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**LIST OF MEMBERS OF THE  
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**SPEAKER**

Dr M Tjitendero (Mr)

**DEPUTY SPEAKER AND CHAIRMAN OF THE COMMITTEES**

Rev W Konjore

**THE CABINET**

**MINISTERS**

*(21 March 2000 – Elected in terms of Article 133 of the Constitution)*

Mr T-B Gurirab (Mr)	<i>(Prime Minister)</i>
Rev H Witbooi	<i>(Deputy Prime Minister)</i>
Mr H Angula	<i>(Agriculture, Water &amp; Rural Development)</i>
Mr J Mutorwa	<i>(Basic Education Sport &amp; Culture)</i>
Mr E Nghimtina	<i>(Defence)</i>
Mr P Malima	<i>(Environment and Tourism)</i>
Ms S Kuugongelwa-Amadhila	<i>(Finance)</i>
Dr A Iyambo	<i>(Fisheries and Marine Resources)</i>
Mr M Hausiku	<i>(Foreign Affairs)</i>
Dr L Amathila (Ms)	<i>(Health and Social Services)</i>
Mr N Angula	<i>(Higher Education, Training &amp; Employment Creation)</i>
Mr J Ekandjo	<i>(Home Affairs)</i>
Mr N Mbumba	<i>(Information &amp; Broadcasting)</i>
Dr A Kawana (Mr)	<i>(Justice)</i>
Ms M Mungunda	<i>(Labour)</i>
Mr H Pohamba	<i>(Lands, Resettlement &amp; Rehabilitation)</i>
Mr A Toivo Ya Toivo	<i>(Prisons &amp; Correctional Services)</i>
Mr J Kaapanda	<i>(Regional and Local Government &amp; Housing)</i>
Mr Dr N Iyambo	<i>(Mines and Energy)</i>
Mr J Nyamu	<i>(Trade and Industry)</i>
Mr M Amweelo (Mr)	<i>(Works, Transport &amp; Communications)</i>
Ms N Nandi-Ndaitwa	<i>(Women's Affairs &amp; Child Welfare)</i>

Ms P Iivula-Ithana	<i>(Attorney-General)</i>
Dr E N Tjiriange	<i>(Minister Without Portfolio)</i>
Mr I Ngatjizeko	<i>(Director-General of the National Planning Commission)</i>
Mr A P Tseehama	<i>(Director-General of Namibia National Intelligence Service)</i>

## **DEPUTY MINISTERS**

*(21 March 2000 – Elected in terms of Article 133 of the Constitution)*

Mr P Smit	<i>(Agriculture, Water &amp; Rural Development)</i>
Mr B Wentworth	<i>(Basic Education Sport &amp; Culture)</i>
Mr V Simunja	<i>(Defence)</i>
Mr P Iilonga	<i>(Environment &amp; Tourism)</i>
Ms C Bohitile	<i>(Finance)</i>
Ms L Lucas	<i>(Foreign Affairs)</i>
Mr R Kamwi (Mr)	<i>(Health and Social Services)</i>
Mr H Hishongwa	<i>(Higher Education, Training &amp; Employment Creation)</i>
Ms L Kasingo	<i>(Home Affairs)</i>
Mr G Shihepo	<i>(Information &amp; Broadcasting)</i>
Mr A G !naruseb	<i>(Justice)</i>
Ms R Nghindinwa	<i>(Labour)</i>
Mr I Katali	<i>(Lands, Resettlement &amp; Rehabilitation)</i>
Mr J Nambinga	<i>(Prisons &amp; Correctional Services)</i>
Mr L Jooste	<i>(Regional and Local Government &amp; Housing)</i>
Mr H Ya Kasita	<i>(Mines and Energy)</i>
Mr B Esau	<i>(Trade and Industry)</i>
Mr A Kapere	<i>(Works, Transport &amp; Communications)</i>
Ms A Muharukua	<i>(Women's Affairs &amp; Child Welfare)</i>

## **SECRETARY**

Mr M K Ndjarakana

## **DEPUTY SECRETARY**

Mr F S Harker

## LIST OF MEMBERS AND PARTIES WHICH THEY REPRESENT

### SWAPO OF NAMIBIA

Dr M Tjitendero	<i>(Speaker)</i>
Rev W Konjore	<i>(Deputy Speaker)</i>
Mr R Blaauw	
Mr B Amathila	<i>(Chief Whip)</i>
Mr D Boois	
Mr H G Booys	
Mr R Dinyando	
Ms M Jwagamang	
Mr H Hamutenya	
Mr E Kaiyamo	
Ms E Kamanya	
Ms L Katjita	
Dr K Mbuende (Mr)	
Ms T Mushelenga	
Ms G Ndjoze	
Ms D Sioka	<i>(First Deputy Whip)</i>
Mr R /Ui/o/oo	
Mr P Ya France	<i>(Assistant Whip)</i>
Mr A Toivo Ya Toivo	<i>(Minister)</i>
Mr J Nyamu	<i>(Minister)</i>
Mr H Angula	<i>(Minister)</i>
Ms M Mungunda	<i>(Minister)</i>
Mr H Pohamba	<i>(Minister)</i>
Mr M Amweelo	<i>(Minister)</i>
Mr N Angula	<i>(Minister)</i>
Mr J Ekandjo	<i>(Minister)</i>
Mr B Esau	<i>(Deputy Minister)</i>
Mr T-B Gurirab	<i>(Prime Minister)</i>
Mr H Witbooi	<i>(Deputy Prime Minister)</i>
Ms C Bohitile	<i>(Deputy Minister)</i>
Mr M Hausiku	<i>(Minister)</i>
Mr P Iilonga	<i>(Deputy Minister)</i>
Ms P Iivula-Ithana	<i>(Attorney-General)</i>
Dr A Iyambo (Mr)	<i>(Minister)</i>
Dr N Iyambo (Mr)	<i>(Minister)</i>
Mr J Kaapanda	<i>(Minister)</i>

Mr V Simunja	<i>(Deputy Minister)</i>
Mr P Smit	<i>(Deputy Minister)</i>
Mr H Hishongwa	<i>(Deputy Minister)</i>
Mr G Shihepo	<i>(Deputy Minister)</i>
Dr R Kamwi (Mr)	<i>(Deputy Minister)</i>
Ms L Kasingo	<i>(Deputy Minister)</i>
Mr I Katali	<i>(Deputy Minister)</i>
Dr A Kawana (Mr)	<i>(Minister)</i>
Ms S Kuugongelwa – Amadhila	<i>(Minister)</i>
Ms L Lucas	<i>(Deputy Minister)</i>
Mr N Mbumba	<i>(Minister)</i>
Ms A Muharukua	<i>(Deputy Minister)</i>
Mr J Mutorwa	<i>(Minister)</i>
Mr J Nambinga	<i>(Deputy Minister)</i>
Mr A G !Naruseb	<i>(Deputy Minister)</i>
Mr I Ngatjizeko	<i>(Director-General)</i>
Dr L Amathila	<i>(Minister)</i>
Prof G Töttemeyer	<i>(Deputy Minister)</i>
Mr A Kapere	<i>(Deputy Minister) (National Council Member)</i>
Mr H Ya Kasita	<i>(Deputy Minister) (National Council Member)</i>
Ms N Nandi-Ndaitwah	<i>(Minister)</i>
Dr E N Tjiriange (Mr)	<i>(Minister without Portfolio)</i>
Ms R Nghidinwa	<i>(Deputy Minister)</i>
Mr E Nghimtina	<i>(Minister)</i>
Mr P Malima	<i>(Minister)</i>
Mr A P Tsheehama	<i>(Director-General)</i>

### **DTA/UDF COALITION**

Mr K Kaura	<i>(Leader of the Opposition)</i>
Mr J Garoëb	
Mr J De Waal	
Mr P Moongo	
Mr J Gaseb	
Mr A Gende	
Ms G Tjombe	
Mr M Venaani	

Mr B Rattay B

**CONGRESS OF DEMOCRATS (COD)**

Mr B Ulenga

Mr T Gurirab

Mr I Shixwameni

Ms R Namises

Mr L Muchila

Mr A Ndumbu

Ms N Schimming-Chase

*Mr A Ndumbu*

*(Chief Whip)*

**MAG**

Mr J W F Pretorius

*(Chief Whip)*

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBER  
01 DECEMBER 2004  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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**HON SPEAKER:** The Special Session Meeting on this day, by virtue of the Proclamation by His Excellency, the President, is called to Order. I will first go through the routine and then make another explanatory statement and then we will proceed.

Before I do that, welcome one, welcome all to this Chamber and congratulations to all of you individually and collectively, individually as individuals and collectively in the context of the various Political Parties that just went through elections that all have won, because you have all won, we have all won, so congratulations and welcome back to this Chamber.

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**HON SPEAKER:** Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Honourable Minister of Finance.

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**TABLING: REPORTS OF AUDITOR-GENERAL**

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**HON MINISTER OF FINANCE:** Honourable Speaker, I lay upon the Table, Reports of the Auditor-General on the accounts of the –

1. Department of Police for the Financial Year ended 31 March 2002;
2. Office of the Auditor-General for the Financial Year ended 31 March 2002;



01 December 2004

**REPORTS OF AUDITOR-GENERAL  
HON KUUGONGELWA-AMADHILA**

3. National Planning Commission for the Financial Year ended 31 March 2002;
4. Regional Council of the Otjozondjupa Region for the Financial Year ended 31 March 1998;
5. National Council for the Financial Year ended 31 March 2002;
6. Development Fund of Namibia for the Financial Year ended 31 March 2003;
7. Ministry of Justice for the Financial Year ended 31 March 2002;
8. National Assembly for the Financial Year ended 31 March 2002;
9. Regional Council for the Oshana Region for the Financial Year ended 31 March 1998;
10. Ministry of Mines and Energy for the Financial Year ended 31<sup>st</sup> March 2002;
11. Namibia Agronomic Board for the Financial Year ended 31 March 2004;
12. Government of Namibia for the Financial Year ended 31 March 2001;  
and
13. Performance Audit Report on the Ministry of Finance, Directorate Customs and Excise for the period 1998 to 2001.

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**HON SPEAKER:** Will the Honourable Minister please table the Reports. Other Reports and Papers?

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01 December 2004

**TABLING: ANNUAL REPORT  
HON SMIT**

**TABLING: 2002/2003 ANNUAL REPORT,  
NAMIBIAN AGRONOMIC BOARD**

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT:** Honourable Speaker, I lay upon the Table, the Annual Report for the 2002/2003 Financial Year of the Namibian Agronomic Board. I so Move, Honourable Speaker.

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**HON SPEAKER:** Will the Honourable Member please table the Report? Other Reports and Papers? Notice of Questions?

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**HON SPEAKER:**I think I will ask for an adjournment of five minutes before we commence and the Honourable Minister of Finance, the Honourable Prime Minister, the Chief Whips of the Parties and I will consult on something of a technical nature concerning the Motion. Is that acceptable?

This Special Session is meeting under the authority of the Proclamation by His Excellency, which was gazetted, and we were called to resolve unfinished business. The main business in this unfinished business, unless we are otherwise informed, of course was the Additional Budget and now that we are with the normal business of this Chamber as scheduled for this afternoon, I will call on the Honourable Ministry of Finance to make the statement. Since the substantive business will be determined by her statement, the content and the direction that will come from her statement, I do not want her to make a statement now and then we end up not having business for the issue on which I want to consult very urgently with the Leader of the Government Business and the Chamber and those who are concerned with that matter. With your concurrence, may I ask for five or ten minutes and we will resume at 15:00?

---

**HOUSE ADJOURNS AT 14:50 AND RESUMES AT 15:00**

01 December 2004

**ADDITIONAL APPROPRIATIONS  
HON KUUGONGELWA-AMADHILA**

**HON SPEAKER:** The Special Session is resumed and we are now in the Business of this Chamber as scheduled for this afternoon and the primary purpose, of course, is the Additional Appropriation Bill and I will now call on the Honourable Minister responsible for Finance, Honourable Saara Kuugongelwa-Amadhila, to take the Floor and address the Chamber.

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**ADDITIONAL APPROPRIATIONS**

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**HON MINISTER OF FINANCE:** Honourable Speaker, Honourable Members of the House, I thank you for this opportunity to address you this afternoon. My statement today will be brief and I shall not attempt to give a comprehensive overview of the economy and related matters, neither shall I table an Additional Appropriation Bill for 2004/2005. I shall, however indicate to the august House how some of the additional requests for funds are to be satisfied by distributing the Contingency Funds made available under the Main Budget for the current Financial Year.

At the onset, let me thank the Honourable Members of the Cabinet and of Parliament for the understanding they have shown our request to contain expenditures within sustainable limits. It is not always easy to tighten the belt for needs for resources are real. I want to give my assurance that we have taken this approach out of necessity.

Honourable Speaker, Honourable Members of the House, the fiscal outcome of the last Financial Year, that is 2003/2004, was disappointing. While expenditure was kept below the ceiling set out in the revised Budget, revenue collected turned out to be 10% below projections. The below projection performance for revenue was mainly caused by a continued strengthening of the Namibian Dollar against the US Dollar, which in turn significantly reduced export earnings. A slowdown in price increases on imported goods and low inflation also resulted in VAT projections becoming unachievable. This slump in revenue was worse than anticipated and had severe implications for the Budget deficit, which, in spite of

01 December 2004

**ADDITIONAL APPROPRIATIONS  
HON KUUGONGELWA-AMADHILA**

reduced expenditure, rose to an unprecedented 7.5%.

To compensate for the discrepancies in revenue, Government was forced to increase borrowing, thereby adding to the burden of an already high debt stock. Total Government debt stood at N\$10.2 billion or 30.9% of GDP at the end of the last Fiscal Year.

Honourable Speaker, let me at this point remind the House of the fiscal targets that Government has set in the Medium Term Expenditure Framework, which we consider the foundation of a sustainable macro-economic policy:

1. Public expenditure should be limited to 30% of the Gross Domestic Product.
2. The Budget deficit should not exceed 3% of GDP and the ratio of debt to GDP should not exceed 25%.

In the current Fiscal Year revenue collections remained behind projections. Estimates indicate that total tax revenue collections may be 3 to 4% below forecast, equivalent to a shortfall of over N\$320 million. Furthermore, GDP forecasts had to be revised downwards, pushing up the current Budget deficit to about 2.7%. Again, such a shortfall may force Government to either increase borrowing or cut expenditure. For now, we have opted for a compromise between limited additional borrowing and cutting expenditure. This decision underlines Government's commitment to a sustainable fiscal policy. It shows that Government is fully aware of the consequences of increasing the deficit to unsustainable levels.

While debt levels and interest payments in our country are still manageable, fiscal discipline is the only way to avoid falling into the debt trap.

In light of the above, Government has decided not to table an Additional Budget for this Fiscal Year. While Government received numerous requests for additional funding, only the most urgent ones were addressed within the contingency provision of N\$150 million made in the Main Budget for the 2004/2005 Fiscal Year.

01 December 2004

**ADDITIONAL APPROPRIATIONS  
HON KUUGONGELWA-AMADHILA**

Honourable Speaker, Honourable Members, the resource allocations out of the contingency provision are as follows:

For the Office of the Prime Minister, an amount of N\$10 million was paid early in the year to deal with the flood situation in the Caprivi Region.

The Commission of Inquiry into the operations of AMCOM and the DBC was funded with an amount of N\$3 million through the Vote of the Ministry of Finance. A second allocation of N\$180,000 was made to the Ministry of Finance to cater for the funeral of the late Comrade Maxton Mutongolume.

Through the Vote of the National Assembly, Political Parties received additional contributions which totalled to N\$3,172,400.

**Ministry of Defence:** The operational efforts of the Ministry of Defence had to be supplemented with an amount of N\$8 million. This additional need arose because of activities of the Defence Force to safeguard the recent Presidential, National and Regional elections that ended yesterday.

**Electoral Commission:** The Electoral Commission received an amount of N\$30 million for the Presidential, National and Regional elections.

**Office of the President:** The Office of the President was allocated funds out of the contingency provision for four purposes. N\$2.5 million were needed to purchase agricultural land for the National Youth Scheme, N\$4,535,000 were allocated to fund unforeseen operational expenses. An Allocation of N\$52,531,187 had to be made to the State House construction project. The latter is required to satisfy contractual obligations and to end this project as quickly as possible to avoid further cost escalation. This allocation is not an addition to the total cost of the project. It is merely an early payment as part of the total. Lastly, in order to implement the provisions of the Former Presidents' Pension and Other Benefits Act, an amount of N\$1,743,944 is required to provide for the exit of the incumbent President.

**Ministry of Home Affairs:** The Namibian Police received an allocation of

01 December 2004

**ADDITIONAL APPROPRIATIONS  
HON KUUGONGELWA-AMADHILA**

N\$20 million to fund their efforts in relation to the elections.

**Ministry of Information and Broadcasting:** The NBC had additional expenses to cover the elections and needed an amount of N\$2.5 million.

**Ministry of Health and Social Services:** The early start of the rainy season has increased the risk of a malaria outbreak and consequently medications to which the malaria parasites are not resistant are required at an additional cost of N\$5 million.

**Ministry of Trade and Industry:** Opportunities for industrialisation projects sprung up and the Ministry needs to fund some of these opportunities' costs with an amount of N\$2 million.

**Ministry of Prisons and Correctional Services:** The allocation in the Main Budget for prisoner rations was underestimated and an additional amount of N\$2.6 million is made available from the contingency provision.

**Ministry of Justice:** Additional costs related to the Caprivi Treason Trial have occurred and an amount of N\$350,000 is provided.

Honourable Speaker, Honourable Members of the House, these allocations, so to speak, depletes the contingency provision, leaving a balance of only N\$1.9 million. I wish to emphasise that our current economic situation does not allow us to be generous. We need to take the required measures to prevent us sliding into the debt trap. Once in that trap, it is very difficult to get out again. Our intention is clearly not to fall into that nasty grip of unsustainable debt burden.

I thank all the Honourable Members for their support during this year and wish everybody a Merry Christmas and a Prosperous New Year. Thank you.

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**HON SPEAKER:** I thank the Honourable Minister for her very clear statement on this day on which this Chamber was expecting to get an assignment from her. I think before I open the Floor with very specific

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**ADDITIONAL APPROPRIATIONS  
HON KAURA/HON DE WAAL**

specifications, let me just say that we have to congratulate the Minister for not asking for additional money. Having said that, since this is the major assignment for this afternoon in the Chamber, if an Honourable Member with a sharp mind would remember the figures as pronounced by the Honourable Minister would want to raise questions very specific to her speech, you are free to do so. It takes place *in lieu* of the Additional Budget. If her speech was circulated earlier, of course, you would have had more opportunity to refer to it, but the Floor is now open to those Members who want to say something. Honourable Kaura.

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**HON KAURA:** Thank you, Honourable Speaker. I heard of an allocation of N\$180,000 for the funeral of Mutongolume. I did not understand what was meant by that, how did it involve money from the State coffers.

Secondly, the Honourable Minister was mentioning something about a "*former President*". (Intervention)

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**HON SPEAKER:** That is what you approved here in the Act.

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**HON KAURA:** Who is the former President? We do not have a former President yet.

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**HON SPEAKER:** Could I take another question so that we can allow the Honourable Minister to respond?

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**HON DE WAAL:** Honourable Speaker, I am trying to do some checks and balances in my mind on the figures that the Honourable Minister has given us and if I understood her correctly, she said that an allocation of

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**ADDITIONAL APPROPRIATIONS  
HON KUUGONGELWA-AMADHILA**

N\$52.5 million has been allocated to the State House project in order to finalise it. In other words, I assume that this will be the last amount for that project. If that is in fact the case, could the Honourable Minister give us the total amount for that project, so that we can make the calculations from the Main Budget, so that we can complete the configuration of that amount? Thank you, Sir.

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**HON SPEAKER:** Honourable Minister, do you want to respond?

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**HON MINISTER OF FINANCE:** Honourable Speaker, with regard to the first question of Honourable Kaura about why State funds had to be made available towards the funeral of Comrade Mutongolome, I would like to enlighten this House that Comrade Mutongolome was declared a national hero by His Excellency the President in terms of the appropriate law of our country and as such, the State had to pay the funeral costs. It is because of that that we had to make resources available from the contingency provision because, of course, death is always unforeseen and we could not budget for that.

With regard to his second question as to who the former President is, because we do not have one, when I was on leave, trying to attend to other national duties, I was following the Debate in this Honourable House on television and I saw that this Honourable House passed a law that provides for the pension and other benefits of the former Presidents. As we know, as of the 21<sup>st</sup> of March 2005, we are going to have our first former President, namely the current first President of the Republic, Dr Sam Nujoma, and it is in line with that Act that we have made this provision to cater for the needs of our first former President. We have allocated N\$1.7 million and this is to cater for the administrative staff, because that Act provides for a number of staff to service the Office of the Former President and the transport, which is also specified in that Act. That is what we have allocated these funds for.



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HON SCHIMMING CHASE**

With regard to State House and that, this would be the final allocation, what I have actually said is that this allocation is to bring an end as quickly as possible this project in order to avoid escalation of the costs. We are not saying that this is the last allocation, but we are saying that we want to bring forward the completion of the project and we were assured by our colleagues of the Ministry of Works, Transport and Communication that they would now be able to complete the project in the next Financial Year and after the next Financial Year they will only need funds for retention, as is the tradition with any capital project. Therefore, I think that the Minister of Works, Transport and Communication would, during the presentation of his vote, be able to reassure us again on what the total budget of this project is going to be. What I can however tell you is that this allocation is not to top up on what is already projected for this project, but only to ensure that we get it out of the way.

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**HON SCHIMMING-CHASE:** Thank you, Honourable Speaker. I crave the indulgence because I do not have the figures before me and if I make mistakes, please bear with me. However, it is my understanding that what are left in the Contingency Fund are now N\$1.9 million between now and the end of February. The normal practice is that the Additional Budget normally provides the opportunity to pay moneys that were spent over and above the Budget tabled during the normal budgetary session. My question is, does that now mean that, as we do not have an Additional Budget and the Contingency Fund is depleted, that no Ministry will spend more than what is in the original Budget between now and the end of the Financial Year? That is my first question.

Secondly, if that is the case, how is Government or the Ministry of Transport going to pay the millions for the 800 plus cars that have just been bought for the Police? Thank you.

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**HON SPEAKER:** If I do not have any indication, I will make the request by Honourable Nora Schimming-Chase to take by Floor the last one. Honourable Minister of Finance.

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**STATEMENT ON HIV PREVALENCE  
HON DR AMATHILA**

**HON MINISTER OF FINANCE:** Thank you, Honourable Speaker. Indeed, I would like to make a correction to the perception of Honourable Nora Schimming-Chase that the Additional Budget is used to pay expenditures incurred by Ministries above what is allocated in the Main Budget. That is not the case, at least not in my understanding. What I understand the purpose of the Additional Budget to be is to provide additional resources or to revise the Budget in line with the reality on the ground. If there is a change that would require that we make additional allocations, we do so. If there is a change on the ground that requires that we revise the expenditures downwards, we also do so, as we did last year, but this is not a platform for us to legitimise unauthorised expenditures, because when Ministries go beyond what is allocated to them, that is actually unauthorised unless they do so with the authorisation of the Minister. I have never done that and I have not observed any of my predecessors doing that.

What we rather try to do during the Additional Budget – and that is what I thought the Honourable Member wanted to refer to – is that we report on how the funds that were voted through the contingency provision was utilised. We usually use that platform and I thought that since there would not be an Additional Budget, I should use this Session to inform Parliament on how these resources are intended to be utilised.

Having answered the first question, I think it would be of no use to proceed because I have no information about the other reference that she made. Thank you.

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**HON SPEAKER:** These questions were to clarify the statement that the Honourable Minister has made and I think the Honourable Members are satisfied with the answers they got. I take it that there is no other business from the Cabinet's side. Honourable Dr Amathila.

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** Thank

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**STATEMENT ON HIV PREVALENCE  
HON DR AMATHILA**

you, Honourable Speaker, Honourable Members. Those of us who have cattle or sheep are all looking forward to leaving here and going home to look after them. However, I want to remind the Honourable Members that today is the commemoration of World AIDS Day and I want to give a very brief report on our status with HIV for the year 2004.

Every two years we carry out a survey to determine our infection rate. From October this year, we have started looking at the HIV prevalence rate of our Nation. In 2002, we only looked at 21 hospitals and clinics and this year we added three more. We took blood from 4,370 pregnant women, which is our normal target of which 3,503 were negative and 867 showed positive results. This means that 19.8% of our pregnant women were HIV positive. This has gone down from 2002 when we had 22% of pregnant women who were positive.

The national figure is taken from these results, because the world has not yet determined what figure we should give as the national figure. Since we cannot examine everybody in the world, we have decided that once you get the figure of pregnant women that would be the national figure.

Therefore, we have gone down considerably in two years. We as a Nation are now below 20% and I think this is a very important finding as we have come down from the most infected to a moderately infected Nation and We should really be proud of the work we have done as Namibians in that regard. What it means is that from now we should work hard in order that we reduce this figure in the next two years and that we do not ever go back to 20%.

Let me give you the age groups:

In 2002, the group 13 to 19 years old stood at 11%. This year they have come down another percentage to 10%.

The group 20 to 24 year old were 22% in 2002 and they have come down beautifully to 19%.

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**STATEMENT ON HIV PREVALENCE  
HON DR AMATHILA**

The group 25 to 29 year old who in 2002 were 28% have come down 1% to 27%.

The group 30 to 34 year old, who were 27% in 2002, have come down to 25%.

The only group, which went up, are the 35 to 39 year olds who were 21% and have now increased to 25% and those are your wives, our wives, and the younger women.

The group 40 to 44 years old have gone down from 16% to 11%.

Our group has gone up 1%, I do not know what we are doing. I think because of Viagra the old people have started again and we must try to reduce the figure. Actually, this finding also occurs elsewhere, it is not only here in Namibia. In 2002, this group of above 45 years old was 12% and now it is 13%. It should however stop there because it is very, very serious.

I will briefly run through our towns. The highest is still Katima. Remember last time I said in 2002 there were 43%. This year they remain at 43%, which means they are stabilising. You will remember the mini war and some of you were supporting Muyongo, which caused our people to immigrate. There were no prevention programmes during those years, but now we have started with prevention programmes and you can see the figure has not gone up, it has not gone down, which means it is stabilising. By now, we have at least 300 people on ARV Treatment, which never happened before. I think if we give them another two years, they will improve.

Katima is followed by Grootfontein, which in 2002 was 30% and has now come down in 2004 to 28%. Opuwo remains at 9% and only four towns have gone up, which are the coastal towns. Swakopmund has gone up tremendously from 16% in 2002 to 28%. It is because of the sex workers and it is a tourist town. I feel we have to put emphasis on these coastal towns.

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**STATEMENT ON HIV PREVALENCE  
HON DR AMATHILA**

Walvis Bay remains stable at 27%. I do not know what is happening in Nangudu in Kavango, but they have gone up from 16% in 2002 to 19% in 2004.

Gobabis – and I warn these drivers on the Trans-Kalahari Highway again – only increased from 13% to 14%, but that 1% is a warning sign. These are the only four towns, which have gone up. The others have done wonderfully well. Oshakati has come down from 30% to 25%. Honourable Moongo, distribute condoms at your cuca shops so that we can reduce it further.

Onandjokwe has also come down beautifully from 28% to 22% and Tsumeb also from 25% to 16%. Otjiwarongo from 25% to 16% Okakarara we have not tested, but Otjiwarongo includes Okakarara. Keep up the fight. Rundu has gone down 1%. Katutura Hospital in Windhoek has come down from 27% to 24%. The Central Hospital was taken for the first time and it was 10%. Keetmanshoop is standing at 16%, no change. Mariental is down 1% to 11%. Outjo has been tested for the first time and they stand at 12%. We have also introduced the antiretroviral treatment in Outjo and at Khorixas, but we did not take the figures for Khorixas. It should be around 10% there. Lüderitz is 22%, which is quite high, but it is also the first time.

Training has been completed, the doctors have taken their medicines and they are going to introduce Anti-Retroviral Treatment in both Khorixas and Outjo.

Rundu reduced from 22% to 21% in 2002 and we have to do more in Rundu. Opuwo is standing at the usual 9%, which is the lowest percentage. Engela has gone down 1%.

In any case, this is a positive report and what we need to do is prevention, prevention, 24 hours, using condoms and for the young to abstain. You should also know your status. Go and be tested, so that you do not go around infecting unknowingly. (Interjection) Some people are complaining condoms are too big, the others say they are too small.

Thirdly, we take care of our people who are infected and affected.

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**ADJOURNMENT**

Homework for all of us is prevention, prevention, prevention, know your status, look after yourself, and take care of those who are ill and we will give them the required treatment.

Thank you very much, a Merry Christmas and enjoy yourself.

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**HON SPEAKER:** Thank you for the information, Honourable Minister of Health and Social Services. There being no other Members asking for the Floor and today's meeting having been called for a particular purpose, I call on the Honourable Prime Minister to adjourn this House until the 15<sup>th</sup> of February 2005. For those of you who may have come with prepared sentimental speeches, wait until the 15<sup>th</sup> of March and then you can deliver your sentimental maiden speeches. I now call on the Right Honourable Prime Minister to adjourn the House until 15 February 2005.

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**RT HON PRIME MINISTER:** The purpose of this Session has been fulfilled and we are grateful to the Minister of Finance for the information she has provided us with. I Move that this House stands adjourned until 15 February 2005.

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**THE HOUSE ADJOURNS UNTIL 2005.02.15 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBER  
15 FEBRUARY 2005  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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**HON SPEAKER:** This afternoon Session is called to Order on this very beautiful and rainy afternoon. First, let me take this opportunity to welcome all of you back to this Chamber and I wish all of you are in excellent health and are looking forward to accomplishing the task before you. This is also a very good omen that on the first day on which this House resumes there is so much goodwill from the Almighty. We shall now proceed.

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**HON SPEAKER:** Are there any Petitions? Any Reports of Standing or Select Committees? Honourable Kaiyamo.

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**TABLING: REPORT ON CHILDREN STATUS BILL**

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**HON KAIYAMO:** Honourable Speaker, I lay upon the Table, the Report on the Children Status Bill by the Parliamentary Standing Committee on Human Resources, Social and Community Development for consideration. I so Move, Comrade Speaker.

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**HON SPEAKER:** Will the Honourable Member please table the Report? Are there any further Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions? Honourable De Waal.

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15 February 2005

**NOTICE OF QUESTIONS  
HON DE WAAL**

**NOTICE OF QUESTIONS**

**HON DE WAAL:** Thank you, Honourable Speaker. I give Notice that on Thursday, the 24<sup>th</sup> of February 2005, I shall ask the Honourable Minister of Information and Broadcasting the following:

1. Can the Honourable Minister confirm that the staff members of *New Era* newspaper have not been paid overtime since the newspaper became a daily newspaper on the 2<sup>nd</sup> of August 2004 despite the fact that many of them have been working up to twelve hours per day during this period?
2. The Managing Director of *New Era* recently announced that his company would sponsor the New Era-Sam Nujoma Cup to the tune of N\$300,000, yet when he is asked about outstanding overtime, his excuse is that there is no money for overtime. What is the policy of the Ministry in this regard? Should soccer sponsorships have priority over overtime pay or not?
3. *New Era* has recently used a company called Ad Force to arrange some strategic workshops for the Southern Times, a joint venture between *New Era* and a Zimbabwean group. Can the Honourable Minister inform this House whether any form of tender procedure was followed in the allocation of these contracts and whether any form of tender procedures will be followed in the allocation of similar future contracts?
4. Has the Honourable Minister informed himself about the shareholding of the company Ad Force and whether the allocation of these contracts does not boil down to serious conflict of interest?
5. Can the Honourable Minister assure this House that *New Era* credit cards belonging to the company are not used by individuals of *New Era* to pay for travelling expenses, at the same time pocketing a substantial sum of money as *per diem* for the same overseas trips?



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**NOTICE OF QUESTIONS  
HON PRETORIUS**

6. Can the Honourable Minister inform this House how much money *New Era* or the Namibian Government has to date invested in the newspaper, the Southern Times, and/or in the entity known as NamZim and also give the estimated investment in this newspaper for the next three years.
7. How much money has the Zimbabwean joint venture partner in the Southern Times newspaper invested to date in either the Southern Times newspaper and/or NamZim?
8. Can the Honourable Minister inform this House how many copies of the Southern Times are currently being sold per impression as well as the current monthly advertising income of the Southern Times newspaper?

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**HON SPEAKER:** Will the Honourable Member please table the Questions? Any further Notice of Questions? Honourable Pretorius.

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**HON PRETORIUS:** Mr Speaker, I have a number of questions, which I want to repeat because they were not answered last year and in some cases there may be new answers.

In the first place I give Notice that on Thursday, 24 February 2005, I shall ask the Honourable Minister of Home Affairs how many firearms in Namibia were stolen from safes during the last five years, respectively.

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**HON PRETORIUS:** I give Notice that on Thursday, 24<sup>th</sup> of February 2005, I shall ask the Right Honourable Prime Minister:

1. According to which legislation, notices, instructions and directives are the National Youth Service managed and controlled?

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**NOTICE OF QUESTIONS  
HON PRETORIUS**

2. What has happened to the National Youth Service Agency Bill, which was withdrawn during March 2003?

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**HON PRETORIUS:** I give Notice that on Thursday, 24 February 2005, I shall ask the Honourable Minister of Regional and Local Government and Housing:

1. Against the background of the Right Honourable Prime Minister's appeal last year to the Traditional Authorities to confine them to their own domains, does this only concern cultural activities or does it also include geographical areas of jurisdiction and if so, how are the latter geographical areas or jurisdiction defined and determined?

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**HON PRETORIUS:** I give Notice that on Thursday, 24 February 2005 I shall ask the Honourable Minister of Labour:

Whether, as a matter of urgency and in National interest, the report and recommendations of the Cabinet Committee on the Eviction of Farm Workers cannot be made public?

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**HON PRETORIUS:** I give Notice that on the 24<sup>th</sup> of February 2008, I shall ask the Right Honourable Prime Minister:

When will it be possible to give more information about my question last year, namely:

1. According to which Cabinet Decision, number, date and wording, was it decided to expropriate properties near the new State House?
2. What is the approximate cost involved?

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**NOTICE OF QUESTIONS  
HON PRETORIUS**

3. Are the property owners supposed to stop any further developments;  
and
4. If so, who will be responsible for the extra costs involved as a result  
thereof?

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**HON PRETORIUS:** I give Notice that on the 24<sup>th</sup> of February 2005, I shall ask the Honourable Minister of Justice:

Whether the Government, being responsible for the protection of the lives and property of citizens, children and visitors, just as in the case of land expropriation in public interest and for the well-being of almost two million people, should not decide to bring back corporal as well as capital punishment?

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**HON SPEAKER:** Honourable Pretorius, being the most senior lawmaker, questions reflecting on the Constitution may not be asked frivolously, but they should only be asked given a substantive Motion to amend that provision of the Constitution. That not being the case, that I see that you do not have any substantive Motion in your hands, the last two questions are inadmissible. Will the Honourable Member please table the questions?

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**HON PRETORIUS:** Mr Speaker, the Minister could give that answer to me.

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**HON SPEAKER:** Both you and the Honourable Ministers will be Out of Order. Any further Notice of Questions? Honourable Tsudao Gurirab.

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**NOTICE OF QUESTIONS  
HON T GURIRAB**

**HON T GURIRAB:** Honourable Speaker, in the absence of Dr Amukugo, I give Notice that on Thursday, the 24<sup>th</sup> of February 2005, I shall ask the Minister of Basic Education, Sport and Culture the following:

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**HON ATTORNEY-GENERAL:** On a Point of Order, Comrade Speaker, on the preface of the Honourable Member's question. Honourable Amukugo is not absent, in my view, I thought she is no longer a Member of this august House. Can we be guided as to the preface to the Honourable Member's question?

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**HON SPEAKER:** What was the preface to the question? I did not get the preface and I am being asked whether that preface is in order. In order to make a judgment, I need to hear it.

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**HON T GURIRAB:** I was just noting the absence of Dr Amukugo since I am asking a question on Education. I give Notice that on Thursday, 24 February 2005, I shall ask the Minister of Basic Education, Sport and Culture the following:

1. With reference to an undated memorandum from the Office of the Prime Minister dealing with appointment requirements of teachers in response to a memo, reference S.3/P of 2 April 2004, whether following this memo newly appointed teachers are being placed on a higher salary scale compared to incumbents, irrespective of the latter's qualifications and experience?
2. Whether and when all teachers will be placed on the same salary scale?
3. Why teachers in primary and junior secondary schools should not expect the same remuneration as the peers serving in secondary schools if they have the same qualifications and experience?

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**NOTICE OF QUESTIONS  
HON SCHIMMING CHASE**

**HON SPEAKER:** Will the Honourable Member please table the Questions? Honourable Schimming-Chase.

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**HON SCHIMMING-CHASE:** Mr Speaker, Sir, I give Notice that on Thursday, 24 February 2005, I shall ask the Minister of Higher Education, Training and Employment Creation the following questions:

1. In view of the enormous number of Grade 10 failures in 2004, does the Ministry intend to look into vocational training for these children in order to keep them off the streets and out of the jails?
2. What has happened to the Vocational Training Fund established under the National Vocational Training Act (Act 18 of 1994)?
3. Since the abovementioned Fund stood at N\$3.66 million in 1998 and doubled to N\$7.36 million in 2000, how much of the total, if any, has been spent on vocational training and how much is in the account now?
4. Has the Training Authority, which is supposed to coordinate the training system, been established, as the Honourable Minister Nahas Angula promised in his answer to my question on the 26<sup>th</sup> of April 2000 and who are the people serving on it?
5. Have they reported on their work and have the accredited training providers spoken about started to conduct the training as promised? If yes, how many people have been trained?
6. Have the employers, in collaboration with the Government, set up the occupational standards and has the Governance Agency started testing and awarding certificates and diplomas?
7. Since the Honourable Minister indicated in his reply that the target of N\$30 million would be reached within three to four years and it is now three years and ten months later, could the Minister please

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**NOTICE OF MOTIONS  
RT HON T-B GURIRAB**

inform this august House whether some of the Grade 10 dropouts can be accommodated in the programme for vocational training. I thank you.

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**HON SPEAKER:** Will the Honourable Member please table the Questions? Are there any further Notice of Questions? Are there any Notice of Motions? Honourable Prime Minister.

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**NOTICE OF MOTIONS**

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**RT HON PRIME MINISTER:** Thank you, Honourable Speaker. I give Notice that on Thursday, 17 February 2005, I shall Move –

That leave be given to introduce a Bill to provide for the establishment of the Public Office-Bearers Remuneration and Benefits Commission; to provide for the powers and functions of the Commission; to provide for procedural matters relating to the Commission; to provide for the determination of remuneration and benefits of Public Office-Bearers by the President and to provide for incidental matters. I so Move.

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**HON SPEAKER:** Will the Honourable Prime Minister please table the Motion?

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**RT HON PRIME MINISTER:** I further give Notice that on Wednesday, 16 February 2005, I shall Move –

That this Assembly ratifies the Continental Plan of Action for the African Decade of Persons with Disabilities, 1999 to 2009. I so Move.

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15 February 2005

**NOTICE OF MOTIONS  
HON MUTORWA / HON KAMWI**

**HON SPEAKER:** Will the Honourable Prime Minister please table the Motion? Honourable Mutorwa.

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**HON MINISTER OF BASIC EDUCATION, SPORT AND CULTURE:** Thank you very much, Comrade Speaker, Sir. I give Notice that on the 22<sup>nd</sup> of February 2005, I shall Move –

That leave be given to introduce a Bill to provide for the establishment of the National Arts Fund; to promote and develop the arts in Namibia; to establish a Council to control and manage the Fund and to provide for related matters. I so Move, Comrade Speaker.

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**HON SPEAKER:** Will the Honourable Minister please table the Motion? Honourable Kamwi.

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**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:** Thank you, Comrade Speaker, Sir, Honourable Members. I give Notice that on Thursday, 17 February 2005, I shall Move –

That leave be given to introduce a Bill to provide adequate protection of the environment and of people in current and future generations against the harmful effects of radiation by controlling and regulating the production, processing, handling, use, holding, storage, transport and disposal of radiation sources and radio-active materials and controlling and regulating prescribed non-ionising radiation sources; to establish an Atomic Energy Board and to provide for its composition and functions; to establish a National Radiation Protection Authority and to amend the Hazardous Substances Ordinance, 1974 (Ordinance 14 of 1974) and to provide for related matters. I so Move, Comrade Speaker, Sir.

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**NOTICE OF MOTIONS  
HON KUUGONGELWA-AMADHILA**

**HON SPEAKER:** Will the Honourable Deputy Minister please table the Motion? Honourable Kuugongelwa-Amadhila.

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**HON MINISTER OF FINANCE:** Honourable Speaker, I give Notice that on Thursday, the 17<sup>th</sup> of February 2005, I shall Move –

That leave be given to introduce a Bill to amend the Income Tax Act of 1981 so as to define the expression “*Commissioner*”; to further provide for the recoupment of deductions allowed in respect of assets acquired by means of certain allowances and then subsequently disposed of and to empower the Minister to determine a lesser value than the market value First Respondent recoupment purposes; to provide for the exemption from tax of certain income of non-citizens stationed in Namibia by virtue of a technical assistance agreement; to provide that no amount paid as Land Tax be allowed as a deduction in the determination of taxable income; to provide for the establishment of a Tax Tribunal to expedite lower value tax appeals; to make provision for transfer pricing and thin capitalisation rules to combat tax avoidance schemes and to provide for matters connected therewith. I so Move, Honourable Speaker.

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**HON SPEAKER:** Will the Honourable Minister please table the Motion?

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**LEAVE OF ABSENCE**

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**HON SIOKA:** Honourable Speaker, I Move without Notice that Leave of Absence, due to her own illness, be granted to Honourable E Kamanya until the 21<sup>st</sup> March 2005. I so Move, Comrade Speaker.

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15 February 2005

**NOTICE OF MOTIONS  
HON NAMISES**

**HON SPEAKER:** Will Honourable Sioka please table the Motion whose dates will be questionable. Honourable Namises.

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**HON NAMISES:** I give Notice that on Tuesday, the 22<sup>nd</sup> of February, I shall Move that this Assembly –

*Seriously discusses* and offers solutions on the escalating violence against women and children, which has assumed horrific natures and proportions in our country. I so Move.

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**HON SPEAKER:** Will Honourable Namises please table the Motion? Are there any further Notice of Motions? Are there any Ministerial Statements? Honourable Ndaitwah.

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**MINISTERIAL STATEMENT:  
VIOLENCE AGAINST CHILDREN**

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**HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:**  
Thank you, Comrade Speaker, Honourable Members. First, I wish all of you a Happy New Year and I wish you all the best in the year ahead.

Comrade Speaker, in the past two weeks the Nation was once again shocked by the wave of violence committed against the children. The rape and murder, which I call double murder because with a child of eleven and four you cannot call it rape, of late Rachel Matundu and Manuela Sophia in Swakopmund and Windhoek, respectively, have terrified the Nation and any person of sound mind will find it extremely difficult to comprehend such barbaric actions done by our own people against their own children. On behalf of the Government, I once again express condolences to the families of Rachel and Manuela. Those youngsters whom we were looking upon to do work in our country have been robbed from us very prematurely

15 February 2005

**MINISTERIAL STATEMENT  
HON NANDI-NDAITWAH**

by those who do not care about this Nation.

Yesterday, the 14<sup>th</sup> of February 2005, many residents of Windhoek, under the leadership of CCN, as represented by spiritual leaders representing different denominations, have come together in a prayer march in which they called upon the mercy of the Almighty God in order to come to individual members of our society's conscience, for us to realise the importance of living together in harmony and respect our natural and traditional values and norms that respect human lives. We welcome that move as it is telling us that the whole Nation is now in the process of coming together in fighting violence against women and children.

I am fully aware that this Honourable House has passed a law on combating of rape. At the same time, the criminal law is still in our books and both of these laws are calling for stiff sentences for perpetrators of violence. However, it seems not to get into the minds and the hearts of the would-be perpetrators of violence and that leaves one puzzled as to what is really going on in our society and what shall we do together in order to fight violence. Of course, we can call for stiff sentences, but this could only be one of the solutions. These people seem not to understand what we are supposed to do as a Nation and they seem not to respect themselves, neither the society.

The first message I see is that those who commit such horrible crimes do not see themselves bound by any social norms, they are not bound to any traditional or common laws, because all these laws call for respect of one another, but they just do not understand and they continue to violate them. One might say, they may have confusion within themselves, which needs to be addressed. How, is the question we have to answer and as I always said on many occasions, our society needs psychological therapy as much as some of us can say it is because of poverty or because of unemployment? That cannot be, because if you look at the perpetrators, many of them are fully employed people and they are the ones who are committing these crimes. I can testify to this, because once I visited the prisoners and I asked the people to stand up who were unemployed at the time of committing a crime and only a small fraction stood up. Therefore, I know exactly what I am talking about. We need psychological therapy in our society.

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**MINISTERIAL STATEMENT  
HON NANDI-NDAITWAH**

I am happy to see church leaders coming in, because while the Government plays a role of providing for the material well-being, the churches' role is to look into the spiritual needs of our people. I am aware that our society is in transition and one may be caught up between different social and cultural backgrounds, but that cannot be a reason for us to condone such violence, especially of that magnitude.

Against that background, a concerted National approach is needed if we are to give meaning to the laws on our books and to bring back our cultural and traditional norms. I, therefore, do not hesitate to say on behalf of the Government that at an appropriate time we will call for a National conference to discuss violence in our society and to come up with proper recommendations on how to deal with the issues with the assistance of the laws on our books.

Honourable Speaker, children are a special group of the people in our country as they are ensuring continuity of our existence. Therefore, they must be protected at all times. They need to be cared for, they need to be defended. I am one of the Honourable Members of this House who has taken an oath to defend and protect the Namibian Constitution and I stand by that oath, but I have to mention here that the events of the past week and others alike, leaves me with no other alternative but to submit to this Honourable House and to this Nation that I think the time has come for us to seriously consider a Debate on the introduction of capital punishment or the death penalty, especially for the murderers of children. We as Parliamentarians have the responsibility to be part of the National Debate in the most appropriate manner.

I thank you, Honourable Speaker, and I thank all of you for your attention.

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**HON SPEAKER:** I thank the Honourable Minister Ndaitwah. This might be an occupational hazard on my part, but I recall that I have just made a Ruling against Honourable Pretorius' question that reflected on a provision of the Constitution of the Republic of Namibia. The same provision has been referred to by Honourable Ndaitwah. I think this one of

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**ADJOURNMENT**

15 February 2005 I will skip, because I do not know whether it is by way of talking or whether it is indeed a recommendation reflecting that that be changed. If that, indeed, be the case, then all of you collectively as lawmakers would have to help me to make that Ruling, because I am only citing the Rule that says that no Member may reflect on the provisions of the Constitution if indeed they are not making a substantive Motion to amend that particular provision. However, I am sure, by way of talking, one can make reference to it, but definitely a positive reference. If it is negative, I think we will take it in its context. This is a specific proposal, so as I am also growing old, I will maybe slip over that.

Honourable Members, this is a continuation of the Session that was proclaimed in December 2004 for the sole purpose of completing the Additional Budget. Questions are arising as to why we did not have an official opening and the basic answer is that it is a continuation of the Session that was proclaimed in December. Therefore, during the official opening the Honourable President-elect will address the House from here and not from where he is sitting today. Are there any further comments? I shall call on the Prime Minister to adjourn the House.

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**RT HON PRIME MINISTER:** Honourable Speaker, I rise to call for the adjournment of the House until tomorrow afternoon, 14:30.

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**THE HOUSE ADJOURNS UNTIL 2005.02.16 AT 14:30**

**ASSEMBLY CHAMBER  
16 FEBRUARY 2005  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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**HON SPEAKER**: The afternoon Session is called to Order. Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions? Honourable Mr Pretorius.

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**NOTICE OF QUESTIONS**

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**HON PRETORIUS**: Honourable Speaker, I have re-drafted my questions to be more constitutionally correct. I give Notice that on Thursday, the 24<sup>th</sup> of February 2005, I shall ask the Honourable Minister of Justice:

Whether the Government, being responsible for the protection of the lives and property of citizens, children and visitors, just as in the case of land expropriation in public interest and for the well-being of almost two million people, should not decide to call a national conference on violence and also discuss the reintroduction of the death penalty as was requested by the late Honourable Moses Garoëb on the 22<sup>nd</sup> of June 1992 and by the Honourable Netumbo Nandi-Ndaitwah on the 15<sup>th</sup> of February 2005.

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**HON SPEAKER**: I am sorry that I am taking this long, because it is serious and I want a way out not to infringe on the freedom of speech of the Honourable Members in the Chamber and hence keep the balance of imposing the Rules as currently worded. I am trying to find the provision. May Honourable Pretorius cut it out of my copy of the Rules, as I do not seem to be finding it. Meanwhile let me take another question from

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**NOTICE OF QUESTIONS  
HON MOONGO**

Honourable Moongo while the Clerks are looking for that Rule.

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**HON MOONGO:** Mr Speaker, I give Notice that on Thursday, the 24<sup>th</sup> of February 2005, I shall ask the Minister of Home Affairs the following:

1. Is the Minister aware that hundreds of vehicles are stored at Police Stations after being impounded on suspicion of being stolen? How many of these vehicles are stored at every Police Station in Oshana, Kunene, Ohangwena and Oshikoto?
2. It is a fact that a vehicle parked for more five years loses value and it is illegal to keep individual property, as stipulated by Article 16 of the Namibian Constitution, which states that “*all persons shall have the right to acquire and own property?:*”

In the light of the above, how long does the investigation take and when will the abovementioned vehicles be given back to the rightful owners?

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**HON SPEAKER:** I will ask Mr Pretorius to table the Questions pending a correct Ruling based on the exact wording of the provision. Are there any other Notice of Questions? Any Notice of Motions? Are there any Ministerial Statements? The Secretary will now read the First Order of the Day.

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**RATIFICATION: CONTINENTAL PLAN OF ACTION  
AFRICAN DECADE OF PERSONS WITH DISABILITIES**

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**HON SPEAKER:** Does the Honourable Prime Minister Move that the Plan of Action now be introduced?

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16 February 2005     **DECADE FOR PERSONS WITH DISABILITIES**  
**RT HON T-B GURIRAB**

**RT HON PRIME MINISTER:** I so Move. Honourable Speaker, Honourable Members, Cabinet, by its Decision Number 6/16/03/04-002, had approved the tabling for ratification before Parliament the Continental Plan of Action for the African Decade of Persons with Disabilities (1999-2009). It was my intention to have done so on 2 December 2004, but unfortunately we had to recess for the festive season.

The theme of last year's commemoration on the 3<sup>rd</sup> December 2004 of the said Decade was, "*Full and Equal Participation by Persons with Disabilities in Social and Economic Development.*"

The Secretary-General of the United Nations, Mr Kofi Annan, reaffirmed the importance of people with disabilities enjoying the full spectrum of civil, political, social, cultural and economic rights in his speech at the occasion. He further stressed that : "*it has become increasingly clear that persons with disabilities are the best experts on how to remove barriers to their participation in the life of the society and they must be included in the design, implementation and evaluation of policies and programmes that affect their lives, the cardinal point here being that no society can claim to be based on justice and equality for all without persons with disabilities participating in decision-making and benefiting from what has to be offered to all its citizens*"

In keeping with that view, the OAU Heads of State and Government, at their 35<sup>th</sup> Session held in Algiers in July 1999, proclaimed 1999-2009 as the African Decade for Persons with Disabilities. They adopted the Declaration at their 36<sup>th</sup> Session in Lomé, Togo in July 2000.

The new African Assembly of Heads of State and Government adopted the Continental Plan of Action for the African Decade of Persons with Disabilities during July 2002 in Durban South Africa. The Action Plan is inspired and supported by numerous United Nations resolutions and decisions as well as the declarations adopted by global summits and conferences held over the past decades.

I, therefore, call upon the Members of this august House to ratify the Continental Plan of Action for the African Decade of Persons with

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RT HON T-B GURIRAB**

Disabilities in order to protect and promote their rights and dignity as human persons with entitlements and responsibilities like the rest of us. The goal of the African Decade of Persons with Disabilities is the full participation, equality and empowerment of people with disabilities in Africa. The Continental Plan of Action accordingly aims at implementing priority activities relating to disability during this decade in all African countries.

It is needless to add here for the sake of emphasis, that the National Assembly has, indeed already adopted a National Policy on Disability in 1997. That Policy is intended to prevent and reduce physical, intellectual and sensory impairments and functional limitations that impede social advancement and capacity building in favour of people with disabilities.

Furthermore, a disability advisor is doing work in my office to strengthen National efforts towards dealing with issues of disability and to provide advice to the Prime Minister on the necessary measures to be taken to remedy existing shortcomings.

The Braille ballot folders used during the November elections and the adoption of the National Disability Council Bill by this august House last year are some of the clear indications of improvements in the lives of people with disabilities. The Government is reiterating it here by bringing this outlook to the lawmakers. All SADC countries have undertaken this regional commitment. We are sharing useful experiences and learning from one another for a better future for people with disabilities everywhere.

Honourable Speaker, Honourable Members, the Decade 1999 – 2009 is also a reminder that we in Africa should speak in the same breath and act with the same will and determination about gender mainstreaming, disability mainstreaming and human equality and justice. People with disabilities are not second-class citizens. They have equal rights like everybody else and all of us should help create an enabling environment at the workplace, at social events and everywhere in an effort to be inclusive. The UN Millennium Goals and Targets in partnership with NDP2 and Vision 2030 demand planning and financing in this connection and in this particular endeavour as well.



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HON PRETORIUS**

My Office has been mandated by Cabinet to coordinate and monitor the implementation of the National Country Work Initiative through Action Plans of Office, Ministries, Agencies and the broader civil society, stakeholders and shareholders. In so doing my Office will report regularly to Parliament. The African Union Secretariat, through the African Rehabilitation Institute (ARI), expects members to report on progress as may be required. We are nearly through the first half of the decade and Namibia must, therefore, speedily ratify the Continental Plan of Action and make sure that the implementation will take place immediately.

It is my hope that we can combine our collective efforts to make our continent a haven of peace, equality and prosperity where no one is marginalised or denied a chance to utilise God-given talents and vision to the maximum.

Honourable Speaker, Honourable Members, I hereby request the august House to ratify the Continental Plan of Action (1999-2009). I thank you.

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**HON SPEAKER:** I would like to thank the Honourable Prime Minister for his motivation of the ratification of this Continental Plan of Action. Any further discussions on this matter? Honourable Mr Pretorius.

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**HON PRETORIUS:** Mr Speaker, mine is actually only a small question, but before I put the question, I just want to welcome the proposal from the Right Honourable Prime Minister, because I believe that in the past Namibia has not done very much about persons with disabilities.

My question is actually only about the implementation of Affirmative Action. Will colour also play a role as far as persons with disabilities are concerned or not?

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HON DE WAAL / HON ULENGA**

**HON SPEAKER:** The original “*Prime Minister of Apartheid*” asks whether it will have a role to play in the democratic Republic of Namibia. Are there any further discussions? Honourable De Waal.

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**HON DE WAAL:** Honourable Speaker, I only want to say to the Right Honourable Prime Minister that we welcome his proposal, I think it is high time that we do something very serious. It is sometimes heartbreaking when you travel to place like Rundu for instance and you see some of the people really, really suffering, crawling on the streets and trying to beg money from people. I do not think that should be allowed in this country, we must really do something serious. We have enough money to have a small Budget to help these people so that they can find work. They are all very keen, they are physically and mentally very strong and I think we can make an effort and, therefore we appreciate what the Prime Minister is proposing and we support it. Thank you.

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**HON SPEAKER:** I thank Honourable De Waal. Honourable Ulenga.

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**HON ULENGA:** Thank you, Honourable Speaker. I will preface a question that I have with thanking the Prime Minister for tabling this important Continental Plan of Action.

This being a country of only two million people, I wanted to find out whether there actually are concrete figures as far as Namibia is concerned. How many people we are talking about in total? Are there figures regarding how many blind people we have in Namibia, how many of them are employed, how many of them are taken care of at the present moment in terms of what the Plan of Action is proposing within the next ten years? Thank you.

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**HON N ANGULA**

**HON SPEAKER:** I thank Honourable Ulenga. I now call on Honourable Nahas Angula.

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**HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION:** Thank you, Comrade Speaker and a word of welcome to everybody. I wish to thank the Right Honourable Prime Minister for tabling this African Continental Plan of Action for the African Decade for Persons with Disabilities.

I would like to preface my input by saying that all of us are actual or potential people with disabilities – all of us. Anything can happen and you find that you do not have eyes, legs, or whatever. Therefore, this is actually a Plan for all of us because we are all vulnerable and I suppose that all of us support this Plan.

However, to be seen that we are serious about it, we must express our support with concrete actions. To cater for people with disabilities is not cheap. The other day we had a Bill here on people with disabilities, which all of us supported, but I think there was something missing in that Bill. There was supposed to be a fund to cater for people with disabilities. Why am I saying so?

In the sector of education and training we have a policy of inclusive education to make sure that people with disabilities are included, have equal opportunities to education and training, but I can tell you it is not cheap. To develop Braille materials for two or three people is a big investment and the same with the deaf and the same with the physically handicapped. Here in the Parliament we have totally failed to accommodate people who are physically handicapped, because the building has staircases and if you are in a wheelchair, there is no way you can enter unless somebody carries you.

In the sector of education and training, it is even more challenging. You have to provide special equipment for people who are hard of hearing but who can see. Those who are blind or hard of seeing need special equipment. We have enrolled people with disabilities in our teacher

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HON POHAMBBA**

training colleges and institutions of higher education, but it requires massive investment. If we as a Parliament cannot even invest a little in just assisting people with wheelchairs, how do we expect other sectors to respond? Meanwhile we have passed a law on disability, a plan of action on disability and all that.

Therefore, my suggestion is that if we want to be serious with this one, we should amend the existing law and create a fund on disability, so that if a child somewhere is hard of hearing, he can go to that fund to pay for some equipment, which can assist this child to hear. If a child is from a poor family, is perhaps shortsighted, and needs glasses, he can draw from this fund or if somebody out there cannot afford to buy a wheelchair.

My appeal is that if we want this Plan to be meaningful to all of us who are potentially disabled, we must create a fund and we ask the Government, the private sector, individuals and donors to put something in that fund so that we can attend to the needs of people with disabilities. Thank you.

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**HON SPEAKER:** I thank Honourable Nahas Angula for his contribution. Honourable Pohamba, President-elect.

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**HON MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION:** Comrade Speaker, if nobody wants to contribute to this very important issue, I Move that the Debate be adjourned until tomorrow so that I can also make a contribution.

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**HON SPEAKER:** I take it that there are no objections to the adjournment and if that be the case, so agreed. The Secretary will now read the Second Order of the Day.

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**REPORT ON CHILDREN STATUS BILL  
HON KAIYAMO**

**CONSIDERATION: REPORT OF STANDING  
COMMITTEE ON CHILDREN STATUS BILL**

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**HON SPEAKER:** Does the Honourable Kaiyamo Move that the said Report be considered?

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**HON KAIYAMO:** I so Move.

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**HON SPEAKER:** I take it that there are no objections. So agreed. I call on Honourable Member Mr Kaiyamo to take the Floor and Move his Motion.

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**HON KAIYAMO:** Honourable Speaker, Members of this House, I thank you for allowing me the opportunity to motivate the Report of the Standing Committee on Human Resources, Social and Community Development on the Children Status Bill.

This Bill was referred to the Committee on the 6<sup>th</sup> of March 2004 for inquiry and report-back. The Committee on Human Resources, Social and Community Development wishes, first, to express gratitude to this Chamber for being mandated to take this Bill to the people for inputs. The Committee also wishes to express its appreciation to all stakeholders who made oral and written submissions, especially the LAC, the Law Society, Catholic AIDS Action, the churches and all other community institutions. The tireless efforts of the Regional Offices that made it possible for the Committee to have successful hearings in the Regions are appreciated.

Honourable Speaker, furthermore, the Namibian Broadcasting Corporation, particularly the Language Service, is commended for the publicity created for the Public Hearings as well as the repeated announcements of the Hearing programmes. The vital role played by the print media is highly valued and recognised.

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HON KAIYAMO**

The Committee, moreover, wishes to express profound gratitude to the Minister and the Ministry of Women Affairs and Child Welfare for its active participation and assistance rendered to us at all times. I am also happy to note here that everywhere we came in the Regions we found somebody from the Ministry of Women Affairs to give us assistance and input.

Honourable Speaker, I would also like to extend a special word of thanks to the Members of the Committee and allow me to take out one name in this Committee and mention Honourable Member Rattay who travelled with us to all thirteen Regions day and night. (Interjections) The Colleagues who travelled to the Regions know what I am talking about. Honourable Rattay is not of my age, but she was ready to travel with us. It is a long distance between Grootfontein and Tsumkwe, our car broke down and we had to wait there a long time. That is why I thank Honourable Rattay for being there.

Honourable Speaker, let me now summarise briefly the actions taken by the Committee. All are in the Report:

On the 7<sup>th</sup> of May 2004, the Committee invited the public through the media to give input on the Bill in the form of written submissions, representations and comments as well as to attend Public Hearings that were to be conducted on the Bill in the Regions. The Minister of Women Affairs, Honourable Netumbo Ndaitwah, and other Members of the Committee participated in the weekly programme, "*Talk of the Nation*", to inform the public about it. Live interviews were also carried out on the NBC Radio Service in all languages of the NBC. The Committee conducted Public Hearings in all thirteen Regions, covering 28 towns and cities, including Lüderitz, Karasburg in the South, Okalongo and Ekongo in the North, Katima Mulilo and Gobabis in the east and Opuwo, Khorixas and Swakopmund in the west.

As you might recall, Honourable Members, the main aim of the Bill is to promote the best interest of the child and to ensure that no child suffers discrimination or disadvantage because of the marital status of his or her parents. As has been the case in this House during the Second Reading, the

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Bill did not prove to be less controversial during the Public Hearings. The most controversial issues during the Public Hearings, which in most cases divided the participants along gender lines, were Clauses 11 and 18 on which I would love this House to give us more input to find common ground as we did not find common ground on this. Clause 11 is on custody and Clause 18 is on the male perpetrator.

However, after consultations with officials of the Ministry of Women Affairs, the Committee proposed that joint custody should not be given to unmarried parents unless in terms of a Court Order, because the experience has shown that it does not work in real life. It will just cause a war and the poor child is caught in-between. We, therefore, recommended that unless a competent Court directs otherwise, sole custody of the child born outside of marriage shall vest in the mother.

With regard to Clause 18, I want us to be very gender sensitive. In Clause 18, we say that a woman cannot rape and I want the House to express itself on this issue. It was the opinion of the Committee that gender-neutral wording should be used to provide for female rapists as well. It was recommended that the words "*male perpetrator*" should be replaced by a single word, "*perpetrator*".

Those are only some of the proposals. The rest of the proposals are in the Report given to you yesterday.

Honourable Members, I now have the honour to request this House to pass this Bill with the amendments proposed in the Report. I thank you.

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**HON SPEAKER:** I thank Honourable Kaiyamo. Any further discussions? Honourable Ndaitwah.

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**HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:**  
Thank you, Comrade Speaker, Honourable Members. I would also like to

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thank Members of the Parliamentary Standing Committee on Human Resources, Social and Community Development for all what they have done by taking this Bill to the Nation for their input and more importantly, for them to understand the contents of the Bill.

I have listened to the introduction by the Chairperson, similarly I also went through the Report and in addition to the comments, which the Chairperson has made, and this Report has made recommendations, which are calling for Amendments to the Bill.

The Ministry went through all the recommendations one by one as contained in this Report and, of course, there are some that we can consider, but there are those we feel we cannot and we have to explain to this Honourable House why we cannot accept them, because in some cases there might be a misunderstanding by the Committee as to what exactly what this Bill wants to address. At the same time, we also want to propose a few Amendments.

I know the Amendments are many and, Comrade Speaker, I have prepared comments to each of these Amendments to tell this Honourable House which ones the Ministry are considering and which ones the Ministry is not going to consider. I now want to be guided whether I have to go through these for Record purposes or at which stage I can do it. I need the guidance from the Speaker, but I am ready to go through our reactions on each recommendation.

Comrade Speaker, the Committee recommends a definition of a “child”. The Committee’s proposal is not acceptable in this Bill, because we want the definition to go beyond 18 years. However, this Bill is dealing with a child, it has nothing to do with the property as such. This Bill is talking about a child who cannot take a decision by him or herself, because at the age of above 18, you are a person who can take a decision. That is why there is a limit in this particular Bill and why we are ending at the age of 18. That is why we cannot accept the recommendation and the child should remain to be a person born outside marriage who is under the age of 18.

Then the proposal to define the words “*custody*” and “*guardianship*” is



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also in the Committee's Report. Comrade Speaker, if this Honourable House can go through this definition, which the Committee is proposing, they are not proposing anything, because you cannot define these words, they are already known as custody and guardianship. For example, custody means the right, duty, and power of custody. What is that? You are already referring to custody. It is really just trying to play around with words, but it does not add anything. The same is with guardianship. That is why we feel that we cannot accept that just because the Committee is asking.

The Ministry accepts the proposed definition of "rape", although not taking all the words as recommended by the Committee. We recommend that it reads, "*rape in this Act refers to the child conceived as a result of rape, which includes rape as defined in the Combating of Rape Act.*"

Then we go to Clause 3 – guidelines. The proposed Clause by the Committee is not accepted, to put the procedures in that particular Clause, but we will agree to put it under Clause 4 because that is where it belongs, but then even the wording will read as follows: "*The Children's Court may afford a child who would be affected by any decision made in terms of this Act an opportunity to express his or her views or preference if the Children's Court considers that the child is able to understand and participate in the proceedings, having regard to the child's age and maturity.*" Then Clause 4(5): "*If the Children's Court finds that the child is unable to participate in proceedings before the Court, the Court must record such findings in the records.*"

Of course, the Ministry agrees with the proposal of the Committee to amend 3 and 2, but the wording also has to change. We have the formula here, which we can make available to the Committee. It should be clearly stated that financial position of the parent will be considered but will not be a decisive factor, because according to the Committee they wanted us to say that whenever deciding on the child, the financial status of a parent should be a decisive factor. We in the Ministry feel that you can have all the money, but you cannot be responsible to be given a child. Therefore, we do not want financial status to be a decisive factor in deciding on the child.

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Clause 4 on the Children's Court: The Ministry accepts the position of the Committee, but then again we have a different formula. We have to include a provision if none of the parties can afford the legal costs. The Committee was proposing that one of the parties must be responsible for the legal costs, but there are cases where both parents are not able to pay. How would you then protect the interest of the child in that case?

Sub-Clause (4) refers to divorce. This Bill is focusing on children born outside marriage, and the Ministry proposes that we leave it out.

Clause 5 – Review by the Court: The proposition by the Committee is not clear, because they are referring to a Clause, which does not exist in the Bill, and we have a problem with that. We were trying to see where the idea that they are referring to is, but we found nothing of that nature in the Bill. (Intervention)

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**HON KAIYAMO:** On a Point of Order. The Report does not refer to Clause 5. It refers to Clause 6.

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**HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:** If you look at page 13 of the Report, there is mention of Clause 4, Children's Court.

The review by the Court as proposed by the Committee is not clear, because we cannot find the Clause they are referring to and then the Committee's proposal to define the Order in the Bill is too broad.

On the procedures to prove parentage the proposal of the Committee is not accepted, because in their motivation they are confusing the mother and the father with married persons, referring to them as spouses. The question here is children born outside marriage and that is why I say some of the recommendations of the Committee were made from wrong premises because they were trying to look at children broadly. They have to wait until we come to the Child Care and Protection Bill.

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On presumption of paternity, the proposal of Committee is not accepted and the Clause in the Bill should remain as is.

On the question of custodian, the Chairperson has rightly put it that the Committee feels it should not be a joint custody. The proposal in the Bill does not leave the Court out, because if you read the Bill as it is, it says, unless otherwise agreed or decided by a competent Court, this is what is going to happen. They are addressing it as if nothing can happen. If we accept what the Committee is suggesting, the implication is that if a child born outside of marriage is staying with the father, the father has to go to Court in order to get custody and if he has not done that, he is keeping the child illegally and the implication would be that every child born outside marriage who is now staying with the father or the father's relatives, has to be returned to the mother, because if anything happens to that child while staying with the father, even by accident, the father could be held liable because he was keeping the child illegally. That is what the Committee is suggesting. That is why we are leaving it to this House to decide whether that is what they want. (Intervention)

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**HON MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION:** Comrade Speaker, I would like to ask the Honourable Member a question. For example, if a child's mother passes away and as the father, I want to stay with my child, is that again to be considered as being illegal, being the father of the child?

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**HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:** There is Clause in the Bill where the Ministry proposed that upon the death of one of the parents, unless a competent Court decides otherwise, the surviving parent will automatically become the sole custodian. However, the Committee is suggesting that because sole custody should vest in the mother, the mother should have a will in which she appoints the custodian of her child upon her death. That is what the Committee suggested. (Intervention)

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**HON MINISTER OF HIGHER EDUCATION, TRAINING AND  
EMPLOYMENT CREATION:**

Perhaps we do not understand what you are saying, but I have a question. May I ask a question to the Honourable Minister? If my child chooses that he or she wants to stay with me and the mother agrees, do I need a third person to give permission for my child to stay with me? Who is my child? Alternatively, if the mother says the children have to stay with me, she cannot afford them, do I again need the Court's permission? My point is really that this Bill caters for a matrilineal kind of society, but what would happen to the paternalistic kind of societies? The Court is a third party, he does not even know you and he is the one who has the obligation to decide whether you can stay with your child or not. Is that really fair?

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**HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:**

It is a pity that I am the one who has the Floor. The Chairperson of the Committee could respond on the issue in a better way. Of course, there is also a Clause on access, but access is not the same as custody. It is said here that you have to agree with the mother, but you know you are going to be at the mercy of the mother. You can agree and if nothing happens, no problem and that is what was stated originally in the Bill, because if there is no tug of war between the two parents, they all have a responsibility whether the child is staying with you, whether the child is staying with another one. However, should there be a tug of war, then you can go to court for the Court to decide. That was what we suggested originally in the Bill, but the Committee is saying that if we say you have equal custody, which means whoever is staying with the child is doing so legally, that would create a tug of war and people are going to fight for the children. This is what the Committee is saying.

Then the Committee suggests that the Clause on guardianship should be deleted, which we cannot accept, because it is again the guardianship which we are saying should be equal, because guardianship here is talking about legal responsibility, and in the Bill we are saying the one who has the child at the time of operations or going to school can take a decision.

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However, on major issues, such as adoption, both parents have to decide. However, the Committee feels that guardianship should remain the sole responsibility of the mother. They are saying those Clauses should be deleted because when you are talking about access, then you are also taking care of guardianship. That is their argument.

Then the proposition to combine Clauses 6 and 8 is not acceptable, because these two Clauses are dealing with two different issues. One is Affidavits and the other one is on access. You cannot combine the two and they should remain as they are.

Then, Sub-clause (10) cannot be deleted as proposed by the Committee, because the core of the Bill is the best interest of the child. That is why the Clause is emphasising that anything that is done to allow access in a case where there are problems should be done in the best interest of the child.

With regard to inheritance, the proposition of the Committee cannot be accepted as it is proposing that the father be punished because he has a child born out of marriage. The Committee is proposing that a child outside marriage can inherit from the father, but it does not matter that the father has been maintaining that child, the father should not have any right to the estate of that child. That is what the Committee is suggesting.

The proposition of the Committee on Sub-clause (15) on mutual duty to maintenance is not clear, because they are talking about "*the parents of that father*". We do not know which parent and they have to make themselves very clear here.

Clause 15(a) is not accepted because it is excluding children born outside marriage and that is what is provided here. Now the Committee is suggesting that we concentrate on children born inside marriage and the Committee is not giving us any message, because the Bill is on children born outside marriage.

The Clause on children born outside marriage because of rape is the Clause, which the Chairperson has referred to. The Committee wants to argue that because the Bill does not allow the father who fathered the child because of

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rape to have access to the child, a mother of a child born because of rape should not have access to the child. We are asking ourselves, is that in the best interest of the child? Who is going to breastfeed that child?  
(Intervention)

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**HON SCHIMMING-CHASE:** May I ask the Honourable Minister a question? Honourable Minister, now that you are referring to that Clause of children born outside of marriages and being the custodian of children's rights, what is the feeling of the Ministry about the recommendation of the Committee that the raped woman should be given a choice to reconcile with the perpetrator so that the rapist could have access, custody or guardianship? How can one expect a thirteen-year-old girl who is raped by somebody to reconcile? Does "*reconcile*" mean there were problems before and you must now make peace? How can a person who goes through that psychological, emotional and physical trauma, at that tender age when the person cannot even judge, then be told to reconcile with the person who raped you? Is that acceptable?

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**HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:** I am dealing with Clause 23, moving up to 24 and there is no such recommendation. I was just dealing with recommendations. I looked at their general remarks, but my reaction is on the recommendations. They are asking for the wording to be gender neutral and once you comply with that which the Committee is proposing, then you are saying the mother should not have access. I do not know how practical that is and whether that is in the best interest of the child. Maybe on the day of delivery that woman has to be masked and then the child is removed without her seeing it. They say it should not only apply to men and women, it should be very gender neutral by saying the perpetrator of rape, which means men and women, but that will not work, we have to be specific, because you cannot deny that woman access to her child. Once you say "*perpetrator*", you are including the woman, but that is not in the best interest of the child.  
(Intervention)

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HON NANDI-NDAITWAH**

**HON KAIYAMO:** You are taking it from a different point of departure. When we talk about rape, we must know that there are also women who rape men and that is the point, it is not only the other way around.

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**HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:**  
Comrade Speaker, the recommendation by the Committee reads, *“Perpetuator of rape, which means men and women, which result in the conception of a child outside marriage shall have no right to custody, guardianship or access in terms of this Act.”* Therefore, it includes both men and women.

Then we come to the question posed by the President-elect on custody upon the death of the custodian. We cannot accept the recommendation by the Committee because they are saying the one with sole custody, which is the mother, should have a will to say who should take the child. Of course, it will exclude the perpetrator of rape.

The second proposal of the Committee on this particular Clause is also not accepted and we want to maintain the Clause, which is in the Bill. The guardianship after death is the same, because the Ministry proposed that a Clause should be added to exclude fathers, but we agree that it should not become automatic to say the surviving father or parent, because here we should exclude the one who fathered the child as a result of rape. That one has to be included.

Then the Committee wants another addition, which we do not accept, because what they are suggesting is already covered in Clause 21.

Then the protection of children of voidable marriage. The Committee proposes that another Clause be added and it is not accepted. There is a word, which we can include, that is children born from a void marriage, therefore it will be void and voidable marriage, to say they should have equal treatment. We agree on the word “void” to be added because it was not in the heading.

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HON NANDI-NDAITWAH**

Clauses 24 and 27 deal with the registration of births. We really appreciate the work done by the Committee on this and we understand that in Namibia, we have different cultures and traditions governing us, which are recognised as long as they are not in conflict with the law and that is where the question of registration of birth comes in. In order to accommodate that, because the Committee also refers to the traditional norms, we will not be able to prescribe on whose name a child should be registered. We should leave it to traditions to regulate themselves. Therefore, the Ministry suggests that the Bill should read that a child born outside marriage should be known by the name on which the child is registered. If according to your culture the child is registered in the mother's name, you do so. If in your culture it is the father's name, you do so. If it is in the name of the uncle, you do so and that is how the child will be known, because you cannot have a birth certificate from your school certificates and so on. We thought we could meet the consideration of the Committee by saying the child born outside marriage should be known by the name the child was registered. This is covered in Clauses 24 to 27, because the Committee was suggesting the complete deletion of this Clause.

On the Regulations, the proposed Sub-clauses (h) and (k) are accepted by the Ministry with a slight amendment.

We feel that the long title is really covering what we want, because the Committee is suggesting that the title reads, "*to provide for children to be treated equally regardless of whether they are born inside marriage or outside marriage; to provide for procedures for proof of paternity, to provide for the appointment of guardians and custodians*", which means almost quoting every Clause in the Bill. We feel that is not a title and we want the Committee to agree that the title remains as it is, namely, "*to provide for children to be treated equally regardless of whether they are born inside marriage or outside marriage and to provide for matters connected thereto.*" We thought that could be the long title.

Comrade Speaker, those are the few comments the Ministry has on the Report and once again, we want to thank the Committee for taking this Bill to the people for enrichment. I thank you.

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## **RULING**

**HON SPEAKER:** Indeed, I am more stunned than surprised. I truly am because of what is going on here. What is going on here negates everything that the Committee stands for. Issues are referred to the Committees to establish a common and shared understanding of the issues that are originated by the Line Ministry. The Committees' Report here cannot be a counterpoint between the Chairperson of the Committee and the Line Minister, because what the Honourable Minister has just done is what I or everybody here expected what she was supposed to do to the Committee and the Committee's report here would refer all that agreed to by the Minister, because she is the main mover. Are we having two reports here? The Minister's Report and the Committee's Report? Therefore, the simple ruling is that this matter cannot be discussed, it is not fair to the Members because the Minister's comments are not part of that Report. Are we going to have two? No, after fourteen years, this will be the toughest ruling I am going to make and that is that this Report now stands referred back to the Committee and it comes with the common view, incorporating the Minister's comments. So decided.

Honourable Members, I am asking for your indulgence, it is serious, and I am doing this because I am going to be making a Ruling, which I want to be correct, but I am faced with a situation of our Rules and the Constitution and I want your understanding and counsel in this case. Rule 108, General Restrictions, in our Standing Rules and Orders and I am making a comment in terms of the persistent submission by Honourable Pretorius on the removal of the death sentence from the Constitution. He is quoting Comrade Moses Garoëb and Honourable Netumbo yesterday.

All that falls on a deaf ear because Rule 108 says, "*A Member may not speak against or reflect upon any decision or act of the Assembly except for the purposes of moving that it be rescinded*". I had difficulty because my main purpose is to allow everybody to speak, but this Rule says, "*May not speak against.*"

Chapter 3 of the Constitution in Article 6 reads, "*Protection of Life: The right to life shall be respected and protected. No law may prescribe death as a competent sentence. No Court or Tribunal shall have the power to impose a sentence of death upon any person. No execution shall take place in this Republic of Namibia.*" This is the Supreme Law, nothing contrary to

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this will stand. The wording in this one can be modified, but as it is, the Rulings are not going to change because they will just say no, and I just want to prepare the House for that phantom Ruling when it comes. This is just for information. I call on the Right Honourable Prime Minister to adjourn the House until tomorrow.

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**RT HON PRIME MINISTER:** Thank you very much, Honourable Speaker. The Constitution shall always prevail. I rise to Move for the adjournment of the House until tomorrow afternoon, 14:30.

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**THE HOUSE ADJOURNS AT 16:10 UNTIL 2005.02.17 AT 14:30**

**ASSEMBLY CHAMBER  
17 FEBRUARY 2005  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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**HON SPEAKER:** This afternoon Session is called to order. Before we go into the business of this Chamber as scheduled for this afternoon, I would like to bring it to the attention of the House that there has indeed been some in-house improvement on both the quality and the format of the documents that we deal with on a daily basis. If you take the Order Paper and Minutes and look at those of last year, this is the in-house job, it is done within the Chamber and I am saying this particularly for the attention and ears of the Honourable Minister of Finance so that when we are making our request, she can say, "*oh, these people have innovations and they do things without outsourcing.*" I want to congratulate the staff of the Parliament who have internalised this and it now has no cost because it is done in-house.

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**HON SPEAKER:** Any Petitions? Any Reports of Standing or Select Committees? Honourable De Waal.

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**TABLING: REPORT OF PUBLIC ACCOUNTS COMMITTEE  
ON ACCOUNTS OF GOVERNMENT OF NAMIBIA**

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**HON DE WAAL:** Honourable Speaker, I lay upon the Table, the Report of the Public Accounts Committee to the National Assembly on the Accounts of the Government of Namibia for the Financial Years ended 31 March 2000 and 31 March 2001.

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**TABLING OF REPORTS  
HON KUUGONGELWA-AMADHILA**

**TABLING: ANNUAL REPORTS  
AND REPORTS OF AUDITOR-GENERAL**

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**HON MINISTER OF FINANCE:** Honourable Speaker, I lay upon the Table the following Reports:

1. The Annual Report of NAMIBRE, 2004;
2. The 2002/2003 Annual Report of the Namibia Airports Company;
3. The 2003 and 2004 Annual Reports of NAMFISA.

The Reports of the Auditor-General on the Accounts of:

1. Ministry of Environment and Tourism for the Financial Year ended 31 March 2002;
  2. Ministry of Prisons and Correctional Services for the Financial Year ended 31 March 2002;
  3. Ministry of Women Affairs and Child Welfare for the Financial Year ended 31 March 2002;
  4. Ex-Peri-Urban Areas, for the financial period ended 30 June 1999 to 30 June 2001.
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**HON SPEAKER:** Will the Honourable Minister please table the Reports? Other Reports and Papers?

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**TABLING: REPORT ON CONVENTION OF ELIMINATION  
OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**

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**TABLING OF REPORTS  
HON NANDI-NDAITWAH**

**HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:**

I lay upon the Table, the Second and Third Country Report on the Convention of the Elimination of All Forms of Discrimination Against Women, August 2004.

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**HON SPEAKER:** Will the Honourable Minister please table the Report? Other Reports and Papers? Notice of Questions? Honourable Ulega.

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**NOTICE OF QUESTIONS**

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**HON ULENGA:** I give Notice that on Thursday, the 24<sup>th</sup> of February 2005, I shall ask the Honourable Dr Abraham Iyambo, Minister of Fisheries and Marine Resources, the following questions:

1. What are the causes of economic and/or financial problems being experienced throughout the Fishing Industry at present?
  2. How many jobs have been affected or lost in the fishing and related industries because of these problems?
  3. How many jobs are expected to be lost?
  4. What efforts have your Ministry and the Government undertaken to save jobs in the fishing industry?
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**HON ULENGA:** I further give Notice that on Thursday, the 24<sup>th</sup> of February 2005, I shall ask the Honourable Nahas Angula, Minister of Higher Education, Training and Employment Creation the following questions:

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**NOTICE OF QUESTIONS  
HON MOONGO**

1. What is the total number of jobs created in the various industries and sectors of the economy, public and private, during the last five years since the creation of your Ministry?
2. What was the total net increase in employment opportunities or jobs created as a direct result of efforts from the Ministry of Higher Education and Employment Creation?

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**HON ULENGA:** I further give Notice that on Thursday, the 24<sup>th</sup> of February 2005, I shall ask the Honourable Marlene Mungunda, Minister of Labour, the following questions:

1. What is the rate of unemployment in percentage terms in the country at present?
2. What was it at the end of 1999, five years ago?
3. How many jobs have been gained or lost overall in the last five years?

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**HON SPEAKER:** Will the Honourable Member please table the questions? Honourable Moongo.

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**HON MOONGO:** Mr Speaker, I give Notice that on Thursday, the 24<sup>th</sup> of February 2005, I shall ask the Minister of Works, Transport and Communication:

1. Is the Minister aware that during the construction of the main road at Onethindi sand was taken away which led to the water flowing into the house of an old blind man, Gideon Kamati, at the junction of Punju and the old road to Onamungondo.

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2. When will sand be provided and immediate action taken to prevent that this house becomes surrounded with water?
3. As this is not an isolated case and other residents are experiencing the same situation, when will a proper investigation be launched to rectify it?

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**HON SPEAKER:** Will the Honourable Member please table the Questions? Are there any further Notice of Questions? Are there any Notice of Motions? Any Ministerial Statements? The Secretary will now read the Order of the Day.

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**RATIFICATION: CONTINENTAL PLAN OF ACTION  
AFRICAN DECADE OF PERSONS WITH DISABILITIES**

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**HON SPEAKER:** When this Debate was adjourned yesterday, the Question before the Assembly was a Motion by the Honourable Prime Minister. This Debate was however adjourned by the Honourable Minister of Lands, Resettlement and Rehabilitation and at the same time the President-elect. I shall now yield the Floor to Honourable Pohamba.

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**HON MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION:** I thank you, Comrade Speaker. Comrade Speaker, Honourable Members, I rise to add my support to the motivation by the Right Honourable Prime Minister for the Ratification of the Continental Plan of Action for the African Decade of Persons of with Disabilities. The Prime Minister has been mandated to coordinate and monitor the implementation of the National Country Work Initiative through Ministries, Offices and Agencies and the broader civil society.

As the Minister responsible for the implementation of the National Policy

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on Disability and National Disability Council Act, I wish to add my support to this initiative. We have a constitutional obligation to ensure that all people are equal and free from any form of discrimination. This requires that we protect disability rights as human rights.

Secondly, it is inhuman and contrary to our traditions to deny some of our fellow citizens their rights and opportunities that they deserve.

Thirdly, we have an obligation to bring the goals that we planned together with our African brothers and sisters in our continent to fruition. It is time Africa acts in unison to all challenges, be they economic or social. We need African responses to all African challenges. The challenges facing people with disabilities will diminish if the whole of Africa act with the same resolve and determination.

The Continental Plan of Action for the African Decade for the People with Disabilities requires that we as a Nation formulate National policies, programmes and legislation to promote equal participation of people with disabilities together with other citizens. It further requires us to enhance the provision of services, improve access to rehabilitation, education and training, among other things. As a country, we have put in place relevant policies and legislation to achieve the goals in the Continental Plan of Action for People with Disability. The implementation of the policies is underway as I am talking.

The number of persons living with disability in Namibia stands at approximately 85 567. This number can constitute a constituency. For example, when you see the number of people who supported MAG, the number is more or less the same as this one.

My Ministry currently has 49 staff members working solely on the rehabilitation programmes in all thirteen Regions. They provide face-to-face support to people with disabilities through home visits and visits to the institutions.

Comrade Speaker, coming back to the number of people with disabilities, I think the time has come, and I had a dream in November last year that in



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the next Parliament we should have a representative or a Member of Parliament representing the people with disability in this Parliament. That is a dream and I can tell you, I am a good dreamer.

Comrade Speaker, in the 2004/2005 Financial Year we have been working on the construction of the following centres for the people with disability: Ongwediva Disability and Resource Centre in Oshana, Omusati Vocational Training Centre and Ileni Mwiitaleleko Centre in Oshikoto at a total cost of N\$7.6 million. These centres provide programmes that focus on the mainstreaming of people with disability. Centres where we provide similar support are Ombili Integrated Project in Oshana, Ovitoto Wood-carving for People with Disability in Otjozondjupa and a project in Karas Region. As funds become available, we shall extend our Ministry's support through similar centres to all Regions.

Honourable Speaker, Honourable Members, I call upon you to join our African brothers and sisters through the ratification of this Continental Plan of Action. Let us, in the true African spirit of brotherhood and sisterhood, embrace our fellow citizens who are living with disabilities. I support the Motion by the Prime Minister.

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**HON SPEAKER:** I would like to thank the Honourable Minister Honourable Tsudao Gurirab.

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**HON T GURIRAB:** Honourable Speaker, I rise to express our support for the Convention that has been tabled for our ratification. This Chamber has a commendable record and our country has a commendable record in ratifying international instruments in record time. Documents being tabled cover the period from 1990 to 2009, which means that we are already midway with this Plan.

Honourable Speaker, this very document was launched almost four years ago by the former Prime Minister on the 10<sup>th</sup> of June 2001, which is the

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National Day of Disability in our country and it is now here in the Chamber for our ratification.

Honourable Speaker, I have only two observations to make in this regard. The first one is that like all international instruments which we accede to, there are the requirements post-ratification of implementing the requirements in terms of the instrument and in this very document which we have been requested to ratify in this Chamber today, I wish to make specific reference to Objective 11 of this document, specifically number 40(a) and (b) of that Objective which reads:

*“That Member States would establish and strengthen National Coordination Committees with emphasis on adequate and effective representation of disabled persons and their organisations and define their role in these committees; and*

*To establish a panel of experts with a majority of persons with disabilities to serve as advisers to the African Rehabilitation International Technical Team.”*

Honourable Speaker, I am raising this in terms of the timeframe in which we have to implement the objectives of this instrument, that as a country we perhaps need to move rapidly to establish the necessary National Coordinating Committee, which is being referred to in terms of Objective 11? I associate myself with the sentiments expressed by Honourable Pohamba, President-elect, who just spoke before me, in terms of the national instruments, which have been created to deal with this very important matter. Perhaps to expedite the creation of the national infrastructure and institutions, the Ministry of Lands, Resettlement and Rehabilitation, the Office of the Prime Minister as well as the NGO, such as the National Federation of People with Disabilities could take the lead in coordinating or strengthening the national effort by convening a national conference which will work out a plan of action in terms of this instrument, to enable us to meet the objectives which we would be ratifying this afternoon before the end of this Debate.

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HON MOONGO**

With those observations, Honourable Speaker, we support the ratification of this instrument. I thank you.

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**HON SPEAKER:** I thank Honourable Tsudao Gurirab for his contribution. I now call on Honourable Member Moongo.

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**HON MOONGO:** I thank you, Mr Speaker. First, allow me to congratulate the Prime Minister for tabling this Plan of Action for the African Decade of Persons with Disabilities. It is a very good move though I wanted to touch on some local problems.

Our disabled people are suffering as they are receiving the same pension as the old-aged persons. As everybody knows, they need somebody to assist them and they need to pay such persons. (Intervention)

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**HON SPEAKER:** Honourable Moongo, those are details. I think the House is asked to ratify the Plan of Action, which, of course, among other things would contain those details and cause the creation of local programmes that you are referring to. Now the intention of the Chamber is to ratify.

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**HON MOONGO:** I just want my voice to be heard by the Prime Minister. Therefore, I appeal to the Prime Minister to provide for a Special Fund for disabled people because they are suffering. If you pay a visit to the *Omukundas*, you will see how they are suffering. There is not even shade and the only alternative is wheelbarrows. They have to be transported in wheelbarrows to the tar road, it is unbecoming and inhuman, and I request that a special fund be provided in order to remedy the problems. I thank you.

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RT HON T-B GURIRAB**

**HON SPEAKER:** I thank Honourable Moongo for his contribution. Any further discussions on this item? There being no further discussions, I call on the Right Honourable Prime Minister to reply.

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**RT HON PRIME MINISTER:** Thank you very much, Honourable Speaker. I thank all the Honourable Members who have taken the Floor in support of this Motion, which tables the African Action Plan relating to the concerns and aspirations of people with disabilities. All of them, without exception, have given their full support to the Action Plan. There are some details that I would need to respond to.

*Honourable Pretorius* started by shelving the support that he, indeed, later on expressed, but in doing so introduced an element that I must respond to and that element had to do with what I would characterise as being preoccupation with matters of race. Racism is unlawful and reprehensible. Habitually reducing issues of public policy to race is not helpful. I, however, welcome the support that the Honourable Member has given to the Action Plan.

The second comment was by *Honourable De Waal* who welcomed and supported the Motion. I appreciate his passion he expressed for the plight of people with disabilities in our country and his emphasis on the need for meaningful action and I think it is a sentiment expressed all throughout the contributions made by all the speakers. I thank you, dear Colleague.

The third intervention was by *Honourable Ulenga* who too support the Motion, but in doing so enquired about the available figures of Namibians with disabilities. I will simply repeat what Honourable Pohamba, the Minister of Lands, Resettlement and Rehabilitation and President-elect mention, that the figure we have is 85 567, which is plus minus 4.7% of the population.

The next speaker was *Honourable Nahas Angula* who, true to his analytical mind, gave a much deeper insight into the need and expectations of people living with disabilities. He called for a national fund, tailor-made

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RT HON T-B GURIRAB**

specifically to promote the interest of people with disabilities, to protect them, to enhance their capacity to participate fully, both at decision-making but also benefit from service delivery from the State and from the society. I agree and yet the bottom-line is availability of resources and capacity required not only on the part of the people with disabilities, but also on the part of the Government and the public at large.

The point made by *Honourable Moongo* about wheelchairs and other means to assist the people is well taken.

The Ministries of Lands, Resettlement and Rehabilitation, of Health and Social Services, of Women Affairs and Child Welfare and others with dedicated programmes have remedial mechanisms to render assistance in their respective zones of competence. I thank all the Honourable Members, there is always room for improvement and we all share that commitment.

The Line Minister, *Honourable Pohamba*, further reiterated the Government policy and its current and future commitments to assist people with disabilities in our country in all possible ways. The Ministry of Lands, Resettlement and Rehabilitation is the Line Ministry and this is one of the areas that would require improvement when the Honourable Line Minister in the not too distant future would be referred to as the former Minister of Lands, Resettlement and Rehabilitation and would assume a new position – I am sure you can all guess what that would be.

While his Ministry is the Line Ministry, the Budget allocation for the work that the Minister must do in furtherance of the interest and welfare of people with disability rests with the Ministry of Health and Social Services. I however trust that that will be one of the areas that will be looked at as soon as possible by way of streamlining the service delivery.

*Honourable Gurirab*, I thank you very much for your support. I agree with you that it is one thing to ratify wonderful treaties and other instruments brought before this Honourable House, but the bigger challenge is to ensure early and effective implementation. Indeed, the Office of the Prime Minister is charged with coordinating the very efforts being made in the country by the Government, private sector and others to ensure that the

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benefits indeed filter through and make a difference in the lives of people with disabilities.

*Honourable Moongo*, I thank you very much for your support. We all share the plight of our people living with disabilities. They have, on so many occasions when I had the opportunity to interact with them by way of addressing them, both they and my office being invited to be present at other venues, said what the Honourable Minister of Higher Education said, that all of us are actual or potential persons with disabilities. I remember a meeting in Ondangwa where one of them so eloquently said that, “*The difference between you who think that you are normal and we with disabilities is that we speak frankly and openly about our disabilities, you do not and most of time you hide your disabilities.*”

I therefore thank you, Honourable Speaker, for giving me the opportunity to say thank you very much to all.

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**HON SPEAKER:** I thank the Right Honourable Prime Minister for his reply and I now put the Question, that this Motion be adopted. Are there any objection? No objections. So decided. Therefore, this Motion is unanimously adopted in this Chamber. The First Notice of Motion is one by the Right Honourable Prime Minister. Does the Prime Minister Move that the Bill be now introduced?

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**INTRODUCTION AND FIRST READING  
PUBLIC OFFICE-BEARERS COMMISSION  
(REMUNERATION AND BENEFITS) BILL:**

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**RT HON PRIME MINISTER:** I so Move.

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**SECOND READING**  
**PUBLIC OFFICE-BEARERS COMMISSION BILL**  
**RT HON T-B GURIRAB**

**HON SPEAKER:** Who seconds the Motion? Any objections? So agreed. Will the Honourable Prime Minister please table the Bill? The Secretary will now read the Bill a First Time.

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**PUBLIC OFFICE-BEARERS COMMISSION**  
**(REMUNERATION AND BENEFITS) BILL**

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**HON SPEAKER:** Does the Honourable Prime Minister Move that this Bill be now read a Second Time?

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**HON SPEAKER:** Who seconds the Motion? Any objections? I now give the **Floor** to the Right Honourable Prime Minister to Move the Bill.

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**RT HON PRIME MINISTER:** Thank you very much, Honourable Speaker, Honourable Members of the House. It is with great honour and pleasure that I rise to introduce a Bill to provide for the establishment of the Political and Other Office-Bearers (Remuneration and Benefits) Commission for urgent consideration by this august House. The Political and Other Office-Bearers (Remuneration and Benefits) Commission is long overdue.

With the implementation of the WASCOM recommendations in 1996, the salaries and conditions of service of the staff members in the Public Service were streamlined on various occasions. Although WASCOM recommended a 10% general, salary increase for an inflation rate increase per annum, the Political Office-Bearers declined the 1996 offer of salary increase because of the difficult economic situation facing the country at that time. I trust the public remembers the kind consideration by the

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Members of Parliament and other Office-Bearers. The only benefit received by the Political Office-Bearers since Independence was as a result of the establishment of a new pay structure as recommended by WASCOM.

In the 2002 /2003 Financial Year, it became necessary to review the salaries and conditions of service of Political and other Office-Bearers. In addressing the abovementioned situation, Cabinet by its Decision No. 7/16.9.2/005 resolved that an independent body be set up to periodically review the remuneration packages of the instances concerned and make recommendations to Parliament. This was based on the rationale that it would be more transparent and accountable if the salaries and benefits of the elected office and other bearers are reviewed and recommended by an independent body instead of a situation whereby the Political and other Office-Bearers are compelled, as is the case now, to approve their own remuneration packages. This, unfortunately, becomes distorted and interpreted as self-enrichment.

Political Office-Bearers, unlike perhaps everybody else in the society, do not have the benefit of trade unions and as befitting Political Office-Bearers, they must themselves talk about their salaries and conditions of service. This envisaged independent body will close that loophole and that other people, other than the Political Office-Bearers themselves, could be speaking as the union leaders do for their members on behalf of the Political Office-Bearers and others.

Following an unopposed motion moved by Honourable Katuutire Kaura on 19 April 2002, this House resolved:

*“That Cabinet, in accordance with the usual practice in other democratic countries around the globe, establish as soon as possible an independent commission to review the conditions of service of political and other office-bearers on an annual basis.”*

The Cabinet Committee on the Public Service was consulted on this initiative and recommended that the salaries and conditions of service of Political and other Office-Bearers be governed by legislation, which shall



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give the President the power to appoint a high-level commission of eminent persons, local and foreign, to review the remuneration of Political and other Office-Bearers periodically.

Following the requisite consultation process, Cabinet by its Decision No. 36/16.12.3/005, approved the proposed Bill on Political and Other Office-Bearers Remuneration Review Commission and its submission to Cabinet Committee on Legislation for scrutiny and further action by way of approval. Cabinet further resolved that a Motion be tabled in the National Assembly for discussion on the appointment of this Commission. The main objective of the proposed Bill is to provide for the establishment of the Political and Other Office-Bearers Remuneration and Review Commission to make recommendations concerning the salaries, allowances and benefits of Political and Other Office-Bearers and for matters incidental thereto.

Honourable Members, allow me to present to you, the Constitution of the Commission, persons not qualified to be members of the Commission, conditions of appointment, term of office, filling of vacancies and the conditions of service, the main functions of the Commission, etcetera, as provided for in the proposed Bill.

Section 3 of the Political and Other Office-Bearers Remuneration Review Commission Bill states that:

1. The Commission shall consist of seven members nominated by the President and appointed by the National Assembly by resolution.
2. Subject to the provision of Subsection (3), the President shall nominate fit and proper persons as Members of the Commission on the ground of their knowledge of, or experience in matters relating to the functions of the Commission.
3. A member of the Commission shall serve in a part-time capacity.
4. The President shall designate one member as the Chairperson and another as deputy chairperson of the Commission.

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5. If the Chairperson is absent or for any reason is unable to act as the Chairperson, the Deputy Chairperson shall act as the Chairperson of the Commission.

With a view to avoiding potential conflict of interest, Section 4(a) of the proposed Bill further makes provision that, *“no person shall be appointed as member of the Commission if, (1) that person is a Political or Other Office-Bearer; (2) that person is an unrehabilitated insolvent; and (3) the person has been convicted of any offence to which that person has been sentenced to imprisonment without the option of a fine.”*

For the purpose of Section 4(a)(iii) of the proposed Bill, no person shall be deemed to have been sentenced until an appeal against the conviction or sentence has been disposed of or until the period has expired within which an appeal may be lodged, as the case may be.

Regarding the conditions of appointment, term of office, filling of vacancies and conditions of service, Section 5(a) of the proposed Bill provides that:

1. The President may from time to time determine the conditions of appointment of the Chairperson, the Deputy Chairperson and any other Member of the Commission and as such, conditions of appointment shall not be altered to a Member’s detriment during the Member’s term of office.
2. Subject to the provisions of Subsection (3) below, a Member of the Commission shall be appointed for a renewable term of office of five years.
3. Any casual vacancy in the Commission shall be filled by the appointment of a new Member for the unexpired term of office of the Member who vacated the office.

Section 5(b) states: *“Subject to the provisions of this Bill, the President shall determine the remuneration and/or benefits of the Chairperson and*

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*other members of the Commission. However, if a staff member of the Public Service is appointed to the Commission, the period of his or her service as such member of the Public Service shall be reckoned as part of and continuous with his or her employment in the Public Service for the period of leave and pension and any other conditions of service and the provisions of any pension law applicable to him or her as such staff member of the Public Service or after his or her death, to his dependents and which are not in conflict with the provisions of this Bill, shall mutatis mutandis continue to apply.”*

It should be noted that such person shall retain the same right to vacate his or her office and retire as he or she would have had on the attainment of an age prescribed by the Public Service Act of 1995 (Act 13 of 1995) or any other law or on any later date on which he or she remains in the Public Service.

The functions of the Political and Other Office-Bearers encompass the following:

1. The Commission shall investigate and consider any matter relating to the salaries, allowances and benefits, including pension and medical aid benefits of Political and Other Office-Bearers and shall make recommendations to the President regarding hereto.
2. The Commission may conduct an inquiry into any matter in respect of which it is authorised by this Act or any other law to perform any function related to the performance of its duties.
3. The Commission may conduct or cause to be conducted such research or obtain such information as is required to make any recommendations.

The establishment of the Political and Other Office-Bearers Remuneration and Review Commission will not only enhance transparency and accountability, but will further strengthen good governance based on democratic norms and values in Namibia.

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**HON //GAROËB**

As noted earlier, the establishment of the Commission is crucial, as it will provide the requisite professional advice to the Government regarding the remuneration and other related benefits of the Political and Other Office-Bearers.

As noted in my introduction, Honourable Speaker, this Bill is a product of the broad-based consultative process and on 19 April 2002, this august House resolved that Cabinet be requested to establish the proposed Commission to review the conditions of service of Political and Other Office-Bearers.

Honourable Speaker, Honourable Members, it is, therefore, my sincere request that the Honourable Members consider and support this Bill in a favourable manner. I thank you.

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**HON SPEAKER:** I thank the Honourable Prime Minister for his motivation of this Bill. Are there any further discussions on this matter? Honourable Chief Justus //Garoëb.

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**HON //GAROËB:** Mr Speaker, Sir, I beg to Move a postponement of the debate on this Motion until Tuesday, next week. I so Move.

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**HON SPEAKER:** Any objections? So agreed. Therefore, the Debate on this Bill stands adjourned until next week Tuesday at 14:30. The Second Notice of Motion is the one by the Honourable Deputy Minister of Health and Social Services, Honourable Kamwi. Does the Honourable Deputy Minister Move that the Bill be now introduced?

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**ATOMIC ENERGY AND RADIATION  
PROTECTION BILL  
HON KAMWI**

**INTRODUCTION AND FIRST READING: ATOMIC ENERGY AND  
RADIATION PROTECTION BILL**

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**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:**  
I so Move, Comrade Speaker.

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**HON SPEAKER:** Who seconds the Motion? Any objections? So agreed. Will the Honourable Deputy Minister please table the Bill? The Secretary will read the Bill a First Time.

---

**ATOMIC ENERGY AND RADIATION PROTECTION BILL**

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

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**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:**  
I so Move, Comrade Speaker.

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**HON SPEAKER:** Who seconds the Motion? Any objections? So agreed. Will the Honourable Deputy Minister please take the Floor and Move the Bill?

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**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:**  
Honourable Speaker, Honourable Members, I beg to introduce the Atomic

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Energy and Radiation Protection Bill. The object of the Bill is to provide for adequate protection of environment and of people against the harmful effects of radiation and to control and regulate the prescribed non-ionising radiation sources.

The Bill further provides for the establishment of the Atomic Energy Board and a National Radiation Protection Authority. Finally, the Bill provides for the amendment of the Hazardous Substances Ordinance, 1974.

Comrade Speaker, Sir, Honourable Members, Namibia is a major producer and exporter of uranium which contains radioactive material. Namibia is a major user of medical equipment, like X-ray, cobalt 60, gamma cameras, computer tomography and others, which contain radiation sources.

The protection of radiation workers against excessive radiation is an important obligation under international agreements. The production, storage, exports and transportation of radioactive material is subject to international regulations. The International Atomic Energy Agency, which is a specialised agency of the United Nations Organisation on Nuclear Energy and Radiation Source matters, expects all Member States of the United Nations to subscribe to and comply with all the provisions of the safeguard agreements and the additional protocol to the safeguard agreement.

In order for a Member State to comply with these legal instruments, it is required that it provides tools in its domestic legislation. Secondly, Namibia is a recipient of technical assistance from the International Atomic Energy Agency. There are projects, which are assisted by the Agency in the fields of human health, hydrology, animal disease control, crop production and human resources development, just to mention a few.

In the area of human health the Ministry of Health and Social Services is collaborating with the Agency in the treatment of cancer. The Agency supported and provided equipment to the Radiotherapy and Nuclear Medicine Departments at the Windhoek Central Hospital. We are currently exploring the use of nuclear techniques in combating malaria and

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trypanosomiasis or sleeping sickness. The assistance of the Agency to Member States is subject to certain requirements. The transfer of nuclear technology is subject to recipient country having attained specific milestones. One of these milestones is the enactment of legislation, which provides for adequate protection of the environment and the people thereof, including the protection of radiation workers.

Honourable Speaker, Sir, the Bill before you is a product of joint efforts by the Ministry of Health and Social Services, stakeholders and technical assistance from the International Atomic Agency. The enactment of this legislation will allow the Agency to provide more assistance to Namibia as there will be confidence that all radioactive materials are accounted for and that the environment and people are indeed protected.

The Bill makes provision for the establishment of two important bodies, namely, the Atomic Energy Board whose primary function is to give authorisation and issue licences to persons to possess, import, export, transport, dispose of, dump or abandon any radiation source or nuclear material and secondly, the National Radiation Protection Authority which is an independent body and whose primary function is to register all radioactive material and to monitor the extent of exposure to radiation source or nuclear material in Namibia. Detailed functions and composition of the two bodies are also provided for in the Bill.

Honourable Speaker Sir, Honourable Members, the enactment of this Bill into legislation augers well for our beautiful Republic, Namibia. I, therefore, urge Honourable Members to support the Bill in the interest of our country without reservation. I thank you.

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**HON SPEAKER:** I thank the Honourable Deputy Minister of Health for his motivation of this Bill and are there any further discussions at this stage? Honourable Moongo.

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**INCOME TAX AMENDMENT BILL  
HON KUUGONGELWA-AMADHILA**

**HON MOONGO:** Honourable Speaker, I would like to adjourn the Debate on the Motion on the Table until next week, Tuesday.

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**HON SPEAKER:** Any objections? The Debate on this Bill is adjourned until next week, Tuesday. The Third Notice of Motion is the one by the Honourable Minister of Finance. Does the Honourable Minister Move that the Bill be now introduced?

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**HON MINISTER OF FINANCE:** I Move the Motion.

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**HON SPEAKER:** Who seconds the Motion? Any objections? Will the Honourable Minister please table the Bill? The Secretary will now read the Bill a First Time.

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**INTRODUCTION AND FIRST READING  
INCOME TAX AMENDMENT BILL**

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**HON SPEAKER:** Does the Honourable Minister of Finance Move that this Bill be now read a Second Time?

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**HON MINISTER OF FINANCE:** I Move, Honourable Speaker.

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**HON SPEAKER:** Who seconds the Motion? Any objection? Agreed. Will the Honourable Minister please take the Floor and Move the Bill?

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**SECOND READING  
INCOME TAX AMENDMENT BILL  
HON KUUGONGELWA-AMADHILA**

**HON MINISTER OF FINANCE:** Honourable Speaker, Honourable Members of the House, it is a great honour for me to motivate the tabling of the Income Tax Amendment Bill.

Firstly, the Act is amended to provide for anti-abuse tools to combat the current malpractices, which occur on business transactions between connected persons. It has become evident that quite a number of connected persons engage in cross-border transactions between Namibia and other countries, but mostly South Africa. Manipulation of prices for goods or services takes place under these transactions. In many instances, certain conditions are made or imposed between associated enterprises, which normally differ from conditions, which would have been agreed upon by independent enterprises, which are not connected, resulting in significant financial losses to the Fiscus.

The practice where prices of goods and services are manipulated to avoid tax usually takes place between companies that reside in two different countries with different tax rates. What effectively happens is that proceeds are transferred from a tax jurisdiction with a high tax rate to another tax jurisdiction with a lower tax rate through excessive pricing. This proposed Amendment introduces measures, which aim to curb this practice.

Connected enterprises also engage in tax avoidance through the advancement of loans with inflated interest rates to connected enterprises residing in another tax jurisdiction with a different tax rate. Within the same tax jurisdiction, this can take the form of financing through acquisition of equity, mostly acquisition of preference shares as opposed to a normal loan that is repayable with interest, which is treated differently for tax purposes. Dividends are exempt from tax while interest is subject to tax. The practice where enterprises provide excessive financial assistance to each other is called "*sin capitalisation*".

In Namibia, this process is concealed under the so-called structured finance deals. This proposed Amendment introduces measures to empower the Minister of Finance to disregard excessive financial assistance between persons as a deduction for income tax purposes.

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HON KUUGONGELWA-AMADHILA**

Another Amendment proposed is to insert wording that have been erroneously deleted in an earlier round of Amendments. The reinstatement of the wording ensures that the necessary recoupment for tax purposes can be done. When a salaried taxpayer receives an allowance from his or her employer to acquire, say a vehicle for official purposes, the taxpayer is allowed a deduction for tax when a vehicle is required. A recoupment then takes place when the vehicle is subsequently sold. The recoupment is calculated by taking the current market value of the asset into consideration at the time of disposal, in other words the amount allowed as a deduction for tax purposes is taxed again on disposal of the vehicle. This provision was brought in mainly because taxpayers in the past claimed the deduction and subsequently sold the vehicles and kept the money of course.

A further Amendment is proposed to confer discretionary powers to the Minister of Finance to determine a lesser value than the current market value for recoupment purposes if the circumstances of the case warrant a concession.

Honourable Speaker, Honourable Members of the House, Namibia is currently receiving a significant amount of aid from multilateral and bilateral partners which frequently result in expatriates being deployed in our country to help us address the inadequate skilled manpower situation. An Amendment is therefore being proposed under this Bill to provide for an exception from the payment of income tax for expatriates who are stationed in Namibia by virtue of the technical assistance agreement between the Government of the Republic of Namibia and a development partner. There are, however, three requirements that must be met before an expatriate will qualify for such exemption. The three requirements are, of course, that that person must be an expatriate and cannot be a citizen of Namibia. Secondly, such person must not be ordinarily resident in Namibia and thirdly, the salaries and emoluments concerned should be paid from a source outside of Namibia. The exemption is necessary because the conditions of the technical assistance agreements concluded with Namibia prescribe that the expatriates will not be taxed in Namibia because they are taxed already in the country of origin.

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INCOME TAX AMENDMENT BILL  
HON KUUGONGELWA-AMADHILA**

Another Amendment is proposed to ensure that farmers who pay their land tax may not claim such an expense as a deduction for income tax purposes. Otherwise, they would end up not paying anything.

The Income Tax Act is further amended to provide for the establishment of a Tax Tribunal to expedite tax appeals. The Tax Tribunal will not replace the already existing Special Court of Appeal, but it will create an alternative option to the lengthy Court procedures, especially for lower value tax cases. The Tax Tribunal will be a much quicker, smooth and less formal avenue to solve outstanding tax appeals although it will still have the required legal representation.

The Amendments also provide for the definition of “Commissioner”. The insertion of this definition becomes necessary because reference is made to the Commissioner in Section 73(a) of the Income Tax Amendment Bill of 2005, which deals with the establishment of a Tax Tribunal.

I thank you, Honourable Speaker and Honourable Members, I rest my case.

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**HON SPEAKER:** I thank the Honourable Minister of Finance for motivating the Bill. Are there any further discussions? Honourable Tsudao Gurirab.

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**HON T GURIRAB:** Honourable Speaker, unless there are other contributions now, I beg to Move the adjournment of this Debate to Wednesday, next week.

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**HON SPEAKER:** Any objections? So agreed. Therefore, the Debate on this item stands adjourned until next week Wednesday at 14:30. That brings us to the end of our business as scheduled for this afternoon. I,

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**ADJOURNMENT**

therefore, call on the Honourable Prime Minister to adjourn the House until Tuesday.

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**RT HON PRIME MINISTER:** Honourable Speaker, I rise to Move the adjournment of the House until Tuesday, 22<sup>nd</sup> of February 2005.

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**THE HOUSE ADJOURNS AT 16:10 UNTIL 2005.02.22 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBER  
22 FEBRUARY 2005  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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**HON SPEAKER:** This afternoon's Session is called to Order. Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions? Honourable Moongo.

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**NOTICE OF QUESTIONS**

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**HON MOONGO:** Mr Speaker, I give Notice that on Thursday, the 3<sup>rd</sup> of March 2005, I shall ask the Minister of Basic Education, Sport and Culture the following:

1. Is the Minister aware that secondary level students living in hostels at various schools, mainly in the North, are starved due to the lack of enough food?
2. Is the Minister aware of the fact that the lack of proper and adequate food could lead to theft and a high failure rate?
3. Could the principals and matrons come up with a proper plan for the distribution of food so that all students are treated equally and are having enough to eat?
4. Is the Minister aware that hundreds of Grade 11 learners between the age of 20 and 22 who passed with 24, 25 and 26 points are denied admission to continue schooling? Hundreds

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**NOTICE OF MOTIONS  
HON DR AMWEELO**

of Grade 11 and 12 students are without schools. What action does the Minister contemplate to remedy the situation?

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**HON SPEAKER:** Will the Honourable Member please table the Questions? Are there any further Notice of Questions? Notice of Motions? Honourable Amweelo.

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**NOTICE OF MOTION**

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**HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:** Honourable Speaker, I give Notice that tomorrow I shall Move –

That this Assembly ratifies –

1. The Convention for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;
2. The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
3. The Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation done at Montreal on 23 September 1971;
4. The Protocol relating to an Amendment to the Convention on International Civil Aviation signed at Montreal on 10 May 1984;
5. The Protocol relating to an Amendment to the Convention on International Civil Aviation signed at Montreal on 6 October 1980;
6. The Convention on Offences and certain other acts committed on

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board aircraft;

7. The Convention for the Suppression of Unlawful Seizure of Aircraft.

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**HON SPEAKER:** Will the Honourable Minister please table the Motion? Any other Notice of Motions? None. Ministerial Statements? I ask the Secretary to read the First Order of the Day.

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**RESUMPTION OF SECOND READING: PUBLIC  
OFFICE-BEARERS COMMISSION  
(REMUNERATION AND BENEFITS) BILL**

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**HON SPEAKER:** When this Debate was adjourned on Thursday, 17<sup>th</sup> of February 2005, the Question before the Assembly was a Motion by the Right Honourable Prime Minister. This Debate was, however adjourned by Honourable Chief Justus //Garoëb to whom I now yield the Floor.

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**HON //GAROËB:** Honourable Speaker, Honourable Members of the House, let me first thank and give credit to the Right Honourable Prime Minister as well as the whole Cabinet for tabling this long-awaited Bill at last. This is a good Bill in the sense that it is suggesting an independent body to be making suggestions of remuneration and benefits of the Public Office-Bearers, Members of the National Assembly, National Council, Members of Regional Councils and those whom the President of the Republic of Namibia has declared as Public Office-Bearers in the *Gazette* of the Government.

Similar systems of an independent body have already been established in many countries. Prompted by growing criticism from the public when

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HON //GAROËB**

Parliamentarians have been deciding our own benefits, it has been seen that it would be considered wrong for people to decide their own packages and *per diems* from the common funds. Against this point, we support the Bill.

It is true, Right Honourable Prime Minister, through you, Mr Speaker, Sir that we declined to accept the WASCOM recommended 10% general increase per annum for 1996. The reason was not only the difficult economic situation facing the country at that time, the moral obligation weighed much heavier than any other consideration.

As much as the situation compelled the political and other public office-bearers to approve their own remuneration packages, as is the case today, it is legally correct but it remains morally wrong. However, on the other hand, in fear of our actions being interpreted as distortions or self-enrichment, no serious regard was given to some of our benefits and in so doing, what would under normal circumstances be benefits for the Public Office-Bearers were turned into burdens, because of the fact that there was no independent opinion on that.

For instance, Mr Speaker, Sir, Honourable Members, any Honourable Member who was lucky enough to be re-elected for the next term would appreciate to draw at least one-third of his pension now at the end of this term, but today we are captives of the legislation of our own making. The writing on the wall reads, "*If you want your pension or a part thereof, resign*".

That is not all, Mr Speaker, Sir. After being one of the founding fathers of this Government, I resigned during 1996 for personal reasons. (Interjections). I was doing research for my book. (Intervention)

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**HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:**

May I ask the Chief a question? Through you, Comrade Speaker, I just want to ask my Chief a question, that when he resigned he promised this House that he is going to resign and write a book. When is this book going



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to be published?

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**HON //GAROËB:** Mr Speaker, Sir, I believe that in due course the Deputy Minister will also write a book and he will then realise that to write a book is not that easy, not in this country where the history of this country is not well-recorded. You need ample time to prepare yourself before you come up with a book.

After being one of the founding fathers of this Government, I resigned during 1996 for personal reasons. (Intervention)

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**HON MINISTER OF HOME AFFAIRS:** May I ask a question? Honourable Chief, I understand, and I speak under correction, that the Honourable Chief also intends to resign two days before this Parliament comes to an end to finish the book. Is it true?

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**HON //GAROËB:** Honourable Minister, please do not spoil the broth, I am in a very good mood today. A gratuity of more or less one-third of my pension was paid out to me and arrangements were made by the now defunct pension scheme that I would receive a lucrative monthly pension until the day I die. Unfortunately I returned to this august House during 1998, one and a half years later, only to forfeit my pension which would otherwise carry me until death and my spouse even further than that. My pension just vanished, not a cent was brought forward. (Interjection). You had better listen, otherwise you will fall into the same pit. Not a cent was brought forward, I had to start afresh in 1998 and now at the end of the term, I cannot even touch my pension, because I am re-elected.

Our current medical scheme is another social ill, which, if prepared by an independent commission, would yield better benefits than it is the case today.

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**HON //GAROËB**

With all these in mind, it is true that the establishment of an independent Commission is, indeed, long overdue. It is also only human that we would ask the newly established independent Commission to look into the previously mentioned losses.

Mr Speaker, I will fail in my duty if I do not touch on this very important issue, that I was deeply moved when the Right Honourable Prime Minister made the following unusual statement: *“Following an unopposed Motion moved by Honourable Katuutire Kaura on the 19<sup>th</sup> of April 2002, this august House resolved that Cabinet, in accordance with the usual practice in other democratic countries around the globe, establish as soon as possible an independent Commission to revise the conditions of service of Political and Other Office-Bearers on an annual basis.”*

Mr Speaker, Sir, this extraordinary progress in our Government cannot be left to go by unnoticed. Our Constitution is lauded worldwide for being one of the most democratic human rights constitutions, but never in our history was any credit given to a Member of the Opposition for a positive contribution made in this august House. In this august House, only a very strong leader with the equivalent broadly based knowledge, in your person Right Honourable Prime Minister, through you Mr Speaker, Sir, has the courage to quote an Opposition Leader without fear or favour.

This, indeed, is a positive trend, which will definitely lead our Government to greater heights. Close cooperation of parties on national issues will only do good to our Government and benefit the people without any unnecessary delay during the legislative process. I thank you for this and I rest my case.

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**HON SPEAKER:** I thank Honourable Chief Justus //Garoëb for his contribution. I have three Honourable Members who have requested to take the Floor here, but we need to clarify something. I take it and believe that if a statement has been made that can be corrected on factual grounds that that must be done, so that the House does not engage itself in debating something on false premises. I am saying that because Honourable Chief

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Garoëb referred to the disappearance of his pension and that will be a very serious statement and if the Honourable Chief knows exactly what had happened, it will be good if this House is informed, because I am told the Honourable Chief was out for only one and a half years and got gainfully re-employed by the same Chamber and the pension is only for unemployed. If that is the fact that is known to the Chief, that maybe it is just waiting for him for a rainy day, it is good to take that factual part off so that we can debate the ones that can be corrected. On the other hand, am I made to understand, Honourable Chief, that you have forfeited and you are stating that actually that you forfeited your pension? If that were the case, then restate it and I will withdraw my comments.

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**HON //GAROËB:** Mr Speaker, Sir, it is a fact. Why I said that the pension disappeared into thin air was because of the legal situation. When I came back I personally hoped that the remainder of my former pension would be brought forward or added to the present one, but according to the prevailing situation, the moment you drop your pension, as I did, then it lapses, nothing is brought forward. That is what happened to me.

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**HON SPEAKER:** Let us not debate this. As I said, I only wanted to correct the factual part of it and that has been reiterated. If that were the case, I think it should be referred to the appropriate instance to establish the validity of the ceasing of his pension and not to be discussed here, because we have a body that represents the Political Office-Bearers. Honourable Amathila and Honourable Mbumba are and others whose names I cannot mention here are part of that Committee. Before it is debated and kicked back and forth, can we get the factual statement in terms of regulations and legality from that Committee that Honourable Mbumba and Honourable Amathila represent. You represent our interests, so it will be a good thing if we get feedback on that. Is that acceptable? I do not want us to debate. This is a serious thing affecting someone's conditions. I now call on Honourable Mr Pretorius to take the Floor, followed by Honourable

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Kaiyamo.

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**HON PRETORIUS:** Mr Speaker, to me this Bill feels like a personal triumph, at least on principle. For forty years I am now trying to get a determination, policy decision-making of Political Office-Bearers' remuneration as far as possible out of the political arena without success. Now at least we are making progress.

First, the salaries for Political Office-Bearers were decided by the South African Government and during the transitional period after 1980, by the Administrator-General. After Independence, it was left to the Political Office-Bearers themselves without any guidelines. The result is that after 44 years as a representative in a legislative body, I am today, as a Member of Parliament at the age of 70 years, receiving exactly the same salary as a youngster of 25 years old. No wonder I could not sell a political career to any young man or woman from a financial point of view. No one wants to end his or her career with, proportionally seen, the same salary scale as that which he or she started with when they were young. Even South Africa is making a difference in the salary of a newcomer to the Parliament and that of an old hand. An independent Commission may help to avoid such shortcomings.

An independent Commission of specialists will also help to narrow the imbalanced gap between the salaries of political representatives and Public Servants. According to the best of my knowledge, there must be between 500 and 1 000 Public Servants who are receiving the same salary or more than an ordinary Member of Parliament. I am not even thinking about the huge gap between the salaries of senior officials in Local Authorities and Parastatals in comparison with the salary of a Member of Parliament.

To touch only on a few points, it is not clear to me why it is called the Public Office-Bearers Commission in the Bill, while in the past we always talked about the Political and Other Office-Bearers. Even the Right Honourable Prime Minister made use of the expression and concept of "*Political Office-Bearers*" right through his speech instead of "*Public*

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*Office-Bearers”.*

As in the past I am not in favour that as far as the definitions and functions are concerned, the President should decide on his own and alone about other public officers and the different rates. It should be done in the spirit of Article 27(3) of the Constitution that the President shall be obliged in the exercise of his functions to act in consultation with the Cabinet.

As far as Clause 2 of the Bill is concerned, there is a contradiction with the Right Honourable Prime Minister’s motivation. According to the Bill, the Commission consists of seven members appointed by the President, but according to the Right Honourable Prime Minister’s speech, the Commission consists of seven members nominated by the President and appointed by the National Assembly by resolution.

In addition, as far as Clause 8 is concerned there is another contradiction. According to the motivation of the Right Honourable Prime Minister, Cabinet by its decision resolved that an independent body should be set up to periodically review the remuneration packages of the instances concerned and make recommendations to Parliament, but now, according to the Bill, Clause 8 is making provision only for report and determination by the President and in fact only for the information of the Parliament.

Furthermore, it is nowhere stipulated in the Bill that it should be an independent commission and not one, which is trying to satisfy its principal.

Furthermore, there is another contradiction. According to the Bill, the Commission will serve for a period not longer than three years, but according to the Right Honourable Prime Minister’s motivation, it will be five years.

I am still of the opinion that the remuneration of the President shall also always be in line with Article 33 of the Constitution and it is not clear to me who will advise Parliament on the allowances and remuneration of a President if the President is excluded from the functions and

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recommendations of the Commission.

What also confused me, Mr Speaker, is that while there is not a single Roman figure in my copy of the Bill, the Right Honourable Prime Minister made use, right through his motivation, of Roman figures for Sub-clauses. That was so confusing that I had to use my imagination to figure out what was going on. If this can be clarified and my problems can receive the necessary attention, I shall support the Bill. Thank you.

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**HON SPEAKER:** I thank the Honourable Member Mr Pretorius. I now call on Honourable Kaiyamo.

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**HON KAIYAMO:** Honourable Speaker, Honourable Members of this House, I rise to support and commend the Prime Minister on this Bill which is clearly underlining my view of peaceful coexistence between the two branches of our Government, Parliament and Cabinet.

As the Prime Minister said, it was because of an unopposed motion moved by Honourable Kaura on 19 April 2002. In my view, there were ongoing consultations before that between the Speaker of Parliament, Comrade Tjitendero, and the former Prime Minister, Comrade Geingob.

The state of affairs furthermore shows that peace and stability are enjoyed by our respective Parties in this country when it comes to the issue of a unitary State – One Namibia, One Nation.

I fully agree with the Prime Minister that there is an urgency to consider this overdue Bill, because in my humble view, Political Office-Bearers are suffering in terms of salaries and allowances, especially when travelling on official duties in the country, not to speak of internationally. The travel allowance is far less than what is needed for hotel accommodation and food.

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I would like to give a practical example: Presently when an Members of Parliament travels on official duties to Gobabis, for example, he gets N\$319, a Deputy Minister gets N\$342, a Minister N\$365, the Speaker N\$413 and you are expected to pay for accommodation which is not less than N\$400. I am sure you all know how much a steak or mixed grill costs. Breakfast these days is not included in the price of accommodation.

Now let us look at the reality when travelling abroad on official duties and I am not going far – Johannesburg, Bloemfontein. Members of Parliament will get US\$110 and if the exchange rate is 6.2 – today it is 5.8 – the Deputy Minister will get US\$148, a Minister will get US\$183, the Speaker will get US\$239. All of us know that the standard price hotel accommodation is not less than N\$700 and for an international hotel it is at the least N\$1,000. Most of the time the conferences and workshops are held in unaffordable hotels and the poor Members of Parliament from Namibia ends up not eating because of lack of money. What makes it worse is that *okapana* is not available around those hotels.

The situation is even worse when you travel to Berlin, Paris, Tokyo and New York. If the conference or workshop is sponsored, they pay for accommodation and breakfast and that is it. If a conference in a neighbouring country is sponsored, and Members of Parliament will get US\$17, a Deputy Minister will get US\$22, the Minister will get US\$28 and the Speaker will get US\$36. The Minister cannot even invite his colleagues for a working lunch. He cannot pay. This may only be enough for lunch without a cool drink. Those Colleagues who believe in the bourgeois culture of having wine with lunch – sorry! (Intervention)

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**HON DEPUTY MINISTER OF PRISONS AND CORRECTIONAL SERVICES:** May I ask the Colleague a question? Comrade Kaiyamo, you have given the different rates for different people, the Members of Parliament, the Deputy Ministers, the Ministers and the Speaker. When you go to Johannesburg or anywhere else, do you get accommodation for different people according to their official status or is the accommodation

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the same? Do you have a hotel for Members of Parliament, another hotel for Deputy Ministers and another one for Ministers?

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**HON KAIYAMO:** From my experience, all these Conferences are held in these metropolitan hotels, meaning either Holiday Inn or others and the prices are the same. Maybe for protocol reasons the Prime Minister would like to have a suite, but all the people in that hotel pay the same price.

The Prime Minister in his motivation of this Bill mentioned unrehabilitated insolvent and imprisonment of any offence, Article 3. Some of our people became insolvent because after Independence we did not understand capitalism, we bought property and now we are insolvent. That means some of us cannot be members of this Commission after retirement because we did not fully realise the financial complications at that time when we bought properties and now we are insolvent. In addition, some of us were arrested and imprisoned without the option of a fine during the war of liberation. Does that mean we do not qualify to become members of this Commission? I trust that these issues will be taken care of in this Bill.

I am furthermore happy that the Commission will look into the Medical Aid. Colleagues, the reality on the ground is that if you become sick, you cannot go to Rhino Park or MediCity and I hope that in future we will be fully covered. With this, I support the Bill.

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**HON SPEAKER:** I thank Honourable Kaiyamo for his contribution. Honourable Ilonga.

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**HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:** Honourable Speaker, I rise to make my contribution to the Public Office-Bearers (Remuneration and Benefits) Commission Bill. I thank the Prime Minister for bringing this Bill to this august House. It would be good to



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have this Commission.

I do not want to repeat what was said by the previous speakers, but mine is on retirement. I only want to know how this Commission would liaise with the existing negotiating committee in the Office of the Prime Minister and the registered Trade Unions, NAPWU and NANTU, who are currently negotiating for the Public Servants? I want to know whether one body is going to negotiate on behalf of the Political Office-Bearers and the other one on behalf of the Civil Servants while we know we have one Budget. We must remind ourselves that we have one Budget and we must not create a problem, which we are not in a position to solve, because we may find that the Commission gives an increment to the Political Office-Bearers and says there is no money for the Civil Servants, as if they did with the Permanent Secretaries. The Permanent Secretaries got a better deal – car allowance, housing allowance – and that nearly caused a problem. Therefore, when we pass this Bill into a law, those relations must not be forgotten and whenever they are negotiating, they must know that they are negotiating based on one Budget, the national Budget. That is my biggest concern.

From the onset, we were saying, “*do not privatise or commercialise water*” and now we are crying. I want us to be careful from the onset, that these two bodies, be it for Political Office-Bearers or Civil Servants, must at all times consult and agree as a team and that must be passed as one Government, not because of the status. That is why we are suffering. As Comrade Kaiyamo mentioned earlier, the one gets this and the other that, but when you have to pay, there is no differentiation.

With those few remarks and advice, I support the Bill and I hope that comradely and friendly advice will be taken on board. Thank you very much.

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**HON SPEAKER:** I thank Honourable Iilonga for his contribution. I now call on Honourable Moongo.

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**HON MOONGO:** Mr Speaker, Honourable Members, it is good move at the right time to review the salaries and benefits of Political Office-Bearers in order to be transparent and accountable. It should be based on true and genuine facts, but if it is mere jealousy and distorted as self-enrichment, as was stipulated on page 3 of the speech of the Honourable Prime Minister, the Members of Parliament are doing very important duties in Government and they have to uphold and defend the Constitution. They amend Bills and pass laws and they represent the people of Namibia.

Mr Speaker, five years ago some African Members of Parliament did not wear proper suits because they could not afford it. Their countries were poor and there was a lot of corruption in their countries, therefore you could not distinguish between an ordinary Namibian worker and an African Members of Parliament. They were very poor. We do not want such a political embarrassment in Namibia. We in Namibia are opposed to such indecent behaviour, which is caused by salaries. We need Members of Parliament to show dignity and the Commission must review the salaries of messengers of this Parliament and cleaners at the National Assembly who receive N\$700 per month. They have big families, which have been hit hard by economic hardships. They must also be covered by WASCOM, if possible.

Mr Speaker, I would like the Commission to adjust the pensions of all politicians who retired before Independence and after Independence. They are also affected by inflation. Members of Parliament need to have offices in their respective Regions and they need transportation to reach every corner of Namibia.

By doing so, the Government of the day will unite the Members of Parliament with the Governors and Councillors regardless of political affiliation. (Intervention)

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**HON SIOKA:** May I ask a question to the Honourable Member? Comrade Speaker, Honourable Moongo was saying that the Commission should look into the salaries of the cleaners. Are the cleaners also Political

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Office-Bearers?

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**HON MOONGO:** You are working in a clean office because of them, therefore they must not be omitted. We must take care of them. (Intervention)

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**HON MINISTER OF BASIC EDUCATION, SPORT AND CULTURE:** On a Point of Order. I listened attentively to the motivation statement of the Right Honourable Prime Minister and the statements of the other Honourable Members who took the Floor before Honourable Moongo. I understand, even from those who have not spoken, that there seems to be no problem to accept the principle of establishing a Commission, because there is the realisation that it is very difficult for us.... (Interjection)

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**HON SPEAKER:** You are giving a speech, Honourable Minister.

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**HON MINISTER OF BASIC EDUCATION, SPORT AND CULTURE:** The point is - would it not be advisable that we accept the principle of the Commission and that we move forward, because that is the idea with this Commission, that we now have to submit all these things to the Commission for them to establish the way forward.

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**HON SPEAKER:** That is a question, it should be directed to all of you, and the duty of the Chair is to allow you maximum liberty to express yourselves. Proceed Honourable Moongo.

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**HON MOONGO:** By doing so, the Government of the day will unite the MPs with the Governors and Councillors, regardless of political affiliation. The public interest will be served and political antagonism and intolerance will be eradicated. Namibians must be united in peace, tranquillity, prosperity and true reconciliation will be implemented, and true healing will be done. I thank you.

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**HON SPEAKER:** I thank Honourable Moongo for his contribution. I now call on Honourable Nahas Angula.

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**HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION:** Thank you, Comrade Speaker. It was not my intention to participate in this Debate because I thought the Bill is straightforward. However, listening to other Honourable Members, I thought perhaps we are missing the point because we are talking about our own Conditions of Service and how exploited by Parliament or by Government we are and I thought we are missing the point here.

This Bill is about good governance. Good governance requires that when you are taking a decision, it should not be taken by your individual interest. When you are taking a public decision, it should not be influenced by your own interest. Therefore, in the case of political office-bearers this is even more important.

When you read the histories of some countries, Kenya in particular, which has a tradition of appointing anti-corruption investigators and not supporting them, you realise that we are on the right track, that we will have a Commission made up of non-political players to decide on a fair basis what is due to Political Office-Bearers. That is good governance and I think that is the message you should give the public, that as Political Office-Bearers we do not want to be seen to be blowing our own trumpets. We want our conditions of service to be decided by other fair-minded

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people, not ourselves, because if we are going to do that and follow the Debate of Honourable Kaiyamo to equalise the travelling allowance between the Speaker and everybody else, then for sure that is the kind of decision we are going to take, but perhaps the Commission will not follow that line of argument, they will have certain criteria to follow and come up with a respectable solution to our dilemma.

Sometimes I am of the same opinion that perhaps our contributions are not being fully recognised. Early in the morning, you as a Minister are in your office, trying to give political direction to the affairs of the Government. Nine o'clock you are in Cabinet. Two o'clock you are in the National Assembly. By the time you go back home, you have done more than eight hours of work. Meanwhile you do not have a law to protect you, if the appointing authority says enough is enough that is it. In other words, you do not have job security but you do many things.

I hope that this Commission will look at some of these things and really come up with a fair solution to our dilemma and put us outside the domain of making decisions about ourselves and curb the potential for conflict of interest. I think that is what the Bill is about mainly – good governance. Thank you.

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**HON SPEAKER:** I thank the Honourable Minister for his contribution. Are there any further discussions on this matter? I shall now call on the Right Honourable Prime Minister to reply.

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**RT HON PRIME MINISTER:** Honourable Speaker, I beg your indulgence and that of the Members collectively to say one or two things on Thursday.

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**HON SPEAKER:** I take it there is no objection for the reply to the debate, which has just taken place to be furnished on Thursday afternoon.

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HON MOONGO**

So agreed. The Secretary will now read the Second Order of the Day.

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**RESUMPTION OF SECOND READING: ATOMIC  
ENERGY AND RADIATION PROTECTION BILL**

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**HON SPEAKER:** When this Debate was adjourned on Thursday, the 17<sup>th</sup> of February 2005, the Question before the Assembly was a Motion by the Honourable Deputy Minister of Health and Social Services, Honourable Kamwi. The Debate was however adjourned by Honourable Moongo. I now give the Floor to Honourable Member Moongo.

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**HON MOONGO:** Mr Speaker, Honourable Members, good things usually come too late and the damage has already been done, but late is better than never.

The Bill makes provision for the establishment of the Atomic Energy Board to give authorisation on issues such as licences. Before the Board grants a licence, it must first consider the hazard indicators in the buildings and see to it that persons have radiation film badges and they have to survey matters. Then they must see to it that in high radiation areas, only authorised personnel are allowed and the health of workers must be monitored regularly. Then all workers and the people will be protected.

Mr Speaker, allow me to give a warning to all the mines in Namibia to take stringent precautions. If not, the users of radiation must not be given a licence.

Mr Speaker, we have hundreds of cancer patients flocking to Windhoek every week from the Regions and it is time to approve more funds to purchase more machines – one central, one in the South, and one in the

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East, West and North. Then we can speak of comprehensive cancer care in Namibia.

Mr Speaker, allow me to request the Minister to adjust the benefits and salaries of the few cancer doctors we have in Namibia. I request more S&T and overtime adjustment of X-ray workers and radiotherapists in order to serve as incentives.

Mr Speaker, the outdated and expired equipment must be replaced so that adequate protection could be provided. I still have a concern. Everybody knows that Namibia is a major producer and exporter of uranium and X-ray, computer tomography radiation sources, whether they are well protected, especially in the rural areas and whether there is regular health control.

Mr Speaker, the means of transportation must be provided to all the workers who execute X-ray duties countrywide. I support the Bill on the Table.

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**HON SPEAKER:** I thank Honourable Moongo for his contribution. I now call on Honourable Muchila to take the Floor. I assume it is your first time to take the Floor, therefore it is your maiden speech and you are protected by the procedures of this Chamber from undue interventions and interruptions. You are protected, Honourable Muchila, but nothing controversial should be uttered by you.

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**HON MUCHILA:** Honourable Speaker, Honourable Members, I rise to make my contribution and observations to the Motion of the Atomic Energy and Radiation Protection Bill by the Deputy Minister of Health and Social Services.

The Bill, as we have been informed, provides for protection of environment

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and people against the harmful effects of radiation by controlling and regulating prescribed non-ionising radiation sources.

Honourable Speaker, Honourable Members, as you well know, our country is not a nuclear weapon State and I hope it will never be. However, by virtue of being a member of the United Nations, Namibia subscribes to the International Atomic Energy Agency whose objectives include carrying out safeguards to verify compliance of non-nuclear State parties to the Non-Proliferation Treaty and other treaties to use nuclear materials for peaceful purposes only. Nonetheless, I strongly believe that it is in the first place our moral obligation to protect our environment and people from the harmful effects of uncontrolled radiation.

The fact that we produce and export uranium, which contains radioactive material, makes it even more imperative for this country to have policies and legislation controlling and regulating the use, handling and transportation of radioactive materials.

Honourable Speaker, Honourable Members, we live in a world of terrorism and Namibia has pledged its support for the war on terrorism. Can we, therefore, allow our uranium to land in the wrong hands? Certainly not. It is equally important to protect our people who work with equipment and other radiation sources from excessive exposure to these substances. Therefore, this legislation has been long overdue.

Honourable Speaker, Honourable Members, however, I have a concern regarding the provision of Section 40 of the Bill on offences and penalties. Placing a maximum sentence of ten years imprisonment or N\$200,000 fine and two years imprisonment or N\$8,000 for something that could cause mass destruction of human lives than a murderer is capable of doing, fails my mind. Equally, I fail to understand this leniency for offences, which could be deadlier than that of a cow thief.

Honourable Speaker, Honourable Members, passing this law as is in this regard will surely not augur well for justice. It will create the impression that as lawmakers, we value animals more than human beings, but as I said



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HON MUTORWA**

earlier, the CoD and I support the Bill. I thank you.

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**HON SPEAKER:** I thank the Honourable Mr Muchila for his maiden speech. Well delivered. Are there any further discussions? Honourable Kaiyamo.

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**HON KAIYAMO:** Comrade Speaker, I move that the Debate be adjourned until tomorrow afternoon.

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**HON SPEAKER:** I take it that there is no objection. The Debate on this item is adjourned until tomorrow afternoon at 14:30. The First Notice of Motion is the one by the Minister of Basic Education, Sport and Culture, Honourable John Mutorwa. Does the Honourable Minister Move that the Bill be now introduced?

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**INTRODUCTION AND FIRST READING  
NATIONAL ARTS FUND BILL**

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**HON MINISTER OF BASIC EDUCATION, SPORT AND CULTURE:** I so Move, Comrade Speaker.

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**HON SPEAKER:** Who seconds? Any objection? So agreed. Will the Honourable Minister please table the Bill? The Secretary will now read the Bill a First Time.

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**HON SPEAKER:** Does the Honourable Minister Move that the Bill be now read a Second Time?

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**HON MINISTER OF BASIC EDUCATION, SPORT AND CULTURE:** I so Move.

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**HON SPEAKER:** Who seconds the Motion? Any objection? So agreed. Will the Honourable Minister please take the Floor and Move the Bill?

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**HON MINISTER OF BASIC EDUCATION, SPORT AND CULTURE:** Thank you very much, Comrade Speaker, Sir, Honourable Members of the National Assembly. By way of introduction, let me state that the name of the Ministry on whose behalf I am motivating this Bill has been Basic Education, Sport and Culture since 2000, but a quick glance at the questions that were directed to me in the Parliament in the past, including the one of today, one realises that 98% or so of these questions only deal with the subject matter of schooling and education issues, creating the impression that the other components of the Ministry, namely, culture, sports, arts and language development do not enjoy the necessary attention. Therefore, this lengthy motivation is really meant to bring to the fore that the arts do matter.

It is, therefore, an honour for me to introduce and motivate the National Arts Fund Bill. The Bill makes provision for the establishment of a National Arts Fund that will promote visual, performing and media arts Namibia. It also makes provision for the establishment of a Council to be known as the National Arts Council that will control and manage the National Arts Fund.

As the Line Ministry, the Ministry of Basic Education, Sport and Culture have to secure the well-being of artists and the arts they create. In 1980 UNESCO published recommendations on the status of the artists in which

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the formal definition for artists reads as follows: *“Artist is taken to mean any person who creates or gives creative expression to, or recreates works of art, who considers his or her artistic creation to be an essential part of his or her life, who contributes in this way to the development of arts and culture and who is or asks to be recognised as an artist, whether or not he or she is bound by any relations of employment or association.”*

The arts that we are referring to in the Namibian context include the following, Comrade Speaker: All forms of visual expression, such as drawings, paintings, sculpting, installation art, print-making, computer graphic art, photographic art and film include architecture, landscape architecture, interior design, stage design, decor, costumes, jewellery, fashion and textile design. It further includes the design and making of those things we use daily, such as woven carpets, baskets and ceramics or pottery. Visual artists add value to functional objects and give colour, shape and texture to our visual world. They engage actively in research of the science of chemistry and physics, searching for sustainable and durable materials, developing methods for the recycling or modification of materials and finding innovative ways of construction.

The arts also include all types of music, dance and drama. These are referred to as the performing arts and include the practise and study of traditional art forms as well as new interpretation, new composition, new choreography and new stage direction. The performing arts also include the mastering of technically demanding musical instruments and equipment used to perform, project, record or broadcast the arts. The arts constantly interact with new media and embrace the sciences of acoustics, electronic sound, light and stage engineering.

The arts also include the written and spoken word of storytellers, poets and writers who bring our rich linguistic diversity to life and who develop the Namibian anthology.

Honourable Members, artists add value to our lives by stimulating our senses and our critical thinking skills. They enable us to be individuals by providing choices in the way we dress, adorn and entertain ourselves.

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Artists bring movement to our physical and spiritual body. They mirror the strength and weaknesses of our society and highlight issues to make us think. The artists found the technical boundaries of design and innovation and therefore, require balance between scientific and creative inputs.

The arts are not there for entertainment only. Artists, through their artistic creation, contribute to our heritage since the contemporary expression of today will become the heritage of tomorrow.

The establishment of a National Arts Fund and a National Arts Council, therefore, logically follows the establishment of the National Heritage Council and we passed the Bill last year. These Bills were developed *in tandem* to cover the main areas of the arts and culture sector for which the Ministry of Basic Education, Sport and Culture is responsible. That is, the documentation, the protection and promotion of Namibian heritage and, secondly, the development and promotion of Namibian arts and creative contemporary expression.

The creation of the National Arts Fund and the Council was recommended by the Presidential Commission on Education, Culture and Training of 1999. Provision for the establishment was made in the Arts and Culture Policy, which was accepted in principle by our Cabinet in August 2001 and is reflected in the National Development Plan 2.

The overall guiding document remains, of course, the Namibian Constitution, Comrade Speaker, with specific reference to Article 19, Article 20 and Article 21 that deals with the fundamental freedoms. For example, Article 21(1) states: *“All persons shall have the right to freedom of speech and expression which shall include freedom of press and other media, freedom of thought, conscience and belief, which shall include academic freedom in institutions of higher learning.”*

Freedom of expression, thought and conscience remain at the core of a creative person's being and forms the essence of innovative design and creative expression. Throughout history, the most respected civilisations appreciated the artist's role in society and honoured their achievements,

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paving the way for much of the world's most treasured artistic and architectural heritage.

In addition to the mentioned National guidelines and policies, Comrade Speaker, we are also guided by international instruments such as the SADC and OAU statements, now the AU, and UNESCO's recommendations on culture and declaration on the status of the artist. Namibia, of course, has a very rich artistic heritage and a very active contemporary arts life. These precious assets can become lucrative income generating industries if placed in a conducive climate.

The National Arts Fund, in my view, once generated through Government and other sources will be administered in accordance with strategies for arts development articulated by the National Arts Council. Criteria will be developed based on National development objectives as well as on artistic merit. The Council will have the majority of its members nominated by the public. The principal purpose of the National Arts Fund will be to distribute funding to artists and art organisations on a representative basis in line with our Ministry's guiding principles of access, equity, quality and democracy. We have it in sports, where you have the Sports Commission and contributions to sports development are channelled through the Commission and put into the Fund, so that you also allow the flexibility of other institutions, other than Government, to contribute to the development of sports and it is the same principle that we would like to achieve through the establishment of this Arts Fund.

The National Arts Council will identify, develop and provide support mechanisms for artists in all corners of Namibia through scholarships, grants, arts education programmes, the commissioning of works and through the promotion of upcoming artists. The Council will also play a central role in the creation of opportunities for artists to perform or exhibit their works in regional, National and international events. The Council will be advised by a number of staff committees on which experts in various fields of the arts will serve.

Comrade Speaker, since Independence the delivery of arts education has

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been the main priority of the Ministry's Directorate of Arts Programmes. Many artists, we believe, have benefited from the Arts Educational Programme established through the Colleges of the Arts and International Arts Extension Programme. Student numbers have increased dramatically since Independence from an initial 600 in 1990 to more than 3,500 students annually registered at the College of the Arts and support centres throughout Namibia. It is, therefore, understandable that this investment should be approved. We now have a proliferation of active visual, performing and media artists and noticeable improvement in the quality of the products.

The National Arts Council, without any doubt, will assist the regional offices of the Ministry of Basic Education in creating incentives for schools to participate in arts events, giving new impetus for the implementation of arts programmes in the schools.

Yes, the artists have been enjoying exposure through the Government grant receiving bodies, such as the National Arts Gallery of Namibia, the National Theatre of Namibia and the Namibian Broadcasting Corporation, but it must also be stressed that due to limited funding, the promotional role of these institutions has not been developed to its full potential.

Since the Fund will be in a position to accrue funds from a variety of sources, we believe it could become an excellent mechanism for Government and other agencies to join forces in supporting and promoting the arts and artists.

The National Arts Council will also actively seek to create opportunities for partnerships between the Government, the donor community and the private sector. They will seek to address the need for the promotion of our artists within and outside Namibia. Until now the Ministry has not had a transparent mechanism for distribution of funds directly to the artists or Non-Governmental Organisations dealing with arts for self-initiated projects and this has hampered the ability of artists to realise their artistic projects and the income generating potential. It has been a source of frustration for artists and arts unions, especially with the arts industry

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apparently being on the brink of a boom.

There is a growing local audience, clientele for homegrown products, for example live, and recorded music, local dance and drama theatre productions, visual arts and craft works, textile print and fashion design, multi-media advertising as well as magazine or feature programmes in print and audio-visual format. I believe very strongly that there is an emerging Namibian visual performing and media arts industry, which has the potential to generate job creation and alleviation of poverty if developed in a sustainable manner.

The success of Namibia's tourism industry and international trade also depends very heavily, I believe, on the unique characteristics and quality of the products made by local artists as well as their ability to sustain production and to design and develop new product ranges. There is an existing wealth of heritage, talent and new ideas, but of course a dire need for an enhanced incubation programme so that artists can be enabled to produce and market their products in line with the local and international demand of quality and quantity.

As stipulated in the legislation, the Ministry will offer a Secretariat and will remain responsible for securing the funding and related services so that the Fund is not burdened with administrative expenses at least at the initial stage. It is, therefore, clear that additional funding will have to be secured for the National Arts Fund and its Council. The staffing establishment of the Ministry will also have to be extended in a way so that there is a proper support and accounting structure for the Fund and Council.

Comrade Speaker, Honourable Members – I think I have succeeded in portraying the image that I am also Minister of Arts – it is therefore now my recommendation that the Honourable Members of this House accept my motivation of the Bill and that we will eventually pass this Bill without any hindrance, so that the future can be secured for the arts and artists in our beloved Namibia. I thank you.

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**HON SPEAKER:** I thank Honourable Minister Mutorwa for his motivation. Are there any further discussions? Honourable Venaani.

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**HON VENAANI:** Thank you very much, Honourable Speaker. I think I shall give the Honourable Minister the necessary support that he needs without any discussion. The Bill before the House is in the interest of arts and one query that one has is that we have created a lot of funds, a fund of this and a fund of that, and I do not know how many funds we are going to have in this country. Nevertheless, Honourable Speaker, I want to thank the Honourable Minister for bringing this important legislation in front of the House and our Party supports the Bill.

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**HON SPEAKER:** I thank Honourable Venaani for his contribution. Are there any further discussions? Honourable Pretorius.

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**HON PRETORIUS:** Honourable Speaker, I shall be very brief. I very carefully listened to the Honourable Minister and I think he has proved to be the Minister of Arts, because even his definitions of arts and artists are better than those in the Bill and I want to congratulate him on that and we have no problem to support the Bill.

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**HON SPEAKER:** I thank Honourable Pretorius for his contribution. Honourable Namises.

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**HON NAMISES:** I shall also follow the trend of the two previous speakers and say that the Bill has come at the right time, because one of the things that our artists have been looking for, for a long time is the Arts



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Fund because they need it so desperately to make progress in what they are doing. I also see that it will not consist of many structures and with the new Director of the Arts Gallery this will be a powerful tool for the grassroots artists in our country, so that they can benefit. I, therefore, support the Bill and say that today the Minister has really behaved like a Minister of Arts and Culture.

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**HON SPEAKER:** I thank Honourable Namises for her contribution. Are there any further discussions on this? Honourable Ithana.

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**HON ATTORNEY-GENERAL:** Comrade Speaker I would in the same fashion like to thank the Honourable Minister of Basic Education, Sport and Culture for tabling this Bill, which is long overdue in my view, in the sense that we have had the experience of the performing artists struggling for a long time and nobody coming to their aid. If there is a profession that is struggling to make ends meet, I think it is the profession of the performing arts. The Jackson Kaujeua's and many others, too many to enumerate, are examples of what I am talking about, but now that the Bill is in front of us, we should give it the necessary support.

I would like to come down to art as a subject in schools. I was growing up a long time ago in the late forties, early fifties, and the arts subject was confined to basketry only without any theory around basketry, without any specific methodology of why a basket has to be made this way or that way. It depended so much on the creativity of the pupil herself. I do not remember what the male students were doing. This was prevalent in the schools in the then homelands and I would like to know from the Minister whether this is still the case and if not, what has replaced this basketry and other things in the arts subject?

Comrade Speaker, many successful business people nowadays come from the arts background. The architects, the interior decorators, the musicians, the filmmakers and painters come from that background. Has the arts

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subject filtered through to our formerly disadvantaged schools and if not, when are we likely to have these subjects taught in some of our schools? I know it is only in the formerly white schools where this subject is taken very seriously and you see the students doing research on this subject, but what is the situation in our rural schools? This picture has not been painted here for us to start associating the Minister with the portfolio of arts. I only know him as the Minister of Education. For me to realise now that he has in actual fact become the Minister of Arts, I must be convinced that things on the ground have changed, art is not only restricted to traditional dances, which comes spontaneous after all. I used to be one of those good traditional dancers, but I was never coached. I only looked at how they are doing it and then I did it. I feel that we need to do research, refine, and develop it. It should not be so static that our children are learning things that are no longer relevant to the modern eyes. The attire should also be commensurate with the times and there is a lot to go with this portfolio. I am seriously appealing to the Minister that the Directorate Arts in your Ministry should do a lot. It should not just confine itself to what it used to do during the colonial period and, therefore, concentrate only on those things while neglecting particularly the traditional component of art as a subject.

Comrade Speaker, having made these few remarks, I would like to register my support for the Bill. Thank you.

**HON SPEAKER:** I thank Honourable Ithana for her contribution to this Bill. Honourable Kuugongelwa-Amadhila.

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**HON MINISTER OF FINANCE:** Thank you, Honourable Speaker. I would also like to join the preceding speakers in expressing my support for the proposals that are put forth in this Bill.

Over the years, we have observed many artistic talents being demonstrated by especially the Namibian youth, which talent has not really been adequately nurtured because of lack of resources. The Fund, which is

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proposed in this Bill, would definitely go a long way towards supporting this talent and developing industry, which I consider to be loaded with potential for boosting economic growth and generating income for the multitude of our unemployed youth. We know of countries around the world whose economies thrive on the arts alone and I think that there is potential in this industry for also addressing some of the ills that are facing our country.

I would however like to say that the funding of this proposed Fund should not be the responsibility of the State alone, as is the case with many statutory Funds. They are seen to be Government Funds and people would complain about how little the Ministry of Finance has voted in terms of resources for this Fund, but it should really be seen as a National Fund to which all Namibians with the means to do so should make a contribution, not as an act of charity, but as a highly rewarding investment for all of us.

I would also like to say this Fund should support those who really need it. It should not be seen as an entitlement for any person in that industry, because sometimes people feel that if you have a Fund that is supposed to cater for activities in a specific sector, then every active person in that sector is entitled to that. It should really go to those who are in most need of it, who are not able to get support elsewhere, so that we can make the greatest impact.

With these few remarks, I support the Bill.

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**HON SPEAKER:** I thank the Minister of Finance for her support of this Bill. I now recognise Honourable Tsheehama.

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**HON DIRECTOR-GENERAL OF THE NAMIBIA NATIONAL INTELLIGENCE SERVICE:** Thank you, Honourable Speaker. I think today is a very important day for the Namibian artists. There are people out

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there who are celebrating today, people out there who are jubilant, people who for fourteen years have been starved, and people who for fourteen years have been neglected. This is why I say these people who celebrating today and this is what they have been waiting for, for a long time.

There is nobody here who has never danced to the tune of these artists, whether in a sitting position, putting your foot down as the music goes on, whether nodding your head. We did not see the importance of these people in the society. When a musician steps up on the platform, you hear everybody cheering and make no mistake, if we get a popular musician to stand for President tomorrow, that musician will win. Oh yes, he will win. I like music despite the fact that age is preventing me from doing what I used to do when I was young. When music is played at a SWAPO Congress, everybody stands up and everybody tries to demonstrate his or her talent through the tune of that music.

I feel all of us must support this Bill without further ado we must not again create another element of starving these people further. I support the Bill.

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**HON SPEAKER:** I thank Honourable Tsheehama for his contribution and let me now fulfil his desire by calling on an accomplished musician who is a Member of this Chamber, no other than Chief Hendrik Witbooi, the Deputy Prime Minister.

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**HON DEPUTY PRIME MINISTER:** Thank you very much, Comrade Speaker, Honourable Members. Let me also join all the previous speakers in congratulating the Minister of Basic Education, Sport and Culture for tabling this long overdue Bill. The Honourable Speaker said I am a musician, I am also an artist in my own way, though underdeveloped, and I would support the passing of this Bill. We have many artists up there and I would be a very happy man if the Bill could have been passed today.

Nevertheless, let me say this is not my farewell speech, that is still coming,

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but I am still looking around, whether this Government can give me anything to do.

Comrade Speaker, without wasting your time, I would like to ask the Honourable Minister of Arts, that as some of us would be leaving and would be without any remuneration, whether this Fund will compensate us for our losses, because the Bill is long overdue. Therefore, while supporting the Bill, I only want to find out whether it would compensate some artists retrospectively. I support the Bill.

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**HON SPEAKER:** I thank the Honourable Deputy Prime Minister for his contribution. Honourable Ndjoze.

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**HON NDJOZE-MUVANGUA:** Comrade Speaker, I move that the Debate be adjourned until tomorrow afternoon.

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**HON SPEAKER:** Any objection? None. Therefore the Debate on this item stands over until tomorrow afternoon. The **Second** Notice of Motion is one by Honourable Namises. Does Honourable Namises Move the Motion? Who seconds the Motion? I call on Honourable Namises to motivate the Motion.

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**HON NAMISES:** Thank you, Honourable Speaker. It is a pity that I have to motivate this painful Motion on violence after quite a lovely and artistic Debate. However, let me state from the outset that this has been a traumatic year for our country's women and children. It is clear that Namibian women and children have to fear violence from unexpected corners – from Judges, pastors, teachers, mayors of towns and many whom we in the past thought are guardians of what is good and proper in our society. I am glad to note that our Courts have decided that this impunity

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will not continue to go unpunished any longer and it is in this context that I wish to applaud Judges Gibson and Damaseb for their decision in the High Court yesterday.

Honourable Speaker, our country has now witnessed many demonstrations by everybody angered by this gulf of violence in our country, but what our country needs is practical action by the elected leaders to stem this tide of violence. When I say practical action, Honourable Speaker, I mean practical action that will start to address this problem.

Our citizens have generally welcomed the enactment of the Combating of Rape Act of 2000 as well as the Domestic Violence Act of 2004. However, if after fifteen years we reflect on where Namibians are coming from, one has to recognise that Namibia was born of a violent struggle for Independence from the apartheid South African regime. This struggle was based on the power of one race over another and the power of men over women and children. Our collective hope was that come Independence, we would become equal partners with men in the development of our country, yet this did not happen.

Instead what is happening is an undeclared war being waged on a daily basis by men against women and defenceless children, the most recent of these events being the rape and brutal killing and public beatings of women, the killing of six year old Rachel Hamutundu in Swakopmund and in Windhoek, the late Sophia Hoesemas, followed by a husband in Rehoboth who stabbed his wife to death and as we were trying to comprehend those, the High Court Judge, Justice Pio Teek, being charged with multiple counts of violence against two minors. The country thus evolved in a litany of violence against women and children. (Intervention)

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**HON ATTORNEY-GENERAL:** On a Point of Order, Comrade Speaker. I do not intend to detract the Honourable Member from addressing this serious matter. I would however like to caution her not to mention certain individuals whose cases are still being investigated. The person referred to in the name of a Judge is a suspect, meaning the case is still being

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investigated and until such time that the Court has pronounced itself, I do not think it is right that we address that issue here in the National Assembly.

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**HON SPEAKER:** Thank you, Honourable Attorney-General. I have been listening very carefully as I am equally concerned with the Rule of *sub judice*. I have heard Honourable Namises only touching on facts that are already publicly known. She has not made any judgment on that and I think on that basis I allowed her to continue, because what she said is not different from what has been reported in the papers and that is public knowledge. When she comes to make a judgment, I am here to invoke the position that you have just alluded to. Proceed.

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**HON NAMISES:** Thank you, Honourable Speaker. Women and children are not being attacked and violated by some foreign army that invaded to expel them from their homes and burn them to death, but by the very men that they love and live with, their friends, fathers, stepfathers, boyfriends, uncles, brothers and neighbours. The very men who are entrusted by our society to protect them, such as Judges, as I said earlier, mayors, ministers and religious leaders are now attacking them. (Intervention)

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**HON DEPUTY MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:** May I ask a question? Honourable Namises, we had the same case in the Ministry of Women Affairs and Comrade Netumbo reported on that. Are you now copying her statement or condemning her statement, which she has already made on behalf of the Namibian women?

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**HON NAMISES:** While there is now a general outcry in our media against this high level of violence... (Intervention)

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**HON MINISTER OF FINANCE:** On a Point of Order. I am very sympathetic to the case that is being put forth by Honourable Namises, but just before she sits down, she made a statement that those who are entrusted with the responsibility to protect our children like, and she included Ministers, are now attacking them. Does the Honourable Member have a specific case of a Minister that has been convicted of abusing the right of a child or does the Honourable Member know of a case that is not known to all of us? If the Honourable Member cannot provide this evidence, I think, while it is very good for us to condemn these crimes and especially by people who have the responsibility to protect children, it would not be proper to implicate certain categories of people while there is no such evidence. I really just want to say it would not be fair, because that is an over-generalisation to say every person in authority is now guilty.

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**HON SPEAKER:** I think when Honourable Namises referred to men in general, there was an interjection, but very quiet, which said “some”. However, there had not been any support for that and I am wondering how strong the statement was made. However, let us not accuse people who are presumed innocent until proven guilty by the Court. I did not hear the statement. I only heard the reaction from Honourable Kuugongelwa-Amadhila. I will consult the HANSARD and make a Ruling.

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**HON NAMISES:** The very men who are entrusted by our society to protect them, such as Judges, mayors, ministers and leaders, are now attacking them. The ministers are religious ministers. (Intervention)

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**HON SPEAKER:** No let me just say that if we were to require the degree of specificity and not generalisation, as Honourable Kuugongelwa-Amadhila has required, and then all those generalisations will fall to the wayside, all the men, teachers, Judges that is generalisation. However, I thought it was allowed in the early part of the speech. Let her continue



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because there is obviously no accusation against an individual, it is a characterisation of a very serious situation that our country is facing and let us not appear to be defenders of a very indefensible case. Proceed.

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**HON NAMISES:** Honourable Speaker, I will not be the one to ...  
(Intervention)

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**HON ATTORNEY-GENERAL:** On a Point of Order, Comrade Speaker. I know that the subject matter being motivated is very serious and therefore, the Speaker is probably for those reasons trying to protect the motivator of this issue, but I would also not like us to generalise to the extent that we include everybody. Ministers are not only men. There are female Ministers. What are we saying when we say that category is also included in this abuse? (Interjections) Please allow me to address what I want to say.

If you, for example, say Judges, probably because there is a Judge that has been implicated in this thing, fine, but when you enlarge from Judges to ministers, what impression will it create in the final analysis? It is that Ministers in Namibia are also involved in this kind of crime that we are condemning.

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**HON SPEAKER:** Honourable Members, I see a contradictory situation here. If I move to that degree of specificity, the Debate will not occur. If I think, as I am now, that I will allow the presenter to continue with her opinion, it is her opinion, it is her case, and then Honourable Members will take the Floor, correct, and refute the non-factual parts of it. The Attorney-General at one point was quoted, the degree of generalisation I am talking about, as having said that all these crimes are being committed by *Ngandjeras*. However, look at that statement, all crimes, but we knew and I know very well that you are not meaning everybody by that definition. It was the way in which you were expressing to show the gravity of the situation and I think I am trying to allow the Member to show the gravity of

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the situation and then when we debate, we will have to be very specific in making the cases. I do not think that any Rule is being broken in this Chamber. The issue is very, very important and crucial, I am not defending the motivator, I am relying on the Rules of the House to allow this Debate to continue and I think in this case the generality will create a picture that is totally unacceptable and I think that is what the Honourable Member is trying to do. Proceed.

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**HON NAMISES:** Thank you, Speaker. Just to make it more clear, once we debate I can maybe bring up these cases, but what I mean in my speech are Reverends. Without doing research on Reverends, what come to mind are cases in Walvis Bay and Khorixas and there are other cases out there.

While there is now a general outcry in our media against this high level of violence, unfortunately there is still a widespread belief that gender-based violence does not deserve the same seriousness as other crimes, which are classified as grievous bodily harm. Violence against women is deliberately trivialised because society, especially men, fear giving women the power and control they should have by right over themselves.

Violence against women is also still regarded by some as a private rather than a public issue. For example, when violence occurs against men in prisons or for political reasons, it is considered public. Public institutions are called upon to fight the so-called injustices for the dignity, security of a person, which is perceived as a just cause for the men. (Intervention)

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**HON DEPUTY MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:** On a Point of Order. I think the Honourable Member was not supposed to table this Motion here today, but she was supposed to support the Ministry of Women Affairs, because we are trying to organise the public at large. We should not keep on repeating gender issues here, we have to go out and support each other. We can go out and speak to the people to come together. I thank you.

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**HON SPEAKER:** We are having a very interactive afternoon. I have just recollected my understanding of what Honourable Muharukua is objecting to. Honourable Minister Ndaitwah's statement was a Ministerial Statement in which she covered similar grounds. This one is a Motion that is asking the House to address those issues. That is the difference. Proceed, Honourable Namises.

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**HON NAMISES:** Honourable Speaker, the problem goes deeper when in fact child sexual abuse and violence against women occur on such a large scale in Namibia. Therefore, we should all pause for a while and ask ourselves why this is happening. Let us examine our own attitudes, opinions and thoughts in this regard and consider where each one of us has a role to play.

For example, while the general outcry in our media is focused on violence against women and children, we read only in small print that a man has killed his father over a cigarette or his brother or best friend over a bottle of Tafel Lager. Yet international research has shown that societies with high levels of male-on-male violence also show high level of male violence against women and children. Conversely, in societies in which men resolve conflicts with their male counterparts peacefully, there is also little rape, abuse of power and domestic violence. That has been proven.

Honourable Speaker, I note that there are very strong feelings of hopelessness and anger out there, which results in calls for harsher punishment or reinstatement of the death penalty or the return to traditional norms and values, the traditional norms that are also oppressive of women and children, is not going to change matters thereof.

I, therefore, suggest that we look at what we have done so far and redouble or improve our efforts. We have powerful, exemplary legislation in place but that is a big "**but**". Why do these not act as deterrents to potential offenders? Is it possibly, because our law enforcement agents do not enforce it effectively or consistently? Is it possibly because the Ministry of Women Affairs and Child Welfare has not moved their programmes on violence against women, as outlined in the Gender Policy and the Gender

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Plan of Action? Is the Ministry of Women Affairs and Child Welfare maybe ignoring the recommendation submitted to them and other Government institutions on violence as far back as 1997 or does the Namibian society lack the social will?

We speak of political will, but do we as Namibians lack social will by not honestly looking at our role in the system and asking ourselves critical questions on child rearing, response to our own expectations of our partners, wives and husbands, behaviour of our boyfriends, our sisters-in-law when they become widows and our responses to them, the influx of family members who grab the inheritance from the widow and children? To what degree do we tolerate threats of violence and practise of physical abuse against women and children? In what ways are we hypocritical when we accept that men, both powerful, well-to-do ones with status as well as illiterate and unemployed ones have urges that are difficult to control and in what ways do other men, women, the system and the authorities protect such men? Do we stand up selectively for women and children's rights when it suits our own purposes, or do we stand up collectively?

Honourable Speaker, I can go on to ask questions, but let me move to my recommendations by saying we do not need any diminishing of rights, such as the hype about capital punishment. On the contrary, we need strengthening of the right culture in this country, the understanding that rights are not divisible, they apply to everyone equally at all times and that all citizens are entitled to protection and equal treatment in terms of those rights. Everyone should be able to enjoy just and fair treatment under the law and if a crime is committed, to be charged, tried, convicted and punished in terms of due process of the law.

Therefore, for the latest incidents of abuse, murder, rape, assault and other still unresolved cases of violence dating back five years, let the law as it stands take its course and let the exemplary manner demonstrated by Judges Gibson and Damaseb yesterday be the way to go. Let us as Namibians at the same time look to our communities, our society, ourselves, let us take rage, disappointment and deep sorrow and channel it into making a difference where we are at home, at places at work. Let us examine the situation with honesty, resolve, and recognise where we need to take greater

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responsibility and action as individuals and collectively in the creation and maintenance of a culture of peace.

Honourable Speaker, I would, therefore, move that this Honourable House supports the carrying out of research... (Intervention)

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**HON DEPUTY MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:** On a Point of Order, Honourable Speaker. I do understand the Motion by the Honourable Member, but my problem is that I do not know what we are going to discuss.

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**HON SPEAKER:** Honourable Muharukua, I do not understand what you have just submitted, because the Honourable senior Minister Angula, in his capacity as an educator, was talking about good governance here and I do not know whether you heard what he said in his submission on good governance, what elements of good governance are. I will end there because I did not understand what you were moving for. May I call on the Honourable Member to continue?

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**HON NAMISES:** Thank you, Honourable Speaker, I was about to say that I would, therefore, move that this Honourable House supports the carrying out of research to find out how masculinities are constructed in our various Namibian communities and how violence becomes an integral part of manhood in so many of our boys and men. This is even more crucial in this era of HIV/AIDS, with women now having the highest rate of infection.

Further, we need far more serious efforts by leaders in Government and Traditional Authorities to transform the oppressive gender regime, because people are saying that there are evil and sick elements in the Namibian society and that there is a decay of our values and norms.

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That sufficient funds be allocated for implementation of the Married Persons Equality Act, the Domestic Violence Act, the Combating of Rape Act to ensure that women and men know and fully exercise their rights and responsibilities and that the Judiciary and law enforcement personnel adequately protect these rights.

That Government conducts research on harmful cultural practices that exacerbate gender-based violence and the spread of HIV/AIDS, providing funding and support for Non-Governmental Organisations dealing with the issue of violence against women and children.

Finally, there is a need to give stronger recognition that responsibility for eradicating violence against women and children lies not with Government only, but with communities and the entire Namibian society. It is, however, Government's duty to develop social movements and infrastructure, which can adequately address these problems. Greater cooperation between Government departments and Non-Governmental Organisations is therefore necessary, with Government taking responsibility for coalition building between NGOs and Government structures.

For this reason, I am recommending that Government supports local regional Debates and discussions on violence against women and children, which will then culminate in a National dialogue that even the NGOs and the Minister have been putting forth, but it is better to start on the local level.

Finally, greater cooperation between Government departments and the NGOs is necessary, with Government taking responsibility so that they can lead the process and bring in the rest of the parties. I thank you.

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**HON SPEAKER:** I thank Honourable Namises for the motivation of this Motion. Are there any further discussions? Honourable Ithana.

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**HON VENAANI:** Honourable Speaker, I Move to adjourn the Debate until tomorrow.

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**HON SPEAKER:** Any objection? The Debate is adjourned until tomorrow afternoon at 14:30. Let me just for clarity's sake guide the House. When this Motion is being debated in detail, the motivation was referring to ongoing cases in the Court without making any substantive discussion of it. The reference was permissible because it is what obtains in the country. I just want to guide the House that when this Motion is debated, there will not be any direct and substantive references to the ongoing Court cases by mentioning names of individuals in the cases that are going on. The Motion seeks discussion and solutions to the issues of violence that have become prevalent in our country. The Honourable Attorney-General's point was very well taken, but the motivation had to refer to cases without going into discussing them. Therefore, I will be ruling Honourable Members out on the Rule of *sub judice* if I hear that there is a definite reference to an ongoing case in the Court, because historically the Chamber is some sort of a Court, so it cannot pre-empt what is going on in another Court by discussing it in detail in a way that would prejudice the outcome of the other decision. That is the guidance, it is not a Ruling, I will be ruling as we go on with this Debate. I now call on the Right Honourable Prime Minister to adjourn the House until tomorrow afternoon.

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**RT HON PRIME MINISTER:** With that guidance and impeccable logic, Honourable Speaker, I rise to Move for the adjournment of the House until tomorrow afternoon 14:30.

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**HOUSE ADJOURNS AT 17:45 UNTIL 2005.02.23 AT 14:30**

**ASSEMBLY CHAMBER  
23 FEBRUARY 2005  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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**HON SPEAKER:** This afternoon Session is called to Order. By way of appreciation and expressing our gratitude to the staff of this Chamber, let me remind the Honourable Members and draw your attention to the revised version of the Standing Rules and Orders that has now been made more portable for Honourable Members at least to carry it with ease and for your easy reference to the Rules. We want to congratulate the staff and the Secretariat who did this. This has just been reduced in size as already approved by this august House. Therefore, make use of it. It is ready.

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**HON SPEAKER:** Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Honourable Kuugongelwa-Amadhila.

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**TABLING: 2002/2003 ANNUAL REPORT OF THE  
MINISTRY OF FINANCE**

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**HON MINISTER OF FINANCE:** Honourable Speaker, I lay upon the Table the Annual Report of the Ministry of Finance for the 2002/2003 Financial Year.

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**HON SPEAKER:** Will the Honourable Minister please table the Report? Other Reports and Papers? Notice of Questions? Honourable Moongo.

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**NOTICE OF QUESTIONS  
HON MOONGO**

**HON MOONGO:** Mr Speaker, I give Notice that on Thursday, the 3<sup>rd</sup> of March 2005, I shall ask the Minister of Health and Social Services the following:

1. What is the policy of the Ministry regarding the donation of healthy organs of deceased people to those who may need them?
2. When will the Ministry embark on an awareness campaign to promote this noble concept to assist people to improve their quality of life?

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**HON SPEAKER:** Will the Honourable Member please table the Questions? Any further Notice of Questions? Any Notice of Motions? Honourable Kuugongelwa-Amadhila.

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**NOTICE OF MOTIONS**

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**HON MINISTER OF FINANCE:** Honourable Speaker, I give Notice that tomorrow, the 24<sup>th</sup> of February 2005, I shall Move –

That leave be given to introduce a Bill to appropriate an additional amount of money to meet the financial requirements of the State during the Financial Year ending 31 March 2005. I so Move, Honourable Speaker.

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**HON DEPUTY MINISTER OF FINANCE:** Comrade Speaker, Sir, I give Notice that tomorrow, the 24<sup>th</sup> of February 2005, I shall Move –

That this Assembly ratifies the Convention between the Government of the Republic of Namibia and the Government of the Republic of Botswana for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and capital gains.

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**NOTICE OF MOTIONS  
HON DR AMWEELO**

**HON SPEAKER:** Will the Honourable Deputy Minister please table the Motion? Honourable Moses Amweelo.

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**HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:** Thank you Comrade Speaker. I give Notice that on Tuesday, the 1<sup>st</sup> of March 2005, I shall Move –

That this Assembly –

Ratifies the Protocol to the Convention on International Interest in Mobile Equipment on matters specific to aircraft equipment, and Ratifies the Convention on International Interest in mobile equipment.

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**HON SPEAKER:** Will the Honourable Minister please table the Motion? Are there any further Notice of Motions? Any Ministerial Statements? The Secretary will now read the First Order of the Day.

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**RESUMPTION OF SECOND READING  
INCOME TAX AMENDMENT BILL**

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**HON SPEAKER:** When this Debate was adjourned on Thursday, 17<sup>th</sup> of February 2005, the Question before the Assembly was a Motion by the Honourable Minister of Finance. This Debate was however adjourned by Honourable Tsudao Gurirab who now has the Floor.

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**HON T GURIRAB:** Thank you, Honourable Speaker. We have looked at the proposed amendment and I rise to support those elements, which are being proposed in this Amendment Bill to strengthen the existing income

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AMENDMENT BILL  
HON T GURIRAB**

tax regime. We are, however, a little perplexed because more than five years ago a comprehensive tax review was carried out and we were hoping that the Minister was going to bring a completely new revised Income Tax Act for adoption by this Honourable House.

The Amendment that is being proposed will amend the 1981 Income Tax Act for the fifteenth time. We had the revision of this Act in 1985, 1987, 1989, three times in 1991, 1992, 1993, 1994, 1995, 1997, 1999, and 2000 and now for the fifteenth time. Not only because of that, but principally because there was a comprehensive tax review carried out in 1999 and we were hoping to see that the Government would be ready now to table a new and revised Act.

However, having said that, Honourable Speaker, on the substance of the Bill being tabled, just a few observations on page 3, Clause 3 where it is being proposed that salaries and emoluments payable to persons who are here in our country on technical assistance would be tax exempted. I have a small question on that for clarification.

I presume that the intention here is that persons who are also working here for international organisations are by implication also covered by this provision and that they are, therefore, exempted from the income tax referred to here. As part of that, the other side of the same coin is that the provision says that Namibians should not be covered by this exemption. What I want to ask is, Honourable Speaker, in the event that a Namibian is employed by a local international organisation, say the SACU Secretariat or the SADC Parliamentary Forum, working effectively as an international civil servant, whether in instances such as those they are exempted or whether they are covered by the National income tax.

Also on the same page, provision 4.4 where the loopholes that exist now are being closed, that those of you who are farmers will not be in a position to write off taxes that you pay in terms of the Agricultural Land Reform Act from the income tax. That provision we welcome. However whilst we are at that, Honourable Speaker, we believe that the entire tax regime in respect of writing off agricultural expenses need to be looked at,

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AMENDMENT BILL  
HON NDUMBU**

because we believe that that is one area where there continues to be loopholes. I know what I am saying is not very popular, because many of the Honourable Members here are becoming farmers.

My final observation is an issue, which I have raised half a year ago when the Minister tabled the VAT Amendment Bill in this Honourable House. I had then raised the issue of an autonomous revenue service, again as part of the tax review I have referred to earlier. The Minister then told this Honourable House that, indeed, this is one of the recommendations as part of the tax review and that it still subject to consideration and decision by Government. I do hope that some progress has however been made in this regard and that the Government will soon be in a position to take a decision one way or the other, because on balance of evidence, if one looks at where this has started, one sees that efficiency has been enhanced and that the revenue collection has improved and that the monies collected from the taxpayer has improved. Because of that, I am raising it again here for the second time with the hope that sooner rather than later a decision will be taken, preferably to move in the direction of an autonomous revenue collection service.

With those few observations, Honourable Speaker, we support the spirit of the Bill.

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**HON SPEAKER:** I thank Honourable Gurirab for his contribution. Are there any further discussions on the Income Tax Amendment Bill? I call on Honourable Ndumbu. Honourable Ndumbu is protected by the protective Clause of our Rules and Procedures from any undue interruptions. It is his maiden speech.

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**HON NDUMBU:** Honourable Speaker, Honourable Members, first of all, taxation is the biggest source of revenue for the State to foster human development. Taxation is particularly necessary considering the huge budgetary necessity and debts this country is currently experiencing.

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HON NDUMBU**

Honourable Speaker, Honourable Members, in terms of Article 45 of the Constitution of the Republic of Namibia, we as Members of Parliament must, in the performance of our duties, be representative of all people, including those who are not Members of our own Political Parties and we must be guided by the public interest, our conscience as well as objectives of the Constitution.

In terms of Article 98 of the Constitution, the principles of the economic order of this country are those of a free market economy and equality by the law as provided for in Article 10 of the Constitution. However, my constituency and I do not understand why certain people can be more equal than others can. I am referring to the fact that certain companies in this country are allowed to monopolise the acquisition and sale of motor vehicles to the detriment of many citizens of our country.

Recently we have seen that the lobby of the retail Motor Industry Association in Namibia have actively been promoting and giving bad publicity regarding import and sale of Japanese pre-owned vehicles into Namibia in the local media. No efforts have been made to even ask the opinion of the actual importers and even consider the benefits of this business to the economy and citizens of Namibia, only to prevent or prohibit motor vehicles older than five years from Japan or Europe, except those from South Africa.

Honourable Speaker, Honourable Members, allow me to shed some light on the import of pre-owned vehicles from Japan. When a vehicle is imported from South Africa, the economy only benefits by getting VAT. However, when a vehicle comes from Japan or Europe, the country earns revenue from both import duties and VAT. If you compare, we get more per vehicle directly imported from Japan than a vehicle imported from South Africa. Some of the importers who have bonded warehouses re-export some vehicles to neighbouring countries, like Zambia, Angola, Botswana and this brings valuable foreign exchange into the country.

A Japanese vehicle imported from Japan can fit every pocket and Budget. Many Namibians who could not afford to own a vehicle before can do so

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HON NDUMBU**

if this prohibition is lifted. The biggest handicap we face with South African imported vehicles is that they are overpriced with few accessories and quality standard. For the first time the common person has been able to dream of driving a car. Many of the older vehicles are used for taxis because they are of good quality and the price is very reasonable.

Honourable Speaker, Honourable Members, in order for the underprivileged segment of society being able to buy vehicles, they need the financial institutions and banks to support them. However, the truth is that there is no financial support available from private institutions or banks for this segment of the society or for imported vehicles. In another area, a local lobby uses its influence to discourage banks from financing imported vehicles.

Honourable Speaker, Honourable Members, let us not deviate from the chosen course as it is clearly stipulated in the Constitution of the Republic of Namibia in Articles 10, 45 and 98, respectively, which we have sworn to uphold. The retail motor dealers are now unable to sell their overpriced vehicles to the people because they are now faced with competition and they want to continue the monopoly they enjoyed at the end of colonisation until now.

Honourable Speaker, Honourable Members, if that is the case, what about our local businessmen in the North who are pushed out of business by the giant business tycoons, such as Dirk Fruit, Fysal, the Chinese, Pep Stores and others?

In conclusion, when we sit in our air-conditioned houses, offices and official vehicles, we must not forget those who died and those who continue to suffer for us to be honoured. The public outcry is filled with hope that this august House can improve their livelihood. I thank you.

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**HON SPEAKER:** I thank Honourable Ndumbu for his maiden speech. I now recognise Honourable Minister Nahas Angula.

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HON N ANGULA**

**HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION:** Thank you and welcome to Honourable Ndumbu who speaks on behalf of the taxi drivers. This is the people's House.

When this Bill passed through Cabinet, something escaped my attention. However, first I want to say I support the Bill, Honourable Minister, but I want to get full clarity on Clause 2(4) of this Amendment Bill, which reads as follows:

*“Provided further that the Minister may upon request in writing by a taxpayer determine a lesser value than the market value for the purposes of this subsection if the circumstances of the case warrant the concession.”*

I have two questions: Why should the Minister determine that the taxpayer should pay less than what this person is supposed to pay? In my view, this is a way of short-changing the public, unless the Minister can convince me that this is not the case.

Secondly, giving the discretion to the Minister will invite unforeseen circumstances and it may lead to discrimination for your brother or friend to pay a lesser value and somebody else pays the full value. I cannot see on what criteria the Minister can determine the circumstances of the case, unless the Honourable Minister can convince me how this is going to be done. Otherwise, this principle of giving discretion to somebody to determine the lesser value for purposes of tax, to me violates the basic tenets of good governance. Good governance tells you to treat all people equally under the circumstances, but giving the Minister discretion to treat some people differently from others might invite problems in the future.

Therefore, I am asking the Honourable Minister to explain to me why this should be so. Thank you very much.

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**SECOND READING: INCOME TAX  
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HON IIVULA-ITHANA / HON DR MBUENDE**

**HON SPEAKER:** I thank Honourable Minister Angula for his contribution. Are there any further discussions? Honourable Iivula-Ithana.

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**HON ATTORNEY-GENERAL:** Thank you, Comrade Speaker. Let me right at the beginning congratulate the Honourable Minister of Finance for tabling this Amendment Bill. This Amendment Bill contains one of the most lucrative revenue sources for the country, which will be generated from the land tax. Land tax is a source of revenue that is very close to my heart, maybe because of my involvement at some point in the past in studying this whole exercise, which has now culminated in a law before us.

Honourable Minister, I would like to find out whether the consideration, which at some point was made that the land tax should be made in such a way as to take into account the previously disadvantaged Namibians who have recently become land owners, if that consideration is taken into account, is that one of the considerations that could be given under Clause 2 of the Amendment Bill or is it covered somewhere else? I was trying to find out where this is taken care of.

With this question, I support the Bill.

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**HON SPEAKER:** I thank the Honourable Attorney General for her contribution. I now recognise Honourable Dr Mbuende.

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**HON DR MBUENDE:** Thank you very much, Comrade Speaker. I would like to join others in supporting the Bill and I have a question similar to that raised by the Attorney-General, but mine is more on the practicality of discounting land tax, that you do not subtract land tax from your income tax. How will that happen in practice, because what happens in practice is that you literally declare your income and your expenditures



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HON MOONGO / HON KUUGONGELWA-AMADHILA**

and one of your expenditures will be land tax? How will it work in practice that you do not actually subtract that from your income tax? If I earn N\$120,000, for example, and I spend N\$80,000 on other things, including land tax, how will you take the land tax out of my expenditure for tax purposes? I only want clarity so that I understand how that is going to work in practice. Thank you.

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**HON SPEAKER:** I thank Honourable Dr Mbuende for his contribution. Honourable Moongo.

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**HON MOONGO:** I thank you, Mr Speaker. First, allow me to congratulate the Minister for tabling this Bill. I would however like to pose a question.

At times the Members of Parliament used to get requests from the Receiver of Revenue to pay additional tax, which is confusing, because tax is already being deducted from our salaries. I want the Minister to explain this to us.

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**HON SPEAKER:** I thank Honourable Moongo for his contribution by way of questions. Are there any further discussions? I call on the Honourable Minister to reply.

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**HON MINISTER OF FINANCE:** Thank you, Honourable Speaker, I thank the Honourable Members who contributed to the discussion on the Amendment Bill as proposed. I would like to answer to the queries that were put as follows:

*Honourable Tsudao Gurirab* bemoaned the fourteen amendments to the Act before now. I am personally not able to understand what difficulties that would present, because I see that as a reflection of the evolving nature of our policies and legislation. They are not static, they are not cast in

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HON KUUGONGELWA-AMADHILA**

stone. They are supposed to be amended in order to accommodate the present-day realities. Therefore, I do not see any difficulties with the amendments being made to the laws.

The Honourable Member went on to say that, there was a comprehensive review of the tax system in 1999 and he wanted to know when those Amendments were coming. The Honourable Member would know that the review was of the entire tax system, it was not just the review of the Income Tax Act. Therefore, it is not to be expected that all the recommendations of the tax review would be implemented through an amendment to the Income Tax Act, but in any case, that report outlines where the appropriate amendments are to be made to the existing laws, where that would be the case and where there would be a need for new legislation to be enacted. Indeed, before today there have been Amendments to a number of laws as a direct result of the tax review. The Amendments we are making today, for example, also emanates from the tax review, specifically the capitalisation and the transfer pricing. There have been others before and there will be others coming.

He also wanted to know whether non-Namibians that are employed by international organisations would also be exempted from income tax. The provision in this Amendment Bill clearly indicates that in order for one to qualify for this exemption, that person should not be a Namibian citizen or ordinarily resident in Namibia and the salary and emoluments should be paid from a source outside of Namibia. Therefore, it is very clear that Namibian citizens would not be exempted.

He asked whether international organisations are covered. This one deals with income tax of individuals who are employed by virtue of a technical agreement between the Government and another Government or an international organisation. As long as that person is employed by virtue of that agreement, then that person's income would be exempted.

With regard to diplomatic missions, for example, the staff members in the diplomatic missions are appropriately given the exemptions in terms of the agreements that we have signed with those organisations and

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HON KUUGONGELWA-AMADHILA**

countries. You would find that the diplomats or the heads of missions would not be taxed here as their income does not originate from Namibia and that is in line with this Amendment.

He welcomes the closure of the loophole in terms of deducting land tax from income for purposes of taxation. I thank him for that support and he recommends that the entire agricultural tax write-off needs to be looked at. I think I would agree with that, maybe it would need to be looked at and then we can decide whether to continue with that or not. However, I must say that that provision has really created a leakage in our tax system. As a result, there are huge amounts of resources leaving the Treasury through that provision and I think it would make sense to, at the appropriate time, consider the pros and cons of having that arrangement.

Cabinet has not approved that we should establish an autonomous tax office, but maybe, before I come to that, let me speak on his assumption that efficiency would be improved with the commercialisation of the Revenue Office. I would not really agree with that, I think that Honourable Gurirab himself has on numerous occasions expressed his non-conviction with the argument that commercialisation of public services would result in improved efficiency and I would agree with that. For him to argue today that the mere commercialisation of the Revenue Office would automatically result in improved efficiency would be similar to the argument that privatisation or commercialisation would result in improved efficiency. I do not believe that. This issue would have to be given a lot of thought, benefits and costs considered before one takes the decision. It was decided that Cabinet does not see it as beneficial now, that we proceed with the commercialisation of the Revenue Office. If the situation warrants, the issue can be looked at again and we can consider whether it would now be beneficial to the country to have an autonomous office.

*Honourable Ndumbu* talked about the ban on the import of second-hand cars that are more than five years old and the left-hand driven cars and then went on to say that when we import from South Africa, we only receive VAT and when we import from elsewhere, we receive import duties. I only want to say that our decisions to allow or disallow imports are not

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HON KUUGONGELWA-AMADHILA**

exclusively guided by what we are going to benefit in terms of revenue. I just want to point that out without first responding to the other components of the argument. To say, because you can generate more revenue from importing cars from this sources, that should be the way to go and we should not go for the importation from another source, I think is an argument that is not sustainable. Other more important factors go into the decision on where we are going to source our imports.

I however want to state categorically that the Namibian Government does not take decisions based on lobbies by private individual to the neglect of the National interest. The Cabinet of Namibia sees itself as the custodian of the national interest. Whatever decision we take is to promote the national interest. For the information of this House, the Government, taking into consideration the possible consequences of the ban that was necessitated by other factors which are as important, have decided to establish a Committee to consider the impact of the ban and to generate recommendations on how the current consignments that have not been allowed into the country could be handled, in order that the plight of the importers and those who have ordered these consignments could be alleviated and that we continue to protect the National interest above anything else. I want to say that this decision was not taken in reaction to a lobby by any private individual to the neglect of the National interest. Whatever decision the Government takes will be based on a thorough investigation that is being conducted and not on the kind of statements that Honourable Ndumbu made in this House today. I am sorry that I have to react this way to a maiden statement, but the maiden statement was also loaded with some propaganda, which is a typical CoD kind of propaganda and it really provoked that kind of reaction from me.

We are aware of all the other things that were said and I think there are efforts to address them, such as the difficulties in accessing finance by the previously disadvantaged members of society and Government efforts have been going on for a long time to try to address this issue and we will continue to do that. I hope that the industry itself is listening and they institute some kind of measures in trying to address the problem that is really a hindrance to development. This is not only for second-hand cars. It

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HON KUUGONGELWA-AMADHILA**

is for all kinds of economic activities where people are not able to get access to finance for investment and expansion of their businesses.

*Honourable Nahas Angula* queried the rationale of Clause 2(4), which gives discretionary powers to the Minister to determine a lower tax value. I must say that as the incumbent Minister I would not be comfortable to exercise discretionary powers. I always try by all means to ensure that the Rules are clear and that there would be ease in trying to implement the rules, but I will try to explain the rationale to this House and leave it to this House whether it wants to approve this Amendment or not.

Experience shows that the expenses of the seller are usually included in the price of the goods or services and when welfare organisations try to access goods and services, they find themselves hindered by high prices. In an effort to introduce some flexibility, the Minister could then in a situation where a vehicle that was bought by allowances that were tax deductible is being sold to a welfare organisation, use the discretionary powers to determine a price that is lower than the market price in order that this organisation can be able to buy this car at a lower price. That is really the rationale. However, I must also say that we have thoroughly discussed the possibility for abuse and the undue pressure that may be applied on the Minister by some people who may say, “*Because you gave it to this person, you should also give it to me and therefore it is unfair*”. As I said, am not very comfortable with this kind of discretionary power and I want the House to exercise its mind on this one and I will not insist on it, but I just want the House to know that that was the rationale. We wanted to be able to give some relief to those who may not really have the means, by adjusting the price this way.

*Honourable Iivula-Ithana* wanted to know whether this same provision caters for measures to alleviate the burden on new farm owners, especially the Affirmative Action farmers. Unfortunately not, because this one deals with the acquisitions that were made with deductible allowances, but a different law has given discretionary powers to the Minister of Lands, Resettlement and Rehabilitation to give exemptions for land tax purposes to those deserving because of the past that we are coming from, for example

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Affirmative Action farmers, so that maybe for a defined period of time they are not obliged to pay land tax. If that were to happen, that means the issue of the deductibility or non-deductibility of land tax from income for tax purposes falls away if they are exempted from land tax. That is in a different piece of legislation.

*Honourable Mbuende* wants to know how it will be implemented that no deduction for land tax is made for purposes of income tax. I think we will just do it in the opposite way of deducting, because when you deduct for agricultural expenses, it is explicit that one has to report the expenses and validate them with invoices and receipts so that they are allowed for deduction. It would not be possible for you to get that deduction until you validate it that way and the validation in terms of land tax will not be accepted because it is precluded by this law. It is actually the opposite of what happens there. If we were to allow that deduction, then we might as well not have introduced the land tax, because everybody will just claim it and then the sum would be zero.

As I have said before, those that would be exempted through the discretionary powers of the Minister of Lands by virtue of them being Affirmative Action farmers, would not be affected by this, because they do not need to claim anything because they did not pay anything.

*Honourable Moongo* wants to know why we are sometimes asked to pay additional income tax. As you know, when we pay our taxes, we are later on sent assessment forms to provide information to the Revenue Office on what deductions have been made on our income for tax purposes, to enable the Revenue Office to confirm whether your employers have deducted the correct amounts as per the tax rates which are prescribed by law or whether they have deducted wrong amounts. It might be that your employers have deducted more than what is required, it might be that your employer has deducted less than what is required. When you provide that information, the Revenue Office scrutinises this information and if they find that you have been under-deducted, they would now come to you and say you were supposed to pay N\$9,000, but you only paid N\$8,000, so you have to pay the difference. That is what happens, unfortunately, and if they are not

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correct, of course you are within your right to challenge that information. I know that most of our people may not know that you may challenge that and think that once the Revenue Office says you should pay N\$10,000 more, you should pay. No, you are within your rights to check that, confirm and if you are not satisfied within the prescribed time, go back to the Revenue Office and dispute the figure.

With these few remarks, I ask the House to consider the Bill and pass it. Thank you.

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**HON SPEAKER:** I thank the Honourable Minister for her response to questions put during the Debate and I now put the Question, that this Bill be read a Second Time. Any objections? So agreed. I call on the Secretary to read the Bill a Second Time.

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**INCOME TAX AMENDMENT BILL**

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**HOUSE ADJOURNS AT 15:40**  
**HOUSE RESUMES PURSUANT TO ADJOURNMENT AT 16:00**

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**HON SPEAKER:** The Secretary will now read the Second Order of the Day.

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**RESUMPTION OF SECOND READING: ATOMIC  
ENERGY AND RADIATION PROTECTION BILL**

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**SECOND READING**  
**ATOMIC ENERGY AND RADIATION PROTECTION BILL**  
**HON KAIYAMO**

**HON SPEAKER:** When this Debate was adjourned on Tuesday, 22<sup>nd</sup> of February 2005, the Question before the Assembly was a Motion by the Honourable Deputy Minister of Health and Social Services, Honourable Kamwi. This Debate was, however, adjourned by Honourable Member Kaiyamo. Please take the Floor.

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**HON KAIYAMO:** Honourable Speaker, Honourable Members of Parliament, I rise to support the Atomic Energy and Radiation Protection Bill introduced by Comrade Kamwi. The Honourable Deputy Minister stated clearly in his motivation of the Bill that the intention of this Bill is to establish the Atomic Energy Board and the Radiation Protection Authority to give authorisation for production, processing, handling, use, holding, storage, transport and disposal of radiation sources and radioactive material and to repeal the Ordinance of 1974.

In the endeavour of me complimenting Honourable Kamwi with his motivation, I wish to highlight some points of importance.

Namibia has been a member of the International Atomic Energy Agency (IAEA) and Honourable Nora Schimming-Chase and myself, at the time I was in Vienna, were partly involved in this project. Namibia has concluded a Comprehensive Safeguard Agreement (CSA) and Small Quantity Protocol (SQP) with the International Atomic Energy Agency, but has not yet ratified the Additional Protocol.

In order for this House to rectify this Additional Protocol, there is a need to ensure that the domestic legislation is in place so that the Additional Protocol can be enforced. Therefore, there is a need to amend the Hazardous Substances Ordinance 14 of 1974 or introduce a new legislation that will establish an Atomic Energy Board and a National Radiation Protection Authority.

Namibia possesses considerable deposits of uranium and has the potential to open more uranium mines. Under the Small Quantity Protocol with the



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**ATOMIC ENERGY AND RADIATION PROTECTION BILL**  
**HON KAIYAMO**

International Atomic Energy Agency, Namibia is allowed to keep a substantial quantity of uranium and export it to countries, which have Non-Proliferation of Nuclear Weapons Treaties as well as other recognised by the International Atomic Energy Agency. However, because many States took advantage of the provision in the Small Quantity Protocol to keep a small quantity of uranium, many conducted experiments without informing the Agency. To prevent this from happening in the future, the Agency is in the process of requesting Member States to rescind the Protocol and to replace it with more effective mechanisms in this Protocol.

Full implementation of this Protocol as well as compliance with the Agency will serve as important steps in giving Namibia international confidence with regard to its peaceful use of nuclear energy.

The Protocol provides the Agency access to all aspects of nuclear related activities and allows short notice access to these and other locations. In the light of these, it is therefore in Namibia's interest to ratify the Protocol with urgency and to establish the Atomic Energy Board that will oversee the new arrangements.

Honourable Speaker, Honourable Members, radioactive material is used in many human activities and whenever radioactive sources are present, intake by the public and workers in such activities can occur. These activities include the use of radioactive sources in medicine, such as X-ray machines, scientific research, agriculture and industry. The operations of various facilities that are part of the nuclear field involve exposure to the highest level. Intake can occur by a number of routes and the monitoring of workers in the workplace is an integral part of the occupational radiation protection programme.

One of the statutory functions of the Agency is to establish or adopt standards of safety for the protection of health, life and property. In this respect, the Agency is expected to provide funds for the training of new technical staff and procurement of new equipment for the laboratory authority. They would provide technical support in this area at the level of US\$300,000 per annum for the next five years for Namibia.

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**HON KAIYAMO**

In addition to this technical assistance, there are four ongoing projects with this Agency. They are Human Resource Development in Nuclear Technology Support (NAM 003); Environment Control and Safeguarding the Namibian Uranium Industry (NAM 3003); Control of Animal Diseases in Northern Namibia (NAM 5007); Recharged Groundwater Quality Inflow Mechanism of Oshivelo and Kalahari Aquifers (NAM 804).

New Projects: If we ratify this, we can also get funds from the Vote meant for the Africa Region. There are nine projects, which can come from the Africa Vote. One is the Strengthening Waste Management in Namibia, Strengthening National and Regional of Member States, etcetera.

The following bodies oversee the development of safety standards: The Commission of Safety Standards, the Nuclear Safety Standards, the Radiation Safety Standards, etcetera.

In a nutshell, the introduction of this Bill is critical for the following reasons: To bring domestic legislation in line with the regulations and standards of the International Atomic Energy Agency, so that Namibia can ratify the Additional Protocol with the Agency, which was already, signed some years ago. To establish the Atomic Energy Board that will be the focal point and contact with the Agency in all matters relating to the peaceful use of nuclear energy. To establish the National Radiation Protection Authority that will be responsible for all matters related to radiation protection of human beings and the generations to come, for nature and for sustainable development.

For Namibia to take full advantage of the technical cooperation offered by the Agency in the field of human resources, human and animal health, soil and water management and the training of our own nuclear scientists and the establishment of a Radiation Laboratory that will measure radiation levels in Namibia.

With these few words I, therefore, support the Bill and urge the Colleagues to do the same. Thank you.

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**HON SPEAKER:** I thank Honourable Kaiyamo for his contribution. Are there any further discussions on this item? Honourable Ulenga.

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**HON ULENGA:** Honourable Speaker, I would also want to add my voice to those who have expressed appreciation for the introduction of this Bill to the House.

If I look at the long title of the Bill, the name of the Bill says Atomic Energy and Radiation Protection Bill, it looks like this is a piece of potential legislation that would go all the way to make sure that dangers and risks of radiation to Namibian citizens and to those who reside in this country as well as to the environment would have been dealt with comprehensively. However, going through the Bill, it looks like this is only a job half done and I hope through the discussions in the House there will be a clear indication that there would be additional measures to make sure that Namibians are fully protected as far as dangers and risks coming from radiation and the handling of nuclear materials are concerned.

Honourable Speaker, for a country that is actually involved in the production, the storage, export, processing of nuclear related materials, I think there is just too small an amount of education regarding issues concerned with radiation and the handling of radioactive material in general. I would, therefore, like to urge at the beginning that one area that the Government generally, and those Ministries which are responsible for these matters, in particular, should concentrate on is the education of the public, including formal education at schools or the introduction of the relevant subjects for formal education at schools with regard to the dangers connected to radioactive materials and connected measures.

Recently there was a report in the local media that the country is again planning to open a mine that will be producing uranium ore. As we all know, these are the materials, which are connected to radioactivity. Actually, there seems to be a growing lobby that says that some of these materials are too dangerous to produce in a country that has not properly educated itself in the handling of these kinds of material.

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Though now I am not one of the supporters who say that mining these kinds of risky materials should be prohibited, I think it is very necessary that the country educate itself to such an extent that we can successfully handle what we produce, process and export.

Honourable Speaker, there are two things which I do not see in the Bill and that is one of the reasons why I say it looks like this is only a job half done. The composition of the Atomic Energy Board provides for the nomination of Board members from various Ministries. However, there is no Board member nominated by the country's organised labour organisations. I believe it is important that the interest of workers and organised Trade Unions is directly taken care of and represented in such a Board. Therefore, I think it is not adequate for the Bill to make provision only for the nomination of somebody by the Minister of Labour, there should be direct involvement of the unions as well. I say this because I know that in the past there have been serious complaints, doubts, uncertainties from that quarter with regard to the amount of protection that goes towards workers, people who are involved on a daily basis in a potentially dangerous radioactive environment.

I also do not see adequate coverage in this Bill of the control of vehicles and ships that may be passing through Namibian waters and that may sometimes perhaps visit Namibian seaports, which may carry or be operating with nuclear engines. We hear from other quarters of the world of incidents whereby accidents are happening, not only on land but also in waters. Namibia, being what it is today and seeing that we are on the Southern Atlantic Seaboard, which is a very busy area as far as international vessels are concerned, I think there should be enough provision made on how to deal with passing vehicles which may contain or may be operated with risky equipment.

Honourable Speaker, in today's world there are all kinds of worries regarding who may and who may not put their hands on nuclear or potentially nuclear materials. Recently, for example, there has been a flurry of meetings between several States around the issue about whether or not a certain State in East Asia, for example, has the capacity of producing

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nuclear weapons. I see that our Government is an active friend of this state. In fact, somebody was recently whispering into my ear that there have been American drogues flying over Namibia, trying to determine all kinds of activities, which may or may not be occurring at a certain building site right within the capital city of our country. The issue that I want to raise, Honourable Speaker, should there not be in this kind of Bill, for example, a Clause that talks about which countries and which types of States Namibia can get into cooperation with, can export to and trade with in terms of uranium, uranium ore or nuclear related materials. I am saying this because, again, I see that there was some kind of half panic when it was reported in the local media that Iran has some kind of ownership in our uranium mines. Of course, there is nothing wrong, but when these matters seem to come as a surprise to many when there is a lack of understanding and knowledge, when there is ignorance about exactly who owns what in our country, people tend to be surprised and sometimes to be shocked when these things come out in the public.

I therefore think it is very important that there is a free flow of information regarding who is doing what and who owns what, especially when it comes to our own mineral and natural resources.

Honourable Speaker, there is one particular issue that I wanted to raise. I know that the Minister would perhaps say it is not directly connected to this Bill, but I see some connections.

The Kyoto Protocol was implemented only very recently. We all know that the United States of America has not only refused to endorse the Kyoto Protocol finally, but seemingly, they are even now engaged in an activity that seems to want to reverse the agreements under the Kyoto Protocol. The Kyoto Protocol is only about reducing certain substances from the atmosphere, but we also know that some of these substances are the substances, which are eating away at the ozone layer, which ozone layer is responsible for protecting the earth and its inhabitants from radiation that comes from outer space.

This Bill is, amongst other things, a radiation protection Bill and it says that

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the aim is to provide adequate protection not only for current generations, but also for future generations. It however says nothing about the protection against radiation of Namibians, both current and future generations, against radiation sources which are extra-terrestrial, which comes from outer space. Everybody knows that in those countries, which have statistics in this regard, thousands and sometimes millions of people die because of cancer related illnesses or goes blind.

There apparently is a special type of cataract that develops in the eye as a direct result of radiation caused by ultraviolet B.

To what extent does our Government and to what extent does this Bill cover the country and its population against this type of radiation, the radiation that comes directly from the fact that the ozone layer is depleting very fast?

Further, perhaps one can say, to what extent and what kind of influence are we as a Government and a country trying to exert to some of our friends, including the US Government, to make sure that these important international protocols which are aimed at protecting not only Namibia or only section of the world, but the entire globe, against ultraviolet radiation through making sure that the ozone layer is not depleted and the production of dangerous substances into the atmosphere is curbed?

Honourable Speaker, that is what I wanted to say, but before I sit down, I wanted us to look at the particular section of the Bill that to me is surprisingly lenient and that is the section that deals with penalties. In the light of the seriousness of this kind of subject that we are dealing with, it looks like it is not very adequate to punish people who get involved in some of the possible offences only by making them pay an amount not exceeding N\$200,000, sometimes even an amount not exceeding N\$8,000. We must know, Honourable Speaker, that we may be dealing not only with persons here, we may be dealing with other institutions, we may actually in the end be dealing with countries, we may be dealing with companies which have made fortunes over decades from activities connected with the production of uranium or including our own country. If it is to be discovered that some

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representatives of a rogue State were busy in a certain small laboratory, perhaps hidden in the Namib Desert, where they were testing and experimenting with nuclear weapons without anybody noticing it, why should such people be punished by making them pay only N\$8,000? I think there should be stronger measures in the Bill aimed at dealing with that kind of eventuality, where you may discover that some people who pretend to be carrying out certain peaceful activities, may actually be involved in something far more dangerous.

You can only imagine a nuclear power has a submarine that has an accident in the ocean only a few kilometres away from Walvis Bay or Swakopmund, and Namibia does not take measures that such potential offenders are properly punished, we may end up with a situation like we had in 1991 where some of the international fishing poachers came to our country and started stealing fish and initially there was not sufficient protection.

I therefore think this Bill should contain sufficient deterring measures, to make sure that even the powerful of this world will not come to our country and mess up simply because we do not have sufficient measures for punishment. I support the Bill. Thank you.

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**HON SPEAKER:** I thank Honourable Ulenga for his contribution. Honourable Hishongwa.

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**HON DEPUTY MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION:** Thank you, Honourable Speaker. I rise to support the Atomic Energy and Radiation Protection Bill. I very strongly believe that this Bill is very, very important if one takes into consideration the industrial and other activities taking place in Namibia. As others have said, we also happen to be producers of uranium and other materials that can be dangerous to our country. People are talking about the possibilities and the big, developed nations are sometimes going around, trying to see who are those who do not necessarily care about their own

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countries and who may be persuaded to do wrong things, to accept radiation materials, which can be dangerous for the country, the people, the environment and everything else.

This issue has been dealt with in Namibia for quite a long time as stated by Comrade Kaiyamo. We have discussed these things since the inception of this Government at the time of Independence.

Honourable Hendrik Witbooi was the Minister of Labour and then late Moses Garoëb and this was the Ministry, which was responsible for these issues at international level. You may remember, Comrade Speaker, the Honourable Ministers of Labour were on many occasions absent here around May, June for almost a month, acting on this at the international level in Geneva and other places, because it is internationally accepted that the Ministries of Labour are the guardians responsible for atomic energy and other materials, because it is the Ministries of Labour who are responsible for the workers. Whether it is an industry, whether it is on a ship, a hospital or somewhere else on a farm, the people are workers who fall under the Ministry of Labour in every country.

Therefore, while we salute the Colleagues for coming up with this Bill, I hope that there have been consultations with all stakeholders, otherwise we will end up having a narrow Bill which covers only things to do with health issues, while we are really talking about a wider area such as the environment and all types of things. Sometimes we come to this House to amend when we come to realise that we have left out some issues. I was just talking to the Minister of Finance on the issue of pension funds being taxed and then she said, "*But you were one of the founding fathers here*", which is true.

Anyway, I congratulate and salute the Ministry of Health and Social Services for having taken up this issue and I only hope that consultations have taken place so that the Bill does not come back here in a very short time, because it is much wider than health issues.

Honourable Ulenga was talking about ships moving in the high seas and



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that has nothing to do with the Ministry of Health and talking about planes passing through which has nothing to do with the Ministry of Health. Therefore, I really hope proper consultations have been made so that we have brought in all those aspects and that we have consulted those who have been working on this project since Independence. With this, I again salute the Ministry of Health and Social Services for bringing this very important Bill and I support the Bill. Thank you very much.

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**HON SPEAKER:** I thank Honourable Hishongwa for his contribution. I now call on Honourable Minister Amweelo to take the Floor.

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**HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:** I thank you very much, Comrade Speaker. I am extremely pleased that the Atomic Energy and Radiation Protection Bill has been tabled for consideration and support in the interest of our beloved country, Namibia and every living creature in it.

Without further ado, I would like to highlight certain important aspects with respect to the hazardous effects of toxic waste and the protection of human beings and living organisms against radiation.

Comrade Speaker, I believe that the Honourable Members of this House recall when Comrade Richard Kamwi in his introductory speech mentioned that Namibia is a major producer and exporter of uranium, which contains radioactive substances, but in the same vein Namibia is a major user of certain equipment and materials, which contain radiation sources. Namibia is no exception amongst the countries, which have potential to be affected by hazardous effects of toxic waste, and of course, the living organisms in it should be protected against the harmful effects of radiation emanating from these materials.

Honourable Members, radioactive matter, such as uranium, is a toxic substance, therefore its residue, the unusable waste product thereof is also

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dangerous and life threatening. We know that most toxic substances are produced by industries, as either products or waste products. The crux of the matter here, Comrade Speaker, is the toxic matter, which is a waste product, which the industry has to dispose of in some way or another. This disposal in many cases takes place into the environment, be it onshore or offshore.

The radioactive substance gives off energy, which is called radiation, and the radiation of certain materials is harmful to living organisms. Radiation can disturb normal bodily functions, cause damage to living cells and can result in cancer and birth defects. However, Honourable Members, I know that in the modern world it is almost impossible to avoid contact with toxic substances. Nevertheless, it is important that the degree of contact should be reduced to the absolute minimum.

Comrade Speaker, dumping of toxic waste, either onshore or offshore, will primarily be taken up by animals, plants and fish and the human beings will take in the toxic substances by consuming these sources of food. However, some employees are directly working with the materials and equipment, which contain or use radioactive substances, which in fact can cause radiation to the person working with it on a daily basis. These employees should be protected against radiation. To this end, we need well-designed regulations and a strong administration. The employers must provide personal protective equipment to their employees and must ensure that their employees are well trained.

Comrade Speaker, many industrial countries make use of radioactive matter such as uranium for energy, ammunition, etcetera, and the end-product thereof, the unusable toxic waste becomes excessive and a nuisance to these countries. Hence, this toxic waste has to be deposited or dumped into the environment. We know that toxic gases are released into the atmosphere and liquids pumped into rivers, dams and the sea.

Comrade Speaker, these modes of disposal are irresponsible and hazardous to the health of people and living organisms. The industrial countries do not want to dump their waste products of their operations in their own

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countries in order to protect their citizens from the dangers of the toxic waste. We know that the rich industrial countries... (Intervention)

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**HON ULENGA:** On a Point of Order. I am very sorry to disrupt the lecture by the Honourable Doctor, but honestly, as I strongly suspect that this lecture has been taken from the Grade 10 textbook of the secondary schools in Namibia, may I ask the Minister a question?

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**HON SPEAKER:** I really do not think it is befitting the status and honour of the Honourable Member to paraphrase your question in the manner that you did, because you have never gone to that level and I want you, Honourable Ulenga, to withdraw the preface and ask the right to ask a question, please.

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**HON ULENGA:** Duly withdrawn, Honourable Speaker. Honourable Speaker, can the Honourable Minister inform the House what is the source of the lecture that he is reading from? Thank you.

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**HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:** That is an irrelevant question. We know that the rich industrial countries negotiate with the poor developing countries to dump their toxic waste in their countries in return for payment. Comrade Speaker, this practice should absolutely be opposed and not allowed to take place in Namibia. We need strong legislation.

Honourable Members, as I said earlier, Namibia is a potential target for foreign countries wanting to dispose of toxic substances, since our country has a very low population density and large areas of unproductive land. If I

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have to refer to the Namib Desert and the Skeleton Coast, these areas are largely uninhabited by people and seen as ideal places for dumping by industrial countries.

Comrade Speaker, before I conclude my speech, I would like to draw your attention to Section 34 with regard to the Director General of the National Radiation Protection Authority and the Radiation Protection Officers. I would like to ask my Colleague, Comrade Kamwi, whether it is of importance to appoint a Director-General, because I know that in Namibia we do not have nuclear power. For example, there was a study, I think seven, eight years ago at Rössing and the result of this study was that radiation is minimal in Namibia. Therefore, I would like to ask my Colleague whether there is a need to have a Director-General or whether this can be administered by a Director within the Ministry. I do not think there is a need to establish another authority, because we do not have nuclear power in Namibia.

Comrade Hishongwa mentioned that the Ministry of Labour is responsible for the Inspectorate of Health and Safety Inspectorate, but we all know that there are other Inspectorates in the different Ministries, like the Ministry of Labour, Ministry of Health and Social Services and also the Ministry of Mines and Energy. I feel this is duplication and maybe we need to bring all these Inspectorates together, because I know that the Ministry of Labour never goes to the mine premises, they are not allowed to go there and only the inspectors of the Ministry of Mines are allowed to do so.

Therefore, this is maybe duplication and maybe we need to think about bringing all the inspectorates under one roof. I would like my Colleague to think about this. (Intervention)

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**HON DEPUTY MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION:** On a Point of Information. The Ministry of Labour has a section responsible for the health and safety of workers and they are allowed by law to go to other Ministries, let alone the industry and the mines, because this is their responsibility as a Ministry.

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**HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:**

Comrade Speaker, we have safety and health regulations under the Labour Act and there are some sections of those regulations, which are administered by the Ministry of Health and Social Services. Therefore, those aspects related to chemistry and radiations are administered by the Ministry of Health and Social Services. However, the Inspectors of the Ministry of Labour never go to the mines, because the Ministry of Mines has inspectors responsible for the mine premises and that is also stated in the law. (Intervention)

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**HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:**

Comrade Speaker, may I put a question? Is it the understanding that the issue the two Comrades are addressing are the ones addressed under Section 44(1) and especially (ii)(a) which reads: *“The President may, by proclamation in the Gazette, determine that different provisions of this Act are administered by different Ministers.”* Is that the issue we are addressing now and that this issue is really crosscutting? Is that my understanding?

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**HON SPEAKER:** Honourable Amweelo, if you could explain what you mean by saying the Ministry of Labour never goes. Is it of their own volition or being prevented or by law or what do you mean by *“never goes?”*

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**HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:**

Comrade Speaker, as I said, there are regulations on safety, health and those regulations are partly administered by the factory inspectors from the Ministry of Labour, and those Sections concerning aspects related to chemicals are regulated by the inspectors from the Ministry of Health. By law, they are not allowed to go to the mine premises, because there is another law under the Ministry of Mines and the Ministry of Mines have their own inspectors who inspect the mine

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premises. Maybe we can think about bringing all these inspectorates together, namely those in the Ministry of Labour, the Ministry of Health and the Ministry of Mines, because I can see there is duplication. That is why I am asking my Colleagues to look into these matters, whether they can bring those three inspectorates together.

Comrade Speaker, in conclusion, Article 95 of our Constitution stipulates that the Government shall provide measures against the dumping or recycling of foreign nuclear and toxic waste on Namibian territory. We as the Legislators have every reason to be proud of our Constitution, which commits its Government to protection of the citizens against the dangers of toxic waste. However, we need to plan so that we leave behind a clean and safe environment for our future generations.

Comrade Speaker, Honourable Members, it is against this background that I support the enactment of the Atomic Energy and Radiation Protection Bill in the best interest of the present and future generations of Namibia. I thank you.

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**HON SPEAKER:** I thank Honourable Amweelo for his contribution. Are there any further contributions to this Debate? None. I would, therefore call on the Honourable Deputy Minister Kamwi to reply.

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**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:** Thank you, Honourable Speaker, Sir. I would like to start by thanking the Honourable Members for the interest shown in this Bill. It generated so much debate. Indeed, I would like to thank all the Members who took the Floor in support of the Atomic Energy and Radiation Bill.

I would wish that a good number of the Honourable Members would read the Bills before they take the Floor as this would be helpful in not repeating and asking questions which are indeed in the Bill.

The first intervention came from *Honourable Moongo*. I would like to

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thank you very much for your support of the Bill. The Honourable Member's notion that good things usually come too late when the effects are done, sounds wild and totally misplaced in this Bill. Introducing this Bill does not mean that the Ministry of Health and Social Services presumably made measures to protect our environment and people against the harmful effects of radiation. Far from the truth. For the information of the Honourable Member, this Bill provides amongst others for the amendment of the Hazardous Substances Ordinance, 1974. The Hazardous Substances Ordinance, Number 14 of 1974, provides among others for the protection of environment and people against the harmful effects of radiation, controlled and regulated prescribed non-ionised radiation sources.

As a Ministry, we are simply marching with time, getting abreast with new technology, hence the introduction of the Atomic Energy and Radiation Protection Bill. By the way, as an independent country, we now have the privilege to collaborate with the International Atomic Energy Agency and in the process, we benefit from technical assistance, including that of the transfer of nuclear technology and this is good.

Honourable Speaker, Sir, further information for the Honourable Member is that the Ministry of Health and Social Services is already in the process of introducing radiotherapy and nuclear medicine to some of our referral hospitals and, in fact, the next in line is the Oshakati State Hospital. We have already identified accommodation there and once funds will be made available, we will be in a position to expand on this identified accommodation in order to provide this service. Thereafter we will do the same at Rundu State Hospital and the rest will follow.

As for the adjustment related to salaries, subsistence allowance and overtime that the Honourable Member asked the Minister to address, I recall that the Honourable Member once asked this question in this Honourable House and I vividly recall that I responded, and for the sake of progress I would like to repeat myself, that this is not the responsibility of the Honourable Minister of Health and Social Services and, indeed, other Line Ministries. As a Government, we have an institution in place and that is the Public Service Commission, which is responsible for Civil Servants'

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salary adjustments. I would appreciate if the Honourable Member could take steps to consult with that institution.

The second intervention came from Honourable Linus Mutjila. I would like to thank him for his support of the Bill. However, the Honourable Member appears to be haunted by what he termed something that could cause mass destruction of human lives and murder, and he went on to raise his concerns on the lenient sentences for offences, which was repeated by his President.

Honourable Speaker, Sir, once this piece of legislation is in place, what is haunting the Honourable Member will be outdated. All that the Ministry is asking for is what he said in the beginning and that is to support the Bill. There will not be a thing called mass destruction of human lives.

His concern is already addressed in Chapter 5, Clause 33(1) to (3). His fears will be addressed by the National Radiation Protection Authority whose primary function will be to register all radioactive material and to monitor the extent of exposure to radiation sources or nuclear materials in the entire Republic of Namibia.

Honourable Speaker, Sir, regarding the lenient sentences cited in the contribution of *Honourable Hishongwa*, this Bill is a product of joint efforts by not only the Ministry of Health, but stakeholders and experts in this field were consulted. Technical assistance even came from the International Atomic Energy Agency. Therefore, all were consulted, including some of the line Ministries, for example, the Ministry of Foreign Affairs, Mines and Energy, Labour and Environment and Tourism. Thus, what is cited in Article 40 is in line with that of the International Atomic Energy Agency of the United Nations Organisation. Thus the penalties are, indeed, in order.

The third intervention came from *Honourable Kaiyamo*. I would like to thank the Honourable Member wholeheartedly. I value your experience in the subject, you are quite an asset not only to the Ministry, but the researchers on this subject have a lot to tap from your experience.



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The next intervention came from *Honourable Ben Ulenga*. Thank you very much for your support. You said it is a job half done and I take this as something that is coming from someone who did not read this Bill in its totality. We cannot expect – I must admit – that we have to write in every bit everybody would like to put in this Bill. Otherwise, we will end up with a voluminous document.

Education of the public will be taken care of by the Director-General of the Authority cited in Chapter 3 and I will still address the issue of the Director-General, which was questioned by my senior Minister here.

The Honourable Member has a problem with the composition of the Board and would the union to be involved. I said earlier that the information I have is that there was wide consultation and I do not know whether there was a need to involve the trade union. In relation to the abuse of toxic substances, I think this is also addressed in Chapter 5. That would be the work of the Authority.

You mentioned the Kyoto Protocol and you answered yourself, Honourable Member. It is not something that I am here to address and I am grateful that you elaborated at length on that. Yes, there is a need that all Nations adhere to the Kyoto Protocol.

You again referred to Section 40, which deals with the penalties, and I have already elaborated on this.

The next intervention came from *Honourable Hishongwa*. Comrade Deputy Minister I would like to wholeheartedly thank you for your support. As I said earlier on, thorough consultation was done and it is well documented in this document. Labour will be part of the composition of the Board and that appears in Chapter 2, page 7.

The next intervention came from *Honourable Dr Moses Amweelo* and I would like to thank you, Comrade Minister, for having gone in length in terms of motivating this Bill even further, relating to the Honourable House the importance of this Bill. However, I had a problem when you queried

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whether there is a need to appoint the Director-General mentioned in Clause 34. I must say that, indeed, there is a definite need that we appoint a Director-General for the interest of this Bill. I made it categorically clear in my motivation that the production of this Bill was a joint effort by the Ministry, stakeholders and technical assistance from the International Atomic Energy Agency and for us to benefit further, there is a need for us to enact legislation of this type and we consulted with them. The issue of the Director-General came from the International Agency. Therefore, Comrade Minister, I feel we have to stick to that, we cannot change that.

Relating to another query, that of whether there is also a need for the appointment of inspectors, there is indeed a need. I am extremely grateful for the comments made by my senior Minister, Honourable Netumbo Nandi-Ndaitwah and clearly, Comrade Minister, if you go to Clause 44 you will get your answers.

Honourable Speaker, that area falls entirely within the jurisdiction of the appointing authority, the President. He is the one who decides who would do what, but for this Bill it was in line with the jurisdiction of the current Ministry of Health and Social Services.

Honourable Speaker, Sir, with these remarks, I would like to once again thank the Honourable Members and to ask the House to consider passing this Bill for the benefit of the Nation. Thank you.

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**HON SPEAKER:** I thank the Honourable Deputy Minister Kamwi for his response and concluding remarks. I now put the Question, that this Bill be read a Second Time. Are there any objections? No objections. So agreed.

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**HON DEPUTY MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION:** I have no problem that the Minister

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responsible is the Minister of Health, but I have a small problem here. It seems that the trade unions are not included and they are the ones who really oversee whatever activities are happening.

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**HON SPEAKER:** Honourable Hishongwa, I think I want to give you ample time to raise those questions. They should come in the Committee Stage, because that is where the omissions and Amendments are going to be made. Members are also free to come with the Amendments as they see fit. The Debate has been concluded by the reply of the Minister at this stage. I put the Question that the Bill be read a Second Time and I think whatever was not dealt with here, will be adequately dealt with and taken care of during the Committee Stage. I am sorry about that. We have concluded the stages. Even if the Minister or Deputy Minister wanted to respond to indicate whether Labour is included, this is the dictatorship of the procedures. The Secretary will read the Bill a Second Time.

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**ATOMIC ENERGY AND RADIATION PROTECTION BILL**

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**RESUMPTION OF SECOND READING:  
NATIONAL ARTS FUND OF NAMIBIA BILL**

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**HON SPEAKER:** When this Debate was adjourned on Tuesday, 22<sup>nd</sup> of February 2005, the Question before the Assembly was a Motion by the Honourable Minister of Basic Education, Sport and Culture, Honourable Mutorwa. This Debate was however adjourned by Honourable Member Ndjoze and I now give the Floor to Honourable Ndjoze.

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**SECOND READING  
NATIONAL ARTS FUND OF NAMIBIA BILL  
HON NDOJOZE-MUVANGUA**

**HON NDOJOZE-MUVANGUA:** Honourable Speaker, Honourable Members of this august House, I rise today to give my support for the National Arts Fund of Namibia Bill and also to thank the Minister of Basic Education, Sport and Culture who introduced and motivated this Bill.

Comrade Speaker, recognition of artists was an issue that needed attention for a long time. It is great to see that it is finally here and I would propose that the following should be considered:

Firstly, training centres should be established, especially in the rural areas, which will promote those people with talents in rural areas. People with talents in arts such as woodcraft and painting tend to be ignored because of lack of exposure. Therefore, these centres would put them on the map. Comrade Speaker, I propose that the Arts subject should be a promotion subject from primary school education. This will give those learners with talents in arts an opportunity to develop in that field.

There should be no requirements needed when it comes to funding artists, for example, age, education level, length of experience. The Minister of Environment and Tourism should allow artists, such as those doing woodcraft, to use trees and at the same time give guidance on how the environment should be taken care of. The media should assist artists with recorded music advertising and audio-visual formats. An arts exhibition should be done at least once a year per district or Region to encourage the artists to compete, hence developing more skills and working harder.

Comrade Speaker, I am aware that the Ministry of Basic Education, Sport and Culture have already provided theory, texts and artefacts in various schools to promote the subject. With the availability of funds, arts will become more practical.

With these few words, I support the National Arts Fund Bill. I thank you.

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**SECOND READING  
NATIONAL ARTS FUND OF NAMIBIA BILL  
HON NGHIDINWA**

**HON SPEAKER:** I thank Honourable Ndjoze for her contribution to the Debate on this Bill. I now recognise Honourable Nghidinwa.

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**HON DEPUTY MINISTER OF LABOUR:** Honourable Speaker, Honourable Members of the House, allow me to contribute to the National Arts Fund of Namibia Bill as introduced by the Honourable Minister of Basic Education, Sport and Culture.

Comrade Speaker, Honourable Members, first of all I would like to congratulate the Honourable Minister for tabling this long-awaited piece of legislation. The Draft Bill that is aimed at establishing the National Arts Fund comes at a time when our country is faced with unemployment, especially amongst our youth who are roaming the streets in search of employment.

Comrade Speaker, Honourable Members, arts, as defined, embrace many things, such as expression of applications, creative skills and imagination in many forms, such as drawing, music, literature and dance. Music, dancing and storytelling is also a channel of cross-communication. Musicians, dancers, poets and storytellers are using gestures to communicate with partners or audiences during performance. These gestures are what we use in our daily lives, such as “*come, go, sit down,*” etcetera and all expressions, for example such as falling in love, sadness and unhappiness, are more or less the same as used by people who have difficulties in speaking and hearing, which we call sign language.

I also believe that the essence of music and dancing is one of the promotions of physical fitness, psychological treatment and a useful treatment for social problems. Furthermore, it also stimulates innovation and the creative activity of the brain to think more, to create more songs and styles of dancing, which can again stimulate the system of information and the arts in the brain.

The need for a balance between tradition and modernity is essential to a

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**SECOND READING  
NATIONAL ARTS FUND OF NAMIBIA BILL  
HON NGHIDINWA**

deeper understanding of culture and the country's history. Therefore, I would ask the Ministry responsible for arts and culture to make sure that the College of Arts should harmonise classical dances and other activities and incorporate it into our popular dances.

This draft Bill, therefore, needs our support to create an enabling environment for our young children to access funds so that they develop their talents, skills, etcetera. Namibia as a young emerging Nation lags behind when compared to other countries.

Our culture, values, attitudes and traditions can only be best expressed through art works, music, traditional dance, writing, etcetera. I, therefore, would like to encourage the Ministry of Basic Education, Sports and Culture to extend and expand the services to all the regions. Rest assured that making funds available would surely provide opportunities to our young people to express their traditions and cultures fully through some artistic ways.

This Fund will also help our young people to transfer our values, culture and traditions to the future generation. In addition, I believe that the Ministry is also considering the establishment of Colleges of Arts in all the Regions. That would certainly contribute to employment creation. Most young people will be able to exploit the opportunities and be self-employed.

In conclusion, Comrade Speaker, Honourable Members, the object of the Arts Fund Bill on page gives a critical clear direction towards providing a sense of artistic development. This will contribute to our economic growth and improve the lives of the young people. Once again, I would like to congratulate the Honourable Minister, the Deputy Minister and staff. With these few words, I thank you and support the Bill.

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**HON SPEAKER:** I thank the Honourable Deputy Minister Nghidinwa for contribution to this Debate. Honourable Hishongwa.

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**SECOND READING  
NATIONAL ARTS FUND OF NAMIBIA BILL  
HON HISHONGWA**

**HON DEPUTY MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION:** Comrade Speaker, I rise to contribute to the Debate on the National Arts Fund of Namibia Bill. Firstly, I wish to congratulate the Honourable Minister, the Deputy Minister and his Ministry for coming up with this very important Bill.

In 1990 at the time of Independence, we came to realise that our artists have really been suppressed during the colonial time, so some of them came up with drawings and then they were imprisoned for that. There was one young man, John Mwafangejo, who drew pictures and I understand he was actually imprisoned for that. This man has expressed many things through drawings until it was realised that he was apparently sending a message to the people to resist colonialism. I am sure there are many others in our beloved country who have been doing that.

At Independence, there was hardly any Namibian music through which the indigenous people could express their talents through performances of dancing and other things, but immediately after Independence, you could see at political gatherings that the young people have become entertaining and when liberation came our own African drums (*Ongoma*) were for the first time now being used in the churches, which used to be taboo because it was a collision of two cultures, the European, the white culture and then that of the Africans which was actually considered to be heathen.

I do not know whether you have noticed that especially Namibian musicians have actually advanced to a stage where they need support. These youngsters now play all types of music in their own vernacular languages, messages that could even be understood by their parents and grandparents. However, in many cases you find that, those who draw and sing do not have the necessary required instruments in order for them to advance their talents, but I can really say that this is a Nation of creative people and they only need backing. Therefore, I believe if the Ministry assists these young people in their endeavours, it would create an industry which could even contribute to our economy, because their work can be traded and sold in markets, which could enrich themselves and also the Nation.

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**ADJOURNMENT**

I am also very happy to note from the Bill that the Fund will be very well administered, so that there will not be misuse of the funds donated and I thank the Honourable Minister and his Ministry. This is one of our lost identities as a Nation and all of us should support this National identity in Namibia.

With these remarks, Comrade Speaker, I do support the Bill.

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**HON SPEAKER:** I thank the Honourable Deputy Minister Hishongwa for his contribution and that brings us to the end of the Debate today.

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**HON DR MBUENDE:** Comrade Speaker, I move that the Debate on this Bill be adjourned until tomorrow afternoon.

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**HON SPEAKER:** Any objections? So agreed. I call on the Deputy Prime Minister to adjourn the House until tomorrow afternoon, 14:30.

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**HON DEPUTY PRIME MINISTER:** Thank you, Comrade Speaker. I now wish to Move that this House stands adjourned until tomorrow, 14:30.

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**HOUSE ADJOURNS AT 17:45 UNTIL 2005.02.24 AT 14:30**



**ASSEMBLY CHAMBER  
24 FEBRUARY 2005  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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**HON SPEAKER:** This afternoon Session is called to order. Any Petitions? Reports of Standing or Select Committees?

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**TABLING: REPORT ON CHILDREN'S  
BILL**

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**HON KAIYAMO:** I lay upon the Table, the Report on the Children's Status Bill by the Parliamentary Standing Committee on Human Resources, Social and Community Development for consideration.

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**HON SPEAKER:** Will the Honourable Member please table the Report? Any other Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions? Notice of Motions? Ministerial Statements? Today being Thursday, this is the day on which business in this Chamber is initiated by the Opposition benches and thus we shall commence with Questions. Question 1 is put by Honourable De Waal to the Honourable Minister of Information and Broadcasting. Does the Honourable Member Put the Question?

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**QUESTION 1:**

**HON DE WAAL:** I Put the Question.

24 February 2005

**RESPONSE TO QUESTIONS  
HON MBUMBA**

**HON MINISTER OF INFORMATION AND BROADCASTING:**

Thank you, Honourable Speaker. Allow me to rise to respond to a number of questions raised by Honourable De Waal, as presented by Honourable McHenry Venaani.

The first question is on overtime. Honourable Speaker, *New Era*, like any other Government entity has inherited employees with a Civil Servant mentality of 8 to 5 work time inclinations. We would like to remind Honourable De Waal that *New Era* is a news organisation with a professional set-up just like any other news media. If the Honourable Member understands how the news media operates, he would appreciate that journalists do not work from eight to five and, therefore, it would be strange to learn of the demands with the background from the Honourable Member, pushing for overtime pay for journalists.

Therefore, we want to help the Honourable Member to understand that employees or editorial staff members working for a news organisation are inherently bound to work beyond normal working hours. The nature of the media industry is such that journalists often experience a dry spell of news gathering in the morning and most often, their stories only turn to work out in the afternoons. As a result, reporters are likely to be active in the afternoon and that is why most dailies, that are newspapers, go to the printers at night.

Was Honourable De Waal also informed by his informants that the editorial staff members, most particularly at *New Era* as a daily, become dormant on Fridays. Hence, reporters are bound to be free on Fridays because there is no paper or papers appearing on Saturdays. Nevertheless, in spite of the nature of the media industry, Honourable Member, and mindful of the fact that *New Era* was going through a transitional stage with the need to change some of our employees' mindset from a eight to five job mentality, New Era Publication Corporation's management was in fact lenient in offering its editorial staff a monthly incentive of N\$1,000.

Honourable Speaker, we must appreciate that the commercialisation of the New Era Publication Corporation will have to be run on sound business principles for the Corporation to become a full-fledged commercial entity.

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HON MBUMBA**

I am pleased to say, however, that because of the current *status quo* and the need to comply with the new Labour Act, *New Era* management is currently soliciting expert advice on adjusting the working conditions for our editorial staff in line with Namibia's new labour legislation.

Question 2 is on sports:

Although this answer is negated by my elaborate clarification on overtime *vis-à-vis* the nature of the Media Industry, I wish to further spell out the following:

Since there is no relevance between the sponsorship of *New Era* Sam Nujoma Soccer Cup competition and overtime payment, let me brief the Honourable Member and all other Honourable Members on the objectives of this soccer competition.

In 2003, the Board of Directors of the New Era Publications Corporation approved the sponsorship, which is part of the corporate social responsibility. This competition aims to improve the standard of football in our country, which is our National sport. The *New Era* Sam Nujoma Soccer Cup competition tremendously contributed to the Corporation's marketing and promotional strategy, which has improved the business performance of the company in terms of newspaper sales, advertising revenue and general acceptability to our critical readers.

Question 3 is on shareholding of Ad Force:

By now, I hope that the Honourable Member has had sufficient time to familiarise himself on the shareholding of Ad Force. If not, we urge him to verify these details with the relevant authorities, namely the Registrar of Companies. Sadly put, the Honourable Member's insinuation was misplaced. Hence, it is wrongly eluded that there was a conflict of interest anywhere. The Honourable Member is also invited to verify with *New Era's* books whether any amounts of money were paid to Ad Force Advertising and Marketing Company. Let me also correct the Honourable De Waal that Ad Force did not arrange or probably he meant to say, "facilitate" the strategic planning workshops for both NamZim newspapers

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HON MBUMBA**

and the *Southern Times* and *New Era*. The facilitation of these planning sessions was done by *Zimla* Management Solution Close Corporation after it emerged that they offered the best competitive rates. Ad Force, like many other media experts, were invited to the *Southern Times* and *New Era* strategic planning sessions as guest speakers and not with a view to arrange their consultancies, as it had been alleged. Therefore, there are no financial obligations towards Ad Force. However, I want to assure Honourable De Waal that should a need to arise to enlist marketing and advertising services for both institutions, general tender procedures will be followed.

On the use of the credit cards:

The *New Era* personnel do not use company credit cards while they receive per diem. Over the past three years, *New Era* personnel only used the credit cards on rare occasions to pay for expenses, simply because they have overstayed because of company commitments.

On the issue of NamZim shareholding partnership:

The Board of Directors of New Era Publications Corporation as a fifty percent shareholder has approved an investment of N\$1 million in the NamZim Newspaper Limited joint venture partner. To date an amount of approximately N\$600,000 has been spent towards the project. An additional amount of N\$400,000 still needs to be spent on the same project.

Apart from newspaper sales and advertisement income, *New Era* also has other sources of income, like periodic supplements, also called special projects, which has to date, been a vital money-spinner for the Corporation. It is these sources of income, which have enabled *New Era* to finance its share of investments into NamZim joint venture. Thus, *New Era's* investment into NamZim has been generated from funds sourced from corporate special projects and not from State subsidies.

At the moment, *New Era* is not expected to inject further capital into projects for the next three years as a joint venture company is expected to generate its own income. However, should the need arise to recapitalise NamZim Newspapers Limited, the Board of Directors of NamZim may

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**RESPONSE TO QUESTION BY HON DE WAAL  
HON MBUMBA**

decide whether or not to inject further capital into the project. Therefore, it would now be inappropriate for me to speculate whether there is a need for additional funding. What I know, however, is that the two funding companies, that is *New Era* and *Zim Papers*, through their respective boards of directors, have taken a principle decision to invite other institutions and investors to invest in the NamZim Newspapers Limited.

It is important to note that partnership between *New Era* and *Zim Papers* is guaranteed by a shareholders' agreement, approved and signed by the Boards of directors of the two institutions. To date the *Zim Papers* has invested an amount of N\$1,4 million in the project of which the majority of the money was for three corporate expenses. An additional amount of N\$500,000 is in the process of being transferred from Zimbabwe into NamZim Newspapers' bank account in Windhoek.

By the latest information provided by NamZim Newspapers' Board of Directors meeting in December last year, 19 454 copies of newspapers were sold and advertising income of N\$181,033 were generated from SADC Member States for the first two months of its inception. The management of NamZim Newspapers is in the process of compiling a consolidated income statement and other financial documents for the operational expenses and income from all the SADC Member States where the *Southern Times* is being distributed, circulated and sold for tabling at the next Board meeting in May this year. Once that information is approved and made available by the Board of Directors of NamZim Newspapers Limited, we would be able to share that information with Honourable Members and the public.

It is imperative to point out that since the *Southern Times* only started its operations in September last year, it would be inappropriate to judge its performance in a timeframe of six months only. However, indications are there that despite it being a new product in the SADC Region, the *Southern Times* is gaining momentum and acceptability because the newspaper reflects news and developments from a southern African regional perspective.

We are, indeed, confident that given the right support and favourable

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RT HON T-B GURIRAB**

market conditions, the regional Sunday newspaper would prosper, grow and become a force to be reckoned with in southern Africa in the near future.

The last question was on *New Era's* payment for *Southern Times* duties.

Before I conclude, Honourable Speaker, I would like to state here that we cannot expect *New Era* personnel who on rare occasions perform duties for the *Southern Times*, using *New Era* resources to be extra compensated. I do not think if one is on official duty of the DTA, to be extra remunerated for doing work of the DTA outside his constituency while using DTA or any other Party's resources and time. This will be highly irregular and unacceptable for the NamZim partnership. However, during instances where *New Era* personnel was assigned specific assignments in their own spare time, using their own resources, the *Southern Times* itself, and not *New Era*, compensated such personnel.

I hope the above details have clarified the issues and I thank you, Honourable Speaker.

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**HON SPEAKER:** I thank the Honourable Minister for his very detailed and comprehensive reply to a very long question. Question 2 is put by Honourable Member Mr Pretorius. Does the Honourable Member Put the Question?

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**QUESTION 2:**

**HON PRETORIUS:** I Put the Question, Mr Speaker.

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**RT HON PRIME MINISTER:** Honourable Speaker, as regards the matter of National Youth Service the answer is as follows:

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RT HON T-B GURIRAB**

During August 1995, the then Honourable Minister of Youth and Sport sought approval for the introduction of a National Youth Service Scheme that would serve to provide a learning environment to all high school graduates and that would involve the youth and school graduates in National socio-economic development and voluntary community service.

On the 22<sup>nd</sup> of August 1995, the introduction of a National Youth Service Scheme was approved by Cabinet in principle. The National Youth Service was, therefore, a direct result of a Cabinet Decision. When the Ministry of Youth and Sport was dissolved, the National Youth Service Scheme was transferred to the then Ministry of Higher Education, Vocational Training, Science and Technology run by the Ministry's Directorate of Youth and Development as one of its programmes.

On the 14<sup>th</sup> of August 2004, His Excellency the President, Comrade Sam Nujoma, by virtue of the powers vested in him under Article 32(3)(g) of the Namibian Constitution announced the transfer with immediate effect of the National Youth Service from the Ministry of Higher Education, Training and Employment Creation to the Office of the President. The National Youth Service Agency Bill, which was withdrawn during March 2003, was totally redrafted due to policy changes. The redrafted Bill would be introduced shortly.

The National Youth Service, under the proposed legislation, would contribute to the full implementation of the Green Scheme and the achievement of the objectives of NDP2 and Vision 2030. I thank you.

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**HON SPEAKER:** I thank the Right Honourable Prime Minister. Are there any supplementary questions, Honourable Pretorius? No supplementary questions? Question 3 is put by the same Honourable Member Mr Pretorius to the Minister of Home Affairs. Does the Honourable Member Put the Question?

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24 February 2005

**RESPONSE - QUESTION BY HON PRETORIUS  
HON KASINGO**

**QUESTION 3:**

**HON PRETORIUS:** I Put the Question.

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**HON DEPUTY MINISTER OF HOME AFFAIRS:** Honourable Speaker, Honourable Members, I have the honour to be given the opportunity to respond to the questions posed by Honourable Pretorius on how many firearms in Namibia were stolen from safes during the last five years.

Honourable Speaker, Honourable Members, to compile these figures, namely the firearms stolen from safes countrywide will be a very difficult task. One will have to sift through all the case dockets from all the stations of the country manually, which is indeed a cumbersome process, which will take not less than a month to complete. However, Honourable Speaker, Honourable Members, what the Ministry of Home Affairs can give are statistics which make up all firearms, regardless whether they were stolen from safes or elsewhere at all places in Namibia as follows:

Cases reported:

1999 - 194  
2000 - 176  
2001 - 184  
2002 - 163  
2003 - 193

A portion of 2004 is 170.

Overall we are talking here of 1,080 cases reported of stolen firearms. I thank you.

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**HON SPEAKER:** Any supplementary questions, Honourable Pretorius? No supplementary questions. Thank you, Honourable Deputy Minister for



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**RESPONSE - QUESTION BY HON PRETORIUS  
RT HON T-B GURIRAB**

your response to the questions. Question 4 is put by the same Honourable Member to the Right Honourable Prime Minister. Does the Honourable Member Put the Question?

**QUESTION 4:**

**HON PRETORIUS:** I Put the Question, Mr Speaker.

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**RT HON PRIME MINISTER:** This one concerns the future residence of the Nation and the answer is as follows:

The Minister of Works, Transport and Communication informed Cabinet of the envisaged expropriation of properties, but it has no power in law to decide on the expropriation. It is only the President of the Republic who has the power to do so and not Cabinet. Properties affected by the envisaged expropriation have not yet been valued as such, thus the precise cost in expropriating those properties have not yet been determined.

The Expropriation Ordinance 13 of 1978 is clear on what the affected owners can and/or should do before a Notice of Expropriation has been served on them. Since no Expropriation Notices have been served yet, property ownership rights still vest in the current owners of those properties. In terms of Property Law, an owner of immovable property can do as he/she pleases with the property, if such actions are in conformity with the relevant laws. In addition, Section 5(5)(d) of the Expropriation Ordinance 13 of 1978 provides that:

*“In determining the amount of compensation which is to be paid in terms of this provision of the Ordinance, improvements which after the date of notice were made on or to the property in question, except where such improvements which existed up to and on the date or where those improvements were undertaken in pursuance of obligations entered into before the date of notice, shall not be taken into consideration.”*

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HON MUNGUNDA**

As explained in answer number 3 above, only developments done on the property before the date of notice will be taken into account and those done after an expropriation notice has been served will not be considered for compensation. I would advise the Honourable Member in the future to direct these questions to the competent Minister, the Minister of Works, Transport and Communication, but the Office of the Prime Minister will always oblige.

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**HON SPEAKER:** Honourable Pretorius, you have the right to fire your supplementary questions to whom you fire them.

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**HON PRETORIUS:** Honourable Speaker, I have no supplementary questions, I thank the Honourable Prime Minister because it was in connection with a Cabinet Decision, but I just want to inform him there will not be any future comments.

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**HON SPEAKER:** Question 5 is put by the same Honourable Member and this time to the Honourable Minister of Labour. Does the Honourable Member Put the Question?

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**QUESTION 5:**

**HON PRETORIUS:** I Put the Question.

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**HON MINISTER OF LABOUR:** Honourable Speaker, this question is a recycled question by Honourable Pretorius, because the answer was already provided on the 15<sup>th</sup> of October 2004. Nevertheless, I will repeat the question, whether as a matter of urgency and in national interest, the report and recommendations of the Cabinet Committee on the Eviction of Farm Workers cannot be made public.

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The answer is very straightforward, that I would like to inform the Honourable Member that the consultation process with Government Offices, Ministries, Agencies and the social partners have been concluded and the Report with considerations is to reach Cabinet in due course. Thereafter the Cabinet will inform the public accordingly. I thank you.

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**HON SPEAKER:** Any supplementary questions? I thank the Honourable Minister of Labour for her response to questions put to her. Question 6 is by the same Honourable Member, this time to the Minister of Regional and Local Government and Housing. Does the Honourable Member put the Question?

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**HON PRETORIUS:** I Put the Question, Mr Speaker.

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**HON SPEAKER:** Does the Honourable Minister wish to reply? The Question will stand over.

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**HON PRETORIUS:** Honourable Speaker, just on a Point of Order, I just want to have it recorded that this question was first asked in September 2004. It stands over every time.

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**HON SPEAKER:** We note that and we will proceed by Question 7 which was put by Honourable Tsudao Gurirab to the Minister of Basic Education, Sport and Culture. Does the Honourable Member put the Question?

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**QUESTION 7:**

**HON T GURIRAB:** I Put the Question.

24 February 2005

**RESPONSE - QUESTION BY HON T GURIRAB  
HON MUTORWA**

**HON MINISTER OF BASIC EDUCATION, SPORT AND CULTURE:** Thank you very much, Comrade Speaker, Sir. I am informed that this afternoon, the 24 of February 2005, the officials from our Ministry and the Union representing the teachers will have a press conference to give more information on this particular question. However, for now permit me to provide the following information in response to this question.

Approved revised appointment requirements for teachers and teaching-related job categories were an ongoing improvement initiative on the appointment requirements for teachers. There was a need to revise the minimum teaching requirements for teachers because WASCOM only provided for the Basic Education Teachers Diploma (BETD) as the minimum appointment requirement for teachers and other teaching related job categories and did not accommodate other recognised teacher qualifications.

Due to the heavy administrative workload involved in such matters, the Ministry is currently in the process of finalising the translation of qualifying serving teachers to the new grades and levels. This is a thorough exercise, which cannot be handled in a hasty manner. Since the implementation of the revised appointment requirements carry huge financial implications which go beyond what Parliament allocated to the Ministry in the current Financial Year and also for the remainder of the Medium-Term Expenditure Framework, the Ministry is obliged to engage other appropriate Government Ministries, thereby ensuring compliance with the relevant provisions of the Appropriation Act, the State Finance Act as well as Treasury Regulations.

The process of determining both personnel and financial implications regarding the translation of qualifying serving teachers to the new grades and levels should not be viewed as a delaying tactic, but rather as a systematic route to implement the new grading measures cost effectively. The crucial obstacle to implement the new salary grading for teachers is the funds limitation. The Ministry will implement the measure once the funds are available on the Budget. The Minister of Basic Education and NANTU, therefore, appeal for the patience of all concerned teachers during this period while modalities to effect the new appointment requirements and

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**RESPONSE - QUESTION BY HON T GURIRAB  
HON MUTORWA**

salary grading for teachers are finalised. I thank you.

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**HON SPEAKER:** Any supplementary questions, Honourable Tsudao Gurirab?

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**HON T GURIRAB:** Yes, Honourable Speaker. Firstly, allow me express my gratitude for the answer to the Minister. I have two questions arising from the Minister's answer. The first one is, given the time it will take to translate the new measures on which the Minister did not put a date, when the process is finally completed, would the serving teachers assume that the new salaries are higher? Would the serving teachers then be paid the arrears?

Secondly, how is a teacher treated if he resigns this week and is recruited again next week? Would he be treated as an old teacher, would he be treated as a new one and as part of that, would it help the process if all the serving teachers resign this week and are re-employed next week to speed up the process? Thank you.

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**HON MINISTER OF BASIC EDUCATION, SPORT AND CULTURE:** Comrade Speaker, with all due respect, I think the questions that the Honourable Member has just raised are substantive questions that warrant specific research to answer them. I think the responses that I provided to the questions put as they appear on the Order Paper are in my view sufficient for now. Thank you.

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**HON SPEAKER:** Honourable Gurirab, I take it that you accept the response from the Minister that these are substantive questions and not follow-up questions to the ones that you put and I would thus like the Honourable Minister of Basic Education, Sport and Culture for his response to Question 7. Question 8 is put by Honourable Schimming-Chase to the Honourable Minister of Higher Education, Training and Employment

Creation. Does the Honourable Member Put the Question?

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**QUESTION 8:**

**HON SCHIMMING-CHASE:** I Put the Question.

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**HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION:** Thank you, Honourable Speaker. At the very outset, I would like to thank Honourable Schimming-Chase for her interest in the plight of out-of-school youth. I fully agree with you that after Grade 10 only slightly more than 50% of learners secure entry to Grade 11. This is a matter of concern to my Ministry, which deals with youth affairs and employment creation.

Currently many of these young people are enrolled with the Namibia College of Open Learning (NAMCOL). I further agree with Honourable Schimming-Chase that these youths require skills development programmes. It is against this background that my Ministry has prioritised vocational education and training as an area of streamlining and expansion. Streamlining will require the creation of the proposed National Training Authority (NTA). A task force was, therefore created for this purpose. The task force is working on the operational activities of the NTA. The Project Management Unit for the establishment of the Namibia Training Authority is servicing this task force.

Expansion, on the other hand, is envisaged when the NTA has been established. Such expansion will entail the efficient use of existing vocational training centres and the encouragement of private vocational training providers to offer a variety of training opportunities. For example, for now our Ministry is working together with the Social Security Commission Development Fund with a view of launching a nationwide training programme in the field of ICT, information and communication

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technologies. We intend to promote public and private partnerships in vocational education and training.

The National Training Authority will be established as soon as the Vocational Training Act has been amended to accommodate the establishment of this particular body. I want, therefore, to assure Honourable Schimming-Chase that the Vocational Training Act of 1994 is still in force. Certain circumstances, however, require the amendment of this Act to incorporate the establishment of NTA.

Regarding the Vocational Training Fund, I would like to inform Honourable Schimming-Chase about the Vocational Training Fund as follows:

The Fund still exists and receives annual contribution from our Ministry. Since the training levy has not been implemented, the Government remains the only sponsor of the Fund. The annual contributions to the Fund since 2001 were as follows:

2001/2002 Budget – N\$1 million;  
2002/2003 Budget – N\$500,000.  
2003/2004 Budget – N\$500,000.  
2004/2005 Budget – N\$500,000;

Currently the Government contribution has been the only contributor to the Fund, thus the N\$500,000 annual contribution does not make impact for the Fund to grow. Thus, the Fund is not able to foster entering programmes for the time being.

Let me, however, assure the Honourable Member that every year the Office of the Auditor-General appoints a private auditing company to audit the Fund Account, both current and call accounts, which are located at Bank Windhoek as well as its investment portfolio, which is managed by Southern Life and Sanlam. The auditing firm is Saunders & Associates and they will continue to do the job as appointed.

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For the information of the Honourable Member, the amount available during the period under review was as follows: Cash in the bank, N\$4,925,073. Southern Life investment is worth N\$6,573,320,26. Sanlam investment is worth N\$1,484,834,93. Total investment, N\$8,058,155,19. Grand total, N\$12,983,228,19.

The Auditor-General's Office is still scrutinising the audited statement by Saunders & Associates after which the Report will be tabled in this Parliament. The Office of the Auditor-General has again appointed Saunders & Associates to audit the Fund's accounts for the period 1<sup>st</sup> of April 2003 to 31<sup>st</sup> March 2004.

Immediately following Cabinet Decision, 1/24.1.4/003 authorising the establishment of the National Training Authority, the Ministry, with the funding from the European Union, set up the Namibia Training Authority Programme Management Unit to oversee the overall vocational education and training reform process. The Unit is assisted in its work, as I said before, by a task force comprising predominantly private sector representatives. The Programme Management Unit is headed by a consultant on an eighteen months contract phased over a three-year period.

The Programme Management Unit established the Training Systems and Curriculum Reform Projects. This has since developed curriculum material for civil and automotive trades. It is soon to embark upon the development of Hospitality and mechanical trades. It is expected that a total of nine out of twenty-four trade groups would have been covered by the end of this year. By the year 2006, it is expected that all the trade groups would have been covered, that is, by that time Namibia should be able to boast with a fully developed outcome based curricula for vocational education and training.

It may be worth reminding Honourable Members of Parliament that this Government and the Ministry of Higher Education, in particular, has no intention to throw out the baby with the tub water. Therefore, the current vocational education and training system continues to operate with the necessary changes and modifications for an improved quality of life for all our people, including Honourable Nora Schimming-Chase.



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With regard to training levy, the Vocational Training Act (Act 18 of 1994) mandated the imposition of a training levy. Preparations are now at an advanced stage to implement such a training levy, which, we hope, will augment the Training Fund. I hope and believe that this information answers your concerns, Honourable Member. Thank you.

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**HON SPEAKER:** Any supplementary questions, Honourable Schimming-Chase?

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**HON SCHIMMING-CHASE:** With your permission, Honourable Speaker, yes. Firstly, I would like to thank the Honourable Minister for answering the questions and to express the fact that it is good that both of us will be in this august, not August House, next month, because it gives the Honourable Minister another five years to implement.

To come to the supplementary question, it is clear now that the prognosis of the Minister that the target of N\$30 million would be reached within three or four years is not realised because we have not even reached half yet. Does the Honourable Minister not think that in four years you can train people to a Bachelor's Degree, let alone finish vocational training? Has the time not come for us to start implementing and training so that these children do not end up in prison, rather than waiting another five years for the Act and the money and all of that, because N\$12 million is a lot, we can train many people. Can we not start implementing now?

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**HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION:** I can assure Honourable Schimming-Chase that her concern is my very concern. We are training right now but we are not training all. What we want to do is to prepare all who need training. That is why we are talking about streamlining.

Your specific question is about N\$30 million. N\$30 million has been surpassed. What is happening is that the Government is on an annual basis funding vocational education to the tune of N\$64 million and that N\$64

million are being used to train quite a number of young people, though we are not happy with that number because we want to train as many as possible. Neither are we happy with the quality of training and that is why we are changing the whole curricula to modernise it and implement a competency-based training programme, so that private training providers can also take part, using that competency-based training programme and receiving some funding from Government.

What we are talking about now is the expansion of the system. It does not mean that we are sitting quietly, waiting for all the systems to be in place. That is not what is happening. Nevertheless, let me assure you that your concern is my concern. We want to make sure that those young people who sit on the street corners are given training opportunities, if they so wish, to improve their skills and to develop their own careers so that they can probably get jobs. If they do get jobs, we would have met one of the Millennium Development Goals of the United Nations, which is to reduce poverty substantially. Thank you.

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**HON SCHIMMING-CHASE:** Thank you, Honourable Minister. The Minister now tried to answer Questions 5 and 6, but I still do not know how many people have been trained.

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**HON MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION:** Yes, the system has been enrolling close to 2 000 young people annually, but we want to expand that figure to 5 000 when the system is up and running. Thank you. You said I am going to be here as from next March, yes I will be here, but I am not quite sure whether I am going to be responsible for vocational training.

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**HON SPEAKER:** I would like to thank the Honourable Minister of Higher Education for his response to questions put to him. Question 9 is

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HON KASINGO**

put by Honourable Member Mr Moongo. Does the Honourable Member put the Question?

**QUESTION 9:**

**HON MOONGO:** I Put the Question.

**HON DEPUTY MINISTER OF HOME AFFAIRS:** Honourable Speaker, Honourable Members, I am standing once more to answer the question posed by Honourable Moongo and the response is as follows:

There are currently many suspected stolen motor vehicles under storage at various police stations in Namibia. The vehicles are kept confiscated until the cases have been finalised and a Court Order is made as to how they should be disposed of. The vehicles are confiscated because they are either of some material or of real evidence as to the commission of the offence of the theft of the motor vehicle or probably in possession of a suspected stolen motor vehicle or stolen goods.

The number of vehicles in storage at the following places are as follows:

Oshana	-	36
Kunene	-	0
Ohangwena	-	8
Oshikoto	-	19

Vehicles can only be impounded on reasonable ground of having been stolen, such as when engine or chassis numbers have been tampered with or where the registered owner has reported it as stolen.

Honourable Speaker, the duration of these cases depends upon whether a suspect has been arrested in that case or appeared in Court, as to whether he has pleaded to the case. Even if he has pleaded to the case, the investigation will continue to enable the criminal justice officials, police

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and prosecutors, to find a link, which is really evidence to link the suspect to the case involved. I am aware that the Honourable Member has recently been appointed as a headman of *Omalaala* and I congratulate him for that. The reason why I mention that is that he is now wearing two hats as a lawmaker and a part of the Judiciary on that sub-national level. I am sure when the cases are brought to him at his *Omukunda*, he will appreciate the dilemma of coming to the conclusion of these cases in time and I am sure he will now better understand the work of the police officers and the prosecutors.

The vehicles that have been impounded by the police will be handed back to the right owners when the Court cases have been finalised and the Court Orders have been given on the disposal of such exhibits. I thank you.

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**HON SPEAKER:** Any supplementary questions, Honourable Headman. I join her in congratulating you for your dual responsibility to this Nation.

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**HON MOONGO:** Thank you very much. Is the information I received true that while the vehicles are stored at the police stations, people removed parts from these vehicles? Is this really what is happening at the police stations?

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**HON DEPUTY MINISTER OF HOME AFFAIRS:** Those are false rumours. Thank you.

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**HON SPEAKER:** I would like to thank the Honourable Deputy Minister for her response to questions put to her. Question 10 is put by Honourable Ben Ulenga to the Honourable Minister of Higher Education, Training and Employment Creation. Does the Honourable Member put the Question?

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**RESPONSE-QUESTION BY HON ULENGA  
HON MUTORWA**

**QUESTION 10:**

**HON ULENGA:** I Put the Question.

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**HON MINISTER OF BASIC EDUCATION, SPORT AND CULTURE:** Thank you, Comrade Speaker. The Honourable Minister of Higher Education has requested me to stand in for him. He is out due to other commitments.

Honourable Ben Ulega of the CoD asked about employment creation during the last five years. He further wanted to know the total increase in employment opportunities as a direct result of the efforts of the Ministry of Higher Education. I would like to inform the Honourable Ulega as follows:

Though one of the remits of the Ministry is employment creation, it is not within the competence of this Ministry to track employment patterns in various industries and sectors of the economy. Such a task is the responsibility of the Ministry of Labour. You may wish, therefore, to contact that Ministry for information related to employment trends.

Broadly speaking though, the total number of employees in Namibia was 401 203 in 1997 and 431 849 in 2000. The private sector share of employment was 44% and 42%, respective. Government's share of employment during the same period was 20% and 23%, respectively.

Labour force participation by age and sex was as follows:

In 1997, age 25 to 29, the total participation, 68.5% of which 70% were female and 66.4 males.

In 2000, that very same age category, 49.5% in total, 46.1% female, 66.4% male.

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HON MUTORWA**

The age group of 35 to 39, in 1997, the total participation was 89.3% in total and 84.4 percent male, 95.1% female and in 2000, 77.4% in total, 68.4% female and 90.5% male.

These figures show that youth participation in employment is lower compared to adults. Female participation in employment decreased from 1997 to 2000. Total labour force decreased for age groups from 1997 to 2000. Employment opportunities are directly related to educational levels. Unemployment levels for people with primary level education for 2000 was 38.4%, whereas for those with Junior Secondary level was 35.5% and those with Senior Secondary education was 16.5% and post-secondary education, 0.5%.

The Ministry of Higher Education, Training and Employment creation is, therefore, aware that unemployment mostly affects women, the youth and people with lower levels of education. In this regard, the Ministry is putting emphasis on education and training in order to give opportunities for and to women and youth to develop careers, skills and professional competencies. This is the best way to fight unemployment. A variety of training programmes are being developed. These include:

- (a) The establishment of the National Training Authority;
- (b) The development of a Strategic Plan for Youth Employment Network;
- (c) The expansion of Community Skills Training Centres; and
- (d) Support to the activities of the National Youth Council.

I thank the Honourable Ulenga for asking the questions.

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**HON SPEAKER:** I thank the Honourable Minister of Basic Education who is standing in for his Colleague and provided the House with the necessary answers. Question 12 is put by the same Honourable Member

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HON MUNGUNDA**

Ulunga, this time to the Honourable Minister of Labour. Does the Honourable Member put the Question?

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**QUESTION 12:**

**HON ULENGA:** I Put the Question.

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**HON MINISTER OF LABOUR:** I thank you, Honourable Speaker. The questions posed are on the rate of unemployment in percentage terms in the country at present. It was also questioned what it was at the end of 1999 and how many jobs have been created overall in the last five years.

On the first question: Three full-scale Labour Force Surveys have been conducted in Namibia to date. The last survey was conducted towards the end of 2004. Data from this survey is still being processed and findings are unfortunately not available yet. However, the latest figures on unemployment here are from the 2000 Namibia Labour Force Survey.

The unemployment rate in Namibia is measured, using two definitions, the broad and the strict definition. With the broad definition, persons aged 15 years and above whom during the seven-day period before the interview did not work and had no job and business to go back to, but were available for jobs. According to this definition, the unemployment rate stands at 33.8%.

The strict definition requires further that these persons actively look for work to be considered unemployed. According to this definition, the unemployment rate stands at 20.2%.

The rate of unemployment from the 2000 Namibia Labour Force Survey can be used as a reasonable good estimate for the unemployment rate at the end of 1999.

On the second question, the rate of unemployment from the survey of 2000 Namibia Labour Force Survey can be as a reasonably good estimate for the

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HON DR AMWEELO**

unemployment rate at the end of 1999.

On the third question, the Honourable Member needs to be advised that it is better to direct questions on the jobs created to the Ministry of Higher Education and Employment Creation and if the Honourable Member needs more information on job losses, we will be in a position to shed more light on unfair dismissals and retrenchments. , I would however like to invite Comrade Ulenga to my office before the 21<sup>st</sup> of March so that he can come, have a cup of tea with me, and get this information.

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**HON SPEAKER:** This is the first time in fourteen years that we see the same line of response in two separate and different Ministries on the same day. Honourable Nahas Angula shot first and Honourable Mungunda shot back. Anyway, we shall proceed. I thank Honourable Minister Mungunda for her response to Question 12. Question 13 is put by Honourable Member Moongo. Does the Honourable Member put the Question?

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**HON MOONGO:** I Put the Question, Honourable Speaker.

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**HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:** Thank you very much, Comrade Speaker. Honourable Moongo's questions address the issue of a house near a road, which is occasionally becoming surrounded by water. The answer to all three questions is as follows:

The tarred road between Oshivelo and Ondangwa was constructed in the 1960's and at that time there were no houses in that area where Mr Kamati is now staying. According to the records, instructions were given at that time that permanent buildings should not be erected within a hundred metres from the road. Obviously, some people encroached nearer and were having problems now. The material which was used for the construction of



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the road was reportedly taken from an area on the opposite side from the area mentioned by Honourable Moongo and the question on when sand will be provided to prevent the house of Mr Kamati being flooded, I have to respond at this stage that it seems not to be my Ministry's responsibility to provide that material.

On Honourable Moongo's statement that this is not an isolated case and his question on when a proper investigation will be launched, I wish to advise that the Regional Council of Oshikoto should be approached to have such an investigation done. The Roads Authority stands ready to assist them in this investigation.

I was informed, that at some stage the house of Mr Kamati was surrounded by sewerage water coming from nearby buildings. In conclusion, Comrade Speaker, I was also informed that Mr Kamati is not blind. I thank you.

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**HON SPEAKER:** Any supplementary questions, Honourable Moongo?

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**HON MOONGO:** The investigation was probably on another Mr Kamati, because the one I am talking about is a blind man, a very old blind man. They probably investigated the wrong Mr Kamati.

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**HON SPEAKER:** There is a wrong identification of the person in question. I would like to thank Honourable Minister Amweelo for his response and I hope we are talking about the same Kamati. We have disposed of all the questions so far put. We shall now go into the other business of this Chamber scheduled for today. The First Notice of a Motion is the one by the Honourable Minister of Finance, Honourable Kuugongelwa-Amadhila. Does the Honourable Minister Move that this Bill be now introduced?

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**INTRODUCTION AND FIRST READING  
ADDITIONAL APPROPRIATION BILL  
HON KUUGONGELWA-AMADHILA**

**INTRODUCTION AND FIRST READING  
ADDITIONAL APPROPRIATION BILL**

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**HON MINISTER OF FINANCE:** I Move, Honourable Speaker.

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**HON SPEAKER:** Who seconds the Motion? Are there any objections? No objections, so agreed. Will the Honourable Minister please table the Bill? I will ask the Secretary to read the Bill a First Time.

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**ADDITIONAL APPROPRIATION BILL**

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**SECOND READING  
ADDITIONAL APPROPRIATION BILL**

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**HON SPEAKER:** Does the Honourable Minister of Finance Move that the Bill be now read a Second Time?

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**HON SPEAKER:** Who seconds the Motion? Any objections? So agreed. I now call on the Honourable Minister to Move the Bill.

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**HON MINISTER OF FINANCE:** Honourable Speaker, Honourable Members of the House, in December of last year I announced that we shall

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not table a Revised Budget to this House. At that occasion, I informed the House that during this Fiscal Year total revenue collections would remain behind projections by an estimated 3 to 4%. This equalled a shortfall of N\$320 million. Furthermore, GDP forecasts had to be revised downwards, pushing up the current deficit to a project 2.7%. May I confirm that the expenditure ceilings for line Ministries remain in place as appropriated in the Main Budget for the 2004/2005 Fiscal Year, hence no additional funds for either operational and capital expenses of line Ministries.

In my statement for the Main Budget, I mentioned some challenges that are to be met during the coming Budget cycle. One of these challenges is the fight against HIV/AIDS. We are determined to take the challenge of the HIV/AIDS pandemic head-on. The Government has launched the Third Medium Term National Strategic Plan on HIV/AIDS, covering the period 2004 to 2009. The main goal is to reduce the incidences of HIV/AIDS infection to below epidemic threshold by 2007. The HIV/AIDS pandemic has reached proportions which makes it a development issue and which, therefore, requires a comprehensive approach.

According to our Health Ministry, Anti-Retroviral Treatment has been introduced in 19 out of 35 public hospitals and the treatment of prevention of mother-to-child transmission has been rolled out to 25 public hospitals. We are making significant strides to help that one-fifth of our population that are infected with the virus by making these crucial life-prolonging services available.

Honourable Speaker, Honourable Members, all this comes at a price and we are now experiencing some of the financial pains that this dreadful disease is causing. The expenses for HIV/AIDS medication have increased at rates beyond anticipated levels. The Government Medical Aid Scheme has the policy to cover 95 percent of medication and treatment costs of HIV/AIDS sufferers and we are experiencing high participation rates in life-prolonging programmes.

A further trend has been observed which has an impact on the number of Public Service Medical Aid members and, in turn, on expenses. The active

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membership to PSEMAS has risen from 58,168 at the beginning of the Financial Year to 60,270 members. The number of dependents to active members has also risen from 62,957 to 70,379, resulting that, medical aid expenses increased by some N\$123,332,355. Part of these expenses was covered with internal savings. The remaining balance of N\$65 million can, however not be accommodated under the Budget, necessitating an additional appropriation.

The State Finance Act, (Act 31 of 1991) under Section 9(1)(b)(i) and 9(2) makes provision for the Minister of Finance to withdraw funds from the Revenue Fund which were not appropriated for to defray expenditures on services of an urgent nature that cannot wait until funds are appropriated by Parliament and to subsequently approach Parliament during that very Financial Year for the appropriation of such additional funds.

We are currently experiencing a situation where the appropriated funds for the Medical Aid Scheme are already depleted and I, in terms of the abovementioned provisions of the State Finance Act, have authorised the withdrawal of funds from the State Revenue Fund to defray these additional expenses. I have done so in order to prevent any possible halting of medical supplies or treatment to any patient. The additional amount, which I have authorised to be withdrawn is, as indicated above, N\$65 million. This additional expense will have a marginal effect of an increase of 0,2% on the Budget deficit.

I am now approaching the National Assembly to approve these expenditures in terms of Section 9(2) of the State Finance Act.

Honourable Speaker, Honourable Members of the House, let me now briefly turn to the financial situation and matters incidental thereto.

With only a few weeks into the new Financial Year, the provisional economic figures for the year 2004 are promising. Real GDP growth for the current Financial Year has been revised upwards from 4.1 percent to 4.4%, according to the Bank of Namibia. This growth will mainly be driven by the Mining Sector, supported by increased manufacturing

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activities. The year 2004 also recorded a very low inflation rate of only 3.9%. This, combined with low interest rates, offers a stable environment for investment in our country. For the current Financial Year the fiscal outlook is much more favourable than for the previous one.

While the exporting sector is still struggling with a strong Namibian Dollar, the Ministry of Finance has taken concerted actions to strengthen tax collections and compliance. Because of our efforts, significant improvements in revenue collections are expected to materialise this year. Due to these measures, the total revenue shortfall for this Fiscal Year will therefore be minimal.

Honourable Speaker, Honourable Members, of recent some speculations about the bad state of the Government's finances appeared in one or two of the daily newspapers. I want to give you my assurance that they lack any foundation. Similarly, adventurous statements about uncreditworthiness of Government coming from certain parts of the financial sector are unfounded, given our actual fiscal position and the outlook for the next years.

To finance its deficit, Government primarily approached the domestic market, but our activity in the financial market should not be interpreted as a lack of alternatives to raise capital. The Government has the opportunity to raise sizeable capital from the international market at favourable rates. In addition, we continue to borrow for major infrastructure and development projects from regional and international institutions without any credibility concerns being raised following their regular assessments. Our commitment to develop the domestic capital market remains strong, but we will closely follow the costs associated with it.

While the fiscal outlook has considerably improved, as compared to last year, our resources remain tight. However, we remain committed to reach our targets for the Medium Term Framework.

Honourable Speaker, Honourable Members, for the sake of providing a better health service to all our Public Servants and especially the HIV/AIDS

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victims, I appeal to this House for their support. Thank you.

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**HON SPEAKER:** I would like to thank the Honourable Minister of Finance for her submission. The Floor is now open for any further discussions on this matter. Honourable Tsudao Gurirab.

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**HON T GURIRAB:** Honourable Speaker, I rise to make a brief intervention despite not having seen the Bill yet, but I do this on the strength of the Honourable Minister's motivation and I am rising to make two commendations, firstly to commend the Honourable Minister for the tight control she has of the Nation's purse. In that, she has our support. However, secondly Honourable Speaker, also to commend the Government for taking a lead in the sector in addressing the pandemic which has now become a national calamity and I think the Government also deserves our commendation. HIV/AIDS clearly now has become the primary development challenge of our country and if we do not address it properly, it will wipe out all the development gains so far and waylay the visions which we have for our future.

With these brief comments, Honourable Speaker, we totally associate ourselves with the purpose for which the appropriation is being sought. I thank you.

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**HON SPEAKER:** I thank Honourable Tsudao Gurirab for his contribution. Honourable Venaani, followed by Honourable Schimming-Chase.

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**HON VENAANI:** Thank you very much, Honourable Speaker. I am greatly moved by the admission by the Minister of Finance that she has

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spent this money and seeking the approval of this House for what she has already spent in order to rescue the situation on the Medical Aid. I think it is very enviable and it is a very good example. That is what we call good governance, for leaders to be accountable for their actions and on that score. I think our position is that we thank you very much for that action.

Honourable Speaker, we just had a query that appropriations of this nature needed some prior consultations of Political Parties on the state of affairs of the country, rather than hearing this information from speculation in the media. I feel that in future there is a greater need for consultations in the Fourth Parliament. Parties should be consulted when such appropriations are brought to the House. We agree that Article 26 in the Constitution, dealing with appropriations, states very clearly that the Minister of Finance or the State has the right from time to time to seek approval from this Chamber for additional appropriations.

Therefore, Honourable Speaker, due to the urgent need for the Medical Aid to spend this money, our position is very clear that we are going to support the Additional Appropriation Bill as tabled by the Finance Minister and knowing the transitional period which our Parliament is going through, as the party Chief Whip I also want to urge our Members to use this opportunity to speed up this Debate so that we allow the smooth passage of this Bill through this House. I thank you very much.

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**HON SPEAKER:** I thank Honourable Venaani. Honourable Schimming-Chase.

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**HON SCHIMMING-CHASE:** Thank you, Honourable Speaker. I do not repeat the sentiments expressed, except to say that I support them. However, it is necessary for the Whips of the Parties to get together so that we decide how we are going to go through the stages. To that end, I have already approached the Chief Whip of the Ruling Party and, therefore, I

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think it is urgent that we meet and if need be, if we have to sit tomorrow, then we need to arrange to meet before we sit, failing which I would propose that we meet on Tuesday. We will meet as Whips to see how we can get the agreement of the whole House to possibly do more than one stage per day if necessary. However, in principle I do not think anybody would object to this Bill.

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**HON SPEAKER:** I thank Honourable Schimming-Chase for her remarks. Right Honourable Prime Minister.

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**RT HON PRIME MINISTER:** Thank you very much, Honourable Speaker. The other day Chief //Garoëb paid me accolades for having recognised the initiative taken by the Opposition Party in the person of Honourable Kaura. I want to repeat it again on this score by thanking the Opposition Parties for their kind consideration and for a truly patriotic gesture of supporting the Minister of Finance on this very urgent matter.

We are in a Republic of laws and not of improvisation. The Minister did what she is authorised to do by law, but she is also, in the spirit of that law, coming before this House to have approval of the action she had taken legally and I join her in putting to rest the concerns that may have been raised by irresponsibility in the media or in some of the financial circles. What happened to the culture of people picking up a telephone and calling the person to say, "*why are you doing this, are you allowed to do so, what are the implications of what you are doing*", instead of being lone rangers shooting from the side?

I also appreciate the sentiments so well articulated by Honourable Nora Schimming-Chase that, if possible, we speed up the process. If the adjournment being suggested by Honourable Moongo means tomorrow, that would be in order and we would, therefore, welcome that and as soon as possible act on this. That should be the good thing to do. Thank you.



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**HON SPEAKER:** I would like to thank the Right Honourable Prime Minister for his remarks. I think the House is in agreement, first, to recognise that the only thing left now is that of scheduling, because the stage that takes long is the Committee Stage, but there does appear to be only one figure here. Therefore, I think in terms of negotiations it would be much easier, depending on the agreement of the period. We only have to agree on how long that stage will take and then we will definitely do what is required to do in terms of our Rules and Procedures of the Chamber.

I have two views, which we need to consolidate. The Prime Minister ended up on a note saying he would not have difficulty for the Chamber to meet tomorrow. Honourable Moongo was moving the adjournment to Monday. I just want to be sure, when I eventually call on the Right Honourable Prime Minister as to which date. We need consensus here. Could we get direction on that?

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**RT HON PRIME MINISTER:** Monday is acceptable.

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**HON SPEAKER:** We agree. the House will meet on Monday. With that agreement, I take it that there will not be any objection to revert the Floor to Honourable Moongo to adjourn the Second Reading.

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**HON MOONGO:** I would like to adjourn this Debate until Monday afternoon.

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**HON SPEAKER:** Any objections? So agreed. The Debate on this item will stand over until Monday afternoon, 14:30. The Second Notice of a Motion is the one by the Honourable Deputy Minister of Finance,

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**CONVENTION ON DOUBLE TAXATION  
HON BOHITILE**

Honourable Clara Bohitile. Does the Honourable Deputy Minister Move this Motion? Who seconds the Motion? Any objection? So agreed. I now call on the Honourable Deputy Minister please to Move the Motion.

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**RATIFICATION ON CONVENTION ON AVOIDANCE  
OF DOUBLE TAXATION**

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**HON DEPUTY MINISTER OF FINANCE:** Mr Speaker, Honourable Members of Parliament, the purpose of the Double Taxation Agreement is to regulate taxation matters between countries to ensure that the residents of any of the two countries, number one, is not taxed by both countries on the same income, thus to avoid double taxation; secondly, is at least taxed in one of the countries, thus to prevent fiscal evasion with regard to income tax and similar taxes, as specified in the Agreement.

Comrade Speaker, the avoidance of double taxation and fiscal evasion between two countries encourages trade between the two countries, which is mutually beneficial. One of the salient provisions contained in a treaty is the provision that enables countries to exchange information, which is not possible in the absence of a treaty.

Cabinet authorised the Minister of Finance to negotiate and sign a double taxation agreement with the Republic of Botswana by virtue of a Cabinet Decision 9/184.95/009. The Office of the Attorney-General already certified the Agreement on the 18<sup>th</sup> of May 2004. Subsequently, the Agreement was signed in Gaborone, Botswana on the 16<sup>th</sup> of June 2004 by the Minister of Finance of the Republic of Botswana and the Deputy Minister of Finance of the Republic of Namibia. Ratification by the National Assembly is now required to finalise and make this Agreement official. The Agreement will, thereafter be published in the Government Gazette.

Comrade Speaker, I can just mention in passing that Namibia has already

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**CONVENTION ON DOUBLE TAXATION  
HON BOHITILE**

signed such agreements, being double taxation agreements with ten other countries, for example, France, Germany, Mauritius, South Africa, the UK and Malaysia. It is against this background, Mr Speaker, Sir, that I submit this Agreement to this august House for ratification and I thank you very much.

---

**HON SPEAKER:** I would like to thank the Honourable Deputy Minister of Finance for her submission. Are there any further discussions? There does not seem to be any further discussions. That being the case, I would as a matter of formality call on the Honourable Deputy Minister for concluding remarks.

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**HON DEPUTY MINISTER OF FINANCE:** I thank you very much, Comrade Speaker, Sir. I thank the House. There are some citizens of Namibia in Botswana and citizens of Botswana here in Namibia and they would be very happy to hear that the whole Parliament supported the Agreement and I thank you all for your support.

---

**HON SPEAKER:** I thank the Honourable Deputy Minister for her reply and I now Put the Question, that this Motion now be adopted. Are there any objections? No objection. Who seconds this Motion? So agreed. Therefore, this Motion is unanimously adopted.

The Third notice of a Motion is the one by the Honourable Minister of Works, Transport and Communication, Honourable Amweelo. Does the Honourable Minister Move this Motion? Who seconds the Motion? Are there any objections? Agreed to. I now call on the Honourable Minister to take the Floor and Move the Motion.

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**CONVENTION ON CIVIL AVIATION  
HON DR AMWEELO**

**ACCESSION TO AMENDMENT OF  
CONVENTION ON INTERNATIONAL CIVIL AVIATION**

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**HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:** Thank you very much, Comrade Speaker, Honourable Members of the National Assembly of the Republic Namibia. It is my honour to motivate this Accession to six Conventions and Protocols intended to safeguard civil aviation of acts of unlawful interferences related to the amendment of the Convention on International Civil Aviation done at Chicago on 7 December 1944, to which Namibia is a Contracting State.

Honourable Comrade Speaker, Honourable Members, the primary objective of aviation security is to ensure the protection and safety of passengers, crew, ground personnel, the public, aircraft and the facilities of the airports against acts of unlawful interference perpetrated on the grounds or in-flight. This is carried out through a combination of measures and the nurturing of various human and material resources on international, national and airport level.

Since the safety of passengers, crew, ground personnel and the general public is the primary consideration in all matters related to safeguarding civil aviation against acts of unlawful interferences, States are required to take adequate measures for the safety of passengers and crew of an aircraft which has been subjected to an act of unlawful interference until their journey could be continued. Acts of violence against a person on board an aircraft as well as air navigation facilities, acts of sabotage or attempted sabotage against aircraft as well as air navigation facilities, the offences of communicating false information, endangering the safety of an aircraft in flight are indeed very serious and steps are required to establish jurisdiction over these offences.

Comrade Speaker, Honourable Members, the Civil Aviation Offences Act, 1972 (Act 10 of 1972, as amended, and the Civil Aviation Security Regulations of 1979 as well as the Civil Aviation Regulations of 2001 provide legal jurisdiction and measures against perpetrators of acts of unlawful interference with civil aviation in Namibia. In order to give effect

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HON VENAANI**

to the requirements of the abovementioned Conventions, Protocols, legislation and regulations, a number of state-of-the-art airport security equipment were installed at Hosea Kutako and Eros Airports. Therefore, there will be no need to incur huge expenditures on equipment for the next ten years. However, Namibia will be required to recruit and train aviation security officers who meet ICAO entry requirements in order to comply with the standards and the recommended practice contained in Annexure 17 to the Convention on International Civil Aviation.

An annual amount of approximately N\$250,000 will be required within the Budget ceiling amount of the Ministry of Works, Transport and Communication for the training of a dedicated aviation security unit within the Namibian Police and staff members of my Ministry, specifically the Directorate of Civil Aviation.

Comrade Speaker, Honourable Members, I therefore request the National Assembly to agree that the Government accedes to the Conventions and Protocols related to the amendment of the Convention on International Civil Aviation done at Chicago on 7 December 1944, listed above, in terms of Article 2(e) of the Namibian Constitution. I thank you, Comrade Speaker.

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**HON SPEAKER:** I would like to thank the Honourable Minister of Works, Transport and Communication for the submission of this Convention. Any further discussions on this matter? Honourable Venaani.

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**HON VENAANI:** Honourable Speaker, we do not want to make the House a rubber stamp and we would like to add our voice to this very important Convention. In the light of various terrorist activities that we have witnessed throughout the whole world of unlawful seizure of aircraft, one wishes to wholeheartedly support this very important Convention.

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HON MOONGO / HON MBUMBA**

Also as leaders who deal with other Nations in the world, the safety of our leaders throughout the country is also guaranteed through this Convention and we want to air our support for the ratification. I thank you very much.

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**HON SPEAKER:** I thank Honourable Venaani for his support of the ratification of this Convention. Honourable Moongo.

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**HON MOONGO:** Mr Speaker, I would also like to raise my concerns on the small airports or Aerodromes at Ondangwa and Katima Mulilo and Rundu. It is difficult to control movement at those buildings and I would want the Minister to consider building new buildings. With this, I support the Convention.

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**HON SPEAKER:** I thank Honourable Moongo for the support. Honourable Mbumba.

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**HON MINISTER OF INFORMATION AND BROADCASTING:**  
Honourable Speaker, allow me to rise and support my Colleague and friend, Honourable Amweelo, for bringing all these Conventions and supplementary Conventions.

In the first place, we as elected leaders find ourselves travelling from one airport to the other, from one country to another and our work will definitely be facilitated by laws covering country-to-country and airport-to-airport safety and security. Therefore, we welcome this, we support him, and he has always been safety, safety at sea and now safety at the airports.

Once again, our Airports Company and our financial institutions need to work together to provide the necessary facilities. For example, I cannot see

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HON DR AMWEELO**

the reason why there is no ATM machine at Eros Airport. There are tourists entering and leaving and there is not a single facility where you can withdraw money. We need to improve on all the facilities at our airports and security is number one. We thank you and we support you.

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**HON SPEAKER:** I thank Honourable Minister Mbumba for his contribution and support. Any further discussions on this item? I now call on the Honourable Minister to reply.

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**HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:** Thank you very much, Comrade Speaker. I would like to thank *Honourable Venaani* who complied with the slogan, which says safety comes first. Safety is very important and safety needs to come first before we consider anything else.

*Honourable Moongo*, right now we have a Spanish loan and they have already started at Walvis Bay to install the equipment. All our major airports, such as Ondangwa and Katima, are included. Walvis Bay will become an even bigger airport than Hosea Kutako Airport, because it is to accommodate the bigger aeroplanes. We are going to widen the runway, we are going to install the equipment and we are going to have trucks equipped with fire extinguishers. This equipment will be distributed to all the major airports.

*Comrade Mbumba*, I am going to discuss the matter of the ATM machines with the Minister of Finance, as it is very important that we have those facilities. I thank you, Comrade Speaker, I believe that all the Honourable Members will comply with the slogan, which says safety, comes first.

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**HON SPEAKER:** I thank Honourable Minister Amweelo for his reply and I now put the Question, that this Motion be adopted. Any objections? Agreed to. The Motion is unanimously adopted. The Secretary will read

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**SECOND READING  
PUBLIC OFFICE-BEARERS REMUNERATION  
AND BENEFITS BILL  
RT HON T-B GURIRAB**

the First Order of the Day.

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**SECOND READING: PUBLIC OFFICE-BEARERS COMMISSION  
REMUNERATION AND BENEFITS BILL**

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**HON SPEAKER:** When this Debate was adjourned on Tuesday, the 22<sup>nd</sup> of February 2005, the Question before the Assembly was a Motion by the Right Honourable Prime Minister. This Debate was concluded and I call on the Right Honourable Prime Minister to reply.

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**RT HON PRIME MINISTER:** Thank you, Honourable Speaker. When we last met to discuss the Prime Minister's Motion concerning the establishment of the Public Office-Bearers Remuneration and Benefits Commission, a few viewpoints were uttered by some Colleagues in the House. Some people believe that details are more important than the principle, the idea being that the devil lives in details. Seeking clarifications and pointing out shortcomings in whatever we bring here actually makes policy formulation and lawmaking better and, therefore, we are pleased that all Honourable Members who took the Floor supported the Motion. The principle is accepted as well as the imperative need for us to establish a Commission whose long title will be the Public Office-Bearers Remuneration and Benefits Commission, as soon as possible.

The Bill seeking the establishment of the said Commission has been a subject of extensive professional and technical considerations and useful inputs were made. The Bill is before the House, it speaks for itself and the Prime Minister's motivation was really meant to walk the Honourable Members through the aspects of the Bill, including its composition, powers and functions, lines of accountability and coordination, its lifespan as well



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as procedural matters germane to it. I believe these pointers have been understood and appreciated and I am grateful for that consideration.

I would further like to assure the Honourable Members that the Commission, once it is established, would leave no stone unturned to do the right thing in terms of its authority and mandate. Therefore, the invaluable views and contributions that the Honourable Members have made in the Debate will inform the work of the Commission.

Honourable Speaker, I thought that I should, however very briefly amplify something, which is important, and I shall do so by marrying two conceptions shared but differently expressed by *Honourable Chief //Garoëb and Honourable Kaiyamo*. This has to do with the important role that *Honourable Katuutire Kaura* has played in respect of his unopposed Motion, which we adopted unanimously. Both Honourable Members are correct, but the Record must be more meticulous and truthful.

As an old footballer on an undefined sabbatical, I thought of a soccer metaphor. The fellow who scores the ball gets the accolades and the credit for it, often not the whole team until, of course, the championship points are scored and the team becomes the winner. What I wanted to put on Record is this: It was none other than our Speaker himself who was really the initiator of the consultative process with my predecessor, Prime Minister Hage Geingob. As Foreign Minister, I was involved in those consultations, discussing the salaries and conditions of service of the Members of Parliament. It was a very meandering process. I remember one meeting in the Constitution Room in the Prime Minister's Office where we spent a lot of time. Honourable Mbuende has just returned from his long tour as the Executive Secretary of SADC and he shared his insights on how these things are done in the SADC countries. He also added some experiences as he learned them from other countries. It took a long time and then on that day Honourable Kaura stood up and made the unopposed Motion, which we supported and for that moment, he was the one who scored the goal, but actually, it was teamwork. It was nevertheless exemplary teamwork. I want to be able to say at the end, all is well that ends well.

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AND BENEFITS BILL  
RT HON T-B GURIRAB**

At this juncture, Honourable Speaker, I once again humbly request the Honourable Members to approve the Bill. I thank you.

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**HON SPEAKER:** I would like to thank the Honourable Prime Minister for his reply. I put the Question, that this Bill be read a Second Time. Any objections? So agreed. The Secretary will read the Bill a Second Time.

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**PUBLIC OFFICE-BEARERS COMMISSION  
REMUNERATION AND BENEFITS BILL**

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**COMMITTEE STAGE  
INCOME TAX AMENDMENT BILL:**

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**HON SPEAKER:** Does the Honourable Minister of Finance move that this Assembly now goes into Committee?

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**HON MINISTER OF FINANCE:** I do Move, Honourable Speaker.

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**HON SPEAKER:** It is moved that I leave the Chair. Any objections? Who seconds? So agreed. I now call on the Honourable Deputy Speaker and Chairperson of the Whole House Committee, Honourable Willem Konjore, to take the Chair.

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**COMMITTEE STAGE: INCOME TAX  
AMENDMENT BILL  
HON T GURIRAB**

**ASSEMBLY IN COMMITTEE:**

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** The Committee has to consider the Income Tax Amendment Bill.

Clauses 1 to 7 put and agreed to.

Clause 8 put.

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**HON T GURIRAB:** Honourable Chairperson, I suppose the Bill was drafted last year, but it should be the Income Tax Amendment Act, 2005 and not 2004 as is shown in the Bill.

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**HON MINISTER OF FINANCE:** Comrade Chairperson, the correction, as proposed, is in order and I actually do not know whether this can be taken care of under the editorial corrections so that we do not have to go and prepare an Amendment.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Do we agree that it can be taken care of under editorial? So agreed.

Clause 8 agreed to

Title put and agreed to.

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**ASSEMBLY RESUMED:**

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**THIRD READING: INCOME TAX  
AMENDMENT BILL  
HON KUUGONGELWA-AMADHILA**

Bill reported without Amendment.

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**THIRD READING  
INCOME TAX AMENDMENT BILL**

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**HON SPEAKER:** Does the Honourable Minister of Finance move that the Bill be now read a Third Time?

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**HON MINISTER OF FINANCE:** I Move, Honourable Speaker.

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**HON SPEAKER:** Any objections? Agreed to. Any further discussions? Does the Honourable Minister wish to say something by way of concluding the Third Reading stage?

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**HON MINISTER OF FINANCE:** Thank you, Honourable Speaker. I would just like to thank the House for its support of the Amendment Bill and I would call upon the business community to support the implementation of this very important Act, which will result in increased public revenue and stricter adherence to the spirit of the income tax laws of our country. Thank you.

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**HON SPEAKER:** I thank the Honourable Minister for her concluding remarks. I now put the Question, that this Bill be read a Third Time. Any objections? Agreed to. The Secretary will now read the Bill a Third Time.

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**COMMITTEE STAGE: ATOMIC  
ENERGY AND RADIATION PROTECTION BILL  
HON KAMWI**

**INCOME TAX AMENDMENT BILL**

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**COMMITTEE STAGE: ATOMIC ENERGY AND  
RADIATION PROTECTION BILL**

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**SECRETARY:** Committee Stage – Atomic Energy and Radiation Control Bill.

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**HON SPEAKER:** Does the Honourable Minister of Health and Social Services move that the Assembly now goes into Committee?

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**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:** I so Move, Honourable Speaker.

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**HON SPEAKER:** It is moved that I leave the Chair. Any objections? Who seconds the Motions? Agreed to. I now call on the Honourable Deputy Speaker and Chairperson of the Whole House Committee, Honourable Willem Konjore, to take the Chair.

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**ASSEMBLY IN COMMITTEE:**

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** The Committee has to consider the Atomic Energy and Radiation Control Bill.

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**COMMITTEE STAGE: ATOMIC  
ENERGY AND RADIATION PROTECTION BILL  
HON DINYANDO**

Clauses 1 to 46 put and agreed to.

Clause 47 put.

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**HON DINYANDO:** In Clause 47 the year 2004 should be 2005.

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**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:**  
Honourable Chairperson, it is in order.

Clause 47 agreed to.

Schedule and the Title put and agreed to.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** I shall report the Bill with that editorial correction to be made.

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**ASSEMBLY RESUMED:**

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Bill reported without Amendment.

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

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**THIRD READING  
ATOMIC ENERGY AND RADIATION BILL  
HON KAMWI**

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

I so Move, Honourable Speaker.

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**HON SPEAKER:** Any objections? Who seconds the Motion? So agreed. Any further discussions? I call on the Honourable Deputy Minister of Health and Social Services, Honourable Kamwi, if he wishes to say anything by way of concluding the Third Reading stage.

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

Thank you, Honourable Speaker, Honourable Members. I rise with one primary objective and that is to thank the Honourable Members for their overwhelming support of this very important piece of legislation, the Atomic Energy and Radiation Protection Bill for the good of our environment and indeed that of the Nation. I thank you very much indeed.

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**HON SPEAKER:** I thank the Honourable Deputy Minister for his concluding remarks and I now put the Question, that this Bill be now read a Third Time. Any objections? So agreed. The Secretary will read the Bill a Third Time.

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**ATOMIC ENERGY AND RADIATION PROTECTION BILL**

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**RESUMPTION OF SECOND READING:  
NATIONAL ARTS FUND OF NAMIBIA BILL**

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24 February 2005

**SECOND READING  
NATIONAL ARTS FUND OF NAMIBIA BILL  
HON NANDI-NDAITWAH**

**HON SPEAKER:** When this Debate was adjourned on Wednesday, the 23<sup>rd</sup> of February 2005, the Question before the Assembly was a Motion by the Honourable Minister of Basic Education, Sport and Culture. This Debate was, however adjourned by Honourable Mbuende. Honourable Ndaitwah.

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**HON MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:** Thank you, Comrade Speaker, Honourable Members. First, I would like to congratulate the Minister of Basic Education, Sport and Culture and the staff of the Ministry for this piece of legislation. I am happy to see that a Fund is being established to support the development of arts in Namibia.

The Bill in front of us today is an instrument of political intervention into the arts scene or a reflection of the cultural policy of the Government. That is the starting point we must be aware of in debating this Bill, an effect that makes the whole issue very crucial. As we may be aware, arts and politics are the two fields that have been complex historically and globally, more often than not characterised by tension. To that end, political intervention has to contribute to the development of the arts and our country as a whole.

If one can remember, Comrade Speaker, the drastic examples of the cultural policy of the Soviet Union in the Stalin era, the Chinese policies during the cultural revolution, the Italian policies during Fascist years and certainly the Nazi period in Germany, it will be clear how tragic the consequences of political intervention in arts can be for us and human freedom if not well guided. I have to mention the most drastic examples just to highlight the sense of responsibility with which we have to tackle this Bill.

Comrade Speaker, the Bill provides for greater power for the Council in terms of its deciding on funding, grants, investment and even evolution of art projects and programmes. It also affects the policies of galleries, museums, theatres and art associations, among others indirectly. Of course, I have no objection to this power given to the Council. However, in my



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HON NANDI-NDAITWAH**

opinion, such power should go into the hands of those who truly understand both the development needs of our society and the role art can play in it. The Council consists of administrators, according to the Bill, Civil Servants plus four persons with a stake in arts, nominated by the Minister. I beg that those people must have real knowledge and vision of arts. If not, I see a real danger of bureaucratic and possible conservative intervention that does not have sufficient understanding of the revolutionary potential that arts can have in our society.

Comrade Speaker, art is not that to always conform, but also to awaken and disturb, to open new horizons and move society forward. Otherwise, if it does not do that, it is not art. Art is not just something to decorate our homes, but an expression of social consciousness and universal progressive human values. It also manifests in a synthetic sphere in the production and reproduction of the beautiful in the broadest sense of the word and that is why I hold the view that members of the Council should be persons with insight and understanding of arts, our most prominent writers, filmmakers, painters, all nominated exclusively on merits and on their personal capacity. Otherwise, we risk putting our artists into a very unequal relationship *vis-à-vis* politics and that will not be good either for arts development or for the society.

Comrade Speaker, the society that neglects true value is doomed to a slow death and true art has a huge advantage even over politics because it can touch the very essence of human existence and its way of being in the universe, with which it can establish direct and timeless relationship. We politicians, being occupied with rather problematic and daily issues, as we are, have to trust artists and assist them by creating conditions free expression and relatively material comfort; so that they can give their best for our common benefit. Our intervention should be aimed at creating conditions for the arts to thrive and I take it that this Bill is aimed at just doing that.

Against that background, as I support this Bill, I would like to see artists to be at the centre of its implementation. I thank you, Comrade Speaker.

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**SECOND READING  
NATIONAL ARTS FUND OF NAMIBIA BILL  
HON SCHIMMING-CHASE**

**HON SPEAKER:** I thank the Honourable Member for her contribution to this Bill. I now call on Honourable Schimming-Chase to take the Floor.

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**HON SCHIMMING-CHASE:** Thank you very much, Honourable Speaker. I rise to commend the Honourable Minister of Basic Education, Sport and Culture and to congratulate him by saying that his culture jacket fits him very well.

Honourable Speaker, we Namibians have a very, very rich culture. It has been shown throughout history, but I think for me the best example of that rich culture was the cultural performance that the Namibians gave at Expo 98 in Portugal when we had a group of non-professional artists who put up a musical show that ranked amongst the best, if not the best of all the cultural performance and this was accepted worldwide. It proved that we have many, many very talented Namibians who depict the Namibian culture in all its facets and each and every one of them performed in such a way that you did not even know which cultural background they came from. However, what was tragic about that whole exercise is that after such a significant performance, they came back and the talent got lost somewhere. I think it got lost, amongst others, because of the lack of funds, not the lack of appreciation or will. Therefore, it is very good that we now have a fund to encourage these young people and I am especially gratified to see that we will not only improve the facilities, but that we will actually grant scholarships and financial support to enable these young people to train their voices and their acting ability and their painting ability, to name but a few, in order that they may make a success of life.

Last but not least, it will go very far in having more jobs being created, because artists who are successful earn much more than Parliamentarians ever will and they can be proper role models in terms of using their talents in order to create a livelihood and to show others that artists can be as important as academicians and everybody else. I thank the Minister once again and we support the Bill.

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**SECOND READING  
NATIONAL ARTS FUND OF NAMIBIA BILL  
HON MOONGO / HON YA FRANCE**

**HON SPEAKER:** I thank Honourable Schimming-Chase for her contribution and I now recognise Honourable Moongo.

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**HON MOONGO:** I thank you, Mr Speaker. While supporting the Bill, I want to appeal to the Minister to consider the disadvantaged community with skills. The San community has many skills and I would like priority to be given to them to develop their skills.

I would also like to appeal to the Minister to introduce music theory already at primary school so that in future we will do better in music in Namibia. Thank you.

---

**HON SPEAKER:** I thank Honourable Moongo. Honourable Ya France.

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**HON YA FRANCE:** Comrade Speaker, thank you very much. I rise to echo the support to the Minister of Basic Education, Sport and Culture for introducing this very important piece of legislation. The Bill itself seeks to provide for the establishment of the National Arts Fund, to promote and develop arts in Namibia and to establish the Council to manage and control the arts.

This Bill is overdue and comes at the right time to enable the common people to help our artists to develop and to express the sentiments of the Nation. It is so important, Comrade Speaker, because arts could not only be the instruments of development, it could not only be the instrument to entertain and beautify aesthetically, but arts can also be destructive if it is not well managed. It could be destructive. It can be used as an instrument to meet the political agendas of others. Therefore, I feel that that Bill will

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HON YA FRANCE**

help to not only manage and advise, but also to see whether we are going astray.

At the same time, Comrade Speaker, artists are very difficult people. These people think differently than non-artistic people like you and me and if they are wrongly controlled, you would definitely find these artists to be redundant and they cannot be developed.

History has shown, especially in other countries, where artists we controlled, their production had to improve somewhere and therefore, it is definitely related to the fast reduction of arts. I, therefore, agree with Comrade Netumbo that they should be assisted in order to develop, but should not be unnecessarily and artificially controlled, because as I said earlier, these people develop differently. The way they express themselves is completely different, sometimes confusing in fact.

If one goes to Okahandja, one sees how compatriots from the north-eastern part of the country are trying their level best to develop in terms of woodwork and although I did not have opportunity to research as to how they get finances to do that work, I think one could imagine in this country of ours that they do it under difficult circumstances.

In the past year or so, we heard that the NBC has vigorously started to broadcast local music and you can see how young people are composing their music fantastically. I think most of these people have not been trained in music or they have never gone to a college of music. I feel the Bill could probably help in establishing colleges of arts so that we can train our people to do better.

I have also seen that whenever there is a function, more especially State and SWAPO functions, there are young children who perform some dances, which are of cross-cultural nature. I do not know which tribe has traditionally done those dances, but there is no coordination because sometimes if you are not careful, you would think that they are doing just the same, whereas what they are doing in most cases is completely different and you can only detect that if you understand the language they are

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HON BOOYS**

speaking. However, if we have an institutionalised entity, which can help to develop this National culture, they could go further than that and compete at international level.

As I said, the Bill is most welcome, it would help to develop our culture, our arts, and all related issues. I support you and I congratulate you, Comrade Minister, the Deputy Minister and the staff, especially those dealing with culture. Thank you very much.

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**HON SPEAKER:** I thank Honourable Ya France for his contribution. Are there any further discussions on this matter? Honourable Booy's.

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**HON BOOYS:** Thank you, Honourable Speaker. If there is nobody who wishes to take the Floor, I would like to adjourn the Debate until next week, Tuesday.

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**HON SPEAKER:** Any objections? So agreed. The Debate on this item stands adjourned until Tuesday afternoon at 14:30. The Secretary will now read the Fifth Order of the Day.

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**MOTION ON ESCALATING VIOLENCE AGAINST]  
WOMEN AND CHILDREN**

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**HON SPEAKER:** When this Debate was adjourned yesterday, the Question before the Assembly was a Motion by the Honourable Namises. This Debate was however adjourned by Honourable Venaani and I now give the Floor to the Honourable Member.

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**ADJOURNMENT**

**HON VENAANI:** Honourable Speaker, due the lateness of the hour, I want to adjourn the Debate until Monday, next week.

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**HON SPEAKER:** Any objection? Agreed to. This House now stands adjourned in terms of Rule 90 of our Standing Rules and Orders, automatic adjournment, until Monday afternoon at 14:30.

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**HOUSE ADJOURNS AT 17:45 UNTIL 2005.02.28 AT 14:30**

**ASSEMBLY CHAMBER  
28 FEBRUARY 2005  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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**HON SPEAKER:** This afternoon session is called to order. Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions? Honourable Gende.

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**NOTICE OF QUESTIONS**

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**HON GENDE:** Honourable Speaker, I give Notice that on Thursday, 3<sup>rd</sup> of March 2005, I shall ask the Minister of Agriculture, Water and Rural Development the following:

1. Is the Minister aware that Meatco pays its workforce according to the racial groups, irrespective whether they occupy the same positions in the company?
  2. Is the Minister also aware that this company pays its workforce according to the sectors or regions, for example North, Central and South and also that each of these sectors have been divided in North for racially disadvantaged and another North for racially advantaged salaries?
  3. If my information is correct, can the Minister, provide to this House the salary scales for the different positions in Meatco?
  4. Can the Minister also confirm or deny whether it is true that these different salary scales according to racial groups have been approved by Government?
-

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**SECOND READING: ADDITIONAL  
APPROPRIATION BILL  
HON MOONGO**

**HON SPEAKER:** Will the Honourable Member please table the Questions? Are there any further Notice of Questions? Are there any Notice of Motions? Any Ministerial Statements? The Secretary will now read the First Order of the Day.

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**RESUMPTION OF SECOND READING:  
ADDITIONAL APPROPRIATION BILL**

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**HON SPEAKER:** When this Debate was adjourned last Thursday, 24<sup>th</sup> of February 2005, the Question before the Assembly was a Motion by the Honourable Minister of Finance that the Bill be now read a Second Time. This Debate was adjourned by Honourable Moongo.

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**HON MOONGO:** Mr Speaker, Honourable Members, Namibians are waging another serious war against HIV/AIDS and before a true cadre joins a war, he must ensure that he wins the battle. He must estimate the enemy's power and how to weaken this power. Namibians must abstain from sex before marriage and those in marriages must stick together. Those not married have to obey the Medium National Strategic Plan on HIV/AIDS proposed by the Ministry.

I also propose that those who are not infected should abstain in order not to be infected and those infected must adhere to the medical advice and use the correct methods to prevent the further spread of the deadly disease.

Mr Speaker, with the appropriation of additional funds to provide Anti-Retro-Viral drugs to prolong life of the those suffering from HIV/AIDS the Ministry acted in good faith to prevent any possible shortage of tablets for patients.

Mr Speaker, I was shocked to learn that there is a shortage of doctors and staff at the sections where HIV/AIDS patients are treated and that they are



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APPROPRIATION BILL  
HON MOONGO**

overworked. The staff members are the ones helping the doctors with interpretation, they are the ones conducting awareness campaigns, receiving patients and also selecting those to be admitted. I appeal to the Ministry of Health to provide more doctors to treat infected patients as these staff and doctors are at risk of being infected. I appeal to the Ministry to adjust the salaries of the abovementioned Samaritans who work overtime to treat all patients. Nobody is concerned about the patients arriving home in the middle of the night. Therefore, as we all know the majority of patients are very weak, I would propose that those patients who are treated so late should overnight in hospital.

Mr Speaker, this reminds me of a verse in the Bible, which says, "*I was sick and you did not visit me; I was poor, you did not dress me; I was hungry, you did not give me food; I was thirsty, you did not give me water*". Namibians, we will all be weak one day, therefore, treat your fellow Namibians, as you would want to be treated.

Mr Speaker, while speaking about the funds for the treatment of HIV/AIDS, I want to say something about rape. People are infected through rape and I suspect some herbal doctors instructed their patients to rape their own sisters and children in order to be cured from the deadly AIDS. The root cause is not a mere sex maniac who rapes minors and I, therefore, propose the establishment of a special commission to investigate all the traditional healers or doctors and whether they use similar methods. Such a commission must include reverends, some traditional healers, headmen and a lawyer. By doing so the root causes for rape will be eradicated.

With this I support the allocation of additional funds and I thank you.

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**HON SPEAKER:** I thank Honourable Moongo for his contribution.  
Honourable Pretorius.

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**SECOND READING: ADDITIONAL  
APPROPRIATION BILL  
HON PRETORIUS**

**HON PRETORIUS:** Honourable Speaker, I am supporting the supplementary Budget but under protest. I am not in favour of this kind of crisis management, which may to a big extent be attributed to the wrong implementation of affirmative action. It seems to me that the Government is calling back on some consultants every time they are experiencing problems. What has happened to our own officials who are supposed to switch on the red lights in time?

History has proved that affirmative action can only be successful if the growth rate is at least 7%, as was the case in Malaysia. We are told repeatedly that Namibia has achieved political Independence and that the next thing we must do is to strive for economic independence. There is no such thing as economic independence in this global world. We must rather fight for economic self-sufficiency, but it is now very clear that it will still take a long time.

Adopted in July 2001, the Founding Document for NEPAD emphasised the fact that NEPAD is a new agenda for the renewal of the African continent, based on African ownership and leadership. World leaders expressed their economic support in return for an African commitment in the struggle against corruption and eradication of regional conflicts. The trade-off was economic support in exchange for good governance.

At the end of 2004, President Thabo Mbeki, one of the initiators of NEPAD, reflected an upbeat assessment of political Africa in his *ANC Today* newsletter. According to this, Africa concluded the year 2004 on a high note and I quote: *“It has helped to release the creative energies of the masses of dictatorship, instability and poverty in the same way that they were their own liberators for colonialism and apartheid.”* He then also indicated that: *“During the year democracy continued to grow in the continent and, indeed, Africa’s time has come”*, but there is little doubt that the African continent as well as Namibia, in particular, need all the external support it can mobilise.

In October 2004, a senior NEPAD official mentioned, *“Africa has recorded negligible investment and Aid information three years ago. It*

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**SECOND READING: ADDITIONAL  
APPROPRIATION BILL  
HON SCHIMMING-CHASE**

*has been calculated that African leaders need a growth rate of 7% per year to provide for a substantial move-away from poverty and foreign aid totalling US\$64 billion per year in investment.” That is roughly N\$370 million per year.*

To conclude, Honourable Speaker, this type of crisis supplementary Budgeting, falling back on the consultants and donors, is telling me one thing and that is that economic self-sufficiency is still a far way ahead and that Vision 2030 at this stage is not within reach, because to achieve that we need a 12% growth. Nevertheless, Mr Speaker, as a result of the seriousness of the matter, I support the supplementary Budget.

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**HON SPEAKER:** I thank Honourable Mr Pretorius for his contribution. Honourable Schimming-Chase.

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**HON SCHIMMING-CHASE:** Thank you, Honourable Speaker. Honourable Speaker, I rise to give our support to the Additional Appropriation Bill on the table, not because we think it is the right thing to do, but because I agree totally with the Honourable Minister that the fight against HIV/AIDS is no longer a health issue only, but an issue of development. All the parties represented here, and some of the parties outside, have in all our manifestos stated quite clearly that HIV/AIDS is a priority in this country if we want to develop.

However, Honourable Speaker, if we are asking for N\$62 million now in order to make sure that we reach the end of this financial year, then it is not enough to ask for additional money. We need to go further to say what has happened for us to have the shortfall that we have and I agree with Honourable Pretorius that much has to do with inadequate planning. I would, however, like to congratulate the Ministry and welcome the fact that the Ministry has now decided to involve Clinical Investments so that they can look at the medical scheme that we all belong to, because it is a fact, Honourable Speaker, and if we are all committed, then I would have hoped that we as Parliamentarians would have gotten up and offered to

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HON SCHIMMING-CHASE**

pay more for our medical aid, because it is a fact that in comparison to what is being paid for private medical aid, we pay a pittance and since, as the Honourable Minister said, it is the increased HIV/AIDS treatment of Government appointed political and Civil Servants that has raised the cost so much, then I think as part of the solution we should also raise the contribution if we are responsible for the cost, especially since it threatens more important and vital developmental programmes.

However, Honourable Speaker, it would not be enough just to say we should commit ourselves to pay more. I agree with the Honourable Minister of Health who three years said we must investigate what are the services that we are getting from the medical aid, who are the abusers and when are they going to be brought to book, because we find that even while we are paying and we are supposed to pay 5%, you end up finding that if you have an operation, you might have to pay up to N\$4,000, N\$5,000 for one operation and the medical aid will tell you a month later that they only pay a part because a certain doctor does not have an agreement with them. In other words, we do not even have a situation where there is a set price for a set service. This can be abused and in the end you find that although you are only supposed to pay 5%, you end up paying N\$10,000 and more per annum. The service that we are getting in terms of the repayment is not adequate, so we should look at what that medical aid service is doing and, indeed, Honourable Speaker, we owe many doctors so much money, that some of them are threatening to go to Court and others are going bankrupt.

This Medical Aid has perhaps the largest number of members. It should therefore be able to plan its expenses accordingly and finally, I would just like to ask, we know that the American Government gave us 116 million last year. It is not reflected in the Minister's statement and I would be very grateful if the Minister could tell us that the additional appropriation is in addition to that amount of money that we got from the United States Government. If indeed it is, then the matter is even more serious than we would have anticipated and also that this amount will be raised to 216 million for this year. If the Honourable Minister could tell us how that would reflect in the Budget that we will have when we come back, whether then it would need less money because we are getting more money

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APPROPRIATION BILL  
HON GASEB**

in aid. We support the Additional Appropriation Bill and I thank you.

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**HON SPEAKER:** I thank Honourable Schimming-Chase. Honourable Gaseb.

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**HON GASEB:** Thank you, Honourable Speaker. Mr Speaker, Honourable Members, I wish to express my thanks and congratulations to the Honourable Minister on her willingness to find the money required to pay for the Anti-Retro-Viral drugs that are in short supply. We all know that our country has a major problem regarding HIV/AIDS. It would have been a great pity if the good work started by the Ministry of Health and Social Services in providing these life prolonging drugs to sufferers from this terrible condition would have had to be stopped due to a lack of funds. Therefore, Honourable Minister, I am very glad that you could find a way to provide funds required to keep the drugs flowing, despite the fact that the Government has received less income than was originally expected. Keep up the good work, Honourable Minister.

Mr Speaker, I hope and trust that our country will continue on the path of good governance that it has walked over the past fifteen years of Independence. I have enjoyed my years in Parliament and I hope that I was able to make a small contribution to that good governance over the years.

Honourable Mr Speaker, the continuous growth and reaffirmation and strengthening of democracy in Namibia depends as much on the opposition as it does on the Government. The loyalty of the Namibians to the country, its institutions and the community must be spontaneous. One of the matters that I hope to see receiving more and better attention in the near future under a new Government will be the education of our children. We all know that without adequate education of a high standard, our country cannot develop to its full potential. There is much to be done in this regard if we do not want to fall behind the rest of the world.

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APPROPRIATION BILL  
HON NAMISES**

On that note, Honourable Speaker, Honourable Members, I support the additional amount of N\$65 million and I thank you.

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**HON SPEAKER:** I thank the Honourable Member Mr Gaseb for his contribution. I now call on Honourable Namises.

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**HON NAMISES:** Thank you, Mr Speaker. I would also just like to stand up and support the appropriation, although I am not quite happy with the crisis management, as was stated already, but after a long time that we as Namibians have tried to bring that hope to those people affected and infected by HIV, one would just say that having a woman in the Finance Ministry, has maybe made it that we would not ignore the plight of those people who receive the drugs.

Secondly, I would say that those who have received the treatment since last December until now have improved tremendously and, therefore, have managed to continue with their work, to add to the development of this country and have continued with their family chores, especially those of the women, who are the majority to be infected, to take care of the children and to see them through another period. Those who have been confined to hospital beds have managed to recuperate and, therefore, I would support that we do not have a crisis of no medicine and treatment. I have observed that the price of the drugs has come down from N\$2,000 to about N\$800 and maybe the Minister can give me some information on that.

Further, I would only encourage the Minister to continue to seek funds from global aid if it is still to be given to us, because I think that the whole burden should not only rest on us as Government, but if there are others who can provide, we should continue to seek that. I really applaud the efforts of the Minister and I support the Bill. Thank you.

**HON SPEAKER:** I thank Honourable Namises for her contribution.

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APPROPRIATION BILL**

Any further discussions? No further discussions. I will then call on the Honourable Minister of Finance to respond to comments made in the Second Reading Debate and we shall then proceed.

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**HON MINISTER OF FINANCE:** Thank you, Comrade Speaker. I did not quite follow the decision with regard to when we finalise the discussions on the Bill. I do not know whether the Speaker ruled that we will conclude with everything today or tomorrow.

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**HON SPEAKER:** No, I was not advised, so I am following the procedure. We will complete the Second Reading today and complete the two remaining stages tomorrow, Committee and Third Reading.

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**HON MINISTER OF FINANCE:** Comrade Speaker, maybe I should just respond today. I was thinking that I could be allowed to respond tomorrow to enable me to bring some of the information that was sought by other Members of Parliament.

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**HON SPEAKER:** You may respond tomorrow and then we will complete the Second Reading stage and go to the Committee.

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**HON MINISTER OF FINANCE:** Then I would like to postpone the reply until tomorrow.

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**COMMITTEE STAGE: PUBLIC OFFICE-  
BEARERS REMUNERATION BILL  
RT HON T-B GURIRAB**

**HON SPEAKER:** Is there any objection? So agreed. The Honourable Minister will respond to the Second Reading Debate tomorrow. The Secretary will now read the Second Order of the Day.

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**COMMITTEE STAGE: PUBLIC OFFICE-BEARERS  
REMUNERATION AND BENEFITS COMMISSION BILL**

**HON SPEAKER:** Does the Right Honourable Prime Minister move that this Assembly now goes into the Whole House Committee?

**RT HON PRIME MINISTER:** I so Move.

**HON SPEAKER:** It is, therefore, moved that I leave the Chair. Are there any objections? No objections. Who seconds the Motion? So agreed. I call on Honourable Sioka, the Deputy Chairperson of the Whole House Committee, to take the Chair.

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**ASSEMBLY IN COMMITTEE:**

**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE  
COMMITTEE:** The Whole House is called to order. The Committee has to consider the *Public Office-Bearers Remuneration and Benefits Commission Bill*.

Clause 1 put.



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**COMMITTEE STAGE: PUBLIC OFFICE-  
BEARERS REMUNERATION BILL  
HON PRETORIUS**

**HON PRETORIUS:** Madam Chairperson, I have two little questions and the first one is whether it is not possible to include the word “independent” in the definition of Commission, to read, “*Means an independent Public Office-Bearers Commission*”. It must be stressed. It must be independent.

In the second place, I am still wondering why we are now using the definition of a Public Office-Bearer instead of a Political Office-Bearer, because what is the difference. If there is no difference, then according to me any person who the President has, by proclamation in the Gazette, declared to be a Public Office-Bearers, in theory a President can now declare every Civil Servant as a Public Office-Bearer. Therefore, it is just the difference between a Political Office-Bearer and a Public Office-Bearer.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE  
COMMITTEE:** Thank you, Honourable Member. Maybe you should have tabled a formal amendment as it cannot now be amended verbally. Right Honourable Prime Minister, do you wish to reply?

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**RT HON PRIME MINISTER:** What does the Rules of the House say, that the Amendments should be submitted in writing? The Prime Minister does not have any authority to manage the affairs of the House. We should stick to what the Rules say.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE  
COMMITTEE:** Are you satisfied, Honourable Pretorius?

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**HON PRETORIUS:** Just for the sake of the Debate, Honourable Chair,

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**COMMITTEE STAGE: PUBLIC OFFICE-  
BEARERS REMUNERATION BILL  
HON DR KAWANA**

the intention of the lawmaker is also very important, so the Prime Minister can clarify the intention of the lawmaker.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE  
COMMITTEE:** Dr Kawana.

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**HON MINISTER OF JUSTICE:** Comrade Chairperson, I would like to express my views on the proposal of the Honourable Member Mr Pretorius on the issue of an independent Commission. I do not think it was really the intention of the Legislature to establish a completely independent Commission, because what would then happen is that there will be very little room to manoeuvre whenever this Commission has to recommend. Suppose the Commission comes up with a recommendation to increase the salaries and other benefits of the public office-bearers beyond what our economy can afford, it is really up to the President not to accede to the recommendation of the Commission. In such an instance, I do not think it is really necessary to use the word “independent”. That is my view.

Secondly, on the issue of public office-bearer, my view is that it is not only political office-bearer, because the definition of a political office-bearer is that it is a person who is elected, but also in this instance, we have quite a number of other public office-bearers who must be considered. For example, I have in mind commissioners of the Public Service Commission and the President, in terms of a number of articles in the Namibian Constitution, is required to appoint a number of other people, such as the Chief of the Namibian Defence Force, the Police, Prisons, the Auditor General, Ambassadors and a number of other people. If it is restricted to political, I do not think it will really meet the spirit. Thank you very much.

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**COMMITTEE STAGE: PUBLIC OFFICE-  
BEARERS REMUNERATION BILL  
HON VENAANI**

**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE  
COMMITTEE:** Honourable Pretorius.

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**HON PRETORIUS:** Madam Chair, now it is clear to me the Commission will not be completely independent. The reason why I asked it is because in his motivation speech the Right Honourable Prime Minister talked about the independent Commission, but now it is clear to me that legislation will overrule the Right Honourable Prime Minister.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE  
COMMITTEE:** Honourable Venaani.

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**HON VENAANI:** Honourable Deputy Chair, mine is just a question on Clause 1, because we are speaking of the intention of the Legislature. I just want to find out whether Local Councillors who are elected through elections would form part of these Public Office-Bearers.

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**RT HON PRIME MINISTER:** Whether the Local Councillors form part of the intended candidates for the membership of the Commission, perhaps not but I think I would revert to legal advice on this. They are elected in one sense, but they are temporarily elected as they have other full-time jobs for the duration of their tenure of office and we want these commissioners to be part-time. Maybe in this particular example there might be a conflict of interest in terms of the time they would be expected to devote to their elected office and at the same time to do their work.

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**COMMITTEE STAGE: PUBLIC OFFICE-  
BEARERS REMUNERATION BILL  
HON DR KAWANA**

**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE  
COMMITTEE:** Honourable Kawana.

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**HON MINISTER OF JUSTICE:** I would just like to amplify what the Right Honourable Prime Minister has said, because the local councillors are only receiving allowances and in terms of the Local Authorities Act of 1992, some of these allowances were supposed to have been gazetted already by the line Ministry and some of the additional allowances are decided by the respective Local Authority Councils. In such a situation, I do not think it will be proper to include them. Thank you very much.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE  
COMMITTEE:** Thank you very much. Any further discussions on Clause 1? Any objection?

Clause 1 agreed to.

Clauses 2 to 4 put and agreed to.

Clause 5 put.

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**HON PRETORIUS:** Honourable Chairperson, Clause 5(1) is talking about a period not exceeding three years. According to the speech of the Right Honourable Prime Minister, it would be five years. I just want to make sure whether it is not a misprint.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE  
COMMITTEE:** Right Honourable Prime Minister.

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28 February 2005      **THIRD READING: PUBLIC OFFICE-BEARERS  
REMUNERATION BILL  
RT HON T-B GURIRAB**

**RT HON PRIME MINISTER:**    The House is, of course, competent to collectively decide that the suggested years are three years in the draft Bill.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE  
COMMITTEE:**    Clause 5 agreed to.

Clauses 6 to 12 and the Title put and agreed to.

I shall report the Bill without Amendments.

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**ASSEMBLY RESUMED:**

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Bill reported without amendment.

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**PUBLIC OFFICE-BEARERS REMUNERATION AND  
OTHER BENEFITS BILL: THIRD READING**

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**HON SPEAKER:**    Does the Right Honourable Prime Minister move that this Bill be now read a Third Time?

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**RT HON PRIME MINISTER:**    I so Move.

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**THIRD READING: PUBLIC OFFICE-BEARERS  
REMUNERATION BILL  
RT HON T-B GURIRAB**

**HON SPEAKER:** Any objections? Who seconds this Motion? So agreed. Any further discussions? I now call on the Right Honourable Prime Minister to make concluding remarks.

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**RT HON PRIME MINISTER:** Thank you very much, Honourable Speaker. I would like to sincerely thank all my fellow Members of Parliament for the support and to say that this is our Bill. If it comes belatedly, it is better late than never. It will serve a useful purpose, not only in terms of transparency and accountability required by our democracy, but it will also correct in the minds of the larger public out there that the Members of Parliament are more about self-enrichment than to serve the public interest and I am surprised that I still find that there is apparently a mystery around how much Members of Cabinet and the other Members of Parliament earn. This is to a certain extent perhaps confidential information, but it is information that is so readily available that by now I would have expected somebody to have leaked this information. I know that the Honourable Minister of Justice, when motivating the salaries and benefits of the Head of State, actually cited the figure of salary that the Head of State of Namibia earns. Therefore, this information is readily available. You do not have to bribe somebody in the GIPF or somewhere else. It is not confidential information, but it should not be public, obviously. That too will be corrected when we have this Commission. There will be public discussions, the relevant Parliamentary Committees will have the opportunity to open up discussions and I suppose qualified Members of Parliament would make their contributions and that we as Members of Parliament, would receive what we are entitled to. We are employees and we should be paid in accordance with the work that we perform.

I want to tell Honourable Pretorius that I know even after he has left his seat he would still be very much active in the public arena, whether he would continue his contributions through one of the local papers under the heading "Parliamentary Potholes" or otherwise. But I want to tell him the computer sometimes play tricks, there is something called a computer virus,

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REMUNERATION BILL  
RT HON T-B GURIRAB**

so if the Honourable Member found some discrepancies in terms of numbers between the Prime Minister's speech and the draft Bill, it is good that we stick to the draft Bill.

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**HON SPEAKER:** I thank the Right Honourable Prime Minister for his concluding remarks. I now put the Question, that this Bill be read a Third Time. Any objections? None. So agreed. I call on the Secretary to read the Bill a Third Time.

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**PUBLIC OFFICE-BEARERS REMUNERATION AND  
BENEFITS COMMISSION BILL**

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**HON SPEAKER:** With that, this Bill has cleared the Floor of this Chamber and that also brings us to the end of business scheduled for today. I now call on the Right Honourable Prime Minister to adjourn the House.

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**RT HON PRIME MINISTER:** I Move that the House stands adjourned until tomorrow afternoon, 14:30.

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**HON SPEAKER:** Any objection? Who seconds the motion? So agreed. Therefore, this House stands adjourned until tomorrow afternoon at 14:30.

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**HOUSE ADJOURNS UNTIL 2005.03.01 AT 14:30**