

**FREE STATE LEGISLATURE****PORTFOLIO COMMITTEE ON HEALTH AND SOCIAL DEVELOPMENT**

Negotiating Mandate

TO: Chairperson of the Select Committee on Social Services

NAME OF BILL: MENTAL HEALTH CARE AMENDMENT
BILL

NUMBER OF BILL: B39- 2012

DATE OF DELIBERATION: 19 AUGUST 2013

VOTE OF THE LEGISLATURE:

The Portfolio Committee on Health & Social Development as designated by the Free State Legislature:

Proposes the following amendments to the Bill:

1. It is proposed that section 42(2) and (3) of the principal Act be amended to omit "head of the national department" and to substitute "head of the relevant provincial department".

Motivation: To provide a legal mandate for the head of the relevant provincial department to transfer a State patient from a detention centre to a designated health establishment.

2. It is proposed to amend section 43(6) to omit "head of national department" and to substitute "head of the relevant provincial department"

Motivation: To provide a legal mandate for head of the relevant provincial department to transfer a State patient between designated health establishments upon an order issued by the Mental Health Review Board.

3. It is proposed to amend section 46(3)(a) and (4) to omit "head of national department" and to substitute "head of the relevant provincial department".

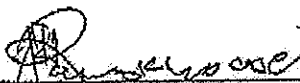
Motivation: To provide a legal mandate for the head of the relevant provincial department to review the mental health status of State patients

4. It is consequently proposed to omit "head of national department" and to substitute "head of the relevant provincial department" in the proposed section 72A.

Motivation: To provide a legal mandate for the head of the relevant provincial department to delegate powers conferred by clause 1 of the Bill. The proposed amendments are aimed at assisting the national department of health to effectively implement the Act at the lower level of provinces as opposed to concentration of functions within the national department.

5. As a consequential amendment, it is proposed to provide for the definition of the "head the relevant provincial department."
6. As a consequential amendment, it is further proposed to provide for transitional arrangements for transfer of functions from national department to provincial departments.

Votes in favour of the Bill



MR T. R. J. E. RAMOKHOASE
 CHAIRPERSON OF PORTFOLIO COMMITTEE ON HEALTH & SOCIAL
 DEVELOPMENT
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