



**MASS VEHICLE BILL: RESPONSE BY JOHN MUTORWA, MP AND MINISTER OF WORKS AND TRANSPORT (MWT) TO THE SECOND READING DEBATE; 16 NOVEMBER 2023, NATIONAL ASSEMBLY, WINDHOEK, NAMIBIA.**

1. Honourable Speaker of the National Assembly; Honourable Members of the National Assembly: Thank you so much, for affording me, this opportunity to respond to the various constructive and positive contributions, to the Second Reading Debate of the MASS VEHICLE BILL.
  
2. Eight (8) Honourable Members of this august / honourable House, did participate and did make specific contributions. The Honourable Members are:
  - (a) Honourable Kauandenge, NUDO;
  - (b) Honourable Venaani, PDM;
  - (c) Honourable Dr Kawana, SWAPO Party;
  - (d) Honourable Swartbooi, LPM;
  - (e) Honourable Utoni Nujoma, SWAPO Party;
  - (f) Honourable Dr Shangula, SWAPO Party;
  - (g) Honourable Smith, PDM; and



(h) Honourable Schlettwein, SWAPO Party.

3. I also thank all the Honourable Members and all their Political Parties, who did not take the floor to make their contributions, but, who I believe, did support and still are supporting the Mass Vehicle Bill.
  
4. Honourable Speaker, I am happy to note that: the contributions made, during the Second Reading Debate, were done within the letter and spirit of:
  - (a) RULE 36: STANDING RULES AND ORDERS AND INTERNAL ARRANGEMENTS;
  - (b) ARTICLE 40 (b) of the Namibian Constitution.
  
5. I have no doubt at all, that: we, the Honourable Members of the National Assembly, shall continue to debate the Mass Vehicle Bill, also, having due regard to the provisions of ARTICLE 63 (1): FUNCTIONS AND POWERS OF THE NATIONAL ASSEMBLY, when it lucidly and pertinently states the following: “the National Assembly, as the principal legislative Authority in and over Namibia, shall have the power, subject to the Constitution, to make and repeal laws for the peace, order and good government of the Country, in the best interest of the people of Namibia,” (my own underlining for emphasis).



6. RESPONSE TO SPECIFIC ISSUES RAISED:

(a) Honourable Kauandenge:

- Thank you so much for your support;
- With regard to your comment and concerns that: the Government of the Republic of Namibia (GRN) through its Ministry of Works and Transport (MWT), took too long to bring the Bill to the Parliament, I advise as follows: better late than never! Secondly, the Bill went through various studies, workshops and consultations within our Country; and also at SADC Level. This Bill has to be finalized, in line with the various harmonization decisions taken at the level of the: COMESA – EAC-SADC Tripartite Agreement; which decisions were also eventually adopted by the African Union Commission; as regulatory framework for transport in Africa. Also, remember Honourable Kauandenge that: “History is ABOUT the past human activities; researched, written, debated, criticised IN the present; but, its main important lessons, roles, objectives are fundamentally FOR both the present and the future! Forward ever, backwards never, Honourable Kauandenge!



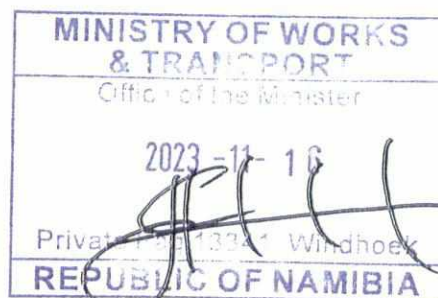
(b) Honourable VENAANI:

- Thank you so much, Honourable Venaani, for your support. You raised various very important and related issues, amongst others the following:

- (i) Truck Drivers' salaries;
- (j) Road Network maintenance;
- (k) Registration of Trucks that are mainly used on Gravel Farm roads; are payments the same as those charged for and on the Tarred or Tarmac roads?
- (l) NaTis Services;
- (m) Need for Public Awareness and Public Education with regard to the provisions of the Mass Vehicle Bill, once it becomes an Act / Law.

(c) HONOURABLE DR KAWANA:

- Thank you so much, my Honourable Colleague. You clarified many issues from a Legal point of view, particularly principles underlying CRIMINAL LAW- "the actual or real intention to commit a crime."
- Your advice that: the Mass Vehicle Bill must be in compliance with other Countries laws is accepted and appreciated.



(d) HONOURABLE SWARTBOOI:

- Thank you for your in principle support of the Bill.
- You pointed out, amongst others, the following Sections in the Bill, that may warrant further improvement and strengthening, during the Committee Stage, when the finer details of the Bill will be considered and discussed:
  - (i) SECTION 10: I shall value your specific proposals during the Committee Stage.
  - (ii) SECTION 11: Your specific proposals to improve and / or tighten the loose ends, will be welcomed and positively considered.
  - (iii) SECTION 13: I did not quite get your specific concerns and / or proposals here, but, once again, I shall welcome the same, during the Committee Stage consideration of the Bill. It is also important that some of the issues will be firmed up and comprehensively clarified in the Regulations.

(e) Honourable Utoni NUJOMA

- Thank you for supporting both the policy objectives and principles of the Bill.



(f) Honourable Dr Kalumbi SHANGULA

- Thank you so much for supporting the Mass Vehicle Bill and for characterizing the said Bill as: “progressive and prospective.”
- I characterize your written statement, as: sincere, methodical, scholarly which demonstrates a surgical analysis of pertinent issues.
- Your emphasis on: “damaged roads cause damage to vehicles. Damaged vehicles pose risk to the safety of road users” conveys the message lucidly and unambiguously clear to all of us.
- I fully agree with you, with regard to the issue of having well legally accredited and regulated Driving Schools; as well as the issue of having: a National Training Authority for prospective drivers that will set National Standards for all Training Schools, including appropriate conduct on our roads.
- Work is already at an advanced stage to amend Clause 17 of the Road Traffic and Transport Act, 1999 (Act Number 22 of 1999) so as to, also, provide for the establishment of a Regulatory Authority to set National Standards for the training of Drivers.



- Your observation that: CLAUSE 5 (9) is too mandatory; and that the instruction conveyed through the said Clause 5 (9) imposes “an due administrative burden on both the Minister and the Roads Authority,” has merit. I shall consult with the Attorney General on this matter, prior to the commencement of the Committee Stage, next week.

(g) Honourable Nico SMITH

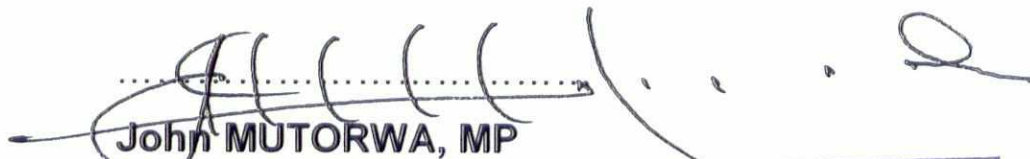
- Thank you so much for your support and for your focussed contribution, highlighting, amongst others, the following issues:
  - (i) Strategic importance of Weigh bridges, as critical control points, in enforcing vehicular Load limits;
  - (ii) Staffing issues at the existing Weigh bridges; Staff shortages;
  - (iii) Extended waiting times to which Mass Vehicle Operators are sometimes subjected to;
  - (iv) Streamlining the weighing process with additional human Power or Staff;
  - (v) Ambiguity of Section 5 of the Bill, particularly with regard to: critical operational details, e.g: definition of “prescribed period.”



(h) Honourable Calle SCHLETTWEIN

- Thank you for the support.
- Sections 7; Section 9: “Despite any provision”, “Despite any law! I shall consult with the Attorney General prior to the commencement of the Committee Stage, next week, in this regard.

7. All in all, Honourable Speaker, I thank you and I thank all Honourable Members of the National Assembly. I now move that the Bill be considered further, in the Committee of the Whole House, next week.

  
John MUTORWA, MP  
MINISTER

