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PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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(*Reprints 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 draft Bill is published for comment:

Die volgende Konsepwetsontwerp word vir kommenteer gepubliseer:

Esi saziso silandelayo sipapashelwa ukuba uluntu luvakalise izimvo zalo:

154 Draft Western Cape Health Facility Boards and Committees Bill, 2015 2

154 Wes-Kaapse Konsepwetsontwerp op Rade en Komitees vir Gesondheidsfasiliteite, 2015 22

154 uMthetho Oyilwayo weeBhodi neeKomiti zamaZiko eMpilo weNtshona Koloni, 2015 44

Any person or organisation wishing to comment on the draft Bill is requested to lodge such comments in writing before or on 15 June 2015, by—

Enige persoon of organisasie wat oor hierdie Konsepwetsontwerp kommentaar wil lewer, word versoek om die kommentaar skriftelik in te dien voor of op 15 Junie 2015, deur—

Nabani na okanye nawuphi na umbutho onqwenela ukuvakalisa izimvo ngalo mthetho uyilwayo kucelwa ukuba afake izimvo zakhe ezibhaliweyo ungadlulanga umhla we 15 kweyeSilimela ka-2015—

(a) by posting it to:
The Head of Department
Attention: Kholekile Vili
Western Cape Department of Health
PO Box 2603
Cape Town
8000;

(a) die kommentaar te pos aan:
Die Departementshoof
Aandag: Kholekile Vili
Wes-Kaapse Departement van Gesondheid
Posbus 2603
Kaapstad
8000;

(a) ngokuzithumela ngeposi ku:
The Head of Department
Attention: Kholekile Vili
Western Cape Department of Health
PO Box 2603
Cape Town
8000;

(b) by emailing it to:
Kholekile.Vili@westerncape.gov.za;

(b) die kommentaar te e-pos na:
Kholekile.Vili@westerncape.gov.za;

(b) ngokuzi-imeyile ku:
Kholekile.Vili@westerncape.gov.za;

(c) faxing the comments to:
Fax no. 021 483 3205
(Tel. no. 021 483 4001); or

(c) die kommentaar te faks na:
Faksnommer: 021 483 3205
(Tel. 021 483 4001); of

(c) ngokuzithumela ngefeksi:
Kule nombolo yefeksi: 021 483 3205
(INombolo yefoni 021 483 4001); okanye

(d) delivering the comments to:
Mr Kholekile Vili
Western Cape Department of Health
Room 1407 (14th Floor)
Tower Block
4 Dorp Street
Cape Town 8001.

(d) die kommentaar af te lewer aan:
Mnr. Kholekile Vili
Wes-Kaapse Departement van Gesondheid
Kamer 1407 (14de Vloer)
Toringblok
Dorpstraat 4
Kaapstad 8001.

(d) ngokuzizisa ngesandla ku:
Mnu Kholekile Vili
ISEbe lezeMpilo leNtshona Koloni
Room 1407 (14th Floor)
Tower Block
4 Dorp Street
Cape Town 8001.

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 sephondo silandelayo sipapashelwe ukugaya izimvo.

ADV. B. GERBER,
UMLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 154/2015

15 May 2015

WESTERN CAPE DEPARTMENT OF HEALTH**DRAFT WESTERN CAPE HEALTH FACILITY BOARDS AND COMMITTEES BILL, 2015**

To provide for the establishment, functions and procedures of hospital boards and primary health care facility committees; and to provide for matters incidental thereto.

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

Definitions

1. In this Act, unless the context indicates otherwise—

“**auditor**” means a person registered as an auditor in terms of the Auditing Profession Act, 2005 (Act 26 of 2005);

“**Board**” means a hospital Board established in terms of section 4;

“**central hospital**” means a hospital classified as a central hospital in terms of section 35 of the National Health Act by the national Minister responsible for health matters;

“**Committee**” means a primary health care facility Committee established in terms of section 4;

“**Department**” means the provincial department responsible for health matters in the Province;

“**District Health Council**” means a District Health Council as defined in section 1 of the Western Cape District Health Councils Act, 2010 (Act 5 of 2010);

“**existing central-hospital board**” means a board appointed under section 5 of the Western Cape Health Facility Boards Act for a central hospital;

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

“**health facility**” means a hospital or a primary health care facility;

“**health subdistrict**” means a health subdistrict as defined in section 1 of the Western Cape District Health Councils Act, 2010 (Act 5 of 2010);

“**hospital**” means a building, institution or place designated as a hospital by the Provincial Minister in terms of section 3;

“**member**” means a member of a Board or Committee, as the case may be;

“**National Health Act**” means the National Health Act, 2003 (Act 61 of 2003);

“**national Minister**” means the national Minister responsible for health matters;

“**prescribe**” means prescribe by regulation;

“**primary health care facility**” means a building, institution or place designated as a primary health care facility by the Provincial Minister in terms of section 3;

“**Province**” means the Province of the Western Cape;

“**Provincial Minister**” means the Provincial Minister responsible for health matters in the Province;

“**representative central-hospital board**” means a board appointed by the national Minister under section 41(4) of the National Health Act;

“**this Act**” includes the regulations;

“**regulation**” means a regulation made under this Act;

“Western Cape Health Facility Boards Act” means the Western Cape Health Facility Boards Act, 2001 (Act 7 of 2001).

Purpose of Act

2. These measures are enacted to ensure—
- (a) the establishment of representative and accountable health facility Boards and Committees as statutory bodies;
 - (b) responsiveness of the management of health facilities to the community and the needs of patients and their families;
 - (c) community support for, and involvement in, health facilities and their programmes;
 - (d) responsible use of resources at health facility level; and
 - (e) that health facility Boards and Committees are provided with a basic set of clearly defined functions, which may be incrementally expanded in the public interest as the capacity of a Board or Committee increases.

Designation of hospital or primary health care facility

3. (1) For the purposes of this Act, the Provincial Minister may designate as a hospital or primary health care facility any building, institution or place where persons receive treatment, diagnostic or therapeutic interventions or other health services.

(2) The Provincial Minister may so designate as a hospital or primary health care facility a building, institution or place that is administered by a municipality only with the concurrence of—

- (a) the Provincial Minister responsible for local government; and
- (b) the municipality concerned.

Establishment of Boards and Committees

4. (1) The Provincial Minister must establish a Board for a hospital or a group of hospitals other than a central hospital or a group of central hospitals.

(2) Where a Board is established for a group of hospitals, the Provincial Minister must determine the group by having regard to—

- (a) the geographic distance between the hospitals;
- (b) the size and distribution of the population served by the hospitals; and
- (c) the service volumes of the hospitals.

(3) A Board is a juristic person and is capable of suing and being sued in its own name.

(4) The Provincial Minister must establish a Committee for—

- (a) a primary health care facility; or
- (b) a group of primary health care facilities, determined by the Provincial Minister.

(5) The criteria and process for the clustering of primary health care facilities in the case of a Committee appointed for a group of primary health care facilities may be prescribed by the Provincial Minister.

(6) A Committee is not a juristic person and is not capable of suing or being sued in its own name.

(7) A Committee must be associated with a Board for the purposes of the receipt by the Board of funds or other moveable property raised by the Committee or donated to the relevant primary health care facility and the payment of such funds or provision of such moveable property to, or for the benefit of, the relevant primary health care facility.

Appointment of members of Board

5. (1) The Provincial Minister must appoint to a Board not less than four but not more than 14 members, including—

- (a) persons representing the community or communities served by the hospital for which the Board is established, nominated in terms of subsection (4);
- (b) at least one person with technical expertise in business, law, finance or accounting or some other area relevant to the functions of the Board;
- (c) the head of the hospital concerned or, in the case of a Board established for more than one hospital, at least one of the heads of those hospitals;
- (d) at least one person representing the clinical staff of the hospital for which the Board is established, nominated by the clinical staff of the hospital, but in the case of a Board established for more than one hospital it is not necessary for a person representing the clinical staff of every hospital concerned to be appointed;
- (e) at least one person representing the non-clinical staff of the hospital for which the Board is established, nominated by the non-clinical staff of the hospital, but in the case of a Board established for more than one hospital it is not necessary for a person representing the non-clinical staff of every hospital concerned to be appointed; and
- (f) in the case of a Board established for one or more hospitals where health professionals are trained, at least one person representing the academic interests of each hospital concerned, nominated by the Vice-Chancellor or Vice-Chancellors of the university or universities concerned.

(2) In addition to the members appointed in terms of subsection (1) the Provincial Minister may appoint to a Board—

- (a) a member of the Provincial Parliament, nominated by the parliamentary committee concerned;
- (b) one or more elected local councillors of the municipal council for the municipal area in which the hospital is situated, nominated by the municipal council or a health-related committee of the municipal council; and
- (c) a representative of the Department.

(3) The members appointed in terms of subsection (1)(a) must constitute at least fifty per cent of the total number of members of the Board.

(4) The members referred to in subsection (1)(a) must be nominated by a body that in the opinion of the Provincial Minister is sufficiently representative of the interests of the community or communities concerned.

(5) A body referred to in subsection (4)—

- (a) may not be a political party;
- (b) may be, but need not be, a—
 - (i) community health committee or forum;
 - (ii) community development forum;
 - (iii) civic organisation;
 - (iv) welfare organisation;
 - (v) representative organisation of patients who use health services or health facilities;
 - (vi) community-based organisation;
 - (vii) non-governmental organisation; or
 - (viii) representative organisation of children, women, the elderly, persons with disabilities or refugees.

(6) The Provincial Minister may prescribe procedures for the invitation of nominations contemplated in subsections (1)(a) and (4).

(7) Where nominations are required in terms of this section, all nominations received within the prescribed period must be considered by the Provincial Minister before the relevant appointments are made.

(8) If the Provincial Minister receives no or insufficient nominations required in terms of this section, any suitably qualified person may be appointed a member from the relevant category specified in subsection (1) or (2).

Appointment of members of Committee

6. (1) The Provincial Minister must appoint to a Committee not less than three but not more than 12 members, including—

- (a) one or more members of the municipal council for the municipal area in which the primary health care facility is situated;
- (b) members of the community or communities served by the primary health care facility for which the Committee is established, nominated in terms of subsection (3); and
- (c) the head of the primary health care facility concerned or, in the case of a Committee appointed for more than one primary health care facility, the manager of the health subdistrict in which the primary health care facilities are situated.

(2) The members appointed in terms of subsection (1)(b) must constitute at least fifty per cent of the total number of members of the Committee.

(3) The members referred to in subsection (1)(b) must be nominated by a body that—

- (a) in the opinion of the Provincial Minister is sufficiently representative of the interests of the community or communities concerned;
- (b) may not be a political party, but may be, yet need not be, a body referred to in section 5(5)(b).

(4) The Provincial Minister must prescribe procedures for the invitation of nominations contemplated in subsections (1)(b) and (3).

(5) Where nominations are required in terms of section 1(b), all nominations received within the prescribed period must be considered by the Provincial Minister before the relevant appointments are made.

(6) If the Provincial Minister receives no or insufficient nominations required in terms of subsection (1)(b), any suitably qualified persons may be appointed as members from the category stipulated in the relevant paragraph of subsection (1) or (2).

Terms of office of members of Boards and Committees

7. (1) Members are appointed for a period of three years.

(2) On the expiry of the term of office of a member, that member may remain in office until a successor has been appointed, but not for longer than six months.

(3) Subject to subsection (4), a member is eligible for reappointment to a Board or Committee at the expiry of his or her term of office.

(4) A member, other than a member appointed in terms of section 5(1)(c) or 6(1)(c), may not serve on a Board or Committee for more than three consecutive terms.

(5) Despite subsection (4), a member who has served for three consecutive terms may be reappointed if in the opinion of the Provincial Minister exceptional circumstances exist for reappointment or, in the absence of exceptional circumstances, after an interval of not less than one year.

Vacancies

8. (1) The chairperson of a Board or Committee must immediately in writing declare an office on the Board or Committee vacant if a member—

- (a) dies;
- (b) submits his or her resignation from office in writing to the chairperson;
- (c) becomes insolvent;
- (d) is declared to be of unsound mind by a court of the Republic;
- (e) is convicted of any crime or offence for which that member is sentenced to imprisonment without the option of a fine, either in the Republic or outside the Republic if the conduct constituting the offence would be an offence in the Republic;
- (f) is absent without leave of the chairperson of the Board or Committee from three consecutive ordinary meetings of the Board or Committee;
- (g) is suspended or removed from office under section 23(12)(b);
- (h) ceases to hold any office by virtue of which that member was appointed to the Board or Committee; or
- (i) fails to disclose to the Board or Committee any direct or indirect personal financial interest in a matter before the Board or Committee, and that member is present during, or participates in, the discussion of, or voting on, that matter.

(2) If a member of a Board or Committee continuously disrupts meetings of the Board or Committee, or fails to perform his or her duties in good faith or honestly, the Provincial

Minister may initiate an investigation into the matter and, if sufficient grounds are found to exist, remove that member and declare his or her office vacant.

(3) Within seven days of declaring an office vacant in terms of subsection (1), the chairperson must in writing inform the Provincial Minister of the vacancy.

(4) On receipt of notice of a vacancy in terms of subsection (3), or on the removal of a member under subsection (2), the Provincial Minister must appoint another person to fill the vacancy for the unexpired period of office of the previous incumbent and, for the purposes of section 7(4), the unexpired period constitutes a term of office.

(5) For the purposes of an appointment contemplated in subsection (4) the Provincial Minister must apply the same criteria used for the appointment of the vacating member.

Duties of hospital Boards

9. A Board must—

- (a) advise the hospital management on the formulation of the policy and strategies of the hospital;
- (b) participate in strategic planning with a view to advising the hospital management;
- (c) monitor the performance, effectiveness and efficiency of the hospital and measures taken by the hospital management to improve the performance and quality of service of the hospital;
- (d) take measures to ensure that the needs, concerns and complaints of patients and the community are properly addressed by the hospital management;
- (e) foster community support for the hospital;
- (f) encourage volunteers to offer their services in performing general duties for the hospital in accordance with the Department's policy on volunteers;
- (g) raise funds for the functioning of the Board; and
- (h) conduct regular inspection visits to the hospital and report on those visits to the head of the hospital and, where necessary, to the Head of Department, but the visits must be conducted at reasonable times and must not unduly impede the proper performance of work at the hospital.

Powers of hospital Boards

10. A Board may—

- (a) advise and make recommendations to the Provincial Minister, the hospital management, the Head of Department or the municipality concerned, as the case may be, on any matter relating to the performance of the Board's functions;
- (b) advise and make recommendations to the Provincial Minister or the municipality concerned, as the case may be, on the naming or renaming of the hospital or part thereof, including a ward or theatre;
- (c) obtain any information it requires from the hospital management, provided that the information does not violate the rights of a patient or staff member to privacy and confidentiality;

- (d) request from the hospital management copies of routine progress reports that have been generated;
- (e) request and review at least once a year the financial statements and annual financial statements of the hospital;
- (f) conduct surveys, meetings and consultative workshops in the community or communities concerned;
- (g) disseminate information to the community or communities concerned on the mission, vision, values, services, performance, standards, policies, strategies, needs and financial status of the hospital;
- (h) appoint staff on a contractual basis to serve the purposes of the Board;
- (i) donate funds or other moveable property for the provision, improvement or expansion of services and amenities, or donate funds for the acquisition of movable or immovable assets, for the benefit of the hospital, provided that the approval of the Head of Department is obtained, in addition to any other approvals required by law;
- (j) raise and administer trust funds or Board funds for the purposes referred to in paragraph (h) or (i), or to give effect to any other provision of this Act; and
- (k) donate funds or other moveable property for the provision, improvement or expansion of services and amenities, or donate funds for the acquisition of movable or immovable assets, for the benefit of a primary health care facility out of funds or other moveable property—
 - (i) raised by the relevant Committee; or
 - (ii) donated to the relevant health care facility,provided that the approval of the Head of Department is obtained in addition to any other approvals required by law.

Duties of primary health care facility Committees

11. A Committee must—

- (a) assist the management of the primary health care facility to identify the priorities of the community and possible strategies to address these priorities;
- (b) request feedback on measures taken by the management of the primary health care facility to improve the quality of service at the primary health care facility;
- (c) assist the community to effectively communicate its needs, concerns and complaints to the management of the primary health care facility so that the needs, concerns and complaints can be appropriately addressed;
- (d) foster community support for the primary health care facility;
- (e) at reasonable times and in co-operation with the primary health care facility management conduct scheduled visits to the primary health care facility, without impeding the functioning thereof, and provide constructive written feedback on such visits to the management of the primary health care facility;
- (f) encourage volunteers to offer their services in performing general duties in respect of the primary health care facility in accordance with the Department's policy on volunteers; and

- (g) provide constructive feedback to the management of the primary health care facility in order to enhance service delivery.

Powers of primary health care facility Committees

- 12.** A Committee may in respect of a primary health care facility served by it—
- (a) conduct surveys, meetings and consultative workshops in the community or communities concerned;
 - (b) disseminate information to the community or communities concerned on the mission, vision, values, services, performance, standards, policies, strategies, needs and financial status of the primary health care facility;
 - (c) advise and make recommendations to the Provincial Minister, the management of the primary health care facility, the Head of Department or the municipality concerned, as the case may be, on any matter relating to the performance of the Committee's functions;
 - (d) obtain any information it requires from the management of the primary health care facility, provided that the information does not violate the rights of a patient or staff member to privacy and confidentiality;
 - (e) request from the management of the primary health care facility copies of routine progress reports that have been generated;
 - (f) conduct fund-raising activities for the benefit of the primary health care facility, provided that the funds raised must be paid to the Board associated with the Committee in terms of section 4(7).

Alteration of functions of Board or Committee

13. (1) Subject to subsection (4) and any other law, the Provincial Minister may, in consultation with a Board or Committee, authorise that Board or Committee to perform additional duties or exercise additional powers, if the Provincial Minister has reason to believe that—

- (a) the Board or Committee has the capacity to perform those duties or exercise those additional powers; and
- (b) it would be in the public interest for the Board or Committee to do so.

(2) The Provincial Minister may, after consultation with a Board or Committee, revoke the authority given to a Board or Committee in terms of subsection (1) to perform an additional duty or exercise an additional power, if the Provincial Minister has reason to believe that—

- (a) the Board or Committee no longer has the capacity to perform that additional duty or exercise that additional power; or
- (b) it would be in the public interest for the Provincial Minister to do so.

(3) The Provincial Minister may, after consultation with a Board or Committee—

- (a) exempt that Board or Committee from performing a duty imposed by section 9 or 11; or
- (b) revoke a power conferred on the Board or Committee by section 10 or 12.

(4) When exercising a power contemplated in subsection (1), (2) or (3), the Provincial Minister must act—

- (a) after consultation with the head or heads of the health facility or facilities concerned; and
- (b) in accordance with any procedures, as the Provincial Minister may prescribe, for the exercise of those powers.

Performance of duties and exercise of powers

14. (1) In performing its duties or exercising its powers, a Board or Committee must act in accordance with the relevant and applicable health laws and policy made by the national, provincial or local government.

(2) The Head of Department may request a Board or Committee to provide a quarterly report on its activities.

Measures for co-operation

15. (1) The Provincial Minister may take measures to ensure collaborative working relationships between Boards, Committees and District Health Councils.

(2) A Board or Committee must forge strong and co-operative relations with the management of a health facility it serves.

(3) The head of a health facility must—

- (a) take measures to assist the relevant Board or Committee to perform its duties or exercise its powers; and
- (b) forge strong and co-operative relations with the relevant Board or Committee.

(4) If irreconcilable differences arise between the management of a health facility and the Board or Committee concerned, the Board or Committee or the head of the health facility may request mediation or arbitration by the Head of Department.

(5) The chairperson of a Board or Committee must, at the end of each calendar year, submit a written report to the Provincial Minister on the activities of the Board or Committee during that year.

Chairperson and deputy chairperson

16. (1) A Board or Committee must, from among the members referred to in section 5(1)(a) or 6(1)(b), as the case may be, elect a chairperson and a deputy chairperson—

- (a) at its first meeting; and
- (b) subsequently, whenever either of those offices becomes vacant.

(2) An employee of the Department may not be elected as the chairperson of a Board.

(3) The chairperson and the deputy chairperson are elected for a period of one year.

(4) Within 14 days of the election of a chairperson or deputy chairperson in terms of subsection (1), the chairperson must notify the Head of Department in writing of the name and address of the office bearer concerned.

(5) When the chairperson is absent from a meeting of the Board or Committee or is not available, the deputy chairperson acts as chairperson.

(6) If both the chairperson and deputy chairperson are absent from a meeting of the Board or Committee, the members present must elect one of their number to act as chairperson for that meeting.

(7) The chairperson of a Board is the accounting officer for that Board and has the powers and duties as prescribed by the Provincial Minister.

General support

17. (1) The hospital for which a Board is established must provide a venue as well as secretarial, administrative and financial accounting support required by the Board.

(2) If a Board is established for more than one hospital, a venue and secretarial, administrative and financial accounting support required by the Board must be provided by one or more of the hospitals, as determined by—

(a) agreement between the heads of the hospitals concerned; or

(b) the Head of Department, in the absence of such agreement.

(3) Despite subsections (1) and (2), a Board may make alternative arrangements for the provision of a venue, as well as secretarial, administrative and financial accounting support from its funds in the manner prescribed by the Provincial Minister.

(4) The primary health care facility or facilities for which a Committee is established must provide a venue for the Committee and, in so far as is possible, secretarial, administrative and financial accounting support required by the Committee.

(5) If a Committee is established for more than one primary health care facility, a venue and, in so far as is possible, secretarial, administrative and financial accounting support required by the Committee must be provided by one or more of the primary health care facilities, as determined by—

(a) agreement between the heads of the primary health care facilities concerned; or

(b) the Head of Department, in the absence of such agreement.

(6) The Department must provide for the induction of members newly appointed to a first term of office.

Scheduling of meetings

18. (1) The Head of Department must determine the time and place for the first meeting of a Board or Committee.

(2) A Board or Committee must determine the time and place of subsequent ordinary meetings, which must take place at least once every two months in the case of a Board, and once every three months in the case of a Committee.

(3) The chairperson may at any time call a special meeting, and must do so if requested in writing by at least two members of the Board or Committee and if he or she is satisfied that the request is reasonable.

(4) The chairperson must notify members of the time, place and reason for a special meeting contemplated in subsection (3) at least three working days in advance of the meeting, except where a shorter notice period is necessitated by the exceptional urgency of the circumstances.

Procedure at meetings

19. (1) The procedure at a meeting of a Board or Committee must, in so far as it has not been prescribed, be determined by the Board or Committee.

(2) A quorum of not less than one half of the members must be present at a meeting at any time.

(3) A decision of a Board or Committee should be by consensus, but in the absence of consensus the decision of a majority of the members present at the meeting is the decision of the Board or Committee.

(4) In the event of an equality of votes on any matter, the chairperson at the meeting has a casting vote in addition to a deliberative vote.

(5) A Board may request or permit any person to participate in a meeting of the Board in an advisory capacity.

(6) The chairperson must ensure that—

(a) a proper record is kept of attendance at, minutes of and resolutions adopted at every meeting; and

(b) a copy of a record referred to in paragraph (a), signed by the chairperson, is sent to the Head of Department if the Head of Department requests it.

Public attendance at meetings

20. (1) Subject to subsection (2), all meetings of a Board or Committee are open to members of the public.

(2) If a Board or Committee decides on reasonable grounds that members of the public should not be present at a meeting while a particular issue is being discussed, the chairperson must exclude the public from the meeting for the duration of that discussion.

(3) A Board or Committee may use any reasonable means to inform members of the public of Board or Committee meetings.

Executive committee

21. (1) A Board or Committee may appoint an executive committee composed of members of the Board or Committee, at least half of whom must be members appointed in terms of section 5(1)(a) in the case of a Board and section 6(1)(b) in the case of a Committee.

(2) Subject to the directions of a Board or Committee and subsections (3) and (4), an executive committee may perform all the duties and exercise all the powers of the Board or Committee between meetings of the Board or Committee.

(3) An executive committee does not have the power to review or alter a decision of the Board or Committee, except in so far as the Board or Committee directs otherwise.

(4) Any action taken or decision made by an executive committee may at the first meeting of the Board or Committee following that action or decision be reviewed and altered by the Board or Committee without prejudice to any person.

Specialist committees

22. (1) A Board or Committee may appoint specialist committees consisting of members of the Board or Committee to perform certain duties or exercise certain powers on behalf of the Board or Committee.

(2) Where executive power is delegated to a specialist committee, the mandate, terms of reference, procedure and quorums of the specialist committee must be agreed to and recorded by the Board or Committee.

(3) A specialist committee of a Board may co-opt a person or persons not serving on the Board to serve on the specialist committee in an advisory capacity.

(4) Any action taken or decision made by a specialist committee may, at the first meeting of the Board or Committee following that action or decision, be reviewed and altered by the Board or Committee without prejudice to any person.

Raising and utilisation of Board funds

23. (1) A Board may receive services, funds, stores or equipment for the purpose of performing its functions.

(2) A Board may utilise funds, stores or equipment belonging to it for the purpose of performing its functions.

(3) A Board may establish a trust for the benefit of a hospital served by it and may accept and administer a trust already established for the benefit of a hospital served by it.

(4) A Board must keep records of all funds received and spent by it and of its assets, liabilities and transactions.

(5) A Board must annually, within six months of the end of its financial year, submit to the Head of Department its financial statements for that year, compiled according to the reporting framework determined by the Provincial Minister in consultation with the Provincial Minister responsible for finance.

(6) An auditor appointed by the Board must, subject to subsection (7), audit the records and annual financial statements of the Board and must submit an audit report to the Head of Department and the Board concerned within two months of receipt of the statements referred to in subsection (5).

(7) The Provincial Minister may, after consultation with the Head of Department, determine that a Board is exempted from being audited.

(8) The Provincial Minister must consider the following when making a determination in terms of subsection (7):

- (a) whether the total asset value, including investments of the Board, exceeded R5 000 000 in the previous financial year;
- (b) the financial statements of the Board in the previous financial year; and

(c) whether the Board complied with its duties in terms of this Act in the previous financial year.

(9) Where the Provincial Minister has exempted a Board in terms of subsection (7), the Board must nevertheless submit to the Head of Department financial statements compiled according to the reporting framework determined by the Provincial Minister in consultation with the Provincial Minister responsible for finance.

(10) The Provincial Minister may require a Board that has been exempted in terms of subsection (7) to be audited as set out in subsection (6).

(11) The financial year of a Board is a year ending on 31 March.

(12) If a Board fails to comply with subsection (5) or (9), or in the event of any financial mismanagement by a Board, the Provincial Minister may take reasonable remedial steps that he or she considers necessary, including—

- (a) the appointment of an administrator to administer the financial affairs or operational functions of the Board;
- (b) the suspension or removal of Board members from office; and
- (c) the alteration of the duties and powers of the Board, despite section 13.

(13) Before the Provincial Minister takes any remedial steps contemplated in subsection (12), the Head of Department must issue to the Board a compliance notice and copies thereof to its members setting out—

- (a) a description of the transgression constituting the non-compliance;
- (b) the steps that the Board is required to take and the period within which those steps must be taken to remedy the transgression; and
- (c) a notification to the Board that if it fails to take any steps referred to in paragraph (b) the Head of Department must refer the non-compliance to the Provincial Minister to take remedial steps in terms of subsection (12).

(14) If a Board complies with all the steps referred to in subsection (13)(b) within the period specified in the compliance notice, the Head of Department must notify the Board in writing of its compliance with the terms of the compliance notice.

(15) If a Board fails to comply with any or all of the steps referred to in subsection (13)(b) within the period specified in the compliance notice—

- (a) the Head of Department must, on expiry of the period specified in the compliance notice, notify the Provincial Minister in writing of the non-compliance or partial compliance by the Board; and
- (b) the Provincial Minister must within 30 days of receipt of a notification of non-compliance or partial compliance notify the Board in writing of its non-compliance or partial compliance with the terms of the compliance notice.

(16) The notice contemplated in subsection (15)(b) must state—

- (a) the proposed remedial steps to be taken in terms of subsection (12); and
- (b) that the Board is entitled to make written representations to the Provincial Minister within 14 days of receipt of the notice regarding the proposed remedial steps.

(17) On expiry of the 14 days contemplated in subsection (16)(b), whether the Provincial Minister has or has not received any written representations from the Board, the Provincial Minister may, after due consideration of all relevant facts, including the partial compliance of

the Board with the terms of the compliance notice and any written representations by the Board, take the proposed remedial steps.

(18) If an administrator is appointed in terms of subsection (12)(a), he or she must—

- (a) within six months of his or her appointment, furnish the Head of Department with a report on the financial affairs of the Board and any suspected breach of a statutory provision or unlawful act committed by the Board concerned;
- (b) thereafter, in consultation with the Head of Department, prepare a recovery plan for the Board concerned; and
- (c) upon completion of the implementation of the recovery plan, or failure to implement the recovery plan—
 - (i) if necessary, recommend to the Provincial Minister and Head of Department an extension of the recovery plan for a period not exceeding six months; or
 - (ii) furnish the Provincial Minister and Head of Department a final report on the financial affairs of the Board and any suspected breach of a statutory provision or unlawful act committed by the Board concerned.

(19) The Provincial Minister may, after consultation with the Head of Department and on receipt of the final report contemplated in subsection (18)(c)(ii), determine that—

- (a) the Board is capable of administering its own financial affairs; or
- (b) the Board is capable of administering its own financial affairs with the assistance of an administrator appointed by the Provincial Minister on such further terms and conditions as determined by the Provincial Minister.

(20) Before the Provincial Minister makes a determination in terms of subsection (19)(b), he or she must notify the Board in writing of his or her intention to make such a determination.

(21) The notice contemplated in subsection (20) must state—

- (a) the determination that the Provincial Minister intends to make; and
- (b) that the Board is entitled to make written representations to the Provincial Minister within 14 days of receipt of the notice regarding the proposed determination.

(22) On expiry of the 14 days contemplated in subsection (21)(b), whether the Provincial Minister has or has not received any written representations from the Board, the Provincial Minister may, after due consideration of all relevant facts, including any representations by the Board, make the proposed determination.

Travelling and other allowances

24. (1) Subject to tariffs set by the Provincial Minister in consultation with the Provincial Minister responsible for finance, a Board may from its funds reimburse a member of the Board, an advisor in terms of section 19(5) or any person co-opted to serve on a specialist committee in terms of section 22(3) for—

- (a) transport expenses between that member's, advisor's or person's normal place of residence or business and the venue of a meeting of the Board or the specialist committee concerned; and

(b) travelling and subsistence expenses incurred as a result of attendance at conferences, seminars or training courses or other business of the Board, but in the case of conferences, seminars and training courses outside the Republic, the Provincial Minister's prior written approval must be obtained.

(2) Subject to tariffs set by the Provincial Minister in consultation with the Provincial Minister responsible for finance, a Board may out of its funds compensate an advisor in terms of section 19(5) or a person co-opted to serve on a specialist committee of the Board in terms of section 22(3), for time spent on Board business, but a Board may not compensate its members for time spent on Board business.

(3) Subject to tariffs set by the Provincial Minister in consultation with the Provincial Minister responsible for finance, the Department may out of its funds compensate members of a Committee for travelling expenses incurred as a result of attendance at meetings of the Committee.

(4) In the event that the Board has insufficient available funds, and subject to tariffs set by the Provincial Minister in consultation with the Provincial Minister responsible for finance, the Department may out of its funds compensate members of a Board for travelling expenses incurred as a result of attendance at meetings of the Board.

Dissolution of health facility

25. In the event of the closure of a health facility for which a Board or Committee is established, the Head of Department must, at least three months prior to the closure and after consultation with that Board or Committee, instruct the Board or Committee in writing regarding—

- (a) the intended dissolution of the health facility and the Board or Committee serving that health facility;
- (b) any intended alteration of its composition necessitated by the closure of that health facility in the case of a Board or Committee established for more than one health facility; and
- (c) the disposal of assets and liabilities that vest in the Board, in the case of the dissolution of a hospital.

Regulations

26. (1) Subject to subsection (3), the Provincial Minister may make regulations regarding—

- (a) procedures for the nomination of members for appointment to Boards and Committees;
- (b) procedures for the alteration of the functions of a Board or Committee;
- (c) the financial governance of Boards;
- (d) travelling and other allowances payable in terms of this Act;
- (e) the establishment of trusts;
- (f) the criteria and process for the clustering of primary health care facilities in the case of a Committee appointed for a group of primary health care facilities;

- (g) procedures for meetings of a Board or Committee; and
- (h) any other matter which may or must be prescribed under this Act, or which may be necessary or expedient to prescribe in order to achieve the objects of this Act.

(2) In the case of regulations that have financial implications for the State, the Provincial Minister must make the regulations with the concurrence of the Provincial Minister responsible for finance.

Delegation

27. (1) The Provincial Minister may delegate or assign any power or duty conferred or imposed on the Provincial Minister by or under this Act, except the power to make regulations, to the Head of Department, subject to any condition that the Provincial Minister may determine.

(2) The Head of Department may delegate or assign any power or duty conferred or imposed on the Head of Department by or under this Act to any officer employed by the Department, subject to any condition that the Head of Department may determine.

(3) A delegation or assignment in terms of subsection (1) or (2) does not prevent the exercise of the delegated power or the performance of the assigned duty by the Provincial Minister or the Head of Department, as the case may be.

Transitional provisions in respect of central hospitals

28. (1) Despite the repeal of the Western Cape Health Facility Boards Act by this Act, an existing central-hospital board continues to function in accordance with the provisions of that Act until the national Minister has appointed a representative central-hospital board.

(2) Notwithstanding section 7 of the Western Cape Health Facility Boards Act, when the term of office of a member of an existing central-hospital board lapses prior to the appointment by the national Minister of a representative central-hospital board for the relevant hospital, that member may remain in office until the appointment has been made by the national Minister.

(3) On the appointment of a representative central-hospital board by the national Minister, the Provincial Minister may after consultation with the existing central-hospital board, make a determination in writing regarding—

- (a) the vesting and transfer of the assets and liabilities of the existing central-hospital board, where applicable; and
- (b) any other matter that may be necessary to ensure the effective functioning of the representative central-hospital board.

(4) A determination referred to in subsection (3)(a) may provide that all certain named assets and liabilities of the existing central-hospital board concerned may be transferred to a trust referred to in section 23(3).

Repeals and savings

29. (1) The Western Cape Health Facility Boards Act is repealed.

(2) Subject to section 28, the juristic identity and the rights and obligations of a Board appointed in accordance with section 5 of the Western Cape Health Facilities Board Act are not affected by the repeal of that Act, and any person holding an office in accordance with that Act immediately before the commencement of this Act continues in office for the term of that person's appointment and is regarded as duly appointed in terms of this Act for the unexpired portion of his or her term of office.

(3) Any proclamation, regulation, notice, order, authority, permission or document issued, promulgated, given or granted and any other action taken under a law repealed by this section is, if not inconsistent with this Act, deemed to have been issued, promulgated, given, granted or taken under this Act.

Short title and date of commencement

30. This Act is called the Western Cape Health Facility Boards and Committees Act, 2015, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE DRAFT WESTERN CAPE HEALTH
FACILITY BOARDS AND COMMITTEES BILL, 2015**

1. BACKGROUND

- 1.1. Several sections of the National Health Act, 2003 (Act 61 of 2003) (the NHA), came into operation on 27 February 2012 in terms of Proclamation 11/2012, published in *Government Gazette* 35081. The relevant sections for the purposes of the Western Cape Health Facility Boards and Committees Bill, 2015 (the draft Bill) are sections 41 and 42, which govern boards to be appointed for hospitals and committees to be appointed for clinics and community health care centres respectively.
- 1.2. Section 41(1) of the NHA makes provision for the national Minister of Health (the national Minister) to determine, inter alia, the range of health services, the procedures and criteria for admission and referral, and the schedule of fees for central hospitals. Section 41(2) of the NHA makes provision for the relevant member of the Executive Council (the MEC) to perform these functions in respect of all other public health establishments classified as a hospital other than central hospitals.
- 1.3. In line with these provisions, section 41(4) provides that the national Minister must appoint a representative board for a central hospital or group of central hospitals and prescribe the functions of these boards. Section 41(6)(a) provides that the relevant MEC must appoint a representative board for all public health establishments classified as a hospital or for each group of such public health establishments and prescribe the functions and procedures for meetings of these boards. The public health establishments referred to in section 41(6)(a) do not include central hospitals. Section 42 provides that provincial legislation must at least provide for the establishment in the province in question of committees for clinics and community health care centres or groups thereof.
- 1.4. Currently, the boards of all hospitals in the Western Cape, including the Boards of central hospitals, are appointed by the Provincial Minister of Health (the Provincial Minister) under the Western Cape Health Facility Boards Act, 2001 (Act 7 of 2001) (the WCHFBA). No specific provision is made for the appointment of committees for clinics and community health care centres.
- 1.5. The draft Bill is necessary in order to comply with the abovementioned sections of the NHA. The draft Bill accordingly makes provision for the appointment of boards for hospitals in the Province, other than central hospitals, and of committees for clinics and community health care centres. Clinics and community health care centres are categorised in the draft Bill as “primary health care facilities”. Hospitals and primary health care facilities are referred to collectively in the draft Bill as “health facilities”.

2. OBJECTS OF BILL

- 2.1 The objects of the Draft Bill are to make provision for the appointment of boards for hospitals in the Province, other than central hospitals, and the appointment of committees for primary health care establishments, and to provide for the functioning of these boards and committees.
- 2.2 The provisions in the Bill aim to ensure—
- (a) the establishment of representative and accountable health facility boards and committees as statutory bodies;
 - (b) responsiveness of the management of health facilities to the community and the needs of patients and their families;
 - (c) community support for and involvement in, health facilities and their programmes;
 - (d) responsible use of resources at health facility level; and
 - (e) that health facility boards and committees are provided with a basic set of clearly defined functions and powers, which may be incrementally expanded in the public interest as the capacity of a board or committee increases.

3. CONTENTS OF THE BILL

Clause 1 provides for certain definitions.

Clause 2 sets out the objects of the Bill.

Clause 3 provides for the designation of health facilities by the Provincial Minister.

Clause 4 provides for the Provincial Minister to establish Boards and committees.

Clause 5 provides for the appointment of board members.

Clause 6 provides for the appointment of committee members.

Clause 7 provides for the term of office of board and committee members.

Clause 8 provides for the declaration and filling of vacancies on boards and committees.

Clause 9 sets out the duties of hospital boards.

Clause 10 sets out the powers of hospital boards.

Clause 11 sets out the duties of primary health care facility committees.

Clause 12 sets out the powers of primary health care facility committees.

Clause 13 provides for the alteration of the functions of boards and committees.

Clause 14 provides for the manner in which boards and committees must perform their duties and exercise their powers.

Clause 15 provides for measures for co-operation.

Clause 16 provides for the election of a chairperson and deputy chairperson of a board or committee.

Clause 17 provides for the secretarial, administrative and financial accounting support required by boards and committees and for the induction of members of boards and committees newly appointed to a first term of office.

Clause 18 provides for the scheduling of meetings of boards and committees.

Clause 19 provides for the procedure at meetings of boards and committees.
Clause 20 provides for the attendance of the public at meetings of boards and committees.
Clause 21 provides for the appointment of executive committees of boards and committees.
Clause 22 provides for the appointment of specialist committees of boards and committees.
Clause 23 provides for the raising and utilisation of funds by boards.
Clause 24 provides for travelling and other allowances in respect of board and committee members.
Clause 25 provides for the dissolution of a health facility.
Clause 26 provides for the making of regulations by the Provincial Minister.
Clause 27 provides for the delegation of powers and duties.
Clause 28 provides for transitional provisions in respect of central hospitals.
Clause 29 provides for the repeal of the Western Cape Health Facility Boards Act, 2001 (Act 7 of 2001) and contains savings provisions.
Clause 30 provides for the short title and date of commencement.

4. FINANCIAL IMPLICATIONS

By nature, facility boards and committee members are volunteers. The draft Bill provides that the Department may from its funds reimburse members of a committee for travelling expenses as a result of attendance at meetings of the committee. In addition, the draft Bill provides that where a hospital board has insufficient funds available, the Department may from its funds reimburse members of a board for travelling expenses incurred as a result of attendance at meetings of the board.

5. PERSONNEL IMPLICATIONS

The Department will be responsible for providing administrative support to the Boards and committees.

6. CONSULTATION

The Department of the Premier: Legal Services.

7. LEGISLATIVE COMPETENCE

The Provincial Minister is satisfied that all the provisions of the Draft Bill fall within the legislative competence of the Province.

PROVINSIALE KENNISGEWING

P.K. 154/2015

15 Mei 2015

WES-KAAPSE DEPARTEMENT VAN GESONDHEID

WES-KAAPSE KONSEPWETSONTWERP OP RADE EN KOMITEES VIR
GESONDHEIDSFASILITEITE, 2015

Om voorsiening te maak vir die instelling, werksaamhede en prosedures van rade vir hospitale en komitees vir primêregesondheidsorg-fasiliteite; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

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

Woordomskrywing

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—
 - “**bestaande sentrale hospitaal-raad**” ’n Raad wat kragtens artikel 5 van die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade vir ’n sentrale hospitaal aangestel is;
 - “**Departement**” die provinsiale departement verantwoordelik vir gesondheidsaangeleenthede in die Provinsie;
 - “**Departementshoof**” die hoof van die provinsiale departement verantwoordelik vir gesondheidsaangeleenthede in die Provinsie;
 - “**Distriksgesondheidsraad**” ’n Distriksgesondheidsraad soos omskryf in artikel 1 van die Wes-Kaapse Wet op Distriksgesondheidsrade, 2010 (Wet 5 van 2010);
 - “**gesondheidsfasiliteit**” ’n hospitaal of ’n primêregesondheidsorg-fasiliteit;
 - “**gesondheidssubdistrik**” ’n gesondheidssubdistrik soos omskryf in artikel 1 van die Wes-Kaapse Wet op Distriksgesondheidsrade, 2010;
 - “**hierdie Wet**” ook die regulasies;
 - “**hospitaal**” ’n gebou, inrigting of plek wat deur die Provinsiale Minister ingevolge artikel 3 as hospitaal aangewys is;
 - “**Komitee**” ’n Komitee vir ’n primêregesondheidsorg-fasiliteit wat ingevolge artikel 4 ingestel is;
 - “**lid**” ’n lid van ’n Raad of Komitee, na gelang van die geval;
 - “**nasionale Minister**” die nasionale Minister verantwoordelik vir gesondheidsaangeleenthede;
 - “**Nasionale Gesondheidswet**” die “National Health Act, 2003” (Wet 61 van 2003);
 - “**ouditeur**” ’n persoon geregistreer as ’n ouditeur ingevolge die “Auditing Professions Act, 2005” (Wet 26 van 2005);
 - “**primêregesondheidsorg-fasiliteit**” ’n gebou, inrigting of plek wat deur die Provinsiale Minister ingevolge artikel 3 as ’n primêregesondheidsorg-fasiliteit aangewys is;
 - “**Provinsiale Minister**” die Provinsiale Minister wat vir gesondheidsaangeleenthede in die provinsie verantwoordelik is;
 - “**Provinsie**” die Provinsie van die Wes-Kaap;
 - “**Raad**” ’n hospitaalraad wat ingevolge artikel 4 ingestel is;
 - “**regulasie**” ’n regulasie wat onder hierdie Wet gemaak is;

“sentrale hospitaal” ’n hospitaal wat ingevolge artikel 35 van die Nasionale Gesondheidswet as ’n sentrale hospitaal geklassifiseer is deur die nasionale Minister verantwoordelik vir gesondheidsaangeleenthede;

“verteenwoordigende sentralehospitaal-raad” ’n raad wat deur die nasionale Minister kragtens artikel 41(4) van die Nasionale Gesondheidswet aangestel is;

“voorskryf” voorskryf by regulasie;

“Wes-Kaapse Wet op Gesondheidsfasiliteitsrade” die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade, 2001 (Wet 7 van 2001).

Oogmerk van Wet

2. Hierdie maatreëls word bepaal om die volgende te verseker:

- (a) die instelling van verteenwoordigende en rekenskappligtige Rade en Komitees vir gesondheidsfasiliteite as statutêre liggame;
- (b) responsiwiteit van die bestuur van gesondheidsfasiliteite teenoor die gemeenskap en die behoeftes van pasiënte en hul gesinne;
- (c) gemeenskapsteun vir, en betrokkenheid by, gesondheidsfasiliteite en hul programme;
- (d) verantwoordelike gebruik van hulpbronne op gesondheidsfasiliteitsvlak; en
- (e) dat Rade en Komitees van gesondheidsfasiliteite voorsien word van ’n basiese stel duidelik omskrewe werksaamhede, wat toenemend uitgebrei kan word in die openbare belang namate die vermoë van ’n Raad of Komitee verhoog.

Aanwysing van hospitaal of primêregesondheidsorg-fasiliteit

3. (1) Vir die doeleindes van hierdie Wet, kan die Provinsiale Minister enige gebou, inrigting of plek waar persone behandeling, diagnostiese of terapeutiese ingrypings of ander gesondheidsdienste ontvang, aanwys as ’n hospitaal of primêregesondheidsorg-fasiliteit.

(2) Die Provinsiale Minister kan ’n gebou, inrigting of plek wat deur ’n munisipaliteit geadministreer word aldus aanwys as ’n hospitaal of primêregesondheidsorg-fasiliteit slegs met die instemming van—

- (a) die Provinsiale Minister verantwoordelik vir plaaslike regering; en
- (b) die betrokke munisipaliteit.

Instelling van Rade en Komitees

4. (1) Die Provinsiale Minister moet ’n Raad instel vir ’n hospitaal of ’n groep hospitale buiten ’n sentrale hospitaal of ’n groep sentrale hospitale.

(2) Waar ’n Raad vir ’n groep hospitale ingestel word, moet die Provinsiale Minister die groep bepaal deur die volgende in ag te neem:

- (a) die geografiese afstand tussen die hospitale;
- (b) die grootte en verspreiding van die bevolking wat deur die hospitale bedien word; en
- (c) die diensvolumes van die hospitale.

- (3) 'n Raad is 'n regs persoon en is in staat om in sy eie naam te dagvaar en gedagvaar te word.
- (4) Die Provinsiale Minister moet 'n Komitee instel vir—
- (a) 'n primêre gesondheidsorg-fasiliteit; of
 - (b) 'n groep primêre gesondheidsorg-fasiliteite, bepaal deur die Provinsiale Minister.
- (5) Die maatstawwe en proses vir die groepering van primêre gesondheidsorg-fasiliteite in die geval van 'n Komitee wat vir 'n groep primêre gesondheidsorg-fasiliteite aangestel is, kan deur die Provinsiale Minister voorgeskryf word.
- (6) 'n Komitee is nie 'n regs persoon nie en is nie in staat om in sy eie naam te dagvaar of gedagvaar te word nie.
- (7) 'n Komitee moet met 'n Raad verbind word sodat die Raad fondse of ander roerende eiendom kan ontvang wat deur die Komitee ingesamel word of wat aan die tersaaklike primêre gesondheidsorg-fasiliteit geskenk word en sodanige fondse kan betaal of sodanige roerende eiendom kan verskaf aan, of tot die voordeel van, die tersaaklike primêre gesondheidsorg-fasiliteit.

Aanstelling van lede van Raad

- 5.** (1) Die Provinsiale Minister moet minstens vier en hoogstens 14 lede in 'n Raad aanstel, met inbegrip van—
- (a) persone verteenwoordigend van die gemeenskap of gemeenskappe wat bedien word deur die hospitaal waarvoor die Raad ingestel is, benoem ingevolge subartikel (4);
 - (b) minstens een persoon met tegniese kundigheid oor die sakewêreld, die reg, finansies of rekeningkunde of 'n ander vakgebied wat van toepassing is op die werksaamhede van die Raad;
 - (c) die hoof van die betrokke hospitaal of, in die geval van 'n Raad wat vir meer as een hospitaal ingestel is, minstens een van die hoofde van daardie hospitale;
 - (d) minstens een persoon verteenwoordigend van die kliniese personeel van die hospitaal waarvoor die Raad ingestel is, benoem deur die kliniese personeel van die hospitaal, maar in die geval van 'n Raad wat vir meer as een hospitaal ingestel word, is dit nie nodig dat 'n persoon verteenwoordigend van die kliniese personeel van elke betrokke hospitaal aangestel word nie;
 - (e) minstens een persoon verteenwoordigend van die niekliniese personeel van die hospitaal waarvoor die Raad ingestel word, benoem deur die niekliniese personeel van die hospitaal, maar in die geval van 'n Raad wat vir meer as een hospitaal ingestel is, is dit nie nodig dat 'n persoon verteenwoordigend van die niekliniese personeel van elke betrokke hospitaal aangestel word nie; en
 - (f) in die geval van 'n Raad wat vir een of meer hospitale ingestel word waar gesondheidsberoepslui opgelei word, minstens een persoon verteenwoordigend van die akademiese belange van elke betrokke hospitaal, benoem deur die Visekanselier of Visekanseliers van die betrokke universiteit of universiteite.
- (2) Buiten die lede aangestel ingevolge subartikel (1) kan die Provinsiale Minister die volgende persone in 'n Raad aanstel:

- (a) 'n lid van die Provinsiale Parlement, benoem deur die betrokke parlementêre komitee;
- (b) een of meer verkose plaaslike raadslede van die munisipale raad vir die munisipale gebied waarin die hospitaal geleë is, benoem deur die munisipale raad of gesondheidsverwante komitee van die munisipale raad; en
- (c) 'n verteenwoordiger van die Departement.

(3) Die lede wat ingevolge subartikel (1)(a) aangestel word, moet minstens vyftig persent van die totale getal lede van die Raad uitmaak.

(4) Die lede bedoel in subartikel (1)(a) moet deur 'n liggaam benoem word wat na die mening van die Provinsiale Minister voldoende verteenwoordigend van die belange van die betrokke gemeenskap of gemeenskappe is.

(5) 'n Liggaam bedoel in subartikel (4)—

- (a) mag nie 'n politieke party wees nie;
- (b) kan die volgende wees, maar hoef dit nie te wees nie:
 - (i) 'n gemeenskapsgesondheidskomitee of -forum;
 - (ii) 'n gemeenskapsontwikkelingsforum;
 - (iii) 'n burgerlike organisasie;
 - (iv) 'n welsynsorganisasie;
 - (v) 'n organisasie verteenwoordigend van pasiënte wat gesondheidsdienste of gesondheidsfasiliteite gebruik;
 - (vi) 'n gemeenskapsgebaseerde organisasie;
 - (vii) 'n nieregeringsorganisasie; of
 - (viii) 'n organisasie verteenwoordigend van kinders, vroue, bejaardes, persone met gestremdhede of vlugteling.

(6) Die Provinsiale Minister kan prosedures voorskryf vir die uitnodiging van benoemings beoog in subartikels (1)(a) en (4).

(7) Waar benoemings ingevolge hierdie artikel vereis word, moet alle benoemings ontvang binne die voorgeskrewe tydperk deur die Provinsiale Minister oorweeg word voordat die tersaaklike aanstellings gemaak word.

(8) Indien die Provinsiale Minister geen of onvoldoende benoemings ontvang wat ingevolge hierdie artikel vereis word nie, kan enige toepaslik gekwalifiseerde persoon as 'n lid aangestel word uit die tersaaklike kategorie vermeld in subartikel (1) of (2).

Aanstelling van lede van Komitee

6. (1) Die Provinsiale Minister moet minstens drie en hoogstens 12 lede in 'n Komitee aanstel, met inbegrip van—

- (a) een of meer lede van die munisipale raad vir die munisipale gebied waarin die primêregesondheidsorg-fasiliteit geleë is;
- (b) lede van die gemeenskap of gemeenskappe wat bedien word deur die primêregesondheidsorg-fasiliteit waarvoor die Komitee ingestel is, benoem ingevolge subartikel (3); en
- (c) die hoof van die betrokke primêregesondheidsorg-fasiliteit of, in die geval van 'n Komitee wat vir meer as een primêregesondheidsorg-fasiliteit aangestel is,

die bestuurder van die gesondheidssubdistrik waarin die primêregesondheidsorg-fasiliteite geleë is.

(2) Die lede wat ingevolge subartikel (1)(b) aangestel is, moet minstens vyftig persent van die totale getal lede van die Komitee uitmaak.

(3) Die lede bedoel in subartikel (1)(b) moet deur 'n liggaam benoem word wat—

(a) na die mening van die Provinsiale Minister voldoende verteenwoordigend van die belange van die betrokke gemeenskap of gemeenskappe is;

(b) nie 'n politieke party mag wees nie, maar 'n liggaam bedoel in artikel 5(5)(b) kan wees, maar hoef nie te wees nie.

(4) Die Provinsiale Minister moet prosedures voorskryf vir die uitnodiging van benoemings beoog in subartikels (1)(b) en (3).

(5) Waar benoemings ingevolge subartikel (1)(b) vereis word, moet alle benoemings ontvang binne die voorgeskrewe tydperk deur die Provinsiale Minister oorweeg word voordat die tersaaklike aanstellings gemaak word.

(6) Indien die Provinsie Minister geen of onvoldoende benoemings ontvang wat ingevolge subartikel (1)(b) vereis word, kan enige toepaslik gekwalifiseerde persone aangestel word as lede uit die kategorie bepaal in die tersaaklike paragraaf van subartikel (1) of (2).

Ampstermyn van lede van Rade en Komitees

7. (1) Lede word vir 'n tydperk van drie jaar aangestel.

(2) By verstryking van die ampstermyn van 'n lid kan daardie lid in die amp bly totdat 'n opvolger aangestel is, maar nie vir langer as ses maande nie.

(3) Behoudens subartikel (4) is 'n lid by die verstryking van sy of haar ampstermyn benoembaar vir heraanstelling in 'n Raad of Komitee.

(4) 'n Lid, buiten 'n lid wat ingevolge artikel 5(1)(c) of 6(1)(c) aangestel is, kan nie vir langer as drie opeenvolgende termyne in 'n Raad of Komitee dien nie.

(5) Ondanks subartikel (4) kan 'n lid wat vir drie opeenvolgende termyne gedien het, heraanstelling word indien daar na die mening van die Provinsiale Minister buitengewone omstandighede vir heraanstelling bestaan of, in die afwesigheid van buitengewone omstandighede, na 'n tydsduur van nie minder nie as een jaar.

Vakatures

8. (1) Die voorsitter van 'n Raad of Komitee moet 'n amp in die Raad of Komitee onmiddellik op skrif vakant verklaar indien 'n lid—

(a) sterf;

(b) sy of haar bedanking uit die amp skriftelik aan die voorsitter voorlê;

(c) insolvent word;

(d) geestesongesteld verklaar is deur 'n hof van die Republiek;

(e) skuldig bevind word aan enige misdad of oortreding waarvoor daardie lid tot gevangenisstraf sonder die keuse van 'n boete gevonniss word, hetsy in die Republiek of buite die Republiek indien die optrede wat die oortreding uitmaak 'n oortreding in die Republiek sou wees;

- (f) sonder verlof van die voorsitter van die Raad of Komitee afwesig is van drie agtereenvolgende gewone vergaderings van die Raad of Komitee;
- (g) geskors of uit die amp verwyder is kragtens artikel 23(12)(b);
- (h) ophou om enige amp te beklee uit hoofde waarvan daardie lid in die Raad of Komitee aangestel is; of
- (i) versuim om aan die Raad of Komitee enige direkte of indirekte persoonlike finansiële belang in 'n aangeleentheid voor die Raad of Komitee bekend te maak, en daardie lid teenwoordig is gedurende, of deelneem aan, die bespreking van, of stemmery oor, daardie aangeleentheid.

(2) Indien 'n lid van 'n Raad of Komitee voortdurend vergaderings van die Raad of Komitee ontwrig, of versuim om sy of haar pligte te goeder trou of eerlik uit te voer, kan die Provinsiale Minister 'n ondersoek instel na die aangeleentheid en, indien daar voldoende gronde gevind word, daardie lid verwyder en sy of haar amp vakant verklaar.

(3) Binne sewe dae vandat die voorsitter 'n amp ingevolge subartikel (1) vakant verklaar het, moet hy of sy die Provinsiale Minister skriftelik van die vakature inlig.

(4) By ontvangs van kennisgewing van 'n vakature ingevolge subartikel (3), of by die verwydering van 'n lid kragtens subartikel (2) moet die Provinsiale Minister 'n ander persoon aanstel om die vakature te vul vir die onverstreke ampstermyn van die vorige ampsbekleër en, vir die doeleindes van artikel 7(4) maak die onverstreke termyn 'n ampstermyn uit.

(5) Vir die doeleindes van 'n aanstelling beoog in subartikel (4) moet die Provinsiale Minister dieselfde maatstawwe toepas wat vir die aanstelling van die uittredende lid gebruik is.

Pligte van hospitaalarde

9. 'n Raad moet—

- (a) die hospitaalbestuur adviseer oor die formulering van die beleid en strategieë van die hospitaal;
- (b) deelneem aan strategiese beplanning met die doel om die hospitaalbestuur te adviseer;
- (c) die prestasie, doeltreffendheid en doelmatigheid van die hospitaal en maatreëls wat deur die hospitaalbestuur getref word, moniteer om die prestasie en gehalte van diens van die hospitaal te verbeter;
- (d) maatreëls tref om toe te sien dat die behoeftes, belange en klagtes van pasiënte en die gemeenskap behoorlik deur die hospitaalbestuur aangepak word;
- (e) gemeenskapsteun vir die hospitaal bevorder;
- (f) vrywilligers aanmoedig om hul dienste aan te bied om algemene pligte vir die hospitaal uit te voer ooreenkomstig die Departement se beleid oor vrywilligers;
- (g) fondse vir die funksionering van die Raad insamel; en
- (h) gereelde inspeksiebesoeke aan die hospitaal uitvoer en verslag doen oor daardie besoeke aan die hoof van die hospitaal en, waar nodig, aan die Departementshoof, maar die besoeke moet op redelike tye uitgevoer word en mag nie die behoorlike werkverrigting by die hospitaal belemmer nie.

Bevoegdhede van hospitaalrade**10. 'n Raad kan—**

- (a) raad gee en aanbevelings maak aan die Provinsiale Minister, die hospitaalbestuur, die Departementshoof of die betrokke munisipaliteit, na gelang van die geval, oor enige aangeleentheid wat met die verrigting van die Raad se werksaamhede verband hou;
- (b) raad gee en aanbevelings maak aan die Provinsiale Minister of die betrokke munisipaliteit, na gelang van die geval, oor die benaming of herbenaming van die hospitaal of 'n deel daarvan, met inbegrip van 'n saal of teater;
- (c) enige inligting bekom wat hy van die hospitaalbestuur benodig, mits die inligting nie die regte van 'n pasiënt of personeellid tot privaatheid en vertroulikheid skend nie;
- (d) afskrifte van gegeneerde roetine-vorderingsverslae van die hospitaalbestuur versoek;
- (e) minstens een keer per jaar die finansiële state en jaarlikse finansiële state van die hospitaal versoek en hersien;
- (f) opnames, vergaderings en raadplegende werksinkels in die betrokke gemeenskap of gemeenskappe hou;
- (g) inligting aan die betrokke gemeenskap of gemeenskappe versprei oor die missie, visie, waardes, dienste, prestasie, standaarde, beleid, strategieë, behoeftes en finansiële status van die hospitaal;
- (h) personeel op kontrak aanstel om die doeleindes van die Raad te dien;
- (i) fondse of ander roerende eiendom skenk vir die verskaffing, verbetering of uitbreiding van dienste en geriewe, of fondse skenk vir die verkryging van roerende of onroerende bates, tot voordeel van die hospitaal, mits die goedkeuring van die Departementshoof verkry is, buiten enige ander goedkeurings wat regtens vereis word;
- (j) trustfondse of Raad-fondse insamel en administreer vir die doeleindes bedoel in paragraaf (h) of (i), of om uitvoering te gee aan enige ander bepaling van hierdie Wet; en
- (k) fondse of ander roerende eiendom skenk vir die voorsiening, verbetering of uitbreiding van dienste en geriewe, of fondse skenk vir die verkryging van roerende of onroerende bates, tot voordeel van 'n primêregesondheidsorg-fasiliteit vanuit fondse of ander roerende eiendom—
 - (i) wat deur die tersaaklike Komitee ingesamel is; of
 - (ii) aan die tersaaklike primêregesondheidsorg-fasiliteit geskenk is, mits die goedkeuring van die Departementshoof bekom word, buiten enige ander goedkeuring wat regtens vereis word.

Pligte van primêregesondheidsorg-fasiliteit-komitees**11. 'n Komitee moet—**

- (a) die bestuur van die primêregesondheidsorg-fasiliteit help om die prioriteite van die gemeenskap en moontlike strategieë te identifiseer om hierdie prioriteite aan te pak;
- (b) terugvoering versoek oor maatreëls wat deur die bestuur van die primêregesondheidsorg-fasiliteit geneem is om die gehalte van diens by die primêregesondheidsorg-fasiliteit te verbeter;
- (c) die gemeenskap help om sy behoeftes, belange en klagtes doeltreffend aan die bestuur van die primêregesondheidsorg-fasiliteite te kommunikeer sodat die behoeftes, belange en klagtes toepaslik aangepak kan word;
- (d) gemeenskapsteun vir die primêregesondheidsorg-fasiliteit bevorder;
- (e) op redelike tye en in samewerking met die bestuur van die primêregesondheidsorg-fasiliteit geskeduleerde besoeke aan die primêregesondheidsorg-fasiliteit aflê, sonder om die funksionering daarvan te belemmer, en konstruktiewe skriftelike terugvoering op sodanige besoeke aan die bestuur van die primêregesondheidsorg-fasiliteit verskaf;
- (f) vrywilligers aanmoedig om hul dienste aan te bied om algemene pligte uit te voer ten opsigte van die primêregesondheidsorg-fasiliteit ooreenkomstig die Departement se beleid oor vrywilligers; en
- (g) konstruktiewe terugvoering verskaf aan die bestuur van die primêregesondheidsorg-fasiliteit ten einde dienslewering te verbeter.

Bevoegdheid van komitees van primêregesondheidsorg-fasiliteite**12. 'n Komitee kan ten opsigte van 'n primêregesondheidsorg-fasiliteit wat deur hom bedien word—**

- (a) opnames, vergaderings en raadplegende werksinkels in die betrokke gemeenskap of gemeenskappe uitvoer;
- (b) inligting aan die betrokke gemeenskap of gemeenskappe versprei oor die missie, visie, waardes, dienste, prestasie, standaarde, beleid, strategieë, behoeftes en finansiële status van die primêregesondheidsorg-fasiliteit;
- (c) raad gee en aanbevelings maak aan die Provinsiale Minister, die bestuur van die primêregesondheidsorg-fasiliteit, die Departementshoof of die betrokke munisipaliteit, na gelang van die geval, oor enige aangeleentheid wat met die verrigting van die Komitee se werksaamhede verband hou;
- (d) enige inligting bekom wat hy van die bestuur van die primêregesondheidsorg-fasiliteit benodig, mits daardie inligting nie die regte van 'n pasiënt of personeel tot privaatheid en vertroulikheid skend nie;
- (e) afskrifte van gegenereerde roetine-vorderingsverslae van die bestuur van die primêregesondheidsorg-fasiliteit versoek;

- (f) fondsinsamelingsbedrywighede tot voordeel van die primêregesondheidsorg-fasiliteit hou, mits die fondse wat ingesamel is betaal moet word aan die Raad wat met die Komitee geassosieer word ingevolge artikel 4(7).

Verandering van werksaamhede van Raad of Komitee

13. (1) Behoudens subartikel (4) en enige ander wet, kan die Provinsiale Minister, in oorleg met 'n Raad of Komitee, daardie Raad of Komitee magtig om bykomende pligte uit te voer of bykomende bevoegdhede uit te oefen indien die Provinsiale Minister rede het om te glo dat—

- (a) die Raad of Komitee die vermoë het om daardie pligte uit te voer of daardie addisionele bevoegdhede uit te oefen; en
 (b) dit in die openbare belang sal wees vir die Raad of Komitee om dit te doen.

(2) Die Provinsiale Minister kan, na oorleg met 'n Raad of Komitee, die gesag wat ingevolge subartikel (1) aan 'n Raad of Komitee gegee is om 'n bykomende plig uit te voer of 'n bykomende bevoegdheid uit te oefen intrek indien die Provinsiale Minister rede het om te glo dat—

- (a) die Raad of Komitee nie meer die vermoë het om daardie bykomende plig uit te voer of daardie bykomende bevoegdheid uit te oefen nie; of
 (b) dit in die openbare belang is dat die Provinsiale Minister dit doen.

(3) Die Provinsiale Minister kan, na oorleg met 'n Raad of Komitee—

- (c) daardie Raad of Komitee vrystel van die uitvoering van 'n plig wat by artikel 9 of 11 opgelê is; of
 (d) 'n bevoegdheid wat by artikel 10 of 12 aan die Raad of Komitee verleen is, intrek.

(4) Wanneer die Provinsiale Minister 'n bevoegdheid beoog in subartikel (1), (2) of (3) uitoefen, moet die Provinsiale Minister handel—

- (a) na oorleg met die hoof of hoofde van die betrokke gesondheidsfasiliteit of -fasiliteite; en
 (b) ooreenkomstig enige prosedures, soos die Provinsiale Minister kan voorskryf, vir die uitoefening van daardie bevoegdhede.

Uitvoering van pligte en uitoefening van magte

14. (1) In die uitvoering van sy pligte of uitoefening van sy bevoegdhede moet 'n Raad of Komitee handel ooreenkomstig die tersaaklike en toepaslike gesondheidswette en -beleid wat deur die nasionale, provinsiale of plaaslike regering gemaak is.

(2) Die Departementshoof kan 'n Raad of Komitee versoek om 'n kwartaalverslag oor sy bedrywighede te verskaf.

Maatreëls vir samewerking

15. (1) Die Provinsiale Minister kan maatreëls tref om samewerkende werksverhoudinge tussen Rade, Komitees en Distriksgesondheidsrade te verseker.

- (2) 'n Raad of Komitee moet sterk en samewerkende verhoudinge smee met die bestuur van 'n gesondheidsfasiliteit wat hy dien.
- (3) Die hoof van 'n gesondheidsfasiliteit moet—
- (a) maatreëls tref om die betrokke Raad of Komitee te help om sy pligte uit te voer of sy magte uit te oefen; en
 - (b) sterk en samewerkende verhoudinge met die toepaslike Raad of Komitee smee.
- (4) Indien onversoenlike verskille tussen die bestuur van 'n gesondheidsfasiliteit en die betrokke Raad of Komitee ontstaan, kan die Raad of Komitee of die hoof van die gesondheidsfasiliteit bemiddeling of arbitrasie deur die Departementshoof versoek.
- (5) Die voorsitter van 'n Raad of Komitee moet aan die einde van elke kalenderjaar 'n skriftelike verslag by die Provinsiale Minister indien oor die aktiwiteite van die Raad of Komitee gedurende daardie jaar.

Voorsitter en ondervoorsitter

- 16.** (1) 'n Raad of Komitee moet, uit die lede bedoel in artikel 5(1)(a) of 6(1)(b), na gelang van die geval, 'n voorsitter en 'n ondervoorsitter verkies—
- (c) by sy eerste vergadering; en
 - (d) daarna, wanneer een van die twee ampte ook al vakant word.
- (2) 'n Werknemer van die Departement mag nie as die voorsitter van 'n Raad verkies word nie.
- (3) Die voorsitter en die ondervoorsitter word vir 'n tydperk van een jaar verkies.
- (4) Binne 14 dae vanaf die verkiesing van 'n voorsitter of ondervoorsitter ingevolge subartikel (1) moet die voorsitter die Departementshoof skriftelik in kennis stel van die naam en adres van die betrokke ampsbekleër.
- (5) Wanneer die voorsitter afwesig is van 'n vergadering van die Raad of Komitee of nie beskikbaar is nie neem die ondervoorsitter as voorsitter waar.
- (6) Indien beide die voorsitter en ondervoorsitter afwesig is van 'n vergadering van die Raad of Komitee moet die teenwoordige lede een uit hul midde verkies om as voorsitter van daardie vergadering op te tree.
- (7) Die voorsitter van 'n Raad is die rekenpligte beampte vir daardie Raad en het die bevoegdheid en pligte soos deur die Provinsiale Minister voorgeskryf.

Algemene steun

- 17.** (1) Die hospitaal waarvoor 'n Raad ingestel is, moet 'n vergaderplek asook die sekretariële, administratiewe en finansiële rekeningkundige steun verskaf wat die Raad benodig.
- (2) Indien 'n Raad vir meer as een hospitaal ingestel word, moet 'n vergaderplek en die sekretariële, administratiewe en finansiële rekeningkundige steun wat die Raad benodig deur een of meer van die hospitale verskaf word, soos bepaal deur—
- (a) 'n ooreenkoms tussen die hoofde van die betrokke hospitale; of
 - (b) die Departementshoof, in die afwesigheid van sodanige ooreenkoms.

(3) Ondanks subartikels (1) en (2) kan 'n Raad alternatiewe reëlings tref vir die verskaffing van 'n vergaderplek, asook sekretariële, administratiewe en finansiële rekeningkundige steun uit sy fondse op die wyse voorgeskryf deur die Provinsiale Minister.

(4) Die primêregesondheidsorg-fasiliteit of -fasiliteite waarvoor 'n Komitee ingestel is, moet 'n vergaderplek vir die Komitee verskaf en, vir so ver as moontlik, die sekretariële, administratiewe en finansiële rekeningkundige steun benodig wat die Komitee benodig.

(5) Indien 'n Komitee vir meer as een primêregesondheidsorg-fasiliteit ingestel word, moet 'n vergaderplek en, in so ver as moontlik, die sekretariële, administratiewe en finansiële rekeningkundige steun wat die Komitee benodig deur een of meer van die primêregesondheidsorg-fasiliteite verskaf word, soos bepaal deur—

(a) 'n ooreenkoms tussen die hoofde van die betrokke primêregesondheidsorg-fasiliteite; of

(b) die Departementshoof, in die afwesigheid van sodanige ooreenkoms.

(6) Die Departement moet voorsiening maak vir die inlywing van lede wat nuut aangestel is in 'n eerste ampstermyn.

Skedulering van vergaderings

18. (1) Die Departementshoof moet die tyd en plek vir die eerste vergadering van 'n Raad of Komitee bepaal.

(2) 'n Raad of Komitee moet die tyd en plek van daaropvolgende gewone vergaderings bepaal, wat in die geval van 'n Raad minstens een keer elke twee maande moet plaasvind, en een keer elke drie maande in die geval van 'n Komitee.

(3) Die voorsitter kan te eniger tyd 'n spesiale vergadering belê, en moet dit doen indien skriftelik versoek deur minstens twee lede van die Raad of Komitee en indien hy of sy tevrede is dat die versoek redelik is.

(4) Die voorsitter moet lede van die tyd, plek en rede vir 'n spesiale vergadering beoog in subartikel (3) minstens drie werksdae voor die vergadering in kennis stel, behalwe waar 'n korter kennisgewingstydperk genoodsaak word deur die uitsonderlike dringendheid van die omstandighede.

Prosedure by vergaderings

19. (1) Die prosedure by 'n vergadering van 'n Raad of Komitee moet, vir so ver dit nie voorgeskryf is nie, deur die Raad of Komitee bepaal word.

(2) 'n Kworum van minstens een helfte van die lede moet te eniger tyd by 'n vergadering teenwoordig wees.

(3) 'n Besluit van 'n Raad of Komitee behoort deur konsensus wees, maar in die afwesigheid van konsensus is die besluit van 'n meerderheid van die lede teenwoordig by die vergadering die besluit van die Raad of Komitee.

(4) In die geval van 'n staking van stemme oor enige aangeleentheid, het die voorsitter by die vergadering benewens 'n beraadslagende stem 'n beslissende stem.

(5) 'n Raad kan enige persoon versoek of toelaat om in 'n raadgevende hoedanigheid aan 'n vergadering van die Raad deel te neem.

- (6) Die voorsitter moet toesien dat—
- (a) 'n behoorlike rekord gehou word van bywoning van, notule van en besluite geneem by elke vergadering; en
 - (b) 'n afskrif van 'n rekord bedoel in paragraaf (a), onderteken deur die voorsitter, na die Departementshoof gestuur word indien die Departementshoof dit versoek.

Openbare bywoning by vergaderings

20. (1) Behoudens subartikel (2) is alle vergaderings van 'n Raad of Komitee oop vir lede van die publiek.

(2) Indien 'n Raad of Komitee op redelike gronde besluit dat lede van die publiek nie teenwoordig behoort te wees by 'n vergadering terwyl 'n bepaalde aangeleentheid bespreek word nie, moet die voorsitter die publiek van die vergadering uitsluit vir die duur van daardie bespreking.

(3) 'n Raad of Komitee kan enige redelike middele gebruik om lede van die publiek van Raads- of Komitee-vergaderings in kennis te stel.

Uitvoerende komitee

21. (1) 'n Raad of Komitee kan 'n uitvoerende komitee aanstel wat uit lede van die Raad of Komitee bestaan, waarvan minstens die helfte lede moet wees wat ingevolge artikel 5(1)(a) aangestel is in die geval van 'n Raad en ingevolge artikel 6(1)(b) in die geval van 'n Komitee.

(2) Behoudens die opdragte van 'n Raad of Komitee asook subartikels (3) en (4), kan 'n uitvoerende komitee tussen vergaderings van die Raad of Komitee al die pligte uitvoer en al die bevoegdhede uitoefen van die Raad of Komitee.

(3) 'n Uitvoerende komitee het nie die bevoegdheid om 'n besluit van die Raad of Komitee te hersien of te verander nie, behalwe vir so ver die Raad of Komitee anders opdrag gee.

(4) Enige handeling of besluit gemaak deur 'n uitvoerende komitee kan by die eerste vergadering van die Raad of Komitee wat volg op die handeling of besluit hersien en verander word deur die Raad of Komitee sonder benadeling van enige persoon.

Spesialiskomitees

22. (1) 'n Raad of Komitee kan spesialiskomitees aanstel wat uit lede van die Raad of Komitee bestaan om sekere pligte uit te voer of sekere bevoegdhede uit te oefen namens die Raad of Komitee.

(2) Waar 'n uitvoerende bevoegdheid aan 'n spesialiskomitee gedelegeer word, moet daar oor die mandaat, opdrag, prosedure en kworums van die spesialiskomitee ooreengekom word en moet dit deur die Raad of Komitee aangeteken word.

(3) 'n Spesialiskomitee van 'n Raad kan 'n persoon of persone wat nie in die Raad dien nie koöpteer om in 'n raadgewende hoedanigheid in die spesialiskomitee te dien.

(4) Enige handeling of besluit geneem deur 'n spesialiskomitee kan by die eerste vergadering van die Raad of Komitee na daardie handeling of besluit deur die Raad of Komitee hersien of verander word sonder benadeling van enige persoon.

Insameling en aanwending van fondse van Raad

23. (1) 'n Raad kan dienste, fondse, voorraad of toerusting ontvang vir die doeleindes van die verrigting van sy werksaamhede.

(2) 'n Raad kan fondse, voorraad of toerusting wat aan hom behoort, aanwend vir die doeleindes van die verrigting van sy werksaamhede.

(3) 'n Raad kan 'n trust instel tot voordeel van 'n hospitaal wat deur hom bedien word en kan 'n trust aanvaar en administreer wat reeds ingestel is tot voordeel van die hospitaal wat deur hom bedien word.

(4) 'n Raad moet rekords hou van alle fondse wat hy ontvang en spandeer het en van sy bates, laste en transaksies.

(5) 'n Raad moet jaarliks, binne ses maande voor die einde van sy finansiële jaar, sy finansiële state vir daardie jaar by die Departementshoof indien, saamgestel volgens die verslagdoeningsraamwerk bepaal deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies.

(6) 'n Ouditeur wat deur die Raad aangestel is, moet, behoudens subartikel (7), die rekords en jaarlikse finansiële state van die Raad oudit en binne twee maande vanaf ontvangs van die state bedoel in subartikel (5) 'n auditverslag aan die Departementshoof en die betrokke Raad stuur.

(7) Die Provinsiale Minister kan, na oorleg met die Departementshoof, bepaal dat 'n Raad daarvan vrygestel is om geouditeer word.

(8) Die Provinsiale Minister moet die volgende oorweeg wanneer 'n bepaling ingevolge subartikel (7) gemaak word:

- (a) of die totale bate-waarde, met inbegrip van beleggings van die Raad, R5 000 000 in die vorige finansiële jaar oorskry het;
- (b) die finansiële state van die Raad in die vorige finansiële jaar; en
- (c) of die Raad in die vorige finansiële jaar aan sy pligte ingevolge hierdie Wet voldoen het.

(9) Waar die Provinsiale Minister 'n Raad ingevolge subartikel (7) vrygestel het, moet die Raad nietemin finansiële state by die Departementshoof indien wat saamgestel is volgens die verslagdoeningsraamwerk bepaal deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies.

(10) Die Provinsiale Minister kan vereis dat 'n Raad wat ingevolge subartikel (7) vrygestel is, geouditeer word soos uiteengesit in subartikel (6).

(11) Die boekjaar van 'n Raad is 'n jaar wat op 31 Maart eindig.

(12) Indien 'n Raad versuim om aan subartikel (5) of (9) te voldoen, of in die geval van enige finansiële wanbestuur deur 'n Raad, kan die Provinsiale Minister redelike regstellende stappe doen wat hy of sy nodig ag, met inbegrip van—

- (a) die aanstelling van 'n administrateur om die finansiële sake of operasionele werksaamhede van die Raad te administreer;

- (b) die skorsing of verwydering van Raadslede uit hul amp; en
- (c) die verandering van die pligte en bevoegdhede van die Raad, ondanks artikel 13.

(13) Voordat die Provinsiale Minister enige regstellende stappe beoog in subartikel (12) doen, moet die Departementshoof aan die Raad 'n voldoeningskennisgewing en afskrifte daarvan aan sy lede uitreik wat die volgende uiteensit:

- (a) 'n beskrywing van die oortreding wat die nievoldoening uitmaak;
- (b) die stappe wat van die Raad vereis word om te doen en die tydperk waarbinne daardie stappe gedoen moet word om die oortreding reg te stel; en
- (c) 'n kennisgewing aan die Raad dat indien hy versuim om enige stappe bedoel in paragraaf (b) te doen die Departementshoof die nievoldoening na die Provinsiale Minister moet verwys om ingevolge subartikel (12) regstellende stappe te doen.

(14) Indien 'n Raad binne die tydperk vermeld in die voldoeningskennisgewing aan alle stappe bedoel in subartikel (13)(b) voldoen, moet die Departementshoof die Raad skriftelik in kennis stel van sy voldoening aan die bepalings van die voldoeningskennisgewing.

(15) Indien 'n Raad versuim om binne die tydperk vermeld in die voldoeningskennisgewing aan enige of alle stappe bedoel in subartikel (13)(b) te voldoen—

- (a) moet die Departementshoof by verstryking van die tydperk vermeld in die voldoeningskennisgewing die Provinsiale Minister skriftelik in kennis stel van die nievoldoening of gedeeltelike voldoening deur die Raad; en
- (b) moet die Provinsiale Minister binne 30 dae van ontvangs van 'n mededeling oor nievoldoening of gedeeltelike voldoening die Raad skriftelik in kennis stel van sy nievoldoening of gedeeltelike voldoening aan die voldoeningskennisgewing.

(16) Die kennisgewing beoog in subartikel (15)(b) moet die volgende uiteensit:

- (a) die voorgestelde regstellende stappe wat ingevolge subartikel (12) gedoen moet word; en
- (b) dat die Raad geregtig is om binne 14 dae van ontvangs van die kennisgewing skriftelike vertoë rakende die voorgestelde regstellende stappe aan die Provinsiale Minister te rig.

(17) By verstryking van die 14 dae beoog in subartikel (16)(b), of die Provinsiale Minister enige skriftelike vertoë van die Raad ontvang het al dan nie, kan die Provinsiale Minister na behoorlike oorweging van alle tersaaklike feite, met inbegrip van die Raad se gedeeltelike voldoening aan die bepalings van die voldoeningskennisgewing en enige skriftelike vertoë deur die Raad, die voorgename regstellende stappe doen.

(18) Indien 'n administrateur ingevolge subartikel (12)(a) aangestel word, moet hy of sy—

- (a) binne ses maande van sy of haar aanstelling die Departementshoof voorsien van 'n verslag van die finansiële sake van die Raad en enige vermoedelike oortreding van 'n wetlike bepaling of onwettige daad wat deur die betrokke Raad gepleeg is;
- (b) daarna, in oorleg met die Departementshoof, vir die betrokke Raad 'n herstelplan voorberei; en
- (c) by voltooiing van die implementering van die herstelplan of by versuim om die herstelplan te implementeer—
 - (i) indien nodig, aan die Provinsiale Minister en Departementshoof 'n verlenging van die herstelplan vir 'n tydperk van hoogstens ses maande aanbeveel; of

- (ii) die Provinsiale Minister en Departementshoof van 'n finale verslag voorsien oor die finansiële sake van die Raad en enige vermoedelike oortreding van 'n wetlike bepaling of onwettige handeling wat deur die betrokke Raad gepleeg is.

(19) Die Provinsiale Minister kan na oorleg met die Departementshoof en by ontvangs van die finale verslag beoog in subartikel (18)(c)(ii) bepaal dat—

- (a) die Raad in staat is om sy eie finansiële sake te administreer; of
- (b) die Raad in staat is om sy eie finansiële sake te administreer met die bystand van 'n administrateur aangestel deur die Provinsiale Minister op sodanige verdere bepalings en voorwaardes soos bepaal deur die Provinsiale Minister.

(20) Voordat die Provinsiale Minister 'n bepaling ingevolge subartikel (19)(b) maak, moet hy of sy die Raad skriftelik in kennis stel van sy of haar voorneme om so 'n bepaling te maak.

(21) Die kennisgewing beoog in subartikel (20) moet die volgende vermeld:

- (a) die bepaling wat die Provinsiale Minister van voorneme is om te maak; en
- (b) dat die Raad geregtig is om binne 14 dae vanaf ontvangs van die kennisgewing oor die voorgename bepaling skriftelike versoë aan die Provinsiale Minister te rig.

(22) By verstryking van die 14 dae in subartikel (21)(b) beoog, hetsy die Provinsiale Minister enige skriftelike versoë van die Raad ontvang het of nie ontvang het nie, kan die Provinsiale Minister, na behoorlike oorweging van alle tersaaklike feite, insluitend enige versoë deur die Raad, die voorgestelde bepaling maak.

Reis- en ander toelae

24. (1) Behoudens tariewe wat deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies vasgestel word, kan 'n Raad 'n lid van die Raad, 'n raadgewer ingevolge artikel 19(5) of enige persoon wat gekoöpteer is om ingevolge artikel 22(3) in 'n spesialiskomitee te dien uit sy fondse vergoed vir—

- (a) vervoeruitgawes tussen daardie lid, raadgewer of persoon se normale woon- of werkplek en die plek van 'n vergadering van die Raad of die betrokke spesialiskomitee; en
- (b) reis- en verblyfuitgawes wat aangegaan is as gevolg van bywoning van konferensies, seminare of opleidingskursusse of ander sake van die Raad, maar in die geval van konferensies, seminare en opleidingskursusse buite die Republiek moet die skriftelike goedkeuring van die Provinsiale Minister vooraf bekom word.

(2) Behoudens tariewe wat deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies vasgestel word, kan 'n Raad uit sy fondse 'n raadgewer ingevolge artikel 19(5) of 'n persoon wat gekoöpteer is om ingevolge artikel 22(3) in 'n spesialiskomitee van die Raad te dien, vergoed vir tyd wat op Raadsake bestee is, maar 'n Raad kan nie sy lede vergoed vir tyd wat op Raadsake bestee is nie.

(3) Behoudens tariewe wat deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies vasgestel word, kan die Departement uit sy fondse lede van 'n Komitee vergoed vir reisuittgawes wat as gevolg van bywoning van vergaderings van die Komitee aangegaan is.

(4) In die geval dat die Raad onvoldoende fondse beskikbaar het, en behoudens tariewe wat deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies vasgestel word, kan die Departement uit sy fondse lede van 'n Raad vergoed vir reisuittgawes wat as gevolg van bywoning van vergaderings van die Raad aangegaan is.

Ontbinding van gesondheidsfasiliteit

25. In die geval van die sluiting van 'n gesondheidsfasiliteit waarvoor 'n Raad of Komitee ingestel is, moet die Departementshoof minstens drie maande voor die sluiting en na oorleg met daardie Raad of Komitee die Raad of Komitee skriftelik opdrag gee rakende—

- (a) die voorgenome ontbinding van die gesondheidsfasiliteit en die Raad of Komitee wat daardie gesondheidsfasiliteit bedien;
- (b) enige voorgenome aanpassing van sy samestelling wat deur die sluiting van daardie gesondheidsfasiliteit genoodsaak word, in die geval van 'n Raad of Komitee wat vir meer as een gesondheidsfasiliteit ingestel is; en
- (c) die beskikking oor bates en laste wat in die Raad vestig, in die geval van die ontbinding van 'n hospitaal.

Regulasies

26. (1) Behoudens subartikel (3) kan die Provinsiale Minister regulasies maak rakende—

- (a) prosedures vir die benoeming van lede vir aanstelling in Rade en Komitees;
- (b) prosedures vir die verandering van die werksaamhede van 'n Raad of Komitee;
- (c) die finansiële bestuur van Rade;
- (d) reis- en ander toelae betaalbaar ingevolge hierdie Wet;
- (e) die instelling van trusts;
- (f) die maatstawwe en proses vir die groepering van primêregesondheidsorg-fasiliteite in die geval van 'n Komitee wat vir 'n groep gesondheidsorg-fasiliteite aangestel is;
- (g) prosedures vir vergaderings van 'n Raad of Komitee; en
- (h) enige ander aangeleentheid wat kragtens hierdie Wet kan of moet voorgeskryf word, of wat nodig of dienstig kan wees om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

(2) In die geval van regulasies wat finansiële implikasies vir die Staat het, moet die Provinsiale Minister die regulasies met die instemming van die Provinsiale Minister verantwoordelik vir finansies maak.

Delegasie

27. (1) Die Provinsiale Minister kan enige bevoegdheid of plig wat by of kragtens hierdie Wet aan die Provinsiale Minister verleen of opgelê word, behalwe die bevoegdheid om regulasies te maak, aan die Departementshoof delegeer of opdra, behoudens enige voorwaarde wat die Provinsiale Minister kan bepaal.

(2) Die Departementshoof kan enige bevoegdheid of plig wat by of kragtens hierdie Wet aan die Departementshoof verleen of opgelê is aan enige beampte in diens van die Departement deleger of opdra, behoudens enige voorwaarde wat die Departementshoof kan bepaal.

(3) 'n Delegering of opdrag ingevolge subartikel (1) of (2) verhoed nie die uitoefening van die gedelegeerde bevoegdheid of die uitvoering van die opgedraagde plig deur die Provinsiale Minister of die Departementshoof, na gelang van die geval, nie.

Oorgangsbepalings ten opsigte van sentrale hospitale

28. (1) Ondanks die herroeping by hierdie Wet van die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade, gaan 'n bestaande sentralehospitaal-raad voort om ooreenkomstig die bepalinge van daardie Wet te funksioneer totdat die nasionale Minister 'n verteenwoordigende sentralehospitaal-raad aangestel het.

(2) Ondanks artikel 7 van die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade, wanneer die ampstermyn van 'n lid van 'n bestaande sentralehospitaal-raad verstryk voor die aanstelling deur die nasionale Minister van 'n verteenwoordigende sentralehospitaal-raad vir die betrokke hospitaal, kan daardie lid in die amp bly totdat die aanstelling deur die nasionale Minister gemaak is.

(3) By die aanstelling van 'n verteenwoordigende sentralehospitaal-raad deur die nasionale Minister kan die Provinsiale Minister na oorleg met die bestaande sentralehospitaal-raad 'n skriftelike bepaling maak rakende—

- (a) die vestiging en oordrag van die bates en laste van die bestaande sentralehospitaal-raad, waar van toepassing; en
- (b) enige ander aangeleentheid wat nodig kan wees om die doeltreffende funksionering van die verteenwoordigende sentralehospitaal-raad te verseker.

(4) 'n Bepaling bedoel in subartikel (3)(a) kan bepaal dat alle sekere benoemde bates en laste van die betrokke bestaande sentralehospitaal-raad oorgedra kan word na 'n trust bedoel in artikel 23(3).

Herroeping en voorbehoude

29. (1) Die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade word herroep.

(2) Behoudens artikel 28 word die regs persoonlike identiteit en die regte en verpligtinge van 'n Raad wat ooreenkomstig artikel 5 van die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade aangestel is nie geraak deur die herroeping van daardie Wet nie, en enige persoon wat ooreenkomstig daardie Wet onmiddellik voor die inwerkingtreding van hierdie Wet 'n amp beklee, gaan voort in daardie amp vir die termyn van daardie persoon se aanstelling en word geag behoorlik aangestel te wees ingevolge hierdie Wet vir die onverstreke gedeelte van sy of haar ampstermyn.

(3) Enige proklamasie, regulasie, kennisgewing, bevel, magtiging, toestemming of dokument wat uitgereik, gepromulgeer, gegee of verleen en enige ander handeling verrig kragtens 'n wet wat by hierdie artikel herroep word, word geag, indien nie onbestaanbaar met hierdie Wet nie, uitgereik, gepromulgeer, gegee of verleen te wees kragtens hierdie Wet.

Kort titel en datum van inwerkingtreding

30. Hierdie Wet heet die Wes-Kaapse Wet op Rade en Komitees vir Gesondheidsfasiliteite, 2015, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

**MEMORANDUM OOR DIE OOGMERKE VAN DIE WES-KAAPSE
KONSEPWETSONTWERP OP RADE EN KOMITEES VIR
GESONDHEIDSFASILITEITE, 2015**

1. AGTERGROND

- 1.1. Verskeie artikels van die “National Health Act, 2003” (Wet 61 van 2003)(die NHA), het op 27 Februarie 2012 ingevolge Proklamasie 11/2012, gepubliseer in *Staatskoerant* 35081, in werking getree. Die tersaaklike artikels vir die doeleindes van die Wes-Kaapse Wetsontwerp op Rade en Komitees vir Gesondheidsfasiliteite, 2015 (die Konsepwetsontwerp) is artikels 41 en 42, wat bepaal dat rade vir hospitale aangestel word en komitees vir klinieke en gemeenskapsgesondheid-sentrums aangestel word.
- 1.2. Artikel 41(1) van die NHA maak voorsiening vir die nasionale Minister van Gesondheid (die nasionale Minister) om, onder meer, die omvang van gesondheidsdienste, die prosedures en maatstawwe vir toelating en verwysing en die skedule van tariewe vir sentrale hospitale te bepaal. Artikel 41(2) van die NHA maak voorsiening vir die tersaaklike lid van die Uitvoerende Raad (die LUR) om hierdie funksies te verrig ten opsigte van alle ander openbaregesondheid-inrigtings wat as ’n hospitaal geklassifiseer word, buiten sentrale hospitale.
- 1.3. In ooreenstemming met hierdie bepalings bepaal artikel 41(4) dat die nasionale Minister ’n verteenwoordigende Raad vir ’n sentrale hospitaal of groep sentrale hospitale moet aanstel en die funksies van hierdie rade moet voorskryf. Artikel 41(6)(a) bepaal dat die tersaaklike LUR ’n verteenwoordigende Raad moet aanstel vir alle openbaregesondheid-inrigtings wat as ’n hospitaal geklassifiseer word of vir elke groep sodanige openbaregesondheid-inrigtings en die funksies en prosedures vir vergaderings van hierdie rade moet voorskryf. Die openbaregesondheid-inrigtings bedoel in artikel 41(6)(a) sluit nie sentrale hospitale in nie. Artikel 42 bepaal dat provinsiale wetgewing voorsiening moet maak vir minstens die instelling in die betrokke provinsie van komitees vir klinieke en gemeenskapsgesondheidsorg-sentrums of groepe daarvan.
- 1.4. Tans word die rade van alle hospitale in die Wes-Kaap, ook die rade van sentrale hospitale, deur die Provinsiale Minister van Gesondheid (die Provinsiale Minister) kragtens die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade, 2001 (Wet 7 van 2001)(die WKWGFR) aangestel. Geen spesifieke voorsiening word daarin vir die aanstelling van komitees vir klinieke en gemeenskapsgesondheidsorg-sentrums gemaak nie.
- 1.5. Die Konsepwetsontwerp is nodig om aan die bogenoemde artikels van die NHA te voldoen. Die Konsepwetsontwerp maak dienooreenkomstig voorsiening vir die aanstelling van rade vir hospitale in die Provinsie, buiten sentrale hospitale, en vir

komitees vir klinieke en gemeenskapsgesondheidsorg-sentrums. Klinieke en gemeenskapsgesondheidsorg-sentrums word in die Konsepwetsontwerp as “primêregesondheidsorg-fasiliteite” gekategoriseer. Hospitale en primêregesondheidsorg-fasiliteite word in die Konsepwetsontwerp gesamentlik na verwys as “gesondheidsfasiliteite”.

2. OOGMERKE VAN KONSEPWETSONTWERP

- 2.1 Die oogmerke van die Konsepwetsontwerp is om voorsiening te maak vir die aanstelling van rade vir hospitale in die Provinsie, buiten sentrale hospitale, en die aanstelling van komitees vir primêregesondheidsorg-inrigtings, en om voorsiening te maak vir die funksionering van hierdie rade en komitees.
- 2.2 Die bepalings in die Wetsontwerp beoog om die volgende te verseker:
- (a) die instelling van verteenwoordigende en aanspreeklike rade en komitees vir gesondheidsfasiliteite as statutêre liggame;
 - (b) responsiwiteit van die bestuur van gesondheidsfasiliteite teenoor die gemeenskap en die behoeftes van pasiënte en hul gesinne;
 - (c) gemeenskapsteun vir, en betrokkenheid by, gesondheidsfasiliteite en hul programme;
 - (d) verantwoordelike gebruik van hulpbronne op gesondheidsfasiliteitsvlak; en
 - (e) dat rade en komitees vir gesondheidsfasiliteite voorsien word van ’n basiese stel duidelik omskrewe funksies en bevoegdhede, wat toenemend uitgebrei kan word in die openbare belang namate die vermoë van ’n raad of komitee toeneem.

3. INHOUD VAN WETSONTWERP

Klousule 1 maak voorsiening vir sekere woordomsrywings.

Klousule 2 sit die oogmerke van die Konsepwetsontwerp uiteen.

Klousule 3 maak voorsiening vir die aanwysing van gesondheidsfasiliteite deur die Provinsiale Minister.

Klousule 4 maak voorsiening vir die Provinsiale Minister om rade en komitees in te stel.

Klousule 5 maak voorsiening vir die aanstelling van lede van rade.

Klousule 6 maak voorsiening vir die aanstelling van komiteelede.

Klousule 7 maak voorsiening vir die ampstermyn van lede van rade en komitees.

Klousule 8 maak voorsiening vir die verklaring en vul van vakatures op rade en komitees.

Klousule 9 sit die pligte van hospitaalrade uiteen.

Klousule 10 sit die bevoegdhede van hospitaalrade uiteen.

Klousule 11 sit die pligte van primêregesondheidsorgfasiliteit-komitees uiteen.

Klousule 12 sit die bevoegdhede van primêregesondheidsorgfasiliteit-komitees uiteen.

Klousule 13 maak voorsiening vir die verandering van die funksies van rade en komitees.

Klousule 14 maak voorsiening vir die wyse waarop rade en komitees hul pligte moet uitvoer en bevoegdheid moet uitoefen.

Klousule 15 maak voorsiening vir maatreëls vir samewerking.

Klousule 16 maak voorsiening vir die verkiesing van 'n voorsitter en ondervoorsitter van 'n raad of komitee.

Klousule 17 maak voorsiening vir die sekretariële, administratiewe en finansiële rekeningkundige steun wat deur rade en komitees benodig word en vir die inlywing van lede van rade en komitees wat pas vir 'n eerste ampstermyn aangestel is.

Klousule 18 maak voorsiening vir die skedulering van vergaderings van rade en komitees.

Klousule 19 maak voorsiening vir die prosedure by vergaderings van rade en komitees.

Klousule 20 maak voorsiening vir die bywoning van die publiek by vergaderings van rade en komitees.

Klousule 21 maak voorsiening vir die aanstelling van uitvoerende komitees van rade en komitees.

Klousule 22 maak voorsiening vir die aanstelling van spesialiskomitees van rade en komitees.

Klousule 23 maak voorsiening vir die insameling en aanwending van fondse deur rade.

Klousule 24 maak voorsiening vir reis- en ander toelaes ten opsigte van lede van rade en komitees.

Klousule 25 maak voorsiening vir die ontbinding van 'n gesondheidsfasiliteit.

Klousule 26 maak voorsiening vir die maak van regulasies deur die Provinsiale Minister.

Klousule 27 maak voorsiening vir die delegasie van bevoegdheid en pligte.

Klousule 28 maak voorsiening vir oorgangsbepalings ten opsigte van sentrale hospitale.

Klousule 29 maak voorsiening vir die herroeping van die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade, 2001 (Wet 7 van 2001) en bevat voorbehoudsbepalings.

Klousule 30 maak voorsiening vir die kort titel en datum van inwerkingtreding.

4. FINANSIËLE IMPLIKASIES

Lede van fasiliteitsrade en -komitees is uiteraard vrywilligers. Die Konsepwetsontwerp bepaal dat die Departement komiteeledes uit sy fondse kan vergoed vir reisuittgawes as gevolg van bywoning van komiteevergaderings. Daarbenewens bepaal die Konsepwetsontwerp dat waar 'n hospitaal onvoldoende fondse beskikbaar het, die Departement uit sy fondse raadslede kan vergoed vir reisuittgawes wat aangegaan is as gevolg van bywoning van raadsvergaderings.

6. PERSONEELIMPLIKASIES

Die Departement sal daarvoor verantwoordelik wees om administratiewe steun aan die rade en komitees te verskaf.

6. OOLEGPLEGING

Departement van die Premier: Regsdienste.

7. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister is tevrede dat al die bepalings van die Konsepwetsontwerp binne die wetgewende bevoegdheid van die Provinsie ressorteer.

ISAZISO SEPHONDO

I.S. 154/2015

15 kwekaCanzibe 2015

ISEBE LEZEMPILO LENTSHONA KOLONI

UMTHETHO OYILWAYO WEEBHODI NEEKOMITI ZAMAZIKO EMPILO
WENTSHONA KOLONI, 2015

Lo mthetho oyilwayo ulungiselelwe ukuseka, imisebenzi, neenkqubo zeebhodi zesibhedlele kunye neekomiti zamaziko empilo esisiseko; kunye nokulungiselela imiba enxulumene noko.

NGAKO OKO KE KUWISWA UMTHETHO yiPalamente yeNtshona Koloni, ngolu hlobo lulandelayo:—

Inkcazo-magama

1. Kulo Mthetho naliphi na igama elinikwe intsingiselo lihlala linaloo ntsingiselo liyinikiweyo ngaphandle kwalapho indlela elisetyenziswe ngayo igama linika enye intsingiselo—

“umphicothi-zincwadi” uthetha umntu obhalise njengomphicothi-zincwadi ngokoMthetho i-Auditing Profession Act, 2005 (Act 26 of 2005);

“iBhodi” ithetha iBhodi yesibhedlele esekwe ngokwecandelo 4;

“isibhedlele esikhulu” sithetha isibhedlele esibalelwa ukuba sisibhedlele esikhulu ngokwecandelo lama-35 lomthetho iNational Health Act nguMphathiswa wesizwe onoxanduva lwemicimbi yezempilo;

“IKomiti” ithetha iKomiti yeziko lempilo leenkonzongonyango olusisiseko esekwe ngokwecandelo 4;

“ISebe” lithetha isebe lephondo elinoxanduva lwemicimbi yezempilo kwiPhondo;

“IBhunga lezeMpilo leSithili” lithetha iBhunga leMpilo leSithili ngokwendlela echazwe kwicandelo 1 lomthetho iWestern Cape District Health Councils Act, 2010 (uMthetho 5 ka-2010);

“ibhodi emileyo yesibhedlele esikhulu” ithetha ibhodi ngokwendlela echazwe phantsi kwecandelo 5 lomthetho iWestern Cape Health Facility Boards Act yesibhedlele esikhulu;

“INTloko yeSebe” ithetha intloko yesebe enoxanduva lwemicimbi yezempilo kwiPhondo;

“iziko lempilo” lithetha isibhedlele okanye iziko lempilo elineenkonzongonyango olusisiseko;

“isithilana sezempilo” sithetha isithilana sezempilo ngokwendlela ekuchazwe ngayo kwicandelo 1 womthetho iWestern Cape District Health Councils Act, 2010 (Act 5 of 2010);

“isibhedlele” sithetha isakhiwo, iziko okanye indawo emiselwe njengesibhedlele nguMphathiswa wePhondo ngokwecandelo 3;

“ilungu” lithetha ilungu leBhodi okanye leKomiti, njengoko kunjalo;

“INational Health Act” ithetha iNational Health Act, 2003 (Act 61 of 2003);

“uMphathiswa wesizwe” uthetha uMphathiswa wesizwe onoxanduva lwemicimbi yezempilo;

“ukumisela” kuthetha ukumisela ngokommiselo;

“iziko lempilo leenkonz eziqinisekile” lithetha isakhiwo, iziko okanye indawo emiselwe njengeziko lempilo nguMphathiswa wePhondo ngokwecandelo 3;
“IPhondo” lithetha iPhondo leNtshona Koloni;
“UMphathiswa wePhondo” uthetha uMphathiswa wePhondo onoxanduva lwemicimbi yezempilo kwiPhondo;
“ibhodi yabameli yesibhedlele esikhulu” ithetha ibhodi enyulwe nguMphathiswa wesizwe phantsi kwecandelo 41(4) lomthetho iNational Health Act;
“lo Mthetho” uquka nemimiselo;
“ummiselo” uthetha ummiselo owenziwe phantsi kwalo Mthetho; kananjalo
“iWestern Cape Health Facility Boards Act” ithetha umthetho iWestern Cape Health Facility Boards Act, 2001 (Act 7 of 2001).

Injongo yalo Mthetho

2. La manyathelo amiselwe ukuqinisekisa—

- (a) ukusekwa kwabameli kunye neeBhodi zeziko lempilo eziphendulayo ndawonye neeKomiti njengamaqumrhu omthetho;
- (b) ukukwazi kwamaziko empilo ukukhawulelana noluntu kunye neemfuno zezigulane neentsapho zazo;
- (c) inkxaso yoluntu, ukubandakanyeka kwalo kumaziko empilo kunye neenkqubo zawo;
- (d) ukusetyenziswa kwezibonelelo ngendlela efanelekileyo ngamaziko empilo; kananjalo
- (e) nokuba iBhodi zempilo neKomiti inikwe imisebenzi esisiseko ecacisiweyo, enokumana isandiswa ngokwezinto eziphambili ezifunwa luluntu njengoko umsebenzi weBhodi okanye oweKomiti uya usanda nawo.

UkuChongwa kwesibhedlele okanye iziko lempilo leenkonz eziqinisekile

3. (1) Ngokweenjongo zalo Mthetho, uMphathiswa wePhondo uya kusichonga njengesibhedlele okanye iziko lempilo nasiphi isakhiwo, iziko okanye indawo apho abantu baye bafumane unyango, apho kukho iinkqubo zohlolo ukufumanisa ngezigulo nangonyango okanye kwenziwe nezinye iinkonz zonyango.

(2) UMphathiswa wePhondo uya kuchonga njengesibhedlele okanye iziko lempilo elineenkonz eziqinisekile isakhiwo, iziko okanye indawo emiselwe ngumasipala ekwenza oko kuphela ngokwesivumelwano kananjalo—

- (a) noMphathiswa wePhondo ojongene norhulumente wommandla; kunye
- (b) nomasipala ochaphazelekayo.

Ukusekwa kweeBhodi neeKomiti

4. (1) UMphathiswa wePhondo uya kumisela iBhodi yesibhedlele okanye iqela lezibhedlele ngaphandle kwezibhedlele ezikhulu okanye iqela lezibhedlele ezikhulu.

- (2) Apho iBhodi yeqela lezibhedlele iya kumiselwa khona, uMphathiswa wePhondo uya kumiselwa iqela enike ingqalelo—
- (a) umgama ophakathi kwezibhedlele ngokweendawo ezimi kuzo;
 - (b) ubukhulu nobungakanani babantu abancedwa kwezi zibhedlele; kwaye
 - (c) umthamo weenkonzco ezenziwa ezibhedlele.
- (3) IBhodi liqumrhu elisemthethweni elinokufaka isimangalo okanye limangalelwe ngegama lalo.
- (4) UMphathiswa wePhondo uya kumiselwa iKomiti—
- (a) iziko lempilo elineenkonzco zonyango olusisiseko; okanye
 - (b) iqela lamaziko empilo aneenkonzo zonyango olusisiseko, amiselwe nguMphathiswa wePhondo.
- (5) Imigaqo neenkqubo ezilandelwayo zokuhlanganisa amaziko empilo aneenkonzo zonyango olusisiseko kwimeko apho iKomiti ithe yatyunjelwa ukujongana namaziko empilo aneenkonzo zonyango olusisiseko iya kumiselwa nguMphathiswa wePhondo.
- (6) IKomiti asingomntu womthetho kwaye akanako ukumangalela okanye amangalelwe egameni lakhe.
- (7) IKomiti iya kusebenza kunye neBhodi ngeenjongo zokwamkela imali okanye ezinye iimpahla enokuphakamiseka yiBhodi, mali leyo eyenziwe yiKomiti okanye enikelwe kwiziko elichaphazelekayo lempilo elineenkonzco zonyango ezisisiseko kwanokuhlawulwa kwaloo mali okanye ubonelelo ngempahla enokuphazamiseka, okanye kuncedakale iziko elichaphazelekayo lempilo elineenkonzco zonyango ezisisiseko.

Ukutyunjwa kwamalungu eBhodi

5. (1) UMphathiswa wePhondo kufuneka amisele iBhodi enamalungu angekho ngaphezu kwesine kodwa angadluli kumalungu ali-14, kuqukwa—
- (a) abantu abamele uluntu okanye iindawo ezahlukeneyo zoluntu oluncedwa kwesibhedlele emiselwe sona iBhodi, etyunjwe ngokwecandelwana (4);
 - (b) ubuncinane ibe ngumntu omnye onobungcali kwezomsebenzi, kwezomthetho, ezemali okanye kwezinye iindawo ezinxulumene nemisebenzi yeBhodi;
 - (c) intloko yesibhedlele esichaphazelekayo okanye, kwimeko apho iBhodi imiselwe ukujongana nezibhedlele eziliqela, makuphume intloko ibenye kwiintlo kwezo zibhedlele ubuncinane;
 - (d) ubuncinane mayibe ngumntu omnye omele abasebenzi bezonyango emiselwe bona iBhodi, atyunjwe ngabasebenzi bezonyango besibhedlele, kodwa kwimeko apho iBhodi imiselwe ukujongana bezibhedlele eziliqela, kodwa akukho mfuneko yokuba kutyunjwe umntu omele abasebenzi bezempilo kwisibhedlele ngasinye esichaphazelekayo;
 - (e) ubuncinane ngumntu omnye omele abasebenzi abangengobanyangi abasebenza esibhedlele esimiselwe sona iBhodi, okhethwa ngabasebenzi abangengobanyangi, kodwa kwimeko yokumiselwa kweBhodi ejongene nezibhedlele eziliqela akukho mfuneko yokuba kutyunjwe umntu omele abasebenzi abangengobanyangi kwisibhedlele ngasinye; kwanjalo

- (f) nakwimeko apho iBhodi imiselwe isibhedlele esinye okanye izibhedlele eziliqela iingcali zabasebenzi ziye ziqeqeshwe, ubuncinane umntu omnye omele iimfuno eziphambili ezinxulumene nemfundo kwisibhedlele ngasinye esichaphazelekayo, otyunjwe liSeleka –Ngqonyela okanye ngaMasekela-Ngqonyela eyunivesithi okanye eeyunivesithi ezichaphazelekayo.
- (2) Ukwangeza kumalungu atyunjwe ngokwecandelwana (1) uMphathiswa wePhondo uya kunyulela kwiBhodi—
- (a) ilungu lePalamente yePhondo, elityunjwe yikomiti echaphazelekayo yepalamente;
- (b) uceba omnye okanye oceba abaliqela abatyunjiweyo bebhunga lommandla wengingqi yomasipala esimi kuso isibhedlele, etyunjwa libhunga lomasipala okanye yikomiti ejongene nezempilo yebhunga lomasipala; kananjalo
- (c) nommeli weSebe.
- (3) Amalungu atyunjwe ngokwecandelwana (1)(a) aya kuba namalungu eBhodi akumlinganiselelo wamashumi amahlanu eepesenti ewonke.
- (4) Amalungu ekubhekiselelwa kuwo kwicandelwana (1)(a) aya kutyunjwa liqumrhu eliya kuthi ngokwembono yoMphathiswa wePhondo libe nabameli abaya kuzifezekisa ngokupheleleyo iimfuno eziphambili zoluntu okanye zeendawo zoluntu oluchaphazelekayo.
- (5) Iqumrhu ekubhekiselelwa kulo kwicandelwana (4)—
- (a) aliya kuba ngumbutho wezopolitiko;
- (b) liya kuthi, nangani kunganyanzelekanga ukuba libe—
- (i) yikomiti okanye iforam yezempilo yoluntu;
- (ii) yiforam yophuhliso loluntu;
- (iii) ngumbutho wezokuhlala;
- (iv) ngumbutho wezentlatlontle;
- (v) ngumbutho omele izigulane ezisebenzisa inkonzo yezempilo okanye amaziko empilo;
- (vi) ngumbutho osekwe eluntwini;
- (vii) ngumbutho ongekho kurhulumente; okanye
- (viii) ngumbutho omele abantwana, amabhinqa, abantu abadala, abantu abakhubazekileyo okanye iimbacu.
- (6) UMphathiswa wePhondo uya kukhupha imigaqo eyalelayo yokwenziwa kwezimemelelo zokutyunmba njengoko kuchaziwe kumacandelwana (1)(a) no- (4).
- (7) Apho kufuneka kutyunjwe khona ngokweli candelo, onke amagama aphakanyiselwe ukutyunjwa afumanekileyo kwisithuba esimiselweyo aya kunikwa ingqalelo nguMphathiswa wePhondo ngaphambi kokuba kwenziwe inkqubo efanelekileyo yokutyumba.
- (8) Ukuba uMphathiswa wePhondo uthethe akafumana magama aphakanyiselwe ukutyunjwa okanye angonelanga afunekayo ngokweli candelo, nawuphi umntu oselungelweni nofanelekileyo uya kutyunjwa njengelungu etyunjwa kwisigaba esimiselweyo nesichazwe kwicandelwana (1) okanye (2).

Ukutyunjwa kwamalungu eKomiti

6. (1) UMphathiswa wePhondo uya kumisela iKomiti engayi kuba namalungu angaphantsi kwamathathu kodwa angabi ngaphezu kwali-12, kuqokwa—

- (a) ilungu elinye okanye amalungu aliqela ebhunga lomasipala engingqi yomasipala endawo elimi kuyo iziko lezempilo elineenkono zonyango elusisiseko;
- (b) amalungu oluntu okanye eendawo zoluntu oluncedwa liziko lempilo elineenkono zonyango oklulisiseko ngokubhekiselele kwindawo elikulo iziko lempilo elineenkono zonyango oluphambili elimiselwe lona uluntu, atyunjwe ngokwecandelwana (3); kananjalo
- (c) nentloko yeziko elichaphazelekayo lempilo elineenkono zonyango oluphambili okanye, kwimeko apho iKomiti imiselwe ukujongana neziko lempilo elineenkono zonyango oluphambili, umanejala wesithilana sezonyango apho limi khona iziko lempilo elineenkono zonyango olusisiseko.

(2) Amalungu atyunjwe ngokwecandelwana (1)(b) aya kuba namalungu eBhodi akumlinganiselelo wamashumi amahlanu eepesenti ewonke.

(3) Amalungu ekubhekiselelwa kuwo kwicandelwana (1)(b) aya kutyunjwa liqumrhu elithe—

- (a) ngokwembono yoMphathiswa wePhondo libe nabameli abaya kuzifizekisa ngokupheleleyo iimfuno eziphambili zoluntu okanye zeendawo zoluntu oluchaphazelekayo;
- (b) aliya kuba ngumbutho wezopolitiko, kodwa lingalilo, nangani kunganyanzelekanga ukuba libe liqumrhu ekubhekiselelwe kulo kwicandelo 5(5)(b).

(4) UMphathiswa wePhondo uya kukhupha imigaqo eyalelayo yokwenziwa kwezimemelelo zokutyunmba njengoko kuchaziwe kumacandelwana (1)(b) nele-(3).

(5) Apho kufuneka kutyunjwe khona ngokwecandelo 1(b), onke amagama aphakanyiselwe ukutyunjwa afumanekileyo kwisithuba esimiselweyo aya kunikwa ingqalelo nguMphathiswa wePhondo ngaphambi kokuba kwenziwe inkqubo efanelekileyo yokutyumba.

(6) Ukuba uMphathiswa wePhondo uthe akafumana magama aphakanyiselwe ukutyunjwa okanye angenelanga afunekayo ngokwecandelo (1)(b), nawuphi umntu oselungelweni nofanelekileyo uya kutyunjwa njengolungu etyunjwa kwisigaba esimiselweyo nesichazwe kwicandelwana (1) okanye (2).

Ixesha lokuba sesikhundleni kwamalungu eBhodi neeKomiti

7. (1) Amalungu atyunjelwa ukuba sesikhundleni isithuba seminyaka emithathu.

(2) Lakuba liphelile ixesha lokuba sesikhundleni kwelungu, elo lungu liya kuba sesikhundleni kude kutyunjwe umntu oya kungena esikhundleni salo, kodwa zingedluli iinyanga ezinhandathu.

(3) Ngokuxhomekeke kwicandelwana (4), ilungu linako ukutyunjelwa kwiBhodi okanye kwiKomiti lakuba liphelile ixesha lalo lokuba libe sesikhundleni.

(4) Ilungu, ingelilo ilungu elityunjwe ngokwecandelo 5(1)(c) okanye 6(1)(c), liya kusebenza kwiBhodi okanye kwiKomiti izihlandlo ezilandelelanyo ezithathi.

(5) Nangona kuchazwa kwicandelwana (4), ilungu elisebenze izihlandlo ezilandelelanayo ezithathu liya kuphinda lityunjwe kwakhona ukuba kuthe ngokwembono yoMphathiswa wePhondo kukho iimeko ezibaluleke ngokukodwa ukuba lityunjwe kwakhona okanye, xa kungekho meko zibaluleke ngokukodwa, emva kokuba likhe lanqumama ixesha elingaphantsi konyaka.

Izithuba

8. (1) USihlalo weBhodi okanye weKomiti uya kuthi ngokukhawuleza abhale isibhengezo kwiBhodi okanye kwiKomiti esichaza ukuba isikhundla njengesingenamntu xa lithe ilungu—

- (a) lasweleka;
- (b) lithe lakwazisa ukurhoxa kwalo kusihlalo ngembalelwano;
- (c) liseamatyaleni angahlawulekiyo;
- (d) libonwe njengelingathembekanga yinkundla yeRiphabliki;
- (e) likhe lachaphazeleka kuzo naziphi na izezo zolwaphulo-mthetho okanye lafunyaniswa linetyala lize ligwetyelwa intolongo lingasnikwanga sohlwayo, kwiRiphabliki okanye ngaphandle kwiRiphabliki, ukuba oku kuziphatha bekuya kuba lityala kwiRiphabliki;
- (f) alibangakho ngokuzithandela kwiintlanganiso ezintathu zilandelelana libe lingekho kwikhefu elimiselwe yiBhodi okanye yiKomiti;
- (g) linqunyanyisiwe okanye lirhoxisiwe kwisikhundla salo phantsi kwecandelo 23(12)(b);
- (h) liyayeka esikhundleni elalinyulelwe sona yiBhodi okanye kwiKomiti; okanye
- (i) lisilele ukuchaza kwiBhodi okanye kwiKomiti layo nayiphi indlela eliyingenisa ngayo imali, aliwandlalanga umcimbi onjalo ngokungqalileyo okanye ngokungangqalanga kwiBhodi okanye kwiKomiti, kwaye elo lungu kufuneka libekho xa, okanye lithathe inxaxheba kwiingxoxo, okanye xa kuvotelwa lo mcimbi.

(2) Ukuba ilungu leBhodi okanye leKomiti liziphazamisa rhoqo iintlanganiso zeBhodi okanye ezeKomiti, okanye liyasilela ukwenza umsebenzi walo ngokuzimisela nangokuthembeka, uMphathiswa wePhondo uya kuqhuba uphando ngaloo mcimbi kwaye, ukuba akho ngokwamagunya afanelekileyo, uya kulirhoxisa elo lungu esikhundleni aze asibhengeze njengesingenamntu isikhundla salo.

(3) Kwisithuba seentsuku ezisixhenxe zokubhengeza isithuba ngokwecandelwana (1), usihlalo uya kubhalela uMphathiswa wePhondo amazise ngesithuba eso.

(4) Uya kuthi akuba esifumene isaziso ngesithuba ngokwecandelwana (3), okanye ngokurhoxiswa kwelungu ngokwecandelo (2), uMphathiswa wePhondo uya kunyula omnye umntu, elandela kwainkqubo efanayo naleyo yayilandelwe xa kwakunyulwa eli lungu likhutshwayo, lungu elo liya kuba sesikhundleni selungu elimkileyo ixesha elingayi kuphelelwa, kwaye ngokweenjongo zecandelo 7(4), kwakukho isithuba ngexesha ebelingene ngalo esikhundleni.

(5) Ngokweenjongo zokutyumba okuchazwe kwicandelwana (4) uMphathiswa wePhondo uya kusebenzisa imigaqo efanayo eyayisetyenzisiwe yokutyumba ilungu elingena kwisikhundla selungu elirhoxisiweyo.

Imisebenzi yeeBhodi zesibhedlele

9. IBhodi iya—

- (a) kucebisa ulawulo okanye abalawuli besibhedlele malunga nemigaqo—nkqubo, neenkqubo-qhinga zesibhedlele;
- (b) kuthabatha inxaxheba kucwangciso-qhinga ngenjongo yokucebisa ulawulo lwesibhedlele;
- (c) kukuqinisekisa amanyathelo athatyathiweyo lulawulo okanye abalawuli besibhedlele ukuphucula indlela yokwenziwa komsebenzi nomgangatho wenkonzo yesibhedlele;
- (d) kuthabatha amanyathelo okuqinisekisa ukuba iimfuno, izinto ezidala ukuxhalaba nezikhalazo zezigulane nezoluntu ukuba kukhawulelwana nazo ngokufanelekileyo lulawulo okanye abalawuli besibhedlele;
- (e) ukumisela ukuxhaswa kwesibhedlele luluntu;
- (f) ukukhuthaza amavoluntiya ukuba anikele ngeenkonzo zawo zokwenza imisebenzi ngokubanzi esenzela isibhedlele, oko ekwenza ngokomgaqo-nkqubo weSebe ophathelelene namavoluntiya;
- (g) ukukhuthaza ingxowa-mali yokusebenza kweBhodi; kananjalo
- (h) nokumana kusenziwa iinkqubo zokuhanjelwa kweziko okanye kwamaziko empilo esebenzela wona iBhodi ngenjongo yokuwahlola, kuze kunikwe ingxelo ngezi nkqubo zohambelo kumphathi okanye kubaphathi beziko okanye bamaziko empilo achaphazelekayo nakwiNtloko yeSebe, xa ikho imfuneko, kodwa ezi nkqubo zohambelo ziya kwenziwa ngamaxesha afanelekileyo kwaye aziyi kuphazamisa imisebenzi yesiqhelo yesibhedlele.

Amagunya eeBhodi zezibhedlele

10. IBhodi iya—

- (a) kucebisa nokwenza iziphakamiso kuMphathiswa wePhondo, kulawulo lwesibhedlele, kwiNtloko yeSebe, okanye kumasipala ochaphazelekayo, ngokwaloo meko, ngayo nayiphi indlela ewenza ngayo imisebenzi yayo iBhodi;
- (b) kucebisa nokwenza iziphakamiso kuMphathiswa wePhondo okanye kumasipala ochaphazelekayo, ngokwaloo meko, ngayo ephathelelene nokuthiywa okanye ukuthiywa ngokutsha kwesibhedlele okanye inxalenye kuqukuwa iwodi okanye ithiyetha;
- (c) kufumana nayiphi into efuna ukuyazi kulawulo lwesibhedlele, ukuba ngaba olo lwazi lufunekayo aluwanyhashi amalungele ezigulane okanye awabasebenzi okugcinwa kwengcombolo zabo ziyimfihlelo zikhuselekile;
- (d) kucela kulawulo lwesibhedlele iikopi eziphathelelene neengxelo zendlela eqhutywa ngayo imisebenzi ethe yasungulwa;
- (e) kucela kwaye iphonononge iingxelo zemali zonyaka kube kanye ngonyaka kunye neengxelo zemali zonyaka zesibhedlele;

- (f) kwenza iinkqubo zophando, iintlanganiso neendibano ezixhobisa ngolwazi kuluntu okanye kwiindawo zoluntu oluchaphazelekayo;
- (g) kuhambisa ulwazi eluntwini okanye kwiindawo zoluntu oluchaphazelekayo, umnqophiso, umbono, imimiselo-siseko, iinkonzo, umsebenzi, umgangatho, imigaqo-nkqubo, iimfuno nobume bezimali zesibhedlele;
- (h) kuqesha abasebenzi ngokwekhontrakthi ukuze baphumeze iinjongo zeBhodi;
- (i) kunikela ngemali okanye ngempahla enokuphakamiseka ukubonelela, ukuphucula, okanye ukwandisa iinkonzo nezinto zolonwabo, okanye ukunikela ngemali ukuze kuthengwe iimpahla ezinokuphakamiseka okanye ezingenakuphakamiseka eziya kunceda isibhedlele, oko kusenzeka ngokuxhomekeke kwimvumelwano yeNtloko yeSebe isongezelela kwenye imvumelwano emiselwe ngumthetho;
- (j) kwenza ingxowa-mali ize ilawule imali yetrasti okanye imali yeBhodi ngeenjongo ekubhekiselelwa kuzo kumhlathi (h) okanye (i), okanye yenze isebenze nayiphi imimiselo yalo Mthetho; kanaanjalo
- (k) linikele ngemali okanye enye impahla enokuphakamiseka ukubonelela, ukuphucula, okanye ukwandisa iinkonzo nezinto zolonwabo, okanye ukunikela ngemali ukuze kuthengwe iimpahla ezinokuphakamiseka okanye ezingenakuphakamiseka eziya kunceda iziko lempilo elineenkonzomzo zonyango olusisiseko kwimali okanye kwimpahla enokuphakamiseka—
 - (i) eqokelelwe yiKomiti echaphazelekayo; okanye
 - (ii) enikelwe kwiziko lempilo elineenkonzomzo zonyango ezisisiseko, oko kusenzeka ngokuxhomekeke kwimvumelwano yeNtloko yeSebe isongezelela kwenye imvumelwano emiselwe ngumthetho.

Imisebenzi yeKomiti zeziko lezempilo elineenkonzomzo zonyango olusisiseko

11. IKomiti iya—

- (a) kuncedisa abolawulo lweziko lezempilo elineenkonzomzo zonyango olusisiseko ukuchonga imiba ephambili zoluntu kanaanjalo nezicwangciso-qhinga ezikhoyo ukuqwalasela le miba iphambili;
- (b) kucela ingxelo malunga namanyathelo athatyathiweyo ngabolawulo lweziko lezempilo elineenkonzomzo zonyango olusisiseko ukuphucula inkonzo umgangatho wenkonzo kwiziko lezempilo elineenkonzomzo zonyango olusisiseko;
- (c) kuncedisa uluntu ukuba luzichaze iimfuno, inkxalabo nezikhalazo zalo kwabezolawulo lweziko lezempilo elineenkonzomzo zonyango olusisiseko ukuze ezo mfuno, inkxalabo nezikhalazo ziqwalaselwe ngokufanelekileyo;
- (d) kumilisela ukuxhaswa kweziko lezempilo elineenkonzomzo zonyango ezisisiseko;
- (e) kuthi ngamaxesha afanelekileyo kwaye ngokwentsebenziswano kunye nolawulo lweziko lezempilo elineenkonzomzo zonyango olusisiseko kuhanjelwe iziko lezempilo elineenkonzomzo zonyango olusisiseko, oko kusenziwa ngokwesicwangciso kodwa ingaphazamiseki imisebenzi zeziko lezempilo, kuze kunikwe ingxelo esulungekileyo ngokuphathelelene nokuhanjelwa kolawulo lweziko lezempilo elineenkonzomzo zonyango olusisiseko;

- (f) kukhuthaza amavoluntiya ukuba enze imisebenzi ngokubanzi ngokuphathelelene neziko lezempilo elineenkonzongonyango olusisiseko, ekwenza oko ngokomgaqo-nkqubo weSebe; kananjalo
- (g) inike ingxelo esulungekileyo kubalawuli beziko lezempilo elineenkonzongonyango olusisiseko ukuphucula ukwenziwa kweenkonzo.

Amagunya eeKomiti zeziko lezempilo elineenkonzongonyango olusisiseko

12. IKomiti iya kuthi ngokuphathelelene neziko lezempilo elineenkonzongonyango esebenza kulo—

- (a) yenze uphando, ihlale iintlanganiso yenze neendibano zokuxhobisana ngolwazi kuluntu okanye kwiindawo zoluntu oluchaphazelekayo;
- (b) ihambise ulwazi oluphethelelene nomnqophiso, umbono, iintsika eziphambili, iinkonzongonyango, umsebenzi, imigangatho, imigaqo-nkqubo, izicwangciso-qhinga, iimfuno nobume bezezimali zeziko lezempilo elineenkonzongonyango olusisiseko kuluntu okanye kwiindawo zoluntu oluchaphazelekayo;
- (c) icebise kwaye yenze iziphakamiso kuMphathiswa wePhondo, kulawulo lweziko lezempilo elineenkonzongonyango olusisiseko, kwiNtloko yeSebe okanye kumasipala ochaphazelekayo, ngokwaloo meko, ngawo nawuphi umba ophathelelene nendlela yokwenziwa kwemisebenzi yeKomiti;
- (d) ukufumana naluphi ulwazi olufunwa lulawulo okanye abalawuli beziko lempilo elineenkonzongonyango olusisiseko, ukuba olo lwazi aluwanyhashi amalungelo ezigulane okanye awabasebenzi ngokugcina imicimbi yabo iyimfihlo kwaye isekhusini;
- (e) ukuyalela ulawulo lweziko lempilo elineenkonzongonyango olusisiseko ukuba likhuphe iikopi eziphathelelene neengxelo ngenkqubelo yemisebenzi eyenziwayo neyathi yasungulwa;
- (f) inyuse ingxowa-mali eya kusetyenziswa liziko lempilo elineenkonzongonyango olusisiseko, ngaphandle kokuba loo maliithe yenziwa ihlawulwa kwiBhodi esebenzisana neKomiti echaphazelekayo ngokwecandelo 4(7).

Ukutshintsha-tshintsha kwemisebenzi yeBhodi okanye yeKomiti

13. (1) Ngokuxhomekeke kwicandelwana (4) nawo nawuphi omnye umthetho, uMphathiswa wePhondo uya kuthi akuba ebonisene neBhodi okanye neKomiti, agunyazise iBhodi okanye iKomiti ukuba yenze imisebenzi eyongezelelweyo okanye isebenzise amagunya ongezelelweyo, xa kuthe ngokwesizathu athe uMphathiswa wePhondo wabona ukuba—

- (a) iBhodi okanye iKomiti ukuba inako ukuyenza imisebenzi okanye ukusebenzisa loo magunya ongezelelweyo; kananjalo
- (b) kuya kuxhomekeka kumdlawabantu wokuba uMphathiswa wePhondo angakwenze oko.

(2) UMphathiswa wePhondo uya kuthi emva kokubonisana neBhodi okanye neKomiti, alirhoxise igunya ebelinikwe iBhodi okanye iKomiti ngokwecandelwana (1) lokuba yenze

imisebenzi eyongezelelweyo okanye isebenzise igunya elongezelelweyo, xa kuthe ngokwesizathu athe uMphathiswa wePhondo wabona ukuba—

- (a) iBhodi okanye iKomiti ayinakuwenza umsebenzi owongezelelweyo okanye ayinakulisebenzisa igunya; okanye
 - (b) kuya kuxhomekeka kumdlu wabantu wokuba uMphathiswa wePhondo angakwenze oko.
- (3) UMphathiswa wePhondfo uya kuthi akuba ebonisene neBhodi okanye neKomiti—
- (a) ayikhulule iBhodi okanye iKomiti ekubeni yenze imisebenzi ibimiselwe ukuba iyenze ngokwecandelo 9 okanye 11; okanye
 - (b) arhoxise igunya ekubhekiselelwe kulo kwicandelo 10 okanye 12 ngokumayela neBhodi okanye neKomiti.
- (4) Xa esebenzisa igunya elichazwe kwicandelwana (1), (2) okanye (3), uMphathiswa wePhondo uya kuthi—
- (a) emva kokubonisana nentloko okanye neentloko zamaziko achaphazelekayo; kananjalo
 - (b) ngokuxhomekeke kuyo nayiphi inkqubo, njengoko aya kumisela uMphathiswa wePhondo, ukuba asetyenziswe loo magunya.

Ukwenziwa kwemisebenzi nokusetyenziswa kwamagunya

14. (1) Xa kusenziwa imisebenzi okanye xa kusetyenziswa amagunya, iBhodi okanye iKomiti iya kusebenza ngokwemithetho echaohazelekayo nesetyenziswayo yezempilo kunye nomgaqo-siseko owenziwe ngurhulumente wesizwe, owephondo okanye owommandla.

(2) INtloko yeSebe iya kucela iBhodi okanye iKomiti ukuba ingenise ingxelo ephathelelene neenkqubo zayo.

Amanyathelo eNtsebenziswano

15. (1) UMphathiswa wePhondo uya kuthabatha amanyathelo okuqinisekisa ubudlelane bentsebenziswano phakathi kweeBhodi, iiKomiti namaBhunga eZithili zeMpilo.

(2) IBhodi okanye iKomiti iya kwenza kubekho ubudlelwane bentsebenziswano eluqilima kunye nolawulo lwelo ziko lezempilo ililisebenzelayo.

(3) INtloko yeziko lempilo iya—

- (a) kuthabathela amanyathelo iBhodi okanye iKomiti echaphazelekayo ukuba yenze imisebenzi yayo okanye isebenzise amagunya ayo; kananjalo
- (b) iya kuqinisa ubudlelane bentsebenziswano kunye neBhodi okanye iKomiti echaphazelekayo.

(4) Ukuba isonjululwe iyantlukwano ethe yakho phakathi kolawulo lweziko lwezempilo kunye neBhodi okanye neKomiti echaphazelekayo, iBhodi okanye iKomiti okanye intloko yeziko lezempilo iya kucela iNtloko yeSebe ukuba ingenelele okanye ilamle

(5) Usihlalo weBhodi nowekomiti uya kuthi ekupheleni kwekhalenda yonyaka, angenise ingxelo ebhaliweyo kuMphathiswa wePhondo ephathelelene neenkqubo zeBhodi okanye ezeKomiti zasebudeni bonyaka.

USihlalo nesekele sihlalo

16. (1) IBhodi okanye iKomiti iya kuthi phakathi kwamalungu ekubhekiselelwe kuwo kwicandelo 5(1)(a) okanye 6(1)(b), ngokwaloo meko, inyule usihlalo kunye nesekele sihlalo—

(a) kwintlanguaniso yokuqala; kanaanjalo

(b) kuya kuthi kwenziwe, nokuba sesiphi kwezo zikhundla esishiyeka singenamntu.

(2) Umsebenzi weSebe akayi kunyulwa njengosihlalo weBhodi.

(3) Usihlalo kunye nesekele sihlalo batyunjelwa esikhundleni isithuba sonyaka omnye.

(4) Kwisithuba seentsuku ezili-14 zenkqubo yokutyumba usihlalo okanye isekela sihlalo ngokwecandelwana (1), usihlalo uya kuyazisa iNtloko yeSebe ngembalelwano ngegama nedilesi legosa elichaphazelekayo elisesikhundleni.

(5) Ukuba usihlalo akakho entlanganisweni yeBhodi okanye eyeKomiti okanye akafumaneki, usekela sihlalo uya kubamba njengosihlalo.

(6) Ukuba usihlalo kunye nesekele sihlalo abakho entlanganisweni yeBhodi okanye eKomiti, amalungu akhoyo aya kunyula omnye kwelo nani alilo ukuba abambe njengosihlalo kuloo ntlanguaniso.

(7) Usihlalo weBhodi ligosa lophicotho zincwadi laloo Bhodi kwaye uya kuba namagunya nemisebenzi emiselwe nguMphathiswa wePhondo.

Inkxaso ngokubanzi

17. (1) Isibhedlele emiselwe sona iBhodi iya kwalatha indawo, iofisi yonobhala, inkxaso kwezolawulo nakwezemali ezimiselwe yiBhodi.

(2) Ukuba iBhodi iye yamiselwa ukuba ijongane nezibhedlele eziliqela, indawo neofisi yonobhala, inkxaso kwezolawulo nakwezemali iya kunikwa sisibhedlele okanye zizibhedlele eziliqela njengoko kumiselwe—

(a) ngokwesivumelwano esiphakathi kweentloko ezibhedlele ezichaphazelekayo; okanye

(b) iNtloko yeSebe, xa singekho isivumelwano esinjalo.

(3) Nangona ngokwamacandelwana (1) nele-(2), iBhodi iya kwenza amanye amalungiselelo apha thelelene nendawo, iofisi yonobhala, inkxaso kwezolawulo nakwezemali evela engxweni yayo oko kusenziwa ngendlela emiselwe nguMphathiswa wePhondo.

(4) Iziko lezempilo elineenkono zonyango olusisiseko apho iKomiti imiselwe ukunika indawo eya kusetyenziswa yiKomiti kwaye kukho imfuneko enkulu yokuba kubekhona iofisi yonobhala, inkxaso kwezolawulo nophicotho zincwadi efunwa yiKomiti.

(5) Ukuba iKomiti imiselwe ukujongana namaziko ezempilo aneenkonzo zonyango oluphambili aliqela, indawo kukho imfuneko enkulu yokuba kubekhona unobhala, inkxaso kwezolawulo nophicotho zincwadi efunwa yiKomiti neya kwenziwa liziko elinye okanye amaziko aliqela ezempilo aneenkonzo zonyango oluphambili, njengoko kumiselwe—

(a) ngokwesivulwano esiphakathi kweentloko zamaziko ezempilo aneenkonzo zonyango olusisiseko achaphazelekayo; okanye

(b) iNtloko yeSebe, xa singekho isivumelwano esinjalo.

(6) ISebe liya kuqeqesha lifundise amalungu alo amatsha aqeshiweyo kwisigaba sokuqala sokuba sesikhundleni.

Ukumisela iintlanganiso

18. (1) INtloko yeSebe iya kumisela ixesha nendawo yentlanganiso yokuqala yeBhodi okanye yeKomiti.

(2) IBhodi okanye iKomiti iya kumisela ixesha nendawo yentlanganiso yezinye iintlanganiso zesiqhelo ezilandelayo eziya kuhlala kube kanye rhoqo emva kweenyanga ezimbini ngokubhekiselele kwiKomiti.

(3) Usihlalo uya kuthi nangaliphi na ixesha abize intlanganiso, kwaye uya kukwenza oko xa eceliwe ngembalelwano ngamalungu eBhodi okanye eKomiti amabini ubuncinane, xa athe wakubona oko kufanelekile.

(4) Usihlalo kufuneka awazise amalungu ngexesha, indawo nesizathu sokubizwa kwentlanganiso yesikhawu echazwe kwicandelwana (3), ubuncinane kwisithuba seentsuku ezintathu zomsebenzi ngaphambi kokuba ihlale kwintlanganiso leyo, ngaphandle kwaxa kufuneka ibizwe ngesiquphe intlanganiso ngokubangelwa ziimeko ezingxamisekileyo.

Inkqubo elandelwayo ezintlanganisweni

19. (1) Inkqubo elandelwayo entlanganisweni yeBhodi kufuneka ithi, njengoko ingagunyaziswanga, imiselwe yiBhodi okanye yiKomiti.

(2) Ikhoram enamalungu angayi kuba ngaphantsi kwesiqingatha samalungu ewonke kufuneka abe khona nangaliphi ixesha ntlanganisweni.

(3) Isigqibo seBhodi okanye seKomiti siya kwenziwa ngokufikelela kwisivumelwano, kodwa xa singafikelelanga isininzi samalungu ebekho entlanganisweni kwisivumelwano, eso sivumelwano kufikelelwe kuso iya kuba sisigqibo seBhodi okanye seKomiti.

(4) Xa kuye kwakho ukulingana ngokweevoti kuwo nawuphi umbandela, usihlalo kuloo ntlanganiso uya kongeza eyakhe ivoti ukuze kuthathwe isigqibo.

(5) IBhodi iya kunika umyalelo okanye inike imvume nawuphi na umntu osesikhundleni sokuba ngumcebisi athathe inxaxheba kwiintlanganiso.

(6) Usihlalo uya kuqinisekisa ukuba—

(a) and iyagcinwa irekhodi egqibeleleyo yamalungu abekho entlanganisweni, amanqaku entlanganiso nezisombululo ekugqitywe ngazo, kuzo zonke iintlanganiso, kananjalo

(b) nekopi yerekhodi ekubhekiselwe kuyo kumhlathi (a), ityikitywe ngusihlalo, ithunyelwe kwiNtloko yeSebe, ukuba iNtloko yeSebe iya kufuna oku.

Iintlanganiso ezivulelekele noluntu

20. (1) Ngokuxhomekeke kwicandelwana (2), zonke iintlanganiso zeBhodi zivulelekile eluntwini.

(2) Ukuba iBhodi okanye iKomiti ithe ngezizathu ezifanelekileyo yagqiba ekubeni uluntu malungathabathi nxaxheba kwintlanganiso xa kuxoxwa ngomba othile, usihlalo akayi kulubandakanya uluntu entlanganisweni ngexesha lengxoxo.

(3) IBhodi okanye iKomiti iya kusebenzisa nayiphi na into ebona ifanelekile, ukwazisa uluntu ngeentlanganiso zeBhodi okanye zeKomiti.

Ikomiti elawulayo

21. (1) IBhodi okanye iKomiti iya kuseka ikomiti elawulayo enamalungu eBhodi okanye eKomiti, ekuya kubakho kuwo ubuncinane isiqingatha samalungu anyulwe ngokwecandelo 5(1)(a) xa iyiBhodi nangokwecandelo 6(1)(b).

(2) Ngokuxhomekeke kwimigaqo yeBhodi okanye yeKomiti kunye necandelwana (3) nele (4), ikomiti elawulayo iya kwenza yonke imisebenzi kwaye isebenzise onke amagunya eBhodi okanye eKomiti phakathi kweentlanganiso zeBhodi okanye zeKomiti.

(3) IKomiti elawulayo ayinawo amagunya okumisela okanye okwenza nasiphi na isigqibo seBhodi okanye seKomiti, ngaphandle kwaxa iBhodi okanye iKomiti ikwalathile oko.

(4) Naliphi inyathelo okanye isigqibo esithatyathweyo yikomiti elawulayo siya kuthi kwintlanganiso yokuqala yeBhodi okanye yeKomiti elandela emva kwelo nyathelo okanye eso sigqibo siphononongwe yiBhodi okanye yiKomiti size silungiswe kungagatywanga nawuphi na umntu.

IiKomiti ezizodwa

22. (1) IBhodi okanye iKomiti iya kuseka iikomiti ezizodwa eziya kuba namalungu eBhodi okanye eKomiti aya kwenza imisebenzi ethile okanye asebenzise amagunya athile egameni leBhodi okanye leKomiti.

(2) Xa igunya lolawulo linikwe ikomiti eyodwa, umyalelo, imimiselo ekubhekiselelwa kuyo, inkqubo neekhoram zekomiti eyodwa kufuneka kuya kuvunyelwana ngazo zishicilelwe yiBhodi okanye yiKomiti.

(3) Ikomiti iya kutyumba umntu okanye abantu abangasebenzi kwiBhodi ukuba basebenze kwikomiti njengabacebisi.

(4) Naliphi inyathelo elithatyathweyo okanye isigqibo esithatyathweyo yikomiti eyodwa, siya kuthi kwintlanganiso yokuqala yeBhodi okanye iKomiti emva kwelo nyathelo kweso sigqibo, kuphononongwa okanye sitshintshwe yiBhodi okanye iKomiti kungakhethwanga mntu utheni.

Ukunyusa ingxowa-mali nokusetyenziswa kwayo

23. (1) IBhodi iya kufumana iinkonzo, imali, oovimba bokugcina okanye izixhobo ngeenjongo zokufezekisa imisebenzi yayo.

(2) IBhodi iya kuyisebenza imali, oovimba okanye izixhobo ezinikwe ngeenjongo zokwenza imisebenzi yayo.

(3) IBhodi iya kuseka iqumrhu eliya kujongana nezimali eziya kuba luncedo kwiziko lempilo esebenzela lona kwaye iya kwamkela ize ilawule elo qumrhu lakuba lisekiwe ukuze lincede iziko lempilo esebenzela lona.

(4) IBhodi iya kugcina zonke iirekhodi zemali ezifumeneyo nezichithileyo nezee-asethi.

(5) IBhodi iya kuthi rhoqo kwisithuba seenyanga ezimbini zokuphela konyakamali, ingenise kwiNtloko yeSebe iingxelo zemali zonyaka ezihlanganiswe ngokwesikhokelo soniko ngxelo esimiselwe nguMphathiswa wePhondo ebonisene noMphathiswa wePhondo wezemali.

(6) UMphicothi zincwadi onyulwe yiBhodi uya kuthi ngokwecandelwana (7), enze uphicotho kwiirekhodi nakwiingxelo zonyaka zemali zeBhodi athumele ingxelo yophicotho kwiNtloko yeSebe nakwiBhodi echaphazelekayo kwisithuba seenyanga ezimbini zifumanekile iingxelo ekubhekiselelwa kuzo kwicandelwana (5).

(7) UMphathiswa wePhondo uya kuthi emva kokubonisana neNtloko yeSebe amisele ukuba iBhodi ixolelwe ekuphicothweni.

(8) UMphathi wePhondo uya kuqwalasela oku kulandelayo kuba iBhodi xa esenza isindululo ngokwecandelwana (7):

- (a) ukuba ngaba lilonke ixabiso lee-asethi kuqukwa nemali eselugcinweni yeBhodi egqithileyo kuma-R5 000 000 kumnyaka-mali odlulileyo;
- (b) iingxelo zemali zeBhodi zomnyaka-mali odlulileyo; kananjalo
- (c) ukuba iBhodi yawenza imisebenzi yayo ngokwalo Mthetho kumnyaka-mali odlulileyo.

(9) Apho uMphathiswa wePhondo aye wayixolela iBhodi ngokwecandelwana (7), iBhodi iya kuthi nokuba kunjalo ingenise kwiNtloko yeSebe iingxelo zemali ezenziwe ngokwesikhokelo soniko ngxelo esimiselwe nguMphathiswa wePhondo ebonisene noMphathiswa wePhondo wemali.

(10) UMphathiswa wePhondo uya kumisela iBhodi exolelweyo ngokwecandelwana (7) kuba iphicothwe njengoko kuchaziwe kwicandelwana (6).

(11) unyaka-mali weBhodi ngunyaka ophela ngomhla wama-31 kuMatshi.

(12) Ukuba iBhodi iyasilela ukuthobela icandelwana (5) okanye (9), okanye apho iBhodi iye yanamagingxigingxi ekuphatheni imali, uMphathiswa wePhondo uya kumisela amanyathelo olungiso awabona efanelekile, aquka —

- (a) ukuqeshwa komlawuli ukuze alawule imicimbi yemali okanye imisebenzi eyenziwayo yiBhodi;
- (b) ukunqunyanyiswa okanye ukurhoxiswa kwamalungu eBhodi esikhundleni; kananjalo
- (c) ukutshintshwa kwemisebenzi namagunya eBhodi, nangona kumiselwe kwicandelo 13.

(13) Ngaphambi kokuba athabathe amanyathelo olungiso akhankanywe kwicandelwana (12), uMphathiswa wePhondo, iNtloko yeSebe iya kukhuphela amalungu eBhodi isaziso neekopi ezigunyazisa misela ukufezekiswa kwemisebenzi njengoko inikiwe—

- (a) inkcazelo ephathelele ekunxaxheni kwimimiselo kuqukwa nokusilela ukwenza imisebenzi ngemfezeko;
- (b) amanyathelo amiselwe iBhodi ukuba iwalandele kwanexesha apho la manyathelo kuthi alungise oko kunxaxhwe kuko; kananjalo
- (c) ukwazisa iBhodi ukuba isilele ekuthabatheni amanyathelo akhankanywe kumhlathi (b) iNtloko yeSebe iya kugqithisela kuMphathiswa wePhondo olo nxaxho ukuze ibe nguye othabatha amanyathelo olungiso ngokwecandelwana (12).

(14) IBhodi iyakhawulelana nawo onke amanyathelo akhankanyiweyo kwicandelwana (13)(b) kwisithuba esikhankanyiweyo kwisaziso sothobelo, iNtloko yeSebe iya kuyazisa iBhodi ngembalelwano malunga nokuthobela kwayo ngokwesaziso sokuthobela.

(15) Ukuba iBhodi iyasilela ukuthobela naliphi na inyathelo kumanyathelo onke ekubhekiselelwa kuwo kwicandelwana (13)(b) kwisithuba esikhankanywe kwisaziso sothobelo—

(a) iNtloko yeSebe iya kuthio ekupheleni kwexesha elichazwe kwisaziso sothobelo, amazise uMphathiswa wePhondo ngembalelwano ngesizathu sokunxaxha okanye ukungathobeli ngokupheleleyo kweBhodil kananjalo

(b) uMphathiswa wePhondo uya kuthi kwiintsuku ezingama-30 esifumene isaziso sonxaxho okanye ukungathobeli ngokupheleleyo kweBhodi ngembalelwano malunga nokunxaxha okanye ukungathobeli ngokupheleleyo ngokwendlela ekhankanywe kwisaziso sothobelo.

(16) Isaziso esikhankanywe kwicandelwana (15)(b) iya kuchaza—

(a) amanyathelo aphakanyiweyo olungiso aya kuthatyathwa ngokwecandelwana(12); kananjalo

(b) ukuba iBhodi inelungelo lokwenza ulwandlalo phambi koMphathiswa wePhondo kwisithuba seentsuku ezi-14 sifunyenwe isaziso esiphathelele kumanyathelo aphakanyiweyo olungiso.

(17) Zakuphela iintsuku ezili-14 ezichazwe kwicandelwana (16)(b), ukuba uMphathiswa wePhondo uyifumene akayifumana ingcaciso ngembalelwano evela kwiBhodi, uMphathiswa wePhondo uya kuthi emva kokuqwalasela onke amanqaku afanelekileyo kuquka nokungathobeli ngokupheleleyo kweBhodi, athabathe amanyathelo olungiso aphakanyiweyo.

(18) Ukuba umlawuli uye waqeshwa ngokwecandelwana (12)(a), uya kuthi—

(a) kwisithuba seenyanga ezintandathu eqeshiwe, angenise kwiNtloko yeSebe ingxelo emalunga nemicimbi yemali yeBhodi nazo naziphi na izezo ezikrokrelwayo zonxaxho kwimimiselo esemthethweni okanye ukwenza isenzo solwaphulo-mthetho seBhodi echaphazelekayo;

(b) emva koko, iya kuthi ibonisene neNtloko yeSebe, yenze isicwangciso sokulungisa seBhodi echaphazelekayo; kananjalo

(c) sakuba sigqityiwe isicwangciso sokulungisa, okanye ukuphumeza isicwangciso sokulungisa—

(i) ukuba kufanelekile, kungenziwa isiphakamiso kuMphathiswa wePhondo neNtloko yeSebe sokuba kwandiswe isicwangciso sokulungisa esiya kuthatha isithuba seenyanga ezintandathu; okanye

(ii) kungeniswe kuMphathiswa wePhondo nakwiNtloko yeSebe ingxelo engqibeleleyo yemicimbi yemali yeBhodi kunye nalo naluphi na unxaxho kummiselo womthetho okanye isenzo esingekho mthethweni esenziwe yiBhodi echaphazelekayo.

(19) UMphathiswa wePhondo uya kuthi emva kokubonisana neNtloko yeSebe akufumana ingxelo engqibeleleyo echazwe kwicandelwana (18)(c)(ii), nguye oya kubona ukuba—

(a) iBhodi inako ukulawula imicimbi yayo yemali; okanye

- (b) iBhodi inako ukulawula imicimbi yayo yemali ngoncedo lomlawuli omiselwe nguMphathiswa wePhondo ngokuphathelene ngemiqathango nemimiselo njengoko kumiselwe nguMphathiswa wePhondo.
- (20) Ngaphambi kokuba uMphathiswa wePhondo enze isindululo ngokwecandelwana (19)(b), uya kuyazisa iBhodi ngembalelwano ngeenjongo zakhe zokuba enze eso sindululo.
- (21) Isaziso esikhankanywe kwicandelwana (20) siya kuchaza—
- (a) isindululo sokuba uMphathiswa wePhondo abe nenjongo yokwenza; kananjalo
- (b) ukuba iBhodi inelungelo lokwenza ingcaciso ebhaliweyo kuMphathiswa wePhondo kwisithuba seentsuku ezili-14 isifumene isaziso esimalunga nesindululo esenziweyo.
- (22) Ukuphela kweentsuku ezili-14 ezikhankanywe kwicandelwana (21)(b), ukuba ingaba uMphathiswa wePhondo uyifumene okanye akayifumananga ingcaciso ebhaliweyo evela kwiBhodi, uMphathiswa wePhondo uya kuthu emva kokuqwalasela onke amanqaku afanalekileyo kuquka nayo nayiphi na ingcaciso eyenziwe yiBhodi, enze isindululo.

Iimfanelo zohambo nezimayela noko

- 24.** (1) Ngokuxhomekeke kwixabiso elimiswe nguMphathiswa wePhondo wezemali, iBhodi iya kuthi kwimali yayo ibuyekeze ilungu leBhodi, umcebisi ngokwecandelo 19(5) okanye nawuphi na umntu owatyunjwa njengelungu eliya kusebenza kwikomiti eyodwa ngokwecandelo 22(3) mayela—
- (a) neendleko zothutho phakathi kwendawo elihlala, okanye elisebenza kuyo ilungu, umcebisi okanye umntu kunye nendawo ebanjelwe kuyo intlanganiso yeBhodi okanye yekomiti echaphazelekayo, kananjalo
- (b) neendleko zohambo neemfanelo zokuphila ezithe zadaleka ngenxa yokuya kwiinkomfa, iisemina okanye kwiinkqubo zoqeqesho zeBhodi, kodwa xa iinkomfa, iisemina neenkqubo zoqeqesho zingaphaya kwemida yeRiphabliki yoMzantsi Afrika, kuya kufumaneka imvume kuMphathiswa wePhondo.
- (2) Ngokuxhomekeke kwixabiso elimiswe nguMphathiswa wePhondo wezemali, iBhodi iya kuthi kwimali yayo ibuyekeze ilungu leBhodi, umcebisi ngokwecandelo 19(5) okanye nawuphi na umntu owatyunjwa njengelungu eliya kusebenza kwikomiti eyodwa ngokwecandelo 22(3), ngexesha elichithwe yiBhodi emsebenzini, kodwa iBhodi ayiyi kuwabuyekeza amalungu ngexesha alichithel kumsebenzi weBhodi.
- (3) Ngokuxhomekeke kwixabiso elimiswe nguMphathiswa wePhondo ebonisene noMphathiswa wePhondo wezemali, iSebe liya kubuyekeza amalungu eKomiti ngokumayela neendleko zohambo ezenzeke ngokuya ezintlanganisweni zeKomiti.
- (4) Xa iBhodi ingenamali yaneleyo, ize ithi ngokuxhomekeke kwixabiso elimiselwe nguMphathiswa wePhondo ebonisene noMphathiswa wezemali, iSebe liya kuwabuyekeza amalungu eBhodi kwiindleko zawo ezidaleke ngenxa yokuya ezintlanganisweni zeBhodi.

Ukuvalwa kweziko lempilo

25. Xa lithe lavalwa iziko lempilo yiBhodi okanye yiKomiti esekwe ngokwalo Mthetho, iNtloko yeSebe iya kuthi kwisithuba seenyanga ezintathu ubuncinane ngaphambi kokuvalwa kwalo nasemva kokuba ibonisene neBhodi okanye neKomiti, iyalele iBhodi okanye iKomiti ngembalelwano malunga—

- (a) neenjongo zayo zokulivala, xa iBhodi okanye iKomiti leyo yayisekelwe ukusebenza kwelo ziko lempilo;
- (b) nayo nayiphi na injongo yokutshintsha amalungu ngenxa yokovalwa kwelo ziko lempilo, xa iBhodi okanye iKomiti leyo yayisekelwe amaziko empilo aliqela; kananjalo
- (c) nokutshitshiswa kweempahla namatyala ayeluxanduva lweBhodi ngexesha kovalwa isibhedlele.

Imimiselo

26. (1) Ngokuxhomekeke kwicandelo (3), uMphathiswa wePhondo uya kwenza imimiselo ephathelele—

- (a) neenkqubo zokutyunjwa kwamalungu aya kunyulwa asebenzi kwiiBhodi nakwiiKomiti;
- (b) neenkqubo zokutshintshatshintsha kwemisebenzi yeBhodi okanye yeKomiti;
- (c) nolawulo lwemali yeeBhodi;
- (d) nokuhlalulelwa kohambo nokukhutshwa kwamaqithiqithi ngokwalo Mthetho;
- (e) nokusekwa kweetrasti;
- (f) nemigaqo neenkqubo ezimalunga nokuhlanganiswa kwamaziko empilo aneenkonzo zonyango olusisiseko ngokubhekiselele kwiKomiti enyulelwe iqela lamaziko empilo aneenkonzo zonyango olusisiseko;
- (g) ukutyalwa kwemali yeBhodi; kananjalo
- (h) nawuphi na omnye umbandela osenokumiselwa okanye ekufuneka umiselwe ngokwemimiselo yalo Mthetho, okanye awuthatha njengofanalekileyo okanye olungele ukuba ungayalela ukuze kuphunyezwe iinjongo zalo Mthetho.

(2) Ngokumalunga nemimiselo echaza ngemali eya kufuneka yoMbuso, uMphathiswa wePhondo uya kukhupha le mimiselo ngaxeshanye noMphathiswa wePhondo onoxanduva kwezemali.

Ugunyaziso-msebenzi

27. (1) UMphathiswa wePhondo uya kunikezela nawuphi na umsebenzi okanye igunya elinikwe uMphathiswa wePhondo ngulo okanye phantsi kwalo Mthetho, ngaphandle kwegunya lokwenza imimiselo, iNtloko yeSebe, ngokuxhomekeke kuyo nayiphi imeko aya kuyimisa uMphathiswa wePhondo.

(2) INtloko yeSebe iya kunikezela okanye yabe naliphi na igunya okanye umsebenzi onikwe iNtloko yeSebe ngulo okanye phantsi kwalo Mthetho kulo naliphi na igosa eliqeshwe liSebe, ngokuxhomekeke kuyo nayiphi na imeko eya kuyimisa iNtloko yeSebe.

(3) Unikezelo-msebenzi ngokwecandelwana (1) okanye (2) aluthinteli ukwenziwa komsebenzi ogunyaziswe ukuba wenziwe okanye ukusetyenziswa kwamagunya nguMphathiswa okanye yiNtloko yeSebe, nokuba yeyiphi na imeko kwezi.

Imimiselo yexeshana ngokubhekiselele kwizibhedlele ezikhulu

28. (1) Nangona ukubhangiswa komthetho iWestern Cape Facility Boards Act ngalo Mthetho, ibhodi yesibhedlele esikhulu esele ikho iya kuqhubeka nokusebenza ngokwemiselo yala Mthetho ade uMphathiswa amisele ibhodi engummeli wezibhedlele ezikhulu.

(2) Lingatyeshelwanga nje icandelo 7 lomthetho iWestern Cape Health Facility Boards Act, ukuba ixesha lokuba sesikhundleni kwelungu lebhodi esele ikho liyaphela ngaphambi kokuba uMphathiswa wesizwe amisele isibhedlele esichaphazelekayo ibhodi engummeli wesibhedlele esikhulu, elo lungu liya kuhlala esikhundleni ade uMphathiswa wesizwe amisele ibhodi.

(3) Yakuba imiselwe ibhodi engummeli yesibhedlele esikhulu nguMphathiswa wesizwe, uMphathiswa wePhondo uya kuthi akuba ebonisene nebhodi eseyikho yesibhedlele esikhulu, enze isindululo ngembalelwano malunga—

- (a) nokunika nokugqithiselwa kwee-asethi namatyala ebhodi esezikho zesibhedlele esikhulu, apho kukho kufanelekileyo khona; kanaanjalo
- (b) nawuphi na umcimbi obonakalisa kukho imfuneko yokuqinisekisa ngokusebenza ngokufanelekileyo kwebhodi engummeli wesibhedlele esikhulu.

(4) Isindululo ekubhekiselelwe kuso kwicandelwana (3)(a) sicacisa ukuba zonke ii-asethi ezithile ezikhankanyiweyo namatyala ebhodi eseyikho yesibhedlele esikhulu ziya kugqithiselwa kwitrasti ekubhekiselelwa kuyo kwicandelo 23(3).

Ubhangiso nolondolozo

29. (1) Umthetho iThe Western Cape Health Facility Boards Act uyabhangiswa.

(2) Ngokwecandelo 28 umda omiselwe ngumthetho kwanamalungelo neemfanelo zebhodi emiselwe ngokwecandelo 5 lomthetho iWestern Cape Health Facilities Board Act awuchaphazeleki kukubhangiswa nokulondolozwa kwala Mthetho, nawuphi na umntu osesikhundleni ngokumiselwa ngula Mthetho nje phambi kokuba uqalise ukusebenza lo Mthetho, uya kuba sesikhundleni ixesha elisikelwe ingqesho kwaye uthathwa njengoqeshiweyo ngokwalo Mthetho ixesha elingayi kuphelelwa lingekapheli ixesha lokuba abe sesikhundleni.

(3) Nawuphi na umpoposho, umgaqo, umyalelo, isigunyaziso, imvume okanye uxwebhu oluthe lwakhutshwa, lwapapashwa, lwanikelwa okanye lwavunywa kanaanjalo naso nasiphi na esinye isenzo esenziwe phantsi komthetho obhangiswe leli candelo, ukuba oko akuhambi ngokwalo Mthetho, uthatyathwa njengopapashwe, wanikelwa, wavunywa okanye wenziwa phantsi kwalo Mthetho

Isihloko esifutshane nokuqala kokusebenza komthetho

30. Lo Mthetho ubizwa ngokuba nguMthetho weeBhodi neeKomiti zamaZiko eMpilo weNtshona Koloni, 2015, noya kuqala ukusebenza ngomhla oya kumiselwa yiNkulumbuso ngokwenza umpoposho kwi*Gazethi yePhondo*.

**MEMORANDAM YEENJONGO ZOMTHETHO OYILWAYO WEEBHODI
NEEKOMITI ZAMAZIKO EMPILO WENTSHONA KOLONI, 2015**

1. INKCAZELO

- 1.1. Amacandelo amaninzi omthetho iNational Health Act, 2003 (Act 61 of 2003) (i-NHA), owaqalisa ukusebenza ngomhla wama-27 kuFebruwari 2012 ngokoMpoposho 11/2012, owapapashwa kwiGazethi yePhondo 35081. Amacandelo achaphazelakayo eenjongo zoMthetho oYilwayo weeBhodi neeKomiti zamaZiko eMpilo weNtshona Koloni, 2015 (uMthetho oYilwayo) licandelo 41 necandelo 42, elilawula iiBhodi eziya kumiselwa izibhedlele neeKomiti eziya kumiselwa iiklinikhi namaziko empilo oluntu ngokulandelelana kwazo.
- 1.2. ICandelo 41(1) le-NHA lenze ummiselo woMphathiswa wezeMpilo wesizwe (uMphathiswa wesizwe) ukukhangela, phakathi kwezinye izinto, uthotho lweenkonzo zempilo, iinkqubo kwanemigaqo elandelwayo yolwamkelo nokuthunyelwa kwezigulane, nokuhlelwa kweendleko zezibhedlele ezikhulu. ICandelo 41 (2) le-NHA lenze ummiselo ophathelelene nelungu elichaphazelekayo leBhunga loLawulo (u-MEC) ukwenza imisebenzi ngokubhekiselele kwezinye iindawo ezijongene nempilo yoluntu ezibalelwa ukuba zizibhedlele zingezizo izibhedlele ezikhulu.
- 1.3. Ngokuhambelana nale mimiselo, icandelo 41(4) lichaza ukuba uMphathiswa wesizwe nguye oya kumisela iBhodi engummeli wezibhedlele ezikhulu okanye iqela lezibhedlele ezikhulu aze amisele imisebenzi yezi Bhodi. ICandelo 41(6)(a) licacisa ukuba iya kuba nguMEC ochaphazelekayo oya kumisela iBhodi yazo zonke iindawo zempilo zoluntu ezibalelwa ukuba zizibhedlele okanye ibhodi yeqela ngalinye zezo ndawo zijongene nezempilo kwaye ziya kumiselwa imisebenzi neenkqubo eziya kulandelwa xa kuhlala iintlanganiso zezi Bhodi. Iindawo zempilo zoluntu ekubhekiselelwa kuzo kwicandelo 41(6)(a) azizibandakanyi izibhedlele ezikhulu. ICandelo 42 licacisa ukuba umthetho wephondo uya kumisela iziko kwiphondo ekubhekiselelwa kulo ngokuphathelelene neeKomiti zeeklinikhi namaziko ezempilo oluntu okanye amaqela amaziko oluntu.
- 1.4. Kungoku nje, iiBhodi zazo zonke izibhedlele zeNtshona Koloni, kuqukwa neeBhodi zezibhedlele ezikhulu, zimiselwa nguMphathiswa wePhondo wezeMpilo (“uMphathiswa wePhondo”) phantsi komthetho iWestern Cape Health Facility Boards Act, 2001 (Act 7 of 2001) (“i-WCHFBA”). Akwenziwanga mmisselo uwodwa ngokubhekiselele ekumiselweni kweeKomiti zeeklinikhi zamaziko empilo oluntu.
- 1.5. Umthetho oYilwayo uyimfuneko ukuze kuthotyelwe amacandelo akhankanywe ngasentla kwiNHA. Umthetho oYilwayo wenze ummiselo wokumiselwa kweeBhodi zezibhedlele kwiPhondo, ngaphandle kwezibhedlele ezikhulu, neeKomiti zeeklinikhi nezamaziko ezempilo oluntu. Iiklinikhi namaziko ezempilo oluntu abalelwa

“njengamaziko ezempilo onyango olusisiseko kuMthetho oYilwayo”. Izibhedlele kunye namaziko ezempilo onyango olusisiseko kubhekiselelwa kuwo njengahlangeneyo kumthetho oYilwayo “njengamaziko ezempilo”.

2. IINJONGO ZOMTHETHO OYILWAYO

- 2.1 Iinjongo zoMthetho oYilwayo kukwenza ummiselo wokumiselwa kweeBhodi zezibhedlele kwiPhondo, ngaphandle kwezibhedlele ezikhulu, nokumiselwa kweeKomiti kumaziko ezempilo aneenkonzo zonyango olusisiseko nenkcazelo ephathelelene nokusebenza kwezi Bhodi nezi Komiti.
- 2.2 Imimiselo yoMthetho oYilwayo ijonge ekuqinisekiseni—
- (a) ngokumiselwa kweeBhodi neeKomiti ezingabameli neziphendulayo njengamaqumrhu asemthethweni;
 - (b) ukukhawulelana kwabolawulo bamaziko ezempilo neemeko zoluntu kwaneemfuno zezigulane neentsapho zazo;
 - (c) inkxaso yoluntu nokubandakanyekwa kwalo kumaziko ezempilo kunye nakwiinkqubo zawo;
 - (d) ukusetyenziswa kwezibonelelo ngendlela efanelekileyo kwiziko lempilo; kananjalo
 - (e) ukuba iiBhodi neeKomiti zeZiko leMpilo zinikwa imisebenzi namagunya achazwe ngokucacileyo, eziya kumana zisandiswa ngokweemfuno eziphambili zoluntu njengoko isikhundla seBhodi okanye eseKomiti sikhula.

3. ISIQULATHO SOMTHETHO OYILWAYO

Umhlathi 1 uchaza ngeenkcazelo ezithile.

Umhlathi 2 umisela iinjongo zoMthetho oYilwayo.

Umhlathi 3 uchaza ngokumiselwa kwamaziko empilo nguMphathiswa wePhondo umsebenzi oya kwenziwa liziko elo.

Umhlathi 4 ucacisa ukuba uMphathiswa wePhondo uya kumisela iiBhodi neeKomiti.

Umhlathi 5 uchaza ngokunyulwa kwamalungu eBhodi.

Umhlathi 6 uchaza ngokunyulwa kwamalungu eKomiti.

Umhlathi 7 uchaza ngexesha lokuba sesikhundleni kwamalungu eBhodi naweeKomiti.

Umhlathi 8 uchaza ngobhengezo nozaliso zikhundla zeeBhodi nezeeKomiti.

Umhlathi 9 umisela imisebenzi yeeBhodi zesibhedlele.

Umhlathi 10 umisela amagunya eeBhodi zesibhedlele.

Umhlathi 11 umisela imisebenzi yeKomiti yeziko lempilo elineenkonzo zonyango olusisiseko.

Umhlathi 12 umisela amagunya eeKomiti zeziko lempilo elineenkonzo zonyango olusisiseko.

Umhlathi 13 uchaza ngokutshintshantshintsha kwemisebenzi yeeBhodi neeKomiti.

Umhlathi 14 uchaza indlela eziya kuthi iiBhodi neeKomiti zizenze ngayo imisebenzi yazo kananjalo ziwasebenzise ngayo amagunya azo.

Umhlathi 15 uchaza imigaqo yentsebenziswano.

Umhlathi 16 uchaza ngokunyulwa kukasihlalo nosekela sihlalo weBhodi okanye oweKomiti.

Umhlathi 17 uchaza iofisi kanobhala, ezolawulo nenkxaso yophicotho zimali efunwa ziiBhodi naziiKomiti nokuxhotyiswa kwamalungu amatsha aqalayo ukuba sezikhundleni eeBhodi naweeKomiti ngolwazi.

Umhlathi 18 uchaza ngokucwangciswa kweentlanganiso eziya kuhlala zeeBhodi nezeeKomiti.

Umhlathi 19 uchaza ngenkqubo elandelwayo kwiintlanganiso zeeBhodi nezeeKomiti.

Umhlathi 20 uchaza ngobukho babantu ezintlanganisweni zeeBhodi nezeeKomiti.

Umhlathi 21 uchaza ngokunyulwa kweekomiti zolawulo zeeBhodi nezeeKomiti.

Umhlathi 22 uchaza ngokutyunjwa kweekomiti zeengcali zeeBhodi nezeeKomiti.

Umhlathi 23 uchaza ngokunyuswa kwengxowa-mali nokusetyenziswa kwemali ziiBhodi.

Umhlathi 24 uchaza uhambo namanye amaqithiqithi ngokuphathelelene namalungu eBhodi naweeKomiti.

Umhlathi 25 uchaza ngokuvalwa kweziko lempilo.

Umhlathi 26 uchaza ngokwenziwa kwemiqathango nguMphathiswa wePhondo.

Umhlathi 27 uchaza ngokwabiwa kwamagunya nemisebenzi.

Umhlathi 28 uchaza ngemimiselo yexeshana ngokuphathelelene nezibhedlele ezikhulu.

Umhlathi 29 uchaza ngokuguzulwa komthetho iWestern Cape Health Facility Boards Act, 2001 (Act 7 of 2001) kwaye unemimiselo ephathelelene nokonga.

Umhlathi 30 uchaza isihloko esifutshane nokuqalisa umsebenzi.

4. UKUCHAPHAZELEKA NGOKWEZIMALI

Ngokommo, amalungu eeBhodi naweeKomiti ngamavoluntiya. UMthetho oYilwayo ubonelela ngokuba iSebe lingawabuyekeza amalungu ekomiti kwingxowa-mali yalo ngeendleko athe azenzela uhambo lokuzimasa iintlanganiso zekomiti. Ukongeza, uMthetho oYilwayo ubonelela ngokuba apho ibhodi yesibhedlele inengxowa-mali engonelanga, iSebe lingawabuyekeza amalungu ebhodi ngeendleko athe azenzela uhambo lokuzimasa iintlanganiso zebhodi.

7. ABASEBENZI ABAZA KUFUNEKA

Iya kuba luxanduva lweSebe ukunika inkxaso kwiiBhodi nakwiiKomiti.

6. UKUBONISANA

Icandelo leeNkonzo zoMthetho leSebe leNkulumbuso. Ukwangeza ekupapashweni *kweGazethi yePhondo*, UMthetho oYilwayo uya kuthi ngokukodwa waziswe kwiQumrhu loRhulumente woMmandla loMzantsi Afrika nakoomasipala beNtshona Koloni.

7. UKUFANELEKA KWALO MTHETHO

UMphathiswa wePhondo wanelisekile ukuba yonke imimiselo yalo Mthetho oYilwayo imiselwe ngokwegunya nokufaneleka kweli Phondo ekuwiseni uMthetho.

