



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 23 July 2009

No. 4301

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## Government Notice

### NATIONAL PLANNING COMMISSION

No. 146 2009

#### DETERMINATION OF COLLECTION OF STATISTICS IN RELATION TO BUSINESS ENTERPRISES AND BUSINESS ESTABLISHMENTS AND REGULATIONS FOR SUCH COLLECTION: STATISTICS ACT, 1976

In terms of the Statistics Act, 1976 (Act No. 66 of 1976), I have -

- (a) under section 3(1)(a) of that Act, determined that the statistics relating to the business enterprises and business establishments are to be collected from 01 August 2009 to 31 October 2009; and
- (b) under section 17(1) of that Act, made the regulations relating to the collection of statistics referred to in paragraph (a), set out in the Schedule.

**P.H. KATJAVIVI**  
**DIRECTOR-GENERAL OF PLANNING**

Windhoek, 29 June 2009

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## SCHEDULE

### Definitions

1. In these regulations any word or expression defined in the Act has that meaning and unless the context otherwise indicates -

“business enterprise” means a sole proprietor, partnership, trust created for a business purpose, company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), close corporation registered in terms of the Close Corporation Act, 1988 (Act No. 26 of 1988), and includes an informal business establishment or any other body which owns one or more business enterprise;

“business establishment” means any premises where goods or services are sold, bartered, exchanged or transferred, or offered for sale, barter, exchange or transfer, or received, stored, unpacked, despatched, assembled or repaired;

“interviewee” means a person from whom information is sought for the purpose of collection of statistics and who is employed by, or exercises authority, control or management over the respondent;

“respondent” means any business enterprise in respect of which any information or record is sought or document is provided for the purposes of collection of statistics; and

“the Act” means the Statistics Act, 1976 (Act No. 66 of 1976).

### Furnishing and collection of statistics

2. (1) After having been furnished with a questionnaire, a respondent must furnish the Secretary with the information requested in such questionnaire within 30 days of receipt thereof.

(2) Questionnaires must be delivered to the respondents by hand or registered mail.

(3) An officer may at all reasonable times, on production of his or her appointment certificate enter any business establishment for the purposes of -

(a) delivering a questionnaire;

(b) delivering documents or collecting documents, records or other information required for a statistics collection;

(c) making any enquiry as he or she is required to make for the purposes of collection of statistics.

(4) An interviewee must -

(a) fill in questionnaires in a truthful and timely manner, and may not make false entries, conceal data, refuse to submit data or submit such data belatedly;

(b) if required in the process of the statistics collection, provide records, data or documentation without delay.

(5) An interviewee must furnish -

(a) the enterprise name and address of establishment, including town, suburb, street name, erf No. and postal address, where applicable;

- (b) the contact details including telephone, fax number and email address, where applicable;
  - (c) the status of the business whether operational, temporally closed, permanently closed or under construction;
  - (d) whether enterprise is a single unit enterprise, a head office having branches or a branch with head office elsewhere;
  - (e) description of the major business activities of the enterprise;
  - (f) number of male and female employees;
  - (g) working proprietors;
  - (h) number of Namibian and Non-Namibian employees;
  - (i) if enterprise is a head office, names and descriptions of branches, including the information required in terms of paragraphs (a) to (g);
  - (j) if enterprise is a branch, details of head office and whether located in Namibia or elsewhere, including the information required in terms of paragraphs (a) to (g);
  - (k) type of enterprise: whether a sole proprietor, partnership, trust created for business purposes, company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), close corporation registered in terms of the Close Corporation Act, 1988 (Act No. 26 of 1988) or any other business enterprise;
  - (l) date of commencement of business;
  - (m) ownership structure of enterprise including the names and addresses of such owners;
  - (n) whether owner is a member of a designated group as defined in the Affirmative Action (Employment) Act, 1998 (Act No. 29 of 1998);
  - (o) initial investment and turnover;
  - (p) socio-economic location;
  - (q) export and proportion of export in relation to turnover;
  - (r) import and proportion of import in relation to turnover;
  - (s) financial statements, including audited financial statements, where applicable; and
  - (t) Ministry of Trade and Industry registration number and Local Authority Number, where applicable.
- (6) An officer must at all times when conducting an interview affix to his or her clothing an identification tag, which is clearly visible and must on request produce his or her certificate of appointment as an officer.

**Prohibition of disclosure of information**

**3.** (1) Unless as permitted by the Act, no document, information or record provided to an officer in the course of collection of statistics or obtained from administrative records and that relates to a business enterprise or business establishment may be -

- (a) disclosed to a third party;
- (b) admitted as evidence in legal proceedings, except for purposes of criminal proceedings in terms of these regulations; or
- (c) disclosed to a government body for non-statistical purposes.

(2) Documents, information or records obtained in the course of collection of statistics may not be published or disseminated in a manner which permits the identification of a specific individual, business or other organisation, unless that person, business or organisation has consented in writing to the publication or dissemination in that manner.

(3) Subregulations (1) and (2) do not apply to documents, information or records about a specific individual, business or other organisation already published or available on a database accessible to the public or to documents, information or records for whose publication the individual, business or other organisation has given written permission.

**Offences and penalties**

**4.** A person who contravenes or fails to comply with these regulations commits an offence and is liable to a fine not exceeding N\$200 or, in the case of a continuing contravention or failure to comply with the regulation, to a fine not exceeding N\$10 for every day during which the contravention or failure continues.

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