

REPORT OF THE PORTFOLIO COMMITTEE ON HEALTH AND SOCIAL SERVICES ON THE TOBACCO PRODUCTS CONTROL AMENDMENT BILL [B7B – 2008]

1. INTRODUCTION

In terms of section 42 (4) of the Constitution, the National Council of Provinces (the NCOP) represents provinces to ensure that provincial interests are taken into account in the national sphere of government. In line with this Constitutional provision, the Speaker referred the Tobacco Product Control Amendment Bill [B7B-2008] (the Bill) to the Portfolio Committee on Health and Social Services (the Committee) for consideration and with the responsibility to report back its recommendations to the House.

2. OBJECTIVES OF THE BILL

The Bill seeks to amend the Tobacco Products Control Act, 1993 (Act No 83 of 1993) to bring it in line with the World Health Organisation Framework Convention on Tobacco Control (to which South Africa is a signatory) by prohibiting the sale of tobacco products to children under the age of 18 years. The Bill also intends to close loopholes that exist in the current legislation.

3. Method of work

Having received the Bill from the Chairperson of the NCOP, the Speaker referred the Bill to the Committee. On 14 August 2008 the permanent delegate representing the Province of Mpumalanga in the National Council of Provinces (NCOP), Hon. BJ Tolo, briefed the Committee on the Bill.

In compliance with section 118(a) of the Constitution, the Committee resolved to conduct public hearings in the three districts of the Province on 20, 22 & 27 August 2008. The Bill was then advertised in the local newspaper, i.e. Lowvelder of 15 August 2008, calling for written comments/submission to be submitted to the Legislature on or before 28 August 2008.

Consequently, members of the Committee conducted radio talks and interviews through the Ligwalagwala and Ikwekwezi FM radio stations on 19

August 2008. Copies of the Bill were distributed to members of the public through the municipal offices, constituency offices, health institutions and other relevant stakeholders in Ehlanzeni, Gert Sibande and Nkangala Districts.

The Honourable Members and officials from the Department of Health and Social Services were deployed to the public hearings that were arranged as follows:

DATE	DISTRICT	VENUE	ATTENDANCE
20/08/2008	Ehlanzeni Region	Emjindini Community Hall; Umjindi Municipality	82
22/08/2008	Nkangala Region	Vezubuhle Community Hall, Thembisile Municipality	204
27/08/2008	Gert Sibande region	Mzinoni Community Hall, Govan Mbeki Municipality	160

The following stakeholders made written submissions and some attended the public hearings:

- Francois van der Merwe (Tobacco Institute of South Africa)
- British American Tobacco South Africa
- Maria Scholtz (CANSAs Lowveld)
- Juan Kotze/V Whittaker (JT International South Africa (PTY) Limited)

4. Submissions by the Public on the Bill

While the public generally supported the Bill, the following issues were raised:

- Warning signs on tobacco packaging should be changed on a periodic basis (regularly), preferably every after seven (7) months;
- Stringent measures should be put in place to prohibited the selling loose cigarettes ("loose draws");

- To change the definition of package by deleting the words 'at wholesale or at' so that it read as 'package means the container, receptacle or wrapper in which tobacco products are sold, supplied or distributed at retail'.
- It has been proposed that a provision in the Bill must be included to read as follows:

"The Minister may, by notice in the Gazette, exempt certain retailers or categories of retailers from the provisions of section 3(9) and (10) on such conditions as the Minister may determine in the notice if compliance therewith proves uneconomical for such retailers."

- The majority of the people in attendance were in favour of the Bill and strongly emphasised the total banning of the use and selling of tobacco products in the future.

5. Committee Observation

The Committee noted that most of the definitions contained in the Bill are already defined in the principal Act and the amendments are just changing the wording used, but the effect remains the same.

6. Recommendation

The Committee examined and considered the Tobacco Products Control Amendment Bill [B7B -2008] and supports the principles underlying it.

The Committee recommends that the delegation representing the Province of Mpumalanga in the National Council of Provinces is conferred with authority to negotiate in favour of the Bill, taking into consideration the inputs and comments of the public mentioned above.

7. Conclusion

On behalf of the Committee, the Chairperson extend gratitude to the Honourable Members of the Committee, the Department of Health and Social Services, support staff, as well as the stakeholders for the active participation in the process of considering the Bill.



HON PE PASHA
CHAIRPERSON:
PORTFOLIO COMMITTEE ON HEALTH
AND SOCIAL SERVICES

4/09/08
DATE