



REPUBLIC OF NAMIBIA

DEBATES
OF THE
NATIONAL ASSEMBLY

1990

FIRST SESSION, FIRST PARLIAMENT

24-28 SEPTEMBER 1990

VOLUME 5

7

NATIONAL ASSEMBLY

ASSEMBLY CHAMBERS

25 SEPTEMBER 1990

The Assembly met pursuant to adjournment.

THE DEPUTY SPEAKER took the Chair and read Prayers and the Affirmation.

NOTICE OF QUESTIONS

MR KATJIUONGUA: Mr Speaker, I give notice that on Friday, 28th September 1990, I shall ask the Minister of Information and Broadcasting the following question:

Is it on instructions of the Minister that a certain male reporter of the NBC, who is also a well-known public political activist of the ruling party, to doctor and mutilate television coverage of the National Assembly by omitting from his reporting questions asked by myself and some other opposition members in the Assembly and at times even cutting out statements made by some of us in the Assembly. As a tax-payer and a television licence payer I also pay the salaries of NBC-reporters.

VACANCY IN THE NATIONAL ASSEMBLY

DEPUTY SPEAKER: A vacancy occurred in the Assembly as a result of the death on the 22nd September 1990 of Mr C A C van Wyk.

PRESIDENTIAL EMOLUMENTS AND PENSIONS BILL:
INTRODUCTION AND FIRST READING

THE PRIME MINISTER: Mr Speaker, I move the motion. (Page

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90 of the Minutes/Page 3 of these Debates)

DR KATJIVIVI: I second.

AGREED TO.

THE PRIME MINISTER thereafter lays upon the Table the Presidential Emoluments and Pensions Bill, (B.15-'90) and moves -

That the Bill be now read a First Time.

AGREED TO.

Bill read a First time.

SUPREME COURT BILL:
INTRODUCTION AND FIRST READING

MINISTER OF JUSTICE: Mr Speaker, I move the motion.
(Page 91 of the Minutes/Page 3 of these Debates)

DEPUTY MINISTER OF LABOUR AND MANPOWER DEVELOPMENT: I second.

AGREED TO.

THE MINISTER OF JUSTICE thereafter lays upon the Table the Supreme Court Bill, (B.16-'90) and moves -

That the Bill be now read a First Time.

AGREED TO.

Bill read a First Time

HIGH COURT BILL:
INTRODUCTION AND FIRST READING

MINISTER OF JUSTICE: Mr Speaker, I move the motion.
(Page 91 of the Minutes/Page 3 of these Debates)

DEPUTY MINISTER OF EDUCATION, CULTURE, YOUTH AND SPORT:
I second.

AGREED TO.

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THE MINISTER OF JUSTICE thereafter lays upon the Table the High Court Bill, (B.17-'90) and moves

That the Bill be now read a First Time.

AGREED TO.

Bill read a First Time.

PRESIDENTIAL EMOLUMENTS AND PENSIONS BILL:
SECOND READING

THE PRIME MINISTER: Mr Speaker, subject to rule 79 of the Standing Rules and Orders, I move -

That the Bill be now read a Second Time.

MR VON WIETERSHEIM: I second.

THE PRIME MINISTER: I am introducing one of the most important bills. It will provide for the salary and allowances payable to the President; for medical aid benefits for the President, former Presidents and their surviving spouses; for the payment of pensions to former Presidents and their surviving spouses; and to provide for matters incidental thereto.

Article 33 of the Constitution prescribes that provision shall be made by an Act of Parliament for the payment from the State Revenue Fund of the salaries and allowances for the President, as well as for the payment of pensions to former Presidents and, in the case of their death, to their surviving spouses.

Clauses 1(3)(iv) and (v) of the Bill make provision for the abovementioned prescription of the Constitution, while Clause (vi) provides that the pensions payable to the former Presidents or their surviving spouses may be supplemented from time to time as may be necessary.

Clause 2 regulates the admission of the President, former Presidents, their spouses or surviving spouses to the medical aid scheme for the Public Service, and as such that they be non-contributory members.

Clause 7 makes provision that the payment of the salaries

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and allowances of the President and of any pension or gratuity shall be from the State Revenue Fund out of moneys appropriated by the National Assembly for that purpose.

Clause 8 makes provision that anything that accrues to the President, former Presidents or their surviving spouses shall be exempted from income tax.

Mr Speaker, it is of utmost importance that the Head of State receives a package that is not only commensurate to his status, but also that which enables him to lead a decent life, not one of destitution, after his or her retirement. It has always been said about the presidents of many Third World countries that they would like to die in office, that they do not want to give up office. The reason some people wanted to die in their offices is because they knew if they were to leave their offices of president, that they would be living the life of a pauper after having occupied such a high office. Therefore they rather die in the office.

But we are trying to start a new democratic multi-party system in this country whereby we are limiting the office of President to two five year terms. We would like the men and women, who have served in this office, to be respected after they leave and to be referred to as elder statesmen/women, a thing which doesn't exist in many countries such as ours.

We have looked around and compared, of course, the conditions of service of such a high office. We have to look around our borders, because we are inheriting the whole salary scale of the civil service from the South African system, and therefore the salaries of the civil servants are actually derived from that of South Africa, although South African salaries are higher than that paid here. So, what we are offering in the Bill will be far less than many other paid in the region, especially our former colonial masters. I therefore hope that this Bill will be supported, because one never knows, some of you may benefit from it tomorrow. Thank you.

MR MUDGE: Mr Speaker, because I feel that there should be consensus on a very serious matter like this, I would now move -

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That the debate be adjourned.

MR BARNES: I second.

AGREED TO.

SUPREME COURT BILL: SECOND READING

MINISTER OF JUSTICE: Mr Speaker, subject to rule 79 of the Standing Rules and Orders, I move -

That the Bill be now read a Second Time.

DEPUTY MINISTER OF LABOUR AND MANPOWER DEVELOPMENT: I second.

MINISTER OF JUSTICE: Mr Speaker, Article 78 of the Namibian Constitution vests the judicial power of the Republic of Namibia in the Supreme Court of Namibia, the High Court of Namibia and the Lower Court of Namibia.

In terms of Article 79(2) and (4) of the said Constitution, the jurisdiction of the Supreme Court shall be determined by an Act of Parliament. Therefore, in pursuance of that article it is my honour to table the Supreme Court Bill for that purpose.

The main feature of the Supreme Court Bill is to regulate its jurisdiction, which one can describe in the following terms, namely:

Firstly, the appellate jurisdiction - Section 14 of the Bill, which regulates appeals to the Supreme Court from judgments and orders given by the High Court.

Secondly, its jurisdiction as a court of first instance - Section 15 of the Bill, which regulates the matters which may be referred by the Attorney General to the Supreme Court under the Constitution without first instituting any proceedings in any other court in pursuance of Article 79(2) of the Constitution.

Thirdly, its review jurisdiction - Section 16 of the Bill, which empowers the Supreme Court to review the proceedings of the High Court or any lower court or any ad-

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NOTICE OF QUESTIONS

MR MUDGE: Mr Speaker, I give notice that on Thursday, 4th October 1990, I shall ask the Minister of Finance:

1. Can the honourable Minister give the Assembly more detailed information about the pledges made at the Donors' Conference and thereafter, and more specifically -
 - (a) the total amount pledged,
 - (b) the amounts in respect of -
 - (i) direct budgetary aid including projects provided for in the capital budget;
 - (ii) development projects to be undertaken by donor countries;
 - (iii) technical and other assistance.
 - (c) a list of those countries who have committed themselves;
 - (d) which of these countries have already transferred funds to Namibia;
 - (e) which countries have concluded firm and formal agreements with our Government; and
 - (f) is the Minister optimistic that the R160 million budgetary aid provided for in the budget will be transferred during the current financial year?

PRESIDENTIAL EMOLUMENTS AND PENSIONS BILL:
SECOND READING: RESUMPTION OF DEBATE

FIRST ORDER READ:

Resumption of debate on Second Reading - Presidential Emoluments and Pensions Bill, (B.15-'90)

DEPUTY SPEAKER: When this debate was adjourned yesterday, the Question before the Assembly was a motion by the honourable Prime Minister -

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That the Bill be now read a Second Time.

Before giving the floor to the members, I would like to request the members to as far as possible restrict the debate to the salary, the medical aid and pension of the president.

MR MUDGE: Mr Speaker, our caucus has given very careful and serious consideration to the bill before the House. I can assure you, Sir, that in my discussion of the bill I will refrain from saying anything or doing anything which might in any way reflect negatively on the person of the State President. We are, after all, not discussing President Nujoma's salary, we are discussing the salary of present, past and future presidents, and this is exactly what I am going to do. I will, therefore, at no stage refer to the President of our Republic.

Mr Speaker, I think we all agree that we want our President, whoever he or she might be, not to live a pauper's life. We want the President to enjoy a high standard of living which the position of State President deserves. But it is unfortunately not possible to discuss the salary of a president in isolation, because whatever we decide must inevitably have an influence on the general salary structure within the civil service, and it will have an influence on salaries in general. That is why I maintain that you cannot discuss the salary of the President in isolation. It must, of course, of necessity also influence the salaries of other political office-bearers. I can assure you, Mr Speaker, I am not going to discuss the salaries of other office-bearers, I am going to confine myself to the salary of a state president. I say it will of necessity influence salary structures in general and it will also influence the salaries of other office-bearers.

I can only hope - and I am sure it was not the intention to propose a very high salary for the State President in order to pave the way for higher salaries for other office-bearers. I am sure this is not the case.

Mr Speaker, this country might have a tremendous and enormous economic and financial potential, but at this point in time I believe that we are facing financial problems. I am convinced that we will have to cut back on our expenditure if we want to make our budget balance, and I am convinced, Sir, that the members of this House must set the example. We must demonstrate to the rest of

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the population that we should not live above our means. It is unfortunately true, because of affirmative action - which I fully support - that our top structure civil service will, at least for the time-being, become top-heavy, because we have to appoint people in positions not only on merit but also to redress the imbalances of the past. So, it is definitely the case now that our Government Service is getting bigger and bigger and is getting more and more top-heavy, while many people in our country live in poverty.

I don't want you to get me wrong, Sir, I am not going to propose that we pay the President a meagre salary. Not at all. It is not my and my party's intention. We discussed it at our caucus meeting and there was general consensus that the salary of our State President must compare favourably with the salaries and remuneration of other State Presidents. I remind you that the honourable Prime Minister said we have to compare with South Africa, we have to because our civil servants receive salaries which were determined at the stage when there was a link between this country and South Africa.

Our caucus, in the first place, had a problem in principle with the fact that the State President's salary will be exempt from normal tax, but we were informed that this is also the position in South Africa. So we had to make peace with that. There must be a very good reason. One of the reasons that I could think of is the possibility of a State President who might not fill in his tax-return on time and then be challenged before a court - a situation that we do not want, because I think most of us in this House from time to time have to ask for an extension of this period. So we don't want that situation. That is why we decided not to continue to press for an amendment of that particular article.

Coming to the proposed salary, Mr Speaker, I must, however, add: If I want to put R240 000, or for the argument, R180 000, in my pocket after tax, then the honourable member Mr Hanekom will be able to bear me out, I will have to earn something in the vicinity of R300 000 or more, because you pay 42% tax when you reach that level of income. You pay 42%. So, if we now have to evaluate the salary of the State President, he will not be getting R240 000, he will actually be getting R300 000. It is a salary of R25 000 per month.

On the other hand, I am not hundred percent sure and I will be very happy if the Prime Minister can help me out,

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whether this allowance is simply an allowance or whether it is a household allowance. In the case of the South African State President he receives a household allowance and out of that allowance he has to pay his wife's secretary, his personnel, butler, other servants in his private household, because he is not always on official duty. I am not sure whether the R60 000 is intended to pay for the household expenses of the State President.

Mr Speaker, I want to compare with the situation in South Africa. I also got figures from other countries, but I wanted to make sure - and I want to repeat - the DTA-caucus wanted to make sure that we shall not be ashamed of the salary we are paying our office-bearers. In South Africa the State President receives R165 000 in salary, R39 000 household allowance. It brings us to the figure of R204 000 tax-free, he doesn't pay any tax on this amount, compared to the R240 000 proposed for our President. I didn't have the figure, but I wanted to find out what the size of the South African budget is. They tell me it is 72 times the budget of Namibia. Seventy-two times the budget of Namibia and we want to pay our office-bearers more than South Africa is paying their office-bearers, their leaders. I would not object if we pay them the same, but to pay them more I find extremely difficult to defend, taking into account the situation of the economy of our country and the people.

I was hoping that we could sit together and discuss the possibility of fixing a salary more or less equal to that of the country with which we normally compare salaries because of the old dispensation, more or less the same. It might have been that the people who drafted this bill lost out of sight the extra benefit of getting the salary tax-free.

I was also looking at the salaries of the Prime Minister, the Ministers and the other office-bearers. I am not going to talk about that, I am not going to mention any figures, but even if you take that into account, if you pay the State President R240 000, then the Prime Minister is underpaid, and I hate to admit that, but then he is underpaid because he receives a much lower salary and he still has to pay tax on that salary, at least part of it. So, I personally think that the relation between the two is wrong. I think the State President's salary, as proposed, is unrealistically high and I am sure that even the State President himself will agree with that and he wouldn't want to be seen as overpaid.

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Some of the members of our party had problems with the fact that there is no minimum period for a future State President to qualify for a pension. Theoretically speaking, if he serves for one week, as we understand the bill, he himself and his spouse will qualify for quite a substantial pension afterwards. We might find ourselves in the position - we hope not - that simultaneously we will have to pay salaries and pensions to three or even more presidents, and this might run into many millions. So, during the Committee Stage there will also be a discussion of the minimum qualification for pension.

I want to conclude, Sir, by requesting the honourable Prime Minister - I was even hoping that we could do it today - that before we go onto the Committee Stage, we discuss the possibility of making minor adjustments to the proposed bill. In that case we will definitely cooperate. Unfortunately, should the honourable Prime Minister continue with the bill, we will have no option but to vote against it. In any case, it will not be impossible with the majority they have to get the bill through, but I am sure we all want to be happy at the end of the day.

At this stage I will first sit down.

MR PRETORIUS: Mr Speaker, payment or remuneration for public office-bearers is a very delicate question - I shall even say problem. It depends on many different factors on which I do not want to elaborate now, but one of the most important is the financial position of a country. Therefore I shall prefer that recommendations in this connection should be done by a committee of experts and should not be based on political motivations alone and be the subject of a political debate.

I am one of the persons - and I am not making any secret about it - who believes that public office-bearers should be paid well for different reasons, one of the most important, perhaps, being to attract the best candidates. But I must admit that I am not in a position to argue about what will be a reasonable amount in this particular case, for the simple reason that I do not have any comparable figures at my disposal and that I am not an expert. Nevertheless, I have a number of problems which, I trust, the honourable Prime Minister will take into account.

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I think, for example, that the word "President" in this particular case must be defined more clearly in the bill unless it is covered in other legislation, because we will do it in the case of the Chief Justice and the Judge President. That is normal. I want it to be changed to:

"There shall be paid to the person holding the office of President in the Republic of Namibia.."

Otherwise some people may think it is the President of the DTA. LAUGHTER.

Mr Speaker, I want to agree with the honourable member, Mr Mudge, that pension, even for a president, must be coupled to a pensionable service. Otherwise one may have a number of presidents even in one year's time. A minimum length of time, say one term, should be built in, and the question also arises, what about the acting presidents, because it may be possible that for that term there is an acting president for three years and that the real president only served for two years.

Further I think that any remuneration for services done even by a president should be taxable, but apparently I am in the minority again about this.

It is also my conviction that a certain percentage contribution to a pension fund should be considered.

Mr Speaker, this draft bill only concerns the spouse of a president. What about his other dependents, for instance his minor children? It may happen that the President and his wife die on the same day. Will they then not be entitled to anything, especially now after we were prepared to accept the Convention on the Rights of a Child. What will happen if a President is elected for a second term after a number of years? Will he then receive a salary and a pension together, and later on a double pension or what will be the case? No provision is made for such a possibility.

Therefore, Mr Speaker, I am afraid that ACN cannot support the draft unconditionally before the shortcomings have received serious attention, and I therefore support the official Opposition's suggestion to discuss the particulars if possible. Thank you.

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MR KATJIUONGUA: Mr Speaker, yesterday our humorous and charming Prime Minister, Hage Gottfrey Geingob, said that some of us should be careful to oppose his bill, because one day we might benefit from its generous provisions. I hope that my Prime Minister did not have me in mind when he said so, but perhaps some of his own colleagues in the ruling party who might have greater presidential ambitions than myself for the future. INTERJECTIONS. I am not looking around, Mr Speaker.

The other day a former colleague of mine in the former transitional government said the following to me: "Moses, you, Kozo, Shipanga and Mudge, were stupid. Everytime you wanted to raise your own salaries you were concerned with what the public would say. We were unelected puppets and if the elected socialist revolutionaries can do this for themselves, we could have done the same thing without worrying what the people might say, because actually we were not elected." He continued: "Those who criticise us about our modest salaries, houses and vehicles are now rock-silent when much bigger things are happening today." INTERJECTION.

MR KATJIUONGUA: Very academic. So, I told my colleagues in the Whips' meeting yesterday that the NPF and I had problems with this bill and that it would be inconsistent for us to criticise similar things and let this one go through without public debate, without us saying something about it.

Mr Speaker, before I make a few comments and observations about this bill I want to put on record a few points of fundamental importance:

One: Our objections to aspects of this bill have nothing to do with the person and the integrity of our President Nujoma, who happens to be the President when this issue is being discussed. This is simply a coincidence. We are only concerned here with the principles and practices which may pose problems for our political system.

Two: We want to help prevent embarrassment for the office of the President of the Republic and complications for our country which is right now appealing to other nations for development aid.

Mr Speaker, we hold the view that politicians, both active and retired ones, could be paid salaries, benefits and pensions which strike an acceptable balance between acceptable, decent and healthy standards of living and

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extravagance. We cannot become extravagant in the name of fear of the prospects of running the risk of a so-called pauper's life.

My party has the following serious and fundamental problems with this bill, namely:

We cannot understand why this bill, which deals with the conditions of work of our first citizen, should come here six months after Independence. It should have been one of the first bills to come before this House. The provisions of Article 33 of the Constitution - Remuneration of the President - requires that a new Act of Parliament - there is no old law here - decides on remuneration and other conditions of service of the President and related matters. What has now happened is that the Cabinet, without the requisite Act of Parliament, decided on these matters and now, six months later, wants us to rubber-stamp their decision.

Can you imagine, Mr Speaker, what the financial consequences could be for the President if this Assembly - theoretically at least - were to decide that the President was to get a lower salary or if he were to pay income tax? The Cabinet behaved dictatorially and presumptuously. The Cabinet should be careful not to treat...

DEPUTY SPEAKER: Honourable member, we said in the Prayer that we should respect each other. If you would refrain from words like "dictatorial and presumptuous."

MR KATJIUONGUA: The Cabinet should be careful not to treat members of this House, including those from the ruling party, as mere voting cattle.

Mr Speaker, I know that I cannot change the mathematics of voting in this House, but I will not fail in my duty to state the views of my organisation.

Yesterday our Prime Minister said that they looked around in our region, especially in the area of our former colonial masters, to determine the conditions of service of our President. My question is: What are your specific findings which served as a basis for your decision on this matter? The preliminary findings of the NPF are as follows:

The President of Namibia is paid much more than the President of South Africa. The South African President

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earns a salary of R165 477 per year and an allowance of R38 919 per year, a total of R204 396, our President R240 000, the two combined together, the difference being R35 604.

South Africa has a population of over 30 million people and their budget for 1990/91 is approximately R73 billion. To be more specific, R72,932 billion, whereas our budget is a mere R2,2 billion and a population of plus minus 1,5 million people. The difference could help finance the problems of the old age home in Katutura. Here I have a form by volunteer citizens who want to help build an alternative old age home for the Katutura one. They are going around asking for donations and contributions. So I hope maybe our Prime Minister could be the first government official to make a contribution to this effort.

President Kenneth Kaunda of Zambia gets plus minus 55 000 Kwacha per year. You can convert that into Rand and you will see the difference.

President Mugabe of Zimbabwe earns plus minus 80 000 Zim Dollars, including allowances, but which is also taxable. The exchange rate between a Zim Dollar and a Rand is very marginal.

We have reason to believe that the Botswana President is paid less than ours. We understand that his salary is classified information. I think here we are better than Botswana as a democratic nation, because this secrecy does not apply here in Namibia.

We assume that the President of Angola, MPLA, is paid less than ours. So, what are the comparisons on which the Cabinet made its decisions?

We cannot try to pressurise the outside world to define us as the least developed country and then still pay our top leaders such super-power salaries and benefits. One of the best ways to reduce the budget deficit is to reduce government expenditure and this includes the expenditure of the government leaders themselves.

Time and time again the NPF asked the Government to inform this House and the public about the salaries and benefits of the President, the Prime Minister, Ministers, Deputy Ministers, Permanent Secretaries, Deputy Permanent Secretaries, members of the National Assembly, Special Advisors, Regional Representatives, Commissioners and

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others, so that the voters could have an idea of how much the politicians cost the tax-payers, so that the tax-payers can have an overall view of the cost to tax-payers of the politicians, and to enable them to make a sound cost benefit analysis of the whole political set-up. The Government appears so shy and highly embarrassed to give this information.

Again I use this opportunity to request the Prime Minister to provide this information to this House and the public without further delay or using charming rationalisations.

Mr Speaker, the NPF cannot accept the proposition that a retired president and an active working president should get more or less the same salaries and benefits. There must be a difference between those who work and those who have retired. We prefer that the retired president does not get his full salary on retirement, but a certain percentage, 60% to 80% of his salary, as someone out of active duty.

Furthermore, you can imagine the consequences for the State Treasury of the possibility of Namibia having more than three to four former presidents within ten years of Independence, should there be continuous bottle-necks in the constitutional process, requiring more elections than normally anticipated in the Constitution.

We have problems with the benefits for the presidents' spouses in event of death of the president. They are too excessive. Seventy-five percent of the pension of the husband and a gratuity equal to the amount of the gratuity of the President, that is R360 000 in this particular case.

It is wrong for the top leaders to give themselves such extravagant salaries and benefits at this stage, when there are no salary increases for nurses, for teachers, lower paid civil servants, pensions for senior citizens and other civil servants. It is totally unacceptable to us that people with practically all their expenses covered by the State to be exempted from income tax, whilst people, especially women, who earn R406 per month, are paying income tax and sales tax on essential commodities to pay for state expenses, including the things we are talking about today. At least what one can do in this case is to abolish sales tax on essential commodities, milk, bread, cooking oil, mealie-meal and increase tax on luxuries such as liquor and other articles, and divide

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the income of highly paid people in government into taxed and non-taxed deductables. One can go an extra mile by raising the levels of income which might be exempted from income tax, say anything from R250 to R900 per month. You can't make things too good for the well-to-do, while nothing for those down the ladder: R20 000 and more per month tax-free for one person, and nothing at all for those earning anything between R65 and R1 000 per month. The price of milk has just gone up and Namibia is attending the UN Convention of the Child, but we seem to be faltering meeting the requirements for acceptable standards of living, contained in Article 27 of the Draft Convention of the Child.

Mr Speaker, I do not buy the convoluted logic or argument that goes around here that politicians have to pay themselves big sums of money because the previous heads of departments had high salaries. There are no hard rules about salaries or which dictate that the Government of Independent Namibia cannot introduce its own rules, basing itself on its own economic and financial capacity. If department heads were highly professional people, not politicians as is the case now with the Permanent Secretaries, there is nothing that says the gap between salaries of those people and ministers should be so big.

It is a fact that if both the politicians and the professional people were to look for jobs in the open market, in the private sector, perhaps most politicians here will end up jobless or will only qualify as street-sweepers. It remains to be seen whether the qualifications mentioned in this article have any real market value. That remains to be seen.

The Government of the Independent Republic of Namibia, whilst remaining faithful to the strictures of the 1982 impartiality package and the Constitution of the Republic, has smaller than one option in dealing with the salaries of the top officials of the old civil service. For example, rather than raising the salaries of the new structures, i.e. the Permanent Secretaries and others, in order to maintain the necessary differentials, it could have been negotiated. The Government could have negotiated retirement packages with the officials involved and then reduce the whole remuneration and benefit scale of the service without any problems, thus scaling down the salaries of cabinet ministers and everybody in keeping with what the country can afford.

Alternatively, other methods of remuneration and bene-

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fits without entrenchment could have been investigated. If the pensions of white pensioners can be frozen for some time, I cannot see why the same could not apply elsewhere.

I am sure the honourable Prime Minister will agree with me that it is always difficult for those who have acquired certain rights or expectations to be asked the ultimate So it is the case with our honourable colleagues in the Cabinet. They are presuming to be entitled to a salary and allowances above that of the secretaries of the old system and those of the present system, the Permanent Secretaries and the Deputies. Given this totally unacceptable state of affairs, I submit that those differentials that are now being presented here in this honourable House should have been more moral and symbolic rather than being so substantive. In other words, in the range of R1 000 to R1 500 or R2 000 than something between R4 000 and R5 000.

Having said all this, I have no choice at the end of the day, that is, if the figures cannot be reduced, say to the salary of Mugabe or the President of Botswana or even, for that matter, of De Klerk, then I will have no choice but to vote against this bill, because I think the amounts are too extravagant for the needs involved and the economic conditions of our country. It makes more sense for government leaders to narrow the gap between themselves and their voters than to compare themselves to the white officials of the old system. Thank you.

THE PRIME MINISTER: Mr Speaker, at the outset I must say that except for the last speaker maybe, the previous speakers were about to make me throw away my prepared speech and to make only a few comments by saying that they made valuable comments about the pension and about the tax-structure, that we may discuss outside and see what we can do. Then maybe they could also have given us facts about certain salaries they mentioned, those of South Africa, because I have different information. I was going to avoid talking about civil servants and so on, but now that the Deputy Speaker has allowed others to talk about everything else, I will therefore go ahead and start my speech.

DEPUTY SPEAKER: Honourable Prime Minister, you should as far as possible restrict yourself to the President.

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THE PRIME MINISTER: I think the time has now come for me to say something about this matter. This matter I am referring to is the salaries, the benefits and luxuries of the President.

It was in the newspapers, it is not a secret in this House. Therefore it is proper that the issue not be looked at - and I am glad that some people said they are not looking at it from the point of view of the present President, but the office of a president. If honourable members on the other side, especially one-member parties, are only one here today, how can you be president? So, therefore I understand their concern that they will never one day benefit from this. I understand that frustration. But we are not talking here about Mr Sam Nujoma, we are talking here about a President of the Republic of Namibia and I am glad some of the members also said that.

But I can tell from listening to some of the comments that we are addressing individuals. I hope we would be more objective and scientific in talking about salaries, because there are certain laid-down ways to arrive at setting salaries.

How does one arrive at a salary scale? One looks at a number of factors. Firstly, the nature of the work to be done, the seriousness of decisions to be made in that job, the possible disastrous consequences that will flow from an error of judgment by the holder of that post. In this case a president of any republic can put a nation in a war situation where many people are going to die or put a country, as Iraq has done, in a mess. The President of Iraq has just proven that point.

The most conventional method, however, is to look at the affordability and what market rates are payable for a similar job, in this case a chief executive.

On the question of affordability: It is true that this is a poor country. I have myself gone around to try to argue, as quoted here, that this is a very poor country and we should be afforded the least developed country status. I agree with that. Therefore this country cannot afford high salaries, whether they are those of the members of this Assembly, whether they are those of the President or whether they are those of the civil servants.

I have said time and again there is a big disparity between what the white Namibians are earning and what the blacks are earning in this country. I said that 95% of

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the country lives in Third World conditions. Hence my claim for least developed country status. But I also said that 5% of the country is living in First World plus conditions. If one takes the standard of the conditions of the 5% of the country, the nation can then afford to pay the President a high salary.

Therefore I don't see that people, when they are talking about high salaries, as we have done, are maybe talking about in comparison with the 5%, meaning the white population of our country. But if we are all arguing about the Third World conditions, those of the blacks, then I agree. But who controls the means of production of this country? If we think of the super-structure of this society, who are the actors, who are the people who call the tune? Whom do you interact with as a president? Who is the person you have to convince to get something done? And if you are talking about that it will be the 5% who own and control the means of production and therefore control this country, own this country.

It is a given dictum that if you are going to be negotiating - and there was a caricature about me that I shouldn't have gone to Geneva with a nice suit, but I should have worn rags and go and plead that Namibia is a Third World country and that way I could maybe have made some impression. But my dear fellow countrymen, had I appeared that way at the airport and had to sit on a plane, people would have moved away from me, and the same thing could have happened when I was going to enter the halls where I was going to participate, that the next-door person would have moved from his country's seat.

MR MUDGE: You are not discussing the bill.

THE PRIME MINISTER: I am talking about the President of the Republic of Namibia. I could have interrupted you too. He is today wearing a suit where he is sitting in New York. That is the example I am giving. When another hon member spoke, he spoke about everything else. Therefore I say I am going to say everything else. INTERJECTION.

There is talk about lack of modesty on the part of this Government, the President. Let me confine myself to the President. There is a claim that there is a lack of modesty on the part of the President and his Government. The President's Cabinet and therefore the Ministers. But let me look at, firstly, some of the members of the Cabinet who are also members of the society and I want to

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come to how you arrive at salaries, how do you decide to give the salaries?

We had a small committee to look into the salary scales of President and Cabinet, and we realised that there are some members, even in the Cabinet, who are from the society, who know the other side of society, who gave us figures what they were making, and they are honest people, they are not like some people sitting on that side. They are honest and they said what they are earning.

MR BARNES: Honourable dishonest people.

DEPUTY SPEAKER: Honourable member, let the interjections please not delay our proceedings here.

THE PRIME MINISTER: They pointed out what they get from their farms and so forth, and we looked at the sacrifice to be made by these people and we also looked at the salaries of the chief executive of the company, because the President is a chief executive of the country. So, we had to look at those who run their own farms, who are chief executives of their farms. But they don't have the decency, because they don't believe in telling the truth always, to tell us what they are making. But they do make money, not peanuts.

We had a problem of how to arrive at salaries. Somebody was talking about we shouldn't look at the civil servant's salaries. Let me first join that person, because we are operating under a false impression that the Constitution enjoined us under Article 141(1) that we have to honour the existing contracts, contracts will go with the terms of conditions of service. If you are going to honour that, we had to honour the salaries of the existing white civil servants. Then we brought in the political people...

MR MUDGE: On a point of order. I want to maintain that the honourable member is not talking on the bill at all. I just want to put that on record.

DEPUTY SPEAKER: I unfortunately cannot allow that kind of point of order, because at the beginning I said you should as far as possible restrict yourself to the discussion of the particular bill, and honourable Mudge, you yourself obeyed that, I should give you credit for that. But then honourable Mr Katjiuongua continued and brought completely other issues in. So, it will be unjust at

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this moment to stop the Prime Minister from continuing with his speech.

THE PRIME MINISTER: I promise you I am just putting the whole issue in context. I want to be logical in these things, and therefore I will talk about the salaries because we had to arrive at the salary scale by using certain methods. If that is too painful, too bad.

The Constitution prohibits us to practise apartheid or to allow apartheid to come in and we cannot make two salary scales, one for the blacks and to retain the one for the whites already on duty. That we cannot do. Therefore we had to take that as a basis and take even the salaries of the puppet ministers who were not elected, who were appointed illegally and what they were paid. If that is annoying I am sorry. INTERJECTIONS.

DEPUTY SPEAKER: Honourable Prime Minister, I have asked that members refrain from being disrespectful. Would you also do the same?

THE PRIME MINISTER: I apologise. But honourable members visited me this morning and I was discussing certain things and I saw that coming up. Therefore I am saying that we took that and looked at it and added inflation and if you are looking at what the puppet ministers were getting - I am talking about facts now, not about civil servants, not about the people who are professionals, I am talking about puppet ministers who were acting as ministers, they were getting R95 000, not elected, serving in an oppressive illegal regime. Here are the people elected by people democratically. We took that and added inflation for two years, which comes to about 20% and a minister currently will only get R140 000. INTERJECTIONS. I will come to how we arrived at the President's salary. From there we added 20% for the Prime Minister and thereafter 20%.... INTERJECTIONS. I am talking about how we arrived at the figure. It is painful to talk about your salaries.

MR MUDGE: On a point of order. Are we discussing Minister's salaries or the State President's salary?

DEPUTY SPEAKER: We will not at the moment go into that.

BUSINESS SUSPENDED AT 15:40 and RESUMED AT 16:00

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DEPUTY SPEAKER: Before we continue I would just like to say that the honourable members must take seriously what is coming from the Chair. I asked at the beginning of the debate that the honourable members should as far as possible restrict themselves to the bill that has been tabled. I concur that the Chair made a mistake, and the mistake is that I said "as far as possible." As we are learning, the honourable members have given me the mandate in future not to use words such as "as far as possible", but just to clearly state that the debate should be restricted to the particular bill and that any honourable member who deviates from that will be ruled out of order. We didn't want to restrict the discussions so much, but I knew precisely at the beginning what would come and that is why I made that ruling. It will not help us now to raise points of order in this situation, but in future we should completely restrict ourselves to the particular bill.

THE PRIME MINISTER: Before I continue, let me first say that after consultations with the official Opposition members that they will discuss the bill with us, I will not go into those points raised. Some valuable points were raised by ACN and DTA which could maybe improve the bill.

Then I will also state that on the understanding that the impartial press will take my statement and reproduce it in toto, because the press has already reproduced something that I do not know where they got this information from, the salaries of the Ministers and the salaries of everybody. If they are going to do that I will refrain from continuing with my speech and conclude by making a few remarks.

With that I would like to say that a statement has been made here that if the President of Namibia can at least get the equivalent of the salary of the President of the Republic of South Africa, then we will agree it was said. I want to challenge this House that, if we can get information on that, we look at that salary. I have been given information. I don't think this country can afford it. But since you have been given information, you claim you did the research, and I cannot talk about other President's salaries here but I can just say that from my investigation I think we are going to cry. If it is true that we must accept that, then I am stopping and we must come back with the salary of the South African President and adopt it, which I think will be unfair to our Republic.

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Then I also want to say that overall the Government is concerned about high salaries, and if we can agree in this Assembly to amend the Constitution, we can do that, to have across the board a reduction of the salaries, because we are not going to accept as leaders to be paid less than the civil servants, and we can agree to reduce that, we are also not going to agree to accept apartheid, that the whites must be paid this and the blacks, because they are called by some elements political appointees, must be paid less. They are civil servants and if they are going to be paid, they must be paid equally. But if we are going to have an across-the-board reduction, because our economy cannot take it, then we will discuss that and based on that arrive at the political leaders' salaries.

Now, I cannot sit down without getting to the President's salary and his benefits. The honourable members of this House and the President's working hours: The President's salary, after tax as you are proposing it here, is plus minus R60 per hour, because he is working about 12 hours, even 15 hours. The honourable members who are sitting here are getting about R180 per hour. In the overall consideration of our economy I will agree that we also look at our salaries here.

Then we make a comparison that we should look at the other presidents. Yesterday I was very brief and to the point when I said that we were trying to establish a new political culture, which I heard the same people talking about that we are not going to be like those African countries. I at one time said, "are we not Africans ourselves?" We must be careful, we are Africans too. But they say: "Those Africans in Zambia, those Africans in Zimbabwe." Now we are being told we should compare ourselves with other African countries. Let me compare our President.

Our President is limited by the Constitution to serve, if he is lucky, ten years only. Other presidents in other countries can serve up to even 26 or 30 years. Even if the salaries are low, if I am in office for thirty years, obviously at the end I will be getting more. We are trying to change that. We are saying, by having our own culture that we must limit the term to two years. If that is the case, then there are considerations to be made. Two five year terms.

Let's look at the benefits. Our President will only get his salary, as we are trying to propose. There is no,

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what we refer to as discretionary funds with no limit. When some presidents travel they carry briefcases and suitcases on their planes, those we are asked to compare with. That kind of fund doesn't exist in our situation. It will never exist, which is very good.

Then housing. When we talk about the luxury that the President and his Cabinet are living in, we cannot leave these things unanswered because they give a false impression. The President is living in the colonial house. Does it become luxurious because he is now living in it? When the colonial administrator was living in that same house it wasn't luxurious. His Cabinet, the President's deputy, I am living in a house run down by someone there. INTERJECTION. I am living in that house. Is that house now luxurious because I am living in it and I am an elected person, I am a Prime Minister. There was a so-called minister living there and I am talking about the President's bill now. The Cabinet members are all living in the houses that honourable Dirk Mudge and others were living in. Is that a luxury? Is that the luxury you are talking about daily in the press, that the Cabinet is living in luxury? Yes, it is very painful.

MR BARNES: On a point of order. Mr Speaker, the honourable Prime Minister is definitely not on the bill and you agreed that two wrongs don't make one right. So, I would appreciate if you would rule the Prime Minister out of order and let him come back to the bill.

DEPUTY SPEAKER: The situation was clarified at the beginning of this particular discussion of what happened earlier and that we will in future not allow that. But we can't at the moment help the situation.

THE PRIME MINISTER: Yes, daily the press is talking about the President's luxury, that the President is living in luxury, and I am saying that for the President to be living in the house that the former colonial governor was living in is not luxury. For the President's man, like me, to be living in the house used in the past by other people doesn't make it to live in luxury. For other members of the President to live in honourable Dirk Mudge's house, is it because he was a white man that he should have lived there and we should not live there?

DEPUTY SPEAKER: Honourable Prime Minister, you should not repeat things you have said already. LAUGHTER.

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MR BARNES: On a point of order. Mr Speaker, I will now in accordance with the Standing Rules and Orders - the Prime Minister has repeated himself three times - pray that you will now finally rule the honourable Prime Minister out of order. He has to control his blood pressure.

DEPUTY SPEAKER: I have already ruled the Prime Minister out of order, so it can't be accepted as a point of order.

THE PRIME MINISTER: Mr Speaker, to conclude about the luxury, the President is not living in luxury by driving the cars that the colonial people were driving in. Is it because he is black? So, this talk of luxury must stop if we are so pained when we are pointing out what you were doing. I thank you.

SUPREME COURT BILL: SECOND READING
RESUMPTION OF DEBATE

SECOND ORDER READ:

Resumption of debate on Second Reading - Supreme Court Bill, (B.16-'90)

THE SPEAKER: When this debate was adjourned yesterday, the Question before the Assembly was a motion by the honourable Minister of Justice -

That the Bill be now read a Second Time.

MR KAURA: Mr Speaker, being a former teacher I will be exact and to the point and I am not going to deal with things that are not related to this particular bill.

I appreciate the time allotted to me to go through this bill thoroughly, and to add something to this very technical bill presented to us by the Minister of Justice.

Every citizen would like to feel safe under the law. However, the recent history in our country places the courts in disrepute because they were epitomised by what we considered a miscarriage of justice. The courts were partners in the enforcement of injustices in the past, of the legislations which were passed by politicians which

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To conclude, I want to support the Convention in general and thank and congratulate the Government, as well as the official Opposition, for accepting it without pressure from our side. Thank you. LAUGHTER.

AGREED TO.

PRESIDENTIAL EMOLUMENTS AND PENSION
BILL: COMMITTEE STAGE

FIRST ORDER READ:

Committee Stage - Presidential Emoluments and Pension Bill, (B.15-'90)

THE PRIME MINISTER: Mr Speaker, I move -

That the Assembly now goes into Committee on the Bill and that the Speaker leaves the Chair.

MR NATHANIEL: I second.

AGREED TO.

ASSEMBLY IN COMMITTEE:

THE CHAIRMAN OF COMMITTEES: The Committee has to consider the Presidential Emoluments and Pension Bill, (B.15-'90)

Clause 1.

MR PRETORIUS: Mr Chairman, I want to move an amendment in connection with Clause 1, but before that I shall appreciate it if you will allow me just to explain our position.

The Second Reading is supposed to deal with the principle, and as I have said, I am afraid that we cannot accept this particular bill unconditionally as a result of different problems in principle. That is already decided on and we cannot change it now.

During the Committee Stage one may only come with amendments on technical matters. So, we cannot meet those

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problems now, we can only move in connection with technical matters, and I have only one technical point on which I want to propose amendments and that is:

The insertion before the existing Clause 1 of the following clause:

"Definition:

- (i) In this Act, unless the context otherwise indicates, "President" means the President of the Republic of Namibia, and that the existing Clauses 1 to 9 become Clauses 2 to 10.

I move.

MINISTER OF INFORMATION AND BROADCASTING: Mr Chairman, in the light of the debate which took place in this House on the 26th of this month, and following consultations with the incumbent President and also in consultation with the official Opposition, the Cabinet took a second look at the Bill before us and made some recommendations for amendments to the Bill. Therefore, I want to table some amendments before we go clause by clause.

CHAIRMAN OF COMMITTEES: I want to remind the honourable member that I can only accept an amendment to Clause 1 now.

MINISTER OF INFORMATION AND BROADCASTING: I wish to say that the Bill before us was considered by the Cabinet on the recommendation of the officials of the Public Service Commission. Actually the task of drafting the Bill was assigned to those officials and the Cabinet relied heavily on their advice and recommendations.

At the same time the incumbent President requested to be excused from the deliberations on the Bill. Knowing that he is one of the intended beneficiaries he did not want to participate. It was on this basis that there was a debate on the Bill and he advised that the Cabinet should take a second look at the Bill in response to the sentiments expressed in this House. I therefore proceed to state the amendments:

That on page 2 the following clause be substituted for Clause 1:

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"There shall be paid to the person holding the office of President a salary of R180 000 per annum."

MR MUDGE: Mr Chairman, I am not sure whether I am clear on this issue because of what might come later. For instance, there might be an amendment that this amount be taxable. Maybe the Minister can just indicate yes or no, will the amount be taxable?

MINISTER OF INFORMATION AND BROADCASTING: No.

MR MUDGE: Mr Chairman, a salary of R180 000 tax-free could be compared to a salary - and I didn't have time to make an exact calculation - somewhere in the vicinity of R240 000, R250 000, compared to the remuneration of the South African State President of R204 000. I am not hundred percent sure, the honourable members on the other side with whom we had a discussion might just give us some idea about what the exact position is. After that I will respond again.

MINISTER OF AGRICULTURE, FISHERIES, WATER AND RURAL DEVELOPMENT: Mr Chairman, I only wish to point out that it was made clear in this House that the salary of the State President of South Africa is R204 000, also tax-free, whilst this amendment means that our President would earn an income of R180 000 tax-free.

MR MUDGE: In that case I have no objection.

MR KATJIUONUGA: Mr Chairman, I am not participating.

Amendment as moved by the Minister of Information and Broadcasting put and agreed to.

Amendment as moved by Mr Pretorius put and agreed to.

Clause 1, as amended, put and agreed to.

Clause 2 put and agreed to.

Clause 3 put.

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MINISTER OF INFORMATION AND BROADCASTING: Mr Chairman, I wish to move the following amendment to Clause 3:

1. If the person holding the office of President ceases to hold such office, and such a person has held such office for a period less than five years, there shall be paid to such person -
 - (a) an annual pension equal to annual salary;
 - (b) a gratuity equal to two times the annual salary which was payable to such person in terms of Section 1 immediately prior to the date on which he or she ceased to hold the office.
2. If the person holding the office of President vacates the office on account thereof that he or she is unable to fulfil his or her duties as President, and such person has held the office for a period less than five years, such a person shall, for the purpose of Section 1, be deemed to have held the office for a period of five years.

MR PRETORIUS: Mr Chairman, I want to move another amendment which is only consequential. I want to move that Clause 3(b) be amended by the substitution for the word "Section 1" of the word "Section 2".

CHAIRMAN OF COMMITTEES: I would like to remind the honourable members that this numbering which is amended here has to be done automatically because of the acceptance of the first amendment on the Bill.

MR MUDGE: Can the honourable Minister explain to us what does it mean, "the President is unable to fulfil his duties." Is it also, for instance, when a motion of no confidence is accepted, when he makes a mess of his job or what does it mean?

MINISTER OF INFORMATION AND BROADCASTING: "Unable" here means if he is physically incapacitated or mentally incapacitated, not because he resigned.

MR KAURA: What happens if he is impeached due to incompetence?

MR RUPPEL: The question of whether the President is able or not able to perform his functions as President can

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only come if he is the President. If he has been impeached he is not the President anymore and then the question does not arise whether he is able or unable. The question is only relevant if he is legally, in terms of our Constitution, the President and in that time is incapacitated and therefore unable to perform the functions as President. Then this clause will apply. As soon as he is not the President anymore, by virtue of the provisions of our Constitution, whether he is impeached or by any other means in terms of our Constitution, he is then not the President and the question does not arise whether he is able or not able to perform his functions. Thank you.

MR MUDGE: Mr Chairman, I accept the explanation of the honourable member Mr Ruppel. I just wanted to make sure, because it all depends how this clause will be interpreted by the courts. I am prepared to accept his explanation or his interpretation, but wouldn't it have been better to state clearly "physically or mentally unfit"? I think for the time-being we can leave it as proposed, but if we are advised otherwise we might come with an amendment later.

Amendment as moved by Mr Pretorius agreed to.

Amendment as moved by the Minister of Information and Broadcasting agreed to.

Clause 3 put and agreed to.

Clause 4 put.

MINISTER OF INFORMATION AND BROADCASTING: Mr Chairman, I would like to table an amendment:

That on page 3 in line 1 the words "at any time" be inserted after the word "dies."

MR KAURA: Mr Chairman, somehow I do not understand the amendment, if the President dies at any time during his term of office. If the President dies, he dies, it really doesn't matter at what time. So, the insertion of the words seems not necessary.

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MR PRETORIUS: I want to move that Clause 4(1)(b) be amended by the substitution for the word Section 3 for the word Section 4.

MR MUDGE: Mr Chairman, as you must have noticed, the honourable member Mr Pretorius is a specialist when it comes to remuneration and pensions. In any case, I only wanted to make sure, it didn't come out clearly, but it goes without saying that if the President dies during his first term of office, then he will get a pension, even if he dies during after one month or after three months. That must be clear to the members. So there is no minimum period in the case of death. If it is the case with the President, then, of course, it goes without saying that it must also be applicable to the President's spouse.

Amendment as moved by Mr Pretorius agreed to.

MINISTER OF INFORMATION AND BROADCASTING: We have been debating the question of dealing with the time-frame, qualification as to at what point benefits are accruable to the President and his spouse. That was the reason why I inserted those words. But if it is not considered relevant, I have no strong feelings to insist on it.

Amendment as moved by Minister of Information and Broadcasting rejected.

Clause 5 put.

MR PRETORIUS: I want to move -

1. That Clause 5(a) be amended by the substitution for the word "Section 3(a)" of the word "Section 4(a); and
2. That Clause 5(b) be amended by the substitution for the word "Section 4" of the word "Section 5."

MINISTER OF INFORMATION AND BROADCASTING: Mr Chairman, I move an amendment to Clause 5(a):

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That on page 3, line 1, the figure 3(a) be substituted by the figure 3(a)(i).

Amendment as moved by the Minister of Information and Broadcasting put and agreed to.

Amendment as moved by Mr Pretorius put and agreed to.

Clause 5, as amended, put and agreed to.

Clause 6 agreed to.

Clause 7 put.

MR MUDGE: Mr Chairman, I am afraid Clause 7 will have to be amended, because it makes provision for an allowance, and now, in terms of the decision on Clause 1, the allowance falls away. Now Clause 7 should read "the salary of the President." This is a technical matter, I did not bring an amendment, because I did not know exactly what to expect from the Minister. If we all agree that that is a technical matter, it should just be put right.

CHAIRMAN OF COMMITTEES: There is no amendment on this clause.

MR MUDGE: Should there be a misunderstanding, can't we adjourn for five minutes and get the necessary amendment ready, because I would not want to make provision in Clause 7 for an allowance if there is no allowance.

MR RUPPEL: I would move for the amendment, but I don't have one of the papers on which I must write it out.

CHAIRMAN OF COMMITTEE: If we have no objection we can have a written amendment accepted here. I would like to ask the honourable member Mr Ruppel just to do that in writing. The honourable Mr Mudge would like to take out "and allowance."

MR RUPPEL: I accordingly move for the amendment of the existing Clause 7 by the deletion of the words "and allowance" in the first line of Clause 7.

Amendment as moved by Mr Ruppel put and agreed to.

Clause 7, as amended, agreed to.

Clause 8 put.

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MR RUPPEL: I move for the amendment of existing Clause 8 by the deletion of the word "allowance" in the first line thereof.

Amendment as moved by Mr Ruppel put and agreed to.

Clause 8, as amended, put and agreed to.

Clause 9 agreed to.

Title agreed to.

ASSEMBLY RESUMES:

THE CHAIRMAN OF COMMITTEES reports the Bill with amendments.

PRESIDENTIAL EMOLUMENTS AND PENSION
BILL: THIRD READING

THE PRIME MINISTER: Mr Speaker, subject to Rule 79 of the Standing Rules and Orders, I move -

That the Bill be now read a Third Time.

MR RUPPEL: I second.

AGREED TO.

Bill read a Third Time.

CONSIDERATION: REPORT OF SELECT COMMITTEE
ON PUBLIC HOLIDAYS: RESUMPTION OF DEBATE

SECOND ORDER READ:

Resumption of debate on consideration of Report of the Select Committee on Public Holidays.

THE SPEAKER: When this debate was adjourned yesterday, the Question before the Assembly was a Report by the honourable member Mr Wohler, whereupon an amendment was moved by honourable member Mr Wentworth.