Government Gazette 14984

STATE PRESIDENT'S OFFICE

No. 1285
20 July 1993

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

NO. 118 OF 1993: HEALTH AND WELFARE MATTERS AMENDMENT ACT, 1993.

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

ACT

To amend the Health Act, 1977, so as to authorize an Administrator to prescribe the moneys payable for the rendering of certain services; and to further regulate the duties and powers of local authorities in connection with health care services; to amend the Dental Technicians Act, 1979, so as to allow a non-member of the South African Dental Technicians Council to be the chairman or vice-chairman of a committee of the council; to amend the National Policy for Health Act, 1990, so as to do away with the Administrators Health Council; and to change the constitution of certain health bodies; to amend the Medicines and Related Substances Control Amendment Act, 1991, so as to further provide for the commencement of certain sections thereof; to amend the Probation Services Act, 1991, so as to further provide for the treatment of probationers; to amend the Social Assistance Act, 1992, so as to define certain expressions; and to provide that grants may be paid in respect of care-dependant children; and to provide for incidental matters.

(Afrikaans text signed by the State President.)

(Assented to 9 July 1993.)

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

Amendment of section 16 of Act 63 of 1977

1. Section 16 of the Health Act, 1977, is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

"*(2) An Administrator may with the concurrence of the Minister of State Expenditure and in so far as he has not already been authorized thereto by any law prescribe by regulation in the Official Gazette of the province concerned-*

(a) in respect of any function which a provincial administration is in terms of this Act authorized or compelled to perform -

(i) the moneys payable for a service resulting from such function;

(ii) the circumstances in which and the conditions under which such moneys shall be payable;

(iii) the basis on which such moneys shall be calculated; and

(b) the basis on which and the conditions subject to which any person may, wholly or in part, be exempted from the payment of the moneys referred to in paragraph (a) (i). ".

Amendment of section 20 of Act 63 of 1977

2. Section 20 of the Health Act, 1977, is hereby amended-

(a) by the substitution in paragraph (d) of subsection (1) for the words preceding subparagraph (i) of the following words:

"to render in its district, subject to the provisions of this Act or any other law, *primary health care* services approved by the Minister, *including services* for-";

(b) by the deletion of the word "and" at the end of subparagraph (ii) of paragraph (d) of subsection (1) and the addition of the following subparagraphs:

"*(iv) the treatment of diseases and injuries which are normally treated by a general practitioner; and (v) the provision of essential medicines,*"; and

(c) by the insertion after subsection (1) of the following subsection:

"*(1A) In so far as a local authority is not already authorized thereto by any law, that local authority may-*

(a) determine-

(i) the moneys payable for a service resulting from any function in terms of this Act;

(ii) the circumstances in which and the conditions under which such moneys shall be payable; and

(iii) the basis on which such moneys shall be calculated;

(b) on application by any person, in writing exempt such person from the payment of such moneys.".

Amendment of section 11 of Act 19 of 1979

3. Section 11 of the Dental Technicians Act, 1979, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) The council may from time to time establish such other committees as it may deem necessary, each consisting of such number of persons, appointed by the council, as the council may determine, but which shall include at least two members of the council **who shall be the chairman and vice-chairman of such committee**, to investigate and report to the council on any matter falling within the scope of the council's functions.".

Amendment of section 1 of Act 116 of 1990

4. Section 1 of the National Policy for Health Act, 1990, is hereby amended-

(a) by the deletion of the definition of "Administrators Council"; and

(b) by the substitution for the definition of "health body" of the following definition:

"'health body' means the Committee, any sub-committee established under section 9(1) **the Administrators Council** or the Council, as the case may be;".

Amendment of section 5 of Act 116 of 1990

S. Section S of the National Policy for Health Act, 1990, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) may, when so requested by any other Minister of a department of State responsible for health **or the Administrators Council**, make

recommendations to the relevant Minister **or the Administrators Council** in regard to any such matter;".

Amendment of section 6 of Act 116 of 1990

6. Section 6 of the National Policy for Health Act, 1990, is hereby amended-

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"*(b) the holder of any office whom the Minister, after consultation with the Council, appoints as a member*;"; and

(b) by the insertion after subsection (1) of the following subsection:

"*(1A) The Committee may allow the holder of any office to attend a meeting of the Committee in which case the holder of that office may take part in the proceedings at the meeting and shall have the same powers as a member of the Committee referred to in subsection (1)*.".

Repeal of sections 11, 12 and 13 of Act 116 of 1990

7. Sections 11, 12 and 13 of the National Policy for Health Act, 1990, are hereby repealed.

Amendment of section 16 of Act 116 of 1990

8. Section 16 of the National Policy for Health Act, 1990, is hereby amended-

(a) by the deletion of paragraph (b);

(b) by the addition of the following paragraphs:

"*(c) the Administrator of each province (d) the holder of any office whom the Minister, after consultation with the Council, appoints as a member*."; and

(c) by the addition of the following subsections, the existing section becoming subsection (1):

"*(2) The Council may allow the holder of any office to attend a meeting of the Council in which case the holder of that office may take part in the proceedings at the meeting and shall have the same powers as a member of the Council referred to in subsection (1).*

(3) (a) Any member of the Council may, subject to the directions of the Council, designate any person to act in his stead as member of the Council.

(b) Any alternate member referred to in paragraph (a) may attend, and take part in the proceedings, at any meeting of the Council whenever the member in respect of whom he has been designated as an alternate member, is absent from that meeting.".

Amendment of section 19 of Act 116 of 1990

9. Section 19 of the National Policy for Health Act, 1990, is hereby amended by the deletion of subsection (2).

Substitution of long title of Act 116 of 1990

10. The following long title is hereby substituted for the long title of the National Policy for Health Act, 1990:

"ACT

To provide for control measures with a view to promoting the health of the inhabitants of the Republic, and for that purpose to provide for the determination of a national policy for health, for the establishment of a Health Matters Committee **an Administrators Health Council** and a Health Policy Council, and for matters connected therewith.".

Substitution of section 29 of Act 94 of 1991

11. The following section is hereby substituted for section 29 of the Medicines and Related Substances Control Amendment Act, 1991:

"29. (1) *(a)* This Act shall be called the Medicines and Related Substances Control Amendment Act, 1991, and shall, *with the exclusion of the provisions referred to in paragraph (b),* come into operation on a date fixed by the State President by proclamation in the Gazette.

(b) Sections l(d), (n) and (m), 9, 16(c) up to and including (h), 19, 21, 23, 24 and 25 shall be deemed to have come into operation on 12 July 1991.

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

(3) Proclamation R.66 of 12 July 1991 is hereby repealed.".

Amendment of section 2 of Act 116 of 1991

12. Section 2 of the Probation Services Act, 1991, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Any person appointed as a probation officer under the Children's Act, 1960 (Act No. 33 of 1960), *or the Probation Services Act (House of Assembly), 1986 (Act No. 98 of 1986),* shall be deemed to have been appointed as a probation officer under this Act.".

Insertion of section 3A in Act 116 of 1991

13. The following section is hereby inserted in the Probation Services Act, 1991, after section 3:

"Treatment of probationers

3A. (1) Notwithstanding any probation condition imposed by a court, the Director-General may determine and impose further conditions which shall apply in respect of a probationer as part of his probation conditions.

(2) A further condition may include participation in a rehabilitation or other programme as determined in terms of or prescribed under section 84(1) of the Correctional Services Act, 1959 (Act No. 8 of 1959).

(3) A further condition referred to in subsection (2) shall only be imposed with the concurrence of the Commissioner of Correctional Services.

(4) A probationer who feels aggrieved by the imposition of a further condition may in writing object against the imposition of such condition to the Minister.

(5) The Minister may, after considering an objection referred to in subsection (4) and the further information that he may gather in his discretion, revoke or amend the condition concerned, or substitute another condition for that condition.

(6) For the purposes of this section 'further condition' means a condition imposed in terms of subsection (1).".

Amendment of section 1 of Act 59 of 1992

14. Section 1 of the Social Assistance Act, 1992, is hereby amended-

(a) by the insertion after the definition of "capitation grant" of the following definitions:

"*'care-dependency grant' means a grant made in terms of section*
'care-dependant child' means a child between the ages of one and

eighteen years who requires and receives permanent home care due to his severe mental disability,"; and

(b) by the insertion after the definition of "foster child grant" of the following definition:

"*'foster parent' means any person, except a parent of the child concerned, in whose custody a foster child has been placed under Chapter 3 or 6 of the Child Care Act, 1983 (Act No. 74 of 1983), or section 290 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or a tutor to whom a letter of tutorship has been issued in terms of Chapter IV of the Administration of Estates Act, 1965 (Act No. 66 of 1965)*;".

Amendment of section 2 of Act 59 of 1992

15. Section 2 of the Social Assistance Act, 1992, is hereby amended-

(a) by the substitution for paragraph (b) of the following paragraph:

"(b) in addition to a social grant, a grant-in-aid to or on behalf of any person referred to in paragraph (a) **or a war veteran** who is in such a physical or mental condition that he requires regular attendance by any person;"; and

(b) by the addition of the following paragraph:

"*(g) a care-dependency grant to a foster parent in respect of a care-dependant child*.".

Amendment of Schedule to Act 59 of 1992

16. The Schedule to the Social Assistance Act, 1992, is hereby amended by the substitution for the words occurring in the third column opposite "Blind Persons Act, 1968" of the following words "Section 2*(1)*(a) and (b)".

Short title and commencement

17. (1) This Act shall be called the Health and Welfare Matters Amendment Act, 1993.

(2) (a) Section 3 shall be deemed to have come into operation on 7 November 1992.

(b) Sections 13,14 and 15 of this Act shall come into operation on the same date as the date on which the Social Assistance Act, 1992 (Act No. 59 of 1992), comes into operation.