

Amendments to Bill

Original Act	Department	PC Changes	Select Committee	Department
Section 4 (c) - The objects of the Service are to- provide training for health science education.	<p>Clause 3:</p> <p>Remove the word provide and replace it with support – to enable the NHLS to support training</p>	Agreed with the Dept.	Partially rejected the amendment and rephrased as follows: "Provide and Support"	Agree
Section 5:	<p>Clause 4</p> <p>Amendment of section 5 of Act 37 of 2000</p> <p>4. Section 5 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph: “(b) promote the training of <u>its</u> laboratory and associated personnel.”.</p>	Agreed with the Dept.	<p>Clause 4 – amending section 5 of the Act</p> <p>Agreed with the amendment and added paragraph B – Reference to <u>Universities of Technology</u></p>	Agree
<p>7 Composition of Board</p> <p>The Board consists of the following members, appointed by the Minister, taking into account, among other things, the appropriate representation of race, gender and disability-</p> <ul style="list-style-type: none"> (a) the chief executive officer; (b) one member from each province; (c) two members representing the national Department of Health; (d) three members who have special knowledge in- <ul style="list-style-type: none"> (i) economics, financial matters or accounting; (ii) legal matters; (iii) health research; or (iv) epidemiology; (e) two members nominated by the Council on Higher Education referred 	<p>Clause 5</p> <p>7. (1) The Board consists of the following members, appointed by the Minister:</p> <ul style="list-style-type: none"> (a) The chief executive officer by virtue of his or her office; (b) the chief financial officer of the Service by virtue of his or her office; (c) three members representing— <ul style="list-style-type: none"> (i) the national Department of Health; (ii) the Department of Science and Technology, nominated by the Director-General of that Department; (iii) the higher education sector, nominated by the Council on Higher Education; 	Agreed with the amendment however rejected inclusion of Provincial representatives and inserted <u>one representative from organised labour.</u>	<p>Added: <u>(f) three members, each representing a cluster of three provinces that must be prescribed based on demographics, access to laboratory services and laboratory services distribution, and who must be nominated on a rotational basis by the respective provinces in the prescribed manner.</u></p>	Agree

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<p>to in section 4 of the Higher Education Act, 1997 (Act 101 of 1997), who represent university health science faculties and technikons;</p> <p>(f) one member nominated by the national Minister responsible for science and technology;</p> <p>(g) one representative from the South African Local Government Association nominated by the said Association; and</p> <p>(h) one representative from organized labour.</p>	<p>(d) three representatives of provincial departments, after consultation with the National Health Council; and</p> <p>(e) six members who must have extensive experience in one or more of the following fields:</p> <p>(i) Commerce, finance, auditing and economic matters;</p> <p>(ii) corporate management;</p> <p>(iii) public health;</p> <p>(iv) diagnostic laboratory services;</p> <p>(v) legal matters; and</p> <p>(vi) epidemiology.</p>			
<p>8 Appointment of members of Board</p> <p>(1) The Minister must appoint the members contemplated in section 7 (b), (c), (e), (f) and (g) after consultation with the relevant bodies and institutions and must ensure that appropriate laboratory professionals are appointed.</p>	<p>Clause 6</p> <p>Amendment of section 8 of Act 37 of 2000</p> <p>6. Section 8 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:</p> <p>“(1) The Minister must appoint the members contemplated in [section 7(b), (c), (e), (f) and (g)] section 7(1)(c)(i) to (iii) and (d) after consultation with the relevant bodies and institutions [and must ensure that appropriate laboratory professionals are appointed].”</p>	<p>Agreed with the Amendment</p>	<p>Rejected the amendment and re-instated the provision that appropriate Laboratory Professionals be appointed</p>	<p>Agreed subject to the removal of “laboratory” and replace with “health”</p>
<p>8(4) The members of the Board may hold office for a</p>	<p>Did not propose amendment to section</p>	<p>Not presented to PC as</p>	<p>Committee inserted the following</p>	<p>Agree</p>

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<p>period of at least three years, as the Minister may determine at the time of appointment, but must be eligible for reappointment</p>	<p>8(4)</p>	<p>not proposed by the Department</p>	<p><i>under clause 6 of the Bill – amending section 8(4) of the Act</i></p> <p><i>(b) by the substitution for subsection (4) for the following subsection:</i> “(4) The members of the Board may hold office for a period of at least three years, as the Minister may determine at the time of appointment, but must be eligible for reappointment, <u>which reappointment must not be more than once.</u>”</p>	
	<p>Clause 9</p> <p>Department added section 10A on dissolution of the Board</p>	<p>Agreed with the amendment</p>	<p>Agreed but added subsection 6 as follows:</p> <p>(6) The subparagraph (5) appointment is subject to persons who were members of the dissolved Board not constituting more than six members of the Board.”.</p>	
<p>Section 25</p> <p>25 Proceedings by Minister for non-compliance with Act by Service (1) If at any time it appears to the Minister that the Service has failed to comply with any of the requirements of this Act, he or she may by written notice require the Service to remedy the default within a</p>	<p>Clause 15</p> <p>Section 25 repealed and replaced with 10A</p> <p>“Dissolution of Board 10A. (1) The Minister may dissolve the Board—</p>	<p>Agreed with Dept.</p>	<p>Rejected the proposed amendment and re-instated section 25 by implication.</p>	

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<p>specified time.</p> <p>(2) The Minister may apply to a High Court having jurisdiction for an order compelling the Service to remedy the default if the Service fails to comply with the terms of a notice referred to in subsection (1).</p> <p>[Date of commencement of s. 25 in KwaZulu-Natal: 1 October 2001.]</p>	<p>(a) if the Board is unable to perform its duties in terms of this Act or on the grounds of mismanagement;</p> <p>(b) if there is a total breakdown in the relationship between the Minister and the Board; or</p> <p>(c) if there is a breakdown in the relationship amongst the members of the Board, which renders the continued effective functioning of the Board impossible.</p> <p>(2) In exercising his or her powers in terms of this section, the Minister must comply with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).</p> <p>(3) Within 21 days of the dissolution of the Board, the Minister must appoint an Interim Board, consisting of a minimum of three persons, to assume the responsibilities of the Board until a new Board is constituted in accordance with the procedure set out in section 8.</p> <p>(4) A new Board must be constituted within 180 days of the dissolution of the previous Board.</p> <p>(5) The Minister may appoint to the new Board a person who was a member of the Board that was dissolved in terms of this section."</p>			