



# GOVERNMENT GAZETTE

OF THE

# REPUBLIC OF NAMIBIA

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## Government Notice

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### OFFICE OF THE PRIME MINISTER

No. 16

1993

#### ADMINISTRATIVE DIRECTIVE: CERTAIN GUIDELINES FOR GOVERNMENT MINISTERS AND PUBLIC SERVANTS

The following Administrative Directive (No. 1 of 1993) was issued by the Right Honourable Prime Minister on 26 January 1993 to Government Ministers and Public Servants:

Republic of Namibia  
Office of the Prime Minister

# Administrative Directive No. 1/1993

26 January 1993

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## 1. Government Forms

It has been brought to the notice of the Office of the Prime Minister that a number of Offices and Ministries continue to use forms that were in use prior to independence in spite of the fact that the Cabinet at its 33rd meeting held on 29 September 1992 had resolved that the use of such forms two and half years after independence is unacceptable. The Cabinet had also ruled that the excuse of using up forms "in stock" is no longer acceptable.

All Offices/Ministries should therefore ensure that the use of such forms ceases and new forms in *English only* are available no later than 1 March 1993.

## 2. Language of Official Communication

Article 3(1) of the Constitution stipulates that English is the official language of Namibia. However, many civil servants continue to use Afrikaans in their official communications. Many of the switchboard operators and secretaries respond in Afrikaans, and some Offices/Ministries continue to use Afrikaans and Afrikaans-English forms and stamps. The Cabinet, at its 33rd meeting held on 29 September 1992 had also ruled that the use of any language other than English in official communications should cease. All Public Servants are reminded that compliance with the Directives of the Cabinet are not optional. They must be complied with.

The Cabinet has also ruled that Offices/Ministries receiving official communications from other Offices/Ministries still written in Afrikaans have the right to return them to the sender.

## 3. Efficient Implementation of Cabinet Decisions

One of the responsibilities of the Cabinet Office is to monitor progress in the implementation of Cabinet decisions forwarded by the Secretary to Cabinet to Offices/Ministries for implementation. This monitoring

may take the form of the Secretary to Cabinet's written enquiries or interviews with the Permanent Secretaries and their staff.

In order to facilitate efficient monitoring, each ministry should identify a senior official in the ministry, not below the rank of Chief Control Officer, who will be the Cabinet Office's contact with regard to the implementation of Cabinet decisions. Naturally, such an officer would have access to most of the Cabinet decisions except the ones that are sensitive and therefore must be handled by the Permanent Secretary personally.

Ministries should therefore always be ready to report on the progress of implementation when requested or approached by the Secretary to Cabinet who will in turn brief the Prime Minister about the state of implementation of Cabinet decisions.

#### **4. Procedures to be Followed With Regard to Envisaged Legislation**

The Cabinet recently considered the procedures with regard to envisaged legislation and resolved to effect certain changes. As a result, the following procedure should be adhered to:

*a. Consultation with the Office of the Attorney-General.* When a ministry considers the enactment of new legislation or amendment of existing legislation, it must first consult the Office of the Attorney-General to ensure that the measures to be effected by the proposed legislation are in line with the provisions of the Constitution, and to determine whether the envisaged measures could not be effected through administrative or any other means.

*b. Preparation of a Memorandum to the Cabinet Committee on Legislation.* After having consulted the Office of the Attorney-General, if the ministry is satisfied as to the need of new or amending legislation, it must prepare a memorandum to the Cabinet Committee on Legislation (CCL). This memorandum should be as comprehensive as possible under the circumstances of the particular case, and should clearly state the problem and background, refer to any existing legislation in that regard, and point out where and what the existing legislation is found wanting. The memorandum should also refer to any consultations with other ministries concerned, especially the Treasury and Public Service Commission, and outline their responses. Further, as far as possible, a layman's draft or comprehensive policy directives should accompany the memorandum at this stage.

*c. Forwarding the Memorandum to the CCL.* The original of the memorandum, signed by the Minister concerned, plus six copies

must be forwarded to the Secretary of the CCL (First Floor, Justitia Building, Independence Avenue, Windhoek. Tel: 38110 Ext. 233).

*d. CCL Meeting on the Memorandum.* On receipt of the memorandum, the Secretary of the CCL will arrange for a meeting of the CCL and will invite the Minister concerned to attend this meeting. The Minister may bring along with him/her any ministry officials that he or she deems necessary. The Minister may choose to delegate the responsibility of attending the meeting to his Deputy Minister or Permanent Secretary together with other officials.

At this meeting, the CCL will consider the specific circumstances of each case, e.g. whether the matter can be submitted to the Cabinet and what aspects should be highlighted to the Cabinet, whether further legal advice is necessary, whether further consultations with other ministries must take place, etc.

*e. CCL Certificate.* Once CCL is satisfied that the matter can be submitted to the Cabinet, the Secretary of the CCL will provide the sponsoring ministry with a certificate to this effect.

*f. Submission to the Cabinet for Approval in Principle.* Having received the CCL certificate, the ministry must submit the whole matter to the Cabinet in accordance with what has been decided at the CCL meeting. In the Cabinet Memorandum, the ministry must request the Cabinet to grant approval in principle for the drafting of the particular bill.

*g. Drafting of the Bill.* Once the Cabinet has granted approval in principle which shall be confirmed in writing by the Secretary to Cabinet to the sponsoring ministry and the Ministry of Justice, the sponsoring ministry must confirm the receipt of the approval to the Permanent Secretary for Justice within seven days of the Cabinet's decision. This confirmation from the sponsoring ministry must be accompanied by all the relevant documents, such as, the memorandum to Cabinet and Cabinet's resolution, the layman's draft, or detailed drafting instructions if so accepted. At the same time, the name and rank of a contact person in the sponsoring ministry should be communicated in writing to the Permanent Secretary for Justice. Such person should be readily available for consultation by the legal drafters and should preferably be not lower in rank than the Deputy Director and not higher than Under Secretary.

*h. Sponsoring Ministry's Response to the Bill.* Once the legal drafters have produced the bill, the Secretary of the CCL will cause it to be hand-delivered to the contact person of the

sponsoring ministry with copies of his or her accompanying letter to that ministry's Permanent Secretary and Minister.

The sponsoring ministry must then respond within fourteen days of receipt of the bill. This response may either confirm that the bill meets the ministry's requirements, or it may convey its comments via the Secretary of the CCL to the legal drafters. The sponsoring ministry may during this stage want to discuss aspects of the bill with the legal drafters. A final response is, however, necessary to enable the Secretary of the CCL to proceed to the further stages.

*i. Certification by the Attorney-General.* Once the sponsoring ministry is satisfied with the bill, it will be submitted by the Secretary of the CCL to the CCL for consideration. The Secretary will once again invite, via the contact person in the sponsoring ministry, a representative of that ministry to attend the meeting of the CCL. At this stage, it might once again be necessary for the legal drafters to effect amendments required by the CCL and such amendments may even be considered again during a further meeting of the CCL.

Finally, after consideration of the bill by the CCL it will be submitted by the Secretary of the CCL to the Attorney-General for certification.

*j. Arrangements for the Introduction of the Bill at the National Assembly.* The Attorney-General will, after his certification thereof, forward the bill to the Secretary of the National Assembly for printing and further arrangements with regard to its introduction. At the same time, the sponsoring ministry must prepare the Second Reading speech.

*k. Priority Treatment.* Any request for priority treatment on the basis that a bill is an emergency piece of legislation must be addressed to the CCL via its Secretary with a comprehensive motivation.

It is essential that all ministries strictly comply with these procedures with regard to envisaged legislation.

As far as the bills already delivered to the legal drafters are concerned, the procedures in force prior to this Administrative Directive must be followed. It may, however, be necessary in some cases to have consultations between the CCL and a sponsoring ministry to facilitate progress.

The officials concerned should also note that the time needed for scrutiny by the legal drafters, consideration by the CCL, certification by the Attorney-General and printing for the National Assembly is often underestimated by the various ministries. It will therefore be necessary for the CCL, as mandated by the Cabinet, to continuously monitor the processes.