

THE NATIONAL WOMEN'S COUNCIL
BILL (No. V of 2016)

Explanatory Memorandum

The object of this Bill is to repeal the National Women's Council Act 1985 to provide for a more modern and appropriate legislative framework in order to further promote women's empowerment and gender equality, especially through the active participation of women in the social, economic and political fields.

2. The Bill accordingly –

- (a) makes better provision for the functioning of the National Women's Council so as to provide a platform for women to voice their needs, concerns and aspirations;
- (b) improves the regulation of Women Associations and the management of the Regional Committees responsible for the activities of Women Associations.

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A BILL

To make better provision for the functioning of the National Women’s Council in order to further promote women’s empowerment and gender equality, and for related matters

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the National Women’s Council Act 2016.

2. Interpretation

In this Act –

“Board” means the Board referred to in section 8;

“Chairperson” means the Chairperson of the Board;

“Council” means the National Women’s Council established under section 3;

“employee” means a person appointed as such under section 14;

“Manager” means a person appointed as such under section 12;

“member” –

(a) means a member of the Board; and

(b) includes the Chairperson;

“Minister” means the Minister to whom responsibility for the subject of gender equality is assigned;

“Regional Committee” means a Regional Committee referred to in section 20;

“supervising officer” means the supervising officer of the Ministry;

“Women Association” means an association referred to in section 18(1).

3. Establishment of Council

(1) There is established for the purposes of this Act the National Women’s Council.

(2) The Council shall be a body corporate.

(3) The principal place of business of the Council shall be at such place as the Board may determine.

4. Objects of Council

The objects of the Council shall be to –

(a) promote women’s empowerment and gender equality;

(b) ensure and promote the active participation of women in the social, economic and political fields in order to further their overall empowerment; and

(c) provide a platform for women to voice their needs, concerns and aspirations.

5. Functions of Council

The Council shall have such functions as may be necessary to attain its objects most effectively and shall, in particular –

(a) implement Government policies relating to women’s empowerment and gender equality;

- (b) advise the Minister on ways of addressing factors responsible for impeding women's empowerment and gender equality;
- (c) provide a network at national, regional and international levels with organisations which promote women's empowerment and gender equality;
- (d) collaborate closely with such body having objects similar to those of the Council as may be set up by the Rodrigues Regional Assembly;
- (e) identify and recommend to the Board projects which will promote the participation of women in all sectors of the economy;
- (f) promote the recognition of women's rights as human rights; and
- (g) determine a yearly financial and implementation programme.

6. Powers of Council

The Council shall have such powers as may be necessary to attain its objects and discharge its functions most effectively and may, in particular –

- (a) develop and maintain an organisation and management structure with adequate infrastructure, skilled resources and sufficient capacity;
- (b) receive grants, gifts, donations or legacies and raise funds;
- (c) collect or receive any membership fees, income, interest or other monies which may accrue to it;
- (d) subject to the approval of the Board, use such amount, as the Board may determine, of the membership fees to fund activities of Regional Committees which are in line with the mandate of the Council;
- (e) open a bank account;
- (f) purchase, acquire or lease any land, building or other goods; and
- (g) submit to the Minister such quarterly reports, documents or recommendations as the Minister may determine.

7. Meetings of Council

(1) (a) The Council shall hold its annual general meeting at such time and place as the Board may determine, but not later than 3 months after the end of its financial year.

(b) The Manager shall give notice of at least 21 clear days of the annual general meeting in writing or by publication in one daily newspaper.

(c) At an annual general meeting of the Council, the business shall include the consideration of the annual report and the audited accounts.

(d) At an annual general meeting of the Council, one third of the total number of members of the Regional Committees shall constitute a quorum.

(2) A special meeting of the Council shall be convened by the Manager on receipt of a request in writing from the Board or of at least one fourth of the total number of members of the Regional Committees.

(3) Subject to this section, the Council shall regulate its meetings and proceedings in such manner as it may determine.

8. The Board

(1) The Council shall be administered and managed by a Board which shall consist of –

- (a) a Chairperson, who shall be a person committed to the cause of women's empowerment and gender equality, to be appointed by the Minister;
- (b) the supervising officer or a representative of the Ministry;
- (c) a representative of the Ministry responsible for the subject of finance;
- (d) a representative of each of the 3 Regional Committees selected in accordance with subsection (6);
- (e) a representative of such body having objects similar to those of the Council as may be set up by the Rodrigues Regional Assembly; and

(f) 4 other persons, with experience relating to social, economic or political empowerment of women, to be appointed by the Minister after consultation with such person as the Minister may determine.

(2) (a) The Board may co-opt such other persons, not exceeding 3 in number, with relevant expertise not already available to the Board, to be members of the Board.

(b) A co-opted member shall –

(i) not have the right to vote;

(ii) be paid such fee or allowance as the Board may determine.

(3) No person shall be qualified to be a member where that person is a member of the Assembly or Rodrigues Regional Assembly.

(4) Every member, other than a member referred to in subsection (1)(b), (c), (d) and (e), shall hold office for a period of 3 years and be eligible for reappointment for only one further term of 3 years.

(5) Every member shall be paid such allowance as the Board may, with the approval of the Minister, determine.

(6) The supervising officer shall, for the purpose of subsection (1)(d), every 3 years, select, by drawing of lots, 3 Regional Committees which shall, on a rotation basis during the period of 3 years, each be represented on the Board for a period of one year.

(7) Where a vacancy occurs in the membership of the Board, the vacancy shall, where the member was appointed by the Minister, be filled by a person appointed by the Minister, who shall hold office for the remainder of the term of office of that member.

(8) A member, other than a member referred to in subsection (1)(b) and (c), shall cease to hold office –

(a) on the expiry of the period of 3 years referred to in subsection (6);

(b) on resignation; or

- (c) where, without sufficient cause, that member fails to attend 3 consecutive meetings of the Board.

(9) No member shall engage in any activity which may undermine the integrity of the Council.

(10) The Board shall manage and utilise the property of the Council in such manner and for such purposes as, in its opinion, will best promote the objects of the Council.

9. Meetings of Board

(1) The Board shall meet at least once a month and at such time and place as the Chairperson may determine.

(2) At any meeting of the Board, 5 members shall constitute a quorum.

(3) The supervising officer or the representative of the Ministry shall chair a meeting of the Board and shall discharge the functions of the Chairperson –

- (a) in the absence of the Chairperson at a meeting of the Board; or
- (b) where there is a vacancy in the office of the Chairperson.

(4) The Manager shall convene a meeting of the Board on a request made in writing by not less than 5 members.

(5) The Manager shall give notice of at least 5 clear days of every meeting of the Board to the members.

(6) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it may determine.

10. Committees

(1) The Board may set up such committees as it may determine to –

- (a) look into matters of a technical nature;
- (b) look into emerging issues that are responsive to the strategic gender needs of women; and

- (c) assist it in the performance of its functions and the exercise of its powers.
- (2) Subject to subsection (3), a committee may be constituted –
 - (a) wholly by members; or
 - (b) partly by members and partly by other persons.
- (3) The members or persons referred to in subsection (2) shall –
 - (a) be appointed by the Board on such terms and conditions as it may determine; and
 - (b) be paid such allowance as the Board may determine.
- (4) A committee shall –
 - (a) be chaired by such person as the Board may determine;
 - (b) meet as often as may be necessary and at such time and place as the chairperson of that committee may determine; and
 - (c) meet as and when required by the Board.
- (5) A committee shall submit its report within such time as may be fixed by the Board and the report shall contain the observations, comments and recommendations of the committee on any matter referred to it by the Board.
- (6) Subject to this section, a committee shall regulate its meetings and proceedings in such manner as it may determine.

11. Disclosure of interest

- (1) Where any member, or any person related to the member by blood or marriage, has a pecuniary or other material interest in relation to any matter before the Council or a committee, that member –
 - (a) shall disclose the nature of the interest before or at the meeting convened to discuss that matter; and
 - (b) shall not take part in any deliberation relating to that matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of proceedings of the meeting or committee convened to discuss that matter.

12. Manager

(1) There shall be a Manager of the Council who shall be appointed by the Board.

(2) The Manager shall –

- (a) be responsible for the execution of the policy of the Board;
- (b) be responsible for the control and management of the day to day business of the Council;
- (c) act in accordance with such directions as may be received from the Board;
- (d) every 3 months, submit to the Board a report in relation to the activities and finances of the Council; and
- (e) be responsible for the preparation of the annual report on all the activities and operations of the Council.

(3) The Manager shall act as Secretary to the Board and shall –

- (a) prepare and attend every meeting of the Board;
- (b) keep minutes of proceedings of every meeting of the Board;
- (c) have the custody of all books, deeds and documents relating to the Council;
- (d) have such other duties as may be assigned by the Board; and
- (e) have no right to vote.

13. Delegation

(1) The Board may, subject to such instructions as it may give, delegate to the Manager such of its functions and powers as may be necessary for the

effective management of the day to day business and activities of the Council, other than the power to –

- (a) sell or exchange any property or make any donation; or
- (b) borrow money.

(2) The Manager may, with the approval of the Board, delegate any of its functions or powers to such employees for the effective management of the day to day business and activities of the Council.

14. Appointment of employees

(1) The Board may, on such terms and conditions as it may determine, appoint such employees as may be necessary for the proper discharge of its functions under this Act.

(2) Every employee shall be under the administrative control of the Manager.

15. Conditions of service of employees

The Board shall make provision to govern the conditions of service of its employees and, in particular, to deal with –

- (a) the appointment, retirement, dismissal, discipline, pay and leave of, and the security to be given to, employees;
- (b) appeals by employees against dismissal and any other disciplinary measures; and
- (c) the establishment and maintenance of provident and pension fund schemes and any other scheme, and the contributions payable to, and the benefits recoverable from, those schemes.

16. Protection from liability

(1) No liability, civil or criminal, shall be incurred by the Council, the Manager, any member or any employee in respect of any act done or omitted, in good faith, in the execution of the functions or exercise of the powers conferred under this Act.

(2) This section shall be in addition to, and not in derogation from, the Public Officers' Protection Act, and for the purposes of that Act, every member or employee shall be deemed to be a public officer or a person lawfully engaged, authorised or employed in the performance of a public duty.

17. Powers of Minister

(1) The Minister may give such written directions of a general character to the Board, not inconsistent with this Act, as may be necessary in the public interest, and the Board shall comply with those directions.

(2) The Minister may require the Board to furnish such information, in such manner and at such time as the Minister may determine, in respect of its activities and the Board shall supply such information.

18. Membership

(1) A Women Association which –

- (a) has as its principal objective the promotion of women's empowerment and gender equality;
- (b) is registered with the Registrar of Associations;
- (c) is affiliated with the Regional Committee of its region,

may apply to become a member of the Council.

(2) (a) An application by a Women Association to become a member of the Council shall be made in the prescribed manner and shall be accompanied by a certified copy of the rules of the association.

(b) A Women Association shall, on being admitted as member of the Council, pay, not later than 31 March in every year, such annual membership fee to the Council as the Board may determine.

(3) Every Women Association shall, whenever any amendment is made to its rules, submit a certified copy of such amendment to the Council within 15 days of the amendment.

19. Termination of membership

(1) The Council may cancel the membership of a Women Association where the association –

- (a) fails to pay its annual membership fee by 31 March;
- (b) acts in any way which is prejudicial to the interests of the Council;
- (c) refuses to comply with any direction given to it or any decision taken by the Council; or
- (d) is wound up.

(2) Where the membership of a Women Association is cancelled under subsection (1), the association may, within 21 days of the communication of the decision to it, appeal in writing to the Minister in such form and manner as the Minister may determine.

20. Regional Committees

(1) (a) Each of the 9 districts of the Island of Mauritius shall, for the purposes of this Act, constitute a region.

(b) Rodrigues shall form a separate region.

(2) Every region shall be managed and administered by a Regional Committee which shall be responsible for, and report to the Council on, the activities of the Women Associations of that region.

(3) Every Regional Committee shall be registered with the Registrar of Associations.

(4) (a) Notwithstanding any other enactment –

- (i) every Regional Committee shall be managed by an Executive Committee which shall consist of 9 persons;
- (ii) an employee of the Council shall not stand as candidate for election as member of the Executive Committee of a Regional Committee.

(b) A Women Association which has not paid its annual membership fee to the Council shall not participate in the election of the Executive Committee of the Regional Committee.

(c) Every Regional Committee shall determine its activities which shall be in line with the mandate of the Council and regulate its proceedings in such manner as it may determine.

(d) Every Regional Committee shall meet as often as may be necessary and at such time and place as it may determine.

(5) Every Regional Committee shall –

(a) keep, in such form as it may determine, a register of the Women Associations which are affiliated with it; and

(b) submit to the Board the composition of its Executive Committee and names of its members within a period of one month after its Annual General Assembly.

(6) Every Regional Committee shall produce its books and documents for inspection whenever so requested by the Manager.

(7) Every Regional Committee shall, not later than 3 months from the end of every financial year, submit to the Board –

(a) a return in such form as the Board may determine; and

(b) a certified report on its activities during the preceding year, together with its audited statement of accounts.

21. General Fund

The Council shall set up a General Fund –

(a) into which any money received by the Council shall be paid; and

(b) out of which all payments required to be made by the Council for the purposes of this Act shall be effected.

22. Exemptions

The Council shall be exempt from payment of any registration duty, fee or charge in respect of any document under which it is the sole beneficiary.

23. Transfer of property and borrowing

The Council shall not, except with the approval of the Minister –

- (a) sell or exchange any property or make any donation; or
- (b) borrow any money, and any borrowing shall be for the purposes of this Act.

24. Estimates

(1) The Council shall submit to the Minister, not later than 15 August in every year, an estimate of the income and expenditure of the Council in respect of the next financial year for his approval.

(2) The Minister may, on approving an estimate under subsection (1) –

- (a) approve only part of the expenditure under any item;
- (b) direct the Council to amend the estimate in respect of any item.

25. Execution of documents

No deed, cheque or other document shall be executed or signed by or on behalf of the Council unless it is signed by –

- (a) the Chairperson or, in the absence of the Chairperson, any other member designated by the Board; and
- (b) the Manager or, in the absence of the Manager, an employee designated by the Board.

26. Annual report and other reports

(1) (a) The Board shall, in accordance with the Statutory Bodies (Accounts and Audit) Act, prepare an annual report and submit it to the Minister, together with an audited statement of accounts on the operations of the Council, in respect of every financial year.

(b) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and the audited statement of accounts of the Council before the Assembly.

(c) The auditor to be appointed under section 5(1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

(2) The Board shall submit to the Minister such other reports as the Minister may require in relation to the objects, activities, income and expenditure of the Council.

27. Legal proceedings

(1) The Council shall act, sue and be sued in its corporate name.

(2) Service of process by or on the Council shall be sufficient if made on behalf of or on the Manager.

28. Regulations

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

29. Repeal

The National Women's Council Act is repealed.

30. Consequential amendment

The Statutory Bodies (Accounts and Audit) Act is amended, in the Second Schedule, in Part II, by deleting the following words –

National Women's Council

National Women's Council Act

and replacing them by the following words –

National Women's Council

National Women's Council Act 2016

31. Transitional provisions and savings

(1) The National Committee under the repealed National Women's Council Act shall, at the commencement of this Act, continue to exist until the Board is constituted under this Act.

(2) The Secretary of the former National Women's Council shall, at the commencement of this Act, be deemed to be the Manager of the Council.

(3) (a) Every person who, at the commencement of this Act, is employed on the permanent and pensionable establishment of the former National Women's Council shall be transferred to the permanent and pensionable establishment of the Council on terms and conditions not less favourable than those of that person's previous employment.

(b) The period of service of every person transferred on the permanent and pensionable establishment of the Council shall be considered to be an unbroken period of service with the Council.

(4) The assets and funds of the former National Women's Council shall, at the commencement of this Act, vest in the Council.

(5) All rights of, and obligations and liabilities subsisting in favour of or, against, the former National Women's Council shall, at the commencement of this Act, continue to exist under the same terms and conditions in favour of or against the Council.

(6) Any act or thing done by the former National Women's Council shall, at the commencement of this Act, be deemed to have been done by the Council.

(7) All proceedings, judicial or otherwise, commenced before and pending at the commencement of this Act by or against the former National Women's Council shall be deemed to have been commenced, and may be continued, by or against the Council.

(8) Every organisation which is a member of the former National Women's Council shall, within 30 days of the commencement of this Act, affiliate with the Regional Committee of its region.

(9) The first annual general meeting of the Council shall take place within 12 months of the commencement of this Act.

(10) (a) For the purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June next shall be deemed to be the first financial year of the Council.

(b) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply to the first financial year of the Council.

(11) Where this Act does not make provision for any transition, the Minister may make such regulations as may be necessary for such transition.

(12) In this section –

“former National Women’s Council” means the National Women’s Council established under section 3 of the repealed National Women’s Council Act;

“repealed National Women’s Council Act” means the enactment repealed by section 29.

32. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.
