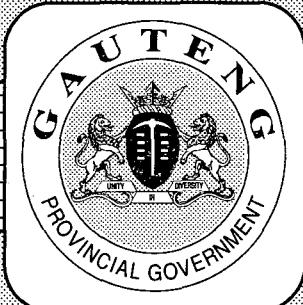


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THE PROVINCE OF
GAUTENG



DIE PROVINSIE
GAUTENG

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

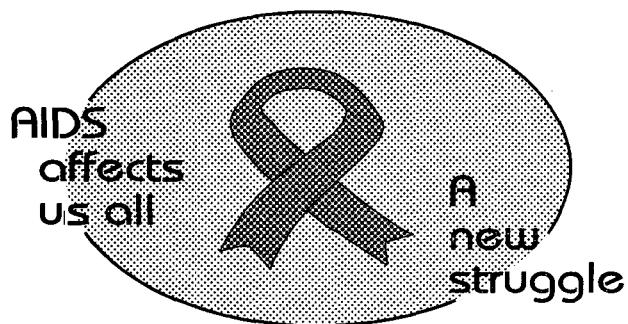
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Vol. 6

PRETORIA, 17 AUGUST
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No. 112

We all have the power to prevent AIDS



AIDS

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DEPARTMENT OF HEALTH

Prevention is the cure

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GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 5566 OF 2000

GAUTENG PROVINCIAL LEGISLATURE

PUBLICATION OF GAUTENG DISTRICT HEALTH SERVICES BILL

Notice is hereby given that the Member of the Executive Council for Health (Ms G M Ramokgopa) intends to introduce the Gauteng District Health Services Bill in the Legislature as published in this Extraordinary Gazette.

Any person or organisation wishing to comment on this proposed Legislation may lodge written comments or representations on or before **15 September 2000** by posting, faxing or handing them in at the following address:

The Secretary to the Legislature
Gauteng Provincial Legislature
C/o Committee Co-ordinator (Ms D Mabaso)
Private Bag X52
Johannesburg
2000

Physical Address
Gauteng Provincial Legislature
Corner President and Loveday Str
Johannesburg
Tel No: (011) 498-5564
Fax No: (011) 498-5719

GAUTENG DEPARTMENT OF HEALTH

GAUTENG DISTRICT HEALTH

SERVICES BILL, 2000

(AS INTRODUCED)

by

(MEC FOR HEALTH)

B I L L

To provide for the delivery of primary health care services through a district health system in the Gauteng Province; to devolve primary health care services to municipalities; to provide for the establishment of relevant institutions; to define the responsibilities of Provincial and Local Government; and to provide for matters in connection therewith.

PREAMBLE

WHEREAS everyone has the constitutional right to have access to health care services;

AND WHEREAS the Gauteng Provincial Government is committed to the progressive realisation of the constitutional right to health care services by the people of this Province;

AND WHEREAS the Gauteng Provincial Government is committed to ensure a healthy community by providing acceptable, affordable, effective and integrated health care services by means of the delivery of primary health care services through a district health system;

BE IT ENACTED by the Gauteng Provincial Legislature as follows:

CHAPTER 1:

DEFINITIONS, APPLICATION, INTERPRETATION AND PURPOSE OF THE ACT

Definitions

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

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

"coterminous" means sharing similar boundaries;

"department" means the department responsible for health matters in the Province;

"district council area" means the area controlled by the designated Category A and C municipalities according to the Local Government: Municipal Structures Act, 1998;

"district health services" means the delivery of primary health care services at clinics, community health centres or district hospitals, within health districts;

"district health system" means the system for the delivery of comprehensive primary health care services through health districts;

"Executive Council" means the Executive Council of the Province as contemplated in section 132 of the Constitution;

"health district" means a geographic area as proclaimed in terms of section 8 of this Act;

"MEC" means the Member of the Executive Council responsible for health matters in the Province;

"municipality" means an entity forming part of the local sphere of government as contemplated in Chapter 7 of the Constitution;

"national health system" means the organization of the health services of the Republic of South Africa, including services provided by national government, provincial government and local government, non-governmental organisations, community based organisations and the private sector;

"prescribe" means prescribe by regulation in terms of section 22;

"primary health care services" means comprehensive health care services that includes preventative, promotive, curative and rehabilitative health care within the context of community participation, inter-sectoral collaboration, and an adequate referral system;

"Province" means the Province of Gauteng as contemplated in section 103 of the Constitution;

"regulation" means regulations promulgated in terms of this Act; and

"this Act" includes regulations promulgated in terms of this Act.

Application of the Act

2. The provisions of this Act apply throughout the Province.

Interpretation of the Act

3. Any person applying this Act shall interpret its provisions:-

- (a) to give effect to its purpose ; and
- (b) in compliance with the Constitution and national health policies.

Purpose of the Act

4. The purpose of this Act is:-

- (a) to ensure the provision of primary health care services;
- (b) to devolve the delivery of primary health care services to the local sphere of government;
- (c) to establish district health authorities; and
- (d) to provide for a district health system and related matters.

CHAPTER 2:

PROVINCIAL HEALTH AUTHORITY, ROLE AND FUNCTIONS OF THE DEPARTMENT OF HEALTH

Establishment of the Provincial Health Authority

5 (1) There is hereby established a Provincial Health Authority, which shall be a consultative body between the Provincial Government and Local Government on all matters relating to health within the Province.

(2) The composition, appointment, filling of vacancies, powers, duties and functions of the Provincial Health Authority shall be prescribed by the MEC.

(3) Notwithstanding the provisions of subsection (2) the Provincial Health Authority shall consider all health policies, legislation related to health policies and issues related to primary health care services.

(4) The MEC appoints no more than ten (10) persons, which persons shall be involved with health matters, as members of the Provincial Health Authority in accordance with the procedure prescribed by the MEC.

(5) The MEC presides over the Provincial Health Authority. In the absence of the MEC the member designated from time to time by the MEC shall preside.

(6) Members of the Provincial Health Authority are not entitled to payment by the Province of any remuneration or allowances.

The role of the Department

6. The Department shall ensure that fair, equitable and good quality health services are delivered to the public and that resources are used optimally to ensure improved health status of the population of the Province through supporting and monitoring the development of primary health care services and their devolution to municipalities.

Functions of the Department

7. The Department shall -

- (a) Formulate and implement health policies, norms, standards and legislation in consultation with the Department of Development Planning and Local Government and municipalities;
- (b) ensure equity in health care service provision within the Province;
- (c) support municipalities in order to ensure that a core package of primary health care service is delivered;
- (d) ensure the planning and implementation of a provincial health information system;
- (e) develop funding criteria, co-ordination and monitoring mechanisms and financial monitoring systems for primary health care services;
- (f) monitor and evaluate the status of the health of the population as contemplated in section 14 of this Act; and
- (g) identify populations, which are vulnerable and address their special needs in conjunction with municipalities.

CHAPTER 3:

HEALTH DISTRICTS AND DISTRICT HEALTH AUTHORITIES

Establishment of health districts

8. The MEC shall, by notice in the *Provincial Gazette* -

- (a) in consultation with the Member of the Executive Committee responsible for local government, establish a health district coterminous with each of the category A and C municipalities;
- (b) after consulting the Executive Council, determine the boundaries of a health district; and
- (c) after consulting the Executive Council, re-determine the boundaries of a health district.

Establishment and composition of district health authority

9 (1) The MEC after consultation with all the municipalities and after consulting with the member of the Executive Council responsible for local government, shall by notice in the *Provincial Gazette*, establish a district health authority for each health district.

(2) Each district health authority comprises of so many members as the MEC may determine after consulting as contemplated in subsection (1).

(3) A district health authority consists of members of a metropolitan municipal council and district municipal councils.

(4) Members of a district health authority are not entitled to payment by the Province of any remuneration or allowances.

Powers and functions of a district health authority

10. A district health authority has the powers and functions as set out in the Schedule to this Act.

CHAPTER 4:

MANAGEMENT OF THE DISTRICT HEALTH SYSTEM

Exclusive use of funds

11. A municipality shall ensure that funds received from the Department are exclusively used in conjunction with the delivery of primary health care services.

Power to enter into agreements

12. Each municipality, at the request of a district health authority, in consultation with the Department and subject to regulations promulgated in terms of this Act, and notwithstanding any other applicable legislation, has the power to enter into agreements with

- (a) public or private health care providers to enable it to perform and fulfil its functions in terms of this Act; and
- (b) adjacent district health authorities for purpose of rationalising the performance and fulfilment of functions and responsibilities in terms of this Act.

Power and duty of the MEC regarding the management of district health authorities

13. The MEC shall-

- (a) promote, within set norms and standards in the district health plan, the development, training and other technical support of all district health authorities within the Province;

- (b) monitor and evaluate the effectiveness of the strategies and programmes of district health authorities; and
- (c) undertake any other function necessary for the establishment, design and implementation of district health authorities to ensure the effective delivery of primary health care services.

Monitoring and evaluation of the district health system

14 (1) The MEC shall -

- (a) ensure, within available financial and human resources, that the Department is able to improve provincial standards of health care provision and performance;
- (b) assist district health authorities with the development and implementation of a district health information system which shall form part of a provincial health information system and through which all district health authorities shall be required to provide information in the prescribed format and as required by the MEC; and
- (c) direct the Department to prepare and publish any report required in terms of this section.

(2) District health authorities shall monitor and evaluate the health status of the population and the provision and delivery of primary health care services and prepare an annual report, or at such other intervals or dates as specified by the MEC, to the MEC thereon.

(3) The MEC shall from time to time set norms and standards for the promotion of the delivery of primary health care services.

Personnel

15 (1) The transfer of personnel shall be managed in accordance with the Labour Relations Act, 1995 (Act No. 66 of 1995), the Transfer of Staff to Municipalities Act, 1998 (Act No. 17 of 1998) and any other applicable legislation.

(2) The MEC shall in consultation with the MEC responsible for local government prescribe transitional arrangements, which may be necessary to give effect to the provisions of this section.

CHAPTER 5:

DISTRICT HEALTH SYSTEM AND GENERAL POWERS AND DUTIES OF THE MEMBER OF THE EXECUTIVE COUNCIL

Establishment of a district health system

16. There is hereby established a district health system for the Province for the management and delivery of primary health care services.

Delegations

17. In addition to other powers assigned to the MEC by this Act or other legislation, the MEC may : -

- (a) delegate any authority in terms of this Act, except the power to make regulations, in concurrence with the relevant municipality, to such municipality and may also withdraw such delegation of authority at any time; and
- (b) delegate any authority in terms of this Act, except the power to make regulations, to any appropriate officer within the Department and may also withdraw such delegation of authority at any time.

Transfer of primary health care services to municipalities

18. The MEC shall :-

- (a) determine criteria by regulations for the transfer of primary health care services from the Provincial Administration to municipalities;
- (b) upon request of a district health authority within a specific municipality; and after consultation with the MEC responsible for local government , by agreement assign, by notice in the *Provincial Gazette*, the authority for a defined set of primary health care services to the municipality with effect from a date mentioned in the notice;

- (c) ensure that the primary health care services are devolved in a uniform, transparent and accountable manner;
- (d) ensure that municipalities have the necessary capacity to administer devolved primary health care services in an efficient manner; and
- (e) ensure that the management, care, control and executive authority for the personnel and delivery of primary health care services vest with the municipality concerned.

Consequences of transfer of primary health care services to municipalities

19 (1) As from the date on which primary health care services are transferred to a municipality under this Chapter:-

- (a) those administrative records and other documents relating to the primary health care services shall be transferred to the municipality concerned; and
- (b) the management, care, control, and executive authority of the primary health care services, facilities and staff shall vest with the municipality within the demarcated district.

(2) The use and control of movable and immovable property and all rights, responsibilities, obligations and liabilities which immediately prior to the date of transfer vested in the MEC and the Department, shall devolve upon the municipality concerned on such terms and conditions as the MEC, in consultation with the MEC responsible for finance and the MEC responsible for public works, may determine; Provided that the ownership of such property shall without payment, revert back to the Province if the property in the opinion of the MEC, is not being utilised in the interest of health.

(3) The property shall be transferred without payment of transfer duty, stamp duty or any other moneys.

(4) The Registrar of deeds shall, upon submission to him or her of the title deed concerned, make such endorsements on the title deed and such entries in his or her register as may be required to affect the transfer concerned.

CHAPTER 6:

FINANCING AND AUDITING OF DISTRICT HEALTH SERVICES

Financing for district health services

20. (1) District health care services shall be financed from allocations from the Department as well as municipal revenue.

(2) Funds for district health services shall be allocated equitably amongst health districts by the MEC through a resource allocation formula, prescribed by regulation, which shall be based amongst others on the following criteria :-

- (a) population size;
- (b) utilisation;
- (c) annual district health plans; and
- (d) any other relevant factor.

(3) Each district health authority shall, within the parameters established by the Department, appropriately utilise funds and other capacity assistance designated for the delivery of primary health care services.

Annual audit

21. (1) Each municipality shall, at its own expense, undertake annual financial and performance audits of the district health services under its control.

(2) A municipality must submit full annual reports detailing its activities relating to primary health care services during the financial year of the municipality.

(3) The annual financial and performance audits of each municipality shall be available on request and at a reasonable charge to interested members of the public.

CHAPTER 7:

GENERAL PROVISIONS

Regulations

22. The MEC may by notice in the *Provincial Gazette* prescribe regulations not inconsistent with this Act on the following matters:-

- (a) norms and standards for primary health care services;
- (b) management style and procedures applicable to district health authorities;
- (c) format for plans, reports and information;
- (d) transfer of primary health care services to municipalities;
- (e) resource allocation; and
- (f) generally, any matter which the MEC deems necessary, expedient or sensible to prescribe in order to achieve the objects of this Act.

Short title and commencement

23 (1) This Act is called the Gauteng District Health Services Act, 2000, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

(2) Different dates as contemplated in subsection (1) may be determined for different sections of this Act.

SCHEDULE**POWERS AND FUNCTIONS OF DISTRICT HEALTH AUTHORITIES**

A district health authority shall :-

1. Be responsible for the provision, administration and governance of primary health care services to the communities residing in their districts.
2. Be responsible for the planning, resourcing and integration of the delivery of primary health care services within their area of jurisdiction.
3. Prepare district health plans, which are consistent with national and provincial policy guidelines and show linkage to plans of the social sector departments and other sectors.
4. Submit these plans for appraisal to the MEC who shall approve these plans in consultation with the MEC responsible for local government.
5. Submit reports on health status, health service provision and resource utilization to the MEC at intervals to be determined by the MEC.
6. Determine the responsibilities, mechanisms and structures required for effective management of primary health care services and resources within the framework of national and provincial health policies.
7. Perform any function transferred to it by the MEC, with due regard to available resources.
8. Co-operate with the MEC and the Department to achieve the realisation of national and provincial policies and norms and standards.
9. Be responsible for monitoring and supervision of the implementation of policies, norms and standards regarding primary health care delivery.

MEMORANDUM ON THE OBJECTS OF THE GAUTENG DISTRICT HEALTH SERVICES BILL, 2000

1. PURPOSE OF THE BILL

1.1 In terms of section 27 (1) and (3) of the Constitution, 1996 everyone has the right to have access to –

- (a) Health care services, including reproductive health care; and
- (b) No one may be refused emergency medical treatment.

1.2 The Constitution places an obligation on the State to take reasonable legislative and other measures within its available resources in order to achieve the progressive realisation of these rights. The Bill emanates from this constitutional obligation and purports to give effect to constitutional requirements.

1.3 In accordance with Provincial health policies, the most appropriate sphere at which primary health care services may be delivered, is at the local sphere of government. In realisation of this policy the purpose of the Bill is to ensure that primary health care services are provided through a district health system and by devolution of the services to municipalities.

1.4 To facilitate the implementation of a district health system, the Bill provides for the establishment of a consultative forum on all health related matters, for the establishment of district health authorities and for incidental matters.

2. SOCIAL IMPACT

The devolution of primary health care services to municipalities is expected to enhance the delivery of these services to communities. The reasons being that the "service providers" are closer to the communities and are aware of the needs of the communities.

3. CLAUSE-BY-CLAUSE DESCRIPTION

3.1 The first Chapter of the Bill contains a list of definitions and deals with the application, interpretation and purpose of the Act.

3.2 Chapter 2 provides for the establishment of a Provincial Health Authority as a consultative forum between Provincial and Local Government on health matters within the Province. The Chapter also deals with the role and function of the Department in relation to the delivery of primary health care services.

3.3 Chapter 3 provides for the establishment of health districts. It also deals with the composition and powers of district health authorities.

3.4 Chapter 4 deals with the use of funds for delivery of primary health care services, the power of municipalities to enter into certain agreements and powers and duties of the MEC regarding the management of district health authorities. This Chapter also deals with the monitoring and evaluation of the district health system and the transfer of personnel.

3.5 Chapter 5 provides for the establishment of a district health system and the delegation of functions. This chapter provides for the transfer of primary health care services to municipalities and the consequences thereof.

3.6 Chapter 6 deals with the financing of district health services and annual auditing.

3.7 Chapter 7 deals with general provisions such as the promulgation and enactment of regulations and the short title and commencement of the Act.

3.8 Schedule contains the functions and responsibilities of district health authorities.

4. OTHER DEPARTMENTS AND BODIES CONSULTED

The Department of Development Planning and Local Government in Gauteng was consulted on the White Paper and the draft Bill. Executive consultations were held with Gauteng Association of Local Authorities (GALA). A wide range of organisations (civil society and private sector) made input on the White Paper, which was subsequently translated into legislation through this Bill.

5. FINANCIAL IMPLICATIONS

No significant additional financial implications for the Province are expected.

6. OFFICIAL TEXT

The English text of this Bill is the official text.

KENNISGEWING 5566 VAN 2000**GAUTENGSE DEPARTEMENT VAN GESONDHEID
WETSONTWERP VIR DIE GAUTENGSE DISTRIKSGESONDHEIDS DIENSTE,
2000****(SOOS VOORGESTEL DEUR DIE LUR VIR GESONDHEID)****"WETSONTWERP"**

Om te voorsien in primêre gesondheidsorgdienste deur middel van 'n distriksgesondheidstelsel in die Gauteng-provinsie; om primêre gesondheidsorgdienste oor te plaas na die munisipaliteite; om voorsiening te maak vir die vestiging van betrokke instansies, om die verantwoordelikhede van provinsiale en plaaslike owerhede te omskryf en om voorsiening te maak vir sake wat daarmee verband hou.

Aanhef

AANGESIEN almal 'n grondwetlike reg het op toegang tot gesondheidsorgdienste;

EN AANGESIEN die Gautengse Provinciale Regering verbind is tot die progressiewe verwesenliking van die mense van die provinsie se konstitusionele reg op gesondheidsorgdienste;

EN AANGESIEN die Gautengse Provinciale Regering verbind is daartoe om aanvaarbare, bekostigbare, doeltreffende en geïntegreerde gesondheidsdienste te voorsien deur middel van die primêre gesondheidsorgdienste wat gelewer word deur 'n distriksgesondheidstelsel;

MOET DIT SOOS VOLG DEUR die Provinciale Wetgewer van die Gauteng-provinsie verorden word:

**HOOFSTUK 1:
OMSKRYWINGS, TOEPASSING, INTERPRETASIE EN DOEL VAN DIE WET****Omskrywings**

1. In dié Wet het die volgende woorde die volgende betekenis, tensy die konteks anders aandui:

"Grondwet"

die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);

"aangrensend"

deel dieselfde grense;

"departement"

die departement verantwoordelik vir gesondheidsake in die provinsie;

"distrikstraadsgebied"	die gebied wat beheer word deur die aangewese Kategorie A en C-munisipaliteite, soos dit omskryf is in die Wet op Munisipale strukture van 1998;
"distriksgesondheidsdienste"	dielewering van primêre gesondheidsorgdienste deur klinieke, gemeenskapsgesonheidssentrum, of distrikshospitale in gesondheidsdistrikte;
"distriksgesondheidstelsel"	die stelsel vir die lever van omvattende primêre gesondheidsorgdienste in die gesondheidsdistrikte;
"Uitvoerende Raad"	die Uitvoerende Raad van die provinsie, soos dit gevestig is kragtens artikel 132 van die Grondwet;
"gesondheidsdistrik"	die geografiese gebied soos dit geproklameer is kragtens artikel 8 van die Wet;
"LUR"	lid van die Uitvoerende Raad verantwoordelik vir gesondheidsake in die Gauteng-provinsie;
"munisipaliteit"	eenheid wat deel vorm van die plaaslike sfeer van regering, soos voorsien word in hoofstuk 7 van die Grondwet;
"verjaar"	verjaar volgens regulasie kragtens artikel 22.
"nasionale gesondheidstelsel"	die organisasie van die land se gesondheidsdienste (insluitend dienste wat voorsien word deur die sentrale regering, die provinsiale regering, plaaslike regering, nie-regeringsorganisasies en die privaatsektor);
"primêre gesondheidsorgdienste"	die omvattende gesondheidsorgdienste wat voorkomende, bevorderlike, genesende en rehabiliterende

	gesondheidsorg binne die konteks van onder andere gemeenskapsdeelname, tussensektorsamewerking en 'n toepaslike verwysingstelsel, insluit;
"provinsie"	die Gauteng-provinsie, soos dit omskryf is in artikel 103 van die Grondwet;
"regulasie"	enige regulasies wat gepromulgeer word kragtens die Wet;
"die Wet"	sluit die regulasies wat gepromulgeer word kragtens die Wet in;

Toepassing van die Wet

2. Die voorwaardes van die Wet word deur die hele provinsie toegepas.

Interpretasie van die Wet

3. Enige persoon wat die Wet toepas moet die voorwaardes so toepas:-
- (a) dat dit voldoen aan die doel van die Wet; en
 - (b) dat dit voldoen aan die vereistes van die Grondwet en die nasionale gesondheidsbeleid.

Doel van die Wet

4. Die doel van die Wet is:-
- (a) Om seker te maak dat primêre gesondheidsorgdienste gelewer word;
 - (b) Om die lewering van primêre gesondheidsorgdienste oor te dra na die plaaslike sfeer van regering;
 - (c) Om distriksgesondheidsowerhede te vestig; en
 - (d) Om voorsiening te maak vir 'n distriksgesondheidstelsel en verwante sake.

HOOFTUK 2

TOEPASSING, INTERPRETASIE EN DOEL VAN DIE WET

Vestiging van die distriksgesondheidstelsel

5. (1) Hiermee word die Provinciale Gesondheidsowerheid gevestig om op te tree as konsultasie-linggaam tussen die provinsiale regering en plaaslike regering ten opsigte van sake wat verband hou met gesondheidsake binne die provinsie;
- (2) Die samestelling, aanstelling, vul van vakante poste, magte, pligte en funksies van die Provinciale Gesondheidsowerheid sal bepaal word deur die LUR;
- (3) Nieteenstaande die voorwaardes van subartikel (2), moet die Provinciale Gesondheidsowerheid alle

- gesondheidsbeleidsverklarings, wetgewing met betrekking tot gesondheidsbeleidspunte en sake wat verband hou met primêre gesondheidsorgdienste in ag neem;
- (4) Die LUR moet hoogstens tien (10) persone aanstel, welke persone betrokke moet wees by gesondheidsake as lede van die Proviniale Gesondheidsowerheid, in ooreenstemming met die prosedure wat deur die LUR bepaal word;
 - (5) Die LUR sal in beheer wees van die Proviniale Gesondheidsowerheid. In die afwesigheid van die LUR, tree die lid wat van tyd tot tyd deur die LUR aangewys word, op as voorsitter;
 - (6) Lede van die Proviniale Gesondheidsowerheid is nie geregtig op betaling van enige vergoeding of toelaes deur die provinsie nie.

Die rol van die departement

6. Die departement moet seker maak dat billike en gelyke gesondheidsdienste van goeie gehalte gelewer word aan die publiek en dat hulpbronne optimaal benut word om beter gesondheid vir die bevolking van die provinsie te verseker deur die ontwikkeling van primêre gesondheidsorgdienste te steun en te monitor, en dit oor te dra na die munisipaliteite.

Funksies van die departement

7. Die departement moet:-
 - (a) die beleid, norm, standaard en wetgewing vir provinsiale gesondheid in samewerking met die Departement van Ontwikkelingsbeplanning, die plaaslike regering en munisipaliteite formuleer en implementeer.
 - (b) seker maak dat daar gesondheidsdienste op 'n gelyke grondslag in die provinsie voorsien word.
 - (c) die plaaslike regering steun om seker te maak dat daar 'n kernpakket ten opsigte van dienste voorsien word.
 - (d) seker maak dat die provinsiale gesondheidsinligtingstelsel beplan en geïmplementeer word.
 - (e) befondsingskriteria, koördineringsmeganismes, monitormeganismes en finansiële monitorstelsels ontwikkel vir die distriksgesondheidsorgdienste.
 - (f) die status van die bevolking se gesondheid monitor en beoordeel, soos voorsien word in artikel 14 van die Wet.
 - (g) blootgestelde bevolkings identifiseer en aandag skenk aan hulle spesiale behoeftes, in samewerking met die distriksgesondheidsowerhede.

HOOFTUK 3

GESONDHEIDS-DISTRIKTE EN DISTRIKSGESONDHEIDSOWERHED

Vestiging van gesondheidsdistrikte

8. Die LUR moet deur middel van 'n afkondiging in die Proviniale Koerant:
 - (a) na konsultasie met die lid van die uitvoerende komitee verantwoordelik vir plaaslike owerhede, aangrensende gesondheidsdistrikte met elk van die kategorie A- en C-munisipaliteite vestig; en

- (b) na konsultasie met die Uitvoerende Raad, die grense van 'n gesondheidsdistrik bepaal; en
- (c) na konsultasie met die Uitvoerende Raad, die grense van gesondheidsdistrikte herafbaken.

Die vestiging en samestelling van 'n distriksgesondheidsowerheid

9. (1) Die LUR moet na konsultasie met al die munisipaliteite en na konsultasie met die lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering 'n distriksgesondheidsowerheid vestig vir elke gesondheidsdistrik en dit afkondig in die Proviniale Koerant;
- (2) Elke distriksgesondheidsowerheid moet saamgeroep word uit soveel lede as wat die LUR bepaal na konsultasie soos voorsien word in subartikel (1);
- (3) 'n Distriksgesondheidsowerheid kan lede van 'n metropolitaanse munisipale raad en distriksmunisipale-rade insluit;
- (4) Lede van 'n distriksgesondheidsowerheid is nie geregtig op betaling van vergoeding of enige toelaes van die provinsie nie.

Magte en pligte van die distriksgesondheidsowerheid

10. 'n Distriksgesondheidsowerheid het die magte en funksies wat in die Skedule van die Wet uiteengesit word.

HOOFTUK 4:

BESTUUR VAN DIE DISTRIKSGESONDHEIDSTELSEL

Eksklusiewe gebruik van fondse

11. 'n Munisipaliteit moet seker maak dat fondse wat van die departement ontvang word, eksklusief gebruik word vir die lewering van primêre gesondheidsorgdienste.

Mag om ooreenkomste aan te gaan

12. Elke munisipaliteit het die mag om op versoek van die distriksgesondheidsowerheid, na konsultasie met die departement en onderhewig aan regulasies wat kragtens die Wet gepromulgeer word en nienteenstaande enige ander toepaslike wetgewing, ooreenkomste aan te gaan met:-

- (a) verskaffers van openbare of privaatgesondheidsorg, om dit in staat te stel om sy pligte wat kragtens die Wet uiteengesit is na te kom; en
- (b) 'n aangrensende distriksgesondheidsowerheid om die prestasies en die wyse waarop sy pligte en verantwoordelikhede, wat die Wet stel of vereis, nagekom word te rasionaliseer en na te kom.

Magte en pligte van die LUR met betrekking tot die bestuur van distriksgesondheidsowerhede

13. Die LUR moet-

- (a) die ontwikkeling van, opleiding in en ander tegniese steun vir al die distriksgesondheidsowerhede in die provinsie bevorder binne die bepaalde norme en standaarde wat vervat word in die distriksgesondheidsplan;
- (b) die doeltreffendheid van die strategieë en programme vir distriksgesondheidsowerhede monitor en evaluateer; en
- (c) enige ander funksies onderneem wat nodig mag wees vir die vestiging, ontwerp en implementering van distriksgesondheidsowerhede om seker te maak dat primêre gesondheidsorgdienste doeltreffend gelewer word.

Monitor en evaluering van die distriksgesondheidstelsel

14. (1) Die LUR moet -

- (a) binne die beperkings van die beskikbare finansiële en menslike hulpbronne seker maak dat die departement die provinsiale standaard van gesondheidsorg en -prestasies verbeter;
 - (b) distriksgesondheidsowerhede bystaan met die ontwikkeling en implementering van 'n gesondheidsinligtingstelsel vir die distrik, wat deel moet vorm van die provinsiale gesondheidsinligtingstelsel. Alle distriksgesondheidsowerhede moet inligting in die voorgeskrewe formaat verskaf, soos dit vereis word deur die LUR;
 - (c) opdrag gee dat die departement enige verslag wat nodig mag wees opstel en publiseer, soos dit vereis word in die artikel.
- (2) Distriksgesondheidsowerhede moet die gesondheidstatus van die bevolking en die wyse waarop primêre gesondheidsorgdienste gelewer en voorsien word, monitor en evaluateer om jaarliks of met ander ooreengekome intervalle, of op sodanige datums as wat die LUR spesifieer, verslae voor te berei vir insae deur die LUR.
- (3) Die LUR moet van tyd tot tyd norme en standaarde stel vir die wyse waarop primêre gesondheidsorgdienste voorsien moet word.

Personeel

15. (1) Die oordrag van personeel moet bestuur word in ooreenstemming met die Wet op Arbeidsverhoudinge van 1995 (Wet 66 van 1995), die Wet op die Oordrag van Municipale Personeel, (Wet 17 van 1998) en enige ander toepaslike wetgewing.
- (2) Die LUR moet na konsultasie met die LUR wat verantwoordelik is vir plaaslike bestuur, die oordragreëlings wat nodig mag wees om uitvoer te geën aan die bepalings van die artikel, uiteensit.

HOOFTUK 5:

DISTRIKSGESONDHEIDSTELSEL EN ALGEMENE MAGTE EN PLIGTE VAN LEDE VAN DIE UITVOERENDE RAAD

Vestiging van 'n distriksgesondheidstelsel

16. Hiermee word 'n distriksgesondheidsowerheid gevestig vir die provinsie, om die primêre gesondheidsorgdienste te lewer en te bestuur.

Delegering

17. Bo en behalwe enige ander magte wat aan die LUR toegewys word deur die Wet of ander wetgewing, kan die LUR:-
- (a) enige gesag kragtens die Wet, buiten die mag om regulasies af te kondig, deleger aan die munisipaliteit, nadat daar so ooreengekom is met die bepaalde munisipaliteit en mag die delegering van mag te eniger tyd herroep word; en
 - (b) enige gesag kragtens die Wet, buiten die gesag om regulasies af te kondig, deleger aan enige toepaslike amptenaar binne die departement en sodanige gesag wat gedelegeer is, kan ook te eniger tyd herroep word.

Oordrag van gesondheidsorgdienste aan die plaaslike owerheid

18. Die LUR moet:-

- (a) kriteriaal bepaal kragtens regulasies vir die oordrag van primêre gesondheidsorgdienste, van die provinsiale administrasie na die munisipaliteit;
- (b) die gesag vir 'n bepaalde stel gesondheidsorgdienste vir die munisipaliteit op versoek van 'n distriksgesondheidsowerheid en na konsultasie met die LUR verantwoordelik vir plaaslike regering, op grond van 'n ooreenkoms oordra met ingang van 'n datum wat in die kennisgewing uiteengesit word;
- (c) seker maak dat die primêre gesondheidsorgdienste oorgedra word op 'n eenvormige, deursigtige en verantwoordelike wyse;
- (d) seker maak dat die plaaslike owerhede die nodige kapasiteit het om die distriksgesondheidstelsel op 'n doeltreffende manier te administreer;
- (e) seker maak dat die bestuur, sorg, beheer en uitvoerende gesag ten opsigte van die personeel en die lewering van gesondheidsorgdienste by die distriksgesondheidsowerheid binne die bepaalde distrik berus.

Gevolge van die oordrag van gesondheidsorgdienste na munisipaliteit

- 19 (1) Met ingang van die datum waarop primêre gesondheidsorgdienste kragtens die hoofstuk oorgedra word na 'n munisipaliteit:-
- (a) moet die administratiewe rekords en ander dokumente wat verband hou met die primêre gesondheidsorgdienste oorgedra word na sodanige munisipaliteit; en
 - (b) moet die bestuur, sorg, beheer, uitvoerende gesag van die primêre gesondheidsorgdienste, fasiliteite en personeel berus by die munisipaliteit in die bepaalde distrik.
- (2) Die gebruik en beheer van roerende en onroerende eiendom, asook alle regte en verantwoordelikhede wat direk voor die datum van oordrag berus het by die LUR en die departement, word oorgedra na die betrokke munisipaliteit, op grond van sodanige bepalings en voorwaardes as wat die LUR in samewerking met die LUR vir finansies en die LUR vir

openbare werke bepaal, met dien verstande dat eiendomskap van die eiendom sonder betaling terug oorgedra sal word aan die departement as die eiendom na die mening van die LUR nie benut word in belang van gesondheid nie.

- (3) Die eiendom word oorgedra sonder die betaling van oordragkoste, seëlregte of ander geld.
- (4) Die Registrateur van Titelakte sal die betrokke titelakte so endosseer en die nodige veranderinge aanbring sodra die toepaslike titelakte wat gewysig moet word by hom of haar ingedien word.

HOOFTUK 6:

FINANSIERING VAN DISTRIKSGESONDHEIDSDIENSTE

- 20. (1) Distriksgesondheidsdienste moet gefinansier word uit toewysings van die departement, asook munisipale inkomste.
- (2) Die LUR moet fondse vir distriksgesondheidsdienste op 'n gelyke grondslag toeken aan die onderskeie gesondheidsdistrikte met die hulp van 'n formule wat deur die regulasies bepaal sal word. Dit moet onder andere gebaseer word op die volgende kriteria:
 - (a) bevolkingstalle;
 - (b) benutting;
 - (c) jaarlikse distriksgesondheidsplanne; en
 - (d) enige ander toepaslike faktor.
- (3) Elke distriksgesondheidsowerheid moet, binne die riglyne wat deur die departement gestel word, die fondse en ander kapasiteit wat bestem is vir primêre gesondheidsorgdienste benut.

Jaarlikse audit

- 21. (1) Elke munisipaliteit moet op eie onkoste jaarliks finansiële en prestasie-auditondersoeke laat doen
- (2) 'n Munisipaliteit moet volledige jaarlikse verslae uitreik met omvattende besonderhede van sy aktiwiteite wat verband hou met primêre gesondheidsorgdienste gedurende die munisipaliteit se finansiële jaar.
- (3) Die finansiële jaarverslag en die prestasie-audit vir elke munisipaliteit moet op versoek en teen 'n redelike koste beskikbaar wees vir lede van die publiek wat daarin belang stel.

HOOFTUK 7:

ALGEMENE VOORWAARDES

Regulasies

- 22. Die LUR kan per kennisgewing in die Provinciale Koerant, regulasies vir die volgende sake voorskryf, mits die regulasies nie strydig is met die Wet nie:-

- (a) die norme en standaarde vir primêre gesondheidsorgdienste;
- (b) die bestuurstyl en prosedures wat van toepassing is op die distriksgesondheidsowerhede;
- (c) die formaat vir planne, verslae en inligting;
- (d) die oordrag van gesondheidsdienste aan munisipaliteite;
- (e) die toewysing van hulpbronne; en
- (f) enige ander algemene saak wat na die LUR se mening goed, wenslik of raadsaam is om voor te skryf sodat voldoen kan word aan die doelwitte van die Wet.

Kort titel en aanvang

- 23.(1) Die Wet sal bekend wees as die Wet op die Gautengse Distriksgesondheidsdienste, 2000 en dit word van krag op 'n datum wat deur die Premier bepaal word en so afgekondig word in die Provinciale Koerant.
- (2) Verskillende datums, soos voorsien word in subartikel (1) kan bepaal word vir verskillende artikels van die Wet.

SKEDULE

MAGTE EN VERANTWOORDELIGHED VAN DISTRIKSGESONDHEIDSOWERHEDE

Die distriksgesondheidsowerheid is:-

1. Verantwoordelik vir die voorsiening, administrasie en beheer van omvattende primêre gesondheidsorgdienste aan die gemeenskappe wat in hul distrikte woon;
2. Verantwoordelik vir die beplanning en middele wat nodig is vir die lever van geïntegreerde gesondheidsdienste binne die gebied waaroer hulle jurisdiksie het.
3. Verantwoordelik vir die voorbereiding van distriksgesondheidsplanne wat voldoen aan nasionale en provinsiale beleidsriglyne en duidelik die verband toon tussen die planne van die departemente wat werk met die maatskaplike en ander sektore.
4. Verantwoordelik daarvoor dat die planne ingedien word vir goedkeuring deur die LUR, sodra die LUR dit bespreek het met die LUR wat verantwoordelik is vir plaaslike regering.
5. Verantwoordelik daarvoor om verslae oor die gesondheidstatus, voorsiening van gesondheidsdienste en die wyse waarop middele benut word, in te dien by die LUR, so dikwels as wat die LUR bepaal.
6. Verantwoordelik daarvoor om te bepaal watter verantwoordelikhede, meganisme en strukture vereis word vir die doeltreffende bestuur van primêre gesondheidsorgdienste en -hulpbronne, binne die raamwerk van nasionale en provinsiale gesondheidsbeleidsverklarings.
7. Verantwoordelik daarvoor om enige funksie te verrig wat oorgedra is deur die LUR, met behoorlike inagneming van die beskikbare hulpbronne.
8. Verantwoordelik vir samewerking met die LUR en die departement om te voldoen aan die nasionale en provinsiale beleid, norme en standarde.
9. Verantwoordelik daarvoor om binne die bepaalde distrik die implementering van die Provincie se besluite te monitor en toesig te hou daaroor.

MEMORANDUM OOR DIE DOELWITTE VAN DIE WETSONTWERP VIR DIE GAUTENGSE GESONDHEIDSORGDIENSTE, 2000**1. DOEL VAN DIE WETSONTWERP**

- 1.1 Kragtens artikel 27(1) en (3) van die Grondwet, het almal die reg op die volgende:-
 - (a) Gesondheidsorgdienste, insluitend gesondheidsorg wat verband hou met voortplanting; en
 - (b) Niemand mag noodmediesebehandeling geweier word nie.
- 1.2 Die Grondwet verplig die staat om redelike wetgewende en ander voorsorg te tref, binne sy beskikbare hulpbronne, om progressief te voldoen aan die regte. Die wetsontwerp vloeи uit die Grondwetlike plig en wil vorm gee aan die Grondwetlike vereistes.
- 1.3 In ooreenstemming met die provinsiale gesondheidsbeleid is die toepaslikste sfeer waar prim re gesondheidsorgdienste gelewer kan word, die plaaslike sfeer van regering. In die praktiese realisering van die beleid, is die doel van die wetsontwerp om seker te maak dat prim re gesondheidsorgdienste voorsien word deur middel van 'n distriksgesondheidstelsel en deur die dienste oor te dra aan munisipaliteite.
- 1.4 Om die implementering van die distriksgesondheidstelsel te bewerkstellig, maak die wetsontwerp voorsiening vir die vestiging van 'n konsultasie-forum vir alle sake wat verband hou met gesondheid, sodat 'n distriksgesondheidstelsel gevestig kan word en vir alle tersaaklike aspekte.

2. MAATSKAPLIKE INVLOED

Die oordrag van prim re gesondheidsorgdienste aan die munisipaliteite sal na verwagting die lewering van die dienste aan gemeenskappe verbeter. Die redes daarvoor is dat die "diensverskaffers" nader aan die gemeenskappe is en dat hulle bewus is van die behoeftes van gemeenskappe.

3. INHOUD VAN DIE KLOUSULES VAN DIE WETSONTWERP

- 3.1 Die eerste hoofstuk van die wetsontwerp bevat 'n lys van omskrywings en handel oor die toepassing, interpretasie en doel van die Wet.
- 3.2 Hoofstuk 2 maak ook voorsiening vir die vestiging van 'n Provinciale Gesondheidsowerheid wat moet optree in konsulterende hoedanigheid tussen die provinsie en plaaslike owerhede. Dit handel ook oor die rol en funksies van die Departement van Gesondheid soos dit betrekking het op die lewer van prim re gesondheidsorgdienste.
- 3.3 Hoofstuk 3 maak voorsiening vir die vestiging van Gesondheidsdistrikte en Distriksgesondheidsoverhede. Dit handel ook oor die samestelling en magte van distriksgesondheidsoverhede.

- 3.4 Hoofstuk 4 handel oor die gebruik van fondse vir die lewer van gesondheidsorgdienste, die mag van munisipaliteite om sekere ooreenkomste aan te gaan, asook die magte en pligte van die LUR met betrekking tot die bestuur van die distriksgesondheidsowerhede. Die hoofstuk handel ook oor die manier waarop die distriksgesondheidstelsel gemonitor en evalueer moet word, asook die wyse waarop personeel oorgeplaas moet word.
 - 3.5 Hoofstuk 5 maak voorsiening vir die vestiging van die distriksgesondheidstelsel en die delegering van funksies. Die hoofstuk maak ook voorsiening vir die oordrag van primêre gesondheidsorgdienste na munisipaliteite en die gevolge daarvan.
 - 3.6 Hoofstuk 6 handel oor die finansiering van distriksgesondheidsdienste en jaarlikse oudits.
 - 3.7 Hoofstuk 7 handel oor algemene voorwaardes soos die promulgering en implementering van die regulasies, asook die kort titel van die Wet en die datum waarop dit van krag word.
 - 3.8 Die Skedule bevat die funksies en verantwoordelikhede van distriksgesondheidsowerhede.
4. ANDER DEPARTEMENTE EN LIGGAME WAT GERAADPLEEG IS
Die Departement van Ontwikkelingsbeplanning en Plaaslike Regering in Gauteng is geraadpleeg oor die Witskrif en die konsepwetsontwerp. Daar is uitvoerend gekonsulteer met die Gautengse Vereniging van Plaaslike Owerhede. Heelwat organisasies (burgerlike verenigings en die privaatsektor) is geraadpleeg en het insette gelewer vir die Witskrif wat daarna ontwikkel is in wetgewing kragtens die Wetsontwerp.
 5. FINANSIELLE IMPLIKASIES
Daar word nie aansienlike addisionele finansiële implikasies vir die provinsie verwag nie.
 6. AMPTELIKE WEERGawe
Die amptelike weergawe van die Wetsontwerp is die Engelse weergawe daarvan.

NOTICE 5566 OF 2000**UMNYANGO WEZEMPILO****UMTHETHOSIVIVINYO WEZINKONZO ZEZEMPILO ZESIFUNDA SASEGAUTENG, 2000****(NJENGOBA LWETHULWE)**

ngu

(MEC WEZEMPILO)**"UMTHETHOSIVIVINYO"**

Ukuze kuhlelelwé ukunikezelwa ngezinkonzo ezisemqoka zonakekelo lwezempiro ngokohlelo lwezempiro lesifunda esifundazweni saseGauteng; ukuthuthukisa izinkonzo zonakekelo lezempiro komasipala; ukuze kuhlelelwé ukusungulwa kwezikhungo ezifanelekile, ukuchaza okufanele kwensiwe nguhulumeni wesifundazwe kanye nohulumeni wasekhaya kanye nokuhlelela ezinye izinto ezingathuka zenzeka ezixhumana nalokho.

ISINGENISO (PREAMBLE)

NAKUBA wonke umuntu enelungelo lomihethosisekelo lokuba akwazi ukuthola izinkonzo zonakekelo lezempiro;

FUTHI NAKUBA uhulumeni wesifundazwe saseGauteng ezibophezele ekutheni kufezeke okumiswe ilungelo lomthethosisekelo ezinkonzeni zonakekelo lezempiro kubantu balesi sifundazwe;

FUTHI NAKUBA uhulumeni wesifundazwe saseGauteng ezibophezele ekuqinisekiseni ukuthi umphakathi uphile kahle ngakwezempiro ngokuthi unikeze izinkonzo zezempiro ezamukelekile, ezitholakala kalula, ezisebenzayo futhi ezixhumanisekile ngokuthi kubekhona izinkonzo zonakekelo lwezempiro olusemqoka ezenzeka ngokohlelo lwezempiro lesifunda;

NJENGOBA UMISWE isiShayamthetho sesiFundazwe saseGauteng kanjengokulandelayo:

ISAHLUKO 1**IZINCAZELO, UKUSETSHENZISWA, UKUHUNYUSHWA KANYE NENHLOSO YOMTHETHO****izincuzelo**

1. Kolo mthetho, ngaphandle uma kungukuthi okuqukethwe kokhonjiswe ngenye indlela-

"Umthethosisekelo" kushiwo uMthethosisekelo weRiphabhulikhi yaseNingizimu Africa, 1996 (Umthetho ongunombolo 108 ka 1996);

"coterminous" kushiwo ukuba nemincele efanayo;

"umnyango" kushiwo umnyango obhekene nezindaba zezempiro kusifundazwe saseGauteng;

"izinkonzo zezempiro zesifunda" kushiwo ukwethulwa kwezinkonzo ezisemqoka zonakekelo lezempiro ngumtholampilo noma isibhedlela sesifunda ngaphakathi esifundeni sezempiro.

"indawo yomkhandlu wesifunda" kushiwo indawo elawulwa uKhathegori A kanye no-C womasipala ngokusho kukahulumeni wasekhaya: uMthetho wezaKhiwo zikaMasipala, 1998;

"izinkonzo zezempiro zesifunda" kushiwo izinkonzo zonakekelo lwezempiro olusemqoka emitholampilo, ezikhungweni zezempiro zomphakathi noma ezibhedlela, ngaphakathi ezifundeni zezempiro;

"uhlelo lwezempiro lesifunda" kushiwo uhlelo lokwethula izinkonzo zonakekelo olusemqoka ngaphakathi ezifundeni zezempiro;

"Umkhandlu othatha izinqumo/oshaya umthetho" kushiwo umkhandlu othatha izinqumo waseGauteng osungulwe ngokusho kwesigaba 132 soMthethosisekelo;

"isifunda sezempiro" kushiwo indawo ngokwesimo noma ukuma kwayo ebalulwe ngokusho kwesigaba 14 saloMthetho;

"U-MEC" kushiwo ilunga lomkhandlu othatha izinqumo elibhekene nezindaba zezempiro kusifundazwe saseGauteng;

"umasipala" kushiwo lokho okwenza ingxenye kahulumeni wasekhaya njengoba kubekiwe kuSahluko 7 soMthethosisekelo;

"uhlelo lezempiro lukazwelone" kushiwo ukhleleka kwezinkonzo zezempiro zezwe iRiphabhulikhi yaseNingizimu Afrika (kubandakanya nezinkonzo ezinikezelwa uhulumeni omkhulu, uhulumeni wesifundazwe, uhulumeni wasekhaya, ngezinhlangano okungezona ezikahulumeni, izinhlangano ezivela emphakathini kanye nezimboni ezizimele);

"okubekiwe" kushiwo okubekwe ngumthetho ngokusho kwesigaba 22;

"Izinkonzo esisemqoka zonakekelo lwezempi"

kushiwo izinkonzo zonakekelo lezempi ezisebenza kahle ezibandakanya unakekelo lezempi lokuvimbela, lokukhuthaza, lokulapha kanye nelokubuyisela esimeni ngaphansi kwencazelo (phakathi kwezinye izinto: yokubamba iqhaza komphakathi, yokuhlanganyela kanye nokubambisana kwemikhakha eyahlukene; kanye nohlelo otwanele lokundlulisela).

"Isifundazwe"

kushiwo isifundazwe saseGauteng njengoba sichazwe kusigaba 103 soMthethosisekelo;

"imitheshwana(regulations)"

kushiwo noma imiphi imitheshwana emisiwe ngokusho kwesigaba 2 saloMthetho;

"IoMthetho"

ubandakanya izimiso ezimenezelwe ngokusho kwalomthetho;

Ukusetshenziswa kwalomthetho

2. Izimiso(provisions) zoloMthetho zisebenza kusona sonke isifundazwe saseGauteng.

Ukuhunyushwa kwaloMthetho

3. Noma imuphi umuntu osebenzisa lomthetho kufanele ahumushe izimiso zavo:-

- (a) ukuze kubonakale inhloso yazo; kanye
- (b) nokuhambisana nomthethosisekelo, nemigomo kazwelonke yezempilo.

Inhloso yalomthetho

4. Inhloso yalomthetho:-

- (a) Ukuqinisekisa isimiso sezinkonzo ezisemqoka zonakekelo lezempi;
- (b) Ukuthuthukisa ukulethwa kwezinkonzo ezisemqoka zonakekelo lezempi kumkhakha kahulumeni wasekhaya, kanye
- (c) Nokusungula umkhandlu wezempi wesifunda futhi kuhlelelwwe uhlelo lwezempi lesifunda kanye nezinye izindaba ezifanelekile.
- (d) Ukubhekela izinhlelo zempilo ze si funda kanye nezinye izinto ezeynyaniswa nazo.

ISAHLUKO 2**IQHAZA KANYE NEMISEBENZI YOMKHANDLU WEZEMPILO WESIFUNDAZWE SOMNYANGO WEZEMPILO****Ukusungulwa kohlelo lwezempiro lesifunda**

5 (1) Lapha kusungulwa uMkhandlu wezeMpilo wesiFundazwe, ozoba ngumkhandlu wokubonisana phakathi kukahulumeni wesifundazwe kanye nowasekhaya kuzona zonke izindaba eziphathelene nezempiro esiFundazweni.

(2) Ukwakheka, ukukhetheka, ukugcwaliswa kwezikhala, amandla, okufanele ukwenze kanye nemisebenzi yoMkhandlu wezeMpilo wesiFundazwe kuzomiswa ngu-MEC.

(3) Kube kungabukelwa phansi izimiso zesigatshana (2) uMkhandlu wezeMpilo wesiFundazwe kufanele ubheke yonke imigomo yezempilo, imitheshwana ehlobene nemigomo yezempilo kanye nezindaba ezyanyanisa nezinkonzo zonakekelo olusemqoka lwezempiro.

(4) U-MEC ukhetha abantu abangeqile ku (10), okuthi labo bantu babandakanyeke ezindabenzi zezempiro, njengamalunga oMkhandlu wezeMpilo wesiFunda ngokuhambisana nenqubo ebekwe ngu-MEC.

(5) U-MEC wengamela uMkhandlu wezeMpilo wesiFundazwe. Uma u-MEC engekho ilingu elibekwa ngezikhathi ezithile lizongamela.

(6) Amalunga oMkhandlu wezeMpilo wesiFundazwe awanalо igunya lokukhokhelwa noma iyiphi inkokhelo noma izibonelelo yisiFundazwe.

Iqhaza elibanjwa umnyango wezempiro

6. UNyango kufanele uqinisekisa ukuthi izinkonzo zezempiro ezikahle, ezilingene kanye nezinhle ziyethulwa emphakathini futhi izidingo zokwenza umsebenzi ziyasetshenziswa ngokufanelekile ukuze kuqinisekiswe izingalempilo elingcono lomphakathi wesifundazwe ngokuthi kusekelwe futhi kubhekwe intuthuko yezinkonzo zezempiro ezisemqoka kanye nokwabiwa kwazo kuhulumeni wasekhaya.

Imisebenzi yomnyango

7. Umnyango kufanele: -

- (a) Usungule futhi uqalise ukusebenza ngaphakathi kumnyango wezokuthuthukiswa kwezokuhlela kanye nohulumeni basekhaya kanye nomasipala kwemigomo, kwezinqubo, amazinga kanye nemithetho yezempilo yesifundazwe ekumthethosisekelo.
- (b) Uqinisekisa ukulingana kuzimiso zenkonzo yezempilo ngaphakathi esifundazweni.
- (c) Usekele ezasekhaya ukuze kuqinisekiswe ukuthi inhlanganisela yezinkonzo eziyisisekelo iyafezwa.
- (d) Uqinisekise ukuhlela kanye nokuqalisa ukusebenza kohlelo lokwazisa ngezempiro esifundazweni.
- (e) UKusungula indlela efanelekile yokunikezela ngezimali, izindlela zokuxhumanisa kanye nezinhlelo zokubhekwa kwezimali kuzinkonzo zonakekelo lezempiro lwasifunda.
- (f) Ukubheka kanye nokuhlola izinga lokuphila kwsintu njengoba kubekiwe kusigaba 19 saloMthetho.
- (g) Ukubona umphakathi okungenzeka ubesenkinge bese kubhekkelwe izidingo zawo ngokubambisana nemikhandlu yezempilo yesifundazwe.

ISAHLUKO 3:**IZIFUNDA ZEZEMPILO KANYE NEMIKHANDLU YEZEMPILO****Ukusungulwa kwezfunda zezempiro**

8. U-MEC kufanele- ngokufaka isaziso kuGazethi yesiFundazwe-

- (a) ngokubonisana nelungu lomkhandlu oshaya imithetho elibhekene nohulumeni basekhaya, asungule isifunda sezempiro esinemincele efanayo kulowo nalowo masipala kakhathegori A kanye no B;
- (b) ngemuva kokubonisana kanye nomkhandlu othatha izinqumo, abalule imincele yezifunda zezempiro; futhi
- (c) ngemuva kokubonisana noMkhandlu oThatha iziNqumo, ekumisweni kabusha kwemincele yezifunda zezempiro.

Ukusungulwa kanye nokwakheka komkhandlu wezempiro wesifunda

9 (1) U-MEC ngemuva kokubonisana nabo bonke omasipala esifundeni sezempiro futhi nangemuva kokubonisana nelunga lomkhandlu oshaya imithetho elibhekene nohulumeni basekhaya, kufanele ngokufaka isaziso kuGazethi yesiFundazwe, asungule umkhandlu wezempiro wesifunda kuleso naleso sifunda sezempiro.

(2) Umkhandlu ngamunye wezempiro kufanele ube nobuningi bamalunga obungangokusho kuka-MEC ngemuva kokubonisana njengoba kushiwo kusigatshana (!).

(3) Umkhandlu wezempiro wesifunda wenziwe ngamalunga omkhandlu kamasipala wesifunda kanye namakhansela kamasipala wesifunda.

(4) Amalunga omkhandlu wezempiro wesifunda awanalo ilungelo lenkokhelo noma izibonelelo ezivela esiFundeni.

Amandla kanye nemisebenzi yomkhandlu wezempiro wesifunda

10. Umkhandlu wezempiro wesifunda kufanele ubenamandla kanye nemisebenzi njengoba imisiwe kusheduli 1 yaloMthetho.

ISAHLUKO 4**UKUPHATHWA KOHLELO LWEZEMPILO LESIFUNDA****Ukusetshenziswa ngokukhethekile kwezimali**

11. Umkhandlu kufanele uqinisekise ukuthi izimali ezitholakele kuMnyango zisetshenziswa ngokukhethekile ngokuhambisana nokwethulwa kwezinkonzo zonakekelo olusemqoka lwezempiro.

Amandla okungena ezivumelwaneni

12. Umasipala ngamunye ngokwesicelo somkhandlu wezempiro wesifunda, ngokubonisana noMnyango futhi kube kuncike kuzimiso ezimiswe ngokusho koMthetho, kube kungabekwa ecelenei eminye imitheshwana efanelekile, unamandla okungena kuzivumelwano no:-
- (a) nomnikezeli wezempiro womphakathi nomá ozimele ukuze akwazi ukwenza futhi agcine imisebenzi yakhe ngokusho kwaloMthetho; kanye
 - (b) nemikhandlu yezempiro yezifunda eyakhelene nazo ngenhloso yokwenza ngokufanelekile kanye nokucgina imisebenzi kanye nezibopho ngokusho kwaloMthetho

Amandla kanye nomsebenzi ka-MEC ngokuphatelene nokupathwa kwemikhandlu yezifunda yezempiro

13. U-MEC kufanele-

- (a) akhuthaze, ngemikhuba kanye namazinga amisiwe kuhlelo lezempiro lesifunda, ukuthukisa, ukuqequeso, kanye nokunye ukusekelwa kokwenza umsebenzi kuyona yonke imikhandlu yezifunda ngaphakathi esifundazweni;
- (b) abheke futhi ahole ukusebenza kwamasu kanye nezinhlelo zemikhandlu yezempiro yesifundazwe;
- (c) enze omunye umsebenzi onesidingo sokusungulwa, sokuhlela kanye nokuqaliswa kwemikhandlu yezempiro yezifunda ukuze kuqinisekiswe ukufezwa kwezinkonzo zezempiro.

Ukubhekwa kanye nokuhlolwa kohlelo lwezempiro lesifunda

14. U-MEC kufanele-

- (1(a)) aqinisekise, ngokusebenza izimali kanye nabasebenzi abakhona, ukuthi umnyango uyakwazi ukuthuthukisa amazinga okunikezwa kanye nokusebenza kwezempiro esifundazweni.
- (b) asize imikhandlu yezempiro yesifunda ngentuthuko kanye nokuqaliswa ukusebenza kohlelo lokwazisa ngezempiro zesifunda okufanele lukhande ingxenye yohlelo lezokwazisa lezempiro lesifundazwe futhi okuzothi ngalo yonke imikhandlu yezempiro zesifunda kudingkeke inikeze ulwazi ngendlela emisiwe futhi nanjengoba kudingwa ngu-MEC; futhi
- (c) atshele umnyango ukuba ulungise futhi ushicilele noma imuphi umbiko odingekayo ngokusho kwalesi sigaba.
- (2) Umkhandlu wesifunda sezempiro kufanele ubheke futhi uhole izinga lezempiro lomphakathi kanye nezimiso kanye nokwethulwa kwezinkonzo zonakekelo lwezempiro olusemqoka futhi ulungise umbiko wonyaka, noma ngezikhathi noma ngezinsuku ezithile ezimisiwe njengoba kusho u-MEC, ku-MEC ngemuva kwalokho.

- (3) UNqonqoshe kufanele ngazo zonke izikhathi amise imikhuba kanye namazinga okuthuthukisa ukulethwa kwezinkonzo ezisemqoka zezempiro.

Abasebenzi

15. (1) Ukuwiwa kwenyi indawo kwabasebenzi kufanele kuperhathe ngokuvumelana noMthetho wezobudlelwane babasebenzi, 1999 (umthetho ongunombolo 66 ka 1995), uMthetho woMasipala wokuShintshelwa kwabasebenzi kwezinye izindawo, (uMthetho ongunombolo 17 ka 1998) futhi nanoma imuphi omunye umtheshwana osebenzayo.
- (2) U-MEC kufanele ngokubonisana no-MEC wezentuthuko kwezokuhlela kanye nohulumeni basekhaya enze amalungiselelo angadingeka ukuze enze kusebenze izimiso zalesi sigaba.

ISAHLUKO 3

UHLELO LWEZEMPILO LESIFUNDA KANYE NAMANDLA KANYE NEMISEBENZI EVAMILE YELUNGA LOMKHANDLU OSHAYA IMITHETHO

Ukusungulwa kohlelo lwezempiro lesifunda

16. Kukhona uhlelo lwezempiro lesifunda olusunguliwe lwenzelwa isifundazwe ukuze luluphathe futhi kutholakale/kunikezelwe ngezinkonzo zonakekelo lwezempiro olusemqoka.

Ukundluliselwa kwamandla

17. Ukwengeza kwamanye amandla onikezwe wona nguMthetho noma eminye imitheshwana, u-MEC
- (a) angandluliselwa noma imaphi amandla anawo ngokusho kwaloMthetho, ngaphandle kwamandla okwenza imitheshwana, ngokubambisana nomasipala ofanelekile, kulowo masipala futhi angahoxisa lokho kundluliselwa kwegunya noma ngasiphi isikhathi; futhi
 - (b) angandluliselwa noma imaphi amandla(igunya) anawo ngokusho koMthetho, ngaphandle kwegunya lokwenza imitheshwana, kunoma imuphi umsebenzi ofanelekile ngaphakathi emnyangweni futhi angawahoxisa lawomandla(lelogunya) noma ngasiphi isikhathi.

Ukundluliselwa kwezinkonzo zezempiro komasipala

18. U-MEC kufanele:
- (a) athole imibandela ezosetshenziswa uma kndluliselwa izinkonzo zonakekelo lwezempiro olusemqoka kwezokuphatha kwesifundazwe komasipala ngokwemitheshwana;
 - (b) ngokucela komkhandlu wezempiro wesifunda kanye nangokuvumelana ne-MEC ephathelene nohulumeni basekhaya, ngokwesivumelwane andlulisele amandla (igunya) kuzinkonzo zezempiro ezichaziwe kusukela osukwini olubhalwe kusaziso kugazethi yesifundazwe, igunya lokuchaza iqoqo lezinkonzo ezisemqoka zonakekelo lwezempiro komasipala kusukela osukwini olubhalwe esazisweni;
 - (c) aqinisekise ukuthi izinkonzo zonakekelo lwezempiro olusemqoka ziyathuthukisa ngokufanayo, ngokuvulelekile kanye nangendlela afanelekile;

- (d) aqinisekise ukuthi kusukela osukwini okuthi izinkonzo zezempiro seziqaliwe kumkhandlu yasekhaya ukuphathwa, unakekejo, ulawulo kanye negunya lokuthathwa kwezinqumo lezinkonzo zezempiro ezesemqoka kanye nabasebenzi kugcinwe ngumkhandlu wezempiro wesifunda ngaphansi kwesifunda esiphethwe ngokuhlukahlukana futhi ngaphansi kwamandla omkhandlu wendawo ukuze uwaphathe ngendlela efanele; futhi
- (e) U-MEC angachibiyela noma ahoxise ukndluliselwa/ukndluliswa njengoba kunikeziwe ngokusho kwesigaba 7(b) uma umkhandlu wezempiro wesifunda ofanelekile ungasazicini izidingo njengoba zibekiwe kuloMthetho.

Imiphumela yokndluliselwa kwezinonzo zezempiro kumasipala

19. (1) Kusukela osukwini okuthi ngalo izinkonzo zezempiro ezesemqoka zndluliselwe kumkhandlu wezempiro wesifunda ngaphansi kwalesi sahluko:-
 - (a) leyo mininingwane yezokuphatha kanye namanye amaphepha aphathelene nezinkonzo zonakekelo lwezempiro kufanele zndluliselwe kumasipala othintekayo; futhi
 - (b) ukuphathwa, unakekelo, ulawulo, amandla okuthatha izinqumo zezinonzo zonakekelo lezempiro, izidingo zokwenza umsebenzi kanye nabasebenzi kuzophathwa ngumkhandlu wezempiro wesifunda kuleso sifunda esiklanyiwe ngaphansi kokukwazi ukuphatha ngendlela efanele komkhandlu wendawo.
- (2) Ubunikazi kanye nokulawulwa kwempahla engasuswa ihambe noma engeke isuswe ihambe kanye nawo wonke amalungelo kanye nazo zonke izibopho okuthi ngaleso sikhathi ngaphambi kosuku lokndluliselwa amandla okuphathwa kwako ebe eku-MEC kanye nomnyango, kufanele abesekumkhandlu wezempiro wesifunda othintekayo ngaley mibandela kanye nezimo ezinjengeze-MEC, ngokuvumelana ne-MEC ephathelene nezezimali, bangaqalis, banikeze lobu bunikazi baleyo mpahla kuthi ngaphandle kwenkokhelo, babuyisele emuva kusifundazwe uma impahla ngokubona kwe-MEC, leyo mpahla ayisetshenziselwa ukusiza kwezempiro.
- (3) Impahla kuzofanele indluliselwe ngaphandle kwenkokhelo yezimali zokndluliselwa (transfer duty), izimali ezikhokhelwa isitembu (stamp duty) noma ezinye izimali.
- (4) Umbhalisi wamatayitela (Register of deeds) kufanele, ngemuva kokulethwa kuyena kwamatayitela athintekayo, asayne abhalise lawo matayitela bese kuthi lokho kufakwa kurejista yakhe njengoba kungabe kunesidindo ukuze kwenziwe lokho kndluliselwa.

ISAHLUKO 6

UKUKHOKHELA KANYE NOKU-ODITHA IZINKONZO ZEZEMPILO ZESIFUNDA

Ukukhokhelwa kwezinonzo zezempiro zesifunda

20. (1) Izinkonzo zonakekelo lwezempiro zesifunda kufanele zikhokhelwe kusabelo somnyango wezempiro wesifundazwe kanjalo namali engenile kuhulumeni wasekhaya ivela ezinkonzweni zezempiro zomasipala.
- (2) izimali zezinonzo zezempiro zesifunda kufanele zabiwe ngokulingana kuzifunda zezempiro ngu-MEC ngokusebeniza ifomula yokwaba izinto zokwenza umsebenzi ekufanele kwezinye zale zinto zokulinganisa ezilandelayo:-
 - (a) Ubungako babantu;

- (b) Ukusetshenziswa; kanye
 - (c) Izinhlelo zaminyaka yonke zezempilo zesifunda; kanye
 - (d) nanoma ikuphi okunye okufanelekile
- (3) Umkhandlu wezempilo wesifunda ngamunye kufanele, ngaphakathi kwezithiyo ezipbekwe ngumnyango, usebenzise ngendlela izimali ezikhonjelwe ukwethulwa kwezinkonzo zezempilo ezisemqoka.

Uku-oditha kwaminyaka yonke

21. (1) Umkhandlu wezempilo wesifunda ngamunye esifundazweni kufanele, ngezindleko zavo, minyaka yonke wenze uku-odithwa kwezimali kanye nokwenza umsebenzi wezinkonzo zezempilo zesifunda esingaphansi kwavo.
- (2) Umasipala kufanele ulethe umbiko ogcwele wonyaka ochaza izinto obuzenza ezeyanyaniswa nezinkonzo zonakekelo olusemqoka lwezempilo ngalowo nyaka wezimali womasipala.
- (3) Uku-odithwa kwaminyaka yonke kwezimali kanye nokwenza umsebenzi kwalowo nalowo mkhandlu wezempilo wesifundazwe kufanele kutholakale umakudingeka futhi ngemali efanelekile/ekahle kumalunga omphakathi.

ISAHLUKO 7:

IZIMISO EZIVAMILE

Imitheshwana

22. U-MEC angathi ngesaziso esifikwa kugazethi yesifundazwe abeke imitheshwana engaphikisana noMthetho kulezi zindaba ezilandelayo:-
- (a) inqubo kanye namazinga ezinkonzo ezisemqoka zonakekelo lezempilo;
 - (b) indlela yokuphatha kanye nezinqubo ezisebenzayo kumkhandlu wezempilo wesifunda;
 - (c) ifomethi yamapulani, imibiko kanye nemininingwane;
 - (d) ukundluliselwa kwezinkonzo zezempilo komaspala;
 - (e) ukwabiwa kwezinto zokwenza umsebenzi; kanye
 - (f) ngokuvamile, noma iluphi udaba u-MEC abona kunesidingo, kufanelekile noma kungumqondo ophusile ukuba lubekwe ngokusemhethweni ukuze kufezwe izinjongo zoMthetho.

Isihloko esifinqiwe nokuqaka ukusebenza kwavo

23. (1) LoMthetho kufanele ubizwe ngokuthi nguMthetho wezinkonzo zezempilo zesifunda eGauteng, 2000, futhi uzoqala ukusebenza osukwini olunqunywe nguNdunankulu ngokumemezelza kugazethi yesifundazwe.
- (2) Izinsuku ezahlukahlukene njengoba zibekiwe kusigatshana (1) zingasungulelwa izigaba ezahlukahlukene zaloMthetho.

ISHEDULI**AMANDLA KANYE NEMISEBENZI YEMIKHANDLU YEZEMPILO
YESIFUNDA**

Umkhandlu wezepilo wesifunda kufanele:-

1. Ubhekane nezimiso, ukuphathwa kanye nokunganyelwa kwezinkonzo zonakekelo lwezepilo olusemqoka olusebenza kahle kumiphakathi ehlala ezifundeni.
2. Ubhekane nokuhlela kanye nokulungiselela ukwethulwa kwezinkonzo zezempiro ezihanganisiwe endaweni yawo ogunyazwe kuyo.
3. Ukulungiselela izinhlelo zezempiro eziyumelanayo nomgomo kazwelonke kanye nesifundazwe futhi ukhombise ukuxhumana ezhinlelweni zomnyango womkhakha wezenhla kanye neminye imikhakha.
4. Ukuthula lezi zinhlelo ukuze zinconye ngu-MEC ozosayina lezi zinhlelo ngokubonisana no-MEC ebhekele ezohulumeni basekhaya.
5. Ukuthula umbiko ngamazinga ezempiro, ukunikezelwa kwenkonzo yezempiro kanye nezidingo zokwenza umsebenzi ku-MEC ngezikhathi ezithile ezizoshiwo yi-MEC.
6. Ukuqhamuka nezibopho, amasu kanye nezakhwiwo ezidingekayo zokuphathwa okufanele kwezinkonzo zonakekelo lezempilo olusemqoka kanye nezidingo zokwenza umsebenzi endaweni osebenza kuyo, ngaphakathi kwemigomo yezempiro eyisisekelo kazwelonke kanye nesifundazwe.
7. Ukwenza noma imiphi imisebenzi endluliselwe kuwo ngu-MEC, inqobo nje uma izidingo zokwenza lokho zikhona.
8. Ukubambisana ne-MEC kanye nomnyango ukuze kufezeke imigomo kanye nemikhuba kanye namazinga kazwelonke kanye nawesifundazwe.
9. Ukubanesibopho sokubheka kanye nokuqapha ukuqaliswa kokusebenza kwezinqumo zesifundazwe esifundeni sawo.

**IMEMORANDAMU NGEZINHLOSO ZOMTHETHO SIVIVINYO
WEZINKONZO ZEZEMPILO ZESIFUNDA EGAUTENG, 2000**

1. INHLOSO YOMTHETHOSIVIVNYO

1.1 Ngokusho kwesigaba 27 (1) kanye no (3) soMthethosisekelo, 1996 wonke umuntu unelungelo

lokuba nokufinyelela -

- (a) Ezinkonzweni zonakekelo lwezempiro, kubandakanya nonakekelo oluphathelene nokubeletha; futhi
- (b) Futhi akekho umuntu ongavimbelwa ukwelashwa kwezemithi okuphuthumayo.

1.2 Umthethosisekelo ubeka isibopho kumbuso sokuba wenze umthetho ofanelekile futhi uthathe nezinye izinyathelo ezingafinyeleka uma bebhaka izinto zokusebenza abanazo ukuze bakwazi ukufezekisa leli lungelo. Umthethosivivinyo uvela kuzidingo zomthethosisekelo futhi ulinga ukufezekisa izidingo zomthethosisekelo.

1.3 Ngokuhambisana nemigomo yezempiro, umkhakha okuyiwona ufanelekile kakhulu ekuthi kuwo izinkonzo zonakekelo olusemqoka lwezempiro zikwazi ukuthulwa, kukumkhakha kahulumeni wasekhaya. Ekufezekeni kwalomgomoinhloso yaloMthethosivivinyo ukuqinisekisa ukuthi izinkonzo zonakekelo lwezempiro olusemqoka ziyanikezelwa ngokohlelo lwezempiro lesifunda futhi ngokusabalalisa izinkonzo komasipala.

1.4 Ukuze kukhuthazwe ukuqaliswa kohlelo lwezempiro lwsifunda, uMthethosivivinyo uhlelela ukusungulwa kweforamu yokubonisana kuzona zonke izindaba ezeyanyaniswa nezempiro, ukuze kusungulwe imikhandlu yezempiro yesifunda kanye nezindaba ezingase zithuke zivel.

2. UKUBA NOMTHELELA EMPHAKATHINI

Ukusabalaliswa kwezinkonzo zonakekelo lwezempiro olusemqoka komasipala kulindeleke ukuba kuthuthukise ukwethulwa kwalezi zinkonzo kumiphakathi. Izizathu kube kungukuthi "abanikezelibezinkonzo" baseduze nemiphakathi futhi bayazi ngezidinga zemiphakathi.

3. INCAZELO NGOKWESIGATSHANA NGESIGATSHANA

3.1 Isahluko 1 soMthethosivivinyo siqukethe uhlui lezincazelo futhi siphathelene nokusebenza, ukuhunyushwa kanye nenhoso yoMthetho.

3.2 Isahluko 2 sihlelela ukusungulwa koMkhandlu wezeMpilo wesifundazwe njengeforamu yokubonisana phakathi kukahulumeni wesifundazwe kanye nowasekhaya ezindabenitezempiro esifundazweni. Isahluko futhi siphathelene neqhaza kanye nomsebenzi womnyango ngokuphathelene nokwethulwa kwezinkonzo eziemqoka zonakekelo lwezempiro.

3.3 Isahluko 3 sihlelela ukusungulwa kwezfunda zezempiro. Futhi siphathelene nokwakheka kanye namandla emikhandlu yezempiro yesifunda.

3.4 Isahluko 4 siphathelene nokusetshenziswa kwezimali ukuze kulethwe izinkonzo zonakekelo lezempiro olusemqoka, amandla omasipala ukuze bangene ezivumelwaneni ezithile kanye nasemandleni kanye nemisebenzi ka-MEC ngokuphathelene nokuphatwa kwemikhandlu yezempiro yesifunda. Lesi sahluko futhi siphathelene nokubheka kanye nokuhlolwa kohlelo lwezempiro lesifunda kanye nokushintshwa kwabasebenzi.

3.5 Isahluko 5 sihlelela ukusungulwa kohlelo lwezempiro lwsifunda kanye nokundlulisewa

kwemisebenzi. Lesi sahluko sihlelela ukundululisela kwezinkonzo ezisemqoka zonakekelo lezempilo kanye nemiphumela ngemuva kwalokho.

3.6 Isahluko 6 siphathelene nokunikezwa kwezimali kwezinkonzo zezempiro zesifunda kanye nokuodithwa kwaminyaka yonke.

3.7 Isahluko 7 siphathelene nezimiso esivamile ezifana nokumenyezelwa kanye nokumiswa kwemitheshwana kanye nesifinyezo kanye nokuqala ukusebenza koMthetho.

3.8 Isheduli iqukethe imisebenzi kanye nezibopho zemikhandlu yezempiro zesifunda.

4. EMINYE IMINYANGO KANYE NEMIKHANDLU EKUBONISWANE NAYO

Umnyango wezemtuthuko yezokuhlela kanye nohulumeni basekhaya eGauteng wathintwa ku-Whwhite Paper kanye nakuhlaka lomthethosivivinyo. Ukubonisana neziphatimandla kwensiwa ne-Gauteng Association of Local Authorities (GALA). Izinhlangano eziningi ezahlukahlukene (abomkhakha wezomphakathi kanye nabazimele) baphonsa esivivaneni ku-White Paper eyabe isiyenziwa umthetho ngemuva kwalomthethosisekelo.

5. OKUZOKWENZEKA NGOKWEZIMALI

Okuzokwenzeka ngokwezimali kuzoba umphumela wezikhungo ezsungulwe nguMthetho.

6. UMBALO OSEMTHETHWENI

Umbalo wesilungu walomthethosivivinyo yiwona mbalo osemthethweni.

NOTICE 5566 OF 2000**KGORO YA MAPHELO YA GAUTENG**

**MOLAOKAKANYWA WA DITIRELO TŠA MAPHELO
TŠA DILETE TŠA GAUTENG, 2000**

(BJALO KA GE O HLAGIŠITŠWE)

KE

(MOLEKGOTLAPHETHIŠO WA TŠA MAPHELO)

MOLAOKAKANYWA

Go fana ka tšwetšopele ya ditirelo tša tlhokomelo ya tša maphelo a tše bohlokwa ka peakanyo ya tša maphelo a tikologo Profenseng ya Gauteng; go fetišetša ditirelo tša tlhokomelo ya maphelo tša pele go bommasepala; go fana ka go hlongwa ga ditheo tše lebanego, go hlaloša maikarabelo a Mmušo ya Profense le wa Selegae le go fana ka ditaba malebana le tšona.

TLHAGIŠO

KA GE mang le mang a na le tokelo ya molaotheo go phihlelelo ya ditirelo tša tlhokomelo ya maphelo;

LE KA GE Mmušo wa Profense ya Gauteng e ikemišeditše go kwišišo ye e tšwelelago ya ditokelo tša molaotheo go tlhokomelo ya tša maphelo ka batho ba profense ye,

LE KA GE Mmušo wa Profense ya Gauteng o ineetše go kgonthišiša badudi bao ba phetšego gabotse ka go ba fa ditirelo tša maphelo tša go dumelega, tša theko ya fase, tše kgontšhago ye e phethegilego ka mokgwa wa neelo/phehliso ya Ditirelo tša Tlhokomelo ye Bohlokwa ya tša Maphelo ka tsela/mokgwa/peakanyo ya Maphele a tša Selete

KA BOBJALO E BEILWEGO SEMOLAO ke Lekgotlatheramolao la Profense la Profense ya Gauteng.

KGAOLO YA 1

DITLHALOŠO, TIRIŠO, TLHATHOLLO LE NEPO YA MOLAO WO

Ditlhalošo

1. Ka gare ga Molao o, ka ntle le ge diteng di laetša ka mokgwa o mongwe-

"Molaotheo" e ra Molaotheo wa Repabliki ya Afrika Borwa, 1996
(Molao 108 wa 1996)

"neana mellwane" e ra go abelana mellwane ye e swanago

"kgoro" e ra kgoro yeo e rwelego maikarabelo a ditaba tša maphelo Profenseng ya Gauteng

"lefelo la lekgotla la setereke" e šupa lefelo leo le laolwago ke bommasepala ba Khatekori A le C bao ba laeletšwego go ya ka mmušogae: Molao wa Dipopego tša Mmušo, 1998;

"Ditirelo tša Maphelo a Setereke" e šupa phethagatšo ya hlokomelo ya maphelo ya pele dikliniking,

"Lekgotlaphethišo"

mafelong a maphelo a setšhaba goba dipetleleng tša setereke, ka gare ga dilete tša maphelo.

"selete sa maphelo"

e ra Lekgotlaphethišo la Gauteng leo le hlomilwego go ya ka karolo 132 ya Molaotheo

"MEC"

e ra Leloko la Legotlaphethišo leo le rwelego maikarabelo a ditaba tša kalafo Profenseng ya Gauteng;

"mmasepala"

e ra sehlongwa se se bopago lekala la mmušoselegae go ya ka moo go akantšwego go Karolo 7 ya Molaotheo

"ditirelo tša maphelo tša mmasepala"

e ra ditirelo tša maphelo tše di fanwago ka fase ga Karolo B ya Šetulo 4 ya Molaotheo gomme e bopa karolo ya Tsela ya tša Maphelo a Selete;

"Laetšwa" e hhaloša go laetšwa ke molawana go ya ka karolo ya bo 22;

"tshepetšo ya maphelo a setšhaba"

e ra peakanyo ya tirelo ya naga ya tša maphelo (go akaretša ditirelo tše di fiwago ke Mmušogare, Mmušo wa Profense, Mmušoselegae, di-NGO/di-CBO le mekgatlo ya prebete);

"ditirelo tša tlhokomelo ya tša maphelo tša pele"

e ra ditirelo tša tlhokomelo ya tša maphelo ka bottlalo, go akaretša tlhokomelo ya tša maphelo ya go thibela, tšwetšapele, fodiša le ya tsošološo maloka le (go akaretša go ba le kabelo ga badudi; tirišano ya ka gare ga dikarolo; le tshepetšo ye e lekanego ya go šupetša);

"profense"	e ra Profense ya Gauteng go ya ka moo e-hlalošwago ka go karlo 103 ya Molaotheo;
"molawana"	e ra melawana ye mengwe le ye mengwe yeo e tsebišitšwego go ya ka karolo 2 ya Molao wo;
"Molao wo"	o akaretša melawana yeo e tsebišitšwego go ya ka Molao wo;

Tirišo ya Molao

2. Dikarolwana tša Molao wo di šomišwa Profenseng ya Gauteng ka gohle.

Tlhathollo ya Molao

3. Motho yo mongwe le yo mongwe yo a dirišago Molao wo o tla hlatholla dikarolo tša wona:-
 (a) go dira gore maikemišetšo a wona a šome; le
 (b) le go dumelana le Molaotheo, dipholisi tša setšhaba tša Molaotheo

Nepo ya Molao

4. Nepo ya Molao wo ke:-

- (a) Go kgonthiša karolo ya ditirelo tša tlhokomelo ya tša maphelo tsa kgauswane
- (b) Go fetiša tšwetšopele ya ditirelo tsa tlhokomelo ya tša maphelo go Mmušoselegae; le
- (c) Go hloma Taolo ya tša Maphele a Selete le go fana ka Peakanyo ya Maphele a Selete le ditaba tša go sepelelana le tšona
- (d) go kgontšha tshepedišo ya maphelo a setereke le ditaba tše di amanago mokgwa wa taolo le ditshepedišo tše di šomišwago bolaoding bja maphelo a setereke;

KGAOLO YA 2

TAOLO YA MAPHELO A PROFENSE, MEHOLA LE MEŠOMO YA KGORO YA MAPHELO

Go hlongwa ga Taolo ya Maphele a Profense

5. (1) Go hlomilwe mo bolaodi bja profense bja maphelo, bjoo e tla bago mokgatlo wa therišano gare ga Mmušo wa Profense le Mmušogae ka ditaba kamoka tseo di amanago le maphelo ka gare ga Profense.

(2) Bokagare, go bewa, go tlatšwa ga dikgoba, maatla, le mešomo ya Bolaodi bja Profense bja maphelo go tla laetšwa ke Leloko la Lekgotla Phethiši (MEC).

(3) Go se na taba le ditaetšo tša sekakarolo (2) Bolaodi bja Maphelo bja Profense bo tla tšeela hlogong melaotshepetšo ya maphelo, melaotlhakwa yeo e amanago le melaotshepetšo ya maphelo le ditaba tseo di amanago le ditirelo tša hlokomelo ya maphelo tša pele.

(4) MEC o bea batho ba sa fetego 10, bao ba tla tšeago karolo ditabeng tša maphelo, bjalo ka maloko a Bolaodi bja Maphelo a Profense go ya ka tshepedišo yeo e laeditšwego ke MEC.

(5) MEC ke mopresidente wa Bolaodi bja Maphelo bja Profense. Ge MEC e se go leloko leo le beilwego nako le nako ke MEC e tla ba lona mopresidente.

(6) Maloko a Bolaodi bja Maphelo bja Profense ga ba na tokelo ya go lefšwa ke Profense moputso ofe goba ofe goba mehola.

Maikarabelo a Kgoro

6. kgoro e tla kgonthiša gore ditirelo tša maphelo tša paale, tša go se kgethe le tša boleng bjo bo lokilego di tšwetšwapele go setšhaba le gore dithušo di šomišwa ka nepo go kgonthiša maemo a maphelo a kaonafetšego a badudi ba profense ka go thekga le go lebelela tlhabollo ya ditirelo tša tlhokomelo ya tša maphelo ya kgauswane le phetišetšo ya tšona go Pušoselegase

Mešomo ya Kgoro

7. Kgoro e tla:-

- (a) bopa le go phetha dipholisi tša maphelo a profense, maemo le molaotheo ka poledišano le Kgoro ya Tlhabollo le Peakanyo le Mmušo selegae le bommasepala
- (b) Go kgonthiša dikarolwana tša ditirelo tša maphelo ka gare ga profense
- (c) Thekga Mmušoselegae go kgonthiša gore dihlopha ditirelo tše bohlokwa di tšwetšwapele
- (d) Kgonthiša peakanyo le phethagatšo ya tshepetšo/tsela ya tshedimošo ya maphelo a profense

- (e) tšwetšapele ditheo tša thekgo ya tšelete, maano a kgohlaganyo, le tshepetšo ya go lekolela ditirelo tša tlhokomelo ya maphelo a selete ditšelete
- (f) lekola, go lekanya le go lebelela maemo a maphelo a badudi bjalo ka ge go akantšwe go ya ka karolo 14 ya Molao wo le go
- (g) lemoga badudi bao ba lego mathateng gomme babolela le bona dinyakwa tša bona tše itsegó gammogo le Balaodi ba Maphelo a Selete

KGAOLO YA 3

DILETE TŠA MAPHELO LE TAOLO YA DILETE TŠA MAPHELO

Go hlongwa ga dlete tša maphelo

8. MEC e tla, ka tsebišo ya kuranta ya profense:

- (a) Ka therišano le Leloko la Lekgotla Phethiši leo le rwelego maikarabelo a mmušogae, go hlongwe khotheminase ya maphelo a gae le bommasepala ba bangwe le ba bangwe ba khatekori ya A le C;
- (b) ka morago ga go rerišana le Lekgotlaphethišo, a laetša mellwane ye dlete tša maphelo ka gare ga Profense ka tsebišo ya Kuranta ya Profense,
- c) Morago ga go rerišana le Lekgotla Phetiši, go phethwe ka mellwane ya maphelo a setereke; le

Go hlongwa le tlhamo ya taolo ya maphelo a selete

9. (1) MEC ka morago ga go rerišana le bommasepala ka moka ka gare ga dlete tša maphelo le ka morago ga go rerišana le leloko la Molekgotlaphethišo yoo a nago le maikarabelo a Mmušoselegae, ka tsebišo ya Kuranta ya Profense o tla hloma taolo ya maphelo a selete seleteng se sengwe le se sengwe sa maphelo
- (2) Bolaodi bjo bongwe le bjo bongwe bja maphelo a setereke bo na le maloko a mantši go ya ka moo Leloko la Lekgotla Phethiši le phethilego morago ga go rerišana bjalo ka ge go boletšwe ka karolwaneng ya bo (1).

(3) Bolaodi bja Maphelo a Setereke bo na le maloko a lekgotla la mmasepala wa methrophilithene le makgotla a mmasepala wa setereke.

(4) Maloko a bolaodi bja maphele bja setereke ga a na tokelo ya go lefšwa ke Profense goba go fiwa dipuseletšo.

Maatla le mešomo ya taolo ya maphelo a selete

10. Taolo ya Maphelo a Selete e tla ba le maatla le mešomo bjalo ka ge go laeditšwe go Šetulo ya Molao wo.

KGAOLO YA 4

TAOLO YA TSHEPETŠO YA MAPHELO A SELETE

Tšhomis̄o ya kabo ya tšhelete ye e kgethilwego

11. Mmasepala o tla kgonthiša gore matlotlo ao hwetšwago go tšwa go Kgoro a šomišetšwa fela malebana le tšwetšopele ya ditirelo tša tlhokomelo ya maphelo ya pele.

Maatla a go tsena ditumelelanong

12. Mmasepala wo mongwe le wo mongwe ka kgopelo ya taolo ya maphelo a selete, ka ditherišano le Kgoro le go ya ka melawana ye e tsebagaditšwego go ya ka Molao wo, le ge e le gore go na le theramelao ye maleba, o na le maatla a go tsena ditherišanong le-

- (a) bathuši ba tlhokomelo ya kalafo ba setšhaba goba ba praebetē go e kgontšha go dira le go phethagatša mešomo ya yona go ya ka Molao wo; le
- (b) balaodi ba maphele a selete a kgauswi ka mabaka a go fokotša tiro le phethagatšo ya mešomo le maikarabelo go ya ka Molao wo

Maatla le mešomo ya MEC malebana le taolo ya maphelo a selete

13. MEC e tla

- (a) tšwetšapele ka gare ga maemo a itšego tlhabollo, tlhahlo, le dithekgo tše dingwe tša setekniki go ditaolo tša maphelo a selete ka moka ka gare ga Profense;
- (b) lebelela le go akanyetša go phethagatšwa ga maano le mananeo a ditaolo tša maphelo a selete; le
- (c) ikemišetša mošomo o mongwe le wo mongwe woo o legobohlokwa go hloma, akanya le go phetha bolaodi bja

maphelo a selete go kgonthiša tšwetšopele ya ditirelo tša maphelo ye e kgontshago

Tebelelo le kakanyetšo ya tshepetšo ya maphelo a selete

14. (1) MEC o tla-

- (a) kgonthiša, bediredi le ditšelete tše di lego gobna, gore Kgoro e kgone go kaonafatša maemo a profense a tekanyetšo ya maphelo le tiro
 - (b) Thuša ditaolo tša Maphelo a Selete ka tlhabollo ya tšwetšopele ya peakanyo ya tshedimošo ya maphelo a selete tše di bopago karolo ya peakanyo ya tshedimošo ya maphelo a profense tše di tshaolo tša Maphelo a Selete di tla swanelago ke go fana ka tshedimošo ya mokgwa woo o laeditšwego le ka moo go nyakwago ke MEC.
 - (c) Laetša kgoro go rulaganya le go gatiša pego ye nngwe le ye nngwe yeo e hlokwago go ya ka karolo ye,
- (2) Bolaodi bja setere bja maphelo bo tla hlapetša le go lekanyetša maemo a maphelo a setšhaba le go kgontša phethagatšo ya ditirelo tša hlokomelo ya maphelo tša pele le go lokiša pego ya ngwaga, goba ka dikgala tše dingwe goba matšatši ao a boletswego ke MEC, go MEC ka wona.
- (3) MEC o tla re nako ye nngwe le ye nngwe a bea maemo a go tšwetšapele tšwetšopele ya ditirelo tša tlhabollo ya maphelo thereonmaphelomaemo a maphelo a setšhaba le tekanyetšo le

Badiredi

15 (1) Phethišetšo ya badiredi e tla laolwa go ya ka Molao wa Dikamano tša Bašomi, wa 1999 (Molao 66 wa 1995) le molaokakanywa wo mongwe le wo mongwe woo o šomišwago go theramolao

(2) MEC e tla ka therišano le MEC ya Peakanyo ya tša Tlhabollo le Mmušoselegae a laetša dipeakanyo tša phetogo tše di ka hlokega go phethagatša tšwetšopele Molao wo

KGAOLO YA 5

PEAKANYO YA MAPHELO A SELETE LE MAATLAKAKARETŠO LE MEŠOMO YA MOLEKGOTLAPHETHIŠO (MEC)

Go hlongwa ga Ditirelo tša Maphelo a Selete

- 16. Go hlomilwe Peakanyo ya Maphelo ya Dilete tša Gauteng go tšwetšapele ditirelo tša tlhabollo ya kgauswane ya maphelo**

Baromedi

17. Go tlaleletša maatla a mangwe ao a filwego MEC ke Molao wo goba molawana ofe goba ofe, MEC e ka no: -

- (a) fa maatla go taolo ye nngwe le ye nngwe go ya ka Molao wo, ntle le maatla a go bea melawana, yeo e sa sepelelanego le mmasepala wa maleba gomme a ka tloša kemedi ye bjalo ya taolo nako ye nngwe le ye nngwe
- (b) laeleta bolaodi bofe goba bofe go ya ka Molao wo ka ntle le maatla a go dira melawana, go mohlankedi ofe goba ofe wa maleba ka gare ga Kgoro gomme a ka no fedisa gape taelelo ye bjalo nako ye nngwe le ye nngwe.

Phetišetšo ya ditirelo tša maphelo tše bohlokwa go bommasepala

18 MEC e tla:-

- (a) phetha mekgwa ka melawana ya tšhutišetšo ya ditirelo tša maphelo tša pele go tloga go Bolaodi bja Profense go ya go bommasepala;
- (b) fetiša, godimo ga kgopelo ya Taolo ya tša Maphelo ya Selete le go ya ka molaotheo le MEC yeo e rwelego maikarabelo a Mmušoselegae, taolo ya dipeo tše di hlahošitšwego tša ditirelo tša maphelo go tloga ka tšatšikgwedi leo go boletšego ka lona tsebišong.
- c) netefatša gore ditirelo tša maphelo tša pele di tšwa ka tsela yeo e swanago, yeo e sa fihlego selo le yeo e nago le maikarabelo.
- d) Kgonthišiša go tloga ka tšatšikgwedi leo ditirelo tša tlhokomelo ya tša maphelo le fetedišitšwego go pušoselegae ka lona, taolo, tlhokomelo, tshepedišo le taolophethišo ya ditirelo tša kalafo tše bohlokwa le badiredi bao ba direlago Taolo ya Maphelo a Selete ka gare ga dilet e tše kgaotšwego mellwane le ka gare ga maatla a Pušoselegae go di laola ka tshwanelo;
- e) Khonthišiša gore taolo, tlhokomelo le taolophethišo ya bašomedi le tšetšopele ya ditirelo tša tlhokomelo ya maphelo ye bohlokwa e ka fase ga mmasepala wo o amegago.

Ditlamorago tša go fetišetša Ditirelo tša Maphelo go Bommasepala

19 (1) Go tloga ka tšatšikgwedi leo ditirelo tša tlhokomelo ya tša maphelo tša pele di fetišetšwago go Taolo ya Maphelo a Selete ka fase ga Kgaolo ye:-

- (a) dipego tše tša taolo le ditokumente tše dingwe tše di amanago le ditirelo tša tlhokomelo ya tša maphelo tša pele di tla fetišetšwa go Mmasepala woo o amegago gomme
- (b) taolo, tlhokomelo, tshepetšo le taolophethišo ya ditirelo tša kalafo tše bohlokwa, taolophethišo ya taolo ya tša maphelo a selete, Meago le badiredi di tla bewa le Taolo ya Maphelo a

Selete ka gare ga selete seo se kgaotšwego mellwane le ka gare ga maatla a Pušoselegae go di laola ka tshwanelo.

(2) bong le taolo ya thoto yeo e šuthago le ye e sa šuthego le ditokelo le maikarabelo ka moka ao ka bjako pele ga tšatšikgwedi la phethišetšo di tla laolwa ke MEC le Kgoro, di tla fetišetšwa go taolo ya tša maphele a selete seo se amegago go ya ka tumelelo le maemo a MEC, ka kwano ya MEC yeo e rwelego maikarabelo a tša Ditšelete, a ka laetša, ge e ba bong bja thoto yeo bo tla ntle le tefo, bja boela morago go Profense ge e ba thoto go ya ka kgopolole ya MEC ga e šomišwe ka dikgahlego tša maphele

(3) Thoto e tla fetišetšwa ntle le tefo goba motšhelo wa phetišetšo, setempe sa molao goba tšelete ye nngwe le ye nngwe.

(4) Mongwadiši wa bong o tla, godimo ga go neelwa lengwalo la bong leo le amegago, a saena lengwalo leo la bong le go ngwala dilo tše bjalo ka ka gare ga rejistara ya gagwe ka ge go hlokega go phethagatša phetišo yeo e amegago.

KGAOLO YA BO 6:

GO THUŠA KA DITŠHELETE LE HLAKIŠO YA DITIRELO TŠA MAPHELO TŠA SETEREKE

Go thuša ditirelo tša maphele tša setereke ka ditšelete

20. (1) Ditirelo tša hlokomo ya maphele tša setereke di thušwa ka ditšelete go tšwa dikabelong tša Kgoro mmogo le go motšhelo wa bommasepala.
- (2) Ditšelete tša ditirelo tša maphele tša setereke di tla abiwa ka go lekalekana gare ga ditereke tša maphele ke MEC ka mokgwa wa go abela methopo, woo o hlalošitšwego ke melawana woo o tla thewago gare ga tše dingwe, godimo ga mekgwa yeo e latelago:-
- (a) bogolo bja setšhaba
 - (b) tirišo
 - (c) le maemo a mangwe a bohlokwa
 - (d) ntlhe ye nngwele ye nngwe ya maswanedi
- (3) Taolo ya Maphele a Selete ye nngwe le ye nngwe e tla, ka gare ga dikgaolo tše dingwe ya hlongwa ke Kgoro, ya šomiša ditšelete tše di

akantšwego ka mo go lebanego gio tšwetšapele ditirelo tsa tlhokomelo ya maphelo.

Tlhakišo ya ngwaga ka ngwaga

21 (1) Mmasepala wo mongwe le wo mongwe o tla, ka ditshenyegelo tša wona, wa dira ditlhakišo tša ditirelo tša maphelo tša selete sa wona ka fase ga taolo.

(2) Mmasepala o swanetše go hlagiša pego ye e tletšego ya ka ngwaga yeo e hlalošago ka botlalo ditiro tše di amanago le ditirelo tša tlhokomelo ya maphelo ya pele nakong tša ngwaga wa ditšhelete wa mmasepala;

(3) Ditlhagišo tša ka ngwaga tša ditšhelete le tša tiro tša mmasepala wo mongwe le wo mongwe di tla hwetšagala ka kgopelo ka theko ye e kwalago go badudi bao ba nago le kgahlego.

KGAOLO YA BO 7:

DITAETŠO TŠA KAKARETŠO

Melawana

22. MEC ka go tsebiša ka Kuranteng ya Mmušo ya profense e ka no fa melawana yeo e sa sepelelanego le Molao wo ka ditaba tše di latelago:-

- (a) pego ya dingongorego ka ditirelo tša tlhokomelo ya maphelo tše bohlokwa;
- (b) Ditele tša taolo le ditshepedišo tše di ka šomišwago ke balaodi ba maphelo a setereke;
- (c) tlhamo ya merero, dipego le tshedimošo
- (d) phetišetšo ya ditirelo tša maphelo go bommasepala
- (e) kabo ya methopo
- (f) ka kakaretšo, taba ye nnge le ye nngwe yeo MEC a gopolago e le bohlokwa, go e šomiša goba a kwago go e hlaloša go phetha ditebo tsa Molao wo.

KGAOLO YA 8

DIPEAKANYETŠOKAKARETŠO

Thaetlele ye kopana le mathomo

23. (1) Molao wo o bitšwa Molao wa Ditirelo tša Maphelo wa Dilete wa Gauteng, 2000, gomme o tla thoma go dirišwa ka letšatši leo le beakantšwego ke Tonakgolo ke tsebišo ya kuranta ya Profense.
- (2) Matšatšikgwedi go ya ka moo a akantšwego karolwaneng ya (1) a ka laetšwa ka dikarolo tša go fapan tša Molao wo.

ŠETULO

MAATLA LE MEŠOMO YA BALAODI BA MAPHELO BA SETEREKE

Taolo ya maphelo a selete e tla:-

1. Ba le maikarabelo a peakanyetšo, taolo le pušo ya ditirelo tša tlhokomelo ya maphelo tša pele tša go kwišišega go badudi dileteng tša bona,
2. Ba le maikarabelo a go beakanya le go thuša tšwetšopele ya ditirelo tša maphelo tše kopantšwego ka gare ga ditikologo tša tšona tša semolao
3. Rulaganya merero ya maphelo yeo e kwanago le melao ya morero / pholisi ya Setšhaba le ya Profense le go bontšha kopanyo ya dikgoro tša makala a leago le makala a mangwe
4. Neela merero ye go tumišwa ke MEC yoo a tlago dumelela merero ye ka therišano le Mec yoo a nago le maikarabelo a Mmušoselegae
5. Neela dipego ka maemo a maphelo, peakanyo ya ditirelo tša maphelo le tšomišo ya dithušo go MEC ka dipaka tše di tlago tiiša ke MEC.
6. Laetša maikarabelo, mekgwa le dibopego tše di hlokegago mabapi le taolo ye e phethagetšego ya ditirelo tša tlhokomelo ya maphelo ya pele le dithušo tše di lego ka gare ga tikologo ya taolo
7. Dira mošomo wo mongwe le wo mongwe woo o fetetšwago ke MEC, ka go ba gona ga dithušo
8. Dirišana le MEC le Kgoro go phethagatša ponagatšo ya pholisi ya setšhaba le ya profense le ditebo le ditenanyo
9. Ba le maikarabelo a go lebelela le go laola tlhamo ya diphetho tša Profense le ka gare ga selete.

MEMORANTAMO WA MAIKEMIŠETŠO A MOLAOKAKANYWA WA DIRITELO TŠA MAPHELO A SETEREKE WA GAUTENG, 2000

1. MAIKEMIŠETŠO A MOLAOKAKANYWA

- 1.1 Go ya ka karolo ya bo 27 (1) le (3) ya Molaotheo, 1996 motho yo mongwe le' yomongwe o'na le tokelo ya go humana –
- (a) Ditirelo tša maphelo, go tsenya ka gare hlokomelo ya maphelo a tswalo; le
 - (b) Ga go motho yoo a tla ganetšwago ka kalafo ya bongaka ya tshoganyetšo.
- 1.2 Molaotheo o fa Mmušo boitlamo bja go tšea magato ao a kwalago a kgonthe le a mangwe ka gare ga methopo ya wona yeo e lego gona go kgona go phethgatša ditokelo tše ka mokgwa woo o tšwelago pele. Molaokakanywa wo o thomile boitlamong bja bja molaotheo gomme o bolela gore o fa dinywakwa tša molaotheo maatla.
- 1.3 Go ya ka melaotshepetšo ya Profense ya Maphelo, kgato ya maswanedi kudu yeo go yona ditirelo tša hlokomelo ya maphelo tša pele di ka phethagatšwago, ke kgato ya mmušogae. Go diragatša molaotshepetšo wo maikemišetso a Molaokakanywa ke go netefatša gore ditirelo tša hlokomelo ya maphelo ya pele di fiwa ka tshepedišo ya maphelo a setereke le ka go iša ditirelo go bommasepala.
- 1.4 Go nolofatša go diragatšwa ga tshepedišo ya maphelo a setereke, Molaokakanywa o kgontšha go hlongwa ga foramo ya ditherišano ka ditaba kamoka tša go amana le maphelo, gore go hlongwe bolaodi bja maphelo a setereke le ditaba tša sewelo

2. THULANO PHEDIŠANONG

Go išwa ga ditirelo tša maphelo tša pele go bommasepala go lebeletšwe gore go tla kaonafatša go phethagatšwa ga ditirelo tše go setšhaba. Mabaka ke gore "baabi ba ditirelo" ba kgauswi kudu le ditšhaba gomme ba tseba díhloko tša ditšhaba.

3. HLAOŠO YA LEFOKWANA KA LEFOKWANA

- 3.1 Kgaolo ya pele ya Molaokakanywa e na le lenaneo a dihlalošo gomme e bolela ka tšhomisego, phetolelo le maikemišetšo a Molao.
- 3.2 Kgaolo ya bo 2 e kgontšha go hlongwa ga Bolaodi bja Maphelo bja Profense bjalo ka foramo ya ditherišano gare ga Mmušo wa Profense le wa Gae ka ditaba tša maphelo ka gare ga Profense. Kgaolo e bolela gape ka karolo le mešomo ya Kgoro mabapi le phethagatšo ya ditirelo tša hlokomelo ya maphelo tša pele.
- 3.3 Kgaolo ya bo 3 e kgontšha go hlongwa ga ditereke tša maphelo. E bolela gape ka go bopšwa le maatla a bolaodi bja maphelo a setereke.

3.4 Kgaolo ya bo 4 e bolela ka tšomiso ya matlotlo a phethagatšo ya ditirelo tša maphelo tša pele, maatla a bommasepala go tsena dikwanong tše dingwe le maatla le mešomo ya MEC mabapi le taolo ya balaodi bja maphelo bja setereke. Kgaolo ye e bolela gape ka hlapetšo le tekanyetšo ya tshepedišo ya maphelo a setereke le tšhutišetšo ya badiredi.

3.5 Kgaolo ya bo 5 e kgontšha go hlongwa ka tshepedišo ya maphelo a setereke le taetšo ya mešomo. Kgaolo ye e kgontšha tšhutišetšo ya ditirelo tša maphelo a pele go bommasepala le ditlamorago tša gona.

3.6 Kgaolo ya bo 6 e bolela ka go thuša ditirelo tša setereke tša maphelo ka ditšhelete le hlakišo ya ngwaga.

3.7 Kgaolo ya bo 7 e bolela ka ditaetšo tša kakaretšo tša go swana le go tšweletšwa pelele go diwa molao ga melawana le thaetiele ye kopana le go thoma ga Molao.

3.8 Šetulo e na le mešomo le maikarabelo a balaodi ba maphelo ba setereke.

4. DIKGORO TŠE DINGWE LE MEKGATLO YEO E RERIŠITŠWEGO

Kgoro ya Maano a Tswetšopele ka Gauteng e rerišitšwe ka Pampiri ye Tšhwēu le Molaokakanywa. Ditherišano tša phethišo di be di swerwe le Mokgatlo wa Gauteng wa Bolaodi bja Gae (GALA). Mekgatlo ye mentši kudu (setšhaba le makala a praebete) e dirile ditsenyo ka Pampiri ye Tšhwēu, yeo ka morago e ilego ya fetolelwā go ba molaotlhakwa ka Molaokakanywa.

5. GO RA GO RENG KA TŠA DITŠHELETE

Ga se go lebelelwē tša ditšhelete tša tlaleletšo tše bohlokwa tša Profense.

6. SENGWALWA SA SEMMUŠO

Sengwalwa sa Molaoakakanywa wo sa semmušo ke sa Seisimane.

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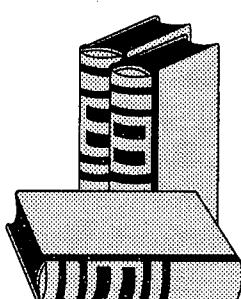
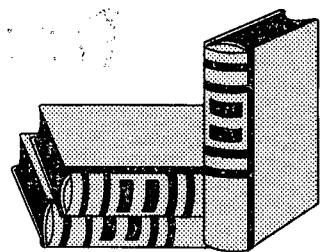
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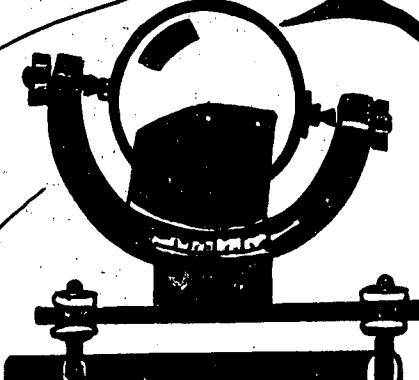


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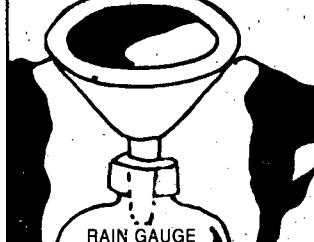
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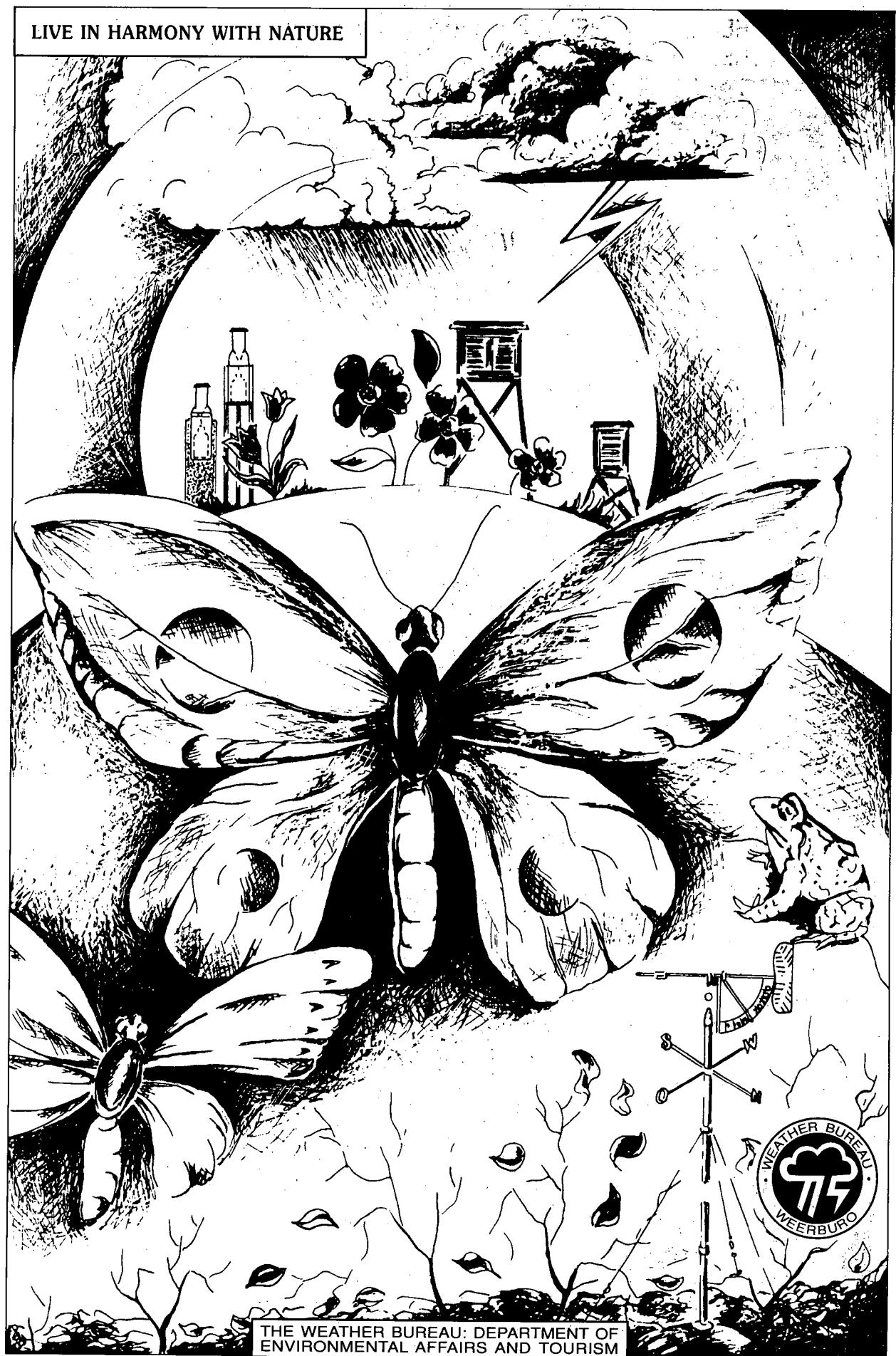
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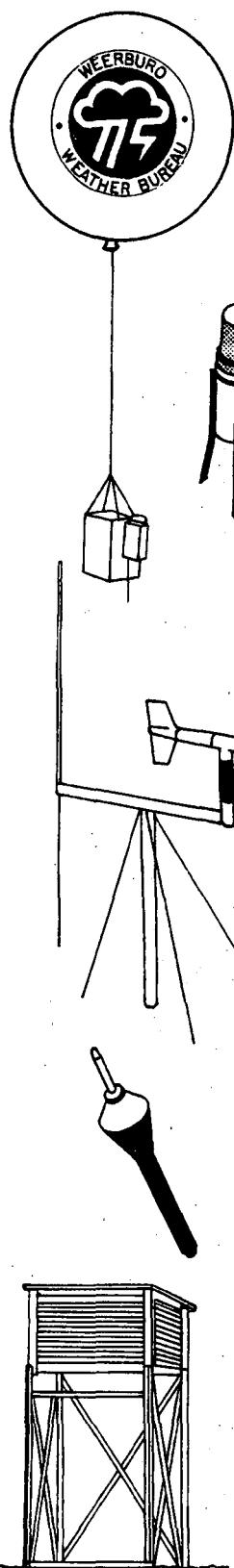
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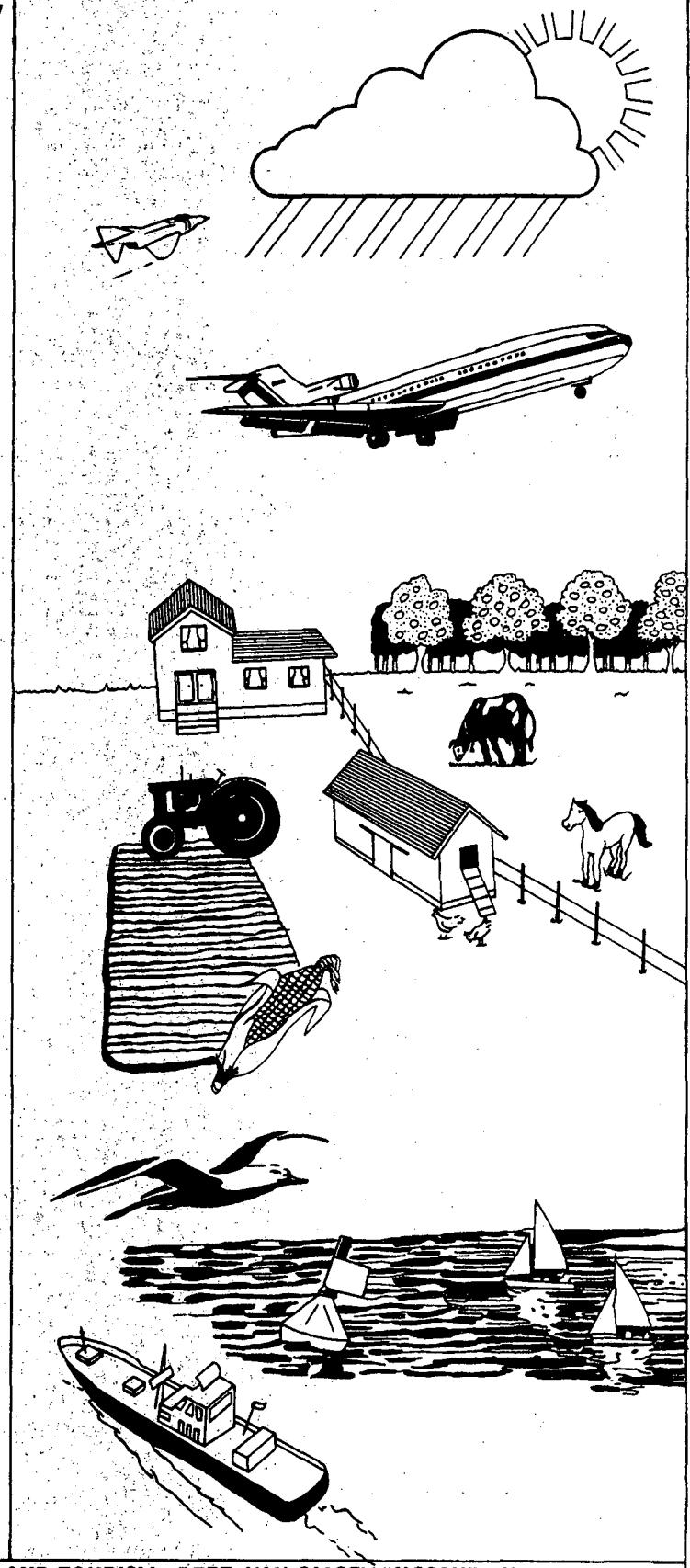
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