

FREE STATE PROVINCE

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GENERAL NOTICE 5 OF 1998

PUBLICATION OF THE FREE STATE SCHOOL HEALTH SERVICES BILL

It is notified for general information and comment that the above-mentioned Bill is hereby published in terms of Rule 124(a) of the Rules and Orders of the Free State Legislature.

Any comments or remarks must be submitted to the Secretary: Free State Legislature, Private Bag X20561, Bloemfontein, to reach her not later than 14 April 1998.

E ROCKMAN
SECRETARY: FREE STATE LEGISLATURE

ALGEMENE KENNISGEWING 5 VAN 1998

PUBLIKASIE VAN DIE WETSONTWERP OP VRYSTAATSE SKOOLGESONDHEIDSDIENSTE

Dit word vir algemene kennisname en kommentaar bekendgemaak dat bestaande Wetsontwerp hierby gepubliseer word in terme van Reel 124(a) van die Reels en Orders van die Vrystaatse Wetgewer.

Enige kommentaar of opmerkings moet gestuur word aan die Sekretaris: Vrystaatse Wetgewer, Privaatsak X20561, Bloemfontein, om haar nie later as 14 April 1998 te bereik nie.

E ROCKMAN
SEKRETARIS: VRYSTAATSE WETGEWER

BILL

To provide for the establishment of health services for schools and to provide for connected matters.

BE IT ENACTED by the Provincial Legislature of the Free State Province, as follows:-

Definitions

1. In this Act, unless the context indicates otherwise -

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“learner” means a learner as defined in the School Education Act, 1996 (Act No 1 of 1996);

“responsible Member” means the member of the Executive Council responsible for Health; and

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“school” means a school as defined in the School Education Act, 1996 (Act No 1 of 1996), and for purposes of this Act includes a pre primary school and a hostel.

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Establishment of health services for schools

2. The responsible Member may establish -

(a) a service for the inspection of school buildings and grounds for health purposes; and

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(b) curative, preventive, promotive and rehabilitative health services for the learners and staff of a school.

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Regulations

3. (1) The responsible Member may after consultation with a member of the Executive Council responsible for Education, make regulations -

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(a) to prescribe the powers and duties of officers in the Department of Health and the Department of Education, for the purpose of the services referred to in section 2;

(b) to prescribe the manner in which health services will be provided to learners and staff of a school;

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WETSONTWERP

Om voorsiening te maak vir die instelling van gesondheidsdienste vir skole en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinciale Wetgewer van die Provincie Vrystaat, soos volg:

Woordomskrywing

- 5 1. In hierdie Wet, tensy uit die samehang anders blyk, beteken -
 - “leerling” ‘n leerling soos omskryf in die Wet op Skoolonderwys, 1996 (Wet No 1 van 1996);
 - 10 “skool” ‘n skool soos omskryf in die Wet op Skoolonderwys, 1996 (Wet No 1 van 1996), en vir die doeleindeste van die Wet sluit dit ‘n pre-primêre skool en ‘n koshuis in; en
 - “verantwoordelike Lid” die Lid van die Uitvoerende Raad verantwoordelik vir Gesondheid.

15 Instelling van gesondheidsdienste vir skole

- 20 2. Die verantwoordelike Lid kan -
 - (a) ‘n diens vir die inspeksie van skoolgeboue- en terreine vir gesondheidsdoeleindes instel; en
 - (b) genesende, voorkomende, bevorderende en rehabiliterende gesondheidsdienste vir leerlinge en personeel van ‘n skool instel.

25 Regulasies

- 30 3. (1) Die verantwoordelike Lid kan, na oorleg met die Lid van die Uitvoerende Raad verantwoordelik vir Onderwys, regulasies maak -
 - (a) om die bevoegdhede en pligte van beampies in die Departement van Gesondheid en die Departement van Onderwys vir die doeleindeste van die dienste in artikel 2 genoem, voor te skryf;
 - (b) om die wyse waarop gesondheidsdienste aan leerlinge en personeel verbonde aan ‘n skool verskaf sal word, voor te skryf;

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- (c) to prescribe the manner and grounds on which a learner or staff of a school could be excluded from the school;
- (d) in regard to the entry to and inspections of grounds of a school or any building on such grounds for health purposes;
- (e) generally in regard to any other matter which he or she considers necessary or expedient in order to achieve the objects of this Act.

(2) Regulations issued in terms of subsection (1) may for any contravention thereof or failure to comply therewith, prescribe a penalty of a fine or imprisonment for a period not exceeding six months or both fine and imprisonment.

Repeal of laws

4. The laws mentioned in the first column of the Schedule are repealed to the extent set out in the second column of the Schedule.

Short title

5. This Act shall be called the Free State School Health Services Act, 1998.

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15 Herroeping van wette

4. Die wette genoem in die eerste kolom van die Bylae word herroep in die mate aangedui in die tweede kolom van die Bylae.

20 Kort titel

5. Hierdie Wet heet die Wet op Vrystaatse Skoolgesondheidsdienste, 1998.

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SCHEDULE

(Laws repealed)

(Section 8)

Title, No and Year of Law	Extent of repeal
1. Hospital Officials' Pensions Ordinance, 1957 (Ordinance No 5 of 1957)	The whole
2. School Medical Services Ordinance, 1967 (Ordinance No 4 of 1967)	The whole
3. Medical Aid Ordinance, 1968 (Ordinance No 2 of 1968)	The whole

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BYLAE**(Wette herroep)****(Artikel 8)**

Title, No en Jaar van Wet	Mate van herroeping
1. Ordonnansie op Pensioene (Hospitaal-amptenare), 1957 (Ordonnansie No 5 van 1957)	In geheel
2. Ordonnansie op Skool-mediese Dienste, 1967 (Ordonnansie No 4 van 1967)	In geheel
3. Ordonnansie op Mediese Hulp, 1968 (Ordonnansie No 2 van 1968)	In geheel

MEMORANDUM

The School Medical Services Ordinance is not conforming to the Constitution of the Republic of South Africa, 1996 ("the Constitution"). It is therefore necessary that a new Act be passed to repeal this Ordinance and to cater for existing circumstance. In terms of section 27 of the Constitution the State must take reasonable legislative and other measures within its available resources, to achieve the progressive realisation of access to health care services for everyone. Health services must be more accessible to every child. It is therefore important that other health services of non-personal care which, for example, include environmental health, be made available to every child.

Clause 1

This clause gives definitions of words used in the Act. The definition of school is extended to include hostels and pre primary schools.

Clause 2

The responsible Member is empowered to establish health services for learners and staff of a school and services for the inspection of school buildings and grounds.

Clause 3

The responsible Member, after consultation with the MEC for Education, may make regulations which will prescribe the duties and powers of officers in the Departments of Health and Education. The responsible Member makes regulations regarding the entry and inspections of schools and the manner in which health services will be provided to learners and staff of a school.

Clause 4

The Ordinances mentioned in the Schedule are repealed as they are obsolete.

Clause 5

This clause gives the name of the Act.

MEMORANDUM

Die Ordonnansie op Skoolmediese Dienste voldoen nie aan die Grondwet van die Republiek van Suid-Afrika, 1996 ("die Grondwet") nie. Dit is daarom nodig om 'n nuwe Wet aan te neem om hierdie Ordonnansie te herroep en om in die bestaande omstandighede te voorsien. Ingevolge artikel 27 van die Grondwet moet die Staat redelike wetgewende en ander maatreëls binne sy beskikbare middele instel om in toenemende mate toegang tot gesondheidsorgdienste vir elkeen te bewerkstellig. Gesondheidsdienste moet meer toeganklik wees vir elke kind. Dit is gevolelik belangrik dat ander gesondheidsdienste van niepersoonlike sorg, wat byvoorbeeld omgewingsgesondheid insluit, aan elke kind beskikbaar gestel word.

Klousule 1

Hierdie klousule gee die omskrywings van woorde wat gebruik word in die Wet. Die omskrywing van skool is uitgebrei om hostel en pre-primêre skole in te sluit.

Klousule 2

Die verantwoordelike Lid is bevoeg om gesondheidsdienste vir leerlinge en personeel van 'n skool in te stel en dienste vir die inspeksie van skoolgeboue- en terreine in te stel.

Klousule 3

Die verantwoordelike Lid kan, na oorleg met die LUR vir Onderwys, regulasies maak wat die bevoegdhede en pligte van beampies in die Departemente van Gesondheid en Onderwys sal voorskryf. Die verantwoordelike Lid kan regulasies maak met betrekking tot die betreding en inspeksie van 'n skool en die wyse waarop gesondheidsdienste aan leerlinge en personeel van 'n skool verskaf sal word.

Klousule 4

Die Ordonnansies beskryf in die Skedule, word herroep aangesien dit in onbruik verval het.

Klousule 5

Hierdie klousule verskaf die naam van die Wet.

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