

NORTH WEST HEALTH, DEVELOPMENTAL SOCIAL WELFARE AND HOSPITAL
GOVERNANCE INSTITUTIONS ACT, 1997 24/3/97

No. 2 of 1997

ACT

To create health, developmental social welfare and hospital governance institutions in the North-West Province; to define the composition, powers, functions of such institutions; the appointment of members of those institutions and their remuneration; to repeal certain laws and to provide for incidental matters. (English text signed **by** the Premier on 24 March 1997).

BE IT ENACTED by the Premier and the Legislature of the Province of the North

West as follows :

CHAPTER 1

DEFINITIONS

1 . In this Act, unless inconsistent with the context :

"community meeting" means a meeting of people residing within the territorial jurisdiction of a forum called in terms of section 3 of this Act;

"forum" means a forum established in terms of Section 2;

"Gazette" means the North West Provincial Gazette;

'health and developmental social committee' means a district health and developmental social committee established in terms of Section 6;

'hospital' means hospital owned by or under the management or control of the Government of the Province of the North West;

"hospital board" means a hospital board established in terms of Section 1 5;

"Legislature" means the legislature of the Province of the North West, established in terms of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996);

"it responsible member" means **the member of the** executive council responsible for health and developmental social **welfare** in the province;

'territorial jurisdiction' means the community area specified **by the** Responsible member in terms of section 2(2); and

"this Act" includes the regulations made thereunder.

CHAPTER 2

COMMUNITY HEALTH AND DEVELOPMENTAL SOCIAL WELFARE

GOVERNANCE

Establishment of community health and developmental social welfare areas and
constitution of community forums

2.(1) The responsible member may establish such community health and developmental social welfare areas and in respect of such areas may establish such community health and developmental social welfare forums as he or she deems fit.

(2) When the responsible member constitutes a forum in terms of sub-section

(1) he or she shall :

(a) determine the number of members of such forum;

(b) specify the community area for which such forum is constituted.

Members of the forums

3.(1) The Forum shall consist of at least ten and not more than twelve members appointed by the responsible member from nominees named by persons resident- within the area to be served by the Forum.

(2) (a) The responsible member shall as soon as may be reasonably practicable -

(i) after the commencement of this Act; or

(ii) after the expiration of the term of office of the members

of the Forum; or

(iii) after one or more vacancies have arisen in the Forum

by notice in the *Gazette* call for the nomination of persons for the purpose of appointing a member or members (as the case may be) to the Forum.

(b) I Any notice in terms of paragraph (a) of this sub-section -

(i) shall state the number of persons to be appointed and the maximum number of nominations to be received from anyone entitled to make a nomination;

(ii) shall, subject to the provisions of this Act, determine the requirements, conditions, procedures and form of any nomination in terms of this section;

(iii) shall specify the name and address of every person entitled to receive nominations on behalf of the responsible member; and

(iv) shall state the last **day** upon which nominations **shall so**

be received.

(3) (a) Notwithstanding the provisions of subsection (2) of this section the Responsible member shall, together with the local council or district council within the Forum's territorial jurisdiction convene a community meeting to make nominations for members of the Forum.

(b) The community meeting referred to in subsection (2-) shall be chaired by a person designated by the Responsible member.

(c) The Responsible member shall determine the proceed the procedure to be followed in the making of the nominations.

(d) The chairperson- of the community meeting must inform the . Responsible member about the nominations made in terms of this section. -

(4) The members of the Forum shall, at the first meeting of the Forum and thereafter as the occasion demands, from their own number, elect a Chairperson and a vice-Chairperson for such period as the Forum may from time to time determine : Provided that the Chairperson shall be elected from among the community representatives appointed in terms of sub-section (1)(a).

(5) Whenever the Chairperson of the Forum is absent or incapacitated

or refuses or fails to act, the vice-Chairperson shall preside at the meetings of the Forum and exercise and perform the powers and functions and duties of the Chairperson.

Powers, functions and duties of forums

4. The powers, functions and duties of the Forum shall, subject to the provisions of this Act be

(a) when directed by the responsible member to investigate and consider any matter referred to it in terms of this Act and make recommendations in regard thereto;

(b) to investigate administrative queries in respect of hospitals, clinics, and other health centres within its territorial jurisdiction, and make recommendations to the responsible Member;

(c) to investigate service delivery problems in respect of hospitals, clinics and other health centres within its territorial jurisdiction, and make recommendations to the responsible Member;

(d) to nominate representatives to the District Health and Developmental Social Welfare Board and to the Hospital Boards.

Terms of office and allowances of members of the forum

5.(1) The members of the Forum appointed in terms of Section 3 shall, subject to the provisions of subsection (2) of this Section, remain in office for a period of two years, where after they shall be eligible for re-appointment.

(2) (a) A member of the Forum shall vacate his or her office if he or she **ceases** to qualify in terms of Section 1 7 (which section shall **apply** *mutatis mutandis*)

(b) The responsible member may at any time terminate the appointment of a member if, in his or her opinion

there exists good and sufficient reason for doing so.

(3) If the office of any member appointed becomes vacant before the expiration of his or her term of office, the vacancy so arising shall be filled by the appointment by the responsible member of another member to the Forum.

(4) A member of the Forum who is not in the full-time service of the State, shall be entitled to such allowances for travelling and subsistence expenses incurred by him or her in the performance of his or her functions and duties under this Act, as the responsible member, in consultation with the member of the executive council responsible for finance may determine.

(5) The hospitals, clinics and other health centres within the territorial jurisdiction of the Forum must avail their facilities to the Forum for the execution of its functions.

CHAPTER 3

DISTRICT HEALTH AND DEVELOPMENTAL SOCIAL WELFARE GOVERNANCE

Establishment of district health and developmental social committees

6.(1) The responsible member may constitute such district health and social development welfare committees for each provincial health and social development welfare district and may assign a name to any such committee.

(2) When the responsible member constitutes a committee in terms of sub-section (1), he or she shall -

(a) determine the number of members of such committee;

(b) specify the health and social development welfare district for which

such committee is constituted. -

Powers, functions and duties of committees

7. The powers, functions and duties of a committee shall, subject to

provisions of this Act be -

(a) to investigate, make recommendations and advise the District Health Manager, District Developmental Social Welfare Manager as the case may be concerning -

(1) the coordinated Management of all primary health care and social development service programmes and institutions in the province;

(ii) the preparation, development and presentation of the budget for recurrent

expenditure to the province;

(iii) the financial requirements of the district with regard to recurrent and capital expenditure;

(iv) the procurement of pharmaceutical and surgical supplies through the provincial tender system;

(v) the appointment, evaluation, discipline and promotion of staff at district level;

(vi) the purchasing of services from independent providers

within the district;

(b) - to investigate, report and make recommendations to the province on any dispute or grievance by an individual or groups concerning access to health and social development services; and

(c) to perform and exercise all other such functions, duties and powers as the responsible member may from time to time entrust to it.

Members, alternate members of Committee

8.(1) The Committee shall consist of the following members -

- (a) six community representatives appointed by the responsible member from nominees named by Community Health and . Developmental Social Welfare Forums established within the district in accordance with the provisions of any notice contemplated in sub-section (2);
- (b) one representative from each of the health and medical professional regulating bodies operating within the province;
- (c) two representatives appointed by the responsible member from the persons nominated by the health non-governmental bodies in accordance with the provisions of any notice contemplated in subsection (2);
- (d) two representatives appointed by the responsible member from the persons nominated by Developmental Social Welfare non-governmental bodies in accordance with the provisions of any notice contemplated in sub-section (2);
- (e) the district health manager *ex officio*;

(f) - one hospital manager from each of the hospital within the province;

(g) the Chairperson of the district hospital boards *ex officio*; and

(h) one representative from each of the local authorities within the district.

(2) (a) The responsible member shall as soon as may be reasonably

practicable -

(i) -after the commencement of this Act; or

(ii) - after the expiration of the term office of the members of

the Committee or of any member or members thereof;

or -

(iii) after one or more vacancies have arisen in the

Committee;

by notice in the *Gazette* call for the nomination of persons for the purpose of appointing a member or members (as the case may be) to the Committee in terms of paragraphs (a), (c) and (d) of sub-section (1) or, as the case may be, in terms of any one or more of such paragraphs. -

(b) Any notice in terms of paragraph (a) of this sub-section -

(i) shall state in respect of which of the classes of members, as contemplated by sub-section (1)(a), (c) and (d), nominations are invited for the purpose of appointing a person to the Committee in terms of subsection (1) and specify the number of persons to be so appointed and also specify the maximum number of nominations to be received from any one entitled to make a nomination in respect of the class of member in question;

(ii) shall, subject to the provisions of this Act, determine the requirements, conditions, procedures and form of any nomination in terms of this section;

(iii) shall specify the name and address of every person entitled to received nominations on behalf of the responsible member; and

(iv) shall state the last day upon which nominations shall be received.

(3) A member of the Committee referred to in subsection (1)(e), (f), (g) (h) and (1) may, with the consent of responsible member, designate another person in the service of the Department to act in his or her stead as an alternate member of the Committee, and any alternate member of the Committee so appointed or designated may attend any meeting of the Committee and participate in the proceedings thereat, whenever the member in respect of whom he or she has been appointed or designated as an alternate member, is absent from such a meeting or incapacitated for any reason.

(4) The members of the Committee shall, at the first meeting of the Committee and

thereafter as the occasion demands, from their own number, elect a Chairperson and a vice-Chairperson for such period as the Committee may from time to time determine. The Chairperson shall be elected from among the community representative appointed in terms of sub-section (1)(a).

(5) Whenever the Chairperson of the Committee is absent or incapacitated or

refuses or fails to act, the vice-Chairperson shall preside at the meetings of the Committee and exercise and perform the powers, functions and duties of that Chairperson.

Terms of office and allowances of members of the Committee -

9.(1) - The members of the Committee, shall, subject to the provisions of subsection (2) of this section, remain in office for a period of two years, where after they shall be eligible for re-appointment.

(2). A member shall vacate his or her office if he or she ceases to hold any qualification necessary for his appointment.

(3) The responsible member may at any time terminate the appointment of any member if, in his or her opinion there exists good and sufficient reason for doing so.

(4) If the office of any member becomes vacant before the expiration of his or her term of office, the vacancy so arising shall be filled by the appointment, by the responsible member of another member to the Committee in terms of that section.

(5) A member of the Committee who is not in the full-time service of the State, shall be entitled to such allowances for travelling and subsistence expenses incurred by him or her in the performance of his or her functions and duties under this Act, as the responsible member in consultation with the member of the executive council responsible for finance, may from time to time determine.

Sub-committees of the Health and Developmental Social Welfare Committee

District -

10.(1) The Committee may, in consultation with the responsible member establish sub-committees consisting of particular members of the Committee only or of persons who are not such members, or both such members and such other persons, to inquire-into and advise the Committee in relation to or in connection with any such matters as fall within the scope the functions and duties of the Committee in terms of this Act, and may likewise extend, enlarge, limit or dissolve any such sub-committees.

(2) A member of any sub-committee established under subsection (1), excluding any such member in the full-time service of the State and any member of the Committee entitled to allowances in terms of section 4 (5), shall be entitled to Such allowances for travelling and subsistence expenses incurred by him/her in the performance of his or her functions and duties as such a member, as the responsible member in consultation with the member -of the executive council responsible for finance, may from time to time determine.

Meetings of Committee and quorums

1 1.(1) The first meeting of the Committee shall be held on such date and at such time and place as may be determined by the responsible member, and thereafter meetings shall be held at least four times in every year on a date and time and place determined by the Chairperson during a meeting of the Committee.

(2) The quorum for any meeting of the Committee shall be at least one third of all the

members of the Committee as at the date of the meeting: Provided that there shall be a quorum of members appointed in terms of Section 3.

Decisions, acts and proceedings of Committee not invalidated in certain

circumstances -

12. The decisions, acts and proceedings of the Committee shall not be rendered invalid or unlawful by reason only of any vacancy occurring therein as contemplated by section 9 (3) or of any defect or irregularity in the appointment of a member or by reason of the disqualification of any member of the Committee.

Secretary of Committee -

13. The responsible member shall designate an officer in the service of the Department to perform the functions and duties of the secretary of the Committee.

CHAPTER 4

HOSPITAL GOVERNANCE

Health and Welfare Institutions Governance

14.(1) The responsible member may constitute such boards as he or she may deem necessary in respect of Provincial and specialized hospitals, orphanages and old age homes, and may assign a name to any such board.

(2) When the responsible member constitute a board in terms of sub-section (1), he or she shall -

(a) determine the number of members of such-board; and

(b) specify the provincial hospital or hospitals for which such

board has been constituted.

Members, alternate members of the board

1 5.(1) The board shall consist of the following members who shall not exceed 18 in number and the majority of whom shall be members appointed in terms of paragraph (a) of this subsection -

(a) community representatives appointed by the responsible member from the persons nominated by Community Health Forums in accordance with the conditions of any notice contemplated by sub-section (2);

(b) one representative from each of the local authorities in the health and developmental social welfare district;

(c) one lay expert having business and/or financial background appointed by the responsible member from nominations submitted by the general public in accordance with the conditions of any notice contemplated by sub-section (2);

(d) a health and welfare institution manager in respect of which the board is constituted;

(e) District Health Manager ex Officio;

(f) District Developmental Social Welfare Manager ex Officio;

(g) a representative of the staff of the hospital or hospital in respect of which the board is constituted elected by the staff of such hospital or hospitals; and

(h) one representative appointed by the responsible member from persons nominated by health non-governmental organisations with the health developmental social welfare district. Provided that ex officio members shall exercise the same voting rights as other members of the

boards.

(2) (a) The responsible member shall as soon as may be reasonably practicable-

(i) after the commencement of this Act; and

(ii) after the expiration of the term office of the members of

the board or of any member or members thereof; and

(iii) after one or more vacancies have arisen in the board;

by notice in the *Gazette* call for the nomination of persons for the purpose of appointing members or a member (as the case may be) to the board in terms of paragraphs (a), (c) and (d) of sub-section (1) or, as

the case may be, in terms of any one or two of such paragraphs.

(b) Any notice in terms of paragraph (a) of this sub-section -

(i) shall state in respect of which of the classes of members, as contemplated by sub-section (1)(a), c and (d), nominations are invited for the purpose of appointing a person to the board in terms of sub-section (1) and specify the number of persons to be so appointed and also specify the maximum number of nominations to be received from any one entitled to make a nomination in respect of the class of member in question;

(ii) shall, subject to the provisions of this Act, determine the requirements, conditions, procedures and form of any nomination in terms of this section;

(iii) shall specify the name and address of every person entitled to received nominations on behalf of the responsible member; and

(iv) shall state the last day upon which nominations shall be received.

Rights, powers, duties and functions of boards

16.(1) A board may -

(a) make recommendations to or advise the management of any hospital, for which such board has been constituted, on matters affecting hospitals and on the means and methods-whereby the control, regulations, administration or management of provincial hospitals may be improved;

(b) consider the suitability and efficiency of senior officers on the staff of any hospital for which such board has -been constituted and make recommendations to the hospital management in regard thereto;

(c) make recommendations to management of the hospital for which it has been established on the formulation and - implementation of policy and strategy;

(d) when authorized thereto by the responsible member, collect donations and expend the moneys so collected under the direction of the responsible member and subject to such instructions as he or she may from time to time give, and notwithstanding anything to the contrary contained in this Act such money shall not form part of the Provincial Revenue Fund;

(e) make recommendation and advise the hospital management on:

(i) the erection of hospital building and maintenance programmes;

(ii) the purchasing of equipment;

(iii) fair employment policies;

(iv) the resolution of employment disputes;

(v) development of human resources policies;

(vi) the appointment of senior managers and clinicians, their remuneration and other conditions of their employment.

(2) A board shall -

(a) In relation to every hospital for which it has been constituted,

furnish comments and make recommendations to the responsible member, through the medium of the management of such hospital, on all matters, reports, documents or recommendations submitted to it for consideration and relating to -

(i) annual estimates of revenue and expenditure;

(ii) the expenditure of capital funds;

(iii) financial statements and reports of the Provincial Auditor;

(iv) **the appointment of senior managers and** clinicians;

(v) the creation of additional posts on the staff of such hospital;

(vi) the erection, extension and alteration of buildings;

(vii) maintenance **of** buildings and equipment;

(viii) the standardization of equipment, buildings and procedures;

(ix) the entering into contracts;

(x) regulations;

(xi) any complaint by a patient, a member of the public or a private medical practitioner

(xii) economy and efficiency; or

(xiii) the general activities of such hospital;

(b) at least once in every three months, calculated from the first day of any year, inspect every hospital for which such board has been constituted and report to the responsible member thereon;

(c) advise the management of every hospital for which such board has been constituted or responsible member on any other matter submitted to it by such hospital management or the responsible member as the case may be;

and

(d) exercise such other functions and carry out such other duties as the responsible member may from time to time determine.

(3) The responsible Member shall, within fourteen days after receipt of the documentation reports or recommendations referred to in subsection (2) table it in the Legislature if the Legislature is in session or, if the Legislature is not in session, within fourteen days after it is in session.

Qualifications of members of boards.

1 7.(1) The following persons shall not be qualified to be appointed as members of a board or, if members of a board, of continuing to be members:

(a) any person under the age of twenty-one years;

(b) any person who is of unsound mind and has been so declared - by a competent court or judicial officer;

(c) **any person who is** an un-rehabilitated insolvent;

(d) any person who has at any time been convicted of an offence for which he or she has been sentenced to imprisonment without the option of a fine unless he or she has received a free pardon, or unless such imprisonment has expired at least three years prior to the date of his or her appointment; or

(e) any person who is interested (otherwise than as a member of an incorporated public company) in any contract made for or on behalf of any hospital for which the board of which he or she is a member or a prospective member has been constituted, if the value of such contract exceeds in any single case the sum of R 1 0 000.00 or, in the case of more than one contract, R20 000.00 in any financial year : Provided that nothing in this paragraph contained shall be deemed to be a disqualification where the contract is approved and considered to be desirable in the public interest by the responsible member or where such contract is in respect of the professional services of a medical practitioner.

Period of office of members of boards

18. All members of boards shall hold office for a period of two years from the date of their appointment : Provided that the members appointed by the responsible member for the first time to a new board constituted in terms of the provisions of this Act shall hold office as follows:

(a) one-half of a period of one year;

(b) one-half of a period of two years;

Provided further that in the case of a member appointed to fill a casual vacancy, such appointment shall in every case be for the unexpired period of office of the member in whose place the appointment is made.

When office of member becomes vacant

19.(1) Whenever a member of a board becomes disqualified in terms of section 17 or -

(a) if he or she dies: or

(b) resigns his or her office by writing under his or her hand delivered to the

Chairperson of the board or to the person designated as secretary to the board by the responsible member; or

(c) is absent from three consecutive ordinary meetings of the board without leave of the board;

his or her office shall be declared vacant by the Chairperson of the board who shall report the fact to the responsible member and the responsible member shall, subject to the provisions of sections 17 and 18 appoint a member to fill

such vacancy.

Termination of office of members of boards, appointment of provisional boards, and appointment of persons to exercise or carry out rights, powers, duties or functions of boards.

20.(1) The responsible member may, notwithstanding anything to the contrary contained in this Act terminate the period of office of all members of a board as from a specified date -

(a) if at any time a board neglects for a period of six months to hold a meeting; or

(b) if he or she is satisfied that a board-

(i) has failed or refused to perform any duty or function imposed upon it by this Act or the regulations made thereunder; or

(ii) unreasonably failed or refused to exercise any right or power conferred on it by this Act or the regulations made thereunder; or

(iii) has done or intends to do any illegal or grossly irregular act; or

(iv) has exercised or carried out its rights, powers, duties or functions in an improper manner or to the detriment of a provincial hospital for which it has been constituted; or

@ if the number of members of such board has decreased to a number which is, in the opinion of the responsible member, insufficient for the efficient conduct of the business thereof.

(2) The responsible member may at any time declare null and void any resolution passed at a meeting of any board which, in his or her opinion, was taken in an illegal or grossly irregular manner or was an improper exercise of its functions or powers or which is detrimental to the interests of a provincial hospital.

(3) If the period of office of all members of a board are terminated in terms of sub-section (1) or, if there are no members of a board, the responsible member may - -

(a) appoint members of such board in terms of the provisions of this Chapter and for that purpose such board shall be deemed to be a . new board;

(b) appoint in its place a board (hereinafter referred to as a provisional board) for such period, not being longer than one year, as he or she may determine.

(4) The number of members of a provisional board shall not exceed the number of members determined for the board in the place of which such provisional board has been appointed.

(5) Except for matters specially provided for in this section, the provisions of this Act and the regulations made thereunder relating to boards, shall apply *mutatis mutandis* to provisional boards.

(6) Before the expiry of the period of office of a provisional board, the responsible member shall appoint, in terms of the **provisions** of this Chapter, members to the board in the place of which such provisional board was appointed and for that purpose such board shall be deemed to be a new board but the members thereof shall not assume office until the day following the expiry of the period of office of such provisional board.

(7) Notwithstanding anything to the contrary in this Act contained, the responsible Member may appoint for such period, not being longer than one year, as he or she may determine, a person or persons to exercise or to carry out any of the rights, powers, duties or functions of a board which for any reason cannot function, as he or she may determine.

Meetings of boards

21.(1) . A board shall hold its first meeting on such date and at such time and place as the responsible member may decide.

(2) (a) An ordinary meeting of a board shall be held on such date and at such time and place as the board may decide.

(b) A board shall hold not less than six ordinary meetings in every financial year.

(c) The person designated as secretary to the board by the responsible member shall give seven days' notice in writing of an ordinary meeting of the board and such notice shall state the date, time and place of the meeting and the business to be transacted thereat.

(3) (a) The Chairperson of a board may at any time, and shall at the request in writing of not less than two members of the board call a special meeting of the board.

(b) The provisions of paragraph (c) of subsection (2) shall apply *mutatis mutandis* in respect of a special meeting: Provided that if, in the opinion of the Chairperson of the board, the matter is one of urgency, he or she may direct that time period of notice of the meeting shall be less than seven days.

(4) Any inadvertent or accidental omission to notify a member of the board of a meeting to be held, shall not invalidate the proceedings of such- meeting or a resolution taken thereat.

(5) A meeting of a board or a committee thereof shall be open to the public, unless such board or committee decides otherwise.

Chairperson to preside at meetings.

22.(1) The Chairperson of a board shall preside at every meeting thereof.

(2) If the Chairperson is absent from any meeting of the board, the members present thereat shall from amongst themselves elect a Chairperson to preside at such meeting and the member so elected shall, during the absence of the Chairperson at such meeting have the same rights, power, duties and functions, as the Chairperson of the board.

Quorum.

23. A quorum of the board shall consist of not less than one third of the number of members thereof and no business shall be transacted at any meeting of the board unless a quorum is present: Provided that no quorum shall be constituted if the number of community representatives present is less than number of the other members present.

Method of deciding questions before a board.

24.(1) Every question before a board shall be decided **by** the majority of the votes of the members present.

(2) The Chairperson of a board shall have a deliberative vote and, in the event of an equality of votes, casting vote.

Committees of boards

25(1) . The board may from time to time in consultation with the responsible member appoint from its members one or more committees either of a general or special nature and the board may delegate to any such committee with or without such restrictions or conditions as it may deem fit, such rights, powers, duties

and functions as it may from time to time determine and it may rescind any such delegation.

(2) Such committee shall consist of so many members as the board may determine.

(3) Any such committee shall, unless its delegation has previously been rescinded in terms of subsection (1), lapse after having served the purpose for which it was appointed.

(4) The board shall determine the quorum of each such committee and no business shall be transacted by such committee unless a quorum is present.

(5) Every committee shall report its proceedings to the board.

(6) (a) - Every committee shall elect its own Chairperson and such

Chairperson shall hold office for such period as the committee may decide.

(b) If the Chairperson of a committee is absent from any meeting of the committee, the members - present thereat shall from amongst themselves elect a Chairperson to preside at such meeting and the member so elected shall, during the absence from such meeting of the Chairperson, have the same rights, powers, duties and functions as the Chairperson of such committee.

(7) Every question before a committee shall be decided by majority of the votes of the members present and, in the event of an equality of votes, the matter shall be referred to the full board.

Minutes of meetings

26.(1) Minutes of the proceedings of every meeting of a board or of a

committee thereof shall be kept and shall contain properly arranged details of the business transacted at the meeting and each member of the board shall be furnished with a copy of such minutes.

(2) The minutes of the proceedings of each meeting of a board or a committee thereof shall be submitted and considered at the next ensuing meeting and, if passed as correct, shall be confirmed by the signature of the Chairperson concerned.

(3) The minutes of the proceedings, confirmed in terms of sub-section (2), shall at all

reasonable times be open to inspection **by** any person authorized thereto **by** the responsible member and a copy thereof shall be furnished to the

responsible member **by** the person designated as secretary to the board **by** the responsible member. -

Validation of irregularities in appointments

27. Notwithstanding any defect in the appointment of a member or a Chairperson or in the election of an acting Chairperson of a board or a committee thereof. Any act, if done in good faith, shall not be invalidated by reason of such defect but shall be valid and effectual as if such person had been duly appointed or elected.

Fees and allowances.

28. The responsible member shall in consultation with the member of the executive council responsible for finance, determine the fees, allowances and other payments payable to members of boards.

CHAPTER 5

GENERAL PROVISIONS

Regulations

29. The responsible member may from time to time make regulations not inconsistent with the provisions of this Act -

(a) prescribing the control, conduct and regulation of meetings of a board, committee, forum or sub-committee established in terms of this Act;

(b) prescribing the powers and duties of any chairperson or acting chairperson of a board, committee, forum or sub-committee established in terms of this Act;

(c) prescribing in addition to the rights, powers, duties and functions of boards conferred or imposed in terms of the provisions of this Act, further rights, powers, duties and functions of boards, committees, forums or sub-committees established in terms of this Act; and

(d) generally in respect of all matters which he considers necessary or expedient for achieving the objects and purpose of this Chapter.

Resolution of disputes

30. Where a dispute arises between members of any forum, committee or board as a result of the exercise of the powers or the performances of duties such forum, committee or board established in terms hereof, the dispute shall be referred to the responsible member for determination and his or her decision shall be final.

Repeal of laws and savings

31.(1) Subject to the provisions of subsections (2) the laws mentioned in the Schedule to this Act shall to the extent so specified in that Schedule deemed to be repealed in terms of this

(2) Any proclamation, regulation, rule, order, notice, approval, authority, return, certificate, direction or appointment made, issued, given or granted, and any other act done under the provisions of any law repealed by this Act, shall be deemed to have been made, issued, given or granted or done under the corresponding provision of this Act.

Short title and date of commencement

32.(1) This Act shall be called the North-West, Developmental Social Welfare and Health and Welfare Institutions Governance Institutions Act, 199-7 and the provisions thereof shall come into operation on a date to be fixed by the responsible member by notice in the *Gazette*.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act. the Schedule to this Act shall to the extent so specified in that Schedule deemed to be repealed in terms of this

(2) Any proclamation, regulation, rule, order, notice, approval, authority, return, certificate, direction or appointment made, issued, given or granted, and any other act done under the provisions of any law repealed by this Act, shall be deemed to have been made, issued, given or granted or done under the corresponding provision of this Act.

Short title and date of commencement

32.(1) This Act shall be called the North-West, Developmental Social Welfare and Health and Welfare Institutions Governance Institutions Act, 1997 and the provisions thereof shall come into operation on a date to be fixed by the responsible member by notice in the *Gazette*.

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