

BOTSWANA NATIONAL ASSEMBLY

ORDER PAPER

(THURSDAY 19TH DECEMBER, 2024)

NOTICE OF MOTIONS AND ORDERS OF THE DAY

HRS/MINS

COMMITTEE STAGE

0900 – 1300

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|--|---|
| 1. Financial Intelligence (Amendment) Bill, 2024 (Bill No. 29 of 2024) | An Act to amend the Financial Intelligence Act. |
|--|---|

(Published on 25th November, 2024)

(Minister of Finance)

AMENDMENTS

1. The Bill is amended at **Clause 3** appearing at **page B.307** -
- (a)* under definition of "non-profit organisation at risk" by deleting the words "at risk" so that the definition is for "non-profit organisation";
 - (b)* under definition of "prominent influential person" by inserting the following new paragraph *(c)* –
 - "(c)* international organisation" means a person who is or has been entrusted with a prominent function by an international organisation".
- (Minister of Finance)
2. The Bill is amended by substituting for **Clause 8** appearing at **page B. 309**, the following new clause –
- "(a)* Section 9 of the Act is amended in subsection (2) –
- (i)* by substituting for the chapeau therein, the following new chapeau –

"(2) The Committee shall with respect to declaration of terrorists and terrorist groups under section 10 -",
 - (ii)* by deleting paragraphs (f) and (h), appearing therein,";
- (b)* by substituting for subsection (3), the following new subsection -

"(3) The Committee shall formulate policies to protect the international reputation of Botswana with regard to financial offences, and generally advise the Minister in relation to such matters relating to financial offences."

(Minister of Finance)

3. The Bill is amended at **Clause 9** appearing at **page B. 309** –

(a) by substituting for 9A. (1), the following new –

"9A. (1) There is hereby established a National Coordination Office which shall report to the Committee."; and

(b) by substituting for subsection (2), appearing therein, the following new paragraph –

"(2) The National Coordination Office shall be headed by an officer appointed by the Committee and shall consist of such other officers as may be necessary."

(Minister of Finance)

4. The Bill is amended by substituting for **Clause 11** appearing at **page B.310**, the following new clause –

"Designation for purposes of UN

10A. An individual, entity or group may be designated under the following circumstances, on the Ministers recommendation if –

(a) undertaking or participating in the financing, planning, facilitating, preparing or perpetrating acts or activities by or conjunction with or in support;

(b) supplying, directing or committing acts involving sexual and gender-based violence including rape, enslavement or persons and cases of abduction and trafficking in persons, when such acts are being used by ISIL(Da'esh), Al-Qaida and associated individuals, groups and entities as a tactic of terrorism; or

(c) any other prescribed criterion."

(Minister of Finance)

5. The Bill is amended at **Clause 13** appearing at **page B. 310** the following new clause –

"13. Section 15(4) of the Act is amended by inserting the words "and counter proliferation financing" after the words "counter financing of terrorism", wherever they appear."

(Minister of Finance)

6. The Bill is amended at **Clause 17** appearing at **page B.311** by substituting for paragraph d the following new paragraph –

"(b) production of a national identity card for citizens and for nationals from specified countries;"

(Minister of Finance)

7. The Bill is amended at **Clause 18**, appearing at **page B. 312** by deleting subparagraph (a)(i) appearing therein.

(Minister of Finance)

8. The Bill is amended by substituting for **Clause 23** appearing at **page B. 313** the following new clause -

"23. A person who destroys or removes any record, register or document kept in accordance with this Part commits an offence and is liable to –

- (a)* an administrative fine not exceeding P500 000 as may be imposed by the supervisory authority;
- (b)* a fine not exceeding P 500 000; or
- (c)* imprisonment for a term not exceeding 10 years, or to both."

(Minister of Finance)

9. The Bill is amended by substituting for **Clause 24** appearing at **page B. 313** the following new clause -

"5. A person who intentionally obstructs an examiner in the performance of any of the examiner's duties under this section or fails, without reasonable excuse, to comply with a request of the examiner in the performance of the examiner's duties under this section, commits an offence and is liable to –

- (a)* an administrative fine not exceeding P500 000 as may be imposed by the supervisory authority;
- (b)* a fine not exceeding P500 000; or
- (c)* imprisonment for a term not exceeding 10 years, or to both."

(Minister of Finance)

10. The Bill is amended at **Clause 30** appearing at **page B.314** by –

- (a)* deleting paragraph *(a)* appearing therein.
- (b)* substituting for paragraph *(b)* appearing therein, the following new paragraph –

“(b) with respect to a trustee or a person holding an equivalent position in a similar legal arrangement-

- (i)* obtain and hold adequate, accurate and current beneficial ownership information regarding the trust and other similar legal arrangements on the identity of the settlor; trustee; protector, if any; each beneficiary or, where applicable, the class of beneficiaries and objects of a power; and or any other natural person exercising ultimate effective control over a trust or a similar legal arrangement;
- (ii)* obtain and hold adequate, accurate and current basic and beneficial ownership information on legal structures which are party to the trust or similar legal arrangement; and
- (iii)* hold basic information on other regulated agents of, and service providers to the trust and similar arrangements including investment advisors or managers, donors, accountants and tax advisors.”; and

- (c)* inserting the following new paragraph –

“(c) a trustee or a person holding equivalent position in a similar legal arrangement shall ensure that all records required to be held under this Act are kept up to date and made available swiftly to a competent authority upon appropriate authority.”.

(Minister of Finance)

11. The Bill is amended at **Clause 36** appearing at **page B. 315** -

- (a)* by substituting for paragraph *(b)*, appearing therein, the following new paragraph –

“(b) a precious stone dealer when they engage in a cash transaction with a customer equal to or above the prescribed cash limit;”.

- (b)* by substituting for paragraph *(c)* appearing therein, the following new paragraph –

“(c) by deleting paragraphs 9, 12 and 17 appearing therein;”;

- (C) by substituting paragraph (e), appearing therein, the following new paragraph –

“22. A precious metal dealer as defined under the Unwrought Precious Metals Act, Cap. 20:03, when they engage in a cash transaction with a customer equal to or above the prescribed cash limit.”.

(Minister of Finance)

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| 2. Virtual Assets Bill, 2024 (Bill No. 30 of 2024) | An Act to regulate the sale and trade of virtual assets, licensing of virtual asset service providers and issuers of initial token offerings, and to provide for matters connected, incidental and related thereto. |
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(Published on 25th November, 2024)

(Minister of Finance)

AMENDMENTS

1. The Bill is amended at **clause 2** appearing at **page B. 320** by inserting in the correct alphabetical order the following new definition –

“officer” means a member of the board of directors, a chief executive, a chief financial officer, a senior executive, a manager, a partner, a money laundering reporting officer, a risk officer, a chief technical officer or any other person holding a similar function;

(Minister of Finance)

2. The Bill is amended at **clause 10** appearing at **page B.327** by substituting **clause 10** with the following new clause –

“10. (1) A person who wishes to carry out or participate in a virtual asset business may apply for a virtual asset service provider licence, issuer of initial token offerings licence.

(2) An application in subsection (1) shall –

- (a) be in such form and manner as may be prescribed;
- (b) specify the licence applied for;
- (c) be accompanied by –

- (i) proof of the applicant's registration with a comparable body, where applicable,
- (ii) a certificate of incorporation,
- (iii) a business plan, including financial and operational projections, setting out the nature and scale of the virtual asset business activities proposed to

be carried out, technological requirements and where applicable, staffing requirements,
(iv) particulars of the applicant's arrangements for the management of the virtual asset business,
(v) policies and measures to be adopted by the applicant to meet the obligations under this Act and the Financial Intelligence Act,
(vi) particulars and information relating to customer due diligence of each organiser, issuer, founder, investor, beneficial owner, security holder, director and officer of the virtual asset business, and
(vii) such fee as may be prescribed.

(3) Where a person is carrying out a virtual asset business which involves activities requiring more than one class of licence, that person must apply for each relevant class of licence and comply with the rules applicable to each class of licence.

(4) A bank licensed under the Banking Act may, with the approval of the Central bank, make an application to the Regulatory Authority for a virtual asset custodian licence.

(5) A subsidiary of a bank licensed under the Banking Act may, with the approval of the Central Bank, make an application to the Regulatory Authority for a virtual asset service provider licence.

(6) An applicant may withdraw an application by giving seven days' written notice to the Regulatory Authority at any time before the determination of the application.

(7) The Regulatory Authority may require any information submitted in connection with an application to be verified and the cost of such verification shall be borne by the applicant."

(Minister of Finance)

3. Societies (Amendment) Bill, 2024 An Act to amend the Societies Act.
(Bill No. 31 of 2024)

(Published on 5th December, 2024)

(Minister of Labour and Home Affairs)

AMENDMENT

- The Bill is amended at **clause 2 (a)** appearing at **page B.345** by substituting for the words "150", appearing therein the words "20".

(Minister of Labour and Home Affairs)

4. Companies (Amendment) Bill, 2024 (Bill No. 32 of 2024) An Act to amend the Companies Act.

(Published on 6th December, 2024)

(Minister of Trade and Entrepreneurship)

5. Trust Property Control (Amendment) Bill, 2024 (Bill No. 33 of 2024) An Act to amend the Trust Property Control Act.

(Published on 11th December, 2024)

(Minister of Justice and Correctional Services)

6. Public Service (Amendment) Bill, 2024 (Bill No. 34 of 2024) An Act to amend the Public Service Act.

(Published on 13th December, 2024)

(Minister for State President)

AMENDMENTS

1. The Bill is amended at **Clause 3** appearing at **page B.405** –
- (a) Under section 50 (2) by replacing the words at section 50 (2) *(b)* with the following –
“50.(2) *(b)* all recognised trade unions”;
 - (b) By deleting section 50 (3).

(Mr. G. Kekgonegile, MP. – Maun East)

2. The Bill is amended at **Clause 3** appearing at **page B.408** by deleting section 56.

(Mr. G. Kekgonegile, MP. – Maun East)

QUESTIONS

HRS/MINS

1400 – 1445

1. **MR. M. BAGAISAMANG, MP. (SHOSHONG):** To ask the Minister of Health: **(118)**
- (i) to update this Honourable House on the status of Level 1 Primary Hospital and staff housing to be built in Shoshong;
 - (ii) when will the contractor start work;
 - (iii) at what cost is the project funded; and

- (iv) what has caused the delay in starting the project after the Development Manager indicated in a Kgotla meeting in July 2024 that they will start construction on 1st September, 2024.
2. **MR. K. NKAWANA, MP. (SELEBI PHIKWE EAST):** To ask the Minister of Local Government and Traditional affairs to state whether his Ministry has in the last five (5) years conducted a poverty and affluent survey in Selebi Phikwe and to further state his long term plans in reducing poverty levels for residents of Selebi Phikwe and further state whether through his poverty eradication reductions he has seen any positive signs showing that the poor are graduating to levels considered to be closer to affluence. **(122)**
 3. **DR. U. DOW, MP. (KGATLENG WEST):** To ask the Minister of Labour and Home Affairs if he is aware that there is no right of residence for spouses of Botswana citizens and that in some cases, even when a residence permit is issued to such a spouse, a work permit might not be and: **(123)**
 - (i) whether his Ministry will be pursuing pro-family policies; and
 - (ii) whether and how he plans to address this anti-family practice.
 4. **MR. M. MOALOSI, MP. (NKANGE):** To ask the Minister of Water and Human Settlement if there is a plan to include all the villages in Nkange Constituency in the Ntimbale Dam water reticulation in order to provide potable water to villages currently faced with water supply challenges. **(124)**
 5. **MR. T. B. LUCAS, MP. (BOBIRWA):** To ask the Minister of Local Government and Traditional Affairs: **(125)**
 - (i) to state the criteria employed to grade and deploy chiefs in different villages; and
 - (ii) is the criteria employed used consistently around the country, if not, what accounts for the inconsistency and what remedies are or will be put in place to remedy the situation.
 6. **MR. G. LEKAU, MP. (MOGODITSHANE WEST):** To ask the Minister of Lands and Agriculture to apprise this Honourable House on the land allocation in Mogoditshane and particularly state: **(126)**

- (i) when the Ministry is starting the thibang diphotlha initiative;
 - (ii) how far the Ministry is with compensation in kind; and
 - (iii) when the Minister is intending to bring capable personnel to Mogoditshane Land Board.
- 7. MR. M. M. PULE, MP. (KGATLENG EAST):** To ask the Minister of Transport and Infrastructure to state if there are any ongoing or planned efforts to expand and modernize the public transportation system, especially in growing urban and peri-urban areas like Oodi especially given that the Kgatleng District is part of the Special Economic Zone (SEZ). **(127)**
- 8. MR. P. M. SEGOKGO, MP. (TLOKWENG):** To ask the Minister of Child Welfare and Basic Education: **(128)**
- (i) if she is aware that temporary teachers are consistently paid late across the country and if so, how does she intend to address the problem; and
 - (ii) to further state if Government has any plans to absorb all temporary teachers as permanent and pensionable employees within the education system.
- 9. MR. G. DISHO, MP. (OKAVANGO EAST):** To ask the Minister of Water and Human Settlement to update this Honourable House on when the people of Okavango East will be provided with adequate drinking water; the Minister should specifically apprise this Honourable House on: **(129)**
- (i) how the people of Okavango East, specifically people from Kaputura, Tobera and Shaikarawe villages), 15 kilometres away from the Okavango River are expected to live sustainable lives when they can go for more than half a month without safe drinking water;
 - (ii) whether the Ministry can expeditiously facilitate the revision of the Water Utilities Act to allow for drilling of boreholes as backup in the above specified areas including but not limited to Gowa Junior Secondary School; and
 - (iii) related to (ii) above, whether the Government is prepared to fund drilling of boreholes with immediate effect.

10. MR. J. J. FRENZEL, MP. (SHASHE WEST): To ask the Minister of Local Government and Traditional Affairs: **(130)**

- (i) when the second primary schools in the villages of Borolong and Shashemooke will be constructed as they were approved under the National Development Plan; and
- (ii) if there are any plans to construct a second primary school in Chadibe as the current one is over populated and compromises child welfare and the quality of education.

11. MR. L. BARONGWANG, MP. (MOGODITSHANE EAST): To ask the Minister of Water and Human Settlement to apprise this Honourable House on the potable water connection to Ledumadumane North households and to state: **(132)**

- (i) primarily what is stopping the Ministry from supplying/connecting people of Ledumadumane North Stands with potable water despite existing developments; and
- (ii) when this ward will be connected to the water connection system.

12. MR. K. K. KAPINGA, MP. (OKAVANGO WEST): To ask the Minister of Labour and Home Affairs: **(133)**

- (i) to apprise this Honourable House on the progress made in the implementation of a law authorising the holding of dual citizenship in pursuance of the decision of the High Court of Botswana in the Sithabile Mathe case; and
- (ii) to explain to this Honourable House what is expected of those who are currently affected by the subsisting law prohibiting dual citizenship, pending the amendment of the Citizenship Act to align it with the High Court's decision.

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“(c) by deleting paragraphs 9, 12 and 17 appearing therein;”;

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- 6.** Public Service (Amendment) Bill, An Act to amend the Public Service
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 - (b) By deleting section 50 (3).

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