

Government Gazette 14935

STATE PRESIDENT'S OFFICE

No. 1192  
9 July 1993

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

No. 86 of 1993: Academic Health Centres Act, 1993.

ACT

To provide for the establishment of academic health centres and for the control, administration and management thereof; and for matters connected therewith.

(Afrikaans text signed by the Acting State President.)  
(Assented to 28 June 1993.)

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

Definitions

1. In this Act, unless the context otherwise indicates-

- (i) "academic health centre" means any centre established under section 8(1), but shall not include any educational institution; (i)
- (ii) "academic hospital" means a hospital at which also practical training in the field of health care is provided to students; (ii)
- (iii) "Department" means the Department of National Health and Population Development; (vi)
- (iv) "Director-General" means the Director-General: National Health and Population Development; (vii)
- (v) "educational institution" means any university, technikon, technical college, nursing college or other institution providing practical training in health care; (xii)

- (vi) "financial year" means the period from 1 April in any year to 31 March in the next succeeding year; (v)
- (vii) "health authority" means any department of State, a provincial administration or a local authority; (ix)
- (viii) "health care facility" means a hospital, a health care clinic or any institution providing health care services; (viii)
- (ix) "manager" means the manager referred to in section 14; (iv)
- (x) "Minister" means the Minister for National Health and Welfare; (xi)
- (xi) "policy council" means the Policy Council for Academic Health Centres established in terms of section 2; (iii)
- (xii) "prescribe" means prescribe by regulation in terms of section 31; (xiv)
- (xiii) "supervisory board" means a supervisory board referred to in section 10; (xiii) and
- (xiv) "this Act" includes any regulation made thereunder. (x)

#### Establishment of Policy Council for Academic Health Centres

2. There is hereby established a council to be known as the Policy Council for Academic Health Centres.

#### Functions of policy council

3. The policy council-

- (a) may of its own accord, and shall at the request of the Minister, investigate matters relating to-
  - (i) the functions of any academic health centre; and
  - (ii) the co-operation between a health authority, an educational institution and an academic health centre, and after consideration of any such matter, make recommendations to the Minister in regard thereto;
- (b) may advise any health authority or supervisory board on any matter referred to the policy council by the relevant authority or supervisory board; and

- (c) may in general perform such acts as are necessary or considered by the policy council to be expedient for the achievement of the objects of this Act.

#### Constitution of policy council

4. (1) The policy council shall consist of-

- (a) the Director-General, who shall be chairman of the policy council;
- (b) the Director-General of the Department of National Education;
- (c) the head of the branch responsible for health or hospital services in each provincial administration;
- (d) two officers of the Department designated by the Minister; :
- (e) the President of the MRC referred to in section 9 of the South African Medical Research Council Act, 1991 (Act No. 58 of 1991);
- (f) the President of the South African Medical and Dental Council referred to in section 7 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);
- (g) the President of the South African Nursing Council referred to in section 7 of the Nursing Act, 1978 (Act No. 50 of 1978);
- (h) the principal or rector, as the case may be, of each university with a faculty of medicine; and
- (i) not more than two additional members whom the Minister, after consultation with persons mentioned in paragraphs (a) to (h), deems necessary with a view to the effective performance of the functions of the policy council.

(2) A member of the policy council referred to in subsection (1)(i) shall hold office for such period as the Minister may determine at the time of his appointment, but may be reappointed.

#### Meetings and decisions of policy council

5. (1) The policy council shall at its first meeting, and at meetings thereafter when it becomes necessary, from among its members elect a vice-chairman of the policy council, who shall hold office for such period as the policy council may determine at the time of his election.

(2) If the chairman is absent or is for any reason unable to act as

chairman, the vice-chairman shall perform the functions of the chairman.

(3) The chairman or vice-chairman or, in their absence, a member of the policy council elected by the members present, shall preside at a meeting of the council.

(4) (a) The meetings of the policy council shall be held at such times and places as the chairman of the policy council may from time to time determine.

(b) The quorum for a meeting of the policy council shall be a majority of its members.

(c) The decision of at least two-thirds of the members present at a meeting shall constitute a decision of the policy council.

(d) The policy council may in its discretion determine the procedure at its meetings.

(5) (a) Any member of the policy council, except a member referred to in section 4(a) and (i), may, subject to the directives of the policy council, designate any person to act in his stead as a member of the policy council.

(b) Any alternate member may attend and take part in the proceedings at any meeting of the policy council whenever a member in whose stead he has been designated as an alternate member, is absent from the meeting.

#### Remuneration of members of policy council

6. A member of the policy council who is not in the full-time employment of the State shall, in respect of his service as such a member, be paid, out of money appropriated by Parliament for such purpose, such remuneration, including reimbursement for transport, travelling and subsistence expenses, as the Minister may from time to time determine with the concurrence of the Minister of State Expenditure.

#### Committees of policy council

7. (1) The policy council may with the approval of the Minister establish one or more committees to inquire into, and to report to the policy council in regard to, matters relating to the functions of the policy council and which the policy council refers to it for investigation.

(2) A committee established under subsection (1), shall consist of one or more persons, as the policy council may determine, who may be members of the policy council or other persons who are not members of the policy council, and the policy council may at any time dissolve or reconstitute

such a committee.

(3) One of the members of the committee established under subsection (1) shall be designated by the policy council as chairman of the committee.

(4) Section 6 shall apply mutatis mutandis in respect of a member of a committee.

#### Establishment of academic health centres

8. (1) The Minister may-

(a) with the concurrence of a university having a faculty of medicine;  
and

(b) after consultation with the provincial administration concerned;  
and

(c) with the concurrence of the Minister of State Expenditure, by notice in the Gazette establish an academic health centre and assign a name to such centre.

(2) An academic health centre shall be a juristic person having control over such health care facilities as are mentioned in the notice under subsection (1).

(3) An academic health centre and the university concerned and any health authority may conclude agreements regarding-

(a) the making available of staff to the academic health centre and the remuneration payable therefor; and

(b) any other matter to assist the academic health centre to achieve its objects.

#### Objects of academic health centre

9. The objects of an academic health centre are-

(a) to render services; and

(b) to provide facilities for research and for the practical training of students of such educational institutions as the Minister may determine by a notice referred to in section 8(1), in the field of health care.

#### Control over, and management of, affairs of academic health centre

10. (1) The affairs of an academic health centre shall be managed and controlled by a supervisory board, which shall generally exercise control over the performance of its functions and the exercise of its powers.

(2) The members of a supervisory board of an academic health centre shall consist of-

- (a) not more than four members, of whom at least one shall be a medical practitioner and one shall be a nurse, designated by the Minister after consultation with the Administrator of the province in which the health centre concerned is situated;
- (b) not more than four persons designated by the principal or rector of the relevant university referred to in section 8(1)(a);
- (c) not more than four persons who are not in the full-time employment of the State of the said university and who shall be designated in the prescribed manner;
- (d) one additional person appointed by the Minister on the recommendation of the supervisory board; and
- (e) the manager, who shall serve on the supervisory board by virtue of his office:

Provided that an equal number of persons shall be designated under paragraphs (a), (b) and (c), respectively.

(3) A member of a supervisory board, excluding the member mentioned in subsection (2)(e), shall hold office for the period determined at his designation or appointment, but not exceeding four years, and may be reappointed on the termination of such period.

(4) The members of a supervisory board shall from among themselves, excluding a member referred to in subsection (2) (e), elect a person as chairman of the supervisory board and another as vice-chairman.

(5) A member of a supervisory board, except a member who is in the full-time employment of the State or an academic health centre, shall be appointed on such conditions, including conditions relating to the payment of remuneration and allowances, as the Minister may determine with the concurrence of the Minister of State Expenditure.

(6) The Minister may, with the concurrence of the Minister of State Expenditure, from time to time reserve any financial matter provided for in this Act as a matter in respect of which a decision of a supervisory board shall be subject to the approval of the Minister, granted with the concurrence of the Minister of State Expenditure.

(7) For the purposes of this section-

- (a) "medical practitioner" means any person registered as a medical practitioner in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974); and
- (b) "nurse" means any person registered as a nurse in terms of the Nursing Act, 1978 (Act No. 50 of 1978).

#### Functions of supervisory board

11. In order to achieve the objects of an academic health centre, a supervisory board may-

- (a) provide health care services of its own accord or at the request of and on behalf of any health authority on such terms and conditions as may be agreed upon by the supervisory board and the health authority concerned;
- (b) provide facilities for research and for the practical training of students of an educational institution on such terms and conditions as may be agreed upon by the educational institution and the academic health centre;
- (c) establish and control health care facilities;
- (d) co-operate with health authorities and institutions or associations providing health services;
- (e) purchase or otherwise acquire, or possess, hire, lease, sell, exchange or otherwise dispose of, movable and immovable property, or grant a real right or servitude on the immovable property of the academic health centre to any person, and invest, lend and borrow money: Provided that no supervisory board may lease for a period exceeding one year, sell or exchange or otherwise dispose of such immovable property or grant to any person a real right or servitude thereon without the approval of the Minister, granted with the concurrence of the Minister of State Expenditure;
- (f) in its discretion make arrangements for the erection, maintenance, renovation and repair of buildings, the improvement of services and the fencing of land;
- (g) do any other thing that is necessary to achieve, or is conducive to the achievement of, the said objects; and
- (h) execute, perform or exercise any duty, function or power imposed or

conferred upon or entrusted to an academic health centre in terms of the provisions of this Act or any other law.

#### Meetings and decisions of supervisory board

12. (1) The quorum of a meeting of a supervisory board shall be a majority of its members.

(2) The chairman or vice-chairman, or, in their absence, a member of the supervisory board elected by the members present, shall preside at a meeting of the board.

(3) The person presiding at a meeting of the supervisory board shall determine the procedure to be followed at that meeting.

(4) A decision of a majority of the members present at a meeting of a supervisory board shall constitute a decision of the board, and in the event of an equality of votes on any matter the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote.

(5) No decision taken by or act performed under the authority of the board, shall be invalid by reason only of a vacancy on the board or of the fact that any person not entitled to sit as a member of the board sat as such a member at the time when the decision was taken or the act was authorized by the majority of the members of the board who were present at the time and entitled to sit as members.

#### Committees of supervisory board

13. (1) A supervisory board may establish one or more committees, which shall, subject to the instructions of the supervisory board, perform such functions of the supervisory board as the supervisory board may determine.

(2) A committee shall consist of one or more persons, as the supervisory board may determine, who may be members of the supervisory board, employees of the academic health centre or other persons whom the supervisory board deems capable, and the supervisory board may at any time dissolve or reconstitute such a committee.

(3) If a committee referred to in subsection (1) consists of more than one member, the supervisory board shall designate a member of the committee as chairman thereof.

(4) A supervisory board may pay to members of a committee referred to in subsection (1) who are not in the full-time employment of the State, or who are not members of the supervisory board or employees of the academic health centre, out of the funds of the centre such remuneration and



allowances as the Minister, with the concurrence of the Minister of State Expenditure, may determine.

(5) A supervisory board shall not be discharged from the performance of any function entrusted to any committee of the supervisory board in terms of this

(4) Whenever for any reason the manager is absent or unable to perform any of his functions, or whenever there is a vacancy in the office of the manager, the supervisory board may, on such conditions and with such remuneration and allowances as it may determine, appoint another person to act as manager during such absence or inability or until a manager has been appointed in terms of subsection (1), and while such other person is so acting, he shall exercise all the powers and perform all the functions of the manager.

#### Appointment and remuneration of staff of academic health centre

15. (1) A manager may -

- (a) subject to paragraph (b) and on such conditions as may be determined by the supervisory board concerned, appoint such employees as he may deem necessary to assist the board in the performance of its functions;
- (b) pay such employees such remuneration, allowances, subsidies and other benefits as the supervisory board may determine in accordance with a system approved from time to time by the Minister, on the recommendation of the policy council and with the concurrence of the Minister of State Expenditure.

(2) A supervisory board may, in addition to the employees referred to in subsection (1), be assisted in the performance of its functions by officers and employees in the public service who have been placed at the disposal of an academic health centre in terms of section 14(3) (a) of the Public Service Act, 1984 (Act No. 111 of 1984).

(3) A supervisory board may, on such conditions as it may deem fit, second an employee of an academic health centre, either for a particular service or for a period of time, to the service of a department of State, the government of any other country or territory, or an institution or a person in or outside the Republic, provided that-

(a) the rights, privileges and benefits of such employee by virtue of his conditions of service as an employee of an academic health centre are not adversely affected by the secondment; and

(b) such employee consents thereto.

(4) An academic health centre shall for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to be an associated institution.

#### Transfer of officers and employees to academic health centre

16. (1) Any officer or employee in the employment of the State may, with his written consent and the consent of the head of the department in which he is employed, be transferred to a post at an academic health centre, after which he shall from the date of his transfer be deemed to have been appointed under section 15: Provided that-

- (a) his salary or salary scale in respect of the post shall not be less favourable than the salary or salary scale which was applicable to him as a person employed by the State;
- (b) any sick or vacation leave which stood to his credit immediately prior to his transfer, shall be deemed to be leave credited to him in the employment of the academic health centre;
- (c) pensionable service performed or bought back by him before his transfer shall be deemed to be pensionable service performed by him in the employment of the academic health centre;
- (d) no person shall as a consequence of such transfer and appointment acquire a retirement age which is higher than that which applied to him in the employment of the State.

(2) The salary or salary scale referred to in subsection (1)(a) may not be reduced without the written consent of the person concerned.

#### Pension rights of officers and employees

17. (1) An officer or employee referred to in section 16(1) who is a member of the Government Service Pension Fund or the Temporary Employees Pension Fund shall as from his transfer under the said section become a member of the Associated Institutions Pension Fund established under the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963).

(2) If an officer or employee becomes a member of the Associated Institutions Pension Fund in terms of subsection (1) -

- (a) the fund of which he was a member shall transfer to the said fund an amount equal to the funding percentage of the first-mentioned fund multiplied by the actuarial liability of the fund in respect of that officer or employee as on the date of his transfer to the academic health centre concerned, increased by the amount of

interest thereon calculated at the prime rate from the date of such appointment up to the date of transfer of the amount;

- (b) his membership of the fund of which he was a member shall lapse as from the date of his transfer to the academic health centre and he shall thereafter, except as is provided by paragraph (a), not have any further claim against the said fund; and
- (c) the fund of which he was a member shall transfer any claim which it may have against such officer or employee to the fund of which he so became a member.

(3) For the purposes of this section-

- (a) "actuarial liability" of a pension fund, in respect of a particular member or a group of members of such fund, means such actuarial liability as determined by an actuary who has been nominated for the purpose by the Minister;
- (b) "funding percentage of a pension fund" means the market value of the assets of the fund expressed as a percentage of the total actuarial liability of the fund, after such assets and liabilities have been reduced by the amount of the liabilities of the fund in respect of all its pensioners, as determined at the time of the most recent actuarial valuation of the fund or any review thereof carried out under direction of the Minister; and
- (c) "prime rate" means the average current prime rate of the three largest banks in the Republic.

#### Additional service benefits

18. (1) The supervisory board may from time to time on such conditions and against such security as it may deem fit-

- (a) provide collateral security, including guarantees, to a financial institution as defined in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), in respect of a loan granted to an employee of the academic health centre by such financial institution to enable the employee to acquire, improve or enlarge immovable property for the purposes of occupation;
- (b) build, cause to be built, purchase or hire houses, flats or flat buildings for occupation by such employees, and, subject to the provisions of section 11(e), sell or let such houses or flats to such employees, or otherwise dispose of, let or otherwise deal with such houses, flats or fiat buildings;

(c) establish, institute, erect or maintain sports or recreational societies, social clubs, social and health services, restaurants, hostels, bursary schemes for the purposes of study or other similar undertakings or schemes which in its opinion may be beneficial to such employees.

(2) If a person employed in any capacity by or on behalf of an academic health centre suffers an injury or contracts a disease while engaged in, and which is directly attributable to, any activity in the course of his employment, the Minister may, notwithstanding the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), on the recommendation of the supervisory board and with the concurrence of the Minister of State Expenditure, authorize an academic health centre to pay compensation to such person or, in the event of his death, to his dependants.

(3) The provisions of subsection (2) shall not affect the right of any person to claim damages in respect of any injury or disease referred to in the said subsection.

#### Funds of academic health center

19. (1) The funds of an academic health centre shall consist of-

- (a) money appropriated by Parliament to enable an academic health centre to perform its functions;
- (b) income derived by virtue of subsections (4) and (5);
- (c) money raised or obtained in terms of section 20;
- (d) donations or contributions received from any person, institution, government or administration;
- (e) money received from any other source.

(2) (a) A supervisory board shall utilize the funds of the academic health centre concerned to defray expenses in connection with the performance of its functions and the exercise of its powers.

(b) A supervisory board shall utilize any money contemplated in subsection (1)(a) in accordance with the statement of its estimated income and expenditure referred to in subsection (3): Provided that, subject to the provisions of paragraph (a), the supervisory board may utilize any amount or portion of any amount required in accordance with the said statement to be utilized for a specified purpose in connection with a specified matter, for any other purpose in connection with the matter concerned.

(c) A Supervisory Board shall use any donations or contributions contemplated in subsection (1)(d) for such purposes and in accordance with such conditions as are determined by the donor or contributor concerned.

(3) (a) A supervisory board-

(a) shall in each financial year at a time determined by the Minister submit a statement of the academic health centre's estimated income and expenditure during the following financial year; and

(b) may in any financial year at any time submit supplementary statements of its estimated expenditure, to the Minister for his approval, granted with the concurrence of the Minister of State Expenditure.

(4) A supervisory board may in respect of-

(a) any work performed or services rendered by employees of the academic health centre under this Act; or

(b) the use of the academic health centre's facilities, charge such fees or make such other financial arrangements as it may deem fit.

(5) (a) A supervisory board may with the approval of the Minister, granted with the concurrence of the Minister of Finance, invest any unexpended portion of the funds of the academic health centre with the Corporation for Public Deposits established in terms of section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), or dispose thereof in any other manner.

(b) A supervisory board may in its discretion utilize the interest on investments referred to in paragraph (a) to defray expenses in connection with the performance of its functions.

(6) A supervisory board may with the approval of the Minister, granted with the concurrence of the Minister of State Expenditure, authorize the establishment of such reserve funds and depositing of such amounts therein as it may deem necessary.

#### Loans

20. A manager may with the approval of the Minister, granted with the concurrence of the Minister of Finance, raise money by way of loan, or otherwise obtain, money at such rate of interest and on such conditions as the supervisory board may deem expedient, and may issue debentures and, if necessary, provide security or make provision for the repayment of money so raised or obtained.

#### Accounting officer

21. (1) The manager shall be the accounting officer of an academic health centre and shall be charged with the responsibility of accounting for all money received and payments made by the supervisory board.

(2) The accounting officer shall-

- (a) keep full and proper records of all money received or expended by, and of all assets, liabilities and financial transactions of, a supervisory board; and
- (b) as soon as is practicable after the end of each financial year, prepare annual financial statements reflecting, with suitable particulars, money received and expenses incurred by the supervisory board during, and its assets and liabilities at the end of, the financial year in question.

(3) The records and annual financial statements mentioned in subsection (2) shall be audited by the Auditor-General.

#### Annual report

22. (1) A supervisory board shall furnish the Minister with the information he may call for from time to time in connection with the financial position of an academic health centre, and shall as soon as practicable after the end of each financial year submit to the Minister a report on its affairs and functions in respect of the preceding financial year, which shall include inter alia the following:

- (a) An audited balance sheet, including any notes thereon or a document annexed thereto providing the information required by this Act;
- (b) an audited income statement, including any similar financial statement where it is appropriate, and including any notes thereon or a document annexed thereto providing the information required by this Act;
- (c) an audited statement of the source and application of funds; and
- (d) a statement of cash flow information.

(2) The financial statements referred to in subsection (1) shall-

- (a) be in conformity with generally accepted accounting practice;
- (b) fairly reflect the state of affairs of the academic health centre

and the results thereof; and

(c) direct attention to any material matters not specifically prescribed by this Act which have affected or are likely to affect the affairs of an academic health centre, both by way of figures and by a descriptive report, explaining, where necessary, figures in the financial statements.

(3) A report referred to in subsection (1) shall be printed in both official languages.

(4) As soon as practicable after a report has been submitted to the Minister in terms of subsection (1), he shall table it in Parliament.

#### Transfer of property of State to academic health centre

23. (1) The Minister may, subject to the terms and conditions determined by him and with the concurrence of the Minister of State Expenditure, transfer movable property and immovable property belonging to the State, to an academic health centre to enable it to perform its functions or to achieve any of its objects.

(2) No immovable property transferred to an academic health centre in terms of subsection (1) may without the approval of the Minister, granted with the concurrence of the Minister of State Expenditure, be alienated, mortgaged or disposed of in any other manner.

(3) The Registrar of Deeds concerned shall, at the request of the supervisory board of the academic health centre concerned and on submission of the relevant title deeds and other documents, make the necessary endorsements in his registers and on the title deeds and other documents concerned to give effect to a transfer in terms of subsection (1).

(4) No transfer duties, stamp duty, office fees or other fees shall be payable in respect of a registration contemplated in subsection (3).

#### Recovery of loss and damage from persons in employment of academic health centre

24. (1) If a person who is or was in the employment of an academic health centre or has been or was in terms of section 15(2) placed at the disposal of such a centre, has caused the academic health centre any loss or damage in that he-

(a) failed to collect money due to the academic health centre, while being responsible for the collection of such money;

(b) is or was responsible for an irregular payment of money of the

academic health centre or for a payment of such money not supported by a proper voucher;

- (c) is or was responsible for a fruitless expenditure of money of the academic health centre, owing to an omission to carry out his duties;
- (d) is or was responsible for a deficiency in, or the destruction of, or any damage to, the money, stamps, face value documents and forms having potential value, securities, equipment, stores or any other property of the academic health centre;
- (e) is or was responsible for a claim against the academic health centre, owing to failure to carry out his duties, the accounting officer referred to in section 21 shall determine the amount of such loss or damage, and may direct, by notice in writing, the said person to pay to an academic health centre, within 30 days from the date of the notice, the whole or any part of the amount so determined.

(2) If a person who is in the employment of an academic health centre and who has in terms of subsection (1) been ordered to pay an amount, fails to pay the amount within the period stipulated in the notice in question-

- (a) the amount shall, subject to the provisions of subsections (3), (4) and (5), be deducted from his monthly salary: Provided that the deduction shall not in any month exceed a fourth of his monthly salary; or
- (b) the accounting officer may, subject to the provisions of subsections (3), (4) and (5), recover the amount on behalf of the academic health centre from the person concerned by legal process.

(3) If a person who has in terms of subsection (1) been directed to pay an amount, offers, within the period stipulated in the notice in question, to pay the amount in instalments, the manager may allow payment in the instalments he considers reasonable.

(4) A person who has in terms of subsection (1) been directed to pay an amount may, within a period of 30 days from the date of the direction, appeal in writing against the direction to the supervisory board, stating the grounds of his appeal, and the supervisory board may, after such further investigation as it may deem necessary, dismiss the appeal or direct that the appellant be exempted, either wholly or partly, as the supervisory board may deem fair and reasonable, from the payment of the amount.

(5) A person who has in terms of subsection (1) been directed to pay an



amount may, instead of appealing to the supervisory board under subsection (4), apply within a period of 30 days from the date of the direction, or within such further period as the court may allow, to a competent court for an order setting aside the order or reducing the relevant amount, and the court may upon such an application, if it is not satisfied by the accounting officer on the merits of the case that the order was rightly made or that the amount is correct, make an order setting aside the order or reducing that amount, as the case may be.

(6) If an amount is reduced under subsection (4) or (5), the amount so reduced shall mutatis mutandis be recovered in terms of the provisions of subsections (1), (2) and (3).

#### Restriction of liability

25. No person, including the State, shall be liable in respect of anything done in good faith and in the exercise of a power or the carrying out of a duty conferred or imposed on such person by or under this Act.

#### Closure of academic health centre

26. (1) If the Minister is of the opinion that-

- (a) there is no longer a need for the education and training offered by an academic health centre; or
- (b) the continued existence of an academic health centre is not desirable. he may, after consultation with the supervisory board, the educational institution and the health authority concerned, by notice in the Gazette declare that the academic health centre concerned shall be closed from a date mentioned in such notice.

(2) The Minister shall not close an academic health centre in terms of subsection (1) except upon the recommendation of the policy council.

(3) From the date on which an academic health centre or a part thereof is closed, it shall cease to be a juristic person, and all assets and liabilities of the academic health centre shall be transferred to the State, subject to the conditions of a donation, contribution or bequest.

(4) The Minister shall appoint a person to administer the affairs of the academic health centre concerned.

#### Staff of closed academic health centre

27. (1) The staff of an academic health centre shall after the closure of such a centre in terms of section 26 become officers in the employment of the State and be appointed to such posts as the Minister on the

recommendation of the Commission for Administration established by section 2(1) of the Commission for Administration Act, 1984 (Act No. 65 of 1984), may determine.

(2) The conditions of service of persons referred to in subsection (1) shall as from their appointment under the said subsection be regulated by the provisions of the Public Service Act, 1984 (Act No. 111 of 1984).

(3) A person referred to in subsection (1) who is a member of the Associated Institutions Pension Fund established under the Associated Institutions Pension Fund Act, 1963, shall as from his appointment under the said subsection become a member of the Government Service Pension Fund, and the provisions of section 17(2) and (3) shall mutatis mutandis apply in respect of such a person.

#### Investigation at academic health centre

28. The Minister may at any time, if he deems it expedient, order an investigation at an academic health centre with regard to such matters as he may determine.

#### Board of appeal, and appeal against decisions of Minister

29. (1) For the purposes of an appeal in terms of subsection (2) there shall be a board of appeal, consisting of three persons appointed by the Judge President of the Division of the Supreme Court of South Africa in whose area of jurisdiction the relevant academic health centre is situated and of whom-

- (a) one, who shall be the chairman, shall be appointed on account of his knowledge of the law;
- (b) one shall be a person who, in the opinion of the Judge President, has wide experience in, and has knowledge of the latest developments in, the health sciences; and
- (c) one shall be a person registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), and who, in the opinion of the Judge President, has wide experience of, and expert knowledge of the latest developments in, the accountants' and auditors' profession.

(2) Any person aggrieved by a decision of the Minister in terms of section 26 may within the prescribed period, in the prescribed manner and upon payment of the prescribed fees appeal against such decision to a board of appeal appointed in accordance with subsection (1).

(3) An appeal shall be heard on the date and at the place and time

determined by the board of appeal, which shall in writing notify the appellant and the Minister thereof.

(4) The procedure at the hearing of an appeal shall be determined by the chairman of the board of appeal.

(5) Any party at an appeal may present his case in person or may be represented by a legal practitioner.

(6) A decision of a majority of the members of the board of appeal shall constitute a ruling of such board.

(7) The board of appeal may after hearing the appeal confirm, set aside or vary the relevant decision of the Minister.

(8) The ruling of the board of appeal shall be in writing, and a copy thereof shall be furnished to the appellant as well as to the Minister.

(9) A member of the board of appeal who is not in the full-time employment of the State shall in respect of his service as such a member be paid such remuneration' including reimbursement for transport, travelling and subsistence expenses incurred by him in the performance of his functions as a member of the board of appeal, as may from time to time be determined by the Minister with the concurrence of the Minister of State Expenditure.

(10) The board of appeal may according to the requirements of the law and fairness direct that the whole or any part of the costs incurred by a party for the purposes of an appeal be paid by any other party to the appeal.

(11) The administrative functions of the board of appeal shall be performed by the Department.

#### Exemptions from provisions of certain Acts

30. (1) The Minister may, on the recommendation of the policy council and after consultation with the professional council concerned, by notice in the Gazette and on such conditions as he may determine, exempt any specific academic hospital which is under the control of an academic health centre in terms of section 8, or academic hospitals generally, from any provision of the following Acts or any regulation made thereunder:

- (a) The Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965);
- (b) the Pharmacy Act, 1974 (Act No. 53 of 1974);

(c) the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);

(d) the Nursing Act, 1978 (Act No. 50 of 1978);

(e) the Dental Technicians Act, 1979 (Act No. 19 of 1979); and

(f) the Associated Health Service Professions Act, 1982 (Act No. 63 of 1982).

(2) The Minister may by notice in the Gazette withdraw or amend any exemption granted in terms of subsection (1).

(3) An academic hospital shall be exempted from the provisions of section 44 of the Health Act, 1977 (Act No. 63 of 1977).

(4) For the purposes of subsection (1) "professional council concerned", in relation to an Act mentioned in that subsection, means a council established under such Act.

#### Regulations

31. (1) The Minister may, after consultation with the policy council, make regulations as to-

(a) any matter which in terms of this Act is required or permitted to be prescribed;

(b) the circumstances under which a member of the policy council or a supervisory board shall vacate his office;

(c) the filling of casual vacancies on a supervisory board, and the appointment of alternate members to act in the place of absent members;

(d) the preservation of secrecy in respect of the affairs of an academic health centre;

(e) the period within which a board of appeal shall decide on an appeal, and generally, as to any matter in respect of which the Minister deems it necessary or expedient to make regulations in order to achieve the objects of this Act.

(2) Regulations affecting State expenditure shall be made only with the concurrence of the Minister of State Expenditure.

(3) Any regulation made under subsection (1) may provide that any person contravening such regulation or failing to comply therewith, shall

be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

#### Delegation and assignment of powers, functions and duties

32. (1) A supervisory board may in writing delegate or assign any power, function or duty conferred or imposed by or under any provision of this Act to the chairman or any other member of a supervisory board, to the manager or any other employee of, or holder of an office with, an academic health centre or to a committee established under section 13.

(2) The manager may in writing delegate to an employee of, or the holder of an office with, an academic health centre, any power, function or duty conferred or imposed on him by or under any provision of this Act in his capacity as manager or accounting officer.

(3) Any delegation under subsection (1) or (2) may be made on such conditions and subject to such restrictions as the supervisory board or the manager, as the case may be, may determine.

(4) The supervisory board or the manager shall not be divested of any power, function or duty delegated or assigned by it or him under subsection (1) or (2), and may amend or withdraw any decision made in the exercise of such delegated power.

#### Savings

33. (1) From the date on which a health care facility came under the control of an academic health centre in terms of this Act-

(a) all rights, liabilities and obligations, existing as well as accruing, of the State in respect of such health care facility and all assets utilized by the State in connection with such facility, as the Minister may determine, shall pass to the academic health centre concerned without any transfer duty, office fee or other money being payable in respect thereof;

(b) any reference in any law or document to such a health care facility shall be construed as a reference to the academic health centre concerned.

(2) If immovable property has passed to an academic health centre under subsection (1), the Registrar of Deeds concerned shall at the request of such academic health centre effect the appropriate endorsements in his registers and on the title deeds in question.

#### Short title and commencement

34. (1) This Act shall be called the Academic Health Centres Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Ac