithe lenza isicelo kwiNtloko yeSebe ukuba lingenise amaxwebhu neenkukacha ngomhla ekuvunyelwe ngawo kwiNtloko yeSebe nakuSihlalo; okanye
- (b) xa ilungu labasebenzi beziko lezempilo lithe lenza isicelo kumphathi ukuba lingenise amaxwebhu neenkukacha kwiKomiti.

Ukuya kumaziko ezempilo

4. (1) Ukuba kufuneka kuhanjelwe kumaziko ezempilo, iKomiti kufuneka ingenise ngesandla, ngemeyili ethunyelwa ngobuxhakaxhaka nangefeksi isaziso esibhaliweyo, kumphathi kwisithuba seentsuku ezisixhenxe ubuncinane ngaphambi kokuba kuhanjelwe iziko elo.
- (2) Ukubhalwa kwesaziso kufuneka kubonakalise oku kulandelayo:
 - (a) umhla, ixesha neziko eliza kuhanjwelwa;
 - (b) injongo yokuhambela elo ziko;
 - (c) umntu ocelwe ukuba abekhona oza kudibana namalungu;
 - (d) amaxwebhu neenkukacha kufuneka zifumaneke ukuze zihlolwe ngamalungu; kunye
 - (e) namagama amalungu aya kuchophela olo hambelo.
- (3) IKomiti iya kuthatha nawaphi na amaxwebhu kwiziko lezempilo ngaphandle kwemvume yomphathi.
- (4) Umphathi uya kugunyazisa ukuba amaxwebhu neenkukacha ezicelwe yiKomiti zifothokotshwe zidluliswe kumalungu ngexesha lokuhanjelwa kweziko lezempilo okanye ngomhla ekuvunyelwene ngawo nomphathi kunye namalungu.
- (5) Ukuba uyasilela, akavumi okanye akabonakalisi nkathalo yokukhupha amaxwebhu neenkukacha ezicelwa yiKomiti ngokommisselwana (2)(d), nokuba kungexesha lokuhanjelwa kweziko lezempilo okanye ngomhla ekuvunyelwene ngawo njengoko kuchaziwe kummisselwana (4), uSihlalo wenze isicelo kwiNtloko yeSebe ukufumana amaxwebhu neenkukacha.
- (6) Ukuba umphathi uyasilela, akavumi okanye akabonakalisi nkathalo yokuba amalungu ekubhekiselelwa kuwo kummisselwana (2)(e) angene kwiziko lezempilo, uSihlalo angenza isicelo kwiNtloko yeSebe sokuba kufumaneke imvume yokungena kwiziko lezempilo ngomhla ekwavunyelwana ngawo yiNtloko yeSebe noSihlalo.

Ukufunwa kwamanye amaxwebhu nezinye iinkukacha

5. (1) Ukuba iKomiti ifumanisa ukuba kufuneka amanye amaxwebhu nezinye iinkukacha ezingaluncedo xa kuqwalaselwa isikhalazo, iKomiti kufuneka ingenise ngesandla, ngemeyili ethunyelwa ngobuxhakaxhaka okanye ngefeksi isaziso kumntu ofake izikhalazo, kumphathi okanye kwigosa elichaphazelekayo leSebe, ngokuxhomekeke kwimeko, icele amanye amaxwebhu nezinye iinkukacha.
- (2) Isaziso kufuneka sibe noku kulandelayo:
 - (a) injongo yesicelo;
 - (b) amaxwebhu neenkukacha ezicelwa yiKomiti; kunye
 - (c) nomhla ekufuneka loo maxwebhu nezo nkukacha zingeniswe ngawo kwiKomiti.
- (3) Umntu ofake isicelo, umphathi okanye igosa elichaphazelekayo leSebe, ngokuxhomekeke kwimeko, kufuneka angenise ngesandla, ngemeyili ethunyelwa ngobuxhakaxhaka okanye ngefeksi amaxwebhu neenkukacha ezicelwayo, ngomhla ochaziweyo kwisaziso.
- (4) Ukuba umphathi okanye igosa elichaphazelekayo leSebe liyasilela, alivumi okanye alibonakalisi nkathalo ekungeniseni amaxwebhu neenkukacha eziceliweyo njengoko kuchaziwe kwimimiselwana 2(b) no-(c), iNtloko yeSebe kufuneka ithumele amaxwebhu neenkukacha kwiKomiti ngomhla ekuvunyelwene ngayo yiNtloko yeSebe noSihlalo.

Izicelo zokunikwa iingcebiso

6. (1) Ukuba uphononongo lwesikhalazo lufuna ubungcali nolwazi kwinkalo apho kungekho namnye kumalungu onalo ololwazi ngayo amalungu, iKomiti iya kuthi ngokwecandelo 12(6) loMthetho, yenze isicelo semvume kuMphathiswa ngembalelwano, ukufumana umntu onolwazi nobuchule obufunekayo ekuthabatheni inxaxheba kwintlanganiso yeKomiti ukunika iingcebiso kwiKomiti.
- (2) Isicelo kufuneka sifakwe kuMphathiswa ngesandla, ngemeyili ethunyelwa ngobuxhakaxhaka okanye ngefeksi, kufuneka sichaze—
- (a) izizathu zokufuneka kweengcebiso; kwanokuba
 - (b) kufuneka ubungcali nolwazi ukunceda iKomiti.
- (3) UMphathiswa uya kuthi—
- (a) ngokuhambelana nemigaqo yeziniki-maxabiso entengo esebe, asamkele isicelo; okanye
 - (b) ngokunikezela ngamagunya angawo, asikhabe isicelo.

Isihloko esifutshane

7. Le mimiselo ibizwa ngokuba yiMimiselo yeKomiti eziMeleyo yeZikhalazo yezeMpilo yeNtshona Koloni, 2014.
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