

No 14 of 2013.

National Council of Women Act 2013.

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No. of 2013

National Council of Women Act 2013.

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No. of 2013.

AN ACT

Entitled

National Council of Women Act 2013,

Being an Act to establish the National Council of Women and for related purposes,

MADE by the National Parliament.

PART I. - PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

(1) This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*Qualified Rights*) of the *Constitution*, namely –

- (a) the right to freedom from arbitrary search and entry conferred by Section 44; and
- (b) the right to freedom of employment conferred by Section 48; and
- (c) the right to privacy conferred by Section 49; and
- (d) the right to stand and vote for public office conferred by Section 50; and
- (e) the right to freedom of information conferred by Section 51; and
- (f) the right to the freedom of movement conferred by Section 52,

of the *Constitution* is a law that is made for the purpose of giving effect to the national interest, and public safety and public welfare.

(2) For the purposes of Section 52 (*protection from unjust deprivation of property*) of the *Constitution*, the purpose of protecting and maintaining the properties of the Council is a public purpose.

(3) For the purposes of Section 41 of the *Organic Law on Provincial Governments and Local-Level Governments*, it is hereby declared that this Act relates to a matter of national interest.

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2. INTERPRETATION.

In this Act unless the contrary intention appears –

- “affiliated member” means an organization that is actively involved in the promotion and strengthening of gender and women’s issues and has paid the prescribed membership fee;
- “associate member” means an individual or an organization that supports and promotes the work of the Council and has paid the prescribed membership fee;
- “convention” means the National Convention of the Council held in accordance with Section 11;
- “Council” means the Papua New Guinea National Council of Women established by Section 6;
- “discrimination” means an actual or perceived act or omission that prevents a woman actively and meaningfully participating in and benefiting from development;
- “District Council of Women” means a District Council of Women established under Section 36;
- “Executive Committee” means the Executive Committee of the Council established under Section 14;
- “leader” means –
 - (a) the President; and
 - (b) the Vice President; and
 - (c) the Secretary General, of the Council and includes –
 - (d) a member of the Executive Committee; and
 - (e) a member of the executive of a Provincial Council of Women; and
 - (f) a member of the executive of a District Council of Women; and
 - (g) a member of a committee established under this Act;
- “Local Council of Women” means a Local Council of Women established under Section 43;
- “member” includes –
 - (a) a permanent member; and
 - (b) an affiliate member; and
 - (c) an associate member;
- “National President” means the President elected under Section 12;
- “permanent member” means a Provincial Council of Women;
- “person” includes a corporation and an organization;
- “province” includes the National Capital District and the Autonomous Region of Bougainville;
- “Provincial Council of Women” means the Provincial Council of Women established under Section 28;
- “registered member” means –
 - (a) a permanent member; or
 - (b) an affiliate member; or
 - (c) an associate member, as prescribed; or

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- (d) an individual member under Section 45;
- “Technical Working Committee” means the Technical Working Committee of the Council established under Section 24;
- “women’s organization” means a women’s group that pursues the interests and aspirations of women including –
 - (a) women’s political organizations; and
 - (b) women’s business groups; and
 - (c) women’s cultural organizations; and
 - (d) women’s resource owners associations; and
 - (e) women’s professional groups; and
 - (f) women students associations; and
 - (g) international women’s charters; and
 - (h) faith based women’s groups.

3. APPLICATION OF ACT.

- (1) This Act applies to –
 - (a) the State; and
 - (b) all natural persons, whether resident in the country or not; and
 - (c) all corporations, whether incorporated or carrying on business in the country or not.
- (2) The provisions of this Act shall apply to all matters relating to women in Papua New Guinea.
- (3) The provisions of this Act apply with such modifications as may be approved by the Council in relation to the Autonomous Region of Bougainville and the National Capital District.

4. OBJECTIVES OF THE ACT.

- (1) The objectives of this Act are –
 - (a) to provide for an organization to promote and strengthen women’s role in the country; and
 - (b) to promote the equal participation of women in national development; and
 - (c) to promote the maximization of women’s participation in the development of the country; and
 - (d) to support the government in the promotion of policies, laws, programmes and activities that eliminate all forms of discrimination against women; and
 - (e) to promote, strengthen and pursue the interest of women at all levels of government, civil society and the private sector; and
 - (f) to provide a means for carrying into effect obligations under any international treaty or convention relating to women to which Papua New Guinea is a party.

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5. PRINCIPLES RELEVANT TO THE OBJECTIVES OF THE ACT.

To achieve the objectives of this Act, all persons exercising a function, power or a duty under this Act shall endeavour to recognize and take into account the following principles –

- (a) the promotion and protection of women in society; and
- (b) the elimination of all forms of discrimination against women; and
- (c) the promotion of gender equality; and
- (d) the active and full participation of women in –
 - (i) development; and
 - (ii) leadership; and
 - (iii) government; and
- (e) the equal participation of women in all forms of development.

PART II. - NATIONAL COUNCIL OF WOMEN.

Division 1. - Establishment.

6. NATIONAL COUNCIL OF WOMEN.

(1) A body known as the Papua New Guinea National Council of Women is hereby established.

(2) The Council –

- (a) is a body corporate with perpetual succession; and
- (b) shall have a seal; and
- (c) may acquire, hold and dispose of property; and
- (d) may sue and be sued in its corporate name.

(3) All courts, Judges and persons acting judicially shall take judicial notice of the common seal of the Council affixed to a document and shall presume that it was duly affixed.

7. OBJECTIVES OF THE COUNCIL.

The objectives of the Council are –

- (a) to encourage and provide opportunities for mutual understanding amongst women in the country; and
- (b) to represent the views of women at all levels in the country and to publicize those views where the Council thinks proper; and
- (c) to promote and advocate for the fundamental rights of women in all spheres of life (including cultural, social, economic, political and spiritual) so that women are able to actively and effectively participate and benefit from development; and
- (d) to ensure that all forms of discrimination against women are eliminated in the country; and
- (e) to actively promote and establish strong working relationships and collaboration with the appropriate agency of the government responsible for women's affairs and other relevant governments and agencies; and

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- (f) to advise the government on all matters relating to gender and women's affairs; and
- (g) to promote the active and full participation of women in the development of natural resources in the country.

8. COMPOSITION OF THE COUNCIL.

The Council shall consist of –

- (a) permanent members; and
- (b) affiliated members; and
- (c) associate members.

Division 2. - Functions and Powers of the Council, etc.

9. FUNCTIONS OF THE COUNCIL.

(1) The functions of the Council are –

- (a) to advise the Minister on any matters relating to the objects of this Act; and
- (b) to solicit advice from the Executive Committee on matters relating to the objects of this Act; and
- (c) to monitor and review the operations of the Council; and
- (d) to monitor and review the powers and functions of the Executive Committee; and
- (e) to promote awareness on women and gender issues; and
- (f) to strengthen the role of women in society; and
- (g) to promote the equal participation and advancement of women in government and leadership; and
- (h) to maintain links with international organizations that deal with women's affairs and gender issues in other countries; and
- (i) to promote and strengthen the work of provincial, district and local councils of women; and
- (j) to promote research in relation to gender issues; and
- (k) to promote research on women's issues; and
- (l) to protect the rights of women in society; and
- (m) to promote and strengthen the advancement of women in leadership; and
- (n) to ensure the equitable distribution of benefits arising from the sustainable utilization and management of natural resources to women; and
- (o) to establish mechanisms for the exchange of information with other countries, particularly those in the region; and
- (p) to collaborate with international organizations working in the country whose programmes affect women and involve gender issues; and
- (q) to do all that may be deemed necessary to implement the policy and provisions of this Act.

(2) The Council may, with the approval of the Minister, by instrument, delegate all or any of its powers and functions (except this power of delegation) to –

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- (a) the Secretary General; or
- (b) a Provincial Council of Women; or
- (c) a District Council of Women; or
- (d) a Local Council of Women.

10. POWERS OF THE COUNCIL.

The Council has full powers to do all things necessary to be done in connection with the performance of its powers and functions under this Act or any other enactment, including, but without prejudice to the foregoing generality, power –

- (a) to formulate and issue technical and procedural rules in relation to the operations and performance of the Council and provincial, district and local councils of women; and
- (b) to terminate the membership of a member of the Council and the Executive Committee; and
- (c) to develop and adopt the Code of Ethics for the Council; and
- (d) to approve membership fees; and
- (e) to approve guidelines for appointing life members of the Council; and
- (f) to approve rules for the discipline of leaders of the Council; and
- (g) to approve procedures for the appointment of the four women to the Executive Committee who are appointed in accordance with Section 66; and
- (h) to develop and adopt guidelines relating to the participation of women leaders in national elections; and
- (i) to provide advice to regulatory agencies about women's issues; and
- (j) to establish District Councils of Women and Local Councils of Women; and
- (k) to approve the manner in which the provisions of this Act will apply to the Autonomous Region of Bougainville and the National Capital District; and
- (l) to approve fees and allowances as specified under the Act; and
- (m) to suspend and re-establish a Provincial, or District, or Local Council of Women.

Division 3. – Meetings of Council, etc.

11. THE NATIONAL CONVENTION.

(1) There shall be a National Convention of the Council to be held every five years commencing from the first convention held after the commencement of this Act.

- (2) The following are eligible to attend and participate at the Convention:
 - (a) registered members; and
 - (b) the prescribed number of delegates approved by the Council; and
 - (c) invited persons or organizations.
- (3) At a convention –
 - (a) half the total number of registered members for the time being constitute a quorum; and
 - (b) where the National President is absent, the Vice President shall preside; and

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- (c) matters arising shall be decided by a majority of the votes of the members present and voting; and
- (d) the person presiding has a deliberative and, in the event of an equality of votes on any matter, also a casting vote.

(4) Subject to this Act, the procedures of the Convention are as determined by the Council.

(5) Where the Convention is not held within the period referred to in Subsection (1) without any reasonable cause, the Minister shall, as soon as practicable, call an urgent meeting of the Executive Committee and, in consultation with the Executive Committee, immediately convene the National Convention.

(6) Where the Executive Committee fails to meet and consult with the Minister under Subsection (5), the Minister shall suspend the Executive Committee and convene the Convention within 21 days.

12. FUNCTIONS AND POWERS OF THE NATIONAL CONVENTION.

- (1) The main functions of the Convention are to –
- (a) elect –
 - (i) the National President, and
 - (ii) the National Vice President; and
 - (iii) the National Treasurer; and
 - (b) appoint four regional women's representatives nominated by the respective regional delegates attending the Convention; and
 - (c) deliberate and make decisions on matters presented at the meeting; and
 - (d) discuss any other issues relevant to women which are not included in Paragraph (c).

(2) The Convention has the powers to do all things necessary to be done in connection with the performance of its functions and duties under this Act.

13. BI-ANNUAL GENERAL MEETING.

(1) The Council shall hold a general meeting every two year intervals but not more than one special meeting at such time and place where the need arises to discuss and deliberate on –

- (a) the reports of the Provincial Council Presidents meeting referred to in Section 35; and
- (b) reports of other members of the Council; and
- (c) issues relating to women's affairs; and
- (d) any other business presented to the meeting by the Executive Committee.

(2) At a bi-annual general meeting of the Council –

- (a) half the total number of members for the time being constitute a quorum; and

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- (b) the National President, or in her absence, the National Vice President, shall preside; and
- (c) matters arising shall be decided by a majority of the votes of the members present and voting; and
- (d) the person presiding has a deliberative, and in the event of an equality of votes on any matter, also a casting vote.

(3) Subject to this Act, the procedures of a bi-annual general meeting of the Council are as determined by the Council.

Division 4. - Executive Committee.

14. ESTABLISHMENT OF THE EXECUTIVE COMMITTEE AND APPOINTMENT OF MEMBERS.

- (1) There is hereby established an Executive Committee of the Council.
- (2) The Executive Committee shall consist of –
 - (a) the National President who shall be chairwoman; and
 - (b) the National Vice President; and
 - (c) the National Treasurer; and
 - (d) four women appointed by the Council in accordance with Section 66; and
 - (e) two persons appointed by the Council; and
 - (f) the head of the national government department or agency responsible for women matters or his nominee, *ex officio*.

(3) The members shall hold office on such terms and conditions as are determined by the Council.

- (4) The Secretary General shall be the executive officer to the Executive Committee.
- (5) Subject to Section 22, the members of the Executive Committee –
 - (a) shall be appointed for a period of five years; and
 - (b) are eligible for re-appointment but only for second consecutive term; and
 - (c) are not eligible thereafter for appointment to any elective office under this Act.

15. FUNCTIONS, POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE.

- (1) The functions of the Executive Committee are –
 - (a) to advise the Minister or the Council on any matter relating to the objectives of this Act; and
 - (b) to monitor and review the operations of Provincial, District and Local Councils of Women; and
 - (c) to provide technical advice to the Council on matters relating to the operations and performance of Provincial, District and Local Councils of Women; and

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- (d) to nominate women's representatives to boards, committees, councils or other representative bodies where required under an Act of Parliament or subordinate enactment; and
- (e) to appoint the Secretary General and officers of the Council; and
- (f) to carry out any other function or duties conferred on it by or under this Act or any other enactment.

(2) The Executive Committee has the power and duty to do all things necessary to be done in connection with the performance of its functions, powers and duties as directed by the Council and conferred under this Act.

16. LEAVE OF ABSENCE OF MEMBERS.

The National President may grant leave of absence to a member of the Executive Committee on such terms and conditions as the Council determines.

17. QUORUM AND PROCEDURES OF THE EXECUTIVE COMMITTEE.

- (1) Subject to Subsection (2) the Executive Committee shall meet two times in a year.
- (2) The Executive Committee may hold not more than two special meetings at such times and places where the need arises.
- (3) At the meeting of the Executive Committee –
 - (a) half the total number of members for the time being constitute a quorum; and
 - (b) the National President, or in her absence, the National Vice President, shall preside: and
 - (c) matters arising shall be decided by a majority of the votes of the members present and voting; and
 - (d) the person presiding has a deliberative, and in the event of an equality of votes on a matter, also a casting vote.
- (4) Subject to this Act, the procedures of the meetings of the Executive Committee are as determined by the Executive Committee.

Division 5. - Council Executives.

18. OFFICES OF COUNCIL EXECUTIVES.

- (1) There shall be an executive of the Council comprising of –
 - (a) the National President of the Council; and
 - (b) the National Vice President of the Council; and
 - (c) the National Treasurer of the Council,who shall be elected at a National Convention.
- (2) The National President shall –

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- (a) perform such other functions and duties as may be conferred by this Act; and
- (b) be the head of the Council and, if present, shall preside at all meetings of the Council.

(3) The National Vice President shall in the absence or termination of the National President, perform the functions of the National President.

(4) The National Treasurer shall –

- (a) provide financial statements to –
 - (i) the annual meetings of the provincial presidents; and
 - (ii) the bi-annual meeting; and
 - (iii) the National Convention; and
- (b) in consultation with the Secretary General, formulate the annual money plan for the Council and submit it for approval by the Council; and
- (c) supervise and monitor the disbursement of the funds of the Council.

19. FUNCTIONS AND POWERS OF COUNCIL EXECUTIVES.

(1) The National President shall perform such functions and duties as are conferred by this Act.

(2) The National Vice President and the National Treasurer shall –

- (a) perform such functions and duties as are conferred by this Act; and
- (b) exercise such powers as may be vested in them by the Council.

Division 6. - Vacation of Office, etc.

20. TEMPORARY VACATION OF OFFICE AS PROVINCIAL PRESIDENT.

A President of a Provincial Council of Women who is elected or appointed to an office under Section 14 shall discontinue to hold office as a president of a Provincial Council of Women during the period the concerned President holds office under Section 12.

21. RESIGNATION.

(1) Subject to Subsection (2), a leader may resign her office in writing signed by her and delivered to the Secretary General.

(2) Subject to Subsection (3), a member of a Provincial, District, or Local Council of Women, to which this section applies may resign her office in writing signed by her and delivered to the Secretary of her respective Council of Women of which she is a member.

(3) Where the person resigning is –

- (a) the Secretary General, she may resign her office in writing signed by her and delivered to the National President; or
- (b) the Secretary of a Provincial, District or Local Council of Women, she may resign her office in writing signed by her and delivered to the president or the head of her respective Council of Women for which she is the Secretary.

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22. DISMISSAL OF A LEADER.

- (1) If a leader –
- (a) becomes permanently incapable of performing her duties; or
 - (b) resigns her office in accordance with Section 21; or
 - (c) dies; or
 - (d) is absent for three consecutive meetings of the Council or Executive Committee; or
 - (e) fails to comply with Section 64; or
 - (f) violates the Code of Ethics; or
 - (g) becomes bankrupt, or applies to take the benefit of any law for the benefit of bankrupt or insolvent debtors, compounds with her creditors or makes an assignment for their benefit; or
 - (h) is convicted of an offence punishable under a law for a term of imprisonment of one year or longer or by death, and, as a result of that conviction, is sentenced to imprisonment or death; or
 - (i) ceases to be ordinarily resident in the country,
- the Council shall terminate her appointment.

(2) Subject to Section 23, the Council shall provide the procedure for dismissing a leader.

23. GIVING OF NOTICE OF DISMISSAL TO A MEMBER OF THE EXECUTIVE COMMITTEE.

(1) The Secretary General, acting on advice, may, at any time, by written notice, advise a member of the Executive Committee that the Council intends to terminate her appointment on the grounds of inefficiency, incapacity or misbehavior.

(2) Within 14 days of the receipt of a notice under Subsection (1), the member may reply in writing to –

- (a) the National President; or
- (b) the National Vice President (in the case of the National President),

who shall consider the reply, taking into account the principles of natural justice, and may terminate the appointment.

(3) Where the member does not reply in accordance with Subsection (2), her appointment is terminated.

(4) Where the Council makes a decision to terminate the appointment of –

- (a) the National President; or
- (b) the National Vice President; or
- (c) the National Treasurer; or
- (d) a regional representative,

the Secretary General shall inform the National Convention of the decision and request that a new appointment be made by the National Convention in place of the terminated member.

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(5) Where a member referred to in Subsection (4) is terminated during her term, no election shall be held until the next National Convention.

(6) Subject to Subsection (7), the provisions of this section apply to the Secretary General.

(7) Where the Secretary General is dismissed under this section, the Executive Committee shall make a new appointment of the Secretary General.

Division 7. - Technical Working Committee, etc.

24. TECHNICAL WORKING COMMITTEES TO THE COUNCIL, ETC.

(1) The Council may on its own volition or upon the advice of the Executive Committee appoint such Technical Working Committees as it thinks necessary to give expert advice to the Council or Executive Committee to assist it in the performance of its functions.

(2) A person that has had any connection or interest (financial or otherwise) with a regulated entity under this Act at any time during the previous 12 months immediately prior to appointment may not serve as a member of the Technical Working Committee.

(3) A person appointed as a member of a Technical Working Committee may be paid such fees and allowances as the Council may from time to time determine.

25. PREPARING AND MAINTAINING THE REGISTER.

The Council shall keep a register of all properties, assets, members and such other matters as are determined by the Council.

26. FEES AND CHARGES.

The Council may from time to time –

(a) fix charges –

(i) on a scale of charges for exercising or performing any function, power or duty; and

(ii) based on the time involved in exercising or performing any function, power or duty; and

(b) specify the persons liable to pay the charges, under this Act.

27. REPORTS.

(1) The Council shall, through the Executive Committee, by 31 March each year, furnish to the Minister a report on the progress and performance of the Council in relation to its functions for the year ending 31 December previously.

(2) The annual report shall include –

(a) the extent to which the Council has met the objectives of this Act; and

(b) information showing the number of members and properties of the Council; and

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- (c) information on the incomes and expenditures for the year; and
- (d) the strategies the Council has adopted or intends to adopt to achieve the objects of the Act in the succeeding year; and
- (e) any other matters that the Council may decide to incorporate in the report.

(3) As soon as practicable, after the Minister has received a report under Subsection (1), the Minister shall forward the report to the Speaker for presentation to the National Parliament.

PART III. - OTHER COUNCILS OF WOMEN.

Division 1. - Provincial Councils of Women.

28. PROVINCIAL COUNCILS OF WOMEN.

(1) A Provincial Council of Women shall be established in every province.

(2) A Provincial Council of Women shall adopt the model constitution approved by the Council.

(3) A Provincial Council of Women may hold a provincial convention every year.

(4) Each Provincial Council of Women is a permanent member of the Council.

29. FUNCTIONS OF A PROVINCIAL COUNCIL OF WOMEN.

The functions of a Provincial Council of Women are –

- (a) to advise on policy matters relating to women's development in their respective provinces; and
- (b) to advise relevant authorities in provinces on any matter referred to it; and
- (c) to promote the interest and aspirations of women in the province in consultation with the women; and
- (d) to make recommendations to the Council on all matters on behalf of its members; and
- (e) to exercise its powers or any other function delegated or consistent as required by this Act, its constitution or any other law.

30. MEMBERSHIP OF A PROVINCIAL COUNCIL OF WOMEN.

A Provincial Council of Women shall consist of –

- (a) the District Councils of Women in the province; and
- (b) affiliate members in the province; and
- (c) associate members in the province,

which have paid the prescribed membership fees.

31. EXECUTIVE MEMBERS OF A PROVINCIAL COUNCIL OF WOMEN.

(1) There shall be established in each province, a Provincial Council of Women executive.

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(2) The members of a Provincial Council of Women shall elect from their own number an executive consisting of –

- (a) the Provincial President; and
- (b) the Provincial Vice President; and
- (c) the Provincial Treasurer; and
- (d) the Secretary; and
- (e) an executive officer, *ex officio*.

(3) The members of the executive of a Provincial Council of Women shall –

- (a) subject to Section 22, hold office for a period of five years; and
- (b) hold office on such terms and conditions as may be approved by the Council; and
- (c) be eligible for re-appointment only for a second consecutive term.

(4) The executive officer may be appointed on such terms and conditions as the Council may approve.

32. CALLING OF MEETINGS.

(1) A Provincial Council of Women executive shall meet as often as the business of the Provincial Council of Women requires, and at such times and places as the Provincial Council of Women determines, or as the Provincial President, or in her absence, the Provincial Vice President, determines but in any event shall meet not less frequently than two times in a year.

(2) Where she receives a request to do so by not less than three members of the Provincial Council of Women, the Provincial President shall convene a meeting of the provincial executive within 21 days.

33. SUSPENSION OF THE PROVINCIAL EXECUTIVE.

(1) The Council may, after considering a recommendation of the Secretary General, suspend the operation of a Provincial Council of Women executive for failure to implement or comply with the provisions of this Act.

(2) Upon suspension under Subsection (1), the powers, functions, duties and responsibilities of the Provincial Council of Women executive shall vest in a body appointed by the Council.

(3) During the period of suspension of the Provincial Council of Women executive under Subsection (1), the Secretary General shall in consultation with relevant provincial authorities, take such steps as are necessary to rectify the matters giving rise to the suspension.

(4) Where the matters giving rise to the suspension have been rectified to the satisfaction of the Council, the National President shall uplift the suspension and –

- (a) reinstate the suspended members of; or

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(b) revoke the appointments of the members of and call for fresh nominations to,
the Provincial Council of Women executive.

(5) A suspension of the Provincial Council of Women executive shall be investigated and a report shall be presented to the Council within six months, and failure to do so shall nullify the suspension.

34. REPORTS.

(1) A Provincial Council of Women shall prepare and present an annual report to the provincial convention.

(2) The annual report shall include –

- (a) the extent to which the Provincial Council of Women has met the objects of the Act; and
- (b) information showing the number of members and assets of the Provincial Council of Women; and
- (c) information on the incomes and expenditures for the year; and
- (d) the strategies the Council has adopted or intends to adopt to achieve the objects of the Act in the succeeding year; and
- (e) any other matters that the Council may decide to be incorporated in the report.

(3) The annual report shall as soon as is practicable be submitted to the Council after its endorsement by the provincial convention.

35. GENERAL MEETINGS OF PROVINCIAL COUNCIL PRESIDENTS.

(1) There shall be an annual meeting of the Provincial Council of Women presidents.

(2) The main business of the meeting shall be –

- (a) to receive and deliberate on the reports of provincial councils of women; and
- (b) to debate issues relating to women; and
- (c) any other business presented to the meeting by the Executive Committee.

(3) At the meeting –

- (a) half the total number of members for the time being constitute a quorum; and
- (b) the National President, or in her absence, the National Vice President, shall preside; and
- (c) matters arising shall be decided by a majority of the votes of the members present and voting; and
- (d) the person presiding has a deliberative, and in the event of an equality of votes on any matter, also a casting vote.

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(4) Subject to this Act, the procedures of the meetings of the Provincial Council of Women presidents shall be as determined by the Council.

Division 2. - District Councils of Women.

36. DISTRICT COUNCILS OF WOMEN.

There may be established in each district of a Province in the country a District Council of Women.

37. FUNCTIONS OF A DISTRICT COUNCIL OF WOMEN.

The functions of a District Council of Women are –

- (a) to provide a forum for women at the district level; and
- (b) to consult and discuss issues of importance to women development in the district; and
- (c) to advise on any matters referred to it by the Provincial Council of Women or the Council; and
- (d) to assist in coordinating and promoting women activities and programmes at the district level; and
- (e) to exercise any of its powers or functions or perform such other duties as may be delegated consistent with or as may be required by this Act or any other law.

38. MEMBERSHIP OF A DISTRICT COUNCIL OF WOMEN.

A District Council of Women shall consist of –

- (a) each Local Council of Women in the district; and
- (b) affiliated members in the district; and
- (c) associated members in the district,

which have paid their prescribed membership fees.

39. EXECUTIVE MEMBERS.

(1) There shall be established in each district, a District Council of Women executive.

(2) The members of the District Council of Women shall elect from their own number, an executive consisting of –

- (a) the District President; and
- (b) the District Vice President; and
- (c) the District Secretary; and
- (d) the District Treasurer; and
- (e) an executive officer, *ex officio*.

(3) The members of a District Council of Women executive shall –

- (a) subject to Section 22, hold office for a period of five years; and
- (b) hold office on such terms and conditions as may be approved by the Council; and
- (c) be eligible for re-appointment only for a second consecutive term.

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(4) The Council shall provide for the conditions relating to leave of absence of members of the executive of the District Councils of Women.

40. MEETINGS OF A DISTRICT COUNCIL OF WOMEN EXECUTIVES.

(1) A District Council of Women executives shall meet as often as the business of the District Council of Women requires and at such times and places as the District Council of Women determines or the District President, or in her absence the District Vice President determines and shall meet not less than three times in a year.

(2) Where she receives a request to do so by not less than three members of the District Council of Women, the District President shall convene a meeting of the District Council of Women executive.

41. SUSPENSION OF A DISTRICT COUNCIL OF WOMEN.

(1) The Council may, after considering a report from the Provincial Council of Women, suspend a District Council of Women where it appears that there has been –

- (a) mismanagement of the financial affairs of the District Council of Women;
- or
- (b) a breakdown of the administration of the District Council of Women.

(2) The duration of the suspension of a District Council of Women shall not exceed six months and the Provincial Council of Women shall carry out an investigation and advise the Council to take measures necessary and appropriate before reinstating the District Council of Women.

42. REPORTS.

A District Council of Women shall forward half yearly reports to the Provincial Council of Women and the relevant District Administration on its operations.

Division 3. - Local Councils of Women.

43. LOCAL COUNCIL OF WOMEN.

The Council may in consultation with a Provincial Council of Women of a province, in relation to each Local-level Government area within a District, establish a Local Council of Women.

44. FUNCTIONS OF A LOCAL COUNCIL OF WOMEN.

The functions of a Local Council of Women are –

- (a) to organize a convention at the local level for consultation, sharing and discussion of issues of concern to women; and
- (b) to assist in coordinating and promoting women activities systematically at the local level; and
- (c) to exercise any of its powers or functions or perform such other duties as may be delegated under this Act, its constitution or any other law.

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45. MEMBERSHIP OF A LOCAL COUNCIL OF WOMEN.

(1) The membership of a Local Council of Women shall consist of full fee paying individual women in the local-level government area.

(2) The rights, duties and obligations of a member are as prescribed.

46. EXECUTIVE MEMBERS.

(1) There shall be established an executive of the Local Council of Women.

(2) The registered members of a Local Council of Women shall elect from its own numbers an executive consisting of –

- (a) the Local President; and
- (b) the Local Vice President; and
- (c) the Local Secretary; and
- (d) the Local Treasurer.

(3) The members of a Local Council of Women shall hold office –

- (a) subject to Section 22, for a period of five years; and
- (b) on such terms and conditions as provided by the Council; and
- (c) be eligible for re-appointment only for a second consecutive term.

47. MEETINGS OF A LOCAL COUNCIL OF WOMEN.

(1) An executive of a Local Council of Women shall meet as often as the business of the Local Council of Women requires and at such times and places as the Local Council of Women determines or as the Local President or in her absence the Local Vice President directs but in any event shall meet not less frequently than three times each year.

(2) Where she receives a request to do so by not less than 20 members, the Local President shall convene a meeting of the executive of the Local Council of Women.

48. SUSPENSION OF A LOCAL COUNCIL OF WOMEN.

(1) The Provincial Council of Women may, after considering a report from the District Council of Women, suspend a Local Council of Women where it appears that there has been –

- (a) a mismanagement of the financial affairs of the Local Council of Women;
- or
- (b) a breakdown of the administration of the Local Council of Women.

(2) The duration of the suspension of a Local Council of Women shall not exceed six months and the Provincial Council of Women shall carry out an investigation and advise the Council to take necessary and appropriate measures before reinstating the Local Council of Women.

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PART IV. - STAFF OF THE COUNCIL.

Division 1. - Secretary General.

49. SECRETARY GENERAL.

- (1) The office of the Secretary General of the Council is hereby established.
- (2) The Secretary General –
 - (a) shall be appointed by the Executive Committee; and
 - (b) is the Chief Executive Officer of the Council; and
 - (c) is the head of the staff of the Council.

50. FUNCTIONS OF THE SECRETARY GENERAL.

The Secretary General shall –

- (a) manage the Council in accordance with the policy and directions of the Council; and
- (b) advise the Council on any matter concerning the Council referred to her by the Council or the Executive Committee; and
- (c) shall carry out and perform such duties as may be required of her under this Act and her contract of employment; and
- (d) perform such other functions as the Council or the Executive Committee may from time to time determine.

Division 2. - Officers of the Council.

51. OFFICERS.

(1) The Executive Committee may appoint to be officers and employees of the Council such persons as it considers necessary for the purposes of this Act.

(2) The Secretary General and the officers appointed under Subsection (1), constitute the staff of the Council.

52. CONTRACTS OF EMPLOYMENT.

The Secretary General and such other officers and employees of the Council as the Council may approve, shall hold office in accordance with the terms and conditions of written contracts of employment.

PART V. - FINANCES AND ASSETS OF THE COUNCIL.

53. MONEYS OF THE COUNCIL GENERALLY.

(1) The Council shall open and maintain such bank accounts for the purpose of the Council and shall pay into them –

- (a) all moneys appropriated under this Act for the purposes of carrying out or giving effect to this Act; and

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- (b) all moneys received by the Council for the sale, leasing or hire of property; and
- (c) membership fees; and
- (d) all other moneys received by the Council in the exercise and performances of its powers, functions and duties.

(2) Out of the moneys standing to the credit of the account of the Council referred to in Subsection (1), the Council shall pay –

- (a) all moneys payable by it in repayment of advances or loans under this Act; and
- (b) the costs, charges and expenses incurred by the Council in the performance of its functions under this Act; and
- (c) the costs, charges and expenses incurred by the Council in establishing and maintaining women's projects in giving effect to the functions of the Council; and
- (d) the remuneration and allowances of the members of the Council and of officers and employees, of the Council; and
- (e) any other payments that the Council is authorized or required to make under this Act or any law.

(3) In respect of moneys advanced or borrowed under this or any other Act, the Council shall maintain a separate account in respect of the moneys that are related to each such purpose and shall cause proper entries of –

- (a) all moneys so advanced or borrowed for a particular purpose of the Council; and
- (b) the purpose to which the money has been applied to be made in the account maintained in respect of that purpose; and
- (c) the fees and charges for services rendered by the Council; and
- (d) the establishment and maintenance of provincial, district and local councils of women, their functions, powers and procedures; and
- (e) the nature and subject of women's promotional activities; and
- (f) the reports, returns and information to be supplied under or for the purposes of this Act; and
- (g) penalties of fines not exceeding K20,000.00 and default penalties of fines not exceeding K100.00 for offences against the Act.

54. BASIC FINANCE, ETC.

The State shall each year provide a grant to the Council a sum of money for the purpose of carrying out or giving effect to this Act.

55. RECOVERY OF MONEY DUE.

Any money due to the Council under this Act may be recovered by the Council as a debt.

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56. AUDIT.

(1) The Executive Committee shall appoint a registered auditor to undertake the inspection or audit under this section, on terms and conditions determined by the Council.

- (2) A person carrying out an inspection or audit under this section –
- (a) is entitled, at all reasonable times, to full and free access to all accounts, records, documents and papers of the Council relating directly or indirectly to the receipt or payment of money by it, or to the acquisition, receipt, custody or disposal of assets by it; and
 - (b) may make copies of, or take extracts from, any such accounts, records, documents or papers; and
 - (c) may require any person to furnish him with such information in her possession or to which she has access to for the purpose of carrying out his functions under this section.

(3) A person who contravenes Subsection (2)(c) is guilty of an offence.

Penalty: Where the person convicted of an offence is –

- (a) a corporation – a fine not exceeding K5,000.00; and
- (b) an individual – a fine not exceeding K2,000.00.

(4) Where an audit inspection has been carried out under this section, the Council shall send to the Minister as soon as is practicable a report on the audit and inspection and the Minister shall table such report in the National Executive Council.

57. ASSETS OF THE COUNCIL.

(1) The Council shall hold all Council property on trust to use and appropriate, or permit its use and appropriation for the purposes in connection with or for the benefit or maintenance of the Council or its objects.

(2) Subject to Subsection 76(2), all properties and assets held by a provincial, or a district, or a local council of women under this Act, are, deemed to be properties and assets of the Council.

(3) An instrument is duly executed by the Council if the seal of the Council is affixed to the instrument in the presence of the Secretary General and attested by, two members of the Council.

(4) Where a seal purporting to be the seal of the Council has been affixed to an instrument and attested by the persons referred to in Subsection (3), the instrument signed in favour of a purchaser, mortgagee, lessee or other person dealing with the Council, shall be deemed to have been executed in accordance with the requirements of that subsection.

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(5) On the sale, mortgage, lease or other dealing by the Council of or with any property, a purchaser, mortgagee, lessee or other person dealing with the Council is not bound in any way to inquire into the necessity or propriety of the sale, mortgage, lease or other dealing or the purposes for or the circumstances in which the Council proposes to enter into, make, give or execute a sale, mortgage, lease or other dealing.

(6) Notwithstanding an irregularity or other impropriety in a sale, mortgage, lease or other dealing, a sale, mortgage, lease or other dealing purporting to be made by the Council, as regards the purchaser, mortgagee, lessee or other person dealing with the Council, shall be deemed to be within the powers of the Council and is valid accordingly.

(7) A mortgage, lessee or other person paying rent or other money to the Council is not bound to see to the application of the rent or other money, and the receipt of the Council is a sufficient discharge.

PART VI. - MISCELLANEOUS.

Division 1. - Documents of the Council.

58. PROOF OF CERTAIN MATTERS.

In any proceedings by or against the Council, proof is not required, unless evidence is given to the contrary in relation to –

- (a) the composition of the Women's National Convention, or the Council, or the Executive Committee, or of a Technical Working Committee; or
- (b) a resolution of the Women's National Convention, or the Council, or the Executive Committee, or of a Technical Working Committee; or
- (c) the appointment of a member of the Council, or the Executive Committee, or of a Technical Working Committee; or
- (d) the presence of a quorum at a meeting at which a determination is made or an act done by the Council, or the Executive Committee, or by a Technical Working Committee.

59. SERVICE OF PROCESS.

Any notice, summons, writ or other process required to be served on the Council may be served by being left at the office of the Council or in the case of a notice, by post.

60. AUTHENTICATION OF DOCUMENTS.

Any document requiring authentication by the Council is sufficiently authenticated without the seal of the Council if signed by the Secretary General or the National President.

Division 2. - Model Constitution.

61. MODEL CONSTITUTION.

(1) The Council shall adopt a Model Constitution for adoption by each Provincial Council of Women.

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(2) Any amendments, alterations and changes to the constitution can only be made by the Council.

Division 3. - Membership of Committees, etc.

62. MEMBERSHIP OF WOMEN'S REPRESENTATIVE TO BOARDS, COMMITTEES, ETC.

(1) Where a law provides for the representation of women on a board, committee, or council, or an equivalent body, to be nominated by the Council, a woman shall not be appointed to that board, committee, or council, except in accordance with this section.

(2) The Executive Committee shall in close consultation with the relevant regulatory statutory authority, government agency, or other organizations, submit the name of a woman to be the women's representative to that board, committee, or council.

(3) A woman selected by the Executive Committee to represent women on the relevant board, committee, council or an equivalent body shall –

- (a) have a minimum Grade 10 qualification; and
- (b) have a minimum five (5) years experience in working with women in communities; and
- (c) have demonstrated high leadership qualities; and
- (d) be of good standing in the community.

(4) The Council may adopt guidelines specifying the qualifications and other requirements for appointment of a women's representative to a board, committee, or council under this section.

(5) A woman appointed to a board, committee, or council under an Act or subordinate enactment contrary to this section is prohibited from making a representation or making a commitment for and on behalf of the Council, its instrumentalities, agents and servants.

(6) A woman who without lawful and reasonable excuse (proof of which is on her) contravenes Subsection (5) is guilty of an offence.

Penalty: A fine not exceeding K5000.00.

63. COMPENSATION.

(1) Where loss or damage is suffered by any person by reason of the exercise, by or on behalf of the Council, of a power conferred by or under this Act, compensation for the loss or damage is payable to that person by the Council.

(2) Subject to Subsection (3), the amount of compensation payable under Subsection (1) is as determined by the Council.

(3) A person, aggrieved by a determination of the Council under Subsection (2), may appeal to the National Court.

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64. DISCLOSURE OF INTEREST.

(1) A member who has a direct or indirect interest in a matter being considered or about to be considered by –

- (a) the Council; or
- (b) the Executive Committee; or
- (c) the executive of:-
 - (i) a Provincial Council of Women; or
 - (ii) a District Council of Women; or
 - (iii) a Local Council of Women; or
- (d) the Technical Working Committee,

shall, as soon as possible after the relevant facts have come to her knowledge, disclose the nature of her interest at a meeting of the Council or Executive Committee.

(2) A disclosure under Subsection (1), shall be recorded in the minutes of the meeting of the Council, or Executive Committee or Provincial Council of Women, or District Council of Women, or Local Council of Women and the member –

- (a) shall not take part, after disclosure, in any deliberation or decision of the Council, or Executive Committee, or Provincial Council of Women, or District Council of Women, or Local Council of Women in relation to the matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Council, or Executive Committee, or Provincial Council of Women, or District Council of Women, or Local Council of Women for any such deliberation or decision.

65. CONFIDENTIALITY.

(1) Information disclosed under this Act to the Minister, to a member of the Council, or the Executive Committee, or a working committee, or an expert, or to any employee of the Council shall not be disclosed to any person who is not a member of the Council, or the Executive Committee, or a Technical Working Committee or an employee of the Council without the prior written approval of the person who provided that information, except –

- (a) to the extent that disclosure is authorized or required under this Act or any other law; or
- (b) to the extent that the person providing the information authorized its disclosure at the time of providing the information; or
- (c) to the extent necessary to enable the Council to publish statistical information concerning the subject matter of the functions of the Council; or
- (d) to the extent necessary to enable the Council, or the Executive Committee, or the Minister to give advice to the National Executive Council, Departments or the Central Bank.

(2) A member of the Council, or the Executive Committee, or a Technical Working Committee, or an expert, or an employee of the Council who uses, for the purpose of her personal gain, any information that comes to her knowledge in the course of, or by reason of,

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her membership of the Council, Executive Committee, or a Technical Working Committee, or her employment as an expert or an employee of the Council, is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding two years, or both.

66. FOUR REGIONAL WOMEN MEMBERS OF THE EXECUTIVE COMMITTEE.

(1) The National Convention shall appoint four regional women's representatives to the Executive Committee.

- (2) A woman appointed under Subsection (1) shall –
- (a) be an active member of the National Council of Women; and
 - (b) be an advocate of women's development issues; and
 - (c) not be a member of the executive of a Provincial, or District, or Local Council of Women.

(3) Notwithstanding Subsection (2), the criteria and procedure for the selection and election of a woman under this section is as prescribed.

(4) A woman appointed under this section may hold office for only two terms and shall not be eligible for re-appointment to the Executive Committee.

Division 4. - Regulations.

67. REGULATIONS.

The Head of State, acting on advice, may make Regulations not inconsistent with this Act, prescribing all matters and things that are required or permitted to be prescribed for giving effect to this Act.

Division 5. - Offences.

68. IMPERSONATING.

A person or organization who –

- (a) impersonates any person employed by or a member of the Council or the Executive Committee on an occasion when the latter is required to do any act or attend in any place by virtue of her employment or membership; or
- (b) falsely represents herself to be a person employed or a member of the Council, and assumes to do any act or to attend in any place for the purpose of doing any act by virtue of that employment or membership,

is guilty of an offence.

Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding nine months, or both.

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69. DISRUPTING MEETINGS.

A person who deliberately and persistently disrupts a meeting of the Council or the National Convention is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding three months, or both.

70. REMOVING COUNCIL ASSETS.

(1) A person who without lawful excuse (proof of which is on her) removes any asset of the Council is guilty of an offence.

Penalty: Imprisonment for a term not exceeding two years.

(2) Where the person who without lawful excuse (proof of which is on her), removes the assets of the Council is a current or past member of the Council, or the district executive, or a local executive, is liable to imprisonment for a term not exceeding five years.

71. TRANSFER OF PROPERTIES OF THE COUNCIL.

Where a property held in the name of the Council, or a provincial, or a district, or a local council of women is transferred to a person contrary to this Act or any other law is guilty of an offence.

Penalty: A fine not less than K10,000.00 or a term of imprisonment not exceeding seven years, or both.

72. MISAPPROPRIATION OF COUNCIL FUNDS.

A person who misappropriates the funds of the Council, or the provincial, or a district, or a local council of women is guilty of an offence.

Penalty: A fine not exceeding the sum misappropriated or term of imprisonment not exceeding seven years, or both.

73. GENERAL PENALTY.

A person who fails to comply with a requirement under this Act applicable to her in respect of which a specific penalty is not provided, is guilty of an offence.

Penalty: A fine not exceeding K5,000.00.

Division 6. - Proceedings.

74. INSTITUTION OF PROCEEDINGS.

(1) Subject to Subsection (2), an offence against this Act shall be prosecuted by the police or Public Prosecutor where appropriate.

(2) The police shall lay information and institute prosecution for offences under the Act.

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Division 7. - Repeal.

75. REPEAL.

The *National Council of Women Incorporation Act* (Chapter 1041) is repealed.

PART VII. - SAVINGS AND TRANSITIONAL.

Division 1.— Savings.

76. TRANSFER OF ASSETS, ETC., TO THE COUNCIL.

(1) Subject to Subsection (2), all assets held by, and obligations and liabilities imposed on the former National Council of Women immediately before the coming into operation of this Act, are, on that date, transferred to the Council.

(2) Where assets are held in the name of a former provincial, or a district, or a local council of women immediately before the coming into operation of this Act, on that date, remain the assets of the provincial, or the district, or the local council of women as the case may be.

(3) Where any property vested in the former Council, to which Subsection (1) applies, is land registered under the *Land Registration Act 1981*, the Registrar of Titles shall, without formal transfer and without fee, on application by the Council, enter or register the Council in the register kept under that Act and, on entry and registration, grant a certificate of title, lease or other instrument evidencing title to the land within that Act.

77. TRANSFER OF ACCOUNTS.

All sums, immediately before the coming into operation of this Act, at credit of, and on accounts opened by the former National Council of Women are, on that coming into operation, transferred to equivalent accounts opened in the name of the Council under the provisions of this Act.

78. SAVING OF CONTRACTS.

All contracts and agreements (other than contracts of employment under Section 52), entered into, made with or addressed to the former Council are, to the extent that they were immediately before the coming into operation of this Act, binding on and of full force and effect against or in favour of the former Council are, on that coming into operation, binding on and of full force and effect against or in favour of the Council as fully and effectively as if the Council had been a party to them or entitled to the benefit of them.

79. STAFF.

All persons employed as officers or employees of the former National Council of Women immediately before the coming into operation of this Act are, on that coming into operation, deemed to be officers or employees of the staff of the Council, but in such offices and at such levels as are determined by the Council.

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80. ACTIONS, ETC., NOT TO ABATE.

Where, immediately before the coming into operation of this Act, any action, arbitration or proceedings was pending or existing by, against or in favour of the former National Council of Women, it does not, on the coming into operation of this Act, abate or discontinue or be in any way affected by any provision of this Act, but it may be prosecuted, continued and enforced by, against or in favour of the Council.

81. APPLICATION OF ACTS, ETC.

Where –

(a) any Act or subordinate enactment, other than this Act; and

(b) any document or instrument whenever made or executed,

contains a reference, express or implied, to the former National Council of Women, that reference shall, where relevant to the functions of the Council on and after the coming into operation of this Act, except where the context otherwise requires, be read and construed as a reference to the Council.

Division 2. - Interim Executives.

82. INTERIM NATIONAL COUNCIL OF WOMEN.

(1) There is established an interim National Council of Women for the purposes of establishing the Council in accordance with the provisions of this Act for the interim period.

(2) There is established in each province an interim Provincial Council of Women, District Councils of Women and Local Councils of Women.

(3) In the first 12 months of the operation of this Act, the former members of the National Council of Women and its Executives holding office immediately prior to the commencement of this Act shall perform the functions and powers of the National Council of Women as the Interim National Council of Women.

(4) The Interim Executive Committee shall comprise of the four Vice Presidents, the President, the Treasurer and the Secretary General.

(5) At the end of the first 12 months, the Interim National Council of Women and the Interim Executive Committee, the interim Provincial Council of Women, the interim District Councils of Women and the interim Local Councils of Women shall be dissolved.

(6) The Interim National Council of Women, the interim provincial, district, and local councils of women shall be replaced by the National Council of Women, the Provincial Council of Women, the District Council of Women, and the Local Council of Women, in accordance with this Act.

(7) All members of the Interim Executive Committee, interim executives of provincial, district and local councils of women are eligible for nomination and appointment to –

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- (a) the Executive Committee; or
- (b) the executive of the Provincial Council of Women; or
- (c) the executive of the District Council of Women; or
- (d) the executive of the Local Council of Women,

as appropriate under this Act.

83. FIRST EXECUTIVES OF THE COUNCIL, ETC.

- (1) The first executives of –
 - (a) the Council; and
 - (b) the Provincial Council of Women; and
 - (c) the District Council of Women; and
 - (d) the Local Council of Women,

elected into office in accordance with this Act after its enactment shall hold office until June 2014.

(2) Subject to Subsection (3) the term of office of the Executives of the Council, Provincial Council of Women, District Council of Women and the Local Council of Women shall thereafter be five years.

(3) A woman elected under Subsection (1) is eligible for re-appointment only for two consecutive terms after 2014.

(4) The question, whether a person appointed under Subsection (1) has served her full term is non-justiciable.

I hereby certify that the above is a fair print of the *National Council of Women Act 2013* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *National Council of Women Act 2013* was made by the National Parliament on 15th February, 2013.

Speaker of the National Parliament.



Forestry (Amendment) Regulation 2001
Integrity of Political Parties and Candidates Regulations 2001
Value Added Tax (Amendment) Regulation 2001
Excise (Amendment No. 2) Regulation 2001
Customs (Amendment) Regulation 2001
Excise (Amendment) Regulation 2001
Income Tax (Amendment) Regulation 2001
Mining (Amendment) Regulation 2001
Mining (Safety) (Amendment) Regulation 2001

