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PROVINCIAL NOTICE

The following draft Bill is hereby published for general information:

Western Cape Hospitals Ordinance Amendment Bill

P.N. 38/2004

27 February 2004

The Provincial Minister of Health intends amending the Hospitals Ordinance, 1946. Interested parties are therefore invited to provide comment on the Amendment Draft Bill on or before 29 March 2004. All comments may be submitted:

- (a) by posting it to:
Adv A. Searle
Department of Health
P.O. Box 2060
Cape Town
8001
- (b) by e.mail to:
asearle@pgwc.gov.za
- (c) by fax to:
Adv A. Searle
(021) 483-3205

Mr A. Searle
Directorate: Policy and Planning

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

PROVINSIALE KENNISGEWING

Die volgende konsep Wetsontwerp word hierby vir algemene inligting gepubliseer:

Wes-Kaapse Wysigingswetsontwerp op die Ordonnansie op Hospitale

P.K. 38/2004

27 Februarie 2004

Die provinsiale Minister van Gesondheid is van voorneme om die Ordonnansie op Hospitale van 1946 te wysig. Belangegroep word derhalwe uitgenooi om kommentaar op die Konsep-wetsontwerp te lewer voor of op 29 Maart 2004. Alle kommentaar moet gestuur word:

- (a) deur dit te pos aan:
Adv A. Searle
Departement van Gesondheid
Posbus 2060
Kaapstad
8001
- (b) deur dit te e.pos aan:
asearle@pgwc.gov.za
- (c) deur dit te faks aan:
Adv A. Searle
(021) 483-3205

Mnr A. Searle
Direktoraat: Beleid en Beplanning

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

DRAFT BILL

To amend the Hospitals Ordinance, 1946, to provide for the appointment of an Executive Officer for a provincial hospital or group of hospitals; and to provide for matters incidental thereto.

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

Amendment of section 32 of Ordinance 18 of 1946, as amended by section 2 of Ordinance 11 of 1972

1. Section 32 of the Hospitals Ordinance, 1946 (hereafter referred to as the Ordinance) is amended by the substitution for subsection (1) of the following subsection: 5

“(1) Subject to the provisions of subsection (3), the control and supervision of all the medical aspects of the treatment of patients at every provincial hospital shall be vested in a medically qualified whole-time or part-time Medical Superintendent who, from an employment point of view, shall [himself] be subject to the control and supervision of the [Regional Medical Superintendent of the region for the group in which such hospital has been classified] Executive Officer concerned appointed in terms of section 32A [31(4)].” 10

Insertion of section 32A in Ordinance 18 of 1946 15

2. The following section is inserted after section 32 of the Ordinance:

“**Appointment of Executive Officer**

32A. (1) Notwithstanding section 32 but subject to subsection (3), the Director must appoint an Executive Officer for a provincial hospital or a group of provincial hospitals determined by the Director who will be responsible for the administrative, financial, human resources and facilities management of the hospital or hospitals concerned. 20

(2) An Executive Officer may be, but need not be, medically qualified.

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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KONSEPWETSONTWERP

Tot wysiging van die Ordonnansie op Hospitale, 1946, om voorsiening te maak vir die aanstelling van 'n Uitvoerende Beampte vir 'n provinsiale hospitaal of groep hospitale; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 32 van Ordonnansie 18 van 1946, soos gewysig by artikel 2 van Ordonnansie 11 van 1972

- 5 1. Artikel 32 van die Ordonnansie op Hospitale, 1946 (hierna die Ordonnansie genoem) word gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- 10 “(1) Behoudens die bepalings van subartikel (3) berus die beheer en toesig oor al die mediese aspekte van die behandeling van pasiënte by elke provinsiale hospitaal by 'n medies gekwalifiseerde voltydse of [’n] deeltydse mediese superintendent wat, uit 'n diensoogpunt, [weer] onderworpe is aan die beheer en toesig van die [streek-mediese superintendent van die streek vir die groep waarin sodanige hospitaal ingedeel is] betrokke Uitvoerende Beampte aangestel ingevolge artikel [31(4)] 32A.”.

Invoeging van artikel 32A in Ordonnansie 18 van 1946

- 15 2. Die volgende artikel word na artikel 32 van die Ordonnansie ingevoeg:

“Aanstelling van Uitvoerende Beampte

- 20 **32A.** (1) Ondanks artikel 32 maar behoudens subartikel (3) moet die Direkteur 'n Uitvoerende Beampte aanstel vir 'n provinsiale hospitaal of 'n groep provinsiale hospitale deur die Direkteur bepaal, wat verantwoordelik sal wees vir die administratiewe, finansiële, menslikehulpbron- en fasiliteitsbestuur van die betrokke hospitaal of hospitale.

(2) 'n Uitvoerende Beampte kan medies gekwalifiseer wees, maar dit is nie 'n vereiste nie.

(3) An Executive Officer has no control or supervision over the medical treatment or therapy of patients, the medico-legal functions or the determination of the medical protocols of the provincial hospital or hospitals concerned.

(4) An Executive Officer is under the direct control of the Director.

(5) From the date on which the Western Cape Hospitals Ordinance Amendment Act, 2004, comes into operation, a Medical Superintendent appointed in terms of section 32 of this Ordinance—

(a) Is an Executive Officer contemplated by subsection (1) for the provincial hospital or hospitals concerned, and

(b) ceases to be the Medical Superintendent for that provincial hospital or those hospitals.”.

Amendment of section 34 of Ordinance 18 of 1946

3. Section 34 of the Ordinance is amended by the substitution for subsection (1) of the following subsection:

“(1) Every Executive Officer and Medical Superintendent shall be provided with such clerical and other staff as may be considered by the Administration for the efficient carrying out of the duties and responsibilities assigned to [him] them by this Ordinance.”.

Short title and commencement

4. This Act is called the Western Cape Hospitals Ordinance Amendment Act, 2004, and comes into operation on a date fixed by the Premier by Proclamation in the *Provincial Gazette*.

(3) 'n Uitvoerende Beampte het geen beheer of toesig oor die mediese behandeling of terapie van pasiënte, die regsgeneeskundige funksies of die vasstelling van die mediese protokolle van die betrokke provinsiale hospitaal of hospitale nie.

5 (4) 'n Uitvoerende Beampte is onder die direkte beheer van die Direkteur.

(5) Vanaf die datum waarop die Wes-Kaapse Wysigingswet op die Ordonnansie op Hospitale, 2004, in werking tree, sal 'n Mediese Superintendent wat ingevolge artikel 32 van hierdie Ordonnansie aangestel word—

- 10 (a) 'n Uitvoerende Beampte beoog by subartikel (1) vir die betrokke provinsiale hospitaal of hospitale wees, en
(b) ophou om die Mediese Superintendent vir daardie provinsiale hospitaal of hospitale te wees.”.

15 Wysiging van artikel 34 van Ordonnansie 18 van 1946

3. Artikel 34 van die Ordonnansie word gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- 20 “(1) Elke Uitvoerende Beampte en Mediese Superintendent moet voorsien word van die klerklike hulp en ander personeel wat die Administrasie nodig ag vir die doeltreffende uitoefening van die pligte en verantwoordelikhede wat by hierdie Ordonnansie aan [hom] hulle toegewys word.”.

Kort titel en datum van inwerkingtreding

4. Hierdie Wet heet die Wes-Kaapse Wysigingswet op die Ordonnansie op Hospitale, 2004, en tree in werking op 'n datum wat die Premier by Proklamasie in die *Provinsiale*
25 *Koerant* bepaal.