

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
08 SEPTEMBER 2015**

The Assembly met pursuant to the adjournment.

**HON SPEAKER** took the Chair and read Prayers and the Affirmation.

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**ANNOUNCEMENTS BY THE SPEAKER IN TERMS OF RULE  
20(B) OF THE STANDING RULES AND ORDERS**

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**HON SPEAKER**: Honourable Members as you can hear my voice, I will struggle to be heard, but if I do not succeed, I know that I can call for reinforcement on the Deputy Speaker who is always ready to rescue me.

Honourable Members while this august House was on recess, we learnt about the passing on of Honourable Gotlieb Dan, one of the Founding Members of the Constitutional Assembly and our National Assembly. Next, we also learnt about the passing on of Kuku Linea Namupala, the mother of Honourable Loide Kasingo, our Deputy Speaker and last, but not least, the passing on of Mrs Hedwig Kavetuna the Grandmother of Honourable Juliet Kavetuna.

I would, therefore, like to request the Honourable Members to observe a minute of silence in memory of these three compatriots. May we?

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**MINUTE OF SILENCE OBSERVED**

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**HON SPEAKER**: Thank you. We have a few announcements and I will start with the fact that we have received a request from the Ministry of Gender Equality and Child Welfare about the Round Table Discussion for

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**ANNOUNCEMENTS  
HON PROF KATJAVIVI**

Women Parliamentarians to be held from the 18<sup>th</sup> to the 19<sup>th</sup> of September this year in Swakopmund. We will, therefore, not be having a sitting on the 17<sup>th</sup> of September next week. This is simply to allow all women Parliamentarians who wish to attend that event to be able to do so.

My further announcement, As per the discussion with my Colleague, the Honourable Chairperson of the National Council – according to our Parliamentary Calendar and according to the information that is available to most of you, this current sitting of the National Assembly is likely to be running from now September to October, while the National Council is due to round off its work to prepare for the forthcoming Regional and Local Authorities Elections. Those elections are definitely likely to an impact on our legislative process, as the current National Council's term will be ending during this period, we are thus sharing with you that the time is limited. We only have a very limited period within which to do our Business, so in a way, I am issuing an appeal to all the Members, especially Members of the Executive to make sure that any Bills and Motions are tabled within this period, taking into account the time constrain and the limited time that is available to us as the National Assembly. We are basically saying that the Bills be prepared and brought before the House not later than the 15<sup>th</sup> of October 2015. These are simply housekeeping announcements to sensitise you to be aware of the fact that we are operating within a limited time frame and we have to make use of the time that is available to do the best we can.

Lastly, according to my information, as we check on the website of the National Assembly, it is quite clear that we have someone who was born on this day – the 8<sup>th</sup> of September and we want to take this opportunity to wish him a Happy Birthday and good health. Continue to be who you are. That Honourable Member is none other than Honourable Venaani. Happy Birthday. I see Honourable Nujoma would like to take the Floor. You have the Floor.

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**HON MINISTER OF LAND REFORM:** Thank you, Comrade Speaker

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**TABLING OF REPORTS  
HON SHIFETA**

I am simply rising to congratulate my Young Brother. I am saying this because it appears that we were born on the same date, I am also born on the 8<sup>th</sup>, so congratulations!

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**HON SPEAKER:** Well done. I am going to take the person whom I have requested to keep an eye for me on the website to task for having missed you. In the same vein, we also wish Honourable Nujoma a Happy Birthday and good health. Keep well.

That done, we revert back to the usual Business of the day. Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Yes, Honourable Minister of Environment and Tourism.

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**TABLING: ANNUAL REPORTS OF THE  
WINDHOEK COUNTRY CLUB RESORT**

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**HON MINISTER OF ENVIRONMENT AND TOURISM:**  
Honourable Speaker, Honourable Members, I lay upon the Table the:-

- (i) Annual Reports of the Windhoek Country Club Resort for the years 2006 to 2013; and
- (ii) Annual Report of the Windhoek Country Club Resort for the year end 2014.

I so Move Honourable Speaker.

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**TABLING OF REPORTS  
HON KANDJOZE / HON DR HAUFIKU**

**HON SPEAKER:** Thank you for submitting the Report. Any other Reports? Honourable Kandjoze.

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**TABLING: ANNUAL REPORTS**

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**HON MINISTER OF MINES AND ENERGY:** Honourable Speaker, Honourable Members, I also rise to present the Honourable House with the:-

- (i) Annual Report of the Ministry of Mines and Energy for the years 2013 and 2014; and
- (ii) Annual Report of the National Energy Fund (NEF) for the period of Review, 1 April 2013 to 31 March 2014.

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you. Notice of Questions? Oh, some more Reports. Yes, Honourable Haufiku you have the Floor.

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**TABLING: ANNUAL REPORT OF THE NAMIBIA  
MEDICINES REGULATORY COUNCIL (NMRC)**

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**HON MINISTER OF HEALTH AND SOCIAL WELFARE:**  
Honourable Speaker, I lay upon the Table the:-

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**TABLING OF REPORTS  
HON SCHLETTWEIN**

- (i) Annual Report of the Namibia Medicine Regulatory Council (NMRC) for the years 2008/2009 to 2012/2013; and
- (ii) Annual Report of Namibia Medicine Regulatory Council (NMRC) for the year 2013/2014.

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you, kindly submit the reports please. Thank you very much we move on. I think I was dealing with Notice of Questions. We are done. Reports? Yes, Honourable Minister please.

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**TABLING: REPORTS OF THE AUDITOR-GENERAL**

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**HON MINISTER OF FINANCE:** Comrade Speaker, thank you very much; and congratulations to the birthday boys – May there be many more years.

Honourable Speaker, I lay upon the Table, the Annual Report of the Development Bank of Namibia for the year 2014.

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you. We have done away with the Reports and Papers, we are moving on to Notice of Questions. Honourable Venaani.

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**NOTICE OF QUESTIONS  
HON VENAANI**

**NOTICE OF QUESTIONS**

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**QUESTION 31:**

**HON VENAANI:** Thank you very much, Honourable Speaker. Honourable Speaker, I seize this opportunity to welcome all and sundry back to the House and wish my Brother, Honourable Nujoma – I always said we are brothers and now we say on the same day – Happy Birthday.

Honourable Speaker, I am very kind today because it is my Birthday. I give Notice that on Thursday, the 24<sup>th</sup> of September 2015, I shall ask the Honourable Minister of Presidential Affairs, Honourable Frans Kapofi the following:

Article 41 of the Namibian Constitution purposefully makes provision for Cabinet accountability to the Legislature. Thus, I ask:-

Amidst much pomp and fanfare, the President of the Republic earlier this year revealed the identities of his Special Advisors, referred to by himself as the “A Team,” the majority of whom were drawn from lucrative positions in various Parastatals, where some had been earning significantly more than those with Ministerial position or grading within the Public Sector.

Taking cognisance of the fact that the Public Service is not a salary-driven but rather exists, first and foremost, to serve the Namibian people, I believe it is imperative that in the interests of accountability and transparency this august House be informed of the following:

- (a) Under what salary grading do all the Presidential Advisors fall? Should there be any grading disparities from one Advisor to the next, can reasons, therefore, be provided?
- (b) What are the salaries and benefits of each of the Presidential Advisors?

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**NOTICE OF QUESTIONS  
HON VENAANI**

And again, should there be any differences, may the reason for this be expanded? I so Move.

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**QUESTION 32:**

**HON VENAANI:** Honourable Speaker, on the very same day, 24 September 2015, I shall ask the same Honourable Minister of Presidential Affairs, Honourable Frans Kapofi the following:

Despite over six months having lapsed since the appointment of Honourable Dr Nickey to the position of Vice-President, we are not closer to knowing specifically, how his remuneration is constituted and arrived at as required in terms of the Namibian Constitution.

My question thus:

1. How much longer does Government intend to continue paying the Vice-President in the absence of an Act of Parliament providing the requisite authority to do so?
2. When will a Bill be tabled in this august House to determine what the salary of the Vice-President should be?

Honourable Speaker, I so Move.

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**HON SPEAKER:** Thank you very much. We move on to the next question, Honourable Van Wyk.

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**NOTICE OF QUESTIONS  
HON VAN WYK**

**QUESTION 33:**

**HON VAN WYK:** Thank you, Honourable Speaker. Honourable Members, I hereby give Notice that on Thursday, the 24<sup>th</sup> of September 2015, I shall ask the Honourable Minister of Urban and Rural Development, Honourable Sophia Shaningwa the following:

Honourable Minister, much was said about the AR Applications and progress made so far. However, nothing was said about the thousands of applications for erven that were submitted to Local Authorities across the country over the past twenty-five years.

Honourable Minister, many Namibians have been denied the Right to own land and not only those who have applied through the AR Movement.

My questions are as follows:

- (1) Honourable Minister, how many applications for erven were submitted to Local Authorities across the country over the past twenty-five years?
- (2) How many of these applicants benefited from the Built Together as well as the Shack Dwellers Programmes?
- (3) What measures will you take to ensure that these applicants are attended to alongside the progress to accommodate the AR Applications?
- (4) When will the mentioned applicants get feedback on the status of their applications?
- (5) What measures will the Ministry take to finalise the implementation of the "*Rukoro Report of 1992*" as the Rehoboth Town Council has over the past 23 years failed to adhere to a Cabinet Decision of 1992?

I so Move, Honourable Speaker.

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**NOTICE OF MOTIONS  
HON SCHLETTWEIN**

**HON SPEAKER:** Thank you, Honourable Member for the questions. Any more questions? Notice of Motions? I call upon the Minister of Finance.

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**NOTICE OF MOTIONS**

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**HON MINISTER OF FINANCE:** Honourable Speaker, I give Notice that on Tuesday, the 15<sup>th</sup> of September 2015, I shall Move-

That leave be given to introduce a Bill to regulate the procurement of goods, works and services, the letting or hiring of anything or the acquisition or granting of rights for or on behalf of, and the disposal of assets of public entities; to establish the Procurement Policy Unit, the Central Procurement Board of Namibia, to provide for the Procurement Committees and Procurement Management Units and their powers and functions; to provide for the appointments of Bid Evaluation Committees and their functions; procurement methods; to provide for bidding process, bidding challenge and review; to provide for the employment of Namibian citizens; to provide for preferences to categories of persons, goods manufactured, mined, extracted, produced or grown in Namibia, to Namibian registered small and medium enterprises, to joint venture businesses, to local suppliers, to contractors' and service providers; and to provide for incidental matters.

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you, Honourable Minister. Please submit the Motions. Thank you very much. I recognise, Honourable Dienda please.

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**NOTICE OF MOTIONS  
HON DIENDA**

**HON DIENDA:** Thank you, Honourable Speaker. I give Notice that on Wednesday, the 16<sup>th</sup> of September 2015, I shall Move that this House-

*Debates* the issue of expanding medical clinics to all Tertiary Institutions in the country in order to decrease unwanted pregnancies and dumping of babies; and to provide family planning services and general health related services facing the youth. This will also help to bring upon youth friendly services at medical health facilities.

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you. Any further Notice of Motions? There being none, Messages from the Head of State? Ministerial Statements?

Well, I think we have exhausted our list.

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**ANNOUNCEMENTS**

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**HON SPEAKER:** I actually omitted a very important additional announcements and that is that the Honourable Members and the media are invited to the launch of the Namibian Red Cross Society Parliamentary Handbook that will take place during teatime, immediately as we adjourn from here. It is a very interesting Parliamentary Handbook, designed by our Red Cross Society to empower our Parliamentarians on various issues relating to the International Humanitarian Law as Lawmakers.

The Red Cross do feel that we need to have an understanding and appreciation of the work of the Red Cross, therefore, all of you are invited to the launch as soon as we adjourn from here.

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**ADJOURNMENT  
HON PROF KATJAVIVI**

The last announcement is from the PACON Board of Directors who are inviting Members of Parliament to an event organised on Thursday, the 10<sup>th</sup> of September 2015, where there will be a lecture given, entitled *Africa United for Peace, Stability and Prosperity for All*. It is being given by Professor Kingo Mchombu of the University of Namibia. It is basically to coincide with honouring Mwalimu Julius Kambarage Nyerere. It is an important event to which all of you are invited and it is taking place at 14:00. I think, the information is already made available, it is on your desks. Please attend those events.

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**HON SPEAKER:** Having said that, I basically do not have any other issues on our agenda and I am now seeking your support in agreeing to my request that in view of the fact that we do not have any agenda items and the Minister of Finance not having served any Notice to introduce the Procurement Bill which he is going to motivate, we agree on when we meet next. Do we allow him to do so next week Tuesday, in view of the fact that we do not have anything? If I can get that consensus, I would be happy.

Are we going for Tuesday, the 15<sup>th</sup> of September 2015, at 14:30 as usual? *D' accord?* So agreed. All that is left now is for me to adjourn the House until Tuesday next week. Agreed. Thank you very much.

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**HOUSE ADJOURNS AT 15:13 UNTIL 2015.09.15 AT 14:30**

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**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
15 SEPTEMBER 2015**

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**HON SPEAKER** took the Chair and read Prayers and the Affirmation.

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**ANNOUNCEMENTS BY THE SPEAKER IN TERMS OF RULE  
20(B) OF THE STANDING RULES AND ORDERS**

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**HON SPEAKER**: Honourable Members, today, the 15<sup>th</sup> of September 2015, is the International Day of Democracy. In 2007, the United Nations General Assembly acknowledged the resilient and universality of principles of democracy by declaring **15 September**, the International Day of Democracy, to celebrate democracy worldwide, including Namibia.

The date coincides with the adoption in September 1997, of the Inter Parliamentary Union's Declaration on Democracy, and it, therefore, carries an important and symbolic significance. The Declaration on Democracy calls upon National Parliaments to popularise its contents countrywide as a permanent feature of transparent and accountable governance.

The theme chosen by the IPU for 2015 is "***Public Participation for Democracy.***" This theme offers ample space to discuss the extent to which the right to participate is respected by Government and exercised by the citizens, as well as ways to increase public participation in democracy. Public participation is the bedrock upon which democracy rests. People have both Rights and responsibilities to take part in democratic governance. This includes formal participation like periodical elections and also informal methods where people inform themselves about public affairs, have political conversations and demonstrate tolerance for views that are different from their own.

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**NOTICE OF QUESTIONS  
HON DIENDA**

Colleagues, the Parliament of Namibia is celebrating the International Day for Democracy today, the 15<sup>th</sup> of September 2015, to commit itself to the values of democracy, the Rule of Law and justice for all. We wish the people of Namibia a joyous International Day for Democracy.

That is the brief message Honourable Members. We now revert back to the agenda for today.

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**HON SPEAKER:** Any Petitions? Reports of Standing Committees or Select Committees? Other Reports and Papers? Notice of Questions? Yes, Honourable Dienda.

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**NOTICE OF QUESTION**

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**QUESTION 34:**

**HON DIENDA:** Thank you, Honourable Speaker. Honourable Speaker, I give Notice that on Thursday, the 24<sup>th</sup> of September 2015, I shall ask the Minister of Urban and Rural Development the following questions that I have also asked on the 7<sup>th</sup> of June 2007 in this same august House.

1. Is the Honourable Minister aware that there are no public toilet facilities available at big shopping centres like the Red Cross Shopping Centre and Pick'n'Pay Shopping Centre in Katutura?
2. What will the Minister do to rectify this problem since the former Minister had said in his response that the owners of these shops said that customers will be allowed to make use of their facilities, but nothing like this is allowed by them?

I so Move, Honourable Speaker.

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**NOTICE OF QUESTIONS  
HON DIENDA**

**QUESTION 35:**

**HON DIENDA:** Honourable Speaker, I also give Notice that on Thursday, the 24<sup>th</sup> of September 2015, I shall ask the Minister of Urban and Rural Development the following questions.

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**HON DEPUTY MINISTER OF URBAN AND RURAL DEVELOPMENT:** What?

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**HON DIENDA:** Not what (Afrikaans).

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**HON SPEAKER:** Please continue.

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**HON DIENDA:** Honourable Speaker, Wanaheda was proclaimed a residential area in 1987, if I am not mistaken, because I am staying there since that time. In 2015, 25 years after Independence the people like me, living in Wanaheda at the site of OK Food and Kaya Trust are still not enjoying the luxury of having tarred roads. Only the main streets are tarred roads in that vicinity.

Residents of Wanaheda are paying municipal rates and taxes just like all other residence from other suburbs, but we in Wanaheda, are not blessed with tarred roads in the past 25 years.

In some areas, you first see the tarred roads and the streetlights even before the houses are built, but in Wanaheda, we still do not have tarred roads. I was told by the then Deputy Minister of Local Government and Housing, Honourable Kazenambo Kazenambo, that *Rome was not built in*

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**NOTICE OF QUESTIONS  
HON MUHARUKUA**

*one day* so we have to wait. We have waited for 25 years now.

Can the Honourable Minister please explain to this House the criteria that you use for constructing tarred roads, and when will we from Wanaheda be put on the Budget? I thank you.

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**HON SPEAKER:** Thank you. Next is Honourable Muharukua.

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**QUESTION 36:**

**HON MUHARUKUA:** Thank you, Honourable Speaker. I hereby give Notice that on Thursday, 24 September 2015, I shall ask the Honourable Minister of Agriculture, Water and Forestry, Honourable John Mutorwa the following.

Investment, whether foreign and/or local, and policies must be grounded in economic reality. It is, therefore, important that our development approach and/or our policy support must derive its logic from analytical exercise in identifying key productive Sectors in Namibia.

Our Agricultural Sector employs about 30% of our community and yet only contributes 5% to our economy or GDP. It is one of the areas where in our Nation has a competitive edge and potential for development. Statistics from the National Statistics Agency, a branch of the National Planning Commission, indicates that over 40% of our people are directly dependant on agriculture, with subsistence farming remaining crucial in supporting a large number of our people.

However, whilst there are some commercial activities, albeit informal, in subsistence farming, it is widely perceived that there is no or little interaction between subsistence farming and other Food Sectors.  
*(Interjection)*

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**NOTICE OF QUESTIONS  
HON MUHARUKUA**

**HON MEMBER:** What is the question?

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**HON MUHARUKUA:** It is coming just wait.

1. What means does the Government have in place to ensure that there is an accurate or comprehensive record of the informal commercial activities within the subsistence Sector, to ensure that we have an accurate reflection of the interdependence of subsistence farming with the rest of the economy? If so, how effective are such mechanisms?
2. Has the Government done a key productive sector analysis, going beyond mere consultation? If so, when was such analysis conducted and what method was used for same?
3. In terms of such analysis, or in any event, what is the average annual monetary value of the informal commercial activities within the Subsistence Farming Sector for the past ten years?

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you.

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**QUESTION 37:**

**HON MUHARUKUA:** Honourable Speaker, I further give Notice that on Thursday, 24 September 2015, I shall ask the Honourable Minister of Urban and Rural Development, Honourable Sophia Shaningwa the following:

Faced with the promises or threatened by courageous youth to

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**NOTICE OF QUESTIONS  
HON MUHARUKUA**

affirmatively occupy and possess residential plots across the country on the 31<sup>st</sup> of July 2015: On Friday, the 24<sup>th</sup> of July 2015, the Cabinet announced its intention to commence a pilot project in terms whereof it shall service and deliver Two hundred Thousand (200,000) residential plots of land, hereinafter the service plots, to the Namibian people. It is common cause that since the announcements of the pilot project, work in various identified Municipal Councils has commenced.

Thus:

1. Does the Government have a detailed Report, detailing the effect that the pilot project will have on the high land prices and the wider economy?

If there is such a Report, when should this august House expect to be appraised with the content of such Report given that work is already underway?

2. Given the urgency of residential land delivery, does the Government have a timeframe within which it expects to deliver the aforementioned 200,000 serviced plots to the people?

If so, what is the time frame?

3. Does the Government have any activity timeline of this pilot project and, if so, when should the Nation expect to be appraised with such timeline?
4. What is the estimated or exact cost at which the Government is expecting to deliver the serviced plots to the people?
5. How much of the cost is going to be in the form of voluntary services by various stakeholders who already committed and/or promised their services, if any?
6. How much of the public funds does the Government expect to spend

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**NOTICE OF QUESTIONS  
HON !AUXAB**

on the pilot project?

7. How much of the public funds have been invested in the pilot project thus far?
8. Are there contracts and/or formal agreements entered into with the said volunteers, pertaining to services to be rendered and work to be done?
9. Given that the pilot project was not part of the 2015 Budget Bill that was tabled in this august House for Debate and approval, where did the Government obtain authority to spend the money it has already spent on the pilot project thus far, if any?
10. Has any public funds been diverted from any other projects budgeted for under the Budget Bill to cater for the pilot project?

If so, how much and from which project(s) has such money been viremented?

I so Move, Honourable Speaker.

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**HON SPEAKER:** Will you please table the questions? Thank you. Next on the list is Honourable !Auxab please.

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**QUESTION 38:**

**HON !AUXAB:** Thank you, Honourable Speaker. I hereby give Notice that on Thursday, the 24<sup>th</sup> of September 2015, I shall ask the Honourable Minister of Health and Social Services, Honourable Dr Haufiku the following questions:

In views of the fact that no individuals should be left out from the

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**NOTICE OF QUESTIONS  
HON !AUXAB**

Namibian House, I am convinced that there is still a tight social environment for persons living with disabilities to live as equals among the citizens and to participate in development.

1. How many visually impaired and partially sighted persons are part of Namibian population?
2. How many centres have been established throughout the country; that are registered under the Government to help ease the barriers faced by people with disabilities, if any, how does the Government subsidise them?
3. How is the Namibian *National Disability Council Act, 2004* (Act 26 of 2004) applicable so far in our Constitutional Democracy, and how is it affecting the lives of the people living with disabilities?

I so Move, Honourable Speaker.

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**QUESTION 39:**

**HON !AUXAB:** Honourable Speaker, at the same day (*interjection*)

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**HON MEMBER:** On!

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**HON !AUXAB:** On the same day (*interjection*)

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**HON MEMBER:** Speak up please.

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**NOTICE OF QUESTIONS  
HON MBAI**

**HON !AUXAB:** I shall ask the Minister of Presidential Affairs Honourable, Frans Kapofi the following questions:

I am so amused by the involvement of the Head of State in the promotion of inclusive technologies for creating a society for all, under which he underlined collaboration as an important factor that would ensure that an inclusive society is being achieved. Special provision has been made by the Head of State for people with disabilities in our society.

1. Can the Honourable Minister inform the House as to how far the transfer of all the disability related affairs and Social Rehabilitation Programmes to the Office of the Vice-President has been made to date?
2. How is the involvement of the Office of the Vice-President, especially the Deputy Minister in the Presidency, Honourable Alexia Manombe-Ncube who has been tasked with super intending the affairs of those living with disabilities with the Ministry of Health?
3. When will the National Disability Council transfer to the Office of the Vice-President to get the necessary attention it deserves?
4. How effective is the community-based rehabilitation of people living with disabilities so far?

That is all, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. Please table the questions. Next on my list is Honourable Mbai.

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**QUESTION 40:**

**HON MBAI:** Thank you very much, Honourable Speaker. I give Notice

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**FIRST READING – PUBLIC  
PROCUREMENT BILL  
HON SCHLETTWEIN**

that on Thursday, the 24<sup>th</sup> of September 2015, I shall ask the Honourable Minister of Agriculture, Water and Forestry the following questions:

Honourable Minister, livestock identification and registration activities form the backbone on animal disease surveillance. Now against the background of lucrative markets for our Meat Industry that has been explored recently, I would like to ask the following:

1. In terms of livestock identification and traceability systems, do we have one system in place that covers the north and south of the Veterinary Cordon Fence?
2. Do we meet the required compliance for us to be able to participate in the international trade?

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. I think there is a bit of confusion there. It looks as if you are hesitating to take your seat.

The Notice of a Motion is the one of the Honourable Minister of Finance. Does the Honourable Minister Move that the Bill be now introduced?

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**HON MINISTER OF FINANCE:** I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you. Who seconds? Any objection? Agreed to. Will the Honourable Minister please table the Bill? Thank you.

The Secretary will now read the Bill a First Time.

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**FIRST READING – PUBLIC  
PROCUREMENT BILL  
HON SCHLETTWEIN**

**SECRETARY:** *Public Procurement Bill* [B.8 – 2015].

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**FIRST READING – PUBLIC  
PROCUREMENT BILL [B.8 – 2015]**

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**HON SPEAKER:** Does the Honourable Minister Move that the Bill be read a Second Time?

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**HON MINISTER OF FINANCE:** I so Move, Honourable Speaker.

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**HON SPEAKER:** Who seconds? Any objection? Agreed to. Honourable Minister, you have the Floor.

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**SECOND READING – PUBLIC  
PROCUREMENT BILL [B.8 – 2015]**

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**HON MINISTER OF FINANCE:** Thank you, Honourable Speaker for giving me the Floor.

Today, as I table the reviewed version of the *Public Procurement Bill* after undertaking wider consultation with stakeholders, we have attended to many questions on the Government objective to align the procurement legal framework with its vision for a transparent, efficient and effective

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**SECOND READING – PUBLIC  
PROCUREMENT BILL  
HON SCHLETTWEIN**

Public Procurement System that achieves value for money and positively impacts on the economy and achieves the social and developmental goals of our country.

Honourable Speaker, in my intervention I will, therefore, focus on the key features of the Bill and on the changes that were brought about after the Bill was previously tabled before this august House.

Honourable Members, procurement is essential in the implementation of Government's Programmes and the day-to-day delivery of public services. An inefficient Public Procurement Systems undoubtedly results in delays and higher costs, and poses higher risks for fraud and corruption, besides depriving the citizens the opportunity to enjoy the benefits of the expected promised services. Moreover, it affects the credibility of the Government and undermines good governance. Therefore, in order to ensure that the Public Procurement System is transparent and efficient, the Law must establish appropriate management structures, must offer legal certainty and the entire procurement process and has the necessary mechanisms to resolve complaints and disputes, as well as to prevent abuse and corruption during the acquisition process.

So far, Government's procurement is subject to the *Tender Board of Namibia Act* of 1996. While this Law has enabled Government to acquire its requirements in terms of goods, works and services, it has to be conceded that its Provisions have become insufficient by now to allow the Government to derive full benefits of a sound procurement system.

There are six deficiencies that have been motivated the Government to initiate a new legislation.

1. It is applicable only to Offices, Ministries and Agencies while the State-Owned Enterprises and other public entities use their own Procurement Regulations and Rules.
2. The large size of the Tender Board, which is constituted by

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**SECOND READING – PUBLIC  
PROCUREMENT BILL  
HON SCHLETTWEIN**

representatives from Offices, Ministries and Agencies together with the low threshold above which all procurement have to be channelled to the Tender Board, negatively affected the level of efficiency.

3. The management structure is incomplete as there is no advisory and oversight body and there is no mechanism to resolve complaints, which leaves aggrieved bidders no alternative than to resort to the Court with the risks of long delays and high costs.
4. The procurement methods are limited to open advertised bidding and exemptions, which again compromises efficiency.
5. There is no provision for preferential procurement policy to empower local suppliers and offer growth incentives to the small and medium enterprises (SMEs) and categories of previously disadvantaged persons.
6. There are not enough provisions to ensure the integrity of the procurement process to avoid conflicts of interest situations, fraud and corruption.

Honourable Speaker, the Bill, therefore, seeks to address all the above weaknesses. It is based on the United Nations Commission on International Trade Law (UNCITRAL) Model Law on Public Procurement, which is used as a reference worldwide, particularly by developing countries as it allows Governments to ensure that their procurement processes meet international best practices.

It has been crafted in such a manner that it meets the specific needs of Namibia in respect of its developmental and social agenda.

The Bill, unlike the *Tender Board of Namibia Act*, will be applicable to all public entities, with a view to harmonise procurement procedures in all Government entities and also to better leverage the strategic importance of

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public procurement to achieve our socioeconomic objectives.

**The Key Features of the *Public Procurement Bill***

The Bill contains the essential Provisions to ensure that the objectives of transparency, value for money, accountability, fair competition and equal treatment of all bidders are achieved. It further provides for the establishment of an appropriate management structure and sets out the Provisions for the proper conduct during the procurement process.

Under the Law, the institutional structure will consist of the following three bodies:

1. The Procurement Policy Unit;
2. The Central Procurement Board; and
3. The *Ad Hoc* Review Panel.

The **Procurement Policy Unit** will serve as the technical arm of the Minister. Its main responsibilities is to issue guidelines, instructions and standard forms, capacity building of officials and bidders, provision of advice on procedures, review of the Law, Regulations and Procedures to adapt to changing circumstances and compliance and performance monitoring.

These critical functions are neither in the current *Tender Board Act* of 1996, nor are they performed by any other institution in Namibia. The establishment of the Policy Unit will, therefore, fill this vacuum.

The **Central Procurement Board** will replace the current Tender Board, but will be quite different in some aspects with the view to achieve a higher level of efficiency. It will be constituted by persons who have the required expertise to efficiently conduct the bidding process and who will be recruited after a call for applications.

In addition to the above, the Chairperson and the Deputy Chairperson will

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serve on a fulltime basis as Administrative Head and Deputy Administrative Head to manage the day-to-day operations of the Central Procurement Board. Unlike at present, bid evaluation will be done at the Central Procurement Board by a Bid Evaluation Committee constituted by persons having the required expertise and appointed on an *ad hoc* basis. This will enable the Central Procurement Board to have full control over the process and avoid delays with the timely completion of evaluation, award and implementation of contracts.

The **Review Panel** will sit as and when required. It will be constituted by experts in the specialized fields. They will be appointed from a preapproved list maintained by the Ministry of Finance after a public call for applications.

At the public entity level, there will be a Procurement Committee that will handle procurements within the prescribed threshold with the technical assistance of the procurement management unit. Different thresholds will be set for different categories of public entities based on volume and complexity of procurements and available capacity.

Another important feature of the Bill is the Preferential Procurement Policy. In all countries, government is the single strongest buyer of goods, works and services in the market. With such a buying power, a government can enforce the protection of workers and the environment, as well as offer empowerment and growth incentives to different categories of bidders.

The Bill, therefore, provides for preferences to local products, previously disadvantaged women and youths, SMEs and Namibian enterprises in general. The Policy Unit will give particular attention to preferences and monitor performance with a view to ensure a positive economic impact of the empowerment measures.

The rest of the Bill provides for the procurement methods and their conditions for use, procurement planning, the bidding procedures as well

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as duties and responsibilities of public entities, officials, bidders and suppliers with a view to avoid conflict of interest, corrupt and fraudulent practices.

Honourable Speaker, having highlighted the key features of the Bill, I now turn to the concerns raised by the Honourable Members when the Bill was first tabled in this august House.

The first issue was about **exclusions**. Concerns were raised about exclusion of the Defence Force, Namibia Central Intelligence Service and Namibia Police from the application of the Bill. Moreover, the application of the Provisions to certain types of procurement was not considered as practical. The total exclusion of such procurements was not considered as appropriate. Thus, the Bill in front of you now, was reviewed to allow Minister to exempt certain procurements from the application of specific Provisions of the Act instead of a total exclusion.

**The Power of the Minister**, was the second concern that was raised. A concern was raised that the establishment of the Procurement Policy Office gives the Minister unfettered powers in the appointment of members of the Policy Office.

The Bill in front of you, was reviewed to convert the Procurement Policy Office into a Procurement Policy Unit within the Ministry of Finance so that its staffing need not be legislated under the Bill, but rather handled in accordance with prevailing Provisions under the *Public Service Act* of 1995.

Moreover, in order to boost up the development agenda of the Government through the use of public procurement as a strategic tool, the Minister can prescribe categories of persons for the purposes of preferences or set aside for participation in procurement and disposal of goods, works and services.

**The Policy Office** – A concern was raised that the Policy Office has very

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broad investigative powers, power to suspend and debar bidders and suppliers, and very high penal Provisions.

Changes were made to give clarity about the advisory and monitoring role of the Office, as the technical advisory arm to the Minister. Hence, the Office will be a unit within the Ministry of Finance. Moreover, the powers of the Policy Office to suspend and debar bidders and suppliers that were provided for in the initial draft have been shifted to the Review Panel. The functions of the Policy Unit were expanded to include:-

- a) Assessing the impact of the empowerment measures to the economy; and
- b) Promoting the fundamental principles of procurement governing the administration of procurement, which include the principle of transparency, integrity, competitive supply, effectiveness, efficiency, fair dealing, responsiveness, informed decision-making, consistency, legality, integration, and accountability.

**The Central Procurement Board** – Previous concerns raised with regard to the Central Procurement Board are the following:-

- a) The Term of Office of the Central Procurement Board members was indefinite; and
- b) The Central Procurement Board was empowered to suspend and debar bidders and suppliers.

In this regard, the following changes were made:

- a) The duration of the contract of the members will be for a maximum of two terms of three (3) years each for the members and for two (2) terms of five (5) years for the Chairperson and Vice-Chairperson.

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- b) The Chairperson will also serve as its Administrative Head supported by a Deputy Chairperson who will also serve as Deputy Head of Administration. They will serve on a fulltime basis and will be supported by appropriate staff.
- c) All the other members will be on part-time basis who will attend meetings of the Board to approve bidding documents prior to the invitation of bids, deliberate on the recommendations of the Bid Evaluation Committee, and adjudicate contracts.
- d) At least three members shall be female.

Concerns were previously raised about the powers of the Accounting Officers to approve the award of procurement contracts within the threshold for the public body and about the detailed requirements to be complied with in setting up the internal structures, namely, the Procurement Committee and the Procurement Management Unit.

However, with the objective to ensure that the accountability of an Accounting Officer is not compromised and the internal structures to be put in place do not give rise to practical problems, the following changes were made:-

1. The Bill compels the Accounting Officers to setup internal structures. The Accounting Officers are accountable for the full compliances with the Act, directives and instructions made under the Act. However, the power and functions of the internal structures, such as the Procurement Committee and the Procurement Management Unit, will be exercised and performed in accordance with procedures and processes prescribed by the Minister.
2. The roles, powers and functions of the Accounting Officer are clearly defined.

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**Challenge, Review and Appeal** – Another concern was about subjecting the entire bidding process to challenge and the possibility of having a flood of challenges and appeals that would bring procurements to a standstill. A further concern was about having a permanent Review Panel regardless of the frequency of challenges.

To accommodate these concerns, the following changes were made:-

- a) The Review Panel will sit on an *ad hoc* basis and will be composed of the relevant experts appointed by the Minister from a list maintained by the Secretariat.
- b) The list of the Panellists will be compiled after a public invitation of expression of interest.
- c) In order to avoid risks of delays, the application for review will only be entertained above a prescribed threshold during the 7 days following notification of intended award and will be solely on ground of non-compliance with the criteria set in the bidding documents, as all issues relating to the bidding process prior to the deadline for submission will be dealt with and resolved during the standstill period.

**Disposal of Assets** – A concern was raised about the absence of disposal Provisions. As a result, a new part was inserted. As disposal of goods is already subject to compliance with the Treasury instructions, the new part empowers the Minister to issue regulations for the methods to be applied for the disposal of state property and granting of Rights.

**Methods of Procurement** – There was a concern about the absence of procedures for small value items, which may impact on the efficiency of the system. Accordingly, provision was made for the small value procurement method.

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**Procurement Contract** – It was observed that the required contents of the procurement contract are too detailed. The Bill now contains only the enabling Provisions so that the required contents of the procurement contract could be prescribed by the Minister.

Lastly, **Source of Funding** – A concern was raised that the operations of the Procurement Policy Office, the Central Procurement Board and the Review Panel should not be dependent on sources of funding other than the money appropriated by Parliament. In the current version of the Bill, funds originating from fees, levies, donations and grants have been done away with in respect of the Policy Unit and the Review Panel.

Honourable Speaker, Honourable Members, I want to assure this august House the proposed Bill is designed to give a new perspective to the way Public Procurement is currently handled. It will serve as a powerful tool to realise the Government's vision of a transparent, sufficient and effective Public Procurement System. It will have the appropriate management structure, which will also help to accelerate professionalization of the procurement function with capacity building strategies.

The Bill gives Government wider control and the ability to better assess the impact of Public Procurement on the economy. Moreover, it will improve governance and enhance the image of Namibia as a preferred and preferential trading partner and ultimately, as a credible investment destination. Ultimately, the Bill will reform Public Procurement from a process to a critical tool to assist Government in the attainment of its strategic goals.

Although it has taken a bit of time to institutionalise and develop procurement reforms, we have learnt valuable lessons from our own experience and from that of other countries, to come up with this piece of legislation that is more appropriate for Namibia than the legislation that is currently in place.

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Honourable Speaker, Honourable Members, it is against this background that I Move that the *Public Procurement Bill* be read for a Second Time, and I thank you.

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**HON SPEAKER:** Thank you. Yes, any further discussions? I see Honourable Maamberua. You have the Floor.

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**HON MAAMBERUA:** Thank you, Honourable Speaker. It has been a long time, and I would also like to take the opportunity to thank the Minister of Finance for the re-tabling of this very important piece of legislation. Save to say that the changes, of course, as the Minister alluded to, are also extensive and, therefore, it will be important that we be given enough time to go through all those different changes and make our comments.

On that basis, I would want to beg for the indulgence of the House so that we can postpone the discussions on this Bill until next week Tuesday, to allow us enough time to peruse the Bill. Thank you.

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**HON SPEAKER:** Thank you. I still have some few names. Honourable Kawana please.

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**HON MINISTER OF JUSTICE:** Thank you very much, Honourable Speaker.

I rise to support the introduction of this very important Bill, which is in line with the SWAPO Party Election Manifesto. I am very happy that at

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long last, the Namibian citizens will be entitled to own and benefit from not less than 51% of this country's natural resources – I want to really congratulate the Honourable Minister for that.

More so, when the Bill says not less than 30% of the benefits should go to the previously disadvantaged Namibians, it makes me one of the very happy citizens of this country today. Our struggle was about the economic emancipation of our people, at long last, by legislation, this Law would compel the bidders to comply with these requirements.

The other aspect that I am really so much satisfied with is the application of this Law to Local Authorities, Regional Councils and Parastatal bodies, because in most cases in the past, there was insufficient control of some of these entities and, therefore, we hope that the resources of this country will be used optimally.

I also hope that the benefits of our resources will trickle down to the common person on the street, because what has currently been happening in most cases is that, tender after tender has been awarded to Mr John, *(interjection)*

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**  
Which John are you referring to? *(Laughter)*

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**HON MINISTER OF JUSTICE:** Or Honourable Shixwameni. These resources belong to the Nation, they do not belong to individuals.

I am, therefore, very happy Comrade Minister. This Bill at least ensures that the benefits trickle down to all those who deserve it. Our President has declared war on poverty and this is one of the weapons. In fact, as far as I am concerned, it is the most important weapon against poverty. My

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Senior Honourable Minister is not here, but the Honourable Deputy Minister is here – we have to make sure that we supervise and control to ensure that these benefits reach those Namibian citizens for whom they are intended.

Comrade Minister, having said that, I am for Affirmative Action as per the Provisions of the Namibian Constitution, but what has been happening in the past is that, some of these people would receive tenders under Affirmative Action and do very shoddy jobs. This Nation is entitled to get high quality services and we should never compromise on that simply because we want to apply Affirmative Action. It is really scandalous that some of the projects, particularly in the Region are so substandard. At the end of the day, it is our own people who are suffering. We should thus make sure that we never compromise on quality, notwithstanding the Affirmative Action requirement.

Comrade Minister, lastly, before other Colleagues come in, I am very happy to see that women and the youth who are hard hit in terms of economic emancipation are also going to benefit from this Law.

With these few remarks, Honourable Speaker, I wholeheartedly support this Bill. I thank you.

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**HON SPEAKER:** Thank you very much. I noticed with great interest the depth at which the Minister went in recalling the questions that were raised and his responses. That will make our job much easier, but it is, of course, up to the House to continue interrogating the Bill.

With that, I call upon Honourable Simataa.

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**HON DEPUTY MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY:** Honourable Speaker, thank you very much for giving me the Floor.

Let me start by thanking the Honourable Minister of Finance for having re-tabled this Bill. It is indeed true that the Bill was before this House and quite a number of issues were raised, and the Honourable Minister has clarified quite a number of those issues in his motivating intervention.

That notwithstanding, allow me to say that this is a Bill that holds great promise in terms of realising many of the policies that this Government has embraced – from the most recent policy such as the Industrialisation Policy to policies pertaining to economic empowerment, to the “*My Namibia, My Country, My Pride*” campaign that our Ministry of Information and Communication Technology is running.

If we succeed in implementing the Provisions of this Bill to the letter, there is indeed no doubt that Government will succeed in many of those key areas that I have mentioned, including others that I have not mentioned.

However, I will be the first one to confess that this Bill, although it is progressive in nature, will not give the desired results if its management and implementation will continue to adopt the same culture as the one that currently prevails at the moment. Once the Law comes into effect, there is a need for a total clean breath from the current business as usual way of doing things.

There are three issues that I want to comment on and one is the appointment of individuals to serve on the Central Procurement Board based on their expertise and experience. I believe this is a very welcome development, a development that will instil the much-needed confidence in the operations of the entities. In my view, a development that will obviate perpetual challenges of decisions made based on perceived collusion or inside trading of information.

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What I hope as an individual – and I hope it is the hope of the Namibian Nation, is that Namibian men and women of stature who will have the privilege to serve on this Board will make public their interest in order to curb perennial vested interest claims.

My second comment is on the review panel. Indeed, there is no doubt Honourable Speaker, that the establishment of the review panel is also a very positive development. One only hopes, and I have seen in the revised Bill that the operations of the review panel promises to be more robust and timelier in order to ensure that the outcomes of the reviews that are made will be conveyed to the aggrieved bidders so that the procurement process can continue without delays. This, in my view – and without taking away the Rights that individuals and companies have to seek recourse in the Courts of Justice – will obviate the lengthy process of approaching the Courts, because as we are all aware that, Court processes, given their nature and character, are lengthy and whilst they should take place, they have the unintended disadvantage of delaying the commencement of major Projects.

One can only single out the delay that we experience with the commencement of the Neckartal Dam, it was a *to and fro* experience, therefore, the Provision in terms of the Review Panel will expedite the appeals so that the process can continue.

The third aspect that I wanted to comment on is the introduction of the eProcurement process, which I believe is a step in the right direction and keeps our country in tune with emerging trends in terms of offering services by taking advantage of ICT. I believe this particular initiative should be viewed as part of our Government's agenda to migrate to eGovernment Services. eProcurement, in my view, will not only visualise the process of submitting bids, but will infuse the much needed efficiency and administrative brevity in the entire procurement process.

In the same vein, and this is a point that has been made by Honourable Kawana, one hopes that we will take full advantage of ICT to develop a

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comprehensive database of construction companies or suppliers of goods and services, and trust that the Board will draw on such information when deciding on who should get the job. This will ensure that there is equity and I am emphasising that word ‘**equity**,’ in the allocation of procurement services and that the opportunity to share in the national cake does not become the exclusive domain of Honourable Simataa or Honourable Shixwameni – I know the two of us are very poor, we do not even have our own companies – but it is important that we share so that we can populate the participation as opposed to confining it. As it is now, you go left, you get the same Simataa, you go sideways you, get the same Simataa, you move this side you, get the same Simataa. Well, Namibia cannot be Simataa’s domain, it must be every Namibian’s domain. Therefore, equity is very important.

Again, Honourable Speaker, experience has dictated that procurement overloads have many a time suffocated many emerging companies because they have a tendency to take on board more than the capacity they can to deliver. However, who are on the receiving end? Those who are on the receiving end are the ordinary Namibians because they are either denied the services that they need to be provided with or the services are delivered very late and sometimes the quality is poor, extremely poor. The uncompleted – I am not very sure whether it is a hospital or a clinic in Okahao – is a classical example. Imagine a clinic for that matter, and for ten years, ordinary Namibians are waiting for this service.

At Koës, is it Koës?

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**HON MEMBER:** Koës, yes.

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**HON DEPUTY MINISTER OF INFORMATION AND  
COMMUNICATION TECHNOLOGY:** At Koës, the bucket toilet

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system is still in operation. Money has been provided, but the services are not realised. As a Government, honestly, we should not negotiate on delivery of services on time and to the right standard. Our intention to empower previously disadvantaged Namibians should not blind us to taking decisive action to hold these people accountable because at the end of the day, ordinary Namibians will not forgive us for failing to deliver. They have no business with the company, but have all the business to do with us as Leaders.

Honourable Speaker, those are the few issues that I wanted to emphasise and I think I have seen the monitoring mechanisms that have been provided for in the Bill. Therefore, once the Bill becomes Law, I pray that those mechanisms will be ruthlessly applied and followed so that if there is any defaulting individual or company, we need to pounce on that company. If we have to blacklist that company, and if there is a terminology that says *eternally*, so be it, because all that will be in the name of ensuring the delivery of effective, timely and quality services. On that note Honourable Speaker, I rest my small case.

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**HON SPEAKER:** Thank you very much, Honourable Simataa. I think you actually issued a warning so that the Honourable Members of this House are alert and are going to be extremely vigilant in making sure that this Law is implemented in the most effective manner. Well said Sir.

I call upon Honourable Shanghala please. Attorney-General?

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**HON ATTORNEY-GENERAL:** Thank you, Mr Speaker. I heard a different name, but I gathered you are referring to Shanghala. These names are not easy – Shanghala.

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**HON SPEAKER:** I am sorry. Did I get it wrong, huh?

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**HON ATTORNEY-GENERAL:** Yes, you were referring to another person there, but when I realised that there is nobody with a name closer to that, I figured you are referring to Shanghala (*laughter*)

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**HON SPEAKER:** Oh, I thought I was calling for Honourable Sacky Shanghala (*laughter*)

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**HON ATTORNEY-GENERAL:** Shanghala.

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**HON SPEAKER:** Shanghala, okay.

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**HON ATTORNEY-GENERAL:** It is as if you are going to Shanghai, but you are just around the corner.

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**HON SPEAKER:** I am going to perfect my pronunciation from here on, thank you.

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**HON ATTORNEY-GENERAL:** Honourable Speaker, I would like to join those who have spoken in support of, and in congratulating the Minister for the tabling of the Bill, which is long overdue.

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Mr Speaker, I only rise to say a couple of things. Firstly, I want to say that no Law is perfect, but at least this is the beginning, we all know the history of the Bill, it has come here before and I am sure there are Colleagues in this House – it is perhaps better to say Honourable Members – who would have more to say. However, as I said, no Law is perfect, it will never be perfect and it is hopefully with that view in mind that we will consider it when the appropriate time comes to consider it Clause for Clause.

Mr Speaker, I also wish to say – and I wish to underscore what has been said by the two previous speakers that, Laws cannot change the attitudes of people *per se*, they can only give us a framework within which to work. If you find that somebody is greedy, there can be as many Laws in the world, but they will remain greedy, and how do you even determine when somebody is greedy? It is not something that is only to upcoming business people, but something that is also afflicts established businesses – formerly advantaged, formerly disadvantaged, currently advantaged, currently disadvantaged. If you are greedy, you are greedy. You see greedy people who would submit tenders with the price cut so low to enable them get the contract, however, when it comes to delivery, they are unable to deliver.

I had only read the things that Honourable Simataa is referring to in the newspaper until I received a call from people who wanted to see me urgently. They came into my office and they said – *you see, we have a problem, we have abandoned the site, we cannot perform and they want to penalise us, help us and I am - how can I help you now? I thank you for your honesty, because you are honest people. You are honestly saying you are incompetent, yet you got the contract, how did you get it? No, we came in so low.*

I had only been hearing about these things until I saw it, so it is greed that maybe makes people do these things, because if you read it Honourable Members – and eventually it will go out in the public as a Law or a Bill passed by this House – if you read it, you will not find the Clause that

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provides for the '*get rich quick scheme*' hence, let us not try to find it in there, it is not there.

No sweat no sweet, learn to crawl before you can walk. You will find that I wake up today and want to be a businessman in this line, then I go and submit a tender for the whole country or for the whole Region, why can I not perhaps start sub-tendering and then grow out of that? Our people find '*get rich quick schemes*,' it is the Land of the Brave, but our bravery sometimes is our undoing. We should learn to crawl before we can walk.

Mr Speaker, the one issue that Honourable Simataa made mention of, that is the (*interjection*) I said Mr, I said Sir.

The gentleman, my Colleague Honourable Simataa has hit the nail on the head. While we have slow delivery it is sometimes due to our serial *litigacy* behaviour – people who have become serial litigants are people who will litigate *ad nauseam*, they will litigate even when they know that litigating will not make their sun shine and it clogs up the register and the roll of the Court, because with some of these matters, you know it is not in the national interests to delay them for five years on litigation, but you will do so because has Rights.

Years ago, when I was in the Attorney-General's Office as an official there was a matter of a Tender that closed at a given time and the Tender Regulations require that you should at least file your documents fifteen minutes before it closes. A person arrives according to their watch ten minutes before the time, but the Tender Board watch says it is time for opening documents. They went to Court to complain that they were excluded. If it was such a very important issue I would probably have come an hour before to submit my documents, but now the delivery – in that case, it was medicine – had to be delayed because they went to Court and ask that that contract must not be awarded. Who suffers? It is the common people.

I hope these review processes will solve that problem so that you can

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go, see and test the merits of your case before the Review Panel and know that perhaps here you are just tardy and you were late, here you are wrong, but not to drag the whole country into litigation, because it costs money. The only people who make money are the Lawyers.

Two weeks ago, there were Judgments of people who have been claiming all sorts of things under the current Tender Regime. I understand that we have Rights and we have access to the Courts, but I plead that we follow this procedure, and we can hopefully ensure that the Public Service delivers timely and quality services. Yes, there can be technicalities, I am not saying that we should condone technicalities, what I am trying to say is that, let us also allow the system to operate for what it was made and not just want to be greedy – and they take their greed to Court. Some of the Judgments that are coming now – I do not read in the newspapers that they have been overturned or what they were claiming is wrong, you will only hear about them when Government loses. If you consider the Judgements of the past couple of weeks, you will hear that – *here the State was right*, and *there the State was right*, Judgment after Judgment, and if we had an internal review process in place, it would have allowed for that to be sorted out.

Mr Speaker, I know that many comments will be made during the Debate itself, I just thought that I should highlight those points and bring that to the attention of the House. I thank you for the opportunity.

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**HON SPEAKER:** Thank you very much. Honourable Chief Ankama please.

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**HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES:** Honourable Speaker, of course, my voice is stolen by somebody. I cannot tell who, however, somebody stole my voice, but

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notwithstanding that (*interjection*)

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**HON MEMBER:** You can borrow mine.

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**HON DEPUTY MINISTER OF FISHERIES AND MARINE  
RESOURCES:** No, come on. This document – the *Public Procurement Bill*, has been extensively debated before and I am quite happy to reconnect with the current review. One would say it is one of the reviewed additions that we have at the moment.

What one could say on this one is that, with a document like this having been reviewed perfectly, it would have been better if we knew who the people who will implement this Bill are. (*Intervention*)

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**HON SPEAKER:** Could I gently interrupt the Honourable Member? Could you bring the microphone a bit closer to you? Yes, thank you.

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**HON DEPUTY MINISTER OF FISHERIES AND MARINE  
RESOURCES:** Can you hear me clearer now?

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**HON SPEAKER:** Yes.

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**HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES:** Thank you. All that I am saying is, if we knew who the implementers will be, it would have been much better because then you know that the implementers of this would sail the process through correctly. Others would probably not, because we sometimes have such very well crafted documents, but when it comes to implementation, that is where you have a serious problem with some people who try to fiddle around with it and make it bad whilst it is a good document.

What we would want to see happening is value for money when it comes to procurement, it has been said time and again. Value for money – when you sign a contract, you are expected to deliver to the best of your ability and if you do not deliver to the best of your ability, what should happen? You should be folded up. I am saying it once more that I remember sometimes where a contract has virtually been completed – you would see that a contractor has completed a building that is nonexistent, however, money was paid and then the same contractor was given another contract somewhere else. It has happened, that is that is the reason why I am saying if we knew who these implementers will be, it would probably have been better to say – *yes, this one could go, this one should remain.*

The actual problem with our *Procurement Bill*, I anticipate would perhaps be, is if we do not review our Budget in terms of it actually being a rolling Budget. I Personally do not see our Budget rolling as such. When a project is about to be started, it is towards the end of the Financial Year then it stops somewhere in November, December, January and February and then it resumes sometime July/August again. I think we need to review our approach to the Budget, perhaps so that it becomes much more aligned to what we are doing at the moment.

Something that I would also like to add in relation to the *Procurement Bill* is skills training. We want Namibians, including previously disadvantaged Namibians to take part in procurement or in these tendering processes – when you have people who are competing at unequal footing, it is really difficult to empower them. As such, vocational training

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needs to be revisited and reviewed in such a way that it provides ample opportunities for those with potential. There are people who have the skills somehow – they do not know how to read and write, but maybe they need to be perfected, because they have been exposed to practical activities during their hands on experiences. Maybe we need to create modules tailored to their trade so that they start small and they build upon their skills as time goes on and then they will be able to take bigger contracts.

The other thing that one would want to touch on is the Bureau of Standards. Much of what has been used on materials procured is now certified by the South African Bureau of Standards. Namibia, I understandably – I remember when I was with the Ministry of Works and Transport, there was a unit that is working towards creating the Namibia Bureau of Standards. There was one section at the Polytechnic of Namibia, the other section was with the Ministry. Currently, I would not tell you where it is and how it is working. Maybe somebody will be able to explain more, but then the most important thing is that we need to have our own Bureau of Standards so that locally produce materials could be assessed and could be certified.

Then comes the issue of noncompliance – you see, there are the people who, no matter how you tell them – *this is what you should do*, perhaps the problem lies more with our Quantity Surveyor, and maybe they do not know how to read. You are given a structure, a design; you go and look at what the actual structure is on – I can give an example right away, we have an office being constructed in Rundu and the design is there, but go there and see what is happening. I went there for the first time and I said – *I am from the Ministry of Works and what I see here is completely out of tune, it is not going to work*. It was not taken seriously. A year later, the first contractor took some money and went – it has been standing there for some time now, it is time wasted, it is money wasted and resources have been wasted. It is still there and needs more money to be completed. It is our money – it is your money and it is my money.

I think what we need to do in this case, whether it is one Ministry with

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another Ministry – I know Ministry of Works is responsible, but the Ministry that is the custodian of a project should be involved too – they should sit down and look at the design. With the Quantity Surveyors, I do not know what the Quantity Surveyors are really doing, if they are going to be part of this *Procurement Bill* and its execution, they should be taken to task so that they do their work properly.

Well, we are given a chance to give this *Procurement Bill* an opportunity to be tested. I believe those who are responsible for the review and evaluating it as it goes on, will be in a position to account for what people want and the actual, the practical application of the Bill. I rest my case. Thank you.

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**HON SPEAKER:** Thank you. I call upon Honourable Kapofi please.

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**HON MINISTER OF PRESIDENTIAL AFFAIRS:** Thank you very much Comrade Speaker, I do not have a lot to say, but just want to say – Honourable Minister of Finance, well done, for bringing the Bill back. The Bill has gone through trials, but it is good that it is back here.

Honourable Shanghala said that no Law can change someone's attitude and I agree with him.

Now, my point is – I have heard my other Colleague here saying – *Namibia cannot be about Simataa, if you look right, it is Simataa, you look left it is Simataa, you look back it is Simataa*, but I think we also need to appreciate these Simataas, because these are the people who are working. It is not fair to castigate people who are not sleeping. These are people who come and do their work, they do not come to Kapofi and say – *Kapofi you should not bid*, they are taking their time and they are working

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hard, they do not sleep. So what is wrong with the person who is working? (*Intervention*) And so what? No, that is not what I am saying – you are talking about the people that you see (*intervention*) No, these are allegations, but let us face it. If there are people who are genuinely bidding, who are hardworking and getting this, why should we assume these people are bad?

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**HON MEMBERS:** What is it is your wife?

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**HON MINISTER OF PRESIDENTIAL AFFAIRS:** So what, if it is my wife or your husband?

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**HON MEMBER:** It is corruption.

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**HON MINISTER FOR PRESIDENTIAL AFFAIRS:** What is wrong with your husband getting it?

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**HON MEMBER:** Corruption!

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**HON MINISTER FOR PRESENTIAL AFFAIRS:** No, what corruption? No, let us not mix things. Let us just be fair. Those that are obvious are obvious. The obvious is obvious, but there are honest people who are working hard and they are competing while some of us are

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HON NUJOMA**

sleeping – when tender submissions are opened at the Tender Board and Simataa has produced his bid, it is read there openly. Should Simataa now say because I am building a school at Onaame, I should not bid for the school at another place – at Karikuvisa, for example? (*Interjections*) No, that is something else. If we are talking about wrong doing somewhere, it is something else, but if we are just generally talking about people who are genuine – because there are people who are sincere – it is not necessarily true that everybody who gets these contracts or tenders are corrupt people. We cannot testify 100% that that is the case. It is not fair, therefore, as we ponder around this Bill, I would like us to have it in mind that there are also people who are sincere and genuine, people who are spending their time and money doing what is required of them to do. I thank you.

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**HON SPEAKER:** Thank you very much for fighting your corner so well (*laughter*) Honourable Utoni Nujoma.

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**HON MINISTER OF LAND REFORM:** Thank you, Comrade Speaker. I rise to support the tabling of this very important *Public Procurement Bill*. I wholeheartedly support it and I would like to thank the Minister for responding to all the queries.

As we all know, this Bill went through trials and tribulations, there were almost an uproar in this House and I am happy that most of the issues have been addressed.

The little concern I have is that this Bill, according to the Minister, it is almost according to international standards and the best practices will be deployed, which is a good thing. We must aim at benchmarking ourselves to the best in the world. However, I am a little bit worried about the Policy and the Central Procurement Unit, whether these units will really do us a favour, particularly the youth and the women. Will it really be

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able to address that issue, if we benchmark ourselves to the best international practices? I think in the reverse, we will just affirm those who were previously affirmed, if we do not look deeper into these issues because we want to affirm our people to participate – job creation and so on, but if we set those standards there, only those who can afford Lawyers will be able to submit bids that meet the required minimum standards.

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**HON MINISTER OF JUSTICE:** Lawyers and Quantity Surveyors?

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**HON MINISTER OF LAND REFORM:** Yes, Lawyers and Quantity Surveyors and so on – we need to have a relook at that and see how we can really affirm our people because if you normally set those high standards, you will have the Director who looks at the submissions and say – *what is this?* He will say it does not meet the minimum requirements and in that way, we will perhaps not empower those we have intended to empower.

It will also help us in the long run, we have heard of people who have tendered for a toilet. A toilet somewhere in the Omusati Region was tendered for N\$750,000, which is almost the cost of a four bed-roomed house.

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**HON MINISTER OF JUSTICE:** And that is the work of the hardworking people. (*Laughter*)

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**HON MINISTER OF LAND REFORM:** Can you imagine? The hospital at Okahao is up to this day abandoned (*interjection*)

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HON MUSHELENGA**

**HON MEMBER:** For ten years!

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**HON MINISTER OF LAND REFORM:** Ten years, afterwards. The person is paid, he is driving a Range Rover – these newly Affirmative Action *tenderpreneurs*.

We have to make sure that this entity is pro-poor, it looks at how to empower the people who were previously disadvantaged – this is what it says here – to empower those who were affected by the previous Apartheid policies and so on through Affirmative Action. We, therefore, need to guard against all these things so that the benchmarks we are setting will not be detrimental to the empowerment of our people.

Honourable Calle Schlettwein I support you, but those are the things we need to have a critical look at. Thank you, Honourable Speaker.

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**HON SPEAKER:** Thank you. Honourable Mushelenga please.

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**HON DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION:** Honourable Speaker, Honourable Members, I stand to also have reason to support the *Public Procurement Bill*.

As it was debated by Honourable Nujoma, the practices here are good practices in terms of good governance and ethics. It is particularly interesting to note that we now have a Central Procurement Board so that we do not have variations in terms of different systems and sub-systems of the State.

Secondly, the Provisions in some of the Sections here are quite good – for

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promoting and the empowerment of our people, especially looking at the fact that in awarding tenders according to Section 71, preference will be given to entities that are made up of Namibian nationals holding the majority shares – because so often, foreign investors come, use Namibians' names and give them meagre returns from these tenders. However, I am glad to see the stipulations, whether in terms of the companies or whether in terms of the joint ventures, that the majority beneficiaries should be Namibians. This is what we have been talking about – with tenders, especially in the Construction Industry, 70% benefitting are non-Namibians companies.

I am also glad that, in order to adhere to issues of ethics in tendering, those that are going to supply false information would be debarred from participating in public procurement for a period not exceeding five years. This is very important because it is not just enough to say – *okay you provided false information, we are not going to award you with a tender*, but this thing of barring is very important so that people learn lessons, because no one can afford to be excluded from this process for a number of years. Otherwise, how are you going to survive? It will teach our people lessons so that they adhere to ethical values when they are bidding.

The issue of disclosure – it is stated here that a member of the Board Review Panel, the Procurement Committee having a direct interest in the process must immediately inform the Minister. When is *immediately*, immediate? I think these things should be made clear – is it when it comes to adjudicating, is it when it before advertisement or what? This should be made clear, because we must know when immediately is immediate, depending on the level of people, perhaps some people are just working in the Board, they are clerks, they do not take information, but those that are setting up a tender to say – *this is what we are going to require, these are the specifications*, they must immediately, before these specifications are made, disclose their interests.

I also applaud Section 77 that talks about undue influence, people who like going to other people's houses after hours, uninvited, in order to make

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HON UUTONI**

some unethical offers. I am glad that there is a Provision for possible imprisonment so that we can really combat this thing that we call corruption.

With these few words, Honourable Speaker, I register my support for the Bill. Thank you.

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**HON SPEAKER:** Thank you. I call upon, Honourable Erastus Uutoni.

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:** Thank you very much, Comrade Speaker. My contribution to the *Public Procurement Bill* is also going to be very brief and it will touch on the staff of the Board.

For the staff of the Board, it is indicated that this Act is the one that has to determine the terms and conditions with the consent of the Minister. Now, you asked yourself, we have a *Public Service Act* that determines the terms and conditions of Government employees, but these terms and conditions are determined by the Board and the Minister under this Act. Is this Act not maybe in contradiction with the *Public Service Act*? I maybe wrong, but this is how I see it.

Again, if you go to Page 42 of this Act – it is about the conduct of staff members of Public Entities. For a member who is found to be corrupt and is involved in fraudulent activities – there is a paragraph that says this person, if found to be corrupt, commits an offence and is liable to a fine not exceeding N\$1,000,000. My question is, can this person, before he/she is fined be referred to the Anti-Corruption Commission, because the Anti-Corruption Commission is a body that deals with all those people involved in corruption practices. However, this one is just straightforward

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HON SHIXWAMENI**

– there is no investigation process through the Anti-Corruption Commission.

Honourable Speaker, these are my two concerns. Thank you.

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**HON SPEAKER:** Thank you very much. I am sure the Honourable Minister will respond to those specific questions when the time comes.

For now, I have exhausted my list of speakers and I just want to clarify that, so many Members have taken the Floor despite the requests from Honourable Maamberua and I wonder whether we should not just continue tomorrow for those who wish to take the Floor or do you want us to postpone this item to next week Tuesday?

May we continue tomorrow without necessarily exhausting the topic? Yes, Honourable Shixwameni.

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**HON SHIXWAMENI:** We have not had the opportunity to look at the Bill. The Executive have the benefit that they have had the Bill with them, which is why they are able to talk.

Those of us who have just seen the Bill now need to be given time to go through it so that we can continue to participate in the Debate instead of sitting here and looking like fools. Thank you.

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**HON SPEAKER:** No, we are not preventing anybody or any Honourable Member from taking the Floor, we are not necessarily going to finalise this Bill.

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**NOTICE OF MOTION  
RT HON KUUGONGELWA-AMADHILA**

We will continue with the discussions next week Tuesday. However, I am simply saying, if there are Members who would like to continue deliberating on this tomorrow, may we be permitted to do so?

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**HON MEMBERS:** Yes!

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**HON SPEAKER:** Is there any objection to that?

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**HON MEMBERS:** No!

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**HON SPEAKER:** Thank you very much. With that understanding, we will adjourn this topic until tomorrow and we will continue thereafter.

I omitted to call upon the Right Honourable Prime Minister earlier, and I want to revert back to her. May I now call upon you to take the Floor?

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**NOTICE OF MOTION**

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**RT HON PRIME MINISTER:** Thank you, Honourable Speaker. I would like to give a Notice that tomorrow, Wednesday, the 16<sup>th</sup> of September 2015, I shall Move:-

That this Assembly:

In accordance with Article 112(3) of the Namibian Constitution –

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**ADJOURNMENT  
RT HON KUUGONGELWA-AMADHILA**

*Approves* the reappointment by His Excellency the President, of Ms Magdalena Wilhelmina Deetlefs and Mr Stephanus Motinga as members of the Public Service Commission for a period of five (5) years, with effect from 31 October 2015 and the 31<sup>st</sup> of January 2016, respectively.

I Move so, Honourable Speaker.

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**HON SPEAKER:** Thank you. Could you please table the Motion? Thank you. That in essence, concludes the affairs of the House for this afternoon.

If there is no objection, I will call upon the Right Honourable Prime Minister to adjourn the House.

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**RT HON PRIME MINISTER:** Thank you, Honourable Speaker. I propose that the House adjourns until tomorrow, Wednesday, at 14:30.

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**HON SPEAKER:** Thank you. The House stands adjourned until tomorrow, the usual time. Thank you.

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**HOUSE ADJOURNS AT 16:23 UNTIL 2015.09.16 AT 14:30**

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**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
16 SEPTEMBER 2015**

The Assembly met pursuant to the adjournment.

**HON SPEAKER** took the Chair and read the Prayers and Affirmations.

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**HON SPEAKER**: Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers. Yes, I recognise Honourable Van den Heever.

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**TABLING: REPORT OF THE CPA  
NAMIBIA BRANCH COMMITTEE**

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**HON VAN DEN HEEVER**: Thank you, Honourable Speaker. Honourable Speaker, I lay upon the Table, the Report of the CPA Namibia Branch Committee on the 46<sup>th</sup> Commonwealth Parliamentary Association of the Africa Region Conference, held in Nairobi, Kenya, from the 10<sup>th</sup> to the 14<sup>th</sup> of August 2015, for note taking.

I so Move, Honourable Speaker.

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**HON SPEAKER**: Thank you. I call upon, Honourable Schlettwein.

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**TABLING: REPORTS OF THE AUDITOR-GENERAL**

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16 September 2015

**TABLING OF REPORTS  
HON SCHLETTWEIN**

**HON MINISTER OF FINANCE:** Honourable Speaker, I lay upon the Table, Reports of the Auditor-General on the Accounts of the following entities:

- (i) Municipality of Omaruru for the Financial Year ended 30 June 2014;
- (ii) Town Council of Nkurenkuru for the Financial Year ended 30 June 2014;
- (iii) Town Council of Okahao for the Financial Year ended 30 June 2014;
- (iv) Town Council of Outapi for the Financial Year ended 30 June 2014; and
- (v) Town Council of Opuwo for the Financial Year ended 30 June 2014.

I so Move.

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**HON SPEAKER:** Thank you. We are still on the Reports of Standing or Select Committees. I think we have exhausted that.

We now move on to other Reports and Papers. We are also done with that. Notice of questions? Honourable Venaani.

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**HON VENAANI:** Thank you, Honourable Speaker. May I ask the Honourable Minister of Agriculture, Water and Forestry an Oral Question?

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**ORAL QUESTION  
HON VENAANI**

**HON SPEAKER:** Yes, you may.

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**ORAL QUESTION**

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**HON VENAANI:** Thank you very much, Honourable Speaker for your kind permission.

Honourable Minister of Agriculture, Water and Forestry, I have taken with great concern that a number of cattle are dying in the areas of Kavango, Otjozondjupa, Otjozondjupa East, Kavango East and West, a bit of Ohangwena and it has to do with this *Gifblaar, Otjikurijoma*. I was travelling heavily in those areas and I am seeing a number of cattle that are dying, especially this time.

My question is as follows, has Government instituted any research or scientific measures that would kill this poisonous leaf so that farmers can farm? A lot of areas are not inhabited at this point in time, because where they have grass, the farmers are suffering from this poisonous leaf and thousands of animals are dying. I want to know what the Ministry of Agriculture is doing towards addressing this recurrent problem in the Farming Industry and what measures have been taken from a scientific research point of view to address this poisonous leaf problem that is causing farmers a lot of millions of Dollars through the dying of their animals. Thank you very much, Honourable Speaker.

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**HON SPEAKER:** Thank you. May I call upon THE Honourable

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**RESPONSE TO ORAL QUESTION  
HON MUTORWA**

Minister to respond to the question?

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**RESPONSE TO ORAL QUESTION**

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**

Thank you, Comrade Speaker. The figures aside, which are thousands – I would like to respond to the essence of the question as follows:

The *Gifblaar* in the area where I came from – we know that *Gifblaar*, we call it *mupeti*. Now, in terms of whether a scientific study was done, I do not want to be presumptuous, I am normally a meticulous person, it is thus, a question that warrants a factual response and, therefore, I would like to request the Honourable Leader of the Official Opposition – as I was trained not to be speculative, but to be precise – I will take this question to those scientists and then I will get the information, which I will share with the public as to whether a scientific study was done. If it was done, I will share – however, this is not during my time, because during my time at that Ministry, I cannot remember such a study having been done, probably in the past, because this is a problem that has not started now. I will share the findings of that study and if it is not done, I will also share with the public what are the intended actions in terms of establishing scientifically, what can be done.

That would be my honest, professional response to the – what is this word they use in the Army? To the ambush of Honourable Venaani (*laughter*).

Thank you very much.

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**HON SPEAKER:** Thank you very much. I think what Honourable Venaani forgot to mention is the fact that, usually this time of the year,

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**NOTICE OF QUESTIONS  
HON JAHANIKA**

this particular plant is very lively, nice and green and it tend to affect animals who are driven by the desire to graze as usual, etcetera, and your answer is absolutely to the point. I think you require further consultation.

Honourable Venaani can we leave it at that?

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**HON VENAANI:** Yes, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. We move on to the next Colleague on my list who is, Honourable Jahanika. I think you have an issue to raise.

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**HON JAHANIKA:** Yes.

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**HON SPEAKER:** Yes, you have the Floor.

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**NOTICE OF QUESTIONS**

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**QUESTION 41:**

**HON JAHANIKA:** Honourable Speaker, I give Notice that on the 24<sup>th</sup> of September 2015, I shall ask the Minister of Works and Transport the following questions.

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**NOTICE OF QUESTIONS  
HON MUHARUKUA**

During my visit to the following Regions; Zambezi, Kavango East, Kavango West, Ohangwena, Oshana, Omusati, Kunene and Otjozondjupa as part of our Parliamentary Committee on Economics and Public Administration visit, the issue of Government houses was raised although it was not on our agenda.

I would now like to ask the following questions:

1. How many Government houses are in each of the 14 Regions?
2. How many of those houses stand unoccupied?
3. How much does it cost the Government to maintain those houses?
4. Why is the Ministry not selling those Government houses to the people who are currently renting them as the first option and as a second option to anyone who want to buy them, as the Ministry is unable to look after those properties properly?

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you. I call upon, Honourable Muharukua.

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**QUESTION 42:**

**HON MUHARUKUA:** Thank you, Honourable Speaker. I hereby give Notice that on Thursday, the 24<sup>th</sup> of September 2015, I shall ask the Minister of Agriculture, Water and Forestry, Honourable John Mutorwa, the following question.

In September 2013, the Ministry of Agriculture, Water and Forestry appointed the Committee to investigate the future relevance and necessity

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**NOTICE OF QUESTIONS  
HON MUHARUKUA**

of the Veterinary Cordon Fence (VCF) or the Red Line. Honourable John Mutorwa motivates the establishment of this Committee by indicating that his Ministry had decided to establish this Committee because the VCF is increasingly seen as oppressive tool, which appears to divide the country. The Investigating Committee was tasked to deliver their findings to the Honourable Minister in November 2013.

In September 2015, the findings of the Investigating Committee have not been publicly released, thus I will not venture a guess into what the recommendations to the Honourable Minister were, but what is not in doubt is that the VCF remains intact and no Cabinet Decision has been taken directing or authorising the removal, whether immediately or over a period of time.

According to the Meat Board Chairperson, Patricia Garubes, the removal of the VCF would add more than N\$600 million per annum to the producer income. This is the untapped potential that we continue to neglect and lose out on.

I necessarily understand that the VCF cannot be removed without first improving or getting the disease status of the animals north of the VCF or in the Northern Communal Areas under control. It is common cause that it would require the erection of a Buffer Zone between Angola and Namibia to prevent cross-border transfer of diseases as cross-country grazing of livestock makes it difficult to control the spread of diseases like FMD and so forth.

My question thus pertains specifically to the creation of a Buffer Zone between Namibia and Angola, as this seems to be, from the Ministerial and/or Cabinet perspective the *condition sine qua non*, for the removal of the VCF:

1. What are the economic and/or social effects of the planned creation of a Buffer Zone between Namibia and Angola on the farmers farming north of the Veterinary Cordon Fence?

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**NOTICE OF QUESTIONS  
HON !AUXAB**

2. Has the Government conducted a wide and extensive consultation with all the relevant stakeholders that will be affected by the erection of the Buffer Zone between Namibia and Angola? If so, what is the outcome of such consultation?
3. When exactly will the Government commence with the erection of the Buffer Zone and for how long after commencement, is the construction expected to continue?
4. What is the monetary cost of the erection of such a fence between Namibia and Angola?
5. What is the anticipated annual cost of maintaining and policing or patrolling the said fence?
6. Has the Government engaged any of our current international beef markets on its intention to create a Buffer Zone between Namibia and Angola? If yes, what is the attitude of such markets towards this initiative?
7. Given the protracted history associated with both the VCF and the creation of the Buffer Zone between Namibia and Angola, are there any Ministerial Reports that have been compiled on these issues? If so, will this be provided to this august House for review and scrutiny?

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. Honourable !Auxab please. No dialogue. Honourable Member, you have the Floor.

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**QUESTION 43:**

**HON !AUXAB:** Thank you, Honourable Speaker. I hereby give Notice

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**NOTICE OF QUESTIONS  
HON !AUXAB**

that on the 29<sup>th</sup> of September 2015, I shall ask the Minister of Gender Equality and Child Welfare, Honourable Doreen Sioka, the following questions.

During the review of the *Education Act*, 2001 (Act 16 of 2001), the great Nation of Namibia has come to realise that child poverty strikes at a high 34% while 13% of primary school-aged children are out of school.

1. How many child-headed households do we have in the 14 Regions of our country, can the Honourable Minister break down the number per Region?
2. How does the Provision made by the *Child Care and Protection Act* affect the lives of the young ones?
3. Can the Minister inform this august House what criteria has been used by the Ministry to identify child-headed households and what kind of support and protection does the Ministry give in this regard?
4. What is the Ministry doing so far to reverse this abnormal situation in our society?

I so Move, Honourable Speaker.

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**QUESTION 44:**

**HON !AUXAB:** On the same day – Honourable Speaker, I hereby give Notice that on the 29<sup>th</sup> of September 2015, I shall ask the Minister of Industrialisation, Trade and SME Development, Honourable Emmanuel Ngatjizeko the following questions.

The Namibian Government has adopted planning as a management tool to ensure correct decision-making of which Vision 2030 is the heart of that strategy.

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HON DIENDA**

1. Can the Minister inform the House how far we are as a Nation, country and as a Government with the crafting of the industrialisation roadmap and strategy?
2. How does the Namibian Industrialisation Roadmap Strategy align with the Regional Indicative Strategic Development Plan 2015-2020 in order to ensure that industrialisation is accorded centre stage in the remaining period?
3. Is the Namibian Industrial Policies achievable and implementable to creating employment and uplifting the human standards of living or is it piling up dust somewhere in the offices?

I so Move, Honourable Speaker?

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**HON SPEAKER:** Thank you. Next on my list is Honourable Dienda please.

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**QUESTION 45:**

**HON DIENDA:** Thank you, Honourable Speaker. Honourable Speaker, I give Notice that on Thursday, the 24<sup>th</sup> of September 2015, I shall ask the Speaker of the National Assembly, Honourable Professor Peter Katjavivi the following.

I have noticed with concern that the Official Diary of the National Assembly for 2015 – **25 Years of Parliamentary Democracy** – does not reflect the image of the Namibian people in that:

- a) The public holidays referred to therein, are those of South Africa and not of Namibia.
- b) The Academic Calendar included therein, reflects the South African

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**NOTICE OF QUESTIONS  
HON DIENDA**

academic calendar and not the Namibian one. Further, the contact details and information provided are reflective of South African schools and Institutions of Higher Learning.

May the Honourable Speaker please promise this august House that in future, due attention will be given hereto, to ensure that the image of our country is not compromised in such public document?

I so Move, Honourable Speaker?

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**HON SPEAKER:** This is very unusual. I am sure this is the first time in the history of the National Assembly that the question has been posed to the Speaker. I will respond to it. Yes, Honourable Mutorwa.

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:** We just want to get guidance from you Honourable Speaker. In terms of our existing Rules, and that is now Rule 78 of the Standing Rules and Orders – here it is very clear that questions – the Constitution also talks about that – questions are directed to Ministers in terms of this Rule and in terms of the Constitution and Ministers are obliged to respond to those questions relating to their public responsibilities as Ministers.

We just want to establish through your guidance, while the substance of the question may be relevant, whether that is in order in terms of the existing Rules of this House.

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**HON SPEAKER:** You are absolutely right in terms of our Rules. This is a very unusual question. I can understand and I appreciate the concern as expressed by the Member, but it does not warrant a formal question put to the Speaker. However, let me rule on that in due course.

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**HON NEKUNDI**

I do not necessarily need to answer the Honourable Member. I will rule on the question and I will permit the Member to have the opportunity to express her concern in an appropriate manner, perhaps not on the Floor of the House. Thank you.

We move on, Honourable Nekundi please.

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**HON NEKUNDI:** Thank you very much, Honourable Speaker. I will ask the Honourable Speaker for his indulgence, I was consulting a bit on the subject matter.

Honourable Jahanika has posed a question – Honourable Speaker during the recess, the Standing Committee went to the Region and Honourable Jahanika is a Member of the Committee on Economic Affairs – we are busy with the Report on the visit and the question is related to that visit.

Is it appropriate that we ask we questions while we are still busy with the Report? I think it is not appropriate and as such, if you allow me Honourable Speaker, I request that that question be withdrawn until the appropriate time has arrived.

I so submit, Honourable Speaker.

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**HON SPEAKER:** Your Speaker did not have the benefit of knowing whether the Honourable Member was part of a Committee for which a Report is being processed to be brought to the House. If there is urgency on the part of Honourable Member in posing that particular question, perhaps it might warrant an answer, but if he would agree to wait for the Report to be tabled before the House, it is really up to the Honourable Member. Maybe I could ask him for his view.

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**HON JAHANIKA:** Thank you, Honourable Speaker. I think the task that we went for to the Regions does not relate to the question that I posed. The reason for the visit was about Government projects and the question I have asked is about housing.

I, therefore, do not see any need for my question to be nullified because I was part of the Committee. I even mentioned that I was part of the Committee. I do not see any need for my question to wait for the Report to be tabled because housing was not part of our visit to these Regions.

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**HON SPEAKER:** Thank you. Can we leave the matter there? You have posed the question, the appropriate Line Minister will respond to the questions when the time comes. We leave the matter there. We move on to the next issue.

Notice of Motions? Honourable Minister of Finance, you have the Floor. I am sorry, let me ask Honourable Mushelenga to take the Floor please.

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**HON DEPUTY MINISTER OF INTERNATIONAL RELATIONS  
AND COOPERATION:** Honourable Speaker, I am not really sure whether we are doing the right thing in terms of our rules and procedures and in terms of the established Conventions in this House.

I really want us to carefully look at Rule 79 – interpreted as it is, looking at the intention of coming with this Rule, and I am addressing both the questions of Honourable Jahanika and Honourable Dienda, because I heard the Speaker saying he was going to consult on the question of Honourable Dienda, I do not know what consultation is all about, when Rule 79 is very clear that:

*“(a) the proper object of the question is to obtain information on a question of fact within the official cognisance of the Minister to whom it is*

*Addressed or to ask for official action.*" That is where the Minister was saying that, questions are supposed to be asked to the Executive. There is not even a need to go, come, and rule on this issue later. The Rules are very clear. This question should not have been asked and it should be withdrawn.

Now, coming to the issue of the Debate between the Chairperson of the Committee and the Honourable Member, the Rule reads – "a question shall not be asked regarding proceedings in a Committee, which has not been placed before the Assembly by a Report from the Committee.

If there is really a correlation – it does not need to be specifically directly – if there is really a coloration between what the Committee went to do and what the Honourable Member is asking, then there is no need to ask a Minister to respond when you have a Report. Otherwise, why do you have Rules, if you want to violate them?

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**HON SPEAKER:** Let me deal with the question that Honourable Dienda raised directly to the Speaker, although I implied that I will consult, I think I have given my answer and I think it is understood. We rest that case there. As a courtesy to her, I will see her in person and I will explain further. We put that matter to rest.

Concerning the question that Honourable Jahanika posed, he further made a clarification saying that the question stands outside the Committee's work and does not relate to the work of the Committee. Therefore, we take it as an honest opinion. The question has been posed, let us leave it at that and the answer will be provided accordingly. I think we should leave all those issues there. (*Interjection*)

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**HON MEMBER:** But the Chairperson raised a complaint.

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HON SCHLETTWEIN**

**HON SPEAKER:** I do not think the Chairperson is necessarily insisting on that so, can we leave the matter there? If the answer is going to be provided, it will reveal to all us whether there is any conflict – I do not think we should pre-judge the answer. Can we leave it at that? I think we are really taking too much time on something that is not warranting that sort of attention. Thank you very much.

I will call upon the Minister of Finance.

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**NOTICE OF MOTIONS**

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**HON MINISTER OF FINANCE:** Thank you, Honourable Speaker. I give Notice:-

That leave be given to introduce a Bill to amend the *Income Tax Act* of 1981, so as to amend the definition of gross income with regard to the specific inclusion of restraint of trade payments and the sale of petroleum licences or rights; to provide for withholding tax on interest paid to non-residents; to amend the withholding tax rate on management fees and consultancy fees paid to non-residents; to provide for a definition of Namibia; to amend the royalty rate; to provide for the allocation of tax payments and collection of tax; and to provide for incidental matters.

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you.

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**HON MINISTER OF FINANCE:** Can I continue? I give Notice:

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**NOTICE OF MOTIONS  
HON SCHLETTWEIN**

That leave be given to introduce a Bill to amend the *Value Added Tax Act* of 2000, so as to increase the VAT threshold; to provide for requirement of security for the importation of goods on a VAT import account; to empower the Commissioner to prescribe criteria for the eligibility of VAT import accounts; to set the threshold for voluntary VAT registration; to provide for liability of shareholders for tax debts; to impose criminal penalties for the misuse of VAT import account numbers; to provide for rules for electronic communication; and to provide for incidental matters.

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you very much.

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**HON MINISTER OF FINANCE:** I will introduce those on Tuesday, Honourable Speaker. Thank you.

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**HON SPEAKER:** Yes, we did anticipate that. Thank you. Ministerial Statements? Honourable Dr Kawana.

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**MINISTERIAL STATEMENT  
IMPLEMENTATION AND POSSIBLE  
AMENDMENT OF THE MAINTENANCE ACT, 2003**

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**HON MINISTER OF JUSTICE:** Thank you very much, Honourable Speaker.

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**MINISTERIAL STATEMENT  
HON DR KAWANA**

Honourable Speaker, I rise to make a Ministerial Statement regarding the implementation and possible Amendment of the *Maintenance Act*, 2003 (Act 9 of 2003).

Some of the Honourable Members of this august House may recall that as Minister of Justice then, I had an opportunity to table and motivate the *Maintenance Bill*, which became the *Maintenance Act* of 2003. The Bill was later passed after a lengthy discussion. There was a perception at the time that the Bill was aimed at penalising innocent men who would become victims of some irresponsible women. The feeling was that men would be required to pay maintenance of their children by Law, the mothers of the children would receive the maintenance and abuse it while the children are dumped with grandparents.

The Law on children's protection is very clear; the interest of the children is paramount and supersedes those of the parents. The children of Namibia deserve a better protection from their parents. If need be, the Law will have no mercy for those who neglect their parental duties. As I stated during the introduction of the Bill in this Chamber, an animal is prepared to die in order to protect its young. Why should human beings be worse than animals in the care of their children?

The purpose of the *Maintenance Act* is to force those parents who are irresponsible to take care of their children. The culture of leaving everything to the Government should stop. Good and responsible parents do not need the Law in order to address the welfare of their children. The Law is meant to force irresponsible parents to play their parental responsibilities.

Honourable Speaker, it is shameful that some mothers – and I emphasise *some mothers* – have developed a habit of dumping their children with grandparents. At the same time, they are abusing the maintenance money that they are receiving from the fathers of the children. This behaviour discourages fathers from paying maintenance, resulting in the suffering of the children. To those mothers who are in the habit of dumping children with grannies while abusing maintenance, I say time is running out for

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**MINISTERIAL STATEMENT  
HON DR KAWANA**

them. They are simply criminals who deserve to be punished by Law. In this regard, the *Maintenance Act* will be amended to provide stiffer sentences for such behaviour.

Honourable Speaker, I would like to use this platform to call upon all those who are physically staying with the children and are not receiving maintenance to report to the nearest Magistrate Office for assistance. We will not allow a situation where maintenance money is used for alcohol, lipsticks and designer shoes while the children are suffering.

Honourable Speaker, another worrying culture that has developed is that men who are high-income earners are targeted by some women and are given children who are not theirs simply for the sole purpose of receiving and abusing maintenance. As a result, a number of men have fallen victim to this scheme. Honourable Speaker, after paying maintenance for a number of years, the man is informed that – after all, this is not your child. This brings shame, not only to the man, but also to the entire family of the man. I am saying so, Honourable Speaker, because of the information that has been obtained from the 1<sup>st</sup> of April 2014 to the 19<sup>th</sup> of August 2015.

During the period under review, 182 men disputed paternity compared to four women. There is one case in Khorixas where a man claimed that he was the father of the child, but the DNA test result showed that he was not the father. Three similar cases were reported in Katima Mulilo, but the DNA test results are still pending.

Out of 182 cases which were disputed by men, 70 DNA tests showed that the men were not the biological fathers, while 103 DNA tests showed that indeed they are the biological fathers. It is clear from these figures that too many women are giving children to men who are not their biological fathers.

Honourable Speaker, allow me now to turn to my fellow men. It is an unbearable, painful scandal for a man to temper with DNA test results in an attempt to deny one's biological child. Some irresponsible men have brought shame to their fellow men by indulging in such unacceptable

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**MINISTERIAL STATEMENT  
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behaviour. The Ministry will not rest until such men are exposed and shamed.

Honourable Speaker, allow me, therefore, to use this platform to request women who suspect that there might have been tempering with DNA results to approach the nearest Magistrates Court for assistance. DNA tests will be carried out under strict conditions in order to bring out the truth. Again, the Law will be amended in order to impose stiffer penalties.

The Ministry has also taken note of the fact that there are perpetual maintenance defaulters. My friendly advice to such people is that – *time running out for you*. If you do not want your photograph to appear in the print media, you are given two weeks to report yourself to the nearest Magistrates Court and pay up the arrears. You are given two weeks to pay up the arrears. Some arrangements could be made if you have a genuine problem. The Law will also be amended so that in addition to putting your photograph in the print media, you will also be named in the electronic media such as radio and television. The Ministry of Justice has means business this time around.

Honourable Speaker, the Ministry has also taken note of the fact that some fathers simply go into hiding in order to avoid paying maintenance. I am in the process of engaging our colleagues from the Ministry of Safety and Security to assist in tracing such fathers while the Law is being studied to come up with a more effective mechanism of tracing such fathers.

Honourable Speaker, our President has declared war on poverty. All of us, the citizens of this Republic, are his foot soldiers. The children of an independent Namibia deserve a better life. Parents should be the first to ensure that they enjoy a better life. If need be, the Ministry will use the Law to ensure that the dream of the Namibian child is realised. We will not compromise, and I repeat - *we will not compromise*. I thank you Honourable Speaker.

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**MINISTERIAL STATEMENT  
HON DR KAWANA**

**HON SPEAKER:** Thank you very much. They say the writing on the wall.

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**HON MINISTER OF JUSTICE:** Honourable Speaker, I have attached the results of the DNA tests throughout the country – I did not want to bother the august House, but I will attach it to my speech so that those who want to scrutinise it, they can do so.

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**DATA ON PATERNITY TEST  
01 APRIL 2014 TO 19 AUGUST 2015**

		Test Results					
		Female	Male	Total	Negative	Positive	Pending
1	ARANOS	0	2	2	1	1	0
2	BETHANIE	0	1	1	1	0	0
3	EENHANA	0	10	10	2	6	2
4	GOBABIS	0	11	11	5	4	2
5	GROOTFONTEIN	0	5	5	3	2	0
6	KARASBURG	0	10	10	0	1	0
7	KATIMA MULILO	3	10	13	2	8	3
8	KARIBIB	0	2	2	1	1	0
9	KEETMANSHOOP	0	3	3	1	2	0
10	KHORIXAS	1	0	1	1	0	0
11	LUDERITZ	0	0	0	0	0	0
12	MALTAHOHE	0	0	0	0	0	0
13	MARIENTAL	0	5	5	3	2	0
14	OKAHANDJA	0	4	4	1	2	1
15	OKAKARARA	0	0	0	0	0	0
16	OMARURU	0	1	1	0	0	1
17	ONDANGWA	0	4	4	1	3	0
18	OPUWO	0	1	1	0	1	0
19	ORANJEMUND	0	1	1	0	1	0
20	OSHAKATI	0	7	7	1	5	1
21	OTAVI	0	1	1	0	1	0
22	OUTAPI	0	2	2	1	1	0
23	OTJIWARONGO	0	4	4	1	3	0
24	OUTJO	0	0	0	0	0	0
25	REHOBOTH	0	6	6	2	2	2
26	RUNDU	0	1	1	0	1	0
27	SWAKOPMUND	0	8	8	2	6	0
28	TSUMEB	0	4	4	1	3	0
29	TSUMKWE	0	0	0	0	0	0
30	USAKOS	0	0	0	0	0	0
31	WALVIS BAY	0	10	10	4	5	1
32	MUNGUNDA STR.	0	78	78	36	42	0
	<b>TOTAL</b>	<b>4</b>	<b>182</b>	<b>186</b>	<b>70</b>	<b>103</b>	<b>13</b>

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**COMMENTS AND QUESTIONS ON  
MINISTERIAL STATEMENT  
HON VENAANI**

**HON SPEAKER:** Wonderful. Thank you very much. Honourable Venaani.

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**COMMENTS AND QUESTIONS ON MINISTERIAL STATEMENT**

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**HON VENAANI:** Honourable Speaker, I just have a normal amplification or a minor question to the Honourable Minister.

Honourable Minister, I do not think the purpose of any legislation that this august House legislate is meant deliberately to punish people, but I think the purpose and approach of legislation is to address an anomaly that is there. We must agree in context that children are generally expensive commodities or it is expensive to have children.

However, then one thing that is lacking – I hope the Minister is listening – one thing that is lacking in our *Maintenance Bill* is a threshold category that is designed either by the National Planning Commission or any developing agency in Government that determines that a normal child at entry level to life will cost so much, because in the absence of that category, we are seeing a situation where, if Honourable Simataa is appointed a Minister, then sister *number two* realises that – *no, Honourable Simataa has become a Minister, therefore, the child must go to a private school. Therefore, I want more. (Interjection)*

No, look, Right Honourable Prime Minister, listen very carefully. There must be a threshold value of a child, you cannot just decide because I am a Minister or I hold a certain position in society, therefore, my children must go to private schools. What if my own children do not go to private schools? *(Interjection)*

*Puratena* (listen) The mother should not be sensitive. No, the mothers

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HON VENAANI**

must listen. I do not want the abuse that is happening because there is an abuse in our society. Let us not lie about it. There is a reality that men do not look after their children. Let us not even deny it.

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**HON SPEAKER:** Some men.

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**HON VENAANI:** Some men, yes, but I am talking about majority now. The majority of men do not take care of their children, especially children born outside the wedlock. It is just a reality in our many cultures. However, the mothers are also pressing their side – the more you are earning, the more the demands are coming. Most of the time, I tell you, there are people who are paying maintenance that is close to N\$7,000.00 per month, but there is no child that cost N\$7,000.00 per month.  
*(Interjection)*

No, a child has a cost – there is a cost involved in raising a child. To raise a human being there is a cost involved. The same way that we determine poverty levels of individuals – we say that for a normal Namibian to live a normal life, you must buy food worth N\$375 – therefore, you can attach a cost to a child so that we have a minimum entry level of cost and a threshold, in order to stop these abuses. That is my vantage point on this matter.

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**HON SPEAKER:** Thank you very much. I think the point is made. There is no dispute to that. The point is that there are individuals who might spend more money on their children because they can afford to.

Can I ask Honourable Dienda, I think you are next on my list.

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MINISTERIAL STATEMENT  
HON DIENDA**

**HON DIENDA:** Honourable Speaker, I actually want to get the indulgence of the House to adjourn the Debate until Tuesday.  
*(Interjection)*

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**HON MEMBER:** No, this is a Ministerial Statement!

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**HON SPEAKER:** No, this was just Ministerial Statement.

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**HON DIENDA:** Okay, then I will talk. Honourable Speaker, while I was sitting there, I felt so insulted by what I heard about us women.

Honourable Minister, when a man sleeps with a woman, the chances that you can be the father of that child is hundred percent. When my brother impregnated a girl, my father just asked him one question – *were you there?* And he said – *yes*, and my father said – *then it is your child*.

You cannot sleep with a woman and come afterwards, making as if the woman is lying. I did not lie that I slept with you. There, if men are not really sure whether it is their child or not, the best thing is for them to go to the Maintenance court in the first place or go for a DNA test.

Honourable Minister, I can tell you of a scenario – just to go to the same Maintenance Court that gave you this evidence – half of the men who are taken to the Maintenance Court for not paying maintenance appear in front of the Court, but disappear after that. There are Court Orders in place for them to come and pay, but they are still in arrears. The N\$250 that you are talking about, that women are use to buy lipsticks is not even enough to buy maize-meal. I, therefore, do not know whether we can buy lipstick with N\$250.

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HON DIENDA**

Honourable Minister, I do also not believe – I am also a grandmother who is sitting with children in my house that are not my children.

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**HON SPEAKER:** Can I appeal.

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**HON DIENDA:** No, I want to tell them my story also, it seems that it is only men who (*intervention*)

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**HON SPEAKER:** this is a Ministerial Statement, your comments should normally be brief, and to the point – that is it.

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**HON DIENDA:** Thank you. However, I want to tell them from the bottom of my heart, I am sitting with grandchildren in my house and I will not – even for N\$250 ask any man to come and claim those children from me, because I love these children more than I love the N\$250.

Therefore, we grandparents sit with these children is because we love our grandchildren and not because we want to make money out of men – who are by the way – let me not say that word. Thank you so much.

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**HON SPEAKER:** Thank you very much. To be fair to the Honourable Minister Dr Kawana, I thought he really attempted to balance situation.

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MINISTERIAL STATEMENT  
HON MAAMBERUA**

There are bad apples on both sides of the gender fence. I think that is the issue, and if there is a need for a Debate in the House, we can have a Motion to reflect on the issue, however, for now, I think what the Minister conveyed to the House was to say – there is something that we need to do to improve on the system and to make the mothers and fathers of the children we bring to this world accountable, as well as behave in a responsible manner.

Can we leave it at that? Honourable Maamberua, do you still want to come in?

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**HON MAAMBERUA:** Thank you very much, Honourable Speaker. I would also like to thank the Honourable Minister for coming up with this very important information.

I am now looking at it from a different perspective and that is much as the Minister intends to bring the House in order, in terms of child maintenance and so on, the Auditor-General, year in and year out, has been reporting about that section in the Ministry of Justice that keeps the fund – what do you call that fund? The guardian fund that has always been in disarray, with a lot of irregularities, funds that are unaccounted for, and so on. Could you look at that aspect also, because most probably, a lot of funds are unaccounted for and there are poor administrative hiccups that could pose danger to a proper and smooth running system that may undermine the realisation of your good intentions.

I think that is something that you probably would want to pay attention to so that you can synchronise – much as you want to collect more money, you would also want to make sure that that money is properly managed and accounted for.

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**COMMENTS AND QUESTIONS ON  
MINISTERIAL STATEMENT  
HON MUHARUKUA**

**HON SPEAKER:** Thank you for that contribution. Honourable Muharukua and then we move on to the next side.

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**HON MUHARUKUA:** Thank you, Honourable Speaker. Honourable Minister thank you for the very informative Statement.

I am quite shocked to learn that close to 40% of the claims have been disproved. Nonetheless, I rise to ask a question of what I would have expected the Minister would also include in his Statement. The three requirements before one is required to maintain either the woman or a man is that: Firstly, you must be legally obliged to maintain or you must be the biological father of that child; secondly, you must be able to maintain; and thirdly, it is when you are not maintaining.

It is common cause that most of our people have informal incomes, informal employment, sometimes taxi drivers, farm employees, and so forth. You go to Court, this person informs the Court and says – *well, I do not work*. He does not get a formal payslip, so he cannot show. Perhaps the bank is also quite low in funds and, therefore, to the Court it is as if this person does not work and has no money and, therefore, cannot maintain, and this person is let go of the duties to maintain.

However, I think the Act makes Provision for investigators. I would have expected the Minister to perhaps talk more about what the Ministry's future intensions are in terms of making more use of these investigators to ensure that those of us who say, *we cannot maintain*, can really not maintain. Thank you.

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**HON SPEAKER:** Thank you very much. I now call upon, Honourable Dr Kawana.

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16 September 2015

**RESPONSE TO COMMENTS AND  
QUESTIONS ON MINISTERIAL STATEMENT  
HON DR KAWANA**

**HON MINISTER OF JUSTICE:** Thank you very much, Honourable Speaker.

*Honourable Venaani*, the Leader of the Official Opposition – Firstly, I will soon invite you as we agreed, to have a discussion on issues relating to better administration of justice in our country. I just want to confirm that one.

However, I also want to say that we will never compromise the welfare of our children. We are tasked by the Law that was passed by this Parliament and as I said in my Statement, it is really a shame. Why should a parent now be forced by Law? This Law, would be unnecessary in my opinion, if they were responsible parents. It is unnecessary. If you watch some of these channels like the National Geographic Channel on DSTV – you would see a bird on a nest with its chicks – what would this bird do when a snake comes? It will try by all means to make sure that snake does not come closer to the chicks. What more about human beings? Should we pass the Law to say – *by the way this is your child you have to maintain it?* Is that not a scandal? It is a shame. The human race is supposed to be the most intelligent animal, but look at what we are doing. Some of us are worse, and I am must just underlining the word **some**. That is number one.

Number two – regarding the threshold, I disagree with you Honourable Member. It depends on the income of the parents. If your income is higher, that child may deserve a higher life. If your income is lower, your child deserves an average life, but the basic line is that that child must not go to sleep on an empty stomach and must be able to go to school. That is very important.

Regarding *Honourable Dienda* – no, the Ministry is determined to make sure that we apply the letter and spirit of that Law, not only that, but to make it even more effective. I know your cultural background, it is almost like the cultural background I come from. When my dear mother was still alive, whenever she hears rumours – *that one could be the child*

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**RESPONSE TO COMMENTS AND  
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HON DR KAWANA**

*of your son*, and whatever – she collects all those children and the burden now lies on us. It is cultural. I have to send money every month for maintenance. *(Interjection)* Well, I do not know whether those children are the children of my brothers, but since the parents have spoken, I cannot overrule them. I am just obliged, culturally. Some of them are even at universities now. I had to maintain them, paying from my own pocket. Culturally, it is like that. However, you see, in today's scientific world, DNA is the best – it proves beyond reasonable doubt whether the child is your biological child or not as a father and that is the instrument that we need to use to make sure that there is no doubt.

Honourable Dienda, take a scenario where you maintain that child for 15 years, only to be told – when it is known that this child is bringing income after university – *by the way, Dr Kawana forget it, this is not your child.* How am I going to feel? In fact, this is one of the reasons that also contribute to domestic violence, I am telling you. We have to address this situation.

Honourable President of SWANU (*Honourable Maamberua*) – the Guardian Fund: For your information, I am aware of that situation and we have already hired a reputable computer company to introduce what we call cash management so that wherever you are, whether in Katji-na-Katji, you can just press a button on your mobile and that money would be paid to you.

By next year, we hope that programme would be in place, however, we are busy at the moment and we are aware of that situation.

Otherwise, Honourable Speaker, I also want to thank you because you listened very attentively to my speech, it was so balanced – I attacked women and I attacked my fellow men, however, as a person who is now assigned to lead the Ministry of Justice, to make sure that the Laws of the

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**RE-APPOINTMENT OF MEMBERS OF THE  
PUBLIC SERVICE COMMISSION  
RT HON KUUGONGELWA-AMADHILA**

Ministry are implemented – I have no interest, but to make sure, without compromise that those Laws are implemented. Amen.

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**HON SPEAKER:** Thank you, thank you. We move on. The First Notice of a Motion is the one of the Honourable Prime Minister. Does the Honourable Prime Minister Move the Motion?

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**HON PRIME MINISTER:** I do Move, Honourable Speaker.

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**HON SPEAKER:** Who seconds? Any objection? Agreed to. Honourable Prime Minister, you have the Floor.

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**RE-APPOINTMENT OF MEMBERS  
OF  
THE PUBLIC SERVICE COMMISSION**

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**HON PRIME MINISTER:** Thank you, Honourable Speaker. Honourable Speaker, Honourable Members in terms of Article 112(3) of the Constitution of the Republic, the Public Service Commission shall consist of a Chairperson and not fewer than three and not more than six other members, nominated by the President and appointed by the National Assembly by Resolution.

Currently, the Public Service Commission consists of seven members who are: Ambassador Eddie Amukongo, who is the Chairman, Mr Markus

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Kampungu, Ms Magdalena Wilhelmina Deetlefs, Ms Florence Munyungano, Mr Philemon Kondja Kambala, Mr Stephanus Motinga and Dr Nashilongo Shivute.

Honourable Speaker, Honourable Members, the Terms of Office of Ms Magdalene Wihelmina Deetlefs and Mr Stephanus Motinga as Public Service Commissioners are due to expire on the 31<sup>st</sup> of October 2015 and the 31<sup>st</sup> of January 2016, respectively.

Therefore, in keeping with the Provisions of Article 112(3) of the Namibian Constitution, His Excellence President Hage Geingob has nominated Ms Magdalene Wilhelmina Deetlefs and Mr Stephanus Motinga for reappointment as members of the Public Service Commission upon expiry of their current Terms of Office on dates indicated above.

I have the honour to request this august House to reappoint, by Resolution, Ms Magdalena Wilhelmina Deetlefs and Mr Stephanus Motinga as Commissioners of the Public Service Commission for a period of five years with effect from the 1<sup>st</sup> of November 2015 and the 1<sup>st</sup> of February 2016, respectively.

Their vast experience in the work of the Public Service Commission would provide continuity in the work of the Commission to advise His Excellency the President as required by Article 113 of the Constitution.

Additionally, the *Public Service Commission Act, 1990 (Act 2 of 1990)*, stipulates that every member appointed shall hold office for a period of five years and upon expiry of his or her Term of Office, be eligible for reappointment.

I request the National Assembly to approve the nominations, based on the motivation above. I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you. Any discussions? Honourable Venaani.

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**HON VENAANI:** Honourable Speaker, I rise to support the Motion to extend the Terms of Office of the two colleagues, one known to me for his excellent work in the Public Service and another one believing and hoping that she does the same. I want to address myself on a few matters regarding the Public Service as matters incidental to the appointment.

Honourable Speaker, we support an efficient, leaner Public Service and as a matter of a fundamental difference, we are seeing the Public Service numbers just exploding and rising to a point where it challenges key developmental agenda focus that the country has to take because a lot of our resources going in paying the wage bill. I want to know from the Right Honourable Prime Minister whether there are any measures within the Government to address a five to ten years programme that is aimed the reduction of the Public Service. *(Interjection)*

Well, I am not pushing for unemployment, but I am saying that if you have a plan, we can also use people's pensions to finance SME Sectors from our own Civil Servants in a period of ten years.

It is Public Service that we are discussing, because *(intervention)*

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**HON SPEAKER:** But I am a little bit worried because *(intervention)*

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**HON VENAANI:** The Commission advices the President on the Public Service.

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**HON SPEAKER:** This is the Commission and I would have thought the issue of the Public Service is there – maybe you could raise an issue, but I thought we should confine ourselves to the renewal, the extension of the contract. I am just worried about you drifting away. You may conclude.

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**HON VENAANI:** Honourable Speaker, every agenda point has incidental matters because we cannot just come here and talk about reappointment of people and we just keep quiet. I am not going to take a lot of time. I do not advocate – that is why I am talking about a ten-year programme because we can look at other venture areas where the Civil Services can be downsized so that we create SMEs with their pension money and support programmes. That is one.

The last point that I also want to address myself on, or the second last is about the people on the bottom of the Public Service, the cleaners – people who are keeping the values and ethos of the Public Service – how we are looking at addressing their fate as well.

Lastly, is the question of alcohol abuse – it is generally a societal problem, but we are also seeing alcohol abuse entering the Public Service. What programmes are in place to address staff member who come to offices smelling beer on Mondays? Sometimes one goes to a key area, entering a port of entry to the country and somebody is just smelling of beer. I think those are some of the issues that the Public Service Commission must zero in on, in terms of discipline in the Public Service; looking at those that are really at the bottom, especially cleaners and their salaries, including people who are working for us here – the messengers who have been working for a number of years, but when you look at their salaries, they are worrisome.

I support the two colleagues, I support the extension and we want them to continue doing that work. Lastly, Prime Minister, is the amount of time taken to get vacancies filled in the Public Service. Sometimes Ministries

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need key technical staff that need to drive their Ministries, but to find that person, it will take four, six to seven months just to fill a position. I think we need to accelerate the appointments of key staff who need to drive our development agenda. However, in a nutshell, we full-heartedly support the extension of the two colleagues. Thank you very much.

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**HON SPEAKER:** Thank you. Any further comments? Yes, Honourable Shixwameni?

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**HON SHIXWAMENI:** Honourable Venaani took my last point. I know both colleagues, I have worked with them and I think they are quite effective and efficient Public Servants.

Right Honourable Prime Minister, I agree that their reappointment will continue to enhance efficiency and effectiveness, however, we truly need to work on this aspect of filling vacancies – it has become a nightmare. Interviews take on end and you just wonder what exactly is happening in terms of filling the vacancies. Otherwise, I support the Motion. Thank you.

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**HON SPEAKER:** Thank you very much. Honourable Nekundi.

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**HON NEKUNDI:** Thank you very much, Honourable Speaker. Right Honourable Prime Minister, I rise to support the Motion.

I just have two key issues that I want to raise. I think Honourable Venaani has touched on one, but I believe it is skewed. My feeling is that it is not

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just an issue of the technical positions, every position or vacancy in any establishment is for a purpose. It is not created for the sake of creating employment, but to ensure that the task carried out by the person adds to the total value of that particular organisation.

Now, if you look at our Ministries, in every Ministry, possibly every Department or Directorate, there are vacancies and when you inquire about these vacancies, some of them have possibly been vacant for more than ten years. As these two compatriots are reappointment, I call upon them to ensure that the vacancies of all Ministries be filled. We have a higher unemployment rate and though this is perhaps not so significant, when they are reappointed, I am looking upon them to reduce the margin.

Honourable Speaker, Right Honourable Prime Minister, the other issue is about our young people who drop out of school from Grade 10 or Grade 12 and could thus not make it to tertiary level, however, the Public Service Commission continue to ask for two to five years experience to fill these vacancies, especially the entry level positions. Where will these young people get the experience? Sometimes I feel bad, because the same person asking for experience did not have experience when he/she started his/her first employment. Now that he/she has bread on the table, he/she expects others to have experience. We must be considerate and realistic when it comes to the question of experience and not just introduce it because we want to eliminate some people. I am looking forward to that the vacancies are filled and that the requirement of experience is reduced where necessary. I so submit.

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**HON SPEAKER:** Thank you. I have exhausted my list and it is now time for me to inquire whether the Honourable Prime Minister wishes to reply.

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**RT HON PRIME MINISTER:** Thank you very much, Honourable Speaker, I indeed, do want to respond.

I start by thanking the Honourable Members of the House for supporting the Motion. In fact, all those who have spoken have supported the nominations. They have in addition raised a number of issues to which I would like to respond as follows:

There was a comment on the size of the Public Service – and a point was made, requesting Government to look at ways to contain the growth of the Public Service by coming up with a specific programme to incentivise people to perhaps look at other opportunities outside the Public Service. I want to indicate that there are a number of initiatives that are ongoing in Government that are aimed at addressing the continued growth of the Public Service, especially the costs that are associated with maintaining the personnel in the Public Service.

The first one is the study that was carried out to look at ways to contain personnel associated costs in the Public Service. I indicated that that study has now been concluded and a Report was tabled to the office of the Prime Minister. We have been studying this Report and this Report is now ready to go to Cabinet. It ought to have gone sometimes ago already, but we were scrutinising some of the recommendations and were trying to agree on measures that can be considered in order to curb the continued escalation of cost related to personnel in the Public Service. That is now with regard to the people who are already in the Public Service.

In addition to that, I have indicated that the Government is pursuing efforts to promote innovation in the Public Service that would streamline the processes and procedures within the Public Service and hopefully minimise the need for bodies in the Public Service to carry out specific tasks by improving efficiency of the procedures in the Public Service. I have indicated that all the Ministries would be required to have service charters that would include amongst others how they are going to improve service delivery by looking at innovative ways to do that, and that would

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be part of the performance management agreement, which agreement have already been conclude with Permanent Secretaries and Ministers have also finalised theirs, they will be signing them with the President at the end of this month to come into effect at the beginning of October. All of these agreements will, therefore, incorporate measures to improve service delivery and to promote innovation in the Public Service. We did indicate earlier on that we would further promote innovation by recognising initiatives and excellence by awarding those who make this initiatives and where these initiatives have actually resulted in improved results by way of better quality of services and expediency in terms of delivery these services.

As part of the remuneration packages of Civil Servants, we also have benefits for early retirement to encourage people to leave earlier than the statutory retirement age, which is 60 years. Therefore, those who leave earlier do get special financial incentives so that with entrepreneurial ideas are encouraged to leave the Public Service and pursue business ventures, taking advantage of the financial incentives that are provided.

There was also a question on what is being done to reach out to the low-income groups within the Public Service who are struggling to cope, given the high cost of living in the country. There are a number of measures that we have introduced. Firstly, we have evaluated the grading of all positions in the Public Service and the outcome of this was that many of the low-level jobs were upgraded with the result that their remuneration package improved significantly. Secondly, we do review the remuneration packages of Civil Servants through negotiations with the representative labour movement at predetermined intervals through which we improve the salaries of Civil Servants. Obviously, if it is accepted by the representative of the Trade Union, we are ready to give special preferences to low-income groups – sometimes it is a challenge that when you negotiate, the Labour Union would say – *we want this rate of increase for everybody*. They do not want us to concentrate on the low-paid employees, but if we could agree to concentrate on the low-paid workforce, we will actually be able to make better adjustments to their

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remuneration. Besides this, we also provide better subsidies in terms of housing for those that are at the lower end of the income range within Government, where they could have up to 60% of the expenses for the acquisition of their homes funded by the Government as the employer. That is also one way that we reach out to them.

However, most importantly, we do have an active programme of capacity building through training for staff members of the Public Service so that, especially the young ones who are at entry level positions, are assisted to climb up the ladder in the Public Service and earn better income instead of us just trying to subsidise them, so that they do not only get better income, but also develop their potential in order to contribute optimally to the Public Service, and to Namibia in general.

How do we specifically deal with the issue of alcoholism? Besides the disciplinary measures that any organisation takes, which we also take, we interest ourselves in staff wellness because people are overindulged in these activities for a number of reasons. Some of them are frustrated, some because of situations in their families and others because of illnesses, etcetera. We do have an active programme that promotes staff wellness that would include counselling, encouraging them to join healthcare wellness programmes and so forth. We are actually looking at an organisational structure within the Public Service that would allow that each Ministry would have a minimum number of staff members that are dedicated to dealing with staff wellness issues so that we can hopefully address issues that drive people into alcoholism. Those who do not take advantage to improve, in spite of these efforts, will have to be dealt with in terms of the disciplinary measures of Government.

Then there was a comment about the bureaucracy in, especially filling vacancies in the Public Service. I have already referred to Business Process Re-engineering as one of the activities that are ongoing in Government, including looking at innovative ways that may result in the streamlining of processes and procedures. However, filling of vacancies whether new or existing ones and disciplinary procedures, are two of the

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activities that are identified for us to carry out the Business Process Re-engineering so that we can actually reduce the period within which we have to fill the vacancies or within which we have to conclude our disciplinary procedures and hold people accountable for suspected wrongdoing.

We are also told that sometimes, some positions remain vacant for other reasons. Sometimes Ministries struggle to get the skills that they need, maybe because people think that the remuneration is not attractive enough – you know that we have skills shortages in the country, and when you have a skilled shortage, the little that is there would ask for more than we are sometimes able to afford as Government and you could have a position advertised two, three and sometimes four times before you are able to get a person to fill that vacancy. However, as Office of the Prime Minister, we do require that those Ministries that have too many vacant positions justify why they should be considered for new positions because sometimes the Ministry would want to establish 60 new positions while having 80 positions that are not filled. They thus, have to justify and where this is as a result of them not being able to attract the required skills, we try to encourage them to see whether they cannot upgrade those positions by combining them and have a fewer vacancies that they are more likely to fill than to continue creating new vacancies that they are not able to fill. However, if it is a matter of Ministries just procrastinating or being slack in filling these vacancies, I think that issue would be sorted out under the performance management system, because people will now have the performance targets, which targets will be in regard to all activities that they are required to carry out, including recruiting staff. In any case, if you have a task that you have to carry out against which there is a target that you have to meet and there are consequences for not meeting that target, that alone is an incentive for you to hurry up and mobilise all the resources that you can lay your hands on, including filling the vacancies so that you have the bodies with the requisite skills to help you meet your performance targets.

I think the other Member underlined the point made by others and

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supported the nominations – I appreciate that. The other comments were on vacancies and I also think I have responded to those.

There was a comment on requirement for experience that is sometimes not available, especially for graduates from schools and tertiary institutions. This issue has come a long way. We have complained about it for a long time. I have raised queries about it after I assumed this position and the information that I have is that: The entry positions do not require experience – the entry positions normally only require academic qualification. It is those that involve some sort of managerial responsibilities that would require experience and you know, this thing is a double-edged sword, it is not really a straightforward issue because it is more like Affirmative Action in procurement. You have people who are very enthusiastic, they want to contribute and you also want to bring them into the mainstream of the economy, but on the other hand, they may not have the necessary experience so that, when you entrust them with these responsibilities, they are not in a position to meet expectations in terms of performance.

That is really the challenge that we have, because if you put a person in a managerial position and they only have academic skills, that may not necessarily be adequate to arm them to discharge of the responsibilities that they are entrusted with and this persons has many people who look up to him/her, then you have a situation where this person is not only failing to perform to expectation, but the whole unit with all the people who look up to this person and when you penalise that person you actually destroy their lives because you have not allowed them to really grow. It is like throwing them at the deep end and they drown. That way you have destroyed them, however, I take note of that. Myself being a young person, I hear what you are saying – I am very sensitive to the issue and to the extent that it is possible, we will try to see if there are issues that are unnecessary obstacles that can be removed so that we can address these matter in a balanced way, because like I said, at the end of the day, we need to help people to grow, we need help people to earn a meaningful income, but we have to be mindful that they have responsibility to deliver

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services to the public and the public is asking for quality services and expedient delivery of those services. That was on the vacancies and I think I have covered it (*intervention*)

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**HON SPEAKER:** Absolutely, well covered. Otherwise, I should thank the Honourable Members for supporting the Motion.

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**HON SPEAKER:** Thank you. I now put the question that the Motion be adopted. Any objection? Agreed to. Thank you.

The Second Notice of a Motion is the one of Honourable Dienda. Does the Honourable Member Move the Motion?

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**HON DIENDA:** Yes, Honourable Speaker, I Move the Motion.

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**HON SPEAKER:** Who seconds? Any objection? Agreed to. Honourable Dienda has the Floor.

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**HON DIENDA:** Thank you, Honourable Speaker. Honourable Speaker,

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Honourable Members, Chapter 11 of Article 95(e) of our Constitution reads as follows:

*Promotion of the welfare of the people - insurance that every citizen has a right to fair and reasonable access to public facilities and services in accordance with the law.*

Allow me to quote from the Community-Based Healthcare Policy and Honourable Speaker, I hope that this Policy has been adopted by this august House because it was already drafted in 2007.

*“The Government of Namibia recognises that health is a fundamental Human Right of all Namibians and is committed to achieving health for all Namibians. With this in mind, the Government through the Ministry of Health and Social Services adopted the Primary Healthcare approach for provision of healthcare services with community-based healthcare as a strategy to achieve community participation and involvement in their own health.”*

Honourable Speaker, Honourable Members, a clinic is the smallest health facility permanently staffed with professional health workers rendering primary healthcare to the community. It is responsible for primary health care and the public health of the population within that vicinity.

According to the National Health Policy Framework of 2010-2020 – *“the health of young people and adolescents is important for the Nation and for the individual. It is in this age group that a transition takes place from childhood to adulthood and when dramatic biological changes take place. This is also the period when social roles and norms are defined and moulded by the influence of the family, the community and the society at large. These changes are reflected in exploring new roles and taking risks, which sometimes lead to ill-health and diseases.”*

Honourable Speaker, Honourable Members, free and charitable clinics are a critical part of our healthcare safety net system. It is non-profit oriented

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and it thus able to serve those without medical insurance or medical aid for free or by merely charging relatively affordable nominal fees. This is evident by the fact that at our local clinics, people are normally paying a normal fee of only N\$4.00 per person per visit, and I want to congratulate our Government for that.

Honourable Speaker, Honourable Members, I have specifically chosen to focus my attention on the prevailing situation in Windhoek as the majority of our Institutions of Higher Learning are situated in Windhoek. The vast majority of Namibian students are housed in Windhoek and this is evident by the fact that Windhoek has 53 Institutions of Higher Learning that are accredited by the Namibia Institute of Qualifications, with the University of Namibia, the International University of Management and the Polytechnic of Namibia accounting for over 80% of these students.

Honourable Speaker, why am I advocating for the establishing of a 24 hours free health services at all Campuses for Institutions of Higher Learning? Currently, there are only six State Clinics in Windhoek namely; one in Khomasdal; Robert Mugabe Clinic; Donkerhoek; Wanaheda; Okuryangava; and one in Hakahana.

The population of Windhoek is approximately 400,000 and as it is common cause, the large part of that are young people and students. Only a limited number of cards are issued daily depending on the availability of nursing staff at clinics and all other patients who are not issued with cards on a given day are turned away and asked to return the next day. Consequently, people often wait in queues from as early as 05:00 in the morning in the hope of being lucky enough to be issued the limited daily tickets.

This practice makes it very difficult for students who often have to contend with assignment deadlines and test schedules, to be able to queue up as early as that, and worse possibly have to spend the whole day at the clinic waiting in queues. We cannot expect to produce the innovative and thinkers that this country needs if we at the same time expect our students

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to miss out on valuable lectures and study time whilst waiting in queues.

Fifthly, shortage of ambulance services all over the country and also in Windhoek is no exception. It also means that, unless primary healthcare services are available within the proximity of campuses and in emergency situations, students are left stranded.

Another issue of concern is the affordability because learners already have mounting students loans, textbooks, renting fees and they also have to pay taxi fares for them to reach these clinics. Due to the limited amount of Institutions of Higher Learning in other parts of the country, a lot of students come from outside of Windhoek and have to pay for rent, taxi fares, etcetera. The same also happen in the rest of the country.

The safety of our youth – public transport is not always reliable and cannot be relied on to get someone to hospital in time in instances where they are undergoing a critical medical emergency.

Another area of concern is that the public clinics will only operate at specific limit hour, whereas I would propose that the students' clinics be available around the clock – 24 hours per day. Honourable Speaker, I believe that the attitude and behaviour of our nursing staff that are not specifically trained or equipped to deal with young people, can also discourage young people from going to other public health facilities.

Some of the youths complained that medical staff treats them like criminals when they go for family planning or related advice which in most cases is by asking very sensitive question and in very judgmental tones, for example - *are you sexually active? Why are you sexually active at your age?* Honourable Speaker, I believe that we need to create environments where young people feel comfortable to address nurses on the issues as this can serve as a means of preventing STD transmission, teenage pregnancies and baby dumping.

Honourable Speaker, Honourable Members, I hope that this Motion,

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which is about protecting our future Leaders, is not offensive to anybody in this House, but is seen as a step to building our Nation, and that this Motion be referred to the Standing Committee of Gender Equality, Social Development and Family Affairs for further scrutiny. I thank you.

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**HON SPEAKER:** Thank you very much. May I call upon Honourable Mushelenga please?

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**HON DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION:** Thank you very much, Honourable Speaker. I was listening attentively to the Motivation of the Motion by the Honourable Member.

I think the intention of the Motion is good, but perhaps some practical issues need to be addressed. One problem I will have with the Motion as the Mover of the Motion indicated, is when she said that she confines herself to the situation in Windhoek. I will personally have a problem to support the Motion that that only takes care of the urban areas, having grown up in a rural area myself. I will have a fundamental problem. As I have said, the intention is good, but a number of issues that the Motion addresses need to be taken into account.

One – if you really look at the six clinics in Windhoek, as the Mover of the Motion was saying, also look at the distance between the campus and those clinics. What about schools in rural areas where the street clinics are perhaps 15 or 20 kilometres away? That is why I said I have a problem supporting a Motion that only takes care of people in urban areas, having grown up in a rural area myself.

Secondly, is it really so, that it is only tertiary students who would need medical attention 24 hours. What about boarding schools elsewhere deep

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in the Regions, do they not need medical facilities? When you start serving tertiary institutions campuses in Windhoek, what about boarding schools in rural areas that also need medical attention? I thought one would, for example, propose that instead of concentrating services to one section, mobile teams would be visiting schools – rather than confining the provision of these services to tertiary institution campuses.

Two – I am also not too sure whether it is really so that we need 24-hour clinics specifically for the campuses, I am saying so because there are hospitals that operate 24 hours. I think Katutura Hospital operates 24 hours. That is ones. Two – not all the students, but some of the students have medical aid from their parents, they cannot only go to Katutura, they can also go to private clinics. I think all these things also need to be considered, because we have a lot of national needs to address with the available resources that we have. Therefore, we must be very careful with how we are going to spend these limited resources.

I know there was a clinic at the University of Namibia, I do not know whether it is still there, but perhaps we also need to have statistic on how many students make use of that clinic, because I know there was a time that it was not there. We need to establish how many students make use of that clinic before we even decide to operate the clinic for 24 hours. I know that not all students really make use of that clinic. Some are prepared to go to the hospital while others are prepare to go to the private medical facilities.

On the issue of the attitude of the nursing staff, I support the Honourable Member. I recall the attitude of nurses when students go for family planning and so on – I support what the Honourable Member said. I recall when we were at High School – those times people were fairly older in schools, some were in their 20s. One of these older guys, went to a clinic wearing his school uniform and approached a male nurse, telling him that he was looking for some protecting devices. As this male nurse went to look for these devices, the female nurses said – *you are looking for those things wearing a school uniform*, not knowing that by actually chasing this

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person away – of course, he was a learner, but he was in his 20s at that time – he was at a risk of spreading diseases. On that score, I support the Honourable Member.

Now, when I was looking at the Motivation, there was also the issue of baby dumping. I was not here at the beginning when the Honourable Member started motivating, I do not know whether she touched on it, but having seen it here, I am not too sure, whether the issue of baby dumping could be solved by having clinics at the tertiary institutions. I know you touched family planning – you see, you can have a clinic on campus or outside campus, if people do not make use of this family planning measures, they will not make use of it – whether it is on campus or outside campus.

Is it so true that those teenagers who fall pregnant are unaware of the existence of hospitals or clinics somewhere in their surroundings? It is not true. Whether you have these clinics on campus or away from campus, people will still fall pregnant. We even have health workers who work with these things on a daily basis, but they still have pregnancies. When I saw the motivation here, I went to the Police because I believe in scientific evidence – I went to the Police to obtain some statistics on baby dumping. The mothers of those children that were dumped – as to what was their occupation, whether they were students, whether they were employed or unemployed people – the statistic available there indicated that, of the close to 20 baby dumping incidences reported last year and this year, there was only one incidence that the Police could trace who the mother was and this was an unemployed person. However, with the rest of the baby dumping incidences, it was just babies found there, people could not trace who the mothers were. My question is; what would be the basis of our reasoning that if clinics are put in schools there will be no baby dumping? I think the issue of baby dumping could be addressed by having drop-in centres, where mothers who do not want babies, could anonymously go and place babies in those centres. That is one of the measures. As you have heard the queen of UuKwanyama saying – *those who do not want babies, please bring them here*. We should also know the reasons why

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some girls dump these babies. It is not more so, because they have nothing to give these babies – I heard people talking a lot about poverty and so on – one is the issue of stigmatisation in the community, if people see that I have a child before marriage. It is a question of stigmatisation that is pushing some girls to do these things.

Therefore, we need to look at this thing, come up with a study, come up with a survey, come up with scientific conclusions on the real cause – because this is a sociological problem – and how to address it. We can have clinics at tertiary institutions just as we have clinics now among our communities, this has not solved the problem of baby dumping. People will still not go for family planning anyhow. Some will go there while other will not go there – children come about because sometimes, people do not plan to have sexual intercourse, but maybe as they find themselves in some circumstances and environments, one thing may lead to another, you know and things happen that way.

I, therefore, wonder whether the issue of building clinics at tertiary institutions will solve the problem of baby dumping. With these few words, Honourable Speaker, I put my case to rest. Thank you.

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**HON SPEAKER:** Thank you. Any further contributions? Yes, Honourable Van Den Heever.

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**HON VAN DEN HEEVER:** Thank you, Honourable Speaker. I rise to support the Motion so that it is referred to the Parliamentary Standing Committee of Gender Equality, Social Development and Family Affairs for further interrogation, scrutiny and perusal. Thank you.

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HON SIOKA**

**HON SPEAKER:** That is a concrete proposal. Yes, I will take note of that and in the meantime, I am asking the Honourable Minister Sioka to take the Floor.

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**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** Thank you very much, Honourable Speaker. I would like to adjourn the Debate to next week, Wednesday.

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**HON MEMBER:** That is very far! (*Laughter*)

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**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** Yes, it is very far because I also want to give my input.

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**HON SPEAKER:** Can we accept the adjournment and after we have had further contributions, we will respectfully refer the matter to the appropriate Committee? With that understanding, can we leave it at that? However, I suppose, the Mover is accepting that arrangement?

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**HON DIENDA:** Yes, I accept that.

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**HON SPEAKER:** Are you happy with that?

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**HON DIENDA:** Yes, I am, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. With that understanding, we move on to the next item.

I will ask the Secretary to read the Order of the Day.

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**RESUMPTION OF DEBATE ON SECOND  
READING – PUBLIC PROCUREMENT BILL [B.8 – 2015]**

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**SECRETARY:** Resumption of Debate on Second Reading – *Public Procurement Bill* [B.8 – 2015].

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**HON SPEAKER:** When the Debate was adjourned on Tuesday, the 15<sup>th</sup> of September 2015, the question before the Assembly was the Motion by the Honourable Minister of Finance that the Bill be read a Second Time.

There was a request at one stage that we postpone the discussion of the Bill until next week, but we have agreed that we will continue with the Debate. Do we have anyone who would like to make a contribution now? If not, we will then postpone the Debate to next week. Yes, sorry, Honourable Sioka you have the Floor.

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**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** Thank you very much, Honourable Speaker. Honourable

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Members, I will be very brief so that I can give others a chance to go and prepare themselves.

It is just a small contribution that I would like to make. Honourable Minister, you have received the recommendations from the Ministry of Gender Equality and Child Welfare when you were formulating this Bill because there are issues that we have raised, but I did not come across them some of them, however, some of them were really taken onboard. On the *Procurement Bill*, we requested the Ministry of Finance to consider women in some Boards, for instance, in the Procurement Committees, the Procurement Management Units and the Bid Evaluation Committee. We wanted women to be part and parcel of those Committees because women are now ready to take charge of their destiny, therefore, we have to make sure that women are represented in all sections of various institutions. We have made that recommendation, I am not sure if you have seen that recommendation.

Again, Comrade Speaker, I am not comfortable with Section 11 that deals with the Constitution of Board. There are nine board members, but as a requirement, they are talking about – “*of whom at least three must be females,*” I am not comfortable with that. Comrade Minister, perhaps an Amendment is also needed there so that we at least dance to the tune of 50-50. It is high time now not to be begging to be taken aboard as a requirement. (*Interjection*)

Yes, even four or five is fine – or at least three should be men and not three women. Why should three women be a requirement as if we are not the majority in this country? The minority is taking over. That is why we fought for this country because minority was oppressing the majority, you see. (*Interjections*) Comrade Speaker, Honourable Members, this year, I am not going to take any nonsense of intervening in my speech – give me time to express my views.

Therefore, I am requesting the Minister to reconsider this or at least put four women instead of *at least three females* – considering that it is out of

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nine members, that is not 50-50 at all. Those three members should be men. *(Interjection)* Yes, this year I do not want to take any nonsense.

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**HON MEMBER:** Withdraw that!

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**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** I withdraw that, yes, but do not intervene when I am talking because I do also not like it. I do respect other people when they are contributing, you should no more take chances with me.

Honourable Speaker, the other issue that I want to touch on is on Section 68, which talks about the suspension of people who are contracting and bidding. Comrade Minister, I think we also should consider board members who are receiving kickbacks – immediately they are detected to have received kickbacks, they should be suspended from the board or investigated. Here we are only considering bidders and contractors, but I know that people receive kickbacks on some of the tenders – *if you want me to approve your tender, you have to give me something when you get your money*. This is not what is needed. In addition, if we do that, women are not going to benefit because women know what they are doing – they are not there for bribery. If the board members could be composed of more women, I think there would be limited corruption in the Public Service – I am telling you the truth, I know women have soft hearts. They cannot squander, they are people who knows where every cent goes to – not to lipstick as we were told here.

Again, Comrade Speaker, decentralisation is very important, some of these services should go to the Regions and to the Ministries. The Ministry of Works is faced with lot of challenges. If we, for example, talk of the Government buildings – they are in a bad state. Therefore, we need allocate some of the services directly to Ministries, to give another

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example, there are buildings in my Ministry that I can paint quickly when necessary or a broken pipe can be fixed much faster. We do not need to go to the Ministry of Works and request them to fix this and that, we could have those people at our Ministry.

Let us also consider the Regions – people should also submit tenders in the Regions. I am not being discriminatory here, there are bigger tenders that need to be centralized, like in Windhoek for example. Obviously, we cannot compare these tenders to those of our people in the Region, but the majority of the small tenders or middle-sized tenders should be given to the Regions so that our people can also benefit. There are women who own companies and would like to participate in tenders as well. Of course, they cannot compare themselves to the big companies that are in Windhoek here, because it is a very expensive exercise.

Comrade Speaker, when we talk about corruption, I am telling you, tenders are the biggest culprits, we do not have an eagle eye to see what is happening there. Kickbacks are being given there, as was mentioned yesterday, these are matters that are very prevalent in the tendering system. Women are failing to go through because they have no money to bribe those guys. I even those people that the Colleague were talking about – sometimes if you stay longer in the tendering system or as a board member – the same person every time and again – I am telling you, you end up knowing so much of that environment and knowing how to manipulate that area – there is no way a woman can compete. To tell you the truth, if we put women there, corruption will be minimised compared to what we are seeing right now. If one is already addicted to the area, or has overstayed in a certain the area, you would obviously know where to channelling your things and benefit out of that. We should avoid that from happening and we should also groom other new ones instead of concentrating on the old ones, because the old ones are already familiar with the environment. The more the new ones learn, we will have a better picture in the future. We should not remain with the *Simataas*, wherever you go.

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Comrade Speaker, there are many things about women that I could talk about here. Today, I handed out certificates to 20 women for ECD Caregiver and Educators – there were no men among them. I would also like to call upon men to take up the call to be Educators and Caregivers. It is employment – they graduated and received their certificates today. They were 20 women and no men. Men should become involved and upgrade themselves instead of just sitting idle at home – get involved! *One Namibia One Nation* – this Namibian House, is a House for everybody – we should look after our children.

In conclusion, Comrade Speaker, I would like to take this opportunity to again, announce the Round Table Meeting that will take place in Swakopmund. Tomorrow is the travelling day – it is just for two days. I am inviting all women Parliamentarians to attend that Round Table Meeting, it is a very educative. We are still trying to women at the same par with the men – in other words, bringing the majority at the same par with the minority. We would be together in the future (*interjection*) No, you are not neglected, that is why I called on you to take up this challenge of looking after these Kindergarten children. Go and experience the pinch there and see how women are cleaning these babies. We also want men to be there.

Comrade Speaker, let me conclude by saying – I was supposed to prepare my Speech, since I have adjourned the other one – I just gave a hint for the Minister of Finance to consider our request for more women to serve in the Committees and the Boards. Colleagues, we are requesting to at least have four or five women instead of three and at least have three men (*laughter*) I think that is possible. We are not really going to accept it – it is high time to be reminded that 50-50 is a reality. The Opposition should also expect my letters to amend the Electoral Law very soon. With this remarks, I thank you, Comrade Speaker.

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**HON SPEAKER:** Thank you. Not three, but XX – we leave it to the

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Minister of Finance to deal with that. Honourable Nekundi is the next to contribute.

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**HON NEKUNDI:** Thank you very much, Honourable Speaker and my salutation to the Honourable Minister of Finance for tabling this Bill that is long overdue.

I should possibly take this from the context where my Mother has left – the interest of our mothers. I saw this Bill or the Draft around 2008 or so, when we were also requested to make our input as young people. We have made our input and it is unfortunate that I do not see any input from the youth here. I do not know why and when the young people's interest will be taken serious.

Honourable Speaker, my request to the Minister is that with respect to the Board – if the mothers are 50-50 with men – that at least 30% of each be given to the youth. (*Interjection*) It is just a question of mathematics. All I am saying is that, if it is five women, 30% of that must be young women and if it is four men, at least 30% of that must be young men. I am not saying this because I am part of the youth, I am, by the way, not part of the youth anymore. I have passed the age of 35, so I am just serving the interest of the youth.

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**HON MEMBER:** Only Honourable Venaani is!

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**HON NEKUNDI:** Yes, Honourable Venaani is, I am a bit older than him. That is my submission, Honourable Minister.

When it comes to the values of the tenders, it is my expectation that these

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Boards shall have knowledge of the annual values of these tenders in terms of the Government Budget. I am requesting that at least a quarter of the annual tender value be reserved for the mothers and the youth almost in the same context as what I have said with regard to the board members. I am saying this because these people are more vulnerable and they are only starting to come up now in terms of being part of the economic mainstream. I really suggest that they be taken seriously so that if the value of the Government tenders for 2015/2016 is, let us say, N\$26 billion, 30% of that should purely be reserved for enterprises that are purely owned by the young people from both genders.

Still on the same Bill, Honourable Minister – as a country we have always been preaching that young people must be innovative, be creative and come up with new products and new services. We have seen these things over the years – young people come up with innovative concepts that they present to Ministries or Agencies, however, their concepts are put in open tenders again. How do we want to encourage innovativeness, if when I become innovative, my innovative ideas are expose others? And the same people start to tailor-make their thinking towards my creativity and innovations. I suggest that when somebody comes up with an innovative product or service, this innovator be the sole preferred supplier of this product or service for a period of time. We have seen these being done in other countries where innovation is taken seriously. I hope that we are also going to start taking innovation very seriously in Namibia.

I understand this Bill is for a Central Procurement system, this means that all the procurement for the Municipalities, the Regional Councils, Central Government, Agencies and others will now be managed from here. I just wonder whether it will be practical in terms of effectiveness. How would one be managing the workload? Currently, as we speak, we are already complaining of tender processes not being completed timely because they are too many and we are currently only dealing with the central ones. If we have now to include all the Government Agencies, the Regions and Local Authorities, how will one manage that and how is it going to impact on the tendering process?

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Moreover, appreciating the importance and relevance of this Bill, I think it is paramount that we, from the regional perspective, consider the fact that we have entrepreneurs young, middle-aged and old across the width and breadth of this country in every Region and in every Constituency of our Republic. You will find a project valued at N\$1 million or N\$100,000.00 in one Region given to someone from another Region to carry out. I suggest that projects of a certain set minimum value in a specific Region or Constituency be restricted to qualifying service providers or suppliers in those Constituencies and Regions. By doing this, we ensure that we are going to share the national cake and, subsequently, we are going to distribute wealth so that not Region left to starve, as we are reading from the statistics that some Regions and Constituencies are still left behind, despite the fact that there are projects being undertaken in those Constituencies and Regions. Honourable Minister, I am submitting to your good office and sincerely hope that this Bill will take care of that.

Honourable Speaker, Honourable Minister, there is a concept called annual tenders – particularly by the Central Government. I have a friend of mine who is based here in Windhoek. He tendered for electrical work in the Ohangwena Region. Now when a bulb of a clinic in Okongo fuses, this person must drive from Windhoek to go and replace one bulb in a clinic. Considering the fuel to go to Okongo from Windhoek and everything, does this really make any economic sense? What economic value does that have? These things should, therefore, be taken into account when tenders are adjudicated upon and it is in that context that I am suggesting that certain values be set for Regions and Constituencies.

Honourable Speaker, Honourable Minister, the other aspect that I am not comfortable with – from experience, as we engage with various entrepreneurs in our society; the professional service providers, quantify surveyors, engineers and architects – it seems that the persons from the previously disadvantaged societies in Namibia are still being disadvantaged on big projects that involve a lot of money. They are still given to the previously advantaged. There were complaints in this regard about five or ten years ago in Namibia, however, as we speak, these

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people continue to be given projects that are of minor value and major projects are given to the previously advantaged. This imbalance must be addressed and I suggest that it must be addressed in this Bill.

We are importing a lot of so-called professionals and consultants, yet we have Higher Institutions that are imparting knowledge and skills. However, we allow these persons to come with trucks to load money and go and nobody is attached to them to make sure that when they leave, a Namibian can be called upon to provide similar services. We cannot be a country that exports hard currency and I suggest that it must be addressed in this particular Bill.

Honourable Minister, Honourable Speaker, there is the so-called segmentation and I believe that they are also deceiving. You will find a scenario where it says a tender is reserved for Namibian *registered* companies only, a company may be hundred percent owned by a German national, but it is a Namibian company by Law. However, the individual exporter of profits is not a Namibian. There should be a clear demarcation – what does it mean? You can register a Namibian entity, but that entity must at least have a minimum 50% local shareholding that belongs to Namibians. If it is found that, there is a *Rent-a-Darkie* mentality (*interjection*)

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**HON MEMBER:** What?

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**HON NEKUNDI:** *Rent-a-Darkie* – where black people are used to front white companies. In essence, they are only given N\$10. If these persons are found, they must be blacklisted because they are deceiving a system that is designed to empower the Nation. They are not loyal citizens. There must be some punishment for that.

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Moreover, on the issue of blacklisting, there are two dimensions to this Honourable Speaker. One – when a company is found not to be performing according to set standards, this company can be blacklisted. That is good, but then you find that a company being blacklisted because the owner has refused to give something when an Engineer performs a site visit. This Engineer will now find all sorts of faults to ensure that you are blacklisted.

There must be a review panel tasked with reviewing the concept of blacklisting to make sure that people are not just being blacklisted because they refused to give N\$10 when somebody has visited the site. You also find that when tendering, suppliers will provide a sample of good quality, however, after two months, when they win the bid to supply, they substitute the product with another of inferior quality, but nobody looks at that. For a classical example, look at our toilet paper in the Public Service. When those tenders come out, they specify the quality of the toilet paper that is required. It indicates that the toilet paper must not be made from recycled papers, but go to all Government toilets, you will find the toilet paper is dusty – that means these papers are recycled, but nobody cares any longer. I do not want to speculate, but a friend is possibly told to make sure he/she brings a good sample – *do not worry, bring a good sample at a low price* – six months down the line, he/she just supply without being monitored any longer. If these products are delivered at the Central Government Stores, there should be inspectors and there are inspectors, I am speaking with authority because I know about it. However, these commodities of inferior quality are supplied later on and Government continues to pay for them. We must be accountable. I suggest that the Bills address all these things.

Honourable Speaker, Honourable Minister, the Bill has an element of direct and indirect interest and there is an element of insignificant or significant shareholding for you to declare. Does it really matter if I have 2%? It is still a conflict of interest. If I have 20%, 30%, it still is conflict of interest and one wonders what mechanisms are in place? If my brother or my sister has interest under a proxy of a neighbour, the brother would

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come to me and say – *that there one is just for me*. Therefore, there must be mechanisms in place.

The direct and indirect interest must equally be defined. There is the issue of saying – *today my sister or fellow board member, I have a conflict of interest here, therefore, I recuse myself and will thus not participate*, but a colleague will sit there and defend my interest and tomorrow when he/she recuse him/herself, I support him/her. These things happen, it is nature because intelligent is an element of rolling – how do I manipulate? The moment there is an interest in one area, that person must be removed from the board. You must not have an element of an entrepreneurial minded individual – you must not be entrepreneurial minded – once it is found that you are entrepreneurial minded, you must be taken off that board. That way, we avoid collusion.

Honourable Speaker, I am almost done. Another aspect – I do not know whether it is possible, but I believe it can be possible – I am appealing that this Bill should not only be dealing with the Government and its Agencies, it must also go beyond that – it must include anybody, whether a natural or juristic person who is involved with the public assets. It means – we have natural resources in this country and you will find private entities that are benefiting from our God given natural resources and nobody can dispute that that is God given. God did not make a mistake to give it to Namibia and God did not make a mistake to make us Namibians. He made the resources available to Namibians, therefore, Namibians must benefit maximally. These private entities, especially those in mining – if you take time and go to this mine and ask – *who are your service providers?* You will find that they are foreign companies. They come and exploit our resources maximally. They are mining, they live with all the money and their brothers and sisters from foreign countries are again, providing for their services, even if it is just to supply basic electrical services. Are we saying we have no electrical engineers and other related service providers?

This Bill must really address the entire spectrum of the Namibian

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Economic Sector. They must be regulated and we cannot be apologetic to our resources. As long as they are public resource, they must be regulated by the Namibian Government.

Honourable Speaker, I submit that the private entities who are involved in the assets of this country must equally be regulated as such.

Honourable Speaker, I rest my case. Thank you.

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**HON SPEAKER:** Thank you. I was just about to plead with you to be more precise. When you want to influence the process, sometimes it is very helpful to refer to a particular Section so that your inputs can be concretely reflected in terms of where and how. With that in mind, I will move on to Honourable Shapwa.

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**HON DEPUTY MINISTER OF JUSTICE:** Thank you, Honourable Speaker. I rise to congratulate the Minister of Finance for tabling this *Public Procurement Bill* before this House and my comments are very, very simple and are earmarked on the integrity of the procurement body that we want to establish.

Anybody who loses integrity will actually not be respected and a procurement system that we have now, has been at the receiving end of many criticisms at many platforms of all kinds. As such, as citizens, we started losing faith in the current *Procurement Bill*, which is administered by the Tender Board of Namibia. We know that our criticisms are not correct all the time. We like generalising – we hear of rumours and start criticising the Tender Board of Namibia, without having any evidence of any wrongdoing and that alone can actually make our procurement system questionable.

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With this Bill, I want to call upon all of us, the citizens of this country – Leaders and the public alike, to make sure that we support the integrity of this procurement body that we are going to set up because we know that if we criticise our procurement system unnecessarily, we will only have our country being looked at as a corrupt country, yet if you ask these many people who talk about the corruption of Tender Board of Namibia, they cannot refer you to a case, however, they will be talking about it as loud as possible. If you even ask the members of the public to come to provide you with evidence, they will never come back. I think if we continue doing the same with this Central Procurement Board, we will end up in the same position of being referred to as a corrupt country, yet we are doing our best to make sure that this country grows its economy, as it grew under the current Tender Board of Namibia. I should not be misquoted to say that I am supporting corruption – not at all, but it is important that a system that we set up, is a system that we understand, a system that we can defend and a system that we can support. That is the only way it will be successful because those people who are there are human beings. If they are being accused unnecessarily, they will be demoralised and they will also become corrupt because they would think – why should I not do it if I am already being suspected of being corrupt after all? I will do it because everybody thinks I am corrupt.

I think us – especially the Leaders of this country, need to understand our system and defend our system when it is due. Thank you and I support the Bill.

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**HON SPEAKER:** Thank you very much. The next on my list is Honourable Jagger.

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**HON JAGGER:** Thank you very much, Honourable Speaker. My contribution will be very brief.

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I support the previous contributor to this Bill, Honourable Nekundi, where he mentioned about Regional Procurement Boards. In no way can we bring back Centralised Procurement Boards to look at regional issues like regional tenders and regional procurement while we have decentralised some of the functions to the Regions. I support the suggestion that the Honourable Minister looks into that.

I looked at Section 11 on Page 14 dealing with the Constitution of the Board – I would want us to look at specifics, like from which Sectors these nine members of the Board should come from and not just say females, suitably qualified, fit and proper, and fair and transparent. Who is suitably qualified, fit and proper? The Minister should be clear which Sectors these members should come from. For example, I do not see any mention made of people with disability, I only see females. As I said, there is no mention made about which Sector these members should come from. I really call upon the Honourable Minister to look into that.

Regional Tender Boards – Honourable Minister, from my experience, those who are currently there, the appointment and the constitution of the boards really need attention – it needs your advice and your guidance. When one looks at Regional Tender Boards, I can cite one example where, the Accounting Officer of a specific Directorate, for instance, is not serving on that Regional Procurement or Regional Tender Board, this Accounting Officer simply serves as an observer. They call them observers. You have actually no say in the Procurement Boards of the Regions.

My question is – how can the tender come from your specific Directorate or from your Ministry, but then you just serve as an observer there? You do not talk, you are not part of the decisions taken there. All you need to do is to bring your submissions or proposals to the Tender Board and then you just sit back and listen without being part of any the decisions taken. You do not even sign for the decisions taken at that Board, yet the tender is for your Directorate, this tender is for your Ministry.

I want the Honourable Minister to look into the inclusion of Regional

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Tender Boards in this Bill and also the composition or the constitution of Boards in our Regions. People with disabilities need to be included in the nine members of the Central Procurement Board and also, when the Regional Tender Boards will be included in this Bill, the composition of Regional Tender Boards should be clear, because it is there where corruption takes place, it is not just here at the Central Procurement Board, because the big guns are sitting in these Regional Tender Boards under the disguise of – *it is not my tender, it is my wife's*. It is not just here, it also come happens in the Regions. *It is my wife, it is my child, it is my cousin –it is not me*. The other day, Honourable Kapofi asked – *so what if it is my wife –it is my wife and if it is my child, it is my child*, but it is not the child, it is not the wife, it is me. We should guard against that. Thank you, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. Honourable Members, I have exhausted my list, but I am aware that the intention was to take this Bill up, next Tuesday. I think there was a request that we continue to Debate this Bill and, therefore, there was a proposal and I am using that proposal as the basis for asking for an adjournment of the discussion of this Bill and extend it to next week, Tuesday. Are we in agreement? Honourable Maamberua.

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**HON MAAMBERUA:** Thank you, Honourable Speaker. Yes, there was a proposal and the proposal was not opposed, therefore the proposal stands. There will be an extensive review of the document as you can imagine. Thank you very much.

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**ADJOURNMENT  
HON PROF KATJAVIVI**

**HON SPEAKER:** Thank you. So you agree with me, I just wanted to have a consensus. The discussion on this Bill is adjourned until next week Tuesday.

For now, that then concludes the items on our agenda for this afternoon. Can I propose that we adjourn until next week Tuesday to conform to the request from the Honourable Minister, Honourable Sioka who requested that we release the female Members of this House to attend the workshop in Swakopmund? So agreed – so decided?

The House stands adjourn until next week Tuesday, the usual time.

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**HOUSE ADJOURNS AT 17:08 UNTIL 2015.09.22 AT 14:30**

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**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
22 SEPTEMBER 2015**

The Assembly met pursuant to the adjournment.

**HON SPEAKER** took the Chair and read Prayers and the Affirmation.

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**ANNOUNCEMENTS IN TERMS OF RULE 20(a)  
OF THE STANDING RULES AND ORDERS**

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**HON SPEAKER**: Honourable Members, I know there is a bit of excitement, I do not know what is happening. Please let us have order! Honourable Members, the Parliament of Namibia with the assistance of the Inter-Parliamentary Union, also known as IPU and the United Nations Children's Fund (UNICEF) will be hosting the Regional Parliamentary Workshop on promoting Child Nutrition within the SADC Region. This important event will take place from the 28<sup>th</sup> to the 29<sup>th</sup> of September 2015.

Honourable Members, the ultimate goal of the workshop is to enhance parliamentary capacity and action to support nutrition interventions and contribute to nutrition security. The workshop aims to bolster the understanding of the Parliamentarians and Parliamentary staff on issues relating to nutrition, including the damaging effects this has on countries' economic development.

The participants at this workshop, as I indicated here earlier on, will be Parliamentarians, staff of Parliament and experts who will come from different parts of the world to deal with child nutrition.

All the Honourable Members of Parliament are, therefore, invited to this workshop and to the Official Opening Ceremony that will take place on Monday, the 28<sup>th</sup> of September 2015, at 09:00, at the Safari Hotel and Conference Centre.

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That being said, I will also like to bring to the attention of the Honourable Members of this House that – if I can lay my hands on other notes – we have a distinguished visitor to the country and that distinguished visitor is well-known, she is an Olympic and World Champion in a number of events and her name is none other than Shelly-Ann Fraser-Pryce from Jamaica. (*Applause*)

She is not here right now, but she is on her way choosing her time correctly to interact with the Members of Parliament during the teatime break from 15:30 onwards. She is visiting the country until the 29<sup>th</sup> of September 2015. She is going around various institutions, including schools to share a few ideas in terms of techniques on how to compete at the highest level.

Now those who spent time with me at school as well as High School, at Augustineum will recall that yours truly used to be a competitor, but I was born at the wrong time, so I was not offered the opportunity to compete with people like Ann.

Honourable Members, please have a courtesy to our distinguished visitor, she will be extremely eager to talk to some of you and if you have questions, feel free to interact with her during the teatime break.

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**HON SPEKAER:** Having said that, we move on – Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Oh yes, Honourable Minister of Finance.

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**TABLING: REPORTS OF THE AUDITOR-GENERAL**

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**TABLING OF REPORTS  
HON SCHLETTWEIN**

**HON MINISTER OF FINANCE:** Thank you, Honourable Speaker. I lay upon the Table, Reports of the Auditor-General on the Accounts of the following:

- (i) Ministry of Safety and Security – Department of Police for the Financial Year that ended 31 March 2014;
- (ii) Ministry of Regional and Local Government, Housing and Rural Development for the Financial Year that ended 31 March 2014;
- (iii) Ministry of Youth, National Service, Sport and Culture for the Financial Year that ended 31 March 2014;
- (iv) Ministry of Veterans Affairs for the Financial Year that ended 31 March 2014; and lastly
- (v) The Electoral Commission for the Financial Year ended 31 March 2014.

I so Move, Honourable Speaker.

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**NOTICE OF QUESTIONS**

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**HON SPEAKER:** Thank you. I am trying to retrace my steps. I have covered other Reports and Papers. For the Notice of Questions, I have Honourable Van Den Heever – you have the Floor.

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**QUESTION 46:**

**HON VAN DEN HEEVER:** Thank you, Honourable Speaker.

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**NOTICE OF QUESTIONS  
HON VAN DEN HEEVER**

Honourable Speaker, I give Notice that on Thursday, the 24<sup>th</sup> of September 2015, I shall ask the Minister of Sport, Youth and National Service, Honourable Jerry Ekandjo, the following:

The Namibian Women In Sports Association (NAWISA) was formed through the Ministry of Gender Equality and Child Welfare in 1998.

However, since then NAWISA remains on the periphery of development of sports amongst women at the grassroots level. Some of NAWISA's regional offices have become white elephants, most of the time the offices are closed, there is no one at the offices and a great number of sport people and organisations within the Regions do not know the office exists at all or do not know what function NAWISA is supposed to serve.  
*(Intervention)*

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**HON SPEAKER:** Point of Order.

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** On a Point of Order, Honourable Speaker – I am very sorry to interrupt my Sister over there, but the premise of the question is completely wrong. NAWISA was created under the Ministry of Youth and Sports and yours truly, was the author of that organisation and I thought that organisation remains within the ambit of the Ministry of Youth and Sport, if the question can be premised based on that information then it would be accommodated.

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**HON SPEAKER:** Thank you. Can I ask the Honourable Member – you have taken note of that comment, so are you able to rephrase your question so that is appropriate and correctly directed? Honourable Member, are you comfortable to redirect your question?

---

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**NOTICE OF QUESTIONS  
HON VAN DEN HEEVER**

**HON VAN DEN HEEVER:** Honourable Speaker, because it was cited that the association was formed through the Ministry of Gender Equality and Child Welfare, but my question is posed to the Minister of Sport, because it is a Sport Association.

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**HON SPEAKER:** So you have taken note of the intervention by the Honourable Member?

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**HON VAN DEN HEEVER:** Yes, I did.

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**HON SPEAKER:** And you are directing the question to the Ministry of Sport?

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**HON VAN DEN HEEVER:** Of Sport, yes, that is correct.

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**HON SPEAKER:** Thank you. You may proceed.

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**HON VAN DEN HEEVER:** Thank you, Honourable Speaker. However, since then NAWISA remains on the periphery of development of sports amongst women at the grassroots level. Some of NAWISA's regional offices have become white elephants, most of the time the offices are closed, there is no one at the offices and a great number of sport people and organisations within the Regions do not know the office exists at all or do not know what function NAWISA is supposed to serve.

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**NOTICE OF QUESTIONS  
HON DIENDA**

I therefore ask the Minister:

1. What assistance, if any, does the Ministry lend to NAWISA in fulfilling its mandate?
2. In the event that NAWISA is intended to operate as a completely independent body, despite having been formed through the Ministry, given that NAWISA already exists, would it not be simpler and more efficient for the Ministry to actively engage with NAWISA to ensure greater growth of sports participation and excellence amongst women from the Constituency level up to the national level?
3. Lastly, in any event, are there any other proactive steps the Ministry takes to promote growth of sport amongst women at grassroots level and to ensure that women are granted equal access to sport opportunities and the use of sport facilities?

I so Move, Honourable Speaker.

\_\_\_\_\_

**HON SPEAKER:** Thank you. The next is Honourable Dienda please.

\_\_\_\_\_

**QUESTION 47:**

**HON DIENDA:** Thank you, Honourable Speaker. Honourable Speaker, I give Notice that on Thursday, the 1<sup>st</sup> of October 2015, I shall ask the Right Honourable Prime Minister the following (*intervention*)

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**HON MEMBER:** She is not here.

\_\_\_\_\_

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**NOTICE OF QUESTIONS  
HON DIENDA**

**HON DIENDA:** No, you are here. Would the Government consider creating a Forum or Council for Ministers, together with an Advisory Body consisting of Chief Executive Officers (CEOs) of State-Owned Enterprises, Government Officials, Consumer Protection Activists, etcetera, to deal with food safety issues, to meet regularly, as food safety is a very important issue that applies and is dealt with by several Ministries?

I thank you.

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**QUESTION 48:**

Honourable Speaker, I also give Notice that on Thursday, the 1<sup>st</sup> of October 2015, I shall ask the Minister of Finance the following:

1. Does the Ministry of Finance grant any financial or any other form of support to the Namibian Financial Sector Charter Council?
2. Does the Ministry of Finance have any oversight authority over the Namibian Financial Charter Council and if so, where the Charter has failed to deliver on undertakings given by the Nation, what steps does the Ministry intend to take in this regard?

I so Move, Honourable Speaker.

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**QUESTION 49:**

**HON DIENDA:** Honourable Speaker, I also give Notice that on Thursday, the 1<sup>st</sup> of October 2015, I shall ask the Minister of Higher Education, Training and Innovation the following:

1. How many, if any, courses does the University of Namibia and the

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**NOTICE OF QUESTIONS  
HON DIENDA**

Polytechnic of Namibia have on consumer protection, and on what NQA level are these courses?

2. Can the Honourable Minister also inform this august House on why the *Bio-safety Act 7* of 2006, still does not gazette regulations, and what is the Minister's view on the fact that nearly 90% of Namibian maize contains Genetically Modified Organisms (GMO)?

I so Move.

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**QUESTION 50:**

**HON DIENDA:** Honourable Speaker, I also give Notice that on Thursday, the 1<sup>st</sup> of October 2015, I shall ask the Minister of Industrialisation, Trade and SME Development, the following:

Despite various public warnings and statements by Communications Regulation Authority of Namibia (CRAN) that MTC continues to act in contravention of principles of fair competition and the Provisions of the *Communication Act*, no tangible repercussions or steps have been taken to ensure that MTC does not continue to violet the Rights of Namibian consumers and the Provisions of the *Communication Act*?

Accordingly, what does the Minister plan to do to restore consumer confidence in the enforcement of the *Communication Act* and by when can Namibia expect to finally find a full and complete *Consumer Protection Act*?

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you.

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**NOTICE OF QUESTIONS  
HON DIENDA**

**HON DIENDA**: I am not finished.

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**HON SPEAKER**: Oh, okay.

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**QUESTION 51:**

**HON DIENDA**: You are all here, so I must ask you today. Honourable Speaker, I hereby give Notice that on Thursday, the 1<sup>st</sup> of October 2015, I shall ask the Minister of Industrialisation, Trade and SME Development the following:

1. What does the Minister intend to do about the impact price fixing has on the consumers of maize, millet (mahangu) and wheat in the event they are exempted from the *Competition Act*? This is undermining the poverty eradication drive, as prices are kept artificially high and there is also the risk that the effect of the increase of Old Age Pension will be eroded as elderly are also consumers of these products and Government seemingly, does not regulate the price of these controlled crops?
2. What is the outcome of the exemption sought to the Namibian Competition Commission (NaCC) by the Law Society to be exempted from the *Competition Act* relating to price fixing? Does the Government have an alternative remedy on Access to Justice as this practice is likely to deny the poor access to justice, as they will be unable to afford Legal Practitioners if the profession continues to increase prices unregulated?
3. How does the Minister balance the need to enhance local manufacturing ability with the need to protect consumers? Given that Infant Industry Protection is financed by consumers whether they are employed or not. for example, Infant Industry Protection granted to

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**NOTICE OF QUESTIONS  
HON DIENDA**

milk and cement affects nutrition and affordability of housing.

4. Does the Minister also fund not-for-profit registered Consumer Rights Organisations, since it is financing associations as Namibia Chamber of Commerce and Industry (NCCI) and Namibia Trade Forum? If so, which organisations and what is the nature of such funding?
  
5. When does the Minister envisage tabling the *Comprehensive Consumer Protection Bill* in the National Assembly to address all these afore-mentioned issues?

I so Move, Honourable.

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**QUESTION 52:**

**HON DIENDA:** Honourable Speaker, I give Notice that on Thursday, the 1<sup>st</sup> of October 2015, I shall ask the Minister of Health and Social Services the following:

1. Given that, the Food Safety Policy has now been completed may the Honourable Minister please advise this august House on the progress pertaining to the *Food Safety Bill* and at which stage the drafting process is and the expected time frame before the same is to be tabled in this House.

I so Move, Honourable Speaker.

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**QUESTION 53:**

**HON DIENDA:** My last one, Honourable Speaker, I give Notice that on

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**NOTICE OF QUESTIONS  
HON DIENDA**

Thursday, the 24<sup>th</sup> of September 2015, I shall ask the Minister of Health and Social Services the following (*interjections*)

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**HON SPEAKER:** You may continue please.

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**HON DIENDA:** It is common cause that one of the biggest problems we experienced in Namibia is the constant delays in the arrival of Police and ambulance staff when alerted of emergency. Sometimes this is due to staff shortages, but more often than not, it is brought about by a lack of vehicles to take emergency staff to, for example, an accident site.

On the 31<sup>st</sup> of August, I have personally found myself in the situation where, after an accident that I was recently involved in, after the arrival of the Police at the scene we had to wait for almost another hour before the medical and ambulance staff arrived, and the reason they gave for this delay is that the medical technicians were alerted of the situation immediately, but they had to wait for the driver who was busy looking for a taxi from his house to come and collect them and take them to the accident site. This happened in Karasberg.

Consequently, as regulations prevent Police Officers from moving the bodies of those injured in accidents or rendering medical assistance, an hour lapsed in which the injured people could not received treatment. Fortunately, the accident was not serious and nobody was seriously injured, but in another instance, that one hour in which the Police have arrived but cannot attend to the injured people until the ambulance arrives could be the difference between life and death.

Honourable Speaker, I refer you to another incident recently, on Sunday, in Golgotha, where once again the Police arrived at the scene long before the ambulance. Despite rules to the contrary, the Police Officer on site took the decision to transport the injured boy to the hospital, as he feared

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**NOTICE OF QUESTIONS  
HON DIENDA**

the ambulance would take too long to arrive at the scene and it may be too late by the time it arrives. We are very grateful for that. They transported the injured boy to hospital, as the ambulance will take too long to arrive at the scene.

What is noteworthy is that it appears in many cases, the Police Officers tend to arrive at the accident site before the medical and ambulance staff do, which is probably linked to the gross shortage in ambulance vehicles.

My questions are thus, as follows:

1. Is there a specific Rule of Law which bars Police Officers from transporting people injured in accidents to hospitals, and if there is indeed such a Law, may this august House please be appraised of such a Law. In the absence of such a Law, should it be a directive or trade rule, may the Honourable Minister please provide such further information?
2. What is the possibility that Police Officers can, at the very least receive basic paramedic training and also that those Police Officers are granted the requisite authority, after such training, to be able to transport injured passengers to the nearest hospitals? In cases of accidents, time is of essence, and losing an hour due to a lack or delay of ambulances when there is a police vehicle available at the scene seems to be an unnecessary technicality, especially when human lives are at stake.
3. Additionally, the issue of ambulance delays has been a burning problem for many years, thus, what measures and policies has the Ministry taken to find solutions to the problem and seek ways to ensure that the medical staff is capacitated with required vehicles and tools to effectively and efficiently perform their work.

I so Move, Honourable Speaker. Thank you.

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**NOTICE OF QUESTIONS  
HON KAVEKOTORA**

**HON SPEAKER:** Thank you very much. We move on Honourable  
(interjection)

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**HON MEMBER:** You have asked too many questions!

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**HON DIENDA:** Tomorrow, they are going to be 25.

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**HON SPEAKER:** Honourable Kavekatora, please.

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**QUESTION 54:**

**HON KAVEKOTORA:** Thank you, Honourable Speaker. I give Notice that on Thursday, the 1<sup>st</sup> of October 2015, I shall ask the Minister of Land Reform, Honourable Utoni Nujoma questions regarding the Land Reform Policy. During the Budget Debate on the Ministry's Vote, I remarked that the current resettlement Programme is turning commercially viable farms into non-productive communal units. The Honourable Minister concurred with me on that score.

My questions, therefore, are:

1. When is the Honourable Minister going to initiate a review of the Resettlement Programme to make it a viable economic proposition? Secondly, is it not (*interjection*)
-

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**NOTICE OF QUESTIONS  
HON KAVEKOTORA**

**HON MEMBER:** Are you proposing?

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**HON KAVEKOTORA:** I am asking, I am not proposing.

2. Is it not prudent to utilise recently acquired Government farms to assist the farmers who are affected by the impact of the devastating drought?

I so Move.

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**QUESTION 55:**

**HON KAVEKOTORA:** On the same day – Honourable Speaker, I give notice that on Thursday, the 1<sup>st</sup> of October 2015, I shall ask the same Minister, the Honourable Minister of Land Reform, Honourable Utoni Nujoma, questions regarding the Small-Scale Commercial Farming Project initiated at Otjetjekwa and surrounding in the areas of Omusati Region. This is a Small-Scale Farming Project that was meant to subdivide and fence communal areas of Otjetjekwa into separate commercial farming units. The activities of this project have come to a complete stand still, hence, the following questions:

1. What necessitated the delay in the completion of this project and when do we expect work to resume again?
2. Does the Ministry intend to implement similar projects in other communal areas and if the answer is in the affirmative, when and where?
3. Lastly, in case the Ministry is actually implementing similar projects in other communal areas, are they also being delayed like the one at Otjetjekwa?

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**MINISTERIAL STATEMENT  
HON SIOKA**

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. Notice of Motions? Message from the Head of State? Ministerial Statements? Honourable Minister Sioka, you have the Floor.

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**MINISTERIAL STATEMENT**

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**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** Thank you, Comrade Speaker. Honourable Members, because my letter came very late to the Honourable Speaker, I am using the Rule for unforeseen circumstances just to announce that tomorrow there will be a meeting for all Women Parliamentarians here in this Chamber after the Session. We have to meet after Session. Thank you Comrade Speaker.

I so Move.

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**HON SPEAKER:** Thank you. We will stop there. The First Notice of a Motion is the one of the Honourable Minister of Finance. Does the Honourable Minister, Move that the Bill be now introduced?

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**HON MINISTER OF FINANCE:** Yes, Honourable Speaker.

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**HON SPEAKER:** Who seconds? Any objection? Agreed to. Will the

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**FIRST READING – VALUE ADDED TAX  
AMENDMENT BILL  
HON SCHLETTWEIN**

Honourable Minister please table the Bill. I am hearing the running commentary by the Honourable Minister, Ho Chi Minh. *(Laughter)*

The Secretary will now read the Bill a First Time.

I do not think they have heard you – they did not hear you. I think the microphone is not on, can you please help with the other microphone.

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**FIRST READING – VALUE ADDED  
TAX AMENDMENT BILL [B.10 -2015]**

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**SECRETARY:** *Value Added Tax Amendment Bill [B.10 – 2015].*

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**HON SPEAKER:** Does the Honourable Minister Move that the Bill be read the Second Time?

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**HON MINISTER OF FINANCE:** I Move so, Honourable Speaker.

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**HON SPEAKER:** Who seconds? Any objection? Agreed to. The Honourable Minister has the floor.

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**SECOND READING – VALUE ADDED  
TAX AMENDMENT BILL [B.10 -2015]**

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22 September 2015

**SECOND READING – VALUE ADDED  
TAX AMENDMENT BILL  
HON SCHLETTWEIN**

**HON MINISTER OF FINANCE:** Thank you, Honourable Speaker. Honourable Speaker, Honourable Members of this House allow me to introduce the Amendment to the *Value Added Tax Act, 200* (Act 0 of 2000) as amended, already before.

As part of its efforts to improve tax administration and revenue collection, the Ministry of finance conducted a review in areas of tax policy as well as tax administration.

The review concluded that Namibia's Value Added Tax threshold of N\$200,000.00 is relatively low. The threshold for Value Added Tax registration has remained constant at N\$200,000.00 for the past 15 years since its introduction in the year 2000. The increase of the Value Added Tax threshold from N\$200,000.00 to N\$500,000.00 for compulsory Value Added Tax registration will alleviate the hardship on small businesses to adhere to the requirements of the *Value Added Tax Act* and reduce the administrative burden on the Inland Revenue Department. Voluntary Value Added Tax registration will remain and will be monitored under the Law. This *Value Added Tax Amendment Act* will allow the setting of conditions under voluntary Value Added Tax registration. Voluntary Value Added Tax registration threshold will now be N\$200,000.00. Application for voluntary Value Added Tax registration may be granted on condition that the applicant reaches the threshold of N\$500,000.00 in turnover after a period of 2 years from the date of effective voluntary registration.

Honourable Speaker, the Value Added Tax import accounts granted under the *Value Added Tax Act* creates an opportunity for misuse of such accounts. This Amendment, therefore, allows for the setting of conditions when Value Added Tax import accounts are granted such as compliance with Taxation Laws to enable the cancellation of trader's import account where such trader transgressed the Tax Laws. The abuse of the Value Added Tax import accounts made it necessary to introduce these control measures. A trader whose account has been cancelled as a result of the Tax Law transgression will have to pay the import Value Added Tax when

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**SECOND READING – VALUE ADDED  
TAX AMENDMENT BILL  
HON SCHLETTWEIN**

importing the goods at the border.

It has become necessary to include Provisions in the Law to guard against practices where companies are created and then abandoned. Provisions in this Amendment will ensure that the owners/shareholders/members are jointly and severally liable to pay unpaid tax of their companies to the extent that the tax debt arose during the time they so served as owners/shareholders or members or redundant companies or Close Corporations.

The new ITAS system, that is, the Integrated Tax Administration System, which is expected to be functional in 2016 will provide for electronic means of communication for which a legal basis will be required. This Value Added Tax Amendment contains a legal basis for to enable the Minister of Finance to make rules prescribing the format of electronic communication.

The *Value Added Tax Act* is amended to specify that foreign interest earned is exempted and not zero-rated to avoid claiming Value Added Tax, which was not intended to be claimed.

Honourable Speaker, the Tax Policy contribution to development relates to the growth, friendliness of the tax system and revenue generation capacity. These essential features of the tax system will be reinforced by the modernisation and efficiency of the Tax Administration System through these Amendments to the *Value Added Tax Act*. It is against this objective that I ask the Honourable Members of this House to pass this Value Added Tax Amendment Bill.

I thank you Honourable Speaker.

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**HON SPEAKER:** Thank you very much. Any further discussion? I see none. I now put the question that the Bill be read a Second Time. Any

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**FIRST READING – INCOME TAX  
AMENDMENT BILL  
HON SCHLETTWEIN**

objection? Agreed to.

The Secretary will now read the Bill a Second Time.

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**VALUE ADDED TAX AMENDMENT BILL [B.10 -2015]**

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**SECRETARY:** *Value Added Tax Amendment Bill [B.10 – 2015].*

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**HON SPEAKER:** The Second Notice of a Motion is the one of the Honourable Minister of Finance. Does the Honourable Minister Move that the Bill be now introduced?

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**HON MINISTER OF FINANCE** : I Move so, Honourable Speaker.

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**HON SPEAKER:** Who seconds? Any objection? Agreed to. Will the Honourable Minister please table the Bill?

The Secretary will read the Bill a First Time.

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**FIRST READING – INCOME TAX  
AMENDMENT BILL [B.9 – 2015]**

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**SECOND READING – INCOME TAX  
AMENDMENT BILL  
HON SCHLETTWEIN**

**SECRETARY:** *Income Tax Amendment Bill* [B.9 – 2015].

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**HON SPEAKER:** Does the Honourable Minister Move that the Bill be now read the Second Time?

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**HON MINISTER OF FINANCE:** I Move so, Comrade Speaker.

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**HON SPEAKER:** Who seconds? Any objections? Agreed to. The Honourable Minister has the Floor.

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**SECOND READING – INCOME TAX  
AMENDMENT BILL [B.9 – 2015]**

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**HON MINISTER OF FINANCE:** Thank you very much, Honourable Speaker.

Honourable Members of this House, it is my pleasure to introduce the Amendment to the *Income Tax Act*, that is, (Act 24 of 1981) as amended.

In the furtherance of the national objectives, various tax policy changes were proposed in the Budget Speech – not only in the most recent one, but even in the previous ones. The domestic tax policy is premised on the objective of promoting a fair and broad-based tax system, efficient revenue collection and sustainable economic growth.

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**SECOND READING – INCOME TAX  
AMENDMENT BILL  
HON SCHLETTWEIN**

This *Income Tax Amendment Bill* contains Provisions to reduce the withholding tax rate imposed on services rendered by non-residents to a level of 10%, to introduce a withholding tax at a rate of 10% on interest paid to non-residents, introduce a definition of Namibia into the *Income Tax Act*, provide for taxation of restraint of trade payments, to tax gains from the sale of a petroleum licence or right, set royalties, for example, patents, copyrights, trademarks etcetera, tax rate at 10%, to strengthen the recovery of tax debt, and to provide for rules for electronic communication.

The withholding tax rate applicable to services rendered by non-residents was introduced at a level of 25%. Namibian businesses and organisations make use of foreign service providers for a number of technical and specialised areas such as technology, finance, mining, geology, petroleum exploration etcetera, which Namibian organisations are unable to source within Namibia. The 25% withholding tax often has the effect of increasing the cost of acquiring these services, which places hardship on the Namibian organisations. Lowering the withholding tax rate to 10% will reduce the costly effect of acquiring foreign technical services on Namibian businesses and it will still be 10% more expensive for foreigners to render these services compared to Namibians rendering these services.

Interest paid to non-resident persons, organisations, businesses or institutions that provide loans to Namibian business is currently not taxed as these businesses or individuals do not have any presence in Namibia. This creates a distortion in the tax system as the interest paid by the Namibian business is deducted for income tax purposes. This may also create the opportunity for multinational companies having Namibian branches to use loan arrangements to avoid or postpone tax liability by paying large amounts of interest to their counterparts in foreign jurisdictions under the auspices of a loan received from the foreign counterpart, thereby avoiding or postponing their tax liabilities within Namibia.

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**SECOND READING – INCOME TAX  
AMENDMENT BILL  
HON SCHLETTWEIN**

Introducing a withholding tax on interest at a rate of 10% will ensure that taxes are collected on interest arising in Namibia. Such Amendment will also deter multinational companies and connected organisations to engage in loan arrangements as a means of reducing or postponing tax liabilities of the Namibian enterprise.

Honourable Speaker, including a definition of Namibia with specific reference to the Exclusive Economic Zone in the *Income Tax Act* will ensure that income earned from activities conducted in the Exclusive Economic Zone of Namibia will now be subjected to income tax in Namibia. Restraint of trade payments earned by individuals and companies will now be subject to income tax.

Comrade Speaker, the *Income Tax Act* was amended in 2011 to tax the proceeds from the sale of a mineral licence or a mineral right. Licences and rights in the Extractive Industry have become trading commodities and income is generated from the sale of these licences. The objective of the taxation on profits from the sale of petroleum licences is to ensure that Namibia receives its fair share on the sale of petroleum licences and rights and deter licence holders to sell licences for a profit without exploring and growing the Petroleum Industry. The gain made on the petroleum licence will be taxed.

The *Income Tax Act* provides for the taxation of royalties – those are patents, designs, trademarks, copyrights – imparting any scientific, technical, industrial knowledge etcetera, paid to non-residents. The current effective rate is 9.9% and will reduce as the corporate tax rate reduces, as it is currently linked to the corporate tax rate. The royalty rate is, therefore, to be fixed at 10%.

Provisions are included in this *Income Tax Amendment Bill* to guard against practices of abuse and strengthen the recovery of tax debts. In addition, not all directors pay tax on director's fees. This Amendment will subject director's fees to tax being deducted before it is paid to directors.

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**SECOND READING – INCOME TAX  
AMENDMENT BILL  
HON SCHLETTWEIN**

The *Income Tax Act* provides that tax be withheld from dividends and royalties before payment is made to the non-residents. The *Income Tax Act*, however, does not penalise any person for not withholding tax from royalties or dividends. This has the effect that that dividend payers and royalty payers omit to withhold the tax imposed by the Law. An administrative penalty of 10% is to be introduced.

The ITAS system which will provide for electronic means of communication, electronic submission of tax returns and electronic payments will be functional in 2016, that is our target. A legal basis will be required to enable the Minister of Finance to make rules prescribing the format of electronic communication, which is contained in this *Income Tax Amendment Bill*.

Honourable speaker, the Government plays a critical role in ensuring that the economic environment is conducive to promote business confidence, growth and employment creation. In this respect, the non-mining company tax rate is reduced from 33% to 32%. This reduction rate is expected to incentivise businesses to reinvest and expand their operations, thereby creating more economic opportunities and growing the economy.

In striving to grow the Namibian economy, mobilise resources for development, protect the tax base and bolster competitiveness, which will be brought about by these amendments, I ask the Honourable Members of this House to pass this *Income Tax Amendment Bill*.

I thank you, Honourable Speaker

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**HON SPEAKER:** Thank you. Any further discussions? Yes, Honourable Dienda please?

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22 September 2015

**SECOND READING – INCOME TAX  
AMENDMENT BILL  
HON DIENDA**

**HON DIENDA**: Thank you, Honourable Speaker. Honourable Speaker, if there is nobody else who would like to take the Floor, I would like to adjourn the Debate until next week Tuesday. Thank you.

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**HON SPEAKER**: Thank you. So there is a request for the adjournment of the debate until next week Tuesday, is the House in agreement? Thank you very much. we move on.

The Secretary will read the First Order of the Day.

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**RESUMPTION OF DEBATE ON  
EXPANDING MEDICAL CLINICS TO  
ALL TERTIARY INSTITUTIONS IN THE COUNTRY**

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**SECRETARY**: Resumption of Debate on Expanding Medical Clinics to All Tertiary Institutions in the Country.

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**HON SPEAKER**: When the Debate was adjourned on Wednesday, the 16<sup>th</sup> of September 2015, the question before the Assembly was a Motion by the Honourable Dienda.

The Honourable Minister of Gender Equality and Child Welfare adjourned the Debate, may I now ask her to take the Floor?

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22 September 2015 MOTION ON EXPANDING MEDICAL CLINICS  
TO ALL TERTIARY INSTITUTIONS IN THE COUNTRY  
HON SIOKA

**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** Thank you very much, Honourable Speaker. Honourable Members of this august House, I am taking the Floor to join others who have spoken on this Motion. It is an important Motion to me. *(Interjection)*

Yes, it is important to me because it has been brought by a mother who is so much concerned about the lives of our people. A person starts from a baby, and when it is born *(interjection)*

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**HON MEMBER:** Embryo!

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**HON MINISTER OF GENDER EQUALITY AND CHLD WELFARE:** Sorry, from the embryo, yes *(laughter)* Colleagues this issue is very serious please. I am really supporting my Sister, however, the only issue that I am having is that we should not only confine it to Windhoek, but expand it to other Regions so that we eliminate or decrease the killing of babies.

Baby dumping has been an issue, as women we are really regarded by our colleagues that we are criminals or murderers, because immediately you abort, you are already a killer, you have killed. Either you dump a live baby taken up by the Police or anybody – still we are suspected of an intention to kill, so it is a shame to us women. As parents, especially women, we should really be talking to our children to encourage them to stop dumping babies.

Honourable Dienda, I wanted you to expanded more on baby dumping to make the discussion more fruitful, because it would enable people to

22 September 2015 **MOTION ON EXPANDING MEDICAL CLINICS  
TO ALL TERTIARY INSTITUTIONS IN THE COUNTRY  
HON SIOKA**

obtain more information with respect to what we are doing as women by killing babies.

Colleagues, baby dumping, in my opinion, is a sin and a crime. This Government is ready to take care of the babies. If you do not want to have that child you can hand it over, either to the Ministry of Gender Equality and Child Welfare, to the Police or a nearby hospital, the baby will be taken care of. Can I give an example, Honourable Members? Let me say, I dumped a baby, (interjections). No, it is just an example. I dumped that baby and that baby is grows up in the care of somebody else or the Government. When it one day becomes a Minister or a President, as a mother, I will be looking at him/her, ashamed to even try to introduce myself and say – *I am your mother*. I will be hiding, because nobody knows the mother of that child and I will be consumed by the feeling of guilt. I will be overwhelmed by the guilty conscience and the desire to be reunited with my child, especially now that he/she has a President – thinking about how he/she could take care of me. One will be so overly disappointed, such that it deters you from ever doing that in the future.

We should think over it deeply that that baby you have dumped today could be looking after you like your own father or mother. In my language there is a word – *ikobe*, this is baby that, once it has grown up, it turns up being the parent of its parents. When the parents grow old these babies start gathering food and place in front of their old parents. These are the babies we try to groom and take care of them – we should look after them.

I really do not know what I should do, but to tell you the truth, as women, we have to talk to our children. Our children sometimes take the risk of aborting or dumping babies because of us the parents – we do not want to look after our grandchildren. Sometimes we torture our children while they are pregnant. You see this big pregnancy in the house and you perhaps did not want her to have a child, because you regard yourself as being young and still want to remain young (*laughter*) As mothers, we should also stop torturing our children. If your child is pregnant, just

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advise her on how to take care of her baby or ask her to bring the baby to you as the grandmother instead of torturing the child to the extent that she decides to drop the baby somewhere else because of wanting to please you. Mothers should take responsibilities of looking after these children when they are pregnant. Encourage them, we were born in that way too, it is not a disgrace to have a baby. Whether the child is ten years old, twelve, thirteen or fifteen years old, these children needs to be cared for by us as mothers.

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**HON DIENDA:** As parents.

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**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** Yes, exactly, as parents – both the fathers and mothers have to take care of these children and ensure that they deliver their babies in a happily instead of torturing them and telling the – *I do not want a grandchild. (Intervention)*

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**HON SPEAKER:** I do not want to rush you, Honourable Member, but I do not want to steal our teatime.

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**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** No, I am about to finish.

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**HON SPEAKER:** Oh, are you finishing? That is okay.

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**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** Yes, Comrade Speaker, I initially adjourned the Debate for tomorrow, but I was put on the spot today. (*Interjection*)

Comrade Speaker, since I am being advised about our guest, in conclusion, let us take care of our children. Let us stop dumping babies, even God hurts seeing this happening. We all go to our respective churches. Whether one goes to a Satanic Church, it is still a church. (*Laughter*)

Now, in conclusion, Comrade Speaker, allow me to emphasise on the meeting for tomorrow – to all women Parliamentarians, let us please meet tomorrow here in the Chamber. (*Interjection*)

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**HON MINISTER OF LAND REFORM:** Are you going to talk about baby dumping?

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**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** I have already asked for permission to discuss baby dumping as is requested by Minister Utoni Nujoma.

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**HON MEMBER:** Are we really going to discuss baby dumping?

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**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** No, it is a Women Caucus. Thank you very much Honourable Speaker.

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HON SMIT**

**HON SPEAKER:** Thank you very much. You will have the opportunity to continue with that important point you are making tomorrow, but for now let me just bring to the attention of the Members that our distinguished visitor – Ambassador Shelly-Ann Fraser-Pryce from Jamaica, a well-known athlete is here. (*Applause*)

Welcome to Namibia, we are very much looking forward to having tea and a bit of an exchange during teatime. We know that you are here for a brief time, but we are extremely delighted to have you in our country. I wish you have time to talk to some of the young people, to inspire them and to tell give a few hints on how they might be better prepared to compete, not only at home, not only in Africa, but throughout the world. It is nice to have you here. Thank you. It is now teatime, Honourable Members.

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**HOUSE ADJOURNS AT 15:45**

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**HOUSE RESUMES AT 16:15**

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**HON SPEAKER:** That was quite a pleasant cup of tea for each and every one in this House. I now call upon Honourable Smit.

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**HON SMIT:** Honourable Speaker, Honourable Members, I rise today in support of the Motion tabled by Honourable Dienda in this august House on the *Expansion of Medical Clinics to All Tertiary Institutions in the Country*.

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Honourable Dienda has raised an important issue as it relates to the development of the Namibian youth.

The much cited potential and role of the youth in driving Namibia forwards towards the realisation of our National Developmental Plan, namely Vision 2030, points to the significance of this portion of the population. By fulfilling their potential, the youth of Namibia will be able to assume their role in the development of our country and the socio-economic upliftment of the Namibian people. However, it is questionable how we as National Leaders expect the youth of our country to live up to the very high expectations we have set for them if we do not ensure that they have access to things like medical facilities and professional medical care at places of higher learning.

Honourable Speaker, Honourable Members, access to adequate health services and professional health practitioners ensures that any individual has at his/her disposal the information, and knowledge to make the best decision whatever situation is faced. Namibia has a high incidence of baby dumping – we know that – a social ill that is a likely consequence of unprotected and/or risky sexual behaviour, teenage and/or unplanned pregnancies. Ensuring access to the above services and professionals for individuals studying at tertiary education institutions in Namibia will go a long way towards reducing the incidence and prevalence of the above social problems.

By providing access to medical services and professionals, one also provides young people enrolled at tertiary education institutions in Namibia with the tools to make informed and educated decisions about their lives. Whenever National Leaders speak of the potential and role of the youth to lead our country to prosperity, there is always a call for the youth to take action, realise their potential and drive our country forward. Yet, for some reason we have been very slow to ensure that the youth have at their disposal the tools needed to fulfil the task set out for them. It is high time that we as Leaders ensure that the young people of Namibia are adequately equipped. Medical clinics at tertiary education institutions

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throughout Namibia will ensure that access to medical services and professionals do not become a burden to those who should be spending their time preparing and educating themselves in order to realise our national vision.

Honourable Speaker, Honourable Members, on the 15th of August this year, the *Namibian Sun* newspaper carried an article under the heading “*Closed UNAM Clinic Haunts Students*” in which it reported that the clinic at the University of Namibia (UNAM) Main Campus in Windhoek has been closed down and provides no services to any of the institution’s students. Considering the essential service dispensed by a medical clinic, it is alarming to note that students at one of Namibia’s foremost Public Institutions of higher education cannot access medical services and professionals on campus.

One must commend the Government for the expansion of service provision in key areas such as education and healthcare over the past twenty-five years. Yet, it is worrisome that students undergoing tuition at the main campus of a Public Institution of Higher Learning in the capital city of our country have for the past two years, no access to medical services at their place of study. Considering the location of the UNAM Campus on the outskirts of Windhoek in relation to where public health facilities are located, it is reasonable to expect that a student at that institution will have some difficulty in gaining access to the necessary services should an emergency occur at an untoward hour. If, this goes for UNAM here in Windhoek, so does it also go for all our other institutions throughout the country.

Healthcare is an essential service, and access thereto is enshrined in the Right to Health. Bearing in mind the considerable responsibility we have placed on the youth of our country, it is only fitting that we ensure that they are able to make the best of themselves and our country without the challenge of limited and/or poor access to healthcare. Furthermore, allowing a situation in which students enrolled at tertiary institutions cannot easily and free of hassle access medical services to develop and

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linger, paints a picture of a National Leadership that is not responsive to the needs of those affected.

Honourable Speaker, Honourable Members, the Polytechnic of Namibia recently held its HIV/Aids Awareness Campaign on its campus in Windhoek, where the aim of the event was to raise awareness on the devastating disease. Apart from that the Institution's Department of Student Services it regularly conducts workshops for its students on sexual and reproductive health, and drug and alcohol abuse. Ensuring that students at tertiary education institutions have access to information and knowledge about health related issues are key ingredients needed to effect positive behaviour change. I have alluded to ensuring that young people have the tools at their disposal to make good decisions about how they live their lives. By providing access to information and knowledge about health related issues, one ensures that students are empowered to make decisions that will lead away from risky sexual behaviour.

Not only do we need to expand medical clinics to all tertiary institutions in Namibia, but it is also imperative that all institutions undertake proactive campaigns to raise awareness and share information amongst their students on health-related matters. We have a responsibility to ensure that the youth of our country, our children, are able to access medical services and obtain professional medical help easily and without any undue obstacles. The absence thereof places a burden on young Namibians and unnecessarily detracts from their education.

Honourable Speaker, Honourable Members, as we develop further, it is reasonable to expect that tertiary education enrolment will increase, meaning that more and more people will study at our local institutions of higher learning. In turn the demand for medical services and professionals will increase at these institutions and, as such, it should not really be a question of – *are we going to expand medical clinics to all tertiary institutions in the country* but rather – *when are we going to expand medical clinics to all tertiary institutions in the country*. This question is of great significance. We have placed a huge responsibility on the youth

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of our country, and rightly so, yet is equally our responsibility to ensure that they have the best possible chance of realising our collective dream.

Honourable Speaker, I hereby support the Motion.

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**HON SPEAKER:** Thank you very much. We move on to Honourable Van Den Heever. You have the Floor.

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**HON VAN DEN HEEVER:** Thank you, Honourable Speaker. I also want to be in full support of this Motion. I would just like to mention two to three points.

I would like Honourable Dienda to also consider including the San Community in this Motion, and not only the tertiary institutions, and, especially the girl-child. I would like to refer to an Article in the *Namibian Sun* of Tuesday, the 15<sup>th</sup> of September 2015, and I read “*San girls are lucky if they pass Grade 5 without being forced into marriage or burdened with an unwanted pregnancy. Even if girls want to obtain contraceptives they would never get their mothers’ blessings and neither would a conservative nurse be willing to give it to a ten-year-old. Maria Britz from Drimiopsis, who fell pregnant while she still at primary school, is a living proof of this.*” Then I skip the next paragraph – “*She also spoke about the lack of medical facilities, saying that the bush clinic comes around only once a month without tuberculosis and Anti-Retroviral treatments. Those of us with TB or HIV must pay N\$80,00 to take a lift to Gobabis to get medication. That is why some of us become drug resistant and are dying.*” That is what she said.

My other concern is also from the *Confidante* Newspaper of the 17<sup>th</sup> to the 23<sup>rd</sup> of September 2015, where the *Confidante* reported about 280 teenagers who fell pregnant in Groot-Aub. It is in fact very worrisome.

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Then I also want to speak about the unfriendliness of the staff at clinics and hospitals across the country. Recently, someone posted something at the Oshakati State Hospital that read as follows, and I quote: *“If you do not have a kid or you are under 18, then you do not need family planning.”* Another example is that, when a minor comes for family planning to the clinic the nurse will call her colleagues and even shout at her saying – *Come and see the child who wants family planning,*” making this laughingstock of all people there, she falls victim of humiliation and this can easily lead to suicide. We had a case in Luderitz where a girl almost committed suicide because she was humiliated.

Honourable Mushelenga, was saying that the clinics will not solve the problem, but I believe that if commit ourselves to being advocates for by advocating for the friendliness of the staff to make sure the environment is user-friendly for the children to go for family planning, we can go a long way in ensuring the protection of our children. I thank you Honourable.

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**HON SPEAKER:** Thank you very much. We move on to Honourable Shanghala please.

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**HON MEMBER:** Shanghala!

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**HON SPEAKER:** I thought I got it right this time. *(Laughter)*

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**HON SHANGHALA:** Mr Speaker, as they say practise makes perfect. Mr Speaker, this Motion raises very interesting issues. Of course, as what being talked about here, it is the issue of kids making kids, but I think in a way, there is a misdiagnosis of the problem.

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Now, as a young man I can talk about how young men court the girls that they like, there are those who sneak around the houses and try to come through the window just to see somebody and there are those who knock at the front door and enter to see that person. I see this Debate in the latter fashion. In the form of fashion, it is trying to sneak around the house to get into the real issue in the house.

If it is the issue that baby dumping in the hypothesis is as a result of lack of contraceptives which are not availed, because there is no institution to avail them, then I think the discussion should very much centre around the issue in itself, which is abortion. However, I do not see how the provision of clinics at tertiary institutions –I may have gotten it wrong somehow, but when I listened to the discussion, there was mention made babies being dumped and that this could be somehow alleviated with the provision of clinic facilities.

The interesting and clever people will say baby dumping comes from the Biblical times of Moses being put in the River Nile etcetera. (*Interjections*) You may be surprised that I remember some things. However, it is equally the truth that in society it just does not occur at tertiary institutions. We have at least one incident in this country where a young girl was unfortunately, brutally killed by her boyfriend – again, kids making kids – when they realised that the girl was pregnant. They were not even at tertiary institutions, they were High School children. So pretty much, it is the issue of whether or not reproductive health issues involve the right to terminate the development of a foetus.

In this discussion as is the issue of provision of health institutions across the country, I think if you want to see the boy or the girl, do not go through the window, knock on the door and you will be seen and welcomed as a guest. When you go around the window, we sometimes do not know whether you are a thief and we misdiagnose the intention of your contribution. I end there. Thank you.

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HON IIPUMBU**

**HON SPEAKER:** Thank you. Honourable Iipumbu.

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**HON DEPUTY MINISTER OF ECONOMIC PLANNING:** Thank you, Honourable Speaker. I rise to make a contribution to the Motion on the Table regarding the extension of clinics to tertiary institutions.

First and foremost, if my memory serves me well, during my years at the University of Namibia there has been a medical clinic that provides all types of services, including sexual reproductive health services.

Secondly, I want to provide information regarding the Namibia Planned Parenthood Association (NAPPA) that has seven clinics that are providing such services across the country and that institution has an outreach programme that is being spearheaded by the Youth Action Movement, which is an arm of the Namibia Planned Parenthood Association. That body carries out outreach programmes, even at the Secondary School level. However, it has been funded by donors and as we are aware of the classification of Namibia as middle-income country, a number of donors have thus far withdrawn their donations and as such, NAPPA entered into an agreement with the Ministry of Youth and the Ministry of Health. Currently five of the clinics are operating within the Youth Centres under the supervision of the Ministry of Youth and the commodities that are being used there are advanced by the Ministry of Health.

My submission will, therefore, be that the Government then assist NAPPA to rollout the clinics to all these Youth Centres across the country and also to assist in terms of funding so that they can carry out their activities extensively. I can site an example of the outreach programme in the Ohangwena Region where the Former First Lady acquired a donation from one of the partners to one of her charitable organisations and rolled out the comprehensive sexual education programme that targeted youth in Ohangwena Region at all levels and the result and the positive outcome of that programme was the 24% reduction in terms of teenage pregnancies in

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HON LIMBO**

the Ohangwena Region.

That same Youth Action Movement that I have just referred to – in response to Honourable Van Den Heever’s submission on the Groot-Aub report – had an outreach programme for the weekend of the 11<sup>th</sup> to the 13<sup>th</sup> of September in Groot-Aub.

My submission is that we strengthen the existing structures and the clinics that are in existence and then they can rollout the services to reach the country at large without making specific reference to tertiary institutions only, because we know that baby dumping is not only a problem in Higher Education Institutions, but across the country. In actual fact, if one can cite the incidences that have thus far been identified in tertiary institutions, they are minimal and our target should not only be tertiary institutions, but the youth out there.

I so submit. Thank you, Honourable Speaker.

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**HON SPEAKER:** Thank you. Honourable Limbo.

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**HON LIMBO:** Thank you, Honourable Speaker. I also want to add my voice to the Debate.

First of all, I would like to say, I concur with my Sister over there and the Attorney-General by saying that we need to look at this problem broadly, it is not only in tertiary institutions. As far as my memory can serve me right, you will find that the majority of our dropouts are more in Secondary Schools and even in Primary Schools. I would, therefore, like to say that, perhaps, instead of only looking at our tertiary institutions, we must go out there and strengthen our Primary Health Care Programmes so that we can start talking to our girls at a much earlier stage – if need be, perhaps while they are at the age of 6 or 7 years so that they grow up with

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this information as they progress in live.

Secondly, since the boys are also to be blamed here, they must be part of the whole programme so that they know the consequences whatever decisions they are going to take, such that, when they meet a girl they should not just think of making love to her, they must think of the outcome at the end of the day, because we cannot afford to have our babies being dumped day and night when our population size is so small.

We were told by the Founding Father that we must produce (*laughter*) but you must produce responsibly. We must take responsibility of the baby, it should not be just for the sake of producing. Honourable Dienda, that is why instead of confining this Motion to tertiary, I believe we must try to broaden it so that at the end of the day even the traditional birth attendants in the villages can also be empowered to be talking to our girls in the villages. The traditional birth attendants can also be our agents of change in villages and should be able to say – *look, whatever you are doing after hours, you must remember there are consequences*. We must encourage people to come through the normal door not through the windows as our Attorney-General was saying.

I think I do not have much but I just wanted to say that I see the need of expanding (*intervention*)

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**HON SPEAKER:** I think she concluded?

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**HON LIMBO:** No, allow him.

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HON LIMBO**

**HON SPEAKER:** Honourable Nujoma, are you rising on a Point of Order?

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**HON MINISTER OF LAND REFORM:** Thank you, Comrade Speaker. On a Point of Information – I do not want her to conclude with a misconception about my father (*laughter*) What my father said is – and I know he says it every day that – *only those who are licensed to make babies can produce*, not those who are not licensed, not minors, not baby dumpers and all these other people. I just wanted to correct that. Thank you.

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**HON SPEAKER:** Thank you. Honourable Member.

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**HON LIMBO:** Anyway, thank you very much. That is exactly what I was saying. I did not open the Pandora's box, for the minors to produce, I said we must start producing when we are sure of taking responsibilities that comes with the baby. I will have to leave it there.

Anyway, coming back to your Motion my Sister, I think that is all that I wanted to add. Otherwise, it is a very good Motion, we just have to take it further than the Institutions of Higher Learning. I so submit. Thank you very much.

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**HON SPEAKER:** Thank you very much. Honourable Iivula-Ithana.

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HON IIVULA-ITHANA**

**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:**

Thank you, Honourable Speaker. Honourable Speaker, I also rise to add my voice to this Debate.

This Debate has visited this House in many forms. In the past years I have been here, we have been debating about baby dumping, teenage pregnancies and so on. This one comes in the form of wanting clinics to all the tertiary institutions, which I think is not feasible, is not possible and is not necessary, because to really demand this, we as Lawmakers, as parents, as a society are passing the buck. These youngsters we are talking about are our own children. They come from our own homes. Now that we have failed to get them through the proper upbringing, we now want the hospitals and clinics to take over. That is not possible, Comrade Speaker.

Comrade Speaker, the situation in our country is very alarming. We have a situation where children are making children and when you look at the grandchildren of these babies, they are probably in their late 20s themselves. She would be a grandmother in her late 20s and this grandmother does not even want to be known to be a grandmother, because she is still active. She got this one when she was about 11 and now when she is in her 20s her daughter has a grandchild and this daughter does not want this baby. Who will look after it, if we ask ourselves? Who should look after this baby? Therefore, the only solution to them, they think, is to dump the baby and then they continue with their lives.

Honourable Speaker, as long as we have teenage pregnancies in this country and as long as the rate at which our girls are becoming pregnant at the young age, we must tighten our belts for baby dumping and for whatever else.

Honourable Speaker, the upbringing of children is our responsibilities as parents – men and women. When you look at our society today many of the households are held by women alone (*intervention*)

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**HON SPEAKER:** Single mothers.

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** Yes, single mothers, single parents. Single fathers are there, but very few. These absent fathers consider themselves young men at all times. They do not grow up and when we go to these *Shebeens* and we meet these young ones – I am told a chick is also meat (*laughter*) Yes, a chick is also meat, you know, they completely forget about their age because they have money (*interjection*)

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**HON MEMBER:** Age is just a number!

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** Age is just a number (*laughter*) They have money and these poor teenagers coming from single mother homes where life is difficult are attracted to these sugar daddies. What is the result? Pregnancy. The sugar daddy does not want to be associated with the pregnancy of a teenager – they have a chain of girlfriends, not even a wife. So when this child goes to this sugar daddy telling him she is carrying his pregnancy, she may even get a slap because – *how could she, of all people pick him, such an older man?* We have a society that is moving on a wrong path.

Comrade Speaker, on one of the South African channels, I have seen a Secondary School that has introduced programmes where children are made to lead a life of a parent. A one-kilogram *mealie* meal bag is wrapped and made like a baby, and they are carrying this baby throughout, in the classrooms and there is a period where they are told – *now the baby is crying, you must go and feed it or change the nappy*, I do not know how long they go through that experience and they are now asked to relate their

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experiences. I am telling you, those kids are saying – *wooh! It is not a joke to be a parent.* Maybe we need to introduce something like this for our children to experience parenthood. I have just remembered something – my point, which has been my song, and probably this is a secret that I am disclosing here. I was opposed to the policies of allowing girls back in school after becoming pregnant. I was saying, when we were exile, in Kwanza Sul, in Nyango, when girls became pregnant they would come back from wherever they were studying, they came to the settlement, deliver and were given almost two years with their babies because they cannot leave these babies and go back to school when the children do not even know how to sit on the potty. Yes! They must live with their babies until that age and then thereafter, the children are put in Kwanza Sul, N'dalatando and other places. Only then could they go back to school.

This policy of ours today, of girls staying in the hostel or in the school while pregnant, everybody is now seeing how they go around, you know, impressing others and they hold baby showers for each other. Then after delivery, she now comes back to show the baby to others and they gather there admiring this beautiful creature. Are we truly building or are we destroying?

I do not know, I am probably one voice in the desert where I feel that, while we are saying girls who become pregnant can stay in school until they deliver, but immediately they deliver, they must go and look after this child. They must go home and then they are given a period within which to look after this baby, not to go home today, deliver and then tomorrow she is back in class. They go back to school and when they are back, who looks after the baby? (*Interjection*) Huh?

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**HON MEMBER:** Their mother!

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:**

Whose mother? That must be the immediate responsibility of the mother and the father, if need be, to look after that baby so that they experience the burden of being a parent and then after some time, both of them can be readmitted at school.

Some girls, immediately the parents take over the responsibility of the baby, they fall pregnant again. They fall pregnant, because they have never experience any problems of raising a child. Let us get to the basics of what this society is supposed to be. If we are looking for clinics and other places to save the situation, I do not see that as a solution, Comrade Speaker.

While the Motion is probably good in the way that it allowed us to air our frustrations and give our views points, I think we need to do more than just what is being called for here.

Honourable Speaker, with those few words, I have rested my case. Thank you.

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**HON SPEAKER:** Thank you very much. I actually listened with great interest to the points that the Honourable Members raised and, of course, when the House is united on a particular topic like this, it is very interesting to see how much we reach out to each other to find solutions. I just wanted to remind Members that the Mover of the Motion has basically no objection to this Motion being referred to the appropriate Committee for further refinement; all these comments that we are making are being noted and when the time comes, they are going to be injected where necessary. Therefore, we are not wasting our time, please feel free to make your comments.

I am really very happy, because we are asking ourselves, what kind of a society do we want to be? Is it a society that simply does not care about

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what goes on? Of course, not. Therefore, I am very happy to hear you being very explicit in your comments. I also took note of Honourable Ithana's comments about our experience in exile. There are things that we have to bring back and see how they could save us as a Nation. Honourable Muharukua.

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**HON MUHARUKUA:** Thank you, Honourable Speaker. I think the Honourable Speaker has somehow taken steam off what I wanted to say. What I basically want to say is that I differ from the House in that I do not see this Motion as a Baby Dumping Motion or the Contraceptive or Family Planning Motion, I see it more as a Motion to provide special general healthcare to tertiary institutions, and it has the benefits of providing the former.

For me, the fundamental question is more, whether the provision of this special health facilities at the tertiary institutions is necessary or not and in that, I look at whether the individuals or the youth that we are trying to cater for at these tertiary institutions are generally properly catered for at the normal health facilities like the health clinics and in that I want to perhaps stress one point:

If you look at UNAM with 20,000 students, we expect these students to be present at all times at classes and tutorials at these universities. However, then you look at our provision of healthcare at the clinics or perhaps the hospitals, people queue – where I come from in Opuwo, you queue from the previous morning to late in the afternoon, you do not get attended to and you only get taken care of, say for instance, the next day at 14:00.

Now, you bring that back to a UNAM Student, he will have lost a full day of classes or tutorials at the UNAM main campus and half of the next day. Therefore, in my view, the provision of healthcare at these tertiary institutions is necessary and I support the Motion. Perhaps the more fundamental question would be and that I believe that it would be

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interrogated if this Motion is to be referred to a Committee is, at which institutions should this specialised healthcare be provided? More, what is the threshold that we should have for these services to be provided and I believe that if the Motion is then referred, it will be looked at by the Committee. Thank you, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. I do not think you need to worry much about that, because I think what we are saying is that we recognise that there are shortcomings as far as the health services within tertiary institutions are concerned, but the other Members are saying – *let us broaden the scope, let us go further than just tertiary institutions, however, also to go and address some of the other related issues.*

With that, I will call upon Honourable Kavetuna.

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**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:** Thank you, Honourable Speaker. If there is no one who would like to contribute to this Motion, I want to ask the indulgence of this House to postpone it to Thursday.

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**HON SPEAKER:** I am so sorry, it is often that this happens – I actually heard you saying something, but I missed the particular request that you have just made there.

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**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:** I requested the indulgence of the House to postpone this Motion to Thursday for further discussions.

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**HON SPEAKER:** It is okay, but let me exhaust my list first. I have two more speakers. Honourable Dr Itah Kandjii-Murangi.

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**HON MINISTER OF HIGHER EDUCATION, TRAINING AND INNOVATION:** Thank you, Honourable Speaker. I would like to allay the fears of the last speaker who was actually wondering as to whether we have a health facility at UNAM or not. We do have a health facility at UNAM, we do have a health facility at the Polytechnic of Namibia, however, I must say that because of the size of the UNAM health facility, it was thought necessary for it to be expanded, but the services are available.

I think the aspect of baby dumping is much broader and we need to really look at the different dimensions that many of the Honourable Members here touched on. I just wanted to allay your fears with regards to the availability of health facilities or services at both UNAM and the Polytechnic of Namibia. Thank you.

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**HON SPEAKER:** Thank you. I think the issue is, because of the increasing number of students, they are basically questioning the capacity, but I am sure when we are going to discuss the Motion at the level of the Committee, those issues would be dealt with, however, we have taken note of your comments there.

Honourable Utoni Nujoma.

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**HON MINISTER OF LAND REFORM:** Thank you, Comrade Speaker. I also rise to add my voice to this very important Debate.

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I think this Debate has been with us for as long as I can remember. It has come in different forms, as Comrade Pendukeni Iivula-Ithana has said – in the form of Baby Dumping, Care for Children, the Rights of Children and so many other things.

I agree with those who are saying we have to look at this issue in a much broader way. Looking at our history where we come from, our values, how we have handled these issues during our Liberation Struggle, during the colonial period and so on.

I think attempts are being made. We have the *Olufuko* Festival, although the Christians will sometimes not agree with me hundred percent, it is a good attempt. We can look at our history, our values and our culture to see how we can address these issues. As I am told – I was recently at the *Olufuko* Festival – it is not necessarily that men are just going there at the breasts and all these things, as some of these critics are saying that. It is not really the case, one admires the history that you come from and these girls are taught how to behave and how to look after themselves. I think that is also an attempt – those are attempts from a broader perspective.  
*(Intervention)*

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**HON MEMBER:** But they also admire other things. *(Laughter)*

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**HON MINISTER OF LAND REFORM:** Of course, you cannot say – *you cannot admire* – you may admire depending on the choice.  
*(Laughter)*

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**HON SPEAKER:** Honourable Utoni Nujoma, I think they want to ask you whether, if young boys were to appear there, they would also be going

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there to observe in the same way? They are not saying it, but I am guessing from their faces. (*Laughter*)

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**HON MINISTER OF LAND REFORM:** I think our elders recognised the problem, the challenges we are facing and they want to advise these young children. There is an elderly woman who will talk to them and I think that is another good attempt.

However, my Sister here, Honourable Dienda, as I know, introduced this Motion, but I think the idea behind it is rather what the Attorney-General, Honourable Sacky Shanghala inquired here, whether it is a question of reproductive health or expanding clinics so that we provide more services to these young people – or is it about contraceptives, making more contraceptives available? Those are the questions that are lingering in my mind when I look at Honourable Dienda. Is it abortion?

Then the other questions comes – is Honourable Dienda advocating for abortion? She knows that she is a politician, but she will be condemned by the majority of the Christians here and being a Catholic believer, she is trying to lure us into this trap (*laughter*) For those who are advocating, I think *Meme* Pendukeni Iivula-Ithana has hit the nail on the head. She said that there are good examples and good practices that have served us very well during our experience in the Liberation Struggle. We all went there and learned that the boy and the girl have to look after this young child, and it has served us well. Why can we not emulate the good examples that the SWAPO Party has always been advocating because it has lived through practice. The SWAPO Party has practised how to live in a society with so many challenges like the lack of food, lack of medicine, etcetera, but we have survived. Let us thus, look at those good examples, emulate them and adopt them, because they will serve us very well.

Therefore, Honourable Dienda, it will be good to talk to our ladies here in SWAPO, they have a wealth of wisdom. Also talk to me as well, I will

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tell you what to do. With those few comments, I end my contribution here. Thank you.

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**HON SPEAKER:** Thank you, very much. I think we have done justice to the subject before us and having exhausted the list, I now call upon Honourable Dienda, if she wishes to reply.

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**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:** Honourable Speaker, I have requested for a postponement.

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**HON SPEAKER:** Okay, I think, I jumped the gun – I must respect the request of Honourable Kavetuna to postpone the Debate until next Tuesday. (*Intervention*)

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**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:** Thursday.

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**HON SPEAKER:** Next Thursday.

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**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:** No, this Thursday, Honourable Speaker.

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PROCUREMENT BILL  
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**HON SPEAKER:** Oh, yes, until the 24<sup>th</sup> of September 2015. I have a difficulty to hear, maybe it is me. Do we accept that? Thank you, very much. On that understanding, we move on.

The Secretary will read the Second Order of the Day.

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**RESUMPTION OF DEBATE ON SECOND  
READING – PUBLIC PROCUREMENT BILL [B.8 – 2015]**

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**SECRETARY:** Resumption of Debate on Second Reading – *Public Procurement Bill* [B.8 – 2015].

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**HON SPEAKER:** When the Debate was adjourned on Wednesday, the 16<sup>th</sup> of September 2015, the question before the Assembly was a Motion by the Honourable Minister of Finance that the Bill be read a Second Time.

Honourable Maamberua adjourned the Debate and I will now call upon him to take the Floor.

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**HON MAAMBERUA:** Thank you, Honourable Speaker. Honourable Speaker, as you know, this Bill has been with this House for about three times now, so I think it is important that we have to try to find a solution to getting it passed so that it becomes an Act of Parliament because it is very important. However, I should also stress the fact that, in the form in which it has been brought back, it really needs a lot of assistance.

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Comrade Speaker, Honourable Members, please allow me to, on behalf of SWANU, all socialists and on my own behalf, extend our profound happiness for the convincing victories of fellow socialists during their respective elections. Here I refer to Jeremy Corbyn, to the Presidency of the British Labour Party and the re-election of Alexis Tsipras of the Syriza Party of Greece, as the Prime Minister. They should be congratulated. May the socialists of this world unite! *(Laughter)*

Comrade Speaker, as you would imagine, I have been reading the *Procurement Bill* with keen interest, but I should share with you that I have been drawing inspirations from the statements of Pope Francis, particularly the recent statements whilst in Cuba. Some people have characterised Pope Francis as a socialist, I do not know whether it is a fair characterisation or not, however, I share his philosophy and concerns with regard to issues of inequality, inequities in the society facing us today.

Comrade Speaker, this Bill is very important, considering that it attempts at correcting injustices of the past, but more importantly in my own view, it has to correct the injustices of the present class system. We, therefore, need to remind ourselves that in 1948 when the National Party came to power in South Africa and by extension in Namibia, the capitalist class united to vote in favour of the National Party in order to safeguard their capitalist interests, hence, they outvoted the United Party of South Africa. This was against the interests of the working class. *(Interjection)*

The United Party was not socialist, but it was outvoted, because it was not prepared to intensify the safeguard of the capitalist interests in South Africa. They were bringing some changes, particularly arguing for the raising of the wages of the working class and that was a threat to the capitalists. Therefore, it is not just a question of *Apartheid* whites *vis a vis* blacks, it is a question of class, it is a class struggle and it is in this context that I am now going to view this Bill – Black Economic Empowerment, the formerly disadvantages and all these things. The crux of the matter is, it is a class issue and not a racial matter.

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Comrade Speaker, allow me, therefore, to start and I am going to go page by page, I think it is very important that we do that.

Let me start with the Long Title, that is, the one written in the Bill. It says – *“To regulate the procurement of goods, works and services, the letting, hiring of anything or the acquisition or granting of rights for or on behalf of, and the disposal of assets of Public Entities.”* Very good. The first part has been fully covered that is now the procurement that is the acquisition of works, goods and services. However, when we look the content of the Bill – the **Disposal of Assets of Public Entities** – then we find a problem, and I want to refer you to Page 41. Much as it is captured in the preamble of the Bill, the actual disposal of the assets as, I said on Page 41, that task is only going to be carried out under regulations. That is Page 41 – **Disposal of Assets**, and it reads – *“The Minister may prescribe for a specified or unspecified period and either unconditionally or subject to such conditions as the Minister may determine –*

*(a) methods for the disposal of State property or granting of rights.”* I think that is a problem, because the Bill is supposed to address itself to the methods of disposing of the assets and not leave it to the Minister to prescribe in the same manner as the Bill has fully expanded on the methods that are going to be used in terms of procurement. Why should we leave the disposal of the assets, of property to the Minister?

If you look at the amount, in terms of money, of assets being disposed of in the Public Sector, it is worth billions of Namibian Dollars. Now that the Bill is actually including Regional Councils and Local Authorities and Public Enterprises, we are talking about several billions of Namibian Dollars. The methods are not going to be prescribed in the Act, but that will be left to the Minister. Why? That is actually the area where a lot of corruption also takes place and I think the methods of disposing of the assets/property must be captured in the Act. We can leave the regulations to the Minister, no problem, but not the methods.

Another problem as far as disposing of assets are concerned – under the

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**Powers and Functions the of the Central Procurement Board** in the old Act, that function – that is, in the *Tender Board Act* of 1996 – was under the Tender Board of Namibia, but in this new Act, the Central Procurement Board – and you can go through it – has nothing to do with the disposal of assets. It is not given any power or any functions as far as disposing of assets are concerned. Now, that is the Central Procurement Board. Who is then going to dispose of the assets and the property, if it is not the Central Procurement Board?

The only power in terms of policy that was given to any institution, is the power on Page 8, given to the Procurement Unit, which is an Advisory Policy, to advise the Minister, anyway. After all, in terms of this Act, there is no relationship between the Accounting Officer, the Permanent Secretary of the Ministry of Finance, and the Procurement Unit. The relationship that has been established legally is between the Procurement Unit and the Minister, and it is only the Procurement Unit that is going to advise the Minister, it has something little to do with the disposal of assets. I think this is a very serious anomaly in the Act that must be corrected. The methods must be fully described for the disposing of assets, as much as the methods for the procurement of goods and services have been fully captured in the Act.

I am going to the next issues: Yes, on Page 7 – **Objects of Act**, and I have to read it quickly here – “*The objects of this Act are –*

(a) *to promote integrity, accountability, transparency, competitive supply, effectiveness, efficiency, fair-dealing, responsiveness, informed decision-making, consistency, legality and integration in the procurement of assets, works, services, including...*” etcetera. Is it a problem of, I think legal drafting, or what is it? Here the objects are in terms of procurement of assets and yet, assets have not been defined under definitions while works, services have actually been defined. So where do the issues of assets come in under the procurement, if it is not defined? I think that definition is important.

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Again, I do not know whether it is a question of legal drafting, but if you look at Page 9 – **Procurement Policy Unit** – as I proceed, I will contrast it and compare it with the old Act. It says – “*There is established, within the Ministry of Finance...*” but the Old Act says – “*There is hereby established...*” I do not know whether the Law or the legal drafting has now changed. It is no longer *hereby*, maybe it is not a very important point. Nevertheless, (*interjection*)

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**HON MEMBER:** That is a very minor issue.

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**HON MAAMBERUA:** Very minor? Well, the same Page 9, Section 3 there, and this is very critical, Page 9, PART 2 – **Procurement Policy Unit** – Subsection 3, under Section 6, reads as follows – “*The Procurement Policy Unit must be assisted in the performance of the administrative work incidental to its functions by one or more officials in the Ministry.*” What does that mean? The Procurement Unit is a Unit or a Department or Section in the Ministry of Finance. Now if the Law says it must be assisted by one or more – what does that mean?

Let us look at – I refer you to Page 9, because that one is actually addressing itself to the staffing of the Procurement Unit and you are saying they must be assisted by one or more officials in the Ministry? Let us look at the old Act in terms of administrative duties of work of the Board in this case, which for me, is a better construction than this thing that I just read. It says – “*All administrative work, including the payment and receipt of monies in connection with the exercise of the powers and the performance of the functions of the board, shall be performed by staff members designated by the Permanent Secretary from among the staff of the Ministry of Finance.*” That is a much more elaborate and better formulation than when you say the Procurement Unit must be assisted.

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What does it mean – *must be assisted*, if it is part of the Ministry of Finance? I think that formulation must be checked.

I want to read this Section together with the Section on Page 12 – and again, that is very critical and very important. Page 12, Subsection 6 – we just established that the Procurement Unit is a Department, is a Section, is a Unit in the Ministry of Finance and, hence, the staffing there are actually Civil Servants. Now, look at what that Section 6 says, and I read – “*A person appointed by the Minister to execute the function of the Procurement Policy Unit may be paid such remuneration, allowances for travelling and subsistence expenses incurred by him or her in the performance of his or her functions in terms of this Act, out of the funds availed for such purposes as a Minister may determine.*” Civil Servants are prohibited from getting this type of remunerations. Civil Servants do not get allowances for performing this type of functions in terms of our Law, as you know. So, I think there is a contradiction here.

The Drafter thought that these are no Civil Servants, because we have just been informed on the page that I have just read, Page 9 was it, that those are Civil Servants – the staff of the Ministry of Finance and, therefore, the Minister cannot remunerate them and if you want me to prove further, I can talk about that when I am going to talk about the Central Procurement Board, where it is prohibited.

Let us go back to Page 11, it is actually reading from Page 10 to 11 – **Functions of Policy Unit** – this Policy Unit has got myriads of functions, in fact, powers that I cannot even conceptualise. For example, on Page 11, it says – “*to institute – (i) contract audits in the course of the execution of an awarded contract; (ii) to institute performance audit after the completion of the contract in respect of any procurement, when necessary.*” However, more importantly, look at (q) – “*to investigate at its own accord...*” or look (c) under 2(c) – “*commission or undertake investigations and institute performance audits.*” These powers are actually powers that should belong to the Board, the Central Procurement Board and not to a Unit in the Ministry of Finance. I think that is a very

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serious anomaly, because the Board does not have those powers in terms of this Act.

Let us go to Page 14 – **Constitution of Board** – I think this observation was already made by some previous speakers before me and that is – *“the board consists of nine members,”* which is fine – *“of whom at least three must be female,”* of course, I do not agree with that – there was a suggestion that it has to be changed to maybe, *at least male*. If we are talking about – and still striving for 50/50 – why are we only having *at least three females*? What is that nuance of discrimination? There is no prescription of the sort of Sectors, or indication at least from which Sectors the board members must be drawn, what are the experiences needed to guide the Minister in appointing these board members? The issue of people with disabilities should actually also be part of some of these requirements as was alluded to already by others.

Let us go to Page 15 – maybe just a small correction, but again, I do not know whether it will mean the same thing as my Learned Colleagues here would purport to want us to believe. Page 15(b) – *“Administrative Head and Deputy Administrative Head of the Board respectively, and the Chairperson serve as the Account officer of the Board.”* It should actually be the *Accounting Officer of the Board*, it cannot be the *Account Officer of the Board*. Account and Accounting are two different concepts.

On the same page – **Vacation of Office** – Number 2 – *“The Minister, by notice in writing to a member, may remove a member from office before the expiry of his/her term, if the Minister is satisfied, after giving such member a reasonable opportunity to be heard, that the member...”* Now the Minister may remove, if he/she is satisfied that the member is not suitable – if the Minister is satisfied that the member is not suitable for those reasons, why should it be an option for the Minister to remove or not to remove? The Minister *must* remove and not *may*. If the Minister is satisfied then the Minister *must* remove – not the Minister is satisfied that the member is not qualified or suitable, and the Minister still exercises as an option. Can we change it to *must* so that it is categorical?

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Page 16 – **Disqualification for Appointment as Member of Board** – look at (e) – “*A person does not qualify for appointment as a member of the board, if the person – (e) has been removed from an office of trust during the period of 10 years before the date of appointment.*” If a Minister is dropped from Cabinet, the Minister is removed from an office of trust, is it not? So the Minister who has been dropped from Cabinet is now such a person who cannot even serve on a Board (*interjection*) Or what is an office of trust? (*Interjection*) Please!

Let us go to Page 17(b) – “*Seven members of the Board constitutes a quorum,*” but we have just been informed that the Board consists of nine members and only two are fulltime members, the rest are part-time. Really, *seven members of the Board constitute a quorum*, shall that board ever hold meetings? (*Intervention*)

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**HON SPEAKER:** Honourable Member, I think it is seven out of nine, is it not?

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**HON MAAMBERUA:** Yes, but you require that these people who are part-time, who are actually not working for the Government, who will be coming to the sessions of the Board, that seven of them must be present in order to actually carry out the business of the board – I think that is taking too much, at least maybe six or five should be able to carry out the business, otherwise you will never have that board constituting a meeting. These people are not fulltime members, you know, they are part-time and, therefore, you will never have seven members at all the times. It is a question of experience and practicalities, it not a question of commitment. We have to be pragmatic.

Let me go to some other important ones - Page 18 – **Remuneration and Allowances of Members of Board and Committees** – yes, and then we

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have – **Staff of Board** – “*The board is assisted in the performance of its administrative functions incidental to its powers and functions conferred or imposed by or under this Act by staff members appointed by the Board on such terms and conditions as the Board with the consent of the Minister may determine.*” This is really taking it overboard. The Board is a legal persona, if they appoint staff to work for that institution which is not part of the Ministry of Finance should even the cleaners who are going to be appointed by that institution have to receive a consent of the Minister? *(Interjection)* No, at least if we were to say – and I am again, talking from the experience of the other Acts that we have – that at least, maybe the management of that institution should be appointed maybe in consultation or with the consent of the Minister. You cannot just make a blanket statement saying – *the staff of that institution*, because that will mean drivers and cleaners as well. The Minister must consent to drivers and cleaners of an independent institution? *(Interjection)* Please!

Here comes a very, very important Section and page, Page 19. Look at 3(b) on top there and we are talking about funds of the Board – “*to pay remunerations and allowances payable by the Board and such other expenses incurred by BIPA in the exercise or performance of its powers or functions,*” what is BIPA, is it Botswana something? *(Interjection)* I know what is BIPA, because I went to do my research. The drafter of this Act, if it was in an academic environment or an academic paper, this is plagiarism. How do you just smuggle in a big abbreviation like that one, which has nothing to do with this Act? In addition, let me tell you what BIPA is: BIPA is a Unit, it is actually a company at the Ministry of, what is the new name now, Industrialisation and something. This Business and Intellectual Property Authority, how did that come into this Act? Where were the legal drafters and the editors? How did this BIPA come into this Act?

Now, this BIPA is very critical, it means nobody has paid attention. How do you bring in something like this? Anyway, let me tell you this BIPA thing: BIPA is an authority that has been registered as a Section 21 Company by the Ministry of Industrialisation. How does the Ministry of

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Industrialisation registers an authority under Section 21 of the *Companies Act*? Apparently, they registered that company, it means it is a non-profit making company, pending the finalisation of the Act of BIPA.  
*(Interjection)*

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**HON MEMBER:** What?

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**HON MAAMBERUA:** Yes, go and read it. I did my research.

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**HON MEMBER:** Is it a big issue?

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**HON MAAMBERUA:** No, it is a very big issue. My question is, how many of these Section 21 Companies have been registered in the name of the Government of the Republic of Namibia, particularly when you are registering an authority, how is this BIPA being funded? The staff working for BIPA has apparently been seconded or something like that, I do not know. Is that with the authority of the Public Service Commission? How are these people working for BIPA, which is a Section 21 Companies that is actually a private entity and basically a non-profit making organisation in the Ministry of Industrialisation? This is a very serious question. This is terrible, this is terrible, Comrades. You cannot have things like this. How many of this Section 21 Companies have you registered in all your Ministries? Moreover, how are you funding this Section 21 Companies? If it was not for this mistake, how would I have found out that there is actually something BIPA – a Section 21 Company that you have registered and how many of them have you actually registered and you are channelling funds through this type of BIPAs?  
*(Interjection)*

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**HON SPEAKER:** Order! Order!

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**HON MAAMBERUA:** It means that this Act has actually not gone through scrutiny. Let me continue.

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**HON MEMBER:** Yes, go on.

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**HON SPEAKER:** Please, please, order!

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**HON ATTORNEY-GENERAL:** Point of Order, Mr Speaker.

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**HON SPEAKER:** Yes, a Point of Order.

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**HON ATTORNEY-GENERAL:** On a Point of Order – Mr Speaker, I hate to interrupt the eloquence, however misguided it is.

The Bill on the Floor is 49 pages long. I have not done a word count, the Honourable Member, has mounted the chariot of BIPA in an endless voyage to find fault. I do not think that will assist the Minister or this House in considering the Bill and any imperfections that are to be perfected.

Mr Speaker, may I suggest that if it is required, the process of lawmaking

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may be repeated to understand that before Bills are then printed in finality, they are scrutinised and certified and proofread and that that process happens at the end and that the errata that may be found do not in any way characterise the professionalism of the legal drafters who do so much for this House, nor do they qualify the casting of aspersions on a process that has been long standing and has rendered this Nation with so many Laws; very well written and being emulated by other countries. I would like to place that on record, Mr Speaker. Thank you.

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**HON SPEAKER:** Thank you. I am absolutely certain that the Minister responsible is taking notes. When that time comes, he will acknowledge where there has been typos or shortcomings and might even be willing to call for the necessary refinement. For now, I would like to ask the Honourable Member on the Floor to please continue, because the time is against us.

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**HON MAAMBERUA:** Yes, Honourable Speaker, my purpose is to assist this Bill and that is what I am trying to do.

Now, let me proceed. Number 5 there – and I do not want to read the whole paragraph, but it says – “*any money standing to the credit of the Board at the end of the financial year and not required for immediate use or as a reasonable operating balance may be invested by the Board, subject to the consideration of the determination of the Budget for the ensuing financial year* – what is it saying? Subject to the consideration of the determination of the Budget for the ensuing Financial Year.

Let me go to the next one, number 6. This one is – “*an unexpected balance at the end of a financial year of the Board is carried forward as a credit to the ensuing financial year.*” “*An unexpected balance*” in a financial environment, what is an unexpected balance? (*Interjection*)

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**ADJOURNMENT  
HON PROF KATJAVIVI**

**HON MEMBERS:** Unexpended balance!

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**HON MAAMBERUA:** I submit. “An unexpended balance,” yes, indeed. (*intervention*)

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**HON SPEAKER:** Order! Order! With that understanding between the Honourable Member and other Colleagues in the House, can I just simply say I now adjourn the House until tomorrow, being Wednesday the 23<sup>rd</sup> of September 2015, the usual time, 14:30.

He will continue as soon as we return to the House tomorrow.

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**HON MAAMBERUA:** Yes indeed. Thank you.

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**HON SPEAKER:** The House stands adjourned.

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**HOUSE ADJOURNS AT 17:45 UNTIL 2015:09:23 AT 14:30**

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**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
23 SEPTEMBER 2015**

The Assembly met pursuant to the adjournment.

**HON SPEAKER** took the Chair and read the Prayer and Affirmation.

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**HON SPEAKER**: We are slowly settling down. Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Honourable Minister of Finance.

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**TABLLING: REPORTS OF THE AUDITOR-GENERAL**

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**HON MINISTER OF FINANCE**: Honourable Speaker, I lay upon the Table, Reports of the Auditor-General on the Accounts of the:-

- (i) Town Council of Ondangwa for the Financial Year that ended 30 June 2014;
- (ii) Omaheke Regional Council for the Financial Year that ended 31 March 2011, 2012 and 2013;
- (iii) Municipality of Usakos for the Financial Year that ended 30 June 2014; and
- (iv) Municipality of Henties Bay for the Financial Year that ended 30 June 2014.

I so Move, Honourable Speaker.

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23 September 2015

**TABLING OF REPORTS  
HON IIPUMBU / HON PROF KASINGO**

**HON SPEAKER:** Thank you. I call the Honourable Iipumbu you have the floor.

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**TABLING: ANNUAL REPORT OF  
THE NATIONAL PLANNING COMMISSION**

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**HON DEPUTY MINISTER OF ECONOMIC PLANNING:**  
Honourable Speaker, I lay upon the Table, the Annual Report for the National Planning Commission for the year 2014/2015.

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. We move on to the Honourable Deputy Speaker.

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**TABLING: SUMMARY REPORT ON THE  
FAMILIARISATION VISITS TO KAVANGO EAST AND WEST**

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**HON DEPUTY SPEAKER:** Sorry, Honourable Speaker, under the Reports of Standing or Select Committee, I would like to lay upon the Table of this Honourable House, the Report of the familiarising visit, which I undertook to Kavango East and Kavango West for information and note taking.

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**HON SPEAKER:** Thank you.

**HON DEPUTY SPEAKER:** However, because it is for information and note taking, allow me just to go through the outline of the Report. It is my honour and privilege to stand before you and having this opportunity to present the Report of the visit I undertook during the recess period of the National Assembly to the Kavango East and Kavango West Regions, from the 12<sup>th</sup> to the 24<sup>th</sup> of July 2015.

At the onset, let me recognise the blessing I have had this time around because immediately after I have visited the aforesaid Regions, the visit was followed by a high-powered delegation of His Excellency the President, Dr Hage Geingob and he exactly heard about the challenges that were also raised during my visit. I know that the said challenges are going to receive immediate attention, however, let me share my findings with you.

The Report is a brief and friendly Report and is divided into different Socioeconomic Sector such as health, human-animal conflict, mobility, scarcity of water, the need for electricity etcetera. During my visit to Kavango East, I was accompanied by Honourable Marina Kandumbu only, the other Members were also supposed to accompany me, but they were involved in other national parliamentary duties.

This visit is a continuation of the visits of Speaker's Office and during the Fifth Parliament, the Speaker's Office has undertaken some visits to the following Regions Oshikoto, Omusati, Erongo and some Constituencies in the Khomas Region.

At the end of this year, hopefully during November-December, I am intending to visit the Zambezi Region and the other Regions will be covered in the years to come. The main purpose of my visit was to enable the grassroots people understand the function of the Legislature, their Right and obligation towards that process, as well as to appreciate the distinct function of the three Branches of the State namely; the Executive, the Legislature and the Judiciary, although somehow related.

The methodology of consultation took place in a form of simple power

point presentations so that it can be understood by everybody in attendance. The other peculiar issue attached to my programme was to engage the community on finding solutions to issues of Gender-Based Violence as well as learners' pregnancies and discipline.

The expected outcome at the end of my visit was for the community to understand the work of Parliament as well as to familiarise themselves with the lawmaking process and the role the other Branches of the State play in the lawmaking processes. It is hoped that at the end of my visit they would be able to make informed decisions, contributions and demands as well as to know their Rights, and to whom and where to address their concerns, needs and demands. It is also hoped that they will know the role they can play towards the lawmaking process.

During the above mission period and visit, first of all I paid a courtesy call to two the Governors of the Kavango West and Kavango East Regions. I was also blessed to pay a courtesy call to two *Hombas* namely, visiting the palace and to pay a courtesy call to *Homba* Eugene Siwombe Kudumo and *Homba* Alfons Kaundu. The latter attended my deliberation the whole day and I appreciate that. The target audience who attended to my meeting and consultation range from Councillors, Traditional Leaders, Advisors, Principals, Teachers, Spiritual Leaders, Nurses and everybody in the community.

At the end of the briefing, they asked me questions and also shared their challenges and experiences in the Regions and Constituencies. Most of the issues raised by the target audience centred around the socioeconomic challenges, for example, service delivery. They did not really touch much on the lawmaking process, however, there is a concern on among others, Chapter 3, Article 12 of the Constitution dealing with a **Fair Trial**. They were reasoning that the culprits are getting more attention than the victims are. They also touched on Article 8 that deals with **Corporal Punishment** – they were reasoning that because of this Article, children are their own and they do not want to be disciplined. After the discussions, we have come to agreement that there are other alternatives to this Article, which cannot be touched. They have also taken note of the other Laws like the

*Combating of Rape Act, and the Combating of Domestic Violence Act*, however, they expressed a need to revisit these Laws because the beating of women is continuing and have also noted the increased rate of killings and rape of women. However, we agreed that this is not only the responsibility of the Government, but of everybody.

Some of the other challenges brought to my attention, although they were also brought to the attention of His Excellency the President, are among others, the shortage of school hostels and accommodation. For example, I have visited one school in Katji-na-Katji where the challenge of accommodation is not only affecting students, but also the teachers. Can you imagine, the teachers do not even have bathrooms, for instance. They take their bath under thatched roof open structures made from material from the river or *mahangu* field.

In Katji-na-Katji, there is also a serious challenge of water. They do not have portable water and the water from the borehole is salty. However, one positive element that I have noticed is that the kids look well fed and that is why the school feeding process is probably a very good thing. On the contrary, that school has both adult learners and children within the age range of between 5 and 6 years, which could perhaps be a contributing factor to teenage pregnancy that we deliberated on yesterday and it also formed part of our discussion there.

I am happy to note that all of us, generally see the need for Ministry of Education to particularly revisit this policy of pregnancy. Can imagine a 6-year old who is everyday seeing a young pregnant learner? In his/her mind it would appear to a normal thing, hence, some suggestions to immediately take a pregnant girl out of schools were forthcoming. There were thus, calls to revisit that policy.

The other issue is alcohol and I am happy it was addressed with His Excellency the President, but I have to note that it appears that the teenage pregnancy issue was not discussed with the President. If it was, I stand to be corrected because during my visit it was discussed at all the Constituencies that I have visited, however, when I was listening to the

high-powered delegation on TV, it was not raised. If it was raised, my apologies.

Water and electricity was also an another issue of concern. Honourable Minister of Agriculture, Water and Forestry, the attendants mention that they are blessed with a river and wanted to know why the Government cannot come up with a policy of providing water that is transported to certain Parastatals or NGOs, so as to also benefit the homesteads in the area. The Honourable Ministry of Agriculture, Water and Forestry has provided some clarity on the matter, however, I was not aware that one needs permission from the other SADC Member States that are sharing the same border with Namibia to make use of the water from the Kavango River. This is really a problem because, although the Kavango Region is apparently known to be the poorest, it is actually the richest. A Region or a country that is rich in natural resources which cannot be depleted it is said to be very rich. To alleviate the scourge of youth unemployment, which was also part of the discussion there, the youth can be encourage to form cooperatives which focus wood carving, tree planting and green schemes, and Government Institutions like schools and hospitals, for example, could be compelled to buy from these cooperatives.  
*(Intervention)*

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**HON SPEAKER:** Honourable Deputy Speaker, you are alerted to the fact that yours is a Report for information, but the way you are presenting it seems to be attracting the Honourable Members to a Debate.

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**HON DEPUTY SPEAKER:** I will be brief, but the reason why I am explaining it like that is because the tradition of these Colleagues, myself included, when one gives a Report for information purposes, we just bury it right there.

I am just going to highlight some of the issues *(interjection)*

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**TABLING OF REPORTS  
HON PROF KASINGO**

**HON MEMBER:** Not with a Report for information and note taking.

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**HON DEPUTY SPEAKER:** Yes, it is being done. Before tabling a Report for information, you can just highlight a few things from there. Please bear with me. (*Intervention*)

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**HON SPEAKER:** I am looking at the Honourable Minister of Agriculture, Water and Forestry and I can see he wants to (*intervention*)

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**HON DEPUTY SPEAKER:** At the end of the day, I am going to have a consultation with the Sector Ministries.

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**HON SPEAKER:** Wonderful. That is what I wanted to urge you to do.

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**HON DEPUTY SPEAKER:** Specifically with Sector Ministries, because I have experienced in this type of tabling – you may recall that during the Fifth Parliament I came in with a Report for discussion and I was attacked and have forgotten about it, but I have to mention that this time, I regard it as blessing because my visit coincided with that of His Excellency. Therefore, the Report is just for note taking, but as the saying goes – *one finger cannot pick a louse* – I have to follow up with Sector Ministries and have a discussion with them.

All in all, that is my Report – finally, I have also visited two schools that made history in Namibia in terms of performance: St. Boniface and Vision School. This happened outside my scheduled visit, during Sunday.

23 September 2015

**TABLING OF REPORTS  
HON PROF KASINGO**

Although I did not meet with the students when at St. Boniface, one smells and sees discipline. In Divundu, I have visited this Vision School – this school gave me the impression that it was well resourced. I arrived there unannounced at 10:00 on Sunday, school Principal was ready and he immediately gathered the students so that I could address them. They are well disciplined. This school is assisted by the Government with everything. I have seen their beds where they sleep – in a very good state. The girls' hostel is well positioned – such that they are protected, because adjacent to their hostel is the residence of a female teacher who looks after them. I wish all the schools were like that.

I am going to propose to *Meme* Katrina, the Minister of Education, Arts and Culture so that all the vulnerable groups like the San people be assisted from the beginning like the students in Divundu. I have to say that I visited a certain school in Ndiyona Constituency where they San learners and it is in a pathetic state. The beddings that the San learners are using there are like old rags while they are sharing the room with other well-to-do learners. I am of the opinion that these learners should be assisted the way they assist other learners at the Vision School.

As I said earlier, I am going to sit with the Sector Ministries, and I also urge them to look at the proposals from the community. With these few remarks, I have the honour to table the Report. Thank you.

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**HON SPEAKER:** Thank you. Let may do so. Thank you very much. Do you have one more Report?

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**HON DEPUTY SPEAKER:** No, that will come tomorrow.

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**HON SPEAKER:** Is it coming tomorrow? Okay. Anyway, with that

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**NOTICE OF MOTIONS  
HON SHANINGWA**

understanding, we move on to Notice of Questions. We have covered that. Notice of Motions? Yes, Honourable Minister of Regional and Local Government, Housing Development.

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**HON MEMBER:** Urban and Rural Development.

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**HON SPEAKER:** Urban and Rural Development. Thank you for the correction.

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**NOTICE OF MOTIONS**

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:**  
Thank you very much, Honourable Speaker and Honourable Members of this august House for the opportunity. Honourable Speaker, I have two Motions, which I want to table concurrently.

I rise to give Notice that tomorrow, Thursday, the 24<sup>th</sup> of September 2015, I shall Move:—

That leave be given to introduce a Bill to amend the *Regional Council Act* of 1992. Honourable Speaker, I have two Motions actually and with your permission, I would like to do them concurrently. Thank you very much.

That leave be given to introduce a Bill to amend the Regional Council Act of 1992, so as to provide for certain definitions; to provide further requirements for election as Members of Regional Council; to restrict eligibility for election as Members of the National Council; to subject the appointment of a person as Chief Regional Officer to the approval of the

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**NOTICE OF MOTIONS  
HON SHANINGWA**

Minister; to empower the Minister to determine methods of sale, letting, or hypothecation applied by Regional Councils in respect of immovable properties; to prohibit the sale of acquiring of immovable properties in settlement areas to and by foreign nationals; to provide the Regional Councils with certain powers in respect of sale and lease of immovable properties in settlement areas similar to those of Local Authority Councils; to increase certain penalties; and to provide for incidental matters.

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you.

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:** May I go on with the second Motion?

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**HON SPEAKER:** Yes, please.

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:**  
Thank you, Honourable Speaker. (*Interjections*)

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**HON SPEAKER:** It is okay, you continue. They call that an ambush.

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:**  
Honourable Speaker, Honourable Members of this august House, I also

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**NOTICE OF MOTIONS  
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want to give Notice that tomorrow, Thursday the 24<sup>th</sup> of September 2015, I shall Move:—

That leave be given to introduce a Bill to amend the *Local Authority Act* of 1992, so as to substitute and insert certain definitions; to provide further requirements for election as Members of Local Authority Councils; to make the period of office of Members of Local Authority Councils more clear; to provide for additional sanctions in the case of Members of Local Authority Councils who contravene or fail to comply with any Provisions of a code of conduct; to extend the circumstances under which a Member of a Local Authority Council shall vacate office; to subject payment of remuneration, allowances and other benefits of Members of Local Authority Councils to the maximum determined by the Minister; to subject the appointment of and discharge of Town Clerks to the approval of the Minister; to further improve the delegation of powers of Local Authority Councils; to improve on the procedure and conduct of disciplinary inquiry; to provide for requirements for a person to qualify as a vulnerable person; to provide exemption of vulnerable persons from payment of certain Local Authority Council charges or reduction of charges; to provide for respective conditions in respect of sale of the immovable properties to Namibian citizens and foreign nationals; to provide for the designation of zones in Local Authority areas for purposes of reservation for acquiring immovable properties; to empower the Minister to prescribe categories and levels of income for the purposes acquiring immovable properties in designated zones and to prescribe certain levies in respect of immovable properties owned by foreign nationals; to add certain functions to Local Authority Councils relating to water works; to increase certain penalties; to improve the Provision relating to as interim valuation of rateable properties; to extend the powers of evaluations court with regard to valuation roll; to provide for the submission of statements of estimated income and expenditure and supplementary statement for adoption by Local Authority Councils and approval by the Minister; to improve the procedure relating to the convening of public meetings; to provide for steps the Minister may take relating to the failure by a Local Authority Council to exercise or perform its powers, functions and duties; to extend the powers of the Minister to

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**MINISTERIAL STATEMENT  
HON MUTORWA**

make regulations; and to provide for incidental matters.

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you. Could you kindly table the Motions?

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:** Yes, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. I think we have done away with the Notice of Motions. Message from the Head of State? Ministerial Statements? Honourable John Mutorwa.

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**MINISTERIAL STATEMENT**

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**  
Thank you, Comrade Speaker for giving me the Floor to make a Ministerial Statement to provide some information to the general public with regard to some delays that are being experienced in terms of payment of some allowances to some casual labourers or workers that are employed in the FMD campaign to contain and to prevent the further spread of that dreaded disease in the northern communal areas of Namibia.

The Minister responsible for the Agriculture, Water and Forestry Sector has thoroughly and objectively investigated the issue of delayed payments for and to the casual workers or labourers after I have received some complaints from some of the workers themselves, but also as conveyed through the media.

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HON MUTORWA**

The summary of the findings of the said investigations could be provided as follows.

It is confirmed that some delays have been and is being experienced in the payment of allowances due to some of those labourers that are contractually employed as casual labourers to render essential and indispensable public services to prevent, contain and completely stop any further spread of the FMD. I want to make use of this platform to convey to all who are involved in this very important activity, our deepest appreciation for the work that is being done successfully.

Comrade Speaker, the affected the Regions are more those Regions that are in the Northern Communal Areas (NCAs) of Namibia, particularly; Kunene North, Omusati, Oshana, Oshikoto, Ohangwena and Kavango West Regions.

The delays in actually paying out those allowances to those specific labourers or workers who are contractually and legally appointed are **not due to lack of funds**, and I want to stress that, but those delays are more about what I will term as unacceptable administrative and bureaucratic bottlenecks and inefficiencies on the part of those officials in both the Ministry of Agriculture, Water and Forestry's Directorate of Veterinary Services, also in the Ministry of Agriculture, Water and Forestry's Finance Division and also the officials responsible for the actual authorisation of cheques within the Ministry of Finance who are tasked to handle and process the actual payments; obviously within the framework – on this one as Government we cannot compromise – and Provisions of the *State Finance Act* and the applicable Treasury Regulations and instructions.

Consequently and finally, within the powers granted to the Minister, I gave some directives to the responsible officials in the Ministry of Agriculture, Water and Forestry's Directorate of Veterinary Services and the Finance Division within our Ministry yesterday, on the 22<sup>nd</sup> of September 2015, which directives are meant for immediate remedial actions and practical implementation as follows:

1. Just to remind them as I did yesterday, that on the 27<sup>th</sup> of May 2015, the Cabinet of the Republic of Namibia approved and directed the Ministry of Agriculture, Water and Forestry through the Directorate of Veterinary Services, and I quote – *“to utilise N\$129,466,160 from within its ceiling for the 2015/2016 Financial Year to fund the proposed interventions to contain the further spread of the FMD outbreak.”* A substantial amount of that figure that I have just provided, was approved to cater for payment of allowances to those persons who were and who are employed as casual workers or labourers in this very important National Emergency Campaign Programme.
2. Although some payments were and are being effected timeously, and we again thank the officials who do this, it is equally true that in some cases some delays appeared to be experienced in the timely paying out of the said allowances, in some specific instances and in some specific Regions.
3. Now, the directive is that, any legitimate payments due to those legally contracted workers involved in the 2015 FMD Outbreak Campaign must be paid out. Payments must be paid out only to those who were and who are legally and contractually appointed to do the assigned work and to have actually done the work as certified by their Supervisors. They have earned that money and once certified, it must be paid out to them as approved by the Cabinet of the Republic of Namibia.
4. Any unnecessary administrative and bureaucratic delays in practically effecting the said payments, cannot and may not be acceptable and should thus be avoided or prevented from occurring, henceforth.
5. The responsible and assigned officials within our Ministry have been accordingly directed to, henceforth closely, and very closely, liaise with the corresponding colleagues or counterparts within the Ministry of Finance and work out an applicable effective administrative system in line with the applicable Provisions of the *State Finance Act*, Treasury Rule, Regulations and Instructions, so as to ensure that

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**COMMENTS AND QUESTIONS ON  
MINISTERIAL STATEMENT  
HON MUHARUKUA**

allowances legitimately due to those persons legally contracted and appointed to execute essential services related to the FMD National Campaign are, henceforth, timeously paid out, what is rightly due to them, individually. It is important, because Cabinet declared this campaign an emergency, because it is an emergency, you cannot afford any interruptions or disruptions, obviously, if people are not paid, they will not work.

Comrade Speaker, once again, thank you for the opportunity for me to give this very important information. Thank you.

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**HON SPEAKER:** Thank you very much. Yes, Honourable Muharukua.

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**COMMENTS AND QUESTIONS ON MINISTERIAL STATEMENT**

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**HON MUHARUKUA:** Thank you, Honourable Speaker. Thank you, Honourable Mutorwa for the information you provided to the House.

I have few questions pertaining to the said delays. Obviously, the delays in giving the allowance also influence the people who were employed casually to erect a vertical fence from the VCF to the Condor Quarantine Camp in that, because there was no payment, they had nothing to eat and, therefore, they had to leave the work. That caused the delay.

Perhaps the questions that one wants to ask are:

1. When is this work going to continue and when is it going to continue?
2. Are the very same individuals going to be re-employed casually to

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**COMMENTS AND QUESTIONS ON  
MINISTERIAL STATEMENT  
HON MUHARUKUA**

continue with the work or is the Ministry going to proceed in getting new casual workers to do that?

Then there is another issue that I thought I would raise it with the Ministry privately. (*Intervention*)

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**HON SPEAKER:** Is that the third question? Are you putting it as the third question?

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**HON MUHARUKUA:** No, this is a comment.

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**HON SPEAKER:** A comment, okay.

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**HON MUHARUKUA:** I was supposed to raise it privately, but nonetheless, I will raise it now.

There is another issue that will perhaps continue causing delays and perhaps losses to the Ministry and the Government as a whole, and it is the use of the misuse of the materials that are being used to erect the fence through theft and I supposed, misappropriation. Perhaps the Ministry should give due attention to an investigation in that regard. Thank you.

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**HON SPEAKER:** Thank you very much. Let me ask the Honourable Minister to respond to those specific questions.

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**RESPONSE TO QUESTIONS ON  
MINISTERIAL STATEMENT  
HON MUTORWA**

**RESPONSE TO QUESTIONS ON MINISTERIAL STATEMENT**

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**

Thank you, Comrade Speaker. I thank Honourable Muharukua for the additional questions and comments.

I would just like to reiterate that when you look at the decisions that the Cabinet has taken on the basis of the recommendations that we as a Line Ministry brought to the Cabinet is a very, very comprehensive submission dealing with all measures that must be taken and that have been taken to contain any further spread of the FMD and that is why we were successful, including if it was required to upgrade a fence to ensure that through that we are able to contain, it is part of that.

Now, if people are or were appointed to do that and they were not paid, the Statement that I made is applicable, it must be applicable. With regard to the last comments, before I answer that one, I must say that the success of this campaign is due not only to officials in the Ministry only, that is why we call it a National Emergency Campaign – the Minister of Safety and Security here, General Namoloh (*interjection*)

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**HON MINISTER OF SAFETY AND SECURITY:** Retired General.

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**

Did you say tired or retired?

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**HON MINISTER OF SAFETY AND SECURITY:** I said Retired.

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**RESPONSE TO QUESTIONS ON  
MINISTERIAL STATEMENT  
HON MUTORWA**

**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**

Oh, I thought you said tired. (*Laughter*)

Without the Police, for example, how are we going to be successful. In other words, any facility, any resource that was meant and that was approved to be utilised for the purposes of this campaign, whether it is a tent, whatever it is, and somebody decides – I heard you using the word theft – General Namoloh, it is criminal and you said you wanted to raise this privately – theft is criminal is it not? Stealing is criminal. In other words, it is good that you have raised it on the Floor of Parliament and I will still want you, maybe privately, as you have intended to do – I do not know why you did not do it – as you have intended to do privately please, it is in the national interest, please come to me and reveal – give me more information about these incidences so that we can work with the Police and apprehend whoever it is. That we must do and that we must say publicly here.

You see, the point is, Government uses public resources. This money that is used is the citizens' money. Now, if somebody decides to divert this money for whatever reason, at the end of the day, the Nation is dissatisfied and the blame will come to the Government – *Government has failed to do this, Government has failed to do that.*

All of us, we as the Leaders, not only on the Government side, we should not condone such practices and, therefore, I welcome your comment, but let us further engage, as a Line Minister, give me more specific details and definitely I will follow up on those who are abusing or have stolen facilities and resources that are meant for this National Campaign. Thank you.

---

**HON SPEAKER:** Thank you very much, and I very much appreciate your last comment there that the door is open for further consultation between Lawmakers. I think we should encourage that more and I also

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AMENDMENT BILL**

like the fact that you hinted that you are willing to undertake a private consultation with the Minister responsible. Let us make more use of these opportunities. We leave it at that. The Statement is much appreciated as an update and we will continue through dialogue and other means available to Lawmakers.

On that note, I move on to asking the Secretary to read the First Order of the Day, unless, of course, we are returning to the old tradition of having tea or can proceed? I have taken note that Honourable Charles Namoloh is insisting on his Rights.

I will submit to the will of the people, we shall have a break for tea and come back at 16:00 sharp. With that understanding, we adjourn for tea.

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**HOUSE ADJOURNS AT 15:35**

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**HOUSE RESUMES AT 16:10**

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**HON SPEAKER:** The Secretary will read the First Order of the Day.

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**COMMITTEE STAGE – VALUE ADDED  
TAX AMENDMENT BILL [B.10 – 2015]**

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**SECRETARY:** Committee Stage – *Value Added Tax Amendment Bill* [B.8 – 2015].

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23 September 2015     **COMMITTEE STAGE – VALUE ADDED TAX  
AMENDMENT BILL  
HON SCHLETTWEIN**

**HON SPEAKER:** Does the Honourable of Minister of Finance Move that the Assembly goes into Committee.

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**HON MINISTER OF FINANCE:** I Move so, Honourable Speaker.

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**HON SPEAKER:** Any objection? Who seconds? Agreed to. I now call on the Deputy Speaker, who is also the Chairperson of the Whole House Committee to take the Chair.

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**ASSEMBLY IN COMMITTEE**

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**HON CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**  
The Whole House Committee is called to order. The Committee has to consider the *Value Added Tax Amended Bill* [B.10 – 2015].

I put Clause 1 and 2. Any discussions? Any objection? Agreed to.

I put Clause 3 and 4. Any discussions? Any objection? Agreed to.

I put Clause 5 and 6, 7 and 8. Any discussions? Any objection? Agreed to.

I put the Title. Any discussion? Any objection? Agreed to.

I shall report the Bill without Amendments.

Honourable Speaker, the Committee has gone through the Bill [B.10 –

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**THIRD READING – VALUE ADDED TAX  
AMENDMENT BILL  
HON SCHLETTWEIN**

2015] as set forth in the accompanying copy and agree to it without Amendments.

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**ASSEMBLY RESUMES**

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Bill Reported without Amendments.

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**HON SPEAKER:** Thank you very much. Does the Honourable Minister of Finance Move that the Bill be now read a Third Time?

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**HON MINISTER OF FINANCE:** Honourable Speaker, I Move so.

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**HON SPEAKER:** Any objection? Who seconds? Agreed to. Any further discussion? Does the Honourable Minister of Finance wish to reply?

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**HON MINISTER OF FINANCE:** Thank you, Honourable Speaker. It will be difficult to reply to no questions, but I want to take this opportunity to thank the Members for their support. I think this is an example where matters were very clear and we dealt with them very swiftly and promptly.

I, therefore, want to thank Members for their support and for the way we

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**THIRD READING – VALUE ADDED TAX  
AMENDMENT BILL**

dealt with this *Amendment Bill*. Thank you very much.

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**HON SPEAKER**: Thank you very much. I now put the question that the Bill be read a Third Time. Any objection? Agreed to. Thank you.

The Secretary will now read the Bill a Third Time.

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**THIRD READING – VALUE ADDED  
TAX AMENDMENT BILL [B.10 – 2015]**

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**SECRETARY**: *Value Added Tax Amendment Bill* [B.10 – 2015].

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**HON SPEAKER**: The Secretary will read the Second Order of the Day.

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**RESUMPTION OF DEBATE ON SECOND  
READING – PUBLIC PROCUREMENT BILL [B.8 2015]**

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**SECRETARY**: Resumption of Debate on Second Reading – *Public Procurement Bill* [B.8 2015].

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**HON SPEAKER**: When the Debate was adjourned on Tuesday, the 22<sup>nd</sup> of September 2015, the question before the Assembly was a Motion by the Honourable Minister of Finance that the Bill be read a Second Time.

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PROCUREMENT BILL  
HON MAAMBERUA**

Honourable Maamberua was on the Floor when we adjourned the Debate and now he has the Floor to continue with his contribution. Honourable Maamberua you have the Floor.

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**HON MAAMBERUA:** Thank you, Comrade Speaker. I think when we adjourned yesterday, I had some 25 minutes remaining.

That is what I am going to utilise starting with Page 19 of the Bill and I wish to draw the attention of the House to the fact that the table of contents and the content of the Bill do not tally. Then I have to give an example, but I am not going to run over all the inconsistencies as far as that is concerned, because that is going to waste a lot of my time.

If you look at page 19 under Section 21 – **Bank Accounts**, the Table to Contents reads *Bank Accounts of Board* for number 21, but the content only says *Bank Accounts*. The same applies to the next one there, that is, Section 22– **Financial Year and Budget**, this is what is in the content and the Table of Contents says – *Financial Year and Budget of Board*, but what is more important is actually the one that appears on Page 20. In Section 23, which is really a serious problem, the Table of Contents says – *Audit of Accounts of Board* but the content says – **Auditing**.

Audit of Accounts of Board and Auditing are not the same things and you cannot have a Bill or an Act of Parliament with those kinds of inconsistencies, and I do not want to dwell on that any further. There are so many of them of that nature.

Let me go back to Page 19. Page 19, Section 21(3), reads something like – *“Cheques drawn on the bank account of the Board, or any other form or document to be completed for the withdrawal, payment of transfer of money from any of the bank accounts of the Board, are signed on behalf of the Board by two persons authorised for that purpose by the Board.”*

You see, nowadays, the Commercial Banks that we have, require that you should have three signatories so that at least two can sign and the other one will also sign as a replacement. Now, if you put in an Act of Parliament that only two members of the Institution must sign, then I think it is not consistent with the commercial practice and what is actually the need of saying only two people must sign? Leave that to the Board to decide how many people are going to be designated to sign on behalf of the Board, hence, maybe you can reformulate it to read something like – *“the Board shall designate at least two or more people to be signatories on behalf of the Board, on financial matters,”* and then you leave these other things out.

Then Number 4 – *“In furtherance of Section 21(2), the Board must, whether by means of internal procedure or by its rules, determine prudent financial procedures, including internal control measures and mechanisms, to guard against fraud and improper administration of its funds.”*

I am hearing this kind of description for the first time. Normally, we just say; *the Board shall develop* – yes, maybe you can use the word develop – *comprehensive financial policies, including adequate financial controls,* instead of, for example, *what are internal control measures and mechanisms?* What are those? Just *Internal controls,* full stop. Please, let us do the things as we normally do them.

Let me come to some very important issues on the next page, Page 20, *(Interjection)* Just develop financial policies, adequate financial policies, including adequate internal controls. That is how it is said.

Now let us go to Number 23 on Page 20, it is very important – *“The Board with the consent of the Auditor-General, must appoint a person registered as an Auditor in terms of the Public Accountants’ and Auditors Act, 1951 (Act 51 of 1951), to annually audit its accounting records and financial statements and submit an audited report to the Board.”*

Appoint the Auditor-General, or the Auditor-General shall be the Auditor of the Board. Why should the Board, together with the Auditor-General appoint a person? After all, the *State Finance Act* authorises the Auditor-General to appoint any other registered Accountant in Namibia, if the Auditor-General does not have that capacity at that particular point in time and we also have the Resolution of the National Assembly that we arrived at last year that all the State-Owned Enterprises are going to be audited or must be audited by the Auditor-General. Please, let us just say – the Auditor-General will be Auditor of this Board.

The next very important one is Number 3 – “*Not later than five months after the end of each Financial Year the Board must submit audited accounting records and financial statements together with a report referred to in Subsection (1) to the Auditor-General who must make a report to the Board.*” Our Constitution is clear, the Auditor-General reports only to one Institution in this country and that is the National Assembly, full stop. The Auditor-General does not report to any Minister or to any other Institution. Therefore, the Auditor-General cannot report to the Board. (*Interjection*)

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**HON MEMBER:** Is it in the Constitution?

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**HON MAAMBERUA:** Yes, it is – Section 127(2). There is no such a thing that the Auditor-General reports to any other Institution in Namibia except the National Assembly, full stop! The Auditor-General *submits*, and the word that is being used in the *State Finance Act* is *transmit*, through the Minister of Finance reports that the Minister must table in the National Assembly, if the National Assembly is in Session. If the National Assembly is not in Session, within, I think 14 days in its next Session. And if the Minister of Finance refuses – that is Section 27 of the *State Finance Act* – if the Minister of Finance refuses, then the Auditor-

General submits his Report or her Report directly to the Speaker of the National Assembly. So, can we please remove this thing about – *the Auditor-General reports to the Board*. The Auditor-General do not report to anybody else, but the National Assembly.

Then Part 4 on the same page, Page 20 – **Powers and Functions of Accounting Officers**. I think there is a huge confusion here. Powers and Functions of Accounting Officers, then it says – “*the Accounting Officer, must set up, as prescribed, an internal organisational structure which includes a procurement committee and procurement management unit for the conduct and management of procurement at the public entity,*” which Accounting Officer? There is an Accounting Officer defined here that – *Accounting Officer here means Accounting Officer of a public entity*, but you also know that in the same Bill, the Chairperson of the Board is the Accounting Officer of the Board, so when you say **the** Accounting Officer, which Accounting Officer are you referring to? Is it the one defined or is it the one of the Board?

However, in any case, just read on the next page, it says – “*An Accounting Officer must,*” now, which Accounting Officer? Is it the one defined? (*Interjection*) No, if you say *the Accounting Officer*, that is a definite article, so it means you are referring to a specific Accounting Officer, but when you say – *the Accounting Officer of a public entity*, then you are not referring to a specific Accounting Officer, you are referring to an Accounting Officer of any Institution. (*Interjection*) No, you cannot (*Intervention*)

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**HON SPEAKER:** Let us allow him to conclude.

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**HON MAAMBERUA:** This is confusion, when you use a definite article, confusing it with an indefinite article, it is not clear. (*Interjection*)

No, it is not clear, Read number 2 under Accounting Officer. It says – “*The disqualifications referred to in Section 14 apply with the necessary changes to persons generally eligible for appointment as members of procurement committees or as staff members of procurement management unit.*” What does that have to do with the powers and functions of the Accounting Officer? What does that have to do with that? Let us proceed.

Then at Number 5, it says that – “*The Accounting Officer must keep and maintain proper record of minutes,*” which Accounting Officer? Is it the defined one is an Accounting Officer. *The Accounting Officer*, which Accounting Officer is that? *(Interjection)*

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**HON MEMBER:** The defined one!

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**HON MAAMBERUA:** No, the defined one is **an** Accounting Officer, it is not **the** Accounting Officer. If you say **the** Accounting Officer in an Act of Parliament, you are referring to the Accounting Officer of that particular Ministry to which the Bill refers. *(Interjection)* Yes, you know that very well. So, you do not just talk about **the** Accounting Officer, we are talking about **an** Accounting Officer. You are talking in general.

I go on to Page 24, Article 28(2) – “*Subject to this Act, a public entity may confer an advantage of preference to Namibian goods, services suppliers or persons in the empowerment categories in the case of open advertised bidding process.*” I have a problem. Empowerment categories, what are empowerment categories? It is not defined anywhere. What are empowerment categories? *(Interjection)*

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**HON MEMBER:** It is defined!

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**HON MAAMBERUA:** Where? It is not there, there is no such a thing. Go to the next one on Page 24, Number 29(b) – “*entities incorporated in Namibia with not less than 51 percent equity that is owned by Namibian citizens of which no less than 30% is owned by previously disadvantaged persons*” what are previously disadvantaged persons in terms of the Act? (*Interjection*)

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**HON MEMBER:** Someone like you!

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**HON MAAMBERUA:** Then it has to be defined in an Act, we cannot just write things like that.

Number 33 – **Emergency Procurement** – “*A public entity may procure goods, works or services using the direct procurement method in cases of emergency,*” and then it goes on. Now, this Section gives discretionary powers – actually *carte blanche* – to an entity to imagine any situation as an emergency and then not adhere to any procurement rules. When we are talking about emergency, emergency is normally declared by the Head of State, the State of Emergency. You cannot just say an emergency, is it any emergency? There should be some controls within this Provision so that it is clear when it is an emergency.

Let us proceed Page 38, Article 59(1) – “*A bidder or supplier may as prescribed, apply to the Review Panel for review of a decision or an action taken - by the Board; or by a public entity,* but we cannot again, just leave it open like that. We have to be able to assist the Board so that the people who are aggrieved would not just come with everything under

the sun. There should be certain things prescribed that can actually be put for review. We cannot just bring anything that we want to be reviewed.

Next Page 40, Article 62(3) – “*A procurement contract includes the prescribed terms and conditions,*” and then it says – “*A Amendment to the contract that increases the contract value by more than 15 percent requires fresh procurement proceedings, except where the Amendment is effected for a reasons specified in Section 36(2)(b) or (c).*” This gives a loophole for contractors to negotiate with the Board up to 15%, to change their prices. They first do their bids, win a tender and then come back to the Board and say – *we want to negotiate, and we want to change our prices,* and so on, because they know there is a 15% benchmark. Now, they want to increase their prices within the range of 15%. A big project like Neckartal Dam in the range of N\$3 billion. 10% as an example, of N\$3 billion is N\$300 million and that is what they would want to negotiate, in order to increase on top of the profits that they have already calculated in their bid price, because they know there is this loophole or this facility that they can actually be allowed to go and renegotiate. After all, the old Act has only allowed statutory increases.

Only statutory increases were allowed for negotiation, and what are statutory increases? For example, if the Government increases the VAT from 15% to say 16%, that is a statutory increase that would not have been taken into account during the time of tendering – or when the Government increases the price of fuel, those are statutory increases, but say in a Bill that a company or a tenderer can negotiate up to 15%, that is tantamount to inviting corruption. Therefore, bring in the statutory increases, because statutory increases are, after all, not provided for in the Bill and if we do not have that Provision of statutory increases, we are going to have problems because obviously the State is going to increase certain prices and if it is not provided for, where is the power of the Board to allow increases of such magnitude?

I am about to be finish. Page 49 – **Repeal of Laws and Savings**, the *Tender Board of Namibia Board of Namibia Act* is the only one that is

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being repealed, but I would have thought that this Bill would impact on the *Regional Council Act* and the *Local Authority Act*. (Interjection) No, it is not repealing all those Acts, there are Sections those Bills, in my view, that perhaps should also have been mentioned so that we know what Sections of which other Acts are going to be affected by this particular Bill.

Now, my last, very important point - what do I conclude? Given everything that we have said, there are a lot of things that need to be done on this Bill. We have very serious problem with the fact that this nine members of the central procurement Board are going to be responsible for the entire procurement system in the Public Sector in Namibia, which for me is an impossible task, as that will include the Regional Council, the Local Authorities, the Parastatals and the Central Government. Of course, there will be some Procurement Committees, but the overall, that is why it is called the Central Procurement Board. Some other Member has already mentioned that – I think that is impossible, it is not going to work. It is going to be heavy in terms of the bureaucracy. It is going to cause a lot of inefficiencies. I would have thought that we have to go back to the drawing board so that, we either separate this Act so that we have two Acts – one that is for Central Government and the Parastatals and one responsible for the Local Government System in Namibia, but to have it just as one like this, I think it is just not going to work.

I propose that with all these many inconsistencies and problems that the other Members and I have mentioned, I suggest that this Bill cannot pass, we have to either withdraw it or postpone it so that we can maybe put heads together in a different environment and we can assist each other so that this Bill can be polished and be brought back in a different format, because as it is, it is not a Bill, neither in terms of its drafting, in terms of its content, nor in terms of its intentions.

There are so many things that have been left out that we have pointed out. I am sorry, for now, we cannot pass this Bill and I can see others nodding as well. Thank you very much.

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**HON SPEAKER:** Thank you. Honourable Maamberua, can I ask you a question because I think you dwelled on your presentation quite at length? I am assuming that some of the comments you were making were actually written and, if so, for the sake of accuracy in terms of the kind of response you would expect from the Minister of Finance, it might be useful for you to share some of those comments, because you were going up and down in the document and I am assuming, if those questions you put forward are in writing, they might actually supplement the Minister's own notes. Are you in a position to share those questions, if they are in writing?

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**HON MAAMBERUA:** Yes, indeed Honourable Speaker. My intention that I have already expressed, was actually to try to render assistance to this Bill and I am ready to share the notes and everything. As you can see, they are comprehensive and I did not actually mention all of them, because of time. However, all the same, even if we did that, the legal drafters still have to redo the Bill.

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**HON SPEAKER:** We will leave it to the Minister to make the final adjustments.

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**HON MAAMBERUA:** No, no, we are the Legislators. It is not only the Minister. We cannot pass a Bill like this.

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**HON SPEAKER:** No, no, I am not yet there. I am just at the level of when he is going to take the Floor, obviously he would respond to every question put to him and then eventually a decision should be taken. I did not mean that the Minister is going to take a decision. I am trying to

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facilitate your own comments so that they are properly conveyed. With that understanding, we move on to Honourable Asser Mbai.

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**HON MBAI:** Thank you, Honourable Speaker. I rise again to make a brief contribution on the Bill under discussion.

It is not the first time that this Bill is brought to this august House. I believe and have confidence with the Honourable Minister of Finance in the way he introduced the Bill this time around. He did it so eloquently with carefulness and being very cautious. Going through the Bill, one can easily pick up the inclusion of those concerns raised when the Bill was introduced and referred back to be improved upon in this august House.

What really impressed me so much is the notion of job creation, the empowerment of Namibians registered Small and Medium Enterprises, women and youth in all Constituencies as one of so many objectives of the Act. I also want to commend the Honourable Minister for including a Section that deals with a Preferential Procurement Policy. It is a well-known fact that our local products have been ignored over the years. It is, therefore, satisfying to note that this Bill makes provision for the protection of the local products and previously disadvantaged women and the youth.

While the Bill aims to protect our various Industries from selfish and corrupt individuals, it must not be strict and overregulated, because this will make it difficult for our people to compete on equal footing with those already advantaged.

Honourable Speaker, Honourable Members, I concur wholeheartedly with the Honourable Members who spoke eloquently before me on this Bill. It is true that we have very excellent laws and policies to regulate our affairs in place, but we sometimes fail to comply with those Laws and neglect our shared responsibility to protect and comply with the letter and spirit of our

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Laws. It is, therefore, important to have a Central Procurement Board, but as the time goes and in conformity with the spirit of decentralisation, I wish to see a situation, where more and more functions and procurement services are delegated to Regional and Local Authorities.

Finally, I would like to request the Honourable Minister this time, to consider and to see more in this Bill, some punitive measures against those culprits failing to deliver in good time – not to be considered for tendering, if they fail to deliver services or goods in the time that is required.

Lastly, but not least, is a friendly request, more especially to the Honourable Minister of Works to see to it that Works Inspectors are not approving or authorising payment for a construction phase that is not completed satisfactorily. With this few remarks and comments on the Bill, I rest my case. I thank you.

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**HON SPEAKER:** Thank you very much. Honourable Dienda please.

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**HON DIENDA:** (*Interjection*) You have to say *thank you*, because I am sick.

Thank you, Honourable Speaker. On behalf of Honourable Nicolas Smit, I would like to adjourn the Debate until Tuesday. Thank you.

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**HON SPEAKER:** Yes. There is a request for the extension of this Debate to next Tuesday. Any objection to that? It is so granted for Honourable Nico Smit.

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**ADJOURNMENT  
HON PROF KATJAVIVI**

With that said and done, we have exhausted agenda items before this House for this afternoon.

I am being reminded by Honourable Doreen Sioka, the Minister of Gender Equality and Child Welfare - inviting all women Parliamentarians to attend the women caucus meeting, which would be held today, immediately after this Session to elect the Chairperson, Deputy Chairperson and the Treasurer for the Women Caucus group.

The venue would be at the National Assembly Chambers right here. As we take leave of the Chambers, the women will gather, deliberate and elect Leaders to serve in the capacities of Chairperson, Deputy Chairperson and the Treasurer. Your cooperation in this regard would be highly appreciated by Honourable Doreen Sioka. That is the request.

With that, we conclude and shall meet again at the usual time tomorrow. The House stands adjourn until tomorrow.

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**HOUSE ADJOURNS AT 16:50 UNTIL 2015.09.24 AT 14:30**

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**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
24 SEPTEMBER 2015**

The Assembly met pursuant to the adjournment.

**HON DEPUTY SPEAKER** took the Chair and read the Prayer and Affirmation.

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**ANNOUNCEMENT IN TERMS OF RULE  
20(a) OF THE STANDING RULES AND ORDERS**

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**HON DEPUTY SPEAKER**: Firstly, I have an honour to bring to the attention of the Honourable Members the presence of the learners of Outjo Primary School with their teachers. Please feel welcome. (*Applause*) Thank you. Please be seated.

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**HON DEPUTY SPEAKER**: Any Petitions? Reports of Standing or Select Committees?

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**TABLING: ANNUAL REPORT  
OF THE OMBUDSMAN'S OFFICE**

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**HON DEPUTY SPEAKER**: From the Chair, allow to me to, in terms of Section 6(1) of the *Ombudsman Act, 1990* (Act 7 of 1990), lay upon the Table, the Annual Report of that office for the year 2014.

I beg to Move.

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**TABLING OF REPORTS  
HON PROF KASINGO**

**TABLING: PAN-AFRICAN PARLIAMENT REPORT**

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**HON DEPUTY SPEAKER:** In the same vein, allow me to also lay upon the Table, the Pan-African Parliament Report on the 7<sup>th</sup> Annual Conference of Speakers of the African Parliaments, which was held from the 6<sup>th</sup> to the 7<sup>th</sup> of August 2015, in Midrand, South Africa; together with its Final Communiqué, under the Theme – “*2015 the Year of Women’s Empowerment and Development Towards Africa’s Agenda 2063,*” for your information.

I beg to Move.

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**HON DEPUTY SPEAKER:** Other Reports and Papers? None. Notice of Questions? None. Notice of Motions? None. Message from the Head of State? Ministerial Statements? None.

Today is traditionally known as the day of responding to questions put. Allow me now to start right away with the questions.

Question 31 as per the Questions Paper is put by Honourable Venaani of the DTA to the Minister of Presidential Affairs. Would you like to put the question?

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**HON VENAANI:** I put the question, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Honourable Minister of Presidential Affairs, are you ready to respond?

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HON VENAANI  
HON KAPOFI**

**HON MINISTER OF PRESIDENTIAL AFFAIRS:** Yes, I am ready,  
Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** You have the Floor, Honourable Minister.

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**RESPONSE TO QUESTIONS**

\_\_\_\_\_

**QUESTION 31:**

**HON MINISTER OF PRESIDENTIAL AFFAIRS:** Honourable Deputy Speaker, Honourable Members of the National Assembly, I rise to respond to questions raised by Honourable McHenry Venaani, on the Remuneration and Conditions of Service of the Special Advisors to the President.

I supposed that is the question, because you have asked so many other questions. The questions were as follows:

1. On what salary grading do all of the Presidential Advisors fall? Should there be any grading disparities from one Advisor to the next, can reasons therefore, please be provided?
2. What are the salaries and benefits of each of the President Advisors? And again, should there be any differences, may reasons for these be expounded?

In providing answers to the aforesaid questions, I would like to state as follows:

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HON VENAANI  
HON KAPOFI**

The remuneration and benefits of Political Office-Bearers, including salaries and benefits of Members of Parliament as well as Advisors are approved by the President on the recommendation of the Public Office Bearers Remuneration and Benefits Commission (PoBC), in terms of Section 4(1) and (2) of the *PoBC Act*.

In determining an appropriate framework for such packages, the Commission takes into account the principle and special dispensation in respect of the professional/technical class of Public Office Bearers as recommended in the First Review. That means, the scope of their responsibilities and areas of expertise are the key considerations to determine salaries and benefits of Political Office Bearers, specifically Special Advisors.

The President has appointed the following Namibians as Special Advisors in his office:

- Dr. John Stytler – as an Economic Advisor;
- Mr Albertus Aochamub – Press Secretary;
- Ms Ingenesia Zaamwani-Kamwi – Constitutional Advisor and Private Sector Interface;
- Ms Penny Akwenye – Policy Advisor on Implementation and Monitoring; and
- Ms Daisry Mathias – Advisor on Youth and Enterprise Development.

Their remuneration and Conditions of Service includes the following:

- Basic Salary;
- Housing Allowance Benefits;

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HON VENAANI  
HON KAPOFI**

- Provision of Transport; and
- Access to Medical Aid as approved by the Public Office Bearers' Commission.

The specifics of the Conditions of Service of these professionals constitute private and confidential information. However, should the Honourable Member require these specifics, the information will be provided to him. I would like to underscore the fact that as professionals and cooperate leaders, these Special Advisors bring to their respective positions a wealth of experience and have previously served in capacities where they were remunerated well beyond the current packages.

The Special Dispensation I mentioned above, attempts to attract and retain required skills and has, therefore, been recommended to the President by the Public Office Bearers' Commission.

Furthermore, the principles of relativity, parity, fairness and affordability have been taken into account in determining the proposed basic salaries. In this regard, the strategic role of Advisors to the President, the scope of their responsibilities, the areas of expertise, qualifications and experience were the key considerations.

Honourable Deputy Speaker, by way of further contextualising the matter of salaries and benefits of Presidential Special Advisors, I would like to recall the remarks I made in April when I motivated the Budget of the Presidency. I stated then that – *“the Office of the President has to be fully capacitated and adequately resourced with human, financial and technical resources to enable the President to carry out his duties as Head of State and Government, Commander-in-Chief of our Armed Forces, Chief Diplomat and Chief Defender of our national interests. To get people with requisite skills and committed to the task at hand comes with cost, but this is an investment worth making.”*

The President has made such an investment by appointing the Advisors and there is no doubt that the Nation has started to reap the dividends and

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HON VENAANI  
HON MUHARUKUA**

will continue to do so in the coming years. Comrade Deputy Speaker, I thank you.

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**HON DEPUTY SPEAKER:** Thank you. Any follow-up questions to be put by the Mover of the questions. He is moving on behalf of Honourable Venaani.

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**HON MUHARUKUA:** Honourable Deputy Speaker, may I be allowed to speak? Honourable Venaani gave Notice to ask today – I, Honourable Muharukua, if I can call myself that, will, therefore, put the question.

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**HON DEPUTY SPEAKER:** I already know you.

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**HON MUHARUKUA:** I am entitled to put the follow-up questions.

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**HON DEPUTY SPEAKER:** Honourable Muharukua, without pointing to yourself, I already know that you are Honourable Muharukua of the DTA. You can put the questions.

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**HON MUHARUKUA:** Honourable Deputy Speaker, before I proceed, may I just perhaps express my pride in the visit of Outjo Primary School to this august House. It is a School where I attended Primary School and I am surprised to see that Ms Moller is still at the school. Good afternoon

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**RESPONSE TO QUESTIONS BY  
HON VENAANI  
HON MUHARUKUA**

Ms Moller. Be that as it may, we are saying these individuals who were appointed as Advisors are Public Office-Bearers. They are doing work for the public. The question put is, what are we requiring these individuals to do for the public? With all due respect to Honourable Kapofi (*intervention*)

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**HON DEPUTY SPEAKER:** What is your follow-up question?

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**HON MUHARUKUA:** The question is coming. Honourable Deputy Speaker, please allow me to come to my question.

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**HON DEPUTY SPEAKER:** Order! Order! Order!

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**HON MUHARUKUA:** The question is, may this august House be appraised with what these people are required to do? That is one.

Two – the things that the Honourable Minister has indicated as considerations for deciding upon the salaries, are the things that any business or any entity or institute considers before it decides what it would pay the people.

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**HON MEMBER:** Do not argue, just ask the question.

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**RESPONSE TO QUESTIONS BY  
HON VENAANI  
HON DR KAWANA**

**HON MUHARUKA:** I argue, that is what I do for a leaving.

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**HON DEPUTY SPEAKER:** Now, the follow-up question?

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**HON MUHARUKUA:** The question is clear. What are the salaries of these people? Figures, Honourable Minister? We need that.

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**HON DIENDA:** Yes, we need that!

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**HON MUHARUKUA:** If you are going to give it to the Honourable Member who put the question in private, it might as well come to this House. The House is entitled to that, Honourable Minister.

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**HON DEPUTY SPEAKER:** If I am allowed to repeat the question as it is on the paper, it says – *On what salary-grading do all the Presidential Advisor fall, and what are the salaries and benefits of each of the Presidential Advisor?* The salary grading is emphasised on. Would you like to respond? Yes, you may assist here.

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**HON MINISTER OF JUSTICE:** Honourable Deputy Speaker, let me provide additional information to my Colleague, the Honourable Minister of Presidential Affairs.

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**RESPONSE TO QUESTIONS BY  
HON VENAANI  
HON MUHARUKUA / HON KAPOFI**

Honourable Muharukua is a Lawyer by tribe. He was supposed to know the available Provisions of the Law, which the President is exercising to appoint various officers of our Republic. The President appoints Special Advisors under the *Special Advisors and Regional Governors Act*. Go and consult that Act in tandem with Article 32(3) of the Namibian Constitution and the practice in the past has been – and the President is entitled to appoint a person at any level – in the past it has been from a Deputy Director, Under Secretary, Permanent Secretary, Deputy Minister, Minister or even, depending on the skills, even the salary above the Minister, because that Law says – *the President determines the Terms and Conditions of Employment*. There are variations, there is not just standard. This is just for additional information.

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**HON DEPUTY SPEAKER:** Honourable Minister, would like to respond? It is now their chance.

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**HON MUHARUKUA:** Honourable Deputy Speaker (*Intervention*)

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**HON DEPUTY SPEAKER:** Can you sit down so that they can finalise, because he is assisting his Colleagues? Would you like to say something? Honourable Muharukua, you will be given a chance please.

Would you like to say something in addition to what the Minister of Justice said?

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**HON MINISTER OF PRESIDENTIAL AFFAIRS:** Comrade Deputy Speaker, if there are Members who want to ask more questions, it is not

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**RESPONSE TO QUESTIONS BY  
HON VENAANI  
HON KAPOFI**

me to give them the Floor, but I am ready to respond to any question, however, what I want to say for now is, through you, Honourable Muharukua, if Honourable Venaani wants these specifics, you can go come to my office. I will give you this information and you will go and make it public, it will not be me. Thank you.

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**HON MUHARUKUA:** Honourable Deputy Speaker (*Intervention*)

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**HON DEPUTY SPEAKER:** No, I am not going to allow you, unless you are going to ask from the beginning.

Next is question 32 is by Honourable Venaani to the Minister of Presidential Affairs. Would you also like to put this question on his behalf?

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**HON MUHARUKUA:** I put the question, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Honourable Minister of Presidential Affairs?

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**QUESTION 32:**

**HON MINISTER OF PRESIDENTIAL AFFAIRS:** Thank you, Comrade Deputy Speaker.

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HON VENAANI  
HON KAPOFI**

I rise to respond to the questions posed to me by Honourable Venaani regarding the determination of remuneration for the Vice-President of the Republic. I wish to state at the outset that the *Third Constitutional Amendment Act* of 2014 provides for the appointment of the Vice-President. In accordance with that Law, His Excellency Dr Hage Geingob designated Dr Nickey Iyambo as the Vice-President of the Republic on the 11<sup>th</sup> of March 2015.

At present, the remuneration and benefits of the President and his or her spouse are catered for by the *President Remuneration and Other Benefits Act, 2012* (Act 15 of 2012). However, this Law does not provide for the remuneration and benefits of the Vice-President.

Because of this situation, a new Bill namely, the *President Remuneration and Other Benefits Bill, 2015* has been drafted and will soon be tabled in this House. Its purpose is to provide for the payment of remuneration and other benefits to the President and his or her spouse and to the Vice-President and his or her spouse, and to provide for incidental matters.

While I acknowledge that there has been some delay in amending the *President Remuneration and Other Benefits Act* of 2012, it pleases me to inform the House that the Bill, which I have just refer to will be tabled in this House during this Session.

Honourable Deputy Speaker, through Proclamation No. 30, which was gazetted recently, the President has declared the Vice-President as a Political Office-Bearer, in terms of Section 8 of the *Public Office-Bearers Remuneration and Benefit Commission Act, 2005* (Act 3 of 2005). This makes it possible for a determination to be made regarding the Vice-President's remuneration and benefits under the new Act to be promulgated.

I am pleased to inform the House that after considering the recommendations by the Public Office-Bearers Remuneration and Benefits' Commission, the President has determined that, with effect from

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the 21<sup>st</sup> of March 2015, the basic salary payable to the Vice-President of the Republic of Namibia to be 10% above the remuneration payable to the Prime Minister of the Republic of Namibia, as determined under the said Act from time to time.

Moreover, the declaration of the Vice-President as a Political Office-Bearer is also necessary to enable the Vice-President to be covered by rules of the Pension Fund established in terms of the *Members of Parliament and Other Office-Bearers Pension Fund Act, 1999* (Act 20 of 1999).

Honourable Deputy Speaker, Honourable Members, Namibia is a country governed on the basis of the Rule of Law. Everything is, therefore, being done to ensure that all the actions of Government comply with the Constitution and the other Laws of the land. Furthermore, the Nation should be assured that Government is committed to promoting and living by the principles of transparency and good governance, which remain the hallmark of all that we do in serving the Nation and fulfilling the mandate given to Government by the electorates. I thank you, Comrade Deputy Speaker.

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**HON DEPUTY SPEAKER:** Thank you. Any follow-up question.

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**HON MUHARUKUA:** Thank you, Honourable Deputy Speaker. Perhaps just one question, one says *salary* because salary is remuneration for work done, a legal payment for work done. Perhaps the question that one wants to ask is, how much of the Namibian people's money is being illegally channelled to the Vice-President, because I do not want to call it a salary. I do not know whether it is a salary or not.

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**HON DEPUTY SPEAKER:** How much – can you repeat that?

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**HON MUHARUKUA:** How much of the people's money is being channelled to the Vice-President? (*Interjection*)

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**HON MEMBER:** Illegally?

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**HON MUHARUKUA:** I will say illegally because legally we are supposed to warrant that and we have not.

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**HON DEPUTY SPEAKER:** If I listened carefully to the Minister, I think he said it is 10% above the salary of the Prime Minister. (*Interjection*)

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**HON MUHARUKUA:** But it is not a salary.

\_\_\_\_\_

**HON DEPUTY SPEAKER:** You see, now I am in a dilemma. Colleagues, you must understand me, you must help me run the proceedings of the Parliament smoothly.

The moment I allow somebody to assist someone, the whole thing will become a discussion of that thing. Honourable Member, can we first

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allow the Minister to respond? The moment you do that the other people will request the same rights and the Parliament would be in disorder.

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**HON MINISTER OF PRESIDENTIAL AFFAIRS:** Thank you, Comrade Deputy Speaker.

Honourable Muharukua, you are asking how much of the people's money goes to the people's Vice-President? The people's Vice-President receives a salary that is 10% higher than that of the Prime Minister. If you want more information, I will gladly avail that information to you.

I do not have it right now with me, but I can give it to you from tomorrow. If you agree, I will give you salary of the people's Prime Minister, which is public information and as a young student from Outjo Primary School (*laughter*) You will definitely determine what the people's Vice-President receives. Thank you.

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**HON DEPUTY SPEAKER:** Thank you. I will now go to question 33. (*Intervention*)

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**HON MAAMBERUA:** Point of Information!

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**HON DEPUTY SPEAKER:** No, I cannot allow that Honourable Maamberua. If you want to provide information, you can do that during the next Session on a Point of Information.

Question 33 is by Honourable Van Wyk to the Minister of Urban and

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Rural Development. Yes, Honourable Minister.

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**QUESTION 33:**

**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:**

Thank you very much, Deputy Speaker for the chance. Honourable Members and the learners from Outjo there, good afternoon.

I rise to answer the questions posed to the Ministry by Honourable Van Wyk. I will not waste much time, because the questions are too many.

**How many applications for erven were submitted to Local Authorities across the country over the past twenty-five years?**

Before I touch base on this one specifically, Honourable Van Wyk it not very fair to ask how many applications were received over the past 25 years, because many of our citizens sometimes do not only apply once, but several times at various municipalities. It, therefore, makes it cumbersome for the Ministry to have all those applications provided as you are requesting in your question.

However, the Ministry of Urban and Rural Development as a Line Ministry for all Local Authorities in Namibia, is now in the process of collecting data pertaining to land applications in order to create a reliable national database. In addressing this issue, the Ministry has acquired an Urban Land Information Management System that is currently being piloted in 10 Local Authorities namely, Walvis Bay, Keetmanshoop, Otjiwarongo, Tsumeb, Okahandja, Oshakati, Helao Nafidi, Outapi, Rundu and Katima Mulilo.

The Ministry is now embarking on the rollout phase for the rest of the Local Authorities. Once this exercise is complete, accurate urban land information will be easily accessible through this innovation. The aim of acquiring the system is to keep all urban land related data in one database

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with a backup as well as to enable the updating of information as new applications are received by the Local Authorities. So there is a system Honourable Member and I think this is very important for us to have a Country Master List for our people who are in need of land at the end of the day.

The other question is: **How many of these applicants benefited under the Built Together and Shack Dwellers Federation?**

Housing units built with own funds, repayments and other sources of funding – here I can say that there is 1,759 houses constructed at a cost of N\$33,184,057.57. Housing units constructed with the funds from the Ministry of Urban and Rural Development – 1,136 houses at the cost of N\$23,129,000.00, *op sy kop!*(on the dot). *Ons moet Afrikaans praat* (we have to speak Afrikaans). *(laughter)*

Housing units constructed through the decentralised Built Together Programme and funds channelled through to Hanganana Fund is 842 houses at a cost of N\$16,475, 275.56. Housing units constructed for pensioners, people with disabilities and people with illnesses – 97 houses at a cost of N\$1,720,699.01. As this programme is incremental, members can be assisted to extend their houses. The total number of members who have extended their houses to date stands at 124 houses at a cost of N\$1,269,711.83. The total houses constructed are 3,958 at a cost of N\$77,778,774.13. I proceed.

**What measures will you take to ensure that these applicants are attended to alongside the progress to accommodate the AR Applications?**

The Government has embarked upon the massive urban land servicing project to accelerate land delivery. This initiative is meant for all those in need of land, including AR. It is my wish that the need for land is treated as a national concern and means to address these issues are in pipeline for each and every Namibian as AR is part of the Namibian Nation. All of us

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are there and we all need to move together.

**When will the mentioned applicants get feedback on the status of their applications?**

We have national Government structures, specifically our Authorities that are tasked with the administration of land within their areas of jurisdiction and these entities are headed by Councillors and Administrative Officials. It is within their mandate to ensure that applicants are informed on the status of their applications as part of good governance and I am sure that Local Authorities are making it a priority to always communicate to the applicants in the specific time.

**What measures will the Ministry take to finalise the implementation of the “*Rukoro Report of 1992*,” as the Rehoboth Town Council has over the past 23 years failed to adhere to a Cabinet Decision of 1992?**

Honourable Member, if time allows, I will table some Bills and I think this question of not adhering to Cabinet Decisions will also be addressed. So, I am just connecting you so that when we get there, at least you would be able to listen very carefully, as to what is going to happen next.

On various occasions, the Ministry has engaged the Rehoboth Town Council on the implementation of the Rukoro Report and for the effective implementation thereof. The Ministry and the Rehoboth Town Council need to ensure that the intended beneficiaries are the ones to be allocated with these erven, depending on the availability of land and the Ministry will embark on the verification process first and I will set up a team to start working on this issue.

Honourable Member, thank you very much for your questions and also for seeking for clarity. Thank you, Honourable Deputy Speaker.

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HON VAN WYK**

**HON DEPUTY SPEAKER:** Honourable Member, do you have a follow up question.

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**HON VAN WYK:** Thank you, Honourable Deputy Speaker, and thank you, Honourable Minister for the answers. I am satisfied with the answers on some of the questions, that is, questions 2 and 3.

However, Honourable Minister, I would like to find – does it mean that the Local Authorities and Town Council across the country have been sitting with a lot of applications for the past 25 years, without at least putting something in place for them to make sure that the first applicant at least get something before applicant number 100 gets an erf?

They were supposed to at least put something in place for them to work on. It seems that there is nothing in place for Local Authorities and Honourable Minister this is a big problem. If one looks at the feedback – if one applies – we are not getting feedback about the applications from the Local Authorities and I want to give you an example: Some years back a person received an approval for an erf – and this is the approval document,

it was white like this paper at that time, but because of the time that has lapsed, it changed to this while the person is waiting, we are sitting with over three thousand people with these approvals across this country, and there is just no feedback from the respective Local Authorities. This is not acceptable, Honourable Minister. Thank you, Honourable Minister, for the assurance that the Government will take care of these people who are waiting for some years now. I am glad to hear that they will also get attention alongside the AR applications.

With regard to the Rukoro Report, also thank you for working on that. I would like to ask the Honourable Minister if possible to please intervene at the Rehoboth Town Council because right now, some of the Local Authorities Councillors are dishing out land to their families. I was informed about this about three weeks ago, so if the Honourable Minister

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can please intervene there. Thank you very much. Thank you, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Thank you. I put question 34 by Honourable Dienda, again, to the Minister of Urban and Rural Development. Would you like to put your question?

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**HON DIENDA:** Yes, I put the Question Honourable Deputy Prime Minister.

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**HON DEPUTY SPEAKER:** Yes, Honourable Minister.

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:** Thank you very much, Honourable Deputy Speaker. I would like to apologise on behalf of the Ministry to Honourable Dienda that my office overpowered was responsibilities. I will definitely give a response to your questions by next week. Thank you very much.

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**HON DEPUTY SPEAKER:** We shall proceed to question 35. Is it the same for questions 35 and 36? Are all these questions deferred to next week for proper information? Honourable Minister, just stand up and formalise that these questions have indeed been deferred.

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:**

Honourable Deputy Speaker, Honourable Members, I will not be able to respond to all the remaining questions that were put to my Ministry today, because I had some other responsibilities that are considered to be a priority. I also have to prepare Bills and everything, so please forgive me, you will get your answers next week. Thank you very much for your understanding.

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**HON DEPUTY SPEAKER:** Thank you. It brings us to question 37 by Honourable Muharukua to the Minister of Agriculture, Water and Forestry. Would you like to put the question?

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**HON MUHARUKUA:** Yes, I put the Question, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Honourable Minister, would you like to respond?

**QUESTION 37:**

**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**

Thank you, Comrade Deputy Speaker for giving me the Floor to respond to the questions posed by Honourable Muharukua.

I have listened very carefully to the questions posed by Honourable Muharukua pertaining to the commercial activities in the Subsistence Farming Sector of Namibia. I think the term subsistence farming is due for some kind of review as far as I am concerned, because there is an updated terminology.

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HON MUTORWA**

The agricultural economy of Namibia combines commercial and what is referred to as subsistence farming. Subsistence farming characterises agricultural activities on state-owned land in the communal areas both north and south of the Veterinary Cordon Fence. That is the common understanding of this term – subsistence farming. Commercial agriculture on the other hand, according to this definition, concentrates mainly on the freehold areas south of Veterinary Cordon Fence.

It has been noted, however, that this information provides only a skewed picture of the socioeconomic realities embodied in the Namibian agriculture. Statistical evidence relating to the Gross Domestic Product does not capture the whole range of economic activities that take place in the homesteads of communal areas. The output of subsistence-orientated agriculture ensures the livelihood of a very large section of the Namibian population. Yet, as it does not materialise, in all respects, in monetary income that is realised on the market, it is not recorded as part of the Gross Domestic Product.

Formal market channels reflect only part of the economic reality governing the communal areas especially north of the Veterinary Cordon Fence. For a long time, the communal subsistence economy has been accustomed to market some of the surplus produce, either to meet the monetary needs of households, such as payment for school fees, or to cater for special social occasions, such as weddings or funeral ceremonies, and so on.

Over the years, our Government has since Independence encouraged, and is encouraging the communal farmers to market their produce through the formal markets in order to capture their business transactions. In the same spirit, Government pleaded, and it is pleading with the Private Sector to invest in necessary marketing infrastructure so as to stimulate communal farmers to market their produce at such facilities. However, this clarion call, to a certain extent, has not been responded to positively by the Private Sector or private investors in the communal areas.

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HON MUTORWA**

Therefore, during the past years, our Government, the SWAPO Party Government decided to scale up its public investment in establishing the marketing infrastructure, such as the upgrading of abattoirs, quarantine facilities, as well as the establishment of Fresh Produce Business Hubs to create markets for communal farmers. Meatco operate the Oshakati and Katima Mulilo abattoirs, on behalf and as per agreement with the Namibian Government. The said agreement will expire in the early part of next year – 2016.

The Ministry of Agriculture, Water and Forestry established the Namibia Livestock Identification and Traceability System (NamLITS). Honourable Muharukua, this system enables Government to keep accurate records of animal disease surveillance, animal movement and vaccination. However, it also allows for monitoring of breeding programmes as well as animal production dynamics and future projections.

Furthermore, our Cabinet has directed the creation of the Agro Marketing and Trade Agency (AMTA) to coordinate and promote handling, processing, marketing and trade of agronomic crops, particularly fresh produce in the Hubs and grain in the National Strategic Grain Reserves. All these facilities are in the communal areas. AMTA has a database that contains commercial information of communal farmers who are and would be trained on Good Agricultural Practises. Allow me to also point out that some of the data at designated informal markets, such as Omatala, is also captures by some Local Authorities.

You may recall that agriculture is obviously one of the four priority Economic Sectors highlighted in the NDP4 and some studies have indicated that the Livestock Sector contributes 76% of the total agricultural output in Namibia, but only 6% of this is generated from communal areas because the information is not always well captured.

This implies that famers' livestock production records in the communal areas, are either not available or at times not so reliable. However, anecdotal report and estimates by farmers from the Northern Communal

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HON MUTORWA**

Areas state that livestock losses to the value of N\$200,000 to N\$500,000 per year, per water point are the order of the day. We thus also deal with changing farmers' attitudes towards more proactive management and marketing of their cattle, which is very critical, through cooperatives, abattoirs, and so forth.

Honourable Muharukua, the Millennium Challenge Account did sponsor a study on informal trade of cattle in the Northern Communal Areas in 2013, through Agra. The study was initiated as it became evident that high numbers of cattle are imported from the areas south of the Veterinary Cordon Fence to informal markets in the Northern Communal Areas and no reliable off-take figure was at hand. The only available off-take rate of 7.5% came out by a study commission by NOLIDEP in 2000.

A ministerial study on the removal of the Veterinary Cordon Fence of 2014 revealed that the best-case scenario has a net industry benefit of N\$5 billion, which is 62 percent higher than the current situation. Qualitative data was collected by means of Focus Group Discussions and in-depth interviews whereas quantitative data was analysed using the Cost Benefits Analysis.

A study on horticulture, revealed that much of Namibians consumers' demand for fruit and vegetables has been met by imports, especially from the Republic of South Africa where there is an abundant supply of wide range of fresh produce at competitive prices throughout the year. Strong links have been established between the South African production or marketing network and the Namibian wholesale and retail outlets. This is also through with respect to cereal consumption in our country.

On one hand, this arrangement satisfies Namibian consumers' demand and it delivers relatively cheap produce for the consumers. On the other hand, the current marketing situation favours large-scale agricultural producers and processors at the expense of the small and medium scale producers of agricultural products. This scenario has to change. Therefore, it is important that the current legal framework need to be reviewed in order to

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steer the Agricultural Industry in the right direction.

**What is the average annual monetary value of the informal communal activity within the Subsistence Farming Sector for the past 10 years?**  
That is the question.

I peruse through the relevant studies and I have not thus far come across a particular study that estimates the average annual monetary value of the informal commercial activity within the Subsistence Farming Sector for the past ten years. However, it goes without saying that the value under review is much higher than what has been documented. In this regard, I tend to agree with you fully that perhaps it is time that as Government, through the Ministry or through the Statistic Agency needs to commission a study with an appropriate methodology that could produce a comprehensive record of the informal commercial activities within the Subsistence Farming Sector with a view to determine the value of the subsistence economy, which in my view, is undervalued.

In conclusion, Comrade Deputy Speaker, Namibia's National Agricultural Policy focussed towards the creation of an enabling environment for increase food production, improved employment opportunities, incomes, households food security and the nutritional status of all Namibians. It also aims to foster profitability and increase investment in agriculture as well as the vertical integration and domestic value-addition for agricultural products.

Therefore, agriculture should now be seen as business and not only this issue of subsistence. I rest my case Comrade Deputy Speaker. Thank you.

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**HON DEPUTY SPEAKER:** Thank you. Quickly, follow-up question, before we go for tea break.

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HON MUHARUKUA  
HON MUHARUKUA**

**HON MUHARUKUA:** Thank you, Honourable Deputy Speaker. Thank you very much, Honourable Mutorwa for a comprehensive answer and it is quite accurate in many respects.

Perhaps two questions that one wants to ask is about this AMTA that you have referred to – how widely known is it in areas especially above the Redline, where people are producing *mahangu*, maize, and so forth. I believe this to be the Institution to which farmers can collectively sell their harvests, am I correct in that regard?

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**HON DEPUTY SPEAKER:** Did you asked, how widely known is the information (*intervention*)

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**HON MUHARUKUA:** How widely known is it, and what does the Ministry have in place to ensure that this institution is widely known? (*Interjection*)

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**HON MEMBER:** Which one?

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**HON MUHARUKUA:** That is one – AMTA. Secondly, you have outlined various initiatives that the Government has taken to ensure that the informal market gets developed, like the development at the abattoirs, setting up of fences, and so forth, but how effective is it, perhaps from your view as a person who has been heading this for at least six or seven years?. Thank you.

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HON MUHARUKUA  
HON MUTORWA**

**HON DEPUTY SPEAKER:** Yes, quickly, Honourable Minister.

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**  
AMTA is very widely known – in Opuwo also, go and ask your father (*laughter*) He is a farmer, he knows. It is true. I mean it in good way. It is much known. We have a Hub in Oshakati, Rundu, we have silos all over and we have a building in Wanaheda here, a big one. Are you aware of that one? These are national institutions. Finally, on the last aspect, I think it is effective. Thank you.

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**HON DEPUTY SPEAKER:** Thank you. Are we going for tea break or will we proceed? Tea break? Okay, let us finalise the question and then we can see what we can do.

Question 38 – the Honourable Member is not here, neither his Colleague from the UDF. We are going to skip that. Then we proceed to question, 39 the same.

Question 40 – NUDO – Honourable Mbai, would you like to put the question to the Minister of Agriculture, Water and Forestry.

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**HON MBAI:** I put the question, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** would you like to respond, Honourable Minister?

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**RESPONSE TO QUESTIONS BY  
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HON MUTORWA**

**QUESTION 40:**

**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**

Thank you, Comrade Deputy Speaker for giving me the Floor to respond to the question posed by Honourable Asser Mbai, the President of NUDO.

The Ministry of Agriculture, Water and Forestry has been operating one system for livestock identification and traceability in Namibia since the 4<sup>th</sup> of October 2013. Although it is one system, there are some variations in the way things are done in the north of the Veterinary Cordon Fence as compared to the south. This is due to differences in farming systems with the north being predominantly communal and the south commercial and the fact that the Ministry of Agriculture, Water and Forestry procures cattle ear tags for farmers in the Northern Communal Areas and the Directorate of Veterinary Services staff applied tags for the farmers during tagging campaign at crush pans. Whereas, in the south, the farmers do it themselves. In areas south of the Veterinary Cordon Fence farmers buy ear tags and apply on their livestock themselves.

In the Northern Communal Areas, livestock identification was initially targeted to cover cattle, but we are in the process of including sheep and goats in the programme so that we have global statistics of all the livestock. However, the main challenge concerning the introduction of livestock identification and traceability in sheep and goats in the Northern Communal Areas is that most of the farmers do not have registered stock brands for their livestock, which is a very essential requirement. To address this challenge, the Ministry has decentralise the issuance of stock brands to the main State Veterinary Offices in Rundu, Katima Mulilo, Ondangwa, Opuwo, Outapi, Eenhana and Tsumkwe. Farmers are, therefore, welcome to apply and obtain stock brands from the main State Veterinary Office that I have just mentioned.

**Do we meet the required compliance for us to be able to participate in the international trade fair?**

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**RESPONSE TO QUESTIONS BY  
HON MBAI  
HON MBAI**

Honourable Mbai, through you Honourable Deputy Speaker, different countries have difference sanitary trade requirements. A strong animal health management system supported by a sound livestock identification and traceability system is a fundamental requirement for securing most high value markets.

A number of countries that we trade with as a country as well as those interested to import Namibian animals and animal product in the future for a number of years, have audited our livestock identification and traceability system. The results of the audit so far have been remarkably satisfactory. It is because of this that Namibia recently has been able to secure the Chinese beef market and we are now also close to gaining access to that of the United States of America. I thank you, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Thank you. Do you have follow-up questions?

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**HON MBAI:** Honourable Deputy Speaker, not necessarily a follow-up question, but one would like to leave it to the next question of the Honourable Muharukua, more especially on the issue of the erection of the cordon fence between our country and Angola. I think this is more detailed in the question of Honourable Muharukua that is coming, but nevertheless, I am really satisfied with the comprehensive and very prudent answer the Honourable Minister has provided. Thank you.

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**HON DEPUTY SPEAKER:** Question 41, is the one of Honourable Jahanika to the Minister of Works and Transport. Unfortunately, the Minister is not here, and the Deputy is also not here.

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**RESPONSE TO QUESTIONS BY  
HON MUHARUKUA  
HON MUTORWA**

This brings us to the long question, question 42 by Honourable Muharukua to the Minister of Agriculture, Water and Forestry.

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**HON MUHARUKUA:** I put the question Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Honourable Minister, would you like to respond?

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**  
I would like to request the indulgence of Honourable Muharukua for me to respond comprehensively to this question next week.

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**HON DEPUTY SPEAKER:** Thank you. Questions 43 and 44 are deferred because both Honourable Members of the UDF are not here. This thus, brings us to the end of the questions today.

Can we have a break and come back 16:10? So agreed. We can break for tea.

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**HOUSE ADJOURNS AT 15:50**

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**HOUSE RESUMES AT 16:21**

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**FIRST READING – REGIONAL COUNCILS  
AMENDMENT BILL  
HON SHANINGWA**

**HON DEPUTY SPEAKER:** We will proceed with the agenda of the day. The First Notice is the one of the Honourable Minister of Urban and Rural Development.

Does the Honourable Minister, Move that the Bill be now Introduce?

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:**  
Yes, Comrade Deputy Speaker.

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**HON DEPUTY SPEAKER:** Who seconds? Any objections? Agreed to. Will the Honourable Minister, please table the Bill? Please table it first and then, you Introduce it.

The Secretary will now read the Bill for a First Time.

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**FIRST READING – REGIONAL COUNCILS  
AMENDMENT BILL [B.11 – 2015]**

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**SECRETARY:** *Regional Councils Amendment Bill [B.11 – 2015].*

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**HON DEPUTY SPEAKER:** Does the Honourable Minister, Move that the Bill be now read a Second Time?

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24 September 2015    **SECOND READING – REGIONAL COUNCILS  
AMENDMENT BILL  
HON SHANINGWA**

**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:**  
Yes, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Who Seconds? Any objections? None.  
Agreed to. Honourable Minister, you now have the Floor to Motivate the  
Bill.

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**SECOND READING – REGIONAL COUNCILS  
AMENDMENT BILL [B.11 – 2015]**

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:**  
Thank you very much, Honourable Deputy Speaker of the Honourable  
august House.

Honourable Deputy Speaker, I rise to motivate the *Regional Councils  
Amendment Bill*. Allow me to take this opportunity to thank all those  
colleagues who were involved in the preparation of the Bill. In particular,  
I wish to thank my Colleagues, the Honourable Minister of Justice and the  
Honourable Attorney-General and their legal teams. I would also like to  
thank my Predecessor from whom I have taken this seat. I also wish to  
thank the officials of my Ministry for providing me with the necessary  
support in this process.

Honourable Deputy Speaker, Namibia's democracy has grown deeper  
roots. It is being admired by a number of countries the world over. We  
have strengthened our democracy not only at the National level, but also  
at Regional and Local Authority levels.

Notwithstanding our democratic culture, we always strive to improve by

24 September 2015    **SECOND READING – REGIONAL COUNCILS  
AMENDMENT BILL  
HON SHANINGWA**

borrowing from best practices. Honourable Members, you may recall that Parliament passed a new *Electoral Act* last year. Some aspects of that Law have a direct impact on the *Regional Councils Act*, which require harmonisation

It is also important that those who head the administration of Regional Councils should be appointed with the active participation of the Ministry. In this regard, Section 23 of the Principal Act has been amended in order to give effect to this requirement.

Honourable Deputy Speaker, Honourable Members, the land issue has attracted the attention of the Nation. In 2012, the Ruling SWAPO Party adopted a number of recommendations at its Policy Conference regarding land ownership. The recommendations were later adopted by the SWAPO Party Congress.

After the Congress, the Political Bureau of the SWAPO Party established a Special Committee on land, which Committee was later transformed into a Cabinet Committee. Together with the SWAPO Party Election Manifesto on land, the policies of the Party were adopted by Cabinet and became Government policies requiring implementation. In this regard, Section 28 of the *Principal Act* has been amended in order to ensure that land ownership is strictly controlled and good governance is applied while at the same time not blocking development.

A new Part VI A has been inserted in the *Principal Act* to prohibit the sale of immovable property in settlement areas to foreign nationals. This is in line with the policies I have referred to above.

Honourable Deputy Speaker, Section 44 of the *Principal Act* has been amended to increase penalties for non-compliance with the Provisions of the Act.

Honourable Deputy Speaker, it is now my honour to present to this august House the *Regional Councils Amendment Bill* for adoption. I so Move,

24 September 2015    **SECOND READING – REGIONAL COUNCILS**  
**AMENDMENT BILL**  
**HON DIENDA**

Honourable Deputy Speaker. Thank you.

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**HON DEPUTY SPEAKER:** Thank you. That was very a very brief Introduction. Any discussions? Honourable Dienda.

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**HON DIENDA:** Honourable Deputy Speaker, I just saw a work paper. I received it 14:00 this afternoon, so I did not have the documents to go through it. I will postpone it until next week Wednesday. Thank you.

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**HON DEPUTY SPEAKER:** This item is adjourned to next week Tuesday. The next item on the agenda is again, a Motion by the Honourable Minister of Urban and Rural Development.

Does the Honourable Minister, Move that the Bill now be introduced?

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:**  
Yes, Comrade Deputy Speaker.

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**HON DEPUTY SPEAKER:** Who seconds? Any objections? Agreed to. Will the Honourable Minister, please table the Bill?

The Secretary will now read the Bill for a First Time.

---

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**FIRST READING – LOCAL AUTHORITY  
AMENDMENT BILL  
HON SHANINGWA**

**FIRST READING – LOCAL AUTHORITIES  
AMENDMENT BILL [B.12 – 2015]**

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**SECRETARY:** *Local Authorities Amendment Bill [B.12 – 2015].*

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**HON DEPUTY SPEAKER:** Does the Honourable Minister, Move that the Bill be now read a Second Time?

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:**  
Yes, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Who Seconds? Any objections? None. Agreed to. Honourable Minister, you now have the Floor to Motivate the Bill.

---

**SECOND READING – LOCAL  
AUTHORITIES AMENDMENT BILL [B.12 – 2015]**

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:**  
Thank you very much, Honourable Deputy Speaker. Honourable Members of this august House, I once again, rise to motivate the *Local Authorities Amendment Bill*.

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**SECOND READING – LOCAL AUTHORITY  
AMENDMENT BILL  
HON SHANINGWA**

When I gave Notice yesterday to introduce the Bill today, the Honourable Members were able to note the principles covered in the Bill. Today, my task will be very simple, I will merely highlight the most important aspects of the Amendments.

Local Government plays an important role in the welfare of our Nation. Rural to Urban migration has taken centre stage all over the world. In a few years from now, more than 70% of the world population will live in urban areas. It is, therefore, important that we prepare ourselves in order to ensure that we render adequate municipal services to our people.

In a developing country like Namibia, Local Authorities will continue to depend on Central Government for financial and technical support. Our citizens deserve decent living standards in line with the vision of our President, His Excellency Dr. Rage Geingob who declared war on poverty. Allow me to pause here, Honourable Members, to congratulate our President for the awards he received during his trip to America (*applause*)

I wish to state here, Honourable Deputy Speaker that our Government has adopted new policies related to Local Government administration. Ownership of urban land has taken centre stage.

Honourable Deputy Speaker, in the past few years, we have witnessed a situation of abuse and greed by some, and I emphasise, **some Local Authority Councillors** who were put in the position of trust by the Namibian electorate. We have witnessed corruption in the allocation of urban land. It is partly because of this experience that a cleanup is necessary, and we are ready for that now. The Ministry and the Minister must be given enough statutory powers to deal with the problem. That is why I am rising here today.

Honourable Deputy Speaker, allow me to use this platform to pledge to the Namibian Nation that the Ministry and I will deal very harshly with corrupt Local Authority Councillors. The Namibian people deserve better

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**SECOND READING – LOCAL AUTHORITY  
AMENDMENT BILL  
HON SHANINGWA**

service from Local Authorities. I will show no mercy in this regard, and I mean my words.

At the same time, I wish to commend those Honourable Local Authority Councillors who are devoted to serving our citizens.

They have my unconditional and unconditional support of the Ministry, regardless of their Political Party affiliation, as long as they are doing things the right way.

Having provided the background, allow me Honourable Deputy Speaker, to briefly take you through the *Amendment Bill*. Section 13 of the *Principal Act* is amended to make it clearer as to when Local Authority Councillors are required to vacate office. Section 10 of the *Principal Act* has been amended to make it clear regarding the steps required to suspend a member of a Local Authority.

Section 29 of the *Principal Act* has been amended to provide a clear procedure for disciplinary action of staff members of Local Authorities.

Section 30 of the *Principal Act* has been amended to provide circumstances of exempting vulnerable persons from the payment of some municipal charges.

In line with Government Policy, we have inserted a new Part V in order to restrict the sale of immovable properties within Local Authority areas. Access to land in urban areas will be aligned to the requirements of the *Agricultural Commercial Land Reform Act* in respect of foreign nationals.

In addition, certain low-income areas will be regulated so that our low-income citizens are given preference to own immovable property in such areas. The Ministry of Land Reform is very helpful to my office in this regard.

We have also provided stiffer penalties in case of violation of the

24 September 2015      **SECOND READING – LOCAL AUTHORITY  
AMENDMENT BILL  
HON MAAMBERUA**

requirements of the Act.

Honourable Deputy Speaker, Section 66 of the *Principal Act* has been substituted in order to effectively deal with valuation of rateable properties within Local Authority areas.

Honourable Deputy Speaker, Honourable Members, I now have the honour to request you to approve the *Local Authority Amendment Bill* so that we can alleviate the hardship faced by our people in Local Authorities. Thank very much, Honourable Deputy Speaker. I Move so.

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**HON DEPUTY SPEAKER:** I have to thank you for your very brief Motivation. Any discussions? I recognise Honourable Maamberua.

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**HON DEPUTY SPEAKER:** Thank you. It was very brief. I have to thank you for your very, very, Motivation.

Any discussion? I recognise, Honourable Maamberua.

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**HON MEMBER:** Are there no papers today?

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**HON MAAMBERUA:** No, this BIPA thing is continuing, because even in *The Namibian* Newspaper of yesterday, they publish that they are looking for employees and yet they do not say who they are – they just write about that business and property intellectual something without saying whether it is a private company, a public company whatever they are.

24 September 2015 **MOTION ON EXPANDING MEDICAL CLINICS  
TO ALL TERTIARY INSTITUTIONS IN THE COUNTRY**

Comrade Deputy Speaker, I would like to beg for the indulgence of the House to allow me to give an intervention on this very important *Amendment Bill* next week Wednesday, because we need some time to actually go through this Bill. Thank you.

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**HON DEPUTY SPEAKER:** If there is no one who wants to postpone this Bill to an earlier date, then the discussion on this Bill is postponed to next week Wednesday. So agreed.

We will now move to the Order of the Day and the Secretary will read the First Order of the Day.

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**RESUMPTION OF DEBATE ON  
EXPANDING MEDICAL CLINICS TO  
ALL TERTIARY INSTITUTIONS IN THE COUNTRY**

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**SECRETARY:** Resumption of Debate on Expanding Medical Clinics to All Tertiary Institutions in the Country.

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**HON DEPUTY SPEAKER:** When the Debate was adjourned on Tuesday, the 22<sup>nd</sup> of September 2015, the question before the Assembly was a Motion by Honourable Dienda. The Honourable Deputy Minister of Health and Social Services adjourned the Debate, and you now have the Floor. Honourable Deputy Minister.

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24 September 2015 **MOTION ON EXPANDING MEDICAL CLINICS  
TO ALL TERTIARY INSTITUTIONS IN THE COUNTRY  
HON KAVETUNA**

**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:** Honourable Deputy Speaker, Honourable Members it is my distinct honour to be given this Floor to contribute to this very important Motion.

According to my own understanding, this Motion is not only prompting the expansion of the medical clinics to all Tertiary Institutions in the country. This Motion goes far beyond Tertiary Institution. It is multifaceted, as the Mover wants us as Lawmakers to deal with the following issues:

- To decrease unwanted pregnancy and baby dumping;
- To provide family planning to the youth;
- The provision of youth friendly services to the young people at health facilities; and lastly
- The provision of health related services to the young people.

With this plea from the Honourable members, I will put my interventions in three forms:

Firstly, it is very important for us to understand the concept used in this Motion and I will briefly define each of them.

Secondly, fortunately, I am privy to the information on what is available, what is planned and what are the challenges facing this Ministry mandated to provide quality health care in this country.

Lastly, I deemed it necessary to educate and sensitise the Nation that health start with each one of us, but not at the health facility. Honourable Deputy Speaker, in short, the concept of baby dumping refers to parents abandoning or discarding a child younger than 12 months in a public or private place with an intention of getting rid of him or her. While unwanted, or better termed as unintended pregnancy are pregnancies that

**24 September 2015 MOTION ON EXPANDING MEDICAL CLINICS  
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HON KAVETUNA**

are mistimed and unplanned at the time of conception, a better definition for family planning is that it allows individuals and couples to anticipate and attain their desired number of children and the spacing and timing of their births. It is achieved through the use of contraceptive methods and a treatment of involuntarily infertility. A woman's ability to space and limit her pregnancy has a direct impact on her health and her wellbeing as well as the outcome of each pregnancy. Very importantly, a health facility is a healthcare facility that is primarily devoted to the care of outpatients and typically covers the primary healthcare needs of a population in a local community in contrast to the hospitals that offers specialised treatment and admit patients to overnight there.

Honourable Deputy Speaker, with this understanding primary healthcare that includes immunisation, contraceptives and many others, is our main focus, as we strongly believe that prevention is better than cure. The specific services requested to be provided have been a backbone of our Ministry since time in memorial. All our primary healthcare services are free of charge and are available at each facility. The Honourable Members stipulated that N\$4 to be paid at the clinic. It is not for services under the primary healthcare, but it is for sick people who come for treatment. This N\$4 is for the entire treatment until you are either discharged or transferred to the mortuary. We have to approach our Government for providing quality healthcare at this amount – exempting the vulnerable members of our community from paying any cent at any facility and ensuring that no one is send away, even if you do not have this minimal amount to pay at a facility.

Our first line of care is the newly introduced community health extension workers with young energetic Namibians who are educating people in their community on how to stay healthy. Currently, we have 1,366 health extension workers across the country. The second line and we are targeting to have 5,000 in the year to come. The second line of our care lies in the process that is called outreach plan or mobile clinics and we are currently standing at 1,150 points, while the third line in which is the clinics, is having 265 clinics across the length and the

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TO ALL TERTIARY INSTITUTIONS IN THE COUNTRY  
HON KAVETUNA**

breadth of this country.

The next level of the primary healthcare is the health centres and we are standing at 44 health centres in the entire country. Very importantly, is to note that all these facilities and members of our Ministry that I have mentioned are giving family planning, other preventative and basic diagnosis like *papsmeer*. The biggest challenge is the shortage of staff, which leads to overworking and long working hours of our few staff. Thus, we went out and strengthened our partnership with the Namibia Plan Parenthood Association, which is in short NAPPA – for sexual and reproductive health services; the Cancer Association of Namibia – for cancer screening; and other valuable partners through the assistance of the UN family and other donors to make these services accessible to many Namibians.

Honourable Deputy Speaker, the World Health Organisation tells us that public health is all organised measures Private and Public to prevent diseases, promote health and prolong life among the population as a whole. Its activities are aimed to provide conditions in which people can be healthy and it focuses on the entire population, not on individuals, patients or diseases. Thus, public health is concerned with the total system and not only the eradication of a particular disease. To this end, allow me to bring to the attention of this august House the importance of distinguishing social issues from health issues.

Many factors combine together to affect the health of an individual and the community. Whether people are healthy or not, it is determined by their circumstances and the environment. To a larger extent, factor such as where we live, the state of our environment, the genetic inheritance, our income and educational level, and our relationship with friends and families are all having considerable impact on our health, whereas the more commonly considered factor such as access and use of healthcare services often have less of an impact.

The determinants of healthcare are the social and economic environment;

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TO ALL TERTIARY INSTITUTIONS IN THE COUNTRY  
HON MAAMBERUA**

the physical environment; and the individual's characteristics and behaviour. The context in which people live their lives determines their health, therefore, blaming individuals for having poor health or crediting them for having good health is inappropriate. Individuals are unlikely to be able to directly control many of the determinants of health. These are things that make people healthy or not. We are here dealing with social issues and that need a multi-sectoral approach, especially led by parents and Religious Leaders. The Leaders should be the main players. To this effect, with additional or all efforts of our Ministry, even if we put a clinic at every corner of our street, it will not change an inch of this situation.

In conclusion, Honourable Members, on a very light note an unknown author said, and I quote – *“The issue is not that unplanned pregnancy is bad, because it is the unplanned pregnancy from which Jesus Christ was born our Saviour.”* (Laughter) I thank you.

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**HON DEPUTY SPEAKER:** Thank you. Any further discussions? I recognise, Honourable Maamberua.

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**HON MAAMBERUA:** Thank you. Honourable Deputy Speaker. Since the Bill was already referred to the Committee – the last statement made me stand up, because as we all know from the biblical historical perspective, the son of God was already predicted that he was going to come. Therefore, His birth was planned. The three Wiseman had to go to Bethlehem, is that not so?

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**HON MEMBERS:** Yes, it is.

---

24 September 2015 **MOTION ON EXPANDING MEDICAL CLINICS  
TO ALL TERTIARY INSTITUTIONS IN THE COUNTRY  
HON DIENDA**

**HON MAAMBERUA:** Being led by the star. Can the Honourable Minister, please withdraw the statement that Jesus Christ's birth was actually not planned?

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**HON DEPUTY SPEAKER:** Yes, on a lighter note, I do agree that it was planned actually, religiously. In the absence of any other discussions? Does Honourable Dienda wish to reply?

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**HON DIENDA:** Thank you, Honourable Deputy Speaker. Honourable Members, thank you very much. All of you who have contributed to this Motion also the ones who did not participate in this discussion, thank you very much – *silence is golden*.

Honourable Members, my Motion was very clear – *Expanding of Medical Clinics to All Tertiary Institution Across the Country*, baby dumping, contraceptives and all the other things were just examples that I used to strengthen my case. I do not want to go into details with what each and every Honourable Member has said, but Honourable Deputy Speaker, as was said by Honourable Nico Smit, the UNAM medical clinic was closed two years ago by the Council, because it did not meet the requirement to operate as a medical clinic. I have in my possession letters written by the student body requesting for the reopening of the clinics. What is currently available at UNAM, are two nurses distributing contents and take the blood pressure of the students.

Honourable Deputy Speaker, my Motion did not ask for a content distribution centre at UNAM, but for medical clinics at all Tertiary Institutions in this country. Honourable Nujoma was saying that I want to bring abortion through the back door, but I really appreciated him saying that I am a Catholic, and as such, I really want to acknowledge that you are aware that a Catholic will never talk about abortion. Thank you for

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**ADJOURNMENT  
HON PROF KASINGO**

that clarity to the House.

Honourable Deputy Speaker, Honourable Members, I, therefore, Move that this Motion be referred to the Committee of Gender Equality and Child Welfare for further consultations with all stakeholders. I so Move Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Thank you. Any objection to that request? None. Agreed to. So the Motion is referred to that Committee.

Before we adjourn the House to next Tuesday, it was brought to my attention that there is a baby that was born today among us, although it is not crying. Happy Birthday Madam Nghaamwa! We wish you all the blessing and many, many years to come.

With that, the House is adjourned to next week Tuesday.

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**HOUSE ADJOURNS AT 16:58 UNTIL 2015.09.29 AT 14:30**

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**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
29 SEPTEMBER 2015**

The Assembly met pursuant to the adjournment.

**HON SPEAKER** took the Chair and read Prayers and the Affirmation.

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**ANNOUNCEMENT IN TERMS OF RULE 20(a)  
OF THE STANDING RULES AND ORDERS**

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**HON SPEAKER**: Honourable Members, before we start our Business for the day, I would like to recognise the presence of five staff members from the Parliament of the Republic of Botswana in the Speaker's Gallery who are here on attachment to our Parliament during the course of this week. (*Applause*)

We extend our warmly welcome to all of you to the Namibian Parliament and I hope you have a productive stay in Windhoek. I know they will be talking about the Pula and rain, but it looks like it is not going to come quickly enough. Thank you.

The second announcement is perhaps, simply to recall the history. The history of our rugby and the members of our rugby team that is currently playing during the World Cup Games. Some of you may recall that way back in 2003, Namibia was up against Australia. You might remember that the score was 142 to Australia and zero to Namibia.

just recently, in 2015, our players were up against the All Blacks and they put up quite a brave show. You know, during my time and the President of the Republic of Namibia's way back at Augustineum, we were quite formidable players (*laughter*) He was on the right wing and I was on a left wing. Based on that experience, I observed those games – honestly speaking, we displayed an excellent performance against the top teams of the world. (*Applause*)

29 September 2015

**TABLING OF REPORTS  
HON TJONGARERO**

The score should not discourage us 58 All Blacks – 14 Welwitchia. The team is up coming and it is showing that there is a potential. We should thus, not lose heart, but continue to work towards improving. We, therefore, wish them well as they take on Tonga this evening – all the best to them.

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**HON SPEKAER:** That said and done, the Secretary will read the First Order of the Day – sorry I am getting too excited.

Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Yes, Honourable Deputy Minister please.

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**TABLING: ANNUAL REPORT**

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**HON DEPUTY MINISTER OF SPORT, YOUTH AND NATIONAL SERVICE:** Honourable Speaker, I lay upon the Table the Annual Report of the Ministry of Youth, National Service, Sport and Culture for the year 2013/2014. I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you. Other Reports and Papers? Notice of Questions? Yes, Honourable Van Den Heever.

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**NOTICE OF QUESTIONS**

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29 September 2015

**NOTICE OF QUESTIONS  
HON VAN DEN HEEVER**

**QUESTION 55:**

**HON VAN DEN HEEVER:** Thank you, Honourable Speaker. Honourable Speaker, I give Notice that on Thursday, the 8<sup>th</sup> of October 2015, I shall ask the Right Honourable Prime Minister, Saara Kuugongelwa-Amadhila the following:

Let me start by referencing recent reports in the local press about the disappearance of close to 200 bags of drought relief maize meal, many of which are yet to be retrieved in the Kavango West Region.

Our Nation is unfortunately, one that is faced with perennial drought; it is, therefore, disheartening that during every drought season one has to read about reports in the local media about maladministration and sometimes-blatant theft of drought relief food.

My questions are, therefore:

1. Given the alarming irregularity year on year with which drought relief food falls prey to incidences of theft and maladministration, what measures have been put in place to ensure that drought relief food reaches the intended targets and it is not used to reap financial rewards by corrupt officials? Are there any other additional measures that will be implemented in future?
2. Given the frequent nature of drought within Namibia, at which point does our focus need to shift from sporadic provision of drought relief food to systematic year-round assistance, be it financial, technical or in some other form, for all farmers most at risk of being severely affected by drought conditions?

I so Move, Honourable Speaker.

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29 September 2015

**NOTICE OF QUESTIONS  
HON VAN DEN HEEVER**

**QUESTION 56:**

**HON VAN DEN HEEVER:** Honourable Speaker, I also give Notice that on Thursday, the 8<sup>th</sup> of October 2015, I shall ask the Minister of Urban and Rural Development, Honourable Sophia Shaningwa the following:

The *Traditional Authorities Act, 200* (Act 25 of 2000), compels the Government to pay certain allowances to the Chief or Head of the Traditional Authority, six Senior Traditional Councillors, six ordinary Traditional Councillors and the Secretary of such Traditional Authority.

The *Traditional authorities Act* further places an obligation on Traditional Authorities to give effect and support to the policies of Government, Regional Councils and Local Authority Councils.

Given the aforementioned, it is thus, surprising that upon a visit to the Mayeyi Traditional Authority, I was alerted, amongst others, to the following matters of concern in the Zambezi Region.

1. Despite there being a river nearby the office of the Mayeyi Traditional Authority, the offices are not equipped with taps.
2. The roads leading into and out of the offices are in a state of degradation and no maintenance has been done there recently.
3. The interior decoration of the Royal House is not befitting of a Royal House, as a number of fixtures and fittings in the House are either very old and worn out or broken altogether.
4. The Chief and the Councillors do not have proper accommodation and are forced to reside in dilapidated, unsafe structures not suitable to members of the Royal House or Traditional Authorities.
5. The livestock belonging to the Traditional Authority is constantly quarantined with Foot and Mouth disease being cited as the reason therefore, but there is never any form of consultation with them nor

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**NOTICE OF QUESTIONS  
HON VAN DEN HEEVER**

any concrete efforts to alleviate the threat of FMD by regulating the flow of cattle from other Regions (*intervention*)

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**HON SPEAKER:** Yes? On a Point of Order. Your microphone please.

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**  
Honourable Speaker, I am just seeking your wise counsel as always. The manner in which parliamentary questions should be put is clearly articulated in Rules 79, 80 and 81. One of the requirements, Comrade Speaker, is that according to Rule 79(b), a question shall not include the names of persons or any statement of fact, unless they be necessary to render the question intelligible.

Now all these things of how the palace is and so on – is it just propaganda (*interjection*)

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**HON MUHARUKUA:** No, it is not propaganda.

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**  
Or is just campaigning? (*Interjection*)

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**HON MEMBER:** It is everything!

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**  
All that I am saying is that, at the end of the day when the question is put

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**NOTICE OF QUESTIONS  
HON VAN DEN HEEVER**

– I know the intention is good to get information from the Minister, but now, overloading the question with all these things, I think that question should also be put to a test whether it has passed all the requirements of putting the question. I so Move.

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**HON SPEAKER:** Thank you. The Point of Order is actually sustained for the very reason that it is well articulated in Rule 79. You have to forgive us if we edit out some of those arguments that are contained in the questions because we cannot allow that to form part of the record. Please, may you continue?

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**HON VAN DEN HEEVER:** Thank you, Honourable Speaker. I thought I said that I was alerted by the Regional Authority itself, that is why, and it is not my question. I am just conveying to the House their concerns because they asked me and it is in context. I am still coming to my question. (*Interjection*)

Honourable Speaker, am I protected here?

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**HON SPEAKER:** Can I say something? Even if the information is obtained from whatever source, you are the presenter and the Rule will apply so please keep this in mind (*intervention*)

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**HON VAN DEN HEEVER:** Yes. Thank you, Honourable Speaker. I was trying to keep it in that context, but I will go straight to the questions now.

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**NOTICE OF QUESTIONS  
HON VAN DEN HEEVER**

**HON SPEAKER:** Yes, please.

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**HON VAN DEN HEEVER:** Given that Traditional Authorities are very often the people who are actively engaged in uplifting the lives of our people at the grassroots level, I thus ask the Minister:

1. Aside from the paying of the allowances, what supportive role does the Ministry lend to Traditional Authorities? Further, are there any specific reasons why some Traditional Authorities seem to enjoy prestige and precedence above others in the allocation of resources, in this case, I am talking about the authority.
2. When was the last increment made pertaining to the allowance of members of Traditional Authorities and Royal Houses, and additionally, by what percentage? Are there any plans for an increment in the near future?
3. Are there currently any joint projects being undertaken by the Ministry – I will leave out the name of the Traditional Authority – and any other Traditional Authority in the country, for that matter? If yes, what is the scale and aims of these projects?
4. When undertaking different projects within a Region does, Government consult with or seek the engagement of Traditional Authorities within that area?

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you. you may submit your questions please. Next, I have Honourable Dienda. You have the Floor please.

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29 September 2015

**NOTICE OF QUESTIONS  
HON DIENDA**

**QUESTION 57:**

**HON DIENDA:** Thank you, Honourable Speaker. Honourable Speaker, I hereby give Notice that on Thursday the 8<sup>th</sup> of October 2015, I shall ask the Minister of Labour, Industrial Relations and Employment Creation the following:

1. How many Civil Servants are paid up members of Namibian Public Workers Union (NAPWU)? (*Interjection*) I was a Trade Unionist do not forget. What percentage of Civil Servants does that constitute?
2. How many Civil Servants are paid up members of Namibian National Teachers Union (NANTU) what percentage of Civil Servants does that constitute?
3. Is it permissible for the Ministry to refuse to halt or stop orders for any Civil Servants who resigned or terminated membership from a particular Trade Union? If not, provided that the wrongdoing can be proven, what action will be taken against ministerial staff that is found guilty of such conduct?
4. In the last two years, has the Ministry entered into any written agreements with either NANTU or NAPWU relating to an increment for Public Service employees? Should the answer be in the affirmative, could such agreement(s) please be provided to this House?

I so Move, Honourable Speaker.

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**HON SPEAKER:** The next Honourable Member is Honourable Van Wyk. You have the Floor.

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29 September 2015

**NOTICE OF QUESTIONS  
HON VAN WYK**

**QUESTION 58:**

**HON VAN WYK:** Thank you, Honourable Speaker. Honourable Speaker, I give Notice that on Thursday, 15<sup>th</sup> of October 2015, I shall ask the Honourable Minister of Labour, Industrialisation and Employment Creation the following:

Honourable Minister, the Namibia Diamond Trading Company (NDTC) had on the 18<sup>th</sup> of July 2007, supplied the first rough diamonds to eleven diamond cutting companies in Namibia. Many foreigners were appointed or recruited for various reasons.

It is unfortunate, Honourable Minister, that most of these companies were not in favour of their employees becoming members of Labour Unions and some employees were victimised because of their demand to be represented by Labour Movements in Namibia. We have also seen some industrial action at some companies.

Some companies such as Hardstone Processing (Pty) Ltd, JKD Namibia (Pty) Ltd, Lev Leviev Diamonds Namibia (Pty) Ltd and the latest one being Laurelton-Reign Diamonds (Pty) Ltd, just to mention a few, have already stopped operations in Namibia and their employees were left in the dark without the required notices being given.

Honourable Minister, it is shocking to know that a qualified diamond polisher received a salary as low as N\$3,000 per month. Many foreigner or experts are employed with the aim of training Namibians in the field of diamond manufacturing. The salaries they receive are 1000 percent higher than that of a Namibian who has undergone months of intensive training and who has mastered the art of diamond polishing.

My questions are as follows, Honourable Minister:

- 1) How many employees from diamond manufacturing companies were dismissed, retrenched or have resigned over the past seven years?

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- 2) How many understudies were successfully trained from 2007 to 2014 to replace foreigners?
- 3) How many foreigners are current employed in the Diamond Manufacturing Industry?
- 4) How many of the current site-holders have submitted their AA Reports over the past three years and what measures are you going to take against those who have failed to submit the required Reports, and who are they?
- 5) What measures will you take to ensure that employees are not victimised and dismissed by Diamond Manufacturing Companies without following the correct procedures?
- 6) Laurelton-Reign Diamonds, being the last company reported in the local Newspapers that have allegedly retrenched employees without following procedures, what will the Ministry do, to come to the aid of these employees and/or assist them to get justice?
- 7) How does the retrenchment packages of foreigners relate to those of their Namibian Counterparts?
- 8) What measures will the Ministry put in place to prevent companies from transferring pension funds to offshore accounts without taking care of their former employees, keeping in mind the injustice that was done to employees of the former TCL Mines and also to some workers of the Rössing Uranium Mine?

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you. Submit the questions. Thank you very much. We move on to Honourable //Gowases. You have the Floor.

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HON //GOWASES**

**QUESTION 59:**

**HON //GOWASES:** Thank you, Honourable Speaker. I give Notice that on the 8<sup>th</sup> of October 2015, I shall ask the following question to the Minister of Works and Transport, Honourable Alfeus !Naruseb.

Honourable Minister, every responsible citizen is currently deeply worried and concerned about the water crisis facing our country. (*Interjections*) Please listen it is a crisis.

Should this crisis persist and even deepen during the forthcoming months, our economy will not escape the negative impact. Every Sector of our country, from Agriculture to Construction, Tourism to Land Development, to name but a few, will be adversely affected, placing Namibia's strong GDP growth rate in serious jeopardy.

Yet, it seems that the public is more concerned there than the Government. This question is directed to the Honourable Minister of Works and Transport – hardly a day goes by where it is not reported in the media (*interjection*)

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**HON MEMBER:** By whom?

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**HON //GOWASES:** Of leaking taps, broken pipes, blocking sewerages. (*Interjections*)

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**HON MEMBER:** Where?

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**HON //GOWASES:** In fact on the 10<sup>th</sup> of September 2015, the *New Era*

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reported that the Spokesperson for the Windhoek Municipality agrees that the ageing infrastructure and mostly water leakages, contribute largely to our water shortage. He mentioned the leakage at Augustineum Secondary School for almost six months, but he cannot articulate whether this is due to the ineffectiveness of the school or the Works Ministry. These are losses we simply cannot afford and which the Government should not tolerate.

A recent study on the water crisis in Windhoek conducted by Simonis Storm Securities revealed that this water problem does have wider implications for the Government's poverty eradication and industrialisation vision. Industrialisation needs water, and plenty of it, in order to develop.

According to NamWater, total annual water demand in the central Region is 31.8 million cubic metres of which 25.6 million cubic metres are in Windhoek.

My question to the Minister is:

1. That he clarifies how the money that is budgeted for the maintenance of these plumbing issues is utilised.
2. What meaning (*interjections*)

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**HON SPEAKER:** Just continue please.

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**HON //GOWASES:** What meaningful strategies can be implemented for the maintenance and preservation of this very important resource?

I so Move, Honourable Speaker.

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AMENDMENT BILL  
HON DIENDA**

**HON SPEAKER:** Thank you. We move on. Notice of Motions? Messages from the Head of State? Ministerial Statements? We are done.

The Secretary will read the First Order of the Day.

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**RESUMPTION OF DEBATE ON SECOND  
READING – INCOME TAX AMENDMENT BILL [B.9 – 2015]**

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**SECRETARY:** Resumption of Debate on Second Reading – *Income Tax Amendment Bill* [B.9 – 2015].

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**HON SPEAKER:** When the Debate was adjourned on Tuesday, the 22<sup>nd</sup> of September 2015, the question before the Assembly was a Motion by the Honourable Minister of Finance that the Bill be read a Second Time.

Honourable Dienda adjourned the Debate I would now like to call upon her to take the Floor.

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**HON DIENDA:** Thank you, Honourable Speaker, one more time. Honourable Speaker, Honourable Members, allow me to first and foremost, welcome the inclusion of a legal basis, which finally allows the Department of Inland Revenue to move towards electronic submissions. This process has been long overdue and may lead to a more efficient and accurate system, and the shortening of queues at Inland Revenue.

Honourable Speaker, my only hope is that, unlike with other Act where the Minister is given the power to make Rules and Regulations, it does not take five years or more before we finally see these Rules being tabled and

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HON DIENDA**

put into force.

Honourable Speaker, however, I believe it is also important that this new electronic method of submissions be slowly incorporated while the old system is also slowly phased out so that people are given a chance to get used to the new process. In addition, Honourable Speaker, it would also be a good idea to provide free public educational seminars where the Ministry of Finance's staff explains the new procedures before and as they are implemented.

Honourable Speaker, Honourable Members, the *Amendment Bill* provides that in the case of the sale of Mineral Rights and Licences, any sale or other disposals of a share held by a company that indirectly holds a Mineral Licence or Right is now subject to being taxed. I have no problem with this, however, the *Amendment Bill* is silent on how this Provision relates or applies to an indirect non-resident shareholder. The same lack of certainty is also found in the Provision relating to the sale of Petroleum Rights and Licences. Again, Honourable Speaker, the Bill is silent on how transactions where the shareholder is a non-resident person will be treated. In both the cases, Honourable Speaker, one is dealing with non-residents, which could complicate and severely hamper the tax collection process, thus it is imperative that these Provisions are amended to provide greater certainty.

Honourable Speaker, Honourable Members, the *Amendment Bill* has further changed the due date for remittance of withholding tax on dividends to the 20<sup>th</sup> of the month, after the month in which the tax was withheld from the dividend. This was done without deleting the previous due date – I think it is on page – sorry I have so many papers, I will come back to that one.

This was done without deleting the previous due date meaning that, should the Bill be passed as it is, we will be faced with two due dates, and this can obviously lead to confusion for people like me. This is especially problematic where failure to submit by the due date can lead to penalty interest charges.

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HON SCHLETTWEIN**

Honourable Speaker, the other major issue of concern that I have with the *Amendment Bill* is that, withholding tax on services provided by non-residents and directors' fees earned by non-residents, has been decreased from 25% to 10%. A decrease of 15% is massive, Honourable Speaker and I struggle to understand why such special treatment is being given to these guys. We do not want to create a situation where Namibia becomes an island where foreigners can come and get rich, as they now know they do not have to pay much money. Perhaps maybe a smaller degree Honourable Minister, from 25% to 20% would be more justified, given that we are specifically dealing with non-residents who may not even reinvest their earnings in Namibia and could send all the money earned back to their homelands – that is why I am having a concern with it.

Honourable Speaker, Honourable Members, aside from the concerns that I have just mentioned, the proposed Amendments enjoys my support, particularly, since Inland Revenue is granted additional powers that should enable it to collect and recover more tax and which recovered tax I can only hope will be ploughed back into growing the local economy. I thank you, Honourable Speaker.

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**HON SPEAKER:** Thank you. Any further discussions? I have exhausted my list so far. I just want to make sure no one is left out.

Well, that being the case, does the Honourable Minister of Finance wish to reply?

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**HON MINISTER OF FINANCE:** I do, Honourable Speaker. Thank you, Honourable Speaker for giving me the Floor, and thank you for your support.

I will try to answer the questions as I deem fit. The first one is the

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HON SCHLETTWEIN**

incorporation of electronic communication systems for tax returns submissions and other aspects that can be communicated electronically. What we are migrating to, through our ITAS Programme, is a new tax software system, which would allow all, and if not all, most of the transactions that tax payers make, that include the submission of returns; the application for tax returns; and so on, on the electronic platform. The due date is that by the end of the next Financial Year, we should have that system fully online and I hope that we will live up to that commitment. I am positive that we will be able to do that, because the consultants are already hard at work to develop that system. This Amendment is in preparation for that system to come online so that we are then enabled legally, to allow electronic communication.

The second question was – although irrelevant as it points out to the difficulties to tax transactions that are actually happening outside our tax jurisdiction and that is what is happening in some cases where Mineral Rights are sold at Stock Exchanges or wherever that is outside our tax jurisdiction. I think that having being the case, would not prevent us to make transactions of this sort taxable, because whoever purchases that will come back into our jurisdiction to utilise that Mineral Right and it is at that point in time where the tax will then be levied. That is in short what we are envisaging.

The withholding taxes on services – when that tax was introduced, we pegged it at a high 25% level, but as it evolved and, especially being reliant on the Primary Sector of Mining and Exploration, we found that Namibia lacks many of these specialised expertise to deliver those services.

Secondly, the countries where the services come from are often covered by Double Taxation Agreements or Avoidance of Double Taxation Agreements and, therefore, will not be obliged to pay that withholding tax, because withholding taxes are not covered in some of these Double Taxation Agreements.

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Thirdly, we believe that if we want to grow our economy, which is a very small and open one, relying on expertise and investments from outside, it appears that our 25% level was pegged too high. We consulted the Industry, we consulted other tax jurisdiction and we found that the normal rate at which these withholding taxes are pegged is in the order of 10%. We believe that the 10% is still high enough to protect residents who can deliver the same service – there is a margin of 10% that they would enjoy. Therefore, we believe that the 10% is a realistic, fair and still an effective rate and that is why we have put it in here.

I hope I have answered all the questions and I am thankful for the support the Bill has received. Thank you.

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**HON SPEAKER:** Thank you very much. I now put the question that the Bill be read a Second Time. Any objection? Agreed to.

The Secretary will now read the Bill a Second Time.

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**INCOME TAX AMENDMENT BILL [B.9 – 2015]**

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**SECRETARY:** *Income Tax Amendment Bill [B.9 – 2015].*

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**HON SPEAKER:** The Secretary will read the Second Order of the day.

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**RESUMPTION OF DEBATE ON SECOND  
READING PUBLIC PROCUREMENT BILL [B.8 – 2015]**

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**SECOND READING – PUBLIC  
PROCUREMENT BILL  
HON SMIT**

**HON SPEAKER:** When the Debate was adjourned on Wednesday, the 23<sup>rd</sup> of September 2015, the question before the Assembly was a Motion by the Honourable Minister of Finance that the Bill be read a Second Time. Honourable Smit has the Floor.

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**HON SMIT:** Honourable Speaker, Honourable Members, I rise to take part in the Debate on the Second Reading of the *Public Procurement Bill*.

It is submitted that the *Public Procurement Bill* was necessitated by various deficiencies within the *Tender Board Act* and the *Public Procurement Bill* is purported to address these deficiencies. However, the *Public Procurement Bill* is replete with Provisions which compound instead of addressing key problem areas.

Honourable Speaker, Honourable Members, one of the most alarming aspects is that at almost every turn, the Minister is endowed with unfettered discretionary powers to effectively control Public Procurement activities as he sees fit. This power extends in Section 79 of the Bill to – and I quote – “*Generally any matter that is required or permitted to be prescribed and any matter which the Minister thinks necessary or expedient to prescribe to achieve the objects of this Act.*”

Two of the stated objectives of the *Public Procurement Bill* is the promotion of accountability and transparency, thus it is surprising that the Ministry is granted unfettered discretionary powers by numerous Clauses within the Bill. And unlike the other bodies which the Bill purports to create, the Minister is not required to report to anyone and as such exercises all powers conferred directly and solely on him without any form of accountability.

An example hereof is that the Minister is empowered to give discretionary preferential treatment to certain suppliers and I quote – “*For a specified or unspecified period and either conditionally or unconditionally or*

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*subject to such conditions as the Minister may determine, having regard to the policies of the Government.*” This can be found in Section 2 of the Bill.

Vague Clauses like these which confer wide discretionary powers on one individual are inherently problematic, as it places the responsible person in a position where, regardless of innocence, he can easily be accused of manipulating the process to ensure that certain companies or individuals that he has hand-picked, in which he may or may not have interest – direct or indirect – benefit or fall under these classes of companies which get preferential procurement treatment.

Honourable Speaker, Honourable Members, I want to come to the Ministerial exemptions. In keeping with the practice of unfettered discretionary powers, the Minister is empowered in terms of Section 4(1) of the Bill to – and I quote – *“For a specified or unspecified period issue a general or specific exemption from the application of certain Provisions that are not practical or appropriate for the procurement, letting, hiring or disposal of security related goods, works, services and property by the Namibian Defence Force; Namibian Police Force; Namibian Correctional Services and the Namibian Central Intelligence Service.”*

Whilst one can certainly understand that the procurement of certain high security classified goods and services by the Central Intelligence Service and the Defence Force needs to remain strictly confidential, I believe greater clarity must be provided which justifies the inclusion of NAMPOL and the Prison and/or Correctional Services within this list. Both these bodies do not require to operate with the extreme sensitivity and privacy that the NDF and Intelligence Services need, thus it is important that this House be appraised with the specific reasons for their inclusion in this Exemption Clause, especially given the generality and vagueness of the powers conferred on the Minister to grant said exemptions for application of the provisions of the Bill or the Bill as a whole.

Honourable Speaker, Honourable Members, even more worryingly, the

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Bill in Section 4(2) confers the same vague discretionary unfettered powers to the Minister in respect of the – and I quote – “*Specific types of procurement,*” which he is permitted to exempt from the application of some of the Provisions of the Bill by virtue of their application not being – and I quote – “*Practical or appropriate.*” It is not impossible to imagine that tenders for goods were a prolonged procurement process may not be possible, but to grant the power to decide which goods or service must be excluded, whether periodically or permanently to one individual is definitely not the best course of action to take in resolving this practicality issue.

Honourable Speaker, Honourable Members, I want to come to the part in the Bill on Organs Established by the *Public Procurement Bill* – the **Procurement Policy Unit** – the Procurement Policy Unit has been established as a Wing or Division within the Ministry of Finance, thus recruitment, selection, appointment and remuneration of staff will be guided by existing Provisions in the *Public Service Act*. This step is commendable. I think that is right.

Now to come to the Central Procurement Board – however, when we look at the composition and establishment of the Central Procurement Board, which is to replace the Tender Board, it is evident that a separate legal entity will be created and once again, the unfettered powers to choose and appoint the numbers of this Board once again lies solely with the Minister, with the only requirement being that the board members must be duly qualified and at least three must be female. (*Interjection*)

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**HON MEMBER:** Honourable Dienda, are you happy?

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**HON DIENDA:** No, I do not want a minimum of three. I want five.

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**HON SMIT:** On Page 6 of his speech in motivation of the *Procurement Bill*, the Honourable Minister stated that the Procurement Policy Unit was placed under the Ministry of Finance so that I quote – “*Its staffing need to be legislated under the Bill.*” The same does not apply to the Central Procurement Board and yet the *Procurement Bill* also fails to provide clear Provisions to regulate staffing and incidentals and gives the Minister along with the ‘Recruitment Committee’ the wide discretion to determine not only the identities of the Board Members, but also the remuneration and salaries of those members. Now, the question is – does the Public Service Commission not exist for this very reason? Why is the power, especially when dealing with the composition of a Board of this sensitivity being stripped from the Public Service Commission and being placed in the hands of the Minister?

Section 14 of the Bill excludes specified classes of people from serving as board members, like Members of Parliament, Municipal and Regional Councillors, but does not exclude senior management members within Ministries, SOEs and Parastatals from serving as board Members. One of the problems with the functioning of the Tender Board in the past was the appointment of various high-ranking Government Officials to serve on the Tender Board and then have a deciding say in procurement activities originating from their Ministries or Agencies. By not explicitly excluding such people, the Bill opens a door to, say, a Permanent Secretary, for example – I think the Honourable Minister of Agriculture will give information in his Ministry – about the Ministry of Agriculture to have a casting vote on who gets a tender originating from his Ministry, and thereby creating a possible conflict of interest and such public official could easily be accused of having fed information to certain suppliers given his expertise and knowledge in that field. (*Intervention*)

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**HON SPEAKEER:** Point of Order.

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HON SMIT**

**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**

Honourable Speaker, the Honourable Member has made a very profound statement, but I just wanted not to misunderstand you, if you can just elucidate a little bit, the example that you have just used in the context of the specific Provisions of the Bill under discussion so that you are not misunderstood – if you can just elaborate a little bit?

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**HON SMIT:** Honourable Speaker, thank you. Now, what I am saying is that, if this is allowed as it is written in the Bill, it can lead to a lot of corruption (*interjection*)

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**

What Section is it in the Bill?

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**HON SMIT:** Pardon me. This is Section 14.

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:** 14?

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**HON SMIT:** Yes, fourteen – One, Four. If the Honourable Minister looks at it again, I think he might agree with me. I will continue Honourable Speaker.

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**HON SPEAKER:** Please do continue.

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**HON SMIT:** I believe it is best to avoid such incidences where people can be put in positions to manipulate the tender process, or of perceived conflict of interest altogether. Innocence alone is not enough, as the perception of conflict of interest ultimately determines public confidence in any given system.

Additionally, as is apparent from various Clauses within the Bill, the Central Procurement Board is only involved in the awarding and administration of tenders where the value of procurement is above a certain, albeit currently unknown threshold – we do not know what is the amount. One can thus, only assume that the Procurement Board will only come into play in the case of the bigger and more valuable tenders. That notwithstanding, I believe that some degree of oversight or accountability still needs to be maintained where a public entity is directly responsible for procurement where the procurement value falls under the abovementioned threshold. (*Intervention*)

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**HON SPEAKER:** Point of Order, Honourable Mutorwa.

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**  
Honourable Speaker, through you, Honourable Smit, you were referring to Section 14. Section 14 is about – **Disqualifications for Appointment as a Member of the Board.** It says – “*A person does not qualify for appointment as a Member of the Board if that person-*

- a) *is a Member of Parliament, Regional Council or Local Authority council;*

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- b) has been convicted, whether in Namibia or elsewhere, of theft, fraud, forgery, perjury, an offence under any law on corruption or any other offence involving dishonesty during the period of ten years before the date of appointment;*
- c) is an un-rehabilitated insolvent;*
- d) has under any law been declared to be of an unsound mind; and*
- e) has been removed from an office of trust during the period of 10 years before the date of appointment.”*

Now, the example that you used – these are what is required for somebody not to qualify. I am still not clear with where the example of corruption fits in.

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**HON SPEAKER:** Honourable Smit, can you clarify briefly? That is a very important point and I do not have the Bill in front of me.

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**HON SMIT:** Honourable Speaker, what the Honourable Minister has said is in the Bill – mentioning all those categories, but what I am saying is that it does not exclude senior management members within Ministries from serving on the Board and we all know up till today that that was our big problem – where people serving on the Board, mainly Senior Government Officials were guilty of such actions and we even have Court cases to that effect.

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**HON SPEAKER:** But I think in a way, I do not know where you want these people who would constitute the new Board to come from. I think

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the only line we could draw there is of people who have actually been judged and found to be guilty and are thus, automatically disqualified from having to serve. Therefore, we cannot be too general to the extent that, God knows where we are going to get the people from.

You should perhaps conclude your Statement, but I thought the intervention by Honourable Mutorwa is actually quite a valid one, because otherwise, we would be misleading the public. Please continue.

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**HON SMIT:** Thank you, Honourable Speaker. Additionally, as is apparent from various Clauses within the Bill – I think I was here – I am just trying to find where I was before the intervention.

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**HON SPEAKER:** No, just find it with your time.

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**HON SMIT:** Thank you Honourable Speaker, I am now there. Another worrying matter is that Section 9(e) effectively empowers the Board to establish and regulate its own internal procedures. It seems counter-intuitive to create a body that effectively regulate itself – I think that is highly unacceptable – and surely, an Amendment is required in this regard.

Honourable Speaker, I want to come to the – **Bid Evaluation Committee**. Another matter that is left completely unregulated by the Bill is the composition of the Bid Evaluation Committee, which when considering the Bill holistically is essentially the deciding and most crucial body within the procurement procedure. The board has oversight powers over the Bid Evaluation Committee, but it is the Bid Evaluation Committee that makes recommendations to the Board as to which bidder or supplier should be awarded the contract.

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Given the relative importance of the Bid Evaluation Committee, it is then strange that the Bill barely touches on the composition and make up of Members of the Bid Evaluation Committee aside from stating that they must be duly qualified and of an uneven number. Meaning they can be as little as three or as many as 103. Great detail and clarity is needed as to how the members of the Bid Evaluation Committee are appointed.

**The Review Panel** – Honourable Speaker, Honourable Members, the *Public Procurement Bill*, in Clause 58 thereof, also creates an *ad hoc* body to be known as the review panel, which will effectively serve as a mandatory mechanism for efficient dispute resolution and serves as an alternative to the civil litigation process. This is much needed and is a crucial component of the legislative reform in this area.

That notwithstanding, it is my contention that once again, stating that, and I quote – “*The Minister must compile a list of fifteen persons after a receipt of expression of interest –*” once again, centralises too much powers within one individual.

Perhaps one should look at a more transparent manner of constituting and putting together the Review Panel, as well as the various other organs, which the *Procurement Bill* creates. If at its constitution the system is broken, then all the other well-intentioned Provisions within the *Public Procurement Bill* will be of little force and effect.

It is also worrisome that the Review Panel is granted powers to effectively subpoena and compel people to provide information or serve as witnesses, but there is no provision made for protection or pardoning of individuals who come forward. It is reasonable to expect that people will be hesitant to come forward if they do not receive a certain degree of protection or immunity. It would be a good idea to look into this and grant the Review Panel the requisite authority.

Honourable Speaker, Honourable Members, I now come to the – **Choice of Procurement Methods**. In Section 27, the Bill makes provision for

various procurement methods besides the common – and I quote – “*Open advertised bidding.*” This in itself is not a problem as different methods are more suitable to the procurement of certain types of goods or services, however, Section 27(4) worryingly provides that – and I quote – “*...if a public entity has reason to believe that open advertised bidding*

- (a) *does not support empowerment and other policies of Government contemplated in Section 2;*
- (b) *is not efficient or practical for the procurement in question; or*
- (c) *is too costly to apply, given the value of the procurement –”* then such Ministry, SOE or Government Agency is, for example, free to procure such services by directly contacting only certain suppliers. Aside from the obvious and inherent risk that handpicking of suppliers could pose, I would content that given the vague and wide-ranging nature of the powers conferred, it would only make sense if the Clause went on to state that it only applies in respect of contracts where the estimated value of the procurement is under a specific limited threshold, for argument sake N\$50,000.00 or something like that.

**The Bidding Process** – Honourable Speaker, Honourable Members, Section 44(3) which pertains to Two-State Bidding reads as follows, I quote – “*The board or a public entity may engage in discussions with any bidder with a view to understanding a technical bid or to indicating changes required to make it acceptable and seeking the willingness of the bidder to make such changes.*”

This Section is extremely dangerous, Honourable Speaker, Honourable Members, in that it quite clearly permits the interaction between the Board Members and the suppliers or bidders prior to awarding of the final contract and could cause serious disputes where only some and not all the bidders are contacted to clarify technical issues and those who have the opportunity to provide such clarity and amend their bid ends up being the

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ones awarded the contracts. That is the danger.

Honourable Speaker, Honourable Members – **Contract Termination** – the overriding theme of the *Procurement Bill* is that procurement will be used as a tool to empower our people, particularly women, youth and owners of SMEs and yet Clause 63 makes provision for unilateral termination of contracts by the State – and I quote – “*on grounds of changed circumstances.*” This renders entering into a contractual relationship with any Ministry, SOE or Governmental Agency extremely risky and volatile for any business, given that the contract can be unilaterally terminated without notice due to *changing circumstances*. This is a very vague description, which encompasses or excludes anything. It serves nothing – very dangerous.

The lack of certainty created by this Clause means that it goes against the grain of empowering our people and instead leaves them constantly uncertain and with no clear ability to plan for the future, they will not know where they are. Those of us who are businessmen and women in this august House, surely appreciate that no business can operate or grow under such circumstances.

**Preferential Treatment of Youth, Women and SMEs** – Honourable Speaker, Honourable Members, firstly, I believe that Page 11 of the Bill still needs work to be done in order to fulfil its true purpose. As, for example, Section 69 grants the Minister the unfettered power – and I quote – “*despite anything to the contrary in this Act or any other law*” to give preferential treatment – and I quote – “*in pursuance of the developmental and empowerment policy of the Government*” in awarding procurement contracts to specific classes of people, for instance, women, youth and SMEs.

The wording of Section 69 is worrying in the fact that it effectively grants the Minister the power to, at his own discretion act outside the ambit of any Law – this Bill is saying it – *of any law*, in order to give preferential

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HON SMIT**

treatment to certain suppliers. Such broad unfettered powers are extremely dangerous, especially when they apply to any Provision within the Bill and any Law. It would be my submission that Section 69 be amended as in its current form, it effectively give the Minister the power to act in contravention of the Bill – and any Law – without actually being in contravention of the Bill *or any such Law*, and this creates a very dangerous situation where the Law and practice may differ remarkably and could lead to the erosion of legal certainty.

Secondly, I would like clearly to state that the DTA of Namibia supports and applauds the intention to give preferential treatment to women, young people and SMEs in awarding public procurement tenders and thereby assist them to grow, develop and begin the journey to economic prosperity for all. However, this can only work if part 11 of the *Public Procurement Bill* is drafted in greater detail so as to truly give effect to the well-meant intentions and use our Public Procurement Policy as a tool of poverty eradication.

Honourable Speaker, Honourable Members, in conclusion, the *Tender Board Act* of 1969, has proven inadequate. The *Public Procurement Bill* goes a long way in addressing many of the deficiencies present in the *Tender Board Act*, however, the *Public Procurement Bill* in its current form may create additional problems if not fixed, and this will be especially unfortunate for women, youth and SMEs who are earmarked to benefit from the proposed legislature, we will do them disfavoured.

Honourable Speaker, Honourable Members, let us amend the *Public Procurement Bill* where required and not just pass it blindly without properly applying our minds. Only then will it truly become a tool to fight poverty and change the lives of young Namibians and businesses. I thank you.

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**HON SPEAKER:** Thank you. I now call upon Honourable Karupu.

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**SECOND READING – PUBLIC  
PROCUREMENT BILL  
HON KARUPU**

**HON KARUPU:** Thank you very much, Honourable Speaker for giving me the Floor.

Honourable Speaker, Honourable Members, I rise in this august House to give my undivided support to the Bill under review – the *Public Procurement Bill*, which is a very important Bill to achieve the stated Government Policies of poverty eradication and inclusivity of all Namibians in the affairs of the State.

It is my sincere hope that the Bill when enacted in Law, will achieve its intended objectives of regulating the procurement of goods, works and services by promoting integrity, accountability, transparency, legality, fairness and effectiveness.

Honourable Speaker, Honourable Members, I concur with the observation of the Honourable Attorney-General – and I quote – “*that no law is perfect.*” This is the main reason why Laws are periodically subjected to Reviews and Amendments. I also support the proposed structure of the Bill namely, the Procurement Policy Unit and the Central Procurement Board of Namibia, including the composition of the Board.

What is critical, however, regarding the Central Procurement Board of Namibia, is to ensure that the appointed members of the Procurement Board are persons with demonstrated high moral and ethical values. They should have previously and practically demonstrated the principles of integrity and fair dealing in both their personal and professional lives.

Honourable Speaker, Honourable Members, I also believe that people who do not possess the values that the Bill intends to inculcate cannot be expected to adhere to these values that are foreign to their conduct and behaviour when appointed as Members of the Procurement Board.

The perception that exists among citizens of our country and it was also cited by many Honourable Members who spoke before me, is that members of the current Tender Board lack fairness and transparency. The

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**SECOND READING – PUBLIC  
PROCUREMENT BILL  
HON KARUPU**

citizens are of the view that tenders are not being awarded on merit  
(*intervention*)

\_\_\_\_\_

**HON SPEAKER:** Point of Order, Honourable Maamberua.

\_\_\_\_\_

**HON MAAMBERUA:** Point of Order – it is a question – may I ask the  
Honourable Member just a small question? (*Interjection*)

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**HON MEMBER:** Is it a Maiden speech?

\_\_\_\_\_

**HON MAAMBERUA:** Huh, Maiden Speech?

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**HON SPEAKER:** He is taking the Floor for the first time in the House.  
(*Laughter*)

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**HON MAAMBERUA:** Is that correct?

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**HON SPEAKER:** Yes.

\_\_\_\_\_

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**SECOND READING – PUBLIC  
PROCUREMENT BILL  
HON KARUPU**

**HOIN MAAMBERUA**: Is that correct?

\_\_\_\_\_

**HON SPEAKER**: Yes.

\_\_\_\_\_

**HON KARUPU**: The citizens are of the view that tenders are not being awarded on merit - tenders are not being awarded on merit, but on political connections, and in some instances, bribery or the so-called 10%. Public trust in the leadership and Public Servants of any country is critical in democratic societies, hence, the critical importance for the Honourable Minister of Finance when appointing members of the Procurement Board, to ensure that he appoints members with personalities of integrity and whom Namibians can trust.

Honourable Members, we cannot continue to take citizens of this country for granted by appointing Public Servants who use Public Offices to advance personal and family interests. As Parliamentarians, we must lead by example, serve as role models, and thereby restore the trust of our people in Public Institutions. The Constitution of the Republic of Namibia and the citizens of this country expect us to always act in the public interest.

His Excellency Dr Hage Geingob, the President of the Republic of Namibia and the First Lady Madam Geingos are leading by example and, therefore, inspiring our people to at all-time act ethically and morally. The public declaration of their assets, although not required by Law, is a demonstration of ethical and moral leadership. We expect all Public Office-Bearers and Public Servants, especially the members of the Procurement Board to demonstrate integrity, accountability, ethical and moral conduct.

In conclusion (*interjection*)

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**SECOND READING – PUBLIC  
PROCUREMENT BILL  
HON MAAMBERUA**

**HON MEMBER:** *Iyaloo!*

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**HON KARUPU:** Honourable Speaker, let us use the *Public Procurement Bill* as a strategic instrument to address poverty and unemployment in our country. Let us use the *Public Procurement Bill* to promote equal opportunities for all, inclusivity and sustainable development of all the Regions of our country. Let us undertake to adhere to the principles of ethical and moral leadership in our personal and public conduct. Let us restore the trust of all our people in Public Institutions, and appointments of members of Public Procurement Board be based on their ethical and moral standing in society and their knowledge and expertise should usher in a new era of Public Service.

With these remarks, Honourable Speaker, I support the Bill and its Amendments. Thank you very much.

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**HON SPEAKER:** Thank you. Yes, Honourable Maamberua.

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**HON MAAMBERUA:** Thank you, Comrade Speaker. I have already spoken on this Bill, therefore, I am not making any intervention.

I just want to confirm from the Right Honourable Prime Minister whether the statement that was made by the Comrade over there that, current members of the Board – that is – of the Tender Board of Namibia, lack transparency and accountability and they do not act in the public interest – whether it is actually the correct reflection of the current situation in Namibia as far as the Tender Board is concerned.

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**SECOND READING – PUBLIC  
PROCUREMENT BILL  
HON KARUPU / HON NAMBAHU**

**HON SPEAKER:** Let me ask the Honourable Member to confirm, because I did perhaps, not hear you very well. Did you actually say what Honourable Maamberua is implying?

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**HON KARUPU:** No! Honourable Speaker, I can say no, because many people here in the House were referring to – we must now do away from hearing about one name and they mentioned some names that I do not want to mention, saying – *this one and that one are the only ones who are being awarded with tenders*, and that is what I am referring to. Thank you very much.

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**HON SPEAKER:** So, basically you did not actually say what the Honourable Maamberua is saying, you were speaking in generalities without implying (*intervention*)

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**HON KARUPU:** Yes, Comrade Speaker.

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**HON SPEAKER:** Can we leave the matter there. Thank you so much. I have exhausted my list – no, Honourable Nambahu please.

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**HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:** Thank you very much, Comrade Speaker. I have been away for a while, but I want to support this Bill.

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**SECOND READING – PUBLIC  
PROCUREMENT BILL  
HON NAMBAHU**

**HON SPEAKER:** Please get the microphone a bit closer to you.

---

**HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:**

I want just to register my support for this very important *Public Procurement Bill* and in contrast to my Learned Colleague, the Honourable Member who just spoke, Honourable Karupu, who seems to have a lot of misgivings to this Bill, I applaud, especially the innovation in elaborating the objects of the Bill which are actually seeking to mainstream many of those that have not been in the mainstream of the economy.

I would have liked to hear from the other Colleagues applauding that, because bringing in to the mainstream those who had not been in the mainstream by using the procurement ability of Government to bring those that have been henceforth excluded. I want to hear that because, for sure, even the innovation of creating the Policy Unit that is actually separating policy from operations and giving it to those that are really responsible for setting policy and not adjudicating and giving those that have not been elected, vesting them with policy functions, which is not supposed to be the case.

I think this innovation is surely also going to be used in the context of poverty alleviation, poverty eradication, and using the *Procurement Bill* also as an intelligence gathering a mechanism whereby we will be able to see and collect the gaps, the lack of capacities (*microphone interference*) These two systems have been like that. We have been told that they will be fixed during the recession, but they are still the same.

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**HON SPEAKER:** Is that okay now?

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**SECOND READING – PUBLIC  
PROCUREMENT BILL  
HON NAMBAHU**

**HON MEMBER:** No, it will never be okay.

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**HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:**  
Yes, Comrade – as I was saying – it really disrupts somebody’s way of thinking.

It is just really to say that I had participated in the workshop that preceded the drafting of this Bill, I, therefore, understand the rationale behind it and I think it is a progressive one in that our people who have not been mainstreamed, will be using this. Obviously, Law is not exact science, we will have to amend as we go, if there are shortcomings, but it is a good beginning and for sure, we will definitely support it and all those who have not been supporting it, I think will have to be summoned to support it. *(Interjection)*

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**HON MUHARUKUA:** What is wrong with that?

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**HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:**  
Well, we have our Members – I do not know how it works in your Party but we will have to call our members to support this kind of good initiatives of Government and we will stand by them. *(Intervention)*

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**HON MAAMBERUA:** Point of Order!

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**SECOND READING – PUBLIC  
PROCUREMENT BILL  
HON NAMBAHU**

**HON SPEAKER:** Point of Order, yes.

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**HON MAAMBERUA:** May I ask the Honourable Member a small question please?

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**HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:**  
Yes, please.

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**HON MAAMBERUA:** Yes, thank you. By saying that you are going to summon elected Members of Parliament who are representing the broad and broader interest of the Namibian population and who have taken oath to only protect and uphold the Constitution of the Republic of Namibia, are you implying that – and you are also referring to your Party – are you implying that you will actually use cohesive mechanisms in your Party to make people say only things that are not within their own conscience?

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**HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:**  
Honourable Maamberua, I always admire you because you always summon the courage use a lone voice against so many, so you can see how many synonyms the word *summon* has. (*Intervention*)

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**HON SPEAKER:** Can I insist that we refrain from having any dialogue? I know the two of you share certain values and I am not going to object to that, but I will ask Honourable Nambahu to continue.

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**SECOND READING – PUBLIC  
PROCUREMENT BILL  
HON !NAWASES-TAEYELE**

**HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:**

Thank you, very much. I really believe that, this using the ability of State machinery to direct and redirect the procurement so that it can really contribute to the objects of development, being that it also contributes to the achievements of Vision 2030, because by having all these other enterprises whereby we are only getting some royalties and all that, I think there, we can kind of agree on the central role Government or the State should have. I, therefore, think you are the first person who is supposed to support this kind of intervention.

With these remarks, Comrade Speaker, allow me only to say that, today is a very sad day for us in that we have lost one of the good friends of Namibia, Comrade Jorge Risquest who – for those who have followed the Namibian history – was very much instrumental in the signing of Resolution 435 and the negotiation thereof. He is the person who accompanied Che to the Congo and obviously, he is a very important person.

Perhaps it will be communicated officially and should that time come, we would either be interviewed in some way or accorded opportunity to sign the book of condolences, should it be opened. He was one person who had such a rich history and a very big friend of Namibia in those difficult times when friends were difficult to come by.

I implore you to really use your channels and pay tribute as it is supposed to be. Thank you very much.

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**HON SPEAKER:** Thank you. Next on my list my list is Honourable !Nawases-Taeyele. You have the Floor.

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**HON !NAWASES-TAEYELE:** Mine is just a short one. Thank you,

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**ADJOURNMENT  
RT HON KUUGONGELWA-AMADHILA**

Honourable Speaker, it is just to ask for the postponement until tomorrow on behalf of Honourable Manombe-Ncube, if I have the indulgence of the House.

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**HON SPEAKER:** Thank you very much. With that request, that basically, brings us to the end of our Business for the day.

May I ask the Right Honourable Prime Minister to adjourn the House?

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**RT HON PRIME MINISTER:** Thank you, Honourable Speaker. I Move that the House adjourn until tomorrow, Wednesday, at 14:30.

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**HON SPEAKER:** Thank you very much. The House stands adjourned until tomorrow, the usual time.

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**HOUSE ADJOURNS AT 16:18 UNTIL 2015.09.30 AT 14:30**

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**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
30 SEPTEMBER 2015**

The Assembly met pursuant to the adjournment.

**HON SPEAKER** took the Chair and read the Prayer and Affirmation.

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**ANNOUNCEMENTS IN TERMS OF RULE 20(a)  
OF THE STANDING RULES AND ORDERS**

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**HON SPEAKER**: Honourable Members, I would like to inform you that today is the last official working day of Mr Jakes Jacobs, as the Secretary of the National Assembly – that is, functioning in the position of Secretary of the National Assembly. Jakes as he is popularly known, has been serving as a Secretary of the National Assembly since the 1<sup>st</sup> of April 1996 a period or not less than 19 years. However, all is not lost, because we are going to retain him for a period of six months as a Technical Advisor to the new incoming Secretary who will hopefully start on the 1<sup>st</sup> of November 2015 – in other words, helping to pave the process to make it as smooth as possible.

In view of this change, I have requested Mr Findley Harker the Deputy Secretary to act as a Secretary for the next one-month or so, before the new Secretary is appointed.

Honourable Members, let me take this opportunity to sincerely thank Mr Jacobs on behalf of this House and on my own behalf, for the way he has served this House with distinction and total commitment. Thank you very much. All that we wish you now while you are still with us and beyond the period you are going to be with us, is simply to wish you good health and all the best as you move on eventually. Thank you. (*Applause*)

I know he has one or two things to do with the usual long list of things to be done and let me just offer him an opportunity to bid you farewell.

**FAREWELL REMARKS**

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**SECRETARY:** Thank you, Honourable Speaker. Honourable Deputy Speaker, Right Honourable Prime Minister and Honourable Members, it is an honour and privilege to have been of service to you and I will continue to be of assistance wherever I can.

Just a slight correction – I was not the Secretary for all the 19 years. I came here in 1996 and was first the Director of Committee Services, then Director of General Services, and from 2009, I have been serving as your Secretary.

Thank you very much for you honour and privilege, I really appreciate it. Thank you. (*Applause*)

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**HON SPEAKER:** Thank you. Honourable Members, I have asked the Secretariat to distribute copies of the Code of Conduct and Declaration of Members' Interest Form and the Draft Standing Rules and Orders for your perusal and inputs.

The House will discuss the Code of Conduct on Wednesday, the 7<sup>th</sup> of October this year (2015), and hopefully adopt the said document. It is indeed overdue and I think we must do our duty and act upon that important document.

On Wednesday, the 14<sup>th</sup> of October 2015, the House is expected to discuss the draft Standing Rules and Orders and adopt the same accordingly. That Standing Rules and Orders, is basically the realignment, taking into account the new Ministries that have been adopted and make sure that they are allocated to appropriate Committees, is a very simple job which I hope Honourable Members would be able to act upon that accordingly. I am thus, kindly requesting the Honourable Members to peruse those

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**ANNOUNCEMENTS  
HON PROF KATJAVIVI**

documents so that you are ready to take them up when the time comes according to the respective dates. Your support and cooperation is much appreciated.

The further announcement is that the Honourable Members are invited to a workshop on Concentrated Solar Power Technology jointly organised by the United Nations Development Program (UNDP) and Global Environment Facility (GEF) in partnership with the Ministry of Mines and Energy. This workshop will take place on Friday, the 2<sup>nd</sup> of October 2015, at Gross Barmen near Okahandja, from 08:00 am to 13:00 pm. The same day.

The departure for Gross Barmen is tomorrow, the 1<sup>st</sup> of October 2015 at 17:00, I am assuming after the Session of this House, to return on Friday, leaving Gross Barmen at 14:00 after the workshop. The workshop, I am informed, is fully sponsored. All that you need to do is to make yourself available. You are thanked in anticipation.

Honourable Members, I would like to recognise the presence of 40 learners and their accompanying teacher in the Public Gallery in front of me here. They are all from the Collin Foundation Secondary School in Arandis, in the Erongo Region.

Learners and teachers, you are warmly welcome to the House of the people, the Chamber where Laws are made for the Republic of Namibia. We wish you well and have a good day. (*Applause*)

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**HON SPEAKER:** Having said all that, we will return to our Agenda for the Day.

Any Petitions? Reports of Standing or Select Committees? Chief Whip.

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**TABLING: DECLARATION ON THE FORUM  
OF THE SADC GOVERNMENTS CHIEF WHIPS**

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**HON !NAWASES-TAYELE:** Thank you, Honourable Speaker. Honourable Speaker, I lay upon the Table the Luanda Declaration on the Forum of the SADC Government Chief Whips, but before I do so, I need to give a brief background on how this Declaration came about and it reads as follows:

- We the SADC Government Chief Whips, the Chairpersons or their Representatives, having recognised the need to establish, preserve and strengthen cooperation and integration in SADC, both at political and development levels, taking into consideration the exercise of political power through free, fair, peaceful and democratic elections in the SADC Region and having common goals in the creation of a basis for dialogue and conjugation of synergies leading to the exchange and experience of parliamentary practice and maintenance of peace, which is conducive to a favourable environment towards SADC's economic, social and cultural development.
- Moved by the need for permanent cooperation amongst the Parliamentary Groups of the Majority Parties in the SADC Region on issues of common interest as expressed in Article 9(2) of the SADC Treaty and Associated Protocols.
- Encouraged by the spirit of the first meeting of the SADC Government Chief Whips held in Windhoek, Namibia, on the 27<sup>th</sup> and 28<sup>th</sup> of February 2014; having recognised and emphasised the development of policies and strategies aimed at enhancing democracy, good governance, respect for the Rule of Law; Human Rights, as well as free movement of people and goods within the Region, peace and security; and to facilitate the adoption of Agreements and Protocols, which require ratification by our Parliaments.

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**TABLING OF REPORTS  
HON !NAWASES-TAEYELE**

We, therefore, hereby signed this Declaration for the institutionalisation of the Forum of the SADC Government Chief Whips and/or Chief Whips of the Majority Parties or Parliamentary Whips to be held annually on a rotational basis amongst Member States subject to the approval of Terms of Reference, which shall be presented at the next meeting for the members' approval; and further agree that the hosting State will be the Chair of the Forum and shall provide the Secretariat support.

Done in Luanda, the Republic of Angola, on the 7<sup>th</sup> May 2015, signed by the Government Chief Whips or the Representatives of the following countries, the:

- Government Chief Whip of the Republic of Angola;
- Government Chief Whip of the Republic of Botswana;
- Government Chief Whip of the Democratic Republic of Congo;
- Government Chief Whip of the Kingdom of Lesotho;
- Government Chief Whip of the Republic of Madagascar;
- Government Chief Whip of the Republic of Malawi;
- Government Chief Whip of the Republic of Mauritius;
- Government Chief Whip of the Republic of Mozambique; and
- Government Chief Whip of the Republic of Namibia;
- Government Chief Whip of the Majority Party of Republic of Seychelles;
- Government Chief Whip of the Majority Party of South Africa;

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**TABLING OF REPORTS  
HON MAAMBERUA**

- Government Chief Whip of the Kingdom of Swaziland;
- Government Chief Whip of the United Republic of Tanzania;
- Government Chief Whip of the Republic of Zambia;
- Government Chief Whip of the Republic of Zimbabwe.

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. Yes, Honourable Maamberua.

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**HON MAAMBERUA:** Thank you, Honourable Speaker. I just want to clarify something from the Report very briefly. I think it is a very important Report.

It looks like at the SADC level, they have moved on from the traditional divide between the Ruling Party and the Opposition or Opposition Parties, because they are talking about Majority Party and Minority Party. Since at the regional level, they are already a step ahead of us, can we attempt to endeavour aligning our Rules and our positions, so that we do away with this parlance of Opposition?

I am just making a suggestion, because, after all, SWANU is not an Opposition Party. We are a Government in waiting, as you know.  
*(Laughter)*

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**HON SPEAKER:** Thank you. I was expecting Honourable Maamberua to say that these innovative ideas started here in Namibia and it then extended to Angola, and it pleases me so much that it is developing

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**TABLING OF REPORTS  
HON JAGGER**

further, incorporating Whips from the Minority Parties etcetera. There is always a beginning to everything you do in life and I think we can choose our words carefully, depending on who is taking the Floor. As the Speaker. I will fully understand, regardless whether you use the terminology of a *Minority* or use the terminology of *Opposition*, it will be understood in the context.

With that understanding (*interjection*)

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**HON MAAMBERUA:** Or the Government in waiting!

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**HON SPEAKER:** Or the Government in waiting, as the case maybe. Can we move on to the next Report? That is from, Honourable Jagger.

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**TABLING: REPORT ON THE SOUTHERN AFRICA  
REGIONAL PARLIAMENTARY CONSERVATION WORKSHOP**

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**HON JAGGER:** Thank you, Honourable Speaker. Honourable Members, I rise to lay upon the Table the Report on the Southern Africa Regional Parliamentary Conservation Workshop that was held in Lusaka, Zambia, on the 20<sup>th</sup> of July 2015.

Before I lay this Report upon the Table, Honourable Speaker, Honourable Members, I just want to highlight some of the recommendations that came out of that workshop.

These are all matters pertaining to cross-border illegal deforestation and poaching, illegal wildlife trafficking that must be policed and dealt with

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**TABLING OF REPORTS  
HON TJONGARERO**

using Joint Permanent Commissions comprising of security representatives from various countries. Hearings should be held frequently and parliamentary capacities should be strengthened to deal with such matters. Also, there should be sharing of Laws amongst Line Institution, including Security Agencies.

Honourable Speaker, Honourable Members, we all know that of late, we as a country we lost a number of wildlife. At present, Namibia is faced with a couple of challenges in that regard that can best be addressed in Parliament through the Caucus Models. I would, therefore, urge the Honourable Members to think in the direction of establishing a Parliamentary Caucus on Conservation, where we cross political lines, political borders and that all Members of the Executive, all Members of the Legislature be part of such a Parliamentary Caucus.

We as Namibia's delegates also requested that the Honourable Stephen Kampyongo and his Deputy, Honourable Getrude Imenda, amongst others, visited Namibia on a time suitable for them, to come and address Parliament on how they have established their Parliamentary Caucus on Conservation, which is such an important model that we could copy from.

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you. We move on. Other Reports and Papers? Yes, Honourable Tjongarero please.

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**HON DEPUTY MINISTER OF SPORT, YOUTH AND NATIONAL SERVICE:** Honourable Speaker, mine is about this document we were given just now. I am confused. The Honourable Speaker said we must read and go through this document, but some of the pages and chapters are not there. How are we going to go about it?

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**NOTICE OF QUESTIONS**

**HON SPEAKER:** Which document is it?

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**HON DEPUTY MINISTER OF SPORT, YOUTH AND NATIONAL SERVICE:** The Code of Conduct – some pages and chapters are is not there. The document the Speaker announced – the Code of Conduct and Declaration of Members' Interest.

I am just asking before somebody goes out without knowing what happened to the pages and chapters that are not there.

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**HON SPEAKER:** We will help you. Our staff will give you a complete copy if that one is incomplete

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**HON MEMBERS:** All of them are incomplete!

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**HON SPEAKER:** Is it all of them? You know what they have done, they submitted the complete and properly done copies on this side and the other side is affected. We will deal with them. Thank you for sharing that with us, now we know. Something will be done to rectify that. Notice of Questions? Honourable Dienda, you have the Floor.

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**NOTICE OF QUESTIONS**

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**NOTICE OF QUESTION  
HON DIENDA**

**QUESTION 60:**

**HON DIENDA:** Thank you, Honourable Speaker. Honourable Speaker, I give Notice that on Thursday, the 8<sup>th</sup> of October 2015, I shall ask the Right Honourable Prime Minister the following:

Honourable Speaker, I acknowledge and appreciate the meetings and public consultations that His Excellence President Hage Geingob is currently engaging in, in order to familiarise himself with relevant issues on the ground and to grant citizens a direct communication channel with the Office of the President. However, Honourable Speaker, I have to inquire why the same cannot be done with Public Servants, particularly those who deal directly with members of the public.

Honourable Speaker, many problems and frustration that people encounter with many Ministries and Governmental Agency can be ironed out if there are proper and easily accessible communication channels. Due to a lack of these, people are forced to vent out their frustration in the newspapers, via readers' letters and in the SMS columns.

1. Honourable Speaker, is it possible for the Government to have suggestion boxes available at all Ministries and Government Agencies for public intervention and suggestions?
2. Is it also possible to have suggestion boxes available for Public Servants input about improving internal procedures in order to avoid intimidation and victimisation by their superiors?

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you, next on my list is Honourable Nauyoma.

\_\_\_\_\_

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**NOTICE OF QUESTIONS  
HON NAUYOMA / HON MUHARUKUA**

**QUESTION 61:**

**HON NAUYOMA:** Honourable Speaker, Honourable Members, I give Notice that on Thursday, the 8<sup>th</sup> of October 2015, I shall ask the Honourable Minister of Lands and Resettlement, (*interjections*) Honourable Utoni Nujoma the following questions:

Honourable Minister, how come that after 25 years of our Independence we still have an office, which is very important in our land occupied by a foreign national, and that is the Office of the Surveyor-General.

Is it true that after 25 years of our Independence, we cannot find a suitably qualified Namibian to deal with matters regarding our land?

How come that even at international or border institution sends a foreign national to represent us at this very crucial discussion?

I so Move, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. Honourable Muharukua.

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**QUESTION 62:**

**HON MUHARUKUA:** Thank you, Honourable Speaker. Honourable Speaker, I hereby give Notice that on Thursday, the 8<sup>th</sup> of October 2015, I shall ask the Minister of Environment and Tourism the following:

During 2002, Mike Griffin who was working for the Directorate of Scientific Services at the Ministry of Environment and Tourism, compiled a list of Namibian Reptiles in a Report titled – *Annotated Checklist and Provisional Conservation Status of Namibian Reptiles No. 1*. This Report was submitted to the Ministry and Mr Griffin has since resigned.

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**NOTICE OF QUESTIONS  
HON MUHARUKUA**

Maintaining accurate and up-to-date records of these creatures is important, not only for tourism, but also in a development of anti-venom.

I thus ask:

1. Does the Government currently have personnel that consistently and regularly update the database/checklist? If so, when was the database last updated since Mr Griffin's departure from your Ministry?
2. Which animals have been added or removed from the database and where can the members of public access these records.

I so Move, Honourable Speaker.

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**QUESTION 63:**

I hereby give Notice that on Thursday, 8<sup>th</sup> October 2015, I shall ask the Minister of Home Affairs and Immigration the following:

With reference to Article 10, 19, 20(1) and (2) of the Namibian Constitution and further, keeping in mind that the Oludhimba community is one of the communities who live on both the northern and southern side of the Namibian-Angolan border. Similar to the Ovahimba, Mbandja's and Ovakwanyamas. Consequently, as a sizeable number of Namibian citizens are derivative from the Oludhimba community -

I thus ask-

1. if the Oludhimba speaking community recognised as a tribe in our Republic? If not, what is the reason behind such discrimination?
2. How many Oludhimba speaking are Namibian identity card holders? If it is not known, why not?

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**NOTICE OF QUESTIONS  
HON MUHARUKUA**

**QUESTION 64:**

**HON MUHARUKUA:** With the similar background, I hereby give Notice that on Thursday, the 8<sup>th</sup> of October 2015, I shall ask the Minister of Basic Education the following:

1. Is Oludhimba Language formally taught in our schools? If so, up to what level is it taught?
2. Further, which schools are teaching Oludhimba as a subject, if none at all, what are the reasons behind such failure and does the Government has any plan to redress such failure and in what timeframe?
3. Are there any plans to introduce Oludhimba as part of our school curriculum up to Grade 12 level? If not, what are the reasons therefore?

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**QUESTION 65:**

**HON MUHARUKUA:** Again, using the similar background, I give Notice that on Thursday, the 8<sup>th</sup> of October 2015, I shall ask the Minister of Information and Communication Technology the following:

Given that the Minister remarked that the Right to information is a Human Right, and further, given that the Oludhimba community has no Radio Station of their own: Are there any plans to allow the Oludhimba community the enjoyment of their Right to information through affording them Oludhimba Radio Station like all other Namibian tribes?

I so Move, Honourable Speaker.

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**HON SPEAKER:** Are you referring to Ovahimba?

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HON !NARUSEB**

**HON MUHARUKUA:** Ovazemba.

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**HON SPEAKER:** Ovazemba?

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**HON MUHARUKUA:** Ovazemba, yes.

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**HON SPEAKER:** Oh, I see. Thank you. We move on. Notice of Motions? Messages from the Head of State? Ministerial Statement? I call upon the Minister of Works and Transport.

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**MINISTERIAL STATEMENT  
ANSWERS TO QUESTIONS POST  
DURING THE BUDGET OF 2015/2016**

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**HON MINISTER OF TRANSPORT AND WORKS:** Thank you Honourable Speaker, Sir. Honourable Members, it is actually not a Ministerial Statement *per se*, but an avenue that the Minister of Works and Transport wants to use to give feedback on outstanding issues that were raised during the Budget Debate on the 2 Votes that I am responsible for.

I will not venture into reading out the complete response that is prepared, but I want to make use of the opportunity to probably just highlight one or two issues and then the complete responses would be put at the disposal of Honourable Members, with your indulgence, Honourable Speaker. Thank you.

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It is indeed an honour and privilege to present to you, Honourable Members, the answers of questions posed during the Budget Debate of 2015/2016 Financial Year for which I was not able to provide adequate responses then. As you can recall, I promised that I will do some research internally at the Ministry and then come back with relevant responses. I particularly want to focus on the two schools to wit Petrus !Ganeb and Dibasen Junior Secondary School in the Daures Constituency of the Erongo Region.

Now, it was asked that the current status of the two schools namely, Dibasen and Petrus !Ganeb are in a bad state for obvious reasons. The answer is that:

The Dibasen School and Hostel complex is in the Okombahe area and consist of an administration block, three classroom blocks and five hostel blocks. During the year 1987, a portion of one classroom block, that is, six classrooms, and three hostel blocks caught fire and burned down beyond normal maintenance repairs. The remainder of the complex remained intact and continued to function since then. The burnt down classroom block has the effect that it prevents the school of offering education up to Grade 12 and currently it provides only to Grade 10.

The Petrus !Ganeb School and hostel complex is in the Uis area and consist of an administration block, three classroom blocks and six hostel blocks. The classroom block, which was burned down before Independence, needs major repairs and renovations. Three of the four hostel blocks attached to this school also need major repairs and renovations. The foundation of the fourth hostel block has subsided into the ground due to collapsing soil, and has created structural problems to such an extent that demolition and complete rebuilding of the structures would be the most preferred step.

Attending to such burned down facilities and structural failures entails reconstruction, and funding has to be provided for – sorry to say that – by the user of the facility, in this case the Ministry of Education Arts and Culture, under the Development Budget that caters for construction,

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additions, rehabilitation, alterations and renovations to new, as well as existing facilities.

Although cost estimates were submitted to the user at the time and at certain intervals thereafter, the Ministry was informed – that is now the Ministry of Works – that funding on the programme catering for the rehabilitation of schools and hostels remained limited ever since and were channelled to Regions according to determined priorities. The demand to accommodate learners to Grade 12 is apparently not so high in the Erongo Region. As the Office of the Regional Director of Education in the Region still has confidence that funds will be made available by their Ministry in future, the demolition of the burned down structures was not recommended by the Ministry of Works and Transport yet.

I trust that the Honourable Minister of Education, Arts and Culture might be in a better position to shed light on this matter and whether there is a need to provide education in Okombahe up to the level of Grade 12.

Honourable Speaker, like I said initially, as much as I would have liked to individually deal with all the outstanding questions, I beg your indulgence and indeed the indulgence of Honourable Members and by so doing, your appreciation that owing to time constraints, I shall instead opt to distribute relevant responses for your further attention and perusal and I thank you.

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**HON SPEAKER:** Thank you very much. Your Colleague's light is not. Honourable you have the Floor.

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**REMEDIAL ACTION TO ADDRESS  
NON-COMPLIANCE OF PUBLIC ENTERPRISES**

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**HON MINISTER OF PUBLIC ENTERPRISES:** Thank you

Honourable Speaker. Honourable Members, I also rise today to deliver a Ministerial Statement.

On Thursday, the 24<sup>th</sup> of September 2015, the Amended *Public Enterprises Governance Act* was finally gazetted. During my Motivation, I mentioned that this amended legislation would be a temporary legal solution to enable the Ministry of Public Enterprises to become functional. I also said that in spite of the temporary nature of this legislation we will, nevertheless, be implementing it in its current form.

The Ministry of Public Enterprises has used the first six months of its existence to prepare for this implementation while also addressing the various immediate challenges at the same time. We have also virtually finalised a complete database to capture the status of compliance of Public Enterprises to assist us now and in future.

Honourable Speaker, the purpose of this Ministerial Statement is to inform Parliament of the Ministry of Public Enterprises' remedial action to address the serious non-compliance of a number of Public Enterprises. I sadly, Honourable Speaker, have to confess that I am astounded by the poor quality of governance in most of the Public Enterprises. My expectation is that by us addressing the various non-compliance issues, we will expose a number of financial and operational deficiencies, which once rectified, should yield immediate results.

The first item we will address is the matter of Governance Agreements with Boards as per Section 17 of the *Public Enterprises Governance Act*, which read as follows and I quote –

*“(1) The Portfolio Minister must within one month of being constituted and with due regard to any directives laid down by the Minister under Section 4, enter into written Governance Agreement with the Board of the Public Enterprises in relation to the following–*

*(a) the State's expectations in respect of the Public Enterprises scope of*

- business, efficiency and financial performance and achievement of objectives;*
- (b) the Portfolio Minister's obligation in relation to any of the functions conferred or imposed by the establishing Act of the Public Enterprise;*
  - (c) the principles to be followed by the Public Enterprise for business planning;*
  - (d) the measures which are necessary to protect the financial soundness of the Public Enterprise;*
  - (e) key performance indicators in terms of which the Public Enterprises performance will be evaluated;*
  - (f) the structure of the business and financial plan;*
  - (g) the principles to be followed at the end of each Financial Year in respect of any surplus in the accounts of the Public Enterprise; and*
  - (h) any other matter relating to the performance of the Public Enterprise's function under any Law,*
- (2) The Portfolio Minister and the Board of the Public Enterprise may in writing amend the Governance Agreement from time to time."*

An important item number "(3) *A copy of this Governance Agreement must be opened to inspection by the public at the Head Office of the Public Enterprise during business hours.*"

The second matter deals with performance agreements with individual Board members as per Section 80 and that read as follows:

*"The Portfolio Minister must within one month of appointing a person as a member of a Board enter into a performance agreement with such member, with due regard to any directives laid down by the Minister*

*under Section 4. Without limiting the directives which may be laid down by the Minister under Section 4 in relation to the Performance Agreements, the following conditions apply to every member of the Board of a Public Enterprise as if they were contained in the relevant Performance Agreement entered into by that member in terms of Subsection (1) namely;*

- (a) the member must at all times act honestly in the performance of the functions of his or her office;*
  - (b) the member must at all times exercise a reasonable degree of care and diligence in the performance of his or her functions;*
  - (c) the member, including after he or she has ceased to be a member of the Board of a Public Enterprise, must not make improper use of information acquired by virtue of his or her position as such a member to gain directly or indirectly an advantage for himself or herself, or for any other person or to cause detriment to the Public Enterprise;*
  - (d) the member must not make use of his or her position as a member to gain directly or indirectly an advantage for himself or herself, or for any other person or cause detriment to the Public Enterprise.*
- “
- (3) If a person contravenes, referred to in Subsection (2) or any other conditions of the Performance Agreement entered into by him or her in terms of Subsection (1), the Portfolio Minister, in the name of the relevant Public Enterprise may recover from the person as a debt due to the Public Enterprise by action in a competent Court the following:*
- (a) if that person or any other person made a profit as a result of the contravention, an amount equal to the profit;*
  - (b) if the Public Enterprise has suffered any damage or loss as a result of the contravention, an amount equal to that damage or loss.*

*(4) Subsection (2) and (3) are applicable, in addition to, and not in derogation of any other Law relating to the criminal or civil liability of the member of a Board, and do not prevent the institution of any criminal or civil proceedings in respect of such liability. A contravention referred to in Subsection (3) by a member of the Board of a Public Enterprise constitutes ground for the removal of that member from his or her office by the Portfolio Minister.*

The third item we are addressing deals with the critical requirements of Public Enterprises to submit business and financial plans as per Section 19 of the Act, which reads as follows:

*“Every Public Enterprise must annually, at least Ninety (90) days before the commencement of its next Financial Year, submit a business and financial plan to the Portfolio Minister. The business and financial plan of a Public Enterprise must encompass all the business and activities, including investments of the Public Enterprise and its wholly owned subsidiaries, if any.”*

Section 20 then deals with the approval of the Annual Budget of Public Enterprises, which once submitted, allows for the Minister of Public Enterprises and the Portfolio Minister to make comments and request Amendments, if necessary. The completed approved Amendment or Budget must then be submitted to the Minister of Public Enterprises and the Portfolio Minister within two months after the commencement of the Financial Year end.

Section 24 says – *“a Public Enterprise must not incur any expenditure, except in accordance with an estimate of expenditure approved under this Section.”*

Honourable Speaker, it is clear that adherence to the above mentioned, will result in a controlled and a predictable corporate process where the shareholder will not be caught off-guard as has become the norm. This will also result in a more coordinated and accurate budgeting process to aid the Minister of Finance.

The fourth item is something which should be rather straightforward, and that is the matter of outstanding Annual Reports of Public Enterprises. There is no reason why Public Enterprises should not conform to the Provisions of Section 26 of the Act, which states that, and I quote – *“the Board of the Public Enterprise must as soon as possible, but in any case not later than six months after the end of each Financial Year of the Public Enterprise, submit an Annual Report on the operations of the Public Enterprise.”*

The Section further describes the minimum information that should be included in the Reports. The failure to submit Annual Reports timeously unfortunately raises suspicion and the question arises – what are you hiding?

The fifth item will deal with the remuneration of the Boards of Public Enterprises as per Section 22(1). I have reason, Honourable Speaker, to believe that there may be samples of Public Enterprises capitalising financially from the position as Board members. I, for instance, heard of Board holding more than 20 meetings per annum; that clearly exposes the failure of that particular entity.

It further exposes the failure of corporate governance and the blurred separation between the fiduciary duties of the Board and the executive functions of the management. It should not be necessary for the Board of any well-managed Public Enterprise or any company or entity for that matter to meet more than four times per annum. I have, therefore, prepared letters to all Chairpersons of Public Enterprises to request the CEOs to provide my office with the detailed total cost to company of the Boards of Public Enterprises. I also want copies of existing Board remuneration policies and will request the formulation of such policies where they do not exist.

Honourable Speaker, I am by nature someone who prefers to avoid confrontation and it has always been my intention to cultivate a conducive relationship between the Ministry of Public Enterprises and our Portfolio of Public Enterprises. I have, however, taken the oath to uphold and

defend the Laws of the Republic of Namibia to the best of my ability.

Having mentioned the above, I want to refer to Section 24 of the Act, which deals with the duty to furnish information, and I quote – “*the Minister may in writing request the Chief Executive Officer of a Public Enterprise or a person acting in that capacity to furnish the Minister any information or documents required by the Minister.*”

The Act further reads as follows under Section 24(3) – “*a Chief Executive Officer who –*

- (a) refuses or fails to furnish information requested by the Minister in terms of Subsection (1) or furnishes information which is false or misleading, knowing that it is false or misleading, commits an offence and is liable of conviction to a fine not exceeding N\$20,000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.*”

Honourable Speaker, my previous attempt to gather other information from Public Enterprise was a rather arduous and painful exercise and I want to declare publicly before Parliament that I will not hesitate to invoke the Provisions of Section 24 when forced to do so.

My desire and expectation is that this will not be necessary and that we would be able to reach a stable situation with all Public Enterprises complying with the Provisions of the legislation and all directives when issued without any undue conflict. The steps mentioned today are by no means the last, but they are firm coordinated and calculated measures to put the shareholder in charge of Public Enterprises to the ultimate benefit of the Nation. I thank you, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. Yes? Can I just speak before you, because it is about teatime and I just want to have consensus that we carry on? Any objection?

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**COMMENTS AND QUESTIONS ON  
MINISTERIAL STATEMENTS  
HON MAAMBERUA**

**HON MEMBERS:** No!

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**HON SPEAKER:** Do we carry on?

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**HON MEMBERS:** Yes!

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**HON SPEAKER:** Thank you. Yes, Honourable Maamberua.

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**COMMENTS AND QUESTIONS ON MINISTERIAL STATEMENT**

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**HON MAAMBERUA:** Thank you, Honourable Speaker. I would also like to thank the Minister of Public Enterprises for that detailed vision and the steps that the Minister is envisaging in order to improve on the situation.

I have, however, a question or two for some clarification, and that basically emanate from the Statement of the Minister that poor quality of governance is actually found in most of the State-Owned Enterprises, and I underline in most. Mathematically speaking, most means more than 50% and that is very serious. If poor quality in terms of governance is found in most or in more than 50% Public Enterprises – and it could be 80% possibly – then that is very serious.

As I said, the steps or the vision is in order, but we have to be informed by the past – what actually has caused the governance quality at our Parastatals to be so poor? Was it a question of oversight? Was it a

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**COMMENTS AND QUESTIONS ON  
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HON MAAMBERUA**

question of Government Policy? Was it a question of Government's lack of vision?

The next question is, Honourable Minister, this poor state of affairs – for how long has this poor state of affairs been in our system? Are we talking about, that since Independence, we have actually not managed our State-Owned Enterprises properly, have we been experiencing poor governance in our State-Owned Enterprises since Independence?

Honourable Minister, Honourable Speaker, (*intervention*)

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**HON SPEAKER:** Make it short please.

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**HON MAAMBERUA:** Yes, very short indeed. On the framework that the Minister has shared with us, including the vision and so on – my question is; is there enough capacity to monitor and to evaluate, so as to ensure that things are actually going to change? Capacity in terms of human resources in your Ministry, because if that is not available, I think you deserve to be given that capacity either through this House or by another Institution.

Honourable Speaker, since you were very fast in changing to the other Minister, I had a question to the first Minister of Works and Transport, particularly about the two schools were some classes – and I do not know – some other buildings burned down already in 1987:

Really, 1987 – three years before Independence – up to now is about 28 years ago that we have not been able to repair a school and it is not just one school that we are talking about, we are talking about these two schools, and I can show that the Okakarara hall has also burned down for the past 20 years or something like that with no repair at all.

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**COMMENTS AND QUESTIONS ON  
MINISTERIAL STATEMENTS  
HON MAAMBERUA**

**HON MEMBER:** What is the question?

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**HON MAAMBERUA:** The question is – and the statements that it appears as if the Ministry of Education – of course, in the beginning Honourable John Mutorwa was the Minister of Basic Education at the time and then there was no concern about Grade 12 in that part of Dauras somewhere there, Uis and so on; subsequent Ministers and policy in terms of education, but really no concern about Grade 12, plus the gutted schools? *(Intervention)*

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**HON SPEAKER:** Yes, on a Point of Order.

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**  
Honourable Speaker, I just want to inform the Honourable Member that ours is a Parliament, is a country that is ruled by Laws and Rules and Regulations.

In the Standing Rules and Orders there are specific Rules that guide how to handle Ministerial Statements. The Minister of Works and Transport made a Ministerial Statement, he gave very important information, and so did the Minister of Public Enterprises as well.

Could the Honourable Member who is a veteran of this House be advised to stick to the Rules and ask those questions that will require factual responses from the two Ministers, and not John Mutorwa as the then Minister of Basic Education? What is this? *(Laughter)*

Thank you, Honourable Speaker.

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**RESPONSE TO QUESTIONS ON  
MINISTERIAL STATEMENTS  
HON !NARUSEB**

**HON SPEAKER:** I think Honourable Mutorwa is right, because by referring to Honourable Mutorwa now, you really deviated. I am sure you know that yourself, but I would like you to be precise, to solicit specific information.

If the Minister does not have the information, he will be the first person to say – *well, I will come back to you with a proper answer*. Can you just round up? Are you done with your questions?

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**HON MAAMBERUA:** Yes, I take the concern of the Minister. You see, when you hear some of this information, you tend to believe that you are not in Namibia. You tend to believe that this is not the kind of poesies that you normally hear during the elections campaigns, the Manifestos and all these other things.

How can you have a school that has not been repaired for 25 years? It is a statement of fact that the Minister was a Minister of Basic Education, therefore, I am just being factual. Thank you.

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**HON SPEAKER:** Let us come to the point, I have a list of many items. Let me give the opportunity to the two Ministers, if they have any responses to give, then I am going to move on.

I will start with Minister !Naruseb. Do you want to take Honourable Maamberua on?

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**RESPONSE TO QUESTIONS ON MINISTERIAL STATEMENT**

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**HON MINISTER OF WORKS AND TRANSPORT:** I do not really

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**RESPONSE TO QUESTIONS ON  
MINISTERIAL STATEMENTS  
HON JOOSTE**

have much to say. It is a fact that the schools, for whatever reasons good or bad were befallen by the fate that has transpired at the two schools. Fire caused the damage to the blocks of the two schools, we would probably not go into the merits and demerits thereof.

It is also a fact that the schools, since then, have not been repaired or renovated. Over and above that, I do not want to venture into giving reason to my Good Friend to carry on with this campaign of trying to garner support for the upcoming Regional and Local Authority elections. *(Laughter)* Thank you.

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**HON SPEAKER:** Thank you. Honourable Jooste please.

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**HON MINISTER OF PUBLIC ENTERPRISES:** Thank you, Honourable Speaker. The first question was poor governance in most Public Enterprises and why.

The short answer is that, there is not a single answer. These entities are all unique. Remember that in the commercial enterprises, we are exposed to most Sectors of the economy. Non-commercial Enterprises are regulatory bodies serving all Sectors of the economy. There are service providers like the Educational Institutions, which are also Public Enterprises. There is no single answer to that. That is why, one of the things we have started is to do a proper diagnosis like the doctors do, on each one of them individually in order to exactly understand why each one of them is suffering for one or another reason, if they do.

We like to generalise, and Honourable Speaker, I must tell the House that it is not the rule, many of these entities are very well run and in a good shape. They are not necessarily up to our standard, but I do not think we should ever be completely dissatisfied, things can always improve.

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**MINISTERIAL STATEMENTS  
HON HANSE-HIMARWA**

You asked for how long it has been, again, there is not one answer to that. Some of them started off well, went a bit bad and are doing well again. I want to remind you, Honourable Member, that these Public Enterprises are a challenge in all countries. Even the most sophisticated economies are finding multiple layers of challenges in managing Public Enterprises because they are not normal entities. It is not unique that we are finding it a challenge in Namibia.

Then you asked – and I am happy that you are concerned about the capacity of the Ministry – obviously, it is a new Ministry, so we are building capacity. You will recall – and if you refer to my Budget Statement and the Motivation for the Amendment to the Legislation – you will see that I mentioned the creation of a Specialist Unit in the Ministry. Now, that unit will give us the competitive edge to perform the functions that are required. We are populating that unit and my expectation is that most of that unit would be fully populated before the end of October and then we will have, without a doubt, the capacity to deal with the Public Enterprises. Thank you, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. Honourable Hanse-Himarwa, you have been waiting for too long. You have the Floor.

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**EDUCATION SECTOR POLICY ON THE  
PREVENTION AND MANAGEMENT OF LEARNER  
PREGNANCY SAFETY AND SECURITY AT SCHOOL**

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**HON MINISTER OF EDUCATION, ARTS AND CULTURE:** Thank you, Honourable Speaker, Honourable Members, the Ministry of Education, Arts and Culture in recent weeks witnessed various media statements related to the two matters above that have invited strong public

debates.

I will, Honourable Speaker, Honourable Members, dwell on these two subjects to respond to concerns raised by the public and the media. I will start off with the *Education Sector Policy on the Prevention of Learner Pregnancy*.

Honourable Speaker, ever since I became the Minister of Education, Arts and Culture, the Policy on Learner Pregnancy in the Ministry has been attracting a lot of attention. The Ministry has been bombarded with questions on the philosophy around this policy. There have been areas of misinterpretations and misconceptions as to what this policy seeks to achieve at the end. I, therefore, rise before you, Honourable Speaker, Honourable Members, as the Minister of this Ministry to provide perspectives on the policy in the Ministry of Education by responding to the growing misconceptions on the said policy.

As history has it, the Policy on the Prevention and Management of Learner Pregnancy was approved by Cabinet in October 2009 for implementation by the then Ministry of Education. The circular, which is dated 25<sup>th</sup> January 2010, highlighting important issues about the policy, was issued to all schools with clear instructions to schools across the country to implement this policy. The goal of the policy is to improve the prevention and management of learner pregnancy with the ultimate aim to decreasing the number of learner pregnancies and increasing the number of learner-parents who complete their education. The policy is based on some guiding principles namely:

- The Right to education for the girl-child;
- The need for prevention;
- Information;
- Respect;
- Support; and
- Respect for cultural and family values.

The policy is divided into two sections, which are Prevention and

Management.

Honourable Speaker, the provision of measures to prevent and reduce the number of learner pregnancies is a critical component of the policy. These measures, includes schools providing education on sexual and reproduction health, focusing on increasing learner responsibility by providing the environment where they are fully informed and have the information they need to make responsible decisions. Furthermore, a holistic Life Skills Programme is being implemented in the schools and the Ministry has created the positions of full-time life skill teachers to provide learners with guidance and skills they need.

Additional programmes to supplement life skills have been encouraged wherever possible. Since 2013, Honourable Speaker, all Grade 8 learners have been required by the end of each Academic Year to complete the programme called *My Future is My Choice*. A further aspect of prevention is the promotion of safe leisure activities by schools and the implementation of gender specific support and mentoring for learners to ensure female learners are empowered through the achievement of equal opportunities with their male counterparts.

Additional to this Honourable Speaker, Honourable Members, as part of the policy, schools are encouraged to invite social and health workers to make regular presentations on reproductive health issues; endeavour to improve family and community involvement through various strategies; strive to ensure that the school environment is safe and learners are free from sexual harassment or abuse by learners, teachers or other staff, and school staff should be positive role models to learners.

Honourable Speaker, the Management Section of the policy is necessary for where prevention measures fail and learners become pregnant. The guiding principle of the Management Section is to support pregnant learners, expectant fathers and learner-parents to combine continuation of their education with the responsibilities of parenthood without compromising the best interest of the infant or the learner. This process should be collaborative between the school, the pregnant learner, the

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expectant father and their families and should involve participatory decision-making. Each situation is assessed and evaluated individually with sensitivity to the learner's health, financial situation, options for childcare, family support or lack of support, timing of delivery in relation to the school calendar and the needs of the newborn child. The Management Section is further subdivided to address issues pertaining to female learners, male learners, the families of the affected learners, the school and the Government. This section provides guidelines on health, education before and after giving birth, school assignment, breast feeding, examinations and hostel boarders.

To make this information more accessible to pregnant learners and learner-parents, the Ministry, in conjunction with the Legal Assistant Centre has developed an information package to be given to the learners. This package serves as an informational guide on all the aspects of pregnancy and birth, including prenatal care, adoption, maintenance grants available, responsibilities with regard to school work and responsibilities of expectant fathers, to name but a few.

The policy focuses on the promotion of openness to support early disclosure so that learners are informed of the importance of antenatal care, as we have seen the importance of the first 1,000 days of the life of a child.

Honourable Speaker, let me for now dwell on the perception and misconceptions of the policy since its inception. The Ministry had to deal, and continues to deal with mounting misconceptions on the policy both from the members of the community and even the Members of this august House. These concerns have in many cases been stumbling blocks to the effective implementation of the policy, some of which are:

1. A pregnant learner may give birth at school, which would upset other learners.

I have this to say, this concern has been addressed in the policy by providing for verification of the approximate due date and for a leave of

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absence beginning four weeks before the anticipated due date, of course, consistent with current Labour Laws on this topic. Giving birth at school is actually more likely to happen in a situation where a schoolgirl has taken pains to hide the fact of pregnancy, and we are now saying that pregnancies got worse in the schools. Obviously, it will create that perception, because in the past and in the absence of this policy, girls were hiding and just vanished silently. We could, therefore, not know what the actual number of the learners falling pregnant was.

Furthermore, the learner-parent is not forced to stay at school until the four weeks before her expected due date. The learner may stay in school until four weeks before her expected due date as specified by a healthcare provider or choose to take a leave of absence earlier, if this is advised by a healthcare provider on medical grounds, or if she feels unable or unwilling to continue attending to school at any time during her pregnancy.

The viewpoints of parent and caregivers of the learner and the school should be respected when considering how long a learner should continue at school. If no medical certificate is provided to verify the health of the learner, the school may require the learner to leave school at an early date. The policy supersedes any other rules on absence.

The other concern is:

2. Seeing a pregnant learner in the school may encourage other learners to become pregnant or have a detrimental effect on the moral standards of Namibia.

Honourable Speaker, at all regional consultations held with learners, an overwhelming majority of learners were not in support of this suggestion that seeing a pregnant learner would encourage them to also fall pregnant. Many felt that seeing a pregnant learner would have quite the opposite effect on them. Several pregnant learners interviewed for this and other Namibian studies indicated that they would become actively involved in efforts to persuade other learners not to make the same mistakes, rather.

The other concern is that:

3. Learners return too soon after the birth of the child. Honourable Speaker, the policy clearly says that the learner may not return to school until such time as the health of the learner-parent and the health of the infant has been established and cleared by a healthcare worker. Further, the policy states that learners may only return to school when the care of the infant by a responsible adult has been arranged and has been established and verified by a social worker or the principal, if no social worker is readily available. The learner-parent and her parents, primary caretaker or guardian must also provide a signed statement with an exposition of how the infant will be cared for and an undertaking to maintain open communication with the school.

The learner may choose to return to school as soon as she can supply the specified documentation or she may choose to take a longer period of leave for up to a maximum of one calendar year from the date on which she left school before, because of pregnancy. She may take longer leave, but then her place at the school will not be reserved. The learner, however, does have to indicate her intention to return to the school in order to reserve her place. The learner is also entitled to the option of transferring to another school, irrespective of age and without special authorisation provided that space is available at the other school.

Another concern is:

4. A policy on learner pregnancy should be punitive to provide a deterrent.

Honourable Speaker, this position has been advocated by many stakeholders, however, this position violates International Law and the Namibian Law as well. The treatment of pregnancy as a disciplinary offence undermines accessibility to education. Furthermore, data shows that learner pregnancies are frequently the result of forced sexual intercourse.

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If a learner is asked to leave school because of her pregnancy, this amounts to punishing a schoolgirl for a situation over which she may have had no control. Blaming the victim is not an acceptable policy provision.

In the area of School Safety and Security, the Ministry brings to the fore the fact that the recent developments and incidents at St George Diocesan College did not go unnoticed and it is by no means an acceptable occurrence to happen in our schools. Admittedly, the Ministry needs to critically look into the issue of security and safety of learners and teachers in our schools. We are also cognisant of the fact that many children in our schools are exposed through internet and other electronic media on what happens everywhere in the world. Although ours is a small population of learners, the reality is that our learners are vulnerable, inquisitive, adventurous and thus, open to external influences.

One of my priorities as per my Ministerial Declaration of Intent that has been submitted to His Excellence Dr Hage Gottfried Geingob is the provision of ICT in our schools. As we now enter an era of the Post 2015 Sustainable Development Goals (SDGs), I see ICT as an important paradigm in the provision of education in the 21<sup>st</sup> century. This calls for clear guidelines on the usage of electronic devices meant for the purposes of teaching and learning in our schools. It is pleasing to note, Honourable Speaker, that many schools in Namibia have introduced eLearning. I believe this is the way that education is going. However, this well intended mode of education is sometimes abused thus, my call for schools to implement clear rules and guidelines on the usage of e-Learning.

Honourable Speaker, although no incident happened at the school in question, the reality is that such violent threats to life cannot be allowed in our System of Education. The learners are in many cases exposed to programmes that they watch at home on television and on the internet. The incident at St Georges College has awakened us to the extent where we have recommitted to make schools a safe environment for both our teachers and learners. We also plead with parents to ensure that children are guided while at home and ensure that cellular phones, iPads and all

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computers are used for educational purpose and not used irresponsibly, as irresponsible usage may cause irreparable damage to our children and our society.

The current *Education Act* review has taken this matter up through provision of guidelines in order to ensure that we establish a safe, disciplined and purposeful school environment dedicated to the improvement and maintenance of the quality of learning and teaching and to create a caring and nurturing environment for the learners to also develop into caring, honest and responsible adults.

The Ministry within the provision of this Act will strengthen the fact that children must respect the dignity, person and property of teachers; learners and members of the public; and that a learner may not bring onto the school or hostel premises or have in his possession, any firearm, bow or arrow, *panga*, knife or any other dangerous weapon.

Against this background stated above, the Ministry will strengthen the security measures at our schools to ensure maximum safety of all learners and teachers through the building of fences and the provision of security services in schools, which are already in place, at some schools. I also urge teachers to be vigilant at all times and address issues of bullying and excessive teasing before it escalates and leads to psychological and physical harm.

In conclusion, Comrade Speaker, I am proud to put it on record in this august House that Namibia is the only country in the SADC Region to have developed this inclusive and deliberate policy to allow re-entry of girl-children in schools after pregnancy or during pregnancy – *omake, omake!* (applause) My Constituency up here is very happy. It is something we need to celebrate as an achievement. This position has been taken in line with the Namibian Constitution that puts education as a Right and not a privilege and our President's clarion call that – ***no Namibian must be left out***, and pregnant girls are Namibian. The Ministry of Education, Arts and Culture takes learner pregnancy in a very serious light where the perpetrators of pregnancy are men of all walks of life who prey

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on innocent and vulnerable girls. In as far as, this Ministry is concerned, it sees this policy as articulate, responsive and relevant to the situation in Namibia. We may not be the only Sector that should solve this problem in the long run, as we are aware that this requires a multi-disciplinary and multi-sectoral approach to resolve it.

The Ministry of Education, Arts and Culture will endeavour to engage all stakeholders in order to effectively implement this policy. Equally, we call on parents to ensure that while at home, children are guided on what they watch on television and how they utilise electronic devices that are meant for the purposes of teaching and learning. The parents also have a major role to play in assisting and complementing the efforts by the Ministry of Education, Arts and Culture. Equally, all members of society have a prominent role to play in addressing matters of sexual exploitation of our girls at all critical and relevant platforms, including this august House. I thank you, Mr Speaker.

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**HON SPEAKER:** Thank you very much, Minister. We are behind you, the Nation is behind you for the sake of the future of our young people. They are the Leaders of tomorrow, so we need to do everything possible that they are protected and cared for in order to guarantee their future.

Honourable Minister of Home Affairs do you want to come in? Sorry, the system was down here. Yes, Honourable Dienda, you have the Floor.

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**HON DIENDA:** Thank you, Honourable Speaker. Honourable Speaker, as much as I appreciated this Ministerial Statement, I would like to make

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one thing clear. I would have liked for the Honourable Member to bring this matter as something that has to be discussed in this Honourable House.

Honourable Speaker, our country, Namibia – when this policy was adopted in Cabinet in 2009, I was a Member of Parliament in this House and as a lawmaker, my concern is – I feel I have the Right to give my input on the policies, which needs to be implemented in our organisations and Ministries.

Therefore, as a Member of Parliament, I feel that we have to debate and discuss this policy. As a teacher by profession, it is my call that this policy be debated in this House so that we can give our inputs. Our inputs were not given by the Members of Parliament, but only by the Cabinet and there is where my problem lies, Honourable Minister. If the Minister is saying that there is an outcry in the newspapers where the people are talking about this policy, whether it is perceptions or misconceptions, whatever it is, it means that there is a problem and that problem needs to be addressed.

It seems that this policy was not thoroughly discussed with other stakeholders – stakeholders were not involved.

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**HON MEMBER:** What about the Legal Assistance Centre?

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**HON DIENDA:** Hallo! The Legal Assistant Centre is not the only Institution in this country that can come and make decision which we just have to follow, but all of us as parents – as a mothers, as a teacher by profession and as a Lawmaker my input is needed, so I am requesting the Honourable Minister, with all due respect – I have a lot of questions to ask – this is a Ministerial Statement and I feel that my input needs to be given

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thoroughly this House where I am a Member of Parliament and a Lawmaker. Thank you.

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**HON SPEAKER:** Thank you very much. Honourable Minister, do you wish to reply briefly to that comment, whether there is a room for further inputs?

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**HON MINISTER OF EDUCATION, ARTS AND CULTURE:** Comrade Speaker, there is no problem, if the policy (*intervention*)

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**HON SPEAKER:** Sorry, let me take all the comments first.

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**HON MINISTER OF EDUCATION, ARTS AND CULTURE:** Okay.

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**HON SPEAKER:** Yes, Honourable Deputy Speaker please. You have the Floor. I am sorry. I did not see you.

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**HON DEPUTY SPEAKER:** I just support the idea to bring the policy here so that we can debate it. Thank you.

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**HON SPEAKER:** Thank you very much. Any further comments

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or questions before I ask the Minister to respond? I see none. Minister of Education, Arts and Culture you have the Floor.

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**HON MINISTER OF EDUCATION, ARTS AND CULTURE:** Thank you, Honourable Speaker. Any Policy or any Law in this country is not cast on stone and I am of the belief that when we are making Laws and Policies we are making them to serve the people and if we realised that our Laws and Policies are not serving the people that they need to serve, then there is a need for us to collectively revisit such. I am most willing to bring it back. It can come back. *(Applause)*

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**HON SPEAKER:** Good. There you have it. I am not going to ask Honourable Ithana to take the Floor.

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**CIRCUMSTANCES SURROUNDING  
A GROUP OF 82 TRAVELLERS WHO  
WERE REFUSED ENTRY INTO THE COUNTRY**

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** Thank you, Honourable Speaker. Honourable Speaker, Honourable Members, I rise today, to make a Ministerial statement aimed at properly informing this august House of the circumstances surrounding a group of 82 travellers who were refused entry into the country by the Immigration Authority of the Ministry of Home Affairs and Immigration.

As a background, on the 24<sup>th</sup> of September 2015, the Ministry of Home Affairs and Immigration received a letter from a Mr Andreas Shafombambi, writing in the capacity as National Chairman for Johane

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Masowe WeChisanu Apostlic Church. The letter was dated the 22<sup>nd</sup> September 2015. The letter was to inform the Ministry that there would be a Baptism Convention from the 27<sup>th</sup> of September to the 14<sup>th</sup> of October 2015, in Windhoek and that there would be delegates arriving from South Africa, Zambia, Botswana, Zimbabwe and the United Kingdom to attend the said Convention. Note must taken that no application forms for Permits or Visas were attached.

On the 25<sup>th</sup> of September, this year (2015), the Permanent Secretary in my Ministry responded to the said letter and informed Mr Shafombambi that permission was not granted for the intended travellers to enter Namibia. The contents of our letter were ignored and on Saturday 27<sup>th</sup> – Sunday I think – 27<sup>th</sup> of September 2015, a group of 82 people arrived at Hosea Kutako International Airport to attend the said Conference. All of them were refused entry for not being in possession of Visas or Permits to enter the country as required by the *Immigration Control Act, 1993 (Act 7 of 1993)*.

Comrade Speaker, I pause to mention here that in that group 12 are children under the age of 13. On Sunday 28<sup>th</sup> of September 2015, an Urgent Court Application was brought against me and my Permanent Secretary, challenging the refusal to allow the group in the country. The matter was heard by the High Court on an *ex parte* basis, that is, in the absence of the Respondent, which is a very unusual situation or circumstance and an order was granted against us. It was ordered that the travellers could not be denied entry on the basis of our letter dated the 25<sup>th</sup> of September 2015.

Honourable Speaker, Honourable Members, I can inform this august House that our officials worked around the clock for the past two days to interview the travellers one by one and determine whether or not they indeed meet the entry requirements set by the Law. The interviews were concluded last night, and all the travellers were again, denied entry into the country on the basis that they have no sufficient means of sustenance and others required employment permits for the activities they wish to conduct in the country.

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Air Namibia, the carrier that brought them into the country takes the responsibility and arrangements have been made that all the travellers will be out of the country by the end of today. (*Applause*)

I can just add, Comrade Speaker, that until this moment, not a single one of them has lodged an application for permission to be allowed entry into the country. As per their own information, some of them are coming to preach and baptise. Therefore, employment permits are required for this. Others allege to just come and attend the Conference and they require visitors entry permits for purposes of attending a Conference.

Honourable Speaker, Honourable Members, I want to make it categorically clear to those who wish to travel to Namibia that our Laws must be adhered to. (*Applause*)

The *Immigration Control Act* sets out the requirements to be met in no uncertain terms although our Constitution, ranked one of the best in the world, permits people to approach our Namibian Courts for relief. I want to caution the world over, that as a sovereign country we have a duty to administer our Laws. I thank you.

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**HON SPEAKER:** Thank you, Honourable Minister. Honourable Minister, the countries you have listed where these people came from – it so happen we have Embassies and High Commissions in all those countries, there is thus, no justification for someone to say, they could not access the necessary Visas, Permits etcetera. I just wanted to reinforce your message. Thank you.

Yes, Honourable Dienda. You have the Floor.

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**HON DIENDA:** Thank you, Honourable Speaker. I just have a question

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to the Minister of Home Affairs.

Honourable Minister, do you not think it is time for us to regulate Churches in our country? We are circular State, there is no Law in this country that regulates Churches and the Council of Churches does not regulate Churches in this country.

Do you not think it is time for us to bring in a Law to make sure that we regulate our Churches?

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**HON SPEAKER:** I think it is not just the Law, but I think even at the Church level, there must be a system, mechanism for Church Institutions to belong to a certain body, so that there is a kind of system of accountability, etcetera, however, it is maybe not for now, we should direct the question to the Namibia Council of Churches.

Otherwise, Honourable Minister, you have the Floor to respond.

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** Honourable Speaker, the question is relevant, yet the answer can be really wide because regulating Religion or Churches is not just a domain of Home Affairs. The people who are going around claiming to be Religious Leaders come in the country through dubious means. Some come as Welfare Organisation Representatives, others as traders through the Ministry of Industrialisation. At the end of the day, you are faced with a plethora of people calling themselves Church Leaders, yet they do not even belong to the Council of Churches. You just do not know where to touch, but probably the Inter-Ministerial Committee comprising of Ministers or Ministries concerned – Home Affairs, Industrialisation, probably even Education, you never know – we need to come together and look at this matter. It is not purely a matter of Home Affairs and Immigration.

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**HON SPEAKER:** Yes, indeed. Thank you. Honourable Chief Ankama.

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**HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES:** Thank you very much, Comrade Speaker. I just stood up to thank the Minister of Home Affairs and to express my feelings about the way they handled the whole issue.

Well, you see – the first instance is that when you have people coming up like this – in actual fact, it is anarchy to just go to another country or someone's country like that – simply picking up your bag and then you get into the plane is anarchy, it is unheard of.

The way the Ministry had handled this whole issue should be commended, and I believe even if they have Churches here, their God is not probably bigger than ours is, therefore, there should be some kind of understanding. *(Interjection)* We also pray, we are believers. How can they just decide their God is much bigger than ours is?

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**HON MEMBER:** So, how many Gods are there, according to you?

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**HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES:** What I am trying to say is, Comrade Minister, you remain steadfast. Stay where you are and do what you think is appropriate for our country.

The question I have is – who footed the bill? Where did these people stay? Who is footing the bill in actual fact? Maybe it is already settled, I do not know, but who kept these people here? I am concerned, because these people came here and they did not come by foot, they travelled by

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Plane, and when you come by plane, you should have some insurances and all the other requirements. Did they meet the requirements to enter by plane? That is the only concern I have. Otherwise, I really support you wholeheartedly.

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**HON SPEAKER:** Thank you. I have a few more hands. Honourable Minister, you attracted a lot of questions. Honourable Nauyoma please.

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**HON NAUYOMA:** Honourable Speaker, I also want to come in on this very patriotic job that our Ministry of Home Affairs have done, but my question is – we are taken for a ride by this world. I cannot imagine somebody who all along, comes here as a teacher and next week he or she is a preacher. I do not know how these permits are working, because you cannot apply as a businessman today and then the next morning you are a preacher. I do not know – how does this really work?

I think our Authorities need to pull up their socks – because there are a lot of disturbance around this country now, since I do not know what qualifies a person to be preacher. To be teacher you need some qualifications, to be a nurse, you need some qualification, but to be a preacher you can just wake up in the morning and say – *I am a preacher hallelujah, amen!* And all that (*laughter*) I think we are being taken for a ride. People are coming from everywhere and Churches are mushrooming all over the place, every *kambashu* is now a Church and all sorts of things are happening. It is as if we do not have Authorities.

Our liberal system should not be abused. We really need to improve our Laws. We are not stopping Churches, but things must be in order. The preachers must apply to come to this country as preachers not as something else and then change. They need to be arrested for that, because they are fooling us. If you are businessman, you are

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Businessman, and if you are a teacher, you must be a teacher, you cannot be both on one work permit. That is very serious. I think the Ministry has done well and we must continue to sniff out some of these permits that are being accepted in this country. Thank you.

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**HON SPEAKER:** Thank you, Honourable Muharukua.

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**HON MUHARUKUA:** Thank you, Honourable Speaker. I was just seeking clarity from the Minister, partly the reason for that is that I do not want the Ministry to be misunderstood – that is why I am seeking clarity. I heard the Minister saying that in the *ex parte* application, the Court has ordered that these people be allowed into the country.

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:**  
Could you please repeat that?

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**HON MUHARUKUA:** I heard the Honourable Minister to have said – the Court had ordered that the people be allowed into the country, but I have also heard the Minister to have said that what the Ministry has done is, it went back and applied due procedures to see whether these people should be allowed into the country or not. The letter, I believe, would have been the right course to follow, because they have that responsible toward the people or us.

What I want to seek in terms of clarity is – was the Minister being accurate when she said that the Court has said that the people must be allowed in, because it would seem as if the Ministry was in contempt of

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the Court order. I am just saying, perhaps she was just mentioning it as a broad order, that is – *do what you are supposed to do to see to it that those who should come, should come and those who should not, should stay out.* I just want that clarity.

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**HON SPEAKER:** Thank you. The Minister will respond to that. Honourable Dr Haufiku please.

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** Thank you very much, Comrade Speaker. Mine is just a technical question to the Comrade Minister, but first of all, let me also congratulate her and the team for the job well done.

I am just thinking, mathematically you have about four countries that are basically sharing the border with us, which are Members of the Southern African Development Community and that we interact with, almost on day-to-day basis. Then you have such a large number of people from these countries landing at our Airport at the same time and all of them taking our Laws for granted, saying – *we can just go to Namibia.*

What are the chances that these fellow Africans committed the error simultaneously and they all took a decision that – *whatever comes, we are going to go to Namibia?* Could it be that either within our Embassy or within our country, one person possibly transmitted wrong information to all these people? Which one is mathematically most likely? That is why I said it is a technical question. I am not defending them. I am just trying to probe the scientific nature of it. What are the probabilities that the Church in Zambia, the Church in Malawi or Zimbabwe and the group in South Africa – all these Churches just forced their way and decides to ignore the Namibian Law – all of them, at the same time? In technical terms, what are the chances that this was the case?

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The last point is that – it is really a victory, but perhaps not that big for us to celebrate since these things are ongoing in our country. We already have a lot of people here who not only spread false information, they are actually exhort money from our poor people in the name of the Church and basically conduct their businesses, not necessarily from the country from which these people were arrested.

What I am suggesting is that – the battle is not really over, it may just have started in order to clear our society from unscrupulous people. From my side as a health professional, I am battling with these people, because many of them are claiming to be traditional healers or prophets who even tell people to stop taking their medicine, because they pray for them. Therefore, the battle is not over – I was just probing and throwing this in for a discussion.

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**HON SPEAKER:** Thank you very much. Honourable Maamberua.

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**HON MAAMBERUA:** Thank you, Honourable Speaker. This is actually not the first time that people have travelled using some Airlines without proper documentation, most probably also including Air Namibia, and would have been held at the Airports.

I have to make that statement because from my own experience, there are Airlines in Africa where you will not board their aircraft unless if you show proof that you have the necessary documents – either a visa or relevant documents to the country of destination.

What I have experienced is that an Airline like the Ethiopian Airline, you will never get onto that aircraft unless if you can show proof of that. During my venturous youth days, I have done it and I had to remind behind in several other countries just to take a lift in other more relaxed or

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flexible airlines to reach that same destination, that Ethiopian Airlines would not allow. The crux of the matter is – is Air Namibia really stringent enough with these rules, because I would imagine these are international rules that oblige airlines not to just board anybody to just go to any destination, without making sure that those passengers are properly documented.

The next question, therefore, is maybe to just encourage the Minister of Public Enterprises to check with Air Namibia, because that is now a cost to the taxpayers as that they have to carry these people back to their destinations – they would probably have to foot the bill for what these people have been eating at the Airport, because they are now responsible according to what we have just heard – just avoid this from happening again, otherwise we are going to lose a lot of money, because of lack of stringent rules by our own airline. Thank you.

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**HON SPEAKER:** Thank you. Honourable Attorney-General.

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**HON ATTORNEY-GENERAL:** Thank you, Right Honourable Speaker. I want to first, declare that I am a son of a Bishop. (*Interjection*)

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**HON MEMBER:** Which Bishop?

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**HON ATTORNEY-GENERAL:** He is a retired Bishop. Therefore, when I speak, I am not speaking as the household member (*interjection*)

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**HON MEMBER:** Are you a priest?

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**HON ATTORNEY-GENERAL:** I am not a Priest, I just wanted to make that declaration first.

Honourable Speaker, I am actually very delighted that since we took off with our discussions this year, this is one of the first where there is concurrence across the Floor and hopefully this reflects the thinking of this society that – *enough is enough* – where you see happy clappy overnight Bishops and people, who, when you call them tell you – *I am blessed*, as if there are those who are not blessed.

One of the comments made in asking the Minister, made reference – I think it was Honourable Ankama – where some of these things are coming from – it is quite surprising that in our homes, in our society, in our Ministries and in our offices we read in the papers how, for instance, a woman is conned of money or in Brazil a Pastor believes that milk comes out of his male organ, and he is arrested – it is a case, they are in our society. The time has come, and I agree that those who have hobbies of moving Motions, like my Friend Honourable Dienda, can perhaps commence, engaging her hobby and put it on the Floor.

However, I just want to make a factual correction. Honourable Muharukua in asking, made mention of an *ex parte* application and an *ex parte* application is where a party, without notifying other parties may have an interest and apply to the Court for an Application or an order to be granted, it was not the case in this instance, this was an Application which was made, but was not served on the Government. Sometimes we want to behave as if, when things are happening, I will be in my home and I will be happy and safe – *it is going to happen to those Government people*. It is they *versus* us and I do not know at what point a sense of patriotism encroaches into the minds of those who just go to Court to apply for such a thing (*interjection*)

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**HON MEMBER:** On a Sunday.

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**HON ATTORNEY-GENERAL:** On a Sunday, the holiest of their days. *(Interjection)* It is fine, but what I am saying is, even if you are lawyer, when Boko Haram or some Religious Sect infiltrates, they could infiltrate the mind of your very child or daughter. All I am saying is, it was not an *ex parte* Application, I am correcting you on a Point of Information that it is an application that was not served on the Government. I would think that Honourable Muharukua who joined in the discussion here is also concerned as a Leader, he is also concerned as a Lawyer for the wellbeing of this Nation and would, therefore, agree with me that it should not be the case that when you bring an applications against a Government Institution with such a responsibility – and maybe it could be Youth and Sport – that responsibility is still big, because it is a responsibility handed over by the State to that Institution – you should at least at the least serve those who should represent the Government. I hope I can have your concurrence and also hope that you will be the one to speak in the way you are speaking here in this House, and you tell those who are *lawyers by tribe*, as Dr Kawana said – you do not have to agree with the Government, but give them the opportunity, otherwise, it would have been an opportunity for Government to state the case that, notwithstanding the fact that you would like to come and pray – and I do not know whether there is a difference between praying and preaching – it is important that *(intervention)*

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**HON SPEAKER:** I will give you an opportunity. Let the Attorney-General complete his statement. You can go ahead.

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**HON ATTORNEY-GENERAL:** As I was saying, I did not rise on a Point of Order and while I am responding to that – just to correct you – I

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wanted to implore upon his professional patriotism and national sense of being that we have to agree that we may disagree that to do things just on the corner and then come out and say – *I have a Court Order*, and now we are faced with this situation – questions are being asked about who is feeding them, and when it comes, I hope Honourable Maamberua will not say in that Committee – *it was an unauthorised expenditure to buy them apples and oranges*. These things impact the whole society and not just those you think – *they, they, and they*. If the ship sinks, we all sink. Thank you, Honourable Speaker.

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**HON SPEAKER:** Thank you very much. I think we should really thank the Honourable Minister, Honourable Iivula-Ithana for briefing the House – the discussions so far and the question raised were all positive, and I can see why Honourable Muharukua is little bit taken aback. Is there something that was said that you want to correct?

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**HON MUHARUKUA:** Yes. Honourable Speaker, I want to correct – in fact, not the words, but the understanding of my Learned Colleague, the Attorney-General.

I think the art of listening is very important so that when we interpret the information that enters our ears and our heads, we do not impart wrong information. I believe that I have commended the Ministry for doing what they are supposed to be doing, because – yes, I will perhaps not go as far as the fact that it has a lot to do with our security, but it does, you are right.

My Brother or my Learned Friend there is one important thing to the tribe of lawyers, as you now wish to call it in Namibia and it is that we are allegiant to the Law – I am sure you are alive to that fact. We are the people who make the Laws, we do not just apply them. If you get instructions to

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take any person to Court, including the Government at a given time, you are allegiant to the Law and the Court interprets the Law. Let us, therefore, not crucify the lawyers for doing what we have assigned them to do. However, all in all, the service is not always possible and you know that. Yes, you wanted to say – *AR* at the last minute, so we all know that (*intervention*)

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**HON SPEAKER:** Let us leave it there.

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**HON MUHARUKUA:** However, let me conclude by saying the following:

Perhaps just to clarify to the House for those who misunderstood me – I sought clarity from the Minister to clarify so that the Ministry do not to look bad or perhaps, if it did indeed happen like she explained – to explain to the House why the Government acted as they did, why it was not necessary. I did not necessarily say they did anything wrong, because I am not alive to the full facts and in fact, thank you for the fact that you are informing us that it was not an *ex parte* application so you partly assisted the Minister in that regard.

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**HON SPEAKER:** It is on that point where I want to thank both of you because I think the Attorney-General, actually clarified the legal position, which was quite useful for the record.

With that said and done, I now ask the Honourable Minister, whether she want to reply. Honourable Kawana, I do not know how I missed you –you have the Floor please.

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**COMMENTS AND QUESTIONS ON  
MINISTERIAL STATEMENT  
HON DR KAWANA**

**HON MINISTER OF JUSTICE:** Honourable Speaker, I rise to add my voice to the Ministerial Statement of my Senior Colleague, the Honourable Minister of Home Affairs and I thank her for informing the Nation through this Chamber.

I am not going to join my fellow *lawyers by tribe* because of those procedures, I believe the Debate does not really belong to this Chamber. It is something that can be taken up at a different forum in the Court of Law through the capable hands of my Learned Colleague, Honourable Attorney-General.

However, what I really wanted to add my voice to is this thing of Churches. Honourable Minister, my advice would maybe be to approach the Council of Churches of Namibia (CCN) and see what can be done. I support those Colleagues who say we need a Law in Namibia that will guide the process so that we follow that process. Our people are dying. Honourable Minister, during the 90s, before this life-saving drugs were introduced, I recall that we were facing a problem, not only here in Namibia, but especially on the African Continent and more so, in the Sub-Saharan Africa.

With the mushrooming of this so-called “Churches” – I put them in quotation marks because I do not really recognise them as Churches. You find that they are advising our people, as Dr Haufiku has said, not to take their medication and today, we are, in fact, experiencing the resurgence of funerals, principally because of this problem and whenever we are faced with this, it has an economic impact on the Government although there is Freedom of Religion as provided for in the Constitution. However, because of some of the conducts the burden really comes to the society; the burden comes to Government; the burden comes to the State; and I think it is high time that we approach and address this issue.

Sometimes, some of the so-called “Churches,” as it was said – even bring poverty. Sometimes people are even required to arrange for a stop order where every month, 20% of your salary must go to this so-called

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**COMMENTS AND QUESTIONS ON  
MINISTERIAL STATEMENT  
HON IIVULA-ITHANA**

“Church.”

Comrade Minister, I think the time has come to take action and when we take action, let us involve the CCN in this regard. I thank you.

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**HON SPEAKER:** Thank you. This point has been well covered and I need to ask whether the Minister would like to share one or two comments.

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** Thank you very much, Comrade Speaker. I am pleasantly surprised that the whole House is in agreement with how we have handled this matter. Your show of patriotism and nationalism is really appreciated by us.

We may not have handled the matter the way it was supposed to be handled initially, and that is on the basis of which the Court found that our letter was not relevant and cast it aside, but then the issue is – when somebody writes a letter to a Permanent Secretary and is not even applying for any Permit or Visa, he is providing information that we are coming to do *a, b, c, d, e, f, g*. That is why, in the mind of – I want to get to the mind of the Permanent Secretary, he must have felt that the authority of the State is being challenged – this when Mr Shafombambi instructed the Permanent Secretary that – *we are coming to do our Baptism Convention*.

Now, the questions that have been asked are that these people have lived at our International Airport since Sunday and, obviously, they must have been served in one way or the other. The ablution facilities that are meant for passengers who come through and go wherever they are going were now permanently occupied. It is an expense in itself where the Namibia Airport Company must incur some expenses, the bulk of it would be

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**COMMENTS AND QUESTIONS ON  
MINISTERIAL STATEMENT  
HON IIVULA-ITHANA**

carried by Air Namibia itself. Lucky enough, all these passengers had return tickets; all of them, but they might be some shortfalls here and there, which Air Namibia itself must just carry it, there is no other way. That is a lesson too. It is a lesson to our national carrier and for those of you who have not been here longer, I have been an advocate for Air Namibia – I was an advocate for this Airline both here and at the Ministry, every time. However, they ended up doing this kind of sloppy job, costing them money, costing the State money that the State does not have and they themselves do not have either. It is amazing – the size of the suitcases these travellers had – you might have seen them on the television, they were huge, and I asked myself what the content was. Obviously, we did not go into the content of their suitcases, but we are putting the State at a security risk.

However, let me also at this point, thank my Comrade, the General, because immediately that situation arose, we called on his forces and they were there 24 hours with our Immigration Officials. I would also like to thank my officials on this score, for having lived up to our expectations.

The other question was how it happens that somebody comes here as someone else and the following day, he or she is a preacher:

That is precisely the loophole, because somebody applies through the Ministry of Trade, for example, to come and invest as a business person, and as such, this person would be given a Business Visa, however, when he or she is here, who will go around checking what this person is actually doing? The majority of them end up doing what they are doing, it is actually business – they are doing business, because our people are so gullible, I must say this. We are so gullible – we are called to throw away our medications, because this person is going to pray for us, we are going to get well, and we really believe it – we believe it! We have been telling ourselves that we are 99%, a Christian Community. Is that the case now? No, that is all gone.

Honourable Muharukua, your question was answered by the Attorney-

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**COMMENTS AND QUESTIONS ON  
MINISTERIAL STATEMENT  
HON IIVULA-ITHANA**

General. Actually, what had happened is that the lawyer of the Applicant went to Court without serving the State, and in the end, they even fabricated a story that they have apparently, called up one of the lawyers on that Sunday and unfortunately, that lawyer was not even in town – which was not even factual. They did not serve us and, therefore, I just used a wrong word when I said – *ex parte*.

Who must have given wrong information to the group? Well, I do not want to attribute blames on anybody, but the representative here is Mr Shafombambi. If there is anybody whom we could be pointing a finger to, it is this person who seemed to be the link between them and ourselves as a National Director. He must have directed them as to what needed to be done and that is why the people came without the necessary Permits and Visas. Yes, it is true that there are unscrupulous people all over and for those who are calling for something to be done, it is also true that the situation is beyond the Ministry. The Ministry is unable to act because we are not the ones giving the authorisation for people to come in the country – when they appear at the airport with the necessary Visas and Permits, we have no reason to keep them at the airport, we allow them in, but the scrutiny elsewhere, is where things are not truly tighten up and I hope from here on, we are going to get together and see what can be done to close the loopholes.

The Council of Churches of Namibia has been seeing us, they are also disturbed. They are also trying to avoid conflict of interest because they do not want to be seen as protecting their turf, yet the turf is really being destroyed. It us from Government who are unable to probably come their aid.

Now that we have this fresh situation on our hands, I hope that we will take proactive action to invite others, so that we sit together and see how we can proceed from here on. I hope I have addressed all the concerns that were raised. I thank you very much.

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**COMMITTEE STAGE – INCOME TAX  
AMENDMENT BILL  
HON SCHLETTWEIN**

**HON SPEAKER:** Thank you very much. I now call upon, Honourable Hinda. Your name was on the list and you have been waiting for quite a while.

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**HON HINDA:** No, Honourable Speaker, what I wanted to say was actually overtaken (*intervention*)

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**HON SPEAKER:** By the lengthy questions. Well, the Secretary will read the First Order of the Day.

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**COMMITTEE STAGE – INCOME TAX  
AMENDMENT BILL [B.9 – 2015]**

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**SECRETARY:** Committee Stage – *Income Tax Amendment Bill* [B.9 – 2015].

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**HON SPEAKER:** Does the Honourable Minister of Finance Move that the Assembly now goes into Committee?

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**HON DEPUTYMINISTER OF FINACE:** I so Move, Honourable Speaker.

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**HON SPEAKER:** Any objection? Who seconds? Agreed to. I now call

30 September 2015

**COMMITTEE STAGE – INCOME TAX  
AMENDMENT BILL**

upon the Deputy Speaker, who is also the Chairperson of the Whole House Committee to take the Chair.

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**ASSEMBLY IN COMMITTEE**

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**HON CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**

The Whole House Committee is called to order. The Committee has to consider the *Income Tax Amendment Bill B.9 – 2015*].

I put Clause 1, 2, 3 and 4. Any discussions? Any objection? Agreed to.

I put Clause 5, 6, 7 and 8. Any discussions? Any objection? Agreed to.

I put clause 9, 10, 11 and 12 any discussion, any objection, agreed to.

I put the Title. Any discussions? Any objections? Agreed to.

I shall report the Bill without Amendments.

Honourable Speaker, the Committee has gone through the Bill [B.9 – 2015], as set out in all the accompanying documents and agree to it without Amendments.

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**ASSEMBLY RESUMES**

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Bill reported without Amendments.

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**THIRD READING – INCOME TAX  
AMENDMENT BILL  
HON ITHETE**

**HON SPEAKER:** Thank you. Does the Honourable Minister of Finance Move that the Bill is now read a Third time?

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**HON DEPUTY MINISTER OF FINANCE:** I so Move, Honourable Speaker.

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**HON SPEAKER:** Any objection? Who seconds? Agreed to. Any further discussion?

Does the Honourable Minister of Finance wish to reply? the Deputy Minister has the Floor.

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**HON DEPUTY MINISTER OF FINANCE:** Yes, Honourable Speaker. I would like to thank the Honourable Members for handling this process in a very mature and speedy manner. Thank you very much.

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**HON SPEAKER:** Thank you. I now put the question that the Bill be read a Third Time. Any objection? Agreed to.

The Secretary will now read the Bill a Third Time.

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**THIRD READING – INCOME TAX  
AMENDMENT BILL [B.9 – 2015]**

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**SECOND READING – PUBLIC  
PROCUREMENT BILL  
HON DIENDA**

**SECRETARY:** *Income Tax Amendment Bill* [B.9 – 2015].

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**HON SPEAKER:** The Secretary will read the Second Order of the Day.

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**RESUMPTION OF DEBATE ON SECOND  
READING – PUBLIC PROCUREMENT BILL [B.8 – 2015]**

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**SECRETARY:** Resumption of Debate on Second Reading – *Public Procurement Bill* [B.8 – 2015].

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**HON SPEAKER:** When the Debate was adjourned on Tuesday, the 29<sup>th</sup> of September 2015, the question before the Assembly was a Motion by the Honourable Minister of Finance that the Bill be read the Second Time.

The Honourable Deputy Minister in the Office of the Vice-President, Honourable Manombe-Ncube adjoined the Debate and I see she is not with us here. Is there anybody who might have been briefed by the Honourable Deputy Minister? Yes, you have the Floor.

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**HON DIENDA:** Thank you, Honourable Speaker. Honourable Speaker, I need to clarify something with the Deputy Minister, so I would like to ask the House if I could please adjourn this Debate until tomorrow. There is something quite urgent that I need to discuss.

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30 September 2015    **SECOND READING – REGIONAL COUNCILS  
AMENDMENT BILL  
HON DIENDA**

**HON SPEAKER:** Well, I suppose, it will now be between the two of you. Can we give the two of them that opportunity until tomorrow?

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**HON DEPUTY MINISTER OF FINANCE:** I would further propose that we adjourn until Tuesday.

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**HON SPEAKER:** So, there will be enough time. Can we agree to that? The discussion on this will be deferred until Tuesday, next week. Thank you very much.

The Secretary will read the Third Order of the Day.

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**RESUMPTION OF DEBATE ON SECOND READING –  
REGIONAL COUNCILS AMENDMENT BILL [B.11 – 2015]**

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**SECRETARY:** Resumption of Debate on Second Reading – *Regional Councils Amendment Bill* [B.11 – 2015].

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**HON SPEAKER:** When the Debate was adjourned on Thursday, the 24<sup>th</sup> of September the question before the Assembly was a Motion by Honourable Minister of Urban and Rural Development that the Bill be read a Second Time. Honourable Dienda adjourned the Debate and she now has the Floor.

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**HON DIENDA:** Thank you, Honourable Speaker. Honourable Speaker,

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**AMENDMENT BILL**  
**HON DIENDA**

Honourable Members, the *Amendment Bill* seeks to add an additional requirement in order for someone to be electable as a Member of a Regional Council or states that in order to be elected as a Regional Councillor, a person must be able to communicate, read and write in English the Official Language of Namibia, this is on Page 4.

Honourable Speaker, I do not have any problems with this requirement, but I have strong reservations about the practical implementation of this Provision. How will this be monitored and controlled? Will individuals who were democratically elected and the people believe will best serve their interest, be removed from office after it is found that they do not meet that requirement? Will the removal of a democratically elected official in such circumstances be constitutional? Will there be tests that are required to be written by all candidates who are nominated, to see whether they possess the necessary skills. I understand and I support the requirement, however, Honourable Speaker, I doubt it can be realistically implemented in practice.

Honourable Speaker, I also do not see us, as Members of Parliament making Laws which affect other people, but we do not make Laws that also affect us, because Regional Councillors, or people who want to contest as Regional Councillors might ask – *why do the same requirement of reading, writing and speak English not also apply to the Members of Parliament?*

Honourable Members, Honourable Speaker, the Bill proposes that in order for Regional Councils to appoint a Chief Regional Officer who is effectively the CEO of any Regional Council, the Regional Council will need the prior written approval of the Minister. Honourable Speaker, I think that it is dangerous to make the appointment of an individual who will work directly with the Members of the Regional Council and not with the Minister subject to the approval of the Minister. What happens in those instances where the Regional Council cannot get the authorisation of the Minister for a particular candidate as the Minister prefers another candidate? Does the position remain vacant until the Regional Council

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**AMENDMENT BILL**  
**HON DIENDA**

gives up?

Additionally, Honourable Speaker, how conducive and effective will a working relationship between such an individual and the Regional Council be? Honourable Speaker, the current requirement is that the Regional Council must consult the Minister prior to the appointment of the Chief Regional Officer, but the Bill now makes the appointment directly subject to the written approval of the Minister. I believe that the current requirement is sufficient in that it allows engagement and consultation with the Minister, but does not subject the Regional Council to the authority of the Minister as this can create problem when there is any disagreement about who would the suitable Chief Regional Officer should be. Honourable Speaker, I propose that the reasons for this change be set out in detail in order for this august House to understand what has brought about this proposed change and the need for the Minister to try and micromanage the appointment of staff members of the Regional Council.

Honourable Speaker, Honourable Members, the most important and significant Amendment to this Bill intends to bring about the prohibition of the sale of land in settlement areas to people who are not Namibians, foreigners – both individuals and foreign owned companies. The DTA supports all legislative and statutory measures that seek to bring about long overdue redress and create greater equality in land ownership in Namibia. It is our contention that a firm stance needs to be taken on this issue. It is, therefore, regrettable that aside from the acceptable exceptions in cases of, for example, deceased estates and mortgage bonds, the Minister is granted additional powers to grant a blanket exception that paves the way for foreigner to own immovable property in settlement areas in such other circumstances as the Minister prescribes.

Honourable Speaker, if we are truly serious about decreasing the amount of foreign owned land in Namibia then we cannot leave so much leeway for exemption and exceptions to this prohibitant. The exemptions included in the Bill are sufficient and there is no need for the Minister to be granted additional powers to identify other classes of foreigners to

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**AMENDMENT BILL**  
**HON JAHANIKA**

who land maybe sold or transferred.

Honourable Speaker, Honourable Members, the proposed prohibition will hopefully ensure that foreigners, non-Namibians and companies owned by foreigners do not buy land in future. My question is – and this is not addressed in this Bill – what statutory measures would be put in place, if any, to ensure that the massive land currently owned by foreigners is eventually owned by Namibians? The willing buyer - willing seller approach has failed or alternatively, it does not have the desired effect at the required speed.

Honourable Speaker, if anything, the exception in the *Amendment Bill*, which states that the prohibition does not apply to the administration of deceased estates only serves to further and strengthen the issue of the succession purchase of farms where many commercial farms in this country pass from one generation to the next in one family – many a times Honourable Speaker, this benefits foreigners without there ever being an option for the Government or a Namibian citizen to purchase those farms.

Honourable Speaker, Honourable Members the Bill rightly seeks to prohibit future foreign ownership of land in settlement areas, but it does not address mechanisms to regain the large tracts of land already owned by the same people. We are in the midst of a land crisis brought about by past monopolies and until we fix that, seeking to regulate future ownership, though it is a good intention, I believe will not significantly address the land shortages. This is my worry Honourable Speaker. Thank you very much, Honourable Members.

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**HON SPEAKER:** Thank you. I call upon, Honourable Jahanika.

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**HON JAHANIKA:** Thank you, Mr Speaker, I rise to make my

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AMENDMENT BILL  
HON JAHANIKA**

contribution to the *Regional Council Amendment Bill* as tabled in this august House by the Minister, Honourable Sophia Shaningwa.

Honourable Speaker, Honourable Minister, I want to know why the Minister who is not responsible for regional affairs, needs to approve the appointment of Chief Regional Officers? I think the approval must be left in the hands of the Regional Council. Can the Minister mention some few circumstances, which will necessitate the Minister to disapprove the appointment of the Chief Regional Officers, because when we talk about approval, there must also be disapproval? As for me, I do not see the need for the Minister's involvement, unless there are complaints about candidates experienced during the interview process. I am afraid that the Minister may use his or her muscle to dictate to the Regional Council which candidates to be appointed for certain reasons.

Honourable Speaker, according to me, this Bill has fallen short of addressing the harmonisation of the two Acts namely, the *Regional Councils Act* and the *Special Advisors and Regional Governors Act*, which created two centres of power in the Region which consist of elected Chairperson of the Regional Council and undemocratically appointed Regional Governors who are the regional political heads and indeed, powerless as it is a well-known fact, even known by the Regional Governors themselves.

Therefore, the *Special Advisors and Regional Governors Act* and *Regional Councils Act* could have been amended along the Constitution of the Republic in order to make provision for the direct election of the Regional Governors and Regional Members of the National Council. If the Regional Governors are elected by the electorate, they will be the Chairpersons of the Regional Councils in their capacity as the Regional Governors – as currently, they may attend the Management Committee Meetings of the Regional Councils, but they may not or cannot propose and vote, however, they are the political heads of the Region.

The Regional Governors must also deliver what I term SORA meaning –

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AMENDMENT BILL  
HON JAHANIKA**

State of the Region Address. However, how good will their addresses be as they are not involved in the day-to-day Regional Development Planning and Implementation? It is only in Zimbabwe and Namibia where Regional Governors are appointed by the President and contradict the principle of free choice by way of a democratic elections.

Honourable Speaker, (*intervention*)

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**HON SPEAKER:** Point of Order.

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**HON JAHANIKA:** Okay.

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**HON MINISTER OF JUSTICE:** On a Point of Order, Honourable Speaker – I know that the Honourable Member is a new Member of this Chamber, but what he is condemning is in the Constitution and in terms of our Rules – in fact, he is condemning a Provision that is in the Constitution, which is not really allowed.

Factually, it is also not correct to say that the Governors are appointed by the President, only in two countries, Zimbabwe and Namibia. On the contrary, in Botswana they are called Commissioners, and are appointed by the President, because they are Representatives of Central Government – they are Representative of State House, so he must understand it in that context. That is why they are appointed by the President, even in Botswana. He is, therefore, factually incorrect.

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AMENDMENT BILL  
HON JAHANIKA**

**HON JAHANIKA:** Honourable Speaker, although it is in the Constitution, I still do not agree that the Regional Governor must be appointed by the President. That is why I said, the *Regional Councils Act* and the *Special Advisors and Regional Governors Act* should have been amended along the Constitution, if that was done, I would not have said anything. Again, even if Botswana, Zimbabwe and Namibia are appointing Governors, it is against the principle of democracy.

Honourable Speaker, the Amendment of the Constitution makes provision for the Regional Councils (*interjection*)

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**HON MUHARUKUA:** Do not intimidate him.

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**HON JAHANIKA:** Sorry Comrade, do not intimidate me please. (*Laughter*) The Amendment of the Constitution makes provision for the Regional Councils to elect or appoint three Members to represent a particular Region in the National Council. And they are elected in their Constituencies on a full-time basis as Constituency Councillors, and now we have to come and stay in Windhoek for a number of weeks, by so doing neglecting their Constituencies and on top of that, some are being appointed as Ministers. Again, they must make sure that their Ministries are performing and, therefore, 42 Constituencies will be neglected for the next five years. The restriction of the eligibility for election as Members of the National Council – if they are Members of Regional Council's Management Committee, it still does not solve the problem of neglecting the 42 Constituencies.

Honourable Speaker, I hope that before the end of the new term of the Regional Council, which will start in the December 2015, our democratically elected Namibian Government, led by SWAPO will come to its democratic wisdom and amend the Constitution, the *Regional*

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AMENDMENT BILL  
HON SHANINGWA**

*Council Act, Special Advisors and Regional Governors Act, the Electoral Act and other related Acts to make provision for the direct election of Regional Governors and Regional Members of the National Council by the regional electorate.*

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**HON SPEAKER:** Point of Order.

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**HON JAHANIKA:** I thank you. *(Laughter)*

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**HON SPEAKER:** I think you just manage to complete before Honourable !Naruseb could come in. It is a very interesting intervention that you made because the same Party that led the Amendments to the Constitution is the same Party you are appealing to, to reverse what they have done. Is that what you are saying? Any further discussions? I have exhausted my list.

Let me now call upon, the Honourable Minister and see whether she would like to reply. Honourable Minister, you have the Floor.

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:**  
Thank you very much, Honourable Speaker and Honourable Members of this august House. I also thank the Honourable Members who have contributed to the proposed ones *.Amendment Bills.*

I am not prepared today, to provide answers to the questions posed. I am, therefore, requesting your indulgence Honourable Speaker and the Honourable House that I be given some time and to prepare so that I can

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AMENDMENT BILL  
HON SHANINGWA**

provide professional answers to what was posed to me. Thank you, Honourable Speaker.

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**HON SPEAKER:** Is that now for tomorrow or Tuesday?

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:**  
Tuesday.

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**HON SPEAKER:** Thank you very much. We will conclude  
*(intervention)*

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:** I so  
Move, Honourable Speaker.

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**HON SPEAKER:** We will conclude and take up the item next week  
Tuesday. Thank you.

The Secretary will read the Fourth Order of the Day.

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**RESUMPTION OF DEBATE ON SECOND READING –  
LOCAL AUTHORITIES AMENDMENT BILL [B.12 – 2015]**

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30 September 2015    **SECOND READING – LOCAL AUTHORITIES  
AMENDMENT BILL  
HON MAAMBERUA**

**SECRETARY:** Resumption of Debate on Second Reading – *Local Authorities Amendment Bill* [B.12 – 2015].

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**HON SPEAKER:** When the Debate was adjourned on Tuesday, the 24<sup>th</sup> of September 2014, the question before the House was the Motion by the Honourable Minister of Urban and Rural Development that the Bill be read a Second Time. Honourable Maamberua adjourned the Debate and he now has the Floor.

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**HON MAAMBERUA:** Thank you, Honourable Speaker. I would like to thank the Minister for initiating Amendments to this very important Act, though, of course, with some issues that should have been included.

My first question to the Minister is, who are the stakeholders who were consulted in this process of amending the Act? I am asking this question because you have very important stakeholders who, as an imperative, would have been consulted like ALAN, that is, the Association of Local Authorities of Namibia, Traditional Leaders, the Chamber of Commerce – because here we are talking about land for business and so on.

I am not sure to what extent – I know there is a Section that was basically taken from the *Land Act* into this Act, but I do not know whether the Ministry itself, as an Institution, was part of those stakeholders who were consulted or not because in the Statement of the Minister there is nothing mentioned about who the stakeholders, who were consulted are and what their views were as far as this Amendments are concerned.

Honourable Speaker, we know that Laws are not promulgated for the sake of promulgation. Similarly, they are not amended as an end to themselves, thus it is imperative that, when we propose Amendments to our Laws, we expound and delineate the rationale and context to answer

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AMENDMENT BILL  
HON MAAMBERUA**

the question as to why. Minister in her Motivation Statement said the following, and I quote – *“Rural and urban migration has taken centre stage all over the world, in a few years from now, more than 70% of the world population will live in urban areas. It is, therefore, important that we prepare ourselves in order to ensure that we render adequate municipal services to our people.”* I think it is correct at the global level, however, I would want to see the Minister justifying the Amendment to this on the basis of the Namibian situation and not based it on the global statistics and trends. Therefore, what are the specifics about Namibia? In how many years is the urban population going to be what percentage, for example, of the total population? How critical is the Namibian situation currently, that necessitates Amendment of this Act, and how does amending the Law going to ameliorate the situation that we are facing? These are some of the things that would put us in a better understanding to know why you are amending this Act.

I go on to Paragraph 5 of the Minister Statement which reads as follows, and I quote – *“Honourable Speaker, in the past few two years we witnessed a situation of abuse and greed by some, and I emphasise some Local Authorities Councillors, who were put in the position of trust by the Namibian electorate. We have witnessed corruption in the allocation of urban land. It is partly because of this experience, that a cleanup is necessary. The Ministry and the Minister must be given enough statutory powers to deal with the problem.”*

— It is fair. The Minister is seriously concerned. Again, for us to understand what these Amendments are all about, could the Minister give more specifics about these above quoted paragraphs, for example, in which municipalities or Local Authorities have you witnessed corruption in the allocation of urban land, Honourable Minister? In which municipalities or Local Authorities have the Ministry and the Minister witnessed *(intervention)*

30 September 2015    **SECOND READING – LOCAL AUTHORITIES  
AMENDMENT BILL  
HON MAAMBERUA**

**HON SPEAKER**: Sorry, sorry, Honourable Member. I am sorry please continue.

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**HON MAAMBERUA**: Yes, thank you. We want to know in which municipalities or Local Authorities have you witnessed corruption in the allocation of urban land, can you get the society of Namibia to understand by actually naming them so that we do not just make blanket statements? How many Local Authorities Councillors have been convicted with a crime of corruption or are you just accusing Local Councillors for nothing? Have they been convicted or why are you saying they have been engaged in corrupt practices? Why have all the preceding Ministers over the past 25 years not been able to deal with what the Minister terms – *witnessed situation of abuse and greed by Local Authorities Councillors* as you have emphasised Honourable Minister? (*Interjection*)

Oh, I see hear preceding Minister talking (laughter) Why have you not dealt with these issues of corruption at the Local Authorities over the past 25 years? (*Intervention*)

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**HON SPEAKER**: Can I call for order, because we are up against time and I want to take in all the questions so that we can then adjourn? The Minister will come back and provide all the answers.

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**HON MAAMBERUA**: Yes. The next question is, are the new powers being sought through this Amendment not going to give any Minister of that Ministry absolute power? It looks like that. Would you not want to

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guard yourselves from the dictum, which says – *power corrupts and absolute power corrupts absolutely?* Why do you want absolute power?

Honourable Speaker, it is important that we clear the air because in the next paragraph, that is now Paragraph 6 of the Minister’s Statement, the Minister states as follows – “The Ministry and I will deal very harshly (*interjection*)

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**HON MEMBER:** Wooh!

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**HON MAAMBERUA:** *With corrupt Local Authorities Councillors.”* Now, Comrade Speaker, one of the synonyms of harsh is *unkind*; so it means that the Minister is going to deal unkindly with them; the other synonym is *cruel* and the other synonym is *uncivil*. Is it really what the Minister intends to do – to deal either unkindly or in a cruel manner, or in an uncivil manner with them? However, when the Minister says that she is going to deal with them very harshly, it means it is even worse than either being unkind, cruel or uncivil. (*Intervention*)

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**HON SPEAKER:** I do not think that I really want to allow interventions, so can you just wrap up please because we are up against time.

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**HON MAAMBERUA:** No, I cannot wrap up, I am going to continue tomorrow because my statement is still there and I still have my time.

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**ADJOURNMENT  
HON PROF KATJAVIVI**

**HON SPEAKER:** Absolutely. Can we stop there and adjourn until tomorrow, at the usual time? Thank you. The House stands adjourn.

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**HOUSE ADJOURNS AT 17:47 UNTIL 2015.10.01 AT 14:30**

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