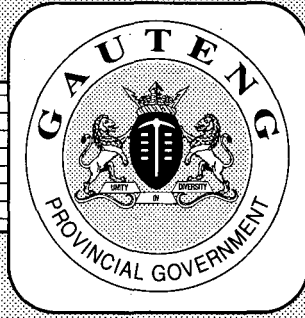


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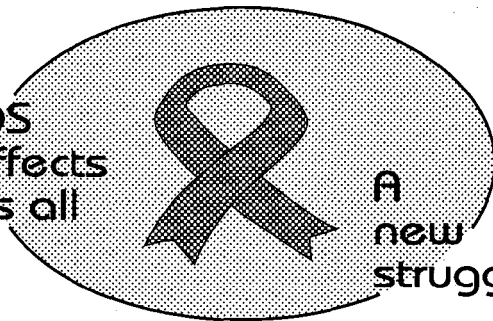
Vol. 8

PRETORIA, 26 JULY 2002  
JULIE 2002

No. 228

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

Prevention is the cure

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH



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**GENERAL NOTICE**

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## GENERAL NOTICE

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### NOTICE 2062 OF 2002

### GAUTENG DEPARTMENT OF HEALTH

### PUBLICATION OF THE GAUTENG HEALTH SERVICES DRAFT REGULATIONS

Notice is hereby given that the Member of the Executive Council for Health (Dr. G.M. Ramokgopa) intends to prescribe Regulations as published in this Extra Ordinary Provincial Gazette.

Any person or organization wishing to comment on this proposed Regulations may lodge written comments or representations on or before the 30<sup>th</sup> August 2002 by posting, faxing or handing them in at the following address:

**Attention:** Dr. M.L. Modise (Acting Chief Director: Health Services Support)

**Postal Address:** Gauteng Department of Health  
Private Bag X085  
MARSHALLTOWN  
2107

**Physical Address:** Gauteng Department of Health  
37 Sauer Street  
JOHANNESBURG  
2000

**Tel No:** (011) 355-3869

**Fax No:** (011) 355-3338

**E-mail Address:** [mmipem@gpg.gov.za](mailto:mmipem@gpg.gov.za)

## **DISTRICT HEALTH SERVICES REGULATIONS, 2002**

**THE Member of the Executive Council responsible for Health in the Province of Gauteng has, under section 22 of the Gauteng District Health Services Act, 2000 (Act No. 8 of 2000) made these Gauteng District Health Services regulations in the schedule.**

### **SCHEDULE**

#### **1. Definitions**

In these regulations, unless the context otherwise indicates, any expression or word to which a meaning has been assigned in the Act, has the meaning so assigned;  
and –

“accounting officer” means the Head of Department in the Department of health

“MEC” means the Member of the Executive Council responsible for health in the Province

“the Act” means the Gauteng District Health Services Act.

“transfer” means

### **CHAPTER 2**

**Composition, appointment, filling of vacancies, powers, duties and functions of the Provincial Health Authority.**

#### **2. COMPOSITION OF THE PROVINCIAL HEALTH AUTHORITY.**

2.1 The Provincial authority shall be composed of-

- (a) the MEC for Health
- (b) one representative, who shall be an elected councilor, from each District Health Authority;
- (c) The Head of the Provincial Department of Health who shall ex officio be a member.

#### **3. POWERS AND FUNCTIONS OF THE PROVINCIAL HEALTH AUTHORITY**

3.1 The Provincial Health Authority must-

- a) coordinate the implementation of National and Provincial health Policies;
- b) consider policy concerning any matter that will promote the health of the population and recommend provincial health policies to the MEC;
- c) consider requests and recommendations from District Health Authorities;
- d) consider and comment on legislation before it is introduced in the legislature;
- e) consider any matter referred to it by the MEC;
- f) coordinate the activities of district health authorities.

#### **4. PROCEDURES FOR THE PROVINCIAL HEALTH AUTHORITY**

##### **4.1 The Provincial Health Authority must-**

4(1)(1) hold meetings regularly at a place and time determined by the MEC after consultation with other members of the Provincial Health Authority. The meetings of the Provincial Health Authority shall-

- (a) be chaired by the MEC;
- (b) in the absence of the MEC, by a person designated by the MEC;
- (c) conducted according to the rules determined by the MEC after consultation with members of the Provincial Health Authority for such meetings;
- (d) at the discretion of the MEC be open to the public;
- (e) be recorded in the manner determined by the MEC;

#### **5. ESTABLISHMENT OF PROVINCIAL HEALTH ADVISORY COMMITTEE**

5.1 There is hereby established a Provincial Health Advisory Council which shall have the following powers and functions.

##### **5.2 Powers and functions of the Provincial Health Advisory Committee.**

The Provincial Health Advisory Committee must-

- (a) at the request of the Provincial Health Authority or the MEC, investigate or consider any matter relating to health and report its findings to the MEC or Provincial Health Authority;
- (b) if requested to do so, make recommendations to the Provincial Health Authority regarding any matter relating to health;
- (c) coordinate the implementation of policy and legislation;
- (d) perform any functions considered by the Provincial Health Authority to be necessary to ensure that the objectives of policy and legislation are achieved;
- (e) of its own accord advise the Provincial Health Authority, on matter relating to health.

#### **6. COMPOSITION OF THE PROVINCIAL HEALTH ADVISORY COMMITTEE**

The Provincial Health Advisory Committee must consist of -

- (a) the Head of the Provincial Department of Health who shall be the chairperson;
- (b) the heads of health departments of the District Health Authorities;
- (c) staff of the department designated by the Head of Department.

#### **7. PROCEDURES FOR THE PROVINCIAL HEALTH ADVISORY COMMITTEE**

7.1 The Provincial Health Advisory Committee shall after consultation with the Provincial Health Authority-

- (a) determine rules and procedures governing its meetings and proceedings;

- (b) after consultation with the Provincial Health Authority determine the dates, place and venue of its meetings, provided that-
  - (aa) the chairperson of the council may where circumstances necessitate convene a meeting of the council without consulting with the Provincial Health Authority;
  - (bb) members of the Provincial Health Advisory Committee request such a meeting.

### **CHAPTER 3**

#### **DISTRICT HEALTH ADVISORY COMMITTEE**

##### **8. ESTABLISHMENT OF DISTRICT HEALTH ADVISORY COMMITTEE**

8.1 There is hereby established a District Health Advisory Committee for every District Health Authority.

8(1)(1) The District Health Authority must-

- (a) determine the powers and functions of a District Health Advisory Committee;
- (b) determine the rules and procedures for the functioning of the District Health Advisory Committee;
- (c) Determine the composition of the District Health Advisory Committee.

### **CHAPTER 4**

#### **MONITORING AND EVALUATION**

##### **9. ESTABLISHMENT OF MONITORING AND EVALUATION UNIT.**

The MEC shall cause to be established, a unit within the department for the monitoring and evaluation of the activities of District Health Authorities.

##### **10. POWERS AND FUNCTIONS OF THE MONITORING AND EVALUATIONS UNIT**

10.1 In addition to the powers and functions set out in any law, the MEC may from time to time determine any other powers the unit may require for the effective performance of its functions.

10(1)(1) The unit shall, within thirty days of its establishment submit to the MEC for her/ his approval the procedure for its functioning.

10(1)(2) the procedures for the unit shall include:

10(1)(2)(1) a draft monitoring and evaluation instrument

- 10(1)(2)(2) the procedures and protocols for performing monitoring and evaluation functions.
- 10(1)(2)(3) reporting formats.
- 10(1)(2)(4) the procedures and protocols for interacting with stakeholders.

## **CHAPTER 5**

### **DISTRICT HEALTH BOUNDARIES**

#### **11. CRITERIA AND PROCEDURES FOR DETERMINING DISTRICT HEALTH BOUNDARIES**

11.1 Whenever, the MEC considers determining a District Health Authority shall take into account the following:

- 11(1)(1) The current demarcation of the municipality concerned;
- 11(1)(2) The capacity of the municipality in terms of infrastructure and related resources within the proposed district to render services effectively and efficiently;
- 11(1)(3) The need to avoid and reduce possible fragmentation and duplication between two or more district health authorities;
- 11(1)(4) The financial implications, the availability of resources and equity in the rendering of services;
- 11(1)(5) The poverty index of the relevant district health area;
- 11(1)(6) The implications on service delivery should the provincial department have to assume the functions;
- 11(1)(7) The nature and scope of the services to be rendered;
- 11(1)(8) Any other factor which may have an adverse effect on the effective performance of the function by the district health authority;

11.2 Before determining district health boundaries, the MEC shall:

- 11(2)(1) By notice in the provincial gazette invite inputs from municipalities and other interested parties on proposed boundaries;
- 11(2)(2) Notify and communicate her/ his intentions to the MEC for Local Government and Development Planning and Gauteng Association of Local Authorities;
- 11(2)(3) After consultation with the MEC for Local Government and Development Planning publish a notice a notice for comment in the provincial gazette setting out the proposed boundaries of health districts within the province;

11(2)(4) Within 180 days of publication of the notice and after consultation with the Executive Council and Gauteng Association of Local Authorities determine boundaries of health districts within the province by notice in the provincial gazette;

## 12. VARYING BOUNDARIES DISTRICT HEALTH BOUNDARIES

The MEC may vary the boundaries of a district health authority where the variation will-

- 12.1 enhance efficacy and efficiency in the performance of the functions;
  - 12.2 ensure equity and facilitate economic use of resources;
  - 12.3 ensure improved service delivery levels;
  - 12.4 the existing demarcation is changed.
- 12.2 The MEC may on the advice of the MEC for Local Government and Development Planning vary the boundaries of a health district.

## 13. PROCEDURES FOR VARYING DISTRICT HEALTH BOUNDARIES

- 13.1 The MEC may, where the conditions set out in 4.1 cannot be met or after application by an interested party follow the procedure in 4.2 to vary the boundaries of a health district, provided that:
- 13(1)(1) Where the variation is the result of non compliance with the conditions set out in 4.1, the MEC shall have taken steps to remedy the situation other than varying the boundaries;
  - 13(1)(2) Where the variation is the result of an application by an interested party other than the district authority, the MEC shall fully investigate the grounds for such application and require the relevant authority to make representations.
  - 13(1)(3) Where the application for the variation is by the district health authority, the MEC shall first fully investigate the grounds for the application and require any interested party to make representations.
- 13.2 The MEC may, instead of varying the boundaries of a district health authority, instruct certain other actions to be taken to remedy the situation and/or assume the functions or part thereof as the case may be.



## **14. OBJECTIONS TO VARIATION OF BOUNDARIES**

- 14.1 A person, organization or person acting on behalf of another or beneficiaries of a service or services lodge an objection with the MEC within the prescribed period to any proposed variation of a health district authority boundaries.
- 14.2 The MEC may, after considering the grounds of the objection and after consultation with affected parties refer the matter to any organ of state to advise on the matter prior to making a ruling on the matter.

## **CHAPTER 6**

### **ASSIGNMENT OF FUNCTIONS**

#### **15. APPLICATION FOR THE ASSIGNMENT OF FUNCTIONS BY A DISTRICT HEALTH AUTHORITY**

- 15.1 Whenever a District Health Authority, makes an application to the MEC for the assignment of functions, it must-

15(1)(1) do so in writing;

15(1)(2) supply in such application, the following information-

- (a) the nature and scope of the services and functions it requires to be assigned;
- (b) detailed plans on the performance of the functions and rendering of the services forming the subject of the application;
- (c) Details of the financial management system and other systems of control used by the district Health Authority;
- (d) Details of the facilities and equipment at the disposal of the District Health Authority for the performance of the functions and the rendering of the services;
- (e) Details of the organizational structures in place for the performance of the functions;
- (f) Details of the human resources at the disposal of the District Health Authority for the performance of the functions and rendering of services;
- (g) Details of the location or proposed location of the facilities to be used for the performance of the functions and the rendering of the services;
- (h) Details of the population to be served by each facility or service point;
- (i) Details of any arrangements between the District Health Authority and any private agency for the provision of the service;

#### **16. ASSIGNMENT OF FUNCTIONS TO DISTRICT HEALTH AUTHORITY**

- 16.1 Prior to assigning functions to a district health Authority, the MEC must-

16(1)(1) investigate the administrative and financial capacity of the District Health Authority to render the services and perform the functions to be assigned;

- 16(1)(2) obtain such information as required to determine the administrative and financial capacity of the district authority to render the services and perform the functions to be assigned;
- 16(1)(3) determine the package of services to be assigned to the District Health Authority in accordance with its capacity to perform the services and functions to be assigned;
- 16(1)(4) evaluate the District Health Authority's plans, systems and procedures for the rendering of the services and performance of the functions;
- 16(1)(5) evaluate the District Health Authority's infrastructure and facilities to be utilized in the performance of the functions and the rendering of the services;
- 16(1)(6) require from the District Health Authority, to enter into a performance agreement regarding the services and functions to be assigned;
- 16(1)(7) evaluate the financial management and systems of control of the District Health Authority to determine whether same meet the requirements for the transfer of funds to the District Health Authority.

## **17. CONDITIONS FOR THE ASSIGNMENT OF FUNCTIONS**

- 17.1 The MEC may, when assigning functions to a District Health Authority impose any one or more of the following conditions:
  - 17(1)(1) that the District Health Authority adopt certain measures to ensure compliance with any provision of the Act, National Legislation, Policy, any agreement between the District Health Authority and the MEC or this regulations;
  - 17(1)(2) revise its plans, strategies, budget, policies and legislation to comply with any requirement of national policy and legislation;
  - 17(1)(3) adopt certain measures to avoid duplication and fragmentation in the provision of services;
  - 17(1)(4) generally any condition to ensure the effective and efficient rendering of services and performance of functions assigned to it.

## **18. LACK OF CAPACITY BY DISTRICT HEALTH AUTHORITY**

- 18.1 Whenever in the opinion of the MEC, a District Health Authority lacks the administrative capacity to render the services and perform the functions to be assigned, the MEC must
  - 18(1)(1) enter into an agreement with a District Health Authority and temporarily second staff to such District Health Authority on such terms and conditions as the MEC may determine.

- 18(1)(2) enter into an agreement with a District Health Authority, to perform certain administrative functions on behalf of such authority on the terms and conditions determined by the MEC;

## CHAPTER 7

### DELEGATION OF POWERS

#### 19. APPLICATION BY A DISTRICT HEALTH AUTHORITY FOR THE DELEGATION OF ADDITIONAL POWERS

- 19.1 A District Health Authority may in writing make application to the MEC for the delegation of specified powers and functions where in the opinion of the authority:

19(1)(1) The delegation of the power or function is necessary for the effective and efficient performance of its functions;

19(1)(2) The authority has the infrastructure, additional resources and capacity to perform the function and exercise the power;

19(1)(3) The delegation of power or function will not result in an administrative burden for the authority

19(1)(4) The delegation of power or function will not result in additional financial implications for the department

19(1)(5) The authority undertakes to fully comply with any reasonable conditions imposed with the delegation,

19(1)(6) The authority can incorporate within its place, and without prejudice to its core business and mandate the delegated functions.

- 19.2 The MEC may after investigating the grounds for the application by the authority for the delegation of powers and functions:

19(2)(1) Decline the application if she/he is of the opinion that the authority :

19(2)(1)(1) Provided her/him with incorrect information;

19(2)(1)(2) Does not have the requisite capacity to perform the function or exercise the power

19(2)(1)(3) The delegation of power or function will adversely affect service delivery,

19(2)(1)(4) The delegation of the function or power will cause an administrative burden for the authority

19(2)(1)(5) Authorise the authority to perform certain specified functions and impose conditions for such authorization.

19.3 The MEC may after granting and authorization, revoke same after notice to the authority where:

19(3)(1) The circumstances of the authority materially change in relation to any factor on the basis whereof the authorization was granted.

19(3)(2) The MEC for Local Government and Development Planning advises as such.

19(3)(3) The authority fails to comply with the conditions for the granting of the authorization and fails to remedy any such compliance within a reasonable time after receipt of notice of non compliance.

## **20. CONDITIONS FOR THE GRANTING OF AN AUTHORISATION**

20.1 The MEC may, at the recommendation of the Provincial Health Authority grant to a district health authority, an authority to perform a function in terms of the Act if, she/ he is satisfied that such a district health authority-

20(2)(1) Has the administrative and financial capacity to effectively perform the function

20(2)(2) The granting of the authority is necessary for the promotion of the health of the population of the area of the said authority

20(2)(3) No person, organization or institution will be adversely affected or prejudiced by the granting of such an authority.

## **21. WITHDRAWAL OF AUTHORISATION**

The MEC may, any time after granting a district health authority to perform a function in terms of the Act, withdraw such authority after consultation with the Provincial Health Authority. The MEC shall prior to withdrawing such authority, afford the district health authority an opportunity to make representations.

## **CHAPTER 8**

### **ASSUMPTION OF FUNCTIONS BY THE DEPARTMENT**

#### **22. MECHANISMS NECESSARY TO MANAGE THE HEALTH DISTRICT**

Whenever a district health authority, fails or is unable to establish mechanisms necessary to manage the health district, the MEC may determine the mechanisms to be established pending the establishment of such mechanisms by the council of the municipality.

## **23. PROCEDURE AND CONDITIONS UNDER WHICH THE DEPARTMENT MAY ASSUME DISTRICT FUNCTIONS**

23.1 A District Health Authority which for any reason is unable to perform any of its functions or exercise any of its powers must notify the MEC in writing within 14 days of being unable to perform such a function or exercise such a power. In such notification the authority must set out:

23(1)(1) The reasons for the inability to perform the function or exercise the powers

23(1)(2) The steps taken to remedy the situation,

23(1)(3) The implications of the inability

23(1)(4) Proposals on actions the department may take to remedy the situation.

23.2 An interested person or an organization may give written notice to the MEC of the inability of an authority to perform a function or exercise a power. In such notification the following details shall be provided:

23(2)(1) The capacity of the person or organization giving the notice

23(2)(2) Steps taken by the said person or organization to remedy the situation by the relevant authority

23(2)(3) The implications of the alleged inability.

23.3 The MEC may upon receipt of a notification referred to in 7.2 take one or more of the following actions:

23(3)(1) Cause an investigation into circumstances surrounding the alleged inability to perform the function.

23(3)(2) After consultation with the relevant authority direct the department to temporarily assume the function pending a final decision

23(3)(3) Direct that any other action necessary to remedy the situation be taken.

## **CHAPTER 9**

### **PLANNING**

#### **24. PLANNING**

24.1 A District Health Authority shall submit an annual plan for the delivery of services to the department in the prescribed manner. The said plan shall in the minimum detail the following:

24(1)(1) The focus areas in respect of all services to delivered;

- 24(1)(2) The manner and methods to be used in the delivery of the services
- 24(1)(3) The funds budgeted for the delivery of the services
- 24(1)(4) The physical resources available for the delivery of the services
- 24(1)(5) The human resources available for the delivery of services
- 24(1)(6) Steps to be taken to ensure equity, efficiency and effectiveness
- 24(1)(7) Steps to be taken to avoid fragmentation and duplication of services
- 24(1)(8) Steps to be taken to ensure affordability and sustainability
- 24(1)(9) Mechanisms in place to encourage and facilitate community participation in the rendering of health services
- 24(1)(10) Areas of collaboration with other service providers.
- 24(1)(11) Service standards and targets to be met.

## **25. INFORMATION AND COMMUNICATION**

Section 22 requires the MEC to prescribe any matter necessary in order to achieve the objects of the Act. The purpose of this regulation is to facilitate communication and the exchange of information.

- 25.1 A District Health Authority shall take all reasonable steps to ensure that its information systems are in line with the provincial and national systems.
- 25.2 A District Health Authority shall develop and implement an information resource plan and an information technology plan to such its information resource plan.
- 25.3 A District Health Authority shall develop and implement a communication strategy and set up structures for the reporting, receiving and handling of complaints of members of the public.
- 25.4 A District Health Authority shall upon request furnish the department within a reasonable time with any information which the department may require from time to time in the performance of its functions.
- 25.5 No person may knowingly furnish wrong information to the department, an organ of state or a member of the public.
- 25.6 No person may without just cause withhold any information from the department.

## **26. NORMS AND STANDARDS FOR THE PROVISION OF PRIMARY HEALTH CARE SERVICES BY DISTRICT HEALTH AUTHORITIES**

### **26.1 SERVICES**

**26(1)(1) A District Health Authority must-**

- (a) render and perform all the services assigned to it by the MEC;
- (b) ensure that its plans and budget cover all the services assigned to it by the MEC;
- (c) develop and publish service standards covering all the services assigned to it by the MEC. The service standards must make provision for-
  - (i) measures to ensure that every health user is treated with respect, courtesy, respect for their personality, dignity and privacy;
  - (ii) measures to prevent discrimination against any health user;
  - (iii) measures to ensure confidentiality of information concerning a health user's health;
  - (iv) operating hours;
  - (v) the nature and scope of services provided at every facility or service point;
  - (vi) measures to ensure the provision of the best quality care appropriate.
- (d) ensure that it provides, acceptable, affordable, effective and equitable services.
- (e) display in a prominent place a list of services available at a particular service point;
- (f) ensure that information is provided on where services not provided in any facility are available.

**26(1)(2) In performing the functions and rendering the services assigned to it by the MEC, the District Health Authority must-**

- (a) ensure that the services are comprehensive and are delivered in an integrated manner, and in the minimum shall include-
  - (i) health promotion;
  - (ii) preventative;
  - (iii) rehabilitative;
  - (iv) curative approaches;
  - (v) core elements and associated services.
- (b) ensure that the services are integrated with those of other sectors that impact on health;
- (c) ensure that the services rendered are of an acceptable level and comply with policy and legislation;

## 26.2 EFFECTIVE AND EFFICIENT PERFORMANCE OF FUNCTIONS

26(2)(1) The District Health Authority must-

(a) develop and publish complaints procedures. The complaints procedures must make provision for-

- (i) procedures for lodging complaints;
- (ii) the procedures for investigating complaints;
- (iii) the duration for the investigation of complaints;
- (iv) the rights and duties of the complainant;
- (v) the rights and duties of the person against whom a complaint is lodged;
- (vi) the actions which may be taken to address the complaint;
- (vii) the steps to be taken should the complaint remain unresolved;
- (viii) information required when complaints are made.
- (x) measures to protect any person lodging a complaint.

(b) develop and publish its service delivery improvement plan which shall include-

- (i) measures to ensure consultation and participation of users in the provision of services;
- (ii) measures to ensure the improvement of access to services, particularly for the previously disadvantaged;
- (iii) measures for the monitoring of compliance with agreed service standards;
- (iv) measures for improving efficiency and effectiveness of the services provided;
- (v) measures for improving the quality of care provided in the provision of services;
- (vi) measures to improve inter-sectoral cooperation and collaboration.

26(2)(2) A District Health Authority must-

- (a) avoid and remove any duplication and fragmentation of health services;
- (b) improve and maintain the quality of health services within available resources.

## 26.3 ACCESS TO SERVICES

26(3)(1) A District Health Authority must-

- a) ensure that it provides essential services at first contact care by suitably qualified personnel;
- b) ensure that every community of more than 20 000 residents receives its services within a radius of 15 kilometers;
- c) every facility where the services are rendered has the necessary equipment to provide essential services;
- d) ensure that services are provided for a minimum of eight hours a day at least five days a week;
- e) ensure that systems are put in place for referrals, where necessary.



- f) ensure that no person is unreasonably refused to be served at any of its facilities or service points.
- g) regularly publish a report of the measures it has taken to ensure and promote access in the provision of services.

**26.4 MEASURES TO ENSURE EQUITY IN THE PROVISION OF SERVICES**

26(4)(1) A District Health Authority must develop a facility plan for every area within its area of jurisdiction taking into account-

- (a) the population of the area;
- (b) utilization rates of its services on the prevalence rates for each condition;
- (c) geographical position of the area
- (d) access routes
- (e) existing referral routes
- (f) the most appropriate level required
- (g) cost effectiveness

**26.5 FUNDING AND BUDGETS**

26(5)(1) The District Health Authority must-

- a) ensure that a percentage of its budget for the provision of services is ring fenced for improvement of access to services to previously disadvantaged communities;
- b) ensure that its personnel budget for the services to be provided does not exceed a percentage determined by the accounting officer;
- c) ensure that funds budgeted for equipment, drugs and facilities are not used for any other purpose without the approval of the Accounting Officer;
- d) ensure that the budget and funding of the services are in accordance with the resource allocation formula;
- e) ensure that communities and users are consulted when the budget for the services is determined;
- f) ensure that funding of its services is sustainable;

**26.6 STAFF AND STAFFING**

26(6)(1) The District Health Authority must-

- a) determine its staff requirements according to specific service delivery points;
- b) ensure that, the following are taken into consideration-
  - (i) workload ratio for the staffing type;
  - (ii) the number of staff per service delivery point;
  - (iii) extended hours of operation;
  - (iv) additional staff for facility management and professional supervision;
  - (v) the need for a one stop service.
  - (vi) develop and implement a staff development programme for staff involved in the provision of the services.
  - (vii) ensure the appointment of staff who meet the minimum professional requirements for the services to be performed.

**26.7 EQUIPMENT, DRUGS AND FACILITIES**

26(7)(1) The District Health Authority must-

- (a) determine its equipment, drug and facilities requirement according to the package of services provided.
- (b) determine the size of clinics according to the number of visits and rooms available or planned;
- (c) determine the number of CHC"s according to the number of referrals and the required catchment population;
- (d) determine its service provision approach according to the most cost effective use of services and resources
- (e) ensure that only drugs approved by the department are provided in its facilities.

**26.8 INFORMATION TECHNOLOGY AND MANAGEMENT**

26(8)(1) The District Health Authority must-

- (a) utilize the information systems determined by the MEC;
- (b) obtain and maintain basic information needed to reflect the developments in the provision of the package of services assigned to it;
- (c) use the information on the District Health Information System for the purposes of planning;
- (d) keep and maintain accurate patient data;
- (e) ensure compliance with the policy and legislation relating to patient records and data;

**26.9 PLANNING**

26(9)(1) The District Health Authority must-

- (a) plan for the provision and spatial organization of facilities and services provided within its area of jurisdiction;
- (b) regularly conduct an audit of staff, facilities, services and funds for purposes of analysis and planning;
- (c) regularly conduct a needs analysis of the population served by the authority;
- (d) regularly assess the epidemiological trends;
- (e) develop an affordability framework for the services provided bases on projected budgets;

**26.10 GOVERNANCE**

26(10)(1) The District Health Authority must-

- (a) have an organizational structure headed by a manager to ensure implementation of its functions;
- (b) establish a suitable management for the performance of its functions;
- (c) establish or designate an oversight committee to oversee the implementation of its functions.

## **27. REPORTING AND SUBMISSION OF REPORTS**

- 27(1) A District Health Authority must submit such reports and information in terms of applicable legislation and may be required from time to time by the department.
- 27(2) A report of the District Health Authority must be in accordance with the format determined by the department.

## **28. FORMAT FOR REPORTS**

- 28(1) A format for reporting on the activities of the District Health Authority must in the minimum cover the following:
- (a) Nature and scope of the functions and the services assigned;
  - (b) The approved budget for the rendering of the services;
  - (c) Any variance of the budget for the services and functions assigned, the reasons for such variance and measures being taken to remedy the situation;
  - (d) Any projected shortfalls in the budget of the assigned functions and the reasons for such shortfall;
  - (e) Any actions taken against any official in relation to any act of misconduct, whether of a financial nature in relation to the performance of the assigned functions;
  - (f) Details of any identified shortcomings or deficiencies in the provision of the services and the steps being taken to remedy the situation;
  - (g) Details of any complaints by health users and steps taken to address such complaints.
  - (h) Any projected increases in the demand for services and the estimate cost implications thereof.

## **29. Short title**

These regulations are called the District Health Services Regulations, 2002.

## REGULASIES VIR DISTRIKSGESONDHEIDSDIENSTE, 2002

DIE Lid van die Uitvoerende Raad verantwoordelik vir Gesondheid in die Gautengse Provinsie het die volgende Regulasies vir die Gautengse Distriksgesondheidsdienste, wat in die Skedule uiteengesit word, afgekondig kragtens artikel 22 van die Wet op Gautengse Distriksgesondheidsdienste van 2000 (Wet 8 van 2000).

## SKEDULE

## 1. Definisies

Enige uitdrukking of woord in die Regulasies het die betekenis wat deur die Wet daaraan toegeskryf is, tensy die konteks duidelik anders aandui en die volgende woorde en uitdrukkings het die volgende betekenis wat daaraan toegeskryf word:

“rekeningkundige beampte” beteken die Hoof van die Departement in die Departement van Gesondheid

“LUR” beteken die Lid van die Uitvoerende Raad verantwoordelik vir gesondheid in die provinsie

“die Wet” beteken die Wet op die Gautengse Distriksgesondheidsdienste.

“oordrag” beteken . . . . ?

## Hoofstuk 2

## SAMESTELLING, AANSTELLING, VUL VAN VAKANTE POSTE, MAGTE, PLIGTE EN FUNKSIES VAN DIE PROVINSIALE GESONDHEIDSOWERHEID

## 2. Samestelling van die provinsiale gesondheidsowerheid

2. (1) Die provinsiale owerheid sal saamgestel word uit:-

- (a) die LUR vir Gesondheid
- (b) een verteenwoordiger wat 'n verkose raadslid is van elke Distriksgesondheidsowerheid;
- (c) die hoof van die Provinsiale Gesondheidsafdeling wat 'n *ex officio*-lid sal wees

## 4. Magte en funksies van die provinsiale gesondheidsowerheid

4. (1) Die Provinsiale Gesondheidsowerheid moet-

- (a) die Nasionale en Provinsiale gesondheidsbeleid koördineer en implementeer;
- (b) die beleid oor enige saak wat die gesondheid van die bevolking sal bevorder oorweeg en provinsiale gesondheidsbeleid by die LUR aanbeveel;
- (c) versoeke en aanbevelings van die Distriksgesondheidsowerhede oorweeg;

- (c) wetgewing oorweeg en aanbevelings daarvoor indien voordat dit aan die wetgewers voorgelê word;
- (d) enige saak wat deur die LUR verwys word oorweeg;
- (e) die aktiwiteite van die distriksgesondheidsowerhede koördineer.

## 5. Prosedures vir die provinsiale gesondheidsowerheid

### 5. (1) Die Provinsiale Gesondheidsowerheid moet-

5.(1)(1) gereeld vergader op 'n plek en tyd wat deur die LUR bepaal word in samewerking met ander lede van die Provinsiale Gesondheidsowerheid. Die volgende vereistes geld vir vergaderings van die Provinsiale Gesondheidsowerheid:-

- (a) die vergaderings moet onder voorsitterskap van die LUR gehou word;
- (b) indien die LUR nie beskikbaar is nie, moet 'n persoon wat deur die LUR aangewys is optree as voorsitter van die vergadering;
- (c) vergaderings moet gehou word volgens die reëls wat die LUR vasstel vir sulke vergaderings na konsultasie met lede van die Provinsiale Gesondheidsowerheid;
- (d) die vergaderings kan na goeddunke van die LUR oop wees vir die publiek;
- (e) notules moet gehou word op die wyse wat deur die LUR bepaal word;

## 6. Vestiging van die provinsiale gesondheidsadvieskomitee

6.(1) Daar word hiermee 'n Provinsiale Gesondheidsadviesraad saamgestel en die Raad beskik oor die volgende magte en funksies:

6.(2) Magte en funksies van die Provinsiale Gesondheidsadvieskomitee.

Die Provinsiale Gesondheidsadvieskomitee moet-

- (a) op versoek van die Provinsiale Gesondheidsowerheid of versoek van die LUR enige saak wat verband hou met gesondheid ondersoek of oorweeg en sy bevindinge bekend maak aan die LUR of die Provinsiale Gesondheidsowerheid;
- (b) op versoek aanbevelings oor enige gesondheidsaspek indien by die Provinsiale Gesondheidsowerheid;
- (c) die implementering van beleid en wetgewing koördineer;
- (d) enige funksies wat nodig geag word deur die Provinsiale Gesondheidsowerheid verrig om seker te maak dat voldoen word aan die doelwitte van die beleid en wetgewing;
- (e) op eie inisiatief die Provinsiale Gesondheidsowerheid inlig oor enige sake wat verband hou met gesondheid.

## 7. Samestelling van die Provinsiale Gesondheidsadvieskomitee

Die Provinsiale Gesondheidsadvieskomitee moet uit die volgende persone saamgeroep word –

- (a) die Hoof van die Provinsiale Departement van Gesondheid, wat sal optree as die voorsitter;
- (b) die hoofde van gesondheidsdepartemente van die Distriksgesondheidsowerhede;
- (c) personeel van die departement wat aangewys word deur die Hoof van die Departement.

## 8. Prosedures vir die Provinsiale Gesondheidsadvieskomitee

8.(1) Die Provinsiale Gesondheidsadvieskomitee moet na konsultasie met die Provinsiale Gesondheidsowerheid-

- (a) reëls en prosedures vasstel vir die komitee se vergaderings en verrigtinge;
- (b) na konsultasie met die Provinsiale Gesondheidsowerheid die datums, plek en tyd van sy vergaderings vasstel, met dien verstande dat:
  - (aa) die voorsitter van die raad 'n vergadering mag belê sonder om die Provinsiale Gesondheidsowerheid daarvoor te raadpleeg, as omstandighede dit verg;
  - (bb) lede van die Provinsiale Gesondheidsadvieskomitee so 'n vergadering kan versoek.

## HOOFSTUK 3

### ADVIESKOMITEE VIR DISTRIKSGESONDHEID

## 9. Vestiging van 'n advieskomitee vir distriksgesondheid

9. Hiermee word 'n Advieskomitee vir distriksgesondheid geskep vir elke Distriksgesondheidsowerheid.

9.(1) Die Distriksgesondheidsowerheid moet -

- (a) die magte en funksies vir die Advieskomitee vir distriksgesondheid bepaal;
- (b) die reëls en prosedures vir die funksies van die Advieskomitee vir distriksgesondheid vasstel;
- (c) die samestelling van die Advieskomitee vir distriksgesondheid bepaal.

## HOOFSTUK 4

### MONITOR EN EVALUERING

#### 10. Vestiging van 'n monitor- en evalueringseenheid.

Die LUR sal sorg dat 'n eenheid in die departement gevestig word sodat die aktiwiteite van die Distriksgesondheidsowerhede gemonitor en geëvalueer kan word.

#### 11. Magte en funksies van die monitor- en evalueringseenheid

11.(1) Buiten die magte en funksies wat in enige wet uiteengesit word, kan die LUR van tyd tot tyd magte toeken wat nodig mag wees vir die doeltreffende uitvoer van die eenheid se funksies.

11.(1).(1) Die eenheid moet binne dertig dae nadat dit gevestig is, by die LUR aansoek doen om goedkeuring van die prosedures vir die funksies van die eenheid.

11.(1).(2) die prosedures vir die eenheid sal die volgende insluit:

11.(1).(2).(1) 'n konsepmonitor- en evalueringsinstrument

11.(1).(2).(2) die prosedures en protokolle vir die monitor en evaluering van funksies.

11.(1).(2).(3) verslaggewingsformate

11.(1).(2).(4) die prosedures en protokolle vir interaksie met belanghebbendes

## HOOFSTUK 5

### DISTRIKSGESONDHEIDSGRENSE

#### 12. Kriteria en prosedures om grense vir distriksgesondheid te bepaal

12.(1) Wanneer die LUR dit oorweeg om 'n Distriksgesondheidsowerheid te vestig sal die volgende in ag geneem word:

12.(1).(1) Die heersende afbakening van die betrokke munisipaliteit;

12.(1).(2) Die munisipaliteit se kapasiteit op grond van infrastruktuur en verwante hulpbronne om binne die voorgestelde distrik doeltreffende en effektiewe dienste te lewer;

12.(1).(3) Die behoefte om moontlike fragmentasie en duplikasie tussen twee of meer Distriksgesondheidsowerhede te vermy en te verminder;

- 12.(1).(4) Die finansiële implikasies, die beskikbaarheid van hulpbronne en gelyke lewering van dienste;
- 12.(1).(5) Die armoede-indeks van die betrokke distriksgesondheidsgebied;
- 12.(1).(6) Die implikasies wat dienslewering sal hê as die provinsiale departement die funksies moet oorneem;
- 12.(1).(7) Die aard en omvang van die dienste wat gelewer moet word;
- 12.(1).(8) Enige ander faktor wat 'n negatiewe uitwerking mag hê op die doeltreffendheid van die funksies van die distriksgesondheidsowerheid wat uitgevoer word;

12.(2) Voordat distriksgesondheidsgrense bepaal word, sal die LUR:

- 12.(2).(1) Per kennisgewing in die provinsiale koerant insette oor die voorgestelde grense van munisipaliteite en ander belanghebbendes aanvra;
- 12.(2).(2) Sy/haar intensies bekend maak en oordra aan die LUR vir Plaaslike Regering en die Gautengse Vereniging van Plaaslike Owerhede;
- 12.(2).(3) Na konsultasie met die LUR vir Plaaslike Regering en Ontwikkelingsbeplanning, 'n kennisgewing in die provinsiale koerant plaas waarin kommentaar op die voorgestelde grense vir die gesondheidsdistrikte in die provinsie aangevra word;
- 12.(2).(4) Binne 180 dae na publikasie van die kennisgewing en na konsultasie met die Uitvoerende Raad en die Gautengse Vereniging van Plaaslike Owerhede die grense van gesondheidsdistrikte in die provinsie bepaal deur middel van 'n afkondiging in die provinsiale koerant.

13. Verandering van grense van distriksgesondheid

Die LUR kan die grense van 'n Distriksgesondheidsowerheid aanpas as die verandering:-

- 13.(1) die doeltreffendheid en effektiwiteit van funksies wat uitgevoer word sal verbeter;
- 13.(2) gelykheid en die ekonomiese gebruik van hulpbronne sal verseker;
- 13.(3) verbeterde diensvlakke sal verseker;
- 13.(4) die bestaande afbakening verander word.
- 13.(2) Die LUR kan op grond van advies van die LUR vir Plaaslike Regering en Ontwikkelingsbeplanning die grense van 'n gesondheidsdistrik verander.



14. Prosedures vir die wysiging van grense van distriksgesondheidsowerhede

14.(1) Die LUR kan, as daar nie voldoen kan word aan die voorwaardes wat in 4.1 uiteengesit word nie, of na ontvangs van 'n aansoek van 'n belanghebbende party, die prosedure wat in 4.2 uiteengesit is volg om die grense van 'n gesondheidsdistrik te verander met dien verstande dat:

14.(1).(1) Die LUR ander stappe, buiten die wysiging van grense, gedoen het om die situasie reg te stel as die wysiging volg op versuim om te voldoen aan die voorwaardes wat in in 4.1 uiteengesit is;

14.(1).(2) Die LUR die gronde vir sodanige aansoek volledig ondersoek en die betrokke owerheid versoek om voorleggings in te dien, as die wysiging volg op 'n aansoek van 'n ander belanghebbende party as die distriksowerheid;

14.(1).(3) Die LUR behoorlike ondersoek instel na die gronde vir die aansoek as die aansoek om wysiging ingedien word deur die Distriksgesondheidsowerheid en 'n ander belanghebbende party voorleggings moet indien ten opsigte van die aansoek.

14.(2) Die LUR kan, opdrag gee vir bepaalde optrede om die situasie reg te stel en/of die funksies of 'n gedeelte daarvan oorneem na gelang van die bepaalde geval, in plaas daarvan om die grense van 'n Distriksgesondheidsowerheid te verander.

15. BESWARE TEEN DIE WYSIGING VAN GRENSE

15.(1) 'n Persoon, organisasie of persoon wat optree namens 'n ander of begunstigdes of 'n diens of dienste kan binne die voorgeskrewe tydperk 'n beswaar by die LUR indien teen eenige voorgestelde wysiging van die grense van 'n gesondheidsdistriksowerheid.

15.(2) Die LUR kan, na oorweging van die gronde vir die beswaar en na konsultasie met die partye wat daardeur geraak word, die saak na enige staatsorgaan verwys of advies inwin oor die saak voordat 'n besluit geneem word oor die verandering.

HOOFSUK 6

TOEDELING VAN FUNKSIES

16. Aansoek vir die toedeling van funksies aan 'n Distriksgesondheidsowerheid

16.(1) Wanneer 'n Distriksgesondheidsowerheid aansoek doen by die LUR vir die toedeling van funksies moet die aansoek -

16.(1).(1) skriftelik ingedien word;

16.(1).(2) die volgende inligting bevat -

- (a) die aard en omvang van die dienste en funksies wat toegedeel moet word;
- (b) omvattende besonderhede oor die funksies wat uitgevoer word en dienste wat gelewer word, wat betrekking het op die wese van die aansoek;
- (c) besonderhede van die finansiële bestuurstelsel en ander beheerstelsels wat deur die Distriksgesondheidsowerheid toegepas word;
- (d) Besonderhede van die fasiliteite en toerusting tot beskikking van die Distriksgesondheidsowerheid om funksies uit te voer en dienste te lewer;
- (e) Besonderhede van die organisasiestrukture wat in plek is vir die uitvoer van funksies;
- (f) Besonderhede van menslike hulpbronne wat tot beskikking is van die Distriksgesondheidsowerheid vir die uitvoer van funksies en om dienste te lewer;
- (g) Besonderhede van die plek of voorgestelde plek waar die fasiliteite benut moet word vir die uitvoer van funksies en om dienste te lewer;
- (h) Besonderhede van die bevolking wat van die dienste gebruik moet maak by elke fasiliteit of dienspunt;
- (i) Besonderhede van enige reëlings tussen die Distriksgesondheidsowerheid en enige privaatagentskap vir die dienste wat voorsien moet word;

17. Toewysing van funksies aan die Distriksgesondheidsowerheid

17.(1). Voordat enige funksies aan 'n Distriksgesondheidsowerheid toegewys word, moet die LUR -

- 17.(1).(1) die administratiewe en finansiële kapasiteit van die Distriksgesondheidsowerheid om dienste te lewer en om toegewese funksies te verrig, ondersoek;
- 17.(1).(2) sodanige inligting kry as wat nodig is om te bepaal of die distriksowerheid die nodige administratiewe en finansiële kapasiteit het om die dienste wat versoek word te lewer en om die funksies wat toegewys moet word, te verrig;
- 17.(1).(3) die dienstepakket wat toegewys moet word aan die Distriksgesondheidsowerheid bepaal in ooreenstemming met die owerheid se kapasiteit om die dienste en funksies wat versoek is, te lewer en te verrig.
- 17.(1).(4) die Distriksgesondheidsowerheid se planne, stelsels en prosedures vir die lewer van dienste en uitvoer van funksies evalueer;
- 17.(1).(5) die Distriksgesondheidsowerheid se infrastruktuur en fasiliteite wat benut moet word wanneer dienste gelewer en funksies verrig word, evalueer;

17.(1).(6) van die Distriksgeondheidsowerheid verwag om 'n prestasie-ooreenkoms aan te gaan met betrekking tot die dienste en funksies wat toegeken moet word;

17.(1).(7) die finansiële bestuur- en beheerstelsels van die Distriksgeondheidsowerheid evalueer om te bepaal of dit voldoen aan die vereistes vir die oordrag van fondse aan die Distriksgeondheidsowerheid.

#### 18. Voorwaardes vir die toekenning van funksies

18.(1) Die LUR kan, wanneer funksies aan 'n Distriksgeondheidsowerheid toegeken word, een of meer van die volgende voorwaardes afdwing:

18.(1).(1) dat die Distriksgeondheidsowerheid sekere maatreëls aanvaar om te verseker dat daar voldoen word aan enige voorwaarde van die Wet, Nasionale Wetgewing, beleid, enige ooreenkoms tussen die Distriksgeondheidsowerheid en die LUR, of die regulasies;

18.(1).(2) dat die Distriksgeondheidsowerheid sy planne, strategieë, begroting, beleidspunte en wetgewing aanpas om te voldoen aan enige vereiste van die nasionale beleid en wetgewing;

18.(1).(3) dat die Distriksgeondheidsowerheid sekere maatreëls aanvaar om duplikasie en fragmentering tydens die voorsiening van dienste voorkom;

18.(1).(4) dat die Distriksgeondheidsowerheid enige voorwaarde verander om die doeltreffende en effektiewe lewering van dienste en uitvoer van toegekende funksies verseker.

#### 19. Gebrek aan kapasiteit by die Distriksgeondheidsowerheid

19.(1) Wanneer 'n Distriksgeondheidsowerheid na mening van die LUR nie genoeg administratiewe kapasiteit het om die dienste te lewer en die toegekende funksies uit te voer nie, moet die LUR

19.(1).(1) 'n ooreenkoms met die Distriksgeondheidsowerheid aangaan en tydelik personeel sekondeer na daardie Distriksgeondheidsowerheid op grond van sodanige beginsels en voorwaardes as wat die LUR bepaal.

19.(1).(2) 'n ooreenkoms aangaan met die Distriksgeondheidsowerheid om sekere administratiewe funksies namens die owerheid te doen mits voldoen word aan die bepalings en voorwaardes wat deur die LUR bepaal word;

## HOOFSTUK 7

## GEDELEGEERDE MAGTE

20. Aansoeke deur 'n Distriksgesondheidsowerheid om addisionele magte te deleger

20.(1) 'n Distriksgesondheidsowerheid kan skriftelik 'n aansoek indien by die LUR om spesifieke magte en funksies te deleger as die owerheid:

20.(1).(1) voel dat die delegering van die mag of funksie nodig is vir die doeltreffende en effektiewe nakoming van sy funksies;

20.(1).(2) die infrastruktuur, addisionele hulpbronne en en kapasiteit het om die funksies te verrig en die magte uit te oefen;

20.(1).(3) se delegasie van die mag of funksie nie lei tot 'n administratiewe las vir die owerheid nie;

20.(1).(4) se delegasie van mag of funksie nie lei tot addisionele finansiële implikasies vir die departement nie;

20.(1).(5) onderneem om ten volle te voldoen aan enige redelike voorwaardes wat afgedwing word met die delegasie;

20.(1).(6) die gedelegerde funksies op sy perseel kan inkorporeer, sonder benadeling van sy kernbedrywighede en mandaat.

20.(2) Die LUR kan nadat die gronde vir die aansoek deur die owerheid vir die delegasie van magte en funksies ondersoek is:

20.(2).(1) die aansoek van die hand wys as hy/sy van mening is dat die owerheid:

20.(2).(1).(1) verkeerde inligting by hom/haar ingedien het;

20.(2).(1).(2) nie die vereiste kapasiteit het om die funksie te verrig of die mag uit te oefen nie;

20.(2).(1).(3) se delegasie van mag of die funksie 'n negatiewe invloed sal hê op dienslewering;

20.(2).(1).(4) se delegasie van die funksie of mag sal lei tot 'n administratiewe las vir die owerheid;

20.(2) toestemming verleen dat die owerheid sekere gespesifiseerde funksies verrig en sekere voorwaardes stel vir sodanige goedkeuring.

20.(3) Die LUR kan die goedkeuring herroep nadat dit toegestaan is as:

- 20.(3).(1) die owerheid se omstandighede weselik verander ten opsigte van enige faktor wat gegeld het as onderliggende grondslag waarvolgens die toestemming verleen is;
- 20.(3).(2) die LUR vir Plaaslike Regering en Ontwikkelingsbeplanning so opdrag gee.
- 20.(3).(3) die owerheid versuim om te voldoen aan die voorwaardes wat gegeld het vir die toestemming en versuim om daaraan te voldoen binne 'n redelike tydperk nadat kennisgewing van so 'n versuim ontvang is.

#### 21. Voorwaardes wat gestel word vir toestemming

- 21.(1) Die LUR kan na aanbeveling van die Provinsiale Gesondheidsowerheid toestemming verleen dat 'n Distriksgesondheidsowerheid funksies verrig kragtens die Wet, as hy/sy tevrede is dat sodanige Distriksgesondheidsowerheid
  - 21.(2).(1) die nodige administratiewe en finansiële kapasiteit het om die funksie doeltreffend te verrig;
  - 21.(2).(2) die toestemming nodig het om die gesondheid van die bevolking in die betrokke owerheid se gebied te verbeter;
  - 21.(2).(3) se toestemming nie enige persoon, organisasie of instansie negatief sal raak of dat enige iemand benadeel sal word as die toestemming verleen word nie.

#### 22. Onttrekking van die toestemming

Die LUR kan enige tyd nadat die Distriksgesondheidsowerheid toestemming verkry het om 'n funksie te verrig kragtens die Wet, sodanige toestemming herroep na konsultasie met die Provinsiale Gesondheidsowerheid. Die LUR moet, voordat die toestemming herroep word, die betrokke Distriksgesondheidsowerheid 'n geleentheid bied om 'n voorlegging oor die saak in te dien.

### HOOFSTUK 8

#### VERONDERSTELDE FUNKSIES VAN DIE DEPARTEMENT

#### 23. Meganismes wat nodig is om die gesondheidsdistrik te bestuur

Wanneer 'n Distriksgesondheidsowerheid versuim om die nodige meganismes te vestig om die gesondheidsdistrik te bestuur, of nie in staat is om dit te doen nie, kan die LUR meganismes instel totdat die munisipale raad die nodige meganismes vestig.

#### 24. Prosedures en toestande wat kan ontstaan en waarvoor die departement distrikfunksies mag oorneem.

24.(1) 'n Distriksgesondheidsowerheid wat weens enige rede nie daartoe in staat is om enige van sy funksies te verrig nie, of wat nie enige van sy magte kan uitoefen nie, moet die LUR binne 14 dae skriftelik laat weet dat die funksies en magte nie uitgeoefen kan word nie. In sulke gevalle moet die owerheid die volgende in die kennisgewing uiteensit:

24.(1).(1) Die redes vir die onvermoë om die funksie te verrig of die magte uit te oefen

24.(1).(2) Die stappe wat gedoen is om die situasie reg te stel

24.(1).(3) Die implikasies van die onvermoë

24.(1).(4) Voorstelle vir die departement se optrede om die situasie reg te stel.

24.(2) 'n Belanghebbende persoon of 'n organisasie kan die LUR skriftelik kennis gee dat die owerheid nie in staat is daartoe om die funksie te verrig nie, of om 'n mag uit te oefen nie. In sulke kennisgewings moet die volgende besonderhede verskaf word:

24.(2).(1) Die hoedanigheid van die persoon of organisasie wat die kennisgewing indien;

24.(2).(2) Stappe wat die genoemde persoon of organisasie gedoen het om die situasie by die betrokke owerheid reg te stel;

24.(2).(3) Die implikasies van die beweerde onvermoë.

24.(3) Die LUR kan na ontvangs van 'n kennisgewing wat in 7.2 beskryf word, een of meer van die volgende stappe doen:

24.(3).(1) Opdrag gee dat ondersoek gedoen word na die omstandighede wat aanleiding gegee het tot die beweerde onvermoë om die funksie te verrig.

24.(3).(2) Opdrag gee dat die departement tydelik die funksie oorneem na konsultasie met die betrokke owerheid, totdat 'n finale besluit geneem kan word oor die omstandighede.

24.(3).(3) Opdrag gee dat enige ander stappe wat nodig mag wees, gedoen word om die situasie te herstel.

## HOOFSTUK 9

### BEPLANNING

#### 25. Beplanning

25.(1) 'n Distriksgesondheidsowerheid moet 'n jaarplan op die voorgeskrewe manier indien en dit moet inligting bevat oor dienste wat aan die departement gelewer gaan word. Die genoemde plan moet ten minste die volgende uiteensit:

- 25.(1).(1) Die belangrikste aspekte van alle dienste wat gelewer gaan word;
- 25.(1).(2) Die wyse en metodes wat gebruik word om die dienste te lewer;
- 25.(1).(3) Die fondse wat begroot is om die dienste te kan lewer;
- 25.(1).(4) Die fisiese hulpbronne wat beskikbaar is om die dienste te lewer;
- 25.(1).(5) Die menslike hulpbronne wat beskikbaar is om die dienste te kan lewer;
- 25.(1).(6) Stappe wat gedoen word om gelykheid, doeltreffendheid en effektiwiteit te verseker;
- 25.(1).(7) Stappe wat gedoen word om fragmentasie en duplisering van dienste te vermy;
- 25.(1).(8) Stappe wat gedoen word om bekostigbaarheid en volhoubaarheid te verseker;
- 25.(1).(9) Meganismes wat geskep word om gemeenskapsdeelname aan gesondheidsdienste aan te moedig en makliker te maak.
- 25.(1).(10) Samewerking met ander diensverskaffers.
- 25.(1).(11) Dienstandaard en -teikens waaraan voldoen moet word.

## 26. Inligting en kommunikasie

Artikel 22 vereis van die LUR om enige noodsaaklike sake voor te skryf om die doelwitte van die Wet te behaal. Die doel van die regulasie is om kommunikasie en die uitruil van inligting te reël en te vergemaklik.

- 26.(1) 'n Distriksgesondheidsowerheid moet alle redelike stappe doen om seker te maak dat die inligtingstelsels ooreenstem met die provinsiale en nasionale stelsels.
- 26.2(a) 'n Distriksgesondheidsowerheid moet 'n inligtingshulpbronplan, asook 'n inligtingstegnologieplan ontwikkel en implementeer.
- 26.(3) 'n Distriksgesondheidsowerheid moet 'n kommunikasiestrategie ontwikkel en implementeer. Verder moet strukture ingestel word vir verslaggewing, asook die ontvangs en hantering van klagtes van lede van die publiek.
- 26.(4) 'n Distriksgesondheidsowerheid moet op versoek en binne 'n redelike tydperk enige inligting wat die departement van tyd tot tyd kan aanvra oor die funksies wat verrig word, aan die departement beskikbaar stel.
- 26.(5) Geen persoon mag bewustelik verkeerde inligting aan die departement, staatsorgaan of lid van die publiek verskaf nie.

26.(6) Geen persoon mag sonder redelike gronde enige inligting van die departement weerhou nie.

27. Norme en standaarde vir die voorsiening van primêre gesondheidsorgdienste by Distriksgesondheidsowerhede

### 27.1 Dienste

27.(1).(1) 'n Distriksgesondheidsowerheid moet -

- (a) al die dienste wat die LUR toewys lewer en verskaf;
- (b) seker maak dat sy planne en begrotings al die dienste wat die LUR toegewys het, dek;
- (c) diensstandaard ontwikkel en bekend maak. Dit moet betrekking hê op al die dienste wat deur die LUR toegewys is. Die diensstandaard moet voorsiening maak vir:
  - (I) maatreëls om te verseker dat elke gesondheidsorggebruiker met respek, hoflikheid, respek vir persoonlikheid, waardigheid en privaatheid behandel word;
  - (II) maatreëls om diskriminasie teen enige gesondheids gebruiker te vermy;
  - (III) maatreëls oor vertroulikheid van 'n gesondheidsorggebruiker se gesondheidsinligting;
  - (IV) bedryfsure;
  - (V) die aard en omvang van dienste wat by elke fasiliteit of dienspunt verskaf word;
  - (VI) maatreëls om seker te maak dat die beste toepaslike versorging gegee word;
- (d) seker maak dat die owerheid aanvaarbare, bekostigbare, doeltreffende en gelyke dienste verskaf;
- (e) 'n lys van beskikbare dienste by 'n bepaalde dienspunt op 'n prominente plek vertoon;
- (f) seker maak dat inligting verskaf word oor plekke waar dienste wel beskikbaar is, as dit nie by die bepaalde fasiliteit beskikbaar is nie.

27.(1).(2) Wanneer die funksies en dienste verrig word, soos dit deur die LUR toegewys is, moet die Distriksgesondheidsowerheid -

- (a) seker maak dat die dienste omvattend is en op 'n geïntegreerde manier gelewer word. Dit moet minstens die volgende insluit -
  - (I) bevordering van gesondheid;
  - (II) voorkomende behandeling;
  - (III) rehabilitasiebenadering;
  - (IV) genesende benadering;
  - (V) kernelemente en verwante dienste.
- (b) seker maak dat die dienste geïntegreer word met dienste van ander sektore wat 'n invloed het op gesondheid;



- (c) seker maak dat die dienste wat gelewer word, van 'n aanvaarbare standaard is en voldoen aan die beleid en wetgewing;

## 27.2 Doeltreffende en effektiewe uitvoer van funksies

27.(2).(1) Die Distriksgeondheidsowerheid moet -

- (a) klagteprosedures ontwikkel en publiseer. Die klagteprosedures moet voorsiening maak vir -
  - (I) die prosedure om 'n klagte in te dien;
  - (II) prosedures om klagtes te ondersoek;
  - (III) die duur van die ondersoek van klagtes;
  - (IV) die regte en pligte van die klaer;
  - (V) die regte en pligte van die persoon teen wie 'n klagte ingedien word;
  - (VI) die stappe wat gedoen kan word om aandag te gee aan die klagte;
  - (VII) die stappe wat gedoen kan word as die klagte nie opgelos word nie;
  - (VIII) inligting wat vereis word wanneer 'n klagte ingedien word
  - (IX) maatreëls om iemand wat 'n klagte indien te beskerm.
- (b) 'n diensverbeteringsplan ontwikkel en publiseer. Die plan moet die volgende insluit -
  - (I) maatreëls om konsultasie en deelname van gebruikers in die verskaffing van dienste verseker;
  - (II) maatreëls om verbeterde toegang tot dienste te verseker, veral van agtergeblewe persone;
  - (III) maatreëls om te monitor tot hoe 'n mate voldoen word aan die ooreengekome diensstandaarde;
  - (IV) maatreëls om doeltreffendheid van die dienste wat verskaf word te verbeter;
  - (c) maatreëls skep vir beter gehalte van sorg wanneer die dienste gelewer word;
  - (d) maatreëls skep om tussensektorsamewerking te bewerkstellig.

27.2.3 'n Distriksgeondheidsowerheid moet -

- (a) enige duplisering en fragmentering van gesondheidsdienste vermy en uitskakel;
- (b) die gehalte van gesondheidsdienste binne die beperkings van beskikbare hulpbronne verbeter en volhou.

## 27.3 TOEGANG TOT DIENSTE

27.3.1 . 'n Distriksgeondheidsowerheid moet -

- a) seker maak dat die owerheid met die eerste besoek noodsaaklike versorgingsdienste lewer deur behoorlik gekwalifiseerde personeel;

- b) seker maak dat elke gemeenskap met meer as 20 000 inwoners dienste ontvang binne 'n radius van 15 kilometer;
- c) sorg dat elke fasiliteit waar die dienste gelewer word, die nodige toerusting het om noodsaaklike dienste te lewer;
- d) seker maak dat dienste vir 'n minimum van agt uur per dag, vir minstens vyf dae per week, voorsien word;
- e) seker maak dat stelsels in plek is vir verwysings indien dit nodit sou wees;
- f) seker maak dat niemand op 'n onredelike wyse van diens ontsê word by enige van die fasiliteite of dienspunte nie;
- g) gereeld 'n verslag publiseer oor die maatreëls wat ingestel is om toegang tot dienste te verleen en te bevorder.

#### 27.4 MAATREËLS OM GELYKE VOORSIENING VAN DIENSTE TE VERSEKER

27.4.1 'n Distriksgeondheidsowerheid moet 'n fasiliteitsplan ontwikkel vir elke gebied binne sy jurisdiksie en die volgende moet in ag geneem word in die voorbereiding daarvan -

- (a) die bevolking in die gebied;
- (b) benuttingstariewe vir dienste teen die heersende tarief vir elke toestand;
- (c) geografiese ligging van die gebied
- (d) toegangsroetes
- (e) bestaande verwysingsroetes
- (f) die toepaslikste vlak van diens wat vereis word
- (g) kostedoeltreffendheid.

#### 27.5 BEFONDSING EN BEGROTINGS

27.5.1 Die Distriksgeondheidsowerheid moet -

- a) seker maak dat 'n persentasie van sy begroting vir dienste wat gelewer word, beskikbaar gestel word vir beter toegang tot dienste vir agtergeblewe gemeenskappe;
- b) seker maak dat sy personeel begroot vir dienste wat gelewer word en dat dit nie meer is as die persentasie wat deur die rekeningkundige beampte bepaal is nie;
- c) seker maak dat fondse wat begroot is vir toerusting, medisynemiddels en fasiliteite nie benut word vir enige ander doel sonder die goedkeuring van die rekeningkundige beampte nie;
- d) seker maak dat die begroting en befondsing van dienste ooreenstem met die formule vir die toewysing van hulpbronne;
- e) seker maak dat gemeenskappe en gebruikers geraadpleeg word wanneer die begroting vir dienste voorberei word;
- f) seker maak dat die befondsing van dienste volhoubaar is;

#### 27.6 PERSONEEL EN PERSONEELVOORSIENING

27.6.1 Die Distriksgeondheidsowerheid moet -

- a) sy personeelvereistes vasstel volgens spesifieke behoeftes by diensleweringpunte;
- b) seker maak dat die volgende in ag geneem word -

- I. werklasverhouding vir die soort personeel;
  - II. die getal personeellede by elke dienspunt;
  - III. verlengde werkure;
  - IV. addisionele personeel vir die bestuur van die fasiliteit en professionele toesig;
  - V. die behoefte aan 'n enkele fasiliteit waar al die dienste beskikbaar is.
- c) 'n personeelontwikkelingsprogram ontwikkel en implementeer vir alle personeel wat betrokke is by die dienste wat gelewer word;
- d) seker maak dat personeel wat aangestel word voldoen aan die minimum professionele vereistes om die dienste te kan lewer.

## 27.7 TOERUSTING, MEDISYNE MIDDELS EN FASILITEITE

### 27.7.1 Die Distriksgesondheidsowerheid moet -

- (a) sy toerusting, medisyne middels en fasiliteite bepaal volgens die dienstepakket wat aangebied word;
- (b) die grootte van sy klinieke bepaal volgens die getal besoeke en beskikbare, of beplande beskikbare kamers;
- (c) die getal CHCs bepaal volgens die getal verwysings en die vereiste opvangbevolking;
- (d) die benadering tot dienste bepaal op grond van die kostedoeltreffendste gebruik van dienste en hulpbronne;
- (e) seker maak dat net middels wat deur die departement goedgekeur is by sy fasiliteite beskikbaar is.

## 27.8 INLIGTINGSTEGNOLOGIE EN BESTUUR

### 27.8.1 Die Distriksgesondheidsowerheid moet -

- (a) die inligtingstelsels wat deur die LUR bepaal word, benut;
- (b) die basiese inligting wat nodig is om ontwikkeling in die voorsiening van die toegewese dienstepakket te weerspieël, verkry en in stand hou;
- (c) die inligting in die Distriksgesondheidsinligtingstelsel benut vir beplanningsdoeleindes;
- (d) akkurate pasiëntinligting hou en in stand hou;
- (e) seker maak dat daar voldoen word aan die beleid en wetgewing wat verband hou met die pasiënt se rekords en inligting.

## 27.9 BEPLANNING

### 27.9.1 Die Distriksgesondheidsowerheid moet -

- (a) beplan vir die voorsiening en ruimtelike organisasie van fasiliteite en dienste wat voorsien word binne die gebied waarvoor hy jurisdiksie het;
- (b) gereeld personeel, fasiliteite, dienste en fondse audit vir ontledings- en beplanningsdoeleindes;
- (c) gereeld die behoeftes van die bevolking wat van die owerheid se diens afhanklik is ontleed;
- (d) gereeld epidemiologiese tendense ondersoek;
- (e) 'n bekostigbaarheidsraamwerk ontwikkel op grond van geprojekteerde begrotings vir die dienste wat voorsien word;

## 27.10 BEHEER

### 27.10.1 Die Distriksgeondheidsowerheid moet -

- (a) 'n organisatoriese struktuur, onder leiding van 'n bestuurder, vestig om seker te maak dat die funksies geïmplementeer word;
- (b) 'n geskikte bestuur vestig sodat die funksies verrig word;
- (c) 'n oorsigkomitee vestig of aanwys om toe te sien dat die funksies geïmplementeer word.

## 28. VERSLAGGEWING EN INDIEN VAN VERSLAE

28.1 'n Distriksgeondheidsowerheid moet sodanige verslae en inligting indien as wat verwag word op grond van die toepaslike wetgewing en wat van tyd tot tyd deur die departement verwag word.

28.2 'n Verslag van die Distriksgeondheidsowerheid moet uitgereik word in ooreenstemming met die formaat wat deur die departement vereis word.

## 29. VERSLAGFORMAAT

31.1 'n Formaat vir verslaggewing oor die aktiwiteite van die Distriksgeondheidsowerheid moet minstens die volgende behels:

- (a) Die aard en omvang van die toegewese dienste en funksies;
- (b) Die goedgekeurde begroting vir die dienste wat gelewer word;
- (c) Enige wysiging van die begroting vir die toegewese funksies en dienste, die redes vir die wysiging en die maatreëls wat in ag geneem moet word om die situasie te herstel;
- (d) Enige geprojekteerde tekorte in die begroting vir die toegewese funksies met redes vir so 'n tekort;
- (e) Enige optrede teen enige amptenaar met betrekking tot wangedrag, met inbegrip van finansiële misdrywe wat verband hou met die uitvoer van die toegewese funksies;
- (f) Besonderhede van enige tekortkominge of tekorte wanneer die dienste voorsien word met inligting oor stappe wat gedoen word om die situasie reg te stel;
- (g) Besonderhede van enige klagtes van gesondheidsorggebruikers en stappe wat gedoen word om aandag te skenk aan die klagtes;
- (h) Enige geprojekteerde toename in die vraag na dienste en die geraamde koste-implikasies daarvan.

## 30. Kort titel

Die regulasies is bekend as die Regulasies vir Distriksgeondheidsdienste, 2002.

## **MOLAWANA WA 2002 WA TIRELO YA TŠA MAPHELO WA SELETE**

**Setho sa Lekgotla la khuduthamaga le le ikarabelago go tša Maphelo mo Profenseng ya Gauteng, ka tlase ga karolo 22 ya Molao wa,2002 wa tirelo ya tša Maphelo ya Selete ya Gauteng,Molawana 2000(molawana 8 wa 2000) se dirile melawana ya Tirelo ya tša Maphelo ya Gauteng mo šetulong.**

### **ŠETULO**

#### **1. Tlhaloso**

Mo melawaneng ye, ka ntle ga ge diteng di šupa ka tsela ye nngwe, lentšu leo tlhaloso ya lona e filwego molaong, tlhaloso e tla tšewa e le bjalo,

“Mohlankedimohlakiši” re šupa Hlogo ya Lefapha ka go Kgoro ya tša Maphelo.

“Setho sa Lekgotla la Khuduthamaga” re šupa setho sa Lekgotla la Khuduthamaga leo le ikarabelago go tša Maphelo ka Profenseng.

“Molao” re šupa Molao wa Tirelo ya tša Maphelo wa Selete wa Gauteng.

“šuthiša” re šupa

## KAROLO 2

### **TLHAMO, PEO, GO TLATŠA DIKGOBA, MAATLA, MEŠOMO LE MEHOLA YA MAATLA A MMUŠO WA TŠA MAPHELO WA PROFENSE.**

#### **2. Tlhamo ya pušo ya tša Maphelo ya profense**

2.(1) Mmušo wa profense o tla hlangwa ke:

- (a) Setho sa Lekgotla la Khuduthamaga go tša Maphelo.
- (b) Moemedi o tee, yo e tla bago molekgotla yo a kgethilwego go tšwa seleteng se sengwe le se sengwe sa pušo ya tša maphelo.
- (c) Hlogo ya profense ya Kgoro ya tša maphelo yo a tla fiwago boleloko.

#### **4 .Maatla le mehola ya mmušo wa tša maphelo wa profense**

4.(1) Mmušo wa tša maphelo o swanetše go:

- (a) Kopanya tirišo ya setšhaba le ya pholisi ya tša maphelo ya profense.
- (b) Lebeledišiša pholisi yeo e amanago le taba ye nngwe le ye nngwe yeo e ka hlabollago maphelo a setšhaba le go digela dipholisi tša maphelo tša profense go setho sa lekgotla la khuduthamaga.
- (c) Lebeledišiša le go swayaswaya ka tša peomolao pele di tsebišwa ka go lekgotlatheramelao.
- (d) Lebeledišiša dikgopelo le ditigelo go tšwa go mmušo wa tša maphelo wa selete.
- (e) Lebeledišiša taba tše dingwe le tše dingwe tšeo di šupilwego ke setho sa lekgotla la khuduthamaga
- (f) Kopanya ditiro tša mmušo wa tša maphelo wa selete

#### **5 Tshepedišo ya mmušo wa tša maphelo wa profense**

5.1 Mmušo wa tša maphelo wa profense o tla-

.5(1).(1) swara kopano kgafetšakgafetša lefelong, le nako yeo e beilwego ke setho sa lekgotla la khuduthamaga morago ga go boledišana le ditho tše dingwe tša mmušo wa tša maphelo wa profense. Kopano ya mmušo wa tša maphelo wa profense e tla-

- (a) Etwā pele ke setho sa lekgotla la khuduthamaga
- (b) Ge a se gona, le tla etwā pele ke motho yo a beilwego ke Setho sa lekgotla la khuduthamaga
- (c) sepedišwa go ya ka melawana yeo e rerilwego ke Setho sa lekgotla la khuduthamaga morago ga go boledišana le ditho tše dingwe tša mmušo wa tša maphelo wa profense ka dikopano tšeo.
- (d) Ka boikgopolelo bja Setho sa lekgotla la khuduthamaga kopano e tla bulelwa setšhaba.
- (e) E begwe ka tsela ye e kgethilwego ke Setho sa lekgotla la khuduthamaga.

## 6 Tlhomō ya Komitikeletšo ya tša maphelo ya profense

6.(1) Go hlomilwe komitikeletšo ya tša maphelo ye e tla ba go le maatla le mehola ye e latelago-

6.(2) Maatla le mehola ya komitikeletšo ya tša maphelo ya profense.

Komitikeletšo ya tša maphelo ya profense e tla-

- (a) ka kgopelo ya Mmušo wa tša maphelo wa profense goba Setho sa lekgotla la khuduthamaga e tla nyakišiša goba ya lebeledišiša taba ye nngwe le ye nngwe ye e sepelelanago le maphelo ya tliša dipoelo go Setho sa lekgotla la khuduthamaga goba go pušo ya tša maphelo ya profense,
- (b) Ge e kgopelwa, ya dira ditigelo go mmušo wa tša maphelo wa profense ka ga taba ye nngwe le ye nngwe ye e sepelelanago le maphelo.
- (c) Kopanya tirišo ya pholisi le peomelao.
- (d) phethagatša mehola ye mengwe le ye mengwe ye e tšeago ke mmušo wa tša maphelo wa profense goba ya mohola go kgonthiša gore nepo ya pholisi le peo molao di fihleletšwe.

(e) e ka eletša mmušo wa tša maphelo wa profense ka ditaba tšeo di amago maphelo.

## **7 Tlhamo ya komitikeletšo ya tša maphelo ya Profense.**

Komitikeletšo ya tša maphelo ya profense e swanetše go ba le-

- (a) Hlogo ya profense ya Kgoro ya tša maphelo yo e tla bago modulasetulo,
- (b) dihlogo tša dikgoro tša maphelo tša mmušo wa tša maphelo wa selete.
- (c) badirišane ba kgoro bao ba beilwego ke Hlogo ya Lefapha.

## **8. Tshepedišo ya Komitikeletšo ya tša maphelo ya profense.**

8.(1) Komitikeletšo ya tša maphelo ya profense e tla re ka morago ga therišano le mmušo wa tša Maphelo wa profense-

- (a) ya rera melawana le tshepedišo tšeo di laolago ke tshepetšo,
- (a) Morago ga therišano le mmušo wa tša Maphelo wa profense ya rera tšatši kgwedi le lefelo la dikopano ge e le gore-
  - (aa) Modulasetulo wa lekgotla, ge go nyakega a bitše kopano ya lekgotla ntle ga go rerišana le pušo ya tša maphelo ya profense,
  - (bb) ditho tša komitikeletšo ya tša maphelo wa profense e ka kgopela kopano ya mohuta woo.



### KAROLO 3

#### KOMITI YA LEKGOTLAKELETŠO LA TŠA MAPHELO LA SELETE.

#### 9. Tlhommo ya Komitikeletšo ya tša maphelo la selete.

9. Mo go hlongwa komiti ya lekgotlakeletšo la tša maphelo ya selete ya mmušo wa tša maphelo wa dilete ka moka.

(9).(1) MMušo wa tša maphelo wa selete o swanetše go-

- (a) rera maatla le mehola ya mmušo ya komitikeletšo ya tša maphelo ya selete,
- (b) rera melawana le tshepedišo ya mehola ya komitikeletšo ya tša maphelo ya selete.
- (c) rera tlhamo ya komitikeletšo ya tša maphelo ya selete.

### KAROLO 4

#### Bolebeledi le tekanyetšo

#### 10. Tlhommo ya tekanyetšo le bolebeledi

Setho sa lekgotla la khuduthamaga se tla hloma uniti ka gare ga lefapha go lebelela le go lekanyetša ditiro tša mmušo wa tša maphelo wa selete.

#### 11. Maatla le mehola ya tekanyetšo le bolebedi tša uniti

11.(1) Go oketša maatla le mehola yeo e beilwego molaong o mongwe le o mongwe, Setho sa lekgotla la khuduthamaga nako le nako se ka rera maatla a mangwe ao a ka nyakwago ke uniti go e kgontšha go phethagatša mehola ya yona.

11.(1).(1)Uniti, mo matsatšing a masometharo a go hlongwa ga yona e tla kgopela tumelelo ya lenaneotshepetšo la bona go Setho sa lekgotla la khuduthamaga.

11.(1).(2) Tshepedišo ya uniti e tla akaretša:

11.(1).(2).(1) kakanyo ya sedirišwa sa tekanyetšo le bolebeledi.

11.(1).(2).(2) Tshepedišo le prothokholo ya go diragatša mehola ya tekanyetšo le bolebeledi.

11.(1).(2).(3) Mokgwa wa pego

11.(1).(2).(4) Tshepedišo le protokholo ya go tsenelana le batho bao ba nago le kgahlego.

## KAROLO 5

### MELLWANE YA MAPHELO YA SELETE.

12. Mokgwakakanyo le tshepedišo go laetša mellwane ya maphelo ya selete.

12.(1)Ge go nyakega Setho sa lekgotla la khuduthamaga se akanyago go bontšha mmušo wa tša maphelo wa selete o tla hlokomela tše di latelago-

12.(1).(1) Magomo a bjale a masepala wa moo,

12.(1).(2) maatla a masepala a amanago le motheo le didirišwa tše di ngwe mo seleteng se akantšwego go ka aba ditirelo ka bokgoni.

12.(1).(3) nyakego ya go šireletša le go fokotša kgonagalo ya go ripša le poeletšo gare ga pušo ya maphelo ya dilete tše pedi goba go feta.

12.(1).(4) mabaka ao a hlolwago ke tšhelete, go ba gona ga didirišwa le tekatekano ya kabo ya ditirelo,

12.(1).(5) tšhupaboteng ya bodiidi bja lefelo la maphelo la selete seo,

12.(1).(6) Mabaka a kabo ya ditirelo ge kgoro ya mmušo e.ka thoma mošomo,

12.(1).(7) tlholego le sekoupu sa ditirelo tše di tla abjago

- 12.(1).(8). Lebaka le lengwe le le lengwe leo le ka ba go le lepheko go tšweletšeng ga mehola ka mmušo wa tša maphelo wa selete,
- 12.(2) Pele ga ge go akanywa mellwane ya selete sa maphelo, Setho sa lekgotla la khuduthamaga se tla:
- 12.(2).(1) fa tsebišo ka gare ga kasete ya profense ka taletšo ya go nyaka ditaba go tšwa go bommasepala le batho bao ba nago le kgahlego ka mellwane ye e akantšwego,
- 12.(2).(2) a tsebiše le go boledišana ka maikemišetšo a gagwe le Setho sa lekgotla la khuduthamaga la mmušotikologo le tlhabollo ya tšwelopele le lekgotla la pušoselegae la Gauteng.
- 12.(2).(3) ka morago ga therišano le Setho sa lekgotla la khuduthamaga la mmušotikologo le tlhabollotšwelopele go phatlalatšwa tsebišo ya tshwayotshwayo ka gare ga kasete ya profense go bontšha mellwane yeo e akantšwego go ya ka selete sa maphelo sa profense.
- 12.(2).(4) Matšatšing a 180 a phatlalatšo ya tsebišo le morago ga therišano le lekgotla la khuduthamaga le lekgotla la pušoselegae la Gauteng le laetša mellwane ya dilete tša maphelo ka mo profenseng ka go dira tsebišo ka kaseteng ya profense.

### 13 Mellwane ya selete sa maphelo ye e fapanego

Setho sa lekgotla la khuduthamaga se ka fapanya mellwane ya mmušo wa selete sa maphelo moo phapano e ka-

- 13.(1) oketšago bokgoni go diragatseng ga mešomo.
- 13.(2) kgonthiša tekatekano le go nolofatša tsheketšo ya tšhomišo ya didirišwa.,
- 13.(3) kgonthiša maemo a makaone a kabo ya ditirelo,
- 13.(4) karolo yeo e lego gona e fetotšwe
- 13.(5) Setho sa lekgotla la khuduthamaga ka keletšo ya Setho sa lekgotla la khuduthamaga sa pušotikologo le tlhabollotšwelopele se ka fapantšha mellwane ya selete sa maphelo.

## 14 Tshepedišo ya mellwane selete sa maphelo ye e fapanego

14.(1) Setho sa lekgotla la khuduthamaga, moo maemo ao a tšweleditšwego go 4.1 a sa kgonego go fihlelelwa goba ka morago ga go dirišwa ke lekoko leo le na go le kgahlego la latela tshepedišo ya 4.2 go fapanya mellwane ya selete sa maphelo ge ele gore:

14.(1).(1) moo phapano e tlišitšwego ke go se kwane le le maemo ao a beilwego go 4.1, Setho sa lekgotla la khuduthamaga se tla be se tšere magato go kaonafatša mabaka go e na le gore a fapantše mellwane.

14.(1)(2) Moo phapano e lego dipoelo tša kgopelo ya leloko leo le na go le kganyogo e se go mmušo wa selete, setho sa lekgotla la khuduthamaga se tla nyakišiša mabaka a kgopelo yeo, gape la nyaka gore mmušo woo o emelwe.

14(1)(3) Moo kgopelo ya phapano e dirwago ke mmušo wa tša maphelo wa selete, setho sa lekgotla la khuduthamaga se tla nyakišiša mabaka a kgopelo pele, le go kgopela lekoko ye nngwe le le nngwe leole na go le kganyogo go emelwa.

14(2) Setho sa Lekgotla la khuduthamaga, se ka re bakeng sa go fapantšha mellwane ya mmušo wa maphelo wa selete, sa laela ditiragalo tše dingwe go kaonafatša maemo goba/ go thomiša ka seripa se sengwe.

## 15 DIKGANETŠO GO PHAROLOGANYO YA MELLWANE

15(1) Motho, Makgatlo goba motho yo a emetšego yo mongwe goba bao ba amogelago thušo ya ditirelo a ka ganetšana le setho sa

lekgotla la khuduthamaga mo nakong ye e beilwego go pharologanyo yeo e akantšwego ya mollwane wa mmušo wa selete wa tša maphelo.

- 15(2) Setho sa lekgotla la khuduthamaga, ka morago ga go lebeledišiša mabaka a kganetšo le morago ga go rerišana le diphathi tše di amegago a ka fetišetša taba ye go setho se sengwe le se sengwe sa mmušo go eletša mo tabeng ye pele ga go tšea sephetho.

## KAROLO 6

### MEHOLA YA MEDIRO

- 16 **Kgopelo ya mošomo wa mehola ke mmušo wa tša maphelo wa selete.**
- 16(1) Ge mmušo wa tša maphelo wa selete o dira kgopelo ya mehola ya mešomo go setho sa lekgotla la khuduthamaga, e swanetšego
- 16(1)(1) dira bjalo ka go ngwala
- 16(1)(2) go fana ka tshedimošo ye e latelago ka kgopelong ya mohuta woo
- (a) tlholego le sekoupu sa ditirelo le mehola ye e nyakegago go fiwa

- (b) maikemešetšo ao a tletšego go diragatseng ga mehola le go abjeng ga ditirelo tšeo di bopago tabataba ya kgopelo
- (c) Tlhaloso ye e tletšego wa tsela ya taolo ya ditšhelete le ditsela tše dingwe tša taolo tšeo di šomišwago ke mmušo wa tša maphelo wa selete.
- (d) Tlhaloso ya madirelo le didirišwa tšeo di ntšhwago ke mmušo wa tša maphelo wa selete go phethagatseng mehola le go aba ditirelo.
- (e) Tlhaloso ya mokgahlo wo o emetšego phethagatšo ya ditiro.
- (f) Tlhaloso ya tšhomišo ya batho tše o di ntšhwago ke mmušo wa tša maphelo wa selete go phethagatseng mehola le go aba ditirelo.
- (g) Tlhaloso ya lefelo goba lefelokakanywa la didirišwa tšeo di šomišwago go phethagatša ditiro le kabo ya ditirelo,
- (h) Tlhaloso ya badudi bao ba swanetšego go holwa ke lefelo la ditirelo.
- (i) Tlhaloso ya peakanyo ye nngwe le ye nngwe gare ga mmušo wa tša maphelo wa selete le mošomedi wa sephiri wa kabo ya ditirelo.

**17 Mošomo wa ditiro go pušo ya tša maphelo ya selete.**

- 17(1) Pele ga go abela mmušo wa tša maphelo wa selete ditiro, setho sa lekgotla la khuduthamaga se swanetše go.
- 17(1)(1) nyakišiša taolo le maatla a tša ditšhelete ba mmušo wa tša maphelo wa selete go aba ditirelo le go phethagatša ditiro tše e tla di fiwago.
- 17(1)(2) hwetša tshedimošo ye e nyakegago go akanya taolo le maatla a tša ditšhelete a mmušo wa selete go aba ditirelo le go phethagatša mehola ye e fiwago,
- 17(1)(3) akanya sehlopha sa ditirelo tšeo di tla fiwagommušo wa tša maphelo wa selete go ya ka maatla a yona a tša go phethagatša ditirelo le mehola ye e tla fiwago,
- 17(1)(4) lekanyetša, dipeakanyo, mekgwa le tshepedišo ya go aba ditirelo le go phethagatša ga mediro ke mmušo wa tša maphelo wa selete.
- 17(1)(5) lekanyetša motheo le didirišwa tšeo di šomišago go phethagatšeng ga mehola le kabo ya ditirelo ya mmušo wa tša maphelo wa selete.

17(1)(6) nyaka go tswa go puso ya tsa maphelo ya selete, go tsenela kwano ya phethagatso mabapi le ditirelo le mehola ye e tla fiwago,

17(1)(7) lekanyetša taolo ya ditšhelete le mokgwa wa taolo wa mmušo wa tša maphelo wa selete go akanya ge e ba di lekanetse dinyakwa tsa go fetisetsa ditšhelete go mmušo wa tša maphelo wa selete.

18 **Maemo a go abja ga mehola**

18(1) Setho sa lekgotla la khuduthamaga le ka re ge le abela mmušo ya tša maphelo wa selete mediro, sa gapeletša a mangwe a mabaka a:

18(1)(1) gore mmušo wa tša maphelo wa selete e tšee maemo a itšeng go kgonthiša kwano le karolwana ya malao, lekgotlatheramelao la setšhaba, pholisi, kwanelo ye nngwe le ye nngwe magareng ga mmušo wa tša maphelo wa selete le setho sa lekgotla la khuduthamaga goba melawana ye,

18(1)(2) fetola dipeakanyo, maano, tekanyetšo dipholisi le peomolao go sepelelana le dinyakwa tšohle tša pholisi ya setšhaba le peomoloa,



18(1)(3) go tšea magato go thibela poeletšo le karoganyo mo go fiweng ditirelo

18(1)(4) ka kakaretšo seemo se sengiwe le se sengwe go kgonthiša bokgoni go abeng ditirelo le phethagatšo ya mehola ye e abilwego.

**19 Tlhokego ya maatla ke puso ya tša maphelo ya selete**

19(1) Ge ka kakanyo ya setho sa lekgotla la khuduthamaga, mmušo wa tša maphelo wa selete o hloka maatla a taolo go aba ditirelo le go phethagatša mediro, setho sa lekgotla la khuduthamaga le swanetše go-

19(1)(1) tsenela kwanelo le mmušo wa tša maphelo wa selete le adimiša ka bašomedi nakonyana go mmušo wa tša maphelo wa selete seo ka kwano le maemo ao a tla akanywago ke setho se lekgotla la khuduthamaga.

19(1)(2) tsenela kwanelo le mmušo wa tša maphelo wa selete go phethagatša mediro ye mengwe ya taolo legating la mmušo yeo ka kwano le maemo ao a akantšwego ke setho sa lekgotla la khuduthamaga.

**KAROLO 7****KABO YA MAATLA**

- 20 **Kgopelo ka mmušo wa tša maphelo wa selete go abeng ga maatla a kokeletšo**
- 20(1) mmušo wa tša maphelo wa selete o ka dira kgopelo ka go ngwalela Setho sa Lekgotla la khuduthamaga go fa maatla a itseng le mehola moo ka kakanyo ya mmušo
- 20(1)(1) kabo ya maatla goba mohola ye e lego bohlokwa bokgoning bja go phethagatša mehola ya yona,
- 20(1)(2) mmušo o na le motheo, didirišwa tša koketšo le maatla a go diragatša mehola le go diriša maatla,
- 20(1)(3) kabo ya maatla goba mohola e ka se feletše e le morwalo wa taolo go mmušo
- 20(1)(4) Kabo ya maatla goba mohola e ka se feletše e le kokeletšo ya tšhelete go kgoro
- 20(1)(5) mmušo e tla tšea go dumelelang le mabaka a a kwešišegago a o a bewago le peomoloa.

20(1)(6) Mmušo o ka tšea, mo lefelong la wona ka ntle ga kgethologanyo ya kgwebo.

20(2) Setho sa lekgotla a khuduthamaga morago ga go nyakišiša mabaka a kgopelo ya mmušo ya go aba maatla le mehola.

20(2)(1) se ka gana kgopelo ga a gopola gore mmušo:

20(2)(1)(1) o mo file tshedimošo ye e fošagetšego.

20(2)(1)(2) Ga na maatla a a lekanego go phethagatša mediro goba go diriša maatla.

20(2)(1)(3) Kabo ya maatla goba mdiro e tla šitiša kabo ya ditirelo.

20(2)(1)(4) kabo ya mehola goba maatla e tla hlola tšhitišo ya taolo go mmušo.

20(2)(1)(5) dumelela mmušo go phethagatša mediro ye itseng le go gapeletša mabaka a tumelelo yeo.

20(3) Setho sa lekgotla la khuduthamaga se ka re morago ga go fa le go dumelela, sa fediša tumelelo ka morago ga go tsebiša mmušo woo.

- 20(3)(1) maemo a mmušo a fetogago mabapi le lebaka le lengwe le le lengwe moo tumelelo e bego e filwe.
- 20(3)(2) Setho sa lekgotla la khuduthamaga la pušogae le tlhabollotswelopele le eletša bjalo.
- 20(3)(3) Mmušo a pelelwa ke go latela maemo a go fa tumelelo o palelwa gape ke go kaonafatša kwano yeo mo nakong ya go kwagala morago ga kamogelo ya tsebišo ya go gana.

## 21 **Mabaka a go fana ka tumelelo**

- 21(1) Setho sa lekgotla la khuduthamaga se ka re ka tigelo ya mmušo wa tša maphela wa profense ya fa mmušo wa tša maphelo wa selete, maatla a go phethagatša modiro go ya ka molao ge se kgotsofetše gore mmušo wa tša maphelo wa selete seo:
- 21(2)(1) O na le taolo le maatla a tšhelete go kaonafatša phethagatšo le modiro.
- 21(2)(2) Go fa maatla go bohlokwa go tšwetšeng pele ga maphelo a badudi ba lefelo la mmušo yeo.
- 21(2)(3) Ga go motho, mokgahlo goba institute yeo e tla šitišwago goba go kgethollwa go fiweng ga maatla a mohuta woo.

## 22 **Kgogelomorago ya tumelelo.**

Setho sa Lekgotla la khuduthamaga se ka re nako ye nngwe le ye nngwe morago ga go fa mmušo wa tša maphelo wa selete go phethagatša tiro go ya ka molao, sa gogela morago maatla ka morago go rerišana le mmušo wa tša maphelo wa profense. Setho sa lekgotla la khuduthamaga se tla re pele ga go gogela maatla ao morago, sa fa mmušo wa tša maphelo sebaka sa go go tšweletša mabaka.

## **KAROLO 8**

### **GO TŠEWA GA DITIRELO KE KGORO**

#### **23 Tsela ye e nyakegago ya go laola selete sa maphelo.**

24 Ge mmušo wa tša maphelo wa selete o palelwa goba o sa kgone go hloma tsela ye e nyakegago ya go laola selete sa maphelo, setho sa lekgotla la khuduthamaga se ka akanya ditsela tšeo di ka hlongwago go sa emetšwe go hlongwa ga ditsela tšeo ke lekgotla la mmasepala.

#### **24 Tshepedišo le maemo ao kgoro e ka a tšeago go thoma ditiro tša selete.**

24(1) Mmušo wa tša maphelo wa selete woo ka mabaka a itšeng o sa kgonego go phethagatša e mengwe ya mediro ya wona goba ya

šomiša maatla a wona e swanetše go tsebiša setho sa lekgotla la khuduthamaga ka go ngwala mo matsatšing a lesomenne (14) a go palelwa ke go phethagatša tiro yeo goba go šomiša maatla ao. Mo tsebišong yeo maatla a swanetše go bontšhwa:

- 24(1)(1) Mabaka a go palelwa ke go phethagatša tiro goba go šomiša maatla,
- 24(1)(2) Dikgato tše di tšerwego go lokiša maemo,
- 24(1)(3) Tšeo di hlotšwego ke go palelwa
- 24(1)(4) Dikakanyo ka ga magato ao kgoro e ka a tšeago go lokiša seemo.
- 24(2) Motho goba mokgahlo woo o nago le kgahlego, o ka fa tsebišo ya go ngwala go setho sa lekgotla la khuduthamaga ya go palelwa ga mmušo go phethagatša tiro goba go diriša maatla. Mo tsebišong yeo tlhaloso ye latelago e tla fiwa:
- 24(2)(1) Maatla a motho goba makgahlo wo o fago tsebišo
- 24(2)(2) Magato ao a tšerwego ke motho yoo goba mokgahlo go lokiša maemo.
- 24(2)(3) Tšeo di hlotšwego ke go palelwa moo.

- 24(3) Setho sa Lekgotla la khuduthamaga se tla re ge se amogela tsebišo ye go bolelwago ka yona go 7.2 sa tšea le tee goba go feta ya magato a a latelago:
- 24(3)(1) dira dinyakišišo tša mabaka ao a dirilego tšhitišo ya go phethagatša tiro.
- 24(3)(2) ka morago ga go rerišana le mmušo woo o swanetšego a laela kgoro gore e tšee ditiro lebakanyana ge go sa letetšwe sephetho.
- 24(3)(3) laela gore magato a mangwe le a mangwe a loketšego go lokiša seemo a tšewe.

## KAROLO 9

### THULAGANYO

#### 25 Thulaganyo

- 25(1) Mmušo wa tša Maphelo wa lefapha o tla neelana ka lenaneopeakanyo la ngwaga la go aba ditirelo go kgoro ka mokgwa wo o beilwego. Thulaganyo ye ka bokopana e hlalosa se se latelago:

- 25(1)(1) lefelo le nepilwego go ya ka ditirelo tšeo di tla abjago.
- 25(1)(2) Mokgwa le tsela yeo e tla šomišwago go abeng ditirelo.
- 25(1)(3) Sekhwama seo se lekanyeditšwego go abjeng ga ditirelo.
- 25(1)(4) Popego ya didirišwa tšeo di lego gona go aba ditirelo.
- 25(1)(5) Batho bao ba lego gona go šoma go aba ditirelo.
- 25(1)(6) Magato ao a tla tšewago go kgonthiša tekatekano le bokgoni.
- 25(1)(7) Magato ao a tla tšewago go thibela karoganyo le poeletšo ya ditirelo.
- 25(1)(8) Magato ao a tla tšewago go kgonthiša phihlelelo le tšweledi.
- 25(1)(9) Mokgwa wo o šomišwago go hlohleletša le go kgontšha setšhaba go tšea karolo mo go abjeng ga ditirelo tša maphelo.
- 25(1)(10) Mafelo a tšhomišanommogo le baabi ba bangwe ba ditirelo.
- 25(1)(11) Maemo a ditirelo le selebanywa seo se swanetšego go fihlelelwa.



**26 Tshedimošo le kgokagano**

Karolo 22 e nyaka setho sa lekgotla la khuduthamaga go kgetha taba ye nngwe le ye nngwe yeo e nyakegago go fihlelela maikemišetšo a molao. Mohola wa molawana wo ke go kgontšha kgokagano le go neelana ka tshedimošo.

26(1) Mmušo wa tša maphelo wa selete e tla tšea magato ohle a kwalago go kgonthiša gore tsela ya ona ya tshedimošo e sepelelana le ditsela tša profense le tša setšhaba.

26(2)(2) Mmušo wa tša maphelo wa selete e tla hlabolla le go tsenya tirišong thulaganyo ya mothopo wa tshedimošo le tshedimošo ya theknolotši.

26(3) Mmušo wa tša maphelo wa selete o tla hlabolla le go tsenya tirišong mokgwa wa kgokagano le go hloma dikago tša go bega, go amogela le go swara dipelaelo tša maloko a setšhaba.

26(4) Mmušo wa tša maphelo wa selete o tla re, ka kgopelo ya fa kgoro ka nakong ye e kwalago, tshedimošo ye nngwe le ye nngwe yeo kgoro e ka e nyakago nako le nako tiragetšong ya mešomo ya yona.

26(5) Ga go motho yo a ka fago kgoro, setho sa setšhaba goba leloko la setšhaba, tshedimošo ya maaka a ntše a tseba.

26(6) Ga go motho yo a ka re go ntle le mabaka a gana ka tshedimošo go tšwa kgorong.

27 **Kelo le maemo ya go fana ka tirelo ya tlhokomelokgolo ya maphelo ke mmušo wa tša maphelo wa selete.**

27(1) **Ditirelo**

27(1)(1) Mmušo wa tša maphelo wa selete e swanetše go –

(a) fana le go phethagatša ditirelo tšeo e di newago ke setho sa lekgotla la khuduthamaga.

(b) kgonthiša gore thulaganyo le rekanyetšo ya tšhelete e akaretša ditirelo ka moka tšeo di filwego ke setho sa lekgotla la khuduthamaga.

(c) hlabolla le go phatlalatša maemo a ditirelo go akaretša ditirelo ka moka tšeo e di filwego ke setho sa lekgotla la khuduthamaga maemoa ditirela a swanetše go dira ditokišetšo tša:

(I) Magato go kgonthiša gore mang le mang yo a šomišago tša maphelo o swarwa ka tlhompho, botho, maemo le sephiri.

(II) Magato a go thibela kgethollo go modiriši wa tša maphelo,

(III) Magato a go kgonthiša bo sephiri bja tshedimošo mabapi le seemo sa bophelo sa mošomiši wa tša maphelo.

(IV) Nako ya go šoma.

(V) Mokgwa le sekoupu sa ditirelo tšeo di fiwago lefelong le lengwe le le lengwe la ditirelo,

(VI) Magato a go kgonthiša kabo ye kaone ya tlhokomelo.

(d) Kgonthiša gore e aba, tirelo ye e dumelegago, e fihlelelwago, e kgonago e bile e lekanago.

(e) go ntšhetša molaleng lenaneo la ditirelo tseo di le go gona lefelong le itšeng.

(f) kgonthiša gore tshedimošo e fiwa moo ditirelo tšeo di sa fiwego di lego gona.

27(1)(2) Go diragatšeng mešomo le go aba ditirelo tšeo e fiwego ke setho sa lekgotla la khuduthamaga, mmušo wa tša maphelo wa selete e swanetše:

(a) go kgonthiša gore ditirelo di feletše e bile di abja ka mokgwa wa go kopangwa, gape ka bonnyane e tla akaretša -

- (I) go tšwetšapele maphelo
  - (II) go thibelago
  - (III) go tsosološago
  - (IV) ditsela tse fodišago
  - (V) Motheo wa tokollo le ditirelo tše di swanago le tsona
- (b) go kgonthiša gore ditirelo di kopane le tša karolo tše dingwe tšeo di huetšago maphelo,
- (c) go kgonthiša gore ditirelo tše abjago di maemong a amogelelegago gape di sepelelana le pholisi le molaotheo.

27.2 Bokgoni bja go phethagatša ditiro

27(2)(1) Mmušo wa maphelo wa selete o swanetše go -

- (a) hlabolla le go phatlalatša tshepedišo ya dipelaelo. Tshepedišo ya dipelaelo e swanetše go dira ditokišetšo tša:
- (I) Tshepedišo ya go dira a boipelaetšo
  - (II) Tshepedišo ya go nyakišiša dipelaelo
  - (III) Nako ya go nyakišiša dipelaelo
  - (IV) Ditokelo le mešomo ya mmelaedi
  - (V) Ditokelo le mešomo ya mmelaelwa
  - (VI) Magato a ka tšewago go rarolla dipelaelo

- (VII) Magato ao a ka tšewago ge pelaelo e ka se rarologe,
  - (VIII) Tshedimišo ye e nyakegago ge go dirwa boipelaetšo
  - (IX) Magato a go šireletša motho yo mongwe le yo mongwe yoo a dirago boipelaetšo
  - (b) hlabolla le go phatlalatša thulaganyo ya go kaonafatša kabo ya ditirelo ya bona yeo e tla akaretšago
  - (I) magato a go kgonthiša therišano le botšeakarolo bja bašomiši mo kabong ya ditirelo.
  - (II) Magato a go kgonthiša kaonafatšo ya tsenelo ya ditirelo, kudu go batho bao ba bego ba boetše morago.
  - (III) Magato a go lebelediša tshepelelano ya tumelelano ya maemo a ditirelo.
  - (IV) Magato a go kaonafatša bokgoni bja ditirelo tše abjago.
  - (d) Magato a kgonagfatša ya tswalana ya tša ekonomi, tlemaganole tšhomišano.
- 27.2.3 Mmušo wa tša maphelo wa tikologo o swanetše go-
- (a) thibela le go tloša pušetšo le kgaoganyo le ye nngwe ya tirelo ya tša maphelo.
  - (b) kaonafatša le go tiiša khwalithi ya tirelo ya maphelo ka gare ga didirišwa tšeo di lego gona.

## 27.3 Phihlelelo ya ditirelo

### 27.3.1 Mmušo wa tša maphelo wa tikologo e swanetše go-

- (a) kgonthiša gore e aba ditirelo tše bohlokwa kopanong ya mathomo ya tlhokomelo ka mošomedi yo a hlahlilwego,

- (b) kgonthiša gore setšhaba se sengwe le se sengwe sa badudi bao ba fetago 20 000 se hwetša ditirelo tša sona magareng ga radiase ya dikilometara tše lesometlhano (15).
- (c) Mafelo kamoka go a abago ditirelo a na le didirišwa tša maleba.
- (d) kgonthiša gore ditirelo di abja bonnyane diiri tše seswai ka letšatši momatšatsing a mahlano ka beke.
  
- (c) Magato a go kaonafatša khwalithi ya tlhokomelo ye e fiwago mo kabong ya ditirelo.
  
- (d) Kgonthiša gore dipaekanyo di beilwe mo go swanetšego gore batho ba kgone go di etela, ge go kgonega.
  
- (e) kgonthiša gore ga go na motho yo a ganwago ka thušo ya tirelo mo mafelong a ditirelo
  
- (f) Nako le nako go phatlalatša pegelo ya tekanyetšo yeo e e tšerego go kgonthiša le go tšwetšapele phihlelelo go abjeng ga ditirelo.

27.4 Ditekanyetšo tša go kgonthiša tekatekano go abeng ditirelo.

27.4.1 Mmušo wa tša maphelo wa selete o swanetše go hlabolla thulaganyo ya go nolofatša ya mafelo ka moka mo tikologong e hlokometšs -

- (a) badudi ba lefgelo

- (b) kelo ya go šomišša ditirelo go e ya le go tlwaelega ga maemo a mangwe le a mangwe,
- (c) boemo bja thutafase bja lefelo
- (d) Phihlelelo ya ditsela
- (e) ditsela tše di lego gona
- (f) maemo a a nyakegago a tshwanelo
- (g) Tsheketšo

## 27.5 TEFELO LE TEKANYETŠO YA MATLOTLO

### 27.5.1 Mmušo wa tša maphelo wa selete e swanetše:

- (a) go kgonthiša gore peresente ya tekanyetšo ya yona ya kabo ya ditirelo e dikaneleditšwe go kaonafaletšwa phihlelelo ya ditirelo go batho bao ba bego ba šaletšse morago.
- (b) kgonthiše gore tekanyetšo ya matlotlo ya bašomedi ya ditirelo tše di tla abjago ga e fete peresente yeo e akantšwego ke mohlankedimohlakiši,
- (c) kgonthiša gore tšhelete yeo e lekanyeditšwego didirišwa, diokobatši le madirelo ga di šomišetšwe mehola e mengwe ka ntle ga tumelelo ya mohlankedimohla kiši. (d)Kgonthiša gore tekanyetšo ya matlotlo le thekgo ya ditšhelete ya dititelo e sepelana le fomula ya go aba didirišwa.

- (e) Kgonthiša gore setšhaba le bašomedi ba a rerišana ge tekanyetšo ya matlotlo ya ditirelo e akanywa.
- (f) kgonthiša gore tefo ya ditirelo e a tiišwa.

## 27.6 **BAŠOMEDI LE PALO YA BAŠOMEDI**

### 27.6.1 Mmušo wa tša maphelo wa selete o swanetše go-

- (a) akanya dinyakwa tša badiri go ya ka mafelo a itšeng a kabo ya ditirelo,
- (b) kgonthiša gore, tše di latelago di etšwe hloko -
  - (I) Kabo ya mošomo go ya ka bašomedi
  - (II) Palo ya bašomedi mo lefelong la kabo ya ditirelo
  - (III) Nako ye e okeditšwego ya go šoma.
  - (IV) Koketšo ya bašomedi go laola madirelo le tlhokomelo ya profeshene.
  - (V) Go nyakega ga lefelo le tee leo le nago le ditirelo ka moka
- (c) go hlabolla le go tsenya tirišong lenaero la tlhabollo ya bašomedi go bašomedi bao ba lebaganego le kabo ya ditirelo.
- (d) kgonthiša go thwalwa ga bašomedi bao ba fihlelelago dinyakwa tša profeshenale go ya ka ditirelo tšeo ba tla di phethagatšago.



## 27.7 **DIDIRIŠWA, DIOKOBATŠI LE MADIRELO**

### 27.7.1 Mmušo wa tša maphelo wa selete e swanetše -

- (a) go akanya didirišwa, diokabatši le madirelo ao a nyakegago go ya ka ditirelo tšeo di abjago
- (b) go akanya bogolo bja dikliniki go ya ka palo ya batho le diphapošI tšeo di lego gona goba di beakantšwego,
- (c) go akanya palo ya di CHC go ya ka palo ya diketelo le boelelo bja badudi,
- (d) go akanya tsenelo ya kabo ya ditirelo go ya ka tsheketšo ye kaonekaone ya ditirelo le didirišwa.
- (e) go kgonthiša gore ke fela diokabatšI tšeo di dumeletšwego ke kgoro tšeo di abjago madirelong.

## 27.8 **TSHEDIMOŠO YA THEKENOLOŠI LE TAOLO**

### 27.8.1 Mmušo wa tša maphelo wa selete o swanetše -

- (a) go šomiša tsela wa tshedimošo ye e akantšwego ke setho sa lekgotla la khuduthamaga
- (b) go hwetša le go tiiša tshedimošo ya motheo yeo e nyakegago go šupa tšwelopele go kabo ya ditirelo tšeo e di filwego.
- (c) go šomiša tshedimošo go tsela ya tshedimošo ya tša maphelo ya selete ka mabaka a peakanyo.
- (d) go swarelela le go tiiša dipalo tše nepagetšego tša balwetši

- (e) kgonthiša kwano le pholisi le peomelao ye e sepelelanago le data le direkote tša balwetši

## 27.9 THULAGANYO

### 27.9.1 Mmušo wa tša maphelo wa selete o swanetše -

- (a) go beakanyetša kabo le bogolo bja didirišwa le kabo ya ditirelo ka tikologong ya yona,
- (b) Go dira nako le nako ditsitsinkelo tša bašomedi, didirišwa, ditirelo le ditšhelete ka maikemišetšo a go hlopholla le go beakanya.
- (c) Go dira nako le nako dinyakwa tša badudi bao ba direlwago ke mmušo,
- (d) Go lekola nako le nako tšwelopela ya leuba
- (e) go hlama tlhako ye e fihlelelegago ya ditirelo tšeo di abjago go lebeletšwe tekanyetšo ya matlotlo..

## 27.10 PUŠO

### 27.10.1 MMušo wa tša maphelo wa selete o swanetše -

- (a) go ba le sebopego sa mokgahlo wo o etilwego pele ke molaodi go kgonthiša go tsenywa tirišong ga mehola ya ona,
- (b) go hloma taolo ye e swanetšego ya phethagatšo ya ditiro.

- (c) go hloma komiti ya ka thoko go hlokomela go tsenya tirišong ya ditiro tša yona.

## 28 GO BEGELA LE GO ROMELA PEGO

28.1 Mmušo wa tša maphelo wa selete o swanetše go romela pego le tshedimošo go ya ka peomelao yeo e šomišwago gape go ka nyakega nako le nako ke kgoro

28.2 Pego ya pušo ya tša maphelo ya selete e swanetše go sepelelana le sebopego seo e akantšwego ke kgoro.

## 29 POPEGO YA PEGO

29.1 Tlhamo ya go bega ya ditiro tša pušo go akeretša bonyane tše di latelago:

- (a) Tlholego le sekoupu sa ditiro le ditirelo tše di filwego
- (b) Tekanyetšo ya matlotlo yeo e dumeletšwego ya go aba ditirelo
- (c) Phapano ye nngwe le ye nngwe ya tekanyetšo ya matlotlo ya ditirelo le mehola ye e filwego, mabaka a phapano yeo le kelo a tšerwego go kaonafatša mabaka.
- (d) kakanyo ya phokotšego ka go tekanyetšo ya matlotlo ya mešomo ye e filwego la mabaka a phokotšego yeo.

- (e) kgato ye nngwe le ye nngwe yeo e tšewago kgahlanong le mohlankedi yo mongwe le yo mongwe go ya ka bošamedi bja gagwe, e le bja tšhelete goba go phethagatša mešomo ye a e filwego
- (f) Tlhaloso ya ditlhaelelo tšeo di bonagetšego goba di hlokegago go abeng ditirelo le magato ao a di tšerwego go kaonafatša mabaka.
- (g) Tlhaloso ya dipelaelo tše dingwe le tše dinngwe ka bašomišI ba tša maphelo le magato ao a tšerwego go araba dipelaelo tšeo
- (h) kakanyo ye nngwe le ye nngwe ya koketšo mo go nyakegago ditirelo le ditefo tše di akantšwego tša seo.

### 30 **Thaetlele ye kopana**

Melawana ye e bitšwa melawana 2002 ya ditirelo tša maphelo tša selete.

## IMITHETHO NEMISEBENZI ESIGODINI WEZEMPILO, 2002

Ilungu lomKhandlu ophakeme omele Ezempilo kuSifundazwe saseGauteng ngaphansi komthetho wama 22 womthetho wezisebenzi esiGodini sezeMpilo 2000 (Act No. 8 of 2000) yakha lemithetho yesifundazwe sezempilo yaseGauteng ohlelweni elilandelayo.

### UHLELO

#### 1. Izincazelo

Kulemithetho, ngaphandle kwencazelo esiqeshini ekhombisa isisho noma igama elikhombisa incazelo edluliselwa emthethweni, inencazelo enikiwe futhi-

phecelezi- "accounting officer" kuchaza Intloko Emnyangweni wezempilo.

"Ungqongqoshe" kuchaza ilungu esigungwini somkhandlu Esifundazweni sezempilo.

"Ukushaywa komthetho" kuchaza isifunda sezempilo Emyangweni wezempilo.

"Transfer: Umnyango wezokuthuthela.

### ISIQEPHU 2

## UKUQAMBA, UKUBEKWA, UKUGCWALISA IZIKHUNDLA, AMANDLA, IZIMFANELO KANYE NEMISEBENZI ESIFUNDAZWENI SABAPHETHE EZEMPILO.

#### 2. Ukuqanjwa kwesifundazwe sabaphethe ezempilo

2. (1) Isifundazwe sabaphethe sizobe siqukethe okulandelayo-

- (a) i-MEC yezempilo;
- (b) Ummeleli oyedwa okhethiwe esifundeni ngasodwa sezempilo;
- (c) Inhloko esifundazweni sezempilo obesikhundleni;

#### 4. Amandla nomsebenzi wophethe wesifundazwe sezempilo

4. (1) Umphathi esifundazweni sezempilo kumele-

- (a) Ukuhlanganisa umsebenzi esizweni nakusifundazwe mayelana nenqubo emkhakheni wezempilo.
- (b) Ukucabanga ngenhlanipho mayelana nodaba lokuphakamisa ezempilo emphakathini nokukhulumela isifundazwe sezempilo ngomgomo ku MEC
- (c) Ukucabanga ukucela nokukhulunyelwa emnyangweni wezempilo nophethe.
- (c) Ukucabanga nokuhlaziya kushayamthetho ngaphambikokwaziswa emthethweni.
- (d) Ukucabanga noma ngayiphi indaba ngaphambi kokudluliswa ngu-MEC
- (e) Ukuhlanganisa imisebenzi yabaphethe emkhakheni wezenhlalakahle

#### 5. Izinqubo kwisifundazwe kwabaphethe kwezempilo

5. (1) Umphathi esifundazwe sezempilo kumele-

5. (1)(1) abambe imihlangano ngokuvamileyo ngesikhathi nendawo ekhethwe umphathi wezempilo ngemva kokuthintana namanye amalungu esifundazwe sezempilo .  
Izinhlangotho zesifundazwe sezempilo. Izinhlangotho zesifundazwe sezempilo zinalamandla-
- usihlalo kuba umphathi wezenhlalakahle;
  - uma engekho umphathi kuzoba ngobekwe nguye;
  - kuzolandelwa imithetho ebekwe umphathi wezenhlala kahle ngemuva kokuhlangana amalungu ezenhlalakahle;
  - ngokuthi ungqongqoshe asebenzise umqondo wakhe ngokuvulelekela kumphakathi;
  - kubhalwe imininingwane yamaminithi ngendlela kangqongqoshe

**6. Ukusungula kwe komiti loku lulea esifundazweni sezempilo**

6. (1) Kunokusungulwa kwesifunda emkhakheni wezempilo ukubonisa okuzoba namandla nemisebenzi elandelayo.

6. (2) Amandla nemisebenzi kusifundazwe sabalulekayo emkhakheni wekomiti wezempilo.

Ukusungulwa kwekomiti lokululeka esifundazweni sezempilo kumele-

- Ekuceleni esifundazweni somkhakha weempilo sabaphethe no ungqongqoshe wophenyo noma ukucabanga noma iyiphi indaba ephathelene nezempilonemiphumela kungqongqoshe noma kusifundazwe sezempilo esiphakeme;
- uma eceliwe ukwenzenjalo, anikezwe amandla yesifundazwe nempilo
- ukuhlanganisa ukwenza inqubo nomthetho;
- ukwenza noma iyiphi imisebenzi yophethe esifundazweni sezempilo kudingeke ukuthi kube nesiqiniseko sokuthi izinhloso nomgomo kushayamthetho kubeyimpumelelo;
- ngokwayo inhloso kwelulekwe isifundazwe sabaphethe, ngezindaba eziphathelene nezempilo.

**7. Ukusungulwa kwekomiti lokululeka esifundazweni sezempilo**

Ikomiti lokululeka esifundazweni sezempilo kumele libe nalokhu okulandelayo-

- Undunankulu esifundazweni sezempilo kumele kube ngusihlalo;
- Izikhulu eziphakeme ezifundeni emkhakheni womnyango wezempilo;
- Amalunga omnyango kumele akhethwe yizikhulu eziphakemeyo.

**8. Inqubomgomo yekomiti yokululeka esifundazweni sezempilo**

8. (1) Ikomiti labalulekayo esifundazweni sezempilo kumele libonise nabaphethe-

- Ukunqunywa kwemithetho kanye nenqubo mgomo yokuphathwa kwemihlangano kanye nenqubo;
- emva kokubonisana nabaphethe esifundazweni sezempilo kumele kunqunywe ilanga, indawo kanye nendawo yokuhlanganyela kwemihlangano, ngaphandle-

(aa) uma usihlalo wesiphathi mandla ebona imfanelo yokubamba umhlangano wesiphathi mandla ngaphandle kokwazisa amalunga apethe esifundazweni sezempilo;

(bb) amalunga ekomiti elilulekayo esifundazweni sezempilo angawucela umhlangano onje.

### ISIQEPHU 3

#### IKOMITI YOKULULEKA ESIFUNDAZWENI SEZEMPILO

##### 9. Ukumiswa kwekomiti yokululeka esifundazweni sezempilo

9 Lapha ngaloku simisa ikomiti yokululeka esifundazweni sezempilo.

9. (1) Isifundazwe sabaphethe ezempilo kumele-

- (a) Nquma amandla nemisebenzi yekomiti yokululeka esifundazweni sezempilo;
- (b) nquma imithetho nenqumangomo yokusebenza kwe komiti yokululeka esifundazweni sezempilo;
- (c) nquma ukuqanjwa kwe komiti yokululeka esifundazweni sezempilo.

### ISIQEPHU 4

#### UKUQAPHA NOKULINGANISA

##### 10. Ukumiswa kwengxenywe yokuqapha nokulinganisa

Ungqongqoshe uyakwenza kumiswe ingxenywe emnyangweni yokuqapha nokulinganisa kwemisebenzi yesifundazwe sabaphethe ezeMpilo

##### 11. Amandla nemisebenzi yengxenywe yokuqapha nokulinganisa

11. (1) Ekunezezeleni kwamandla nemisebenzi ebekwe kunomayimuphi umthetho, ungqongqoshe enganquma isikhathi nesikhathi noma imaphi amanye amandla ingxenywe engawadinga ukuphumelelisa ukwenza imisebenzi yayo.

11. (1).(1) Ingxenywe iyothi ngaphambi kokuba kuphele izinsuku ezingamashumi amathathu imisiwe, ibekwe kungqongqoshe ukuze ithole imvume yenqubo mgomo yemisebenzi yayo

11. (1).(2). Inqubo mgomo yengxenywe iqukethe:

11.(1)(2).(1) udwebo lokuqapha nokulinganisa.

11.(1)(2)(2) inqubomgomo nencwadi eyisiseko seziphakamiso sezivumelwano sokwenza imisebenzi yokuqapha nokulinganisa.

11.(1)(2)(3) umlando wesimo.

11.(1)(2)(4) inqubo mgomo yokwenzelana nabanesabelo.

## ISIQEPHU 5

### IMINGCELE EMIKHAKHENI YEZEMPILO

#### 12. Izindlela nemigomo yokumiswa kwemingcele esifundeni sezempilo

12. (1) Uma unggongqoshe ecabanga ukunquma isifundazwe sezempilo kumele alandele lemigomo:

12.(1).(1) Isinqumo samanje esikamasipala ophethe;

12.(1).(2) Isikhundla kumasipala ngaphambi kokubekwa kwemingcele nengebo yesizwe ukuze kusebenze ngempumelelo;

12.(1).(3) Isidingo sokuvimbela nokwehliswa kweziqephu nokuphindwa phakathi kwezifundazwe ezimbili noma ngaphezulu emkhakheni wezempilo wabaphethe;

12.(1).(4) Okuphathelene nezimali, ukubakhona kwengcebo nokulingana ukwenza imisebenzi;

12.(1).(5) Ubumpofu emngceleni wezempilo;

12.(1).(6) Okuphathelene nokusetshenziswa kwezidingo uma umkhakha wezifundazwe uzoqala imisebenzi;

12.(1).(7) Uhlobo nobubanzi bemisebenzi okumele yenziwe;

12.(1).(8) Noma yini engathikameza inqubekela phambili emkhakheni wezempilo;

12.(2) Ngaphambi kokunquma isifunda sezempilo, unggongqoshe kumele:

12.(2).(1) Ngesimemezelo sokwexwayisa kwiprovincial gazette kuzocelwa imibono komasipala nakweminye imikhakha ngemingcele ezophakanyiswa;

12.(2).(2) Kuxwayiswe futhi kuxoxwe nongqongqoshe ngomasipala basekhaya nokukhula kwepulani nomkhandlu wasekhaya eGauteng;

12.(2).(3) Emva kokuhlangana nongqongqoshe kamasipala wasekhaya nokukhula kwe pulani kumenyezelwe ephephandabeni i-gazette ngokuveza imingcele yezempilo esifundazweni phakathi kwisifundazwe;

12.(2).(4) Phakathi kwezinsuku ezingu 180 zokumemezela emva kokubonisana neExecutive Gauteng Assosiation yomkhandlu wasekhaya ukubeka imingcele yezempilo esifundeni phakathi kwesifundazwe ngesexwayiso kwi-gazette;

#### 13. Ukuhlukanisa imingcele yemingcele esifundazweni sezempilo

Ungqongqoshe angaguqula imingcele yezempilo zabaphethe ngoku-



- 13.(1) engezela amandla okuqeda ukuqeqeshela ukwenza;
- 13.(2) ukuqiniseka nokusiza ekusebenzeni kwezomnotho;
- 13.(3) isiqiniseko sokwenza ngcono isidingo sezempilo;
- 13.(4) inqubo ekhona iyashintshwa;
- 13.(5) ungqongqoshe ngokucetshiswa ungqongqoshe kahulumeni wasekhaya nepulani iguqule imingcele yesifundazwe sezempilo.

**14. Inqubo mqomo yokuguqula imingcele yesifundazwe sezempilo**

- 14.(1) Ungqongqoshe lapho imigomo ibekwe ku 4.1 ingafezeki noma ngemuva kokufakwa kwesicelo kwabazimisele ukulandela umgomo ku 4.2 ukuguqula imingcele emkhakheni wezempilo ukuthi:
  - 14.(1).(1) Lapho inguquko ingumphumela yokungaphumeleli ngemigomo ebekwe ku 4.1, uNgqongqoshe uzobe esethathe izinyathelo ukulungisa indawo kunokuba kuguqulwe imingcele;
  - 14.(1).(2) Lapho inguquko ingumphumela wokufaka kwesicelo konentshisekelo ngaphandle kophethe isifundazwe, ungqongqoshe uyohlolisisa ngokupheleleyo izizathu zaleso sicelo bese ecela obhekene ukuba enze izifanekiso.
  - 14.(1).(3) Lapho ukufakwa kwesicelo senguquko kwenziwe wophethe isifunda sezempilo ungqongqoshe uyakuqala ngokuhlolisisa ngokupheleleyo izizathu ngokupheleleyo bese ecela obhekene ukuba enze izifanekiso.
- 14.(2) Ungqongqoshe engakwazi, kunokuba aphendule imingcele yesifundazwe sabaphethe ezempilo, ukulayeza ezinye izenzo zemisebenzi ukuba zenziwe ukuba kulungiswe isimo futhi/ noma enze imisebenzi noma ingxenye yakho.

**15. IMPIKISWANO EKUGUQULWENI KWEMINGCELE**

- 15.(1) Umuntu, inhlangotho noma umuntu omele omunye umuntu noma abamukela okuthile emsebenzini bengangenisa impikiswano kungqongqoshe esikhathini esilotshiwe ukuhlongoza inguquko yemingcele yesifundazwe sabaphethe ezempilo.
- 15.(2) Ungqongqoshe engakwazi, umva kokucabangisisa nabantu abathintekile, ukudlulisela leyondaba kwingxenye kahulumeni omkhulu ukweluleka kuleyondaba ngaphambi kokuba kuthathwe isingqumo kulolodaba.

## ISIQEPHU 6

### UKWABELANA KWEMISEBENZI

#### 16. UKUFAKWA KWESICELO SOKWABELANA IMISEBENZI YESIFUNDA ESIPHETHE SEZEMPILO

16.(1) Noma yinini uma isifundazwe esiphethe ezempilo sifaka isicelo sokwabelana kwemisebenzi kungqongqoshe kumele-

16.(1).(1) Senzenjalo ngokubhala;

16.(1).(2) Ukuveza kuleso sicelo, ukwaziswa okulandelayo-

- (a) isimo nobubanzi bemisebenzi edingeka ukwabiwa
- (b) ipulani elinemininingwane ephelele lokwenza imisebenzi ngaphansi kwesicelo.
- (c) imininingwane ephelele yesimo sokuphathwa kwezimali nezinye izimo zokuphathwa ezisetshenziswa yizifunda esiphethe ezempilo;
- (d) imininingwane ephelele yamathuba nempahla (izikhali) engaphathwa yisifunda esiphethe ezempilo sokwenza imisebenzi;
- (e) imininingwane ephelele yesimo enhlangano esendaweni yokwenza imisebenzi;
- (f) imininingwane ephelele yengcebo yabantu ephethwe yisifundazwe esiphethe ezeMpilo sokwenza imisebenzi.
- (g) Imininingwane ephelle yendawo ehlongoziwe ekuzokwenzeka kuyo imisebenzi ezokwenziwa;
- (h) Imininingwane ephelele yabantu bendawo abazosizwa yenye neye yalezi zindawo;
- (i) Imininingwane ephelele yamalungiselelo phakathi kwesifundazwe esiphethe ezeMpilo kaye negatsha lasekhaya lokulungisela lomsebenzi;

#### 17. Isabelo semisebenzi kwisifundazwe sabaphethe ezeMpilo

17.(1). Ngaphambi kwesabelo semisebenzi kwisifundazwe sabaphethe ezeMpilo, ungqongqoshe kumele-

17.(1).(1) acwaninge isikhundla nokuphathwa kwezimali zesifundazwe sabaphethe ezeMpilo ukwenza imisebenzi ababelwe yona;

17.(1).(2) ukuthola okasizwa okudingekayo ukutholisisa isikhundla nokuphathwa kwezimali sabaphethisifundazwe ukuze kwenzekwe imisebenzi ababelwe yona

17.(1).(3) ukutholisisa isijumba semisebenzi eiyabelwe isifunda esiphethe ezempilo ukufika ekutholeni ukwazi ukwenza umsebenzi kanye nesabelo somsebenzi

17.(1).(4) ukuhlola ipulani nenqumbomgomoyesifundazwe sabaphethe ezeMpilo lokwenza imisebenzi

17.(1).(5) ukuhlola indawo ezosetshenziselwa ukwakhiwa kanye nendawo yesifundazwe sabaphethe ezempilookuzosetshenzelwa kuyoyonke imisebenzi;

17.(1).(6) acele kwisifundazwe sabaphethe ezempilo, ukungena nabo esivumalenwaneni sendlelayokwenza umsebenzi kanye nomsebenzi weszbelo;

17.(1).(7) ukuhlolaukuphathwa kwezimali kanye nezindlela zokuphatha zesifundazwe sabaphethe ezempilo ukuze kucace ukuba kuyafana na nezidingo zokudluliswa kwe mali kwisifunda sabaphethe ezempilo.

## 18. Isimo sokwabelanana kwemisebenzi

18.(1) Ungqongqoshe , uma abelana imisebenzi kwisifundazwe esiphethe ezempilo, engangqumela enye noma ezingikulezimo ezilandelayo:

18.(1).(1) ukuthi isifundazwe esiphethe ezempilo samukele ubukhulu obuthile ukuqinisekisa ukuvumelana nanoma imaphi amalungiselelo womthetho, ukukhishwa kwemthetho yesizwe, umgomo, kanye nanoma isiphi isivumelwano pakathi kwesifundazwe sabaphethe ezempilo, nongqongqoshenoma lemithetho;

18.(1).(2) Ububukeza amapulani, izindlela, ibajethi, umgomo nomthetho ukuze uvumelane nezidingo nemigomo yesizwe nemithetho ekhishiwe;

18.(1).(3) Amukele ubukhulu obuthile ukuze axwaye ukuphindaphinda noikuhlukahlukanisa amalungiselelo emisebenzi

18.(1).(4) Ngukujwayelekile noma ngabe yisiphi isimo esiqiniseka impumelelo ngukuyikona ekufezeni imisebenzi.

## 19. Ukuswela amandla isikhundla sesifundazwe esiphethe ezeMpilo

19.(1) Noma yinini ngombono kangqongqoshe, uma isifundazwe esiphethe ezeMpilo siswele isikhundla nokuphathwa ukwnza imisebenzi eyabelwe, ungqongqoshe kufanele:

19.(1).(1) angene kuyisi vumelano nesifundazwe esiphethe ezempilo nokwesikhashana kwesisebenzi sesibili kuso leso sifundazwe nesikhathi nesimo esimiswa ngungqongqoshe;

19.(1).(2) angene kwisivumelano nesifundazwe esiphethe ezMpilo ukuba benze imisebenzi yesikhundla nokuphathwa, benzela yena lowo ophethe, ngesikhathi nesimo esimiswa ngungqongqoshe.

## ISIQEPHU 20

### UKWABELENA AMANDLA

## 20. Ukufakwa kwesicelo yisifundazwe esiphethe ezeMpilo sifakelwa amandla ongezelekile

20.(1) Isifundazwe esiphethe ezeMpilo ingathi ngombalo ifake isicelo kungqongqoshe ifakele ukwabelwa kwamandla athile nemisebenzi lapho ngombono kwawophethe:

- 20.(1).(1) Ukwabelana kwandla noma umsebenzi ubalilekile ukuphumelela ngokuyikona ekufezeni imisebenzi.
- 20.(1).(2) Abaphethe banendawo elungiselwe ukwakhiwa, nokudwalisa ngomcebo ukwenza imisebenzi nokusebenzisa amalungelo.
- 20.(1).(3) Ukwabelana amandla noma imisebenzi Ngeke kube nemi phumela yesi khundla esiwumthwalo kophethe.
- 20.(1).(4) Ukwabelana amandla nomaumsebenzi ngeke kube umphumela ngokunezelela kwezezimali eminyangweni eyehlukene
- 20.(1).(5) Iziphathi mandla zithathe umgomo wokuvuma isimo sokunqumela ukwaba.
- 20.(1).(6) Abaphethe bangenisa phakathi ngaphandle kobandlulolongomongo wenkampani nokwabelana ngemisebenzi.
- 20.(2) Ungqongqoshe ngemuva kocwaningo ngezizathu zokufaka isicelokwabaphethe ngokwabelana amandla nomsebenzi:
- 20.(2).(1) Ukwala isicelo uma ngabe ophethe unomqondo othi ophethe:
- 20.(2)(1).(1) Ekunikeze umniningwane engamanga.
- 20.(2).(1).(2) Ongenaso isiding samandla sokwenza ukwenza imisebenzi noma ukusebenzisa amandla.
- 20.(2)(1).(3) Ukwabelana amandla noma imisebenzi kungathikameza isikhundla esiwumthwalo kophethe
- 20.(2).(1).(4) Ukwabelana amandla ngemisebenzi nama isikhundla esiwumthwalo kophethe
- 20.(2).(1).(5) Kuphathiswe abaphetheukwenza imisebenzi noma ukunqumela isimo kwabaphethe.
- 20.(3) Ungqongqoshe emuva kokunika nokuphatha, engabuyisa okufanayo ngemva kwesixwayiso kophethe lapho:
- 20.(3).(1) Isimo sokuphatha siletha inguquko uma uqhathanisa nanoma isiphi isici esiphathele esinye lapho igunya lanikwa khona.
- 20.(3).(2) Ungqongqoshe kahulumeni wasekhaya nepulani lentuthuko liluleka ngalendlela.
- 20.(3).(3) Uma ophethe ehluleka ukulandelana nesimo sokunikezwa kwemvume futhi ehluleka ukushintsha noma iyiphi imvume ngesikhathi esilingene emva kwesaziso sokungabi namvume.
- 21. Isimo sokunikezwa kwemvumelo**
- 21.(1) Ungqongqoshe engakwazi, ngokutusa isifundazwe sabaphethe ezeMpilo, igunya lokwenza imisebenzi ngendlela yomthetho uma anelisekile ukuthi leso sifundazwe:

21.(2).(1) Sinesikhundla sokuphatha kwezimali ukuze ukwenziwa komsebenzi kuzoba yimpumelelo eyanelisayo.

21.(2).(2) Ukunikwa kwegunya kubalulekile ukuthuthukisa okwezempilo, kwabantu abahlala endaweni esishiwo.

21.(2).(3) Akunamuntu, nhlango noma sifunda esizothinteka kabuhlungu noma sibandlululwe ngenxa yokunikwa leligunya noma lamandla.

## 22. Ukuhoxisa igunya

Ungqongqoshe engathi, noma inini emuva kokunika isifundazwe igunya lokwenza imisebenzi ngokomthetho, engahoxisa lelogunya emuva kokubonisana nesifunda esiphethe ezeMpilo. Ungqongqoshe uyakuthi phambi kokuhoxisa lelogunya, anike isifundazwe esiphethe ezeMpilo ithuba lokwenza izifanekiso.

## ISIQEPHU 8

### UKUTHATHWA KWEMISEBENZI YIMINYANGO

#### 23. Izindlela ezidingekayo zokuphatha isifundazwe sezeMpilo

Nomanini umphathi wesifundazwe sezeMpilo ehluleka noma engaphumeleli ukwenza izindlela ezidingekayo ukuphatha isifundazwe sezeMpilo, ungqongqoshe engenza indlela evezwa wukwakhiwa kwezindlela yibandla likahulumeni.

#### 24. Inqubomgomo nezimo ezingaphansi kokuba umnyango ungathatha imisebenzi yesifundazwe

24.(1) Isifundazwe esiphethe ezempilo noma ngasiphi isizathu ingaphumeleli ekwenza noma iyiphi yemisebenzi yayo noma imaphi amandla enawo, kumele yazise ungqongqoshe ngokubhala ngaphakathi kwezinsuku ezingu 14 kokungakwazi ukwenza lowo msebenzi noma ukusebenzisa amandla ayo. Kuleso saziso igunya komele liveze:

24.(1).(1) Izizathu zokungakwazi ukwenza umsebenzi noma ukusebenzisa amndla.

24.(1).(2) Izinyatheloizthathwe ukuguqula lesi simo;

24.(1).(3) Ukuxabhelela kokungaphumeleli

24.(1).(4) Isongozo lezenzo umnyango engaluthatha ukulungisa isimo.

- 24.(2) Umuntu obhekene noma inhlangothi ingaletha isaziso esibhaliweyo kungqongqoshe ngokungakwazi ukwenza umsebenzi noma ukunga phumeleli ukusebenzisa amandla awo. Kuleso sazo leminingwane elandelayo komele ibekhona.**
- 24.(2).(1) Amandla omuntu noma inhlangothi inika isaziso.**
- 24.(2).(2) Izinyathelo ezithathe ilowomuntu noma ileyo nhlangothi ukulungisa isimo wophethe obhekene.**
- 24.(2).(3) Ukuxabhelela kokungaphumeleli okushiwo**
- 24.(3) Unngqongqoshe kungathi umaesethola lesosaziso ukekhlunywa ngaso ku 7.2 athathe esisodwa noma ezinye zalezi zenzo:**
- 24.(3).(1) Adale uphenyo lwesimo esizungeze lokho kungaphumeleli kokwenza imisebenzi okushiwo;**
- 24.(3).(2) Emva kokubonisana nophethe obhekene qondisa umyango ukuba uthathe isikhundla okwesikhashana, kusalindelwe isinqumo sokugana.**
- 24.(3).(3) Qondisa ekutheni noma ingabe yiziphi izenzo okudingeka zenziwe ukuze kulungiswe isimo, zenziwe.**

## ISIQEPHU 9

### IPULANI

#### 25. Ipulani

- 25.(1) Isifundazwe esiphethe ezeMpilo Siyakuletha ipulani yonyaka yokwethula imisebenzi kumyango ngendlela elotshiwe. Lelo pulani lizobe liqukethe ngaphezu kwalokhu okulandelayo:**
- 25.(1).(1) Indawo ekuqongiswe kuyo yonke imisebenzi ezokwenziwa;**
- 25.(1).(2) Uhlobo nendlela ezosetshenziswa ukuletha leyomsebenzi;**
- 25.(1).(3) Izimali ezibhajethelwe ukuletha leyomsebenzi;**
- 25.(1).(4) Ingcebo yomhlaba ekhona ukuletha leyomsebenzi;**
- 25.(1).(5) Ingcebo yabantu ekhona ukuletha leyomsebenzi ;**
- 25.(1).(6) Izinyathelo ezizothathwa ukuqiniseka ukulingana, impumelelo nenqubekelaphambili;**
- 25.(1).(7) Izinyathelo ezizothathwa ukwenxayisa ukuphindaphinda nokuhlukahlukanisa imisebenzi**

- 25.(1).(8) Izinyathelo ezizothathwa ukuqiniseka ukubanamandla nokusekelwa
- 25.(1).(9) Izindlela ezibekiwezokungqunguzela nokunaka umphakathi ukuba uhlanganyela ukwenza umsebenzi wezempilo
- 25.(1).(10) Izindawo zokubambisana nabanye abaletha imisebenzi
- 25.(1).(11) Iqophelo nezinga elifanele lemisebenzi

## 26. Ukwazi nokukhulumisana

Isigaba 22 sidinga Ungqongqoshe abhale noma atshengise noma yini ebalulekile ukufeza izifiso zomthetho. Inhlaso yalomthetho ukunaka ukukhulumisana nokunikana ukwazi.

- 26.(1) Isifundazwe esiphethe ezeMpilo sizokuphatha izinyathelo eziqondisekayo ukuqinisekisa ukuthi izindlela zokwazi zifana neze sifundazwe kanye nesizwe.
- 26.2(a) Isifundazwe esiphethe ezeMpilo siyakwakha sithuthukise ipulani yokwazi ingcebo kanye nepulani yokwazi ulwazi olunzulu kuleyo pulani.
- 26.(3) Isifundazwe esiphethe ezeMpilo siyakugcwalisa sithuthukise indlela yokukhulumisana, ilungise indawo yokubika, yamukele nokuphatha izithalo zamalungu omphakathi.
- 26.(4) Isifundazwe esiphethe ezeMpilo siyakuthi umasicelwa, siphe umnyango esikhathini esiqondesisekayo konke ukwazi okuthi umnyango ungawudinga isikhathinesikhathi ukuphumelela ukwenza imisebenzi yayo.
- 26.(5) Akunamuntu ongathi ngenhloso, anike umnyango, omunye umuntu wesizwe noma ilungu lesizwe, aleveze ukwazi okungamanga.
- 26.(6) Akunamuntu ongathi, ngaphandle kwesizathu esibonakalayo, afihlele umnango ukwazi.

## 27. Inhlelo neqophelo lokuletha umsebenzi wokunakekela okuphansi kwezempilo yisifundazwe sabaphethe ezeMpilo

### 27.1 Imisebenzi

- 27.(1).(1) Isifundazwe esiphethe sezeMpilo kumele-
- (a) senze yonke imisebenzi esinikezwe ungqongqoshe
  - (b) iqiniseke ukuthi ipulani nebhajethi iqukethe yonke imisebenzi eyinikwe ungqongqoshe
  - (c) ivese fithi ithuthukise iqophelo lemisebenzi eliyinikwe ngungqongqoshe, leqophelo lemisebenzi kumele lakhe isikhala se-

- (I) izinyathelo ukuqiniseka ukuthi bonke abasebenzisa ezempilo baphathwa ngenhlonipho, ukuzithoba, ukuhlonipha isimilo sabo nesithunzi;
- (II) izinyathelo ukuvimbela ukubandlulula kwabasebenzisa ezempilo;
- (III) izinyathelo ukuqiniseka isifuba (imfihlo) yokwazi mayelana nempilo yosebenzisa ezempilo;
- (IV) isikhathi sukusebenza
- (V) indlela nokujula komsebenzi ovezwa kuze zonke izindaba zokusebenzela
- (VI) izinyathelo zokuqiniseka ukulethwa okwezempilo okusezingeni eliphakeme kakhulu.

- (d) isiqiniseko sokunikeza okuvumelekile, okunamandla, okusebenzayo nokulingene
- (e) ngokubonisa endaweni esobala imisebenzi ekhona endaweni yokusebenzela
- (f) isiqiniseko sokuthi ulwazi luyanikezwa, nalapho lungekho lubekhona

**27.(1).(2) Ekwenzeni imisebenzi eyabelwe ngungqongqoshe, isifundazwe esiphethe ezeMpilo kumele:**

- (a) siqinisekise ukuthi umsebenzi ugwele nokuthi unikezwa ngendlela ehlangene ngobuncane kube-
  - (I) thuthukisa ezempilo
  - (II) ukuvimbela
  - (III) ukubuyiselwa kwamalungelo
  - (IV) indlela epholisayo
  - (V) umnyombo wezinto nomsebenzi ohlangene
- (b) isiqiniseko sokuthi imisebenzi ihlanganisiwe neyeminye imikhakha enamandla kwezempilo
- (c) isiqiniseko sokuthi imisebenzi enikeziwe ingeyezinga elivumelekile nelivumelana nemigomo nemithetho ekhishwayo

**27.2 Ukwenziwa kwemisebenzi ngendlela esebenzayo neqeqeshekile**

**27.(2).(1) Isifundazwe sezempilo kumele:**

- (a) ukuthuthukisa nokwazisa ngezikhalo nesimo sezinto. Izikhalo nendlela yenqubo kumele kulungiselele lokhu-
  - (i) inqubo-mgomo yokufaka izikhalo
  - (ii) inqubo-mgomo yokucubungula izikhalo
  - (iii) isikhathi sokucubungula izikhalo
  - (iv) amalungelo nemisebenzi yezikhalo
  - (v) amalungelo nemisebenzi yomuntu isikhalo esingaye
  - (vi) izenzo ezingathathwa ukudingida loludaba
  - (vii) izinyathelo okumele zithathwe uma isikhalo singaxazululwanga
  - (viii) ulwazi oludingekayo uma isikhalo sibekiwe.

(IX) izinyathelo zokuvikela noma ngabe yimuphi umuntu ofaka isikhalo.

(b) iveze futhi ithuthukise ipulani elizokwenzayonke imisebenzi ibengcono futhi iqukethe:

- (I) Izinyathelo zokuqinisekisa ukubonisa nokuhlanganyela kwabasebenzisa izinto zokwenza umsebenzi.
- (II) Izinyathelo zokuqinisekisa ukuthuthuka kokufinyelela emisebenzini, ikakhulukazi laba ababecindezelwe ngesikhathi esedlula.
- (III) Izinyathelo zokuhlola ukuthobela imithetho yokufika eqopheleni elifunekayo lokwenza umsebenzi.
- (IV) izinyathelo zokuthuthukisa impumelelo nenqubekela phambili yezinto ezisetshenziswayo ukwenza umsebenzi.
- (c) izinyathelo zokuthuthukisaisimo sokunakekelwa uma kwenziwa imisebenzi.
- (d) izinyathelo zokuthuthukisa ingaphakathi lendawo eklanyiweyo nokusebenzisana.



**27.2.3. Isifundazwe esiphethe ezeMpilo kumele:**

- (a) sixwaye futhi siqhelise ukuphindaphinda nokuhlephuhlephula imisebenzi yezempilo.
- (b) ithuthukise futhi igcine isimo sezempilo sisendaaweni efinyelelekayo.

**27.3 UKUFINYELELA EMISEBENZINI**

**27.3.1 Isifundazwe esiphethe ezeMpilo kumele:**

- a) siqinisekise ukuthi imisebenzi ebalulekile ekuqaleni kokunakekela yenziwa abantu abaqeqeshiwe ngokufanele.
- b) siqinisekise ukuthi wonke umphakathi onabantu abangu 20 000 uthola usizo endaweni engamakhihlo mitha angu-15.
- c) zonke izindawo lapho kusetshenzelwa khona kumele zibe nazo zonke izinto (impahla) ezidingekayo ukuphetha umsebenzi.
- d) siqinisekise ukuthi imisebenzi yenziwa ngobuncane bamahola ayisishiyagalombili ngosuku futhi kahlanu ngeviki.
- e) siqinisekise ukuthi imisebenzi ibekiwe endaweni, uma kwenzeka idingeke.
- f) siqinisekise ukuthi akekho umuntu oxoshwa ngokungaqondisiseki ukuba asizakale kulezindawo zokwenza umsebenzi.
- g) aveze ngesikhathi inkomba eveza izinyathelo ezithathiwe ukuqinisekisa ukuthuthuka kokufinyelela ezindaweni zemisebenzi.

**27.4 IZINYATHELO ZOKUQINISEKISA UKULINGANA EKWENZENI IMISEBENZI**

**27.4.1 Isifundazwe esiphethe ezempilo kumele sakhe (sithuthukise) ipulani kuzo zonke izindawo efinyelela kuzo ngokomthetho ihlanganise nokulandelayo:**

- (a) iningi labantu kuleyondawo
  - (b) inani lokusebenzisa izinto zomsebenzi nenani lokwejwayela zonke izimo
  - (c) ukubekwa kwendawo ekumeni komhlaba
  - (d) izindlela zokufinyelela
  - (e) izindlela esezikhona zokufika emisebenzini
  - (f) izinga elidingekayo elifanele kunawo onke
  - (g) inani elisebenzayo

**27.5 IZIMALI NEBHAJETHI**

**27.5.1 Isifundazwe esiphethe ezeMpilo kumele:**

- a) siqinisekise ukuthi okwekhulu kwebhajethi okubekelwe imisebenzi kukakelwe intuthuko nokuthi ababecindezelwe ngesikhathi esedlula baphumelele ukufinyelela khona
- b) siqinisekise ukuthi ibhajethi yabasebenzi abenza imisebenzi enikiwe ayeqi kokwekhulu okuqotshwe ngophethe isikhundla se-accounting
- c) siqinisekise ukuthi imali ebekelwe ukuthenga impahla, izidakamizwa nezindawo ayisetshenziselwa lutho olunye ngaphandle kwemvume yophethe isikhundla se-accounting
- d) siqinisekise ukuthi imali nebhajethi yemisebenzi ihambisana nendlela yokwabiwa kwengebo okufanele
- e) siqinisekise ukuthi umphakathi kanye nabantu abazokusebenzisa lokhu, babonisene nabezimali mhlakunqunywa imali
- f) siqinisekise ukuthi ukunikwa kwemali kunesisekelo

**27.6 IZISEBENZI NABASEBENZI**

**27.6.1 Isifundazwe esiphethe ezeMpilo kumele:**

- a) sinqume izidingo zabasebenzi mayelana nomsebenzi abazowethula endaweni
- b) siqiniseke ukuthi okulandelayo sekucatshangisise:

- I. inani lomsebenzi liqhathaniswa nenhlobo yabantu abasebenzayo
- II. isibalo sabasebenzi endaweni ethile yomsebenzi
- III. isikhathi esiluliwe sokusebenza
- IV. abasebenzi abanezezeliwe bokuphatha ithuba nokuphatha abantu ngokomthetho
- V. isidingo sendawo yokusizwa ngesikhathi-peccelezi- one stop service

- c) ukufaka nokuthuthukisa uhlelo lokuthuthukisa izisebenzi eziphathelene nokwethula umsebenzi
- d) ukuqinisekisa ukukhethwa kwabasebenzi abakwaziyo ukwenza umsebenzi ngokufanele

### 27.7 IMPAHLA, IZIDAKAMIZWA NETHUBA

#### 27.7.1 Isifundazwe esiphethe ezeMpilo kumele:

- (a) ukunquma impahla, izidakamiwa nethuba elidingekayo emsebenzini onikeziwe.,
- (b) ukunquma ubukhulu bomthola-mpilo mayelana nenani labavakashi nezindlu ezikhona nezihleliwe.
- (c) ukunquma inani le 'CHC' ngendlela yenani labadlulisiwe nabadingwa umphakathi.
- (d) ukunquma indlela yokusiza ukugwema ukusebenzisa okusetshenziswayo.
- (e) isiqiniseko sokuthi izidakamizwa zivunyelwa umnyango ukusetshenziswa.

### 27.8 IMIBIKO ISAYENSI NEMISEBENZI ETHILE KANYE NOKUZIPHATHA

#### 27.8.1 Isifunda sezempilo esiphakeme kumele-

- (a) sisebenzise ulwazi elunqunywe ungqongqoshe;
- (b) athole futhi alondolozwe ulwazi oliyisisekelo oludingeka lubonise intuthuko; ekunikeni amaphakheji omsebenzi abekelwe wona;
- (c) asebenzise ulwazi kusifunda sezempilo mayelana nokuhlela;
- (d) kugcinwe futhi kulondolozwe ulwazi;
- (e) iqinisekise ukulandela izindla nemithetho ebhaliwe mayelana neziguli;

### 27.9 UKUPULANA

#### 27.9.1 Isifundazwe esiphethe ezempilo kumele-

- (a) apulane ukulungisela okuphathelene nenhlangano ngemisebenzi endaweni efanele;
- (b) njalo kwenziwe ucwaningo mayelana nemisebenzi okusetshenziswayo, umsebenzi nezimali ekuhleleni;
- (c) njalo kwenziwe izidingo mayelana nomphakathi osizwa abaphethe;
- (d) njalo kucwaninge ukubhebhetheka kwezifo;
- (e) kuqale amandla okunikezele ngomsebenzi onikiwe kubhekiswe emalini;

### 27.10 EZOMBUSAZWE

#### 27.10.1 Isifunda sezempilo kumele-

- (a) sibe nombutho onwengamele omphathi ukuze ubenesiqiniseko sokuthi umsebenzi uyenziwa.
- (b) kuqalwe umbuthano osebenza ngemfanelo;
- (c) ukwakhiwa kwekomiti elizophatha, ukubheka nokwenziwa komsebenzi.

### 28. UKUBIKA NOKUNIKEZA UMBIKO

28.1 Isifundazwe esiphethe ezeMpilo kumele sinikeze umbiko nolwazi ngendlela efuneka ngokomthetho nokungadingeka isikhathi nesikhathi, kudingwa umnyango.

28.2 Umbiko wesifundazwe esiphethe ezeMpilo kumele uhambisane nendlela eqotshwe umnyango.

### 29. ISIMO SOKUBIKA

31.1 Isimo sokubika imisebenzi yesifundazwe esiphethe ezeMpilo kumele siphathe okulandelayo:-

- (a) Isimo nobubanzi bemisebenzi yesabelo;
- (b) Ibhajethi evunyiwe yokwenza imisebenzi;

- (c) Inguquko yebhajethi yemisebenzi eyabiwe, izizathu zalenguquko kanye nezinyathelo ezathathwa ekulungiseni lesosimo;
- (d) Ukuntula okungase kubekhona kubhajethi yemisebenzi eyabiwe kanye nezizathu zalokho kuntula;
- (e) Izenzo ezithathiwe phezu komphathi mayelana nokungaziphathi kahle kwakhe ezindabeni zemali noma ekwenzeni imisebenzi;
- (f) Imininingwane ephelele yokuntula okubonakele noma okunganeliseki ekukhipheni imisebenzi kanye nezinyathelo ezithathiwe ukulungisa lesisimo;
- (g) Imininingwane ephelele yezikhalo zabasebenzisa ezempilo kanye nezinyathelo ezithathiwe ukulungisa lokhu;
- (h) Nomangabe yikuphi ukunezezela kwezidingo zomsebenzi kanye nesilinganiso semali ezodingeka.

### 30. ISIHLOKO ESIFUSHANE

Lemithetho ibizwa ngokuthi Imithetho Yemisebenzi Yesifundazwe Esiphethe Ezempilo, 2002

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The  
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**NEW PARTICULARS ARE AS FOLLOWS:****Physical address:**

Government Printing Works  
149 Bosman Street  
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**Postal address:**

Private Bag X85  
Pretoria  
0001

**New contact persons:** Awie van Zyl Tel.: (012) 334-4523  
Mrs H. Wolmarans Tel.: (012) 334-4591

**Fax number:** (012) 323-8805

**E-mail address:** awvanzyl@print.pwv.gov.za

**Contact persons for subscribers:**

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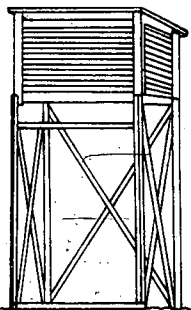
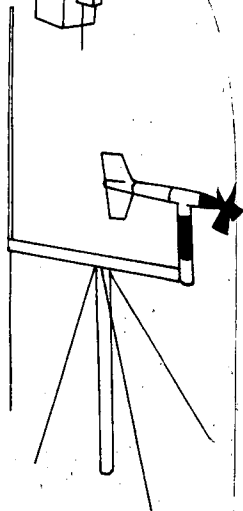
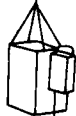
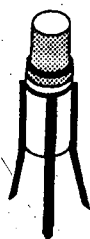
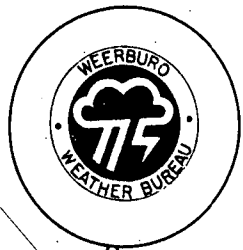
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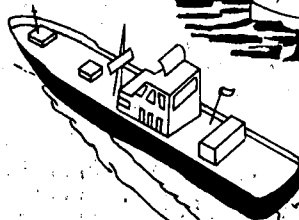
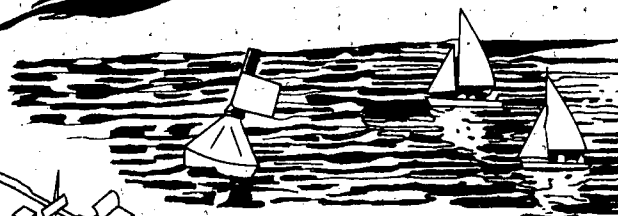
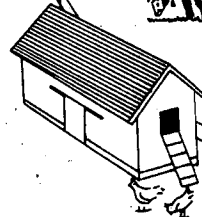
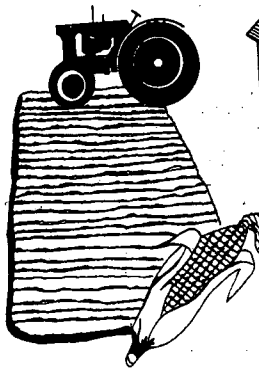
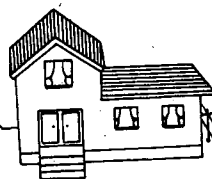
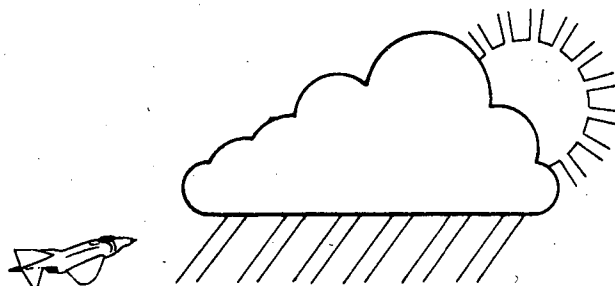
**HENNIE MALAN**

Director: Financial Management  
Office of the Premier (Gauteng)

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