

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO

NATIONAL PUBLIC HEALTH
INSTITUTE OF SOUTH AFRICA
BILL**

[B 16—2017]

(As agreed to by the Portfolio Committee on Health (National Assembly))

[B 16A—2017]

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AMENDMENTS AGREED TO

NATIONAL PUBLIC HEALTH INSTITUTE OF SOUTH AFRICA BILL [B 16—2017]

CLAUSE 1

1. On page 2, in line 5, to omit “Minister of Health” and to substitute “Cabinet member responsible for health”.

CLAUSE 2

1. On page 3, in line 24, to omit “and”.
2. On page 3, in line 25, to omit “.” and to substitute “; and”.
3. On page 3, after line 25, to add the following paragraph:

“(f) Environmental Health.”.

CLAUSE 3

1. On page 3, from line 47, to omit paragraphs (i) and (j) and to substitute:
 - “(i) strengthen cross-border, regional and international collaboration on communicable diseases, non-communicable diseases, occupational health and safety, cancer, injury and violence prevention and environmental health;
 - (j) strengthen epidemiology and surveillance of communicable diseases, non-communicable diseases, occupational health and safety, cancer, injury and violence prevention and environmental health;”.
2. On page 3, in line 54, to omit “government” and to substitute “the Department of Health”.
3. On page 4, from line 4, to omit paragraphs (n) and (o) and to substitute:
 - “(n) provide technical support to all spheres of government and other regulatory bodies on surveillance of communicable diseases, non-communicable diseases, occupational health and mitigation strategies for occupational exposures, cancer, injury and violence prevention and environmental health;
 - (o) coordinate research and, where appropriate, conduct research to inform policy and guidelines on communicable diseases, non-communicable diseases, occupational health, cancer surveillance, injury and violence prevention and environmental health, and must develop processes for dissemination of research findings to key stakeholders;”.
4. On page 4, from line 15, to omit paragraph (q) and to substitute:
 - “(q) strengthen advocacy, social mobilisation and partnerships in order to address communicable diseases, non-communicable diseases, occupational health, cancer surveillance, injury and violence prevention and environmental health;”.

CLAUSE 5

Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

“Composition of Board

5. The Board consists of the following members, appointed by the Minister, taking into account, amongst other things, the appropriate representation of race, gender and disability:

- (a) An official from the national Department of Health;
- (b) two members, each with special knowledge in one of the following areas:
 - (i) economics, financial matters or accounting; and
 - (ii) legal matters;
- (c) seven members, each with special knowledge in one of the following areas:
 - (i) communicable diseases;
 - (ii) non-communicable diseases;
 - (iii) occupational health;
 - (iv) cancer surveillance;
 - (v) injury and violence prevention;
 - (vi) environmental health; and
 - (vii) field epidemiology;
- (d) the Chief Financial Officer of the NAPHISA by virtue of his or her office;
- (e) the Chief Executive Officer of the NAPHISA by virtue of his or her office; and
- (f) one member nominated by the schools of public health within publicly funded higher education institutions.”.

CLAUSE 6

Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

“Appointment of members of Board

6. (1) The Minister must, before appointing the members contemplated in section 5(b) and (c), by notice in the *Gazette* and in two or more nationally circulating newspapers in the Republic, invite all interested persons to nominate, within the period specified in the notice, persons who in the opinion of such interested persons are fit to be so appointed, stating the grounds upon which such opinion is based.

(2) If a suitable person or the required number of persons is not nominated in accordance with subsection (1), the Minister must appoint an appropriate person who qualifies to be appointed in terms of this Act.

(3) A member of the Board holds office for a period of at least five years as the Minister may determine at the time of appointment, and is eligible for reappointment.

(4) A member of the Board, excluding a member who is in the full-time employment of the State, must be appointed on such

conditions as the Minister may, with the concurrence of the Minister of Finance, determine.

(5) If the number of members of the Board is reduced to such an extent that a quorum cannot be obtained, the Minister may appoint suitably qualified persons on a temporary basis to serve on the Board for a period no longer than 12 months until new members are appointed in terms of section 5.”.

CLAUSE 8

Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

“Disqualification from membership of Board, vacation of office by member, removal of member from Board and dissolution of Board

8. (1) A person may not be appointed or remain as a member of the Board if that person—

- (a) is not a South African citizen and ordinarily resident in the Republic;
- (b) is not fit and proper;
- (c) is an unrehabilitated insolvent;
- (d) has at any time been convicted in a court—
 - (i) of an offence and sentenced to more than 12 months’ imprisonment without the option of a fine; or
 - (ii) of an offence involving dishonesty, whether in the Republic or outside the Republic if the conduct constituting the offence would have been an offence in the Republic, and sentenced to imprisonment without the option of a fine;
- (e) has been removed from an office of trust;
- (f) is an employee of the NAPHISA other than a member contemplated in section 5;
- (g) is disqualified in terms of section 69 of the Companies Act, 2008 (Act No. 71 of 2008); or
- (h) is a member of the National Assembly, permanent delegate to the National Council of Provinces, member of a provincial legislature or member of a Municipal Council.

(2) A member of the Board must vacate his or her office if he or she—

- (a) becomes disqualified in terms of subsection (1);
- (b) submits his or her resignation to the Minister in writing;
- (c) is declared to be of unsound mind by a court of the Republic; or
- (d) has, without the leave of the Board, been absent from more than two consecutive meetings of the Board.

(3) If a member of the Board dies or vacates his or her office in terms of subsection (2), the Minister may, subject to section 6, appoint a person to fill the vacancy for the unexpired portion of the period for which that member was appointed.

(4) The Minister may remove a Board member from the office on account of misconduct or inability to perform his or her duties efficiently after due inquiry.

(5) The Minister may dissolve the Board for failure to perform its duties in terms of the Act after due inquiry.”.

CLAUSE 11

Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

“Appointment, performance agreement and removal of Chief Executive Officer

11. (1) The Board must, in consultation with the Minister, appoint a fit and proper and suitably qualified South African citizen as the Chief Executive Officer of the NAPHISA.

(2) The Chief Executive Officer holds office for a term of five years and may be reappointed for one additional term of five years.

(3) The appointment of a person as the Chief Executive Officer is subject to the conclusion of a written performance agreement entered into between that person and the Board.

(4) The Board must, after consultation with the Minister, annually enter into a written performance agreement between the Chief Executive Officer and the Board.

(5) The Board and the Chief Executive Officer may, in writing and by agreement, amend the performance agreement.

(6) The Board may, in consultation with the Minister, remove the Chief Executive Officer from office on account of serious misconduct, incapacity or incompetence, after affording him or her reasonable opportunity to be heard and subject to applicable legislation.

(7) If the Chief Executive Officer is unable to perform his or her functions, or during a vacancy in the office of Chief Executive Officer, the Board may, after consultation with the Minister, designate another employee of the NAPHISA to act as Chief Executive Officer.

(8) No person may be designated as an acting Chief Executive Officer for a period longer than 180 days.”

CLAUSE 12

1. On page 8, in line 13, to omit “and”.
2. On page 8, in line 16, to omit “.” and to substitute ”; and”.
3. On page 8, after line 16, to add the following paragraph:

“(d) subject to the Public Finance Management Act, must cause the necessary accounting and other records to be kept.”.

NEW CLAUSE

1. That the following be a new clause:

“Annual report

13. Subject to the Public Finance Management Act—

- (a) the Chief Executive Officer must, in consultation with the Board, prepare and submit an annual report, financial statements and the report of the auditors on those statements to the Minister; and
- (b) the Minister must table the annual report and statements

referred to in paragraph (a) in Parliament within one month of receipt thereof.”.

CLAUSE 21

1. On page 10, in line 49, to omit “2017” and to substitute “2018”.

PREAMBLE

1. On page 2, in the fifth line, after “health,” to insert “cancer,”.
2. On page 2, in the fifth line, after “violence”, to insert “and environmental health”.
3. On page 2, in the twenty forth line, after “health,” to insert “and environmental health”.

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