

SOUTH AFRICAN INSTITUTE OF ENVIRONMENTAL HEALTH

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The Chairperson
 Health Portfolio Committee
 Cape Town
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Dear Chairperson,

The South African Institute of Environmental Health (SAIEH) is a professional body representing Environmental Health Practitioners (EHP's) in the country. We are a full member of the International Federation of Environmental Health (IFEH). We are fully recognized by the National Department of Health and the South African Local Government Association. We are represented on the Health Professions Councils i.e. the Professional Board for Environmental Health Practitioners.

We made initial submissions to this Amendment Bill on 21/4/2011. We were consulted by the National Health Department about our comments and a few changes were made to the initial Bill. Unfortunately, very important proposed changes by us were not considered. If the Bill is approved without giving due diligence to our submission, this could create problems later when we try to implement, interpret this legislation.

For the first time the word environmental health practitioner is used in this Bill and also the Health Act 2003. It is critical that there is a definition for environmental health practitioner (EHP) at the beginning of the proposed amendment bill. It must be pointed out that there is a gazette Scope of Practice i.e. gazette number 698 dated 26 June 2009, which clearly stipulates the functions carried out by Environmental Health Practitioners. Furthermore in a Government Gazette No. 632, dated July 2010, relating to fines for practicing beyond the scope of one's profession and or employing unregistered persons, there will be a fine - minimum R5, 000 and a maximum of R15, 000. All qualified Environmental Health Practitioners must be registered with the Health Professions Council of South Africa if they wish to practice (Health Professions Act 1974) (Act 56 of 1974). Therefore it is important that a definition for Environmental Health Practitioner is included to demonstrate a smooth flow in the Bill and to relate this into the Health Act 2003.

The definition should read as follows:

"Environmental Health Practitioner means a person registered as such in terms of Health Professions Act (Act No. 56 of 1974) and who performs functions as listed in the scope of the professions of environmental health (Govt. Notice No. R698, dated 26 June 2009).

Inspections and Investigations are two (2) clearly different legal concepts with various powers and restrictions connected to both INSPECTIONS are something that is done as a matter of routine and its only purpose is to determine compliance or non compliance. When non compliance is found an investigation will be conducted.

INVESTIGATIONS are done to collect evidence with an aim to prosecute or implement administrative actions and can only be done once non compliance has been determined or there is a suspicion of non compliance i.e. complaints or whistleblowers.



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If health officers are appointed to do environmental health investigations as per section 83 then who will do the routine environmental health inspection of premises of health establishments. The scope of practice for EHPs only allows qualified EHPs who are registered with the HPCSA as per legislation to carry out these functions as listed in 83 (a), (b), (c) and (d).

Therefore we recommend that the committee give consideration to the following:-

- Page 3 – Chapter 10
The heading should include “Environmental Health Investigations and Inspections”.
- Page 5 – Section 80 – Appointment of health officers and inspectors
To add another bullet and change the numbering so as to accommodate the following:-
(3) “The Chief Executive Office, relevant member of the executive council or the Mayor of a municipal council may appoint any person in the employ of the national department, province or municipality as the case may be as a health officer to carry out environmental health investigations and inspections subject to section 83 (5)
- Page 9 Section 83 – environmental health investigations
Change this heading to read as follows:-
“Environmental health investigations and inspections”.
- Page 12 – Amendments of arrangement of sections of act 61 of 2003 – Section 6
- The heading of chapter 10 must include the word and Inspections after words environmental health investigations.

Chairperson, this entire matter would have been resolved a long time ago, if only the powers that be at that time agreed to include a chapter in the Health Act 61 of 2003 on the environmental health, unfortunately, this was not to be. Therefore we are still grappling with this matter.

Chairperson and members of the Portfolio Committee, we must point out that we as an organization fully support this Bill, and are committed to see legislation work for the betterment of our communities. Therefore we raise these few points so that this piece of legislation can be user friendly and can be implemented without fear that it can be challenged by our legal fraternity.

I sincerely hope that you and the Committee will give due consideration to our inputs and take into cognizance that as a representative body we consulted far and wide and the submission contained herein is a product of these consultations.

Kind Regards

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