No 72 - 2018] FIFTH SESSION, FIFTH PARLIAMENT

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

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ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

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TUESDAY, 2 OCTOBER 2018

ANNOUNCEMENT

The Speaker:

Referral of report to committee in terms of section 23 of the Western Cape Community Safety Act, 2013 (Act 3 of 2013):

Standing Committee on Community Safety

State of policing in the province based on the policing needs and priorities for 2017/18.

TABLINGS

The Speaker:

1. Errata

Corrections to the Annual Performance Plan for 2018/19 to 2020/21 of the Department of Education.

Document attached.

2. Minister of Transport and Public Works

Tabling of document according to regulation 3(1)(f) of the regulations made under the Western Cape Land Administration Act, 1998 (Act 6 of 1998), and in terms of section 6(2) of the Western Cape Land Administration Act, 1998 (Act 6 of 1998).

Annual reports of the Provincial Property Committee and the Premier for 2017.

COMMITTEE REPORTS

1. ***(Final mandate stage)*** Report of the Standing Committee on Local Government on the Traditional Leadership and Governance Framework Amendment Bill [B 8D–2017] (NCOP), dated 28 September 2018, as follows:

The Standing Committee on Local Government, having considered the subject of the Traditional Leadership and Governance Framework Amendment Bill [B 8D–2017] (NCOP), referred to the Committee in accordance with Standing Rule 220, recommends that the House confers on the Western Cape's delegation in the NCOP the authority to abstain from voting on the Amendment Bill.

Report to be considered.

2. ***(Negotiating mandate stage)*** Report of the Standing Committee on Community Development on the National Health Laboratory Service Amendment Bill [B 15B–2017] (NCOP), dated 25 September 2018, as follows:

The Standing Committee on Community Development, having considered the subject of the National Health Laboratory Service Amendment Bill [B 15B–2017] (NCOP), referred to it in accordance with Standing Rule 220, confers on the Western Cape's delegation in the NCOP the authority to support the Amendment Bill. The Committee further proposes the following amendments:

Section 4
It is proposed to amend section 4*(a)*(i) of Act 37 of 2000 as follows:
"(i) all public sector healthcare providers <u>that requests such services</u>"

Section 15
It is proposed to amend section 15(1) of Act 37 of 2000 as follows:
Section 15(1) of the Act should be amended to replace "must" with "may":
"(1) Public health sector service providers **[must]** <u>may</u> purchase laboratory services from the Service"

Motivation for change request to section 4*(a)*(i) and section 15(1) of Act 37 of 2000
The proposal to have the ability to procure tests from laboratories other than the NHLS is not to undermine the NHLS, but to allow for the following:

1. Enable the Western Cape Government Health (WCGH) to send urgent tests to a laboratory in closest proximity to:
   a) Improve accessibility,
   b) Improve turnaround times,
   c) Improve patients' management anddiagnoses or initiate treatment,
   d) Reduce length of stay,
   e) Improve patient outcomes,
   f) Bring about multi-level savings for the Department and the patient.

2. Alignment with NHI principles. In this regard it is noted that the National Health Insurance Bill, 2018, which was advertised for comment on 21 June 2018 in the *Government Gazette* Volume 636, makes provision for the procurement of health goods and services from both public and private service providers.

3. Discouraging or prevention of a monopoly of services: To protect the interests of consumers; to prevent excess prices; to allow competition; and to improve the quality of services.

Clause 4
Amendment of section 5 of Act 37 of 2000
The proposal is that section 5(1*)(b)* of the Act should remain unchanged.

Clause 5
Substitution of section 7 of Act 37 of 2000
The proposal is that each province be represented on the NHLS Board.
If this is not possible, there should be at least three representatives from the provinces. It is proposed that membership be determined on the basis of population size and utilisation of laboratory services.

Furthermore, the proposal is that the chief financial officer of the NHLS not be appointed as a full board member, but be invited to attend meetings when so indicated.

Having both the chief executive officer and the chief financial officer of the NHLS as full board members may influence the vote and may have governance implications.

It is further proposed not to include a representative from organised labour as a full board member as it might have an impact on and influence negotiations and consultations processes. A representative of organised labour can be invited when so indicated.

Clause 14
Substitution of section 20 of Act 37 of 2000
The proposal is that section 20 of the Act remains unchanged or that the new clause 18(1) make provision for consultation with the National Health Council (NHC), the provincial MECs of Health and Provincial Treasury on laboratory financing mechanisms and/or fees changed. It is unclear why the provision for consultation with the NHC, which was included in B 15–2017, has been removed in version B 15B–2017.

Clause 15
Repeal of section 25
Section 25 should not be repealed. The power of the Minister to call for the remedial steps, when there is non-compliance, must stand.

PARLEMENT VAN DIE PROVINSIE VAN DIE WES-KAAP

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AANKONDIGINGS, TERTAFELLEGGINGS EN KOMITEEVERSLAE

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DINSDAG, 2 OKTOBER 2018

AANKONDIGING

Die Speaker:

Verwysing van verslag na komitee ingevolge artikel 23 van die Wes-Kaapse Wet op Gemeenskapsveiligheid, 2013 (Wet 3 van 2013):

Staande Komitee oor Gemeenskapsveiligheid

Stand van polisiëring in die provinsie gegrond op die polisiëringsbehoeftes en -prioriteite vir 2017/18 ("State of policing in the province based on the policing needs and priorities for 2017/18").

TERTAFELLEGGINGS

Die Speaker:

1. Errata

Regstellings in die Jaarlikse Prestasieplan vir 2018/18 tot 2020/21 van die Departement van Onderwys.

Dokument aangeheg.

2. Minister van Vervoer en Openbare Werke

Tertafellegging van dokument ooreenkomstig regulasie 3(1)(f) van die regulasies gemaak kragtens die Wes-Kaapse Wet op Grondadministrasie, 1998 (Wet 6 van 1998), en ingevolge artikel 6(2) van die Wes-Kaapse Wet op Grondadministrasie, 1998 (Wet 6 van 1998).

Jaarverslae van die Provinsiale Eiendomskomitee en die Premier vir 2017.

KOMITEEVERSLAE

1. ***(Finalemandaatstadium)*** Verslag van die Staande Komitee oor Plaaslike Regering oor die Wysigingswetsontwerp op die Raamwerk vir Tradisionele Leierskap en Regeringspraktyk ("Traditional Leadership and Governance Framework Amendment Bill") [W 8D–2017] (NRVP), gedateer 28 September 2018, soos volg:

Die Staande Komitee oor Plaaslike Regering, nadat die onderwerp van die Wysigingswetsontwerp op die Raamwerk vir Tradisionele Leierskap en Regeringspraktyk ("Traditional Leadership and Governance Framework Amendment Bill") [W 8D–2017] (NRVP) oorweeg is wat ooreenkomstig Staande Reël 220 na die Komitee verwys is, beveel aan dat die Huis die bevoegdheid aan die Wes-Kaapse afvaardiging in die NRVP verleen om buite stemming te bly oor die Wysigingswetsontwerp.

Verslag moet oorweeg word.

2. ***(Onderhandelingsmandaatstadium)*** Verslag van die Staande Komitee oor Gemeenskapsontwikkeling oor die Wysigingswetsontwerp op die Nasionale Gesondheidslaboratoriumdiens ("National Health Laboratory Service Amendment Bill") [W 15B–2017] (NRVP), gedateer 25 September 2018, soos volg:

Die Staande Komitee oor Gemeenskapsontwikkeling, nadat die onderwerp van die Wysigingswetsontwerp op die Nasionale Gesondheidslaboratoriumdiens ("National Health Laboratory Service Amendment Bill") [W 15B–2017] (NRVP) oorweeg is wat ooreenkomstig Staande Reël 220 na die Komitee verwys is, verleen aan die Wes-Kaapse afvaardiging in die NRVP die bevoegdheid om die Wysigingswetsontwerp te steun. Die Komitee stel verder die volgende amendemente voor:

Artikel 4
Daar word voorgestel om artikel 4*(a)*(i) van Wet 37 van 2000 soos volg te wysig:
"(i) all public sector healthcare providers <u>that requests such services</u>"

Arikel 15

Daar word voorgestel om artikel 15(1) van Wet 37 van 2000 soos volg te wysig:
Artikel 15(1) van die Wet behoort gewysig te word om "must" met "may" te vervang:
"(1) Public health sector service providers **[must]** may purchase laboratory services from the Service"

Motivering vir die versoek om artikel 4*(a)*(i) en artikel 15(1) van Wet 37 van 2000 te wysig

Die voorstel om die vermoë te hê om toetse van laboratoriums behalwe die NGLD te verkry, het nie ten doel om die NGLD te ondermyn nie, maar om die volgende toe te laat:

1. Om die Wes-Kaapse Regering Gesondheid (WKRG) in staat te stel om dringende toetse na die naaste laboratorium te stuur om:
   a) Toeganklikheid te verbeter,
   b) Omkeertye te verbeter,
   c) Pasiënte se bestuur en diagnoses of die aanvang van behandeling te verbeter,
   d) Die duur van verblyf te verminder,
   e) Pasiëntuitkomste te verbeter,
   f) Veelvlakkige besparings vir die Departement en die pasiënt teweeg te bring.

2. Belyning met NGV-beginsels. In hierdie verband moet daarop gelet word dat die Wetsontwerp op Nasionale Gesondheidsversekering ("National Health Insurance Bill"), 2018, wat op 21 Junie 2018 in die *Staatskoerant* Volume 636 vir kommentaar geadverteer is, voorsiening maak vir die verkryging van gesondheidsgoedere en -dienste van beide openbare en privaat diensverskaffers.

3. Ontmoediging of voorkoming van dienstemonopolie: Om die belange van verbruikers te beskerm; om buitensporige pryse te vermy; om mededinging toe te laat; en om die gehalte van dienste te verbeter.

Klousule 4

Wysiging van artikel 5 van Wet 37 van 2000

Die voorstel is dat artikel 5(1)*(b)* van die Wet onveranderd moet bly.

Klousule 5

Vervanging van artikel 7 van Wet 37 van 2000

Die voorstel is dat elke provinsie op die Raad van die NGLD verteenwoordig word.
Indien dit nie moontlik is nie, moet daar ten minste drie provinsiale verteenwoordigers wees. Daar word voorgestel dat lidmaatskap op grond van bevolkingsgrootte en laboratoriumdiensbenutting bepaal word.

Daar word verder voorgestel dat die hoof- finansiële beampte van die NGLD nie as 'n volle raadslid aangestel word nie, maar uitgenooi word om vergaderings by te woon wanneer dit sodanig aangedui word.

As die hoof- uitvoerende beampte en die hoof- finansiële beampte van die NGLD albei volle raadslede is, kan dit stemmery beïnvloed en ander bestuurpraktykimplikasies inhou.

Daar word verder voorgestel dat ŉ verteenwoordiger van georganiseerde arbeid nie as ŉ volle raadslid ingesluit word nie, aangesien dit ŉ impak kan hê op en onderhandelings en oorlegplegingsprosesse kan beïnvloed. ŉ Verteenwoordiger van georganiseerde arbeid kan wel uitgenooi word wanneer dit sodanig aangedui word.

Klousule 14
Vervanging van artikel 20 van Wet 37 van 2000
Die voorstel is dat artikel 20 van die Wet onveranderd moet bly of dat die nuwe klousule 18(1) voorsiening moet maak vir oorlegpleging met die Nasionale Gesondheidsraad ("National Health Council" of NHC), provinsiale LUR'e en die Provinsiale Tesourie oor laboratoriumfinansieringsmeganismes en/of veranderde fooie. Dit is onduidelik waarom die bepaling oor oorlegpleging met die NHC, wat in W 15–2017 ingesluit was, in weergawe W 15B–2017 verwyder is.

Klousule 15
Herroeping van artikel 25
Artikel 25 moet nie herroep word nie. Die bevoegdheid van die Minister moet behou word om remediërende stappe aan te vra wanneer nienakoming voorkom.

IPALAMENTE YEPHONDO LENTSHONA KOLONI

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IZAZISO, IMICIMBI EZA KWANDLALWA NEENGXELO ZEKOMITI

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LWESIBINI, 2 OKTHOBHA 2018

ISIBHENGEZO

USomlomo:

Ukuthunyelwa kwengxelo kwikomiti ngokwemigaqo yecandelo 23 loMthetho wezoKhuseleko loLuntu weNtshona Koloni, 2013 (uMthetho 3 ka-2013):

IKomiti eSisigxinga kuKhuseleko loLuntu

Imeko yokupolisa kwiphondo esekelezelwe kwiimfuno nobaluleko lokupolisa ka-2017/18.

IMICIMBI EZA KWANDLALWA

USomlomo:

1. Errata

Izilungiso kwiSicwangciso soNyaka soMsebenzi sika-2018/19 ukuya ku-2020/21 seSebe lezeMfundo.

Uxwebhu luqhotyoshelwe.

2. UMphathiswa wezoThutho neMisebenzi yoLuntu

Umcimbi oza kwandlalwa ngokuhambelana nomiselo 3(1)(f) lwemimiselo eyenziwe phantsi koMthetho woLawulo loMhlaba weNtshona Koloni, 1998 (uMthetho 6 ka-1998) kwanangemigaqo yecandelo 6(2) loMthetho woLawulo loMhlaba weNtshona Koloni, 1998 (uMthetho 6 ka-1998).

Iingxelo zonyaka zika-2017 zeKomiti yePropathi yePhondo neNkulumbuso.

IINGXELO ZEKOMITI

1. ***(Inqanaba lesigunyaziso sokuqgibela)*** INgxelo yeKomiti eSisigxinga kuRhulumente woMmandla ngoMthetho oSayilwayo woLungiso woBunkokheli neSiseko soLawulo lweMveli [B 8D–2017] (NCOP), ebhalwe owama-28 Septemba 2018, ngolu hlobo:

IKomiti eSisigxinga kuRhulumente woMmandla, emva kokuqwalasela umba woMthetho oSayilwayo woLungiso woBunkokheli neSiseko soLawulo lweMveli [B 8D–2017] (NCOP), othunyelwe kwiKomiti ngokuhambelana noMthetho oSisigxina 220, indulula ukuba iNdlu inikezele kwigqiza leNtshona Koloni kwi-NCOP igunya lokuzikhwebula ekuvoteni ngoMthetho oSayilwayo woLungiso.

Ingxelo iza kuqwalaselwa.

2. ***(Inqanaba lesigunyaziso sothethathethwano)*** INgxelo yeKomiti eSisigxina kuPhuhliso loLuntu ngoMthetho oSayilwayo woLungiso weNkonzo yeeLebhu zezeMpilo kaZwelonke [B 15B-2017] (NCOP), ebhalwe owama-25 Septemba 2018, ngolu hlobo:

IKomiti eSisigxina kuPhuhliso loLuntu, emva kokuqwalasela uMthetho oSayilwayo woLungiso weNkonzo yeeLebhu zezeMpilo kaZwelonke [B 15B-2017] (NCOP), othunyelwe kuyo ngokwemigaqo yoMthetho oSisigxina 220, inikezela kwigqiza leNtshona Koloni kwi-NCOP igunya lokuxhasa uMthetho oSayilwayo. IKomiti kwakhona iphakamiso ezi zilungiso zilandelayo:

ICandelo 4
Kuphakanyiswa ukulungisa icandelo 4*(a)*(i) loMthetho 37 ka-2000 ngolu hlobo:
"(i) bonke abababoneleli becandelo lenkathalelo yezempilo yoluntu a<u>cela iinkonzo ezinjalo</u>"

ICandelo 15
Kuphakanyiswa ukulungisa icandelo 15(1) loMthetho 37 ka-2000 ngolu hlobo
ICandelo 15(1) loMthetho kufuneka lilungiswe ukufakela endaweni ka "mali" u "linga":
"(1) Ababoneleli benkonzo yecandelo lenkathalelo yezempilo oluntu **[maba]** bang<u>athenga </u> iinkonzo zeelebhu kule Nkonzo"

Isizathu sesicelo senguqu kwicwandelo 4*(a)*(i) nele 15(1) loMthetho 37 ka-2000
Isiphakamiso sokuba nesakhono sokuthenga uvavanyo kwiilebhu endaweni ye-NHLS, ayikokusingela phantsi i-NHLS, kodwa ukuvumela oku kulandelayo:

1. Ukuxhobisa ezeMpilo zikaRhulumente weNtshona Koloni (WCGH) ukuba zithumele uvavanyo olukhawulezileyo kweyona lebhu ikufutshane:
   a) Ukuphucula ufikelelo,
   b) Ukuphucula amaxesha okuguqula iimeko,
   c) Ukuphucula ulawulo loxilongo lwezigulana/ ukuqalisa unyango,
   d) Ukucutha ubude bokuhlala,
   e) Ukuphucula iziphumo zezigulana,
   f) Ulongiwo lwemali kwiSebe nesigulana.

2. Ungqamano nemigaqo ye-NHI. Kulo mba kuqatshelwa ukuba uMthetho oSayilwayo we-Inshorensi yezeMpilo kaZwelonke, 2018 owapapashelwa ukuba kuphawulwe ngowama-21 Juni 2018 kwi-GG 636 kwenza isibonelelo sentengo yeempahla neenkonzo zezempilo kubo bobabini ababoneleli beenkonzo zoluntu nezabucala.

3. Ukungakhuthazi/ukuthintela ugonyamelo lweenkonzo: Ukukhusela umdla wabathengi; ukuthintela amaxabiso agqithiseleyo; ukuvumela ukhuphiswano; ukuphucula umgangatho wenkonzo.

ISolotya 4
Isilungiso secandelo 5 loMthetho 37 ka-2000
Isiphakamiso sesokuba iCandelo 5(1*) (b)* loMthetho kufuneka lihlale lingaguquki.

ISolotya 5
Ukususwa kwecandelo 7 loMthetho 37 ka-2000
Isiphakamiso sesokuba iphondo ngalinye malimelwe kwiBhodi ye-NHLS.
Ukuba oku akunakwenzeka, kufuneka kubekho ubuncinane abameli abathathu abaphuma kumaphondo. Kuphakamyiswa ukuba ubulungu bumiselwe ngesiseko sobungakanani benani labantu nosetyenziso lweenkonzo zeelebhu.

Ukongeza apho, isiphakamiso sesokuba igosa eliyintloko lezemali leNkonzo lingaqeshwa ngengeLungu leBhodi eliphelelelyo, kodwa malimenywe ukuba lizimase iintlanganiso xa kubonakaliswe njalo.

Ukuba nabo bobabini igosa eliyintloko yesigqeba negosa eliyintloko yezemali nengamalungu apheleleyo eBhodi kunganefuthe kwivoti kwaye kunganemiphumela yolawulo.

Kukwaphakanyiswa kwakhona ukuba kungaqukwa uumeli ophuma kumbutho wabasebenzi njengelungu eliphelelelyo kuba oku kunganefuthe kuthethathethwano

neenkqubo zoboniswano. Ummeli wombutho wabasebenzi angamenywa xa kubonakaliswe njalo.

ISolotya 14
Ukususwa kwecandelo 20 loMthetho 37 ka-2000:
Isiphakamiso sesokuba icandelo 20 loMthetho lihleli lingauquki, okanye isolotya elitsha 18(1) lenza iisbonelelo soboniswano neBhunga lezeMpilo likaZwelonke (NHC), oo-MECs bephondo bezeMpilo neSebe likaNondyebo wePhondo ngeendlela zoHlawulo lweeLebhu kunye /okanye imirhumo eguqukileyo. Akucacanga ukuba kutheni na isibonelelo soboniswano ne-NHC esiqukwe kwi-B 15-2017 sisusiwe kuhlobo B 15B-2017.

ISolotya 15
Ubhangiso lwecandelo 25
ICandelo 25 akufuneki libhangiswe. Igunya likaMphathiswa lokumemelela amanyathelo olungiso, xa kungekho thotyelo malime.