

Western Cape, South Africa

Western Cape District Health Councils Act Act 5 of 2010

Legislation as at 2 December 2010

FRBR URI: /akn/za-wc/act/2010/5/eng@2010-12-02

There may have been updates since this file was created.

PDF created on 19 April 2024 at 09:46.

Collection last checked for updates: 12 April 2024.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from LawLibrary and is presented in collaboration with the African Legal Information Institute, the Judicial Institute for Africa and the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.lawlibrary.org.za | info@lawlibrary.org.za

www.laws.africa | info@laws.africa

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Western Cape District Health Councils Act Contents

1. Definitions	1
2. Composition of district health councils	1
3. Term of office of members of district health councils	2
4. Removal from office	2
5. Vacancies	2
6. Functions of district health councils	3
7. Meetings of district health councils	3
8. District health manager	3
9. General support	4
10. District health plans	4
11. Disputes	4
12. Regulations	5
13. Short title and commencement	5

Western Cape South Africa

Western Cape District Health Councils Act

Act 5 of 2010

Published in Western Cape Provincial Gazette 6819 on 2 December 2010

Assented to on 29 November 2010

Commenced on 24 August 2011 by Western Cape District Health Councils Act: Commencement

[This is the version of this document as it was from 2 December 2010 to 12 September 2013.]

(English text signed by the Premier)

ACT

To provide for certain matters relating to district health councils so as to give effect to section 31 of the National Health Act, 2003; and to provide for matters connected therewith.

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

1. Definitions

In this Act, a word or expression which is defined in the National Health Act has the meaning ascribed to it in that Act, and unless the context indicates otherwise—

"**chairperson**" means the chairperson of a district health council;

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

"**district health council**" means a district health council established by the Provincial Minister in terms of section 31(1) of the National Health Act;

"**district health manager**" means a person appointed as district health manager by the Provincial Minister in terms of section 8(1);

"**member**" means a member of a district health council;

"**National Health Act**" means the National Health Act, 2003 (Act 61 of 2003);

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

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

"**Provincial Health Council**" means the Council established in the Province by section 26(1) of the National Health Act;

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

"**this Act**" includes any regulation made in terms of section 12.

2. Composition of district health councils

(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.

3. Term of office of members of district health councils

- (1) A member of a district health council holds office for a term of three years, and may be reappointed.
- (2) When the term of office of a member expires, the member may remain in office for a period not exceeding six months until his or her successor has been appointed or he or she is reappointed.

4. Removal from office

The Provincial Minister must remove a member of a district health council from office if the member—

- (a) is declared insolvent by a court of the Republic;
- (b) is declared to be of unsound mind by a court of the Republic;
- (c) is convicted during his or her term of office of any offence and sentenced to imprisonment without the option of a fine, either in the Republic, or outside the Republic, if the conduct constituting the offence would have been an offence in the Republic;
- (d) is voluntarily absent, without leave of the district health council, from three consecutive ordinary meetings of the district health council;
- (e) in the case of a member referred to in [section 2\(1\)\(a\)](#) or (c), ceases to hold an office by virtue of which that member was appointed to the district health council or is replaced by the municipal council concerned; or
- (f) is incapable to perform his or her duties.

5. Vacancies

- (1) A vacancy in a district health council occurs if—
- (a) a member tenders his or her resignation to the Provincial Minister in writing;
 - (b) a member is removed from office in terms of [section 4](#);
 - (c) in the case of a member appointed in terms of [section 2\(1\)\(b\)](#), the Provincial Minister withdraws the appointment; or
 - (d) a member dies.
- (2) When a vacancy in a district health council occurs as a result of the death of a member, the chairperson must inform the Provincial Minister in writing within seven days thereof.
- (3) A vacancy in a district health council must be filled by the nomination or appointment of a person in accordance with the relevant provision of [section 2\(1\)](#) for the unexpired period of the term of office of the previous member.

- (4) A decision of the district health council is not invalid because of a vacancy in the district health council when the decision was taken.

6. Functions of district health councils

A district health council—

- (a) may consult with or receive representations from any person, organisation, institution or authority on any matter regarding health or health services;
- (b) must act in accordance with relevant and applicable laws and policies of the national or provincial government and the municipal council concerned;
- (c) must at least annually provide reports as prescribed on its activities to the Provincial Minister; and
- (d) must ensure that appropriate and comprehensive information is disseminated to the local communities on the health services in the health district.

7. Meetings of district health councils

- (1) A district health council may make rules of order for its proceedings, but those rules must be consistent with this Act and the National Health Act.
- (2) The municipal council referred to in [section 2\(1\)\(a\)](#) must nominate a member of that council as an alternate to act in the chairperson's place when the chairperson is absent from a meeting.
- (3) A district health council must meet at least once per quarter.
- (4) A quorum for a meeting of a district health council is at least half of the members plus one.
- (5) A district health council must strive to reach its decisions by consensus, but if a decision cannot be reached by consensus, the decision of the majority of the members of the district health council present at a meeting is the decision of the district health council.
- (6) When there is an equality of votes, the person presiding at the meeting must cast a deciding vote in addition to his or her deliberative vote.
- (7) A district health council may invite any person to a meeting of the district health council to serve in an advisory capacity.
- (8) The Provincial Minister or his or her nominee must convene the first meeting of a district health council within 90 days of the commencement of this Act.
- (9) The chairperson must—
 - (a) convene the other meetings of the district health council; and
 - (b) report to the Provincial Health Council when required to do so by the Provincial Minister.
- (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.

8. District health manager

- (1) The Provincial Minister must appoint a district health manager for every health district in terms of the Public Service Act, 1994.

- (2) A district health manager must—
 - (a) with the concurrence of the chairperson, compile the agenda for a meeting of the district health council;
 - (b) keep a proper record of attendance at, minutes of and resolutions adopted at, every meeting of the district health council;
 - (c) ensure that a copy of a record referred to in paragraph (b) is signed by the chairperson and sent to the Provincial Minister after each meeting; and
 - (d) perform the other functions assigned to the district health manager by the Provincial Minister or the Head of the Department.

9. General support

The Department must provide technical and logistical support to a district health council.

10. District health plans

- (1) A district health manager must develop a district health plan in accordance with section 33 of the National Health Act after consultation with the district health council, the Head of the Department and the district or metropolitan municipality concerned.
- (2) The district health plan must—
 - (a) set out a detailed budget and performance targets for health services in the health district, including services to which both the Provincial Government and the municipal council of the district or metropolitan municipality concerned contribute; and
 - (b) include a communication plan for the dissemination of information and reporting to local communities on those health services.
- (3) The municipal council of a district or metropolitan municipality must ensure that the district health manager is provided with the necessary assistance to develop the district health plan relating to the health services rendered by that municipality.
- (4) The Provincial Minister must, after consultation with the district health council, approve the budget and performance targets in respect of health services rendered by the Department.
- (5) The municipal council of the district or metropolitan municipality must, after consultation with the district health council, approve the budget and performance targets in respect of municipal health services.

11. Disputes

If—

- (a) the Provincial Minister and the municipal council of a district or metropolitan municipality cannot reach agreement within the prescribed period on the budget or performance targets for health services in a health district to which both the Provincial Government and the municipality must contribute; or
- (b) there is a breach of an agreement between the Provincial Minister and the municipal council pertaining to the budget or performance targets, the intergovernmental dispute-settlement mechanism provided for in Chapter 4 of the Intergovernmental Relations Framework Act, 2005 ([Act 13 of 2005](#)), must be utilised to resolve the dispute.

12. Regulations

The Provincial Minister may make regulations regarding any matter which—

- (a) may or must be prescribed in terms of this Act;
- (b) is reasonably necessary for or incidental to the development and approval of district health plans; and
- (c) the Provincial Minister considers necessary and appropriate to prescribe in order to achieve the purposes of this Act.

13. Short title and commencement

This Act is called the Western Cape District Health Councils Act, 2010, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.