

NATIONAL ECONOMIC AND SOCIAL COUNCIL ACT

Act 29 of 2001 – 12 April 2002

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NATIONAL ECONOMIC AND SOCIAL COUNCIL ACT

1. Short title

This Act may be cited as the National Economic and Social Council Act.

2. Interpretation

In this Act—

“Chairperson” means the Chairperson of the Council elected under section 6;

“Commission” means a Commission set up under section 11;

“Commissioner” means a Chairperson of a Commission;

“Council” means the Council established under section 3;

“Councillor” means a Councillor appointed or nominated under section 6, and includes a Chairperson and a Vice-Chairperson;

“Executive Committee” means the Executive Committee set up under section 9;

“Minister” means the Minister to whom responsibility for the subject of economic development is assigned;

“Secretary-General” means the Secretary-General appointed under section 14;

“Vice-Chairperson” means the Vice-Chairperson appointed under section 6;

“working group” means a working group appointed under section 13.

3. Establishment of Council

(1) There is established for the purposes of this Act the National Economic and Social Council.

(2) The Council shall be a body corporate.

4. Objects of Council

(1) The objects of the Council shall be to—

- (a) promote dialogue as a means of achieving consensus for social integration to keep pace with economic development;
- (b) express its opinions, and make appropriate recommendations to Government, for the promotion of social integration and national development.

(2) The Council shall, in furtherance of its objects—

- (a) act as an independent consultative body;
- (b) strive to achieve consensus in all its deliberations;
- (c) adopt a philosophy and approach, as well as a code of ethics, to earn the trust and respect of the citizens of the Republic of Mauritius;
- (d) have regular meetings and consultations with the President, the Prime Minister and the Leader of the Opposition.

5. Functions of Council

(1) The Council shall have such functions as are necessary to further most effectively its objects.

(2) Without prejudice to subsection (1), the functions of the Council shall be to—

- (a) undertake studies on socio-economic issues of national importance;
- (b) build consensus through a permanent and sustained social dialogue for a greater participation of civil society in the democratic process with the aim of ensuring that social harmony keeps pace with economic development;
- (c) formulate its opinions and make recommendations to Government regarding economic and social policies.

(3) For the purposes of its functions, the Council may undertake such studies as it deems fit and give its opinions and recommendations—

- (a) on its own initiative or that of not less than 5 Councillors; or

(b) as requested by the Minister.

(4) Any proposed relevant legislation may be referred to the Council to enable it to express its opinion thereon.

(5) The Council shall not be a forum for salary negotiations and positional bargaining on employment conditions, but shall strive to promote industrial relations at large to ensure social harmony.

6. Membership of Council

(1) The Council shall, subject to section 14 (4), consist of not more than 24 Councillors, from different groups as follows—

- (a) 5 Councillors from workers' organisations nominated or appointed as specified in subsection (2);
- (b) 5 Councillors from business organisations, of whom 4 shall be nominated by the Joint Economic Council;
- (c) 8 Councillors from civil society, of whom—
 - (i) one shall be nominated by the Mauritius Council of Social Service (MACOSS) from among its member organisations;
 - (ii) one shall be nominated by the National Women's Council from among its member organisations;
 - (iii) one shall be a person above the age of 60, nominated by the Senior Citizens Council;
 - (iv) one shall be nominated by the National Youth Council from youth organisations;
 - (v) 4 shall be appointed by the Minister, to ensure contribution from the academia and other specialists in various fields, in the light of the relevant issues at stake at the time of their appointment;
- (d) the Head of the Civil Service;
- (e) the Financial Secretary;
- (f) the Permanent Secretary of the Ministry responsible for the subject of social security;
- (g) the Permanent Secretary of the Ministry responsible for the subject of labour;
- (ga) the Permanent Secretary of the Ministry responsible for the subject of social integration and economic empowerment;
- (h) the Island Chief Executive of the Rodrigues Regional Assembly, or his representative.

(2) For the purposes of subsection (1) (a)—

- (a) "workers' organisations" shall be deemed to refer to the 4 most representative federations of trade unions duly registered under the Employment Relations Act, each of which shall nominate from among itself one Councillor;

(b) the fifth Councillor for each of the 2 groups shall be appointed by the Minister, taking into consideration the need to ensure adequate representation from the different components thereof.

(3) Where no nomination is made for any reason whatsoever under subsection (1), the Minister may proceed with an appointment so that the numerical membership of the Council is in conformity with that subsection.

(4) No person actively engaged in party politics shall be eligible to be a Councillor.

(5) Without prejudice to subsection (4), any person who—

- (a) is a candidate, agent or official of a candidate at an election; or
- (b) is an employee of a political party,

shall be deemed to be actively engaged in party politics.

(6) The Councillors shall, subject to section 7, hold office for a period of 3 years and may be reappointed for further periods of 3 years.

(7) The Councillors shall elect from among themselves a Chairperson and a Vice-Chairperson for the duration of their period of office.

(8) The first Chairperson and Vice-Chairperson appointed under subsection (7) shall be appointed for a period of 18 months, and that appointment shall be renewable for a further period of 18 months.

(9) The Councillors shall be guided in the performance of their functions under this Act by national interest and shall express views from a macro-perspective, although they may consult their respective organisations on major issues.

(10) The Councillors may be paid such fees and allowances and given such facilities as may be determined by the Minister from time to time.

(11) The quorum of the Council shall be 12.

[S. 6 amended by s. 3 of Act 7 of 2004; s. 24 of Act 17 of 2007 w.e.f. 22 August 2007; s. 22 of Act 20 of 2011 w.e.f. 16 July 2011.]

7. Vacation of office

(1) The office of a Councillor shall become vacant where he—

- (a) has been absent without leave of the Council from 3 consecutive meetings of the Council;
- (b) has ceased to belong to the organisation or body by which he has been nominated;
- (c) becomes disqualified for membership of the Council by virtue of this Act or any other enactment; or
- (d) has been convicted of any crime or misdemeanour.

(2) Where a member resigns, is revoked, dies or otherwise vacates his office more than 3 months before the expiry of the term for which he has been appointed, another person shall be appointed in his place for the unexpired part of his period of office.

8. Meetings of Council

(1) (a) The Council shall hold an annual summit to be chaired by the Prime Minister, to which shall be invited a cross-section of civil society for the purpose of building consensus on major issues and programmes.

(b) The Annual Summit shall—

- (i) review the work undertaken during the previous year;
- (ii) examine and approve the work programme for the coming year;
- (iii) discuss any vital socio-economic issue facing the nation.

(c) The agenda of the Annual Summit shall be prepared by the Executive Committee after consultations with relevant Ministers on current national issues.

(2) The Council shall otherwise meet—

- (a) at least once quarterly;
- (b) as and when required by the Chairperson;
- (c) whenever 10 members of the Council shall make a written request to that effect to the Chairperson.

(3) Subject to the other provisions of this Act, the Council may regulate its meetings and proceedings in such manner as it deems fit.

(4) The Councillors shall attend in person any meeting of the Council.

(5) The Council shall consider and express its position in relation to any recommendation made by a Commission.

(6) Where any matter that falls within the purview of a Minister comes up for consideration, the Minister concerned, or, if the Minister is unable to attend, the Permanent Secretary of the Ministry concerned, shall be invited to attend, and participate in any debate but shall not take part in the final decision-making of the Council.

(7) Where the Chairperson is for any reason unable to attend to any of his functions, the Vice-Chairperson shall act as Chairperson.

9. Executive Committee

There shall be set up by the Council an Executive Committee which shall consist of—

- (a) the Chairperson;
- (b) the Vice-Chairperson;
- (c) the 3 Commissioners; and
- (d) the Secretary-General.

10. Functions of Executive Committee

(1) The functions of the Executive Committee shall, subject to section 8 (1) (c), be to—

- (a) prepare the yearly programme of work for approval by the Council;

- (b) monitor the implementation of the Council's yearly programme of work, its financial and manpower resources, including the disbursement of funds, acquisition of equipment, selection and hiring of staff and contracting out for consultant expertise;
- (c) appoint working groups under section 13;
- (d) prepare budget proposals and accounts for approval by the Council;
- (e) assist the Chairperson and the Council in the management of the affairs of the Council.

(2) The Chairperson may delegate the Vice-Chairperson to undertake his functions on the Executive Committee and to act on his behalf.

11. Commissions

(1) There shall be the following 3 Commissions of the Council, which shall each be chaired by a Commissioner appointed by the Council—

- (a) Commission on Economic Affairs;
- (b) Commission on Infrastructure, Physical Resources, Environment and Sustainable Development;
- (c) Commission on Social Affairs and Human Resource Development.

(2) Subject to subsection (4), each Commission shall consist of not less than 8 and not more than 12 members who shall be appointed by the Council, taking into account their expertise in the appropriate field and adequate representation of each of the different groups in the Council.

(3) A Councillor shall not concurrently be a member of more than 2 Commissions.

(4) The Commissioners shall hold office for a period of 18 months and shall be eligible for reappointment for a further period of 18 months.

(5) Subject to subsection (6), the Council may change the membership of a Commission at intervals of not less than 18 months.

(6) Not more than half of the members of a Commission may be changed at any one time.

12. Functions of Commissions

(1) A Commission shall—

- (a) undertake such studies and prepare such statements, reports and recommendations as the Council may require;
- (b) recommend to the Council the undertaking of such studies as it considers necessary;

- (c) recommend to the Executive Committee the appointment and constitution of working groups for the purpose of undertaking the studies and shall outline the objectives, broad terms of reference and means of functioning of such working groups;
- (d) make recommendations to the Executive Committee for the carrying out of any research, including the recruitment of any research assistant or the assignment of any consultancy to undertake any specific study that may be necessary; and
- (e) advise the Council on any other matter referred to it by the Council.

(2) The members of a Commission may, in the performance of their functions under this section, be assisted by persons who shall be allowed to attend the meetings of the Commission, but who shall not participate in the final decision-making of the Commission and offer their views, and shall have no right to vote.

13. Working groups

(1) The Executive Committee may, on the recommendation of a Commission, appoint a working group on an *ad hoc* basis to study and report on such issues as may be referred to it.

(2) Members from outside the Council may be co-opted to assist in the work and deliberations of the working groups appointed under subsection (1).

(3) A working group shall be responsible for—

- (a) carrying out studies and preparing opinion statements, reports and recommendations;
- (b) proposing the undertaking of such studies as may be required, and the collaboration or recruitment of such expertise or research assistants or such contracting out for consultant expertise as considered necessary.

14. Secretary-General

(1) The Council may, on the recommendation of a selection committee appointed by the Executive Committee, appoint a Secretary-General on such terms and conditions as the Council may determine.

(2) The Secretary-General shall—

- (a) provide administrative and professional support to the Council;
- (b) be the administrative head of the Council;
- (c) ensure the proper implementation of the work programme of the Council;
- (d) prepare or coordinate the preparation of such papers, documents or studies as may be requested by the Council; and

- (e) carry out any other duties which, in the opinion of the Council, may best serve its objects.

(3) The Secretary-General shall be responsible to the Council for the proper administration and management of the functions and affairs of the Council in accordance with the policy laid down by the Council.

(4) The Secretary-General shall be an *ex officio* member of the Council and act in that capacity at all meetings of the Council, but shall have no right to vote.

(5) The Council may delegate to the Secretary-General such of its functions under this Act as may be necessary to enable him to carry out effectively the day-to-day business of the Council.

15. Appointment of employees

(1) The Council may appoint, on such terms and conditions as it may determine, such number of persons to serve as officers and staff of the Council as it may consider appropriate for the effective performance of its functions.

(2) The Council may engage, on such terms and conditions as it thinks fit, such persons as are knowledgeable in matters related to economic and social development.

16. Funds of Council

(1) The Council shall establish a General Fund—

- (a) into which shall be paid—
 - (i) all necessary financial support from Government;
 - (ii) all donations, contributions and grants received from appropriate donors as approved by the Council;
 - (iii) such charge or fee as may be prescribed; and
 - (iv) any other sum which may lawfully accrue to the Fund;
- (b) out of which all payments required to be made by the Council shall be effected.

(2) The Council may, in the discharge of its functions, charge to the General Fund all remunerations, allowances, salaries, bonus, fees, gratuities, pensions, superannuation fund contributions and working expenses or other charges properly arising.

17. Estimates

(1) The Council shall, not less than 3 months before the beginning of every financial year, submit to the Minister a consolidated estimate of the expenditure and income of the Council for the next financial year.

(2) Subject to subsection (3), the Minister shall, before the beginning of the financial year, signify in writing his approval of the estimate.

(3) Where the Minister signifies his approval under subsection (2), he may—

- (a) approve part only of the expenditure under any item;
- (b) direct the Council to amend the estimate in respect of any item in such manner as he thinks fit.

18. Annual report

(1) The Council shall, not later than 3 months after the end of the financial year, furnish to the Minister the annual report and audited accounts of the Council.

(2) The Minister may require the Council to submit a report on any matter within the purview of the Council.

(3) Any report produced by the Council or submitted under subsection (1) or (2) shall be published in the *Gazette* and laid before the National Assembly unless the Minister decides otherwise in the public interest.

19. Donations

Article 910 of Code Civil Mauricien shall not apply to the Council.

20. Regulations

The Council may make such regulations as may be necessary for the purposes of this Act.

21. Consequential amendments

(1) – (3) —

22. – 23. —
