
CODE OF CONDUCT

AND

DECLARATION OF INTERESTS

FOR

MEMBERS OF THE NATIONAL

ASSEMBLY

REPUBLIC OF NAMIBIA

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PREAMBLE

The Members of the National Assembly, as elected representatives, shall regard themselves as servants of the people of Namibia and have a duty to -

- Maintain the dignity and image of the National Assembly both during the sittings of the National Assembly as well as in their acts and activities outside the National Assembly;
- Desist from any conduct from which they seek to improperly enrich themselves or alienate themselves from the people;
- Maintain the public trust placed in them;
- Maintain ~~minimum~~ high standards of ethical behaviour;
- Work diligently and with integrity;
- Use influence gained as elected office-bearers to advance the common good of the people of Namibia;
- Respect the law and the institution of the National Assembly and
- Foster an understanding of parliamentary decision-making.

CHAPTER 1

DEFINITIONS

1. All words in this Code which have been defined in the Standing Rules and Orders shall bear the same meaning, ~~and~~ unless the context indicates otherwise-

“Committee” means the Standing Committee of Privileges;

“dependent” means a pensioner or a person with a disability, who is related to the Member by blood, law or otherwise and is supported financially or otherwise by the Member;

“dependent child” means a person younger than 21 years who is dependent upon the Member for his or her livelihood and who is related to the Member by blood, law or otherwise, and includes a child older than 21 years who is still attending an educational institution and is materially supported by a Member;

“equity value of a sole ownership” means the net value of the sole ownership expressed as the difference between its assets and liabilities; and includes the profit that the sole ownership generates annually, its market value and the number of shares, if any, it holds in another business enterprise;

“financial interest” means the percentage value of a Member’s interest in a close corporation, and includes loans made to and dividends received from a business enterprise;

“nominal value of shares” means the value at which the shares were acquired;

“pension” excludes a pension received or receivable from the Government of the Republic of Namibia;

“permanent companion” means a person who is publicly acknowledged by a Member as that Member’s permanent companion or partner, or who is publicly perceived to be that Member’s permanent companion or partner;

“Register” means the Register of Members’ Interests referred to in section [9 12\(a\)\(i\) and \(ii\)](#) of the Powers, Privileges and Immunities of Parliament Act, 1996 (Act 17 Of 1996);

“remuneration” excludes the income a Member receives by virtue of membership of the House or Ministerial Office;

“sponsorship” includes financial contributions or assistance to a Member’s election expenses in the previous election;

“spouse” means a Member’s marriage mate, irrespective of whether the parties were married formally (church, magistrate’s court etc.) or traditionally.

CHAPTER 2

APPLICATION OF THE CODE

- 2.1. This Code forms part of the Rules of Procedure of the National Assembly as contemplated in article 59 of the Namibian Constitution
- 2.2. The code is applicable to:
 - a) All Members of Parliament, who are by law entitled to participate in the proceedings of Parliament; and
 - b) Spouses, permanent companions, dependent children and other dependents of members of parliament, to the extent that the member is aware of their registrable interests.

CHAPTER 3

PERSONAL CONDUCT

- 3.1. A Member must:
 - a) act in good faith at all times;
 - b) act in the interests of the Namibian people and their Parliament. In doing so, a Member has a duty to uphold the Constitution and law of Namibia and to act in conformity with the rules of the Parliament;
 - c) be accessible to the people in order to serve and to represent their interests conscientiously;
 - d) avoid any behaviour that may compromise his/her standing in public, such as: criminal behaviour, sexual harassment, insolvency, and dishonesty;
 - e) strive to foster national unity and reconciliation in the presentation of any issue before the House and take decisions in terms of the broader public interest;
 - f) not intentionally misrepresent any facts to the House or to committees;
 - g) conduct all hearings in a fair, honest, non-partisan, apolitical and transparent manner.;
 - h) disclose to the Registrarhis /her financial interests;
 - i) report to the Committee of Privileges any unethical behaviour of another Member or Members; and
 - j) promote and support the aforementioned principles through exemplary leadership and to maintain and strengthen the public's

trust and confidence in the integrity of the Parliament and its members in conducting public business.

CHAPTER 4

CONFLICT OF INTEREST

- 4.1. A Member is responsible for preventing conflicts of interest and must arrange his or her private affairs to prevent such conflicts of interest arising.
- 4.2. A Member whose material, personal or financial interests give rise to a conflict with the public interest must take all reasonable steps to resolve that conflict in the public interest.
- 4.3.
 - a) A conflict of interest exists where a Member participates in or makes a decision in the execution of his or her office when he or she knows or should know that it -
 - i) will improperly and dishonestly further his or her material, personal or financial interest or another person's financial interest directly or indirectly, or
 - ii) may improperly influence his or her conduct when discharging his or her responsibilities.
 - b) A conflict of interest does not exist where a member or other person benefits only as a member of the general public or as a member of a broad class of persons.
- 4.4.
 - a) Where a possible conflict of interest arises, the Member involved must inform the Presiding Officer, or any other person may so inform the Presiding Officer, and the Member must then either withdraw from the discussions and voting on the matter, or apply for condonation from the Committee on the grounds that such interest does not in any way conflict with the matter being discussed or voted upon.
 - b) If the matter concerns a registrable interest that is recorded in the confidential part of the Register, the Member must withdraw from the deliberations or voting if the member does not want to disclose the interest.

CHAPTER 5

INTERESTS TO BE DISCLOSED

REGISTRABLE INTERESTS

- 5.1. The following kinds of financial interests must be registered with the Registrar:
- a) Shares and other financial interests in companies and other corporate entities;
 - b) Remunerated employment outside of Parliament;
 - c) Directorships, partnerships and board memberships and any remuneration received;
 - d) Consultancies and Retainerships;
 - e) Sponsorships;
 - f) Gifts and hospitality;
 - g) Benefits;
 - h) Travel and travel discounts;
 - i) Land and Property;
 - j) Pensions;and
 - k) Details of all financial interests of a Member's spouse, dependent child or permanent companion to the extent that the member is aware of those financial interests.

DETAILS OF REGISTRABLE INTERESTS

- 5.2. The following details must be furnished for all registrable interests:
- 5.2.1 Shares and other financial interests in companies and other corporate entities:
 - a) the name of the company or other corporate entity;
 - b) the number, nature and nominal value of shares of any type in any public or private company; and
 - c) the nature and value of any other financial interests held in any other corporate entity.
 - 5.2.2 Remunerated employment outside of Parliament
 - a) the type of employment;
 - b) the name, and type of business activity of the employer; and

- c) the amount of remuneration received for such employment.
- 5.2.3 Directorships, partnerships, and board memberships
- a) the name, and type of business activity of the corporate entity, partnership or organisation; and
 - b) the size and value of any financial interest or the amount of any remuneration received.
- 5.2.4 Consultancies/Retainerships
- a) the nature of the consultancy of any kind or advice or professional services that the company provides;
 - b) the name and type of business activity of the client concerned; and
 - c) the amount of remuneration and any other benefits received for the consultancy or retainership;
- 5.2.5 Sponsorships
- a) the source and description of direct financial sponsorship and assistance from non-party sources; and
 - b) the value of the sponsorship or assistance.
- 5.2.6 Gifts and hospitality (including services and discounts)
- a) the description, value and source of any gift or hospitality over N\$1000; and
 - b) the description and value of gifts or hospitality having a cumulative value over N\$1000 received from a single source during the reporting period.
- 5.2.7 Any other benefit of a material nature
- a) the nature of the benefit;
 - b) the source of the benefit; and
 - c) the value of the benefit.
- 5.2.8 Travel and travel discounts
- a) the date of travel and destination;
 - b) the duration of stay;
 - c) the value of travel and stay (including any discounts received); and
 - d) the name of the sponsor and amount paid by the sponsor.
- 5.2.9 Land and Property
- (a) a description of the property;

- (b) the location of the property; and
- (c) the nature and value of the interest in the property.

5.2.10 Pensions

- a) the source and type of pension; and
- b) the value of the pension.

5.2.11 All financial interests, of which the Member is aware, of his or her spouse, dependent child, dependent or permanent companion, and

5.2.12 All the financial details that a Member must disclose in respect of sub-clause 5.2.1 to 5.2.10 above.

CHAPTER 6

ADMINISTRATION OF THE CODE

STANDING COMMITTEE OF PRIVILEGES

Functions and Powers of the Committee

- 6.1 The Committee of Privileges is empowered to:
 - 6.1.1 adopt such codes of conduct for all Members, in conformity with their Constitutional duties, privileges and immunities;
 - 6.1.2 enforce and administer the Code;
 - 6.1.3 adopt a standard format for the disclosure of interests and the reporting requirements with regard thereto; and
 - 6.1.4 perform such other functions as may be determined in the Code.

REGISTRAR OF MEMBERS' INTERESTS

- 6.2 The Secretary will be the Registrar of Members' Interests.
- 6.3 The Registrar may designate staff members assigned to the Committee to assist him or her in the execution of his or her duties.
- 6.4 The Registrar must:
 - a) open and keep a Register for the purposes of this Code, called the Register of Members Interests;
 - b) record in the Register particulars of Members' registrable interests provided to him or her by Members;
 - c) amend any entry in the Register when necessary;
 - d) present the register to the Privileges Committee on an annual basis to update and control the said entries.

- e) perform any other duties in connection with the implementation and administration of this code as required by the Committee ; and
- f) perform the functions of office in accordance with the directions of the Committee.

DISCLOSURE OF REGISTRABLE INTERESTS

- 6.5 All Members of Parliament upon being sworn in as members, must disclose their interest as contained in this code and are obliged to adopt the principles of the code by signing the Declaration attached as Annexure “A”.
- 6.6 A member must disclose to the Registrar, on the form prescribed for this purpose by the Committee, the details of all registrable interest as stipulated in clause 5.2.
- 6.7 Subject to sub-clause 6.1, the first disclosure must be made within 30 days of the opening of a new Parliament.
- 6.8 After the first disclosure, members must annually disclose particulars of their registrable interests on or before 30 April each year, unless the Committee decides otherwise.
- 6.9 Members must, during the reporting period, disclose any change in their registrable interests within 60 days thereof.
- 6.10 If a member has no registrable interests a “nil return” must be furnished.

THE REGISTER OF MEMBERS’ INTERESTS

- 6.11 The Register must:
 - a) have a confidential and a public part;
 - b) contain information regarding the members’ registrable interests as determined by the Code; and
 - c) be in a format approved by the Committee.

CONFIDENTIAL PART OF THE REGISTER

- 6.12 The Registrar must record the following in the confidential part of the Register:
 - a) The value of financial interests in an entity other than a private or public company or a close corporation;
 - b) The amount of any remuneration for any directorship, partnership or any other board membership;
 - c) The amount of any remuneration for any employment outside Parliament;

- d) The value of the interest in immovable property and the location and value of residential properties;
 - e) The details of foreign travel only when the nature of the travel or visit requires those details to be confidential;
 - f) The amount of any remuneration for a consultancy;
 - g) The value of a pension; and
 - h) The details of all financial interests of a Member's spouse, dependent child or permanent companion to the extent that the member is aware of those financial interests.
- 6.13 Where any doubt exists as to whether any financial interests must be disclosed, the Member concerned must act in good faith.
- 6.14 Notwithstanding sub-clause 6.12, the Committee may, on good cause shown, instruct the Registrar to record any other details of a Member's registrable interests in the confidential part of the register.
- 6.15 Only a Committee Member, the Registrar and the staff assigned to the Committee have access to the confidential part of the Register.
- 6.16 No person who has access to the confidential part of the Register may disclose particulars of an entry in the confidential part to anyone other than the Member concerned or another person who has access thereto, except when the High Court orders him or her to do so.
- 6.17 A Committee Member who contravenes sub-clause 6.16 –
- a) is subject to the penalties prescribed under clause 7.5 (b), (c) and (d) of this Code; and
 - b) is ineligible to continue as a Committee Member.
- 6.18 The Registrar or a staff member who contravenes sub-clause 6.16 is subject to disciplinary action applicable to parliamentary staff, including dismissal.

PUBLIC PART OF THE REGISTER

- 6.19. 1) The Registrar must record all details of registrable interests in the public part of the Register, except for the details that will be recorded in the Confidential part of the Register.
- 2) Any person has access to the public part of the Register on a working day during office hours.
- 3) The Registrar must publish the public part of the Register within 60 days of the date set for annual disclosure in a manner determined by the Committee.

CHAPTER 7

BREACH AND ENFORCEMENT OF THE CODE

BREACH OF THE CODE

- 7.1. A Member breaches this Code if he or she -
- a) contravenes or fails to comply with a provision of this Code;
 - b) negligently, recklessly or intentionally provides the Registrar with incorrect or misleading information, when disclosing registrable interests.

COMPLAINTS PROCEDURE

- 7.2. a) The Committee may receive a complaint from any resident or citizen of Namibia alleging a breach of the Code by any Member or Members.
- b) i) A complaint must be in writing; and
 - ii) A complaint must be factual and must describe in detail the alleged breach of the Code.
 - c) A Member may file a complaint directly or may forward a complaint received from any person to the Committee.
 - d) Frivolous, vexatious or offensive complaints will be rejected.

INVESTIGATIONS BY THE COMMITTEE

- 7.3. a) The Committee may of its own accord investigate an alleged breach of this Code by a Member.
- b) The Committee, when carrying out any investigations, must act in accordance with the Powers, Privileges and Immunities of Parliament Act, 1996 (Act No. 17 of 1996).
 - c) Subject to section 25(4), the Committee, in conjunction with the Office of the Registrar, must investigate any complaint of an alleged breach by a Member.

FINDINGS

- 7.4. a) At the conclusion of its investigation, the Committee must make a finding, supported by evidence, on the alleged breach of this Code.
- b) The Committee must provide reasons for its finding.

- c) A Member may be found guilty of a breach only if it has been proved beyond a reasonable doubt.

PENALTIES

7.5 Where it has found that a member has breached a provision of this Code, the Committee must recommend the imposition of one or more of the following penalties:

- a) a reprimand;
- b) a fine not exceeding the value of 30 days' salary or twice the value of the unethically-derived benefit, whichever is the greater;
- c) a reduction of salary or allowances for a period not exceeding 15 days; or
- d) the suspension of a Member's privileges or right to a seat in the House or committees for a period not exceeding 15 days.

REPORT TO THE HOUSE

- 7.6 a) Within 7 days of making a finding, the Committee must submit a report on its finding and recommended penalties, if any, to the Standing Committee on Standing Rules and Orders and Internal Arrangements.
- b) The Standing Committee on Standing Rules and Orders and Internal Arrangements must discuss the Committee's report and either -
 - i) accept the report and refer it to the House; or
 - ii) refer the matter back to the Committee for further consideration.
- c) The House must either accept or reject the recommendations of the Committee.
- d) If the House has accepted the Committee's recommendation, the Speaker must act on such decision forthwith.