

## TERMS OF REFERENCE

### Individual Consultant

#### **Consultant – Technical Assistance on the Revision of Saint Lucia Statistics Bill Organisation of the Eastern Caribbean States (OECS) Data for Decision Making Project- Saint Lucia**

Title:	<b>Consultant – Technical Assistance on the Revision of the Saint Lucia Statistics Bill</b>
Location:	Saint Lucia Central Statistical Office, Department of Economic Development
Tentative Start Date:	1 September 2024

### I. BACKGROUND

The OECS Data for Decision Making (DDM) Project is a regional project that seeks to improve the capacity of participating Eastern Caribbean countries to produce and publicly disseminate statistical data for country and regional level analytics. It will be implemented by Grenada, Saint Lucia, St. Vincent and the Grenadines, and the OECS Commission. The project seeks to achieve its objective by strengthening both national and regional level capacities and fostering regional coordination. At the national level, Component 1 and Component 2 of the project will strengthen national statistical systems through (i) statistical modernization and capacity building, and (ii) data production, analysis, and dissemination, with a focus on the population and housing census, living conditions surveys, labor market surveys, and agricultural census. At the regional level, Component 3 of the project will support the OECS Commission’s mandate for regional integration and the strengthening of the regional statistical system. Component 4 will support project implementation, and Component 5 will provide a contingency option for immediate surge funding in the event of a national emergency. The project is to be implemented over a five-year period commencing in 2022.

Under Component 1 of the project, this consultancy will review the current Statistics Bill and regulatory framework for the Central Statistics Office (CSO) of Saint Lucia and advice on revisions for an updated Statistics Bill. The reauthorization of the Statistical Act is a fundamental and strategic initiative oriented towards the Statistical Modernization of the National Statistical System (NSS).

The earliest record for a legal instrument for Saint Lucia’s CSO dates back to 1960. This legislation provided for collecting, compiling, analyzing and disseminating statistical information. Thereafter updates to the Statistics Act from 1960 has undergone three (3) iterations. The CSO was originally established under the Statistics Act Number 13 of 1973 on November 7, 1973, which was last updated in 2001. Throughout the years, the operations, functions, areas of work and organizational structure of the CSO have either changed or expanded.

On 31<sup>st</sup> January 2019 and from 8<sup>th</sup> -10<sup>th</sup> April 2019, the CSO participated in the Synchronization of Statistics Meeting and Standards training activities by UNECLAC. In the course of the deliberations and consideration of the activities, the need for the strengthening of the existing Statistics Act came into focus: The current Statistics Act of Saint Lucia lacks critical principles needed to ensure quality, transparency, and accountability—such as "statistical confidentiality" or "impartiality for the dissemination". It does not fully encompass the UN Fundamental Principles of Official Statistics (UNFPOS). In addition, the Act does not provide a strong mandate for the CSO to collect administrative data from other agencies. The CSO also has to receive the approval of the Minister of Finance to publish

official statistics. The current Statistics Act of 2001 had to be amended accordingly to reflect and take into account any developments regarding the CSO.

In March of 2019, the CSO officially requested the endorsement and support the Minister of Economic Development for the planned strengthening of the Statistics Act. The endorsement was supported by the Minister. The CSO in collaboration with the Attorney's General office took into consideration the CARICOM Model Statistics Bill and the UN principles for the operation of a statistics office among other documents with an aim to revise the 2001 Statistics Act. The amendments to the draft 2023 Statistics Bill were prepared by the Office of the Attorney General. The drafting of the amendments took some four (4) years with feedback from the CSO. Currently the amendments of the draft 2023 Statistics Bill have undergone the second revision and is at the CSO. While the Attorney General Office would ensure that the legal elements of the Draft Bill are incorporated, there is still the need to ensure that the revised Statistics Bill incorporates all aspects of the CARICOM Model Statistics Bill, the UNFPOS and further best practices for statistical legislation.

## **II. OBJECTIVES OF THE CONSULTANCY**

The objective of this consultancy is to review the current version of the draft Statistics Bill (2023) and prepare an updated Statistics Bill for Saint Lucia. The consultancy should consider key recommendations from international best practices and other relevant background documents. It should further consider, *inter alia*, including provisions for (i) ensuring data access and exchange within the NSS, (ii) the utilization of new technologies and innovations in the generation, management, and dissemination of statistical data, and (iii) an eventual transition towards the recommended establishment of an autonomous entity.

## **III. SCOPE OF SERVICES**

The Consultant is expected to conduct an extensive review of the current draft of the Statistics Bill (second draft from 2023) that was prepared with the support of the Attorney General of Saint Lucia. The Consultant is also expected to update the draft Statistics Bill as required based on the recommendations of the CARICOM Model Statistics Bill and other best practices and principles for statistical legislation (e.g. UNFPOS). The expected activities to be carried out by the consultant are:

1. The conduct of a comprehensive examination of the of the current version of the Statistics Bill prepared by the Office of the Attorney General;
2. Review the Common Framework for Statistics Legislation in CARICOM; the CARICOM Statistics Model Bill (CARICOM Secretariat, 2011); the Review of CARICOM Statistics Legislation (ECLAC, 2020); the Recommendations from the Standing Committee of Caribbean Statisticians (Annex I), the NSS Assessment of Saint Lucia conducted in 2012, the NSS audit conducted for the implementation for the National Strategy for the Development of Statistics (NSDS) and other relevant documents. Draft legislation that will make the Bill compliant with international best practices, including the seventeen principles of the International Code of Good Practice in statistics and adhere to the Fundamental International Principles of Official Statistics, ECLAC Generic Law for Latin America and the Caribbean, and CARICOM Principles of Good Practice in statistics' and based on summary of key background documents including guide to Development and Revision of Statistics Law (PARIS21, 2020);
3. Based on 1 and 2 above, propose modifications to the current draft of the Statistics Bill and present to the Director of Statistics and Members of the Technical Working Group (TWG) and other key stakeholders in the Ministries, Departments, and Agencies;
4. Finalize the draft of the updated Statistics Bill incorporating feedback and inputs from the CSO, TWG and other key stakeholders.

#### IV. QUALIFICATIONS AND EXPERIENCE

- At least a Master’s in Statistics, Economics, Law or other related disciplines and at least 8 years of relevant work experience in the following areas: (a) best practices in statistics legislation, (b) preparation of model statistics legislation, (c) preparation and revision of national statistical laws in developing countries,
- Conducted at least 2 similar assignments in drafting and amending legal acts, preferably in the field of statistics or related areas;
- Demonstrated fluency in English and excellent writing and editing skills.

#### V. DELIVERABLES

- a) Report and presentation of the review of the current draft version of the Statistics Bill (2023) vis-a-vis international back practices and key background documents and proposed modifications for an updated Statistics Bill to the CSO and other key stakeholders;
- b) Draft updated Statistics Bill and presentation to CSO, TWG and other key stakeholders
- c) Finalized draft updated Statistics Bill.

#### VI. WORKING ARRANGEMENTS

The Consultant will be required to work closely with the Director of the CSO and any other staff assigned to support the task. The consultancy is expected to be conducted over a period of 6 months from September 2024-March 2025.

#### VII. DELIVERABLES AND PAYMENT SCHEDULE

<b>Expected Deliverable</b>	<b>Estimated Timelines</b>	<b>Payment Schedule</b>
<b>1.</b> Inception Report including an implementation plan and, methodology	7 working days after convening of inception meeting	10%
<b>2.</b> Report and presentation of the review of the current draft of the Statistics Bill 2023 vis-a-vis international back practices and key background documents and proposed modifications for an updated Statistics Act to the CSO and other key stakeholders;	<b>25 days after approval of the inception report</b>	30%
<b>3.</b> Draft updated Statistics Act and presentation to CSO and other key stakeholders	<b>40 days after final report for deliverable number 2</b>	<b>40%</b>

4. Final draft updated Statistics Act and presentation to Cabinet and other key stakeholders	<b>20 Days after the final draft document for deliverable number 3</b>	<b>20%</b>

### **VIII. SELECTION METHOD**

The consultant will be selected using the “Individual Consultant Selection method” in accordance with the September 2023 World Bank Procurement Regulations for IPF Borrowers (Procurement Regulations).

## Annex I

**Table 1: Review of the CARICOM Model Statistics Bill – 2021 – Decisions of the Forty-Sixth Meeting of the Standing Committee of Caribbean Statisticians (SCCS), October 2021**

Issue raised in the CARICOM Model Bill	Summary of the review of the 28 <sup>th</sup> AGS	Recommendation to the 46 <sup>th</sup> SCCS
<p><b>1. Clause 2: Interpretation</b></p> <p><b><u>Determination of Official Statistics</u></b></p> <p><i>“Official statistics” means statistics related to any matter contemplated in the First Schedule which have been approved and classified as official statistics by the Board”.</i></p> <p><b>Proposed change:</b></p> <p><i>“...which have been approved and classified as official statistics by the Chief Executive Officer [of the institute]”</i></p> <p><b>Justification:</b></p> <ul style="list-style-type: none"> <li>The Board itself may not have the technical expertise to make this determination.</li> </ul> <p><b>Question:</b> Does this clause mean that the Board will decide what indicators will be considered official statistics, or that the Board will need to approve statistics produced by the Institute prior to publication?</p>	<ul style="list-style-type: none"> <li>The composition of the Board will comprise people who have an idea of what is official statistics based on their work experience and therefore the Board would be competent enough to designate what should be official statistics.</li> <li>Official statistics are not just produced by the NSOs, and the Board might represent a broader cross section of people capable of determining what should be produced as official statistics.</li> <li>The board will be advised by the NSO on good practices and should have the power to determine what official statistics are.</li> <li>The issue of political interference might affect the decision-making of the Board, particularly if it is by a Minister or political Head of State. In which case it should be the CEO or by a statistical commission that oversees the National Statistical System.</li> <li>If the functions of the Board are clearly defined in terms of good governance, management and related issues and the functions of the Director-General are also clearly defined in terms of statistical issues, then this might assist in delinking</li> </ul>	<p><b>Decision of the 46<sup>th</sup> SCCS on Clause 2 Interpretation determination of “official statistics”:</b></p> <p><b><u>Recommended</u></b> that,</p> <p>“Official Statistics” means statistics related to any matter contemplated in the First Schedule which have been approved and classified by the <b>[Board on the advice of the CEO of the Institute] [the national statistics commission or similar entity]</b></p> <p><b>[See Note 1]</b></p> <p><b>The 28<sup>th</sup> AGS:</b></p> <p><b><u>Recommended</u></b> that,</p> <p>(i) “Official Statistics” means statistics...which have been approved and classified by the [Board] [Board on the advice of the CEO of the institute] [Statistical Commission].</p> <p>(ii) The functions of the institute should be clearly defined as it relates to good governance and management.</p> <p><b>Recommendation from Jamaica</b></p> <p>(iii) “...which have been approved and classified as official statistics by the <i>[insert Country specific</i></p>

Issue raised in the CARICOM Model Bill	Summary of the review of the 28 <sup>th</sup> AGS	Recommendation to the 46 <sup>th</sup> SCCS
	<p>the board from determining what official statistics is.</p> <p><b>Additional comments from Jamaica</b></p> <ul style="list-style-type: none"> <li>Each Country will decide on the entity/body that has the requisite technical capacity in its membership to approve and classify statistics as 'official statistics', and other related action.</li> <li>The AGS could issue guidance on the technical capacity that such an entity/body should possess.</li> </ul>	<p><i>approval entity/body]</i>"</p>
<p><b>2. Clause 2: Interpretation - continued</b></p> <p><b><u>Inclusion of the term “Big Data” in the definition of “statistics” and defining of this term</u></b></p> <p>“<i>statistics</i>” means information in connection with or incidental to any census or survey or administrative data sources or all or any of the matters specified in the First Schedule and “statistical” shall be construed accordingly.</p> <p><b>Justification:</b></p> <p>Question: Does the term “<i>administrative data</i>” also include “<i>big data</i>”? Should a definition also be provided for this term?</p> <p><b>Additional comments from Jamaica</b></p> <ul style="list-style-type: none"> <li>A statistical exercise may include a <b>combination of any</b> of the three data collection methodologies.</li> </ul>	<ul style="list-style-type: none"> <li>Big data should be clearly defined in the bill.</li> <li>One approach is that administrative data can be defined to include big data.</li> <li>Big data is a totally different phenomenon to administrative data. It is known for its mass (for example, information obtained from shoppers on the internet) and should be separately defined.</li> </ul> <p>A small group consisting of Belize, Guyana and Grenada (supported by information submitted by Bermuda) came up with a definition- (<i>definition has been produced and is on the link</i>)  <b>[Contained in Attachment 1]</b></p>	<p><b>Decision of the 46<sup>th</sup> SCCS on Clause 2 Interpretation(s) definition of “statistics”:</b></p> <p><b>Agreed with the recommendation from the AGS that “Big Data” and “Administrative Data” should be defined under Clause 2 Interpretation [As in Attachment 1]</b></p> <p><b>Also agreed that the definition of “statistics” should be adjusted [to include “big data” as in Attachment I]</b></p> <p><b>Further agreed to have the Office of the General Counsel indicate whether the “or” is sufficient in the definition of statistics (to reflect inclusivity of the various data sources) or whether there is need to include “or any combination thereof” as recommended by Jamaica.</b>  <b>[See Note 2 on this issue]</b></p> <p><b>The 28th AGS:</b></p> <p><b>Recommended</b> that,</p>

Issue raised in the CARICOM Model Bill	Summary of the review of the 28 <sup>th</sup> AGS	Recommendation to the 46 <sup>th</sup> SCCS
<p><b>Recommendation from Jamaica</b></p> <p>(i) “statistics” means information collected in connection with or incidental to any census or survey or administrative data sources <b>or any combination thereof</b> of any of the matters specified in the First Schedule and “statistical” shall be construed accordingly.</p>		<p>“Big data” should be separately defined in the Bill as well as “Administrative Data”.</p>
<p><b>Additional comments from Jamaica under Clause 2: Interpretation - to insert definition of “anonymized”.</b></p> <p><b>“Anonymised microdata”</b> means information pertaining to any person which is in a form that conceals or protects the identity of that person.</p> <p><b>Proposed change</b></p> <p><b>“anonymized”</b> means removal of individually identifiable variables or combinations thereof to reduce the risk of disclosing confidential information about the unit of data collection.</p> <p><b>Justification</b></p> <p>The ordinary meaning of microdata seems to be sufficient given its use in the Bill therefore adding a definition in this section may not be necessary.</p> <p>The use of <b>“anonymized”</b> in the Bill appears to be unique to statistical processing / data</p>	<p>This issue was not discussed by the AGS.</p>	<p><b>“Decision of the 46<sup>th</sup> SCCS Clause 2: Interpretation- to insert definition of “anonymized”:</b></p> <p><b>The 46<sup>th</sup> SCCS:</b></p> <p><u>Agreed that the definition of “anonymized microdata” should remain.</u></p> <p><u>Also agreed to the need to define the term “microdata” [as contained in Attachment 1-based on RSP research].</u></p> <p><u>Further agreed to define “anonymized “as per the Jamaican definition but contingent to the defining of “confidential information” [two alternate definition is given in the Attachment 1 and in the second definition that was derived post the SCCS Meeting the need to define “confidential information” is no longer necessary- See Attachment 1].</u></p> <p><u>Agreed to raise with the</u></p>

Issue raised in the CARICOM Model Bill	Summary of the review of the 28 <sup>th</sup> AGS	Recommendation to the 46 <sup>th</sup> SCCS
<p>anonymization and therefore, a definition of the word in the Bill appears appropriate.</p> <p>The process is one area that is always developing, and its application can differ. Therefore, these features of the process should be acknowledged in the Bill.</p>		<p><b>CARICOM Secretariat Office of the General Counsel, the use of “confidentiality” in the definition versus “disclose/disclosing” which are the terms used in the Model Bill and present the feedback to the SCCS.</b></p> <p><b>[See Note 3 on this issue]</b></p> <p><b>The 28th AGS:</b></p> <p><b><u>Recommended</u></b> for consideration by the 46<sup>th</sup> SCCS.</p>
<p><b>Clause 5 (2) and 7 (1): The Constitution of the Board of the Institute –5 (2) its composition, clarification of the term “statistical units” and 7 (1) on the issue of the Head of the institute being and <i>ex-officio</i> member.</b></p> <p><b>Clause 5 (2) The <i>Board shall consist</i> of not less than nine and no more than fifteen other members as the [Head of State], having consulted with the Minister and organizations representing groups of statistical units, may by instrument in writing appoint.</b></p> <p>Would recommend some indication as to the Board’s composition, to ensure, for example, a balance between government, academia and civil society.</p> <p><b>Justification</b></p> <p>This type of balanced Board representation would help to promote the professional independence of the Institute (and public confidence in the official statistics it produces).</p> <p><b>Recommendation from</b></p>	<ul style="list-style-type: none"> <li>• In small economies, politics will play an important part regarding the composition of the board. Ideally, a board that is balanced is required and reflects the private sector, academia, civil society but it might be difficult to achieve the ideal of having a representative board with the requisite members given the politics.</li> <li>• An approach is to specify the composition of the board in the act, be it ministries, civil society, private sector etc.</li> <li>• At the time of the preparation of the Model Bill there were intensive discussions on its composition. A number of statistics bills of countries within and outside of the region were reviewed including from Belize, United Kingdom, and New Zealand etc.</li> <li>• Initially, lists of members were developed but then the issue of what type [of professions/jobs, etc.] and where to draw the line in terms of including/excluding</li> </ul>	<p><b>Decision of the 46<sup>th</sup> SCCS Clause 5 (2) and 7 (1): The Constitution of the Board of the Institute – 5 (2) its composition, clarification of the term “statistical units” and -7 (1) on the issue of the Head of the institute being and <i>ex-officio</i> member</b></p> <p><b><u>Agreed</u> that a handbook can be prepared to provide guidance to countries on the composition of the Board, rather than to include a list in the Model Bill.</b></p> <p><b><u>Also agreed</u> to seek inputs from the Office of the General Counsel on the need to clarify the term “statistical units” and to include “<i>ex officio</i>” for the head of the institute.</b></p> <p><b>[See post-meeting suggestion from RSP on an alternate to using “statistical units” in Note 4]</b></p> <p><b>The 28th AGS:</b></p> <p><b><u>Recommended</u></b> that this item be left open to the 46<sup>th</sup> SCCS on whether the <i>head of state</i> should appoint the board or whether <i>the composition of the Board</i> should be an identified list in the Statistics Act.</p>

Issue raised in the CARICOM Model Bill	Summary of the review of the 28 <sup>th</sup> AGS	Recommendation to the 46 <sup>th</sup> SCCS
<p><b>Jamaica</b></p> <p>(i) The Board should contain the head of the Institute as an <i>ex-officio</i> member.</p> <p>(ii) The Minister or the Head of State should make the appointments based on the protocol in each Country.</p> <p>(iii) There needs to be clarification or removal of the term “<i>statistical units</i>”.</p> <p><b>Comment-Jamaica:</b></p> <p>General guidance as to the competency required on the Board could be made by the AGS but will be subject to each Country’s determination of the competency required on the Board.</p>	<p>items from this list became an issue.</p> <ul style="list-style-type: none"> <li>Therefore, it was thought that the ideal solution was to have an “<i>a-political</i>” Head of State that would have been appointed by both the opposition and government to determine the composition of the board or to appoint the board with “<i>proper consultations with producing agencies</i>”.</li> </ul> <p><b>Additional comments from Jamaica</b></p> <ul style="list-style-type: none"> <li>Mandating that the head of entity is on the Board should be stated in this clause to maintain consistency with clause 7(1). Identifying that the membership is <i>ex-officio</i> indicates that the board membership is tied to the position and not the person. There may be other implications depending on a Country’s rules which relate to matters such as payment to ex officio members for board activities or to voting rights.</li> <li>Further, trust and confidence can be promoted when there are applied, predetermined competencies on a Board that has high-level responsibilities for a very technical and specialized entity such as a statistical organization. Competencies such as economics, statistical research, project management, information technology/ security are some of the suggested</li> </ul>	

Issue raised in the CARICOM Model Bill	Summary of the review of the 28 <sup>th</sup> AGS	Recommendation to the 46 <sup>th</sup> SCCS
	<p>areas of competency for consideration.</p> <p><b>SCCS Response on the issue of the Head of the Institute being an ex- officio Member of the Board</b></p> <p>When the Model Bill was prepared it was stated that the Head of the Institute should be an <i>ex officio</i> member of the board, but that wording was not carried through in the final version of the Draft Model Bill.</p> <p>A likely reason might be because it is probably clear that the Head of Institute is not being appointed to the Board in his personal capacity (named person) but by virtue of the fact that he is the “head of the institute” and whoever is this officeholder will be a member of the board.</p>	
<p><b>Clause 5 (3): The Constitution of the Board of the Institute-Appointment of the Chairman</b></p> <p><b>Clause 5 (3)</b> The [Head of State] shall appoint one of the members to be Chairman.</p> <p>“The Board shall, at the first meeting of the Board, elect one of its number to be Chairperson.”</p> <p><b>Justification</b></p> <p>Having a chairperson selected by the head of state increases the likelihood of government exerting undue influence on the operations of the Institute and the statistics it publishes.</p> <p><b>Additional comments from Jamaica</b></p> <p>The Minister or the Head of State should make the appointment of</p>	<p><b>Additional comments from Jamaica</b></p> <ul style="list-style-type: none"> <li>• The Minister or Head of State appoints all Board members and has access, even before a Board is constituted, to the qualifications of each candidate for membership. A Board may not be considered as properly constituted in the absence of a chairperson.</li> <li>• To avoid any delays that may arise from such a situation, the decision to appoint a chairperson should therefore rest at the level of Minister or Head State provided that the Board is governed by terms of reference that allow for other members of the Board with justification, to</li> </ul>	<p><b>Decision of the 46<sup>th</sup> SCCS- Clause 5 (3): The Constitution of the Board of the Institute-Appointment of the Chairman:</b></p> <p><b>The 46<sup>th</sup> SCCS:</b></p> <p><u>Agreed that [the Head of State] [The Minister] [the Board] should appoint the chairperson of the board (based on the protocol in each country.)</u></p> <p><u>Also agreed that the term “Chairman” should be replaced throughout the Bill with “Chairperson”.</u></p> <p><b>The 28<sup>th</sup> AGS:</b></p> <p><b>Recommended</b> that this item be left open to the 46<sup>th</sup> SCCS on whether the <i>head of state</i> should appoint the Chairperson.</p>

Issue raised in the CARICOM Model Bill	Summary of the review of the 28 <sup>th</sup> AGS	Recommendation to the 46 <sup>th</sup> SCCS
<p>a chairperson based on the protocol in each Country. The term “Chairman” should be replaced throughout the Bill with “Chairperson”.</p>	<p>recommend the removal of a person as chairperson and terms of reference that outline the list of non-executive functions of the Board which should exclude day-to-day operations of the Institute such as decisions guided by scientific considerations such as which statistics are published, how they are collected and to whom they are released.</p>	
<p><b>Clause 5 (7): The Constitution of the Board of the Institute— Appointment of persons to act temporarily for Board Members that are absent or unable to perform his/her duties.</b></p> <p>(7) The [Head of State] may, in case of the absence or inability of any member to perform his duties, appoint any person to act temporarily in place of such member</p> <p>The appointment of the replacement member should be done in consultation with or upon the advice of the agency which that member represents.</p> <p><b>Justification</b></p> <p>Reduces the likelihood that Board members, once removed, are not replaced with purely political appointees.</p>	<p>This issue was not discussed by the AGS.</p>	<p><b>Decision of the 46<sup>th</sup> SCCS- Clause 5 (7): The Constitution of the Board of the Institute— Appointment of persons to act temporarily for Board Members that are absent or unable to perform his/her duties:</b></p> <p><u>Agreed that [the Head of State] [The Minister] [The Board in consultation with the agency the member is representing] may, in case of the absence or inability of any member to perform his duties, appoint any person to act temporarily in place of such member.</u></p> <p><u>Also agreed to raise this issue with the CARICOM Secretariat Office of the General Counsel for its inputs.</u> <u>[See Note 5 on this issue]</u></p> <p><b>The 28th AGS:</b></p> <p><u>Recommended</u> for consideration by the 46<sup>th</sup> SCCS.</p>
<p><b>Clause 5 (11): The Constitution of the Board of the Institute— on the Seal of the Institute</b></p> <p><b>Additional comments from Jamaica</b></p>	<p>In response to the comment of Jamaica to remove “pursuant to a resolution by the Board”, it was contended that this resolution perhaps ensures that the affixing of the seal is not done with any fraudulent act/</p>	<p><b>Decision of the 46<sup>th</sup> SCCS- Clause 5 (8)- The Constitution of the Board of the Institute— on the Seal of the Institute:</b></p> <p><u>Agreed to seek advice of the CARICOM Secretariat Office</u></p>

Issue raised in the CARICOM Model Bill	Summary of the review of the 28 <sup>th</sup> AGS	Recommendation to the 46 <sup>th</sup> SCCS
<p>(11) The seal of the Institute shall be kept in the custody of the Secretary to the Board, or by any officer of the Institute authorized by the Chairman and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the Chairman, or any member authorized to act in that behalf, and the Secretary. The seal shall be authenticated by the signature of the Secretary.</p> <p><b>Proposed change</b></p> <p>Remove: ‘...pursuant to a resolution of the Board...’</p> <p><b>Justification</b></p> <p>The requirement for a resolution of the Board prior to sealing documents hinders the timeliness of executing legal documents required for the operations of the Institute.</p> <p>The turnaround time for board resolutions should be considered in the context that members (save for the head of entity) are not full-time employees of an institute, boards usually meet once per month and some boards adopt the practice that round-robin resolutions should be unanimously accepted.</p>	<p>objective in mind, and it provides the documentary evidence in this case that the act/activity is free from corruption. It is therefore “timeliness” versus following the “correct” procedure required for affixing the seal.</p>	<p><b>of the General Counsel.</b></p> <p><b>The 28th AGS:</b></p> <p><b>Recommended</b> for consideration by the 46<sup>th</sup> SCCS.</p>
<p><b>Clause 4: Functions of the Institute</b></p> <p><b>Additional comments from Jamaica</b></p> <p><b>Proposed change</b></p> <p>Add: ‘...to collect, compile, analyse, abstract and publish statistical information relating to the commercial, industrial, social, economic, environmental and other activities and conditions of the people;’</p>	<p>This issue was not discussed by the AGS.</p>	<p><b>Decision of the 46<sup>th</sup> SCCS- Clause 4: Functions of the Institute</b></p> <p><b>Agreed to seek advice of the CARICOM Secretariat Office of the General Counsel.</b></p> <p><b>[Post-meeting comment by the RSP–</b> relative to the justification given by Jamaica that the existing wording of Clause 4 does not include the ability of the Institute to do certain activities in relation to</p>

Issue raised in the CARICOM Model Bill	Summary of the review of the 28 <sup>th</sup> AGS	Recommendation to the 46 <sup>th</sup> SCCS
<p><b>Justification</b></p> <p>Existing wording of clause 4 does not include the ability of the Institute to do certain activities in relation to non-official statistics unless in collaboration with another person.</p> <p>The suggested addition allows the Institute to conduct, on its own, statistical activities in areas (emerging or existing) which may not be covered in the First Schedule.</p>		<p>non-official statistics unless in collaboration with others, given that the act states at the beginning of the Model Bill "...to provide for the establishment... official statistics and for matters incidental thereto..."</p> <p>Firstly, the remit of the institute is not non-official statistics and secondly it does not preclude statistical activities in emerging or existing area, which is not the same as non-official statistics.]</p> <p><b>The 28th AGS:</b></p> <p><b>Recommended</b> for consideration by the 46<sup>th</sup> SCCS.</p>
<p><b>Clause 5 (13): The Constitution of the Board of the Institute—on physical presence of the quorum of the board</b></p> <p>(13) The quorum of the Board shall be a majority of its members and for meeting purposes Board Members must be physically present at the Meeting, but decision-making could be done by circular resolution</p> <p>Should reward to ensure that being present in meetings also includes virtual presence when meetings are held via online/virtual platforms.</p> <p><b>Justification</b></p> <p>The Board may choose to hold meetings virtually.</p>	<p><b>Additional comments from Jamaica</b></p> <p>Provision should be made to allow for teleconferencing, videoconferencing or any meeting option other than physical presence.</p> <p><b>Justification</b> COVID-19</p>	<p><b>Decision of the 46<sup>th</sup> SCCS- Clause 5 (13)- The Constitution of the Board of the Institute—on physical presence of the quorum of the board:</b></p> <p><b>Agreed with the recommendation to ensure that that being present in meetings also includes virtual presence when meetings are held virtually.</b></p> <p><b>The 28th AGS:</b></p> <p><b>Recommended</b> for consideration by the 46<sup>th</sup> SCCS.</p>
<p><b>First Schedule</b></p> <p><b>Domain 3: Environment and Multi-domain Statistics</b></p> <p>3.3.5 Indicators related to the</p>	<ul style="list-style-type: none"> <li>The Regional Statistical Work Programme (RSWP) is in need of revision and should be done in such a way that it is generic instead of identifying</li> </ul>	<p><b>Decision of the 46<sup>th</sup> SCCS</b></p> <p><b>First Schedule</b></p> <p><b>Domain 3: Environment and Multi-domain Statistics</b></p> <p><b>Agreed with the</b></p>

Issue raised in the CARICOM Model Bill	Summary of the review of the 28 <sup>th</sup> AGS	Recommendation to the 46 <sup>th</sup> SCCS
<p>Millennium Development Goals Include Sustainable Development Goals or some more general terminology for these types of major global commitments.</p> <p><b>Justification</b></p> <p>These commitments can be expected to be updated periodically.</p>	<p>indicators that would disappear overtime for e.g., the Millenium Development Goals indicators or the SDG Indicators, to have generic sub-domains such as Sustainable Development, Gender under which these indicators fall.</p> <ul style="list-style-type: none"> <li>Agreement was expressed with this approach of having generic groupings rather than specific indicators and it was stated that this approach also allows for flexibility as changes occur.</li> </ul>	<p><b>recommendation of the 28<sup>th</sup> AGS that the reference to specific/named indicators be removed.</b></p> <p><b>The 28th AGS:</b></p> <p><b>Recommended</b> that the reference to indicators be removed (<i>implications for the review of the RSWP</i>).</p>
<p><b>First Schedule</b></p> <p><b>Domain 5: Strategic and managerial issues of official statistics</b></p> <p><b>Additional comments from Jamaica</b></p> <p><b>Proposed change</b></p> <p><i>'...such other matters as may be prescribed.'</i></p> <p><b>Justification</b></p> <p>Inclusion of language under each domain or applicable to all domains allows for flexibility when areas that require statistical investigation emerge.</p> <p>The Model Bill should then define what is contemplated as 'prescribed' and who can prescribe such matters.</p>	<p>This issue was not discussed by the AGS.</p>	<p><b>Decision of the 46<sup>th</sup> SCCS First Schedule</b></p> <p><b>Domain 5: Strategic and managerial issues of official statistics</b></p> <p><b>Agreed with the proposal of Jamaica that there is need to insert somewhere in the First Schedule [perhaps under Domain 5] the wording.</b></p> <p><i>'...such other matters as may be prescribed.'</i></p> <p><b>The 28th AGS:</b></p> <p><b>Recommended</b> for consideration by the 46<sup>th</sup> SCCS.</p>
<p><b>Second Schedule</b></p> <p>...and that I will not, without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment.</p>	<ul style="list-style-type: none"> <li>The Oath should remain blank since it is to be filled in by whoever the person takes the oath in front of such as a Justice of the Peace.</li> </ul> <p><b>Additional Comments from Jamaica</b></p>	<p><b>Decision of the 46<sup>th</sup> SCCS</b></p> <p><b>Second Schedule</b></p> <p><b>Agreed that the Handbook/guidance document that was agreed to earlier could deal with such issues on the list of</b></p>

Issue raised in the CARICOM Model Bill	Summary of the review of the 28 <sup>th</sup> AGS	Recommendation to the 46 <sup>th</sup> SCCS
<p>Before me, .....</p> <p>Specify before whom (e.g., Chief Executive Officer or person to whom they delegate this responsibility)</p> <p><b>Justification</b></p> <p>Question: Is the Oath as written here binding even after a person is no longer employed by the Institute?</p> <p><b>Additional comments from Jamaica</b></p> <p>The Oath is binding after employment ends.</p>	<ul style="list-style-type: none"> <li>Indicate somewhere in document, the list of authorized witnesses (a footnote or notes at the end of the document could be considered).</li> </ul>	<p><b>authorized witnesses and therefore there is no need to make any insertion into the Model Bill.</b></p> <p><b>The 28th AGS:</b></p> <p><b>Recommended</b> that the Oath is and should be binding even after the person leaves the NSO.</p>
<p><b>Clause 15 Offences and Penalties</b></p> <p><b>Additional comments by Jamaica</b></p> <p><b>Recommendations for the inclusion of new clauses</b></p> <p>Offences and Penalties</p> <p>15. Any person who....</p> <p><b>Recommended section/name for new clause</b></p> <p>Include an offence for impersonation and attempted impersonation of an officer of the Institute.</p> <p>An aggravating factor can be when the offender attempts or does collect information by virtue of the impersonation.</p> <p><b>Justification</b></p> <p>Penalties which are deterrent for such impersonation or attempted impersonation, may help build trust and confidence for proposed respondents who must</p>	<p>This issue was not discussed by the AGS.</p>	<p><b>Decision of the 46<sup>th</sup> SCCS Clause 15 Offences and Penalties (new item to be included)</b></p> <p><b>Agreed with Jamaica that an item under Clause under 15 Offences and Penalties should relate to the offence-impersonation/ attempted impersonation.</b></p> <p><b>The 28th AGS:</b></p> <p><b>Recommended</b> for consideration by the 46<sup>th</sup> SCCS.</p>

<b>Issue raised in the CARICOM Model Bill</b>	<b>Summary of the review of the 28<sup>th</sup> AGS</b>	<b>Recommendation to the 46<sup>th</sup> SCCS</b>
decide whether to provide information to persons presenting as employees of the Institute.		