
PROVINCE OF THE WESTERN CAPE

**WESTERN CAPE DISTRICT
HEALTH COUNCILS
AMENDMENT ACT, 2013**

PROVINSIE WES-KAAP

**WES-KAAPSE WYSIGINGSWET
OP DISTRIKSGESONDHEIDS-
RADE, 2013**

IPHONDO LENTSHONA KOLONI

**UMTHETHO WOLUNGISO
WAMABHUNGA EZEMPILO
EZITHILI WENTSHONA
KOLONI, 2013**

No 9, 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.

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— 5

(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;” 10

(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);” 15

(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);” 20

Amendment of section 2 of Act 5 of 2010 20

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; 25

(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

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.” 5

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” 10

Short title

4. This Act is called the Western Cape District Health Councils Amendment Act, 2013. 15

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WYSIGINGSWET

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

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie Wes-Kaap, soos volg:—

Wysiging van artikel 1 van Wet 5 van 2010

1. Artikel 1 van die Wes-Kaapse Wet op Distriksgeondheidsrade, 2010 (hierna die Hoofwet genoem), word gewysig— 5

- (a) deur die volgende omskrywing na die omskrywing van “distriksgeondheidsraad” in te voeg:
“**gesondheidssubdistrik** ’n geondheidssubdistrik bepaal deur die Provinsiale Minister ingevolge artikel 30(1)(a) van die Wet op Nasionale Geondheid;”;
- (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);”;
- (c) deur die volgende omskrywing na die omskrywing van “Provinsie” 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 20

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

- (1) ’n Distriksgeondheidsraad bestaan uit [**die persone waarna daar in artikel 31(2)(a) van die Wet op Nasionale Geondheid verwys word, naamlik**]— 25
- (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 Provinsiale Minister om hom of haar te verteenwoordig;
- (c) ’n lid van die raad van elke plaaslike munisipaliteit binne die geondheidsdistrik, genomineer deur die lede van die betrokke raad, of 30

- 'n lid uit elke gesondheidssubdistrik in die metropolitaanse munisipaliteit, genomineer deur die subrade wat in die betrokke gesondheidssubdistrik geleë is, na gelang van die geval; en
- (d) nie meer as vyf ander persone nie, aangestel deur die Provinsiale Minister na oorleg met die munisipale raad van die metropolitaanse of distriksmunisipaliteit, na gelang van die geval.” 5

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” 10

Kort titel

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

INQAKU ELICHAZA NGOKUBANZI:

[] Amagama abhalwe ngqindilili kwizibiyeli ezisisikwere achaza okushiyelelo kwimithetho esele ikho.

Amagama akwelwe umgca ongqindilili ngaphantsi achaza okufakelweyo kwimithetho esele ikho.

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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 (ekubhekiselelwa kulo njengoMthetho oyintloko), liyahlonyelwa— 5

(a) ngokufakela emva kwenkcazelo ka “Ibhunga lezempilo lesithili” le nkcazelo ilandelayo:

“**‘icandelwana lebhunga’** lithetha isithilana semetropolitan njengoko kuchaziwe kwicandelo 1 lomthetho oyi-Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);”;

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(b) nokufakela emva kwenkcazelo ka “iSebe” le nkcazelo ilandelayo:

“**‘isithilana sezempilo’** sithetha isithilana sezempilo esiya kumiselwa nguMphathiswa wePhondo ngokwecandelo 30(1)(a) loMthetho I-National Health Act;”;

(c) ngokufakela emva kwenkcazelo ka “ukuyalela” le nkcazelo ilandelayo: 15

“**‘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 liyahlonyelwa ngokufakela endaweni yalo 20 e-candelwana (1) eli candelwana ilandelayo:

“(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, okanye ilungu elivela kwisithilana ngasinye esikumasipala wemetropolitan, elinyulwe ngamacandelwana amabhunga akweso sithili sezempilo sichaphazelekayo, njengoko kufuneka; kwane 5
- (d) akufuneki bantu bangaphezulu kwesihlanu, abatyunjwe ngumPhathiswa wePhondo emva kokubonisana nebhunga lomasipala wemetropolitan okanye wesithili, njengoko kufuneka.” 10

Ukuhlonyelwa kwecandelo 4 loMthetho 5 ka-2010

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

“(e) kwimeko apho ilungu ekubhekiselelwa kwicandelo 2(1)(a) okanye (c), liyayeka esikhundleni elalityunjelwe sona kwibhunga lezempilo lesithili, okanye liyakhutshwa libhunga lomasipala okanye ngamacandelwana amabhunga achaphazelekayo [elichaphazelekayo] kungene omnye umtyunjwa; okanye”.

Isihloko esifutshane

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

