

THE CREOLE-SPEAKING UNION BILL

(No. IX of 2010)

Explanatory Memorandum

The object of this Bill is to provide for the establishment, operation and management of the Creole-speaking Union.

25 June 2010

M. CHOONEE
Minister of Arts and Culture

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(No. IX of 2010)

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A BILL

To provide for the establishment, operation and management of the Creole-speaking Union

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Creole-speaking Union Act 2010.

2. Interpretation

In this Act –

“Council” means the Executive Council referred to in section 6;

“Director” means the Director of the Union appointed under section 8;

“employee” –

(a) means a person employed as such under section 9;

(b) includes the Director;

“financial year” has the same meaning as in section 2A of the Finance and Audit Act;

“licensed auditor” has the same meaning as in the Financial Reporting Act;

“member” means a member of the Council referred to in section 6;

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

“ordinary member” means an ordinary member of the Union referred to in section 5;

“Permanent Secretary” means the Permanent Secretary of the Ministry;

“President” means the President of the Council referred to in section 6(2)(a);

“Union” means the Creole-speaking Union established under section 3.

3. Establishment of Union

(1) There is established, for the purposes of this Act, the Creole-speaking Union.

(2) The Union shall be a body corporate.

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

4. Objects and functions of Union

The objects and functions of the Union shall be to –

- (a) promote the Creole language in its spoken and written forms;
- (b) promote friendship and understanding between the Creole-speaking peoples of the world and to engage in any educational, academic, cultural and artistic work to further that objective;
- (c) provide facilities for the exchange of views affecting the interest, well-being, development, relationships and common problems of the Creole-speaking peoples of the world;
- (d) promote and encourage the linguistic development among all people having an interest in the Creole language with special emphasis on the cultural, artistic, economic and social perspectives of the language;
- (e) provide facilities for exchange programmes, scholarships and social intercourse between the Union and other organisations at international level;
- (f) promote, organise and encourage correspondence, conferences, seminars, workshops, debates, elocution exercises, training, competitions, artistic performances and demonstrations for persons interested in the Creole language;
- (g) promote, organise and encourage literary activities and the interchange of Creole books, pamphlets, periodicals and other information among local universities, colleges, schools and other institutions, and with overseas educational institutions;

- (h) promote and encourage the publication, exhibition, distribution and sale of Creole books, magazines, newspapers and other literary works;
- (i) promote intercultural and interlinguistic understanding and harmony through exchange and participation in joint projects;
- (j) open branches throughout Mauritius on a regional basis and be affiliated to any organisation in another country whose objectives are similar to those of the Union;
- (k) undertake and carry out all such work as may be deemed necessary for the attainment of the objects of the Union and to do all such things as are incidental or conducive to the accomplishment of any or all of them.

5. Ordinary members of Union

(1) The Union shall consist of ordinary members having an interest in the development, propagation and promotion of the Creole language.

(2) The number of ordinary members shall be unlimited but membership shall be subject to the approval of the Council.

(3) Every ordinary member shall pay to the Union such entrance fee and such monthly fee as the Council may determine.

6. Executive Council

(1) The Union shall be administered and managed by an Executive Council which shall consist of –

(a) 12 members elected, in the manner specified in the Schedule, from the ordinary members of the Union; and

(b) a representative of the Ministry.

(2) The members referred to in subsection (1)(a) shall, from amongst themselves, elect the following office bearers of the Council –

(a) a President;

(b) a First Vice-President;

(c) a Second Vice-President;

- (d) a Secretary;
- (e) an Assistant Secretary;
- (f) a Treasurer;
- (g) an Assistant Treasurer; and
- (h) a Public Relations Officer.

(3) The members and the office bearers, other than an ex officio member, shall hold office for a period of 2 years.

(4) The Council may co-opt on an ad hoc basis such number of members as it may determine, but any co-opted member shall not have the right to vote.

(5) The Council may –

- (a) in the interest of the Union, cancel the membership of any ordinary member;
- (b) remove any member or fill any vacancy arising in its membership or any office thereof.

7. Meetings of Council

(1) The Council shall meet as often as is necessary but at least once every month at such time and place as the President thinks fit.

(2) Seven members shall constitute a quorum at any meeting of the Council.

(3) Subject to this section, the Council shall regulate its meetings in such manner as it thinks fit.

8. Director

(1) There shall be a Director of the Union who shall be appointed by the Council on a part-time basis and on such terms and conditions as it may determine.

(2) The Director shall be responsible for the execution of the policy of the Union and the control and management of the day-to-day business of the Union.

(3) The Director shall, unless otherwise directed by the Council, attend every meeting of the Council and may take part in its deliberations, but shall not have the right to vote.

9. Appointment of employees

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

(2) Every employee referred to in subsection (1) shall be under the administrative control of the Director.

10. Conditions of service of employees

The Council may 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 measure; 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.

11. Patron of Union

The Council may appoint such suitable person as it thinks fit as Patron of the Union.

12. Execution of documents

(1) Subject to subsection (2), no document shall be executed or signed by or on behalf of the Union unless it is signed by –

- (a) the President or, in his absence, the First Vice-President; and
- (b) the Director or, in his absence, a member designated by the Council.

(2) No deed or document of a financial nature shall be executed or signed by or on behalf of the Union unless it is signed by –

- (a) the President and the Director, or in the absence of one of them, the First Vice-President; and
- (b) the Treasurer or, in his absence, the Assistant Treasurer.

13. Powers of Minister

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

(2) The Minister may require the Council to furnish such information in such manner and at such time as he thinks necessary in respect of its activities and the Council shall supply such information.

14. General Fund

The Union shall set up a General Fund –

- (a) into which all monies received from any source by the Union shall be paid;
- (b) out of which all payments required to be made for the purposes of this Act by the Union shall be effected.

15. Donations

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

16. Estimates

(1) The Union shall submit to the Minister, not later than 30 September in every year, an estimate of the income and expenditure of the Union for the next financial year for his approval.

(2) Where the Minister gives his approval under subsection (1), he may –

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

17. Annual report

(1) The Council shall, on such terms and conditions as it thinks fit, appoint a licensed auditor to audit the financial affairs of the Union.

(2) The Council shall, not later than 4 months after the end of a financial year, submit to the Minister an annual report together with an audited statement of accounts on the operation of the Union in respect of that financial year.

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

18. Rules

(1) The Council may make such rules as it thinks fit for the purposes of this Act.

(2) Rules made under this section shall not be required to be –

- (a) otherwise approved; or
- (b) laid before the Assembly.

19. Transitional provisions

(1) Notwithstanding the other provisions of this Act, the Minister shall, at the commencement of this Act, appoint –

- (a) not more than 40 ordinary members, who shall be the initial ordinary members of the Union;
- (b) 12 members of the Council from amongst the ordinary members appointed under paragraph (a); and
- (c) office bearers from amongst the members appointed under paragraph (b).

(2) The members and office bearers appointed under subsection (1)(b) and (c) shall hold office for a period of 2 years.

20. 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.

SCHEDULE
[Section 6(1)(a)]

PROCEDURE FOR ELECTION

1. Calling for nominations and appointment of nomination day

Not less than one month before the expiry of the term of office of the members specified in sections 6(1)(a) and 19(2), the Permanent Secretary shall publish, in the *Gazette* and such newspaper as he thinks fit, a notice –

- (a) inviting the submission of nominations; and
- (b) appointing a day, time and place for the nominations to be submitted.

2. Eligibility to stand as candidate

No person shall be eligible to stand as candidate for the election as a member of the Council unless on the nomination day, he is an ordinary member of the Union.

3. Procedure after nomination

Where the number of persons duly nominated exceeds the number of persons to be elected, the Permanent Secretary shall publish, in the *Gazette* and such newspaper as he thinks fit, a notice –

- (a) specifying the names of the persons duly nominated;
- (b) appointing a day, time and place, being not less than 15 days after the publication of the notice, for the holding of an election.

4. Persons entitled to vote

(1) Every person who, on nomination day, is an ordinary member of the Union shall be entitled to vote for the election of the members of the Council.

(2) Every ordinary member shall vote for such number of candidates as there are vacancies available in the membership of the Council.

5. Election

(1) The election of the members of the Council shall be conducted under the supervision of the Permanent Secretary or his representative.

(2) The Permanent Secretary shall submit to the Minister the results of the election forthwith.

(3) The Minister shall, within 21 days of receipt of the results of the election, publish in the *Gazette* the composition of the Council.
