

PROVINCE OF THE WESTERN CAPE

STANDING COMMITTEE AMENDMENTS TO
**WESTERN CAPE HEALTH
CARE WASTE MANAGEMENT
AMENDMENT BILL**

[B 3—2010]

(As agreed to by the Standing Committee on Agriculture and Environmental Planning)

[B 3A—2010]

PROVINSIE WES-KAAP

STAANDE KOMITEE-AMENDEMENTE OP
**WES-KAAPSE
WYSIGINGSWETSONTWERP OP
DIE BESTUUR VAN
GESONDHEIDSORGAFVAL**

[W 3—2010]

(Soos goedgekeur deur die Staande Komitee oor Landbou en Omgewingsbeplanning)

[W 3A—2010]

IPHONDO LENTSHONA KOLONI

IZILUNGISO ZEKOMITI ESISIGXINA
**KUMTHETHO OSAYILWAYO
WOLUNGISO WOLAWULO
LWEZEMPILO LWEZINTO
EZILAHLWAYO WENTSHONA
KOLONI**

[B 3—2010]

(Njengoko kuvunyiwe yiKomiti eSisigxina kwezoLimo NoCwangciso lwezokusiNgqongileyo)

[B 3A—2010]

AMENDMENTS AGREED TO

WESTERN CAPE HEALTH CARE WASTE MANAGEMENT
AMENDMENT BILL

[B3 — 2010]

CLAUSE 1

1. On page 3, from line 10, to omit paragraph (*h*).

CLAUSE 2

1. To omit the clause.

NEW CLAUSE 2

1. To insert the following new clause after clause 1:

Amendment of section 6 of Act 7 of 2007

2. Section 6 of the principal Act is amended—

- (a) by the substitution for paragraph (*d*) of subsection (2) of the following paragraph:

“(d) A generator, transporter, treater or disposer of health care risk waste must at all times store health care risk waste in appropriate, clearly labelled containers[, **as prescribed by the Provincial Minister**].”;

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

“(k) A generator, transporter, treater or disposer of health care risk waste must keep the written or electronic records referred to in subsection (2)(j) [**for a period prescribed by the Provincial Minister**].”;

- (c) by the substitution for paragraph (*m*) of subsection (2) of the following paragraph:

“(m) A generator, transporter, treater or disposer of health care risk waste must submit all the information contemplated in subsection (2)(j) to the Department [**at a frequency to be prescribed by the Provincial Minister**], and the Provincial Minister may stipulate the format and the specific dates for submission of such information.”;

- (d) by the substitution for paragraph (*n*) of subsection (2) of the following paragraph:

“(n) A generator, transporter, treater or disposer of health care risk waste must [**within a prescribed period after the promulgation of this Act,**] register with the Department by submitting to the Department a duly completed registration form that is available from the Department.”; and

- (e) by the substitution for paragraph (*o*) of subsection (2) of the following paragraph:

“(o) A generator, transporter, treater or disposer of health care risk waste must perform and record internal audits [**at a frequency to be prescribed by the Provincial Minister,**] and must make them available to inspectors on request.”.

NEW CLAUSE 3

1. To insert the following new clause after the new clause 2:

Amendment of section 8 of Act 7 of 2007

3. The following section is substituted for section 8 of the principal Act:

“Staff safety and training

8. A generator, transporter, treater or disposer of health care waste must comply with the Occupational Health and Safety Act, 1993 (Act 85 of 1993), in respect of staff safety and training regarding health care waste[, **and as prescribed by the Provincial Minister**].”.

CLAUSE 4

1. On page 4, in lines 7 and 8, to omit “as prescribed”.
2. On page 4, after line 22, to insert the following new paragraph:

“(4) The period for compliance may only be extended once and that extension may not exceed the period contemplated in subsection (2)(d).”.
3. On page 4, in line 25, to omit “as prescribed”.
4. On page 4, in line 27, to omit “as prescribed”.
5. On page 4, in lines 29 and 30, to omit “, within the prescribed period”.
6. On page 4, in lines 35 and 36, to omit “, within the prescribed period”.
7. On page 4, in line 40, to omit “within the prescribed period.”.

CLAUSE 6

1. On page 5, in lines 16 and 17, to omit “matters that must be prescribed in terms of this Act” and to substitute:

<ol style="list-style-type: none"> (i) the manner in which health care risk waste must be stored; (ii) the period for which written and electronic records referred to in section 6(2)(k) must be kept; (iii) the frequency at which information referred to in section 6(2)(m) must be submitted to the Department; (iv) the period within which a generator, transporter, treater or disposer of health care risk waste must register with the Department as contemplated in section 6(2)(n); (v) the frequency at which internal audits referred to in section 6(2)(o) must be performed and recorded; (vi) staff safety and training regarding health care waste; (vii) the format and content of a compliance notice referred to in section 10A(1); (viii) the format and content of a compliance certificate referred to in section 10A(5); (ix) the time period contemplated in section 10A(6) within which an inspector must issue a compliance certificate; (x) the time period within which a person must lodge the statement contemplated in section 10A(7); (xi) the time period within which an inspector must submit the documents referred to in section 10A(9) to the Provincial Minister; and (xii) the time period within which the Provincial Minister must make a decision contemplated in section 10A(10);

GOEDGEKEURDE AMENDEMENTE

**WES-KAAPSE WYSIGINGSWETSONTWERP OP DIE BESTUUR VAN
GESONDHEIDSORGAFVAL**

[B 3 — 2010]

KLOUSULE 1

1. Dat op bladsy 9, vanaf reël 34, paragraaf (j) geskrap word.

KLOUSULE 2

1. Dat die klousule geskrap word.

NUWE KLOUSULE 2

1. Dat die volgende nuwe klousule na klousule 1 ingevoeg word.

Wysiging van artikel 6 van Wet 7 van 2007

2. Artikel 6 van die Hoofwet word gewysig—

- (a) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:

“(d) ’n Genereerder, vervoerder, behandelaar of besikker van gesondheidsorgisiko-afval moet te alle tye gesondheidsorgisiko-afval in gepaste, duidelik geëtiketteerde houers berg[, soos voorgeskryf deur die Provinsiale Minister].”;

- (b) deur paragraaf (k) van subartikel (2) deur die volgende paragraaf te vervang:

“(k) ’n Genereerder, vervoerder, behandelaar of besikker van gesondheidsorgisiko-afval moet die skriftelike of elektroniese rekords hou waarna daar in subartikel (2)(j) verwys word [**vir ’n tydperk soos voorgeskryf deur die Provinsiale Minister**].”;

- (c) deur paragraaf (m) van subartikel (2) deur die volgende paragraaf te vervang:

“(m) ’n Genereerder, vervoerder, behandelaar of besikker van gesondheidsorgisiko-afval moet al die inligting beoog in subartikel (2)(j) aan die Departement voorlê [**met ’n tussenpose wat deur die Provinsiale Minister voorgeskryf gaan word**], en die Provinsiale Minister kan die formaat en die spesifieke datums vir die voorlegging van sodanige inligting bepaal.”;

- (d) deur paragraaf (n) van subartikel (2) deur die volgende paragraaf te vervang:

“(n) ’n Genereerder, vervoerder, behandelaar of besikker van gesondheidsorgisiko-afval moet [, **binne ’n voorgeskrewe tydperk na die afkondiging van hierdie Wet,**] by die Departement registreer deur ’n behoorlik ingevulde registrasievorm, wat by die Departement beskikbaar is, by die Departement in te dien.”; en

- (e) deur paragraaf (o) van subartikel (2) deur die volgende paragraaf te vervang:

“(o) ’n Genereerder, vervoerder, behandelaar of besikker van gesondheidsorgisiko-afval moet interne oudits uitvoer en opteken [**met ’n tussenpose wat deur die Provinsiale Minister voorgeskryf gaan word,**] en moet dit op versoek aan inspekteurs beskikbaar stel.”

NUWE KLOUSULE 3

1. Dat die volgende nuwe klousule na die nuwe klousule 2 ingevoeg word:

Wysiging van artikel 8 van Wet 7 van 2007

3. Artikel 8 van die Hoofwet word deur die volgende artikel vervang:

“Veiligheid en opleiding van personeel

8. ’n Genereerder, vervoerder, behandelaar of besikker van gesondheidsorgafval moet voldoen aan die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet 85 van 1993), ten opsigte van die veiligheid en opleiding van personeel wat gesondheidsorgafval hanteer[, en soos deur die **Provinsiale Minister voorgeskryf**].”

KLOUSULE 4

1. Dat op bladsy 10, in reël 7, “soos voorgeskryf” geskrap word.
2. Dat op bladsy 10, na reël 23, die volgende nuwe subartikel ingevoeg word:
“(4) Die nakomingstydperk mag slegs een keer verleng word en daardie verlenging mag nie die tydperk beoog in subartikel (2)(d) oorskry nie”.
3. Dat op bladsy 10, in reël 26, “soos voorgeskryf” geskrap word.
4. Dat op bladsy 10, in reël 29, “soos voorgeskryf” geskrap word.
5. Dat op bladsy 10, in reëls 30 en 31, “binne die voorgeskrewe tydperk” geskrap word.
6. Dat op bladsy 10, in reël 38, “binne die voorgeskrewe tydperk” geskrap word.
7. Dat op bladsy 10, in reël 43, “binne die voorgeskrewe tydperk” geskrap word.

KLOUSULE 6

1. Dat op bladsy 11, in reëls 24 en 25, “aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet word” geskrap en vervang word deur:
 - (i) die manier waarop gesondheidsorgafval geberg moet word;
 - (ii) die tydperk wat skriftelike en elektroniese rekords waarna daar in artikel 6(2)(k) verwys word, gehou moet word;
 - (iii) die tussenpose waarmee inligting waarna daar in artikel 6(2)(m) verwys word, aan die Departement voorgelê moet word;
 - (iv) die tydperk waarbinne ’n genereerder, vervoerder, behandelaar of besikker van gesondheidsorgafval by die Departement moet registreer soos beoog in artikel 6(2)(n);
 - (v) die tussenpose waarmee interne oudits waarna daar in artikel 6(2)(o) verwys word, uitgevoer en opgeteken moet word;
 - (vi) die veiligheid en opleiding van personeel wat gesondheidsorgafval hanteer;
 - (vii) die formaat en inhoud van ’n nakomingskennisgewing waarna daar in artikel 10A(1) verwys word;
 - (viii) die formaat en inhoud van ’n nakomingsertifikaat waarna daar in artikel 10A(5) verwys word;
 - (ix) die tydperk beoog in artikel 10A(6) waarbinne ’n inspekteur ’n nakomingsertifikaat moet uitreik;
 - (x) die tydperk waarbinne ’n persoon die verklaring beoog in artikel 10A(7) moet indien;
 - (xi) die tydperk waarbinne ’n inspekteur die dokumente waarna daar in artikel 10A(9) verwys word, aan die Provinsiale Minister moet voorgelê; en
 - (xii) die tydperk waarbinne die Provinsiale Minister ’n besluit soos beoog in artikel 10A(10) moet neem;

IZILUNGISO EKUVUNYELWENE NGAZO

**UMTHETHO OSAYILWAYO WOLUNGISO WOLAWULO LWEZINTO
EZILAHLALWAYO WENTSHONA KOLONI
[B3 — 2010]**

ISIQENDU 1

1. Kwiphepha 15, ukusuka kumqolo 21, mawukhutshwe umhlathi (*h*)

ISIQENDU 2

1. Ukukhutshwa kwesiqendu.

IZIQENDU EZITSHA 2

1. Makufakelwe esi siqendu sitsha silandelayo emva kwesiqendu 1:

Ukulungiswa kwecandelo 6 loMthetho 7 ka 2007

2. Icandelo 6 loMthetho oyintloko lilungiswe—

- (a) ngokutshintshwa komhlathi (*d*) wecandelwana (2) kulo mhlathi ulandelayo:

“(d) Umenzi wenkunkuma, umthuthi, umcoci okanye umlahli wenkunkuma yolondolozo lwempilo ebeka emngciphekweni kufuneka ngalo lonke ixesha agcine inkunkuma yolondolozo lwempilo ebeka emngciphekweni ikwizinto zokugcina inkunkuma eziphawulwe ngokucacileyo [, **njengoko kumiselwe nguMphathiswa wePhondo**].”;

- (b) ngokutshintshwa komhlathi (*k*) wecandelwana (2) kulo mhlathi ulandelayo:

“(k) Umenzi wenkunkuma, umthuthi, umcoci okanye umlahli wenkunkuma yolondolozo lwempilo ebeka emngciphekweni kufuneka agcine ulwazi olubhaliweyo olukuhankanywe kwicandelwana (2)(j) kwirekhodi okanye kwikhompyutha [**ngexesha elimiselweyo nguMphathiswa wePhondo**].”;

- (c) ngokutshintshwa komhlathi (*m*) wecandelwana (2) lalo mhlathi ulandelayo:

“(m) Umenzi wenkunkuma, umthuthi, umcoci okanye umlahli wenkunkuma yolondolozo lwempilo ebeka emngciphekweni kufuneka angenise lonke ulwazi nolukhankanywe kwicandelwana (2)(j) ngokupheleleyo kwiSebe [**rhoqo ngexesha eliza kumiselwa nguMphathiswa wePhondo**], noMphathiswa wePhondo usenako ukuthatha isigqibo sokwakiwa kwesicwangciso kwaneentsuku ezithile zokunikezelwa kolwazi olulolu hlobo.”;

- (d) ngokutshintshwa komhlathi (*n*) wecandelwana (2) kulo mhlathi ulandelayo:

“(n) Umenzi wenkunkuma, umthuthi, umcoci okanye umlahli wenkunkuma yolondolozo lwempilo ebeka emngciphekweni kufuneka [**kwixesha elimiselweyo emveni kokusebenza kwalo Mthetho**] abhalise kwiSebe ngokuthi angenise kwiSebe ifomu yokubhalisa efunekayo kwiSebe (nenazo zonke iinkcukacha ezifunekayo ngokupheleleyo)”;

- (e) ngokutshintshwa komhlathi (*o*) wecandelwana (2) lalo mhlathi ulandelayo:

“(o) Umenzi wenkunkuma, umthuthi, umcoci okanye umlahli wenkunkuma yolondolozo lwempilo ebeka emngciphekweni kufuneka asebenze ngokufanelekileyo agcine nerekhodi ebhalise phantsi yophicotho lweencwadi lwangaphakathi, [**rhoqo ngexesha eliza kumiselwa nguMphathiswa wePhondo**,] kwaye kufuneka enze ukuba abahloli babenako ukuzifumana ngokwesicelo sabo.”.

ISIQENDU ESITSHA 3

Makufakelwe esi siqendu sitsha silandelayo emva kwesiqendu 2 esitsha:

Ukulungiswa kwecandelo 8 loMthetho 7 ka 2007

3. Eli candelo lilandelayo litshintshelwa icandelo 8 loMthetho oyintloko:

“Uqeqesho nokhuseleko lwabasebenzi

8. Umenzi wenkunkuma, umthuthi, umcoci okanye umlahli wenkunkuma yolondolozo lwempilo ebeka emngciphekweni kufuneka athobele uMthetho oyiOccupational Health and Safety Act, ka 1993 (uMthetho 85 ka 1993), ngokunxulumene noqeqesho kunye nokhuseleko lwabasebenzi olumalunga nolondolozo lwempilo ebeka emngciphekweni [, **ngokumiselweyo nguMphathiswa wePhondo**].”.

ISIQENDU 4

1. Kwiphepha 16, kwimiqolo 24 nowam-25, makukhutshwe “esimiselweyo“
2. Kwiphepha 16, emva komqolo 41, makufakelwe 10 mhlathana mtsha ulandelayo:

“(4) Ukwandiselwa ixesha lokuthobela umgaqo kunokwenziwa isihlandlo esinye kuphela kwaye oko akunako kudlulisa kwixesha elikhankanywe kwicandelwana (2)(d).”.
3. Kwiphepha 16, kumqolo 44 , makukhutshwe “njengoko kumiselwe“
4. Kwiphepha 16, kumqolo 47 nowama-48, makukhutshwe “njengoko kumiselwe”
5. Kwiphepha 16, kwimiqolo 49 nowama-50, makukhutshwe “lingadlulanga ixesha elimiselweyo”
6. Kwiphepha 16, kwimiqolo 57, makukhutshwe “lingadlulanga eli xesha elimiselweyo”
7. Kwiphepha 17, kumqolo 5 nowama-6, makukhutshwe “lingadlulanga ixesha elimiselweyo”

ISIQENDU 6

1. Kwiphepha 17, kwimiqolo 38 nowama-39, makukhutshwe “ephathelele kwimiba efanele kumiselwa ngokwalo Mthetho” kwaye kutshintshwe:

“(i) kwindlela ekufuneka kugcinwe ngayo inkunkuma yolondolozo lwempilo;

(ii) kubude bexesha lokugcinwa kweerekhodi ezibhaliweyo okanye ezikwikhompuyutha ezikhankanywe kwicandelo 6(2)(k)

(iii) kwindlela yokungeniswa rhoqo kolwazi olukhankanywe kwicandelo 6(2)(m) kwiSebe

(iv) kwixesha lokubhalisa komenzi wenkunkuma, umthuthi, umcoci okanye umlahli wenkunkuma yolondolozo lwempilo ebeka emngciphekweni kwiSebe ngokukhankanyiweyo;

(v) kwindlela yokwenziwa rhoqo kophicotho lwangaphakathi olukhankanywe kwicandelo 6(2)(o) nokugcinwa kwalo;

(vi) kuqeqesho nokhuseleko lwabasebenzi ngokuphathelele kulawulo lwenkunkuma yolondolozo lwempilo;

(vii) kwisaziso sokuthotyelwa kunye nesiqulatho esinxulumene necandelo 10A(1);

(viii) kwisiqinisekiso sokuthotyelwa nesiqulatho sokwakhiwa kwesicwangciso esikwicandelo 10A(5);

(ix) kwixesha elikhankanywe kwicandelo 10A(6) nekufuneka umhloli akhuphe ngalo isiqinisekiso sothotyelo.

- (x) kwixesha ekufuneka umntu afake ngalo intetho yakhe enxulumene necandelo 10A(7);
- (xi) kwixesha ekufuneka umhloli angenise ngalo amaxwebhu anxulumene necandelo 10A(9) kuMphathiswa wePhondo; kunye
- (xii) nexesha ekufuneka uMphathiswa wePhondo athathe ngalo isigqibo esikhankanywe kwicandelo 10(A) (10);