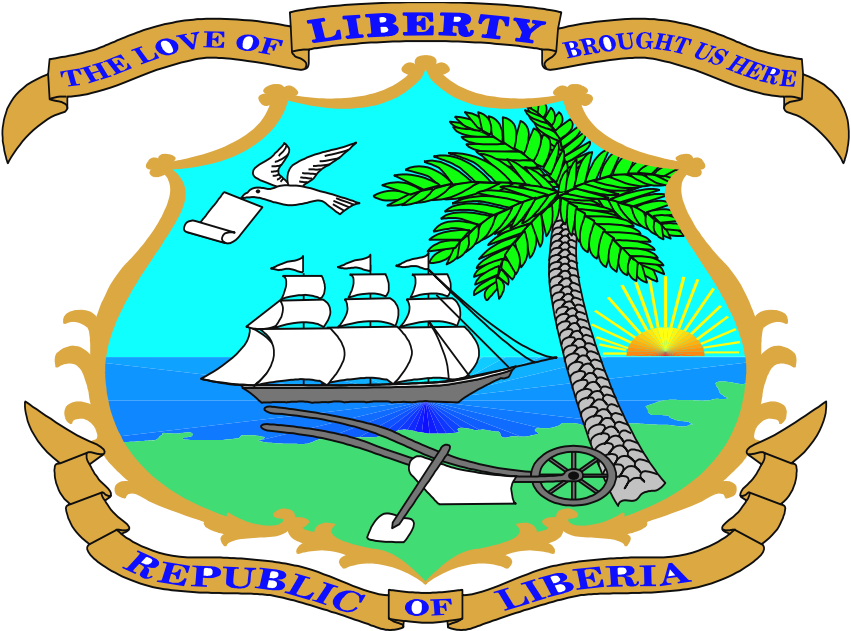


**AN ACT TO REPEAL CHAPTER 57, TITLE 12 OF THE EXECUTIVE LAW OF THE LIBERIAN CODE OF LAWS REVISED 1973 AND TO ESTABLISH IN ITS STEAD A NEW CHAPTER 57, TITLE 12 TO BE KNOWN AS THE LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY.**



**AN ACT TO REPEAL CHAPTER 57, TITLE 12 OF THE EXECUTIVE LAW OF THE LIBERIAN CODE OF LAWS REVISED 1973 AND TO ESTABLISH IN ITS STEAD A NEW CHAPTER 57, TITLE 12 TO BE KNOWN AS THE LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY.**

**PREAMBLE**

WHEREAS, Chapter 10, Article 89 of the Liberian Constitution empowers the Legislature to enact statutes for the creation of Agencies and Commissions as may be necessary for the effective operation of Government; and

WHEREAS, the Government of the Republic of Liberia recognizes the need for economic growth and promoting production, processing and marketing of high quality commodities in cocoa, coffee, palm and other agricultural produce on the local/international markets and eliminating substandard exportation of commodities in international trade; and

WHEREAS, the Government of the Republic of Liberia is committed to providing for its local farmers, stakeholders and other interested individuals a well regulated market for agricultural commodities such as cocoa, coffee, palm and other agricultural produce; and

WHEREAS, the Government of the Republic of Liberia has resolved to facilitate standardization of quality agricultural commodities in accordance with regional and international standards in order to enhance income and earning capacities and improve the economic wellbeing of producers as well as public/private stakeholders and service providers; and

WHEREAS, the Government of the Republic of Liberia is convinced that the establishment of a viable semi-autonomous agency is required to achieve the aforementioned objectives of regulating agriculture market produce that will contribute to the realization of economic growth and improve productivity of local, regional and international trade; and

WHEREAS, the establishment of such an agency under the Laws of Liberia will require the dissolution of the Liberian Produce Marketing Corporation and the subsequent repeal of the Act Establishing said Corporation approved in 1973.

NOW THEREFORE, it is enacted by the Senate and the House of Representative of the Republic of Liberia in Legislature assembled.

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**AN ACT TO REPEAL CHAPTER 57, TITLE 12 OF THE EXECUTIVE LAW OF THE LIBERIAN CODE OF LAWS REVISED 1973 AND TO ESTABLISH IN ITS STEAD A NEW CHAPTER 57, TITLE 12 TO BE KNOWN AS THE LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY.**

**PART 1 – PRELIMINARY PROVISIONS**

**Section 1 SHORT TITLE**

**LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY ACT OF 2014.**

This Act shall be cited as the **LACRA Act**.

**Section 2 PURPOSE OF THE ACT**

This ACT establishes the Liberia Agriculture Commodity Regulatory Authority (LACRA) to replace the Liberian Produce Marketing Corporation (LPMC) as defined in Chapter 57 of the Executive Law of 1973 for the purposes of: promoting production, processing and marketing of high quality agricultural commodities particularly cocoa, coffee, palm other agricultural produce to ensure the provision of a well regulated market for cocoa, coffee, palm and other agricultural products for fair competition among all actors in the value chain; facilitate standardization of quality of agricultural commodities including cocoa, coffee, palm and other agricultural produce in accordance with established regional and international standards; enhance income generating and earning capacities and improve the general socio-economic wellbeing of producers, public/private stakeholders, service providers and interveners involved in the production, processing and marketing of coffee, cocoa palm and other agricultural produce..

### **Section 3 DEFINITIONS**

In and for the purposes of this Act, unless the context otherwise requires or a different meaning is expressly stated, the terms listed in this section are defined as follows:

1. “Authority” means the Liberia Agriculture Commodity Regulatory Authority as established under this Act.
2. “BIN” means Bureau of Immigration and Naturalization.
3. “Board” means the governing body of the Authority
4. “CARI” means the Central Agricultural Research Institute
5. “CDA” means the Cooperative Development Agency
6. “Central Bank” means the Central Bank of Liberia as constituted by the Central Bank Act.
7. “Chair” means the Chairperson of the Board.
8. “CODE” means the Liberian Revenue Act of 2000 and regulations, as amended.
9. “Confidentiality” means confidentiality as defined in the Act under section 17.
10. “CSA” means the Civil Service Agency.
11. “CSWG” means Commodity Sector Working Group (cocoa, coffee, palm and other agricultural produce)
12. “Director General” means the person appointed by the President as Chief Executive Officer of the Authority under Section 18 of this Act.
13. “Deputy Directors General” means the persons appointed by the Board as Deputy Chief Executive Officers of the Authority under Section 18 to assist the Director General to manage LACRA.

14. "Director" means head of a Department of the Authority reporting to the Director General through their respective Deputy Directors General.
15. "Effective Date" means the date on which this Act is published into handbill.
16. "Financial Year" means the financial year of the Authority, which is the same as the financial year of the Government of Liberia.
17. "Ha" means hectare
18. "Government" means the Government of the Republic of Liberia
19. "HRMP" means the Human Resource Management Policy
20. "IACO" means the Inter-African Coffee Organization
21. "ICO" means the International Coffee Organization
22. "ICCO" means the International Cocoa Organization
23. "LACRA" means the Liberia Agriculture Commodity Regulatory Authority
24. "LNP" means the Liberia National Police
25. "LPMC" means the Liberian Produce Marketing Corporation.
26. "LRA" means the Liberia Revenue Authority
27. "MFDP" means the Ministry of Finance and Development Planning
28. "Management" means the Director General, the Deputy Directors General and such other officers as may be determined by the Board of Directors
29. "Minister" means the Minister of the government entity responsible for Agriculture
30. "MIA" means the Ministry of Internal Affairs
31. "MOA" means the Ministry of Agriculture
32. "MOCI" means the Ministry of Commerce and Industry
33. "MOJ" means the Ministry of Justice
34. "MOL" means the Ministry of Labor
35. "Non-Governmental Sector" means the sector of the economy that is not run or operated by the government including the Private Sector, Civil Society Organization (CSO), National and International NGO's.
36. "Non-Statutory Members" means non-governmental appointees
37. "PFM" means the Public Finance Management.
38. "PPCC" means the Public Procurement and Concessions Commission.
39. "Public Sector" means the sector of the national economy administered, coordinated and controlled by Government agencies
40. "Regulations" means regulations issued under the Act.
41. "Revenue" means all sources of national income, including fines and penalties specified in the LRA Act and other monies charged under legislations.
42. "Statutory Member" means a person who serves on the Board by virtue of her/his official presidential appointment.

## **PART II: ESTABLISHMENT, FUNCTIONS AND POWERS OF THE AUTHORITY**

### **Section 4 - ESTABLISHMENT OF THE AUTHORITY**

There is hereby established the Liberia Agriculture Commodity Regulatory Authority as a semi-autonomous body corporate of the Government of Liberia with perpetual existence and a common seal.

1. The Authority shall be a semi-autonomous agency of the Government and shall be under the general supervision of the Board of Directors.

## **Section 5 OBJECTIVES OF THE AUTHORITY**

### **1. OBJECTIVES**

1. **The overarching objective of this Act is to** Enhance income generating and earning capacities for the improvement of the general socio economic, welfare wellbeing of public/private stakeholders, service providers and interveners involved in the production, processing and marketing of cocoa, coffee, palm and other agricultural produce, along the entire value chain.
2. **The other objectives are:**
  - a. **Product Quality Improvement and Traceability:** The creation of a more efficient supply chain, which enables and stimulates the production and marketing of cocoa, coffee, palm and any other agricultural product of high quality, which are traceable to Liberia, and by which the national integrity of the country is maintained from farm gate to market.
  - b. **Regulatory and Control Framework:** The establishment of a rigorous commodity trade licensing regime, considering cocoa and coffee analysis training for all licensed buying agents and exporters, and inspection and validation of storage conditions and other transactional procedures.
  - c. **Commodity Price Standardization:** Setting realistic prices for agriculture commodities, particularly cocoa, coffee and palm products among others

## **Section 6 - FUNCTIONS OF THE AUTHORITY**

- a. **Primary Function:** The primary function of the Authority is to pursue the objectives for which it is established, being fully responsible to govern, regulate and promote agricultural commodity trade and export.
- b. **Specific Primary Function:** Without limiting the generality of subsection “a” of this section, the specific functions of the Authority are to:
  1. Transparently, equitably and fairly administer and to promote the agriculture export trade of Liberia to the highest extent possible.
  2. Increase agriculture productivity, competitiveness, value chain development, and environmental sustainability, especially for smallholders, including women and youth.

3. Promote a robust, competitive and modernized agriculture sector support of sustainable economic growth and development.
4. Conduct social economic research, support scientific research and identify new export products for cooperatives

**c. Related Functions:** The Authority shall also be responsible to carry out other functions associated with its primary function, such as:

- i. Establish the enabling policy and regulatory environment that encourages competition for both quality and quantity among licensed agriculture commodity buyers and exporters;
- ii. Regulate and encourage fair, and transparent frameworks supportive of competition in the purchase of agricultural commodities at farmer level;
- iii. support scientific research in collaboration with public/private research, cooperative, extension and production systems, that ensures the provision and distribution of high yielding improved seedlings and other planting materials to promote high quality agricultural commodities;
- iv. Collaborate with relevant institutions to offer specialized and general short, medium and long term training to farmers, quality control and research officers and other key actors in the value chain to promote good agricultural production, processing and marketing practices that enhance quality of agricultural commodities;
- v. Monitor, obtain and evaluate domestic and external market intelligence and provide information on pricing and quality standards to guide actors in the value chain on planning and operation;
- vi. Set indicative prices with due reference to world market price to ensure fair remuneration for farmers, and inform relevant stakeholders accordingly.
- vii. Monitor compliance and impact of indicative prices to guide future price reviews.
- viii. Assist exporters with information on lucrative outlets for marketing of their produce to maximum advantage.
- ix. License exporters and buying agents in accordance with prescribed regulations, and conduct regular inspection of grading, sealing and certification of export commodities.



- x. Collaborate with relevant institutions in setting standards to ensure export of quality produce in line with international standards;
- xi. Undertake arbitration of disputes among actors in the value chain to ensure harmonious trading relationships;
- xii. Support the conduct of scientific and socio-economic research to improve yield and quality of agricultural commodities and other crops as well as the livelihood of farmers;
- xiii. Collaborate with relevant state institutions and community-based organizations to control smuggling of produce.
- xiv. Establish robust mechanisms for revenue-generation aimed at regular availability of funds and long-term sustainability of LACRA.
- xv. Collaborate with relevant stakeholders to develop and implement farmer welfare and social responsibility programs in cocoa, coffee, palm and other agricultural products growing communities.
- xvi. Encourage farmers to diversify sources of income by engaging in other economic activities;
- xvii. Regulate markets, marketing systems, and export protocols by securing favorable arrangements for the purchase, inspection, grading, sealing and certification, export and sales of quality products;
- xviii. Represent Liberia at international commodity bodies such as the International Coffee Organization (ICO), International Cocoa Organization (ICCO), Inter-African Coffee Organization (IACO), Cocoa Producers Alliance (COPAL) and other relevant international organizations.
- xix. Prevent illicit trading of commodity produce (cocoa, coffee, palm and other agricultural products) through effective domestic enforcement and through coordination with law enforcement and other relevant agencies of Government.

## **Section 7 - POWERS OF THE AUTHORITY**

1. **General Authorization:** The Authority is authorized to discharge its functions under this Act and has the power to take actions necessary to accomplish those functions in the manner and methods permitted under the Act and other laws.

## 2. Specific Powers

The Authority Is empowered to:

- a. Assess and collect fines (revenue) to be deposited at the LRA Account at the Central Bank of Liberia or other banks approved by the LRA;
- b. Administer and enforce the regulations and policies of the Authority
- c. Implement commodity regulations but not limited to cocoa, coffee, palm and other agricultural products and propose to the Board of Directors amendments deemed appropriate to improve revenue generation and collection along the value chain of the agriculture commodity sector.
- d. Establish employment and remuneration policies for the Authority consistent with the Civil Service Act and the Laws of the Republic of Liberia.
- e. Set performance incentive schemes that shall be approved by the Board
- f. Collect and process the necessary statistics to forecast any abnormal changes and their effects on the commodity value chain at both local and international levels and advise the Board accordingly.
- g. Recruit and terminate staff in accordance with the Authority's established HRMP and Labor Law of Liberia ;
- h. Manage its budget and procurement in accordance with relevant laws as applicable to the PFMA and the PPCC Acts ;
- i. Exercise enforcement powers including investigation and/or prosecution as specified in the Act in collaboration with other law enforcement agencies when and where required;
- j. The Authority may, for the performance of its functions, acquire and hold movable and immovable property and may enter into contracts or any other transaction that a state-owned enterprise may enter into.
- k. Subject to the provisions of this Act, take any and all other measures it considers necessary or desirable for the achievement of the purposes and provisions of this Act.

## **PART III – THE BOARD OF DIRECTORS**

### **Section 8 BOARD OF DIRECTORS**

1. **Establishment of the Board:** There is hereby established a Board of Directors which shall be the governing body of the Authority and which shall consist of nine voting and one non-voting members.

The President shall appoint the Chair and members of the Board. The Board shall consist of:

#### **Statutory Members**

- a. The Minister responsible for agriculture or where there is a proxy not lower than Deputy Minister;
- b. The Minister responsible for Finance and Development Planning or where there is a proxy not lower than Deputy Minister;
- c. The Minister responsible for Commerce and Industry or where there is a proxy not lower than Deputy Minister;
- d. The Minister responsible for Internal Affairs or where there is a proxy not lower than Deputy Minister;
- e. The Director General responsible for CARI or where there is a proxy not lower than Deputy Director General ;
- f. The Registrar General for Cooperative Development Agency (CDA) or where there is a proxy not lower than the Deputy Registrar General;
- g. The Director General of LACRA shall serve as Secretary to the Board.

#### **Non-Statutory Members:**

- h. One (1) representative of the Commodity Sector Working Group (CSWG);
  - i. The President of the Liberia Bankers Association or where there is a proxy not lower than a ranking officer;
  - j. One (1) other member from the non-governmental/private sector with capacity and experience as set-out in the subsection 2 of this section.
2. **Criteria for Selecting All Members of the Board:** In appointing members to the Board, the President shall have regard to the integrity, gender, the knowledge,

expertise, and experience of the persons and, in particular, their knowledge and experience of matters relevant to the functions of the Board and mandate of the authority such as agri-business administration, agricultural economics, management, and other relevant knowledge in the value chain (cocoa, coffee, palm and other agricultural produce).

## **Section 9 RESPONSIBILITIES OF THE BOARD**

1. **General Responsibility:** The Board shall be responsible to provide policy, general governance and strategic direction for the management and operations of the Authority, to include planning, reporting, financial management, administration, and implementation of programs/projects as approved by the board for the achievement of the Authority's objectives.

### **2. Specific Responsibilities:**

In furtherance, and not in limitation of its responsibilities, the Board shall:

- a. Examine and approve the Authority's strategic plans and assess performance of the Authority in accordance with agreed action plan, budget and performance contracts;
- b. Approve staff compensation scheme which shall include performance incentives set by the Authority;
- c. Approve the organizational chart of the Authority and other protocols such as the HRMP, Financial Management, Administrative Policies, Job Description and Regulations of the Authority, acquisition of real property subject to relevant laws and any other related policies;
- d. Approve the Authority's annual activity and financial reports;
- e. Ensure that the Authority is adequately and appropriately funded to carry out its functions for the benefit of the Republic;
- f. Establish bylaws for the functioning and operations of the Board;
- g. Ensure the conduct of an annual external audit by the General Auditing Commission;
- h. Submit to the Legislature and President the annual reports and such other reports as may be required in writing;

- i. Ensure non-interference in the Authority's daily operations, and in the implementation of its core functions;
- j. Attend to and perform other functions incidental to the activities of a Board of such an Authority;
- k. Ensure that funds of the Authority, including all other monies which may accrue to the Agency, shall be applied only for the purposes approved of by the Board.

### **Section 10-TENURE OF OFFICE FOR NON-STATUTORY BOARD MEMBERS**

- 1. **Term of Service:** Each non-statutory Board member shall be appointed by the President for a period of three years.
- 2. **Vacancies due to Resignation or Death of Member:** Resignations of members of the Board shall be in writing addressed to the Chairperson who will in turn forward same to the President
- 3. **Filling of Vacancies:** The President shall within thirty (30) days after the existence of a vacancy on the Board appoint another person to fill the vacancy. -

### **Section 11- MEETINGS OF THE BOARD**

- 1. The Board shall meet at least once every three months for the conduct of business at the Head Office of the Authority or a place designated by the Chair; Meetings of the Board shall be conducted in accordance with the by-laws of the Board;
- 2. The Chair shall preside at meetings of the Board;
- 3. At the convening of the first meeting the majority of the members of the Board shall elect a Vice-Chair who shall be from the private sector and shall act in the absence of the Chair;
- 4. The Chair shall at the request in writing of not less than not less than five (5) members of the Board or on request of the Director General convene an extraordinary meeting of the Board at a place and time determined by the Chair;
- 5. The quorum for a meeting of the Board shall be two thirds (2/3). However, two (2) non-statutory members of the Board must be present any time when there is no

vacancy on the Board. If there exists any vacancy, the quorum shall be a majority of members then constituting the Board;

6. Matters before the Board shall be decided by a majority of the members present and voting. The Chair shall vote in the event of a tied vote.
7. The Board through the Director General may invite resource person (s) to attend a meeting of the Board for consultations and advice. Such invitee (s) shall have no voting rights.

## **Section 12 - DISCLOSURE OF CONFLICT OF INTEREST**

1. A Board member who has a conflict of interest in any matter that is to be considered by the Board at any scheduled meeting shall disclose in writing, prior to the meeting, the nature of the interest and shall recuse herself/himself from participating in the deliberations of the Board in respect of that matter;
2. A Board member who contravenes subsection 12 (1) shall be disqualified as a member of the Board.

## **Section 13 - REMOVAL OF BOARD MEMBERS**

Grounds: The President shall suspend or remove a member of the Board from continuing membership on grounds described in Section 12 or Section 13 if:

1. Upon the death of a member of the Board, the Chair shall officially notify the President, or in the case of the chair, the vice chair shall make the notification.
2. The member has been adjudged or otherwise declared bankrupt and has not been discharged, or has not paid an assignment, arrangement or composition made with creditors; or
3. It is discovered that within a period of five years immediately preceding the date of appointment, the member has been convicted;
  - (a) if committed in Liberia, would constitute a felony, the penalty for which would be at least one year imprisonment;

4. The member is absent from regularly scheduled Board meetings three times within one year without good cause as determined by a majority of the members of the board or as determined by the record;
5. It is clear that the member no longer fulfills the requirements established at the time of appointment to the Board;
6. The member is disqualified for reasons specified in Section 12 or 13;
7. The member's conduct is inconsistent with the responsibilities of a Board Member or jeopardizes the interest of the Authority;
8. The member other than the Director General accepts employment with the Authority or enters into a contractual relationship with the Authority;
9. The member becomes a member of the Legislature or accept an appointed position by the President.

#### **Section 14 - BOARD COMMITTEES**

The Board may establish committees consisting of members of the Board to facilitate the efficient execution of its functions

#### **Section 15 - BOARD FEES**

Members of the Board shall receive from the Authority Board fees as approved in the Authority's annual budget in accordance with law. Board fees shall be paid to members at the quarterly meetings.

#### **SECTION 16 - CONFIDENTIALITY**

1. Every member of the Board shall treat as confidential those matters deemed confidential under the Act during and after her/his tenure on the Board or service with the Authority;
2. Any current or former Board member who contravenes Section 17 (1) commits an offense and is liable to penalties specified in section 13 (3a) and in the case of a current Board member she/he shall be disqualified or dismissed from further service on the Board.

## **PART IV - ADMINISTRATIVE PROVISIONS AND STRUCTURE OF THE AUTHORITY**

### **SECTION 17 - OFFICERS OF THE AUTHORITY (Director General and Deputy Directors General)**

1. The Chief Executive Officer of the Authority shall be the Director General (DG). The DG shall be primarily responsible for functions contained in the HRMP, job description and the terms of reference as approved by the Board.
2. The DG shall be assisted by the Deputy Director General for Administration and Finance (DDGAF) and Deputy Director General for Technical and Operations (DDGTO). The DDGAF shall serve as principal Deputy.
3. The Authority's administrative structure shall consist of two (2) divisions headed by Deputy Directors General and several departments headed by Directors who shall report to the Director General through the relevant Deputy Director General and sections headed by supervisors who shall report to the Deputy Director Generals through their respective Directors.

### **Section 18 - DEPARTMENTS AND SECTIONS OF THE AUTHORITY**

The Departments of the Authority shall be the Accounts, Legal, Internal Audit, General Services, Agriculture, Program Management Unit, and any other Department(s) approved by the Board on recommendation of the Director General. The functions of each department and section shall be determined by the Board consistent with the Act, HRPM and or other relevant laws as applicable.

### **Section 19 - APPOINTMENT OF DIRECTOR GENERAL AND DEPUTY DIRECTORS GENERAL**

1. The President shall, appoint a Director General who shall be a person with the relevant experience and competence with minimum Bachelor degree and/or other qualifications in Finance, accounting, economics, public policy, administration, management, law, agriculture, economics, or other related disciplines.
2. The Board shall, appoint the two (2) Deputy Directors General and the Comptroller; who shall be persons with the relevant experience and competence with minimum Bachelor degree and/or other qualifications in finance, accounting, economics, public policy, administration, management, law, agriculture economics, or other related disciplines.



3. Appointment of Director General shall be made in accordance with Article 54 of the Constitution of the Republic of Liberia. The nominee shall be a person of integrity and shall be subject to comprehensive background check. .

**SECTION 20 - SUSPENSION OR REMOVAL OF DIRECTOR GENERAL AND DEPUTY DIRECTORS GENERAL**

1. Contingent on the resolution of two-thirds of the Board membership, the Board shall advise the President to suspend or remove the Director General from office for persistent inability to perform and observe conditions specified in the terms of employment, duties, responsibilities and mandate for verified misconduct under the laws of Liberia or for conduct that would subject a Board member to disqualification as specified in Sections 12 and 13.
2. Contingent on the resolution of two-thirds of the Board membership, the Board shall suspend or remove a Deputy Director General from office for persistent inability to perform and observe conditions specified in the terms of employment, duties, responsibilities and mandate for verified misconduct under the laws of Liberia or for conduct that would subject a Board member to disqualification as specified in Sections 12 and 13.

**SECTION 21 - RESPONSIBILITIES OF THE DIRECTOR GENERAL**

1. The Director General shall be responsible for the administration, supervision and execution of the LACRA mandate; direct the day-to-day management and administration of the Authority; supervise officers, managerial staff, and other employees of the Authority and as well coordinate other matters of the Authority.
2. The Director General shall also:
  - a. Ensure the effective and fair interpretation of the regulations, Acts and regulatory quality control guidelines of the Authority;
  - b. Ensure the proper and diligent implementation of this Act;
  - c. Solicit public/private donor financial and technical support for the Authority
  - d. Advise public/private sector stakeholders/development partners on related matters;
  - e. Ensure the effective deployment and utilization of experienced and capable staff to achieve maximum efficiencies relevant to quantity, quality, operations and compliance;

- f. Represent the Authority at Legislative hearings;
  - g. Ensure the application of the Act of Conduct for Public Officials to all employees of the Authority;
  - h. Serve as Secretary to the Board;
  - i. Manage and coordinate the day-to-day management of the affairs of the authority; and
  - j. In keeping with law perform any other functions requested by the Board.
3. In the absence of the Director General, the Deputy Director General responsible for Administration and Finance shall serve as officer-in-charge of the Authority on behalf of the Director General.

## **SECTION 22 - APPOINTMENT OF OFFICERS AND OTHER STAFF**

- 1. The Board, after a competitive vetting process and upon the recommendation of the Director General, shall appoint the Directors of the Authority in accordance with procedures defined by the Authority's HRMP and Job Description.
- 2. The Director General shall recruit other staff and techniques below the level of Directors, other administrative, technical and general support staff of the Authority as necessary for the proper and effective performance of the functions of the Authority;
- 3. All recruitment and employment proceedings must follow acceptable best practices and process of merit vetting, interviews, short listing and selection (including an aptitude test where applicable) in accordance with the HRMP, and Administrative Regulations.

## **SECTION 23- COUNTY, DISTRICT AND OTHER OFFICES OF THE AUTHORITY**

The Authority shall establish county, district and other technical decentralized backstopping offices from which technical officers will coordinate their responsibilities in liaison and collaboration with relevant established public/private agencies, institutions and stakeholders, as required for the effective performance of the functions of the Authority.

## **SECTION 24 - INDEMNITY**

No member of the Board, member of a committee of the Board or an employee of the Authority shall in her/his personal capacity be liable in civil or criminal proceedings in respect of any act or omission done in good faith in the performance of her/his duties unless the conduct is deemed willful or negligent.

## **PART V FINANCIAL PROVISIONS**

### **SECTION 25 - ACCOUNTABILITY FOR PERFORMANCE**

1. The Director General shall be accountable to the Board for the enforcement compliance of the regulatory and administrative governance of LACRA in accordance with this Act:
2. Management is required to account annually in a written report for the completion or failure to complete the deliverables due for that year. The report shall be used as a basis for performance and evaluation as applicable and submitted to all relevant stakeholders.

### **SECTION 26 - ASSETS DECLARATION AND COMPLIANCE**

1. The Director General, Deputy Directors General, Comptroller and Directors shall declare their assets in accordance with the Code of Conduct Act 2014 before assuming duties;
2. Where determined by the Board, other employees of the Authority must declare their assets in accordance with the Code of Conduct Act 2014;
3. The Board members, Officials and Staff of the Authority are required to be tax compliant at all times.

### **SECTION 27 - REVENUE COLLECTED**

Revenue collected by the Authority under this Act on behalf of LRA shall be paid into the Consolidated Fund at the Central Bank of Liberia in accordance with the Act and PFM Act.

### **SECTION 28 - FUNDS OF THE AUTHORITY**

1. **Sources:** The activities of the Authority shall be financed by funds of the Authority which shall include:
  - a. The amount appropriated by the National Legislature for the operation and management of the Authority;
  - b. Any monies accruing to the Authority in the course of its operations, including fees charged for services application, volume base incentives for export, and others consistent with law.

- c. Gifts, donations, grants, subsidies or loans from any person or organization which may lawfully accrue to the Authority;
- d. Receive and hold in custody all commodities and humanitarian gifts to government for a fee;
- e. The Authority shall undertake Agriculture Development Financing activities by soliciting funding through research proposals and other projects/programs.
- f. Revenue from plantations operations (100,000 ha):
  - (i) establishment of Regional, County and District Demonstration Farms for seed multiplication, technical backstopping and the provision and distribution of planting materials to farmers and cooperatives for a minimum fee;
- g. Investment through public/private ventures, farms and rentals of facilities including warehousing and processing facilities;
- h. Special consolidated Funds to be used for commodity research and development, capacity building/training, research and development and price reserved/stabilization.

## **SECTION 29 - ANNUAL BUDGET OF THE AUTHORITY**

In accordance with the PFM Act and related budget preparation schedules, the Director General shall prepare and submit to the Board an annual budget for the ensuing year which the Board shall endorse and approve for submission to the Legislature through the established protocols in line with the PFM Act.

## **SECTION 30 - PROCUREMENT**

The Authority is subject to the PPCC Act.

## **SECTION 31 - ACCOUNTS AND AUDIT**

1. The Authority is required to keep proper books of account and proper records in conformity with the National Accounting Standards and International Public Sector Financial Reporting Standards and the PFM Act as applicable:
2. The DG shall submit all financial reports of the Authority to the Board of Directors.

## **PART VI – MISCELLANEOUS PROVISIONS**

### **SECTION 32 - BANK ACCOUNTS**

For the purpose of carrying out its responsibilities, the Authority is empowered to open and maintain bank account(s) with the Central Bank of Liberia (and/or any other reputable Bank(s) as the Board deems fit. It is required to operate its financial accounts in accordance with government financial regulations and use sound financial management practices.

### **SECTION 33 - REPORTS**

1. The Authority shall be subject to the PFMA Act;
2. Annual Report Timing
  - (a) The timing of the Authority's annual report shall be in accordance with the PFM Act, Government regulations and established time lines;
  - (b) All other reporting shall be in accordance with applicable laws.
  - (c) The Authority's annual report is required to comprise of the activities and the operations of the Authority for the year to which the report relates and other requirement in accordance with the PFM Act; and any policy direction received from the Board.

### **SECTION 34 - REGULATIONS**

1. The Authority may make regulations as it considers necessary or expedient for giving effect to the provision of this Act.
2. Without prejudice to the generality of subsection 1, regulations made there under may provide for the following matters:
  - a. The operation and management of the Agency;
  - b. Prescribing applications, forms, licenses, permits, certificates, registers, returns and other forms that may be required for the purposes of the operation and management of the Agency;
  - c. Penalties for non-compliance

## **PART VII – TRANSITIONAL PROVISIONS**

### **SECTION 35- TRANSFER OF PROPERTY, OBLIGATIONS, AND AUTHORITY**

1. On the effective date of this Act, all properties, except any such property as the Board may determine, that immediately before the effective date was vested in the Government for the use of the LPMC shall, without any further assurances rest in the Authority, and without any associated interest, liabilities, charges, obligations affecting that property. The Board may direct the transfer of other property(ies) owned by LPMC to facilitate the establishment of the Authority which shall be without any associated interest, liabilities, charges, obligations affecting said property(ies).
2. All contracts, debts, and liabilities of the Government attributable to the LPMC immediately prior to the effective date of this Act shall remain vested in the Government and are enforceable by or against the Government.
3. All records of the LPMC including documents in the possession of the LPMC immediately before the effective date shall become records and documents of the Authority;

### **SECTION 36 - EXISTING EMPLOYEES**

1. As of the effective date, all existing employees of the LPMC shall be paid off, pensioned, retired or processed otherwise in line with the labor laws of Liberia and the Civil Service Act.
2. All pensioners as of the effective date shall be paid directly by and through the Ministry of Finance and Development Planning.
3. Outstanding leaves, grievances and cases against the LPMC and/or the Civil Service Agency by any LPMC staff shall not be transferred to the Authority.
4. Contractors holding contract with the LPMC shall not be transferred. Said contractor(s) may re-apply to the Authority and shall be subject to the HRMP Manual through the recruitment process.

**Section 37 - REPEALS AND CONSEQUENTIAL AMENDMENTS**

1. On the effective date of this Act, the administration and operational powers and duties assigned to the managing authority of LPMC shall be treated as powers and duties of the Authority and the entirety of the provisions of Title 12, Chapter 57 of the Executive Law of 1973 are hereby expressly repealed.

**Section 38 - EFFECTIVE DATE OF THE ACT**

This Act shall take effect immediately upon publication in Handbills.

**ANY LAW TO THE CONTRARY NOTWITHSTANDING**