

TRANSLATION OF THE OFFICIAL PUBLICATION OF SINT MAARTEN (AB 2010, GT no. 6)

National ordinance structure and organisation of national government¹

§ 1 Structure of the administrative organisation

Article 1

1. The following ministries shall be installed:
 - a. the Ministry of General Affairs;
 - b. the Ministry of Finance;
 - c. the Ministry of Justice;
 - d. the Ministry of Education, Culture, Youth and Sport;
 - e. the Ministry of Public Health, Social Development and Labour;
 - f. the Ministry of Tourism, Economic Affairs, Traffic and Telecommunication;
 - g. the Ministry of Public Housing, Spatial Development, Environment and Infrastructure.
2. The main structure of the ministries consists of the following organisational units:
 - a. Cabinet of the minister;
 - b. Secretary General;
 - c. Executive Office;
 - d. department;
 - e. section;
 - f. operative organisations;
 - g. support services, in cases arising.
3. Responsibility for a ministry is borne by a minister. A minister may bear responsibility for more than one ministry.

Article 2

1. Each ministry has a Cabinet of the minister.
2. The Cabinet of the minister is responsible for the support of the minister, for the settlement of politically sensitive matters and for political advice for the minister.
3. The minister holds final responsibility for the day-to-day management of the Cabinet.

Article 3

1. Under the administrative responsibility of the minister, the Secretary General holds final responsibility for the day-to-day management of the Ministry.
2. The Secretary General is responsible for both the operations and the results of the departments of the ministry with regard to their performance.

Article 4

1. Each ministry has an Executive Office.
2. The office supports the Secretary General and acts as a service provider for the departments. The controller, the policy secretary and the financial policy positions are placed in the Executive Office.
3. The Secretary General holds final responsibility for the day-to-day management of the Executive Office.

Article 5

1. A department is an organisational unit within the administrative organisation, responsible for the development and formulation of policy for the ministry.
2. The department is headed by a head of department who is responsible for performance of the department's tasks and is answerable to the Secretary General.

¹ This issuance takes place on the basis of the additional Article II of the Constitution.

Article 6

3. The ministries consist of the following departments:
 - a. Ministry of General Affairs:
 - i. Legal Affairs and Legislation;
 - ii. Internal Affairs and Kingdom Relations;
 - iii. Foreign Relations;
 - iv. Public Service Center
 - b. Ministry of Finance:
 - i. Department of Finance;
 - ii. Department of Fiscal Affairs
 - c. Ministry of Justice:
 - i. Judicial Affairs
 - d. Ministry of Education, Culture, Youth and Sport:
 - i. Education;
 - ii. Culture;
 - iii. Youth and Sports Affairs;
 - e. Ministry of Public Health, Social Development and Labor:
 - i. Public Health;
 - ii. Social Development;
 - iii. Department of Labor;
 - f. Ministry of Tourism, Economic Affairs, Traffic and Telecommunication:
 - i. Department of Tourism, Economic Affairs, Traffic and Telecommunication
 - g. Ministry of Public Housing, Spatial Development, Environment and Infrastructure:
 - i. Department of Public Housing, Spatial Development, Environment and Infrastructure

Article 7

1. An operating organisation is an organisational unit within the administrative organisation, responsible for operational tasks in a particular policy field.
2. An inspectorate is an operating organisation responsible for supervision of compliance with regulations.
3. The tasks of an operating organisation are of an operational nature only, directed at the implementation of the policy formulated by the minister.
4. An operating organisation is authorised to present points for attention for policy to the minister through the agency of the Secretary General.

Article 8

1. The head of an operating organisation provides for the execution of tasks assigned to the organisation on the basis of a management agreement contracted with the minister.
2. The head holds final responsibility for the day-to-day management of an operating organisation.

Article 9

The following operating organisations fall under the administrative responsibility of the ministers below:

- a. Minister of General Affairs:
 - i. Fire Department;
 - ii. Census Office;
 - iii. Government Information Service;
 - iv. Resources and Support Services;
- b. Minister of Finance:
 - i. Tax Office
 - ii. Financial Accounting;
- c. Minister of Justice:
 - i. Police Corps of Sint Maarten;

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- ii. Prison and House of Detention;
- iii. Immigration and Naturalisation Service;
- iv. Special Investigative Unit;
- v. Customs;
- vi. MOT Bureau Unusual Financial Transactions;
- d. Minister of Education, Culture, Youth and Sport:
 - i. Inspectorate of Education, Culture, Youth and Sport;
 - ii. Division of Study Financing;
 - iii. Division of Student Support Services;
 - iv. Division of Planning, Projects and Innovation
 - v. Division of Examinations;
 - vi. Division of Public Education
- e. Minister of Public Health, Social Development and Labor:
 - i. Inspectorate of Public Health, Social Development and Labor;
 - ii. Social Services
 - iii. Social Insurance and Medical Expenses Service;
 - iv. Ambulance Department
 - v. Collective Preventive Services;
 - vi. Community Development, Family and Humanitarian Affairs;
 - vii. Labor Affairs;
- f. Minister of Tourism, Economic Affairs, Traffic and Telecommunication:
 - i. Meteorological Service;
 - ii. Department of Economic Licences;
 - iii. Inspectorate of Tourism, Economic Affairs, Traffic and Telecommunication;
 - iv. Department of Civil Aviation and Shipping & Maritime;
 - v. Tourism Department;
 - vi. Department of Statistics.
- g. Minister of Public Housing, Spatial Development, Environment and Infrastructure:
 - i. New Projects;
 - ii. Infrastructure Management;
 - iii. Domain Affairs;
 - iv. Inspection;
 - v. Permits.

Article 10

The quality and quantity of the manning of the administrative organisation shall be enacted in a national decree, containing general measures.

§ 2 Tasks of the administrative organisation

Article 11

Each ministry shall have at least the following general tasks:

- a. the preparation of policy relating to matters concerning the relevant ministry;
- b. the preparation of legislation relating to matters concerning the relevant ministry;
- c. the coordination and implementation of tasks assigned especially to the relevant ministry by or pursuant to legal regulations, or that must be deemed to form part of those;
- d. the coordination and implementation of tasks pursuant to co-signature fall under the responsibility of the minister responsible for the relevant ministry;
- e. the monitoring, control and evaluation of the policy and its implementation by the departments and operating organisations. The effectiveness and efficiency of policy is considered in that regard.

Article 12

The objective of the Ministry of General Affairs is to represent the internal affairs of the country in the field of internal and Kingdom relations, foreign affairs, legal affairs and legislation, personnel

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policy, IT, communication, public and internal services, programme and project management, and fund-raising.

Article 13

Without prejudice to Article 9, the Ministry of General Affairs is responsible for the support tasks for all Ministries in the fields of:

- a. personnel and organisation;
- b. information and communication technology;
- c. facilities and procurement;
- d. documentation and archives;
- e. external and internal communications.

Article 14

The objective of the Ministry of Finance is to represent the internal affairs of the country in the fields of finance, fiscal and monetary affairs, the banking sector and the participations policy of the country.

Article 15

The objective of the Ministry of Justice is to create conditions for the enforcement of security, order and peace and upholding of the law within society.

Article 16

The objective of the Ministry of Education, Culture, Youth and Sport is to represent the internal affairs of the country in the fields of education, culture, youth and sport.

Article 17

The objective of the Ministry of Public Health, Social Development and Labor is to represent the internal interests of the country in the fields of public health, health care, social development and labour.

Article 18

The objective of the Ministry of Tourism, Economic Affairs, Traffic and Telecommunication is to represent the internal affairs of the country in the fields of tourism, economic affairs, traffic, telecommunications and statistics.

Article 19

The objective of the Ministry of Public Housing, Spatial Development, Environment and Infrastructure (VROMI) is to represent the internal affairs of the country in the fields of public housing, spatial planning, the environment, nature and infrastructure.

Article 20

1. The tasks mandated or to be mandated to a Ministry and the structure and organisation of departments and operating organisations shall be further regulated by national ordinance, containing general measures, in observance of Articles 3 up to and including 9.
2. Rules may be laid down with regard to the cooperation between Ministries, by ministerial regulation.

§ 3 Structuring of activities

Article 21

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1. For the purpose of preparing an estimate for the budget for a service year, as referred to in Article 34 of the Accounts national ordinance, policy plan with the associated budgeted deployment of people and resources for each policy objective or project.
2. The annual plan shall be presented to the responsible minister for approval through the agency of the Secretary General.
3. The estimate referred to in the first paragraph shall be drawn up for the Ministry on the basis of the annual plans of the departments.
4. The plans, budgets, regular reports on the progress of operations and on the closing of the budget year shall be discussed by the Council of Ministers.

Article 22

1. For the implementation of the budget for a Ministry approved by Parliament, a plan of activities per policy field or project shall be drawn up by each department.
2. The head of department shall report regularly to the Secretary General on the execution of the plan of activities.

Article 23

1. Structured talks shall be conducted between the Secretaries General of the Ministries.
2. The consultative platform of the Secretaries General shall in principle convene at least once every two months, on matters:
 - a. that are of importance for all Ministries in a similar manner; or
 - b. that are supra-ministerial issues; or
 - c. that concern operations throughout the government organisation; or
 - d. that concern the personnel policy and management; or
 - e. other, at the request of at least two Secretaries General.
3. The Secretaries General shall chair the meetings by rotation.
4. The Prime Minister shall meet with the consultative platform of Secretaries General at least once every six months. He shall then act as the chairman of the meeting.
5. Every minister may convene the meeting of Secretaries General, to the extent that this concerns his field of policy. He shall then act as the chairman of the meeting.
6. The working method of the consultative platform shall be laid down in rules of order that shall be enacted by the consultative platform on the proposal of the Secretary General of the Ministry of General Affairs.
7. The secretariat of the consultative platform shall be provided by the Ministry of General Affairs.

§ 4 Final and transitional provisions

Article 24

After this national ordinance takes effect, the organisational decisions for the implementation of the Organisation Ordinance of the Sint Maarten Island Territory will be based on Articles 10 and 20 of this national ordinance, on the understanding that the term 'sectors' will be read as 'Ministries'.

Article 25

This national ordinance may be referred to as 'National ordinance structure and organisation of national government'.

Issued on the *twenty-second* of December 2010
The Minister of General Affairs,
S.A. Wescot-Williams