

No. R. 136

23 February 2007

NATIONAL HEALTH ACT, 2003**REGULATIONS RELATING TO THE NATIONAL HEALTH RESEARCH COMMITTEE**

The Minister of Health intends, in terms of section 90 of the National Health Act, 2003 (Act No 61 of 2003), to make the regulations in the schedule.

Interested persons are invited to submit written comments on the proposed regulations, or any representation they may wish to make in regard thereto, to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Health Systems Research) within two months from the date of publication of this notice.

SCHEDULE***Definitions***

1. In these regulations, "the Act" means the National Health Act, 2003 (Act no. 61 of 2003), and any word or expression to which a meaning has been assigned in that Act, shall have that meaning and unless the context indicates otherwise:

"chairperson" means chairperson of the Committee;

"Committee" means the National Health Research Committee established in terms of section 69(1) of the Act; and

"secretariat" means the Directorate responsible for research in the national Department;

Constitution of the committee

2. Among the members of the Committee appointed by the Minister in terms of section 69(2)(a) of the Act:

- (a) nine shall have experience and knowledge in health research;
- (b) three shall represent the national departments of Education; Social Development;

- and Science and Technology respectively;
- (c) one shall represent the national Department;
- (d) one shall represent the community;
- (e) one shall represent the provincial health research committees; and
- (9)** one shall represent the health research ethics committees.

Nomination and appointment of members of the Committee

3. (1) The Director-General shall invite the submission of nominations for Committee members by notice in the Government Gazette.
- (2) The notice referred to in sub-regulation (1), shall include:
- (a) a closing date and time for the receipt of nominations, and
 - (b) an address to which the nominations shall be sent or delivered for consideration by the Minister.
- (3) No nomination shall be considered unless:
- (a) it is accompanied by a comprehensive curriculum vitae and signed by the nominated person;
 - (b) in the case of a nomination relating to regulation 2(e), it is signed by two other persons who are members of a functioning health research committee;
 - (c) it is in the format of Annexure A of these regulations or is substantially similar thereto, but contains all the information and signatures provided for in Annexure A.
- (4) As soon as possible after the closing date for nominations the Director-General shall refer the nominations to the Minister for consideration.
- (5) After the Minister has appointed the members of the Committee, the Director-General shall:
- (a) inform the members of their appointments in writing, and
 - (b) publish the names of all the members of the Committee in the Government Gazette.

- (6) The Minister shall, after consultation with the National Health Council, designate one member as chairperson, and another as vice-chairperson.
- (7) A person who is not a South African citizen or permanently resident in the Republic, shall not be appointed to the Committee.
- (8) A member of the Committee shall vacate his/her office if:
 - (a) he/she is convicted of an offence and is sentenced to imprisonment without the option of a fine;
 - (c) he/she becomes mentally ill, as defined in the Mental Health Care Act, 2002 (Act no. 17 of 2002);
 - (d) he/she has been absent from at least 2 consecutive meetings without the Committee's leave;
 - (e) he/she is requested by the Minister, on good cause shown, to resign or of own cognisance for whatever reason resigns;
 - (9) his/her term of office expires and he/she is not reappointed to the Committee; or
 - (g) he/she dies.

Duties of the chairperson

4. The chairperson of the Committee must:

- (a) ensure that every member of the Committee conducts himself / herself in a manner that benefits the status of the Committee;
- (b) convene meetings of the Committee;
- (c) liaise with or advise the Minister on issues relating to the Committee;
- (d) generally ensure that the Committee performs its functions and fulfils its objectives in terms of the Act; and
- (e) ensure that the Committee operates within its allocated budget.

Meetings of the Committee

5. (1) The first meeting of the Committee shall be held, as soon as possible after the

appointment of the members, at a time and place determined by the Minister, and all subsequent meetings shall be held at such time and places as may be determined by the Committee.

(2) The Committee must meet at least four times annually for the purpose of conducting its business.

(3) A special meeting of the Committee:

- (a) may be convened by the chairperson at any time; or
- (b) must be convened by the chairperson at such place and time and on such date as he or she may determine within 30 days of the receipt of a written request by the Minister or of a written request signed by at least a third of the members.

(4) A written request contemplated in subregulation (3)(b) must state clearly the purpose for which the meeting is convened

Quorum, procedure at meetings and decision making

6. (1) A quorum of any meeting of the Council is one half of the total number of members plus one
- (2) At all meetings of the Council the chairperson, or in his absence the vice-chairperson, or in the absence of both the chairperson and the vice-chairperson, some any other member of the Committee chosen elected by the members present, shall preside;
- (3) The Committee shall determine the procedure to be followed at its meetings;
- (4) The decision of a majority of the members of the Committee present at any meeting thereof shall constitute a decision of the Committee, and in the event of an equality of votes in regard to any matter, the person presiding at the meeting in question shall have a casting vote in addition to his/her deliberative vote.
- (5) Only members have the voting rights on any matter in which the Committee is required to make a decision;
- (6) A decision taken by the Committee or an act performed under the authority of the Committee is not invalid merely by reason of-

- (a) an interim vacancy in the Committee; or
- (b) the fact that a person who is not entitled to sit as a member of the Council, sat as a member at the time when the decision was taken, *if* the act was authorised by the required majority of members present at the time and entitled to sit as members of the Committee

Appeal against decision of Committee

7. (1) Any person who is aggrieved by a decision of the Committee and who wishes to appeal against such decision shall inform the Minister in writing of his/her intention to appeal against the decision within 30 days after such decision has been conveyed to him/her in writing.
- (2) The notification referred to in sub-regulation (1) shall contain full details of the grounds of appeal and of the remedy sought by the aggrieved person.
- (3) *On* receipt of a notification of appeal, the Minister shall appoint an appeal committee of at least three persons, one of whom shall have legal qualifications, who in his/her opinion have the necessary expertise to hear the appeal.
- (4) The Minister shall designate one of the members of the appeal committee who has legal qualifications as the chairperson of the appeal committee.
- (5) A decision of the majority members of the appeal committee shall be binding on the appeal committee; provided that in the case of equality of votes, the chairperson shall have a casting vote in addition to his/her deliberative vote.
- (6) The appeal committee shall determine the procedure to be followed at its meetings.
- (7) As soon as possible after reaching a decision on a matter on appeal, the chairperson shall furnish the decision of the appeal committee and its reasons in writing to the appellant, the Committee and the Minister.

Offences and Penalties

8. Any person who contravenes the provisions of these regulations shall be guilty of an

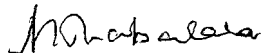
offence and on conviction, be liable to a fine or imprisonment, or to both fine and imprisonment.

Remuneration of members of Committee

9. Any member of the Committee other than a person who is in the full-time employment of the State or a person who has been nominated by his/her employer to represent him/her, shall receive such remuneration and such allowances in respect of his/her services as a member of the Committee, as the Minister, in consultation with the Minister of Finance, may determine.

Duties of the Secretariat

10. **(1)** The Committee shall be supported in its work by the secretariat.
- (2) The Secretariat must-
- (a) provide secretarial services to the Committee and maintain the records of its meetings;
 - (b) disclose to the Committee all material facts and information which in any way might influence the decisions or actions of the Committee or the chairperson;
 - (c) prevent any prejudice to the financial and administrative interests of the Committee;
 - (d) in a format and for periods as may be prescribed, report to the Council on all expenditures incurred by the Committee including travel, accommodation, subsistence and other allowances;
 - (e) provide the chairperson with the necessary support, resources and information.



ME TSHABALALA-MSIMANG

MINISTER OF HEALTH

5-2-2007

ANNEXURE A**NOMINATION FORM: NATIONAL HEALTH RESEARCH COMMITTEE**

This nomination form should be used for the nomination of persons contemplated in regulation 2 (a); (e) and (f).

We, the undersigned,

1.

.....(full names and address)

2.

.....(full names and address)

declare that we represent / are members of:

..... _and
 hereby nominate, as a candidate for nomination as a member of the National
 Health Research Committee,

.....
 who holds the title of and is employed **as** a
 and is a South African citizen/is not a South
 Africa citizen but is a permanent resident of South Africa*.

Signed at on 20.....

1.(Signature)

2.(Signature)

Signed in the presence of the following witnesses:

Signature:.....

Full Names:.....

Signature:.....

Full Names:.....

I, the undersigned,(full names),
hereby consent to my nomination as a candidate for nomination as a member of the
National Health Research Committee.

Signature _____

Signed at on 20.....

.....

(Signature)

.....
.....
.....
.....

(Registered address and contact details)

Signed in the presence of the following witnesses:

Signature:

Name:

Signature:

Name:

*** Delete whichever is not applicable**