PROVINCE OF WESTERN CAPE

Provincial Gazette Extraordinary

6806

Monday, 1 November 2010

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OFFICE OF THE PREMIER OF THE PROVINCE OF WESTERN CAPE

P.N. 415/2010 1 November 2010

It is hereby notified that the Premier of the Province of Western Cape has assented to the following Act which is hereby published for general information:—

No. 3 of 2010: Western Cape Ambulance Services Act, 2010.

PROVINSIE WES-KAAP

Buitengewone Provinsiale Koerant

6806

Maandag, 1 November 2010

As 'n Nuusblad by die Poskantoor Geregistreer

KANTOOR VAN DIE PREMIER VAN DIE PROVINSIE WES-KAAP

P.K. 415/2010 1 November 2010

Hiermee word bekend gemaak dat die Premier van die Provinsie Wes-Kaap die onderstaande Wet wat hierby ter algemene inligting gepubliseer word, bekragtig het:—

Nr. 3 van 2010: Wes-Kaapse Wet op Ambulansdienste, 2010.

PHONDO LENTSHONA KOLONI

Tsongezelelo kwiGazethi yePhondo

6806

Mvulo, 1 Novemba 2010

Ibhaliswe ePosini njengePhephandaba

I-OFISI YENKULUMBUSO YEPHONDO LENTSHONA KOLONI

P.N. 415/2010 1 Novemba 2010

Kwenziwa isaziso apha sokuba iNkulumbuso yePalamente yePhondo leNtshona Koloni iwamkele ngokusemthethweni lo Mthetho ulandelayo opapashelwe ulwazi gabalala apha:—

Nomb 3 ka-2010: UMthetho weeNkonzo ze-Ambulansi weNtshona Koloni, 2010

(English text signed by the Premier)
(Assented to 1 November 2010)

ACT

To provide for the licensing of ambulance services in the Province; and for matters connected therewith.

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

Definitions

1. In this Act, unless the context indicates otherwise, a word or expression defined in the National Health Act, 2003 (Act 61 of 2003), has the same meaning as in that Act, and—

"**ambulance personnel**" means persons employed by a licensed ambulance service and registered in terms of, respectively—

(a) the Health Professions Act, 1974 (Act 56 of 1974), as a medical practitioner, paramedic, ambulance emergency assistant, basic ambulance assistant, operational emergency care orderly, emergency care practitioner, emergency care technician or emergency care assistant; or

(b) section 31 of the Nursing Act, 2005 (Act 33 of 2005), as a professional nurse, midwife, staff nurse, auxiliary nurse or auxiliary midwife;

"**ambulance service**" means any service that is intended to be employed and is held out to the public as available for—

(a) the emergency medical treatment, stabilisation, rescue or transportation of patients in need of emergency medical care; or

(b) the transportation of patients to and from and between health establishments;

"**Department**" means the provincial department responsible for health services in the Province;

"**Head of Department**" means the head of the department responsible for health services in the Province;

"**inspecting officer**" means a person designated as inspecting officer in terms of section 5;

"**licensed ambulance service**" means an ambulance service licensed in accordance with section 3;

"**Minister**" means the Provincial Minister responsible for health in the Province;

"**patient**" means a person who is ill, injured, wounded or otherwise incapacitated and in need of medical care and who may require stabilisation as well as transportation;

"**prescribe**" means prescribe by regulation;

"**Province**" means the Province of the Western Cape;

"**regulation**" means a regulation made in terms of section 12;

"**this Act**" includes the regulations;

"**vehicle**" includes any air or water-borne conveyance.

Application of Act

2. This Act does not apply to—

(a) an ambulance service which—
  (i) transports a patient from another province to a health establishment in the Province for the purposes of receiving medical attention and, after having received such attention, back to the other province; or
  (ii) renders assistance temporarily in the Province during a disaster as defined in section 1 of the Disaster Management Act, 2002 (Act 57 of 2002), or at the request of the Minister or the Head of Department; or
(b) an emergency centre at a health establishment.

Licensing of ambulance services

3. (1) A person, including any organ of state, may not conduct an ambulance service unless the service is licensed in accordance with this Act.

(2) The Minister must prescribe the procedure and requirements for licensing ambulance services and the renewal of licences.

Norms and standards for ambulance services

4. The Minister must determine minimum norms and standards for the personnel, vehicles and equipment of ambulance services, and may amend those norms and standards.

Inspecting officers

5. (1) The Head of Department must designate staff members of the Department as inspecting officers.

(2) An inspecting officer—
(a) must inspect ambulance services to ensure compliance with the requirements referred to in section 3(2) and the norms and standards determined in terms of section 4;
(b) may issue a compliance notice as prescribed to a person in charge or control of an ambulance service calling upon that person to comply with the provisions of this Act, or a condition of the licence of that ambulance service; and
(c) has the other powers and duties as prescribed.

Cancellation or suspension of licences

6. (1) The Head of Department may cancel or suspend the licence of an ambulance service, either wholly or to the extent determined by the Head of Department, if it—
(a) fails to comply with any conditions or requirements imposed in terms of this Act;
(b) fails to comply with the norms and standards referred to in section 4;
(c) fails to furnish the prescribed returns, particulars or information;
(d) is operated in a way that compromises public, patient or personnel safety; or
(e) fails to comply with a compliance notice issued by an inspecting officer in terms of section 5(2)*(b)*.

(2) The Head of Department may, if he or she is satisfied that a breach or failure referred to in subsection (1) has been rectified, reinstate the licence concerned or lift its suspension, as the case may be.

Appeals

7. A person—
(a) aggrieved by a decision on an application for the licensing of an ambulance service or for the renewal of a licence; or
(b) whose licence has been cancelled or suspended in terms of section 6,

may appeal to the Minister in accordance with the prescribed procedure.

Fees

8. (1) The Minister may, with the concurrence of the Provincial Minister responsible for finance, prescribe fees payable in respect of—

(a) the licensing of an ambulance service;
(b) the renewal of a licence;
(c) the inspection of a licensed ambulance service; and
(d) an appeal in terms of section 7.

(2) The Minister may exempt a particular ambulance service or type of ambulance service from paying any fee referred to in subsection (1).

Powers of ambulance personnel

9. Ambulance personnel may, in the performance of their functions, whenever they reasonably regard it as necessary or expedient in the interest of the health or well-being of any person—

(a) temporarily close any road or street;
(b) access or enter any premises by any reasonable means;
(c) restrict access to an incident scene; or
(d) cause to be removed from the scene any person who—
  (i) is in danger or poses a threat to himself or herself; or
  (ii) obstructs or hinders ambulance personnel in the performance of their duties.

Offences and penalties

10. A person who—

(a) contravenes section 3(1);
(b) obstructs or hinders an inspecting officer or ambulance personnel in the performance of their duties;
(c) prevents access of ambulance personnel to a person in need of emergency medical care;
(d) wilfully summons a licensed ambulance service, without a valid reason for doing so;
(e) impersonates any ambulance personnel; or
(f) uses a vehicle on which is displayed the term "paramedic", "ambulance", "medical rescue", "medical response", "advanced life support", "intermediate life support" or "basic life support", or any other term or sign indicating that the vehicle is used for emergency medical care, unless the vehicle is owned by or is under the control of a licensed ambulance service and displays the prescribed licence token,

commits an offence and is liable to a fine or to imprisonment for a period not exceeding five years, or to both the fine and the imprisonment.

Delegation

11. (1) The Head of Department may delegate any power or assign any duty conferred or imposed upon him or her in terms of this Act, to any employee of the Department, subject to conditions determined by the Head of Department.

(2) A delegation or assignment in terms of subsection (1)—

(a) must be in writing;
(b) does not prevent the Head of Department from exercising the power or performing the duty concerned; and
(c) may be withdrawn at any time.

Regulations

12. The Minister may make regulations, after consultation with the standing committee of the Provincial Parliament responsible for health, regarding—

(a) any matter which may or must be prescribed in terms of this Act;
(b) the management, control, supervision and operation of a licensed ambulance service;
(c) the records to be kept by a licensed ambulance service;
(d) the categories of vehicles of a licensed ambulance service that must display the licence token referred to in section 10(f);
(e) coordination between the various licensed ambulance services;

(*f*) the management of any incident or situation requiring the provision of emergency medical care and where more than one ambulance service is involved; or

(*g*) any matter which the Minister considers necessary or expedient to prescribe for the effective carrying out of this Act.

Transitional provisions

13. For a period of 12 months after the date of commencement of this Act, section 3 does not apply to a person who, immediately before that date, conducted, maintained, managed or controlled an ambulance service.

Short title and commencement

14. This Act is called the Western Cape Ambulance Services Act, 2010, and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

(Engelse teks deur die Premier geteken)
(Bekragtig op 1 November 2010)

WET

Om voorsiening te maak vir die lisensiëring van ambulansdienste in die Provinsie; en vir aangeleenthede wat daarmee verband hou.

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

Woordomskrywings

1. In hierdie Wet, tensy dit uit die samehang anders blyk, het 'n woord of uitdrukking wat in die *National Health Act,* 2003 (Wet 61 van 2003), omskryf word dieselfde betekenis as in daardie Wet, en beteken—

"ambulansdiens" enige diens wat bedoel is om aangewend te word en aan die publiek voorgehou word as beskikbaar vir—

(a) die mediese noodbehandeling, stabilisering, redding of vervoer van pasiënte wat mediese noodsorg benodig; of

(b) die vervoer van pasiënte na en van en tussen gesondheidsinstellings;

"ambulanspersoneel" persone in diens van 'n gelisensieerde ambulansdiens en geregistreer ingevolge, onderskeidelik—

(a) die Wet op Gesondheidsberoepe, 1974 (Wet 56 van 1974), as 'n mediese praktisyn, paramedikus, ambulansnoodassistent, basiese ambulansassistent, operasionele noodsorgordonnans, noodsorgpraktisyn, noodsorgtegnikus of noodsorgassistent; of

(b) artikel 31 van die Wet op Verpleging, 2005 (Wet 33 van 2005), as 'n professionele verpleegkundige, vroedvrou, stafverpleegkundige, hulpverpleegkundige of hulpvroedvrou;

"Departement" die provinsiale departement verantwoordelik vir gesondheidsdienste in die Provinsie;

"Departementshoof" die hoof van die departement verantwoordelik vir gesondheidsdienste in die Provinsie;

"gelisensieerde ambulansdiens" 'n ambulansdiens wat ooreenkomstig artikel 3 gelisensieer is;

"hierdie Wet" ook die regulasies;

"inspeksiebeampte" 'n persoon wat ingevolge artikel 5 as inspeksiebeampte aangewys is;

"Minister" die Provinsiale Minister verantwoordelik vir gesondheid in die Provinsie;

"pasiënt" 'n persoon wat siek, beseer, gewond of op 'n ander wyse ongeskik is en mediese sorg nodig het en wat stabilisering en vervoer mag nodig hê;

"Provinsie" die Provinsie Wes-Kaap;

"regulasie" 'n regulasie ingevolge artikel 12 uitgevaardig;

"voertuig" ook enige lugvaartuig of watergebaseerde vervoermiddel;

"voorskryf" by regulasie voorskryf.

Toepassing van Wet

2. Hierdie Wet is nie van toepassing nie op—

(a) 'n ambulansdiens wat—

(i) 'n pasiënt van 'n ander provinsie na 'n gesondheidsinstelling in die Provinsie vervoer met die doel om mediese behandeling te ontvang en, nadat sodanige behandeling ontvang is, terug na die ander provinsie vervoer; of

(ii) tydelike bystand in die Provinsie verleen gedurende 'n ramp soos bedoel in artikel 1 van die *Disaster Management Act,* 2002 (Wet 57 van 2002), of op versoek van die Minister of die Departementshoof; of

(b) 'n noodsorgsentrum by 'n gesondheidsinstelling.

Lisensiëring van ambulansdienste

3. (1) 'n Persoon, met inbegrip van enige staatsorgaan, mag nie 'n ambulansdiens bedryf tensy die diens ooreenkomstig hierdie Wet gelisensieer is nie.

(2) Die Minister moet die prosedure en vereistes vir die lisensiëring van ambulansdienste en die hernuwing van lisensies voorskryf.

Norme en standaarde vir ambulansdienste

4. Die Minister moet minimum norme en standaarde vir die personeel, voertuie en toerusting van ambulansdienste bepaal, en kan daardie norme en standaarde wysig.

Inspeksiebeamptes

5. (1) Die Departementshoof moet personeellede van die Departement as inspeksiebeamptes aanwys.

(2) 'n Inspeksiebeampte—

(a) moet ambulansdienste inspekteer ten einde te verseker dat voldoen word aan die vereistes in artikel 3(2) bedoel en die norme en standaarde ingevolge artikel 4 bepaal;

(b) kan 'n voldoeningskennisgewing uitreik, soos voorgeskryf, aan 'n persoon wat toesig hou oor of in beheer is van 'n ambulansdiens, waarin daardie persoon aangesê word om die bepalings van hierdie Wet, of 'n lisensievoorwaarde van daardie ambulansdiens, na te kom; en

(c) het die ander bevoegdhede en pligte soos voorgeskryf.

Kansellering of opskorting van lisensies

6. (1) Die Departementshoof kan die lisensie van 'n ambulansdiens kanselleer of opskort, hetsy in die geheel of in die mate wat die Departementshoof bepaal, indien die ambulansdiens—

(a) versuim om te voldoen aan enige voorwaardes of vereistes wat ingevolge hierdie Wet gestel word;

(b) versuim om te voldoen aan die norme en standaarde in artikel 4 bedoel;

(c) versuim om die voorgeskrewe opgawes, besonderhede of inligting te verstrek;

(d) bedryf word op 'n wyse wat die veiligheid van die publiek, pasiënte of personeel in die gedrang bring; of

(e) versuim om te voldoen aan 'n voldoeningskennisgewing uitgereik deur 'n inspeksiebeampte ingevolge artikel 5(2)*(b)*.

(2) Die Departementshoof kan, indien hy of sy oortuig is dat 'n oortreding of versuim vermeld in subartikel (1) reggestel is, die betrokke lisensie herinstel of die opskorting ophef, na gelang van die geval.

Appèlle

7. 'n Persoon—

(a) wat gegrief is deur 'n besluit oor 'n aansoek vir die lisensiëring van 'n ambulansdiens of vir die hernuwing van 'n lisensie; of

(b) wie se lisensie ingevolge artikel 6 gekanselleer of opgeskort is,

kan ooreenkomstig die voorgeskrewe prosedure na die Minister appelleer.

Gelde

8. (1) Die Minister kan, met die instemming van die Provinsiale Minister verantwoordelik vir finansies, die gelde voorskryf wat betaalbaar is ten opsigte van—

(a) die lisensiëring van 'n ambulansdiens;
(b) die hernuwing van 'n lisensie;
(c) die inspeksie van 'n gelisensieerde ambulansdiens; en
(d) 'n appèl ingevolge artikel 7.

(2) Die Minister kan 'n bepaalde ambulansdiens of tipe ambulansdiens vrystel van die betaling van enige gelde vermeld in subartikel (1).

Bevoegdhede van ambulanspersoneel

9. Ambulanspersoneel kan, by die uitvoering van hul funksies, telkens wanneer hulle dit in belang van die gesondheid of welstand van enige persoon redelikerwys as noodsaaklik of raadsaam beskou—

(a) enige pad of straat tydelik sluit;
(b) enige perseel op enige redelike wyse binnegaan of betree;
(c) toegang tot die toneel van 'n voorval beperk; of
(d) enige persoon van die toneel laat verwyder wat—
  (i) in gevaar verkeer of 'n bedreiging vir hom- of haarself inhou; of
  (ii) ambulanspersoneel by die verrigting van hul pligte dwarsboom of hinder.

Misdrywe en strawwe

10. 'n Persoon wat—

(a) artikel 3(1) oortree;
(b) 'n inspeksiebeampte of ambulanspersoneel by die verrigting van hul pligte dwarsboom of hinder;
(c) ambulanspersoneel verhinder om toegang te kry tot 'n persoon wat mediese noodsorg nodig het;
(d) 'n gelisensieerde ambulansdiens opsetlik ontbied sonder 'n geldige rede om dit te doen;
(e) hom of haar as 'n ambulanspersoneellid voordoen; of
(f) 'n voertuig gebruik waarop die term vertoon word "paramedikus", "ambulans", "mediese redding", "mediese reaksie", "gevorderde lewensondersteuning", "intermediêre lewensondersteuning" of "basiese lewensondersteuning", of enige ander term of teken wat aandui dat die voertuig vir mediese noodsorg gebruik word, tensy die voertuig die eiendom is van of onder beheer is van 'n gelisensieerde ambulansdiens en die voorgeskrewe lisensieteken vertoon,

begaan 'n misdryf en is strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of met die boete sowel as die gevangenisstraf.

Delegering

11. (1) Die Departementshoof kan enige bevoegdheid of plig wat ingevolge hierdie Wet aan hom of haar verleen of opgedra is, delegeer of oordra aan enige werknemer van die Departement, behoudens die voorwaardes wat die Departementshoof bepaal.

(2) 'n Delegasie of oordrag ingevolge subartikel (1)—

(a) moet skriftelik wees;
(b) verhinder nie dat die Departementshoof die betrokke bevoegdheid of plig uitoefen of verrig nie; en
(c) kan te eniger tyd ingetrek word.

Regulasies

12. Die Minister kan regulasies uitvaardig, na raadpleging met die staande komitee van die Provinsiale Parlement wat verantwoordelik is vir gesondheid, aangaande—

(a) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf kan of moet word;
(b) die bestuur van, beheer en toesig oor en bedryf van 'n gelisensieerde ambulansdiens;

(c) die rekords wat deur 'n gelisensieerde ambulansdiens gehou moet word;
(d) die kategorieë voertuie van 'n gelisensieerde ambulansdiens wat die lisensieteken vermeld in artikel 10*(f)* moet vertoon;
(e) koördinasie tussen die verskillende gelisensieerde ambulansdienste;
(f) die hantering van enige voorval of situasie wat die verskaffing van mediese noodsorg vereis en waarby meer as een ambulansdiens betrokke is; of
(g) enige aangeleentheid wat die Minister as nodig of raadsaam beskou om voor te skryf vir die doeltreffende uitvoering van hierdie Wet.

Oorgangsbepalings

13. Vir 'n tydperk van 12 maande ná die datum van inwerkingtreding van hierdie Wet is artikel 3 nie van toepassing nie op 'n persoon wat onmiddellik voor daardie datum 'n ambulansdiens bedryf, onderhou, bestuur of beheer het.

Kort titel en inwerkingtreding

14. Hierdie Wet heet die Wes-Kaapse Wet op Ambulansdienste, 2010, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

(ISiqendwana esibhalwe ngesiNgesi sisayinwe yiNkulumbuso)
(Savunywa ngowo-1 Novemba 2010)

UMTHETHO

Ukugunyaziswa kweenkonzo zeenqwelo zezigulane kwiphondo; kunye nokubonelela ngezinto ezingqamene noko.

XA LO MTHETHO UTHE WAPHUNYEZWA yiPalamente yePhondo leNtshona Koloni, uya kuma ngolu hlobo lulandelayo:—

Iinkcazelo

1. Kulo Mthetho, ngaphandle kokuba umxholo usibonisa okunye, igama okanye ibinzana elichazwe kwiNational Health Act, 2003 (Umthetho wama-61 ka-2003), inentsingiselo efanayo nekula Mthetho, kunye—

"abasebenzi kwiinqwelo zezigulane" kuthetha ukuba ngabantu abaqeshwe yinkonzo evunyiweyo yeenqwelo zezigulane—

(a) ngokwe-Health Professions Act, 1974 (Act 56 ka 1974), njengogqirha, umqhubi wenqwelo yezigulane, umncedisi kwinqwelo yezigulane, umsebenzi oncedisayo onolwazi olungephi kwiinqwelo zezigulane, igosa lezoncedo olungxamisekileyo, ingcali yecandelo leemeko ezingxamisekileyo, ingcali yobugcisa yecandelo leemeko ezingxamisekileyo, okanye igosa lezoncedo kwimisebenzi engxamisekileyo yezonyango; okanye

(b) ngokwesolotya 31 le-Nursing Act, 2005 (Act 33 ka-2005), njengomongi/kazi oqeqeshiweyo, umongi/kazi obelekisayo ustafu nesi okanye umongi/kazi oncedisayo okanye umongi/kazi oncedisa ekubelekiseni;

"iinkonzo zeenqwelo zezigulane" kuthethwa nayiphi na inkonzo ekucetywa ukuba isetyenziswe neyaziwa luluntu njengefumanekayo—

(a) ukuthutha izigulane ezifuna unyango olungxamisekileyo, ukuzinzisa imeko, ukuhlangula okanye ukuthutha izigulane ezifuna unyango olungxamisekileyo; okanye

(b) ukuthutha izigulane ukuya nokubuya naphakathi kwamaziko ezonyango;

"Isebe" kuthetha ukuba isebe lePhondo elijongene neenkonzo zempilo kwiPhondo;

"INtloko yeSebe" kuthetha ukuba iNtloko yeSebe ejongene neenkonzo zempilo kwiPhondo;

"igosa elihlolayo" kuthetha ukuba umntu oqeshwe njengegosa lokuhlola ngokwesolotya 5;

"iinkonzo zeenqwelo zezigulane ezigunyazisiweyo" kuthetha ukuba ziinkonzo zeenqwelo zezigulane ngokwesolotya 3;

"uMphathiswa" kuthetha uMphathiswa wePhondo onoxanduva lwemicimbi yezempilo kwiphondo;

"Isigulane" eli gama lithetha umntu ogulayo, owenzakeleyo, kunye nomntu ogulayo de abe kwimeko yokungakwazi ukuzenzela nto okanye umntu ofuna unyango nongafuna uzinziso kananjalo nokuthathwa ngesithuthi;

"ukuyalela" kuthetha ukuyalela ngomqathango;

"iPhondo" kuthetha ukuthi iPhondo leNtshona Koloni;

"ummiselo" kuthetha ummiselo owenziwe ngokwecandelo 12;

"lo Mthetho" uquka imimiselo;

"isithuthi" kuhlangene iintlobo zezithuthi iinqwelo moya, umhlaba kunye, okanye iinqanawa.

Ukusebenza koMthetho

2. Lo Mthetho awusebenzi—

(a) kwinkonzo yeenqwelo zezigulana—

(i) ethutha abantu abasuka kwelinye iphondo besiya kwiziko lempilo elimiselweyo kwiPhondo ngeenjongo zokufumana unyango kwaye, emveni kokuhoywa babuyele kwelinye iphondo, okanye

(ii) enikeza ngoncedo lwexeshana kwiPhondo ngexesha lengxaki njengoko kuchaziwe kwicandelo loku-l loMthetho iDisaster Management Act, 2002 (UMthetho wama-57 ka-2002), okanye ngokwesicelo soMphathiswa okanye iNtloko yeSebe.

(b) icandelo leemeko ezingxamisekileyo kwiziko lempilo.

Ukugunyaziswa kweenkonzo zeenqwelo zezigulane

3. (1) Akukho mntu unelungelo lokunikezela iinkonzo zeenqwelo zezigulane ngaphandle kokuba unesiqinisekiso esivumelana nalo mthetho.

(2) UMphathiswa uya kumisela inkqubo nezinto eziyimfuno xa kugunyaziswa iinkonzo zeenqwelo zezigulane nokuhlaziywa kwazo.

Imigaqo nemiqathango yeenkonzo zenqwelo zezigulane

4. UMphathiswa uya kumisela aqinisekise ngemiqathango nemigaqo yabasebenzi, eyezithuthi nezixhobo zenkonzo yenqwelo yezigulane, kwaye isekwa nguye oyakwenza izilungiso kuloo miqathango nemigaqo.

Amagosa ahlolayo

5. (1) INtloko yeSebe iya kunyula abasebenzi beSebe ukuba babe ngamagosa okuhlola.

(2) Igosa elihlolayo—

(a) liya kuhlola iinkonzo zeenqwelo zezigulane ukuqinisekisa ukuvumelana nezinto eziyimfuno ezigunyaziswe ngokwesolotya (2) nemimiselo namanqanaba ngokwesolotya 4;

(b) lingakhupha isaziso esivumelayo njengoko simiselwe kumntu okulawulo lweenkonzo zengqwelo zezigulana sibiza loo mntu ukuba athobele iimfuno zalo Mthetho, okanye imeko zesigunyaziso salo nkonzo neenqwelo zezigulana, kwaye

(c) linamagunya nemisebenzi njengoko kumiselwe.

Ukurhoxiswa kwezigunyaziso

6. (1) INtloko yeSebe isenokurhoxisa okanye isimise singasebenzi isigunyaziso senkonzo yeenqwelo zezigulane, mhlawumbi irhoxiswe kwaphela okanye ukuya kutsho kwinqanaba elimiselwe yiNtloko yeSebe, xa —

(a) isilela ukuthobela nayiphi na imiqathango okanye imimiselo ebekiweyo ngokwalo Mthetho okanye imigaqo;

(b) Isilela ukuthobela imigaqo nemiqathango ekubhekiswa kuyo kwisolotya 4;

(c) ayivelisi ziphumo zifanelekileyo , iinkcukacha okanye iingcombolo;

(d) iqhutywa ngendlela ebeka ubomi babantu esichengeni, izigulane okanye ukhuseleko lwabasebenzi okanye;

(e) isilela ukuthobela isaziso esivumelayo esikutshwe ligosa elihlolayo ngokwesolotya 5(2)*(b)*.

(2) INtloko yeSebe, ukuba yanelisekile ukuba ukophula okanye ukusilela ekubhekiselelwe kuko kwisolotyana (1) kulungisiwe, ingasibuyisela isigunyaziso eso okanye iphelise ukurhoxiswa kwaso, xa kusenokuba kunjalo.

Izibheno

7. Umntu—

(a) ochaphazelekayo kwisigqibo esikwisicelo sokugunyazisa inkonzo yeenqwelo yezigulane okanye ukuhlaziya isigunyaziso; okanye;

(*b*) isiqinisekiso sakhe esithe sarhoxiswa okanye esisamisiweyo ukuba singasebenzi ngokwesolotya 6,

angafaka isicelo sokubhena kuMphathiswa ngokomgaqo—nkqubo omiselweyo.

Intlawulo

8. (1) UMphathiswa angavumelana noMphathiswa wephondo onoxanduva lwezimali, ngentlawulo-mali emiselweyo malunga—

(*a*) nokugunyaziswa kweenkonzo zeenqwelo zezigulane;
(*b*) nokuhlaziywa kwesiqinisekiso;
(*c*) nokuhlolwa kweenkonzo ezigunyazisiweyo zeenqwelo zezigulane; kunye
(*d*) nokubhena ngokwesolotya 7.

(2) UMphathiswa angayixolela inkonzo ethile yenqwelo yezigulane okanye uhlobo oluthile lwenqwelo yezigulane ekuhlawuleni nayiphi na imali ekubhekiselelwe kuyo kwisolotya (1).

Amagunya abasebenzi kwiinqwelo zezigulane

9. Abasebenzi kwiinqwelo zezigulane basenokuthi, xa besenza umsebenzi wabo, nangaliphi na ixesha xa kukho imfuneko okanye kufuneka uncedo lwezempilo ngokweemfuno zempilo nakuye nawuphi na umntu—

(*a*) bangathi bavale indlela okwexeshana;
(*b*) bangene nakwisiphi na isakhiwo xa kukho imfuneko yoko;
(*c*) bathintele ukungena kwindawo yesehlo; okanye
(*d*) umntu okwindawo yexhwayela xa kubonakala ukuba loo mntu—
  (i) usengozini okanye indawo akuyo yenza uloyiko kuye; okanye
  (ii) uphazamiseko okanye ukuthinteleka kweenkonzo zabasebenzi beenqwelo zezigulane ekwenzeni umsebenzi wazo.

Ulwaphulo-mthetho neZohlwayo

10. Umntu othe—

(*a*) wophula isolotya 3(1); okanye
(*b*) ophazamisa okanye othintela igosa elihlolayo okanye umsebenzi weenqwelo zezigulane ukuba enze umsebenzi wakhe; okanye
(*c*) ovalela umsebenzi weenqwelo zezigulane ukuba angene kwindawo enomntu ofuna unyango olukhawulezileyo; okanye
(*d*) othumela imisila yengwe kungekho zizathu zokwenza oko kwiinqwelo zezigulane, okanye
(*e*) ukuzenza omnye umntu okumsebenzi weenqwelo zezigulane; okanye
(*f*) ukusebenzisa isithuthi esincanyatheliselwe igama elithi "paramedic", "ambulance", "medical rescue", "medical response", "advanced life support", "intermediate life support" okanye "basic life support", okanye naliphi na igama okanye uphawu olukhombisa ukuba isithuthi sisetyenziselwa unonophelo lonyango olungxamisekileyo, ngaphandle kokuba isithuthi siphantsi kolawulo lweenkonzo zeenqwelo zezigulane ezigunyazisiweyo nezinophawu lwesiqinisekiso esigunyazisiweyo, wophula umthetho kwaye uyakuhlawula intlawulo yesigwebo okanye avalelwe entolongweni ithuba elingayikudlula kwiminyaka emihlanu okanye isigwebo sentlawulo okanye ukuvalelwa entolongweni.

Ukwabiwa komsebenzi

11. (1) INtloko yesebe isenokunikezela amagunya ize yabe imisebenzi ebekwe emagxeni ayo ngokwalo Mthetho, nakuwuphi na umsebenzi weli Sebe, iya kuxhomekeka kwimiqathango ebekwe yiNtloko yeSebe.

(2) Ukwabiwa komsebenzi ngokwesolotya (1) —

(*a*) oko makubhalwe phantsi;
(*b*) oko akuyinqandi iNtloko yeSebe ukuba ingenzi umsebenzi okanye isebenzise amagunya ayo; kwaye
(*c*) oko kungarhoxiswa nangaliphina ithuba.

Imigaqo

12. UMphathiswa uya kuthi enze imimiselo, emva kokudibana nekomiti esisigxina yePalamente yePhondo enoxanduva kwezempilo, engaphazamisaniyo nalo Mthetho, ngokubhekiselele—

(a) kuyo nayiphi na imeko ekumele ukuba igunyaziswe ngulo Mthetho ;

(b) kulawulo, ukubeka iliso, nokusebenza kweenkonzo zeenqwelo zezigulane ezigunyazisiweyo;

(c) amaxwebhu aya kuba selugcinweni lweenkonzo ezigunyazisiweyo zeenqwelo zezigulane;

(d) kuluhlu lwezithuthi zenkonzo yeenqwelo zezigulana ezigunyazisiweyo emazibonise uphawu/umqondiso lwesigunyanziso ekubhekiselelwe kulo kwisolotya le-10*(f)*;

(e) unxulumaniso phakathi kweenkonzo ezigunyazisiweyo ezahlukeneyo zeenqwelo zezigulane;

(f) abalawuli abajongene naso nasiphi na isehlo okanye imeko efunisa unyango olungxamisekileyo nalapho kungafuneki nqwelo enye yezigulane; okanye

(g) nayiphi na into uMphathiswa ayibona njengefanelekileyo okanye ekufuneka ikhawuleziswe ukumiselwa ukuze ube nokuphunyezwa ngendlela efanelekileyo lo Mthetho.

AmaLungiselelo eXeshana

13. Kwiinyanga ezili-12 emva komhla wokuqalisa lo Mthetho, icandelo 3 alisayi kusebenza kumntu oye wathi, nje phambi kwalo mhla wenza umsebenzi, waziqhubela phambili, walawula iinkonzo zeenqwelo zezigulane.

Isihloko esifutshane nomhla wokuqalisa

14. Lo Mthetho ubizwa ngokuba nguMthetho weeNkonzo ze-Ambulansi weNtshona Koloni, 2010, kwaye uya kusebenza ngomhla oya kuchongwa yiNkulumbuso uze upapashwe *kwiGazethi yePhondo.*