

Tanzania

Executive Agencies Act

Executive Agencies (Government Chemist Laboratory) (Establishment) Order, 2000

Government Notice 106 of 2000

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Executive Agencies (Government Chemist Laboratory) (Establishment) Order, 2000

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Executive Agencies Act

Executive Agencies (Government Chemist Laboratory) (Establishment) Order, 2000

Government Notice 106 of 2000

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[This is the version of this document at 31 July 2002.]

[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[Section 3; G.N. No. 106 of 2000]

1. Citation

This Order may be cited as the Executive Agencies (Government Chemist Laboratory) (Establishment) Order.

2. Establishment of GCL

There is established, in relation to the Department of the Government Chemist Laboratory within the Ministry of Health, an executive agency to be known as the GOVERNMENT CHEMIST LABORATORY.

3. GCL Framework Document

The functions, aims, objectives, authority, performance standards and other matters relating to the administration and management of the Government Chemist Laboratory shall be as specified in the Framework Document set out in the Schedule to this Order.

Schedule (Paragraph 3)

Frame document for the Government Chemist Laboratory

Government Chemist Laboratory Agency (GCL) Frame Work Document

Foreword

I am very pleased to be able to establish the Government Chemist Laboratory as an Executive Agency from 26th March, 1999.

The Agency will be responsible for providing specialist scientific services in the quality control of drugs and food, in chemicals management and forensic science services to Government Departments, Agencies and public bodies. In so doing, it will continue to make a major contribution to the health and welfare of the citizens of Tanzania.

Agency status will allow GCL to develop into a customer focused, commercially oriented organisation which offers value for money services to its customers while maintaining high standards of integrity, professionalism and scientific excellence.

Under this Framework Document I am devolving responsibility for the day-to-day management of the Agency to its Chief Executive, the Chief Government Chemist. He will be accountable for achieving the objectives I have set and for meeting specific performance targets which will be set and reviewed each year.

I am confident that GCL will meet the challenges that lie ahead and I wish the Chief Executive and his staff every success.

1. Introduction

The Laboratory of the Government Chemist started its operations in 1895. It is multidisciplinary and multisectoral organisation serving both the Government and private sector in the provision of specialised scientific services in quality control of food and drugs, chemicals management and forensic sciences.

The Government Chemist Laboratory (GCL) has now become an Executive Agency of the Ministry of Health. The Agency will be responsible for the provision of the aforementioned services in line with the statutory requirements stipulated in the following primary and subsidiary legislation:

The Criminal Procedure Act ¹;

The Food (Control of Quality) Act ²;

The Pharmaceuticals and Poisons Act ³;

The Drugs and Prevention of Illicit Traffic in Drugs Act ⁴; and

any other legislation enacted for purposes of regulating industrial and consumer chemicals.

In addition to meeting its statutory responsibilities, GCL will also offer services to the general public and the private sector in areas governing food safety and hygiene, chemical safety and pharmaceuticals efficacy.

As an Agency of the Government, GCL, will be charging for the services which it delivers. These charges have been carefully analysed, and are the most competitive in the country. They will be reviewed regularly to take into account the requirements of the market and GCL's operating costs.

This Framework Document is a summary of the main legislation and specific GCL needs. Hence for clear understanding of this document it should be read together with the main Act.

2. Status, functions and governance

2.1 Status

With effect from 26 March, 1999 the Government Chemist Laboratory was established as an Executive Agency in accordance with Executive Agencies Act, 1997. The official title of the Agency is the "Government Chemist Laboratory" and throughout this document, shall be referred to as "GCL."

The GCL has been established as an Agency to achieve the following general objectives:

- improve the quality and value for money of the delivery of public services;
- generate an environment conducive to efficient and effective management;

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- promote the potential for the continuous improvement of its services.

This document describes the frame work of policy, planning, control and resources within which the Agency operates.

2.2 Functions

The GCL will be responsible for—

- Quality control of food and drugs and their raw materials as stipulated in the relevant legislation;
- Forensic science services;
- Chemicals management services.

2.3 Organisation and governance

GCL will be managed by a Chief Executive designated as "Chief Government Chemist" who shall be appointed by the Minister of Health for a term of 3 years. This term may be extended up to five years, subject to satisfactory performance.

The Chief Executive may make any changes to the organisation of GCL considered necessary to maintain and improve the efficiency and overall performance of the Agency within the policy and resources framework set by the Permanent Secretary and within the delegations, outlined in this Framework Document as may subsequently be approved.

The Chief Executive will be assisted by line managers and support managers as outlined in the GCL organogram stipulated in this Schedule. The number and responsibilities of such managers shall be reviewed periodically according to the business needs of the Agency. Together with the Chief Executive, Managers, who are to be appointed by the Chief Executive, shall constitute the Agency's Senior Management Team.

Organisational structure

3. Aim, role, objectives and performance measures

3.1 Aim

The aim of GCL shall be to maintain a healthy community and a safe and just society.

3.2 Role

The Role of GCL shall be to provide specialised scientific services in quality control of food and drugs, chemicals management and forensic science.

3.3 Objectives

In support of the above aim, and in carrying out its role, the GCL shall do the following—

- (a) contribute to the safeguarding of the health of the people of Tanzania by providing timely, accurate advice to relevant authorities on the quality of food, drugs and other chemicals;
- (b) contribute to the protection of the environment and the health of the people of Tanzania by participating in the establishment of an integrated chemicals management system by the year 2000, and thereafter regulating consumer and industrial chemicals;
- (c) facilitate effective legal proceedings for fair justice, by the timely provision of expert advice;
- (d) assist in clinical procedures by the timely provision of expert advice on poisoning and treatment efficacy;
- (e) increase efficiency and effectiveness through continuous improvement in management systems and staff development;

- (f) achieve financial self sufficiency by the year 2003.

3.4 Performance measurements

The performance of GCL shall be regularly assessed by its Ministerial Advisory Board. Assessments shall be on the basis of Quarterly Performance Reports submitted by the Chief Executive to the Permanent Secretary. Particular attention shall be paid to the following areas:

3.4.1 Quality of service

- reductions in response time from submission of request to delivery of the results;
- reductions in the number of samples which cannot be analysed and reported;
- adherence to Service Level Agreement requirements;
- number of enquiries and percentage increase in responses;
- timeliness of the implementation of the Chemicals Management System;

3.4.2 Operational efficiency

- reduction in material cost as a percentage of revenue generated;
- reduction of overhead costs as a percentage of total expenditure;
- chargeable time as a percentage of total time.

3.4.3 Financial performance

- level of financial and budgetary control achieved;
- percentage reduction of cost of the Agency's operations;
- actual cost as a percentage of approved target cost;
- increase in the revenue collected.

4. Responsibilities

4.1 The role of the Minister

The Minister of Health is ultimately responsible for determining the policy framework and the operational boundaries within which GCL operates, and the financial resources to be made available to GCL.

The Minister is responsible for establishing the GCL, for appointing its Chief Executive and members of the Ministerial Advisory Board, and for ensuring that the Government derives maximum benefit from the creation of the Agency.

The Minister shall not be involved in the day-to-day management of GCL but shall be consulted by the Chief Executive on the handling of operational matters which could give rise to significant public or Parliamentary concern.

4.2 Responsibilities of the Permanent Secretary

The Permanent Secretary, as the Principal Accounting Officer, shall be charged with overall responsibility to the Ministry of Health on matters concerned with voted funds, and as such is the principal policy adviser to the Minister.

The Permanent Secretary shall be responsible for the Strategic Management of the GCL and for that purpose shall give directions to the Chief Executive but with due regard to the need to uphold GCL's autonomy in the operational management of its affairs.

The Ministerial Advisory Board, chaired by the Permanent Secretary, will assist him with the review of the GCL's Strategic Plans, Business Plans and Performance Reports, and in setting objectives and key performance targets.

After consultation with the users of GCL's services, normally through the MAB, the Permanent Secretary may define clearly what services are required from GCL.

The Permanent Secretary shall take into account overall Government policies, and the business case presented, decide whether the Chief Executive's proposal to borrow money, or to acquire or dispose of immovable property are acceptable and shall subsequently formally approve all such cases.

The Permanent Secretary shall be required to appear before the Public Accounts Committee at a hearing relating to the Government Chemist Laboratory (GCL).

The Permanent Secretary shall, in conjunction with the Chief Executive promote the interests of GCL and keep the Agency aware of higher level Government thinking.

4.3 Responsibilities of the Chief Executive

The Chief Executive being the Chief Government Chemist, shall be responsible for managing GCL within the terms of this Framework Document and the Executive Agency Regulations. He is specifically responsible for:

- the preparation and submission of Strategic and Business Plans and associated budgets;
- the implementation of the approved Plans, including the achievement of performance targets;
- the delivery of the agreed programme of services to customers, on schedule and to specification;
- the organisation and management of the assets and resources allocated to him efficiently, effectively, economically and in accordance with the principles of fairness and equality as outlined in Government policy;
- the provision to the Permanent Secretary of such information as is required to enable performance to be monitored;
- the preparation of an Annual Report and Accounts for submission to the Permanent Secretary, the Minister of Health, and Parliament;
- ensuring that all aspects of the management and organization are kept under review and that they best suit GCL's business needs; and
- contributing to the development and formulation of policy, including assessing the impact and practicability of proposed policy changes and ensuring that GCL is in a position to implement change expeditiously and efficiently.

The Chief Government Chemist shall be responsible for the effective personnel management of the Agency's employees, in particular discipline, control and development.

The Chief Executive is an *ex-officio* member of the Ministerial Advisory Board.

4.4 Responsibilities of the Ministerial Advisory Board

The Ministerial Advisory Board is to give advice to the Minister and Permanent Secretary on the following—

- the development and maintenance of a policy framework;
- setting the objectives of the GCL;
- the acceptability of the Chief Executive's Strategic and Business Plans and associated budgets;

- setting of priorities and annual performance targets for the agency;
- the acceptability of the Annual Report and Accounts;
- the evaluation of the Agency's performance;
- any other matter provided by the Executive Agencies Act ⁵.

The Ministerial Advisory Board shall be chaired by the Permanent Secretary and will hold its meetings as often as the Chairman may determine, but, in any case, not less than twice in each financial year.

The composition/members of the Advisory Board shall be as stipulated in the principal legislation.

The Permanent Secretary shall receive and discuss appeals of employees who are aggrieved by the decision of the Chief Executive under subsection (3) of section 10 of the Executive Agency Act ⁶.

5. Accountability

The Minister of Health shall be accountable to Parliament for all aspects of the GCL. He shall be assisted, in the discharge of this responsibility, by the Permanent Secretary.

5.1 Accounting Officer responsibilities

The Permanent Secretary shall be the Principal Accounting Officer for the Ministry and, as such, shall be responsible for ensuring a high standard of financial management in the conduct of all Ministry of Health responsibilities.

The Chief Executive shall be the Agency Accounting Officer for GCL, and is therefore accountable for ensuring the propriety and regularity of expenditure, for prudent and economical administration, and ensuring that the requirements of the Ministry of Finance are met.

The Chief Executive shall be responsible for establishing proper management systems for that purpose, shall take account of the financial management guidance issued by the Ministry of Finance, and the personnel management guidance issued by the Public Service Department. He shall also put into effect the recommendations accepted by the Government from the Public Accounts and other Parliamentary Committees.

5.2 Public Accounts Committee

The Principal Accounting Officer and Agency Accounting Officer may be required to appear before the Public Accounts Committee at a hearing relating to the GCL.

The Minister shall decide who will attend other Parliamentary Select Committee hearings. Where a Committee's interest is in the operations of the GCL, the Minister, shall, in considering a person to appear to the Parliamentary Select Committee, regard the Chief Government Chemist as the person best placed to appear.

5.3 Parliamentary and other enquiries

Members of the National Assembly are encouraged to deal directly with the Chief Executive on matters which fall within the responsibility of the Agency.

The Minister may ask the Chief Government Chemist to prepare for him a reply to a Member of Parliament who asks a Parliamentary question about matters falling within the responsibility of the GCL. The Chief Executive's reply may be published.

⁵

[Cap. 245](#)

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[Cap. 245](#)

Other Parliamentary business and enquiries on matters not delegated to the Agency may be dealt with by the Minister. The Chief Executive shall have the responsibility to advise the Minister on such matters as requested.

6. Finance, planning and strategic control

6.1 Funding

The Agency's resource requirements shall be met from the revenue collected by way of charges for services rendered, supplemented as shown to be necessary in the Agency's Business Plan by a Government subvention.

The Agency's expenditure shall be subject to quarterly annual monitoring and review.

6.2 Strategic and Business Plans

The Chief Executive shall prepare each year, for approval by the Permanent Secretary, a Strategic Plan covering a period of three years and a Business Plan which shall give the details of operations in the first of those years.

6.2.1 Strategic Plan

The Strategic Plan will be rolled forward and updated each year. It will reflect the outcome of the review of performance and expenditure and will set out:

- the Chief Executive's strategies for achieving GCL's aim and objectives;
- strategic performance targets;
- an assessment of the external factors which influence GCL's activities, including key planning assumptions;
- a capital expenditure programme;
- efficiency objectives, and plans.

6.2.2 Business Plan

The Business Plan shall set out in more detail the Agency's activities for the first year of the Strategic Plan period and will include:

- key performance targets set by the Permanent Secretary;
- priorities and other performance targets;
- budgets;
- the work programme and expenditure profile;
- the key assumptions, including those about resources which will underpin targets; and
- an efficiency plan including initiatives to improve performance, value for money and quality of service.

6.3 Approval

The Chief Executive shall submit the Strategic and Business Plans to the Permanent Secretary for approval each year. The Permanent Secretary or the Chief Executive may seek to review the Business Plan in the course of the year to reflect changes in policies, resources, or priorities. Approval of these plans shall constitute authority for GCL to conduct its operations accordingly.

6.4 Annual Report and Accounts

The Chief Executive shall submit an Annual Report and Statement of Financial Accounts to the Permanent Secretary and Minister after the end of each financial year. This report may be published and circulated to relevant authorities, and shall contain:

- a copy of the audited accounts of GCL, together with the Auditor's report on those accounts;
- a report on performance against Key Targets;
- a report on the operations of GCL during that financial year; and
- any other information as required by the Permanent Secretary.

The annual report shall also contain the Annual Performance Agreement between the Permanent Secretary and the Chief Executive.

6.5 Financial delegation

The Chief Executive has the authority to approve all expenditure which is consistent with the approved Strategic and Business Plans and which is in accordance with his letter of delegation.

The Chief Executive shall ensure that appropriate investment appraisal of all capital expenditure projects is carried out, taking account of such guidance as the Ministry of Finance or Civil Service Department may issue from time to time. Major capital expenditure decisions will be considered in the context of the approval of Strategic and Business Plans.

The GCL shall undertake post implementation reviews to determine whether or not projects have achieved their objectives.

6.6 Value for money

The Chief Executive shall be responsible for obtaining value for money in the procurement of goods and delivery of services. Accordingly, the Chief Executive shall implement a range of efficiency measures in accordance with the agreed programme and time table set out in the Strategic and Business Plans.

The Chief Executive shall be responsible for the standard and value for money of any work contracted out and for ensuring that the security and confidentiality safeguards are maintained.

6.7 Internal audit

The Chief Government Chemist shall be responsible for ensuring that adequate arrangements exist for the provision of an internal audit service which complies with the standards set by the Ministry of Finance, and is in accordance with the GCL Accounting Manual.

The Internal Auditor of the Ministry of Health shall have the right of access to the Agency to perform work necessary to give independent assurance to the Principal Accounting Officer. The Permanent Secretary shall receive copies of all internal audit reports.

6.8 External audit

The GCL Agency shall be subject to external audit by the Controller and Auditor General for the United Republic of Tanzania who has the right to conduct interim audits, special audits and value for money studies relating to GCL activities.

6.9 Budgetary flexibilities

The Chief Executive shall have the following authorities which shall be exercised in accordance with Ministry of Finance guidelines and the limits set out in the Executive Agencies Regulations 1988, as modified by his letter of delegation:

6.9.1 Capital expenditure

- authorise capital expenditure or individual capital projects;

- transfer of resources allocated to one item in the budget to another;
- carry over in full to the next financial year any underspend on capital provision from the previous financial year.

6.9.2 Running costs

- manage all running cost allocations as a single budget;
- transfer of resources allocated to one item in the budget to another;
- carry over in full to the next financial year any underspend on running costs from previous financial year.

6.9.3 Assets and liabilities

- authorise all write-offs and special payments;
- authorise the disposal of assets;
- authorise expenditure on individual consultancy services;
- authorise expenditure on Information Technology Projects;
- authorise single negotiated tender action for procurements.

7. Personnel

7.1 Status and conditions of service

The Agency staff are public servants of the United Republic of Tanzania. Their terms and conditions of service will be based on the Executive Agencies Regulations 1998, as amended from time to time by the Minister responsible for the Civil Service in accordance with the Executive Agencies Act, 1997.

7.2 Personnel management

The Chief Executive shall be responsible for the personnel management of Agency staff as set out in this Framework Document and the Executive Agencies Personnel Regulations, and as laid down in the Labour Laws of Tanzania. He shall be responsible for ensuring that an Equal Opportunities policy is formulated and implemented. Within these parameters he may introduce such changes as are necessary to maximise the Agency's efficiency and effectiveness.

7.3 Staff complement

As part of his responsibility to manage the affairs of the Agency efficiently and effectively, the Chief Executive is to establish and keep up to date the GCL's staff complement.

7.4 Staff relations

The Chief Executive shall be responsible for staff relations within the Agency. He is required to foster good staff relations as an important aid to the achievement of the Agency's objectives, and to ensure effective communication and consultation with staff and with their recognised Trade Union representatives.

7.5 Health and safety

The Chief Executive is responsible for the health and safety of its staff in the work place, and for complying with all relevant legislation and regulations. He will consult with staff and their recognised Professional associations on health and safety matters.

8. Review and publication

8.1 Review

From time to time, but at intervals of not exceeding five years, a review of the Frame Work Document may be undertaken by the Minister of Health as may be advised jointly by the Permanent Secretary, the Ministerial Advisory Board, and the GCL Chief Executive.

The Minister, Permanent Secretary and the Chief Executive may, at any time, propose changes to this Framework Document in the light of the Agency's operational experience or any change of circumstances. Any such proposal for change shall be subject to consultation with the Civil Service Department, and Ministry of Finance. Any change affecting personnel shall also be the subject of consultation with staff and their recognised Trade Union representatives. The incorporation of changes may require consultation among the Minister of Health, Minister of Finance and the Minister responsible for the Public Service and shall require the approval of the Chief Executive.

8.2 Publication

Copies of this Framework Document and any subsequent amendments shall be tabled in the National Assembly. Copies of the Framework Document and further information about the Agency can be obtained from:

E. N. M. Mashimba (PhD)

The Chief Government Chemist

Government Chemist Laboratory Agency

P.O. Box 164

Dar es Salaam

Tel. 113320

Fax. 113320