

# NATIONAL PRODUCTIVITY AND COMPETITIVENESS COUNCIL ACT 1999

Act No. 9 of 1999

Proclaimed by [Proclamation No. 12 of 2000] w. e. f. 29<sup>th</sup> February 2000

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### An Act

**To provide for the establishment and management of a National Productivity and Competitiveness Council**

ENACTED by the Parliament of Mauritius, as follows:-

#### 1. Short title

This Act may be cited as the National Productivity and Competitiveness Council Act 1999.

#### 2. Interpretation

In this Act -

"Council" means the National Productivity and Competitiveness Council established under section 3;

"Chairperson" means the Chairperson of the Council;

"Vice-Chairperson" means the Vice-Chairperson of the Council;

"Member" means a member of the Council or Committee, as the case may be and includes the Chairperson and the Vice-Chairperson;

"Minister" means the Minister responsible for the subject of productivity;

"Executive Committee" means the Executive Committee set up under section 8;

"Productivity Committee" means any Productivity Committee set up by the Council under section 10; and

"Executive Director, means the Executive Director of the Council appointed under section 11.

### **3. Establishment of the Council**

- (1) There is established for the purposes of the Act a National Productivity and Competitiveness Council.
- (2) The Council shall be a body corporate.

### **4. Object of the Council**

The object of the Council shall be to stimulate and generate productivity and quality consciousness and drive the productivity and quality movement in all sectors of the economy with a view to raising national output and achieving sustained growth and international competitiveness.

### **5. Functions of the Council**

The Council shall-

- (a) provide the forum for constant dialogue and consensus building in all matters relating to productivity, quality and competitiveness;
- (b) advise Government on the formulation of national policies and strategies on all aspects of productivity, quality and competitiveness;
- (c) promote and develop greater productivity and quality awareness and consciousness amongst the public, and organise awards to recognise individuals, teams and organisations for their outstanding achievements in quality and productivity;
- (d) inculcate new values and attitudes in the country regarding productivity, quality and competitiveness;
- (e) identify constraints to the improvement of productivity, quality and competitiveness and propose remedial measures;
- (f) monitor and co-ordinate programmes and activities relating to the improvement of productivity, quality and competitiveness;

- (g) collect, analyse, produce and disseminate data on measurement of, and change in, productivity economy-wise and by sector and industry;
- (h) arrange for consultancy services in the areas of productivity and quality management and related fields;
- (i) promote and undertake research, including training in all aspects of productivity, quality and competitiveness;
- (j) liaise and establish linkages with research institutions and productivity organisations in Mauritius and abroad;
- (k) serve as focal point on all matters relating to productivity, quality and competitiveness;
- (l) act as resource centre for published works on productivity, quality and competitiveness issues;
- (m) organise conferences and policy seminars on productivity, quality and competitiveness;
- (n) constitute such Productivity Committees and co-opt such persons, as it may deem necessary, to such committees, define their objectives, broad terms of reference and the means of their function;
- (o) request the Productivity Committees to carry out studies, prepare opinion statements, reports and information bulletins within the scope of their powers; and
- (p) do such things as may be incidental to, and consequential upon, the discharge of its functions under this Act.

## **6. Membership of the Council**

- (1) The Council shall consist of not less than 15 but not more than 20 members comprising-
  - (a) a Chairperson;
  - (b) a Vice-Chairperson;
  - (c) not more than 3 members representing the interests of the Government-
  - (d) not more than 3 members representing the interests of the employers,
  - (e) not more than 3 members representing the trade unions; and
  - (f) not more than 9 other members drawn from industry associations, consumer organisations, professionals and academia.
- (2) The Chairperson shall be appointed by the Prime Minister. The other members of the Council shall be appointed by the Minister responsible for the subject of productivity
- (3) Members shall be paid such fees and allowances as may be determined by the Minister from time to time.
- (4) Members shall be appointed for 2 years and shall be eligible for reappointment for another term of 2 years.
- (5) The office of a member shall become vacant where the member-
  - (a) has been absent without leave from 3 consecutive meetings of the Council; or
  - (b) becomes disqualified for membership of the Council by virtue of gross misconduct or of any enactment.

- (6) Where a member is revoked, resigns, dies or otherwise vacates his office before the expiry of the term for which he has been appointed, the Minister may appoint another person for the remaining term of office of the member in whose place he is appointed.

## **7. Meetings of the Council**

- (1) The Council shall, at the request of the Chairperson, meet at least 4 times a year at such time and place as the Chairperson may direct.
- (2) Two-thirds of the membership of the Council shall constitute a quorum.
- (3) Where the Chairperson considers that the participation of any person in the deliberations of the Council may be useful, he may invite that person to attend and take part in any meeting of the Council.
- (4) Subject to the provisions of this Act, the Council shall regulate its meetings in such manner as it deems fit.

## **8. The Executive Committee**

- (1) There shall be an Executive Committee of the Council consisting of-
  - (a) the Chairperson of the Council, as Chairperson;
  - (b) the Vice-Chairperson of the Council, as Vice-Chairperson;
  - (c) the Executive Director; and
  - (d) 3 other members of the Council appointed by the Council.
- (2) The Executive Committee shall -
  - (a) prepare budget proposals and accounts for approval by the Council;
  - (b) prepare yearly programmes of work for approval by the Council; and
  - (c) monitor the use of financial and manpower resources, including disbursement of funds, acquisition of equipment and selection and hiring of staff.

## **9. Meetings of the Executive Committee**

- (1) A meeting of the Executive Committee shall be convened by its Chairperson at such time and place as he thinks fit.
- (2) Four members shall constitute a quorum.
- (3) Subject to the other provisions of this section, the Executive Committee shall regulate its meetings and proceedings in such manner, as it thinks fit.

## **10. Productivity Committees**

- (1) The Council may set up such Productivity Committees, as it deems fit, to assist it in discharging its functions under this Act.
- (2) A Productivity Committee may be set up to-

- (a) advise the Council on appropriate measures to promote and enlist wide support for productivity, quality and competitiveness;
  - (b) monitor productivity, quality and competitiveness in any specific sector and industry and provide feedback to the Council;
  - (c) advise the Council on any matter relating to productivity, quality and competitiveness;
  - (d) enquire into, and report back on any matter referred to it by the Council
  - (e) carry out studies and prepare opinion statements, reports, etc, at the request of the Council; and propose to the Council the undertaking of such studies as may be required and the hiring of such expertise or research assistants considered necessary.
- (3) Where a Productivity Committee is of the opinion that a person may, by reason of his or her special knowledge, experience or skill, be of assistance, it may co-opt that person to serve on the Productivity Committee,.
- (4) A Productivity Committee shall regulate its meetings and proceedings in such manner as it thinks fit.

#### **11. The Executive Director**

- (1) There shall be an Executive Director who shall be appointed by the Council, with the approval of the Minister, on such terms and conditions as it may deem fit.
- (2) The Executive Director shall -
  - (a) provide technical and professional support to the Council;
  - (b) monitor and ensure the proper implementation of the work programme of the Council;
  - (c) prepare, or co-ordinate the preparation of such papers, documents and studies as may be requested by the council;
  - (d) sign such agreements with enterprises, or national or foreign entities, for undertaking studies and other works, as may be necessary;
  - (e) ensure compliance with the Act and regulations made by the Council; and
  - (f) carry out any of the duties which may be entrusted to him by the Council or the Executive Committee
- (3) The Executive Director shall be responsible to the Council for the proper administration and management of the day-to-day business of the Council in accordance with guidelines laid down by the Council.
- (4) The Executive Director shall act as the Secretary of the Council and the Executive committee and, in that capacity attend all the meetings of the Council and the Executive Committee.
- (5) The Executive Director may take part in the deliberations of the Council, but shall not be entitled to vote on any matter before the Council.

- (6) The Council may delegate to the Executive Director such of its functions under this Act as may be necessary to enable him to carry out more effectively the day-to-day business of the Council.

## **12. Appointment of employees**

- (1) The Council may appoint on such terms and conditions, as it thinks fit, such number of employees as it considers necessary for the proper discharge of its functions.
- (2) The Council may engage temporarily or on such other terms and conditions as it may deem necessary, persons who are knowledgeable in matters relating to productivity, quality and competitiveness.
- (3) The employees shall be under the administrative control of the Executive Director.

## **13. Conditions of service of employees**

The Council may make provision in such form, as it may determine, to govern the conditions of service of its employees and, in particular, to deal with-

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

## **14. Immunities**

No liability, civil or criminal, shall lie against any member of the Council or employees of the Council for any act or omission except in so far as the act or omission complained of was done in good faith.

## **15. Symbol**

The Council shall have a symbol or a logo for its exclusive use in connection with its activities.

## **16. Funds of the Council**

- (1) The Council shall establish a general Fund-
  - (a) into which all moneys received by the Council shall be paid; and
  - (b) out of which all payments required to be made by the Council shall be paid.
- (2) There shall be paid into the General Fund --
  - (a) all grants received from Government for the discharge of its functions;
  - (b) any sum received by way of loan from Government;
  - (c) any dues or fees levied or charges imposed by the

- (d) Council; and  
any money received by the Council from any other source.
- (3) All payments made by the Council shall be met out of the General Fund.

## **17. Estimates**

- (1) The Council shall, not later than 4 months before the commencement of every financial year, submit to the Minister for his approval an estimate of the income and expenditure of the Council.
- (2) In signifying his approval, the Minister may-
  - (a) approve part of the expenditure under any items; and
  - (b) direct the Council to amend the estimates.

## **18. Annual report**

The Council shall, not later than 4 months after the end of the financial year, furnish to the Minister the annual report and audited accounts specified in section 9 of the Statutory Bodies (Accounts and Audit) Act.

## **19. Execution of documents**

- (1) Subject to subsection (2), all documents shall be deemed to be executed by, or on behalf of the Council, if signed by the Chairperson or the Vice-Chairperson and the Executive Director of the Council.
- (2) Every cheque of the Council shall be signed by any 2 of the following persons.-
  - (a) the Chairperson of the Council,
  - (b) the Executive Director; and
  - (c) such other member of the Executive Committee as may be appointed for that purpose by the Council.

## **20. Donations**

Article 910 of the Code Napoleon shall not apply to the Council.

## **21. Regulations**

- (1) The Council may make such regulations as it thinks fit for the purposes of this Act.
- (2) Any regulations made under subsection (1) may provide for the levying of dues and fees.

## **22. Consequential amendments**

- (1) The Schedule to the Statutory Bodies (Accounts and Audit) Act is amended in Part II by adding in its alphabetical place, the, following item-

National Productivity and Competitiveness Council (NPCC)

- (2) For the purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June next following shall be deemed to be the first financial year of the Council.
- (3) Section 7(1) of the Statutory and Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the Council.
- (4) The auditors to be appointed under section 5(1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

**23. Commencement**

**Proclaimed by [Proclamation No. 12 of 2000] w. e. f. 29<sup>th</sup> February 2000**