

Contribution to the Local Authorities Amendment Bill

By:

Honourable Agnes Mpingana Kafula

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Hon. Speaker,

Hon. Members,

I wish to comment the Hon. Ministers for having the LA close to the
The Local Authorities are the mirrors of our Country. They are the transmitting belt between the Central Government and the grassroots level and they need to be treat with care. *to be heard*

Hon Speaker

Hon. Members

We are all aware that the amendment to the Local Authorities Act was last done in 2002. Therefore, Amending the Local Authorities Act requires an intensive consultations with each and every stakeholder possible. As the process needs a number of aspects to be addressed in a broader way and it should not be dealt with lightly since the reviewing of the law *is a* lengthy process *as time* and does not take place on a regular basis. Having stated these, and coming from a Local Authority background, I am well aware of the challenges that local authorities are faced with, and was hoping that the Bill under discussion should have included *the most* legal, practical, and socio-economic challenges that hampers the effective and efficient service delivery by Local Authorities.

Hon Speaker

Hon. Members

ALAN Reform Paper

The Association of Local Authorities (ALAN) being the mother body of the local authorities in Namibia, came up with a dynamic Local Authority Reform Paper to address pertinent issues since 2007. Based on the ALAN Local Authority Reform Paper, a Local Authority Reform Committee comprising elected local

official, practitioners and professional staff from the Ministry of Regional and Local Government Housing ~~and Housing~~ and Rural Development by then, was constituted. It utilised an integrated holistic and participatory approach to local government reform, which was facilitated by the Ministry and involved the various stakeholders. The activities of the Committee included legislative review, nation-wide consultations, country visits to Botswana and South Africa and national conference which culminated with the production of the Local Government Reform Position Paper of 2007.

During 2011/2012 an international local government expert was brought in to review the Position Paper with the aim of addressing the issues raised from the Local Government Reform Paper and this was finalised ⁱⁿ a Draft Form in April 2013.

The intention of the Local Authority Reform is to:

- Create a formal system of governance where central, regional and local governments function as a cohesive whole to address common goals and national priorities.
- Promote inclusion and participation of all citizens in the development of their communities.
- Strengthen the capacity of local authorities to provide adequate, reliable and sustainable basic services to all.
- Increase accountability and transparency at the local level.

Coming back to the Amendment Bill under discussion, I wish to make the following contributions;

My contribution will put emphasis on Page 6, 7 and 9 of the Amendment Bill

Page 6 of the Amendment Bill under Section 7 of Act 23 of 1992 paragraph (c) the Bill propose that a councillor cannot stand “if he/ she is not able to communicate, read and write in the official language of Namibia”

The roles of Local Authorities in the 21st century is changing rapidly and requires from the Local Authority leadership to have certain abilities. The Local

Government Reform Position Paper proposed the basic requirements of a local authority councillor to discharge his/her responsibilities and satisfy the following:

- Have a thorough understanding of the roles, function and responsibilities of a councillor and that of the council
- Be familiar with the principles and practices of local democracy
- Have a functional understanding of local government finance
- Be able to contribute to the advancement and development of the local authority
- Be able to interpret and articulate local government policies, legislation and by-laws
- Understanding the dynamics of public relations and communication
- Be able to contribute to performance management and decision making
- Understand issues relating to ethics and corruption in the public service to mention just a few.

On the same page, on the Substitution of Section 9 of Act No 23 of 1992 on the

Period of office of members of Local Authorities

According to my understanding, the Bill propose that the outgoing Councillors are staying in their positions until the new elected Councillors are sworn in which gives opportunity for a smooth handing over. The Reform Paper proposed that amendment is a need to address the key challenges of elected office bearers such as:

- ~~Full~~ ^{Part} time Mayors
- ~~Full~~ ^{Part} time Management Committee members and as time goes
- ~~Full~~ ^{Part} time Councillors and
- Leave days of Councillors *from their permanent employment*

Hon Speaker,

Hon. Members

The Local Authority councillors are entrusted with effective and efficient service delivery to our electorate and are the transmitting belt between the communities and the Central Government. They are dealing on daily basis with the basic needs of our communities that is overseeing the issues of poverty eradication and community sustainability. They are, therefore, faced with a serious challenge of being part time councillors as they are torn between two responsibilities which

results in attending to Local Authorities matters only after hours. The councillors are spending energetic eight hours at their daily employment and are expected to perform to the best of their abilities after hours while they are exhorted and at the same time we accuse them of poor performance. Local Government leadership is not a hobby but it is a serious responsibility.

* **On the Issue of Leave days**

The majority of Councillors are usually Public Servants or employees of our Government Institutions and they are required to apply for leave when attending to Local Authority activities. These results in depleting their leave days which lead to sometimes perform the local authority activities without pay. This makes their lives difficult and as they always ended up not only sacrificing their leave days while attending to the Local Authority activities, but is tantamount to their health conditions and their personal life.

Hon Speaker

Hon. Members

Appointment and discharge of Town Clerk/CEO's

The principle Act is referring to

Section 27 paragraph (a) reads quote;

A municipal council or a town council on the recommendation of its management committee, or a village council, with the approval of the Minister, shall appoint a person as the town clerk of such municipal council or town council, or the village secretary of such village council, who shall

- (i) In each case be the Chief Executive Officer of the Local Authority Council; and

Section 29 of the principle Act as amended in paragraph (a) and quote "(a) in the local authority council in the case of A

- Remem*
- (i) The Chief Executive Officer, with the prior written approval of the Minister, or"

In the principle Actas amended we are referring to a CEO, Town Clerk and Village Secretary. Page 9 of the Amendment Bill, it is also referring at some clauses as CEO and Town Clerk.

Employment - forever

Which title should be fitted for the staff member who will manage the administration of the Municipalities or Town Councils?

On the matter of the appointment of the CEO's and Town Clerks, The Reform Paper propose for the establishment of a Local Government Commission that would be an Advisory Board to advise the Minister on principles, processes and procedures in relation to establishing objective criteria for classification, promotion and performance of local authorities. Concerns have been expressed by the stakeholders about the need to enhance accountability, increase transparency and boost fairness in the administration of personnel policy and the decision making process at the local level. The majority of local government stakeholders have suggested that establishing a local government commission would be a valuable institutional intervention to achieve these goals and the typical functions will relate to:

- Advisory Services
- Recruitment
- Investigation
- Discipline
- Mediation
- Appeals

I must state that not all is lost and applaud the Minister for taking the initiative to protect the Namibian citizen through the Restrictive conditions in respect of immovable properties to Namibian citizen and Foreigners, however, the issue of the open zone reserved for Namibians citizen need to be elaborated on.

I thank you Honourable Speaker and Honourable Members

