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GOVERNMENT NOTICE

DEPARTMENT OF HEALTH

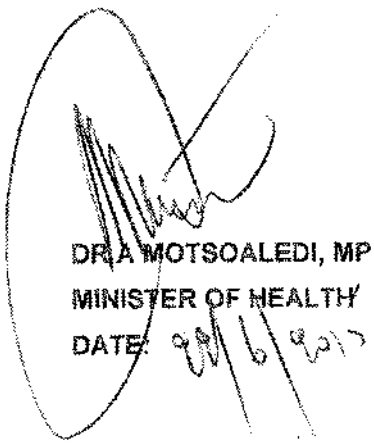
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ANNEXURE A

NATIONAL HEALTH ACT, 2003(ACT NO. 61 OF 2003)

ESTABLISHMENT OFMINISTERIAL ADVISORY COMMITTEE ON e-HEALTH

I, Dr A Motsoaledi, Minister of Health, in terms of section 91 of the National Health Act, 2003 (Act No. 61 of 2003), after consultation with the National Health Council, hereby establish a Ministerial Advisory Committee on e-Health and determine its composition, functions, working procedure, and in consultation with the Minister of Finance, the remuneration and allowances payable to its members.



DR A MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 9/6/2015

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SCHEDULE

1. **DEFINITIONS:**

In this Notice a word or expression to which a meaning has been assigned in the Act, bears the meaning so assigned and, unless the context otherwise indicates-

"ad hoc sub-committee" means a committee appointed by the Ministerial Advisory Committee on e-Health to provide technical expertise;

"Committee" means the Ministerial Advisory Committee on e-Health;

"Department" means the National Department of Health;

"DG" means the Director General of the National Department of Health;

"e-Health" means the combined utilisation of electronic communication and information technology to generate, capture, transit, store and retrieve digital data for clinical, educational and administrative purposes;

"ICT" means information communication technology;

"the Act" means the National Health Act, 2003 (Act No. 61 of 2003).

2. **Establishment of Ministerial Advisory Committee on e-Health**

The Ministerial Advisory Committee on e-Health is hereby established.

3. **Composition of Committee**

(1) The Committee consists of the following members appointed by the Minister:

(a) One ICT specialist or Senior Manager responsible for ICT from each province;

(b) a Deputy Director-General from the Department;

(c) five members with at least ten years' experience in ICT or public health or both, from the private sector, academic or research institutions and non-government organisations.

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(2) In appointing members of the Committee, the Minister must take into account factors which include, but not limited to, race, gender and disability.

4. Appointment of members of Committee

(1) The Minister must appoint members of the Committee from amongst persons nominated by interested persons or the relevant Departments and institutions referred to in paragraph 3(1).

(2) The Minister must, before appointing the members of the Committee, by notice in the *Gazette* and in two or more nationally circulating newspapers in the Republic, invite interested persons to nominate, within the period specified in the notice, persons who, in the opinion of such interested persons, are fit to be so appointed, stating the grounds upon which such opinion is based.

(3) If a suitable person or the required number of persons is not nominated as contemplated in sub-paragraph (2), the Minister must appoint an appropriate person or persons who qualify to be appointed in terms of paragraph 3(1).

(4) A member of the Committee is appointed for a period of five years, and is eligible for re-appointment for one additional term of five years.

(5) A member of the Committee, excluding a member who is in the full-time employment of the State, must be appointed on such conditions, as the Minister may, with the concurrence of the Minister of Finance, determine.

5. Chairperson and vice-chairperson of Committee

(1) The Minister must appoint a chairperson and vice-chairperson of the Committee from the members.

(2) Whenever the chairperson of the Committee is absent or unable to perform his or her functions as chairperson, the vice-chairperson must act as chairperson.

(3) If the vice-chairperson is absent or unable to act as chairperson, the members present must designate another member of the Committee to act as chairperson until the chairperson or vice-chairperson is available.

(4) A person acting as chairperson of the Committee in terms of sub-paragraphs (2) and (3) exercises the powers and performs the duties of the chairperson.

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6. Disqualification from membership of Committee and vacation of office

(1) A person may not be appointed as a member of the Committee if that person-

(a) is not a citizen of South Africa and ordinarily resident in the Republic;

(b) is an un-rehabilitated insolvent;

(c) has at any time been convicted of an offence involving dishonesty, whether in the Republic or elsewhere, and sentenced to imprisonment without the option of a fine;

(d) has been removed from an office of trust; or

(e) is suffering from an infirmity of mind or body which prevents him or her from properly discharging his or her duties as a member of the Committee.

(2) A member of the Committee must vacate his or her office if-

(a) he or she becomes disqualified in terms of sub-paragraph (1), from being appointed or serving, as a member of the Committee; or

(b) he or she submits his or her resignation to the Minister in writing.

(3) If a member of the Committee dies or vacates his or her office in terms of sub-paragraph (2) or paragraph 13(2)(b), (d) and (3), the Minister may, subject to paragraph4, appoint a person to fill the vacancy for the unexpired portion of the period for which that member was appointed.

7. Working procedure

(1) The Committee must, in its first sitting, determine the rules for the conduct of proceedings at its meetings.

(2) A quorum for a meeting of the Committee is the simple majority (50% plus 1) of its members.

(3) A decision of the majority of the members of the Committee present at a meeting, constitutes a decision of the Committee and, in the event of an equality of votes, the member presiding at the meeting must have a casting vote in addition to his or her deliberative vote.

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(4) A decision taken, or an act authorised, by the requisite majority of the members of the Committee who were present at the time and entitled to sit as members, is not invalid by reason only of a vacancy on the Committee, or that a person who is not entitled to sit as a member of the Committee sat as a member at the time when the decision was taken or the act was authorised.

(5) Minutes of the proceedings of a meeting of the Committee must be properly prepared and recorded.

(6) Minutes of the proceedings of a meeting must be submitted at the next meeting of the Committee and, if approved as correct, must be confirmed by the signature of the chairperson or that of a member who chaired the meeting and may, when so confirmed, be evidence, in a court of law, of the proceedings of the meeting.

8. Appointment of ad hoc sub-committee

(1) The Committee may appoint one or more ad hoc sub-committees from among its members to assist the Committee with the performance of its functions and exercise of its powers.

(2) The Committee may appoint one or more specialist ad hoc sub-committees consisting of members other than members of the Committee, to assist it with the performance of its functions and exercise of its powers.

9. Functions of Committee

(1) The Committee must advise the Minister on the implementation, monitoring and evaluation of the e-Health Strategy.

(2) The advice must cover the following areas:

(a) Strategy and leadership;

(b) stakeholder engagement;

(c) standards and interoperability;

(d) investment, affordability and sustainability;

(e) benefits realisation;

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(f) capacity and workforce;

(g) e-Health foundations;

(h) applications and tools to support health care delivery; and

(i) any other matters including emergency issues.

10. Conflict of interest

A member of the Committee may not be present during or take part in a discussion of, or the making of decisions on, a matter before the Committee in which-

(a) that member, the spouse or the partner, an immediate family member, a business partner or an associate or employer (other than the State) of that member; or

(b) a business partner or an associate, immediate family member or employer (other than the State) of the spouse or partner of that member,

has a direct or an indirect financial interest or has had such an interest during the previous 12 months.

11. Declaration by Committee member

(1) A person appointed to the Committee in terms of paragraph4mustwithin ten days of receiving a notice of his or her appointment to the Committee and acceptance of such appointment, submit a written declaration to the DG which must contain–

(a) any financial or other interest which is or may be related or is in conflict with such appointment; and

(b) relevant information about any conviction for an offence listed in Schedule 1 to the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(2) Failure to submit the declaration contemplated in sub-paragraph (1)may result in the appointment being revoked.

(3) (a) If a member of the Committee experiences a change in financial or other interests which might affect the ability of the member to consider any matter impartially, the

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member must, within 10 days from the date of the changed circumstances, submit a written notice of such change of financial or other interests to the DG.

(b) Failure to comply with the provisions of sub-paragraph (3)(a) may result in the appointment of the member being revoked.

(4) A declaration submitted must be for the sole purpose of determining whether such financial or other possible conflicts of interest may preclude the appointment or continuing in office of the appointee as a member of the Committee.

(5) The DG must ensure that a declaration submitted is confidential in nature and not subject to public disclosure.

(6) A member of the Committee may not use his or her appointment as a member of the Committee to promote a financial or other interest of a person in relation to e-Health services.

(7) Where a member of the Committee or a member of his or her family or a business associate has a current or potential financial or other conflict of interest, such a member must timeously recuse himself or herself from any proceedings where such conflict of interest may arise.

12. Remuneration and allowances of Committee members

The remuneration and allowances of members of the Committee are as determined, from time to time, by the Minister in consultation with the Minister of Finance.

13. Termination of membership

(1) A member of the Committee may, at any time, resign as a member of the Committee, by giving not less than 30 days written notice to the Minister.

(2) Despite subparagraph (1), the Minister may terminate the appointment of a member of the Committee with immediate effect if the member-

(a) is or becomes an un-rehabilitated insolvent;

(b) fails to declare his or her financial interest or other conflict of interests or fails to recuse himself or herself where he or she or an immediate family member has an interest in the outcome of a decision to be made or made by the Committee;

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(c) is suffering from an infirmity of mind or body which prevents him or her from properly discharging his or her duties as a member of the Committee; or

(d) fails to attend three consecutive meetings of the Committee, without having been granted leave of absence by the chairperson and without showing good cause.

(3) The Minister may terminate the appointment of a member of the Committee after consultation with the Committee and after hearing the member, if the member–

(a) fails to carry out duties and functions of the Committee to the best of his or her ability;

(b) has engaged in conduct, which, in the opinion of the Minister, brings or may bring the office or the activities of the Committee into disrepute or threatens the integrity of the Committee;

(c) is, in the opinion of the Minister, incompetent or unfit to fulfil his or her duties.

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