
DEPARTMENT OF SOCIAL DEVELOPMENT**No. R. 66****3 February 2012****PROBATION SERVICES ACT, 1991****AMENDMENT: REGULATIONS UNDER THE PROBATION SERVICES ACT**

The Minister of Social Development has, in terms of section 16 of the Probation Services Act, 1991 (Act No. 116 of 1991), made the regulations in the Schedule.

SCHEDULE

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R. 1364 of 5 August 1994.

Substitution of regulation 2 of the Regulations

2. The following regulation is hereby substituted for regulation 2 of the Regulations:

"Requirements for appointment as probation officer

2. No person shall be appointed as a probation officer unless he or she is a social worker in the employ of the State, a welfare organisation or a non-profit organisation and is registered as a social worker with the South Africa Council for Social Service Professions".

Insertion after regulation 3 of regulation 3A of the Regulations

3. The following regulation is hereby inserted after regulation 3 of the Regulations:

“Constitution and functioning of information classes

3A.(1) Information classes regarding causes of criminal tendencies and deviate behaviour shall be provided by probation officers and by persons appointed by the Minister who have knowledge or experience in the management of substance abuse, victim empowerment, family preservation and education to persons ordered by a court to attend such classes.

(2) A probation officer in charge of an information class shall ensure that the execution of the specific information class takes place at predetermined and pre-planned intervals.

(3) A probation officer must report to court the compliance and non-compliance of persons ordered by the court to attend the information class”.

Addition after regulation 8 of the Regulations

4. The following regulations are hereby added to the Regulations:

“Establishment of probation advisory committee

9. The Probation Advisory Committee is hereby established.

Constitution and meetings of the Probation Advisory Committee

10. (1) The Probation Advisory Committee shall consist of the following members:

- (a) a representative of the Department of Social Development appointed by the Minister;
- (b) a representative of the Department of Justice and Constitutional Development appointed by that Department;
- (c) a representative of the South African Police Services appointed by the South African Police Services;
- (d) a representative of the Department of Higher Education and Training appointed by that Department;
- (e) a representative of the Department of Correctional Services appointed by that Department; and
- (f) not more than 15 other members who must be persons who have knowledge or experience in the field of probation services and who are able to make a substantial contribution to the field of probation services.

(2) The members contemplated in subsection (1) (f) may be appointed only after the Minister has through the media invited nominations of persons as members of the Probation Advisory Committee.

- (3)(a) A member of the Probation Advisory Committee, except a member referred to in subsection (1)(a)–(e), must be appointed for a period not exceeding five years on conditions as the Minister may determine at the time of making the appointment.
- (b) A member of the Probation Advisory Committee, except a member

referred to in subsection (1)(a)-(e), may upon expiry of the term for which he or she was appointed, be reappointed for one additional term only.

- (c) The Minister may terminate the membership of any member for reasons deemed just and fair.
- (4) If any member of the Probation Advisory Committee dies, or vacates the office prior to the end of his or her term, the Minister may appoint another person to hold office for the unexpired portion of the period for which his or her predecessor was appointed.
- (5) Any member of the Probation Advisory Committee who is not an officer in the public service, may be paid such fees or travelling and subsistence allowance while engaged on the business of the Probation Advisory Committee, as the Minister with the concurrence of the Minister of Finance may determine.
- (6)
 - (a) One member of the Probation Advisory Committee must be designated by the Minister as Chairperson, and at the first meeting of every newly constituted Probation Advisory Committee, the members must elect a vice-chairperson from their members.
 - (b) The vice-chairperson, when acting in place of the chairperson, has all the powers and must perform all the duties of the chairperson and must be paid the allowance normally paid to the chairperson.
 - (c) In the event of the absence of both the chairperson and the vice-chairperson from any sitting of the Probation Advisory Committee, members must nominate one of their members to preside at that meeting.
- (7) The first meeting of the Probation Advisory Committee must be held at a time and place determined by the Minister, and subsequent

meetings must be held at least twice a year and at such times and places determined by the chairperson."

Commencement

5. These regulations will come into effect on the date of publication of this notice.