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GENERAL NOTICE

NOTICE 559 OF 2008**NORTH WEST HEALTH BILL, 2008**

The abovementioned Bill, which the M.E.C for health intends introducing in the Provincial Legislature, is hereby published in terms of Rule 203 of the North West Provincial Legislature.

Interested persons and institutions are invited to submit written representations on the Bill by not later than 17 October 2008 to:

The Secretary to the North West Provincial Legislature
For Attention: Mr M.A Pule
Private Bag X 2018
Mmabatho
2735
Fax:018 392 7256
Tel: 018 392 7124

**NORTH WEST HEALTH BILL
2008**

To give effect to certain provisions of the National Health Act, 2003 (Act 61 of 2003); to provide for the creation of a comprehensive provincial health system; to provide for the co-ordination and support of municipalities in the provision of health services; to provide for the repeal of certain provisions of the North West Health, Developmental Social Welfare and Hospital Governance Institution Act, 1997 (Act 2 of 1997) and to provide for matters connected therewith.

PREAMBLE

WHEREAS everyone has the Constitutional right of access to health services;

AND WHEREAS the North West Government is committed to the progressive realization of the constitutional right of access to health services;

AND WHEREAS the North West Provincial Government is committed to providing acceptable, effective, affordable and integrated health services by means of the delivery of hospital and primary health services through district health system;

AND WHEREAS the North West Government is committed to cooperative governance and community participation in the provision of health care services;

THEREFORE BE IT ENACTED by the North West Provincial Legislature as follows:-

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CHAPTER 1 DEFINITIONS AND INTERPRETATIONS

1. Definitions

In this Act, unless the context indicates otherwise:—

“**Chief Executive Officer**” means the person appointed as such in terms of section 24 of this Act

“**Constitution**” means the Constitution of the Republic of South Africa Act, 1996, (Act 108 of 1996);

“**Department**” means the provincial Department of Health;

“**District council**” means a municipal council of a district municipality as defined in terms of section 18 of the Municipal Structures Act, 1998 (Act 117 of 1998);

“**District Health Council**” means a council established in terms of section 31 of the National Health Act, 2003 (Act 61 of 2003);

“**Health care personnel**” means practitioners and health workers

“**Health District**” means an area demarcated as such in terms of section 29 of the National Health Act, 2003 (Act 61 of 2003);

“**Health establishment**” means the whole or part of a public or private institution, establishment, building or place, whether for profit or not, that is operated or designed to provide the inpatient or outpatient treatment, diagnostic or therapeutic interventions, nursing, rehabilitative, palliative, convalescent, preventive or any other health services;

“**Health Management Committee**” means the committee established in terms of section 12 of this Act;

“**Head of Department**” means the head of the provincial Department of Health referred to in the second column of the schedule to the Public Service Act, 1994 (Proclamation 103 of 1994);

“**Head of a health establishment or a hospital**” means the Chief Executive Officer of a public health establishment or any person designated as head of a private health establishment;

“**Health plan**” includes strategic and human resource plan, performance targets and the budget required to meet such targets;

“**Health Sub- district**” means an area demarcated as such in terms of section 19 of this Act;

“**Health worker**” means any person involved in the provision of health services to a user, but does not include practitioner;

“**Hospital**” means a health establishment, which is classified as a hospital by the Minister in terms of section 35 of the National Health Act, 2003 (Act 61 of 2003);

“**Local council**” means a municipal council of a local municipality as defined in terms of section 18 of the Municipal Structures Act, 1998 (Act 117 of 1998);

“**Minister**” means the minister as defined in section 1 of the National Health Act 2003 (Act 61 of 2003)

“**Municipal health services**” for the purpose of this Act includes –

- (a) water quality monitoring;
- (b) food control;
- (c) waste management;
- (d) health surveillance of premises;
- (e) surveillance and prevention of communicable diseases excluding immunizations;
- (f) vector control;
- (g) environmental pollution;
- (h) disposal of the dead; and
- (i) chemical safety,

but excludes port health, malaria control and control of hazardous substances

“**National Health Information System**” means the information system as contemplated by section 74 of the National Health Act, 2003 (Act 61 of 2003);

“**North West Health Council**” means the council established in terms of section 26 of the National Health Act, 2003 (Act 61 of 2003);

“**North West Health Consultative Forum**” means the forum contemplated in section 14 of this Act.

“**Organized Local Government**” means a provincial organization established in terms of section 2 of the Organized Local Government Act, 1997 (Act 52 of 1997);

“**Practitioner**” means a person providing health services in terms of any law including the following:-

- (a) National Health Act, 2003 (Act No. 61 of 2003);
- (b) Allied Health Profession Act, 1982 (Act No. 63 of 1982);
- (c) Health Profession Act, 1974 (Act No. 56 of 1974);
- (d) Nursing Act, 1978 (Act No. 50 of 1978);
- (e) Pharmacy Act, 1974 (Act No. 53 of 1974);
- (f) Dental Technicians Act, 1979 (Act No. 17 of 1979); or
- (g) Traditional Health Practitioners Act, 2004 (Act 35 of 2004)

“**Prescribed**” means prescribed by regulations under this Act;

“**Private health establishment**” means a health establishment that is not owned, managed or controlled by the North West Provincial Administration;

“**Private practitioner**” means a Practitioner who is not-

- (a) in the service of the provincial government; or
- (b) appointed in terms of section 26 or section 27 of this Act;

“**Province**” means the North West Province as promulgated in terms of Section 103 of the Constitution Act, 1996, (Act No. 108 of 1996);

“**Provincial Health Information Committee**” means the committee contemplated in section 75 of the National Health Act;

“**Public hospital**” means any health hospital owned, managed or controlled by the North West Provincial Administration;

“**Regulations**” means regulations made under this Act;

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

“**Sub-district Health Council**” means a council established in terms of section 19 of this Act;

“**This Act**” includes regulations made under this Act;

“**University**” includes any further education and training institution in terms of section 72(2) of the Higher Education Act, 101 (Act No. 101 of 1997)

“**User**” means the person receiving health care treatment in a health establishment, including receiving blood or blood products, or using a health service, and if the person receiving the health care or using a health service is:-

- (a) below the age contemplated in section 1(a - g) of the Children’s Act, 2005 (Act No. 38 of 2005), “user” include the person’s parent or guardian or another person authorized by law to act on the first mentioned person; or
- (b) incapable of taking decisions, “user” includes the person’s spouse or partner or, in the absence of such spouse or partner, the person’s parent, grandparent, adult child or brother or sister or another person authorized by law to act on the first mentioned person’s behalf.

“**ward**” means a ward mentioned under item 2 of schedule 1 to the Municipal Structures Act, 1998 (Act 117 of 1998)

2. **Object of this Act**

The objects of this Act are to establish a comprehensive health system by:-

- (a) setting up structures that will ensure efficient and effective delivery of health services; and
- (b) setting norms and standards for the provisions of health services in the province.

3. **Application and interpretation**

(1) The provisions of this Act shall apply throughout the province and in case where there is any conflict between this Act and any other provincial health legislation, the provisions of this Act shall prevail.

(2) The headings in this Act shall not be construed as forming part of the context in the interpretation of this Act.

CHAPTER 2 PROVINCIAL HEALTH

4. Role and responsibilities of the Responsible Member

- (1) The Responsible Member must ensure implementation of national and provincial health policy, norms and standards.
- (2) Responsible Member must, after consultation with the Member of the Executive Council responsible for Local Government, assign such health services to municipalities as provided for in terms of section 32 (2) of the National Health Act
- (3) As from the date on which health services are assigned to a municipality:-
 - (a) administrative records and other documents relating to such health services shall be transferred to the municipality concerned;
 - (b) the management, care and control of such health services shall vest in the municipality concerned;
 - (c) the transfer and or secondment of personnel, if any, shall be managed in accordance with the provisions of the Public Service Act, 1994 (Act 103 of 1994) or any other applicable law.
- (4) The Responsible Member may, after consultation with the Member of the Executive Council responsible for Local Government, vary or withdraw any assignment if:-
 - (a) he or she is satisfied that such variation or withdrawal is in the public interest, or
 - (b) the municipality is in breach of any material condition of the assignment.
- (5)
 - (a) The Responsible Member shall with the concurrence of the Member of the Executive Council responsible for Finance, and out of monies appropriated by the Legislature for that purpose, subject to the provisions of sub-section (1), contribute to the financing of the health services whether such functions have been assigned to a municipality or not.
 - (b) The Responsible Member shall determine:-
 - (i) the formula for the allocation of resources to the various health districts and health sub-districts; and
 - (ii) the criteria to be followed in the allocation of resources in terms of sub-paragraph (iii);
 - (iii) the criteria referred to in sub-paragraph (ii) shall include -
 - (aa) the ability of the concerned municipality to generate its own revenue;
 - (bb) the population size;
 - (cc) local income levels;

- (dd) disease patterns; and
- (ee) profiles of services delivered.

5. Supply of medical requisites.

Subject to the availability of resources, the Responsible Member shall cause drugs, dressings, medical requisites, appliances and other goods or services, to be supplied to any health establishment established, maintained, organized, controlled or carried on by any local authority, any private establishment in receipt of a government grant-in-aid in terms of any law, or any institution or person rendering a service on behalf of the Department, subject to such conditions as they may be necessary for the realization of the objective of this Act.

6. Appointment, transfer, and secondment of staff

The Responsible Member shall, in accordance with the provisions of the Public Service Act, 1994 (Act 103 of 1994) and after consultation with the appropriate municipality or health council, appoint, transfer or second an appropriate person to be the health district manager as head of a health district; and another as sub district manager as head of the health sub district.

7. Honorary Officers and Voluntary health Workers.

Subject to the provision of any law, the Responsible Member may appoint such honorary officers and voluntary health workers as he or she may deem fit; and determine the conditions of employment of any such honorary officer or volunteer as the case may be.

8. Role and functions of the Department

- (1) In addition to any other role the Department may have in terms of any other law, the Department shall: –
- (a) ensure implementation of national and provincial health policies, norms and standards;
 - (b) participate in inter-provincial and provincial inter-sectoral coordination and collaboration; and
 - (c) promote community participation in the planning, provision and evaluation of health services.

- (2) In addition to any other function the Department may have in terms of any other law, the Department shall: -
- (a) prepare strategic, medium term health and human resources plans;
 - (b) establish a comprehensive health information system for District Health Councils, Sub-District Health Councils and public health establishments;
 - (c) consult with, and have regard to any recommendations made by the Provincial Health Information System Committees; and
 - (d) ensure the provision of public health services.

9. Bequest and donations

- (1) Subject to the provisions of the Public Finance Management Act, 1999 (Act 1 of 1999) and any other applicable law, the Head of Department may accept a bequest, donation or subscription made for the purpose of furthering, supporting or achieving the object of this Act.
- (2) Any bequest, donation or subscription which is to be applied to a particular health establishment or service established in terms of this Act, shall, subject to any other law, be utilized in accordance with the terms of the bequest, donation or trust as the case may be.

10. Complaint Procedure

- (1) A user who is aggrieved by an act or conduct of a practitioner may lodge a complaint with the head of the health establishment concerned.
- (2) The head of the health establishment with whom a complaint contemplated in subsection (1) has been lodged must respond within a period of thirty days from the date of receipt of such complaint.
- (3) Where the complaint lodged does not relate to the health establishment for which the head of the establishment is responsible, the head of the health establishment must, within fourteen days of receipt of the complaint:-
- (a) acknowledge receipt;
 - (b) advise the complainant that the complained relates to the other establishment; and
 - (c) forward the complaint to the appropriate health establishment or service.
- (4) If a user does not receive any response to his or her complaint from head of a public health establishment within the period stipulated in subsection (2), or is not satisfied with the response provided, the user may lodge an appeal with the Head of the Department.

11. North West Health Council.

- (1) The Provincial Health Council established in terms of section 26 (1) of the National Health Act shall be known as North West Health Council.
- (2) The North West Health Council shall, in addition to the provisions of any other law, act in an advisory capacity to the Responsible Member on any matter pertaining to health including but not limited to:-
 - (a) policies and guidelines concerning any matter that is aimed at promoting good health for the Province;
 - (b) legislation impacting on health policies before such legislation is introduced in the legislature;
 - (c) departmental strategic plans; and
 - (d) activities of the Health Management Committee established in terms of Section 12 of this Act

12. Establishment of the Health Management Committee.

- (1) The Health Management Committee is hereby established.
- (2) The Health Management Committee shall consist of not less than six and not more than twelve members constituted as follows: -
 - (a) the Head of Department;
 - (b) each District Health Manager; and
 - (c) any other person or persons with expertise, not exceeding five in number, as the Responsible Member may consider suitable for appointment to the Committee.
- (3) The Health Management Committee shall be accountable to the North West Health Council.
- (4) The term of office of the Health Management Committee shall run concurrently with the term of office of the North West Council.

13. Role and Functions of the Health Management Committee.

- (1) The Health Management Committee must: -
 - (a) on request by the Provincial Health Council, investigate, consider and make recommendations to the North West Health Council; and
 - (b) perform any function as may be requested by the North West Health Council.
- (2) The Health Management Committee may:-
 - (a) establish sub-committees from among its members to perform any of its functions;

- (b) co-opt, with the approval of the North West Health Council, any person to any of its sub-committees established in terms of paragraph (a);
- (c) designate any of its members to be a chairperson of any of the sub-committees; and
- (d) dissolve or reconstitute any of the sub-committees established in terms of paragraph(a).

14. Composition of the North West Health Consultative Forum.

- (1) The Provincial Health Consultative Forum contemplated in section 28 (1) of the National Health Act shall be known as North West Health Consultative Forum and shall be established by the Responsible Member by notice in the provincial gazette.
- (2) The North West Health Consultative Forum shall be constituted as follows: -
 - (a) the Responsible Member;
 - (b) the head of Department;
 - (c) not more than three representatives from organized Labour within the health sector;
 - (d) two representatives from organized local government;
 - (e) a representative from North West Health Council;
 - (f) a representative from each recognized health related non governmental organizations; and
 - (g) a representative of -
 - (i) an association of traditional health practitioners in the Province;
 - (ii) the private practitioners in the province; and
 - (iii) representative of any other stakeholder as the Responsible Member may determine.
- (3) The Responsible Member must determine the place, date and time of meetings of the Provincial Consultative Forum.
- (4) The North West Health Consultative Forum shall meet at least once every 12 months.

15. Role and functions of the North West Health Consultative Forum

The North West Health Consultative Forum must promote and facilitate interaction, communication and sharing of information on provincial health issues between:-

- (a) the department;
- (b) municipalities; and
- (c) identified stakeholders in health services

16. Preparations of health plans

- (1) Each district manager or metropolitan health manager, if any, must develop and present health plans to the District Health Council and the Responsible Member as contemplated in section 33 of the National Health Act.
- (2) The plan prepared in terms of sub-section (1) must:-
 - (a) include the health district human resources plans;
 - (b) take into account views:-
 - (i) of all the stakeholders in the appropriate health or metropolitan district; and
 - (ii) draft sub-district health plans submitted in terms of section 20 of this Act
 - (c) form the basis for budget planning as contemplated in the Public Finance Management Act, 1999 (Act No. 1 of 1999, as amended).
- (3) The Health Plans referred to in subsection (1) shall:-
 - (a) be submitted to the North West Health Council for consideration prior to their submission to the National Department of Health in terms section 33 of the National Health Act; and
 - (b) comply with any format or any guidelines determined in terms of section 33 of the National Health Act.

**CHAPTER 3
DISTRICT HEALTH SYSTEM**

17. Composition and functions of a District Health Council

- (1) The District Health Councils contemplated in section 31 (1) of the National Health Act shall be established by the Responsible Member by notice in the provincial gazette.
- (2) Subject to the provisions of the National Health Act, each District Health Council shall be constituted as follows: -
 - (a) a councilor responsible for health or nominated by the municipality in the district or metropolitan municipality as the case may be;
 - (b) a councilor responsible for health in each local municipality in the district municipality;
 - (c) health district manager who shall represent the Responsible Member in the District Health Council; and
 - (d) not more than five other persons appointed by the Responsible Member after consultation with the district or metropolitan municipality concerned.
- (3) A person contemplated in subsection (2) (a) shall be the chairperson of the district health council.
- (4) In addition to any other function a District Health Council may have, a District Health Council must: -
 - (a) monitor and evaluate delivery of health services within the district municipality or the metropolitan council as the case may be;
 - (b) co-ordinate and support local municipalities in the delivery of municipal health services or any other services that have been assigned to the municipality by the Responsible Member in terms of section 4(2) of this Act;
 - (c) advise the Responsible Member, through the North West Health Council on the implementation of national and provincial health policies, norms and standards in the health district; and
 - (d) carry out any other functions as may be required by the North West Health Council or the Responsible Member.
- (5) A health district manager must, in addition to any other function at the request of the District Health Council or the North West Health Council, perform any

other function that may be assigned to him or her in pursuance of the objects of this Act.

18. Budget and performance targets

- (1) The Responsible Member must, in consultation with the relevant district or metropolitan municipality and, after consultation with the appropriate District Health Council, approve detailed budgets and set performance targets for health services in the health district and all the health sub-districts within the health district, to which both the Department and district or metropolitan municipality must contribute.
- (2) Where agreement cannot be reached between the Responsible Member and the district or metropolitan municipality on the budget and the performance target as contemplated in sub-section (1), the Responsible Member shall after consultation with the Member of the Executive Council responsible for local government, determine the budget and the performance target for the health district.
- (3) A District Health Council must report on a quarterly basis to the Responsible Member its performance against the set target as well as steps it intend to take where the targets have not been met.
- (4) Where the District Health Council has failed to meet the set targets for two consecutive quarters, the Responsible Member must, after consultation with the relevant municipality, prepare and immediately implement or cause to be implemented such intervention plan as may be necessary to ensure that set targets are met for the subsequent quarters.

19. Establishment of the Sub-District Health Councils

- (1) The Responsible Member shall divide a health district into health sub-districts.
- (2) The boundaries of each sub-district shall coincide with local municipality boundaries.
- (3) The Responsible Member shall establish a Sub-District Health Council for each health sub-district.
- (4) A Sub- District Health Council shall be constituted as follows: -
 - (a) a councilor responsible for health in the local municipality, who shall be the chairperson of the Sub- District Health Council;
 - (b) a ward councilor from each ward;
 - (c) chairperson of each Community Health Committee established in terms of section 21 of this Act;
 - (d) sub-district health manager;

- (e) chief Executive officer or manager for each sub-district hospital or Community Health Centre; as the case may be, in the health sub- district; and
 - (f) a representative from any interest grouping as may be determined by the Responsible Member after consultation with the North West Health Council.
- (5) Where the local municipality does not have a councilor responsible for health in the municipality, the municipality must nominate a councilor to represent the municipality in the Sub- District Health Council.
- (6) A Sub-District Health Council must: -
- (a) promote co-operative governance at the sub-district level;
 - (b) ensure co-ordination of planning and budgeting of health services in the sub- district;
 - (c) monitor and evaluate the delivery of health services in the health sub- district;
 - (d) through the District Health Council advise the:
 - (i) Sub- District health manager; or
 - (ii) Responsible Member through the District Health Council;
 on any matter regarding health services in the Sub-District.
 - (e) monitor the implementation of national and provincial health policies;
 - (f) carry out any other function as may be required by:-
 - (i) the District Health Council;
 - (ii) North West Health Council; or
 - (iii) the Responsible Member; and
 - (g) advise the sub- district health manager on any matter relating to the delivery of health services within the sub-district.

20. Sub- district health manager

A sub-district health manager must: -

- (a) after consultation with the Sub – District Health Council, prepare draft sub-district health plans and submit them to the appropriate District or metropolitan manager; and
- (b) ensure implementation, monitoring and evaluation of the delivery of health services within the sub district.

21 Community Health Committees

- (1) The Responsible Member may, after consultation with the appropriate Sub-District Health Council, constitute one or more wards within the jurisdiction of the Sub-District Health Council into a Community Health Committee.
- (2) The Community Health Committee shall consist of:-
 - (a) all ward Councilors in the area of jurisdiction of a Community Health Committee;
 - (b) not more than four people appointed by the Responsible Member from nominations made by members of the community in the ward or wards concerned;
 - (c) a representative of the Hospital Board representing the hospital which is situated within the ward, if any;
 - (d) the manager for each health establishment classified as a clinic or community health center, which is situated within the area of jurisdiction of the Community Health Committee; and
 - (e) two members appointed by the Responsible Member who have special interest or expertise in health services.
- (3) The Responsible Member shall from the councilors referred to in sub-section (2) (a) appoint one Ward Councilor as the chairperson of the Community Health Committee.
- (4) A Community Health Committee must, with regard to public health services within its area of jurisdiction:-
 - (a) advise sub- district manager on any health matter; and
 - (b) perform any other function that the Responsible Member may prescribe.
- (5) The Responsible Member must as soon as reasonably possible, call for nominations of persons for the purpose of appointing a member or members, as the case may be, to the Community Health Committee or to fill any such vacancy in terms of subsection (2) (b), by publication of a notice in the government gazette.
- (6) The publication of a notice contemplated in subsection (5) shall be done: -
 - (a) after the expiry of the term of office of members or of any member thereof; or
 - (b) when one or more vacancies have arisen in the Committee.
- (7) Any notice in terms of subsection (5) shall: -

- (a) state in respect of which ward or wards nominations are invited and also specify the maximum number of nominees;
 - (b) subject to the provisions of this Act, state the requirements, conditions, procedures and form of any nomination in terms of this section; and
 - (c) state the last day upon which nominations are to be received.
- (8) The Responsible Member may, terminate the membership of any member, who has been disqualified in terms of section 32 of this Act.
- (9) If the office of any member becomes vacant before the expiry of his or her term of office, the vacancy so arising shall be filled for the unexpired portion of such term, by the appointment of another person by the Responsible Member in terms of sub-section (5).
- (10) A member of a Community Health Committee appointed in terms of sub-section 2(b) and sub-section 2(e) shall hold office for a period of three years.
- (11) The Responsible Member may extend the term of office of members of the Community Health Committee referred to in sub-section (10) for a further period not exceeding twelve months.

CHAPTER 4 HOSPITALS

22. Establishment and maintenance of public hospitals

- (1) The Responsible Member may, after consultation with the Minister, establish or disestablish any provincial public hospital and any service incidental thereto.
- (2) The Responsible Member must maintain any established provincial public hospitals and any services incidental thereto.
- (3) As from the date of commencement of this Act, all hospitals under the control and management of the Department shall be deemed to have been established in terms of sub-section (1).

23. Co- Operation agreements

The Department may, subject to any other law, conclude any agreement with any person, institution or organisation in order to promote the provision of health services in the Province.

24. Head of a public hospital

- (1) The Responsible Member shall, in accordance with the provisions of the Public Service Act, 1994(Act 103 of 1994) appoint an appropriate person:-
 - (a) as the Chief Executive Officer to be the head of a public hospital or a cluster of such hospitals as the case may be; and
 - (b) as head of any other public health establishment other than a hospital.
- (2) Where the Chief Executive Officer appointed in terms of sub-section (1) is not registered as a practitioner, the medical administrator or the head of clinical services of that hospital shall deal with the medico- legal aspects and ethical matters of such hospital, provided, that the Chief Executive Officer shall remain responsible for the management of the hospital.
- (3) Any reference to "medical superintendent" of a public hospital in any law shall be construed as a reference to the Chief Executive Officer of that hospital.

25. Hospital boards

- (1) The Responsible Member must establish, in respect of all provincial public health establishments, a representative hospital board as contemplated in section 41 of the National Health Act, for:-
 - (a) each public health establishment classified as a hospital; and
 - (b) each group of other public health establishments as the responsible Member may determine, and may assign a name to any such board.

- (2) The Responsible Member shall, when constituting a hospital board in terms of sub-section (1):-
 - (a) determine the number of members for such a board;
 - (b) specify the public hospital or group of health establishments for which such board has been established.
- (3) A hospital board shall consist of:-
 - (a) a representative from each university to which the public hospital or public health establishments; as the case may be, is associated;
 - (b) the Chief Executive Officer of the hospital or the sub-district health manager in case of a board established in terms of sub-section (1) (b);
 - (c) three representatives of the management of the hospital or group of public health establishment as the case may be;
 - (d) two representatives of organized labour in the public hospital or group of public health establishments, as the case may be; and
 - (e) not more than three representatives of the communities that are served by the public hospital or group of public health establishments as the case may be.
- (4) The Responsible Member may include, as members of the hospital board, not more than five persons with expertise in areas such as accounting, financial management, human resource management and legal matters.
- (5) Members of the hospital board appointed in terms of sub-section (3)(c) and (d) shall not have voting rights at meetings of such hospital board.
- (6) A hospital board may, advise the management of the hospital or group of public health establishment on : –
 - (a) any matter affecting the hospital or group of public health establishments and on the means and method of how the control, regulation, administration and management may be improved;
 - (b) reports and documents relating to : -
 - (i) annual estimates of revenue and expenditure; and
 - (ii) financial statements and reports of the Auditor-General.
- (7) Members of the Board shall hold office for a period of three years at a time, and the Responsible Member may extend the term of office for a period not exceeding twelve months.
- (8) The Responsible Member must terminate the membership of any member, who has been disqualified in terms of section 32 of this Act.

26. Admission and treatment of users by private Practitioners in a public health establishment

- (1) A private practitioner shall not treat a user in a public health establishment:-
 - (a) except with the permission of: -

- (i) the Chief Executive officer; or
 - (ii) in the case of an emergency, the clinical manager of the public health establishment; or
 - (b) unless permitted in terms of the agreement contemplated in section 27 of this Act.
- (2) An application for a permission in terms of sub-section (1) shall be made in a form determined by the Responsible Member and shall not be considered unless the private practitioner has undertaken in writing:-
- (a) to comply with the rules and regulations applicable to the public health establishment; and
 - (b) to indemnify the Department against any loss; damage or injury that may occur to the user or the user's dependents as a result of the treatment to be provided to the user.
- (3) The head of a public health establishment may, with regard to an application in terms of subsection (1):-
- (a) grant, refuse or revoke such a permission; or
 - (b) grant it, subject to such conditions as may be prescribed.
- (4) A private practitioner who is aggrieved by:-
- (a) the refusal to grant such permission in terms of sub-section (1);
 - (b) a condition proposed in respect of such permission; or
 - (c) the revocation of any such permission;
- may, within ten days after receipt of notification of such refusal of permission, imposition of a condition or revocation of permission, lodge an appeal against it, in writing, with the head of the Department.
- (5) If the appeal made in terms of subsection (4) is allowed, the head of the public health establishment shall give effect to the decision of the head of Department.

27. Relationship between the Department and private providers of health services

- (1) Subject to the provision of any other law, the Department may enter into contractual or other arrangements with private practitioners, private health establishments and non-governmental organizations for the purposes of providing access to health services and such other ancillary services.
- (2) An agreement contemplated in sub-section (1) may provide for the use of public health establishments by private practitioners.

CHAPTER 5 HEALTH CARE TRAINING INSTITUTIONS

28. Establishment of health care training institutions

- (1) The Responsible Member:-
 - (a) may establish or disestablish any health training institution; and
 - (b) shall maintain any established existing health care training institution for the achievement of the objects of this Act.
- (2) Subject to the provision of any law, the Department may enter into a written agreement with any university as may be necessary for the achievement of the objective of sub-section (1).
- (3) any existing or established health training institution deemed to have been established under the provisions of any law repealed by this Act, shall be deemed to have been established or disestablished under the corresponding provisions of this Act.

29. Joint appointment

- (1) The Responsible Member may, subject to any law and in consultation with any university which is party to the agreement contemplated in section 28, appoint any person as a joint appointee of the university and the Department.
- (2) Any person appointed in terms of subsection (1) shall:-
 - (a) give academic instructions at the university, health training institutions or at both the university and the health training institution;
 - (b) act in a general advisory and consultative capacity in connection with the professional services provided by such university; health training institution or both the university and the health training institution; and
 - (c) perform such other functions as may be agreed upon between the Department and such university.

30. Access to public health establishment or service

- (1) No person shall have access to a public health establishment or service for purposes of:-
 - (a) teaching, giving academic instructions or carrying out a research; or
 - (b) receiving academic instructions unless he or she has received prior written approval from the head of Department.
- (2) Any permission granted in terms of subsection (1):--
 - (a) may be withdrawn, amended or granted on such terms and conditions as the Head of Department may prescribe; and
 - (b) shall be valid for a period of 12 months from the date of authorization.

- (3) Any person granted permission in terms of subsection (1) may, at any time apply for renewal of any such permission or alteration of any condition that has been imposed on the permission.
- (4) Any person who has been aggrieved by the decision of the head of Department in terms of subsection (2) shall, within 21 working days of such decision, lodge an appeal in writing to the Responsible Member.
- (5) The Responsible Member may, in considering any appeal made in terms of subsection (4), uphold, withdraw or alter any condition imposed by the head of Department.
- (6) The provisions of subsection (1) (a) shall not apply to any person appointed by the Responsible Member in terms of section 30 of this Act.

31. Offences and penalties

Any person who contravenes the provisions of section 30(1) of this Act shall be guilty of an offence and may upon conviction be liable to a fine or imprisonment not exceeding six months, or to both such fine and imprisonment.

CHAPTER 6**MEMBERSHIP OF BOARDS AND COMMITTEES****32. Disqualification**

Any person who:--

- (a) is under eighteen years of age;
- (b) is an unrehabilitated insolvent;
- (c) is mentally incapable; or
- (d) has been convicted of a criminal offence without the option of a fine;

shall be disqualified from holding any office or becoming a member or remaining a member of any committee or hospital board established in terms of this Act.

33. Vacancies

Vacancies in any committee or board established in terms of this Act shall arise if a member: -

- (a) is disqualified in terms of section 32;
- (b) dies;
- (c) resigns from his or her office in writing and delivers such resignation to the chairperson of such committee or board; or
- (d) is absent without good cause for three consecutive meetings of such board or committee.

34. Dissolution of a board or committee

The Responsible Member may dissolve any board or committee established in terms of this Act, if such board or committee: -

- (a) neglects or fails to hold a meeting for a period of three months;
- (b) fails or refuses to perform any duty or function imposed on it by this Act or the National Health Act;
- (c) has performed an illegal or grossly irregular act.

CHAPTER 7
REGULATIONS AND DELEGATIONS

35. Regulations

- (1) The Responsible Member may, in so far as it resorts under the functional competence of the Responsible Member, make regulations pertaining to -
- (a) mental health;
 - (b) maternal, child, women and family health and nutrition;
 - (c) palliative care;
 - (d) communicable diseases;
 - (e) the attainment of environmental health protection, which shall include the determination of norms and standards, the provisions of guidance and education, and inspection and monitoring;
 - (f) an integrated nutrition programme;
 - (g) all matters affecting the management, care, control or regulation of health establishments, or services established in terms of this Act;
 - (h) the prevention of trespassing on any premises or places under the control of the Department;
 - (i) prohibiting the introduction of any specified article on any premises or places under the control of the Department;
 - (j) the classification, admission, treatment, care and transfer of patients in a public health establishment and their discharge from such hospital;
 - (k) the maintenance of order, discipline, decency and cleanliness among the patients and visitors in public establishments;
 - (l) the conditions to which Practitioners, who may have been granted permission to treat patients in a Provincial hospital, have to comply with;
 - (m) the admission to premises of a public health establishment of persons who are not patients, practitioners, or members of the staff;
 - (n) taking goods in or removing goods from a public health establishment;
 - (o) the proceedings and the maintenance of order at meetings of a board or a committee of a board;
 - (p) any other matter, the nature of which shall not be limited by the preceding paragraphs, in connection with the management and control or supervision of a public health establishment;
 - (q) conditions for the appointment of Honorary Officers or voluntary workers;
 - (r) the criteria for payment and the amount for any allowance to be paid to any member of hospital boards, community health committees, sub-

committees of the Health Management Committee and any other committee constituted by members of the community;

- (s) generally, all matters which he or she considers necessary or expedient for achieving the objects of this Act;
- (t) the provision of emergency medical services, including tariffs of fees relating to ambulances;
- (u) any matter relating to granting, management of private health establishments receiving grant-in-aid;
- (v) the provisions of forensic medical services;
- (w) naming and renaming of health establishments; and
- (x) any matter which in terms of this Act is required to be prescribed.

(2) The Responsible Member may pass regulations:-

- (a) pertaining to remuneration and or payment of allowances payable, subject to any applicable law, regulation or policy, to members of Community Health Committees, Hospital Boards, District Health Councils and Sub-district Health Councils; and
- (b) subject to any other applicable law, regulation or policy, pertaining to the naming and or renaming of health establishments in the Province.

(3) Regulations under this section may, in respect of a contravention thereof or a failure to comply therewith, prescribe a penalty of a fine or imprisonment for a period not exceeding six months or both such fine and imprisonment.

36. Delegations

- (1) The Responsible Member may, subject to such conditions as he or she may determine, delegate any power or function conferred upon him or her under this Act, except the power to make regulations, to the Head of Department and he or she may authorize the Head of Department to delegate that power or function to any officer of the Department.
- (2) The Head of Department may, subject to such conditions as he or she may determine, delegate any of his or her powers or functions under this Act, to an officer of the Department.
- (3) A delegation under sub-section (1) or (2) shall not prevent the Responsible Member or Head of Department, as the case may be, from exercising or performing such power or function himself or herself."

CHAPTER 8**GENERAL****37. PENALTIES**

Any person who, upon being charged, is found guilty of any offence in terms of this Act, for which a penalty has not been specifically provided for, shall be liable to payment of a fine or to an imprisonment not exceeding three years or to both such fine and imprisonment.

38. Repeal of laws and savings

(1) Subject to the provisions of sub-section (2), the laws mentioned in the Schedule to this Act, shall to the extent so specified in third column of that Schedule be deemed to be repealed in terms of this subsection.

(2) Any proclamation, regulation, rule, order, notice, approval, authority, return, certificate, direction or appointment made, issued, given or granted, and any other act done under the provisions of any law repealed by this Act, shall be deemed to have been made, issued, given or granted or done under the corresponding provisions of this Act.

39. Short title and commencement

(1) This Act shall be called the North West Health Act, 2006 and shall come into operation on a date to be fixed by the Premier in the Government Gazette.

(2) Different dates may be fixed for different sections of this Act.

Schedule

ACT	TITLE	EXTENT OF REPEAL
Act, 1997 (Act 2 of 1997)	North West Health, Developmental Social Welfare and Hospital Governance Institutions Act	-Sections 1, 2, 6, 7, 10, 29 and 32 in as far as they relates to health and hospital governance institutions - The whole of chapter 4
Act, 1983 (Act 12 of 1983)	Bophuthatswana Health	- The whole Act
Act, 1995 (Act 11 of 1995)	Health Laws Rationalisation	- Sections 3 and 5
(Ordinance no 14 of 1958)	Hospital Ordinance & Regulations (Transvaal)	- The whole Act
(Ordinance no 18 of 1946)	Hospital Ordinance & Regulations, 1946 (Cape of Good Hope)	- The whole Act
(Ordinance no. 3 of 1956)	Hospital amendment Ordinance (Cape of Good Hope)	- The whole Act
(Ordinance no 15 of 1955)	Hospital Amendment Ordinance (Cape of Good Hope)	- The whole Act

MEMORANDUM TO THE NORTH WEST HEALTH BILL

1. Background

- 1.1 The North West Province is borne of the Constitution of the Republic of South Africa Act, Act No. 108 of 1996 (the Constitution). It derives its role and functions from Chapter 6 of the Constitution. As a Province the North West enjoys legislative powers and or functions in terms of the provisions of section 104 of the Constitution.
- 1.2 The National Health Act 61 of 2003, as passed by the National Assembly is applicable to the Province. The Act provides, amongst others, for Provinces to pass Provincial legislation to regulate certain matters as well as matters relating to governance structures which are currently regulated by the North West Health, Developmental Social Welfare and Hospital Governance Institution Act 2 of 1997. Apart from this legislative directive, it is necessary to pass Provincial legislation to regulate issues that are specific to the North West Province.
- 1.3 It has now become clear that this legislation should be passed to reaffirm the position of the Department of Health in matters related to health and also in compliance to the National Health Act 61 of 2003.

2. Objects of the bill

The bill seeks to provide for –

- 2.1 to give effect to certain provisions of the National Health Act, 61 of 2003
- 2.2 to provide for the creation of a comprehensive Provincial health system
- 2.3 to provide for the co-ordination and support to municipalities in the provision of health services;

- 2.4 to repeal certain provision of the North West Health, Developmental Social Welfare and Governance institution Act 2 of 1997.

3. Consultation

- 3.1 The first draft of the bill was published for public comments in the government Gazette;
- 3.2 this draft was discussed by the Health Portfolio Committee and public hearing were held;
- 3.3 the bill was subsequently discussed with the National Department of Health; and
- 3.4 all the above consultative process resulted in many changes to the initial draft, which necessitated that the initial draft that was before the Legislature be withdrawn and replaced by the current draft.

4. Provisions of the bill

Chapter 1 (Section 1 to section 3)

This sections deals with definitions, objects of the bill as well as interpretation, which provides that the Act will take supremacy over all Provincial health legislation.

Chapter 2

This chapter deals with the role and functions of the Member of the Executive responsible for Health and the Department, the complaint procedure, the Provincial Health Council, which has been established by the National Health Act, the management committee established to assist the Provincial Health Council in

its day to day functions, the Health Consultative Forum as well as preparations of health plans.

Chapter 3 (section 17 to section 21)

This chapter deals with the District Health System. This entails the composition of the District Health Councils, budgets and performance targets for the District Health Councils. The chapter further deals with governance at sub- district and ward levels, and also empowers the Member of the Executive Responsible for health to pass regulations with regards to the functioning of these governance structures.

Chapter 4 (section 22 to section 27)

The chapter deals with the administration of public hospital. It deals with the relationship between the public and private health establishment and private practitioners, public hospital boards, and access to public health establishment by private practitioners to treat private patients.

Chapter 5 (section 28 to section 31)

This chapter empowers the responsible member to establish health training institutions (e.g. nursing colleges), relationship with institutions of higher learning with regard to joint appointment of teaching staff to the training institutions as well as access to these institutions for purposes of giving academic instructions.

Chapter 6 (section 32 to section 34)

This chapter deals with membership of committees and other fora established by the Bill (e.g. Hospital Boards etc), with regard to appointment and disqualification of membership, and dissolution of the committees of such fora.

Chapter 7 (section 35 and section 36)

This chapter deals with regulations that the Member of the Executive for Health may pass, as well as powers that may be delegated in terms of the Act.

Chapter 8 (section 37 to section 39)

This chapter deals with penalties for offences that have been created in the Act, laws that have been repealed as well as short title and commencement, and states that the Act will come into operation on a date to be proclaimed by the Premier.

5. Implications

The implications of the Bill and are divided into a category of three sub headings: -

5.1 Financial implication

5.1.1 The Bill does not seek to introduce new major structures for the administration of this legislation. Structures that the Bill refers to have been established by the National Health Act and North West Health, Developmental Social Welfare and Governance Institution Act 2 of 1997 and these structures are already in existence.

5.1.2 The department's budget will remain the same subject to the necessary adjustments as and when a need arises.

5.2 Personnel implications

Staff in the Department will still be responsible for the administration of this legislation once it has been promulgated. However, there will be no need to employ new members to the Department's staff compliment as a consequence of this legislation. Therefore, no new personnel implications are envisaged. Refer to clause 5.1.1 above.

5.3 Political

The promulgation of this legislation will bring certainty with regard to the provision of health in general and with regard to the functioning of the governance structures. This legislation will further ensure that the province complies with the provisions of the National Health Act, 2003.

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**MOLAOTLHOMO WA BOITEKANELO WA PROFENSE YA
BOKONE BOPHIRIMA 2008**

Go diragatsa dintlha dingwe tsa molao wa bosetshaba wa boitekanelo wa 2003 (molao wa 61 wa 2003); go tlamela ka go tlhanngwa ga tsamaiso ya nakwana ya boitekanelo mo profenseng; go tlamela ka kgokagano le tshegetso go bomasepala mo ntlheng ya ditirelo tsa boitekanelo; go phimolwa ga mengwe ya melao ya boitekanelo ya BOKONE BOPHIRIMA; tlhabololo ya katlaatlolo loago le molao wa tsamaiso ya taolo ya ditheo tsa maokelo wa 1997 (molao wa bobedi wa 1997) le go tlamela ka dintlha tse di golaganeng le seno.

MAITLHOMO

- Lefa gone mongwe le mongwe a na le tshwanelo ya molaotheo go fithlelela ditirelo tsa boitekanelo;
- Mme le fa puso ya BOKONE BOPHIRIMA e itlamile mo ntlheng ya go fithlelela kgatelo pele ya tshwanelo ya molaotheo go fithlelela ditirelo tsa boitekanelo;
- Mme lefa puso ya BOKONE BOPHIRIMA e itlamile go tlamela ditirelo tsa boitekanelo tse di amogelesegang, di le maleba, tse di kgonang go duelelwa le ditirelo tse di tshwaraganetsweng ka mokgwa wa tlanelo ya boitekanelo le ditirelo potlana tsa kalafi ka tiriso ya tsamaiso ya boitekanelo ya sedika;
- Mme le fa puso ya BOKONE BOPHIRIMA e itlamile ka taolo e e tshwaraganetsweng le go nna le seabe ga baagi mo tlanelong ya ditirelo tsa tlhokomelo ya boitekanelo;

Ka jalo e diragatswa ke kokoano theo ya profense ya BOKONE BOPHIRIMA ka mokgwa o o latelang;

KGAOLO YA NTLHA

TLHALOSO LE GO RANOLOLA

1. DITLHALOSO
2. MAITLHOMO A MOLAO ONO
3. TIRAGATSO LE THANOLOLO

KGAOLO 2

BOITEKANELO JWA PROFENSE

4. Seabe le maikarabelo a leloko
5. Tlamelo ya dikopo tsa kalafi
6. Go thapiwa, go suthisiwa, tthatloso le tlaleletso ya badiri
7. Batlhankedi bagolo le badiri ba boithaopi
8. Seabe le ditiro tsa lefapha la boitekanelo
9. Dimphe le dikabelo
10. Tsamaiso ya go ngongorega
11. Lekgotla la boitekanelo la BOKONE BOPHIRIMA
12. Go tlhamiwa ga komiti ya botsamaisi ya boitekanelo
13. Seabe le tiro ya komiti ya botsamaisi ya boitekanelo.
14. Popego ya foramo ya kgokagano ya boitekanelo ya BOKONE BOPHIRIMA
15. Seabe le tiro ya foramo ya kgokagano ya boitekanelo ya BOKONE BOPHIRIMA
16. Paakanyo ya thulaganyo ya boitekanelo.

KGAOLO YA 3

TSAMAISO YA BOITEKANELO YA SEDIKA

17. Popego le ditiro tsa lekgotla la boitekanelo la sedika
18. Tekanyatso kabo le tiragatso e e totilweng.
19. Go tllhangwa ga didika- potlana tsa boitekanelo
20. Thulaganyo ya boitekanelo ya didika-potlana
21. Dikomiti tsa boitekanelo tsa baagi

KGAOLO YA 4

MAOKELO

22. Kago le tlhokomelo ya maokelo
23. Ditumalano tsa tirisano mogo
24. Mookamedi wa bookelo jwa setshaba
25. Diboto tsa maokelo

26. Kamogelo le tsholo ya badirisi kwa maakelong a botlhe ke dingaka tsa poraefete
27. kgolagano gareng ga maakelo a botlhe le a poraefete

KGAOLO YA 5

DITHEO TSA KATISO YA TLHOKOMELO YABOITEKANELO

28. Go tlhongwa ga ditheo tsa katiso ya boitekanelo
29. Tlhomo e e kopanetsweng
30. Phitlhelelo ya ditirelo tsa boitekanelo tsa botlhe
31. Tlolo molao le dikotlhao

KGAOLO YA 6

BOTOKOLOLO BA DIBOTO LE DIKOMITI

32. Go beelwa thoko
33. Diphatlha tiro
34. Phatlhalatso ya Boto gongwe komiti

KGAOLO YA 7

DINTLHA KAELO LE KEMEDI

35. Dintlhakaelo
36. Kemedi

KGAOLO YA 8

KAKARETSO

37. Dikotlhao
38. Go phimolwa ga melao le tshomarelo
39. Khutswafatso le tsewediso

KAROLO YA NTLHA

DITLHALOSO LE THANOLOLO

1. DITLHALOSO

Mo molaong ono, ntle le gore tema e ka supa ka mokgwa mongwe:-
MOTLHANKELA KHUDUTHAMAGA e kaya motho yo thapilweng jalo go ya ka karolo ya 24 ya molao ono.

MOLAOTHEO e kaya molao wa molaotseo wa Repapoliki ya AFRIKA BORWA wa 1996 (molao wa bo 108 wa 1996)

LEFAPHA e raya lefapha la boitekanelo la profense

LEKGOTLA LA SEDIKA e raya lekgotla la masepala la sedika sa masepala jaaka go tlhalosiwa go ya ka karolwana ya bo 18 ya ditseo tsa bo masepala wa 1998 (molao wa 117 ya 1998)

LEKGOTLA LA BOITEKANELO LA SEDIKA e raya lekgotla le le tlhamilweng go ya ka karolwana ya bo 31 ya molao wa bosetshaba wa boitekanelo wa 2003 (molao 61 wa 2003) page 3 of 20

BADIRI BA TLHOKOMELO YA KALAFI e kaya dingaka le badiri ba boitekanelo

SEDIKA SA BOITEKANELO e kaya lefelo le le tlhaotsweng go ya ka karolwana ya 29 ya molao wa bosetshaba wa boitekanelo wa 2003 (molao wa 61 ya 2003)

SETSHA SA BOITEKANELO e kaya karolo yotlhe kgotsa karolo ya ditseo tsa botlhe kgotsa tsa poraefete, kago gongwe lefelo e ka tswa le na le letseno kgotsa le se teng le diretswe go rebola tlhokomelo ya kalafi ya balwetse ba ka fa teng gongwe e le ba kwa ntle, ba tlhatlhabiwe, kalafi le go ritibadiwa maikutlo le malwetse otlhe a balwetse ba tlang ka ona.

KOMITI YA BOTSAMAISI YA BOITEKANELO e kaya komiti e e tlhamilweng go ya ka karolwana ya bo 12 ya molao ono.

MOOKAMEDI WA LEFAPHA kaya yo o okameng lefapha la boitekanelo mo profenseng e e tlhalosiwang mo karolwaneng ya bobedi ya lenaane la molao wa ditirelo tsa setshaba wa 1994 (kgoeletso ya 103 ya 1994)

TLHOGO YA LEFELO LA BOITEKANELO GONGWE BOOKELO e raya motlhankela khuduthamaga wa lefelo la boitekanelo kgotsa motho wa maemo ao kwa bookelong jwa poraefete

THULAGANYO YA BOITEKANELO e akaretsa thulaganyo ya ditogamano le lenaane la badiredi, tiragatso e e totilweng le tekanyetsokabo e e tlhokegang go fitlhelela dintlhaphisegelo tseo

SEDIKA POTLANA SA BOITEKANELO e kaya lefelo le le tlhaotsweng go ya ka karolwana ya bo 19 ya molao ono

MODIRI WA BOITEKANELO e raya mongwe le mongwe yo o nang le seabe mo tlamelong ya thebolelo ya kalafi go modirisi mme e sa akaretse ngaka.

BOOKELO e raya setheo sa boitekanelo , e e kaiwang e le bookelo ke tona go ya ka karolwana ya bo 35 ya molao wa bosetshaba wa boitekanelo wa 2003(molao 61 wa 2003)

LEKGOTLA LA SELEGAE e kaya lekgotla la masepaala wa selegae go ya ka karolwana ya bo 18 ya molao wa ditheo tsa bo masepala wa 1998 (molao wa 117 wa 1998)

TONA e kaya tona jaaka e tlhalositswe mo karolwaneng ya ntlha ya molao wa bosetshaba wa boitekanelo wa 2003 (molao wa bo 61 wa 2003)

DITIRELO TSA BOITEKANELO TSA MASEPALA tsa mosola wa molao ono di akaretsa:-

- (a) Kelotlhoko ya boleng jwa metsi
- (b) taolo ya dijo
- (c) tsamaiso ya leswe
- (d) tlhokomelo ya tikologo ya boitekanelo
- (e) tlhokomelo le thibelo ya malwetse a a tshelanwang go sa akaretse tshoutiso
- (f) taolo ya tlhaeletsano
- (g) kgotlhelego ya tikologo
- (h) tsamaiso ya baswi
- (i) tshireletso ya dikhemikhale mme ga e akaretse polokelo ya itekanelo, taolo ya malaria le taolo ya didiriswa tse di kotsi

TSAMAISO YA TSHEDIMOSETSO YA BOSETSHABA YA BOITEKANELO e kaya tshedimosetso jaaka e tlhagisiwa ke karolwana ya 74 ya molao wa bosetshaba wa boitekanelo wa 2003 (molao wa bo 61 wa 2003)

LEKGOTLA LA BOITEKANELO LA BOKONE BOPHIRIMA e kaya lekgotla le le tlhamilweng go ya ka karolwana ya 26 ya molao wa bosetshaba wa boitekanelo wa 2003 (molao 61 wa 2003)

FORAMO YA DIKGOKAGANO YA BOITEKANELO YA PROFENSE YA BOKONE BOPHIRIMA e kaya foramo e e tlhamilweng go ya ka karolwana ya bo 14 ya molao ono.

PUSO SELEGAE E E RULAGANENG e kaya mokgatlho o o tlhamilweng go ya ka karolwana ya bobedi ya molao wa pusoselegae e e rulaganeng ya 1997 (molao wa bo 52 wa 1997)

NGAKA e kaya motho yo o tlamelang ditirelo tsa kalafi go ya ka molao mongwe le mongwe o o akaretsang e e latelang:

- (a) Molao wa bosetshaba wa boitekanelo wa 2003 (molao 61 wa 2003)
- (b) Molao o o kopaneng wa profeshene molao wa 1982 (molao wa 63 1982)
- (c) Molao wa profeshene wa boitekanelo wa 1974 (molao 56 wa 1974)
- (d) Molao wa booki wa 1978 (50 wa 1978)
- (e) Molao wa dikhemisi wa 1974 (molao 53 wa 1974)
- (f) Molao wa dingaka tsa meno wa 1979 (molao wa 17 wa 1979) gongwe
- (g) Molao wa dingaka tsa setso wa 2004 (molao 35 wa 2004)

TLHAGISO e kaya tlhagiso go ya ka dintlha kaelo go ya ka molao ono
SETHEO SA KALAFI SA PORAEFETE se kaya lefelo la boitekanelo le eseng la tsamaiso gongwe go laolwa ke profense ya **BOKONE BOPHIRIMA**

NGAKA YA PORAEFETE e kaya ngaka e e seng :

- (a) Ka fa tlase ga ditirelo tsa puso ya profense, gongwe
- (b) a thapilwe go ya ka karolwana ya bo 26 gongwe karolwana ya bo 27 ya molao ono.

PROFENSE e kaya profense ya **BOKONE BOPHIRIMA** jaaka e tlhalositswe ke karolwana ya 103 ya molaotheo wa 1996 (molao wa bo 108 wa 1996)

KOMITI YA TSHEDIMOSETSO YA BOITEKANELO e kaya komiti e e tlhagelelang mo karolwaneng ya bo 75 ya molao wa bosetshaba wa boitekanelo

BOOKELO JWA SETSHABA go tewa bookelo bo eleng jwa puso, bo tsamaisiwa le go laolwa ke tsamaiso ya **BOKONE BOPHIRIMA**

DINTLHAKAELO go tewa dikaelo tse di dirilweng ka fa tlase ga molao ono

LELOKO LE LE MAIKARABELO go tewa tokololo ya lekgotla le le ikarabelang mo lefapheng la boitekanelo

LEKGOTLAPOTLANA LA BOITEKANELO LA SEDIKA e kaya lekgotla le le tlhamilweng go ya ka karolwana ya bo 19 ya molao ono.

MOLAO ONO: o akaretsa dintlhakaelo tse di dirilweng ka fa tlase ga molao ono

SETHEO SA THUTO E KGOLWANE e akaretsa setheo sengwe le sengwe sa thuto e kgolwane le sa katiso go ya ka karolwana ya bo 72(2) ya molao wa thuto e kgolwane wa bo 101 (molao wa bo 101 wa 1997)

MODIRISI: e raya motho yo o amogelang tlhokomelo ya kalafi mo tikatikweng ya boitekanelo go akaretsa go abelwa madi kgotsa a dirisa ditirelo tsa boitekanelo kgotsa motho yo o amogelang ditirelo tsa boitekanelo mme a le:

- (a) ka fa tlase ga dingwaga tse di tlhalosiwang mo karolwaneng ya 1(a - g) ya molao wa bana wa 2005(molao wa bo 38 wa 2005) modirisi o akaretsa motsadi wa motho, bomogoloe, batsadi gongwe motlhokomedi gongwe mongwe yo go ya ka molao a tlhokometseng motho wa ntlha y o go buiwang ka ene
- (b) A sa kgone go tsaya ditshwetso, modirisi e kaya molekane fa gongwe molekane a se teng, motsadi wa motho yoo bagolo kgotsa mongwe le mongwe wa lelapa o letlelesega go ya ka molao go ema boemong jwa modirisi.

PHAPUSI YA KOKELO go tewa phapusi e e tlhalosiwang mo karolong ya 2 ya karolo ya 1 go molao wa ditheo tsa bomasepala wa 1998(molao 117 wa 1998)

1. MAIKAELELO A MOLAO ONO

Maikaelelo a molao ono ke go tlhama mokgwa o o kopaneng wa boitekanelo ka go:

- (a) Tlhama ditheo tse di tla netefatsang kabelo ya ditirelo tsa boitekanelo e e tsepameng ebile e lolame
- (b) Tlhama meeno le seemo sa go abela ditirelo tsa boitekanelo mo profenseng

1. TIRISO LE THANOLO

1. Tiriso ya molao ono e tla diragatswa mo profenseng ka bophara mo go ka nnang le kghotlhang gareng ga molao ono le molao mongwe le mongwe wa boitekanelo wa profense, molao ono o tla dirisiwa
2. Ditlhogo tsa molao ono di ka se tsewe jaaka tse di tlahosang molao ono

KAROLO YA BOBEDI

BOITEKANELO JWA PROFENSE

4 SEABE LE MAIKARABELO A LELOKO LELE RWELENG MAIKARABELO

1. Leloko le le maikarabelo le tshwanetse go netefatsa fa go diragadiwa melawana ya boitekanelo ya profense le ya bosetshaba , meeno le seemo.
2. Leloko le le nang le maikarabelo , morago ga go gokagana le tokololo ya lekgotla khuduthamaga le le ikarabelang mo dipusoselegae, le laelo go diragadiwa ga ditirelo tseo kwa go masepala go ya ka karolwana ya bo 32 (2) ya molao wa bosetshaba wa boitekanelo
3. Go tloga ka letlha leo tlanelo ya ditirelo tsa boitekanelo e diriwang kwa masepaleng
 - (a) Direkotso tsa tsamaiso le ditlanaka dingwe tse di golaganeng le tirelo ya mothale ono ya boitekanelo, e tla rebolelwa masepala o o amegang
 - (b) Tsamaiso, tlhokomelo le taolo ya ditirelo tseo tsa boitekanelo e e tla nna maikarabelo a masepala yo o amegang
 - (c) Go suthusiwa kgotsa go thapiwa ga , fa go le teng, go tla dirwa go ya ka dikaelo tsa molao wa ditirelo tsa setshaba wa 1994 (molao 103 wa 1994) gongwe molao o mongwe o o leng teng
4. Leloko le le maikarabelo morago ga go golagana le tokololo ya lekgotla khuduthamaga le le ikarabelang mo puso selegae a ka fetola gongwe go gogela morago tiro nngwe le nngwe fa ele gore: page 7 of 20
 - (a) O kgotsofaditswe ke gore phetogo eo gongwe go ikgogela morago go mo kgatlhegong ya setshaba gongwe
 - (b) Masepala o dira se se leng kgatlhanong le tiro eo
5. (a) Leloko le le malebikarabelo go ya ka tumalano le tokololo ya lekgotla khuduthamaga le le ikarabelang mo matloleng, le gore ntle le matlole a a ntshitsweng ke kokoanotheo molao mo morerong oo, go ya ka karolwana tlaletso ya (1) ya aba mo thebolelong ya matlole a ditirelo tsa boitekanelo e ka tswa ditirelo tseo di diretswe masepala gongwe nyaa

(b) Leloko le le maikarabelo le tla lekanyetsa :

- (i) Mekgwa tsamaiso ya thebolelo ya didirisiwa kwa didikeng tse di farologaneng tsa boitekanelo le didika potlana tsa boitekanelo le
- (ii) Tsamaiso eno e salwe morago mo tlamelong ya didirisiwa go ya ka tlhagiso ya (iii),
- (iii) Tsamaiso e go buiwang ka yone mo tlhagisong ya bo (ii) e tla akaretsa
 - (aa) Bokgoni jwa masepala yo o amegang go itirela letseno la ona.
 - (bb) Bogolo jwa setshaba
 - (cc) Selekano sa letseno la selegae
 - (dd) Mefuta ya malwetse
 - (ee) Mefuta ya ditirelo tse di abilweng

5 TLAMELO YA DITLHOKEGO TSA BOITEKANELO

Go ya ka go nna teng ga didirisiwa, leloko le le maikarabelo le tla tlhokomela gore melemo, didirisiwa tsa go fapha, ditlhokego tsa boitekanelo, didirisiwa le dithoto tse dingwe tse di abelwang setheo sengwe le sengwe sa boitekanelo se se tlhomilweng, di tlhomelwa bothati ba selegae, setheo sengwe le sengwe se se amogela dithebolelo tsa puso e le thuso go ya ka molao mongwe le mongwe gongwe motho yo o rebolang ditirelo mo boemong ba lefapha, go ya ka mabaka ao a tlaabo a le botlhokwa go lemoga maitlhommo a molao ono.

6. GO THAPA, GO SUTHISIWA LE GO FETOLWA GA BADIRI

Leloko le le nang le maikarabelo go ya ka molao wa ditirelo tsa setshaba wa 1994(molao 103 wa 1994) le morago ga go gokagana le masepala o o maleba gongwe kgotla yo Boitekanelo, a ka thapa, a suthisa gongwe a tliša mongwe yo o maleba go nna motsamaisi wa sedika jaaka mookamedi wa boitekaneki wa sedika le mongwe yo o ka nnang motsamaisi wa kgaolopotlana jaaka tlhogo ya kgotlap potlana ya Boitekanelo

7. BATSAMAISE BA BA TLOTLILWENG LE BADIRI BA BOITHAOPPO BA BOITEKANELO

Go ya ka molao mongwe le mongwe, leloko le le maikarabelo le ka thapa bathankela ba maemo ao le badiri ba boithaopo fa a bona go tshwanela, le go lekanyetsa maemo a tiro a badiri ba go nna jalo

8. SEABE LE TIRO YA LEFAPHA

(1) Mo tlaleletsong ya seabe se lefapha le ka nnang le sone go go ya ka molao mongwe le mongwe, lefapha le tla dira tse di

Latelang:

- (a) Netefatsa fa go diragadiwa melawana ya boitekanelo ya profense le ya bosetshaba le meeno
- (b) Tsaya karolo mo kgokaganong ya ka fa teng ya profense le go kopanya tiro ya lefapha
- (c) Rotloetsa go tsaya karolo ga baagi mo thulaganyong, tlanelo le tekanyetso ya ditirelo tsa Boitekanelo

(2) Mo tirong yotlhe e lefapha le nang nayo go ya ka molao mongwe le mongwe lefapha le tla dira tse di latelang :

- (a) Rulaganya ditogamano, thulaganyo ya paka gare ya boitekanelo le thulaganyo ya didiriswa tsa setheo.
- (b) Tlhama tsamaiso ya nakwana ya tshedimosetso ya Boitekanelo go makgotla a didika Boitekanelo, makgotla potlana a boitekanelo le ditheo tsa boitekanelo tsa setshaba.
- (c) Gokagana le komiti ya tsamaiso ya tshedimosetso ya boitekanelo ya profense le go lebelela dikatlenegiso tse di diriwang
- (d) Le go ela tlhoko tlanelo ya ditirelo tsa boitekanelo

9. DIMPHO LE DIKABELO

1. Go ya ka molao wa tsamaiso ya matlole a setshaba wa 1999(molao wa ntlha wa 1999)le molao mongwe le mongwe o o golaganeng, mookamedi wa lefapha a ka amogela dimpho, dikabelo kgotsa neelano e e ka dirisiwang mo setheong se se riling sa Boitekanelo go ya ka molao ono se tla tshwanela go ya ka molao se dirisiwe go ya ka tumalano ya neelano, kabelo gongwe tshepano ya go nna jalo.

10. TSAMAISO YA GO NGONGOREGA

1. Modirisi yo o sitetsweng ke molao kgotsa maitsholo a ngaka a ka tlhatlhela ngongorego kwa go mookamed I wa setheo Boitekanelo se se amegang.
2. Mookamedi wa setheo sa Boitekanelo yo ngongora e go tlhalosiwang ka yone mo karolwaneng ya (1) e dirilweng, o tshwanetse go tsiboga mo matsatsing a ka nna somaamararo(30) go tloga ka letsatsi le a amogetseng ngongorego ka lona.
3. Fa ngongorego e sa lebagana setheo sa Boitekanelo semookamedi wa setheo seo e se lebagantseng, gona mookamedi wa setheo seo o tshwanetse gore mo sebakeng sa matsatsi a le somenne morago ga go amogela ngongorego a dire tseno.
 - A bege fa a amogetse ngongorego
 - A gakolole mongongoregi gore e lebane setheo se sengwe
 - A fetisetse ngongorego kwa setheong se se maleba
4. Fa modirisi a sa amogele tsibogo malebana le ngongorego ya gagwe go tswa go mookamedi wa setheo sa boitekanelo mo nakong e e beilweng mo karolwaneng ya (2) kgotsa a sa kgotsofalela tsibogo e e tlametsweng, modirisi a ka ikuela go mookamedi wa lefapha.

11. **LEKGOTLA LA BOITEKANELO LA BOKONE BOPHIRIMA**

1. Lekgotla la Boitekanelo la profense le le tlhomilweng go ya ka karolo ya bo 26 ya molao wa Boitekanelo wa bosetshaba le tla itsege ka Lekgotla la Boitekanelo la BOKONE BOPHIRIMA.
2. Lekgotla la Boitekanelo la North West, mo tlaleletsong ya molao o mongwe, le tla dira o boemong ba kgakololo go tokololo e e maikarabelo, mo morerong mongwe le mongwe o o ka ga boitekanelo o o akaretsang fela o sa lekanyetse tse di latelang :
 - (a) Melawana le dintlhakaelo tsa merero e e ikaeletsweng go tlhabolola itekanelo e e edileng mo profenseng
 - (b) Melao e e nang le seabe mo melawaneng ya boitekanelo, pele ga molao oo o begiwa kwa kokoano theo
 - (c) Thulaganyo ya ditogamano tsa lefapha le
 - (d) Ditiragatso tsa komiti ya botsamaisi ba boitekanelo e e tlhamilweng go ya ka karolwana ya bo 12 ya molao ono

12. GO TLHANNGWA GA KOMITI TSAMAISO YA

BOITEKANELO

- (1) Komiti tsamaiso ya boitekanelo e tshamilwe
- (2) Komiti tsamaiso ya boitekanelo e tla nna le maloko a se kwa tlase ga thataro mme eseng go feta some pedi ka mokgwa o o latelang :
 - Mookamedi wa lefapha
 - Motsamaisi mongwe le mongwe wa sedika sa boitekanelo
 - Mongwe kgotsa bangwe ba ba nang le maitemogelo mme ba sa fete tlhano ka palo, jaaka leloko le le maikarabelo a ka bonwa a tshwanela go nna mo komiting.
- (3) Lekgotla la botsamaisi ba boitekanelo le tla ikarabela go lekgotla la boitekanelo la profense ya Bokone Bophirima.
- (4) Paka ya komiti ya botsamaisi ya boitekanelo e tla tsamaya ka nako e le nngwe le paka ya lekgotla la Bokone Bophirima

12. SEABE LE TIRAGATSO YA KOMITI TSAMAISO YA BOITEKANELO

1. Lekgotlatsamaiso la boitekanelo le tshwanetse go dira tse:-

- Ka kopo ya lekgotla la profense la Boitekanele le batlisisise, le sekaseke le go dira dikatlanegiso kwa lekgotleng la Boitekanelo la BOKONE BOPHIRIMA.
- Le dire tiro nngwe le nngwe jaaka lekgotla la Boitekanelo la profense le ka lopa jalo.

2. Kgotlatsamaiso ya Boitekanelo e ka:-

- Tlhama komiti potlana go tswa mo malokong a lona go diragatsa tiro nngwe le nngwe ya lekgotla.
- Le ka laletsa mongwe le mongwe go nna mo go nngwe ya dikomiti potlana go ya ka karolwana ya (a)
- Le ka tlhopa mongwe wa maloko a one go nna modulasetulo wa nngwe ya dikomiti potlana.

- Le ka phatlhalatsa gongwe go busetsa nngwe ya dikomiti potlana tse di tlamilweng go ya ka karolwana ya (a)

14. SEBOPEGO SA FORAMO YA DIKGOKAGANO YA BOITEKANELO YA BOKONE BOPHIRIMA

(1) Foramo ya dikgokagano ya boitekanelo ya profense e e tthalositsweng go ya ka karolwana ya 28 (1) ya molao wa bosetshaba wa Boitekanelo e tla a itsege jaaka Foramo ya dikgokagano tsa boitekanelo ya Bokone Bophirima mme e tla tlhamiwa ke tokololo e e maikarabelo ka tsiboso mo lekwalong la puso ya profense

(2) Foramo ya dikgokagano ya tsa boitekanelo ya BOKONE BOPHIRIMA e tla bopega jaana!

- Tokololo e e maikarabelo
- Mookamedi wa lefapha
- Baemedi ba ba sa feteng tharo go tswa mo mekgatlhong ya badiri ba ba mo lefapheng la boitekanelo
- Baemedi ba bale babedi go tswamo lefapheng la puso selegae
- Moemedi go tswa mo kgotlheng ya boitekanelo ya BOKONE BOPHIRIMA
- Moemedi go tswa go mongwe wa mekgatlhog e e seng ya puso e e lemogiwang ke puso e dira ka boitekanelo
- Le kemedi ya :-
 - (i) mokgatlho wa dingaka tsa setso mo profemseng
 - (ii) dingaka tsa poraefete mo profenseng
 - (iii) moemedi go tswa go batsaya karolo ba bangwe go ya ka tekanyetso ya tokololo e e maikarabelo

(3) Leloko le le maikarabelo le tla lekanyetsa lefelo, letlha le nako ya dikopano tsa Foramo ya dikgokagano ya profense

(4) Foramo ya dikgokagano ya boitekanelo ya BOKONE BOPHIRIMA e tla kopana bobotlana gangwe mo dikgweding di le somepedi

15. SEABE LE TIRAGATSO YA FORAMO YA DIKGOKAGANO YA BOITEKANELO YA BOKONE BOPHIRIMA

Foramo ya dikgokagano ya boitekanelo ya Bokone Bophirima e tshwanetse go rotloetsa le go tswelletsa tirisano mmogo, tlhaeletsano le kabelano ya tshedimosetso mo dintlheng tsa Boitekanelo magareng ga:-

- (a) Lefapha
- (b) Bommasepala
- (c) Le Batsaya karolo ba ba tlhaotsweng mo ditirelong tsa Boitekanelo

16. DIPAAKANYO TSA THULAGANYO YA BOITEKANELO

- (1) Motsamaisi mongwe le mongwe wa sedika kgotsa motsamaisi wa Boitekanelo jwa toropo fa ele gore o gona, o tshwanetse go tlhabolola le go tlhagisa thulaganyo ya Boitekanelo kwa lekgotleng la sedika la Boitekanelo mme tokololo e e maikarabelo jaaka karolwana ya 33 ya molao wa bosetshaba wa Boitekanelo o kaya.
- (2) Thulaganyo e e baakantsweng go ya ka karolwana ya (i) e tshwanetse go:-
 - Akaretsa mananeo a didiriswa a sedika sa Boitekanelo
 - Le tseye tsiya dikakanyo tsa
 - (i) Batsaya karolo botlhe mo Boitekanelo kgotsa a sedika sa toropo.
 - (ii) Go thala thulaganyo ya sedika potlana sa boitekanelo go ya ka karolwana ya 20 ya molao ono
 - Le tlhama motheo wa thulaganyo ya tekanyetso kabo go ya ka molao wa tsamaiso ya madi a setshaba wa 1999 (molawana wa ntlha wa 1999 jaaka o mametleletswe)
- (3) Thulaganyo ya boitekanelo e go buiwang ka yone mo karolwaneng ya (1) e tla :
 - (a) neelwa lekgotla la boitekanelo la Bokone Bophirima go sekasekwa pele e neelwa lefapha la bosetshaba la boitekanelo go ya ka karolwana ya 33 ya molao wa bosetshaba wa boitekanelo le
 - (b) Obamela tsamaiso nngwe le nngwe gongwe dikaelo tse di lekanyeditsweng go ya ka karolwana ya bo 33 ya molao wa bosetshaba wa boitekanelo

KGAOLO 3

17. TSAMAISO YA SEDIKA YA BOITEKANELO

POPEGO LE TIRAGATSO YA LEKGOTLA LA BOITEKANELO LA SEDIKA

1. Lekgotla la sedika la boitekanelo le le tthalosiwang mo karolwaneng ya bo 33(i) ya molao wa bosetshaba wa boitekanelo le tla tlhamiwa ke tokololo e e maikarabelo ka tsiboso mo bukeng ya puso
2. Go ya ka molao wa bosetshaba wa boitekanelo , sedika sa lekgotla sengwe le sengwe sa boitekanelo se tla nna ka tsela entseng jaana:-
 - (a) Molekgotla yo o ikarabelang mo mererong ya boitekanelo gongwe a supilwe ke masepala mo sedikeng gongwe toropo jaaka go tlhokega
 - (b) Molekgotla yo o ikarabelang mo boitekanelo kwa masepaleng mongwe le mongwe wa sedika.
 - (c) Motsamaisi wa boitekanelo wa sedika yo o tla emelang tokololo e e maikarabelo morago ga go gokagana le sedika gongwe toropo e e amegang
 - (d) Maloko a a sa feteng tlhano (5) a a tlhophilweng ke tokololo e e maikarabelo morago ga go gokagana le sedika gongwe toropo e e amegang
3. Motho yo o tlhagelelang mo karolong ya (2)(a) o tla nna modulasetulo wa kgotla ya sedika ya boitekanelo .
4. Go tlaleletsa mo ditirong tse dingwe tseo lekgotla la sedika la boitekanelo le ka nnang le tsone, lekgotla la sedika la boitekanelo le tshwanetse go:-
 - (a) Elatlhoko le go sedidisa tlanelo ya ditirelo tsa mo masepaleng wa sedika gongwe toropo jaaka go tlhokega
 - (b) Lomaganya le go ema nokeng bomasepala mo go tlameleng ditirelo tsa boitekanelo tsa masepala gongwe ditirelo dingwe le dingwe tse tokololo e e maikarabeo a reng di abelwe mmasepala go ya ka karolwana ya 4(2) ya molao ono.
 - (c) Gakolola tokololo e e maikarabelo ka tiriso ya lekgotla la boitekanelo la profense ya BOKONE BOPHIRIMA ka go diragatsa melawana ya boitekanelo ya bosetshaba le ya profense, meeno le seemo mo sedikeng sa boitekanelo
 - (d) Tsweletsa ditiro tse dingwe jaaka go tlhokiwa ke lekgotla la boitekanelo la BOKONE BOPHIRIMA gongwe tokololo e e maikarabelo.
5. motsamaisi wa sedika wa boitekaneloo tshwanetse, mo tlaleletsong ya ditiro, go ya ka kopo ya lekgotla la sedika la boitekanelo gongwe lekgotla la boitekanelo la BOKONE BOPHIRIMA a diragatse dingwe tsa ditiro tse a ka di newang go fitlhelela maitlhome a molao ono

17 TEKANYETSO KABO LE TIRAGATSO YA DINTLHAPHISEGELO

1. Morago ga go gokagana le sedika gongwe masepala o o maleba gongwe toropo, tokololo e e maikarabelo o tshwanetse go atlenegisa tekanyetso kabo e e tletseng le go beya dintlhaphisegelo tsa tiragatso tsa ditirelo tsa boitekanelo mo sedikeng sa boitekanelo le didika potlana tsotlhe mo sedikeng sa boitekanelo, eo mo go yone botlhe lefapha le sedika gongwe toropo ba tshwanetseng go e rebola
2. Mo tumalanong e e sa kgoneng go fitlhelelwa magareng ga tokololo e e maikarabelo le sedika gongwe toropo ka tekanyetso kabo le ntlhaphisegelo ya tiragatso jaaka go tlhagelela mo karolwaneng ya (1) tokololo e e maikarabelo, morago ga dikgolagano le tokololo ya lekgotla khuduthamaga le le ikarabelang mo pusong selegae , e tla lekanyetsa tekanyetso kabo le ntlhaphisegelo ya sedika sa boitekanelo
3. Lekgotla la boitekanelo la sedika le tshwanetse begela tokololo e e maikarabelo mo kotareng nngwe le nngwe, ka tiragatso ya lone kgatlhanong le ntlhaphisegelo e e beilweng mmogo le dikgato tse le ikaelelang go di tsaya, koo go sa fitlhelelwang ntlhaphisegelo.
4. Mo lekgotla la sedika la boitekanelo le reteletsweng ke go fitlhelela ntlhaphisegelo eo mo dikotareng di le 2 ka tatelano, morago ga go gokagana le masepala o o maleba, tokololo e e maikarabelo e tshwanetse go baakanya le go mametlelela ka gangwe , tsereganyo eo e tla tlhoka go netefatsa fa dintlhaphisegelo tseo di fitlhelelwa mo dikotareng tseo.

19 GO TLHONNGWA GA MAKGOTLA POTLANA A DIDIKA A BOITEKANELO

1. Leloko le le maikarabelo le tla aroganya sedika sa boitekanelo mo didikeng potlana
2. Melelwane ya didika potlana dingwe le dingwe di tla tshwarangwa le melelwane ya bo mmasepala ba selegae.
3. leloko le le maikarabela le tla tlhoma lekgotla la boitekanelo la kwa sedikeng potlana sengwe le sengwe
4. Lekgotla la boitekanelo la sedika potlana bopega jaana:-
 - Molekgotla wa boitekanelo mo mmasepaleng wa selegae yo e tla nnaang modulasetilo wa lekgotla la sedika potlana la boitekanelo.
 - Molekgotla wa Wate go tswa mo wateng nngwe le nngwe
 - Modulasetilo waomiti nngwe le nngwe ya boitekanelo ya baagi e e tlhamilweng go ya ka karolwana ya 21 ya molao ono.

- Motsamaisi wa boitekanelo wa sedika potlana. Page 14 of 20
 - Motlhankela khuduthamaga gongwe motsamaisi wa bookelo bongwe le bongwe ba sedika potlana gongwe tikatikwe ya kalafi ya baagi, mo sedikeng potlana sa boitekanelo le
 - Kemedi go tswa mo setlhopheng se se nang le kgatlhego jaaka go kgethilwe leloko le le maikarabelo morago ga go ikopanya le lekgotla la profense la boitekanelo
5. Mo masepala wa selegae a senang molekgotla yo o ikarabelang mo mererong ya mo masepaleng, masepala o tshwanetse go supa molekgotla go emela mmasepala mo lekgotleng la boitekanelo la sedikapotlana
6. LEKGOTLA LA BOITEKANELO LA SEDIKA POTLANA LE TSHWANETSE GO :
- (a) Rotloetsa taolo ya tirisano mmogo mo seemong sa sedika potlana
 - (b) Netefatsa kgokagano ya go rulaganya le tekanyetso kabo ya ditirelo tsa boitekanelo mo sedika
 - (c) Ela tlhoko le go lekanyetsa tlamelolo ya ditirelo tsa boitekanelo mo didika potlana
 - (d) Ka thuso ya lekgotla la sedika la boitekanelo le gakolola:-
 - Motsamaisi wa boitekanelo wa sedika potlana gongwe
 - Leloko le le maikarabelo ka tiriso ya lekgotla la sedika la boitekanelo mo mabakeng otlhe a a amang kabelo ya ditirelo tsa boitekanelo mo sedikeng potlana.
 - (e) Ela tlhoko go mamelelelwa ga melawana ya bosetshaba le ya pofense ya boitekanelo
 - (f) Diragatsa tiro nngwe le nngwe jaaka go tlhokiwa ke :-
 - Lekgotla la sedika la boitekanelo
 - Lekgotla la boitekanelo la BOKONE BOPHIRIMA
 - Leloko le le maikarabelo / mokhuduthamaga le go
 - (g) Gakolola motsamaisi wa sedika potlana wa boitekanelo o sedikeng potlana

20 MOTSAMMAISI WA BOITEKANELO WA SEDIKA POTLANA

Motsamaisi wa boitekanelo wa sedika potlana o tshwanetse go:-

- (a) Rulaganya maano a boitekanelo a sedika potlana morago ga go ikopanya le lekgotla la sedika potlana mme a di neele motsamaisi wa sedika gongwe toropo
- (b) Netefatsa mametlelelo, kelotlhoko le tekanyetso ya tlamelolo ya ditirelo tsa boitekanelo mo sedika potlana

DIKOMITI TSA BOITEKANELO TSA BAAGI

(1) Tokololo e e maikarabelo e ka nne ya tlhama wate e le nngwe gongwe go feta e e leng mo taolong ya lekgotla la sedika potlana la boitekanelo go nna komiti ya boitekanelo ya baagi morago ga go gokagana le lekgotla la boitekanelo la sedika potlana

2) Komiti ya boitekanelo ya baagi e tla bopega jaana:-

- Balekgotla botlhe ba Wate mo lefelong le le leng mo taolong ya komiti ya boitekanelo ya baagi
- Batho ba ba sa feteng ba le 4 ba supilwe ke tokololo e e maikarabelo go tswa mo tlhopong e e dirilweng ke maloko a baagi mo Wateng e e amegang
- Kemedi ya boto ya bookelo e e emelang bookelo jo bo leng mo Wateng eo
- Motsamaisi wa setheo sengwe le sengwe sa boitekanelo e ka tswa e le kliniki gongwe tikatikwe ya tlhokomelo ya kalafi, e e leng mo taolong ya komiti ya boitekanelo ya baagi
- Maloko a le mabedi a a tlhophilweng ke leloko le le maikarabelo mme ba na le kgatlhego e e kgethegileng gongwe kitso mo ditirelong tsa boitekanelo

(3) Leloko le le maikarabelo e tlare go ya ka karolwana ya bobedi (a) a tlhophe molekgotla wa Wate go nna modulasetulo wa komiti ya boitekanelo ya baagi.

(4) Komiti ya boitekanelo ya baagi e tshwanetse, go ya ka ditirelo tsa boitekanelo tsa baagi mo kgaolong ya lona e:-

- (a) Gakolole motsamaisi wa sedikapotlana mo mererong mengwe le mengwe ya boitekanelo
- (b) A diragatse tiro nngwe le nngwe e e tlhagisitsweng ke tokololo e e maikarabelo

(5) Tokololo e e maikarabeo e tshwanetse gore ka bonako jo bo kgonegang a ikuele go tlhopiwa ga batho ka maitlhommo a go supa tokololo gongwe maloko jaaka go tlhokega go komiti ya boitekanelo ya baagi gongwe go tlatsa phatlhatiro go ya ka karolwanapotlana (2) (b) ka go phasalatsa tsiboso mo lekwalong la puso

(6) Phasalatso ya tsiboso jaaka e tlhagelela mo karolwaneng ya (5) e tla dirwa:-

- (a) Morago ga go fela ga paka ya leloko gongwe tokololo nngwe le nngwe
- (b) Fa go tlhageletse phatlhatiro gongwe dipatlhatiro mo komiting.

(7) Tsiboso nngwe le nngwe go ya ka karolwana (5) etla:-

- (a) Tlhagisa gore bontlhopenng ke ba Wate gongwe diWate tse di laleditsweng le go tthalosa ka botlalo palo e e kwa godimo ya bontlhopenng
- (b) Go ya ka dikaelo tsa molao ono, o tthalosa ditlhokego, mabaka, tsamaiso le mokgwa wa tlhopho go ya ka karolwana eno le
- (c) Go tlhagisa letsatsi la bofelo leo dikopo di tshwanetseng go amogelwa.

(8) Tokololo e e maikarabelo e ka nna ya fedisa botokololo ba leloko lengwe le lengwe yo o kgaotsweng go ya ka karolo ya 32 ya molao ono

(9) Fa kantoro ya leloko lengwe e nna le phatlhatiro pele ga bokhutlo bap aka ya gagwe mo tirong, tiro e e ntseng jalo fa e tlhagelela e tla tladiwa mo pakeng e e iseng e fele ka go supa motho mongwe ke tokololo e e maikarabelo go ya ka karolwana ya (5)

(10) Leloko la komiti ya boitekanelo ya baagi le le tlhophilweng go ya ka karolwana potlana 2 (b) le karolwana 2(e) le tla nna mo kantorong sebaka sa dingwaga di le tharo

(11) Tokololo e e maikarabelo e ka atolosa paka ya kantoro ya maloko a komiti ya boitekanelo ya baagi jaaka go tlhagelela mo karolwaneng ya (10) mo sebakeng se se atolositsweng fela se sa fete dikgwedi di le somepedi

KAROLO 4 **MAOKELO**

22. GO TLHONGWA LE TLHOKOMELO YA MAOKELO A SETSHABA

1. Tokololo e e maikarabelo morago ga go gokagana le tona, a ka tlhama kgotsa a fedise bookelo jwa setshaba jwa profense kgotsalefelo la thebolelo ya ditirelo
2. Tokololo e e maikarabelo e tshwanetse go tlhokomela maokelo a botlhe a profense le kabelo ya ditirelo mo maokelong ao.
3. Go tloga ka letsatsi la tiragatso ya molao ono, maokelo othle a a mo taolong le tsamaiso ya lefapha a tla kaiwa a tlhamilwe go ya ka karolwana ya (1)

23. DITUMALANO TSA TIRISANO MMOGO

Lefapha le ka nna la wetsa tumalano nngwe le nngwe le mongwe le mongwe, setheo gongwe mokgatlho ka maitlhommo a go tlhabolola tsamaiso ya ditirelo tsa boitekanelo mo profenseng

24. MOOKAMEDI WA BOOKELO JWA BOTLHE

1. Tokololo e e maikarabelo go ya ka tsamaiso ya molao wa ditirelo tsa setshaba wa 1994 (molao wa103 wa 1994) a tlhophe motho yo o maleba jaaka:-
 - (a) Motlhankela khuduthamaga go nna mookamedi wa bookelo ba botlhe kgotsa maokelo a go nna jalo a kopane gape
 - (b) Jaaka mookamedi wa setheo sengwe le sengwe sa setshaba le fa e se bookelo
2. Mo ntlheng ya fa mookamedi mogolo yo o supilweng go ya ka karolwana ya (1) ga a kwadisiwa jaaka ngaka, motsamaisi wa kalafi gongwe mookamedi wa ditirelo tsa kokelo tsa bookelo joo o tla lebagana le tsa semolao tsa bongaka le tsa setheo tsa bookelo joo fela fa e le gore motlhankela khuduthamaga o tswelela gonna le maikarabelo a tsamaiso ya bookelo
3. Fa go kaiwa Mogolwane wa kalafi wa bookelo ba botlhe go ya ka molao o tla tsewa e le motlhankela khuduthamaga wa bookelo joo

25. DIBOTO TSA BOOKELO

1. Tokololo e e maikarabelo e tshwanetse go tlhama kemedi ya maokelo a botlhe a profense, kemedi ya boto ya bookelo jaaka go tlhagelela mo kaolwaneng ya 41 ya molao wa bosetshaba wa boitekanelo gore:-
 - (a) setheo sengwe le sengwe sa boitekanelo sa botlhe se tsewe jaaka bookelo
 - (b) Setlhopa sengwe le sengwe sa boitekanelo jwa setshaba jaaka tokololo e e maikarabelo se ka lekanyetsa le go rebola leina kwa boto ya mothale
2. Tokololo e e maikarabelo ka nako eo e tlhomang boto ya bookelo go ya ka karolwana ya (1) a ka:-
 - (a) A lekanyetsa palo ya maloko aboto ya go nna jalo
 - (b) A tlhalose bookelo jwa botlhe kgotsa setlhopha sa ditheo tsa boitekanelo tseo di tlhametsweng boto ya gonna jalo g gotswa mo go tsona.

3. Lekgotla la bookelo le tla nna le:-
- (a) Moemedi go tswa mo setheong sa thuto e kgolwane (unibesiti) seo bookelo jwa botlhe kgotsa setheo sa boitekanelo se golaganeng le yona.
 - (b) Motlhankela khuduthamaga wa bookelo kgotsa motsamaisa wa boitekanelo wa sedika potlanaf a e le gore boto e tlhamilwe go ya ka karolwana ya (1) (b)
 - (c) Baemedi ba le bararo ba batsamaisi ba bookelo kgotsa setlhopha sa setheo sa boitekanelo sa botlhe fa go tlhokega
 - (d) Baemedi ba ba le babedi go tswa mekgatlhong ya badiri mo maokelong a botlhe kgotsa ditheo tsa boitekanelo tsa botlhe.
 - (e) Baemedi ba ba sa feteng tharo ba setshaba ba ba tlamelwang ke bookelo jwa botlhe kgotsa ditheo tsa boitekanelo jwa setshaba.
4. Tokololo e e maikarabelo e ka akaretza jaaka maloko a boto ya bookelo eseng batho ba feta tlhano ba ba nang le maitemogelo mo go tsa botsamaisi ba matlole, tsamaiso ya badiri le tsa molao. Page 18 of 20
5. Maloko a boto ya ya bookelo a a tlhophilweng go ya ka karolwana ya (3) (c) le (d) ga bat le go nna le ditshwanelo tsa go vouta kwa dikopanong tsa diboto tsa mothale.
6. Boto ya bookelo e ka nne ya gacolola botsamaisi jwa bookelo kgotsa setlhopha sa ditheo tsa botlhe mo go tse di latelang:-
- (a) Morero mongwe le mongwe o o amang bookelo kgotsa setlhopha sa ditheo tsa boitekanelo tsa botlhe ka ga tsamaiso, melawana le ka moo di ka tokafadiwang ka teng.
 - (b) Dipegelo le ditlankana tse di golaganeng le:-
I Ditekanyetso tsa ngwaga tsa letseno le ditshenyegelo
II Seemo sa matlole le dipegelo tsa moruni kakaretso.
7. Maloko a boto a tla nna mo kantorong sebaka sa dingwaga di le tharo mme tokololo e e maikarabelo ka atolosa paka eo ka dikgwedi tse di sa feteng somepedi
8. Tokololo e e maikarabelo e tshwanetse go lekanyetsa botokololo jwa leloko lengwe le lengwe le le kgaotsweng go ya ka karolwana ya 32 ya molao ono

26. **KAMOGELO LE TSHOLO YA BADIRISI KE NGAKA YA PORAEFETE E E MO SETHEONG SA BOTLHE**

- I. Ngaka ya poraefete ga ya tshwanela go tshola modirisi mo setheong sa boitekanelo sa botlhe
- (a) Ntle le tetla go tswa go:-

I. Motlhankela khuduthamaga gongwe

II. Mo mabakeng a tshoganyetso, motsamaisi wa kliniki wa setheo sa boitekanelo sa botlhe

(c) Ntle le tetla ya gore a dire seo ka tumalano e e kailweng mo karolwaneng a27 ya molao ono.

2. Kopo tetla go ya ka molawana wa (1) e ka dirwa ka mokgwa o o dirilweng ke tokololo e e maikarabelo e ka se tsewe tsiya ntle le gore ngaka ya poraefete e dire seo ka go kwala :

(a) go obamela melao le ditsamaiso tse di batlegang mo setheong sa boitekanelo sa botlhe

(b) go rwea lefapha maikarabelo kgatlhanong le tatlhegelo, tshenyegelo kgotsa kgobalo tseo di ka tlhagelang molwetse kgotsa bao ba ikaegileng mo molwetsing jaaka thuso e e neetsweng molwetse

3. Mookamedi wa setheo sa boitekanelo sa botlhe a ka, dira tse di latelang go ya ka karolwana ya(1):-

(a) Rebola, kganela kgotsa go tsholola kopo ya go nna jalo

(b) A ka e rebola mme e le ka mabaka a a neetsweng.

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4. Ngaka ya poraefete yo o utlwisitsweng botlhoko ke:-

(a) Go gana go abelwa tetla ya go nna jalo go ya karolo-potlana(1)

(b) Lebaka le le neetsweng mo tetelelong ya go nna jalo

(c) Kgogelo morago ya tetla ya go nna jalo a ka re mo malatsing a le lesome morago ga go itsisiwe ka ga kgogelo morago ya go nna jalo, a tsenya boikuelo kgatlhanong le mookamedi wa lefapha ka go mo kwalela

(5) Fa boikuelo jo bo dirilweng go ya ka karolwana ya (4) bo letlelelwa, mookamedi wa setheo sa boitekanelo o tla neela mabakaa tshweetso ya mookamedi wa lefapha.

KGOLAGANO GARENG GA LEFAPHA LE BATLAMEDI BA DITIRELO TSA BOITEKANELO TSA PORAEFETE

(1) Go ya ka molawana mongwe le mongwe, lefapha le ka tsena mo maitlamong le ditumalano le dingaka tsa poraefete, ditheo tsa boitekanelo tsa poraefete le mekgatlho e e seng ya puso ka maitlhomong a go rebola ditirelo tsa boitekanelo le tse di tsamaelanang le tseo.

(2) Tumalano go ya ka molao-potlana(1) e ka kgontsha dingaka tsa poraefete go dira mo ditheong tsa boitekanelo tsa botlhe

KAROLO YA BOTLHANO**DITHEO TSA KATISO TSA TLHOKOMELO YA BOITEKANELO****28. Go tlhonnngwa ga ditheo tsa katiso le tlhokomelo ya boitekanelo**

- (1) Tokololo e e maikarabelo:-
 - (a) A ka tlhoma gongwe a phatlhalatsa setheo sengwe le sengwe sa katiso sa boitekanelo
 - (b) A ka tshola setheo senwe lesengwe se se leng teng sa katiso e le go fitlhelela maitlhome a molao ono.
- (2) Go ya ka molao ono, lefapha le ka tsena mo tumelong e e kwadilweng le setheo sengwe le sengwe se segolwane sa thuto fa go tlhokagala go fitlhelela maikaelelo a karolo-potlana ya (1)
- (3) Setheo sengwe le sengwe sa katiso se se ka fitlhelwang se tlhamilwe go ya ka molawana mongwe le mongwe oo phimotsweng ke molao ono, se tla tsewa se tlhomilwe ka molao oo tsamaelanang le molao ono.

29. TLHOMO E E KOPANETSWENG

1. Tokololo e e maikarabelo e ka nne ya supa mongwe le mongwe e le ka tumalano le setheo sa thuto e kgolwane le lefapha go ya ka molao le morago ga go gokagana le setheo sengwel e sengwe se eleng karolo ya tumalamo go ya ka karolwana ya 28.
2. Mongwe le mongwe yo o tlhomilweng go ya ka molao-potlana(1) a ka :-
 - (a) Neela ditaelo tsa thuto kwa setheong se segolo, setheo sa katiso sa boitekanelo, kgotsa ditheo tseo ka bobedi.
 - (b) Ema jaaka mogakolodi le mosedimosetsi mabapi le dikabelo tsa thuto tse di abiwang ke setheo seo.
 - (c) A ka diragatsa ditirelo tse dingwe tseo di dumalanweng ke lefapha le setheo sa thuto e kgolwane (unibesiti)

30. PHITLHELELO YA DITHEO TSA BOITEKANELO TSA BOTLHE LE DITIRELO

1. Ga go motho yo o fitlhelang ditheo tsa boitekanelo tsa botlhe kgotsa ditirelo ka maitlhommo a go :-
 - (a) Ruta, go naya ditaello tsa thuto kgotsa go dira dipatlisiso
 - (b) Amogela ditheo tsa thuto ntle le gore a amogele tetla go tswa go mookamedi wa lefapha
2. Tetla nngwe le nngwe e e rebotsweng go ya ka molao-potlana(1)
 - (a) E ka gogelwa morago, mametlelelwa gongwe ya rebolwa go ya ka mabaka a a neetsweng ke mookamdi wa lefapha
 - (b) E tla dira dikgwedi dile somepedi go tloga ka letsatsi le e atlenegisitsweng ka lona
3. Mongwe le mongwe yo o neetsweng tetla go ya ka molao-potlana(1) a ka kopa ntshwafatso ya tetla nako nngwe le nngwe kgotsa phetolo ya lebaka lengwe le lengwe le le beetsweng tetla eo.
4. Mongwe le mongwe yo o sa kgotsofalelang tshwetso ya mookamedi wa lefapha go ya ka molao-potlana (2), a ka re mo malatsing a somamabedi nngwe a tiro a kwala ngongorego a e lebisa kwa go tokololo e e maikarabelo.
5. Tokololo e e maikarabelo a ka fetola, tshegetsatsa kgotsa a gogela morago tshweetso e e tshotsweng ke mookamedi wa lefapha go ya ka karolwana ya bo (4) ya molao ono.
6. Dikaello tsa karolo-potlana (1) ga e ame ope yo o supilweng ke tokololo e e maikarabelo go ya ka karolo 30 ya molao ono.

31DITLOLO-MOLAO LE DIKOTLHAO

Mongwe le mongwe yo o fgatakang dintlhakaelo tsa karolwana ya 30(1) ya molao ono a ka tsewa a le molato mme morago ga go bonwa molato a ka lebanwa ke kotlhao ya Faene gongwe kgolegelo e e sa feteng dikgwedi di le thataro kgotsa dikotlhao tseo ka bobedi.

KAROLO YA BORATARO

BOTOKOLOLO JWA BOTO LE DIKOMITI

32 PHEDISO YA BOTOKOLO

Mongwe le mongwe yo o:-

- (a) kwa tlase ga dingwaga di le somerobedi
- (b) yo o sa kgoneng go kgopololwa
- (c) yo o sa itekanelongsentle mo tthaloganyong
- (d) yo o kileng a bonwa molato wa bosenyi ntle le go duela.

A ka se letlelelwe go nna mo kantorong gongwe gonna tokololo ya tsamaiso ya bookelo e e tthamilweng go ya ka molao ono

DIPHATLHA TIRO

Diphatlatiro mo Botong gongwe komiti e e tthamilweng go ya ka molao ono di nna fa ele gore:-

- Leloko le tthositswe go ya ka karolwana 32
- Leloko le tthokafala
- Leloko le rola tiro ka go kwalela modulasetilo wa komiti ya go nna jalo gongwe boto gongwe
- Ga a iponatsa mo dikopanong di le tharo ka tatelano tsa komiti gongwe boto

34 PHATLALATSO YA BOTO GONGWE KOMITI

Tokololo e e maikarabelo e ka patlhalatsa boto gongwe komiti e e tthamilweng go ya ka molao ono fa e le gore boto gongwe komiti :

- (a) E ikgatholosa kgotsa e palelwa ke go tshwara dikopano sebaka sa dikgwedi di le tharo
- (b) E palelwa kgotsa e gana go diragatsa tiro e e e neilweng go ya ka molao ono kgotsa molao wa boitekanelo wa bosetshaba

- (c) E dirile sengwe se se seng ka fa molaong kgotsa kgato e e sa amogelesegeng.

KGAOLO YA BOSUPA

DINTLHAKAELO LE BO EMEDI

1. Tokololo e e maikarabelo e ka diragatsa tse di latelang fa a letlelesega mme e le gore ke tsa:-
 - (a) Boitekanelo jwa tlhaloganyo
 - (b) Nako ya pelegi, ngwana, mosadi le boitekanelo jwa lelapa le dikotla
 - (c) Tlhokomelo e e kgethegileng tseneletseng
 - (d) Malwetse a a tshelanwang
 - (e) Tikologo e e sireletsegileng ya boitekanelo e e tla akaretsang go lekanyetsa meeno, melawana ya dikaelo le thuto, tthatlhobo le kelotlhoko
 - (f) Lenaneo la phepo le le kopanetsweng
 - (g) Mabaka otlhe a amang tsamaiso, tlhokomelo le thulaganyo ya ditheo tsa boitekanelo kgotsa ditirelo go ya ka molao ono.
 - (h) Go thibela kgatako ya molao mo dikagong kgotsa mafelo a a ka fa tlase ga tsamaiso ya lefapha
 - (i) Go thibela kitsiso ya kgang nngwe le nngwe mo dikagong tse ka fa tlase ga tsamaiso ya bookelo
 - (j) Thulaganyo, kamogelo, tthatlhobo, tlhokomelo le phetiso ya balwetse mo setheong sa boitekanelo sa botlhe mmogo le go ntshiwa ga bona kwa maokelong a botlhe
 - (k) Tlhokomelo ya thulaganyo, maitseo, le bophepha mo balwetseng le baeti mo ditheong tsa botlhe
 - (l) Maemo a dingaka tse di letleletsweng go tthatlhoba balwetse mo bookelong jwa profense a tshwanetse go tsamaelana
 - (m) Kamogelo kwa ditheong tsa boitekanelo tsa botlhe ya batho ba eseng balwetse, dingaka gongwe badiredi ba boitekanelo
 - (n) Go tsaya kgotsa go tlosa dithoto mo setheong sa boitekanelo sa botlhe
 - (o) Tsamaiso le tlhokomelo ya maitshwaro mo dikopanong tsa boto gongwe komiti ya boto
Kgang engwe le engwe le tsamaiso e ka se beelwe maparego a tsamaiso mmogo le botsamaiso le tlhokomelo ya setheo sa boitekanelo jwa botlhe

(p) morero o mongwe kemo ya one ga e kake ya lekanyediwa ka tsamaiso ya karolo e e latelang ka kgolagano le botsamaisi le taolo kgotsa tlhokomelo ya setheo sa boitekanelo .

(q) Maemo a go thapa batlhankedi ba ba botlhokwa kgotsa badiri ba boithaopo

(r) Tsamaiso ya dituelo le madi a ditheo a a duelwang go maloko a khuduthamaga a boto ya bookelo, komiti yaboitekanelo ya baagi, komiti ya sedika ya komiti ya botsamaisi ya boitekanelo le komiti nngwe le nngwe e e tlhomilweng ke maloko a baagi

(s) Ka karetso merero yotlhe e e bonwang e le botlhokwa e e tlhokang tlhokomelo ya ka bonako go ya ka molao ono

(t) Tlamelo ya ditirelo tsa boitekanelo tsa tshoganyetso go a karetsa ya ditirelo tsa dijanaga tsa tshoganyetso

(u) Mabaka otlhe a go naya botsamaisi jwa boitekanelo ba porefete go amogela dithuso

(v) Neelano ya ditirelo tsa kalafi ya forensiki

(w) Go naya le go fetola maina a ditheo tsa boitekanelo

(x) morero mongwe le mongwe go ya ka molao ono o tlhoka go diragadiwa.

2. Tokololo e e maikarabelo e ka tlhagisa dintlhakaelo tse di mabapi le :-

(a) E ikaegile mo ntlheng ya dituelelo gongwe ditetla tse di letleletsweng go ya ka molao, di tshwanetse maloko a boitekanelo jwa botlhe, diboto tsa maokelo, dikomiti, makgotla a boitekanelo a didika

(b) Melawana yotlhe e go ya ka molao e raya go naya leina kgotsa go goga leina le le amang ditheo tsa boitekanelo tsa profense

3. melawana e e ka fa tlase ga karolo eno e ka bakela motho mathata a tuelo kgotsa kgolegelo ya dikgwedi tse di sa feteng dile thataro kgotsa dikotlhao tseo ka bobedi fa disa diragadiwe

DIKEMEDI

1. Tokololo e e maikarabelo ka maemo a a ntseng jalo go ya ka molao ono, ntle le dithata tsa go dira melao, a ka naya dithata go mookamedi wa lefapha kgotsa a naya mookamedi wa lefapha tetla ya go naya motlhankedi mongwe le mongwe wa lefapha dithata

2. Mookamedi wa lefapha go ya ka maemo mme a ka lekanyetsa jalo a ka naya motlhankedi mongwe le mongwe dithata go ya molao ono.

3. Kemedi go ya ka karolo-potlana ya (1) kgotsa (2) a ka se thibele tokololo e e maikarabelo kgotsa mookamedi wa lefapha go diragatsa tsamaiso

KAROLO YA BOROBEDI

KAKARETSO

DIKOTLHAO

Mongwe le mongwe yo o ka latofadiwang le go bonwa molato go ya ka molao ono, eo kotlhao ya ona e sa tlhagiswang, a ka duela kotlhao kgotsa go ya kgolegelong sebaka se se sa feteng dingwaga di le tharo kgotsa dikotlhao tseo di le pedi

PHIMOLO YA MELAO LE TSHOMARELO

Go ya ka karolo-potlana (2), melao e e buiwang mo molaong ono, e tla tsewa jaaka e e phimotsweng go ya ka moalo-potlana ono. Kgoeletso ngwe le ngwe, moalo, puso, tsibaso, neotetla, bolaodi, dikwalo, tlhomo tse di tlhagisiwang ke moalo ono ditla tsewa e le tse di neetsweng go tsamaelana le molao ono

39.KHUTSWAFATSO LE TSWELEDISO

1. Molao ono o tla bidiwa molao wa boitekanelo wa BOKONE BOPHIRIMA wa 2006 mme o tla simolola go dira ka letlha le le tla ntshiwang ke tonakgolo mo lekwalong la mmuso
2. Matlha a a farologaneng a ka tlhagiswa mo dikarolwaneng tse di farologaneng tsa molo ono.

LENANELO

molao	setlhogo	Sebaka sa phimlo
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Molao,1997(molao wa 1997)	Molao wa BOKONE BOPHIRIMA wa go tsamaisa maokelo,tsweletso ya tlhokomelo ya setshaba	Kgaolo1,2,6,7,10,29,le 32 go ya ka mo e amang ka gona le tsamaiso ya boitekanelo -kgaolo yotlhe ya bone
Molao wa 1983 (Molao 12 wa 1983)	Boitekanelo jwa botlhe	Molao otlhe
Molao 1995 molao (11 wa 1985)	Tshiamiso ya melao ya boitekanelo	Kgaolo 3 le 5
(Taolo 14 ya 1958)	Taolo ya maokelo melaotransvaal	Molao otlhe
(Taolo 18 ya 1946)	Taolo ya maokelo le malao, 1946.cape of good hope	Molao otlhe
(Taolo 3 ya 1956)	Taolo ya phetolo ya bookelo (cape of good hope)	Molao otlhe
(Taolo 15 ya 1955)	Taolo ya phetolo ya maokelo cape of good hope	Molao otlhe

**NOORDWES WETSONTWERP OP GESONDHEID
2008**

Om gevolg te gee aan sekere bepalings van die Nasionale Wet op Gesondheid, 2003 (Wet 61 van 2003);

Om te voorsien vir die ontstaan van 'n omvattende gesondheidsstelsel;

Om te voorsien vir die koördinerende en ondersteunende van munisipaliteite in die voorsiening van gesondheidsdienste;

Om te voorsien vir die herroeping van sekere bepalings van die Noordwes Wet op Gesondheid, Sosiale Welsyn en Hospitaalbestuur Instansie, 1997 (Wet 2 van 1997); en

Om te voorsien vir sake wat daarmee verband hou.

INLEIDING

TERWYL ELKEEN die konstitusionele reg van toegang tot gesondheidsdienste het;

EN TERWYL die Noordwes Regering verbind is tot die progressiewe verwesenliking van die konstitusionele reg van toegang tot gesondheidsdienste;

EN TERWYL die Noordwes Regering verbind is tot voorsiening van aanvaarbare, bekostigbare, en geïntegreerde gesondheidsdienste d.m.v. die lewering van hospitaal en primêre gesondheidsdienste deur gesondheidsstelsels in distrikte;

EN TERWYL die Noordwes Regering verbind is tot koöperatiewe bestuur en gemeenskapsdeelname in die voorsiening van gesondheidsdienste;

DERHALWE VERORDEN WORD deur die Noordwes Wetgewer as volg:

HOOFSTUK 1 WOORDOMSKRYWING EN VERKLARING

1. Woordomskrywings
2. Doel van die Wet
3. Toepassing en Verklaring

HOOFSTUK 2 PROVINSIALE GESONDHEID

4. Rol en Verantwoordelikhede van die Aanspreeklike Lid
5. Lewering van Mediese Vereistes
6. Aanstelling, Verplasing, Bevordering en Sekondering van Personeel
7. Ere Amptenare en Vrywillige Werkers
8. Rol en Funksies van die Departement van Gesondheid
9. Bemakings en Donasies
10. Klagte Prosedure
11. Noordwes Gesondheidsraad
12. Stigting van 'n Bestuurskomitee vir Gesondheid
13. Rol en Funksies van die Bestuurskomitee vir Gesondheid
14. Samestelling van die Noordwes Adviesforum vir Gesondheid
15. Rol en Funksies van die Noordwes Adviesforum vir Gesondheid
16. Voorbereiding van Gesondheidsplanne

HOOFSTUK 3 GESONDHEIDSISTEME IN DISTRIKTE

17. Samestelling en Funksie van die Gesondheidsraad in Distrikte
18. Begroting en Prestasie Mispunte
19. Stigting van Gesondheidsrade in Sub-Distrikte
20. Gesondheidsbestuurder in Sub-Distrikte
21. Gemeenskap Gesondheidskomitees

HOOFSTUK 4 HOSPITALE

22. Vestiging en Onderhoud van Hospitale
23. Samewerkingsooreenkomste
24. Hoof van 'n Openbare Hospitaal
25. Hospitaalrade
26. Toelating en Behandeling van Gebruikers deur 'n Privaat Praktisyn in 'n Openbare Gesondheidsinstelling
27. Verhouding tussen Private en Openbare Gesondheidsinstellings

HOOFSTUK 5 GESONDHEIDSORG OPLEIDINGSINSTELLINGS

- 28. Vestiging van Gesondheidsorg Opleidingsinstellings
- 29. Gemeenskaplike Aanstelling
- 30. Toegang tot Openbare Gesondheidsinstellings en Dienste
- 31. Oortredings en Boetes

HOOFSTUK 6 LIDMAATSKAP VAN RADE EN KOMITEES

- 32. Onbevoegdheid
- 33. Vakatures
- 34. Ontbinding van 'n Raad of Komitee

HOOFSTUK 7 REGULASIES EN MAGTIGINGS

- 35. Regulasies
- 36. Magtigings

HOOFSTUK 8 ALGEMEEN

- 37. Boetes
- 38. Herroeping van Wette en Voorbehoude
- 39. Kort Titel en Aanvang

HOOFSTUK 1 WOORDOMSKRYWING EN VERKLARING

1. WOORDOMSKRYWINGS

In hierdie Wet, behalwe as die inhoud anders aandui, beteken:-

Aanspreeklike Lid die Lid van die Uitvoerende Raad verantwoordelik vir gesondheid

Afdeling 'n afdeling genoem onder Item 2 van Skedule 1 tot die Wet op Munisipale Strukture, 1998 (Wet 117 van 1998)

Bestuurskomitee vir Gesondheid die komitee gevestig in terme van afdeling 12 van hierdie Wet

Departement die Provinsiale Departement van Gesondheid

Die Wet sluit in regulasies gemaak onder die Wet

Distriksraad die munisipale raad of 'n distrik munisipaliteit soos omskryf in terme van afdeling 18 van die Wet op Munisipale Strukture, 1998 (Wet 117 van 1998)

Gebruiker die persoon wat gesondheidsorg behandeling ontvang in 'n gesondheidsinstelling, insluitende die ontvang van bloed of bloed produkte, of gebruik maak van 'n gesondheidsdiens, en, as die persoon soos hier bo vermeld:-

- a) Onder die ouderdom is soos oorweeg word in afdeling 7 (a-g) van die Kinderwet, 2005 (Wet 38 van 2005), sluit "gebruiker" in die persoon se ouer of voog of 'n ander persoon deur die Wet volmag gegee is om op te tree vir die eersgenoemde persoon; of
- b) Onbevoeg is om besluite te neem, sluit "gebruiker" in die persoon se gade of lewensmaat, of in die afwesigheid van so 'n gade of lewensmaat, die persoon se ouer, of grootouer, volwasse kind of broer en suster of 'n ander persoon deur die Wet volmag gegee is om op te tree vir die eersgenoemde persoon

Georganiseerde Plaaslike Bestuur 'n Provinsiale organisasie gevestig in terme van afdeling 2 van die Wet op Georganiseerde Plaaslike Bestuur, 1997 (Wet 52 van 1997)

Gesondheidsdistrik 'n area afgebaken as sulks in terme van afdeling 29 van die Nasionale Wet op Gesondheid, 2003 (Wet 61 van 2003)

Gesondheidsinstelling die hele of 'n afdeling van 'n openbare of privaat inrigting, instelling gebou of plek, hetsy vir finansiële gewin al dan nie, wat bedryf word of wat bestem is om te voorsien in hospitaal en buitepasiënte behandeling, diagnostiese of terapeutiese ingryping, verpleging, rehabiliterende, verliggende, herstellende, voorkomende of enige ander gesondheidsdiens

Gesondheidsplan sluit in strategiese en menslike hulpbronneplan, prestasie mikt punte en die begroting benodig om sulke mikt punte te behaal

Gesondheidsraad in Distrik die raad gevestig in terme van afdeling 31 van die Nasionale Wet op Gesondheid, 2003 (Wet 61 van 2003)

Gesondheidsrade in Sub-Distrikte 'n raad gevestig in terme van afdeling 19 van die Wet

Gesondheidsorg Personeel praktisyns en gesondheidswerkers

Gesondheidswerker enige persoon betrokke by die voorsiening van gesondheidsdienste met die uitsluiting van praktisyns

Hoof van Departement die hoof van die Provinsiale Departement van Gesondheid verwys na in die 2de kolom van die Skedule tot die Wet op Openbare Dienste, 1994 (Proklamasie 103 van 1994)

Hoof van Gesondheidsinstansie of Hospitaal die Hoof Uitvoerende Beampte van 'n openbare gesondheidsinstelling of enige persoon aangewys as hoof van 'n private gesondheidsinstelling

Hoof Uitvoerende Beampte die persoon aangestel as sulks in terme van afdeling 24 van die Wet

Hospitaal 'n gesondheidsinstelling, geklassifiseer as 'n hospitaal deur die Minister in terme van afdeling 35 van die Nasionale Wet op Gesondheid, 2003 (Wet 61 van 2003)

Konstitusie die Wet op die Konstitusie van die Republiek van Suid Afrika, 1996 (Wet 108 van 1996)

Minister die Minister soos omskryf in afdeling 1 van die Nasionale Wet op Gesondheid, 2003 (Wet 61 van 2003)

Munisipale Gesondheidsdienste vir die doel van hierdie Wet sluit in:-

- a) Water kwaliteit monitering
- b) Voedselbeheer
- c) Afval bestuur
- d) Gesondheidswaarneming van persele
- e) Waarneming en voorkoming van oordraagbare siektes uitgesluit immunisasie
- f) Vektor beheer
- g) Omgewingsbesoedeling
- h) Verwydering van afgestorwenes, en
- i) Chemiese veiligheid

maar sluit uit hawe gesondheid, malaria beheer en beheer van gevaarlike stowwe.

Nasionale Gesondheidsinformasie Sisteem die informasie sisteem soos oorweeg deur afdeling 74 van die Nasionale Wet op Gesondheid, 2003 (Wet 61 van 2003)

Noordwes Gesondheidsforum die forum soos oorweeg in afdeling 14 van die Wet

Noordwes Gesondheidsraad die raad gevestig in terme van afdeling 26 van die Nasionale Wet op Gesondheid, 2003 (Wet 61 van 2003)

Openbare Hospitaal enige gesondheidshospitaal besit, bestuur of beheer deur die Noordwes Provinsiale Administrasie

Plaaslike Raad 'n munisipale raad of plaaslike munisipaliteite soos omskryf in terme van afdeling 18 van die Wet op Munisipale Strukture, 1998 (Wet 117 van 1998)

Praktisyn 'n persoon wat gesondheidsdienste verskaf in terme van enige Wet wat die volgende insluit:-

- a) Nasionale Wet op Gesondheid, 2003 (Wet 61 van 2003)
- b) Wet op Verwante Gesondheidsdiensberoepes, 1982 (Wet 63 van 1982)
- c) Wet op Gesondheidsdiensberoepes, 1974 (Wet 56 van 1974)
- d) Wet op Verpleging, 1978 (Wet 50 van 1978)
- e) Wet op Apteke, 1974 (Wet 53 van 1974)
- f) Wet op Tandheelkundige Tegnici, 1979 (Wet 17 van 1979)
- g) Wet op Tradisionele Gesondheidspraktisyne, 2004 (Wet 35 van 2004)

Privaat Praktisyn 'n praktisyn wat nie: -

- a) In diens staan van die Provinsiale regering nie; of
- b) Aangestel is in terme van afdeling 26 of afdeling 27 van die Wet nie

Private Gesondheidsinstelling 'n gesondheidsinstelling wat nie besit, bestuur of beheer word deur die Noordwes Provinsiale Administrasie nie

Provinsiale Gesondheidsinformasie Komitee die komitee soos oorweeg in afdeling 75 van die Nasionale Wet op Gesondheid

Provinsie die Noordwes Provinsie soos gepromulgeer in terme van afdeling 103 van die Konstitusie Wet, 1996 (Wet 108 van 1996)

Regulasies gemaak onder die Wet

Sub-Distrik vir Gesondheid 'n area afgebaken as sulks in terme van afdeling 19 van hierdie Wet

Universiteit sluit in enige verdere onderwys- en opleidingsinstellings in terme van afdeling 72(2) van die Wet op Hoër Onderwys, 1997 (Wet 101 van 1997)

Voorgeskryf deur regulasies onder die Wet

2. DOEL VAN DIE WET

Die doel van die Wet is om 'n omvattende gesondheidsstelsel te vestig deur: -

- a) Daarstelling van strukture wat geskikte en doeltreffende dienslewering van gesondheidsdienste sal verseker;
- b) Daarstelling van norme en standaarde vir die voorsiening van gesondheidsdienste in die provinsie.

3. TOEPASSING EN VERKLARING

- (1) Die bepalings van hierdie Wet sal deur heel die Provinsie van toepassing wees en in gevalle waar teenstrydighede is tussen die Wet en enige ander Provinsiale Gesondheidswetgewing, sal die bepalings van die Wet heers.
- (2) Die opskrifte in hierdie Wet sal nie vertolk word as deelvormend van die inhoud in die verklaring van hierdie Wet nie.

HOOFSTUK 2 PROVINSIALE GESONDHEID

4. ROL EN VERANTWOORDELIKEHEDE VAN DIE AANSPREEKLIKE LID

- (1) Die Aanspreeklike Lid moet die implementering van Nasionale en Provinsiale Gesondheidsbeleide asook norme en standaarde verseker.
- (2) Die Aanspreeklike Lid moet, na oorlegpleging met die Lid van die Uitvoerende Raad verantwoordelik vir Plaaslike Regering, sulke gesondheidsdienste toewys aan munisipaliteite soos voorsien word in terme van afdeling 32 (2) van die Nasionale Wet op Gesondheid.
- (3) Vanaf die datum waarop die gesondheidsdienste aan munisipaliteite toegewys word, sal:-
 - a) Administratiewe rekords en ander dokumente met betrekking tot sulke gesondheidsdienste oorgedra word na die betrokke munisipaliteit;
 - b) Die bestuur, sorg en beheer van sulke gesondheidsdienste berus in die betrokke munisipaliteit;
 - c) Die oorplasing en/of afstaan van personeel, indien enige, bestuur word in ooreenstemming met die bepalings van die Wet op Openbare Dienste, 1994 (Wet 103 van 1994) of enige ander Wet van toepassing.
- (4) Die Aanspreeklike Lid mag, na oorlegpleging met die Lid van die Uitvoerende Raad verantwoordelik vir Plaaslike Regering, enige toewysing wysig of herroep indien:-
 - a) Hy/sy tevrede is dat so 'n wysiging of herroeping in openbare belang is;
 - b) Die munisipaliteit in gebreke is van enige wesenlike voorwaardes van die toewysing.
- (5) a) Die Aanspreeklike Lid sal, met die instemming van die Lid van die Uitvoerende Raad verantwoordelik vir Finansies, met gelde toegewys deur die Wetgewer vir daardie doel, onderhewig aan die vereistes van onderafdeling (1), bydra tot die finansiering van gesondheidsdienste, hetsy sulke funksies toegewys is aan die munisipaliteit al dan nie.
 - b) Die Aanspreeklike Lid sal die volgende vasstel: -
 - (i) die formule vir die toewysing van hulpbronne aan die verskeie gesondheidsdistrikte en sub-distrikte; en
 - (ii) die kriteria om te volg in die toewysing van hulpbronne in terme van sub-paragraaf (iii);
 - (iii) die kriteria verwys na in sub-paragraaf (ii) sal insluit:-
 - (aa) die bekwaamheid van die betrokke munisipaliteit om hul eie inkomste te genereer;
 - (bb) die bevolkingsgrootte;
 - (cc) plaaslike inkomstevlakke;
 - (dd) siekte patrone; en

(ee) profiele van dienste gelewer.

5. LEWERING VAN MEDIESE VEREISTES

Onderhewig aan die beskikbaarheid van hulpbronne, sal die Aanspreeklike Lid verseker dat dwelm middels, verbandmiddels, mediese toebehore, hulpmiddels en ander goedere of dienste gelewer word aan enige gesondheidsinstansie gevestig, geonderhou, georganiseer, beheer of voortgeset deur enige plaaslike owerheid, enige privaat instelling wat 'n subsidie ontvang van die regering in terme van enige Wet, of enige instelling of persoon wat 'n diens lewer namens die Departement, onderhewig aan sulke voorwaardes soos nodig geag om die oogmerke van hierdie Wet te verwesenlik.

6. AANSTELLING, VERPLASING, BEVORDERING EN SEKONDERING VAN PERSONEEL

Die Aanspreeklike Lid sal, in ooreenstemming met die bepalings van die Wet op Openbare Dienste, 1994 (Wet 103 van 1994) en na oorlegpleging met die betrokke munisipaliteit of gesondheidsraad, 'n geskikte persoon aanstel, verplaas of sekondeer om die Bestuurder vir Gesondheid in die Distrikte wees as hoof van die gesondheidsdistrik en 'n ander as Bestuurder vir Gesondheid in die Sub-Distrik wees as hoof van die Sub-distrik

7. ERE AMPTENARE EN VRYWILLIGE WERKERS

Onderhewig aan die bepalings van enige Wet, mag die Aanspreeklike Lid ere amptenare en vrywillige werkers aanstel soos hy of sy goed dink; en die indiensnemingsvoorwaardes van so 'n ere amptenaar of vrywilliger soos die geval mag wees, bepaal.

8. ROL EN FUNKSIES VAN DIE DEPARTEMENT VAN GESONDHEID

- (1) Benewens enige ander rol wat die Departement mag hê in terme van enige ander Wet, sal die Departement: -
- a) Implementering van Nasionale en Provinsiale gesondheidsbeleide en norme en standaarde verseker;
 - b) Deelnem aan interprovinsiale en provinsiale, inter-sektorale koördinerings en samewerking; en
 - c) Gemeenskapsdeelname in die beplanning, voorsiening en waardeskattings van gesondheidsdienste bevorder.
- (2) Benewens enige ander funksie wat die Departement mag hê in terme van enige ander Wet, sal die Departement: -
- a) Strategiese planne, middelterm gesondheidsplanne en menslike hulpbronplanne voorberei;
 - b) Omvattende gesondheidsinformatie sisteme vir gesondheidsrade in distrikte vestig;
 - c) Enige voorstelle deur die Provinsiale Komitees vir Gesondheidsinformatie Sisteme raadpleeg en daarop ag slaan;
 - d) Voorsiening van openbare gesondheidsdienste verseker.

9. BEMAKINGS EN DONASIES

- (1) Onderhewig aan die bepalings van die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999) en enige ander Wet van toepassing, mag die Hoof van die Departement 'n bemaking, donasie of bydrae aanvaar met die doel om die oogmerke van hierdie Wet te bevorder, te ondersteun of te bereik.
- (2) Enige bemaking, donasie of bydrae wat aangewend moet word vir 'n bepaalde gesondheidsinstansie of diens soos bepaal in die terme van die Wet, sal, onderhewig aan enige ander Wet, gebruik word in ooreenstemming met die terme van die bemaking, donasie of trust wat ook al die geval mag wees.

10. KLAGTE PROSEDURE

- (1) 'n Gebruiker wat gegrief voel deur die optrede of gedrag van 'n praktisyn, mag 'n klagte indien by die hoof van die betrokke gesondheidsinstansie.
- (2) Die hoof van die gesondheidsinstansie by wie 'n klag ingedien is soos oorweeg word in onderafdeling (1), moet gehoor gee aan so 'n klag binne 30 dae van ontvangs daarvan.
- (3) In geval waar die klagte nie verband hou met die gesondheidsinstansie waarvoor die hoof van die instansie verantwoordelik is nie, moet die hoof van die gesondheidsinstansie binne 14 dae van ontvangs van die klagte:-
 - a) Ontvangs erken;
 - b) Die klaer adviseer dat die klagte verband hou met 'n ander instansie; en
 - c) Die klagte aanstuur na die betrokke gesondheidsinstansie of diens.
- (4) As 'n gebruiker geen reaksie op sy of haar klagte binne die periode soos gestipuleer in onderafdeling (2) van die hoof van 'n openbare gesondheidsinstelling ontvang nie, of is ontevrede oor die antwoord ontvang, dan mag die gebruiker 'n klagte indien by die Hoof van die Departement.

11. NOORDWES GESONDHEIDSRAAD

- (1) Die Provinsiale Gesondheidsraad soos gevestig in terme van afdeling 26(1) van die Nasionale Wet op Gesondheid sal bekend staan as die Noordwes Gesondheidsraad.
- (2) Die Noordwes Gesondheidsraad sal, benewens die bepalings van enige ander Wet, optree in 'n adviserende hoedanigheid tot die Aanspreeklike Lid aangaande enige saak wat betrekking het op gesondheid en wat insluit maar nie beperk is tot: -
 - a) Beleide en riglyne aangaande enige onderwerp wat gerig is op die bevordering van goeie gesondheid vir die provinsie;
 - b) Wetgewing wat 'n inwerking het op gesondheidsbeleide voor sulke Wetgewing voorgelê word aan die Wetgewende liggaam;
 - c) Departementele strategiese planne; en

- d) Aktiwiteite van die Bestuurskomitee vir Gesondheid soos bepaal in terme van afdeling 12 van hierdie Wet.

12. STIGTING VAN 'n BESTUURSKOMITEE VIR GESONDHEID

- (1) Die Bestuurskomitee vir Gesondheid kom hiermee tot stand
- (2) Die Bestuurskomitee vir Gesondheid sal bestaan uit nie minder as ses en nie meer as twaalf lede nie, soos volg saamgestel:-
 - a) Die Hoof van die Departement;
 - b) Elke distrik se Gesondheidsbestuurder;
 - c) Enige ander persoon of persone met kundigheid, nie meer as vyf in totaal nie, wat die Aanspreeklike Lid as geskik mag ag vir benoeming tot die komitee;
 - d) Die Bestuurskomitee vir Gesondheid sal rekenpligtig wees tot die Noordwes Gesondheidsraad.
- (4) Die dienstermyn van die Bestuurskomitee vir Gesondheid sal gelyklopend wees met die dienstermyn van die Noordwes Gesondheidsraad.

13. ROL EN FUNKSIES VAN DIE BESTUURSKOMITEE VIR GESONDHEID

- (1) Die Bestuurskomitee vir Gesondheid moet:-
 - a) Op versoek van die Provinsiale Gesondheidsraad, ondersoek instel oorwegings neem en voorstelle maak aan die Noordwes Gesondheidsraad; en
 - b) Enige funksie vervul soos versoek deur die Noordwes Gesondheidsraad.
- (2) Die Bestuurskomitee vir Gesondheid mag:-
 - a) Sub-komitees saamstel uit hul lede om enige van hul funksies te vervul
 - b) Met die goedkeuring van die Noordwes Gesondheidsraad, enige persoon koöpteer tot enige van sy sub-komitees soos bepaal in paragraaf (a);
 - c) Enige van sy lede aanwys as voorsitter van enige van die sub-komitees;
 - d) Enige van die sub-komitees soos bepaal in paragraaf (a), ontbind of omvorm.

14. SAMESTELLING VAN DIE NOORDWES ADVIESFORUM VIR GESONDHEID

- (1) Die Noordwes Adviesforum vir Gesondheid soos oorweeg in afdeling 28(1) van die Nasionale Wet op Gesondheid, sal bekend staan as Die Noordwes Adviesforum vir Gesondheid en sal ingestel word deur die Aanspreeklike Lid deur kennisgewing in die Provinsiale Staatskoerant.
- (2) Die Noordwes Adviesforum vir Gesondheid sal soos volg saamgestel word:-
 - a) Die Aanspreeklike Lid;
 - b) Die Hoof van die Departement;

- c) Nie meer as drie verteenwoordigers van georganiseerde Arbeid binne die gesondheidsektor nie;
- d) Twee verteenwoordigers van georganiseerde plaaslike bestuur;
- e) 'n Verteenwoordiger van die Noordwes Gesondheidsraad;
- f) 'n Verteenwoordiger van elk van die erkende, gesondheidsverwante nie-regeringsorganisasies; en
- g) 'n Verteenwoordiger van:-
 - (i) 'n Vereniging van tradisionele gesondheidspraktisyns in die provinsie;
 - (ii) Privaat praktisyns in die provinsie;
 - (iii) 'n Verteenwoordiger van enige ander insethouders soos bepaal deur die Aanspreeklike Lid.

(3) Die Aanspreeklike Lid moet die plek, datum en tyd bepaal van die vergaderings van die Provinsiale Adviesforum.

(4) Die Noordwes Adviesforum sal ten minste een maal elke 12 maande vergader.

15. ROL EN FUNKSIES VAN DIE NOORDWES ADVIESFORUM VIR GESONDHEID

Die Noordwes Adviesforum vir Gesondheid moet interaksie, kommunikasie en die deling van inligting rakende Provinsiale gesondheidskwessies bevorder en fasiliteer tussen:-

- d) Die Departement;
- e) Munisipaliteite; en
- f) Geïdentifiseerde insethouders in gesondheidsdienste.

16. VOORBEREIDING VAN GESONDHEIDSPLANNE

(1) Elke Distriksbestuurder of Hoofstedelike Bestuurder vir Gesondheid, indien enige, moet gesondheidsplanne ontwikkel en voorlê aan die Gesondheidsraad in die distrik en die Aanspreeklike Lid soos oorweeg in afdeling 33 van die Nasionale Wet op Gesondheid.

(2) Die plan voorberei in terme van onderafdeling (1) moet:-

- a) Die menslike hulpbronplan van die gesondheidsdistrik insluit;
- b) Standpunte in ag neem van:-
 - (i) alle insethouders in die toepaslike gesondheid of hoofstedelike distrik; en
 - (ii) konsep gesondheidsplanne voorlê in terme van afdeling 20 van die Wet.
- c) Die basis vorm vir begroting beplanning soos oorweeg in die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999 soos gewysig).

(3) Die gesondheidsplanne verwys na in onderafdeling (1) sal:-

- a) Voorgelê word aan die Noordwes Gesondheidsraad vir oorweging vir voorlegging aan die Nasionale Departement van Gesondheid in terme van afdeling 33 van die Nasionale Wet op Gesondheid; en

- b) Voldoen aan enige formaat of enige riglyne soos bepaal in terme van afdeling 33 van die Nasionale Wet op Gesondheid.

HOOFSTUK 3 GESONDHEIDSISTEME IN DISTRIKTE

17. SAMESTELLING EN FUNKSIE VAN DIE GESONDHEIDSRADE IN DISTRIKTE

- (1) Die Gesondheidsrade in distrikte, soos oorweeg in afdeling 31 (1) van die Nasionale Wet op Gesondheid, sal tot stand gebring word deur die Aanspreeklike Lid deur kennisgewing in die Staatskoerant.
- (2) Onderhewig aan die bepalings van die Nasionale Wet op Gesondheid, sal elke Gesondheidsraad in distrikte as volg saamgestel word:-
- 'n Raadslid verantwoordelik vir gesondheid of genomineer deur die munisipaliteit in die distrik of hoofstedelike munisipaliteit, wat ook al die geval mag wees;
 - 'n Raadslid verantwoordelik vir gesondheid in elke plaaslike munisipaliteit in die distriksmunisipaliteit;
 - Die Distriksbestuurder vir Gesondheid wat die Aanspreeklike Lid sal verteenwoordig in die Gesondheidsraad in die distrik;
 - Nie meer as vyf ander persone aangewys deur die Aanspreeklike Lid na oorlegpleging met die betrokke distrik of hoofstedelike munisipaliteit.
- (3) 'n Persoon oorweeg in onderafdeling (2)(a) sal die voorsitter wees van die Gesondheidsraad in die distrik.
- (4) Benewens enige ander funksie wat 'n Gesondheidsraad in 'n distrik mag hê, moet 'n Gesondheidsraad in die distrik:-
- Die lewering van gesondheidsdienste binne die distriksmunisipaliteit, of die hoofstedelike raad, wat ook al die geval mag wees, kontroleer en evalueer;
 - Plaaslike munisipaliteite in die lewering van munisipale gesondheidsdienste of enige ander dienste toegesê aan die munisipaliteit deur die Aanspreeklike Lid in terme van afdeling (4)(2) van hierdie Wet, koördineer en ondersteun;
 - Die Aanspreeklike Lid deur middel van die Noordwes Gesondheidsraad aangaande implementering van Nasionale en Provinsiale Gesondheidsbeleide en norme en standaarde in die gesondheidsdistrik adviseer; en
 - Enige ander funksies soos verlang deur die Noordwes Gesondheidsraad of die Aanspreeklike lid, uitvoer.
- (5) 'n Distriksbestuurder vir Gesondheid moet, benewens enige ander funksies verlang deur die Gesondheidsraad in die distrik of die Noordwes Gesondheidsraad, funksies uitvoer soos aan hom toegewys in navolging van die oogmerke van hierdie Wet.

18. BEGROTING EN PRESTASIE MIKPUNTE

- (1) Die Aanspreeklike Lid moet, in oorleg met die betrokke distrik of hoofstedelike munisipaliteit en, na oorlegpleging met die toepaslike Gesondheidsraad in die distrik, gedetailleerde begrotings en bepaalde prestasie mikpunte goedkeur vir gesondheidsdienste in die distrik en sub-distrikte binne die gesondheidsdistrik, waartoe beide die Departement en die distrik of hoofstedelike munisipaliteit moet bydra.
- (2) Waar daar nie ooreenstemming bereik kan word tussen die Aanspreeklike Lid en die distrik of hoofstedelike munisipaliteit aangaande die begroting en die prestasie mikpunte soos oorweeg in onderafdeling (1) nie, sal die Aanspreeklike Lid na oorlegpleging met die Lid van die Uitvoerende Raad verantwoordelik vir Plaaslike Bestuur, die begroting en prestasie mikpunte bepaal vir die gesondheidsdistrik.
- (3) 'n Gesondheidsraad in die distrik moet op 'n kwartaallike basis aan die Aanspreeklike Lid rapporteer aangaande die prestasie gemeet aan die gestelde mikpunte asook die beplande stappe om te neem in geval waar mikpunte nie bereik is nie.
- (4) Waar 'n Gesondheidsraad in die distrik versuim het om gestelde mikpunte te behaal vir twee agtereenvolgende kwartale, moet die Aanspreeklike Lid, na oorlegpleging met die betrokke munisipaliteit, 'n intervensie plan soos nodig, voorberei en onmiddellik implementeer of implementering teweegbring om te verseker dat die gestelde mikpunte bereik word vir die daaropvolgende kwartale.

19. STIGTING VAN GESONDHEIDSRAD E IN SUB-DISTRIKTE

- (1) Die Aanspreeklike Lid sal die Gesondheidsdistrik verdeel in sub-distrikte.
- (2) Die grense van elke sub-distrik sal ooreenstem met plaaslike munisipaliteitsgrense.
- (3) Die Aanspreeklike Lid sal 'n Gesondheidsraad vestig vir elke sub-distrik.
- (4) 'n Gesondheidsraad in 'n sub-distrik sal soos volg saamgestel word:-
 - a) 'n Raadslid verantwoordelik vir gesondheid in die plaaslike munisipaliteit, wie die voorsitter sal wees van die Gesondheidsraad in die sub-distrik;
 - b) 'n Wyksraadslid van elke wyk;
 - c) Die voorsitter van elke Gesondheidskomitee in gemeenskappe soos tot stand gebring in terme van afdeling 21 van hierdie Wet;
 - d) Die Gesondheidsbestuurder van die sub-distrik;

- e) Hoof Uitvoerende Beampte of Bestuurder in elke sub-distrik hospitaal of gesondheidsentrum in die gemeenskap, soos die geval mag wees, in die gesondheidsdistrik; en
 - f) 'n Verteenwoordiger van enige belange groep soos bepaal deur die Aanspreeklike Lid na oorlegpleging met die Noordwes Gesondheidsraad.
- (5) Waar die munisipaliteit nie 'n raadslid het verantwoordelik vir gesondheid nie, moet die munisipaliteit 'n raadslid nomineer om die munisipaliteit te verteenwoordig in die Gesondheidsraad van die sub-distrik.
- (6) 'n Gesondheidsraad in die sub-distrik moet:-
- a) Koöperatiewe bestuur by sub-distrik vlak bevorder;
 - b) Koördinasie van beplanning en begroting van gesondheidsdienste in die sub-distrik verseker;
 - c) Die lewering van gesondheidsdienste in die sub-distrik vir gesondheid kontroleer en beheer;
 - d) Deur die Gesondheidsraad in die distrik die volgende adviseer:-
 - (i) die Gesondheidsbestuurder in die sub-distrik;
 - (ii) die Aanspreeklike Lid ;aangaande enige saak rakende gesondheidsdienste in die sub-distrik.
 - e) Die implementering van Nasionale en Provinsiale Gesondheidsbeleide kontroleer;
 - f) Enige ander funksie uitvoer soos verlang deur: -
 - (i) die Gesondheidsraad in die distrik;
 - (ii) die Noordwes Gesondheidsraad;
 - (iii) die Aanspreeklike Lid; en
 - g) die gesondheidsbestuurder van die sub-distrik adviseer aangaande die lewering van gesondheidsdienste binne die sub-distrik.

20. GESONDHEIDSBESTUURDER IN SUB-DISTRIK

- (1) 'n Gesondheidsbestuurder in 'n sub-distrik moet:-
- a) Na oorlegpleging met die Gesondheidsraad in die sub-distrik, ontwerp gesondheidsplanne voorberei en voorlê aan die toepaslike Distrik of Hoofstedelike Bestuurder; en
 - b) Implementering, kontrolering en evaluering van die lewering van gesondheidsdienste binne die sub-distrik verseker.

21. GEMEENSAP GESONDHEIDSKOMITEES

- (1) Die Aanspreeklike Lid mag, na oorlegpleging met die betrokke Gesondheidsraad in die sub-distrik, een of meer wyke binne die regsgebied van die Gesondheidsraad in die sub-distrik benoem as 'n Gemeenskap Gesondheidskomitee.
- (2) Die Gemeenskap Gesondheidskomitee sal bestaan uit:-
- a) Alle wyksraadslede binne die regsgebied van die Gemeenskap Gesondheidskomitee;

- b) Nie meer as vier mense aangestel deur die Aanspreeklike Lid uit nominasies gemaak deur die lede van die gemeenskap binne die betrokke wyk of wyke nie;
 - c) 'n Verteenwoordiger van die Hospitaalraad, verteenwoordigend van die hospitaal geleë binne die wyk, indien enige;
 - d) Die Bestuurder van die gesondheidsinstansie geklassifiseer as 'n kliniek of 'n gemeenskap gesondheidsentrum, wat geleë is in die regsgebied van die Gemeenskap Gesondheidskomitee; en
 - e) Twee lede aangewys deur die Aanspreeklike Lid wat spesiale belang het by of kundigheid het van gesondheidsdienste.
- (3) Die Aanspreeklike Lid sal uit die raadslede verwys na in onderafdeling (2)(a), een raadslid aanstel as die voorsitter van die Gemeenskap Gesondheidskomitee.
- (4) Die Gemeenskap Gesondheidskomitee moet, in verband met openbare gesondheidsdienste binne die regsgebied:-
- a) Die Bestuurder in die sub-distrik adviseer aangaande enige gesondheidsaangeleenthede;
 - b) Enige ander funksie uitvoer soos die Aanspreeklike Lid mag voorskryf.
- (5) Die Aanspreeklike Lid moet so gou as redelik moontlik, benoemings vra vir persone vir die doel om 'n lid of lede aan te stel, welke die geval mag wees, tot die Gemeenskap Gesondheidskomitee of om vakatures te vul in terme van onderafdeling (2)(b) deur publikasie van 'n kennisgewing in die Staatskoerant.
- (6) Die publikasie van 'n kennisgewing soos oorweeg in onderafdeling (5) sal gedoen word:-
- a) Na die afloop van die ampstermyn van lede of enige lid daarvan; en
 - b) Wanneer een of meer vakatures in die komitee ontstaan het.
- (7) Enige kennisgewing in terme van onderafdeling (5) sal:-
- a) Vermeld in verband met watter wyk of wyke benoemings gevra word en sal ook die maksimum getal benoemings spesifiseer;
 - b) Onderhewig aan die bepalings van die Wet, die vereistes, voorwaardes prosedures en vorm vermeld vir enige benoeming in terme van die afdeling; en
 - c) Ook die laaste dag vermeld waarop benoemings ontvang moet word.
- (8) Die Aanspreeklike Lid mag die lidmaatskap van enige lid wat gediskwalifiseer is in terme van afdeling 32 van hierdie Wet, beëindig.
- (9) As die amp van enige lid vakant raak voor die verstryking van sy of haar ampstermyn, sal die vakature so ontstaan, gevul word vir die onverstreke gedeelte van die termyn, deur die aanstelling van 'n ander persoon deur die Aanspreeklike Lid in terme van onderafdeling (5).
- (10) 'n Lid van die Gemeenskap Gesondheidskomitee aangestel in terme van onderafdeling (2)(b) en onderafdeling (2)(e) sal die amp beklee vir 'n periode van 3 jaar.

- (11) Die Aanspreeklike Lid mag die ampstermyn van lede van die Gemeenskap Gesondheidskomitee soos na verwys in onderafdeling (10) verleng vir 'n verdere periode wat nie 12 maande sal oorskry nie.

HOOFSTUK 4 HOSPITALE

22. VESTIGING EN ONDERHOUD VAN HOSPITALE

- (1) Die Aanspreeklike Lid mag, na oorlegpleging met die Minister, enige Provinsiale Hospitaal stig of afstig asook enige diens bykomstig daartoe.
- (2) Die Aanspreeklike Lid moet enige gestigte Provinsiale Hospitale asook enige dienste bykomstig daartoe onderhou.
- (3) Vanaf die aanvangsdatum van hierdie Wet, sal alle hospitale onder beheer en bestuur van die Departement geag wees soos gevestig in terme van onderafdeling (1).

23. SAMEWERKINGSOOREENKOMSTE

Die Departement mag, onderhewig aan enige ander Wet, 'n ooreenkoms sluit met enige persoon, instelling of organisasie om sodoende die voorsiening van gesondheidsdienste in die Provinsie te bevorder.

24. HOOF VAN 'n OPENBARE HOSPITAAL

- (1) Die Aanspreeklike Lid sal, in ooreenstemming met die bepalings van die Wet op Openbare Dienste, 1994 (Wet 103 van 1994), 'n geskikte persoon aanstel:-
- a) As die Hoof Uitvoerende Beampte om die hoof te wees van die openbare hospitaal of 'n groepering van sulke hospitale, welke die geval mag wees; en
 - b) As hoof van enige ander openbare gesondheidsinstelling buiten 'n hospitaal.
- (2) Waar die Uitvoerende Beampte, aangestel in terme van onderafdeling (1), nie 'n geregistreerde praktisyn is nie, sal die Mediese Bestuurder of die Hoof van Kliniese Dienste in daardie hospitaal aandag gee aan regs kundige aspekte en etiese aangeleenthede van die hospitaal, op voorwaarde dat die Hoof Uitvoerende Beampte verantwoordelik bly vir die bestuur van die hospitaal.
- (3) Enige verwysing na "Mediese Superintendent" van 'n openbare hospitaal in enige Wet sal verklaar word as 'n verwysing na die Hoofuitvoerende Beampte.

25. HOSPITAALRADE

- (1) Die Aanspreeklike Lid, moet ten opsigte van die Provinsiale openbare gesondheidsinstelling, 'n verteenwoordigende raad saamstel soos oorweeg in afdeling 41 van die Nasionale Wet op gesondheid, vir:-
 - a) Elke openbare gesondheidsinstansie geklassifiseer as 'n hospitaal; en
 - b) Elke groep van ander openbare gesondheidsinstansies soos die Aanspreeklike Lid mag bepaal, en mag 'n naam toedeel aan so 'n raad.
- (2) Die Aanspreeklike Lid mag, in die samestelling van 'n hospitaalraad in terme van onderafdeling (1):-
 - a) Die ledetal vir so 'n raad bepaal;
 - b) Die openbare hospitaal of groep van gesondheidsinstellings waarvoor so 'n raad saamgestel is, spesifiseer.
- (3) 'n Hospitaalraad sal bestaan uit:-
 - a) 'n Verteenwoordiger van elke Universiteit waaraan die openbare hospitaal of openbare gesondheidsinstellings, welke die geval mag wees, verbonde is;
 - b) Die Hoof Uitvoerende Beampte van die hospitaal of die Bestuurder van Gesondheid in die sub-distrik in gevalle waar die raad gevestig is in terme van onderafdeling (1)(b);
 - c) Drie verteenwoordigers van die bestuur van die hospitaal of groep van openbare gesondheidsinstellings, welke die geval mag wees;
 - d) Twee verteenwoordigers van georganiseerde arbeid binne die hospitaal of groep van openbare gesondheidsinstellings, welke die geval mag wees; en
 - e) Nie meer as drie verteenwoordigers van die gemeenskappe bedien deur die openbare hospitaal of groep van openbare gesondheidsinstellings, welke die geval mag wees.
- (4) Die Aanspreeklike Lid mag insluit, as lede van die hospitaalraad, nie meer as vyf persone met kundigheid in rekeningkunde, finansiële bestuur, menslike hulpbronbestuur en wetlike aspekte nie.
- (5) Lede van die hospitaalraad aangestel in terme van onderafdeling (3)(c) en (d) sal nie stemreg hê by raadsvergaderings nie.
- (6) 'n Hospitaalraad mag die bestuur van die hospitaal of groep van openbare instellings, adviseer op:-
 - a) Enige saak rakende die hospitaal of groep van openbare gesondheidsinstellings asook op die middele en metodes van hoe die beheer, regulering en administrasie en bestuur verbeter kan word;
 - b) Verslae en dokumente met betrekking tot:-
 - (i) jaarlikse skattings op inkomste en uitgawes; en
 - (ii) finansiële state en verslae van die Ouditeur-Generaal.
- (7) Lede van die Raad sal die amp beklee vir 'n periode van drie jaar en die Aanspreeklike Lid mag die ampstermyn verleng vir 'n periode nie langer as twaalf maande nie.
- (8) Die Aanspreeklike Lid moet die lidmaatskap beëindig van enige lid wat gediskwalifiseer is in terme van afdeling 32 van die Wet.

26. TOELATING EN BEHANDELING VAN GEBRUIKERS DEUR 'n PRIVAAT PRAKTISYN IN 'n OPENBARE GESONDHEIDSINSTELLING

- (1) 'n Privaat praktisyn sal nie 'n gebruiker in 'n openbare gesondheidsinstelling behandel nie:-
- a) Behalwe met die toestemming van:-
 - (i) die Hoof Uitvoerende Beampte;
 - (ii) in 'n noodgeval, die Kliniese Bestuurder van die openbare gesondheidsinstelling; of
 - b) Behalwe as toegelaat in terme van die ooreenkoms soos oorweeg in afdeling 27 van hierdie Wet.
- (2) 'n Aansoek tot toestemming in terme van onderafdeling (1) sal gebring word in 'n vorm bepaal deur die Aanspreeklike Lid en sal nie oorweeg word as privaat praktisyn nie skriftelik onderneem het:-
- a) Om gehoor te gee aan die reëls en regulasies van toepassing op die openbare gesondheidsinstelling; en
 - b) Die Departement te vrywaar teen enige verlies, skade of besering wat mag voorkom by die gebruiker of sy/haar afhanklikes as gevolg van die behandeling voorsien aan die gebruiker.
- (3) Die Hoof van 'n openbare gesondheidsinstelling mag, met betrekking tot 'n aansoek in onderafdeling (1):-
- a) So 'n toestemming toestaan, weier of terugtrek; of
 - b) Dit toestaan onderhewig aan voorwaardes soos mag voorgeskryf.
- (4) 'n Privaat praktisyn gegrief deur:-
- a) 'n Weiering om toestemming te verleen in terme van onderafdeling (1);
 - b) 'n Voorwaarde daargestel ten opsigte van so 'n toestemming;
 - c) Die terugtrek van enige so 'n toestemming
- mag, binne 10 dae ontvangs van kennisgewing van so 'n weiering van toestemming, daarstelling van 'n voorwaarde of 'n terugtrekking van toestemming, 'n geskrewe appèl aanhangig maak by die Hoof van die Departement.
- (5) As verlof tot appèl, gemaak in terme van onderafdeling (4), toegestaan word, sal die hoof van die openbare gesondheidsinstelling gevolg gee aan die besluit van die Hoof van die Departement.

27. VERHOUDING TUSSEN PRIVATE EN OPENBARE GESONDHEIDSINSTELLINGS

- (1) Onderhewig aan die bepalings van enige ander Wet, mag die Departement kontraktuele en ander ooreenkomste met privaat praktisyne, private

gesondheidsinstellings en nie regeringsorganisasies sluit met die doel om toegang te verleen tot gesondheidsdienste en ander ondergeskikte dienste.

- (2) 'n Ooreenkoms soos oorweeg in onderafdeling (1) mag voorsiening maak vir die gebruik van openbare gesondheidsinstellings deur privaat praktisyns

HOOFSTUK 5 GESONDHEIDSORG OPLEIDINGSINSTELLINGS

28. VESTIGING VAN GESONDHEIDSORG OPLEIDINGSINSTELLINGS

- (1) Die Aanspreeklike Lid:-
- a) Mag enige gesondheidsorg opleidinginstelling stig of afstig; en
 - b) Sal enige gevestigde bestaande gesondheidsorg opleidinginstelling onderhou ten einde die oogmerke van hierdie Wet tot uitvoering te bring.
- (2) Onderhewig aan die bepalings van enige Wet, mag die Departement enige geskrewe ooreenkoms aangaan met enige Universiteit soos nodig geag vir die uitvoering van oogmerke van onderafdeling (1).
- (3) Enige bestaande of gevestigde gesondheidsorg opleidinginstelling beskou as gestig te wees onder die bepalings van enige Wet herroep deur hierdie Wet, sal beskou word as gestig of afgestig te wees onder ooreenstemmende bepalings van hierdie Wet.

29. GEMEENSKAPLIKE AANSTELLING

- (1) Die Aanspreeklike Lid mag, onderhewig aan enige Wet en in oorleg met enige Universiteit wat die ooreenkoms soos oorweeg in afdeling 28 onderskryf, enige persoon aanstel as 'n gemeenskaplike benoemde van die Universiteit en die Departement.
- (2) Enige persoon aangestel in terme van onderafdeling (1) sal:-
- a) Akademiese onderrig gee aan die Universiteit, gesondheidsorg opleidinginstelling of beide die Universiteit en gesondheidsorg opleidinginstelling;
 - b) Optree in 'n algemene adviserende raadgewende hoedanigheid met betrekking tot professionele dienste gelewer deur so 'n Universiteit of gesondheidsorg opleidinginstelling of beide die Universiteit en die gesondheidsorg opleidinginstelling;
 - c) Sulke funksies uitvoer soos ooreengekom tussen die Departement en die Universiteit.

30. TOEGANG TOT T OPENBARE GESONDHEIDSORG OPLEIDINGSINSTELLINGS EN DIENSTE

- (1) Geen persoon sal toegang hê tot 'n openbare gesondheidsinstelling of diens met die oogmerk om:-
- a) Te doseer, akademiese onderrig te gee of navorsing te doen; of

- b) Akademiese onderrig te ontvang behalwe waar hy of sy vooraf verkreeë goedkeuring ontvang het van die Hoof van die Departement.
- (2) Enige toestemming toegestaan in terme van onderafdeling (1):-
- a) Mag herroep, gewysig of toegestaan word op grond van sulke bepalings en voorwaardes soos voorgeskryf mag word deur die Hoof van die Departement; en
 - b) Sal geldig wees vir 'n periode van twaalf maande vanaf die datum van goedkeuring.
- (3) Enige persoon aan wie toestemming verleen is in terme van onderafdeling (1), mag ter eniger tyd aansoek doen om die hernuwing van enige sulke toestemming of wysiging van enige voorwaarde wat gehê is op die toestemming.
- (4) Enige persoon gegrief deur die besluit van die Hoof van die Departement in terme van onderafdeling (2) sal, binne 21 werksdae van so 'n besluit, skriftelik verlot tot appèl rig aan die Aanspreeklike Lid.
- (5) Die Aanspreeklike Lid mag, in oorweging van enige appèl aangeteken in terme van onderafdeling (4), enige voorwaarde gehê deur die hoof van die Departement, handhaaf, herroep of wysig.
- (6) Die bepalings van onderafdeling (1) (a) sal nie geld vir enige persoon aangestel deur die Aanspreeklike Lid in terme van afdeling 30 van hierdie Wet nie.

31. OORTREDINGS EN BOETES

Enige persoon wat die bepalings van afdeling 30 (1) van hierdie Wet oortree, sal skuldig wees aan 'n misdryf en mag met skuldigbevinding blootgestel wees aan 'n boete of tronkstraf nie langer as ses maande nie; of beide so 'n boete of tronkstraf.

HOOFSTUK 6 LIDMAATSKAP VAN RADE EN KOMITEES

32. ONBEVOEGDHEID

Enige persoon wat:-

- a) Onder agttien jaar oud is;
- b) 'n Ongerehabiliteerde bankrotspeleer is;
- c) Verstandelik onbevoeg is; of
- d) Skuldig bevind is aan 'n misdryf sonder die keuse van 'n boete;

sal onbevoeg wees om enige amp te beklee of om 'n lid te word, of om 'n lid te bly van enige komitee of hospitaalraad gestig in terme van hierdie Wet.

33. VAKATURES

Vakatures in enige komitee of raad gestig in terme van hierdie Wet mag ontstaan as 'n lid:-

- a) Onbevoeg is in terme van afdeling 32;
- b) Tot sterwe kom;
- c) Skriftelik uit sy amp bedank en so 'n bedanking oorhandig aan die Voorsitter van so 'n komitee of raad; of
- d) Is afwesig sonder goeie rede vir drie agtereenvolgende vergaderings van so 'n raad of komitee.

34. ONTBINDING VAN 'n RAAD OF KOMITEE

Die Aanspreeklike Lid mag enige raad of komitee, gestig in terme van die Wet, ontbind as sulke raad of komitee:-

- a) Nalaat of versuim om vergaderings te hou vir 'n periode van drie maande;
- b) Versuim of weier om enige taak of funksie te verrig soos opgelê deur die Nasionale Wet op Gesondheid;
- c) 'n Onwettige daad of growwe onreëlmatigheid gepleeg het.

HOOFSTUK 7 REGULASIES EN MAGTIGINGS

35. REGULASIES

- (1) Die Aanspreeklike Lid mag, in soverre dit resorteer onder die funksionele bevoegdheid van die Aanspreeklike Lid, regulasies maak met betrekking tot:-
- a) Verstandelike gesondheid;
 - b) Moeder, kind, vroue en familie gesondheid en voeding;
 - c) Verligting sorg;
 - d) Oordraagbare siektes;
 - e) Die verkryging van omgewingsgesondheid beveiliging, wat sal insluit die bepaling van norme en standaarde, die voorsiening van voorligting en onderrig, asook ondersoek en kontrolering;
 - f) 'n Geïntegreerde voedingsprogram;
 - g) Alle sake rakende die bestuur, sorg, kontrole of regulering van gesondheidsinstellings, of dienste gestig in terme van hierdie Wet;
 - h) Die voorkoming van oortreding op persele of plekke onder beheer van die Departement;
 - i) Die beletting van die bekendstelling van enige artikel op enige persele onder die beheer van die Departement;
 - j) Klassifikasie, toelating, behandeling, sorg en oorplasing van pasiënte in 'n openbare gesondheidsinstelling en hulle ontslag van sulke hospitale;
 - k) Die handhawing van orde, dissipline, ordentlikheid en sindelikheid onder pasiënte en besoekers in openbare instellings;
 - l) Die voorwaardes waaraan praktisyns, aan wie daar toestemming verleen is om pasiënte te behandel in 'n Provinsiale Hospitaal, moet voldoen;
 - m) Die toelatings tot persele van openbare gesondheidsinstellings van persone wat nie pasiënte, praktisyns of personeellede is nie;
 - n) Inneem van goedere of verwydering van goedere uit 'n openbare gesondheidsinstelling;
 - o) Die verrigtinge en die handhawing van orde by vergaderings van 'n raad of komitee;
 - p) Enige ander saak, waarvan die aard daarvan nie beperk sal word deur die voorafgaande paragraaf nie, met die betrekking tot die bestuur en beheer of toesig van openbare gesondheidsinstelling;
 - q) Voorwaardes vir die aanstel van erelede of vrywillige werkers;
 - r) Die maatstawwe vir vergoeding en die bedrag van enige toelaag betaalbaar aan enige lid van hospitaalrade, gemeenskap gesondheidskomitees, sub-

komitees van die Gesondheidsbestuur Komitee en enige ander komitee saamgestel deur gemeenskapslede;

- s) In die algemeen, alle sake wat hy of sy nodig of wenslik ag in die bereiking van die oogmerke van hierdie Wet;
- t) Die voorsiening van mediese nooddienste, insluitende tariewe en fooie met betrekking tot ambulansse
- u) Enige ander saak met betrekking tot subsidiëring, bestuur van private gesondheidsinstellings wat subsidies ontvang;
- v) Die bepalings van forensiese mediese dienste;
- w) Benoeming en herbenoeming van gesondheidsinstellings;
- x) Enige saak wat in terme van die Wet vereis om voorgeskryf te word.

(2) Die Aanspreeklike Lid mag regulasies voorstel:-

- a) Met betrekking tot die besoldiging en/of betaling van toelae betaalbaar, onderhewig aan enige toepaslike Wet, regulasie of beleid, aan lede van Gemeenskap Gesondheidskomitees, Hospitaalrade, Distriksgesondheidsrade en Sub-Distrik Gesondheidsrade; en
- b) Onderhewig aan enige toepaslike Wet, regulasie of beleid, met betrekking tot die benoeming en herbenoeming van gesondheidsinstellings in die Provinsie.

(3) Regulasies onder die afdeling mag, ten opsigte van 'n oortreding daarvan of 'n versuiming om daaraan gehoor te gee, 'n bestraffing voorskryf van 'n boete of tronkstraf vir 'n periode nie langer as ses maande nie, of beide 'n boete en tronkstraf.

36. MAGTIGINGS

- (1) Die Aanspreeklike Lid mag, onderhewig aan sulke voorwaardes soos hy of sy mag bepaal, enige mag of funksie toegeken aan hom onder hierdie Wet, behalwe die mag om regulasies te maak, delegeer aan die Hoof van die Departement en hy of sy mag die Hoof van die Departement magtig om die mag of funksie te delegeer aan enige amptenaar van die Departement.
- (2) Die Hoof van die Departement mag, onderhewig aan sulke voorwaardes soos hy of sy mag bepaal, enige van sy of haar magte of funksies onder hierdie Wet, delegeer aan 'n amptenaar van die Departement.
- (3) 'n Magtiging onder onderafdeling (1) of (2) sal nie die Aanspreeklike Lid of Hoof van die Departement, welke die geval mag wees, verhinder om sulke magte of funksies homself of haarself uit te oefen of uit te voer nie.

HOOFSTUK 8 ALGEMEEN

37. BOETES

Enige persoon wie op aanklag skuldig bevind word aan enige oortreding in terme van hierdie Wet, waar geen spesifieke boete voorsien is nie, sal aanspreeklike gehou word vir die betaling van 'n boete of vir tronkstraf nie langer as drie jaar nie, of beide so 'n boete of tronkstraf.

38. HERROEPING VAN WETTE EN VOORBEHOUDE

- (1) Onderhewig aan bepalinge van onderafdeling (2), die Wette genoem in die Skedule van die Wet, sal tot die omvang soos gespesifiseer in die 3de kolom van daardie Skedule, gereken wees om herroep te word in terme van hierdie onderafdeling.
- (2) Enige aankondiging, regulasie reël, bevel, kennisgewing, goedkeuring, mag, opgawe, sertifikaat, direksie of aanstelling gemaak, uitgereik, gegee of toegestaan, en enige ander handeling onder die bepalinge van enige Wet herroep deur hierdie Wet, sal gereken word as gemaak, uitgereik, gegee of toegestaan of gedoen onder die ooreenstemmende bepalinge van die Wet.

39. KORT TITEL EN AANVANG

- (1) Hierdie Wet sal die Noordwes Wet op Gesondheid, 2006 genoem word en sal in werking tree op 'n datum voorgestel deur die Premier in die Staatskoerant.
- (2) Verskillende datums mag vasgestel word vir verskillende afdelings van die Wet.

SKEDULE

WET	TITEL	OMVANG VAN HERROEPING
Wet, 1997 (Wet 2 van 1997)	Noordwes Wet op Gesondheid, Sosiale Welsyn en Ontwikkeling en Hospitaalbestuursgenootskappe	Afdelings 1, 2, 6, 7, 10, 29, 32 in soverre dit betrekking het op Gesondheids- en Hospitaalbestuursgenootskappe. Hoofstuk 4
Wet, 1983 (Wet 12 van 1983)	Bophuthatswana Gesondheid	Die Wet in sy geheel
Wet, 1995 (Wet 11 van 1995)	Gesondheidswet Rasionalisering	Afdelings 3 en 5
Ordonnansie 14 van 1958	Hospitaal Ordonnansie en Regulasies (Transvaal)	Die Wet in sy geheel
Ordonnansie 18 van 1946	Hospitaal Ordonnansie en Regulasies 1946 (Kaap de Goeie Hoop)	Die Wet in sy geheel
Ordonnansie 3 van 1956	Gewysigde Hospitaal Ordonnansie (Kaap de Goeie Hoop)	Die Wet in sy geheel
Ordonnansie 15 van 1955	Gewysigde Hospitaal Ordonnansie (Kaap de Goeie Hoop)	Die Wet in sy geheel

Umthetho oyilwayo wezempilo kuMntla Ntshona 2008

Ukuphumeza amagatya athile omthetho ka 2003 wezempilo jikelele
(61 of 2003); ukubonelela kokudala indlela ebanzi emisiweyo yezempilo
kwiphondo; ukubonelana kokulungelelana nenkxaso yoomasipala kwigatya
elikwiziko lezempilo; ukubonelela kokurhoxiswa kwamagatya athile kwiziko
lezempilo kuMntla Ntshona

Intshayelelo

NgokoMgaqo-Siseko, wonke umntu unelungelo lokufumana uncedo kumaziko
ezempilo; kwaye

Urhulumente wephondo loMntla Ntshona uzinikele

ekujongisiseni elilungelo elikuMgaqo Siseko loncedo kumaziko empilo; kwaye

Urhulumente wephondo loMntla Ntshona uzimisele

ekunikezeleni ngamaziko ezempilo amkelekileyo, asebenzayo, afikelelekayo

kunye nesihlanganelweyo ngendlela yokusebenzisa isibhedlele kunye

neekliniki ngendlela ebanzi yephondo; kwaye

Urhulumente wephondo loMntla Ntshona uzimisele ekutheni asebenzisane
namaziko angasese kwakunye nomphakathi okanye noluntu

TLAPHOKE IFAKWE ENTSEBENZWENI ngUmbaliwomthetho wephondo
loMntla Ntshona ngendlela elandelayo:-

ISAPHLUKO 1**IINKCAZELO KWAKUNYE NOKUTOLIKWA**

1. Inkcazelo
2. Injongo yalo mthetho
3. Ukusetyenziswa kunye nokutolikwa

ISAPHLUKO 2**EZEMPILO KWIPHONDO**

4. Umsebenzi noxanduva lweLungu eliThembekileyo
5. Ukubonclela ngamayeza ayimfuneko
6. Ukunyulwa, ukurhoxiswa, ukunyuselwa kwakunye nokuqeshwa kwabasebenzi
7. Amalungu angahlawulwayo ngabasebenzi abazigqatsileyo bezempilo
8. Umsebenzi noxanduva weSebe lezempilo
9. Umyolelo kwakunye nezipho
10. Inkqubo yesikhalazo
11. Ibhunga lezempilo kuMntla Ntshona
12. Ukumiswa kwekomiti yolawulo lwezempilo
13. Umsebenzi noxanduva lwekomiti yolawulo lwezempilo
14. Ukuqanjwa kwe-Foram Ecebisayo yezeMpilo kuMntla Ntshona
15. Uxanduva nemisebenzi yeForam ecebisayo yezempilo kuMntla Ntshona
16. Ulungiselelo lwezicwangciso zezempilo

ISAPHLUKO 3**INDLELA YESITHILI YEZEMPILO**

17. Umsebenzi webhunga lezempilo kwisithili nokuqanjwa kwalo
18. Uqingqo-mali nesenzo ekujoliswe kuso
19. Ukumiswa kwebhunga lezempilo lesithili
20. Izicwangciso zezempilo kwisithili
21. Iikomiti zempilo yoluntu

ISAPHLUKO 4**IZIBHEDLELE**

22. Ukumiswa nokugcinwa kwezibhedlele
23. Imvisiswano ngentsebenziswano
24. Intloko yesibhedlele sikawonke-wonke
25. Iibhodi zezibhedlele
26. Ukulalisa kwakunye nonyango olwenziwa ngabasebenzi bangasese kwizakhiwo zezempilo yoluntu

27. Unxulumano phakathi kwezempilo zika wonke-wonke nezingasese, nokusungulwa kwazo

ISAPHLUKO 5

INDAWO YOKUFUNDISWA NGOKHUSELEKO LWEZEMPILO

28. Ukusungulwa kwendawo yokufundiswa ngokhuseleko lwezempilo
29. Ukunyulwa okudityanelweyo
30. Indlela kawonke-wonke yokufumana unyango, nokusungulwa kwayo
31. Amatyala kwakunye nezohlwayo

ISAPHLUKO 6

AMALUNGU EBHODI KWAKUNYE NEKOMITI

32. Ukwalelwa
33. Imisebenzi
34. Ukupheliswa kwebhodi okanye ikomiti

ISAPHLUKO 7

IMIMISELO KWAKUNYE NEQELA LABATHUNYWA

35. Imimiselo
36. Iqela labathunywa

ISAPHLUKO 8

GENERAL

37. Izohlwayo
38. Ukurhoxiswa kwemithetho nokusindisa
39. Isihloko esifutshane nokuqalisa

ISAHLUKO 1**INKCAZELO KWAKUNYE NOKUTOLIKWA****1. Inkcazelo**

Kulo mthetho, ngaphandle kokuba:-

“Umongameli Oyintloko Wequmrhu Eliphetheyo” oko kuthetha umntu onyulwe ngokwecandelo 24 lwalomthetho

“uMgaqo Siseko” oko kuthetha uMthetho ka 1996 woMgaqo Siseko weRiphabliki yoMzantsi Afrika, (Mthetho 108 ka 1996);

“Isebe oko kuthetha Isebe lezempilo kwiPhondo;

“Ibhunga Lesithili” oko kuthetha Ibhunga likamasipala lesithili njengokuba kuchaziwe kwicandelo 18 loMthetho Wezakhiwo zakamasipala ka 1998(Mthetho 117 ka 1998);

“Ibhunga lezempilo lesithili” oko kuthetha Ibhunga elimiswe ngokwecandelo 31 loMthetho Jikelele wezeMpilo, 2003 (Mthetho 61 ka 2003);

“Abaqeshwa Bononophelo Lwempilo” oko kuthetha Oogqirha nabasebenzi bezempilo

“Ezempilo Kwisithili” oko kutsho umda owahluliweyo ngokwecandelo 29 loMthetho jikelele wezempilo, 2003 (Mthetho 61 ka 2003)

“Ukumiswa kwezempilo” oko kutsho iziko likawonke-wonke liphelele, okanye inxalenye yalo, okanye elangasese, ummiselo, okanye isakhiwo indawo, nokuba ngeyenza ingeniso okanye engasetyenziswa okanye cyenzelwe ukubonelela umguli olaliswe esibhedlele nongalaliswanga ngonyango, ukungena phakathi konyango nokuqonda izifo, ukonga, ukuchacha, uthinthelo, okanye nokuba loluphi uncedo lwezempilo;

“Ikomiti Yolawulo lwezempilo” oko kutsho ikomiti emiselwe ngokwecandelo 12 yalo Mthetho

“Intloko yeSebe” oko kutsho Intloko yesebe lephondo kwezempilo ekubhekiswa kuyo kumhlathi wesibini woludwe lwenkqubo kuMthetho 1994 kwincedo lokaWonke-wonke (Uphaphasho 103 ka 1994)

“Intloko yeZiko lwezeMpilo okanye isibhedlele” oko kutsho Umongameli Oyintloko Wequmrhu eliphetheyo kwiziko lika wonke-wonke lwezempilo, okanye naye nowuphi umntu obekwe njengentloko yeZiko lwempilo langasese;

“Uyilo lwezeMpilo” liyilo elinobuchule nobuqili, Injongo yesenzo nokuqingqo-mali elufunekayo ekufezekiseni ezonjongo;

“Isithili Esahluliweyo” oko kutsho umda owahluliweyo ngokwecandelo 19 lalomthetho

“Umsebenzi wezempilo” oko kutsho nowuphi na umntu obandakanyekayo kulungiselelo loncedo lwezempilo kumsebenzisi, kodwa oko akuquki ugqirha;

“Isibhedlele” oko kutsho iziko lezempilo, elihlelwa nje ngesibhedlele nguMphathiswa ngokwecandelo 35 loMthetho jikelele wezempilo (Mthetho 61 ka 2003);

“Ibhunga lesiPhaluka” kutsho Ibhunga likamasipala wesiphuluka njengokuba kuchaziwe kwicandelo 18 kaMthetho wezakhiwo zikamasipala, 1998 (Mthetho 117 ka 1998)

“uMphathiswa” kutsho umphathiswa njengokuba kuchaziwe kwicandelo 1 kuMthetho jikelele wezempilo (Mthetho 61 ka 2003)

“Uncedo likamasipala kwezempilo” ngenxa yalomthetho oko kuquka-

- (a) Ukongamela ixabiso lamanzi;
- (b) Ulawulo lokutya;
- (c) Ukulawula ukungcola;
- (d) Ukucupha ezempilo kwizakhiwo;
- (e) Ukucupha nokuthintela izifo ezosulelayo kungathintwanga ukugonya;
- (f) Ulawulo lwezindambuzane;
- (g) Ukungcoliseko kommadla
- (h) Ukuqosheliswa kwabafileyo; kwakunye
- (i) Nokukhuselwa lwemichiza,

Kodwa ngaphandle kwempilo kwizikhululo zenqanawa, ulawulo lwecesina kunye nezinye izinto ezinobungozi

“Indlela emisiweyo yokwaziswa yezeMpilo Jikelele” kutsho indlela yokwazisa ngokungqinelana necandelo 74 kuMthetho Jikelele wezempilo, 2003 (Mthetho 61 ka 2003)

“Ibhunga lezempilo laseMntla Ntshona” kutsho Ibhunga elisekwe ngokocandelo 26 kuMthetho Jikelele wezempilo, 2003 (Mthetho 61 ka 2003)

“Iforam Ecebisayo yezeMpilo yoMntla Ntshona” kutsho iforam ccamngcwa kwicandelo 14 yaloMthetho.

“Urhulumente wazaSekhaya Olungiselelweyo” kutsho umbutho wephondo omisiweyo ngokwecandelo 2 kuMthetho kaRhulumente waSekhaya Olungiselelo, 1997 (Mthetho 52 ka 1997)

“uGqirha” kutsho umntu onikezela ngoncedo lwezempilo ngoko kungqinelana nawo nowuphi umthetho, oko kuquka nookulandelayo:-

- (a) uMthetho wezeMpilo Jikelele ka 2003 (Mthetho 61 ka 2003);
- (b) uMthetho woMsebenzi Omanywe nezempilo ka 1982 (Mthetho 63 ka 1982);
- (c) uMthetho woMsebenzi wezeMpilo ka 1974 (Mthetho 56 ka 1974);
- (d) uMthetho waBongikazi ka 1978 (Mthetho 50 ka 1978);
- (e) uMthetho weZindlu zokuphithikeza amayeza ka 1974 (Mthetho 53 ka 1974)
- (f) uMthetho woogqirha bamazinyo ka 1979 (Mthetho 17 ka 1979)
- (g) uMthetho woogqirha besintu kwezeMpilo ka 2004 (Mthetho 35 ka 2004)

“Omiselweyo” oko kutsho okumiswe ngokolawulo ngaphantsi kwalomthetho;

“Iziko lezempilo langasese” kutsho iziko lezempilo engenamninilo, clingonganyelwa, liphethwe okanye lilawulwa liphondo loMntla Ntshona;

“UGqirha wangasese” oko kutsho uGqirha ongekho-

- (a) ngumsebenzi kaRhulumente wephondo; okanye
- (b) Oqeshwe ngokwecandelo 26 okanye icandelo 27 lalo Mthetho;

“Iphondo” oko kutsho iphondo loMntla Ntshona njengoba kubhaliwe kwicandelo 103 loMgaqo Siseko, (Mthetho 108 ka 1996);

ISAHLUKO 2

EZEMPILO KWIPHONDO

4. Umsebenzi noxanduva lweLungu elithembekileyo

- (1) ILungu eliThembekileyo kufuneka liqinisekise ukuba ipolisi yesizwe neyephondo iyalandelwa, kwakunye nezithethe nemigangatho
- (2) Kufuneka iLungu elithembekileyo linikezele koomasipala ngoncedo lwezempilo njengoko kubhaliwe kwicandelo 32 (2) loMthetho Jikelele wezeMpilo, emva kokubanodliwano-ndlebe nelungu lebhunga elilawulayo likuRhulument waSekhaya
- (3) Emva komhla ekunikezelwa ngawo koomasipala uncedo lwezempilo:-
 - (a) irekhodi zolawulo kunye namanye amaxwebu amalungu noncedo lwezempilo azakudluliselwa kuloomasipala;
 - (b) Abongameleyo, nenkathalo kwakunye nolawulo loncedo elo lwezempilo liya kugunyazisa loomasipala;
 - (c) Utshintshelo lwabaqeshwa, ukuba bakhona, luzakuqhutywa njengokubhalwe kwi Act,1994 (Act 103 ka 1994) yoncedo lukawonke-wonke, okanye naye nowuphi umthetho osetyenziswayo
- (4) iLungu eliThembekileyo emva kokucebisana nelungu lebhunga elilawulayo elinoxanduva kaRhulumente waSekhaya, lingarhoxisa okanye lohluke nokuba kukowuphi Umsebenzi Omiselweyo, ukuba:-
 - (a) wanelisekile ukuba okokwahluka okanye ukurhoxisa kutsala umdla kawonke-wonke, okanye
 - (b) umasipala akahlonelanga enye yeemfuneko ezibalulekileyo zomsebenzi owabelwe wona.
- (5) (a) iLungu eliThembekileyo, emva kokuvumelana neLungu leBhunga elilawulayo elijongene nezezimali, nangokweemali ezikhutshwe ngalunjongo liqumrhu lowiso mthetho, ngaphantsi komthetho okwicandelwano (1), lizakubonclela ngezimali kuncedo lwezempilo nokuba loomsebenzi unikezelwe okanye awunikezelwanga kumasipala.
 - (b) iLungu eliThembekileyo lizakumisa:-
 - (i) ifomula yokukhutshwa kwezinto ezisetyenziswayo kwizithili nezithilana zezempilo ezehlukeneyo, kunye
 - (ii) nenkqubo ezakusetyenziswa ekukhupheni ezozinto zisetyenzisiwayo njengokuba kuchaliwe kumhlathana wesi (iii);
 - (iii) Lenkqubo kubhekiswa kuyo kumhlathana wesi (ii) iza kuquka-
 - (aa) ubuchule baloo masipala bokuzenzela eyawo irhafu;
 - (bb) ubuninzi babantu;
 - (cc) imigangatho yengeniso yaloodolophu;
 - (dd) isilinganiso sezifo; kwakunye
 - (ee) iprofayile yoncedo olunikezelweyo.

5. Ukubonelela ngamayeza ayimfuneko.

Ngokufumaneka kwezinto ezisetyenziswayo, Ilungu eliThembekileyo lizakwenza ukuba iziyobisi, izinto zokubhophha amanxeba, iimfuneko zonyango, izixhobo kwakunye nezinye izinto okanye amancedo, zinikwe nokuba leliph i iziko lezempilo elimisiweyo, elixhasiweyo, lalungiselelwa, lalawulwa nokuba ngowuphi usomagunya wedolophu, nokuba leliph i iziko langasese elifumana inkxaso kaRhulumente ngokomnye nowuphi umthetho, okanye neliph i na iziko okanye umntu onikezela ngoncedo lwezempilo egameni lesebe ngokwemfuneko ezijolise ekuqapheliseni Injongo yalomthetho.

6. Ukunyulwa, ukurhoxiswa, Ukunyulwa kwakunye nokuqeshwa kwabasebenzi

iliLungu eliThembekileyo, emva kokucebisana naloomasipala ofanelekileyo okanye Ibhunga lezempilo, nangokungqinelana no Act, 1994 (Act 103 ka 1994) woncedo luka wonke-wonke uzakuqesha, athumele umntu ofanelekileyo ukuba abe ngumphathi kwezempilo kwizithili, njengentloko yezempilo kwizithili kwakunye nomnye ozakuba yintloko yesithili kwezempilo.

7. Amalungu angahlawulwayo nabasebenzi abazigqatsileyo bezempilo

Ngaphantsi kwawo nowuphi umthetho, ilungu elithembekileyo lingaqesha amalungu angahlawulwayo nabasebenzi abazigqatsileyo bezempilo xa cbona oko kufuneka; amisele kwakunye nemigangatho yengqesho kuloo msebenzi ongahlawulwayo okanye ozigqatsileyo.

8. Umsebenzi noxanduva lweSebe

- (1) Ekongezeni phezu kwemisebenzi elingabe linayo iSebe ngaphantsi komnye nowuphi umthetho isebe lizaku-
 - (a) kuqinisekisa Ukusetyenziswa kweepolisi zezempilo zelizwe nezephondo nezithethe, lithathe inxaxheba kumacandelo amanyeneyo ephondo, kwaye
 - (b) lizibandakanye ekulungelelaniseni nakwintsebenziswano yamacandelo ephondo; kwakunye
 - (c) nokukhuthaza ukuzibandakanya koluntu ekwenzeni izicwangiso, ekuboneleleni nasekufuneni ixabiso loncedo lwezempilo.
- (2) Xa iSebe lisongeza komnye nowuphi Umsebenzi wawo nowuphi umthetho, iSebe liza ku:-
 - (a) lungiselela izicwangciso zebuqili zoluntu zexeshana;
 - (b) lizakumisa iindaba kwiebhunga leziko lwesithili sezempilo, nelwezithilana, nomaziko ezempilo kawonke-wonke;
 - (c) lizakucebisana, liqwalasele iingcebiso ezenziwa yikomiti yephondo lwezempilo; kwaye

(d) liqinisekise ukuba uncedo lwezempilo lukawonke-wonke liyabonelelwa.

9. Umyolelo kwakunye nezipho

- (1) Ngaphantsi komthetho wokongamela imali kawonke-wonke Act 1999 (Act 1 ka 1999) okanye naye nowuphi umthetho osetyenziswayo, Intloko yeSebe ingamkela umyulelo, izipho okanye umrhumo okhutshiweyo ngenjongo yokuxhasa nokufezekisa Injongo yalomthetho.
- (2) Noba ngonjani umyolelo, izipho okanye umrhumo, kweloziko lwezempilo elimiswe ngokwalomthetho, iza, kusetyenziswa ngokomthetho omalunga nemiyolelo okanye loo ngxowa ngokwaloo meko.

10. Inkqubo yesikhalazo

- (1) Umsebenzi owenziwe buhlungu sisenzo okanye yimpatho kagqirha, angafaka isikhalazo kwintloko yeloziko lwezempilo.
- (2) Loo ntloko yeziko lwezempilo ekufakwe kuyo isikhalazo ngokuhambisana ne candelwana (1) kufuneka ibhale emva kwentsuku ezingamashume amathathu, emva kokufumana isikhalazo.
- (3) Xa esosikhalazo sifakiweyo singachaphazeli eloziko lwezempilo, intloko yaso, Intloko yeloziko, iza kuthi emva kwentsuku ezilishumi elinesine:-
 - (a) livume ukuba liyifumene;
 - (b) licebise nokhalazayo ukuba isikhalazo eso singelinye iziko: kunye
 - (c) Athumele isikhalazo sakhe kweloziko lwezempilo elifanelekileyo.
- (4) Ukuba akafumani mpendulo kwisikhalazo sakhe ephuma kwintloko yeziko lwezempilo, phakathi kwexeshana elichaziweyo kwicandelwana (2) okanye akanelisekanga yimpendulo, loo msebenzi angafaka isibheni kwintloko yeSebe.

11. Ibhunga lezempilo loMntla Ntshona

- (1) Ibhunga lezeMpilo kwiPhondo elimiswe ngokwecandelo 26(1) woMthetho jikelele wezeMpilo lizakubizwa ibhunga lezeMpilo loMntla Ntshona.
- (2) Ibhunga lwezeMpilo loMntla Ntshona, ekongezweni okubhalwe emthethweni lizakuba ngumcebisi welungu elithembekileyo ngokubhekisela nezempilo oko kuquka; kodwa kungaphelanga kwii:-
 - (a) ipolisi nemigago malunga neyiphi imeko enjongo yayo ikukuxhasa impilo elungileyo yephondo.
 - (b) Umthetho oyiliweyo kwiipolisi zezempilo, ngaphambi kokuba loomthetho uyiliweyo waziswe;

- (c) Izicwangciso zobuqili zephondo, kwakunye
- (d) Imisebenzi yekomiti yolawulo lwezempilo emiswe ngokwecandelo 12 lalomthetho.

12. Ukumiswa kwekomiti yolawulo lwezeMpilo

- (1) Ngoko iKomiti yolawulo lwezeMpilo iyamiswa.
- (2) iKomiti yoLawulo lwezeMpilo izakuba namalungu angakho ngaphantsi kwesithandathu ubuninzi, engadlulanga nakwishumi elinesibini, azakubekwa ngalendlela ilandelayo:-
 - (a) iNtloko yeSebe;
 - (b) uMphathi kwisithili ngasinye sezempilo; kwakunye
 - (c) Nokuba ngowuphi omnye umntu okanye abantu abanobugcisa, abangadlulanga kwisihlanu, nabazakuqeshwa ngokwendlela elibona ifanelekile, ilungu elifanelekileyo, ekumiseni ikomiti.
- (3) IKomiti yolawulo lwezeMpilo izakumela iBhunga laseMntla Ntshona lwezeMpilo.
- (4) Ixesha lekomiti yolawulo lwezeMpilo e-ofisini lizakulingana nexesha lebhunga loMntla Ntshona.

13. Umsebenzi noxanduva lwekomiti yoLawulo kwezeMpilo

- (1) Ikomiti yoLawulo lwezeMpilo kufuneka:-
 - (a) kwisicelo esenziwa libhunga lephondo kwezempilo, izakwenza uphando, ijolise nasekwenzeni iingcebiso kwebhunga lezempilo loMntla Ntshona; kwakunye
 - (b) Yenze nomnye nowuphi Umsebenzi ecelwe libhunga lezempilo loMntla Ntshona.
- (2) Ikomiti yolawulo lwezempilo inga:-
 - (a) imise ikomitana ephuma kumalungu ayo ukuba enze nokuba ngowuphi umsebenzi;
 - (b) Ukukhetha, ngemvume yelibhunga lwezempilo loMntla Ntshona, naye nowuphi umntu ongena kwikomiti encinci emiswe ngokomhlathi (a);
 - (c) Ibeke nokuba lilungu layo ukuba abe ngusihlalo wayo neyiphi ikomiti; kunye
 - (d) Iphelise okanye iphinde iseke neyiphi ikomiti encinci emiswe ngokwendlela ebhalwe kumhlathi (a).

14. Ukuqanjwa kwe-Foram Ecebiso yezeMpilo yoMntla Ntshona

- (1) I-Foram Ecebisayo yezeMpilo kwiphondo, ecamngwa kwicandelo 28 (1) loMthetho jikelele lwezeMpilo, izakwaziwa njenge-Foram ecebisayo yezeMpilo yoMntla Ntshona, kwaye izakumiswa lilungu eliThembekileyo ngokwesibhengezo sephepha-ndaba lombuso kwiphondo.
- (2) I-Foram ecebisayo yezeMpilo yoMntla Ntshona iza kusekwa ngalendlela elandelayo:-
 - (a) Ilungu elithembekileyo;
 - (b) Intloko yesebe;
 - (c) Nabameli abangaphantsi kwenani lesithathu ubuninzi aphuma kumbutho wabasebenzi kwicandelo lezempilo;
 - (d) abameli ababini abaphuma kaRhulumente weDolophu;
 - (e) Ummeli ophuma kwiBhunga lezempilo loMntla Ntshona;
 - (f) Ummeli ophuma kwimibutho ngaminye eyaziwayo nengasiyiyo ekarhulumente; kunye
 - (g) Ummeli we:-
 - (i) umanyano woogqirha besintu kwiphondo;
 - (ii) Oogqirha bangasese kwiphondo; kwakunye
 - (iii) nelungu labo nabaphi abalawuli, njengokubona kwelungu elithembekileyo.
 - (h) ilungu elithembekileyo kufuneka lichaze indawo, umhla kunye namaxesha centlanganiso zeforam ecebisayo yephondo.
- (3) Ilungu elithembekileyo kufuneka lichaze indawo, umhla kunye namaxesha centlanganiso zeforam ecebisayo yephondo.
- (4) Iforam ecebisayo yezempilo kuMntla Ntshona izakuhlangana kanye phakathi kwesithuba esingangcenyanga ezilishume elinesibini ubuncinci.

15. Uxanduva nemisebenzi yeForam ecebisayo yezeMpilo yoMntla Ntshona

I-Foram ecebisayo yezeMpilo yoMntla Ntshona kumele ixhase kunye Yenze kubenentsebenziswano elula kunye nonxibelelwano nokwaba ulwazi kwimiba yezempilo kwiphondo phakathi:-

- (a) kwesebe;
- (b) umasipala; kunye
- (c) nabaphathi abakhethiweyo kwiinkonzo zempilo

16. Amalungiselelo ezicwangciso kwezempilo

- (1) Intloko yesithili ngasinye okanye yeziko elikhulu, xa kufuneka iza kuphuhlisa iphinde iveze izicwangciso kwezempilo kwibhunga lezempilo lwesithili nakwilungu elithembekileyo ngokungqinelana necandelo 33 lomthetho jikelele wezeMpilo.
- (2) Elocebo lilungiselweyo ngokocandelwana (1) kumele:-
 - (a) liquke izicwangciso zobuqili zoluntu, kwezempilo kwisithili;
 - (b) Liqaphelisile olu luvotwa:-
 - (i) Bobonke abaphathi bezempilo okanye abafanelekileyo besithili esikhulu; kunye
 - (ii) liyile izicwangciso zezempilo kwisithilana ngokwecandelo 20 laloMthetho
 - (c) libumbe isiko socwangciso loqingqo-mali ngokokugqinelana nomthetho wolawulo lwezemali kawonke-wonke Act (Act no.1 ka 1999 njengokulungisilwe).
- (3) Izicwangciso zezempilo ekubhekiswa kuzo kwicandelwana (1) ziza :-
 - (a) kunikezelwa kwibhunga lezempilo kuMntla Ntshona ukuthi azijongesise phambi kokuba zinike iSebe lezempilo jikelele, ngokwecandelo 33 lezempilo jikelele;
 - (b) Lithobele nayoncyiphi inkqubo okanye imigago emisiweyo ngokwecandelo 33 lomthetho wezempilo jikelele.

ISAHLUKO 3
INDLELA EMISIWEYO YEZEMPILO KWISITHILI

17. Umsebenzi webhunga lezempilo kwisithili nokuqanjwa kwalo

- (1) Amabhunga ezempilo ezithili ngokuhambiselana necandelo 31 (1) loMthetho wezeMpilo jikelele azakumiswa lilungu elithembekileyo ngokwesaziso sephondo sephepha-ndaba lombuso.
- (2) Ngokomthetho wezempilo jikelele omisiweyo, ibhunga lezempilo lesithili lizakusekwa ngalendlela ilandelayo :-
 - (a) ilungu lebhunga elisebenza ngezempilo okanye elityunjwe ngumasipala womda okanye owedolophu enkulu, kuxhomekeke kwimeko leyo;
 - (b) Ilungu lebhunga elisebenza ngezempilo komnye nomnye umasipala wedolophu nowesithili;
 - (c) Umphathi wezempilo kwisithili uzakumela ilungu elithembekileyo kwibhunga lezempilo lwesithili; kwakunye
 - (d) Nenani labantu abangadlulanga kwisihlanu ubuninzi abaqeshwe liLungu elithembekileyo emva kokucebisana nalo umasipala wesithili okanye wedolophu enkulu.
- (3) Umntu ocamngewa kwicandelo (2) (a) uzakuba ngusihlalo webhunga lezempilo lesithili.
- (4) Ekongezeni kuwo nawuphi umsebenzi; elizakuba linawo ibhunga lesithili lwezempilo kufuneka elobhunga lezempilo lwesithili:
 - (a) longamele liphinde likhangele ubukhulu bexabiso beenkonzo zezempilo
 - (b) lilungiselele kwaye lixhase oomasipala bedolophu ekunikezeleni ngoncedo lwezempilo ziinkonzo zikamasipala ngokomsebenzi eziwunikwe iliLungu elithembekileyo ngokwecandelo 4 (2) laloMthetho
 - (c) Licebise ilungu elithembekileyo kwibhunga lezempilo eMntla Ntshona ekusebenziseni ipolisi zezempilo kwiphondo, izithethe kwezempilo kwisithili; kwaye
 - (d) Lenze nenye neyiphi Imisebenzi ezakuba ifunwe kulo libhunga lezempilo eMntla Ntshona okanye lilungu elithembekileyo
- (5) Kufuneka umphathi wezempilo kwisithili, xa esongeza nokuba ngowuphi umsebenzi eliwucelweyo libhunga lezempilo kwisithili okanye elo Mntla Ntshona, enze nokuba ngowuphi omnye umsebenzi awunikiweyo ekufezekiseni injongo yaloMthetho.

18. Uqingqo-mali kunye nomsebenzi ekujoliswe kuwo

- (1) Kufuneka elilungu elithembekileyo, ekubeni licebisene naye umasipala wedolophu enkulu xasele ecebisene nebhunga yezempilo kwisithili, avumele kukhutshwe inqingqo-mali aze aseke nomsebenzi ekujoliswe kuwo kwiinkonzo zempilo ezikwisithili sezempilo nazo zonke izithalana ezikwesosithili sezempilo apho kufuneka iSebe kunye nomasipala omkhulu enze khona igalelo.
- (2) Xa ilungu elithembekileyo nomasipala wesithili bengavumelani ngoqingqo-mali nomsebenzi ekujoliswe kuwo, ngokuhambiselana ne candelwana (1), ilungu elithembekileyo emva kokucebisana nebhunga nebutho elilawulayo ne lijongene norhulumente wedolophu, liza kumisela isithili kwezempilo, uqingqo-mali nomsebenzi ekujoliswe kuwo.
- (3) Ibhunga lezempilo kwisithili lizakunikezela ngengxelo kwilungu elithembekileyo kunyangathathu, umsebenzi walo ekujoliswe kuwo, namanyathelo elizakuwathabatha apho umsebenzi ungatezwanga khona.
- (4) Apho ilungu lezempilo lesithili loyisakele khona ukufeza umsebenzi koonyanga-nthathu ababini abalandelayo, kufuneka ilungu elithembekileyo, emva kodliwano-ndlebe nalo masipala, lilungise kwaye liphumeze, okanye lenze kuphunyezwe icobo ngendlela ekuzakuqinisekiswa ngayo ukuba umsebenzi woonyangathathu ufezekiswe.

19. Ukumiswa kwamabhunga ezempilo ezithilana

- (1) Ilungu elithembekileyo liza kwahlula isithili sezempilo ukuba libezizithalana.
 - (2) Umda wesithalana ngasinye uzakudibana nomda womasipala wendawo.
 - (3) Ilungu elithembekileyo liza kumisa ibhunga lesithilana sezempilo ngasinye.
 - (4) Ibhunga lesithilana ngasinye kwezempilo iza kusekwa ngalendlela elandelayo:-
 - (a) ilungu lebhunga elijongene nezempilo kumasipala wedolophu oza
-