

POLICY BRIEF REQUIREMENTS FOR PROPOSALS TO MAKE LAWS



POLICY INFORMATION FROM INSTRUCTING OFFICE/MINISTRY/AGENCY

The Office/Ministry/Agency proposing a new law or to amend an existing law (*primary/principal legislation*) should submit a Policy Brief adopting the structure and sections described in this document and submit the Brief to the Cabinet Committee on Legislation (CCL) when seeking CCL certification. After CCL clearance, the Brief must also be submitted by the Instructing Office, Ministry or Agency to the Directorate: Legislative Drafting, Ministry of Justice as part of drafting instructions.

POLICY BRIEF - CONTENT TO EXPLAIN WHAT HAS TO BE DONE & WHY

- 1 Attorney General response on proposed policy and law**

Was the bill submitted to the Attorney General (AG) as required by Cabinet Directive? If not, give an explanation. If submitted, provide the AG response on the policy and proposed law.
- 2 Policy objectives**

Set out an explanation of the key policy objectives that are to be implemented by the proposed law.
- 3 Example of policy problem (*Statement of Problem*)**

If the policy is to remedy a mischief/problem with the existing state of affairs, set out examples of the problem. Include the sources of your data where possible.
- 4 Legislation and administrative action**

Explain why legislation is needed to implement the policy - in other words, state why there is no other action that can solve the problem. Also specify the non-legislative action that will be taken to implement the policy. If there is an existing law that already covers the subject matter of the policy or a related policy area, identify the law or laws, and indicate the shortcomings of the identified law/s.
- 5 Layperson's draft and explanation of each provision**

Attach a copy of the layperson's draft Bill, together with an explanation of each provision in the layperson's draft and the goal or objective behind each key provision – in other words, an explanatory memorandum.



6 Policy consultations with other agencies

Indicate any significant consultations on the policy with other Offices/Ministries/Agencies of Government or other institutions. Discuss any key suggestions from industry or other public groups which have been considered and/or adopted. Lastly, indicate the outcome of the consultations and where possible provide the consultation documents and responses.

7 Financial Implications

Are there any costs to government for the implementation of the law? Briefly indicate the costs – for example, costs for training officials, setting up infrastructure, recruitment, enforcement etc. Lastly, indicate by whom and how these costs will be funded.

8 Timetable

Set out a proposed timetable for the project. This should include:

- (a) the proposed commencement date of the new legislation; and
- (b) the proposed date for introduction to the National Assembly.

Note: If the proposed law requires the drafting of subordinate legislation to make it operational, such as regulations or rules or notifications of action by notice in the *Gazette*, or if it requires setting up infrastructure for its implementation, the commencement date of the law may need to be deferred. This will depend upon the context and content of the law. Be guided by the Interpretation of Laws Proclamation, 1920 (*Proclamation No. 37 of 1920*) available on the Parliament of the Republic of Namibia website.

9 Mention and attach any relevant court judgements, legal opinions or advice, or background documents.

10 Policy officials

Provide the name/s and contact details of the policy official/s who have sufficient knowledge of the policy area and the Policy Brief to answer any further questions from the CCL or Ministry of Justice, Directorate: Legislative Drafting.

11 Approval

Ensure your brief is signed and dated in the format shown below.

Instructing Minister/Prime Minister [*Name & Signature*]

Date [*Insert date of submission of Policy Brief*]
