

NATIONAL COUNCIL STANDING RULES AND ORDERS
March 2021

TABLE OF CONTENTS

	PAGE
CHAPTER I - SHORT TITLE AND DEFINITIONS	14
Rule 1 Short title and commencement	14
Rule 2 Definitions	14
 CHAPTER II – PRELIMINARY PROVISIONS	 22
Rule 3 No implied limitations	22
Rule 4 President and Members of the Assembly	22
Rule 5 Suspension of the Standing Rules and Orders	23
Rule 6 Amendments	23
Rule 7 Interpretation of the Standing Rules and Orders	23
Rule 8 Unforeseen matters and residuary powers	24
Rule 9 Admission of the public	24
Rule 10 Public participation	25
Rule 11 Removal of persons	26
Rule 12 Address by President, visiting Head of State, or any other Speaker Chairperson	27
 CHAPTER III – MEETING OF A NEW COUNCIL	 28
Rule 13 Oath or Affirmation	28
Rule 14 Election of the Chairperson	28
Rule 15 Election of the Vice-Chairperson	30
Rule 16 Functions of the Vice-Chairperson	31

Rule 17	Election of the First and Second Vice-Chairpersons of the Committee of the Whole Council	31
Rule 18	Vacation of Office of Chairperson and Vice-Chairperson	32
Rule 19	Resignation of Chairperson and Vice-Chairperson	32
Rule 20	Vacation of seats	33
Rule 21	Chief Whip/Whips of Political Parties/Independent Member(s) and their Functions	34

CHAPTER IV – PROCEEDINGS IN CONNECTION WITH COMMENCEMENT OF SESSION

36

Rule 22	Conduct of business and proceedings	36
Rule 23	Opportunity for prayer or meditation	36
Rule 24	Quorum	37
Rule 25	Commencement and termination dates of sessions of the Council	38
Rule 26	Special sessions of the Council	38
Rule 27	Sitting days and hours of sitting	39
Rule 28	If Council not meeting on set day	39
Rule 29	Venue	39
Rule 30	Interruption and automatic adjournments	40
Rule 31	Proposal that proceedings not be interrupted	41
Rule 32	Adjournments for matters of public importance	42
Rule 33	Adjournment on resolution	44
Rule 34	Limitation on deferred proposals	45
Rule 35	Rights of Mover and Seconder after the adjournment of the debate	45

Rule 36	Order at adjournment	46
Rule 37	Members' absence from Council's proceedings and Committee Meetings	46

CHAPTER V – ROUTINE AND ORDER PAPER 48

Rule 38	Routine and Order Paper	48
Rule 39	Business of the Council	48
Rule 40	Time for consideration of Orders of the day	50
Rule 41	Arrangement of Order Paper	50
Rule 42	Power of Chairperson/Presiding Member regarding the Order Paper	50
Rule 43	Business undisposed off	51

CHAPTER VI – PETITIONS AND STATEMENTS 52

PART 1 – PETITIONS 52

Rule 44	Language of petitions	52
Rule 45	Requirements of petitions	52
Rule 46	Lodging of petitions	53
Rule 47	Tabling of petitions	53
Rule 48	Referral of petitions to Standing/Select Committees	54
Rule 49	Powers of Standing/Select Committees	54
Rule 50	Feedback on Petitions	54

PART II – STATEMENTS 55

Rule 51	Statements by Members	55
Rule 52	Maiden speech	55

CHAPTER VII – MOTIONS 57

Rule 53	Notice of motion	57
Rule 54	Procedure for giving notice	58
Rule 55	Amendment of notices	59
Rule 56	Acting for absent Member	59
Rule 57	Preferential treatment for the motion of privilege	59
Rule 58	Motions to be seconded	60
Rule 59	Limitation regarding the tabling of motions and amendments	60
Rule 60	Withdrawal of motion	60
Rule 61	Motion to amend Standing Rules and Orders	61
Rule 62	Lapsing of motions	61

CHAPTER VIII – ORDER IN THE COUNCIL AND RULES OF DEBATE 62

PART I – ORDER IN PROCEEDINGS 62

Rule 63	Dress code	62
Rule 64	Conduct of Members in Council	63
Rule 65	Movement in Chamber	63
Rule 66	Prohibition of disruptive behaviour in the Chamber	64
Rule 67	Possession of weapons	65

Rule 68	Interruption of debate	65
Rule 69	Precedence of Chairperson/Presiding Member	66
Rule 70	Ensuring orderly conduct in the Council	66
Rule 71	Withdrawal of a Member from the Council Chamber	66
Rule 72	Powers of Chairperson/Presiding Member to suspend sitting	67
Rule 73	Ruling of the Chairperson/Presiding Member subject to appeal, except by substantive motion	68
Rule 74	Revision of the ruling(s) made by the Chairperson/Presiding Member	68

PART II – RULES OF DEBATE SPEECHES AND TIME LIMITS 69

Rule 75	Freedom of speech	69
Rule 76	Members to rise when addressing the Chairperson	70
Rule 77	Calling on Members to speak	70
Rule 78	Right of Members to speak	70
Rule 79	Prohibition of the Chairperson/Presiding Member to participate in debates	71
Rule 80	Limitation of a Member to speak	71
Rule 81	Time limits and number of speeches	72
Rule 82	The limits for leave to introduce a Bill	73
Rule 83	Reserve speech	73
Rule 84	Amendments to motions to be in writing	73
Rule 85	Restrictions to amendments	74
Rule 86	Debate ceases when questions are fully put	74
Rule 87	Matters pending before Court	74
Rule 88	Rule of anticipation	74

Rule 89	Reflection upon previous Council decisions	75
Rule 90	Using the name of the President, Acting President, or a former President	75
Rule 91	Offensive and unbecoming language	76
Rule 92	Official reference to Members	76
Rule 93	Explanations by Members	76
Rule 94	Point of order	77
Rule 95	Closing of debate	78

CHAPTER IX – DIVISION: QUESTIONS TO BE DETERMINED BY MAJORITY OF VOTES BY MEMBERS 79

Rule 96	Voting by Members	79
Rule 97	Demand for division	80
Rule 98	Division bells rung and time for locking the doors	80
Rule 99	Procedure after doors are locked	81
Rule 100	Point of order during division	82
Rule 101	Confusion or mistake in connection with division	82
Rule 102	Correction of Minutes	82
Rule 103	Recording of opposition	83

CHAPTER X – BILLS

PART I – MONEY BILLS (BILLS DEALING WITH LEVYING OF TAXES OR APPROPRIATION OF PUBLIC MONIES) 84

Rule 104	Limitation of debate on Appropriation Bills	84
----------	---	----

Rule 105	Number of speeches and time limits when discussing votes	84
Rule 106	Procedures in Committee of the Whole Council	85
Rule 107	Estimates of expenditure referred to Committee of the Whole Council	85

PART II – PUBLIC BILLS (ALL OTHER BILLS) 86

Rule 108	Introduction of Bills	86
Rule 109	Motivation and briefing on Bills	86
Rule 110	Ministerial accountability to the Council	87
Rule 111	Stages of Bills	88
Rule 112	Distribution of Bills	88
Rule 113	Bills referred to a Committee after First Reading	88
Rule 114	Bills referred to Committee before Second Reading	89
Rule 115	Bills referred to Committee after Second Reading	89
Rule 116	Motion that the Chairperson/Presiding Member leaves the chair	90
Rule 117	Instruction(s) to Committee of the Whole Council	90
Rule 118	Clause read in Committee of the Whole Council	90
Rule 119	Amendments in Committee of the Whole Council	91
Rule 120	Correction of Bills	91
Rule 121	Principles not discussed in Committee of the Whole Council	92
Rule 122	A Bill or any other matter may be recommitted to a Committee or Second Reading	92
Rule 123	Time for submission of amendments for placing on the Order Paper	92
Rule 124	Reporting progress	93
Rule 125	Report on the Bill at the close of proceedings of Committee of the	

	Whole Council	93
Rule 126	Amendments during Committee stage	93
Rule 127	Procedures in Committee of the Whole Council	94
Rule 128	Amendments on Third Reading	94
Rule 129	Reading of Bills	94
Rule 130	Bills passed by the Council	95
Rule 131	Council goes into Committee of the Whole Council	95
Rule 132	Quorum of Committee of the Whole Council	95
Rule 133	No quorum	96
Rule 134	Chairperson/Presiding Member reports that there is no quorum	96
Rule 135	Procedure in Committee of the Whole Council	97
Rule 136	Questions to be determined by majority of votes of Members	97
Rule 137	Committee may only consider such Motions as are referred	97
Rule 138	Restrictions on amendments	98
Rule 139	Motion to report progress during the Committee of the Whole Council	98
Rule 140	Disorder: Chairperson/Presiding Member resumes the chair	99
PART III		100
Rule 141	Procedures for recommending legislation of matters of regional concern for submission to and consideration by the Assembly	100

CHAPTER XI

103

PART I - ESTABLISHMENT OF STANDING COMMITTEES AND SELECT COMMITTEES

103

Rule 142	Establishment of Standing Committees of the Council	103
Rule 143	Committees chaired by the Chairperson of the Council	104
Rule 144	Composition of the Committee on Standing Rules and Orders	105
Rule 145	Composition of Steering Committee	105
Rule 146	Composition of Committee on Privileges of the National Council	106

PART II – FUNCTIONS OF STANDING COMMITTEES

107

Rule 147	Committee on Standing Rules and Orders	107
Rule 148	Steering Committee	108
Rule 149	Standing Committee on Public Accounts and Economy	108
Rule 150	Standing Committee on Home Affairs, Security, Constitutional and Legal Affairs	109
Rule 151	Standing Committee on Transport, Infrastructure and Housing	111
Rule 152	Standing Committee on Education, Science, Information Communication Technology (ICT) and Youth Development	112
Rule 153	Standing Committee on Agriculture, Environment and Natural Resources	113
Rule 154	Standing Committee on Health, Social Welfare and Labour Affairs	114
Rule 155	Implementation and Coordination Committee	115
Rule 156	Committee on Privileges of the National Council	116

Rule 157	Powers of Committee of Privileges in regard to its investigatory functions	118
Rule 158	Member to withdraw while his/her conduct is debated	119
Rule 159	Powers of the Council in respect of the report and recommendations by Committee of Privileges	120
Rule 160	Appointment of Members of Standing/Select Committees and International Parliamentary Organisations	121
Rule 161	Minimum number required for establishment of Standing/Select Committees	121
Rule 162	Members of Standing/Select Committees and International Parliamentary Organisations announced by Chairperson/ Presiding Member	122
Rule 163	First Meeting	122
Rule 164	Chairperson and Vice-Chairperson of Standing/Select Committee	123
Rule 165	Select Committees of the Council	123

CHAPTER XII - GENERAL MATTERS CONCERNING COMMITTEES 125

Rule 166	Powers of Committees	125
Rule 167	Committee Reports	126
Rule 168	Reports of delegations	127
Rule 169	Withdrawal of Report(s)	127
Rule 170	Co-ordination of activities of Committees	127
Rule 171	Representation in Committees	128
Rule 172	Joint Committees	128
Rule 173	Prohibition of Chairperson, Vice-Chairperson and Deputy Minister to	

	serve on oversight Committees	129
Rule 174	Quorum of Standing/Select Committees	129
Rule 175	Committees' meeting	130
Rule 176	Casting vote of Chairperson/Presiding Member	130
Rule 177	Publication of proceedings	130
Rule 178	Tabling of report	131
Rule 179	Prohibition of Minority reports	131
Rule 180	Committees meetings during the sittings of Council	131
Rule 181	Committee Meetings when Council adjourned	132
Rule 182	Strangers	132

CHAPTER XIII **133**

PART I – THE COUNCIL AND REGIONAL COUNCILS **133**

Rule 183	Interaction between the Council and Regional Councils	133
Rule 184	Submission of Regional Councils' reports	133
Rule 185	Incorporation of Regional Councils' input into the Bills	135
Rule 186	Resolutions affecting the Executive	136

PART II – SECRETARY **137**

Rule 187	Appointment of Secretary	137
Rule 188	General duties of the Secretary	137
Rule 189	Minutes of Proceedings	138
Rule 190	Custody of records and documents	138
Rule 191	Application of Rules	139

SCHEDULES

FIRST SCHEDULE: (SEE RULE 22) – THE PRAYER 140

**SECOND SCHEDULE: (SEE RULE 13 AND SCHEDULE 3 OF THE
CONSTITUTION) 141**

OATH/AFFIRMATION OF MEMBERS OF THE NATIONAL COUNCIL

**THIRD SCHEDULE: COLOURS OF PROCEDURAL DOCUMENTS – NOTICE,
AMENDMENT, ORDER PAPER AND MINUTES OF PROCEEDINGS 142**

**FOURTH SCHEDULE: BALLOT – ELECTION OF THE CHAIRPERSON OF
THE COUNCIL 143**

**NOMINATION AND SECONDER FORMS – ELECTION OF THE
CHAIRPERSON OF THE COUNCIL**

BALLOT – ELECTION OF THE VICE-CHAIRPERSON OF THE COUNCIL

**NOMINATION AND SECONDER FORMS – ELECTION OF THE VICE-
CHAIRPERSON OF THE COUNCIL**

**FIFTH SCHEDULE: CODE OF CONDUCT & DISCLOSURE OF MEMBERS’
INTERESTS OF THE MEMBERS OF THE NATIONAL COUNCIL 149**

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 "National Council Standing Rules and Orders".
- (2) These Rules shall come into force on a date to be determined by the Council.
- (3) The Standing Rules and Orders adopted by the 4th National Council on 12 November 2015, are hereby revoked.

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”, also referred to as primary legislation or a statute, means a document that sets out legal Rules and has been passed by Parliament in the form of a Bill and assented to by the President and published in the Government *Gazette*;

“Affirmation” means affirmation outlined in Schedule 3 of the Constitution and Second Schedule of these rules;

“Amendment” means a proposal to change any matter or issue before the Council, and includes new drafts, or proposals, on existing laws;

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

“Attendance” means presence at any sitting of the Council or meeting of any Committee in excess of three quarters of the time of that sitting or meeting;

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

“Chamber” means a hall of the Council or any other place in which the proceedings of the Council are conducted;

“Chief Whip” means the Party Whip of the Majority Party;

"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;

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

"Committee" means any standing/select committee established by the Assembly or the Council;

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

"Constitution" means the Namibian Constitution as amended;

"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;

"Dilatory motion" means a motion to delay proceedings;

"Division" means a formal vote in Parliament, where the Council is divided and a vote is called;

“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;

“Gallery” means the areas designated within the Chamber for the media, general public, and visitors or guests of the Council;

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

“Independent Member” A Member of Parliament who does not belong to or represent a Political Party;

“Leave” means permission to do something that is granted by the majority of the Members of the Council;

“Maiden speech” means the first speech made by a Member in Parliament following his or her first election to either 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(s) and such other matters which by law must or may be dealt with by a Regional Council(s);

“Meetings” A duly constituted assembly of Members dealing with matters related to the mandate of the Council whether face-to-face or virtually;

"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 to do something, order something to be done, or express an opinion concerning some matter;

"Notice" is a written declaration of intent to the Council by Members to either move a motion, report or present a Bill on a specified day;

"Oath" means the Oath set out in Schedule 3 of the Constitution and Second Schedule of these Rules;

"Officer" in relation to the Council, means any person appointed to the staff of the Council, and include the Secretary and any member of the Namibian Police as defined in section 1 of the Police Act, 1990 (Act No. 19 of 1990), who is on duty within the precincts of Parliament;

"Order of the day" means the business set down on the Order Paper on any given day for consideration by the Council;

"Parliament" means the Assembly or Council and includes any Committee;

“Party Whip” means a Member designated by the leadership of any Minority Party in the Council to oversee and guide the conduct of its Members in relation to the rules, decorum and business of the Council or a committee, and to perform such further functions as the Council may prescribe;

“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 Council are conducted and include galleries, lobbies, offices, or areas used principally or 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 in the Council or Committee of the Whole Council;

"Secretary" means the person appointed in terms of Article 73A of the Namibian Constitution and Rule 187 to perform the functions of Secretary to the Council in terms of Rule 188 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 Council and execute orders made by the Chairperson/Presiding Member or Presiding Officer;

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

"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 Rules;

"Stranger" in relation to Parliament means any person other than a Member or an officer;

"Sub-Committee" means an *ad hoc*/Select committee established by resolution, from amongst Members of the Council;

"Table" means Table of the Council on which documents are laid;

"Tabling" means the laying of a document on the Table for consideration;

"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 where otherwise provided for in these Standing Rules and Orders, the Constitution of the Republic of Namibia or any other law, these Rules shall not restrict the mode in which the Council exercises and holds its powers, privileges and immunities.

Rule 4

President and Members of Assembly

A reference in these Rules to a Member shall be construed as a reference to the President, a Minister, Deputy Minister or any other Member of the Assembly 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 61.

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 and residuary powers

- (1) In all cases where matters are not expressly provided for by these Standing Rules and Orders, the Chairperson/ Presiding Member shall make a ruling subject to sub-rule (2) hereof.
- (2) The decision made in sub-rule (1) shall be in line with the Constitution of Namibia, statute law and the usages, forms, precedents, customs, procedures, traditions and practices of the Parliament of Namibia.

Rule 9

Admission of the public

- (1) Sittings of the Council shall be open to the public, including the accredited 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;
 - (c) to provide for searching of any person entering the Chamber; and
 - (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 Committees;

- (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 give evidence or to make representations or recommendations before Council Committees on such Bills or other matters, either in person or through a representative;

(2) 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 by an officer -

- (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).

Rule 12

Address by President, visiting Head of State or any other Speaker/Chairperson

- (1) Whenever the President delivers an address to the Council, the Chairperson/Presiding Member may convey to the President the gratitude of the Council for the address.
- (2) The Chairperson/Presiding Member of the Council, after consultation with the delegation heads, may invite any Head of State, or any other Speaker/Chairperson or the designated representative or any other dignitary who is on a state visit to the Republic of Namibia, 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 and Second Schedule of these Rules.

Rule 14

Election of the Chairperson

- (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.

- (2) A Member shall nominate as Chairperson of the Council another Member then present by moving "that... (Naming the Member) takes the chair as Chairperson of the Council."
- (3) If only one Member is nominated and seconded, and has accepted the nomination, 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 nominated and seconded, a motion shall be made and seconded in respect of each person, and each person so nominated shall accept or decline the nomination and the Council shall proceed to elect the Chairperson 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 and no withdrawal shall be allowed thereafter.
- (6) An officer of the Council shall give to each Member present a ballot paper on which the Member may record his/her vote by writing the name of the person for whom he/ she wishes to vote as per nomination and secondment.
- (7) Each ballot paper shall be folded so that the name written on it cannot be seen. The ballot paper shall then be deposited in a ballot box and counted at the Table by the Secretary who shall then declare the result.

- (8) At any ballot between more than two nominees the candidate who receives the majority of votes of Members' present shall be declared elected as Chairperson.
- (9) 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.
- (10) 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 whom of them shall be excluded.
- (11) Where at any ballot between two candidates the votes are equal, another ballot shall be held.
- (12) In the event of continued equal votes for at least three times, Council shall adjourn to allow the candidates and Members to consult before the resumption of Council to continue with the election.

Rule 15

Election of the Vice-Chairperson

The Chairperson shall preside at the election of the Vice-Chairperson and the provision of Rule 14 shall apply *mutatis mutandis*.

Rule 16

Functions of the Vice-Chairperson

- (1) The Vice-Chairperson shall preside over the Committee of the Whole Council.
- (2) The Vice-Chairperson shall chair the Implementation and Coordination Committee.
- (3) Perform any function that the Chairperson of the Council may assign to him/her.

Rule 17

Election of the First and Second Vice-Chairpersons of the Committee of the Whole Council

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

Rule 18

Vacation of Office of Chairperson and Vice-Chairperson

- (1) The Chairperson or the Vice-Chairperson shall cease to hold office if he/she:
 - (a) ceases to have the qualifications which rendered him/her eligible to be a Member of the Council in terms of Article 72 of the Constitution;
 - (b) resigns from the Council in writing addressed to the Secretary.
- (2) When the office of the Chairperson or Vice-Chairperson becomes vacant, the Council shall elect a Member to fill the vacancy as provided for in Rules 14 and 15.

Rule 19

Resignation of Chairperson and Vice-Chairperson

- (1) A Chairperson or Vice-Chairperson who intends to resign from office shall submit a letter of resignation addressed to the Secretary:
- (2) Upon receipt of a letter of resignation, the Secretary shall, without delay—
 - (a) in the case of resignation by the Chairperson, inform the Vice-Chairperson; or

- (b) in the case of resignation by the Vice-Chairperson, inform the Chairperson.
- (3) When the office of the Chairperson or Vice-Chairperson becomes vacant, the Council shall elect a Member to fill the vacancy within 30 days.

Rule 20

Vacation of seats

- (1) Besides disqualification and death as provided by Article 72, a Member may vacate his/her seat, if:
 - (a) the Regional Council that elected such a Member to sit in the Council informs the Secretary in writing that such a Member is no longer a Member of the Regional Council;
 - (b) the Member 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.
- (2) Whenever a seat in the Council becomes vacant in consequence of a Member having ceased to be a Member, the Secretary shall notify the Regional Council in writing of the vacancy, and request it to fill the vacancy within 30 days from the date on which the vacancy occurred: 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 Chairperson 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.

Rule 21

Chief Whip/Whips of Political Parties/Independent Member(s) and their functions

- (1) All parties/Independent Member(s) represented within the Council shall submit the names of their Chief Whip/Party Whip(s)/Independent Member(s) within seven (7) days after the first sitting of the Council, after an election of Members in terms of section 26 of the Regional Councils Act 22 of 1992.
- (2) Functions of Political Parties Whips and Independent Members shall include:
 - (a) ensuring discipline among Members;
 - (b) ensuring due attendance and participation in proceedings;

- (c) ensuring voting in Parliament when necessary;
- (d) co-operating with Chairperson and Chief Whip/other Party Whip(s)/Independent Member(s) in putting into effect the agreed upon Parliamentary business calendar.

CHAPTER IV

PROCEEDINGS IN CONNECTION WITH COMMENCEMENT OF SESSION

Rule 22

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 23

Prayer and 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 a Member so appointed by him/her shall read a prayer at the meeting of the Council before any business is entered into.

Rule 24

Quorum

- (1) The quorum shall consist of a majority of the total number of Members of the 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 Council shall be sufficient to constitute a meeting of the 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 five 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 25

Commencement and termination dates of sessions of the Council

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

Rule 26

Special sessions of the Council

Notwithstanding the provisions of Rule 25 above, the Chairperson may convene a special session of the Council if he/she is convinced that such a session is necessary, urgent or in the public interest.

Rule 27

Sitting days and hours of sitting

Except for public holidays and unless otherwise decided upon through a 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 28

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 29

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 30

Interruption and automatic adjournments

- (1) Subject to these Standing Rules and 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 question 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 Chairperson/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) If, at the time of the adjournment a division is in progress the Chairperson/Presiding Member shall interrupt business after the result of the division has been declared.
- (5) If the division is on an amendment, the Chairperson/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 31

Proposal that proceedings not be interrupted

- (1) Notwithstanding the provisions of Rule 30, 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 27, 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.
- (3) Notwithstanding sub-rule (2), the Council may suspend the business at

13h00 for an hour if the debate is not concluded and resume at 14h00.

Rule 32

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 of 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 (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 33

Adjournment on resolution

- (1) Except in circumstances mentioned in Rules 30 and 31 (automatic adjournment) Rules 24 and 133 (no quorum) and Rule 140 (disorder) when the Council adjourns without the question being put, the Council 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 adjourned to the time and date of the next sitting.

Rule 34

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 Chairperson/Presiding Member is of the opinion that any such motion is a misuse of the Standing Rules or infringes on the rights of the minority, he/she may decline to put the question in connection therewith.
- (3) At the end of the term of the Council, the Chairperson/Presiding Member shall adjourn the Council *sine die*.

Rule 35

Rights of Mover and Seconder after the adjournment of the debate

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 36

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 37

Members' absence from Council's proceedings and Committee meetings

- (1) Every Member shall attend the proceedings of the Council 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 four (4) consecutive days, with the prior written permission of his/her Whip. The Whip will accordingly inform the Council of leave of absence of any such Member, indicating the date of commencement and the termination of such leave and the grounds for it.
- (4) In the case of an Independent Member, absence himself/herself for less

than four (4) consecutive days he/she shall seek prior written permission from the Chairperson/Vice-Chairperson who shall accordingly inform the Council.

- (5) In the event that a Member will absent himself/herself for more than four (4) 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.
- (6) In the event that an Independent Member will absent himself/herself for more than four (4) consecutive days, the Chairperson/Vice-Chairperson will designate a Member to table a motion without notice stating the cause or reason and period of absence;
- (7) A register of attendance, which must be personally signed by the Members must be kept by the Secretary or an officer designated by him/her in respect of each sitting day.
- (8) A register of attendance, which must be personally signed by the Members must be kept by the Secretary or an officer designated by him/her in respect of committee meetings and activities.
- (9) Any Member infringing this Rule shall have his/her conduct referred to the Committee on Privileges.

CHAPTER V

ROUTINE AND ORDER PAPER

Rule 38

Routine and Order Paper

Subject to Rule 42, 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 39

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:

- (1) Entry of Presiding Member
- (2) Prayer and Affirmation
- (3) Administration of Oath or Affirmation to new Members

- (4) Obituaries and Tributes
- (5) Statement by Presiding Member
- (6) Announcements by Presiding Member
- (7) Message from the Speaker of the Assembly
- (8) First Reading of Bills
- (9) Motivation of Bills by Ministers and oral questions by Members
- (10) Routine Orders:
 - (a) Petitions;
 - (b) Reports of Standing/ Select Committees;
 - (c) Other Reports and Papers;
 - (d) Notices of motions.
- (11) Notices of questions to Ministers
- (12) Questions to and answers from Ministers
- (13) Orders of the day

(14) Statements by Members

(15) Adjournment

Rule 40

Time for consideration of Orders of the day

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

Rule 41

Arrangement of Order Paper

On Thursdays, notices of motions, committee reports and other reports shall have precedence over the orders of the day.

Rule 42

Power of Chairperson/Presiding Member regarding the Order Paper

Subject to Rule 38, the Chairperson/Presiding Member shall have the power to arrange or alter proceedings on the Order Paper in whatever order he/she may deem fit.

Rule 43

Business undisposed off

- (1) All business undisposed 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 41, be placed on the Order Paper for the next day on which the Council shall meet.
- (2) Subject to the provisions of Article 75(8) of the Constitution, all business undisposed off at the last sitting day of a session shall be set down on the Order Paper of the first sitting day of the next session.

CHAPTER VI

PETITIONS AND STATEMENTS

PART I

PETITIONS

Rule 44

Language of petitions

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

Rule 45

Requirements of petitions

- (1) Every petition must be signed by the petitioner(s).
- (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 and it must fall within the Constitutional mandate of the Council.
- (5) Every petition shall contain contact details of the petitioner(s).

Rule 46

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 (3) 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 47

Tabling of petitions

If a petition complies with Rule 45, the Chairperson/Presiding Member of the Council must table it in the Council.

Rule 48

Referral of petitions to Standing/Select Committees

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

Rule 49

Powers of Standing/Select Committees

- (1) A Committee to which a petition has been referred may refer it to a relevant authority dealing with the subject-matter of the petition and such authority shall report back to such Committee.
- (2) A Committee considering a petition shall report back to the Council.

Rule 50

Feedback on Petitions

- (1) The Council shall inform a petitioner(s) of the decision or other course of action with regard to a particular petition and the reasons therefore.
- (2) A petition under this Standing Rules and Orders shall not lapse at the expiry of the term of Council.

PART II

STATEMENTS

Rule 51

Statements by Members

By indulgence of the Council and leave of the Chairperson/Presiding Member, a Member may, at the time appointed for statements under Rule 39, 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 for review and advice.

Rule 52

Maiden speech

- (1) A Member of Parliament may deliver his/her maiden speech.
- (2) A maiden speech may not be subjected to interruption, interjection, dismissal or attack by other Members.

- (3) It shall not be controversial, attacking, insulting, provocative, containing offensive remarks or consisting of a general statement of the politician's beliefs.
- (4) A maiden speech may include the following information:
 - (a) appreciation to the Party electorates in the constituency and region.
 - (b) recognise the work of predecessor(s) at constituency, regional and national levels irrespective of Party affiliation.
 - (c) pledge to faithfully carry out the Council mandate of representation, review, and oversight functions.
 - (d) state areas of interest during his/her tenure.
 - (e) give assurance to work with other Members, irrespective of Political Party affiliation.

CHAPTER VII

MOTIONS

Rule 53

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 37(5);

- (i) in regard to which notice is dispensed with by the unanimous concurrence of the Members present; and
 - (j) where a Bill is referred to a Committee.
- (2) Subject to Rule 32(4) a notice of motion must be cleared by the Chairperson/Presiding Member before being tabled in the Council.

Rule 54

Procedure for 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 (14) 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 initial date.

Rule 55

Amendment of notices

Any notice which contains unbecoming expressions or offends any Rule of the Council must be referred back to the mover, by the Chairperson/Presiding Member, for amendment before it appears on the Order Paper.

Rule 56

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 authorised to take charge of a motion or an order of the day in the absence of the Member in charge thereof.

Rule 57

Preferential treatment for the motion of Privilege

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 58

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 59

Limitation regarding the tabling of motions and amendments

No motion or amendment shall be moved which is chiefly the same as any motion or amendment which during the thirty (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 60

Withdrawal of motion

- (1) A Member who has moved a motion may withdraw it with the unanimous consent of 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 61

Motion to amend Standing Rules and Orders

The Vice-Chairperson of the Council or any other Member shall move the notice of any motion for amendment of any of these Rules that 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 62

Lapsing of motions

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.

CHAPTER VIII

ORDER IN THE COUNCIL AND THE RULES OF DEBATE

PART 1:

Order in proceedings

Rule 63

Dress code

- (1) Every Member should be properly attired when attending sittings of the Council.
- (2) The official dress for male Members of Parliament shall be a formal suit, a pair of long trousers, a formal shirt and formal jacket, African attire, safari suit a scarf or tie and formal shoes.
- (3) The official dress for female Members of Parliament shall be a formal dress, dress suit or skirt suit, African print dress or suit, long sleeved and below the knee, formal executive trouser suit and formal shoes.
- (4) No Party symbols, colours or attires must be worn or displayed in the Council.

Rule 64

Conduct of Members in Council

- (1) Every Member shall bow to the Chairperson/Presiding Member in passing to or from his/her seat.
- (2) Whenever the Chairperson/Presiding Member enters the Council Chamber, Members shall rise and remain standing until the Chairperson/Presiding Member takes his/her seat.
- (3) Whenever the Chairperson/Presiding Member leaves the Council Chamber, Members shall rise and remain standing until the Chairperson/Presiding Member exits the Chamber.
- (4) Members need not rise when the Chairperson/Presiding Member leaves or re-enters the Council Chamber when the Council is in Committee of the Whole Council.

Rule 65

Movement in Chamber

- (1) A Member of the Council shall not –
 - (a) move in the space which is in the center of the floor of the House during proceedings;

- (b) move in front of the mace, except when tabling a document;
 - (c) move between the Chairperson/Presiding Member and the Clerk's Table;
 - (d) stand in any of the passages, or the floor of the Chamber.
- (2) A Member shall bow in front of the mace before passing from or to his/her seat.

Rule 66

Prohibition of disruptive behaviour in the Chamber.

- (1) No Member shall converse aloud or make use of reading materials or any other paper not connected with the business under consideration.
- (2) Use of electronic devices in the Chamber is exclusively for official use for the business of the Council as set out in Rule 39.
- (3) Receiving and making calls is completely prohibited in the Chamber and all cell phones must be put on silent mode.
- (4) No Member shall smoke, eat or consume any beverages except water whilst in the Chamber.
- (5) No Member shall enter the Chamber while under the influence of any intoxicating substance.

Rule 67

Possession of weapons

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

Rule 68

Interruption of debate

No Member shall interrupt another Member whilst speaking, except to call attention:

- (1) to a point of order;
- (2) to a question of privilege;
- (3) to the absence of a quorum;
- (4) to the presence of strangers;
- (5) by a point of information;
- (6) by a question being put to a Member, on a point of clarity; or
- (7) to move for closure of debate

Rule 69

Precedence of Chairperson/Presiding Member

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

Rule 70

Ensuring orderly conduct in the Council

- (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 94.
- (2) 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

Withdrawal of a Member from the Council Chamber

- (1) The Chairperson/Presiding Member shall order a Member who is grossly disorderly to withdraw immediately from the Council Chamber for the remaining period of the sitting day in question.

- (2) In the event that 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 Serjeant-at-Arms to remove or arrange for the removal of a Member by an officer.
- (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 159(2).
- (4) A Member directed to leave the Chamber may not participate in any Council activities during that day.

Rule 72

Powers of Chairperson/Presiding Member to suspend sitting

In the event of grave disturbances, 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 not subject to appeal except by substantive motion

The Chairperson/Presiding Member shall be responsible for the observance of order in the Council and of the rules of debate, and his/her decision upon any point of order shall not be open to appeal and shall not be reviewed by the Council, except upon a substantive motion made after notice.

Rule 74

Revision of the ruling(s) made by the Chairperson/Presiding Member

Subject to Rule 22, the Chairperson/Presiding Member may upon reconsideration revise his or her ruling(s) and announce the same in the House.

PART II

RULES OF DEBATE

SPEECHES AND TIME LIMITS

Rule 75

Freedom of speech

Subject to these Rules and section 24 of the Powers, Privileges and Immunities of Parliament Act, 1996 (Act. No. 17 of 1996) Members-

- (1) have freedom of speech and debate in the Council, its committees and sub-committees, 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 76

Members to rise when addressing the Chairperson

A Member must rise and address the Council through the Chairperson/Presiding Member, unless if he/she by circumstance is unable to do so.

Rule 77

Calling on Members to speak

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

Rule 78

Right of Members to speak

- (1) Except where these Rules provide otherwise, a Member may speak in a debate only on-
 - (a) the question before the Council or a Committee of the Whole Council;
 - (b) amendments proposed thereto;
 - (c) a question or amendment which he or she has moved or is going

to move; and

(d) a question on a point of order or a question of privilege.

- (2) Should any amendment(s) to a question be moved after such a Member has spoken, he/she may again address the Council on such amendment(s), but to a Member speaking on the question for the first time after an amendment(s) have been moved, only one speech, which may cover the main question and the amendment(s), shall be allowed.

Rule 79

Prohibition of the Chairperson/Presiding Member to participate in debates

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

Rule 80

Limitation of a Member to speak

- (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 debate, 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 81

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 10 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 15 minutes at a time, except for the Member who is 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 Council allocates 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 82

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 83

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 84

Amendments to motions 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 85

Restrictions to amendments

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

Rule 86

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 96 has been completed.

Rule 87

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 88

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 Chairperson/Presiding Member must consider whether it is probable that the matter anticipated will be discussed in the Council within a reasonable time.

Rule 89

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 90

Using the name of the President, Acting President or a Former President

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

Council in its deliberations.

Rule 91

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 92

Official reference to Members

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

Rule 93

Explanations by Members

- (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 Chairperson/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 7 minutes and is strictly confined to vindicating own conduct.

Rule 94

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 Chairperson/Presiding Member by the Member who raised it, the Chairperson/Presiding Member shall give his/her ruling or decision thereon either forthwith or subsequently.

Rule 95

Closing of debate

- (1) After a question has been put, the Chairperson/Presiding Member may demand to move that: - "The question is now 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, such 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 are in the chair.

CHAPTER IX

DIVISION

Questions to be determined by majority of votes of Members

Rule 96

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 may 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 97

Demand for division

- (1) 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.
- (2) Whenever a division is demanded, the Chairperson/Presiding Member, before instructing the division bells to be rung, shall satisfy himself/herself that, at least, two Members support the demand for such division.
- (3) 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 98

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 2 minutes as the Chairperson/Presiding Member shall direct.

Rule 99

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 Assistants 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 thereupon 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 as provided in Rule 96.

Rule 100

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 101

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 102

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 103

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 104

Limitation of debate on Appropriation Bill

The limitations of Rules 81(1) and 81(4) are applicable to the debate on the Appropriation Bill.

Rule 105

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 106

Procedures in Committee of the Whole Council

In Committee of the Whole Council on the Appropriation Bill:

- (1) the Schedule shall, notwithstanding the provisions of Rule 118 of the Standing Rules, be taken into consideration before the Clauses;
- (2) 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;
- (3) no condition or expression of opinion shall be attached to a vote or head, nor may its destination be altered;
- (4) 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
- (5) the Rule of anticipation shall not apply.

Rule 107

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 108

Introduction of Bills

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

Rule 109

Motivation and briefing on Bills

- (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) The Council may where necessary by invitation or upon a request by a Minister/Member be briefed on every Bill once referred by the Assembly.
- (3) 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.
- (4) The memorandum shall be signed by the Minister or a Member introducing the Bill.

Rule 110

Ministerial accountability to the Council

- (1) 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.
- (2) 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 111

Stages of Bills

Notwithstanding the provisions of Rule 40 all stages of a Bill (first reading, second reading, committee stage and third reading) may be taken care of on the same sitting day, if the Council so resolves by a motion.

Rule 112

Distribution of Bills

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

Rule 113

Bills referred to a Committee after First Reading

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

Rule 114

Bills referred to Committee before 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 words 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 Standing/Select Committee": Provided that such an amendment may provide for the powers of enquiry and instructions to the Standing/Select Committee.

Rule 115

Bills referred to Committee after Second Reading

When a Bill has been read for a second time, it may, subject to Rule 40, either be ordered to be considered in the Committee of the Whole Council on a day then named or be referred to any Standing/Select Committee.

Rule 116

Motion that the Chairperson/Presiding Member leaves the chair

On the order of the day being read for the Council to go into Committee of the Whole Council 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 for in the succeeding Rule, when debate, strictly confined to the matters or such instruction, shall be permitted.

Rule 117

Instructions to Committee of the Whole Council

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

Rule 118

Clause read in Committee of the Whole Council

The Chairperson/Presiding Member of Committee of the Whole Council upon taking his/her seat 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 off.

Rule 119

Amendments in Committee of the Whole Council

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 Rules and Orders of the Council. However, if any amendment be adopted which is not within the Title of the Bill, the Committee of the Whole Council shall amend the Title accordingly and report it specially to the Council: Provided, that no clause or amendment may be moved which is in conflict with the principles of the Bill as read a second time.

Rule 120

Correction of Bills

- (1) 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.
- (2) Textual and all other corrections shall be made by way of motion and be dealt with as any other amendments.

Rule 121

Principles not discussed in Committee of the Whole Council

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

Rule 122

A Bill or any other matter may be recommitted to a Committee or second reading

- (1) A Bill, or any other matter may be recommitted to a Committee or second reading as a whole or in part.
- (2) A motion to recommit the Bill may be moved at any stage of the Bill during the debate.

Rule 123

Time for submission of amendments for placing on Order Paper

Members desiring to have proposed amendments to the Bill placed on the Order Paper must submit them to the Secretary no later than 16h00 on the day before that on which they are to so appear. Such amendments may be submitted 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 124

Reporting progress

The Chairperson/Presiding Member of Committee of the Whole Council 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 the question being put.

Rule 125

Report on the Bill at the close of proceedings of Committee of the Whole Council

At the close of the proceedings of the Committee of the Whole Council on a Bill the Chairperson/Presiding Member of Committee of the Whole Council shall forthwith report the Bill with or without amendments to the Council.

Rule 126

Amendments during Committee stage

During the Committee 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.

Rule 127

Procedures in Committee of the Whole Council

When a Bill has been reported without amendments, a day shall be appointed, subject to Rule 40, 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 128

Amendments on Third Reading

No amendment shall be made to a Bill on the third reading, but it may be recommitted on motion in terms of Rule 122 for amendment. After the third reading, no further question shall be put and the Bill shall be deemed to have been passed by the Council.

Rule 129

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 130

Bills passed by the Council

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

Rule 131

Council goes into Committee of the Whole Council

- (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 132

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 in terms of Rule 24(1).

Rule 133

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 Committee of the Whole Council shall, if after an interval of five 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 134

Chairperson/Presiding Member reports that there is no quorum

Upon the Chairperson/Presiding Member resuming the chair, the Chairperson/Presiding Member of Committee shall report that a quorum is not present, whereupon the Chairperson/Presiding Member shall, after the expiration of five 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 of the Whole Council.

Rule 135

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 136

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 of the Whole Council who shall, however, have a casting vote which may be exercised at an equality of votes.

Rule 137

Committee may only consider such motions as are referred

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

Rule 138

Restrictions on amendments

No new clause or amendment shall be allowed which is substantially the same as one already rejected by the Committee of the Whole Council, or which is inconsistent with one that has already been agreed to by the Committee of the Whole Council, unless a recommittal has taken place.

Rule 139

Motion to report progress during the Committee of the Whole Council

- (1) During the proceedings of Committee of the Whole Council 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".
- (2) 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 40, a day shall be fixed on which the Committee shall resume. When the order for the resumption for the Committee of the Whole Council is read, the Chairperson shall forthwith leave the chair without putting the question.

Rule 140

Disorder: Chairperson/Presiding Member resumes the chair

- (1) If any disorder arises in the Committee of the Whole Council, the Chairperson/Presiding Member shall resume the chair without the question put.
- (2) When order is restored, the proceedings of the Committee of the Whole Council will resume when the Chairperson/Presiding Member leaves the chair unless the Council has adjourned.

PART III

Rule 141

Procedure for recommending legislation on matters of regional concern for submission to and consideration by the 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 Assembly, in terms of Article 74(1)(c) 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 objectives, 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 relevant Standing Committee, 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 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 Council.
- (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 not be 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 the introduced Bill is eventually passed by the Council, the Chairperson/Presiding Member of the Council shall refer the Bill to the Speaker of the Assembly as recommended by legislation on matters of

regional concern for submission to and consideration by the Assembly as provided for in Article 74(1)(c) of the Constitution.

- (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 all Regional Councils, for information.

CHAPTER XI

PART I

ESTABLISHMENT OF STANDING COMMITTEES AND SELECT COMMITTEES

Rule 142

Establishment of Standing Committees of the Council

- (1) In addition to the Committee of the Whole Council, Council shall establish the following Standing Committees:
 - (a) Education, Science, Information Communication Technology (ICT) and Youth Development;
 - a) Agriculture, Environment and Natural Resources;
 - b) Health, Social Welfare and Labour Affairs;
 - c) Public Accounts and Economy;
 - d) Home Affairs, Security, Constitutional and Legal Affairs;
 - e) Transport, Infrastructure and Housing; and

- f) Implementation and Coordination.
- (2) Council may from time to time review the names and mandates of the Standing Committees.
 - (3) Council shall adopt standard operational procedures which will guide the conduct of the business of Standing Committees.
 - (4) The Vice-Chairperson of the Council or any other Member shall move a notice of motion for the proposed standard operational procedures for the Standing Committees and the motion shall be referred to the Standing Committee on Standing Rules and Orders for scrutiny and tabling in the House for approval thereafter.

Rule 143

Committees chaired by the Chairperson of the Council

The following Committees shall be chaired by the Chairperson of the Council:

- (1) Committee on the Standing Rules and Orders;
- (2) Committee of Privileges of the National Council; and
- (3) Steering Committee.

Rule 144

Composition of the Committee on Standing Rules and Orders

The Committee on Standing Rules and Orders shall consist of-

- (1) The Chairperson of the Council;
- (2) The Vice-Chairperson of the Council; and
- (3) Eight (8) Members of the Council, appointed by the Council.

Rule 145

Composition of Steering Committee

The Steering Committee shall consist of:

- (1) Chairperson of the Council;
- (2) Vice-Chairperson of the Council; and
- (3) Chief Whip/all Party Whips/Independent Member(s).

Rule 146

Composition of Committee of Privileges of the National Council

- (1) The Committee of Privileges of the National Council shall consist of:
 - (a) Chairperson, who shall preside at any meeting of that committee; and
 - (b) Five (5) Members of the Council, appointed by the Council.
- (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 147

Committee on Standing Rules and Orders

Functions:

The functions of the Committee on Standing Rules and Orders are to:

- (1) 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) Review and consider from time to time, and report to the Council any proposal for amendment of these Rules;
- (3) Assign any Committee to look into specific issues and submit a report thereon with recommendation, for submission to the Council for consideration;
- (4) Perform any other functions as may be referred to it by the Council.

Rule 148

Steering Committee

Functions:

The functions of the Steering Committee are to:

- (1) Receive the draft annual budget of the Council for scrutiny and input and submit it to the Council Secretariat for submission to Ministry of Finance;
- (2) Adopt the Annual Business Calendar of the Council;
- (3) Recommend Members for appointment to Council's Standing/Select Committees; and
- (4) to perform any other functions as may be referred to it by the Council.

Rule 149

Standing Committee on Public Accounts and Economy

Functions:

The functions of the Committee on Public Accounts and Economy are to:

- (1) Deal with questions falling within the ambit of Offices, Ministries and Agencies (OMAs) and Public Enterprises dealing with trade and industry,

Small and Medium Enterprises (SME) development, finance and public enterprises;

- (2) Examine annual reports of the Auditor-General, as may be referred to the Council by the Assembly in terms of the provisions of the Constitution, and advise the Council thereon;
- (3) Scrutinise the Government's financial proposals and fiscal policies and advise the Council thereon;
- (4) Examine incidents of financial mismanagement in the public sector and advise the Council thereon;
- (5) Promote trade, industrialisation and SME development;
- (6) Monitor budget implementation of OMAs falling within the Standing Committee's ambit;
- (7) Monitor the implementation of the decentralization process on matters falling within the ambit of the Standing Committee; and
- (8) to perform any other function as may be referred to it by the Council.

Rule 150

Standing Committee on Home Affairs, Security, Constitutional and Legal Affairs

Functions:

The functions of the Committee on Home Affairs, Security, Constitutional and Legal Affairs are to:

- (1) Deal with questions falling within the ambit of Offices, Ministries and Agencies (OMAs) and Public Enterprises dealing with justice, international relations and cooperation, safety and security, veterans' affairs and defence, constitutional and legal affairs;
- (2) Deal with matters of security, home affairs, human rights, constitutional and legal affairs;
- (3) Review international and regional cooperation agreements with regards to peace and security and advise the Council thereon;
- (4) Review Namibia's foreign policy and make its recommendations to the Council;
- (5) Promote compliance with the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners and the UN Bangkok Rules on the Treatment of Female Prisoners;
- (6) Promote compliance with the UN Code of Conduct for Law Enforcement Officials;
- (7) Ensure that all Bills tabled in the Council, are in compliance with the Constitution;

- (8) Monitor budget implementation of OMAs falling within the Standing Committee's ambit;
- (9) Monitor the implementation of the decentralization process on matters falling within the ambit of the Standing Committee; and
- (10) to perform any other function as may be referred to by the Council.

Rule 151

Standing Committee on Transport, Infrastructure and Housing

Functions:

The functions of the Committee on Transport, Infrastructure and Housing are to:

- (1) Deal with questions falling within the ambit of Offices, Ministries and Agencies, (OMAs) and Public Enterprises dealing with national planning, works and transport, urban and rural development, housing and sanitation;
- (2) Scrutinise regional development policies and advise the Council thereon;
- (3) Scrutinise legislation on Regional and Local Authorities and advise the Council on such matters as the Committee deems necessary;
- (4) Liaise with bodies representing the interests of Regional Councils and Local Authorities;

- (5) Promote the development, upgrading and maintenance of road infrastructure in rural areas;
- (6) Promote compliance with Istanbul Declaration on Human Settlements and UN Habitat Agenda;
- (7) Monitor budget implementation of Offices, Ministries and Agencies falling within the Standing Committee's ambit;
- (8) Monitor the implementation of the decentralization process on matters falling within the ambit of the Standing Committee; and
- (9) to perform any other function as may be referred to it by the Council.

Rule 152

Standing Committee on Education, Science, Information Communication Technology (ICT) and Youth Development

Functions:

The functions of the Committee on Education, Science, Information Communication Technology (ICT) and Youth Development are to:

- (1) Scrutinise and report to the Council on matters and questions falling within the ambit of Offices, Ministries and Agencies (OMAs) and all Public Enterprises dealing with education, science, information communication

and technology, youth development, national service, sport, arts and culture;

- (2) Liaise with OMAs and institutions representing the interests of the youth and advise the Council on such matters;
- (3) Scrutinize and review the implication of Bills and Acts that impact on the lives of the youth;
- (4) Monitor budget implementation of OMAs falling within the Standing Committee's ambit;
- (5) Monitor the implementation of the decentralization process on matters falling within the ambit of the Standing Committee; and
- (6) Perform any other function, as may be referred to it by the Council.

Rule 153

Standing Committee on Agriculture, Environment and Natural Resources

Functions:

The functions of the Committee on Agriculture, Environment and Natural Resources are to:

- (1) Deal with questions falling within the ambit of Offices, Ministries and Agencies (OMAs) and Public Enterprises dealing with agriculture, land,

water, environment, forestry, tourism, mines, energy, and marine-resources;

- (2) Promote adequate food security;
- (3) Inquire into matters that may affect the natural resources;
- (4) Promote sustainable utilisation of natural resources;
- (5) Promote the protection and conservation of the environment;
- (6) Promote a fair distribution of farming land and productive utilisation thereof;
- (7) Monitor budget implementation of OMAs falling within the Standing Committee's ambit;
- (8) Monitor the implementation of the decentralization process on matters falling within the ambit of the Standing Committee; and
- (9) to perform any other function as may be referred to it by the Council."

Rule 154

Standing Committee on Health, Social Welfare and Labour Affairs

Functions:

The functions of the Committee on Health, Social Welfare and Labour Affairs are to:

- (1) Scrutinise and report to the Council on matters and questions falling within the ambit of Offices, Ministries, Agencies (OMAs) and Public Enterprises dealing with health, social welfare, gender equality, labour and employment creation;
- (2) Promote gender balance;
- (3) Promote health and social welfare;
- (4) Promote gender equality;
- (5) Monitor budget implementation of OMAs falling within the Standing Committee's ambit;
- (6) Monitor the implementation of the decentralization process on matters falling within the ambit of the Standing Committee; and
- (7) to perform any other function as may be referred to it by the Council.

Rule 155

Implementation and Coordination Committee

Functions:

The functions of the Implementation and Coordination Committee are to:

- (1) Guide and co-ordinate the operations, policies and mandate of all Standing Committees;
- (2) Scrutinize and report to the Council on the work of any Standing Committee;
- (3) Study regional reports and monitor the implementation of the recommendations made by the Council;
- (4) Ensure that each Standing Committee has a five (5) year Activity Plan;
- (5) Ensure that the annual activity plans of the Standing Committees are in compliance with their five (5) year plans;
- (6) Monitor implementation of the Standing Committees' activity plans through the submission of accountability reports at determined intervals;
- (7) Conduct monitoring, evaluation and follow up on implementation of Committees' recommendations to Offices, Ministries and Agencies (OMAs);
- (8) Produce an oversight report of Committees' activities at the end of their five (5) year term; and
- (9) to perform any other functions as may be referred to it by the Council.

Rule 156

Committee of Privileges of the National Council

Functions:

The functions of the Committee of Privileges are to:

- (1) Issue directives, subject to the provisions of section 12(a) of the Powers, Privileges and Immunities of Parliament Act (Act No. 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; and
- (3) to investigate –
 - (a) any matter relating to the conduct of any Member within the precincts of Parliament either on its own accord or by resolution of the Council;
 - (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 or the Namibian Constitution;
 - (c) any matter relating to an alleged breach by a Member of his/ her duty, in terms of section 22 of the Powers, Privileges and Immunities of Parliament Act (Act No. 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 in section 12 of the Powers, Privileges and Immunities of Parliament Act, (Act No. 17 of 1996); and
- (5) to perform any other functions as may be referred to it by the Council.

Rule 157

Powers of the Committee of Privileges in regard to its investigatory functions

Functions:

The functions of the Committee of Privileges are:

- (1) to 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 seven (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 three (3) days' notice in writing of the time and place fixed for the inquiry.

- (3) At the inquiry the Member have the right to be:–

(a) present and to be heard;

(b) represented by another person; and also to

(c) cross-examine any person called as a witness in support of the complaint;

(d) examine any documents produced in evidence; and

(e) 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 seven (7) days after the commencement of its next ordinary session.

Rule 158

Member to withdraw while his/her conduct is debated

- (1) A Member whose case is being considered shall withdraw from the Chamber while his/her conduct is being debated.
- (2) The debate shall be done in camera.
- (3) After consideration of such a Member's conduct, he/she shall be called in to be informed of the decision of the Council.
- (4) A Member is entitled to be furnished with a copy of the adopted report.

Rule 159

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

- (1) After considering the report and the recommendations of the Committee of Privileges, the Council may:
 - (a) confirm or alter the recommendation;

- (b) refer the matter back to the Committee of Privileges 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 thirty (30) days' salary or twice the value of the unethically derived benefit, whichever is the greater;
 - (c) Suspension from the Council for a period not exceeding seven (7) sitting days, a Member so suspended from the Council shall withdraw from the precincts of Parliament for the duration of his/her suspension;
 - (d) Recommend to the relevant Regional Council for the withdrawal of the Member from the Council and for the vacancy to be filled.

Rule 160

Appointment of Members of Standing/Select Committees and International Parliamentary Organisations

The Steering Committee shall recommend for appointment of Members to the Council's Standing/Select Committees and International Parliamentary Organisations who shall serve on such Committees.

Rule 161

Minimum number required for establishment of a Standing/Select Committee

- (1) Save where otherwise provided, a Standing/Select Committee shall consist of not less than five (5) Members.
- (2) Save where otherwise provided, a Member shall only serve on one Standing Committee.

Rule 162

Members of Standing/Select Committees and International Parliamentary Organisations to be announced by Chairperson/Presiding Member

- (1) The names of the Members appointed to serve on a Standing/Select Committee shall be announced in the Chamber by the Chairperson/Presiding Member of the Council. The Members shall be duly appointed upon such announcement.

- (2) The names of the Members appointed to serve on International Parliamentary Organisations shall be announced in the Chamber by the Chairperson/Presiding Member of the Council. The Members shall be duly appointed upon such announcement.

Rule 163

First Meeting

The first meeting of a Committee shall be convened and chaired by the Secretary or any officer delegated by the Secretary for this purpose.

Rule 164

Chairperson and Vice-Chairperson of Standing/Select Committee

- (1) A Chairperson of a Standing/Select Committee shall be elected by the Members of the Committee.
- (2) The Members of a Standing/Select Committee shall elect another Member as 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 and deputised by a Member who does not belong to the Party which controls the Executive Branch of Government.

Rule 165

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 define the terms of reference and 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.
- (4) Membership to a Select Committee shall be determined by special knowledge, skills and expertise on the subject matter under scrutiny.
- (5) If for any reason, a Member of a Select Committee is unable to act, another Member may be appointed in his or her place.
- (6) The Chairperson of the Select Committee may, through a motion tabled in the House, request for extension to complete the committee assignment.

CHAPTER XII

GENERAL MATTERS CONCERNING COMMITTEES

Rule 166

Powers of Committees

A Committee of the Council shall have the power to:

- (1) appoint sub-committees from amongst its Members, subject to consultation with the Chairperson or in his/her absence, the Vice-Chairperson of the Council;
- (2) summon 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;
- (3) ensure that, in giving effect to sub-rule 2, the provisions of section 15 of the Powers, Privileges and Immunities of Parliament Act no. 17 of 1996 shall be complied with; and
- (4) exercise any further powers given to it by the Council or the Standing Rules and Orders.

Rule 167

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 tabled in the Council.
- (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 or any other Member of the Committee who presents the report may address the Council to explain the contents of the report.

Rule 168

Reports of Delegations

Delegations attending Parliamentary gatherings shall be required to table a report for debate before the Council.

Rule 169

Withdrawal of Report(s)

- (4) A Member who has moved a report may withdraw it with the unanimous consent of the Members present.
- (5) Notwithstanding the provisions of sub-rule (1), the Chairperson/Presiding Member may grant permission for the withdrawal of report(s) if he/she considers that the unanimous consent as contained in sub-rule (1) was unfairly withheld.
- (6) A report which is withdrawn may again be moved after notice.

Rule 170

Co-ordination of activities of Committees

- (1) The Implementation and Coordination Committee shall co-ordinate the activities of all Committees, except for the Committees that are chaired by the Chairperson of the Council.
- (2) Chairpersons of all Committees shall, in the exercise of their functions, in case of deviation from the approved annual committees' activity plan act in consultation with the Implementation and Coordination Committee.

Rule 171

Representation in Committees

- (1) In appointing Members to a Committee, it shall be ensured as far as possible that political party and other forms of representation in the Council are proportionately taken into account.
- (2) Notwithstanding the provisions of sub-rule (1), it shall be ensured as far as possible that there is a gender balance in the composition of committees.

Rule 172

Joint Committees

- (1) Whenever it is deemed necessary, after consultation between the Chairperson 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 173

Prohibition of Chairperson, Vice-Chairperson and Deputy Ministers to serve on oversight Committees

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

Rule 174

Quorum of Standing/Select Committees

- (1) The majority of the Members of a Standing/Select 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 Standing/Select Committee shall report the circumstances to the Chairperson/Presiding Member who shall adjourn the meeting.
- (3) If at any time during a sitting of a Standing/Select 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 175

Committees' meetings

A Committee of the Council shall sit at the date, time and venue as determined by the Chairperson/Presiding Member of the said Committee.

Rule 176

Casting vote of Chairperson/Presiding Member

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

Rule 177

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 tabled before the Council: Provided that evidence which a Standing/Select Committee has resolved shall not be made public, published or divulged except by order of the Council.

Rule 178

Tabling of report

The report(s) of Standing/Select Committees shall be tabled before the Council by the Chairperson or another Member of the Committee for consideration.

Rule 179

Prohibition of Minority reports

A Standing/Select Committee is not allowed to table a minority report.

Rule 180

Committee meetings during the sittings of Council

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

Rule 181

Committee meetings when Council adjourned

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

Rule 182

Strangers

- (1) Strangers will not be allowed to be present during any of the proceedings of such Committee except with the concurrence of a Standing/Select Committee.
- (2) All persons other than Members and staff of the Committee shall withdraw when the Chairperson/Presiding Member requests them to do so.

CHAPTER XIII

PART I

THE COUNCIL AND REGIONAL COUNCILS

Rule 183

Interaction between the Council and Regional Councils

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

Rule 184

Submission of Regional Councils' reports

- (1) Regional Councils' reports of the preceding year shall be submitted to the House on a date not more than 90 days after the commencement of each annual session by any of the Members from each Region.
- (2) Any 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 shall move such report, explaining the contents of the report.
- (4) A member presenting the content of the report shall do so in not more than ten minutes.
- (5) In its report, a region shall state its –
 - (a) overview of activities undertaken;
 - (b) achievements and challenges;
 - (c) recommendations; and
 - (d) any other matter incidental thereto.
- (6) The House may –
 - (a) refer the report to the relevant Standing/Select Committee, 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.

Rule 185

Incorporation of Regional Councils' input into the Bills

- (1) When a Bill has been introduced in the Assembly, the Secretary shall furnish each Regional Council with a copy thereof for input.
- (2) Chairpersons of the Management Committees may table the Bills for discussion by the respective Regional Councils at their meetings.
- (3) The proposed amendments shall only be on the subject matter or clauses of the Bills and not on the principal Act, in the case of Amendment Bills.
- (4) The proposed amendments shall be properly motivated by the Regional Council.
- (5) The proposed amendments and their motivations shall reach the Office of the Secretary to the Council at least fifteen (15) working days before the commencement of each Session for scrutiny and advice.
- (6) If a Regional Council recommends amendments to any of the Bills, such recommendations shall be tabled before the House by one of its Members or any other Member in the Council.

Rule 186

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 187

Appointment of Secretary

Subject to the provisions of the laws pertaining to the public service and the directives of the Council, the Chairperson shall appoint a person, or designate a person in the public service made available for that purpose, as the Secretary of the Council, as provided for in Article 73A(1) of the Constitution.

Rule 188

General duties of Secretary

- (1) The Secretary shall be the administrative head and the Accounting Officer of the Council, and shall, subject to the laws governing the control of public monies, perform his/her functions and duties under the control of the Chairperson.
- (2) 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 of the Council; and
 - (b) the performance of the functions and duties assigned to him/ her by the Standing Rules and Orders or by the Chairperson.
- (3) 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 189

Minutes of Proceedings

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

Rule 190

Custody of records and documents

- (1) The Secretary shall have custody of all the records and other documents belonging to the Council.

- (2) Except where the information is classified, records and documents pertaining to the proceedings of the House and those of Standing/Select Committees are open to all Council Members and to members of the public.

Rule 191

Application of the Rules

- (1) Save where otherwise provided for in these Rules, the provisions in respect of the Council set out in the Constitution shall be applicable.
- (2) The Council's Code of Conduct and Disclosure of the Financial and Business Interests of the Members shall form part of these rules.

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

SCHEDULES

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*

(in the case of an affirmation) *I so affirm*"

SCHEDULES

THIRD SCHEDULE

Colours of Procedural documents

Document	Colour
(1) Notice of motion	Pink
(2) Amendment	Yellow
(3) Order paper	Sky blue
(4) Minutes of proceedings	White

SCHEDULES

FOURTH SCHEDULE

Ballot Papers and Nomination Forms



BALLOT PAPER

ELECTION OF THE CHAIRPERSON OF THE COUNCIL

Election of the Chairperson of the Council,
conducted in terms of Article 73(1) of the Namibian Constitution and
Rule 14 of the Council Standing Rules and Orders

1.
2.
- 3.....

**PLEASE WRITE DOWN THE NAME OF PERSON YOU WISH TO VOTE
FOR**



NOMINATION FORM

ELECTION OF THE CHAIRPERSON OF THE COUNCIL

NOMINATOR:

I,from..... Region,
hereby **in terms of Rule 14 of the Standing Orders of the Council**, propose
Honourable.....from.....**Re**
gion as Chairperson of the Council.



NOMINATION FORM

ELECTION OF THE CHAIRPERSON OF THE COUNCIL

SECONDER:

I,from.....
Region, hereby **in terms of Rule 14 of the Standing Orders of the Council**,
second the proposal for **Honourable**.....from
..... **Region** to be elected as Chairperson of the Council.



BALLOT PAPER

ELECTION OF THE VICE-CHAIRPERSON OF THE COUNCIL

Election of the Vice-Chairperson of the Council,
conducted in terms of Article 73(2) of the Namibian Constitution and
Rule 15 of the Council Standing Rules and Orders

1.
2.
3.

**PLEASE WRITE DOWN THE NAME OF PERSON YOU WISH TO VOTE
FOR**



NOMINATION FORM

ELECTION OF THE VICE-CHAIRPERSON OF THE COUNCIL

NOMINATOR:

*I,from..... Region, hereby
in terms of Rule 15 of the Standing Orders of the Council, propose
Honourable.....from.....Region
as Vice-Chairperson of the Council.*



NOMINATION FORM

ELECTION OF THE VICE-CHAIRPERSON OF THE COUNCIL

SECONDER:

I,from.....
Region, hereby **in terms of Rule 15 of the Standing Orders of the Council**,
second the proposal for **Honourable**.....from
.....**Region** to be elected as Vice-Chairperson of the Council.

SCHEDULES

FIFTH SCHEDULE

**National Council Code of Conduct & Disclosure of the Financial and
Business Interests of the Members of the National Council**

**NATIONAL COUNCIL
CODE OF CONDUCT
&**

**DISCLOSURE OF THE FINANCIAL AND BUSINESS INTERESTS OF THE
MEMBERS OF THE NATIONAL COUNCIL**

10 OCTOBER 2005

CODE OF CONDUCT & DISCLOSURE OF MEMBERS' INTERESTS
TABLE OF CONTENTS

Clause	Details
	CHAPTER 1 – DEFINITIONS
1.	Definitions
2.	CHAPTER 2 – APPLICATION OF THE CODE
	Application of the Code
	CHAPTER 3 – PERSONAL CONDUCT
3.	Personal Conduct of Members
	CHAPTER 4 – CONFLICT OF INTEREST
4.	Conflict of Interest
	CHAPTER 5 – INTERESTS TO BE DISCLOSED
5.	Registrable Interests
6.	Details of Registrable Interests
	CHAPTER 6 – ADMINISTRATION OF THE CODE
7.	Standing Committee on Privileges
8.	Registrar of Members' Interests
9.	Disclosure of Registrable Interests
10.	The Register of Members' Interests

11.	The Confidential Part of the Register
12.	The Public Part of the Register
	CHAPTER 7 – BREACH AND ENFORCEMENT OF THE CODE
13.	Breach of the Code
14.	Complaints Procedure
15.	Investigations by the Committee
16.	Findings
17.	Penalties
18.	Report to the House

CHAPTER 1

DEFINITIONS

1. All words in this Code which have been defined in the Standing Rules and Orders shall bear the same meaning and, unless the context indicates otherwise,

“The Act” means the Powers, Privileges and Immunities of parliament Act, Act No. 17 of 1996.

“Committee” means the Standing Committee on Privileges;

“dependent” means any person who is wholly or mainly dependent on the Member of financial or material support;

“dependent child” means an unmarried son, daughter, stepson or stepdaughter, by blood or law, under the age 21 years who is wholly or mainly dependent on the Member for financial or material support, and includes a dependent child as here defined, who is older than 21 years still attending an educational institution and is wholly or mainly financially or materially supported by the Member;

“equity value of a sole ownership” means the nett value of the sole ownership expressed as the difference between its assets and liabilities, and includes the profit that the sole ownership generates annually, its market value and the number of shares, if any, it holds in another business enterprise;

“financial interest” means the percentage value of a Member’s interest in a business enterprise, and includes loans made to and dividends received from such business enterprise;

“nominal value of shares” means the value at which the shares were

acquired;

“pension” excludes a pension received or receivable from the Government of the Republic of Namibia;

“permanent companion” means a person who is publicly acknowledged by a Member as that Member’s permanent companion or partner; or who is publicly perceived to be that Member’s permanent companion or partner;

“Register” means the Register of Members’ Interests referred to in clause 9 (2);

“Registrar” means the Secretary of the National Council;

“remuneration” excludes the income a Member receives by virtue of membership of the House or Ministerial Office;

“spouse” means a Member’s marriage mate, irrespective of whether the parties were married formally (church, magistrate’s court etc) or traditionally.

CHAPTER 2

APPLICATION OF THE CODE

2. (1) This Code forms part of the Rules of the Council as contemplated in article 74 of the Namibian Constitution,

- (2) The code is applicable to:

- (a) All members of the Council, and

- (b) Spouses, permanent companions, dependent children and

other dependents of members of the Council, to the extent that the member is aware of their registrable interests.

CHAPTER 3

PERSONAL CONDUCT

A Member must:

- (1) act in good faith at all times and not misuse or abuse the powers, rights and privileges granted by the Constitution and the Rules, conventions and practices of the Council;
- (2) act in the interests of the Namibian people and the Council;
- (3) uphold the law and act in conformity with the Rules, conventions and practices of the Council;
- (4) be accessible to the people in order to serve and to represent their interests conscientiously;
- (5) avoid any behaviour that may compromise his/her standing in the public arena, such as criminal behaviour, sexual harassment, insolvency, dishonesty etc.;
- (6) strive for national unity and reconciliation in the presentation of any issue before the House and take decisions in terms of the public interest;
- (7) not misrepresent any facts to the House or to committees;
- (8) conduct all hearings in a fair, honest and transparent manner;

- (9) disclose to the Registrar their financial interests;
- (10) report to the Committee on Privileges any unethical behaviour of another Member or Members; and
- (11) promote and support the afore-mentioned principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the Parliament and its members in conducting public business.

CHAPTER 4

CONFLICT OF INTEREST

- 3. (1) A Member is responsible for preventing conflicts of interest and must arrange his or her private affairs to prevent such conflicts of interest from arising;
- (2) A Member whose material, personal or financial interests give rise to a conflict with the public interest must take all reasonable steps to resolve that conflict in the public interest;
- (3) (a) A conflict of interest exists where a Member participates in or makes a decision in the execution of his or her duties when he or she knows or should know that it –
 - (i) will improperly or dishonestly further his or her material, personal or financial interest or another person's financial interest directly or indirectly, or
 - (ii) may improperly influence his or her conduct when

discharging his responsibilities.

(b) A conflict of interest does not exist where a member or other person benefits only as a member of the general public or as a member of a broad class of persons.

(4) (a) Where a possible conflict of interest arises, the Member concerned must inform the Presiding Officer, or any other person may so inform the Presiding Officer, and the Member must then either withdraw from the discussions and voting on the matter, or apply for condonation from the House or the Committee, as the case may be, on the grounds that such interest does not in any way conflict with the matter being discussed or voted upon.

(b) If the matter concerns a registrable interest that is recorded in the confidential part of the Register, the Member must withdraw from the deliberations or voting if the member does not want to disclose the interest.

CHAPTER 5

INTERESTS TO BE DISCLOSED

REGISTRABLE INTERESTS

5. The following kinds of financial interests must be registered:

(1) Shares and other financial interests in companies and other corporate entities;

- (2) Directorships, partnerships and board memberships and any remuneration received;
- (3) Sole ownerships;
- (4) Remunerated employment outside of Parliament;
- (5) Liabilities exceeding N\$ 20 000;
- (6) Immovable property;
- (7) Accounts with financial institutions exceeding N\$ 20 000;
- (8) Travel and travel discounts;
- (9) Gifts, services and hospitality;
- (10) Sponsorships;
- (11) Consultancies;
- (12) Pensions;
- (13) Any other benefit of a material nature; and
- (14) Details of all financial interests of a Member's spouse, permanent companion, dependent child or other dependent to the extent that the member is aware of those financial interests.

DETAILS OF REGISTRABLE INTERESTS

6. The following details must be furnished for all registrable interests:

- (1) Shares and other financial interests in companies and other corporate entities:
 - (a) the name of the company or other corporate entity;
 - (b) the number, nature and nominal value of shares of any type in any public or private company; and
 - (c) the nature and value of any other financial interests held in any other corporate entity.

(2) Directorships, partnerships, and board memberships:

- (a) the name, and type of business activity of the corporate entity, partnership or organization, and the date acquired;
and
- (b) the size and value of any financial interest or the amount of any remuneration received.

(3) Sole ownerships:

- (a) the name, and type of business activity of the sole ownership;
 - (b) the date acquired; and
 - (c) the equity value of the sole ownership.
- (4) Remunerated employment outside of Parliament:
 - (a) the type of employment; and
 - (b) the name, and type of business activity of the employer, and the amount of remuneration received for such employment.
- (5) Liabilities exceeding N\$ 20 000:
 - (a) the type of liability, amount and interest rate;
 - (b) the name of the individual or entity indebted to;
 - (c) the date that the loan or liability was obtained; and
 - (d) the term of the loan or liability.
- (6) Immovable Property:
 - (a) a description of the property;
 - (b) the location of the property; and
 - (c) the nature and value of the interest in the property.
- (7) Accounts exceeding N\$ 20 000 held with Financial Institutions:
 - (a) the type of account;
 - (b) the name and location of institution; and
 - (c) amount.
- (8) Travel and travel discounts:
 - (a) the date of travel and destination;

- (b) the duration of stay;
 - (c) the value of travel and stay (including any discounts received);
and
 - (c) the name of the sponsor and amount paid by the sponsor.
- (9) Gifts and hospitality (including services and discounts):
 - (a) the description, value and source of any gift or hospitality over N\$ 1000; and
 - (b) the description and value of gifts or hospitality having a cumulative value over N\$1000 received from a single source during the report period.
- (10) Sponsorships:
 - (a) the source and description of direct financial sponsorship and assistance from non-party sources; and
 - (b) the value of the sponsorship or assistance.
- (11) Consultancies:
 - (a) the nature of the consultancy of any kind;
 - (b) the name and type of business activity of the client concerned; and
 - (c) the amount of remuneration and any other benefits received for the consultancy.
- (12) Pensions:
 - (a) the source and type of pension; and
 - (b) the value of the pension.
- (13) Any other benefit of a material nature:
 - (a) the nature of the benefit;

- (b) the source of the benefit; and
- (c) the value of the benefit.

- (14) All financial interests, of which the Member is aware, of his or her spouse, dependent child, dependent or permanent companion (1) – (3) all the financial details that a Member must disclose in respect of clauses (1) to (13) above.

CHAPTER 6

ADMINISTRATION OF THE CODE

STANDING COMMITTEE ON PRIVILEGES

Functions and Powers of the Committee

- 7. For the purposes of this Code, the Committee on Privileges is empowered to:
 - (1) adopt such codes of conduct for all Members, in conformity with their constitutional rights, duties, privileges and immunities,
 - (2) implement the Code by adopting a standard format for the disclosure of interests and the reporting requirements in regard to such disclosure,
 - (3) enforce and administer the Code, and
 - (4) perform such other functions as may be determined in the Code and in the Rules of the Council.

REGISTRAR OF MEMBERS' INTERESTS

- 8. (1) The Secretary of the Council will be the Registrar of Members' Interests.

(2) The Registrar may designate staff assigned to the Committee to assist him or her in the execution of his or her duties.

(3) The Registrar must:

(a) open and keep a Register for the purposes of this Code, called the Register of Members Interests,

(b) record in the Register particulars of Members' registrable interests provided to him or her by Members,

(c) amend any entry in the Register when necessary,

(d) present the register to the Privileges Committee on an annual basis,

(e) perform any other duties in connection with the implementation and administration of this code as required by the Committee, and

(f) perform the functions of office in accordance with the directions of the Committee.

DISCLOSURE OF REGISTRABLE INTERESTS

9. (1) All Members of the Council upon being sworn in as members, must disclose their interest as contained in this code by signing the prescribed declaration and are obliged to adopt the principles of the code.

(2) A member must disclose to the Registrar, on the form prescribed for this purpose by the Committee, the details of all registrable interests as stipulated in clause 6.

(3) Subject to sub-clause 1, the first disclosure must be made within 30 days of the opening of a new Council.

- (4) After the first disclosure, members must annually disclose particulars of their registrable interests on or before 30 April each year, unless the Committee decides otherwise.
- (5) Members must, during the reporting period, disclose any change in their registrable interests within 60 days thereof.
- (6) If a member has no registrable interests a "nil return" must be furnished.
- (7) All members must, within 90 days of the approval of this Code by the House, disclose their registrable interests on the form prescribed for this purpose by the Committee.

THE REGISTER OF MEMBERS' INTERESTS

10. The Register must:

- (1) have a confidential and a public part;
- (2) contain the information regarding the members registrable interests as determined by the Code, and
- (3) be in format approved by the Committee.

CONFIDENTIAL PART OF THE REGISTER

11. (1) The Registrar must record the following in the confidential part of the Register:

- (a) The value of financial interests in a private or public company or a close corporation or in any other business entities;

- (b) The amount of any remuneration for any directorship, partnership or any other board membership;
 - (c) The equity value of a sole ownership;
 - (d) The amount of any remuneration for any employment outside Parliament;
 - (e) The type of liability, amount and interest rate, and the term of the loan or liability,
 - (f) The value of the interest in immovable property and the location and value of private residences;
 - (g) The amount of an account with a Financial Institution;
 - (h) The details of foreign travel only when the nature of the travel or visit requires those details to be confidential;
 - (i) The amount of any remuneration for a consultancy;
 - (j) The value of a pension, and
 - (k) The financial interests of a Members' spouse, permanent companion, dependent child or other dependent to the extent that the member is aware of those financial interests.
- (2) Where any doubt exists as to whether any financial interests must be disclosed, the Member concerned must act in good faith.
- (3) Notwithstanding sub-clause (1), the Committee may, on good cause shown, instruct the Registrar to record any other details of a Member's registrable interests in the confidential part of the register.

- (4) Only a Committee Member, the Registrar and the staff assigned to the Committee have access to the confidential part of the Register.
- (5) No person who has access to the confidential part of the Register may disclose particulars of an entry in the confidential part to anyone other than the Member concerned or another person who has access thereto, except when a competent Court orders him or her to do so.
- (6) A committee Member who contravenes sub-clause (5)
 - (a) is subject to the penalties prescribed under clause 17 (b), (c) and (d) of this Code, and
 - (b) is ineligible to continue as a Committee Member.
- (7) The Registrar or a staff member who contravenes sub-clause (5) is subject to disciplinary action applicable to parliamentary staff, including dismissal.

PUBLIC PART OF THE REGISTER

- 12. (1) The Registrar must record all registrable interests in the public part of the Register, except for the details that will be recorded in The Confidential part of the Register.
- (2) Any person has access to the public part of the Register on a working day during office hours.
- (3) The Registrar must publish the public part of the Register within 60 days of the date set for annual disclosure in a manner determined by the committee.

CHAPTER 7

BREACH AND ENFORCEMENT OF THE CODE

BREACH OF THE CODE

13. A Member breaches this Code if he or she-

- (1) contravenes or fails to comply with a provision of this Code,
- (2) negligently, recklessly or intentionally provides the Registrar with incorrect or misleading information, when disclosing registrable interests.

COMPLAINTS PROCEDURE

14. (1) The Committee may receive a complaint from any person alleging a breach of the Code by any Member or Members.

(2) (a) A complaint must be in writing.

(b) A complaint must be factual and must describe in detail the alleged breach of the Code.

(3) A Member may file a complaint directly or may forward a complaint received from any person to the Committee.

(4) Frivolous, vexatious or offensive complaints will be rejected.

INVESTIGATIONS BY THE COMMITTEE

15. (1) The Committee may of its own accord investigate an alleged breach of this Code by a Member.

(2) The Committee, when carrying out any investigations, must act in

accordance with the procedures contained in the Act and the Rules of the Council.

FINDINGS

16. (1) At the conclusion of its investigation, the Committee must make a finding, supported by evidence, on the alleged breach of this Code.
- (2) The Committee must provide reasons for its finding.
- (3) A Member may be found guilty of a breach only if there is sufficient evidence supporting such finding.

PENALTIES

17. Where the Committee has found that a member has breached a provision of this Code, it must recommend the imposition of one or more of the penalties provided for in the Rules of the Council.

REPORT TO THE HOUSE

18. (1) Within 7 days after making a finding, the Committee must submit a report to the House on its finding and recommended penalties,

if any, within 7 days after making a finding, if the House is then in ordinary session, if it is not in ordinary session, within 7 days after the commencement of its next ordinary session.
- (2) The House must discuss the Committee's report and take such disciplinary action against the Member as it deems appropriate, in accordance with the penalties provided for in the Rules of the Council.
- (3) The Chairperson must act on the decision of the House without delay.