

No. 125**9 November 2012****KWAZULU-NATAL DEPARTMENT OF HEALTH****KWAZULU-NATAL PROVINCIAL HEALTH COUNCIL REGULATIONS, 2012**

I hereby make the Regulations contained in the Schedule hereto, under section 74(1)(b) of the KwaZulu-Natal Health Act, 2009 (Act No. 1 of 2009), in order to regulate the KwaZulu-Natal Provincial Health Council.

Given under my Hand at Pietermaritzburg this 4th day of **July** Two Thousand and Twelve.

DR SM DHLOMO

Member of the Executive Council of the Province of KwaZulu-Natal
responsible for Health

SCHEDULE

Definitions

1. In these Regulations, “the Act” means the KwaZulu-Natal Health Act, 2009 (Act No. 1 of 2009) and any word or expression to which a meaning is assigned in the Act bears the meaning so assigned to it and, unless the context indicates otherwise –

“**Chairperson**” means the Chairperson of the Council; and

“**Council**” means the KwaZulu-Natal Provincial Health Council established in terms of section 15(1) of the Act; and

“**SALGA**” means the South African Local Government Association, KwaZulu-Natal, being that organisation in the Province of KwaZulu-Natal recognised in terms of section 2(1) of the Organised Local Government Act, 1997 (Act No. 52 of 1997), as representing the majority of municipalities in the Province.

Duration of term of office of Members of Council

2.(1) Members contemplated in section 26(2)(a), (b), (c), (d) and (f) of the National Health Act, 2003 (Act No. 61 of 2003), are appointed by the responsible Member of the Executive Council.

(2) Members contemplated in section 26(2)(e) of the National Health Act are appointed by organized local government.

(3) All members are appointed to the Council for a period of three years.

(4) The responsible Member of the Executive Council may, on good cause shown, replace any member contemplated in subregulation (1).

(5) The responsible Member of the Executive Council may reappoint a member at the end of the three year period if such member is eligible.

(6) A member may not be appointed for more than two terms.

- (7) A member ceases to be a Member of the Council on any of the following grounds –
- (a) inability to perform the functions of the Council;
 - (b) misconduct;
 - (c) written resignation;
 - (d) he or she becomes a mental health care user as defined in section 1 of the Mental Health Care Act, 2002 (Act No. 17 of 2002);
 - (e) he or she is convicted of a criminal offence involving fraud, misrepresentation or any other breach of trust;
 - (f) he or she is convicted of an offence in respect of which he or she is sentenced to imprisonment without the option of a fine;
 - (g) the responsible Member of the Executive Council, in the interest of the public and for just cause, and after consultation with the member, terminates his or her membership of the Council; or
 - (h) death of the member.
- (8) Every vacancy on the Council arising from circumstances referred to in subregulation (7) must be filled by the responsible Member of the Executive Council and every member so appointed holds office for the unexpired portion of the period for which the vacating member was appointed.
- (9) The provisions of subregulations (4), (5), (6) and (7) apply, with the necessary changes, to the members appointed by SALGA in terms of subregulation (2).

Meetings of Council

- 3.(1) The Council must meet at least four times annually.
- (2) At the first meeting of the Council a Deputy Chairperson must be elected by the Members present.
- (3) At all meetings of the Council the Chairperson or, in his or her absence, the Deputy Chairperson must preside.
- (4) A special meeting of the Council may be convened by the Chairperson at any time –
- (a) upon written request by the Chairperson; or
 - (b) within ten calendar days of receipt of a written request signed by at least one third of the Members of the Council.

(5) A written request, as contemplated in subregulation (4), must clearly state the purpose for which the meeting is convened.

(6) A quorum of any meeting of the Council is one half of the total number of members plus one.

(7) The decision of the majority of the Members of the Council present at any meeting thereof constitutes a decision of the Council and, in the event of an equality of votes, the person presiding at the meeting in question has a casting vote in addition to his or her deliberative vote.

Disclosure of interest by Members

4.(1)(a) A Member of the Council who has any interest, whether direct or indirect, in any matter being considered or to be considered by the Council, must disclose the nature of his or her interest to the Council;

(b) The disclosure contemplated in paragraph (a) must be recorded in the minutes of the meeting.

(c) The member must be recused by the Chairperson and may not be present during, or participate in, any deliberation or decision of the Council relating to that matter.

(2) A decision taken by the Council or an act performed under the authority of the Council is not invalid merely by reason of a vacancy in the Council.

(3) The Council may co-opt any person to attend and participate in its deliberations on any matter, but such person may not vote on any matter.

Duties of Chairperson

5. The Chairperson of the Council must –

(a) ensure that the Council exercises its powers, performs its functions and carries out its duties as contemplated in section 27 of the National Health Act and complies with the relevant provisions of the Act, these regulations and any other law; and

(b) disclose to the Council all material facts and information which, in any way, may influence the decisions or actions of the Council.

Short title

6. These regulations are called the KwaZulu-Natal Provincial Health Council Regulations, 2012.