



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$3.62

WINDHOEK - 1 November 2001

No.2637

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Government Notices

MINISTRY OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING

No. 213

2001

EXTENSION OF BOUNDARIES: OPUWO

Under section 29(1) of the Townships and Division of Land Ordinance, 1963 (Ordinance No. 11 of 1963), I hereby after consultation with the Namibia Planning Advisory Board, extend the boundaries of the township of Opuwo to include portion 7 of Opuwo Town and Townlands No. 876, situated in the Registration Division "A" and represented by Cadastral Diagram A 91/2001 which shall at all times lie open to inspection at the office of the Surveyor-General, Windhoek, during office hours.

The property so included shall be known as Erf 606, Opuwo.

N. IYAMBO
MINISTER OF REGIONAL AND LOCAL
GOVERNMENT AND HOUSING

Windhoek, 4 October 2001

MINISTRY OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING

No. 214

2001

HENTIESBAAI: EXTENSION OF BOUNDARIES

Under section 29(1) of the Township and Division of Land Ordinance, 1963 (Ordinance No. 11 of 1963), I extend the boundaries of the Township of Hentiesbaai to include portion 54 of the farm Hentiesbaai Townlands No. 133 situated in the Registration Division "G" and represented by Cadastral Diagram A 670/2000 which lies open to inspection at the office of the Surveyor-General, Windhoek, during normal office hours.

The property so included is to be known as erf 2006, Hentiesbaai.

N. IYAMBO
MINISTER OF REGIONAL AND LOCAL
GOVERNMENT AND HOUSING

Windhoek, 4 October 2001

MINISTRY OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING

No. 215

2001

DECLARATION OF OSHAKATI (EXTENSION 7) TO BE AN APPROVED TOWNSHIP

In terms of section 13 of the Townships and Division of Land Ordinance, 1963 (Ordinance No. 11 of 1963), I declare the area situated on Portion 34 of the farm Oshakati Town and Townlands No. 880, in the Municipal Area of Oshakati, Registration Division A, and represented by General Plan A 156 (A852/99), to be an approved township.

The conditions, subject to which the application for permission to establish the township has been granted, are set forth in the Schedule in terms of the said section 13.

N. IYAMBO
MINISTER OF REGIONAL AND LOCAL
GOVERNMENT AND HOUSING

Windhoek, 4 October 2001

SCHEDULE**1. Name of township**

The township is to be called Oshakati (Extension 7).

2. Composition of township

The township comprises 47 erven numbered 1575 to 1617, 1619 to 1621, representing three open spaces, and 1618, representing a street, and the remainder streets as indicated on General Plan A 156 (A855/99).

3. Reservation of erven

The following erven are reserved for the Local Authority of Oshakati -

- (a) erven 1619 to 1621, for open space purposes,
- (b) erven 1585 and 1609 for general administrative purposes,
- (c) erf 1584 for parking purposes,
- (d) erf 1618 as a street.

4. Conditions of title

- (1) The following conditions must be registered in favour of the Local Authority of Oshakati against the title deeds of all erven, except the erven referred to in paragraph 3:

“(a) There may be no obstruction or deviation of any natural course of storm water over the erf without the written approval of the local authority.

(b) The erf is subject to the reservation for the local authority of the right of access to and use, without compensation, of the area three meters parallel with any boundary of such erf for the construction and maintenance of local authority services in respect of water, sewerage, drainage, electricity and gas, which right includes the right to place on such erf temporary any material that may be excavated during such operations on the erf or any adjacent erf.

(c) If the erf has more than one street frontage, access to the erf is to be obtained from the street determined by the local authority.

(d) No offensive trade whatsoever is to be established or conducted on the erf.

For purposes of this paragraph, ‘offensive trade’ means any of the businesses, trades, works or institutions mentioned in regulation 1(a) of the regulations promulgated under Government Notice No. 141 of 10 November 1926.

(e) No cattle, pigs, goats, sheep, monkeys, beasts of prey or drought-animals are to be kept or allowed on the erf.”

- (2) The following conditions must, in addition to those enumerated in subparagraph (1), be registered in favour of the Local Authority of Oshakati, against the title deeds of erven 1575 to 1583, 1586 to 1608, 1610 to 1617:

“(a) The erf may only be used for flats and business purposes other than a factory: Provided that if a building is erected for business purposes, the ground floor of the main building may not contain flats, and no flats may be constructed on the same floor as a business.

For the purposes of this paragraph, ‘factory’ means a factory as defined in regulation 14 of the Regulations relating to the Health and Safety of Employees at Work promulgated under Government Notice No. 156 of 1 August 1997.

Hardap	Mariental	Rem Ext of farm Narib-Oost No 602, Rem Ext of Ptn 3 (Duinpunt) of farm Narib-Oost NO 602 & Ptn 5 (A Ptn of 4) of farm Argentine No 39, Reg. Div. 'R'	3	Unit A. Measures 2040 ha Unit B. Measures 2422 ha Unit C. Measures 2294 ha	Livestock farming & Crop production Livestock farming & Crop production Livestock farming & Crop production
Hardap	Mariental	Gemini No. 119	5	Unit A. Measures 1301 ha Unit B. Measures 1433 ha Unit C. Measures 1397 ha Unit D. Measures 1555 ha Unit E. Measures 1305 ha	Livestock farming & Crop production Livestock farming & Crop production Livestock farming & Crop production Livestock farming & Crop production Livestock farming & Crop production
Hardap	Mariental	Remaining Extent of Wolfsputz No. 121	2	Unit A. Measures 1531 ha Unit B. Measures 1470 ha	Livestock farming & Crop production Livestock farming & Crop production
Karas	Karasburg	Sperlingfontein No. 414	6	Unit A. Measures 4343 ha Unit B. Measures 4578 ha Unit C. Measures 3181 ha Unit D. Measures 3607 ha Unit E. Measures 6620 ha Unit F. Measures 5560 ha	Livestock farming & Crop production Livestock farming & Crop production Livestock farming & Crop production Livestock farming & Crop production Livestock farming & Crop production Livestock farming & Crop production

2. Public inspection of allotment plans:

The allotment plans in respect of the farming units offered for allotment will be available during office hours for public inspection at the offices referred to in paragraph 3(b) for a period of 30 days from the date of publication of this notice in the *Gazette*.

3. Application for allotment of a farming unit:

- (a) An application for allotment of a farming unit must be made on the prescribed form obtainable from any of the offices mentioned in paragraph (b).
- (b) A duly completed application form must be delivered at or forwarded to any of the offices mentioned below and is to reach such office on or before the closing date:

Physical address:

The Deputy Director
Resettlement Division
6th Floor, M & Z Building.
Independence Avenue.

Postal Address:

The Deputy Director
Resettlement Division
Private Bag 13343
Windhoek

The Regional Governor 7th Floor City Centre Windhoek	The Regional Governor P O Box 3379 Windhoek
The Regional Governor The (old Tswana) Government Building Gobabis	The Regional Governor Private Bag 2277 Gobabis
The Regional Governor Main Street Tsumeb	The Regional Governor P O Box 11196 Tsumeb
The Regional Governor Government building Katima Mulilo	The Regional Governor Private Bag 35002 Katima Mulilo
The Regional Governor Government Building Keetmanshoop	The Regional Governor P O Box 384 Keetmanshoop
The Regional Governor Government Building Mariental	The Regional Governor Private Bag 321 Mariental
The Regional Governor Government Building Hospital Street Otjiwarongo	The Regional Governor P O Box 1682 Otjiwarongo
The Regional Governor Government Building Oshakati	The Regional Governor Private Bag 5543 Oshakati
The Regional Governor Government Building Opuwo	The Regional Governor Private Bag 502 Opuwo
Regional Governor Government Building Rundu	Regiona Governor Private Bag 2082 Rundu
The Regional Governor Government Building Outapi	Regional Governor Private Bag 523 Outapi
The Regional Governor Akasia Building, Mittel Street Swakopmund	The Regional Governor Private Bag 1230 Swakopmund
The Regional Governor Government building Eenhana	The Regional Governor Private Bag 13185 Eenhana

- (c) An applicant must be informed in writing of the outcome of his or her application.
- (d) The closing date for the applications is 30 days from the date of publication of this notice in the *Gazette*.

4. Minimum qualifications required to qualify for allotment:

An applicant (other than a company or close corporation contemplated in section 41(7) of the Agricultural (Commercial) Land Reform Act, 1995 (Act No. 6 of 1995) must be a Namibian citizen who -

- (a) is 18 years of age or older but not older than 70 years;
- (b) has a background or interest in agriculture or related enterprises,
- (c) has been socially, economically, or educationally disadvantaged by past discriminatory laws or practices;
- (d) has relinquished any right in respect of agricultural land.

5. Rent payable in respect of farming units:

A farming unit is to be leased for 99 years. The approximate rent payable monthly, in respect of a farming unit so leased for livestock farming, is N\$1,50 per large livestock unit and N\$0,50 per small livestock unit.

6. Lease Agreement:

A successful applicant must enter into a lease agreement with the Minister of Lands, Resettlement and Rehabilitation.

MINISTRY OF LABOUR

No. 217

2001

NOTICE IN TERMS OF SECTION 70(2) OF THE LABOUR ACT, 1992

In terms of section 70(2) of the Labour Act, 1992 (Act No. 6 of 1992), it is made known that the Metal and Allied Namibia Workers' Union (MANWU) and the Construction Industries Federation of Namibia (CIF) have requested the Minister of Labour, in terms of section 70(1) of the said Act, to declare all provisions of a registered Collective Agreement entered into between themselves to be binding upon every employer and employee engaged in the construction industry in the Republic of Namibia.

The said Agreement is available for inspection at the Office of the Labour Commissioner, Borgward Street, Commissioners' Building, Khomasdal, Windhoek.

Any person who wishes to object to the proposed notice in terms of said section 70(1) of the said Act or to the provisions of the said Agreement, must submit such objection in writing to the Labour Commissioner, Private Bag 13367 or Fax 212334, Windhoek, within a period of 30 days from the date of publication of this Notice.

A. TOIVO YA TOIVO
MINISTER OF LABOUR

Windhoek, 5 October 2001

**AGREEMENT ON
CONDITIONS OF EMPLOYMENT**

ENTERED INTO BETWEEN

**THE METAL AND ALLIED NAMIBIAN
WORKERS UNION****M A N W U**

AND

**THE CONSTRUCTION INDUSTRIES FEDERATION
OF NAMIBIA**

C I F

22 JUNE 2001

SCHEDULE

MEMORANDUM OF SUBSTANTIVE AGREEMENT

by and between

CONSTRUCTION INDUSTRIES FEDERATION OF NAMIBIA
(hereinafter referred to as "the Federation")

and

METAL AND ALLIED NAMIBIAN WORKERS UNION
(hereinafter referred to as "the Union")

Following successful negotiations by representatives of the Federation and the Union, agreement has been reached on the following issues:

- A. The Union and the Federation intend this agreement to be a binding contract.
- B. Both the Union and the Federation warrant that they are authorised to act and enter into this agreement on behalf of their members.
- C. Both parties agree that this is a collective agreement. All further negotiations are to be channelled through the Federation.
- D. That Government Notice No. 123 published in Government Gazette No. 2340 of 31 May 2000 be amended in accordance with this agreement.

1. **IMPLEMENTATION DATE**

The Agreement shall come into operation on date of promulgation and shall remain in force until a new agreement has been reached.

2. **APPLICATION**

This Agreement shall be observed in the Construction Industry in Namibia by all employers who are members of the Federation and by all employees who are members of the Union.

It was furthermore agreed to submit the Agreement to the authorities for registration and to extend it to the whole Construction Industry in terms of section 70 of the Labour Act, 1992, but excluding any such employers and employees who are engaged in any labour-based projects. "Labour-based project" means any project for infrastructural development conducted by or under the control of a government ministry, and which through the use of labour-based methods is aimed at providing employment opportunities to unskilled labourers on a temporary basis.

3. MINIMUM WAGES

CATEGORY	NS Rate per hour	
	Semi-skilled	Artisan
Labourer		5.30
Painter	6.25	8.75
VA Tiler / Carpet layer / Tiler	6.80	9.70
Plumber	7.25	11.00
Bricklayer / Plasterer	7.20	11.00
Electrician	7.90	11.50
Carpenter	8.05	12.15
Joiner	8.35	12.95
Welder	6.90	
Master Craftsman (incl. coded welder)		14.45
Leading Hand (incl. leading hand plumber, leading hand steel fixer and leading hand welder)		15.00
Leading hand steel fixer & leading hand welder		16.00
Construction Driver (dumper)		5.50
Construction Driver (light vehicle)		7.75
Construction Driver (medium vehicle)		9.20
Construction Driver (heavy vehicle)		9.50
Construction Plant Operator (medium duty)		7.90
Construction Plant Operator (heavy duty)		10.20
Construction Mechanic (Gr 2 incl. welder, mild steel)		10.15
Storekeeper Gr. 1		7.20
Storekeeper Gr. 2		5.80
Timekeeper Gr. 1		7.20
Timekeeper Gr. 2		6.50
Security Guard per 12 hour shift		41.00
Brickmaker		7.10
Clerk		7.50

4. MINIMUM PROTECTIVE CLOTHING

With regard to minimum protective clothing, the following was agreed upon:

- a. Overalls 2 issued free per year
- b. Hard hats 1 issued free in defined hard hat areas (as determined in compliance with Government Notice No. 156 of 1997, Labour Act 1992: "Regulations relating to the health and safety of employees at work".
- c. Gum boots Would be supplied free for defined areas but to be returned to the employer after the relevant activity.
- d. Safety boots To be issued in compliance with Government Notice No. 156 of 1997, Labour Act 1992: "Regulations relating to the health and safety of employees at work". One pair of boots is to be issued free every two years, unless worn out within this period.
- e. Applicability All categories of employees mentioned in clause 3 above employed on site will qualify for protective clothing.
- f. Rain protection: In addition to rain protection during normal working hours, rain protection is to be afforded to labourers being transported by way of canopies, rain suits or ponchos.

5. MINIMUM PRODUCTIVITY LEVELS

The minimum wage rates as determined and agreed under item 3 above are subject to minimum productivity levels as below. Failure to maintain productivity levels will be addressed by additional training or disciplinary and incapacity procedures as the case may be.

1. Labourer
Excavations in pickable material
(not exceeding 2m deep) 2 to 7m³ / day

	Filling under surface beds	5 to 7m ³ / day
	Concrete (mix and place in team of 1 artisan / 10 labourers)	3 to 6m ³ / day
2.	Bricklayer / Plasterer	
	Stock bricks	675 no. / day
	Face bricks	450 no. / day
	Plaster to horizontal soffits	22,5m ² / day
	Plaster to vertical surfaces	31,5m ² / day
3.	Carpenter	
	Rough formwork to all structures	22,5m ² / day
	Smooth formwork to all structures	16.2 m ² / day
	Hanging doors with furniture	8 no. / day
	Ceilings including brandering	27m ² / day
	Roof covering including purlins	67,5m ² / day
4.	Tiler	
	Glazed tiles to walls	19,8m ² / day
	Ceramic tiles to floors	21,6m ² / day
5.	Painter / Glazier	
	Undercoat and two coats paint to walls	37,8m ² / day
	Undercoat and two coats paint to ceilings	30,6m ² / day
	Two coats varnish to wood	32,4m ² / day
	Prime, first coat and two coats enamel to surfaces	32,4m ² / day
	Glazing generally	31,5m ² /day
6.	VA Tile / Carpet Layer	
	Va tiles to floor	72m ² / day
	Carpet plus underfelt to floors	67,5m ² / day

6. PERFORMANCE STANDARDS

It was agreed that productivity levels are an integral part of the new agreed minimum wage rates, but for performance standards and productivity levels to be achieved, there must be normal working conditions with sufficient back up of materials of specified quality so that production outputs can be reasonably obtained. The standards are to be agreed upon separately between individual contractors and the trade union for each individual construction project.

7. LIVING AWAY ALLOWANCE

These allowances must be paid in compliance with the provisions of Government Notice No. 18 of 1992 as published in Government Gazette No. 325 of 5 February 1992.

8. SAFETY

Safety in accordance with Government Notice No. 156 of 1997, Labour Act 1992: "Regulations relating to the health and safety of employees at work" requirements should be at all times the prime object on construction.

9. STOP ORDER FACILITIES

Stop order facilities to be arranged for payment of monthly subscription and details will be submitted to Companies as proof of representation. The employees concerned must individually sign stop orders.

10. DEFINITIONS

Unless the context indicates otherwise, any expression used in this Agreement which is defined in the Labour Act, 1992, shall have the same meaning as in the Act and unless inconsistent with the context.

“Artisan” shall mean an employee employed in any trade in the Building Industry designated in terms of the National Vocational Training Act, 1994 (Act No. 18 of 1994), who performs any work specified in the practical training schedule prescribed under that Act in respect of that designated trade who has gained at least five years’ practical experience in that particular trade;

“Coded welder” shall mean any “coded welder having the requisite qualifications and “coded” experience to weld all metals, including stainless steel and aluminium, and to use all currently recognised welding techniques as contained in the training schedule of the designated trade “Welder” in terms of the National Vocational Training Act, 1994 (Act No. 18 of 1994);

“Construction driver (dumper)” shall mean an employee who is engaged in driving a mechanical dumper and who is not required by law to be in possession of a driver’s licence in order to perform such work;

“Construction driver (light vehicle)” shall mean an employee who is engaged in driving a motor vehicle and who is required by law to be in possession of a Code 08 driver’s licence to drive such vehicle;

“Construction driver (medium vehicle)” shall mean an employee who is engaged in driving a motor vehicle and who is required by law to be in possession of a Code 08 driver’s licence to drive such vehicle;

“Construction driver (heavy vehicle)” shall mean an employee who is engaged in driving a motor vehicle and who is required by law to be in possession of a Code 10 or Code 11 driver’s licence to drive such vehicle;

“Construction Industry” shall, without in any way limiting the generally accepted meaning of the expression, mean the Industry in which employers and employees are associated for the purpose of constructing, altering, renovating, repairing or demolishing any building, road, irrigation work or similar work in the course of construction, alteration, renovation, repair of demolition and shall include all work incidental thereto or consequent thereon;

“Construction Mechanic Grade 2” shall mean a skilled employee engaged in the erection of construction plant and the carrying out of minor maintenance work in mechanical equipment and machines such as cranes, jib-hoists, earth-moving equipment, motor vehicles, mechanical dumpers, tractors, concrete mixers or similar equipment and machines;

“Construction plant operator” shall mean an employee who is engaged in the operation of cranes, jib-hoists, earth-moving equipment or similar equipment;

“Labourer” shall mean an employee engaged in any work of an unskilled nature not apportioned to any other categories of employees specified herein but assisting such other categories of employees wherever necessary, although not performing the work as such other categories of employees;

“Leading hand” shall mean an employee primarily engaged in any work of a skilled nature usually performed by an artisan or a master craftsman but who may also be employed in a supervisory capacity, giving out work to other employees under his control and supervision and maintaining discipline;

“Master craftsman” shall mean an employee employed in any trade in the Construction Industry designated in terms of the National Vocational Training Act, 1994 (Act No. 18 of 1994);

“Semi-skilled Artisan” shall mean any employee who has had formal or informal training in his trade, but did not conduct and pass a formal trade test as prescribed by the National Vocational Training Act, 1994 (Act No. 18 of 1994);

“Storekeeper Grade 1” shall mean an employee who is in possession of a Grade 12 certificate and who is in charge of stocks or stores, and who is responsible for receiving, storing, packing or unpacking of goods in a store, and for dispatching goods to consuming divisions of an establishment;

“Storekeeper Grade 2” shall mean an employee who is not in possession of a Grade 12 certificate and who assists in receiving, storing, packing or unpacking of goods in a store, and in dispatching goods to consuming divisions of an establishment;

“Timekeeper Grade 1” shall mean an employee who is in possession of a Grade 12 certificate and who is responsible for the record-keeping of the working hours of employees, and who is engaged in clerical work in connection with the payment of remuneration of employees; and

“Timekeeper Grade 2” shall mean an employee who is not in possession of a Grade 12 certificate and who assists the record-keeping of the working hours of employees and clerical work in connection with the payment of remuneration of employees.

11. SERVICE ALLOWANCE

A service allowance will be paid to every employee equal to 90 hours of his / her wage and will be paid as part of the December remuneration - payable either at the end of that month for an employee not going on leave during December, or in the case of an employee going on leave in December, on the last working day before commencement of his / her annual leave. This allowance will be calculated pro-rata to the portion of the year that the employee was in service during that specific year. Should the service of an employee be terminated before the end of the year, a pro-rata payment will similarly be due.

12. SHOPSTEWARD TRAINING

All shopstewards, or Workplace Union Representatives, as provided for in clause 65(5)(b) of the Labour Act of 1992, will be entitled to 7 working days paid and 7 working days unpaid leave per year for specifically approved training courses. Any further extended unpaid leave shall be negotiated with the management of the company. Such leave will be subject to availability of the employee and will have to fit in with the company activities but will not unreasonably be withheld.

13. FAIR PRACTICE

Retrenched workers, who are being re-employed by the same company within six months of retrenchments, shall receive the same rate of remuneration as at the time of retrenchment.

14. GENERAL

The above agreement was signed by the duly authorised representative and witnesses of both parties, on the conclusion of the negotiations, who declare that no outstanding substantive demands or claims exist, which were presented for negotiation under this agreement.

SIGNED at Windhoek on this 22nd day of June 2001.

H KAMATI
(for and on behalf of)
METAL AND ALLIED NAMIBIAN WORKERS UNION

- 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:

“ANNEXURE

TELEVISION LICENCE FEES

1. Licences under section 16(3)(a)

The fees payable in respect of a licence issued under section 16(3)(a) of the Act for the use of a maximum of three television sets are as set out below in columns 2 and 3 respectively in respect of the following categories of persons -

- (a) column 2 being applicable to -
- (i) a persons 60 years of age and older who receive a pension, war veteran's pension or a disability grant;
 - (ii) inmates of a government hospital who suffer from an infectious disease, or are mental patients or feeble-minded persons who are maintained at government expenses;
 - (iii) deaf persons whose application is supported by a recommendation from a registered medical practitioner, and
- (b) column 3 being applicable to all other persons:

Column 1	Column 2	Column 3
where the obligation to take out the television licence arises -		
in the first month of the licencing year:	N\$60-00	N\$204-00
in the second month of the licencing year:	N\$55-00	N\$187-00;
in the third month of the licencing year:	N\$50-00	N\$170-00;
in the fourth month of the licencing year:	N\$45-00	N\$153-00;
in the fifth month of the licencing year:	N\$40-00	N\$136-00;
in the sixth month of the licencing year:	N\$35-00	N\$119-00;
in the seventh month of the licencing year:	N\$30-00	N\$102-00;
in the eighth month of the licencing year:	N\$25-00	N\$85-00;
in the ninth month of the licencing year:	N\$20-00	N\$68-00;
in the tenth month of the licencing year:	N\$15-00	N\$51-00;
in the eleventh month of the licencing year:	N\$10-00	N\$34-00;
in the twelfth month of the licencing year:	N\$5-00	N\$17-00;

2. Licences issued to accommodation establishments

Television licence issued in terms of section 16(3)(b) of the Act to a person who is the owner or manager of an accommodation establishment as defined in section 1 of the Accommodation Establishments and Tourism Ordinance, 1973 (Ordinance 20 of 1973), the following fee per television set per annum:

Where the number of television sets:

does not exceed 10	N\$220-00
exceeds 10 but not 40	N\$209-00
exceeds 40 but not 60	N\$198-00
exceeds 60 but not 80	N\$187-00
exceeds 80	N\$165-00

3. Licences issued to radio- and television dealers

Television licence issued to a radio- and television dealer in terms of section 16(3)(c) of the Act -

- (a) in respect of each television set used for hiring out, N\$440-00 per annum;

- (b) in respect of each television set used for demonstration purposes in accordance with subparagraph (ii) or (iii) of that section, N\$440-00 per annum.”.

Date of Commencement

4. These Regulations came into operation on 1 October 2001.

General Notices

No. 325

2001

NOTICE TO FILL A VACANCY IN THE MEMBERSHIP OF THE VILLAGE COUNCIL OF BERSEBA

In terms of Section 13 (2) of the Local Authorities Act, 1992 (Act No. 23 of 1992), notice is hereby given that Councillor Ms. Fredrika Motinga resigned her office as from 31 August 2001. The vacancy is fill in by Mr. Elias Joseph Stephanus.

Notice is further given to DTA of Namibia to nominate a member of the Village Council of Berseba within three months of the date of her resignation.

T.W. DREYER
VILLAGE SECRETARY

No. 326

2001

KEETMANSHOOP AMENDMENT SCHEME NO. 4

Notice is hereby given in terms of Section 23 of the Town Planning Ordinance 1954, (Ordinance 18 of 1954), as amended, that the Keetmanshoop Amendment Scheme No. 4 has been submitted to the Minister of Regional and Local Government and Housing for approval.

Copies of the Keetmanshoop Amendment Scheme No. 4 and the maps, plans, documents and other relevant matters are lying for inspection during office hours at the Keetmanshoop Municipality and also at the Namibia Planning Advisory Board, Ministry of Regional and Local Government and Housing, 2nd Floor, Room 241, Windhoek.

Any person who wishes to object to the approval of the Town Planning Scheme should lodge objections in writing to the Secretary, Namibia Planning Advisory Board (NAMPAB), Private Bag 13289, Windhoek on or before 1 December 2001.

CITY OF WINDHOEK

No. 327

2001

PERMANENT CLOSING OF A PORTION OF ERF R/619 PLATO STREET, ACADEMIA, AS 'PUBLIC OPEN SPACE'

Notice is hereby given in terms of Article 50 (3)(a)(ii) of the Local Authorities Act of 1992 (Act No. 23 of 1992) that the Municipality of Windhoek proposes to close permanently the undermentioned portion as indicated on **Locality Map 1** which lies for inspection during office hours at the office of Urban Policy, Room 714, Municipal Offices, Independence Avenue.

PERMANENT CLOSING OF A PORTION OF ERF R/619 PLATO STREET, ACADEMIA, AS 'PUBLIC OPEN SPACE'

Objections to the proposed closing are to be served on the Secretary: Townships Board, Private Bag 13289, and the Chief Executive Officer, P O Box 59, Windhoek, within 14 days after the appearance of this notice in accordance with Article 50 (1) (C) of the above Act.

BARRIE WATSON

**CHIEF: URBAN POLICY, STRATEGY, FACILITATION
AND IMPLEMENTATION SERVICES**

CITY OF WINDHOEK

No. 328

2001

**TEMPORARY CLOSING OF THE PORTION OF GROUND RUNNING
BETWEEN HOSEA KUTAKO DRIVE AND ISCOR STREET, BETWEEN
DORTMUND AND SOLINGEN STREET, AS 'STREET'**

Notice is hereby given in terms of Article 50 (3)(a)(ii) of the Local Authorities Act of 1992 (Act No. 23 of 1992) that the Municipality of Windhoek proposes to close permanently the undermentioned portion as indicated on plan **W3629/CE03** which lies for inspection during office hours at the office of Urban Policy, Room 714, Municipal Offices, Independence Avenue.

**TEMPORARY CLOSING OF THE PORTION OF GROUND RUNNING BETWEEN
HOSEA KUTAKO DRIVE AND ISCOR STREET, BETWEEN DORTMUND AND
SOLINGEN STREET, AS 'STREET'**

Objections to the proposed closing are to be served on the Secretary: Townships Board, Private Bag 13289, and the Chief Executive Officer, P O Box 59, Windhoek, within 14 days after the appearance of this notice in accordance with Article 50 (1) (C) of the above Act.

BARRIE WATSON

**CHIEF: URBAN POLICY, STRATEGY, FACILITATION
AND IMPLEMENTATION SERVICES**

No. 329

2001

**PERMANENT CLOSING OF PORTION A OF THE STREET OF OSHAKATI
EXTENSION 2**

Notice is hereby given in terms of Article 50(3)(a)(ii) of the Local Authorities Act of 1992 (Act No. 23 of 1992) that the Oshakati Town Council intends to close permanently a Portion of the undermentioned street as indicated on the plan No. 320 closure which lies for inspection during office hours at the Municipal Offices, Room 15, Oshakati.

**PERMANENT CLOSING OF PORTION A OF THE STREET OF OSHAKATI
EXTENSION 2.**

Objections to the proposed closing should be submitted, in writing to the Town Clerk, Municipality of Oshakati within 14 days after the appearance of this notice in accordance with Article 50(3)(a)(iv) of the above Act. The final day for objections is 15 November 2001.

**J K Nghihepa
Town Clerk
Oshakati**

BANK OF NAMIBIA

No. 330

2001

**STATEMENT OF ASSETS AND LIABILITIES
AS AT CLOSE OF BUSINESS ON 30 SEPTEMBER 2001**

	30-09-2001 N\$	31-08-2001 N\$
ASSETS		
External:		
Rand Cash	33,692,503	16,097,510
IMF - Special Drawing Rights	211,702	198,016
Investments		
- Rand Currency	508,466,027	719,845,838
- Other Currency	1,443,502,461	1,551,247,591
- Interest Accrued	9,771,268	10,538,678
Domestic:		
Currency Inventory Account	2,129,731	1,796,279
Loans and Advances	52,186,438	51,561,902
Fixed Assets	147,832,802	147,166,805
Other Assets	12,218,866	5,123,684
Banker's Current	710	0
	<u>2,210,012,508</u>	<u>2,503,576,303</u>
LIABILITIES		
Share capital	40,000,000	40,000,000
General Reserve	193,509,187	193,509,187
Revaluation Reserve	796,738,725	691,453,542
Building Reserve	30,000,000	30,000,000
Currency in Circulation	661,195,538	658,872,580
Deposits:		
Government	134,124,055	603,789,129
Bankers - Reserve	108,855,416	112,840,125
Bankers - Current	0	441,592
Bankers - Call	132,541,000	54,940,000
Other	61,034,259	68,563,843
Other Liabilities	52,014,328	49,166,305
	<u>2,210,012,508</u>	<u>2,503,576,303</u>

T K ALWEENDO
GOVERNOR

U DAVIDS
CHIEF FINANCIAL OFFICER