



# NamRA

Namibia Revenue Agency

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## TABLE OF CONTENTS

<u>1.</u> ACRONYMS AND ABBREVIATIONS	Error! Bookmark not defined.
<u>2.</u> POLICY STATEMENT	3
<u>3.</u> PURPOSE	3
<u>4.</u> SCOPE	3
<u>5.</u> POLICY OWNER	4
<u>6.</u> LEGISLATIVE CONTEXT	4
<u>7.</u> GENERAL GUIDELINES	4
<u>8.</u> OBJECTIVES OF THE REWARD	5
<u>9.</u> DEFINITIONS	6
<u>10.</u> OPERATIONAL PROVISIONS	7
<u>11.</u> CONFIDENTIALITY	8
<u>12.</u> FALSE & MALICIOUS INFORMATION	9
<u>13.</u> CONFLICTING CLAIMS	9
<u>14.</u> PERIOD TO FILE A REWARD CLAIM	10
<u>15.</u> HANDLING OF CLAIMS	10
<u>16.</u> PAYMENTS & EXCLUSIONS OF REWARDS	11
<u>17.</u> POLICY REVIEW	11
<u>18.</u> APPROVAL	11

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## 1. POLICY STATEMENT

- 1.1. The Namibia Revenue Agency, in terms of Section 102 (1) (2) & (3) of the Customs and Excise Act No. 20 of 1998, as amended provides for the Commissioner, Notwithstanding subsection (1), to withhold an amount not exceeding one-third of any fine, penalty or proceeds referred to in that subsection, and award same to any person (including any officer), whose actions or conduct, or the information furnished by such person, lead to the imposition of such fine or penalty, or the forfeiture or the seizure made.
- 1.2. The policy intends to streamline the application and process of awards in terms of Section 102 (1) (2) & (3) of the Customs and Excise Act No. 20 of 1998, and other related laws, rules, and regulations for transparency and uniformity.
- 1.3. This policy creates an incentive scheme of rewards that will impact society positively, through the participation of everyone able to contribute to the protection of society.

## 2. PURPOSE

This policy serves to guide the management of Section 102 (1) (2) & (3) rewards within or by NamRA. The policy further aims to realise successful management reforms and techniques in NamRA. The policy will also support international standards of ensuring that whistle blowers are protected. Any cash payments made in terms of this policy, will occur on an annual basis, as determined by the Commissioner.

## 3. SCOPE

The policy provisions of rewards apply to any person (including any officer), informers, or whistle-blowers who are instrumental through providing tangible and or credible information leading to the actual collection of additional revenues, penalties, and fees arising from discovery of violations of the Customs and Excise Act.

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#### **4. POLICY OWNER**

The responsible department for this policy is the Head of Customs & Excise.

#### **5. LEGISLATIVE CONTEXT**

The policy has been written within the framework of the Customs and Excise Act No. 20 of 1998, specifically Section 102 (1) (2) & (3) and other related laws, rules, and regulations administered by the Agency.

#### **6. GENERAL GUIDELINES**

- 6.1. NamRA in the effort of improving Namibia' tax morale, by encouraging information provided by its employees and the citizenry against circumvention of the Act, and other relevant legislation associated with the importation and exportation goods along the supply chain.
- 6.2. The information from whistle blowers; informants and or NamRA officials will support the Agency to prevent Commercial Fraud, Bribery, Smuggling, and Dishonesty, Illicit Narcotic Drugs, and Intellectual Property Rights for the benefit of the Namibian economy.
- 6.3. To appreciate and encourage the NamRA employees and informants with a monetary reward of one third (1/3) proportionate to the value of a fine or penalty shall, together with the proceeds of the sale of anything forfeited or seized goods.
- 6.4. The basis of the reward is depended on the accuracy of the specific information provided and rendered by the informer / official that result in including assessment of the risk and trouble undertaken, resulting in the actual collection of the imposed fine or penalty, or the value of forfeiture or the seizure made.
- 6.5. Commissioner shall appoint a Committee on Rewards which shall exercise exclusive authority to evaluate and act on claims for reward purposes filed with the Agency. Subject to existing laws, rules and regulations, the Committee shall create and maintain accurate and reasonably complete records on all informers / whistle blowers rewarded by the Agency.

- 6.6. A cash reward equivalent to one third or less of the actual proceeds from the sale of smuggled and confiscated goods on actual collection of additional revenues shall be paid to the official, informer or whistle-blower who are instrumental in the actual collection of additional revenues arising from the discovery of violation of the Customs and Excise Act.
- 6.7. In exceptional cases the reward to the staff members, informers of whistle blower can be equal to one third or less of the value of the seized, forfeited goods and or penalty realised.
- 6.8. Any information submitted by an official/informant that is false and may lead such official/informant liable to prosecution.
- 6.9. The final reward is determined based on the net sale proceeds of auctions of goods seized / forfeited (if any) and/or the amount of additional duty/fraudulently claimed Drawback recovered plus penalty/fine recovered.
- 6.10. The cash reward shall also be subject to income tax.

## **7. OBJECTIVES OF THE REWARD**

- 7.1. To encourage the public to extend full support and cooperation in eradicating smuggling and fighting corruption.
- 7.2. To provide guidelines on procedures for giving cash reward to NamRA officials and public informants or whistle-blowers.
- 7.3. To recognise and reward NamRA staff member(s) who perform exceptionally through actions that result in tangible collection of penalties. levied, from the detection and seizure of goods, detection of duty evasion including wrong classification, undervaluation, misrepresentation of origin.



## **8. DEFINITIONS**

### **8.1. Additional Revenue**

- a) Shall refer to any actual fine, penalty or proceeds that would arise from the sale of smuggled goods and confiscated goods or actual collection of additional revenue for the government.
- b) actual paid penalties from the under-declaration; non-declaration; wrong classification; undervaluation, misrepresentation of origin of goods.

### **8.2. Cash Reward**

- a) Refers to a reward herein authorized to be paid out of additional revenues, and penalties established by law, collected, and accounted for resultant of the information furnished by the informer.
- b) Refers to a reward herein authorized to be paid out of additional revenues, and penalties established by law, collected, and accounted for resultant of the actions of a NamRA official(s).

### **8.3. Confiscated Goods**

Refers to any goods, wares, merchandise, and any other items which are subject of importation or exportation seized by NamRA for violation of the Customs and Excise Act, other related laws, rules, and regulations.

### **8.4. Informer**

Refers to any qualified person including a NamRA official as defined herein, who voluntarily provides definite/accurate and or sworn information not yet in the possession of NamRA nor of public knowledge, leading to actual collection of additional revenues arising from the discovery of violations of the Customs Act.

### **8.5. Instrumental in the Discovery**

Refers to NamRA employee(s) and or informants whose actions/information led directly or indirectly to the seizure of smuggled goods without which information such seizure and discovery could not have been affected and known, or whose information that led to the actual collection of additional revenues, penalties and fees arising from discovery of violation of the Customs and Excise Act.

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## 8.6. ACT

Refers to the Customs and Excise, 1998 (No. 20 of 1998) as amended.

## 9. OPERATIONAL PROVISIONS

### 9.1 Affidavit of Information

9.1.1. Information must be submitted to:

- a) The Office of the Commissioner
- b) Regional Manager (Central, South, Western, North and North-eastern Region),
- c) Manager Commercial Fraud investigation, Intelligence and Intellectual Property Rights.

### 9.2 Rewards Committee

A rewards committee shall be appointed by the Commissioner to manage claims, and execute duties as outlined herein. The Committee' tenure shall be for a period of 12 months, renewable.

The Rewards Committee shall be appointed by the Commissioner.

### 9.3 Duties and Functions of the Rewards Committee

- a) Receive and safe keep all informant's affidavits of information and all other relevant documents required in the processing of reward claims.
- b) Process, discuss, deliberate, evaluate and recommend to the Commissioner all claims for rewards including the issue of preference, amounts and all issues relative to claims of rewards, filed by persons instrumental in the discovery and seizure of smuggled goods.
- c) Coordinate with the appropriate office in identifying the informers who are instrumental in the discovery and seizure of such smuggled goods.
- d) Draft, review, and revise rules and regulations to effectively implement this policy.
- e) Organize a Secretariat which shall carry on the daily business of the Committee on Rewards,

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- f) The Committee must develop a standard claim form that will be used when applying for claim for reward.
- g) The Committee is empowered to validate any claims, through investigations where/when necessary.
- h) Ensure that payments made from NamRA in terms of this policy is referenced in line with section 10 of this document.
- i) Other functions as may be assigned by the Commissioner.

#### **9.4 Procedure in Filing and Processing Claims for Reward.**

No claim for reward shall be entertained unless it is based on information entered in registry books. Claims for reward shall be in writing and sworn to by the informer-claimant in triplicate and shall state, among other things, the following material facts:

- a) Names and address, and signature of the informer-claimant.
- b) The location at which information was reported (region, office, and unit).
- c) The time and date when the information was reported.
- d) The people involved or the amount of revenue involved
- e) Registry number assigned to the information,
- f) A comprehensive narrative / summary report of the forfeiture, seizure, or interception based on the information received. of the information.
- g) Sworn statement of the officer that received the information, and or a sworn statement of the apprehending officer.

### **10. CONFIDENTIALITY**

The identity of all informers/whistle blowers shall be kept confidential even if the information given proves to be malicious or false. Disclosing such information could

- (i) put the life of such person in danger and
- (ii) rule out the future possibility of getting valuable information from the same person in the future.



## 11. FALSE & MALICIOUS INFORMATION

Should the information later turn out or be proved to be false or to have been made only for the purpose of harassing, molesting or in any way prejudicing the person denounced, the latter shall be entitled to any action, criminal or civil, as the facts may warrant.

## 12. CONFLICTING CLAIMS

- 12.1. In the event two or more informants/whistle blowers meet fully all the conditions herein outlined, the informer who first furnished the information first shall be entitled to the reward. Provided that the information when acted on leads to a successful operation.
- 12.2. Whenever two or more persons claim to be the informant/whistle blower entitled to a reward arising from the same case, the person who supplied the information which fully satisfies all the conditions outlined herein first, shall be entitled to the reward. However, if the first informant/whistle blower' information although, fully satisfies all the conditions outlined herein, but such information does not result in a successful operation when acted upon. Whereas the second informant/whistle blower' information although not fully complying with all conditions herein outlined, but results in a successful operation when acted upon, such (second informant/whistle blower') shall be entitled to the rewards.
- 12.3. Where two or more informants/whistle blowers supplied the information simultaneously and their information fully satisfy the conditions herein outlined, and results into successful operation when acted upon, both informants/whistle blowers shall be entitled to the reward. In this case the reward will be paid in equal proportions between the number of informants/whistle blowers.
- 12.4. For a reward to be paid to the appropriate person, the identity of the informant/whistle blower shall be duly established by requiring him/her to present copies of his/her information and claim and receipts issued to him/her. The informant/whistle blower may also be required to submit any relevant additional evidence that will satisfactorily establish his identity.

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### 13. PERIOD TO FILE A REWARD CLAIM

- 13.1. The time to effect payments in terms of this policy will be as determined by the Commissioner on an annual basis. Upon such determination, Commissioner shall notify all eligible claimants to file their claims within 90 days (3 months).
- 13.2. Where a claimant is notified to submit a claim, the claimant shall complete the necessary documentation and submit to the Rewards Committee. The definition of notifications shall include electronic communications from NamRA.
- 13.3. However, where a claimant does not file his claim for reward within 180 days (6 months) of receiving notification, such claim shall only be valid and claimable for a further 180 days (6 months).
- 13.4. Where any claim is received later than one (1) year from a claimant being notified, such claim shall only be considered on basis of exceptional circumstances such as (ill health/medical reasons) approved by the Commissioner. Such applications shall also require to be supported by written evidence as determined by the Commissioner.

### 14. HANDLING OF CLAIMS

- 14.1. In maintaining confidentiality and protection of the identity of informant(s), the handling of claims will be centralised and recorded in the Registry Book. Claims must further include, a comprehensive report dully signed by the officer(s) on the forfeiture, seizure, interception, and or other tax type investigation based on the information.
- 14.2. The actual collection of additional revenues, penalties and fees arising from discovery of violation of the Customs and Excise Act, or other related laws, rules, and regulations administered by NamRA must also be stated in the report.
- 14.3. The report shall include a statement that such seizure, interception and or tax type investigation was the result of the information (specify registry number) and that a claim for reward is being filed. The office of incidence shall also forward to the Rewards Committee all the papers, documents and records of the cases including the informer's report and a copy of the affidavit of information, together with its comment and recommendation.



14.4. Upon satisfaction of the evidence and supporting documents to a claim, the Chairperson of the Rewards Committee forward a submission support by a dully signed resolution document by all members of the committee, to the Commissioner for consideration.

14.5. The Commissioner shall approve or disapprove any recommendation by the committee.

Submitted claims must be include:

- a) Original copy of the claim containing the sworn statement previously given by the informer.
- b) Sworn statement of the officer receiving the information, and a sworn statement of the apprehending officer.

## 15. PAYMENTS & EXCLUSIONS OF REWARDS

15.1. Payments of the reward(s) shall be paid into a valid bank account of the claimant.

15.2. Exclusions shall include all NamRA & public officials, whether incumbent or retired, who acquired the information during the performance of their duties during their incumbency, are prohibited from claiming informer's reward.

15.3. Illicit Drugs & Counterfeit goods seizures are excluded.

15.4. NamRA officials from Manager level, immediate family, business partners are prohibited from claiming informer's reward.

## 16. POLICY REVIEW

Periodic review of this policy shall be applied annually from time to time, or subject to written authorisation from the Commissioner.

## 17. APPROVAL

The Section 102 Rewards Policy of NamRA is hereby approved.



Sam SHIVUTE  
COMMISSIONER

15-07-2022

DATE