Government Gazette 14639

STATE PRESIDENT'S OFFICE

No. 382. 12 March 1993

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

NO. 22 OF 1993: SOCIAL WORK AMENDMENT ACT, 1993.

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

ACT

To amend the Social Work Act, 1978, so as to effect certain textual alterations; to do away with the requirement that the form of a certificate of registration be prescribed; to provide for the conducting of certain examinations by the South African Council for Social Work; to provide for an additional penalty and for admissions of guilt in respect of unprofessional or improper conduct; and to further regulate the matters in respect of which the Minister of National Health may make regulations; and to provide for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 26 February 1993.)

BE IT ENACTED by the State President and 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 and section I of Act 48 of 1989

1. Section 1 of the Social Work Act, 1978 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "student social worker" of the following definition:

" 'student social worker' means a person **who studies the subject Social Work at a training institution referred to in section 15(4) and who is** registered under section 17A;".

Substitution of heading to Chapter I of Act 110 of 1978

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

"COUNCIL FOR SOCIAL **AND ASSOCIATED WORKERS** *WORK*"

Amendment of section 3 of Act 110 of 1978, as substituted by section 3 of Act 48 of 1989

3. Section 3 of the principal Act is hereby amended by the substitution

for paragraph (d) of the following paragraph:

"(d) to determine the minimum standards of **tuition** *education* and training of social workers;".

Amendment of section 11 of Act 110 of 1978, as amended by section 4 of Act 68 of 1985

4. Section 11 of the principal Act is hereby amended by the substitution in paragraph (a) of subsection (4) for the expression "Department of Health and Welfare" of the expression "Department of National Health and Population Development".

Substitution of heading to Chapter II of Act 110 of 1978

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

"REGISTRATION OF SOCIAL **AND ASSOCIATED** WORKERS, *STUDENT SOCIAL WORKERS AND SOCIAL AUXILIARY WORKERS*"

Amendment of section 15 of Act 110 of 1978, as substituted by section 6 of Act 48 of 1989

6. Section 15 of the principal Act is hereby amended-

(a) by the substitution in paragraph (b) of subsection (3) for the word "specially" of the word "especially"; and

(b) by the substitution in subsection (4) for the word "specially" of the word "especially".

Substitution of section 16 of Act 110 of 1978, as amended by section 7 of Act 48 of 1989

7. The following section is hereby substituted for section 16 of the principal Act:

"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 R2 000**, or to imprisonment for a period not exceeding six months **or to both such fine and such imprisonment**.".

Amendment of section 17 of Act 110 of 1978

8. Section 17 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) The registrar shall issue to any person registered under subsection (1) a certificate of registration in **the prescribed** *a* form *approved by the council* and subject to the prescribed conditions.".

Amendment of section 17B of Act 110 of 1978, as inserted by section 9 of Act 48 of 1989

9. Section 17B of the principal Act is hereby amended-

(a) by the substitution in subsection (1) for the word "tuition" of the word "education"; and

(b) by the deletion of subsection (3).

Amendment of section 17C of Act 110 of 1978, as inserted by section 9 of Act 48 of 1989

10. Section 17C of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

"*(2A) (a) If a social worker 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 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 professional knowledge and skill in the professional field of his speciality are adequate to enable him to practice the profession of social work in respect of the speciality concerned.*

(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.

(c) The registrar shall, upon payment of the prescribed fee. cause the speciality of a social worker who has satisfactorily passed an examination referred to in paragraph (a) to be entered against the name of that social worker.".

Insertion of section 17D in Act 110 of 1978

11. The following section is hereby inserted in the principal Act after section 17C:

"Qualifications obtained outside Republic

17D. (1) No qualification obtained by virtue of examinations conducted by a training institution situated outside the Republic shall be prescribed in terms of this Act, unless-

(a) such qualification will entitle the holder thereof to practice as a social worker in the country or state in which such training institution is situated;

(b) the council is satisfied that possession of such qualification indicates a standard of professional education and training not lower than that prescribed in respect of the education and training of social workers within the Republic.

(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, 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 and whether he is proficient in any of the official languages of the Republic.

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

Amendment of section 18 of Act 110 of 1978, as substituted by section 10 of Act 48 of 1989

12. Section 18 of the principal Act is hereby amended by the addition of the following subsection:

"*(4) A condition referred to in subsection (2) may pertain to the passing of an examination and the payment of fees prescribed for such examination.*".

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

13. Section 22 of the principal Act is hereby amended-

(a) by the addition of the word "or" at the end of paragraph (c) of subsection (1) and the addition to the said subsection of the following paragraph: "*(d) a fine not exceeding R2 000.*"

(b) by the substitution in subparagraph (ii) of paragraph (b) of subsection

(1A) for the word "suspended" wherever it occurs of the word "postponed";

(c) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

"(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) *or (d)* of subsection (1);"; and

(d) by the addition of the following subsections:

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

(7) If a summons is in terms of subsection (6) issued against an

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

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

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

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

14. Section 28 of the principal Act is hereby amended-

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

"(c) *subject to the general policy determined by the Minister of National Education in terms of section 2(1)(d) of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984)*, the minimum requirements for the **tuition** *education* and training, and the nature, content and duration of the curricula and practical training, which shall be a requirement for the acquisition of a prescribed qualification;";

(b) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

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

(c) by the insertion in subsection (1) after paragraph (gB) of the following paragraph:

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

(d) by the substitution for subsection (3) of the following subsection:

"(3) Any regulation made under this section may, **prescribe a penalty** for any contravention thereof or failure to comply therewith, **not exceeding** *prescribe* a fine **of R1 000**, or **in default of payment** imprisonment for a period not exceeding three months **or both such fine and such imprisonment**.".

Short title

15. This Act shall be called the Social Work Amendment Act, 1993.