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**CONTRIBUTION BY HONOURABLE NICO SMIT ON THE HEALTH PROFESSIONS
BILL**

**Honourable Speaker,
Honourable Members,**

The proposed Health Professions Bill presents several critical areas of concern that require a deeper evaluation to ensure the legislation effectively supports and regulates Namibia's healthcare professionals without imposing unnecessary barriers or compromising professional standards. Here is a more detailed critique and recommendations for each of the contentious clauses:

Under Clause 3 on the Establishment of Health Professions Council of Namibia, it is imperative that the Bill explicitly state the objectives of the Health Professions Council of Namibia. Clear objectives are crucial for aligning the Council's actions with the national healthcare goals and ensuring accountability. Moreover, the rationale for consolidating various health profession councils into a single entity needs to be critically assessed. This consolidation could potentially reduce the specialized attention each profession currently receives from its council and undermine the nuanced understanding that specialized councils bring to specific healthcare fields.

**Honourable Speaker,
Honourable Members,**

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Under Clause 4 on the Functions and Powers of the Council, the assignment of registration responsibilities to the Council, removing this function from professional boards, needs reconsideration. Professional boards, with their specialized knowledge and direct engagement with the specific professions, are better positioned to manage the nuances of professional registration and standards. A central council may lack the detailed insight required to effectively govern the diverse specialties within the healthcare sector, potentially leading to generalized decisions that may not suit all professions.

Under Clause 5 on the Composition of the Council, the composition of the Council as proposed raises concerns about equitable representation across all health professions. It is critical that every major field within healthcare has direct and proportional representation to ensure that the diverse needs and perspectives of healthcare practitioners are adequately considered in decision-making processes. This is especially important in fields where specific professional knowledge significantly impacts regulatory decisions.

Under subclause 5, serious concerns arise regarding the operational efficacy of the Council without any representation from professional boards. The absence of board representatives poses a significant risk of leaving the interests and viewpoints of various professions unvoiced. This could lead to decisions that do not fully account for the unique challenges and requirements of different healthcare sectors. It is crucial to reassess this approach to ensure that the Council benefits from the insights and advocacy that professional boards provide, particularly in periods crucial for decision-making.

**Honourable Speaker,
Honourable Members,**

Under clause 6 on Term of Office, subclause 2, the mechanism for extending the term of office of Council members needs clearer guidelines. The current provision allows the Minister to extend a member's term for up to two years beyond the initial term. This raises questions about the transparency and criteria used for such extensions. Is there a risk that this could lead to undue influence over the Council's members by extending terms based on preferential rather than meritocratic or needs-based criteria? Establishing clear, objective criteria for term extensions is essential to maintain the integrity and independence of the Council.

**Honourable Speaker,
Honourable Members,**

Under clause 7 on Disqualification for Appointment as Members of Council, the exclusion of key leaders within professional communities, such as chairpersons or presidents of professional associations, from being members of the Council is highly problematic. This restriction potentially sidelines the most experienced and knowledgeable professionals from participating in pivotal governance roles. Such leaders often have the deepest understanding of their profession's dynamics and are in a position to represent their fields effectively. Prohibiting their involvement diminishes the Council's expertise and disconnects it from the professions it is meant to regulate. Additionally, the requirement for a chairperson of a professional board to vacate their position on the Council if elected to a leadership role in a professional association could disrupt continuity and reduce the Council's effectiveness. These provisions may inadvertently weaken the governance and oversight capabilities of the Council by excluding highly qualified individuals who could contribute significantly to its objectives.

**Honourable Speaker,
Honourable Members,**

The language used in clause 9 on the President and Deputy President of Council, subclause (2), referring to "a new fully constituted Council," lacks clarity and could lead to confusion regarding the composition and functioning of the Council. It would be more precise to align this reference with the specific provisions outlined in section 5(6)(a), which detail the composition of the Council more explicitly. This adjustment would clarify the legislative intent and ensure consistent terminology across the bill, aiding in its interpretation and implementation.

Furthermore, the structure of the Council as detailed in clause 5, subclause (5) raises significant operational concerns. It appears that until the chairpersons of the professional boards are elected and take their seats as contemplated in clause 18(1), the Council will operate without a deputy president. This gap in leadership could pose significant challenges, particularly in scenarios where the president is unable to fulfill their duties. The absence of a deputy president to assume the president's responsibilities in such cases could impair the Council's ability to function effectively. It is crucial to consider the implications of this oversight and amend the

bill to provide a clear mechanism for interim leadership, ensuring the Council's continuous and effective governance even before the professional boards' chairpersons are integrated.

**Honourable Speaker,
Honourable Members,**

Under Clause 13 on the Establishment of Professional Boards, the provision allowing the Council and the Minister to abolish or amend professional boards without clearly articulated reasoning is a significant overreach of power. Transparency in these decisions is essential to maintain trust and ensure that such actions are justified and beneficial to healthcare governance. Furthermore, affected professional boards should be involved in the decision-making process to provide their insights and defend their necessity and effectiveness.

Under Clauses 14 and 15 on Powers, Functions, and Constitution of Professional Boards, the vague delineation of the powers and functions of professional boards under Clause 14 and the method of appointing board members under Clause 15 severely undermines professional autonomy. To foster a governance model that is democratic and reflective of the professions it serves, members of professional boards should be elected by their peers or nominated through a transparent process involving professional societies or bodies.

**Honourable Speaker,
Honourable Members,**

Under Clauses 27 and 28 on Control over and Approval of Education and Educational Institutions, these clauses should mandate the involvement of professional boards in the approval processes for educational programs and institutions relevant to their fields. This involvement ensures that educational standards meet the specific requirements of each profession. Additionally, streamlining the approval processes for educational programs and institutions will reduce redundancy, accelerate processes, and lessen administrative burdens on educational providers.

Under Clauses 34 and 40 on the Registration and Category: Public Service, the dual requirement for registration and licensing is unnecessarily burdensome and may not clearly contribute to improved professional standards or public safety. Rationalizing why both are

necessary and possibly integrating these processes could simplify compliance for professionals without compromising the quality of healthcare.

**Honourable Speaker,
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Under Clause 43 on License to Practice, the requirement for practitioners deemed registered under this Act to obtain a new license risk disrupting healthcare services. Transition provisions should be included to allow these individuals to continue their practice without interruption while they comply with new licensing requirements.

Under Clause 58 and 69 on Professional Conduct Rules and Effect of Suspension Or Removal from Register, the scope of the Council's inquiry powers into complaints should be tightly defined to prevent overreach and ensure they are exercised judiciously and fairly. Also, ensuring that professional boards are notified of disciplinary actions affecting their members will help maintain professional standards and foster a transparent regulatory environment.

**Honourable Speaker,
Honourable Members,**

Under Clause 71 on Impaired Registered Persons, greater clarity is needed concerning the legal and professional status of impaired registered persons handling sensitive substances. Defining oversight mechanisms and ensuring that these individuals are treated fairly and ethically is crucial.

**Honourable Speaker,
Honourable Members,**

In conclusion, while the Health Professions Bill aims to streamline the regulatory framework for healthcare professionals in Namibia, its current form raises significant concerns that could hinder the effective practice of healthcare professions rather than support it. The proposed consolidation of various professional councils into a single Health Professions Council lacks clarity in its objectives and could dilute the specialized oversight necessary for different healthcare fields. Furthermore, the centralization of critical functions such as professional registration, coupled with vague powers and an unrepresentative composition of the Council,

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threatens the autonomy and effectiveness of professional governance of the proposed professional boards.

It is crucial that the bill be revised to include clearer definitions of its intentions, a democratic structure for the proposed Council, and more robust involvement of professional boards in governance processes. Only through thoughtful consideration and comprehensive stakeholder engagement can we ensure that the Health Professions Bill truly enhances the healthcare landscape in Namibia, promoting high standards and safeguarding public health while respecting the professional integrity and autonomy of healthcare providers.