



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprys • Selling price
(AVB uitgesluit/GST excluded)
Plaaslik **70c** Local
Buitelands R1,00 Other countries
Posvry • Post free

VOL. 301

KAAPSTAD, 13 JULIE 1990

CAPE TOWN, 13 JULY 1990

No. 12638

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1618.

13 Julie 1990

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 116 van 1990: Wet op die Nasionale Beleid vir Gesondheid, 1990.

No. 1618.

13 July 1990

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 116 of 1990: National Policy for Health Act, 1990.

Wet No. 116, 1990

WET OP DIE NASIONALE BELEID VIR GESONDHEID, 1990

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Om voorsiening te maak vir beheermaatreëls ten einde die gesondheid van die inwoners van die Republiek te bevorder, en om vir dié doel voorsiening te maak vir die bepaling van 'n nasionale beleid vir gesondheid, vir die instelling van 'n Komitee vir Gesondheidsaangeleenthede, 'n Administrateursraad vir Gesondheid en 'n Raad vir Gesondheidsbeleid, en vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1990.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) "Administrateursraad" die Administrateursraad vir Gesondheid by artikel 5
11 ingestel; (i)
 - (ii) "Departement" die Departement van Nasionale Gesondheid en Bevolkingsontwikkeling; (iv)
 - (iii) "Direkteur-generaal" die Direkteur-generaal: Nasionale Gesondheid en Bevolkingsontwikkeling; (v) 10
 - (iv) "gesondheidsliggaam" die Komitee, 'n subkomitee kragtens artikel 9 (1) ingestel, die Administrateursraad of die Raad, na gelang van die geval; (vi)
 - (v) "Komitee" die Komitee vir Gesondheidsaangeleenthede by artikel 4 ingestel; (ii)
 - (vi) "Minister" die Minister van Nasionale Gesondheid en Bevolkingsontwikkeling; (viii) 15
 - (vii) "plaaslike owerheid" 'n instelling of liggaam—
 - (a) wat by of kragtens wet ingestel is ten einde plaaslike bestuursfunksies ten opsigte van 'n bepaalde gebied of streek te verrig; en
 - (b) wat 'n omvattende gesondheidsdiens in so 'n gebied of streek verskaf; 20
(vii)
 - (viii) "Raad" die Raad vir Gesondheidsbeleid by artikel 14 ingestel. (iii)

DEEL I**NASIONALE BELEID VIR GESONDHEID****Bepaling van nasionale beleid vir gesondheid**

25

2. (1) Behoudens die bepalings van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), en van hierdie artikel kan die Minister die nasionale beleid bepaal wat gevolg moet word ten opsigte van 'n aangeleentheid wat na sy oordeel die gesondheid van die inwoners van die Republiek sal bevorder, met inbegrip van—

30

- (a) die verkryging en verwerking van statistiese opgawes;

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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.

ACT

To provide for control measures with a view to promoting the health of the inhabitants of the Republic, and for that purpose to provide for the determination of a national policy for health, for the establishment of a Health Matters Committee, an Administrators Health Council and a Health Policy Council, and for matters connected therewith.

(English text signed by the State President.)
(Assented to 28 June 1990.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa as follows:—

Definitions

1. In this Act, unless the context indicates otherwise—
- 5 (i) "Administrators Council" means the Administrators Health Council established by section 11; (i)
- (ii) "Committee" means the Health Matters Committee established by section 4; (v)
- 10 (iii) "Council" means the Health Policy Council established by section 14; (viii)
- (iv) "Department" means the Department of National Health and Population Development; (ii)
- (v) "Director-General" means the Director-General: National Health and Population Development; (iii)
- 15 (vi) "health body" means the Committee, any sub-committee established under section 9 (1), the Administrators Council or the Council, as the case may be; (iv)
- (vii) "local authority" means any institution or body—
- (a) established by or under any law with a view to performing local government functions in respect of a particular area or region; and
- 20 (b) providing a comprehensive health service in such area or region; (vii)
- (viii) "Minister" means the Minister of National Health and Population Development. (vi)

PART I

NATIONAL POLICY FOR HEALTH

25 Determination of national policy for health

2. (1) Subject to the provisions of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), and of this section, the Minister may determine the national policy to be applied in respect of any matter which in his opinion will promote the health of the inhabitants of the Republic, including—
- 30 (a) the obtaining and processing of statistical returns;

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- (b) die bepaling van doelwitte en prioriteite met betrekking tot gesondheidsdienste wat deur die Staat en plaaslike owerhede verskaf word;
- (c) die bepaling van norme en standaarde vir die verskaffing of finansiering van gesondheidsdienste in die Republiek;
- (d) die beskikbaarstelling van persone vir daardie beroepe wat die voorkoming, behandeling, genesing, regstelling of leniging van liggaamlike of geestelike gebreke, ongesteldhede of tekortkominge by die mens ten doel het;
- (e) die doeltreffende koördinasie van gesondheidsdienste wat deur die Staat en plaaslike owerhede verskaf word:

Met dien verstande dat bedoelde beleid binne die raamwerk van die volgende riglyne bepaal word:

- (i) Dat 'n inwoner van die Republiek, indien hy daartoe in staat is, allereers vir sy eie liggaamlike, geestelike en maatskaplike welsyn en dié van sy gesin verantwoordelik moet wees, maar dat die Staat en plaaslike owerhede 'n medeverantwoordelikheid in hierdie verband moet hê deur 'n doeltreffende en omvattende gesondheidsdiens te verskaf;
 - (ii) dat so 'n inwoner die koste in verband met sy mediese behandeling moet betaal, maar dat die finansiële omstandighede van 'n pasiënt nie voorrang bo die noodsaak van behandeling moet geniet nie, en dat behoeftige persone tegemoetgekom moet word;
 - (iii) dat die verskaffing van 'n omvattende gesondheidsdiens deur die Staat en plaaslike owerhede op 'n verantwoordelike wyse op die behoeftes van die individu en dié van die samelewing gerig moet wees, maar dat rekening met die beskikbare finansieringsbronne, natuurlike hulpbronne en mannekrag van die Republiek gehou moet word;
 - (iv) dat die private sektor aangemoedig moet word om gesondheidsdienste in die Republiek te verskaf, maar dat die verskaffing van sodanige dienste in die openbare belang moet wees.
- (2) Die beleid in subartikel (1) beoog, word deur die Minister bepaal—
- (a) na raadpleging met die Raad;
 - (b) ten opsigte van 'n aangeleentheid met betrekking tot die opleiding van persone in subartikel (1) (d) genoem, met die instemming van elke Minister van 'n Staatsdepartement verantwoordelik vir onderwys;
 - (c) ten opsigte van 'n aangeleentheid met betrekking tot personeel in die diens van die Staat, met die instemming van die Minister vir Administrasie en Ekonomiese Koördinering; en
 - (d) ten opsigte van 'n aangeleentheid wat owerheidsuitgawe tot gevolg het of waarskynlik tot gevolg sal hê, met die instemming van die Minister van Finansies.
- (3) Die Minister moet—
- (a) binne 21 dae nadat hy beleid oor 'n aangeleentheid bedoel in subartikel (1) bepaal het, in die *Staatskoerant* daarvan kennis gee en in sodanige kennisgewing aandui waar die stuk verkrygbaar is waarin sodanige beleid uiteengesit word;
 - (b) die stuk wat die beleid bedoel in paragraaf (a) uiteensit, in die Parlement ter Tafel lê binne 21 dae nadat dit bepaal is indien die Parlement dan in sessie is of, indien die Parlement dan nie in sessie is nie, binne 21 dae na die aanvang van sy eersvolgende sessie.
- (4) (a) Behoudens die bepalings van subartikel (2) kan die Minister te eniger tyd die beleid wat kragtens subartikel (1) deur hom bepaal is, vervang, wysig of intrek.
- (b) Die bepalings van subartikel (3) is *mutatis mutandis* ten opsigte van so 'n vervanging, wysiging of intrekking van toepassing.

Uitvoering van beleid

3. Elke Minister van 'n Staatsdepartement verantwoordelik vir gesondheid, Administrateur van 'n provinsie en plaaslike owerheid aan wie of waaraan 'n bevoegdheid, plig of werksaamheid met betrekking tot gesondheid by of kragtens wet toegewys is, moet so 'n bevoegdheid, plig en werksaamheid uitoefen of verrig ooreenkomstig die beleid wat kragtens artikel 2 bepaal is.

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- (b) the determination of targets and priorities relating to health services provided by the State and local authorities;
 - (c) the determination of norms and standards for the provision or financing of health services in the Republic;
 - 5 (d) the making available of persons for those professions which have as their object the prevention, treatment, cure, correction or mitigation of physical or mental defects, illnesses or deficiencies in man;
 - (e) the efficient co-ordination of health services provided by the State and local authorities;
- 10 Provided that such policy shall be determined within the framework of the following guidelines:
- (i) That an inhabitant of the Republic, if he is capable of doing so, shall primarily be responsible for his own and his family's physical, mental and social well-being, but that the State and local authorities shall share
 - 15 responsibility in this regard by providing an efficient and comprehensive health service;
 - (ii) that such inhabitant shall pay the costs incidental to his medical treatment, but that the financial circumstances of a patient shall not take precedence over the necessity for treatment, and that indigent persons shall be
 - 20 accommodated;
 - (iii) that the provision of a comprehensive health service by the State and local authorities shall be directed in a responsible manner at the needs of the individual and those of society, but that the available financing sources, natural resources and manpower of the Republic shall be taken into
 - 25 account;
 - (iv) that the private sector shall be encouraged to provide health services in the Republic, but that the provision of such services shall be in the public interest.
- (2) The policy contemplated in subsection (1) shall be determined by the
- 30 Minister—
- (a) after consultation with the Council;
 - (b) in respect of any matter relating to the training of persons mentioned in subsection (1) (d), with the concurrence of every Minister of a department of State responsible for education;
 - 35 (c) in respect of any matter relating to staff in the employment of the State, with the concurrence of the Minister for Administration and Economic Co-ordination; and
 - (d) in respect of any matter which involves or is likely to involve public spending, with the concurrence of the Minister of Finance.
- 40 (3) The Minister shall—
- (a) within 21 days after he has determined policy on any matter referred to in subsection (1) give notice thereof in the *Gazette* and indicate in such notice where the document setting out such policy may be obtained;
 - 45 (b) table the document setting out the policy referred to in paragraph (a) in Parliament within 21 days after it has been determined if Parliament is then in session or, if Parliament is not then in session, within 21 days after the commencement of its next ensuing session.
- (4) (a) Subject to the provisions of subsection (2), the Minister may at any time replace, amend or revoke the policy determined by him under subsection
- 50 (1).
- (b) The provisions of subsection (3) shall *mutatis mutandis* apply in respect of any such replacement, amendment or revocation.

Carrying out of policy

3. Every Minister of a department of State responsible for health, Administrator
- 55 of a province and local authority to whom or to which any power, duty or function relating to health has been entrusted by or under any law, shall exercise or perform such power, duty and function in accordance with the policy determined under section 2.

DEEL II

KOMITEE VIR GESONDHEIDSAANGELEENTHEDE, ADMINISTRATEURSRaad VIR
GESONDHEID EN RAAD VIR GESONDHEIDSBELEID

Instelling van Komitee vir Gesondheidsaangeleentheide

4. Daar word hierby 'n komitee ingestel wat die Komitee vir Gesondheidsaangeleentheide heet. 5

Werksaamhede van Komitee

5. (1) Die Komitee—

- (a) kan uit eie beweging, of moet op versoek van die Minister, 'n aangeleentheid met betrekking tot gesondheid ondersoek en oorweeg, en moet— 10
 - (i) ten opsigte van 'n aangeleentheid in artikel 2 (1) bedoel, aanbevelings aan die Raad in verband daarmee doen; of
 - (ii) ten opsigte van 'n ander aangeleentheid as 'n aangeleentheid in subparagraaf (i) bedoel, aanbevelings aan die Minister in verband daarmee doen; 15
- (b) kan, wanneer aldus deur 'n ander Minister van 'n Staatsdepartement verantwoordelik vir gesondheid of die Administrateursraad versoek, aanbevelings aan die betrokke Minister of die Administrateursraad in verband met so 'n aangeleentheid doen;
- (c) kan in die algemeen die handelinge verrig wat nodig is of deur die Komitee 20 dienstig geag word om te verseker dat die oogmerke van hierdie Wet en die Wet op Gesondheid, 1977 (Wet No. 63 van 1977), verwesenlik word.

(2) Vir die doeleindes van 'n ondersoek in subartikel 1 (a) bedoel, kan die Komitee—

- (a) na goeë dunks 'n persoon, liggaam of gesag raadpleeg; of 25
- (b) getuies van of vertoë deur so 'n persoon, liggaam of gesag afneem of aanhoor.

Samestelling van Komitee

6. (1) Die Komitee bestaan uit die volgende lede, naamlik—

- (a) die Direkteur-generaal, wat voorsitter van die Komitee is; 30
 - (b) die Hoof van die Departement van Gesondheidsdienste en Welsyn van elkeen van die Administrasies van die Raad van Afgevaardigdes, die Raad van Verteenwoordigers en die Volksraad;
 - (c) die hoof van die tak verantwoordelik vir gesondheids- of hospitaaldienste in elke provinsiale administrasie; 35
 - (d) die Geneesheer-generaal van die Suid-Afrikaanse Weermag;
 - (e) drie lede deur die Minister aangestel, wat beampes van die Departement moet wees; en
 - (f) drie lede deur die Minister aangestel, wat in die diens van 'n plaaslike owerheid moet wees. 40
- (2) (a) 'n Lid van die Komitee bedoel in paragraaf (b), (c) of (d) van subartikel (1) kan, met die instemming van die voorsitter van die Komitee, 'n persoon aanwys om in sy plek as 'n plaasvervangende lid van die Komitee op te tree.
- (b) 'n Lid van die Komitee bedoel in paragraaf (e) van subartikel (1) kan, met die toestemming van die Minister, 'n beampte van die Departement aanwys 45 om in sy plek as 'n plaasvervangende lid van die Komitee op te tree.
- (c) Die Minister stel 'n plaasvervangende lid, wat in die diens van 'n plaaslike owerheid moet wees, aan ten opsigte van elke lid in paragraaf (f) van subartikel (1) bedoel.
- (d) 'n Plaasvervangende lid in paragraaf (a), (b) of (c) beoog, kan 'n vergadering van die Komitee bywoon en aan die verrigtinge aldaar deelneem 50 wanneer 'n lid ten opsigte van wie hy as 'n plaasvervangende lid aangewys of aangestel is van bedoelde vergadering afwesig is.

(3) Op sy eerste vergadering en daarna so dikwels as wat dit nodig word, kies die Komitee uit sy lede 'n ondervoorsitter van die Komitee, en die ondervoorsitter 55 beklee sy amp vir die tydperk wat die Komitee ten tyde van sy verkiesing bepaal.

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PART II

HEALTH MATTERS COMMITTEE, ADMINISTRATORS HEALTH COUNCIL
AND HEALTH POLICY COUNCIL

Establishment of Health Matters Committee

- 5 4. There is hereby established a committee to be known as the Health Matters Committee.

Functions of Committee

5. (1) The Committee—
10 (a) may of its own accord, or shall at the request of the Minister, investigate and consider any matter relating to health, and shall—
(i) in respect of any matter referred to in section 2 (1), make recommendations to the Council in regard thereto; or
(ii) in respect of any matter other than a matter referred to in subparagraph (i), make recommendations to the Minister in regard thereto;
15 (b) may, when so requested by any other Minister of a department of State responsible for health or the Administrators Council, make recommendations to the relevant Minister or the Administrators Council in regard to any such matter;
(c) may in general perform the acts that are necessary or considered by the
20 Committee to be expedient to ensure that the objects of this Act and the Health Act, 1977 (Act No. 63 of 1977), are achieved.
(2) For the purposes of an investigation referred to in subsection (1) (a), the Committee may—
(a) in its discretion consult any person, body or authority; or
25 (b) take evidence from, or hear representations by, any such person, body or authority.

Constitution of Committee

6. (1) The Committee shall consist of the following members, namely—
30 (a) the Director-General, who shall be chairman of the Committee;
(b) the Head of the Department of Health Services and Welfare of each of the Administrations of the House of Delegates, the House of Representatives and the House of Assembly;
(c) the head of the branch responsible for health or hospital services in each provincial administration;
35 (d) the Surgeon-General in the South African Defence Force;
(e) three members appointed by the Minister, who shall be officers of the Department; and
(f) three members appointed by the Minister, who shall be in the employment of a local authority.
40 (2) (a) A member of the Committee referred to in paragraph (b), (c) or (d) of subsection (1) may, with the concurrence of the chairman of the Committee, designate any person to act in his stead as an alternate member of the Committee.
(b) A member of the Committee referred to in paragraph (e) of subsection (1) may, with the consent of the Minister, designate any officer of the
45 Department to act in his stead as an alternate member of the Committee.
(c) The Minister shall appoint an alternate member, who shall be in the employment of a local authority, in respect of every member referred to in paragraph (f) of subsection (1).
50 (d) Any alternate member contemplated in paragraph (a), (b) or (c) may attend, and take part in the proceedings at, any meeting of the Committee whenever the member in respect of whom he has been designated or appointed as an alternate member is absent from such meeting.
(3) At its first meeting and thereafter as often as it may become necessary, the
55 Committee shall from among its members elect a vice-chairman of the Committee, and the vice-chairman shall hold office for such period as the Committee may determine at the time of his election.

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(4) Die ondervoorsitter kan, indien die voorsitter afwesig is of om die een of ander rede nie as voorsitter kan optree nie, die werksaamhede van die voorsitter verrig.

Ampstermyn van lede van Komitee en vul van vakatures

7. (1) 'n Lid van die Komitee—

- (a) in paragraaf (e) van artikel 6 (1) bedoel, word aangestel solank dit die Minister behaag; 5
- (b) in paragraaf (f) van daardie artikel bedoel, word aangestel vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van sy aanstelling bepaal.

(2) Indien 'n lid van die Komitee in paragraaf (f) van artikel 6 (1) bedoel om die een of ander rede ophou om sy amp te beklee, kan die Minister 'n persoon, wat in die diens van 'n plaaslike owerheid moet wees, in sy plek vir die onverstreke tydperk van sy ampstermyn aanstel.

(3) Iemand wie se ampstermyn as 'n lid van die Komitee verstryk het, is bevoeg om weer aangestel te word. 15

Ontruiming van amp deur lede van Komitee

8. (1) 'n Lid van die Komitee in paragraaf (e) of (f) van artikel 6 (1) bedoel, ontruim sy amp—

- (a) indien hy ophou om die kwalifikasie te besit uit hoofde waarvan hy as 'n lid van die Komitee aangestel is; of 20
- (b) indien hy kragtens subartikel (2) van sy amp onthef word.

(2) Die Minister kan te eniger tyd 'n lid van die Komitee in subartikel (1) genoem van sy amp onthef indien daar na die oordeel van die Minister gegronde rede bestaan om dit te doen.

Subkomitees

9. (1) (a) Die Komitee kan, met die goedkeuring van die Minister, een of meer subkomitees instel om ondersoek in te stel na, en aan die Komitee verslag te doen met betrekking tot, 'n aangeleentheid wat binne die bestek van die Komitee se werksaamhede val.

- (b) Die bepalinge van artikel 5 (2) is *mutatis mutandis* van toepassing ten opsigte van 'n subkomitee kragtens subparagraaf (a) ingestel. 30

(2) 'n Subkomitee kragtens subartikel (1) ingestel, bestaan uit die getal—

- (a) lede van die Komitee;
- (b) sodanige lede en persone wat nie sodanige lede is nie; of 35
- (c) sodanige persone,

wat die Komitee bepaal, en die Komitee kan te eniger tyd bedoelde subkomitee ontbind of hersaamstel.

(3) Een van die lede van 'n subkomitee kragtens subartikel (1) ingestel, word deur die Komitee as voorsitter van bedoelde subkomitee aangewys.

Toelaes van lede van Komitee en subkomitees

10. Aan 'n lid van die Komitee of 'n subkomitee kragtens artikel 9 (1) ingestel wat nie in die heeltydse diens van die Staat is nie, kan uit geld deur die Parlement vir dié doel bewillig die reis-, verblyf- en ander toelaes ten opsigte van die dienste deur hom in verband met die sake van die Komitee of subkomitee gelewer, betaal word wat die Minister, met die instemming van die Minister van Finansies, bepaal. 40

Instelling van Administrateursraad vir Gesondheid

11. Daar word hierby 'n raad ingestel wat die Administrateursraad vir Gesondheid heet.

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✓(4) The vice-chairman may, if the chairman is absent or for any reason unable to act as chairman, perform the functions of the chairman.

Term of office of members of Committee and filling of vacancies

7. (1) A member of the Committee—
- 5 (a) referred to in paragraph (e) of section 6 (1) shall be appointed at the Minister's pleasure;
- (b) referred to in paragraph (f) of that section shall be appointed for such period, but not exceeding three years, as the Minister may determine at the time of his appointment.
- 10 (2) If a member of the Committee referred to in paragraph (f) of section 6 (1) for any reason ceases to hold office, the Minister may appoint a person, who shall be in the employment of a local authority, in his place for the unexpired period of his term of office.
- (3) Any person whose period of office as a member of the Committee has expired,
- 15 shall be eligible for reappointment.

Vacating of office by members of Committee

8. (1) A member of the Committee referred to in paragraph (e) or (f) of section 6 (1) shall vacate his office—
- 20 (a) if he ceases to hold the qualification by virtue of which he was appointed as a member of the Committee; or
- (b) if he is removed from office under subsection (2).
- (2) The Minister may at any time remove a member of the Committee mentioned in subsection (1) from office if in the opinion of the Minister sound reasons exist for doing so.

25 Sub-committees

9. (1) (a) The Committee may, with the approval of the Minister, establish one or more sub-committees to inquire into, and to report to the Committee in regard to, any matter falling within the scope of the Committee's functions.
- 30 (b) The provisions of section 5 (2) shall *mutatis mutandis* apply in respect of a sub-committee established under subparagraph (a).
- (2) A sub-committee established under subsection (1) shall consist of such number of—
- (a) members of the Committee;
- (b) such members and persons who are not such members; or
- 35 (c) such persons,
- as the Committee may determine, and the Committee may at any time dissolve or reconstitute such sub-committee.
- (3) One of the members of a sub-committee established under subsection (1) shall be designated by the Committee as chairman of such sub-committee.

40 Allowances of members of Committee and sub-committees

10. A member of the Committee or a sub-committee established under section 9 (1) who is not in the full-time employment of the State may from money appropriated for that purpose by Parliament be paid such travelling and subsistence and other allowances in respect of the services rendered by him in connection with
- 45 the affairs of the Committee or sub-committee as the Minister, with the concurrence of the Minister of Finance, may determine.

Establishment of Administrators Health Council

11. There is hereby established a council to be known as the Administrators Health Council.

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Werkzaamhede van Administrateursraad**12. Die Administrateursraad—**

- (a) kan uit eie beweging, of moet op versoek van die Minister, 'n aangeleentheid met betrekking tot gesondheid oorweeg;
- (b) moet, wanneer aldus deur die Minister versoek, of kan, wanneer aldus deur 'n ander Minister van 'n Staatsdepartement verantwoordelik vir gesondheid versoek, aanbevelings aan die betrokke Minister in verband met so 'n aangeleentheid doen;
- (c) moet alle konsep-proklamasies oor gesondheid wat betrekking het op 'n aangeleentheid in artikel 2 (1) bedoel, oorweeg en aanbevelings aan die Minister in verband daarmee doen.

Samestelling van Administrateursraad**13. Die Administrateursraad bestaan uit—**

- (a) die Minister, wat voorsitter van die Administrateursraad is;
- (b) die Administrateur van elke provinsie; en
- (c) die lid van die uitvoerende komitee van elke provinsie wat met gesondheids- of hospitaaldienste belas is.

Instelling van Raad vir Gesondheidsbeleid

14. Daar word hierby 'n raad ingestel wat die Raad vir Gesondheidsbeleid heet.

Werkzaamhede van Raad**15. Die Raad—**

- (a) moet 'n aanbeveling bedoel in artikel 5 (1) (a) (i) oorweeg en aanbevelings aan die Minister in verband daarmee doen;
- (b) moet alle konsepwetsontwerpe oor gesondheid wat betrekking het op 'n aangeleentheid in artikel 2 (1) bedoel, oorweeg en aanbevelings aan die betrokke Minister in verband daarmee doen;
- (c) kan die ander aangeleenthede met betrekking tot gesondheid wat die Minister na die Raad verwys of wat die Raad nodig ag, oorweeg en aanbevelings aan die betrokke Minister in verband daarmee doen.

Samestelling van Raad**16. Die Raad bestaan uit—**

- (a) die Minister, wat voorsitter van die Raad is; en
- (b) elke ander Minister van 'n Staatsdepartement verantwoordelik vir gesondheid.

Vergaderings van gesondheidsliggame

17. (1) 'n Vergadering van 'n gesondheidsliggaam word gehou op die tyd en plek wat die voorsitter van daardie gesondheidsliggaam bepaal.

(2) Die meerderheid van die lede van 'n gesondheidsliggaam maak 'n kworum vir 'n vergadering van die gesondheidsliggaam uit.

(3) Indien die voorsitter en die ondervoorsitter, indien daar 'n ondervoorsitter is, van 'n vergadering van 'n gesondheidsliggaam afwesig is, kies die aanwesige lede iemand uit hul geledere om op bedoelde vergadering voor te sit.

(4) Die beslissing van 'n meerderheid van die lede van 'n gesondheidsliggaam wat op 'n vergadering van die gesondheidsliggaam aanwesig is, maak 'n besluit van die gesondheidsliggaam uit, en, by 'n staking van stemme oor 'n aangeleentheid, het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem 'n beslissende stem.

(5) 'n Gesondheidsliggaam kan die prosedure op sy vergaderings na goeddunke bepaal.

Verrigting van administratiewe werk van gesondheidsliggame

18. Die administratiewe werk verbonde aan die verrigting van die werkzaamhede van 'n gesondheidsliggaam word verrig deur beamptes van die Departement wat vir dié doel deur die Direkteur-generaal aangewys word.

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Functions of Administrators Council

12. The Administrators Council—
- (a) may of its own accord, or shall at the request of the Minister, consider any matter relating to health;
 - 5 (b) shall, when so requested by the Minister, or may, when so requested by any other Minister of a department of State responsible for health, make recommendations to the relevant Minister in regard to any such matter;
 - (c) shall consider all draft proclamations on health relating to a matter referred to in section 2 (1) and make recommendations to the Minister in regard thereto.
- 10

Constitution of Administrators Council

13. The Administrators Council shall consist of—
- (a) the Minister, who shall be chairman of the Administrators Council;
 - (b) the Administrator of each province; and
 - 15 (c) the member of the executive committee of each province who is charged with health or hospital services.

Establishment of Health Policy Council

14. There is hereby established a council to be known as the Health Policy Council.

20 Functions of Council

15. The Council—
- (a) shall consider any recommendation referred to in section 5 (1) (a) (i) and make recommendations to the Minister in regard thereto;
 - 25 (b) shall consider all draft bills on health relating to a matter referred to in section 2 (1) and make recommendations to the relevant Minister in regard thereto;
 - (c) may consider such other matters relating to health as the Minister may refer to the Council or as the Council may consider necessary and make recommendations to the relevant Minister in regard thereto.

30 Constitution of Council

16. The Council shall consist of—
- (a) the Minister, who shall be chairman of the Council; and
 - (b) every other Minister of a department of State responsible for health.

Meetings of health bodies

- 35 17. (1) A meeting of a health body shall be held at the time and place determined by the chairman of that health body.
- (2) The majority of the members of a health body shall form a quorum for a meeting of the health body.
- (3) If the chairman and the vice-chairman, if there is a vice-chairman, are absent
- 40 from a meeting of a health body, the members present shall from among their number elect a person to preside at such meeting.
- (4) The decision of a majority of the members of a health body present at a meeting of the health body shall constitute a decision of the health body, and, in the event of an equality of votes on any matter, the person presiding at the meeting in
- 45 question shall have a casting vote in addition to his deliberative vote.
- (5) A health body may determine the procedure at its meetings as it thinks fit.

Performance of administrative work of health bodies

18. The administrative work incidental to the performance of the functions of a health body shall be performed by officers of the Department designated for such
- 50 purpose by the Director-General.

DEEL III

ALGEMEEN

Konsepwetgewing rakende gesondheid

19. (1) Geen wetsontwerp oor gesondheid wat betrekking het op 'n aangeleentheid in artikel 2 (1) bedoel, word by die Parlement ingedien nie tensy 'n konsep van die wetsontwerp aan die Raad vir sy oorweging en aanbeveling voorgelê is. 5

(2) Geen konsep-proklamasie oor gesondheid wat betrekking het op 'n aangeleentheid in artikel 2 (1) bedoel, word aan die Minister vir sy goedkeuring kragtens artikel 14 (2) (a) van die Wet op Provinsiale Regering, 1986 (Wet No. 69 van 1986), voorgelê nie tensy dit aan die Administrateursraad vir sy oorweging en aanbeveling 10 voorgelê is.

Wysiging of herroeping van wette, en voorbehoud

20. (1) Behoudens die bepalings van hierdie artikel word die wette in die Bylae genoem hierby gewysig of herroep in die mate aangedui in die derde kolom daarvan.

(2) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet die amp bekleed het van 'n lid van die Adviserende Komitee vir Gesondheidsake in artikel 4 (1) (d) of (e) van die Wet op Gesondheid, 1977 (Wet No. 63 van 1977), bedoel, word vanaf daardie inwerkingtreding geag as 'n lid van die Komitee kragtens artikel 6 (1) (f) van hierdie Wet aangestel te wees vir die onverstreke tydperk van die termyn waarvoor hy as 'n lid van eersgenoemde Komitee aangestel was. 20

(3) 'n Subkomitee wat kragtens artikel 6 (1) of (2) van die Wet op Gesondheid, 1977, aangestel was en onmiddellik voor die inwerkingtreding van hierdie Wet bestaan het, word vanaf daardie inwerkingtreding geag 'n subkomitee te wees wat kragtens artikel 9 (1) van hierdie Wet ingestel is.

Kort titel en inwerkingtreding

21. Hierdie Wet heet die Wet op die Nasionale Beleid vir Gesondheid, 1990, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die Staatskoerant bepaal. 25

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PART III

GENERAL

Draft legislation affecting health

19. (1) No bill on health relating to a matter referred to in section 2 (1) shall be
5 introduced in Parliament unless a draft of the bill has been submitted to the Council
for its consideration and recommendation.

(2) No draft proclamation on health relating to a matter referred to in section 2 (1)
shall be submitted to the Minister for his approval under section 14 (2) (a) of the
Provincial Government Act, 1986 (Act No. 69 of 1986), unless it has been submitted
10 to the Administrators Council for its consideration and recommendation.

Amendment or repeal of laws, and savings

20. (1) Subject to the provisions of this section, the laws mentioned in the Schedule
are hereby amended or repealed to the extent indicated in the third column thereof.

(2) Any person who immediately prior to the commencement of this Act held
15 office as a member of the Health Matters Advisory Committee referred to in section
4 (1) (d) or (e) of the Health Act, 1977 (Act No. 63 of 1977), shall as from that
commencement be deemed to be appointed as a member of the Committee under
section 6 (1) (f) of this Act for the unexpired period of the term for which he was
appointed as a member of the first-mentioned Committee.

20 (3) Any sub-committee which was appointed under section 6 (1) or (2) of the
Health Act, 1977, and was in existence immediately prior to the commencement of
this Act, shall as from that commencement be deemed to be a sub-committee
established under section 9(1) of this Act.

Short title and commencement

25 21. This Act shall be called the National Policy for Health Act, 1990, and shall
come into operation on a date fixed by the State President by proclamation in the
Gazette.

Wet No. 116, 1990

WET OP DIE NASIONALE BELEID VIR GESONDHEID, 1990

Bylae

WETTE GEWYSIG OF HERROEP (Artikel 20)

No. en jaar van wet	Kort titel	Omvang van wysiging of herroeping
Wet No. 63 van 1977	Wet op Gesondheid, 1977	1. Die wysiging van artikel 1 deur die omskrywings van "komitee" en "raad" te skrap. 2. Die herroeping van artikels 2 tot 13. 3. Die vervanging van die lang titel deur die volgende lang titel: "Om voorsiening te maak vir maatreëls ter bevordering van die gesondheid van die inwoners van die Republiek; om te dien einde voorsiening te maak vir die lewering van gesondheidsdienste; om die pligte, bevoegdhede en verantwoordelikhede van [die verskeie] sekere owerhede wat gesondheidsdienste in die Republiek lewer, te omskryf; om voorsiening te maak [vir maatreëls] vir die koördinasie van sodanige gesondheidsdienste; [om voorsiening te maak vir die instelling van 'n Nasionale Gesondheidsbeleidsraad en 'n Adviserende Komitee vir Gesondheidsake] om die 'Volksgezondheidswet, 1919', te herroep; en om vir bykomstige aangeleenthede voorsiening te maak."
Wet No. 69 van 1986	Wet op Provinsiale Regering, 1986	Die wysiging van artikel 14 deur die voorbehoudsbepaling by paragraaf (a) van subartikel (2) deur die volgende voorbehoudsbepaling te vervang: "Met dien verstande dat so 'n proklamasie slegs uitgereik word— (aa) indien dit 'n proklamasie oor gesondheid is wat betrekking het op 'n aangeleentheid in artikel 2 (1) van die Wet op die Nasionale Beleid vir Gesondheid, 1990, bedoel, met die goedkeuring van die Minister van Nasionale Gesondheid en Bevolkingsontwikkeling; en (bb) nadat dit goedgekeur is deur 'n staande komitee van die Parlement beoog in artikel 64 van die Grondwet;"

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Schedule

LAWS AMENDED OR REPEALED (SECTION 20)

No. and year of law	Short title	Extent of amendment or repeal
Act No. 63 of 1977	Health Act, 1977	1. The amendment of section 1 by the deletion of the definitions of "committee" and "council". 2. The repeal of sections 2 to 13. 3. The substitution for the long title of the following long title: "To provide for measures for the promotion of the health of the inhabitants of the Republic; to that end to provide for the rendering of health services; to define the duties, powers and responsibilities of [the several] certain authorities which render health services in the Republic; to provide [for measures] for the co-ordination of such health services; [to provide for the establishment of a National Health Policy Council and a Health Matters Advisory Committee] to repeal the Public Health Act, 1919; and to provide for incidental matters."
Act No. 69 of 1986	Provincial Government Act, 1986	The amendment of section 14 by the substitution for the proviso to paragraph (a) of subsection (2) of the following proviso: "Provided that such a proclamation shall only be issued— <u>(aa) if it is a proclamation on health which relates to any matter referred to in section 2 (1) of the National Policy for Health Act, 1990, with the approval of the Minister of National Health and Population Development; and</u> <u>(bb) after it has been approved by a standing committee of Parliament contemplated in section 64 of the Constitution Act;"</u>

