



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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**OFFICE OF THE PREMIER
OF THE PROVINCE OF THE
WESTERN CAPE**

P.N. 313/2013

13 September 2013

It is hereby notified that the Premier of the Province of the Western Cape has assented to the following Act, which is hereby published for general information:

No. 9 of 2013: Western Cape District Health Councils Amendment Act, 2013.

As 'n nuusblad by die Poskantoor geregistreer

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

**KANTOOR VAN DIE PREMIER
VAN DIE PROVINSIE
WES-KAAP**

P.K. 313/2013

13 September 2013

Hiermee word bekend gemaak dat die Premier van die Provinsie Wes-Kaap die onderstaande Wet, wat hiermee ter algemene inligting gepubliseer word, bekragtig het:

Nr. 9 van 2013: Wes-Kaapse Wysigingswet op Distriksgesondheidsrade, 2013.

Ibhaliswe ePosini njengePhephandaba

(Iikopi zifumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mthetho yePhondo, e7 Wale Street, eKapa 8001.)

**I-OFISI YENKULUMBUSO
YEPHONDO LENTSHONA
KOLONI**

I.S. 313/2013

13 Septemba 2013

Kwensiwa isaziso apha sokuba iNkulumbuso yePalamente yePhondo leNtshona Koloni iwamkele ngokusemthethweni lo Mthetho ulandelayo opapashelwe ulwazi gabala apha:

Nomb 9 ka 2013: uMthetho woLungiso waMabhunga ezeMpilo eZithili weNtshona Koloni, 2013.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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*(English text signed by the Premier)
(Assented to 11 September 2013)*

AMENDMENT ACT

To amend the Western Cape District Health Councils Act, 2010, so as to include members of health subdistricts in a district health council; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 5 of 2010

1. Section 1 of the Western Cape District Health Councils Act, 2010 (hereinafter referred to as the principal Act), is amended—

(a) by the insertion after the definition of “district health manager” of the following definition:

“**health subdistrict**” means a health subdistrict determined by the Provincial Minister in terms of section 30(1)(a) of the National Health Act;”;

(b) by the insertion after the definition of “member” of the following definition:

“**metropolitan municipality**” means a metropolitan municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);”;

(c) by the insertion after the definition of “Provincial Minister” of the following definition:

“**subcouncil**” means a metropolitan subcouncil as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);”.

Amendment of section 2 of Act 5 of 2010

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2. Section 2 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(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, or a member

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- from each health subdistrict in the metropolitan municipality, nominated by the subcouncils situated in the health subdistrict in question, as the case may be; 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.”.

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Amendment of section 4 of Act 5 of 2010

3. Section 4 of the principal Act is amended by the substitution for paragraph (e) of the following paragraph:

“(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 or subcouncils concerned; or”.

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Short title

4. This Act is called the Western Cape District Health Councils Amendment Act, 2013.

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ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
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- Woorde met 'n volstreep daaronder dui invoegings in bestaande verordeningen aan.
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*(Engelse teks deur die Premier geteken)
(Bekragtig op 11 September 2013)*

WYSIGINGSWET

Tot wysiging van die Wes-Kaapse Wet op Distriksgesondheidsrade, 2010, ten einde lede van gesondheidssubdistrikte in 'n distriksgesondheidsraad in te sluit; en ten einde voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD BEPAAL deur die Proviniale Parlement van die Provinie Wes-Kaap, soos volg:—

Wysiging van artikel 1 van Wet 5 van 2010

1. Artikel 1 van die Wes-Kaapse Wet op Distriksgesondheidsrade, 2010 (hierna die Hoofwet genoem), word gewysig—

(a) deur die volgende omskrywing na die omskrywing van "distriksgesondheidsraad" in te voeg:

"**gesondheidssubdistrik**" 'n gesondheidssubdistrik bepaal deur die Proviniale Minister ingevolge artikel 30(1)(a) van die Wet op Nasionale Gesondheid;";

(b) deur die volgende omskrywing na die omskrywing van "lid" in te voeg:

"**metropolitaanse munisipaliteit**" 'n metropolitaanse munisipaliteit soos omskryf in artikel 1 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);"; en

(c) deur die volgende omskrywing na die omskrywing van "Provinie" in te voeg:

"**subraad**" 'n metropolitaanse subraad soos omskryf in artikel 1 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);".

Wysiging van artikel 2 van Wet 5 van 2010

2. Artikel 2 van die Hoofwet word gewysig deur subartikel (1) deur die volgende subartikel te vervang:

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

(a) 'n lid van die metropolitaanse of distriksmunisipale raad wat in die betrokke distrik geleë is, genomineer deur die betrokke raad;

(b) 'n persoon aangestel deur die Proviniale Minister om hom of haar te verteenwoordig;

(c) 'n lid van die raad van elke plaaslike munisipaliteit binne die gesondheidsdistrik, genomineer deur die lede van die betrokke raad, of

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- 'n lid uit elke gesondheidsubdistrik in die metropolitaanse munisipaliteit,
genomineer deur die subrade wat in die betrokke gesondheidsubdistrik
geleë is, na gelang van die geval; en
- (d) nie meer as vyf ander persone nie, aangestel deur die Provinciale Minister na oorleg met die munisipale raad van die metropolitaanse of distriksmunisipaliteit, na gelang van die geval.”.

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Wysiging van artikel 4 van Wet 5 van 2010

3. Artikel 4 van die Hoofwet word gewysig deur paragraaf (e) deur die volgende paragraaf te vervang:

“(e) in die geval van 'n lid bedoel in artikel 2(1)(a) of (c), ophou om 'n amp te beklee op grond waarvan daardie lid in die distriksgesondheidsraad aangestel is, of indien daardie lid deur die betrokke munisipale raad of subrade vervang word; of”.

Kort titel

4. Hierdie Wet heet die Wes-Kaapse Wysigingswet op Distriksgesondheidsrade, 15 2013.

INQAKU ELICHAZA NGOKUBANZI:

- [] Amagama abhalwe ngqindilili kwizibiyeli ezisisikwere achaza okushiyiwego kwimithetho esele ikho.
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- Amagama akrwelwe umgca ongqindilili ngaphantsi achaza okufakelwego kwimithetho esele ikho.
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*(Uxwebhu lweNgesi lutyikitywe yiNkulumbuso)
(Lwamkelwe ngowe 11 Septemba 2013)*

UMTHETHO WOLUNGISO

Ukuhlomela uMthetho waMabhunga ezeMpilo eZithili weNtshona Koloni, 2010, ukuze kubandakanywe amalungu ezempilo ezithilana akwibhunga lezempilo lesithili; kwanokulungiselela imibandela ehambelana noko.

XA UTHE LO MTHETHO WAPHUNYEZWA yiPalamente yePhondo leNtshona Koloni, ngokwale ndlela ilandelayo:—

Ukuhlonyelwa kwecandelo 1 loMthetho 5 ka-2010

1. Icandelo 1 loMthetho waMabhunga ezeMpilo eZithili weNtshona Koloni, 2010 (ekubhekiselewa kulo njengoMthetho oyintloko), liyahlonelwa—5
 - (a) ngokufakela emva kwenkczelo ka “Ibhunga lezempilo lesithili” le nkczelo ilandelayo:
“**‘icandelwana lebhunga’** lithetha isithilana semetropolitan njengoko kuchaziwe kwicandelo 1 lomthetho oyi-Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);”;10
 - (b) nokufakela emva kwenkczelo ka “iSebe” le nkczelo ilandelayo:
“**‘isithilana sezempilo’** sitetha isithilana sezempilo esiya kumiselwa nguMphathiswa wePhondo ngokwecandelo 30(1)(a) loMthetho I-National Health Act;”; kunye15
 - (c) ngokufakela emva kwenkczelo ka “ukuyalela” le nkczelo ilandelayo:
“**‘umasipala wemetropolitan’** uthetha umasipala njengoko kuchaziwe kwicandelo 1 lomthetho oyi-Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);”.

Ukuhlonyelwa kwecandelo 2 loMthetho 5 ka-2010

2. ICandelo 2 loMthetho oyintloko liyahlonelwa ngokufakela endaweni yalo 20 yecandelwana (1) eli candelwana lilandelayo:
 - “(1) Ibhunga lezempilo lesithili [**linabantu abakhankaywe kwicandelo 31(2)(a) loMthetho weZempilo weLizwe, abangaba**]
- (a) Ilungu lemetropolitan okanye lebhunga lomasipala wesithili ekubhekiswe kuwo, otyunjwe libhunga elifanelekileyo;25

- (b) umntu otyunjwe nguMphathiswa wePhondo ukuba abengummeli wakhe;
- (c) Ilungu lebhunga likamasipala okwisithili sezempilo, otyunjwe ngamalungu ebhunga elifanelekileyo, okane ilungu elivel a kwiSithilana ngasinye esikumasipala wemetropilitan, elinyulwe ngamacandelwana amabhunga akweso sithili sezempilo sichaphazelekayo, njengoko kufuneka; kwane
- (d) akufuneki bantu bangaphezulu kwesihlanu, abatyunjwe ngumPhathiswa wePhondo emva kokubonisana nebhunga lomasipala wemetropolitan okanye wesithili, njengoko kufuneka.”

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Ukuhlonyelwa kwecandelo 4 loMthetho 5 ka-2010

3. ICandelo 4 loMthetho oyintloko liyahlonjelwa ngokufakela endaweni yomhlathi
 (e) walo mhlathi ulandelayo:

“(e) kwimeko apho ilingu ekubhekiselewa kwicandelo 2(1)(a) okanye (c), liyayeka esikhundleni elalityunjelwe sona kwibhunga lezempi lothili, okane ngamacandelwana amabhunga achaphazelekayo [elichaphazelekayo] kungene omnye umtyunjwa; okanye”.

Isihloko esifutshane

4. Lo Mthetho ubizwa ngokuba nguMthetho woLungiso waMabhunga ezeMpilo 20
 eZithili weNtshona Koloni, 2013.

