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REPUBLIC OF SOUTH AFRICA

MEDICAL, DENTAL AND SUPPLEMENTARY HEALTH SERVICE PROFESSIONS AMENDMENT BILL

(As introduced in the National Assembly)

(MINISTER OF HEALTH)

[B 22—98]

REPUBLIEK VAN SUID-AFRIKA

WYSIGINGSWETSONTWERP OP GENEESHERE, TANDARTSE EN AANVULLENDE GESONDHEIDSDIENSBEROEPE

(Soos ingedien in die Nasionale Vergadering)

(MINISTER VAN GESONDHEID)

[W 22—98]

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GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Medical, Dental and Supplementary Health Service Professions Act, 1974, so as to further regulate the period of office of the members of the Interim National Medical and Dental Council of South Africa; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 5 of Act 56 of 1974, as substituted by section 5 of Act 18 of 1995 and amended by section 4 of Act 45 of 1997

1. Section 5 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended by the substitution for subsection (6) of the following subsection:

"(6) Subject to the provisions of section 6, the members of the council shall hold office as from the date contemplated in subsection (5) until the date of constitution of a new council, but not exceeding **[30]** 48 months.".

Short title and commencement

2. This Act shall be called the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1998, and shall be deemed to have come into effect on 11 December 1997.

MEMORANDUM ON THE OBJECTS OF THE MEDICAL, DENTAL AND SUPPLEMENTARY HEALTH SERVICE PROFESSIONS AMENDMENT BILL, 1998

1. The object of the Bill is to extend the terms of office of members of the Interim National Medical and Dental Council of South Africa (''the Interim Council''), which was established in terms of the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1995 (Act No. 18 of 1995). In terms of the said Amendment Act the members of the Interim Council hold office until the date of constitution of a new council, but not exceeding 24 months.

2. The period of 24 months was extended by a further six months in terms of the Extension of Terms of Office of Members of Certain Councils Act, 1997 (Act No. 45 of 1997). The extended period expires on 14 March 1998.

3. Parliament passed the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1997 (Act No. 89 of 1997) (''the Amendment Act, 1997''), in 1997. Sections 2 and 3 of the Amendment Act, 1997, make provision for the establishment of the Health Professions Council of South Africa (''the new Council''). The Amendment Act, 1997, was promulgated on 12 December 1997 and came into operation with the exception of sections 2, 3, 4, 5, 6, 7, 38, 39, 40, 41, 42, 43, 44 and 50, by proclamation on 23 January 1998. All the sections of the Amendment Act, 1997, could not be put into operation since preparations for the election of the members of the new Council have not yet been finalised. The preparations include the drafting of regulations for the constitution of professional boards and the election of the new Council. Before the regulations can be promulgated, they must be published for comment and the comment, if any, be considered. The preparations will take more than three months and it is therefore necessary that the terms of office of members of the Interim Council again be extended (from 30 months to 48 months), in order that the Interim Council may administer the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), until the new Council is constituted. Clause 1 of the Bill seeks to do just that. Clause 2 proposes to give the Bill retrospective effect to 11 December 1997, which is the day before the promulgation of the Amendment Act, 1997.

4. The State Law Advisers and the Department of Health are of the view that the Bill must be dealt with in accordance with the procedure established by section 76(1) or (2) of the Constitution since it falls within a functional area listed in Schedule 4 of the Constitution, namely ''health services'' (section 76(3) of the Constitution).