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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 20c Prys
Overseas 30c Oorsee
POST FREE—POSVRY

VOL. 156] CAPE TOWN, 30 JUNE 1978 / KAAPSTAD, 30 JUNIE 1978 [No. 6102

DEPARTMENT OF THE PRIME MINISTER

No. 1359. 30 June 1978.

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

No. 110 of 1978: Social and Associated Workers Act, 1978.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1359. 30 Junie 1978.

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

No. 110 van 1978: Wet op Maatskaplike en Geassosieerde Werkers, 1978.

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WET

Om voorsiening te maak vir die instelling van 'n Raad vir Maatskaplike en Geassosieerde Werkers en die omskrywing van sy bevoegdhede en werksaamhede; vir die registrasie van maatskaplike en geassosieerde werkers; vir beheer oor die beroep maatskaplike werk en geassosieerde beroepe; en vir bykomstige aangeleenthede.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1978.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

(i) „boekjaar" 'n jaar wat op 31 Maart eindig; (v)

(ii) „geassosieerde beroep" 'n beroep wat by die reëls tot 'n geassosieerde beroep verklaar is; (i)

(iii) „geassosieerde werker" iemand wat kragtens artikel 18 geregistreer is; (ii)

(iv) „hierdie Wet" ook die reëls en regulasies; (xvi)

(v) „komitee" 'n komitee ingevolge artikel 9 of 10 ingestel; (iii)

(vi) „landdros" ook 'n addisionele landdros; (vii)

(vii) „maatskaplike werk" 'n handeling, bedrywigheid of metode wat gerig is op die diagnosering, uitskakeling, voorkoming of behandeling van maatskaplike wan- of problematiese funksionering by die mens of die bevordering van maatskaplike bestendigheid by die mens en ook enige proses wat bereken is om die doeltreffende verrigting of toepassing van so 'n handeling, bedrywigheid of metode te bevorder; (xiv)

(viii) „maatskaplike werker", behalwe in artikel 15 (1), iemand wat kragtens artikel 17 geregistreer is; (xv)

(ix) „Minister" die Minister van Volkswelsyn en Pensioene; (viii)

(x) „onprofessionele of onbehoorlike gedrag" gedrag beoog in artikel 27 (1) *(c)*; (xvii)

(xi) „raad" die raad by artikel 2 ingestel; (iv)

(xii) „reël" 'n reël kragtens artikel 27 uitgevaardig; (xii)

(xiii) „registrateur" die registrateur kragtens artikel 11 aangestel; (x)

(xiv) „regsverteenwoordiger" 'n advokaat of prokureur; (vi)

(xv) „regulasie" 'n regulasie kragtens artikel 28 uitgevaardig; (xi)

(xvi) „Sekretaris" die Sekretaris van Volkswelsyn en Pensioene; (xiii)

(xvii) „voorgeskrewe" of „voorgeskryf", met betrekking tot 'n aangeleentheid in artikel 27 bedoel, voorgeskrewe of voorgeskryf by reël kragtens daardie artikel uitgevaardig, en met betrekking tot 'n aangeleentheid in artikel 28

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ACT

To provide for the establishment of a Council for Social and Associated Workers and to define its powers and functions; for the registration of social and associated workers; for control over the profession of social work and associated professions; and for incidental matters.

(English text signed by the State President.)
(Assented to 20 June 1978.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—

(i) "associated profession" means a profession declared as an associated profession by the rules; (ii)

(ii) "associated worker" means a person registered under section 18; (iii)

(iii) "committee" means a committee established under section 9 or 10; (v)

(iv) "council" means the council established by section 2; (xi)

(v) "financial year" means a year ending on 31 March; (i)

(vi) "legal representative" means an advocate or an attorney; (xiv)

(vii) "magistrate" includes an additional magistrate; (vi)

(viii) "Minister" means the Minister of Social Welfare and Pensions; (ix)

(ix) "prescribed", in relation to any matter referred to in section 27, means prescribed by rule made under that section, and in relation to any matter referred to in section 28, prescribed by regulation made under the last-mentioned section; (xvii)

(x) "registrar" means a registrar appointed under section 11; (xiii)

(xi) "regulation" means a regulation made under section 28; (xv)

(xii) "rule" means a rule made under section 27; (xii)

(xiii) "Secretary" means the Secretary for Social Welfare and Pensions; (xvi)

(xiv) "social work" means any act, activity or method directed at diagnosing, eliminating, preventing or treating social malfunctioning or problematic functioning in man, or at promoting social stability in man, and includes any process which is calculated to promote the efficient performance or application of such act, activity or method; (vii)

(xv) "social worker", except in section 15 (1), means a person registered under section 17; (viii)

(xvi) "this Act" includes the rules and regulations; (iv)

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bedoel, voorgeskrewe of voorgeskryf by regulasie kragtens laasgenoemde artikel uitgevaardig. (ix)

HOOFSTUK I

RAAD VIR MAATSKAPLIKE EN GEASSOSIEERDE WERKERS

Instelling van Raad vir Maatskaplike en Geassosieerde Werkers.

2. Hierby word 'n regspersoon met die naam die Raad vir Maatskaplike en Geassosieerde Werkers ingestel.

Doelstellings van raad.

3. Die doelstellings van die raad is—

(a) om die beoefening van die beroep maatskaplike werk of 'n geassosieerde beroep en die registrasie van maatskaplike en geassosieerde werkers te reël;
(b) om die minimum standaarde van onderrig en opleiding van maatskaplike en geassosieerde werkers te bepaal;
(c) om doeltreffende beheer oor die professionele gedrag van maatskaplike en geassosieerde werkers uit te oefen;
(d) om die standaarde van professionele gedrag vir maatskaplike en geassosieerde werkers te bepaal en te verseker dat dit gehandhaaf word;
(e) om die kwalifikasies vir registrasie as maatskaplike en geassosieerde werkers te bepaal;
(f) om doeltreffendheid in en verantwoordelikheid met betrekking tot die beoefening van die beroep maatskaplike werk of 'n geassosieerde beroep aan te moedig en te bevorder;
(g) om die belange van die beroep maatskaplike werk of 'n geassosieerde beroep te beskerm en om met enige aangeleentheid wat op sodanige belange betrekking het, te handel;
(h) om die prestige, status en waardigheid van die beroep maatskaplike werk of 'n geassosieerde beroep en die integriteit van maatskaplike en geassosieerde werkers te handhaaf of te verhoog;
(i) om die Minister van advies te dien met betrekking tot enige aangeleentheid wat die beroep maatskaplike werk of 'n geassosieerde beroep raak;
(j) om die studie van maatskaplike werk aan te moedig.

Bevoegdhede en werksaamhede van raad.

4. Die raad kan, ten einde sy doelstellings te verwesenlik—

(a) roerende of onroerende goed verkry of huur;
(b) roerende of onroerende goed van die raad ontwikkel, verhipotekeer, verhuur, verkoop of op 'n ander wyse van die hand sit of beswaar;
(c) verhandelbare dokumente aksepteer, trek, endosseer, uitgee, maak, betaal of 'n ander handeling ten opsigte daarvan verrig;
(d) geld van die raad bestee en belê;
(e) kontrakte aangaan;
(f) behoudens die bepalings van hierdie Wet, die persone aanstel teen die besoldiging en op die ander diensvoorwaardes wat hy goedvind vir die verrigting van sy werksaamhede en kan sodanige persone ontslaan;
(g) pensioenfondse of voorsorgfondse of pensioenskemas en mediese hulpskemas of mediese bystandskemas vir maatskaplike en geassosieerde werkers en gewese sodanige werkers en vir die personeel van die raad, en vir die afhanklikes van maatskaplike en geassosieerde werkers en gewese sodanige werkers en van die personeel, stig, ondersteun, administreer of behulpsaam wees met die stigting of administrasie daarvan;
(h) enige navorsing of studie oor enige aangeleentheid wat met die beroep maatskaplike werk of 'n geassosieerde beroep in verband staan, onderneem of laat onderneem;
(i) enige bevoegdheid of werksaamheid wat by of kragtens hierdie Wet of 'n ander wet aan hom verleen of opgedra word, uitoefen of verrig;

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(xvii) "unprofessional or improper conduct" means conduct contemplated in section 27 (1) *(c)*. (x)

CHAPTER I

COUNCIL FOR SOCIAL AND ASSOCIATED WORKERS

Establishment of Council for Social and Associated Workers.

2. There is hereby established a juristic person to be known as the Council for Social and Associated Workers.

Objects of council.

3. The objects of the council shall be—

(a) to regulate the practising of the profession of social work or an associated profession, and the registration of social and associated workers;

(b) to determine the minimum standards of tuition and training of social and associated workers;

(c) to exercise effective control over the professional conduct of social and associated workers;

(d) to determine the standards of professional conduct of social and associated workers and to ensure that they are being maintained;

(e) to determine the qualifications for registration as social and associated workers;

(f) to encourage and promote efficiency in and responsibility with regard to the practice of the profession of social work and any associated profession;

(g) to protect the interests of the profession of social work or any associated profession and to deal with any matter relating to such interests;

(h) to maintain and enhance the prestige, status and dignity of the profession of social work or any associated profession and the integrity of social and associated workers;

(i) to advise the Minister in relation to any matter affecting the profession of social work or an associated profession;

(j) to encourage the study of social work.

Powers and functions of council.

4. The council may, in order to achieve its objects—

(a) acquire or hire movable or immovable property;

(b) develop, mortgage, let, sell or otherwise dispose of or burden movable or immovable property of the council;

(c) accept, draw, endorse, issue, make, pay or perform any other act in respect of negotiable instruments;

(d) spend and invest funds of the council;

(e) enter into contracts;

(f) subject to the provisions of this Act, appoint such persons at the remuneration and on the other conditions of service which it deems fit for the carrying out of its functions and may dismiss such persons;

(g) establish, support, administer or assist in the establishment or administration of pension funds or provident funds or pension schemes and medical aid schemes or medical benefit schemes for social and associated workers and such ex-workers and for the staff of the council and for the dependants of such social and associated workers and ex-workers and of the staff;

(h) undertake or cause to be undertaken any research or study on any matter relating to the profession of social work or to any associated profession;

(i) exercise or perform any power or function conferred or imposed upon it by or under this Act or any other act;

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(j) in die algemeen die ander stappe doen en die ander handelinge verrig wat nodig of bevorderlik is vir die verwesenliking van die oogmerke van die raad.

Samestelling van raad.

5. (1) Die raad bestaan uit twaalf lede, van wie agt op die voorgeskrewe wyse verkies word en vier deur die Minister aangestel word.

(2) 'n Lid van die raad beklee sy amp vir 'n tydperk van drie jaar en kan by die verstryking van sy ampstermyn herkies of heraangestel word.

Kwalifikasies van raadslede, ontruiming van amp en vul van vakatures.

6. (1) Niemand word as 'n lid van die raad verkies of aangestel nie indien—

(a) hy nie 'n maatskaplike werker is nie;
(b) hy nie 'n Suid-Afrikaanse burger is nie;
(c) hy nie permanent in die Republiek woonagtig is en aldus woonagtig was vir die tydperk van vyf jaar wat sy verkiesing of aanstelling onmiddellik voorafgaan nie;
(d) hy kragtens die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), as 'n geestesongestelde persoon aangehou word;
(e) sy boedel gesekwestreer of oorgegee is of hy met sy skuldeisers 'n akkoord aangegaan het;
(f) hy te eniger tyd skuldig bevind is weens 'n misdryf ten opsigte waarvan hy gevonnis is tot gevangenisstraf sonder die keuse van 'n boete en sodanige vonnis nie opgeskort is nie;
(g) hy nie aan die voorgeskrewe vereistes met betrekking tot die nominasie en verkiesing van lede voldoen nie.

(2) 'n Lid van die raad ontruim sy amp indien—

(a) hy ophou om aan die vereistes in subartikel (1) bedoel, te voldoen;
(b) hy sonder toestemming van die raad vir meer as twee agtereenvolgende gewone vergaderings van die raad afwesig is;
(c) hy, in die geval van 'n verkose lid, skriftelik sy bedanking by die president van die raad indien of, in die geval van 'n lid wat deur die Minister aangestel is, skriftelik sy bedanking by die Minister indien;
(d) die Minister op versoek van of na oorlegpleging met die raad, in die openbare belang sy lidmaatskap beëindig.

(3) 'n Vakature in die raad wat ontstaan as gevolg van 'n omstandigheid in subartikel (2) bedoel of wat veroorsaak word deur die dood van 'n lid, word gevul by wyse van verkiesing of aanstelling, na gelang van die geval, op dieselfde wyse waarop die uitgetrede of oorlede lid verkies of aangestel moes word, en elke lid wat aldus verkies of aangestel word, beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor die uitgetrede of oorlede lid verkies of aangewys was.

(4) Indien dit te eniger tyd aan die Minister blyk dat die verkiesing van 'n lid van die raad nie in alle opsigte ooreenkomstig die voorgeskrewe wyse plaasgevind het nie of dat 'n onreëlmatigheid met betrekking tot sodanige verkiesing plaasgevind het, en hy van oordeel is dat die versuim om aan die voorgeskrewe vereistes te voldoen of bedoelde onreëlmatigheid nie die ongeldigverklaring van die verkiesing regverdig nie, kan hy, na goeddunke, gelas watter stappe gedoen moet word om die doelstellings van hierdie Wet met betrekking tot so 'n verkiesing te bereik en kan hy sodanige versuim of onreëlmatigheid kondoneer en die verkiesing van 'n lid wat aldus verkies is, ondanks sodanige versuim of onreëlmatigheid geldig verklaar.

President en onderpresident van raad.

7. (1) Die lede van die raad kies op die eerste vergadering van elke nuutsaamgestelde raad 'n president en 'n onderpresident uit hul midde.

(2) Indien die amp van president of onderpresident vakant word, kies die lede van die raad op die eerste vergadering nadat die vakature ontstaan het of so spoedig daarna as wat gerieflik mag wees uit hul midde 'n nuwe president of onderpresident, na gelang van die geval, en die aldus verkose lid beklee sy amp vir

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(j) generally take such other steps and perform such other acts as may be necessary for or conducive to the achievement of the objects of the council.

Constitution of council.

5. (1) The council shall consist of twelve members, eight of whom shall be elected in the prescribed manner and four of whom shall be appointed by the Minister.

(2) A member of the council shall hold office for a period of three years and may at the expiration of his period of office be re-elected or reappointed.

Qualifications of members of council, vacation of office and filling of vacancies.

6. (1) No person shall be elected or appointed as a member of the council if—

(a) he is not a social worker;
(b) he is not a South African citizen;
(c) he is not permanently resident in the Republic and has not been so resident for the period of five years immediately preceding his election or appointment;
(d) he is detained as a mentally ill person under the Mental Health Act, 1973 (Act No. 18 of 1973);
(e) his estate has been sequestrated or surrendered or he has entered into a composition with his creditors;
(f) he has at any time been convicted of an offence in respect of which he was sentenced to imprisonment without the option of a fine and such sentence has not been suspended;
(g) he does not satisfy the prescribed requirements with regard to the nomination and election of members.

(2) A member of the council shall vacate his office if—

(a) he ceases to comply with the requirements referred to in subsection (1);
(b) he is absent from more than two consecutive ordinary meetings of the council without the permission of the council;
(c) he, in the case of an elected member, tenders his resignation in writing to the president of the council or if he, in the case of a member appointed by the Minister, tenders his resignation in writing to the Minister;
(d) the Minister, at the request of or after consultation with the council, in the public interest terminates his membership.

(3) Any vacancy on the council arising from a circumstance referred to in subsection (2) and any vacancy caused by the death of a member, shall be filled by election or appointment, as the case may be, in the manner in which the vacating or deceased member was required to be elected or appointed, and every member so elected or appointed shall hold office for the unexpired portion of the period for which the vacating or deceased member was elected or appointed.

(4) If at any time it appears to the Minister that the election of a member of the council did not in all respects occur in the prescribed manner, or that an irregularity with regard to such election took place, and he is of opinion that the omission to comply with the prescribed requirements, or the said irregularity, does not justify the annulment of the election, he may, in his discretion, order what steps should be taken to achieve the objects of this Act with regard to such election, and he may condone such omission or irregularity and may, notwithstanding such omission or irregularity, declare the election of a member thus elected, to be valid.

President and vice-president of council.

7. (1) At the first meeting of every newly constituted council the members of the council shall elect a president and a vice-president from among themselves.

(2) If the office of the president or vice-president becomes vacant, the members of the council shall, at the first meeting after such vacancy has occurred or as soon thereafter as may be convenient, elect from among themselves a new president or vice-president, as the case may be, and the member so elected

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die onverstreke gedeelte van die tydperk waarvoor sy voorganger verkies was.

(3) Die president of onderpresident van die raad kan sy amp ontruim sonder om sy lidmaatskap van die raad te beëindig.

Vergaderings van raad.

8. (1) Die raad hou minstens twee vergaderings per jaar op die plekke wat die president bepaal en kan daarbenewens die spesiale vergaderings hou wat die president van tyd tot tyd bepaal.

(2) *(a)* 'n Spesiale vergadering van die raad kan te eniger tyd deur die president belê word, en moet deur hom belê word op die skriftelike versoek van die Minister of van minstens ses lede van die raad.

(b) 'n Spesiale vergadering word gehou op die plek in die Republiek wat die president bepaal en word in die geval van 'n vergadering wat belê is as gevolg van 'n versoek in paragraaf *(a)* bedoel, gehou binne dertig dae na die datum van ontvangs van sodanige versoek deur die president.

(c) 'n Versoek in paragraaf *(a)* bedoel, moet die doel waarvoor die vergadering belê moet word, duidelik vermeld.

(3) Die kworum vir en prosedure by vergaderings van die raad is soos voorgeskryf.

(4) Geen besluit deur die raad geneem of handeling op gesag van die raad verrig, is ongeldig bloot vanweë 'n tydelike vakature in die raad of vanweë die feit dat iemand wat nie geregtig is nie om as 'n lid van die raad sitting te neem, as 'n lid sitting geneem het op die tydstip waarop die besluit geneem of die handeling gemagtig is nie, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.

Uitvoerende komitee.

9. (1) Daar is 'n uitvoerende komitee van die raad wat bestaan uit die president, die onderpresident en drie ander lede van die raad, deur die raad aangewys.

(2) *(a)* Behoudens die bepalings van hierdie Wet en die opdragte van die raad, kan die uitvoerende komitee gedurende tydperke tussen vergaderings van die raad al die bevoegdhede van die raad uitoefen en al sy werksaamhede verrig.

(b) Die bepalings van paragraaf *(a)* magtig nie die uitvoerende komitee om enige besluit van die raad tersyde te stel of te wysig nie.

(c) Enige besluit geneem of handeling verrig deur of op die gesag van die uitvoerende komitee is ten volle van krag, tensy dit deur die raad tersyde gestel of gewysig word by die eerste vergadering van die raad wat volg op die vergadering van die uitvoerende komitee waartydens sodanige besluit geneem of sodanige handeling gemagtig is.

Ander komitees.

10. (1) Die raad kan van tyd tot tyd op die voorgeskrewe wyse die ander komitees instel wat hy nodig ag om hom by te staan by die uitoefening van sy bevoegdhede of die uitvoering van sy werksaamhede.

(2) *(a)* 'n Komitee oefen die bevoegdhede uit en verrig die werksaamhede wat by hierdie Wet of deur die raad van tyd tot tyd aan hom verleen, gedelegeer of opgedra word.

(b) Die raad kan 'n lid van 'n komitee as die voorsitter van daardie komitee aanwys, en indien geen lid aldus aangewys word nie, kan die lede van die komitee 'n voorsitter uit hul midde kies.

(c) Die kworum vir en prosedure by vergaderings van komitees is soos voorgeskryf.

Aanstelling van registrateur.

11. (1) Behoudens die bepalings van subartikels (3) en (4), stel die raad 'n registrateur aan.

(2) Die registrateur oefen die bevoegdhede uit en verrig die werksaamhede wat van tyd tot tyd by of kragtens hierdie Wet of

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shall hold office for the unexpired portion of the period for which his predecessor was elected.

(3) The president or vice-president of the council may vacate his office without terminating his membership of the council.

Meetings of council.

8. (1) The council shall hold at least two meetings in each year at such places as the council may determine, and may in addition hold such special meetings as the council may from time to time determine.

(2) *(a)* A special meeting of the council may at any time be convened by the president, and shall be convened by him at the written request of the Minister or of at least six members of the council.

(b) A special meeting shall be held at such place in the Republic as the president may determine and shall, in the case of any meeting convened as a result of a request referred to in paragraph *(a)*, be held within thirty days after the date of receipt of such request by the president.

(c) A request referred to in paragraph *(a)*, shall clearly state the purpose for which the meeting is to be convened.

(3) The quorum for and procedure at meetings of the council shall be as prescribed.

(4) No resolution of the council or act performed under authority of the council shall be invalid by reason only of an interim vacancy on the council or by reason of the fact that a person who is not entitled to sit as a member of the council sat as a member at the time when the decision was taken or the act was authorized if the decision was taken or the act was authorized by the requisite majority of the members of the council who were present at the time and entitled to sit as members.

Executive committee.

9. (1) There shall be an executive committee of the council consisting of the president, the vice-president and three other members of the council, designated by the council.

(2) *(a)* Subject to the provisions of this Act and the directions of the council, the executive committee may during periods between meetings of the council exercise all the powers of the council and perform all its functions.

(b) The provisions of paragraph *(a)* do not empower the executive committee to set aside or amend any decision of the council.

(c) Any decision taken or act performed by or on the authority of the executive committee shall be of full force and effect, unless it is set aside or amended by the council at its first meeting following the meeting of the executive committee at which such decision was taken or such action was authorized.

Other committees.

10. (1) The council may from time to time establish in the prescribed manner such other committees as it may deem necessary, to assist it in the execution of its powers or the performance of its functions.

(2) *(a)* A committee shall exercise such powers and perform such functions as may from time to time be conferred or imposed upon it or delegated to it under this Act or by the council.

(b) The council may designate a member of a committee as the chairman of such committee, and if no member is so designated, the members of such committee may elect a chairman from among themselves.

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

Appointment of registrar.

11. (1) Subject to the provisions of subsections (3) and (4), the council shall appoint a registrar.

(2) The registrar shall exercise the powers and perform the functions which from time to time are conferred or imposed upon

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'n ander wet of deur die raad aan hom verleen of opgedra word, en is, in die geval van 'n registrateur in subartikel (4) bedoel, onderworpe aan die administratiewe beheer van die Sekretaris.

(3) Die registrateur se aanstelling en ontslag is, behalwe in die geval van 'n registrateur in subartikel (4) bedoel, onderworpe aan die goedkeuring van die Minister.

(4) *(a)* Behoudens die wetsbepalings met betrekking tot die staatsdiens, kan die Sekretaris, op versoek van die raad en op die voorwaardes wat die Sekretaris goedvind, van tyd tot tyd 'n registrateur en die ander personeel wat hy nodig ag uit beamptes in diens van die Departement van Volkswelsyn en Pensioene aanwys om die sekretariële werksaamhede van die raad te verrig.

(b) Die Sekretaris kan te eniger tyd 'n aanwysing in paragraaf *(a)* bedoel, intrek.

(c) By die toepassing van hierdie Wet, word 'n registrateur wat kragtens paragraaf *(a)* aangewys is, geag ingevolge subartikel (1) aangestel te wees.

Fondse van raad.

12. (1) Die fondse van die raad bestaan uit—

(a) geld wat die raad ingevolge die bepalings van hierdie Wet ontvang;

(b) boetes wat ingevolge hierdie Wet opgelê en ingevorder word;

(c) geld wat die Parlement vir die bereiking van die doelstellings van die raad bewillig;

(d) geld verkry by wyse van lenings wat die raad met die goedkeuring van die Minister aangaan;

(e) geld wat die raad uit enige ander bron toeval.

(2) Die raad wend sy fondse aan ter bestryding van die uitgawes aangegaan ter bereiking van sy doelstellings en die uitoefening van sy bevoegdhede kragtens hierdie Wet.

(3) Die raad kan enige onbestede gedeelte van sy fondse belê.

Boekhouding en ouditering.

13. (1) Die raad laat op die voorgeskrewe wyse aantekeninge hou van al die geld deur hom ontvang en bestee, van al sy bates en laste en van al die finansiële transaksies deur hom aangegaan, en moet so spoedig doenlik na die einde van elke boekjaar rekeningstate en 'n balansstaat wat die voorgeskrewe besonderhede ten opsigte van daardie boekjaar aantoon, laat opmaak.

(2) *(a)* Die aantekeninge, rekeningstate en balansstaat bedoel in subartikel (1), word geouditeer deur iemand wat as rekenmeester en ouditeur geregistreer is kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), wat die raad aanstel.

(b) 'n Afskrif van sodanige stukke word binne die voorgeskrewe tydperk aan die Minister gestuur, en lê op die voorgeskrewe plekke gedurende die voorgeskrewe tye ter insae van die publiek.

Verslae.

14. (1) Die raad lê binne ses maande na die afsluiting van 'n boekjaar, 'n verslag oor sy werksaamhede gedurende bedoelde boekjaar aan die Minister voor, en moet van tyd tot tyd op versoek van die Minister die ander verslae aan hom voorlê wat hy verlang.

(2) Afskrifte van so 'n verslag word deur die Minister in die Senaat en die Volksraad ter tafel gelê binne veertien dae na ontvangs daarvan as die Parlement dan in gewone sessie is, of as die Parlement dan nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

HOOFSTUK II

REGISTRASIE VAN MAATSKAPLIKE EN GEASSOSIEERDE WERKERS

Ongeregistreerde persone mag nie die beroep maatskaplike werk of 'n geassosieerde beroep beoefen nie.

15. (1) Niemand mag vir wins, regstreeks of onregstreeks, op enige wyse hoegenaamd die beroep maatskaplike werk beoefen nie, tensy hy as 'n maatskaplike werker ingevolge hierdie Wet geregistreer is of geag word aldus geregistreer te wees, of 'n geassosieerde beroep beoefen nie, tensy hy ingevolge hierdie Wet

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him by or under this Act or any other act or by the council and shall, in the case of a registrar referred to in subsection (4), be subject to the administrative control of the Secretary.

(3) The appointment and dismissal of the registrar shall, except in the case of a registrar referred to in subsection (4), be subject to the approval of the Minister.

(4) *(a)* Subject to the laws governing the public service, the Secretary may from time to time, at the request of the council and on such conditions as he may think fit, designate a registrar and such other staff as he may deem necessary from among officers in the service of the Department of Social Welfare and Pensions, to perform the secretarial functions of the council.

(b) The Secretary may at any time withdraw a designation referred to in paragraph *(a)*.

(c) For the purposes of this Act, a registrar designated under paragraph *(a)*, shall be deemed to have been appointed in terms of subsection (1).

Funds of council.

12. (1) The funds of the council shall consist of—

(a) the moneys received by the council in terms of this Act;

(b) the fines imposed and recovered in terms of this Act;

(c) the moneys appropriated by Parliament for achieving the objects of the council;

(d) the moneys obtained by way of loans raised by the council with the approval of the Minister;

(e) any moneys accruing to the council from any other source.

(2) The council shall use its funds for defraying the expenditure incurred in the achievement of its objects and the performance of its functions under this Act.

(3) The council may invest any unexpended portion of its funds.

Book-keeping and auditing.

13. (1) The council shall cause records to be kept in the prescribed manner of all moneys received and spent by it, of all its assets and liabilities and of all financial transactions entered into by it, and shall as soon as possible after the end of every financial year cause statements of account and a balance sheet to be prepared, showing the prescribed particulars in respect of that financial year.

(2) *(a)* The records, statements of account and balance sheet referred to in subsection (1), shall be audited by a person registered as an accountant and auditor under the Public Accountants and Auditors Act, 1951 (Act No. 51 of 1951), and appointed by the council.

(b) A copy of such documents shall be transmitted to the Minister within the prescribed period and shall be open for inspection by the public at the prescribed places during the prescribed periods.

Reports.

14. (1) The council shall within six months after the close of a financial year, submit a report to the Minister on its activities during that financial year, and shall from time to time at the request of the Minister submit such other reports to him as he may desire.

(2) Copies of such report shall be laid upon the Table by the Minister in the Senate and in the House of Assembly within fourteen days after receipt thereof if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its first ensuing ordinary session.

CHAPTER II

REGISTRATION OF SOCIAL AND ASSOCIATED WORKERS

Unregistered persons shall not practise the profession of social work or an associated profession.

15. (1) No person shall for gain, directly or indirectly, in any manner whatsoever practise the profession of social work, unless he has been registered under this Act as a social worker or is deemed to have been so registered, or practise an associated profession, unless he has been registered under this Act as an associated

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as 'n geassosieerde werker geregistreer is ten opsigte van daardie geassosieerde beroep.

(2) By die toepassing van hierdie Wet, word iemand—

(a) wat onderrig in enige aspek van die vak Maatskaplike Werk aan 'n opleidingsinrigting gee;

(b) wat hom as 'n maatskaplike of geassosieerde werker voordoen, of voorgee 'n maatskaplike of geassosieerde werker te wees of dat hy as 'n maatskaplike of geassosieerde werker ingevolge hierdie Wet geregistreer is;

(c) wat gebruik maak van enige naam, titel, beskrywing, toevoeging of teken wat aandui of voorgee of die indruk wek of bereken is om die indruk te wek dat hy 'n maatskaplike of geassosieerde werker is of ingevolge hierdie Wet as 'n maatskaplike of geassosieerde werker geregistreer is of dat hy regtens geregtig is om as 'n maatskaplike of geassosieerde werker te praktiseer of daardie beroep te beoefen,

geag die beroep maatskaplike werk of 'n geassosieerde beroep, na gelang van die geval, te beoefen.

(3) Die bepalings van subartikels (1) en (2) is nie van toepassing nie—

(a) op iemand wat maatskaplike werk vir wins verrig terwyl hy praktiese opleiding in maatskaplike werk onder die toesig van 'n maatskaplike werker ondergaan, of op iemand wat aan al die vereistes vir die voorgeskrewe kwalifikasies voldoen het en wie se aansoek om registrasie as 'n maatskaplike werker ingevolge hierdie Wet deur die raad onder oorweging is;

(b) op iemand wat nie permanent in die Republiek woonagtig is nie, terwyl hy met die goedkeuring van die raad onderrig in 'n deur die raad bepaalde aspek van die vak Maatskaplike Werk aan 'n deur die raad bepaalde opleidingsinrigting in die Republiek gee;

(c) op iemand, anders as 'n persoon in artikel 17 (4) bedoel, wat onmiddelik voor die inwerkingtreding van hierdie Wet—

(i) 'n pos in die vakkundige afdeling (welsyn) op die vaste diensstaat van die staatsdiens beklee het; of

(ii) as 'n maatskaplike werker permanent in diens was van 'n welsynsorganisasie wat ingevolge 'n wet as sodanig geregistreer was,

en terwyl hy sodanige pos aldus beklee of aldus in diens is;

(d) op iemand anders as 'n maatskaplike werker wat ingevolge die bepalings van 'n ander Wet van die Parlement toegelaat of gemagtig is om enige handeling, bedrywigheid of metode in die omskrywing van „maatskaplike werk" bedoel, 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;

(e) op iemand wat behoort aan 'n kategorie van persone wat vir die doeleindes van hierdie subartikel deur die raad by kennisgewing in die *Staatskoerant* aangewys is.

(4) By die toepassing van subartikels (2) en (3), beteken „opleidingsinrigting" 'n inrigting waar iemand opleiding ondergaan wat na die suksesvolle voltooiing daarvan hom, na die oordeel van die raad, in staat stel om aan die voorgeskrewe kwalifikasies vir registrasie as maatskaplike werker te voldoen.

Misdryf en straf.

16. Iemand wat 'n bepaling van artikel 15 (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

Registrasie van maatskaplike werkers.

17. (1) Die raad kan, op aansoek op die voorgeskrewe wyse gedoen, enige persoon wat die voorgeskrewe kwalifikasies besit en aan die voorgeskrewe voorwaardes voldoen en die raad oortuig

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worker in respect of that associated profession.

(2) For the purposes of this Act any person—

(a) who gives instruction on any aspect of the subject Social Work at any training institution;

(b) who holds himself out as a social or associated worker, or purports to be a social or associated worker or to be registered as a social worker under this Act;

(c) who uses any name, title, description, addition or symbol indicating or purporting or creating the impression or which is calculated to create the impression that he is a social or associated worker or has been registered as a social or associated worker under this Act or that he is lawfully entitled to practise as a social or associated worker or to practise that profession,

shall be deemed to practise the profession of social work or an associated profession, as the case may be.

(3) The provisions of subsections (1) and (2) shall not apply—

(a) to any person who performs social work for gain while he undergoes practical training in social work under the supervision of a social worker, or to any person who has satisfied all the requirements for the prescribed qualifications and whose application for registration as a social worker under this Act is under consideration by the council;

(b) to any person who is not permanently resident in the Republic, while he, with the approval of the council, gives instruction at a training institution in the Republic determined by the council in an aspect of the subject Social Work which is determined by the council;

(c) to any person, other than a person referred to in section 17 (4), who immediately prior to the commencement of this Act—

(i) held a post in the professional division (welfare) on the fixed establishment of the public service; or

(ii) was permanently employed as a social worker by a welfare organization registered as such under a law,

and while he so holds such post or is so employed;

(d) to any person other than a social worker who is permitted or authorized in terms of the provisions of any other Act of Parliament to perform or apply any act, activity or method referred to in the definition of "social work", as the holder of an office or in the ordinary course of the practice of a profession referred to in such act;

(e) to any person belonging to a category of persons designated by the council for the purposes of this subsection by notice in the *Gazette*.

(4) For the purposes of subsections (2) and (3), "training institution" shall mean any institution where any person undergoes training which after the successful completion thereof will, in the opinion of the council, enable him to satisfy the prescribed qualifications for registration as a social worker.

Offence and penalty.

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

Registration of social worker.

17. (1) The council may, on application made in the prescribed manner, register as a social worker any person who holds the prescribed qualifications and satisfies the prescribed conditions,

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dat hy 'n geskikte en gepaste persoon is om die beroep maatskaplike werk te beoefen, as 'n maatskaplike werker registreer.

(2) *(a)* Die registrateur moet aan elke persoon wat ingevolge subartikel (1) geregistreer word 'n registrasiesertifikaat in die voorgeskrewe vorm en onderworpe aan die voorgeskrewe voorwaardes uitreik.

(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 ingevolge hierdie Wet moet hou, aan voorgeskrewe persone uitreik.

(3) Iemand wat ingevolge hierdie artikel geregistreer is of geag word as 'n maatskaplike werker geregistreer te wees, is geregtig om die titel maatskaplike werker te gebruik.

(4) Elke persoon, wat onmiddellik voor die inwerkingtreding van hierdie Wet ingevolge 'n Wet wat by hierdie Wet herroep word as 'n maatskaplike werker geregistreer en by sodanige inwerkingtreding in die Republiek woonagtig is, word geag as 'n maatskaplike werker ingevolge hierdie artikel geregistreer te wees.

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

Registrasie van geassosieerde werkers.

18. (1) Die raad kan, op aansoek op die voorgeskrewe wyse gedoen, enige persoon wat die voorgeskrewe kwalifikasies besit en aan die voorgeskrewe voorwaardes voldoen en die raad oortuig dat hy 'n geskikte en gepaste persoon is om 'n bepaalde geassosieerde beroep te beoefen, as 'n geassosieerde werker ten opsigte van bedoelde beroep registreer.

(2) Die bepalings van subartikels (2) en (5) van artikel 17 is *mutatis mutandis* van toepassing op 'n persoon in subartikel (1) bedoel.

Hou van registers.

19. (1) Die registrateur hou afsonderlike registers ten opsigte van maatskaplike werkers en geassosieerde werkers 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 en geassosieerde werker in die toepaslike register aan.

(2) Die registers word in die kantoor van die raad gehou en enige stuk wat voorgee 'n uittreksel daaruit en deur die registrateur onderteken te wees, is by blote oorlegging daarvan by enige verrigtinge as getuienis toelaatbaar en *prima facie*-bewys van die feite daarin vermeld.

(3) 'n Sertifikaat wat voorgee deur die registrateur onderteken te wees en waarin gesertifiseer word dat die naam van iemand daarin genoem nie in 'n aldus vermelde register verskyn nie, is *prima facie*-bewys van die feit dat so iemand nie ooreenkomstig die bepalings van hierdie Wet geregistreer is nie.

Skrapping, verbetering en herstel van name uit of op registers.

20. (1) Die raad kan die registrateur gelas om die naam van iemand uit die betrokke register te skrap indien die raad oortuig is dat so iemand—

(a) gesterf het;

(b) versoek het dat sy naam uit die register geskrap word en dat geen stappe ingevolge Hoofstuk III teen hom hangende is of beoog word of waarskynlik ingestel sal word nie;

(c) die Republiek permanent verlaat het of sonder toestemming van die raad vir 'n ononderbroke tydperk van meer as drie jaar uit die Republiek afwesig is;

(d) in gebreke gebly het om enige geld wat hy aan die raad verskuldig is, te betaal binne drie maande na die datum waarop die voorgeskrewe aanmaning deur die registrateur per aangetekende pos aan hom by sy adres soos in die betrokke register aangeteken, gestuur is;

(e) in gebreke gebly het om ooreenkomstig die skriftelike versoek van die registrateur gerig aan sy adres soos in die betrokke register aangeteken, die adres van sy permanente woonplek te verstrek;

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and who satisfies the council that he is a fit and proper person to be allowed to practise the profession of social work.

(2) *(a)* The registrar shall issue to any person registered under subsection (1) a certificate of registration in the prescribed form 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 is required to keep in terms of this Act.

(3) Any person registered in terms of this section or who is deemed to have been registered as a social worker, may use the title social worker.

(4) Every person who immediately prior to the commencement of this Act was registered as a social worker in terms of an Act which is repealed by this Act and who is resident in the Republic at such commencement, shall be deemed to be registered as a social worker in terms of this section.

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

Registration of associated workers.

18. (1) The council may, on application made in the prescribed manner, register any person who holds the prescribed qualifications and complies with the prescribed conditions and who satisfies the council that he is a fit and proper person to practise a specific associated profession, as an associated worker in respect of such profession.

(2) The provisions of subsections (2) and (5) of section 17 shall *mutatis mutandis* apply to a person referred to in subsection (1).

Keeping of registers.

19. (1) The registrar shall keep separate registers in respect of social workers and associated workers 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 and associated worker.

(2) Such registers shall be kept in the council's office and any document purporting to be an extract therefrom, signed by the registrar, shall on production thereof be admissible as evidence and shall be *prima facie* proof, in any proceedings, of the facts therein recorded.

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

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

20. (1) The council may order the registrar to remove the name of any person from the register concerned if the council is satisfied that such person—

(a) has died;

(b) has requested that his name be removed from such register and that no steps in terms of Chapter III are pending or contemplated, or will probably be instituted, against him;

(c) has left the Republic permanently or that he has been absent from the Republic for a continuous period of more than three years without the council's permission;

(d) has failed to pay any money which he owes to the council within three months after the date on which the prescribed reminder has been sent to him by the registrar by registered post to his address as registered in the register concerned;

(e) has failed to furnish the address of his permanent residence in accordance with the written request of the registrar, addressed to his address as registered in the register concerned;

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(*f*) kragtens die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), as 'n geestesongestelde persoon aangehou word;

(*g*) sy registrasie deur bedrog verkry is;

(*h*) per abuis geregistreer is.

(2) Die raad kan die registrateur gelas om 'n inskrywing in 'n register ten opsigte waarvan die raad oortuig is dat dit verkeerd is, te verbeter, en die registrateur moet sodanige verbetering in die register aanbring.

(3) Indien die raad oortuig is dat die rede waarom iemand se naam uit 'n register geskrap is, opgehou het om te bestaan en hy aan die vereistes vir registrasie ingevolge hierdie Wet voldoen, kan die raad, op aansoek deur so iemand op die voorgeskrewe wyse gedoen en na betaling van die voorgeskrewe geld, gelas dat sy naam teruggeplaas word op die register waaruit dit aldus geskrap is.

HOOFSTUK III

TUGBEVOEGDHEDE VAN DIE RAAD

Ondersoek deur raad na beweerde gevalle van onprofessionele of onbehoorlike gedrag.

21. (1) Die raad kan ondersoek instel na beweerde onprofessionele of onbehoorlike gedrag deur 'n maatskaplike werker of 'n geassosieerde werker.

(2) Die raad kan vir die doeleindes van so 'n ondersoek—

(*a*) iemand wat na die oordeel van die raad in staat is om inligting te verstrek wat van wesenlike belang vir die ondersoek is, of wat die raad rede het om te vermoed enige boek, dokument of oorkonde wat op die onderwerp van die ondersoek betrekking het, in sy besit of bewaring of onder sy beheer het, op die voorgeskrewe wyse dagvaar om op 'n tyd en plek in die dagvaarding vermeld te verskyn om ondervra te word of om bedoelde boek, dokument of oorkonde oor te lê en kan 'n boek, dokument of oorkonde wat aldus oorgelê is, vir ondersoek behou;

(*b*) deur die persoon wat by die ondersoek voorsit iemand wat by die ondersoek teenwoordig is 'n eed oplê of van hom 'n bevestiging aanneem, en hom ondervra of laat ondervra deur iemand wat deur die raad aangewys is om die getuienis by die ondersoek te lei, en hom aansê om enige boek, dokument of oorkonde in sy besit of bewaring of onder sy beheer oor te lê.

(3) 'n Dagvaarding in subartikel (2) bedoel, bevat die voorgeskrewe inligting en word op die voorgeskrewe wyse beteken, en die bepalings van artikel 51 (2) van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), is *mutatis mutandis* van toepassing ten opsigte van iemand aan wie so 'n dagvaarding aldus beteken is.

(4) Die regsbepalings met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om in 'n siviele verhoor in 'n geregshof getuienis af te lê of om 'n boek, dokument of oorkonde oor te lê, is *mutatis mutandis* van toepassing in verband met die ondervraging van of oorlegging van 'n boek, dokument of oorkonde deur iemand wat ingevolge hierdie artikel gedagvaar is.

(5) Indien die gedrag wat die onderwerp van 'n in subartikel (1) bedoelde ondersoek uitmaak die onderwerp van enige straf- of siviele verrigtinge in 'n geregshof uitmaak of waarskynlik sal uitmaak, kan die raad die ondersoek uitstel totdat bedoelde verrigtinge afgehandel is.

(6) Iemand teen wie 'n ondersoek ingevolge hierdie Hoofstuk ingestel word, is geregtig om òf persoonlik òf deur sy regsverteenwoordiger op die beskuldiging te antwoord en sy verdediging aan te voer.

(7) Die raad kan in die algemeen of in 'n bepaalde geval 'n komitee op die voorgeskrewe wyse aanstel om ondersoeke ingevolge hierdie Hoofstuk waar te neem, en indien die raad aldus 'n komitee aanstel, word die raad se bevoegdhede en werksaamhede met betrekking tot sodanige ondersoeke geag aan die komitee gedelegeer of opgedra te wees.

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(*f*) is detained as a mentally ill person under the Mental Health Act, 1973 (Act No. 18 of 1973);
(*g*) has obtained his registration fraudulently;
(*h*) has been registered in error.

(2) The council may order the registrar to rectify any entry in a register in respect of which the council is satisfied that it is incorrect, and the registrar shall record any such rectification in the register concerned.

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

CHAPTER III

DISCIPLINARY POWERS OF THE COUNCIL

Inquiry by council into alleged unprofessional or improper conduct.

21. (1) The council may inquire into alleged unprofessional or improper conduct on the part of a social worker or an associated worker.

(2) The council may, for the purposes of such inquiry—

(*a*) summon in the prescribed manner any person who, in the opinion of the council, is able to furnish information of material importance to the inquiry, or who the council has reason to believe has in his possession or custody or under his control, any book, document or record relating to the subject of the inquiry, to appear at a time and place specified in the summons to be examined or to produce such book, document or record and may retain for examination any book, document or record so produced;

(*b*) through the person presiding at the inquiry, administer an oath to, or accept an affirmation from, any person present at the inquiry, and examine him or cause him to be examined by a person designated by the council to lead the evidence at the inquiry, and instruct him to produce any book, document or record in his possession, custody or control.

(3) A summons referred to in subsection (2) shall contain the prescribed information and shall be served in the prescribed manner, and the provisions of section 51 (2) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), shall apply *mutatis mutandis* in respect of any person on whom such summons has been so served.

(4) The law relating to privilege, as applicable to a witness summoned to give evidence or to produce a book, document or record, in a civil trial before a court of law, shall *mutatis mutandis* apply in relation to the examination of or the production of any book, document or record by any person summoned in terms of this section.

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

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

(7) The council may generally or in any specified case appoint a committee in the prescribed manner to hold inquiries under this Chapter, and if the council so appoints a committee, the council's powers and functions with regard to such inquiries shall be deemed to have been delegated to or imposed upon the committee.

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(8) Iemand wat, nadat hy behoorlik beëdig is of 'n bevestiging gedoen het, by 'n ondersoek wat kragtens hierdie Hoofstuk gehou word valse getuienis aflê met die wete dat daardie getuienis vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir die misdryf van meineed opgelê kan word.

Tugbevoegdhede van raad.

22. (1) Iemand wat na 'n ondersoek gehou deur die raad, skuldig bevind is aan onprofessionele of onbehoorlike gedrag, is strafbaar met die een of die ander van die volgende strawwe, naamlik—

(a) 'n waarskuwing of berisping;

(b) opskorting van sy registrasie vir 'n bepaalde tydperk op die voorwaardes wat die raad bepaal;

(c) die intrekking van sy registrasie.

(2) Behoudens die ander bepalings van hierdie Hoofstuk, moet die registrateur—

(a) die naam van iemand wie se registrasie kragtens subartikel (1) *(c)* ingetrek is, uit die betrokke register skrap;

(b) die besonderhede van enige strawwe wat iemand kragtens paragraaf *(a)* of *(b)* van subartikel (1) opgelê is, in die betrokke register teenoor die naam van daardie persoon aanteken;

(c) die voorgeskrewe kennisgewings uitreik ten opsigte van iemand wat ingevolge hierdie Hoofstuk aan onprofessionele of onbehoorlike gedrag skuldig bevind is.

(3) Iemand wie se registrasie ingevolge hierdie Wet opgeskort is, word vir die duur van sodanige opskorting geag nie aldus geregistreer te wees nie.

(4) Behoudens die bepalings van artikels 17 (1) en 18 (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 of geassosieerde werker, na gelang van die geval, registreer.

(5) Die raad kan te eniger tyd voor die verstryking van die tydperk waarvoor 'n registrasie ingevolge hierdie Wet opgeskort is, sodanige opskorting, op aansoek op die voorgeskrewe wyse, om gegronde redes en op die voorwaardes wat die raad goedvind, beëindig.

Kennisname deur raad van gedrag van geregistreerde persoon onder sekere omstandighede.

23. (1) Daar kan ingevolge die bepalings van hierdie Hoofstuk deur die raad opgetree word teen iedere geregistreerde persoon wat, hetsy voor of na registrasie, deur 'n geregshof aan 'n misdryf skuldig bevind is, indien die raad van oordeel is dat die pleeg van daardie misdryf onprofessionele of onbehoorlike gedrag uitmaak, en so 'n persoon is, by bewys van die skuldigbevinding, strafbaar met die een of ander van die strawwe bedoel in artikel 22: Met dien verstande dat aan so 'n persoon voor strafoplegging 'n geleentheid gegun word om persoonlik of deur sy regsverteenwoordiger aan die raad 'n verduideliking te verskaf ter vergoeliking van die betrokke gedrag.

(2) Wanneer in die loop van verrigtinge voor 'n geregshof daardie hof oortuig is dat daar *prima facie*-bewys bestaan van onprofessionele of onbehoorlike gedrag van die kant van 'n geregistreerde persoon, kan die hof gelas dat 'n afskrif van die oorkonde van die verrigtinge, of die gedeelte daarvan wat tersaaklik is, aan die raad gestuur word.

HOOFSTUK IV

ALGEMENE BEPALINGS

Regshulp by ondersoeke ingevolge die Wet.

24. Die raad kan iemand wat nie 'n lid van die raad is nie maar wat in die regspleging onderleg is, aanstel om by enige ondersoek ingevolge hierdie Wet as assessor teenwoordig te wees om die raad of die komitee wat die ondersoek hou in verband met enige regsvrae, prosedure of bewyslewering van advies te dien.

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

Disciplinary powers of council.

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

(a) a reprimand or a caution;
(b) suspension of his registration for a specific period on the conditions determined by the council;
(c) the cancellation of his registration.

(2) Subject to the other provisions of this Chapter the registrar shall—

(a) remove from the register concerned the name of any person whose registration has been cancelled under subsection (1) *(c)*;
(b) record in the register concerned against the name of such person the particulars of any penalties imposed on him in terms of paragraph *(a)* or *(b)* of subsection (1);
(c) issue the prescribed notices in respect of any person found guilty of unprofessional or improper conduct under this Chapter.

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

(4) Subject to the provisions of sections 17 (1) and 18 (1), the council may, after the expiration of such period as the council in each case may determine, again register as a social worker or an associated worker, as the case may be, any person whose registration has been cancelled under this Act.

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

Cognizance by council of conduct of registered persons under certain circumstances.

23. (1) Every registered person who, either before or after registration, has been convicted of any offence by a court of law may be dealt with by the council in terms of this Chapter if the council is of the opinion that the commission of such offence constitutes unprofessional or improper conduct, and shall be liable on proof of the conviction to any of the penalties referred to in section 22: Provided that, before imposition of any penalty, such person shall be afforded an opportunity by himself or through his legal representative of tendering an explanation to the council in extenuation of the conduct in question.

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

CHAPTER IV

GENERAL PROVISIONS

Legal aid at inquiries under this Act.

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

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Appèl teen weiering, straf, of skrapping uit register.

25. (1) Iemand wat veronreg voel—

(*a*) deur die weiering van die raad of 'n komitee om hom ingevolge hierdie Wet te registreer of sy naam op 'n bepaalde register terug te plaas;

(*b*) deur 'n straf wat hom ingevolge artikel 22 (1) opgelê is;

(*c*) deur die skrapping van sy naam uit 'n register ingevolge artikel 20 (1),

kan binne 'n tydperk van drie maande na die datum van die weiering, strafoplegging of skrapping appèl aanteken by 'n appèlkomitee.

(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, wat die voorsitter is; en

(*b*) twee maatskaplike werkers van senior stand 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.

(3) Die appellant kan self of deur 'n regsverteenwoordiger voor die appèlkomitee verskyn, of skriftelike verklarings of argumente ter stawing van sy appèl voorlê.

(4) Die prosedure wat gevolg word met betrekking tot die aantekening en voortsetting van 'n appèl ingevolge hierdie artikel is soos voorgeskryf.

(5) Die appèlkomitee wat 'n appèl kragtens hierdie artikel verhoor, kan die weiering, straf of skrapping waarteen geappelleer word, bekragtig of tersyde stel en, indien hy dit tersyde stel, die beslissing gee wat die raad of komitee na sy oordeel behoort te gegee het en kan die raad gelas om alles te doen wat nodig is om aan die beslissing van die appèlkomitee gevolg te gee.

(6) Die beslissing van die appèlkomitee is afdoende.

(7) Die inwerkingtreding van 'n weiering, straf of skrapping waarteen geappelleer word, word deur die aantekening van 'n appèl ingevolge subartikel (1) uitgestel tot die datum waarop die appèl teruggetrek of deur die appèlkomitee afgehandel is.

(8) Aan 'n lid van die appèlkomitee wat nie in die heeltydse diens van die Staat is nie, kan die vergoeding en toelaes betaal word wat die Minister van tyd tot tyd met die instemming van die Minister van Finansies bepaal.

Beperking van aanspreeklikheid.

26. Behoudens die bepalings van hierdie Wet, word geen regsgeding, hetsy siviel of strafregtelik, teen die raad of 'n komitee of 'n lid of beampte daarvan ingestel nie ten opsigte van enigiets te goeder trou ingevolge die bepalings van hierdie Wet gedoen.

Reëls.

27. (1) Die raad kan met die goedkeuring van die Minister reëls uitvaardig met betrekking tot—

(*a*) enige aangeleentheid, behalwe 'n aangeleentheid in artikel 28 bedoel, wat ingevolge hierdie Wet voorgeskryf moet of kan word;

(*b*) die gedragslyn wat maatskaplike en geassosieerde werkers by die uitoefening van hulle beroep moet navolg;

(*c*) die gedrag van 'n maatskaplike of geassosieerde werker wat onprofessionele of onbehoorlike gedrag uitmaak;

(*d*) die gelde wat jaarliks deur maatskaplike en geassosieerde werkers aan die raad betaal moet word, en die gelde wat aan die raad betaal moet word ten opsigte van—

(i) die registrasie of herregistrasie van maatskaplike of geassosieerde werkers;

(ii) die terugplasing van die naam van so 'n werker op 'n bepaalde 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;

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Appeal against refusal, penalty, or removal from register.

25. (1) Any person aggrieved—

(a) by the refusal of the council or a committee to register him under this Act or to restore his name to a specified register;

(b) by any penalty imposed on him in terms of section 22 (1);

(c) by the removal of his name from a register in terms of section 20 (1),

may within a period of three months after the date of such refusal, imposition of penalty or removal, appeal to an appeal committee.

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

(a) a magistrate with at least ten years' experience as magistrate, who shall be the chairman; and

(b) two social workers of senior standing who have no direct interest in the affairs of the appellant and are not in the employ of the appellant and who are not members of the council.

(3) The appellant may in person or through a legal representative appear before the appeal committee or submit written statements or arguments in support of his appeal.

(4) The procedure to be followed in connection with the noting and prosecution of an appeal lodged in terms of this section, shall be as prescribed.

(5) The appeal committee hearing an appeal under this section, may confirm or set aside the refusal, penalty or removal forming the subject of the appeal, and may, if it is set aside, give such judgment as in its opinion ought to have been given by the council or committee and may direct the council to do everything necessary to give effect to the judgement of the appeal committee.

(6) The decision of the appeal committee shall be final.

(7) The commencement of a refusal, penalty or removal against which an appeal is lodged, shall be postponed by the lodging of an appeal in terms of subsection (1), to the date on which the appeal is withdrawn or disposed of by the appeal committee.

(8) Any member of the appeal committee who is not in the full-time employment of the State, may be paid such remuneration and allowances as the Minister may from time to time determine with the concurrence of the Minister of Finance.

Limitation of liability.

26. Subject to the provisions of this Act, no legal proceedings, whether civil or criminal, shall lie against the council or a committee or any member or officer thereof in respect of anything done in good faith in terms of this Act.

Rules.

27. (1) The council may, with the approval of the Minister, make rules relating to—

(a) any matter, except a matter referred to in section 28, which may or is required to be prescribed under this Act;

(b) the course of conduct to be followed by social and associated workers in practising their profession;

(c) the conduct of a social or associated worker which shall constitute unprofessional or improper conduct;

(d) the fees which shall be paid annually by social and associated workers to the council, and the fees which shall be paid to the council in respect of—

(i) the registration or re-registration of social and associated workers;

(ii) the restoration of the name of such a worker to a specified register;

(iii) any application which shall or may be made under this Act;

(iv) the issue of registration certificates or copies thereof;

(v) the provision of extracts from any register;

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(vi) enige ander handeling wat deur die raad of die registrateur ingevolge hierdie Wet verrig moet of kan word;

(e) die toelaes wat aan lede van die raad en van komitees ten opsigte van die verrigting van hulle sake of werksaamhede betaal kan word;

(f) die bevoegdhede, pligte en diensvoorwaardes van 'n registrateur wat deur die raad kragtens artikel 11 (1) aangestel word;

(g) die minimum vereistes vir onderrig en opleiding en die aard, inhoud en duur van die leerplanne en praktiese opleiding wat as voorvereiste vir die verwerwing van 'n voorgeskrewe kwalifikasie moet dien;

(h) die voorwaardes waaraan maatskaplike werkers wat die beroep anders as kragtens 'n kontrak van werkgewer en werknemer beoefen, moet voldoen;

(i) die wyse waarop enige klagte oor beweerde onprofessionele of onbehoorlike gedrag aan die kant van 'n maatskaplike werker of 'n geassosieerde werker by die raad ingedien moet word;

(j) die instelling, bevoegdhede en werksaamhede van komitees;

(k) die vorm van enige aansoek, registrasiesertifikaat, kennisgewing, register of dagvaarding wat kragtens hierdie Wet gedoen, uitgereik, gegee, gehou of beteken moet word;

(l) die stukke wat 'n aansoek ingevolge hierdie Wet moet vergesel;

(m) 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) ten opsigte van maatskaplike werkers en geassosieerde werkers uitgevaardig word, en reëls ingevolge subartikel (1) *(g)* word na oorlegpleging met die opleidingsinrigtings in artikel 15 bedoel, uitgevaardig.

Regulasies.

28. Die Minister kan na oorlegpleging met die raad regulasies uitvaardig met betrekking tot enige aangeleentheid wat ingevolge artikels 5, 6, 8, 13 en 25 voorgeskryf moet of kan word: Met dien verstande dat 'n regulasie wat betrekking het op 'n aangeleentheid wat ingevolge artikel 5 of 6 voorgeskryf moet of kan word, en wat met die oog op die instelling van die eerste raad ingevolge artikel 5, uitgevaardig moet word, geag word uitgevaardig te wees na oorlegpleging met die raad.

Herroeping van sekere bepalings van Wet 79 van 1965.

29. Die Nasionale Welsynswet, 1965, word hierby herroep vir sover dit op maatskaplike werkers betrekking het.

Kort titel en inwerkingtreding.

30. Hierdie Wet heet die Wet op Maatskaplike en Geassosieerde Werkers, 1978, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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(vi) any other act which shall or may be performed by the council or by the registrar under this Act;

(e) the allowances which may be paid to members of the council and members of committees in respect of the carrying out of their affairs or functions;

(f) the powers, duties and conditions of service of a registrar appointed by the council in terms of section 11 (1);

(g) the minimum requirements for tuition and training and the nature, content and duration of the curricula and practical training which shall be a prerequisite for the acquisition of a prescribed qualification;

(h) the conditions which social workers, carrying on the profession otherwise than under a contract of employer and employee, must satisfy;

(i) the manner in which any complaint of alleged unprofessional or improper conduct on the part of a social worker or an associated worker shall be lodged with the council;

(j) the institution, powers and functions of committees;

(k) the form of any application, registration certificate, notice, register or summons made, issued, given, held or served under this Act;

(l) the documents which shall accompany any application in terms of this Act;

(m) any matter which the council deems necessary or expedient for the achievement or promotion of its objects or for the exercise of its powers or the performance of its functions.

(2) Different rules may in terms of subsection (1) be made in respect of social workers and associated workers, and regulations in terms of subsection (1) *(g)* shall be made after consultation with the training institutions referred to in section 15.

Regulations.

28. The Minister may, after consultation with the council, make regulations relating to any matter which may or is required to be prescribed in terms of sections 5, 6, 8, 13 and 25: Provided that a regulation relating to any matter which may or is required to be prescribed in terms of section 5 or 6, and which shall be promulgated with a view to the establishment of the first council in terms of section 5, shall be deemed to have been promulgated after consultation with the council.

Repeal of certain provisions of Act 79 of 1965.

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

Short title and commencement.

30. This Act shall be called the Social and Associated Workers Act, 1978, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.