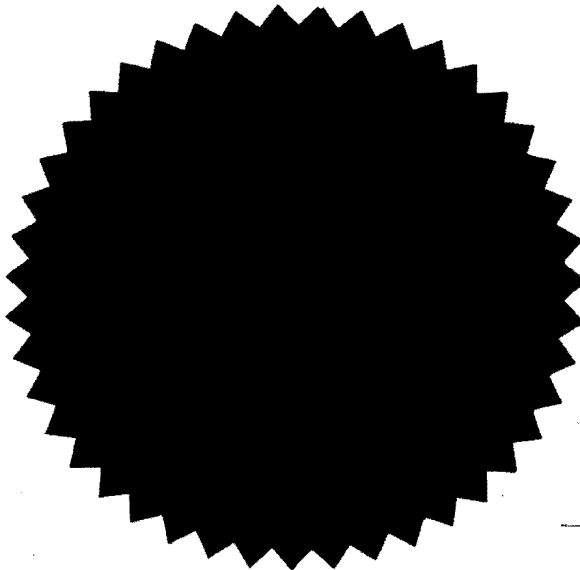


JAMAICA

No. 7 - 2012



I assent,

P. L. Allen

Governor-General.

13th day of November, 2012

AN ACT to Provide for the establishment of a National Parenting Support Commission and for connected matters.

[14th day of November 2012]

BE IT ENACTED, by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the National Parenting Support Commission Act, 2012. Short title.

2.—(1) In this Act—

Interpretation.

“child” means a person under the age of eighteen years;

**THE NATIONAL PARENTING SUPPORT COMMISSION
ACT, 2012**

(Act 7 of 2012)

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Establishment of National Parenting Support Commission.
4. Functions of Commission.
5. Appointment of Executive Director and other officers and employees.
6. Functions of Executive Director.
7. Ministerial directions.
8. Funds and resources of the Commission.
9. Borrowing powers.
10. Power to invest moneys.
11. Accounts and audit.
12. Annual reports and estimates.
13. Regulations.

SCHEDULE

JAMAICA

No. 7 - 2012

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[L.S.]

(Sgt.) P. L. Allen

Governor-General.

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BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the National Parenting Support Commission Act, 2012. Short title.

2.—(1) In this Act—

Interpretation.

“child” means a person under the age of eighteen years;

“Commission” means the National Parenting Support Commission established by section 3;

“functions” includes powers and duties;

“National Parenting Support Policy” means the policy set out in the Government policy paper with respect thereto, as updated from time to time, and tabled in the Houses of Parliament;

“parent” includes the birth parent, putative, foster or adoptive parent, or legal guardian or other person having care or custody of a child.

(2) For the purposes of this Act, references to plans and programmes concerning parenting and parenting support include plans and programmes facilitating positive relationships between home and school.

Establishment
of National
Parenting
Support
Commission.

3.—(1) There is hereby established a body to be called the National Parenting Support Commission, which shall be a body corporate to which section 28 of the *Interpretation Act* applies.

Schedule.

(2) The provisions of the Schedule shall have effect as to the constitution and procedure of the Commission and otherwise in relation thereto.

Functions of
the
Commission.

4.—(1) The Commission shall perform the following functions—

(a) advise the Minister on policy matters relating to parenting and family matters in Jamaica, including initiatives and actions to—

(i) achieve the goals stated in the National Parenting Support Policy;

(ii) develop stronger and more sustainable partnerships between home and school;

(b) act as a coordinating agency to ensure the effective streamlining of all Government activities relating to parenting and parenting support;

- (c) monitor and evaluate the implementation of the National Parenting Support Policy and the established plans and programmes in relation thereto;
 - (d) make recommendations to the Minister with respect to plans and programmes concerning—
 - (i) parenting and parenting support;
 - (ii) the facilitation of positive relationships between home and school;
 - (e) convene consultations with relevant stakeholders, as appropriate;
 - (f) analyze resource needs and submit to the Minister recommendations for budgetary allocations for parenting programmes, parenting support programmes and children's programmes;
 - (g) identify alternative sources of financing through negotiations with donor and non-donor agencies (including private sector entities), and liaise with such agencies to ensure effective use of funds;
 - (h) identify, collect and disseminate, as appropriate, information and best practices relevant to parenting practices and outcomes in Jamaica;
 - (i) develop a national standards and accreditation system for the delivery of parenting support services; and
 - (j) collaborate with non-governmental organizations to ensure effective coordination of activities, utilisation of resources, and implementation of the National Parenting Support Policy and the plans and programmes relating thereto.
- (2) For the purpose of the discharge of its functions under subsection (1), the Commission—
- (a) shall prepare and submit to the Minister periodic reports on parenting issues, including issues involving relationships between home and school;

- (b) may, with the approval of the Minister, enter into agreements, with national and international agencies (including donor agencies, local and international foundations and private sector companies), for co-operation, or assistance, of a financial or non-financial kind;
- (c) shall collect such information, in relation to parenting practices and outcomes, as may be prescribed;
- (d) shall develop, deliver and maintain public awareness programmes for the development of effective parenting skills (including skills which foster participation in the school life of the child);
- (e) shall establish and maintain collections of national, regional and international materials relevant to parenting (including parental involvement in the school life of the child); and
- (f) may impose charges for the use of any facility or services provided by it.

Appointment
of Executive
Director and
other officers
and
employees.

5.—(1) Subject to subsection (2), the Commission shall appoint and employ, at such remuneration and on such terms and conditions as it thinks fit, an Executive Director and such other officers and employees as it thinks necessary for the proper carrying out of the provisions of this Act.

(2) In relation to any appointment made pursuant to subsection (1), except with the prior approval of the Minister responsible for the public service—

- (a) no salary in excess of the prescribed rate shall be assigned to any post; and
- (b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned.

(3) For the purposes of subsection (2), the “prescribed rate” shall be such rate as the Minister responsible for the public service may prescribe by order.

(4) The Governor-General may, subject to such conditions as he thinks fit, approve the appointment of any officer in the service of the Government to any office with the Commission and any officer so appointed shall, while so employed, in relation to other rights as a public officer be treated as continuing in the service of the Government.

(5) It shall be lawful for the Commission, with the approval of the Minister, to—

- (a) enter into arrangements respecting schemes, whether by way of insurance policies or not;
- (b) make regulations,

for medical benefits, pensions, gratuities and other retiring or disability or death benefits relating to members and employees of the Commission, and such arrangements or regulations may include provisions for the grant of benefits to the dependants and legal personal representatives of such members or employees.

6. The Executive Director shall be responsible for the day-to-day management of the Commission.

Functions of
Executive
Director.

7. The Minister may, after consultation with the Chairman of the Commission, give to the Commission directions of a general character as to the policy to be followed by the Commission in the performance of its functions, in relation to matters appearing to the Minister to concern the public interest, and the Commission shall give effect thereto.

Ministerial
directions.

8. The funds and resources of the Commission shall consist of—

Funds and
resources
of the
Commission.

- (a) such sums as may be provided by Parliament for the Commission in the Estimates of Revenue and Expenditure;
- (b) revenues from charges imposed by the Commission for the use of any facility or services provided by it;
- (c) such sums as may be allocated from time to time to the Commission from loan funds; and

- (d) all other sums or property which may in any manner become payable to, or vested in, the Commission in respect of any matter incidental to its functions.

Borrowing
powers.

9.—(1) Subject to the provisions of subsection (2), the Commission may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Commission to borrow shall be exercisable only upon a written request—

(a) transmitted to the Minister responsible for finance through the Minister responsible for education; and

(b) approved by the Minister responsible for finance,

as to the amount, source of borrowing and the terms on which the borrowing may be effected.

(3) An approval given in any respect for the purposes of subsection (2) may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

Power to
invest
moneys.

10.—(1) Moneys standing to the credit of the Commission, not immediately required to be expended for the purpose of meeting any of the obligations of the Commission, may be invested in such securities as are approved (either generally or specifically) by the Minister responsible for finance.

(2) The Commission may, subject to the approval of the Minister responsible for finance, sell all or any of such securities.

(3) Every request under this section for approval to be given by the Minister responsible for finance shall be transmitted through the Minister responsible for education.

Accounts
and audit.

11.—(1) The Commission shall keep proper accounts and other records in relation to its functions, and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which conforms with established accounting standards.

(2) The accounts of the Commission shall be audited annually by auditors appointed by the Commission and approved by the Minister.

(3) The members, officers and employees of the Commission shall—

- (a) grant to the auditors appointed under subsection (2), access to all books, documents, cash and securities of the Commission; and
- (b) give to the auditor, on request, all such information as may be within their knowledge in relation to the Commission's operations.

(4) The auditor's fees and any expenses of the audit shall be paid by the Commission.

(5) The Auditor-General shall be entitled, at all times, to examine the accounts and other records in relation to the functions of the Commission.

12.—(1) The Commission shall, as soon as possible after the end of each financial year, but in any event no later than four months thereafter, cause to be made and transmitted to the Minister, a report dealing generally with the activities of the Commission during the preceding financial year, including a statement of its accounts audited in accordance with section 11.

Annual reports and estimates.

(2) The Minister shall cause copies of the report together with the auditor's report to be laid on the Table of the House of Representatives and the Senate.

(3) The Commission shall, as soon as possible after the end of each financial year, but in any event no later than four months thereafter, submit to the Minister for his approval, estimates of the revenue and expenditure and the corporate plan for the ensuing financial year.

13.—(1) The Commission may, with the approval of the Minister, make regulations for the better carrying out of the purposes and provisions of this Act.

Regulations.

(2) Regulations made pursuant to subsection (1) shall be subject to affirmative resolution.

SCHEDULE

(Section 2)

The National Parenting Support Commission

Appointment
of members.

1.—(1) The Commission shall consist of not less than sixteen nor more than twenty-one members as described in sub-paragraphs (2) and (3).

(2) The *ex officio* members of the Commission shall be—

- (a) the Executive Director of the Commission;
- (b) the Children’s Advocate, who shall be entitled to participate in the manner set out in paragraph 7(6), either in person or as represented by a nominee;
- (c) the following persons, who may each be represented in person or by a nominee—
 - (i) the Executive Director of—
 - (A) the Child Development Agency; and
 - (B) the Early Childhood Commission;
 - (ii) the Permanent Secretary in—
 - (A) the Ministry responsible for social security;
 - (B) the Ministry responsible for health; and
 - (C) the Ministry responsible for youth;
- (d) a person nominated by the Permanent Secretary in the Ministry responsible for education.

(3) The following persons shall be appointed by the Minister as the appointed members of the Commission—

- (a) a person nominated by the Leader of the Opposition;
- (b) a person nominated by the Attorney-General, being an attorney-at-law having appropriate training or expertise in child or family law matters;
- (c) a person between the ages of fifteen and twenty-four years, representing the youth of Jamaica;

- (d) a representative of a teachers' association recognized by the Minister;
- (e) at least four persons from civil society, having knowledge or experience in child psychology, social work, or parenting matters; and
- (f) such other persons from academia or the private sector, having knowledge or experience in child psychology, social work, or parenting matters, as the Minister thinks appropriate to appoint.

2.—(1) The Minister shall appoint a chairman and deputy chairman from among the appointed members of the Commission. Chairman,
deputy
chairman.

(2) In the case of the absence, or inability to act, of the chairman, the deputy chairman shall perform the functions of the chairman.

3. A person may be appointed to act temporarily in the place of any appointed member of the Commission, in the case of the absence or inability to act of such member. Temporary
appointment.

4.—(1) The appointment of every appointed member of the Commission shall be evidenced by instrument in writing and such instrument shall specify the period of office of the member, which shall not exceed three years. Tenure of
office of
appointed
members.

(2) Every appointed member of the Commission shall be eligible for re-appointment.

(3) The Minister may at any time revoke the appointment of any appointed member of the Commission if such person—

- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (b) becomes bankrupt;
- (c) is convicted of any offence involving dishonesty or moral turpitude;
- (d) is absent from six or more consecutive meetings of the Commission; or
- (e) has, in the view of the Minister, failed to carry out any of the functions conferred or imposed on him under this Act.

(4) On the application of any appointed member of the Commission, the Minister may grant that member leave of absence for any period not exceeding six months at a time, and

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may appoint some other qualified person to act in the place of the member during the period of leave of absence so granted.

(5) Where any vacancy occurs in the membership of the Commission as respects any appointment made under paragraph 1(3) (a), (b), (c), (d) or (e), the vacancy shall be filled by appointing another person having the requisite qualifications, and that person shall, subject to the provisions of this Schedule, be appointed for the remainder of the period for which the previous member was appointed.

Resignation.

5.—(1) Any appointed member of the Commission other than the chairman may, at any time, resign his office as member by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument, such member shall cease to be a member of the Commission.

(2) The chairman may, at any time, resign his office as chairman or member by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

Publication of
membership.

6. The names of the members of the Commission as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Procedure
and meetings.

7.—(1) The Commission shall meet as often as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Commission may determine.

(2) The chairman may at any time call a special meeting to be held within seven days of a written request for that purpose addressed to him by any three members of the Commission.

(3) The chairman shall preside at all meetings of the Commission and, in the absence of the chairman and deputy chairman from any meeting, the members present and constituting a quorum shall elect a chairman, from among the appointed members present, to preside at that meeting.

(4) The quorum of the Commission shall be seven.

(5) The decisions of the Commission shall be by a majority of votes and, in addition to the original vote, the person presiding at a meeting as chairman shall have a casting vote in any case in which the voting is equal.

(6) The Children's Advocate may, if he considers it fit or if invited to do so by the chairman, make oral or written submissions on any matter before the Commission, but shall not otherwise participate in any voting or decision of the Commission.

(7) Minutes in proper form of each meeting of the Commission shall be kept and shall be confirmed by the chairman or other member elected to preside at the meeting, as the case may be, as soon as practicable thereafter at a subsequent meeting.

(8) Subject to the provisions of this paragraph, the Commission shall have the power to regulate its own proceedings.

8.—(1) Any member of the Commission who, otherwise than as such member, is directly or indirectly interested in a contract made or entered into, or proposed to be made or entered into, by the Commission, shall as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Commission.

Disclosure of
interest.

(2) A disclosure under this paragraph shall be recorded in the minutes of the Commission, and the member—

- (a) shall not take part after the disclosure in any deliberation or voting or decision of the Commission relating to the contract; and
- (b) shall be disregarded for the purpose of forming a quorum of the Commission for any such deliberation or decision.

9.—(1) The Commission may appoint a committee of the Commission to examine and report to it on any matter arising out of or connected with any of its powers and duties under this Act.

Power to
appoint
committees.

(2) Any such committee shall consist of—

- (a) at least two members of the Commission, one of whom shall chair the committee; and
- (b) such other persons, whether members of the Commission or not, whose assistance or advice the Commission desires.

(3) Where persons, not being members of the Commission, are members of a committee appointed under this paragraph, the Commission may, by resolution approved by the Minister responsible for the public service, declare the

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remuneration and allowances of such persons, and such sums shall properly be payable out of the funds and resources of the Commission.

(4) The Commission may by resolution reject the report of any such committee or adopt the report either wholly or partially, or with such modifications, additions or adaptations as the Commission thinks fit.

Power to
delegate.

10. Subject to the provisions of this Act, the Commission may delegate to—

- (a) any member of the Commission, other than the Children's Advocate; or
- (b) any committee of the Commission.

the power and authority to carry out on its behalf such duties as the Commission may determine.

Protection of
members of
the
Commission.

11.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Commission, or any member of a committee appointed under paragraph 9, in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

(2) Where any member of the Commission or of a committee appointed under paragraph 9, as the case may be, is exempt from liability by reason only of the provisions of this paragraph, the Commission shall be liable to the extent that it would be if the said member were an employee or agent of the Commission.

Remuneration
of members.

12. There shall be paid to the chairman and other members of the Commission such remuneration, if any, as the Minister responsible for the public service may determine.

Office of
chairman or
member not
public office.

13. The office of chairman or member of the Commission shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

Passed in the House of Representatives this 25th day of September, 2012.

MICHAEL A. PEART, M.P.

Speaker.

Passed in the Senate this 12th day of October, 2012.

STANLEY ST. J. REDWOOD

President.

*This printed impression has been carefully
compared by me with the authenticated
impression of the foregoing Act, and has been
found by me to be a true and correct printed
copy of the said Act.*


Clerk to the Houses of Parliament.