PROVINCE OF WESTERN CAPE

Provincial Gazette Extraordinary

6693

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CONTENTS

PROVINCIAL NOTICE

The following Bill is hereby published for general information:

Western Cape Ambulance Services Bill [B 7—2009]

P.N. 49/2010 29 January 2010

Any person or organization wishing to comment on the said Bill is requested to lodge such comment in writing before or on 1 March 2010:

(a) by posting it to:
The Secretary
Western Cape Provincial Parliament
(Attention: Ms N Manjezi)
P.O. Box 648
Cape Town
8000

(b) by e-mail to:
nmanjezi@wcpp.gov.za

(c) by fax to:
N Manjezi
(021) 487-1685

P. G. Williams
Secretary to Parliament

PROVINSIE WES-KAAP

Buitengewone Provinsiale Koerant

6693

Vrydag, 29 Januarie 2010

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

PROVINSIALE KENNISGEWING

Die volgende Wetsontwerp word hierby vir algemene inligting gepubliseer:

Wes-Kaapse Wetsontwerp op Ambulansdienste [W 7—2009]

P.N. 49/2010 29 Januarie 2010

Enige persoon of organisasie wat kommentaar oor die genoemde Wetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 1 Maart 2010:

(a) deur dit te pos aan:
Die Sekretaris:
Wes-Kaapse Provinsiale Parlement
(Aandag: Me N Manjezi)
Posbus 648
Kaapstad
8000

(b) deur dit te e-pos aan:
nmanjezi@wcpp.gov.za

(c) deur dit te faks aan:
N Manjezi
(021) 487-1685

P. G. Williams
Sekretaris van die Parlement

PHONDO LENTSHONA KOLONI

Tsongezelelo kwiGazethi yePhondo

6693

Lwesihlanu, 29 Januwari 2010

Ibhaliswe ePosini ngengePhephandaba

IZIQULATHO

ISAZISO SEPHONDO

Lo Mthetho uSayilwayo ulandelayo upapashwe apha ukunika ulwazi ngokubanzi:

UMthetho oSayilwayo weeNkonzo zeAmbulansi weNtshona Koloni [B 7—2009]

P.N. 49/2010 29 Januwari 2010

Nabani na okanye nawuphi na umbutho onqwenela ukuphawula ngalo Mthetho uSayilwayo kuthethwa ngawo uyacelwa ukuba afake izimvo zakhe phambi okanye ngomhla wama- 1 Matshi 2010:

(a) ngokuwuposela ku:
Nobhala:
IPalamente yePhondo leNtshona Koloni
(Iya ku: N Manjezi)
P.O. Box 648
EKapa
8000

(b) nge-imeyile ku:
nmanjezi@wcpp.gov.za

(c) ngefeksi ku:
N Manjezi
(021) 487-1685

P. G. Williams
UNabhala wePalamente

WESTERN CAPE AMBULANCE SERVICES BILL

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—

"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, 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 4;

"licensed ambulance service" means an ambulance service licensed in accordance with section 2;

"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 11;

"this Act" includes the regulations;

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

Licensing of ambulance services

2. (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

3. 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

4. (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 2(2) and the norms and standards determined in terms of section 3; and

(b) has the other powers and duties as prescribed.

Cancellation or suspension of licences

5. 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 3;

(c) fails to furnish the prescribed returns, particulars or information; or

(d) is operated in a way that compromises public, patient or personnel safety.

Appeals

6. 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 5,

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

Fees

7. (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 6.

(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

8. 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; or

(c) remove or 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

9. A person who—

(a) contravenes section 2(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

10. (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

11. The Minister may make regulations 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) coordination between the various licensed ambulance services;
(e) the management of any incident or situation requiring the provision of emergency medical care and where more than one ambulance service is involved; or
(f) any matter which the Minister considers necessary or expedient to prescribe for the effective carrying out of this Act.

Transitional provisions

12. For a period of 12 months after the date of commencement of this Act, section 2 does not apply to a person who, immediately before that date, conducted, maintained, managed or controlled an ambulance service.

Short title and commencement

13. 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*.

EXPLANATORY MEMORANDUM

BACKGROUND

The main object of the Bill is to provide for the licensing of ambulance services in the Province and to regulate matters pertaining to the provision of such services in both the private and the public sector. Currently, there is no national or provincial legislative framework that provides for the licensing of ambulance services, hence the necessity for the promulgation of this legislation.

The draft Bill was published for public comment in the *Provincial Gazette* 6545 of 18 July 2008.

PERSONS AND BODIES CONSULTED

1. Deputy Director General: Secondary, Tertiary and Emergency Care, Western Cape Department of Health;
2. Director: Emergency Medical Services, Western Cape Department of Health;
3. National Department of Health;
4. Department of the Premier: Legal Services;
5. Koeberg Nuclear Power Station (Eskom);
6. National Sea Rescue Institute of South Africa;
7. South African Emergency Services Institute;
8. Eden Fire Chief Association;
9. Western Cape Provincial Fire Working Group; and
10. South African Local Government Association (SALGA).

FINANCIAL IMPLICATIONS

Additional funding would be required for the appointment of dedicated staff (one Assistant Director: Inspectorate and one Administration Officer: Administration), office equipment and subsistence and travel allowances for these staff. Funding of the posts will be done in accordance with the relevant departmental directives and priorities.

COSTS OF IMPLEMENTATION

The provincial Department of Health, through the Directorate: Professional Support Services, will administer and carry the costs of implementing the envisaged legislation.

Any revenue generated from the licensing and inspectorate processes will be paid into the Provincial Revenue Fund.

CLAUSE BY CLAUSE SUMMARY OF CONTENTS

Clause 1 contains definitions.

Clause 2 requires the licensing of all ambulance services in the Province. It empowers the Minister to prescribe the procedure and requirements for such licensing and the renewal of licences.

Clause 3 provides that the Minister must determine minimum norms and standards for the personnel, vehicles and equipment of ambulance services.

Clause 4 provides for the designation of inspecting officers by the Head of Department.

Clause 5 empowers the Head of the Department to cancel or suspend the licence of an ambulance service if there is non-compliance with the requirements.

Clause 6 provides for an appeal to the Minister by a person—

(a) who is 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.

Clause 7 empowers the Minister, with the concurrence of the Provincial Minister responsible for finance, to 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 6.

Furthermore, this clause empowers the Minister to exempt a particular ambulance service or type of ambulance service from paying the prescribed fees.

Clause 8 sets out the powers of ambulance personnel to—

(a) close a road;
(b) access any premises; and
(c) remove or cause to be removed from the scene any person in the interest of the health and well-being of any person.

Clause 9 provides for offences and penalties.

Clause 10 empowers the Head of the Department to delegate or assign functions to any employee of the department, subject to conditions determined by the Head of the Department.

Clause 11 provides that the Minister may make regulations.

Clause 12 provides for transitional provisions for a period of 12 months after the commencement of the Act.

Clause 13 contains the short title.

LEGISLATIVE COMPETENCE

The Provincial Minister responsible for health is satisfied that the provisions of the Bill fall within the legislative competence of the Province.

WES-KAAPSE WETSONTWERP OP AMBULANSDIENSTE

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 Provinsie Wes-Kaap, soos volg:—

Woordomskrywings

1. In hierdie Wet, tensy dit uit die samehang anders blyk, 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 of noodsorg-assistent; 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 2 gelisensieer is;

"hierdie Wet" ook die regulasies;

"inspeksiebeampte" 'n persoon wat ingevolge artikel 4 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 11 uitgevaardig;

"voertuig" ook enige lugvaartuig of watergebaseerde vervoermiddel;

"voorskryf" by regulasie voorskryf.

Lisensiëring van ambulansdienste

2. (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

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

Inspeksiebeamptes

4. (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 2(2) bedoel en die norme en standaarde ingevolge artikel 3 bepaal; en

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

Kansellering of opskorting van lisensies

5. 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 3 bedoel;

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

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

Appèlle

6. '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 5 gekanselleer of opgeskort is,

kan ooreenkomstig die voorgeskrewe prosedure na die Minister appelleer.

Gelde

7. (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 6.

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

Bevoegdhede van ambulanspersoneel

8. 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; of

(c) enige persoon van die toneel verwyder of 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

9. 'n Persoon wat—

(a) artikel 2(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

10. (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

11. Die Minister kan regulasies uitvaardig 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) koördinasie tussen die verskillende gelisensieerde ambulansdienste;
(e) die hantering van enige voorval of situasie wat die verskaffing van mediese noodsorg vereis en waarby meer as een ambulansdiens betrokke is; of
(f) enige aangeleentheid wat die Minister as nodig of raadsaam beskou om voor te skryf vir die doeltreffende uitvoering van hierdie Wet.

Oorgangsbepalings

12. Vir 'n tydperk van 12 maande ná die datum van inwerkingtreding van hierdie Wet is artikel 2 nie van toepassing nie op 'n persoon wat onmiddellik voor daardie datum 'n ambulansdiens bedryf, onderhou, bestuur of beheer het.

Kort titel en inwerkingtreding

13. 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.

VERKLARENDE MEMORANDUM

AGTERGROND

Die hoofdoel van die Wetsontwerp is om voorsiening te maak vir die lisensiëring van ambulansdienste in die Provinsie en om aangeleenthede rakende die verskaffing van sulke dienste in sowel die private as die openbare sektor te reguleer. Tans is daar geen nasionale of provinsiale wetsraamwerk wat vir die lisensiëring van ambulansdienste voorsiening maak nie, vandaar die noodsaaklikheid van die promulgering van hierdie wetgewing.

Die Konsepwetsontwerp is in *Provinsiale Koerant* 6545 van 18 Julie 2008 vir openbare kommentaar gepubliseer.

PERSONE EN LIGGAME GERAADPLEEG

1. Adjunk-direkteur-generaal: Sekondêre, Tersiêre en Noodsorg, Wes-Kaapse Departement van Gesondheid;
2. Direkteur: Nood Mediese Dienste, Wes-Kaapse Departement van Gesondheid;
3. Nasionale Departement van Gesondheid;
4. Departement van die Premier: Regsdienste;
5. Koeberg-kernkragsentrale (Eskom);
6. Nasionale Seereddingsinstituut van Suid-Afrika;
7. Suid-Afrikaanse Nooddienste-Instituut;
8. *Eden Fire Chief Association;*
9. *Western Cape Provincial Fire Working Group;* en
10. Suid-Afrikaanse Vereniging vir Plaaslike Regering (SALGA).

FINANSIËLE IMPLIKASIES

Bykomende fondse sal nodig wees vir die aanstelling van toegewyde personeel (een Assistentdirekteur: Inspektoraat en een Administratiewe Beampte: Administrasie), kantoortoerusting en reis-en-verblyftoelaes vir hierdie personeel. Die befondsing van die poste sal ooreenkomstig die betrokke departementele direktiewe en prioriteite geskied.

IMPLEMENTERINGSKOSTE

Die provinsiale Departement van Gesondheid, deur die Direktoraat: Professionele Steundienste, sal die implementering van die beoogde wetgewing administreer en die koste daarvan dra.

Enige inkomste wat uit die proses van lisensiëring en inspeksie verkry word, sal in die Provinsiale Inkomstefonds gestort word.

OPSOMMING VAN INHOUD KLOUSULE VIR KLOUSULE

Klousule 1 bevat woordomskrywings.

Klousule 2 vereis die lisensiëring van alle ambulansdienste in die Provinsie. Dit verleen aan die Minister die bevoegdheid om die prosedures en vereistes vir sodanige lisensiëring en die hernuwing van lisensies voor te skryf.

Klousule 3 bepaal dat die Minister minimum norme en standaarde vir die personeel, voertuie en toerusting van ambulansdienste moet bepaal.

Klousule 4 maak voorsiening vir die aanwysing van inspeksiebeamptes deur die Departementshoof.

Klousule 5 verleen aan die Departementshoof die bevoegdheid om die lisensie van ‘n ambulansdiens te kanselleer of op te skort as die vereistes nie nagekom word nie.

Klousule 6 maak voorsiening vir ’n appèl na die Minister deur ’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 gekanselleer of opgeskort is.

Klousule 7 verleen aan die Minister die bevoegdheid, met die instemming van die Provinsiale Minister verantwoordelik vir finansies, om gelde voor te skryf 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 6.

Verder, verleen hierdie klousule aan die Minister die bevoegdheid om 'n bepaalde ambulansdiens of tipe ambulansdiens vry te stel van die betaling van enige voorgeskrewe gelde.

Klousule 8 bepaal die bevoegdhede van ambulanspersoneel om—
(a) 'n pad te sluit;
(b) toegang tot enige perseel te kry; en
(c) enige persoon van die toneel te verwyder of te laat verwyder in belang van die gesondheid en welsyn van enige persoon.

Klousule 9 maak voorsiening vir misdrywe en strawwe.

Klousule 10 verleen aan die Departementshoof die bevoegdheid om funksies aan enige werknemer van die departement te delegeer of oor te dra, behoudens voorwaardes wat die Departementshoof bepaal.

Klousule 11 bepaal dat die Minister regulasies kan uitvaardig.

Klousule 12 maak voorsiening vir oorgangsbepalings vir 'n tydperk van 12 maande na die inwerkingtreding van die Wet.

Klousule 13 bevat die kort titel.

WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister verantwoordelik vir gesondheid is van mening dat die bepalings van die Wetsontwerp binne die wetgewende bevoegdheid van die Provinsie val.

UMTHETHO OSAYILWAYO WEENKONZO ZE-AMBULANSI WENTSHONA KOLONI

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—

"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, 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 4;

"iinkonzo zeenqwelo zezigulane ezigunyazisiweyo" kuthetha ukuba ziinkonzo zeenqwelo zezigulane ngokwesolotya 2;

"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 11;

"lo Mthetho" uquka imimiselo;

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

Ukugunyaziswa kweenkonzo zeenqwelo zezigulane

2. (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

3. UMphathiswa uya kumisela aqinisekise ngemiqathango nemigaqo yabasebenzi, eyezithuthi nezixhobo zenkonzo yenqwelo yezigulane, kwaye isekwanguye oyakwenza izilungiso kuloo miqathango nemigaqo.

Amagosa ahlolayo

4. (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(2) nemimiselo namanqanaba ngokwesolotya 3; kwaye

(b) linamagunya nemisebenzi njengoko kumiselwe.

Ukurhoxiswa kwezigunyaziso

5. 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 3;

(c) ayivelisi ziphumo zifanelekileyo , iinkcukacha okanye iingcombolo; okanye,

(d) iqhutywa ngendlela ebeka ubomi babantu, izigulane okanye abasebenzi esichengeni.

Izibheno

6. Umntu—

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

(b) isiqinisekiso sakhe esithe sarhoxiswa okanye esisamisiweyo ukuba singasebenzi ngokwesolotya 5,

angafaka isicelo sokubhena kuMphathiswa ngokomgaqo—nkqubo omiselweyo.

Intlawulo

7. (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 6.

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

Amagunya abasebenzi kwiinqwelo zezigulane

8. 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; okanye
(c) bakhuphe 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

9. Umntu othe—

(a) wophula isolotya 2(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

10. (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

11. UMphathiswa uya kuthi enze imimiselo 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) unxulumaniso phakathi kweenkonzo ezigunyazisiweyo ezahlukeneyo zeenqwelo zezigulane;
(e) abalawuli abajongene naso nasiphi na isihlo okanye imeko efunisa unyango olungxamisekileyo nalapho kungafuneki nqwele enye yezigulane; okanye
(f) nayiphi na into uMphathiswa ayibona njengefanelekileyo okanye ekufuneka ikhawuleziswe ukumiselwa ukuze ube nokuphunyezwa ngendlela efanelekileyo lo Mthetho.

AmaLungiselelo eXeshana

12. Kwiinyanga ezili-12 emva kokuba komhla wokuqalisa lo Mthetho, icandelo 2 alisayi kusebenza kumntu oye wathi, nje phambi kwalo mhla wenza umsebenzi, waziqhubela phambili, walawula iinkonzo zeenqwelo zezigulane.

Isihloko esifutshane nomhla wokuqalisa

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

IMEMORANDAM ECACISAYO

INTSUSA

Eyona njongo yalo Mthetho uyilwayo kukugunyaziswa kweenkonzo zeenqwelo zezigulane kwiphondo nokulawula izinto ezinxulumene nezo nkonzo kumacandelo karhulumente nalawo azimeleyo. Okwangoku akukho mthetho osele umiselwe kwisizwe okanye kwiphondo ogunyazisa iinkonzo zeenqwelo zezigulane, kungoko ke kufuneka lo mthetho waziswe ngokopapasho.

UMthetho oyilwayo wapapasha kwiGazethi yePhondo engu-6545 yomhla we-18 kuJulayi 2008 ukuze abantu banike izimvo zabo.

ABANTU KUNYE NAMAQELA EKUBONISENWE NAWO

1. USekela-Mlawuli Jikelele: Zenginqi, eziKhulu, ezeNgingqi neeNkonzo zoNyango oluNgxamisekileyo, neSebe lezeMpilo eNtshona Koloni;
2. UMlawuli: IiNkonzo zoNyango oluNgxamisekileyo, iSebe lezeMpilo eNtshona Koloni,
3. ISebe lezeMpilo leSizwe;
4. ISebe leNkulumbuso: IiNkonzo zoMthetho;
5. iKoeberg isitishi sombane (Eskom);
6. AbeZiko leSizwe loHlangulo eLwandle eMzantsi Afrika;
7. Abeziko leenkonzo eziNgxamisekileyo eMzantsi Afrika;
8. *Eden Fire Chief Association;*
9. *Western Cape Provincial Fire Working Group;* kunye
10. noMbutho woRhulumente woMmandla woMzantsi Afrika (SALGA).

UVAVANYO LOCHAPHAZELEKO LWEZIMALI

Inkxaso eyongeziweyo iyakufuneka ukuze kuqeshwe abasebenzi abazinikeleyo (umncedisi womlawuli (omnye): iqela labahloli nomabhalana omnye), izixhobo ze-ofisi ezaneleyo nemali yokuba abasebenzi bakhwele.

IINDLEKO ZOKUMISELWA KOMTHETHO

ISebe lezeMpilo lePhondo liya kusingatha ze lithwale neendleko zokuphumeza uWiso-Mithetho olucetywayo, oko likwenza lidlule kwi-Candelo loLawulo: IiNkonzo zeNkxaso zaBasebenzi.

Nayiphi na ingeniso evela kwinkqubo yokukhutshwa kwemvume nakwiinkqubo zecandelo labahloli iya kuhlawulwa kwiNgxowa mali yeNgeniso yePhondo.

ISISHWANKATHELO SAMAGATYA

Igatya loku-1 Eli gatya liqulathe iinkcazelo.

Igatya lesi-2 Eli gatya lifuna kubekho isiqinisekiso sazo zonke iinkonzo zeenqwelo zezigulane kwiPhondo. Ligunyazisa uMphathiswa ukuba amisele iinkqubo nezinto ezifunekayo ekunikweni kweemvume ndawonye nokuhlaziywa kwazo.

Igatya lesi-3 Eli gatya lithi uMphathiswa kufuneka amisele abasebenzi, izithuthi, izixhobo neenkonzo zeenqwelo zezigulane eyona migaqo nemiqathango efunekayo ubuncinane.

Igatya le-4 Eli gatya linika inkcazelo ngokuchakwa kwamagosa ahlolayo oko kusenziwa yiNtloko yeSebe.

Igatya lesi-5 Eli gatya lixhobisa iNtloko yeSebe ngendlela yokurhoxisa isiqinisekiso senkonzo yeenqwelo zezigulane ukuba kukho apho kukho ukungavumelani ne.

Igatya lesi-6 Eli gatya linikezela ngegunya lokucela ukubhena kuMphathiswa xa umntu efuna njalo—

(a) Xa ethe akaneliseka sisigqibo esikwisicelo sesiqinisekiso seenkonzo zenqwelo zezigulane okanye uhlaziyo lwesi siqinisekiso; okanye

(b) Xa isiqinisekiso sirhoxisiwe.

Igatya lesi-7 Eli gatya ligunyazisa uMphathiswa, ngesivumelwano noMphathiswa wePhondo onoxanduva lokujongana nezimali, malunga nentlawulo—

(a) yesiqinisekiso senkonzo yeenqwelo yezigulane;

(b) Ukuhlaziywa kwesiqinisekiso;

(c) Ukuhlolwa kwenkonzo yeenqwelo zezigulane esele inesiqinisekiso; kunye
(d) Nezibheno ngokwesolotya lesi-6.

Ukwangeza, eli gatya ligunyazisa uMphathiswa ekuqakatheni ilungelo elithile lwenkonzo yeenqwelo zezigulane okanye nayiphi na inxalenye ekubhathaleni intlawulo ezi ezifunekayo.

Igatya lesi-8 Eli gatya linika abasebenzi beenqwelo zezigulane igunya—

(a) lokuvala umgaqo;
(b) lokungena nakwesiphi na isakhiwo; ndawonye
(c) nokususa okanye ukususwa kwindawo yenxwayelo nawuphi na umntu kujoliswe ekubeni kusinde nawuphi na umntu.

Igatya lesi-9 Eli gatya lisichazela ngokwaphulwa komthetho nezohlwayo.

Igatya le-10 Eli gatya ligunyazisa iNtloko yeSebe ukuba yabele ize ithumele umsebenzi omawenziwe nakuye nawuphi na umsebenzi wesebe, kujoliswe kwiimeko ezibonwe yiNtloko yeSebe.

Igatya le-11 Eli gatya linika uMphathiswa igunya lokuba enze imigaqo.

Igatya le-12 Eli gatya lichaza ngokuguquka kwezinto kwixesha elingangenyanga ezi-12 emva kokuba loMthetho uqalisile.

Igatya le-13 Eli gatya linesihloko esifutshane.

UBUCHULE BOWISO-MITHETHO

UMphathiswa wePhondo uTheuns Botha, owongamele iSebe lezeMpilo wanelisekile ngamalungiselelo oMthetho oyilwayo ophantsi kobuchule bowiso-mthetho bePhondo.