



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$3.62

WINDHOEK - 1 November 2001

No.2637

CONTENTS

	<i>Page</i>
GOVERNMENT NOTICES	
No. 213 Extension of boundaries: Opuwo	2
No. 214 Hentiesbaai: Extension of boundaries	2
No. 215 Declaration of Oshakati (Extension 7) to be an approved township	2
No. 216 Notification of farming units offered for allotment: Agricultural (Commercial) Land Reform Act, 1995	4
No. 217 Notice in terms of Section 70 (2) of the Labour Act, 1992	7
No. 218 Amendment of rules relating to the acts or omissions constituting improper conduct or misconduct in respect of which the Dental Board may conduct inquiries and take disciplinary steps: Medical and Dental Professions Act, 1993 (Act No. 21 of 1993) ...	13
No. 219 Rules relating to the acts or omissions constituting improper conduct or misconduct in respect of which the Clinical Psychology Board may conduct inquiries and take disciplinary steps: Allied Health Services Professions Act, 1993 (Act No. 20 of 1993)	13
No. 220 The Namibian Broadcasting Act, 1991: Amendment of the Namibian Broadcasting Corporation Regulations made under the Namibian Broadcasting Corporation Act, 1991	17
GENERAL NOTICES	
No. 325 Notice to fill a vacancy in the membership of the Village Council of Berseba	19
No. 326 Keetmanshoop Amendment Scheme No. 4	19
No. 327 City of Windhoek: Permanent closing of a portion of Erf R/619 Plato Street, Academia, as public open space	19
No. 328 City of Windhoek: Temporary closing of the portion of ground running between Hosea Kutako Drive and Iscor Street, between Dortmund and Solingen Street, as street	20
No. 329 Permanent closing of Portion A of the street of Oshakati Extension 2	20
No. 330 Bank of Namibia: Statement of Assets and Liabilities as at close of business on 30 September 2001	21

- As witnesses:**
1. A B KANDJALA
 2. S K MWAETAKO

R SCHMIDT

(for and on behalf of)

CONSTRUCTION INDUSTRIES FEDERATION OF NAMIBIA

- As witnesses:**
1. P N POSTEMA
 2. U C WILSON

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 218

2001

AMENDMENT OF RULES RELATING TO THE ACTS OR OMISSIONS
CONSTITUTING IMPROPER CONDUCT OR MISCONDUCT IN RESPECT
OF WHICH THE DENTAL BOARD MAY CONDUCT INQUIRIES AND TAKE
DISCIPLINARY STEPS: MEDICAL AND DENTAL PROFESSIONS ACT, 1993
(ACT NO. 21 OF 1993)

The Minister of Health and Social Services has under section 29(2) of the Medical and Dental Professions Act, 1993 (Act No. 21 of 1993) approved the amendments made by the Dental Board under section 29(1) of the said Act, as set out in the Schedule below.

SCHEDULE

1. In these amendments "the Rules" means the Rules relating to the acts or omissions constituting improper conduct or misconduct in respect of which the Dental Board may conduct inquiries and take disciplinary steps, published under Government Notice No. 151 of 31 July 2001.

2. The following definition is substituted for the definition of "dental practitioner" in rule 1 of the Rules -

"“dental practitioner” means a dentist or a dental specialist;”.

3. Rule 7(d) of the Rules is amended by the deletion of the words "shareholder" and "member of a close corporation" and by the deletion of the commas immediately before and immediately after the word "partner".

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 219

2001

RULES RELATING TO THE ACTS OR OMISSIONS CONSTITUTING
IMPROPER CONDUCT OR MISCONDUCT IN RESPECT OF WHICH THE
CLINICAL PSYCHOLOGY BOARD MAY CONDUCT INQUIRIES AND TAKE
DISCIPLINARY STEPS:
ALLIED HEALTH SERVICES PROFESSIONS ACT, 1993 (ACT NO. 20 OF 1993)

The Minister of Health and Social Services has in terms of subsection (2) of section 27 of the Allied Health Services Professions Act, 1993 (Act No. 20 of 1993) approved the rules issued by the Clinical Psychology Board in terms of subsection (1) of that section and which rules are set out in the Schedule below.

SCHEDULE

Definitions

1. In these Rules, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Allied Health Services Professions Act, 1993 (Act No. 20 of 1993) bears that meaning and -

“association” means two or more practitioners practising each for their own account, but sharing in the conduct of such practices’ communal assets;

“practitioner” means a person registered in terms of the Act as a clinical psychologist; and

“the Act” means the Allied Health Services Professions Act, 1993 (Act No. 20 of 1993).

Acts or omissions constituting improper conduct or misconduct

2. The acts or omissions by a practitioner as set out in these Rules are deemed to constitute improper conduct or misconduct in respect of which the Clinical Psychology Board may conduct inquiries and take disciplinary steps in terms of Part V of the Act.

Advertising, canvassing and touting in certain circumstances

3. The following act or omissions regarding advertising, canvassing and touting by a practitioner constitutes improper conduct or misconduct:

- (a) The advertising of the professional services of a practitioner in a manner which -
 - (i) is not factually correct;
 - (ii) is misleading; or
 - (ii) harms the dignity or honour of the profession;
- (b) the permitting, sanctioning or acquiescing of such advertisement referred to in paragraph (a); or
- (c) the canvassing or touting for patients, whether personally, through an agent or in any other manner.

Charging of or receiving of fees for services not personally rendered

4. The charging of or receiving of fees for services not personally rendered by a practitioner constitutes improper conduct or misconduct: Provided that such charging or receiving of fees does not constitute improper conduct or misconduct where such services were rendered by -

- (a) another practitioner with whom a practitioner is in association;
- (b) another practitioner acting as *locum tenens* for that practitioner;
- (c) an intern clinical psychologist performing his or her internship under the supervision and control of a practitioner;
- (d) a psychometrist performing his or her functions on instruction of a practitioner; or
- (e) a psycho-technician performing his or her functions on instructions of a practitioner.

Itinerant practice in certain circumstances

5. The carrying on of a regularly recurring itinerant practice at a place where another practitioner is established, constitutes improper conduct or misconduct, unless the practitioner concerned renders in such itinerant practice the same service to a patient and at the same cost as the service he or she would render in the area in which he or she ordinarily practices.

Practising in association in certain circumstances

6. The practising as a practitioner in association with any person not registered as a psychologist in terms of the Act constitutes improper conduct or misconduct.

Using of other names in practice's name

7. A practitioner using, in the name of his or her practice, the word "hospital" or "clinic" or any other word or words indicating, or calculated to lead persons to infer, that the practice in question forms part of, or is in association with a hospital, clinic or similar health facility constitutes improper conduct or misconduct, unless such practice has been registered in terms of the Hospitals and Health Facilities Act, 1994, (Act No. 36 of 1994), as a hospital or other health facility.

Information on professional stationary in certain circumstances

8. The following acts regarding information on professional stationary constitutes improper conduct or misconduct:

- (a) The printing of or having printed on letterheads and account forms, any information other than -
 - (i) the practitioner's names, profession and speciality (if applicable);
 - (ii) his or her registered qualifications, academic qualifications (other than professional qualifications) and honorary degrees in abbreviated form; and
 - (iii) his or her address, telephone numbers, hours of consultation and practice number; or
 - (iv) information that a group of practitioners are in association with one another.
- (b) the use of prescription forms and envelopes on which the name and or address of any medical practitioner or pharmacist is printed.

Accepting or receiving of fees and paying of commission

9. The following acts regarding fees and commission, constitute improper conduct or misconduct:

- (a) The acceptance by a practitioner of commission from any person or other practitioner in return for the purchase, sale or supply of any goods, substance or materials used by such practitioner in the conduct of his or her professional practice;
- (b) the paying of commission to any person for recommending patients to that practitioner; or
- (c) the sharing of fees with any person who has not taken a commensurate part in the services for which the fees are charged.

Supersession of practitioner in certain circumstances

10. A practitioner superseding another practitioner without taking reasonable steps to inform the practitioner originally in charge of the patient, in cases where he or she ought reasonably to have known that the patient is under the treatment of another practitioner constitutes improper conduct or misconduct.

Impeding of patient

11. A practitioner impeding a patient or someone acting on behalf of a patient from obtaining the opinion or treatment of another such practitioner constitutes improper conduct or misconduct.

Making of unfounded allusions regarding professional reputation of colleagues

12. The making of unfounded allusions by a practitioner, regarding the probity or professional reputation or skill of any practitioner or other person registered under the Act, constitute improper conduct or misconduct.

Divulging of patient information in certain circumstances

13. A practitioner divulging any information, whether in writing or otherwise, regarding a patient which ought not to be divulged, constitutes improper conduct or misconduct, except where such information is divulged -

- (a) with the express consent of the patient;
- (b) in the case of a minor, with the written consent of his or her parent or guardian;
- (c) in the case of a deceased patient, with the written consent of his or her next-of-kin or the executor of his or her estate; or
- (d) in a court of law, when instructed by the presiding officer to do so.

Certificates and reports

14. The following acts or omission regarding certificates and reports constitute improper conduct or misconduct by a practitioner:

- (a) The granting of a certificate of illness without such certificate containing -
 - (i) the name, address and qualifications of the practitioner issuing the certificate in question;
 - (ii) the name of the patient to whom the certificate relates;
 - (iii) the date and time of the examination as a result of which the certificate is issued;
 - (iv) a description of the illness, disorder or malady in layman's language in respect of which the certificate is issued;
 - (v) whether or not the certificate is issued on personal observations made during an examination or on information received from the patient concerned and accepted, on reasonable grounds, by the practitioner;
 - (vi) whether the patient is totally indisposed or able to perform less strenuous duties in the work situation (if applicable);
 - (vii) the employment number of the patient (if applicable);
 - (viii) the exact period of recommended sick leave required by the patient;
 - (ix) the date of issue of the certificate; and
 - (x) a personal signature and a clear indication of the identity of the practitioner issuing the certificate.
- (b) the neglecting if pre-printed stationery is used, to delete words not relevant; or
- (c) the refusal to issue a brief factual report to a patient where such patient on reasonable grounds requires information concerning himself or herself.

Secret remedies

15. A practitioner making use in the conduct of the practice -
- (a) of any form of treatment, apparatus or technical process which is secret or is claimed to be secret; or
 - (b) of any apparatus which proves upon investigation to be incapable of fulfilling the claims made in regard thereto,

constitutes improper conduct or misconduct.

Preventing Board or office-bearer from carrying out statutory duties or communicating with certain persons

16. The following acts or omissions constitute improper conduct or misconduct by a practitioner:

- (a) The performance of any wilful act or omission which prevents or is calculated to prevent the Board or any office-bearer of the Board from carrying out its or his or her statutory duties; or
- (b) communication by a practitioner, against whom a disciplinary inquiry is being held, with any person whom such practitioner knows or should reasonably know to be a witness in such disciplinary inquiry on any aspect of evidence to be given by such witness at the inquiry, or permitting, sanctioning or acquiescing in such communication on his or her behalf.

Exploitation of practitioner

17. A practitioner is guilty of improper conduct or misconduct if he or she permits himself or herself to be exploited in a manner detrimental to the public interest or the interest of the clinical psychology profession.

Performance of medical acts

18. A practitioner performing, except in an emergency, any act of a medical nature without the close collaboration of a medical practitioner constitutes improper conduct or misconduct.

MINISTRY OF FOREIGN AFFAIRS, INFORMATION AND BROADCASTING

No. 220

2001 ✓

THE NAMIBIAN BROADCASTING ACT: 1991
AMENDMENT OF THE NAMIBIAN BROADCASTING CORPORATION
REGULATIONS MADE UNDER THE NAMIBIAN BROADCASTING
CORPORATION ACT, 1991

The Minister of Foreign Affairs, Information and Broadcasting has, under section 27 of the Namibian Broadcasting Corporation Act, 1991 (Act No. 9 of 1991), made the regulations as set out in the Schedule.

SCHEDULE

1. In these regulations "the Regulations" means the Namibian Broadcasting Corporation regulations promulgated under Government Notice No. 118 of 29 September 1993 as amended by General Notices No. 245 of 15 August 1995 and No. 95 of 1999.

Substitution of Annexure to the Regulations

2. The following is substituted for the Annexure to the Regulations: