

## CHAPTER 379

### TANZANIA COMMISSION FOR AIDS ACT

[PRINCIPAL LEGISLATION]

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## CHAPTER 379

### TANZANIA COMMISSION FOR AIDS ACT

An Act to establish the Tanzania Commission for AIDS, to provide for the prevention and control of AIDS and to provide for the Commission's composition, functions, objectives, co-ordination and for connected matters.

[21st January, 2002]

[G.N. No. 61 of 2002]

Act No. 22 of 2001

## PART I

### PRELIMINARY PROVISIONS (ss 1-3)

#### [PCh379s1]1. Short title

This Act may be cited as the Tanzania Commission for AIDS Act.

#### [PCh379s2]2. Application

This Act shall apply to Tanzania Mainland only.

#### [PCh379s3]3. Interpretation

In this Act, unless the context otherwise requires—

"AIDS" means Acquired Immuno Deficiency Syndrome;

"AIDS Committee" means a committee established under Part IV of this Act;

"Chairman" means Chairman of the Commission and includes an acting chairman;

"Commission" means Tanzania Commission for AIDS established under section 4 of this Act;

"HIV" means Human Immunodeficiency Virus;

"Minister" means the Minister responsible for multisectoral co-ordination policy of HIV/AIDS prevention and control;

"Secretary" means the Secretary to the Commission.

## PART II

### TANZANIA COMMISSION FOR AIDS (ss 4-10)

#### [PCh379s4]4. Establishment of the Commission

(1) There is hereby established a Commission to be known as Tanzania Commission for AIDS, otherwise to be known by its acronym "TACAIDS".

(2) The Commission shall be an independent department under the office of the Prime Minister or any other ministry as the President may direct.

#### [PCh379s5]5. Functions and objectives of the Commission

(1) The functions of the Commission shall be as follows—

(a) to formulate policy guidelines for the response to HIV/AIDS epidemic and management of its consequences in Mainland Tanzania;

(b) to develop strategic framework for planning of all HIV/AIDS control programmes and activities within the overall national multisectoral strategy;

(c) to foster national and international linkages among all stake holders through proper co-ordination of all HIV/AIDS prevention and control programmes and activities within the overall national multisectoral strategy;

(d) to mobilize, disburse, and monitor resources and ensure equitable distribution;

(e) to disseminate and share information on HIV/AIDS epidemic and its consequences in Tanzania on programmes for its prevention and control;

(f) to promote research, information sharing and documentation on HIV/AIDS prevention and control;

(g) to promote high level advocacy and education on HIV/AIDS;

(h) to monitor and evaluate all on going HIV/AIDS activities;

(i) to co-ordinate all activities related to the management of HIV/AIDS epidemic in Tanzania as per national multisectoral strategy;

(j) in collaboration with the relevant sector facilitate efforts to find a cure and to promote access to treatment and care and to develop vaccines;

(k) in collaboration with relevant sector to protect human and communal rights of people infected with and affected by HIV/AIDS;

(l) to promote positive living of people with HIV/AIDS;

(m) to advise the government on all matters relating to HIV/AIDS prevention and control in Tanzania Mainland;

(n) to identify obstacles to the implementation of HIV/AIDS prevention and control policies programmes and ensure the implementation and attainment of programmes, activities and targets;

(o) to supervise all activities related to the prevention and control of the HIV/AIDS epidemic and in particular regarding—

(i) health care and counselling of people living with HIV/AIDS;

(ii) the welfare of the orphans and other survivors of people infected with HIV/AIDS;

(iii) handling of social, economic, cultural and legal issues related to the AIDS epidemic; and

(p) in collaboration with relevant sectors, to perform such other activities and functions relating to the prevention and control of HIV/AIDS epidemic in Tanzania Mainland as the Commission may deem necessary.

(2) Without prejudice to the generality of subsection (1) of this section, the Commission in performing its functions shall have the following objectives—

(a) to develop strategic framework and national guidelines to support planning co-ordination and implementation of the national multisectoral response to HIV/AIDS at all levels;

(b) to develop and facilitate implementation of the national multisectoral strategy for mobilisation and utilisation of resources for HIV/AIDS;

(c) to develop and facilitate implementation of national multisectoral strategy for advocacy on HIV/AIDS epidemic;

(d) to establish and strengthen partnership for an expanded response among the stakeholders;

(e) to promote research on HIV/AIDS and foster linkage with research institutions;

(f) to establish and maintain multisectoral HIV/AIDS Information Management System and facilitate information dissemination;

(g) to develop effective mechanism for monitoring trends of the epidemic and for monitoring the impact of HIV/AIDS intervention worldwide; and

(h) to establish and sustainably maintain an efficient and effective management capacity at the Commission.

#### [PCh379s6]6. Composition of the Commission

(1) The Commission shall consist of not less than ten members under the leadership of the Executive Chairman appointed in the following manner–

(a) the Executive Chairman, who shall be appointed by the President;

(b) Commissioners who shall be appointed by the Minister from among the citizens with dedication to serve the Commission;

(c) in making the appointments in paragraph (b) above the Minister shall be minded to ensure that the majority of such members are drawn from private sector and the civil society.

(2) In making the appointment of Commissioners under this section, the Minister shall be minded to consider experience, interest and commitment of an individual in the control and prevention of HIV/AIDS.

(3) The Commissioners appointed under paragraph (b) of subsection (1) above, shall nominate from their number a Vice-Chairman of the Commission.

(4) The Commissioners appointed under this section shall be paid such allowances drawn from the funds of the Commission as may be determined by the Commission in consultation with the Minister.

[PCh379s7]7. Tenure and removal of Commissioners

(1) The Commissioners shall hold office for a period of three years and shall be eligible for re-appointment.

(2) A Commissioner shall cease to be a member of the Commission—

- (a) if he resigns from the Commission;
- (b) if the Minister for any reason or good cause revokes the appointment of such a Commissioner to the Commission;
- (c) if the Commissioner is appointed to such other position that it will be inconsistent with his membership to the Commission;

(d) if the Commissioner fails, without assigning any valid reason whatsoever, to attend three consecutive meetings of the Commission; and

(e) upon expiry of the three years tenure and is not re-appointed for a further term.

(3) The Minister shall have powers to fill any vacancy in the Commission.

#### [PCh379s8]8. Meetings of the Commission

(1) The Commission shall hold its meetings, quarterly, provided that, the Executive Chairman may at any time, when he deems it fit to do so, call an emergency meeting of the Commission.

(2) The quorum of the Commission shall be not less than half of the total members of the Commission.

#### [PCh379s9]9. Staff of the Commission

(1) The Commission shall have powers to employ such members of staff as it may deem fit for the purpose of smooth execution of the Commission's functions and objectives.

(2) Without prejudice to the generality of the above section, the Commission shall have powers to employ any consultant or short time staff for any particular purpose.

(3) The Commission shall pay such salaries and allowances to its staff as it may determine from time to time.

#### [PCh379s10]10. Departments of the Commission

The Commission shall have powers to establish such departments as it may deem fit, in order to facilitate the smooth execution of the Commission's objectives and functions.

### PART III

#### THE SECRETARIAT (ss 11-12)

##### [PCh379s11]11. The Secretariat

(1) There shall be the Secretariat of the Commission.

(2) The Secretariat of the Commission shall be under the Executive Chairman assisted by head of each department of the Commission established under section 10 of this Act.

(3) The Executive Chairman shall appoint one of the heads of the departments to act as a Secretary to the Commission subject to approval by the Commission.

(4) Any person who at the commencement of this Act is serving in an office specified in this section shall, subject to the review and approval of the Commission, continue so serving after the said commencement and shall be deemed to have been duly appointed under the provisions of this Act, and any duties or functions performed or powers exercised by such person before such commencement shall be deemed to have been validly performed or exercised under this Act.

##### [PCh379s12]12. Duties of the Secretariat

It shall be the duty of the Secretariat to conduct daily affairs of the Commission under specific and general directions of the Executive Chairman.

## PART IV

### AIDS COMMITTEES (ss 13-14)

#### [PCh379s13]13. Establishment of AIDS Committees

(1) For the purpose of smooth implementation of the Commissions functions and objectives there shall be established in accordance with this Act, AIDS Committees at every local government level, Ministry or other sectors to co-ordinate and implement AIDS activities of the Commission.

(2) The composition of AIDS Committees to be established under this section shall be in accordance with the guidelines issued by the Commission from time to time.

#### [PCh379s14]14. Reports by Committees

It shall be the duty of every AIDS Committee established in accordance with the provisions of this Part to prepare quarterly and annual performance reports and present them to the Commission.

## PART V

### FINANCIAL PROVISIONS (ss 15-17)

#### [PCh379s15]15. Funds of the Commission

Sources of funds of the Commission shall be as follows–

- (a) such amounts as may be appropriated by Parliament;

(b) such sums as may be payable to the Commission by way of donation gifts, grants, loans or bequests;

(c) such sums as may in any manner become payable to or vested in the Commission or acquired in the course of performing its functions under the Act; and

(d) any other lawful source of funding.

[PCh379s16]16. Commissioner to keep books of accounts

(1) The Commission shall cause to be kept through the Secretariat proper books of accounts and records as are ordinarily kept by government self accounting departments recording the sources of income and expenditure thereof.

(2) The accounts of the Commission shall be audited annually by the office of the Controller and Auditor-General.

[PCh379s17]17. Annual report

(1) The Commission shall prepare in every fiscal year an annual report that shall detail the activities of the Commission for the previous year.

(2) The annual report shall be submitted to the National Assembly by the Minister.

## PART VI

### MISCELLANEOUS PROVISIONS (ss 18-21)

[PCh379s18]18. Commission to regulate its own procedures

Subject to the provisions of this Act or any other written law, the Commission shall regulate its proceedings and meetings in the manner that it shall deem fit.

[PCh379s19]19.        Directions by Minister

(1) The Minister shall have powers to give the Commission specific or general directions on any matter relevant to the functions and objectives of the Commission as provided for in this Act.

(2) Any person convicted of an offence under this section shall be liable on conviction to imprisonment of not more than five years or to a fine of not less than two hundred thousand shillings or to both such fine and imprisonment.

[PCh379s20]20.        Offences

(1) It shall be an offence for any person to obstruct or prevent the Commission or any of its agents or any of its representatives from performing its functions under this Act in any manner whatsoever.

(2) Any person convicted of an offence under this section shall be liable to imprisonment of not less than five years or to a fine of not less than two hundred thousand shillings or to both such imprisonment and fine.

[PCh379s21]21.        Regulations

The Minister may make regulations to facilitate better performance by the Commission of its functions under this Act or for any relevant purpose related to the control and prevention of HIV/AIDS pandemic.