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Eastern Cape Provincial Legislature

Tel : (040) 609 2719/0828292118

Fax : (040) 639 3214

e-mail : zqambata@ecleg.gov.za

Enquiries: ZB Qambata

Date: 13 October 2006

PORTFOLIO COMMITTEE ON HEALTH

Final mandate on Foodstuffs, Cosmetics and Disinfectants Amendment Bill [B35B-2005]

1. *Terms of reference*

The Foodstuffs, Cosmetics and Disinfectants Amendment Bill [B35B-2005] has been referred to the Portfolio Committee on Health by the NCOP Business Committee for consideration.

2. *Report on negotiating mandates*

The Committee notes that other Provinces support the Bill.

3. *Resolutions*

The Committee resolved that:

The following final mandate be conferred to:

- (1) Vote for the adoption of the Bill without amendments that will alter the principle of the Bill.

- (2) Hon. Jamjam will represent the Province of the Eastern Cape at the meeting of the final mandates.

PM Basopu

Chairperson: Portfolio Committee on Health
Legislature of the Eastern Cape
Bhisho
5605

2006-10-13
Date



FREE STATE-VRYSTAAT-NORDESTAT

Committee Services

FREE STATE LEGISLATURE

PORTFOLIO COMMITTEE ON HEALTH AND SOCIAL SERVICES

Report on conferral of authority to vote on the Foodstuffs, Cosmetics and Disinfectants Amendment Bill [B35B-2005]

1. **Report on interprovincial negotiation**

The Committee received a report on the interprovincial negotiation meeting held on 11 October 2006, NCOP.

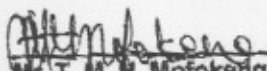
2. **Consideration**

The Committee considered the report on the Bill.

3. **Recommendations**

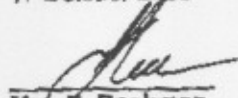
The Committee recommends that:

- (a) Authority is conferred to the Free State Delegation, to vote for the adoption of the Bill.


Mr. T. M. M. Mofokeng

Chairperson: Health and Social Services Committee

17 October 2006


Mrs. E. Rockman

Secretary to the Free State Legislature



HEALTH COMMITTEE

FINAL VOTING MANDATE

ON THE

FOODSTUFFS, COSMETICS AND DISINFECTANTS AMENDMENT BILL

[B35B-2006]

16 October 2006

1. INTRODUCTION

The Chairperson of the Health Committee, Dr. R A M Saloojee, tables the Committee's Final Voting Mandate on Foodstuffs, Cosmetics and Disinfectants Amendment Bill [B35B-2006], a Section 76 Bill, as follows:

2. PROCESS FOLLOWED

The Speaker formally referred the Foodstuffs, Cosmetics and Disinfectants Amendment Bill [B35B-2006] Section 76 Bill to the Portfolio Committee on Health, in terms of Rule 232 (1) for consideration and report on Wednesday, 21 June 2006.

On Friday, 08 September 2006, the Health Portfolio Committee was briefed by the NCOP Permanent Delegates, Ms Maggie Madlala – Magubane and Ms Faith Mazibuko. The Committee had an opportunity to make deliberations on the Foodstuffs, Cosmetics and Disinfectants Amendment Bill [B35B-2006].

On Monday, 11 September 2006, the Health Portfolio Committee was briefed by the Gauteng Department of Health's Senior Officials Mr Tsopane Monyengena and Mr Vusi Sibiya on the legalities of the bill.

The Committee held a public hearing on 26 September 2006 at Turffontein Race Course in Johannesburg, Gauteng on the bill.

On Thursday, 5 October 2006, the Gauteng Department of Health; Gauteng Department of Agriculture and the Gauteng South African Local Government Association (SALGA) attended the Committee meeting and provided the Committee with clarity on a number of issues.

On Monday, 9 October 2006, the Committee deliberated on the technical and substantive amendments and adopted the negotiating mandate on the Foodstuffs, Cosmetics and Disinfectants Amendment Bill [B35B-2006] Section 76 Bill.

On Monday, 16 October 2006, the Committee considered the minutes of the NCOP Select Committee on Social Services meeting held on Wednesday, 11 October 2006, in Johannesburg. The meeting was set to consider Negotiating Mandates from provinces on the Foodstuffs, Cosmetics and Disinfectants A/B [B35B – 2006].

The Portfolio Committee on Health deliberated on the technical and substantive amendments and adopted the Final Mandate on Foodstuffs, Cosmetics and Disinfectants Amendment Bill [B35B-2005].

3. INTERACTION WITH STAKEHOLDERS AND THE GENERAL PUBLIC

The Committee held a public hearing on the Foodstuffs, a Section 76 Bill on 26 September 2006 and received both verbal and written submissions from the various organisations and institutions. The following are the concerns raised by the public and stakeholders:

↓ *Traditional healers not mentioned*

There is no mention of traditional healers in the group of organizations consulted as they also deal with dispensing of cosmetics to their patients. These are not tested by inspectors. Most traditional healers used herbs that they get from the forest of which the bill addresses.

↓ *Tinned food*

For those who own spaza shops, there should be a mechanism whereby the Department will monitor them especially on expired tinned food. There should be inspectors to inspect spaza shops in the townships.

↓ *Access to Waste-food*

This is a broader government's challenge to deliver on its objectives of poverty alleviation. There should be a well coordinated strategy in all government departments to address issues of poverty to deal with concerns of disposing of waste food.

↓ *Training of SMME's in Farming Industry*

There is no mention of SMME's training in particular for people in the farming industry for their production and manufacturing. Are there any measures taken by the department of health in terms of training of farmers to ensure that they comply with health regulations?

↓ *Consultation with municipality on the Bill*

There is a concern that there was no broader consultation made with municipalities and they only saw the hearing on the Bill in the advert.

↓ *Cosmetics labels*

Insert in all packages of medication/ cosmetics should be in a simple language to ensure that the majority of people will be in a position to understand the content.

- ✚ **Monitoring of Relief organizations for disaster management**
Organisations that provide food especially to deal with disaster situation should be monitored, as they might keep (tinned) food for a long time that might go beyond the expiry date. There should be a mechanism to monitor them.
- ✚ **Access to information**
There is no clarity on what kind of information is to be accessed.
- ✚ **The role of courts**
Fines to be imposed by courts, this is welcomed as monies will no longer be paid to officials as this would close doors for corruption.
- ✚ **Municipality by-laws**
By-laws come with regulations from the department and municipalities make their own by-laws and these could differ from one municipality to the other. Most of the time, these by-laws have negative impact on ordinary people, e.g. food being confiscated by the police or inspectors.
- ✚ **Transportation of foodstuffs**
There are no adequate guidelines in regulating the transportation of food to retailers.
- ✚ **Street vendors**
Street vendors should ensure that the food they sell should be put in proper shade and not be exposed to the sun. People buy food from street vendors because these foodstuffs are cheap. Even though People should be responsible enough and try by all means to eat healthy food.
- ✚ **Purpose of the bill on the importation and exportation of food for small farmers**
The Bill does not say much on the importation and exportation especially to the small scale farmers.

4. PRINCIPLE AND DETAIL OF THE BILL

The Bill seeks to amend the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972) so as to:

- ✚ amend certain definitions and insert new definitions;
- ✚ authorize medical practitioners, environmental health practitioners and veterinarians to administer certain provisions of the Act;
- ✚ increase the deposit required for further analysis or examination of a sample;
- ✚ amplify the Minister's powers to regulate the handling, importation and exportation of foodstuffs, the removal, detention and destruction of food-producing animals or foodstuffs, the detention and destruction of food-producing animals or foodstuffs, the inspection of food-producing animals, the medical examination of food handlers and the water used for food processing;
- ✚ further regulate mollusc farming and fish farming;
- ✚ omit the provision in respect of secrecy;
- ✚ simplify the provisions relating to penalties; and
- ✚ provide for the delegation of power by the Director-General; and
- ✚ provide for matters connected therewith

5. IMPLICATIONS FOR THE PROVINCE

Provincial departments responsible for health matters as well as environmental matters may be involved in the administration of the Act. In many respects provinces and local authorities are already involved in the administration of the Act.

6. FINANCIAL IMPLICATIONS OF THE BILL

The Committee notes the following financial implications in the area as stated:

- ✚ The authorisation of medical practitioners to administer the bill is an additional creation of posts, with additional costs as this was not previously the function of the Department of Health
- ✚ The importation and exportation of foodstuffs will create cost implications
- ✚ The new additional definition of environmental health will create additional cost implications for local authorities, especially in the area of personnel.

7. SOCIAL IMPACT ASSESSMENT

It is uncertain what the extent of the social impact will be.

8. COMMITTEE VIEWS AND CONCERNS

The Portfolio Committee raised concerns as follows:

- ✚ Economic impact of regulations especially for small traders.
- ✚ Oversight regulations will be published and their impact thereafter, e.g. inspectors enforcement on this Bill.
- ✚ Provision of facilities for street traders/ vendors or hawkers if they are allowed to trade (facilities like toilets, etc.).
- ✚ In terms of enforcement, this Bill will have financial impact.
- ✚ Before regulations are published they should be submitted to the relevant committee for comment.

9. VIEWS FROM THE GAUTENG DEPARTMENT OF HEALTH

The Gauteng Department of Health is concerned about the responsibility for the Port Health that has shifted from the National Department of Health to the provinces, a number of additional costs would have to be planned for, such as follows:

- a) Additional human resource requirements:
 - ✚ Authorisation of medical practitioners with special interests in each of the areas included in the Bill.
 - ✚ Port health staff to strengthen the control of imports and export of goods such as foodstuffs, pharmaceutical products, and disinfectants
 - ✚ Allied health professionals, such as nutritionists
- b) The development or importation of new products may require inspection and special laboratory testing by:
 - ✚ The National Health Laboratory Service, CSIR, Forensic Pathology laboratories and Research laboratories of universities.

- c) Co-ordination with the Department of Agriculture around the importation of products which may have serious health implications, such as virally infected poultry and poultry products, beef, etc.

10. FINAL VOTING POSITION ADOPTED BY COMMITTEE

In terms of Section 65 of the Constitution, the Health Committee recommends that the House confer authority on the Gauteng Provincial Delegate/s to the National Council **to vote in favour** of the Foodstuffs, Cosmetics and Disinfectants Amendment Bill [B35B-2005] – Section 76.



IPHALAMENDE LAKWAZULU-NATALI



KWAZULU-NATAL PROVINSIALE PARLEMENT

KWAZULU-NATAL PROVINCIAL PARLIAMENT

TO: THE CHAIRPERSON,
NATIONAL COUNCIL OF PROVINCES

FINAL MANDATE

PROVINCE : KWAZULU-NATAL

BILL : FOODSTUFFS, COSMETICS AND
DISINFECTANTS AMENDMENT BILL
[B35B – 2005]

DATE: : Friday, 13th October 2006

PROVINCIAL PROCESS :

Provincial Portfolio Committee/s : Health Portfolio Committee
Portfolio Committee
meeting date/s : Friday, the 13th of OCTOBER 2006
Provincial NCOP meeting date/s : Friday, the 13th of OCTOBER 2006
Consultation : Parliamentary Legal Advisors, Special &
Permanent Delegates

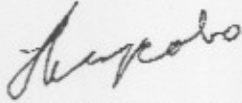
VOTE OF THE KWAZULU-NATAL PROVINCIAL LEGISLATURE:

The Provincial Standing Committee on National Council of Provinces Matters met today, Friday, the 13th of October 2006, & agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to *support* the Foodstuffs, Cosmetics and Disinfectants Amendment Bill [B35B – 2005].

The delegation is further mandated to consider any additional amendments, providing that-

- 1) the amendment/s does/do not alter the essential elements of the Bill; and
- 2) consensus is reached on the proposed amendment/s by the KwaZulu-Natal delegation.

PROVINCIAL ENDORSEMENT



Mrs L G Ngcobo
CHAIRPERSON :
KWAZULU-NATAL STANDING COMMITTEE ON
NATIONAL COUNCIL OF PROVINCES MATTERS

Friday, the 13th October 2006

DATE