

REPUBLIC OF NAMIBIA



SPEECH

BY

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MINISTER OF INDUSTRIALISATION AND TRADE

ON THE OCCASION OF TABLING THE PROPERTY

PRACTITIONERS BILL IN PARLIAMENT

DATE: 11 JUNE 2024

WINDHOEK

Hon. Prof. Peter Katjavivi, Speaker of the National Assembly;

Hon. Prof. Loide Kasingo, Deputy Speaker of the National Assembly;

Hon. Members of the National Assembly

Good afternoon

1. I am delighted to address you today, and table the Property Practitioners Bill for your kind consideration and adoption. The Namibian nation has bestowed a huge responsibility on us as lawmakers to ensure that laws that govern our Republic are relevant and consistent with internationally adopted practices.
2. The Property Practitioners Bill is a new piece of legislation which will repeal the *Estate Agents Act 112 of 1976*. Its main purpose is to establish the Property Practitioner Regulatory Authority, which will replace the Namibia Estate Agents Board; to regulate the affairs of all property practitioners; to allow for transformation in the property sector and to provide for consumer protection.
3. The estate agency industry in Namibia has been subject to legislative regulation since 1976, commencing with the *Estate Agents Act 112 of 1976*, which has seen minor fragmented amendments to date. There are therefore limitations in the existing legal framework for the effective regulation of the industry.
4. It is imperative that the legal and institutional framework be tested against current and future needs and comparisons be made with the developments taking place regionally and internationally to establish the relevance and effectiveness of the proposed law.
5. Other areas of particular interest that are covered under the Property Practitioners Bill are as follows:

- a) **Widening the scope of agency services within the property industry (Part I)** – While it has become evident that the players in the sale or rental agency transactions are no limited to the estate agents, the application of the existing Act is limited to estate agents. The Property Practitioners Bill includes key stakeholders that have a role to play in the property industry encompassing not only estate agents but also property developers, auctioneers and property managers.
- b) **Governance structure or the Property Practitioners regulatory Authority (Part 2 and 3)** – Part 2 and 3 of the Bill deals with governance and administration of the Property Practitioners Act. Part 2 establishes the statutory body that will be known as the Property Practitioners Regulatory Authority and sets out the duties and functions of the Authority. The Property Practitioners Regulatory Authority will replace the Namibia Estate Agency Board. Part 3 deals with the appointment of the Board to provide high-level oversight of corporate activities and performance. The board will be appointed as per the provisions dealing with board appointments set out in the Public Enterprises and Governance Act 1 of 2019.
- c) **Fidelity Fund Certificate (Part 5 and 7)** – This part of the Bill is key and a welcomed development as it aims to provide protection to the consumers against theft of money that has been entrusted to a Property Practitioner. In terms of the Bill, once a Fidelity Fund Certificate is issued to a Property Practitioner and should that Property Practitioner then steal money held in trust, the consumer can claim this money back from the fidelity fund. This part of the Bill also deals with the consequences of a Property Practitioner not having a Fidelity Fund Certificate. The Bill also places an obligation on transferring Attorneys or Conveyances to satisfy themselves whether a

Property Practitioner has a valid Fidelity Fund Certificate before conducting and concluding any transaction.

**Honourable Speaker;
Honourable Members**

6. The proposed Property Practitioners Bill is intended to transform the landscape of the property market by establishing an appropriate institutional and legal framework responsive to the current realities. Property practitioners deal with what are often their clients' most valuable assets and hence the protection of consumers of agency services should be fundamental guiding principle for the regulation and certification of property practitioners.
7. In addition to the certification of 'traditional' estate agents, the Bill has introduced the certification of among others, auctioneers, property developers, and property managers who will collectively be known as property practitioners in order to adequately protect consumers of agency services.
8. It is worth noting that this piece of legislation is consumer centric and aims to provide protection to the consumer within the property sector. This is needed a welcomed development in light of the progress that the Ministry has made to date pertaining to the consumer protection law. It is imperative that adequate protection should be accorded to consumers when dealing with their most valuable assets – their property and this is a fundamental right that is accorded protection under Article 16 of our Constitution.
9. With these few remarks, Honorable Speaker, allow me to officially Table and submit the Property Practitioners Bill for your consideration and that of the entire House.

I thank you.