



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 138

2010

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. 10 of 2010: Namibia Institute of Public Administration and Management Act, 2010.

Act No. 10, 2010

**NAMIBIA INSTITUTE OF PUBLIC ADMINISTRATION AND
MANAGEMENT ACT, 2010****ACT**

To provide for the establishment of the Namibia Institute of Public Administration and Management, and to provide for its administration and control of its affairs and the regulation of its activities; and to provide for incidental matters.

(Signed by the President on 23 June 2010)

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

PART I

PRELIMINARY

Definitions

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

“Board” means the Training and Development Board of NIPAM referred to in section 16;

“Council” means the Governing Council of NIPAM referred to in section 7;

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“Executive Director” means the Executive Director of NIPAM appointed in terms of section 26;

“NIPAM” means the Namibia Institute of Public Administration and Management established by section 2;

“regulation” means a regulation made under section 42;

“rules” means the rules made under section 42;

“State-owned Enterprises Governance Act” means the State-owned Enterprises Governance Act, 2006 (Act No. 2 of 2006); and

“this Act”, includes the regulations and rules.

PART II

**NAMIBIA INSTITUTE OF PUBLIC ADMINISTRATION
AND MANAGEMENT**

Establishment of NIPAM

2. (1) There is established a public institute for training, operational research, capacity evaluation and consultancy to be known as the Namibia Institute of Public Administration and Management.

(2) The shortened form of the Namibia Institute of Public Administration and Management is “NIPAM”, and which may be used as an alternative to, and independent from, that name.

(3) The seat of NIPAM is in Windhoek.

Status of NIPAM

3. NIPAM is a juristic person and a State-owned enterprise governed by this Act and the State-owned Enterprises Governance Act.

Common seal of NIPAM

4. (1) NIPAM must have a common seal and such seal may from time to time be changed, altered or made anew as NIPAM thinks fit.

(2) All deeds and other documents requiring the seal of NIPAM must be sealed with the common seal of NIPAM.

(3) The Council may, by resolution or otherwise in writing, appoint an officer of NIPAM or any other agent, generally or in any particular case to execute or sign on behalf of NIPAM any agreement or other instrument in relation to any matter falling within the powers of NIPAM.

(4) All courts, judges and persons acting judicially must take judicial notice of the common seal of NIPAM affixed to any document and presume that it was duly affixed.

Objects of NIPAM

5. The objects of NIPAM are –
- (a) to systematize capacity building interventions and to function as a dedicated training and development institution for the unified Public Service in Namibia;
 - (b) to provide such training or cause such training to be provided, and to conduct such examinations or tests as may be necessary as a qualification for the appointment, promotion or transfer of persons in or to the public service;
 - (c) to foster among public servants a sense of the purpose, values, and traditions of a public service which serves the people of Namibia and promotes their welfare and lawful interests;
 - (d) to develop a new generation of holistic managers with capacity to manage public policies, strategies and projects in a dynamic and complex environments;
 - (e) to enable the public servants to acquire analytical, creative, advisory, administrative and other skills and knowledge necessary to formulate and execute policies and directives, respond to change, including changes in social, cultural, racial and linguistic character of the Namibian society, and implement government programmes, resources and services efficiently, effectively, sustainably and equitably;
 - (f) to provide flexible learning opportunities and platform by way of a Learning Resource Centre supported by authentic information and documentation;
 - (g) to help public servants develop cooperative relationships with colleagues, professionals and other persons at offices, ministries and agencies and at all levels of the Public Service through enlightened leadership, motivation, effective communication and innovation for high-quality service to the public;
 - (h) to facilitate awareness building in Namibia and internationally on issues related to public sector management and good governance and to involve a wide range of individuals and institutions in pursuit of excellence in public administration;
 - (i) to act as a centre of excellence and think tank for the public sector of Namibia, organize debates, workshops or seminars on topics related to public management and administration;
 - (j) to establish an observatory of capacity building needs in the Namibian Public Service, especially through capacity evaluation, regular surveys, impact assessment studies for government, development and donor agencies and undertake private sector and public management consulting assignments;

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- (k) to collaborate and strengthen partnerships between public administrations and civil society organizations at central, regional and local levels, and with other institutions and bodies having similar objectives; and
- (l) to study and document the good practices, success and failure stories and create a bank of such practices for public sector capacity building.

Powers of NIPAM

- 6.** (1) In carrying out its objects, NIPAM has the power to -
- (a) acquire, manage, maintain, design and implement programmes for development;
 - (b) assist offices, ministries, agencies, organizational components and other entities of the Government of the Republic of Namibia through capacity building programmes, operational research, studies and documentation developed at, by or on behalf of the NIPAM;
 - (c) cooperate with other persons and bodies engaged in public administration, management and development;
 - (d) contribute funds for the pursuit of operational, applied research or other activities related to the theory and practice of public sector management;
 - (e) provide training, operational research and capacity evaluation services and facilities to public service staff members, and charge fees;
 - (f) license, sell or otherwise make available any copyright, trade-mark or other like property rights held, controlled or administered by NIPAM; and
 - (g) do all such things as are necessary or incidental to the attainment of the objects of NIPAM.

(2) In carrying out its objects and exercising its powers under this Act, NIPAM, with the consent of the head of such entity, may make use of any available services or facilities of office, ministry, agency, organizational component or other entity of the Government, that are appropriate for the effective operation of NIPAM.

PART III

**GOVERNING COUNCIL AND TRAINING
AND DEVELOPMENT BOARD**

Constitution of Council

7. (1) Subject to this Act, the governance and general control of NIPAM and of all its affairs and functions, and the management of its property, are vested in the Governing Council of NIPAM.

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(2) The members of the Council, including the chairperson and the vice-chairperson, are constituted or appointed in accordance with, and for a period determined under sections 14 and 15 of the State-owned Governance Act, as follows –

- (a) the Secretary to the Cabinet, as chairperson;
- (b) the Executive Director, ex officio;
- (c) two persons selected by the Prime Minister by considering the gender balance, academic excellence and experience relevant to the objects of NIPAM;
- (d) a person nominated by the Namibia Chamber of Commerce and Industry who represents the interests of that sector;
- (e) a person nominated by the Public Service Commission;
- (f) a person nominated by the recognized trade union with an exclusive bargaining status for public service employees;
- (g) a person nominated by the Association of Regional Councils;
- (h) a person nominated by the Association of the Local Authorities in Namibia; and
- (i) two persons nominated by NIPAM to represent the capacity building, research or related interests of NIPAM keeping the gender balance into consideration.

(3) The members of the Council must at the first meeting of the Council elect a person from amongst their number as vice-chairperson of the Council.

(4) The Council may co-opt two persons as members on a rotation basis from the countries or international organisations offering assistance and support in public sector capacity building to NIPAM or the Government, and such members may take part in deliberation of matters before the Council, but have no right to vote.

(5) Whenever any nomination in terms of subsection (2)(d), (e), (f), (g), (h) or (i) becomes necessary the Prime Minister must, in writing, request the nominating authority referred to in that subsection to nominate, within the period specified in the request, a person for appointment as member of the Council.

(6) If a nomination is not received by the Prime Minister within the period requested, the Prime Minister may appoint such person or persons as the Prime Minister thinks fit, and a person so appointed holds office as if such person had been nominated as required under subsection (2).

(7) A staff member of NIPAM may only qualify for appointment as member of the Council under subsection (2)(b) or (i).

(8) The Prime Minister may request the nominating authorities referred to in subsection 2(d), (e), (f), (g) or (h) to nominate persons for appointment as alternate members of their respective members of the Council.

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Powers and functions of Council

- 8.** The powers and functions of the Council are -
- (a) to make rules and guidelines of NIPAM;
 - (b) to approve Strategic Plan and Annual Business Plan of NIPAM;
 - (c) to approve the annual budget of NIPAM;
 - (d) to accept the management of any endowment trust, fund, subscription or donation consistent with the objects of the institute;
 - (e) to approve proposals for loans from financial institutions for funding of NIPAM activities, in agreement with the Minister responsible for finance;
 - (f) to create posts on the establishment of NIPAM, and determine conditions of service;
 - (g) to consider and approve annual reports, including financial statements and accounts of NIPAM;
 - (h) to prepare and execute detailed plans and programmes for the furtherance of the objects of NIPAM;
 - (i) to approve the development and expansion plan of NIPAM; and
 - (j) to appoint, suspend or discharge administrative staff, trainers, specialists or consultants of NIPAM.

Disqualification for appointment as member

9. A person is not qualified for appointment as a member or alternate member of the Council, if the person –

- (a) is an un-rehabilitated insolvent;
- (b) has under any law been declared to be of unsound mind;
- (c) is a member of Parliament or of a regional council or local authority council; or
- (d) has been removed from an office of trust on account of misconduct;
- (e) has been at any time convicted of an offence and sentenced to a period of imprisonment without the option of a fine.

Terms of office of member

10. Unless otherwise determined in terms of section 14 of the State-owned Enterprises Governance Act, a member of the Council appointed in terms of section 7(2)(c) to (i) holds office for a period of three years, and is eligible for reappointment at the expiry of that term.

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Vacation of office of member

11. (1) The office of a member becomes vacant, if the nomination is withdrawn by the nominating authority who nominated the member for appointment, or if the member –

- (a) becomes subject to a disqualification mentioned in section 9;
- (b) resigns by notice in writing to the Prime Minister;
- (c) is absent from two consecutive Council meetings without permission of the Council; or
- (d) is removed from office under subsection (2).

(2) The Prime Minister, by notice in writing, may remove a member from office if the Prime Minister, after affording the member an opportunity to be heard, is satisfied that the member -

- (a) is incapacitated by physical or mental illness; or
- (b) is, for any valid reason, unable or unfit to properly, efficiently and effectively discharge the functions of a member.

(3) Whenever the Prime Minister acts under subsection (2), the Prime Minister may first suspend the member concerned from his or her office pending a final decision on whether or not the member should be removed.

(4) If a member dies or vacates office before the expiry of his or her term of office, the Prime Minister must, as soon as reasonable possibly after receiving notice of the vacancy, appoint a person in accordance with section 7 to fill the vacancy for the remaining portion of that member's term of office.

Disclosure of interest of members of Council and committees

12. (1) If a member of the Council or a committee has any direct or indirect interest in any matter which is the subject of consideration at the meeting of the Council or committee, and that matter may cause a conflict of interest to arise, the member -

- (a) must disclose the nature of the interest to the Council or committee before or at the commencement of the meeting; and
- (b) may not participate in the meeting, unless the other members, after considering the disclosure made in terms paragraph (a) direct otherwise.

(2) If at any stage during a meeting of the Council or a committee it appears that a member or member of a committee has or may have any interest which may cause a conflict of interest to arise, the member must as soon as possible –

- (a) fully disclose the nature of such interest; and

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(b) leave the meeting to enable the remaining members to consider the disclosure and determine whether the member is excluded from participating in the meeting by reason of a conflict of interests.

(3) A disclosure by a member or a member of a committee in accordance with subsection (1) or (2), and a decision taken by the members or members of the committee in connection with such disclosure must be recorded in the minutes of the meeting concerned.

(4) A decision on a matter taken by the Council or a committee at a meeting where a member or member of a committee took part in contravention of subsection (1) or (2) must be cancelled and the matter reconsidered at the ensuing meeting of the Council or committee.

(5) Despite subsection (4), a member of the Council or a member of a committee who contravenes or fails to comply with subsection (1) or (2) commits an offence and is liable to a fine not exceeding N\$8 000 or to imprisonment not exceeding a period of two years, or to both such fine and such imprisonment.

Meetings and decisions of Council

13. (1) The Chairperson or, in his or her absence, the Vice-Chairperson, presides at meetings of the Council, or, in the absence of both the Chairperson and Vice-Chairperson, the members present at the meeting must elect from amongst their number a member to preside at that meeting.

(2) The Council must hold at least three meetings during the financial year of NIPAM.

(3) The first meeting of the Council must be held at the time and place determined by the Prime Minister and thereafter meetings must be held at such times and places as the Council may determine, but the Chairperson may at any time, and must at the written request of the Prime Minister or at least three voting members, convene a special meeting of the Council.

(4) The business which is of urgent nature and which cannot be kept pending till the next meeting may be transacted by circulation among all members of the Council and any resolution so circulated and approved by a majority of the members is as effective and binding as if such resolution had been passed at a meeting of the Council provided that any business so transacted must be reported at the next meeting of the Council.

(5) The majority of all the members of the Council forms a quorum at any meeting of the Council.

(6) A decision of the majority of the members present at a meeting constitutes the decision of the Council and in the event of an equality of votes the member presiding at the meeting has a casting vote in addition to his or her deliberative vote.

(7) A decision of the Council or an act performed on authority of the Council is not invalid –

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- (a) by reason of a vacancy on the Council;
- (b) by reason of the fact that a person who is not entitled to be present as a member was present when the decision was taken or the act was authorized,

if the decision was taken or the act was authorized, by a majority of the members who were present and entitled to vote at the meeting.

(8) The Council must cause proper minutes of proceedings of its meetings to be kept.

(9) The Council may make rules governing the manner in which its meetings or meetings of committees are held and the procedures at such meetings.

Committees of Council

14. (1) The Council may establish any committee of the Council -

- (a) to advise the Council on any matter which the Council refers to it; or
- (b) to exercise any of the powers or perform any of the functions of the Council which the Council delegates or assigns to it.

(2) A committee established under subsection (1) –

(a) consists of at least two members of the Council and such other members of the Council or other persons as the Council may appoint as members of the committee on such terms and conditions as the Council may determine; and

(b) meets at the time and place and on such terms and conditions as the Council may determine.

(3) The Council must designate two members of the Council as chairperson and vice-chairperson of such committee.

(4) The vice-chairperson of the Council and, subject to section 26(4), the Executive Director are *ex officio* members of any committee established under subsection (1).

Delegation and assignment of powers and functions

15. (1) The Council, in writing and subject to such conditions or restrictions as it may impose, may delegate any power or assign any function conferred or imposed on it by or under this Act to the Executive Director or any committee of the Council, except the power to make rules or to appoint management staff or discharge any staff member.

(2) The Council is not divested or relieved of the power or function delegated or assigned under subsection (1) and it may at any time -

- (a) withdraw or amend any such delegation or assignment; or

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- (b) without prejudice of any right, set aside or vary any decision made in the exercise of such power.

Constitution of Training and Development Board

16. (1) The organization and superintendence of capacity building interventions, training programmes, courses, training sessions, instructions, curricula, assessment, award of qualifications, accreditation, research and consultancy activities are vested in the Training and Development Board of NIPAM.

- (2) The Board consists of the following members appointed by the Council -
- (a) the Executive Director, who is the chairperson;
 - (b) the Deputy Executive Director, who is the vice-chairperson;
 - (c) two members of the Council appointed in terms of section 7(2) (i);
 - (d) a staff member designated by NIPAM from its senior management administrative staff;
 - (e) a training specialist designated by NIPAM from its training staff;
 - (f) a staff member designated by the Office of the Prime Minister representing the Human Resource Management and Development function;
 - (g) a person designated by the Namibia Qualifications Authority established by section 2 of the Namibia Qualifications Authority Act, 1996 (Act No. 29 of 1996) having expertise in accreditation of bodies and capacity building services; and
 - (h) a person designated by the Namibia Training Authority established by section 4 of the Vocational Education and Training Act, 2008 (Act No. 1 of 2008).

(3) The Board may co-opt persons, as may be prescribed by the rules, as members and such members may take part in deliberation of matters before the Board, but have no right to vote.

Powers and functions of Board

- 17.** The powers and functions of the Board are -
- (a) to develop strategic plan and annual business plan of NIPAM;
 - (b) to coordinate with the Ministry of Education and National Planning Commission with regard to national capacity building needs;
 - (c) to develop the curricula, training design and implementation strategy of training programmes, courses, workshops and capacity building interventions;

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- (d) to determine the norms and standards for the award of qualifications and accreditation for approval from Namibia Qualifications Authority or other accreditation bodies;
- (e) to exercise quality control on the capacity building interventions to ensure value for money;
- (f) to make recommendations to the Council in connection with the annual budget of NIPAM and on matters referred to it by the Council or which the Training & Development Board considers necessary in the interest of NIPAM;
- (g) to submit to the Council such reports in connection with the functions of NIPAM or Training and Development Board as the Council may require; and
- (h) to perform such other functions as may be required to develop NIPAM as a centre of excellence in public service sector capacity building.

Disqualification for appointment as member of Board

18. A person is not qualified for appointment as a member of the Board, if the person –

- (a) is not a Namibian citizen or holder of a permanent residence permit;
- (b) is an un-rehabilitated insolvent;
- (c) has under any law been declared to be of unsound mind;
- (d) has been removed from an office of trust on account of misconduct;
- (e) has been at any time convicted of an offence and sentenced to a period of imprisonment without the option of a fine.

Terms of office of member of Board

19. Except members appointed by virtue of their offices, a member of the Board holds office for a period of three years, and is eligible for reappointment at the expiry of that period.

Vacation of office of member of Board

20. (1) The office of a member of the Board becomes vacant, if the designation is withdrawn by the designating authority who designated the member for appointment, or if the member –

- (a) becomes subject to a disqualification mentioned in section 18;
- (b) resigns by notice in writing to the Council;
- (c) is absent from two consecutive Board meetings without permission of the Board; or

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(d) is removed from office under subsection (2).

(2) The Council, by notice in writing, may remove a member of the Board from office if the Council, after affording the member an opportunity to be heard, is satisfied that the member -

(a) is incapacitated by physical or mental illness; or

(b) is, for any valid reason, unable or unfit to properly, efficiently and effectively discharge the functions of a member.

(3) Whenever the Council acts under subsection (2), the Council may first suspend the member concerned from his or her office pending a final decision on whether or not the member should be removed.

(4) If a member of the Board dies or vacates office before the expiry of his or her term of office, the Council must, as soon as reasonable possibly after receiving notice of the vacancy, appoint a person in accordance with section 16 to fill the vacancy for the remaining portion of that member's term of office.

Meetings and decisions of Board

21. (1) The first meeting of the Board must be held at the time and place determined by the Executive Director and thereafter meetings must be held at such times and places as the Board may determine, but the chairperson may at any time, and must at the written request of at least one-third of the members, convene a special meeting of the Board

(2) The chairperson or, in his or her absence, the vice-chairperson of the Board presides at meetings of the Board or, in the absence of both the chairperson and vice-chairperson, the members present must elect from their number a member to preside at such meeting.

(3) The Board must hold at least three meetings annually, of which at least one meeting must be held in each half of the financial year of NIPAM.

(4) The majority of all the members of the Board forms a quorum at any meeting of the Board.

(5) A decision of the majority of the members of the Board present at a meeting constitutes the decision of the Board and in the event of an equality of votes the member presiding at the meeting has a casting vote in addition to his or her deliberative vote.

(6) The business which is of urgent nature and which cannot be kept pending till the next meeting may be transacted by circulation among all members of the Board and any resolution so circulated and approved by a majority of the members is as effective and binding as if such resolution had been passed at a meeting of the Board provided that a business so transacted must be reported at the next meeting of the Board.

(7) A decision of the Board or an act performed on authority of the Board is not invalid –

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- (a) by reason of a vacancy on the Board; or
- (b) by reason of the fact that a person who is not entitled to be present as a member was present when the decision was taken or the act was authorized,

if the decision was taken or the act was authorized, by a majority of the members who were present and entitled to vote at the meeting.

(8) The Board may prescribe the procedures at meetings of the Board and committees of the Board.

Committees of Board

- 22.** (1) The Board may establish any committee of the Board –
- (a) to advise the Board on any matter which the Board refers to it; or
 - (b) to exercise any of the powers or perform any of the functions of the Board which the Board delegates or assigns to it.
- (2) A committee established under subsection (1) –
- (a) consists of at least two members of the Board and such other persons as the Board may appoint as members of the committee on such terms and conditions as the Board may determine; and
 - (b) meets at the time and place and on such terms and conditions as the Board may determine.

(3) The Board must designate two members of the Board as chairperson and vice-chairperson of a committee of the Board

(4) Subject to section 26(4), the Executive Director is an ex officio member of every committee established under subsection (1).

Delegation and assignment of powers and functions

23. (1) The Board, in writing and subject to such conditions or restrictions as it may impose, may delegate any power or assign any function conferred or imposed on it by or under this Act to the Executive Director or any committee of the Board.

- (2) The Board is not divested or relieved of the power or function delegated or assigned under subsection (1) and it may at any time –
- (a) withdraw or amend any such delegation or assignment; or
 - (b) without prejudice of any right, set aside or vary any decision made in the exercise of such power.

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Joint committees of Council and Board

24. (1) The Council and the Board may by mutual agreement establish joint committees consisting of members of the Council and the Board, designated by the Council and the Board, respectively.

(2) The Council or the Board may delegate any of its powers to any such joint committee, but is not be divested of a power so delegated, and may alter or set aside a decision of such joint committee at the first ensuing meeting of the Council or the Board.

(3) The Vice-Chairperson, and, subject to section 26(4), the Executive Director are *ex officio* members of every joint committee established under subsection (1).

Remuneration of members of Council, Board and committees

25. (1) The Prime Minister must determine the allowances payable to members of the Council and the Board, any committee of the Council or the Board and any joint committee of the Council and the Board in accordance with section 22 of the State-owned Enterprises Governance Act.

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

(3) Any allowance payable to a member who is in full-time service of the State is subject to the laws governing the conditions of employment of such member.

PART IV

ADMINISTRATION OF NIPAM

Executive Director

26. (1) The Council, with the concurrence of the Prime Minister, must appointed a suitable person, who has knowledge and expertise relevant to the functions of NIPAM as Executive Director, on such terms and conditions as the Council may determine, subject to section 22(3) of the State-owned Enterprises Governance Act.

(2) The powers and duties of the Executive Director are as prescribed by the rules.

(3) The Executive Director –

(a) holds office for a period of five years and is eligible for re-appointment at the expiration of that period;

(b) is the head of training and accounting officer of NIPAM;

(c) is responsible for the carrying out of the resolutions of the Council and the Board; and

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- (d) manages the affairs of NIPAM, the Council and the Board, subject to the control and directions of the Council and the Board.

(4) The Executive Director may from time to time designate any person in the service of NIPAM to serve, in any particular case or for such period as he or she may determine, in his or her place as a member of any committee established under this Act.

Performance agreements of management staff

27. (1) The Council must require the Executive Director, and such other senior management staff of NIPAM, to enter into a performance agreement with the Council, with due regard to any directive laid down under section 4 of the State-owned Enterprises Governance Act, setting out, among others -

- (a) the terms and conditions of appointment;
- (b) objectives to be achieved and the time frame for achievement thereof; and
- (c) measures necessary to evidence such achievement.

(2) Failure on the part of the Executive Director or other senior management staff member to comply with any provision of a performance agreement which he or she entered into with the Council, constitutes a ground for his or her dismissal from the service of NIPAM, subject to the rules of natural justice.

Deputy Executive Director

28. (1) The Council may appoint a person from the training staff as Deputy Executive Director of NIPAM.

(2) The powers and duties of the Deputy Executive Director are determined by the Council.

(3) The Executive Director may delegate to the Deputy Executive Director or any other staff member any of his or her powers, but is not divested of a power so delegated.

Finance Controller

29. The Council must appoint a person from the administrative staff as the Finance Controller of NIPAM –

- (a) to assist the Executive Director in the administration and management of the funds of NIPAM according to policies, rules and regulations; and
- (b) to serve as the depository of the financial records and other documents of NIPAM.

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Training and administrative staff

- 30.** (1) The Council may –
- (a) on the recommendation of the Board, appoint trainers, specialists or consultants to render service as part of training staff of NIPAM; or
 - (b) appoint persons to serve as part of administrative staff of NIPAM.
- (2) The Council -
- (a) with the concurrence of the Prime Minister, determines the conditions of service, remuneration and benefits of the Executive Director and other management staff of NIPAM, subject to section 22(3) of the State-owned Enterprises Governance Act; and
 - (b) determines the conditions of service, remuneration and benefits of other staff members of NIPAM below management level.
- (3) NIPAM may only employ a non-Namibian on a fixed contract of employment and on such terms and conditions as the Council may determine in each particular case.

Registration for programmes or courses and fees

- 31.** (1) The Council, on the recommendation of the Board, determines requirements for nomination and registration for capacity building offers at NIPAM.
- (2) Subject to this Act, the Council, after consultation with the Board may -
- (a) prescribe minimum eligibility requirements for registration and attending a training programme or course, or cancellation of registration;
 - (b) refuse permission to a person to register or attend a programme or course who do not satisfy the minimum requirements;
 - (c) refuse permission to a person to register for a programme or course, if it is considered to be in the interest of NIPAM to do so; or
 - (d) determine the number of persons who may be permitted to register for a particular programme or course, and select, from among the persons who satisfy the minimum requirements for such programme or course.
- (3) The Council, after consultation with the Board, determines the fees payable by a public servant, any person, client, organisation or beneficiary.
- (4) A person attending a training programme or course or an event at NIPAM is subject to the standard of conduct prescribed by the rules.

Certificates and diplomas

- 32.** (1) Subject to this Act and the rules, NIPAM, may confer any certificate or diploma in training as it may consider necessary to confer.

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(2) Subject to section 31, NIPAM, may not confer a certificate or diploma upon any person unless such person has -

- (a) attended a programme or course, as a trainee for certificate or diploma for such period, and satisfied such other requirements; and
- (b) attained the standard of proficiency in an examination or test,

as determined by the Board.

Medium of instructions

33. English is the medium of instructions at NIPAM.

PART V

FINANCIAL PROVISIONS

Funds, accounts, financial year and audit

34. (1) The funds of NIPAM consist of -

- (a) moneys appropriated by Parliament for supporting the objects of NIPAM;
- (b) moneys accrued to NIPAM in terms of this Act, including training and other fees;
- (c) any money received by NIPAM from any source, including donations and bequests; and
- (d) any interest earned on investments of any money.

(2) The Executive Director administers the funds of NIPAM, and –

- (a) is charged with the responsibility of accounting for moneys received and payment made by NIPAM;
- (b) must keep records of the financial transactions, accounts, assets and liabilities; and
- (c) as soon as practicable after the end of each financial year, must cause annual financial statements to be prepared in accordance with generally accepted accounting practice, inclusive of an income statement and balance sheet in respect of that financial year, for adoption by the Council.

(3) Moneys or other property donated or bequeathed to NIPAM are utilized in accordance with the conditions, if any, of the donation or bequest concerned.

(4) Moneys not required for immediate use may be invested with a registered financial institution, in such manner as the Prime Minister, with the concurrence of the Minister of Finance, may approve.

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- (5) The financial year of NIPAM ends on 31 March in each year.
- (6) The Council must cause to be opened and maintained with a bank or banks approved by the Prime Minister –
- (a) an account into which all moneys payable to NIPAM must be deposited and from which payments must be made; and
- (b) a reserve account into which surplus money may be deposited and from which any investments contemplated in subsection (4) may be drawn.
- (7) The Council must appoint an auditor registered in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 19951) to annually audit accounts and financial statements of NIPAM.

Granting of subsidies and loans to NIPAM

35. The Prime Minister, with the consent of the Minister of Finance, may out of moneys appropriated by Parliament for the purpose -

- (a) grant subsidies to NIPAM in respect of capital and normal recurrent expenditure of NIPAM on the terms and conditions mutually agreed upon by the Prime Minister, the Minister of Finance, and NIPAM;
- (b) subject to such conditions as the Prime Minister, with the consent of the Minister of Finance, may determine, grant loans to NIPAM in respect of -
- (i) the erection of buildings and the acquisition of equipment of a permanent nature;
- (ii) the acquisition of immovable property, including rights therein or thereto, and the defrayment of costs connected with the survey thereof;
- (iii) the defrayment of the capital outlay on the improvement of immovable property;
- (iv) the purchase, lease or acquisition otherwise of movable property of a capital nature; or
- (v) the payment of any other loan raised by NIPAM for any purpose mentioned in subparagraphs (i) to (iv).

Exemption from payment of tax and other charges

36. No tax or charge on income or transfer or stamp duty imposed by or under any law is payable by NIPAM.

Annual report

37. (1) The Council must, in accordance with section 26 of the State-owned Enterprises Governance Act, not later than six months after the end of each

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financial year furnish to the Prime Minister an annual report, including the auditor's report on the financial statements and activities during the preceding financial year.

(2) The Prime Minister must table the annual report in the National Assembly within 30 days of receipt thereof if the National Assembly is then in ordinary session, or, if the National Assembly is not then in ordinary session, within 30 days after the commencement of its next ordinary session.

PART VI

GENERAL PROVISIONS

Preservation of secrecy

38. (1) A person who has confidential information relating to the affairs of the Council or the Board or any committee, or who obtains or has access to such information by virtue of such person's office or employment or participation in the activities of the Council, Board or committee in terms of this Act, may not disclose such information to any person, except -

- (a) to a person who of necessity requires it for the performance of any functions in terms of this Act;
- (b) if the person discloses such information in the performance of any functions in terms of this Act;
- (c) if such information is required in terms of any law or as evidence in any court of law; or
- (d) with the prior written approval of the Prime Minister, the chairperson of the Council or the Board, or the Executive Director, granted in respect of any matter which in the opinion of the Prime Minister, the chairperson or the Executive Director, is of a general nature and may be disclosed in the public interest.

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding N\$8 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

Limitation of liability of members of Council, Board and committees and staff of NIPAM

39. A member of the Council, Board, or committee or a staff member of NIPAM is not personally liable for anything done or omitted in good faith and not attributable to gross negligence during the exercise or performance of his or her powers or functions as such member or such staff member in terms of or under this Act.

Offences and penalties

- 40.** A person who, without the authority of NIPAM -
- (a) establishes or conducts an institution, not being an institution established by or under any law, under a name that includes the word "Institute of Public Administration and Management" or "NIPAM";

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- (b) in any way makes it known or pretends to any other person that he or she can offer any course of study or part thereof which entitles the person who has followed such a course or part thereof to the granting of a diploma or certificate offered by NIPAM;
- (c) confers a diploma or certificate purporting to be a diploma or certificate granted by NIPAM; or
- (d) performs any act which purports to have been done by or on behalf of NIPAM,

commits an offence and is liable to a fine not exceeding N\$20 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

Agreements

41. The Council may enter into agreements with any training, educational or other institution, whether in Namibia or elsewhere, to effectively and efficiently carrying out its functions to achieve the objects of NIPAM.

Regulations and rules

42. (1) The Prime Minister may, on the recommendation of the Council or the Board, as the case may be, make regulations on any matter which the Council or the Board considers necessary or expedient to regulate for the purpose of giving effect to the objects of NIPAM or the achievement of the purposes of this Act.

(2) Subject to subsection (3), the Council may make rules, not inconsistent with this Act, relating to -

- (a) any matter required or permitted to be prescribed in terms of this Act;
- (b) any matter which the Council considers necessary or expedient for the efficient and effective carrying out of the functions of NIPAM or for the achievement of the objects of NIPAM; and

(3) The Council may not make any rule under subsection (2) which deals with any matter relating to the activities of the Board, unless the Council has consulted with the Board.

Short title and commencement

43. This Act is called the Namibia Institute of Public Administration and Management Act, 2010, and comes into operation on a date determined by the Prime Minister by notice in the *Gazette*.
