



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 692

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 85

1993

PROMULGATION OF ACT OF THE NATIONAL ASSEMBLY

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

No. 9 of 1993: National Welfare Amendment Act, 1993

**NATIONAL WELFARE AMENDMENT
ACT, 1993**

EXPLANATORY NOTE:

- _____ Words underlined with solid line indicate insertions in existing enactments.
- [] Words in bold type in square brackets indicate omissions from existing enactments.
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ACT

To amend the National Welfare Act, 1965, so as to change the name of the National Welfare Board of South West Africa to the National Welfare Board of Namibia; to amend the definitions; to repeal the provisions providing for the registration of, and control over, social workers; to adjust its provisions in view of the independence of Namibia; and to provide for matters incidental thereto.

(Signed by the President on 6 August 1993)

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

Amendment of section 1 of Act 79 of 1965, as amended by section 1 of Act 13 of 1971 and section 1 of Act 12 of 1979.

1. Section 1 of the National Welfare Act, 1965 (hereinafter referred to as the principal Act), is hereby amended -

- (a) by the substitution for the definition of "board" of the following definition:

" 'board' means the National Welfare Board of [South West Africa] Namibia established by section 2;"

- (b) by the deletion of the definition of "chief social welfare officer";

- (c) by the insertion after the definition of "collect" of the following definition:

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“ ‘Director of Social Services’ means the officer in charge of the department of social services of the Ministry of Health and Social Services, or any person acting in his or her stead;”;

- (d) by the substitution for the definition of “local authority” of the following definition:

“ ‘local authority’ means any local authority council as defined in section 1 of the Local Authorities Act, 1992 (Act 23 of 1992);”;

- (e) by the insertion after the definition of “managing committee” of the following definitions:

“ ‘Minister’ means the Minister of Health and Social Services;

‘Permanent Secretary’ means the Permanent Secretary: Health and Social Services.”;

- (f) by the substitution for the definition of registrar of the following definition:

“ ‘registrar’ means the Registrar of the National Welfare Board of [South West Africa] Namibia appointed under section [~~six~~] 6;”;

- (g) by the deletion of the definition of “Republic”;
- (h) by the deletion of the definition of “Secretary or other senior officer”;
- (i) by the substitution for the definition of “social worker” of the following definition:

“ ‘social worker’ means any person registered as a social worker under any law governing the registration of persons for the profession of social work;”;

- (j) by the deletion of the definition of “the territory”;
and
- (k) by the substitution for the words following paragraph (h) in the definition of “welfare organization” of the following words:

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“but does not include any institution maintained and controlled by the State or a local authority or any hospital board or any trade union registered or deemed to be registered in accordance with the provisions of the [**Wage and Industrial Conciliation Ordinance, 1952 (Ordinance No. 35 of 1952) of the territory**] Labour Act, 1992 (Act 6 of 1992), or any religious body in respect of activities confined to religious work.”

Substitution of section 2 of Act 79 of 1965, as substituted by section 2 of Act 12 of 1979.

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

“National
Welfare Board
of Namibia.

2. (1) The board which, immediately before the commencement of the National Welfare Amendment Act, 1993, existed under the name National Welfare Board of South West Africa shall, as from the commencement of the said Act, continue to exist under the name National Welfare Board of Namibia.

(2) The board shall consist of the following members to be appointed by the [**Administrator-General**] Minister, namely -

- (a) one member from every welfare committee;
- (b) one member who shall be a professional officer of the [**Department of Social Welfare and Pensions**] Ministry of Health and Social Services; and
- (c) five other members.

(3) One of the members of the board shall be designated by the [**Administrator-General**] Minister to be the [**chairman**] chairperson of the board and one of such members shall be elected as deputy [**chairman**] chairperson by the board.”

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Amendment of section 3
of Act 79 of 1965.

3. Section 3 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“The [**chairman**] chairperson or, in his or her absence, the deputy [**chairman**] chairperson of the board shall preside at all meetings of the board, and whenever both the [**chairman**] chairperson and the deputy [**chairman**] chairperson are absent from any meeting, the members present shall elect one of their number to preside thereat.”.

Amendment of section 4
of Act 79 of 1965, as
amended by section 4 of
Act 12 of 1979.

4. Section 4 of the principal Act is hereby amended by the deletion of paragraph (e) of subsection (1).

Amendment of section 5
of Act 79 of 1965, as
amended by section 4 of
Act 12 of 1979.

5. Section 5 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Every report furnished to the [**Administrator-General**] Minister under this section shall be laid upon the table in the National Assembly [**of South West Africa**] as soon as possible after receipt thereof.”.

Amendment of section 6
of Act 79 of 1965, as
amended by section 5 of
Act 12 of 1979.

6. Section 6 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The [**Secretary**] Permanent Secretary shall appoint an officer in the public service as Registrar of the National Welfare Board of [**South West Africa**] Namibia, who shall also perform the secretarial work of the board.”.

Amendment of section 7
of Act 79 of 1965, as
amended by section 6 of
Act 12 of 1979.

7. Section 7 of the principal Act is hereby amended -

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

“(ii) at least three shall be [**persons registered under section thirty-three**] social workers, of whom at least two shall be [**persons**] engaged in social work.”;

(b) by the substitution for subsection (3) of the following subsection:

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“(3) The additional members shall be the **[chairman] chairperson** of the board or any other member of the board designated by him or her, and an officer in the public service designated by the Permanent Secretary.”;

- (c) by the substitution for subsection (4) of the following subsection:

“(4) An additional member of a commission shall have the same rights as an ordinary member but shall not be capable of being designated as **[chairman] chairperson** of the commission.”; and

- (d) by the substitution for subsection (5) of the following subsection:

“(5) The **[Administrator-General] Minister** shall designate one of the members of a commission, who is also a member of the board, as **[chairman] chairperson** of the commission: Provided that no person shall be designated as **[chairman] chairperson** of the social **[work] welfare** commission unless he or she is registered **[under section thirty-three] as a social worker**.”.

Amendment of section 8 of Act 79 of 1965.

8. Section 8 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Whenever the **[chairman] chairperson** of a commission is absent from any meeting, the members present shall elect another member of the commission to preside thereat.”.

Amendment of section 10 of Act 79 of 1965, as substituted by section 7 of Act 12 of 1979.

9. Section 10 of the principal Act is hereby amended -

- (a) by the substitution for subsection (1) of the following subsection:

“(1) The Minister may establish as many welfare committees as he or she may deem necessary, to represent such persons or categories of persons or communities or areas in Namibia as he or she may determine.”; and

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(b) by the substitution for subsection (3) of the following subsection:

“(3) The [**chairman**] chairperson of a welfare committee shall be elected by that committee from among its members.”.

Amendment of section 11 of Act 79 of 1965.

10. Section 11 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The [**chairman**] chairperson of a welfare committee shall preside at all meetings at which he or she is present, and in [**has**] his or her absence from a meeting the members present shall elect one of their number to preside thereat.”.

Substitution of section 14 of Act 79 of 1965, as amended by section 10 of Act 12 of 1979.

11. The following section is hereby substituted for section 14 of the principal Act:

“Allowances to members and payment of expenditure incurred by board, commission and welfare committees.

14. (1) There may be paid to a member of the board or a commission or a welfare committee who is not in the full-time service of the State, while he or she is engaged on work connected with the business of the board or such commission or welfare committee, such fees and travelling and subsistence allowances as may be determined by the Minister in consultation with the Minister of Finance.

(2) The expenditure incurred by the board or a commission or welfare committee in the performance of its functions shall be paid by the Minister in consultation with the Minister of Finance out of moneys appropriated by law for that purpose.”.

Amendment of section 18 of Act 79 of 1965, as amended by section 13 of Act 12 of 1979.

12. Section 18 of the principal Act is hereby amended -

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

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“Notwithstanding anything to the contrary contained in this Act, an officer in the public service designated for the purpose by the [**Administrator-General**] Minister may, after consultation with the [**chairman**] chairperson of the board, if he or she is readily available, grant written authority -”; and

- (b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) The officer may, after consultation with the [**chairman**] chairperson of the board, withdraw any authority granted under this section, if after enquiry (during which the person or group of persons or welfare organization concerned shall be entitled to be heard as provided in paragraph (b) of this subsection) he or she is of the opinion that any of the conditions referred to in paragraph (c) of subsection (2) have not been observed or that a material irregularity has been or is being committed in connection with the authority.”.

Amendment of section 19 of Act 79 of 1965, as amended by section 4 of Act 13 of 1971 and section 14 of Act 12 of 1979.

13. Section 19 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) The board shall not grant an application by a welfare organization to be registered in respect of an object mentioned in paragraph (e) of the definition of “welfare organization” in section [**one**] 1, save with the consent of the Law Society of [**South West Africa**] Namibia, and subject to such conditions (in addition to any conditions which the board is by paragraph (a) of subsection (4) empowered to impose) as the said Law Society may determine.”.

Amendment of section 21 of Act 79 of 1965, as amended by section 15 of Act 12 of 1979.

14. Section 21 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The board may, after a report has been obtained from the [**chief social welfare officer**] Director of Social Services and, in the case of a welfare organi-

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zation referred to in paragraph (a) of subsection (5) of section 19, after consultation with the Law Society of [South West Africa] Namibia, cancel the registration certificate of a welfare organization -”.

Amendment of section 25 of Act 79 of 1965, as amended by section 17 of Act 12 of 1979.

15. Section 25 of the principal Act is hereby amended -

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) the refusal of the board to register a welfare organization in respect of an object referred to in paragraph (e) of the definition of “welfare organization” in section [one] 1 on the ground that The Law Society of [South West Africa] Namibia has not in terms of paragraph (a) of subsection (5) of section [nineteen] 19 consented to the registration in respect of the said object;”;

(b) by the substitution for subsection (6) of the following subsection:

“(6) A member of an appeal committee who is not in the full-time service of the State may be paid such fees and travelling and subsistence allowances as may be determined by the [Administrator-General] Minister in consultation with the Minister of Finance.”.

Repeal of section 33 of Act 79 of 1965.

16. Section 33 of the principal Act is hereby repealed.

Repeal of section 34 of Act 79 of 1965.

17. Section 34 of the principal Act is hereby repealed.

Repeal of section 35 of Act 79 of 1965.

18. Section 35 of the principal Act is hereby repealed.

Repeal of section 36 of Act 79 of 1965.

19. Section 36 of the principal Act is hereby repealed.

Repeal of section 37 of Act 79 of 1965.

20. Section 37 of the principal Act is hereby repealed.

Substitution of section 38 of Act 79 of 1965.

21. The following section is hereby substituted for section 38 of the principal Act:

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“Only registered social workers to be appointed in certain posts.”

38. No person shall be appointed as a professional welfare officer in the public service unless he or she is registered or conditionally registered as a social worker under any law governing the registration of persons for the profession of social work.”

Substitution of section 39 of Act 79 of 1965, as amended by section 21 of Act 12 of 1979.

22. The following section is hereby substituted for section 39 of the principal Act:

“Contribution towards remuneration of social workers.”

39. The Minister may in consultation with the Minister of Finance out of moneys appropriated by law for that purpose, and subject to such conditions as the Minister may determine, contribute towards the remuneration of any person performing social work in the service of any welfare organization, if such person is a social worker.”

Repeal of section 40 of Act 79 of 1965, as amended by section 22 of Act 12 of 1979.

23. Section 40 of the principal Act is hereby repealed.

Amendment of section 42 of Act 79 of 1965.

24. Section 42 of the principal Act is hereby amended -

(a) by the deletion of paragraph (b)(ii) of subsection (1);

(b) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

“(e) the procedure to be followed in connection with the constitution of any appeal committee and the lodging and prosecution of any appeal in terms of section [twenty-five or forty] 25, and the fees and allowances to be paid to the members of any such committee,”;

(c) by the deletion of paragraphs (i), (j), (k), (l), (m), (n), (o) and (p) of subsection (1); and

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- (d) by the substitution for subsection (2) of the following subsection:

“(2) Regulations under paragraphs (a) to (h), inclusive, and paragraph (q) of subsection (1) shall be made after consultation with the board **[and regulations under paragraphs (i) to (p), inclusive, of the said subsection shall be made in consultation with the board and with the commission referred to in paragraph (b) of subsection (1) of section seven]**.”.

Repeal of section 43A of Act 79 of 1965, as inserted by section 5 of Act 13 of 1971 and amended by section 23 of Act 12 of 1979.

- 25.** Section 43A of the principal Act is hereby repealed.

Substitution of certain expressions in Act 79 of 1965.

- 26.** The principal Act is hereby amended -

- (a) by the substitution for the expression “Administrator-General”, wherever it occurs, of the word “Minister”;
- (b) by the substitution for the expression “chief social welfare officer”, wherever it occurs, of the expression “Director of Social Services”;
- (c) by the substitution for the expression “Department of Social Welfare and Pensions”, wherever it occurs, of the expression “Ministry of Health and Social Services”;
- (d) by the substitution for the expression “the Republic”, wherever it occurs, of the word “Namibia”;
- (e) by the substitution for the word “Secretary”, wherever it occurs, of the expression “Permanent Secretary”; and
- (f) by the substitution for the expression “the territory”, wherever it occurs, of the word “Namibia”.

Substitution of long title of Act 79 of 1965.

- 27.** The following long title is hereby substituted for the long title of the principal Act:

“To establish a National Welfare Board of **[South West Africa] Namibia**; and to provide for the establishment of

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certain commissions and welfare committees and to define their functions, and to provide for the registration and control of certain welfare organizations [**and of social workers**], for the control of the collection of contributions towards the funds of such organizations and of certain institutions and of the collection of funds in certain circumstances otherwise than by registered welfare organizations for particular purpose; and for incidental matters.”.

Savings.

28. (1) Subject to the provisions of subsection (2), anything done before the commencement of this Act under a provision of the principal Act, shall, except in so far as it is obviously inappropriate, be deemed to have been done under that provision as amended by any provision of this Act.

(2) (a) The amendment of section 2 of the principal Act by section 2 of this Act shall not have any effect on the constitution of the National Welfare Board of Namibia, so referred to therein, as constituted at the commencement of this Act, and any member of the said board shall continue to hold office until expiry of the period for which he or she was appointed or until he or she vacates office, as the case may be.

(b) The person who immediately before the commencement of this Act was the chairperson or deputy chairperson of the National Welfare Board of South West Africa referred to in section 2 of the principal Act before the amendment of that section by section 2 of this Act, shall, subject to the provisions of paragraph (a) and with effect from the commencement of this Act, be deemed to have been designated or elected as chairperson or deputy chairperson, as the case may be, of the National Welfare Board of Namibia under section 2(3) of the principal Act.

(3) Any reference in any law or any document to the National Welfare Board of South West Africa shall be construed as a reference to the National Welfare Board of Namibia.

Short title and
commencement.

29. This Act shall be called the National Welfare Amendment Act, 1993, and shall come into operation on a date determined by the Minister by notice in the *Gazette*.
