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GOVERNMENT GAZETTE

STAATSKOERANT

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No. 19516

OFFICE OF THE PRESIDENT

No. 1537.

27 November 1998

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 102 of 1998: Social Work Amendment Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1537.

27 November 1998

Hierby word bekend gemaak dat die President sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 102 van 1998: Wysigingswet op Maatskaplike Werk, 1998.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 19 November 1998.)

ACT

To amend the Social Work Act, 1978, so as to amend, delete and insert certain definitions; to provide for the establishment, constitution and objects of the South African Council for Social Service Professions and professional boards for social service professions; to abolish the South African Interim Council for Social Work; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 110 of 1978, as amended by section 1 of Act 68 of 1985, section 1 of Act 48 of 1989, section 1 of Act 22 of 1993 and section 1 of Act 52 of 1995

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1. Section 1 of the Social Work Act, 1978 (in this Act referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of “council” of the following definition:
 “ ‘council’ means the South African **[Interim]** Council for Social
 [Work] Service Professions established by section 2; ”;
- (b) by the deletion of the definitions of “electorate”, “former council” and “magistrate”;
- (c) by the substitution for the definition of “Minister” of the following definition:
 “ ‘Minister’ means the Minister for Welfare and Population Develop-
 ment in the national sphere of government; ”; and
- (d) by the insertion after the definition of “prescribed” of the following definition:
 “ ‘professional board’ means a board established under section
 14A(1); ”.

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Substitution of heading of Chapter I of Act 110 of 1978, as substituted by section 2 of Act 22 of 1993 and section 2 of Act 52 of 1995

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2. The following heading is hereby substituted for the heading of Chapter I of the principal Act:

“**[INTERIM] COUNCIL FOR SOCIAL [WORK] SERVICE PROFESSIONS**”.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 19 November 1998.)*

WET

Tot wysiging van die Wet op Maatskaplike Werk, 1978, ten einde sekere omskrywings te wysig, te skrap en in te voeg; voorsiening te maak vir die instelling, samestelling en oogmerke van die Suid-Afrikaanse Raad vir Maatskaplike Diensberoepe en beroepsrade vir maatskaplike diensberoepe; die Suid-Afrikaanse Interim Raad vir Maatskaplike Werk af te skaf; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 110 van 1978, soos gewysig deur artikel 1 van Wet 68 van 1985, artikel 1 van Wet 48 van 1989, artikel 1 van Wet 22 van 1993 en artikel 1 van Wet 52 van 1995

1. Artikel 1 van die Wet op Maatskaplike Werk, 1978 (in hierdie Wet die Hoofwet genoem), word hierby gewysig—

- (a) deur voor die omskrywing van “boekjaar” die volgende omskrywing in te voeg:

10 “ ‘beroepsraad’ ’n beroepsraad kragtens artikel 14A(1) ingestel;”;
- (b) deur die omskrywings van “kieserskorps”, “landdros” en “voormalige raad” te skrap;
- (c) deur die omskrywing van “Minister” deur die volgende omskrywing te vervang:

15 “ ‘Minister’ die Minister vir Welsyn en Bevolkingsontwikkeling in die nasionale regeringsfeer;”; en
- (d) deur die omskrywing van “raad” deur die volgende omskrywing te vervang:

“ ‘raad’ die Suid-Afrikaanse [Interim] Raad vir Maatskaplike [Werk] Diensberoepe by artikel 2 ingestel;”.

20 Vervanging van opskrif van Hoofstuk I van Wet 110 van 1978, soos vervang deur artikel 2 van Wet 22 van 1993 en artikel 2 van Wet 52 van 1995

2. Die opskrif van Hoofstuk I van die Hoofwet word hierby deur die volgende opskrif vervang:

25 “[INTERIM] RAAD VIR MAATSKAPLIKE [WERK] DIENSBEROEPE”.

Substitution of section 2 of Act 110 of 1978, as substituted by section 2 of Act 48 of 1989 and section 3 of Act 52 of 1995

3. The following section is hereby substituted for section 2 of the principal Act:

“Establishment of Council for Social Service Professions

2. (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. 5

(2) The head office of the council shall be situated in Pretoria.”.

Substitution of section 3 of Act 110 of 1978, as amended by section 2 of Act 68 of 1985, section 3 of Act 48 of 1989, section 3 of Act 22 of 1993 and section 4 of Act 52 of 1995 10

4. The following section is hereby substituted for section 3 of the principal Act:

“Objects of council

3. The objects of the council shall be—

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| (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; | 15 |
| (b) | to maintain and enhance the prestige, status, integrity and dignity of the professions in respect of which professional boards have been established; | 20 |
| (c) | to advise the Minister in relation to any matter affecting the professions in respect of which professional boards have been established; | 25 |
| (d) | to control and to exercise authority with regard to all financial matters relating to the council and the professional boards; | 30 |
| (e) | to consult and liaise with relevant authorities on matters affecting the professional boards in general; | 35 |
| (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; | 40 |
| (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; | 45 |
| (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; | |

Vervanging van artikel 2 van Wet 110 van 1978, soos vervang deur artikel 2 van Wet 48 van 1989 en artikel 3 van Wet 52 van 1995

3. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

“Instelling van Raad vir Maatskaplike Diensberoepe

- 5 2. (1) Hierby word 'n regspersoon met die naam die Suid-Afrikaanse Raad vir Maatskaplike Diensberoepe ingestel en die eerste vergadering van die raad word deur die registrateur belê.
 (2) Die hoofkantoor van die raad is in Pretoria geleë.”.

10 **Vervanging van artikel 3 van Wet 110 van 1978, soos gewysig deur artikel 2 van Wet 68 van 1985, artikel 3 van Wet 48 van 1989, artikel 3 van Wet 22 van 1993 en artikel 4 van Wet 52 van 1995**

4. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

“Oogmerke van raad

- 15 3. Die oogmerke van die raad is—
- (a) om die belange van die beroepe ten opsigte waarvan beroepsrade ingestel is of moet word te beskerm en te bevorder en om met enige aangeleentheid te handel wat op sodanige belange betrekking het;
- 20 (b) om die prestige, status, integriteit en waardigheid te handhaaf en te verhoog van die beroepe ten opsigte waarvan beroepsrade ingestel is;
- (c) om die Minister van advies te dien met betrekking tot enige aangeleentheid wat die beroepe raak ten opsigte waarvan beroepsrade ingestel is;
- 25 (d) om beheer en gesag uit te oefen ten opsigte van alle finansiële aangeleenthede wat betrekking het op die raad en die beroepsrade;
- (e) om met tersaaklike owerhede oorleg te pleeg en te skakel oor aangeleenthede wat die beroepsrade in die algemeen raak;
- 30 (f) om op aanbeveling van die beroepsrade die kwalifikasies te bepaal vir registrasie van maatskaplike werkers, maatskaplike hulpwerkers en persone wat ander beroepe beoefen ten opsigte waarvan beroepsrade ingestel is;
- (g) om die beoefening van die beroepe ten opsigte waarvan beroepsrade ingestel is en die registrasie van maatskaplike werkers, student- maatskaplike werkers, maatskaplike hulpwerkers en persone te reël wat ander beroepe beoefen ten opsigte waarvan beroepsrade ingestel is;
- 35 (h) om die standaarde van professionele gedrag van maatskaplike werkers, student- maatskaplike werkers, maatskaplike hulpwerkers en persone wat ander beroepe beoefen ten opsigte waarvan beroepsrade ingestel is, te bepaal en te verseker dat dit gehandhaaf word;
- 40 (i) om doeltreffende beheer uit te oefen oor die professionele gedrag van maatskaplike werkers, student- maatskaplike werkers, maatskaplike hulpwerkers en persone wat ander beroepe beoefen ten opsigte waarvan beroepsrade ingestel is;
- 45 (j) om doeltreffendheid in en verantwoordelikheid met betrekking tot die beoefening van die beroepe ten opsigte waarvan beroepsrade ingestel is, aan te moedig en te bevorder;
- (k) om behulpzaam te wees met die bevordering van maatskaplike dienste aan die bevolking van die Republiek;

- (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 interprofessional 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.”.

Amendment of section 4 of Act 110 of 1978, as amended by section 3 of Act 68 of 1985, section 4 of Act 48 of 1989 and section 5 of Act 52 of 1995

5. Section 4 of the principal Act is hereby amended—

- (a) by the deletion of paragraph (g) of subsection (1); and
- (b) by the substitution for paragraph (h) of subsection (1) of the following paragraph:
 - “(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;”.

Substitution of section 5 of Act 110 of 1978, as substituted by section 6 of Act 52 of 1995 and amended by section 1 of Act 106 of 1996

6. The following section is hereby substituted for section 5 of the principal Act:

“Constitution of council

5. (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;

- (l) om die Minister van advies te dien aangaande die wysiging of aanpassing van hierdie Wet, veral om groter klem te lê op professionele praktyk, demokrasie, deursigtigheid, gelykheid, toeganklikheid en gemeenskapsbehoefte en -betrokkenheid;
- 5 (m) om behoudens artikel 14B(c) beheer en gesag uit te oefen oor alle aangeleenthede rakende—
 - (i) die opleiding van persone ooreenkomstig die ontwikkelingsgerigte maatskaplike welsynsbenadering; en
 - 10 (ii) die wyse waarop die praktyke uitgeoogen word wat in verband met die bevordering van maatskaplike dienste aan die bevolking van die Republiek nagevolg word;
- (n) om ondersoek in te stel na bykomende bronne van befondsing vir die raad;
- 15 (o) om skakeling op die gebied van opleiding met betrekking tot maatskaplike dienste in die Republiek en elders te bevorder en om die standaarde van daardie opleiding in die Republiek te bevorder;
- (p) om tussenberoepskakeling tussen geregistreerde beroepe ten opsigte waarvan beroepsrade ingestel is in belang van die publiek te bevorder en te reël; en
- 20 (q) om die aktiwiteite van die beroepsrade te koördineer en om as 'n adviserende en kommunikatiewe liggaam vir sodanige beroepsrade op te tree.”.

Wysiging van artikel 4 van Wet 110 van 1978, soos gewysig deur artikel 3 van Wet 68 van 1985, artikel 4 van Wet 48 van 1989 en artikel 5 van Wet 52 van 1995

- 25 5. Artikel 4 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (g) van subartikel (1) te skrap; en
 - (b) deur paragraaf (h) van subartikel (1) deur die volgende paragraaf te vervang:

30 “(h) enige navorsing of studie oor enige aangeleentheid wat met die beroep maatskaplike werk en ander beroepe ten opsigte waarvan beroepsrade ingestel is in verband staan, onderneem of laat onderneem;”.

Vervanging van artikel 5 van Wet 110 van 1978, soos vervang deur artikel 6 van Wet 52 van 1995 en gewysig deur artikel 1 van Wet 106 van 1996

6. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

“Samestelling van raad

- 35 5. (1) Die raad bestaan uit minstens 19 en hoogstens 34 lede, naamlik—
- (a) ses maatskaplike werkers, op die voorgeskrewe wyse deur maatskaplike werkers verkies;
 - 40 (b) drie verteenwoordigers van elk van die beroepe, uitgesonderd maatskaplike werk, ten opsigte waarvan beroepsrade ingestel is, op die voorgeskrewe wyse verkies deur persone wat daardie beroepe verteenwoordig; en
 - (c) 13 persone deur die Minister aangestel van wie—
 - 45 (i) twee deur die opleidingsinrigtings genomineer is;
 - (ii) een in diens is van die Department van Welsyn in die nasionale regeringsfeer;
 - (iii) twee deur nasionale forums en netwerke op die terrein van welsyn, maatskaplike dienste en ontwikkeling genomineer is;
 - 50 (iv) een genomineer is deur vakbonde wat werknemers wat betrokke is by ontwikkelingsgerigte maatskaplike welsynsdienste verteenwoordig;
 - (v) een deur die sakesektor genomineer is;
 - (vi) een deur die Minister van Onderwys in die nasionale regering-sfeer genomineer is;

(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), (vii) 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.”

Substitution of section 6 of Act 110 of 1978, as substituted by section 7 of Act 52 of 1995

7. The following section is hereby substituted for section 6 of the principal Act:

“Vacation of office and filling of vacancies

6. (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;

- (vii) vier deur die gemeenskap genomineer is: Met dien verstande dat—
- (aa) een aangestel word uit hoofde van sy of haar gespesialiseerde kennis op 'n terrein anders as maatskaplike werk en wie se aanstelling in die raad die doeltreffendheid daarvan sal verhoog; en
- (bb) een 'n gestremde persoon is; en
- (viii) een deur die hoofde van die departemente verantwoordelik vir welsynsaangeleenthede in die provinsiale regeringsfeer genomineer is.
- (2) Enige nominasie ingevolge subartikel (1)(c)(i), (iii), (iv), (v), (vii) en (viii) word gedoen op die voorgeskrewe wyse: Met dien verstande dat, vir die doeleindes van enige nominasies ingevolge subartikel (1)(c)(v) en (vii), die Minister deur middel van die media en by kennisgewing in die *Staatskoerant* sodanige nominasies moet uitnooi.
- (3)(a) 'n Persoon wat ingevolge subartikel (1) verkies of aangestel word, moet—
- (i) 'n Suid-Afrikaanse burger wees wat in die Republiek woonagtig is; en
- (ii) nie 'n persoon wees wat verbied is om in sy of haar amp te dien soos beoog in artikel 6(1) nie.
- (b) 'n Persoon wat ingevolge subartikel (1)(a) of (b) verkies moet word, moet verkies word deur persone wat Suid-Afrikaanse burgers is wat in die Republiek woonagtig is.
- (4) Een—
- (a) lid wat ingevolge subartikel (1)(a) verkies is, moet aangewys word om die beroep van maatskaplike werkers in die betrokke beroepsraad te verteenwoordig;
- (b) van die drie lede wat ingevolge subartikel (1)(b) as verteenwoordigers uit elk van die beroepe verkies is, moet aangewys word om die betrokke beroep in die tersaaklike beroepsraad te verteenwoordig.
- (5)(a) Die lede van die raad beklee hul ampte vir 'n tydperk van vyf jaar bereken vanaf die datum waarop die kennisgewing in subartikel (7) bedoel ten opsigte van hulle gepubliseer word.
- (b) Lede kan by die verstryking van hul ampstermyne weer verkies of aangestel word.
- (6) So gou doenlik na die verkiesing van die lede bedoel in subartikel (1), moet die Minister die registrateur verwittig wat die name is van die persone wat deur hom of haar ingevolge subartikel (2) aangestel is.
- (7) Die registrateur moet binne 30 dae na die samestelling van die raad, by kennisgewing in die *Staatskoerant*, die name van die lede van die raad, die datums van hul verkiesing en hul aanstelling deur die Minister en die aanvangsdatum van hul ampstermyne bekend maak.

Vervanging van artikel 6 van Wet 110 van 1978, soos vervang deur artikel 7 van Wet 52 van 1995

7. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

“Ontruiming van amp en vul van vakatures

- 6. (1) 'n Lid van die raad ontruim sy of haar amp indien—**
- (a) die lid se boedel gesekwestreer word of hy of sy met die skuldeisers van sy of haar boedel 'n akkoord aangegaan het;
- (b) die lid sonder verlof van die raad van meer as twee agtereenvolgende gewone vergaderings van die raad afwesig was;
- (c) die lid kragtens enige wet gediskwalifiseer is om sy of haar beroep te beoefen;
- (d) die lid ophou om 'n Suid-Afrikaanse burger te wees of om permanent in die Republiek woonagtig te wees;
- (e) die lid aan 'n misdryf skuldig bevind word, hetsy in die Republiek of elders, ten opsigte waarvan hy of sy gevonnissen word tot gevangenisstraf sonder die keuse van 'n boete;

- (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.”

Amendment of section 9 of Act 110 of 1978, as amended by section 5 of Act 48 of 1989

8. Section 9 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) There shall be an executive committee of the council consisting of the president, the vice-president and [three] 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.”.

Insertion of sections 14A, 14B and 14C in Act 110 of 1978

9. The following sections are hereby inserted after section 14 of the principal Act:

“Establishment of professional boards

14A. (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.”.

Objects of professional boards

14B. 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;

- (f) die lid 'n pasiënt of Staatspasiënt word soos omskryf in artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973);
- (g) die lid—
- 5 (i) in die geval van 'n lid verkies ingevolge artikel 5(1)(a) of (b), ophou om oor 'n kwalifikasie te beskik wat vir sy of haar verkiesing vereis word, of skriftelik sy of haar bedanking by die registrateur indien; of
- 10 (ii) in die geval van 'n lid aangestel ingevolge artikel 5(1)(c), ophou om oor 'n kwalifikasie te beskik wat vir sy of haar aanstelling vereis word, of skriftelik sy of haar bedanking by die Minister indien;
- (h) die Minister sy of haar lidmaatskap beëindig weens redes wat regverdig en billik is.
- 15 (2) Elke vakature in die raad word gevul op dieselfde wyse waarop die lid wat die amp ontruim, verkies of aangestel is, na gelang van die geval, en elke lid wat aldus verkies of aangestel word, beklee sy of haar amp vir die onverstreke gedeelte van die tydperk waarvoor die lid wie se amp ontruim is, verkies of aangestel is.”.

20 **Wysiging van artikel 9 van Wet 110 van 1978, soos gewysig deur artikel 5 van Wet 48 van 1989**

8. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- 25 “(1) Daar is 'n uitvoerende komitee van die raad wat bestaan uit die president, die onderpresident en [drie] minstens vyf ander lede van die raad, deur die raad aangewys: Met dien verstande dat minstens vier lede die beroepe beoog in artikel 5(1)(a) en (b) in die uitvoerende komitee verteenwoordig.”.

Invoeging van artikels 14A, 14B en 14C in Wet 110 van 1978

9. Die volgende artikels word hierby na artikel 14 van die Hoofwet ingevoeg:

“Instelling van beroepsrade

- 30 **14A.** (1) Die Minister moet, op aanbeveling van die raad, 'n beroepsraad instel met betrekking tot enige maatskaplike diensberoep, of met betrekking tot twee of meer sodanige beroepe.
- (2) Die Minister kan, op aanbeveling van die raad, die beroepsrade met betrekking tot die beroepe waarvoor die beroepsrade ingestel is, verander
- 35 en ander beroepsrade instel.
- (3) Voordat 'n aanbeveling gedoen word soos in subartikel (2) beoog, moet die raad oorleg pleeg met enige liggaam of persone wat na die raad se mening verteenwoordigend is van die meerderheid persone wat deur so 'n verandering of instelling geraak sal word.”.

40 **Oogmerke van beroepsrade**

14B. Die oogmerke van 'n beroepsraad is—

- (a) om met ander beroepsrade en tersaaklike owerhede oorleg te pleeg en te skakel oor aangeleenthede wat die beroepsraad raak;
- 45 (b) om behulpsaam te wees met die bevordering van maatskaplike dienste aan die bevolking van die Republiek op 'n nasionale grondslag;
- (c) om gesag en beheer uit te oefen ten opsigte van alle aangeleenthede rakende—
- 50 (i) die opleiding van persone in die beroepe wat binne die omvang van die beroepsraad val; en
- (ii) die wyse van die uitoefening van die praktyke wat nagevolg word in verband met die beroepe wat binne die omvang van die beroepsraad val;

- (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.

General powers of professional boards

14C. (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.”.

Substitution of heading of Chapter II of Act 110 of 1978, as substituted by section 5 of Act 22 of 1993

10. The following heading is hereby substituted for the heading of Chapter II of the principal Act:

“**Registration of social workers, student social workers, [and] social auxiliary workers and persons practising other professions in respect of which professional boards have been established**”.

- (d) om in samewerking met die opleidingsinrigtings skakeling op die gebied van die opleiding beoog in paragraaf (c)(i), in die Republiek en elders, en die standarde van daardie opleiding in die Republiek, te bevorder;
- 5 (e) om die minimum standarde te bepaal van onderrig en opleiding van persone wat die beroepe beoefen wat binne die omvang van die beroepsraad val;
- (f) om inligting oor aangeleenthede van openbare belang wat deur die beroepsraad in die loop van die verrigting van sy werksaamhede ingevolge hierdie Wet ingewin word, aan die Minister oor te dra;
- 10 (g) om die waardigheid en integriteit van die beroepe wat binne die omvang van die beroepsraad val, te handhaaf en te bevorder; en
- (h) om leiding te verskaf aan die beroepe wat binne die omvang van die beroepsraad val en om die publiek te beskerm.

15 Algemene bevoegdhede van beroepsrade

14C. (1) Behoudens subartikel (3) kan 'n beroepsraad—

- (a) in die voorgeskrewe omstandighede, of waar andersins by hierdie Wet gemagtig, die registrateur gelas om enige naam uit 'n register te skrap of, by betaling van die voorgeskrewe geld, op 'n register terug te plaas, of 'n geregistreerde persoon te skors uit die beoefening van sy of haar beroep hangende die instelling van 'n ondersoek ingevolge artikel 21;
- 20 (b) eksaminatore en moderators aanstel, eksamens afneem en sertifikate toeken, en die voorgeskrewe gelde ten opsigte van sodanige eksamens of sertifikate hef;
- 25 (c) behoudens die voorgeskrewe voorwaardes opleidingskole goedkeur;
- (d) enige aangeleentheid wat 'n beroep raak wat binne die omvang van die beroepsraad val, oorweeg en verhoë rig of die stappe in verband daarmee doen wat die beroepsraad raadsaam ag;
- 30 (e) behoudens subartikel (2), op aansoek deur enige persoon, enige kwalifikasie deur hom of haar besit (ongeag of daardie kwalifikasie in die Republiek of elders verwerf is), erken as, in die geheel of gedeeltelik, gelykstaande aan enige voorgeskrewe kwalifikasie, waarna daardie persoon, in soverre die kwalifikasie aldus erken is, geag word daardie voorgeskrewe kwalifikasie te besit;
- 35 (f) na oorlegpleging met enige ander beroepsraad of beroepsrade, 'n gesamentlike staande komitee of komitees van die betrokke raad of rade instel; en
- 40 (g) die ander voorgeskrewe werksaamhede verrig, en in die algemeen al die dinge doen wat die beroepsraad nodig of dienstig ag ter bereiking van die oogmerke van hierdie Wet met betrekking tot 'n beroep wat binne die omvang van die beroepsraad val.
- (2) Geen kwalifikasie word, ingevolge subartikel (1)(e), erken as, in geheel of gedeeltelik, gelykstaande aan enige voorgeskrewe kwalifikasie tensy daardie kwalifikasie getuig van 'n standaard van professionele onderrig en opleiding wat nie laer is nie as daardie voorgeskrewe kwalifikasie.
- 45 (3) Die raad moet enige besluit van 'n beroepsraad betreffende 'n aangeleentheid wat nie heeltemal binne sy omvang val nie, bekragtig, en die raad moet vir hierdie doel bepaal of 'n aangeleentheid nie heeltemal binne die omvang van 'n beroepsraad val nie.”
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Vervanging van opskrif van Hoofstuk II van Wet 110 van 1978, soos vervang deur artikel 5 van Wet 22 van 1993

- 55 10. Die opskrif van Hoofstuk II van die Hoofwet word hierby deur die volgende opskrif vervang:

“Registrasie van maatskaplike werkers, student- maatskaplike werkers, [en] maatskaplike hulpwerkers en persone wat ander beroepe beoefen ten opsigte waarvan beroepsrade ingestel is”.

Substitution of section 15 of Act 110 of 1978, as amended by section 6 of Act 68 of 1985, section 6 of Act 48 of 1989 and section 6 of Act 22 of 1993

11. The following section is hereby substituted for section 15 of the principal Act:

“Unregistered persons not to practise professions in respect of which professional boards have been established

15. (1) No person shall—

- (a) for gain, directly or indirectly, in any manner whatsoever practise 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 practise 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*.

Vervanging van artikel 15 van Wet 110 van 1978, soos gewysig deur artikel 6 van Wet 68 van 1985, artikel 6 van Wet 48 van 1989 en artikel 6 van Wet 22 van 1993

11. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

“Ongeregistreerde persone mag nie beroepe ten opsigte waarvan beroepsrade ingestel is, beoefen nie.

15. (1) Niemand mag—

- (a) vir wins, regstreeks of onregstreeks, op enige wyse hoegenaamd die beroepe ten opsigte waarvan beroepsrade ingestel is, beoefen nie, tensy hy of sy kragtens hierdie Wet as 'n maatskaplike werker of as 'n persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is, geregistreer is of geag word aldus geregistreer te wees;
- (b) onderrig in enige aspek van enige vak met betrekking tot 'n beroep ten opsigte waarvan 'n beroepsraad ingestel is aan 'n opleidingsinrigting gee nie, tensy hy of sy—
 - (i) kragtens hierdie Wet as 'n maatskaplike werker of as 'n persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is, geregistreer is; of
 - (ii) 'n persoon is wat nie permanent in die Republiek woonagtig is nie en wat met die goedkeuring van die betrokke beroepsraad onderrig gee in sodanige aspek van sodanige vak met betrekking tot 'n beroep ten opsigte waarvan 'n beroepsraad ingestel is by sodanige opleidingsinrigting in die Republiek soos daardie raad mag bepaal;
- (c) op enige wyse voorgee om 'n maatskaplike werker, student-maatskaplike werker, maatskaplike hulpwerker of 'n persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is, te wees terwyl hy of sy nie kragtens hierdie Wet geregistreer is nie.

(2) Vir sover iemand praktykopleiding in 'n beroep ten opsigte waarvan 'n beroepsraad ingestel is as 'n vereiste vir die verwerwing van 'n voorgeskrewe kwalifikasie aan 'n opleidingsinrigting ondergaan, word hy of sy geag nie die beroep te beoefen ten opsigte waarvan 'n beroepsraad ingestel is nie, mits hy of sy ingevolge hierdie Wet as 'n student-maatskaplike werker of as 'n student van 'n ander beroep ten opsigte waarvan 'n beroepsraad ingestel is, geregistreer is en daardie praktykopleiding onder toesig van 'n maatskaplike werker of 'n persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is, na gelang van die geval, geskied.

(3) Subartikel (1) is nie van toepassing nie—

- (a) op iemand wat aan al die vereistes vir die voorgeskrewe kwalifikasies voldoen het en wie se aansoek om registrasie as 'n maatskaplike werker, student-maatskaplike werker, maatskaplike hulpwerker of as 'n persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is kragtens hierdie Wet deur die raad onder oorweging is;
- (b) op iemand anders as 'n maatskaplike werker of 'n persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is kragtens hierdie Wet wat ingevolge die bepalings van enige ander Wet van die Parlement toegelaat of gemagtig is om enige handeling wat by uitstek tuihoort by die beroepe ten opsigte waarvan beroepsrade ingestel is, as die bekleër van 'n amp of in die gewone loop van die beoefening van 'n beroep in so 'n Wet bedoel, te verrig of toe te pas;
- (c) op iemand wat behoort aan 'n kategorie persone wat vir die doeleindes van hierdie subartikel deur die raad by kennisgewing in die *Staatskoerant* aangewys is.

(4) For the purposes of subsection (1) a person shall be deemed to practise 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.”

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Amendment of section 17B of Act 110 of 1978, as inserted by section 9 of Act 48 of 1989 and amended by section 9 of Act 22 of 1993

12. Section 17B of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections:

(1) If it appears to the council—

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(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 [social work maintained at that training institution] any profession in respect of which a professional board has been established,

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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.

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(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.”

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Amendment of section 17C of Act 110 of 1978, as inserted by section 9 of Act 48 of 1989 and amended by section 10 of Act 22 of 1993

13. Section 17C of the principal Act is hereby amended by the substitution for subsections (2), (2A), (3), (4) and (5) of the following subsections:

“(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—

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(i) such documentary proof that he or she holds the additional qualification in question as the council may require; or

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(ii) in the case of an application for registration of a speciality, [submitting] proof that he or she complies with the prescribed requirements [and if].

(b) If the registrar is satisfied that such additional qualification is a degree, diploma or certificate [recognized] 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.

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(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 practise the profession of social work or another profession in respect of which a professional board has been established in respect of the speciality concerned.

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(b) The [Minister may on the recommendation of the council make regulations which prescribe 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.

- (4) Vir die doeleindes van subartikel (1) word 'n persoon geag 'n beroep ten opsigte waarvan 'n beroepsraad ingestel is vir wins te beoefen indien hy of sy vergoeding ontvang vir die verrigting van 'n handeling wat by uitstek by 'n beroep ten opsigte waarvan 'n beroepsraad ingestel is, tuishoort."

Wysiging van artikel 17B van Wet 110 van 1978, soos ingevoeg deur artikel 9 van Wet 48 van 1989 en gewysig deur artikel 9 van Wet 22 van 1993

12. Artikel 17B van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur die volgende subartikels te vervang:

- (1) Indien dit vir die raad duidelik word—
- (a) dat 'n bepaling van hierdie Wet nie deur 'n opleidingsinrigting behoorlik nagekom word nie; en
- (b) dat bedoelde onbehoorlike nakoming 'n nadelige uitwerking het of kan hê op die standaard wat aan daardie opleidingsinrigting gehandhaaf word ten opsigte van onderrig en opleiding vir [maatskaplike werk wat aan daardie opleidingsinrigting gehandhaaf word] enige beroep ten opsigte waarvan 'n beroepsraad ingestel is,
- kan die Minister op aanbeveling van die raad by kennisgewing in die *Staatskoerant* verklaar dat 'n vermelde graad, diploma of sertifikaat wat deur daardie opleidingsinrigting toegeken word na 'n datum in die kennisgewing vermeld, nie as 'n voorgeskrewe kwalifikasie dien nie.
- (2) Die Minister kan, indien dit op grond van vertoë deur die raad gerig vir hom of haar duidelik is dat bevredigende voorsiening deur die betrokke opleidingsinrigting gemaak is om, ten opsigte van 'n graad, diploma of sertifikaat wat die onderwerp van 'n kennisgewing kragtens subartikel (1) uitmaak, aan die vereistes van hierdie Wet te voldoen, genoemde kennisgewing intrek."

Wysiging van artikel 17C van Wet 110 van 1978, soos ingevoeg deur artikel 9 van Wet 48 van 1989 en gewysig deur artikel 10 van Wet 22 van 1993

13. Artikel 17C van die Hoofwet word hierby gewysig deur subartikels (2), (2A), (3), (4) en (5) deur die volgende subartikels te vervang:

- "(2)(a) 'n Maatskaplike werker of 'n persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is wat 'n ander graad, diploma of sertifikaat as die voorgeskrewe kwalifikasie op grond waarvan hy of sy geregistreer is, of 'n spesialiteit, geregistreer wil hê, moet by die registrateur aansoek doen en—
- (i) die dokumentêre bewys voorlê wat deur die raad vereis word dat hy of sy die betrokke addisionele kwalifikasie besit; of
- (ii) in die geval van 'n aansoek om registrasie van 'n spesialiteit, die bewyse voorlê dat hy of sy aan die voorgeskrewe vereistes voldoen **[en indien]**.
- (b) Indien die registrateur oortuig is dat bedoelde addisionele kwalifikasie 'n graad, diploma of sertifikaat is wat ingevolge subartikel (1) voorgeskryf is, of, ten opsigte van 'n spesialiteit, dat so 'n spesialiteit voorgeskryf is en dat aan die voorgeskrewe vereistes voldoen is, laat hy of sy, by betaling van die voorgeskrewe gelde, daardie graad, diploma of sertifikaat, of spesialiteit, na gelang van die geval, teenoor die naam van die aansoeker in die register inskryf.
- (2A)(a) Indien 'n maatskaplike werker of 'n persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is, aansoek doen om 'n spesialiteit ingevolge hierdie artikel te laat registreer, maar nie aan die voorgeskrewe vereistes vir die registrasie van 'n spesialiteit voldoen nie, kan die raad hom of haar aansê om tot bevrediging van die raad 'n eksamen ingevolge paragraaf (b) voorgeskryf voor eksaminatore deur die raad aangestel, af te lê op 'n datum en plek deur die raad bepaal, met die doel om vas te stel of sy of haar professionele kennis en vaardigheid in die vakgebied van sy of haar spesialiteit toereikend is om hom of haar in staat te stel om die beroep maatskaplike werk of 'n ander beroep ten opsigte waarvan 'n beroepsraad ingestel is ten opsigte van die betrokke spesialiteit te beoefen.
- (b) Die **[Minister kan op aanbeveling van die raad regulasies uitvaardig wat die]** eksamen **[voorskryf]** wat vir die doeleindes van paragraaf (a) afgeneem moet word asook die gelde wat betaal moet word deur persone wat die eksamen aflê, sal wees soos voorgeskryf.

(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. 5

(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. 10

(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. 15 20

(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— 25

- (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. 30

(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. 35

(5) No person registered under this Act shall practise as a specialist or shall **[hold himself out as]** 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.”. 40

Amendment of section 17D of Act 110 of 1978, as inserted by section 11 of Act 22 of 1993

14. Section 17D of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections:

“(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— 45

- (a) such qualification will entitle the holder thereof to practise 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; 50
- (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. 55

(c) Die registrateur laat, by betaling van die voorgeskrewe gelde, die spesialiteit van 'n maatskaplike werker of persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is wat 'n eksamen bedoel in paragraaf (a) bevestigend afgelê het, teenoor die naam van daardie maatskaplike werker of persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is in die register inskryf.

(3)(a) Die registrateur moet, in opdrag van die raad, 'n graad, diploma of sertifikaat wat ingevolge hierdie artikel as 'n addisionele kwalifikasie geregistreer is, uit die register skrap indien ten opsigte van daardie kwalifikasie die naam van die besitter daarvan geskrap is uit die rol, register of stukke van die universiteit, kollege of inrigting of vereniging by of van wie daardie maatskaplike werker of persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is daardie kwalifikasie verwerf of verkry het.

(b) Die registrateur moet, in opdrag van die raad, 'n spesialiteit wat ingevolge hierdie artikel geregistreer is uit die register skrap indien die betrokke maatskaplike werker of persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is, ophou om aan die een of ander voorgeskrewe vereiste vir die registrasie van die betrokke spesialiteit te voldoen, of, in die geval van 'n maatskaplike werker of persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is, ten opsigte van wie 'n spesialiteit geregistreer is, indien hy of sy 'n skriftelike aansoek om skapping van die betrokke spesialiteit uit die register by die registrateur ingedien het.

(c) 'n Graad, diploma of sertifikaat wat ingevolge paragraaf (a) of 'n spesialiteit wat ingevolg paragraaf (b) geskrap is, moet in opdrag van die raad, deur die registrateur op die register teruggeplaas word indien die betrokke maatskaplike werker of persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is—

- (i) op die voorgeskrewe vorm om sodanige terugplasing aansoek doen;
- (ii) die gelde (as daar is) betaal wat ten opsigte van sodanige terugplasing voorgeskryf is; en
- (iii) na die oordeel van die raad aan die ander vereistes (as daar is) wat deur die raad bepaal is, voldoen.

(4) Niemand mag op enige wyse hoegenaamd 'n naam, titel, beskrywing of teken aanneem, gebruik of bekend maak wat aandui, of iemand sou kon laat aflei, dat hy of sy 'n addisionele kwalifikasie in subartikel (1) [bedoel] beoog hou, indien daardie kwalifikasie nie teenoor sy of haar naam in die register ingeskryf is nie.

(5) Niemand wat kragtens hierdie Wet geregistreer is, mag as 'n spesialis praktiseer, of hom of haar as 'n spesialis voordoen, of op enige ander wyse voorgee dat hy of sy iemand is ten opsigte van wie 'n spesialiteit geregistreer is nie, tensy die betrokke spesialiteit ten opsigte van so 'n persoon kragtens hierdie artikel geregistreer is.”.

Wysiging van artikel 17D van Wet 110 van 1978, soos ingevoeg deur artikel 11 van Wet 22 van 1993

14. Artikel 17D van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur die volgende subartikels te vervang:

“(1) Geen kwalifikasie verwerf uit hoofde van eksamens afgeneem deur 'n opleidingsinrigting wat buite die Republiek geleë is, word ingevolge hierdie Wet voorgeskryf nie, tensy—

(a) daardie kwalifikasie aan die besitter daarvan die reg verleen om as 'n maatskaplike werker of as 'n persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is te praktiseer in die land of staat waarin daardie opleidingsinrigting geleë is;

(b) die raad oortuig is dat die besit van so 'n kwalifikasie getuig van 'n standaard van professionele onderrig en opleiding wat nie laer is nie as dié wat ten opsigte van die onderrig en opleiding van maatskaplike werkers of persone wat ander beroepe beoefen ten opsigte waarvan beroepsrade ingestel is binne die Republiek voorgeskryf word.

(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.”.

Insertion of sections 18A and 18B in Act 110 of 1978

15. The following sections are hereby inserted after section 18 of the principal Act:

“Registration of persons practising other professions in respect of which professional boards have been established

18A. (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.”.

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

18B. (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.

(2) Behoudens subartikel (1) kan die raad iemand wat 'n kwalifikasie bedoel in subartikel (1) besit en wat [ingevolge] kragtens artikel 17 om registrasie as maatskaplike werker of wat kragtens artikel 18A om registrasie as 'n persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is, aansoek doen, aansê om tot bevrediging van die raad 'n eksamen ingevolge subartikel (3) voorgeskryf voor eksaminatore deur die raad aangestel, af te lê op 'n datum en plek deur die raad bepaal, met die doel om vas te stel of so iemand oor genoegsame kennis en vaardigheid beskik om as 'n maatskaplike werker of as 'n persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is geregistreer te word en of hy of sy enige van die amptelike tale van die Republiek magtig is.”.

Invoeging van artikels 18A en 18B in Wet 110 van 1978

15. Die volgende artikels word hierby na artikel 18 van die Hoofwet ingevoeg:

“Registrasie van persone wat ander beroepe beoefen ten opsigte waarvan beroepsrade ingestel is

15 **18A.** (1) Die raad kan, op aansoek op die voorgeskrewe wyse gedoen, enige persoon registreer wat 'n beroep ten opsigte waarvan 'n beroepsraad ingestel is, uitgesonderd maatskaplike werk, wil beoefen en wat in besit is van 'n kwalifikasie bedoel in subartikel (2), aan die voorgeskrewe voorwaardes voldoen en die betrokke beroepsraad oortuig dat hy of sy 'n
20 geskikte en gepaste persoon is om as sodanig geregistreer te word.
 (2) Die raad kan die kwalifikasies wat in die Republiek verwerf word en wat aan die besitter daarvan die reg verleen om geregistreer te word, en die voorwaardes onderworpe waaraan sodanige registrasie kan geskied, voorgeskryf.
25 (3) Verskillende kwalifikasies en voorwaardes kan ten opsigte van verskillende kategorieë persone voorgeskryf word.
 (4) 'n Persoon kan by meer as een beroepsraad geregistreer word.
 (5) 'n Voorwaarde bedoel in subartikel (2) kan betrekking hê op die aflegging van 'n eksamen en die betaling van gelde wat vir sodanige
30 eksamen voorgeskryf word.
 (6)(a) Die registrateur moet aan elke persoon wat ingevolge subartikel (1) geregistreer word, 'n registrasiesertifikaat uitreik in 'n vorm deur die raad goedgekeur en onderworpe aan die voorgeskrewe voorwaardes.
 (b) Die registrateur kan in die voorgeskrewe omstandighede en teen
35 betaling van die voorgeskrewe gelde, duplikate van sodanige registrasiesertifikate of uittreksels uit enige register wat hy of sy ingevolge hierdie Wet moet hou, aan voorgeskrewe persone uitreik.
 (7) Die registrateur moet enige persoon wie se aansoek om registrasie ingevolge subartikel (1) van die hand gewys is, skriftelik van die redes vir
40 die afwysing in kennis stel.”.

Registrasie van studente van ander beroepe ten opsigte waarvan beroepsrade ingestel is

45 **18B.** (1) Die raad kan, op aansoek op die voorgeskrewe wyse gedoen, iemand wat 'n beroep, uitgesonderd maatskaplike werk, ten opsigte waarvan 'n beroepsraad ingestel is, aan 'n opleidingsinrigting bestudeer en wat aan die voorgeskrewe voorwaardes voldoen, as 'n student registreer.
 (2)(a) Die registrateur moet aan elke persoon wat ingevolge subartikel (1) geregistreer word, 'n registrasiesertifikaat uitreik in 'n vorm deur die
50 raad goedgekeur en onderworpe aan die voorgeskrewe voorwaardes.
 (b) Die registrateur kan in die voorgeskrewe omstandighede en teen betaling van die voorgeskrewe gelde, duplikate van sodanige registrasiesertifikate of uittreksels uit enige register wat hy of sy ingevolge hierdie Wet moet hou, aan voorgeskrewe persone uitreik.

(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.”.

Amendment of section 19 of Act 110 of 1978, as substituted by section 8 of Act 68 of 1985 and section 11 of Act 48 of 1989

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16. Section 19 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The registrar shall keep separate registers in respect of social workers, student social workers, **[and]** 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, **[and]** social auxiliary worker and person.”.

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Amendment of section 21 of Act 110 of 1978, as amended by section 10 of Act 68 of 1985 and section 12 of Act 48 of 1989

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17. Section 21 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The council may inquire into alleged unprofessional or improper conduct on the part of a social worker, student social worker, **[or]** 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)(c)(b).”.

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Amendment of section 22 of Act 110 of 1978, as amended by section 11 of Act 68 of 1985, section 13 of Act 48 of 1989 and section 13 of Act 22 of 1993

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18. Section 22 of the principal Act is hereby amended—

(a) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) a fine not exceeding **[R2 000]** R5 000.”; and

(b) by the substitution for subsection (4) of the following subsection:

“(4) Subject to the provisions of **[section]** sections 17(1), 17A(1), **[and]** 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, **[or]** 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.”.

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Amendment of section 25 of Act 110 of 1978, as amended by section 80 of Act 88 of 1996

19. Section 25 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

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“(2) Any appeal committee referred to in subsection (1) shall be appointed by the Minister and shall consist of—

(a) a **[magistrate with at least ten years’ experience as magistrate]** person who is versed in law, who shall be the chairperson; and

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(b) two **[social workers]** persons of senior standing in the profession concerned who have no direct interest in the affairs of the appellant **[and]** or are not in the employ of the appellant and who are not members of the council.”.

(3) Die registrateur moet elke persoon wie se aansoek om registrasie ingevolge subartikel (1) van die hand gewys is, skriftelik van die redes vir die afwysing in kennis stel.”.

Wysiging van artikel 19 van Wet 110 van 1978, soos vervang deur artikel 8 van Wet 68 van 1985 en artikel 11 van Wet 48 van 1989

16. Artikel 19 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- “(1) Die registrateur hou afsonderlike registers ten opsigte van maatskaplike werkers, student- maatskaplike werkers, [en] maatskaplike hulpwerkers en persone wat ander beroepe beoefen ten opsigte waarvan beroepsrade ingestel is wat ingevolge hierdie Wet geregistreer word en teken, behoudens die bepalings van hierdie Wet, die voorgeskrewe besonderhede op die voorgeskrewe wyse ten opsigte van elke sodanige maatskaplike werker, student- maatskaplike werker, [en] maatskaplike hulpwerker en persoon in die toepaslike register aan.”.

15 Wysiging van artikel 21 van Wet 110 van 1978, soos gewysig deur artikel 10 van Wet 68 van 1985 en artikel 12 van Wet 48 van 1989

17. Artikel 21 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- “(1) Die raad kan ondersoek instel na beweerde onprofessionele of onbehoorlike gedrag deur ’n maatskaplike werker, student- maatskaplike werker, [of] maatskaplike hulpwerker of persoon wat ’n ander beroep beoefen ten opsigte waarvan ’n beroepsraad ingestel is, en so ’n ondersoek is nie beperk tot die handelinge of versuime beoog in artikel 27(1)[(c)] (b) nie.”.

25 Wysiging van artikel 22 van Wet 110 van 1978, soos gewysig deur artikel 11 van Wet 68 van 1985, artikel 13 van Wet 48 van 1989 en artikel 13 van Wet 22 van 1993

18. Artikel 22 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:
“(d) ’n boete van hoogstens [R2 000] R5 000.”; en
(b) deur subartikel (4) deur die volgende subartikel te vervang:
“(4) Behoudens die bepalings van artikels 17(1), 17A(1), [en] 18(1), 18A(1) en 18B(1) kan die raad iemand wie se registrasie ingevolge hierdie Wet ingetrek is, na verloop van die tydperk wat die raad in iedere geval goedvind, weer as ’n maatskaplike werker, student- maatskaplike werker, [of] maatskaplike hulpwerker of persoon wat ’n ander beroep beoefen ten opsigte waarvan ’n beroepsraad ingestel is, na gelang van die geval, registreer.”.

Wysiging van artikel 25 van Wet 110 van 1978, soos gewysig deur artikel 80 van Wet 88 van 1996

19. Artikel 25 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- “(2) ’n Appèlkomitee in subartikel (1) bedoel, word deur die Minister aangestel en bestaan uit—
(a) ’n [landdros met ten minste tien jaar ondervinding as landdros] persoon wat vertrouwd is met die reg, wat die voorsitter is; en
(b) twee [maatskaplike werkers] persone van senior stand in die betrokke beroep wat geen regstreekse belang by die sake van die appellant het of in diens van die appellant is nie en wat nie lede van die raad is nie.”.

Substitution of section 26 of Act 110 of 1978, as substituted by section 81 of Act 88 of 1996

20. The following section is hereby substituted for section 26 of the principal Act:

“Limitation of liability

26. 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.” 5

Substitution of section 27 of Act 110 of 1978, as amended by section 12 of Act 68 of 1985 and section 15 of Act 48 of 1989

21. The following section is hereby substituted for section 27 of the principal Act: 10

“Rules

27. (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; 15
- (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; 20
- (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; 25
- (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. 30

(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.” 35

Amendment of section 28 of Act 110 of 1978, as amended by section 13 of Act 68 of 1985, section 16 of Act 48 of 1989 and section 14 of Act 22 of 1993

22. Section 28 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph: 40

“(a) the fees which shall be paid annually by social workers, student social workers, [and] 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— 45

(i) the registration or re-registration of social workers, student social workers, [or] 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; 50

Vervanging van artikel 26 van Wet 110 van 1978, soos vervang deur artikel 81 van Wet 88 van 1996

20. Artikel 26 van die Hoofwet word hierby deur die volgende artikel vervang:

“Beperking van aanspreeklikheid

- 5 26. Behoudens die bepalings van hierdie Wet, is die raad of 'n beroepsraad of 'n komitee of 'n lid of beampte daarvan nie aanspreeklik nie ten opsigte van enigiets te goeder trou ingevolge [die bepalings van] hierdie Wet gedoen.”.

10 **Vervanging van artikel 27 van Wet 110 van 1978, soos gewysig deur artikel 12 van Wet 68 van 1985 en artikel 15 van Wet 48 van 1989**

21. Artikel 27 van die Hoofwet word hierby deur die volgende artikel vervang:

“Reëls

- 15 27. (1) Die raad kan, na oorleg met die betrokke beroepsraad en met die goedkeuring van die Minister, reëls uitvaardig met betrekking tot—
- (a) die gedrag wat maatskaplike werkers, student- maatskaplike werkers, maatskaplike hulpwerkers of persone wat ander beroepe beoefen ten opsigte waarvan beroepsrade ingestel is by die beoefening van hulle beroep moet navolg;
- 20 (b) die handeling of versuime van 'n maatskaplike werker, student-maatskaplike werker, maatskaplike hulpwerker of persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is, wat onprofessionele of onbehoorlike gedrag uitmaak;
- (c) die bevoegdhede, pligte en diensvoorwaardes van die registrateur;
- (d) die instelling, bevoegdhede en werksaamhede van komitees;
- 25 (e) die tarief van gelde wat as riglyn dien vir gelde wat heef kan word ten opsigte van professionele dienste gelewer deur 'n maatskaplike werker, student- maatskaplike werker, maatskaplike hulpwerker of persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is;
- 30 (f) enige aangeleentheid wat die raad vir die bereiking of bevordering van sy oogmerke of vir die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede nodig of dienstig ag.
- (2) Verskillende reëls kan ingevolge subartikel (1) uitgevaardig word ten opsigte van maatskaplike werkers, student- maatskaplike werkers, maatskaplike hulpwerkers en persone wat ander beroepe beoefen ten opsigte waarvan beroepsrade ingestel is.”.
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Wysiging van artikel 28 van Wet 110 van 1978, soos gewysig deur artikel 13 van Wet 68 van 1985, artikel 16 van Wet 48 van 1989 en artikel 14 van Wet 22 van 1993

- 40 22. Artikel 28 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- “(a) die gelde wat jaarliks deur maatskaplike werkers, student- maatskaplike werkers, [en] maatskaplike hulpwerkers en persone wat ander beroepe beoefen ten opsigte waarvan beroepsrade ingestel is aan die raad betaal moet word, en die gelde wat aan die raad betaal moet word ten opsigte van—
- 45 (i) die registrasie of herregistrasie van maatskaplike werkers, student- maatskaplike werkers, [of] maatskaplike hulpwerkers of persone wat ander beroepe beoefen ten opsigte waarvan beroepsrade ingestel is, en van addisionele kwalifikasies, spesialiteite en privaatpraktyke;
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- (ii) the restoration of a qualification, speciality, practice and name of such a social worker, student social worker, **[and]** social auxiliary worker and person practising another profession in respect of which a professional board has been established to a register; 5
 - (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;” 10
- (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
 - “(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, **[or]** social auxiliary worker or person practising another profession in respect of which a professional board has been established shall be lodged with the council; 15
 - (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;” 20
- (c) by the substitution for paragraphs (gA) and (gB) of subsection (1) of the following paragraphs:
 - “(gA) (i) the requirements to be complied with by an applicant for the registration of a speciality; 25
 - (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 30
 - (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;”;
- (d) by the insertion after paragraph (gC) of subsection (1) of the following paragraph: 35
 - “(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; 40
 - (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; 45
 - (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; 50
 - (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; 55

- (ii) die terugplasing van 'n kwalifikasie, spesialiteit, praktyk en naam van so 'n maatskaplike werker, student- maatskaplike werker, [en] maatskaplike hulpwerker en persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is op 'n register;
- (iii) enige aansoek wat ingevolge hierdie Wet gedoen moet of kan word;
- (iv) die uitreiking van registrasiesertifikate of afskrifte daarvan;
- (v) die verskaffing van uittreksels uit enige register;
- (vi) enige ander handeling wat deur die raad of die registrateur ingevolge hierdie Wet verrig moet of kan word;”;
- (b) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:
- “(d) die instelling van 'n ondersoek ingevolge Hoofstuk III, met inbegrip van—
- (i) die wyse waarop enige klagte oor beweerde onprofessionele of onbehoorlike gedrag deur 'n maatskaplike werker, student- maatskaplike werker, [of] maatskaplike hulpwerker of persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is by die raad ingedien moet word;
- (ii) die wyse waarop so 'n ondersoek ingestel en gevoer moet word, die prosedure wat daarby gevolg moet word en enige ander aangeleentheid wat met die instelling of voer daarvan in verband staan;”;
- (c) deur paragrawe (gA) en (gB) van subartikel (1) deur die volgende paragrawe te vervang:
- “(gA)(i) die vereistes waaraan 'n aansoeker om registrasie van 'n spesialiteit moet voldoen;
- (ii) die voorwaardes onderworpe waaraan 'n maatskaplike werker of persoon wat 'n ander beroep beoefen ten opsigte waarvan 'n beroepsraad ingestel is die beroep maatskaplike werk of enige beroep ten opsigte waarvan 'n beroepsraad ingestel is, na gelang van die geval, ten opsigte van 'n geregistreerde spesialiteit kan beoefen;
- (gB) handeling wat by uitsteking by die beroep maatskaplike werk of enige ander beroep ten opsigte waarvan 'n beroepsraad ingestel is, tuishoort;”;
- (d) deur na paragraaf (gC) van subartikel (1) die volgende paragraaf in te voeg:
- “(gD) die samestelling, werksaamhede en werking van 'n beroepsraad, wat ten minste voorsiening moet maak—
- (i) dat die meerderheid lede van die beroepsraad, lede van die betrokke beroep of beroepe moet wees;
- (ii) dat persone verteenwoordigend van die gemeenskap minstens 20 persent van die lidmaatskap van die beroepsraad uitmaak, met 'n minimum van een sodanige verteenwoordiger vir elke betrokke beroep;
- (iii) dat tersaaklike opvoedkundige inrigtings verteenwoordig word;
- (iv) dat die welsynsowerhede verteenwoordig word;
- (v) dat een of meer persone vertrouwd met die reg aangestel word, waar toepaslik;
- (vi) vir die instelling deur die beroepsraad van die komitees wat hy nodig ag, elk bestaande uit soveel persone, deur die beroepsraad aangestel, wat die beroepsraad bepaal maar, met inbegrip van minstens een lid van die beroepsraad wat die voorsitter van so 'n komitee moet wees;
- (vii) vir die delegering deur die beroepsraad van sy bevoegdhede aan enige persoon of enige komitee van die beroepsraad wat hy bepaal, maar die beroepsraad word nie onthef van enige bevoegdheid aldus gedelegeer nie;

- (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;";
- and
- (e) by the substitution for subsection (4) of the following subsection:
- "(4) Different regulations may under this section be made in respect of social workers, student social workers, **[and] 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)."

Substitution of section 28A of Act 110 of 1978, as inserted by section 10 of Act 52 of 1995

23. The following section is hereby substituted for section 28A of the principal Act:

"Abolition of South African Interim Council for Social Work, and transitional arrangements

28A. (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."

Substitution of section 30 of Act 110 of 1978

24. The following section is hereby substituted for section 30 of the principal Act:

"Short title

30. This Act shall be called the Social **[Work] Service Professions** Act, 1978."

Substitution of long title of Act 110 of 1978, as substituted by section 18 of Act 48 of 1989 and section 11 of Act 52 of 1995

25. The following long title is hereby substituted for the long title of the principal Act:

"ACT

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

- (viii) vir die prosedure wat gevolg moet word vir die aanstelling en verkiesing, na gelang van die geval, van die lede van die beroepsraad;
- (ix) vir die aanstelling deur die Minister van 'n voorsitter en ondervoorsitter uit nominasies deur die lede van die beroepsraad en die bevoegdhede en werksaamhede van so 'n voorsitter en ondervoorsitter; en
- (x) vir die ampstermyn van die lede van die beroepsraad;"; en
- (e) deur subartikel (4) deur die volgende subartikel te vervang:
- "(4) Verskillende regulasies kan kragtens hierdie artikel ten opsigte van maatskaplike werkers, student- maatskaplike werkers, [en] maatskaplike hulpwerkers en persone wat ander beroepe beoefen ten opsigte waarvan beroepsrade ingestel is, uitgevaardig word, en regulasies kragtens—
- (a) paragraaf (a) van subartikel (1) kan persone of kategorieë van persone vrystel van die betaling van die gelde in daardie paragraaf bedoel;
- (b) subartikel (1)(c), word uitgevaardig na oorleg met opleidingsinrigtings in die Republiek;
- (c) subartikel (1)(gB) word uitgevaardig met die instemming van die Raad op Mededinging ingestel by artikel 3 van die Wet op die Handhawing en Bevordering van Mededinging, 1979 (Wet No. 96 van 1979).".

Vervanging van artikel 28A van Wet 110 van 1978, soos ingevoeg deur artikel 10 van Wet 52 van 1995

23. Artikel 28A van die Hoofwet word hierby deur die volgende artikel vervang:

"Afskaffing van Suid-Afrikaanse Interim Raad vir Maatskaplike Werk, en oorgangsmatreëls

- 28A. (1) Die Suid-Afrikaanse Interim Raad vir Maatskaplike Werk, ingestel by artikel 2 van hierdie Wet voor die wysiging daarvan deur die Wysigingswet op Maatskaplike Werk, 1998, hou op om te bestaan op die dag onmiddellik voor die datum van die eerste vergadering van die raad.
- (2) Alle regte, verpligtinge, bates en skulde wat deur die Suid-Afrikaanse Interim Raad vir Maatskaplike Werk verkry of aangegaan is, na gelang van die geval, gaan onmiddellik oor op die raad en die raad word geag daardie regte, verpligtinge, bates en skulde ingevolge hierdie Wet te verkry of aan te gegaan het."

Vervanging van artikel 30 van Wet 110 van 1978

24. Artikel 30 van die Hoofwet word hierby deur die volgende artikel vervang:

"Kort titel

30. Hierdie Wet heet die Wet op Maatskaplike [Werk] Diensberoepe, 1978."

Vervanging van lang titel van Wet 110 van 1978, soos vervang deur artikel 18 van Wet 48 van 1989 en artikel 11 van Wet 52 van 1995

25. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

"WET

Om voorsiening te maak vir die instelling van 'n Suid-Afrikaanse [Interim] Raad vir Maatskaplike [Werk] Diensberoepe en die omskrywing van sy bevoegdhede en werksaamhede; vir die registrasie van maatskaplike werkers, student- maatskaplike werkers, [en] maatskaplike hulpwerkers en persone wat ander beroepe beoefen ten opsigte waarvan beroepsrade ingestel is; vir beheer oor die [beroep maatskaplike werk] beroepe gereël kragtens hierdie Wet; en vir bykomstige aangeleenthede."

Savings

26. (1) In this section "new council" means the South African Council for Social Service Professions, established by section 2 of the principal Act as amended by this Act.

(2) Any inquiry conducted by the South African Interim Council for Social Work, established by section 2 of the principal Act before its amendment by this Act, including any preliminary investigation undertaken to determine whether *prima facie* evidence exists which would justify such inquiry, into alleged improper or unprofessional conduct by any person, and which has not been concluded at the date of the first meeting of the new council, shall be continued and concluded by the new council.

(3) Any person employed by the South African Interim Council for Social Work, including the registrar appointed under section 11, immediately prior to the date on which the Interim Council is abolished in terms of section 28A of the principal Act, shall be deemed to have been appointed by the new council.

Short title and commencement

27. This Act shall be called the Social Work Amendment Act, 1998, and shall come into operation on a date determined by the President by proclamation in the *Gazette*.

Voorbehoudsbepalings

26.(1) In hierdie artikel beteken "nuwe raad" die Suid-Afrikaanse Raad vir Maatskaplike Diensberoepe, ingestel by artikel 2 van die Hoofwet soos gewysig deur hierdie Wet.

- 5 (2) 'n Ondersoek gedoen deur die Suid-Afrikaanse Interim Raad vir Maatskaplike Werk, ingestel by artikel 2 van die Hoofwet voor die wysiging daarvan deur hierdie Wet, met inbegrip van enige voorlopige ondersoek wat gedoen word om te bepaal of daar *prima facie*-getuienis is wat so 'n ondersoek sal regverdig, na beweerde
10 onbetaamlike of onprofessioneële gedrag deur 'n persoon, en wat op die datum van die eerste vergadering van die nuwe raad nog nie afgehandel is nie, word deur die nuwe raad voortgesit en afgehandel.

- (3) Iemand in diens van die Suid-Afrikaanse Interim Raad vir Maatskaplike Werk, met inbegrip van die registrateur aangestel kragtens artikel 11, onmiddellik voor die datum waarop die Interim Raad ingevolge artikel 28A van die Hoofwet afgeskaf word,
15 word geag deur die nuwe raad aangestel te wees.

Kort titel en inwerkingtreding

27. Hierdie Wet heet die Wysigingswet op Maatskaplike Werk, 1998, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

