

REPUBLIC OF NAMIBIA



NATIONAL COUNCIL

STANDING RULES AND ORDERS

As amended November 2015



STANDING RULES AND ORDERS
November 2015

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CHAPTER I SHORT TITLE AND DEFINITIONS

Rule 1

Short title and commencement

- (1) These Rules of procedure of the National Council shall be cited as "The Standing Rules and Orders of the National Council".
- (2) These Rules shall come into force on the date to be determined by the Council.

Rule 2

Definitions

- (1) Words and terms of these Standing Rules and Orders, which are in the Constitution shall have the meaning assigned to them in the Constitution.
- (2) In these Standing Rules and Orders, unless the content otherwise requires:

"Act of Parliament" (statute) means a document that sets out legal Rules and has (normally) been passed by both Houses of Parliament in form of a Bill and agreed to by the President (assent);

"Affirmation" means affirmation outlined in Schedule 3 of the Constitution;

"Amendment" is an alteration proposed or made in a Motion or Bill;

"Assembly" means the National Assembly established in terms of Chapter 7 of the Constitution;

"Bill" means a legislative proposal to amend or repeal existing law or create a new law;

"Closure" means a procedure by which a debate may be halted and an immediate vote taken and enables the House to decide upon the matter under discussion;

“Constitution” means the Namibian Constitution;

“Council” means the National Council established in terms of Chapter 8 of the Constitution and includes any committee, sub-committee, Member (s) or officer (s) of the Council appointed by or authorized by the Council to carry out any function;

“Committee of the Whole House” means the Committee comprising all the Members of the Council, to transact certain kinds of business of the House and presided over by the Vice-Chairperson/Presiding Member of the Council;

“Clerk of Committees” means an official appointed to serve as a Clerk to the Committees of the Council, and shall include any officer assigned temporarily to assist in the same capacity;

“Division” means a formal vote in Parliament or similar legislative body, where the House is divided and a vote is called;

“Dilatory Motion” means a motion to delay proceedings. A Dilatory Motion is moved in the course of proceedings after a question has been proposed;

“Document” means any written instrument, and includes any electronic or other device in or on which information; including visual material is recorded, stored or kept;

“House” in relation to Parliament means the Assembly or Council;

“Matters of regional concern” includes all issues that are necessary or conducive to the exercise of the powers or the performance of the functions of a Regional Council or Councils and such other matters which by law must or may be dealt with by a Regional Council or Councils;

“Leave” or “Leave of the House” means permission to do something that is granted without a dissentient voice;

“Member” means a Member of the Council elected in terms of Article 69(1) of the Constitution;

“Minority report” means a report offered or tendered by a minority of Members on a question before the Council or any Committee thereof;

“Motion” means a proposal made by a Member that Council or a Committee thereof do something, order something to be done, or express an opinion concerning some matter;

“Notice” is a written declaration of intent to the House by Members to either move a motion or present a Bill on a specified day;

“Oath” means the Oath set out in Schedule 3 of the Constitution;

“Parliament” means the Council and the Assembly;

“Petition” means the document and method by which a matter may be brought before the Council or Committee thereof for urgent consideration;

“Precincts of Parliament” means the Chamber in which the proceedings of the House are conducted and include galleries, lobbies, offices, or areas used principally for in connection with the proceedings of Parliament and every part of the building in which the Chamber is situated and any forecourt, gardens, yard or open space forming part of the premises of Parliament;

“Principle of a Bill” means the object/purpose of the Bill;

“Question” means a motion presented for debate by a deliberative body;

“Recess” means a period between one session and another, during which the ordinary business of the Council is suspended;

“Ruling” means any decision taken by the Chairperson/Presiding Member or Chairperson/Presiding Member of the Committee of the Whole House or any Member presiding;

“Secretary” means the person appointed in terms of Rule 190 to perform the functions of Secretary to the Council in terms of Rule 191 and includes any person appointed to the staff of the Council when acting in the place of the Secretary;

“Select Committee” means an Ad-Hoc Committee appointed for a specific task and stands dissolved at the end of the task;

“Serjeant-at-Arms” means the officer appointed to maintain order in the House and execute orders made by the Chairperson/Presiding Member;

“Session” means a period commencing when the Council meets after recess and ending when the Council is next adjourned for recess;

“Sitting” means the period between the time when the Chairperson/Presiding Member takes the chair and the time when the Council is adjourned for the next sitting;

“Standing Rules and Orders” means Standing Rules and Orders of the Council made in terms of Article 74(2) of the Constitution and include such Rules and Orders of Procedure amending them, and rulings made in terms of Rule 3 of these Standing Orders;

“Standing Committee” means a permanent Committee or continuing Committee established in terms of these Standing Rules and Orders or by resolution of the Council for the duration of the Council;

“Stranger” means any person other than a Member or staff member of the Council;

“Table” means Table of the House;

“Term” means a period when the Council first meets after the election contemplated in Article 70(1) of the Constitution;

“Weapon” means any object which is likely to cause serious bodily injury when used to commit an assault and includes any firearms, knife, knobkerrie, etc.

CHAPTER II PRELIMINARY PROVISIONS

Rule 3

No implied limitations

Except otherwise provided in these Standing Rules and Orders or in the Constitution of the Republic of Namibia, these Rules shall not restrict the mode in which the National Council exercises and holds its powers, privileges and immunities.

Rule 4

President and Members of National Assembly

A reference in these Rules to a Member shall be construed as a reference to the President, a Minister or Deputy Minister attending a meeting of the Council by invitation.

Rule 5

Suspension of the Standing Rules and Orders

- (1) Notwithstanding anything in these Rules, any Rule or part of a Rule may be suspended without notice with the consent of the Chairperson/Presiding Member and the majority of Members present.
- (2) The Rule or part of the Rule proposed to be suspended and the reason for the proposed suspension shall be distinctly stated.

Rule 6

Amendments

These Standing Rules and orders may be amended as provided for in Rule 59.

Rule 7

Interpretation of the Standing Rules and Orders

In case of doubt these Rules shall be interpreted by the Chairperson/Presiding Member as he/she deems fit.

Rule 8

Unforeseen matters/Residuary powers

In all cases not specifically provided for in these Rules, the Chairperson/Presiding Member shall make provision as he/she deems fit.

Rule 9

Admission of the Public

- (1) Sittings of the Council shall be open to the public, including the media.
- (2) The Chairperson/Presiding Member of the Council must –
 - (a) set aside places for the public in the Chamber where the Council sits; and
 - (b) determine the entrances, exit and routes through which the public can obtain access to these places.
- (3) The Chairperson/Presiding Member of the Council may take reasonable measures
 - (a) to regulate public access, including access of the media, to the Council;
 - (b) to prevent and control misconduct in the public gallery; and
 - (c) to provide for searching of any person entering the Chamber,
 - (d) where appropriate, to remove or refuse entry to.
- (4) The Chairperson/Presiding Member at a sitting of the Council may order a Member of the public to leave the Chamber when necessary to give effect to the measures taken by the Chairperson/Presiding Member of the Council under sub-Rule (3).

Rule 10

Public Participation

- (1) Members of the public may participate in the legislative process of the Council by –
 - (a) attending sittings of the Council or meetings of the Council Committee;

- (b) Submitting petitions on Bills or other matters within the Council's competence;
- (c) Responding to public or specific invitations –
 - (i) comment in writing on Bills or other matters before, or which are due to come before, the Council;
 - (ii) to make representations or recommendations in writing on such Bills or other matters; or
 - (iii) to give evidence or to make representations or recommendations before Council Committees on such Bills or other matters, either in person or through a representative.
- (d) Public participation in terms of sub-Rule (1) is subject to, and must be exercised in accordance with, the applicable provisions of these Rules.

Rule 11

Removal of persons

When instructed by the Chairperson/Presiding Member, the Serjeant-at-Arms must remove or arrange for the removal of a person-

- (1) Who, without permission, is present in that part of the Chamber designated for Members only or another place which is out of bounds for that person; or
- (2) Who disrupts the proceedings of the Council, causes nuisance or does not withdraw from the Chamber when ordered to withdraw under Rule 9(3) and 71(2).

Rule 12

Presidential or visiting Head of State address

- (1) Whenever the President delivers an address to the House, the Chairperson/Presiding Member may convey to the President the gratitude of the House for address.
- (2) The Chairperson/Presiding Member of the Council, after consultation with the delegation heads, may invite any Head of State who is on a state visit to the Republic, to address the Council.

CHAPTER III MEETING OF A NEW COUNCIL

Rule 13

Oath or Affirmation

On the first day on which the Council meets after an election of Members in terms of Section 26 of the Regional Councils Act 22 of 1992, and whenever necessary thereafter, every Member of the Council shall make and subscribe to an Oath or Solemn Affirmation before the Chief Justice, or a Judge designated by the Chief Justice for that purpose, in the terms set out in Schedule 3 of the Constitution.

Rule 14

Election of the Chairperson/Presiding Member

- (1) On the first day on which the Council meets after an election of Members in terms of Section 26 of the Regional Councils Act 22 of 1992, and whenever necessary thereafter, the Secretary or an officer of Parliament nominated by him/her, shall take the chair whereupon the Council shall forthwith proceed with the election of a Chairperson/Presiding Member.
- (2) A Member shall propose as Chairperson/Presiding Member of the Council another Member then present by moving "that... (Naming the Member) takes the chair as Chairperson/Presiding Member of the Council.
- (3) If only one Member is proposed and seconded, he/she shall be declared elected by the Presiding Officer and conducted to the chair without any question being put.
- (4) Where more than one person is proposed and seconded, a motion shall be made and seconded in respect of each person, and the House shall proceed to elect the Chairperson/Presiding Member by secret ballot in accordance with the provisions of this Rule.
- (5) When nominations have been received, the Secretary shall announce that the ballot will now be taken, and unless a Member rises to speak, no fresh nominations shall be taken.

- (6) An officer of the Council shall give to each Member present a ballot paper on which the Member may record his or her vote by writing the name of the person for whom he or she wishes to vote.
- (7) A Member can only vote for someone who has been duly nominated and seconded.
- (8) Each ballot paper shall be folded so that the name written on it cannot be seen. The ballot paper shall then be collected by an officer of the Council and counted at the table by the Secretary who shall then declare the result.
- (9) At any ballot between more than two persons who have been proposed and seconded, the candidate who receives the greater number of votes shall be declared elected as Chairperson/Presiding Member, provided that he or she receives a majority of the votes of Members present.
- (10) If no candidate has received such majority the name of the candidate who has received the smallest number of votes shall be withdrawn, the candidate obtaining the smallest number of votes at each ballot being excluded until one candidate obtains a majority.
- (11) Where there is an equality of votes between candidates who received the smallest number of votes, and one has to be excluded from the election under paragraph (10) of this Rule there shall be a ballot to determine which of them shall be excluded.
- (12) Where at any ballot between two candidates the votes are equal, another ballot shall be held.

Rule 15

Election of the Vice-Chairperson

The provisions of Rule 14 shall apply *mutatis mutandis* to the election of the Vice-Chairperson/, who shall be –

- (1) The Chairperson/Presiding Member of the Committee of the Whole Council: provided that the Chairperson/Presiding Member shall preside at such election; and

- (2) The coordinator of all Standing Committees of the Council.

Rule 16

Functions of the Vice-Chairperson as Coordinator of Committees

- (1) As Coordinator of Committees, the Vice-Chairperson shall perform the following functions-
- (a) Ensuring the compilation of the programmes by the Standing Committees are in compliance with their activity plans;
 - (b) Monitor implementation of Committees' activity plans;
 - (c) Monitor the implementation of the National Council Strategic Plan into Committee activities;
 - (d) Convene and chair the Forum of Chairpersons/Presiding Members of Committees to exchange information, perspectives and discuss where necessary, issues relating to support to Members;
 - (e) Monitor support for Members and advise the Chairperson/Presiding Member of the Council on the support needs of Members;
 - (f) Monitor that all Committee reports are tabled within 30 days after the completion of the activity undertaken or at the next Session;
 - (g) Consider and approve Committees' requests for travel for purposes of legislation and oversight;
 - (h) Coordinate the oversight function of the National Council Committees;
 - (i) Ensure at the end of each year that, Committees are meeting their mandate in terms of these Rules;
 - (j) Perform any function that the Chairperson/Presiding Member of the Council may from time to time assign to him or her.

Rule 17

Election of the Vice -Chairperson of the Committee of the Whole Council

As soon as practical after the commencement of every National Council and from time to time thereafter as necessity may arise, the Council shall elect amongst its Members as First and Second Vice-Chairperson of the Committee of the Whole Council who shall be entitled to exercise all the powers of the Chairperson/Presiding Member of the Committee of the Whole Council, excluding his/her powers as Vice-Chairperson of the Council.

Rule 18

Removal of the Chairperson/Presiding Member and Vice-Chairperson

- (1) The Chairperson/Presiding Member or the Vice-Chairperson shall cease to hold office if he or she:
 - (a) ceases to be a Member of the National Council or dies;
 - (b) is removed by resolution of the House on a substantive motion;
 - (c) resigns from the National Council in writing addressed to the Secretary of the National Council.
- (2) When the office of the Chairperson/Presiding Member or Vice-Chairperson becomes vacant, the National Council shall elect a Member to fill the vacancy.

Rule 19

Notification of the elected Whips of the Political Parties to the Council

All parties represented within the Council shall submit the names of their Whips and the duration for which they have been so elected, within seven (7) days from the first sitting of the Council after an election of Members in terms of Section 26 of the Regional Councils Act 22 of 1992.

Rule 20

Vacation of Seats

- (1) Besides disqualification and death as provided by Article 72, a Member may vacate his/her seat, if:
 - (a) he/ she ceases to have the qualifications which rendered him or her eligible to be a Member of the National Council;
 - (b) if the Regional Council that elected such a Member to sit in the National Council informs the Secretary that such a Member is no longer a Member of the Regional Council;
 - (c) if he/she resigns his/her seat or office by notice in writing addressed to the Secretary. Such resignation shall take effect upon receipt of written notice by the Secretary, who shall, as soon as possible, inform the Council;
 - (d) if he/she is removed by the National Council in terms of these Rules permitting such removal for good and sufficient reasons;
 - (e) if he/she is absent during the sittings of the Council for ten (10) consecutive sitting days, without having obtained the special leave of the Council on grounds specified in these Rules.
- (2) Whenever a seat in the Council becomes vacant in consequence of a Member having ceased to be a Member, the Chairperson/ Presiding Member shall direct the Secretary to notify the Regional Council, of the matter, and request it to fill the vacancy: Provided that if the vacancy occurs less than six (6) months before the expiry of the term of the Council, such vacancy needs not be filled.
- (3) On receipt of a notice from the relevant Regional Council of the election of the successor, the Secretary shall report the particulars of the successor to the Council and shall in turn notify the Member-elect that his/her attendance is required at a specified place, time and on a particular day in writing, for the purpose of complying with the provisions of Rule 13.

**CHAPTER IV
PROCEEDINGS IN CONNECTION WITH COMMENCEMENT OF
SESSION**

Rule 21

Conduct of Business and Proceedings

The Council shall conduct its business and proceedings in accordance with the Constitution, laws of Namibia; these Rules, the Joint Rules, Resolutions of the Council and Parliamentary practice in-

- (1) Plenary; and
- (2) Committees and Sub-committees.

Rule 22

Opportunity for Prayer or Meditation

- (1) At the start of the proceedings of the Council, the Presiding Member shall afford Members an opportunity for prayers or silent meditation.
- (2) In the case of a prayer, the Chairperson/Presiding Member or an Officer/Member so appointed by him/her shall read a prayer at the meeting of the Council before any business is entered into.

Rule 23

Quorum

- (1) The quorum shall consist of a majority of the total number of members of the National Council other than the Chairperson/Presiding Member to constitute a meeting of the Council for the exercise of its powers and the performance of its functions when any voting is required.
- (2) The presence of at least a third of the total number of members of the National Council shall be sufficient to constitute a meeting of the National Council when no voting on any matter is required.
- (3) The Chairperson/Presiding Member shall take the chair as soon as a quorum is present after the hour appointed for the meeting of the Council but if, after half an hour appointed for

the meeting there is no quorum present, the Chairperson/Presiding Member shall take the chair and adjourn the Council until the next sitting day.

- (4) If it appears after a Member has drawn the attention thereto, or from the report of a division, that there is no quorum, and if after a period of two minutes, during which time division bells shall be rung, there is still no quorum, the Chairperson/Presiding Member shall adjourn the Council, without putting the question, till the next day, and it shall be held that no decision was reached by such division.
- (5) Any Member who draws the attention of the Chairperson/Presiding Member thereto that there is no quorum, is held present at the counting of the Members, whether he/she is indeed, present or not.
- (6) When the Council is adjourned because there is no quorum, the time of such adjournment and the names of the Members present shall be recorded in the minutes of the proceedings.

Rule 24

Commencement and Termination Dates of Sessions of the Council

The Chairperson/Presiding Member of the Council shall, in consultation with the Steering Committee Members, set the commencement and termination dates of each session of the Council.

Rule 25

Special Sitzings of Council

The Chairperson/Presiding Member, after consultation with the Leader of the Government business in Parliament, may determine dates for special sittings of the Council.

Rule 26

Sitting Days and Hours of Sitting

Except for public holidays and unless otherwise decided upon motion, the sitting days of the Council are Mondays, Tuesdays, Wednesdays and Thursdays, and the hours of meetings on each

sitting day shall be from 09h30 to 13h00: Provided that business on each sitting day shall be adjourned at 10h35 and shall be resumed at 11h05.

Rule 27

If Council does not meet on set day

If the Council for, any reason, does not meet on the day appointed, it stands adjourned to the next sitting day.

Rule 28

Venue

- (1) The Council sits at the seat of Parliament.
- (2) The Council may sit at a place other than the seat of Parliament on the grounds of public interest, security or convenience, provided the Council, by Resolution –
 - (a) identifies the public interest, security, convenience, which is the reason for the change of venue;
 - (b) approves the change of venue to a specified place and for a specified period; and
 - (c) specifies the estimated costs of effecting the change of venue and maintaining it for the specified period.

Rule 29

Interruption and Automatic adjournments

- (1) Subject to these Standing Orders, the business under consideration at the time determined for the adjournment of the Council on any sitting day shall be interrupted by the Chairperson/Presiding Member or if the Council is in committee, by the Chairperson/Presiding Member of Committee of the Whole Council who reports progress and ask leave to sit again and the Chairperson/Presiding Member thereupon adjourns the Council without the motion being put.
- (2) When business is interrupted by this Rule, dilatory motions, if any, shall lapse.
- (3) If, at the time of the adjournment proceedings under the closure are in progress, the Presiding Member shall not interrupt

business until the proceedings under the closure and, if the closure is agreed to, until the question and any amendments thereto, have been completed.

- (4) (a) If, at the time of the adjournment a division is in progress the Presiding Member shall interrupt business after the result of the division has been declared.
- (b) If the division is on an amendment, the Presiding Member shall, after the result of the division has been declared, proceed to put all the questions which have already been proposed from the chair.

Rule 30

Proposal that proceedings not be interrupted

- (1) Notwithstanding the provisions of Rule 29, a Member may, at the commencement of public business move a motion without notice, which must be decided without amendment or debate, "That the proceedings on (naming the Motion or Order of the Day) in accordance with Rule 26, not be interrupted, if it is still under consideration at 10h35.
- (2) If such motion is agreed to and the specified business is still under discussion after 13h00, no other opposed business is treated on that sitting day, but the Chairperson/Presiding Member then adjourns the Council. Unopposed business may, however, be treated without discussion before adjournment.

Rule 31

Adjournment for Matters of Public Importance

- (1) No motion for the adjournment of the business of the Council for a definite matter of urgent public interest shall be moved, unless a Member at the beginning of the public business (that is to say, after questions and before motions or orders of the day, depending) shall rise and say that he/she asks leave to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance.
- (2) The Member shall then declare what the matter is and hand over to the Chairperson/Presiding Member a written motion setting-out the subject he/she wishes to have discussed.

- (3) If the Chairperson/Presiding Member is convinced that the motion falls within the provisions of this Rule, he/she shall request the Members who support the motion to rise. If at least five Members support the motion, the Chairperson/Presiding Member shall permit the Member to move the motion.
- (4) Motions moved under this Rule are subject to the following restrictions:
- (a) the motion shall raise substantially one definite issue;
 - (b) the motion shall not refer to the conduct or character of persons except in their public capacity;
 - (c) the motion shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of Namibia;
 - (d) the motion shall not relate to a trivial matter;
 - (e) the motion shall not refer discourteously to a foreign country;
 - (f) not more than one matter can be discussed under the same motion;
 - (g) the motion may not revive matters already debated within the preceding period of two months;
 - (h) the motion must not anticipate matters under notice for discussion or standing as an order of the day;
 - (i) if the motion contains a statement the Member shall make himself or herself responsible for the accuracy of the statement;
 - (j) the motion must not raise a question of privilege;
 - (k) the motion must not raise any matter (such as, for example, a personal accusation) which can only be debated on a substantive motion after notice;
 - (l) the motion shall not relate to or seek to disclose of information about matters which are in their nature secret such as Cabinet discussions or advice given to the President in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose such information.

Rule 32

Adjournment on Resolution

- (1) Except in circumstances mentioned in Rules 29 and 30 (automatic adjournment) Rules 23 and 138 (no quorum) and Rule 146 (disorder) when the Council adjourns without the question being put, the House can only be adjourned on its own resolution, and in case no time or date is fixed, such adjournment shall be until 09h30 of the next sitting day, unless the Council resolves to adjourn until such time the same day as the Chairperson/Presiding Member may decide and summon Members by having the bells rung.
- (2) A substantive motion for the immediate adjournment of the Council may be made at any time when the Chairperson/Presiding Member is in the chair and no other question is before the Council, but discussion thereof and amendments thereto shall be confirmed to the time and date of the next sitting.

Rule 33

Limitation on deferred proposals

- (1) When a motion is made for the adjournment of a debate or of the Council during a debate, or that the Chairperson/Presiding Member of Committee of the Whole Council reports progress and asks leave to sit again, or does leave the chair, the debate thereon shall be confined to the matter of such motion, and no Member having moved or seconded any such motion shall be entitled to move or second any similar motion during the same debate on the same sitting day.
- (2) If the Presiding Member is of the opinion that any such motion is a misuse of the Standing Order or infringes on the rights of the minority, he/she may decline to put the question in connection therewith.

Rule 34

Right of Proposer and Seconder for adjournment to speak again

A Member having moved or seconded a motion for the adjournment of a debate without discussing the main question, shall be entitled to speak on the main question during the next sitting when the adjournment is carried.

Rule 35
Order at Adjournment

When the Council adjourns, Members must rise and remain quiet in their places until the Chairperson/Presiding Member has left the Chamber.

Rule 36
Member's absence from Council's proceedings

- (1) Every Member shall attend the proceedings of the House and Committees unless leave of absence has been given by the Council or the Whip as the case may be.
- (2) While a Member has leave of absence, he or she is excused from service in the Council or in a Committee or Sub-Committee;
- (3) A Member may only absent himself/herself from attending the proceedings of the Council, where such leave of absence is less than ten (10) consecutive days, with prior written permission of his/her whip. The Whip will accordingly inform the Council of the leave of absence of any such Member.
- (4) In the event that a Member will absent himself/herself for more than ten consecutive days, leave of absence shall only be granted by the Council on a motion without notice stating the cause or reason and period of absence;
- (5) Any Member infringing this Rule shall have his or her conduct referred to the Committee on Privileges.

CHAPTER V ROUTINE AND ORDER PAPER

Rule 37

Routine and Order Paper

Subject to Rule 41, the business of the Council to be attended to at a sitting of the Council must be set out on the order paper arranged by the Secretary in consultation with the Chairperson/Presiding Member.

Rule 38

Business of the Council

Subject to the provisions of these Standing Rules and Orders, the business of each sitting shall be transacted in the following order:

- a) Entry of Presiding Officer
- b) Prayer and Affirmation
- c) Administration of Oath or Affirmation to new Members
- d) Obituaries and Tributes
- e) Statement by Presiding Officer
- f) Announcements by Presiding Officer
- g) Message from the Speaker of National Assembly
- h) First Reading of Bills
- i) Motivation of Bills by Ministers and oral questions by Members
- j) Petitions
- k) Reports of Standing or Select Committees
- l) Other Reports and Papers
- m) Notices of motions
- n) Notices of questions to Ministers
- o) Questions to and Answers from Ministers
- p) Statements by Members
- q) Orders of the day
- r) Adjournment

Rule 39

Time for consideration of Orders of the Day

Subject to these Standing Orders, the consideration of an order of the day shall be set down for the next sitting day unless the Member in charge moves some other future day.

Rule 40

Arrangement of Order Paper

On Thursdays notices of motions shall have precedence over orders of the day.

Rule 41

Designation of Chairperson/Presiding Member to arrange Order Paper

Subject to Rule 37, the Chairperson/Presiding Member shall have power to arrange or alter proceedings on the order paper whatever order he or she may deem fit.

Rule 42

Business indisposed off

- (1) All business indisposed of at the adjournment of the Council shall be postponed until the next sitting day without a motion to that effect, and shall subject to Rule 40 be placed on the order paper for the next day on which the Council shall meet.
- (2) All business indisposed of at the last sitting day of a session shall lapse, but can again be introduced at the next session by means of a substantive motion.

CHAPTER VI PETITIONS AND STATEMENTS

PART I PETITIONS

Rule 43 Language of Petitions

A petition must be in the official language or a sworn translation to the official language.

Rule 44 Requirements of Petitions

- (1) Unless the Chairperson/Presiding Member decides otherwise, every petition must be signed by the petitioner.
- (2) Persons unable to write must make their mark on the petition in the presence of two witnesses, who must sign the petition in that capacity.
- (3) A petition by a juristic person shall be signed by the duly authorised officer of the juristic person and shall be issued under the juristic person's common seal.
- (4) Every petition shall contain a prayer setting out the general object of the petition or the nature of the relief sought.

Rule 45 Lodging of Petitions

Each petition must, once received by the Chairperson/Presiding Member or any other Member or officer so delegated by the Chairperson/Presiding Member, be deposited for at least three days with the Secretary, who must submit it to the Chairperson/Presiding Member of the Council for approval before it is tabled in the Council.

Rule 46

Tabling

If approved, the Chairperson/Presiding Member of the Council must table the petition in the Council.

Rule 47

Referral of petitions to Committees

After tabling a petition in the Council, the Council may discuss and/or refer the petition to the relevant Committee or establish a Select Committee to deal with it.

Rule 48

Powers of Committee/Select Committee

- (1) A Committee to which a petition has been referred may refer the subject-matter of the petition to the relevant authority.
- (2) A Committee considering a petition may recommend to the House any course of action it deems fit and proper.

Rule 49

Petitioner and Others to be informed

The Committee shall inform a petitioner of the decision or other course of action with regard to a particular petition and the reasons therefore.

PART II STATEMENTS

Rule 50 Statements by Members

By indulgence of the House and leave of the Chairperson/Presiding Member, a Member may, at the time appointed for statements under Rule 38 explain a matter of personal nature or make a statement on a matter of urgent public importance. Any statement other than a personal statement may be commented upon by other Members for a limited duration of time not exceeding one hour. The terms of such proposed statement shall first be submitted to the Chairperson/Presiding Member.

CHAPTER VII MOTIONS

Rule 51 Notice of Motion

- (1) Every motion requires notice except a motion:
 - (a) by way of an amendment to a question already put from the Chair;
 - (b) for the adjournment of the Council or of a debate;
 - (c) in Committee of the Whole Council;
 - (d) raising a Point of Order or a question of privilege;
 - (e) discharging a Member from attendance of a Committee;
 - (f) for the postponement or discharge of an order of the day;
 - (g) which is expressly excluded by these Standing Rules;
 - (h) to grant leave of absence to a Member subject to Rule 36(4);
 - (i) in regard to which notice is dispensed with by the unanimous concurrence of all the Members present; and
 - (j) where a Bill is referred to a Committee.

- (2) Notice of a motion to be cleared by the Chairperson/ Presiding Member before being tabled in the House.

Rule 52 Manner of giving Notice

- (1) Every Member who gives a notice of motion shall read it aloud and deliver at the table a fair copy of such notice with the date proposed for bringing such a question or motion.
- (2) All notices shall be signed by the Member proposing the motion.
- (3) No motion shall be moved on the same day on which notice thereof is given.

- (4) No notice shall be set down on the order paper for any day beyond fourteen consecutive sitting days of the Council following the day upon which it is given.
- (5) A Member desiring to change the day for bringing a motion may have the notice placed on the order paper for any day later but not earlier than the first named day.

Rule 53

Chairperson/Presiding Member may amend Notices

Any notice which contains unbecoming expressions or offends any Rule of the Council may be amended by the Chairperson/Presiding Member before it appears on the order paper.

Rule 54

Acting for absent Member

A Member may, if so authorised by another Member not then present, give notice on his/her behalf of a motion; and he/she may then similarly be authorized to take charge of a motion or an order of the day in the absence of the Member in charge thereof.

Rule 55

Preferential Motion

An urgent motion directly concerning the privileges of the Council will take precedence above other motions and also above orders of the day and may be considered without prior notice.

Rule 56

Motions to be seconded

Any motion or amendment not seconded lapses forthwith, but a motion or amendment made in Standing/Select Committee, or an order of the day, does not require a seconder.

Rule 57

Same question not to be offered twice

No motion or amendment shall be moved which is chiefly the same as any motion or amendment which during the 30 days immediately

preceding, has been resolved in the affirmative or negative unless the order, resolution or vote on such motion or amendment has been repealed.

Rule 58

Withdrawal of Motion

- (1) A Member who has moved a motion may withdraw it with the unanimous consent of all the Members present.
- (2) Notwithstanding the provisions of Sub-Rule (1) the Chairperson/ Presiding Member may grant permission for the withdrawal of the motion if he/she considered that misuse is made of the unanimous consent as contained in Sub-Rule (1).
- (3) A motion which is withdrawn may again be moved after notice.

Rule 59

Motion to amend Standing Rules and Orders

The notice of any motion for amendment of any of these Rules shall be accompanied by a draft of the proposed amendment. When the motion has been proposed and seconded it shall stand referred to the Standing Committee on Standing Rules and Orders, and no further proceedings shall be taken on it until the Committee has reported.

Rule 60

When Motions lapse

- (1) If a Member is absent when called upon to move a motion in his/her name, or if he/she fails to rise and move such motion when called upon by the Chairperson/Presiding Member, the motion shall lapse.
- (2) A motion on the order paper which has not been disposed of when the Council rises on the last sitting day in any year, lapses.
- (3) A motion that lapse in terms of Sub-Rule (2) may be moved again during the next year of the Council sitting after notice.

CHAPTER VIII ORDER IN THE COUNCIL AND RULES OF DEBATE

PART 1:

Order in Proceedings

Rule 61

Conduct of Members

Every Member should be properly attired and shall bow to the Presiding Member in passing to or from his/her seat.

Rule 62

Members in Council

Whenever the Chairperson/Presiding Member enters the Council Chamber, Members shall rise till the Chairperson/Presiding Member has his/her seat: Provided that Members need not rise when the Chairperson/Presiding Member leaves or re-enters the Council Chamber when the House is in Committee of the Whole Council.

Rule 63

Movement in Chamber

A Member of the Council may not –

- (1) pass between the Chairperson/Presiding Member and a Member addressing the Chairperson/Presiding Member;
- (2) pass between the Chairperson/Presiding Member and the table;
or
- (3) Stand in any of the passages, or the floor of the Chamber.

Rule 64

Loud Conversation, reading of Newspapers or use of Cellular Phones etc.

- (1) No Member shall converse aloud or read a newspaper or any other paper not connected with the business under consideration.
- (2) Use of cellular phones are prohibited in the Chamber.

Rule 65

Smoking, eating etc. in the Chamber

- (1) No Member shall smoke, eat or consume any beverages except water whilst in the Chamber.
- (2) No Member shall enter the Chamber while under the influence of any intoxicating substance.

Rule 66

Possession of weapons

No Member shall be in possession of any weapon within the precincts of Parliament.

Rule 67

Abusive language

No Member shall use insulting or abusive language in the course of debate in the Chamber or Committee.

Rule 68

Interruption of Members

No Member shall interrupt another Member whilst speaking, except:

- (1) to call attention to point of order or question of privilege;
- (2) to call attention to the absence of a quorum;
- (3) to call attention to the presence of strangers; or
- (4) to move closure.

Rule 69

Precedence of Presiding Member

Whenever the Presiding Member rises during a debate, the Member who is speaking and all other Members shall resume their seats, remain seated and the Presiding Member shall be heard without interruption.

Rule 70

Unsuitability or Repetition

After the Chairperson/Presiding Member has called attention to the conduct of a Member who persists in irrelevance or in repeating arguments, he/she may direct the Member to discontinue his/her speech.

Rule 71

Member directed to leave the Council Chamber

- 1) The Presiding Member shall order a Member who is grossly disorderly to withdraw immediately from the Council Chamber for the remaining period of sitting day in question.
- 2) Should a Member who has been ordered to withdraw from the Council Chamber refuse or fail to do so, the Chairperson/Presiding Member may direct the Sergeant-at-Arms to remove him/her.
- 3) If the Chairperson/Presiding Member deems the powers conferred by Sub-Rules (1) and (2) inadequate, the Chairperson/Presiding Member may report it to the Standing Committee on Privileges of the National Council and that Committee may recommend any one or more of the penalties provided for under Rule 165(2).
- 4) A Member directed to leave the Chamber may not participate in any Council activities during that day.

Rule 72

Grave Disturbances - Powers of Chairperson/Presiding Member

In the event of grave disorder the Chairperson/Presiding Member may adjourn the Council without the question put, or suspend any sitting for a period to be stated by him/her.

Rule 73

Ruling of the Chairperson/Presiding Member subject to appeal except by substantive Motion

The Chairperson/Presiding Member shall be responsible for the

observance of order in the House and of the Rules of debate, and his or her decision upon any point of order shall not be open to appeal and shall not be reviewed by the House, except upon a substantive motion made after notice.

Rule 74

Disorderly conduct

- (1) Any Member deviating from these Rules may be immediately called to order by the Chairperson/Presiding Member or by any Member rising to a point of order in accordance with Rule 96.
- (2) After the Chairperson/Presiding Member has called attention of the House to the conduct of a Member who persists in irrelevant or tedious repetition either of his or her own argument or of the arguments used by other Members in debate, may direct the Member to discontinue his or her speech.

Rule 75

Member ordered to leave

- (1) The Chairperson/Presiding Member may order a Member to withdraw from the Chamber immediately for the remainder of the day's sitting if he or she is of the opinion that-
 - (a) the Member is deliberately contravening a provision of these Rules;
 - (b) the Member is in contempt of or disregarding the authority of the Chairperson/Presiding Member; or
 - (c) the Member's conduct is grossly disorderly.
- (2) Should a Member who has been so ordered to withdraw from Chamber refuse or fail to do so, the Presiding Member may direct the Serjeant-at-Arms to remove him or her.
- (3) If the Chairperson/Presiding Officer deems the powers conferred by Sub-Rules (1) and (2) inadequate, the Chairperson/Presiding Member may report it to the Standing Committee on Privileges of the National Council and that Committee may recommend any one of the penalties provided for under Rule 165(2).

**PART II
RULES OF DEBATE
SPEECHES AND TIME LIMITS**

Rule 76

Freedom of Speech

Members-

- (1) have freedom of speech and debate in the Council and its Committees and Sub-Committees, subject to these Rules and such freedom of speech and debates shall not be liable to any questioning in any court of law or place outside Parliament; and
- (2) are not liable to any civil or criminal proceedings, arrest, imprisonment or damages for-
 - (a) anything they have said in, produced before or submitted to the Council or any of its committees or sub-committees; or
 - (b) anything revealed as a result of anything said in, produced before or submitted to the Council or any Committee or Sub-Committee.

Rule 77

Members to address the Chair

A Member must when speaking, if possible, rise while doing so.

Rule 78

Calling Members

A Member may speak in a debate in the Council only when called by the Presiding Member.

Rule 79

Right of Members to speak

- (1) Except where these Rules provide otherwise, a Member may not speak in a debate only –

- (a) on the question before the Council or a Committee of the Whole Council;
 - (b) on amendments proposed thereto;
 - (c) on a question or amendment which he or she has moved or is going to move; and
 - (d) on a question on a point of order or a question of privilege.
- (2) Should any amendment or amendments to a question be moved after such a Member has spoken, he or she may again address the Council on such amendment or amendments, but to a Member speaking on the question for the first time after an amendment or amendments have been moved, only one speech, which may cover the main question and the amendment or amendments, shall be allowed.

Rule 80

Chairperson/Presiding Member participating in a debate

The Chairperson/Presiding Member shall not take part in any debate before the Council.

Rule 81

Member may not speak twice except in Committee

- (1) No Member may speak twice on a question before the Council except in explanation or reply or in Committee of the Whole Council.
- (2) A reply shall be allowed to the mover of a substantive motion or to the Member in charge of the day, but not to a Member who has moved:
- a) an amendment;
 - b) an adjournment during a debate;
 - c) an instruction to a committee; or
 - d) a motion for leave to introduce a Bill.

Rule 82

Time limits and number of speeches

- (1) When the Council is not in Committee:
 - (a) the Member who is charged with the business before the Council shall not be restricted in regard to the length of the time he/she may speak;
 - (b) Members may not speak longer than 45 minutes on a question.
- (2) A Member may not address a Committee of the Whole Council more than three times on a question, including amendments, and he/she may also not speak longer than 20 minutes at a time, except the Member charged with the business before Committee, to whom no such restriction applies.
- (3) At the Report stage of a Bill the Member who is charged therewith may address the Council twice on any question and other Members may not speak longer than 10 minutes at a time.
- (4) If, by agreement, the Whips allocate a specific time to a specific debate, such time shall not be exceeded without the unanimous consent of the Council and the closure of the debate takes place forthwith.

Rule 83

The limits for leave to introduce a Bill

The debate on a motion that leave be given to introduce a Bill is limited to one hour and no speech shall last longer than 10 minutes.

Rule 84

Reserve Speech

A Member who has moved an order of the day or has moved or seconded a motion without speaking on it may address the Council on the subject of such order or motion at any subsequent period of the debate.

Rule 85

Amendments to be in writing

An amendment to any motion before the Council or a Committee of the Whole Council shall be in writing and handed by the proposer to the Secretary.

Rule 86

Restrictions to amendments

No amendment shall be moved to any part of a question after a later part thereof has been amended.

Rule 87

Debate ceases when questions are fully put

No Member shall speak on any question after the Chairperson/Presiding Member has put it in full. A question is put in full when the procedure in Rule 98 (Voting by Members) has been completed.

Rule 88

Matters pending before Court

No Member, while addressing the Council, may reflect on the merits of any matter on which a judicial decision is pending.

Rule 89

Rule of anticipation

- (1) No Member, while addressing the Council, may anticipate the discussion of a matter appearing on the order paper.
- (2) In determining whether an address to the Council is out of order on the ground of anticipation, the Presiding Member must consider whether it is probable that the matter anticipated will be discussed in the Council within a reasonable time.

Rule 90

Reflection upon previous Council Decisions

No Member, while addressing Council may reflect upon any decision or act of the Council except for the purpose of moving that it be rescinded.

Rule 91

Using the name of the President or Acting President

No Member, while addressing the Council shall use the name of the President, Acting President or the Founding President and Father of the Namibian Nation in a disrespectful manner during a debate or to influence the Council in its deliberations.

Rule 92

Offensive and unbecoming language

No Member may –

- (1) use offensive or unbecoming language against the Council or proceedings or in reference to any Member thereof;
- (2) deliberately make a statement in the Council which the Member knows is false.

Rule 93

Official reference to Members

No Member, shall call or refer to another Member directly by his/her name, but shall refer to him or her as, "the Honourable Member or Comrade (then stating his or her name)" or as the Honourable Member or Comrade sitting in a particular part of the Council, or as the Honourable Member or Comrade who spoke at a certain period of the debate.

Rule 94

Explanations

- (1) During a debate in the Council a Member may be allowed to explain a previous speech but only when and to the extent that the speech has been misquoted or misunderstood in a

material respect.

- (2) The Member giving the explanation may not introduce any new matter.
- (3) No debate on the explanation may be allowed.
- (4) A Member may, with the prior consent of the Presiding Member, explain a matter of personal nature to the Council, although there is no question before the Council.
- (5) The Member may not speak for longer than seven minutes and is strictly confined to vindicating own conduct.

Rule 95

Interruptions of debate

Debates may be interrupted-

- (1) by a point of order being raised;
- (2) by a matter of privilege suddenly arising;
- (3) by attention being called to the absence of a quorum;
- (4) by attention being called to the presence of strangers.

Rule 96

Point of order

When a point of order is raised, the Member called to order shall discontinue his/her speech, and after the point of order has been stated to the Presiding Member by the Member who raised it, the Presiding Member shall give his/her ruling or decision thereon either forth with or subsequently.

Rule 97

Closing of debate Questions put

- (1) After a question has been put, the Chairperson/Presiding Member may demand to move "That the question is not put".
- (2) Unless the Chairperson/Presiding Member is of the opinion that such a motion is a misuse of the Standing Rules and

Orders or infringes on the rights of the minority, the closure is put forthwith without amendment or debate.

- (3) If amendments to a question have been moved and the closure approved, amendments as well as the main question are put forthwith without amendment or debate.
- (4) When the closure has been approved by the Council, the Chairperson/Presiding Member must, prior to putting the main question notwithstanding the provision of Sub-Rule (3) enquire from the Member charged with the relevant business, whether or not he/she wishes to reply.
- (5) A motion under this Rule shall be moved only when the Chairperson/Presiding Member or Vice-Chairperson and the Chairpersons/Presiding Members of Committees are in chair.

CHAPTER IX
DIVISION
Questions to be determined by majority of votes of
Members

Rule 98

Voting by Members

- (1) Unless otherwise provided in the Constitution, all questions in the Council shall be determined by majority of the votes of Members of the Council, excluding the Chairperson/Presiding Member who shall, however, in the event of an equality of votes have and exercise a casting vote.
- (2) Except in the case of a division, there shall, when the question is put be asked for:
 - (a) the Members in favour of the question;
 - (b) the Members against; and
 - (c) the Members abstaining.

Rule 99

Demand for Division

After the Chairperson/Presiding Member has declared the result of a question put, any Member who has voiced his/her opinion with those who are according to such declaration in the minority may, subject to Rule 106, demand a division of the Council upon that question and a division without debate shall take place.

Rule 100

Less than two Members support demand for Division

- (1) Whenever a division is demanded, the Chairperson/Presiding Member, before instructing the division bells to be rung, shall satisfy him/herself that, at least, two Members support the demand for such division.
- (2) If fewer than two Members rise in support thereof, the Chairperson/Presiding Member shall forthwith declare the

decision on the question. The names of those Members who rose shall be recorded in the minutes of proceedings.

Rule 101

Division Bells rung and time for locking the Doors

When the requisite number of Members support the demand for a division, the division bells shall be rung and the doors shall be locked upon the lapse of the number of minutes as the Chairperson/Presiding Member shall direct, but if further divisions are required to dispose of the question and such divisions follow immediately upon first division, the division bells shall again be rung the doors shall be locked upon the lapse of 30 seconds as the Chairperson/Presiding Member shall direct.

Rule 102

Procedure after doors are locked

After the door has been locked:

- (1) The Chairperson/Presiding Member shall again put the question and the "Yes" shall rise and the "No" shall remain seated. The Secretary shall then call out the names of those standing, the Assistant of the Secretary recording the vote of each such Member. After the names of the "Yes" have been recorded and the Members so voting have resumed their seats, the Chairperson/Presiding Member shall call upon the "No" to rise and their votes shall be recorded in the same manner. The Secretary shall then hand in the division list to the Chairperson/Presiding Member who shall there-upon announce the result of the division;
- (2) No Member shall enter or leave the Chamber until after the division has been taken;
- (3) Every Member present will be required to vote.

Rule 103

Points of order during Division

While a division is in progress, Members may speak to a point of order arising out of the result of the division.

Rule 104

Confusion or mistake in connection with division

In case of confusion or error occurring concerning the numbers reported, the Council shall proceed to another division unless the same can otherwise be incorrect; and if the numbers have been inaccurately reported or errors occurred in a division list, the Council, on being informed thereof, shall order the votes to be corrected.

Rule 105

Correction of Minutes

If the numbers have been inaccurately reported or any errors occur in the names of the division lists, the Chairperson/Presiding Member must order the minutes of proceedings to be corrected.

Rule 106

Recording of Opposition

Whenever a question is put by the Chairperson/Presiding Member, any Member may, instead of demanding a division, inform the Chairperson/Presiding Member that he/she wishes his/her opposition or that of the party to which he/she belongs, to be formally recorded in the minutes of proceedings: Provided that the Chairperson/Presiding Member may order that a division shall take place in the event of three or more Members wishing to record their individual opposition.

CHAPTER X BILLS

PART I

Money Bills (Bills dealing with levying of Taxes or appropriation of Public Monies)

Rule 107

Limitation of Debate on Appropriation Bills

The limitations of Rules 82(1) and 82(4) are applicable to the debate on the Appropriation Bill.

Rule 108

Number of Speeches and Time Limits when discussing Votes

In respect of every vote in the Schedule to the Appropriation Bill that is under consideration in Committee of the Whole Council, a Member shall not be limited in regard to the number of times he/she may speak and shall not be restricted in regard to the length of time he/she may speak.

Rule 109

Procedures in Committee of the Whole Council

In Committee of the Whole Council on Appropriation Bills:

- (1) the Schedule shall, notwithstanding the provisions of Rule 121 of the Standing Rules, be taken into consideration before the clauses;
- (2) the question shall first be proposed from the Chairperson/ Presiding Member on the largest reduction if more than one reduction is moved in any clause, vote or head;
- (3) on the motion of a Member to be decided without amendments or debate, precedence may be given to any vote or head in a schedule;
- (4) no condition or expression of opinion shall be attached to a vote or head, nor may its destination be altered;

- (5) the Committee may at any time, to be decided without amendment or debate, revert to any vote or head appearing in the Schedule to the Bill, and
- (6) the Rule of anticipation shall not apply.

Rule 110

Estimates of Expenditure referred to Committee of the Whole Council

All estimates of expenditure shall, when laid upon the table, stand referred to the Committee of the Whole Council.

**PART II
PUBLIC BILLS (ALL OTHER BILLS)**

Rule 111

Introduction of Bills

The Chairperson/Presiding Member shall convey a message from the Speaker that a Bill has passed in the Assembly and referred to the Council, whereupon the Bill shall then be read for the first time.

Rule 112

Briefing and Explanatory memorandum

- (1) Council may where necessary by invitation be briefed on every Bill once referred by the Assembly.
- (2) The oral briefing shall be accompanied by an explanatory memorandum setting out in detail the:
 - (a) policy;
 - (b) principles of the Bill;
 - (c) defects of the existing law, if any, in case of amendments or repeal;
 - (d) remedies proposed to deal with those defects; and
 - (e) the necessity for its introduction.
- (3) The memorandum shall be signed by the Minister or a Member introducing the Bill.

Rule 113

Member of Assembly may be invited to the Council

- (1) The Council may invite a Member of the Assembly who tabled a Bill, or on behalf of whom a Bill was tabled in the Assembly, to motivate his/her Bill in the Council.
- (2) A Member may by motion without notice seek leave for a Minister to come and address any issue relating to the administration of his/her Ministry, or to answer any question relating thereto or any other pertinent issue.

- (3) Once the motion is carried, the Secretary shall prepare an invitation, with a copy of the motion annexed thereto, spelling out the reasons for the invitation, for the signature of the Chairperson/Presiding Member, directed to the relevant Minister specifying the date, time and place on which such Minister is required to come and address the Council, and if necessary to table an explanatory memorandum.

Rule 114

Stages of Bills

Notwithstanding the provisions of Rules 39 and 140 all stages of a Bill may be taken care of on the same sitting day, if the Council so resolves by a motion.

Rule 115

Distribution

When the Bill has been introduced in the Assembly, the Secretary shall furnish each Member with a printed copy thereof.

Rule 116

Bills referred to Committee after First Reading

After a Bill has been read a first time, such Bill may be referred to a Committee before it is read a second time.

Rule 117

Amendments to Second Reading

Motions may be made to amend the question for the second reading of a Bill:

- (1) to omit all or some of the word after "That" and substitute words which state some or other special reason against the second reading of the Bill.
- (2) to omit all the words after "That" and to substitute therefore "the Order for the second reading of the ... (with mention of the short title of the Bill)... be discharged and the subject of the Bill be referred for enquiry and report to a Committee". Provided that such an amendment may provide for the powers of enquiry and instructions to the Committee.

Rule 118

Bills referred to Committee after Second Reading

When a Bill has been read for a second time, it may, subject to Rule 39, either be ordered to be considered in Committee of the Whole Council on a day then named or be referred to some other Committee.

Rule 119

Motion that the Chairperson/Presiding Member leaves the chair

On the order of the day being read for the Council to go into Committee on a Bill, the question: "That the Chairperson/Presiding Member leave the chair" shall be decided without amendment or debate, unless an instruction is moved as provided in the next succeeding Rule, when debate, strictly confined to the matters or such instruction, shall be permitted.

Rule 120

Instructions

On the order to the day being read for the Council to go into Committee on a Bill, and at any time while the Bill is in Committee, an instruction to the Committee may, after notice, be moved.

Rule 121

Clause read in Committee

The Chairperson/Presiding Member of Committees upon seating him/herself at the table shall read the number of each clause in sequence. The title and the preamble, if any, shall be considered after the clauses and schedules, if any, have been disposed of.

Rule 122

Amendments in Committee

Amendments may be made to a clause or new clauses added, provided that they are relevant to the subject matter of the Bill, or pursuant to any instruction or be otherwise in conformity with the Standing Order of the Council, but if any amendment be adopted which is not within the title of the Bill, the Committee shall amend

the title accordingly and report it specially to the Council: Provided, however, that no clause or amendment may be moved which is in conflict with principles of the Bill as read a second time.

Rule 123

Correction of Bills

During the progress of a Bill, corrections of a verbal or formal nature, for example spelling errors or obvious grammatical or typographical errors, may at any time be made in the text of a Bill by the Secretary under the direction of the Chairperson/Presiding Member or Chairperson/Presiding Members of Committees. Textual and all other corrections shall be made by way of motion and be dealt with as any other amendments.

Rule 124

Principles not discussed in Committee

The principles of a Bill shall not be discussed in Committee, but only its details.

Rule 125

Bill may be recommitted to a Committee

A Bill, or any other matter which was previously referred to a Committee, may be recommitted to a Committee, as a whole or in part.

Rule 126

Time for handing in amendments for a placing on Order Paper

Members desiring to have proposed amendments to the Bill placed on the order paper must hand them to the Secretary no later than 16h00 on the day before that on which they are to so appear. Such amendments may be handed over to the Secretary later than 16h00, but must in that case be in the proper form. Although amendments may be handed to the Secretary at any time after the first reading of a Bill, they shall not be placed on the order paper until after the Bill to which they refer has been read a second time.

Rule 127

Progress may be reported

The Chairperson/Presiding Member of Committees may from time to time be directed to report progress and ask leave to sit again, and upon the order of the day for the Council to resume in Committee being read, the Chairperson/Presiding Member shall leave the chair without question put.

Rule 128

Report of Bill

At the close of the proceedings of a Committee of the Whole Council on a Bill the Chairperson/Presiding Member of Committees shall forthwith report the Bill with or without amendments to the Council, and if the Bill is reported with amendments, a time shall be fixed, subject to Rule 98, to consider the amendments, and it shall, if necessary in the opinion of the Chairperson/Presiding Member, be reprinted with all amendments thereto and a copy thereof furnished to every Member.

Rule 129

Amendments in Report Stage

Upon the report stage of any Bill no amendment of which notice has not been given may be proposed without the unanimous consent of all the Members present. Such consent, however, shall not be required in the case of consequential amendments or amendments to amendments.

Rule 130

Procedures in Committee

When a Bill has been reported without amendments, a day shall be appointed, subject to Rule 39, for the third reading thereof, but when a Bill has been reported with amendments and the amendments considered, it may forthwith be read a third time.

Rule 131

New Clauses imposing Penalties or Burdens

A clause containing any rates or penalties offered after the Bill has been reported shall be considered in Committee before it is

made part of the Bill and if any such clause proposes any increase of expenditure or taxation, the Bill shall be recommitted to the Committee or the Whole Council and the clauses be proposed in Committee on the Bill after the Rules in connection therewith have been complied with.

Rule 132

Amendments on Third Reading

No amendments not being merely verbal or an amendment to the title of a Bill shall be made to such Bill on the third reading, but it may be recommitted on motion made or the same amendments may be offered as on the second reading. After the third reading no further question shall be put and the Bill shall be deemed to have been passed by the Council.

Rule 133

Reading of Bills

On the order for the first, second and third readings of a Bill, the Secretary shall read only the Short Title thereof, unless the Council shall order that a part or the whole of such Bill be read.

Rule 134

Discovery of Clerical or Version Errors in a Bill

Upon the discovery of any clerical or version error in the text of a Bill after it has been sent by the Speaker to the Chairperson/Presiding Member, the Chairperson/Presiding Member shall report such error to the Council and it shall there upon be dealt with as any other amendment.

Rule 135

Bills passed by the National Council

Whenever a Bill has been passed by the Council the Chairperson/Presiding Member shall report thereon to the Speaker of the National Assembly.

Rule 136

Council goes into Committee

- (1) A Committee of the Whole Council is appointed by resolution "That the Council goes into Committee" on the matter to be referred to it.
- (2) When such resolution has been agreed to and a day has been fixed on which the Council shall resolve itself into Committee, the Chairperson/Presiding Member shall put the question when the order of the day is read "That I do now leave the chair", and if agreed to, he/she shall accordingly leave the chair.

Rule 137

Quorum of Committee of the Whole Council

The quorum in Committee of the Whole Council shall consist of the same number of Members who are required in a quorum of the Council (See Rule 23(1)).

Rule 138

No Quorum

If it appears after attention has been called thereto, or from the report of a division, that a quorum is not present, the Chairperson/Presiding Member of Committees shall, if after an interval of two minutes, during which period the bells shall be rung, a quorum be still not present, leave the chair, and the Chairperson/Presiding Member shall resume the chair.

Rule 139

Chairperson/Presiding Member reports that there is no Quorum

Upon the Chairperson/Presiding Member resuming the chair, the Chairperson/Presiding Member of Committees shall report that a quorum is not present, whereupon the Chairperson/Presiding Member shall, after the expiration of two minutes, the bells having been rung, count the Council, and if a quorum is still not present, he/she shall adjourn the Council without the question put till the

next sitting day, and the hour of adjournment shall be entered in the minutes; but if a quorum is present, the Council shall again resolve itself into Committee.

Rule 140

Procedure in Committee of Whole Council

The Rules on procedures in the Committee of the Whole Council are those which apply in the Council, except that a motion need not be seconded.

Rule 141

Questions to be determined by majority of votes of Members

Unless otherwise provided for in the Constitution all questions in Committee of the Whole Council shall be determined by a majority of votes of Members, other than the Chairperson/Presiding Member of Committee who shall, however, have a casting vote which shall be exercised at an equality of votes.

Rule 142

Committee may only consider such Motions as are referred

A Committee shall consider such matters only as referred to it by the Council.

Rule 143

Restrictions on Amendments

No new clause or amendments shall be allowed which is substantially the same as one already negatived by the Committee, or which is inconsistent with one that has already agreed to by the Committee, unless a recommittal has taken place.

Rule 144

Proposals to report progress

During the proceedings of a Committee a motion may be made: "That the Chairperson/Presiding Member of the Committee of

the Whole Council reports progress and asks leave to sit again”, or “That the Chairperson/Presiding Member of Committee of the Whole Council leaves the chair”.

- (1) If a motion “That the Chairperson/Presiding Member of Committee of the Whole Council reports progress and asks leave to sit again, be agreed to, the Chairperson/Presiding Member of Committee of the Whole Council shall report accordingly to the Chairperson/Presiding Member and thereupon, in terms of Rule 39, a day shall be fixed on which the Committee shall resume. When the order for the resumption shall forthwith leave the chair without putting the question.
- (2) If a motion “That the Chairperson/Presiding Member of Committee of the Whole Council leaves the chair” be agreed to, the Chairperson/Presiding Member resumes the chair and the matter referred to the Committee shall lapse.

Rule 145

Report

After consideration of all the matters which have been referred to a Committee of the Whole Council, the Chairperson/Presiding Member of Committees shall be directed to report thereon to the Council, and when he/she has made the report, a day, in terms, of Rule 39, shall be fixed for the consideration thereof.

Rule 146

Disorder: Chairperson/Presiding Member resumes the Chair

If any disorder arises in the Committee of the Whole Council, the Chairperson/Presiding Member shall resume the chair without the question put.

PART III

Rule 147

PROCEDURE FOR RECOMMENDING LEGISLATION ON MATTERS OF REGIONAL CONCERN FOR SUBMISSION TO AND CONSIDERATION BY THE NATIONAL ASSEMBLY

- (1) A legislative proposal on matters of regional concern, which a Member wishes the Council to recommend for submission to and for consideration by the National Assembly, in terms of Article 74(1) of the Constitution, shall be drafted in a Bill form.
- (2) A Member in charge of the Bill referred to in Sub-Rule (1) shall submit such Bill, together with a memorandum thereon, setting out its objects, accompanied by any other supportive material, as may be necessary, to the Chairperson/Presiding Member of the Council.
- (3) The Chairperson/Presiding Member of the Council shall refer the Bill, the memorandum and any other material submitted therewith, to the Standing Committee on Security, Constitutional and Legal Affairs, or to any other Committee as it may deem proper, which shall consider the Bill and propose to the Chairperson/Presiding Member of the Council that the Bill be proceeded with or not proceeded with.
- (4) If the Committee to which the Chairperson/Presiding Member of the Council referred the Bill, proposes to the Chairperson/Presiding Member of the Council that the Bill be proceeded with, the Chairperson/Presiding Member of the Council shall so inform the Member in charge of the Bill.
- (5) The Member in charge shall introduce the Bill in the Council by giving notice of a motion for leave to introduce the Bill, and shall forthwith lay a copy thereof, together with any annexure, on the Table and the Bill shall then be read a first time.
- (6) The Member in charge of the Bill or any Member acting on behalf of the Member in charge of the Bill, shall open the second reading debate by introducing the Bill to the House.

- (7) On conclusion of the debate the Member in charge of the Bill shall reply to questions and concerns raised by other Members during the debate. After his/her reply the Bill shall be read a second time and the provisions of the Rules regarding to the stages of the Bill shall apply.
- (8) Where the Committee to which the Bill has been referred by the Chairperson/Presiding Member of the Council, in terms of Sub-Rule (3) proposes that the Bill be not proceeded with, the Chairperson/Presiding Member of the Council shall so inform the Member in charge of the Bill and furnish reasons in support of the decision. If the Member is not satisfied with the reasons given, such Member may nonetheless, by motion, introduce the Bill in the Council and the provisions of these Rules shall be followed.
- (9) If a Bill introduced is eventually passed by the Council, the Chairperson/Presiding Member of the Council shall refer the Bill to the Speaker of the National Assembly as recommended by legislation on matters of regional concern for submission to and consideration by the National Assembly.
- (10) When a Bill has been introduced in terms of this Rule, the Chairperson/Presiding Member of the Council shall send a copy of the Bill and annexures to the Governor of each Region, for information.

CHAPTER XI
PART I
ESTABLISHMENT OF STANDING COMMITTEES AND
SELECT COMMITTEES

Rule 148

Standing Committees of the Council

In addition to the Committee of the Whole Council, the following Standing Committees shall be established:

- (1) Committee on the Standing Rules and Orders;
- (2) Steering Committee;
- (3) Committee of Privileges of members of the National Council;
- (4) Committee on Public Accounts and Economy;
- (5) Committee on Security, Constitutional and Legal Affairs;
- (6) Committee on Urban and Rural Development;
- (7) Committee on Gender, Youth and Information Communication Technology;
- (8) Committee on Habitat;
- (9) Committee on Audit; and
- (10) National Council Women Caucus.

Rule 149

**Committees chaired by the Chairperson/Presiding Member
of the Council**

The following Standing Committees shall be chaired by the Chairperson/Presiding Member of the Council:

- (1) Committee on the Standing Rules and Orders;
- (2) Committee of Privileges of Members of the National Council;
- (3) Steering Committee; and
- (4) The Council Component to the Joint-Budget Committee of Parliament.

Rule 150

Composition of the Committee on Standing Rules and Orders

The Committee on Standing Rules and Orders shall consist of-

- (1) The Chairperson/Presiding Member of the Council;
- (2) The Vice-Chairperson;
- (3) Whips;
- (4) All Chairpersons/Presiding Members of Standing Committees of the Council; and
- (5) Any other Member to be appointed by the Committee on Standing Rules and Orders.

Rule 151

Composition of Steering Committee

The Steering Committee shall consist of:

- (1) Chairperson/Presiding Member of the Council;
- (2) Vice-Chairperson of the Council; and
- (3) Whips.

Rule 152

Composition of Committee on Privileges of Members of the National Council

- (1) The Committee on Privileges of Members of the National Council shall consist of:
 - (a) Chairperson/Presiding Member of the Council;
 - (b) Vice-Chairperson of the Council;
 - (c) Whips; and
 - (d) Any other Member appointed by the Committee on Standing Rules and Orders.
- (2) The Council may, by resolution, at any time remove a person, other than the Chairperson of the Council, as a member of the Committee of Privileges in accordance with Section 8(2) (b) of the Powers, Privileges and Immunities of Parliament Act No 17 of 1996.

PART II
FUNCTIONS OF STANDING COMMITTEES

Rule 153

Committee on Standing Rules and Orders

Functions:

- (1) to draft and codify the Standing Rules and Orders relating to the procedure of the Council as well as the Joint-Rules which shall be observed in the Council and all its Committees;
- (2) it shall review and consider from time to time and report to the Council any proposal for amendment of these Rules;
- (3) to assign any Committee to look into specific issues and submit a report thereon with recommendation, for submission to the Council for consideration;
- (4) to formulate policies and guidelines for the internal matters of the Council; and
- (5) to perform any other functions as may be referred to it by the Council.

Rule 154

Steering Committee

Functions:

- (1) to receive the draft annual budget of the National Council for scrutiny and input and submit it to the Council for approval;
- (2) to draft and formulate policy directives for submission to and consideration by the Council;
- (3) to draft the working programme of Council;
- (4) to initiate policies on the administrative affairs of the Council subject to relevant laws and regulations; and
- (5) to draft the annual business calendar of the Council;
- (6) to appoint Members to the Council's Standing/Select Committees;
- (7) to perform any other functions as may be referred to it by the Council.

Rule 155

Committee on Public Accounts and Economy

Functions:

- (1) Shall examine annual reports of the Auditor-General, as may be referred to the Council by the National Assembly in terms of the provisions of the Constitution, and advise the Council thereto;
- (2) to scrutinise the government's financial proposals and fiscal policies and advise the Council thereon;
- (3) to examine incidents of financial mismanagement in the public sector and advise the Council thereon;
- (4) to deal with questions falling within the ambit of Ministries and Authorities concerned with Trade and Industry, Fisheries and Marine Resources, Mines and Energy, Economic Affairs, Finance and Environment and Tourism; and
- (5) to perform any other functions as may be referred to it by the Council.

Rule 156

Committee on Security, Constitutional and Legal Affairs

Functions:

- (1) to deal with matters concerning constitutional, legal, judicial and legislative procedural affairs;
- (2) to review international and regional cooperation with regards to trade, tourism, peace and security and advise the Council thereon;
- (3) to review Namibia's foreign policy and make its recommendations to the Council;
- (4) to review and monitor the defence and security policies and requirements and advise the Council thereon;
- (5) to deal with questions or matters falling within the ambit of Ministries and Organs concerned with constitutional and legal affairs; such as the Ministry of Justice, Office of the Attorney-General, Ombudsman, Courts of Law, the Legal Profession, Judicial Service Commission, Law Reform and

Development Commission; Magistrates Commission; Ministry of International Relations and Cooperation, Ministry of Safety and Security, Ministry of Veteran Affairs and Defence matters etc.; and

- (6) to make suggestions on constitutional amendments;
- (7) to monitor the implementation of the decentralisation process;
- (8) to monitor budget implementation of Offices, Ministries and Agencies falling within the Committee's ambit; and
- (9) to perform any other functions as may be referred to by the Council.

Rule 157

Committee on Urban and Rural Development

Functions:

- (1) to scrutinise regional development policies and advise the Council thereon;
- (2) to scrutinise legislation on Regional and Local Authorities and advise the Council on such matters as the Committee deems necessary;
- (3) to study regional reports and monitor the implementation of the recommendations made by the Council;
- (4) to liaise with bodies representing the interests of Regional Councils and Local Authorities (for example, the Association of Regional Councils. (ARC) and the Association of Local Authorities in Namibia (ALAN));
- (5) to deal with questions falling within the ambit of Ministries and Organs concerned with the National Planning Commission, Public Service Commission; Works and Transport; Unemployment and Labour relations; Agriculture, Water and Forestry; Urban and Rural Development;
- (6) to monitor the implementation of the decentralisation process;
- (7) to monitor budget implementation of Offices, Ministries and Agencies falling within the Committee's ambit; and
- (8) to perform any other functions as may be referred to it by the Council.

Rule 158

Committee on Gender, Youth and Information Communication and Technology.

Functions:

- (1) to scrutinise and report to Council on matters and questions falling within the ambit of Ministries, Organs, all State-Owned Enterprises, and private sector concerning: Gender Equality and Child Welfare; Information Communication and Technology, Youth, National Service, Sport and Culture; Education, Training and Employment Equity Commission;
- (2) to promote gender balance in regard to matters standing for consideration in the National Council;
- (3) to scrutinize and review the implication of Bills and Acts that discriminates and negatively impact on the lives of the Youth, Women, Children and information sharing;
- (4) to advice Council on programmes reached at National, Regional and International level on HIV/AIDS prevention and care programmes, teenage pregnancies, poverty, unemployment reduction strategies, alcohol and drugs abuse, orphans, vulnerable children, gender equality, children's rights and information sharing;
- (5) to address gender and youth issues and promote gender equality, to improve status of youth and women in Namibia;
- (6) to liaise with bodies, Ministries and institutions representing the interests of the youth, gender, information and advise the Council on such matters;
- (7) to monitor the implementation of the decentralization process;
- (8) to monitor budget implementation of offices, Ministries and Agencies falling within the Committee's ambit;
- (9) to ensure gender sensitive budgeting, perform gender audits and observe the media for gender related matters; and
- (10) to perform any other functions, duties, and tasks as may be referred to it by the Council.

Rule 159

Committee on Habitat

Functions:

- (1) to encourage the government, private institutions, non-governmental organizations and other stakeholders in the housing-delivery process, to promote the implementation of the recommendations and proposals made in the Declaration of Principles and Commitments of the Global Forum of Parliamentarians on Habitat, as well as those of the Istanbul Declaration on Human Settlements;
- (2) to establish networks for the exchange of information with the Ministry of Urban and Rural Development, the National Habitat Committee of Namibia, and all stakeholders in the housing delivery sectors in Namibia, on the one hand, and the Global Forum of Parliamentarians on Habitat, the Regional Council for Africa (RCA) of the Global Forum of Parliamentarians on Habitat and other parliamentary committees on Habitat, on the other hand, with a view to implement the Habitat Agenda;
- (3) to promote legislation for sustainable human settlements, safe environment, potable water and good sewerage systems and encourage provision for adequate shelter for all;
- (4) to hold public consultations, seminars and workshops in which governmental authorities, private institutions, parliamentarians etc. may participate, to know and analyse the problems and needs of sustainable human settlements, urban development, housing, environmental protection etc., in order to gather proposals and consensus for their solution;
- (5) to deal with questions or matters falling within the ambit of ministries and organs concerned with sustainable human settlements, urban development, housing, environmental protection etc.; such as the Ministry of Health and Social Services; Land Reform;
- (6) to monitor budget implementation of Offices, Ministries and Agencies falling within the Committee's ambit; and
- (7) to perform any other functions as may be referred to it by the Council".

Rule 160

Women Caucus

Functions:

- a) to scrutinize and report to the Council on matters falling within the ambit of Ministries, Agencies, Organs, all State-Owned Enterprises and the private sector concerning the advancement of the agenda of women development;
- b) to scrutinize and review the implication of Bills and Acts of Parliament that discriminate and negatively impact on the lives of women;
- c) to undertake awareness campaigns and encourage information dissemination on matters related to women;
- d) to lobby and advocate for more women representation in decision-making bodies;
- e) to encourage the participation of women in political, economic and social spheres at regional, national and international level;
- f) to liaise with bodies, Ministries and Institutions representing the interests of women;
- g) to promote the exchange of experiences and contribute to the defence of human rights especially those of young girls, children and women;
- h) to interact with communities concerning Acts of Parliament which directly affect the lives of women and children;
- i) to perform any other functions as may be referred to it by the Council.

Rule 161

Audit – to monitor and evaluate the performance of the Standing Committees and implementation of the Strategic Plan of the Council

Functions:

- a) to scrutinize and report to the Council on the work of any Standing Committee or any other body as may be determined by the Council;

- b) to encourage Standing Committees to submit reports on their work in the Council at determined intervals;
- c) to review the work of the Standing Committees quarterly;
- d) to advise and hold Standing Committees generally accountable on the performance of their work;
- e) to monitor the implementation of the National Council Strategic Plan on a quarterly basis; and
- f) to perform any other functions as may be referred to it by the Council.

Powers:

- (a) to summon Chairpersons/Presiding Members of the Standing Committees to appear before the Committee on the performance of the Standing Committees;
- (b) to investigate on the implementation of the recommendations of reports of the Standing Committees as tabled in the House; and
- (c) to summon the Secretariat to appear before the Committee on the implementation of the Strategic Plan of the Council and on any other matter relevant to the Council.

Rule 162

Committee on Privileges of Members of the National Council

Functions:

- (1) to issue directives, subject to the provisions of section 12(a) of the Powers, Privileges and Immunities of Parliament Act (Act 17 of 1996), providing for disclosure by Members of their financial or business interests and determine the form and frequency in which such particulars shall be provided and submit them to the Council for approval;
- (2) oversee the moral and ethical conduct of Members;
- (3) to investigate –
 - (a) any matter relating to the conduct of any Member within the precincts of Parliament either *suo motu* or on receiving specific request;

- (b) any alleged breach by any Member of the Standing Rules and Orders, Council Code of Conduct, any resolution of the Council or any matter prescribed by Act of Parliament and the Namibian Constitution;
- (c) any matter relating to an alleged breach by a Member of his or her duty, in terms of Section 22 of the Powers, Privileges and Immunities of Parliament Act (Act 17 of 1996), to disclose an interest as contemplated in that section, and report its findings and recommend to the Council the appropriate measures to be taken;
- (4) to exercise its powers and perform its functions as outlined under the Powers, Privileges and Immunities of Parliament Act, (Act 17 of 1996);
- (5) to review the remuneration, entitlements and conditions of service of the Members of the Council and make recommendations to the Council; and
- (6) to perform any other functions as may be referred to it by the Council.

Rule 163

Powers of Committee of Privileges in regard to its investigatory functions

Functions:

The Committee of Privileges:

- (1) shall notify the Member against whom the allegation is made in writing of such allegation and such notification shall be accompanied by:
 - (a) full particulars of the complaint against the Member; and
 - (b) a direction calling upon the member to deliver, within 7 days from the date of receipt of the notification, a written admission or denial of the complaint and, if the member so wishes, a written explanation of events pertaining to the complaint.

- (2) Upon receipt of the written response from the Member, the Chairperson of the committee, in consultation with the other members of the committee, must –
 - (a) fix the time and place of the inquiry; and
 - (b) give the Member not less than 3 days' notice in writing of the time and place fixed for the inquiry.
- (3) At the inquiry the Member has the right –
 - (a) to be present and to be heard;
 - (b) to be represented by another person;
 - (c) to cross-examine any person called as a witness in support of the complaint;
 - (d) to examine any documents produced in evidence; and
 - (e) to give evidence and to call other persons as witnesses.
- (4) The failure of the Member to be present at the inquiry does not invalidate the proceedings of the inquiry.
- (5) At the conclusion of an inquiry the Committee must make its findings and recommendations and table such findings and recommendations for debate before the Council within 7 days after the commencement of its next ordinary session.
- (6) The powers set out in this Rule may be exercised by any committee other than the Committee of Privileges, which has been authorised by the Council to conduct investigations contemplated under this Rule;

Rule 164

Member to withdraw while his/her conduct is debated.

- (1) If a charge is made against a Member, that Member must be given the opportunity to be heard.
- (2) A Member whose case is being considered shall, after having been heard from his/her place, withdraw from the Chamber, while his/her conduct is being debated.

- (3) After consideration of such a Member's conduct, he/she shall later be called in to be informed of the decision of the Council.
- (4) Hearing to be done in camera.

Rule 165

Powers of the Council in respect of the report and recommendations by Committee of Privileges or any other Committee

- (1) After considering the report and the recommendations of the Committee of Privileges, or any other Committee, the Council may:
 - (a) confirm or alter the recommendation;
 - (b) refer the matter back to the Committee of Privileges or the relevant Committee, as the case may be, to carry out further investigations, or to deal with it in the manner as the Council may direct; and
 - (c) take any disciplinary action as it may deem appropriate.
- (2) The Council shall have power to impose one or more of the following penalties:
 - (a) Reprimand;
 - (b) A fine not exceeding the value of 30 days salary or twice the value of the unethically derived benefit, whichever is the greater;
 - (c) Forfeiture of allowances, as may be specified by the Council, for a period not exceeding 12 months;
 - (d) Suspension from the Council for a period not exceeding 12 months, a Member so suspended from the Council shall withdraw from the precincts of Parliament for the duration of his or her suspension;
 - (e) Forfeiture of allowances or payment of fines shall be recovered by the Secretary and paid into the State Revenue Fund.

Rule 166

Appointment of Members of Standing Committees

The Steering Committee shall appoint Members to the Councils' Standing Committees who shall serve on such Committee.

Rule 167

Minimum number required for establishment of a Standing Committee

Save where it is otherwise provided, a Standing Committee shall consist of not less than five Members.

Rule 168

Members of Standing Committees announced by Chairperson/Presiding Member

The names of the Members appointed to serve on a Standing Committee shall be announced by the Chairperson/Presiding Member of the Council.

Rule 169

First Meeting

The first meeting of a Committee shall be convened by the Secretary.

Rule 170

Chairperson/Presiding Member and Vice-Chairperson

- (1) A Chairperson/Presiding Member of a Standing Committee shall be elected by the Members of the Committee.
- (2) The Members of a Standing Committee shall elect one of their number to be Vice-Chairperson of that Committee.
- (3) Notwithstanding the provisions of Sub-Rules (1) and (2), the Standing Committee on Public Accounts and Economy shall be chaired by a Member who does not belong to the party which controls the Executive branch of Government.

Rule 171

Select Committees of the Council

- (1) The Council may by resolution establish Select Committees to perform any specific task.
- (2) The resolution establishing a Select Committee shall specify the time frame for the completion of the task for which the Committee was established.
- (3) A Select Committee ceases to exist when it has completed the task for which it was established or if it is dissolved by the Council earlier.

CHAPTER XII
GENERAL MATTERS CONCERNING COMMITTEES

Rule 172

Powers of Committees

A Committee of the Council shall have:

- (1) the power to appoint Sub-Committees from amongst its Members subject to the directives of the Chairperson/Presiding Member of the Council;
- (2) the power to subpoena any person to attend before it and to give evidence or to produce any document or thing in the possession or custody or under the control of such person; and
- (3) any further powers given to it by the Council or the Standing Orders.

Rule 173

Committee Reports

- (1) The Committee to which a Bill, or any other matter, has been referred shall present to the Council its findings, conclusions and recommendations.
- (2) The report shall be laid on the table.
- (3) In its report to the Council, the Committee –
 - (a) shall specify each amendment, or any other matter, which was agreed to by it, and every amendment or any other matter which was considered and rejected by it;
 - (b) shall, if the report was not unanimous, specify in which respect there was no consensus, and the reason for rejecting the minority view;
 - (c) may specify such details or information about its enquiry as it may consider necessary for the purpose of discussion in the Council.
- (4) The Chairperson/Presiding Member or any Member of the Committee who presents the report may address the Council to explain the contents of the report.

Rule 174

Co-ordination of activities of Committees

The Chairperson/Presiding Member of the Committee of the Whole Council shall co-ordinate the activities of all Committees, except the Committees that are chaired by the Chairperson/Presiding Member. Chairpersons/Presiding Members of all Committees shall, in the exercise of their functions, act in consultation with the Chairperson/Presiding Member of the Committee of the Whole Council.

Rule 175

Representation in Committees

- (1) In appointing Members to a Committee, it shall be ensured as far as possible that each political party represented in the Council, is represented in the Committee in the same proportion that the party is represented in the Council.
- (2) Notwithstanding the provisions of Sub-Rule (1), it shall be ensured that there is a gender balance.

Rule 176

Joint Committees

- (1) Whenever it is deemed necessary, after consultation between the Chairperson/Presiding Member of the Council and the Speaker of the Assembly that a Committee of the Council and a Committee of the Assembly meet together to consider a specified Bill or any matter, the two Committees shall form a Joint Committee.
- (2) Rules relating to the composition, procedure and other matters pertaining to Joint Committees or any joint business of Parliament shall be worked out by agreement between the two Houses.

Rule 177

Deputy Minister not to serve in Committees

Except where provided otherwise in these Standing Rules and Orders or in any resolution of the Council, Deputy Ministers may only serve in the Privileges Committee, National Council Women

Caucus, Committee on the Standing Rules and Orders and the Committee of the Whole Council.

Rule 178

Quorum of Standing/Select Committees

- (1) The majority of the Members of a Select/Standing Committee, other than the Chairperson/Presiding Member, shall form a quorum for a meeting of the Committee.
- (2) If a quorum is not present within 15 minutes after the time set, the Clerk attending the Select/Standing Committee shall report the circumstances to the Chairperson/Presiding Member who shall again convene a meeting.
- (3) If at any time during a sitting of a Select/Standing Committee a quorum of Members is not present, the Chairperson/Presiding Member shall either suspend business until a quorum is present, or adjourn the Committee until a later time.

Rule 179

Committees' meeting times

A Committee of the Council shall sit at the time determined by the Chairperson/Presiding Member of the said Committee.

Rule 180

Casting vote of Chairperson/Presiding Member

The Chairperson/Presiding Member or Acting Chairperson/Presiding Member of a Select/Standing Committee shall only have and may exercise a casting vote in the event of an equality of votes.

Rule 181

Publication of Proceedings

The proceedings of, or evidence taken by, or a summary of such proceedings, evidence or report, shall not be published or divulged before the report of such Committee has been laid before the Council: Provided that evidence which a Select/Standing Committee has resolved shall not be made public, published or divulged except by order of the Council.

Rule 182

Report presented

The report of a Select/Standing Committee shall be presented to the Council by the Chairperson/Presiding Member or another Member of the Committee.

Rule 183

Minority Report

A Select/Standing Committee is not competent to present a minority report.

Rule 184

Committees Sittings during the Sittings of Council

A Select/Standing Committee may, with the majority concurrence of all the Members present, resolve to sit during the sittings of the Council.

Rule 185

Sessions when Council adjourned

A Select/Standing Committee may, with the majority concurrence of all its Members, sit on days over which the Council is adjourned.

Rule 186

Strangers

- (1) No persons other than Members of the Council shall, except with the concurrence of a Select/Standing Committee, be present during any of the proceedings of such Committee.
- (2) All persons other than Members of the Committee shall withdraw when the Chairperson/Presiding Member requests them to do so.

CHAPTER XIII
PART I
THE COUNCIL AND REGIONS

Rule 187

Interaction between the Council and Regions

The Council shall, in consultation with the Regional Councils, issue directives providing for an effective system of interaction between itself and the Regional Councils.

Rule 188

Submission of Regional reports

- (1) Regional Reports shall be submitted to the House on a date not more than 90 days after the commencement of each annual session by either of the Members from each Region.
- (2) Either of the Members from each Region shall table the report by notice of motion.
- (3) On the proposed date for bringing such motion, the Member in question moves such report, explaining the contents of the report.
- (4) The House may -
 - (a) refer the report to the Standing Committee of Urban and Rural Development, if deemed necessary for advice;
 - (b) consider the report;
 - (c) require a Member tabling the report for more information; or
 - (d) take note of the report.
- (5) In its report, a Region shall state its -
 - (a) achievements and failures;
 - (b) future and past activities;
 - (c) challenges;
 - (d) recommendations; and
 - (e) any other matter incidental thereto.

Rule 189

Resolutions affecting the Executive

Resolutions of the Council affecting the Executive Branch of the State shall be communicated to the Minister or head of the executive organ concerned, by the Chairperson/Presiding Member of the Council.

PART II
SECRETARY AND OTHER OFFICERS

Rule 190

Secretary and other Officers

Subject to the provisions of the laws pertaining to the public service and the directives of the National Council, the Chairperson/Presiding Member shall appoint a person, or designate a person in the public service made available for that purpose, as the Secretary of the National Council.

Rule 191

General duties of Secretary

The Secretary shall be the administrative head and the Accounting Officer of the National Council, and shall, subject to the laws governing the control of public monies, perform his or her functions and duties under the control of the Chairperson/Presiding Member.

The Secretary shall be responsible for:

- (a) the regulation of all matters connected or incidental to the business of the Council, subject to the direction of the Chairperson/Presiding Member of the Council;
- (b) the performance of the functions and duties assigned to him or her by the Standing Rules and Orders or by the Chairperson/Presiding Member;

The Secretary shall be assisted by officers of the Council made available for that purpose, to perform functions vested in the Council in terms of these Rules.

Rule 192

Minutes of Proceedings

The minutes of the proceedings of the Council shall be recorded in the minutes of proceedings by the Secretary and shall, after being perused by the Chairperson/Presiding Member, be supplied to Members.

Rule 193

Custody of records and documents

- (1) The Secretary shall have custody of all the records and other documents belonging to the Council, and shall neither take nor permit to be taken any such record or other documents from the Chamber or offices of the Council without the express leave of the Council.

- (2) Records and documents are open to all Council Members and to all Members of the public, but if the Council has ordered that the content of any record may not be made public, or if it is marked confidential, neither the record nor its contents may be divulged to anyone except Members.

Rule 194

Application of Rules

Save where otherwise provided in these Rules, the provisions in respect of the Council set out in the Constitution shall be applicable.

SCHEDULES

FIRST SCHEDULE (See Rule 22)

The Prayer

Almighty God, who by Thy omnipotence and omnipresence sustains and directs human destiny, and institutes governments of men and women; we praise and thank Thee for this beautiful land, Namibia. Let Thy abundant blessing and wisdom, therefore, descend upon us here in this National Council; and, grant that we may humbly and responsibly deliberate on all matters entrusted to us for the upliftment and welfare of the citizens of this country. We ask all these in the name of our Lord and Liberator, Jesus Christ.

AMEN

SECOND SCHEDULE

(See Rule 13 and Schedule 3 of the Constitution).

Oath/Affirmation of Members of the National Council.

"I _____ do hereby swear/solemnly affirm that I will be faithful to the Republic of Namibia and its people and I solemnly promise to uphold and defend the Constitution and laws of the Republic of Namibia to the best of my ability.

(in the case of an oath)

"So help me God"

