

ANTIGUA AND BARBUDA

THE NATIONAL SECURITY COUNCIL ACT, 2006

No. of 2006

ARRANGEMENT OF SECTIONS

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No. of 200

A BILL FOR

AN ACT to establish a National Security Council to advise the Government with respect to national security, to coordinate national security among various government agencies and to enable the law enforcement and security forces and agencies of the Government to cooperate more effectively in matters involving national security.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. This Act may be cited as the National Security Council Act, 2006. Short title
2. In this Act, unless the context otherwise requires— Interpretation

“Council” means the National Security Council established under section 3;

“Minister” means the Prime Minister; and

“national security” means the protection of the public, classes of persons and individuals in Antigua and Barbuda against criminal activity, insurrection or invasion.
3. (1) There is established a council to be known as the National Security Council. Establishment

(2) The Minister shall preside over meetings of the Council and in his absence he shall designate a member of the Council who is a minister to preside in his place.
4. (1) The Council shall be comprised of— Composition
 - (a) the Minister;
 - (b) the Attorney General;
 - (c) the National Security Adviser;
 - (d) the Chief of Defence Staff;
 - (e) the Commissioner of Police;
 - (f) the Director of the Office of National Drug and Money Laundering Control Policy; and
 - (g) such other ministers as the Prime Minister may appoint.

(2) The members of the Council referred to in subsection (1)(b), (c), (d), (e) and (f) shall be members only for so long as they hold the offices specified.

(3) There shall be a secretary of the Council, who shall be a principal assistant secretary or a permanent secretary in the office of the minister with responsibility for national security.

(4) The Minister may, in consultation with the Council, invite a person who is not a member to attend a meeting of the Council.

5. The Council shall—

Functions of the Council

- (a) be the Government's principal forum for considering national security matters;
- (b) coordinate policies and activities of the departments and agencies of the Government relating to national security; and
- (c) perform any functions ascribed to it under any enactment.

6. (1) The Council shall—

Powers and duties of the Council

- (a) consider and approve policies to be complied with by departments and agencies of Government relating to national security, and to make recommendations to the Minister in connection therewith;
- (b) make such recommendations, and such other reports to the Minister as it deems appropriate or as the Minister may require;
- (c) establish priorities among the activities that address national security interests and requirements;
- (d) ensure the collection and collation of information and intelligence relating to the national security of Antigua and Barbuda and the integration of that information and intelligence into the domestic, foreign and security policies of the Government; and
- (e) establish and monitor programmes to ensure that departments and agencies of Government—
 - (i) implement the policies referred to in paragraph (a); and
 - (ii) submit periodic reports to the Council thereon.

(2) The Council shall make an annual report on the discharge of its functions to the Prime Minister.

(3) The Prime Minister shall lay before each House of Parliament a copy of each annual report made by the Council under subsection (2) together with a statement as to whether any matter has been excluded from that copy in pursuance of subsection (4).

(4) If it appears to the Prime Minister, after consultation with the Council, that the publication of any matter in a report would be prejudicial

to the continued discharge of the functions of the law enforcement agencies of the Government, the Prime Minister may exclude that matter from the copy of the report as laid before each House of Parliament.

7. (1) There shall be a National Security Adviser who shall be a public officer and a chief professional adviser to the Prime Minister's department within the terms of section 101 of the Constitution.

National Security
Adviser

(2) The National Security Adviser shall—

- (a) advise and make recommendations on proposed policies and strategies on national security and on matters pertaining to national security;
- (b) contribute to the formation of national security policies;
- (c) serve on any other committees, boards or authorities that deal with national security, as directed by the Minister;
- (d) represent the Government as directed by the Minister at national, regional and international meetings whose subject impacts on the national security of Antigua and Barbuda;
- (e) advise on, and assist with the planning and execution of personal security arrangements for the Governor General, the Prime Minister, foreign and visiting dignitaries and such other persons as may seem to him to need such arrangements;
- (f) advise on and assist national law enforcement agencies in relation to the national security aspects of their strategic and operational plans;
- (g) be responsible for gathering and collating information and intelligence on national security matters; and
- (h) be responsible for gathering and presenting operational information, and advising the Council on the effectiveness of law enforcement agencies in countering threats to national security and on their implementation of Council policies relating to national security.

8. (1) The Minister may by regulations make provision for the purpose of carrying this Act into effect and for the better carrying out of the objects and purposes of this Act, and, in particular, but without prejudice to the generality of the foregoing, for or with respect to any matter that may be prescribed under this Act by regulations.

Regulations

(2) Regulations under this Act may—

- (a) make different provision in relation to different cases or circumstances;
- (b) apply in respect of particular persons or particular cases or particular classes of persons or particular classes of cases, and define a class by reference to any circumstances whatsoever; and

- (c) contain such transitional, consequential, incidental or supplementary provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(3) Regulations made under this Act may create an offence punishable by a fine not exceeding \$50,000.

Passed by the House of Representatives this _____ day of _____ 2006. Passed by the Senate this _____ day of _____ 2006.

Speaker

President

Explanatory Memorandum

This Bill would establish a National Security Council to advise the Government with respect to national security, to coordinate national security among various government agencies and to enable the law enforcement and security forces and agencies of the Government to cooperate more effectively in matters involving national security.

Clause 1 provides the short title.

Clause 2 is an interpretation clause.

Clause 3 establishes the National Security Council and provides that the chairman shall be the Prime Minister.

Clause 4 sets out the composition of the National Security Council.

Clause 5 lists the functions of the National Security Council.

Clause 6 lists the powers and duties of the National Security Council. It requires an annual report of its activities to be presented to both Houses of parliament.

Clause 7 provides for the appointment of a National Security Adviser, and lists his duties.

Clause 8 enables regulations to be made.