

NATIONAL ADVISORY COUNCIL ON CHILDREN, CHILDREN'S ADVOCATE & CHILDREN'S FUND

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NOTE

In this publication, "Ministry" and "Minister" refer to the Ministry and Minister responsible for child protection, and "Guide" means this *Guide to the Child Care and Protection Act* (which is published in separate chapters).

EDITION
2019

The Child Care and Protection Act creates several new mechanisms for advancing child protection: a multi-sectoral body called the National Advisory Council on Children which is tasked to promote the rights and interests of children; a Children’s Advocate in the Office of the Ombudsman who focuses on issues relating to children; and a special fund called the Children’s Fund to pool resources from different ministries, donors and development partners for programmes which will benefit children.

1. National Advisory Council on Children

1.1 What is the National Advisory Council on Children?

The National Advisory Council on Children is a government-appointed body with the task of promoting the rights and interests of children in society. The purpose of the Council is to bring together key stakeholders from different government ministries and civil society to encourage cross-sectoral cooperation on children’s issues, and to advise the Ministry on matters pertaining to children.

The Council is modelled on Namibia’s Labour Advisory Council, which advises on issues relating to the Labour Act.

◇ Child Care and Protection Act, sections 11-12

1.2 Functions of the National Advisory Council on Children

The National Advisory Council on Children has the following functions:

- ⑨ to encourage **cross-sectoral cooperation** on matters relating to children
- ⑨ to **advise government** on matters relating to the protection and care of children in terms of the Child Care and Protection Act or any other law relating to children
- ⑨ to **advise organs of state** on how best to fulfil their functions under the Child Care and Protection Act or any other law relating to children
- ⑨ to advise the Minister and where appropriate an organ of state on the need for **law reform** on any issue relating to children
- ⑨ to encourage the **involvement of non-governmental organisations and communities** in establishing and promoting services and facilities which can advance the well-being of children
- ⑨ to design and recommend programmes relating to **prevention services** or the **protection or care of children** for consideration by the Minister or organs of state
- ⑨ to **study, investigate and monitor implementation** of the Child Care and Protection Act and other laws relating to children, and to make **recommendations for improved implementation** to the Minister or any other relevant organ of state,
- ⑨ to perform **other functions assigned to it by the Minister**.

◇ Child Care and Protection Act, section 12

What is an “organ of state”?

Several of the functions of the Council refer to “organs of state”. “Organ of state” is defined in the Act to include —

- ⑨ any **office, ministry or agency of the State**, or any **administration in the local or regional sphere of government**
- ⑨ any other **functionary or institution** exercising a **power** or performing a **function** in terms of **the Namibian Constitution or any law**.

This definition would include a government school.

The definition specifically states that it does **NOT** include “a court or a judicial officer”. Courts and judicial officers are excluded to preserve their independence.

- ◆ Child Care and Protection Act, section 1
- ◆ Minister of Education (Western Cape) v Mikro Primary School Governing Body (140/2005) [2005] ZASCA 66; [2005] 3 All SA 436 (SCA) (27 June 2005)
- ◆ Ex Parte Attorney-General, Namibia: Re: Corporal Punishment by Organs of the State 1991 NR 178 (SC)

1.3 Members of the National Advisory Council on Children

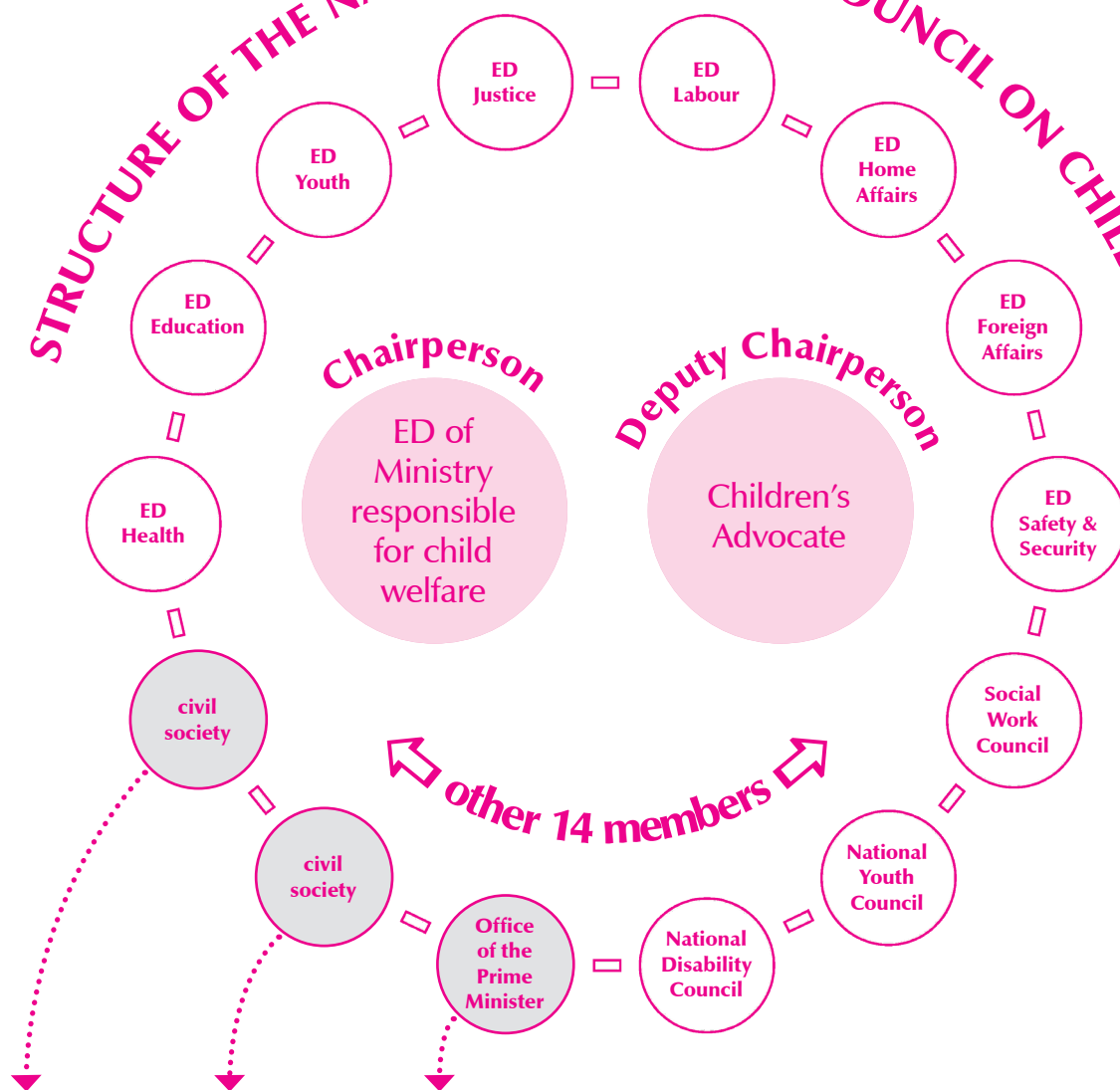
The Council consists of the following 16 members:

- ⑨ Executive Director of the Ministry responsible for child welfare (Chairperson)
- ⑨ Children’s Advocate (Deputy Chairperson)
- ⑨ Executive Director of the Ministry responsible for health
- ⑨ Executive Director of the Ministry responsible for education
- ⑨ Executive Director of the Ministry responsible for youth
- ⑨ Executive Director of the Ministry responsible for justice
- ⑨ Executive Director of the Ministry responsible for labour
- ⑨ Executive Director of the Ministry responsible for home affairs
- ⑨ Executive Director of the Ministry responsible for foreign affairs
- ⑨ Executive Director of the Ministry responsible for safety and security
- ⑨ Registrar of the Social Work and Psychology Council
- ⑨ Executive Chairperson of the National Youth Council
- ⑨ Chairperson of the National Disability Council
- ⑨ one staff member from the Office of the Prime Minister (designated by the Prime Minister and appointed by the Minister responsible for child welfare)
- ⑨ two representatives of civil society who have expertise in children’s issues (nominated by civil society and appointed by the Minister responsible for child welfare).

The Act refers to “Permanent Secretaries”. Since the Act was passed, the designation “Permanent Secretary” has been changed to “Executive Director”.

- ◆ Child Care and Protection Act, section 14(1)-(3)

STRUCTURE OF THE NATIONAL ADVISORY COUNCIL ON CHILDREN



Rules for the three Council members who are NOT *ex officio* members

Most of the Council members become members by virtue of the positions that they hold in government or in some other body (“*ex officio*”). Only three members are selected in some other way: one staff member from the Office of the Prime Minister and two representatives of civil society. There are some special rules which apply to these three selected members.

Qualifications

These three members of the Council must be **Namibian citizens or permanent residents** who are domiciled in Namibia. They must **not** be —

- ⑨ members of Parliament, a regional council or a local authority council
- ⑨ unrehabilitated insolvents (currently in bankruptcy)
- ⑨ declared mentally ill by a court
- ⑨ convicted in Namibia or any other country of a crime for which they were sentenced to prison without the option of a fine.

◆ Child Care and Protection Act, section 15

Selection procedure

- ⑨ **Staff member from the Office of the Prime Minister:** The Minister will send a written request to the Prime Minister, asking the Prime Minister to designate an appropriate person to be a Council member within a specified time period.
- ⑨ **Representatives of civil society:** The Minister must publish an invitation to civil society to nominate candidates for the Council in at least two national newspapers. The Minister must announce the invitation in other public media (which can be chosen by the Minister). The Minister must also send written notices to relevant stakeholders (which the Minister has discretion to select). If these steps do not result in sufficient nominations, then the Minister may appoint any suitable person to be a member of the Council in the place of the civil society representatives.

◇ Child Care and Protection Act, section 14(3)-(5)

Announcing names of selected members

The Minister must announce the names of the three selected Council members in the *Government Gazette*, along with their dates of appointment and terms of office.

◇ Child Care and Protection Act, section 14(6)

Term of office

The three selected Council members hold office for three years. They may be re-appointed.

◇ Child Care and Protection Act, section 16(1)

Vacating office

The three selected Council members must vacate their positions in any of these circumstances —

- ⑨ they no longer satisfy the qualifications for being a Council member
- ⑨ they give a written letter of resignation to the Minister
- ⑨ they miss three consecutive Council meetings without permission from the Council
- ⑨ they are removed from office by the Minister for some other reasonable cause, after being notified of the problem and given a chance to tell their side of the story to the Minister.

◇ Child Care and Protection Act, section 16(2)-(3)

Filling vacancies

If one of the three selected Council members dies or vacates their position, the vacancy must be filled by the appointment of another person for the unexpired portion of the term. The selection procedure must be the same as for the original member.

◇ Child Care and Protection Act, section 16(4)

1.4 Procedures of the National Advisory Council on Children

Allowances: All Council members who are not government employees will receive allowances for their services. The amounts will be set by the Minister responsible for child welfare, in agreement with the Minister responsible for finance. Different Council members may receive allowances in different amounts, depending on the office they hold or the duties they perform.

◇ Child Care and Protection Act, section 17

Committees: If the Minister approves, the Council may establish committees to carry out specific tasks. A committee may consist of members of the Council only, or members of the Council together with other persons. Committees must work according to the Council's directions.

◇ Child Care and Protection Act, section 18

Meetings: The Council is required to meet at least twice a year. The Minister will convene the first meeting, and the Chairperson of the Council will convene subsequent meetings. The Chairperson *must* convene a special meeting of the Council if there is a written request, accompanied by a motivation, from the Minister OR at least four members of the Council.

The Chairperson presides over meetings of the Council. If the Chairperson is absent, then the Deputy Chairperson presides. If both the Chairperson and the Deputy Chairperson are absent, then the members of the Council must elect a member to preside at the meeting.

Eight members of the Council will be a quorum, provided that every member of the Council was notified of the meeting in advance. This means that at least eight members of the Council have to be present in order for the Council to take a decision. Decisions are made by a majority of members of the Council who are present at the meeting. If there is a tie, the person presiding at the meeting will have an extra casting vote to break the tie.

The Council itself will otherwise determine the procedures to be followed at its meetings.

The Council may invite anyone it wishes to attend a meeting and participate in the discussions, but guests will not have a vote.

A decision taken by the Council is not invalidated solely because there was a vacancy in the membership of the Council when the decision was taken, or because someone who was not entitled to be a member of the Council was present at the time – if the decision was taken by a proper majority vote.

◇ Child Care and Protection Act, section 19(1)-(8)



The Minister has a duty under the Child Care and Protection Act to promote alternatives to corporal punishment. The Council is going to set up a committee to advise on the design of some billboards and other media on this topic.



We will invite some local advertising firms to sit on the committee to assist with the design concepts.

Minutes: The Council must keep minutes of its meetings. The Chairperson must provide a copy of the minutes to the Minister after each meeting.

◇ Child Care and Protection Act, section 19(9)

Administrative work: The Executive Director of the Ministry responsible for child welfare must provide staff members to perform clerical work for the Council. The Executive Director must also designate a staff member to serve as secretary to the Council.

◇ Child Care and Protection Act, section 20(1)

External advisors: After consulting with the Executive Director of the Ministry responsible for child welfare, the Council may obtain the services of anyone it wishes to advise it on its functions and duties.

◇ Child Care and Protection Act, section 21(1)

Expenses: Administrative expenses incurred by the Council in the performance of its duties must be paid out of the State Revenue Fund, from the budget provided by Parliament. The cost of external advisors must be paid out of the Children's Fund, supplemented as necessary out of the State Revenue Fund, from the budget provided by Parliament.

◇ Child Care and Protection Act, section 20(2) and 21(2)

Consultation by government: The Minister and other organs of state, when exercising functions that could affect the well-being of children, may consult with the Council before proposing changes to laws or regulations that may affect the operation of the Child Care and Protection Act.

◇ Child Care and Protection Act, section 22



Access to information: The Council has a right to access information held by organs of state, including courts – subject to laws on confidentiality – where the information may be necessary to enable the Council to carry out its functions.

◇ Child Care and Protection Act, section 13

Annual reports from ministries: The Executive Director of each government ministry that exercises functions affecting children must submit an annual report to the Council on its implementation of laws and policies affecting children. The Minister responsible for child welfare will identify the relevant ministries and give them a written notice informing them that an annual report is required. These annual reports must be submitted to the Minister within one month after the end of the financial year. This should help to facilitate co-ordination across ministries.

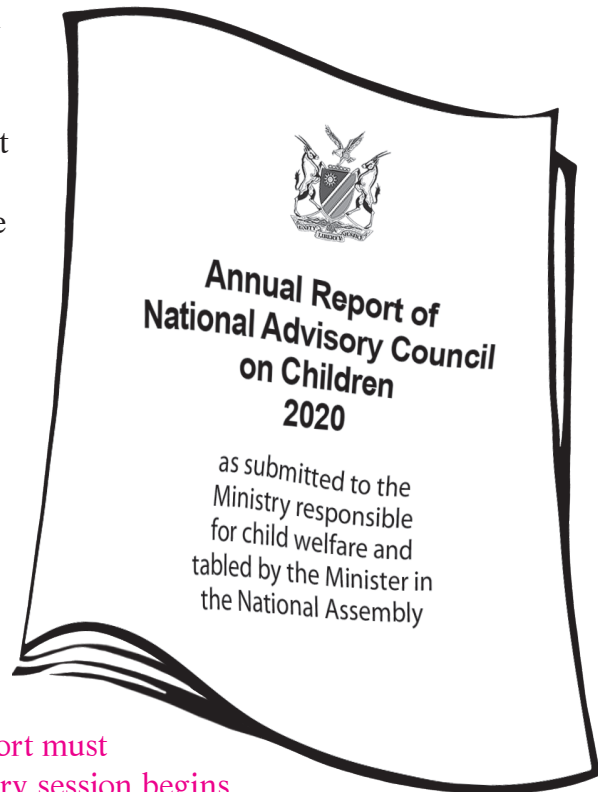
◇ Child Care and Protection Act, section 23

Annual report of Council: The Council is required to prepare an annual report on –

- ⑨ the Council's activities
- ⑨ the reports received from the ministries that exercise functions affecting children
- ⑨ an annual report from the Ombudsman on the activities of the Children's Advocate
- ⑨ any other matter, as the Minister responsible for child welfare directs.

The Chairperson of the Council must submit a copy of the annual report to the Minister responsible for child welfare as soon as practicable after its finalisation. The Minister must table the report in the National Assembly.

The Minister must table the report within 28 days of receiving it if Parliament is in session. If Parliament is not in session, the report must be tabled within 28 days after the next ordinary session begins.



◆ Child Care and Protection Act, section 24

2. Children's Advocate

2.1 What is the Children's Advocate?

The Children's Advocate is an official in the Office of the Ombudsman who focuses on issues relating to children.

◆ Child Care and Protection Act, section 25(1)

2.2 Functions of the Children's Advocate

The Children's Advocate has five main roles:

- ⑨ **to investigate complaints** about services provided to children under Namibian laws or the violation of children's rights under the Namibian Constitution or any other law
- ⑨ **to monitor implementation** of the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and other **international agreements** on child protection which are binding on Namibia
- ⑨ **to monitor implementation of the Child Care and Protection Act** and any other law pertaining to children
- ⑨ **to take cases to court** as necessary to further the interests of children
- ⑨ **to raise awareness** about the Child Care and Protection Act and the importance of child protection in general.

◆ Child Care and Protection Act, section 25(1)

2.3 Dealing with complaints

Complaints: Anyone can make a complaint to the Children’s Advocate, including a child. The complaint can be about services to children under the Child Care and Protection Act or any other law, or a violation of the rights of children under the Namibian Constitution or any other law. To minimise conflict, the Children’s Advocate will try to resolve complaints through negotiation, conciliation, mediation or other non-adversarial approaches where appropriate.

Confidentiality of Complaints

There is no specific provision in the Child Care and Protection Act or the Ombudsman Act about the confidentiality of complaints from children to the Children’s Advocate.

The **Child Care and Protection Act** provides protection for the child’s privacy in children’s court proceedings and the records of such proceedings, but this would not apply to complaints to the Children’s Advocate or reports about investigations of those complaints.

The **Ombudsman Act** contains a provision on the preservation of secrecy which requires that the Ombudsman and the staff in the Office of the Ombudsman must preserve secrecy in respect of the matters that come to their knowledge while they are carrying out their duties, and directs that they must not communicate about such matters except where this is authorised or required by the Act or any other law. But it is not clear if this rule applies to the reports which the Ombudsman is required to submit to the Speaker of the National Assembly, Cabinet and relevant institutions; the only specific duty of confidentiality mentioned in connection with such reports concerns information “based on, obtained or made known by certain persons in terms of any law on the protection of certain information”, which appears from the context of the provision to relate to issues of national security.

However, the child’s general **right to privacy** in terms of the Namibian Constitution, the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child would support respect for the confidentiality of complaints made to the Children’s Advocate, except insofar as disclosure is necessary to investigate and resolve the matter.

- ◇ Child Care and Protection Act, sections 55 and 62
- ◇ Ombudsman Act 7 of 1990, sections 6 and 8 (replacement statute under discussion as of 2019)
- ◇ Namibian Constitution, Article 13 (right to privacy)
- ◇ Convention on the Rights of the Child, Article 16 (right to privacy)
- ◇ African Charter on the Rights and Welfare of the Child, Article 10

Powers: As part of the Office of the Ombudsman, the Children’s Advocate has the powers provided by the **Ombudsman Act 7 of 1990** during the course of an investigation. This includes the power:

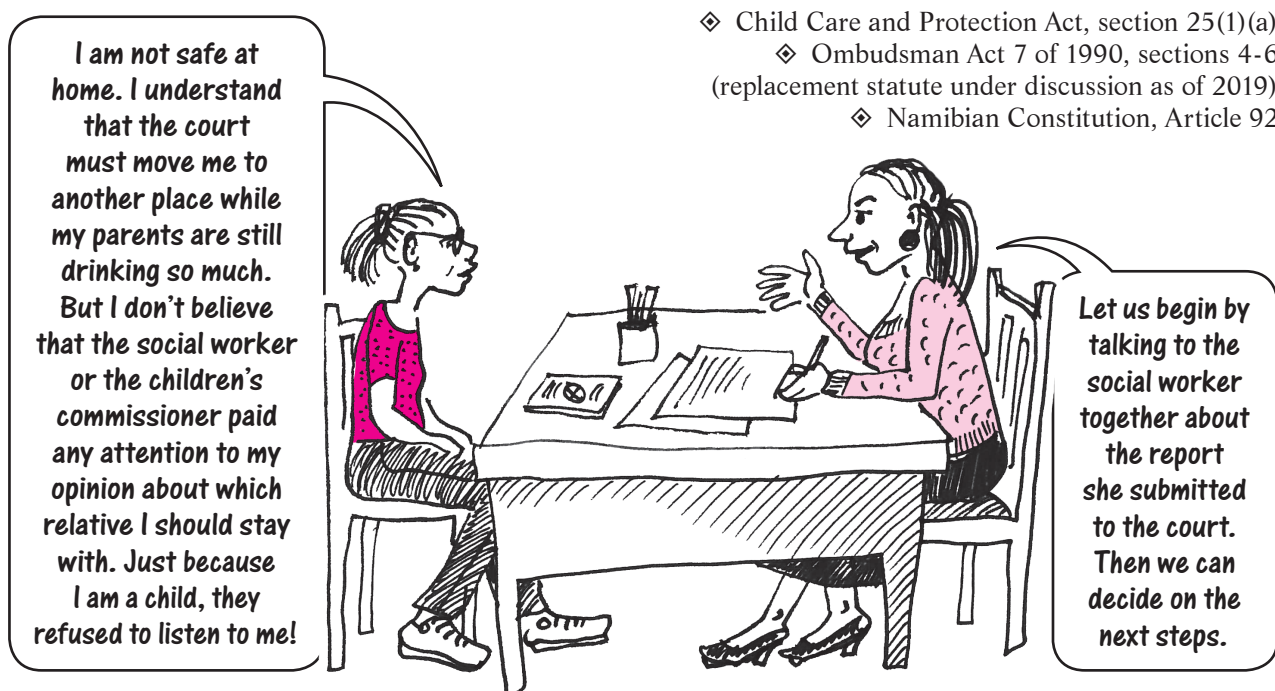
- ⑨ to enter any building or premises (except for private homes) and question any person present who might have relevant information
- ⑨ to access books, documents and other materials and items under anyone’s control (other than the personal correspondence of private individuals)
- ⑨ to request relevant information from any person
- ⑨ to seize anything relevant to the investigation.

Staff in the Office of the Ombudsman also have the power:

- ⑨ to issue a subpoena requiring any person to appear before the Ombudsman and give information under oath
- ⑨ to issue a subpoena for the production of any document or record relevant to the investigation
- ⑨ to question any person about issues related to a complaint that is being investigated
- ⑨ to require any person to cooperate with the Ombudsman and to disclose truthfully and frankly any information relevant to the investigation.

Actions on complaints: The Ombudsman Act also outlines a wide range of actions which the Ombudsman can take to resolve complaints after the investigation into the matter has been completed; these actions also apply to complaints investigated by the Children's Advocate:

- ⑨ The Ombudsman **must** notify the complainant of the outcome of the investigation and take appropriate action or steps to remedy the problem. Such steps can include **negotiation and compromise** between the parties concerned, a **report to the superior** of an offending person, **referral of the matter to the Prosecutor-General or the Auditor-General**, and **court proceedings** as necessary.
- ⑨ The Ombudsman **may** notify the relevant government or private body of the findings of the investigation and of the manner in which the problem can be remedied.
- ⑨ The Ombudsman **must** submit detailed reports on any complaints that were investigated but not satisfactorily resolved to the Speaker of the National Assembly, Cabinet and any administrative body that is involved, with recommendations on the way forward.



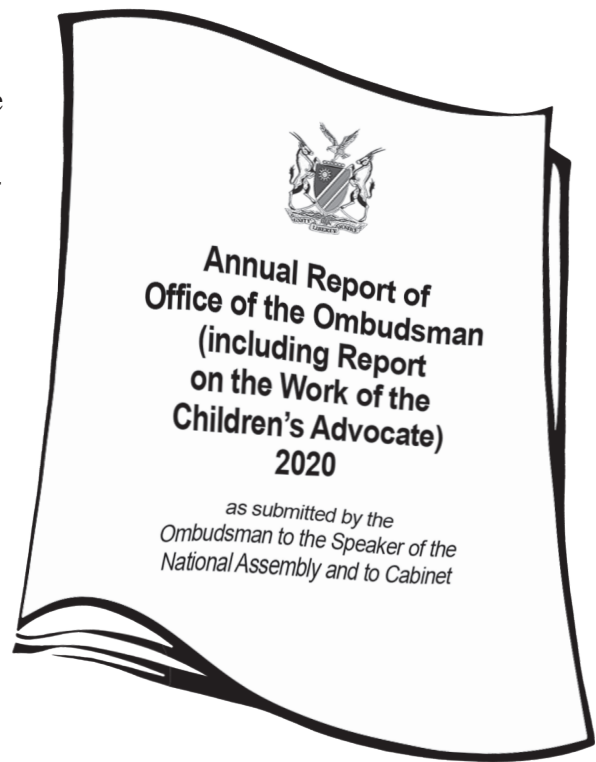
2.4 Annual reports

In terms of the **Ombudsman Act 7 of 1990**, the Ombudsman must submit an annual report to the Speaker of the National Assembly on all the activities of the Office of the Ombudsman. This would include information on the work of the Children's Advocate, who is part of the Office of the Ombudsman. This report is tabled by the Speaker in the National Assembly. The Ombudsman must also give a copy of the report to Cabinet.

The National Advisory Council on Children may request the Ombudsman to provide it with an additional annual report on the activities of the Children's Advocate. This report must contain:

- ⑨ details of the complaints received and investigations undertaken in respect of children
- ⑨ findings of any monitoring activities
- ⑨ details of any court appearances to further children's interests in terms of the Act
- ⑨ an overview of awareness-raising activities
- ⑨ information about any other activities linked to the functions of the Children's Advocate under the Act.

- ◆ Ombudsman Act 7 of 1990, section 6 (replacement statute under discussion as of 2019)
- ◆ Child Care and Protection Act, section 25(2)



Accessibility of National Human Rights Institutions to Children

“National human rights institutions should be geographically and physically accessible to all children. In the spirit of article 2 of the Convention [on non-discrimination], they should proactively reach out to all groups of children, in particular the most vulnerable and disadvantaged, such as (but not limited to) children in care or detention, children from minority and indigenous groups, children with disabilities, children living in poverty, refugee and migrant children, street children and children with special needs in areas such as culture, language, health and education. National human rights institution legislation should include the right of the institution to have access in conditions of privacy to children in all forms of alternative care and to all institutions that include children.

National human rights institutions have a key role to play in promoting respect for the views of children in all matters affecting them, as articulated in article 12 of the Convention [on respect for the views of the child], by Government and throughout society. This general principle should be applied to the establishment, organization and activities of national human rights institutions. Institutions must ensure that they have direct contact with children and that children are appropriately involved and consulted. Children's councils, for example, could be created as advisory bodies for national human rights institutions to facilitate the participation of children in matters of concern to them.

National human rights institutions should devise specially tailored consultation programmes and imaginative communication strategies to ensure full compliance with article 12 of the Convention. A range of suitable ways in which children can communicate with the institution should be established.”

- ◆ Committee on the Rights of the Child, *General Comment No. 2* (2002), paragraphs 15-17 (acronym spelt out)

“ ... The role of national human rights institutions is to monitor independently the State’s compliance and progress towards implementation and to do all it can to ensure full respect for children’s rights. While this may require the institution to develop projects to enhance the promotion and protection of children’s rights, it should not lead to the Government delegating its monitoring obligations to the national institution. It is essential that institutions remain entirely free to set their own agenda and determine their own activities. ”

◇ Committee on the Rights of the Child, *General Comment No. 2* (2002), paragraph 25 (acronym spelt out)

2.5 Reporting under the Convention on the Rights of the Child and other treaties

The Committee on the Rights of the Child which monitors Convention on the Rights of the Child suggests that national human rights institutions such as the Children’s Advocate should contribute independently to the reporting process under the Convention and other relevant international instruments.

It also suggests that national human rights institutions should monitor the integrity of government reports to international treaty bodies with respect to children’s rights. One way to do this is to engage in dialogue with relevant treaty bodies. For example, the Children’s Advocate could participate in working group sessions with the Committee on the Rights of the Child scheduled in advance of the official presentation of country reports.

Country reports under the Convention on the Rights of the Child should include detailed information on the legislative basis, mandate and principal activities of the Children’s Advocate in their reports to the Committee.

Consultation with the Children’s Advocate should take place during the preparation of reports in terms of the Convention on the Rights of the Child, but without undermining the independent role of the Children’s Advocate in providing information to the Committee.

The Committee on the Rights of the Child points out that it is **not** appropriate to delegate the task of drafting official State reports to national human rights institutions such as the Children’s Advocate, or to include them in the government delegation when reports are examined by the Committee.

◇ Committee on the Rights of the Child, *General Comment No. 2* (2002), paragraphs 20-21

“ National human rights institutions must have the right to report directly, independently and separately on the state of children’s rights to the public and to parliamentary bodies. In this respect, States parties must ensure that an annual debate is held in Parliament to provide parliamentarians with an opportunity to discuss the work of the national human rights institution in respect of children’s rights and the State’s compliance with the Convention. ”

◇ Committee on the Rights of the Child, *General Comment No. 2* (2002), paragraph 18 (acronym spelt out)

Recommended Activities of National Human Rights Institutions

“The following is an indicative, but not exhaustive, list of the types of activities which national human rights institutions should carry out in relation to the implementation of children’s rights in light of the general principles of the Convention. They should:

- (a) Undertake **investigations** into any situation of violation of children’s rights, on complaint or on their own initiative, within the scope of their mandate;
- (b) Conduct **inquiries** on matters relating to children’s rights;
- (c) **Prepare and publicize opinions, recommendations and reports**, either at the request of national authorities or on their own initiative, on any matter relating to the promotion and protection of children’s rights;
- (d) Keep under **review the adequacy and effectiveness of law and practice** relating to the protection of children’s rights;
- (e) **Promote harmonization of national legislation, regulations and practices with the Convention on the Rights of the Child, its Optional Protocols and other international human rights instruments relevant to children’s rights and promote their effective implementation**, including through the provision of **advice to public and private bodies** in construing and applying the Convention;
- (f) **Ensure that national economic policy makers take children’s rights into account** in setting and evaluating national economic and development plans;
- (g) **Review and report on the Government’s implementation and monitoring of the state of children’s rights**, seeking to ensure that statistics are appropriately disaggregated and other information collected on a regular basis in order to determine what must be done to realize children’s rights;
- (h) **Encourage ratification of or accession to any relevant international human rights instruments**;
- (i) In accordance with article 3 of the Convention requiring that the best interests of children should be a primary consideration in all actions concerning them, **ensure that the impact of laws and policies on children is carefully considered** from development to implementation and beyond;
- (j) In light of article 12, **ensure that the views of children are expressed and heard** on matters concerning their human rights and in defining issues relating to their rights;
- (k) **Advocate for and facilitate meaningful participation by children’s rights NGOs**, including organizations comprised of children themselves, in the development of domestic legislation and international instruments on issues affecting children;
- (l) **Promote public understanding and awareness of the importance of children’s rights** and, for this purpose, work closely with the media and undertake or sponsor research and educational activities in the field;

- (m) In accordance with article 42 of the Convention which obligates State parties to “make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike”, **sensitize the Government, public agencies and the general public to the provisions of the Convention and monitor ways in which the State is meeting its obligations** in this regard;
- (n) Assist in the **formulation of programmes for the teaching of, research into and integration of children’s rights in the curricula of schools and universities and in professional circles;**
- (o) **Undertake human rights education which specifically focuses on children** (in addition to promoting general public understanding about the importance of children’s rights);
- (p) **Take legal proceedings to vindicate children’s rights** in the State or **provide legal assistance to children;**
- (q) **Engage in mediation or conciliation processes before taking cases to court,** where appropriate;
- (r) **Provide expertise in children’s rights to the courts, in suitable cases** as amicus curiae or intervenor;
- (s) In accordance with article 3 of the Convention which obliges States parties to “ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision”, **undertake visits to juvenile homes (and all places where children are detained for reform or punishment) and care institutions** to report on the situation and to make recommendations for improvement;
- (t) Undertake such other activities as are incidental to the above.

... NHRIs should **consult and cooperate with relevant national, regional and international bodies and institutions** on children’s rights issues.”

◇ Committee on the Rights of the Child, *General Comment No. 2* (2002), paragraphs 19 and 28 (emphasis added and acronym spelt out)

3. Children’s Fund

3.1 What is the Children’s Fund?

The Children’s Fund is a special fund established to pool resources from different ministries, donors and development partners for children’s programmes that cut across ministries and may extend beyond a single financial year.

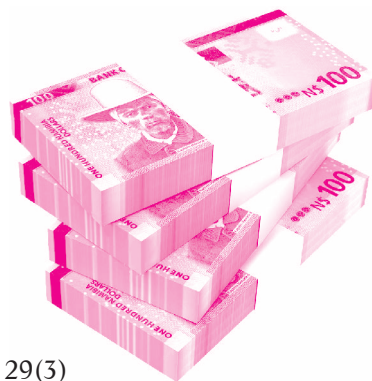
◇ Child Care and Protection Act, sections 26-27, 29(3)

3.2 Sources of funds

The Children's Fund receives money from these sources:

- ⑨ funds appropriated by **Parliament** for this purpose,
- ⑨ **grants, donations or bequests** received by the Council with the approval of the Minister responsible for child welfare
- ⑨ income from **investments**
- ⑨ **other moneys or assets** which may accrue to the Council.

◇ Child Care and Protection Act, sections 26-27, 29(3)



3.3 Uses of funds

The Children's Fund may be used for funding –

- ⑨ the activities of the **National Advisory Council on Children** and the **Children's Advocate**
- ⑨ **prevention and early intervention programmes**
- ⑨ **early childhood development programmes**
- ⑨ **training** of persons who implement the Child Care and Protection Act or any other law relating to children (such as social workers, social auxiliary workers, community child care workers, magistrates, clerks of court and members of the Police)
- ⑨ establishing, maintaining or upgrading **facilities for children** or funding **programmes for children at such facilities**
- ⑨ appointment of **external advisors to the National Advisory Council on Children**
- ⑨ any other activities relating to the **implementation of the Child Care and Protection Act and other laws relating to children.**

◇ Child Care and Protection Act, section 27

3.4 Administration

Accounting officer: The Executive Director of the Ministry responsible for child welfare must administer the Children's Fund, acting in concurrence with the Minister. The Executive Director is the accounting officer of the Fund. This means that the Executive Director must account for all moneys received by the Fund and paid out from the Fund. The Executive Director must prepare an estimate of revenue and expenditure for each financial year. This estimate must be approved by the Minister responsible for child welfare and by the Minister responsible for finance. The Executive Director must also make sure that proper records of account are kept.

The financial year of the Children's Fund will end on 31 March of each year.

◇ Child Care and Protection Act, sections 28, 30(1)-(2)

Bank accounts: The Executive Director must open a bank account in the name of the Children's Fund with a registered banking institution or building society approved by the National Advisory Council on Children. All funds accruing to the Children's Fund must be deposited into this account.

◇ Child Care and Protection Act, section 29(1)

Investments: The Council may, with the Minister's approval, invest portions of the Children's Fund that are not immediately required for its purposes with a registered banking institution or building society, with the Post Office Savings Bank or with any other institution approved by the Minister responsible for child welfare and the Minister responsible for finance.

◆ Child Care and Protection Act, section 29(2)

Carrying funds across financial years: Any unspent balance in the Children's Fund at the end of a financial year must be carried forward as a credit to the next financial year. This is one of the advantages of the Children's Fund, since this kind of carry-over is not possible with normal government budgets.

◆ Child Care and Protection Act, section 29(3)

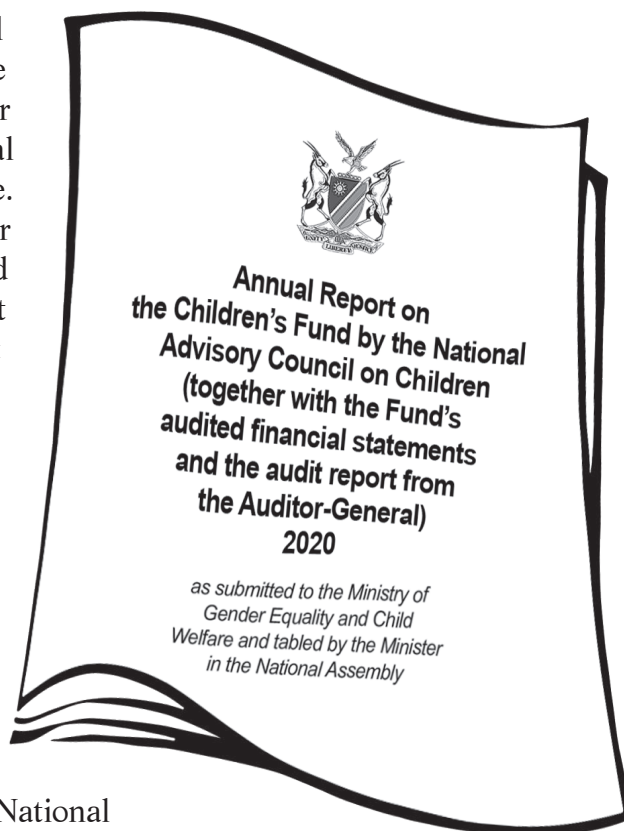
Audit: The Auditor-General must conduct an annual audit of the Children's Fund and submit a copy of the audit report to the National Advisory Council on Children.

◆ Child Care and Protection Act, section 30(3)

Annual report: The National Advisory Council on Children must submit an annual report on the activities of the Children's Fund to the Minister within six months of the end of each financial year, unless the Minister extends this deadline. The annual report must be submitted together with the audited financial statements of the Fund for the last financial year and the audit report from the Auditor-General. The Minister must table the report in the National Assembly.

The Minister must table the report within 28 days of receiving it if Parliament is in session. If Parliament is not in session, the report must be submitted within 28 days after the next ordinary session begins.

◆ Child Care and Protection Act, section 31(1)-(2)



Other reports: The Minister may require the National Advisory Council on Children to submit other reports and particulars relating to the Children's Fund at any time and in relation to any matter.

◆ Child Care and Protection Act, section 31(3)

Exemption from tax, duty and other charges: The Children's Fund does not have to pay taxes or other charges on its income. It is also exempt from transfer duty and stamp duty.

◆ Child Care and Protection Act, section 32