



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

5th November, 2004.

ANTIGUA AND BARBUDA

No. 18 of 2004

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

*[Published in the Official Gazette Vol. XXIV No. 93
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ENACTED by the Parliament of Antigua and Barbuda as follows—

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

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

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

- (a) a chairman;
- (b) a vice-chairman
- (c) three persons selected by the Prime Minister;

- (d) two person 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) The Pensioners Association;
 - (xii) The Credit Union League;
 - (xiii) Antigua and Barbuda Industrial and Small Enterprises Association;
 - (xiv) Institute of Chartered Accountants of Antigua & Barbuda
 - (xv) National Youth Council;

(xvi) Antigua and Barbuda Association of persons with Disabilities;

(g) a representative of the Financial Sector nominated by the financial institutions operating in Antigua and Barbuda;

(h) a representative of the Construction Industry, nominated by the contractors, engineers, architects and land surveyors.

(3) The Prime Minister may, by Order published in the *Gazette*, delete or add to the organizations specified in paragraphs (f), (g) and (h) of subclause (2).

(4) Any Order made under subsection (3) shall be subject to negative resolution of the House of Representatives.

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

Functions of the Council.

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

(b) to reach consensus and conclude agreements on matters pertaining to social policy;

(c) to regulate its own procedure;

(d) to make rules for the conduct of business of the Executive Committee or any other committee established under section 12;

(e) to delegate or assign functions to the Executive Committee or any other committee established under section 12;

(f) to advise the Government on significant changes to social and economic policy.

(2) 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; and

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 term 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 occasions in respect of which permission was obtained.

Payment of allowances to members of the Council. 7. There shall be paid to 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 of procedure and the rules shall take effect after they have been approved by the Prime Minister.

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.

Executive
Committee.

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

- (a) the chairman of the Council who shall be the chairman of the Committee;
- (b) the vice chairman who shall be the vice-chairman 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) the person nominated by the Barbuda Council after consultation with the Prime Minister;
- (e) one person nominated jointly by the organizations referred to in paragraphs (f), (g) and (h) 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 and 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 carrying out its functions under this Act, the Executive Committee may appoint such consultants as it considers necessary.

Committees of the Council.

12. (1) The Council may establish from among the members of the Council the following committees —

- (a)* Investment Promotion;
- (b)* Strategic Regional and International Issues;
- (c)* Environmental Protection and Disasters;

- (d) Population Demographics and Immigration;
- (e) National Productivity;
- (f) Democracy and Good Governance;
- (g) Education and Employment Assessments;
- (h) Labour and Industrial Relations; and
- (i) such other committees as the Council may from time to time determine.

(2) The Council may, from time to time, submit reports to relevant ministries, departments and statutory bodies on —

- (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; and
- (f) Environment and such other matters of national interest as may be requested by the Council, the Cabinet, the Leader of the Opposition or any Statutory Authority.

(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 performance 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 31st 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 power of the Council.

14. (1) The Council may with the approval of the Minister of Finance borrow monies required by it for the purpose of performing its functions under this Act.

(2) The Cabinet may approve the amount to be borrowed, the source of the borrowing, the terms on which the borrowing may be effected and such approval may be either general or limited to the 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 shall submit a copy of his audit report to the Director of Audit who may, at any time consult with the auditor regarding the financial affairs of the Council and if he is not satisfied after such consultation, may report to the Minister of Finance the nature of his dissatisfaction.

Annual Report.

16. (1) The Council shall prepare in respect of each financial year a report of its activities, including a balance sheet and income and expenditure account and the report of the auditor on the accounts and shall 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.

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

Passed the House of Representatives this 27th day of October, 2004.

Passed the Senate this 28th day of October, 2004.

D. Giselle Isaac-Arrindell,
Speaker.

Dr. Edmond A. Mansoor,
President.

Y. Henry,
Acting Clerk to the House of Representatives.

Y. Henry,
Acting Clerk to the Senate.