

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
09 OCTOBER 2018**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: Welcome back. Honourable Members, first of all I want to bring to your attention one of our own Member of this House lost her dear father, the Honourable Ferdinand Kavetuna the father of the Honourable Juliet Kavetuna, a former Member of Parliament by that I mean a Member of the National Council and later on served as a Governor of Otjozondjupa Region. May I request you respectfully to observe a minute of silence.

THE HOUSE OBSERVES A MINUTE OF SILENCE

HON SPEAKER: Thank you, "May his soul rest in eternal peace."

ANNOUNCEMENT

HON SPEAKER: We move on to something that has become customary at this time of the year. It is a gentle reminder to all of us Honourable Members in accordance with the decision taken by the Committee on Standing Rules and Orders for the arrangements and organization of the annual session of this House I would like to remind Members of the procedures as follows:

1. To meet all the constitutional arrangements in formulating legislation and other important matters as well as
2. Allowing the National Council to review Bills on time.
3. All Bills should be tabled not later than the 1st of November each year. That is as given under Rule 34(e).
4. Provided that the House may appoint a Motion moved resolved to extent this time limit in the event of matters of urgency.

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**TABLING OF REPORTS
HON ITHETE**

This customary kind of reminder that we will normally bring to the attention of the Members of the House and I am doing this because we are almost moving towards the end of October, that I think it is something that I would like Members to take note of unless of course the sitting of the House is extended and unless there are emergency cases. So far to the best of my knowledge such emergency cases are not known to me or to the rest of you in this House. I thought it was important that we adhere to our rules as provided for under the rule that I have cited earlier. This is purely to make sure that we are efficient in managing our time and make sure that we do justice to any piece of legislation that is brought before this House.

That said and done, any Petitions? Reports of Standing and Select Committees? Other Reports and Papers?

TABLING: REPORTS OF THE AUDITOR-GENERAL

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

1. The Ministry of Urban and Rural Development for the Financial Year ended 31 March 2017.
2. Town Council of Arandis for the Financial Year ended 30th June 2017.
3. Municipality of Walvis Bay for the Financial Year ended 30 June 2017.
4. Town Council of Ongwediva for the Financial Year ended 30 June 2017.
5. Town Council of Usakos for the Financial Year ended 30 June 2015 and 2016.
6. Town Council of Omuthiya for the Financial Year ended 30 June 2017.
7. 7. Regional Council of Omuthiya for the Financial Year ended 30 June 2017.
8. Regional Council of Ohangwena Region for the Financial Year ended 31 March 2014
9. Regional Council of the Kavango East Region for the Financial Year ended 31 March 2016.
10. Regional Council of the //Karas Region for the Financial Year ended 31 March 2017 and finally,
11. Village Council of Kamanjab for the Financial Year ended 30 June 2017.

I so move Honourable Speaker.

HON SPEAKER: Thank you. Honourable Jagger?

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NOTICE OF QUESTIONS
HON VAN WYK / HON KAVEKOTORA

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM: Honourable Speaker, I lay upon the Table the Annual Report of the Game Products Trust Fund for the years 2016 to 2018. I so move Honourable Speaker.

HON SPEAKER: Thank you. Notices of Questions? Honourable Jan Van Wyk?

NOTICE OF QUESTIONS

HON VAN WYK: Thank you Honourable Speaker. Honourable Speaker, I hereby give Notice that on Thursday 18 October 2018 I shall ask the Honourable Minister of Finance the following. Honourable Minister it appears that a local construction industry is being technically excluded from lucrative tenders in the light of the N\$10,000,000,000 loan from China and of N\$10,000,000,000 loan from the African Development Bank? Such exclusion is driven by invitation of prequalification for the construction of the 19.5 kilometres dual carriage between Sam Nujoma and Dordabis interchanges just to give one example. I shall therefore ask the following.

1. What measures will Government implement to level the playing field and to curb unfair practises and eliminate the local construction industry?
2. Since the African Development Bank and China will dictate what will Government do to stop or prevent escalation of tender amounts after the tenders were awarded?
3. Since labour products and services will be imported by the Chinese as usual, what arrangements with regards to the taxation and the contribution to the receiver of revenue will be implemented?

I so move Honourable Speaker.

HON SPEAKER: Thank you. Honourable Reinhold Nauyoma? Oh, did I jump? The next is supposed to be Honourable Kavekatora is it not? I am sorry. I am sorry I have seen the light but bear with me.

HON NAUYOMA: Yes I can wait.

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**NOTICE OF QUESTIONS
HON KAVEKOTORA**

HON KAVEKOTORA: I pressed before you. Thank you Honourable Speaker. I give Notice that on Thursday the 18th of October 2018 I shall ask the Right Honourable Prime Minister Sara Kuugongelwa-Amadhila the following questions. During this year's State of the Nation Address the President upon a concern raised about the devastating drought situation in Aminos instructed the Honourable Prime Minister to look into the matter hence the following question.

1. Apart from the 7,000 bags of grain given to the constituency two weeks ago what else have you done to address this burning issue affecting both human and livestock in that area?
2. Can you confirm or deny the allegation that people receiving N\$2,600 in Government grants per household are not qualified for food meant for drought relief?
3. If this is so what is the justification in view of the fact that some of these households have more than ten members per household?

I so move.

Secondly, Honourable Speaker, I give Notice that on Thursday the 18th of October 2018 I shall ask the Minister of Land Reform Honourable Tonny Nujoma the following questions regarding the drought situation in Aminos.

Since 2013 the Aminos Constituency in Omaheke Region has been devastated by severe drought. Various Councillors have attended and requested Government and your Ministry in particular to allocate some farms bought by Government adjacent to Aminos to help them overcome the devastating drought but to no avail. I am now informed that another farm Otjozondambe was recently bought and the Chief of that area pleaded with the Government to allow the farm to be used by his people during the drought before other beneficiaries allocated but once again the request was not heeded for hence the following questions.

1. How many requests Honourable Minister came to your office from leaders and Councillors of the Aminos Constituency requesting your office permission to utilize purchased farms for drought relief before allocating them to the ultimate beneficiaries?
2. What were your responses to these queries or requests?
3. Is it true that Farm Otjozondambe was recently acquired by Government and allocated to someone from Otjozondjupa who was already resettled in the //Karas Region?
4. Lastly, if that is so can the Honourable Minister appraise this House on the justification of such a move by your Ministry and if this is in fact true is this not tantamount to nepotism and favouritism?

I so move Honourable Speaker.

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**NOTICE OF QUESTIONS
HON !AUCHAB**

HON SPEAKER: Thank you. Yes Honourable !Auchab? I committed an error I think we just have to go through. No, no you continue.

HON !AUCHAB: Thank you Honourable Speaker. I give Notice that on Thursday the 18th of October 2018 I shall ask the Minister of Justice Honourable Sacky Shanghala the following questions. The massive drought base in the country demands for Namibia to save introspect and further raises questions on how the country has become a soft target for illicit drugs and freeway of smuggling to other countries. The smugglers have found their activities easier to pursue via Namibia, can the Minister appraise this House when Namibian Government should start to reevaluate drug policy as called upon by the Global Commission which categorizes drug offences as crime against public welfare?

If done what action resolve does your Ministry have Honourable Minister over drug trafficking that is so rife in Namibia and the fact that there is no provision in the Namibian Drug Legislation dealing specifically with the issue of trafficking as it only criminalize the position use of or dealing in drugs? I fully acknowledge that in the context of criminalizing the use, possession or dealing in drugs Namibia is in compliance the UN Drugs Convention of 1988 Honourable Minister do you not think it is now time for the country to repeal and replace the abuse of dependence producing substances and rehabilitation centre Act, Act 41 of 1971 which clearly does not specially criminalize drug trafficking?

And on the same day Honourable Speaker, I shall ask the Minister of Environment and Tourism Honourable Pohamba Shifeta the following questions: Namibia have a middle classification may result in the reduction of resources allocated to Namibia to fund climate change medication, activities, the gross domestic products per capital of around US\$5,700 at the exchange rate to justify Namibia's position. May the Honourable Minister appraise this august House how the continued reliance on GDP continue to defy the Namibian society as well as that of some of its neighbours and that this overlooks the vulnerability of the majority of our population and is to the detriment of our rural communities whose livelihoods are so gravely threatened by the climate change, bio diversity laws and land degradation.

Honourable Minister may you also enlighten the Honourable Members how critical it is for Namibia to attain their ambition target it has set for itself such as hitch target 2020, Land Degradation neutrality targets aimed to half the laws of bio diversity by 2020 to ensure that echo system continue to provide essential services and how the implementation of the Paris Agreement at the Paris Climate Conference COP21, December 2015 and sustainable development goals of the United Nations has strengthened capacity on protecting natural resources and environment in Namibia? I so move Honourable Speaker.

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**ORAL QUESTION
HON DIENDA / HON NAMHOLOH**

HON SPEAKER: Thank you. Finally, I am not yet there, Honourable Dienda please.

ORAL QUESTION

HON DIENDA: Thank you Honourable Speaker. Honourable Speaker, I would like to ask an oral question to the Minister of Safety and Security Honourable Namoloh.

HON SPEAKER: Can you give us a gist of it?

HON DIENDA: Thank you Honourable Namoloh. Honourable it was widely reported on social media that the young man was raped while in the Police custody. Can the Honourable Minister please enlighten this august House and the community outside regarding this case, is it true or not and whether your Ministry are doing anything to solve this problem? I thank you Honourable.

HON SPEAKER: Thank you. Honourable Minister.

HON MINISTER OF SAFETY AND SECURITY: Thank you very much Comrade Speaker. I do not know if the young man was raped or sodomized. I do not know which word you heard *pratt*.

HON DIENDA: Rape is rape.

HON MINISTER OF SAFETY AND SECURITY: Rape is rape ha? Comrade Members of this House, this case is under investigation and the Police are investigating but once the investigation is over we will be able to share the report of the investigation. I promise you they will do something. Okay thank you.

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**NOTICE OF QUESTION
HON NAUYOMA**

HON SPEAKER: We leave it at that, thank you very much. Finally I return to the Honourable Nauyoma.

HON NAUYOMA: Thank you Honourable Speaker, I give Notice that on Thursday the 18th of October I will ask the Honourable Minister of Agriculture, Water and Forestry the Honourable !Naruseb. Honourable Minister it has been reported both from the sources on the ground and on the media that the Green Scheme project of Ndongalinena in the Kavango East is being withered because of the power that has been switched off by NORED to supply. I do not know whether you are aware of this situation. If you are aware of this that the people are finding it very difficult now to continue with the cultivation of their plants there because there are also other commercial small farmers who also rely on the provision of this water to make a living but it sounds like things are getting tougher and tougher.

Last night again on news I picked up the same situation is developing in Etunda Constituency Green Scheme that the same problems are being experienced and to make matters worse some of the examples that are fighting this thing cannot even find markets for their products because they cannot sell to make any money and one wonders how people can get into arrears of N\$3,000,000 in deficit without any intervention being made? Honourable Minister if you are aware of the situation what plan are there in place to rectify the situation because we believe that those are the bread baskets that we have been talking about in this country because some of us when we hear about the Green Schemes being developed we were very excited about their development but all of a sudden the opposite is being reported that they are dying out which even some of us are really worried. Can you please tell us Honourable Minister about this situation and the plans that are there? I so move Honourable Speaker.

HON SPEAKER: Notices of Motions? Messages from the Head of State, oh, sorry, yes Honourable Minister you have the floor.

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you very much Honourable Speaker. Honourable Speaker, I give notice that on Tuesday 16th October 2018 I shall move that this Assembly discusses and adopt the report on the implementation of the Environmental Management Act, Act No.7 of 2007 during the 2017/2018 Financial Year. I so move Honourable Speaker.

HON SPEAKER: Thank you. Next is the Honourable Jooste please.

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**MINISTERIAL STATEMENT
HON SANKWASA**

HON MINISTER OF PUBLIC ENTERPRISES: Thank you Comrade Speaker. I give Notice that tomorrow on 10 October 2018 I shall move that leave be given to introduce a Bill to make provision for the efficient governance of Public Enterprises and the monitoring of their performance to make provision for the restructuring of Public Enterprises to provide for powers and functions of the Minister of Public Enterprises and to make provision for incidental matters. I so move Honourable Speaker.

HON SPEAKER: Thank you. We move on Messages from the Head of State? Ministerial Statements? Oh yes that is right Honourable Sankwasa please.

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: Thank you Honourable Speaker, Honourable Members of this august House. I am making a Ministerial Statement regarding the alleged impounded Air Namibia Plane in Harare, Zimbabwe.

Honourable Speaker, Honourable Members of this august House, on Sunday the 7th of October 2018 during the 20:00 news broadcast NBC reported that an Air Namibia Aircraft was impounded in Harare, Zimbabwe. This news was followed by the print media yesterday Monday on the 8th of October. I therefore stand here to place on record and for the sake of the tax payer of this country the correct state of affairs.

On the 15th of February 2017 passengers Garai Maumba, Julianna Makomberezi, Fadzai Maumba, Rutendo Maumba and Tadiwanashe Maumba booked with Air Namibia to fly to Turkey via Germany. On the advice of the Germany border police who feared that these Zimbabwe nationals might seek asylum in Germany Air Namibia was advised not to transport these passengers through Germany. Air Namibia then denied these passengers boarding on the advice of the Germany border policy who indicated to the Airline that the passengers were not allowed to travel via Germany. It was the view of the Germany border police that the passengers in all likelihood would seek political asylum in Germany and on that basis the Airline was advised not to transport these passengers.

Air Namibia thus repatriated the passengers on the flights which they arrived to (bang). Passengers, a family of five proceeded to instituting legal action against the Airline claiming an amount of US\$1million as damage plus an amount of US\$7,815 apparently for Visas, tickets, hotel accommodation and food expenses in Windhoek from Air Namibia. The legal action was disbursed on an application to Court for the attachment of Air Namibia property in order to find or confirm the jurisdiction of the High Court of Zimbabwe over an Air Namibia in order to have the matter heard in Court. They alleged that they bought five Economic Class tickets for transport these take for about US\$4,138.

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On the 5th of April 2017 Air Namibia was informed of a lawsuit, thus anticipated brought by these five Zimbabwean nationals who were travelling to Turkey who were denied boarding by Air Namibia. Air Namibia instructed the firm Musimwa and Associates in Harare to attend to the proceedings on behalf of the Airline. Air Namibia was advised by Musimwa and Associates that a Notice of Opposition and opposing affidavits was filed with the High Court of Zimbabwe on 21 March 2018.

The Airline was advised that the Applicants took no further action to prosecute their claim until Air Namibia lodged an application on 22 June 2018 requesting for the dismissal of the cash due to the fact that the Applicant took no action in moving the case forward. The passengers or Claimants were served with the Defence papers on 27th June. Subsequently the application for dismissal the passengers resumed pursuant their application and obtained a Court Order for the attachment of Air Namibia property. Air Namibia only became aware of this through the media on the 30th of July.

Musimwa and Associates later informed the Airline that the lawyers of the passengers filed an appeal with the Supreme Court of Zimbabwe to have the order made by the High Court set aside. The lawyers representing Air Namibia brought an exparto application to have the execution or attachment of Air Namibia property stayed pending the determination or hearing of the matter by the Supreme Court of Zimbabwe.

The Supreme Court of Zimbabwe dismissed this application based on the non appearance of Musimwa and Associates, Air Namibia's lawyers in the Supreme Court to defend the case in the Supreme Court. Air Namibia also only learnt of this development through the media. Air Namibia thereafter proceeded to withdraw the instruction from Musimwa and Associates as the official representatives of the Airline due to this form of incompetence and disappointment.

On the 5th of October staff members at the Harare Airport informed the Airline that the Sheriff of the Court had impounded the Aircraft belonging to West Air but (indistinct) by Air Namibia. Following various consultations and requests for assistance the Aircraft was released at approximately 17:00 of the same day the 5th of October. The Aircraft subsequently returned to Windhoek on the 6th of October with its passengers.

Air Namibia has in the meantime proceeded to instruct the law firm of Honey & Blackenberg to represent the Airline with respect the matter. It has subsequently transpired that Musimwa and Associates have not advised the Airline correctly in that the documents filed with the Supreme Court in Zimbabwe were defective in material respects which resulted in the appeal filed with the Zimbabwe Supreme Court having lapsed. Efforts are currently underway by the newly appointed law firm Honey & Blackenberg to have the appeal to the Supreme Court reinstated by way of an Application for Condonation. Air Namibia has noted the fact that Application is out of time and that condonation will first have to be sought to have the matter heard.

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Honey & Blackenberg have further advised Air Namibia that there were procedural matters which had to be attended to prior to the initial order having been made against the Airline. This is evidenced in the fact that it would appear that the Zimbabwe High Court that granted the claim for payment lacked jurisdiction to hear the matter from which its inception as the passengers were denied boarding in Windhoek, Namibia not Zimbabwe. Meaning the course of action arose in Namibia not Harare therefore. Thus bringing an action against Air Namibia in Zimbabwe should not have been possible based on the fact that the passengers were denied boarding in Windhoek. Therefore Namibian Court enjoys jurisdiction to determine such matters. The Applicant should have instituted his action in Namibian Court not his home town to enjoy home advantage.

Air Namibia anticipates that the process of having the matter reinstated before the Supreme Court may take a number of days without any guarantees at this stage. The Airline will be advised in due course of the progress to this effect as events unfold. Air Namibia has in the interim cancelled flights to Harare pending the finalization of the legal matter. The Airline will in the meantime fly to Livingstone, Zambia and ferry passengers due to travel to Harare from there. The legal costs expended thus far in this matter amounts to US\$17,000 while other costs for the 5th to the 6th of October amounts to US\$9,335 being for accommodation at Jameston Hotel for eleven passengers including meals, accommodation at Holiday Inn including transport and catering for rescheduled flights. Transport for passengers to and from Victoria Falls and Livingston on the 6th and 8th of October and accommodation at Kingdom Hotel. With all this said this places the correct situation of the impounded aircraft and I therefore want to thank you for listening.

HON SPEAKER: Thank you very much. I am sure we all welcome that statement for the sake of clarity and having exactly what is the status of this case, thank you very much. That said and done we are moving on, the Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING:
BASIC EDUCATION BILL**

HON SPEAKER: When this Assembly adjourned on Wednesday the 26th of September 2018 the question before the Assembly was a Motion by the Honourable Minister of Education, Arts and Culture that the Bill be read a second time. The Honourable Shadow Minister of Education the Honourable Dienda adjourned the debate and I now have the pleasure to offer her the floor.

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BASIC EDUCATION BILL
HON DIENDA**

HON DIENDA: Thank you Honourable Speaker. Honourable Speaker, Honourable Members allow me first to congratulate the Honourable Minister of Education, Arts and Culture and her team for tabling this very important document in this august House. Honourable Speaker, allow me to raise one concern before I go into my contribution. Honourable Speaker, in terms of the current Short Title of this Bill it will become active upon publication in the gazette. However, this Bill is dependent on policies to be approved by Parliament and it reads as follows on page 30, “The Minister must table any policy determined under this Act in the National Assembly for approval” so it is a must.

My second concern is why only in the National Assembly and not also in the National Council? Within 30 days of the approval under paragraph A then you must say Parliament and you cannot say National Assembly. Okay then you must say Parliament within 30 days of the approval under paragraph A announced the policy by notice in the Gazette for the policy to become active.

Honourable Speaker, should the Short Title not change that the Act will only become active once the policies and the regulations are also approved by Parliament. There is currently a scenario whereby we have approved I think it is the Children’s Bill, it is an Act but that Act cannot be implemented because the regulations are outstanding. So my concern is not about Honourable Kawana my concern is, no cool, cool. (Interruptions), yes cool, cool not !Ui/oo/ooi. My concern Honourable Speaker is this Bill will be gazetted after approval by both the two Houses and after the President has signed it but it cannot be implemented until such a time that the policies and the regulations will also be approved and that is a fact.

I just feel that education is needed in this regard so that people cannot refer to an Act that, for practical reasons does not exist. I have picked up at least ten policies in this Bill which are being referred to. Some of them are none existing others are not speaking the same language as this Bill. How long will we wait for these documents to come to Parliament for approval so that the Act can become active? I will agree with the Minister when she will argue that we first need to approve the Bill before the policy can be drafted or reviewed but I do not want to see a situation whereby the Act cannot be implemented because of this scenario.

So Honourable Speaker what I am saying is this Bill is full of policies to be developed and how will the approval of each policy by the National Assembly impact on the commenced date of the Act. Honourable Speaker, Honourable Members, there are serious omissions in the Bill under definitions that the National Assembly ought to rectify and I will deal with it first before I contribute.

Honourable Speaker on page 2 of the Bill, one of the objectives of the Bill is to ensure equitable inclusive education and lifelong learning. The Bill in the definitions has not defined equitable and quality education. Against this background the Ministry will not measure educational outcomes and achievements of the education system because no one

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knows what we intent to achieve and therefore subject to subjective and personal interpretations.

Secondly, distributions of financial and human resources will not be equitable despite the historical realistic of the Namibian inherited education system, again, also because equity has not been defined. The Ministry and Parliament could borrow from UNESCO and other international goals to clearly define and contextualize equality and equity in education in the Namibian context. Concepts such as human rights and public goods that enable us with the relevant knowledge, skills, values and attitude necessary for a better world and sustainable future are some of the aspects of quality education. Equity includes fairness and equity in education including resource allocations. The document Education for All has attempted to define these concepts and no one of us has looked at it and other existing policy documents such as the 1999 Presidential Commission on Education in Namibia.

Still on the definitions, The Bill on page 67 Part 675 prohibits operating satellite school that is linked to a registered private school but satellite is not definite under the definitions. Further Honourable Speaker, can you please pay attention to the definition of schools. We must get a solid definition in view what the Bill advocates for norms and standards, is a true or a shark because of the Bills definition of place where basic education is provided, is it a school or is it not a school?

On page 10, the guiding principles in education matters, it is critical that Namibia restates in the Education Act being consistent with the Constitution and international conventions that we have ratified such as the international governance on economics, social and cultural rights that education is a basic human right and public good. This is so fundamental because I will also want to add here and also be in line with our constitution and it should be reviewed frequently. Honourable Minister can I tell you why I say it like this? I received a letter or I saw a letter whereby one girl was stopped from wearing a trouser to school and they said it is part of the Code of Conduct and it was a health matter of the child that is why she was wearing a trousers from Monday till Friday. So these are the things that I am saying look into, what does our constitution say?

If you do something like this to a child is it not unconstitutional what you are doing and saying?

Honourable Speaker on page 22 number 18(a), The parent of a child must apply for enrolment of the child at the school of choice of the parents by end of September of the previous year. Honourable Speaker, this word choice has a lot of implications and I am telling you why. All of us want our children at the previously white schools. Everybody whose child is schooling in Katutura from up here in Parliament? I am talking about Katutura I am not talking about Khomasdaal. I am not talking about (indistinct) schools I am specifically about Katutura because I know home for this child is in Katutura, so all of

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us want our children at the previously white schools but the discrimination (interruptions).

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION: You are talking about grandchildren.

HON DIENDA: No I did not talk about grandchildren. No, even grandchildren, why are you discriminating against your grandchildren not your children by the way? But the discrimination that are being used to keep certain children out of these schools are scaring. It is scaring. They will fight anywhere not to accept or allowed your child to come into that school? Honourable Speaker, (intervention).

HON MEMBER: My child is not in Katutura.

HON DIENDA: Yes your child is not in Katutura, most Van Der Byle School. Mine is and that is why I am saying all of us. Mine is at Khomasdal, Gammams Primary School. On page 23, 19(2), take your children there then you will see. Honourable 19(2) page 23 number 19(2), is there a national admission policies Honourable Minister and how applicable is this to this Bill? On page 23 to 24 Admissions to State schools.

Page 23 to 24 admission to State School, number 4(b) and (c) Honourable Minister, "A learner may not be refused admission to a State School on the grounds that his or her parents do not subscribe to the mission statement of that school or have refused to enter into any contract imposed by the school management", this is what it is saying. Honourable Speaker, honestly I want this Clause to be deleted, let me tell you why. Why should a learner who does not subscribe to the Mission Statement of the school or who refuses to enter into any contract by the School Management be allowed in the school? This is where discipline problems are starting. If a child and a parent refuse and say I will not sign this Code of Conduct is a discipline problem? So which school will take a child who on the first day already se there is no discipline in him or her, who will take charge of that child? So I will really say Honourable Speaker I cannot express myself but we are inviting problems from the beginning that this child is admitted to this school. You are already telling this child only your rights we will look into not about what the school wants from all of us. So I will say that the Code of Conduct of learners need to be signed

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by each and every learner who comes to the school so that they can know that there are rules in the schools.

On page 26 Honourable Minister 4(g) Language Policy at State Schools. Page 26, 21:4(g) we are still at State Schools. Special measure should be taken to introduce and promote the status of use of sign language in all schools. Are we sure about this one? Should it not read Honourable Minister, maybe it is a mistake, in all resource schools as it is reported in this Bill or all relevant schools but not in all schools as stated. All resource schools and all relevant schools because I am not sure whether we have the resources to cater for all the schools now maybe after 50 years, so our first priority must be the resource schools and the relevant schools.

Page 29 Honourable Minister, expulsion from State School or Hostel number 24:1 The Permanent Secretary within 14 days of receipt of the recommendation of the School Board and all relevant supporting documents submitted to the Permanent Secretary in terms of Section 23:20 and after consideration of such recommendations and documents may expel a learner from the school or hostel as a last resort. Why is this? We have a decentralization policy in Education Honourable Minister if I am right so would that responsibility not be better to be dealt with by the Regional Director of Education? I am seeing a problem here whereby the Permanent Secretary who is sitting here in Windhoek is running up and down and just dealing with expulsions and things by the directive and all these people in the regions are there to do this work. Why should the Secretary deal with expulsions? Where will he or she find the time to do it?

On page 30 Honourable Minister, number 25 Academic progress reports of a learner 25:3(a). The issue of Academic and progress reports, Honourable Minister I would like to commend you that you want to put in some measures but I want to highlight on the reason for the withholding of results it must be explored. You need to investigate. Maybe the teacher Honourable Calle needs a conversation with the parent and this being the only way to get hold of the parent, I agree with you.

No teacher has the right to withhold a progress report. I would suggest that this issue should be in the hands of the principals of schools. In the hands of the principals of schools and also Honourable Minister to remove the fine, we are chasing away our teachers, every time you must also be careful. I want to see Honourable Van Wyk, I want to see, you only dump his child here, he never came here, I never saw him this is what they are doing. The first day we look for praise we dump our children then we do not even come to Parents Meeting. So this teacher is thinking the parent does not even answer the phone I need to invite this parent to my class, I want to talk about the progress of this child. Now the teacher will say go and fetch your parent or tell your parents I will not give you this progress report that is why I said we need to explore what is the reason behind this? But if there is no finance everything my goodness all the teachers will just

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come in the classroom teach and, “No I do not want to do anything with any child here they want to be saved.

So what is the capacity of the Ministry, the Police and the Court to implement this provision of N\$5,000? There should be a discretion in any circumstances the central bodies will not generally know.

On page 30 number 26:3, A school board after consultation with the parent at a meeting convened by the school by at least 30 day notice to such parents it is under freedom of religion at State schools may determine the conduct of religious observers at the school or hostel. I agree with it but I will say the school board can do this but should be factual reasons for those decisions, there must be factual reasons why are you saying this? If you are saying this, listen 99% of these learners are Christians then it makes sense. But if you are saying oh no we will not because our School Principal is not a Christian that fact must be there so that there is a reason why we implement it.

On page 31, number 28:1, the Minister may issue directives not inconsistent with this Act relating to the admission and education of learners. The Minister, Honourable Speaker with this one I am not sure I am asking myself is this not too much power given to the Minister? I am talking about we will have a Minister today and the Minister will give out a direction that children must not be allowed to have raffle tickets and walk with this in the streets, tomorrow we will have another Minister and that Minister will issue another directive saying that, “No,, no give them they can go to the streets and collect money”. So that power I am having a problem with it because if it is a policy today that policy can change tomorrow so I am not clear about this power given to the Minister.

On page 32, number 6, establishment of national lifelong learning and act of Education Council: A Member of the Council holds office for a term of three years and is eligible for reappointment at the expiry of that term. Honourable Speaker, how many terms are we talking about? Can he or she be there forever until death do us part or what is it here?

On page 39:4, on page 39 under prohibition of certain items and powers of such (indistinct). Subject to the Sub Section 5, the Principal or his or delegate may at random search any learner or group of learners or the property of the learner or group of learners for any prohibited item or illegal drug if a fair and reasonable suspicion has been established.

Honourable Speaker, I will suggest that the law enforcement should rather be invited to do the suspected offence or for teachers to do it in the presence of the law enforcement. This will be my suggestion. Why I am saying this Honourable Minister is that it is now, who is small? Honourable Heather Sibungu who is doing this, I am just looking at the body size, she will do this and there are boys these days in school who are bigger and what will happen if they start punishing the teacher there because the teacher is

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conducting that (indistinct) there in the Bill? So why can the teacher not do it in the presence of the law enforcement because teachers need to be protected by us? Just is mine, no prepare your own speech.

On page 41 number 36 okay Honourable Speaker and number 36 what is it now? Honourable Speaker, the political activities at schools, we also know this is happening yes but we are not clear what are the consequences of this? You will see a school boys with hair deal, part hat, dress codes, you will see teachers coming with their attires to school and everything and we are silent about it so what will be the cause of it, what will we do when a teacher or learner or anybody is found wearing the political attire at school? So it must also be in here.

On page 42, restriction of certain activities at school: Number one, a person, civil society organization, faith based organizations, private companies or any other body may not provide services at schools or implement programmes at school without the prior approval of the Permanent Secretary.

Honourable Speaker, here again I am asking, why can this not be left in the hands of the Regional Directors. There is nothing about what the Regional Directors are doing. Now everything is on the Permanent Secretary, everything is on the Minister what are the Directors doing? Things like these we can give to the Regional Directors it is a school hall can you see how to accommodate these people instead of making it a burden to the Permanent Secretaries. This is why we are talking about decentralization and I know Education has a function so if everything is being done from head office where will we end?

Honourable Speaker, on page 48 number 26:1: Management of State schools, subject to this and any other applicable laws the principal and his or her management of a State School manages the school under the supervision of the Regional Director. Honourable Speaker, what about the role of the School board? Are the School Boards only there to do fundraising activities? So is the School Board not supposed to come in there?

Then on page 52 Number 49:1, establishment of School Boards number 49:1: There is an establishment of a School Board for every State School. Honourable what is the legal status of School Boards in comparison with any other boards? Why are School Boards not equally compensated regarding sitting allowances? We compromise willing and able parents to serve on school boards. Just here Further you will see that the Council will receive sitting allowance but when it comes to the Schools Boards it is now voluntarism comes in. So then everybody must volunteer to do the job, we cannot say School Boards you are volunteered but no you Councils no we will give you sitting allowance. We are not consistent in what we are doing.

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On page 52 number 50(b), it says that “Adopt a constitution, the School Board adopt the constitution which complies with the prescribed minimum requirements”. Honourable Minister of Education I would like to change this Clause with the following: School Boards to adopt operational guidelines instead of a constitution within a broad constitution. Operational guidelines this is what the School Boards must not in the constitution.

On page 52 again number 50, (i), (k) and (l), Honourable Speaker it is talking about make recommendations to the principal and Regional Director on disciplinary measures relating to teachers, other staff members and learners. Honourable Speaker, my concern is, will the School Board members have the capacity to deal with such complicated matters? Will they have the capacity because I was on a School Board for two terms, nobody asks any qualifications and no whatever for you to become a School Board member. So now if you are asking the School Board to deal with disciplinary measures regarding teachers and all the speakers are we doing justice to the teachers? Or will they only, if we are saying they must do it and they do not have the capacity and on such complicated matters will they only rubberstamp the decisions made by the management for implementation or will they actually contribute in the discussions at hand? So I think this thing needs to be properly looked into our capacity of our School Board members.

On page 53 number 2: The Regional Director (interruptions). Come again, I just want to know here does it include institutions since it does not state so? It is saying that private persons, private people can/will be allowed to make use of school facilities. Does it also include institutions? Will private institutions also be allowed to (indistinct).

On page 55 number 54:1 it says, “Constitution of School Boards of State Schools it says, apart from the principal who is the member or by virtue his or her office the elected members of the School Board are elected from, other staff members at the school who are not teachers”. Are you talking about now the administration staff, the institutional workers to be also part of the School Board? What must they do on the School Board? The School Board is not an employer so why must they be part of the School Board we are talking about learning and teaching, we are talking about the learners, the parents and the Government, three legs. So if you bring in the fourth leg to do what? Quarrels, where we are talking about the education of our learners, we do not want to quarrel about human issues. So can we please consider other authorities to accommodate these bodies such as the Unions etcetera? We must not compromise our credibility of the school Board entrusted and elected with many issues rather than teaching and learning. That one is a compromise.

On page 55 number 54(e), “Any other person with the appropriate skills and expertise” that is one. Honourable Speaker, any other person, you do not have a child at that school but you must be a member of the School Board, how will this message be conveyed to the other people to come on board? Will it be occupied in the media or will that person be

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handpicked and how will that person be handpicked? I will suggest Honourable Speaker that the person must, if really necessary be there, must not be a full member of the school Board or may serve on a Sub Committee or an Ad Hoc Committee established by the School Board because here it is about the interests of the child that we are looking into.

On page 59 number 2(a), okay that one I talked about it Honourable Speaker please the members of the Advisory Council who are not staff members may be paid such allowances as the Minister with the concurrence of the Minister responsible for finance may be determined. So why are we discriminating against the two bodies? The one will get allowance the one is sitting there, you are volunteering and you will do it for free, this is discrimination.

On page 60, the terms of office bearers and office bearers of School Boards. They must also Honourable page 60. Okay Honourable Members page 60, Office bearers of School Boards: The term of office bearers, how many terms must they be elected? Honourable I do not want to see a situation whereby School Boards members are there, it is their children, their grand children and their grand children after them, it is history just continue to be in the School Board for lifelong so we need to have a beginning and an end for everything. It is just inviting problems.

On page 63, Section 69 under School Development Fund and assets of State Schools: Number 2, a School Development Fund may consist of number 2, it is now money received from the nation or any other sources provided at the school or School Boards 69(c) may not actively engage in the donations or whatever. My concern is, Honourable Minister, why are we limiting schools for seeking donations? I think we must just declare that is the work they must declare the donations and we must actually if we are concerned about the nation and we must not only let them declare it but we must also have a limit otherwise one school might get N\$3,000,000 the other school zero and the other one so that we can also regulate donations, that is my concern.

Now my favourite one page 70 or page 67 sorry Honourable, page 67 number 75 page 6, Private Schools and Hostels establishment of private schools 4 and 5. A person may not open and operate a satellite school that is linked to a registered private school. A person contravening Sub Section 2 or 4 commits an offence and is liable to a fine of exceeding N\$50,000 or to imprisonment for a period not exceeding two years.

Honourable Speaker, my concern here is prohibit operating satellite schools and his imposed funds but still as I said earlier when you were not here I need a definition, what is satellite schools, how do you define it in this context because when you are talking about satellite schools and private schools and there is nothing in the definition I cannot argue actually this point and I wish to do it so just clear that one, on page 70(a) To private schools and hostels Section 83(a) to private schools, "The Minister may out of money appropriated it for this purpose by Parliament grant it to private schools". Can the

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Minister please explain why it is essential that this Bill should make provision for this act if private schools generate their own monthly income versus the insufficient income of State schools? We are sitting with private schools who are charging parents N\$5,000 per month and on top of that now they also want also Government to eat or are the Ministers referring here to community schools maybe for (a). So if that distinction can be there not there are real schools who are in need like some not all the church schools in the villages and community schools that they I will support. Are these schools private schools who are charging parents N\$10,000 and N\$3,000 per month and they are still crying full year and want money from Government, no that one I will not support Honourable Speaker.

On page 90, Honourable Minister Sub Section 114 number 6 (laughing). Yes I missed the Land Conference now I must make use of it. On page 90 number 114 Honourable Minister number 6. Honourable Speaker, I still want to know, I will not compromise the quality and the commitment of teachers at former schools through this Clause.

Finally, Honourable Speaker, this Bill is silent on the role of Directors of Education and other tea officials in the Ministry while those of the Principals have been defined. Secondly, the Bill must ensure a balance between the right to education and obligations. With this small contribution I would like to refer this Bill to the relevant Standing Committee for further scrutinizing with other stakeholders. I am aware Honourable Minister of the fact that the Standing Committee was consulted by your office for our input but not for public input from our side. I thank you Honourable Speaker.

HON SPEAKER: Thank you. Well that was quite a full sum review of the Bill. Any further discussions? Yes Honourable Nico Smit.

HON SMIT: Thank you Honourable Speaker. I would like to adjourn the debate till tomorrow.

HON SPEAKER: Till tomorrow? I do not see any hands up, so agreed, d/accord, thank you very much. The Secretary will read the Second Order of the Day.

**RESUMPTION OF DEBATE ON THE CURRENT
BUREAUCRACY OF PUBLIC INSTITUTIONS
THAT HAMPERS EFFICIENT SERVICE
DELIVERY TO CITIZENS**

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**RESUMPTION OF DEBATE: PUBLIC
INSTITUTIONS BUREAUCRACY
HON SCHLETTWEIN**

HON SPEAKER: When this Assembly adjourned on Wednesday the 26th of September 2018 the question before the Assembly was a Motion by the Honourable Venaani that the Motion be adopted. The Honourable Minister of Finance adjourned the debate and I now have the pleasure to give him the floor.

HON MINISTER OF FINANCE: Honourable Speaker, I wish to request for a further postponement. I think it is an important topic and I want to prepare but because of the Land Conference last week I did not have the chance. So if anyone else wants to take the floor that is fine I want to speak at the end of the debate if I am allowed.

HON SPEAKER: Yes, I think we fully understand in view of the fact that last week many of us were engaged in a very lengthy, the whole week discussion at the Land Conference, unless if there are no other Members who wish to contribute. I do not see any hand, I would accede to a request by the Honourable Minister of Finance that we postpone discussion of this topic until tomorrow or next week?

HON MINISTER OF FINANCE: Next week will be fine with me but I do not want to hold anyone else who wants to speak so it can be postponed till tomorrow that we will see. Thank you.

HON SPEAKER: Next week Tuesday, so agreed. Thank you very much. I am now looking for other. There are no other items on our agenda. This brings us to the end of the session and I now have the pleasure to request the Right Honourable Prime Minister to adjourn the House.

RT HON PRIME MINISTER: I move that the House adjourns until tomorrow 14:30.

HONSPEAKER: Thank you very much. The House stands adjourned until tomorrow the usual time.

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**ADJOURNMENT
HON SCHLETTWEIN**

RT HON PRIME MINISTER: That is at 13:00 or 14:00?

HON SPEAKER: 14:30.

HOUSE ADJOURNS AT 16:38

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
10 OCTOBER 2018**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENTS

HON SPEAKER: Welcome back. I hope as we continue we would be able to make up the number and we appeal to all of you to assist as much as possible in making us to function as efficiently as possible. Honourable Members as you know by now the people of Indonesia suffered a great loss due to the 7.5 magnitude earthquake and subsequent Tsunami which occurred on the 28th of September this year on an island called Sulawesi. So far over 2 000 people have been confirmed dead. Over 5 000 are still missing and around 3 000 homes and property worth of billions of dollars have been destroyed. To make matters worse most of the roads and bridges that could facilitate and expedite the delivery of much needed relief and medical supplies to the victims were destroyed by the same natural disaster.

As the Parliament of the Republic of Namibia we want to express our sympathy and condolences to the people of Indonesia during this difficult time. May the soul of those who perished in this natural disaster rest in eternal peace. That is the brief statement on behalf of the House and I hope you agree with me that we need to express ourselves on occasion such as this. Furthermore on a happier note, Honourable Members I would like to join to request you to join me in congratulating the Honourable Doctor Peya Mushelenga for having recently been admitted to the bar to practice as a lawyer in the High Court of the Republic of Namibia. Honourable Mushelenga to you we offer a big congratulations for your hard work, endurance and perseverance. Well done and keep up the good work.

Now I want to quickly say to Honourable Members of this House and this is a very quick one simply to confirm and to say that I am equally delighted to request the Honourable Members of this House to join me in congratulating the Honourable Pendukeni Ithula-Ithana for having graduated with the PHD in Public Administration from the Commonwealth University in London. This was duly confirmed on the 11th of July 2018 and even if it has happened sometime in July I think we are extremely delighted acknowledge her, congratulate her and to say to her well done.

They say study and improving oneself is an ongoing process and I am delighted to quite a number of Members in this House are doing precisely that. Now any petitions, reports of

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**TABLING OF REPORTS
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standing and select Committees, other reports and papers, Honourable Minister of Finance.

TABLING: REPORTS OF THE AUDITOR GENERAL

HON MINISTER OF FINANCE: Honourable Speaker I lay upon the table reports of the Auditor General on the following accounts.

1. The Village Council of Aruab for the Financial Year that ended 30th June 2017
2. The Village Council of Betanie for the Financial Year that ended 30th June 2017
3. The Village Council of Leonardville for the Financial Year that ended 30th June 2017
4. The Village Council of Khoes for the Financial Year that ended 30th June 2017.

I so move Honourable Speaker.

HON SPEAKER: Thank you, notices of questions, notices of Motions, messages from the Head of State and that is done and I call upon the Minister of Defence under a Ministerial Statement.

MINISTERIAL STATEMENT

HON MINISTER OF DEFENCE: Thank you very much Comrade Speaker, Honourable Members. The Ministry of Defence noted that there is information being circulated in public through different social media platforms that the Ministry of Defence is offering a study opportunity at school of Military Science UNAM main campus to young Namibians. Here the Ministry of Defence wish to set the record straight with factual information that the Ministry of Defence is not recruiting at this stage or offering a study sponsorship. Therefore, the information currently circulated in the public especially through social media is not true or originated from the Ministry of Defence. The designer or distributor of such information has caused confusion in the public and the Ministry of Defence condemn it in strong terms.

The Ministry of Defence disassociate itself from false information circulating in the public through unauthorized source. In future Comrade Speaker, Honourable Members if

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the Ministry of Defence intends to recruit, the public would be informed accordingly. Therefore, the public is also reminded that all official public announcements through Ministry of Defence are only distributed through the public relation division of Ministry of Defence to the public not to any other unauthorized person. Thank you very much Comrade Speaker, Honourable Members.

HON SPEAKER: Thank you. We move on as per our timetable. The notice of the Motion is the one of the Honourable Minister of Public Enterprises. Does the Honourable Minister move that the Bill be now introduced?

HON MINISTER OF PUBLIC ENTERPRISES: I so move Honourable Speaker.

HON SPEAKER: Who seconds the Motion, is there any objection, then it is agreed to. Will the Honourable Minister please table the Bill? The Secretary now read the Bill first time.

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HON SPEAKER: Does the Honourable Minister of Public Enterprises move that the Bill be now read a second time?

HON MINISTER OF PUBLIC ENTERPRISES: I so move Comrade Speaker.

HON SPEAKER: Any objection, who seconds, agreed to. The Honourable Minister you have the floor.

HON MINISTER OF PUBLIC ENTERPRISES: Thank you very much Honourable Speaker, Members of the House. The promulgation in 2006 of the State Owned Enterprises Governance Act 2006, Act number 6 of 2006 led to the now familiar dual governance model which has existed ever since that time. Under the dual governance model the responsibilities for monitoring and governing a public enterprises was shared

between a relevant portfolio Ministries and the state owned enterprises governance Council at the time. Ten years after the dual governance model was implemented, it became apparent that this model does not provide the optimal governance model. It is also important to note that there is no evidence to demonstrate that a dual governance model has ever worked effectively in the other countries.

On 29th March 2015 His Excellency the President according to the provisions of Chapter 5, Article 32(3)(g) after Namibian constitution established the Ministry of Public Enterprises to reform Namibian public enterprises. As a result the state owned enterprises governance Council was replaced by the Ministry of Public Enterprises and the State Owned Enterprises Governance Act was amended accordingly. However the rolling functions of the State Owned Enterprises Governance Council and now the Ministry of Public Enterprises were not amended in the principle Act which made it impossible for the Ministry of Public Enterprises to effectively carry out its mandate which is 'to position Namibia's key public enterprises to effectively to play their meaningful role in the country's development agenda and ensure the public enterprises are well managed to reduce the financial burden on the state'.

This mandate is to be executed by adopting a more centralized governance model to replace the existing dual governance model. The Ministry was tasked to propose the most appropriate governance model which is now referred to the hybrid governance model and which was tabled and approved by Cabinet per Decision number 1219.07.16. The State Owned Enterprises Governance Act 2006 was already amended twice in 2008 and again in 2015. On advice of Honourable Attorney General and diligent legal drafters of the Ministry of Justice, the proposed third amendment to the Act would have made it cumbersome to read in its entirety.

The proposed solution was thus to consolidate all the approved amendments and replace it with one updated version of this Act. In order to remedy the aforementioned shortcomings, it is necessary to amend the Public Enterprises Governance Act in a manner described under paragraph 3 of this Memorandum which explains how the approved amendments are incorporated into a consolidated Bill. Reference is only made to those sections that have changed from the Public Enterprises Governance Act as amended previously. The provisions of the Public Enterprises Governance Bill of 2018 are as follows.

Under the definitions section 1 deals with amendments and or additions to definitions. Under the company the substitutions of the reference to the Companies Act of 1973 which was replaced by the new Companies Act of 2004. The definitions commercial, non-commercial, public enterprises and inter-budgetary funds were added to distinguish between different categories of public enterprises under the hybrid governance model. Designated as such by the Minister after consultation with Cabinet. Establishing lower document was added to broaden the scope of inclusion of statutory bodies in the definition of public enterprises were necessary and or applicable.

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Relevant Minister definition replaces portfolio Minister in order to give effect to the hybrid governance model under which a portfolio Minister is responsible for non-commercial public enterprises. The Minister of Finance is responsible for extrabudgetary funds and the Public Enterprises Minister is responsible for commercial public enterprises and under declaration of public enterprises this section deals with the process and criteria by which a statutory body is designed as firstly a Public Enterprises and secondly whether one designated as a Public Enterprises, that Enterprises is classified as commercial non-commercial or an extra budgetary fund.

The Minister of Public Enterprises will make recommendations to Cabinet on the declaration and classification of a statutory body. The Minister will designate such by way of a Government Gazette if in his or her opinion under the Bill he or she is convinced that a body should be declared as recommended. In essence upon consideration of the classification of a Public Enterprise, a commercial Public Enterprise is a Public Enterprise which is expected to generate sustainable profits and pay dividends to the state and extra budgetary fund is a Fund whose only source of revenue comes from Government by a budgetary allocations or tax related levies and non-commercial Public Enterprises is a Public Enterprise which cannot be defined as a commercial Public Enterprise or an extra budgetary fund.

The application of the Bill the section allows for the Minister to make any provision of this Bill applicable to any public institution and or its related governance structures such as governing body even if such institution is not a Public Enterprise. Local Authorities and Regional Councils are excluded from this particular provision. The functions of the Minister section 4 allows for the Minister of Public Enterprises to represent the Government as a shareholder of commercial public enterprises. It provide for the appointment and removal of Board members of a commercial public enterprise and for the signing of Governments and performance agreements with these Boards.

It further provides for the consideration and approval of integrated strategic business plans and annual financial plans and budgets of commercial public enterprises. Regulations instead of a general provision in the State Owned Enterprises Governance Act of 2006 which allows the Minister to make regulations the relevant areas where regulations may apply has now been stipulated in more detail and it covers the following. Information to be provided by Public Enterprises, the duties of the Board, records to be kept, circumstances and penalties for contravening the Public Enterprises Governance Act, sub-categories for Public Enterprise classification, methods for investigations, common policy framework for Public Enterprise operations and performance measurements.

Conclusion a long one but it starts and it ends somewhere so the creation of the Ministry of the Public Enterprises to implement a centralized ownership model for Public Enterprises was a visionary move. The Ministry of Public Enterprises has spent countless hours analyzing and diagnosing the core reasons behind the obvious failure of most of our

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Public Enterprises and in particular commercial Public Enterprises and the overwhelming reasons can be attributed to the highly float dual governance model. This is not a Namibian failure as such but rather common global scenario which is why many countries which have not already migrated towards the more centralized governance or ownership model are in the process of doing so as I speak.

The introduction of the hybrid governance model to the Public Enterprises Governance Act of 2018 will provide the Ministry of Public Enterprises with the optimum, institutional and organizational infrastructure to reform our Public Enterprises without escalating costs. The model allow for the Ministry of Public Enterprises to become more focus and specialized within appropriate structure and skills to be a professional active shareholder representative for the state. The policy the obvious next step in the evolution of Namibian public enterprise landscape and it needs room for further evolution or refinement if the need arises.

This Bill represents a revolutionary yet necessary reform of the Public Enterprises sector and the implementation thereof will guide us towards further enhance efficiencies and performance outcomes. Honourable Speaker for the past years the Ministry has conducted multiple benchmarking missions all of which have proved invaluable. Globally Governments are centralizing the ownership of the state owned enterprise or public enterprises to strengthen the shareholder oversight functions of the state and our approach has been endorsed in every country we have visited.

The implementation of the Public Enterprises Governance Act 2018 will expansionally strengthen the ability of the state to become a professional shareholder of the Public Enterprises on behalf of the nation. We shall introduce multiple measures to eradicate mismanagement, corruption and overhaul poor performance to effectively enhance shareholder value and ensure the efficient and effective supply and delivery of services and products on behalf of the state. Consolidating these functions into a single entity is the only way to ensure that uniform oversight accountability compliance and performance monitoring takes place while the critical commercial public enterprises will no longer be confronted with the challenged of dealing with more than one shareholder representative.

Having said this, I will fail in my duty if I do not provide further context to explain the urgency of this matter. Our portfolio Public Enterprises has a total asset value of N\$93 Billion as at 30th June 2018 employing some 17 224 people. Total liabilities however stand at N\$44 Billion leaving a net asset value of N\$49 Billion. Our commercial public enterprises have a net of N\$62 Billion asset value, N\$30 Billion liabilities, annual income of N\$23 Billion, and expenditure of N \$21 Billion and a profitability of N \$1.9 Billion which gives us a return on assets of only 1.2%.

Honourable Speaker I am convinced that the promulgation of this law will release the Ministry of Public Enterprises to finally embrace its intended mandate and I confidentially pledge that we are more than willing and able to execute this vital mandate

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in the best interest of all Namibians. The reform of our Public Enterprises is key to unlock and facilitate the revival of the Namibian economy at a time when it is solely needed. The Honourable Speaker and Honourable Members of this House I therefore plead with each and every one of you not to prolong this process unduly and to enable us to implement the intended measures without any further delay and I thank you Comrade Speaker.

HON SPEAKER: Thank you very much. Any further discussion, yes, Honourable Nico Smith.

HON SMIT: Thank you Honourable Speaker. Honourable Speaker I would like to postpone this debate until next Thursday.

HON SPEAKER: Until next Thursday, in the meantime I do not have anyone who wish to contribute. Can we do that, so agreed to? Thank you very much. The Secretary will read the first order of the day.

SECOND READING: BASIC EDUCATION BILL

HON SPEAKER: When the Assembly adjourned yesterday the 9th of October 2018 the question before the Assembly was a Motion by the Honourable Minister of Education, Arts and Culture that the Bill be read a second time. The Honourable Nico Smit adjourned the debate and I will still call you but in the meantime just a little window I just wanted to make sure that we all join in congratulating the Honourable Elifas Dingara for his birthday. Congratulations many more happy returns, thank you. Honourable Nico Smit the floor is yours.

HON SMIT: Thank you Honourable Speaker. Honourable Speaker, Honourable Members as I read through this Education Bill, I got the feeling that I have not for some time read something so autocratic, so undemocratic and so draconian like this Bill is unreal. Honourable Speaker as you will be aware of, this Bill has drawn strong and valid decision from various sections of civil society. This is very encouraging as education is in fact an issue for civil society as civil society is not some alien organization or political party as some of us on the other side of this House think but it is legitimate representatives of those people that we have all been elected to serve while the

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Government's only task is to regulate education in such a way it can take place smoothly and effectively.

In fact I have not seen any positive not a single positive comment or report on this Bill this far. It is only negative. It is only criticizing this Bill for being not democratic, not being fair and not being in the interest of education. I have always believe that the education of our children belongs to the parents of those children and that these parents and their representatives should have the maximum input in how they want this education to happen. This function seems to have been entirely served by the Minister of Education and one can only suspect that this is for political motive of directing education to ensure that loyalty to the ruling party is maintained by manipulating and indoctrinating our impressionable young persons and teachers as well. Honourable Speaker it is significant that the criticism raised by the Trade Union Congress of Namibia (interrupted).

HON SPEAKER: Let us have order. Is that a point of order, yes, please?

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: To the Honourable Members he is saying the Education Bill is intended to colonize and get people for Swapo and I believe before the independence of this country there was an education system. Is he today confirming that indeed it was used to colonize this country? Thank you.

HON SPEAKER: Honourable Member please continue. Let us listen to each other.

HON SMIT: Honourable Speaker it is significant that the criticism raised by the Trade Union Congress of Namibia anchors my fear of the not so hidden agenda of this Government regarding this Bill. In an interview with the Namibian newspaper the technical leader Mwongora Kavihua said that despite the Minister's claim that the proposed Bill was widely consulted, most of the input (interrupted).

HON DEPUTY SPEAKER: Order, order. Please proceed.

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HON SMIT: Can I continue Honourable Deputy Speaker? Am I protected?

HON DEPUTY SPEAKER: Yes, you are protected. Please order.

HON SMIT: I will continue. In an interview, can I continue?

HON DEPUTY SPEAKER: What was before, I mean the person on the floor is the one who should respond.

HON SMIT: That is not a question. I do not need to answer those types of questions.

HON DEPUTY SPEAKER: No, no, Chief Whip I was not here. I do not know what is going on. Can you proceed?

HON SMIT: But it is difficult to speak, then I cannot hear myself.

HON DEPUTY SPEAKER: Proceed to talk and everybody keep quiet please. Can everybody keep quiet? Point of order.

HON MINISTER OF EDUCATION, ARTS AND CULTURE: Comrade Deputy Speaker I think I brought this Bill as a messenger.

HON DEPUTY SPEAKER: As a point of information.

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HON MINISTER OF EDUCATION, ARTS AND CULTURE: Information with inputs of Namibians from all walks of life to give the opportunity to this House to enhance so that it serves the nation but for a KOEVOET who I know to label me as autocratic I know him personally. He was assigned in the Aranos area.

HON DEPUTY SPEAKER: Can we all listen? Honourable Minister, can you keep quiet? Sorry, sorry, Honourable Smit can you proceed.

HON SMIT: Honourable Deputy Speaker some Members on that side of the House must be careful. I know who they were. I know.

HON DEPUTY SPEAKER: Order, order, order, Madam Katrina, Honourable Smit can you sit down. There is a point of order there, yes, Honourable Minister.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: Honourable Deputy Speaker I think we have enough of this of the uproar. I want us to come back to Parliament. Let the bygones be the bygones and let us start with the business of the day. Thank you very much.

HON DEPUTY SPEAKER: Thank you. Honourable Smit can you proceed with your statement? Proceed please.

HON SMIT: Thank you Honourable Deputy Speaker. I want to say thank you to Honourable Minister because I am open. I can give the names. I can even give few reports and also the (indistinct).

HON DEPUTY SPEAKER: Please can you keep quiet all of you? Can you keep quiet? Please here keep quiet. Honourable Dienda keep quiet? Honourable Smit can you read now? This is too much. Honourable Smit can you just read it.

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HON SMIT: I cannot hear myself.

HON DEPUTY SPEAKER: Sorry, can you proceed to read your statement.

HON SMIT: I cannot hear myself.

HON DEPUTY SPEAKER: Proceed now the people have kept quiet.

HON SMIT: I cannot hear myself.

HON DEPUTY SPEAKER: Minister please, proceed.

HON SMIT: Honourable Deputy Speaker I will continue.

HON DEPUTY SPEAKER: Please order, order. I will kick somebody else out of this House. I am telling you. Please keep quiet, yes, proceed.

HON SMIT: Can I continue?

HON DEPUTY SPEAKER: Keep quiet please for a moment.

HON SMIT: Honourable Deputy Speaker it is significant that the criticism raised by the Trade Union Congress of Namibia able my fears of the not so hidden agenda of this

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Government regarding this Bill. It is not me who is saying it. It is the President of TACNA that is saying it. The leader Mr Mwongora Tauluya he is saying this that despite the Minister's claims that the proposed Bill was widely consulted, most of the input concerns and proposals made during the consultative process were not reflected in the Bill as simple as that. This stains my feeling that it is easy for this Bill to pretend and it is not the first time to pretend to listen to the people and to experts not just this case but in many others and then ignore whatever is suggested that let us not further pay its own agenda.

HON DEPUTY SPEAKER: Point of order.

HON MINISTER OF EDUCATION, ARTS AND CULTURE: Comrade Deputy Speaker.

HON DEPUTY SPEAKER: Point of information or you want to ask a question.

HON MINISTER OF EDUCATION, ARTS AND CULTURE: The intention of the Bill can you bring the Honourable Member back to the intention. Of course it is general debate.

If he is finds something of short it is for him to help to enhance to change it from the so-called draconian inputs and draconian statements and dictative things into what he want but I am in fact surprised that the man who caused us to go through a Bantu education system through draconian laws is today complaining. You are the last to complain so go the point and address the issues but stop being personal. Otherwise, you will not get peace in this House. I will (incomplete).

HON DEPUTY SPEAKER: Honourable Smit. Honourable Nauyoma, can you sit down because the other your Colleague is standing?

HON MUHARUKUA: Honourable Deputy Speaker I really thought we went the way of Honourable Kapofi but I am not going to answer the rest of the things but when Honourable Smit is being told you are not going to have peace whatever that means is a

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threat. It must be withdrawn. It is a threat. It must be withdrawn. Honourable Deputy Speaker that word must be withdrawn that you will not have peace or otherwise must be qualified.

HON DEPUTY SPEAKER: Honourable Smit, Honourable Nauyoma.

HON NAUYOMA: Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Can we listen please?

HON NAUYOMA: Honourable Deputy Speaker I do not think we are listening to each other. If we start with this thing of calling each other names, where are we getting to? Do we have KOEVOET in this House? My question is Deputy Speaker do we have KOEVOET in this House or do we have former maybe KOEVOET I do not know? I just need that clarity.

HON DEPUTY SPEAKER: Alright, do not start a story. I was just supposed to (incomplete).

HON NAUYOMA: If we do not have the, then that one must be withdrawn.

HON DEPUTY SPEAKER: Honourable Smit yesterday, can we listen please? Yesterday Honourable Smit your Colleague Honourable Dienda has contributed to the Bill and she was technical and point provision which is not good. Why can you not do that please?

HON SMIT: Honourable Deputy Speaker you will not prescribe to me how I should speak.

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HON DEPUTY SPEAKER: Can you now proceed.

HON SMIT: You will not prescribe to me. It is my right. You will not prescribe to me what to say in this House. I will do it according to the rules.

HON DEPUTY SPEAKER: Can we listen, yes?

RT HON PRIME MINISTER: Point of order really. I think the debate really is now proceeding contrary to the rules of the House. First, I would start with the last comment. I hope I did hear the Honourable Member right when he said you are not to prescribe to me how do conduct myself in this House. I think we are prescribed to on how to conduct ourselves in this House by the rules that we adopted under the Rules and Order. I am making a point of order Honourable Deputy Speaker. You can speak later.

HON SMIT: No, you are not correct.

RT HON PRIME MINISTER: You cannot make a point of order when a person is making a point of order. Correct me when I finish.

HON SMIT: The Honourable (indistinct).

RT HON PRIME MINISTER: No, no.

HON DEPUTY SPEAKER: According to the rules Honourable Smit.

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RT HON PRIME MINISTER: Honourable Member correct me once I am done. I am making a point of order now. You are out of order to call me out of order.

HON DEPUTY SPEAKER: What are you saying?

RT HON PRIME MINISTER: What I am saying is you cannot make a point of order while I am making a point of order but he has his right to contradict whatever I say making my point of order once I am done making that point of order. That is the case point. Secondly, I just want to say it is wrong for him or any other person to say or think that we are not regulated in the way that we conduct ourselves in this House. We have a right to express ourselves but subject to the rules as prescribed under the rules and order books in this House. That should be very clear. Thirdly and most importantly, to speak to the point of the Honourable Member specifically the approach that he has taken to raising the issue, I always make a point in this House that we do come from different political parties. Yes, I know and we advance different views based on the philosophy of our ideology of our political parties but we are in this House in order to discharge a national duty that is intended to optimize the national interest and in order for us to do that we should ask in a manner that promotes consensus building.

Now if you take a floor and the first word that comes out of your mouth is to characterize the other person from the other political party in a way that will abdicate the person, how does that promote consensus building? It does not. We are not here for the sake of being here. We are here to serve the Namibian public and truly I want to assist the Honourable Member as a senior person by age and otherwise, to also choose his words properly. He can make his point without using the kind of words that he is using. I am not condoning any other inappropriate words used by any other person including the people on this side but I am just saying everything starts with something.

I cannot justify a bad reaction on the basis that somebody provoked but I am just saying let us all make an effort to not open up a floodgate for politicking in Parliament. We are politicians yes but when we are here, we should act like national leaders although we are coming from different political parties. I just want to make that appeal Comrade Deputy Speaker and I hope that you are going to guide the discussions in this House on the basis of that. Thank you.

HON DEPUTY SPEAKER: The general intention we are required to look at rules.

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HON SMIT: Honourable Deputy Speaker I just want to correct the Right Honourable Prime Minister.

HON DEPUTY SPEAKER: I am talking now. Can you sit down a little bit? I saying can we go back now to normality and while we want to intervene, we can make use of the formal intervention or alternately you can put your name on the list to comment and contradict what the other person is saying and when we talk also not to say that we control is the rule which is said Rule 116. I repeat again. Why do you not just do like your Colleague yesterday pointing out problems in the Act without saying out of political democracy something like that. Why can you not do that? You can stand up now Honourable Smit. Honourable Smit can you stand up now and proceed.

HON SMIT: I maintained Honourable Deputy Speaker that the Right Honourable Prime Minister misquoting me. I did not say what she say I have said. I said I will not be told what to say in this House the way how to approach that issue. As long as I am within the rules and I am not out of the rules.

HON DEPUTY SPEAKER: As long as what you say is not going to be construed as if hurting others please can you proceed now.

HON SMIT: And I maintain it is also not for you as Deputy Speaker to tell me how to make an approach.

HON DEPUTY SPEAKER: I am reminding you of the rule. That is why I told you the standing rules.

HON SMIT: Which rule is saying that, quote me?

HON DEPUTY SPEAKER: What do you think is my duty?

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HON MUHARUKUA: Honourable Deputy Speaker which rule. Quote the rule that says when we speak must not hurt others. Please quote that rule?

HON DEPUTY SPEAKER: Can you stand up now? Honourable Smit, can you stand up and proceed?

HON SMIT: Thank you.

HON DEPUTY SPEAKER: Honourable Chief Whip of the opposition party no dialogue. Please not dialogue, proceed.

HON SMIT: I will proceed. I just for the record want to say here is my speech. I did not attack any person directly. I attacked the Bill.

HON DEPUTY SPEAKER: Order please. Honourable Minister can we have an order now? Can you proceed?

HON SMIT: I will continue from where I stopped. This exclusion of the inputs from the experts during the consultations this exclusion of these inputs during consultations to stakeholders means that the Ministry wants to impose a predetermined outcome from the public and that the outcome can only be ensured that the teachers are forced to teach what the Government wants them to teach to ensure that learners are molded into loyal and understanding purpose by the time they reach the age of 18. I must agree with TACNA that an Education Bill should not concentrate on disciplinary measures while fail to scan attention to burning issues such as effective teacher training and measures to bring real improvement to the quality of education our children are receiving.

Honourable Deputy Speaker I think this Bill to be honest has insulted teachers throughout the country by creating the impression that they are not to be trusted with any of the issues for which they have been appointed. Everything is being taken from their hands being prescribed. They are to be advised by Boards on how to run the schools where these school Boards are to be made up and it is in the Bill up of amongst others learners

as young as Grade 10 learners, they should serve on the Board ridiculous, totally ridiculous and people who are not in any way concerned with education matters, people
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from outside who does not have children in the school can also now serve on the Board. What interest do they have there? They need not even have children in the school but they can come and tell the Headmaster what to do and not to do. They have no interest.

HON DEPUTY SPEAKER: Please, please, please, can we follow the rules.

HON SMIT: And principles.

HON DEPUTY SPEAKER: One can come up and counter react what he is saying formally without.

HON SMIT: The Minister can reply to my speech in her reply at the end. Can the Minister not behave herself?

HON DEPUTY SPEAKER: Just proceed.

HON MINISTER OF EDUCATION, ARTS AND CULTURE: How can he proceed if he carry on like that?

HON DEPUTY SPEAKER: What about you? Please order, order. Can you see now? Can you listen to the person who is on the floor?

HON SMIT: Teachers and Principals are being threatened with draconian punishment for trying to maintain the assemblance of discipline in their schools by withholding reports

for any reason whatsoever yet the Government shamelessly failed to provide the required approximately N\$5 000.

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HON DEPUTY SPEAKER: Honourable Minister please be calm, yes.

HON SMIT: N\$5 000 per child that is required to effectively provide the so-called free education. The Government currently are only prepared to give N\$250 per year per child. What must be done and in even in many cases that money is not even paid over to school but if they do anything, they are being threatened with punishment, with fines. It is funny not jail sentence is not there. Honourable Deputy Speaker, it must be clear to everyone with a child at school as most of us whose children are no longer at school that teaching staff must be allowed to find ways and means to supplement the inadequate amount provided by the Government to keep their schools afloat and should not be threatened with incarceration of huge fines for trying to do this.

How must they keep their schools afloat if they cannot collect money themselves? Something in the Bill or rather not in this Bill is any protection of the rights of teachers. Anything about the rights and protection of teachers surely there is nothing. According to the Honourable Minister the Bill has put the burden in its safe centred but surely this is just another ploy to create sympathy for the way this Bill is undemocratic because nothing from the outside experts has been put into this Bill.

HON DEPUTY SPEAKER: Please can we listen one another.

HON SMIT: How can the children be more important than the adults? Can somebody not talk to that Minister? Honourable Chief Whip what is your job here? Can you not control your people? How can the children in schools be more important than the adults who give them rights to teach them? I believe the right of pupils, teachers and parents are equally important.

HON DEPUTY SPEAKER: Point of order. Yes you are raising a question or giving information?

HON MINISTER OF EDUCATION, ARTS AND CULTURE: Comrade Deputy Speaker I am giving information. I want to remind this.

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HON DEPUTY SPEAKER: Honourable Member just say Honourable Smit.

HON MINISTER OF EDUCATION, ARTS AND CULTURE: I want to remind this KOEVOET gentleman. I want to remind him.

HON DEPUTY SPEAKER: Honourable Minister whether somebody was who, who, I should think all of us here in this Chamber are Honourable.

HON MINISTER OF EDUCATION, ARTS AND CULTURE: Alright, I want to remind the Honourable KOEVOET Member.

HON DEPUTY SPEAKER: No, please do not say that.

HON MINISTER OF EDUCATION, ARTS AND CULTURE: I will keep on saying he looks for it. He looked for it. I was listening to Honourable input and Honourable interventions all the time. I sat here and I was listening to people that spoke sense into that Bill. He looked for it and he shall get it. I want to remind the Honourable KOEVOET Member that this Government.

HON DEPUTY SPEAKER: Honourable Minister can you sit down? I should think Honourable Minister you will have opportunity when you are going to respond. I am talking now. What are you telling me, opportunity the time when you are going to respond to all the concerns raised in the Bill and please let us stop calling one another names which does not belong here? We just call one another Honourable even if those people are making statements which is not Parliamentary. He is making a statement but I just want to say that can we stop calling one another. You must also stop in your statement to say out of anger the same calling one another KOEVOET please. Please it is undemocratic. Can we listen now?

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HON MINISTER OF EDUCATION, ARTS AND CULTURE: Alright Comrade Deputy Speaker I adhere to your call but I want to remind him that his artificial concern.

HON DEPUTY SPEAKER: Please sit down, no, no, no.

HON MINISTER OF EDUCATION, ARTS AND CULTURE: I am standing on the point that I was called for.

HON DEPUTY SPEAKER: Honourable Chief Whip of the official opposition. In terms of the rules sit down. No, no, no, sit down. She has the floor.

HON VAN DEN HEEVER: On what point is she standing? If she is not sitting, I will not sit. It is rude what you are doing.

HON DEPUTY SPEAKER: She stood up on a point of information.

HON VAN DEN HEEVER: No, Honourable Deputy Speaker. Honourable Smit was not on the floor. On what point is the Minister standing?

HON DEPUTY SPEAKER: Another point of information.

HON VAN DEN HEEVER: She was done on that and then she sat.

HON MINISTER OF EDUCATION, ARTS AND CULTURE: I was not done.

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HON VAN DEN HEEVER: No, no, this is too much now.

HON DEPUTY SPEAKER: It was on a point of information, proceed, on information.

HON MINISTER OF EDUCATION, ARTS AND CULTURE: Comrade Deputy Speaker, I want to remind the Honourable Member that the artificial concern he is showing today in terms of the Bill is a rectification and justification and correction and affirmation of the skewed Bantu education he and his system has created. That is what I wanted to correct him.

HON DEPUTY SPEAKER: Proceed.

HON SMIT: Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Proceed now. Can you proceed?

HON SMIT: Honourable Deputy Speaker I could have taken this Bill clause by clause and picked it to pieces. That was my Honourable's calling. Honourable Dienda has done yesterday. I could have done it. That was the easiest way.

HON DEPUTY SPEAKER: Just read your statement.

HON SMIT: But experience that I want to state it is experience has unfortunately show that this is simply a waste of this House's time and my own to do it because as the ruling party even if you do it.

HON DEPUTY SPEAKER: Order, order, I am going to rule some people out of this building. Keep quiet, proceed.

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HON SMIT: Because if we do it, the ruling party does not take note of what we are saying the proposals that we are making in this House.

HON DEPUTY SPEAKER: Just read your statement Honourable, read your statement.

HON SMIT: That is the statement. I have said it many times in this House.

RT HON PRIME MINISTER: Again just to appeal Comrade Deputy Speaker to you as a Presiding Chairperson to say truly here we are risking throwing away the baby with the bath water because now we are not talking to the issue that is on the table. We are attacking one another on the basis of political party differences and as I have said in the beginning, yes we are political opponents that is known. We come here on the tickets of different political parties but we come here to discharge a national duty and if that requires that we for one day put aside our political party differences we should do that and I want to appeal to all the people that are involved to please put aside these attacks whether it is an attack of a person or an attack of the Bill, it is not appropriate.

If there is a shortcoming in anything that is brought to the House, point out that shortcoming. Put forward an alternative proposal so that the other person can consider it. Comrade Deputy Speaker I would like to appeal this issue is very important because the way now these discussions are going I do not really see anything coming out it if we do not change the approach. So I will just like to appeal to the both sides that let us come back to the issue and make you point that here I think this is not the correct way to go about it. I suggest that you do this or you do that or this aspect is not clear. Can you clarify it and then we have a discussion.

HON DEPUTY SPEAKER: Honourable Smit I humbly request. I am not ordering you. I am humbly request to follow what your Colleague Honourable Dienda stated yesterday.

HON SMIT: I will reply on what Right Honourable Prime Minister have said. I have said more than once in this House it is of no use that we come with proposals. It has been ignored. I would like to see what will come from Honourable Dienda's proposal

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yesterday and she worked night and day through that Bill to come with that proposal though some of you did not even read it. You have not look at it.

HON DEPUTY SPEAKER: And why did you not address yourself like her? Why should you impress in such a way that the others should feel hurt?

HON SMIT: That is why it is of no use. I have said it also here even with the budget. When the budget comes to this House we can speak for hours. It is a done deal. It is casting iron nothing will change.

HON DEPUTY SPEAKER: Honourable Smit you are running the time. Consider the time.

HON SMIT: I have been interjected so many I could not speak.

HON DEPUTY SPEAKER: Talk now I give you the floor to talk.

HON SMIT: I could have stated this thing of this Bill.

HON DEPUTY SPEAKER: Read yes.

HON SMIT: But I am speaking what is the problem.

HON DEPUTY SPEAKER: Let him finalize his statement. Finalize your statement.

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HON SMIT: It is wasting of time.

HON DEPUTY SPEAKER: Finalize your statement.

HON SMIT: I am finishing. In conclusion I want to say.

HON DEPUTY SPEAKER: Sorry, sorry, can we listen the conclusion of the Honourable Member. Honourable Dienda can you listen to your Colleague. Yes, can we listen now?

HON SMIT: I would call that this Bill be referred to a Parliamentary Committee to listen to the concerns of civil society and other experts so that this can be amended to be more in line with what most Namibians want for their children. Now that I end my speech by this, I think I want to say. I think the Honourable Minister of Education is a disgrace for her party and for this House, period.

HON DEPUTY SPEAKER: I recognize Honourable Nghaamwa. You have the floor, please order, order. Can we listen to another Member who would like to contribute? Honourable Nghaamwa you have the floor. Can we listen to Honourable Member? Yes, you have the floor Madam.

HON NGHAAMWA: Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Which one is which one? I thought Honourable Minister can you sit down. We have to proceed. Honourable Nghaamwa can you because it is not

going to take us anywhere. The other one say that. The other one say that. Where are we, Honourable Nghaamwa you have the floor. Can we listen? Those people who would like to take the floor you can come and counter react to what he is saying. Take the floor and

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say it. Alright, Honourable Nghaamwa Madam just start reading. The people are listening now.

HON NGHAAMWA: Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Honourable Minister let us listen to, another person has got the floor. Honourable Member can you read, start?

HON NGHAAMWA: Honourable Deputy Speaker I give rise to make a contribution to this very important Basic Education Bill. Let me thank the Honourable Minister and her team for having prepared this Bill well done my Comrade. Honourable Deputy Speaker, Honourable Members from listening from many others who spoke before me and I listened very attentively, it is clear that this Bill has its advantages but also some flows that needs to be reviewed as a matter of urgency. Honourable Deputy Speaker, Honourable Members.

HON DEPUTY SPEAKER: Just listen to the person who has got the floor.

HON NGHAAMWA: I want to speak on school Board in part 4 section 49(1). It is clear as to which categories of persons must be represented on a school Board. However, I miss the part that speaks about the requirement in terms of qualifications. If we do not have requirements, then the school standard and the overall provisions of quality in education in schools and that will be affected. It is true that parents are blamed in many instances for non-participation and full involvement in their children's education but the fact remains that not all parents are literate enough to read and understand the provisions in this Bill and also after it becomes an Act if a parent who serves on a school Board cannot read and write, then they will not fully understand their party in matters of schooling.

Parents are elected in many such as of school Board because of friendship, political affiliation and even tribal connections. The fact is that the Bill when it becomes an Act, empowers parents who have no clue on the required standard to recommend the appointment of teachers and Principals. This leaves much to be desired. This is one reason that many school under perform. When I read function of school Boards under

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section 50(c) I was just wondering whether a parent who cannot read and write be in a position to develop the vision and the mission statement of the school thus a parent who is not well versed in English language understand what a vision and mission statement is.

Would a parent whose function under section 50(i) is to address and assist the Director with the recruitment of teachers and other staff members at the school subject to the relevant Public Service and education related policies and legislation but in position to execute such function does it not require such parents to read and understand the said legislation before he or she address the Director? The Bill and current Act requires that the number of parents on the school Boards must produce the majority of all the members of the school Board who have voting rights.

Honourable Deputy Speaker, Honourable Members I think we are here to debate on issues and thereby need to correct the wrongs of the past. I am a concerned citizen and a mother about condition of hostels and hostel facilities. Honourable Minister we take it that hostels are regarded as homes away from homes. However, many hostels in this country are not conducive to be ready as conducive places for our children to live in. I know learners are also guilty here because they do not take care of hostels they live in and so are our teachers who receive monthly allowances equally guilty because then it clearly tells that their supervision is poor. I travelled to many school and hostels as a Member of Parliament by Committees, what you see is just unbelievable. Many hostels are old and vandalized despite the efforts from staff to keep them clean. There are leakages of smelling sewer from old broken tape all over. Condition of hostel where food is prepared are just not good at all. There is a lack of basic facilities in most rural hostels such as mattresses and furniture in the rooms and dining halls. If there is a dining hall then there are either no chairs or tables and learners have to stand eating. The situation is discouraging especially for primary learners.

These small ones have no idea what constitutes good or bad. Many hostels do not have working toilets facilities and working showers. Learners have to use the bush when nature calls which is an unhygienic and unacceptable situation to the welfare of learning in our schools and also to the general health of our schools and the local community close to such schools and hostels. Honourable Deputy Speaker, Honourable Members it might be seen a luxury but I have not seen a hostel that has warm water. Learners have to brace the cold shower. I really feel bad. What can we do to turn the situation around and create hostel environment that are supporting quality teaching?

I repeat what can we do to turn the situation around and create hostel environment that are supporting quality teaching. Honourable Deputy Speaker, Honourable Members I said a lot but I support the Bill expecting the necessary suggestions for change to be looked into as requested by different Members including myself. I thank you Honourable Deputy Speaker.

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HON DEPUTY SPEAKER: Thank you. I give the floor to Honourable Katoma.

HON KATOMA: Thank you Honourable Deputy Speaker. I rise to contribute on the Bill on the table the Basic Education Bill. Honourable Deputy Speaker as a Chairperson of the Committee of this House responsible for safety and security, I would like to confine myself or my contribution to the safety and security of our children at schools and hostels. The question is how far and secure are our schools and hostels? We are living in a global village. Therefore, we cannot ignore the fact that what is happening at schools in the United States of America or any other countries in the world may not happen here in Namibia. I am referring to the school gun violence in the US.

The media keep us informed about various incidents of studying and gun violence at schools. It has happened in October 2017 and January 2018 and it will continue to happen if we do not have introduce more stringent measures. Honourable Members, Honourable Deputy Speaker these are stance realities that we have to look into when we draft and mandate laws for our people. Therefore, I urge the Minister to include the issue related to safety and security at schools in the Bill in particular Chapter 3(1) of the Bill dealing with schools in general.

I propose that the clause 31(1) basic necessities should be broaden to include safety and security at schools and hostels. In clause 32 of the Bill the standalone provision should be made on how the Minister will introduce measures to combat child trafficking at schools and hostels through making provision for secure and safe schools in our countries. Provisions should also be made to protect our children against cyber security threats including cyber bullying, terminologies like child trafficking, cyber security threats, cyber bullying should be defined in the final Act.

Honourable Deputy Speaker when the Standing Committee on Foreign Affairs, Defence and Security conducted public hearings on the Namibia Time Bill from April to May 2017, we emphasized the fundamental importance of safety and security of our learners. Comrade Minister was attending that public hearing in person and I thank you once more for your commitment and dedication. I am always concerned about learners who have to talk long distances to school and in the report we tabled in this August House it was reported that the absence of Government institutionalized school transportations system

especially for those learners without transport further add to the insecurity and safety of the learners.

It would be useful to know how this Bill addresses the particular concerns. Sometimes I wish that all schools should have school bus. Of course, it is not always possible but it is also important that the Ministry should join force with the City of Windhoek and other local authorities, parents and community at least to start somewhere with school

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transportations. Honourable Deputy Speaker I also would like to see a standalone provision on the qualification of school Board members and I will also like to know that in the event that the school does not have Grade 7 whereby a learner in Grade 7 is supposed to serve in the school Board the Bill is very silence on this and I would like to know as to what is to be done in this regard. Thank you.

HON DEPUTY SPEAKER: Thank you. I recognize Honourable Lucia Witbooi.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Comrade Deputy Speaker I just rise to ask for the indulgence of the House and to postpone the debate for Lucia Ipumbu for tomorrow.

HON DEPUTY SPEAKER: Alright, any other Member who would like to take the floor, alright, Honourable Deputy Minister of Works and Transport.

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: That is the problem of sitting in the corner Comrade Deputy Speaker. You are always not visible. Before I delve much into the issue of the Bill, I really want us to focus and create an understanding that the purpose of this Bill is to address the wrongs and substandard of the Bantu education system that was in this country. I think we all agree on that point. Therefore, I am looking on page 13, section 5 norms and standards on basic education that the Minister after consultation with the advisory council may prescribe norms and standards for various aspects of basic education and basic education policy or basic education policy. I am looking at that one in addition or to the issue of quality of education. I am worried about the pass rate of this country. I am not sure at the moment maybe the Minister can have a look at what is causing this high failure rate. When we have currently the system where we do not have class teachers, we have subject teachers and I

want to believe that subject teachers are appointed on the basis of them being specialist or experts as someone has said in those subjects.

Now if we have a school that is for example out of five or six subjects, four teaches are performing their best and the kids are getting A grade B grades and C but in the other two subjects kids are ungraded. How do we determine the quality of the performance of that school? I think I just want feel that maybe during the policy stage, the Honourable Minister can look at that. The other worrying point is the funding of the school. You are

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looking for a page in the Bill or the section. I am looking at 66. Let me go to the funding of the schools.

Section 66 I am asking myself a question as much as the funding brought independence was skewed and was more favourable for other schools than the black schools. Currently and given our economic situation, are we as a country going to afford this or can we say maybe we need to expand on the issue of the responsibility of the school Boards to come up with what was in the previous Bill instead of saying school development fund or compulsory. Maybe school Boards could come and determine another source where parents would be involved.

I am saying so because I have seen some schools even right here in Windhoek wherein because of the meagre funding at the moment they cannot even afford to buy photocopy papers and parents are forced to contribute those for the benefit of the learners. Can we allow school Boards in that section that deals with the powers of the school Boards that they can have a leeway to determine how parents can contribute instead of saying voluntary donation because you see, the point that I am looking at is that when we describe poverty in this country, there are people who might have 50 herds of cattle, have 100 herds of cattle but you find this person has no shoes and it tells you that I am poor because the person cannot connect the economic value of this cattle to him or to other situations.

I am trying just to appeal to the Honourable Minister to look into the issue of powers of the school Boards as to how they can raise some funds to assist the school or to assist Government when Government makes subversions to these schools because otherwise, we shall have all the standards that we are trying to achieve going down. Thank you.

HON DEPUTY SPEAKER: Alright, thank you. Any other person who would like to take the floor, none, so, you can now formally adjourn the debate.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:

Thank you Comrade Deputy Speaker. I want to adjourn the debate on behalf of Honourable Lucia Ipumbu until tomorrow.

HON DEPUTY SPEAKER: This debate of Education Bill is adjourned until tomorrow. The Secretary will read the second order of the day.

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**RESUMPTION OF DEBATE: LISTING OF CLIENTS
BY CREDIT PROVIDERS & FINANCIAL INSTITUTION
HON VAN DEN HEEVER**

**RESUMPTION OF DEBATE ON LISTING OF CLIENT BY CREDIT
PROVIDER AND FINANCIAL INSTITUTIONS AND THE IMPACT
OF SUCH CREDITORS HAS ON THE LIVES OF THE NAMIBIAN PEOPLE**

HON DEPUTY SPEAKER: When this Assembly adjourned yesterday, the question before the Assembly was a Motion by Honourable Venaani that the Motion be adapted. The Honourable Minister of Finance so it is a mistake here. Sorry for that, the Honourable Member Van Den Heever you have the floor.

HON VAN DEN HEEVER: Thank you Honourable Deputy Speaker, General my surname is Van Den Heever. Everybody is correcting. Honourable Deputy Speaker I would like to comment Honourable Muharukua for tabling the Motion on the ICT challenging the appropriateness of the use of the blacklisting of Namibian citizens by credit providers and financial institutions through the Credit Bureaus. Honourable Deputy Speaker the blacklisting of people in Namibia has led to financial discrimination against workers as they are left out with no access to banking facilities and services such as personal loans and overdrafts which are meant that can enable them to secure some basic human rights.

To this I would want to challenge the Credit Bureau regulations and the Bank of Namibia Act 1997 as highlighted in the Government Gazette of 31st July 2014. Firstly, I would want to challenge the Bank of Namibia as what sort of educational campaigns have they had to date for the general public to better understand this law and equip them with the necessary tools to defend themselves when they are blacklisted.

If there have been none to date, can there be made to at least consider doing such as currently it seems as if the law is just enacted to witch-hunt people and yet it is supposed to safeguard them. Have the Bank of Namibia ever informed the general consumers of their right to obtain the credit information from the Credit Bureau and the various

processes that they can go through to make sure that their record stay clean. I would also want to challenge the Bank of Namibia on the criteria used to blacklist the consumer. This is in view of the various challenges that consumers face on a daily basis that may render them not able to fulfill their credit obligations which can be changed of address or region of stay or the death of the consumer or breadwinner loss of income.

These are genuine reasons that consumers may not be able to fulfill this credit obligation and if there is enough education for them, they would know who and where to approach and to seek retrieve before being blacklisted. Such also should be the case with the Bank

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of Namibia how thorough is the investigations into default consumers arrears. Do they ever try every channel of communication to reach out to them just before blacklisting? What is the minimum and the maximum number of days, months or years before a consumer is blacklisted? What is the minimum amount that is considered for a consumer to be blacklisted for?

Honourable Deputy Speaker, Honourable Members I would also want to pay particular attention to the definition which and I say favourable credit performance information as enshrined in the Act. It has been defined as meaning that means information other than unfavourable credit information regarding all credit facilities made available by a credit provider to a debtor subject and includes retail payments of loans. I wish to ask this August House whether they have been any consideration to clarify this definite further to specify exactly kind of information that is being talked about and from who it should be obtained from.

This is in view of the various concerns by consumers that even retail shops can have access to the credit records in a split second while applying to purchase goods on credit. The question is Honourable Deputy Speaker where do these institutions get such information from and is this the exact definition of this phrase as it leaves confidential information easily accessible to anyone to access and use or abuse. Should there be no provision in the Act that is any company or individual need such information, they should go through a specified channel to avoid anyone and everyone to be able to access it hence it should be with the consent of the particular individual to have such information disclosed to anyone.

On regulation 20 of this Act which I mentioned before, it lacked adequate phrasing to specify when and where a consumer can be blacklisted hence this Act should be referred to the relevant Parliamentary Standing Committee to specify this. Regulation 22 (a)(x) only makes mention of 'developing a credit score on request'. Is this the score that is used to blacklist consumers and if not, which regulations allows for the blacklisting of consumers under this Act. Can we relook at this Act to make provisions for the relevant phrasing of regulation that do not seem to be open in nature and yet they are supposed to enlighten this very same consumers.

Overall Honourable Deputy Speaker, I would want to recommend that this Act be put forward to the relevant Parliamentary Standing Committee for reviewing and considering these and other flows that our populace are faced with on a daily basis due to these regulations in this Act. I so submit Honourable Deputy Speaker.

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ADJOURNMENT
HON PROF KASINGO

HON DEPUTY SPEAKER: Thank you. Any further discussions, in the absence of anyone who want to contribute, I should think this is the end or Honourable Minister of Finance.

HON MINISTER OF FINANCE: Honourable Deputy Speaker I do believe there were some important questions asked in this debate and I would want to have some time to consult the Bank of Namibia and therefore wish to postpone the debate until next week Tuesday.

HON DEPUTY SPEAKER: So the debate on this item is postponed until next week Tuesday. With that we have come to the end of today's session. There is no item. Tomorrow there is one item plus questions so we have to come for that item and questions. I would like to ask Honourable Minister Alphius to adjourn the House until tomorrow 14:30.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Honourable Deputy Speaker I would like to adjourn the proceedings of this August House until tomorrow 14:30.

HON DEPUTY SPEAKER: Thank you so the House is adjourned until tomorrow 14:30. Before that, I give the floor to the Chief Whip of the ruling party.

HON !NAWASES-TAYELE (CHIEF WHIP): There were no items placed for tomorrow on the order paper unless we are to come back for the questions just to draw attention in the House so that we agree.

HON DEPUTY SPEAKER: There is somebody who indicated. Is it the education which was very important? Honourable Lucia Ipumbu postponed the debate until tomorrow. That item plus the questions so we must come back or what should we do. No, it is fine I am just alerting so the House is adjourned until tomorrow 14:30.

HOUSE ADJOURNS AT 16:47 UNTIL 11.09.2018 AT 14:30