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20 July 2006

**To The Portfolio Committee on Health**

**Committee Secretary**

**Portfolio Committee on Health**

**Attention: Saazi Vuke**

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**RE: HEALTH PROFESSIONS AMENDMENT BILL [B10-2006]**

Thank you for this opportunity to comment, contribute and pass on our views regarding the Health Professions Amendment Bill, as the professional body of the South African Society of Physiotherapy.

The move towards empowering the Professional Boards in regards to regulating their registered professionals is encouraging. We would like to raise the following concerns, in order to address the constitutional right to representation, and transparency:

In referring to Section 41 (1) of the Constitution of South Africa:

*"41. (1) All spheres of government and all organs of state within each sphere must -  
(c) provide effective, transparent, accountable and coherent government  
for the Republic as a whole"*

It is the view of the South African Society of Physiotherapy that this can only be achieved by affecting the following changes to the proposed amendments of the Health Professions Act, 1974:

## PROPOSAL 1

Referring to page 5, lines 24 - 33 of the HEALTH PROFESSIONS AMENDMENT BILL [B10-2006], which reads:

***“Amendment of section 5 of Act 56 of 1974, as substituted by section 6 of Act 89 of 1997***

**6. Section 5 of the principal Act is hereby amended—**

**(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:**

***“(a) not more than [25] 16 persons designated by the professional boards, on a basis proportional to the number of persons registered to practise the professions falling under each professional board [Provided that each professional board shall be entitled to designate at least one person registered in terms of this Act];”***

The SASP proposed change, to read:

***Amendment of section 5 of Act 56 of 1974, as substituted by section 6 of Act 89 of 1997***

**6. Section 5 of the principal Act is hereby amended—**

**(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:**

***“(a) not more than 16 persons designated by the professional boards, with at least 1 representative from each professional board [Provided that each professional board shall be entitled to designate at least one person registered in terms of this Act];”***

## PROPOSAL 2

Referring to page 9, lines 30 - 47 of the HEALTH PROFESSIONS AMENDMENT BILL [B10-2006], which reads:

***"Amendment of section 15 of Act 56 of 1974, as substituted by section 12 of Act 89 of 1997***

13. Section 15 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

*"(1) The Minister shall, on the recommendation of the council, establish a professional board with regard to any health profession in respect of which a register is kept in terms of this Act, or with regard to two or more such health professions."*

(b) by the substitution for subsection (2) of the following subsection:

*"(2) The Minister may, on the recommendation of the council, [change] reconstitute the professional boards with regard to the health professions for which the boards have been established, and establish other boards."*

(c) by the substitution in subsection (5) for paragraph (a) of the following paragraph:

*"(a) the [majority] appointment of the members of a professional board [to be elected] by the Minister on the basis of nominations made by the members of the health profession or professions involved;"*

The SASP proposed change, to read:

***Amendment of section 15 of Act 56 of 1974, as substituted by section 12 of Act 89 of 1997***

13. Section 15 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

*"(1) The Minister shall, on the recommendation of the council, establish a professional board with regard to any health profession in respect of which a register is kept in terms of this Act, or with regard to two or more such health professions."*

(b) by the substitution for subsection (2) of the following subsection:

*"(2) The Minister may, on the recommendation of the council, [change] reconstitute the professional boards with regard to the health professions for which the boards have been established, and establish other boards."*

(c) by the substitution in subsection (5) for paragraph (a) of the following paragraph:

*"(a) the [majority] appointment of the members of a professional board [to be elected] by the [Minister] Election Committee as established by the relevant professional board, on the basis of nominations made by the members of the health profession or professions involved;"*