

REPUBLIC OF SOUTH AFRICA

**NATIONAL PUBLIC HEALTH
INSTITUTE OF SOUTH AFRICA
BILL**

*As amended by the Portfolio Committee on Health (National Assembly)
(The English text is the official text of the Bill)*

(MINISTER OF HEALTH)

[B 16B—2017]

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BILL

To provide for the establishment of the National Public Health Institute of South Africa in order to coordinate, and where appropriate to conduct, disease and injury surveillance; to provide for specialised public health services, public health interventions, training and research directed towards the major health challenges affecting the population of the Republic; and to provide for matters connected therewith.

PREAMBLE

RECOGNISING that the right of all South Africans to have access to health care services requires the State to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right;

RECOGNISING that communicable and non-communicable diseases, occupational health, cancer, injuries and prevention of violence and environmental health are important health challenges in South Africa;

MINDFUL that the realisation of that right can be achieved by, amongst others, the—

- establishment of a single national public entity to provide public health services to the country that performs critical public health functions and that requires a high level of coordination across functions, such as surveillance and research;
- restructuring and transformation of the public health sector to provide evidence-based leadership and public health services, and to serve as focal point for the efforts to protect and improve health; and
- development of policies that will enable the single national public health entity to provide public health functions and services nationally;

AND IN ORDER TO—

- provide support, expertise and advice to government to achieve improvements in the health of the population;
- provide coordinated disease and injury surveillance, research, training and workforce development, monitoring and evaluation of services and interventions directed towards the major health problems affecting the population; and
- provide training, conduct research and support interventions aimed at reducing the burden of communicable and non-communicable diseases and injuries and aimed at improving occupational health, and environmental health.

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

Definitions

1. In this Act, unless the context indicates otherwise—
“**Minister**” means the Cabinet member responsible for health;

- “**NAPHISA**” means the National Public Health Institute of South Africa established by section 2;
- “**prescribed**” means prescribed by regulation made in terms of this Act;
- “**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999); 5
- “**public health**” includes the science of protecting the safety and improving the health of communities through education, policy-making and research for disease and injury prevention;
- “**public health sector**” means that part of the health sector that is owned or controlled by an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996; 10
- “**surveillance**” means an information-based activity involving the collection, analysis and interpretation of large volumes of data originating from a variety of sources to predict, observe and minimise the harm caused by outbreak, epidemic and pandemic situations, and to increase knowledge about which factors contribute 15 to the harm caused by outbreak, epidemic and pandemic situations; and
- “**this Act**” includes any regulation made in terms of this Act.

Establishment of National Public Health Institute of South Africa

2. (1) There is hereby established a juristic person to be known as the National Public Health Institute of South Africa, comprising of divisions dealing with the following: 20
- (a) Communicable Diseases;
 - (b) Non-Communicable Diseases;
 - (c) Occupational Health;
 - (d) Cancer Surveillance;
 - (e) Injury and Violence Prevention; and 25
 - (f) Environmental Health.
- (2) The NAPHISA is a national public entity as defined in section 1 of the Public Finance Management Act.

Functions of NAPHISA

3. (1) The NAPHISA must— 30
- (a) promote cooperation between the Republic and other countries with regard to epidemiological surveillance and management of diseases, exposures and injuries;
 - (b) coordinate, develop and maintain surveillance systems to collect, analyse and interpret public and occupational health data in order to guide health 35 interventions;
 - (c) use surveillance data and other sources of information, where appropriate, to advise on the setting of health policies, priorities and planning;
 - (d) use public and occupational health information for monitoring and evaluation of policies and interventions; 40
 - (e) coordinate reference laboratory and referral services;
 - (f) provide leadership and direction to provinces and local authorities in respect of disease and injury surveillance and outbreak response;
 - (g) strengthen capacity in public and occupational health surveillance in order to reduce the burden of disease and injury; 45
 - (h) strengthen the capacity of the workforce in occupational health by developing the curriculum for occupational health;
 - (i) strengthen cross-border, regional and international collaboration on communicable diseases, non-communicable diseases, occupational health and safety, cancer, injury and violence prevention and environmental health; 50
 - (j) strengthen epidemiology and surveillance of communicable diseases, non-communicable diseases, occupational health and safety, cancer, injury and violence prevention and environmental health;
 - (k) advise the Minister on strategies to improve the health of the population;
 - (l) support the health sector response and make recommendations to the 55 Department of Health on—
 - (i) control measures for disease outbreaks; and
 - (ii) mitigating risks and hazards of injury and violence, cancer and workplace exposures;

- (m) collaborate with relevant government departments and government agencies to implement communication strategies on public and occupational health issues and outbreak response;
 - (n) provide technical support to all spheres of government and other regulatory bodies on surveillance of communicable diseases, non-communicable diseases, occupational health and mitigation strategies for occupational exposures, cancer, injury and violence prevention and environmental health; 5
 - (o) coordinate research and, where appropriate, conduct research to inform policy and guidelines on communicable diseases, non-communicable diseases, occupational health, cancer surveillance, injury and violence prevention and environmental health, and must develop processes for dissemination of research findings to key stakeholders; 10
 - (p) participate in research independently or collaborate with government, academic institutions, scientific institutions and any other similar institutions;
 - (q) strengthen advocacy, social mobilisation and partnerships in order to address communicable diseases, non-communicable diseases, occupational health, cancer surveillance, injury and violence prevention and environmental health; 15
 - (r) provide training and technical information on health issues to health professionals, governmental and regulatory bodies;
 - (s) contribute to human resource development in the public health sector; 20
 - (t) maintain accredited reference and specialised laboratories for pathogen detection, disease and injury surveillance and monitoring, outbreak response and the provision of scientific evidence to prevent and control infectious diseases;
 - (u) monitor trends in occupational health and conduct workplace health risk assessments; 25
 - (v) support the monitoring of workplaces in order to assess worker exposure to workplace hazards;
 - (w) produce and distribute reports on health and disease profiles, injuries and violence and occupational health; and 30
 - (x) provide specialised and referral services related to occupational safety and health, including—
 - (i) specialised analytical laboratory services to support the practice of occupational medicine and occupational hygiene;
 - (ii) consultations on the appropriate collection of samples; 35
 - (iii) measurement of selected contaminants from environmental and biological samples collected from the workplace and from workers, and participation in quality assurance schemes for selected hazardous agents;
 - (iv) analyses of workplace contaminants in biological and environmental samples for toxic metals, organic substances, pesticides and persistent organic pollutants; 40
 - (v) specialised testing for bio-aerosols and nano-particles;
 - (vi) assessment of occupational allergies;
 - (vii) advising on the prevention of occupational diseases and occupational injuries; 45
 - (viii) conducting workplace visits and risk assessments of hazardous factors; and
 - (ix) providing pathology services for occupational health.
- (2) For the purposes of subsection (1)(e), “referral services” means any specialist services that require specialist knowledge, skills and interventions. 50
- (3) The NAPHISA may—
- (a) liaise with any other regulatory authority or institution and may, without limiting the generality of this power, require the necessary information from, exchange information with and receive information from any such authority or institution in respect of matters of common interest; 55
 - (b) negotiate cooperative agreements with any regulatory authority or institution in order to ensure the consistent application of the principles of this Act;
 - (c) undertake operational research;
 - (d) cooperate with persons and institutions undertaking basic research in the Republic and in other countries by the exchange of scientific knowledge and the provision of access to the resources and specimens available to the NAPHISA; 60

- (e) participate in joint research operations with any person, including government departments, tertiary institutions, museums and scientific institutions;
- (f) cooperate with educational authorities, scientific or technical societies, higher education health institutions or industrial institutions representing employers and employees for the promotion of the instruction and training of health professionals, scientists, researchers, technical experts and other supporting personnel in tertiary institutions; 5
- (g) enter into contracts, within or outside the Republic, with any person, government or institution, and may execute any contract, deed or other document in the Republic or any foreign country; 10
- (h) purchase or acquire any movable or immovable property;
- (i) manage, insure, lease, sell, mortgage, dispose of, develop, maintain, improve or in any other way deal with any of its property or assets;
- (j) apply for, purchase or by any other means acquire, protect, extend, renew, deal with or alienate any patents, patent rights, licences, trademarks, concessions or other rights; 15
- (k) borrow money, within or outside the Republic, in line with the Public Finance Management Act;
- (l) invest money in accordance with the framework prescribed in section 7 of the Public Finance Management Act; 20
- (m) open and operate banking accounts in terms of section 7 of the Public Finance Management Act;
- (n) make, draw, issue, execute, accept, endorse or discount promissory notes, bills of exchange and any other kind of negotiable or transferable instruments;
- (o) enter into indemnities, guarantees and suretyships and secure payment thereunder in line with the Public Finance Management Act; 25
- (p) enter into agreements to facilitate or secure the payment of commitments and to this end indemnify any person or cede, exchange or cancel agreements;
- (q) undertake and execute any trust;
- (r) form and have an interest in any company for— 30
 - (i) the purpose of acquiring the business or all or any assets or liabilities, or both, of any company; or
 - (ii) any other purpose which directly or indirectly benefits the NAPHISA;
- (s) take part in the management, supervision and control of the business or operations of any company or business; 35
- (t) enter into partnerships;
- (u) make donations to further the interests of the NAPHISA;
- (v) act as principal, agent, contractor or trustee;
- (w) charge for the rendering of laboratory services and other services;
- (x) remunerate any person for services rendered in the operation and development of the NAPHISA's business; 40
- (y) appoint officers and employees at such remuneration and on such conditions as it may deem fit subject to the relevant labour legislation;
- (z) pay gratuities and pensions to its officers and employees;
- (zA) establish and manage pension schemes, in consultation with the Minister of Finance, medical aid schemes and other incentive schemes for its officers and employees, and appoint trustees and other officials for such schemes; and 45
- (zB) produce and sell by-products.

Governance and control of NAPHISA

4. (1) The NAPHISA is governed and controlled, in accordance with this Act, by its Board. 50

(2) The Board is the accounting authority of the NAPHISA and must ensure that it fulfills its responsibilities in terms of Chapter 6 of the Public Finance Management Act.

Composition of Board

5. The Board consists of the following members, appointed by the Minister, taking into account, amongst other things, the appropriate representation of race, gender and disability: 55

- (a) An official from the national Department of Health;
- (b) two members, each with special knowledge in one of the following areas: