



GOVERNMENT GAZETTE
OF THE
REPUBLIC OF NAMIBIA

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 175

1994

**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. 15 of 1994: National Planning Commission Act, 1994.

**NATIONAL PLANNING COMMISSION
ACT, 1994****ACT**

To provide for the membership, powers, functions and personnel of the National Planning Commission and matters incidental thereto.

(Signed by the President on 14 September 1994)

ARRANGEMENT OF SECTIONS

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

Definitions.

1. In this Act, unless the context otherwise indicates -

“Commission” means the National Planning Commission referred to in Article 129(1) of the Namibian Constitution; and

“Director-General” means the Director-General of Planning appointed under Article 32(3)(i)(dd) of the Namibian Constitution.

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Members of Commission.

2. (1) The Commission shall consist of -

- (a) the Director-General, who shall be the chairperson of the Commission;
- (b) the Minister of Agriculture, Water and Rural Development;
- (c) the Minister of Finance;
- (d) the Minister of Trade and Industry;
- (e) the Minister of Works, Transport and Communication; and
- (f) the Minister of Regional and Local Government and Housing;
- (g) eight persons appointed by the President after consultation with the Director-General from amongst persons with knowledge and experience of a developmental nature in economic, social, ecological or other related fields.

(2) The Commission -

- (a) shall, whenever any matter of an international or procedural nature which may concern the Minister of Foreign Affairs is to be discussed or considered at a meeting of the Commission, invite the Minister of Foreign Affairs to attend such meeting;
- (b) may invite any Minister, who is not an *ex officio* member of the Commission, to attend a meeting of the Commission.

(3) Where, in accordance with subsection (2), any Minister, not being an *ex officio* member of the Commission, attends a meeting of the Commission, such Minister may participate in the deliberations of the Commission, but shall not have a vote.

(4) In the absence of the chairperson from a meeting of the Commission, the members present thereat shall elect one of their number to preside at that meeting.

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Functions of Commission.

3. (1) The Commission shall, to the greatest possible extent consistent with its task of planning the priorities and direction of national development as assigned to it by Article 129(1) of the Namibian Constitution, and with due regard to the principles stipulated in Articles 95 and 98 of the Constitution, take or cause to be taken any action which it deems necessary or expedient for such task, and which may, without derogating from the generality of this provision, include any activities in relation to -

- (a) the orientation, design and surveillance of economic and social plans and policies in accordance with national objectives;
- (b) macro-economic analysis, national and sectoral development planning and employment strategies, budgeting and project analysis;
- (c) regional and development planning, design and co-ordination;
- (d) the organization and execution of economic and social studies;
- (e) the collection and organization of statistics and other data required for planning and other related purposes;
- (f) the management and co-ordination of international aid resources, including for non-governmental activities;
- (g) the establishment and operation of strategic information systems and services in the fields of planning and statistics;
- (h) the establishment and operation of registry documentation and library services in the fields of planning and statistics;
- (i) the design of and participation in staff development and training programmes in the fields of planning and statistics;
- (j) the design of and participation in institution building and capacity strengthening activities.

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(2) The Commission shall further perform such functions pertaining to its task as may be referred to it by the President.

Functions of Director-General.

4. The functions of the Director-General in his or her capacity as head of the Commission shall include -

- (a) briefing the Prime Minister for parliamentary debates on economic planning and national development issues laid before the National Assembly;
- (b) directing the translation and development of policies and plans into programmes and projects for execution, including public sector investment programmes, and from an economic planning viewpoint, advising on the mobilization and allocation of public sector resources and on the appraisal, monitoring and evaluation of development programmes;
- (c) making recommendations in connection with proposed capital and development projects and programmes and related and consequential expenditure to the Minister of Finance for purposes of the preparation of the annual budget and, in consultation with the Minister of Finance, supervising the application of moneys appropriated for such capital and development projects and programmes and related and consequential expenditure;
- (d) promoting and sustaining externally assisted development programmes through the negotiation, appraisal, monitoring and evaluation of such programmes in consultation with the development co-operation institutions concerned;
- (e) co-ordinating Government's responsibilities in regard to development programmes and projects sponsored or financed by non-governmental organizations;
- (f) liaising and consulting with the private sector, the labour movement and non-governmental organizations on macro-economic, sectoral and development planning issues and programmes, employment strategies and the creation of a favourable investment climate;

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(g) supervision over and direction of the work and staff of the Secretariat of the Commission.

Tenure of office of appointed members of Commission and filling of vacancies.

5. (1) A member of the Commission appointed under section 2(1)(g) shall, subject to subsection (2), hold office for a period of 3 years, but shall at the expiration of his or her period of office be eligible for reappointment.

(2) The office of a member referred to in subsection (1) shall become vacant if -

- (a) he or she resigns by written notice to the President;
- (b) his or her estate is sequestrated or he or she enters into a compromise with his or her creditors;
- (c) he or she is convicted of an offence and sentenced to imprisonment without the option of a fine; or
- (d) he or she is removed from office under subsection (3).

(3) A member referred to in subsection (1) may be removed from office by the President if in the President's opinion he or she -

- (a) is incapacitated by physical or mental illness; or
- (b) is otherwise unable or unfit to discharge the functions of a member.

(4) If a member referred to in subsection (1) ceases to hold office the President may appoint any person to act in the place of such member for the unexpired portion of his or her period of office.

Remuneration and allowances of appointed members of Commission and advisory committees.

6. (1) Every member of -

- (a) the Commission appointed under section 2(1)(g);
- (b) an advisory committee established under section 8(1) who is not a member of the Commission,

and who is not in the full-time employment of the State, shall be paid, from moneys appropriated by Parliament for the purpose, such remuneration and allowances as the President may determine.

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(2) The remuneration and allowances determined under subsection (1) may differ according to the office held by the member concerned or the functions performed by him or her.

Meetings of Commission.

7. (1) The first meeting of the Commission shall be held at such time and place as the chairperson of the Commission may determine and, subject to subsection (2), subsequent meetings of the Commission shall be held at such times and places as the Commission may determine.

(2) The chairperson of the Commission may at any time and shall, at the written request of at least three members of the Commission, convene a special meeting of the Commission.

(3) The procedure at meetings of the Commission shall be determined by the Commission.

(4) The quorum for a meeting of the Commission shall be -

(a) a majority of the members referred to in section 2(1)(a) to (e); and

(b) a majority of the members referred to in section 2(1)(g).

(5) A decision of the majority of the members, present at a meeting of the Commission, provided such majority includes a majority of the members referred to in section 2(1)(a) to (e), shall constitute a decision of the Commission and, in the event of an equality of votes, the chairperson shall have a casting vote in addition to his or her deliberative vote.

**Advisory committees of
Commission.**

8. (1) The Commission may establish advisory committees to assist or advise the Commission in connection with any matter relating to its functions.

(2) An advisory committee of the Commission may consist of one or more members of the Commission or of such members as well as other persons, but not exceeding three, with expert knowledge in a field relevant to the matter under consideration by the advisory committee in question.

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(3) The Commission shall appoint the chairperson of all advisory committees.

(4) The Commission may at any time dissolve or reconstitute an advisory committee.

Annual report.

9. (1) The Director-General shall as soon as practicable after the end of each year, but not later than 30 September, compile a report on the Commission's activities during the preceding year for approval by the Commission.

(2) The Prime Minister shall cause a copy of the approved annual report to be laid on the Table of the National Assembly.

Secretary and staff of Commission.

10. (1) The Permanent Secretary: National Planning Commission shall act as secretary of the Commission and of every advisory committee established under section 8(1).

(2) Whenever the Permanent Secretary is unable to act as secretary of the Commission or an advisory committee of the Commission, the Permanent Secretary may designate a person to act as secretary in his or her place.

(3) The professional and administrative work connected with the Commission's functions shall be performed by the Secretariat of the Commission which shall be composed of persons in the public service.

(4) The Commission may appoint any person with expert knowledge in a particular field to assist or advise the Commission in connection with any matter relating to its functions.

Short title.

11. This Act shall be called the National Planning Commission Act, 1994.
