

PROVINCE OF THE WESTERN CAPE

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STANDING COMMITTEE AMENDMENTS TO  
**WESTERN CAPE DISTRICT  
HEALTH COUNCILS BILL**

[B 6—2010]

*(As agreed to by the Standing Committee on Community Development)*

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[B 6A—2010]

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PROVINSIE WES-KAAP

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STAANDE KOMITEE-AMENDEMENTE OP  
**WES-KAAPSE WETSONTWERP OP  
DISTRKSGESONDHEIDSRAD**

[W 6—2010]

*(Soos goedgekeur deur die Staande Komitee oor Gemeenskapsontwikkeling)*

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[W 6A—2010]

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IPHONDO LENTSHONA KOLONI

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IZILUNGISO ZEKOMITI ESISIGXINA  
**UMTHETHO OSAYILWAYO  
EZEMPILO WAMABHUNGA  
WENTSHONA KOLONI**

[B 6—2010]

*(Njengoko kuvunyelenwe yiKomiti eSisigxina kuPhuhliso loLuntu)*

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[B 6A—2010]

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**AMENDMENTS AGREED TO**

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**WESTERN CAPE DISTRICT HEALTH COUNCILS BILL**

**[B 6 — 2010]**

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**NEW CLAUSE**

1. On page 2, after line 21, to insert the following new clause:

**Composition of district health councils**

2. (1) A district health council consists of the persons referred to in section 31(2)(a) of the National Health Act, namely—

- (a) a member of the metropolitan or district municipal council situated in the health district in question, nominated by the relevant council;
- (b) a person appointed by the Provincial Minister to represent him or her;
- (c) a member of the council of each local municipality within the health district, nominated by the members of the relevant council; and
- (d) not more than five other persons, appointed by the Provincial Minister after consultation with the municipal council of the metropolitan or district municipality, as the case may be.

(2) In accordance with section 31(2)(b) of the National Health Act, the member referred to in subsection (1)(a) is the chairperson of the district health council.

(3) In the case of a cross-boundary district, the relevant members of the Provincial Executive may each appoint a member to represent them and the persons contemplated in subsection (1)(d) must be appointed by the relevant members of the Provincial Executive in consultation with each other.

**CLAUSE 3**

1. On page 3, in lines 1 and 2, to omit “section 31(2)(a)(i) or (iii) of the National Health Act” and to substitute “section 2(1)(a) or (c)”.

**CLAUSE 4**

1. On page 3, in lines 10 and 11, to omit “section 31(2)(a)(ii) of the National Health Act” and to substitute “section 2(1)(b)”.
2. On page 3, in lines 17 and 18, to omit “section 31(2) of the National Health Act” and to substitute “section 2(1)”.

**CLAUSE 6**

1. On page 3, in line 35, to omit “section 31(2)(a)(i) of the National Health Act” and to substitute “section 2(1)(a)”.
2. On page 3, after line 54, to add the following new subclause:

(10) A member, excluding—

- (a) a member referred to in section 2(1)(a) or (c); and
- (b) a member who is in the employ of an organ of state, is entitled to be reimbursed according to the tariffs applicable to persons employed in terms of the Public Service Act, 1994 (Proclamation 104 of 1994), for reasonable actual subsistence and travelling expenses necessitated by the attendance of a meeting of a district health council.

**CLAUSE 7**

1. On page 4, in line 3, to omit “(Proclamation 103 of 1994)”.

**AMENDEMENTE GOEDGEKEUR**

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**WES-KAAPSE WETSONTWERP OP DIE DISTRIKS-  
GESONDHEIDSRAD**

[W 6 — 2010]

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**NUWE KLOUSULE**

1. Dat op bladsy 8, na reël 23, die volgende nuwe klousule ingevoeg word:

**Samestelling van distriksgesondheidsrade**

2. (1) 'n Distriksgesondheidsraad bestaan uit die persone waarna daar in artikel 31(2)(a) van die Wet op Nasionale Gesondheid verwys word, naamlik—

- (a) 'n lid van die metropolitaanse of distriksmunisipale raad wat in die betrokke distrik geleë is, genomineer deur die betrokke raad;
- (b) 'n persoon aangestel deur die Provinsiale Minister om hom of haar te verteenwoordig;
- (c) 'n lid van die raad van elke plaaslike munisipaliteit binne die gesondheidsdistrik, genomineer deur die lede van die betrokke raad; en
- (d) nie meer as vyf ander persone nie, aangestel deur die Provinsiale Minister na oorleg met die munisipale raad van die metropolitaanse of distriksmunisipaliteit, na gelang van die geval.

(2) In ooreenstemming met artikel 31(2)(b) van die Wet op Nasionale Gesondheid, die lid waarna daar in subartikel (1)(a) verwys word is die voorsitter van die distriksgesondheidsraad.

(3) In die geval van 'n oorgrensdistrik, kan elkeen van die betrokke lede van die Provinsiale Uitvoerende Gesag 'n lid aanstel om hulle te verteenwoordig en die persone beoog in subartikel (1)(d) moet deur die betrokke lede van die Provinsiale Uitvoerende Gesag in oorleg met mekaar aangestel word.

**KLOUSULE 3**

1. Dat op bladsy 9, in reël 4, “artikel 31(2)(a)(i) of (iii) van die Wet op Nasionale Gesondheid” geskrap en deur “artikel 2(1)(a) of (c)” vervang word.

**KLOUSULE 4**

1. Dat op bladsy 9, in reëls 13 en 14, “artikel 31(2)(a)(ii) van die Wet op Nasionale Gesondheid” geskrap en deur “artikel 2(1)(b)” vervang word.
2. Dat op bladsy 9, in reëls 21 en 22, “artikel 31(2) van die Wet op Nasionale Gesondheid” geskrap en deur “artikel 2(1)” vervang word.

**KLOUSULE 6**

1. Dat op bladsy 9, in reëls 43 en 44, “artikel 31(2)(a)(i) van die Wet op Nasionale Gesondheid” geskrap en deur “artikel 2(1)(a)” vervang word.
2. Dat op bladsy 10, na reël 7, die volgende nuwe subklousule bygevoeg word:

(10) 'n Lid, met die uitsondering van—

- (a) 'n lid waarna daar in artikel 2(1)(a) of (c) verwys word; en
- (b) 'n lid wat in diens is van 'n staatsinstelling, daarop geregtig om vergoed te word volgens die tariewe wat van toepassing is op persone aangestel ingevolge die Staatsdienswet, 1994 (Proklamasie 104 van 1994) vir redelike werklike reis-en-verblyf-toelaes genoodsaak deur die bywoning van 'n vergadering van 'n distriksgesondheidsraad.

**KLOUSULE 7**

1. Dat op bladsy 10, in reëls 10 en 11, “(Proklamasie 103 van 1994)” geskrap word.

**IZILUNGISO EKUVUNYELWENE NGAZO**

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**UMTHETHO OSAYILWAYO WAMABHUNGA EZEMPILO EZITHILI  
WENTSHONA KOLONI  
[B6 — 2010]**

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**IGATYA ELITSHA**

1. Kwiphepha 14, emva komqolo 24, makufakelwe eli gatya litsha lilandelayo:

**Ukumiselwa kwamabhunga ezempilo ezithili**

2. (1) Ibhunga lezempilo lesithili linabantu abakhankaywe kwicandelo 31(2)(a) loMthetho weZempilo weLizwe, abangaba

- (a) Ilungu lemetropolitan okanye lebhunga lomasipala wesithili ekubhekiswe kuwo, otyunjwe libhunga elifanelekileyo;
- (b) umntu otyunjwe nguMphathiswa wePhondo ukuba abengummeli wakhe
- (c) Ilungu lebhunga likamasipala okwisithili sezempilo, otyunjwe ngamalungu ebhunga elifanelekileyo; kwane
- (d) akufuneki bantu bangaphezulu kwesihlanu, abatyunjwe ngumPhathiswa wePhondo emva kokubonisana nebhunga lomasipala wemetropolitan okanye wesithili, njengoko kufuneka.

(2) Ngokwecandelo 31(2)(b) loMthetho weZempilo weLizwe, ilungu elikhankanywe kwicandelwana (1)(a) ngusihlalo webhunga lezempilo lesithili.

(3) Kwimeko yesithili esikumda onqumlezayo, ilungu ngalinye labaseMagunyeni oLawulo lwePhondo lisenokonyula ilingu elingummeli walo kwaye abantu abachazwe kwicandelwana (1)(d) kufuneka batyunjwe ngamalungu afanelekileyo kwabaseMagunyeni oLawulo lwePhondo ngokubonisana.

**IGATYA 3**

1. Kwiphepha 15, kwimiqolo 6 no 7, makushiywe “kwicandelo 31(2)(a)(i) okanye (iii) lomthetho oyi-National Health Act” ze le ndawo ithathwe “licandelo 2(1)(a) okanye (c)”

**IGATYA 4**

1. Kwiphepha 15, kwimiqolo 15 no 16, makushiywe “ngokwecandelo 31(2)(a)(ii) loMthetho oyi-National Health Act” ze le ndawo ithathwe “licandelo 2(1)(b)”
2. Kwiphepha 15, kumqolo 24, makushiywe “licandelo 31(2) lomthetho oyi-National Health Act” ze le ndawo ithathwe “licandelo 2(1)”

**IGATYA 6**

1. Kwiphepha 15, kwimiqolo 46, makushiywe “kwicandelo 31(2)(a)(i) lomthetho oyi-National Health Act” ze le ndawo ithathwe “licandelo 2(1)(a)”
2. Kwiphepha 16, emva komqolo 9, makufakelwe eli gatya litsha lilandelayo:
  - (10) Ilungu, ngaphandle—
    - (a) kwelungu elikhankanywe kwicandelo 2(1)(a) okanye (c); kwane
    - (b) lungu eliqashwe liqumrhu likarhulumente, linelungelo lokufumana imbuyekezo efanelekileyo ngokomyinge onikwa abantu abaqeshwe ngokoMthetho weeNkonzo zoLuntu ka 1994 (Isaziso 104 sika 1994), ngokwesibonelelo esifanelekileyo neendleko zohambo ezenzeka ngokuzimasa intlanganiso yebhunga lezempilo lesithili.

**IGATYA 7**

1. Kwiphepha 16, kwimiqolo 12 no 13, makushiywe “(I-Proclamation 103 ka 1994)”.