



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Government Notices

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### MINISTRY OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING

No. 174 2004

#### CODE OF CONDUCT FOR MEMBERS OF REGIONAL COUNCILS

Under section 9(3) of the Regional Councils Act, 1992 (Act No. 22 of 1992), I prescribe the code of conduct, for members of regional councils, as set out in the Schedule.

**J. KAAPANDA**  
**MINISTER OF REGIONAL AND LOCAL**  
**GOVERNMENT AND HOUSING**

Windhoek, 10 June 2004

#### SCHEDULE

#### ARRANGEMENT OF CODE

1. Definitions
2. General provisions
3. Relationship with community
4. Relationship between members
5. Relationship with staff members
6. Acts contrary to the Code

## Definitions

1. In this Code, unless the context otherwise indicates, any word or expression defined in the Act has a corresponding meaning, and -

“Code” means the Code of Conduct contained herein;

“committee” means a committee of a council;

“council” means a regional council;

“member” means a member of a council of which he or she is a member; and

“the Act” means the Regional Councils Act, 1992 (Act No. 22 of 1992).

## General provisions

2. (1) A member must at all times comply with the provisions of the Act and, without detracting from the generality thereof, with sections 6, 10, 16 and 17 thereof.

(2) A member may not -

(a) use any confidential information, being the property of one's own conscience, obtained in the course of his or her duties as a member for his or her own personal gain or for the personal gain of any other person;

(b) make confidential information referred to in paragraph (a) public, except in meetings of a council or a committee;

(c) interfere in the administrative procedures of the council in such a way which does not relate to the powers, functions or duties of the member concerned;

(d) be engaged in any transaction, acquire any position or function, or have any financial and commercial interests that is incompatible with his or her office, functions and duties or the discharge thereof;

(e) solicit or directly or indirectly receive any gift or favour that may influence the exercise of his or her functions, the performance of his or her duties or his or her judgement;

(f) discriminate, but must treat all persons equal in the exercise of his or her functions and the performance of his or her duties; or

(g) seek any personal favour;

(3) A member must -

(a) (i) place the interests of a council before his or her own interests; and

(ii) avoid private undertakings that interfere with optimum delivery of the business of the council;

and must, if he or she is with regard to a particular matter not able to do that, abstain from participating in that matter in his or her capacity as a member;

(b) adhere to the fundamental principle that he or she should rather serve than be served;

(c) be an example to his or her community and must pay any monies due to his or her council, timeously to that council;

- (d) do everything reasonable within his or her power to ensure that he or she is prepared to deliberate in a constructive manner in the submissions appearing on the agenda of every meeting of a council or a committee which he or she attends;
- (e) in the execution of his or her duties and functions strive to promote the effectiveness and efficiency of his or her council, and may not through omissions or actions in bad faith hamper the workings of that council;
- (f) enhance the quality and status of his or her council and be at all times loyal to that council;
- (g) at all times strive to enhance the image of his or her council;
- (h) be dedicated to the concepts of effective and democratic regional government affairs and accept that professional governance is essential to the achievement of this objective;
- (i) not be a bureaucrat in the sense of an insensitive administrator, but must instead thereof be a caring and serving person;
- (j) maintain a constructive, creative and practical attitude toward regional government affairs and a deep sense of social responsibility as elected representatives of the voters of his or her council;
- (k) be committed to the highest ideals of honesty, objectivity, professionalism and integrity in all public and personal relationships in order to command respect, trust and confidence of his or her community, the staff members of his or her council and his or her fellow members;
- (l) contribute actively and responsibly to the formulation and implementation of government policy at regional government level;
- (m) put the general welfare of his or her community above party politics and abstain from all partisan political activities that could impair his or her performance;
- (n) be attentive, fair and impartial in the performance of his or her functions and adhere to transparency, fairness and impartiality in all his or her recommendations and decisions;
- (o) perform his or her functions efficiently, effectively and with integrity in accordance with applicable laws, administrative policies, lawful instructions and ethical standards relating to his or her functions and duties;
- (p) seek to ensure that public property, facilities, services and financial resources with which he or she is entrusted are managed and used effectively, efficiently and economically, and that they are not used for private purposes, except when permission is lawfully given;
- (q) respect the confidentiality of documents and information relating to the council of which he or she is a member;
- (r) continuously improve his or her professional behaviour, capability, efficiency and competence;
- (s) declare or disclose his or her personal assets and liabilities if so requested by his or her council;
- (t) consider the social well-being of his or her community in the exercise of his or her functions or the performance of his or her duties; and

- (u) be alert to any actual or potential conflict of interest and must take measures to avoid such conflicts.

### **Relationship with community**

**3.** (1) A member as the democratically elected representative of the voters of his or her council -

- (a) represents the community of his or her constituency, as well as of the region concerned as a whole, and not only the voters of the political party, association or organisation which he or she represents;
  - (b) must resist any pressure to advance the interests of an individual or group at the expense of the council or community concerned;
  - (c) must at all times act in such a manner that he or she retains the trust of the community he or she represents;
  - (d) may not, subject to subrule (2), negotiate, hold discussions or act in such a manner that the council concerned is compromised thereby;
  - (e) must, if complaints have been received from the public with regard to the administrative procedures of the council, only report such complaint to the chief regional officer of the council or the departmental head concerned, as the case may be, if the affected member of the public had already approached the relevant administrative section without success;
  - (f) may not allow canvassing by a member of the public with the aim to influence such member's vote upon the matter in issue;
  - (g) must keep his or her community informed about regional government matters and deliver courteous service to the public; and
  - (h) must at all times be committed to the improvement of the quality and image of public service.
- (2) Paragraph (d) of subrule (1) -
- (a) do not apply in a case where the chairperson of a council has been authorised as contemplated in section 28(3) of the Act;
  - (b) do not derogate from the duty of members to listen to, and consult with, members of the public in order to acquaint themselves with the views and attitudes of the community with regard to matters before the council or matters which are desirable to bring before the council.

### **Relationship between members**

**4.** (1) A member must strive, subject only to legal or moral restraints placed upon him or her by the political party, association or organisation which nominated him or her, to work in the best interests of a council in conjunction with his or her co-members and further subject to the restraints required by his or her conscience.

(2) A member may not criticise or question the integrity of other members in public, in private conversation or otherwise.

### **Relationship with staff members**

**5.** (1) A member has in his or her capacity as an individual member no administrative or executive powers in the operation of a council.

(2) A member is, subject to subrule (3)(a), entitled to information regarding the operation of a council, as well as information which the member needs for the proper discharge of his or her duties as member or for assisting the public, and there must be a constant flow of information from the administration to the council.

(3) A member must -

- (a) subject to paragraph (b), address enquiries relating to matters contemplated in subrule (2) to the chief regional officer concerned, the head of the department concerned or any staff member identified by the latter;
- (b) take into consideration that any time spent in obtaining information referred to in subrule (2) in order to answer questions might be unproductive time, and must therefore limit questions to those that are relevant or pertinent;
- (c) obtain any information with regard to the discussion of a matter before the matter concerned is discussed in committee or in council;
- (d) refer any complaint about a staff member which cannot be solved by an enquiry in the manner contemplated in subrule (3)(a), to the chief regional officer concerned for submission to the management committee or, if the chief regional officer himself or herself is the subject of the complaint, to the chairperson of the management committee who must in that case submit the matter to the management committee.

(4) Members and staff members are part of a joint team and as such individual members -

- (a) must strive to build a team spirit based on mutual understanding and respect;
- (b) must promote the idea that members and staff members have joint common goals;
- (c) may not humiliate a staff member or embarrass him or her in public; and
- (d) must share knowledge and information with each other.

(5) A member is not bound, due to the fact that decision-making is the function of members, whether in committee or in council, by the advice of a staff member, and as such a member may not blame a staff member if any particular decision is later proved to have been wrong or incompletely considered.

(6) A member may not misuse his or her position as member to attempt to influence a staff member's report, advice or decision; but a member may give his or her opinion on a report, advice or decision at the meeting of a council or a committee where same is considered.

(7) A member may not require from a staff member to give him or her preferential treatment in personal matters as opposed to the treatment given to members of the public in such matters.

(8) A member must endeavour to avoid such ties of personal friendship with any staff member that could result in imbalances in the normal member-staff member relationship to the detriment of the public or in the preferential treatment of the member concerned.

(9) A member may not allow any staff member to canvass for promotion, the obtaining of benefits or for preferential treatment in any other way whatsoever.

(10) A member may not misuse his or her capacity as member in an endeavour to obtain the custom of a staff member for his or her business, employer or other like interests.

(11) A member must use the expertise and knowledge of staff members by allowing and considering their inputs before taking a decision on a matter, because staff members are important input-giving functionaries to councils.

### **Acts contrary to the Code**

6. (1) If a member acts contrary to the provisions of this Code, any other member or the chief regional officer concerned may report this in writing to the chairperson of the council concerned or, if the chairperson himself or herself is involved, to any other member, who must bring the matter before council if he or she is of the opinion that the report has substance.

(2) If a chairperson or the other member referred to in subrule (1), as the case may be, omits or refuses to act on a report made in terms thereof, the member who made that report may refer the matter to the chief regional officer concerned who must report the matter to the management committee.

(3) If a chief regional officer has made a report referred to in subrule (1) and the chairperson or other member concerned omits or refuses to act on a report as contemplated in subrule (2), the chief regional officer may *mero motu* report the matter to the management committee.

(4) A management committee must consider a report from a chief regional officer referred to in subrule (2) and (3), as the case may be, and may, if it deems fit, report its finding to the council concerned.

(5) If a motion is brought before a council in terms of subrule (1) or a management committee report its finding as contemplated in subrule (4), and the council concerned finds that a member has contravened any provision of this Code, that council may suspend, if it deems fit, and after it has afforded the member concerned an opportunity to be heard in his or her defence, the member concerned by way of a two third majority vote of all the members from attending any meeting of that council or a committee for a period not exceeding one month.

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## **MINISTRY OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING**

No. 175

2004

### **STANDING RULES IN CONNECTION WITH THE CONVENING AND HOLDING OF, AND PROCEDURE AT, MEETINGS OF REGIONAL COUNCILS AND COMMITTEES ESTABLISHED BY REGIONAL COUNCILS**

The Minister of Regional and Local Government and Housing has in terms of section 11(6)(b) of the Regional Councils Act, 1992 (Act No. 22 of 1992), made the standing rules set out in the Schedule.

## **SCHEDULE**

### **ARRANGEMENT OF RULES**

1. Definitions
2. Notice of meetings
3. Minuting of names
4. Quorum at commencement of and during meeting
5. Sequence of business and agenda of ordinary meeting of a council
6. Sequence of business and agenda of first council meeting
7. Minutes of meetings
8. Opening of meeting of a council
9. Language
10. Deputations

11. Petitions
12. Motions
13. Notice of motions
14. Order of motions
15. Unopposed motions
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17. Motion to rescind or motion with the same tenor as previous motion
18. Reference of motions and proposals to management committee
19. Motion of no-confidence in management committee
20. Questions
21. Reports of management committee to council
22. Recommendations of management committee
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24. Proposals and motions of order that may be introduced
25. Amendments
26. Proposal that a matter be voted upon
27. Motion of order that meeting be adjourned
28. Motion of order that debate be suspended
29. Motion of order that debate be closed
30. Motion of order that next matter on agenda be proceeded to
31. Motion of order that matter be remitted to management committee
32. General provisions relating to motions of order
33. Withdrawal of motions and proposals
34. Voting
35. Minuting of dissentient vote
36. Right to speak and reply
37. Duration of speeches
38. Members to stand and address chairperson
39. Discussion to be to the point
40. Chairperson has precedence
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42. Removal of person from chamber
43. Suspension of right to attend meetings
44. Suspension of rules
45. Interpretation of rules
46. Adjournment of meeting
47. Committee of whole council
48. Time of committee meetings
49. Resignation as member of committee
50. Filling of vacancy in committee
51. Filling of vacancy in committee during absence of member
52. Official communications

### **Definitions**

**1.** In these rules, unless the context otherwise indicates, any word or expression defined in the Act has a corresponding meaning, and -

“chairperson”, in relation to a council, means the chairperson as defined in section 1 of the Act;

“committee” means a committee established by a council as contemplated in section 11(6)(a) of the Act, including a committee referred to in section 28(1)(h) of the Act, but excluding a management committee, an advisory committee of a management committee or another committee established by a management committee as contemplated in section 22(1) of the Act, and a committee of a whole council referred to in rule 47;

“council” means a regional council;

“first council meeting” means a meeting referred to in section 11(1)(a) of the Act, as well as any other meeting where the chairperson and the other members of a management committee are elected;

“meeting” means a meeting of a council or a committee, as the case may be;

“motion” means a motion referred to in rule 12;

“ordinary meeting of a council” means any meeting of a council other than a first council meeting;

“proposal” means any proposal, other than a motion, proposed and seconded during a meeting; and

“the Act” means the Regional Councils Act, 1992 (Act No. 22 of 1992).

### **Notice of meetings**

2. (1) A chief regional officer must cause a notice issued by him or her to be furnished to each member of a council or committee, as the case may be, or to be delivered to his or her business or residential address, at least 72 hours before the commencement of any meeting.

(2) A notice referred to in subrule (1) must state the date, time and place of the meeting and the business to be dealt with thereat.

(3) If a meeting is adjourned, the chief regional officer concerned must give written notice of the continuation of such meeting as contemplated in subrule (1).

(4) If the date, time and place of the continuation of a meeting is determined at the meeting which is adjourned, the chief regional officer concerned must give written notice to every member of a council or committee, as the case may be, who was absent from the meeting which was adjourned, to reach such member at least 72 hours before the commencement of the continuation of that meeting.

(5) A member of a council or a committee -

(a) must provide the chief regional officer concerned in writing with his or her business and residential address for the purpose of delivery of a notice referred to in subrule (1) or (3);

(b) must forthwith notify the chief regional officer concerned in writing of any change in any address referred to in paragraph (a),

and any delivery of any notice at an address referred to in paragraph (a) or (b), is deemed to have reached the member concerned at the time of delivery thereat.

### **Minuting of names**

3. The minutes of a meeting referred to in rule 7 -

(a) must include the names of those members of a council or a committee or staff members present, absent with leave and absent without leave at such meeting;

(b) will be *prima facie* proof of the presence, absence with leave or absence without leave of a member of a council or a committee or a staff member at such meeting.

### **Quorum at commencement of and during meeting**

4. (1) The quorum of a council is as set out in section 11(3) of the Act and the quorum of any other committee will be -



- (a) half of the total membership of the committee concerned if the total membership of the committee is an even number; and
  - (b) the majority of the total membership of the committee concerned if the total membership of the committee is an uneven number.
- (2) The business of a meeting may only be proceeded with if a quorum is present.
- (3) If at the expiration of five minutes after the time appointed for the meeting no quorum is present, the members of a council or of a committee present may decide by majority vote to wait another ten minutes to try and obtain a quorum.
- (4) If no decision is taken in terms of subrule (3) or if a decision is taken and there is at the expiry of ten minutes still no quorum, the members concerned present may by majority vote decide to adjourn the meeting to a specified date, time and place, and rule 2(3) and (4) apply with the necessary amendments in such a case.
- (5) If no decision is taken in terms of subrule (4) -
- (a) the chairperson, in the case of a council, or, in the absence of a chairperson, the chief regional officer concerned; and
  - (b) the chairperson, in the case of a committee, or, in the absence of a chairperson, any member of the committee concerned,

must adjourn the meeting to a specified date, time and place, and rule 2(3) and (4) apply with the necessary amendments in such a case.

(6) If during a meeting the attention of the chairperson is drawn to the number of members present, the chairperson must count the members present, and if it is found that there is no quorum, the meeting may not be proceeded with and subrules (4) and (5) apply with the necessary amendments as if no decision had been taken in terms of subrule (3).

#### **Sequence of business and agenda of ordinary meeting of council**

**5.** (1) The sequence of business of an ordinary meeting of a council must be set out in the agenda of the meeting and must as far as possible be as follows -

- (a) opening by prayer, if so desired;
- (b) adoption of the agenda;
- (c) application of leave of absence by members;
- (d) confirmation of the minutes of the previous meeting;
- (e) interviews with deputations or persons summoned or requested to attend the meeting;
- (f) official announcements, statements and communications;
- (g) petitions;
- (h) motions of members;
- (i) answers to questions of members of which notice has been given;
- (j) reports of the management committee concerned referred to in section 22(1)(e) of the Act;

- (k) recommendations of a management committee concerned;
- (l) reports and recommendations of advisory or other committees and the chief regional officer; and
- (m) draft regulations and tariffs, if any.

(2) The sequence of business and agenda of meetings of a committee are substantially the same as in the case of a council.

### **Sequence of business and agenda of first council meeting**

6. The sequence of business of a first council meeting convened in terms of section 19 of the Act must be set out in the agenda of the meeting and must as far as possible be as follows -

- (a) opening by prayer, if so desired; and
- (b) the election of the chairperson and the other members of the management committee as contemplated in section 19 of the Act.

### **Minutes of meetings**

7. (1) The minutes of a meeting of a council must be confirmed at the next ensuing ordinary meeting of a council.

(2) The minutes of every meeting of a committee must be confirmed at the next ensuing meeting of the committee concerned, unless the minutes or any portion thereof is prior to confirmation by the committee, submitted to the council concerned for consideration and acceptance.

(3) If the minutes of a meeting of a committee or any portion thereof is submitted to a council as contemplated in subrule (2), the minutes or the portion thereof concerned must be confirmed by a quorum of the members of the committee concerned at the council meeting concerned.

(4) The minutes of a previous meeting which have not yet been approved must first be read at each meeting and must be signed by the chairperson and the chief regional officer if they are confirmed.

(5) Notwithstanding subrule (4), the minutes of a previous meeting must be taken as read, if they lay for inspection of all members of a council or committee, as the case may be, for 48 hours prior to the meeting at which they are submitted for confirmation.

(6) No motion or proposal on the minutes of a previous meeting may be submitted nor may any discussion in regard thereto be entered into save in so far as the correctness thereof is concerned.

(7) Any objection to the correctness of the minutes of a previous meeting, except minor amendments approved by the meeting, must at least 24 hours prior to the meeting be submitted in writing to the chief regional officer for submission to the meeting, together with the comments of the chief regional officer thereon.

(8) Any information furnished at a meeting concerning the powers or lack of powers of the meeting or the interest of a member in terms of section 17 of the Act must be entered in the minutes of that meeting.

(9) The minutes of a meeting must record the resolutions taken, but does not need to be a verbatim record of the meeting minuted.

### **Opening of meeting of a council**

8. (1) If the chairperson and chief regional officer enters a council chamber the members of the council concerned must rise and remain standing until completion of the prayer referred to in subrule (2).

(2) It is optional for a council to open its meetings by any or all of a reading from the Scriptures, a short lesson and a prayer by a person designated from time to time by the chairperson.

### **Language**

9. (1) The chairperson of a council or of any committee may allow, subject to subrule (1), any person who addresses a council or a committee, to make such address in a language other than the official language if such other language is one which is commonly used in the area of the council concerned.

(2) A chairperson referred to in subrule (1) may only allow the use of a language other than the official language if he or she is of the opinion that the person addressing the meeting is not sufficiently proficient in the use of the official language so as to properly express himself or herself.

(3) If a meeting is addressed in a language other than the official language, any member of a council or a committee or staff member present at such meeting may request the chairperson concerned to translate the address into the official language or to cause it to be so translated, and the translation must be verbal.

### **Deputations**

10. (1) A deputation desirous of having an interview with a council or a committee must submit to the chief regional officer concerned a written memorandum in which the representations it wishes to make are set out.

(2) The chairperson of a council or of a committee must decide whether the deputation will be heard and whether the matter can be disposed of under the ordinary powers of the meeting concerned.

(3) If the chairperson of a council decides that the deputation will not be heard, he or she may refer the matter to the management committee concerned who must then consider the request as if it is a request for an interview with the management committee.

(4) A deputation consists of not more than five members and only one member thereof may address the meeting, except when a question of a member of a council or a committee is being answered.

(5) A council or a committee -

(a) may hear the deputation concerned and gather all relevant information, and may thereafter deal further with the matter after the deputation has departed; or

(b) may express, after it has heard the deputation concerned, the view or opinion of the council or the committee, as the case may be, on the representations concerned.

### **Petitions**

11. (1) A member of a council or of a committee may submit a petition to the chief regional officer.

(2) A petition referred to in subrule (1) -

- (a) must be properly motivated and may contain comments; and
- (b) may not be read to a council or a committee, and no speech or comments concerning it must be heard, but it must forthwith be referred to the first ordinary meeting of the management committee which must report thereon to the council concerned.
- (3) Every petition must have the word "Petition" as heading.

### **Motions**

**12.** (1) Subject to rule 13, any member of a council or of a committee may introduce a motion which must relate to a matter in connection with the administration or conditions in the regional area concerned.

(2) The chairperson of a council or of a committee must reject a motion if, in his or her opinion, it -

- (a) is contrary to these rules or any law or would be so contrary, if it is carried;
- (b) deals with a matter in respect of which a council or a committee has no jurisdiction;
- (c) would lead to the discussion of a matter already contained in the agenda of the meeting concerned; or
- (d) if in the case of an opposed motion, there is no seconder for such motion.

(3) Not more than four motions of a member of a council or of a committee may appear on the same agenda, which number does not include motions which stand over from a previous meeting.

### **Notice of motions**

**13.** (1) A member of a council or a committee must give notice under the heading "Motion" of every motion he or she wishes to introduce, and the notice must contain proper motivation of the motion and must be signed by the member concerned.

(2) Every notice referred to in subrule (1) must be submitted to the chief regional officer concerned who must -

- (a) date it with the date of receipt;
- (b) number it in sequence; and
- (c) enter it into a book kept for that purpose.

(3) If a member referred to in subrule (1) so requests, the chief regional officer concerned must in writing acknowledge receipt of the motion concerned.

(4) A motion may only be placed on the agenda for a meeting if it is received at least six days prior to the date of the next ensuing meeting.

### **Order of motions**

**14.** Subject to rule 13(4), a chief regional officer must place every motion on the agenda of the meeting in the order in which it was received.

**Unopposed motions**

**15.** (1) The chairperson of a council or of a meeting must read out the number of every motion coming up for discussion as well as the name of the mover thereof in order to ascertain which motions are unopposed.

(2) Subject to rule 12(2) and 18, an unopposed motion must be passed without discussion and without being seconded.

**Opposed motions**

**16.** (1) A member of a council or of a committee who wishes to oppose a motion appearing on an agenda must before the commencement of the meeting concerned lodge with the chief regional officer a written notice signed by that member to the effect that such motion is being opposed.

(2) Subject to rule 12(2), the chairperson of a council or of a committee must call upon the mover of each opposed motion, whereafter a seconder must be obtained and thereafter the matter must be ruled open for discussion.

(3) If the mover of the motion is not present at the meeting a seconder must be obtained and thereafter the matter must be ruled open for discussion.

**Motion to rescind or motion with the same tenor as previous motion**

**17.** (1) A member of a council or of a committee may not introduce -

(a) a motion to rescind a resolution taken within the preceding six months; or

(b) a motion with the same tenor as one rejected during the preceding six months,

unless, subject to rule 13, the motion has been signed by three members in addition to the proposer.

(2) A motion introduced in accordance with subrule (1) may only be carried by a majority of 75 per cent of the total membership of a council or of a committee.

(3) After a council or a committee has disposed of a motion referred to in subrule (2), a similar motion may not be introduced within six months of such disposal.

**Reference of motions and proposals to management committee**

**18.** (1) Prior to the passing by a council of any motion which will -

(a) result in the expenditure or revenue of a council being affected; or

(b) affect the drafting, amendment or repeal of a rule or other law,

the chairperson of a council must refer that motion to the management committee concerned for report thereon to the council concerned.

(2) Subrule (1) applies with the necessary amendments to any proposal before a council having the effect contemplated in subrule (1)(a) or (b), excluding a recommendation of a management committee.

**Motion of no confidence in management committee**

**19.** (1) Subject to rules 13 to 16 inclusive, a member of a council may introduce a motion of no-confidence in a management committee.

(2) Notwithstanding any provision to the contrary contained in these rules, a motion referred to in subrule (1) may not be placed on the agenda of the next ensuing ordinary meeting of a council, but the chief regional officer concerned must at such meeting read out such motion and the motivation advanced therefor.

(3) A motion referred to in subrule (1) must thereafter be placed on the agenda of the next ensuing ordinary meeting or of a special meeting of a council concerned convened for that purpose, and the council concerned must consider such motion.

(4) Every member of a management committee in respect of which a motion of no-confidence has been introduced as contemplated in subrule (1) must be given an opportunity to address the council, and if a motion referred to in subrule (1) is carried by a council, every member of the management committee concerned must resign, and any member who fails to resign is deemed to have resigned.

(5) A council concerned must immediately determine a date for a meeting of that council in order to elect a management committee as contemplated in rule 6(b).

(6) Any former member of a management committee will at an election referred to in subrule (5) be eligible for re-election.

### Questions

**20.** (1) Subject to subrule (2), a member of a council or of a committee may put a question at a meeting relating to a matter which arises from or relates to the general business of a council or the business of a committee.

(2) A member referred to in subrule (1) must submit to the chief regional officer a written and signed notice of the question concerned at least 48 hours prior to the commencement of the meeting concerned.

(3) The chief regional officer must -

(a) as early as possible after receipt of the notice referred to in subrule (2) by him or her, hand a copy thereof to the chairperson of the council or of the committee concerned from whose business the question originates; and

(b) prior to the commencement of the meeting at which the question concerned must be answered, furnish a copy of every notice handed in to every other member of a council or of a committee than the chairperson concerned who is present at that meeting.

(4) The chairperson of a committee to whom a question put in terms of subrule (1) has been handed as contemplated in subrule (3)(a), must answer the question concerned in writing.

(5) The chairperson referred to in subrule (4) must hand the written answer concerned to the chief regional officer at least two hours prior to the commencement of the meeting at which the question is to be answered, and the chief regional officer must hand it over to the members of the council concerned together with the copies of the notice referred to in subrule (3).

(6) The chairperson of a council may decide that the answering of a question stands over to the first meeting of the council following on the meeting referred to in subrule (1).

(7) Notwithstanding subrule (1), a member of a council may, subject to subrules (8), (9) and (10), and after written notice thereof, put a question which in the opinion of the chairperson of a council is of urgent public interest.

- (8) A notice referred to in subrule (7) must -
- (a) be signed by the member concerned and be co-signed by the chairperson of the council concerned after that chairperson has consulted with the chairperson of the committee from whose business the question originates; and
  - (b) be handed to the chief regional officer concerned at least 10 minutes prior to the commencement of the meeting at which the question is to be answered.
- (9) A question referred to in subrule (7) must be answered verbally and not in writing.
- (10) If the member who has put a question referred to in subrule (7) so requests, the chief regional officer concerned must ensure that the answer to such question is given in writing to that member, together with the minutes of the meeting at which the question was answered.

(11) If shorter notice than 48 hours of the putting of a question referred to in subrule (1) has been given to a chief regional officer and such question is not of urgent public interest as contemplated in subrule (7), the question concerned must be disposed of, subject to subrule (12), in the manner prescribed in subrules (3), (4), (5) and (6) on the first meeting of the council concerned following the meeting prior to which the question was put.

(12) The chairperson of a council concerned may rule that the question concerned be disposed of in the interests of good order on the next ordinary monthly meeting of the council.

(13) Subject to rule 21(3), a question may be discussed after it has been answered in the manner provided for in this rule.

(14) A chairperson of a council or of a committee may reject a question if he or she is of the opinion that it is out of order, is not clearly put or that this rule has not been complied with.

### **Reports of management committee to council**

**21.** (1) The report of a management committee regarding its decisions on matters delegated to it or in respect of the exercise of its powers and the performance of its duties and functions contemplated in section 22(1)(e) of the Act must be placed on the agenda of every ordinary meeting of a council in accordance with rule 5.

(2) The chairperson of a management committee or, in his or her absence, a member of the management committee requested thereto by that chairperson, must put the report referred to in subrule (1) to a council for information.

(3) A report referred to in subrule (1) may be discussed, but no motion or proposal, except that cognisance be taken of the matter, may be introduced.

(4) Any question or proposal in connection with a report referred to in subrule (1) must be submitted, prior to the meeting on which agenda it is placed, to the chief regional officer in writing and it may only be disposed of at the meeting subsequent to such first-mentioned meeting.

### **Recommendations of management committee**

**22.** (1) The recommendations of a management committee to a council must be placed on the agenda of any ordinary meeting of a council in accordance with rule 5.

(2) The chairperson of a management committee or, in his or her absence, a member of the management committee requested thereto by that chairperson must, subject to subrule (3), propose each recommendation of the management committee for acceptance by the council concerned.

(3) Subject to subrule (4), a proposer referred to in subrule (2) may amend, with the consent of at least two-thirds of the members of the management committee present, amend any recommendation of that committee or withdraw any item in its report for remission to that committee.

(4) An ordinary majority of the members of a management committee is sufficient for an amendment which, in the opinion of the chairperson of a council, is of a non-material nature.

(5) For the purpose of these rules any recommendation of a management committee is deemed to be a proposal which has been seconded.

### **Reports of advisory committees**

**23.** (1) Any report of an advisory committee to a council must be placed on the agenda of an ordinary meeting of a council in accordance with rule 5.

(2) The chairperson of the advisory committee concerned or, in his or her absence, a member of that committee requested thereto by that chairperson, must, subject to subrule (3), propose each recommendation of the committee for acceptance by a council.

(3) A proposer referred to in subrule (2) may amend, with the consent of at least two-thirds of the members of the advisory committee present, any recommendation of that committee or withdraw any item in its report for remission to that committee.

(4) Rule 21(3) applies with the necessary amendments to a report submitted for information in terms of subrule (1).

### **Proposals and motions of order that may be introduced**

**24.** If a motion or proposal is under discussion during a meeting it may, subject to any provision to the contrary contained in these rules, only be proposed that -

- (a) the motion or proposal be amended;
- (b) the matter be voted upon; or
- (c) any of the following motions of order be introduced, namely that -
  - (i) the meeting be adjourned;
  - (ii) the debate be suspended;
  - (iii) the debate be closed;
  - (iv) the next matter on the agenda be proceeded to; or
  - (v) the matter be remitted to the management committee.

### **Amendments**

**25.** (1) Every amendment of a motion or proposal must relate to the motion or proposal before a council or a committee in respect of which it is introduced.



- (2) No amendment may be introduced in respect of an unopposed motion.
- (3) If the chairperson of a council or of a committee so requires, an amendment must be put in writing, signed by the proposer and be submitted to the chairperson or chief regional officer concerned.
- (4) Every written amendment must be read out by the chairperson concerned and thereafter the proposer may speak thereon.
- (5) After a proposer has spoken on an amendment, it must be seconded before a council or a committee discusses it or votes thereon.
- (6) An amendment will lapse if there is no seconder therefor.
- (7) A member may only address a council or a committee once on an amendment, but the proposer of a motion or proposal to which the amendment under discussion was proposed, has a right of reply.
- (8) A member who has formally seconded an amendment may immediately or later speak thereon.
- (9) After an amendment to a motion or proposal has been introduced and seconded, no further amendment may be introduced before the first amendment has been disposed of.
- (10) If an amendment is carried, the original motion or proposal, as amended by the amendment, will be the motion or proposal before a council or a committee, and any further amendment must be introduced in respect of the so amended motion or proposal.

#### **Proposal that a matter be voted upon**

- 26.** (1) If a proposal that a matter under discussion be voted upon is carried, the matter must be voted upon without further discussion.
- (2) A proposal referred to in subrule (1) may be made at any time during the course of the debate, but not while a speech is in progress.
- (3) Subject to subrule (4), a proposal referred to in subrule (1) may not be discussed.
- (4) The proposer of a matter under discussion in respect of which a proposal referred to in subrule (1) is made, may speak on such proposal for not more than five minutes if that proposal is seconded.
- (5) A proposal referred to in subrule (1) will lapse if there is no seconder therefor.

#### **Motion of order that meeting be adjourned**

- 27.** (1) If a motion of order that a meeting be adjourned is carried, the meeting must adjourn in accordance with rule 46.
- (2) No member may introduce or second more than one motion referred to in subrule (1) in respect of the same sitting of a meeting.

#### **Motion of order that debate be suspended**

- 28.** (1) If a motion of order that a debate be suspended is carried, the discussion of the matter concerned must be resumed, subject to subrule (2), at the next ensuing ordinary meeting, and a council or a committee concerned must proceed to the next matter on the agenda.

(2) A special meeting may be convened for the discussion of a matter in respect of which a debate has been suspended as contemplated in subrule (1).

(3) When a suspended debate is resumed the member who proposed the suspension is entitled to speak first.

(4) No member may introduce or second more than one motion of order referred to in subrule (1) in respect of the same debate.

#### **Motion of order that debate be closed**

**29.** (1) If a motion of order that a debate be closed is carried, the motion concerned will lapse completely.

(2) No member may introduce or second more than one motion of order referred to in subrule (1) in respect of the same debate at the same meeting.

#### **Motion of order that next matter on agenda be proceeded to**

**30.** (1) If a motion of order that the next matter on an agenda be proceeded to is carried, the motion under discussion will lapse and a council or a committee concerned must without further discussion proceed to the next matter on the agenda.

(2) No member may introduce or second more than one motion of order referred to in subrule (1) at the same meeting.

#### **Motion of order that matter be remitted to management committee**

**31.** If a motion of order that a matter concerned be remitted to the management committee is carried, that matter must be remitted without further discussion to the management committee, and a council or other committee concerned must proceed to the next matter on the agenda.

#### **General provisions relating to motions of order**

**32.** (1) A motion of order may be introduced verbally.

(2) As soon as a motion of order has been introduced all discussions of the matter concerned must be discontinued immediately, and after a seconder for such motion has been obtained, the proposer is entitled to speak thereon for not more than five minutes.

(3) A motion of order will lapse if there is no seconder therefor.

(4) The seconder of a motion of order may not speak on that motion.

(5) After the proposer of a motion of order has spoken, the proposer of the matter under discussion when the motion was introduced may for not more than five minutes speak on the motion of order, whereafter such motion must be voted upon without any further discussion.

(6) No motion of order may be introduced within 30 minutes after a similar motion in respect of the same matter, unless the circumstances justifies, in the opinion of the chairperson concerned, the introduction of the first-mentioned motion.

#### **Withdrawal of motions and proposals**

**33.** (1) A proposer may with the consent of a council or a committee withdraw a motion or proposal, including an amendment thereof.

(2) No discussion may be held during the discussion of consent for a withdrawal referred to in subrule (1).

**Voting**

**34.** (1) Subject to subrule (4), voting at a meeting of a council or of a committee must take place by the show of hands and the result thereof must be announced by the chairperson concerned.

(2) If any member of a council or a committee questions a decision by the show of hands, the chairperson concerned -

- (a) must request all members in favour of the motion or proposal concerned to rise from their seats and the chairperson must record their names;
- (b) must thereafter request all members not in favour of the motion or proposal concerned to rise from their seats and the chairperson must record their names; and
- (c) must thereafter request all members who have abstained from voting to rise from their seats and the chairperson must record their names.

(3) The chairperson referred to in subrule (1) must announce who voted in favour of, who voted against the motion or proposal concerned and who abstained from voting, and whether the motion or proposal has been carried or rejected.

(4) If any member insists thereon, voting must take place by secret ballot.

(5) A chairperson and a chief regional officer concerned must check a voting by secret ballot, and the chairperson must announce the result of that voting.

(6) A chairperson of a council or of a committee has in the event of an equality of votes a casting vote in addition to his or her deliberative vote.

**Minuting of dissentient vote**

**35.** (1) Any member of a council or a committee may request immediately that his or her vote against any motion, proposal or resolution be recorded in the minutes and such vote must be so recorded subject to subrule (2).

(2) A chairperson of a council or of a committee may refuse to have a vote referred to in subrule (1) recorded if, in his or her opinion, an improper motive can be attributed to it.

**Right to speak and reply**

**36.** (1) Subject to any provision to the contrary contained in these rules and to subrule (2), a member of a council or of a committee may not speak more than once on a motion or proposal.

(2) Subject to any provision to the contrary contained in these rules, the proposer of a motion or proposal may reply before the motion or proposal is voted upon, but a member must restrict himself or herself to replying to previous speakers and may not introduce new matters.

(3) A council or a committee may allow the proposer of a proposal referred to in rule 21(2) or 22(2) to clarify a matter before a specified recommendation is considered or during the discussion of the recommendation in reply to a specific question.

**Duration of speeches**

**37.** Subject to any provision to the contrary contained in these rules, a member of a council or of a committee may speak for not more than ten minutes, but a council or a committee may allow a speech to proceed for a further period of not more than five minutes.

**Members to stand and address chairperson**

**38.** (1) Any member of a council or of a committee except a chairperson must stand whilst speaking, unless a chairperson allows a member to remain seated.

(2) Any member of a council or of a committee must address the chairperson concerned whilst speaking.

**Discussion to be to the point**

**39.** A member of a council or of a committee must confine himself or herself strictly to the matter, motion of order or point of order under consideration, and no discussion anticipating any matter on the agenda may be allowed.

**Chairperson has precedence**

**40.** If a chairperson rises during a debate, any member speaking or about to speak, must sit down and remain silent so that the chairperson may be heard undisturbed.

**Repetition, irrelevancy and disturbance of order**

**41.** (1) A chairperson of a council or of a committee must direct the attention of a meeting to irrelevancy, unnecessary repetition, unseemly language or any disturbance of the order by a member of a council or of a committee, and if that member persists, the chairperson must order him or her to stop his or her behaviour.

(2) If a member referred to in subrule (1) persists in disregarding the authority of the chairperson concerned, the chairperson must order that member to retire from the meeting.

(3) If a member referred to in subrule (2) refuses to comply with an order given in terms thereof the chairperson concerned may instruct a staff member or request any other person, including a member of the Namibian Police Force, to remove that member from the meeting and to preclude that member from returning to the meeting.

**Removal of person from chamber**

**42.** If -

- (a) a person is in the opinion of a chairperson of a council or of a committee not properly dressed; or
- (b) a chairperson of a council or of a committee deems it necessary for maintaining order,

that chairperson may any time during a meeting -

- (i) give instructions that any person be removed from a council or a committee chamber; or
- (ii) in a case referred to in paragraph (b), instruct that the public gallery be cleared.

**Suspension of right to attend meetings**

**43.** (1) Subject to subrules (3) and (4), a council or a committee may suspend for such period as it may determine, but not exceeding one month, the right of any member of a council or of a committee to attend any meeting of a council, a management committee or a committee, as the case may be, if the member concerned -

- (a) fails or refuses to comply with an order referred to in rule 41(2);
- (b) wilfully obstructs the business of a meeting;
- (c) fails or refuses to leave a chamber as contemplated in rule 42(i); or
- (d) publishes or discloses -
  - (i) a document of a council or of a committee;
  - (ii) the proceedings of a council, a committee or of the committee of a whole council relating to land or other property which a council is acquiring or expropriating;
  - (iii) legal or arbitration proceedings in which a council or a committee is concerned; or
  - (iv) any other matter the publication or disclosure of which may or will prejudice the interests of a council or of a committee.

(2) Notwithstanding any provision to the contrary contained in these rules, a proposal to suspend a member as contemplated in subrule (1) may be moved at any stage during a meeting.

(3) A proposal to suspend a member as contemplated in subrule (1) may not be decided upon before the member proposed to be suspended had been afforded an opportunity to state his or her case to the council or committee concerned.

(4) A period of suspension referred to in subrule (1) may include the date scheduled for a next meeting of a council, a management committee or a committee, as the case may be.

### **Suspension of rules**

**44.** (1) Notwithstanding any provision to the contrary contained in these rules, but subject to subrule (2), a member of a council or of a committee may propose during a meeting that these rules be suspended for a purpose which that member must state.

(2) A council or a committee may suspend by majority vote one or more provisions of these rules for the discussion of a specific matter, excluding rules 4, 7, 13(1), 15, 24, 34, 39, 40 and 46.

(3) A proposal referred to in subrule (1) may only be made in regard to a specific matter, but will lapse if it is not adopted by a majority vote.

(4) The chairperson of any committee of a council or of a committee of the whole council may apply at any meeting of that committee any provision of these rules which is not applicable to that committee if he or she is of the opinion that it is necessary or expedient for the proper dispatch of the business of that committee.

### **Interpretation of rules**

**45.** (1) A member of a council or of a committee may request that any ruling of a chairperson of that council or that committee on the interpretation of these rules be recorded in the minutes concerned.

(2) A chief regional officer concerned must keep a list of rulings referred to in subrule (1).

(3) A chairperson referred to in subrule (1) must sign the entry in a list referred to in subrule (2) of each ruling he or she has given.

(4) A member of a council or of a committee who has made a request referred to in subrule (1) may verbally require during the meeting concerned or in writing within five days thereafter, that the chief regional officer concerned submit the matter to the management committee concerned.

(5) A management committee referred to in subrule (4) must consider the matter concerned and report thereon to the council concerned.

(6) A council concerned may on recommendation of the management committee concerned order that the ruling of the chairperson concerned be withdrawn or amended.

### **Adjournment of meeting**

**46.** (1) A chairperson of a council or of a committee may adjourn a meeting to a specified day, time and place if it seems to him or her that further continuation thereof is undesirable on account of irrelevancies or disturbance of the peace.

(2) A meeting must be adjourned according to the manner referred to in subrule (3).

(3) If a meeting is adjourned by a chairperson the members of the council or of the committee must rise and remain standing until the chairperson and the chief regional officer have left the chamber concerned.

### **Committee of whole council**

**47.** A council may at any time before or during a meeting go into committee of the whole council for the purpose of considering a matter referred to in section 11(2)(a) of the Act.

### **Time of committee meetings**

**48.** (1) A committee may itself determine the date, time and venue of meetings thereof.

(2) A meeting of a committee may only be held with the consent of a council during a meeting of a council.

### **Resignation as member of committee**

**49.** (1) A member of a committee who wishes to resign as such must submit a written resignation to the chief regional officer concerned.

(2) A resignation referred to in subrule (1) may not be withdrawn.

### **Filling of vacancy in committee**

**50.** (1) The chairperson of a committee must report a vacancy which has occurred in that committee to a council concerned, and the council may fill that vacancy.

(2) A report referred to in subrule (1) must be submitted before the next ordinary meeting of a council after the meeting of the committee concerned at which the vacancy is reported.

### **Filling of vacancy in committee during absence of member**

**51.** If leave is granted to a member of a committee to be absent from a meeting of the committee concerned and such absence will result in the lack of a quorum at that meeting, a council concerned may designate another member of the council to serve on the committee in the place of the absent member during the absence concerned.

**Official communications**

**52.** Any official communication on behalf of a council, a committee of a council or a committee of the whole Council may only be made by the chief regional officer concerned or by such member of the council or such other staff member designated for such purpose by the council concerned.

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