



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 189

1997

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. 7 of 1997: Game Products Trust Fund Act, 1997.

ACT

To provide for the establishment of the Game Products Trust Fund in support of the conservation and management of wildlife resources, and of rural development, in Namibia; to provide for the management and control of that Fund by the Game Products Trust Fund Board; and to provide for incidental matters.

(Signed by the President on 9 September 1997)

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 -

“Board” means the Game Products Trust Fund Board referred to in section 4;

“conservancy” means any area declared a conservancy in terms of section 24A(2)(ii) of the Nature Conservation Ordinance;

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“Fund” means the Game Products Trust Fund established by section 2(1);

“game product” means any product of -

- (a) any protected game; or
- (b) any specially protected game,

that may be produced or recovered on State land for trade through wildlife management programmes;

“grant” means a grant in the form of initial capital or like funding;

“Minister” means the Minister of Environment and Tourism;

“Nature Conservation Ordinance” means the Nature Conservation Ordinance, 1975 (Ordinance 4 of 1975);

“protected area” means any area declared a game park or a nature reserve under section 14(1) of the Nature Conservation Ordinance or any other area that may be so declared by the Minister under that section;

“protected game” means protected game as defined in section 1 of the Nature Conservation Ordinance;

“regional council” means a regional council as defined in section 1 of the Regional Councils Act, 1992 (Act 22 of 1992);

“specially protected game” means specially protected game as defined in section 1 of the Nature Conservation Ordinance;

“staff member” means a staff member as defined in section 1(1) of the Public Service Act;

“wildlife council” means a wildlife council established under section 24B(1) of the Nature Conservation Ordinance.

Establishment of Game Products Trust Fund

2. (1) There is hereby established a trust fund to be known as the Game Products Trust Fund, which shall be credited with -

- (a) moneys appropriated by Parliament for the Fund for the achievement of its objects;
- (b) domestic and foreign donations or contributions made for the benefit of the Fund;
- (c) interest derived from the investment of moneys standing to the credit of the Fund;

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- (d) the proceeds derived from the sale of game products belonging to the State; and
 - (e) moneys accruing to the Fund from any other source.
- (2) The Fund shall be a juristic person.

Objects of Fund

3. The objects of the Fund are -
- (a) to make grants to emerging conservancies and wildlife councils for the purposes of implementing and maintaining projects and programmes, approved by the Board in consultation with the Minister, regarding wildlife conservation and management and rural development;
 - (b) to allocate funds, subject to the provisions of this Act, to conservancies, wildlife councils and protected areas, and to persons, organisations and institutions approved by the Minister, to be used by those conservancies, wildlife councils, protected areas, persons, organisations and institutions in connection with projects and programmes regarding wildlife conservation and management and rural development;
 - (c) to support measures aimed at improving the relationship between people and wildlife; and
 - (d) to support improvements in the monitoring, management, protection, sustainable use and development of wildlife resources in rural areas.

Management and control of Fund by Game Products Trust Fund Board

4. The affairs of the Fund shall be managed and controlled by a board of trustees to be known as the Game Products Trust Fund Board, which shall exercise the powers and perform the duties and functions conferred or imposed upon the Board by or under this Act.

Constitution of Board

5. (1) The Board shall consist of five members appointed by the Minister, subject to the provisions of subsections (2) and (3), of whom -
- (a) one shall be a staff member of the Ministry of Environment and Tourism holding a rank or grade equal to or higher than the rank of deputy director, who shall be the chairperson;

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- (b) one shall be a staff member of the Ministry of Agriculture, Water and Rural Development;
 - (c) one shall be a staff member of the Ministry of Finance; and
 - (d) two shall be representatives of community based organisations involved in sustainable wildlife resource management projects and programmes, nominated by those organisations.
- (2) The members referred to in paragraphs (b) and (c) of subsection (1) shall -
- (a) each hold a rank or grade equal to or higher than the rank of deputy director; and
 - (b) be appointed by the Minister after consultation with the Minister of Agriculture, Water and Rural Development and the Minister of Finance, respectively.
- (3) No -
- (a) member of the National Assembly, the National Council or a regional council; or
 - (b) person who is not a Namibian citizen,

shall be qualified for appointment as, or to be, a member of the Board.

(4) The members of the Board shall at their first meeting and thereafter as occasion arises, elect from among their number a vice-chairperson of the Board.

(5) When the chairperson of the Board is absent or unable to perform his or her functions as chairperson of the Board, the vice-chairperson shall act as chairperson, and shall while so acting have all the powers and perform all the duties and functions of the chairperson.

Tenure and vacation of office

6. (1) Subject to the provisions of subsection (2), a member of the Board shall hold office for a period of three years and shall, upon the expiry of his or her term of office, be eligible for reappointment.

- (2) A member of the Board shall vacate his or her office if -
- (a) his or her estate is sequestrated or he or she enters into a compromise with his or her creditors;

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- (b) he or she is in terms of any law detained as a mentally disordered person;
- (c) he or she is absent from three consecutive meetings of the Board without leave of the Board;
- (d) he or she, by notice in writing addressed and delivered to the Minister, resigns as such member;
- (e) he or she is convicted of any offence and sentenced to imprisonment without the option of a fine;
- (f) in the case of a member appointed in terms of -
 - (i) paragraph (a), (b) or (c) of section 5(1), he or she ceases to be a staff member referred to in paragraph (a), (b) or (c), whichever is applicable;
 - (ii) paragraph (d) of section 5(1), he or she ceases to be a representative referred to in that paragraph;
- (g) he or she is removed from office under subsection (3) by the Minister.

(3) The Minister may at any time remove a member of the Board from office for reasons which in the opinion of the Minister render him or her unsuitable to serve on the Board.

(4) Any casual vacancy on the Board caused by the death of any member of the Board, or the removal from or vacation of office of any such member shall, with due regard to the provisions of section 5(1), be filled for the unexpired portion of the period of office of the member who has died, or has been removed from or has vacated his or her office, as the case may be.

Remuneration of members of Board and committees

7. (1) The remuneration and allowances of a member of the Board, and any person appointed as a member of a committee of the Board in terms of section 11(2)(b), not being in the full-time employment of the Government shall be determined from time to time by the Minister.

(2) The remuneration and allowances referred to in subsection (1) may be paid from moneys standing to the credit of the Fund.

Disclosure of interest

8. (1) A member of the Board who has or intends to acquire a direct or indirect personal interest in any negotiation, co-operation or