



Wes-Kaapse Provinsiale Parlement  
Western Cape Provincial Parliament  
IPalamente yePhondo leNtshona Koloni

*KOMITEES*  
*COMMITTEES*  
*LIKOMITI*

Navrae  
Enquiries  
Imibuzo Ncediswa Mayambela

Tel  
Umnxeba +27 (0)21 487 1826


Faks  
Ifeksi +27 (0)86 577 4534

Epos  
Email  
I-imeyile nmayambela@wcpp.gov.za

Datum  
Date  
Umhla 27 September 2018

Verwysing  
Reference  
Isalathiso 11/1/3

**NEGOTIATING MANDATE**

To:	Hon L C Dlamini, MP Chairperson: SC on Social Services
Name of Bill:	National Health Laboratory Service Amendment Bill
Number of Bill:	[B 15B - 2017]
Date of deliberation:	25 September 2018
Vote of Legislature:	The Standing Committee on Community Development reports that it confers on the Western Cape's Permanent Delegate in the NCOP the authority to support the Bill. The Committee further proposes the attached amendments:
 Signature	<u>27/09/2018</u> Date
<b>Hon. L I Botha</b> <b>Chairperson: SC Community Development</b>	



Wes-Kaapse Provinsiale Parlement  
Western Cape Provincial Parliament  
IPalamente yePhondo leNtshona Koloni

11/4/1/2/11

**COMMITTEE REPORT**

**(Negotiating mandate stage)** Report of the Standing Committee on Community Development on the **National Health Laboratory Service Amendment Bill [B 15B-2017] (NCOP)**, dated 25 September 2018, as follows:

The Standing Committee on Community Development, having considered the subject of the **National Health Laboratory Service Amendment Bill [B 15B-2017] (NCOP)**, referred to it in terms of Standing Rule 220, confers on the Western Cape's delegation in the NCOP the authority to support the Bill. The Committee further proposes the following amendments:

**Section 4**

It is proposed to amend section 4(a)(i) of Act 37 of 2000 as follows:

“(i) all public sector healthcare providers that requests such services”

**Section 15**

It is proposed to amend section 15(1) of Act 37 of 2000 as follows

Section 15(1) of the Act should be amended to replace “must” with “may”:

“(1) Public health sector service providers [**must**] may purchase laboratory services from the Service”

**Motivation for change request to section 4(a)(i) and 15(1) of Act 37 of 2000**

The proposal to have the ability to procure test from laboratories other than the NHLS, is not to undermine the NHLS, but to allow for the following:

1. Enable the Western Cape Government Health (WCGH) to send urgent test to a laboratory in closest proximity to:
  - a) Improve accessibility,
  - b) Improve turnaround times,
  - c) Improve patient management-diagnose/ initiate treatment,
  - d) Reduce length of stay,
  - e) Improve patient outcomes,
  - f) Multi-level savings for the Department and patient.
2. Alignment with NHI principles. In this regard it is noted that the National Health Insurance Bill, 2018 which was advertised for comment on 21 June 2018 in GG 636 makes provision for the procurement of health goods and services from both public and private service providers.
3. Discourage/prevent monopoly of services: To protect the interest of consumers; prevent excess prices; allow competition; improve quality of service.

**Clause 4**

**Amendment of section 5 of Act 37 of 2000**

The proposal is that Section 5(1) (b) of the Act should remain unchanged.

**Clause 5**

**Substitution of section 7 of Act 37 of 2000**

The proposal is that each province be represented on the NHLS Board.

If this is not possible, there should be at least three representatives from the provinces. It is proposed that membership is determined on the basis of population size and utilisation of laboratory services.

Furthermore, the proposal is that the chief financial officer of the Service not be appointed as a full Board Member, but be invited to attend meetings when so indicated.

Having both the chief executive officer and the chief financial officer of the Service as full Board members may influence the vote and may have governance implications.

It is further proposed not to include a representative from organised labour as a full Board member as it might impact and influence negotiations and consultations processes. A representative of organised labour can be invited when so indicated.

**Clause 14**

**Substitution of section 20 of Act 37 of 2000:**

The proposal is that section 20 of the Act remains unchanged, or that the new clause 18(1) make provision for consultation with the National Health Council (NHC), the provincial MECs of Health and Provincial Treasury on Laboratory Financing mechanisms and /or fees changed. It is unclear why the provision for consultation with the NHC which was included in B 15-2017 has been removed in version B 15B-2017.

**Clause 15**

**Repeal of section 25**

Section 25 should not be repealed. The power of the Minister to call for the remedial steps, when there is non-compliance must stand.



.....  
MS J BOTHA, MPP

CHAIRPERSON; STANDING COMMITTEE ON COMMUNITY DEVELOPMENT

DATE: 27/09/2018