

NATIONAL AIDS COUNCIL AND SECRETARIAT ACT, 2015

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National AIDS Council and Secretariat Act, 2015



THE GAMBIA
NO. 03 OF 2015

Assented to by The President,
this 2nd day of April 2015

YAHYA A. J. J. JAMMEH
President

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AN ACT to establish a Council and a Secretariat to formulate a National HIV and AIDS policy, to develop programmes for the implementation of the policy, direct, monitor and co-ordinate the programmes and activities in the fight against HIV and AIDS and other matters connected therewith.

ENACTED by the President and the National Assembly.

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PART I – PRELIMINARY**1. Short title**

This Act may be cited as the National AIDS Council and Secretariat Act 2015.

2. Interpretation

In this Act, unless the context otherwise requires-

"AIDS" means Acquired Immune Deficiency Syndrome;

"Council" means the National AIDS Council established under section 3;

"Director" means the Director AIDS Secretariat appointed under section 13;

"ex-officio member" means a member of the Council not being a public officer;

"Minister" means the Minister responsible for Health and Social Welfare and Ministry shall be construed accordingly;

"President" means the President of the Republic of The Gambia; and

"Secretariat" means the National AIDS Secretariat established under section 11.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE NATIONAL AIDS COUNCIL**3. Establishment of the Council**

(1) There is established by this Act, the National AIDS Council.

(2) The Council has perpetual succession, a common seal and may sue and be sued in its own name.

(3) The Council may for the discharge of its functions, acquire and hold any movable or immovable property and enter into any contract or other transaction.

(4) The Council shall operate under the office of The President.

4. Functions of the Council

(1) The Council shall -

(a) formulate a HIV and AIDS Policy; and

(b) direct, monitor and co-ordinate national activities in the fight against HIV and AIDS

(c) formulate a comprehensive a national HIV and AIDS Policy and Strategy and establish programme priorities;

(d) provide high level advocacy for HIV and AIDS preparation and control;

(e) oversee the preparation and implementation of National HIV and AIDS strategy and plan of action as well as the multi-sectoral HIV and AIDS national response activities;

(f) create an enabling environment for political commitment to HIV and AIDS national response;

(g) provide effective leadership in national planning, supervision and support of HIV and AIDS programmes;

(h) develop strategies for mainstreaming of HIV and AIDS in all sectors and at all levels and to promote the principle of greater involvement of people living with HIV in all decision and policy making fora;

(i) mobilise, control and manage resource available for the achievement of its functions and monitor their allocation and utilisation;

(j) forster linkages among stakeholders;

(k) promote issues relating to research, documentation and dissemination of messages on HIV and AIDS; and

(l) monitor and evaluate HIV and AIDS programmes; and to facilitate the periodic review of the HIV and AIDS policy, strategy and plan of action.

5. Membership of the Council

(1) The Council consists of –

- a) The President, as Chairperson;
- b) a Vice Chairperson, who shall be nominated by the members of the Council;
- c) the Permanent Secretaries of the Ministries responsible for-
 - i) Finance and Economic Affairs,
 - ii) Health and Social Welfare,
 - iii) High Education, Research, Science and Technology,
 - iv) Basic and secondary education,
 - v) Youths and Sports,
 - vi) Tourism and Culture,
 - vii) Women Affairs,
 - viii) Interior,
 - ix) Agriculture, and
 - x) Justice.
- d) the head or representative of each of the following-
 - (i) Trade Union Movement,
 - (ii) the Media Fraternity,
 - (iii) the University of The Gambia,
 - (iv) People Living with HIV and AIDS Organisation,
 - (v) the association of Non – Governmental Organisations ,
 - (vi) the Gambia Medical and Dental Association,
 - (vii) Chairperson of the National Assembly Sub-

Committees on Health, Children and Women affairs,

- (viii) the Gambia Supreme Islamic Council,
- (ix) the Gambia Christian Council,
- (x) the Gambia Bureau of Statistics, or
- (xi) National AIDS Secretariat,
- (xii) People with Disabilities
- e) Regional Governors;
- f) United Nations office in The Gambia; and
- g) Mayors and Chairpersons of area Councils.

(2) Membership of the Council except for the ex-officio members, members of the Council shall be nominated by their organisations or institutions.

6. Tenure of Office of Members

(1) A member of the Council other than an ex-officio member shall hold office for a period of four years and is eligible for re-appointment once.

(2) A member of the Council other than an ex-officio member may at any time resign his or her office in writing addressed to the Chairperson of the Council.

(3) Where a member of the Council other than an ex-officio member resigns, dies, is removed from office or is for any reason unable to act as a member, the President shall acting on the advice of the nominating authority, appoint another person to hold office for the unexpired portion of the members' term of office.

(4) A member of the Council other than an ex-officio member who is absent from three consecutive meetings of the Council without sufficient cause ceases to be a member of the Council.

(5) The President shall by letter addressed to a member nominated by a body as its representative on the Council, revoke the appointment of that member at the request of that body.

7. Meetings of the Council

(1) The Council shall meet at least twice a year for the despatch of

- (2) The Chairperson shall at the request in writing of not less than one third of the members of the Council convene an extraordinary meeting of the Council at such place and time as the chairperson may determine.
- (3) The quorum at a meeting of the Council shall be fifty percent of the members of the Council.
- (4) A meeting of the Council shall be presided over by the Chairperson or in the absence of the Chairperson, by Vice Chairperson or in the absence of both by a member of the Council elected by the members present from among their number.
- (5) Matters before the Council shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a second or casting vote.
- (6) The Council may invite a person to attend its meeting but that person shall not vote on any matter for decision by the Council.
- (7) The proceedings of the Council shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.
- (8) Subject to this section, the Council may determine the procedure for its meetings.

8. Disclosure of Interest

- (1) A member of the Council who has an interest in any contract, application or other transaction for consideration by the Council shall disclose in writing the nature of that interest and is disqualified from participating in any deliberation of the Council in respect of the contract, application or other transaction.
- (2) A member who infringes subsection (1), shall be removed from the Council.

9. Appointment of Committees

- (1) The Council may appoint committees consisting of members of the Council and non-members to perform any of its function.
- (2) A committee of the Council shall be chaired by a member of the Council.

- (3) The Council shall determine the functions of each committee.

10. Allowances

Members of the Council and members of a committee of the Council shall be paid such allowances as may be approved by the Chairperson in consultation with the Minister responsible for Finance and Economic Affairs.

PART III – ESTABLISHMENT AND FUNCTIONS OF THE NATIONAL AIDS SECRETARIAT

11. Establishment of the Secretariat

- (1) There is established by this Act, the National AIDS Secretariat.
- (2) The National AIDS Secretariat is an organ of the National AIDS Council and responsible for the implementation of the Council's mandates, objects and policies.

12. Functions of the Secretariat

The National AIDS Secretariat shall -

- a) act as the lead institution for the implementation of the mandates, objects and policies of the National AIDS Council;
- b) co-ordinate the overall multi-sectoral HIV and AIDS response within the participating line Ministries, Non Governmental Organisations, Unite Nation system, Community and Faith-Based organisations and People Living with HIV and any other donor or partner with institution interested in HIV and AIDS;
- c) provide support and guidance for multi-sectoral HIV and AIDS Programmes, planning, Implementation, Monitoring and Evaluation;
- d) administer programme activities with administrative, financial and operations Manuals;
- e) appraise Community and Civil Society initiatives for grants and another support;
- f) supervise operational research to enhance programme performance;
- g) monitor and evaluate HIV and AIDS Programmes at all levels, including networking within and among sectors to enhance information sharing;

- h) assist and support Regional HIV and AIDS Committees, sectoral Ministries and Non Governmental Organisation to organise activities to commemorate World AIDS day;
- i) collect, analyse and document best practices relating to HIV and AIDS activities;
- j) liaise with donor agencies, development partners and other stakeholders with a view to co-ordinating and regulating internal and external resources mobilisation;
- k) prepare and present quarterly and Annual reports on the national response to HIV and AIDS to the Council; and
- l) to carry out any other function(s) which may be assigned to it by the Council towards the achievement of the goals and objectives of controlling and mitigating the socio-economic Impact of HIV and AIDS in the Gambia

PART IV – ORGANISATION AND ADMINISTRATION OF THE SECRETARIAT

13. Appointment and removal of Director

- (1) The Director of the National AIDS Secretariat shall be appointed by the President after consultation with the Council and the Public Service Commission.
- (2) The Director shall be the administrative head of the Secretariat and shall ensure the smooth implementation of the Council's policies and efficient management of the secretariat.
- (3) The Director may for the purposes of carrying out his or her functions delegate duties to other officers of the secretariat.
- (4) The Director shall report to the Chairperson of the Council.

14. Functions of the Director

Under the general directions of the Council, the Director of the Secretariat shall -

- a) be responsible for the overall management and administration of the secretariat as well as evaluating the internal activities of the Secretariat;
- b) exercise supervisory responsibility over the Deputy Director, the heads of Finance and Administration, Program Support, Policy Planning, Research and Monitoring and Evaluation;

- c) be responsible for the Co-ordination, Preparation and Implementation of costed multi-sectoral plans for HIV and AIDS national response in line with the three ones principles;
- d) recommend policies and procedures for the carrying out of the work of the Council;
- e) co-ordinate the activities of all the regions of the Secretariat, including operational and financial management of the Secretariat;
- f) prepare and present working papers on HIV and AIDS, the required technical papers for the Council and to ensure the preparation of all background materials on HIV and AIDS in The Gambia;
- g) implement decisions taken by the Council and to establish links with sectoral ministries;
- h) serve as a member and secretary to the Council and to speak on HIV and AIDS issues affecting the country on behalf of the Council;
- i) liaise with donor agencies, the UN agencies and thematic groups in the fight against HIV and AIDS with a view to co-ordinating and regulating all forms of resource mobilization for the fight against HIV and AIDS;
- j) prepare and present annual reports and other reports of the secretariat; and
- k) carry out other duties as may be assigned to him by the Council or the Chairperson.

15. Divisions of the Secretariat

- (1) The Secretariat shall have such divisions as may be necessary for the effective implementation of its objects and functions.
- (2) Each division shall be headed by a Manager who shall be appointed by the Director in consultation with the Council.
- (3) The Manager of a Division or Unit shall perform such functions in relation to a division as the Secretariat or Council may determine.

16. Other staff of the Secretariat

- (1) The Director of the Secretariat shall be assisted by a Deputy Director, who shall be appointed by the Chairperson of the

Council

(2) The Secretariat shall have such other officers or staff as may be appointed by the Director and as may be necessary for the effective performance of its mandate.

(3) Other Officers from the public service may be transferred or seconded to the Secretariat or may otherwise give assistance to it.

17. Regional and District offices of the Secretariat

(1) The Secretariat may establish regional and district offices in each region and in such district as the Director may determine.

(2) A regional or district office of the secretariat shall be provided with such public officers as the Director, in consultation with the Council may determine.

(3) A regional or district office of the Secretariat shall perform such functions of the Secretariat in the region or district as the secretariat may direct.

PART V - FINANCIAL PROVISIONS

18. Funds of the Council and Secretariat

(1) The Council and the Secretariat shall each maintain a fund into which shall be paid -

- a) moneys appropriated to it by the National Assembly;
- b) grants and donations provided that the terms and conditions attached to the grant or donations are not inconsistent with its function;
- c) loans contracted and guaranteed by government
- d) moneys derived from the sale of property held by or on behalf of the Council and or Secretariat;
- e) in the case of the Secretariat, subventions from the Council; and
- f) any other money and property lawfully received by the Council and or secretariat.

(2) The Secretariat shall submit its estimates and budget to the Council each year.

(3) The secretariat shall seek approval of the Council for its estimates, budget and expenditure.

19. Accounts and Audit

(1) The Council and secretariat shall keep books of account and proper financial records of its income, expenditure and transfers.

(2) The Council and Secretariat shall prepare, in respect of each financial year, a statement of accounts.

(3) The secretariat shall within three months after the end of each financial year, submits its statement of accounts to the Auditor General for audit.

(4) The audited accounts of the Secretariat and the Auditor General's reports on those accounts shall form part of the Auditor General's overall annual report to the National Assembly.

PART VI- MISCELLANEOUS PROVISIONS

20. Annual Reports

(1) The Secretariat shall, within two months after the end of each financial year submit to the Council, an annual report dealing generally with the activities and operations of the Secretariat within that financial year.

(2) The report under sub-section (1) shall include-

- a) a statement of the income, source of income and application of the money of the Secretariat;
- b) information with regard to the operation of the secretariat; and
- c) such other information as the Council may request.

(3) The Council shall not later than three months after the end of the financial year, cause the report to be laid before the National Assembly.

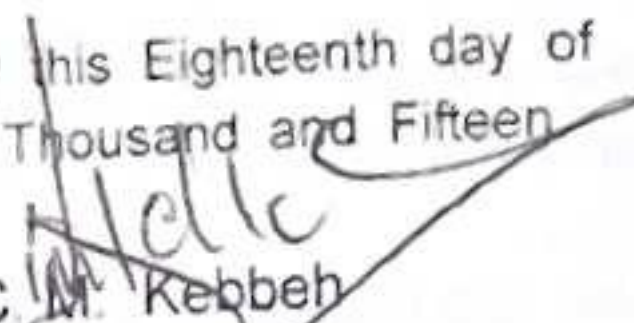
21. Other Reports

(1) The Secretariat shall also submit to the Council such other reports as the Council may request.


22. Regulations

(1) The Minister may make regulations on HIV and AIDS Policy to give effect to the provision of this Act.

PASSED in the National Assembly this Eighteenth day of March in the year of Our Lord Two Thousand and Fifteen


D. C. M. Kebbeh
Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed in the National Assembly, and found by me to be a true and correct copy of the said Bill.


D. C. M. Kebbeh
Clerk of the National Assembly.