

Provincial Gazette Extraordinary

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DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Western Cape Health Care Waste Management
Draft Bill 2

The Minister of Environmental Affairs and Development Planning is hereby publishing the Western Cape Health Care Waste Management Draft Bill for public comment.

Copies of the Bill can be obtained from:

- Communication Component, Department of Environmental Affairs and Development Planning
- http://www.capegateway.gov.za/eng/pubs/draft_bills/2004

Written comments on the draft bill must be mailed, e-mailed or faxed, no later than 12 March 2005 to the following:

Post: The Deputy Director: Waste Management
Attention: Mr E. Hanekom
Department of Environmental Affairs and Development Planning
Private Bag X9086
CAPE TOWN
8000

E-mail: ehanekom@pgwc.gov.za

Fax no. (021) 483-4425/2979

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

P.K. 255/2004 9 Desember 2004

DEPARTEMENT VAN OMGEWINGSKE EN ONTWIKKELINGS- BEPLANNING

Wes-Kaapse Konsepwetsontwerp op die Bestuur van Gesondheidsorgafval 6

Die Minister van Omgewingsake en Ontwikkelingsbeplanning publiseer hiermee die Wes-Kaapse Konsepwetsontwerp op die Bestuur van Gesondheidsorgafval vir openbare kommentaar.

Eksemplare van die konsepwetsontwerp is verkrygbaar by:

- Kommunikasiekomponent, Departement van Omgewingsake en Ontwikkelingsbeplanning
- http://www.capegateway.gov.za/eng/pubs/draft_bills/2004

Geskrewe kommentaar op die konsepwetsontwerp moet voor of op 12 Maart 2005 per pos, e-pos of faks gestuur word aan die volgende:

Pos: Die Adjunktdirekteur: Afvalbestuur
Aandag: Mnr E. Hanekom
Departement van Omgewingsake en Ontwikkelingsbeplanning
Privaatsak X9086
KAAPSTAD
8000

E-pos: ehanekom@pgwc.gov.za

Fax no. (021) 483-4425/2979

Ibhaliswe ePosini njengephephandaba

IZIQUATHO

P.N. 255/2004 9 Disemba 2004

ISEBE LEMICIMBI YENDALO NOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO

Umthetho Osayilwayo Wokulawula Inkunkuma Yeziko Lezempilo 11

UMphathiswa wezeMicimbi yeNkcubeko noCwanciso loPhuhliso apha upapasha iBhili iWestern Cape Health Care Waste Management Draft Bill ukwenzela ukuba wonke ubani anike uluvo lwakhe.

IiKopi zale Bhili zifumaneka kwi:

- ICandelo loNxibelelwano, Department of Environmental Affairs and Development Planning
- http://www.capegateway.gov.za/eng/pubs/draft_bills/2004

Kufuneka zithunyelwe ngeposi, nge-imeyili okanye zithunyelwe ngefaksi iziphakamiso ungedlulanga umbala we-12 kuMatshi 2005 kule dilesi ilandelayo:

NgePosi: The Deputy Director:
Waste Management
Attention: Mr E. Hanekom
Department of Environmental Affairs and Development Planning
Private Bag X9086
CAPE TOWN
8000

Imeyili: ehanekom@pgwc.gov.za

Inomb yefaksi (021) 483-4425/2979

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LIBRARY**

PROVINCIAL NOTICES

The following Provincial Notice is published for general information.

G. A. LAWRENCE,
DIRECTOR-GENERAL

Provincial Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

G. A. LAWRENCE,
DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat,
Kaapstad.

P.N. 255/2004

9 December 2004

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

WESTERN CAPE PROVINCE

WESTERN CAPE HEALTH CARE WASTE MANAGEMENT DRAFT BILL

To provide for the effective handling, storage, collection, transportation, treatment and disposal of health care waste by all persons in the Province of the Western Cape; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS, in terms of section 24 of the Constitution, everyone has the right—

- (a) to an environment that is not harmful to their health or well-being; and
- (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that—
 - (i) prevent pollution and ecological degradation;
 - (ii) promote conservation, and
 - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development;

AND WHEREAS Government desires to progressively realise environmental rights by providing for the effective management (handling, storage, collection, transportation, treatment and disposal) of health care waste by all persons in the Province of the Western Cape;

AND WHEREAS all generators, transporters, treaters and disposers of health care waste have a constitutional responsibility to manage their health care waste in a responsible manner, and to ensure that the management of their health care waste has no adverse effects on human health and the environment;

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

Definitions

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

“audit” means a formal assessment, by a municipality or the Department, of an organisation’s environmental management practices;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

“Department” means the department responsible for environmental affairs in the Province;

“disposal” means the intentional burial, deposit, discharge, placing, or release of any waste material into air or water or onto land; and the words dispose, disposes and disposed have corresponding meanings;

“disposal site” means a site used for the accumulation of waste with the purpose of treating or disposing of such waste as defined in the Environment Conservation Act, 1989 (Act 73 of 1989);

“disposer” means any person or institution, or any agent acting on behalf of a person or an institution, involved in the disposal of health care waste;

“dump”, in relation to health care waste, means to deposit or discharge, or cause or allow to be deposited or discharged, in any manner or at any place other than is set out in terms of this Act or permitted in terms of section 20 of the Environment Conservation Act, 1989 (Act 73 of 1989); and the words dumps, dumped and dumping have corresponding meanings;

“generator” means any person or any institution that generates health care waste, but does not include a household generator of health care waste;

“hazardous” means the inherent potential of a substance, or a combination of substances, to cause harm to human health or the environment;

“Head of the Department” means the head of the department responsible for environmental affairs in the Province;

“health care waste” includes the following categories of waste—

Infectious waste: Waste that is suspected to contain pathogens in a sufficient concentration or quantity to cause disease in susceptible hosts. This category includes: cultures and stocks of infectious agents from laboratory work; waste from surgery and autopsies on corpses with infectious diseases; waste from infected patients in isolation wards; waste that has been in contact with infected patients undergoing haemodialysis; infected animals from laboratories; sanitary waste materials and tissues (including swabs) and any other instruments or materials that have been in contact with infected persons or materials;

Pathological waste: Includes all human tissues, organs, body parts, foetuses, blood and body fluids and that of infected animals.

Sharp waste: Includes items that could cause cuts or puncture wounds, and includes, but is not limited to, needles, hypodermic needles, scalpels and other blades, knives, infusion sets, saws, broken glass and nails; and the word sharps has a corresponding meaning.

Pharmaceutical waste: Includes expired, unused, spilt, and contaminated pharmaceutical products, drugs, vaccines and sera that are no longer required and that need to be disposed of appropriately.

General waste: Is a generic term for waste that, because of its composition and characteristics, does not pose a significant risk to public health or the environment if managed properly. This waste type typically consists of plastics, paper, food and liquids not considered to be infectious or contaminated with hazardous chemicals or radioactivity.

Genotoxic waste: Is highly hazardous waste that may have mutagenic, teratogenic or carcinogenic properties. This waste type includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cytostatic drugs, chemicals and radioactive material.

Chemical waste: Includes discarded solid, liquid and gaseous chemicals.

Waste with heavy metals: Includes, but is not limited to, mercury waste from thermometers, blood-pressure gauges, residues from dentistry; cadmium waste from discarded batteries, reinforced wood panels used in radiation proofing and drugs containing arsenic.

Pressurized container waste: Includes pressurized cylinders and cartridges used in health care facilities to store gases.

Radioactive waste: Includes solid, liquid and gaseous materials contaminated with radionuclides, including waste produced as a result of procedures such as in vitro analysis of body tissue and fluid, in vivo organ imaging and tumour localization, and various investigative and therapeutic practices.

“health care risk waste” means that portion of health care waste which is hazardous and includes infectious waste, pathological waste, sharp waste, genotoxic waste, chemical waste, waste with heavy metals, radioactive waste, and any other health care waste which is defined as hazardous in terms of the Waste Management Series: Document 1: *Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste*, second edition, as published by the Department of Water Affairs and Forestry in 1998;

“health care waste management” means the environmentally safe handling, storage, collection, transportation, treatment and disposal of health care waste; and the words manage and managed have corresponding meanings;

“health care waste mismanagement” means the unsafe or negligent handling, storage, collection, transportation, treatment or disposal of health care waste, that has the potential to harm the environment or compromise human health, and mismanage has a corresponding meaning;

“household generator” means a generator who generates health care waste as a result of private, non-profit, home-based health care treatment, but excludes registered non-governmental organisations and community-based organisations;

“Minister” means the national Minister responsible for environmental affairs;

“municipality” means a municipality referred to in section 155(1) of the Constitution;

“nuclide” means an atom of a specified atomic number and mass number;

“Occupational Health and Safety Act” means the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

“organ of state” means—

- (a) any department of state or administration in the national, provincial and local sphere of government, or
- (b) any other functionary or institution—
 - (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution, or
 - (ii) exercising a public power or performing a public function in terms of any legislation,

but does not include a court or a judicial officer;

“other waste” means waste other than health care waste;

“person” means a natural or juristic person, and includes any organ of state;

“Province” means the Province of the Western Cape;

“Provincial Minister” means the Member of the Provincial Cabinet responsible for environmental affairs in the Province;

“radionuclide” means a nuclide that exhibits properties of spontaneous disintegration, liberating energy, generally resulting in the formation of new nuclides, and accompanied by the emission of one or more types of radiation;

“spill” means the accidental release of health care waste into the environment, and spillage has a corresponding meaning;

“secure area” means a protected area demarcated specifically for the storage, transfer, treatment or disposal of health care waste;

“treater” means a person or an institution involved in the treatment of health care risk waste prior to the final disposal of such health care risk waste;

“treatment” means the manipulation of health care risk waste so as to reduce the hazard, toxicity or volume of the health care risk waste;

“transporter” means a person or an institution or any agent of a person or an institution that moves health care risk waste from the point of generation to a temporary or permanent point of storage, for recycling, treatment or disposal;

“waste” means any matter, whether gaseous, liquid or solid or any combination thereof, which is from time to time designated by the Minister by notice in the *Government Gazette* as an undesirable or superfluous by-product, emission, residue or remainder of any process or activity as defined in the Environmental Conservation Act, 1989 (No. 73 of 1989).

Object of Act

2. The object of this Act is to promote integrated health care waste management and thereby—
- (a) reduce the risks of health care waste to human health;
 - (b) prevent the degradation of the environment;
 - (c) prevent the illegal dumping of health care waste;
 - (d) promote sustainable development, and
 - (e) ensure responsible management of health care waste within the Province.

Principles of Interpretation

3. This Act must be interpreted and applied in accordance with the principles set out in section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

Application

4. (1) This Act applies throughout the province to all persons, institutions and organisations involved in the generation, storage, transportation, treatment or disposal of health care waste, but does not apply to household generators of health care waste.
- (2) Where a municipality has the capacity or develops the capacity to manage and regulate the matters dealt with in this Act, that municipality may pass a by-law that regulates matters dealt with in this Act.
- (3) Where a municipality passes a by-law that regulates matters dealt with in this Act, this Act does not apply to that municipality: Provided that the obligations imposed by the by-law are in accordance with those imposed by this Act and are not less stringent.

Prohibition on the Dumping and Mismanagement of Health Care Waste

5. A person may not dump or otherwise mismanage health care waste.

Responsibilities of a Generator, Transporter, Treater or Disposer of Health Care Waste

6. (1) A generator, transporter, treater or disposer of health care risk waste has a duty of care to ensure, in accordance with this Act and any other relevant provincial or national legislation, that all health care risk waste is separated at source, packaged, stored, transported, treated and disposed of in a safe manner that poses no threat to human health or the environment.
- (2) Without limiting the generality of the responsibility imposed by subsection (1), a generator, transporter, treater or disposer of health care waste must comply with the following requirements:
- (a) A generator of health care waste must ensure that the generation of health care waste is, as far as possible, minimised at source.
 - (b) A generator, transporter, treater or disposer of health care risk waste must, at all times, store health care risk waste in appropriate, clearly labelled containers as prescribed by the Provincial Minister.
 - (c) A generator, transporter, treater or disposer of health care risk waste must prevent public access to health care risk waste containers and storage facilities.
 - (d) A generator, transporter, treater or disposer of health care risk waste must ensure that his or her storage area for health care risk waste is clearly demarcated.
 - (e) A generator, transporter, treater or disposer of health care risk waste must ensure that radioactive waste for which he or she is responsible, is managed according to the provisions of the Hazardous Substances Act, 1973 (Act No. 15 of 1973).
 - (f) A generator, transporter, treater or disposer of health care waste must provide appropriate training for all personnel in his, her or its employ who are involved in the management of health care waste according to the Occupational Health and Safety Act.
 - (g) A generator, transporter, treater or disposer of health care risk waste must maintain up-to-date written or electronic records of the health care risk waste that he, she or it generated, treated, transported or disposed of.
 - (h) A generator, transporter, treater and disposer of health care risk waste must keep the written or electronic records referred to in subsection 2 (g) for a period prescribed by the Provincial Minister.
 - (i) A generator, transporter, treater or disposer of health care risk waste must make these records available to the public, if requested, in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
 - (j) A generator, transporter, treater or disposer of health care risk waste must submit all the information contemplated in subsection 2 (g) to the Department at a frequency to be prescribed by the Provincial Minister, and the Provincial Minister may stipulate the format and the specific dates for submission of such information.
 - (k) A generator, transporter, treater or disposer of health care risk waste must, within a prescribed period after the coming into operation of this Act, register with the Department by delivering to the Department a duly completed registration form that is available from the Department.

Spillage and Dumping of Health Care Risk Waste

7. (1) A person who spills health care risk waste and a person who is in control of health care risk waste at the time that it is spilled, other than health care risk waste spilled on the premises of hospitals, clinics and surgeries, must—
- (a) immediately notify the municipality concerned and the Department that such waste has been spilled;
 - (b) immediately take steps to make the area safe for the public;
 - (c) rehabilitate the place at which the spillage has occurred, and
 - (d) ensure that the health care risk waste spilled is treated, transported and disposed of in accordance with this Act.
- (2) Where the dumping of health care risk waste occurs, the municipality concerned must—
- (a) take any steps it deems necessary in order to ensure the safety of the public, and to ensure that the area at which the dumping has occurred is rehabilitated;
 - (b) instruct whoever has dumped the health care risk waste to take whatever steps the municipality deems necessary to ensure the safety of the public, and to rehabilitate the place at which the dumping has occurred;
 - (c) ensure that the health care risk waste is treated or disposed of in accordance with this Act, whether the dumping occurs on the premises of the generator or during the transportation, treatment or disposal of the health care risk waste;
 - (d) recover from whoever has dumped the health care risk waste, any costs which the municipality incurs in cleaning up the health care risk waste and in rehabilitating the place at which the dumping has occurred, and any other costs directly associated with the dumping of the health care risk waste, whether the dumping has occurred on the premises of the generator or during the transportation, treatment or disposal of the health care risk waste, and
 - (e) lay criminal charges against the person or persons responsible for the dumping of health care risk waste.

Staff Safety

8. A generator, transporter, treater or disposer of health care waste must take appropriate steps to protect the health and safety of employees in his, her or its employ in accordance with the Occupational Health and Safety Act.

Appointment of Inspectors

9. The Head of the Department or a municipal manager, where applicable, may appoint the following persons in writing as inspectors to act in terms of this Act:
- (a) any person employed by the Department;
 - (b) any Environmental Health Practitioner, Environmental Officer or any other law enforcement officer employed by the municipality in that capacity.

Powers of Inspectors

10. (1) Any inspector appointed in terms of section 9 may—
- (a) enter premises and sites on which health care waste is being generated, handled, stored, treated or disposed of, or on which he or she suspects health care waste is being generated, handled, stored, treated or disposed of;
 - (b) gain access to vehicles on or in which health care waste is being contained or transported, or in which he or she suspects health care waste is being contained or transported.
- (2) Where an inspector enters premises or a site or gains access to a vehicle in terms of subsection (1), he or she may, for the purpose of administering this Act, undertake any inspection or enquiry including, but not limited to —
- (a) inspecting and searching the premises, site or vehicle for the presence of health care waste;
 - (b) inspecting the processes whereby health care waste is handled, stored, treated, transported and disposed of;
 - (c) requesting information regarding the health care risk waste from the person who is in control of the health care waste, or from the owner or the person in charge of the premises, site or vehicle;
 - (d) examine and make copies of or take extracts from any written record kept in terms of section 6(2)(h) and request an explanation of any entry in the written or electronic record from the person who is in control of the written or electronic record, or from the owner or the person in charge of the premises, site or vehicle.

Offences and penalties and consequences of criminal conviction

11. (1) Any person who contravenes, or fails to comply with, any provision of section 5 or 6 is guilty of an offence and upon conviction is liable to a fine or imprisonment for a period not exceeding five years, or to both a fine and imprisonment not exceeding five years.
- (2) In the event of a continuing or repeated offence an additional fine or imprisonment for a period not exceeding ten years for every subsequent event on which the offence is so continued or repeated may be imposed.

Duties of Municipalities**12. (1) A municipality must—**

- (a) enforce the relevant provisions of this Act within its area of jurisdiction;
 - (b) perform audits of generators, transporters, treaters or disposers of health care waste within its area of jurisdiction to ensure compliance with the provisions of this Act;
 - (c) report annually to the Provincial Minister on the number of incidents of illegal dumping of health care risk waste within its area of jurisdiction, the number of incidents of illegal dumping of health care risk waste pursued in a court of law, and the number of incidents of illegal dumping of health care risk waste successfully convicted in a court of law.
- (2) The Provincial Minister may request a municipality to provide additional reports or information regarding that municipality's performance of its functions and duties under this Act.

Duties of the Head of the Department**13. (1) The Head of the Department must monitor the performance of the management of health care waste within the Province by—**

- (a) administering the relevant provisions of this Act, and
 - (b) establishing and maintaining a database containing all the information requested in section 6(2)(h) and (k).
- (2) The Head of the Department may perform audits of any generator, transporter, treater or disposer of health care waste within the Province.

Regulations**14. The Provincial Minister may make regulations regarding any aspect related to the management of health care waste.****Short title and commencement****15. This Act is called the Western Cape Health Care Waste Management Act, 2004, and comes into operation on a date to be determined by the Premier by proclamation in the *Provincial Gazette*.**

P.K. 255/2004

9 Desember 2004

DEPARTEMENT VAN OMGEWINGSKE EN ONTWIKKELINGSBEPLANNING**PROVINSIE WES-KAAP****WES-KAAPSE KONSEPWETSONTWERP OP DIE BESTUUR VAN GESONDHEIDSORGAFVAL**

Om voorsiening te maak vir die doeltreffende hantering, berging, versameling, vervoer, behandeling en wegdoening van gesondheidsorgafval deur alle persone in die provinsie Wes-Kaap; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

AANHEF

AANGESIEN, ingevolge artikel 24 van die Grondwet, elkeen die reg het—

- (a) op 'n omgewing wat nie skadelik vir hul gesondheid of welsyn is nie; en
- (b) op die beskerming van die omgewing, ter wille van huidige en toekomstige geslagte, deur redelike wetgewende en ander maatreëls wat—
 - (i) besoedeling en ekologiese agteruitgang voorkom;
 - (ii) bewaring bevorder; en
 - (iii) die ekologies volhoubare ontwikkeling en aanwending van natuurlike hulpbronne verseker, terwyl dit regverdige ekonomiese en maatskaplike ontwikkeling bevorder;

EN AANGESIEN die Regering omgewingsregte progressief wil verwesenlik deur voorsiening te maak vir die doeltreffende bestuur (hantering, berging, versameling, vervoer, behandeling en wegdoening) van gesondheidsorgafval deur alle persone in die provinsie Wes-Kaap;

EN AANGESIEN alle genereerders, vervoerders, behandelars en wegdoeners van gesondheidsorgafval 'n grondwetlike verantwoordelikheid het om hulle gesondheidsorgafval op 'n verantwoordelike wyse te bestuur, en om te verseker dat die bestuur van hulle gesondheidsorgafval geen nadelige uitwerking op menslike gesondheid en die omgewing het nie;

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

Woordomskrywing

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—

“afval” enige materie, hetsy gasagtig, vloeistof of vaste stof of enige kombinasie daarvan, wat van tyd tot tyd deur die Minister by kennisgewing

in die *Staatskoerant* aangewys word as 'n ongewenste of oortollige nuweproduk, uitlating, res of oorblyfsel van enige proses of aktiwiteit soos omskryf in die Wet op Omgewingsbewaring, 1989 (Wet 73 van 1989);

“**ander afval**” ander afval as gesondheidsorgafval;

“**behandelaar**” 'n persoon of instelling betrokke by die behandeling van gesondheidsorgafval voor die finale wegdoening van sodanige gesondheidsorgafval;

“**behandeling**” die manipulering van gesondheidsorgafval om die gevaar, toksisiteit of volume van die gesondheidsorgafval te verminder;

“**Departement**” die departement verantwoordelik vir omgewingsake in die Provinsie;

“**Departementshoof**” die departementshoof verantwoordelik vir omgewingsake in die Provinsie;

“**genereerder**” enige persoon of enige instelling wat gesondheidsorgafval genereer, maar sluit nie 'n huishoudelike genereerder van gesondheidsorgafval in nie;

“**gevaarlik**” die inherente potensiaal van 'n stof, of 'n kombinasie van stowwe, om skade aan menslike gesondheid of die omgewing te veroorsaak;

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

“**gesondheidsorgafval**” ook die volgende kategorieë afval:

Aansteeklike afval: Afval wat vermoedelik patogene in 'n genoegsame konsentrasie of hoeveelheid bevat om siekte by vatbare gashere te veroorsaak. Hierdie kategorie sluit in: kulture en voorrade van aansteeklike agense van laboratoriumwerk; afval van operasies en nadoodse ondersoeke op lyke met aansteeklike siektes; afval van besmette pasiënte in afsonderingsale; afval wat in aanraking was met besmette pasiënte wat hemodialise ondergaan; besmette diere van laboratoria; sanitêre afvalmateriaal en weefsels (insluitende deppers) en enige ander instrumente of materiaal wat met besmette persone of materiaal in aanraking was.

Patologiese afval: Ook alle menslike weefsel, organe, liggaamsdele, fetusse, bloed en liggaamsvloeistowwe en dié van besmette diere.

Skerp afval: Ook items wat snye of steekwonde kan veroorsaak, en sluit in maar is nie beperk nie tot naalde, spuitnaalde, skalpels en ander lemme, messe, infusiestelle, sae, gebreekte glas en spykers; en die woorde skerp items het 'n ooreenstemmende betekenis.

Farmaseutiese afval: Ook vervalte, ongebruikte, gestorte en besoedelde farmaseutiese produkte, middels, entstowwe en serums wat nie meer nodig is nie en wat op gepaste wyse weggedoen moet word.

Algemene afval: Is 'n generiese term vir afval wat, as gevolg van die samestelling en eienskappe daarvan, nie 'n beduidende risiko vir die openbare gesondheid of die omgewing bied nie indien dit behoorlik bestuur word. Hierdie tipe afval bestaan tipies uit plastiek, papier, voedsel en vloeistowwe wat nie as aansteeklik of besoedel met gevaarlike chemikalieë of radioaktiwiteit beskou word nie.

Genotoksiese afval: Is hoogs gevaarlike afval wat mutageniese, teratogeniese of karsinogeniese eienskappe kan hê. Hierdie tipe afval sluit sekere sitostatiese middels in, asook vomeersel, urine of ontlasting van pasiënte wat met sitostatiese middels, chemikalieë en radioaktiewe materiaal behandel word.

Chemiese afval: Sluit in chemikalieë in vaste, vloeibare en gasagtige vorm wat weggegooi word.

Afval met swaar metale: Sluit in, maar is nie beperk nie tot, kwikafval van termometers, bloeddrukmeters, tandheelkundige reste; kadmiumafval van ou batterye, versterkte houtpanele vir bestralingsafdigting en middels wat arseen bevat.

Drukhouerafval: Ook druksilinders en—patrone wat in gesondheidsorgfasiliteite gebruik word om gasse te berg.

Radioaktiewe afval: Ook vaste, vloeibare en gasagtige materiaal wat met radionuklide besoedel is, insluitende afval geproduseer as gevolg van prosedures soos *in vitro*-ontleding van liggaamswaarsel en—vloeistof, *in vivo*-orgaanbeelding en gewaslokalisering, en verskeie ondersoekende en terapeutiese praktyke.

“**gesondheidsorgafvalbestuur**” die omgewingsveilige hantering, berging, versameling, vervoer, behandeling en wegdoening van gesondheidsorgafval; en die woorde bestuur en bestuurde het ooreenstemmende betekenis;

“**gesondheidsorgafvalwanbestuur**” die onveilige of nalatige hantering, berging, versameling, vervoer, behandeling en wegdoening van gesondheidsorgafval wat die potensiaal het om die omgewing te benadeel of menslike gesondheid in gevaar te stel; en wanbestuur het 'n ooreenstemmende betekenis;

“**gesondheidsorgafval**” die deel van gesondheidsorgafval wat gevaarlik is, en sluit in aansteeklike afval, patologiese afval, skerp afval, genotoksiese afval, chemiese afval, afval met swaar metale, radioaktiewe afval, en enige ander gesondheidsorgafval wat as gevaarlik omskryf is ingevolge die Afvalbestuursreëls: Dokument 1: *Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste*, tweede uitgawe, in 1998 deur die Departement van Waterwese en Bosbou gepubliseer;

“**huishoudelike genereerder**” 'n genereerder wat gesondheidsorgafval genereer as gevolg van private, nuwies-, tuisgebaseerde gesondheidsorgbehandeling, maar uitgesonderd geregistreerde nieregigeringsorganisasies en gemeenskapsgebaseerde organisasies;

“**Minister**” die nasionale Minister verantwoordelik vir omgewingsake;

“**munisipaliteit**” 'n munisipaliteit in artikel 155(1) van die Grondwet bedoel;

“**nuklid**” 'n atoom met 'n gespesifiseerde atoomgetal en massagetal;

“**oudit**” 'n formele evaluering, deur 'n munisipaliteit of die Departement, van 'n organisasie se omgewingsbestuurspraktyke;

“**persoon**” 'n natuurlike of 'n regspersoon, en ook enige staatsorgaan;

“**Provinsiale Minister**” die Lid van die Provinsiale Kabinet verantwoordelik vir omgewingsake in die Provinsie;

“**Provinsie**” die provinsie Wes-Kaap;

“radionuklied” ’n nuklied wat eienskappe van spontane disintegrasië toon, energie vrystel, wat gewoonlik tot die vorming van nuwe nukliede lei, en met die uitlating van een of meer tipes bestraling gepaard gaan;

“staatsorgaan”—

- (a) enige staatsdepartement of administrasie in die nasionale, provinsiale of plaaslike sfeer van regering, of
- (b) enige ander funksionaris of instelling —
 - (i) wat ’n bevoegdheid uitoefen of ’n funksie verrig ingevolge die Grondwet of ’n provinsiale grondwet, of
 - (ii) wat ’n openbare bevoegdheid uitoefen of ’n openbare funksie verrig ingevolge enige wetgewing,

maar sluit nie ’n hof of ’n regterlike amptenaar in nie;

“stort”, met betrekking tot gesondheidsorgafval, om af te laai of af te voer, of om te veroorsaak of toe te laat dat afgelaai of afgevoer word, op enige manier of op enige plek anders as wat uiteengesit is ingevolge hierdie Wet of toegelaat word ingevolge artikel 20 van die Wet op Omgewingsbewaring, 1989 (Wet 73 van 1989); en die woorde gestort en storting het ooreenstemmende betekenis;

“uitmors” die toevallige uitlating van gesondheidsorgafval in die omgewing; en uitmorsing het ’n ooreenstemmende betekenis;

“veilige gebied” ’n beskermde gebied wat spesifiek vir die berging, oorsending, behandeling of wegdoening van gesondheidsorgafval afgebaken is;

“vervoerder” ’n persoon of instelling of enige agent van ’n persoon of instelling wat gesondheidsorgafval vanaf die punt van generering na ’n tydelike of permanente punt van berging beweeg vir hersiklering, behandeling of wegdoening;

“wegdoener” enige persoon of instelling, of enige agent wat namens ’n persoon of instelling optree, betrokke by die wegdoening van gesondheidsorgafval;

“wegdoening” die opsetlike begrawe, aflaai, afvoer, plasing of uitlating van enige afvalmateriaal in die lug of water of op grond; en die woorde wegdoen en weggedoen het ooreenstemmende betekenis;

“wegdoenterrein” ’n terrein wat gebruik word vir die opgaring van afval met die doel om sodanige afval te behandel of weg te doen soos omskryf in die Wet op Omgewingsbewaring, 1989 (Wet 73 van 1989);

“Wet op Beroepsgesondheid en Veiligheid” die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet 85 van 1993).

Doel van Wet

2. Die doel van hierdie Wet is om geïntegreerde gesondheidsorgafvalbestuur te bevorder en daardeur —

- (a) die risiko’s van gesondheidsorgafval vir menslike gesondheid te verminder;
- (b) die agteruitgang van die omgewing te voorkom;
- (c) die onwettige storting van gesondheidsorgafval te voorkom;
- (d) volhoubare ontwikkeling te bevorder, en
- (e) verantwoordelike bestuur van gesondheidsorgafval in die Provinsie te verseker.

Beginnels van Vertolking

3. Hierdie Wet moet vertolk en toegepas word in ooreenstemming met die beginsels uiteengesit in artikel 2 van die Wet op Nasionale Omgewingsbestuur, 1998 (Wet 107 van 1998).

Toepassing

- 4. (1) Hierdie Wet is dwarsdeur die Provinsie op alle persone, instellings en organisasies betrokke by die generering, berging, vervoer, behandeling of wegdoening van gesondheidsorgafval van toepassing, maar is nie op huishoudelike genereerders van gesondheidsorgafval van toepassing nie.
- (2) Waar ’n munisipaliteit die kapasiteit het of die kapasiteit ontwikkel om die aangeleenthede wat in hierdie Wet hanteer word te bestuur en te reguleer, kan daardie munisipaliteit ’n verordening aanneem wat aangeleenthede reguleer wat in hierdie Wet hanteer word.
- (3) Waar ’n munisipaliteit ’n verordening aanneem wat aangeleenthede reguleer wat in hierdie Wet hanteer word, is hierdie Wet nie op daardie munisipaliteit van toepassing nie: Met dien verstande dat die verpligtinge wat deur die verordening opgelê word, in ooreenstemming is met dié wat deur hierdie Wet opgelê word en nie minder streng is nie.

Verbod op die Storting en Wanbestuur van Gesondheidsorgafval

5. ’n Persoon mag nie gesondheidsorgafval stort of anders wanbestuur nie.

Verantwoordelikhede van ’n Genereerder, Vervoerder, Behandelaar of Wegdoener van Gesondheidsorgafval

- 6. (1) ’n Genereerder, vervoerder, behandelaar of wegdoener van gesondheidsorgafval het ’n sorgplig om, in ooreenstemming met hierdie Wet en enige ander toepaslike provinsiale of nasionale wetgewing, te verseker dat alle gesondheidsorgafval by die bron geskei en verpak, geberg, vervoer, behandel en weggedoen word op ’n veilige manier wat geen bedreiging vir menslike gesondheid of die omgewing inhou nie.
- (2) Sonder om die wye omvang van die verantwoordelikheid by subartikel (1) opgelê in te kort, moet ’n genereerder, vervoerder, behandelaar of wegdoener van gesondheidsorgafval aan die volgende vereistes voldoen:

- (a) 'n Genereerder van gesondheidsorgafval moet verseker dat die generering van gesondheidsorgafval sover moontlik by die bron tot die minimum beperk word.
- (b) 'n Genereerder, vervoerder, behandelaar of wegdoener van gesondheidsorgafval moet gesondheidsorgafval te alle tye in geskikte, duidelik geëtiketteerde houters berg soos deur die Provinsiale Minister voorgeskryf.
- (c) 'n Genereerder, vervoerder, behandelaar of wegdoener van gesondheidsorgafval moet toegang deur die publiek tot houters en bergingsfasiliteite van gesondheidsorgafval voorkom.
- (d) 'n Genereerder, vervoerder, behandelaar of wegdoener van gesondheidsorgafval moet verseker dat sy of haar bergingsgebied vir gesondheidsorgafval duidelik afgebaken is.
- (e) 'n Genereerder, vervoerder, behandelaar of wegdoener van gesondheidsorgafval moet verseker dat radioaktiewe afval waarvoor hy of sy verantwoordelik is, bestuur word ooreenkomstig die bepalings van die Wet op Gevaarhoudende Stowwe, 1973 (Wet 15 van 1973).
- (f) 'n Genereerder, vervoerder, behandelaar of wegdoener van gesondheidsorgafval moet gepaste opleiding verskaf vir alle personeel in sy of haar diens wat by die bestuur van gesondheidsorgafval betrokke is, in ooreenstemming met die Wet op Beroepsgesondheid en Veiligheid.
- (g) 'n Genereerder, vervoerder, behandelaar of wegdoener van gesondheidsorgafval moet bygewerkte skriftelike of elektroniese rekords byhou van die gesondheidsorgafval wat hy of sy gegenereer, behandel, vervoer of weggedoen het.
- (h) 'n Genereerder, vervoerder, behandelaar of wegdoener van gesondheidsorgafval moet die skriftelike of elektroniese rekords in subartikel 2(g) bedoel, hou vir 'n tydperk deur die Provinsiale Minister voorgeskryf.
- (i) 'n Genereerder, vervoerder, behandelaar of wegdoener van gesondheidsorgafval moet sodanige rekords op versoek aan die publiek beskikbaar stel ingevolge die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet 2 van 2000).
- (j) 'n Genereerder, vervoerder, behandelaar of wegdoener van gesondheidsorgafval moet al die inligting in subartikel 2(g) beoog, aan die Departement voorlê teen 'n frekwensie wat deur die Provinsiale Minister voorgeskryf word, en die Provinsiale Minister kan die formaat en die spesifieke datums vir die voorlegging van sodanige inligting bepaal.
- (k) 'n Genereerder, vervoerder, behandelaar of wegdoener van gesondheidsorgafval moet, binne 'n voorgeskrewe tydperk na die inwerkingtreding van hierdie Wet, by die Departement registreer deur 'n behoorlik ingevulde registrasievorm, wat van die Departement verkrygbaar is, aan die Departement te lewer.

Uitmors en Storting van Gesondheidsorgafval

7. (1) 'n Persoon wat gesondheidsorgafval uitmors en 'n persoon wat in beheer van gesondheidsorgafval is ten tyde van sodanige uitmorsing, anders as gesondheidsorgafval wat op die perseel van hospitale, klinieke en spreekkamers uitgemors word, moet—
 - (a) die betrokke munisipaliteit en die Departement onmiddellik in kennis stel dat sodanige afval uitgemors is;
 - (b) onmiddellik stappe doen om die gebied veilig te maak vir die publiek;
 - (c) die plek waar die uitmorsing plaasgevind het, rehabiliteer, en
 - (d) verseker dat die gesondheidsorgafval wat uitgemors is, behandel, vervoer en weggedoen word in ooreenstemming met hierdie Wet.
- (2) Waar die storting van gesondheidsorgafval plaasvind, moet die betrokke munisipaliteit —
 - (a) enige stappe doen wat hy nodig ag om die veiligheid van die publiek te verseker en om te verseker dat die gebied waar die storting plaasgevind het, gerehabiliteer word;
 - (b) wie ook al die gesondheidsorgafval gestort het, gelas om die stappe te doen wat die munisipaliteit nodig ag om die veiligheid van die publiek te verseker en om die gebied waar die storting plaasgevind het, te rehabiliteer;
 - (c) verseker dat die gesondheidsorgafval in ooreenstemming met hierdie Wet behandel of weggedoen word, ongeag of die storting op die perseel van die genereerder of gedurende die vervoer, behandeling of wegdoening van die gesondheidsorgafval plaasvind;
 - (d) enige koste wat die munisipaliteit aangaan om die gesondheidsorgafval op te ruim en om die plek te rehabiliteer waar die storting plaasgevind het, verhaal van enigiemand wat die gesondheidsorgafval gestort het, asook enige ander koste wat regstreeks in verband staan met die storting van die gesondheidsorgafval, ongeag of die storting op die perseel van die genereerder of gedurende die vervoer, behandeling of wegdoening van die gesondheidsorgafval plaasgevind het, en
 - (e) kriminele klagtes aanhangig maak teen die persoon of persone wat vir die storting van gesondheidsorgafval verantwoordelik is.

Personeelveiligheid

8. 'n Genereerder, vervoerder, behandelaar of wegdoener van gesondheidsorgafval moet gepaste stappe doen om die gesondheid en veiligheid van werknemers in sy of haar diens te beskerm in ooreenstemming met die Wet op Beroepsgesondheid en Veiligheid.

Aanstelling van Inspekteurs

9. Die Departementshoof of 'n munisipale bestuurder, waar van toepassing, kan die volgende persone skriftelik as inspekteurs aanstel om ingevolge hierdie Wet op te tree:
- (a) enige persoon in diens van die Departement;
 - (b) enige Omgewingsgesondheidspraktisyn, Omgewingsbeampte of enige ander wetstoepassingsbeampte in diens van die munisipaliteit in daardie hoedanigheid.

Bevoegdhede van Inspekteurs

10. (1) Enige inspekteur wat ingevolge artikel 9 aangestel is, kan—
- (a) persele en terreine betree waarop gesondheidsorgafval gegeneer, hanteer, geberg, behandel of weggedoen word of waarop hy of sy vermoed dat gesondheidsorgafval gegeneer, hanteer, geberg, behandel of weggedoen word;
 - (b) toegang verkry tot voertuie waarin of waarop gesondheidsorgafval gehou of vervoer word of waarin hy of sy vermoed dat gesondheidsorgafval gehou of vervoer word.
- (2) Waar 'n inspekteur 'n perseel of terrein betree of toegang verkry tot 'n voertuig ingevolge subartikel (1), kan hy of sy, met die doel om hierdie Wet toe te pas, enige inspeksie of navrae doen, insluitende maar nie beperk nie tot—
- (a) inspeksie en deursoeking van die perseel, terrein of voertuig vir die teenwoordigheid van gesondheidsorgafval;
 - (b) inspeksie van die prosesse waardeur gesondheidsorgafval hanteer, geberg, behandel, vervoer of weggedoen word;
 - (c) aanvra van inligting betreffende die gesondheidsorgafval van die persoon wat in beheer van die gesondheidsorgafval is, of van die eienaar of die persoon in beheer van die perseel, terrein of voertuig;
 - (d) ondersoek en maak van afskrifte van of uittreksels uit enige skriftelike rekord wat ingevolge artikel 6(2)(h) gehou word en versoek vir 'n verklaring van enige inskrywing in die skriftelike of elektroniese rekord van die persoon wat in beheer van die skriftelike of elektroniese rekord is of van die eienaar of die persoon in beheer van die perseel, terrein of voertuig.

Misdrywe en Strawwe en Gevolge van Strafbare Skuldigebevinding

11. (1) Enige persoon wat enige bepaling van artikel 5 of 6 oortree of versuim om daaraan te voldoen, begaan 'n misdryf en is by skuldigebevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of met sowel 'n boete as gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.
- (2) In die geval van 'n voortdurende of herhaalde misdryf kan 'n bykomende boete of gevangenisstraf vir 'n tydperk van hoogstens tien jaar opgelê word vir elke daaropvolgende voorval waar die misdryf aldus voortgesit of herhaal word.

Pligte van Munisipaliteite

12. (1) 'n Munisipaliteit moet—
- (a) die toepaslike bepalings van hierdie Wet binne sy regsgebied toepas;
 - (b) oudits op genereerders, vervoerders, behandelars of wegdoeners van gesondheidsorgafval binne sy regsgebied doen om nakoming van die bepalings van hierdie Wet te verseker;
 - (c) jaarliks aan die Provinsiale Minister verslag doen oor die aantal voorvalle van onwettige storting van gesondheidsorgafval binne sy regsgebied, die aantal voorvalle van onwettige storting van gesondheidsorgafval wat in 'n gereghof vervolgt is, en die aantal voorvalle van onwettige storting van gesondheidsorgafval wat suksesvol in 'n gereghof skuldig bevind is.
- (2) Die Provinsiale Minister kan 'n munisipaliteit versoek om bykomende verslae of inligting te verstrek betreffende daardie munisipaliteit se verrigting van sy funksies en pligte ingevolge hierdie Wet.

Pligte van die Departementshoof

13. (1) Die Departementshoof moet die verrigting van die bestuur van gesondheidsorgafval in die Provinsie monitor deur—
- (a) die tersaaklike bepalings van hierdie Wet toe te pas, en
 - (b) 'n databasis bevattende al die inligting wat by artikel 6(2)(h) en (k) versoek word, in te stel en in stand te hou.
- (2) Die Departementshoof kan oudits doen op enige genereerder, vervoerder, behandelaar of wegdoener van gesondheidsorgafval in die Provinsie.

Regulasies

14. Die Provinsiale Minister kan regulasies uitvaardig oor enige aspek rakende die bestuur van gesondheidsorgafval.

Kort titel en inwerkingtreding

15. Hierdie Wet heet die Wes-Kaapse Wet op die Bestuur van Gesondheidsorgafval, 2004, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

P.N. 255/2004

9 Disemba 2004

ISEBE LEMICIMBI YENDALO NOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO

IPHONDO LENTSHONA KOLONI

UMTHETHO OSAYILWAYO WOKULAWULWA KWENKUNKUMA YEZIKO LEZEMPILLO

Ukubonelela ngendlela efanelekileyo yokugcina, ukuqokelela, ukuthutha, ukusebenza ngenkunkuma nokulahla inkunkuma yeziko lezempilo ngabo bonke abantu abakwiPhondo leNtshona Koloni; ndawonye nokubonelela imicimbi engasisihlo esinokuvela xa kuthuthwa le nkunkuma.

INGABULA ZIGCAWU

NJENGOKUBA, ngokwemiqathango yecandelo 24 loMgaqo-siseko, wonke umntu unelungelo—

- (a) lokuhlala kwindalo nakwimo engenabungozi empilweni yakhe okanye kwindlela aphila ngayo; ndawonye
- (b) lokuba indalo nemo ahlala phantsi kwayo ibe yekhuselekileyo, ukuze kuxhamle isizukulwana sanamhlanje, nesangomso, oko kusenziwa ngokuwiswa komthetho ofanelekileyo kunye neminye imimiselo ekwanjalo—
 - (i) ukunqanda ungcoliseko nokungaphathwa ngendlela kwindalo;
 - (ii) ukukhuthaza ulondolozo (lwendalo), kunye
 - (iii) nokukhusela uphuhliso oluzinzileyo lwezindalo nokusebenzisa izibonelelo esizininika yindalo xeshikweni kukhuthazwa uphuhliso olululo lwezoqoqosho nolwezintlalo;

KANTI NJENGOKUBA uRhulumente enqwenela ukuthi gqolo ukuqwalasela amalungelo endalo nokusingqongileyo ngokuza nolawulo olululo (ukusingathwa, ukugcinwa, ukuqokelelwa, ukuthuthwa, indlela yokuphathwa nokuchithwa) kwenkunkuma yeziko lezempilo ngabo bonke abantu bePhondo leNtshona Koloni;

KWANANJENGOKUBA bonke abasunguli, abathuthi, abasebenzi ngenkunkuma leyo nabalali benkunkuma yamaziko ezempilo benoxanduva lokulawula indlela emayiphathwe ngayo ngokufanelekileyo inkunkuma ngokomgaqo-siseko, kananjalo baqinisekise ukuba indlela ephathwa ngayo inkunkuma yamaziko empilo abakuwo ayinabungozi kwimpilo yabantu nakwindalo;

KUBEKWE UMMISELO KE NGOKO yiPalamente yePhondo leNtshona Koloni, ngokwale ndlela ilandelayo—

Iinkcazelo

1. Kulo Mthetho, ngaphandle kokuba kuchazwa nto yimbi—

- “UPhicotho” luthetha indlela esesikweni yokuhlala, ngumasipala okanye liSebe eli, kuphicothwa iinkqubo zolawulo-ndalo zequmrhu;
- “UMgaqo-siseko” uthetha uMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1996 (UMthetho 108 wowe-1996);
- “ISebe” lithetha isebe elinoxanduva ngokubhekiselele kwimicimbi yendalo nokusingqongileyo kwiPhondo eli;
- “ukususa” kuthetha ukungcwaba ngokommiselo, ukuchitha, ukulahla, ukubeka, okanye ukususa nayiphi na inkunkuma ingangcolisi umoya okanye amanzi okanye ingangcolisi indawo le yonke; kwaye amagama athi ukulahla, kuxa kulahla no- elahliweyo anonxibelelwano;
- “umthuthi-nkunkuma” uthetha nawuphi na umntu okanye iziko, okanye naliphi na iqumrhu elisebenza egameni lomntu okanye egameni lomgaqo-siseko, ochaphazelekayo ekulahlweni kwenkunkuma yamaziko empilo;
- “indawo yokulahla (inkunkuma)” kubhekiswa kwindawo esetyenziselwa ukulahla inkunkuma ngenjongo yokuyitshabalalisa okanye ukuyichitha ngendlela emiselweyo ngumthetho oyi-Environment Conservation Act, 1989 (Umthetho 73 wowe-1989);
- “ukulahla”, ngokubhekiselele kwinkunkuma yeziko lezempilo, oku kuthetha ukulahlwa kwenkunkuma okanye ukuchithwa kwayo, kungenjalo isizathu esibangele ukuba ilahlwe okanye ichithwe ngayo nayiphi na indlela okanye kuyo nayiphi na indawo ngaphandle kwezo zikhankanyiweyo kulo Mthetho okanye ekunikwe imvume yokuba ilahlwe njani ngokwemiqathango yecandelo 20 yomthetho oyi-Environment Conservation Act, 1989 (uMthetho 73 wowe-1989); kanti amagama athi ukuchitha, ukuchithwa nokuyichitha anentsingiselo ezinxibeleleneyo
- “umsunguli” kubhekiswa kuye nawuphi na umntu okanye kulo naliphi na iziko elenza inkunkuma yeziko lezempilo, kodwa akubandakanywanga nkunkuma eyenye ingeyiyo leyo idaleke kwizinto zonyango zeziko lezempilo;
- “enobungozi” kuthetha amandla obungozi enawo into leyo, okanye ukuhlanganiswa kwezinto, ezingathi zakudibana kudaleke ingozi engachaphazela abantu okanye indalo;
- “INTloko yeSebe” kubhekiselelwa kwintloko yesebe enoxanduva ngokuphathelene kwimicimbi yendalo nokusingqongileyo kwiPhondo eli;
- “inkunkuma yeziko lezempilo” iquka ezi zigaba zilandelayo zenkunkuma:

Inkunkuma enobungozi: Inkunkuma ekukrokreleka ukuba inganezifo ezinamandla okanye inawo amandla okuba ingasibangela isifo kulowo ube sesichengeni sayo. Esi sigaba sibandakanya: ukukhuliswa kweentsholongwane nengqokelela equlethe izinto ezosulelayo ezivela kwizinto zokusebenza zaselabhoretri; inkunkuma evela kwindawo yezonyango nakuqhahlo lwezidumbu ebezibesifo esosulelayo; inkunkuma evela kwizigulane ezosulelekileyo esele zibekwe kwiwadi zazo zodwa; inkunkuma ethe yadibana nezigulane ezosulelekileyo ezinyangelwa ingxaki ye-haemodialysis; izilwanyana ezinesifo ezivela kwiilabhoretri; izinto ezivela kwinkunkuma yococoko neethishu (kuqukwa amalathana okusula, iiswabhu) kunye nazo naziphi na izixhobo okanye izinto ebezisetyenziswa zaza zadibana nabantu abanesifo okanye ezinye izinto;

Inkunkuma enezifo: Kuqukwa zonke izihlunu, amalungu (angaphakathi) namalungu omzimba omntu iimfambilini, igazi neencindi zomzimba zeso silwanyana sifileyo.

Inkunkuma enezinto ezihlabayo: Iquka izinto ezinokudala inxeba okanye amanxeba okuhlalywa, ngaphezulu kuqukwa, kodwa kungaphelelanga, kwiinaliti, iinaliti zohlobo lwe-hypodermic, ingadla yoogqirha nezinye iibleyidi, iimesi/iimela, izixhobo zokuxuba, iisarha, iingceba zeglasi eyaphukileyo nezikhonkwane; kanti igama elithi izinto ezihlabayo inentsingiselo enxibelelene nayo.

Inkunkuma yezamachiza: Iquka amachiza asele ephelile, angasetyenziswa, achithekileyo, nathe adibana neemveliso ezingamachiza, iziyobisi, namachiza athintela ukususleka ne-sera esele ingasenakusebenza efuna nje ukutshatyalaliswa ngendlela efanelekileyo.

Inkunkuma ngokubanzi: Ligama elibhekiselelwa kwinkunkuma ngokubanzi, nkunkuma leyo, ethi ngenxa yokwakheka nezinto eziyenzileyo, akuyibeki ngozini impilo yoluntu okanye ayiyibeki ngozini indalo xa inkunkuma leyo ilawulwa ngendlela eyiyo. Olu hlobo lwenkunkuma lolu luba neplastiki, amaphepha, ukutya nezinto ezilulwelo ezingathathwa njengenokuthwala izinto ezosulelayo okanye ibe ikhe yachathazela ziikhemikhali ezinobungozi okanye ezinezinto ezisebenzisa imitha yombane (radioactivity).

Inkunkuma enetyefu: Yeyona nkunkuma inobungozi obukhulu ezinezinto ekuthiwa yi-mutagenic, eteratogenic okanye i-carcinogenic. Olu hlobo lwenkunkuma luquka amachiza athile ayi-cytostatic kwanokugabha kananjalo, umchamo okanye ilindle elisuka kubantu abanyangwa ngamachiza ane-cytostatic, iikhemikhali nezinto ezinemitha yombane.

Inkunkuma yeeKhemikhali: Iquka izinto eziikhemikhali ezilahliweyo eziqinileyo, ezilulwelo, nezingumoya.

Inkunkuma eneemethali ezinzima: Iquka, kodwa kungaphelelanga apho, inkunkuma yemkyuri esuka kwithemometha, iigaji zokukhangela uxinzelelo lwegazi, intsalela evela kwezamazinyo, inkunkuma yecadmium esuka kwiibhetri ezilahliweyo, iziqobo ebezisetyenziswe kwimitha yombane nakwizinto ezineziyobisi.

Pressurized container waste: Ibandakanya iisilinda neekhathreji ezisetyenziswe kumaziko ezempilo okugcina igesi/umoya.

Inkunkuma ye-Radioactive: Iquka izinto eziqinileyo, ezilulwelo nezingumoya ezithe zachathazela yi-radionuclides, kubandakanywa nenkunkuma evela ngenxa yeenkqubo ezifana nokuphononongwa kwe-vitro yezihlunu neencindi zomzimba, kumfuziselo welungu eliyi-vivo nendawo eneqhubu elikhulayo emzimbeni ndawonye neenkqubo ngeenkqubo zophando nezonyango.

“inkunkuma enobungozi yeziko lezempilo” ibhekiselela kwintwana ethile yenkunkuma enobungozi yeziko lezempilo equka inkunkuma enezibi ezosulelayo, inkunkuma ebandakanya uqhahlo lwezidumbu, inkunkuma enezinto ezihlabayo, inkunkuma enezinto ezinyetyefu, inkunkuma eneekhemikhali, inkunkuma enezinto ezizimethali ezinzima, inkunkuma enezinto ze-x-reyi nenye inkunkuma yeziko lezempilo ethathwa njengenobungozi ngokwemiqathango yeZinto eziyiNkunkuma eziMele ukuLawulwa- Waste Management Series: Document 1: *Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste*, second edition, eyapapashwa liSebe leMicimbi yaManzi naMahlathi ngo-1998;

“ulawulo lwenkunkuma yeziko lezempilo” luthetha ukuphathwa ngokukhuselekileyo kwendalo, ukugcinwa, ukuthathwa, nokuthuthwa nokusebenza ngenkunkuma nokulahlwa kwenkunkuma yeziko lezempilo; kanti amagama athi ulawulo nokulawulwa anentsingiselo ezinxibeleleneyo;

“ukungaphathwa ngendlela kwenkunkuma yeziko lezempilo” kuthetha ukungakhuseleki okanye ukuphathwa kwenkunkuma enobungozi ngaphandle kwenkathalo, ukugcinwa, ukuthathwa, ukusebenza ngenkunkuma okanye ukulahlwa kwenkunkuma yeziko lezempilo, kungayichaphazeleka kakubi indalo okanye ukuba sesichengeni kwempilo yabantu ngenxa yokungaphathwa kakuhle kwenkunkuma kuncentsingiselo ezinxibeleleneyo;

“umsunguli wenkunkuma yendlu” kuthetha umntu owenza kubekho inkunkuma yeziko lezempilo ngenxa yonyango lwabucala, unyango olungenanzuzo, kodwa oku akwabandakanyi amaqumrhu abhalisweyo azimeleyo kunye namaqumrhu asekelezwe eluntwini;

“umasipala” uthetha umasipala ekubhekiselelwa kuye kwicandelo 155(1) loMgaqo-siseko;

“UMphathiswa” uthetha uMphathiswa wesizwe onoxanduva kwimicimbi yezendalo;

“I-nuclide” ithetha i-atom yee-atom zenani elithile elichazwayo kunye nenombolo yobunzima;

“Umthetho iOccupational Health and Safety Act” uthetha umthetho iOccupational Health and Safety Act, 1993 (Act 85 of 1993);

“ilungu lombuso” lithetha—

- (a) naliphi na isebe okanye ulawulo lorhulumente wesizwe, owephondo noweenqila okanye
- (b) nalo nayiphi na into esebenzayo okanye iziko—
 - (i) elisebenzisa amandla okanye elenza umsebenzi ngokwemiqathango yoMgaqo-siseko okanye umgaqo-siseko wephondo, okanye
 - (ii) ukusebenzisa amagunya orhulumente okanye ukwenza umsebenzi worhulumente oko kusenziwa ngokwemiqathango yawo nawuphi na umthetho owisiweyo, kodwa oku akubandakanyi nkundla okanye igosa lenkundla;

“enye inkunkuma” ithetha enye inkunkuma engeyiyo eyezeiko lezempilo;

“umntu” uthetha umntu nje okanye umntu ongumqondisi-mthetho, kwaye oku kubandakanya naliphi na iqumrhu lombuso;

“IPhondo” lithetha iPhondo leNtshona Koloni;

“UMphathiswa wePhondo” uthetha iLungu leKhabhinethi yePhondo elinoxanduva lemicimbi yendalo kwiPhondo;

“I-radionuclide” ithetha i-nuclide ebonisa izinto ekungafuneki zidityaniswe, izinto eziba namandla, ezidla ngokuba neziphumo zokwenzeka kwee-nuclide ezintsha, ezihamba nokudubula/ ukuvela kolunye udidi lwemitha;

“ukuchitheka” kubhekiselela ekuphalala kwenkunkuma yeziko lezempilo ichaphazela indalo, kanti igama elithi ukuchitheka linentsingiselo enxibelelene nalo;

“indawo ekhuselekileyo” ithetha indawo ekhuselweyo esikelwe neakasana ukugcinwa, ukugqithiselwa, nokusebenza ngenkunkuma okanye ukulahlwa kwenkunkuma yeziko lezempilo;

“umsebenzi ngenkunkuma” uthetha umntu okanye iziko elibandakanyeka ekusebenzeni ngenkunkuma enobungozi yeziko lezempilo ngenxa yokulahlwa kwenkunkuma enjalo;

"ukusebenza ngenkunkuma" luthetha ukusetyenziswa kwenkunkuma enobungozi yeziko lezempilo ukuze kunciphe ubungozi, ukufumana ityhefu okanye umthamo wenkunkuma enobungozi yeziko lezempilo;

"umthuthi-nkunkuma" kuthetha umntu okanye iziko okanye naliphi na iqumrhu lomntu okanye iziko elithutha inkunkuma yeziko lempilo liyisisu kwindawo ethe yadaleka kuyo liyise kwindawo egcinwa kuyo okwexeshana okanye umphelo, ukuyihlaziya, ukusetyenzwa kwayo okanye ukuyichitha;

"inkunkuma" kubhekiselelwa kuyo nayiphi na into, nokuba ibumoya, ilulwelo okanye iqinile okanye into ethi kwakuhlanganiswa ezinye zezi zinto yenze inkunkuma, ethi ixesha lonke ifakwe nguMphathiswa kwiGazethi njengemveliso engafunekileyo okanye engeyomfuneko, ebubumdaka, engumququ okanye eyintsalela yayo nayiphi na inkqubo okanye umsebenzi ochaziweyo kumthetho i-Environmental Conservation Act, 1989 (No. 73 of 1989).

Injongo yoMthetho

2. Injongo yalo Mthetho kukukhuthaza indlela ehlanganisiweyo emayilawulwe ngayo inkunkuma yeziko lezempilo ukuze ke ngoko—

- kuncitshiswe ukubekwa kwabantu emingciphekweni yenkunkuma yamaziko empilo;
- ukuthintela ukusingelwa phantsi kwendalo;
- ukuthintela ukuchithwa nje naphi kwenkunkuma yezempilo;
- ukukhuthaza uphuhliso oluzinzileyo, ndawonye
- nokuqinisekisa ngolawulo olunoxanduva ekujongeni inkunkuma yamaziko empilo eli Phondo.

IMithetho-siseko emalunga nokuTolika

3. Lo Mthetho kufuneka utolikwe uze usetyenziswe ngokuhambelana nemithetho-siseko emiselwe kwicandelo 2 lomthetho iNational Environmental Management Act, 1998 (Act 107 of 1998).

Indlela osebenza ngayo uMthetho

- (1) Lo mthetho usebenza kulo lonke iPhondo kubo bonke abantu, amaziko nemibutho ebandakanyekayo ekwenzeni, ekugcineni ekuthutheni nasekuphatheni okanye ekulahleni inkunkuma yeziko lezempilo, kodwa awusebenzi kwinkunkuma yeziko lempilo engeyiyo eyezinto zonyango.
- Apho umasipala enegunya okanye ethe wanamandla okulawula nokumisa kakuhle imicimbi ejongene nalo Mthetho, wokuba umasipala angamisela imithetho yakhe elawula imicimbi yokujongana nalo Mthetho.
- Apho umasipala athe wamisela khona umthetho olawula imicimbi yokujongana nalo Mthetho, lo Mthetho awusebenzi kuloo masipala: ngaphandle kokuba lo mimiselo ibekiweyo ngokomthetho kamasipala ihambelana naleyo imiselweyo ngulo Mthetho kwaye awukho qatha kangako.

Isithintelo sokuChitha nokungayiPhathi ngeNdlela eFanelekileyo iNkunkuma yeZiko lezeMpilo

5. Akuvumelekanga ukuba umntu achithe inkunkuma naphi na okanye angayiphathi ngandlela inkunkuma.

Uxanduva loMsunguli, uMthuthi, Umphathi okanye uMchithi-nkunkuma yeZiko lezeMpilo

- (1) umsunguli, umthuthi, umphathi okanye umchithi wenkunkuma yeziko lezempilo unomsebenzi wokunonophela ukuqinisekisa ngokuhambela nalo Mthetho kunye nayo nayiphi na eminye imithetho echaphazelekayo yawisayo yephondo okanye eyesizwe ukuba yonke inkunkuma enobungozi iyahlulwa kwakwindawo eyenzeke kuyo, nxa ipakishwa, kufuneka ipakishwe yodwa, igcinwe yodwa, ithuthwe yodwa, kusetyenzwe ichithwe ngendlela ekhuselekileyo eya kwenza kungabikho bungozi empilweni yabantu okanye endalweni.
- ngaphandle kokulinganiseka ubungakanani boxanduva olukhankanyiweyo kwicandelo (1), umsunguli, umthuthi, umntu osebenza ngenkunkuma okanye umchithi wenkunkuma yeziko lezempilo kufuneka athobele le mimiselo ilandelayo:
 - Umsunguli wenkunkuma yezempilo kufuneka aqinisekise ukuba kuncitshiswa kangangoko ukudaleka kwenkunkuma yeziko lezempilo kwiziko elo.
 - Umsunguli, umthuthi, umntu osebenza ngenkunkuma yeziko lezempilo kufuneka athi ngamaxesha onke, ayigcine ngendlela efanelekileyo inkunkuma leyo, zifakwe neelebhile izikhongozeli ezinayo njengoko etshilo uMphathiswa wePhondo.
 - Umsunguli, umthuthi, umntu osebenza ngenkunkuma yeziko lezempilo kufuneka akulumkele ukufikelela kwabantu kwizikhongozeli ezinenkunkuma enobungozi yeziko lezempilo bangafikeleli nakwiindawo egcinwe kuzo.
 - Umsunguli, umthuthi, umntu osebenza ngenkunkuma nomntu oyichithayo inkunkuma yeziko lezempilo kufuneka aqinisekise ukuba indawo ayigcina kuyo le nkunkuma yindawo esikelwe ukwenza loo nto.
 - Umsunguli, umthuthi, umntu osebenza ngenkunkuma nomntu oyichithayo inkunkuma yeziko lezempilo kufuneka aqinisekise ukuba inkunkuma yendawo yee-x-reyi anoxanduva lokuyijonga kufuneka akwazi ukuyilawula inkunkuma leyo ngokwemimiselo yomthetho iHazardous Substances Act, 1973 (Act No.15 of 1973).
 - Umsunguli, umthuthi, umntu osebenza ngenkunkuma nomntu oyichithayo inkunkuma yeziko lezempilo kufuneka abanike uqeqesho olumandla bonke abasebenzi bakhe abaqeshwe nguye ababandakanyekayo kulawulo lwenkunkuma yeziko lezempilo ngokwemiqathango yomthetho iOccupational Health and Safety Act.
 - Umsunguli, umthuthi, umntu osebenza ngenkunkuma nomntu oyichithayo inkunkuma yeziko lezempilo kufuneka aqinisekise ukuba agcine iirekhodi ezihlaziyiwa qho ezibhalwe phantsi nokuba zezo zikwi-elektronika ezimalunga nenkunkuma yeziko lezempilo ivela kulo, kusetyenzwa ngayo khona, ithuthwa khona okanye ichithwa khona.

- (h) Umsunguli, umthuthi, umntu osebenza ngenkunkuma nomntu oyichithayo inkunkuma yeziko lezempilo kufuneka aqinisekise ukuba aqine iirekhodi ezibhalwe phantsi okanye ezinge-elektronika ekubhekiselelwa kuzo kwicandelwana 2 (g) kangangesithuba esichazwe nguMphathiswa wePhondo.
- (i) Umsunguli, umthuthi, umntu osebenza ngenkunkuma nomntu oyichithayo inkunkuma yeziko lezempilo kufuneka aqinisekise ukuba azenze zifunyanwe iirekhodi luluntu, xa zifuneka ngokwemiqathango yomthetho iPromotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- (j) Umsunguli, umthuthi, umntu osebenza ngenkunkuma nomntu oyichithayo inkunkuma yeziko lezempilo kufuneka aqinisekise ukuba uthumela qho zonke iinkcukacha ezichazwe kumhlathi (g) kwiSebe eli ukuze zimiselwe nguMphathiswa wePhondo, kanti kwauMphathiswa wePhondo lo iya kuba nguye omisela indlela emazifakwe nayo kwanemihla emazithunyelwe ngayo ezo nkcukacha.
- (k) Umsunguli, umthuthi, umntu osebenza ngenkunkuma nomntu oyichithayo inkunkuma yeziko lezempilo kufuneka ukuba athi kwixesha elisikiweyo emva kokusebenza kwalo Mthetho, abhalise kwiSebe eli ngokuthi athumele ifomu ebhalwe ngokuzeleyo kweli Sebe, fomu leyo ifumaneka kwakweli Sebe.

Ukungcolisa nokuLahla nje iNkunkuma enobuNgozi yeZiko lezeMpilo

7. (1) Umntu ongcolisa ngenkunkuma yeziko lezempilo enobungozi nomntu olawula inkunkuma yeziko lezempilo enobungozi othe ngexesha likuchitheka kwenkunkuma, okanye ingeyiyo inkunkuma enezinto ezinobungozi ethe yachithwa kumasango ezibhedlele, kwiiklinikhi nakwiiseari, kufuneka—
 - (a) axelele umasipala ochaphazelekayo ngoko nangoko kunye neli Sebe ukuba inkunkuma elolo hlobo iye yachitheka;
 - (b) athathe amanyathelo okhawulezileyo ukuze kulunyukiswe uluntu ngendawo enenkunkuma enjalo;
 - (c) ayibuyisele kwimeko yesiqhelo indawo leyo ethe yachithekela kuyo inkunkuma, kananjalo
 - (d) aqinisekise ukuba inkunkuma yeziko lezempilo ethe yachitheka kuyasetyenza ngayo, kwaye iyathuthwa iye kulahlwa, oko kusenziwa ngokwalo Mthetho.
- (2) Apho ithe yalahlwa khona inkunkuma yeziko lezempilo enobungozi, kufuneka umasipala ochaphazelekayo—
 - (a) athabathe nawuphi na amanyathelo abonwa efanelekile khon' ukuze kuqinisekise ngokhuseleko loluntu, kwakhona kuqinisekise ukuba indawo ethe kwalahlwa kuyo inkunkuma ibuyiselwa kwimeko yayo yesiqhelo;
 - (b) ayalele nokuba nguwapu na umntu olahla inkunkuma yeziko lezempilo enobungozi ukuba makaxelele umasipala aze yena athathe nokuba ngawuphi na amanyathelo awabona efanelekile ukubuyisela indawo leyo kulahlwe kuyo inkunkuma kwimeko yayo yesiqhelo ukuze kukhuseleke uluntu;
 - (c) ukuqinisekisa ukuba inkunkuma enobungozi yeziko lezempilo isetyenzwa okanye ilahlwa ngokuhambelana nalo Mthetho, nokuba ithe inkunkuma leyo yalahlwa kumasango endawo ebiyenzekele kuyo okanye iwe xa ibithuthwa, okanye xa bekusetyenzwa ngayo nokuba ibisiya kulahlwa
 - (d) ukuhlawulisa nabani na othe walahla inkunkuma enobungozi yeziko lezempilo, naziphi na iindleko ezingadla umasipala xa ecoca inkunkuma yeziko lezempilo kwindawo ebekuhlwe kuyo inkunkuma ebuyisela loo ndawo kwimo yayso yesiqhelo, kanti naziphi na ezinye iindleko ezithe zadaleka ngokungqalileyo ezayanyaniswa nokulahlwa nje kwenkunkuma kwindawo ebiyenzeke kuyo inkunkuma leyo okanye xa ibithuthwa, kusetyenzwa ngayo okanye ilahlwa, ndawonye
 - (e) nokubeka ubutyala kumntu okanye abantu abanoxanduva lokulahlwa inkunkuma yeziko lezempilo

UKhuseleko lwabaSebenzi

8. Umsunguli, umthuthi, umntu osebenza ngenkunkuma nomntu oyichithayo inkunkuma yeziko lezempilo kufuneka athabathe amanyathelo okukhusela abasebenzi ngokwasempilweni nokuba bakhuseleke emzimbeni, oko ekwenza ngokuhambelana nomthetho iOccupational Health and Safety Act.

Ukunyulwa kwabaHloli

9. INtloko yeSebe eli, okanye umanejala kamasipala, apho kukho khona imfuneko, anganyula aba bantu balandelayo ngokubhala phantsi, ebanyula njengabahloli abaya kusebenza ngokwemiqathango yalo Mthetho:
 - (a) nawuphi na umntu oqeshwe leli Sebe;
 - (b) nawuphi na uMsebenzi ojongene nezeMpilo kwiNdalo, iGosa lezeNdalo okanye naliphi na igosa elijongene nokuthotyelwa komthetho eliqeshwe ngumasipala kweso sikhundla.

AmaGunya abaHloli

10. (1) Nawuphi na umhloli oqeshwe ngokwemiqathango yecandelo 9 unako—
 - (a) ukungena kumasango nakwiziza apho ithi yenziwe khona, apho kusetyenzwa ngayo khona, apho igcinwa khona, opkanye apho itshatyalaliswa khona inkunkuma, okanye apho eli gosa lezempilo likrokrela ukuba inkunkuma yenziwa khona, apho kusetyenzwa ngayo khona, apho igcinwa khona, okanye apho ilahlwa khona;
 - (b) ukufikelela kwizithuthi okanye kwindawo apho ibekwe khona inkunkuma okanye apho ithuthelwa khona, okanye xa likrokrela ukuba indawo leyo inenkunkuma okanye kuthuthelwa kuyo inkunkuma.

- (2) apho umhloli angena kumasango okanye kwisiza okanye afumane imvume yokungena kwisithuthi (senkunkuma) ngokwemiqathango yecandelwana (1), angathi ngokwenjongo yokulawula lo Mthetho, enze naluphi na uhlobo okanye uphando olubandakanya nakuba lungepheli—
 - (a) ekuhloleni nasekusetsheni amasango, isiza okanye isithuthi ekhangela inkunkuma evela kumaziko ezempilo;
 - (b) ekuhloleni iinkqubo apho inkunkuma yamaziko ezempilo kusetyenzwa ngayo, igcinwa, ithuthwe ize ichithwe khona;
 - (c) ukufuna iinkcukacha ezibhekiselele kumngcipheko engadalwa yinkunkuma yamaziko empilo kumntu ojongene nomcimbi wenkunkuma, okanye kumnini-ndawo kungenjalo umntu ophetheyo kumasango, kwindawo okanye kwisithuthi senkunkuma;
 - (d) Ukukhangela nokwenza iikopi okanye ukucaphula kwinto ebhalwe phantsi yaza yagcinwa ngokwemiqathango 6(2)(h) nokufuna ingcaciso yalo naliphi na ingenelo elibhalwe phantsi okanye elifumaneka ngokwe-elektronika kumntu ojongene nezinto ezibhalwe phantsi okanye iirekhodi ezifumaneka nge-elektronika, okanye kumnini-ndawo okanye kumntu ojongene neendawo ezo kunye nesithuthi.

Amatyala nezohlwayo kunye neziphumo zokubekwa ubutyala

11. (1) Nawuphi na umntu owaphula, okanye osilelayo ukuthobela, nawuphi na ummiselo wecandela le-5 okanye ele-6 unobutyala lokwaphula umthetho kwaye akufunyaniswa enobutyala uya kunikwa isohlwayo okanye abanjwe avalele kangangesithuba esingayi kudlula kwiminyaka emihlanu, okanye afumane isohlwayo kokuvalwa iminyaka engadlulanga kwemihlanu.
- (2) Kwimeko apho kuthe kophulwa umthetho kuphindelwa kuya kubakho isongezelelo sesohlwayo okanye ukuvalwa ejele kangangesithuba esingayi kudlula kwiminyaka elishumi ngesihlo ngasinye apho buya kusoloko kubekwa khona ubutyala ngokuphindaphindayo.

Imisebenzi yooMasipala

12. (1) Umasipala kufuneka—
 - (a) amisele imimiselo yalo Mthetho kwindawo anamagunya olawulo kuyo;
 - (b) enze iinkqubo zophicotho zabanzi benkunkuma, abathuthi benkunkuma, abasebenza ngenkunkuma nabalahli benkunkuma yeziko lezempilo ukuqinisekisa ukuba iyathotyelwa imimiselo yalo Mthetho;
 - (c) anike ingxelo qho ngonyaka kuMphathiswa wePhondo ngenani lezihlo zokulahlwa kwenkunkuma enobungozi yeziko lezempilo ngokungekho mthethweni kwindawo anamagunya olawulo kuyo, inani lezihlo zokulahlwa nje kwenkunkuma enobungozi yeziko lezempilo ekuthi kulandele ugenelelo lwenkundla yamatyala, kwanenani lezihlo zokulahlwa kwenkunkuma enobungozi yeziko lezempilo ngokungekho mthethweni eyathi yabeka ubutyala inkundla yamatyala.
- (2) UMphathiswa wePhondo angenza isicelo kumasipala sokunika ezinye iingxelo okanye ingcaciso ebhekiselele kwindlela ayenza ngayo imisebenzi neenkqubo zakhe umasipala lowo phantsi kwalo Mthetho.

Imisebenzi yeNtloko yeSebe

13. (1) Intloko yeSebe kufuneka ibe yiyp ebeka iliso kwindlela olusebenza ngayo ulawulo lwenkunkuma enobungozi yeziko lezempilo kweli Phondo—
 - (a) ukulawula imimiselo echaphazelekayo yalo Mthetho, ndawonye
 - (b) nokuseka nokugcina idatha-bheyisi enazo zonke iinkcukach eziceliweyo kwicandelo 6(2)(h) no(k).
- (2) INtloko yeSebe eli yiyo eya kwenza uphicotho lwayo nayiphi inkunkuma eyenziweyo, inkunkuma esetyenzwayo, okanye elahlwayo kwiPhondo eli.

Imiqathango

14. UMphathiswa wePhondo nguye oya kwenza imiqathango ephathelele kuyo nayiphi na into ebhekiselele kulawulo lwenkunkuma yeziko lezempilo.

Isihloko esifutshane nokuqalisa

15. Lo Mthetho kuthiwa yiWestern Cape Health Care Waste Management Act, 2004, kwaye waqalisa ukusebenza ngomhla owamiselwa yiNkulumbuso ngokwenza isibhengezo kwiGazethi yePhondo.