



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 337

CAPE TOWN, 9 JULY 1993

KAAPSTAD, 9 JULIE 1993

No. 14935

STATE PRESIDENT'S OFFICE

No. 1192.

9 July 1993

It is hereby notified that the Acting State President has assented to the following Act which is hereby published for general information:—

No. 86 of 1993: Academic Health Centres Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1192.

9 Julie 1993

Hierby word bekend gemaak dat die Waarnemende Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 86 van 1993: Wet op Akademiese Gesondheidsentrums, 1993.

ACT

To provide for the establishment of academic health centres and for the control, administration and management thereof; and for matters connected therewith.

*(Afrikaans text signed by the Acting State President.)
(Assented to 28 June 1993.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context otherwise indicates—
 - (i) “academic health centre” means any centre established under section 8(1), but shall not include any educational institution; (i) 5
 - (ii) “academic hospital” means a hospital at which also practical training in the field of health care is provided to students; (ii)
 - (iii) “Department” means the Department of National Health and Population Development; (vi) 10
 - (iv) “Director-General” means the Director-General: National Health and Population Development; (vii)
 - (v) “educational institution” means any university, technikon, technical college, nursing college or other institution providing practical training in health care; (xii) 15
 - (vi) “financial year” means the period from 1 April in any year to 31 March in the next succeeding year; (v)
 - (vii) “health authority” means any department of State, a provincial administration or a local authority; (ix)
 - (viii) “health care facility” means a hospital, a health care clinic or any institution providing health care services; (viii) 20
 - (ix) “manager” means the manager referred to in section 14; (iv)
 - (x) “Minister” means the Minister for National Health and Welfare; (xi)
 - (xi) “policy council” means the Policy Council for Academic Health Centres established in terms of section 2; (iii) 25
 - (xii) “prescribe” means prescribe by regulation in terms of section 31; (xiv)
 - (xiii) “supervisory board” means a supervisory board referred to in section 10; (xiii) and
 - (xiv) “this Act” includes any regulation made thereunder. (x)

Establishment of Policy Council for Academic Health Centres 30

2. There is hereby established a council to be known as the Policy Council for Academic Health Centres.

Functions of policy council

3. The policy council—
 - (a) may of its own accord, and shall at the request of the Minister, 35
 - (i) investigate matters relating to—
 - (i) the functions of any academic health centre; and
 - (ii) the co-operation between a health authority, an educational institution and an academic health centre, and after consideration of any such matter, make recommendations to the Minister in regard thereto; 40
 - (b) may advise any health authority or supervisory board on any matter referred to the policy council by the relevant authority or supervisory board; and

WET

Om voorsiening te maak vir die instelling van akademiese gesondheidsentrums en vir die beheer, administrasie en bestuur daarvan; en vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 28 Junie 1993.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywings

1. In hierdie Wet, tensy uit die samehang anders blyk beteken—
 - 5 (i) “akademiese gesondheidsentrum” ’n sentrum ingestel kragtens artikel 8(1), maar nie ook ’n opvoedkundige inrigting nie; (i)
 - (ii) “akademiese hospitaal” ’n hospitaal waar ook praktiese opleiding op die gebied van gesondheidsorg aan studente verskaf word; (ii)
 - 10 (iii) “beleidsraad” die Beleidsraad vir Akademiese Gesondheidsentrums ingevolge artikel 2 ingestel; (xi)
 - (iv) “bestuurder” die bestuurder in artikel 14 bedoel; (ix)
 - (v) “boekjaar” die tydperk van 1 April in ’n jaar tot 31 Maart in die daaropvolgende jaar; (vi)
 - 15 (vi) “Departement” die Departement van Nasionale Gesondheid en Bevolkingsontwikkeling; (iii)
 - (vii) “Direkteur-generaal” die Direkteur-generaal: Nasionale Gesondheid en Bevolkingsontwikkeling; (iv)
 - (viii) “gesondheidsorgfasiliteit” ’n hospitaal, ’n gesondheidsorgkliniek of ’n inrigting wat gesondheidsorgdienste lewer; (viii)
 - 20 (ix) “gesondheidsowerheid” ’n Staatsdepartement, ’n provinsiale administrasie of ’n plaaslike owerheid; (vii)
 - (x) “hierdie Wet” ook ’n regulasie daarkragtens uitgevaardig; (xiv)
 - (xi) “Minister” die Minister vir Nasionale Gesondheid en Welsyn; (x)
 - 25 (xii) “opvoedkundige inrigting” ’n universiteit, teknikon, tegniese kollege, verpleegkollege of ander inrigting wat praktiese opleiding in gesondheidsorg verskaf; (v)
 - (xiii) “toesighoudende raad” ’n toesighoudende raad in artikel 10 beoog; (xiii) en
 - (xiv) “voorskryf” by regulasie ingevolge artikel 31 voorskryf. (xii)

30 Instelling van Beleidsraad vir Akademiese Gesondheidsentrums

2. Daar word hierby ’n raad ingestel wat die Beleidsraad vir Akademiese Gesondheidsentrums heet.

Werkzaamhede van beleidsraad

3. Die beleidsraad—
 - 35 (a) kan uit eie beweging, en moet op versoek van die Minister, aangeleenthede wat verband hou met—
 - (i) die werkzaamhede van ’n akademiese gesondheidsentrum; en
 - (ii) die samewerking tussen ’n gesondheidsowerheid, ’n opvoedkundige instelling en ’n akademiese gesondheidsentrum,
 - 40 ondersoek, en na oorweging van so ’n aangeleentheid, aanbevelings aan die Minister in verband daarmee doen;
 - (b) kan ’n gesondheidsowerheid of ’n toesighoudende raad adviseer oor enige aangeleentheid wat deur die betrokke owerheid of toesighoudende raad na die beleidsraad verwys word; en

- (c) may in general perform such acts as are necessary or considered by the policy council to be expedient for the achievement of the objects of this Act.

Constitution of policy council

4. (1) The policy council shall consist of— 5
- (a) the Director-General, who shall be chairman of the policy council;
 - (b) the Director-General of the Department of National Education;
 - (c) the head of the branch responsible for health or hospital services in each provincial administration;
 - (d) two officers of the Department designated by the Minister; 10
 - (e) the President of the MRC referred to in section 9 of the South African Medical Research Council Act, 1991 (Act No. 58 of 1991);
 - (f) the President of the South African Medical and Dental Council referred to in section 7 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974); 15
 - (g) the President of the South African Nursing Council referred to in section 7 of the Nursing Act, 1978 (Act No. 50 of 1978);
 - (h) the principal or rector, as the case may be, of each university with a faculty of medicine; and
 - (i) not more than two additional members whom the Minister, after 20 consultation with persons mentioned in paragraphs (a) to (h), deems necessary with a view to the effective performance of the functions of the policy council.
- (2) A member of the policy council referred to in subsection (1)(i) shall hold office for such period as the Minister may determine at the time of his 25 appointment, but may be reappointed.

Meetings and decisions of policy council

5. (1) The policy council shall at its first meeting, and at meetings thereafter when it becomes necessary, from among its members elect a vice-chairman of the policy council, who shall hold office for such period as the policy council may 30 determine at the time of his election.
- (2) If the chairman is absent or is for any reason unable to act as chairman, the vice-chairman shall perform the functions of the chairman.
- (3) The chairman or vice-chairman or, in their absence, a member of the policy council elected by the members present, shall preside at a meeting of the council. 35
- (4) (a) The meetings of the policy council shall be held at such times and places as the chairman of the policy council may from time to time determine.
- (b) The quorum for a meeting of the policy council shall be a majority of its members.
- (c) The decision of at least two-thirds of the members present at a meeting shall 40 constitute a decision of the policy council.
- (d) The policy council may in its discretion determine the procedure at its meetings.
- (5) (a) Any member of the policy council, except a member referred to in section 4(a) and (i), may, subject to the directives of the policy council, designate 45 any person to act in his stead as a member of the policy council.
- (b) Any alternate member may attend and take part in the proceedings at any meeting of the policy council whenever a member in whose stead he has been designated as an alternate member, is absent from the meeting.

Remuneration of members of policy council

6. A member of the policy council who is not in the full-time employment of the State shall, in respect of his service as such a member, be paid, out of money appropriated by Parliament for such purpose, such remuneration, including

- (c) kan in die algemeen die handeling verrig wat na die oordeel van die beleidsraad nodig of dienstig is ter verwesenliking van die oogmerke van hierdie Wet.

Samestelling van beleidsraad

- 5 4. (1) Die beleidsraad bestaan uit—
- (a) die Direkteur-generaal, wat die voorsitter van die beleidsraad is;
 - (b) die Direkteur-generaal van die Departement van Nasionale Opvoeding;
 - 10 (c) die hoof van die afdeling wat verantwoordelik is vir gesondheids- of hospitaaldienste in elke provinsiale administrasie;
 - (d) twee beamptes van die Departement deur die Minister aangewys;
 - (e) die President van die MNR bedoel in artikel 9 van die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1991 (Wet No. 58 van 1991);
 - 15 (f) die President van die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad bedoel in artikel 7 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974);
 - (g) die President van die Suid-Afrikaanse Raad op Verpleging bedoel in artikel 7 van die Wet op Verpleging, 1978 (Wet No. 50 van 1978);
 - 20 (h) die prinsipaal of rektor, na gelang van die geval, van elke universiteit wat 'n fakulteit van geneeskunde het; en
 - (i) hoogstens twee bykomende lede wat die Minister, na oorleg met persone genoem in paragrafe (a) tot (h), nodig ag met die oog op die doeltreffende verrigting van die werksaamhede van die beleidsraad.
 - 25 (2) 'n Lid van die beleidsraad in subartikel (1)(i) bedoel, beklee sy amp vir die tydperk wat die Minister ten tyde van sy aanstelling bepaal, maar kan na verstryking van sy ampstermyn weer aangestel word.

Vergaderings en besluite van beleidsraad

- 30 5. (1) Die beleidsraad moet op sy eerste vergadering, en op vergaderings daarna wanneer dit nodig word, uit sy lede 'n ondervoorsitter van die beleidsraad kies, wat sy amp beklee vir die tydperk wat die beleidsraad ten tyde van sy verkiesing bepaal.
- (2) Indien die voorsitter afwesig is of om die een of ander rede nie in staat is om as voorsitter op te tree nie, moet die ondervoorsitter die werksaamhede van die voorsitter verrig.
- (3) Die voorsitter of ondervoorsitter of, in hul afwesigheid, 'n lid van die beleidsraad deur die aanwesige lede aangewys, sit voor op 'n vergadering van die beleidsraad.
- 40 (4) (a) Die vergaderings van die beleidsraad word gehou op die tye en plekke wat die voorsitter van die beleidsraad van tyd tot tyd bepaal.
- (b) Die kworum vir 'n vergadering van die beleidsraad is 'n meerderheid van sy lede.
- (c) Die beslissing van ten minste twee derdes van die lede wat op 'n vergadering aanwesig is, maak 'n besluit van die beleidsraad uit.
- 45 (d) Die beleidsraad kan na goeë dunnke die prosedure op sy vergaderings bepaal.
- (5) (a) 'n Lid van die beleidsraad, behalwe 'n lid in artikel 4(a) en (i) bedoel, kan, onderworpe aan die voorskrifte van die beleidsraad, 'n persoon aanwys om in sy plek as lid van die beleidsraad op te tree.
- 50 (b) 'n Plaasvervangende lid kan 'n vergadering van die beleidsraad bywoon en aan die verrigtinge by so 'n vergadering deelneem wanneer 'n lid in wie se plek hy as plaasvervangende lid aangewys is, van die vergadering afwesig is.

Besoldiging van lede van beleidsraad

- 55 6. 'n Lid van die beleidsraad wat nie in die heeltidse diens van die Staat is nie, ontvang, uit geld wat vir dié doel deur die Parlement bewillig is, ten opsigte van sy diens as so 'n lid die besoldiging, met inbegrip van vergoeding vir vervoer-,

reimbursement for transport, travelling and subsistence expenses, as the Minister may from time to time determine with the concurrence of the Minister of State Expenditure.

Committees of policy council

7. (1) The policy council may with the approval of the Minister establish one or more committees to inquire into, and to report to the policy council in regard to, matters relating to the functions of the policy council and which the policy council refers to it for investigation. 5

(2) A committee established under subsection (1), shall consist of one or more persons, as the policy council may determine, who may be members of the policy council or other persons who are not members of the policy council, and the policy council may at any time dissolve or reconstitute such a committee. 10

(3) One of the members of the committee established under subsection (1) shall be designated by the policy council as chairman of the committee.

(4) Section 6 shall apply *mutatis mutandis* in respect of a member of a committee. 15

Establishment of academic health centres

8. (1) The Minister may—

- (a) with the concurrence of a university having a faculty of medicine; and
- (b) after consultation with the provincial administration concerned; and 20
- (c) with the concurrence of the Minister of State Expenditure,

by notice in the *Gazette* establish an academic health centre and assign a name to such centre.

(2) An academic health centre shall be a juristic person having control over such health care facilities as are mentioned in the notice under subsection (1). 25

(3) An academic health centre and the university concerned and any health authority may conclude agreements regarding—

- (a) the making available of staff to the academic health centre and the remuneration payable therefor; and
- (b) any other matter to assist the academic health centre to achieve its objects. 30

Objects of academic health centre

9. The objects of an academic health centre are—

- (a) to render services; and
- (b) to provide facilities for research and for the practical training of students of such educational institutions as the Minister may determine by a notice referred to in section 8(1), 35

in the field of health care.

Control over, and management of, affairs of academic health centre

10. (1) The affairs of an academic health centre shall be managed and controlled by a supervisory board, which shall generally exercise control over the performance of its functions and the exercise of its powers. 40

(2) The members of a supervisory board of an academic health centre shall consist of—

- (a) not more than four members, of whom at least one shall be a medical practitioner and one shall be a nurse, designated by the Minister after consultation with the Administrator of the province in which the health centre concerned is situated; 45
- (b) not more than four persons designated by the principal or rector of the relevant university referred to in section 8(1)(a); 50
- (c) not more than four persons who are not in the full-time employment of the State of the said university and who shall be designated in the prescribed manner;
- (d) one additional person appointed by the Minister on the recommendation of the supervisory board; and 55

reis- en verblyfuitgawes deur hom aangegaan by die verrigting van sy werksaamhede as lid van die beleidsraad, wat die Minister van tyd tot tyd met die instemming van die Minister van Staatsbesteding bepaal.

Komitees van beleidsraad

- 5 7. (1) Die beleidsraad kan met die goedkeuring van die Minister een of meer komitees instel om ondersoek in te stel na, en aan die beleidsraad verslag te doen oor, die werksaamhede van die beleidsraad, en oor aangeleenthede wat die beleidsraad na so 'n komitee verwys.
- 10 (2) 'n Komitee kragtens subartikel (1) ingestel, bestaan uit een of meer persone, na gelang die beleidsraad bepaal, wat lede van die beleidsraad of ander persone wat nie lede van die beleidsraad is nie kan wees, en die beleidsraad kan te eniger tyd so 'n komitee ontbind of opnuut saamstel.
- (3) Die beleidsraad moet een van die lede van 'n komitee kragtens subartikel (1) ingestel, as voorsitter van die komitee aanwys.
- 15 (4) Artikel 6 is *mutatis mutandis* van toepassing ten opsigte van 'n lid van die komitee.

Instelling van akademiese gesondheidsentrums

8. (1) Die Minister kan—
- 20 (a) met die instemming van 'n universiteit wat 'n fakulteit van geneeskunde het; en
- (b) na raadpleging van die betrokke provinsiale administrasie; en
- (c) met die instemming van die Minister van Staatsbesteding,
- by kennisgewing in die *Staatskoerant* 'n akademiese gesondheidsentrum instel en 'n naam aan die sentrum toeken.
- 25 (2) 'n Akademiese gesondheidsentrum is 'n regspersoon en het beheer oor die gesondheidsorgfasiliteite in die kennisgewing kragtens subartikel (1) vermeld.
- (3) 'n Akademiese gesondheidsentrum en die betrokke universiteit en enige gesondheidsowerheid kan ooreenkomste aangaan betreffende—
- 30 (a) die beskikbaarstelling van personeel aan die akademiese gesondheidsentrum en die vergoeding wat daarvoor betaalbaar is;
- (b) enige ander aangeleentheid ten einde die akademiese gesondheidsentrum behulpsaam te wees om sy oogmerke te bereik.

Oogmerke van akademiese gesondheidsentrum

9. Die oogmerke van 'n akademiese gesondheidsentrum is om op die gebied
- 35 van gesondheidsorg—
- (a) dienste te lewer; en
- (b) fasiliteite te verskaf vir navorsing en vir die praktiese opleiding van studente van dié opvoedkundige inrigtings wat die Minister by die kennisgewing bedoel in artikel 8(1) bepaal.

40 Beheer oor, en bestuur van, sake van akademiese gesondheidsentrum

10. (1) Die sake van 'n akademiese gesondheidsentrum word bestuur en beheer deur 'n toesighoudende raad, wat in die algemeen beheer uitoefen oor die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede.
- (2) Die lede van 'n toesighoudende raad van 'n akademiese gesondheidsentrum bestaan uit—
- 45 (a) hoogstens vier persone, van wie minstens een 'n geneesheer en een 'n verpleegkundige moet wees, wat deur die Minister na oorlegpleging met die Administrateur van die provinsie waarin die betrokke gesondheidsentrum geleë is, aangewys word;
- 50 (b) hoogstens vier persone wat deur die prinsipaal of rektor van die betrokke universiteit bedoel in artikel 8(1)(a), aangewys word;
- (c) hoogstens vier persone wat nie in die heeltydse diens van die Staat of genoemde universiteit is nie en wat op die voorgeskrewe wyse aangewys word;
- 55 (d) een persoon wat deur die Minister aangestel word na oorlegpleging met die beleidsraad; en

- (e) the manager, who shall serve on the supervisory board by virtue of his office:

Provided that an equal number of persons shall be designated under paragraphs (a), (b) and (c), respectively.

(3) A member of a supervisory board, excluding the member mentioned in subsection (2)(e), shall hold office for the period determined at his designation or appointment, but not exceeding four years, and may be reappointed on the termination of such period.

(4) The members of a supervisory board shall from among themselves, excluding a member referred to in subsection (2)(e), elect a person as chairman of the supervisory board and another as vice-chairman.

(5) A member of a supervisory board, except a member who is in the full-time employment of the State or an academic health centre, shall be appointed on such conditions, including conditions relating to the payment of remuneration and allowances, as the Minister may determine with the concurrence of the Minister of State Expenditure.

(6) The Minister may, with the concurrence of the Minister of State Expenditure, from time to time reserve any financial matter provided for in this Act as a matter in respect of which a decision of a supervisory board shall be subject to the approval of the Minister, granted with the concurrence of the Minister of State Expenditure.

(7) For the purposes of this section—

- (a) “medical practitioner” means any person registered as a medical practitioner in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974); and
- (b) “nurse” means any person registered as a nurse in terms of the Nursing Act, 1978 (Act No. 50 of 1978).

Functions of supervisory board

11. In order to achieve the objects of an academic health centre, a supervisory board may—

- (a) provide health care services of its own accord or at the request of and on behalf of any health authority on such terms and conditions as may be agreed upon by the supervisory board and the health authority concerned;
- (b) provide facilities for research and for the practical training of students of an educational institution on such terms and conditions as may be agreed upon by the educational institution and the academic health centre;
- (c) establish and control health care facilities;
- (d) co-operate with health authorities and institutions or associations providing health services;
- (e) purchase or otherwise acquire, or possess, hire, lease, sell, exchange or otherwise dispose of, movable and immovable property, or grant a real right or servitude on the immovable property of the academic health centre to any person, and invest, lend and borrow money: Provided that no supervisory board may lease for a period exceeding one year, sell or exchange or otherwise dispose of such immovable property or grant to any person a real right or servitude thereon without the approval of the Minister, granted with the concurrence of the Minister of State Expenditure;
- (f) in its discretion make arrangements for the erection, maintenance, renovation and repair of buildings, the improvement of services and the fencing of land;
- (g) do any other thing that is necessary to achieve, or is conducive to the achievement of, the said objects; and
- (h) execute, perform or exercise any duty, function or power imposed or conferred upon or entrusted to an academic health centre in terms of the provisions of this Act or any other law.

(e) die bestuurder, wat uit hoofde van sy amp in die toesighoudende raad dien:

Met dien verstande dat 'n gelyke getal persone onderskeidelik kragtens paragrafe (a), (b) en (c) aangewys word.

5 (3) 'n Lid van 'n toesighoudende raad, behalwe die lid in subartikel (2)(e) vermeld, beklee sy amp vir die tydperk wat by sy aanwysing of aanstelling bepaal word, maar hoogstens vier jaar, en kan by die beëindiging van dié tydperk weer aangestel word.

10 (4) Die lede van 'n toesighoudende raad kies uit hul geledere iemand, behalwe 'n lid in subartikel (2)(e) bedoel, as voorsitter van die toesighoudende raad en iemand anders as ondervoorsitter.

(5) 'n Lid van 'n toesighoudende raad, behalwe 'n lid wat in die heeltydse diens van die Staat of 'n akademiese gesondheidsentrum is, word aangestel op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van
15 besoldiging en toelaes, wat die Minister met die instemming van die Minister van Staatsbesteding bepaal.

(6) Die Minister kan, met die instemming van die Minister van Staatsbesteding, van tyd tot tyd enige finansiële aangeleentheid waarvoor daar in hierdie Wet voorsiening gemaak word, voorbehou as 'n aangeleentheid ten opsigte
20 waarvan 'n besluit van die toesighoudende raad onderworpe is aan die goedkeuring van die Minister, wat met die instemming van die Minister van Staatsbesteding verleen word.

(7) By die toepassing van hierdie artikel beteken—

25 (a) "geneesheer" iemand wat as 'n geneesheer kragtens die Wet op Geneesheer, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), geregistreer is; en

(b) "verpleegkundige" iemand wat as 'n verpleegkundige kragtens die Wet op Verpleging, 1978 (Wet No. 50 van 1978), geregistreer is.

Werkzaamhede van toesighoudende raad

30 11. Ten einde die oogmerke van 'n akademiese gesondheidsentrum te bereik, kan 'n toesighoudende raad—

(a) uit eie beweging of op versoek van en ten behoeve van 'n gesondheidsowerheid, gesondheidsorgdienste lewer op die bedinge en voorwaardes waarop die toesighoudende raad en die betrokke gesondheidsowerheid ooreenkom;
35

(b) fasiliteite verskaf vir navorsing en vir die praktiese opleiding van studente van 'n opvoedkundige inrigting op die bedinge en voorwaardes waarop die opvoedkundige inrigting en die akademiese gesondheidsentrum ooreenkom;
40

(c) gesondheidsorgfasiliteite instel en beheer;

(d) met gesondheidsowerhede en met instellings of verenigings wat gesondheidsdienste lewer, saamwerk;

(e) roerende en onroerende goed koop of op 'n ander wyse verkry, of besit, huur, verhuur, verkoop, verruil of op 'n ander wyse vervreem, of
45 'n saaklike reg of serwituut op onroerende goed van die akademiese gesondheidsentrum aan iemand verleen, en geld belê, uitleen en leen: Met dien verstande dat geen toesighoudende raad sonder die goedkeuring van die Minister, verleen met die instemming van die Minister van Staatsbesteding, genoemde onroerende goed mag verhuur vir 'n
50 tydperk van langer as een jaar, verkoop of verruil of op 'n ander wyse vervreem of aan iemand 'n saaklike reg of serwituut daarop mag verleen nie;

(f) na goëddunke reëlins tref vir die oprigting, instandhouding, opknapping en herstel van geboue, die verbetering van dienste en die omheining van grond;
55

(g) enigiets anders doen wat nodig is om genoemde oogmerke te bereik of bevorderlik is vir die bereiking daarvan; en

(h) enige plig, werkzaamheid of bevoegdheid uitvoer, verrig of uitoefen wat ingevolge die bepalings van hierdie Wet of enige ander wet 'n
60 akademiese gesondheidsentrum opgelê word of aan 'n akademiese gesondheidsentrum opgedra of verleen word.

Meetings and decisions of supervisory board

12. (1) The quorum of a meeting of a supervisory board shall be a majority of its members.

(2) The chairman or vice-chairman, or, in their absence, a member of the supervisory board elected by the members present, shall preside at a meeting of the board. 5

(3) The person presiding at a meeting of the supervisory board shall determine the procedure to be followed at that meeting.

(4) A decision of a majority of the members present at a meeting of a supervisory board shall constitute a decision of the board, and in the event of an equality of votes on any matter the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote. 10

(5) No decision taken by or act performed under the authority of the board, shall be invalid by reason only of a vacancy on the board or of the fact that any person not entitled to sit as a member of the board sat as such a member at the time when the decision was taken or the act was authorized by the majority of the members of the board who were present at the time and entitled to sit as members. 15

Committees of supervisory board

13. (1) A supervisory board may establish one or more committees, which shall, subject to the instructions of the supervisory board, perform such functions of the supervisory board as the supervisory board may determine. 20

(2) A committee shall consist of one or more persons, as the supervisory board may determine, who may be members of the supervisory board, employees of the academic health centre or other persons whom the supervisory board deems capable, and the supervisory board may at any time dissolve or reconstitute such a committee. 25

(3) If a committee referred to in subsection (1) consists of more than one member, the supervisory board shall designate a member of the committee as chairman thereof.

(4) A supervisory board may pay to members of a committee referred to in subsection (1) who are not in the full-time employment of the State, or who are not members of the supervisory board or employees of the academic health centre, out of the funds of the centre such remuneration and allowances as the Minister, with the concurrence of the Minister of State Expenditure, may determine. 30 35

(5) A supervisory board shall not be discharged from the performance of any function entrusted to any committee of the supervisory board in terms of this section.

Manager of academic health centre

14. (1) A supervisory board shall appoint as manager a chief executive officer for the academic health centre to assist the supervisory board, subject to the instructions of the said board, in the execution of its managerial functions. 40

(2) The manager shall be appointed for a period not exceeding five years on such conditions, including conditions relating to the payment of remuneration and allowances, as the supervisory board may determine. 45

(3) The manager may at the expiration of his period of office be reappointed.

Vergaderings en besluite van toesighoudende raad

12. (1) Die kworum vir 'n vergadering van 'n toesighoudende raad is 'n meerderheid van sy lede.
- (2) Die voorsitter of ondervoorsitter, of, in hul afwesigheid, 'n lid van die toesighoudende raad deur die aangewysde lede aangewys, sit voor op 'n vergadering van die raad.
- (3) Die persoon wat op 'n vergadering van die toesighoudende raad voorsit, bepaal die prosedure wat op daardie vergadering gevolg moet word.
- (4) 'n Beslissing van 'n meerderheid van die lede wat op 'n vergadering van 'n toesighoudende raad aanwesig is, maak 'n besluit van die raad uit, en by 'n staking van stemme oor 'n aangeleentheid het die persoon wat op die vergadering voorsit, benewens sy beraadslagende stem 'n beslissende stem.
- (5) Geen besluit geneem of handeling verrig op gesag van die toesighoudende raad is ongeldig nie bloot vanweë 'n vakature in die raad of omdat iemand wat nie bevoeg was om as 'n lid van die raad op te tree nie, aanwesig was of opgetree het as lid van die raad toe 'n besluit geneem of handeling gemagtig is, indien die besluit geneem of handeling gemagtig is deur die meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.

20 Komitees van toesighoudende raad

13. (1) 'n Toesighoudende raad kan een of meer komitees instel, wat, onderworpe aan die voorskrifte van die toesighoudende raad, dié werksaamhede van die toesighoudende raad verrig wat die toesighoudende raad bepaal.
- (2) 'n Komitee bestaan uit een of meer persone, na gelang die toesighoudende raad bepaal, wat lede van die toesighoudende raad, werknemers van die akademiese gesondheidsentrum of ander persone wat die toesighoudende raad geskik ag, kan wees, en die toesighoudende raad kan te eniger tyd so 'n komitee ontbind of opnuut saamstel.
- (3) Indien 'n komitee in subartikel (1) bedoel uit meer as een lid bestaan, moet die toesighoudende raad 'n lid van die komitee as voorsitter daarvan aanwys.
- (4) 'n Toesighoudende raad kan aan die lede van 'n komitee in subartikel (1) bedoel wat nie in die heeltidse diens van die Staat is nie, of nie lede van die toesighoudende raad of werknemers van die akademiese gesondheidsentrum is nie, uit die fondse van die sentrum die besoldiging en toelaes betaal wat die Minister met die instemming van die Minister van Staatsbesteding bepaal.
- (5) 'n Toesighoudende raad word nie onthef van die verrigting van 'n werksaamheid wat ingevolge hierdie artikel aan 'n komitee van die toesighoudende raad opgedra is nie.

40 Bestuurder van akademiese gesondheidsentrum

14. (1) 'n Toesighoudende raad moet as bestuurder 'n hoof- uitvoerende beampte vir die akademiese gesondheidsentrum aanstel, om, onderworpe aan die voorskrifte van die toesighoudende raad, genoemde raad by die uitvoering van sy bestuursfunksies by te staan.
- (2) Die bestuurder word aangestel vir 'n tydperk van hoogstens vyf jaar op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging en toelaes, wat die toesighoudende raad bepaal.
- (3) Die bestuurder kan by die verstryking van sy ampstermyn weer aangestel word.

(4) Whenever for any reason the manager is absent or unable to perform any of his functions, or whenever there is a vacancy in the office of the manager, the supervisory board may, on such conditions and with such remuneration and allowances as it may determine, appoint another person to act as manager during such absence or inability or until a manager has been appointed in terms of subsection (1), and while such other person is so acting, he shall exercise all the powers and perform all the functions of the manager. 5

Appointment and remuneration of staff of academic health centre

15. (1) A manager may—

- (a) subject to paragraph (b) and on such conditions as may be determined by the supervisory board concerned, appoint such employees as he may deem necessary to assist the board in the performance of its functions; 10
- (b) pay such employees such remuneration, allowances, subsidies and other benefits as the supervisory board may determine in accordance with a system approved from time to time by the Minister, on the recommendation of the policy council and with the concurrence of the Minister of State Expenditure. 15

(2) A supervisory board may, in addition to the employees referred to in subsection (1), be assisted in the performance of its functions by officers and employees in the public service who have been placed at the disposal of an academic health centre in terms of section 14(3)(a) of the Public Service Act, 1984 (Act No. 111 of 1984). 20

(3) A supervisory board may, on such conditions as it may deem fit, second an employee of an academic health centre, either for a particular service or for a period of time, to the service of a department of State, the government of any other country or territory, or an institution or a person in or outside the Republic, provided that— 25

- (a) the rights, privileges and benefits of such employee by virtue of his conditions of service as an employee of an academic health centre are not adversely affected by the secondment; and 30
- (b) such employee consents thereto.

(4) An academic health centre shall for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to be an associated institution.

Transfer of officers and employees to academic health centre

16. (1) Any officer or employee in the employment of the State may, with his written consent and the consent of the head of the department in which he is employed, be transferred to a post at an academic health centre, after which he shall from the date of his transfer be deemed to have been appointed under section 15: Provided that— 40

- (a) his salary or salary scale in respect of the post shall not be less favourable than the salary or salary scale which was applicable to him as a person employed by the State;
- (b) any sick or vacation leave which stood to his credit immediately prior to his transfer, shall be deemed to be leave credited to him in the employment of the academic health centre; 45
- (c) pensionable service performed or bought back by him before his transfer shall be deemed to be pensionable service performed by him in the employment of the academic health centre;
- (d) no person shall as a consequence of such transfer and appointment acquire a retirement age which is higher than that which applied to him in the employment of the State. 50

- (4) Wanneer die bestuurder om die een of ander rede afwesig is of nie in staat is om sy werksaamhede te verrig nie, of wanneer die amp van bestuurder vakant is, kan die toesighoudende raad op die voorwaardes en met die besoldiging en toelaes wat hy bepaal, iemand anders aanstel om as bestuurder waar te neem tydens dié afwesigheid of ongeskiktheid of totdat 'n bestuurder ingevolge subartikel (1) aangestel is, en terwyl die ander persoon aldus waarneem, oefen hy al die bevoegdhede uit en verrig hy al die werksaamhede van die bestuurder.

Aanstelling en vergoeding van personeel van akademiese gesondheidsentrum

15. (1) 'n Bestuurder kan—
- 10 (a) behoudens paragraaf (b) en op die voorwaardes wat die betrokke toesighoudende raad bepaal, die werknemers aanstel wat hy nodig ag om die raad by die verrigting van sy werksaamhede by te staan;
- (b) aan dié werknemers die besoldiging, toelaes, subsidies en ander voordele betaal wat die toesighoudende raad bepaal, ooreenkomstig 'n stelsel wat van tyd tot tyd deur die Minister, op aanbeveling van die beleidsraad en met die instemming van die Minister van Staatsbesteding, goedgekeur word.
- 15 (2) 'n Toesighoudende raad kan, benewens die werknemers in subartikel (1) bedoel, by die verrigting van sy werksaamhede bygestaan word deur beamptes en werknemers in die diens van die Staat wat ingevolge artikel 14(3)(a) van die Staatsdienswet, 1984 (Wet No. 111 van 1984), tot die beskikking van 'n akademiese gesondheidsentrum gestel is.
- (3) 'n Toesighoudende raad kan op die voorwaardes wat hy goedvind 'n werknemer van 'n akademiese gesondheidsentrum, hetsy vir 'n besondere diens of vir 'n tydperk, afstaan aan die diens van 'n Staatsdepartement, die regering van 'n ander land of gebied of 'n inrigting of persoon binne of buite die Republiek, mits—
- 25 (a) die regte, voorregte en voordele van die werknemer uit hoofde van sy diensvoorwaardes as werknemer van 'n akademiese gesondheidsentrum nie deur die afstaan nadelig geraak word nie; en
- 30 (b) die werknemer daartoe instem.
- (4) 'n Akademiese gesondheidsentrum word vir die doeleindes van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), geag 'n geassosieerde inrigting te wees.

35 Oorplasing van beamptes en werknemers na akademiese gesondheidsentrum

16. (1) 'n Beampte of werknemer in diens van die Staat kan met sy skriftelike instemming en die instemming van die hoof van die departement waarin hy werksaam is, na 'n pos by 'n akademiese gesondheidsentrum oorgeplaas word, waarna hy vanaf die datum van sy oorplasing geag word ingevolge artikel 15 aangestel te gewees het: Met dien verstande dat—
- 40 (a) sy salaris of salarisskaal ten opsigte van die pos nie minder gunstig mag wees nie as die salaris of salarisskaal wat op hom van toepassing was as 'n persoon in diens van die Staat;
- (b) siekte- en vakansieverlof waarmee hy onmiddellik voor sy oorplasing gekrediteer was, geag word verlof te wees waarmee hy in diens van die akademiese gesondheidsentrum gekrediteer is;
- 45 (c) pensioengewende diens wat hy voor sy oorplasing verrig of teruggekoop het, geag word pensioengewende diens te wees wat hy in diens van die akademiese gesondheidsentrum verrig het;
- 50 (d) aan niemand as gevolg van sodanige oorplasing en aanstelling 'n hoër aftree-ouderdom toegeken word as dié wat hy in diens van die Staat gehad het nie.

(2) The salary or salary scale referred to in subsection (1)(a) may not be reduced without the written consent of the person concerned.

Pension rights of officers and employees

17. (1) An officer or employee referred to in section 16(1) who is a member of the Government Service Pension Fund or the Temporary Employees Pension Fund shall as from his transfer under the said section become a member of the Associated Institutions Pension Fund established under the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963). 5

(2) If an officer or employee becomes a member of the Associated Institutions Pension Fund in terms of subsection (1)— 10

(a) the fund of which he was a member shall transfer to the said fund an amount equal to the funding percentage of the first-mentioned fund multiplied by the actuarial liability of the fund in respect of that officer or employee as on the date of his transfer to the academic health centre concerned, increased by the amount of interest thereon calculated at the prime rate from the date of such appointment up to the date of transfer of the amount; 15

(b) his membership of the fund of which he was a member shall lapse as from the date of his transfer to the academic health centre and he shall thereafter, except as is provided by paragraph (a), not have any further claim against the said fund; and 20

(c) the fund of which he was a member shall transfer any claim which it may have against such officer or employee to the fund of which he so became a member.

(3) For the purposes of this section— 25

(a) "actuarial liability" of a pension fund, in respect of a particular member or a group of members of such fund, means such actuarial liability as determined by an actuary who has been nominated for the purpose by the Minister;

(b) "funding percentage of a pension fund" means the market value of the assets of the fund expressed as a percentage of the total actuarial liability of the fund, after such assets and liabilities have been reduced by the amount of the liabilities of the fund in respect of all its pensioners, as determined at the time of the most recent actuarial valuation of the fund or any review thereof carried out under direction of the Minister; and 30

(c) "prime rate" means the average current prime rate of the three largest banks in the Republic. 35

Additional service benefits

18. (1) The supervisory board may from time to time on such conditions and against such security as it may deem fit— 40

(a) provide collateral security, including guarantees, to a financial institution as defined in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), in respect of a loan granted to an employee of the academic health centre by such financial institution to enable the employee to acquire, improve or enlarge immovable property for the purposes of occupation; 45

(b) build, cause to be built, purchase or hire houses, flats or flat buildings for occupation by such employees, and, subject to the provisions of section 11(e), sell or let such houses or flats to such employees, or otherwise dispose of, let or otherwise deal with such houses, flats or flat buildings; 50

(c) establish, institute, erect or maintain sports or recreational societies, social clubs, social and health services, restaurants, hostels, bursary schemes for the purposes of study or other similar undertakings or schemes which in its opinion may be beneficial to such employees.

(2) If a person employed in any capacity by or on behalf of an academic health centre suffers an injury or contracts a disease while engaged in, and which is directly attributable to, any activity in the course of his employment, the Minister 55

(2) Die salaris of salarisskaal in subartikel (1)(a) bedoel, mag nie sonder die skriftelike toestemming van die betrokke persoon verminder word nie.

Pensioenregte van beamptes en werknemers

17. (1) 'n Beampte of werknemer in artikel 16(1) bedoel wat lid is van die Regeringsdienspensioenfonds of die Pensioenfonds vir Tydelike Werknemers word vanaf sy oorplasing kragtens genoemde artikel 'n lid van die Pensioenfonds vir Geassosieerde Inrigtings ingestel kragtens die Wet op Pensioenfondse vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963).

(2) Indien 'n beampte of werknemer ingevolge subartikel (1) 'n lid van die Pensioenfonds vir Geassosieerde Inrigtings word—

(a) dra die fonds waarvan hy 'n lid was aan genoemde fonds 'n bedrag ooreenkomstig aan die befondsingspersentasie van eersgenoemde fonds vermenigvuldig met die aktuariële verpligtinge van die fonds teenoor daardie beampte of werknemer soos op die datum van sy oorplasing na die betrokke akademiese gesondheidsentrum, verhoog met die bedrag rente daarop bereken teen die prima koers vanaf die datum van sodanige aanstelling tot die datum van die oordrag van die bedrag;

(b) verval, vanaf die datum van sy aanstelling by die akademiese gesondheidsentrum, sy lidmaatskap van die fonds waarvan hy lid was en het hy daarna, behalwe vir sover paragraaf (a) anders bepaal, geen verdere regte teen dié fonds nie; en

(c) dra die fonds waarvan hy lid was, enige vordering wat dié fonds teen die beampte of werknemer mag hê, oor op genoemde fonds waarvan hy aldus lid geword het.

(3) By die toepassing van hierdie artikel beteken—

(a) "aktuariële verpligting" van 'n pensioenfonds, ten opsigte van 'n bepaalde lid of groep lede van dié fonds, die aktuariële verpligting soos bepaal deur 'n aktuaris wat die Minister vir dié doel benoem het;

(b) "befondsingspersentasie van 'n pensioenfonds" die markwaarde van die bates van die fonds uitgedruk as 'n persentasie van die totale aktuariële verpligting van die fonds nadat sodanige bates en verpligtinge verminder is met die bedrag van die verpligtings van die fonds teenoor al sy pensioentrekkers, soos bepaal ten tyde van die mees onlangse aktuariële waardasie van die fonds of 'n hersiening daarvan wat kragtens opdrag van die Minister uitgevoer is; en

(c) "prima koers" die gemiddelde heersende prima koers van die drie grootste banke in die Republiek.

Bykomende diensvoordele

18. (1) Die toesighoudende raad kan van tyd tot tyd op die voorwaardes en teen die sekerheid wat hy goedvind—

(a) kollaterale sekerheid, met inbegrip van waarborge, aan 'n geregistreerde finansiële instelling soos omskryf in artikel 1 van die Wet op die Raad op Finansiële Dienste, 1990 (Wet No. 97 van 1990), verskaf ten opsigte van 'n lening wat deur daardie finansiële instelling aan 'n werknemer van die akademiese gesondheidsentrum toegestaan is, ten einde die werknemer in staat te stel om onroerende goed vir die doeleindes van bewoning te verkry, te verbeter of te vergroot;

(b) woonhuise, woonstelle of woonstelgeboue vir bewoning deur werknemers bou, laat bou, koop of huur, en behoudens die bepalings van artikel 11(e) daardie woonhuise of woonstelle aan sodanige werknemers verkoop of verhuur, of die woonhuise, woonstelle of woonstelgeboue andersins vervreem, verhuur of andersins daarmee handel; en

(c) sport- en vermaaklikheidsverenigings, sosiale klubs, sosiale en gesondheidsdienste, restaurante, tehuise, beurskemas vir studiedoeleindes of ander dergelike ondernemings of skemas wat na sy oordeel vir sodanige werknemers voordelig kan wees, instel, stig, oprig of bedryf.

(2) Indien 'n persoon wat in enige hoedanigheid in diens van 'n akademiese gesondheidsentrum of ten behoeve van 'n akademiese gesondheidsentrum in diens is, 'n besering of siekte opdoen terwyl hy besig is met, en wat regstreeks

may, notwithstanding the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), on the recommendation of the supervisory board and with the concurrence of the Minister of State Expenditure, authorize an academic health centre to pay compensation to such person or, in the event of his death, to his dependants. 5

(3) The provisions of subsection (2) shall not affect the right of any person to claim damages in respect of any injury or disease referred to in the said subsection.

Funds of academic health centre

19. (1) The funds of an academic health centre shall consist of— 10

- (a) money appropriated by Parliament to enable an academic health centre to perform its functions;
- (b) income derived by virtue of subsections (4) and (5);
- (c) money raised or obtained in terms of section 20;
- (d) donations or contributions received from any person, institution, government or administration; 15
- (e) money received from any other source.

(2) (a) A supervisory board shall utilize the funds of the academic health centre concerned to defray expenses in connection with the performance of its functions and the exercise of its powers. 20

(b) A supervisory board shall utilize any money contemplated in subsection (1)(a) in accordance with the statement of its estimated income and expenditure referred to in subsection (3): Provided that, subject to the provisions of paragraph (a), the supervisory board may utilize any amount or portion of any amount required in accordance with the said statement to be utilized for a specified purpose in connection with a specified matter, for any other purpose in connection with the matter concerned. 25

(c) A Supervisory Board shall use any donations or contributions contemplated in subsection (1)(d) for such purposes and in accordance with such conditions as are determined by the donor or contributor concerned. 30

(3) (a) A supervisory board—

- (a) shall in each financial year at a time determined by the Minister submit a statement of the academic health centre's estimated income and expenditure during the following financial year; and
- (b) may in any financial year at any time submit supplementary statements of its estimated expenditure, 35

to the Minister for his approval, granted with the concurrence of the Minister of State Expenditure.

(4) A supervisory board may in respect of—

- (a) any work performed or services rendered by employees of the academic health centre under this Act; or 40
- (b) the use of the academic health centre's facilities,

charge such fees or make such other financial arrangements as it may deem fit.

(5) (a) A supervisory board may with the approval of the Minister, granted with the concurrence of the Minister of Finance, invest any unexpended portion of the funds of the academic health centre with the Corporation for Public Deposits established in terms of section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), or dispose thereof in any other manner. 45

(b) A supervisory board may in its discretion utilize the interest on investments referred to in paragraph (a) to defray expenses in connection with the performance of its functions. 50

(6) A supervisory board may with the approval of the Minister, granted with the concurrence of the Minister of State Expenditure, authorize the establishment of such reserve funds and depositing of such amounts therein as it may deem necessary. 55

toegeskrif kan word aan, enige bedrywigheid in die loop van sodanige diens, kan die Minister, ondanks die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941), op aanbeveling van die toesighoudende raad en met die instemming van die Minister van Staatsbesteding, 'n akademiese gesondheidsentrum 5 magtig om vergoeding aan sodanige persoon of, in geval van sy dood, aan sy afhanklikes te betaal.

(3) Die bepalings van subartikel (2) raak nie die reg van enige persoon om skadevergoeding te verhaal ten opsigte van enige besering of siekte in genoemde subartikel bedoel nie.

10 Fondse van akademiese gesondheidsentrum

19. (1) Die fondse van 'n akademiese gesondheidsentrum bestaan uit—
- (a) geld deur die Parlement bewillig ten einde die akademiese gesondheidsentrum in staat te stel om sy werksaamhede te verrig;
 - (b) inkomste verkry uit hoofde van subartikels (4) en (5);
 - 15 (c) geld ingevolge artikel 20 opgeneem of verkry;
 - (d) skenkings of bydraes van enige persoon, instelling, regering of administrasie ontvang;
 - (e) geld uit enige ander bron ontvang.
- (2) (a) 'n Toesighoudende raad moet die fondse van die betrokke akademiese 20 gesondheidsentrum aanwend om uitgawes in verband met die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede te bestry.
- (b) 'n Toesighoudende raad moet geld beoog in subartikel (1)(a) aanwend ooreenkomstig die staat van sy geraamde inkomste en uitgawes bedoel in subartikel (3): Met dien verstande dat, behoudens die bepalings van paragraaf 25 (a), die toesighoudende raad 'n bedrag of gedeelte van 'n bedrag wat ooreenkomstig genoemde staat vir 'n bepaalde doel in verband met 'n bepaalde aangeleentheid aangewend moet word, vir enige ander doel in verband met die betrokke aangeleentheid kan aanwend.
- (c) 'n Toesighoudende Raad moet skenkings of bydraes beoog in subartikel 30 (1)(d) aanwend vir die doeleindes en onderworpe aan die voorwaardes wat die betrokke skenker of bydraer bepaal.
- (3) 'n Toesighoudende raad—
- (a) moet in elke boekjaar op die tydstip deur die Minister bepaal, 'n staat van die akademiese gesondheidsentrum se geraamde inkomste en 35 uitgawes gedurende die daaropvolgende boekjaar; en
 - (b) kan in 'n boekjaar te eniger tyd aanvullende state van sy geraamde uitgawes,
- aan die Minister voorlê vir sy goedkeuring, wat met die instemming van die Minister van Staatsbesteding verleen word.
- 40 (4) 'n Toesighoudende raad kan ten opsigte van—
- (a) werk of dienste wat werknemers van die akademiese gesondheidsentrum kragtens hierdie Wet verrig of gelever het; of
 - (b) die benutting van die fasiliteite van die gesondheidsentrum, 45 die gelde vorder of die ander geldelike reëlins tref wat hy goedvind.
- (5) (a) 'n Toesighoudende raad kan met die goedkeuring van die Minister, verleen met die instemming van die Minister van Staatsbesteding, enige onbestede gedeelte van die fondse van die akademiese gesondheidsentrum by die Korporasie vir Openbare Deposito's ingestel ingevolge artikel 2 van die Wet op die Korporasie van Openbare Deposito's, 1984 (Wet No. 46 van 1984), belê 50 of op 'n ander wyse daarvoor beskik.
- (b) 'n Toesighoudende raad kan na goeiddunke rente op die beleggings bedoel in paragraaf (a) aanwend ter bestryding van uitgawes in verband met die verrigting van sy werksaamhede.
- (6) 'n Toesighoudende raad kan met die goedkeuring van die Minister, 55 verleen met die instemming van die Minister van Staatsbesteding, die instelling van dié reserwefondse en die storting daarin van dié bedrae wat hy nodig of wenslik ag, magtig.

Loans

20. A manager may with the approval of the Minister, granted with the concurrence of the Minister of Finance, raise money by way of loan, or otherwise obtain, money at such rate of interest and on such conditions as the supervisory board may deem expedient, and may issue debentures and, if necessary, provide security or make provision for the repayment of money so raised or obtained. 5

Accounting officer

21. (1) The manager shall be the accounting officer of an academic health centre and shall be charged with the responsibility of accounting for all money received and payments made by the supervisory board. 10

(2) The accounting officer shall—

(a) keep full and proper records of all money received or expended by, and of all assets, liabilities and financial transactions of, a supervisory board; and

(b) as soon as is practicable after the end of each financial year, prepare annual financial statements reflecting, with suitable particulars, money received and expenses incurred by the supervisory board during, and its assets and liabilities at the end of, the financial year in question. 15

(3) The records and annual financial statements mentioned in subsection (2) shall be audited by the Auditor-General. 20

Annual report

22. (1) A supervisory board shall furnish the Minister with the information he may call for from time to time in connection with the financial position of an academic health centre, and shall as soon as practicable after the end of each financial year submit to the Minister a report on its affairs and functions in respect of the preceding financial year, which shall include *inter alia* the following: 25

(a) An audited balance sheet, including any notes thereon or a document annexed thereto providing the information required by this Act;

(b) an audited income statement, including any similar financial statement where it is appropriate, and including any notes thereon or a document annexed thereto providing the information required by this Act; 30

(c) an audited statement of the source and application of funds; and

(d) a statement of cash flow information.

(2) The financial statements referred to in subsection (1) shall—

(a) be in conformity with generally accepted accounting practice; 35

(b) fairly reflect the state of affairs of the academic health centre and the results thereof; and

(c) direct attention to any material matters not specifically prescribed by this Act which have affected or are likely to affect the affairs of an academic health centre, both by way of figures and by a descriptive report, explaining, where necessary, figures in the financial statements. 40

(3) A report referred to in subsection (1) shall be printed in both official languages.

(4) As soon as practicable after a report has been submitted to the Minister in terms of subsection (1), he shall table it in Parliament. 45

Transfer of property of State to academic health centre

23. (1) The Minister may, subject to the terms and conditions determined by him and with the concurrence of the Minister of State Expenditure, transfer movable property and immovable property belonging to the State, to an academic

Lenings

20. 'n Bestuurder kan met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, geld opneem by wyse van 'n lening of andersins verkry teen die rentekoers en op die voorwaardes wat die toesighoudende raad goedvind, en kan skuldbriewe uitreik en, indien nodig, sekerheid stel of voorsorg tref vir die terugbetaling van geld aldus opgeneem of verkry.

Rekenpligtige beampte

21. (1) Die bestuurder is die rekenpligtige beampte van 'n akademiese gesondheidsentrum en is belas met die verantwoording van al die geld ontvang en betalings gedoen deur die toesighoudende raad.

(2) Die rekenpligtige beampte moet—

(a) volledige en juiste aantekeninge hou van alle geld ontvang of bestee deur, en van die bates, laste en finansiële transaksies van, 'n toesighoudende raad; en

(b) so gou doenlik na die einde van elke boekjaar finansiële jaarstate opmaak wat, met gepaste besonderhede, geld deur die toesighoudende raad ontvang en uitgawes deur dié raad aangegaan gedurende, en sy bates en laste aan die einde van, die betrokke boekjaar aantoon.

(3) Die aantekeninge en finansiële jaarstate in subartikel (2) genoem, moet jaarliks deur die Ouditeur-generaal geouditeer word.

Jaarverslag

22. (1) 'n Toesighoudende raad moet aan die Minister die inligting verstrek wat hy van tyd tot tyd in verband met die finansiële stand van sake van 'n akademiese gesondheidsentrum aanvra, en moet so gou doenlik na die einde van elke boekjaar 'n verslag oor sy sake en werksaamhede gedurende die voorafgaande boekjaar aan die Minister voorlê, wat onder meer die volgende insluit:

(a) 'n Geouditeerde balansstaat, met inbegrip van aantekeninge daarop of 'n dokument daarby aangeheg wat inligting verstrek wat deur hierdie Wet vereis word;

(b) 'n geouditeerde inkomstestaat, met inbegrip van 'n soortgelyke finansiële staat waar dit gepas is, en met inbegrip van aantekeninge daarop of 'n stuk daarby aangeheg wat die inligting verstrek wat deur hierdie Wet vereis word;

(c) 'n geouditeerde staat van die bron en aanwending van fondse; en

(d) 'n staat van kontantvloei-inligting.

(2) Die finansiële state bedoel in subartikel (1) moet—

(a) in ooreenstemming wees met algemeen aanvaarde rekeningkundige praktyk;

(b) die stand van die sake van die akademiese gesondheidsentrum en die resultate daarvan, redelik weergee; en

(c) die aandag vestig op enige wesenlike aangeleenthede wat nie uitdruklik deur hierdie Wet voorgeskryf word nie maar die sake van 'n akademiese gesondheidsentrum raak of waarskynlik sal raak, by wyse van syfers sowel as by wyse van 'n beskrywende verslag, wat, waar nodig, syfers in die finansiële state verduidelik.

(3) 'n Verslag in subartikel (1) bedoel, word in beide amptelike tale gedruk.

(4) Die Minister moet 'n verslag wat ingevolge subartikel (1) aan hom voorgelê is, so spoedig doenlik daarna in die Parlement ter Tafel lê.

Oordrag van eiendom van Staat aan akademiese gesondheidsentrum

23. (1) Die Minister kan, op die voorwaardes wat hy bepaal en met die instemming van die Minister van Staatsbesteding, roerende en onroerende goed wat aan die Staat behoort aan 'n akademiese gesondheidsentrum oordra, ten

health centre to enable it to perform its functions or to achieve any of its objects.

(2) No immovable property transferred to an academic health centre in terms of subsection (1) may without the approval of the Minister, granted with the concurrence of the Minister of State Expenditure, be alienated, mortgaged or disposed of in any other manner. 5

(3) The Registrar of Deeds concerned shall, at the request of the supervisory board of the academic health centre concerned and on submission of the relevant title deeds and other documents, make the necessary endorsements in his registers and on the title deeds and other documents concerned to give effect to a transfer in terms of subsection (1). 10

(4) No transfer duties, stamp duty, office fees or other fees shall be payable in respect of a registration contemplated in subsection (3).

Recovery of loss and damage from persons in employment of academic health centre

15

24. (1) If a person who is or was in the employment of an academic health centre or has been or was in terms of section 15(2) placed at the disposal of such a centre, has caused the academic health centre any loss or damage in that he—

- (a) failed to collect money due to the academic health centre, while being responsible for the collection of such money; 20
- (b) is or was responsible for an irregular payment of money of the academic health centre or for a payment of such money not supported by a proper voucher;
- (c) is or was responsible for a fruitless expenditure of money of the academic health centre, owing to an omission to carry out his duties; 25
- (d) is or was responsible for a deficiency in, or the destruction of, or any damage to, the money, stamps, face value documents and forms having potential value, securities, equipment, stores or any other property of the academic health centre;
- (e) is or was responsible for a claim against the academic health centre, owing to failure to carry out his duties, 30

the accounting officer referred to in section 21 shall determine the amount of such loss or damage, and may direct, by notice in writing, the said person to pay to an academic health centre, within 30 days from the date of the notice, the whole or any part of the amount so determined. 35

(2) If a person who is in the employment of an academic health centre and who has in terms of subsection (1) been ordered to pay an amount, fails to pay the amount within the period stipulated in the notice in question—

- (a) the amount shall, subject to the provisions of subsections (3), (4) and (5), be deducted from his monthly salary: Provided that the deduction shall not in any month exceed a fourth of his monthly salary; or 40
- (b) the accounting officer may, subject to the provisions of subsections (3), (4) and (5), recover the amount on behalf of the academic health centre from the person concerned by legal process.

(3) If a person who has in terms of subsection (1) been directed to pay an amount, offers, within the period stipulated in the notice in question, to pay the amount in instalments, the manager may allow payment in the instalments he considers reasonable. 45

(4) A person who has in terms of subsection (1) been directed to pay an amount may, within a period of 30 days from the date of the direction, appeal in writing against the direction to the supervisory board, stating the grounds of his appeal, and the supervisory board may, after such further investigation as it may deem necessary, dismiss the appeal or direct that the appellant be exempted, either wholly or partly, as the supervisory board may deem fair and reasonable, from the payment of the amount. 50
55

einde hom in staat te stel om sy werksaamhede te verrig of enige van sy oogmerke te bereik.

(2) Geen onroerende goed wat ingevolge subartikel (1) aan 'n akademiese gesondheidsentrum oorgedra is, mag sonder die goedkeuring van die Minister, 5 verleen met die instemming van die Minister van Staatsbesteding, vervreem, beswaar of op enige ander wyse oor beskik word nie.

(3) Die betrokke Registrateur van Aktes moet, op versoek van die toesighoudende raad van die betrokke akademiese gesondheidsentrum en by voorlegging van die tersaaklike titelbewyse en ander stukke, die nodige endos- 10 semente in sy registers en op die betrokke titelbewyse en ander stukke aanbring ten einde 'n oordrag ingevolge subartikel (1) te bewerkstellig.

(4) Geen hereregte, seëlreg, kantoorgelde of ander gelde is ten opsigte van 'n registrasie beoog in subartikel (3) betaalbaar nie.

Verhaal van verlies en skade op persone in diens van akademiese gesondheids- 15 trum

24. (1) Indien iemand wat in diens van 'n akademiese gesondheidsentrum is of was of ingevolge artikel 15(2) tot die beskikking gestel is of was van so 'n sentrum, die akademiese gesondheidsentrum enige verlies of skade berokken het deurdat hy—

- 20 (a) versuim het om geld verskuldig aan die akademiese gesondheidsentrum in te vorder, terwyl dit sy plig was om sodanige geld in te vorder;
- (b) vir 'n onreëlmatige uitbetaling van geld van die akademiese gesondheidsentrum of vir die uitbetaling van sodanige geld wat nie deur 'n behoorlike bewysstuk gestaaf word nie, verantwoordelik is of was;
- 25 (c) weens versuim om sy pligte uit te voer vir 'n vrugtelose uitgawe van geld van die akademiese gesondheidsentrum verantwoordelik is of was;
- (d) vir 'n tekort in of die vernietiging van of beskadiging van die akademiese gesondheidsentrum se geld, seëls, sigwaardestukke en vorms wat 'n potensiële waarde het, sekuriteite, toerusting, voorrade of enige 30 ander eiendom verantwoordelik is of was;
- (e) weens versuim om sy pligte uit te voer, vir 'n eis teen die akademiese gesondheidsentrum verantwoordelik is of was,

moet die rekenpligtige beampte in artikel 21 bedoel die bedrag van sodanige verlies of skade vasstel, en kan hy so iemand by skriftelike kennisgewing gelas 35 om die geheel of 'n gedeelte van die bedrag wat aldus vasgestel is binne 30 dae vanaf die datum van die kennisgewing aan die akademiese gesondheidsentrum te betaal.

(2) Indien iemand wat in diens van 'n akademiese gesondheidsentrum is en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die 40 bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal—

- (a) word die bedrag, behoudens die bepalings van subartikels (3), (4) en (5), deur die akademiese gesondheidsentrum van sy maandelikse salaris afgetrek: Met dien verstande dat die aftrekking nie in een maand meer as een vierde van sy maandelikse salaris mag beloop nie; 45 of
- (b) kan die rekenpligtige beampte, behoudens die bepalings van subartikels (3), (4) en (5), die bedrag deur middel van geregtelike prosesse ten behoeve van die akademiese gesondheidsentrum op die betrokke persoon verhaal.

50 (3) Indien iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, binne die tydperk in die betrokke kennisgewing bepaal, aanbied om die bedrag in paaiemente te betaal, kan die rekenpligtige beampte hom toelaat om in die paaiemente wat na sy mening redelik is, te betaal.

(4) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan 55 binne 'n tydperk van 30 dae vanaf die datum van die lasgewing skriftelik by die toesighoudende raad teen die lasgewing appèl aanteken, met verstreking van die gronde van sy appèl, en die toesighoudende raad kan, na die ondersoek wat hy nodig ag, die appèl van die hand wys of gelas dat die appellant geheel en al of ten dele, na gelang van wat die toesighoudende raad billik en redelik ag, van 60 die betaling van die bedrag kwytskeld word.

(5) A person who has in terms of subsection (1) been directed to pay an amount may, instead of appealing to the supervisory board under subsection (4), apply within a period of 30 days from the date of the direction, or within such further period as the court may allow, to a competent court for an order setting aside the order or reducing the relevant amount, and the court may upon such an application, if it is not satisfied by the accounting officer on the merits of the case that the order was rightly made or that the amount is correct, make an order setting aside the order or reducing that amount, as the case may be. 5

(6) If an amount is reduced under subsection (4) or (5), the amount so reduced shall *mutatis mutandis* be recovered in terms of the provisions of subsections (1), (2) and (3). 10

Restriction of liability

25. No person, including the State, shall be liable in respect of anything done in good faith and in the exercise of a power or the carrying out of a duty conferred or imposed on such person by or under this Act. 15

Closure of academic health centre

26. (1) If the Minister is of the opinion that—

(a) there is no longer a need for the education and training offered by an academic health centre; or

(b) the continued existence of an academic health centre is not desirable, he may, after consultation with the supervisory board, the educational institution and the health authority concerned, by notice in the *Gazette* declare that the academic health centre concerned shall be closed from a date mentioned in such notice. 20

(2) The Minister shall not close an academic health centre in terms of subsection (1) except upon the recommendation of the policy council. 25

(3) From the date on which an academic health centre or a part thereof is closed, it shall cease to be a juristic person, and all assets and liabilities of the academic health centre shall be transferred to the State, subject to the conditions of a donation, contribution or bequest. 30

(4) The Minister shall appoint a person to administer the affairs of the academic health centre concerned.

Staff of closed academic health centre

27. (1) The staff of an academic health centre shall after the closure of such a centre in terms of section 26 become officers in the employment of the State and be appointed to such posts as the Minister on the recommendation of the Commission for Administration established by section 2(1) of the Commission for Administration Act, 1984 (Act No. 65 of 1984), may determine. 35

(2) The conditions of service of persons referred to in subsection (1) shall as from their appointment under the said subsection be regulated by the provisions of the Public Service Act, 1984 (Act No. 111 of 1984). 40

(3) A person referred to in subsection (1) who is a member of the Associated Institutions Pension Fund established under the Associated Institutions Pension Fund Act, 1963, shall as from his appointment under the said subsection become a member of the Government Service Pension Fund, and the provisions of section 17(2) and (3) shall *mutatis mutandis* apply in respect of such a person. 45

Investigation at academic health centre

28. The Minister may at any time, if he deems it expedient, order an investigation at an academic health centre with regard to such matters as he may determine.

- (5) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan, in plaas van ingevolge subartikel (4) by die toesighoudende raad appèl aan te teken, by 'n bevoegde hof aansoek doen binne 'n tydperk van 30 dae vanaf die datum van die lasgewing, of binne die verdere tydperk wat die hof toelaat, om
- 5 'n bevel waarby die lasgewing tersyde gestel of die betrokke bedrag verminder word, en die hof kan op so 'n aansoek, indien hy nie deur die rekenpligtige beampte op die meriete van die saak oortuig word dat die lasgewing tereg gegee is of dat die bedrag juis is nie, 'n bevel uitreik waarby die lasgewing tersyde gestel word of die bedrag verminder word, na gelang van die geval.
- 10 (6) Indien 'n bedrag ingevolge subartikel (4) of (5) verminder word, word die aldus verminderde bedrag *mutatis mutandis* ooreenkomstig die bepalinge van subartikels (1), (2) en (3) verhaal.

Beperking van aanspreeklikheid

25. Niemand, met inbegrip van die Staat, is aanspreeklik nie ten opsigte van
- 15 enigiets wat te goeder trou en in die uitoefening van 'n bevoegdheid of die uitvoering van 'n plig wat by of kragtens hierdie Wet aan so 'n persoon verleen of opgedra word, gedoen is.

Sluiting van akademiese gesondheidsentrum

26. (1) Indien die Minister van oordeel is dat—
- 20 (a) die behoefte aan die onderrig en opleiding wat deur 'n akademiese gesondheidsentrum aangebied word, nie meer bestaan nie; of
- (b) die voortbestaan van 'n akademiese gesondheidsentrum nie wenslik is nie,
- kan hy by kennisgewing in die *Staatskoerant*, na oorlegpleging met die
- 25 toesighoudende raad, die betrokke opvoedkundige inrigting en die betrokke gesondheidsowerheid, verklaar dat die betrokke akademiese gesondheidsentrum of 'n gedeelte daarvan vanaf 'n datum in die kennisgewing vermeld, gesluit word.
- (2) Die Minister sluit nie 'n akademiese gesondheidsentrum kragtens subartikel (1) nie behalwe op aanbeveling van die beleidsraad.
- 30 (3) Vanaf die datum waarop 'n akademiese gesondheidsentrum gesluit word, hou hy op om 'n regspersoon te wees, en gaan alle bates en laste van dié akademiese gesondheidsentrum, behoudens die voorwaardes van 'n skenking, bydrae of bemaking, oor op die Staat.
- 35 (4) Die Minister stel 'n persoon aan om die sake van die betrokke akademiese gesondheidsentrum te beredder.

Personeel van geslote akademiese gesondheidsentrum

27. (1) Die personeel van 'n akademiese gesondheidsentrum word na die sluiting van so 'n sentrum ingevolge artikel 26 beamptes in diens van die Staat en
- 40 aangestel in dié poste wat die Minister op aanbeveling van die Kommissie vir Administrasie ingestel by artikel 2(1) van die Wet op die Kommissie vir Administrasie, 1984 (Wet No. 65 van 1984), bepaal.
- (2) Die diensvoorwaardes van persone in subartikel (1) bedoel, word vanaf hul aanstelling kragtens genoemde subartikel gereël deur die bepalinge van die
- 45 Staatsdienswet, 1984 (Wet No. 111 van 1984).
- (3) 'n Persoon bedoel in subartikel (1) wat 'n lid is van die Pensioenfonds vir Geassosieerde Inrigtings ingestel kragtens die Wet op Pensioenfondse vir Geassosieerde Inrigtings, 1963, word vanaf sy aanstelling kragtens genoemde subartikel 'n lid van die Regeringsdienspensioenfonds, en die bepalinge van
- 50 artikels 17(2) en (3) is *mutatis mutandis* op so 'n persoon van toepassing.

Ondersoek by akademiese gesondheidsentrum

28. Die Minister kan te eniger tyd, indien hy dit dienstig ag, 'n ondersoek by 'n akademiese gesondheidsentrum gelas met betrekking tot die aangeleenthede wat hy mag bepaal.

Board of appeal, and appeal against decisions of Minister

29. (1) For the purposes of an appeal in terms of subsection (2) there shall be a board of appeal, consisting of three persons appointed by the Judge President of the Division of the Supreme Court of South Africa in whose area of jurisdiction the relevant academic health centre is situated and of whom— 5

- (a) one, who shall be the chairman, shall be appointed on account of his knowledge of the law;
- (b) one shall be a person who, in the opinion of the Judge President, has wide experience in, and has knowledge of the latest developments in, the health sciences; and 10
- (c) one shall be a person registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), and who, in the opinion of the Judge President, has wide experience of, and expert knowledge of the latest developments in, the accountants' and auditors' profession. 15

(2) Any person aggrieved by a decision of the Minister in terms of section 26 may within the prescribed period, in the prescribed manner and upon payment of the prescribed fees appeal against such decision to a board of appeal appointed in accordance with subsection (1).

(3) An appeal shall be heard on the date and at the place and time determined by the board of appeal, which shall in writing notify the appellant and the Minister thereof. 20

(4) The procedure at the hearing of an appeal shall be determined by the chairman of the board of appeal.

(5) Any party at an appeal may present his case in person or may be represented by a legal practitioner. 25

(6) A decision of a majority of the members of the board of appeal shall constitute a ruling of such board.

(7) The board of appeal may after hearing the appeal confirm, set aside or vary the relevant decision of the Minister. 30

(8) The ruling of the board of appeal shall be in writing, and a copy thereof shall be furnished to the appellant as well as to the Minister.

(9) A member of the board of appeal who is not in the full-time employment of the State shall in respect of his service as such a member be paid such remuneration, including reimbursement for transport, travelling and subsistence expenses incurred by him in the performance of his functions as a member of the board of appeal, as may from time to time be determined by the Minister with the concurrence of the Minister of State Expenditure. 35

(10) The board of appeal may according to the requirements of the law and fairness direct that the whole or any part of the costs incurred by a party for the purposes of an appeal be paid by any other party to the appeal. 40

(11) The administrative functions of the board of appeal shall be performed by the Department.

Exemptions from provisions of certain Acts

30. (1) The Minister may, on the recommendation of the policy council and after consultation with the professional council concerned, by notice in the *Gazette* and on such conditions as he may determine, exempt any specific academic hospital which is under the control of an academic health centre in terms of section 8, or academic hospitals generally, from any provision of the following Acts or any regulation made thereunder: 45

- (a) The Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965);
- (b) the Pharmacy Act, 1974 (Act No. 53 of 1974);
- (c) the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974); 55
- (d) the Nursing Act, 1978 (Act No. 50 of 1978);
- (e) the Dental Technicians Act, 1979 (Act No. 19 of 1979); and
- (f) the Associated Health Service Professions Act, 1982 (Act No. 63 of 1982).

Appèlraad, en appèl teen besluite van Minister

29. (1) Vir die doeleindes van 'n appèl ingevolge subartikel (2) is daar 'n appèlraad wat bestaan uit drie persone, aangestel deur die Regter-president van die Afdeling van die Hooggeregshof van Suid-Afrika in wie se jurisdiksiegebied

5 die betrokke akademiese gesondheidsentrum geleë is, en van wie—

- (a) een, wat die voorsitter is, aangestel word op grond van sy kennis van die reg;
- (b) een 'n persoon moet wees wat na die mening van die Regter-president wye ervaring het van, en oor kundigheid beskik aangaande die jongste ontwikkelinge in, die gesondheidswetenskappe; en
- 10 (c) een 'n persoon moet wees wat kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991), as 'n rekenmeester en ouditeur geregistreer is en wat na die oordeel van die Regter-president wye ervaring het van, en oor kundigheid beskik
- 15 aangaande die jongste ontwikkelinge in, die rekenmeesters- en ouditeursberoep.

(2) Iemand wat hom veronreg voel deur 'n besluit van die Minister ingevolge artikel 26 kan binne die voorgeskrewe tydperk en op die voorgeskrewe wyse en by betaling van die voorgeskrewe gelde by 'n appèlraad wat ooreenkomstig

20 subartikel (1) aangestel is, teen daardie besluit appèlleer.

(3) 'n Appèl word aangehoor op die datum, plek en tyd wat die appèlraad bepaal, wat sowel die appellant as die Minister skriftelik daarvan in kennis moet stel.

(4) Die prosedure by die aanhoor van 'n appèl word deur die voorsitter van die

25 appèlraad bepaal.

(5) Enige party by 'n appèl kan sy saak self voordra of kan deur 'n regspraktisyn verteenwoordig word.

(6) 'n Besluit van 'n meerderheid van die lede van die appèlraad maak 'n beslissing van daardie raad uit.

30 (7) Die appèlraad kan na aanhoor van die appèl, die betrokke besluit van die Minister bekragtig, tersyde stel of wysig.

(8) Die beslissing van die appèlraad moet op skrif gestel word en 'n afskrif daarvan moet aan sowel die appellant as die Minister verstrek word.

(9) 'n Lid van die appèlraad wat nie in die heeltydse diens van die Staat is nie

35 ontvang ten opsigte van sy diens as so 'n lid die besoldiging, met inbegrip van vergoeding vir vervoer-, reis- en verblyfgewes deur hom aangegaan by die verrigting van sy werksaamhede as 'n lid van die appèlraad, wat die Minister van Staatsbesteding bepaal.

(10) Die appèlraad kan volgens die vereistes van reg en billikheid gelas dat al

40 of enige gedeelte van die koste aangegaan deur 'n party vir die doeleindes van 'n appèl deur enige ander party by die appèl betaal word.

(11) Die administratiewe werksaamhede van 'n appèlraad word deur die Departement verrig.

Vrystelling van bepalings van sekere Wette

45 30. (1) Die Minister kan op aanbeveling van die beleidsraad en na raadpleging met die betrokke professionele raad, op die voorwaardes wat hy bepaal 'n bepaalde akademiese hospitaal wat ingevolge artikel 8 onder die beheer van 'n akademiese gesondheidsentrum is, of akademiese hospitale in die algemeen, by kennisgewing in die *Staatskoerant* vrystel van enige bepaling van die volgende Wette of enige regulasie daarkragtens uitgevaardig:

- 50 (a) Die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965);
- (b) die Wet op Aptekers, 1974 (Wet No. 53 van 1974);
- (c) die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiens-beroepe, 1974 (Wet No. 56 van 1974);
- 55 (d) die Wet op Verpleging, 1978 (Wet No. 50 van 1978);
- (e) die Wet op Tandtegnici, 1979 (Wet No. 19 van 1979); en
- (f) die Wet op Geassosieerde Gesondheidsdiensberoepe, 1982 (Wet No. 63 van 1982).

(2) The Minister may by notice in the *Gazette* withdraw or amend any exemption granted in terms of subsection (1).

(3) An academic hospital shall be exempted from the provisions of section 44 of the Health Act, 1977 (Act No. 63 of 1977).

(4) For the purposes of subsection (1) "professional council concerned", in relation to an Act mentioned in that subsection, means a council established under such Act. 5

Regulations

31. (1) The Minister may, after consultation with the policy council, make regulations as to— 10

(a) any matter which in terms of this Act is required or permitted to be prescribed;

(b) the circumstances under which a member of the policy council or a supervisory board shall vacate his office;

(c) the filling of casual vacancies on a supervisory board, and the appointment of alternate members to act in the place of absent members; 15

(d) the preservation of secrecy in respect of the affairs of an academic health centre;

(e) the period within which a board of appeal shall decide on an appeal, and generally, as to any matter in respect of which the Minister deems it necessary or expedient to make regulations in order to achieve the objects of this Act. 20

(2) Regulations affecting State expenditure shall be made only with the concurrence of the Minister of State Expenditure.

(3) Any regulation made under subsection (1) may provide that any person contravening such regulation or failing to comply therewith, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment. 25

Delegation and assignment of powers, functions and duties

32. (1) A supervisory board may in writing delegate or assign any power, function or duty conferred or imposed by or under any provision of this Act to the chairman or any other member of a supervisory board, to the manager or any other employee of, or holder of an office with, an academic health centre or to a committee established under section 13. 30

(2) The manager may in writing delegate to an employee of, or the holder of an office with, an academic health centre, any power, function or duty conferred or imposed on him by or under any provision of this Act in his capacity as manager or accounting officer. 35

(3) Any delegation under subsection (1) or (2) may be made on such conditions and subject to such restrictions as the supervisory board or the manager, as the case may be, may determine. 40

(4) The supervisory board or the manager shall not be divested of any power, function or duty delegated or assigned by it or him under subsection (1) or (2), and may amend or withdraw any decision made in the exercise of such delegated power. 45

Savings

33. (1) From the date on which a health care facility came under the control of an academic health centre in terms of this Act—

(a) all rights, liabilities and obligations, existing as well as accruing, of the State in respect of such health care facility and all assets utilized by the 50

(2) Die Minister kan by kennisgewing in die *Staatskoerant* 'n vrystelling wat ingevolge subartikel (1) toegestaan is, terugtrek of wysig.

(3) 'n Akademiese hospitaal is vrygestel van die bepalings van artikel 44 van die Wet op Gesondheid, 1977 (Wet No. 63 van 1977).

- 5 (4) Vir die doeleindes van subartikel (1) beteken "betrokke professionele raad", met betrekking tot 'n Wet in genoemde subartikel vermeld, 'n raad kragtens so 'n Wet ingestel.

Regulasies

- 10 31. (1) Die Minister kan, na raadpleging met die beleidsraad, regulasies uitvaardig betreffende—

- (a) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word;
- (b) die omstandighede waaronder 'n lid van die beleidsraad of 'n toesighoudende raad sy amp ontruim;
- 15 (c) die vul van toevallige vakatures in 'n toesighoudende raad, en die aanstelling van plaasvervangende lede om in die plek van afwesige lede op te tree;
- (d) geheimhouding ten opsigte van die sake van 'n akademiese gesondheidsentrum;
- 20 (e) die tydperk waarbinne 'n appèlraad oor 'n appèl moet beslis, en, in die algemeen, betreffende enige aangeleentheid ten opsigte waarvan die Minister dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.

- (2) Regulasies wat 'n uitwerking het op Staatsuitgawes word slegs met die 25 instemming van die Minister van Staatsbesteding uitgevaardig.

- (3) 'n Regulasie kragtens subartikel (1) uitgevaardig, kan bepaal dat iemand wat so 'n regulasie oortree of versuim om daaraan te voldoen, aan 'n misdryf skuldig is en by skuldigbevinding strafbaar is met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met sowel 'n boete as daardie 30 gevangenisstraf.

Delegering en opdrag van bevoegdhede, werksaamhede of pligte

32. (1) 'n Toesighoudende raad kan 'n bevoegdheid, werksaamheid of plig wat by of kragtens 'n bepaling van hierdie Wet aan hom verleen of opgedra is, skriftelik aan die voorsitter of enige ander lid van sodanige toesighoudende raad, 35 aan die bestuurder of enige ander werknemer van, of ampsbekleër by, 'n akademiese gesondheidsentrum of aan 'n komitee kragtens artikel 13 ingestel, delegeer of opdra.

- (2) Die bestuurder kan 'n bevoegdheid, werksaamheid of plig wat by of kragtens 'n bepaling van hierdie Wet aan hom in sy hoedanigheid van bestuurder 40 of rekenpligtige beampte verleen of opgedra is, skriftelik aan 'n werknemer van, of 'n ampsbekleër by, 'n akademiese gesondheidsentrum delegeer of opdra.

- (3) 'n Delegering of opdrag kragtens subartikel (1) of (2) kan geskied op die voorwaardes of onderworpe aan die beperkings wat die toesighoudende raad of die bestuurder, na gelang van die geval, bepaal.

- 45 (4) Die toesighoudende raad of die bestuurder is nie ontdoen van 'n bevoegdheid, werksaamheid of plig wat deur hom kragtens subartikel (1) of (2) gedelegeer of opgedra is nie, en kan 'n beslissing in die uitoefening van sodanige gedelegeerde bevoegdheid gegee, wysig of intrek.

Voorbehoud

- 50 33. (1) Vanaf die datum waarop 'n gesondheidsorgfasiliteit ingevolge hierdie Wet onder die beheer van 'n akademiese gesondheidsentrum gekom het—

- (a) gaan alle regte, laste en verpligtinge van die Staat ten opsigte van daardie gesondheidsorgfasiliteit en alle bates wat die Staat in verband

State in connection with such facility, as the Minister may determine, shall pass to the academic health centre concerned without any transfer duty, office fee or other money being payable in respect thereof;

(b) any reference in any law or document to such a health care facility shall be construed as a reference to the academic health centre concerned. 5

(2) If immovable property has passed to an academic health centre under subsection (1), the Registrar of Deeds concerned shall at the request of such academic health centre effect the appropriate endorsements in his registers and on the title deeds in question.

Short title and commencement

10

34. (1) This Act shall be called the Academic Health Centres Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act. 15

met daardie fasiliteit aangewend het, wat die Minister bepaal, oor op die betrokke akademiese gesondheidsentrum, en sonder dat enige herereg, seëlreg, kantoorgeld of ander geld ten opsigte daarvan betaalbaar is;

- 5 (b) word 'n verwysing in enige wet of dokument na so 'n gesondheidsorg-fasiliteit uitgelê as 'n verwysing na die betrokke akademiese gesondheidsentrum.

- 10 (2) Indien onroerende goed kragtens subartikel (1) op 'n akademiese gesondheidsentrum oorgegaan het, moet die betrokke Registrateur van Aktes op versoek van dié akademiese gesondheidsentrum die toepaslike endossemente in sy registers en op die betrokke titelbewyse aanbring.

Kort titel en inwerkingtreding

34. (1) Hierdie Wet heet die Wet op Akademiese Gesondheidsentrums, 1993, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die 15 *Staatskoerant* bepaal.

- (2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

