

FREE STATE PROVINCE

PROVINCIAL GAZETTE

PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

Published by Authority

Uitgegeef op Gesag

No. 63

BLOEMFONTEIN, 13 JULY 2010
BLOEMFONTEIN, 13 JULIE 2010

GENERAL NOTICE 11 OF 2010

**PUBLICATION OF THE FREE STATE
HOSPITALS AMENDMENT BILL**

It is notified for general information and comment that the above-mentioned Bill is hereby published in terms of Rule 147 of the Rules and Orders of the Free State Legislature.

Any comments or remarks must be submitted to the Secretary: Free State Legislature, Private Bag X20561, Bloemfontein, 9300 to reach him not later than 27 July 2010.

**TB PHITSANE
ACTING SECRETARY:
FREE STATE LEGISLATURE**

ALGEMENE KENNISGEWING 11 VAN 2010

**PUBLIKASIE VAN DIE
WYSIGINGSWETSONTWERP OP DIE
VRYSTAATSE HOSPITALE**

Dit word vir algemene kennisname en kommentaar bekendgemaak dat bostaande Wetsontwerp hierby gepubliseer word in terme van Reël 147 van die Reëls en Orders van die Vrystaatse Wetgewer.

Enige kommentaar of opmerkings moet gestuur word aan die Sekretaris: Vrystaatse Wetgewer, Privaatsak X20561, Bloemfontein, 9300 om hom nie later as 27 Julie 2010 te bereik nie.

**TB PHITSANE
WAARNEMENDE SEKRETARIS: VRYSTAATSE
WETGEWER**

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

— Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Free State Hospitals Act, 1996, to make provision for the chief executive officer to nominate a representative to represent him or her in the board; to expand the hospital management; to reduce the number of board members; to provide for the appointment of community members with specific skills in the hospital boards; to effect technical changes; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Free State Province as follows:-

Amendment of section 5 of Act No. 13 of 1996

1. Section 5 of the Free State Health Act, 1996 (Act No. 13 of 1996) (hereinafter referred to as the "Principal Act") is amended by – 5

(1) the substitution of paragraph (a) of the following paragraph:

“(a) the chief executive officer or his or her representative”; and 10

(2) the insertion of paragraphs (e) and (f) after paragraph (d):

“(e) the head of finance; and 15

(f) the head of technical services”.

Amendment of section 6 of Act No. 13 of 1996

2. Section 6 of the Principal Act is amended by – 20

(1) the substitution of subsection (1)(b) of the following subsection:

“(b) A board shall consist of [9] 5 members: Provided that the responsible Member may, by notice in the *Provincial Gazette*, increase the number of members of a board after consultation with the board concerned.”; 25

(2) the substitution of subsection (2)(a) of the following subsection:

“(a) establish a hospital board for [a group of 2] one or more provincial hospitals;” and 30

(3) the insertion of subsection (2)(d) after subsection (2)(c):

“(d) the board of a regional hospital must draw its members from the district hospitals that refer patients to it.”. 35

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vetdruk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.

____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WETSONTWERP

Om die Wet op die Vrystaatse Hospitale, 1996, te wysig om voorsiening te maak dat die hoof-uitvoerende beampte 'n verteenwoordiger mag nomineer wat hom of haar op die raad mag verteenwoordig; om die bestuur van die hospitaal uit te brei; om die aantal raadslede te verminder; om voorsiening te maak vir lede van die gemeenskap met spesiale vaardighede om op die hospitaalkade te dien; om tegniese veranderinge aan te bring; en om vir sake wat daarmee verband hou voorsiening te maak.

WORD DAAR BEPAAL deur die Vrystaatse Provinsiale Wetgewer, soos volg:-

Wysiging van artikel 5 van Wet No. 13 van 1996

5 1. Artikel 5 van die Wet op die Vrystaatse Hospitale, 1996 (Wet No. 13 van 1996) (hierna verwys na as die "Hoofwet") word gewysig deur –

(1) die vervanging van paragraaf (a) met die volgende paragraaf:

10 "(a) die hoof-uitvoerende beampte of sy of haar verteenwoordiger"; en

(2) die invoeging van paragrawe (e) en (f) na paragraaf (d):

15 "(e) die hoof van finansies; en

(f) die hoof van tegniese dienste."

Wysiging van artikel 6 van Wet No. 13 van 1996

20 2. Artikel 6 van die Hoofwet word gewysig deur –

(1) die vervanging van subartikel (1)(b) met die volgende subartikel:

25 "(b) 'n Raad bestaan uit [9] 5 lede: Met dien verstande dat die verantwoordelike Lid by kennisgewing in die *Provinsiale Koerant*, die getal lede van 'n raad na oorleg met die betrokke raad, kan vermeerder.";

(2) die vervanging van subartikel (2)(a) met die volgende subartikel:

30 "(a) 'n hospitaalkade vir [**n groep van 2**] een of meer provinsiale hospitale instel"; en

(3) die invoeging van subartikel (2)(d) na subartikel (2)(c):

35 "(d) die raad van 'n streekhospitaal moet sy lede verkry vanaf die distrikhospitale wat pasiënte daarna verwys."

Amendment of section 7 of Act No. 13 of 1996**3. Section 7 of the Principal Act is amended by –**

- (1) the substitution of subsection (2) of the following subsection: 5
- “(2) The chief executive or his or her representative and the head of administrative and support services, the head of finance and the head of technical services of a provincial hospital shall *ex officio* be members of a board.”; 10
- (2) the substitution of subsection (4) of the following subsection:
- “(4) A member of a board shall, subject to subsection (6), hold office for such period, not exceeding [2] 3 years, as the responsible Member may determine at the time of his or her appointment and shall be eligible for reappointment at the termination of his or her term of office.”; 15
- (3) the substitution of subsection (8) of the following subsection: 20
- “(8) Members of a board who are not in the full-time service of the Administration may, out of moneys appropriated for this purpose by the Provincial Legislature, be paid his or her reasonable subsistence and traveling expenses when attending a meeting of the board, or a committee thereof, as the case may be within 30 days of submitting his or her claim.”; 25
- and
- (4) the insertion of subsection (10) after subsection (9):
- “(10) The board will consist of community members with expertise in areas such as accounting, financial management, information technology, religious and legal matters.” 30

Amendment of section 8 of Act No. 13 of 1996**4. Section 8 of the Principal Act is amended by the substitution of subsection (2) of the following subsection:**

- “(2) The chairperson of a board may at any time, and shall on the written request of at least 3 members of the board and provided that consensus has been reached with the chief executive officer or chief executive officers, as the case may be, call a special meeting of the board to be held at a time and place determined by him or her.”. 40

Short title and commencement**5. This Act is called the Free State Hospitals Amendment Act, 2010.**

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Wysiging van artikel 7 van Wet No. 13 van 1996

3. Artikel 7 van die Hoofwet word gewysig deur –

5 (1) die vervanging van subartikel (2) met die volgende subartikel:

“(2) Die hoof-uitvoerende beampte of sy of haar verteenwoordiger en die hoof van administratiewe- en hulpdienste, die hoof van finansies en die hoof van tegniese dienste van ‘n provinsiale hospital is *ex officio* lede van ‘n raad.”;

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(2) die vervanging van subartikel (4) met die volgende subartikel:

“(4) Behoudens subartikel (6), beklee ‘n lid van ‘n raad sy of haar amp vir die tydperk, maar hoogstens [2] 3 jaar, as wat die verantwoordelike Lid ten tyde van sy of haar aanstelling bepaal en kan by die verstryking van sy of haar ampstermyn weer aangestel word.”;

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(3) die vervanging van subartikel (8) met die volgende subartikel:

“(8) Lede van ‘n raad wat nie in die heelydse diens van die Administrasie is nie, mag uit geld deur die Provinsiale Wetgewer vir hierdie doel bewillig, sy of haar redelike verblyf- en reisuittgawes betaal word wanneer ‘n vergadering van die raad of ‘n komitee daarvan bygewoon word, na gelang van die geval binne 30 dae nadat hy of sy sodanige eis ingedien het.”; en

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(4) die invoeging van subartikel (10) na subartikel (9):

“(10) Die raad sal bestaan uit lede van die gemeenskap met vaardighede in areas soos rekeningkunde, finansiële bestuur, inligtingstegnologie, religieuse- en regsaspekte.”.

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Wysiging van artikel 8 van Wet No. 13 van 1996

35 4. Artikel 8 van die Hoofwet word gewysig deur die vervanging van subartikel (2) met die volgende subartikel:

“(2) Die voorsitter van ‘n raad kan te eniger tyd, en moet op die skriftelike versoek van minstens 3 lede van die raad en met die voorbehoud dat konsensus bereik is met die hoof-uitvoerende beampte of hoof-uitvoerende beamptes, na gelang van die geval, ‘n spesiale vergadering van die raad belê wat gehou word op die tyd en plek wat hy of sy bepaal.”.

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Kort titel en inwerkingtreding

45 5. Hierdie Wet heet die Wysigingswet op die Vrystaatse Hospitale, 2010.

MEMORANDUM

1. PURPOSE OF THE BILL

To amend the Free State Hospitals Act, 1996, to make provision for the chief executive officer to nominate a representative to represent him or her in the board; to expand the hospital management; to reduce the number of board members; to provide for the appointment of community members with specific skills in the hospital boards; to effect technical changes; and to provide for matters connected therewith.

2. FINANCIAL IMPLICATIONS

2.1 There will be a saving on the remuneration of board members as the number of board members is reduced from nine to five. All other costs are budgeted for.

2.2 The chairperson of the board must reach consensus with the chief executive officer before arranging a special meeting and this also contains an implied saving.

3. CLAUSE-BY-CLAUSE EXPLANATION

Clause 1

Provision is made that the chief executive officer may nominate a representative to attend a board meeting on his or her behalf. The management team of the hospital is also expanded.

Clause 2

The number of the members of a board is reduced from nine to five members. It also deals with the number of hospital boards for which a board may be established and requires that the members of the boards of regional hospitals be drawn from the district hospitals that refer patients to them.

Clause 3

The number of *ex officio* members is expanded and the pool of professions and vocations from which the members of the board must be appointed from are inserted. The term of office as a member of a board is three years. The claims for reasonable costs from members of the board must be paid within thirty days after they submitted their claims.

Clause 4

The chairperson of a board may not arrange a special meeting without reaching consensus with the relevant chief executive officer(s).

Clause 5

This clause provides for the short title of the Act.

4. CONSULTATION

This Bill was published in the *Provincial Gazette* in terms of the Rules of the Provincial Legislature. Senior Management and Free State Hospital Boards were consulted.

MEMORANDUM

1. DOEL VAN WETSONTWERP

Om die Wet op die Vrystaatse Hospitale, 1996, te wysig om voorsiening te maak dat die hoof-uitvoerende beampte 'n verteenwoordiger mag nomineer wat hom of haar op die raad mag verteenwoordig; om die bestuur van die hospitaal uit te brei; om die aantal raadslede te verminder; om voorsiening te maak vir lede van die gemeenskap met spesiale vaardighede om op die hospitaalkomitee te dien; om tegniese veranderinge aan te bring; en om vir sake wat daarmee verband hou voorsiening te maak.

2. FINANSIËLE IMPLIKASIES

2.1 Daar sal 'n besparing wees op die vergoeding van raadslede aangesien die getal raadslede van nege tot vyf verminder word. Daar word begroot vir alle ander koste.

2.2 Die voorsitter van die raad moet konsensus bereik met die hoof-uitvoerende beampte voordat 'n spesiale vergadering gereël word en dit bevat ook 'n geïmpliseerde besparing.

3. VERDUIDELIKING VAN KLOUSULES

Klousule 1

Voorsiening word gemaak dat die hoof-uitvoerende beampte 'n verteenwoordiger kan benoem om 'n raadsvergadering namens hom by te woon. Die bestuur van die hospitaal word ook uitgebrei.

Klousule 2

Die aantal lede van die raad word van nege tot vyf verminder. Dit handel ook oor die getal hospitaalkomitee waarvoor 'n raad in die lewe groep kan word en vereis dat die lede van die komitee van streekhospitale getrek word uit die distrikhospitale wat pasiënte na hulle toe verwys.

Klousule 3

Die getal *ex officio* lede word uitgebrei en die poel van beroepslui en beroepe vanwaar die lede van die raad aangestel moet wees word ingevoeg. Die ampstermyn van 'n lid van die raad is drie jaar. Die eise vir redelike koste van lede van die raad moet betaal word binne dertig dae nadat hulle hul eise ingedien het.

Klousule 4

Die voorsitter van 'n raad mag nie 'n spesiale vergadering reël nie sonder dat konsensus bereik word met die betrokke hoof-uitvoerende beampte(s).

Klousule 5

Hierdie klousule gee die kort titel van die Wet.

4. KONSULTASIE

Hierdie Wetsontwerp is gepubliseer in die *Provinsiale Koerant* ingevolge die Reëls van die Provinsiale Wetgewer. Senior Bestuur en Vrystaatse Hospitaalkomitee was gekonsulteer.