

BILL

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THE NATIONAL COMMISSION FOR SOCIAL ACTION ACT, 2019

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No

Sierra Leone

2019

A BILL ENTITLED

The National Commission for Social Action Act, 2019 Short title.

Being an Act to provide for the establishment of the National Commission for Social Action which shall be responsible for the promotion and implementation of community based-sustainable social protection and development programmes and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

- Interpretation. 1. In this Act, unless the context otherwise requires -
- "Commission" means the National Commission for Social Action established under section 2;
- "Commissioner" means the Commissioner appointed under section 12;
- "donor" means any person or organisation who or which contributes anything not being public funds, whether in cash or in kind, to meet the expenses of the Commission
- "Government" means the Government of Sierra Leone;
- "Minister" means Minister of Planning and Economic Development;
- "Sierra Leone Association of Non-Governmental Organisation" means the Sierra Leone Association of Non-Governmental Organisation.

PART II - ESTABLISHMENT OF THE NATIONAL COMMISSION FOR SOCIAL ACTION

- Establishment of Commission. 2. (1) There is hereby established a body to be known as National Commission for Social Action.
- (2) The Commission shall be a body corporate having perpetual succession, a common seal and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Commission shall have a common seal, the use of which shall be authenticated by the signature of -

- (a) the Commissioner or other member of the Board authorised either generally or specially by the Board in that behalf; and
- (b) the Deputy Commissioner or some other person authorised by the Board in that behalf.

3. (1) The governing body of the Commission shall be a Board in which shall be vested, subject to this Act, the control and supervision of the Commission. Board of Commission.

(2) The Board shall consist of a Chairman and the following other members -

- (a) Development Secretary,
- (b) Financial Secretary;
- (c) Solicitor-General;
- (d) 2 Paramount Chiefs;
- (e) the head of a civil society organisation, registered with the Ministry of Development and Economic Planning and the Sierra Leone Association of Non-Governmental Organisation, engaged in community development. and
- (f) the Commissioner, who shall be Secretary to the Board.

(3) The President shall, on the advice of the Minister and subject to the approval of Parliament appoint the Chairman and other members of the Board under paragraphs (d) and (e) of subsection 2.

Tenure of members. 4. (1) The Chairman and other members of the Board shall hold office for a term of 2 years and shall be eligible for re- appointment for a further term of 2 years only.

(2) A person shall cease to be a member of the Board on any of the following grounds-

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause; or
- (f) if he resigns his office by written notice to the President.

Meetings of Board. 5. (1) The Board shall meet for the dispatch of its business at least once every 3 months at the offices of the Commission and at such time as the Chairman may determine.

(2) The Chairman shall preside at every meeting of the Board, if present, and in his absence, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A minimum of 3 members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his stead shall summon a special meeting within 5 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be 5.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own procedure.

6. (1) A member of the Board who has any interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter.

Disclosure of interest.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the Board.

Immunity of members of Boards etc.

7. (1) No action or other proceedings shall lie or be instituted against any members of the Board or member of a committee of the Board for or in respect any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) A member of the Board shall not be personally liable for any debt or obligation of the Commission.

Functions of Board.

8. (1) Subject to this Act, the Board shall have supervisory authority over the Commission, including overseeing the sound and proper financial management of the Commission.

(2) It shall also be the responsibility of the Board to provide such policy guidance and advice as will secure the efficient implementation of the functions of the commission and enhance the overall performance of the Commission.

Remuneration of matters.

9. The Chairman and other members of the Board and any person co-opted by the Board under subsection (8) of section 5 be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Commission for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine.

Filling of vacancies.

10. (1) Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent for a continuous period exceeding 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 3 months -

- (a) the members of the Board shall, as the case may be, elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) in the case of the member, the Chairman shall arrange, subject to this Act, to have another person appointed to the Board.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART III-FUNCTIONS OF THE COMMISSION

11. (1) The object for which the Commission is established is to implement, in cooperation with relevant ministries, departments, agencies and other stakeholders, sustainable socio-economic development programme geared towards the alleviation of poverty, improvement in well-being of extremely poor Sierra Leoneans, creation of employment opportunities and improvement in the speed, quality and impact of development initiatives.

Functions of Commission.

(2) Without prejudice to the generality of subsection (1) the Commission shall have the responsibility to -

- (a) assume the functions conferred on the National Commission for Reconstruction Resettlement, under the National Commission for Reconstruction Resettlement Act, 2015 (Act No.3 of 2015), including the overall planning, programing, coordination, supervision and monitoring of humanitarian, reintegration, resettlement and reconstruction programs throughout Sierra Leone;
- (b) implement programmes for combatting irregular migration throughout Sierra Leone;
- (c) implement operational aspects of the protection and assistance to refugees;
- (d) coordinate activities of humanitarian organizations engaged in war reparation and provide guidelines for such activities;

- (e) receive and manage funds for the social protection of disadvantaged families and to act as liaison between the National Social Security and Insurance Trust and the families;
- (f) implement social development, capacity building and pro-poor growth programmes in local councils; and
- (g) do all things necessary to attain the objects stated in subsection (1).

PARTIV - ADMINISTRATIVE PROVISIONS

Appointment of Commissioner and Deputy Commissioner.

12. (1) The Commission shall have a Commissioner and a Deputy Commissioner both of whom shall be appointed by the President subject to the approval of Parliament.

(2) A person shall not be appointed as Commissioner or Deputy-Commissioner unless that person has proven knowledge and experience in the management of development projects or in the management of an organisation similar to the Commission or both.

Functions of Commissioner.

13. (1) The Commissioner shall be responsible to the Board for the performance of the following functions-

- (a) provide overall leadership in the conduct and management of the day-to-day business or activities of the Commission;
- (b) initiate and maintain high-level contact with interested parties, both local and international, in relevant areas of the operations of the Commission;

- (c) monitor and supervise the preparation of the annual budget and report of the Commission for the review and approval of the Board;
- (d) oversee the work and discipline of other staff of the Commission;
- (e) formulate and implement operational policies, programmes and plans relating to the functions of the Commission as may be approved by the Board; and
- (f) ensure the implementation of this Act,

(2) In the performance of his functions under this section, the Commissioner shall be assisted principally by the Deputy-Commissioner who shall also act for the Commissioner in his absence.

14. The Commission shall have other staff as may be required for the efficient performance of the functions of the Commission. Other staff of Commission.

15. Public officers may at the instance of the Commission be seconded or otherwise render assistance to the Commission but the Commission may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Commission. Secondment of Public Officers.

16. No officer or employee of the Commission or any person acting on the directions of an officer or employee of the Commission shall be liable in respect of any matter or thing done by him in good faith under this Act. Protection of officers.

17. (1) The Commission shall have an internal auditor who shall be responsible to the Board. Internal audit.

(2) The internal auditor shall at the end of every 3 months, submit a report on the audit of the books and records of account of the Commission in respect of that period to the Board through the Commissioner.

(3) The internal auditor shall forward copies of the report to the Board, the Internal Audit Committee and to the Minister.

Divisions of Commission.

18. (1) The Commission shall establish divisions as the Commissioner may, with the approval of the Board, deem necessary for the performance of its functions including -

- (a) Strategic Planning and Programme Division;
- (b) Quality Assurance Division;
- (c) Administration and Human Resource Division;
- (d) Financial Management Division; and
- (d) Logistics and Procurement Division.

(2) A division established under subsection (1) shall be headed by a Director who shall be appointed by the Commissioner and upon such terms and conditions as may be determined by the Board.

PART V - FINANCIAL PROVISIONS

Funds of Commission.

19. (1) The activities of the Commission shall be financed by funds consisting of -

- (a) monies appropriated from time to time by Parliament for the purposes of the Commission;
- (b) monies given to the Commission by way of gifts, endowments, bequest, grant or other contributions by persons and organisations for the purposes of the Commission; or
- (c) other moneys which may, from time to time, accrue to the Commission.

(2) The funds of the Commission shall be applied only for the purposes of the approved budget of the Commission.

20. (1) The Commission shall keep proper books of account and other records in relation to the activities, property and finances of the Commission in a form approved by the Auditor-General, and shall prepare in respect of each financial year, a financial statement which shall include -

Accounts and audit of Commission.

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Commission kept under subsection (1) shall, not later than 2 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or an auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Commission and to require such information and explanation thereon as he may think fit.

(4) The Auditor-General or the auditor appointed by him shall submit to the Commission, a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to -

- (a) irregularities in the accounts;
- (b) matters that are likely to adversely affect the operations of the Commission; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Commission.

Financial year of Commission. 21. The financial year of the Commission shall be the same as the financial year of the Government.

Annual report 22. (1) The Commission shall, within 3 months after the end of the financial year, submit to the Minister an annual report on the performance of its functions during that year and on its policy and programmes.

(2) An annual report submitted by the Commission under subsection (1), shall include the accounts and annual financial statement prepared under section 21 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 2 months after he has received the report.

(4) The Commission shall make copies of the report available to all stakeholders within 30 days once it has been laid before Parliament.

(5) There shall be attached to the report referred to in subsection (2) -

- (a) an audited statement of the Commission's financial position;
- (b) an audited statement of income and expenditure; and
- (d) such other information as the Commission may consider appropriate.

PART VI-MISCELLANEOUS PROVISIONS

Regulations. 23. The Commission may by statutory instrument make Regulations as it considers necessary or expedient for giving effect to this Act.

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to establish the National Commission for Social Action that will be responsible for the promotion and implementation of community based-sustainable social protection and development programmes and any related matter.

The Bill is divided into 6 parts.

Part 1 - Preliminary, contains the interpretation section that defines key words used in the Bill.

Part 2 - establishes the National Commission for Social Action as a body corporate and constitutes its Board.

Part 3 - describes the functions of the Commission.

Part 4 - contains the administrative provisions that deal with the appointment and functions of the Commissioner and other administrative staff.

Part 5 - deals with the financial provisions of the Commission and its audited reports.

Part 6 - miscellaneous contain the power to make Regulations.

MADE this day of April, 2019

NABEELA TUNIS
Minister of Planning and Economic Development