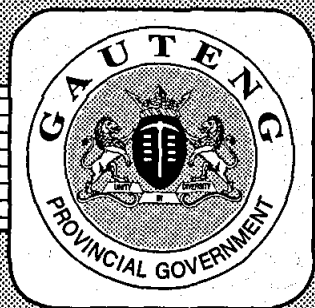


**THE PROVINCE OF
GAUTENG**



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**PRETORIA, 14 MAY
MEI 1999**

No. 50

PREMIER'S NOTICES

No. 3071

14 May 1999

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

No. 6 of 1999: Gauteng Provincial Legislature Service Amendment Act, 1999.

4

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.

ACT

To amend the Gauteng Provincial Legislature Service Act, 1996 (Act No 5 of 1996), so as to delete, correct, insert or add certain words and expressions; to redefine certain words; to extend the functions and powers of the Board; and to provide for matters connected therewith.

*(English text signed by the Premier)
(Assented to on 3 May 1999)*

BE IT ENACTED by the Provincial Legislature of Gauteng, as follows:—

Amendment of section 1 of Act 5 of 1996

1. Section 1 of the Gauteng Provincial Legislature Service Act, 1996 (hereinafter referred to as "the principal Act"), is hereby amended—

- (a) by the substitution for the definition of "Chairperson of Committees" of the following definition:
 " 'Chairperson of Committees' means a member [appointed] elected to such position in terms of the Standing Rules of the Provincial Legislature [to be Chairperson of the chairpersons of all the committees of the Provincial Legislature];";
- (b) by the substitution for the definition of "employee" of the following definition:
 " 'employee' means any person appointed permanently [on the fixed establishment] in the Service or who is employed on a temporary or on a consultancy basis, whether in a full-time or part-time capacity;";
- (c) by the substitution for the definition of "Leader of the House" of the following definition:
 " 'Leader of the House' means a member appointed [by the Provincial Legislature for the purposes of section 4(1)] to such position in terms of the Standing Rules of the Provincial Legislature;";
- (d) by the substitution for the definition of "remuneration" of the following definition:
 " 'remuneration' means the total emoluments payable to an employee, and shall include basic salary, remunerative allowances or other rewards, the Service's contribution to [a] any pension fund [and a], medical aid fund and any other [fringe] benefits;"; and

- (e) by the substitution for the definition of "Secretary" of the following definition:

"'Secretary' means the Secretary appointed in terms of section 143 of the Constitution or in terms of section 12(1)(a) of this Act;"

Amendment of section 2 of Act 5 of 1996

2. Section 2 of the principal Act is hereby amended by the substitution for section 2 of the following section:

"2. [In terms of the Constitution and the Standing Rules of the Provincial Legislature, t] There is hereby established the Service of the Legislature whose principal duties shall be to provide administrative services to the Speaker and other members of the Legislature."

Amendment of section 3 of Act 5 of 1996

3. Section 3 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The Board shall be a body corporate and shall be capable of acquiring and holding such [supplies and equipment] assets, goods and services as it may reasonable deem necessary and may dispose of such [supplies and equipment that may become unserviceable] assets, goods and services as it may reasonably deem necessary."

Amendment of section 8 of Act 5 of 1996

4. Section 8 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) after consultation with the relevant standing committee of the Legislature, where deemed necessary, determine the services to be provided by the Service and, where required, establish the necessary structures for the provision of the said services;" and

- (b) by the substitution for subsection (2) of the following subsection:

"(2) The Board may give directives regarding—

- (a) the conditions of service and other requirements of appointment, transfer or promotion in or to the Service;

- (b) security issues;

- (c) any other matters not specifically provided for in this Act, relating to the Service;

Provided that such directives shall not be inconsistent with this Act."

Amendment of section 11 of Act 5 of 1996

5. Section 11 of the principal Act is hereby amended by the substitution for section 11 of the following section:

"11. The Board shall not later than two months after the end of each financial year prepare a report of its operations during that year and cause it to be tabled before the Legislature."

Amendment of section 12 of Act 5 of 1996

6. Section 12 of the principal Act is hereby amended—

- (a) by inserting the following heading before section 12

"Appointment of Secretary and Secretariat";

- (b) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) nominate a person to be appointed as Secretary by the Legislature [in terms of the Constitution];";

- (c) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

"(c) appoint a person as a [head of department] director of the Service.";

(d) by the substitution for subsection (2) of the following subsection:

"(2) A person appointed in terms of subsection (1) shall submit his or her resignation in writing to the Chairperson of the Board, who shall forthwith notify the Board of such resignation, and in the case of the resignation of the Secretary, the Chairperson shall also forthwith notify the Legislature of such resignation: Provided that where the person resigning is a [head of department] director, he or she shall forward a copy of his or her letter of resignation to the Secretary."

Amendment of section 13 of Act 5 of 1996

7. Section 13 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) the [head of departments] directors; and"

Amendment of section 14 of Act 5 of 1996

8. Section 14 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Whenever the Secretary is absent or is unable to perform his or her functions at the meeting, the Deputy Secretary, if appointed in terms of section 12(1)(b), shall act as Chairperson, and when both the Secretary and the Deputy Secretary are absent, the Secretariat shall by majority [of] vote, elect one of its members of act on behalf of the Chairperson."

Repeal of sections 16, 17 and 18 of Act 5 of 1996

9. Sections 16, 17 and 18 of the principal Act are hereby repealed.

Amendment of section 19 of Act 5 of 1996

10. Section 19 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The Board shall authorise the Secretary to appropriate moneys on all matters concerning the procurement of [supplies, equipment] assets, goods and services for the Service on the conditions it deems necessary."

Amendment of section 25 of Act 5 of 1996

11. Section 25 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The Board shall take steps [, not later than during the ensuing annual session of the Legislature,] for the appropriation of any amounts which have been or will be utilised in terms of subsection (1)."

Amendment of section 26 of Act 5 of 1996

12. Section 26 of the principal Act is hereby amended by the insertion after subsection (6) of the following subsection:

"(6)(a) The Secretary shall ensure that all income received by the Legislature is banked in the Legislature's bank account, and properly accounted for."

Amendment of section 29 of Act 5 of 1996

13. Section 29 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Subsections (1) and (2) shall not be so construed as to preclude a court of law from dispensing with the requirements or prohibitions of the said [sub-sections] subsections where it is the interest of justice."

Short title and commencement

14. This Act shall be called the Gauteng Provincial Legislature Service Amendment Act, 1999, and shall come into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

Act No. 4, 1999

HOSPITALS ORDINANCE AMENDMENT ACT, 1999

No. 3072

14 May 1999

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

No. 4 of 1999: Hospitals Ordinance Amendment Act, 1999.

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.

ACT

To amend the Hospitals Ordinance, 1958 (Ordinance 14 of 1958) so as to make provision for the substitution of superintendent for Chief Executive Officer; and to give certain powers to the Member of the Executive Council responsible for Health in the Province of Gauteng to appoint such Chief Executive Officers for managing provincial hospitals; and to provide for matters incidental thereto.

*(English text signed by the Premier)
(Assented to on 3 May 1999)*

BE IT ENACTED by the Provincial Legislature of Gauteng, as follows:—

Definitions

1. In this Act, words or expressions defined in the Hospitals Ordinance, 1958 carry the same meaning, and unless the context otherwise indicates—

“Chief Executive Officer” means a person appointed as manager of a provincial hospital and includes any person acting for the chief executive officer;

“Member of the Executive Council” means member of the Executive Council responsible for Health;

“Province” means the Province of Gauteng;

HOSPITALS ORDINANCE AMENDMENT ACT, 1999

Act No. 4, 1999

"Superintendent General" means the administrative head of the Gauteng Provincial Health Department; and

"Head of Medical Services" means a medical practitioner reporting directly to the chief executive officer and who manages the medical staff within the hospital.

Amendment of section 6 of Ordinance 14 of 1958

2. Section 6 of the Hospitals Ordinance is hereby amended by the substitution of the following section:

"The local control and management of every provincial hospital, and of every institution or service established in terms of section four, shall be vested in the case of such hospital, in a person who is a [medical practitioner] manager, who is appointed by the [Administrator] Member of the Executive Council as the [superintendent] chief executive officer thereof, and in the case of such institution or service, in a person appointed for the purpose by the

[Administrator] Member of the Executive Council, and every such person—

- (a) shall be subordinate to the [Deputy Director-General] Superintendent-General and responsible to him or her for the efficient control and management of the provincial hospital or institution or service which has been placed in his or her charge, and any power, right or function or duty conferred or imposed on any such [superintendent] chief executive officer or any person in terms of the provision of [this] the Ordinance or the regulations made thereunder, shall be exercised subject to such directions as the [Deputy Director-General] Superintendent-General may give and which are not inconsistent with the provisions of this Ordinance or the said regulations; and
- (b) [may] shall be appointed in a full-time [or part-time] capacity".

Amendment of section 21 of Ordinance 14 of 1958

3. Section 21 of the Hospitals Ordinance is hereby amended—

(a) by the substitution of subsection (1) for the following subsection:

"(1) A board may:

- (a) make recommendations to or advise the [Deputy Director-General] Superintendent-General or the [superintendent of a provincial hospital] chief executive officer of a provincial hospital, for which board has been constituted on matters affecting the hospital and on the means and methods whereby the control, regulation, administration or management of provincial hospitals may be improved;
- (b) consider the suitability of efficiency of officers on the staff of any provincial hospital for which such board has been constituted and make recommendations to the [Deputy Director-General] Superintendent-General in regard thereto;
- (c) when authorised thereto by the [Deputy Director-General] Superintendent-General incur expenditure in such special circumstances as may be specified by him or her subject to such instructions as he or she may from time to time give; or
- (d) when authorised thereto by the [Deputy Director-General] Superintendent-General, collect donations and expend the money so collected under the direction of the [Deputy Director-General] Superintendent-General and subject to such instructions as he or she may from time to time give [and notwithstanding anything to the contrary contained in this Ordinance, such money shall not form part of the Provincial Revenue Fund.]";

(b) by the substitution of subsection (2) for the following subsection:

“(2) A board shall—

- (a) in relation to every provincial hospital for which it has been constituted, furnish comments and make recommendations to the [Deputy Director-General] Superintendent-General through the [medium of the superintendent] chief executive officer of such hospital on all matters, reports, documents or recommendations submitted to it for consideration and relating to—
- (i) annual estimates of revenue and expenditure;
 - (ii) the expenditure of capital funds;
 - (iii) the financial statements and reports of the Provincial Auditor;
 - (iv) the creation of additional posts on the staff of such hospital;
 - (v) the erection, extension and alteration of buildings;
 - (vi) the maintenance of buildings and equipment;
 - (vii) the standardisation of equipment, buildings and procedures;
 - (viii) the entering into of contracts;
 - (ix) regulations;
 - (x) any complaint by a patient, a member of the public or a private medical practitioner;
 - (xi) economy and efficiency; or
 - (xii) the general activities of such hospital.
- (b) at least once in every three months, calculated from the first day of every year, inspect every provincial hospital for which such board has been constituted and report to the [Deputy Director-General] Superintendent-General;
- (c) advise the [superintendent] Chief Executive Officer of every provincial hospital for which such board has been constituted or the [Deputy Director-General] Superintendent-General on any other matter submitted to it by such [superintendent] chief executive officer or the [Deputy Director-General] Superintendent-General, as the case may be”.

Amendment of section 30 of Ordinance 14 of 1958

4. Section 30 of the Hospitals Ordinance is hereby amended by the substitution of the following section:

“[Superintendent's] Chief Executive Officer's duty to admit patients.

Subject to the provisions of section thirty three, it shall be the duty of every [superintendent] chief executive officer to admit for treatment at or in any provincial hospital in his or her charge, so far as adequate and appropriate accommodation is therein available, persons suffering from or subject to any of the diseases, injuries or conditions for the treatment of which such hospital is established. Provided that a [superintendent] chief executive officer shall not be obliged to admit a person in a provincial hospital in his or her charge where such person shall, by virtue of the provisions of section 34, be treated by a private medical practitioner and by the private medical practitioner concerned has no permission in terms of section 37 to treat private patients in that hospital”.

HOSPITALS ORDINANCE AMENDMENT ACT, 1999

Act No. 4, 1999

Amendment of section 31 of Ordinance 14 of 1958

5. Section 31 of the Hospitals Ordinance is hereby amended:

(a) by the substitution of subsection (1) for the following subsection:

“(1) Subject to the provisions of section thirty two, every person shall when application is made for his or her admission to a provincial hospital, or as soon thereafter as possible, be classified by the [superintendent] chief executive officer or such other officer as he or she may authorise to act on his or her behalf in one of the following categories:

- (a) ...
- (b) part-paying patients
- (c) private patients
- (d) ...

in accordance with such regulations as the [Administrator] Member of the Executive Council may from time to time make in terms of section thirty eight.”;

(b) by the substitution of subsection (2) for the following subsection:

“(2) For the purposes of subsection (1) the [superintendent] chief executive officer or such officer as he or she may authorise to act on his or her behalf, may call for such information or documents as he or she may deem necessary or as may be prescribed in any regulation made in terms of section thirty eight and except where, in the opinion of the [superintendent] chief executive officer or any such other officer, treatment cannot be deferred without danger or detrimental consequences to the person referred to in that subsection, no such person shall be admitted as a patient into any provincial hospital or receive treatment thereat unless such information or documents have been furnished by or on behalf of such person, or unless, subject to the provisions of any such regulation, such [superintendent] chief executive officer or other officer is otherwise satisfied as to the category into which such person falls in terms of subsection (1).”.

Amendment of section 33 of Ordinance 14 of 1958

6. Section 33 of the Hospitals Ordinance is hereby amended by the substitution of subsection (1) for the following subsection:

“(1) All persons shall be admitted into a provincial hospital in accordance with the urgency of their need for treatment as determined by the [superintendent or such officer as he or she may authorise to act on his or her behalf and in such order as such superintendent or other officer may direct]: Head of Medical Services or a Medical Practitioner on duty duly delegated: Provided that if alternative accommodation is available in the district in which such hospital is situated, a person classified as a part-paying patient and whose treatment cannot, in the opinion of [such superintendent or other officer] Head of Medical Services or a Medical Officer on duty duly delegated be deferred without danger or detrimental consequences, shall always have preference over a person classified as a private patient.”.

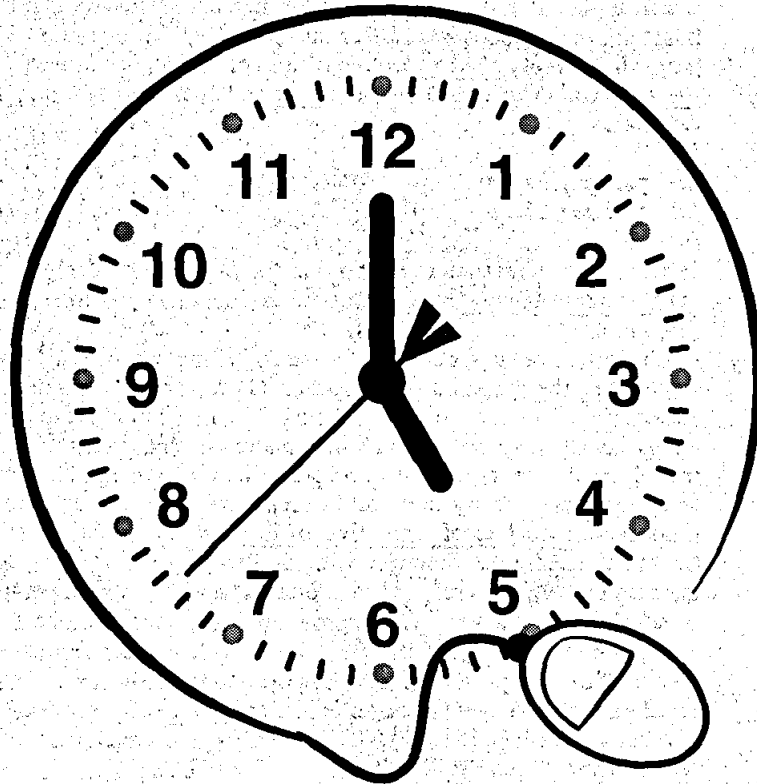
Transitional provision

7. A medical practitioner appointed or deemed to have been appointed as a superintendent under the provisions of the sections of the Hospitals Ordinance amended by this Act, and who held appointment immediately prior to the commencement date of this Act, shall be deemed to have been appointed in terms of the corresponding provision of this Act.

Short title and commencement

8. This Act is called the Hospitals Ordinance Amendment Act, 1999 and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

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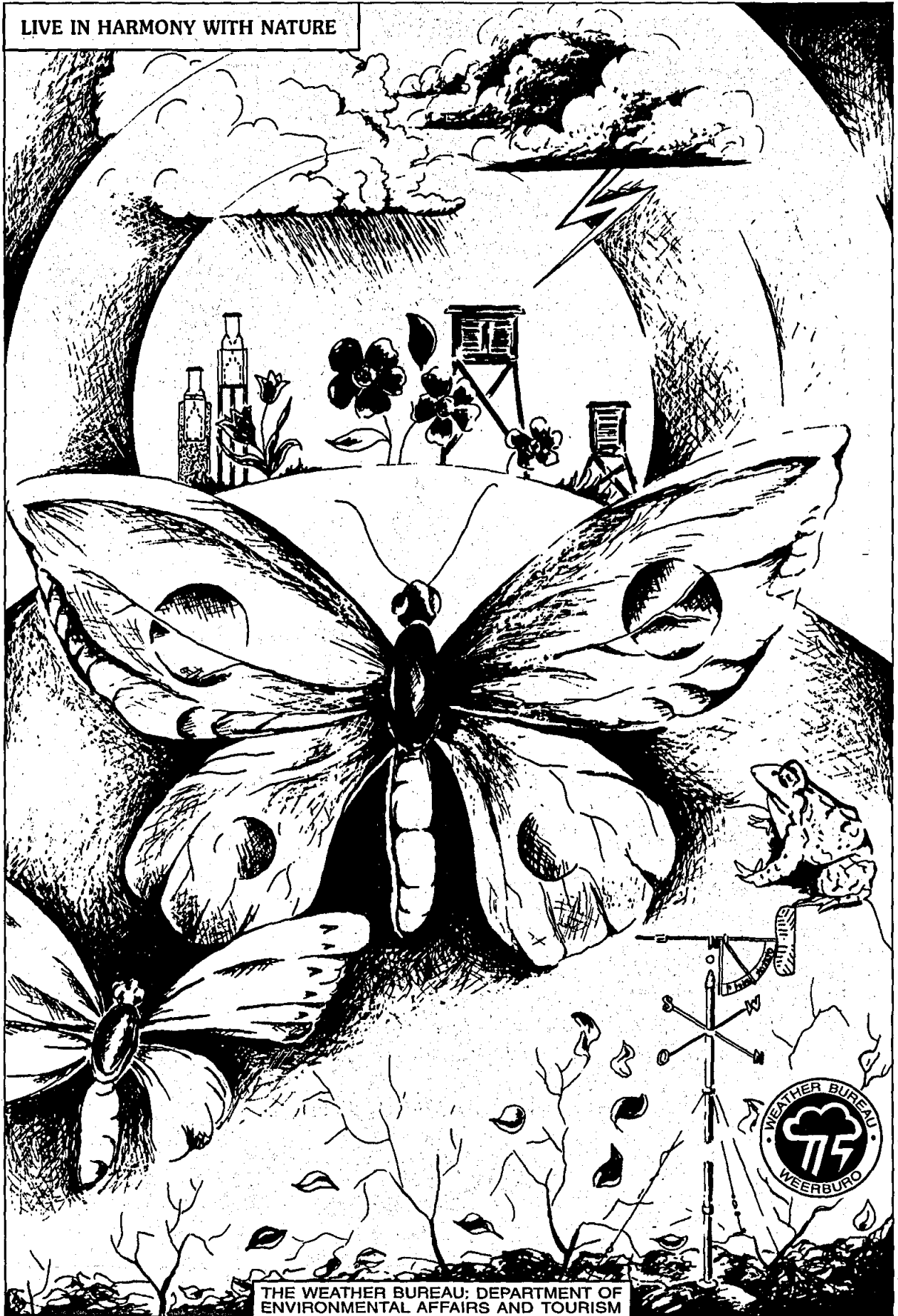
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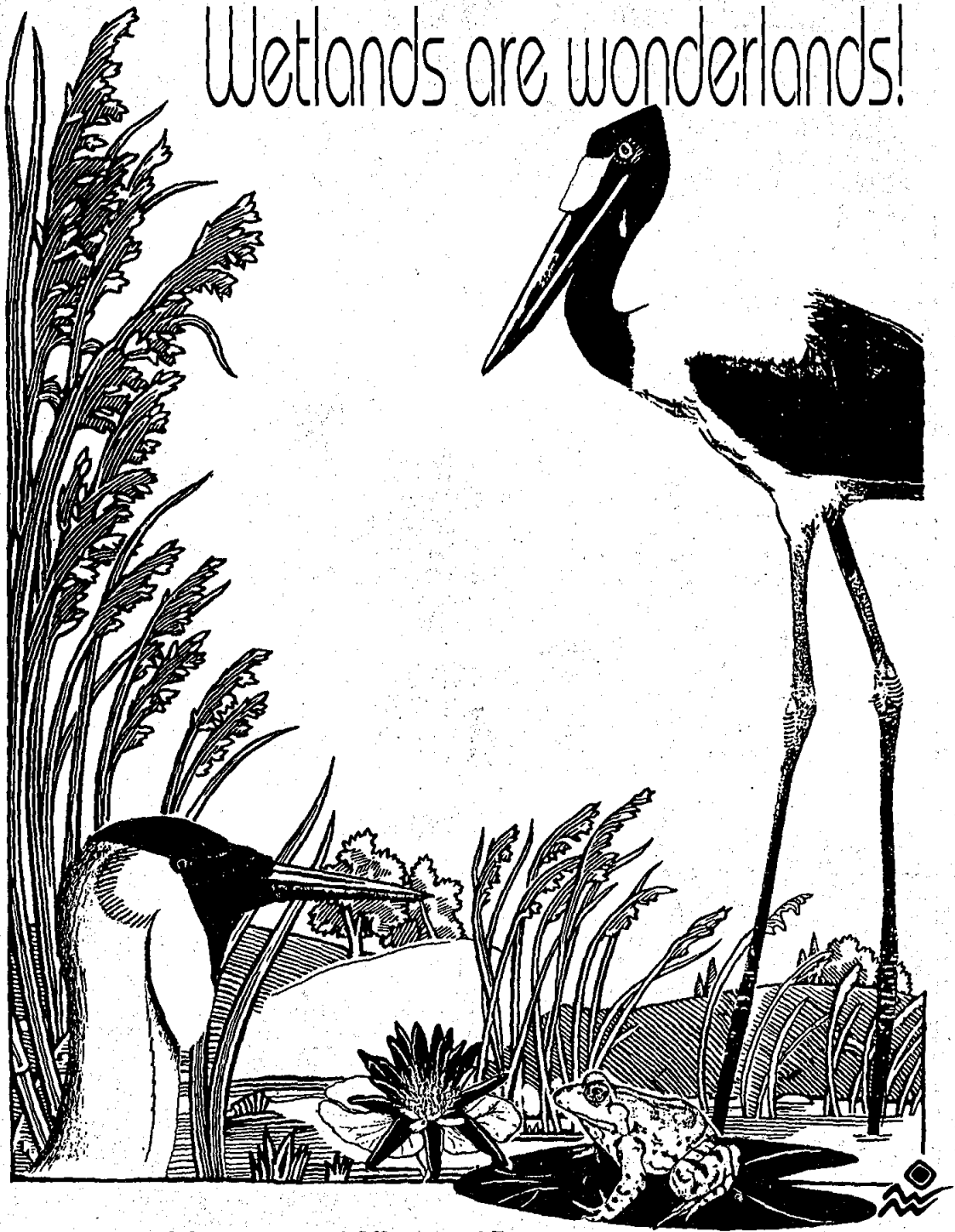
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Department of Environmental Affairs and Tourism





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