



## **On Approval of the Model Regulations on the Public Council**

### *Invalidated Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated December 31, 2015 No . 1194. It became invalid by the Decree of the Government of the Republic of Kazakhstan dated 18.03.2021 No. 151 (effective after ten calendar days after the date of its first official publication).

### *Unofficial translation*

**Footnote.** It became invalid by the Decree of the Government of the Republic of Kazakhstan dated 18.03.2021 No. 151 (effective after ten calendar days after the date of its first official publication).

In accordance with paragraph 5 of Article 8 of the Law of the Republic of Kazakhstan “On the Public Councils” dated November 2, 2015, the Government of the Republic of Kazakhstan **RESOLVES:**

1. To approve the attached Model Regulations on the Public Council.
2. This Resolution shall come into effect from the date of its first official publication.

*Prime Minister  
of the Republic of Kazakhstan*

*K. Massimov*  
Approved by Resolution of the  
Government of the  
Republic of Kazakhstan  
No. 1194  
dated December 31, 2015

## **The Model Regulations on the Public Council**

**Footnote.** The Model Regulations as amended by Resolution of the Government of the Republic of Kazakhstan No 516, dated 24.08.2018 (shall come into effect from the day of its first official publication).

### **Chapter 1. General provisions**

1. This Model Regulation on the Public Council (hereinafter referred to as the Model Regulation) was developed in accordance with paragraph 5 of Article 8 of the Law of the Republic of Kazakhstan “On the Public Councils” dated November 2, 2015 (hereinafter referred to as the Law).

2. Public councils – consultative advisory, supervisory bodies formed by ministries, the bodies directly subordinate to and accountable to the President of the Republic of Kazakhstan, as well as local government bodies on issues of their competence, with the

exception of the state bodies referred to in part two of this paragraph, together with non-profit organizations, citizens.

Public councils shall not be formed with participation of the Supreme Court of the Republic of Kazakhstan, the Constitutional Council of the Republic of Kazakhstan, prosecution authorities, the Administration of the President of the Republic of Kazakhstan, the National Bank of the Republic of Kazakhstan, the Ministry of Defense of the Republic of Kazakhstan, the Office of the President of the Republic of Kazakhstan, the Office of the Prime Minister of the Republic of Kazakhstan, the Office of Material Technical Support, the National Center for Human Rights of the Republic of Kazakhstan, the Accounts Committee for Control over Execution of the Republican Budget, the Central Election Commission of the Republic of Kazakhstan, the Supreme Judicial Council of the Republic of Kazakhstan, special state bodies of the Republic of Kazakhstan.

3. Consultative advisory, supervisory bodies under state bodies, formed in a different manner than provided by the Law, and non-profit organizations may not have the name "public council" and have full powers established by the Law.

4. Public councils in their activities shall be guided by the Constitution, relevant laws, acts of the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, other regulatory legal acts of the Republic of Kazakhstan, as well as these Model Regulations.

## **Chapter 2. The order of creating the working group on the formation of the Public Council**

### **Paragraph 1. The order of selection the members of the working group on the formation of the Public Council, the terms of its implementation**

5. The composition of the working group on the formation of the Public Council ( hereinafter referred to as the Working group) shall be composed of representatives of state bodies and on competitive basis from among representatives of non-profit organizations, citizens in accordance with the procedure established by the Law.

6. The quantitative composition of the working group shall be determined at the republican and local levels by the head of the state body before the competition for the selection of members of the working group.

Representation from the state body in the working group may not exceed one third of the total number of members of the working group. The staff of this representative office shall be determined independently by the head of the state body.

Representation from civil society shall be at least two-thirds of the total number of members of the working group and shall be formed on the basis of proposals from non-profit organizations and citizens.

7. The composition of the working group at the republican level shall be approved by the decision of the first head of the relevant state body, and at the local level - by

the head of the local representative body. The head of the working group shall appoint a secretary - the head of the structural unit of the state body, who is entrusted with the performance of the functions of the working body of the Public Council.

8. The state body at the republican or local levels shall publish in the media and (or) place on its Internet resource the announcement about holding the competition for the selection of members of the working group, indicating the quantitative composition of the working group from among representatives of state bodies and non-profit organizations, citizens, and deadlines for applying the documents, as well as postal and electronic addresses where the documents shall be sent.

9. The term of holding the competition shall be ten working days after the date of publication of the announcement of the competition.

10. Citizens, representatives of non-profit organizations wishing to take part in the competition, within the prescribed time limits shall submit the following documents:

- 1) application in the form according to Annex 1 to these Model Regulations;
- 2) written proposal by a non-profit organization to nominate (if any) members of the working group;
- 3) copy of the identity card of the citizen of the Republic of Kazakhstan.

11. After the deadline for receiving documents within one working day, a list of candidates for the working group shall be formed.

12. Within five calendar days after the completion of the list of candidates, a meeting of the working group shall be held with the participation of candidates for the working group. To ensure transparency and objectivity, observers from among representatives of non-profit organizations and the media may attend a meeting of the working group.

The state body at the republican or local levels simultaneously with the announcement about competition for selection of members of the working group shall publish in the media and (or) place on its Internet resource the announcement about selection for formation of the list of observers indicating the deadlines for submitting documents, as well as postal and email addresses where the documents shall be sent.

To attend the meeting of the working group as an observer, a person who has expressed a desire to be an observer shall submit to the state body or shall send to email the application for participation as an observer to competition for selection of members of the working group for the formation of the Public Council, in the form according to Annex 2 to these Model Regulations.

13. Candidates for membership in the working group and observers shall be notified of the time and place of the meeting of the working group by the state body at the republican level - by the central state body or at the local level by the local representative body three working days before the meeting.

The state body at the republican level - the central state body or at the local level - the local representative body shall ensure the resolution of organizational issues of the preparation and conduct of the meeting of the working group.

14. The meeting of the working group at the republican level shall be conducted by the head of the relevant state body, and at the local level by the head of the local representative body (hereinafter referred to as the Head of the working group).

15. At the first meeting of the working group, the head of the working group, representatives of the state body determined in accordance with paragraph 2 of Article 8 of the Law, candidates for members of the working group from non-profit organizations and citizens shall be entitled to take part in the voting. A candidate from a non-profit organization, a citizen shall not participate in the voting for his candidacy. Participation of the candidates at a meeting is obligatory.

16. Voting on candidates who did not attend the meeting shall not be held. Candidates with the highest number of votes shall be considered elected to the working group. In relation to candidates with the same number of votes, the head of the working group shall reserve the right of a casting vote.

17. The decision of the working group shall be published on the official Internet resource of the central state body or local representative body within three working days after the end of the meeting. At the meeting of the working group, a protocol shall be kept, which shall be signed by the head of the working group and the secretary.

### **Paragraph 2. The order of the working group activity**

18. The working group shall exercise the following powers:

- 1) informing the public about the competition for the election of members of the Public Council;
- 2) determining the number of members of the Public Council;
- 3) conducting the procedure for the election of members of the Public Council;
- 4) developing a draft Regulations on the Public Council.

19. The meeting of the working group shall be considered duly constituted with the participation of at least two-thirds of the total members of the working group, taking into account the head of the working group.

20. The working group shall be formed for the entire term of office of the Public Council of the regular composition.

### **Chapter 3. The order of formation of Public Councils**

21. Public Councils shall be formed by the working group from among representatives of state bodies and, on a competitive basis, from representatives of non-profit organizations, citizens.

Candidates for members of the Public Council may be nominated by non-profit organizations, citizens, including by self-nomination.

The term of office of the Public Council shall be three years. The number of members of the Public Council shall be determined by the working group.

22. The working group shall publish the announcement on the competition for the election of members of the Public Council in the republican and (or) local mass media and (or) places it on the Internet resource of the state body at the republican and (or) local levels. The announcement shall indicate the name of the state body, postal and electronic addresses where the documents shall be sent, deadlines, the list of documents for participation in the competition and requirements for candidates in accordance with paragraphs 1 and 2 of Article 10 of the Law, the quantitative composition of the Public Council from among the representatives of government bodies and non-profit organizations, citizens shall also be indicated.

23. Representatives of non-profit organizations and citizens after the announcement of the competition shall send to the working group in writing (by mail or e-mail) the proposals for candidates for membership in the Public Council with the necessary documents attached.

24. The documents shall be submitted within ten working days after the date of publication of the announcement of the competition.

25. The working group, within ten working days after the date of completion of the acceptance of documents, at a meeting, shall discuss the documents received on candidates for members of the Public Council and shall conduct an open voting for each candidate. Candidates with the highest number of votes shall be considered elected to the Public Council. For candidates with the same number of votes, the head of the working group shall reserve the right of a casting vote.

26. Representation from the state body to the Public Council shall be approved by the head of the state body without holding a competition.

27. The formed composition of the Public Council shall be approved by the decision of the state body at the republican or local levels and is subject to publication in the media and (or) posting on the Internet resource of the state body at the republican or local levels within three working days after approval of the composition of the Public Council.

#### **Chapter 4. Organization of the activity of the Public Council Paragraph 1. The order of the activities of the Public Council**

28. The Public Council shall form commissions depending on the priorities of the Public Council from among the members of the Public Council.

29. Meetings of the Public Council shall be held as necessary.

If necessary, the plan of the Public Council work shall be developed and approved at a meeting of the Public Council.

30. A meeting of the Public Council shall be considered duly constituted with the participation of at least two-thirds of the total number of its members. The participation of members of the Public Council on video conferencing shall be allowed.

31. Within the framework of his authority, the Chairman of the Public Council shall:

- 1) organize the activities of the Public Council;
- 2) preside at meetings in accordance with these Regulations and the approved agenda of the meeting;
- 3) provide, in the order of priority, the floor to the members of the Public Council as they receive proposals from them in the manner determined by the decision of the Public Council;
- 4) put to the vote the proposals of the members of the Public Council in the order of receipt;
- 5) conduct voting and announce its results;
- 6) control the keeping of minutes of meetings of the Public Council;
- 7) sign documents on behalf of the Public Council;
- 8) coordinate the implementation of decisions of the Public Council;
- 9) participate in meetings of the state body at the republican and local levels with the right of an advisory vote;
- 10) during the time of his absence delegate the performance of the duties of the Chairman to one of the members of the presidium of the Public Council;
- 11) if necessary, request from government bodies additional materials on issues considered at meetings of the Public Council.

32. In order to ensure the resolution of organizational issues, the preparation and conduct of meetings of the Public Council, the organization and conduct of office work in the Public Council, as well as the control of the timing of the execution of decisions of the Public Council, the Secretary of the Public Council shall:

- 1) inform by e-mail, no later than three working days before the date of the meeting of the Public Council, its members about the time and place of the meeting, the list of issues submitted for consideration;
- 2) provide the members of the Public Council with materials, documents and information necessary for decision-making;
- 3) organize meetings of the Public Council;
- 4) prepare draft decisions of the Public Council and submit them to all members of the Public Council through an online resource or e-mail, or on through personal delivery within three working days;
- 5) perform other functions to ensure the activities of the Public Council.

In the absence of the secretary, his functions shall be assigned to one of the members of the Public Council by a protocol decision of the meeting of the Public Council.

33. A member of the Public Council may withdraw from its composition at his own request by submitting an application in writing.

34. A member of the Public Council may be prematurely excluded from its composition by the decision of the Public Council in case of impossibility to participate in its work for health reasons or for other reasons, in the manner established by the Law.

35. The Public Council shall decide to include a new member in the Public Council instead of the retired for the remaining term of office according to the results of the competition or by decision of the state body in accordance with paragraph 1 of Article 9 of the Law.

## **Paragraph 2. The order of holding meetings and decision making**

36. The main form of work of the Public Council shall be meetings that are considered duly constituted with the participation of at least two-thirds of the total number of its members.

37. Meetings of the Public Council shall be held on the issues specified in paragraph 1 of Article 5 of the Law.

38. If necessary, by decision of the Public Council, representatives of state bodies, the media, scientific, trade union and other organizations, as well as experts and other specialists, may be invited to participate in a meeting of the Public Council.

39. At a meeting of the Public Council, a protocol shall be kept with recording of the following:

- 1) date and place of the meeting;
- 2) the number of those present;
- 3) last name, first name, patronymic (if any) of the officials who spoke;
- 4) the agenda, contents of the report and speeches.

40. The meetings of the Public Council shall be open.

41. Based on the results of the consideration of issues, the Public Council shall accept recommendations that are obligatory for consideration by state bodies.

42. Decisions of the Public Council shall be adopted by a majority of the total number of members present at the meeting of the Public Council. Decisions shall be drawn up in a protocol signed by the Chairman and secretary of the Public Council.

43. When making decisions on issues considered at a meeting of the Public Council, each member of the Public Council shall have one vote. In the event of equality of votes, the decision voted for by the Chairman shall be considered as accepted.

44. The documents related to the activities of the Public Council shall be stored in electronic and/or paper form in the state body with the participation of which the Public Council was formed during its term of office.

At the same time, upon the expiration of the term of office of the Public Council, the documents related to the activities of the Public Council shall be transferred to storage in the archives of the state body.

**Chapter 5. Transitional and final provisions**

45. The Model Provisions shall not apply to the procedure for formation of local community meeting, which is regulated by the legislation of the Republic of Kazakhstan on local government and self-government.

Annex 1  
to the Model Regulations on the  
Public Council  
Form  
To \_\_\_\_\_  
(the name of the state body at the  
Republican level or the name of  
the local representative body)  
from \_\_\_\_\_  
\_\_\_\_\_  
(full name of the applicant, ID  
number \_\_\_\_, issued (when, by))  
resident at: \_\_\_\_\_  
(settlement, street,  
building, apartment)

**Application**

I hereby nominate myself for inclusion in the Working Group on the formation of the Public Council \_\_\_\_\_.

By this application I hereby confirm that I have read and understood the Provisions of the Law of the Republic of Kazakhstan “On the Public Councils” dated November 2 , 2015 and I undertake to comply with its requirements.

I hereby enclose the following documents:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
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5) \_\_\_\_\_

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6) \_\_\_\_\_

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7) \_\_\_\_\_

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" \_\_\_\_ " \_\_\_\_\_ 20 \_\_\_\_ . Applicant signature \_\_\_\_\_

Annex 2  
to the Model Regulations on the  
Public Council  
Form

To \_\_\_\_\_  
(the name of the state body at the  
Republican level or the name of  
the local representative body)  
from \_\_\_\_\_

\_\_\_\_\_  
(full name of the applicant, ID  
number \_\_\_\_, issued (when, by))  
resident at: \_\_\_\_\_  
(settlement, street, building,  
apartment)

**Application**

I hereby submit my candidacy for inclusion as an observer in the competition for the selection of members of the working group on the formation of the Public Council.

I hereby enclose the following documents:

1) \_\_\_\_\_

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2) \_\_\_\_\_

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3) \_\_\_\_\_

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4) \_\_\_\_\_

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5) \_\_\_\_\_

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6) \_\_\_\_\_

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7) \_\_\_\_\_

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" \_\_\_\_ " \_\_\_\_\_ 20 \_\_\_\_ . Applicant signature \_\_\_\_\_

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Justice of the Republic of Kazakhstan