

SOCIAL SERVICE PROFESSIONS ACT 110 OF 1978

(English text signed by the State President)

*[Assented To: 20 June 1978]
[Commencement Date: 1 September 1979]*

as amended by:

Social and Associated Workers Amendment Act 68 of 1985
Social Work Amendment Act 48 of 1989
Social Work Amendment Act 22 of 1993
Social Work Amendment Act 52 of 1995
Abolition of Restrictions on the Jurisdiction of Courts Act 88 of 1996
Welfare Laws Amendment Act 106 of 1996
Social Work Amendment Act 102 of 1998

ACT

To provide for the establishment of a South African Council for Social Service Professions and to define its powers and functions; for the registration of social workers, student social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established; for control over the professions regulated under this Act; and for incidental matters.

[Long title substituted by s. 18 of Act 48/89, s. 11 of Act 52/95 and s. 25 of Act 102/98]

ARRANGEMENT OF SECTIONS

1. Definitions

CHAPTER I

COUNCIL FOR SOCIAL SERVICE PROFESSIONS

2. Establishment of Council for Social Service Professions
3. Objects of council
4. Powers and functions of council
5. Constitution of council
6. Vacation of office and filling of vacancies
7. President and vice-president of council
8. Meetings of council
9. Executive committee
10. Other committees
11. Appointment of registrar
12. Funds of council
13. Book-keeping and auditing
14.

- 14A. Establishment of professional boards
- 14B. Objects of professional boards
- 14C. General powers of professional boards

CHAPTER II
REGISTRATION OF SOCIAL WORKERS, STUDENT SOCIAL WORKERS,
SOCIAL AUXILIARY WORKERS AND PERSONS PRACTISING OTHER
PROFESSIONS IN RESPECT OF WHICH PROFESSIONAL BOARDS HAVE
BEEN ESTABLISHED

- 15. Unregistered persons not to practice professions in respect of which professional boards have been established
- 16. Offence and penalty
- 17. Registration of social worker
- 17A. Registration of student social workers
- 17B. When qualification will not serve as prescribed qualification
- 17C. Registration of additional qualifications and specialities
- 17D. Qualifications obtained outside Republic
- 18. Registration of social auxiliary workers
- 18A. Registration of persons practising other professions in respect of which professional boards have been established
- 18B. Registration of students of other professions in respect of which professional boards have been established
- 19. Keeping of registers
- 20. Removal from, rectification in and restoration to register of names

CHAPTER III
DISCIPLINARY POWERS OF THE COUNCIL

- 21. Inquiry by council into alleged unprofessional or improper conduct
- 22. Disciplinary powers of council
- 23. Court may direct that copy of record of proceedings be transmitted to council

CHAPTER IV
GENERAL PROVISIONS

- 24. Legal aid at inquiries under this Act
- 25. Appeal against refusal, penalty, or removal from register
- 26. Limitation of liability
- 27. Rules
- 28. Regulations
- 28A. Abolition of South African Interim Council for Social Work, and transitional arrangements
- 29. Repeal of certain provisions of Act 79 of 1965
- 30. Short title

1. Definitions

In this Act, unless the context otherwise indicates -

“associated profession”

[Definition of “associated profession” deleted by s. 1 of Act 48/89]

“associated worker”

[Definition of “associated worker” deleted by s. 1 of Act 48/89]

“committee” means a committee established under section 9 or 10;

“council” means the South African Council for Social Service Professions established by section 2;

[Definition of “council” substituted by s. 1 of Act 52/95 and s. 1 of Act 102/98]

“Director-General” means the Director-General: Welfare;

[Definition of “Director-General” inserted by s. 1 of Act 68/95 and substituted by s. 1 of Act 48/89 and s. 1 of Act 52/95]

“electorate”

[Definition of “electorate” inserted by s. 1 of Act 52/95 and deleted by s. 1 of Act 102/98]

“financial year” means a year ending on 31 March;

“former council”

[Definition of “former council” inserted by s. 1 of Act 52/95 and deleted by s. 1 of Act 102/98]

“legal representative” means an advocate or an attorney;

“magistrate”

[Definition of “magistrate” deleted by s. 1 of Act 102/98]

“Minister” means the Minister for Welfare and Population Development in the national sphere of government;

[Definition of “Minister” substituted by s. 1 of Act 68/95, s. 1 of Act 48/89, s. 1 of Act 52/95 and s. 1 of Act 102/98]

“prescribed”, in relation to any matter referred to in section 27, means prescribed by rule made under that section, and in relation to any matter referred to in section 28, prescribed by regulation made under the last-mentioned section;

“professional board” means a board established under section 14A (1);

[Definition of “professional board” inserted by s. 1 of Act 102/98]

“registrar” means a registrar appointed under section 11;

“regulation” means a regulation made under section 28;

“rule” means a rule made under section 27;

“Secretary”

[Definition of “Secretary” deleted by s. 1 of Act 68/95]

“social auxiliary worker” means a person registered under section 18;

[Definition of “social auxiliary worker” inserted by s. 1 of Act 48/89]

“social work”

[Definition of “social work” deleted by s. 1 of Act 48/89]

“social worker” means a person registered under section 17;

[Definition of “social worker” substituted by s. 1 of Act 68/95]

“student social worker” means a person registered under section 17A;

[Definition of “student social worker” inserted by s. 1 of Act 68/95 and substituted by s. 1 of Act 22/93]

“this Act” includes the rules and regulations;

“training institution” means a university, college or other institution where a qualification can be obtained which complies with the requirements of prescribed qualifications as contemplated in section 17;

[Definition of “training institution” inserted by s. 1 of Act 48/89]

“unprofessional or improper conduct” includes conduct contemplated in section 27 (1) (c).

[Definition of “unprofessional or improper conduct” substituted by s. 1 of Act 48/89]

CHAPTER I

COUNCIL FOR SOCIAL SERVICE PROFESSIONS

[Heading substituted by s. 2 of Act 22/93, s. 2 of Act 52/95 and s. 2 of Act 102/98]

2. Establishment of Council for Social Service Professions

(1) There is hereby established a juristic person to be known as the South African Council for Social Service Professions and the first meeting of the council shall be convened by the registrar.

(2) The head office of the council shall be situated in Pretoria.
[S. 2 substituted by s. 2 of Act 48/89, s. 3 of Act 52/95 and s. 3 of Act 102/98]

3. Objects of council

The objects of the council shall be -

- (a) to protect and promote the interests of the professions in respect of which professional boards have been or are to be established and to deal with any matter relating to such interests;
- (b) to maintain and enhance the prestige, status, integrity and dignity of the professions in respect of which professional boards have been established;
- (c) to advise the Minister in relation to any matter affecting the professions in respect of which professional boards have been established;
- (d) to control and to exercise authority with regard to all financial matters relating to the council and the professional boards;
- (e) to consult and liaise with relevant authorities on matters affecting the professional boards in general;
- (f) to determine, on the recommendation of the professional boards, the qualifications for registration of social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established;
- (g) to regulate the practising of the professions in respect of which professional boards have been established and the registration of social workers, student social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established;
- (h) to determine the standards of professional conduct of social workers, student social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established and to ensure that they are maintained;
- (i) to exercise effective control over the professional conduct of social workers, student social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established;
- (j) to encourage and promote efficiency in and responsibility with regard to the practice of the professions in respect of which professional boards have been established;
- (k) to assist in the promotion of social services to the population of the Republic;
- (l) to advise the Minister on the amendment or adaptation of this Act, in particular to place greater emphasis on professional practice, democracy, transparency, equity, accessibility and community need and involvement;

- (m) subject to section 14B (c), to control and to exercise authority in respect of all matters affecting -
 - (i) the training of persons in accordance with the developmental social welfare approach; and
 - (ii) the manner in which the practices pursued in the promotion of social services to the population of the Republic are exercised;
 - (n) to investigate additional sources of funding for the council;
 - (o) to promote liaison in the field of training relating to social services both in the Republic and elsewhere, and to promote the standards of such training in the Republic;
 - (p) to promote and to regulate inter-professional liaison between registered professions in respect of which professional boards have been established in the interest of the public; and
 - (q) to co-ordinate the activities of the professional boards and to act as an advisory and communicatory body for such professional boards.
- [S. 3 amended by s. 2 of Act 68/95, substituted by s. 3 of Act 48/89, amended by s. 3 of Act 22/93 and s. 4 of Act 52/95 and substituted by s. 4 of Act 102/98]

4. Powers and functions of council

- (1) The council may, in order to achieve its objects -
 - (a) acquire or hire movable or immovable property;
 - (b) develop, mortgage, let, sell or otherwise dispose of or burden movable or immovable property of the council;
 - (c) accept, draw, endorse, issue, make, pay or perform any other act in respect of negotiable instruments;
 - (d) spend and invest funds of the council;
 - (e) enter into contracts;
 - (f) subject to the provisions of this Act, appoint such persons at the remuneration and on the other conditions of service which it deems fit for the carrying out of its functions and may dismiss such persons;
 - (g)
- [Para. (g) substituted by s. 4 of Act 48/89 and deleted by s. 5 of Act 102/98]

- (h) undertake or cause to be undertaken any research or study on any matter relating to the profession of social work and other professions in respect of which professional boards have been established;
[Para. (h) substituted by s. 4 of Act 48/89 and s. 5 of Act 102/98]
- (i) exercise or perform any power or function conferred or imposed upon it by or under this Act or any other act;
- (j) generally take such other steps and perform such other acts as may be necessary for or conducive to the achievement of the objects of the council.

(2)

[Sub-s. (2) added by s. 3 of Act 68/95 and deleted by s. 5 of Act 52/95]

5. Constitution of council

- (1) The council shall consist of not less than 19 but not more than 34 members, namely -
 - (a) six social workers elected in the prescribed manner by social workers;
 - (b) three representatives from each of the professions other than social work in respect of which professional boards have been established, elected in the prescribed manner by persons representing those professions; and
 - (c) 13 persons appointed by the Minister, of whom -
 - (i) two shall be nominated by the training institutions;
 - (ii) one shall be in the employment of the Department of Welfare in the national sphere of government;
 - (iii) two shall be nominated by national forums and networks in the welfare, social services and development field;
 - (iv) one shall be nominated by trade unions which represent employees engaged in developmental social welfare services;
 - (v) one shall be nominated by business;
 - (vi) one shall be nominated by the Minister of Education in the national sphere of government;
 - (vii) four shall be persons nominated by the community: Provided that -

- (aa) one shall be appointed by virtue of his or her specialised knowledge in a field other than social work and whose appointment to the council will enhance its effectiveness; and
 - (bb) one shall be a disabled person; and
 - (viii) one shall be nominated by the heads of the departments responsible for welfare matters in the provincial sphere of government.
- (2) Any nominations in terms of subsection (1) (c) (i), (iii), (iv), (v), (vi) and (viii) shall be in the prescribed manner: Provided that, for the purposes of any nominations in terms of subsection (1) (c) (v) and (vii), the Minister shall through the media and by notice in the *Gazette* invite such nominations.
- (3) (a) A person who is elected or appointed in terms of subsection (1) shall -
 - (i) be a South African citizen who is resident in the Republic; and
 - (ii) not be a person prohibited from continuing in office as contemplated in section 6 (1).
- (b) A person to be elected in terms of subsection (1) (a) or (b) shall be elected by persons who are South African citizens who are resident in the Republic.
- (4) One -
 - (a) member elected in terms of subsection (1) (a) shall be designated to represent the profession of social workers on its professional board;
 - (b) of the three members elected as representatives from each profession in terms of subsection (1) (b) shall be designated to represent the relevant profession on the professional board concerned.
- (5) (a) The members of the council shall hold office for a period of five years reckoned from the date on which the notice referred to in subsection (7) is published in respect of them.
- (b) Members shall at the expiry of their terms of office be eligible for re-election and reappointment.

- (6) As soon as possible after the election of the members referred to in subsection (1), the Minister shall inform the registrar of the names of the persons who have been appointed by him or her in terms of subsection (2).
- (7) The registrar shall within 30 days of the constitution of the council, make known by notice in the *Gazette* the names of the members of the council, the dates of their election and their appointment by the Minister and the date of the commencement of their terms of office.

[S. 5 substituted by s. 6 of Act 52/95, amended by s. 1 of Act 106/96 and substituted by s. 6 of Act 102/98]

6. Vacation of office and filling of vacancies

- (1) A member of the council shall vacate his or her office if -
 - (a) the member's estate is sequestrated or he or she has entered into a composition with the creditors of his or her estate;
 - (b) the member has been absent from more than two consecutive ordinary meetings of the council without the council's leave;
 - (c) the member is disqualified under any law from practising his or her profession;
 - (d) the member ceases to be a South African citizen or to be permanently resident in the Republic;
 - (e) the member is convicted of an offence, whether in the Republic or elsewhere, in respect whereof he or she is sentenced to imprisonment without the option of a fine;
 - (f) the member becomes a patient or a State patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
 - (g) the member -
 - (i) in the case of a member elected in terms of section 5 (1) (a) or (b), ceases to hold a qualification required for his or her election or submits his or her resignation in writing to the registrar; or
 - (ii) in the case of a member appointed in terms of section 5 (1) (c), ceases to hold a qualification required for his or her appointment, or submits his or her resignation in writing to the Minister;
 - (h) the Minister terminates his or her membership for reasons which are just and fair.

- (2) Every vacancy on the council shall be filled in the same manner in which the member who vacates office was elected or appointed, as the case may be, and every member so elected or appointed shall hold the office for the unexpired portion of the period for which the member whose office became vacant was elected or appointed.

[S. 6 substituted by s. 7 of Act 52/95 and s. 7 of Act 102/98]

7. President and vice-president of council

- (1) At the first meeting of every newly constituted council the members of the council shall elect a president and a vice-president from among themselves.
- (2) If the office of the president or vice-president becomes vacant, the members of the council shall, at the first meeting after such vacancy has occurred or as soon thereafter as may be convenient, elect from among themselves a new president or vice-president, as the case may be, and the member so elected shall hold office for the unexpired portion of the period for which his predecessor was elected.
- (3) The president or vice-president of the council may vacate his office without terminating his membership of the council.

8. Meetings of council

- (1) The council shall hold at least two meetings in each year at such places as the council may determine, and may in addition hold such special meetings as the council may from time to time determine.
- (2) (a) A special meeting of the council may at any time be convened by the president,
and shall be convened by him at the written request of the Minister or of at least six members of the council.
- (b) A special meeting shall be held at such place in the Republic as the president may determine and shall, in the case of any meeting convened as a result of a request referred to in paragraph (a), be held within thirty days after the date of receipt of such request by the president.
- (c) A request referred to in paragraph (a), shall clearly state the purpose for which the meeting is to be convened.
- (3) The quorum for and procedure at meetings of the council shall be as prescribed.
- (4) No resolution of the council or act performed under authority of the council shall be invalid by reason only of an interim vacancy on the council or by reason of the fact that a person who is not entitled to sit as a member of the

council sat as a member at the time when the decision was taken or the act was authorized if the decision was taken or the act was authorized by the requisite majority of the members of the council who were present at the time and entitled to sit as members.

9. Executive committee

- (1) There shall be an executive committee of the council consisting of the president, the vice-president and at least five other members of the council, designated by the council: Provided that at least four members represent the professions contemplated in section 5 (1) (a) and (b) on the executive committee.

[Sub-s. (1) substituted by s. 8 of Act 102/98]

- (2) (a) Subject to the provisions of this Act and the directions of the council, the executive committee may during periods between meetings of the council exercise all the powers of the council and perform all its functions.
 - (b) The provisions of paragraph (a) do not empower the executive committee to set aside or amend any decision of the council.
 - (c) Any decision taken or act performed by or on the authority of the executive committee shall be of full force and effect, unless it is set aside or amended by the council at its first meeting following the meeting of the executive committee at which such decision was taken or such action was authorized.
- (3) The quorum for and the procedure at meetings of the executive committee shall be as prescribed.

[Sub-s. (3) added by s. 5 of Act 48/89]

10. Other committees

- (1) The council may from time to time establish in the prescribed manner such other committees as it may deem necessary, to assist it in the execution of its powers or the performance of its functions.
- (2) (a) A committee shall exercise such powers and perform such functions as may from time to time be conferred or imposed upon it or delegated to it under this Act or by the council.
- (b) The council may designate a member of a committee as the chairman of such committee, and if no member is so designated, the members of such committee may elect a chairman from among themselves.

- (c) The quorum for and procedure at meetings of committees shall be as prescribed.

11. Appointment of registrar

- (1) Subject to the provisions of subsection (3), the council shall appoint a registrar.
[Sub-s. (1) substituted by s. 8 of Act 52/95]
- (2) The registrar shall exercise the powers and perform the functions which from time to time are conferred or imposed upon him or her by or under this Act or any other act or by the council.
[Sub-s. (2) amended by s. 4 of Act 68/95 and substituted by s. 8 of Act 52/95]
- (3) The appointment and dismissal of the registrar shall be subject to the approval of the Minister.
[Sub-s. (3) substituted by s. 8 of Act 52/95]
- (4)
[Sub-s. (4) amended by s. 4 of Act 68/95 and s. 4 of Act 22/93 and deleted by s. 8 of Act 52/95]

12. Funds of council

- (1) The funds of the council shall consist of -
 - (a) the moneys received by the council in terms of this Act;
 - (b) the fines imposed and recovered in terms of this Act;
 - (c) the moneys appropriated by Parliament for achieving the objects of the council;
 - (d) the moneys obtained by way of loans raised by the council with the approval of the Minister;
 - (e) any moneys accruing to the council from any other source.
- (2) The council shall use its funds for defraying the expenditure incurred in the achievements of its objects and the performance of its functions under this Act.
- (3) The council may invest any unexpended portion of its funds.

13. Book-keeping and auditing

- (1) The council shall cause records to be kept in the prescribed manner of all moneys received and spent by it, of all its assets and liabilities and of all financial transactions entered into by it, and shall as soon as possible after the end of every financial year cause statements of account and a balance sheet to be prepared, showing the prescribed particulars in respect of that financial year.
- (2) (a) The records, statements of account and balance sheet referred to in subsection (1), shall be audited by a person registered as an accountant and auditor under the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), and appointed by the council.
[Para. (a) substituted by s. 9 of Act 52/95]
- (b) A copy of such documents shall be transmitted to the Minister within the prescribed period and shall be open for inspection by the public at the prescribed places during the prescribed periods.

14.

[S. 14 repealed by s. 5 of Act 68/95]

14A. Establishment of professional boards

- (1) The Minister shall, on the recommendation of the council, establish a professional board with regard to any social service profession, or with regard to two or more such professions.
- (2) The Minister may, on the recommendation of the council, change the professional boards with regard to the professions for which the professional boards have been established, and establish other professional boards.
- (3) Before making a recommendation as contemplated in subsection (2), the council shall consult with any body which is or persons who are in the opinion of the council representative of the majority of persons to be affected by such change or establishment.

[S. 14A inserted by s. 9 of Act 102/98]

14B. Objects of professional boards

The objects of a professional board are -

- (a) to consult and liaise with other professional boards and relevant authorities on matters affecting the professional board;
- (b) to assist in the promotion of social services to the population of the Republic on a national basis;

- (c) to control and to exercise authority in respect of all matters affecting -
 - (i) the training of persons in the professions falling within the ambit of the professional board; and
 - (ii) the manner of the exercise of the practices pursued in connection with the professions falling within the ambit of the professional board;
- (d) to promote liaison, in co-operation with the training institutions, in the field of the training contemplated in paragraph (c)(i), both in the Republic and elsewhere, and to promote the standards of such training in the Republic;
- (e) to determine the minimum standards of education and training of persons practising the professions falling within the ambit of the professional board;
- (f) to communicate to the Minister information on matters of public importance acquired by the professional board in the course of the performance of its functions in terms of this Act;
- (g) to maintain and enhance the dignity and integrity of the professions falling within the ambit of the professional board; and
- (h) to guide the professions falling within the ambit of the professional board and to protect the public.

[S. 14B inserted by s. 9 of Act 102/98]

14C. General powers of professional boards

- (1) Subject to subsection (3), a professional board may -
 - (a) in the prescribed circumstances, or where otherwise authorised by this Act, direct the registrar to remove any name from a register or, upon payment of the prescribed fee, restore thereto, or suspend a registered person from practising his or her profession pending the carrying out of any inquiry in terms of section 21;
 - (b) appoint examiners and moderators, conduct examinations and grant certificates, and charge the prescribed fees in respect of such examinations or certificates;
 - (c) subject to prescribed conditions, approve training schools;
 - (d) consider any matter affecting any profession falling within the ambit of the professional board and make representations or take such action in connection therewith as the professional board considers advisable;

- (e) subject to subsection (2), upon application by any person, recognise any qualification held by him or her (whether such qualification has been obtained in the Republic or elsewhere) as being equal, either wholly or in part, to any prescribed qualification, whereupon such person shall, to the extent to which the qualification has so been recognised, be deemed to hold such prescribed qualification;
 - (f) after consultation with any other professional board or boards, establish a joint standing committee or committees of the board or boards concerned; and
 - (g) perform such other prescribed functions, and generally, do all such things as the professional board considers necessary or expedient to achieve the objects of this Act in relation to a profession falling within the ambit of the professional board.
- (2) No qualification shall, in terms of subsection (1) (e), be recognised as being equal, either wholly or in part, to any prescribed qualification unless that qualification indicates a standard of professional education and training not lower than that prescribed qualification.
- (3) The council shall ratify any decision of a professional board relating to a matter not falling entirely within its ambit, and the council shall, for this purpose, determine whether a matter does not fall entirely within the ambit of a professional board.

[S. 14C inserted by s. 9 of Act 102/98]

CHAPTER II

REGISTRATION OF SOCIAL WORKERS, STUDENT SOCIAL WORKERS, SOCIAL AUXILIARY WORKERS AND PERSONS PRACTISING OTHER PROFESSIONS IN RESPECT OF WHICH PROFESSIONAL BOARDS HAVE BEEN ESTABLISHED

[Heading substituted by s. 5 of Act 22/93 and s. 10 of Act 102/98]

15. Unregistered persons not to practice professions in respect of which professional boards have been established

- (1) No person shall -
 - (a) for gain, directly or indirectly, in any manner whatsoever practice the professions in respect of which professional boards have been established, unless he or she has been registered under this Act as a social worker or as a person practising another profession in respect of which a professional board has been established or is deemed to have been so registered;

- (b) give instruction on any aspect of any subject in connection with a profession in respect of which a professional board has been established at a training institution, unless he or she -
 - (i) has been registered under this Act as a social worker or as a person practising another profession in respect of which a professional board has been established; or
 - (ii) is a person who is not permanently resident in the Republic and who, with the approval of the professional board concerned, gives instruction in such aspect of such subject in connection with a profession in respect of which a professional board has been established at such training institution in the Republic, as that board may determine;
 - (c) in any manner pretend to be a social worker, student social worker, social auxiliary worker or a person practising another profession in respect of which a professional board has been established, while he or she has not been registered under this Act.
- (2) In so far as any person undergoes practical training in a profession in respect of which a professional board has been established as a requirement for the acquisition of a prescribed qualification at a training institution, he or she shall be deemed not to practice the profession in respect of which a professional board has been established, provided he or she has been registered in terms of this Act as a student social worker or as a student of another profession in respect of which a professional board has been established and such practical training takes place under the supervision of a social worker or a person practising another profession in respect of which a professional board has been established, as the case may be.
- (3) Subsection (1) shall not apply -
- (a) to any person who has satisfied all the requirements for the prescribed qualifications and whose application for registration as a social worker, student social worker, social auxiliary worker or as a person practising another profession in respect of which a professional board has been established under this Act is under consideration by the council;
 - (b) to any person other than a social worker or a person practising another profession in respect of which a professional board has been established under this Act who is permitted or authorized in terms of any other Act of Parliament to perform or apply any act which especially pertains to the professions in respect of which professional boards have been established, as the holder of an office or in the ordinary course of the practice of a profession referred to in such Act;

- (c) to any person belonging to a category of persons designated by the council for the purposes of this subsection by notice in the *Gazette*.
- (4) For the purposes of subsection (1) a person shall be deemed to practice a profession in respect of which a professional board has been established for gain if he or she receives any reward for the performance of any act which especially pertains to a profession in respect of which a professional board has been established.

[S. 15 amended by s. 6 of Act 68/95, substituted by s. 6 of Act 48/89 and amended by s. 6 of Act 22/93 and s. 11 of Act 102/98]

16. Offence and penalty

Any person who contravenes any provision of section 15 (1), shall be guilty of an offence and on conviction be liable to a fine, or to imprisonment for a period not exceeding six months.

[S. 16 amended by s. 7 of Act 48/89 and substituted by s. 7 of Act 22/93]

17. Registration of social worker

- (1) The council may, on application made in the prescribed manner, register as a social worker any person who holds the prescribed qualifications and satisfies the prescribed conditions, and who satisfies the council that he is a fit and proper person to be allowed to practise the profession of social work.
- (2) (a) The registrar shall issue to any person registered under subsection (1) a certificate of registration in a form approved by the council and subject to the prescribed conditions.
[Para. (a) substituted by s. 8 of Act 22/93]
- (b) The registrar may under the prescribed circumstances and on payment of the prescribed fees, issue to prescribed persons, duplicates of such registration certificates or extracts from any register which he is required to keep in terms of this Act.
- (3) Any person registered in terms of this section or who is deemed to have been registered as a social worker, may use the title social worker.
- (4) Every person who immediately prior to the commencement of this Act was registered as a social worker in terms of an Act which is repealed by this Act and who is resident in the Republic at such commencement, shall be deemed to be registered as a social worker in terms of this section.

- (5) The registrar shall in writing advise every person whose application for registration under subsection (1) has been rejected, of the reasons for the rejection.

17A. Registration of student social workers

- (1) The council may, on application made in the prescribed manner, register as a student social worker any person who studies the subject Social Work at a training institution, and who satisfies the prescribed conditions.
[Sub-s. (1) substituted by s. 8 of Act 48/89]
- (2) The provisions of subsections (2) and (5) of section 17 shall *mutatis mutandis* apply to a person referred to in subsection (1).
[S. 17A inserted by s. 7 of Act 68/95]

17B. When qualification will not serve as prescribed qualification

- (1) If it appears to the council -
 - (a) that any provision of this Act is not being properly complied with by any training institution; and
 - (b) that such improper compliance is having or may have an adverse effect on the standards maintained at that training institution in respect of education and training in any profession in respect of which a professional board has been established,

the Minister may, on the recommendation of the council, by notice in the *Gazette* declare that any specified degree, diploma or certificate awarded by such training institution after a date specified in the notice will not serve as a prescribed qualification.

[Sub-s. (1) amended by s. 9 of Act 22/93 and substituted by s. 12 of Act 102/98]

- (2) The Minister may, if it appears to him or her upon representations made by the council that satisfactory provision has been made for complying with the requirements of this Act by any training institution concerned in respect of any degree, diploma or certificate which is the subject of a notice issued under subsection (1), withdraw the said notice.

[Sub-s. (2) substituted by s. 12 of Act 102/98]

- (3)

[Sub-s. (3) deleted by s. 9 of Act 22/93]

[S. 17B inserted by s. 9 of Act 48/89]

17C. Registration of additional qualifications and specialities

- (1) The council may from time to time prescribe the degrees, diplomas or certificates which may be registered as additional qualifications or the proficiencies which may be registered as specialities.
- (2) (a) A social worker or a person practising another profession in respect of which a professional board has been established who desires to have a degree, diploma or certificate other than the prescribed qualification by virtue of which he or she has been registered, or a speciality, registered, shall apply to the registrar, submitting -
 - (i) such documentary proof that he or she holds the additional qualification in question as the council may require; or
 - (ii) in the case of an application for registration of a speciality, proof that he or she complies with the prescribed requirements.
- (b) If the registrar is satisfied that such additional qualification is a degree, diploma or certificate prescribed in terms of subsection (1), or, in respect of a speciality, that such speciality has been prescribed and that the prescribed requirements have been complied with, he or she shall, upon payment of the prescribed fee, cause such degree, diploma or certificate, or speciality, as the case may be, to be entered in the register against the name of the applicant.

[Sub-s. (2) substituted by s. 13 of Act 102/98]
- (2A) (a) If a social worker or person practising another profession in respect of which a professional board has been established applies to have a speciality registered in terms of this section, but does not satisfy the prescribed requirements for the registration of a speciality, the council may require him or her to pass to the satisfaction of the council, on a date and at a place determined by the council, an examination prescribed under paragraph (b) before examiners appointed by the council, for the purpose of determining whether his or her professional knowledge and skill in the professional field of his or her speciality are adequate to enable him or her to practice the profession of social work or another profession in respect of which a professional board has been established in respect of the speciality concerned.
- (b) The examination which shall be conducted for the purposes of paragraph (a) and the fees which shall be paid by persons who sit for such examination shall be as prescribed.
- (c) The registrar shall, upon payment of the prescribed fee, cause the speciality of a social worker or person practising another profession in respect of which a professional board has been established who has

satisfactorily passed an examination referred to in paragraph (a) to be entered against the name of that social worker or person practising another profession in respect of which a professional board has been established.

[Sub-s. (2A) inserted by s. 10 of Act 22/93 and substituted by s. 13 of Act 102/98]

- (3) (a) The registrar shall, on the instruction of the council, remove from the register any degree, diploma or certificate registered as an additional qualification in terms of this section, if in respect of such qualification the name of the holder thereof has been removed from the roll, register or records of the university, college or institution, or society at or from which that social worker or person practising another profession in respect of which a professional board has been established, obtained or acquired such qualification.
- (b) The registrar shall, on the instruction of the council, remove from the register any speciality registered in terms of this section, if the social worker concerned, or the person practising another profession in respect of which a professional board has been established ceases to comply with any prescribed requirement for the registration of the speciality in question, or, in the case of a social worker or a person practising another profession in respect of which a professional board has been established in respect of whom a speciality is registered, if such person has lodged with the registrar a written application for the removal of the speciality in question from the register.
- (c) A degree, diploma or certificate removed in terms of paragraph (a), or a speciality removed in terms of paragraph (b), shall, on the instruction of the council, be restored by the registrar to the register if the social worker concerned or the person practising another profession in respect of which a professional board has been established -
- (i) applies on the prescribed form for such restoration;
 - (ii) pays the fees (if any) prescribed in respect of such restoration; and
 - (iii) in the opinion of the council complies with such other requirements (if any) as the council may determine.

[Sub-s. (3) substituted by s. 13 of Act 102/98]

- (4) No person shall take up, use or publish in any manner whatsoever any name, title, description or symbol indicating or calculated to lead persons to infer that he or she possesses an additional qualification contemplated in subsection (1), if such qualification has not been entered in the register against his or her name.

[Sub-s. (4) substituted by s. 13 of Act 102/98]

- (5) No person registered under this Act shall practice as a specialist or shall pretend to be such a specialist, or shall in any other manner profess to be a person in respect of whom a speciality has been registered, unless the speciality in question has been registered in terms of this section in respect of such person.

[Sub-s. (5) substituted by s. 13 of Act 102/98]

[S. 17C inserted by s. 9 of Act 48/89]

17D. Qualifications obtained outside Republic

- (1) No qualification obtained by virtue of examinations conducted by a training institution situated outside the Republic shall be prescribed in terms of this Act, unless -
- (a) such qualification will entitle the holder thereof to practice as a social worker or person practising another profession in respect of which a professional board has been established in the country or state in which such training institution is situated;
- (b) the council is satisfied that possession of such qualification indicates a standard of professional education and training not lower than that prescribed in respect of the education and training of social workers or persons practising other professions in respect of which professional boards have been established within the Republic.

[Sub-s. (1) substituted by s. 14 of Act 102/98]

- (2) Subject to subsection (1), the council may require a person who holds a qualification referred to in subsection (1) and who applies for registration as a social worker under section 17 or as a person practising another profession in respect of which a professional board has been established under section 18A, to pass to the satisfaction of the council, on a date and at a place determined by the council, an examination prescribed under subsection (3) before examiners appointed by the council, for the purpose of determining whether such person possesses adequate professional knowledge and skill to be registered as a social worker or as a person practising another profession in respect of which a professional board has been established and whether he or she is proficient in any of the official languages of the Republic.

[Sub-s. (2) substituted by s. 14 of Act 102/98]

- (3) The Minister may on the recommendation of the council make regulations which prescribe the examination which shall be conducted for the purposes of subsection (2) and the fees which shall be paid by persons who sit for such examination.

[S. 17D inserted by s. 11 of Act 22/93]

18. Registration of social auxiliary workers

- (1) The council may, on application made in the prescribed manner, register any person as a social auxiliary worker who holds any qualification referred to in subsection (2), complies with the prescribed conditions and satisfies the council that he is a fit and proper person to be registered as a social auxiliary worker.
- (2) The council may by rule prescribe the qualifications obtained in the Republic which entitle the holder thereof to registration as a social auxiliary worker, and the conditions subject to which such registration may take place.
- (3) Different qualifications and conditions may be prescribed in respect of different categories of social auxiliary workers.
- (4) A condition referred to in subsection (2) may pertain to the passing of an examination and the payment of fees prescribed for such examination.
[Sub-s. (4) added by s. 12 of Act 22/93]
[S. 18 substituted by s. 10 of Act 48/89]

18A. Registration of persons practising other professions in respect of which professional boards have been established

- (1) The council may, on application made in the prescribed manner, register any person who wishes to practise a profession in respect of which a professional board has been established, other than social work, and who holds any qualification referred to in subsection (2), complies with the prescribed conditions and satisfies the professional board concerned that he or she is a fit and proper person to be registered as such.
- (2) The council may prescribe the qualifications obtained in the Republic which will entitle the holder thereof to registration and the conditions subject to which such registration may take place.
- (3) Different qualifications and conditions may be prescribed in respect of different categories of persons.
- (4) A person may be registered with more than one professional board.
- (5) A condition referred to in subsection (2) may pertain to the passing of an examination and the payment of fees prescribed for such examination.
- (6) (a) The registrar shall issue to any person registered under subsection (1) a certificate of registration in a form approved by the council and subject to the prescribed conditions.

- (b) The registrar may under the prescribed circumstances and on payment of the prescribed fees, issue to prescribed persons, duplicates of such registration certificates or extracts from any register which he or she is required to keep in terms of this Act.
- (7) The registrar shall in writing advise every person whose application for registration under subsection (1) has been rejected, of the reasons for the rejection.

[S. 18A inserted by s. 15 of Act 102/98]

18B. Registration of students of other professions in respect of which professional boards have been established

- (1) The council may, on application made in the prescribed manner, register as a student any person who studies a profession, other than social work, in respect of which a professional board has been established at a training institution and who satisfies the prescribed conditions.
- (2) (a) The registrar shall issue to any person registered under subsection (1) a certificate of registration in a form approved by the council and subject to the prescribed conditions.
 - (b) The registrar may under the prescribed circumstances and on payment of the prescribed fees, issue to prescribed persons, duplicates of such registration certificates or extracts from any register which he or she is required to keep in terms of this Act.
- (3) The registrar shall in writing advise every person whose application for registration under subsection (1) has been rejected, of the reasons for the rejection.

[S. 18B inserted by s. 15 of Act 102/98]

19. Keeping of registers

- (1) The registrar shall keep separate registers in respect of social workers, student social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established registered in terms of this Act and shall, subject to the provisions of this Act, record in the appropriate register the prescribed particulars in the prescribed manner in respect of every such social worker, student social worker, social auxiliary worker and person.

[Sub-s. (1) substituted by s. 8 of Act 68/95, s. 11 of Act 48/89 and s. 16 of Act 102/98]

- (2) Such registers shall be kept in the council's office and any document purporting to be an extract therefrom, signed by the registrar, shall on

production thereof be admissible as evidence and shall be *prima facie* proof, in any proceedings, of the facts therein recorded.

- (3) A certificate purporting to be signed by the registrar and in which it is certified that the name of a person mentioned therein does not appear in the said register, shall be *prima facie* proof of the fact that such person is not registered according to the provisions of this Act.

20. Removal from, rectification in and restoration to register of names

- (1) The council may order the registrar to remove the name of any person from the register concerned if the council is satisfied that such person -
 - (a) has died;
 - (b) has requested that his name be removed from such register and that no steps in terms of Chapter III are pending or contemplated, or will probably be instituted, against him;
 - (c) has left the Republic permanently or that he has been absent from the Republic for a continuous period of more than three years without the council's permission;
 - (d) has failed to pay any money which he owes to the council within three months after the date upon which it became payable;
[Para. (d) substituted by s. 9 of Act 68/95]
 - (e) has failed to furnish the address of his permanent residence in accordance with the written request of the registrar, addressed to his address as registered in the register concerned;
 - (f) is detained as a mentally ill person under the Mental Health Act, 1973 (Act No. 18 of 1973);
 - (g) has obtained his registration fraudulently;
 - (h) has been registered in error.
- (1A) Notice of the removal of a person's name from the register by virtue of the provisions of any one of paragraphs (b) to (h) of subsection (1) shall be given by the registrar to the person concerned by registered letter sent through the post to him to his address as registered in the register concerned.
[Sub-s. (1A) inserted by s. 9 of Act 68/95]
- (2) The council may order the registrar to rectify any entry in a register in respect of which the council is satisfied that it is incorrect, and the registrar shall record any such rectification in the register concerned.

- (3) If the council is satisfied that the reason why any person's name has been removed from a register has ceased to exist and that he satisfies the requirements for registration in terms of this Act, the council may on application made in the prescribed manner by such person and after payment of the prescribed fee, order that his name be restored to the register from which it was so removed.

CHAPTER III

DISCIPLINARY POWERS OF THE COUNCIL

21. Inquiry by council into alleged unprofessional or improper conduct

- (1) The council may inquire into alleged unprofessional or improper conduct on the part of a social worker, student social worker, social auxiliary worker or person practising another profession in respect of which a professional board has been established, and such inquiry shall not be restricted to the acts or omissions contemplated in section 27 (1) (b).
[Sub-s. (1) substituted by s. 10 of Act 68/95, s. 12 of Act 48/89 and s. 17 of Act 102/98]
- (2) The council may, for the purposes of such inquiry -
 - (a) summon in the prescribed manner any person who, in the opinion of the council, is able to furnish information of material importance to the inquiry, or who the council has reason to believe has in his possession or custody or under his control, any book, document or record relating to the subject of the inquiry, to appear at a time and place specified in the summons to be examined or to produce such book, document or record and may retain for examination any book, document or record so produced;
 - (b) through the person presiding at the inquiry, administer an oath to, or accept an affirmation from, any person present at the inquiry, and examine him or cause him to be examined by a person designated by the council to lead the evidence at the inquiry, and instruct him to produce any book, document or record in his possession, custody or control.
- (3) A summons referred to in subsection (2) shall contain the prescribed information and shall be served in the prescribed manner, and the provisions of section 51 (2) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), shall apply *mutatis mutandis* in respect of any person on whom such summons has been so served.
- (4) The law relating to privilege, as applicable to a witness summoned to give evidence or to produce a book, document or record, in a civil trial before a

court of law, shall *mutatis mutandis* apply in relation to the examination of or the production of any book, document or record by any person summoned in terms of this section.

- (4A) If the record of the proceedings before any court of law is relevant in any inquiry in terms of this section, such record shall upon the mere production thereof be *prima facie* proof of the facts stated therein.

[Sub-s. (4A) inserted by s. 12 of Act 48/89]

- (5) If the conduct which forms the subject of any inquiry referred to in subsection (1), forms or is likely to form the subject of any criminal or civil proceedings in a court of law, the council may postpone the inquiry until such proceedings have been concluded.

- (6) Any person against whom an inquiry is instituted under this Chapter, shall be entitled either in person or through his legal representative to answer the charge and to be heard in his defence.

- (7) The council may generally or in any specified case appoint a committee in the prescribed manner to exercise and perform all powers and functions of the council under this Chapter, and if the council so appoints a committee, the said powers and functions shall be deemed to have been delegated to or imposed upon the committee.

[Sub-s. (7) substituted by s. 12 of Act 48/89]

- (8) Any person who, having been duly sworn or having made an affirmation, tenders false evidence at an inquiry held under this Chapter, knowing such evidence to be false, shall be guilty of an offence and liable on conviction to the penalties which may lawfully be imposed for the offence of perjury.

22. Disciplinary powers of council

- (1) Any person who, after an inquiry held by the council, has been found guilty of unprofessional or improper conduct, shall be liable to one or other of the following penalties, namely -

- (a) a reprimand or a caution;
- (b) suspension of his registration for a specific period on the conditions determined by the council;
- (c) the cancellation of his registration; or
- (d) a fine not exceeding R5 000.

[Para. (d) added by s. 13 of Act 22/93 and substituted by s. 18 of Act 102/98]

- (1A) (a) If the council finds a person guilty in terms of subsection (1) it may -
- (i) postpone the imposition of a penalty for such period and on such conditions as it may determine; or
 - (ii) impose any penalty referred to in subsection (1) (b) or (c), but order that the execution thereof be suspended for such period and on such conditions as the council may determine.
- (b) (i) If at the end of the period for which the imposition of a penalty has been postponed in terms of paragraph (a) (i), the council is satisfied that the person concerned has complied with all the relevant conditions, the council shall inform him that no penalty will be imposed upon him.
- (ii) If any person in respect of whom the imposition of a penalty was postponed under paragraph (a) (i), fails to comply with any of the conditions imposed upon him in terms of that provision and the council is satisfied that the non-compliance with the conditions was not due to circumstances beyond that person's control, the council may impose any of the penalties referred to in subsection (1) as if the imposition of the penalty had never been postponed.
[Sub-para. (ii) amended by s. 13 of Act 22/93]
- (c) If the execution of a penalty has been suspended in terms of paragraph (a) (ii) and -
- (i) the council is satisfied that the person concerned has complied with all the relevant conditions throughout the period of suspension, the council shall inform him that the execution of the penalty will not be put into operation;
 - (ii) the person concerned fails to comply with any of the conditions of suspension, the council shall put the penalty imposed into operation unless such person satisfies the council that the non-compliance with the condition in question was due to circumstances beyond his control.
[Sub-s. (1A) inserted by s. 13 of Act 48/89]
- (2) Subject to the other provisions of this Chapter the registrar shall -
- (a) remove from the register concerned the name of any person whose registration has been cancelled under subsection (1) (c);

- (b) record in the register concerned against the name of such person the particulars of any penalties imposed on him in terms of paragraph (a), (b) or (d) of subsection (1);

[Para. (b) substituted by s. 13 of Act 22/93]

- (c) issue the prescribed notices in respect of any person found guilty of unprofessional or improper conduct under this Chapter.

- (3) Any person whose registration has been suspended in terms of this Act, shall for the period of such suspension be deemed not to be so registered.

- (4) Subject to the provisions of sections 17 (1), 17A (1), 18 (1), 18A (1), and 18B (1), the council may, after the expiration of such period as the council in each case may determine, again register as a social worker, student social worker, social auxiliary worker or person practising another profession in respect of which a professional board has been established, as the case may be, any person whose registration has been cancelled under this Act.

[Sub-s. (4) substituted by s. 11 of Act 68/95, s. 13 of Act 48/89 and by s. 18 of Act 102/98]

- (5) The council may, at any time before the expiration of the period for which any registration has been suspended under this Act, on application in the prescribed manner, for sound reasons and on such conditions as the council may think fit, terminate such suspension.

- (6) If a person registered under this Act (in this section referred to as the accused) is alleged to be guilty of unprofessional or improper conduct and the council on reasonable grounds is of the opinion that after inquiry the accused may be found guilty of such conduct as is contemplated in subsection (1) and that in respect thereof it would impose a fine not exceeding R200, the council may issue an appropriate summons on the prescribed form against the accused carrying an endorsement by the council that the accused may admit that he is guilty of the said conduct and that he may pay the fine, not exceeding R200, specified in the summons, without having to appear at an inquiry in terms of section 21.

[Sub-s. (6) added by s. 13 of Act 22/93]

- (7) If a summons is in terms of subsection (6) issued against an accused, he may, without appearing at an inquiry in terms of section 21, admit that he is guilty of the conduct mentioned in subsection (6) by paying the specified fine (in this section referred to as the admission of guilt fine) to the council on or before the date specified in the summons.

[Sub-s. (7) added by s. 13 of Act 22/93]

- (8) (a) Any penalty imposed under this section, excluding an admission of guilt fine, shall be paid to the council within 14 days after the imposition thereof.

- (b) The imposition of a fine under this section shall have the effect of a judgment in civil proceedings in the magistrate's court of the district in which the inquiry in question under section 21 took place.

[Sub-s. (8) added by s. 13 of Act 22/93]

23. Court may direct that copy of record of proceedings be transmitted to council

Whenever in the course of any proceedings before any court of law, such court is satisfied that there is *prima facie* proof of unprofessional or improper conduct on the part of a registered person, the court may direct that a copy of the record of such proceedings, or such portion thereof as is material to the issue, shall be transmitted to the council.

[S. 23 substituted by s. 14 of Act 48/89]

CHAPTER IV

GENERAL PROVISIONS

24. Legal aid at inquiries under this Act

The council may appoint any person who is not a member of the council but who is experienced in the administration of justice, to be present as an assessor at any inquiry under this Act, to advise the council or the committee holding the inquiry on questions of law, procedure or evidence.

25. Appeal against refusal, penalty, or removal from register

- (1) Any person aggrieved -
 - (a) by the refusal of the council or a committee to register him under this Act or to restore his name to a specified register;
 - (b) by any penalty imposed on him in terms of section 22 (1);
 - (c) by the removal of his name from a register in terms of section 20 (1),may within a period of three months after the date of such refusal, imposition of penalty or removal, appeal to an appeal committee.
- (2) Any appeal committee referred to in subsection (1) shall be appointed by the Minister and shall consist of -
 - (a) a person who is versed in law, who shall be the chairperson; and

- (b) two persons of senior standing in the profession concerned who have no direct interest in the affairs of the appellant or are not in the employ of the appellant and who are not members of the council.

[Sub-s. (2) substituted by s. 19 of Act 102/98]

- (3) The appellant may in person or through a legal representative appear before the appeal committee or submit written statements or arguments in support of his appeal.
- (4) The procedure to be followed in connection with the noting and prosecution of an appeal lodged in terms of this section, shall be as prescribed.
- (5) The appeal committee hearing an appeal under this section, may confirm or set aside the refusal, penalty or removal forming the subject of the appeal, and may, if it is set aside, give such judgment as in its opinion ought to have been given by the council or committee and may direct the council to do everything necessary to give effect to the judgment of the appeal committee.
- (6)
[Sub-s. (6) deleted by s. 80 of Act 88/96]
- (7) The commencement of a refusal, penalty or removal against which an appeal is lodged, shall be postponed by the lodging of an appeal in terms of subsection (1), to the date on which the appeal is withdrawn or disposed of by the appeal committee.
- (8) Any member of the appeal committee who is not in the full-time employment of the State, may be paid such remuneration and allowances as the Minister may from time to time determine with the concurrence of the Minister of Finance.

26. Limitation of liability

Subject to the provisions of this Act, the council or a professional board or a committee or any member or officer thereof shall not be liable in respect of anything done in good faith in terms of this Act.

[S. 26 substituted by s. 81 of Act 88/96 and s. 20 of Act 102/98]

27. Rules

- (1) The council may, after consultation with the professional board concerned and with the approval of the Minister, make rules relating to -
 - (a) the conduct of social workers, student social workers, social auxiliary workers or persons practising other professions in respect of which professional boards have been established, in practising their profession;

- (b) the acts or omissions of a social worker, student social worker, social auxiliary worker or person practising another profession in respect of which a professional board has been established, which shall constitute unprofessional or improper conduct;
 - (c) the powers, duties and conditions of service of the registrar;
 - (d) the institution, powers and functions of committees;
 - (e) the tariff of fees serving as a guide for the fees which may be charged in respect of professional services rendered by a social worker, student social worker, social auxiliary worker or person practising another profession in respect of which a professional board has been established;
 - (f) any matter which the council considers necessary or expedient for the achievement or promotion of its objects or for the exercise of its powers or the performance of its functions.
- (2) Different rules may in terms of subsection (1) be made in respect of social workers, student social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established.

[S. 27 amended by s. 12 of Act 68/95 and s. 15 of Act 48/89 and substituted by s. 21 of Act 102/98]

28. Regulations

- (1) The Minister may, on the recommendation of the council, make regulations relating to -
- (a) the fees which shall be paid annually by social workers, student social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established to the council, and the fees which shall be paid to the council in respect of -
 - (i) the registration or re-registration of social workers, student social workers, social auxiliary workers or persons practising other professions in respect of which professional boards have been established, and of additional qualifications, specialities and private practices;
 - (ii) the restoration of a qualification, speciality, practice and name of such a social worker, student social worker, social auxiliary worker and person practising another profession in respect of which a professional board has been established to a register;

- (iii) any application which shall or may be made under this Act;
- (iv) the issue of registration certificates or copies thereof;
- (v) the provision of extracts from any register;
- (vi) any other act which shall or may be performed by the council or by the registrar under this Act;
[Para. (a) substituted by s. 16 of Act 48/89 and s. 22 of Act 102/98]
- (b) the allowances which may be paid to members of the council and of committees in respect of the carrying out of their functions;
- (c) subject to the general policy determined by the Minister of National Education in terms of section 2 (1) (d) of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984), the minimum requirements for the education and training, and the nature, content and duration of the curricula and practical training, which shall be a requirement for the acquisition of a prescribed qualification;
[Para. (c) substituted by s. 14 of Act 22/93]
- (d) the institution of an inquiry in terms of Chapter III, including -
 - (i) the manner in which any complaint of alleged unprofessional or improper conduct by a social worker, student social worker, social auxiliary worker or person practising another profession in respect of which a professional board has been established shall be lodged with the council;
 - (ii) the manner in which any such inquiry shall be instituted and conducted, the procedure to be followed thereat and any other matter connected with the institution or conducting thereof;
[Para. (d) amended by s. 16 of Act 48/89 and substituted by s. 22 of Act 102/98]
- (e) the form of any notice or summons given or served under this Act;
[Para. (e) substituted by s. 14 of Act 22/93]
- (f) (i) the registration and conduct of a private practice by a social worker;
- (ii) the professional practices of a social worker conducting a private practice;
[Para. (f) substituted by s. 16 of Act 48/89]
- (g) the documents which shall accompany any application in terms of this Act;

(gA) (i) the requirements to be complied with by an applicant for the registration of a speciality;

(ii) the conditions subject to which any social worker or person practising another profession in respect of which a professional board has been established may practise the profession of social work or the other profession in respect of which a professional board has been established, as the case may be, in respect of a registered speciality;

[Para. (gA) inserted by s. 16 of Act 48/89 and substituted by s. 22 of Act 102/98]

(gB) acts which especially pertain to the profession of social work or to any other profession in respect of which a professional board has been established;

[Para. (gB) inserted by s. 16 of Act 48/89 and substituted by s. 22 of Act 102/98]

(gC) the conditions subject to which any person registered in terms of this Act may practise his profession;

[Para. (gC) inserted by s. 14 of Act 22/93]

(gD) the constitution, functions and functioning of a professional board, which shall at least provide for -

(i) the majority of the members of the professional board to be members of the profession or professions concerned;

(ii) persons representing the community to comprise not less than 20 per cent of the membership of the professional board, with a minimum of one such representative for every profession concerned;

(iii) relevant educational institutions to be represented;

(iv) the welfare authorities to be represented;

(v) one or more persons versed in law to be appointed, where appropriate;

(vi) the establishment by the professional board of such committees as it considers necessary, each consisting of so many persons appointed by the professional board as it may determine, but including at least one member of the professional board who shall be the chairperson of such committee;

(vii) the delegation by the professional board of its powers to any person or any committee of the professional board, as it may

determine, but the professional board shall not be divested of any powers so delegated;

- (viii) the procedure to be followed for the appointment and election, as the case may be, of the members of the professional board;
 - (ix) the appointment by the Minister of a chairperson and vice-chairperson from nominations by the members of the professional board and the powers and functions of such a chairperson and vice-chairperson; and
 - (x) the term of office of the members of a professional board;
[Para. (gD) inserted by s. 22 of Act 102/98]
- (h) any matter, except a matter referred to in section 27, which may or is required to be prescribed under this Act;
 - (i) generally, all matters which he considers necessary or expedient in order to attain the objects of this Act.
- (2) The Minister may, if he deems it necessary in the public interest, without the recommendation of the council, but after consultation with the executive committee of the council -
- (a) make regulations relating to any of the matters referred to in subsection (1);
 - (b) by regulation amend or repeal any regulation made under that subsection;
 - (c) by notice in the *Gazette* amend or repeal any rule made under the provisions of this Act.
- (3) Any regulation made under this section may, for any contravention thereof or failure to comply therewith, prescribe a fine, or imprisonment for a period not exceeding three months.
[Sub-s. (3) substituted by s. 16 of Act 48/89 and s. 14 of Act 22/93]
- (4) Different regulations may under this section be made in respect of social workers, student social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established, and regulations under -
- (a) paragraph (a) of subsection (1) may exempt persons or categories of persons from payment of the fees contemplated in that paragraph;

- (b) subsection (1) (c) shall be made after consultation with training institutions in the Republic;
- (c) subsection (1) (gB) shall be made with the concurrence of the Competition Board established by section 3 of the Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979).
[Sub-s. (4) substituted by s. 16 of Act 48/89 and s. 22 of Act 102/98]
[S. 28 substituted by s. 13 of Act 68/95]

28A. Abolition of South African Interim Council for Social Work, and transitional arrangements

- (1) The South African Interim Council for Social Work, established by section 2 of this Act before its amendment by the Social Work Amendment Act, 1998, shall cease to exist on the day immediately preceding the date of the first meeting of the council.
- (2) All rights, obligations, assets and liabilities acquired or incurred by the South African Interim Council for Social Work shall immediately vest in the council and the council shall be deemed to have acquired or incurred such rights, obligations, assets and liabilities in terms of this Act.
[S. 28A inserted by s. 10 of Act 52/95 and substituted by s. 23 of Act 102/98]

29. Repeal of certain provisions of Act 79 of 1965

The National Welfare Act, 1965, is hereby repealed in so far as it relates to social workers.

30. Short title

This Act shall be called the Social Service Professions Act, 1978.
[S. 30 substituted by s. 17 of Act 48/89 and s. 24 of Act 102/98]