

130810 SC SOCIALS



GAUTENG
LEGISLATURE

Your View ~ Our Vision

OFFICE OF THE DEPUTY SPEAKER

FINAL VOTING MANDATE

TO: The Chairperson of the National Council of Provinces.

Hon M J Mahlangu

NAME OF BILL: Mental Health Care Amendment Bill (Section 76)

NUMBER OF BILL: [B39B-2012]

DATE OF DELIBERATION: 04 October 2013

VOTE OF THE LEGISLATURE:

The Gauteng Provincial Legislature supports the principle and detail of the bill and therefore votes in favour of-

- Mental Health Care Amendment Bill

HON U D MOILOA

DEPUTY SPEAKER

GAUTENG PROVINCIAL LEGISLATURE

Date: 04/10/2013



GAUTENG LEGISLATURE

HEALTH PORTFOLIO COMMITTEE FINAL VOTING MANDATE ON THE: MENTAL HEALTH CARE AMENDMENT BILL [B39B-2012]

04 OCTOBER 2013

1. INTRODUCTION

The Chairperson of the Health Portfolio Committee, Hon. Molebatsi Bopape, tables the Committee's Final Voting Mandate on the Mental Health Care Amendment Bill [B39B-2012] as follows:

2. PROCESS FOLLOWED

The Deputy Speaker, Hon U D Moiloa formally referred the further amendments on Mental Health Care Amendment Bill [B39B-2012] a Section 76, to the Portfolio Committee on Health for formal consideration in terms of Rule 252 (1) (a) read with 254 (1) and 255 (1) for consideration and reporting on the 17 September 2013.

On Friday, 4th October 2013, the Portfolio Committee on Health convened a meeting to deliberate, consider the further amendment and adopt the Final Voting Mandates on Mental Health Care Amendment Bill [B39B-2012].

3. PRINCIPLES AND DETAILS OF THE BILL

This Bill seeks to amend the Mental Health Care Act, 2002, with the insertion of a new section that provides for the delegation of powers by the Director General of the National Department Health to officials in the National Department.

4. OBJECTIVES OF THE BILL

The main objects of the Mental Health Care Amendment Bill [B39-2012], is to amend the Mental Health Care Act, 2002, so as to provide for the delegation of powers by the Director General of the National Department of Health to officials in the National Department to improve the application and implementation of the Act.

The proposed insertion enables the Director General to delegate powers as follows:

- To determine the transfers of state patients from detention centres to health establishments pursuant to court orders issued in terms of the Criminal Procedure Act, 1997,
- To determine the transfers of state patients between the designated health establishment upon an order issued by the Mental Health Review Board, and
- To review the Mental Health status of state patients.

The Bill also seeks to repeal the remaining Chapter 8 of the Mental Health Act No.8 of 1973. This Chapter dealt with the hospital boards and is no longer necessary since Chapter 6 of the National Health Act No. 61 of 2003, deals with that subject.

5. FINANCIAL IMPLICATIONS

The committee notes that there are no financial implications to the amended Act.

6. SOCIAL IMPACT ASSESSMENT OF THE BILL

The amendments to the Act are welcome, as they will raise the efficiency levels in response to the determination of transfers and review of mental health status of state patients. The amendments are also going to assist in providing psychiatric patients and involuntary health care users, coming from correctional services with proper mental health care.

This will further protect other inmates and correctional service officers from unintentional and intentional injuries from mentally unstable inmates who can also be a danger to themselves. The Act will assist the Mental Review Board to reclassify mentally ill inmates on time for transfer to mental institutions with appropriate mental health care. There are few countries that have a legal framework that adequately protects the rights of people with mental disorders therefore this Act proves a commitment by the government to the care and protection of mentally ill patients.

7. FINAL POSITION ADOPTED BY THE COMMITTEE

In terms of section 65 of Constitution, the Health Portfolio Committee confer authority on the Gauteng Provincial Delegate/s to the National Council of Provinces to **vote in favour** of the Mental Health Care Amendment Bill [B39B-2012]