

REPUBLIC OF SOUTH AFRICA

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# NATIONAL HEALTH AMENDMENT BILL

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*(As introduced in the National Assembly (proposed section 76); explanatory summary of  
Bill and prior notice of its introduction published in Government Gazette No.41657  
of 25 May 2018)*  
*(The English text is the official text of the Bill)*

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(Dr S S Thembekwayo, MP)

**[B 29—2018]**

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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.

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## **BILL**

**To amend the National Health Act, 2003, so as to provide for clinics to operate and provide health services 24 hours a day and seven days a week; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 4 of Act 61 of 2003**

1. Section 4 of the National Health Act, 2003, is hereby amended by the addition after subsection (3) of the following subsection: 5

“(4) Clinics funded by the State must provide the services referred to in subsection (3) 24 hours a day and seven days a week.”.

**Short title and commencement**

2. This Act is called the National Health Amendment Act, 2018, and comes into operation on a date determined by the President by proclamation in the *Gazette*. 10

## **MEMORANDUM ON THE OBJECTS OF THE NATIONAL HEALTH AMENDMENT ACT, 2018**

### **1. INTRODUCTION**

- 1.1. This Private Members' Bill, i.e. the National Health Amendment Bill, 2018 ("the Bill") was drafted in line with the Economic Freedom Fighters' policy that all clinics in the public sector must operate and provide health services 24 hours a day and seven days a week.
- 1.2. Health service challenges are not limited to specific time periods and can afflict a person at any time of day or night. Millions of South Africans are denied their right to have access to health services as enshrined in the Bill of Rights because an insufficient number of health facilities are open after hours, thus denying these South Africans access to health facilities should they fall sick or become injured after hours. People do not only get sick or suffer injury during the day when healthcare facilities, especially clinics, are open. Many South Africans live too far from hospitals and are therefore unable to access healthcare establishments all the time. Clinics are in most instances the most effective health establishment to access.

### **2. OBJECTS OF THE BILL**

The purpose of the Bill is to amend the National Health Act, 2003 (Act No. 61 of 2003) ("the Act"), in order to provide that clinics in the public sector must operate and provide health services 24 hours a day and seven days a week.

### **3. CONTENTS OF THE BILL**

- 3.1 Clause 1 amends section 4 of the Act by adding a further subsection that provides that clinics funded by the State must operate 24 hours a day and seven days a week.
- 3.2 Clause 2 contains the short title.

### **4. FINANCIAL IMPLICATIONS FOR THE STATE**

This will require clinics to employ additional staff.

### **5. DEPARTMENTS, BODIES OR PERSONS CONSULTED**

The general public.

### **6. PARLIAMENTARY PROCEDURE**

- 6.1 The Member proposes that the Bill must be dealt with in accordance with the procedure established by section 76 of the Constitution as its provisions in a substantial manner deal with a functional area of concurrent national and provincial legislative competence listed under Schedule 4 to the Constitution, namely "health services".
- 6.2 The Member is of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.

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