



**REPUBLIC OF ZAMBIA**

**REPORT**

**OF THE**

**COMMITTEE ON HEALTH, COMMUNITY DEVELOPMENT AND SOCIAL  
SERVICES ON THE TROPICAL DISEASES RESEARCH CENTRE  
(AMENDMENT) BILL, N.A.B. NO. 13 OF 2021**

**FOR THE**

**FIFTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY**

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# **REPORT OF THE COMMITTEE ON HEALTH, COMMUNITY DEVELOPMENT AND SOCIAL SERVICES ON THE TROPICAL DISEASES RESEARCH CENTRE (AMENDMENT) BILL, N.A.B. NO. 13 OF 2021 FOR THE FIFTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY**

## **1.0 MEMBERSHIP OF THE COMMITTEE**

The Committee consisted of: Dr C Kalila, MP (Chairperson); Ms P Kasune, MP (Vice Chairperson); Mr C M Chalwe, MP; Dr J K Chanda, MP; Mr L N Tembo, MP; Mr J Kabamba, MP; Mr A B Kapalasa, MP; Mr L Kintu, MP; Mr M Ndalamei, MP; and Mr A Mandumbwa, MP.

Dr J K Chanda, MP, ceased to be a Member of the Committee following his appointment as Cabinet Minister. Mr D Mabumba, MP was subsequently appointed to replace Dr J Chanda as a Member of the Committee.

The Honourable Mr Speaker  
National Assembly  
Parliament Buildings  
**LUSAKA**

Sir,

The Committee has the honour to present its Report on the Tropical Diseases Research Centre (Amendment) Bill, N.A.B. No. 13 of 2021, for the Fifth Session of the Twelfth National Assembly, referred to it by the House on Tuesday 16<sup>th</sup> February, 2021.

## **2.0 FUNCTIONS OF THE COMMITTEE**

The functions of the Committee are as set out in Standing Order No. 157(2). Among other functions, the Committee is mandated to consider Bills that may be referred to it by the House.

## **3.0 MEETINGS OF THE COMMITTEE**

The Committee held six meetings to consider the Tropical Diseases Research Centre (Amendment) Bill, N.A.B. No. 13 of 2021.

## **4.0 PROCEDURE ADOPTED BY THE COMMITTEE**

In order to acquaint itself with the ramifications of the Bill, the Committee sought both written and oral submissions from stakeholders. The stakeholders who virtually appeared before the Committee are listed at Appendix II.

## **5.0 BACKGROUND**

This Bill seeks to amend the *Tropical Diseases Research Centre Act, Chapter 301*, so as to revise the composition of the Board. There is need to amend the provision on the appointment of a Permanent Secretary on the Tropical

Diseases Research Centre Board, as it has been noted that the appointment of Permanent Secretaries on some Boards or Technical Committees compromises good governance principles. This is because Permanent Secretaries who participate and make decisions at Board or Committee level also provide policy direction to the Board or Council on behalf of the Government. This poses a conflict of interest in the execution of the Permanent Secretaries' role. It is against this background that the Tropical Diseases Research Centre (Amendment) Bill, N.A.B. No. 13 of 2021 (hereinafter referred to as "the Bill") was introduced.

## **6.0 OBJECT OF THE BILL**

The object of the Bill is to:

- a) amend section 5(1) of *the Tropical Diseases Research Centre Act, Cap. 301*, so as to revise the composition of the Board.

## **7.0 SALIENT PROVISIONS OF THE BILL**

The Committee noted the salient features of the Bill as set out below.

### **7.1 PART I: PRELIMINARY PROVISIONS**

#### **Clause 1 – Short Title**

The clause provides for the short title of the Bill.

#### **Clause 2 – Amendment of Section 5**

This clause seeks to amend section 5(1) of the principal Act so as to revise the composition of the Board by replacing the Permanent Secretary, provincial administration with a representative of the provincial administration.

## **8.0 CONCERNS RAISED BY STAKEHOLDERS**

Most stakeholders who virtually appeared before the Committee supported the Bill save for a few who raised the following concerns:

#### **Clause 2 – Amendment of Section 5**

- a) Some stakeholders observed that the Bill sought to amend Section 5 (1) of the principal Act which provided that representation on the Board should include "the Permanent Secretary of the Province in which the Centre is located" by replacing it with the provision that "a representative of the Provincial administration in which the Centre is located" should have representation on the Board.

However, the stakeholders observed that "the Permanent Secretary of the province in which the Centre is located" was already a representative of the

Provincial Administration as the administrative head of Government in the province was the Permanent Secretary. The Permanent Secretary as the Head of the Province was, therefore, best suited to be able to get multi-sectoral expertise from different line ministries and provide evidence-based inputs to the Board. The substitution with “a representative of the provincial administration in which the Centre is located” was, therefore, non-specific and not well-defined. This may have limitations as the mentioned representative may not adequately represent the Government or may not have the powers, as the Permanent Secretary would, to easily access information and other resources that could be of benefit during Board deliberations.

The stakeholders further held the view that the non-definition of the representative of the Provincial Administration in which the Centre was located brought in questions of criteria of appointment and being loosely couched, the provision opened a possibility of abuse or misuse. The stakeholders, therefore, were not in support of the proposed amendment.

- b) Other stakeholders observed that whereas the amendment mentioned a specific office of the Permanent Secretary, being the Provincial Administration in which the Centre would be located, the amendment did not specify who the representative from the Provincial Administration should be. Given that the nature of work at the Tropical Diseases Research Centre was scientific, the stakeholders recommended that the representative from the Provincial Administration should have a scientific and corporate governance background in order to add value to Centre.

In the same vein, there were stakeholders who held the view that the Provincial Health Director should represent the Provincial Administration on the Board in place of the permanent secretary.

- c) Stakeholders also raised concern on the omission for the Bill to provide for the scrutiny of the qualifications of the representative of the Provincial Administration under Clause 5 (1).
- d) Other stakeholders held the view that the composition of the Board of the Tropical Diseases Research Centre, as provided in the *Tropical Diseases Research Centre Act of 1982*, was outdated and required a complete overhaul, as it did not fully take into account the following:
  - (i) various changes which had taken place in the health sector;
  - (ii) changing epidemiological landscape of tropical diseases;
  - (iii) emergence of private and public universities having Schools of Medicine; and
  - (iv) presence of multiple state, non-state and United Nations actors and organisations in the field of tropical diseases and research, such as the United Nations Organisations agencies, National Malaria Elimination Programme (NMEP), UNAIDS, Centre for Diseases and Prevention Control (CDC) and the World Health Organisation (WHO) among others.

In view of the foregoing, the stakeholders recommended that the Bill should take into consideration an overall change to the composition of the Board of the Tropical Diseases Research Centre in order for the Board to synchronise itself with the current realities in the health sector, make it more broad, flexible and agile, in order to offer appropriate strategic direction and advice, including advocacy, in the exercise of its functions. In addition, the Board should comprise a diverse representation from the academic, health, veterinary, agriculture and laboratory sectors, among other, with differing skills such as research, practice and demographics such as gender and education, among others.

- e) There were stakeholders who submitted that the proposed amendments to the *Tropical Diseases Research Centre Act of 1982*, through the Bill, were insufficient and would not facilitate accountability, autonomy, and high performance in the operations and management of the Centre. The stakeholders, therefore, recommended the need for a total overhaul of the *Tropical Diseases Research Centre Act of 1982*.

## **9.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS**

The Committee notes that most the stakeholders who appeared before the Committee supported the Bill, albeit with some concerns. In light of the foregoing, the Committee's observations and recommendations are as outlined below.

- a) The Committee observes that whereas the amendment proposes representation from the Provincial Administration in which the Centre will be located, the Committee is concerned that the amendment does not specify the qualifications of such a representative. The omission has the potential to lead to the appointment of a person from the Provincial Administration without the relevant know-how of the operations of the Centre, especially that the Centre is scientific in nature. In this regard, the Committee recommends that the Bill should explicitly state that representative from the Provincial Administration should have a scientific and corporate governance background in order to bring value to the operations of the Tropical Diseases Research Centre.
- b) The Committee agrees with stakeholders who hold the view that Clause 5 (1) should explicitly provide for the specific qualifications of the individual to be appointed to represent the provincial administration in order to avoid appointments based on considerations other than merit and ensure that the person appointed could add value to the operations of the Tropical Diseases Research Centre.
- c) The Committee observes with concern that the proposed amendment, as the only change to the *Tropical Diseases Research Centre Act of 1982*, is inadequate and will not bring value to the operations of the Tropical Diseases Research Centre given the various changes that have taken place in the health sector over the years such as the changing epidemiological landscape of tropical diseases among other things. The

Committee therefore, recommends that the *Tropical Diseases Research Centre Act of 1982* be repealed and replaced in its totality, to facilitate the accountability, autonomy, and high performance in the operations and management of the Centre.

## **9.0 CONCLUSION**

Permanent secretaries in their capacities as board members of statutory boards are bound by the principle of collective responsibility for the decisions made by the statutory boards. It, therefore, becomes a challenge for a permanent secretary who is part of the decision-making process of the action taken or intended to be taken by the statutory board to provide the necessary oversight on the statutory board and provide guidance to the ministry in their capacity as chief advisors of the Cabinet Ministers or Provincial Ministers. It is also conflicting for the permanent secretary to provide guidance on a matter or decision that they themselves in effect made or took part in making. It further places the permanent secretary in a perilous position whenever it becomes necessary to submit to scrutiny and to account for the decisions and actions of the statutory board. The Committee, therefore, is in full support of the Bill and commends the Government for introducing this piece of legislation.

The Committee wishes to express its gratitude to all stakeholders who virtually appeared before it and tendered both oral and written submissions; and to thank you, Mr Speaker, and the Clerk of the National Assembly for the guidance and support services rendered to the Committee during its deliberations.

We have the Honour to be, Sir, the Committee on Health, Community Development and Social Services mandated to consider the Tropical Disease Research Centre (Amendment) Bill, N.A.B. No. 13 of 2021, for the Fifth Session of the Twelfth National Assembly.

Dr C K Kalila, MP  
(Chairperson)

Ms P Kasune MP  
(Vice Chairperson)

Mr M Ndalamei, MP  
(Member)

Mr A Mandumbwa, MP  
(Member)

Mr D Mabumba, MP  
(Member)



Mr L Kintu, MP  
(Member)

Mr A B Kapalasa, MP  
(Member)  
Mr J Kabamba, MP  
(Member)

Mr L N Tembo, MP  
(Member)

Mr C M Chalwe, MP  
(Member)

February 2021

**LUSAKA**

## **APPENDIX I - National Assembly Officials**

Ms C Musonda, Principal Clerk of Committees  
Mr H Mulenga, Deputy Principal Clerk of Committees (SC)  
Mrs C K Mumba, Senior Committee Clerk (FC)  
Ms C T Malowa, Committee Clerk  
Mr D Kunda, Committee Clerk  
Mrs D H Manjoni, Personal Secretary II  
Mr D Lupiya, Committee Assistant

## **APPENDIX II- WITNESSES**

Ministry of Justice

Ministry of Health

Ministry of Fisheries and Livestock

National Institute for Scientific and Industrial Research

Tropical Diseases Research Centre

University Teaching Hospital

University of Zambia

Churches Health Association of Zambia

Zambia Medicines Regulatory Authority