

**No. 127****9 November 2012****KWAZULU-NATAL DEPARTMENT OF HEALTH****KWAZULU-NATAL PROVINCIAL HEALTH INFORMATION SYSTEMS COMMITTEE  
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 Information Systems Committee in the Province.

Given under my Hand at Pietermaritzburg this 4<sup>th</sup> 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 KwaZulu-Natal Provincial Health Information Systems Committee as contemplated in section 30(a) of the Act; and

“**Committee**” means the KwaZulu-Natal Provincial Health Information Systems Committee established in terms of section 29 of the Act.

### Duties of Committee

2. In performing the functions contemplated in section 31(1) of the Act, the Committee must –

- (a) ensure that all health information systems adhere to national guidelines and specifications;
- (b) guide the development and implementation of Provincial policies to govern information management, technology and systems;
- (c) monitor the implementation of policies contemplated in paragraph (b) and receive reports from the Department;
- (d) where the responsible Member of the Executive Council is not the Chairperson of the Committee, make recommendations to the responsible Member of the Executive Council on any matters appertaining to information systems; and
- (e) exercise any power, perform any functions and execute any duty conferred on it by the Act, these Regulations or any other law.

### Duties of Chairperson

3. The Chairperson must –

- (a) call a special meeting of the Committee as contemplated in regulation 4(2);
- (b) ensure that the Committee 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

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

#### **Meetings of Committee**

4.(1) The Chairperson may convene an ordinary meeting as often as necessary, but at least three times a year, as contemplated in section 32 of the Act.

(2) A special meeting of the Committee may be convened by the Chairperson at any time –

(a) upon written request to the members of the Committee 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 Committee.

(3) A written request, as contemplated in subregulation (1), must state clearly the purpose for which the meeting is requested.

#### **Quorum and procedure at meetings**

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

(2) The Committee must determine the procedure to be followed at its meetings.

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

(4) At all meetings of the Committee the Chairperson or the Deputy Chairperson or, in his or her absence, any other member of the Committee designated by the members present, must preside.

(5) The decision of the majority of the members of the Committee present at any meeting thereof constitutes a decision of the Committee 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.

(6) The Department must keep an attendance register in which the names of all the members attending each meeting as well as the names of members absent with or without leave are recorded.

(7)(a) A Member of a Committee who has any interest, whether direct or indirect, in any matter being considered or to be considered by the Committee, 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 Committee, to the Committee.

(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 Committee relating to that matter.

#### **Duration of term of office of Committee Members**

6.(1) Members of the Committee 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 –

- (a) replace any member on good cause shown; and
- (b) may reappoint a member at the end of the three year period if such member is eligible.

(3) The responsible member of the Executive Council may remove a member of the Committee on any of the following grounds –

- (a) inability to perform the functions of his or her office;
- (b) his/her estate is sequestrated or he/she has entered into a compromise with the creditors of his or her estate;
- (c) misconduct;
- (d) absence from more than two consecutive meetings of the Committee without the Committee's leave;
- (e) written resignation;
- (f) he or she ceases to hold any qualification necessary for his/her appointment to the Committee;
- (g) he or she ceases to be a South African citizen;

(h) 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);

(i) he or she is convicted of a criminal offence involving fraud, misrepresentation or any other breach of trust;

(j) 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;

(k) 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 appointment to the Committee; or

(l) death of a member.

(4) Every vacancy on a Committee arising from circumstances contemplated in subregulation (3) 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.

**Short title**

7. These regulations are called the KwaZulu-Natal Provincial Health Information Systems Committee Regulations, 2012.