



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 15 December 2017

No. 6488

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### CONTENTS

*Page*

#### GOVERNMENT NOTICE

No. 320 Regulations relating to registration of and fees payable by geoscientists: Geoscience Professions Act, 2012 ..... 1

#### GENERAL NOTICE

No. 496 Code of Professional Conduct of Geoscience Council of Namibia: Geoscience Professions Act, 2012 6

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## Government Notice

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### MINISTRY OF MINES AND ENERGY

No. 320

2017

#### REGULATIONS RELATING TO REGISTRATION OF AND FEES PAYABLE BY GEOSCIENTISTS: GEOSCIENCE PROFESSIONS ACT, 2012

In terms of section 41 of the Geoscience Professions Act, 2012 (Act No. 3 of 2012) and after consultation with the Council, I make the regulations set out in the Schedule.

**O. M. KANDJOZE**  
**MINISTER OF MINES AND ENERGY**

Windhoek, 1 December 2017

## SCHEDULE

1. Definitions
2. Language of forms and documents
3. Minimum qualifications required for registration as geoscientist
4. Application for registration as geoscientist
5. Annual fees
6. Lost registration certificate
7. Keeping of register
8. Inspection of register
9. Institution of unprofessional conduct
10. Notification of investigation into unlawful conduct
11. Inquiry by Council
12. Summoning of persons by Council
13. Findings of Council
14. Restoration of name to register

**Definitions**

1. In these regulations, a word or an expression to which a meaning has been assigned in the Act, has that meaning, and unless the context indicates otherwise -

“registration fee” means the fee payable when a person applies for registration in terms of section 20 of the Act;

“the Act” means the Geoscience Professions Act, 2012 (Act No. 3 of 2012); and

“year” means the 12 months for which the full annual fee is payable and which runs from 1 January to 31 December in any year.

**Language of forms and documents**

2. (1) Any form or document required to be submitted to the Council or to the registrar in terms of these regulations must, subject to subregulation (2), be in the English language.

(2) A form or document referred to in subregulation (1) that is not in the English language must be accompanied by a sworn translation into English acceptable to the Council.

**Minimum qualifications required for registration as geoscientist**

3. The minimum qualifications required for registration as a registered geoscientist are -

- (a) a four year Degree of Bachelor of Science with Honours in Geosciences, awarded at a university or technical college recognised for this purpose by the Council;
- (b) a three-year Bachelor of Science degree (BSc or BTech) in geoscience, awarded at a university or technical college recognised for this purpose by the Council, followed by two years of relevant work experience; or
- (c) a qualification, which in the opinion of the Council is equivalent to qualifications stated in paragraphs (a) or (b).

**Application for registration as geoscientist**

4. (1) A person who wants to be registered as a geoscientist in terms of section 20 of the Act must, in writing, apply to the Council using Form 1 set out in Annexure 1.

- (2) The application referred to in subsection (1) must be accompanied by -
- (a) certified copies of the qualifications of the applicant;
  - (b) if requested by the Council, verification from the Namibia Qualifications Authority, in case of foreign qualifications;
  - (c) two original completed references as set out in Form 1 of Annexure 1; and
  - (d) the application fee as set out in the Annexure 2.

(3) The Council reserves the right to contact present or past employer, referees and academic institutions referred to in the application or reference forms in connection with determining the qualifications of the applicant, experience and capacity for independent work or work without supervision.

(4) The registrar must, in terms of section 20(2) or (3) of the Act, issue a certificate of registration to the applicant on Form 2 set out in Annexure 1.

**Annual fees**

5. (1) A registered person must within 30 days of registration in terms of section 20 of the Act and annually thereafter by 31 January pay to the registrar the appropriate annual fee.

(2) If the payment for an annual fee has to be made for less than a full year, the Council may grant a reduction of not more than 50 per cent of the fee that is due and payable.

(3) The Council or a committee of the Council to which the power has been assigned, may on application and on good cause being shown, grant an exemption, or a further exemption, either in whole or in part, from payment of the annual fee payable by that person.

**Lost registration certificate**

6. (1) A registered person who has lost his or her original certificate of registration must apply to the registrar for a duplicate.

(2) The application referred to in subregulation (1) must be accompanied by an affidavit stating the following -

- (a) that the original certificate is lost;
- (b) every effort has been made to trace it; and
- (c) he or she did not succeed.

(3) The registrar must charge a registered person who wishes to obtain a duplicate copy of the registration certificate the appropriate fee as set out in Annexure 2.

**Keeping of register**

7. Subject to section 28(1) of the Act, the register established for the registered persons, must be on Form 4 of Annexure 1.

**Inspection of register**

8. (1) A person who wishes to inspect the register must pay the fee set out in Annexure 2.

(2) A person who wishes to obtain a certified copy of an entry or a certified extract from the register must pay the fee for making the copy and for certifying set out in Annexure 2.

**Institution of unprofessional conduct**

9. A person who wishes to lodge a complaint of unprofessional conduct as contemplated in section 34(1) of the Act -

- (a) must do so in writing; and
- (b) must set out in full the allegations made against that registered person.

**Notification of investigation into unlawful conduct**

10. A registered person accused of unlawful conduct must, in terms of section 34(5) of the Act -

- (a) be notified in writing of the nature of the unlawful conduct by the Council;
- (b) be afforded an opportunity to give an explanation into the matter within 30 days from the date of the notice by the Council; and
- (c) be notified that if he or she furnishes the explanation contemplated in subparagraph (b), that explanation may be used in evidence by the Council.

**Inquiry by Council**

11. (1) If the Council decides to hold an inquiry, in terms of section 35 of the Act, into any alleged unlawful conduct, the Council must notify the registered person accused of the unlawful conduct in writing of the inquiry.

- (2) The notice referred to in subregulation (1) must -
  - (a) be in writing;
  - (b) contain the information the Council may determine;
  - (c) set out in full the allegations made against the registered person;
  - (d) specify the venue, date and time of the inquiry to be conducted;
  - (e) inform the registered person that he or she must be present at the inquiry to answer the allegations and if he or she fails to be present the inquiry may be conducted in his or her absence; and

- (f) be served on the registered person accused of the unlawful conduct personally by a person designated by the Council for that purpose in writing.

(3) If the person designated under subregulation (2)(f), certifies that the registered person referred to in that subregulation -

- (a) cannot be traced; or
- (b) refuses to accept service of the notice; or
- (c) refuses to sign an acknowledgement of receipt relating to the service of the notice,

the Council may send that notice by prepaid registered post, not less than 21 days before the commencement date of the intended inquiry, to the registered person, addressed to his or her postal address as it appears in the register.

### **Summoning of persons by Council**

**12.** (1) A summons for the attendance before the Council in terms of section 37 of the Act, of a person or for the production of any evidence must -

- (a) be in writing; and
- (b) be served on the person personally by a person designated by the Council for that purpose in writing.

(2) If the person designated under subregulation (1)(b), certifies that the registered person referred to in that subregulation -

- (a) cannot be traced; or
- (b) refuses to accept service of the notice; or
- (c) refuses to sign an acknowledgement of receipt relating to the service of the notice,

the Council may send that notice by prepaid registered post, not less than 21 days before the commencement date of the intended inquiry, to the person, addressed to his or her postal address as it appears in the register.

### **Findings of Council**

**13.** (1) The Council, after having conducted an inquiry under regulation 11 in respect of a registered person, may make a finding that on the evidence before the Council that the registered person is -

- (a) guilty of unlawful conduct; or
- (b) not guilty of unlawful conduct.

(2) The secretary of the Council must inform a registered person in writing of the findings of the Council in terms of section 38(6) of the Act.

### **Restoration of name to register**

**14.** (1) An application for restoration of registration referred to in section 27(1) of the Act must be made on Form 3 set out in Annexure 1.

- (2) An application for restoration referred to in subregulation (1) must be accompanied by -
- (a) certified copy of the qualifications of the applicant;
  - (b) if requested by the Council, verification from the Namibia Qualifications Authority in case of foreign qualifications;
  - (c) two original completed references as set out in Form 1 of Annexure 1; and
  - (d) the fee set out in Annexure 2.

## ANNEXURE 1

## FORM 1

## GEOSCIENCE COUNCIL OF NAMIBIA

**Application for Registration and Reference Form**

(Regulation 4, Section 20)

Application for Registration			
Full Name	Title		
	First		
	Last		
Date of Birth		Sex	
Nationality		Id. / Passport No.	
Physical Address	..... ..... ..... .....		
Postal Address	..... ..... ..... .....		
Telephone		Facsimile	
Cellular		Email	
Type of Registration	Registered Geoscientist		
	Registered Senior Geoscientist		
Tertiary Education			
Date	Institution	Degrees	
.....	.....	.....	
.....	.....	.....	
.....	.....	.....	
Curriculum Vitae of Experience			
Period	Branch of Geoscience	Specifics	
.....	.....	.....	
.....	.....	.....	
.....	.....	.....	
.....	.....	.....	
Independent work without supervision			
Period	Project	Specifics	
.....	.....	.....	
.....	.....	.....	
.....	.....	.....	
.....	.....	.....	

Employment History			
Period	Employer	Post	Responsibilities
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
Have you ever been convicted of a serious criminal offence with an element of dishonesty and sentenced to imprisonment without the option of a fine?			Yes No
Have you ever been declared mentally ill?			Yes No
Are you an unrehabilitated insolvent or have you entered into an agreement with your creditors?			Yes No
Have you read and understood the Code of Professional Conduct?			Yes No
Have you transgressed the Code of Professional Conduct over the past three years?			Yes No
Do you undertake to uphold the Code of Professional Conduct in the future?			Yes No
Membership of other scientific and professional organisations			
Period	Organisation	Membership Grade	
.....	.....	.....	
.....	.....	.....	
.....	.....	.....	
.....	.....	.....	
	Reference 1	Reference 2	
Name			
Address			
Telephone			
Cell phone			
Fax			
email			
I confirm the above information is true and complete			
Signature		Date	

<b>GEOSCIENCE COUNCIL OF NAMIBIA</b>			
<b>Reference Form</b>			
(To be filled in by Applicant)			
<b>APPLICANT:</b> Please forward one reference form to each of the two references you have listed in the application form.			
Applicants name			
Address			
Telephone number			
(To be filled in by Referee)			
<b>REFEREE:</b> - You are requested to attest to the professional expertise (applicable and relevant experience), capacity for working independently or without supervision; and ethical standards of the above named applicant who is applying to the Geoscience Council of Namibia to be registered as a Registered Geoscientist / Registered Senior Geoscientist. - Based on your own personal, firsthand knowledge of the applicant, please assist us by supplying all the information requested below. - Upon completion of this form, please post (do not facsimile) to: Geoscience Council of Namibia, P O Box ....., Windhoek, Namibia - Your reply is confidential and will remain the property of Council and will not be disclosed to any third party.			
Referee name			
1. I am personally familiar with the applicant's earth science work for the period;	..... to ..... (Please list month and year)		
2. My relationship with the applicant has been as;	Employer		
	Supervisor		
	Co-worker		
	Client		
	Other (specify)		
3. My current relationship with applicant is;	..... ..... .....		
4. The minimum registration requirements are attached below. In your opinion, does the applicant meet the minimum criteria for registration as a;			
- Registered Geoscientist	Yes	No	
- Registered Senior Geoscientist	Yes	No	
5. Do you have knowledge of the applicant's reputation as an geoscientist? (If you answer "No" please advise applicant to nominate another reference)			Yes
			No
6. Do you consider the applicant's professional expertise is in line with the applicant's length of experience;			Yes
			No
7. If the answer to (6) is "No", please comment;			
..... ..... .....			
8. Please comment on the applicant's professional and ethical standing;			
..... ..... .....			
9. Do you believe the applicant has the capacity for working independently or without supervision;			Yes
			No
10. If the answer to (9) is "No", please comment;			
..... ..... .....			

11. Have you had business dealings with the applicant? Remarks;		Yes
.....		No
12. If the answer to (11) is “No”, Would you willingly have business dealings with the applicant?		Yes
		No
13. If the answer to (12) is “No”, please comment;		
.....		
.....		
.....		
14. Are you aware of any professional conduct or business activities by the applicant that you would consider questionable?		Yes
		No
15. If the answer to (14) is “Yes”, please comment;		
.....		
.....		
.....		
16. The Council’s Code of Professional Conduct is attached. To the best of your knowledge does the applicant abide by these standards?		Yes
		No
17. If the answer to (16) is “No”, please comment;		
.....		
.....		
.....		
18. Any additional comments you wish to make?		
.....		
.....		
.....		
.....		
Referee’s signature		Date
Registration number		Telephone
Address	.....	
	.....	
	.....	
Qualifications	.....	
	.....	
	.....	

FORM 2

GEOSCIENCE COUNCIL OF NAMIBIA

**Certificate of Registration**

(Regulation 4(4), Section 20)

Registration Number .....	
This is to certify that	
.....	
is registered with the Geoscience Council of Namibia as a	
.....	
in terms of the provisions of the Geoscience Professions Act, 2012.	
.....	
<b>PRESIDENT</b>	<b>SECRETARY</b>
Signed at Windhoek on ..... day of ..... 20 .....	

FORM 3

GEOSCIENCE COUNCIL OF NAMIBIA

**Application for Restoration of Registration**

(Regulation 14, Section 27)

Application for Restoration of Registration			
Full Name	Title		
	First		
	Last		
Date of Birth		Sex:	
Nationality		Id. / Passport No.	
Physical Address	..... ..... ..... .....		
Postal Address	..... ..... ..... .....		
Telephone		Facsimile	
Cellular		Email	
Type of Registration	Registered Geoscientist Registered Senior Geoscientist		
Tertiary Education			
Date	Institution	Degrees	
..... ..... ..... .....	..... ..... ..... .....	..... ..... ..... .....	
Curriculum Vitae of Experience			
Period	Branch of Geoscience	Specifics	
..... ..... ..... .....	..... ..... ..... .....	..... ..... ..... .....	
Independent work without supervision			
Period	Project	Specifics	
..... ..... ..... .....	..... ..... ..... .....	..... ..... ..... .....	

Employment History				
Period	Employer	Post	Responsibilities	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
Have you ever been convicted of a serious criminal offence with an element of dishonesty and sentenced to imprisonment without the option of a fine?			Yes	No
Have you ever been declared mentally ill?			Yes	No
Are you an unrehabilitated insolvent or have you entered into an agreement with your creditors?			Yes	No
Have you read and understood the Code of Professional Conduct?			Yes	No
Have you transgressed the Code of Professional Conduct over the past three years?			Yes	No
Do you undertake to uphold the Code of Professional Conduct in the future?			Yes	No
Membership of other scientific and professional organisations				
Period	Organisation	Membership Grade		
.....	.....	.....		
.....	.....	.....		
.....	.....	.....		
.....	.....	.....		
	Reference 1	Reference 2		
Name				
Address				
Telephone				
Cell phone				
Fax				
email				
I confirm the above information is true and complete				
Signature		Date		

## FORM 4

## GEOSCIENCE COUNCIL OF NAMIBIA

**Register**

(Regulation 7, Section 28)

Register Record *				†
Full Name	Title			
	First			
	Last			
Date of Birth				
Nationality				
Id. / Passport No.				
Physical Address				
Postal Address				
Telephone				
Cellular				
Facsimile				
Email				
Qualifications				
Type	Institution	Date		
Curriculum Vitae Keywords				
Employment Status				
Current Employer				
Type of Registration	Registered Geoscientist			
	Registered Senior Geoscientist			
Date of first registration				
Signature		Date		

\* To be completed in full

† Please check in corresponding block if in terms of Section 15(1)(c) of the Act you do not want the corresponding details to be open to public inspection in terms of Section 3(1)(c)

FORM 5

GEOSCIENCE OF NAMIBIA

**Notice of inquiry**

(Section 34(5))

To:

You are hereby notified that an inquiry in terms of Section 34 and 35 of the Geoscience Professions Act, 2012 will be held at ..... on the ..... day of ..... at ..... h... by the .....

when the following complaint against you will be considered.

.....  
.....  
.....  
.....

You are also hereby notified that you are required to appear at such an inquiry in person, and that you are entitled to be represented thereat by some other person duly authorised by you, in writing, and that you may produce evidence, call and examine witnesses on your behalf and cross-examine other witnesses.

Should you desire that your letter dated ..... or any further written communication which you may make, should constitute your explanation or rebuttal please notify me to that effect as soon as possible but not later than .....

You are hereby advised that any such communication may be used in evidence at such inquiry.

Should you fail to be present at the inquiry or at the resumption thereof after an adjournment, Council may consider and deal with the charge in your absence in accordance with Sections 34 and 35 of the Act.

Given under the hand of the ..... at

..... on this ..... day of .....20....

Signature:.....

Name:.....

## ANNEXURE 2

## GEOSCIENCE OF NAMIBIA

## Fees

(Regulation 4 , Section 29)

Type of certificate	Amount
Application fee for registration (Regulation 4(2)(d))	N\$650
Annual fee (section 20(1), Regulation 5)	N\$500
Duplicate Registration Certificate (Regulation 6)	N\$100
Inspection of Register (Regulation 8(1))	N\$100
Extract from Register (Regulation 8(2))	N\$100
Restoration of name to Register (Regulation 10)	N\$650
Fee for Lodging complaint (Regulation 9(1))	N\$100
Penalty for unprofessional conduct (section 38(b), Regulation 9(3))	N\$5 000

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**General Notice**


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**MINISTRY OF MINES AND ENERGY**

No. 496

2017

CODE OF PROFESSIONAL CONDUCT OF GEOSCIENCE COUNCIL OF NAMIBIA:  
GEOSCIENCE PROFESSIONS ACT, 2012

Under subsection (2) of section 31 read with subsection (1) of that section of the Geoscience Professions Act, 2012 (Act No. 3 of 2012), the Geoscience Professions Council publishes the Code of Professional Conduct as set out in the Schedule.

**A. NGUNO**  
**PRESIDENT OF COUNCIL**

Windhoek, 27 November 2017

## SCHEDULE

## CODE OF PROFESSIONAL CONDUCT OF GEOSCIENCE PROFESSIONALS OF NAMIBIA

**Preamble**

**1.** (1) The purpose of the code of ethics is to commit registered persons to uphold and enhance the honesty, honour, integrity and dignity of their professions, so that the registered persons and their professions merit the highest esteem by the community.

- (2) A registered person has a duty to -
- (a) maintain the highest professional and ethical standards; and
  - (b) comply with the required professional standards contained in this code of conduct.

**Duty to uphold welfare, health and safety of community**

2. A registered persons must -
  - (a) avoid assignments that may create a conflict between the interests of their client or employer and the public interest;
  - (b) work in conformity with acceptable technological standards and not in such a manner as to jeopardise the public welfare, health or safety, or the environment;
  - (c) endeavour at all times to maintain technological services essential to public welfare;
  - (d) in the course of their professional life, endeavour to promote the well-being of the community; or
  - (e) contribute to public discussion on scientific and technological matters in their area of competence.

**Duty to act in a manner to enhance honesty, integrity, honour and dignity of profession**

3. A registered person must -
  - (a) not be involved with any business or professional practice that is known to be of a fraudulent or dishonest nature;
  - (b) not use association with other persons, corporations or partnerships to conceal unethical acts and relationships;
  - (c) not knowingly continue in partnership with, nor act in professional matters with any person who has been removed from the register of registered persons because of unprofessional conduct; or
  - (d) provide an opinion that is objective and reliable, to the best of his or her knowledge and ability.

**Duty not to take on functions of an expert other than that of Geoscientists**

4. A registered person must -
  - (a) inform their employer or client and make appropriate recommendations on obtaining further advice, if an assignment requires qualifications and experience outside of their field of competence;
  - (b) not describe themselves, nor permit themselves to be described, nor act as a consultant or contractor unless they are a registered person; or
  - (c) not give professional opinions, make a report, or give legal testimony, without being thoroughly informed of the purpose for which the opinion, report or testimony is required and the degree of completeness of information on which it is based should be made clear.

**Duty to build professional reputation on merit and not to compete unfairly**

5. A registered person must -

- (a) not attempt to supplant another geoscientist, employed or consulting, who has been duly appointed;
- (b) not undertake professional work on a basis that involves an undisclosed speculative fee or remuneration that is conditional on implementation of the work;
- (c) not falsify or misrepresent his or her own qualifications, experience and prior responsibility or those of his or her associate;
- (d) not maliciously or carelessly do anything to injure, directly or indirectly, the reputation, prospects or business of others;
- (e) not use the advantages of a privileged position to compete unfairly with others;
- (f) exercise due restraint in explaining their own work and refrain from unfair unjustified criticism of the work of another;
- (g) give proper credit for professional work to those to whom credit is due and acknowledge the contribution of subordinates;
- (h) refrain from plagiarism in both oral and written communications and will not submit the same professional paper for publication in more than one peer review journal; or
- (i) not personally, or through any other agency, attempt to obtain consulting work by way of touting or bribery.

**Duty to apply skills and knowledge as faithful agents and trustees in professional interests of client or employer**

6. A registered person must -
- (a) at all times avoid all known or potential conflicts of interest;
  - (b) when acting as administrator of a contract, be impartial as between the parties in the interpretation of the contract;
  - (c) not accept compensation, financial or otherwise, from more than one party for services on the same project, unless the circumstances are fully disclosed to, and agreed to by all interested parties;
  - (d) not solicit or accept financial or other valuable considerations, from material or equipment suppliers, contractors or their agents for specifying their products unless this is fully disclosed;
  - (e) advise their client or employer when as a result of their studies they believe that a project will not be viable;
  - (f) not disclose or use confidential information gained in the course of their employment without express permission; or
  - (g) not, without a satisfactory reason, destroy calculations or documentary or other evidence required for verification of his or her work.

**Duty to give evidence, express opinions or make statements in an objective and truthful manner**

7. A registered person must -
  - (a) give objective and accurate professional reports, statements or testimony before any tribunal;
  - (b) express an opinion only on the basis of adequate knowledge and technical competence in the area, but this must not preclude a considered speculation based intuitively on experience and wide relevant knowledge; or
  - (c) reveal the existence of any interest, pecuniary or otherwise, that could be taken to affect their judgement in a technical matter about which they are making a statement or giving evidence.

**Duty to continue professional development throughout career and actively assist and encourage those under direction to advance their knowledge and experience**

8. A registered person must -
  - (a) strive to widen their knowledge and improve their skill in order to achieve a continuing improvement of the profession;
  - (b) maintain personal competence by keeping abreast with developments in his or her field or speciality, by either research, further studies, reading, attending conferences, courses or lectures;
  - (c) encourage their professional employees and subordinates to further their education; or
  - (d) endeavour to actively support professional organisations that further the general interests of the profession.

**Duty to comply with all laws within the country of work**

9. A registered person must -
  - (a) inform themselves of the laws and regulations relating to the mineral industries in Namibia and in other countries where they may be engaged as an employee or consultant relevant to their consulting work;
  - (b) observe the requirements of stock exchanges in respect to reports on mineral exploration and assessment issued by listed companies; or
  - (c) observe the relevant laws, conventions and regulations relating to intellectual property with respect to commercial, consulting and academic intellectual property.

**Complaint**

10. (1) A person who wishes to lodge a complaint of unprofessional conduct on the part of a registered person as contemplated in section 34(1) of the Act must do so in writing addressed to the secretary, providing a full statement and evidence of the unprofessional conduct together with a fee set out in Annexure 2 of the Regulations which will be refunded should the complaint be justified.

(2) A registered person against whom a complaint of unprofessional conduct has been lodged must be notified within thirty days of the enquiry into such unprofessional conduct using Form 5 set out in Annexure 1 of the Regulations.

### **Investigation of unprofessional conduct**

**11.** (1) The Council must investigate the conduct of any registered person which in their opinion may require disciplinary action against such a registered person.

(2) The Council must investigate conduct where a complaint is lodged.

(3) If the Council reasonably believes, either of its own motion or on account of a complaint received, that any registered person is guilty of unsatisfactory conduct as provided in this code of conduct, it may cause an investigation to be made into the alleged conduct of the member.

(4) For the purpose of conducting an investigation referred to in subrule (3), the Council, where the investigation is to be conducted on account of a complaint received, may -

- (a) take statements from witnesses; and
- (b) require that the person lodging the complaint, furnish such further evidence, written or oral, documentary or otherwise, as it may require.

(5) The Council must, by written notice to the registered person whose conduct is the subject of the investigation, inform him or her of the complaint and furnish such particulars of the complaint as may be necessary to enable him or her to reply.

(6) The Council may direct that the registered person under investigation must -

- (a) reply in writing to the Council within a stipulated time;
- (b) furnish such further evidence, written or oral, documentary or otherwise, as it may require; or
- (c) appear before the Council, in which event the registered person must be informed that he or she is entitled to appear either personally or by any other person acting as his or her representative.

### **Breach of code of conduct**

**12.** (1) After completion of an investigation conducted by the Council, the Council may take a decision whether a registered person breached this code of conduct.

(2) For an unprofessional conduct to occur, the alleged conduct must be sufficient in nature to bring the registered person and the profession into disrepute with the community.

(3) Conduct that could potentially merit an outcome contemplated in subrule (2) include -

- (a) any breach of the specific rules of the code of conduct;
- (b) dishonesty and misrepresentation;
- (c) professional incompetence;

- (d) defamation; or
  - (e) criminal conduct.
- (4) Any breach without dishonesty, intent, repetition or reckless incompetence is considered as non-compliance and will not result in suspension.
- (5) Any breach of any rule of the code of conduct that is characterised by dishonesty, intent, reckless incompetence and repeated code violations would be taken as *a prima facie* case of unethical behaviour and may give rise to a suspension or expulsion.
- (6) A person who is found guilty of unprofessional conduct is liable to -
- (a) a suspension for a period of time as the Council may determine;
  - (b) an expulsion; or
  - (c) a fine as set out in Annexure 2 of the Regulations.
-