



# GOVERNMENT GAZETTE OF THE REPUBLIC OF NAMIBIA

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WINDHOEK — 28 January 1991

No. 144

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## PROCLAMATION

by the

PRESIDENT OF THE REPUBLIC OF NAMIBIA

No. 1

1991

### COMMISSION ON HIGHER EDUCATION: APPLICATION OF COMMISSIONS ACT, 1947 AND REGULATIONS

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act 8 of 1947), I hereby declare the provisions of the said Act, to be applicable with reference to the Commission on Higher Education appointed by me, the appointment of which was made known by Government Notice 5 of 1991, and hereby make the regulations set out in the Schedule with reference to the said Commission.

Given under my Hand and Seal of the Republic of Namibia, at Windhoek this 24th day of December, One Thousand Nine Hundred and Ninety.

Sam Nujoma

President

BY ORDER OF THE PRESIDENT-IN-CABINET

## SCHEDULE

1. In these regulations, unless the context indicates otherwise -

“Chairperson” means the Chairperson of the Commission;

“Commission” means the Commission on Higher Education;

“document” includes any book, pamphlet, notes and records (including any tape or other mechanical recording of anything and any transcription of any such notes or records, tape or other mechanical recording), list, circular, plan, placard, poster, publication, drawing, photograph or picture;

“inquiry” means the inquiry conducted by the Commission in the execution of its functions;

“Minister” means the Minister of Education, Culture, Youth and Sport;

“premises” includes any land or any building or structure or any part of any building or structure or any vehicle, vessel, aircraft or other means of transport.

2. The administrative functions of the Commission shall be performed by officers in the public service assigned by the Permanent Secretary: Education, Culture, Youth and Sport for that purpose, and who shall perform their duties subject to the control and directions of the Secretary to the Commission.

3. The Minister may, on such terms and conditions as the Minister may determine, appoint any person to assist the Commission in or in connection with the execution of its functions.

4. The Chairperson shall determine the procedure to be followed by the Commission.

5. All meetings of the Commission shall be held at such times and places as may be determined by the Commission.

6. The Secretary to the Commission shall by notice, published in the Gazette and in such other manner as the Commission may determine, announce the times when and places where public sittings of the Commission will be held for the purpose of hearing evidence and addresses in relation to matters pertaining to its terms of reference.

7. Written submissions to the Commission shall -

(a) be prepared in the official language;

(b) be typewritten or word-processed on A4-size paper;



- (c) bear the name, address and telephone or fax number of the author;
- (d) if possible, be submitted in twentyfold.

8. All written submissions shall be submitted not later than 8 February 1991, but the Commission shall not be debarred from accepting any written submission after the said date.

9. No shorthand notes or mechanical records of the proceedings of the Commission shall be transcribed except by order of the Chairperson.

10. (1) No person employed or assisting in the execution of the functions of the Commission, including a person referred to in regulation 9(2), shall communicate to any other person any matter or information which may have come to his or her knowledge in connection with the inquiry of the Commission or allow any person to have access to any records of the Commission, except in so far as it is necessary in the performance of his or her duties in connection with the functions of the Commission or in terms of an order of a competent court.

(2) Every person referred to in subregulation (1) shall beforehand take an oath or make an affirmation of fidelity and secrecy before the Chairperson in the following form:

"I, A.B., declare under oath/affirm and declare that, except in so far as it shall be necessary in the performance of my duties in connection with the functions of the Commission on Higher Education, or in terms of an order of a competent court, I shall not communicate to any person any matter or information which may have come to my knowledge in connection with the inquiry of the said Commission, or allow any person to have access to any document of the Commission in my possession or custody or in the possession or custody of the said Commission or any officer."

11. (1) A witness giving evidence before the Commission may be examined by any member of the Commission or an officer of the Commission, and may only with the permission of the Chairperson be cross-examined by any other person.

12. If any person who gives, or has been summoned to give, evidence before the Commission, so requests, the Chairperson may direct that no person shall publish in any manner whatsoever the name or address of that person or any information likely to reveal his or her identity.

13. Any witness appearing before the Commission may, in the discretion of the Chairperson and in the manner determined by him or her, be assisted by an advocate or attorney.

14. The Chairperson or any member or officer may, for the purposes of the inquiry, at any reasonable time enter and inspect any premises, except the private home of any person, and demand, peruse and seize or copy or make extracts from any document which has a bearing on the inquiry and which is found on such premises.

15. No person shall insult, disparage or belittle the Commission or the Chairperson or a member or prejudice, influence or anticipate the proceedings or findings of the Commission.

16. Any person who contravenes or fails to comply with any provision of these regulations or a direction under regulation 12, or who wilfully hinders, resists or obstructs the Commission, the Chairperson, a member or any officer in the exercise of any power referred to in regulation 14, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding 6 months.

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## **Government Notice**

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### **MINISTRY OF EDUCATION, CULTURE, YOUTH AND SPORT**

No. 5

1991

#### **APPOINTMENT OF COMMISSION ON HIGHER EDUCATION**

It is hereby made known for general information that the President has appointed a Commission, known as the Commission on Higher Education, with the following terms of reference:

1. To -
  - (a) establish the needs, demands and scope of higher education;
  - (b) determine the organization and structure of the higher education system, including the nature and location of higher education institutions;
  - (c) analyse the funding of higher education, both recurrent and capital;
  - (d) determine the qualifications for admission to and the duration of the various higher education courses;
  - (e) define the control of higher education and its relationship with the Government;



- (f) determine the range and level of programmes in the higher education system;
  - (g) determine the extent of the higher education system in the medium and long term, in relation to national human resources needs;
  - (h) consider the financial support of students at Namibian and foreign higher educational institutions; and
  - (i) analyse the promotion, conduct, management and financing of the nation's research.
2. To report to the President on its findings and advise the Government on the cost, management, organization and administration of higher education.
  3. To make comprehensive recommendations to the President on the matters referred to in paragraph 1.

The Commission shall consist of the following members:

Prof John D. Turner, who is the Chairperson  
Dr. Trevor Arnold Coombe, who is the Secretary to the Commission  
Dr. P.M. Makhurane  
Mrs Esi Sutherland-Addy  
Dr. A. Christodoulou  
Prof. T. Tlou  
Dr. Charles J. Ping  
Prof. Peter Williams  
Prof. Anne-Maria Heywood  
Mr. Mathew Shikongo  
Mrs. Adelheid Tjijorokisa  
Mr. Marcus Kampungu  
One person to be nominated by the Council of Churches in Namibia  
One person to be nominated by the Chamber of Commerce.

The Commission shall commence its work on 1 February 1991 and shall report to the President not later than 31 July 1991.

Interested persons and bodies wishing to submit written representations to or give evidence before the Commission, are requested to send or submit, in the manner prescribed in the regulations set out in the Schedule to Proclamation 1 of 1991, written submissions in which those representations or a summary of that evidence is set out, to the Administrative Secretary, Commission on Higher Education, c/o Permanent Secretary, Ministry of Education, Culture, Youth and Sport, Private Bag 13186, Windhoek, 9000, or 1roskie Building, cor. Leutwein Street and Uhland Street, Windhoek, as soon as possible, but not later than 8 February 1991. (The Commission may in appropriate cases accept and entertain late representations).

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