



NEGOTIATING MANDATE

TO: HON LC DLAMINI, MP
CHAIRPERSON OF SELECT COMMITTEE ON
SOCIAL SERVICES


NAME OF BILL: NATIONAL HEALTH LABORATORY
SERVICES AMENDMENT BILL


NUMBER OF BILL: B15B – 2017

DATE OF DELIBERATION: 4 OCTOBER 2018

VOTE OF THE LEGISLATURE:

The Portfolio Committee on Health met today, Thursday, the 4th of October 2018, and agreed to mandate the KwaZulu-Natal delegation to **support the National Health Laboratory Services Amendment Bill [B15B-2017];** with the proposed amendment as outlined in the report of the Portfolio Committee attached hereto as “Annexure A.”


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HON Y BHAMJEE, MP
CHAIRPERSON: PORTFOLIO COMMITTEE
ON HEALTH


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DATE

HEALTH PORTFOLIO COMMITTEE REPORT ON THE NATIONAL HEALTH LABORATORY SERVICES AMENDMENT BILL [B15B-2017] IN TERMS OF RULE 242 OF THE STANDING RULES

INTRODUCTION

In terms of section 42(4) of the Constitution, the National Council of Provinces represents provinces to ensure that provincial interests are considered in the national sphere of government by participating in the national legislative process. The National Health Laboratory Services Bill [B15B-2017], which is a section 76 Bill in terms of the Constitution, was referred to the Health Portfolio Committee in terms of Rule 241(1). In turn, the Legislature is, in terms of section 118 of the Constitution, compelled to facilitate the public involvement in the legislative process of the legislature and its Committees. The Bill seeks to amend the National Health Laboratory Services Act, 2000, so as to define certain expressions and to amend or delete certain definitions; to make the Preferential Procurement Policy Framework Act, 2000, applicable to the National Health Laboratory Service; and to strengthen the governance and funding mechanism of the National Health Laboratory Service; and to provide for matters connected therewith.

METHOD OF WORK

The Committee subsequently had a briefing from the Department of Health in terms of Rule 242(1) on 03 August 2018. The Committee then resolved to hold three public hearings on 11 September, 12 September and 14 September 2018 in eThekweni Metro (KZN Provincial Training Academy), King Cetshwayo (Umhlathuze Municipality) and Ugu (Ugu Sports and Leisure Centre) Districts. Questions of clarity were addressed during the public hearing, which mainly related to the principal Act. The Bill was generally supported, however, one oral submission that was of substance was recorded during the public hearings, which needs to be considered before the final and voting mandate. A call for written submissions was opened until 28 September 2018 and none were received.

INPUT FROM THE UGU PUBLIC HEARING

A member of the public, supported by the Special Delegate Hon. Zwane, raised a concern that removal of provincial representatives in the Board in clause 5 which substitutes section 7 of the principal Act needs to be reconsidered, as provincial concerns need to be elevated to the Board. There was a suggestion that provinces' representatives can be reduced by clustering provinces in accordance to their demographics.

It is therefore proposed that section 7(b) of the principal Act be inserted in clause 5, alternatively, a provision proposing clustering of provinces in accordance to their demographics be inserted in clause 5.

CONCLUSION

The Committee having considered the above concern agreed that it is valid and needs to be addressed as a proposed amendment at the Select Committee. The Committee met on 04 October 2018 and unanimously agreed to support the Bill subject to the proposed amendment stated above being seriously considered by the Department of Health prior to the final and voting mandate being conferred by the House. The negotiating mandate is attached herein as Annexure "A" of the report.



HON. YS BHAMJEE

CHAIRPERSON: HEALTH PORTFOLIO COMMITTEE