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**TERMS OF REFERENCE FOR SUBCOMMITTEES TO ASSIST THE ADVISORY COMMITTEE IN  
TERMS OF SECTION 11(2) OF THE GENETICALLY MODIFIED ORGANISMS ACT, 1997**

**Genetically Modified Organisms Act, 1997, (Act No.15 of 1997)**

**September 2008**

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## **1. Scope**

The subcommittee to the Advisory Committee is appointed in terms of Section 11(2) of the Genetically Modified Organisms Act, 1997 (Act No.15 of 1997).

The functions of the subcommittee are to assist the Advisory Committee in reviewing applications received by the Registrar, therefore to assist the Advisory Committee in performing the functions listed in Section 11(1) of the Genetically Modified Organisms Act, 1997 (Act No 15 of 1997). Additionally, the subcommittees will deal with specific matters that are beyond the expertise of the Advisory Committee.

In the event that the Advisory Committee needs more clarification on a specific application, the subcommittee appointed may be invited to attend the meeting where the relevant application will be discussed. Members of the subcommittee do not form part of the quorum and may therefore not participate in the decision making.

## **2. Criteria for appointment**

### **2.1 Appointment as a member of the Subcommittees**

Members of the subcommittee should include additional expertise to that provided for by the members of the Advisory Committee. This will ensure that the subcommittee serves as a source or pool of expertise that may be called upon by the Advisory Committee when required.

The subcommittee members in the pool shall be selected and nominated by the Advisory Committee, in collaboration with the Executive Council, on the basis of their special expertise in matters relevant to the GMO Act, 1997. Interviews may also be conducted with nominees in order to verify their candidature as a subcommittee member.

A sufficient number of scientists/experts will be appointed in line with the needs identified in terms of expertise. The Registrar will upon recommendation of the Advisory Committee, send official appointment letters to each member.

Additional to the members appointed to the subcommittee, the Advisory Committee may, on its own accord or upon recommendation by the Executive Council, invite written comments from any knowledgeable person (e.g. farmer) to address certain issues within a review. These individuals may also, upon recommendation by the Advisory Committee, be appointed as a member of the subcommittees.

In the event that expertise regarding a specific aspect is not available in South Africa, members of the subcommittee may, upon recommendation by the chairperson of the specific review, consult with international experts. These individuals may also, upon recommendation by the Advisory Committee, be appointed as a member of the subcommittees.

## **2.2 Subcommittees appointed to conduct a review**

To assist the Advisory Committee in reviewing applications for activities with GMO's, a subcommittee will be appointed for each application. More than one subcommittee may be appointed for each review. Each subcommittee will review the application within its own scope. E.g. an environmental safety assessment subcommittee reviews the application with regard to environmental impact and a food safety assessment subcommittee reviews the application with regard to food and safety. In light of capacity, a subcommittee may also include expertise to include more than one type of assessment as required by the Advisory Committee or Executive Council, may be appointed to assist in the evaluation of a particular assessment.

Members of all the appointed subcommittees to a specific review will report back to the review chairperson.

If the need arise, the chairperson of any review committee, with the consent of the chairperson of the Advisory Committee, may request a meeting to address certain concerns, between the members of the review committee and the applicant in the case of a general release application.

It is the responsibility of the chairperson of a review to ensure that the relevant expertise required for the review is present on the review committee. If expertise in a certain field is required, but cannot be fulfilled by the current members of the subcommittee pool, the chairperson should indicate the situation to the Registrar (in writing), nominate a preferred expert for the review and request the Registrar to appoint the expert for the particular review. The chairperson may not make use of experts that have not been appointed by the Registrar, as these individuals will not be remunerated.

The review chairperson must address all concerns raised by each member within the review committee, and give a clear indication to the Registrar on questions that should be addressed to the applicant. Once all concerns have been addressed by the applicant, additional information will be circulated amongst the specific review panel and final reports/comments should be submitted to the review chairperson. The review chairperson will in turn compile a consolidated report for submission to the Executive Council.

## **3. Term of appointment**

The members of the subcommittees as referred to in Section 2.1 are appointed for a period of three years. A member of the subcommittees whose period of service has expired shall be eligible for re-appointment based on satisfactory performance during his or her term. This performance includes

timely submission of reports and also significant inputs provided in terms of review of applications in line with your field of expertise.

Appointment of the subcommittees to review a certain application will be ad hoc, i.e. members appointed will be determined by the expertise required for the review of the application.

#### **4. Capacity building**

In the interest of capacity building, members of the subcommittees may, upon recommendation of the Executive Council, be nominated to participate on international bodies. The Council would further make recommendations to the relevant international body regarding the nominated scientist. All invitations and nominations to participate internationally should be channeled through the Registrar's office.

Scientist participating in this manner must commit to capacity building in South Africa in whatever manner the Council feels necessary, and share the experience gained in such undertakings with members of both the Advisory Committee and Executive Council.

#### **5. Time frame for reviews**

Members of the subcommittees have a period of **three weeks** to conduct an assessment of the application received. On completion of the review, the reviewer must submit a report to the review chairperson indicating all aspects assessed during the review.

Each member of the subcommittee must keep within the allocated timeframe to him/her by the review chairperson. If the member is unable to keep within the timeframe, or is unable to participate in the review, the member must contact the chairperson of the review committee immediately.

Reviews must also be completed on the template of the recommendation document provided. Additional comments may be indicated separately. In the event that a subcommittee member fails to respond to a request for the submission of a report, the chairperson of that particular review will act as a third reviewer.

#### **6. Distribution of documents**

All documents relevant for the evaluation of a certain application will be sent via courier to each reviewer and the review chairperson. Upon confirmation of the availability of the review chairperson and subcommittee members to conduct the review, the documents will be distributed from the Office of the Registrar to the review chairperson and the relevant subcommittee members.

Upon receipt of additional information from the applicant, this information will be directly forwarded to the review chairperson and subcommittee members, via courier, from the Office of the Registrar.

In the event that clarity on certain issues with regard to the application can only be resolved through direct communication with the applicant, the review chairperson may, after notification to the Registrar, contact the applicant directly (via phone, email or meeting).

On completion of the review, the subcommittee members should send their recommendation reports to the review chairperson, who will compile a final report to be submitted to the Registrar.

## **7. Conflict of interest**

According to Section 13 of the Genetically Modified Organisms Act, 1997, a person appointed to the subcommittees shall, immediately recuses himself or herself as a member of the subcommittee if a subject matter is reviewed in which he or she has any direct or indirect interest or if, for any other reason, there is or there is likely to be a conflict of interest as a result of his or her participation in the proceedings of the subcommittees.

## **8. Confidentiality**

According to Section 18 of the Genetically Modified Organisms Act, 1997, no member of the subcommittee shall disclose any information acquired by him/her through the exercise or the performance of his or her duties in terms of the GMO Act.

Once finality on an application has been reached through a decision of the Council, or if the applicant withdraws the application, each member of the subcommittee shall destroy all relevant documentation in relation to the application in an effective manner as indicated by the Office of the Registrar.

Each appointed member of the subcommittees shall sign a Deed of Confidentiality. The signed Deeds of Confidentiality will be collected by the Registrar and placed on a register administered by the Office of the Registrar.

## **9. Remuneration**

The members of the subcommittees shall be, in terms of Section 12 (1) of the Genetically Modified Organisms Act, 1997, paid such remuneration as determined by the Minister of Agriculture, in concurrence with the Minister of Finance.

The subcommittees shall be remunerated on the same basis as the members of the Advisory Committee. Hours spent (indicated below) by the subcommittees on relevant matters of an application should be recorded and submitted to the Office of the Registrar to facilitate payment.

*Employees from National, Provincial and Local Government or Agencies and Entities of Government serving on Public Entities/Institutions are not entitled to additional remuneration (as per National Treasury*

**Failure to submit reports or complete any relevant tasks will result in non-payment.**

The Registrar will make direct payments to the subcommittees on a quarterly basis upon receipt of all necessary documentation (recommendation reports to review chairperson and Office of the Registrar; claim forms to Office of the Registrar) from the subcommittee members after completion of reviews.

The average amount of hours\* paid for a certain review will be as follows:

(a) Assessment of registration of facility

Member:	4 hours
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(b) Assessment of an application for contained use

Member:	6 hours
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Review chairperson:	9 hours
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(c) Assessment of an application for trial release

Member:	10 hours
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Review chairperson:	13 hours
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(d) Assessment of an application for general release /commodity clearance

Member:	14 hours
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Review chairperson:	17 hours
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**Average amount of hours\* will be subject to review on an annual basis**