

## **TRANSLATION OF THE OFFICIAL PUBLICATION OF SINT MAARTEN (AB 2010, GT no. 19)**

### **National ordinance Social-Economic Council<sup>1</sup>**

#### **Chapter 1. Institution and task**

##### **Article 1**

There shall be a Social-Economic Council, hereinafter referred to as 'the Council'.

##### **Article 2**

1. The task of the Council is to provide the government with advice on all significant matters of a social economic nature.
2. The Council shall issue its advice in response to written requests to that effect from one or more ministers.
3. The Council may also serve the government with advice on matters of a social economic nature at its own initiative.

#### **Chapter 2. Design and composition**

##### **Article 3**

1. The Council shall consist of no more than nine members, who shall be appointed by national decree on the nomination of the Minister of General Affairs.
2. Six members shall be appointed who can be regarded as representatives of the private sector. Of these six members, three shall be from employers' circles and three from employees' circles.
3. The three persons from employers' circles shall be appointed on the written nomination of the organisations representative of employers. The persons from employees' circles shall be appointed on the written nomination of the organisations representative of employees.
4. Whether an organisation is representative as referred to in paragraphs 2 and 3, shall be demonstrated every five years through the submission of data showing the number of active members. Further rules concerning the verification of these data may be laid down by national decree, containing general measures.
5. No more than three persons shall be appointed who cannot be regarded as representatives of the private sector. These persons may also not be civil servants in active service.

##### **Article 4**

A deputy shall be appointed for each member. Article 3 is likewise applicable.

##### **Article 5**

Only residents of Sint Maarten may be appointed as members or deputy members of the Council.

##### **Article 6**

1. Membership and deputy membership of the Council is incompatible with:
  - a. membership of Parliament;
  - b. membership of the Council of Advice;
  - c. the office of minister or Minister Plenipotentiary;
  - d. the office of Ombudsman;
  - e. the position of a civil servant in active service.
2. For the purposes of this Article, a civil servant, referred to in paragraph 1(d), is equated with persons employed under a civil-law employment contract in the service of the national administration.

##### **Article 7**

Members of the Council shall be suspended by national decree, stating the reasons:

- a. if they are held in pre-trial detention;
- b. if a preliminary court investigation is opened against them in relation to a criminal offence;

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<sup>1</sup> This issuance takes place on the basis of the additional Article II of the Constitution.

- c. if they are convicted of a criminal offence in a court decision that has not become final, or if measures are imposed on them by such a decision, leading to the deprivation of their liberty;
- d. if they are placed in receivership, are declared bankrupt, are granted a moratorium on payments or are committed due to debts by a court decision that has not become final;

#### **Article 8**

Members of the Council shall be dismissed by national decree, stating the reasons:

- a. at their own request;
- b. on reaching the age of 70;
- c. if they are convicted of a criminal offence by a judicial decision that has become final, or if a measure resulting in the deprivation of their liberty is imposed by such a decision;
- d. if they are placed in receivership, declared bankrupt, are granted a moratorium on payments or are committed in relation to debt by a final judicial decision;
- e. if they become permanently unable to perform their official duties due to illness or a disorder;
- f. on acceptance of an office or position that is incompatible with membership of the Council pursuant to Article 6;
- g. on the loss of domicile.

#### **Article 9**

If there is an intention to suspend or dismiss a member of the Council, other than in the cases as referred to in Article 8(a) and 8(b), the person concerned shall be given an opportunity to present his view on this.

#### **Article 10**

The chairman and vice-chairman shall be chosen from among the members of the Council and shall be appointed and dismissed by national decree, on the nomination of the Council.

#### **Article 11**

1. The Council shall have a secretary who shall be appointed and dismissed by national decree, having heard the Council. The secretary shall head the secretariat.
2. The secretary may be suspended on the proposal of the Council by an administrative decision of the Minister of General Affairs, stating the reasons.
3. The staff of the secretariat shall be appointed by national decree, on the nomination of the Council, and shall be suspended and dismissed by national decree, the Council having been heard.

#### **Article 11a**

The structure and organisation of the secretariat of the Council shall be laid down by national decree, containing general measures.

#### **Article 12**

1. The members of the Council and their deputies shall step down every three years and may be reappointed immediately.
2. Persons appointed as a member or deputy member in order to fill a vacancy in the interim shall step down on the date on which the person whose seat fell vacant should have stepped down.

### **Chapter 3. Working method**

#### **Article 13**

1. The chairman shall convene meetings of the Council when he considers this necessary or desirable, stating the matters to be discussed.
2. If at least two members of the Council have requested this of the chairman in writing, stating their reasons, the chairman will convene a meeting of the Council within 14 days of the date of the request, with notice of the request, stating the reasons, of the relevant members.

#### **Article 14**

1. A Council meeting shall not take place if at least half of the members of the Council are not represented.
2. If a meeting of the Council has twice been convened without meeting the requirement of paragraph 1, the Council meeting next convened shall take place regardless of the number of

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members in attendance.

#### **Article 15**

The members and, in cases arising, the deputy members shall take part in the discussions and voting of the Council without being bound by a mandate or instructions.

#### **Article 16**

The members and, in cases arising, the deputy members shall not take part in discussions and voting if the case concerns them, their spouses or their relatives by blood or affinity to the second degree personally.

#### **Article 17**

1. The Council is authorised to invite other persons to its meetings and to admit them to its discussions in the meetings, with an advisory vote.
2. Each minister may request the Council to admit one or more officials designated by the minister to Council meetings as an observer if matters are discussed at that meeting concerning his ministry. If the Council grants the request, such officials may cast an advisory vote at the relevant Council meeting.

#### **Article 18**

Any person involved in the implementation of this national ordinance who gains access thereby to information that he knows is confidential or should reasonably assume to be of a confidential nature, and who is not already obliged to protect the confidentiality of the information on the grounds of his office, profession or by a statutory provision, is required to protect its confidentiality, except to the extent that he is obliged to disclose it pursuant to any statutory provision, or the necessity for disclosure arises through his duty in the implementation of this law.

#### **Article 19**

The Council shall lay down further rules concerning its working methods by Rules of Order.

### **Chapter 4. Advice**

#### **Article 20**

The government shall provide the Council with all information required by the Council in connection with its advice, unless, in the view of the government, this is contrary to the national interest.

#### **Article 21**

1. The Council's advisory reports shall be signed by the chairman and the secretary.
2. The Council's advisory reports shall be drawn up in accordance with the views of the majority of the meeting.
3. Differing views of a minority shall be recorded in the advisory reports if requested.
4. The members may attach minority memoranda to the advisory reports if the views expressed in these are defended at the meeting at which the advisory report to be issued was discussed.

### **Chapter 5. Management**

#### **Article 22**

The financial provisions for the members of the Council, their deputies and for the secretary shall be laid down by national decree, containing general measures.

#### **Article 23**

1. By agreement with the Council and the minister concerned, Parliament shall make all facilities available to the Council for the proper and independent performance of its tasks.
2. The chairman shall perform the management.

### **Chapter 6. Final provision**

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**Article 24**

This national ordinance shall be referred to as the National ordinance Social-Economic Council.

Issued on the *twentieth* of December 2010  
The Minister of General Affairs,  
S.A. Wescot-Williams

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