

FREE STATE LEGISLATURE



Hon, L. H. Mayorel Charperon Furbile Correlles in

The Speaker to the Free State
Legislates

PUBLIC HEARINGS ON:

NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B15B - 2017

The Portfolio Committee on Education, Health and Social Services led by Hon. L. N. Mapena, will conduct Public Hearings on the above-mentioned Bill. The purpose of the hearing is to solicit inputs regarding the above-mentioned Bill.

The Public hearings will be held as follows:

Date	Time	Venue
Thursday, 23 August 2018	10:00	Allen Rautenbach Theatre (Civic Centre), Kroonstad
Friday, 24 August 2018	10:00	4th Raadsaal, Bloemfontein
Wednesday, 19 September 2018	10:00	Multipurpose Centre, Phuthaditjhaba, Qwaqwa

Stakeholders and interested people are invited to attend.

Written submissions can be forwarded to the Committee Coordinator that is listed below and the Bill can be downloaded from the following websites or hard copies can be obtained from the Free State Legislature Offices. The final date for written submissions is **30 September 2018**.

The Bill can be downloaded from the following websites: www.fsl.gov.za or www.gov.za

For more information, please contact:

Mr. D. Senokoane Committee Coordinator Cell: 082 378 4299 e-mail: diphokos@fsl.gov.za Tel: (051) 407 1233

Tel: (051) 407 1233 Fax: (051) 447 1815

> For Further enquirles, please contact: Mr. Life Mokona Chief Spolesperson Free State Legislature E-mait: Illem@fsl.gov.za Cell: 076 231 6810





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Hon, M.G Qabathe The Speaker to the Free State Legislature

FREE STATE LEGISLATURE



Hon. L. N. Mapena Chairperson Portfolio Committee on Education, Health and Social Section

PUBLIC HEARINGS ON:

NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B15B - 2017]

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Cell: 076 231 6810







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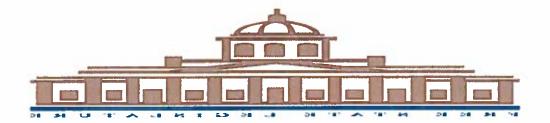
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Cluster on Education, Health and Social Services

The Purpose of the meeting: NATIONAL HEAVIN LABORATORIES BILLA Date: 19,109,12018 [BISB - 2017]

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Cluster on	Education,	Health	and	Social	Servi	ices

The Purpose of the meeting: [B/5B-2017]

Date: 09 110 5018

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

PURPOSE: PUBLIC HEARINGS ON NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B15B-2017]

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

PURPOSE: PUBLIC HEARINGS ON NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B15B-2017]

DATE: 23 August 2018 @ Kroonstad

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

PURPOSE: PUBLIC HEARINGS ON NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B15B-2017]

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

PURPOSE: PUBLIC HEARINGS ON NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B15B-2017]

DATE: 23 August 2018 @ Known Stand

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

PURPOSE: PUBLIC HEARINGS ON NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B15B-2017]

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

PURPOSE: PUBLIC HEARINGS ON NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B15B-2017]

DATE: 24/true wot 2018 @

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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DATE: 24 August 2018 @ GOENTON Lein

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

PURPOSE: PUBLIC HEARINGS ON NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B15B-2017]

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

PURPOSE: PUBLIC HEARINGS ON NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B158-2017]

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

PURPOSE: PUBLIC HEARINGS ON NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B15B-2017]

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

PURPOSE: PUBLIC HEARINGS ON NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B15B-2017]

DATE: 24 August2018 @ Hoenfoutein

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

PURPOSE: PUBLIC HEARINGS ON NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B15B-2017]

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

DATE: 24 August 2018 @ K Don PURPOSE: PUBLIC HEARINGS ON NATIONAL HEALTH, LABORATORY SERVICE AMENDMENT BILL [B15B-2017]

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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DATE: 24 August 2018 @ Spourtauteur

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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ATTENDANCE 142.





PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

PURPOSE: PUBLIC HEARINGS ON NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B15B-2017]

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

PURPOSE: PUBLIC HEARINGS ON NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B158-2017]

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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PORTFOLIO COMMITTEE ON: EDUCATION, HEALTH AND SOCIAL SERVICES

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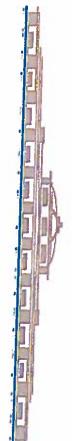
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PROVINCIAL LEGISLATURE OF THE FREE STATE

REPORT OF THE PORTFOLIO COMMITTEE ON EDUCATION, HEALTH AND SOCIAL SERVICES WITH REGARD TO PUBLIC HEARINGS CONDUCTED ON NATIONAL HEALTH LABORATORY SERVICE AMENDMENT BILL [B15-B2017]

DRAFT REPORT

REPORT PROFILE

Title of Report:

Report of the Portfolio Committee on Education,

Health and Social Services on public hearings

conducted on National Health Laboratory Service

Amendment Bill [B 15B - 2017]

Status of Report:

For submission to the Office of the Speaker and

tabling in the Free State Legislature.

Responsible Committee:

Portfolio Committee on Education, Health and Social

Services.

Report Compiled by:

Fuzile Ngangelizwe and Diphoko Senokoane on

September 25, 2018.

Report for tabling in the Legislature on:

TO THE HONOURABLE SPEAKER AND HONOURABLE MEMBERS OF THE FREE STATE LEGISLATURE

The Portfolio Committee on Education, Health and Social Services herewith submits the report and recommendations with regard to National Health Laboratory Service Amendment Bill [B15B – 2017] to the Free State Legislature.

Chairperson and Members of the Portfolio Committee:

MAPENA, L

CHAIRPERSON

MEMBERS:

SECHOARO, M

BUTI, P

PITTAWAY, M

WESSELS, T

PHUKUNTSI, K

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MAKESINI, M

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- 5. RECOMMENDATIONS

1. INTRODUCTION

Buti, P

Pittaway, M

National Health Laboratory Service Amendment Bill [B 15B – 2017] was referred to Portfolio Committee on Education, Health and Social Services consideration and report back.

The purpose of the hearings was to afford stakeholders and members of the public the opportunity to make inputs on the amendment of the Bill. The public hearings were conducted in accordance with the provisions of the Constitution of the Republic of South Africa section 118(1) and Standing Rules and orders of the Free State Legislature.

2. MEMBERS OF THE PORTFOLIO COMMITTEE

The Portfolio Committee comprises of the following Honorable Members:

(Member)

(Member)

Makesini, M (Member)

Mapena, L (Chairperson)

Moleleki, S (Member)

Phukuntsi, K (Member)

Sechoaro, M (Member)

Wessels, T (Member)

3. PROCEDURE OF THE PORTFOLIO COMMITTEE

The Portfolio Committee on Education, Health and Social Services conducted public hearings on National Health Laboratory Service Amendment Bill [B 15B - 2017] as follows:

DATE	TIME	VENUE
23 August 2018	10:00	Allen Rautenbach Theatre (Civic Centre) Kroonstad
24 August 2018	10:00	Fourth Raadsaal Bloemfontein
19 September 2018	10;00	Multipurpose Centre Qwaqwa

4. CONSIDERATION OF THE BILL [B15B-2017]

The primary aim of the National Health Laboratory Service AB is to amend the following: Clause 1

Seeks to amend Section 1 of the Act by deletion of the definition of "teaching environment" (the expression is never used in the Act).

The clause also seeks to amend the expression of "chief executive officer" and adding the definitions of "diagnostic health laboratory services", "National Health Council", "prescribed" and "private health sector".

Clause 2

Seeks to amend Section 3 of the Act by including the Preferential Procurement Policy Framework Act, 2000 (Act No.5 of 2000) to apply to the NHLS.

The clause also seeks to provide that the Board of the Service is the accounting authority of the service.

Clause 3

Seeks to amend Section 4 of the Act by adding the word "diagnostic" to paragraph (a) to ensure that the NHLS' core mandate is to provide diagnostic health laboratory services to the public.

Furthermore, paragraph (b) is amended by inserting the word "support", and deletes the word "provide" to reduce the burden on the NHLS by giving the NHLS a

supporting role instead of it being the provider of training for health science education.

Clause 4

Seeks to amend Section 5 of the Act by making it clear that the training that must be undertaken by the NHLS must be to its staff members only.

Clause 5

Seeks to strengthen the governance of the NHLS and the accountability thereof by replacing section 7 of the Act and to provide for the composition of the Board of the service anew. The Board will consist of the following members, appointed by the Minister:

- (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—
 - (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;
- (d) six members who must have extensive experience in the fields of:
 - (i) Commerce, finance, auditing and economic matters;
 - (ii) corporate management;
 - (iii) public health;
 - (iv) diagnostic laboratory services;
 - (v) legal matters; and
 - (vi) epidemiology; and
- (e) One representative of Organised Labour.

It is further proposed that the Board should be accountable to the Minister.

Clause 6

Seeks to amend Section 8 of the Act in order to align it to the new section 7 and delete reference to "[and must ensure that appropriate laboratory professionals are appointed]".

It is also proposed that the words "and must ensure that appropriate laboratory professionals are appointed" be omitted in section 8(1) of the Act as the members from the bodies and institutes referred in the new section 7 are not necessarily laboratory professionals.

Clause 7

Seeks to replace Section 9 of the Act and to empower the Minister to appoint the Chairperson and the Vice – Chairperson from the members of the Board amongst the non-executive members of the Board.

The clause also provides for the Board in consultation with the Minister to designate a Chairperson or Vice - Chairperson amongst the members in the event the Chairperson or Vice - Chairperson being absent or unavailable for two consecutive meetings until such time that the Chairperson or Vice Chairperson is able to resume his or her functions.

Clause 8

Seeks to amend Section 10 of the Act in order to provide that a member must vacate his or her office if he or she has been absent for two consecutive meetings of the Board without leave of the Board.

The current position is that the member can only be absent "from more than" two meetings without such leave.

Clause 9

Seeks to insert Section 10A after Section 10 to provide for the dissolution from office of a Board Member or the Board under certain circumstances i.e.

- a) if the Board is unable to perform its duties in terms of the Act or on the grounds of mismanagement;
- b) if there is a total breakdown in the relationship between the Minister and the Board; or
- 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.

The Clause also provides for appointment of an interim Board within 21 days of the dissolution, consisting of a minimum of three (3) persons and it is further proposed that a new Board must be constituted within 180 days of the dissolution of the previous Board.

Clause 10

Seeks to amend Section 11 of the Act by providing that the meetings of the Board and the conduct of business at meetings must be "determined" by the rules as follows:

- amend subsection (1) by deleting reference to [prescribed] and replacing it with determined.
- The replacement of the word "prescribed" with "determined" is necessary as a result of amendments proposed to section 27 of the Act.

The Clause also seeks to amend subsection 3 to allow for the member presiding at the meeting to have a casting vote in the event of an equality of votes by deleting reference to [in addition to his or her deliberative vote].

Clause 11

Seeks to amend Section 13 of the Act by substituting paragraph 1(b) as to empower the Board to appoint a Chief Executive Officer and any other employees of the service as the Board deem necessary to the executive management committee.

Clause 12

Seeks to insert Sections 13A, 13B and 13C in the Act after Section 13 to provide for the appointment of the Chief Executive Officer, the functions of the chief executive officer and the accountability of and reporting by Chief Executive Officer.

Clause 13

Seeks to replace Section 18 of the Act by providing that the Minister in consultation with the Minister of Finance may prescribe a financing mechanism for the service. It also provides for the funds of the Service.

Clause 14

Seeks to repeal section 20 of the Act. The provisions of that section have become redundant as a result of the new proposed Section 18.

Clause 15

Seeks to repeal Section 25 of the Act due to the insertion of Section 10A into the Act.

Clause 16

Seeks to amend Section 27 of the Act by inserting the word **Regulations** in the heading of Section 27.

It also seeks to insert 2 Sub-Sections after Sub-Section (3) to allow for the Minister to make regulations regarding anything to be prescribed in the act. The Minister makes regulations after consultation with the National Health Council. The regulations must be published in the *gazette* for at least 1 month before commencement.

Clause 17

Proposes transitional provisions in respect of the current Board and chief executive officer of the Board.

Clause 18

Seeks to provide for the short title or the name of the proposed Act and commencement date.

4.1. INPUTS AND CONCERNS RAISED DURING PUBLIC HEARINGS

23 August 2018 in Kroonstad

- a) The Board should be allowed to appoint the CEO and not the Minister as is in the Bill.
- b) The Department must conduct an effective and informative training and teaching on Laboratory Services.
- c) When the Minister decide to visit hospitals and clinics he/she must do so unannounced to see the type of services and conditions at government institutions.
- d) National Portfolio Committee must visit various medical centers to establish and assist to resolve challenges faced by these centers.

24 August 2018 in Bloemfontein

- a) Clause 5 (d) of the amendment Bill must include ordinary members of the community to be legible for appointment to serve as Board Members.
- b) The National Health Council as a comprehensive structure must collaborate with the Provincial Departments.
- c) Head of Departments from various Provinces must have a role to play when regulations are being developed.
- d) They must include the turn-around strategy and improve diagnostic tests results.

19 September 2018 in Owagwa

- a) The proposed amendment should not be prescriptive on the number of meetings to be convened but be informed by the need.
- b) The board must be allowed to take decisions without consulting the Minister by so doing this will minimize the interference of the Minister.
- c) Any excess funds remaining at the end of the financial year must be transferred to National Health Laboratory Service
- d) The term <u>support</u> must be clarified more so that it provides more meaning.
- e) The role and responsibilities of the Provincial and National Board should be the same.
- f) The Bill should reflect the code of conduct because it is silent on this aspect.
- g) The performance assessment of the Board must be done on a regular basis.
- h) In the event of the dissolution of the Board, the Minister must provide reasons thereof.
- i) Chief Executive Officer must not account to the Minister.
- j) The board must give strategic direction to the Chie Executive Officer.
- k) The board must be allowed to appoint Chief Executive Officer as an accounting officer without consultation with the Minister.

5. RECOMMENDATIONS

The Portfolio Committee on Social Services responsible for Education, Health and Social Services recommends that the report as tabled be adopted by the house.