

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
10 JULY 2018**

The Assembly met pursuant to the adjournment.

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

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**HON SPEAKER**: Welcome back, keeping warm. Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Yes Deputy Minister.

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**HON DEPUTY MINISTER OF LAND REFORM**: Honourable Speaker?

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**HON SPEAKER**: Yes Deputy Minister.

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**TABLING OF REPORTS**

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**HON DEPUTY MINISTER OF LAND REFORM**: Honourable Speaker, I lay upon the table annual Report of the Land Reform Advisory Commission for the year 2013/2014 and also the Annual Report of the Land Reform Advisory Commission for the year 2014/2015, I so move Honourable Speaker.

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**HON SPEAKER**: Thank you. You may table the report. Notice of Questions? Honourable Muharukua.

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**ORAL QUESTION  
HON MUHARUKUA**

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**ORAL QUESTION**

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**HON MUHARUKUA:** Thank you Honourable Speaker. Honourable Speaker, I have an urgent oral question for the Minister of Health and Social Services. I do not know whether it is an issue that it was on the floor of Parliament but nonetheless it is urgent.

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**HON SPEAKER:** Well we need to be able to establish.

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**HON MUHARUKUA:** The urgency?

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**HON SPEAKER:** The urgency of the matter.

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**HON MUHARUKUA:** Yes, it has to do with swine flu.

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**HON SPEAKER:** Yes.

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**HON MUHARUKUA:** It has to do with swine flu and it has to do with the fact that a specific school is said to have three cases have been (intervention).

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**NOTICE OF MOTION  
HON UUTONI**

**HON SPEAKER:** Let us hear you.

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**HON MUHARUKUA:** Yes, thank you Honourable Speaker. Honourable Speaker, it has I think now become public knowledge that Orban Primary School has circulated information that three cases of swine flu has been diagnosed at the school. Is Government aware of such circulation? Honourable Speaker, I am being told that a Ministerial Statement to that effect was made.

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**HON SPEAKER:** Yes can we leave it at that? Thank you very much. I was just about to share with you but you were not in the House when the Honourable Minister actually spoke. Thank you very much for your understanding. Notices of Motions? Yes Minister?

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**NOTICE OF MOTION**

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**HON MINISTER OF SPORT, YOUTH AND NATIONAL SERVICE:** Thank you very much Honourable Speaker. I give notice that tomorrow on Wednesday the 11<sup>th</sup> of July 2018 I shall move that this Assembly approve the Namibian National Sport Reward Policy by the Ministry of Sport, Youth and National Service. I so move Honourable Speaker.

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**HON SPEAKER:** Thank you. Will you table the Motion please?

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**HON VENAANI:** On a point of order?

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**NOTICE OF MOTION  
HON UUTONI**

**HON SPEAKER:** On the point of order on the Motion? Yes?

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**HON VENAANI:** On the Motion, there is a Motion on the floor. Honourable Speaker, there are standing rules of this House and we cannot introduce Motions when this House is rising. Yes that this House is rising on the 12<sup>th</sup>, you want us to come and debate and talk about a very important policy document in the period of two days and still yes to you. I want to establish what the urgency is of this policy if it cannot wait for the next round of the session so that we debate it at length because sports is very fundamental to the young, to the country and we are doing so bad because of these haphazard planning processes. So I want the Table Office to establish to tell us what is so urgent about this Motion for us to be inundated with it two days before the House?

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**HON SPEAKER:** Normally, I am sure you have taken note of some few commentary on the particular policy that the Minister is introducing to the House. Let us hear him tomorrow elaborate upon that and it might not be something that will be a major, serious, can we allow him to speak to the Motion and then we will form the basis of what it is all about? Can we move on? Messages from the Head of State? Ministerial Statements? So we are done. Thank you. The first Notice of the Motion is the one of the Honourable Minister of Health and Social Services, sorry, I am jumping the gun. We have a slight change. I am looking for my (incomplete). Yes the Secretary will read the First Order of the Day.

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**RESUMPTION OF DEBATE ON SECOND READING:  
SEED AND SEED VARIETIES BILL**

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**HON SPEAKER:** When the Assembly adjourned on Wednesday the 4<sup>th</sup> of July 2018 the question before the Assembly was a Motion by the Honourable Minister



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of Agriculture, Water and Forestry that the Bill be read a Second Time. The Honourable Minister of Agriculture, Water and Forestry adjourned the debate and I now give him the opportunity to reply.

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Thank you Honourable Speaker. Thank you most profoundly also for your indulgence to accommodate me. Honourable Members I am rising to respond to the questions and comments of the Honourable Members with regards to the Seed and Seed Varieties Bill. The first person to participate was the Honourable *Minister Stanley Simataa*, who wanted to find out whether the register for seed dealers will be electronically available throughout the country. The purpose of the register is to keep record of all seed dealers in the country. It is therefore in the best interest of the farmers to know who the registered dealers for seed are. We recognize that the Bill does not provide for publication of the register for seed dealers however, the register is a non confidential document and should be accessible to the public. As such the register can be made available by any means of publication that is whether print media, website etcetera for the interest of the public. Publication of the register will ensure that farmers are aware of seed dealers in their respective areas. The Ministry of Agriculture, Water and Forestry has one of the widest coverage throughout the country with numerous agricultural development centres and at active agricultural extension service countrywide through which information on available seed dealers can also be obtained.

Now my next door neighbour, *Honourable Minister of Finance*, wanted to find out whether the definition of seed is comprehensive enough. However, the Act seems to limit the import and export of seed. Zerada as a dealer somewhere in town, should it register as a horticulture nursery. Seed by definition in this Bill is any type of living embryo or proper cure capable of regenerating and giving rise to a plant which is true to such type and includes without limitation any seedling, comp, cutting, bulb, layer, maggot, root, runner, screw, set split, stem, stock, sucker or papa, new germs or yours truly, such must have gone through the process of identification of source or origin of all planting material and performance of Mother Theresa. Should someone obtain seed that has not gone

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through the above process and use it for non commercial purpose such as planting for domestic use and not for selling to others, this is outside the ambit of this Bill. It is also important to note that retailer that sells vegetables and fruits are not considered as dealers of seed as the fruits and vegetables on their floors are not for sale as seeds of fruits that naturally may obtain seed. Nurseries deal with seedlings which according to the Bill is considered as seed and they therefore must be registered. Materials from nurseries are expected to have identity of origin and record of performance of Mother Theresa in order to ensure quality of seeds or seedlings supply that is made available for sale. Honourable Schlettwein also wanted to find out about the concern that the establishment of Registrar's office is a duplication because it seems like an establishment of another State Owned Enterprise.

The Bill provides for the appointment of the Registrar of Seed and Seed Varieties and the registration of producers, processors and dealers of seed and control over import and export of seed. Establishment of Namibia Seed Council, establishment of the Seed Varieties Committee and establishment of Seed Certification Services. It is important to note that the Bill is not expected to result in a creation of an agency or a State Owned Enterprise. The Registrar will be someone from the Public Service or the Ministry and will therefore remain in their designated positions while serving as the Registrar. The Council similar to the Seed Varieties Committee will also be constituted of representatives of interested institutions and groups who will operate on a case by case basis in the execution of their duties as provided for by the Act. The Seed Certification Service shall be a service unit within the structures of the Ministry of Agriculture, Water and Forestry. The service will consist of the laboratory service and the Seed Inspectorate Service. This will be manned by the Ministry of Agriculture, Water and Forestry, Seed Analyst and Inspectors some of which are already on the establishment of the Ministry of Agriculture, Water and Forestry. Besides the fight of Sanitary Certificate as administered under the Plant Quarantine Act, Act No.7 of 2008 there are no additional or importation of seed into Namibia contrary to the global norm regarding seed imports it is not a requirement for an importer to provide a seed log certificate from exporting country. This certificate contains information on the quality of the seed and is used to validate in compliance to the quality standards of the importing country. Once the Bill has been passed:

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1. No person may import into Namibia any seed unless it is of a variety of seeds whose denomination is entered in the register; and
2. It complies with the prescribed requirements. No person may export from Namibia any seed unless he/she is in possession of the certificate from the Registrar authorizing such export. These provisions will compliment other laws on safeguarding biodiversity, bio-safety and python sanitary regulations in order to ensure consumer protection and safeguards sustainability of our protection base fully taking into account via technology and plant health risks.

Now *Honourable Nekundi*, alluded to the fact that prohibition of sale of unregistered seed to what extend is the Ministry staff ready to assist the small traders without adversely impacting on them? now as a tradition the enforcement of the law is not immediately upon enactment thereof it is customary that a transition period of 12 months or even more from the day of enactment to the enforcement time is allowed to provide for the required arrangements to come into effect as well as development and gazetting of associated regulatory framework that are the regulations.

Furthermore, this is the time where awareness creation on the Act and its provisions will be conducted to ensure that it is well understood before the legislation comes into effect. It is recognized that the Bill does not provide for the transitional period. However, it will be provided in the regulations. The Ministry staff will be trained to enable them to use the transition period to conduct awareness sensitization and training campaigns to small traders so as to ensure that the implementation of the Bill does not adversely impact upon the activities.

The other question from Honourable Nekundi was, what are the things referred here in equal application Section 8 and Section 9, Sub Section 3 that deals with infrastructure equipment, technical ability and knowledge. There is no business that operates in a vacuum that is without an established physical structure or address hence there is need for a seed dealer and all horticulture nurseries to have at least structure in place, appropriate equipment in that particular field and should have technical ability and knowledge in order to produce quality seeds. It is common requirement for businesses to work a business address for flexibility

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both by bias and inspectorate functionaries. Most importantly business establishments are also expected to be fit for purposes in that seed production takes place on suitable farmlands. Production facilities needs seed production industry standards. Appropriate standard procedures are in place and that dealers meet the required standards. These requirements are aimed at ensuring distribution of good quality, viable and safe products to the consumer. Such arrangements will ensure that only high quality and certified seeds are distributed to farmers and that such seed meet all the requirements as prescribed by this Bill.

*Honourable Makgone*, had a long list of questions and comments to which I will try to respond as adequately as possible. Now I want to thank Honourable Makgone for the elaborated and valid comments. I want to start by responding to the questions on awareness and education as already explained on answer to the questions by Honourable Nekundi. There will be a transitional period of 12 months to, amongst the other create awareness and educate the public on all the provisions of the Bill. The Ministry as a custodian of the Bill will have the responsibility of creating such awareness before the Bill becomes an Act and thus ready for implementation. With regards to registration of horticulture nursery that is referred to page 8 Section 9 Sub Section 3, it is not the intention of the Bill to exclude others but merely to ensure that those involved in the business meet the minimum requirements as operators while at the same time ensuring that consumers are availed quality seed and products thereof. Regarding other Committees to be established by the Seed Council under Section 80, we recognize that Sub Section 1 of 18 regarding Seed Variety Committee is misplaced and should be placed under Chapter 5 as an introductory paragraph or sentence to the Seed Variety Committee. Similarly Sub Section 6 should also be moved to Chapter 5, Section 20 Sub Section 1 and (b) added as Act. With regards to commence on page 16 Section 19 Sub Section 2, a member of the Council of any Committee who is not in the full time employment is entitled to be paid such remuneration or allowances as well as such other benefits as the Minister with the concurrence of the Minister responsible for Finance may determine. Now I wish to respond as follows: Although the Committee that will be established under Act will not be regarded as a State Owned Enterprises the determination of the remunerations and allowances of Council members that are not in full employment of Government will be determined using the State Owned

Enterprises Governance Act, Act No.2 of 2006 as a guideline. Section 18 Sub 3 on page 15 states the Committee may have as many other members as the Council may determine.

The comment by Honourable Makgone is highly appreciated. However, it is difficult to determine the number of members of the Committee as this will be dependent on the subject matter for which the Committee is established to deal with as well as the expertise needed. It is therefore left to the Council to determine the number of members that will constitute a particular Committee. Page 31 Section 48 Sub 1, a person agreed by any decision of the registrar may lodge an appeal with the Minister Sub Section 2 states that the Minister must refer the appeal for investigation and decision to a board appointed by the Minister. This board is an Appeal Board that will be convened as necessary for its appeal on an ad hoc basis. The Appeal Board will consist of three members only which is also in line with the SADC Plant Variety Protection Protocol and the SADC Charter establishing the SADC Seed Centre.

Having considered the concern of Honourable Makgone I propose that an insert should be made in line with the provision in SADC Protocol and SADC Charter to state that and I am quoting, *"Where the Appeal Board considers that the nature of the appeals or retire it may request the Minister to co-opt other members having experience on the matter to be determined"*. Regarding the definition of the word advertisement I concur fully with Honourable Makgone that such definition should be removed and be inserted under Section 1.

On page 30 Section 45 which states that I quote, *"The Act binds the seeds provided by no fees payable under this Act are payable by the State"*, it simply means that the State will not be held liable for any payment. Regulations Section 53 Sub Section 1 paragraph should read, quote, *"Prescribing the staining of allowances or allowance which is payable to members who are serving on any Committee of Seed Council and/or Appeal Board"*.

Now I move over to the comments and questions by **Honourable Ithete**. I want to thank you Comrade Ithete for your contribution. I would like to clarify that traditional varieties have the opportunity to be recognized and registered as the varieties provided they satisfy the requirements for registration. In addition farmers can continue cultivating the traditional varieties using their farm searched seeds or seeds acquired to exchange and bartering. However, such seeds do not qualify to be certified seeds and therefore cannot be sold in the market as seed.

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*The Attorney General*, I am thanking you Comrade in absentia for the contribution and advice. Namibia has the access to biological and generic resources and associated traditional knowledge Act No.2 of 27, 2017 whose regulations are currently being prepared. These Acts will regulate the access to genetic material ensuring of benefits accrued from the use of such benefit material.

*Honourable Shapwa*, I agree with you Honourable on the thought that more needs to be done to promote the production of sorghum and products. As you have alluded to it has been confirmed that sorghum is completely crude and free and the grain therefore provides health benefits that make it worth addition to any diet. We just have to probably popularize.

*Honourable Limbo*, I take note Honourable Limbo of your contribution. I would like to inform you Honourable Member that the Ministry is currently busy undertaking cassava trials both at Omahenene and Mainhelm Research Stations to determine their suitability in terms of climate and soil. We are also vigorously promoting cassava during Trade Fairs countrywide.

*Honourable Nambahu*, not here, I am equally taking note of your concern. Indeed labeling can be misused in the interest of profits to reap off unsuspecting buyers. However, it is an important industrial and marking requirement to ensure distinction, clarity, transparency and bring efficiency to the market. The Bill makes provision for registration of all seed producers and seed dealers who must meet the prescribed standard and can also be sanctioned in the event of unlawful practises.

Once again Honourable Speaker, Honourable Members it was indeed an honour and privilege to present to you or rather present to you with answers on the questions and very valuable comments that were aiming at strengthening the Bill that we want to have your assistance get to the Motions to be fast so that we can deal with taking charge of our seed and seed varieties. I thank you.

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**HON SPEAKER:** Thank you. I now put the question that the Bill be read a second time. Any objection? Then it is agreed to. The Secretary will read the Bill a second time.

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**SEED AND SEED VARIETIES BILL**

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**HON SPEAKER:** Let us move on. Next is the first, second, third, fourth and fifth Motions that are ones of the Minister of Health and Social Services. Does the Minister move five Motions as given? Thank you. Who seconds? Is there any objection? And it is agreed to. The Honourable Minister please table the Bills?

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**HON SPEAKER:** The Secretary will now read the Bill the first time?

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**NURSING AMENDMENT BILL  
MEDICAL AND DENTAL AMENDMENT BILL  
SOCIAL WORK AND PSYCHOLOGY AMENDMENT BILL  
PHARMACY AMENDMENT BILL  
ALLIED HEALTH PROFESSIONS AMENDMENT BILL**

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**HON SPEAKER:** Does the Honourable Minister of Health and Social Services move that Bills be now read a Second Time?

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HON DR HAUFIKU**

**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** I so move Honourable Speaker.

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**HON SPEAKER:** Any objection? Who seconds? Agreed to. I will give the Minister the floor.

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** Thank you very much Honourable Speaker, I wish to motivate and give explanatory note simultaneously for all the five Amendment Bills if that is permitted. Honourable Speaker, in Namibia there are at present five Health Professional Council Acts in existence each establishing a Council namely the Allied Health Professional Council 2004 Act No.7 of 2004 and consisting of fifteen members of the Allied Health Profession Council. The Medical and Dental Act, Act No.10 of 2004 and consisting of fifteen members of the Medical and Dental Council, the Nursing Act, Act No.8 of 2004 and consisting of ten members of Nursing Council. The Pharmacy Act, Act No.9 of 2004 and consisting of eleven members of the Pharmacy Council and lastly, the Social Work and Psychology Act No.6 of 2004 and Consisting of fifteen Members of the Social Work and Psychology Council.

In summary Honourable Speaker, the Amendment Bill provides firstly for smaller composition of Council Members namely the Medical and Dental Council which will consist of eight members only. Nursing Council will consist of eight members, Pharmacy Council likewise, Social Work and Psychology Council will consist of eight members. However, the Allied Health Profession Council has more than sixty professions under it and therefore would be represented by fifteen members in the Council. The reason for smaller Councils Honourable Speaker is to cut sitting cost of Members. This, however, will not have an adverse effect on the adequacy of the Councils in carrying out its functions and duties.

Furthermore, the Amendment Bills provide for the deletions of election process of members of Council and the substitution thereof with the provision for a



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nomination by the professional PS and appointment by the Minister. The brief background is that under 2007 Act Council who established by conducting of elections as prescribed by the provision of Section of the Act and these are all Acts. The terms of office of Council members are commencing in 2007. Vacancies occurred during this term of office as a result of death or resignation and in terms of Section 9 Sub Section 3 of the Act vacancies on the Council must be filled in the same manner in terms of Section 7 as persons who vacated the office. Accordingly, all members except those directly appointed by the Minister were elected by their professional PS and thereafter appointed by the Minister. To fill the vacancies election will have to be conducted by the prescribed procedures. This option was however not feasible and the Minister exercised his powers in terms of Section 7 Sub Section 13 of the Act to extent by notice in the gazette the term of office of members of Council. Council members at all times made up the majority of members and constituted quorums as provided for in the current provision of the Act.

The last extension of terms of office of Councils or Council members ended on the 31<sup>st</sup> March 2018. No further extension has been gazetted. Elections of Council members cannot be conducted at this point as elections must be done in a prescribed procedure by regulations made on the recommendation of Council and I think this is the point I want to emphasize and Council no longer exist as we speaker. The regulations published under Government Gazette number 3695 of September 2005 relating to the elections of Council members refer to the first election of Council members and cannot be used for further elections. The amendment of the Act with specific reference to the composition provision Section 7 provides a way forward to have Council operative. The Amendment Bills provides for the nomination of Council members but their Permanent Secretary an appointment by the Minister. The provision of Amendment Bills under the Amendment Bills provision is made for Councils with smaller composition so as to cut costs of sitting members otherwise the Health Profession Council will remain a victim members remain with fifteen members for the proper representation of all the Allied Professions. All references to elections in the Act have been removed by the Amendment Act and provision is made for nominations. Minister may appoint suitable members in the absence of nominations from the institution to curb any possible vacancies vacuum as in the current situation. I thank you Honourable Speaker.

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**HON SPEAKER:** Thank you. Any further discussion? Yes Honourable Jennifer Van Den Heever.

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**HON VAN DEN HEEVER:** Thank you Honourable Speaker. I saw the Deputy Minister is laughing. Honourable Minister I consulted with the Deputy Minister or she consulted us but unfortunately I did not conclude my consultations so I would like to postpone this debate.

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**HON SPEAKER:** Tomorrow?

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**HON MEMBER:** Next year?

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**HON VAN DEN HEEVER:** Next year yes. Till tomorrow just to see if, unfortunately if I cannot conclude the consultations with the Profession then it seems that I will postpone it again but I would like to postpone this debate till tomorrow.

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**HON SPEAKER:** Till tomorrow, so decided. But if there are Members who would like to take the floor the floor is open. Yes Honourable Dr Haufiku.

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** Yes I think it is okay tomorrow if we can finish the business. I just want to inform the House and I believe many of us have got a background to the amendment of all five Acts at the same time. The main reason is because we could not get the bigger Bill that

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we wanted to replace the current. All of these Acts in terms of the bigger Bill we proposed there are supposed to be amalgamated in one profession the Health Profession Council. Again tremendously cutting costs because elections alone the last elections cost more than a million just elections and out of that we did not even get the required number to respond, the previous Minister has since to keep and I want us to keep in mind when we debate tomorrow to understand that as we speak now there is no Council.

We cannot appoint nurses, doctors, pharmacists nothing and it is because of the delay of the Bill. Now I do not want to get the merits and the demerits of the delay of the Bill but it is well known that there have been people lobbying against the tabling of this Bill. We gave them the benefit of the doubt now. That is why we came up with this amendment not to have this vacuum going on. Yesterday we welcomed Namibia's first cardiologist in our midst yesterday. One of them sent me an email this morning saying she went to the Council to be employed as a cardiologist, periodic cardiologist for that matter, Namibian, first one but we cannot employ her but we have a queue of kids with heart problems all over the country who need specialist care. So I just want the House to keep all these things in mind, they are not partisan they do not belong to any political party so it is for all of us. So if we can keep that in mind and as speedily as possible allow this Amendment Bill it will help the country.

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**HON SPEAKER:** Thank you very much for sharing that information with the House because I think it is important that we keep that in mind. Honourable Dr Mushelenga please.

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:** Thank you very much Honourable Speaker. The Minister said some of the things that I wanted to say but I heard the Honourable Member but I have no conflict of interest. My work is a nurse by profession but she is in the academia so with or without registration she will still have the energy so I have no conflict of interest.

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Honourable Speaker, I would want in as much as we have asked for postponement we must think about the fate of the nurses who graduated from the University unable to secure employment because of this very Bill so I just wanted to say that but the Minister has said most of the things that it is not a partisan issue, emergency situation require emergency solution. Thank you.

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

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**RT HON PRIME MINISTER:** Thank you Honourable Speaker. I want to first and foremost commend the Minister for coming up with this urgent Amendment Bills in order to enable us to address the pressing issues that are facing these different professions in the health sector and also enable us to ensure that we are in a position to mobilize the talents and capabilities that are available to us as a State to enable us to deal with issues that affect the nation that are of a medical nature.

Maybe what I need to say to add first of all I want to appreciate also the ceiling flexibility and willingness from other Members of Parliament from other political parties to assist the process of promulgating these Bills into laws in order that we can achieve the policy objectives that we want to achieve. I take it that the request of the Honourable Member to have the debate postponed to only tomorrow is a reflection of the recognition that she has of the urgency that is being underlined by the Minister and the Minister of Urban and Rural Development not have this matter finalized before we rise for reasons also that they cited there. I am hoping that she would do the best as she can to establish contacts with these professional bodies in order that she can satisfy or address whatever concern that she may have brought about by these proposals that are being made here.

But maybe additional point that I wanted to make which may have been made by the Minister already because I was not here when he motivated the Bills, is to say that there is a more comprehensive legal reform that is coming of this legislation

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that will result in the complete repeal of the existing laws so that there is another avenues for these members of these professional bodies to have their concerns heard and addressed where that is agreed beyond the promulgation of these Bills. I think that point is important to make so that it is not understood that if there is an aspect that they think should be dealt with and is not covered here it means the door is closed in their face, that is not so there would still be an opportunity to do that but for now we even had a case of young graduates from this sector that came to my office to complain about the fact that they cannot be placed. Some of they have been registered already are not registered.

We even have a case of professionals from other countries that had agreed to come and assist us here but now that they are leaving we can actually not certify that they have worked here and they have therefore generated the experience because the body that is supposed to do that is not there. So I think when you look at the cost that the nation has to pay vis a vis the inconveniences that we have to suffer to do things the way that we are proposing you will see that the costs are overwhelmingly high and therefore we have the responsibility really to make sure that we expediently deal with this matter. Thank you very much.

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**HON SPEAKER:** Thank you. Honourable Jan Van Wyk.

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**HON VAN WYK:** Thank you Honourable Speaker. Honourable Speaker, I rise to add a few words to the debate on the floor. First let me air my disappointment with the tabling of these Bills. When the session opened a few weeks ago it was made clear that there is a cut off time for Bills to be tabled in this House. We do understand that there is urgency but the urgency should not be put in front of Parliament. This situation was created seven years back and only now you come with an urgent amendment. Consultations were held we had one meeting it was made clear to us that we are only going to look at Section 7 of all the Acts but if you look at the Bills in front of us it is a different story. We know that before we went through Bills, pushed it through. It was bulldozed. It came back and this is

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going to happen again. We do not have a guarantee that these amendments will solve the problem. As we were sitting with that probably for more than seven years and only now do we realize that we are having a problem. If we are saying that we need to appoint these people, but four weeks ago we were saying that we do not have funds, we do not have money. Some of the vacancies in Government were frozen because of that. So my question is, where do we get the money now when we advertised these posts? Are we saying that we just want to get this through to satisfy ourselves? Honourable Speaker, we cannot go on like this. If we entertain these Bills tomorrow we need to entertain the Notice of the Motion that was just tabled in the House now. We cannot go on like this. Thank you Honourable Speaker.

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

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**HON MUHARUKUA:** Honourable Speaker, I suppose it is a point of order that I am rising on and it is so because of the reverse psychology that I am hearing from the other side being a play. Indeed this professional body is not the only body that needs to (indistinct). Indeed our young professionals are really suffering because of across the professions things need to be looked at. But there is also one reality we as Parliament should take the responsibility to ensure that what we are doing is done properly therefore Parliament must consult often. The health profession is not a specialty for everyone. In fact maybe out of this whole Parliament I would tend to think the Honourable Minister is the only medical doctor here. The inns and outs of that profession, the implications of this body out of all of us here he would know best. However, it is incumbent on all of us to ensure that when we make laws for that profession it works for the whole profession holistically. It is indeed so that when a Bill is highly technical or the implications thereof are as such that this Parliament should refer such a Bill to a Committee for that Committee to do what, to consult in order to ensure that we do the best thing. Yes the Prime Minister can interject as much as she wants but there is another reality the urgency can never be self created. This urgency is self created. We have been here for three years. Why is it all of a sudden so urgent

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that Parliament must, all of us must be pulled by the leash by (indistinct) and this Bill must be passed and we must just keep quiet? It is wrong.

Honourable Speaker, it is quite correct what the Honourable Van Wyk is saying. The Speaker has pronounced himself in this House as to when, as to how a Bill should be introduced as per the rules and what would dictate urgency. Indeed, it is a very important aspect but the urgency is so self created (intervention).

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**RT HON PRIME MINISTER:** (Not on microphone).

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**HON MUHARUKUA:** Yes the Bill should have come earlier. It clearly shows that it is this organization at least on the path of bringing the Bills to Parliament that we have to be so irresponsible either debate this Bill without proper consultation haphazardly. It is highly irresponsible of this Parliament or at least of Cabinet to do that. But we shall attempt to debate the Bill tomorrow.

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**HON SPEAKER:** Is it the Parliament or Cabinet now? Are you accusing Parliament or you are accusing Cabinet?

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**HON MUHARUKUA:** Honourable Speaker if we as Parliament allow ourselves to be bulldozed into discussing the Bill haphazardly, you to pass it haphazardly then we are also equally to blame.

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**RT HON PRIME MINISTER:** Honourable Speaker, the rules allow that this House can, in terms of the procedures established under the rules admit the tabling of a Bill after the designated deadline of tabling of Bills if it is agreed that

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that Bill or whatever item is that is brought here is urgent and if it determines that indeed these Bills are urgent and Honourable Member cannot, just because they personally do not agree with that, resort now to name calling and characterizing of Parliament and Executive just because they cannot sell their views successfully to the rest of the Members. If the House determines that these Bills are urgent which I agree and the majority of us on this side feel then the Bills are urgent and they should be considered.

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**HON SPEAKER:** Can I just simply say the Honourable Jennifer Van Den Heever spoke clearly to say after having been consulted she postponed a discussion. It was agreed upon. Other people who had an opportunity to make contributions did so. I think it is not fair for you Honourable Muharukua to use that opportunity rather than addressing susceptible issues in the Bill just basically to disagree for the sake of disagreeing. It does not make you really profound in doing that. We leave it at that. Other contribution, Deputy Prime Minister.

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**HON DEPUTY PRIME MINISTER AND MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION:** Thank you very much Honourable Speaker, Honourable Members. Honourable Speaker you have said part of what I was going to say. It is true the Bills are being introduced this time however, the Parliament procedures have been followed and the Members of the Opposition have confirmed to this House and to the public through this House when they say consultations were made and it is on that basis that it was agreed to introduce the Bills.

Honourable Van Wyk, rightly so is saying the consultations mentioned was only made for Section 7 but this is in relation to the composition of Councils of these different professions and if you read these Bills as they are here all the sections that are referred are related to the Council all of them with no exception so there is nothing sinister about it. The consultation was based on us to establish the Council in order to allow these professions to continue functioning and there is nothing that has been put in these. I managed as I am sitting here to read through



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all of them and there is no section that is not linked for the composition of the Council and it is the spread on which the consultation was made and the Opposition have agreed. So I think let us hear tomorrow when the Honourable Member will make her contribution and we will take it from there because we need to work based on the trust on which base the consultation was made. I submit Comrade Speaker and I support the Amendment to the Bills.

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**HON SPEAKER:** Thank you very much. I think we will agree for now we have gone as far as we can. We will continue with the discussion tomorrow. Can we agree that the matter stands over until tomorrow as agreed upon? Thank you very much. Let me take you now to, the Secretary will read the Second Order of the Day.

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**RESUMPTION OF DEBATE ON  
POSSIBLE MEASURES TO ADDRESS THE  
ROAMING OF DOMESTIC ANIMALS ALONG  
NATIONAL AND DISTRICT ROADS**

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**HON SPEAKER:** When the Assembly adjourned on Wednesday the 4<sup>th</sup> of July the question before the Assembly was a Motion by the Honourable Van Wyk that the Motion be adopted. The Honourable Deputy Minister of Environment and Tourism had adjourned on behalf of the Honourable Deputy Prime Minister who is also the Minister of International Relations and Cooperation adjourned the debate and I now offer her the floor. Deputy Prime Minister, in your absence we adjourned this Motion, you have the floor.

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**HON DEPUTY PRIME MINISTER AND MINISTER OF  
INTERNATIONAL RELATIONS AND COOPERATION:** Thank you Honourable Speaker. (Not on microphone). Oh, you were waiting for me thank you. Honourable Speaker, Honourable Members I rose to express my views on the Motion by Honourable Van Wyk on the road accidents caused by roaming animals on the national roads. While there might be accidents caused by animals I do not highlight this argument and overlook the fact that accidents are mainly caused by reckless driving. As lawmakers it is our collective responsibility to see to it that the laws regulating road and transportation are fully adhered to. We need to engage the public and make them understand the danger they pose to themselves as well as the others on the national roads. We need to actively put in place effective outreach programmes targeted towards road safety.

Honourable Speaker, Honourable Members Namibia is ranked first in the world in terms of the number of road deaths per 1 is to 100,000 residents. This is very good statistics. There are rankings that do not need even one to think twice but you understand how serious the matter is. It is disturbing that the projection we give to the outside world of the state of our roads and the road users must be positive and should not be negative. Just some weeks ago Namibia recorded three separate and horrific fatal road accidents. There is indeed for deeper retrospection by the drivers on the roads as well as the passengers. Although the Motion is particularly on the implementation of measures addressed to roaming of domestic animals along the national and district roads strict regulations and enforcement of laws to curb reckless drivers evenly have to be considered at all times and as they are in our laws. For example the Road Traffic and Transport Act 22 of 1999 as amended and Act of 2008. This Act provides for the suspension and cancellation of driving licences by those reckless drivers which should be adhered to. I do not know how many licences have been cancelled in Namibia but we know people are driving recklessly.

Entrusting enough according to the data obtained from the Motor Vehicle Fund road accidents involving domestic animals are not as alarming as we would want to think. Most accidents are caused by speed, reckless drivers or due to roll over collisions and hitting road users. For example I have some statistics here which I got from the Motor Vehicle Fund:

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HON KOOPER**

1. In 2016 collision was 1,123, the pedestrians 1,164, domestic animals 100, wildlife 47.
2. 2017 collision 1,064, pedestrians 1,130, domestic animals 86, wild animals 35 and
3. This year and that was in June because you remember this came in June, collision 426, pedestrians 442, animals 40, wildlife 14.

So really if we have to curb the accidents we should also pay attention to reckless driving as much as we give it to the animals both domestic and wildlife. Through that we will be able to address this problem. I will keep emphasizing that as lawmakers we need to speak with one voice on issues of national interest and this is one of them whereby we need to speak with one voice. Therefore the laws need to be implemented but the public needs to be educated and we must play our role. I thank you Comrade Speaker, I thank you Honourable Members.

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**HON SPEAKER:** Thank you. Honourable Kooper.

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**HON KOOPER:** Honourable Speaker, Honourable Members it is my pleasure to present an idea for consideration for action on the Motion regarding implementation of measures to address the roaming of domestic animals along national and district roads causing accidents and the loss of human lives as tabled by Honourable Jan Van Wyk. It is evident that animals are trespassing in the road reserves. In terms of Regulation 348 Sub Section 6 of the Road Traffic and Transport Regulations and indeed causing high road usage risk amounting to injuries and recorded deaths of our beloved road users. Practically when I, through the use of multimedia an electronic platform is recommended for educating and sensitizing the public to the dangers of unsafe road practises and the poor supervision of domestic animals. It is strongly recommended that drivers receive an education on the behavioral patterns of domestic animals along the roadsides which can be integrated into the mandatory procedures or qualify

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**HON KATOMA**

for a driving licences. Punitive measures should be put in place against owners of unsupervised domestic animals. An owner should be made aware of this.

Lastly, allow speed limits should be established especially on rural roads and in areas with high domestic animals population. As per the Meat Industry Act 12 of 1981 which partly take for all livestock to be branded and tagged I propose that consideration should be made to brand livestock with reflective ear tags in a move aimed at minimizing the vehicle animal collisions on the roads. The first priority of these reflective ear tags should be mandatory to livestock owners residing along the major roads. I am convinced that accidents involved livestock can be avoided if they are visible to approaching vehicles.

Honourable Speaker, Honourable Members, with this I improve a pending Motion, I thank you.

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**HON SPEAKER:** Thank you. Honourable Levi Katoma.

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**HON KATOMA:** Honourable Speaker, I would also like to add my voice on the Motion on the table of the possible measures to address the roaming of domestic animals along national and district roads. Honourable Speaker, the roaming of domestic animals to the roads which is normally happening in communal areas is attributed by a number of factors some of which but not limited to the insufficient grazing, the overgrazing and uncontrolled number of domestic animals, free grazing phenomenon, lack of care by owners or encroachment of grazing areas, insufficient rainfall and increase of population inhabitation. All these Honourable Speaker, has contributed in one way or another to the roaming of domestic animals on to the roads which causes accidents on our roads.

The importance of domestic animals, excuse me, he is disturbing me. Yes those are some of the issues contributed in one way or the other to the roaming of domestic animals on to our roads which causes lots of accidents to road users.

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Honourable Speaker, as a matter of fact these domestic animals belong to our people and they play vital roles in the survival of our people in particular as well as in the economic growth of country in general. We therefore need to embrace them just like any other precious resources. Let us bear with them in such a way that all drivers driving on our roads need to be extra sensible whenever approaching communal areas where free grazing of both domestic and wildlife prevails and should also be mindful of the fact that all road signs is played on the roads serves a given purpose. Therefore they ought not to be ignored. We equally meet to inculcate the spirit of responsible driving to reduce not only the accidents caused by the domestic animals but equally by other causes like speeding, races and many other reckless driving behaviours. I thank you so much. Thank you.

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**HON SPEAKER:** Thank you. Honourable Dr Ankama.

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**HON DEPUTY MINISTER IN THE OFFICE OF THE PRIME MINISTER:** Thank you Honourable Speaker. My intervention on this would be very short in that basically I have seen domestic animals in some countries roaming also the streets not necessarily in the wild as we are referring to now but in the streets. Yes in India yes I have seen them and they do not cause any problem. In fact if domestic animals could speak as we are here they would definitely rise up and say no all what you are telling us is unheard of. The problem is not domestic animals.

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**HON SPEAKER:** On a point of order?

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**HON MINISTER OF SAFETY AND SECURITY:** Comrade Chief I want to give you information. You spoke about India. I was in India for almost three years and you will be astonished to see the Indian animals in town in Dehli, Rajasthan and everywhere. They are not the ones like in Oshakati and Ondangwa. Those climb on the pavements and cars are just moving there, are you aware of that in India?

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**HON SPEAKER:** Honourable Chief Ankama, I can confirm that.

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**HON DEPUTY MINISTER IN THE OFFICE OF THE PRIME MINISTER:** Thank you Honourable Speaker. Comrade General I am aware and indeed even in Oshakati I have seen goats and donkeys, they know how to stop at the traffic lights (laughter). Yes and goats just go and observe, the goats will follow just on the edge of the road along the pavement and they go where they want. They stop and they pass through peacefully. Basically domestic animals as we are talking about now I would say if they had a voice to say they would definitely refuse to be talked about causing road accidents. The main thing is because perhaps we as human beings we did not consult them to create roads where they graze. Number one we should understand is these are animals. Animals are just animals. No consultation, you built a road where they used to graze and you want to make sure they do not travel or they do not pass by any longer. Sometimes there are not even bridges or areas where they should pass freely. Road signs are very important and they are made for people. Domestic animals do not know how to read and understand your road signs. So we, as drivers who are trained, who went to study driving skills and they are certified to be fit to drive on the public roads should understand how to accelerate and how to stop when domestic animals are there. I think if we could just gave them an opportunity if that was possible to defend themselves this Motion would not be valid. It would not be valid because you are talking about someone who is unable to defend oneself (laughter). Someone, an animal is somebody so I would say what we should concentrate on rather is to educate people for drivers to behave in

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their vehicles properly and professionally because they are trained. After all it is people who invented vehicles so they should know better how to handle them not to crush and to run over domestic animals and they complain. With this little I conclude.

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**HON SPEAKER:** Thank you. Honourable Dr Shanghala.

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**HON MINISTER OF JUSTICE:** Comrade Speaker, I will not attempt to follow on the animal ombudsman I hear (laughter). Doctor you have done a very defence of the animals. But in contributing to this Motion Honourable Speaker, my concern is just I was a bit perplexed. Domestic animals are they really the cause of the problems on the roads because kudos and *ngurube* warthog (laughter) and go-sooner guinea fowl, go-sooner that is what I used to say, I did not understand Afrikaans, the guinea fowl I do not think they are domestic animals and domestic animals like cats, dogs, our little birds I will even go to the extent of saying maybe cattle, the accidents the bulk of them on the roads is when animals are not even involved. We are just driving ourselves (indistinct) but be that as it may I will talk to the issue of animals that are on the roads because there is such a thing such as Trespass of Animals Ordinance of 1939 which regulates this issue.

The incidents of animals on the roads have increased also perhaps due to the weather the plummeting night temperatures and the animals are seeking heat from the road. An animal on the road is very life threatening because if it is a black cow and it is on the road or a black goat or sheep you will not see it and you will go over it. For example if a herd of cattle lies on the road and a motorist only sees the animals once light has shown on them, it is too late to react and the chances of the motorist surviving and the animal becomes slim depending on the speed also because we also have a speed problem we also drive too fast.

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Many meetings have actually been convened by the Ministry of Works and Transport and the National Roads Safety Council and when I was at the office of the Attorney General I had commissioned the legal opinion on the matter which we have shared with the Ministry of Works and Transport and subsequently a Technical Committee was actually established. I do not know because maybe the subject did not know that Chief Ankama was around he could have made it more interesting, they lost interest maybe but in terms of Chapter 1, impounds must be established by the administrator which in today's language is the President of the Republic of Namibia to temporarily impound the animals until an owner can be found. Those are animals now which are owned.

Farmers whose farm borders the busy highways have indicated that they are willing to provide a small portion on their farms as holding area for 48 hours until the owners can be found, those were some of them we had consulted. But the problem is when you say a domestic animals now on highway I do not know how a domestic animals can get there that is why I am saying *nguruve* and those and these things they belong to nature.

Town Councils: Where you have a Town Council they also have land they can be used temporarily impound the animals. Dordabis Community is a very good example of proper management of stray animals on the road.

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**HON SPEAKER:** Is that a point of order?

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:**  
When you authorize, when you ask them in the statement that he talks about these domestic animals, I am just thinking about, it is the highway that goes to Rundu for example? Is he perhaps aware that if you hit a cow there that you rather have to disappear that the right is more with the owner and then they can impound your car so I do not know if that is? I just thought I could probably ask so that he can also enlighten us in terms of the rights of the car owner?



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**HON MINISTER OF JUSTICE:** You are actually right in that there is a myth that in the Kavango if you bump a cow or an animal the community takes your vehicle. Well, that is what we call vigilantism lawlessness (laughter). Basically there is a law called the trespass or Animals Ordinance and the owner of an animal that goes astray on the road and caused damage can actually be held responsible that is the actual law. It is Ordinance 16 of 1939 and in that case obviously the issue now comes that, although it is on a highway it is maybe domestic for sure but when it is and that is easier. When it is just on the normal highway and vehement such as a jackal jumps in the road and we know jackals just keep running or the warthogs they are normally travelling in a pack of three you just see those tails and you hit one, there the issue is not about a domestic animals, that is what I am trying to get to. It is just an animal as opposed to this situation and that situation you are protected because of the trespass of animals.

There is also another one called trespass of donkeys which is due for repeal. That one just says that if a donkey strays on to my land for more than how many hours and it becomes mine, it is called the Trespass of Donkeys Ordinance it is also in the 30s there. Now Dordabis is a very good example of proper management of stray animals on the road. The police have a template which they issue and then another warning and then the owner is fined. So we have developed something for the police there that they can use to tell the owners and if need be we can take it to the areas where some Kavango languages are spoken. They should be contacted to take their successful project nationwide I think and we will be ready again to assist in whatever way is needed to bring them and to the senseless laws of human and animal lives on our roads, if just owners understand the responsibility towards their animals particularly donkeys in the North. If you ever drive the road to Ongandjera or Outapi at night you are inviting and if you are not from the area particularly you are inviting problems because even people from the area they go through these donkeys many times and I do not know there seems to be signs, one of them was telling me that if the donkey's ears are moving like this that is when you know that it will move, it is not true. An animal as Chief said is an animal you cannot predict its movement. Sometimes it will stand still sometimes it will run into the road. But those animals apparently owned. Those donkeys are apparently owned because I followed the discussion about the Chinese Donkey Abattoir and people became very angry when it was

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said that those donkeys will be rounded up and sold out of the country. They are just used for ploughing or pulling but those owners need to be educated and I think we need to call on NAMPOL to, General? Yes they know they should just inform the public that there is that legislation it imposes upon them duties and that if my vehicle is damaged and I happen to like the donkeys around me I will just take the hind leg and go and make (laughter).

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**HON SPEAKER:** Yes I think you are inviting, Honourable Namoloh on a point of order?

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**HON MINISTER OF SAFETY AND SECURITY:** Yes I would just want to give you information Comrade Minister of Justice. I did also make a statement in this House in that regard last week without those regulations and what a view and we agreed that this is a multidimensional issue there are so many people including in the Ministry of Justice now you are part of this group of the, you have NAMPOL Ministry of Safety and Security, Ministry of Agriculture, Water and Forestry, Ministry of Works and Transport and many others. I think you are part of it now. So you should just come on board and we see what we can do. Mr Van Wyk was not here but I did address what you were asking. I thank you.

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**HON SPEAKER:** Thank you very much. Actually Honourable Sacky Shanghala I was listening carefully to some of the comments but really I think we need to draw a distinction between the particular challenges that we are confronted with within urban environment where there are rules and regulations governing whether you keep domestic animals within these areas where we have also the role of the City or Town Councils, all these institutions have got duties to ensure that what is not meant to be kept in urban environment is not allowed by law. So I would not like to take you on the highway to Rundu because that has got nothing to do with what is the subject matter intervention).

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:**  
No, no (not on microphone).

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**HON SPEAKER:** Ha? Sorry?

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:**  
(Not on microphone).

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**HON SPEAKER:** Is that the Motion does not make a distinction?

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:**  
On national roads.

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**HON SPEAKER:** National roads meaning this is where you miss an opportunity, the contribution by the Honourable Charles Namoloh was very explicit that there is a need for joint consultation at the Ministerial level and other stakeholders. so what I am trying to say is that we have to make a distinction between challenges experienced along the roads and challenges that are experienced within the urban environment where there are some specific rules, that is the point I am making.

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**HON MINISTER OF JUSTICE:** And Speaker you are correct because you may recall I also made a statement in the National Assembly on the issue of those dogs that are biting and causing loss of lives to children that the city has

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regulations. You cannot even just say I am conducting my *mutakati* I am going to slaughter the goat upside down in my backyard because I am looking for my ancestors to tell me if it is going to rain tomorrow, you cannot do that in a town but if you are in your village fine and well how you dispose of your animal so you have rules. Your animals if they are dogs, cats they must be injected because they may cause diseases etcetera. That one is easy but in the fashion we have now we have now on the national roads we have gods animals which are roaming from farm to farm, warthog does not have a home really. Warthog goes from this one to the other and when it decides to cross the road the whole family just follows, runs, fox, *nguruve*, I mean *nguruve* is warthog but those who know they cause damage and you do not know who. If you are not insured you are in trouble but where you have an owner saying that is my herd of cattle in fact they can even cause damage even loss of lives when they drive the herd into the road when people are coming that is why they have to have those red flags. There are regulations. It is just that sometimes also we the drivers on the road we are in rush to get where we are going. We break the law when we realize that maybe in this area there is no traffic officer then you fly and at night particularly and particularly during winter when the animals come to the road that is where we really need to plead with our people to drive slowly to make sure that their lights are working properly and to keep attention on the roads and in an area where you have not driven before particularly our tourist also I do not know whether they are told when they land that please be careful kudu or deer as they call it can jump and some of them tell you, "No bright the lights. Do not bright the lights".

The point I am trying to make is do not think the animal is predictable and the loss of live is unnecessary and it is regrettable but it is simply because I think sometimes we are just not conscious that we use the road but as Chief said, it used to be the environment of the animals and they are just going it is like me going to Maerua Mall. They are just going from one bush to have to go and drink over there and then they collide with that. Not being an animal ombudsman I am just saying that we need to find a way to be respectful to our lives and the animals and those owners I think that is where the Committee will say General I would like to be involved so we can educate our communities. Where you have animals look after them. Keep them out of the roads and if they trespass coming to town this thing of you are talking about in countries like India or wherever, you are

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downtown Groove Mall and here comes a cow, moo-moo no here we cannot allow it because we have urban zones and we have certain restrictions. So I think we must just put emphasis on it (intervention).

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**HON SPEAKER:** Thank you.

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**HON MINISTER OF JUSTICE:** I am about to conclude.

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**HON SPEAKER:** Did you conclude or?

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**HON MINISTER OF JUSTICE:** I was just about to conclude.

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**HON SPEAKER:** Okay, yes Honourable Nekundi on a point or order.

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Just a small question to the Minister of Justice. A classical example I would like to ask you a question Comrade Minister, a town that is just recently established five years or ten years ago, let us say Omuthiya. Omuthiya or Nkurenkuru established ten years ago, the boundaries just end twenty metres at my (indistinct).

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**HON MINISTER OF JUSTICE:** Your yard ha?

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** The yard, the fence of my mahangu field or maize field just within two metres that is where my yard end can you now declare and (indistinct) before the town and I am now 80 years old or 90 years old my wife is equally aged, my kids are grown up I am without kids.

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**HON MEMBER:** Eight years you have got a kid?

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Yes assuming I am 80 years, 8 0.

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**HON SPEAKER:** Oh, I thought you said eight, eighty?

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Eighty.

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**RT HON PRIME MINISTER:** (Not on microphone).

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Do not get confused by that number.

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**HON MEMBER:** You must not break (intervention)

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Assuming now that my homestead's fence was there for twenty or thirty years, we are eighty years old or ninety years old, no small kids and even if there are kids they go to school, now my animals I cannot even follow them and now they enter the town are we implying then that should we punish the town for coming next to my yard or should I be punished where the town has come to encroach on my area and I have already run off my energy to go after that? Is that the understanding?

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**HON SPEAKER:** Thank you.

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**HON MINISTER OF JUSTICE:** Well Comrade Speaker it is a very interesting it is a real life situation actually because the towns he mentioned such as Omuthiya or Nkurenkuru were communal areas. It is typical communal areas under the Communal Land Act but once the towns boundaries are zoned and declared then you have a town. So in that case I am pleading only to the humanitarian aspect of those who are running the towns to say it is an elderly man who have taken the cattle we are going to assist to return the cattle but wht the elderly men cannot be there to say is that because I have lived here long, the town came to me my cattle must now go and graze in the soccer field. No you cannot do that because town has arrived. Even Windhoek here we have some that are boundary with Windhoek but those farm owners whose farms have been encroached upon or land has been taken away cannot be heard to say in Independence Avenue is where we used to, the cattle must go there, no *kaku*.

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Yes there (not on microphone).

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**HON MINISTER OF JUSTICE:** Yes but no, the animal, that is what I am trying to say the animal has no boundaries really they do not have a conception or boundary. In fact if it can jump it will jump it. So it does not know I am now in the city, I am now on Veikko's farm, I am now in the mahangu, it just knows I am looking for grazing or I am running away from danger and that is what it is doing. So you as the owner and this is where I am saying the humanitarian aspect for our Local Authorities to understand. Not to understand, you cannot just trick people or an elderly man like this for example. You know he lives in a home alone and has got maybe three/four cattle. I am saying I am pleading to the humanitarian aspect of the people who have the right to impound to then say it is a general application law but I am saying that when you are the administrator and you know (interruption).

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**HON MEMBER:** (Not on microphone).

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**HON MINISTER OF JUSTICE:** Excuse me? No the right you see the laws are right, I do not think the problem is with the law Speaker. No, I do not think the law is wrong but I am just saying, trying to say you can see that this is an elderly man, he is in a house, he is alone you can assist the old man to say "Tatekuru your cattle that side not this side" and somehow they find a way. But what I am trying to say is that the distinction between those animals that are not owned and those which are owned and that is all I wanted because I wanted to just horn in on that point on that. Thank you very much.

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**HON SPEAKER:** Thank you very much. Let us make progress. Honourable Tommy Nambahu.

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TO ADDRESS THE ROAMING OF DOMESTIC ANIMALS  
HON DR NAMBAHU**

**HON DEPUTY MINISTER OF LABOUR, INDUSTRIAL RELATIONS  
AND EMPLOYMENT CREATION:**

Thank you very much Comrade Speaker. This debate is actually bringing to light some hidden problems that are facing our people. I want to approach this debate from this angle. At the planning stage of development do we factor in the habitat, the people that have been there, their needs, their possessions and how we are going to make our development friendly to those needs, to those inhabitants and actually make them have or live better than they were living before or now say here is my development that is farming, you used to graze around here and by that time this used to be a natural habitat and the inhabitants also of your animals. Now that I am coming here I am going to affect you in this way so my planning is taking into account your needs, your problems and further we are going to allocate you a certain area somewhere where you are going to take care and continue living on your livelihood as it used to be. Or are we going to say tuff luck you are very unlucky we came here now try to fend for yourselves and find out how you will live with this and we have not factored you in our planning. Is that not a dimension that I want to bring? Because sometimes you are fighting poverty here and you are creating it with another arm because where is this person going, if used to have an area I always talk about the caring capacity. Caring capacity is not just in our farms in the commercial areas it is all that caring capacity of this area the humans with their animals. How many, now that we have brought development, we have caved off certain portions of the land for development now the grazing area is reduced. We have not even, I do not know if that is something that is called animal psychology so that the person can predict how is it that the animal is going to behave if it is torched by car lights or something like that? What I am trying to say is for us to, at the planning stage there to have these things as factors that we consider when we are planning our development.

There is another thing, there is a law in this country called a law against, ha, cruelty against animals (intervention).

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**HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES:**  
Cruelty against animals.

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**HON DEPUTY MINISTER OF LABOUR, INDUSTRIAL RELATIONS  
AND EMPLOYMENT CREATION:** Yes and I do not know whether that law is only considering animals in urban areas or animals in some cultures and not in others. You will find this person whipping this donkey until it is breathing and the law that would apply. Or chaining it to the extent that the animal is really aggrieved whatever but we are driving past as if we are not the persons who will be fined very badly and hardly when a domestic dog, a live dog is mistreated but this is more animal than the other animal and we are human beings. So what kind of humans are we when we are discriminating like that? Yes?

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**HON SPEAKER:** Are you on a point of order?

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Comrade Speaker on a point of order. I just want to have clarity through you. The matter in which Honourable is bringing to the fore, how will that now come road accidents?

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**HON SPEAKER:** How is it?

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Road accidents because the Motion is on Road Accidents caused by animals, I just want to have an understanding, is it now a Motion on animal cruelty or Road Accidents, I just want to understand.

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**HON SPEAKER:** I just want to, can I just, Honourable Members, you look at the items on our agenda, you look at the days that we have tomorrow and

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Thursday we have got to be realistic, is this debate we are pursuing is it something that you did not want to bring something to the table or do we want just to exercise our democratic rights? Somehow we have to draw a line. Honourable Tommy Nambahu please continue with your argument but keep it in mind about the time at our disposal.

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**HON DEPUTY MINISTER OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION:** Thank you very much Comrade Speaker. The point I am trying to make is really that these animals are in the habitat and with this development that we bring there is actually when we say human beings are encroaching in the area where for example usually was reserved for grazing for example and all these other things and now when you have encroached you are likely to have these kinds of problems because probably you did not plan the zoning and then say no animals are not going to be here we are going to put them in another area. There are countries when you have villages around here the grazing is somewhere else. Even in Namibia there are regions that are zoned like that and we can really learn from each other and we do not need to actually have this kind of conflict because this kind of conflict is bound to be there because of this kind of development but does not take into account the problems that are there and to make it a little bit more friendlier to those that live there with their animals. This is the argument I am trying to bring in and the cruelty that I just want to highlight there is a law in this country that prevent against and even in the poaching you find that an animal is breeding and a person is cutting off the whole and the cruelty and the humanity comes into question. So as probably a little bit overstretched but the argument I wanted is that so thank you very much.

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**HON SPEAKER:** Thank you. You have got the point. I was looking at the Honourable Muharukua what happened to the microphone to your system?

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HON EKANDJO**

**HON MUHARUKUA:** Yes it does not matter.

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**HON SPEAKER:** You do not mind?

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**HON MUHARUKUA:** Yes.

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**HON SPEAKER:** Okay, Honourable Jerry Ekandjo.

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**HON EKANDJO:** Thank you Comrade Speaker. Comrade Speaker the mover here talks about possible measures to address the roaming of domesticated animals. So with domesticated animals I presume he means cattle and donkeys, I do not think he talks about kudus, jackals, cats or a dog I do not think so, these are mostly cattle and donkeys. I just want us to make a difference between urban towns and towns in the urban area and towns in the rural areas. Yes Comrade Speaker maybe you may also remember in the 50s in Okahandja we had cattle and goats. In the 50s in Okahandja here and most of the towns also in the 50s where we used to milk, so until round about 1960/1965 and whatever when South Africa came up with Bantustans that is the time (intervention).

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**HON SPEAKER:** They call it ordental commission.

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**HON EKANDJO:** Ordental plan. The animals, the domesticated in urban towns south of the redline were removed to rural areas. Before ordental we had. If my

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mind serves me well I think also in the 1928/1930 I was a small boy that time in Windhoek in 1920 here in Windhoek, we also had (laughter). Honourable Speaker, I remember.

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**HON SPEAKER:** Honourable Jerry, I think you said in the 1920s?

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**HON EKANDJO:** 1922, 1925 yes.

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**HON SPEAKER:** 1935?

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**HON EKANDJO:** So in the 50s we used to milk in Okahandja, Usakos, Karibib, Otjiwarongo, Gobabis, we used to milk so meaning that we must distinguish a town Windhoek, Okahandja and a town like Okongo. In the rural areas if you take Okahao, Outapi, Ruacana, Okongo, Eenhana, Khorixas when it was still Welwitchia and Okakarara up to now these are rural towns. Is rural towns and so I do not think one can expect the Municipality law even in my village in Maltahohe you cannot expect Municipal bylaws to apply like here in Windhoek. In Windhoek the Municipality even to have chicken sometimes you may be arrested.

There was a time in 1992 when we proclaimed what is this town on the way to the airport? This where there is a hotel? Kaks Farm, yes Kaks Farm at one time Kaks Farm was proclaimed as a peri urban it was a kind of a village country but then the people resisted because they were having animals. So what I want to say is that in the rural areas if you drive maybe from here you approach Okakarara or you pass Gobabis on the way up to Dordabis and other areas up to that area where my Comrade sister is coming (intervention).

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**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:**  
Leornardville.

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**HON EKANDJO:** Leornardville those areas automatically you cannot expect because there you are not allowed to put fences so if I pass Oshivelo Mururuani and then this time after the people have harvested it is only during harvest time when they look after their cattle because there is mahangu and others otherwise they release it. Now where must you keep if you put a fence then you say others complains and say you cannot just have fence in the rural areas because otherwise where our cattle going to graze in the corridors. So it is just for us to make a difference that if w speak and I think Comrades where maybe you were speaking especially maybe between Windhoek and Rehoboth.

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**HON MEMBER:** Which Comrade is that?

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**HON MEMBER:** Van Wyk.

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**HON EKANDJO:** You speak of the whole country? Ha, Comrade to be (laughter)? Comrade to be so what I want to say is the domesticated animals are rural areas towns if you proclaim Okongo, let me say Okongo proclaimed as a village country tomorrow maybe it will become Council you cannot expect people around there to walk into Okongo and will never see a donkey or cattle there just like in Windhoek. It will still take some years before when you move into Okakarara, Khorixas, Rehoboth, Opuwo, Oshakati, you will still see cattle roaming there becusase villages along have got cattle. Yes maybe only for us maybe to tell the cattle owners must ensure that their cattle are not. Like my cattle in Kavango every now and then almost every second month is driven over

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by cars. I am just told “Jerry we have bumped your cow” but where must I keep them? Where must I, it is a rural area I am in a village in Makena in Kavango where must I keep those cattle? Must I fence off?

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**HON SPEAKER:** Okay.

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**HON EKANDJO:** Yes?

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**HON DEPUTY MINISTER OF GENDER, EQUALITY AND CHILD  
WELFARE:** Thank you Comrade, another?

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**HON EKANDJO:** I mean we are talking about Gibeon (laughter).

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**HON DEPUTY MINISTER OF GENDER, EQUALITY AND CHILD  
WELFARE:** Thank you, can I ask?

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**HON SPEAKER:** Honourable members let us not dwell for too long. This is not the only item. We have got so many other items and we have got two days left. Yes Honourable Member.

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**HON DEPUTY MINISTER OF GENDER, EQUALITY AND CHILD WELFARE:** Yes just a point of information. Comrade Ekandjo you talk about cattle owners to ensure that their cattle get off from the road, it is true cattle owners really want their cattle off the road but are you aware that in communal areas it is really where there are no fences. People are sitting with the challenge there is no fence in the communal areas. They want to keep their cattle in their fraternity but really it is impossible for the people to keep. The culture of farming is different from the culture of farming in the South. Yes that part we must also understand. In the South we are looking for you get a cattle herder for your goats and your sheep but not with the cattle for example. In the North I saw that the goats are going with (intervention).

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**HON SPEAKER:** Honourable Member is that a point of order or is it your own contribution? Your contribution?

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**HON DEPUTY MINISTER OF GENDER, EQUALITY AND CHILD WELFARE:** Yes point of contribution and (laughter).

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**HON SPEAKER:** Honourable Jerry Ekandjo I allowed her on a point of order.

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**HON EKANDJO:** She rounds off what I wanted to say here, because of time Comrade Speaker, thank you very much. She said what I wanted to say. Thank you.

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**HON SPEAKER:** Thank you very much, can I now turn to the Honourable



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HON MUHARUKUA**

Muharukua.

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**HON MUHARUKUA:** Thank you Honourable Speaker, I think given the fact that we are burning the field with our contributions when it comes to this Motion, maybe it is time that I speak about the animals crossing the redline into the south of the redline but I will not do that. I thought the Honourable, maybe I will do it a little bit. The Honourable Ekandjo was going to touch fences but I just did not go to where I wanted to go so I will be brief because he touched a little bit. What I will talk about, yes there are laws. We have ordinances that are punitive to the owner of an animal that causes damage on the road but I think it is also a responsibility when we bring development to ensure that we minimize the risk on both the road user as well as the owner of an animal.

Now Honourable Speaker, Honourable Members, I have noticed a selective approach to this provision. When a road is being constructed south of the redline between Otjinene, Okundjatu or Grootfontein whatever the case may be and I speak under correction, I think also between Gobabis and Aminos, dual fences will be erected on both sides of the tarred road with provision for when the water point is on the other side of the road that animals can go through or under a bridge to go and fetch water and come back. It is alright, donkeys fetch water on their backs what is the problem (laughter)? Yes, I have seen in Onula a donkey that was on its own with two *ngwanaz omandivi* going to fetch water and back so we thought it is not a problem but be that as it may provision is made to ensure that these animals can pass or cross to the other side of the road without causing danger.

It is also one reality that there is more grass by the side of a tarred road than further on, why, because there is more water that flows immediately, after or adjacent to the tarred road because the water that goes on a tarred road the rain water on the tarred road goes there and therefore more vegetation specifically the grass so animals indeed would come for heat but also for grazing. Now when you go north of the redline from Mururani to the next village no fences, from Oshivelo to Omuthiya no fence, (intervention).

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**HON MINISTER OF SAFETY AND SECURITY:** To Oshikango?

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**HON MUHARUKUA:** To wherever I am just mentioning all possible roads. If you go from Okahao okay the newly constructed road to Omakange no fence. Wait to hear what I am saying. Now when you go from Werda to Omakange there is a single fence for about 80 not even 80 about 50 kilometres. My question is this, that safety measure with all other benefits of course there are other benefits to that, agricultural benefits. Maybe if the relevant Minister can inform us as to why there is that selective approach to (interventions). No I just said no.

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**HON SPEAKER:** Yes on a point of order.

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:** Honourable Speaker it is a point of order. The colleague needs to tell us where the communal area are on those national roads because those are commercial farms and in the area where there are communal areas like between Gibeon up to Keetmanshoop those are different Traditional Authorities segregated along that line. So I just do not want us to create an impression that Government is not doing enough on one side and is doing enough on the other side. I think there is a need for that understanding.

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

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**HON MUHARUKUA:** Yes let me just clarify. You see sometimes when you are defensive you think someone is talking politics when they are in fact not

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talking politics. Let me give you an example of communal areas that I am talking about. From Otjinene to Ongongoro that is a communal area. There is a fence erected. We are not talking politics we are talking about if the imposition of safety or the erection of safety measures to ensure that farmers and road users are safe. Honourable Nekundi you were asked and you are still talking.

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** No but I did it.

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**HON MUHARUKUA:** The crux of the Motion is to ensure that we are providing safety. Now I am saying north of the redline what is, I am asking you a question perhaps for the House to, (intervention).

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**HON SPEAKER:** No can we conclude the question?

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** He is misleading Honourable Speaker. He is misleading. It is (intervention).

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**HON SPEAKER:** Are you on the point of order?

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Yes because the colleague is misleading. The fact is the area he has mentioned south of the redline that we call implied on the north of the redline. Where the difference comes in, is the fence was too close to the road or that fence was cut in the

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HON MUHARUKUA**

middle equally in the northern part the Road Authority ensured that that fence is properly erected so it applies to both in the northern side (intervention).

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**HON MEMBER:** Where?

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** I can tell you the road from Oshikuku is one of them up to Ondiraremi those fences next to the road are standing and erected so it is not just one sided.

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**HON SPEAKER:** Honourable Muharukua please.

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**HON MUHARUKUA:** Honourable Speaker, I will wrap up. You see Honourable Members must, one, listen clearly and understand and when you contribute you must also make sure that you actually understood what you are contributing to. I am not talking about Honourable Member, may I be protected from the Honourable Nekundi. I am not talking about a fence that used to belong to someone and therefore it is being replaced for maybe half a kilometre. If you go to, they are, it is quite correct but I am talking about the erection of a completely long fence along the road to ensure that the animals can cross over to the other side safely and are not on the road, do you understand me correctly now? I am not saying that the Government removes fences of people and leaves it aside that is not what I am saying so the question that I wanted to ask Honourable Speaker, Honourable Member is this maybe the Ministry or the relevant person who is in the know of why it is done this side and not the other side to come and explain that is one. And two, whether it is actually possible to do it that way north of the redline as well and if there are places on the south of the redline where it is not happening I mentioned Aminos the new road to

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HON VAN WYK**

Aminuis I am speaking under correction I am not sure whether it is Dann or not. If it is indeed not Dann for us to know as to why it is not Dann maybe it is the communities themselves that are saying it must not happen but it is a safety measure and I believe in the crux of the Motion. Thank you Honourable.

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**HON SPEAKER:** Thank you. Essentially I have exhausted my list. Does the Honourable Van Wyk wish to reply?

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**HON VAN WYK:** Thank you Honourable Speaker, I would like to thank the Honourable Members who contributed to the debate. I will summarize Honourable Speaker because of time.

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**HON SPEAKER:** Yes.

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**HON VAN WYK:** When motivating the Motion I referred to cattle, horses and donkeys along road reserves and I gave some examples of accident that occurred just outside Rehoboth where the owner came to cut off the ears of the cattle. In the Motion I talked about the consultations between various stakeholders also meetings as was indicated by Honourable Shanghala. I concluded Honourable Speaker by saying that and I just want to read here. "I am of the opinion that there is no need for the Motion to be referred to a relevant Standing Committee as legislation to attend to the problem do exist".

Now in the motivation I highlighted the various legislations in place. Honourable Speaker, Honourable Members the problem here is that the legislation is in place but to enforce the legislation that is our problem. To make owners understand that I cannot allow my animals in the road reserves. If you go

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to Rehoboth now you will find animals in the road reserves and that is the problem. So what I am trying to bring to the fore is that we need to discipline the owners of domestic animal that is indeed so. Now if it happens that an accident occurs and the owner is not known, the legislation is in place and the argument here is that if it is Government responsibility to enforce these laws and if Government fails to enforce these laws then Government should be held accountable or responsible. Several claims can arise from failure to implement the laws.

With these few words I would like to thank the Honourable Members also those who made jokes of it. It is a serious issue Honourable Speaker. I am very happy to hear that Honourable General has made a statement in this regards. I would like to have a copy of that and hopefully the problem can be attended to. I thank you Honourable Speaker.

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**HON SPEAKER:** Thank you very much. I think a word of thanks from the mover is quite appropriate. The Motion attracted a lot of discussions a lot of interventions but I think I would like us also to take note of the fact that it was actually agreed that this is something that require collective efforts, stakeholders coming together to seriously look at how best to strengthen mechanisms for ensuring that we do not experience the kinds of challenges that the Motion is talking about. I think that was the underlined understanding. And you are right as the mover, we are not referring the Motion basically we are saying there is a great deal that can be done to improve on the kind of challenges that we face from time to time as a result of having animals within the urban centres including what affects us on our national roads. So I think there is that understanding and appreciation that has been underscored by several speakers who have taken the floor. There is no disagreement but I think we are simply saying collective efforts must be undertaken to do something about it. I now put the question that the Motion be adopted against the understanding that the mover has just spelt out and what I have alluded to as well. But I think we will leave it to some of the line Ministries that are directly affected to see what they can do and from time to time update the House on some of the efforts that have been undertaken. Can we leave

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**RESUMPTION OF DEBATE ON URBANISATION  
AND ITS IMPACT ON TOWNS AND CITIES  
HON MBAI**

it at that? We accept the Motion as having been a very useful exercise, no jokes I think we were all very serious. Thank you very much. We move on. The Secretary will read the Third Order of the Day.

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**RESUMPTION OF DEBATE ON THE ISSUE OF URBANIZATION  
AND ITS IMPACT ON OUR TOWNS AND CITIES**

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**HON SPEAKER:** When the Assembly adjourned on Thursday the 5<sup>th</sup> 2018 the question before the Assembly was a Motion by the Honourable Asser Mbai that the Motion be adopted. The Honourable Mbai adjourned the debate for his reply and I now offer him the floor.

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**HON MBAI:** Thank you so much Honourable Speaker. I will be again very brief to reply on the Motion on the issue of Urbanization and its Impact on our Towns, Villages and Cities. Honourable Speaker, my intention is not really to repeat what the Honourable Members in the House how they contributed to the discussion but I rather would like to make use of this opportunity to express my profound gratitude and appreciation to all the Members in the House for the contribution they entered to this very important Motion starting right from the beginning from Honourable Van Wyk and finally concluded by Honourable Iivula-Ithana. I can also recall at one stage after I consulted the Deputy Minister of Urban and Rural Development he considered the possibility of referring this Motion to a National Conference because of the multitude and importance of the discussion that came out of the discussion from this House but because of the multitude and because involvement in organizing such a conference will not be possible and I therefore really once again thank you once more.

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ON ALL EXTRACTIVE INDUSTRIES  
HON DR ALWEENDO**

The Motion seeks to raise awareness about the urbanization challenges and create platform and reach a common position on how to address these challenges affecting our people all over our towns, villages and cities in the country. It is now our responsibility as lawmakers to further interrogate and take necessary interventions to address these discussions. I thank you Honourable Speaker.

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**HON SPEAKER:** Thank you very much. That was the reply to a Motion that was discussed extensively. I do not think I need to go for any further discussions. I now put the question that the Motion be adopted. Any objection? Agreed to. So decided. Thank you very much. The Secretary will read the Fourth Order of the Day.

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**RESUMPTION OF DEBATE ON  
VALUE ADDITION ON ALL OUR EXTRACTIVE  
INDUSTRIES TO STIMULATE EMPLOYMENT  
AND HIGH FOREIGN EARNINGS**

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**HON SPEAKER:** When the Assembly adjourned on Thursday the 5<sup>th</sup> of July 2018 the question before the Assembly was the Motion by the Honourable Venaani that the Motion be adopted. The Honourable Minister of Mines and Energy adjourned the debate and I now offer him the floor. Honourable Minister.

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**HON MINISTER OF MINES AND ENERGY:** Thank you Honourable Speaker. Honourable Speaker, I rise to contribute to the Motion on the Value Addition to our Natural Resources by Honourable Venaani. Honourable Speaker, many countries especially developing countries like ourselves usually suffer from the paradox of plenty where abundant endowment of natural resources including



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minerals are not always translated into equivalent levels of prosperity or broad based development and also not in resource based industrialization. Now this point is important in the African context especially given the fact that one of the goals of the African Union Agenda 2063 is to industrialize our economies, leveraging our natural resources. Honourable Speaker, it should therefore be our wish to realize and maximize local retention on our natural resources especially minerals in our case and also fisheries resources and this is a legitimate aspiration and it must be pursued with the necessary urgency it deserves.

Honourable Speaker, I would like to think that there are two main things that have made it so hard up to now for us to add value to our natural resources. The first thing is that we continue to rely on foreign capital to invest now our natural resources. Unfortunately though the thing is that global capital is not always sympathetic to the developmental needs of the host economies and global capital will always move where the return is the highest. The second thing is the fact that more often than now we rely on technical expertise and also on technology that is always foreign and without the required technical expertise we will always be at the mercy of those who have the expertise and the technology.

Honourable Speaker, as long as we continue to rely heavily on foreign capital and foreign technology our quest to value addition will always be less successful. The unfortunate thing is that historically global investors those with the required capital on their technical knowhow enumerable and at times unquestioningly view our desire to add value to our natural resources as rather intrusive and bordering on resource nationalism and exploring or at times expropriation. In the action with us they continue to demand unreasonable terms under which they wish to invest in our economies at times and because of our urgent needs to address our under development some of the developing economies yield to such investor pressure and end up not adding value to their natural resources.

Now Honourable Speaker, lest I am misunderstood I am not at all suggesting that we do not need foreign capital or that we do not need foreign technology or expertise because we certainly do need all the foreign capital we can attract to our economy. We need all the foreign capital and technology but the real question is at what terms and conditions should we continue to attract global capital and

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HON DR ALWEENDO**

expertise. While it is to be recognized that international investors need to have a reasonable return on their investment it is equally important to note that the owners of the natural resources these citizens need to benefit fairly from their natural resources.

Honourable Speaker, what is needed going forward is to manage the tension between the need to maximize the development outcome of the natural resources to the benefit of the owners of the resources and the profit motive of the investors. It is also important to note that when it comes to what international investors wrongly term as resource nationalism this is not only an issue that is relevant to developing countries it is something that also happens in developed countries where they will want to benefit more from their natural resources. For example not long ago the Canadian Government rejected one of the Australian mining company BHP bid they rejected they had to take over one of their mining companies and in evaluating that BHP bid the Canadian Government considered their company as a strategic resource which could not be under foreign ownership and therefore when we say we want to benefit mostly or fairly from our natural resources it is not only because we are developing nation but it also happens in other economies as well.

Now when dealing with the issue of value addition Honourable Speaker and the inherent tension between Governments and investors we need to recognize that the world has changed and it continues to change. I believe that today's world inequality that characterize most societies could well be as a result of past policies and decisions including those governing the exploitation of natural resources. It is therefore important for us as the Government and our international investors in our natural resources sectors to establish new forms of dialogue that are aligned to our development aspirations where the owners of the natural resources equitably benefit from what is naturally theirs.

The Ministry of Mines and Energy is currently engaged with the mining sectors to identify opportunities for more value addition to our mining or mineral resources. Honourable Speaker, in this respect I am happy to note that most of the investors in our mineral sectors do understand the Government's insistence on value addition and I am hopeful and positive that our engagements will soon

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HON KAVEKOTORA**

yield the desired results. Honourable Speaker I will therefore support the Motion. Thank you.

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**HON SPEAKER:** Thank you. Honourable Kavekatora.

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**HON KAVEKOTORA:** Yes thank you very much Honourable Speaker. I also rise to support this very important Motion. It is a very important Motion because it calls for value addition on all our extractive industries to stimulate employment and to increase our earnings. I think if we look at our economic performance you would realize that something like this is long overdue. We really need to reengineer our investment regime Honourable Speaker. Calling for foreign investment without defining the expected outcome is a futile exercise nowadays. Extracting minerals is one tune but adding value is another. We have been informed that Namibia is endowed with a lot of mineral resources but if you compare ourselves and you look at the output and the benefit that accrues to this country from our minerals you start asking yourself a question that, what is it that we are doing wrong? Why are we not getting full or maximum benefits out of our resources?

A country endowed with so many mining opportunities cannot have some of the current economic indicators that we are facing, unemployment is very high, we cannot balance our budget, there is always mostly a budget deficit and we find that even in some communities where some of these minerals are being extracted from there is no benefit accruing to the communities at all. So to me value addition is a very critical success factor and we are lacking in benefitting from value addition. I think we need to look at our investment regime very critically and try to reengineer it so that the benefits could accrue to us.

A few days ago I met a Chinese national who is buying some of our minerals and exporting, (intervention).

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ON ALL EXTRACTIVE INDUSTRIES  
HON KAVEKOTORA**

**HON MEMBER:** (Not on microphone)

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**HON KAVEKOTORA:** I cannot say I met somebody else if I met a Chinese. I am not a Chinese and he was exporting some of his stuff to China and he showed me how they add value to those minerals in China. In other words jobs are being created in China and I asked him the question, *“But why do you not bring some of these machineries and technology to Namibia so that the Namibians from where the resources are coming from can benefit?”* And he was saying no that is expensive, it is expensive and we cannot bring it here it is very expensive. But we had not really interrogated how expensive it is for a country to bring and to import some of these machineries and equipment to Namibia so that at least at the end of the day the benefits will accrue to this country and not to China because those products that are being developed and value added in some of these foreign countries they will find their way back to Namibia at a much higher price compared to when the raw material has left this country. So that is why I am actually saying that and I think the Ministry of Industrialization, Trade and SME Development and the Ministry of Mines and Energy need to come together and really look at our investment regime. Yes I hear what the Honourable Minister is saying about investment but if we define what we want and I know we are there at least compared to the past few years where the people who are coming with investments were the ones who were calling the shots. At least we are there to call at least or to define what we want as investment because to find somebody from a foreign country selling fat cooks is not an investment it is just to come here and complete and try to get whatever he or she lay their hands on.

So if we look at our investment regime and try to change our laws to be more in compliance with those investors who are willing to come here, extract the minerals but at the same time add value even a certain percentage maybe we can start we say to add value of all the extracted minerals 60% of those minerals needs the value addition to be done locally and then you allow to export raw 40% of the minerals and then gradually and incrementally move that percentage up to 100% and transfer skills to Namibia, that will help us in fighting employment. It will help us in generating more revenue for the country and it will also help us to

make sure that at the end of the day all the resources that are endowed in this country the benefits really accrue to the Namibian people and not to the foreign nationals.

Honourable Speaker that is also an issue that needs to be looked at. You find that the Ministry of Mines and Energy will give an EPL to an individual either foreign or local, when it is in the communal set up the owner of the EPL will start baking cakes and claims at will wherever the resources are without any benefits accruing back to those people who are occupying and habituating that socio communal areas but in the commercial set up the possible exploration activities once before it takes place the individual who has got the EPL or non exclusive prospecting licence will go to the owner of that piece of land and will enter into an agreement. I am here to extra those types of minerals but before of the fact that I am using your soil and I am also encroaching on your farming activities and so on let us enter into an agreement and some benefits accrues to the owner of that piece of land. However, small but at least these are benefits for the use of the soil and water and so on and so forth but same benefits are actually not accruing to those people in the communal areas. You find somebody between the holy fire and the kraal shooting up a pack without even communicating to anybody because he or she has the rights that he received from the Ministry of Mines and Energy and I think that is something that we have to look into because it also encroaches upon our traditional values. So I think with these few comments Honourable Speaker, I wholeheartedly support the Motion. Thank you.

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**HON SPEAKER:** Thank you. Honourable Jerry Ekandjo.

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**HON EKANDJO:** Thank you Comrade Speaker. Comrade Speaker I would like to ask for the indulgency of the House because I would like to contribute tomorrow afternoon.

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**HON SPEAKER:** Yes, we have got two more names here. Yes thank you. Honourable Fleermuys.

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ON ALL EXTRACTIVE INDUSTRIES  
HON FLEERMUYS**

**HON FLEERMUYS:** Thank you Honourable Speaker. I do appreciate to add to this issue of evaluation of value addition (intervention).

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**HON MEMBER:** (Not on microphone).

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**HON FLEERMUYS:** It is not England, it is not even Britain. I can even speak in Nama, man. (Nama). It is only African people who are laughing at those who cannot speak European colonial languages because those of the languages cannot even speak my own language therefore you will appreciate that I am trying to deal with this colonial oppression. You bring upon me and force it on to me as a little entity while I would have been ashamed because South Africa has proved to us we are those kinds of Africans who have no value for our own languages because we feel we are high when we speak European languages who are our oppressors because they oppressed us with whatever you call it, diamonds, who is removing diamonds from here as from 1928 up to today? Those people of //Karas Regions who have the diamonds are taken out and have never ever tested or even had a diamond in his/her hand because that one is oppression and Namibian Government working together with the oppressors and oppress us more and more because you are giving away the diamonds as well as many other kinds of minerals without putting value to it. Adding value to it is dealing with unemployment because there are huge blocks of rocks at Walvis Bay Harbour, it is packs like this sieving area of us along side and they pass by any road, however, it will just be loaded into the ships and go somewhere to give somebody in Europe whether it is Australia, whether it is America, whether it is China whatsoever. Therefore, of course we must start to add value so that we could provide job opportunities to our people.

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**HON SPEAKER:** On a point of order.

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**RESUMPTION OF DEBATE ON VALUE ADDITION  
ON ALL EXTRACTIVE INDUSTRIES  
HON FLEERMUYS**

**HON MINISTER OF SAFETY AND SECURITY:** I want to ask a tiny whiny question to the Honourable.

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**HON SPEAKER:** Honourable Fleermuys, a small question from your dear colleague the Honourable.

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**HON MINISTER OF SAFETY AND SECURITY:** He is not my dear colleague no. Honourable Fleermuys you spoke of the Government of Namibia working with oppressors?

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**HON FLEERMUYS:** Yes.

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**HON MINISTER OF SAFETY AND SECURITY:** Have you ever in your life experienced working with oppressors also?

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**HON FLEERMUYS:** Thank you very much with that question because that part we are in the same boat because yourself also got into that boat which I was and you are working with me and driving with me in the same boat while you are telling the people around the country and around the world you are going to change but you are playing alongside with them. That is why you give them a loophole so that they will exploit that loophole because there is no law which demands whoever is coming with big eyes for uranium, gold, it is not only Chinese it is all of them. those who are coming from outside world including our colleagues in South Africa they just load huge amounts of heavy pieces of rocks on trucks and move with them to South Africa and all of a sudden we are buying

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these materials what they have put value on in South Africa and gave employment to their own people so therefore of course we cannot deny and say there is a law with which we are demanding from those who are coming with big huge amounts of money. Billionaires are coming here and just taking away from Namibia to China, from Namibia to USA, from Namibia to Europe and all of a sudden what do we get?

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**HON MEMBER:** Nothing.

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**HON FLEERMUYS:** Certain kinds of sicknesses which are called here what so called, what, whoever because of impoverishment because there are no job opportunities. There are not even toilets available because I have to run to the riverbed next to my house and everything is like pieces of goodness sake, we destroy our own people because we are not putting and activating the laws which exist yet. Thank you very much.

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**HON SPEAKER:** Okay thank you very much. Now Honourable Fleermuys when you started there were some hesitation here and there but you spoke eloquently and this is your House. It is the Chamber where all Members of Parliament are free to speak their views, share their concerns, their experiences. At the end of the day you said we are in the same boat and we have to make sure that that boat sails along the highway without bring harm to the rest of us. Thank you.

Now a piece of information that some of you have been waiting to hear. I have a colleague of mine the Speaker of the Parliament of Thailand. He has been, along with the rest of the nation has been extremely caught up in the drama of young people who have been playing soccer and then found themselves in a cave in the middle of a major drama. I have got good news for the rest of us that all the boys



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HON FLEERMUYS**

and their coach have been rescued and they are safely receiving medical care and this is good news.

With that may we conclude adjourn the House until tomorrow. We had a very good share of today's deliberation I think we made very good progress. Thank you very much. We adjourn the House. We will continue tomorrow the usual time.

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**HOUSE ADJOURNS AT 17:27 UNTIL 11:07:2018 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
11 JULY 2018**

The Assembly met pursuant to the adjournment.

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

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**HON SPEAKER**: Welcome back. Any Petitions? No birthdays, except unless if the information is hidden away from me. Any Petitions? Reports of Standing and Select Committees? Other Reports and Papers? Deputy Minister of Finance.

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**TABLING OF REPORTS**

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

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**HON DEPUTY MINISTER OF FINANCE**: Honourable Speaker, Honourable Members. I lay upon the Table, Report of the Auditor General on the account of the:

- (i) Office of the Prime Minister for the Financial Year ended 31<sup>st</sup> March 2017;
- (ii) National Assembly for the Financial Year ended 31<sup>st</sup> March 2017;
- (iii) Ministry of Health and Social Services for the Financial Year ended 31<sup>st</sup> March 2017;
- (iv) Ministry of Information and Communication Technology for the Financial Year ended 31<sup>st</sup> March 2017, and finally Ministry of Sport, Youth, National Service for the Financial Year ended 31<sup>st</sup> March 2017.

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**NOTICE OF MOTIONS  
HON HAMBYUKA**

I so Move Honourable Speaker.

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**HON SPEAKER:** Thank you. Notice of questions? Notice of Motion? Messages from the Head of State? Yes, Honourable Hambyuka.

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**NOTICE OF MOTIONS**

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**HON HAMBYUKA:** Thank you Honourable Speaker. I Move without Notice that leave of absence due to his own illness, be granted to the Minister of Works and Transport Honourable John Mutorwa until further Notice.

I so Move Honourable Speaker.

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**HON SPEAKER:** Would you table your Motion. Messages from the Head of State? Ministerial Statements? Let us move on.

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**HON SPEAKER:** The Notice of the Motion is one of the Minister of Sport, Youth and National Service. Does the Honourable Minister Move the Motion?

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**HON MINISTER OF SPORTS, YOUTH AND NATIONAL SERVICE:** I so Move Honourable Speaker.

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**NAMIBIA NATIONAL SPORT REWARD POLICY  
HON UUTONI**

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

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**NAMIBIA NATIONAL SPORT REWARD POLICY**

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**HON MINISTER OF SPORT, YOUTH AND NATIONAL SERVICE:**  
Thank you very much Honourable Speaker, Honourable Members.

Allow me to thank this august House for the opportunity presented to my Ministry to inform the nation on the long, long awaited Namibia National Sport Reward Policy.

Firstly, allow me to stress that sport is part of our national identity and as a country, we take pride in participating and hosting some of the greatest sporting competitions on the planet. Sport is also good for a nation because it teaches our children how to rise to challenges, nurturing and character building and discipline that will help them get on in life. It encourage us all to live healthier and more active lives. It is good for our society with governing bodies and charities alike delivering many brilliant programs that already use sports to strengthen community cohesion and give our young people new skills for life and work. The satisfaction you get when you score a great goal or beat a personal best, the adrenaline rush of that nail biting stoppage time equaliser, the dreams and ambitions you have for success, the lifelong friendship you make, all these things remind us of the unique way in which sport can excite and inspire us all.

Thus, the Government of the Republic of Namibia holds the ideals of sports excellence as paramount in its support or the delivery of sports and physical activity. It further recognises that this excellence is achieved and sustained through the combination of several factors including, the provision of financial support, the resourcing of a Ministry responsible for sport, the Directorate of Sport and its organs, the creation of a multi-sectoral approach, the creation of

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sporting policies in other Ministries and facilitation of requisite international arrangements and agreements.

Attaining world class excellence is recognised as worthy of support. Excellence is a source of community pride and inspires athletes/participants at every level to strive towards their own best personal achievement. To maximise the personal and social benefit associated with competing successfully internationally, greater attention must be devoted to a systematic approach to ensure that development of a constant stream of world class athletes, coaches and officials in a sport environment characterised by the highest standards of ethics and values. Cutting edge, integrated technical support service must be put in place for the athlete and coach or coaches.

Honourable Speaker, Honourable Members,

Special attention must be directed towards ensuring that successive generations of Namibian athletes are performing at increasingly higher levels and constantly achieving world standard. Opportunities to achieve excellence in sport must become available in all Regions of the country. This will ultimately lead to higher levels of sporting activity as well as elite athletes attaining prominence in their respective disciplines through achieving and surpassing global standards of excellence.

Sports excellence therefore speaks to the creation of an enabling environment that leads to sustained achievement, realised through deliberate and purposeful support and development. The creation of an enabling environment through support of the various elements that contribute to sporting excellence must be a collective responsibility.

The evolving needs of Namibian athletes and athlete development systems of other leading sport countries must be constantly monitored to ensure that Namibian high performance athletes receive the support essential to compete successfully at the highest levels attainable and realistic performance goals for major games must be established, collaboratively with the sport community to guide Namibia's high performance athlete development system and to monitor and evaluate its effectiveness.

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Honourable Members, the reward policy aimed at identifying citizens who display national pride and satisfaction as a result of the consistent achievement of sport excellence at the school, community, club, national and international levels.

**As a growing nation in sports, we therefore wish to achieve the following objectives with the full implementation of the policy:**

1. To establish a framework for the delivery of quality sports and physical activities experiences by the Government and other stakeholders for all citizens of the Republic of Namibia.
2. To develop and adopt the framework for effective sports delivery towards sports excellence as defined herein.
3. To implement physical literacy and sport skills development through quality physical education programs at the pre-schools, primary schools, secondary school and tertiary institutions.
4. To provide opportunities to enhance the capacity of administrators, coaches, sports medicine practitioners, athletic, trainers and other service providers.
5. To develop standard of excellence of coaching at all levels
6. To establish and implement monitoring and evaluation system for the sport delivery framework to provide an enabling people catered environment for nationals to develop and pursue their sporting goals and aspirations.
7. To work with local, regional and international partners and stakeholders.
8. To ensure the adequate and sustainable resourcing of all components of the sport sector plan.

Honourable Speaker, Honourable Members, Sport achievers have become known the world over giving the country they represent an international visibility and reputation not attained in other areas of their social, political or economic life. Personal pride in the achievement of a national sporting team is a powerful

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incentive towards uniting the people of the country. The use of the flag and national anthem at international matches instils pride and loyalty. Who can forget the pride that swelled into every Namibian when Frank Fredericks emerged victorious at the many athletic events he participated in?

Therefore, to acknowledge the achievement of individual teams within Namibian sport sector through the establishment of a recognition system. As a country, it is important that we give recognition to the exceptional performance of our athletes, coaches, administrators and technical officials. It is also important that our national teams participate with a standardised, emblem and colours as this impacts on efforts to build social cohesion and national building.

The Ministry of Sports, Youth and National Service encourages the recognition of excellent performance and achievement through the use of rewards that are creative, flexible and meaningful. When administered and communicated effectively, rewards and recognitions are an important part of total compensation program.

Rewards should be given for significant outstanding performance that advances the country is international standing, and should be tied to a specific accomplishment. Also rewards are most effective when they are meaningful to the individual and care should be taken in communication and distribution of rewards, so that they are not viewed as entitlement. **Importantly it is categorically made clear that the monitory recognition system being implemented will only be applicable to the feats of amateur athletes or teams. This however does not preclude Government to recognise the feats of professional athletes.**

This history of Namibia is reward system have been one reflected in controversy and inconsistency. When Johana Benson won gold at the 2012 Summer Paralympic in London the Government and the nation was caught in such (*Interjections*) euphoria that she was given a house as a token of appreciation, but since then many other Namibian athletes have brought home similar medals but the reward given to them differ.

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Honourable Speaker, the Namibia National Sport Reward Policy will also seek to bestow awards on deserving athletes who have distinguished themselves at international level in their respective sport codes. In this regard various awards such as the orders of merits in line with the country is honour system will be bestowed upon deserving athletes.

Therefore with the view to promote consistency and clarity in expectations, the following tables detailed or detailing the various monetary amounts was approved by **Cabinet on the 3<sup>rd</sup> July 2018**. I am not going to go through each and every item of the table. I just want to give an example here. The first table that you can see is the awards on individual. If somebody like it reads here coaches referred to the personal coaches of the athlete and then you read down there individual athletes, name of the competition.

For example you see number 1 there Olympic Games and Paralympic games senior. Now somebody there an individual won a gold that is the amount of N\$200 000 a person will get. It is a lot of money. You know from there this person when you give that person N\$200 000, coming back home, they will start up with their own business. That is very, very important. It is encouraging our youth.

Of course the N\$80 000 is for the coaches administrators to be shared. *(Interjection)* yes I just wanted to give that one. I am not going to go through each and every item of the table.

Then I will jump to page 8 there. I do not want to go through each and every item. *(Interjection) (Laughter)* Yes. This one is talking about reward for the teams sport in Namibia. This one is now for the teams that is on page 8. Now if a team wins for example you have Brave Warriors if they win in a competition or whatever, this is the amount of N\$800 000 they will get. I am not going to go through each and every item there.

Now you can go to page 10 now this one is about preparation grants. Now when our athletes go to like for example today or this year we are going to send our young people to Gaborone. Now when they qualify for the Commonwealth games somewhere in the world, when they come back now you need to prepare



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HON SHIFETA**

them, and you need to give them money for them to be prepared, money that is going into their pockets and money for preparation. So these are the money that is indicated here. I am not going to read it through. I think you have gone through the document.

So this is Honourable Speaker, this is the information about the reward system. Finally *(Interjection)* I would like to inform the Namibian nation that this reward policy has undergone an approval stage with Cabinet and now in the august House. Therefore as a Ministry we are also very busy working out modalities for its implementation. We are fully mindful and understand the state of the economy at this point in time and wish that we will secure the necessary funds in the next Financial Year that is 2018/2019, 2019/2020.

In conclusion *(Interjections)* allow me to say to this august House and the nation that, **talent alone does not win or create championships. It is therefore required of us as leaders and the nation at large to create an atmosphere and opportunities where we can get the most out of that talent.**

I thank you Honourable Speaker. *(Applause)*

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**HON SPEAKER:** Thank you very much. As a former sportsman, I wish to thank the Honourable Minister for clarifying the Namibian National Sport Reward Policy. I think this will go a long way to complimenting and strengthening our capacity to reward our sportsmen and women. The eyes are on you Honourable Minister and we will continue to support your Ministry and the wonderful work that you do on behalf of the nation. Honourable Shifeta.

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**HON MINISTER OF ENVIRONMENT AND TOURISM:** Thank you very much Honourable Speaker. As a sportsman *(Laughter) (Interjection)*

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**NAMIBIA NATIONAL SPORT REWARD POLICY  
HON VAN DEN HEEVER**

**HON MEMBER:** Not former sportsman?

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**HON MINISTER OF ENVIRONMENT AND TOURISM:** Let me, I am still a sportsman. I strongly and unreservedly support the Minister for the policy brought here. Our sportsmen and women have been making us proud. They put Namibia on the world map with the very little incentives that comes from the Government. Rewarding has always been done on adhoc basis and sometimes even created discomfort and inconsistencies, with the introduced rewarding policy, I think sportsmen and women will be encouraged, will work as an incentive for them to work hard and more harder to achieve and to put Namibia on a world map.

Therefore I strongly support the Minister and I thank the Minister for bringing this policy here, introducing that policy and also bringing it here for the Parliament to have an understanding and appreciation of the policy that was already endorsed by the Cabinet.

Thank you very much.

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**HON SPEAKER:** Thank you very much. I think we should also look within this institution to mobilise ourselves and partake in some of the sport activities, and in that I have the benefit of knowing that Honourable Jennifer Van Den Heever would like to take us in that direction.

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**HON VAN DEN HEEVER:** Thank you Honourable Speaker. Indeed as a sports fanatic, I have to echo the sentiments of the Minister, but unfortunately I am a bit confused because the cover page of this document which we received is saying that it is a Ministerial Statement, and the statement is only containing the motivation and then a table of the medals and the awards. I cannot see where the policy documents are. So if the Minister can provide us with the policy

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HON KAVEKOTORA**

documents, what is in it because this is only a paper and a motivation, then by all means I will support it.

I believe that we really do have a little bit more time as well to consult because this policy is having serious financial implications. So I would propose that the Minister will come back at the next session and provide us with, because I cannot even see the urgency of it, since the Ministry even promised the Brave Warriors an award and up to now I do not know. I am speaking under correction. I do not know whether they received it even. So I cannot establish the urgency of the policy. So if the Minister can please provide us with the policy, then I will give my full support.

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**HON SPEAKER:** Thank you, Honourable Kavekatora.

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**HON KAVEKOTORA:** Thank you very much Honourable Speaker. I will also take your invitation to request Honourable Members who want to up their defence skills, to come and join me in training you, in the Okinawa and Gojuryu Karate practice. That is an invitation, you are most welcome to register Honourable Nekundi (*Interjections*)(*Intervention*)

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**HON SPEAKER:** Very good.

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**HON KAVEKOTORA:** Honourable Speaker including Honourable Tweya also. Honourable Speaker, I also I think it is a timely policy to be consistent, and to make sure that our athletes are motivated to perform better to the best of their ability. It is also a policy that calls for people to be motivated to participate in sport, and sport is a very good undertaking for various reasons not only the

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reward itself but your physical ability and your mental set up as well, because if you participate in sport you tend to be sharper in your mental capacity.

I heard the Honourable Minister after thanking you for doing that, on page five (5) you mentioned exceptional performance of our athletes coaches, administrators and technical officials, and then you go to the table, the first table that talks about the individual athlete it is only the last column there that is talking about the coaches that will be getting rewards on an individual basis I believe based on the medal that the individual acquired. This basically means that if we have two gold medallists' then the coach will have N\$80 000 times two if I read the table correctly and based on a number of people who attain gold, but then on page 8 you talk about another category of coaches, managers with technical teams, and you give a lump sum to that definition of coaches, managers and technical team and administrators of N\$400 000 per that category.

Now the question is perhaps I am just trying to pre-empt the possibility of in-fighting because of the money that has been awarded, because the coach, let us suppose the General is the coach, and I am the administrator. Now the coach on the one hand on the individual basis has benefited from the coach individually, now here is also going to benefit in a grouping scenario on the N\$400 000. The question is what is the split between or among the coach, the administrator, the manager and the technical team?

Is it just a matter of taking N\$400 000 for a gold medal and divide by the number of the team, or is it a matter of also acknowledging the fact that the coach in the individual capacity has also benefited on an individual basis and obviously the coach is now sharing twice. One on an individual basis, and the second time on the team basis. So I just want to have clarity on that one because otherwise, you will find people now fighting for the N\$400 0000 on how that N\$400 000 is to be divided if a gold medal is obtained.

I think all in all is a very good proposal provided of course that we can afford it because people now are motivated and we are facing financial difficulty. Maybe there must also be a comment on the implementation the timing of this Report. If you look at our economic performance and the Reports that are been issued by

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HON HINDA**

the Bank of Namibia, we still have got a long way to go in terms of our recovery, so when do you anticipate this reward policy to take effect.

Thank you.

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**HON SPEAKER:** Thank you, Honourable Maureen Hinda.

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATOIN:**  
Thank you Honourable Speaker. I actually really support the basic principle of excellence performance in sports being rewarded, and I want to compliment the Minister for that initiative. However, I want to get some clarity. I have noted that the Ministerial Statement refers to sports and athletics interchangeably.

So I am trying to understand whether there is maybe within the policy a specific definition of sports, and why I am saying that is that yes, sports can be an important tool for poverty eradication and if rewarding excellent performance could encourage children to participate, but I want to refer to other sport codes which is not necessarily referred to here, where Namibians have excellent performance. Maybe the Minister can advise me on that. For example on the boxing fraternity we have excellent boxers. Are there different policies that will make provision for their compensation or is it included in the word athletes?

I also want to note that the Namibia chess club are doing very well, and they have obtained international, they have won international championships, and I would wish to see that such sports are also rewarded because if chess is rewarded, these are intellectual games which improves thinking (*Interjection*) so I just wanted to add that. Maybe the Minister needs to look at definition for the sport codes and use athletes then for specific type of sports and see how we can compensate for other sports codes.

Also the participating numbers for example at times it is not so possible because I think. Let us say number six (6) on page seven (7) refers to African Senior

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HON SHIXWAMENI**

Championships. Off course if it is athletics it makes sense, but in the other sports codes, because these sports codes would be of course having their *(Indistinct)* their different levels of games, so in the final event there will not be thirty (30) participants but they give you award title through that.

Thank you Honourable Speaker.

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**HON SPEAKER:** Thank you, Honourable Shixwameni. *(Interjections)*

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**HON SHIXWAMENI:** I kicked more balls than you. Thank you Honourable Speaker. I would like to actually agree with Honourable Van Den Heever, that once we welcome the tables that are presented before us, this is a Ministerial Statement and not a policy document, and I also agree that there is truly no urgency in it. I for one would like to have a comparative analysis of how athletes in other countries are awarded before I can express myself on the awards that are being offered around here. So I would instead of debating, I welcome actually the proposal that has been made, but maybe we can award more or we can even award less if we look at the regional awards, we might end up that we can improve the whole thing. Of course encouraging athletes is very important that they get the necessary encouragement, they get the necessary monetary award so that they are really able to compete, but for now with this whole Ministerial Statement having the financial implications that we have, I would rather say let us wait for the resumption of the session in September so that we can be able to consult thoroughly, do the comparative analysis of what athletes are awarded in the rest of the SADC region, with similar populations, with similar GDPs and all these kind of things so that we can then take it forward.

I would truly appreciate if the Minister can agree to that that let us do a comparative analysis. Let us not hurry it because this thing anyway will only be budgeted for in the 2018-2019 budget so there is really no true rush need to rush that I do not know whether we are expected to approve the Ministerial Statement because I do not know what the status of this particular document in this

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Chamber is, because a Ministerial Statement does not get approved but a policy document needs the approval of the House. So I would like to ask the Speaker is guidance to actually guide us on what are we expected to do. Approve the Ministerial Statement, or as a policy document, or what exactly are we expected to do.

I would say let us not rush. The 2018/2019 Budget is down the way till March-April next year, so we can still manage to delay the whole thing, but otherwise in principle, I support the award policy that we at least have something on the table that we can be proud of that can encourage our athletes to really excel in all sports codes.

I rest my case Honourable Speaker.

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**HON SPEAKER:** Thank you very much, Honourable Murorua.

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**HON MURORUA:** Thank you very much Honourable Speaker. I would like to thank the Honourable Minister for bringing to this House at least a system whereby rewards are going to be given to sportsmen and women, and while I am in full support of what has been said by Honourable Van Den Heever and Honourable Shixwameni, I would like the Ministry to please also consider for example the initiatives that are taken by private companies for example the Namibian newspapers is annually staging a national championship amongst the Regions, whereby in my opinion the Central Government is taking a backstage and just looking at what is happening without direct involvement in itself.

If you look at the awards that are being given, that is on the gold, bronze and silver, one is asking yourself what if we have a sportsman or woman that is going at the international level and does not come back with any medal at all. Would that person not be given some kind of an incentive? Is it what this system means for trying at least on behalf of the country? *(Interjections)* I think Honourable, sports is not about winning *per se* every time. You do not necessarily need to

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win but the mere fact that you are participating is also bringing forth that your country is being recognised, and therefore I think the same goes with other sports like soccer, netball and other things.

Therefore I think it is necessary that inclusion of those that are not coming back with medals, and also the direct involvement of Government in sports itself like the Namibian national newspaper championships is of great importance, and that we have to find ways and means whereby Government needs to be directly involved and more money or assistance has to be pumped into those things so as to develop more sport men and women in our country. I thank you very much Honourable Minister but I believe that it is a very good start.

Thank you.

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**HON SPEAKER:** Thank you very much. Next is Honourable Sacky Shanghala.

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**HON MINISTER OF JUSTICE:** Honourable Speaker, I was wondering whether or not we were still not on a Ministerial Statement and what you were allowing are just short questions. Instead we have heard karate, jumo masters inviting us (*Laughter*) and then we heard from Honourable Shixwameni who has never touched a ball and now we are being asked whether Parliament is here to approve of the policy.

The policy I thought is a Ministerial Executive policy which the Minister was commenting upon to inform the National Assembly. Now if we are saying also the policy is wrong, maybe we have input to make. I think we can engage the Minister but to say we differ it or whatever, the Minister made a Ministerial Statement I thought, and figures that were given are figures I think that have been consulted with.

Then the statement I just wanted to find out. I do not know if the Speaker picked it up, the one to say that sports is not about winning. It is like saying school is not about passing. I do not think we must have our kids try for mediocracy. If



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you partake to the fullest if you go to school, partake to the fullest. Let us not invite mediocracy.

Thank you very much.

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**HON SPEAKER:** Thank you very much. We are making very good progress and I think we should move on. What is before us in terms of subject matter is Namibia National Sports Reward Policy document that the Minister elaborated upon and so I think we should be clear about that. Now in the absence of any further discussion, does the Honourable Minister of Sports, Youth and National Service wish to reply? *(Interjections)* Yes, Honourable Iivula-Ithana.

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**HON IIVULA-ITHANA:** Thank you Comrade Speaker. I was somehow lost as the deliberations were going on. I thought what the Minister was doing was reading a Ministerial Statement, but looking at the order paper, it is apparently motivating a sport policy, and I think I heard one of the Honourable Members requesting for the document. I now do not know whether the document was tabled or is still coming and I did not participate because really I did not know how to proceed, and if there is no document to be tabled, maybe the Minister can respond. *(Intervention)*

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**HON SPEAKER:** We will come to that.

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**HON IIVHULA-ITHANA:** We will come to that, oh, I see. Then I support the submission that we go for tea break.

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**HON SPEAKER:** Thank you very much. Next I have exhausted the list. Now the list is being revised and next one on that new list is Honourable Errki Nghimtina.

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**HON MINISTER OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION:** Thank you very much Honourable Speaker. In supporting the Minister of Sports, I want to clear up the whole thing how it is. The policy issue is a Cabinet issue and it has been approved by Cabinet and you can take it from page six (6) where they start sports recognition, medal reward and preparations, grant system for all sports in Namibia up to page thirteen (13) the first paragraph there. This is now what we have approved. It is straightforward it is not an issue of there is no document. The document is there. This is the only one we have to approve. (*Interjections*)

The other issue Honourable Speaker what I want to bring up in relation with the security or insurance of our players is something we also need to consider. It is not by the Government, it can be done by the individuals that once they are playing somewhere, they are insured also. It is not that if anything happens maybe, but nothing can happen to them. It is only an issue that we can also look into but individually, but the word is straightforward. It is not an issue of saying there is no document. Document is there. Maybe for the comparison is the only issue.

Thank you very much.

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**HON SPEAKER:** Thank you, Honourable Kasingo Deputy Speaker.

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**HON DEPUTY SPEAKER:** I also have to thank the Minister of coming to motivate the sports policy. (*Interjection*) The motivation what he has done I should think to me is a motivation. Maybe what we could do because it appears

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that everybody agree what he said. We take note of what he said of the motivation and later he can detach the policy itself from the motivation and give it to us. In the meantime we can 'daccord' it (*Interjections*) due to the fact that it was already agreed upon by the Cabinet the document policy. Later maybe he will come with (*Interjections*) (*Intervention*).

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**HON SPEAKER:** Thank you. Can we listen to each other? Can we have some order, I can hardly hear? I cannot follow. Deputy Speaker I could hardly hear you because of the noise. Can you continue please?

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**HON DEPUTY SPEAKER:** I was just saying that what the Minister has done is to motivate the document policy as discussed and agreed upon by the Executive, but the physical document entitled the policy we do not have it in hand. Henceforth maybe because of time if the thing is urgent we can allow him to submit that document policy tomorrow because it was done already. (*Interjections*) I do agree that there was some confusion here within the Ministry not to advice probably to say that the motivation should be detached from the policy itself. We just need a separate policy document.

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**HON SPEAKER:** Thank you very much. Sure, your point is well taken. Now let me deal with this. I am not going to allow any further discussions. The factual matter on record here is supposed to be a policy statement that the Minister introduced in one form or another, but essentially what we have on record here on paper is the Ministerial Statement. So the two Colleagues who spoke earlier commented on that adequately to say there is an absence of the actual policy document. So the policy document we leave it to the Minister to provide to the House when he is ready to do so.

For now we take note of the Ministerial Statement because the policy document is actually not provided for. Now but then when you look at my records here, I should also correct myself. I will not put the matter to the House because what

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we have is a Ministerial Statement d'accord but as a courtesy to the Minister let him have the last word.

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**HON MINISTER OF SPORTS, YOUTH AND NATIONAL SERVICE:**

Honourable Speaker thank you very much. I on the first place I really want to thank each and every Member of this House. I can see the support, it is there. *(Interjections)* I can really see the support and each and every Member of this House really want to see progress and that is a good thing out of everything. That is good despite all this small things here and there, we can improve on that and it is good if we bring something here and it is not correct here and there, you are there to help us. That is a good thing. Maybe just to say some few things on the question raised. ***Honourable Shifeta*** I will just want to say thank you very much for the support because the key here is the reward towards our men and women at sport. That is the key. The policy to put in place that is the key but thank you very much.

***Honourable Van den Heever***, also thank you very much those write up we will try to improve it and I can also connect your question to that one of ***Honourable Kasingo*** that will bring the document clear as it is and then we move forward. You said you cannot see Brave Warriors in the document. *(Interjections)* Oh, she said something. You said you cannot see Brave Warriors. You know when we talk about teams Brave Warriors is one of the teams. When we talk about the teams, the teams are many. You know when people are going to participate as a team. Netball as a team, basketball as a team, Brave Warriors as a team. So they are all included in the reward policy or system. ***Honourable Kavekatora*** I really welcome you very much that you want to train us in karate*(Interjection)*. We really welcome you on that.

Now you were also asking a question on the reward of a coach. Now you are saying an individual when a coach takes somebody for a competition an individual because for example a boxer. A coach is coaching an individual boxer not a team. So if a boxer wins because you know it is not only a coach that is involved in that particular individual. It is a coach, it is a Medical Doctor, it is a physician, and it is whatever. They are going to share that amount of money. So

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an individual would be given his or her amount, but a coach because a player is not only catered by one person. As I said it is a coach, is a medical somebody, is what, what, what so they would be sharing that amount of money.

Now when there is a team that is going to compete and that team happens to win, a team will be given the amount of money yet the other people the coach, the medical Doctors, the whatever, they will also be given that amount of money, sharing that amount of money that is provided. Honourable (*Interjections*) Where did I put Honourable Shixwameni? (*Intervention*)

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**HON SPEAKER:** I think Honourable Murorua.

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**HON MINISTER OF SPORTS, YOUTH AND NATIONAL SERVICE:** Let me check. Where did I put, training, coach, reward schemes, I see Honourable Hinda here. Honourable Hinda but I do not know where I jumped Honourable Shixwameni but let me start with Honourable Hinda. *Honourable Hinda* you are asking about chess and boxing. You know they are also included in this. Everyone is included. However I want to remind the House that very soon we will also let you know the categorisation of sport codes in this country and you will be able to understand clearly that these are the codes that we categorise now. Of course it has to go through a process but I will let you know again. Chess that you are talking about it, will also be included provided that it is also part of the list in the categorisation of the sport codes, but I am trying to look at Honourable Shixwameni but maybe I think the same with Honourable.

*Honourable Shixwameni* you said we need to make a comparative analysis on how other people are rewarded regionally or internationally. Yes, as we progress we can do some changes here and there. This is a beginning now, and you know maybe some other countries are advanced in terms of rewards. They are given lot of whatever amount of money whatever. We cannot compare them with us, but where we see that there is a need to include something in our policies, then we can do that. It is a process that we are going through.

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*Honourable Murorua* if somebody you know you want those men and women when they go, they should also be rewarded even if they do not win. Now what we are doing is there is money for preparation. A person is given money during the preparation period so that person is already given something but of course when you go there now when you are qualified and then go and compete, you will be given money only when you have won a medal, but money for preparation is there. So we cannot give money to somebody who did not win but money for preparation is there.

Yes, *Honourable Sacky Shanghala* thank you very much. You have just made a clarification on some of the issues that you know these are just policy for us to take note. It has already gone through a Cabinet meeting or whatever and then they approve on it.

*Honourable Ithana* she is not here. Yes, we tried to help and then bring the document here clear as it is as we have just alluded here.

*Honourable Nghimtina* you have also just made up some clarification, and

*Honourable Kasingo* thank you very much.

Thank you very much Honourable Speaker.

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**HON SPEAKER:** Thank you very much. Now I know the matter is clearer. The report is taken note of while the House is waiting for the actual policy to be brought before this House for discussion *daccord*. It is very clear. Now I know that the Honourable Doctor Haufiku had a hand, can I hear you.

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** Thank you Honourable Speaker. I just passed a note to the mover of the Ministerial Statement just to remind him that one of the serious problems we pick up in sports is the issue of medical care for sportsmen and women. I really feel that somehow we need to embed in the policy some or whatever document we call it.

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**HON SHIWEDA**

I do not want to get into semantics. Somehow when our sportsmen and women go to participate in major sports even locally sometimes, we lack medical care sports medicine that is well supported, well-funded to take care of the injured sportsmen and women. So I was just reminding him.

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**HON SPEAKER:** Thank you very much. We take note of that. I am sure the Honourable Minister will take that into account. Good, well done I think we made progress. We move on. The Secretary will read the first order of the day.

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**COMMITTEE STAGE - SEED AND  
SEED VARIETIES BILL [B. 1 – 2018]**

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**SECRETARY:** Committee Stage – *Seed and Seed Varieties Bill* [B. 1 – 2018]

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**HON SPEAKER:** Does the Honourable Minister of Agriculture, Water and Forestry move that the Assembly goes into Committee? Yes the Deputy Minister.

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND  
FORESTRY:** I Move so Honourable Speaker.

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**HON SPEAKER:** It is moved that I leave the chair. Any objection? Who seconds? Agreed to.

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**HON NEKUNDI**

**ASSEMBLY IN COMMITTEE**

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**AND SEED VARIETIES BILL**  
**HON NEKUNDI**

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** The Whole House Committee is called to order. The Whole House Committee has to consider the *Seed and Seed Varieties Bill* [B. 1 – 2018]. *(Interjection)* Sorry *(Interjection)*. Now let us ring the bell. We are still missing one person.

Now the Whole House Committee is called to order. The Whole House Committee has to consider the *Seed and Seed Varieties Bill* [B. 1 – 2018] Can I have order too much of movement? Can you take your seats and we proceed?

I put Clause 01. Any discussion? Any objection? Agreed to.

I put Clause 02. Any discussion? Any objection? Agreed to.

I put Clauses 03, 04, 05, 06 and 07. Any discussion? *(Interjection)* on which clauses are you.

So first I put Clauses 03, 04, 05 and 06. Any discussion? Any objection? Agreed to.

Now I put Clause 07. Honourable Veikko you have the Floor.

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Honourable Deputy Chairperson, I just want to get the clarity from you before I go into it. The Clause 07, you are referring to section 7, right?

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes.

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Alright, yes. Under section 7 I possibly have a fundamental issue that this Bill this part, this Clause, is going to prohibit persons to trade with seed and there is no measures put in place to assist the communities who are currently selling seeds to acquire the necessary equipment as stipulated. So I do not know how to put it but I have a serious issue to that effect. If you look at section 7(3) it says that “*the registrar must register a producer ora seed processing unit or renew registration or a producer or seed processing unit. If the producer or unit meet the prescribed specifications in terms of infrastructure, equipment, technical ability and knowledge*”.

By implication I am saying by implication a person that relies on cultivating his or her field and from the surplus he sells that as seed either as mahangu or beans or maize, he or she is not going to be allowed to sell that surplus as seeds or the next person to be able to plan for next season. So there is equipment. How much is this equipment going to cost? The infrastructure? So we are basically saying so far cannot do that. We are going to expect our people, our things, their things, to be kicked around by the police as they are doing on a regular basis, I cannot.

My view is that that there must be a section in that part that also then provides an element of if you want to trade or to be registered as a registered seed seller, the person is coming to you to sell, to buy from you knowingly, that your seed is registered. Then he has a choice. If yours is unregistered, the person has a choice to buy for unregistered so that is my view, but to stay like that, I do not support that particular section. That is in view of my explanation.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** You might have a sense in that, maybe Minister of Justice will assist us in that regard. Yes, Honourable Sacky you have the Floor.

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**HON DR SHANGHALA / HON KAVEKOTORA**

**HON MINISTER OF JUSTICE:** Sorry, what the Honourable Deputy Minister has raised is a valid concern. It has also been raised by Honourable Muharukua the neighbour in absentia and we have taken note of it. So what we thought of doing is introducing a definition of what a certified seed is, and what a farm safe seed is. So if you have your subsistence farming and you save some seed that come from your mahangu harvest or your mealie-meal harvest or your “*eembe*” (wild berries) harvest, those are farm saved and therefore would be excluded and the ones that would be certified are the ones that are produced for the purposes of being seeds that are disbursed for the purposes of a cultivar not necessarily a product.

Now what we could not do is prepare the Amendment today, so we beg for the indulgence that this Amendment be inserted in the National Council. It is a very technical Bill and if we had to rush and put it in today, we were worried that, I was worried that mistakes could creep in and then we have to Amend. So it would give us enough time once we are on recess, we deal with the legal drafters and the National Council and it would be in the report that comes back from the National Council, and then we can consider it again if so agreed and if the Deputy Minister is amenable to that suggestion.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** With that understanding, this Clause will now then be Amended and referred to the National Council for the Amendment. Yes, Honourable Kavekatora.

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**HON KAVEKOTORA:** Thank you very much. I am actually, I raised on the same issue Clause 07 but not only Clause 07 but because what the Honourable Minister of Justice just said, I am confused with this title. It is something that should have been said before we even go into discussing this Bill because there were a lot of issues that were raised when we were posing questions to the Honourable Minister.

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**HON DR SHANGHALA**

Now it seems like there is an agreement that we are not aware of where these Amendments if agreed upon will now go to the National Council to be effected there, but that thing was not known to us because that will save us a lot of time in terms of going through the Bill if we know that most of these Amendments have been taken care of, but how do we know that the Amendments that we have raised during the Debate has actually been taken care of. So I think there is a need for us to clarify that and whether that is actually procedural to do something like that? Is it really procedural for us to have Amendments proposed here and then just be taken by the heart of the Minister of Justice and say, it will now go to the National Council for them to incorporate the Amendments there. How procedural is that? You must make a ruling on that one.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Well my understanding would be then in that case that the Bill would be going for review there and eventually also be referred back to the National Assembly and that is where you will know that those Amendments have been taken care of, but I shall give the Floor to Minister of Justice to clarify.

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**HON MINISTER OF JUSTICE:** If my recollection serves me correctly, the Minister only yesterday made responses to many of the issues that were raised on the Bill. He has a substantive response and I am not dealing with those issues. I think the Deputy Minister is there. The one issue that we picked up yesterday and was not raised in those questions was a technical issue which Honourable Nekundi has also seen, which you said you are raising on as well. *(Interjections)* Honourable Muharukua raised it, we discussed I, we had the experts of the Ministry and we agreed that a definition would then come in that would cater for farm access where you are on your own and you are not a producer of seeds in the true terms of the word, but you are selling your excess for your livelihood at the farm and the issue such as mealie-meal, mahangu, millet, wild berries were mentioned so we went to try and craft it between yesterday last night and today. Physically I just could not do it because it is technical. *(Interjection)* No, we are not going to postpone the bill because what

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**HON SHIWEDA**

we are saying is there is no disagreement that that issue needs to be catered for and the House of Review will also raise it. It will raise it and that Bill anyway will also come here so I beg for your indulgence to say that that definition let it be inserted by the National Council, and then the National Assembly in terms of its power of which you are a Member can then come and object to it. There is nothing about procedure or non-procedure.

The National Council inherently has the power to make input, what is the issue. You are trying to make a non-issue out of an issue, but I am not talking to the issues that were responded to by the Minister. He responded, he was here, if you were not happy with his responses, that is something else.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Now with that advice may we then proceed. *(Interjection)* Yes, I am asking for your indulgence to proceed with the Bill with those Amendments as we go on. The Amendments will be then accommodated and we shall refer to them to the National Council and eventually they will come back to this House and we can then deal with these Amendments. *(Interjections)* Now I shall give the Floor to the Deputy Minister.

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Thank you very much Honourable Deputy Chairperson of the Whole House Committee. The question that was raised and also reflected on Clause, I think in relation to Honourable Nekundi that the farmers who want to trade on their seeds, will have to probably experience problems in terms of this Bill. This Bill is talking about certified seeds and certified seeds go through a process a thorough process to be recognised as certified seeds, but this Bill does not exclude farmers to trade or to barter among themselves. If a farmer has got a quality seed that other farmers are interested in, definitely that farmer can either avail it to the other farmers or sell it to the farmers but those seeds will not be recognised as certified seeds, but definitely they can be propagated if so, but they will not be sold in the market no you cannot go as certified seeds. They can still

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**HON NEKUNDI**

be sold in the market but not as certified seeds. Those are farms saved seeds that most of the farmers in the farming areas make use of, not every farmer has access to certified seeds and that is very, very important.

Therefore we should not make that distinction because certified seeds is a process and you will need equipment. Definitely you have laboratories and you need scientists to do that and we do not want to exclude and I want to repeat, we do not want to exclude those seeds that have been in the market and farmers have been using for years and for centuries. That is very important so I think although we want to pass this Bill, we should be able to move on both ways, to accommodate the existing systems and also to introduce the new technology that we want to introduce with this Bill. That is if I am not confusing you more on this one.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** We seem not to be satisfied with those responses. Honourable Veikko Nekundi I can see you are still insisting.

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Thank you very much Comrade Deputy Chairperson, with the explanation of Comrade Minister of Justice, I have concurred. I do not have problem. I am in concurrence it is fine with that, but now with the Deputy Minister I am now wondering which one is which, because when you look at section 7(1) it says “*no person may cultivate, produce or organise the cultivation or production of seeds unless he or she is registered as a producer*”. Now that contradicts very much on what Comrade Shanghala has said. So if the perspective of Comrade Shanghala is the one to be adopted, I concur, but not the one from the Deputy Minister. That is my only problem because, if you now go to “*Omatara*”(open market), you find people selling “*ombuto*” (seed) which is seed. So if that is then captured in the context of what Comrade Minister of Justice has said, I am well and good but not in the context of the Deputy Minister. So possibly if the two of them can just balance that with that understanding of my concern, I have no problem if they just balance that off.

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**HON KAVEKOTORA**

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** I shall proceed to Honourable Kavekatora.

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**HON KAVEKOTORA:** Thank you Honourable Deputy Chairperson of the Whole House Committee. I think again what the Honourable Deputy Minister just said I want to refer to the next Clause, Clause 08 seed dealers to be registered. 8(1) it says *“no person may sell, keep for sale, offer to sell barter”* that she referred to, *“import or export or otherwise supply any seed by himself or herself or by any other person on his or her behalf unless he is a registered seed dealer”*. That nullify exactly what the Deputy Minister have said. So what we are trying to do here is basically pushing something whose time is not correct because what we are trying to do is to say what this House is supposed to be doing, because of time and because of the fact that the Bill is now being discussed a day before our recess, it must now be transferred to the National Council.

It does not make any sense and there is not only one Clause. The Minister of Justice was talking about Clause 07. Clause 08 is also in dispute so are many other Clauses that we have talked about. So this thing does not jell well at all. It does not make any sense.

The first thing for us to do if we want to do justice to this because it will cover a number of Clauses in that respect is to postpone the whole thing so that it can be discussed properly and some of these Amendments that have been affected are being incorporated here. The National Council now will be given a task to review, not to be the first point of entry before we review. Why do we have to change the law if the law says that we are the first contact to review before the National Council comes in and reviews our work? We are not reviewing our work if we proceed the way we are doing now.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Honourable Deputy Minister. Can we then agree that you agree

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**HON SANKWASA**

in a way with what the Minister of Justice was advising in order to accommodate the views or the concerns that were raised by the Honourable Members and we proceed? As we proceed, I just want us to go through this exercise and wherever we come across issues that needs to be looked at, we can still proceed with those Amendments can be covered in the National Council. That would be my ruling honestly Honourable Kavekatora. So your views are being taken on board. There is nothing that has been swiped away here so with that understanding, can we proceed? Yes Honourable Sankwasa?

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**HON DEPUTY MINISTER OF WORKS AND TRANSPORT:** Thank you Comrade Speaker (*Intervention*)

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**HON DEPUTY CHAIRPERSON OF THE WHOLEHOUSE COMMITTEE:** Deputy Chairperson.

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**HON DEPUTY MINISTER OF WORKS AND TRANSPORT:** Deputy Chairperson of the Whole House Committee. The Constitution of Namibia is clear. What is the role of the National Assembly? What is the role of the National Council? If we find that we still have a duty as a National Assembly to do on a particular Bill, we cannot ask the National Council to come and do that duty for us. I think as Namibians really speaking, we should be very, very clear. We are the people that makes these laws and we should adhere to those laws. To say that we should proceed and ask the National Council to do the Amendment for us after they have done then bring it back to us, it would be misplacing the interpretation of the law.

Thank you. (*Applause*)

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**11 July 2018 COMMITTEE STAGE – SEED AND SEED VARIETIES BILL**  
**HON SHIWEDA / HON NGHIMTINA**

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Honourable Members in my own view, I think we are not really suppressing the views of the Members but in the interest of the time and issues that we need to *(Interjections)*, so there is a consensus that we do not need to proceed with this Bill, and I see the Minister of Justice and the Deputy Minister is consulting. Can I get guidance on this issue? What have you consulted Deputy Minister?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Honourable Deputy Chairperson of the Whole House Committee we can proceed yes but it is very important that the Members here are comfortable and they should also understand our explanations where we are heading to. What I was trying to explain and although I think the Colleagues do not want to understand it is that, to be a seed dealer you have to be certified and to be registered. We cannot expect our farmers out there to be immediately registered to be seed dealers, immediately, but they will continue using the seeds they have been using but *(Interjections)* they will. Unfortunately, they will have to because that is exactly what the Minister explained yesterday in his response and those ones we do not call it certified seeds we call them farm safe seeds. Then this Bill will not see the light of the day.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Really so I shall, first let me give Honourable Errki.

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**HON MINISTER OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION:** Honourable Deputy Chairperson of the Whole House Committee, let us leave that out then we consult later on. We continue but we know it. *(Interjections)*

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11 July 2018 COMMITTEE STAGE – SEED AND SEED VARIETIES BILL  
HON DR SHANGHALA

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: What is that now? What does it mean?

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HON MINISTER OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION: We did it all the time. We need to consult.  
(*Interjections*)

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HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Minister of Justice.

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HON MINISER OF JUSTICE: Honourable Deputy Chairperson of the Whole House Committee, let me just explain the issue and see if we can understand each other. This Bill seeks to register anybody who wants to be a seed dealer. Why, because you cannot just bring seeds from another country or GMO modified seeds. It may have implications on our natural environment. So you have to be licensed. We agree with that. We have no objection to that. The Bill does not say that if you are a mahangu farmer or if you are a subsistence farmer your excess products is also subject to licensing and therefore you need to be licensed to barter and trade your products because your product is not considered, a mahangu seed or a “*embe*” seed but the concern was raised yesterday by Honourable Muharukua to give comfort to the people that, we are not targeting them and that is the issue Honourable Nekundi raised.

So we consulted with experts yesterday. (*Interjections*) Experts are what are these people who study grains and planetology what do you call them, (*Interjection*) yes, the people are there. They were here yesterday when the Minister was responding. Her name is Andowa. She is an agriculturalist, well-educated by the way. Just because you have no education, no, no, do not do that no, it is not good. So what happened was (*Interjection*) can you also listen now

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**HON DR SHANGHALA**

meme(*Interjection*). So what we agreed was an addition could be added.  
Muharukua please man. (*Intervention*)

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: Please, please Honourable Members let us have order.

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**HON MINISTER OF JUSTICE**: What was agreed, are we serious or not. (*Interjections*) (*Intervention*)

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: Honourable Member you are protected. Please let us have order now.

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**HON MINISTER OF JUSTICE**: So what was agreed was that for the comfort of the reader and anybody who wants to use the law, they would be that distinction to clearly in the abundance of caution say that if you have your products and we came up with terminology, we got it from the experts but what I was trying to say is that time did not allow to get it done, it did not. Already the law does not allow that you blanket license everybody and prohibit. So I am saying based on that let us go on. By the way a Bill would have to come back to us anyway. So what you want to do is you want to filibuster. You want to say yes, we will not talk about this Bill, it must wait because of that one point (*Interjection*)

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**HON MEMBER**: It is not just one point.

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**11 July 2018 COMMITTEE STAGE – SEED AND SEED VARIETIES BILL**  
**HON DR SHANGHALA / SIBUNGO**

**HON SHANGHALA:** So what do you suggest? Do you suggest we leave the Bill or do we do as Comrade Nghimtina had advised which has been done before *(Interjection)* well then in that case I do not know if there is an intent for these legislatures to work because as a matter of fact they are just also talking? They are not addressing the issue that we are saying that already the Bill makes an exclusion, but which was still the abundance of caution. Nobody is coming with text, there is just noise, noise from one corner there. *(Interjections)* I really do not know if this is acceptable. You are making noise. I am on the floor. Wait until you have the floor. Do not make noise. I am on the Floor, wait until I am on the Floor. Do not make noise I am on the Floor “wena” (you). *(Interjections)* *(Intervention)*

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Order.

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**HON MINISTER OF JUSTICE:** Thank you very much.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Honourable Heather. Let us listen to each other, *(Interjections)* Yes, but let us listen to each other. Now he is sitting down. Honourable Heather.

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**HON SIBUNGO:** Thank you very much. *(Interjection)*

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** You do not even have a voice.

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**HON BEZUIDENHOUT**

**HON MEMBER:** Now where is the voice?

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**HON SIBUNGO:** It is gone but I want to speak. Deputy Chairperson of the Whole House Committee, as we are sitting here, we are not sitting here for ourselves. We are sitting here to represent the masses. When we take decisions on this Bill, it is Bills that will be used even for future leaders who are coming and yet we want to rush things, at the end of the day how many Bills were returned from National Council, that shows that we are incompetent here, we like rushing things. If we cannot take any decision, let us postpone it to the other.

I thank you my voice is gone.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Honourable Muharukua that is not allowed sit down. You do not have the Floor. You do not have the Floor she is done. Sit down, *(Interjection)* No you do not have the Floor. Honourable Bezuidenhout. She is already done, *(Interjection)* on what?

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**HON BEZUIDENHOUT:** Thank you Honourable Deputy Chairperson of the Whole House Committee. When we say things. *(Interjections)(Intervention)*

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** You are starting not with me, not with me. *(Interjections)* Yes Honourable Bezuidenhout, you have the Floor.

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**HON KAVEKOTORA**

**HON BEZUIDENHOUT:** Thank you very much. When we say things to avoid situations like this we are ignored, but when these, some of these Bills come through, he said it is only a few days before we are go into recess but it will pass through, but let me go back to the history. In the past when we had any Amendments to any legislation before the House, the Amendments came in time for the Committee stage. We had the papers signed by the Attorney General. It was a procedure that I got used to.

This new thing of saying we intend to do it there is a new thing for me as a lawmaker. I maybe stupid but I just think that I was (*Interjection*) Thank you very much. I just want to say that.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Thank you, Honourable Kavekatora.

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**HON KAVEKOTORA:** Honourable Deputy Chairperson of the Whole House Committee, I have requested you to withdraw your ruling on the basis of what we are saying. To say that you agree with people who are in breach of the Constitution and you say that the Bill and all the Amendments, that is basically what you said and all the Amendments must first to go the National Council because they will be coming back here anyway, and you are also supporting Ministers who are saying we have been doing it this way all along. In other words (*Intervention*)

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** That was not said.

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**HON KAVEKOTORA**

**HON KAVEKOTORA:** That is what the Honourable Minister has said.  
*(Intervention)*

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** That is not what they have said.

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**HON KAVEKOTORA:** That is what he said.*(Intervention)*

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Alright, proceed with your input.*(Interjections)*

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**HON KAVEKOTORA:** That is incorrect *(Interjection)*

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**HON MEMBER:** That is what he said.

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**HON KAVEKOTORA:** And I want, *(Intervention)*

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Sit down and be quiet, you are starting. You must behave Honourable Muharukua.

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**HON KAVEKOTORA**

**HON KAVEKOTORA:** Honourable Chairperson listen to me and leave Honourable Muharukua out. What I am saying is that your ruling is wrong.  
*(Intervention)*

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** You cannot decide on my behalf, just make your point.

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**HON KAVEKOTORA:** Make a proper ruling on the basis of the Constitution, where the Constitution say that *(Interjection)*

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Point of Order Honourable Member.

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**HON DEPUTY PRIME MINISTER AND MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION:** Thank you very much on a Point of Order. First we have our Rules that are guiding us and it would be very helpful if they continue to guide us. Otherwise, we will not be able to manage this House. One of the Rules it is the respect of the Presiding Officer. It does not matter your feelings, but the Presiding Officer is a Presiding Officer and if it is not respect, then it means we are not respecting the whole system. So I really beg that when we have a Presiding Officer should be respected, and that is why the Rule makes it very clear. Now coming with your permission Honourable Chairperson.*(Intervention)*

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**HON KAVEKOTORA:** Is it a Point of Order?

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**HON KAVEKOTORA**

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Yes.

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HON DEPUTY PRIME MINISTER AND MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION: With your permission Honourable Deputy Chairperson.

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HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Yes, proceed Honourable.

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HON DEPUTY PRIME MINISTER: On the subject under discussion yes.

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HON KAVEKOTORA: That is another Point of Order.

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HON DEPUTY PRIME MINISTER AND MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION: It is another Point of Order. We are here as lawmakers and as I said earlier, we have rules and regulations that are guiding us. We know it is by-camera Parliament, and each House has its own responsibility. I therefore want to suggest that in this case today, where we feel there are issues which are not clear, we point them out, we clarify them, we still have 24 hours and then we can affect those Amendments tomorrow and then finalise the Bill in a manner which is in line with our rules of conducting business in the Chamber. *(Applause)*

I Move Comrade Deputy Chairperson of the Whole House Committee.



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**HON KAVEKOTORA**

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Thank you.

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**HON DEPUTY PRIME MINISTER:** And I consult also the Justice and Attorney General on the matter if possible.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Thank you so much Honourable Deputy Prime Minister. With that understanding we shall then proceed as such. Honourable Kavekatora you have the Floor.

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**HON KAVEKOTORA:** I think I am happy that the Honourable Minister has come on a point of order and also try to give us direction on how to move, but the first aspect really my input was not to be disrespectful to the Presiding Officer. All I said is basically because there was a ruling made, and in order for us to move from that ruling to another ruling, the other one need to be nullified, and I have just requested the Honourable Presiding Officer just to do exactly that, but I think with all due respect and I agree that if the 24 hours we have at our disposal is adequate enough for us to still continue to be in compliance with our fiducial responsibility and not to shift our responsibility to somebody else, then I am all in agreement with the proposal of the Honourable Minister because that is what we have been requesting all along.

Thank you.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Thank you so much for that understanding Honourable Members. Then we shall then proceed by the ruling of saying that both Minister

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**HON NEKUNDI**

of Justice and Attorney General will be able to compile the amendments tonight and bring them tomorrow and that will still give us now the opportunity to proceed as they are okay as we are proceeding with the Bill. Those Amendments will be taken on board and they shall then compile those Amendments. With that understanding, can we proceed? *(Interjection)* Yes. So the Clauses 07 and 08 will therefore stand over.

I proceed to I put Clause 09. Any discussions? Honourable Veikko.

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** No, no, this one is the horticulture nursery Comrade Chairperson. It is basically on the same premise. The only difference that one was seed, this one is now horticulture nursery. Again, we have people that sell plants at open markets. Some even sell them from their open cars to the public. It is unrealistic that we will expect these people to comply with section 9(3) which says that “*a registrar must register a nursery if it meets the prescribed requirements relating to the infrastructure, equipment, technical ability and knowledge*”.

I will not expect and I have experienced, I have seen people and I am saying I do not want to undermine these people, but I have seen people selling these plants at the ages of 70 and 80. I will not expect them that these people, must go back to school to acquire the technical knowledge and to be certified, I do not expect that and what are the infrastructures and equipment being alluded to by this Bill? Is it going to cost N\$10 000, N\$1000 000, N\$1 Million or N\$10? That have an implication. So again, if that is the concurrence that that should be changed that there must be categories of these types of people that we accommodate the ones that are unable so that when you are buying that product, you know it is at your own risk because it is not from a certified person if that is understood on that context.

I want it to be put in that context but to put a blanket to everybody, I will have again a fundamental problem. So that is my position Comrade Deputy Chairperson that I will not support that section or that sub-section in relating because, it is going to have a negative effect on the majority of the people who

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**HON KAVEKOTORA**

are currently trading with this commodity. So I so submit Comrade Deputy Chairperson that that must be separate.

Thank you very much.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Any further discussion? Honourable Kavekatora.

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**HON KAVEKOTORA:** Thank you Honourable Deputy Chairperson of the Whole House Committee. Again item 9, Clause 09 is exactly in the same set up as Honourable Nekundi has said. It is very restrictive. 9(1) talks about “*no person might conduct or carry on the business of horticulture nursery unless such person is registered*”. I do not know whether the drafters of the law have also taken that into account but it falls exactly in the same category as Clause 07 and 08 and on top of that, Honourable Deputy Chairperson, the Ministry of Agriculture, Water and Forestry have got some plants that they are selling especially in the communal areas that they cultivate and then eventually they sell it as trees and so on.

I do not know where that will fall or whether the Ministry will have to be required to have a license or be registered, but that has helped people really to start planting trees across the board because the costs of those small trees are quite reasonable, sometimes N\$5.00 sometimes \$10.00. So I need to get an explanation as to where does that category fit.

Is it a question of once this Bill is enacted in law, all those things follow or what is going to happen to that scenario but in terms of content it falls in the same category as Clause 07 and Clause 08.

Thank you.

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**HON NEKUNDI**

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Very good, any other discussions? I shall then give the Floor to the Deputy Minister to clarify those issues that were raised. Yes, you have the Floor.

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Thank you Honourable Deputy Chairperson. For now we are taking all these comments very positively and then I think with the Attorney General, both, we can then see how we can accommodate that in the Bill but we have to be, let us be mindful that a *Seed and Seed Variety Bill*, as we have said is a technical one and definitely you do not want to have seeds that are not pure out there. We have traders in the market but let us see how we can accommodate them. I go along with the having categories, but at the end of the day that we do not compromise the quality of the seed that we are going to put out in the market out there and this cross, in-breeding and the crops that are not pure.

This is the ultimate aim and also that we should not be the odd one out there, because if you go out in the region, in the SADC and also international, these are Bills that are crafted more or less in the same manner, so as much as we want to accommodate our small scale and informal traders, I think we have to be mindful of that because we are developing a market. It is a new Bill that we are putting in the market and then I think let us also have that one at the back of our mind, but I think we are listening and then we see how we can accommodate these inputs from the Members.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Honourable Veikko, you still want to pose a question.

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Comrade Deputy Chairperson I do not really want to engage in the dialogue. However, I want you

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**HON TWEYA**

to concur with me in my position that, I feel good one time with one response, the next moment I am feeling bad. Once the moment we try to justify the unjustifiable in the world of reality, it is always good to put yourself in the, you must be able to contextualise yourself from a perspective of your locality. We have people in this country that are selling seeds. We cannot say because it is done in Kenya, we must do it like in Kenya. The Kenyans are different people. It is not ours. I could have equally argued and say now come up with the Act or a Bill that is protecting our horticulture producers, the local ones because we are importing a lot of horticulture if we want to boost our economy, so let us not try to have a different angle.

So what we are saying is that we agree on the premise that we are going to have two frames of seeds registered and non-registered. Each one with its own characteristics, but the moment we want to justify and I am feeling now that we are trying to protect the current position as enshrined in the current Bill which is not right, so that is my position. Let us just go in the context of what you are presenting that the content that is here it is going to affect our people, and I do not think anybody here should be able to justify an element that is going to threaten our communities. I do not think so and I cannot understand why somebody should be able to do that so let us go ahead in that context.

I so submit.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** I am sure your concern is taken care of. Honourable Tweya you have the Floor.

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**HON MINISTER OF INDUSTRIALISATION, TRADE AND SME DEVELOPMENT:** Honourable Vice Chairperson if the Whole House Committee, I did not want to speak but I was tempted with the response that we are making laws here to be whether it is internationally compliant or so. I am afraid maybe we are missing the point, and I want to start by supporting

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**HON TWEYA**

Honourable Nekundi. The issue here is we are here to make laws. First, to meet the expectations of our citizens. Second, we are not an island unto ourselves. Then we add another dimension so that we are internationally on par, but if we make laws simply to satisfy the international customers, we are derelicting our duties as Members of Parliament to make laws for our people, and I want to illustrate this to us as politicians that includes our Local Authorities and I use this example in the rural areas.

You have a Local Authority, maybe not a Local Authority but a Village Council. My dear sister is here. I will use her previous Village Council as an example. Let us say Witvlei is a Village Council. Now Witvlei has got local Councillors and they are responsible to clean the area. Now they decide to invite a cleaning tender, and they invite somebody from Windhoek because it is apparently too technical. Now this so-called technical person goes and gives them specifications for that tender to clean the Village Council of Witvlei.

This expert put specifications that we are looking for somebody to clean the tender, but this car must be one tonne truck. Are you listening to me, a one tonne truck to clean Witvlei Village Council? Given to us as politicians, Town Councillors we adopt that as specifications for a cleaning tender of a Village Council. Now who in Village Council Witvlei would have a one tonne truck, and do you really need a one tonne truck to clean a Village Council, no? You can even use a donkey cart to pick up the rubbish and the Village Council would be clean, but we are told we cannot do anything because the expert has put up this requirement.

I want us to start reflecting our mandate to serve and use our brains, and not to deny the services that our people want. You want that Council to be cleaned and allow the locals to participate because they will never get a loan to buy a one tonne truck. How can we accept that? So please what we are discussing now Honourable Nekundi is view must be accepted that those infrastructures we are talking about, will just be excluding our own people whom we want to participate and more so, this is now in the area of my mandate SMEs. Which SMEs will have all those infrastructure(*Interjections*) but we create infrastructures for SMEs but what we put on the table is to lock them out so that other people must come.

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**HON DR SHANGHALA**

We cannot do that. I want us to start thinking what is best for our people whom we are claiming we are representing. *(Ululations)*

I submit.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Well, on that note, Comrade Deputy Minister. *(Laughter)* Honourable Deputy Minister due to the different views, can the Honourable Minister of Agriculture perhaps the Deputy withdraw the view that the legal drafters they will relook into this whole matter. *(Applause)* Yes, Honourable Minister of Justice.

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**HON MINISTER OF JUSTICE:** Honourable Deputy Chairperson of the Whole House Committee. *(Interjections)*

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** But they are the owners of this thing, they are the drafters. I am just giving him the Floor to reply on my ruling. Honourable Muharukua sit down. *(Interjections)* Just sit down you do not have the Floor. I have made a ruling. You wanted to Debate. You wanted to contribute so sit down. *(Interjection)* I will come back to you just sit down. Yes, I will come back to you.

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**HON MINISTER OF JUSTICE:** Deputy Chairperson of the Whole House Committee. I was just responding to your suggestion that the Bill be withdrawn, and I wanted to suggest that the suggestion made that the Clause stand over and I have been convinced by the eloquent of the floor comments of Honourable Members sitting next to Honourable Kavekatora there, Comrade my mother there. So the idea was that tomorrow we would be in a position when we

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consider the Bill to table the Amendments and if that is not acceptable, then I really want to ask what it is that we are trying to do, because we have heard the concern and the concern which Honourable Nekundi spoke is valid. The Clause stands over and we proceed with it tomorrow, but before I sit down may I just say one last thing.

When you are producing in your mahangu field you are not producing seeds. You are producing *mahangu*, which is then for consumption. When you are a seed producer listen to me. When you are a seed producer in terms of this definition you are one who is producing in terms of the definition of seed for resell. So technically what we want to do is to make it abundantly clear, that those people who are producing for substantive, I mean for subsistence farming are not caught in the web of the regulation that we intend to have and that regulation unfortunately Comrade Nekundi, Comrade Tweya is an international standard. We are not going to bow by it because unfortunately we have made our commitment as a country and we also have to protect our fauna and flora. Unfortunately, that is the case but what we are saying is it has been heard but let us not throw the baby out with the bath water.

Thank you.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE**  
**COMMITTEE:** Good, Honourable Muharukua you have the Floor.

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**HON MUHARUKUA:** Thank you Honourable Deputy Chairperson. Honourable Deputy Prime Minister for one to gain respect you must command it, and if I as a Member of Parliament wishes to speak and do not have the protection of the Chairperson, sorry, I will resort to self-help and unfortunately I cannot respect a Chairperson that is commanding respect. That I will not do, sorry, that I will not do. *(Intervention)*



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**HON MUHARUKUA**

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: That is a good challenge.

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HON MUHARUKUA: Let us get to the Bill.

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HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: You must know that the Chairperson has got a discretion to give the Floor to anybody.

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HON MUHARUKUA: You have discretion to give the Floor but that discretion must be exercised within your power.

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HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: You cannot dictate to me who to give the Floor. I will just withdraw your Floor now.

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HON MUHARUKUA: No you can withdraw me that is a fact you can, but within your powers but you must exercise your discretion judiciously.

\_\_\_\_\_

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: So stick to your point and speak. You do not show the finger to me.

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**HON MUHARUKUA**: No, you cannot bully me certainly not you. Let us move on with the Bill.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: Now proceed.

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**HON MUHARUKUA**: No, I can never be bullied not by anyone that you must know. No one can ever bully me, no one. Moving to the Bill, *(Intervention)*

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: You better Move to the Bill. The issue that the Honourable Nekundi, *(Interjections)* who is the Chairperson. Are you the Chairperson? *(Intervention)*

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: I am listening. I cannot protect you because you are provoking us.

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**HON MUHARUKUA**: We are provoking you. You are part of the people that I am provoking. You have a side.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: I cannot protect you because you are provoking.

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**HON MUHARUKUA**: Of course that makes you very incompetent. Now this is the point.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: Proceed.

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**HON MUHARUKUA**: Now this is the point, yes, I will proceed. I can speak at the top my voice that is not a problem. The issue that Honourable Nekundi raised is an issue that I raised with the Minister of Justice. In example that, perhaps we have a problem and the problem that we are having here is that this Bill seeks. Chairperson am I protected?

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: I am listening you can proceed.

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**HON MUHARUKUA**: No, I am talking about protection from the Members. Otherwise, I will not finish. Sit I will not sit.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: Proceed.

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**HON MUHARUKUA**: Now the Bill seeks to push business to retail. Maybe it is fine. The Honourable Minister of Justice talked about the difference between a seed and a home sale seed. That is fine but after the discussion that I had with

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**HON KAVEKOTORA**

him, you go further and think and when it comes to this particular Clause that is being talked about that is being proposed should stand down, should do what? One looks at the Bill in totality and think, perhaps this Bill seeks to control the retail market that this big businesses be that Pick n Pay, be that Agra, be that whatever business should ensure, whatever they sell as seed to Namibia must meet a certain requirement. If that is indeed the object of this particular Bill or this particular Clause that if a big company or Retail Company doing horticulture is selling produce, they must ensure that it meets a specific standard.

Then we must be expressed about it. Then the Bill must be expressed about whom it targets, to ensure compliance and whom it seeks to protect because, as it is right now and I agree with Honourable Nekundi fully, that if you are seated in Ongwediva on the back of your bakkie selling plants, you are caught. Is that really the intention? Now I was disappointed that the Chairperson has ruled that the Bill or suggested at a very least, that the Bill be withdrawn, relooked at and be reintroduced. I thought that is what was going to happen. Now the Minister of Justice seeks to say well, let us just, let this Clause rather than be the one that stands over. Let us continue with the Bill. I think we have a problem with the Bill in total.

In that it does not clearly stipulate as to first, we do not have a consensus that the Bill seeks to regulate the retail market as opposed to any producer at all. So I would propose and suggest that maybe we must hear the feeling of the House that this Bill while either intentionally or by default catches the small person or the small person who is trying to enter that market and therefore we must withdraw it. The Bill must be withdrawn. The Bill must be reintroduced. Let us all then pass the Bill with the right intention as opposed to passing the buck to the National Council.

Thank you Honourable Deputy Chairperson.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE**  
**COMMITTEE**: Honourable Kavekatora you are the next.

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**HON KAVEKOTORA**

**HON KAVEKOTORA**: Thank you very much Honourable Deputy Chairperson of the Whole House Committee. I think Clause 07, 08 and 09 is a clear demonstration. 10 and 11 also added to it. Is a clear demonstration. If we start to just adhocly address this Bill the end results would not be the original intention of the Bill and I need to concur with my cousin here Muharukua to say that *(Interjections)* if the intention of the Bill is to control a certain segment of the market and also to protect another segment of the market, then if you put that Bill on the test on those two premises then that Bill is failing hopelessly and that is why if that is the intention, I need to concur with Honourable Muharukua and also the Chairperson to withdraw the Bill. *(Intervention)*

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: I will withdraw my ruling.

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**HON KAVEKOTORA**: How many are you going to withdraw?

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: So do not taunt me.

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**HON KAVEKOTORA**: To withdraw the Bill so that it can be drafted for the right intention it was intended for. Otherwise, we are just going to plug here and plug here and we end up having a Bill that does not speak to anyone of the segment of the market. So I support the proposal of the speaker to withdraw the Bill.

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**HON NAMBAHU**

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes, now I give the floor to Honourable Nambahu.

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**HON DEPUTY MINISTER OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION:** Thank you very much Comrade Deputy Chairperson of the Whole House Committee. I have been pressing this machine for quite some time and then I some of the arguments have been overtaken, but there are two points that I want to make and I want even when you are going to draft Comrade the sponsoring Ministry have regards to the issues of stud breeding. There are those who breed professionally and sell you a product that is really as per specifications and the standard of the regulation. A stud bull is actually within that kind of a person that is classified and registered but it does not also not exclude and preclude those that are selling among themselves animals that are not stud.

So this distinction I think is what should be made and we must protect and there must be a Clause in there that is protecting those of us who are selling amongst ourselves as we have been doing during the centuries. That there are new people that are entering even bred ones do not just think that maybe stud bull are just. There are people that are going into that, and that should be regulated so that when you are actually claiming that this is a stud animal, it is one, but the other people that are just selling there must be an exemption and clearly cut expressly that these people are not affected. Therefore I think those are the few things that I should recommend should be done and when the interpretation of the law is going to be made, the spirit of the legislature must be captured that it has been both to protect those people that the traditional one and those that are separated, both areas should coexist and protected by the Bill.

So therefore Honourable Kavekatora you have spotted some contradiction one Clause contradicting the other. For collating from the objects of the Bill and the harmony the flow I am not too sure that can be done this night, and tomorrow we will have it. It is for the protection and the image of this House. So this thing should be done with pure heads and equanimity. So therefore I invite us really to

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make reference to that stud that separation and to protect our people, and is really to say that we do not produce when we select our seeds. We produce and give from you and you know as we have been doing. We have been doing it very well.

We must be protected but those that are venturing into this field must be protected as well and there must be clear exemptions or clauses to that effect. I rest my case.

Thank you very much.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes, Honourable Sankwasa.

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**HON DEPUTY MINISTER OF WORKS AND TRANSPORT:** Thank you Comrade Deputy Chairperson of the Whole House Committee. I have first and foremost I do not go along with the issue of the withdrawing of the Bill because if we withdraw this Bill, we demonstrate that we have failed to make that minor correct that is required.*(Intervention)*

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Is it a minor correction?

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**HON DEPUTY MINISTER OF WORKS AND TRANSPORT:** It is minor correction. Why am I saying so? We all agreed that this Bill was made to meet the international standards, so there is only one element missing the protection of the local people and in English there is two few words. I do not know how the legal language will interpret it. There is a word called except. We can do section 8 and say except. We can qualify that or excluding. That does not we must

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**HON DR KAWANA**

abolish the whole sentence. Therefore, I go along with the proposal that the few amendments that must be done should be done today. We deal with the Bill as we have tomorrow we finish the Bill because we just want to bring on board the local people. That is all we are trying to do here but not to abolish the whole Bill. There is nothing wrong with the whole Bill.

Finally, Comrade Deputy Chairperson of the Whole House Committee I am an African person and a black person. One factor cutting across black people is that if your father is younger brother is younger than you, he is still your father, and the fact that you are older than him does not make him to be belittled by you. That is African culture.

Secondly, the way I was brought up is that pointing a finger at an elderly person, at a senior person in itself is disrespect and an insult. That is African culture, cutting across all black people.

I rest my case.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Thank you Honourable Member. Now I have Honourable Kawana.

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**HON DR ATTORNEY-GENERAL:** Thank you very much Comrade Deputy Chairperson. *(Interjections)* Comrade Chairperson it is regrettable that this House is degenerating into chaos and anarchy simply because we are ignoring our rules and procedures which is regrettable. In terms of our rules and procedures there is a way how to address the Presiding Officer in terms of the rules when to differ with the Presiding Officer, how to differ with the Presiding Officer which is not the case today and it is regrettable. *(Interjections)* When the Presiding Officer is talking you sit down. That is what the rule says in black and white but today we are ignoring our rules. You know countries which ignored rules, they went into chaos and anarchy and I do not think we can allow this in our Republic.



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**HON DR KAWANA**

That is number one. (Intervention)

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes Muharukua, sit down. You do not have the Floor.

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**HON DR ATTORNEY GENERAL:** Number two, I am addressing the Presiding Officer. For me I was trained in Taikwando(*Laughter*) and I do not want to use my skills of Taikwandomarashal arts(*Laughter*). I can break somebody's head five times, but now I am addressing the Presiding Officer.(*Intervention*)

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Order, order. Listen to the Honourable Member on the Floor.

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**HON DR ATTORNEY GENERAL:** Comrade Deputy Chairperson in terms of the rules also now I am coming to the Bill now and my Comrades must listen to me. There is what we call second reading. During second reading that is where you propose those Amendments in terms of the rules. You propose Amendments and it is regrettable that my dear sister is not here, Honourable Dienda. She is very good at that.

Second reading should would say, this Clause must read this way, this way. Once that is done, during the second reading when now it comes to Committee Stage, the promoter of the Bill will take those what we call comments into account and propose Amendments. Now we are doing it the other way round which is to me regrettable, because we are ignoring the rules. We come back to the rules.

Most of the interventions of our Honourable Members here those interventions were supposed to be done during the second reading to propose Amendments so

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that when we come to the Committee Stage then we accommodate those amendments. It is regrettable that that has not been done. That is why I support the proposal of our Vice President, Deputy Prime Minister here our leader, to say those provisions where Honourable Members have difficulties they can stand over and we accommodate the concerns and tomorrow we pass the Bill. I do not think there is difficulty with that to me.

I so propose.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Thank you Honourable Kawana. On that note, Clause 09 will stand over.

I put Clause 10. Any discussion? Any objection? Agreed to.

I put Clauses 11 and 12(*Interjection*)

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Honourable Deputy Chairperson (*Indistinct*)

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** But then you must raise your objection in Clause 10. That is why I put it. You raise your objection in Clause 10. Otherwise, I will proceed, yes (*Interjection*) and sight all the Clauses if they are in the following order that you have difficulties with.

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Alright Comrade Deputy Chairperson my sincere apology. I thought the ones that I addressed and are intertwined it is fine. My issue is that Clause 10 cannot be detached from

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**HON SHANGHALA**

Clause 09. Therefore the same principle applies. That is the only thing I am saying.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Then if that is the, yes, Minister of Justice clarify.

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**HON MINISTER OF JUSTICE:** Clause 10 is talking about somebody who is conducting a registered horticultural methods. When you are a villager just selling your mahangu, you are not a horticultural nursery. If you want to go into the business of horticultural nursery you need to be registered so why are we against people being registered if that is their business? No, if you want to conduct the business listen me and I am trying to explain it. When you are in your mahangu field as we have them at home and I produce product, I am not producing seeds. I am producing mahangu for consumption and the excess I sell. I am not a nursery. A nursery is where your business is producing for sale particular seed varieties.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** You were just praised do not spoil it. Yes, Honourable Maureen you have the Floor. Point of Order.

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:** I think I really want to move for this thing to stand over and the technical people to consult, because I remember the day that we had technical people were telling us exactly in the line of what the Deputy Minister of Agriculture is saying. If we talk about nursery there is in Gobabis a person in the township that have a nursery that sells moringa trees. Then he must be registered. So all I am trying to say is that do not make as if they are not included, and if those rates like what you

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are saying would be categorised then we just go with that line that there is further consultation for the Amendments.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes, we have agreed. Honourable Veikko, I do not think you need to come in. I shall put the Clause to stand over. Yes, (*Interjection*) it will stand over. I proceed.

I put Clause 11. Any discussions? Any objection? Agreed to.

I put Clauses 12, 13, 14? Any discussions? Any objection? Yes, which Clause Honourable Kavekatora, which Clause? 12. You have the Floor.

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**HON KAVEKOTORA:** Yes, Honourable Deputy Chairperson of the Whole House Committee export of plants or seeds. The one aspect that I want to comment here is that here we also have to look into what I would now categorise the informal sector and the business sector. Our borders have been artificially grown up though we have accepted them. Now what would be the scenario in a situation where somebody is close to the Angolan border from Otjomuhaka and he is also having neighbours or family members on the other side of the Kunene River, and he is now engaging in a traditional part of this Bill where it does not need to have registrations but he just want to export or to take some of the stuff export it to another country basically, get some of these things from Namibia to Angola. Will that now be seen as an export that would be restricted under this Clause that says "*no person may export from Namibia any seed unless or he or she is in possession of a certificate from the Registrar authorizing such export*"? I just want to get some clarity on that one.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes, Honourable Minister of Justice clarification.

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**HON MINISTER OF JUSTICE:** I wanted to ask a question to the Honourable Member before he sat down. Can the Honourable Member living at the border with Botswana take meat to Botswana? Can the Honourable Member living at the border of South Africa take meat to South Africa and vice versa? (Interjections) You cannot do these things and there are reasons why you cannot do these things. I am trying to tell you agricultural products are regulated worldwide. Why are they regulated? Fauna and Flora. (*Intervention*)

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Point of Order Honourable Veikko.

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Comrade Deputy Chairperson of the Whole House Committee I do not understand the argument on the Floor. Neither Honourable Kavekatora stands neither the Justice Minister stands, because his concern and his argument out of rage it is addressed by section 12(5) which says that the provision of sub-section 1 which is an export do not apply with reference to the export of seed, seed which do not exceed a certain quantity so is it addressed? (*Interjection*) it is addressed.

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**HON KAVEKOTORA:** Where is that prescription (*Indistinct*)

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** The prescription, there would be policies in places. There would regulations in place. (*Intervention*)

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**HON HINDA**

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Only one person on the Floor speaks.

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**HON DEPUTY MINISTER OF PUBLIC ENTERPRISES:** Alright, I am done.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Thank you. Honourable Kavekatora with that direction, you are covered. Any objection to that Clause? Agreed to.

I put Clause 13? Any discussion? Any objection? Agreed to.

I put Clauses 14, 15 and 16. Any discussion? Any objection? Agreed to.

I put Clauses 17, 18, 19 and 20. Any discussion? Any objection? Agreed to.

I put Clauses 21, 22, 23, and 25. Any discussion? Any objection? Agreed to.

I put clauses 25, 26, 27, 28 and 29. Any discussion?

Which Clause Honourable Hinda?

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:**  
(Indistinct) the earlier decision (*Intervention*)

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Like which one?

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**HON SHANGHALA**

**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:**  
Like 24 for example.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** 24, how are they affected?

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:**  
Honourable Deputy Chairperson. Clause 24 talks about the provision of sale of unregistered seed and seed variety so can that be agreed that it will also be addressed by the changes because it will be affected. Just read it further it says no person may unless specially authorised by seed varieties Committee do this and that. So all I am saying is if that is excluded by that classification, this Clause is also need to be affected by that.

That is all I am saying.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes, Honourable Minister of Justice.

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**HON MINISTER OF JUSTICE:** I just want to allay her concerns. I think what triggered her is when she read that no seed of any kind of variety as declared under section 2 may (da da da). That section would be dealt with. It is one of those ones. So this one does not need to stand over because what you are relating to in terms of sub 2 it says and I want to read it to you. "*No person may unless specially authorities by the seed varieties Committee and to the registered variety*". Now where is the villager going to add to the registered variety, no, please?

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**HON SHANGHALA**

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** So that is covered. Any objection? Agreed to.

I put Clauses 25, 26, 27 and 28. Any discussions? Any objection, agreed to.

I put Clauses 29, 30, 31 and 32. Any discussions? Any objection? Agreed to.

I put Clauses 33, 34, 35, 36 and 37. Any discussions? Any objection? Agreed to.

I put Clauses 38, 39, 40, 41, 42 and 43. Any discussions? Any objection? Agreed to.

I put Clauses 44, 45, 46, 47 and 48. Any discussion? Any objection? Agreed to.

I put Clauses 49 and 50. Yes, Honourable Minister of Justice.

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**HON MINISTER OF JUSTICE:** One of the comments made, let 50 also stand over. It maybe that a penalty may cross reference here so we will check it but let it stand over for now.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** So Clause 50 is agreed to. It is 51 that stands over.

I put now Clauses 52, 53 and 54. Any discussions? Any objection? Agreed to.

I put the Title. Any discussions? Any objection? Agreed to.

I will report progress and ask leave to sit again.



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ASSEMBLY RESUMES

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**HON DEPUTY SPEAKER OF THE WHOLE HOUSE COMMITTEE:**

Honourable Speaker, the Committee has gone through Bill [B. 1 – 2018] as set forth in the accompanying copy and agreed to it with Amendments.

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Progress reported and leave given to sit again

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**HON SPEAKER:** Thank you. That was a marathon to put it gently. The Secretary will read the Second Order of the Day.

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RESUMPTION OF DEBATE ON SECOND READING -  
NURSING AMENDMENT BILL [B. 9 – 2018]  
MEDICAL AND DENTAL AMENDMENT BILL [B. 6 – 2018]  
SOCIAL WORK AND PSYCHOLOGY  
AMENDMENT BILL [B. 8 – 2018]  
PHARMACY AMENDMENT BILL [B. 5 – 2018]  
ALLIED HEALTH PROFESSIONS AMENDMENT BILL [B. 7 2018]

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**SECRETARY:** Resumption of Debate on Second Reading - *Nursing Amendment Bill* [B. 9 – 2018], *Medical and Dental Amendment Bill* [B. 6 – 2018], *Social Work and Psychology Amendment Bill* [B. 8 – 2018], *Pharmacy Amendment Bill* [B. 5 – 2018], *Allied Health Professions Amendment Bill* [B. 7 2018]

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**RESUMPTION ON SECOND READING – HEALTH  
PROFESSIONS AMENDMENT BILLS  
HON VAN DEN HEEVER**

**HON SPEAKER:** When the Assembly adjourned yesterday, the 10<sup>th</sup> July 2018, the question before the Assembly was a Motion by the Honourable Minister of Health and Social Services that the Bills be read a Second Time. The Honourable Van Den Heever adjourned the debate and she now has the floor.

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**HON VAN DEN HEEVER:** Thank you, Honourable Speaker. I would like to say from the onset that, I do not want to be seen that I am against the fast tracking of the implementation of these Amendments on this Bill especially on the proposed Amendments pertaining to the composition of the Health Professions Council the Health Professions Council. I am having a few concerns. My first one is specifically on the time limit on consultations. When the Deputy Minister consulted us last week Thursday, I was of the opinion that it would be only one Amendment, to my surprise it is five different Amendments Bills which came to this table and it put us really in a very different and awkward position to consult really on this matter.

The other one is that there was mention by then that there would be, the actual Bill will come to the table and I would like the Minister to tell us when can we really expect the actual Bill, because if we pass these Amendments and the actual Bill comes, I am a bit confused.

The other concern I am having is we are going to Amend the nomination of this whole process, and the first one that comes to my mind is what is the term of Office for the tenure of office for the council members. The other one is what assurance are we having that if we pass this Bill today or tomorrow that there really will be a process so soon that these occupations or these vacancies in the profession will be filled because it is coming now for such a long time. It is like 2007 then it was extended up to March 2018.

It also came to my attention that once there was a Council in Office up to 2018 now in March, that people who qualify cannot get positions due to certification. A certificate could not even be signed by the Council. Now what guarantee do we really have that this will happen?

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**RESUMPTION ON SECOND READING – HEALTH  
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HON DR HAUFIKU**

I am also worried about our time we are having because according to our Bill or according to our rules, we cannot have too many stages on one day, but saying that is that, I really want the Minister to look at these issues before. I am just worried that we are rushing again into something which can haunt us at a later stage and that is the reason why I postponed. I was in the process of consulting the different professions but as I said, I could not conclude my consultations because of the vastness of our country and we literally need to see and speak to the different professions and now we are sitting with five Amendments now.

That is my little contribution.

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**HON SPEAKER:** Thank you. The burden of consultation does not fall on your shoulders alone. I am assuming the Ministry is also consulting with other stakeholders. That said and done, any further discussions? Minister do you wish to reply? Yes, please.

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** Thank you very much Honourable Speaker. Thank you very much Honourable Van Den Heever. I understand the surprise that you expressed, but I just want to clarify one thing. I actually did refer to it yesterday that what we are having here, is a situation that is rather unavoidable based on the fact that we have been trying to amalgamate the five Councils. You know each section of the profession has got its own Council: Medical and Dental Allied, Dentist and all of them. I have explained yesterday here that because it is so costly, it is so difficult and so inefficient, we have been working on one Bill called *Health Profession Councils Bill* and it is a huge Bill. You can imagine amalgamating five different professional Councils with huge different interests and they do consult. They consult not only among their peers, but they consult politicians as well and they have been doing that especially the Pharmacy Council.

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**RESUMPTION ON SECOND READING – HEALTH  
PROFESSIONS AMENDMENT BILLS  
HON DR HAUFIKU**

In fact they were not consulting. They were lobbying against the Bill for their own interest. Honourable Speaker and I am talking about the main Bill. I need to clarify things to the House so, it appears that people are confusing the Amendment Bill of the five current Acts, with the replacement of all of them with one Bill for establishment of one Health Professional Council, we need to get that distinction that what we are busy with today here, nobody wanted it. I for one would not want to desire a situation like that, nobody. Had we, and I am saying all of us because even the Speaker received a letter from the lobby group for us not to proceed.

Had we proceeded we will be standing here today being accused of being inconsiderate of people's opinions and views. Now we gave in there, so we are going to consult again, but time caught us in a way that we can no longer renew the terms of the Council member that just expires in terms of the regulations that were made in 2007, and those regulations have to be done or made on the recommendation of Council, Council which we do not have at the moment. I hope you get that intricacy of the situation. So that is really the basis. Now the only alternative we have is to Amend the current five Councils Act to Amend certain sections, mostly only section 7 which talks about the compositions of Council members because in the current Act, it says they must be elected.

Now we do not want to elect because it is a huge cumbersome process to go for elections. We want the various representatives of this Council to nominate members that the Minister must appoint on the basis of nomination party, that and that is why for us now to have at least Council members in place to get the services going, renewal of licenses of Doctors. I mentioned here yesterday that we have new specialists we just admitted and they are actually sitting at home, but our children are in the queues dying with heart ailments. So it is that empathy, that situation that arose. Obviously, I cannot pretend to be wise enough and therefore should not have missed that. We are just human being. If we knew that the Bill the main Bill will not (bypass) and we have been trying this Bill since 2016. So if we knew that we would not have it even now, obviously we would have initiated this process much earlier than now. For that I will take responsibility.

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**RESUMPTION ON SECOND READING – HEALTH  
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HON DR HAUFIKU**

Now to come to the actual Amendments. This is just to each one of the Acts, governing a Council of professionals have to be changed section 7, section 9, section 23, section 55, section 56 and section 66 those. If you look in those sections, each one has got a word election. Now we do not want to refer to elections because that is what we are removing. We have resorted to nomination and appointments to expedite the process.

Now coming to specific questions of the Honourable Member, as I have said, I share her view, her surprise. We were all surprised, we are all inconvenienced etcetera, that is common to all of us here, and that is why all of us must work towards getting a solution to that common problem.

She asked when the Bill will come. I believe it is the main Bill she is referring to. It will come as long as this House which is the law-making House come together, reach a consensus, realise the need for this Bill to be in place because this is the Bill that will remove inefficiency, that will cut cost because members of Council will now be fewer than the current five Councils, but it will also be the Bill that empowers the Ministry in a way to allocate Doctors, nurses, dentist and pharmacies to places where there is most need, and I always give the example of Okongo Hospital, you can record me now.

They have one young Doctor from Nigeria (*Interjections*) who is managing Okongo Hospital. Opuwo Hospital has got two and a half, one who is doing both admin who is not even on our own (*Interjections*). Half in the sense that he is doing clinical work, it is not like a half person.

Honourable Members, Honourable Speaker, the things that I am saying are realities. We have to be and I always say we have to be in the queue at Opuwo Hospital. At Okongo we have to be living in Katima and get obstructed labour with your baby, or a premature baby that need specialised service to appreciate what I am saying. Many of us here consult private Doctors because we are on medical aid, but what I want us to think is the people up there and hence the need for this Bill to be accelerated. So the bigger Bill the sooner we understand and reach a consensus in the House, the earlier I think the Bill will be passed. I am

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**RESUMPTION ON SECOND READING – HEALTH  
PROFESSIONS AMENDMENT BILLS  
HON DR HAUFIKU**

still hopeful that it would be done this year, because we can no longer afford to delay and to postpone. That is the response.

The tenure of the Council Members that we are trying to appoint, depends on how fast we finish the main Bill because it is automated. At the time that we implement a new Bill, their tenure automatically lapses. There would be no extension, it will just depend on the main Bill.

On the assurance on the filling of vacancies on Council all of this, what we are dealing with here now is a kind of temporary measure sort of.

It will lead us to the main permanent. This is temporary. Nothing is permanent but some of the wording that we have in these Amendment Bills will be incorporated in the main Bill especially the issue of the elections. Election is completely inefficient. We want to work on nomination and appointment so that will also be reflected and somebody actually maybe I can raise at this point.

Somebody raised the question why should UNAM be the one nominating a nurse when there are other institutions of higher learning. Well, that was based on the Acts that were enacted before others came on board. In the coming newmain Bill that will also be replaced by something else.

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**HON SPEAKER:** I am allowing the Minister to reply because of the importance of the issue and as soon as we are done, we will move.

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** So a qualified person not having, cannot be certified, yes, you are on my side Honourable Member. It is exactly the point that I am raising and that is why I am so jittery because all the lawyers will replace me if somebody dies because a certain Doctor is not registered to practice his or her practice, and I once again refer to the qualified, the one that were on news that we just welcomed two days ago. We

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are caught in that situation. Again, the consultation like the Honourable Speaker has said we are all consulting, but I just hope that we all have an understanding or we seek understanding with this professional consulting.

There are some of them without mentioning names that are by all means health bound to stop these processes. They go as far as demanding that I must resign because I am misleading this House. I am misleading the health sector etcetera. Even this afternoon a bunch of papers were delivered to me here and I refuse to read them, because I know precisely what is the mentality, what is the attitude, what is written in there. It is not something new to us. It is our choice as lawmakers in this House whether we listen forever listen and listen and hope that maybe one day we override the process and something new come up or we try the process that we are busy with. No matter how punitive it is that at least get something out of there, we can also improve while we implement. So the choice is ours as lawmakers so I leave it up to there.

There were also professional people whom I know, out of their self-interest were lobbying. They even brought lawyers to our meeting to try and intimidate me, but I will not be intimidated for something that is so simple. You do not need to be the most qualified lawyer to see that, a mother at Opuwo or in Aroab or Berseba is suffering because he has not access to very basic health care, it is not complicated. You do not need a lawyer for that and you do not need a complicated person.

So I leave it there with the wording that it is all in our hands as lawmakers to make sure that for one we take care of our fellow human beings. *(Applause)*

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**HON SPEAKER:** Thank you very much and thank you to all of you Members for permitting me just to exceed the time because of the importance of the subject matter. *(Interjections)* I will not put the question on this particular topic because I want to do that tomorrow when we are all together to make sure that we have the number and there is no question of legality or illegality. Can we leave it at that?

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**ADJOURNMENT  
HON PROF KATJAVIVI**

We adjourn the House until tomorrow the usual time. *(Interjection)* Actually I was supposed to lead.

The Secretary will read the Bill a Second Time.

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**RESUMPTION OF DEBATE ON SECOND READING -  
NURSING AMENDMENT BILL [B. 9 – 2018]  
MEDICAL AND DENTAL AMENDMENT BILL [B. 6 – 2018]  
SOCIAL WORK AND PSYCHOLOGY  
AMENDMENT BILL [B. 8 – 2018]  
PHARMACY AMENDMENT BILL [B. 5 – 2018]  
ALLIED HEALTH PROFESSIONS AMENDMENT BILL [B. 7 2018]**

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**SECRETARY:** Resumption of Debate on Second Reading - *Nursing Amendment Bill* [B. 9 – 2018], *Medical and Dental Amendment Bill* [B. 6 – 2018], *Social Work and Psychology Amendment Bill* [B. 8 – 2018], *Pharmacy Amendment Bill* [B. 5 – 2018], *Allied Health Professions Amendment Bill* [B. 7 2018]

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**HON SPEAKER:** Thank you very much so the House stands adjourned until tomorrow. So decided.

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**HOUSE ADJOURNS AT 17:55 UNTIL 2018.07.12 AT 14:30**

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**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
12 JULY 2018**

The Assembly met pursuant to the adjournment.

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

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**HON SPEAKER**: Honourable Members welcome back. Today is a very important day. We expected to clear our desk as much as possible so we will see how far we can go with that. Any petitions? Reports of Standing and Select Committees? As I said earlier, Reports of Standing and Select Committees? Other Reports and Papers? Notices of Questions? Yes Deputy Prime Minister? Yes please.

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**TABLING OF REPORTS**

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**HON DEPUTY PRIME MINISTER AND MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION**: Thank you Honourable Speaker. Honourable Speaker I lay upon the Table Annual Report of the Public Service Commission for the year 2016/2017. I so move Honourable Speaker.

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**HON SPEAKER**: Thank you. Can you table the Report. Notices of Questions? Notices of Motions? Honourable Hambyuka?

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**HON HAMBYUKA**: Honourable Speaker, I move without Notice that the proceedings on the Question Paper and on the Order Paper not be interrupted if still under consideration at 17:45. I so move Honourable Speaker.

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**MINISTERIAL STATEMENT  
HON NANDI-NDAITWAH**

**HON SPEAKER:** Thank you very much. Could you table the Motion? Can we have order? Messages from the Head of State? Ministerial Statement, Deputy Prime Minister?

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**HON DEPUTY PRIME MINISTER AND MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION:** Thank you Honourable Speaker, Honourable Members, I rose to inform this august House on the conclusion of the 31<sup>st</sup> Session of the African Union Assembly which took place in Nouakchott, Mauritania from the 1<sup>st</sup> to the 2<sup>nd</sup> July 2018 under the theme, 'Winning the Fight Against Corruption a Sustainable Path to Africa's Transformation'. The Assembly was attended by 22 Heads of State and Government and the Namibian delegation was led by His Excellency Dr Hage Geingob while other countries' delegations were Ministers or those designated. The African Union is making great strides towards the integration of the Continent in line with its 50 years development plan Agenda 2063. The first tenure implementation plan of Agenda 2063 includes flag-shop projects that are aimed at accelerating the implementation of common aspiration as outlined in the framework document of agenda 2063. This flag-shop product includes the establishment of the African Continental Free Trade Area which was launched on the 21<sup>st</sup> March in 2018 in Kigali. The African Continental Free Trade Area is envisaged to translate into increased Intra Africa Trade, enhance employment creation particularly among the youths, women empowerment as well as beneficiation and value addition to our abandoned natural resources. Initially 44 countries signed the agreement establishing the African Continental Free Trade Area following the 31<sup>st</sup> AU Assembly that number stands now at 49 signatories with additional signatures from Namibia, Lesotho, Sierra Leone, Burundi and South Africa. Currently only six countries have ratified the Instrument namely Ghana, Kenya, Rwanda, Niger, Chad and the Kingdom of Eswatin. The agreement establishing the African Continent Free Trade Area will only enter into force when 22 countries ratify it. The 31<sup>st</sup> AU Assembly also adopted the Annexure to the Protocol on Trade in goods and the rules of procedure on the settlement of disputes to the agreement establishing the African Continental Free Trade Area.

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**MINISTERIAL STATEMENT  
HON NANDI-NDAITWAH**

Comrade Speaker, Namibia will remain firm in her belief for the unity and the full integration of Africa and this matter was in this way Namibia is part of those processes. I must inform you, in his report the President of Niger who is team leader on the Africa Free Continent Trade Area has encouraged Member States to speak out with one voice and to engage extra partners as one block to ensure that Africa's interests is adequately defended to give the Continent more leverage in the discussion. The African Continental Free Trade Area will remain a bit drained if the private sector is not at the forefront to this initiative. In this regard the African Union has teamed up with the Afro Champion initiative in order to further sensitize and engage the private sector on the business opportunities that comes with the Africa Continental Free Trade Area. This sensitization campaign will soon be carried out in Southern Africa and in this regard I call upon the Namibian private sector to fully participate in these activities.

In addition the African Union has also established the African Continental Free Trade Area Business Forum as a regular platform for dialogue between the African Private Sector on one hand and African Policy Maker on the other. With added function to facilitating business to business networking the first inter African Trade Fair which is being organized by the African Export/Import Bank in collaboration with the Government of the Arab Republic of Egypt and the African Union Commission will be held in Cairo in December 2018 to further promote Intra Africa Trade. The Namibian private sector is encouraged to fully participate in this Trade Fair to showcase Namibia's products. The Trade Fair will also be an opportunity for the Namibian private sector to engage other stakeholders on the implementation of the Africa Continental Free Trade Area.

Comrade Speaker, the African Union Assembly has approved the African Union budget for 2019 amounting to US\$681.5 million. The approved budget is in line with the continent's move to reduce dependence on partner funding and gradual move towards funding 100% of the Union Operational Budget 75% of the programme budget and 25% of peace support operation by 2021 with resources generated from the continent. Namibia in person of our Honourable Minister of Finance is a Member of the Committal 15 AU Finance Minister that was established to provide an oversight role for the AU Budget. The Ministerial Committee supported by the Technical Committee with the Ambassadors in Addis Ababa has been working closely together to carefully scrutinize the AU

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**MINISTERIAL STATEMENT  
HON NANDI-NDAITWAH**

Budget which has started to improve the budgeting process thus ensuring that the AU is using its resources accordingly and in line with what is required for and Namibia will continue to support we wake up this Committee.

Honourable Speaker, with reference to the ongoing AU Reform the AU Assembly decided that a retreat of the Executive Council will be held to review drafted proposals and recommendations on the reform of the AU Commission including independence experts who are expected to participate. The Assembly also requested for the implementation of a road map on the clarification of the division of labour between the AU Regional Economic Committees, Members States and Continental organizations. In addition an extra AU Summit on the AU Institutional Reform Process will be held from the 17<sup>th</sup> to the 18<sup>th</sup> of November 2018 in Addis Ababa. Also the Committee of 15 Ministers of Foreign Affairs to advise the Reform team has been increased from 15 to 24 Member States four from each region and Namibia continue to be a Member of this Committee.

Honourable Speaker, having received the report of the AU Commission Chair who visited the Morocco and Western Sahara Refugee Camp the Assembly reaffirmed that the AU should actively continue to search for a lasting solution in view of its responsibility to promote peace and security across the continent and also recognizing the right of self determination in line with the AU Constitution Act. The Assembly decided to establish an African mechanism namely the Troika of the Bureau of the Assembly which is the outgoing Chair, the current Chair and incoming Chair plus the Chair of the AU Commission to address the question of Western Sahara. The Troika will enable the AU to extent effective support to the United Nations led process based on relevant UN Security Council Resolutions which has consistently called upon the parties to resume negotiations and under the auspices of the UN Secretary General without preconditions and in good faith with a view to achieve a just, lasting and mutual acceptable solution that will provide for the realization of the right to self determination of the people of Western Sahara.

The Assembly further decided that these African mechanisms should report directly to the AU Assembly and as necessary to the Peace and Security Council. Namibia should therefore remain steadfast in support of the people of Western

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**MINISTERIAL STATEMENT  
HON NANDI-NDAITWAH**

Sahara in their struggle to realize their legible rights to self determination in accordance with the relevant UN Resolution and AU decisions. Honourable Speaker, as we might know the trade agreement between the EU and ECP under the Kotonoa Instrument or Agreement will come to an end in 2020 hence negotiations are under way for the post Kotonoa Agreement. The matter has been discussed among ACP Members States as well as the AU and the EU while the ACP was not part of the agenda of the AU extraordinary Council that took place in Kigali the matter was discussed and what has been termed as Africa common position was adopted. However during this session there were diverse Bills emerging during the deliberations on this matter whereby some felt it will not be prudent for Africa to negotiate with the EU alone excluding the Caribbean and the Pacific countries while there are others who think we had a long history with the Caribbean and Pacific and we cannot let them alone at this stage. Subsequently their family then decided in deliberating on the matter it had decided to refer the matter to the Executive Council for the Council then to deliberate on the matter further while it was agreed that the discussions between the ACP and the AU can be put on hold.

Honourable Speaker, the Assembly also deliberated on the report related to the work of the PAN African Parliament while recognizing the important role the PAN African Parliament is playing in continent there was expression of consent about some of the activities that needed further investigation in the work of the PAN African Parliament. It was therefore, direction was given that the Commission should undertake measures to address those issues which were raised and an investigation should be made before the end of October for a report to be made available to the Executive Council during the January Session. Similarly it was also agreed that money for the PAN African Parliament for the 2019 should not be released until the report is made available whereby necessary action can be taken.

Honourable Speaker, Honourable Members finally I am happy to inform this august House that Mr Junious Kandjeke Namibia's Auditor General was appointed by the AU Executive Council to represent Southern Africa Region on the AU Board of External Auditors for a two-year period. Thank you very much. The role of the board is to carry out external auditing of AU Accounts including trust, project and special funds and ensure that the audit is in conformity with

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**QUESTIONS AND COMMENTS ON MINISTERIAL  
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HON PROF KATJAVIVI / HON MAAMBERUA**

generally accepted auditing standards and guidance. I take it that the clapping of hands we all congratulate Mr Kandjeke and accordingly that will be passed on to him. I thank you Comrade Speaker.

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**QUESTIONS AND COMMENTSON MINISTERIAL STATEMENT**

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**HON SPEAKER:** Thank you very much. Thank you Honourable Deputy Prime Minister for this important statement on the recent African Union Summit. We have taken note of all those important elements covered in your statement including of course the question of Western Sahara, PAN African Parliament, etcetera. Ideally if we had a bit of time of course we would devote a bit of time on your statement but in the light of the heavy agenda before us being the last day honestly I would rather postpone any immediately discussion on this important statement. If we do that we will be here until next week. Honourable Maamberua I am requesting your indulgency in view of the time. Yes?

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**HON MAAMBERUA:** Thank you very much it is actually not a discussion, it is just a word of appreciation for thee report which is timely because the meeting was only last week or so. But just a small question, what is the ratio between the contribution of the development partners and the contribution that comes within the African States to the budget of the AU?

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**HON SPEAKER:** Short and sweet thank you very much. Deputy Prime Minister just a quick one if you have the answer.

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**QUESTIONS AND COMMENTS ON MINISTERIAL  
STATEMENT  
HON NANDI-NDAITWAH**

**HON DEPUTY PRIME MINISTER AND MINISTER OF  
INTERNATIONAL RELATIONS AND COOPERATION:** Thank you  
Comrade Speaker. Just a footnote on what you say when we come back I will  
bring something here for us to discuss the AU Reform and all other things so I  
will make it as an item so that we all understand the Reform, the discussion on  
ACP and others.

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

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**HON DEPUTY PRIME MINISTER AND MINISTER OF  
INTERNATIONAL RELATIONS AND COOPERATION:** On the ratio  
currently more than half per cent of the AU Budget is being funded from the  
development partners and that is what we do not want to continue. So from this  
budget we are starting now to bring ourselves to control our budget but currently  
now more than half is paid from the development partners.

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**HON SPEAKER:** Is it between 90% or 80%?

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**HON DEPUTY PRIME MINISTER AND MINISTER OF  
INTERNATIONAL RELATIONS AND COOPERATION:** Between 60% to  
75% which is not good.

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**HON SPEAKER:** Thank you very much we will deal with that in due course  
when we have the fuller detailed information.

The Secretary will read the First Order of the Day.

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**RESUMPTION OF COMMITTEE STAGE:  
SEED AND SEED VARIETIES BILL  
HON SHIWEDA**

**RESUMPTION OF COMMITTEE STAGE:  
SEED AND SEED VARIETIES BILL**

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**HON SPEAKER:** Does the Honourable Deputy Minister of Agriculture, Water and Forestry move that the Assembly now goes into Committee?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Yes, I move so Comrade Speaker.

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**HON SPEAKER:** It is moved that I leave the Chair, any objection? Who seconds? Agreed to. I now call on the Chairperson of the Whole House Committee to take the Chair.

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**ASSEMBLY IN COMMITTEE:**

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** The Whole House Committee is called to order. The Committee has to proceed with a Bill namely Seed and Seed Varieties Bill. We proceed where we ended yesterday. When progress was reported yesterday the 11<sup>th</sup> of July 2018 Clause 02 to 06, 11 to 15, 05 to 54 and the Title were put and agreed to while Clause 01, 07, 08, 09, Sub 01 and 09 Sub 03 Clause, 10 and 51 stood over. Before I go through this I will give the floor first to the Deputy Minister of Agriculture, Water and Forestry to clarify something. Otherwise I have to go through those Clauses which were stood over yesterday.



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HON SHIWEDA**

**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Thank you very much Honourable Chairperson of the Whole House Committee. I am glad to stand once again before this august House to present the amendments that were effected as discussed yesterday. I want to read (intervention).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Honourable Deputy Minister maybe you can explain as we go through the Clauses which were stood over. I can put Clause 01 and then you can explain.

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Honourable Deputy Speaker, that will not be necessary because the Clauses that stood over yesterday were Clauses 07 and 08, Clause 09, Clause 10 and Clause 51 if I am correct, this is what is standing here and to handle and to deal with those Clauses that stood over yesterday an amendment was effected under the definition and those are the amendments or the additions that I want to read and present to the House because if we insert those definitions under the definition then the Clauses that stood over will be handled or will be dealt with automatically. If I can continue? That is under the definition if we go to our Bill, under the definition in Clause 01(intervention).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Honourable Deputy Minister I am still going to go through (intervention).

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HON SHIWEDA**

**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY**: No, if I read this definition then there is no need to go through those Clauses and this is what I am (intervention).

---

**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: Okay just sit down so that I can explain something? Yes sit down please.

---

**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY**: Alright, okay.

---

**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: Yes, but procedurally if a certain Clause stands over the House did not agree to it so the Chairperson of the Committee has to go through, to call you upon. You explain and I call the Whole House Committee to agree and I hammer the agreement. If that is not a problem I am just going to say Clause 01 and I call you and you explain. Any discussions? No and then we agree? Do we understand one another? I put now Clause 01, any discussions? I recognize Honourable Deputy Minister?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY**: No discussion (laughter).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: Ha?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Chairperson, okay on that one I understand now. I understand please bear with me, it is very smooth please I guarantee you, it is very smooth. Clause 01 (intervention).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** I recognize another point of order?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Can you give me a chance?

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Madam just sit down point of order.

---

**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Okay.

---

**HON IIVULA-ITHANA:** Point of order Comrade Chairperson of the Whole House Committee. If there is an amendment to a specific Clause that amendment has to be tabled first and I thought we are at that stage that the Honourable Deputy Minister will table the amendment and then thereafter the discussions if there is any.

---

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HON SHIWEDA**

**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** I was just about to explain to her that particular point, thank you very much for repeating what I was trying to explain to her. But as a Presiding Officer I have to say, I put Clause 01, any discussions?

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**HON IIVULA-ITHANA:** No it is the tabling. It is a tabling?

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Any discussions, Honourable Deputy Minister can you, yes?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** (Not on microphone).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Table after reading, no you just explain there and you table the amendment. Why are you so, this is the last day of my business.

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** I thought I read and then I say.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** They are more confusing than ever. Honourable Deputy Minister please read and explain your amendments under Clause 01?

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HON SHIWEDA**

**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Chairperson (intervention).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Just explain and then you can table it.

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** I thought I read and then I table it?

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes.

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Very good it is what I want to do now. In Clause 01, please?

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Order!

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** If I table where do I read it from?

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HON MUHARUKUA**

**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes I am authorizing, proceed with the explanation.

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** In Clause 01 after the definition of prescribed, insert the following definition, privately produced seed, new seed obtained from plants cultivated by a person who does not cultivate seed as a significant part of his or her business and which is not packaged or displayed in a manner or provided under circumstances suggesting that it has been obtained from a dealer. Also add the following words to the definition of seed “but does not include privately produced seed” that is to Clause 01.

---

**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes table the amendment please Honourable Deputy Minister. Any discussion on the amendment moved, I recognize Honourable Muharukua.

---

**HON MUHARUKUA:** Yes thank you Honourable Chairperson of the Whole House Committee. The purpose of a definition is to provide certainty, yes that is on the hands. It is to provide certainty. Now that is to say a definition must define what is meant by that specific term. Now when we say significant part of his business, I am not going to read the whole thing again, what are we actually saying? That on its own is ambiguous. Do we mean primary? The primary purpose of the business being to produce Act that is one, maybe significant is sufficient I do not know but if I am producing, if I am planting mealies half of it I sell the seed, the other half I eat as a subsistent farmer is that significant? Between a person who sells hypothetically I have a garden or a field of five hectares, half of it I sell, half of it I consume and the person who has a one hectare field half of it he sells. Now even half say for instance the whole of it he

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sells that one hectare is still less than 2.5 hectares of the 5 hectare field but with relation to that person of the one hectare farm or field that is a significant part of his produce but with relation to the one with 2.5 it is not. So I think Honourable Minister maybe the word you should use there is primary, yes we should look at the purpose for which the person is producing.

If I am producing because I need to feed my family and I am selling half or I am selling say for instance 5 kilograms or even 100 kilograms of my produce it is still significant. The significance is relative, that is what I am trying to say but it is not my primary purpose. Maybe we should remove the word significant and put primary in there obviously with the necessary amendment that is one.

I will move on to the next issue is, in terms of this current as it is, it says significant part of the business and which is not packaged and displayed in the manner or provided under circumstances suggesting that it has been obtained from a dealer. When I started I said a definition must define, must give certainty now packaged, displayed in a manner, we need to define what packaging and of course we know what packing is but it is so broad. I can package by putting something in a plastic bag and label it whatever I want to label it for my own consumption, label and others sell, so that on its own we must define. It is regrettable and I would want to commend the Minister of Justice that I think earlier on he called me to speak or something to that effect unfortunately I got the message late. So it is not in bad faith that I am putting this on the floor without having discussed with him because he has shown the gesture that he wants to discuss. Be that as it may those are concerns. What is packaged from a dealer, how do dealers package and display?

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** And what do you want concern that particular word, what do you want?

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HON MUHARUKUA / HON SHANGHALA**

**HON MUHARUKUA:** To be honest I do not know. Yes you can have a problem and not have a solution. Maybe we should as a collective come up with a solution. In the first instance I brought a suggestion that we should say maybe primary business but when it comes to packaging, in fact maybe my problem is I do not know what is actually meant. So maybe the person who brought forth the suggestion could maybe elaborate and say well what we mean is that it is vague.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Can we omit the fact and we return displayed?

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**HON MUHARUKUA:** Display is a different story. You can display at an open market. You display your things in we call it *otjimbare* I do not know what everyone else call it, *mojimbare* that is displaying ha? Yes basket, the Queen's child is saying the basket. In a basket that is displaying or I can put it in a pure plastic bag and hang it on the rail that is displaying, it is vague. The route here Honourable Chairperson is when we try and fix. I do not want to revert to yesterday's discussion. We are trying to quick fix and we are omitting to properly consider what we are doing. That is the problem. Thank you Honourable Chairperson.

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**CHAIRPERSON OF THE WHOLE HOIUSE COMMITTEE:** Okay I recognize, before I give the floor to the Deputy Minister I recognize the Minister of Justice.

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**HON MINISTER OF JUSTICE:** Thank you very much Honourable Deputy Speaker. I just want to thank Honourable Muharukua for his good faith input. I



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also just want to assuage your concern that the lawmaking process we follow before a Bill comes to the floor is that once it has been given any principle approval by the Cabinet, it goes through a Cabinet Committee on Legislation which I Chair. Ministers of Justice Chair, we go Clause for Clause, experts are sitting, your neighbour Honourable Nekundi was even invited today so that we can go through and talk about the issues and then once we are satisfied the Legal Drafters also sitting there go and talk about how they can do it, put together texts and then it is certified by the Attorney General to check the constitutionality then print it before. So I just want to assume that when we say quick fix and just rushing it is actually process of a period the culminates before it comes here that I wanted to say.

Secondly, I wanted to address your valid concern in your second concern about the definitions, the purpose of the definition. Yes it should provide clarity. It should provide clarity on what it is or what it is not so what this definition does it provides clarity that what we do not want to regulate is the following, it does not provide clarity as to what we want to regulate. That is already provided for by the definition of seed.

When we legislate we do not legislate with the finesy and with creating numerous clauses per se and specificity because if you legislate with specificity one inch outside you are beyond regulation and *ultra vires* so you try and legislate in such a way that subsidiary legislation can then close the net. I want to give an example, if you look at Section 12 Clause 12 Sub 5 which Honourable Nekundi referred to me yesterday. It reads and I quote, "*The provisions of Sub Section 1 do not apply with reference to the export of: (a) seed intended for purposes and even cultivation*" these purposes are not defined here. "*Or seed which do not exceed the prescribed quantity*". The prescription will come to give specificity and it will change from time to time and hence the purpose of the legislation is to enable the lawmaker, enables the Executive and/or Administrators to regulate and it gives them some lieu way. So if we said for example intended for purposes other than cultivating such as this one then you dig yourself into the hole as you would know of definitions. So if I define this one and I exclude the other one does the definition of one exclude the other, etcetera, you know very well what I am talking about. So this is the purpose.

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Let me go back to your concern in the issue of primary or substantive. Now the regulations will sort out these issues. Again I want to give you that very Clause as an example of how the regulation will solve it, what we were convinced is that there are people who will plant their crop and sell their produce. This is what they do and this either supplements what they do agriculturally or how they live or they do it because they have access. Now the issue of primacy if we then go to say that we are only targeting the ones who are that type of a producer then we do not cover those that from time to time will substantiate itself because they have got access in their storages already, so the issue of primacy narrows it down whereas we wanted to widen it. The concern was good. Now if you want us to narrow it then we ought to take it out and stay with the definition that we have. It did cover that issue. This is being done *ex abundanti tela* in the abundance of caution to clarify that. So I would suggest yes and if there is a further concern about its application I would suggest that the regulations will then clarify that for that (indistinct), remember when they interpret legislation this discussion that we are having is what they are going to consider so there can be no obligation that will be absurd and not intending to focus on what was intended because the context in which these discussions were held gives it also the definition of spheres.

Lastly, I wanted to say that the usage of the words at the bottom of the submitted amendments by the Deputy Minister they readily say that does not privately produce seed. Vendors, every other clause where we had and I will demonstrate when we reach those clauses where we had issues and a mute point because the definition therefore impacts the content. I thank you.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** I recognize Honourable Kavekatora.

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**HON KAVEKOTORA:** Thank you very much I wanted to understand the explanation done by our Legal people by tribe. Unfortunately it is very difficult

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for me to understand but I just want to make one comment because Honourable Muharukua has already touched upon the issues that I had. You see and I really can the Honourable Deputy Minister can perhaps also just give us a solution to that because she says that is a package in the displaying. Significant part of his/her business and which is not package or displays in a manner or provided under circumstances suggesting that it has been obtained from a dealer. What, I am making an assumption now because it looks like the issue of packaging when it comes to the registered dealers if the issue of packaging comes to registered dealers is defined or will be defined in a certain provision then one will not have a problem because already you know what type of packaging is provided for, for a dealer. So even the law enforcement when they come there they will identify the type of packaging that is for the dealer. So if that is there, that is basically my question because if it is there then it is defined properly what packaging means for a registered dealer including the displaying thereof then I would not have a problem because at least then you say anything that is different from that is obviously allowable but if you display something that is in line with a registered dealer then that would be problematic. So maybe the Deputy Minister of lawyer by tribe can just satisfy our concern with that particular aspect. Thank you.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** I will recognize Honourable Minister Iivula-Ithana, former Pendukeni Iivula-Ithana Honourable Member.

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**HON IIVULA-ITHANA:** Yes Honourable Members, backbencher proper (laughter). Comrade Chairperson, I think we should try to help our Deputy Minister to capture the definition other than to explain. We explain a lot and then we get lost in the discussion other than in the definition itself. I am trying to help if that will satisfy the need to clear this matter and I am just attempting I am not saying this should be like this part. I hope it could read better if it reads this way. Privately produced seed means seed obtained from plants, cultivated by a person who does not cultivate seed as a registered seed producer and which is not

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packaged in a manner or provided under circumstances suggesting that it has been obtained from a dealer because the dealer is already defined in the definition, so just to provide the difference between that person who produces seed but not a registered seed producer? So I propose.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Thank you I recognize Honourable Shixwameni.

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**HON IIVULA-ITHANA:** Pardon.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes thank you for your comments I should say I take note of that. Honourable Shixwameni.

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**HON SHIXWAMENI:** Thank you Honourable Deputy Speaker, I actually got covered by Honourable Pendukeni Ithana and Honourable Kavekatora and all that I wanted to (intervention).

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**HON IIVULA-ITHANA:** (Not on microphone).

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**HON SHIXWAMENI:** No, Retired General and you can go retired (laughter). I am just trying to say I am covered by them but I am just trying to also catch up with the Honourable Minister of Justice that the process that he explained how legislation is made up to the Cabinet Committee on Legislation is a fair and

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straightforward process but we must understand that the functions of the legislature is to legislate. So we are the ones at the end of the day that must provide that clarity. We cannot lead to the bureaucrats because the rules are made by the bureaucrats and the Minister. You would remember the Taxi problems it resulted from the grassroots and us giving a blank cheque to the bureaucrats and they can actually increase whatever they want to increase or do whatever that you want to do. So it is our primary function as the legislature to make sure that what goes in the law is as clear as the Kavango River Ward or the Zambezi River Ward or the Kunene River Ward so we cannot allow for doubts to go out there when we legislate. Legislation is a very important function and it cannot end at Cabinet Committee for Legislation it must come and end with us here and we should take the responsibility of explaining to the people out there when things go wrong or when things do not go wrong but it is our primary function as the legislature to legislate and legislate with clarity. Otherwise I am covered with the two Comrade Speakers, thank you.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** In other words anything we do should cover our intention what we want to achieve. I recognize because you took already the floor, I recognized Dr Kawana and then I come back to you.

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**HON ATTORNEY-GENERAL:** Thank you very much Comrade Chairperson of the Whole House Committee. Just a footnote to what the Honourable Minister of Justice has said. You see the intention of this law is to put what we call the bone or the foundation to regulate the industry and the industry or the purpose of this law is:

1. To protect the consumers whose who will be buying the seeds.
2. Is to improve and to empower technically and otherwise those who are going to produce seeds so we have to look at this law in this both ways.

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Now what happens here is this that we just provide the bones then the rules will come because the rules are very important also. That is why you see in some legislation the rules are even three times thicker than the principal what we call attics. So in the rules this thing of packaging, everything will be defined there and it is much easier even to cement from time to time but if you put too many details in the principal act you can only come back to Parliament to amend. So that is really the purpose.

Most of these things will be done you see when we say prescribe it means prescribed by regulations in the Government Gazette. So most of what we call details we are talking about will come in the rules, that is really the purpose. I thought I wanted to clarify that.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Honourable Muharukua.

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**HON MUHARUKUA:** Thank you Honourable Chairperson. I think, however, I am missing what the Minister of Justice is saying or he is missing what I specifically have said and what I believe the feeling is of a number of Members with relation to (incomplete). Actually what the Honourable Kawana talked about, the object of the Bill. You see there is a feeling that says whom are we actually regulating? Are we regulating Agra hypothetically they can pay retailers, ha, dealers, those guys? Are we regulating big horticultural institutions or are we regulating everyone? Now it is indeed true that when laws eventually take this to courts they are going to, well if that was the practise, flock to this library to read this Hansard to see what Parliament actually meant. Now the former Attorney General or the Minister of Justice is saying yes we want to regulate that person who has produced in the access. Yes, producing say for instance like the scenario I have explained but now wants to say we want to regulate that person. I happen to think that that is punishing a person you have not empowered to produce at the level like say for instance the company that

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furnishes Agra or Pick'n'Pay is equipped to produce. That is the crux of I think why the submissions that came before this amendment came that our people are not so empowered to compete at that level. Therefore there must be a level of exemption for them. Now it is quite correct what the Honourable Attorney General is saying that if you put too much you do either two things. You make it hard for you to amend so you confuse.

Now this definition of privately produced seed in my view by the use of the word significant is just confusing. Yes and I am going to come to a suggestion. I would have thought and in fact maybe I missed it and the Honourable Minister of Justice I think alluded to that fact. I would have thought this last part addition to the seed definition with the exclusion over but does not include privately produced seed. I think that addition along to that definitely would have covered our concerns but I would not have used the word privately produced. I would have used domestically produced. Yes I would have. Unless our intention to change is not the same that is to say if I produce mealies on my field domestically or maybe not use the word domestically but another word that talk about an individual doing his normal traditional way of doing things.

I think that small addition on its own would have covered us but now because we want to catch the Honourable Kapofi, it is not semantics it is English because now we also want to catch the Honourable Kapofi with his five hectares we put in this first addition. To me it catches the very people that we are saying we must protect. I think we must add to the seed definition that exclusionary part but does not include domestically produced seed or produce. Yes (intervention).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Honourable (intervention).

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**HON MUHARUKUA:** No I am not talking, look, there is a difference between a plantation (*intervention*)

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Honourable Muharukua?

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**HON MUHARUKUA:** Yes, Honourable Chairperson.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Let us, because of time, do you propose instead of a significant part you said it can, subject to different interpretation and you proposed primary and the Honourable Pendukeni Iivula-Ithana proposed registered, do you have a problem with registered?

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**HON MUHARUKUA:** With what?

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Registered, do you have a problem with the proposal? Yes I was just going to get.

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**HON MUHARUKUA:** Oh, with a proposal, registered?

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes.

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**HON MUHARUKUA:** No, not in principle but now comes the question when we use the word register, just off my feet maybe the colleagues would help me?



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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes sure.

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**HON MUHARUKUA:** Off my feet, now this person is not registered indeed but when would the Act a person to register? I am not registered in fact those people who are producing commercial now (intervention).

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**HON ATTORNEY GENERAL:** (Not on microphone).

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**HON MUHARUKUA:** Yes that is the question the issue is whom should we compel to register? Should we go to Hammouka and whatever and ask if you want to sell half of your produce you are registered, that person must now start competing with a person who has 5,000 hectare farm with N\$3,000,000, N\$4,000,000, N\$5,000,000 irrigation plant. That for me is (indistinct) we must completely exclude.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes can we now give the floor to the Honourable Minister of Justice. There is another person who would like to take the floor, prudently maybe we can hear from him and then you can summarize the whole interventions.

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**HON MAAMBERUA:** Thank you very much Honourable Deputy Speaker, no?

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Chairperson of the Whole House Committee.

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**HON MAAMBERUA:** Chairperson of the Whole House Committee. Maybe the Minister of Justice will also put an answer to this. If we look at this amendment carefully particularly at the end of the first sentence of that paragraph that reads, “A person who does not cultivate seed as a significant part of his or her business”. There was a question about the significant that definition now let us look at, maybe that will add even some more confusion but amidst the confusion I think we are going to emerge clarity. What do we mean by business? Is it the commercial activity meaning business or is it the English definition of an activity? Which business is this one? The commercial activity in terms of that has to comply with the law etcetera but we just heard or is it just the normal straightforward English definition of an activity business? So what business is this one? It is also going to be clarified in the rules or I think that it is important that we get the clarity now. It is clearly now. Thank you.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Thank you. Lastly before final to the Deputy Minister. I recognize Honourable Minister of Justice.

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**HON MINISTER OF JUSTICE:** Thank you Honourable Chairperson of the Whole House of the Committee also Deputy Speaker. Honourable Deputy Speaker, I have responded to the suggestion of the language proposed by Honourable Muharukua and I have defined it by Honourable Pendikeni Iivula-Ithana. Unfortunately I can only explain if somebody does not understand. I have to explain. The same way I will explain to you why your language will not work. Honourable Muharukua already dealt with but if you say registered seed producer because you were saying a person who is not registered. Now what we

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are saying is it will then cause us to go and re-pick the definition of producer because you see producer, let us just read producer, a person who cultivates, produces or organizes the production of seed that is the producer. Now if a person is not registered is a producer. Why it is the say it is now is because of Section which says no person which is unless you are, so it is covered. What we were trying to cover for is the situation elaborated by Honourable Muharukua and Honourable Nekundi and this is not the first definition we went through three definitions to this one. We had Legal Drafters experts of over 30 years, we have horticultural people, experts of 30 years. We consulted FAO text. We are not just picking words. So what I am trying to say is that we have thought of the language that is one.

Honourable Maamberua asked about the issue of business, every word I this book is going to be defined in its normal English setting unless the context determines a departure there from. I could have used the word bailiwick it is the same as business. I could have used the word activity but because of the possibility that this activity can become the production of income we put it that way because it is business of batter and trade, that was the concern that we were given. I could also have used the word commercial but business allows the language to be malleable. Honourable Maamberua it allows the language to be malleable to cover the circumstances of the person which we do not know which we want to protect as described because sometimes it was said it is a 70 year old grandmother. It could just be a person in the village or we are trying to empower those people. They are registered and when they are registered they are then given capacity and standards in which their business can. So in that way that seed for that if they want to be now producers can be registered and they can make money from it. I wanted to say Honourable Deputy Speaker (intervention).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Are you now talking in defending the terminology as they are?

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**HON MINISTER OF JUSTICE:** Yes that is what I was doing.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes okay.

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**HON MINISTER OF JUSTICE:** So what I was then suggesting is that if we can read this definition together with the definition of seed and its addition that was tabled because there you see that seed is for example why we cannot use domestic Honourable Deputy Speaker, Chairperson, when you look at the FAO terminology they say farms served, plantation served etcetera now our people do not have plantations so we had thought maybe the word farm could come closer. When you introduce farm then the definition of farm also becomes an issue. We really tried to come close to the text and I would submit that if you read that definition on page 4 at the bottom, do you have page 4 at the bottom?

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes okay just read it.

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**HON MINISTER OF JUSTICE:** See it includes any type of living embryo or probagil capable of regeneration and giving lives to a clant which is true to such type and includes without limitation any seedling, comb, cutting, bulb, bulbul, layer, maggot, root runner, scion, set, split, stem, stock, stump, sucker or tuber but does not include privately produced seed.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** What?

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**HON MINISTER OF JUSTICE:** Do you get that?

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**CHAIRPERSONN OF THE WHOLE HOUSE COMMITTEE:** No I was just ending up tuber?

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**HON MINISTER OF JUSTICE:** Yes it ends at tuber but with some amendments once you read them together everywhere now there is seed, you now see that that one has been exempted. So I think that is maybe what we are not doing and that will help us. So I really just wanted to say that the lexicon and the syntactical arrangements did not just fall in there. We really struggled the whole morning with experts, seriously.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** I should think you made your point. Finally I will give the floor finally before the Deputy Minister I will now give the floor to Honourable Dr Kawana.

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**HON ATTORNEY-GENERAL:** I thank you very much Comrade Chairperson. You see for us lawyers by tribe just to answer the Honourable Member's question about business, according to the law of interpretation if a term is not put in context it retains its ordinary meaning. Now since this term is not defined business it will retain its ordinary meaning that is now the answer. Now to my senior Honourable Pendukeni Iivula-Ithana who by tribe per person you see we cannot put not registered. The danger of putting that phrase not registered, it will mean now even those who must register by law as a requirement will go scot free because they are not registered that is the problem with that addition. Therefore to say not registered becomes a problem (intervention).

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**HON IIVULA-ITHANA:** (Not on microphone).

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**HON ATTORNEY-GENERAL:** Okay it is only I misunderstood you.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Sorry.

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**HON ATTORNEY-GENERAL:** But I just wanted really to clarify the issue of business. In this context because it is not defined it re-change its ordinary meaning. I so submit.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Okay, Honourable Deputy Minister do you want to add anything or you stand by the explanation, ha?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Are they still okay, Honourable Chairperson (intervention).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Will it change anything, ha? The what? Sit down what do you want now to say again?

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**HON MUHARUKUA:** Honourable Chairperson that is the point that we are discussing we do not know whether we stand by the changes as they are or

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whether we have amended. But I just want to ask one question pertaining to the word significant and it is in amplification of what I just said? You see when I say a lot of money, I have a lot of money, no, when I say to the Honourable Nekundi it could be laughable because I have N\$500 but to me that could mean it is a significant amount of money. To him it is not significant. If I say that is a beautiful child hypothetically, someone else would think that is a joke because perhaps to them that is not significant to beautiful. Significant is a relative term. Perhaps we could be informed and maybe coupled with that the Minister when she replies maybe then if we are saying fine we are going to fix that in the regulations maybe to encapsulate that intention in the hands of the incorporation maybe if we could then be informed that by this we are going to term it as such in the regulations and this and that, this way because it is problematic we are basically telling the Minister the Minister must go and do if I am really having the intentions.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Okay thank you. Honourable Deputy, oh, no please.

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**HON IIVULA-ITHANA:** Comrade Chairperson, I have tabled a proposal which is being misinterpreted and misread. I am saying (intervention).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Somebody supports. If they do not they (intervention).

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**HON IIVULA-ITHANA:** Yes but I am saying if we did not hear it properly it is another thing. But if we want to change it midstream I am saying no let us just

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hear it properly then we interpret it the way it is supposed to be interpreted. I want the Minister of Justice, hello, hello there do you hear me (intervention)?

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** We would like to hear the Minister of Finance please.

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**HON IIVULA-ITHANA:** So that we can explain now where the shortcomings are. I said privately produced seeds means seed obtained from plants cultivated by a person who does not cultivate seed as a registered producer. If a person producing as we were saying yesterday, as a mahangu producer for the purposes of eating in his own household that person is not a registered seed producer, he is just a producer of mahangu. And then I proceeded to say with the phrase that follows, and which is not packaged then I scratched displayed. That goes, not packaged in a manner or provided under circumstances suggesting that it has been obtained from a dealer. I wish now my tribes people could exercise their minds on that new meaning and tell me how it does not fit within the framework.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** I will give you one minute to respond. No you had the floor Honourable Minister of Justice.

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**HON MINISTER OF JUSTICE:** Honourable Chairperson, the Honourable former Attorney General used the words registered seed producer, correct?

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Uhu.

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**HON MINISTER OF JUSTICE:** Now when we use the word register we must now go and define registered seed producer. We are in Committee Stage now so you have not provided that definition so you create an absurdity because if you look at the definition of registered that is there now it stays, when used as a noun means the National Seed Varieties Registered referred to as a verb needs to enter variety in the register. Maybe you mentioned the word licence or with authority and in terms of this Act because you see that is why I am saying when you read with the lexicon we have to be very careful that we do not even if the word is normally utilized and if it is defined here we will have a conflict because the word primarily used here in definition will take premise of the normal ordinary language. So assuming now that I have that registered individual is it per person who has made an entry into the Registrar of Variety of Seed or the person who is registered without that definition? So your suggestion is half made it should then has the half brother or sister is a definition of registered producer. Now, listen to me, just listen to me, read the definition of registered in the door. What does it say?

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**HON IIVULA-ITHANA:** (Not on microphone).

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**HON MINISTER OF JUSTICE:** Yes, so what I am trying to say is that it is not we had not considered it. We thought we could utilize this language. That is what we are saying, we have gone around language and we thought this was better. Clearly I do not think I have convinced the maker of the suggestion. All I have to say Honourable Deputy Speaker, Chairperson all I have to say is in Oshiwambo my grandmother taught me and said *kemanyakuzonzi*.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** What?

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**HON MINISTER OF JUSTICE:** That only dust can come off a rock and with that I say I have really tried my best to interpret.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes thank you very much.

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**HON ATTORNEY GENERAL:** You said *kashinjole*.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** It is your Parliament it is up to you if you want to go up to 24:00 I am still under obligation to give the floor to the others. We have a quorum. We have more than. Okay Honourable Murorua who indicated just one chance. Honourable Murorua.

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**HON MURORUA:** Thank you very much Honourable Chairperson of the Whole House Committee. I am not a lawyer by tribe nor am I a specialist in the Queen's language but I was thinking (intervention).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** But you are a lawmaker.

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**HON MURORUA:** Why do we not say the following that privately produced seed means that seed obtained from plants cultivated by a person who cultivates seed at a household basis as part of his or her activities and which is not packaged

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and displayed in a manner or provided under circumstances suggesting that it has been obtained from a registered dealer. So it refers to the people that we are thinking about.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes and it is clear now.

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**HON MEMBER:** Come again.

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**HON MURORUA:** Again? I am saying that privately produced seed means that seed obtained from plants cultivated by a person who cultivated seed at household basis as part of his/her activities and which is not packaged and displayed in a manner or provided under circumstances suggesting that it has been obtained from a registered dealer. I do not know, it might be wrong.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes very good. Okay I recognize Honourable Minister of Mines and Energy.

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**HON MINISTER OF MINES AND ENERGY:** Yes Honourable Chairperson if what Honourable Murorua says seems to be satisfying everybody maybe that should. But let us say what I was going to say, we seem to be having a problem with the words significant that part could be the issue. Now if we leave out (indistinct).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Come again.

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**HON MINISTER OF MINES AND ENERGY:** If we just leave out that whole part of whether it is significant or not significant what have we heard because basically what we really want to as people who are not displaying this as from the dealers, so if you just say privately produced seed means seed obtained from plants cultivated by a person who does not cultivate seed which is not packaged or displayed in a manner provided under circumstances suggesting it is from a dealer. You just jump over that as significant part of his or her business because whether it is significant we just do not want people to pretend this is coming from a dealer and you just simply leave out the significance. Yes as small as (intervention).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Honourable Kapofi you seem to agree with your colleague?

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** Yes I want to agree with you because that was (intervention).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Can we listen now please in particular the Minister of Justice, listen.

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** I was saying I wanted to say (intervention)

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SEED AND SEED VARIETIES BILL  
HON DR KAWANA**

**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Honourable Minister yes I will give you because you two share (intervention).

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** You know during the days when we write exams they say write things that you understand best and do the rest later, if this thing is giving us problems why do we not jump and go to other things and come back to it later (laughter). If there are many other things that we are considering, is this the only one?

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Ah, it is true.

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** If this is the only one then I am saying remove the word significant.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** A second to the Attorney General.

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**HON ATTORNEY-GENERAL:** Honourable Chairperson, I do not have a problem with the word significant at least speaking for myself. It can be removed but when there is a reference here to business we were following what Honourable Nekundi said. Honourable Nekundi gave examples of some of our people who come to the market to sell now if we remove that part it will mean now that nobody will be allowed to sell even in a small quantity. That was the purpose to accommodate yesterday's discussion. So if we can retain that reference and the Honourable Muharukua's what he called difficulty because

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there are these small people we want also to protect because they come and sell to the market that is why the reference to business. But if we say now we do away with significant I will not have a problem but retain that part of business because there are those who are selling at the market as it was given as an example yesterday that is what I thought.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes as part of the sale business. Do you agree with your colleague Honourable Minister of Justice, the second?

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**HON MINISTER OF JUSTICE:** I do and it basically means that the run around would have been for nothing we should have just tabled the text as it was but, yes (intervention).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Come again.

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**HON MINISTER OF JUSTICE:** Yes but I want to address Honourable Murorua's suggestion. Honourable Murorua's suggestion can I address it also?

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes, the issue of domestic becomes an issue because there are definitions of domestic and again it flies in the face of the suggestion made by the colleagues who raised the concern. A household and domestic those definitions we have and they are part of our *juris pondence*. When the conduct that was being motivated is taken into account then we again now go back to the restriction. Hence I am saying we

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should have just stayed with the restriction that we had if that is the case. It is very technical but I just wanted to say again please colleagues, Honourable Members the regulations are coming. Thank you.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Okay finally Honourable Deputy Minister your final word on this, the way forward?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Yes the way forward Honourable Chairperson of the Whole House Committee I think all the inputs are valuable inputs and I think they were just meant to refine the Bill. However, we have Government Attorneys out there and we have Drafters who have spent the whole morning coming up with this and to address the issues that were raised yesterday and the issues that were raised yesterday were that 70 year old grandmother of Honourable Nekundi who wanted to sell those seeds or those seedlings along the road or from the back of a car and that is what we have tried to address here. All other issues, now we have been playing now with words, should we put primary, should we put significant, it will come to the same issue. If we allow that and if we are happy that that person who is selling seedling or who is selling seeds in a bottle at Omuthiya or elsewhere is covered I think we have addressed the significant part of this Bill and then we can allow it. All other issues the packaging that was indicated here, a valid concern that will come in the regulations because packaging alone is already a complete comprehensive process that needs to be followed and that will come in the regulations.

I think if you allow me Honourable Chairperson probably we can accept what has been recommended by our Drafters here. I do not think they are implicating the Bill in such a way to exclude anyone at all and then we see how we develop it (intervention).

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Maybe others' concerns will be taken care in the rules?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** The other concerns, the packaging and the what the rules are coming and the rules can be a 500 page document.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Then I put the amendment, any objection? Then agreed to. I put Clause 07 any discussions? Clause 02? Okay pardon, yes I put Clause 02 any discussions? I recognize Honourable Deputy Minister?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Thank you Chairperson of the Whole House Committee. On Clause 02 we want to add the following sub Clause to Section 2. We want to add Sub Clause 07 to Sub Clause 02 which should read, "The Minister may by notice in the Gazette exempt a specified class of horticultural nursery from the provisions of Sections 09 or 10 or from specified provisions of those Sections" just to deal with the nurseries.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Okay yes table the amendment please. Thank you, any discussions on the amendments there put. I recognize Honourable Muharukua?

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SEED AND SEED VARIETIES BILL  
HON MUHARUKUA**

**HON MUHARUKUA:** Thank you Honourable Chairperson. The Minister may by Notice in the Gazette exempt a specified class, I will end there, singular, one class? Honourable Minister of Justice is that what we mean to say that the Minister can exempt once like this particular class should not be affected by this? That is one, if indeed we mean that he can set out various classes then the provision must read as such as opposed to giving in power for only one and I believe that is also in answering to this concern.

The other question or issue that one has is in fact I think this power should not only relate to Section 09 and 10 it should run out the whole Bill where the Bill or where the law prejudices these individuals that we want to protect that the Minister through the regulations be empowered specifically as we do here to exempt because here we are talking about horticulture but I also foresee a situation where we, yes I also see a situation where this seed problem that we are having in fact we have not solved it we have created another problem but it must be subject to this. That the Minister be able to obviously with consultation to whoever the experts be able to set out classes that if you have a horticulture garden or (intervention).

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**HON ATTORNEY GENERAL:** Nursery?

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**HON MUHARUKUA:** Or, I am also Himba by tribe I do not know  
(*intervention*)

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes please ignore the unofficial interruptions.

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SEED AND SEED VARIETIES BILL  
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**HON MUHARUKUA**: So that there are different classes as opposed to only one and that in my view must also apply to seeds but I say that to seeds that this provision runs throughout the whole Act including seeds and registration. No (Otjiherero) but I say that with a caveat. If we were in America hypothetically, no I am talking about where a lobby is really strong, the provisions on its own could also give us problems. Yes lobbying in Namibia has also become a thing.

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**HON MEMBER**: Robbing?

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**HON MUHARUKUA**: Robbing.

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**HON MEMBER**: All the same lobbying is not robbing.

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**HON MUHARUKUA**: Yes both robbing and lobbying has also become a thing. Now we are going to have a specific lobby that lobbies Cabinet that actually we must be part of these people who are exempted. We are all aware of Cabinet being lobbied nowadays. So I say that but I also said with concern because you give this power and then comes Sacky with a group of Himbas from Opuwo they want to be exempted it becomes a problem also so maybe we must think together how this does not become subject to capture. Thank you.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE**: Okay thank you Honourable Minister of Justice.

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HON SHANGHALA**

**HON MINISTER OF JUSTICE:** Comrade Deputy Speaker Chairperson, I do not know whether the Honourable Member was talking about lobbying or robbing I do not know whether there was robbing (laughing). Yes okay, on a lighter note only. Do not say robbing and you look at the Deputy Speaker no do not do that. Okay thank you for the comment.

First let me just say that the drafting style you would have noticed for example how words such as shall are being replaced with words such as will, (intervention).

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**HON ATTORNEY GENERAL:** Must.

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**HON MINISTER OF JUSTICE:** I mean sorry must where words such as to have been replaced with words such as perform. So there is a drafting style that we have adopted, a de facto that we have adopted. So in this case when you say the Minister may exempt a specified class every time the Minister exercises this function the Minister exercises it either in respect of one or more plural or singular. This is the new drafting style and it has been supported with case law. I did not prepare specifically for that issue I did not think it would be an issue otherwise I would have provided you with one or two cases that speak to that issue. Now if your suggestion was that this should run through the Act, this

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Sorry, please ensure the Honourable Members who are going come back please because if we do not form a quorum we are not going to pass it. So the leader of the Official Opposition and the senior Madam here somebody must call them back. Yes proceed. Chief Whips if you ensure that.

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HON MUHARUKUA**

**HON MINISTER OF JUSTICE:** I wanted to say that the concern of Honourable Muharukua was that this speaks perhaps only to nurseries and not to the seeds. May I refer you Honourable Member to Section 2, Sub 3, 4 and 5. Sub 3 says, "In a Notice referred to in Sub Section 1 the Minister may specify that only certain provisions of the Act apply to a specified class of plants". Then 4, in a Notice referred to in Sub Section 1 the Minister may specify that the provisions of this Act only apply to a certain class of propagating material of a specified class of plant in which case the definition of seed is construed to include only that class of propagating material. So it is included.

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**HON MUHARUKUA:** You wanted to (not on microphone).

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**HON MINISTER OF JUSTICE:** No, we were maybe just misunderstanding one another but I think your concern is covered. I therefore suggest Honourable Speaker that we have talked, thank you.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes so with that any objection to this? Honourable Muharukua, a second?

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**HON MUHARUKUA:** Just a second yes. Honourable Chairperson perhaps with hindsight I am actually starting to understand you with that last explanation but I think it is nonetheless a real good thing that we have a debate albeit what I am seeing maybe it was a bit unnecessary because now whoever the Minister that would be would actually know what we mean and sometimes as Parliament we are guilty of not landing issues. We discuss it. This person says this. That person says that. This one says this and we do not land it and then the consensus is not really captured but I think I this particular event I would tend to think that

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the intention is captured so that the discussion for me was actually worthwhile because now when the Minister is exempting he would know that he is not going to exempt a specific South African company with multimillion dollars and that person would exempt the right individuals. Thank you very much.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Okay, any objection to this amendment? Agreed to. We go to Clause 07, any discussions? I recognize Honourable Deputy Minister?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Honourable Chairperson, all these other Clauses have been taken by events due to the amendments of those Clauses 01 and 02 so this one falls in place.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Meaning Clause 07?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** They will remain as it is but with the inception of those definitions it make it clear when you read them.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Okay it means Clause 07, 08, 09, Sub 1, Sub 3 up to the end?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Yes.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** So I will go through just to complete the whole process of lawmaking. Clause 07?

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**HON MEMBER:** D/accord.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** D/accord, Clause 08? D/accord. Clause 09 Sub 1? D/accord. 09 Sub 3? D/accord. Clause 10? D/accord. Clause 51? D/accord. I report the progress. I report the Bill with amendments.

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**ASSEMBLY RESUMED:**

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Bill reported with Amendments.

**HON SPEAKER:** Thank you very much. Does the Honourable Deputy Minister of Agriculture, Water and Forestry move that the Bill be now read a Third Time?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** I move so Honourable Speaker.

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**SEED AND SEED VARIETIES BILL  
HON SHIWEDA**

**HON SPEAKER:** Who seconds? Agreed to. Any further discussions? Does the Honourable Deputy Minister of Agriculture, Water and Forestry wish to reply?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Honourable Speaker, I wish on behalf of my Minister who is not here to thank this Honourable House. I know it was a tense discussion but I think we ended up happy people. I hope that the Bill we have passed is our Bill and it will be to our advantage and the advantage of our people so thank you very much Honourable members.

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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. The Secretary will read the Bill a Third Time.

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**SEED AND SEED VARIETIES BILL**

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**HON SPEAKER:** The Secretary will read the Second Order of the Day.

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**COMMITTEE STAGE:  
NURSING AMENDMENT BILL  
MEDICAL AND DENTAL AMENDMENT BILL  
SOCIAL WORK AND PSYCHOLOGY AMENDMENT BILL  
PHARMACY AMENDMENT BILL  
ALLIED HEALTH PROFESSION AMENDMENT BILL**

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**COMMITTEE STAGE: NURSING AMENDMENT BILL**  
**HON DR HAUFIKU**

**HON SPEAKER:** Does the Honourable Minister of Health and Social Services move that the Assembly now goes into Committee?

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** I move so Honourable Speaker.

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**HON SPEAKER:** It is moved that I leave the Chair. Any objection? Who seconds? Agreed to. I call upon the Chairperson of the Whole House Committee to take the Chair.

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**ASSEMBLY IN COMMITTEE:**

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** The Whole House Committee is called to order once more and the Committee has to consider the *Nursing Amendment Bill*. I put Clause 01? You did not hear? Can we count the number of colleagues who are here? These things are very important. The moment we are, we will revisit it in September. Anyone who is phoning outside must come in please or drinking tea.

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**HON MEMBER:** Ring the bell.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** We need three more. Okay we are done. We will proceed. Honourable Hambyuka can you come in. Ah it is the State House again, now Minister of Health and Social



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**COMMITTEE STAGE: NURSING AMENDMENT BILL  
HON MUHARUKUA**

Services where are you going? No (noise of protesting), yes it is his Bill. Your Bill will lapse. Oh you are calling the other people? How many are we? We need one. I know that the Deputy Prime Minister maybe is a State call somebody can just find out how urgent it is.

Okay, once more the Whole House Committee is called to order. The Committee has to consider Nursing Amendment Bill. I put Clauses 01, 02, 03, 04, 05 and 06, any discussions? I recognize Honourable Muharukua.

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**HON MUHARUKUA:** Sure holistically.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Which Clause, just indicate which Clause?

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**HON MUHARUKUA:** Ha, holistically.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** All of them?

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**HON MUHARUKUA:** Yes in a few sentences in fact I am going to do a little bit of what the Honourable Kawana said you must not do. You see I think to start with I want to thank what the Minister tends to do with these Bills. When one was saying such important things must not bring in the House it has nothing to do with the substance of the Bill. In fact when I rose that day I said it is not just this profession that needs to be looked at, all the professions do because at times the Honourable Dr Haufiku talked about election and I am going to conclude now. I think it is a good thing that you are actually in this thing removing that, removing

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**COMMITTEE STAGE: NURSING AMENDMENT BILL  
HON MUHARUKUA**

election because sometimes representation especially on these professional boards is not very proportionate. Sometimes these boards are very prejudicial in their nature. Perhaps things are you know (indistinct) but we do not want to say but it is true that sometimes they do not protect the people that ought to be protected so I commend that I am going to come to my proposal subsequently.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes specific Clause because it is a Committee Stage.

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**HON MUHARUKUA:** Yes, so that notwithstanding or my support notwithstanding the Minister had indicated that there is a main Bill coming and that this Council would become or is then a temporary Council. I would, oh yes, I would tend to think that it must be indicated as such in the Bill as a proposal. We must state that. In fact I would have gone from the object of review that the object of this Bill is to put in place a temporary so it goes with the necessary amendments and within itself we indicate that actually the purpose for as long as that Bill is still coming that or we can define that but what I am saying is that we do not have a Council chosen in this way with a perpetual length of time that we put a limit and say once the new Council has been elected as per the Act that we envisage that this one phases away and the new one then takes over because I hear that is the intention I think we must then expressly state that intention to be as such. That is my brief contribution Honourable Chairperson.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Yes Honourable Minister okay I recognize Honourable Kawana. Before Honourable Minister Honourable Kawana.

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**COMMITTEE STAGE: MEDICAL AND DENTAL  
AMENDMENT BILL  
HON DR KAWANA**

**HON ATTORNEY-GENERAL:** Honourable Chairperson maybe that is one way, there is another way which will be really faster which will not need or require amendments now because of the time factor. When we come now with the main Act within that Act we will put a provision now to repeal this one when that one comes into operation. For purposes of time I think that is the best way of doing it. I so submit.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Okay with that understanding I put the Title. Any discussions? With all those provisions in this Nursing Amendment Bill, any objection? Agreed to.

I will report the Bill without Amendment. (Noise)

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** The Whole House Committee is called to order. We have to consider Medical and Dental Amendment Bill. I put Clauses 01 to 06. Any discussions? Any objections? Agreed to. I put the Title. Any discussions? Any objections? Agreed to.

I shall report the Bill without Amendment.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** We go to Social Work and Psychology Amendment Bill. From Clause 01 to 06, any discussions? Any objections? Agreed to. I put the Title. Any discussions? Any objection? Agreed to.

I will report the Bill without Amendment.

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**COMMITTEE STAGE: ALLIED HEALTH AND  
PROFESSIONS AMENDMENT BILL**

**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** The Whole House Committee has to consider Pharmacy Amendment Bill. I put Clauses 01 to 06, any discussions? Any objection? Agreed to. I put the Title. Any discussions? Any objections? Agreed to.

I shall report the Bill without Amendments.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Finally the Whole House Committee has to consider Allied Health and Professions Amendment Bill. I put Clauses 01 to 06. Any discussions? Any objection? Agreed to. I put the Title. Any discussions? Any objections? Agreed to.

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**ASSEMBLY RESUMES:**

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I shall report the Whole Five Bills to the Speaker without Amendments.

**HON DEPUTY SPEAKER:** Honourable Speaker, the Committee has gone through the following Bills,

{B9 – 2018}

{B6 – 2018}

{B8 – 2018}

{B5 – 2018}

{B7 – 2018}

As set off in the accompanying copies and agreed without Amendments.

12 July 2018 **COMMITTEE STAGE: MEDICAL DENTAL AMENDMENT  
BILL  
HON DR HAUFIKU**

**HON SPEAKER:** Thank you very much. Does the Honourable Minister of Health and Social Services move that the Bill be read a Third Time?

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** I move so Honourable Speaker.

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**HON SPEAKER:** Any objection? Who seconds? Agreed to. Any further discussion? Does the Honourable Minister of Health and Social Services wish to reply?

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** Honourable Speaker, Honourable Members I just want to sincerely on behalf of the team, the Ministry of Health and Social, our Attorney General, the Minister of Justice and the Drafters the Legal Drafters to sincerely thank you all for the spirit of past collaboration you have demonstrated and recognition that we have this problem that we need to attend to by supporting this Bill or the five Bills all of you without an exception from this side of the House up to there and I want to thank you Honourable Speaker for your leadership in this regard.

The Deputy Speaker who is the Chairperson of the Whole House Committee, I will help and do look forward to, first of all I recognize and that is what I wanted to share with Honourable Muharukua that it is really temporary arrangements and I wish to express my hope that with the main Bill that we hope to table in this House very soon and that is going to, at least help us lay the ground for better governance of the health sector. I hope we will be as collaborative and working together as we are as a lawmaking House and that that Bill also will be passed in a way that is not that prolonged. Once again thank you all. I really appreciate and God Bless you all.

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**SERVICE CONDITIONS OF TRUCK DRIVERS  
HON DIENDA**

**HON SPEAKER:** Thank you. I now put the question that the Bill be read a Third Time. Any objection? Agreed to. The Secretary will read the Bills a Third Time.

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**NURSING AMENDMENT BILL  
MEDICAL AND DENTAL AMENDMENT BILL  
SOCIAL WORK AND PSYCHOLOGY AMENDMENT BILL  
PHARMACY AMENDMENT BILL AND  
ALLIED HEALTH PROFESSIONS AMENDMENT BILL**

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**HON SPEAKER:** The Secretary will read the Third Order of the Day.

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**RESUMPTION OF DEBATE ON  
THE SERVICE CONDITIONS OF TRUCK DRIVERS IN NAMIBIA**

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**HON SPEAKER:** When this Assembly adjourned on Thursday the 5<sup>th</sup> of July 2018 the question before the Assembly was a Motion by the Honourable Dienda that the Motion be adopted. I now give the floor to the Honourable Dienda to reply.

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**HON DIENDA:** Thank you Honourable Speaker. Honourable Speaker, I want to thank each and every Member. Sorry for my voice I will not be long I just want to suggest that the Committee dealing with truck drivers must deal with the Minister, make an appointment with the Minister as a Committee to solve this issue because for me as an individual to solve the problem might not solve the problem. I so move Honourable Speaker, thank you.

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**RESUMPTION OF DEBATE – NEW FISHING RIGHTS  
HON ESAU**

**HON SPEAKER:** We fully appreciate and we hope you will get well soon. I now put the question that is the Motion to be adopted or we refer to the appropriate Committee? Can you just clear to me that one? I put the Motion that the Motion be adopted. Any objection? Agreed to. Thank you very much. Oh?

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**HON DIENDA:** It seems there is a misunderstanding. I ask that the Committee dealing with this issue to make an appointment to see the Minister. So it must be referred to that Committee and not me as an individual to sit with the Minister but the whole Committee to sit with him.

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**HON SPEAKER:** So the Motion should be referred to the relevant Committee for further consultation with the Ministry concerned. So agreed upon. So decided. Thank you very much for that clarity. The Secretary will read the Fourth Order of the Day.

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**RESUMPTION OF DEBATE ON  
THE ISSUING OF NEW FISHING RIGHTS  
AS FORMULATED BY THE LINE MINISTER**

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**HON SPEAKER:** When the Assembly adjourned on Tuesday the 12<sup>th</sup> June 2018 the question before the Assembly was the Motion by the Honourable Smit that the Motion be adopted. I now give the floor to the Honourable Minister of Fisheries and Marine Resources for his explanation.

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**HON MINISTER OF FISHERIES AND MARINE RESOURCES:** Thank you very much Comrade Speaker, Honourable Members. Let me first of all

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**RESUMPTION OF DEBATE – NEW FISHING RIGHTS  
HON ESAU**

thank Comrade Taeyele for postponing this very Motion on my behalf and for me to respond accordingly to this very Motion. Having said that in response to the motivation submitted by Honourable Member from the PDM/DTA regarding the statement on the 2018 Fishing Rights Application as per Gazette Notice No.92 of the 24<sup>th</sup> of May 2018, I wish to submit as follows:

Announcements of applications for Fishing Rights are guided by an Act of Parliament. Section 33 of our Marine Resources Act of 2000 which spells out all the conditions required. These conditions were gazetted and are therefore not new as the Honourable Member suggests and those conditions were set by this very august House 18 years ago. The law is coming from this House and the conditions are coming from this august House. I will invite the Honourable Member Honourable Smit to peruse the Act because all the criteria in Notice No.92 of 2018 is as per the law.

Having said that I want also to thank people the populous for the popular participation in the workshops that were at regional level I want to thank our Governors for facilitating as well as the officials in the Governor's office for facilitating this very workshops of consultations and explanations and I want to refer to Section 33:4(d) of the Act just to name one of the criteria. This criteria obliges the Minister to consider and I quote, "The ability of the Applicant to exercise the right in a satisfactory manner".

Honourable Speaker, Honourable Members there seems to be a perception that fishing rights can be given to anyone without conditions for the purpose of receiving fishing quotas and thereafter sell those very quotas for money to the fishing industry. This perception is not supported by the Marine Resources Act of 2000 which is an Act of Parliament. It is not supported and I want to underline that. Fishing right is a right to go and to fish. If you apply for a fishing right you must be ready to go and fish. The process and sell the fish landed which is usually exported to other countries. This usually involves business processes that obliged a trading entity which can transact internationally so fish is usually exported and with international banking institutions. At the moment we do not have any entities in the fishing sector outside (Pty) Limited companies that can undertake these very transactions. Closed Corporations (CCs) are not transacting that way. They do not get letters of credit from banks. Banks deal with (Pty)



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**RESUMPTION OF DEBATE – NEW FISHING RIGHTS  
HON ESAU**

Limited if you want to export you get a (Pty) Limited and you export and that is comfort for the banks and the financial sector. This aspect of ability together with the need for corporate governance to ensure protection of vulnerable shareholders as I stated earlier is the reason why the Notice talk about a (Pty) Limited. I note that the Honourable Members wants to know where I got the (Pty) Limited idea from. It is from our Act of Parliament, the Companies Act of 2004 Section 20. This House decided some 13 years ago to create protection for shareholders under this Act and the Ministry of Fisheries and Marine Resources is merely giving materials meaning to this Act of Parliament.

I note that the Honourable Member in his statement assumes that applicants must have access to fishing vessels before making an application for a fishing right. This is simply not true. I invite the Member to read the Notice carefully and note that any applicant in their business plan can simply indicate how and when they will acquire any capacity required under the Notice. They do not need to have any capacity at the time of application.

Honourable Speaker, Honourable Members, the Ministry of Fisheries and Marine Resources has completed nationwide workshops in all 14 regions on explaining all the requirements and procedures under Notice 92 of 2018. In summary the public expressed appreciation of the measures to protect vulnerable shareholders through (Pty) Limited and we have not received any complaints against (Pty) issues after our explanations in any of the 14 regions including the three workshops held in Windhoek.

The public has however, requested for an extension of the 31<sup>st</sup> July 2018 deadline and a consideration of a possible mechanism where (Pty) condition is implemented after the shortlisting. In fact what we are saying we are looking at whether people can apply as Closed Corporations, as Trusts or as individuals that when they are shortlisted and they have proper submission which is in line with the criteria at least then they will be approached and say please do this (Pty) Limited for protection of the (coughing).

Honourable Speaker, the Government is looking to address this request as I have said which I find positive and I find very progressive as well. I am happy to report and it is in the spirit of democracy it is in the spirit of consultations with

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the populous with the people out there that yes the people want this and we will look into the matter. I am happy to report to this august House that our workshops also included BIPA which is responsible for the registration of companies. In their explanations they pointed out to possible Applicants that: (a) Company applications cost no more than N\$400 at BIPA level at their level. The other cost is coming from those middlemen. It is made up by the lawyers. It is made up by Public Accountants, it is made up by those consultants in between and they sky rocket the prices to N\$20,000 I do not know N\$30,000 I do not know there somewhere unaffordable. All applications for companies received on or before that is what BIPA told us, all applications received before the 20<sup>th</sup> of July will be processed before the end of July 2018, that is what we were told by them. It is on record.

Honourable Member seems to hold the view that companies are only held by rich people and those incorporating companies which includes our previously disadvantaged Namibians is impossible. It is not the case. This is not true. We have many youths. We have many women. We have many people living with disabilities. People from economically disadvantaged communities and other previously disadvantaged Namibians who own companies, they are shareholders in (Pty) right holding companies in our Fisheries. Notice 92 of 2018 is simply trying to expand this into suavity which is already underway. I wish to inform Honourable Members that fishing rights are essentially for the smooth running of our fishing industry which includes sustaining jobs as well as investments.

The 2018Rights issues was processed which is now underway is the 9<sup>th</sup> in a series of similar events which is essential to replace the expired rights and maintain stability in this vital economic sector. As the public has noted, Notice 92 is the most progressive ever in ensuring inclusivity and the protection of our previously disadvantaged communities and economically marginalized communities. We remain confident that we will demonstrate inclusivity and the protection of jobs and investment in the 2018 Fishing Right Award process. We do not oppose because we are oppositions.

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**HON MEMBER:** (Not on microphone).

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HON SMIT**

**HON MINISTER OF FISHERIES AND MARINE RESOURCES:** I tell you what to do. In conclusion my dear Honourable Speaker, Honourable Members I am explaining we do not want to be micromanaged as Government here we are here to consult and through consultations we move forward. In conclusion Honourable Speaker, Honourable Members I do not support the Motion by the Honourable Member from the PDM. Government Notice 92 is as per criteria as contained in an Act of Parliament the Marine Resources Act that was passed here in the House unless you amend it. This criteria is not new and does not include a prior consultation with Parliament before gazetting. You heard that, as Parliament already pronounced itself on the matter when it sets the criteria some 17 years ago. It is not the first time that we are issuing rights.

This Notice therefore gives meaning to an Act of this august house. The matters raised by the public including consideration of the deadline, the flexibility on the mechanisms of the company process are currently under consideration. It is under consideration, we will make the announcement of that very soon on those issues that were raised and for sure we will always act inclusive. We will try to bring everybody on board. Having said that I thank the Honourable Member for raising the matter on the floor here but the Motion is not supported by the Ministry and by Comrade, I submit.

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**HON SPEAKER:** Thank you very much. I will call on the Honourable Nico Smit to reply.

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**HON SMIT:** Thank you Honourable Speaker. I would like to thank the Honourable Minister for his speech just now but I do not think he is very honest in what he was saying because I think it was all with the media when they were reporting on these consultative meetings that were held especially in Walvis Bay, Luderitz, Swakopmund and Keetmanshoop and all those places where the people were actually on an uproar because of these conditions set in this Notice 92.

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They were very unhappy and they were saying it in no unclear terms that it is not acceptable, that they should register first companies before they can apply. So what the Minister now has said that they have changed their attitudes that they have listened to these people and that they will come shortly with new announcements just tells us that there was something wrong and that the Minister has listened to what the people were saying and now he changes his approach towards the issuing of rights. So it just shows that this Motion helped a lot to change the attitude and the conditions, of course it is very clear otherwise the Minister would not have changed the conditions of the licensing. So in any case I think we are now closer to a more fair issuing of rights and therefore I want to thank the Minister that they want now to listen to the people that they can apply now in a way of individuals and Closed Corporations, Trusts like in the past and only after the rights have been approved or given then they have a form a (Pty) with that I do not have a problem. I also know business and I know that (Pty) works better especially when you trade internationally you need to have a (Pty) but why make it so difficult at the beginning according to this Notice that (Pty)s must first and only (Pty) can apply that is what the Notice was saying that only (Pty)s can apply and not Closed Corporations or Trusts all those kinds of things. That was very clear so at least it is now being changed or going to be changed and we are happy with that so thank you very much Honourable Speaker.

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**HON SPEAKER:** Thank you very much. I am assuming from the Honourable Nico Smit you have taken note of the explanation by the Minister but of course you have your reservation.

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**HON SMIT:** No, of course.

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**HON SPEAKER:** But the Motion as far you are concerned we leave it at that?

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**HON SMIT:** Yes I leave the Motion at that but I took notice what the Minister has said although I do not support that what he was saying is actually the truth.

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**HON SPEAKER:** Thank you very much. So decided, thank you we move on. We want to make use of every minute we have. The Secretary will read the Fifth Order of the Day.

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**RESUMPTION OF DEBATE ON  
VALUE ADDITION ON OUR EXTRACTIVE INDUSTRIES  
TO STIMULATE EMPLOYMENT AND HIGH FOREIGN EARNINGS**

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**HON SPEAKER:** When the Assembly adjourned yesterday the 10<sup>th</sup> July 2018 the question before the Assembly was the Motion by the Honourable Venaani that the Motion be adopted. The Honourable Jerry Ekandjo adjourned the Debate and I now offer him the floor.

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**HON EKANDJO:** Thank you very much Honourable Speaker, Honourable Members. I rise to contribute to the debate on the floor. Why I decided to rise is because Namibia is one of the richest and downed with mineral resources with a small population of less than 3,000,000 but with abundant resources especially in mining. Comrade Speaker, I think the mineral resources in Namibia are God given. Even during the struggle we have been singing country endowed with copper, diamonds everything. Now in Namibia currently we have got more than 13 mining companies operating in Namibia. Some of them before independence and after independence and I think it is now time that we change the status quo.

Comrade Speaker, one of the mines we have in Namibia is NAMDEB formally known as Consolidated Diamond Mines (CDM). This mine started operating

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after the time when I do not know whether it is during the time of the Germans or early South African colonialism when they were building the railway line from Keetmanshoop on their way to //Karas and Luderitz that area and then it happened that a certain contract labourer by the name of Lazarus Awala although the history could say Lawala. There is no Lawala in SADC whether in Botswana, South Africa, Lesotho, Swaziland, Zimbabwe, Mozambique there is no Lawala it is Lazarus Awala but the history books said Lazarus Lawala is the person who did.

Comrade Speaker, NAMDEB, De Beers currently, Namibia De Beers Mining Corporation like that, all 50% and GRN the Government of Namibia owns 50%. GRN stands for Government of the Republic of Namibia it owns 50%. De Beers has been a family business of the South African based Oppenheimer family until 2012 when Nicolas Nickey Oppenheimer liquidated 40% of his De Beers shares and acquired further wealth with Anglo America. The 59 years old Nickey Oppenheimer who inherited this De Beers shares from S Oppenheimer is said to be a South African richest person with an estimated net wealth of 6.6 billion. The other mining is Langer Hein Mine. I am talking of the man because it is about the mines. We have to do something because currently we only get from the mines only the tax what they pay and what do they call it, when they pay these, royalties. Only royalties and only with those royalties and also the said licences if one applies to get a licence then the Government gets something or royalties otherwise zero.

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**HON MEMBER:** Royalties?

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**HON EKANDJO:** Royalties, okay Namlsh neh? Langer Hendrich Mine, Langer Hendrich Uranium (Pty) Limited owns 100%, the Government zero.

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**HON MEMBER:** Zero what?

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**HON EKANDJO:** 0%, one of the biggest Uranium Mines in the country the mine is wholly owned and managed by Langer Hendrich Uranium (Pty) Limited which is a member of the Palladium Energy Limited Group of Companies. The mine is located at the foot of the Langer Hendrich Mountains in the Namib Desert near Swakopmund. Namibia is ranked the fourth largest producer of uranium worldwide we are the fourth but people are poor, poverty amid riches. Namibia is ranked the fourth largest producers of uranium worldwide behind Kazakhstan, Canada and Australia and produces about 7.1% of the uranium oxide worldwide. However, the country receive very little direct retains from the sale of the uranium product.

The third mine is Rossing Uranium, Rio Tinto, 69%, Government is 3%, Irish 15%, South Africa 10% and others 3%. Rossing Mine is the world longest running open pit Uranium Mine and has been in operations since 1976 and this is Namibia's first commercial uranium mine. The mine is about 12 kilometers from the town of Arandis.

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**HON SPEAKER:** On the point of order Honourable Nico Smit?

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**HON SMIT:** Honourable Speaker, I just want to ask the Minister or the former Minister a small question on what he was saying just now and that is, can I?

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**HON EKANDJO:** Yes.

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**HON SMIT**: I am a little bit at a loss maybe if Honourable Ekandjo can inform this House who is issuing the licences? Is it the person who is issuing the licence, can he not determine what percentage they can hold or not hold what the percentage of who must get? If the former Minister can just inform us that we just know this because to me it is confusing?

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**HON SPEAKER**: Thank you very much. Can I, Honourable Jerry Ekandjo please do you want to follow?

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**HON EKANDJO**: I am pointing this so that it is for the information for Honourable Members so that the community could know.

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**HON SPEAKER**: Yes another point of order.

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**HON MEMBER**: President?

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**HON MAAMBERUA**: Former President not President.

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**HON MEMBER**: Former President, who?

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**HON MAAMBERUA:** Me. May I ask my Comrade Jerry Ekandjo a small question as a follow up to what Honourable Nico Smit just asked is it fine?

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**HON EKANDJO:** Yes.

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**HON SPEAKER:** Yes.

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**HON MAAMBERUA:** Comrade Ekandjo can you inform us which policy stance of either the SWAPO Party or GRN says that we have got to change the shareholding relationships that you are suggesting?

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**HON SPEAKER:** Okay Honourable Jerry Ekandjo please could you please bear with us. Literally we have a few items to finish plus questions, if you could please conclude?

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**HON EKANDJO:** Okay let me just conclude in summarizing. I am going to make available to all Member the percentage (intervention).

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**HON MEMBER:** We have it already.

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**HON EKANDJO:** Ah, no you do not have. What I want to say is that it is for us (intervention).

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**HON FLEERMUYS:** Honourable Speaker?

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**HON SPEAKER:** Yes, on a point of order? Yes?

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**HON FLEERMUYS:** Thank you Honourable Speaker. We are not dealing with ownership of who and whatsoever what we are dealing with right now is value addition and I get confused if we will drive around the mountain before we will come to value addition (laughter). Thank you Honourable Speaker.

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**HON SPEAKER:** Thank you very much. You are helping the Chair. Honourable Jerry Ekandjo please.

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**HON EKANDJO:** Thank you. I think the value addition only will not be enough what I want to picture is that I think it is high time that we have the country endorsed. We cannot continue the country is endorsed with mineral resources. Even if we add value addition it is those mining corporations who will add value addition and we are not benefitting anything except employment. Except for employment so what I want to make known is that to know that it is just like we are rich, we talk about our minerals but do we own it? It is the question I am having. Do we own it?

So it think the other thing what I want to say is that if we are in this House coming to the question of Honourable Maamberua is that we are Members of the august House. We are all Members of the august House. Even if we are in the Executive but if you are here you are still a Member of the august House, I think that is the bottom line. Then I just want to make it clear that there somehow,

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somewhere we have to come to a point where our Government, our SWAPO Government, yes it is a SWAPO Government you cannot control it. It is a SWAPO Government that we have to come to a point where we have to change so that the mineral resources of the country, it is not only to get employment to add value addition and employ 500 people countries like Russia, countries like China I do not think those mining companies in those countries the State companies belong to the State but I will give you the list here, most of the mines are belonging to Canada. The Canadians are the ones owning the mining in our country but there is no Namibian owning mines in Canada. So I think also we in this House can also propose or make a proposal to our SWAPO Government to say that we feel that maybe it is not only to criticize but also to make proposals to say I think the best way where we can do with our mineral resources is if we are to do a, b, c. I am saying this because according to this report most of the mines we are having is uranium mine and it is Canada who is controlling the mining. This is the point I want to make.

For those like Honourable Maamberua and also my Honourable Nico Smit the questions you asked, in SWAPO we have got free speech, understand? I want to plead there. If I am saying something do not go and interpret and say Jerry is anti SWAPO, never, this you will never get, do you understand? And if we the backbenchers are in this House we can also contribute to make it meaningful as a backbencher but it does not mean that I am against my Government, never forget the propaganda you want to make. So it is only to make a point that I think or maybe the basis I may come with a Motion, I think then maybe the House discusses. I am saying this because if I was in the Executive I could have said it there but this is the only platform I am having. If I was in the Executive I could have said that.

Secondly, for the Opposition, I want to put it to the Opposition, it does not mean that if a backbencher comes with a Motion it is anti Government, no. Do not take it that way. I talk to Honourable Maamberua because if you ask a question why do I not say you were a former Permanent Secretary of Finance why are you asking this question. Why do I not ask you that way? Why do I not ask?

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**HON MEMBER:** On set rules.

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**HON EKANDJO:** No never, because you are a Member of Parliament. It is only to say that I will just to say that maybe I may come back currently it is really the country is rich to add value or whatever is not the solution but somehow the Namibian people through their SWAPO Government must own either majority shares like in Botswana. I am saying this at one time I said that I wanted to illustrate so that these people most of the companies are 100% and what do they plough back? Why can we not say okay Uranium you build schools, you build railways, you build roads, we give them tasks to do rather than royalties, taxes and licence fees. That is what I wanted to say.

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**HON SPEAKER:** Thank you.

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**HON EKANDJO:** Yes, but it does not mean that I am anti SWAPO, it should be understood.

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**HON SPEAKER:** No, no.

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**HON EKANDJO:** I am here to strengthen our Party Government, take it that way.

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HON LIMBO**

**HON SPEAKER:** Thank you very much Jerry. Honourable Ekandjo thank you. Let us move please Honourable Muharukua.

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**HON MUHARUKUA:** Thank you very much Chairperson. Chair I was not going to stand up. I stood up because the Honourable Jerry said the things that he said. Now if someone spoke like the Honourable Jerry did and said the things he said say you do not like him, do not say I did not hear him because the things he said is what each and everyone in this House should be thinking, should be saying because the future of this country is what we are crafting. I want to thank the Honourable Members. Please maybe that Motion and a discussion, unfortunately this (intervention).

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**HON EKANDJO:** But this must be (indistinct) to the Honourable (laughter).

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**HON MUHARUKUA:** We will come to that part. It is sad that we are fast tracking these, fast tracking such important things. I think with the Motion that you are talking about we are going to get more opportunity to discuss this particular aspect. That is all I wanted to say.

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**HON SPEAKER:** Thank you very much. We have few questions still to be responded to. We have a number of items here. I really wanted us to use the time economically not to repeat. Yes Honourable Agnes Limbo.

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**HON LIMBO:** Thank you Honourable Speaker. I just want to start by saying to my senior Member Honourable Ekandjo be assured that we have no doubt that

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you are very loyal to the Party as one of the people founders those days some of us we know what you have done so be assured that we do not have the doubt. That is number one.

Number two, I want to say that I am very happy that we are finding ourselves because all of us are starting to speak one language to say our people are poor but Namibia is rich and as he was proposing that instead of looking at the value addition let us look at the other way how we are going to make sure that each and every Namibian must benefit from what we have not like what my brother Honourable Esau was saying that it will even include Opposition. Opposition are also Namibians whether we like it or not we are born and bred in this country so we are entitled to whatever is given to each and every Namibian. I remember I think in the 5<sup>th</sup> Parliament Honourable Dingara proposed something very nice. He was saying looking at what we have and the population of Namibia we can even afford to give every Namibian a million. We still have a lot left. So I think we must start thinking in those lines so that each and every Namibian can enjoy what we call our resources because currently it is just enjoyed by the pew. You know when we were in Angola now, can I be protected?

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**HON SPEAKER:** Yes please.

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**HON LIMBO:** When we were in Angola just recently we were just driving going to our old Kazengas there we saw how much fish from the sea was available in the streets. People were having their fish selling but in Namibia we do not even know the type of fish we have in our ocean. So that is the type of resources we have but we do not know them. I think it is about time that we must really revisit, let us sit and revisit what we have done. I know 20<sup>th</sup> here we were having some doves here and there but now all of us are finding ourselves to say we are Namibians let us move together and with that I really want to support the Motion. Thank you.

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HON NANDI-NDAITWAH**

**HON SPEAKER:** Thank you. Deputy Prime Minister.

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**HON DEPUTY PRIME MINISTER AND MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION:** Thank you Honourable Speaker. I want to assure you I will be very brief. Honourable Speaker, the Motion under discussion is very important and two issues have come up which are the ownership and value addition and I fully agree with Comrade Jerry that we all know that these resources as citizens of Namibia we do not own it and hence we have to work on mechanisms to show that we own these resources and it is against this background that our Government has been working to address this particular programme we have faced hence the working on the Namibia economic equitable framework. If you look at that it is meant to address the inequality. I am very happy that Members of our Parliament are having these discussions so that we can help the Government in making this to go through. We know that there is a strong opposition to NIEF and the only opposition is the issue of ownership. We are keeping consulting but what we want is equitable distribution. Therefore when we bring to this Parliament the Parliamentarians should give its support. So we can talk about the Motion but I cannot see any Motion that can replace NIEF when it comes because NIEF will address that issue of equitable distribution and ownership of the Namibian's natural resources by Namibians. So please be read to support us when we bring this framework to this House for your consideration and for your support.

Then on the issue of value addition, value addition is important because when you talk about industrialization you have to add value that is in the form of industries so that you can create jobs. Namibia has been known as a diamond mining country and I am sure we all know that since independence though maybe not to the extent that we want it to be we have really moved somewhere to have some value addition in as far as our diamond is concerned. I am not saying we have completed the process but we have started addressing it and then it has to go to others. It is also true that we have our uranium and uranium is a product than when you are talking people are jittering because there is the only thing in that chemical weapon but currently we have even applied to be recognized as a

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HON MURORUA**

member of the supply group and through that and through different instruments that we have signed internationally we are also considering of using our natural resources for peaceful means. So we are in that process so that we can own it and we benefit it.

Finally the African Union has taken a decision and Namibians we are very serious in complying with AU decision. We really see that they are on our side and this decision was taken in 2016 that to start with at least the 25% of Africa's natural resources should not leave the continent unprocessed and then there is a idea of creating different points of processing these Africa natural resources and as part of our joint commission of cooperation with different countries we are looking into this implementation because you cannot do it alone, it is an exercise so we must understand things are happening but they will need our support. I thank you Comrade Speaker.

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**HON SPEAKER:** Thank you for that contribution. Honourable Murorua.

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**HON MURORUA:** Thank you very much Honourable Speaker. I would like to welcome the Motion very much and I would also acknowledge to say that when it comes to diamond mining there are a few diamonds polishing and cutting companies here in Namibia which are in my opinion doing some kind of value addition. But when we go to the mining of zinc you will go to Scorpion Zinc and you will see that there are rolls of zinc that are being produced there or you also find them at the harbour of Luderitz but these things are being exported to South Africa just to come back as corrugated iron sheets or in the shape of IBR and they come as South African products and to make them in the shape is not a difficult process and that is exactly wht this Motion wants us to address but it is our own making that these rolls of zinc are going to South Africa in flat rolls and coming back as corrugated or IBR zins for us to be used in the industry.



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Together with that while we are in the building industry of zinc we are as Government allowing a lot of tenderers for that matter foreign tenderer to use products that they import from their countries and specifically in this case the Chinese are mostly doing it. They are using building material that they import from their country which is being produced in their own countries and just imported into Namibia. It might be cheap products I do not way that their quality is not good but it is not doing any good to the economy of Namibia seeing that we as Namibians do not benefit directly from it. It would be good that Government would put a requirement to all tenderers in Namibia whether foreign or national that they have to use products that are being sold in Namibia and not products that are coming directly shipped for their projects to be used on these projects by those tenderers.

The other thing is the uranium. We are producing uranium but there is no value addition taking place here in Namibia. I think we all know the many uses of uranium and although there are many dangers coupled to it we need to study how we can find ways and means to work out these dangers that are coupled with it so that we can produce products from this uranium that we are mining in our own country so as to provide more jobs to our own people because what is happening today is that more than 700/800 people are regularly laid off by these mines and that in itself is not a very good picture for all of us at the end of the day because we are then increasing the number of unemployed Namibians in our country. The same is happening with copper. There is in Namibia nowhere that the copper is used to make wire or a place where we insulate the copper to be used as wire in the electrical wiring by the electrical wiring companies. We are prepared to import those electrical wires from other countries and that in itself is not a good thing. Then there is another resource and that is the 'rarefy' it is a resource that is being used to make micro chips but as was explained by those people who are mining it Canada and France are the biggest countries that are making these kinds of micro chips together with China and the 'rarefy' that is being mined in our country is also shipped out or exported to those countries and is to come back to us in a very expensive way while we are one of those countries who have got a very good quality type of 'rarefy' here in Namibia.

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HON VENAANI**

Honourable Speaker, Honourable Members it is for that reason that I think it is important that this Motion be given a very good consideration that we really need to find ways and means how we can create value addition facilities so as to also create employment and strengthen our economy in our country and I so move. I thank you.

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**HON SPEAKER:** Thank you. Does the Honourable Venaani wish to reply?

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**HON SPEAKER:** Thank you. Does the Honourable Venaani wish to reply?

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**HON VENAANI:** Thank you very much Honourable Speaker, I shall be very brief. I think it is a very welcome Motion in the House and it is a progressive Motion that Members from that side of the isle and from different political persuasion and divides are in unison in agreeing that we need to do something about value addition in our country. But I think it is part of the responsibilities of leadership to deal with the most complex matters that affects the general poverty of our populous internally in the country and across our borders through the African Continent and it starts first and foremost before I want to thank the Members that contributed. It starts with international trade regimes, trade laws of the world. For example Namibia is currently one of the countries in search of oil. We are looking for oil but are we aware of a fact that in the contracts that are already signed by those companies that are seeking oil there is a clause that says that from 50 years after they find the oil those revenues will first go to them as opposed to Namibia? It is already in OPEC rules exploration contracts. Before I discover the oil for 50 years I will own those oil wells and those are the regimes, the international trade regimes that we need to amend. That we need to attack because the only country that has done that (intervention).

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**HON MEMBER:** Attack it?

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**HON VENAANI:** I agree where we will attack, diplomatically attack those policies. The only country that has come close to confront those trade rules is Venezuela and that is why they have collapsed that economy because of the fundamentals of the economy because when you are talking about ownership you must also underscore the fundamentals of your economy. It is good and well for us to fight for ownership of our resources and I support that thinking but if we want to acquire this ownership how do we do? Where is the capital? Where is the liquidity that we need to be shareholders? For example the fishing sector it is owned by us Namibians. About 4,000 Namibian fishermen are there left stranded with no jobs. Value addition has been done by other countries. We are trying but let us own it. So we must all look at the economic fundamentals on how we want to drive these processes to bring an end result that is attainable for our economy sustainable and that is also viable.

I want to support what the Minister of Mines and Energy said that value addition in itself is a very expensive process. Because you need skills, you need capital, human capital but why is it that when these big conglomerates go to Asia they sign better trade agreements as opposed to Africa? If you look at the same I do not want to pinpoint the business conglomerates the same conglomerates that operates from the southern hemisphere would sign a deal in Indonesia very separate from the one they sign in Niger for example. Same operations, same mining operations but they know the other people are more advanced therefore they sign another deal. So I think Parliamentarian would have an insight investigation to look at trade deals because this is what we are supposed to do to bring home value addition. We are talking about, the African Union is talking about 25%. The other day I spoke about cocoa or cacao, oh, cocoa my grandmother used the cocoa. Cocoa down in Cote d'ivoire but the Swiss are saying this is country of sweet chocolate, ha? Grapes are leaving our shores, the French would say Cabinet souvenirs and it is a number of processes that we need to undergo. So Honourable Speaker I support the wholehearted support that I received from this House that this Motion be referred to a Committee so that we

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**RESUMPTION OF DEBATE – RELEVANCE OF  
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really start to interrogate the technical trade regimes that are affecting value addition and to come up with the proposal to this House to aide all other Instruments of our country to take our country forward. We need to accelerate that *muses crusius*.

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**HON SPEAKER:** Thank you very much. I now put the question that the motion be referred to the relevant Parliamentary Committee. So agreed? Any objection? Agreed to. Good, you are really doing quite well. The Secretary will read the Sixth Order of the Day.

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**RESUMPTION OF DEBATE ON THE  
RELEVANCE OF THE CONTINUOUS USE OF  
EVMS IN OUR ELECTIONS**

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**HON SPEAKER:** When the Assembly adjourned on Wednesday the 20<sup>th</sup> of June 2018 the question before the Assembly was a Motion by the Honourable Kavekatora that the Motion be adopted. The Honourable Deputy Minister of Disability Affairs adjourned the debate and I now give her the floor.

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**HON !NAWASES-TAEYELE:** I think Honourable Speaker there was a slight oversight from the Table Office. My understanding is that we have exhausted this debate hence the amendment from the mover of the Motion because he tabled the amendment last week and therefore this Motion stands referred to the relevant Committee with amendments. So there is no need for us to continue because he has closed off and agreed on the amendments that were moved in the House. Thank you so I move (intervention).

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HON NANDI-NDAITWAH**

**HON SPEAKER:** If the House agree we move. Thank you very much for that explanation. It is a timely move, Chief Whip, your intervention is much appreciated. The Secretary will read the Seventh Order of the Day.

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**RESUMPTION OF DEBATE ON THE  
IMPACT OF CORRUPTION ON OUR  
ECONOMY AND THE EFFECTIVENESS  
OF THE CURRENT EFFORTS TO DEAL WITH IT**

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**HON SPEAKER:** When the Assembly adjourned on Tuesday the 3<sup>rd</sup> of July 2018 the question before the Assembly was a Motion by the Honourable Muharukua that the Motion be adopted. The Honourable Minister of Finance adjourned the debate and the Deputy Minister is in the House. The Minister is not in the House. The Deputy Prime Minister is here.

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**HON DEPUTY PRIME MINISTER AND MINISTER OF  
INTERNATIONAL RELATIONS AND COOPERATION:** Thank you Honourable Speaker. Honourable Speaker, I hope the Minister of Finance was going to make his contribution. I must also accept that I was not able to file all the debates due to the assignments you have given me as Namibian thus making it sometimes not possible for me to be in the Chamber. I know this Motion the Right Honourable Prime Minister made a contribution and other Members that have followed. Of course we all agree of the negative impact, corruption is having in the economy and even just on the overall social wellbeing of a person. I am saying this because when you know deep in your hearts that you are involved in the corruption practise you will not live in peace with yourself because even when you go to bed when the door is knocked you are just thinking who is knocking and that is why I said negative impact both in the economy and the social wellbeing of an individual and that is why we have made it a point even

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in our constitution to put an article that gave the Government the power to put in place instruments and laws to curb corruption and it is on that basis that the Anti Corruption Act was adopted by this House and it is now a law and then we have the Anti Corruption Commission. We also know that fighting corruption is not easy because it can fight back. Corruption fights back and when it fights back you must find your way how you can also fight back further. So that is why it is a process in itself.

Now the Motion which is proposing to go to a Committee in our opinion we do not think that would be the right way to handle it because the Anti Corruption Commission is there. It is accountable to us as Parliamentarians and so that is why even their budgeted it is us as Parliament that present their budget and answer the questions and for us now to create another ad hoc body I do not think it will go well with our responsibilities because as a Parliament to which the Anti Corruption is Accountable we have the power to call all those who are managing the Anti Corruption Committee to come and answer and explain to us how they are doing the work. So I really, Comrade Speaker feel that it is good we have discussed, we understand the importance of us continuing sensitizing ourselves and the community to fight corruption but we want really to find back the way that we will be handling the issues. Therefore I suggest that the Assembly can take note of this Motion but going forward we can prepare ourselves and have the Anti Corruption Commission managers to engage with us and then at least to enable us understand their operations and for them to appreciate our concerns on the issue of corruption and its negative impact on our economy. I submit Comrade Speaker, Honourable Members.

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**HON SPEAKER:** Thank you very much indeed. I am going to call on the Honourable Muharukua to reply and maybe take into account the suggestions but also for us to keep the door opened to have a meaningful dialogue between Parliamentarians and the Anti Corruption Commission. Honourable Muharukua.

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ON ECONOMY  
HON MUHARUKUA**

**HON MUHARUKUA:** Thank you very much Honourable Speaker. Honourable Speaker, I would like to thank all the Members that have contributed to the debate. Let me first start with the intention of the Motion. The Honourable Simataa described it so well that he tried to look at my meandering motivation and there was a purpose for that. The purpose for that was for it not to point fingers at anyone, for it not to antagonize but rather the purpose of the Motion is that Parliament as a body on its own look at the measures including the Anti Corruption Commission that is there as to whether it is effective. Not only that but we look at whether the public, the voters out there who voted Parliamentarians into power as to whether these the public, the populous out there think that the measures in place including the Anti Corruption Commission, the prosecutorial authority and all these are effective in dealing with corruption. That goes as far as saying the public giving Parliament suggestions as to how else we could do it. I would agree with both the Prime Minister and the Deputy Prime Minister who said perhaps it will be farfetched to say that we must create an Ad Hoc Committee. However, I would tend to agree with what the Honourable Maamberua said that there is an existing Committee of Constitutional and Legal Affairs maybe it was an oversight on that one that is charged with conducting if it were such, yes such hearings.

It is therefore still my standing that notwithstanding the things that are currently there, in fact the things, the measures that I recognized in my speech and I still do that they are there, it is not said that it is not happening. The question is, is it effective? Is it seen by the public to be effective? I think it is incumbent on this Parliament as an oversight body to make sure that we report back to ourselves including to Cabinet to say that well we have all these measures but the public think it is not effective and therefore the public are suggesting this let us deal with those suggestions. I did not, let me not go there.

So Honourable Speaker, I would still plead to the Honourable House that the Motion be referred to the Constitutional and Legal Affairs Committee and that the Committee duly interrogate the question of as to whether the measures are really in place, effective and whether or not we can co-opt many other things to be seen to be dealing with corruption effectively by the public. Thank you Honourable Speaker.

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ON ECONOMY  
HON PROF KATJAVIVI**

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

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**HON MEMBER:** There are two proposals.

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**HON SPEAKER:** There are two proposals before me and I have to divide the House. But before I do that I would like that we ring the bell to ensure that the two or three Members who are outside are called back to make sure that we have an appropriate quorum. Just bear with me but while we are doing that can I take one or two questions. There are Members who wish to attend to other businesses in the House maybe we can deal with those questions while we are waiting, can we do that?

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**RT HON PRIME MINISTER:** Why do we not when they come back to allow Members to (indistinct).

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**HON SPEAKER:** Yes while we are waiting for Members to come back (bell ringing). Okay they are on the way. Yes Honourable Speaker.

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**HON DEPUTY SPEAKER:** While the colleagues are on the way to form a quorum, Honourable Speaker can we go to the last item on the Agenda because it is so quick. The last item on the Agenda (intervention).

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HON !AUXAB  
HON SHIWEDA**

**HON SPEAKER:** I think that is off the agenda now is it not?

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**HON DEPUTY SPEAKER:** Yes to withdraw it because (intervention).

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**HON SPEAKER:** Yes, thank you very much. So we are almost done. We are saying it is off the agenda.

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**HON DEPUTY SPEAKER:** Off the agenda? Oh okay fine.

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**HON SPEAKER:** And we will now deal with the Motion before us. While we are waiting for the two Members to come back I will take one or two questions particularly my Members who wish to attend to businesses outside the House and that is the question from the Honourable Auchab directed to the Minister of Information and Communication Technology. Is the Honourable Member here? Honourable Murorua? So you could provide the answer directly. Thank you very much the next one is the question from the Ministry of Gender, Equality and Child Welfare, what was the question? The Deputy Minister of Gender, Quality and Child Welfare what is the number of your questions? What is the number, Gender? Oh yes question number 56, Honourable Nico Smit do you put the question?

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**HON SMIT:** I put the question, Honourable Speaker.

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HON !AUXAB  
HON SHIWEDA**

**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Honourable Speaker, Honourable Members I rise to respond to five questions raised by Honourable Nico Smit of the Popular Democratic Movement on the Small Stock Marketing Scheme, otherwise also known as the Sheep Scheme. Firstly I would like to thank Honourable Smit for raising these questions and I am going to answer them in the sequence that he presented them. however, before I address the specific questions allow me Honourable Speaker, to give a short historical background of the Small Stock Marketing Scheme or the Sheep Scheme as follows.

1. The Small Stock Marketing Scheme was established with a primary objective to contribute to the value addition programme of Government, growth at home strategy, employment creation and to support the through put of local abattoirs through the reduction of the number of small stock that is exported to South Africa on hoof. It is important to highlight that this scheme was conceived and introduced in full consultation and with the concurrence of all stakeholders in the livestock and meat industry.
2. It is also important to point out giving the dynamic climatic and weather conditions of which the Namibian farming sector is subjected to and the development in the livestock industry prompted Government to take decisions to respond to new developments in the industry and to address challenges during the implementation of the Small Stock Marketing Scheme.
3. In 2003 by Cabinet decision number 29/14.10.03/009 Government replaced the 15% levy which was in place for the exportation of sheep with a 1:1 slaughter export ratio for the sheep scheme. Basically this ratio implies that a producer will be permitted to export one sheep after slaughtering one sheep in local abattoirs these measures were aimed at stimulating value addition to sheep locally.
4. In 2005 the slaughter export ratio was changed to 2:1 this was necessitated by the increase in slaughter capacity through the commissioning of two new abattoirs at Aranos and Keetmanshoop.
5. In 2006 the slaughter export ration was increased to 6:1 in recognition of the capacity of Namibia to slaughter locally as well s in furtherance of Agro Industrial Development objectives.

6. In 2011 Cabinet through decision number 6/2206.10/006 reverted to an advalorem flexible levy of between 15% and 30% of the transaction value of the exported sheep to replace the quantitative restriction of the 6:1 ratio and this decision was necessitated by technical implementation challenges mainly on sorting on characteristics of sheep and inspections especially at the borders when they are exporting.
7. In 2013 the drought prompted a joint decision by the Ministers responsible for Trade and Industry as well as Agriculture, Water and Forestry to reintroduce the 1:1 slaughter export ratio as a temporary drought mitigation measure to relief pressure on pastures and graze land. This measure had a time limit of 90 days commencing from the 15<sup>th</sup> of August 2013 to 15 November 2013 to be effected by the Meat Board of Namibia as the implementing agency of Government. This measure was supposed to revert back to the advalorem flexible levy of between 15% and 30% as of 16 November 2013. However, the Meat Board of Namibia continue to enforce the 1:1 slaughter export ratio.

Now allow me Honourable Speaker to respond to specific questions as posed by Honourable Smit. Having given the background of the sheep scheme I would now like to respond to the specific questions that were posed as follows and number 1 I think we have the questions as indicated in the Question Paper?

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**HON SPEAKER:** Yes.

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** As I have indicated in my introduction farming in Namibia takes place in challenging climatic conditions. As a result the implementation of the small Stock Marketing Scheme face challenges but hampered the achievement of its intended objectives. It was for this reason that the Government commissioned two studies to understand and address those challenges. The first study was conducted in 2011 while the second study was conducted in 2012. Unfortunately the findings conclusions and recommendations of the two studies contradicted each other and could therefore not be implemented. It is for this reason that the Ministry of Agriculture, Water and Forestry recently held a very informative stakeholder consultative meeting to assess the status quo in both the small and large stock industries. It was evidence during these consultations that due to the entrenched and polarized stakeholder interests submissions made by the

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stakeholder representatives to the Ministry are often at time made without consultations of all the stakeholders. This stakeholder consultative meeting jointly agreed on an exercise that will objectively look in the following issues:

- a) Viability of domestic marketing of small stock based on production cost, revenues and profit margins and
- b) Viability of small stock abattoirs focusing on processing costs, revenues and profit margins and
- c) Viability of small stock tenderizes focusing on processing costs, revenues and also profit margins.

In conducting these assessments it will be required to consult all stakeholders and use real and verifiable data of market prices, production, marketing and processing costs. The results of the planned exercise should form the basis for advising Government on win/win interventions in the interests of the country and the industry as a whole. The Ministry will make sure that the terms of reference for the exercise will be water tight to provide reliable answers to critical questions on the small stock industry in general and the small stock marketing scheme that is the sheep scheme in particular.

I want to move to question number 2. This question is answered in my conclusion of the previous answer. The Ministry's course of action in this regard will be guided by the empirical evidence and recommendations of the exercise I referred to in my answer to question 1.

Number 3 question 3, from the onset let me say that the alleged economic losses suffered by the farmers and workers cannot and are not attributed to the sheep scheme as there is no scientific evidence to that effect. There are many other factors that directly and indirectly gave effect to the alleged economic losses. For instance drought, unfair competition and the shipping of livestock and hoof to the Republic of South Africa that should otherwise have been slaughtered in the country to stem off these alleged losses thereby boosting that country's economic and or at the expense of our own economy. It is important to note that the small stock marketing scheme was conceived with a purpose tot benefit the people and the national economy and not to cause economic loss to farmers and workers. I

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also wish to point out that the outcome of the planned exercise to come will also inform and all the factors that may have caused the economic losses if nay as stated by the Honourable Members. Government through the Ministry of Agriculture, Water and Forestry will continue to ensure that any future intervention is properly informed and will be to the benefit of all stakeholders including farmers, workers both at primary and secondary production levels as well as consumers.

Question number 4, there was never a decision or plan to phase out the scheme. The scheme as I have indicated earlier was conceived with a purpose to benefit the people and the national economy through value addition and support to growth at home strategy. Contrary to some prevailing perceptions let me put the record straight as I indicated in the background that there was never an intention to phase out the sheep scheme not from the side of the stakeholders anywhere.

Question 5 and that is the last question. There is no tangible evidence suggesting that the alleged losses were solid due to the scheme in question. Neither is there any independent study that concluded that all the misfortunes in the sheep industry are attributable to this scheme. Therefore it is misleading to state that the scheme was ill conceived while its purpose was to address the issues of value addition in the small stock industry as agreed upon by all stakeholders.

On that note I would like to seek the indulgency and patients of Honourable Member to bear with us until the outcome of the exercise that I refer to earlier is at our disposal and with that it want to thank you for your attention, thank you very much Honourable.

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**HON SPEAKER:** Thank you. Honourable Nico Smit.

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**HON SMIT:** Thank you Honourable Speaker. I would like to thank the Honourable Deputy Minister for the answers. Yes I will not say now anything

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provided that I can have a copy of that document or that report once you have it so that it can go through it and then at the end of that I will decide the way forward.

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**HON SPEAKER:** Very good, thank you very much. Question number 65 from the Honourable Dienda. Do you put the question?

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**HON DIENDA:** I put the question Honourable Speaker.

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**HON SPEAKER:** Thank you, the question is directed to the, I offered to give the opportunity to the Deputy Minister of Gender, Equality and Child Welfare.

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**HON DEPUTY MINISTER OF GENDER, EQUALITY AND CHILD WELFARE:** May I have the question number Honourable Speaker?

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**HON SPEAKER:** Please you may respond to the question 65.

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**HON DEPUTY MINISTER OF GENDER, EQUALITY AND CHILD WELFARE:** Question number 65 yes thank you Honourable Speaker. Honourable Speaker, Honourable Members, the Ministry of Gender, Equality and Child Welfare does not have a computerized database for its street children. However, the children are recorded on a daily basis and filed in order to accord them the necessary services. A total of 72 children were recorded at the After

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School Centre, Windhoek during the period 2017/2018 nine girls and 63 boys ranging from the ages of 1 year and 22 years. We also recorded 20 youths all men ranging from ages of 19 to 22 years. Social Workers keep records of number of children found on the streets and are recorded as children in need of care in terms of the Children's Act, Act No.33 of 1960 and they provide various services based on circumstances of the children that they encounter. In the 2017/2018 the following children were found on the streets:

Khomas Region 72  
Erongo Region 21  
Otjozondjupa 12  
Omusati 0  
Oshikoto 17  
Ohangwena 46  
Oshana 13  
Kavango East 20  
Kavango West 0  
Omaheke 20  
//Karas 38  
Kunene 10  
Hardap 20 and  
Zambezi 15.

Question 2, about the programmes we have in place for street kids. Yes we have programmes in place for street kids. The After School Centre is a Government facility and Government initiative to strengthening the wellbeing of Namibian children. The centre specifically focuses on disadvantaged children such as street children and children from economically challenged families and communities in the country. The centre was actually born out of the realization of the plight of the street children of Namibia and aims at minimizing the number of children living and moving on the streets through reintegration children found on any of the streets back into their families and schools. The centre also provides temporary accommodation for children during the process of reintegration and then back into the community, families and educational institutions. While they are at the inter night (indistinct) they attend counseling sessions and are

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rehabilitated to make sure that their psycho social needs are taken care of. The centre has three different main programmes that are divided into sub programmes.

The After School Centre activities the street children programmes and then they have also the income generating projects. To say something about the After School Centre: The After School Centre care activities is a prevention programme to keep children off the streets and constructively engaging them. It has the capacity to cater for 500 children frequenting the centre at any given time. 200 children are currently attending After School Classes, sports and psycho social support services. These children are between the ages of 6 to 18 years although some older children also make use of the facilities.

Children hail from disadvantaged backgrounds where families live under overcrowded conditions with no facilities for children to play or learn through extra curriculum activities. The centre also cater for children from the surrounding communities to utilize the services offered at the centre by participating in different activities for example sports activities, homework, game, cultural dances, modern dances, library, art and craft, gymnastics, boxing, wrestling, soccer, netball, karate, Honourable Kawana karate, music and drama. The other school centers have employed social workers who provide counseling sessions to children that are from the streets and to those that have problems. The centre is also ideal for children of single working parents who do not have anyone to take care of the children after school while they explore viable sources for income and some of the activities also there is the assistance with homework, arts and crafts, sports, cultural activities, library, music, home economics, HIV/AIDS awareness clubs, soup kitchens and then they have the street children programmes. The street children programme aims to continuously reintegrate children from living and working on the streets into formal and informal schooling. The children are being reintegrated into board schools in the different regions. In addition shelter, ration school uniforms, toiletries, transport and hostel fees are being provided for the children. During the school holidays and exit weekends the centre conducts the regular home and street visits to ensure that the children do not go back to the streets.



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The centre provides counseling to the children and their parents as well as cross check during home visits if the children are taken care of properly by their families. The centre also runs an interim night shelter. This facility caters for children found in need of care. Currently we have eight children that are accommodated at the shelter who were found on the streets. For the children that do not have families to take care of them during the holidays the centre offers holiday activities as well. For those children who cannot be placed into families they are placed into residential child care facilities with a Court Order and the programmes that are there are the homes and street visits, the school integration programme, the Counseling, holiday activities, interim night shelter that we have soup kitchens, music programmes, literacy classes, biking and hiking, gardening, soccer, computer classes.

Then the other programme is the income generating projects that we have. The income generating project was created to assist the parents and kids street children. Parents can generate their own income by making use of the projects. This in turn empowers them to take care of their children plus preventing these children from going back to the streets again. The project also provides the opportunity for parents to generate income on a lower level. This prevents the children from going to the streets and begging for money. The centre also aims to assist single working parents with their children after school while the parent has an opportunity to partake in the income generating projects for financial stability.

The gardening projects remain our biggest skills training and income generating activities. We have also accomplished many successes in the form of the following. We are continuously reintegrating children from disadvantaged families into school who would otherwise have been on the streets yearly. We have also a workable integration of children back into their families. Six children have been permanently placed into alternative care. We also enrolled numerous children into tertiary and vocational institutions who studied and graduated in the fields of social work, artisans and other related things. We facilitated the integration of numerous children who completed Grade 12 to secure employment in the private and the public workforce for example Namibian Defence Force, Namibian Police, Namibian Correctional Services, NamPower and NamWater

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and there I can testify that one, not one, my bodyguard is one of such beneficiaries who went and studied with, not studied but he was attending the other school centres and then he was into that force.

Through our sports programme Namibia was represented at the 2012 Long Term Winter Olympics by one of our children from our Bracing Club. Our Western Club won numerous trophies and medals in competitions held locally and internationally. Our gymnastics and boxing clubs are participating in various local competitions which encourage them or more children to show interest in the sport (intervention).

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**HON SPEAKER:** Deputy Minister which are these questions? The questions were only two? Or are you responding to more than one question?

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**HON DEPUTY MINISTER OF GENDER, EQUALITY AND CHILD WELFARE:** It is a broader I want to give the answer. Thank you Honourable Speaker, but we had requested, Chief Whip had requested and had tabled the Motion and we have agreed to it. Honourable Speaker with due respect let me just finish the last part of the children that we also have. The children are that the children keep on going back to the streets due to the lack of resources to support them within their home system.

Another challenge being experienced is the lack of parental involvement, supervision of children in the family and parental skills in the families also lack of cooperating from the parents which hinders the intervention process. Older children continuously lure young children back to Windhoek for example the Gobabis group that we have. Children are highly addicted to alcohol, petrol and other drugs. With that Honourable Speaker, thank you for your indulgence and thank you Honourable Dienda for your question but otherwise you can enter at times (intervention).

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HON DR MUSHELENGA**

**HON SPEAKER:** No, honestly I think we need to stick to questions and respond strictly to questions. You went beyond and I think you have to accept that you did that. Honourable, you are happy we leave it at that. Let us move on because I want to finish. Question number 59, do you put the question Honourable Van Wyk? The question is directed to the Minister of Urban and Rural Development, Minister you have the floor?

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**HON MINISTER OF URBAN AND RURAL DEVELOPMENT:** Honourable Van Wyk of the UPM has posed a question, question 1: Which Local Authorities has sold land to Hydro Form Building Solution CC and under what conditions? Answer, maybe I should just go straight to answers since you have questions you can read them. Maybe just go with answers to question 1, from our records the Ministry has not received any submissions for approval by the Minister in terms of Section 30 Sub Section 1(d) of the Local Authorities Act 1992 as amended for the sale of land to Hydro Form Building Solution CC. If there is any touch of sale of land to this company by any local authority such sale has not been submitted to the Ministry. I will address the sale of land to the said entity in respect to Rehoboth later.

Question 2: Our answer to their part is negative.

Question 3: The amenities that are aware of and has not sanctioned any housing development by the said company you got out if there is any housing development by the said entity such would be a private development initiative.

Question 4: The Ministry has consulted with Rehoboth Town Council on the subject matter and I wish to report as follows:

The Council has confirmed that like other Local Authorities it engaged with and receives proposals or requests for land purchases and housing development from private developers. In this regard the now suspended council was engaged by Hydro Form Interlocking Building Solution CC to firstly construct a show house as a demonstration of that low cost housing solution. This arrangement was reportedly purely for Council to assess the viability of such a project as a solution for addressing housing shortage in any town. Upon completion of the show house the Council was reportedly not entirely convinced about the viability of the

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HON VAN WYK**

housing construction solution that was shown and as such Council did not pursue the matter further.

Council reported that the show house was sold and transferred to a community member who expressed interest in acquiring the property and the housing project but Hydro Form intended to do and as though was since then shelved by the Council. On the allocation of 300 cabins to Hydro Form by the Council the report obtained from Council indicates that:

- a) The suspended Council in December 2017 after a presentation by this company resolved to approved the sale of 300 ervens to the company. The decision of Council in this regard was reportedly subsequently communicated with the company through a letter dated 15<sup>th</sup> of December 2017.
- b) The current Council at its meeting held on the 26<sup>th</sup> of June 2018 revealed the sale and resolved to rescind the earlier decision versus the current status quo.

As a Minister who is vested with the power to consider and approve land serviced by Local Authorities I am hereby informing this august House that the said land sale by the former Council of Rehoboth was not submitted to me or my predecessor for approval as required by law and therefore such a sale is illegal. I thank the Honourable Member for the questions and the entire House for the kind attention.

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**HON SPEAKER:** Thank you. Honourable Van Wyk.

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**HON VAN WYK:** Thank you Honourable Speaker. I would like to thank the Honourable Minister for the answers. I was informed by your representative in Rehoboth that a decision was cancelled. The issue with regards to the houses built in Groot Oub people lost a lot of money. We do have at least client who Submitted the documents to us but will go through the relevant journals to attend

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HON DR ALWEENDO**

to that one. Thank you very much. At least now the people know that Hydro Form is combing people out of their money, thank you very much.

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**HON SPEAKER:** Thank you. Honourable Jennifer Van Den Heever do you put the question? The question is directed to the Minister of Mines and Energy?

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**HON VAN DEN HEEVER:** Yes I put the question.

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**HON SPEAKER:** Minister you have the floor.

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**HON MINISTER OF MINES AND ENERGY:** Thank you very much Honourable Speaker and let me thank the Honourable Van Den Heever for the questions. Honourable Van Den Heever do you prefer the long answer or the short answer?

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**HON VAN DEN HEEVER:** I want a straight forward one.

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**HON MINISTER OF MINES AND ENERGY:** Straight forward one, that is great. Let me give a straightforward answer. I am not going to repeat the question but on the question of why the NAMDIA is not on the Schedule 1 of the Public Enterprises Act and therefore not registered? I think there is a bit of a confusion on what is an State Owned Enterprise (SOE) and what is a State Owned Company and people fail to make a difference but I think I just want to

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HON DR ALWEENDO**

state again that NAMDIA is set on a State Owned Enterprises. The fact that they are not on Schedule 1 does not make them an SOE because an SOE is any company that is owned by the Government and NAMIDIA is 100% owned by the Government.

Why it is not on Schedule 1 is simply for the fact that the last time when Schedule 1 was amended NAMDIA was still not in existence that is why it is not on that Schedule 1 but we together with the Ministry of Public Enterprises are in the process to make sure that that Schedule does include NAMDIA as an SOE company.

The second question about which Act established NAMDIA again I think it was not long ago when I think in this House I explained the fact that not all SOEs are established under Act of Parliament some are established under the Companies Act such as what we call NamPower for example established under the Companies Act. So in this case also NAMDIA is established under the Companies Act and not through an Act of Parliament.

Question 3, why the Ministry of Public Enterprise has not been informed about the salaries or both fees of Directors of NAMDIA. Honourable Van Den Heever I am not so sure where you got this from, I am not aware of the fact that the Ministry of Public Enterprises has been denied the information about both fees of NAMDIA and I can yet confirm that such information certainly has been shared with the Ministry of Public Enterprises.

The Fourth question why the salary of the NAMDIA CEO has not been disclosed to the public. Again I am not really aware of a requirement that salaries of CEOs or SOEs are made public. What I am aware of is that there is a gazetted guidelines that give guidelines to how to pay senior management of SOEs and those are guidelines that are made public but the exact salaries that are eventually agreed with a particular CEOs are not necessarily made as a public information but however, as a proponent of transparency I will not have a problem to say we make this to be public but as of now it is not a requirement that they must be made public.

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HON DR ALWEENDO**

The last question with regard to the NAMDIA board members each getting paid over N\$90,000 per meeting in comparison to N\$35,000 yes that is what the question says. In comparison to N\$35,000 of what NDTC and other parastatals in the country are getting. Again Honourable Van Den Heever, I am not so sure where you got this information from. (Intervention).

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**HON VENAANI:** (Not on microphone).

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**HON MINISTER OF MINES AND ENERGY:** Wait, it is not true that NAMDIA Board members get N\$90,000 per meeting. It is also not true that NDTC Board members get N\$35,000 per meeting and again as for the NDTC it is not the issue of an SOE because it is actually owned 50% by De Beers and the Government but the correction information really with regards to the board fees for example at NAMDIA is as follows. They have got a quarterly sitting fee of N\$50,000 for the Chairperson and N\$45,000 for the Directors. Properly yes and the idea was usually we have a meeting per quota and you could probably then divide that with 50 by 3 and you get the quarter. In addition to that quarterly sitting fees there is also a monthly retain of N\$35,000 (interruptions). It was not per month though. I mean the question said per month that is not per month. Yes the N\$35,000 retain is the monthly and in its first year of inception the board I am told held its meetings on a monthly basis and that is why I think in the recently tabled annual report the fees were so high because they were sitting every month. It s also important Honourable Members to note that the current NAMDIA board fees really I would agree that (intervention).

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**HON SPEAKER:** Can he finish responding?

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**HON MINISTER OF MINES AND ENERGY:** I am about to finish. I would agree with rules says that these are definitely excessive in relation to what is paid to other SOE board members. In this respect together with the Ministry of Public Enterprises we are busy to legalize this anomaly. With regards to the NDTC again as I said it was not N\$35,000 per sitting. But the correct figure is, Honourable Members are you listening (intervention).

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**HON SPEAKER:** Yes please let us hear.

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**HON MINISTER OF MINES AND ENERGY:** For the NDTC the sitting fees is not N\$35,000 but it is N\$7,900 for all Directors and they also have a quarterly fees of N\$13,000 per the Chairperson and N\$9,000 for the Directors so let us not take N\$35,000 as standing. So Honourable Van Den Heever that is the answer to your question and I hope it is exactly, thank you.

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**HON SPEAKER:** Thank you very much. Honourable Jennifer Van Den Heever.

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**HON VAN DEN HEEVER:** Thank you Honourable Speaker. Honourable Speaker, I thank the Honourable Minister for his honesty the way how he explained it to us. At the last question and the last response on the comparison of the board is that is really shocking, it is even worse. If you are saying that NDTC is only getting NN\$7,900 it is really shocking but I thank the Honourable Minister and I think we really have to look at it and I hope that he said that they will look into this board fees because it is ridiculous.

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HON DIENDA  
HON DR HAUFIKU**

**HON SPEAKER:** Thank you very much. I suppose you want a copy so that you can deal with that. Thank you very much. Can we proceed?

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**HON MEMBER:** (Not on microphone).

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**HON SPEAKER:** No come on, we cannot, now you responded. You asked the question ha?

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**HON MEMBER:** (Not on microphone).

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**HON SPEAKER:** But honestly we have so many questions and we have I think this issue has been dealt with.

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**HON MEMBER:** (Not on microphone).

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**HON SPEAKER:** You are very kind you have always been kind to me (laughter). Question number 66. Do you put the question Honourable Dienda?

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**HON DIEANDA:** I put the question Honourable Speaker.

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**HON SPEAKER:** Directed to the Minister of Health and Social Services. Minister you have the floor.

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** Thank you very much Honourable Speaker and Honourable Member Dienda for asking these two questions in connection with the rehabilitation centres in Namibia. The short answer is that we have Etekomeno Rehabilitation and Resource Centres which is State Owned and situated outside Windhoek at Brakwater that deals with alcohol and drug rehabilitation. It can take up to 16 patients per intake and a maximum of five intake per year making it about 80 patients admission per year. Currently the centre is not unfortunately operational due to lack of professional staff to operate a multi disciplinary team so submission in this regard has been sent to the Secretary to Cabinet for consideration.

The second one was a temporary rehabilitation centre called Hepiza which is on Plot 30 Brakwater in the District of Windhoek as well. This one was operational up until 2016 December for a capacity of about 26 patients' intake. Unfortunately the licence expired at the end of June this year. The Directorate of Social Welfare Services in the Ministry of Health and Social Services has the following interventions in place in order to attend to alcohol and other drug dependant clients. The first one is what we call brief motivational intervention which is basically a screening tool used by healthcare workers to identify heavy drinkers and to refer them to treatment services. It is furthermore a behaviour of change intervention designed to use in healthcare setting for rapid counseling services. It is being piloted in four health facilities in Kavango East and would be evaluated for impact and roll out to other health facilities in Zambezi, Oshikoto Region during the July/August this 2018.

The second programme is what we call outpatient programmes perhaps more important than anything else and this outpatient programme is a community based cost effective programme that aim to rehabilitate patients within their own communities and families. It is none residential and it provides structured

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programmes by multi disciplinary team which is flexible and tailor-made for the patient without psycho active substances and dependence.

Namibia in collaboration with Colombo Plan which is a detail to be given later, trained about 21 regional and national staff, these are the social workers, nurses, doctors, occupational therapists and psychologists. On substance used disorder for a period of one year that is from 2017 up to this year. The goal of the training is to establish a cadre of addiction professionals in the country and to establish outpatients programmes at hospital such as Keetmanshoop, Oshakati, Rundu and the mental health unit here in Windhoek. That is really the short and long of my answer Honourable Speaker.

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**HON SPEAKER:** Thank you very much. Honourable Dienda? Thank you very much. Let us, question number 68 is from the Honourable Jennifer Van Den Heever. Do you put the question? The question is directed to the Deputy Minister.

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**HON DEPUTY MINISTER OF URBAN AND RURAL DEVELOPMENT:** Honourable Speaker, Honourable Members, I stand here today and I have to apologize, Muharukua it is not for you to put a question. We have a relationship in these questions General but I have to apologize. The nature (intervention).

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**HON MUHARUKUA:** We do not understand now.

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**HON DEPUTY MINISTER OF URBAN AND RURAL DEVELOPMENT:** The questions, the nature of the questions is Comrade Speaker, we are reliable of

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HON MAAMBERURA  
HON NANDI-NDAITWAH**

information from the Region and up to today I was pressuring my people and I did not receive it but I promise that if the Member will reintroduce the question I am saying or if she wants if I get the information I can.

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**HON SPEAKER:** You can provide that?

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**HON DEPUTY MINISTER OF URBAN AND RURAL DEVELOPMENT:**  
Provide it to her. I am really sorry Comrade Speaker (intervention).

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**HON SPEAKER:** Honourable Jennifer Van Den Heever you have a choice either the question is reintroduced or you (intervention).

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**HON VAN DEN HEEVER:** Thank you Honourable Speaker, that I do have a choice. If the Honourable Deputy Minister is getting the information he can provide it to me. If not I will reintroduce the question whether next semester.

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**HON SPEAKER:** The response is very clear. The choice is yours. Let us move on, question number 69 from the Honourable Maamberua do you put the question?

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**HON MAAMBERUA:** Yes I put the question.

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**HON SPEAKER:** The question is directed to the Prime Minister. Deputy Prime Minister do you or is anyone from that office?

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**HON DEPUTY PRIME MINISTER AND MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION:** Honourable Speaker I want to seek the understanding of the Honourable Member and I thought we have discussed it to say that I suggest he may introduce this question when we come back.

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**HON MAAMBERUA:** Yes thank you (intervention).

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**HON SPEAKER:** Wait for the microphone.

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**HON MAAMBERUA:** Thank you Comrade Speaker, indeed it is true I cross checked with the Deputy Prime Minister whether she could answer the question before. Obviously this is a very important question that has been outstanding for the past two weeks now and the land dispossessed communities are actually waiting for the answer to this question and it is not only the Deputy Prime Minister who could have answered the question. There other two Deputy Ministers who normally also ask questions who could have done it last week when the Prime Minister was not here who could have done it today if they were given the permission to do so.

My conclusion therefore is that this very important issue on the land question if Government continues dodging it is sending very wrong signals to the dispossessed people of this country and this could be a disastrous gesture on the

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part of Government as we are preparing towards the second National Land Conference. If this very important question is not addressed and if the land question translates into chaos and not offer solutions there will be very serious consequences in this country as far as the land question is concerned.

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**HON SPEAKER:** But I thought you had spoken to the Deputy Prime Minister?

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**HON MAAMBERUA:** Because that is deliberate that is why I am saying so. It is deliberate that the Prime Minister is not answering the question that is what I am saying. It is very deliberate it could have been done last week there is enough room and space. It could have been done this week there is enough room and space so that is not done and I am telling you and I have got to forewarn my compatriots that the land question was the cause of the war in this country and if you continue on this path with the chickarees and shenanigans that you continue to do as far as the land question is concerned there could be war in this country because of the land question that is what I am saying.

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**HON SPEAKER:** Let us leave it there.

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

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**HON SPEAKER:** The Deputy Prime Minister explained and Deputy Prime Minister can you?

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HON MAAMBERURA  
HON NANDI-NDAITWAH**

**HON ATTORNEY GENERAL:** What does the war mean really?

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**HON DEPUTY PRIME MINISTER AND MINISTER OF  
INTERNATIONAL RELATIONS AND COOPERATION:** (No order).

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**HON SPEAKER:** No, no please. No let us have order. We have got a number of questions to deal with.

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**HON ATTORNEY GENERAL:** It is up to Platoon Commander to say what you mean by war, what does the war mean?

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**HON SPEAKER:** Deputy do you want to say something? Okay thank you very much. Question number 70? No, no please let us have order. No please I want to proceed. No not on this one. Do we have the Honourable Auchab? He is not in, okay. Question number 71? He is not in. Honourable Nico Smit do you put the question?

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**HON SMIT:** (Not on microphone).

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**HON SPEAKER:** Thank you very much. Now question number 72 directed to the Prime Minister again the Prime Minister is not around so that question would

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HON HAMBYUKA  
HON ITHETE**

lapse. Question number 73, directed by the Honourable Hambyuka do you put the question and the question is directed to the Deputy Minister of Finance.

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**HON DEPUTY MINISTER OF FINANCE:** Honourable Speaker?

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**HON SPEAKER:** Yes please.

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**HON DEPUTY MINISTER OF FINANCE:** Honourable Speaker, Honourable Members, please allow me to go straight to the questions to save time. Honourable Speaker in terms of Section 158 of the Electoral Act, Act No.5 of 2014 political parties represented in the Parliament are accountable to the public on the management of utilization of the tax payers' money. They receive as funding from national budget each Financial Year, all parties represented in Parliament receive funding from the national budget in line with the propositional representation provided in Article 49 of the Constitution. According to the records of the Electoral Commission of Namibia 8 out of 10 Political Parties represented in the House have submitted their audit reports to the Electoral Commission of Namibia since 2014, this in total account for 80% of the parties represented in Parliament. However, compliance vary by Financial Year and the submission over the most recent Financial Years are illustrated. According to the record of the Electoral Commission of Namibia 6 out of 10 parties submitted their audit statements in respect of Financial Year 2015/2016 and Financial Year 2016/2017 as follows.

For the Financial Year 2015/2016 the six parties which comply with these requirements are APP, NUDO, RDP, SWANU, SWAPO of Namibia and PDM (laughter). In respect to the 2016/2017 Financial Year the compliance Parties are SWAPO Party, NUDO, PDM, RDP, UDF and UPM (intervention).



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HON ITHETE**

**HON VENAANI:** You have been around the country.

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**HON DEPUTY MINISTER OF FINANCE:** Yes PDM yes I mentioned it. On the basis of this compliance records (intervention).

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**HON VENAANI:** We say awful (indistinct) SWAPO.

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**HON DEPUTY MINISTER OF FINANCE:** The Republican Party (intervention).

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**HON SPEAKER:** Let us hear the Deputy Minister.

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**HON DEPUTY MINISTER OF FINANCE:** On the basis of these compliance records the Republican Party and the Workers Revolution Party have consistently not submitted their audit statements, why? While APP, SWANU, UDF and UPM's submissions were in consistence over the past two years sufficient to emphasize that it is incumbent upon each Party to remain accountable to the public in regards to the public funds it receive.

The second question, Honourable Speaker, Honourable Members regarding the reports that are not published in the Daily Newspaper, in this regard Honourable Speaker, in terms of Section 158 Sub Section 6 of the Electoral Act it is the responsibility of the Accounting Office of a political party to ensure that on an abridged version of the account of a political party is published in at least two Daily Newspapers within seven days submission of the audit statement to the

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HON ITHETE**

Commission. Accounting Officer of the various parties are better placed to account for the publications of their Party's financials.

Honourable Speaker, Honourable Members, suffice for me to inform that the SWAPO Party, the Financial Year of 2016/2017 were published in 2017. Audits for 2017/2018 is now also in progress.

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**HON MEMBER:** Is it for SWAPO only?

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**HON DEPUTY MINISTER OF FINANCE:** No, for all the parties.

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**HON MEMBER:** In progress (indistinct).

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**HON DEPUTY MINISTER OF FINANCE:** Yes for this Financial Year it is not yet published but it is in progress.

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**HON SPEAKER:** Please, please no dialogue.

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**HON DEPUTY MINISTER OF FINANCE:** The third question that has to do with the parties' funds suspended, in respect, Honourable Speaker no Party had their allocated funds suspended to date and Section 158 Sub Section 8 states that Electoral Commission may order the suspension of allocated money if the Commission is on a reasonable ground satisfied that the political party has failed

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HON IIPINGE  
HON NGHIPONDOKA**

to comply with any requirement of the Electorate Act. The ECN is ceased with this matter, I thank you.

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**HON SPEAKER:** Thank you very much. Honourable Hambyuka is not in the House but the House should take note of the requirements and make sure that we are all able to comply with the relevant provisions of the Act. Thank you very much we move on to question number 74, Honourable Iipinge do you put the question? Do you put the question and the question is directed to the Minister. And the question is directed to the Minister. Deputy Minister of Education Arts and Culture.

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**HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE:** Thank you Honourable Speaker, I was relaxing because I am not seeing her. I never knew it is to be put by somebody else. Thank you.

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

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**HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE:** Thank you Honourable Speaker, Honourable Members. If I may quickly run through the answers to the questions of Honourable Iipinge I am not going to repeat the questions. They are specifically about sports infrastructure in our schools as a result of a child who got injured at one of the private schools not Government schools. The Ministry of Education, Arts and Culture is striving towards an enactment of a new Education Act which will establish minimum standards and norms for infrastructure and capacity at State school. There are however, basic standards for an acceptable school environment in the existing national standards and performance indicators particularly Key Area number 1

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and 4. There are 7 Key Areas addressing specific aspects of schools but 1 and 4 has got aspects of environment and safety in them. Key Area number 1 which is for addressing provision of resources for schools and hostels has got a Performance Indicator number 1.2 which is provision of physical resources and this Performance Indicator is concerned with the ensuring that the schools have all basic services in good working order and that all resources are used carefully.

Key Area number 4 the schools addresses a school as a social unit and Performance Indicator 4.4 talks about cultural care and guidance and this Performance Indicator is concerned with ensuring the positive steps are taken to identify problems as they arrive and to deal promptly and sensitively with personal and moral issues, monitoring of learners at risk is undertaken directly. In an effort to strengthen the national standards the Ministry has various programmes in place. First the integrated school health programmes which is a joint venture by the Ministry of Education, Arts and Culture and the Ministry of Health and Social Services and with the strong support of the Ministry of Gender, Equality and Child Welfare and also the Ministry of Youth and Sport. The School have programme mandates that school should have held policies and relate to the safety and security of the school environment. The first step towards this is ensuring that facilities are conducive. The training manual for the schools held makes use of the World Health Organizations standards and the components of the health school environment as per the World Health Organizations are having four components dealing with provision of basic necessities, protection from biological threats, protection from physical threats and protection from chemical threats.

Further to this the Ministry of Education, Arts and Culture has finalized the National Safety School Framework which has been signed off for printing. The Framework is a comprehensive document and it provides a vision and guiding principles for building safe and supportive school communities centred on the wellbeing of learners and educators. The National School Safety Framework is designed as an instrument to define how the minimum standards for safety at schools can be established, implemented and monitored and for which schools, regions and responsible Government actors can systematically be held

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accountable. The National Safety School Framework consists of three separate but closely related documents.

- 1) The introduction of the overview explained that such a framework represents why the framework is needed in Namibia and how the present framework was developed. To describe the safe school vision, defines minimum standards and stakeholder roles and outlines a common comprehensive approach to school safety in Namibia. The practical guides features instead of practical user friendly ideas to help schools to realize the safe school vision and to meet the minimum standards for safe schools and last. The resource kit offers hand and tools, activities and other information that schools can use to implement the framework. Therefore the purpose of the framework is to provide an agreed national approach to help schools in their communities to jointly and effectively assure that the Namibia learners studies are safe, healthy and conducive to learning and
- 2) Consolidate existing laws, policies and good practises which will provide the school communities with a practical guide to achieve safety in their own safety contexts such that the risk from any harm is minimized. Diversity is celebrated and all members of the school communities feel they are still respected and included. It identifies seven standards to help Namibian schools to create conducive teaching and learning environment. One of these standards is the child friendly school environment.

The practical guide provides schools with the basic standards for safe school environment including infrastructure requirements and resources on how to achieve this.

Honourable Speaker, Honourable Members, the way of monitoring the implementation of the National Safe Schools Framework the Ministry ensures that children are provided a safe school environment to learn through the practical safety guide. Although it covers the general maintenance of the infrastructure of the schools it does not particularly focus on play ground alone which was the concern of the Member. The school through the mandate of the Ministry is given

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that responsibility to ensure that current inspection is done on their playing grounds. It is then the said school's responsibility again should they find that their facilities are damaged or falling apart to consult the relevant Ministries particularly the Ministry of Works and Transport. It is not the sole responsibility of the Ministry to inspect facilities at each and every school.

In conclusion it is important to note that Kabatana the school concerned where the child was hurt is a private school but it is not exempted from abiding by the Education Act and the laws, policies and safety standards put in place to provide school communities with practical guides to achieve safety in their schools which are equally applicable to Government schools. It is also strongly recommended that schools through the school management and school boards at both Government and private schools should ensure the safety of learners at schools both physically and emotionally. I thank you Honourable Speaker.

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**HON SPEAKER:** Thank you very much. That basically brings us to the end in terms of all the items that we had on the Order Paper, the questions we needed to do it 100% but I think we have done very well. I want to go back to the Honourable Muharukua. We have not been able to have the appropriate quorum to deal with your Motion. Thank you for the offer to reintroduce the Motion when we come back. Am I interpreting you correctly? We were not able to deal with the Motion.

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**HON MUHARUKUA:** Thank you Honourable Speaker, I know we have not been able to deal with the Motion but in fact even before the Deputy Prime Minister spoke I know of consultations, specifically three consultation that designed the outcome but nonetheless I do offer to reintroduce the Motion and I shall duly do so.

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**ADJOURNMENT  
HON SPEAKER**

**HON SPEAKER**: Wonderful, you will be working with the (incomplete). Now that brings us to one item and the last item on the agenda on a piece of paper here that the Assembly is now going to resume on the 11<sup>th</sup> of September.

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**HON EKANDJO**: Why do we not meet on (not on microphone).

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**HON SPEAKER**: No we will, thank you for drawing attention it is noted and I do not want to say more because perhaps should come as a surprise. Thank you very much. The House stands adjourned until the 11<sup>th</sup> September. So decided.

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**HOUSE ADJOURNED AT 19:19 UNTIL 11:09:2018 AT 14:30**