

## **ANTIGUA AND BARBUDA**

### **THE NATIONAL ECONOMIC AND SOCIAL COUNCIL ACT, 2004**

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**ANTIGUA AND BARBUDA**

**No. of 2004**

**BILL FOR**

**AN ACT** to establish the National Economic and Social Council (NESC) and to provide for other matters connected therewith.

[ ]

**ENACTED** by the Parliament of Antigua and Barbuda as follows—

**Short title.** 1. This Act may be cited as the National Economic and Social Council Act, 2004.

**Establishment of NESC.** 2. (1) There is established by this Act a council to be known as the National Economic and Social Council.

(2) The Council shall consist of the following members appointed by Prime Minister —

- (a) a chairman;
- (b) a vice chairman
- (c) three persons selected by the Prime Minister;
- (d) two persons nominated by the Leader of the Opposition;

- (e) a representative from Barbuda nominated by the Barbuda Council;
- (f) Representatives of the following organizations, each nominated by the respective organization;
  - (i) Antigua and Barbuda Trade Union Congress; (2 Representatives)
  - (ii) Antigua Chamber of Commerce and Industry;
  - (iii) Antigua and Barbuda Employers Federation;
  - (iv) Antigua Hotel and Tourist Association; (2 Representatives)
  - (v) Professional Organization of Women in Antigua; (P.O.W.A.)
  - (vi) Antigua and Barbuda Medical Association;
  - (vii) The Environmental Awareness Group;
  - (viii) Antigua Christian Council;
  - (ix) Antigua and Barbuda Evangelical Association;

- (x) Antigua and Barbuda Bar Association;
- (xi) Antigua and Barbuda Industrial and Small Enterprise Association;
- (xii) Institute of Chartered Accountants of Antigua & Barbuda
- (xiii) National Youth Council;
- (xiv) Antigua and Barbuda Association of persons with Disabilities;
- (xv) The Credit Union League;
- (g) A representative of the Construction Industry;
- (h) A representative of the Financial Sector nominated by the financial institutions operating in Antigua and Barbuda.

**Functions of the Council.**

**3. (1)** The functions of the Council are —

- (a) to promote the goals of economic growth and development, participation in economic decision-making and social equity;

- (b) to reach consensus and conclude internal agreements on matters pertaining to social policy;
- (c) to regulate its own procedure;
- (d) to make rules for the conduct of the business of the Executive Committee or any other committee of the Council.
- (e) to delegate or assign functions to the executive and other committees.
- (f) to advise the Government on significant changes to social and economic policy;

(2) The Council shall prepare and submit reports to the appropriate Ministries, Departments and Statutory Authorities on matters of —

- (a) Public Finance and Monetary policy;
- (b) Tourism and related Industries;
- (c) Agriculture and Fisheries;
- (d) Labour and Human resources Development;
- (e) Trade and Industry;
- (f) Environment; and
- (g) Such other matters of national interest as the Council may from time to time determine or at the request of Cabinet, the Leader of the Opposition, or Statutory Authorities.

(3) In the performance of its functions under subsection (1) the Council —

- (a) shall collaborate with the Ministries, statutory bodies and other departments of Government;
- (b) may conduct such surveys and carry out such research in any areas of social and economic activity as it may consider necessary;
- (c) shall monitor the implementation and results of all legislative and other measures pertaining to social and economic policies.

**Tenure of office.** 4. A member of the Council shall hold office for a period not exceeding three years and is qualified for reappointment for one additional period only.

**Resignation.** 5. A member of the Council may resign from office in writing addressed to the Prime Minister.

**Revocation of appointment.** 6. (1) The Prime Minister may, on the written recommendation to the Chairman, and after consultation with the organization that nominated a person for appointment, revoke the appointment of any person who fails to perform his functions under this Act or any functions assigned to him by the Chairman of the Council or the Executive Committee.

(2) On the advice of the Chairman, the Prime Minister shall revoke the appointment of a member who fails to attend meetings of the Council on —

(a) three consecutive occasions without the expressed permission of the Chairman; or

(b) six occasions in any one year, including the occasions in respect of which permission was obtained.

**Payment of allowances to members of the Council.**

7. There shall be paid to the Chairman and other members of the Council such allowances, as the Cabinet may determine.

**Meetings of the Council.**

8. (1) The Council shall meet at least once every month.

(2) Meetings of the Council shall be held at the place, day and time the chairman or in the absence of the chairman the vice-chairman or seven other members acting together determine and notice of the place, day and time shall be given to each member in writing at least forty eight hours before the time the meeting is held.

(3) At every meeting of the Council the chairman or in his absence the vice-chairman shall preside and in the absence of both the chairman and the vice-chairman the members present shall elect a member to preside at the meeting.

(4) The number of members that shall constitute a quorum at meetings of the Council shall be sixteen, including the Chairman or in his absence the vice-chairman or in the absence of both chairman and vice-chairman the persons presiding at the meeting.

(5) The decision of the Council shall be by a majority of votes, and in the event of an equality of votes, the chairman presiding at the meeting shall have a casting vote.

(6) Minutes of each meeting of the Council shall be recorded by the Secretary and shall be confirmed by the Council at its next meeting and signed by the Chairman or the vice-chairman or the person presiding as the case may be.

(7) Subject to the provisions of this Act, the Council shall make its own rules and procedures and the rules shall take effect after they have been approved by the Prime Minister.

**Executive  
Committee.**

**9.** (1) There shall be an Executive Committee which shall conduct its business under the direction of the Council and in accordance with the rules approved by the Council.

(2) The Executive Committee shall consist of the following persons —

(a) the chairman of the Council who shall be the chairman of the Committee;

- (b) the vice chairman who shall be the vice of the Committee;
- (c) three persons appointed by the Prime Minister from among members of the Council, after consultation with the Leader of the Opposition;
- (d) one person nominated by the Leader of the Opposition from among members of the Council after consultation with the Prime Minister;
- (e) two persons nominated jointly by the organizations referred to in paragraph (f) of section 2(2).

**Functions of the executive committee.**

- 10.** (1) The Executive Committee shall —
- (a) manage the secretariat of the Council and serve as its administrative agency;
  - (b) organize and arrange all the activities of the Council as well as the committees established by the Council under section 12.
  - (c) coordinate the activities of the various committees of the Council;
  - (d) perform other functions as the Council may, from time to time, direct.

**Secretariat and staff of the Council.**

- 11.** (1) There shall be a Secretariat of the Council which shall perform such functions as the Council may from time to time determine.
- (2) There shall be an Executive Director appointed by the Executive Committee, after consultation with the Prime Minister, on such terms and conditions as the Cabinet may determine.
- (3) The Executive Director shall be the Chief Executive Officer of the Council who shall perform his functions at the direction of the Executive Committee.
- (4) The Executive Committee shall appoint the staff of the secretariat on such terms and conditions as the Executive Committee may determine.
- (5) For the purposes of performing its functions under this Act, the Executive Committee may appoint such consultants as it considers necessary.

**Committees of the Council.**

- 12.** (1) The Council shall establish the following committees from among its membership —
- (a) Investment promotion;
  - (b) Strategic regional and international issues;
  - (c) Environmental Protection and Disaster Preparedness;
  - (d) Population Demographics and Immigration
  - (e) National Productivity;
  - (f) Democracy and Good Governance;

- (g) Education and Employment assessments;  
and
- (h) such other committees as the Council may  
from time to time determine.

(3) Each committee established under subsection (1) shall consist of not more than eight (8) members.

(4) The chairman and the deputy chairman of a committee shall be appointed by the Council from among the members of a committee.

(5) A committee shall conduct its business in accordance with rules approved by the Council.

(6) At any meeting of a committee, a majority of the members including the chairman or in his absence the deputy chairman shall constitute a quorum.

**Financial provisions.**

**13.** (1) The Funds and resources for the carrying out of the functions of the Council shall be appropriated each year by Parliament.

(2) The Council shall be entitled to raise and receive monies from private and public bodies; provided that such monies are maintained in a separate bank account kept for the purpose and accounted for separately in books of the Council.

(3) The Executive Committee shall prepare an annual budget for the financing of its activities by the 31<sup>st</sup> of August each year for the approval of the Minister of Finance.

(4) The Director shall ensure that proper records and books of account of the administration of the Council, consistent with generally accepted accounting practice, are kept in such manner and form as is necessary in order, that at all times, the records and books shall fairly reflect the position of the Council.

**Borrowing powers of the Council.** 14.

(1) The Council, may with the approval of the Cabinet, borrow monies required by it for the purpose of carrying out its functions under this Act.

(2) The Minister of Finance shall approve the amount to be borrowed, the source of the borrowing, the terms on which the borrowing may be effected and his approval may be either general or limited to a particular borrowing and may be either conditional or unconditional.

**Audit of accounts.** 15.

(1) The accounts of the Council shall be audited annually by an auditor appointed by the Council, after consultation with the Director of Audit.

(2) The auditor appointed under subsection (1) shall submit a copy of his audit report to the Director of Audit.

**Annual Report.** 16.

(1) The Council shall prepare in respect of each financial year a report of the activities in respect of that

year and submit such report to the Prime Minister, not later than three months after the end of the financial year.

(2) The Prime Minister shall, as soon as practicable, lay the report before the House of Representatives.

**Regulations.**            **17.** The Minister may, on the recommendation of the Council, make regulations for the better carrying out of the provisions of this Act.

Passed by the House of Representatives  
this ..... day of ..... 2004.

Passed by the Senate  
this ..... day of ..... 2004.

Speaker

President

**Clerk to the House of Representatives**

**Clerk to the Senate**

**EXPLANATORY MEMORANDUM**

This Bill seeks to establish an independent Statutory Agency to advise the Government on all aspects affecting the common good of Antigua and Barbuda and in particular matters relating to economic and social policies of the Government. The Agency will be a critical partner to government in building a national consensus on national objectives and issues.

2. Clause 3 of the Bill establishes a body to be known as the National Economic and Social Council. The composition of the Council consists representatives of of the various organizations named in subclause 2(2) and includes four appointees by the Prime Minister and one appointee by the Leader of the Opposition. The appointees of the Prime Minister like that of the Leader of the Opposition are made after consultation with the Leader of the Opposition or the Prime Minister in each case.

3. The functions of the Council are spelt out in clause 3 and includes the promotion of economic growth and development; and public participation in economic decision-making and social equity. The Council is also charged with the responsibility of promoting national consensus in the formulation and implementation of a national agenda for economic development and social reformation in Antigua and Barbuda.

4. The tenure of office of a member would not exceed three years and any member would be qualified for reappointment at the expiration of the term of his appointment. Under clause 6, the Chairman would be authorized to recommend to the Prime Minister, the revocation of the appointment of a member who fails to perform his functions or to attend meetings of the Council as is specified in the Bill.

5. The administrative arm of the Council is the Executive Committee which consists of the chairman, the vice-chairman of the Council, four persons appointed by the prime Minister after consultation with the Leader of the Opposition. One person appointed by the Leader of the Opposition after consultation with the prime Minister and three nominated jointly by the organizations referred to in paragraph (f) of clause 2(2). The executive committee would be required to discharge its functions under the direction of the Council and in accordance with the rules approved by the Council.

6. The functions of the Executive Committee would include the management of the secretariat of the Council and to serve as the administrative agency of the Council. The Executive Committee would also be required to arrange the activities of the Council and coordinate the work of the committees established under clause 12.

7. It is proposed in clause 11 to create the office of an Executive Director who shall be appointed by the Executive Committee and who shall be responsible for the day-to-day functions of the Secretariat of the Council.

8. It is proposed in clause 12 to establish a number of committees to advise the Council on the subject matters specified in subclause (1). The committees would be selected from among the members of the Council.

9. Clause 13 would make provision for financing the activities of the Council. The provision of funds for the performance of the functions of the Council would, in the main, be the responsibility of Parliament. Additionally, the Council would be provided with authority under clause 13(2) to raise funds from other sources to supplement funds provided by Parliament. Such funds would be required to be deposited in a separate account and accounted for separately.

10. The Council would be authorized to borrow monies for the performance of its functions under the Act. No borrowing shall be made without the approval of the Cabinet. The Minister of Finance would also be required to approve the amount to be borrowed and the terms and conditions of payment.

11. The Director of Audit would be responsible for auditing the accounts of the Council.

12. Finally, the Council would be required under clause 16 to prepare an annual report of its activities for submission to the Prime Minister not later than three months after the end of the financial year. The Prime Minister would be required under clause 16(2) to lay the annual report before the House of Representative as soon as practicable.

Justin L. Simon Q.C.  
Attorney General and Minister  
of Justice and Legal Affairs