

The National Economic and Social Advisory Council Act
B.E. 2543 [A.D. 2000]

BHUMIBOL ADULYADEJ, REX.

Given on the fifteenth of November B.E. 2543 [A.D. 2000]

Being the 55th year of the present Reign

His Majesty King Bhumibol Adulyadej graciously commands that the following proclamation be made known:

Whereas it is deemed appropriate to pass a law pertaining to the National Economic and Social Advisory Council;

His Majesty, with the advice and consent of the parliament, thereby commands that an act with the following provisions be enacted:

Article 1. This Act is called "*The National Economic and Social Advisory Council Act of B.E. 2543*".

Article 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette^{*}.

Article 3. In this Act:

"*Member*" means a member of the National Economic and Social Advisory Council;

"*The National Economic and Social Development Board*" means the National Economic and Social Development Board under the laws governing the national economic and social development.

Article 4. The Prime Minister shall have charge and control of the execution of this Act.

Chapter 1

Member of the National Economic and Social Advisory Council

Article 5. Let there be a National Economic and Social Advisory Council, the membership of which is made up of ninety-nine people who are elected to represent organized groups in the economic and social sectors, with the latter being drawn from various resource bases and the highly-knowledgeable persons. The aforementioned groups, the number of each is shown in the attachment of this Act, are defined in accordance with the state's fundamental policies set forth in the constitution.

Article 6. Membership pursuant to Article 5 shall be derived from the following procedures:

^{*}The Government Gazette (the Kritsadika Edition) Vol. 117, Segment 118 a, dated December 19, B.E. 2543 (A.D. 2000).

- (1) When there is a need to elect members, a Selection Committee for members of the National Economic and Social Advisory Council shall be set up with 21 committee members comprising:
- [a] Chairman of the National Economic and Social Development Board, as ex-officio committee chairman;
 - [b] Permanent-secretaries of all ministries, elected through self-selection down to four;
 - [c] Presidents of all the tertiary educational institutes, which are incorporated as juridical persons, elected through self-selection down to three;
 - [d] A representative of presidents of all the Rajabhat Institutes and Rajamangala Institutes of Technology, elected through self-selection;
 - [e] Four representatives of the institutions in the production sector, i.e., one each from the Board of Trade of Thailand, the Federation of Thai Industries, the Thai Bankers' Association, and the Agricultural Co-operative Federation of Thailand, Ltd.;
 - [f] A representative of all trade unions, elected through self-selection;
 - [g] Representatives of non-governmental organizations that operate without seeking profits, nor sharing the proceeds, elected through self-selection down to four, i.e., one each from those whose main objectives are as follows:
 - (i) Rural community development, urban community development, natural resources management, environmental management, alternative agriculture management, or management of appropriate technology;
 - (ii) Livelihood development for children, youth, women, the elderly, the disabled, the AIDS-affected people, or patients;
 - (iii) Advocacy for civil rights and liberty, consumer rights, democracy promotion, or labor development;
 - (iv) Public health, education, or arts and culture;
 - [h] Three representatives, one each from the print, radio, and television media, elected through self-selection.

The Secretary-General of the National Economic and Social Advisory Council shall be the secretary of the Selection Committee.

All of the organizations pursuant to (1) [g] and [h] must be entities incorporated as juridical persons. The said organizations must also be registered with the Office of the National Economic and Social Advisory Council within fifteen days from the date when there is a cause for electing members. If an organization has many main aspects of objectives, it is allowed to register only one to exercise its election rights.

Election of the Selection Committee members from the eligible pools in (1) [f], [g], and [h] shall be conducted by mail in accordance with the guidelines and procedures prescribed by the Office of the National Economic and Social Advisory Council. Those who receive the highest votes in ranking of order shall be elected as Selection Committee members. In case of equal votes that results in having more candidates than available seats in the Selection Committee, drawing lot shall be applied.

(2) The Selection Committee shall be responsible for selecting members of the National Economic and Social Advisory Council by prescribing relevant selection guidelines and procedures, as well as those for examining the nominees' qualifications. It shall appoint the following six sub-committees:

- [a] Sub-committee on agricultural production;
- [b] Sub-committee on industrial production;
- [c] Sub-committee on service provision;
- [d] Sub-committee on groups in the social sector;
- [e] Sub-committee on groups in the resource-based sector;
- [f] Sub-committee on group of highly-knowledgeable persons.

Each sub-committee shall be made up of twelve members who are appointed from people operating or are technically knowledgeable in the mentioned fields. Equal numbers of representatives of the government sector, educational institutes, manufacturing sector, trade unions, non-governmental organizations that operate without seeking profits nor sharing the proceeds, as well as the media are appointed to each sub-committee.

A person shall not be a member of more than one sub-committee.

Each Sub-committee pursuant to (2) [a], [b], [c], [d], and [e] has a duty to propose a list of qualified organizations with appropriate activities as the organizations eligible to nominate candidates from each group. Crucial factors to determine the eligibility of an organization are their actual activities and operations that are publicly known to be ongoing, whether or not it has a juridical person status, in accordance with the guidelines and procedures prescribed by the Selection Committee.

(3) Each eligible organization shall present a list of agreeable persons at the number determined by the Selection Committee. Each of the Sub-committees in (2) shall shortlist the nominees down to at least three times the number of members allowed in each particular group. The Selection Committee shall determine the said number, along with relevant guidelines and procedures.

(4) The selected persons in each group pursuant to (3) shall convene to choose among themselves in accordance with the guidelines and procedures, as well as the allocated number set by the Selection Committee. The first ten runners-up receiving fewer votes than the selected ones in each group shall be included in a waiting list for that particular group.

(5) Once every group has elected the candidates to fulfill its allocated membership availability, the Office of the National Economic and Social Advisory Council shall present the list of the elected candidates to the Prime Minister for making an announcement of the members in the Government Gazette.

The guidelines and procedures to select members as determined by the Selection Committee pursuant to (2) must take into consideration a fair demographic distribution of candidates with regard to their regions of domicile, occupations, genders, and sizes of business. The agricultural production sector, in particular, must include at least one half of the candidates who represent small-scale farmers. Candidates from the industrial production sector should include those who represent large-, medium- and small-scale operators, as well as those making a living as employees. In the service provision sector, no less than one-third of the candidates must be representatives of independent traders or retail business proprietors.

Highly-knowledgeable persons shall be those who are well respected by the public as being well-informed, competent, and wise. Eligible organizations proposed by the Sub-committees in (2) [a], [b], [c], [d], and [e] shall present a list of highly-knowledgeable persons to the Sub-committee in (2) [f]. The provision in (3) shall apply *mutatis mutandis*.

The selection procedures to arrive at the elected members must be accomplished within ninety days from the day when there is a ground to elect members.

Article 7. Qualifications and prohibited attributes of members are as follows:

- (1) Possessing the Thai nationality;
- (2) Neither being a bankrupt person under court verdict and without discharge by the court, nor insane or mentally incompetent;
- (3) Never having been convicted by a final court ruling to a jail sentence, except for an offence committed by negligence, or with light punishment;
- (4) Not being a member of the House of Representatives or the Senate, a political office holder, a member of a local council, an administrator of a local administration, or an office holder in a political party.

Article 8. Members shall be in office for a term of three years from the date a list of members is published in the Government Gazette. A member may be re-elected, but cannot stay in office for more than two consecutive terms.

Members who vacate office as their term expires shall remain in office until newly elected members assume their duties.

Article 9. Besides leaving office at the end of their term, members also vacate office upon:

- (1) Death;
- (2) Resignation;
- (3) Being disqualified or being under the prohibitions pursuant to Article 7; or
- (4) Being dismissed from office by at least two-thirds of the existing members of the National Economic and Social Advisory Council on grounds of misconduct that harmfully affects the performance of his duties.

When a member from any group leaves his/her office prematurely according to paragraph one, the person on the top of the waiting list of that group, ranking top in votes received pursuant to Article 6 (4), shall fill up the vacancy as a succeeding member.

The succeeding member shall continue to serve the remaining term of office vacated by the member he/she so replaces. If the remaining term is less than ninety days, then there shall be no filling up of vacancy.

Chapter 2 Authority

Article 10. The National Economic and Social Advisory Council is an organization that reflects economic and social problems, and not to be misused as a bargaining tool to benefit any person or group of persons. Its authority is as follows:

- (1) To provide advices and suggestions to the Council of Ministers with regards to economic and social problems for the benefit of implementing the Directive Principles of Fundamental State Policies as prescribed in Chapter 5 of the Constitution of the Kingdom of Thailand.
- (2) To provide comments on the National Economic and Social Development Plans, other plans according to Article 14, as well as any plans prescribed by law to be previewed by the National Economic and Social Advisory Council prior to their official implementation.

Article 11. The National Economic and Social Advisory Council shall be empowered to appoint working committees comprising members or persons to study or act on any affairs of the National Economic and Social Advisory Council.

Article 12. When the Council of Ministers deems it appropriate that, prior to devising any policy that may affect the overall economic and social situations, it should seek opinions to complement its consideration on that policy, the Council of Ministers shall send its request to the National Economic and Social Advisory Council for opinions.

Article 13. The National Economic and Social Advisory Council may set out to study any issues deemed appropriate to lay grounds for formulating the country's economic and social policies. Such the study can be furnished as a suggestion report for the Council of Ministers.

When it deems it appropriate, the National Economic and Social Advisory Council may consider studying and producing an annual report for the general public on the state of the country's economic and social affairs.

Article 14. In case where the Council of Ministers is to implement a National Economic and Social Development Plan, the Council of Ministers shall submit the draft National Economic and Social Development Plan to the National Economic and Social Advisory Council for comments before its promulgation.

Once the National Economic and Social Advisory Council presented its comments to the Council of Ministers, the Council of Ministers shall take the comments into consideration when formulating the National Economic and Social Development Plan that is appropriate for the country's economic and social development.

The provision in paragraph one and two shall also be applied to other plans as required by laws. Such plans, including others deemed appropriate by the Council of Ministers to seek comments from the National Economic and Social Advisory Council, shall be submitted to the National Economic and Social Advisory Council.

Article 15. In case where the Council of Ministers seeks advice from the National Economic and Social Advisory Council pursuant to Article 12 or submits a National Economic and Social Development Plan or other plans to the National Economic and Social Advisory Council for the latter's comments in accordance with Article 14, the National Economic and Social Advisory Council shall deliberate the matter promptly. The Council of Ministers may request that the National Economic and Social Advisory Council present its views within a certain period of time, but no less than thirty days. If such duration expires and the National Economic and Social Advisory Council does not submit its comments back to the Council of Ministers, the Council of Ministers may proceed with the matter as it deems appropriate.

To arrangement under paragraph one shall not affect the executive power of the Council of Ministers in administrating state affairs.

Article 16. Comments of the National Economic and Social Advisory Council to be presented to the Council of Ministers must be prepared in a report that discloses the views of all parties, both in favor and against, along with their lines of reasoning, both the advantages and shortfalls or the impact that would result from the implementation if the matter is to proceed as planned. Such comments shall be open to the public.

Article 17. The Council of Ministers shall prepare a report describing the results of its deliberation or undertakings on the matters that the National Economic and Social Advisory Council provides advice, suggestions, or comments. The report is to be submitted to the National Economic and Social Advisory Council and the rationale of the Council of Ministers shall be disclosed to the public.

Chapter 3

Operations

Article 18. There shall be a Chairman of the National Economic and Social Advisory Council and two Vice-Chairmen.

At the inaugural meeting of the National Economic and Social Advisory Council, members shall elect one of their fellow members as Chairman of the Council, and two as vice chairmen. The two are to perform their duties as First Vice Chairman and Second Vice Chairman.

Article 19. The Council Chairman shall hold the following authorities:

- (1) To conduct meetings, and is empowered to issue any instruction as deemed necessary to keep the meetings in order;
- (2) To control and operate the council's affairs in accordance with the bylaws and resolutions of the council;
- (3) To represent the council in the affairs that involve outsiders;
- (4) Any other authorities as provided by laws.

Article 20. Vice-Chairmen of the Council are authorized to assist the Chairman in the affairs that are under the Chairman's authorities, or perform tasks assigned by the Chairman.

Article 21. The National Economic and Social Advisory Council shall convene at least twice a year, as well as in the following instances:

- (1) The Council of Ministers requests that the National Economic and Social Advisory Council provide advice on issues concerning the state of the economic and social affairs;
- (2) The National Economic and Social Advisory Council deems it appropriate to provide suggestions to the Council of Ministers on issues or cases that significantly affect the overall economic and social situations;
- (3) To provide opinions on any plans pursuant to Article 10 (2);
- (4) To conduct internal affairs of the National Economic and Social Advisory Council;

(5) At least twenty-five members sign up their request for convening a meeting.

Article 22. The meetings of the National Economic and Social Advisory Council shall be conducted openly, unless the Council of Ministers makes a request to hold the meeting in camera, or members ask for such arrangement in accordance with the regulations.

At least one half of the existing members shall form a quorum of a Council's meeting.

The Council Chairman shall chair the meeting. If the Chairman is absent or cannot perform his/her duty, the First Vice-Chairman shall chair the meeting. If the First Vice-Chairman is absent or cannot perform the duty, then the Second Vice-Chairman shall chair the meeting.

Voting for resolutions in a meeting shall be by simple majority, with each member entitled to one vote. In case a voting is tied up in a draw, the Chairman in the meeting shall cast an extra and deciding vote.

Article 23. The National Economic and Social Advisory Council and the working committees it appointed may invite civil servants, officials or employees of government departments, state agencies, state enterprises, or local administrative organizations, or any persons to present facts or express opinions, or submit document or information for their deliberation as deemed appropriate.

Civil Servants, officials or employees of government departments, state agencies, state enterprises, or local administrative organizations shall cooperate with the National Economic and Social Advisory Council and the working committees it appointed.

Article 24. Members of the National Economic and Social Advisory Council shall receive meeting honoraria and operational expenses as determined by relevant administrative decrees.

Article 25. The Council of Ministers may assign anyone to attend or express opinions in a meeting of the National Economic and Social Advisory Council, except in camera sitting in which case such attendance must be approved by the Chairman of the meeting.

Article 26. The National Economic and Social Advisory Council shall have the power to issue meeting regulations and other regulations related to its functioning.

Article 27. The Office of the National Economic and Social Advisory Council shall be created to perform the following functions:

- (1) To survey, study, and analyze issues to be presented to the deliberation of the National Economic and Social Advisory Council;
- (2) To be responsible for the administrative matters of the National Economic and Social Advisory Council;
- (3) To prepare the annual report to the Council of Ministers and the parliament that presents both the achievements and obstacles of the National Economic and Social Advisory Council in performing its duties;
- (4) To act as a technical support unit for the National Economic and Social Advisory Council;

- (5) To conduct the membership selection operations for the National Economic and Social Advisory Council;
- (6) To perform other tasks as assigned by the National Economic and Social Advisory Council.

There shall be a Secretary-General of the National Economic and Social Advisory Council in charge of the overall affairs of the Office of the National Economic and Social Advisory Council. The Secretary-General is under the supervision of the Council Chairman.

Article 27/1* To carry out the supervision function over the Office of the National Economic and Social Advisory Council pursuant to paragraph two of Article 27, the Council Chairman is empowered to set policies, goals, and operating regulations of the Office of the National Economic and Social Advisory Council with regard to the tasks it is required by this Act to perform for the National Economic and Social Advisory Council.

To facilitate the work of the Office of the National Economic and Social Advisory Council so it could operate as mandated in paragraph one, the Council Chairman is empowered to order the Office of the National Economic and Social Advisory Council to clarify, express views, report, carry out or hold back any of its activities conflicting the legitimate work of the National Economic and Social Advisory Council.

In case the Office of the National Economic and Social Advisory Council does not comply with the lawful instructions of the Council Chairman as mentioned in paragraph two, or in other cases where the administration of affairs of the National Economic and Social Advisory Council is obstructed, the Council Chairman may inform the Prime Minister to consider finding solutions according to the latter's authority.

Article 27/2* The Office of the National Economic and Social Advisory Council shall be a government agency that is neither under the Office of the Prime Minister nor any ministry. Nor is it under any government bureau according to the laws governing the bureaucracy reform on ministries, bureaus, and departments. It shall maintain a status of a government department under the command of the Prime Minister.

The Secretary-General of the National Economic and Social Advisory Council maintains a status of a regular civil servant who is royally bestowed the office at the recommendation of the Council of Ministers.

In order to facilitate the expediency and effectiveness of the National Economic and Social Advisory Council in its functioning, the Prime Minister is empowered to issue regulations governing the general administration of the Office of the National Economic and Social Advisory Council.

* Article 27/1 and Article 27/2 were added by Article 3 and Article 4 of the National Economic and Social Advisory Council Act (No2), B.E. 2547.

Transitory Provisions

Article 28. In the initial stage, the Prime Minister shall conclude the selection of members of the National Economic and Social Advisory Council within one hundred and eighty days from the date this Act comes into force.

Article 29. In the initial stage, the Office of the National Economic and Social Development Board shall assume the duties of the Office of the National Economic and Social Advisory Council. The Secretary-General of the National Economic and Social Development Board shall perform the duties of the Secretary-General of the National Economic and Social Advisory Council until the Office of the National Economic and Social Advisory Council is founded.

To implement the provision in paragraph one, a budget for necessary expenditures of the Office of the National Economic and Social Advisory Council shall be allocated within the budget of the Office of the National Economic and Social Development Board, with the budget for the National Economic and Social Advisory Council being clearly separated.

Article 30. When this Act has completed its first two years after coming into force, the Council of Ministers shall consider setting up the Office of the National Economic and Social Advisory Council as an operating unit of the National Economic and Social Advisory Council to perform the duties stipulated by this Act.

Countersigned by

Chuan Leekpai
Prime Minister

(unofficial translation)

List of Groups in the Economic Sector and Groups in the Social Sector, Resource-Based Sector, and the Highly-knowledgeable Persons

1. Groups in the Economic Sector

Total: 50 members

(1) Agricultural production, e.g., rice farming, crop growing, fruit orchard and gardening, livestock farming, genetic improvement of plants and animals, fishery, processing of farm produce or other agricultural products. **16 members**

(2) Industrial production, e.g., mining, including rock excavation or quarrying, production of food and beverage, textile, apparel, leather, wood products, furniture, paper, chemicals, medicine, petroleum products, natural rubber, glass, cement, ceramics, construction materials, jewelry, ornament, metal, machinery, motoring equipment and spare parts, electrical and electronic appliances and tools, or other industrial manufacturing. **17 members**

(3) Service provision, e.g., logistics, transportation, communication, telecommunication and information technology, import-export, domestic agricultural and industrial trading, tourism, legal services, accounting services, architectural services, engineering services, construction, sporting and recreation, artists and writers, government officials, restaurant business, mass media or other services. **17 members**

2. Groups in the Social Sector, Resource-Based Sector, and

the Highly-knowledgeable Persons

Total: 49 members

Groups in the Social Sector

19 members

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| (1) Community Development | 2 |
| (2) Public Health | 2 |
| (3) Education, Arts and Culture, Religion | 4 |
| (4) Development and Care for the disabled | 2 |
| (5) Development of Children, Youth, Women, and the Elderly | 4 |
| (6) Labor Development | 4 |
| (7) Consumer Protection | 1 |

Groups in the Resource-Based Sector

16 members

- | | |
|---|----|
| (8) Resource bases, e.g., land, forest, water supply, water basin, sea, air, or bio-diversity | 10 |
| (9) Agricultural System Development | 4 |
| (10) Industrial System Development | 1 |
| (11) Service System Development | 1 |

Group of the Highly-knowledgeable Persons

14 members

Remarks: The rationale for the proclamation of this Act is that Article 89 of the Constitution of the Kingdom of Thailand stipulates that the state must provide for the National Economic and Social Advisory Council. The National Economic and Social Advisory Council is required to offer advices and suggestions to the Council of Ministers on matters concerning economic and social issues to benefit the implementation of Directive Principles of Fundamental State Policies as prescribed in Chapter 5 of the Constitution of the Kingdom of Thailand. The National Economic and Social Development Plan and other plans as specified by laws must be submitted to the National Economic and Social Advisory Council for comments prior to their promulgation. Since it is stipulated by the constitution that the National Economic and Social Advisory Council shall have its composition, authority, and operations according to the provisions of laws, hence the need to legislate this Act.