

National Council

REGIONAL COUNCILS AMENDMENT BILL

As passed by the National Council

[B.2-2015]

To amend the Regional Council Act 1992 so as to provide for the establishment of Constituency Development Committees; Regional Development Coordination Committees; to provide for powers and functions of Constituency Development Committees and Regional Development Coordination Committees and to provide for incidental matters

BE IT ENACTED as passed by the by the Parliament, and assented to by the President of the Republic of Namibia, as follows:

Amend section 1 of Act 22 of 1992, by insertion of the following

1. In this Act, unless the context indicates otherwise -
 - (a) by insertion after the definition of “**chief regional officer**” of the following definition:

“Constituency Development Committee” means the constituency development committee as established by section 28(hA);
 - (b) by insertion of the after the definition of “**Regional Council**” of the following definition:

“Regional Development Coordination Committee” means the regional development coordination committee as established by section 28(hG)

Insertion of part III (A) in Act 22 of 1992

PART III (A)

2. The following Part is inserted after Part III of the Principal Act:

Constituency Development Committee

28(hA)(1) There is established a Constituency Development Committee.

Functions of the Constituency Development Committee

- (2) The powers and functions of the Constituency Development Committee are to coordinate the planning and development of the respective region at the constituency level and it shall -
- (a) facilitate the establishment of a community based management information system in the area;
 - (b) identify and assess community needs and problems to be considered for both constituency development proposals, plans and capital projects;
 - (c) submit recommended project proposals to Constituency Development Fund Board for approval;
 - (d) submit recommended project proposals to the Regional Council for consideration;
 - (e) prepare and evaluate project proposals and plans for the constituency for submission to the Constituency Development Fund Board;
 - (f) initiate, encourage, support and participate in communities' self-help projects and mobilize people, material, financial and technical assistance in relation thereto;
 - (g) monitor and evaluate the implementation of the development plans as approved by the Regional Councils and write reports;
 - (h) be responsible for monitoring day-to-day emergency occurrences including natural and man-made disasters and take account of the number of people that would be affected by such emergency occurrences;
 - (i) serve as the communication channel between the Regional Councils and people in the constituency;
 - (j) monitor the administration of its area and report to the Regional Council or Local Authority; and

- (k) coordinate and monitor projects and activities undertaken by government, government agencies, regional councils, local authorities, non-governmental organisations and community based organisations;

28 (hB) **Composition of Constituency Development Committee**

The Constituency Development Committee consists of the following members appointed by the Regional Councillor from nominations received from the constituency -

- (a) the Chairperson who is also the Regional Councillor of the constituency ;
- (b) one member from each recognised traditional authorities in that area;
- (c) one member of a non-governmental organisation in the area;
- (d) one representative of a community based organisation in the area;
- (e) representatives of government service providers in the area;
- (f) one person with disabilities representing persons with disabilities in the constituency;
- (g) one youth member representing the youth in the constituency ;
- (h) one representative of a local authority in a constituency if any;
- (i) one representative of a faith based organisation; and
- (j) the head of administration shall be the secretary of the Constituency Development Committee and shall be responsible for the recordings the proceedings of the committee.

Terms of office for members of Constituency Development Committee

28 (hC) a member of the Constituency Development Committee holds office for a term of three years and is eligible for re-appointment at the expiry of that term.

Disqualification of members of the Constituency Development Committee

28 (hD) A member of the Constituency Development Committee will be disqualified and removed from office if-

- (1)(a) the member is convicted of an offence and sentenced to imprisonment without the option of a fine irrespective of whether or not that sentence has been suspended;
- (b) the member resigns from the Constituency Development Committee after giving the Chairperson 30 days written notice of his or her intention to resign;
- (c) the member has been absent from three consecutive meetings of the Constituency Development Committee without valid cause;
- (d) the nomination of the member is withdrawn; or
- (e) the member is removed from office by the Chairperson in terms of subsection(2).

- (2) The Chairperson may remove a member of the Constituency Development Committee from office if the member -
 - (a) is guilty of misconduct;
 - (b) fails to comply with or contravenes this Act; or
 - (c) is by reason of physical or mental illness or for any other reason incapable of acting as member.

- (3) If a member of the Constituency Development Committee dies or vacates office, the vacancy must be filled for the unexpired portion of the term of office of that member.

Procedure at meetings of Constituency Development Committee

- 28(hE)(1)** The Constituency Development Committee must determine its own rules and procedures governing the convening and holding of meetings, but such rules and procedures must be consistent with this Act.
- (2) The Constituency Development Committee must hold at least four meetings per year and -
 - (a) the first meeting must be held at a date, place and time determined by the Chairperson of the Management Committee of the Regional Council; and
 - (b) any meeting thereafter must be held at a date, place and time determined by

the Constituency Development Committee.

- (c) the first meeting must be at least three months after the committee is constituted.

Remuneration and expenses of Constituency Development Committee members

- 17.** (1) The members of the Constituency Development Committee who are not *ex officio* members must be paid such allowances, including travel, subsistence and sitting allowances as the Minister, with the concurrence of the Minister of Finance, determines .
- (2) The expenses of the Constituency Development Committee relating to the Committee's functions are defrayed out of money appropriated for this purpose by Parliament.

Functions of Regional Development Coordination Committee

- 28(hG)** (1) There is established a Regional Development Coordination Committee.
- (2) The powers and function of the Regional Development Coordination Committee are to coordinate the planning and development of the respective regions at the regional level and it shall –
- (a) facilitate the establishment of a sound management information system for the region.
- (b) prepare and evaluate development proposals and plans for the region for approval by the Regional Council in consultation with Constituency Development Committees.
- (c) supervise, monitor and evaluate the implementation of the development plans

- as approved by the Regional Council;
- (d) discuss, evaluate and monitor implementation of regional projects, which are funded by the central government;
 - (e) give guidance to the Constituency Development Committees;
 - (f) coordinate the development planning of the region and integrate all the development proposals and plans from the constituency development committees for presentation to the regional council;
 - (h) be the secretariat to the Regional Council for the purpose of planning and development;
 - (i) monitor the implementation of projects and other activities undertaken by government, and local authorities, non-governmental organisations and community based organisations in the region;
 - (j) carry out any other duty as may be authorised by the Regional Council

Composition of Regional Development Coordinating Committee

28(hG) There is established a Regional Development Coordination Committee. The Regional Development Committee consists of the following members appointed by the management committee of the Regional Council-

- (a) The Chief Regional Officer who will also serve as the chairperson;
- (b) two members from of the directorate of planning who must serve as the secretariat;
- (c) all heads of departments from line ministries present in the region;
- (d) a representative from a private sector
- (e) all representatives of non-government organisations in the area;

- (f) all heads of administration from the Constituency Development Committees within the region.

Disqualification of members of the Regional Development Committee

- 28(hH)(1)** a member of the Regional Development Coordination Committee will be disqualified and removed from office if-
- (a) the member is convicted of an offence and sentenced to imprisonment without the option of a fine irrespective of whether or not that sentence has been suspended;
 - (b) the member resigns from the Regional Development Coordination Committee after giving the management committee 30 days written notice of his or her intention to resign;
 - (c) the member has been absent from three consecutive meetings of the Regional Development Coordination Committee;
 - (d) the nomination of the member is withdrawn; or
 - (e) the member is removed from office by the management committee.
- (2) The Regional Council may remove a member of the Regional Development Coordination Committee from office if the member -
- (a) is guilty of misconduct;
 - (b) fails to comply with or contravenes this Act; or
 - (c) is by reason of physical or mental illness or for any other reason incapable of acting as member.
- (3) If a member of the Regional Development Coordination Committee dies or vacates office, the vacancy must be filled for the unexpired portion of the term of office of that member.

Procedure at meetings of Regional Development Coordination Committee

28(hI) (1) The Regional Development Coordination Committee must determine its own rules and procedures governing the convening and holding of meetings, but such rules and procedures must be consistent with this Act.

- (2) The Regional Development Coordination Committee must hold at least four meetings per year and -
- (a) the first meeting must be held at a date, place and time determined by the management committee; and
 - (b) any meeting thereafter must be held at a date, place and time determined by the Regional Development Coordination Committee.

Remuneration and expenses of members of the Regional Development Coordination Committee

28(hJ).(1) The members of the Regional Development Coordination Committee who are not *ex officio* members must be paid such allowances, including travel, subsistence and sitting allowances as the Management committee in consultation with the Minister, with the concurrence of the Minister of Finance, determines.

- (2) The expenses of the Regional Development Coordination Committee relating to the Regional Development Coordination Committee's functions are defrayed out of money appropriated for this purpose by Parliament.

28 (hK) settlement committees

A settlement Committee shall be established in every settlement area for the purpose of effective coordination of the administration and development of the settlement.

Composition of the settlement

The settlement shall consist of-

- (a) The officer in charge of the settlement who shall be the chairperson of the committee

- (b) a member of each recognised traditional authority in the area
- (c) one representative of each line ministry in the area
- (d) not more than five members from the community

Functions of the settlement committee

- (a) to draw the attention of the constituency councillor and or the Regional officer to any matter that rouses their concern or interest or relating to the management and administration of the settlement.
- (b) to facilitate the establishment of a community based management information system in the area
- (c) to resolve problems identified at that level
- (d) to identify, assess and evaluate community needs/problems to be considered for development proposals/plans by the regional council.
- (e) to initiate encourage, support and participate in communities self-help projects and mobilise people, material, financial and technical assistance in relation thereto;
- (f) to assist in the maintenance of law and order and security
- (g) to serve as a communication channel between the regional constituency and people in the area
- (h) to monitor the delivery of services within its area and report to the regional constituency
- (i) to carry out any function that may be assigned to it by the regional constituency
- (j) to carry out any other function which may be imposed by law or incidental to the above

Procedure at meetings of Settlement Committee

28(hI) (1) The Settlement Committee must determine its own rules and procedures governing the convening and holding of meetings, but such rules and procedures must be consistent with this Act.

- (2) The Settlement Committee must hold at least four meetings per year and -
 - (a) the first meeting must be held at a date, place and time determined by the management committee; and
 - (b) any meeting thereafter must be held at a date, place and time determined by the

Settlement Committee.

Remuneration and expenses of members of the Settlement Committee

28(hJ).(1) The members of the Settlement Committee who are not *ex officio* members must be paid such allowances, including travel, subsistence and sitting allowances as the Management committee in consultation with the Minister, with the concurrence of the Minister of Finance, determines.

(2) The expenses of the Settlement Committee relating to the Settlement Committee's functions are defrayed out of money appropriated for this purpose by Parliament.

Appointment of secretariat

28(hL) The Chief Regional Officer in consultation with committees may appoint a staff member or consultant to assist in the administration of committee activities.

3. By insertion of paragraph (c) in section 36 (1) of the Regional councils Act 22 of 1992

(1) The management committee must in each financial year prepare and compile a statement of its estimated income and expenditure during the following financial year for projects, plans and problems identified by the constituency development committee in consultation with the regional development coordination committee;

4. Short title and commencement

This Act is called the Regional Councils Act Amendment Act, 2015, and shall come into operation on a date fixed by the Minister by notice in the *Gazette*.