



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Government Notice

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### OFFICE OF THE PRIME MINISTER

No. 217	2002
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#### PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 12 of 2002: Regional Councils Amendment Act, 2002.

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**EXPLANATORY NOTE:**

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing provisions.

[                    ] Words in bold type in square brackets indicate omissions from existing provisions.

**ACT**

**To amend the Regional Councils Act, 1992, so as to insert, delete and substitute certain definitions; to substitute provisions regulating the appointment of staff members of regional councils; to repeal provisions providing for the establishment of recruitment committees and the recruitment of staff members; to replace the expression “regional officer” with the expression “chief regional officer”; and to provide for incidental matters.**

*(Signed by the President on 11 November 2002)*

**BE IT ENACTED** by the Parliament of the Republic of Namibia, as follows:-

**Amendment of section 1 of Act No. 22 of 1992, as amended by section 1 of Act No. 30 of 2000**

**1.** Section 1 of the Regional Councils Act, 1992 (hereinafter referred to as the principal Act), is hereby amended -

- (a) by the insertion of the following definition before the definition of “decentralisation”:

“ ‘chief regional officer’ means the chief regional officer of a regional council appointed under section 23;”;

- (b) by the deletion of the definition of “decentralisation”;
- (c) by the deletion of the definition of “establishment”;
- (d) by the deletion of the definition of “Line Ministry”;
- (e) by the deletion of the definition of “organisational component”;
- (f) by the deletion of the definition of “recruitment committee”;
- (g) by the deletion of the definition of “regional officer”; and
- (h) by the substitution for the definition of “staff member” of the following definition:

“ ‘staff member’ means any person employed permanently or temporarily on a full-time or part-time basis or under a contract of employment, in a post on or additional to the establishment of a regional council, and includes a chief regional officer.”.

**Substitution of section 23 of Act No. 22 of 1992**

2. The following section is hereby substituted for section 23 of the principal Act:

**“Appointment of chief regional officers and other staff members by regional councils**

23. (1) Subject to the provisions of section 24 and such regulations as may be prescribed and such directives as may be issued by the Minister, a regional council shall -

- (a) appoint, after consultation with the Minister, a person as the chief regional officer of the regional council who shall be the chief executive officer of the regional council and who shall, subject to the control and directions of the regional council, be responsible for the carrying out of the decisions of the regional council and for the administration of the affairs of the regional council;
  - (b) appoint such other staff members of the regional council as it may deem necessary for purposes of the performance of the work incidental to the exercise of the powers and the performance of the duties and functions of the regional council.
- (2) (a) No person shall be appointed under subsection (1) as chief executive officer, unless he or she is a Namibian citizen.
- (b) The Minister may from time to time determine that, in respect of any such post on the fixed establishment of the regional council as may be specified by him or her, no person shall be appointed in such post unless it has been advertised in such manner and for such period as may be so determined by the Minister.

(3) The powers conferred and the duties and functions imposed upon the chief regional officer by or under the provisions of this Act or any other law may be exercised or performed by the chief regional officer personally, or, except in so far as the chief regional officer otherwise determines, by any staff member referred to in subsection (1)(b) engaged in carrying out such provisions under the direction and control of the chief regional officer.

(4) When the chief regional officer is absent or is unable to exercise his or her powers or to perform his or her duties or functions, or the office of chief regional officer is vacant, the powers, duties and functions of the chief regional officer shall be exercised or performed by **[an]** a staff member of the regional council designated by the regional council for that purpose.”.

**Amendment of section 24 of Act No. 22 of 1992**

3. (1) Section 24 of the principal Act is hereby amended -
- (a) by the substitution for subparagraph (iv) of paragraph (a) of subsection (2) of the following subparagraph:

“(iv) any reference to chief executive officer shall be construed as a reference to the chief regional officer of a regional council.”;

- (b) by the substitution for subparagraph (xii) of paragraph (a) of subsection (2) of the following subparagraph:

“(xii) the following section shall be deemed to have been substituted for section 10A:

**‘Appointment of chief regional officer**

**10A.** (1) Subject to the provisions of this Part and Part IV  
a person who -

- (a) (i) is appointed as chief regional officer; or  
(ii) is promoted to the post of chief regional officer,  
shall hold office as chief regional officer for a period of five years from the date of his or her appointment or promotion.

- (b) A regional council may, after consultation with the Minister and subject to subsection (2), extend any term of office referred to in subparagraph (a) at the expiry thereof for such further period or successive periods as may be determined by that council acting after consultation with the Minister.

- (2) (a) The regional council shall, at least two calendar months before the expiry of any term of office or any extended term of office contemplated in subsection (1), in writing inform the chief regional officer concerned of its intention to retain him or her in service for an extended term, or not.

- (b) If a regional council so informs a chief regional officer of its intention to retain him or her in service for an extended term, such chief regional officer shall, within one month from the date of having been so informed, in writing accept or reject the extended employment.’; and

- (c) by the substitution for subparagraph (ii) of paragraph (b) of subsection (2) of the following subparagraph:

“(ii) any service of a chief regional officer or any other staff member of a regional council who, without any interruption of service, is appointed in the public service or in the service of any other regional council shall, for purposes of the said rules, be deemed to be uninterrupted as a member of the Government Institutions Pension Fund; and”.

(2) Any person who immediately prior to the commencement of this Act held office as a regional officer of a regional council by virtue of his or her appointment under section 23 read with section 24 of the principal Act before the amendment of those provisions by this Act, shall at the commencement of this Act continue to so hold office but, notwithstanding anything to the contrary in any law contained, only until a person is appointed under those sections of the principal Act as amended by this Act as chief regional officer of that regional council.

**Repeal of sections 24A, 24B and 24C of Act No. 22 of 1992, as inserted by section 5 of Act No. 30 of 2000**

4. Sections 24A, 24B and 24C of the principal Act are hereby repealed.

**Substitution of expression in Act No. 22 of 1992**

5. The principal Act is hereby amended by the substitution for the expression “regional officer” wherever it occurs, of the expression “chief regional officer”.

**Short title and commencement**

6. (1) This Act shall be called the Regional Councils Amendment Act, 2002, and shall come into operation on a date to be determined by the Minister by notice in the *Gazette*.

- (2) Different dates may be determined in terms of subsection (1) in respect of different provisions of this Act.
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