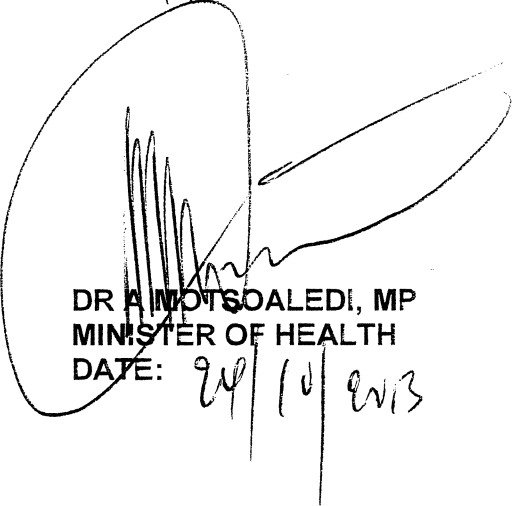

GOVERNMENT NOTICE

DEPARTMENT OF HEALTH**No. R. 178****11 March 2014****NATIONAL HEALTH ACT, 2003 (ACT NO. 61 OF 2003)****ESTABLISHMENT OF THE NATIONAL FORENSIC PATHOLOGY SERVICES
COMMITTEE**

I, Aaron Pakishe Motsoaledi, Minister of Health, hereby, after consultation with the National Health Council, in terms of section 91(1) of National Health Act, 2003 (Act No. 61 of 2003) ("the Act), read with Regulation 37 relating to the Rendering of Forensic Pathology Service published on 20 July 2007 (Gazette No. 30075), establish the National Forensic Pathology Services Committee ("the Committee"). Attached to this notice, is the document containing the following:

- (a) terms of reference, of the Committee;
- (b) composition of the Committee;
- (c) functions of the Committee; and
- (d) the remuneration of the members of the Committee.



DR A MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 24/10/2013

**NATIONAL DEPARTMENT OF HEALTH
NATIONAL FORENSIC PATHOLOGY SERVICES COMMITTEE
TERMS OF REFERENCE**

1. Background Information

- 1.1 Section 91(1) of the National Health Act, 2003 (Act No. 61 of 2003) ("the Act") stipulates that the Minister may, after consultation with the National Health Council (NHC), establish such number of advisory and technical committees as may be necessary to achieve the objects of the Act.
- 1.2 Section 91(2) of the Act further provides that when establishing an advisory or technical committee, the Minister may determine by notice in the *Gazette*-
- (a) its composition, functions and working procedure;
 - (b) in consultation with the Minister of Finance, the terms, conditions, remuneration and allowances applicable to its members; and
 - (c) any incidental matters relating to that advisory or technical committee.
- 1.3 Regulations 37 of Regulations Regarding the Rendering of Forensic Pathology Service published on 20 July 2007 requires the Minister to establish an advisory committee known as the National Forensic Pathology Service Committee to advise the Minister on.
- (a) policy concerning any matter that will ensure, promote, improve or maintain forensic pathology services;
 - (b) norms, standards and guidelines for the rendering of forensic pathology services, including health and safety standards and the minimum standards for accreditation of forensic mortuaries; and
 - (c) any technical matter related to forensic pathology services that may have an impact on health policies and strategies.
- 1.4 The National Forensic Pathology Service Committee has been established to ensure the effective rendering of forensic pathology, forensic medicine and related laboratory services, including the provision of medico-legal mortuaries and medico-legal services.

1. Purpose and mandate

- 2.1 The purpose of this National Forensic Pathology Services Committee ("the Committee") is to advise the Minister on policy concerning any matter that will ensure, promote, improve or maintain Forensic Pathology Services, including:
- (a) A uniform system of service delivery;
 - (b) the efficient, accountable, and accessible provision of Forensic Pathology Services;
 - (c) interventions to prevent unnatural death;
 - (d) relevant education, training and research; and
 - (e) establishment and maintenance of data collection and processing.
- 2.2 The Committee shall also advise the Minister on -
- (a) proposed legislation or amendment to an existing legislation that pertains to Forensic Pathology Services;
 - (b) norms, standards and guidelines for the rendering of forensic pathology services, including health and safety standards and the minimum standards for accreditation of forensic mortuaries to be collated into a National Code of Forensic Pathology Service; and
 - (c) any technical matter related to Forensic Pathology Service that may have an impact on health policies and strategies.
- 2.3 The Committee must ensure that national guidelines on the collaboration with the South African Police Services in the investigation of unnatural deaths are drafted and adhered to.
- 2.4 The Committee must perform any other function that may be referred to it by the Minister or the Director-General.
- 2.5 For purposes of performing its functions, the Committee may, at its discretion, consult or receive representations from any knowledgeable person or expert, body or authority.

3 Composition and term of office of the Committee

- 3.1 The National Forensic Pathology Services shall consist of not more than 15 persons nominated at the invitation by the Minister of Health by notice in the Government Gazette.
- 3.2 The Committee must comprise the following:
- a) 5 Forensic Pathology Specialist representing the Public Service delivery platform
 - b) 5 Forensic Pathology Specialist representing the Academic Sector
 - c) 1 Forensic Pathology Specialist from the Private Sector
 - d) 1 Technical expert in the area of Forensic Chemistry
 - e) A senior manager involved in policy setting in the area of Forensic Pathology Services at the National Department of Health
 - f) A senior manager involved in policy setting in the area of Prosecutions from the National Prosecuting Authority or National Department of Justice
 - (g) A senior manager involved in policy setting in the area of detective services from the South African Police Services
- 3.3 The term of office of the members of the Committee shall be three years. A vacancy amongst members of the Committee must be filled by an appropriate substitute.

4. Meetings of the Committee

- 4.1. The Chairperson must, within 60 days of the appointment of Committee the members, convene the first meeting of the Committee;
- 4.3. The Deputy Chairperson of the Committee must be elected by the constituted Committee in the first meeting of the Committee.
- 4.4. The remaining Committee members must be recognized immediately after the election of the Deputy Chairperson in the first meeting of the Committee.
- 4.5. In the event that both the Chairperson and Deputy Chairperson are absent from a meeting, that meeting will be chaired by an acting chairperson, elected by the members who are present, from one of their number.

- 4.6. The Committee must hold at least four ordinary meetings each quarter on a day and time determined by the Chairperson.
- 4.7. A written notice of the meeting must be given to all members of the Committee at least four days prior to the date of the meeting.
- 4.8. The procedure to be followed at any meeting of the Committee must be in accordance with customary official meetings and customs.
- 4.9. A special meeting may be called by the Chairperson or two members of the Committee, to discuss a specific agenda item which cannot wait for a scheduled meeting.
- 4.10. The Committee must keep minutes of each of its meetings in which the following must be recorded—
- (a) the date, time and place of the meeting;
 - (b) the names of the members present;
 - (c) a summary of every decision taken at the meeting; and
 - (d) if a member so requests, the fact that he or she voted against any decision taken;
 - (e) a copy of the minutes must, within fifteen days after any meeting, be forwarded to the office of the Minister;
 - (f) members from provinces must submit a copy of the minutes contemplated above, to their respective HoDs and MECs;
 - (g) another copy must be served by the secretariat on the NHC for updates and deliberations in its subsequent meetings.
- 4.11. The secretariat shall comprise of officials from the Cluster responsible for forensic pathology services within the National Department of Health. The Secretariat shall:
- (a) provide support to the work of the Committee; and
 - (b) use resources within the National Department of Health to support the work of the Committee.

5. Functions of the Committee

- 5.1. The functions of a Committee are to—

- (a) determine guidelines for the provision of forensic pathology services;

- (b) set norms and standards for conduct of forensic pathology services;
- (c) adjudicate complaints about the provision of forensic pathology services and advise the Minister;
- (d) refer to the relevant statutory health professional council matters involving the violation or potential violation of an ethical or professional rule by health care providers;
- (e) institute such disciplinary action as may be prescribed against any person found to be in violation of any norms and standards, or guidelines, set for the conduct of pathology in terms of Act no 61 of 2003;
- (f) set standards and monitoring compliance in the provision of forensic pathology services to ensure good quality;
- (g) make arrangements for the accreditation of forensic pathology services;
- (h) determine procedures for validating and approving new technologies and applications in the field of forensic pathology services;
- (i) set standards and monitor compliance in relation to management of national forensic pathology databases;
- (j) ensure the quality and relevance of academic and educational courses in forensic pathology;
- (k) monitor international developments relevant to forensic science quality standards; and
- (l) assist the Department of Health in responding to requests for advice from stakeholders.

6. Activities of the Committee

6.1. The Committee must—

- (a) keep proper records;
- (b) disclose the receipt of gifts;
- (c) hold and attend regular meetings where recommendations are presented and binding decisions are made;
- (d) report to the Minister and give account of the activities of the Committee; and
- (e) adhere to an applicable Code of Conduct.

- 6.2. The committee shall decide on the manner in which it shall conduct its business. The Committee may form task teams and working groups to perform any task or carry out a specific project. The term of office of the members of a task team or working group is linked to that specific task or project as the case may be, and shall of necessity lapse at the end of that task or project.
- 6.3. All committee members must complete a financial declaration form as prescribed by the public service. All committee members must declare any potential conflicts of interest (as outlined by the Public Service Commission) to the chairperson.

7. Accounting and Reporting Requirements

7.1. The Committee members are—

- (a) accountable for every decision or action the Committee takes in a duly constituted formal meeting;
- (b) holding a legal mandate from their institutions of origin,
 - (i) to make contributions to the Committee,
 - (ii) make binding decisions and carry authority to represent their institutions;
 - (iii) to report to their institutions; and in accordance with their respective reporting structures in their respective institutions on the decisions and the activities of the Committee; and
 - (iv) to cause their institutions to fully comply with those decisions.
- (c) are accountable individually and collectively to all the functions of the Committee.

- 7.2. The Committee shall provide a report on a regular basis to the Minister regarding the policy issues, guidelines and any technical matter that may have an impact on health policies and strategies.

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8. Remuneration of members of the Committee

Members of the Committee shall be remunerated in accordance with Treasury Regulations.