# NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO. 3534**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 30 SEPTEMBER 2022**

**(INTERNAL QUESTION PAPER NO. 37)**

**Ms H Ismail (DA) to ask the Minister of Health:**

(1) With reference to the Public Protector’s report on the National Health Laboratory, dated 30 March 2022, what total number of officials have been (a) implicated in allegations of (i) conflicts of interest, (ii) misconduct and (iii) maladministration, (b) charged, (c) taken on review and (d) suspended with pay;

(2) (a) on what basis are reviews allowed and (b) what consequence management measures will be put in place to ensure that this does not happen again? **NW4347E**

**REPLY:**

1. With reference to the Public Protector’s report on the National health Laboratory, dated 30 March 2022, what total number of officials have been;

|  |  |
| --- | --- |
| ***Question*** | **NHLS Response** |
| *(a)(i) implicated in allegation of conflict of interest* | None of the NHLS officials |
| *(a)(ii) implicated in allegations of misconduct* | None of the NHLS officials |
| *(a)(iii) implicated in allegations of maladministration* | None of the NHLS officials |
| *(b) what total number of officials have been charged* | None of the NHLS officials |
| *(c) what number of officials have been taken on review* | None of the NHLS officials |
| *(d) what number of officials have been suspended with pay* | None of the NHLS officials |

1. (a) Not applicable as no NHLS officials launched review proceedings;

(b) The NHLS board will, in exercising its oversight responsibilities over the NHLS’s affairs, effectively and sufficiently observe and apply the principles enunciated in Part 5 of the King IV Code on Corporate Governance.

The NHLS board is implementing the following corrective measures arising from the Public Protector’s report:

* Strengthening the NHLS internal controls on the application of the NHLS Supply Chain Management (SCM) Policy and NHLS Remuneration Policy with a view to prevent a recurrence of the improprieties referred to in the Public Protector’s Report.
* A training course or workshop in Public Procurement, with particular emphasis on fiduciary duties and general responsibilities of Accounting Authorities outlined in the PFMA, as well as a refresher course or workshop on the NHLS Board’s Terms of Reference and guiding principles in the King IV Code on Corporate Governance.
* Strengthening the monitoring system in line with the guiding principles outlined in Part IV of the King IV Code to monitor procurement and HR processes in the appointment of service providers and individuals.
* A training course or refresher workshop in public procurement with particular emphasis on sections 57 and 83 of the PFMA as well as section 217 of the Constitution.
* A course on protected disclosure to ensure the proper identification of the requirements for a protected disclosure case and the proper handling thereof.
* A refresher course on labour relations processes relating to, discipline, in particular the code of good practice on suspensions and dismissals.
* A provision/strategy in the Board’s Terms of Reference to include a prerequisite for compulsory submission of pertinent recommendations for any job grading and/or salary scales.
* Training on Treasury Regulations 16A9.1 and sections 50, 51, 54, 63, 83 and 84 of the PFMA to enhance oversight capacity over the NHLS affairs.
* Inclusion of a clause in the Code of Conduct, for the Board to promptly inform the Minister of any changes in the position of Board members.
* Inclusion of a provision in the NHLS Code of Conduct that a member of the Board who discloses to the Board any direct or indirect personal or private business interest which that member may have in any matter before the Board, must withdraw from the proceedings of the Board when that matter is considered.
* Review the existing policy or the policy provisions on managing conflict of interest to ensure there is no ambiguity.
* Guidelines in line with Rule 11 of Chapter 2 of the NHLSGR, Rule A.2(c) of Part V of the NHLSGR, where appropriate, pertaining to special circumstances for deviation from implementing recommendations for the implementation of the job grading and remuneration.
* Guidelines to deal with the ambiguity relating to the proper disposal of NHLS Board documents.
* Ground rules and timelines within which allegations of fraud, corruption and recommendations of forensic investigation reports, ARC and Legal Services Unit should be dealt with.
* Management team to take cognizance of the findings of maladministration and improper conduct and to take corrective action to prevent a recurrence of the improprieties referred to in this Report.
* Formal contract or service level agreement with a contractor, legally sound to avoid potential litigation and to minimise possible fraud and corruption. Such contracts must include legal vetting and must be constantly managed to ensure that both the NHLS and the contractors meet their respective obligations.
* A monitoring system that ensures that proper procurement in appointing service providers by the SCM and recruitment processes in appointing individuals by the Human Resources Department.
* Review the existing policy or the policy provisions on managing conflict of interest.
* Evaluation the effectiveness of the NHLS’s internal controls and monitoring system and introduction of strict measures for compliance with lawful, reasonable, and procedurally fair labour practices.

END.