

GOVERNMENT NOTICE No. 194 published on 17/5/2002

THE EXECUTIVE AGENCIES ACT, 1997

(ACT No. 30 OF 1997)

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ORDER
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Made under section 3

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THE EXECUTIVE AGENCIES (THE WEIGHTS AND MEASURES AGENCY)
(ESTABLISHMENT) ORDER, 2002

Citation

1. This Order may be cited as the Executive Agencies (The Weights and Measures Agency) (Establishment) Order, 2002 and shall come into operation on 13th May, 2002.

Establishment of weights and Measures Agency Act No. 20 of 1982

2. There is established the Weights and Measures Agency (WMA) as an Executive Agency which takes over the functions which are currently executed by the Weights and Measures Bureau pursuant to the Weights and Measures Act, 1982.

WMA Framework Document

3. The functions, aims, objectives, authority, performance standards and other matters relating to the Weights and Measures Agency shall be as specified in the Framework Document set out in the Schedule to this Order.

SCHEDULE

(Made under paragraph 5)

FRAMEWORK DOCUMENT

MINISTERIAL FOREWORD

Today is a very remarkable day that the Weights and Measures Bureau, through the Civil Service Reform Program, has now been transformed into the Weights and Measures Agency (WMA). The role of this Agency is to provide certification services of weights and measures by conducting inspections, verifications and calibrations, so as to provide protection to consumers and increase awareness in related matters. Such public services can be rendered in a conducive environment in which good leadership, efficient management of resources and processes are in line with Agency's policies, strategies and relevant laws for the sustainability and development of the Agency.

The Agency has now been given semi-autonomy to operate at arms length from the parent Ministry. Notwithstanding this transformation, the Agency is still part of the government, under the Ministry of Industry and Trade. It has been individually designed with a structure that will optimize the services that are to be provided. The Agency will as from today continue to improve the efficiency and effectiveness of public service delivery through better resources management. I am sure this measure will enable WMA to render effective services necessary with respect to the application of weights and measures. Moreover it will ensure fair trade transactions between investors, producers, transporters and consumers. Consequently the Agency will contribute in enhancing consumer protection, public welfare and economic growth and thus reduce business transaction costs. Such economic growth will strengthen the private sector and thus be helpful for the achievement of the Government objectives, one of them being poverty alleviation.

It is under this background that I have the pleasure to announce that the Weights and Measures Agency setting up process has finally been completed and I take this opportunity to formally launch the agency. Lastly, I wish the Chief Executive and Agency employees every success in their new endeavors.

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INTRODUCTION

The Weights and Measures Bureau has been in existence for over fifty years as a government department striving to meet the needs of the state and the community. Its responsibilities has always been that of consumer protection through ensuring that measuring systems result in fair trade transactions. Throughout its history it has gone a continuous process of change to respond to a dynamic environment. Ever since the Bureau has remained the sole organization responsible for fair trade transactions through certification of weights and measures.

The use of weights and measures was first introduced in the country before the First World War, during the German era. While the Germans introduced the metric system of measurement, the British, introduced the imperial system of measurement. However, by the Act of parliament No.46 of 1968 Tanzania along with the rest of East African Community member states adopted the use of the metric system.

Initially the Bureau operated under the Superintendent of Police up to 1960 when it was shifted to the Ministry of Commerce and Industry. In 1964 it was placed under the then Ministry of Commerce and Cooperatives before moving to the Ministry of Commerce and Industry again in 1967. It was subsequently moved to the Ministry of Trade in 1976. Since 1984, it has remained under the Ministry of Industry and Trade.

Certification is done by way of inspection, calibration and verification. The Agency also advises manufacturers and other clients on the proper use, care and custody of weights and measures. It operates under the Weights and Measures Laws.

The Weights and Measures Bureau has become an Executive Agency and has a new title the "Weights and Measures Agency", (WMA). This Document describes the environment within which the WMA is established and operates. It also sets the responsibilities of key players namely, the Minister, Permanent Secretary, Ministerial Advisory Board (MAB) and the Chief Executive (CE).

The Weights and Measures Agency will be managed by a Chief Executive called the "Commissioner" for Weights and Measures, and will be responsible for the operations of the Agency and exercise statutory powers as vested in the post under the following legislations; the Executive Agency Act No. 30 of 1997, and the Weights and Measures Act No. 20 of 1982.

1. STATUS AND GOVERNANCE

1.1 STATUS

The WMA has now replaced the former Directorate of Weights and Measures known as the Weights and Measures Bureau. The WMA is now a semi-autonomous body, but still part of the Ministry of Industry and Trade, carrying out functions on its behalf. The Chief Executive shall manage the Agency at arms length from the Ministry. The Agency's Management shall operate and observe self-sufficiency, flexibilities, freedoms and authori-

ties over the resources. The Agency's operations shall be in a business-like manner, at best using modern business planning and financial management methods; to that effect be customer focused and publicly accountable.

1.2 GOVERNANCE

The Weights and Measures Agency (WMA), will be managed by the Chief Executive appointed by the Minister for Industry and Trade, for a term not exceeding five (5) years. The Permanent Secretary will be responsible for the policy and strategic management of WMA and will oversee the interest of the Ministry and the government in general. In the strategic management of the Agency, the Permanent Secretary will be assisted by the Ministerial Advisory Board appointed by the Minister from the Agency's stakeholders. The Permanent Secretary will be the Chairman of the Ministerial Advisory Board (MAB).

The Chief Executive of WMA will be an ex-officio member. The main task of the MAB is to advise the Ministry on the Agency's policy framework, and on the adequacy of the WMA priorities, targets, plans and programs.

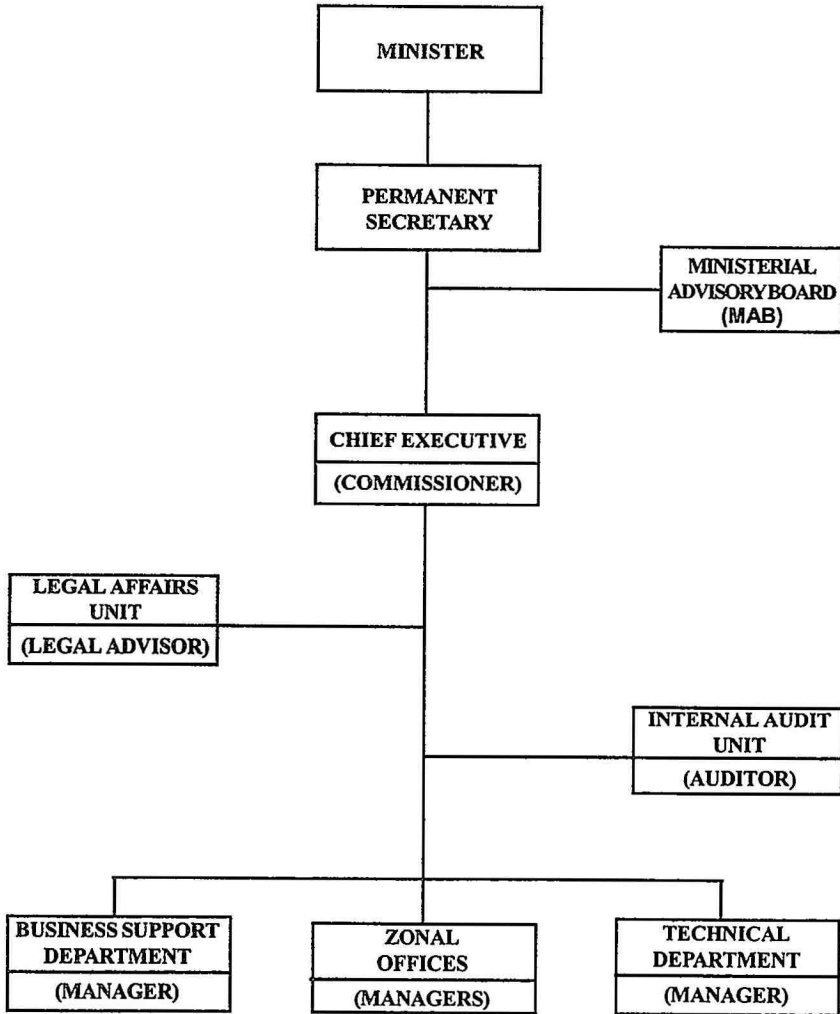
2. ORGANISATIONAL STRUCTURE

The Chief Executive shall be assisted by Departmental and Zonal Managers, together with Legal Advisory and Internal Audit Units. The number and responsibilities of staff may be reviewed periodically according to the business needs of the Agency.

The Chief Executive, Departmental Managers, Legal Advisor and Internal Auditor will constitute the Senior Management Team of the Agency. The Organization Chart for the WMA is presented in Figure 1.

The Chief Executive may make changes to the Organizational structure, necessary to maintain and improve the efficiency and effectiveness of the Agency's performance.

Figure 1: WMA ORGANISATIONAL STRUCTURE



3. AIMS, ROLES AND STRATEGIC OBJECTIVES

3.1 AIM

The aim of the Agency shall be:

To ensure that measuring systems result in fair and just trade transactions to the effect of consumer protection, by way of inspections, calibrations and verifications of all weights and measures and packed goods in accordance with legal requirements.

3.2 ROLE

The role of the WMA shall be:

- (a) to provide protection of consumers in relation to weights and measures;
- (b) to provide assistance for importers and manufacturers of weights and measures to stay within the law; and
- (c) to transform the Weights and Measures body into an efficient, effective and well managed Executive Agency.

These three roles form the basis of the Key Results Areas in our Strategic Plan.

3.3 STRATEGIC OBJECTIVES

In pursuant of the aim for which it has been established, the WMA is assigned to achieve the following strategic objectives:

- (a) Reducing the number of offences in trade and the number of weights and measures that do not conform to approved designs or meet the required accuracy;
- (b) Controlling the importation and manufacturing of substandard weights and measures in the country;
- (c) Ensuring that leadership meets best practice standards.
- (d) Ensuring that weights and measures Agency's policy and strategy are kept up to date;
- (e) Ensuring that resources management systems are fully effective; and
- (f) Ensuring that the processes and services delivery are efficient and effective.

3.4 PERFORMANCE CRITERIA

The Ministerial Advisory Board will periodically and regularly assess and evaluate the overall performance of the WMA in accordance with the annual performance targets for the Agency. The Assessment will be carried out on the basis of Quarterly Performance Reports submitted by the Chief Executive to the Permanent Secretary. Focal points/areas of attention are detailed below:

3.4.1 QUALITY OF SERVICES

Areas of attention with respect to quality of services include:

- (a) Efficient and faster provision of certification services of weights and measures to customers;
- (b) Improvement of customer services;

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- (c) Maintenance of accurate weights and measures standards through traceability of standards from International level to commercial level (Hierarchy of standards);
- (d) Establishment of a consultation mechanism between the Agency and the private sector (public/customers);
- (e) Reduction of the number of weights and measures that do not conform to approved designs or meet the required accuracy;
- (f) Reduction of the number of weights and measures offences in trade;
- (g) Assurance of ethical practices in relation to weights and measures;
- (h) Assurance of leadership meeting best practice standards so as to maintain and foster credibility and sustainability of the Agency;
- (i) Ensuring that Agency's policies, plans, and strategies are kept up to-date and that they are implementable;
- (j) Improving resource management systems to be fully effective and build the necessary capacity for the Agency to deliver quality services; and
- (k) Ensuring that the processes management provides proper sequence of flow of activities in order to enhance quality delivery of services and products so as to achieve customer satisfaction.

3.4.2 OPERATIONAL EFFICIENCY

Areas of attention with respect to operation efficiency are:

- (a) Effective and faster provision of certification services of weights and measures to customers;
- (b) Effective application of management information system across all departments, sections and regional/zonal offices of the Agency to raise productivity levels;
- (c) Improvement in the cost to revenue ratio for each and all services and products delivered by the Agency;
- (d) Timely and precise production of performance reports; and
- (e) Implementing the assets (equipment and facilities) Maintenance schedule.

3.4.3 FINANCIAL PERFORMANCE

Areas of attention with respect to financial performance include:

- (a) Prompt collection of all revenue;
- (b) Timely and accurate production and submission of financial reports;
- (c) Clean report from Auditors; and
- (d) Effectiveness, efficiency and transparency of the procurement and stock control systems.

4. RESPONSIBILITIES OF THE MINISTER

The Minister for Industry and Trade shall be responsible for the establishment of the WMA and for determining the policy framework and the operational boundaries within which WMA operates;

The Minister shall appoint the Chief Executive and the members of the Ministerial Advisory Board and ensure that both the Government and the public benefits from the establishment of the WMA;

The Minister shall retain the powers vested in him under the various legislation that WMA currently administers and the Regulations made there under.

5. RESPONSIBILITIES OF THE PERMANENT SECRETARY

The Permanent Secretary, being an Accounting officer, shall have overall responsibility to the Minister for Industry and Trade on matters concerning voted funds, and is the principal policy advisor to the Ministry on weights and measures matters. The permanent Secretary shall be responsible for the strategic management of the WMA and for this purpose, will give directions to the Chief Executive but with due regard to the need to uphold WMA autonomy in the operational management of its affairs.

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

The Permanent Secretary shall be assisted by the Ministerial Advisory Board (MAB), with the review of the WMA Strategic Plans, Business Plans and performance management, and in setting objectives and key performance targets.

The Permanent Secretary shall, taking into account the overall Government policies, and the business case presented, decide whether the Chief Executive's intention to borrow money, or to acquire or dispose of immovable property are acceptable. He/She will normally approve all such cases.

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6. RESPONSIBILITIES OF THE MINISTERIAL ADVISORY BOARD (MAB)

The Ministerial Advisory Board shall give advice to the Minister and Permanent Secretary in the following areas and matters:

- (a) The strategic objectives of the Agency;
- (b) The development and maintenance of a policy framework;
- (c) The acceptability of the Chief Executive Strategic and Business Plans and associated budgets;
- (d) Setting of priorities and annual performance targets for the Agency;
- (e) The acceptability of the Annual Reports and Financial Statements;
- (f) The pricing policy and related matters;
- (g) The evaluation of the Agency's performance; and
- (h) Such other matters affecting Weights and Measures under the Executive Agencies Act, 1997 and as the Minister may from time to time refer to the Board.

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

7. RESPONSIBILITIES OF THE CHIEF EXECUTIVE

The Chief Executive is the Commissioner and shall be responsible for managing WMA within the terms of the Executive Agency Act and Regulations. The Chief Executive shall be the Agency's Accounting Officer and shall specifically be responsible for:

- (a) The implementation of the approved plans, including the achievement of performance targets;
- (b) The delivery of agreed program of services to customers on schedule and to specification;
- (c) The organization and management of the assets and resources allocated to him/her efficiently, effectively, economically and in accordance with the principles of fairness and equality as outlined in Government policies and Financial Regulations;
- (d) The setting of pricing policy for the Agency's service deliveries;
- (e) The provision to the permanent Secretary of such information as is required to enable performance to be monitored;
- (f) The preparation of an Annual Report and Financial Statement for submission to the Permanent Secretary, the Minister for Industry and Trade, and parliament;
- (g) Ensuring that all aspects of the management and organization are kept under review and that they best suit WMA business needs;

- (h) Contributing to the development and formulation of policy, including assessing the impact and practicality of proposed policy changes and ensuring that WMA is in a position to implement such changes expeditiously and efficiently; and
- (i) Promoting public confidence in the professionalism and quality of its services and impartiality of the Agency decisions.

The Chief Executive shall exercise the powers hitherto vested in the Commissioner for Weights and Measures as provided for under the Weights and Measures Act and subsidiary legislations made there under.

8. ACCOUNTABILITY

8.1 ACCOUNTING OFFICER'S RESPONSIBILITIES

The Permanent Secretary is the Principal Accounting Officer for the Ministry and as such, is responsible for ensuring a high standard of financial management in the conduct of all responsibilities charged on the Ministry of Industry and Trade.

The Chief Executive is the Agency's Accounting Officer and is therefore accountable for ensuring the propriety and regularity of revenue and expenditure, for prudent and economical administration, and ensuring the requirements of the Ministry of Finance are met in accordance with the Agency's Financial Regulations and Accounting Manual.

The Chief Executive is responsible for establishing proper management systems for these purposes, as such, shall take due account of the financial management guidance issued by the Ministry of Finance, and the personnel management guidance issued by the Civil Service Department. The Chief Executive shall also put into effect the recommendations acceptable by the Government from the Public Accounts and other Parliamentary Committees.

8.2 PUBLIC ACCOUNTS COMMITTEE

The Permanent Secretary and the Chief Executive may be required to appear before the Public Accounts Committee on matters relating to the WMA. Where the Committee's interest is in the operations of the WMA, the Minister will normally regard the Chief Executive as the person best placed to appear.

8.3 PARLIAMENTARY AND OTHER INQUIRIES

Members of the Parliament are encouraged to deal directly with the Chief Executive on matters, which are the responsibility of the Agency.

The Minister shall work closely with Chief Executive to prepare the former, replies to questions raised by Members of Parliament inquiries, which fall within the responsibility of the WMA.

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The Chief Executive shall also advise the Minister on other Parliamentary matters as requested.

9. FINANCE, PLANNING AND STRATEGIC CONTROL

9.1 FUNDING

The Agency's resource requirement will be met from the revenue collected by way of chargeable fees from the services it renders and products it supplies to customers. The necessary supplements for the Agency as indicated in the Business Plan, will be met by Government subventions, loans and grants.

The Agency's expenditure will be subject to monthly quarterly and annual Monitoring and review systems.

9.2 STRATEGIC AND BUSINESS PLANS

WMA Chief Executive shall prepare and review for each year, for approval by the Permanent Secretary, a strategic Plan covering a period of three years and a Business Plan, which clearly gives details of operations.

9.2.1 STRATEGIC PLAN

The strategic Plan shall cover a three -year term and be rolled forward and updated each year. It shall reflect the outcome of the review of performance and expenditure, and shall closely set out:

- (a) The Chief Executive's strategies for achieving WMA aims and objectives;
- (b) Strategic performance targets;
- (c) An assessment of the external factors which affect WMA activities including key planning assumptions about the services and products to be provided and resources;
- (d) A capital expenditure program; and
- (e) Efficiency objectives and business plans.

9.2.2 BUSINESS PLAN

The Business plan will set out in more concise details, the WMA activities for the first year on the strategic plan period, and will include:

- (a) Key performance targets set by the Permanent Secretary;
- (b) Priorities and other performance targets;
- (c) Budgets, including estimated profiles of revenue and expenditure;

- (d) The Work program;
- (e) The key assumptions, include resources, that are likely to underpin performance targets; and
- (f) An efficiency plan including initiatives to improve performance, value for money and quality of services and products of the Agency.

9.3 APPROVAL

The Chief Executive shall submit the Strategic and Business Plans to the MAB and 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 will constitute authority for WMA to conduct its operations accordingly without undue interference by the Ministry.

9.4 ANNUAL REPORT AND ACCOUNTS

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

- (a) A copy of the audited accounts of WMA, together with the auditor's report on those accounts;
- (b) A report on performance against key targets;
- (c) A report on the operations of WMA during that financial year, and
- (d) Other information as may be required by the Permanent Secretary.

The Annual Report will also contain the annual performance agreement between the Permanent Secretary and the Chief Executive.

9.5 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 items will be considered in the context of the approved strategic and Business Plans.

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The WMA will undertake post implementation review to determine whether projects have achieved objectives set up.

9.6 VALUE FOR MONEY

The Chief Executive is responsible for obtaining value for money in the procurement of goods and delivery of services. Accordingly, the Chief Executive will implement a range of efficiency measures in line with the agreed program and timetable set out in the strategic and business plans. The Chief Executive is responsible for maintenance of standards and value for money of any work contracted out and ensuring that the security and confidentiality safeguards are maintained.

9.7 INTERNAL AUDIT

The Chief Executive is responsible for ensuring that adequate arrangements exist for the provision of an internal audit service. The audit service shall accord with the standards set out by the Ministry of Finance, and in accordance with the WMA Accounting Manual. The internal Auditor to the Ministry of Industry and Trade shall have the right to access 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.

9.8 EXTERNAL AUDIT

The WMA is subject to external audit by the Controller and Auditor General for the United Republic of Tanzania who has the legal authority (right) to conduct interim audits, special audits and value for money studies relating to WMA activities.

9.9 BUDGETARY FLEXIBILITIES

The Chief Executive shall have the powers, which shall be exercised in accordance with Ministry of Finance guidelines, and the limits set out in the Executive Agencies (Finance procurement and Stores) Regulations, 1999.

9.9.1 CAPITAL EXPENDITURE

The Chief Executive shall have the powers in relation with the capital expenditure to:

- (a) Authorize capital expenditure on individual capital projects;
- (b) Transfer of resources allocated to one item in the budget to another, and
- (c) Carry over in full to the next financial year any under spent amount on capital provision from the previous financial year.

9.9.2 RUNNING COSTS

The Chief Executive shall have the powers in relation with running costs to:

- (a) Manage all running costs allocations as a single budget;
- (b) Transfer of resources allocated to one item in the budget to another; and
- (c) Carry over in full to the next financial year any under spent amount on running costs from the previous financial year.

9.9.3 ASSETS AND LIABILITIES

The Chief Executive may:

- (a) Authorize all write-offs and special payments;
- (b) Authorize the disposal of assets in accordance with standing financial regulations;
- (c) Authorize expenditure on individual constancy services;
- (d) Authorize expenditure on information technology projects; and
- (e) Authorize single source negotiated tender action for procurements.

10. PERSONNEL

10.1 STATUS AND CONDITIONS OF SERVICE

The Weights and Measures Agency Staffs are public servants, and as such their terms and conditions of service will be based upon the Executive

Agencies (Personnel Management) Regulations 1999, as amended from time to time by the Minister responsible for the Civil Service and in accordance with the Executive Agencies Act, 1997; and in keeping with the provisions of the Weights and Measures Act No 20 of 1982.

Staff Circular No. 1 of 1999 will be applicable should there be secondment or permanent transfers in the WMA.

10.2 PERSONNEL MANAGEMENT

The Chief Executive is responsible for the personnel management of Agency staff as set out in the Framework Document and the Executive Agencies Personnel Regulations, 1999 and as laid down in the Labour Laws of Tanzania. He is also responsible for ensuring that an equal opportunities policy is formulated and implemented. This includes initiating policy measures to ensure the verification of all weights and measures as required by the Weights and Measures Act No 20, 1982. Within

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these parameters he may introduce such changes as are necessary to maximize the WMA efficiency and effectiveness.

10.3 STAFF COMPLEMENT

The Chief Executive shall be responsible to manage the affairs of the Agency effectively and efficiently, the end in that regard to establish and keep up to date the WMA staff complement.

10.4 STAFF RELATIONS

The Chief Executive is responsible for staff relations within the Agency. The Chief Executive has in this regard, required to foster good staff relations as an important aid to the achievement of the Agency's objectives, and to ensure effective communications and consultation between the staff and with their recognized Trade Union representatives.

Permanent staff retains the right of appeal to the Permanent Secretary on personnel matters in the event of being dissatisfied by any decision made by the WMA.

10.5 HEALTH AND SAFETY

The Chief Executive is responsible for the health and safety of WMA staff in the working place and for complying with all relevant legislation and regulations and in this regard, shall consult with staff and their recognized Trade Union representatives on health and safety matters.

11. REVIEW AND PUBLICATIONS

11.1 REVIEW

From time to time, but at least at intervals not exceeding three years, a review of this Document shall be undertaken by the Minister for Industry and Trade, advised jointly by the Permanent Secretary, the Ministerial Advisory Board and the WMA Chief Executive.

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

The Minister, Permanent Secretary or the Chief Executive may at any time propose amendments of the Weights and Measures Act in the light of the Agency's operational experience or any change of circumstances. Any such proposals for change shall be subject to consultation with the Ministry of Justice and Constitutional Affairs and the relevant International and Regional Metrology Organizations. The incorporation of changes may require the approval of the Minister of Industry and Trade.

From time to time but at intervals not exceeding three years a review of the weights and measures Regulation shall be undertaken by the Chief Executive for weights and measures, advised by the WMA Management team and stakeholders.

11.2 PUBLICATIONS

Amendments to the order establishing the WMA, including amendments to the weights and measures Act will be laid before Parliament. Amendments to the Framework Document will have to be approved by the Chief Secretary and published in the Gazette as provided for under the Executive Agencies Act No 30 of 1997. Copies of the Framework Document, the Weights and Measures Act, the Weights and Measures Regulations and further information about the Agency can be obtained from the Civil Service Department, the Government Bookshops, the Ministry of Industry and Trade, and from WMA Offices.

12. ADDRESS

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Dar es Salaam,
13th May, 2002

HON. DR. JUMA A. NGASONGWA (MP.),
Minister for Industry and Trade