

No. 126**9 November 2012****KWAZULU-NATAL DEPARTMENT OF HEALTH****KWAZULU-NATAL DISTRICT HEALTH COUNCILS 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 accordance with section 31(1) of the National Health Act, 2003 (Act No. 61 of 2003), in order to regulate District Health Councils in the Province.

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 Chairperson of the Council as contemplated in section 31(2)(b) of the National Health Act; and

“**Council**” means a District Health Council contemplated in section 23 of the Act.

Procedure for establishment of Council

2.(1) In order to establish a Council as contemplated in section 23 of the Act, the responsible Member of the Executive Council must, within twelve months of the date of promulgation of these Regulations, send a written notice to the Member of the Executive Council responsible for local government and the Mayors of all district- and metropolitan municipalities, requesting nominations of persons to serve on each proposed Council.

(2) The responsible Member of the Executive Council must also send a notice to each local municipal council within the Province, requesting nominations of persons from the local councils to be appointed as members of each proposed District Health Council, as contemplated in section 31(2)(a)(iii) of the National Health Act, 2003 (Act No. 61 of 2003).

(3) Upon receipt of all the nominations received in terms of subregulations (1) and (2), the responsible Member of the Executive Council must –

- (a) publish a notice in the *Gazette* establishing a District Health Council for every district in the Province as contemplated in section 29(2) of the National Health Act; and
- (b) appoint the members of each Council.

Duties of Chairperson

3. The Chairperson of a Council must –

- (a) convene meetings of the Council at least four times annually;
- (b) call a special meeting of the Council as contemplated in regulation 5(4)(b);

- (c) ensure that the Council exercises its powers, performs its functions and carries out its duties as contemplated in the Act and complies with the relevant provisions of the Act, these Regulations and any other law; and
- (d) disclose to the Council all material facts and information which, in any way, may influence the decisions or actions of the Council.

Appointment and term of office of Members of Council

4.(1) Members of Council are appointed by the responsible Member of the Executive Council for a period of three years.

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

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

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

(5) 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.

(6) Every vacancy on a Council arising from circumstances referred to in subregulation (5) must be filled by the responsible Member of the Executive Council and every member so

appointed must hold office for the unexpired portion of the period for which the vacating member was appointed.

(7) In filling the vacancy contemplated in subregulation (6) the responsible Member of the Executive Council must follow the process as contemplated in regulation 2(2) and (3).

Meetings of Council

5.(1) The Chairperson of a Council must determine the date, place and time of any meeting of a Council.

(2) At the first meeting of the Council a Deputy Chairperson must be elected by the members present.

(3) 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.

(4) A written request, as contemplated in subregulation (3), must state clearly the purpose for which the meeting is convened.

Quorum and procedure at meetings

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

(2) A Council must determine the procedure to be followed at its meetings.

(3) At all meetings of the Council the Chairperson or, in his or her absence, the Deputy Chairperson must preside.

(4) 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.

(5) The Chairperson must keep an attendance register in which he or she must enter the names of all the members attending each meeting as well as the names of members absent with or without leave.

(6)(a) A member of a 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 and all material facts and information which, in any way, may influence the decisions or actions of the Council, to the Council.

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

(c) The member contemplated in paragraph (a) 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.

Short title

7. These regulations are called the KwaZulu-Natal District Health Councils Regulations, 2012.