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(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

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Kindly note that all interested parties are invited to submit written comment on the draft regulations, to the Western Cape Health Department before or on 5 December 2011.

All comments must be addressed to:

The Head of Department
Department of Health
PO Box 2060
Cape Town
8000

(For attention: Ms Rene De Silva)
Room 10-08
021 483 3303 (Office)
021 483 6656 (Fax)
Rene.DeSilva@pgwc.gov.za (email)

An isiXhosa copy of the draft regulations as well as the Norms and Standards for Ambulance Services may be obtained from Ms Rene De Silva, at the above contact details.

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

No.	Bladsy
Provinsiale Kennisgiving	
291 Konsepregulasies vir die Wes-Kaapse Ambulansdienste	12

Neem asseblief kennis dat alle belanghebbende partye uitgenooi word om skrifelike kommentaar oor die konsepregulasies voor te lê aan die Wes-Kaapse Departement van Gesondheid voor of op 5 Desember 2011.

Alle kommentaar moet gerig word aan:

Die Departementshoof
Departement van Gesondheid
Posbus 2060
Kaapstad
8000

(Vir die aandag van: Me Rene De Silva)
Kamer 10-08
021 483 3303 (Tel.)
021 483 6656 (Faks.)
Rene.DeSilva@pgwc.gov.za (e-pos)

Die Xhosaweergawe van die Konsepregulasie, asook die Norme en Standaarde vir Ambulansdienste, kan aangevra word van me Rene de Silva by die bogenoemde kontaknommers.

PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Proviniale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat,
Kaapstad.

P.N. 291/2011

4 November 2011

DRAFT WESTERN CAPE AMBULANCE SERVICES REGULATIONS, 2011

The Provincial Minister of Health in the Western Cape intends to make the regulations set out in the Schedule in terms of section 12 of the Western Cape Ambulance Services Act, 2010 (Act 3 of 2010).

SCHEDULE**ARRANGEMENT OF REGULATIONS**

1. Definitions
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3. Advisory committee
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Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act bears that meaning and, unless the context indicates otherwise—

“advanced life support” or **“ALS”** refers to the skills attributed to a person registered as—

 - (a) a paramedic, emergency care practitioner or medical practitioner registered with the Health Professions Council; or
 - (b) an accredited nurse with the South African Nursing Council;

“adverse patient incident” means an event or circumstance that leads to unintended harm, suffering, illness or injury to a patient;

“ambulance” means a vehicle that is designed or adapted, equipped and used or intended to be used for the transportation of patients;

“ambulance service manager” means a person contemplated in regulation 17(1);

- “**basic life support**” or “**BLS**” refers to the skills attributed to a person registered as a basic ambulance assistant with the Health Professions Council;
- “**committee**” means the advisory committee appointed in terms of regulation 3(1);
- “**emergency care practitioner**” means a person registered with the Health Professions Council as an emergency care practitioner;
- “**Health Professions Act**” means the Health Professions Act, 1974 (Act 56 of 1974);
- “**Health Professions Council**” or “**HPCSA**” means the Health Professions Council of South Africa, established by the Health Professions Act;
- “**intermediate life support**” or “**ILS**” refers to the skills attributed to a person registered as an ambulance emergency assistant or emergency care technician with the Health Professions Council;
- “**licence holder**” means the person or organ of state that has been granted a licence in accordance with section 2 of the Act;
- “**major medical incident**” means an incident where the number of patients or the special nature of the incident requires extraordinary measures beyond routine ambulance response;
- “**mass casualty situation**” means a casualty situation where the number of patients exceeds the capacity of a single ambulance service to rescue, treat and convey the patients;
- “**medical practitioner**” means a person registered with the Health Professions Council as a medical practitioner;
- “**norms and standards**” means the norms and standards determined by the Minister in terms of section 4 of the Act;
- “**Nursing Act**” means the Nursing Act, 2005 (Act 33 of 2005);
- “**paramedic**” means a person registered with the Health Professions Council as a paramedic;
- “**Priority One**” means an emergency response classified as an emergency-at-once case by the call taker or dispatcher at the call receiving medical communication centre of an ambulance service;
- “**Priority Two**” means an emergency response classified as urgent, for response as soon as possible, by the call taker or dispatcher at the call receiving medical communication centre of an ambulance service;
- “**register of ambulance services**” means the register contemplated by regulation 6(7);
- “**rescue vehicle**” means a vehicle that is designed or adapted, equipped and used or intended to be used by an ambulance service to convey specialist rescue personnel and equipment;
- “**response time**” means the time measured from the time an ambulance service receives an emergency call to the time the first medical resource arrives on scene;
- “**response vehicle**” means a vehicle that is designed or adapted, equipped and used or intended to be used by an ambulance service to convey specialist medical equipment and personnel;
- “**supervising medical practitioner**” means a medical practitioner who—
- (a) is contracted or employed by an ambulance service in a supervisory clinical capacity; and
 - (b) is consulted by ambulance personnel on a regular basis;
- “**the Act**” means the Western Cape Ambulance Services Act, 2010 (Act 3 of 2010);
- “**volunteer**” means a person who of his or her own free will and choice, without material or other compensation, undertakes tasks to the benefit of an ambulance service under the direction of that ambulance service.

Licensing of ambulance services

2. (1) A person, including an organ of state, who wishes to—
 - (a) conduct an ambulance service, must apply in accordance with Forms 1 and 2 of Annexure A; or
 - (b) alter the nature, scope or extent of an ambulance service, must apply in accordance with Forms 1 and 2 of Annexure A.
- (2) The application must be delivered by hand, or sent by email or registered post, to the office of the Head of Department.
- (3) The applicant must pay the application fee set out in Annexure B when submitting an application for the licensing of an ambulance service.
- (4) An applicant may withdraw an application at any stage, but forfeits the application fee if the application is withdrawn.
- (5) The Head of Department must review the application within 30 days of receipt thereof in order to determine whether it has been properly completed or whether additional information is required.
- (6) If the Head of Department considers that the application has not been properly completed or that any additional information is required, he or she must request the applicant to correct the incompleteness, or supply the additional information required, by a specific date.
- (7) If an applicant fails to complete an incomplete application or to supply any additional information by the date specified by the Head of Department in terms of subregulation (6), the applicant must be regarded as having withdrawn the application.
- (8) The Head of Department must, within 30 days after the expiry of the period of 30 days referred to in subregulation (5) or after the date referred to in subregulation (6), as the case may be—
 - (a) publish a notice of the receipt of the application in at least two newspapers in general circulation in the applicable area of the Province and request written comments on such application; and
 - (b) submit a copy of the application to—

- (i) all municipalities potentially affected by the application; and
- (ii) other authorities or institutions regarded necessary by the Head of Department.

(9) A notice contemplated by subregulation (8)(a) must—

- (a) be published in at least two official languages of the Province;
- (b) specify that any interested party has 30 days from the date of publication of the notice to submit written comments to the Head of Department; and
- (c) provide that a copy of the application may be obtained at a nominal fee from an office specified in the notice.

(10) A municipality, authority or institution referred to in subregulation 8(b) *may* submit written comments to the Head of Department within 30 days after receipt of the copy of the application.

(11) If comments are received in terms of subregulation 9(b) or (10), the Head of Department must, within 10 days of the expiry of the period permitted for the submission of the comments—

- (a) notify the applicant in writing that comments have been received; and
- (b) provide the applicant with a copy of the comments.

(12) The applicant has 15 days from receipt of a copy of the comments in terms of subregulation (11) in which to respond in writing to the Head of Department, failing which the applicant must be regarded as not wishing to respond.

Advisory committee

3. (1) The Head of Department must appoint an advisory committee to advise and to make recommendations on applications referred to in regulation 2(1).
- (2) The advisory committee must be comprised of—
 - (a) one staff member of the Department, who must not be from the provincial or private sector ambulance services component of the Department;
 - (b) one person who is a specialist in emergency medicine;
 - (c) one person nominated by the organisation recognised in terms of the Organised Local Government Act, 1997 (Act 52 of 1997), to represent local government in the Province; and
 - (d) one person with extensive technical expertise of ambulance services.
- (3) The Head of Department must designate one of the members as the chairperson of the committee.
- (4) At the first meeting of the committee, the chairperson must determine meeting procedures, and the committee must appoint a deputy chairperson and establish a code of conduct for members.
- (5) The chairperson may at any stage in the consideration of an application call upon any person to participate in the committee if the chairperson is satisfied that that person will be able to assist the committee to make a recommendation, but that person may not vote.
- (6) The chairperson must ensure that a full record is kept of attendance at, the proceedings of, and any resolutions taken at, any meeting of the committee.
- (7) A quorum for a meeting is three members of the committee, but either the chairperson or deputy chairperson must always be present.
- (8) A decision of the majority of members present at a meeting of the committee is a decision thereof, and in the event of an equality of votes the person presiding at that meeting has a casting as well as a deliberative vote.
- (9) The Head of Department must pay members who are not employed by the State the—
 - (a) remuneration; and
 - (b) allowances for reasonable actual subsistence and travelling expenses necessitated by the attendance of a meeting of the committee, determined by the Minister with the concurrence of the Provincial Minister responsible for finance.

Prohibition concerning members of committee

4. (1) A member of the committee may not be present during or take part in any discussion of or the making of decisions or recommendations on any application before the committee in which—
 - (a) that member or a spouse, immediate family member, business partner, associate or employer (other than the State) of that member; or
 - (b) a business partner, associate, immediate family member or employer (other than the State) of the spouse of that member, has a direct or indirect financial interest or has had such an interest during the previous 12 months.
- (2) For the purpose of subregulation (1)—

- (a) “spouse” includes a person with whom the member lives as if they were married or with whom the member habitually cohabits; and
 - (b) “immediate family member” means a parent, child, brother or sister, whether or not such a relationship results from birth, marriage or adoption.
- (3) A person may not, while he or she is a member of the committee, accept any form of employment, gift or reward from any person who has a direct financial interest in an ambulance service, or a person who has applied for a licence in terms of regulation 2.

Consideration of applications by committee

5. (1) The Head of Department must submit each application contemplated by regulation 2(1) and all comments and responses received in respect of the application, to the committee within 10 days of—
- (a) the closing date for comments, if no comments have been received; or
 - (b) the closing date for the applicant’s response to the comments, if comments have been received.
- (2) When considering an application, the committee must consider all comments and responses received in respect of the application, including written reports by the inspecting officer.
- (3) The committee may take into account any factors that it regards to be relevant to the application, including—
- (a) the need to promote equitable distribution and rationalisation of ambulance services with a view to correcting inequities based on racial, gender, economic and geographical factors;
 - (b) the need to promote quality ambulance services which are accessible, affordable, cost-effective and safe;
 - (c) the potential advantages and disadvantages of the application for existing ambulance services;
 - (d) the need to protect or advance people from designated groups as defined in the Employment Equity Act, 1998 (Act 55 of 1998), and the emerging small, medium and micro-enterprise sector; and
 - (e) the potential benefits of training, research and development to improve ambulance service delivery.
- (4) The committee must render its recommendation to the Head of Department within 60 days of receipt of the application concerned.
- (5) The committee may recommend that an application should be—
- (a) granted;
 - (b) granted subject to conditions which the committee considers appropriate, including conditions relating to—
 - (i) the nature, type or quantum of services to be provided by the ambulance service;
 - (ii) insurance cover and indemnity to be carried by the ambulance service;
 - (iii) personnel;
 - (iv) inspections or monitoring by the Department;
 - (v) appropriate complaints mechanisms which must be made available to all users of the ambulance service;
 - (vi) appropriate data-reporting mechanisms on key indicators; or
 - (c) refused.

Head of Department’s decision on application

6. (1) The Head of Department must, within 10 days of receipt of a recommendation by the committee decide the application and—
- (a) grant the application; or
 - (b) grant it subject to conditions; or
 - (c) refuse the application.
- (2) An application may be refused only if the Head of Department is satisfied that the applicant does not or will not comply with the requirements set out in paragraphs (a) to (g) of regulation 7.
- (3) The Head of Department may, before taking a decision in terms of subregulation (1), refer an application back to the committee for reconsideration of its recommendation.
- (4) The committee must make its final recommendation on an application referred back to it within 21 days of receipt thereof.
- (5) The Head of Department must, within five days of receipt of a final recommendation in terms of subregulation (3), decide on the application in accordance with subregulation (1).

- (6) The Head of Department must, within 10 days of deciding an application, inform the applicant in writing of the decision and, if the application is refused, give written reasons for the refusal and inform the applicant of the right of appeal in terms of regulation 8.
- (7) When the Head of Department has granted an application, he or she must cause the ambulance service to be registered in a register of ambulance services kept by the Department and inform the applicant in writing that this has been done.

Qualifications for licensing of ambulance services

7. In order to qualify to be licensed as an ambulance service, a service must comply with the following:
 - (a) The personnel, vehicles and equipment of the service must comply with the applicable minimum norms and standards.
 - (b) Each vehicle of the service used as an ambulance, response vehicle or rescue vehicle must be clearly marked as such.
 - (c) The vehicles must be roadworthy and must have been modified, adapted and configured according to the minimum category of emergency care that is to be provided by the unit concerned with regard to personnel, vehicle and equipment.
 - (d) The service must have adequate liability insurance cover.
 - (e) The service must be supervised by an ambulance services manager.
 - (f) The ratio of ambulances to response vehicles in a service must at least be one ambulance to one response vehicle.
 - (g) The service must have a base in the Province from which it operates and a communications system to receive requests for assistance and to dispatch vehicles.

Appeals

8. (1) An applicant may, within 14 days of being notified in terms of regulation 6 of the Head of Department's decision on the application, lodge an appeal in writing with the Minister and must include the grounds for the appeal.
- (2) The Minister must, within 7 days of receipt of an appeal, submit a copy thereof to the Head of Department.
- (3) The Head of Department must within 30 days of receipt of a copy of an appeal, submit a response thereto to the Minister.
- (4) The Minister may appoint up to three persons who are not staff members of the Department or members of the committee to advise the Minister on the appeal.
- (5) The Minister may uphold or refuse an appeal and may, in the event that the appeal is upheld, replace the decision of the Head of Department with a decision to grant the application either unconditionally or subject to conditions determined by the Minister.
- (6) An appeal must be finally adjudicated within 30 days of the date on which the Head of Department submits a response to the Minister in terms of subregulation (3).
- (7) The Minister must communicate the decision on the appeal in writing to the appellant and, if the appeal is refused, give the reasons therefore.
- (8) If the Minister upholds an appeal, the Head of Department must cause an appropriate entry to be made in the register of ambulance services.

Issuing of licence certificates and licence tokens

9. (1) If an application for an ambulance service is granted or conditionally granted, the Head of Department must—
 - (a) cause an inspecting officer to inspect the ambulance service concerned in order to establish that the service complies with the requirements of regulation 7; and
 - (b) issue the applicant with—
 - (i) a licence certificate to operate the service concerned; and
 - (ii) a licence token for each vehicle to be used by that service as an ambulance or a rescue or response vehicle.
- (2) A licence certificate and a registration disc must have displayed on it the date from which it is effective and its expiry date.
- (3) A licence is valid until 31 December of the year in which the licence certificate was issued in terms of subsection (1).
- (4) A licence that has not been cancelled or suspended in terms of section 6 of the Act is, upon receipt by the Head of Department of the annual renewal fee referred to in Schedule B, regarded as having been automatically renewed until 31 December of the year in respect of which that fee has been paid.

Inspecting officers and inspections

10. (1) An inspecting officer may at any reasonable time inspect an ambulance service as contemplated in section 5(2)(a) of the Act.
- (2) An inspecting officer must—
 - (a) be afforded reasonable access to an ambulance service, including its facilities, for the purposes of an inspection; and
 - (b) within 30 days of inspecting an ambulance service provide a report to the Head of Department.
- (3) An inspecting officer may make recommendations to the Head of Department with respect to an ambulance service.

- (4) A person may not—
 - (a) in any way obstruct an inspecting officer in the performance of his or her duties;
 - (b) refuse to furnish to the best of his or her knowledge any information requested by an inspecting officer; or
 - (c) refuse to show an inspecting officer at his or her request any equipment, apparatus or vehicle of an ambulance service, or purchase or maintenance records associated with such equipment, apparatus or vehicle.
- (5) The Head of Department must ensure that every ambulance service is inspected at least annually.
- (6) In addition to the annual inspection referred to in subregulation (5), the Head of Department may at any reasonable time, and without notice, cause an ambulance service to be inspected by an inspecting officer, but at no cost to that service.

Cancellation and suspension of licences

- 11. (1) If a licensed ambulance service contravenes or does not comply with any provision of these Regulations or of paragraph (a), (b), (c), (d) or (e) of section 6(1) of the Act, the Head of Department must give written notice of the defect or non-compliance to the licence holder.
- (2) The notice must state—
 - (a) the nature and extent of the defect or non-compliance which must be rectified;
 - (b) that failure to rectify it within the time specified in the notice could lead to the cancellation or suspension of the licence; and
 - (c) that the licence holder is entitled to make written representations to the Head of the Department within the time specified in the notice regarding the proposed cancellation or suspension of the licence.
- (3) If, at the expiry of the time period specified in terms of subregulation (2)(c), the defect or non-compliance has not been rectified to the satisfaction of the Head of Department, he or she may, having regard to all relevant facts, including the report of an investigating officer and any representations by the licence holder, cancel or suspend the licence of the ambulance service in terms of section 6 of the Act.
- (4) If the licence is cancelled or suspended, the Head of Department must within 10 days inform the licence holder in writing of the decision, of the reasons therefore and of the right of appeal to the Minister.
- (5) Regulation 8 applies, with the changes required by the context, to an appeal contemplated in subregulation (4).

Reinstatement of licence and lifting of suspension

- 12. (1) A person whose licence has been cancelled or suspended may at any time apply for the reinstatement of the licence or the lifting of its suspension as contemplated in section 6(2) of the Act.
- (2) Regulation 2 applies, with the changes required by the context, in respect of an application for the reinstatement of a licence.
- (3) Before the Head of Department reinstates a licence or lifts its suspension, an inspecting officer must inspect the ambulance service concerned and make a recommendation to the Head of Department.

Fees

- 13. (1) The fees referred to in section 8(1) of the Act are as set out in Annexure B.
- (2) The fee for the renewal of a licence becomes payable each year on completion of the annual inspection contemplated in regulation 10(5).

Change of ownership

- 14. (1) A licence for an ambulance service may not be transferred.
- (2) If an ambulance service is transferred or sold to a new owner, the new owner must submit an application in terms of regulation 2(1)(a).

Display of licence certificates and licence tokens

- 15. The ambulance service manager must ensure that—
 - (a) the licence certificate referred to in regulation 9(1)(b)(i) is displayed in a conspicuous place at the base of the ambulance service referred to in regulation 7(g); and
 - (b) the applicable licence token referred to in regulation 9(1)(b)(ii) is displayed in a conspicuous place on every vehicle used by the ambulance service as an ambulance or a rescue or response vehicle.

Information concerning ambulance service

- 16. (1) The ambulance service manager of an ambulance service or his or her designee must furnish to an inspecting officer upon his or her request all the information necessary for the purposes of the licensing or continued licensing of that service.
- (2) The ambulance service manager must ensure that the following information is captured on a monthly basis, properly secured, and readily available to be provided at the request of an inspecting officer:
 - (a) Priority 1 ambulance response time performance within urban and rural areas;
 - (b) Priority 2 ambulance response time performance within urban and rural areas;

- (c) the number, names, qualifications and relevant HPCSA or South African Nursing Council registration details of employees, contractors and volunteers;
 - (d) the number of ambulances in the service; and
 - (e) the number and nature of adverse patient incidents.
- (4) The ambulance service manager must ensure that an individual patient care record is kept for every patient treated or conveyed by the service.

Management of ambulance service

17. (1) An ambulance service must appoint a person who is qualified and registered to at least intermediate life support level to manage and supervise the service.
- (2) The ambulance service manager must—
- (a) ensure that more patients are not conveyed in a vehicle of the ambulance service than the maximum number allowed according to the applicable norms and standards, except in the case of major medical incidents or mass casualty situations;
 - (b) ensure that the ambulance service is not operated in a way that compromises public, patient or personnel safety;
 - (c) keep confidential patient records as required by law, and have those records reviewed by the supervising medical practitioner or his or her delegate at frequent and regular intervals for both appropriate documentation and care;
 - (d) inform the Head of Department in writing, within 30 days, of any change in the particulars furnished by or on behalf of the licence holder in terms of these regulations;
 - (e) rely upon and defer to the judgement of the service's supervising medical practitioner in all matters of clinical care for the health protection of ambulance personnel and for the appropriate administration of medical care given to patients attended by that service;
 - (f) ensure that no patient is ever refused care or transport by the ambulance service on the basis of that person's inability to pay for the care or transportation;
 - (g) ensure that protocols exist for immediate medical intervention in the event of the exposure of ambulance personnel to situations of a biological, chemical, psychological or physical nature; and
 - (h) ensure that appropriate standard operating procedures exist that guide the operations of the ambulance service, and that these procedures are available to every employee of the ambulance service and to inspecting officers.

Incident management and coordination of ambulance services

18. (1) The Head of Department must designate a staff member of the Department to manage mass casualty incidents.
- (2) The Head: Ambulance Services in the Department must coordinate—
- (a) the actions necessary for pre-hospital emergency care related to all major medical incidents; and
 - (b) a Major Incident Medical Management and Support System (MIMMS) within the Province.

Offences and penalties

19. A person who contravenes regulation 4(3) or 10(4) commits an offence and is liable to a fine or to imprisonment for a period not exceeding five years.

Short title

20. These regulations are called the Western Cape Ambulance Services Regulations, 2011.



ANNEXURE A TO AMBULANCE SERVICE REGULATIONS

FORM 1: APPLICANT DETAILS

Company name												
Company registration number												
Tax certificate number												
Address physical												
Address postal												
Email address												
Facsimile number												
Manager name												

SERVICE DETAILS

Service name												
District of operation (mark with an X)	<input type="checkbox"/> Cape Town	<input type="checkbox"/> Overberg	<input type="checkbox"/> West Coast	<input type="checkbox"/> Cape Winelands	<input type="checkbox"/> Central Karoo	<input type="checkbox"/> Eden						

GUIDE TO COMPLETION OF APPLICATION

Each application, whether for a new or an extension to a service, consists of Form 1, a Form 2 for each station, and the annexures.

APPLICATION ANNEXURES

The following documentation must be attached to this application:

- 1 A copy of the service plan for the geographic area/s specified in the application.
- 2 Detailed reasons why this application should be approved with reference to Regulation 7 (a) to (g).
- 3 Further information as deemed necessary by the applicant.
- 4 Tax clearance certificate.

FORM 2: STATION DETAILS

To be completed per station

Service name												
District of operation												

Town of operation																		
Physical address																		
Telephone																		
Faxsimile																		
Email																		
Contact officer																		
GIS coordinates	S			°		'			"	E			°		'		"	

CLINICAL SCOPE OF SERVICE

MARK WITH AN X

BLS ILS ALS RESCUE AVIATION MARITIME

FLEET DETAILS

Number of ambulances		Number and type of aircraft	
Number of rescue vehicles		Number and type of boats	
Number of other vehicles			

PERSONNEL DETAILS

Total number of personnel	
---------------------------	--

Number of personnel with each type of qualification:

BAA		AEA		CCA		Doctors		Managers / supervisors	
NDIP		BTech		ECT		Nurses		Volunteers	
Other									

Applicant signature

Date

ANNEXURE B**FEES PAYABLE IN TERMS OF SECTION 8 (1) OF THE ACT:**

Item as per Regulation/ Norms and Standards (where applicable)	Service	Fee
a) application for a ambulance service		
regulation 2 (3)	application Fee	R10 000,00
b) licensing of an ambulance service		
items (a) to (c) in the Norms and Standards	per ambulance	R300,00
items (d) in the Norms and Standards	per response vehicle	R300,00
items (e) in the Norms and Standards	per rescue vehicle	R500,00
c) renewal of an ambulance service licence		
items (a) to (c) in the Norms and Standards	Per ambulance	R300,00
items (d) in the Norms and Standards	per response vehicle	R300,00
items (e) in the Norms and Standards	per rescue vehicle	R500,00
d) inspection of a licensed ambulance service		
items (a) to (c) in the Norms and Standards	per ambulance	R300,00
items (d) in the Norms and Standards	per response vehicle	R300,00
items (e) in the Norms and Standards	per rescue vehicle	R500,00

KONSEPREGULASIES VIR DIE WES-KAAPSE AMBULANSDIENSTE

Die Provinciale Minister van Gesondheid in die Wes-Kaap is van voorname om die regulasies uiteengesit in die Bylaag ingevolge artikel 12 van die Wes-Kaapse Wet op Ambulansdienste, 2010 (Wet 3 van 2010), te maak.

BYLAAG**INDELING VAN REGULASIES**

1. Woordomskrywings
2. Lisensiëring van ambulansdienste
3. Raadskomitee
4. Verbodsbepliging rakende lede van die komitee
5. Oorweging van aansoeke deur komitee
6. Departementshoof se beslissing oor aansoek
7. Kwalifikasies vir lisensiëring van ambulansdiens
8. Appèlle
9. Uitreiking van lisenesertifikate en lisenriebewyse
10. Inspeksiebeamptes en inspeksies
11. Kansellering en opskorting van lisenesies
12. Herstel van lisenesie en die opheffing van opskorting
13. Fooie
14. Eienaarskapsverandering
15. Vertoon van lisenesertifikaat en lisenriebewyse
16. Inligting rakende ambulansdiens
17. Bestuur van ambulansdiens
18. Voorvalbestuur en koördinering van ambulansdienste
19. Misdrywe en strawwe
20. Kort titel

Woordomskrywings

1. In hierdie Bylaag dra enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg word daardie betekenis, en tensy dit uit die samehang anders blyk, word die onderstaande terme soos volg omskryf:

"ambulans" beteken 'n voertuig wat ontwerp of gesik gemaak is, toegerus is en gebruik word, of bedoel is om gebruik te word, vir die vervoer van pasiënte;

"ambulansdiensbestuurder" beteken 'n persoon beoog in regulasie 17(1);

"basiese lewensorondersteuning" of **"BLO"** verwys na die vaardighede toegeskryf aan 'n persoon wat geregistreer is as 'n basiese ambulansassistent by die Raad vir Gesondheidsberoep;

"die Wet" beteken die Wes-Kaapse Wet op Ambulansdienste, 2010 (Wet 3 van 2010);

"gevorderde lewensorondersteuning" of **"GLO"** verwys na die vaardighede toegeskryf aan 'n persoon wat geregistreer is as—

(a) 'n paramedikus, noodsorgpraktisyn of mediese praktisyn by die Raad vir Gesondheidsberoep; of

(b) 'n geakkrediteerde verpleegkundige by die Suid-Afrikaanse Raad op Verpleging;

"groot mediese voorval" beteken 'n voorval waar die aantal pasiënte of die spesiale aard van die voorval buitengewone maatreëls buite die bestek van 'n roetine ambulansreaksie vereis;

"intermediêre lewensorondersteuning" of **"ILO"** verwys na die vaardighede toegeskryf aan 'n persoon wat geregistreer is as 'n ambulans nooddassistent of noodsorgtegnikus by die Raad vir Gesondheidsberoep;

"komitee" beteken 'n raadskomitee aangestel ingevolge regulasie 3(1);

"lisenziehouer" beteken die persoon of staatsorgaan aan wie 'n lisenzie toegestaan is ooreenkomsdig artikel 2 van die Wet;

- (a) in ten minste twee amptelike tale van die Provincie gepubliseer word;
 - (b) spesifieer dat enige belanghebbende 30 dae het van die datum van die kennisgewing se publikasie om geskrewe kommentaar aan die Departementshoof voor te lê; en
 - (c) bepaal dat 'n afskrif van die aansoek verkry kan word teen 'n nominale fooi van enige kantoor wat in die kennisgewing gespesifiseer is.
- (10) 'n Munisipaliteit, owerheid of instelling soos bedoel in subregulasie 8(b) mag geskrewe kommentaar aan die Departementshoof voorlê binne 30 dae na ontvangs van die afskrif van die aansoek.
- (11) Indien kommentaar ontvang word ingevolge subregulasie 9(b) of (10), moet die Departementshoof binne 10 dae van die verstrekking van die periode toegelaat vir die voorlegging van die kommentaar—
- (a) die aansoeker in kennis stel dat kommentaar ontvang is; en
 - (b) die aansoeker van 'n afskrif van die kommentaar voorsien.
- (12) Die aansoeker het 15 dae vanaf ontvangs van 'n afskrif van die kommentaar ingevolge subregulasie (11) om skriftelik te antwoord aan die Departementshoof, met versuim waarvan die aansoeker geag moet word nie te wil antwoord nie.

Raadskomitee

3. (1) Die Departementshoof moet 'n raadskomitee aanstel om raad te gee en aanbevelings te maak oor aansoeke soos bedoel in regulasie 2(1).
- (2) Die raadskomitee moet bestaan uit—
 - (a) een personeellid van die Departement, wat nie van die Departement se komponent vir provinsiale of privaatsektorambulansdienste mag wees nie;
 - (b) een persoon wat 'n spesialis is in noodgeneeskunde;
 - (c) een persoon benoem deur die organisasie ingevolge die Wet op Georganiseerde Plaaslike Regering, 1997 (Wet 52 van 1997), om plaaslike regering in die Provincie te verteenwoordig; en
 - (d) een persoon met uitgebreide tegniese kundigheid van ambulansdienste.
- (3) Die Departementshoof moet een van die lede as die voorsitter van die komitee aanwys.
- (4) By die eerste vergadering van die komitee, moet die voorsitter vergaderingsprosedures bepaal, en moet die komitee 'n ondervoorsitter aanstel en 'n gedragskode vir lede bepaal.
- (5) Die voorsitter mag in enige stadium in die oorweging van 'n aansoek 'n beroep doen op enige persoon om deel te neem aan die komitee indien die voorsitter tevreden is dat daardie persoon die komitee sal kan bystaan om 'n aanbeveling te maak, maar daardie persoon mag nie stem nie.
- (6) Die voorsitter moet verseker dat 'n volledige rekord gehou word van aanwesigheid by, die verrigtinge van, en enige besluite wat geneem word by, enige vergadering van die komitee.
- (7) 'n Kворum vir 'n vergadering is drie lede van die komitee, maar of die voorsitter of die ondervoorsitter moet altyd teenwoordig wees.
- (8) 'n Besluit van die meerderheid van die teenwoordige lede by 'n vergadering is 'n besluit daarvan, en in die geval van 'n gelykheid van stemme het die persoon wat die vergadering lei 'n beslissende asook 'n gewone stem.
- (9) Die Departementshoof moet lede wat nie in die Staatsdiens werksaam is nie—
 - (a) vergoeding betaal; en
 - (b) toelaes betaal vir redelike werklike reis-en-verblyf-uitgawes genoodsaak deur die bywoning van 'n vergadering van die komitee, bepaal deur die Minister met die instemming van die Provinciale Minister verantwoordelik vir finansies.

Verbodsbepaling rakende lede van die komitee

4. (1) 'n Lid van die komitee mag nie teenwoordig wees nie gedurende of deelneem aan enige besprekking of die neem van besluite of die maak van aanbevelings oor enige aansoek voor die komitee waarin—
 - (a) daardie lid of 'n eggenoot, naaste familielid, sakevennoot, medewerker of werkgewer (buiten die Staat) van daardie lid; of
 - (b) 'n sakevennoot, medewerker, naaste familielid of werkgewer (buiten die Staat) van die eggenoot van daardie lid,
 - 'n direkte of indirekte finansiële belang het, of so 'n belang gehad het in die voorafgaande 12 maande.
- (2) Vir die toepassing van subregulasie (1)—
 - (a) sluit "eggenoot" 'n persoon in saam met wie die lid woon asof hulle getroud is of met wie die lid gewoonlik saamwoon; en
 - (b) beteken "naaste familielid" 'n ouer, kind, broer of suster, ongeag of so 'n verhouding die gevolg is van geboorte, huwelik of aanneming.

- (3) 'n Persoon mag nie, terwyl hy of sy 'n lid is van die komitee, enige vorm van werk, geskenk of beloning aanvaar van enige persoon wat 'n direkte finansiële belang het in 'n ambulansdiens, of van 'n persoon wat aansoek gedoen het vir 'n lisensie ingevolge regulasie 2 nie.

Orweging van aansoeke deur komitee

5. (1) Die Departementshoof moet elke aansoek beoog deur regulasie 2(1) en alle kommentaar en antwoorde ontvang ten opsigte van die aansoek, aan die komitee voorlê binne 10 dae van—
 - (a) die sluitingsdatum vir kommentaar, indien geen kommentaar ontvang is nie; of
 - (b) die sluitingsdatum vir die aansoeker se antwoord op kommentaar, indien kommentaar ontvang is.
- (2) Wanneer 'n aansoek oorweeg word, moet die komitee alle kommentaar en antwoorde ontvang ten opsigte van die aansoek, ingeslote geskrewe verslae deur die inspeksiebeampte, oorweeg.
- (3) Die komitee mag enige faktore wat dit as relevant tot die aansoek ag, in aanmerking neem, ingeslote—
 - (a) die noodsaaklikheid om billike verspreiding en rasionalisasie van ambulansdienste te bevorder, ten einde die ongelykhede gebaseer op ras, geslag, ekonomiese en geografiese faktore reg te stel;
 - (b) die noodsaaklikheid om gehalte ambulansdienste wat toeganklik, bekostigbaar, kostedoeltreffend en veilig is, te bevorder;
 - (c) die moontlike voordele en nadele van die aansoek vir bestaande ambulansdienste;
 - (d) die noodsaaklikheid om mense van aangewese groepe, soos omskryf in die "Employment Equity Act", 1998 (Wet 55 van 1998)¹, en die ontlukende klein-, medium- en mikro-ondernemingsektore beskerm of bevorder; en
 - (e) die moontlike voordele van opleiding, navorsing en ontwikkeling om ambulansdienslewering te verbeter.
- (4) Die komitee moet sy aanbevelings aan die Departementshoof binne 60 dae van ontvangs van die betrokke aansoek lewer.
- (5) Die komitee mag aanbeveel dat 'n aansoek—
 - (a) toegestaan word;
 - (b) toegestaan word behoudens voorwaardes wat die komitee as toepaslik ag, ingeslote voorwaardes wat verband hou met—
 - (i) die aard, tipe en kwantum van dienste wat deur die ambulansdiens verskaf moet word;
 - (ii) versekeringsdekking en vrywaring wat gedra gaan word deur die ambulansdiens;
 - (iii) personeel;
 - (iv) inspeksies of monitering deur die Departement;
 - (v) toepaslike klagtemeganismes wat aan alle gebruikers van die ambulansdiens beskikbaar gemaak moet word; of
 - (vi) toepaslike dataverslagleweringsmeganismes oor sleutelaanwysers; of
 - (c) afgewys word.

Departementshoof se beslissing oor aansoek

6. (1) Die Departementshoof moet, binne 10 dae van ontvangs van 'n aanbeveling deur die komitee beslis oor die aansoek en—
 - (a) die aansoek toestaan; of
 - (b) dit toestaan behoudens voorwaardes; of
 - (c) die aansoek afgeweys.
- (2) 'n Aansoek kan slegs geweier word indien die Departementshoof tevrede is dat die aansoeker nie voldoen of nie wil voldoen aan die vereistes uiteengesit in paragrawe (a) tot (g) van regulasie 7 nie.
- (3) Die Departementshoof mag, alvorens hy of sy 'n beslissing maak ingevolge subregulasie (1), die aansoek na die komitee terugverwys vir die heroorweging van sy aanbeveling.
- (4) Die komitee moet sy finale aanbeveling op 'n aansoek wat na hom terugverwys is binne 21 dae van die ontvangs daarvan maak.
- (5) Die Departementshoof moet, binne vyf dae van ontvangs van die finale aanbeveling ingevolge subregulasie (3), beslis oor die aansoek ooreenkomsdig subregulasie (1).
- (6) Die Departementshoof moet, binne 10 dae van beslissing oor 'n aansoek, die aansoeker skriftelik in kennis stel van die beslissing en, indien die aansoek afgeweys is, skriftelike redes vir die afgwysing gee en die aansoeker in kennis stel van die reg tot appèl ingevolge regulasie 8.
- (7) Wanneer die Departementshoof 'n aansoek toegestaan het, moet hy of sy die ambulansdiens laat registreer in 'n register van ambulansdienste bewaar in die Departement en die aansoeker skriftelik meedeel dat dit gedoen is.

1. Hierdie Wet is nie in Afrikaans vertaal nie.

Kwalifikasies vir lisensiëring van ambulansdienste

7. Ten einde te kwalifiseer om gelisensiéer te word as 'n ambulansdiens, moet 'n diens aan die volgende voldoen:
- Die personeel, voertuie en toerusting van die diens moet voldoen aan die toepaslike minimum norme en standarde.
 - Elke voertuig van die diens wat gebruik word as 'n ambulans, reaksievoertuig of reddingsvoertuig moet duidelik as sodanig gemerk wees.
 - Die voertuie moet padvaardig wees en moet gemodifiseer, aangepas en gekonfigureer wees volgens die minimum kategorie van noodorg wat deur die betrokke eenheid verskaf gaan word ten opsigte van personeel, voertuig en toerusting.
 - Die voertuig moet voldoende aanspreeklikheidsversekeringsdekking hê.
 - Die diens moet onder die toesig van 'n ambulansdiensbestuurder wees.
 - Die verhouding van ambulanse tot reaksievoertuie in 'n diens moet ten minste een ambulans tot een reaksievoertuig wees.
 - Die diens moet in die Provinse 'n basis hê waarvandaan dit opereer en 'n kommunikasiestelsel om versoek vir bystand te ontvang en om voertuie uit te stuur.

Appèlle

8. (1) 'n Aansoeker mag, binne 14 dae vandat hy of sy ingevolge regulasie 6 kennis gegee is van die Departementshoof se beslissingoor die aansoek, skriftelik appèl aanteken by die Minister en moet die gronde vir die appèl insluit.
- (2) Die Minister moet, binne sewe dae van ontvangs van 'n appèl, 'n afskrif daarvan aan die Departementshoof voorlê.
- (3) Die Departementshoof moet binne 30 dae van ontvangs van 'n afskrif van die appèl, 'n antwoord daarop voorlê aan die Minister.
- (4) Die Minister mag tot drie mense wat nie personeellede van die Departement of lede van die komitee is nie aanstel om die Minister raad te gee oor die appèl.
- (5) Die Minister mag 'n appèl handhaaf of afwyf en mag, indien die appèl gehandhaaf word, die beslissing van die Departementshoof vervang met 'n beslissing om die aansoek toe te staan, hetsy onvoorwaardelik of behoudens voorwaardes bepaal deur die Minister.
- (6) 'n Appèl moet finaal beslis word binne 30 dae van die datum waarop die Departementshoof 'n antwoord aan die Minister ingevolge subregulasie (3) voorlê.
- (7) Die Minister moet die beslissing oor die appèl skriftelik aan die appellant kommunikeer en, indien die appèl afgewyf word, redes daarvoor gee.
- (8) Indien die Minister 'n appèl handhaaf, moet die Departementshoof 'n toepaslike inskrywing in die register van ambulansdienste laat maak.

Uitreiking van lisensiesertifikate en lisensiebewyse

9. (1) Indien 'n aansoek vir 'n ambulansdiens toegestaan of voorwaardelik toegestaan word, moet die Departementshoof—
- 'n inspeksiebeampte die betrokke ambulansdiens laat inspekteer ten einde vas te stel dat die diens die vereistes van regulasie 7 nakom; en
 - aan die aansoeker—
 - 'n lisensiesertifikaat om die betrokke diens te bedryf, uitreik; en
 - 'n lisensiebewys vir elke voertuig wat deur daardie diens as 'n ambulans of 'n reddings- of reaksievoertuig gebruik gaan word, uitreik.
- (2) 'n Lisensiesertifikaat en 'n registrasieskyf moet die ingangsdatum en vervalddatum van die geldigheid daarvan vertoon.
- (3) 'n Lisensie is geldig tot 31 Desember van die jaar waarin die lisensiesertifikaat ingevolge subartikel (1) uitgereik is.
- (4) 'n Lisensie wat nie ingevolge artikel 6 van die Wet gekanselleer of opgeskort is nie, word, by ontvangs deur die Departementshoof van die jaarlikse hernuwingssfooi bedoel in Aanhangsel B, geag vanself hernu te wees tot 31 Desember van die jaar ten opsigte waarvan daardie fooi betaal is.

Inspeksiebeamptes en inspeksies

10. (1) 'n Inspeksiebeampte mag op enige redelike tyd 'n ambulansdiens inspekteer soos beoog in artikel 5(2)(a) van die Wet.
- (2) 'n Inspeksiebeampte moet—
- redelike toegang tot 'n ambulansdiens gegee word, ingeslote die fasilitete, vir die doeleindes van 'n inspeksie; en
 - binne 30 dae van die inspeksie van 'n ambulansdiens 'n verslag aan die Departementshoof lever.
- (3) 'n Inspeksiebeampte mag aanbevelings aan die Departementshoof maak ten opsigte van 'n ambulansdiens.
- (4) 'n Persoon mag nie—

- (b) Prioriteit 2-ambulansreaksietydpresasie binne stedelike en landelike gebiede;
 - (c) die getal, name, kwalifikasies en relevante registrasiebesonderhede van werknemers, kontrakteurs en vrywilligers ten opsigte van die RGBSA of die Suid-Afrikaanse Raad op Verpleging;
 - (d) die getal ambulanse in die diens; en
 - (e) die getal en aard van teenspoedige pasiëntvoorvalle.
- (3) Die ambulansdiensbestuurder moet verseker dat 'n afsonderlike pasiëntsorgerekord gehou word vir elke pasiënt behandel of vervoer deur die diens.

Bestuur van ambulansdiens

17. (1) 'n Ambulansdiens moet 'n persoon aanstel wat gekwalificeer en geregistreer is op ten minste intermediaire lewensorsteuningsvlak om die diens te bestuur en daaroor toesig te hou.
- (2) Die ambulansdiensbestuurder moet—
- (a) verseker dat daar nie meer as die maksimum toegelate pasiënte luidens die toepaslike norme en standarde vervoer word in 'n voertuig nie, behalwe in die geval van groot mediese voorvalle of massa-ongevallesituasies;
 - (b) verseker dat die ambulansdiens nie op 'n manier bedryf word wat openbare, pasiënt- of personeelveiligheid in gevaar stel nie;
 - (c) vertroulike pasiëntrekords hou soos deur die wet vereis, en daardie rekords dikwels en op vaste tye laat hersien vir toepaslike dokumentering en sorg deur die toesighoudende mediese praktisyen of 'n persoon deur hom of haar aangewys;
 - (d) die Departementshoof binne 30 dae skriftelik in kennis stel van enige verandering aan die besonderhede verskaf ingevolge hierdie regulasies deur of namens die lisensiehouer;
 - (e) reken op die oordeel van die diens se toesighoudende mediese praktisyen en dit eerbiedig in alles betreffende kliniese sorg vir die gesondheidsbeskerming van ambulanspersoneel en vir die toepaslike toediening van mediese sorg wat aan pasiënte bedien deur daardie diens gegee word;
 - (f) verseker dat geen pasiënt ooit sorg of vervoer deur die ambulansdiens geweier word op grond van die persoon se onvermoë om te betaal vir die sorg of vervoer nie;
 - (g) verseker dat protokolle vir onmiddellike mediese ingryping bestaan in geval van die blootstelling van ambulanspersoneel aan situasies van 'n biologiese, chemiese, sielkundige of fisiese aard; en
 - (h) verseker dat toepaslike standaardbedryfsprosedures bestaan wat die operasies van die ambulansdiens lei; en dat hierdie prosedures beskikbaar is aan elke werknemer van die ambulansdiens en aan die inspeksiebeamptes.

Voorvalbestuur en koördinering van ambulansdienste

18. (1) Die Departementshoof moet 'n personeellid van die Departement aanwys om massa-ongevallevoorvalle te bestuur.
- (2) Die Hoof van Ambulansdienste in die Departement moet die volgende koördineer:
- (a) die nodige optrede vir prehospitaal- noodgevallesorg wat verband hou met alle groot mediese voorvalle; en
 - (b) 'n bestuur- en steunstelsel vir groot mediese voorvalle binne die Provincie.

Misdrywe en strawwe

19. 'n Persoon wat regulasie 4(3) of 10(4) oortree, begaan 'n misdryf en is onderhewig aan 'n boete of aan gevangenisstraf van nie meer as vyf jaar nie.

Kort titel

20. Hierdie regulasies heet die Wes-Kaapse Regulasies op Ambulansdienste, 2011.



AANHANGSEL A TOT AMBULANSDIENSREGULASIES

VORM 1: BESONDERHEDE VAN AANSOEKER

Naam van maatskappy											
Registrasienommer van maatskappy											
Belastingsertifikaatnom-mer											
Straatadres											
Posadres											
e-pos-adres											
Faksnommer											
Naam van bestuurder											

DIENSBESONDERHEDE

Naam van diens													
Bedieningsdistrik (merk met 'n X)	Stad Kaapstad	Overberg	Weskus	Kaapse Wynland	Sentraal-Karoo	Eden							

HOE OM DIE AANSOEK TE VOLTOOI

Elke aansoek moet uit 'n Vorm 1, 'n Vorm 2 vir elke stasie, en die aanhangsels bestaan, ongeag of die aansoek vir 'n nuwe diens of vir die verlenging van 'n bestaande diens is.

AANHANGSELS TOT DIE AANSOEK

Die volgende dokumente moet aangeheg word by hierdie aansoek:

- 1 'n Afskrif van die diensplan vir die geografiese gebied(e) wat in die aansoek gespesifieer is.
- 2 Breedvoerige redes waarom die diens goedgekeur behoort te word, met verwysing na Regulasie 7(a) tot (g).
- 3 Verdere inligting wat die aansoeker nodig ag.
- 4 Belastingsklaringsertifikaat.

VORM 2: STASIEBESONDERHEDE

Voltooи vir elke stasie

Naam van diens												
Bedieningsdistrik												



Dorp waarvandaan diens gelewer word																												
Straatadres																												
Telefoon																												
Faksnommer																												
e-pos																												
Skakelbeampte																												
GIS-koördinate	S			o			'					"	E			o		'			"							

KLINIËSE BESTEK VAN DIENS

MERK MET 'N X

BLO ILO GLO REDDING LUG SEE

VLOOTBESONDERHEDE

Getal ambulanse		Getal en tipe lugvaartuie	
Getal redningsvoertuie		Getal en tipe bote	
Getal ander voertuie			

PERSONEELBESONDERHEDE

Totalle getal personeel	
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Getal personeel vir elke tipe kwalifikasie:

Basiese Ambulans-Assistent		Ambulans-Noodassistent		Kritiekessorgassistent		Dokter		Bestuurder / Toesighouer	
NDip		BTech		Noodsorgtegnikus		Verpleeg-kundige		Vrywilliger	
Ander									

Handtekening van aansoeker

Datum

AANHANGSEL B**GELDE BEOOG IN ARTIKEL 8(1) VAN DIE WET IS SOOS VOLG:**

Item soos aangedui in die Regulasie /Norme en Standaarde (waar van toepassing)	Diens	Gelde
a) aansoek om 'n ambulanslisensie		
Regulation 2 (3)	aansoekgelde	R10 000,00
b) lisensiëring van 'n ambulansdiens		
items (a) to (c) in die Norme en Standaarde	per ambulans	R300,00
items (d) in die Norme en Standaarde	per reaksievoertuig	R300,00
items (e) in the Norms and Standards	per reddingsvoertuig	R500,00
c) hernuwing van 'n ambulansdienslisensie:		
items (a) to (c) in die Norme en Standaarde	per ambulans	R300,00
items (d) in die Norme en Standaarde	per reaksievoertuig	R300,00
items (e) in die Norme en Standaarde	per reddingsvoertuig	R500,00
d) inspeksie van 'n gelisensieerde ambulansdiens:		
items (a) to (c) in die Norme en Standaarde	per ambulans	R300,00
items (d) in die Norme en Standaarde	per reaksievoertuig	R300,00
Items (e) in die Norme en Standaarde	per reddingsvoertuig	R500,00

