

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

---

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

*Registered at the Post Office as a Newspaper*

*As 'n Nuusblad by die Poskantoor Geregistreer*

PRICE 45c PRYS  
Plus GST/AVB  
ABROAD 60c BUITELANDS  
POST FREE · POSVRY

---

Vol. 240

CAPE TOWN, 19 JUNE 1985

KAAPSTAD, 19 JUNIE 1985

No. 9800

---

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1335.

19 June 1985

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

† No. 68 of 1985: Social and Associated Workers Amendment Act, 1985.

No. 1335.

19 Junie 1985

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

No. 68 van 1985: Wysigingswet op Maatskaplike en Geassosieerde Werkers, 1985.

Act No. 68, 1985

SOCIAL AND ASSOCIATED WORKERS AMENDMENT ACT, 1985

**GENERAL EXPLANATORY NOTE:**

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- ]** Words underlined with solid line indicate insertions in existing enactments.

# ACT

To amend the Social and Associated Workers Act, 1978, so as to adapt certain designations; to exercise control over student social workers and for that purpose to make certain provisions of the said Act applicable to them; to authorize the Council for Social and Associated Workers to perform certain of its functions in independent states and self-governing territories; to do away with the requirement that certain reports shall be submitted by the said Council to the Minister of Health and Welfare and laid upon the Table in Parliament by the said Minister; to further define the prohibition in connection with the giving of instruction for the training of social workers, and the giving out of unauthorized persons as social workers, student social workers or associated workers; to withdraw the exemption of certain persons in the service of the State and welfare organizations from the requirement to register as social workers, and to provide that such persons may be registered as such within a certain time; to provide that a registered person's name may be removed from the register on failure to pay amounts owing to the said Council within a certain time, and for the giving of notice of removal to any person whose name has been removed from the register; to empower the said Council to make certain rules without the approval of the said Minister; to do away with the power of the said Council to make rules in respect of certain matters, and to empower the said Minister to make regulations in respect of those matters on the recommendation of the said Council; and to empower the said Minister, without the recommendation of the said Council, to make certain regulations and to amend or repeal the rules made under the said Act; and to provide for matters connected therewith.

*(English text signed by the State President.)*  
*(Assented to 12 June 1985.)*

**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.

1. Section 1 of the Social and Associated Workers Act, 1978 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the definition of "Council" of the following definition:  
"Director-General" means the Director-General: Health and Welfare;";
- (b) by the substitution for the definition of "Minister" of 10 the following definition:

5

## Act No. 68, 1985

## SOCIAL AND ASSOCIATED WORKERS AMENDMENT ACT, 1985

“Minister’ means the Minister of **[Social Welfare and Pensions] Health and Welfare;**”;

- (c) by the deletion of the definition of “Secretary”;
- (d) by the substitution for the definition of “social worker” of the following definition: 5  
 “social worker” **[except in section 15 (1)]** means a person registered under section 17;”;
- and
- (e) by the insertion after the definition of “social worker” of the following definition: 10  
 “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;”.

Amendment of section 3 of Act 110 of 1978.

2. Section 3 of the principal Act is hereby amended— 15

- (a) by the substitution for paragraph (a) of the following paragraph:  
 “(a) to regulate the practising of the profession of social work or an associated profession, and the registration of social workers, student social workers and associated workers;”;
- (b) by the substitution for paragraph (c) of the following paragraph:  
 “(c) to exercise effective control over the professional conduct of social workers, student social workers and associated workers;”;
- (c) by the substitution for paragraph (d) of the following paragraph:  
 “(d) to determine the standards of professional conduct of social workers, student social workers and associated workers and to ensure that they are being maintained;”;
- (d) by the substitution for paragraph (h) of the following paragraph:  
 “(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 workers, student social workers and associated workers;”.

Amendment of section 4 of Act 110 of 1978.

3. Section 4 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1): 40

“(2) If the Government of the Republic and the government of a state the territory of which formerly formed part of the Republic, or of a self-governing territory as defined in section 38 of the National States Constitution Act, 1971 (Act No. 21 of 1971), agree thereto, the council may perform any function assigned to it by or under a law of that state or self-governing territory in connection with the control in that state or self-governing territory of the practice of any profession to which this Act relates or of the education and training of persons intending to practise any such profession, and such function shall be performed by the council on such conditions as may be agreed upon by the Government of the Republic and the government of that state or self-governing territory.” 45 50 55

Amendment of section 11 of Act 110 of 1978.

4. Section 11 of the principal Act is hereby amended by the substitution for the expressions “Secretary” and “Social Welfare and Pensions”, wherever they occur, of the expressions “Director-General” and “Health and Welfare”, respectively. 50 60

Repeal of section 14 of Act 110 of 1978.

5. Section 14 of the principal Act is hereby repealed.

Act No. 68, 1985

## SOCIAL AND ASSOCIATED WORKERS AMENDMENT ACT, 1985

Amendment of  
section 15 of  
Act 110 of 1978.

## 6. (1) Section 15 of the principal Act is hereby amended—

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

“(1) No person shall—

- (a) 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 a social worker or is deemed to have been so registered, or has been registered under this Act as an associated worker in respect of that associated profession;
- (b) give instruction on any aspect of the subject Social Work at a training institution, unless he has been registered under this Act as a social worker, or is a person who is not permanently resident in the Republic and who, with the approval of the council, gives instruction in an aspect of the subject Social Work determined by the council at a training institution in the Republic determined by the council;
- (c) in any manner pretend to be a social worker, student social worker or associated worker, while he has not been registered under this Act as a social worker, student social worker or associated worker, as the case may be.”.

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

“(2) In so far as any person undergoes practical training in social work as a requirement for the acquisition of a prescribed qualification at a training institution, he shall be deemed not to practise the profession of social work, provided he has been registered in terms of this Act as a student social worker and such practical training takes place under the supervision of a social worker.”;

(c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“The provisions of [subsections] subsection (1) [and (2)] shall not apply—”;

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

“(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, student social worker or associated worker under this Act is under consideration by the council;”;

(e) by the deletion of paragraphs (b) and (c) of subsection (3);

(f) by the substitution in subsection (4) for the expression “(2) and (3)” of the expression “(1) and (2)”; and

(g) by the addition of the following subsection:

“(5) For the purposes of subsection (1) a person shall be deemed to practise the profession of social work or an associated profession for gain if he receives any reward for the performance of the social work in question or the practice of that associated profession, as the case may be.”.

(2) (a) Subsection (1) (e), in so far as it applies to section 15 (3) (c) of the principal Act, commences six months after the commencement of this Act.

Act No. 68, 1985

## SOCIAL AND ASSOCIATED WORKERS AMENDMENT ACT, 1985

- (b) Any person to whom section 15 (3) (c) applied immediately prior to the commencement of this Act, and who within the period of six months referred to in paragraph (a) or the further period approved by the Minister of Health and Welfare in a particular case, submits proof to the satisfaction of the Council for Social and Associated Workers that the said section 15 (3) (c) so applied to him, may, notwithstanding anything to the contrary contained in the principal Act, be registered by the Council as a social worker.

Insertion of section 17A in Act 110 of 1978.

7. The following section is hereby inserted after section 17 of the principal Act:

**17A.** (1) The council may, on application made in the prescribed manner, register as a student social worker any person who studies the subject Social Work at a training institution referred to in section 15 (4), and who satisfies the prescribed conditions.

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

Amendment of section 19 of Act 110 of 1978.

8. 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 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, student social worker and associated worker."

Amendment of section 20 of Act 110 of 1978.

9. Section 20 of the principal Act is hereby amended—

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

"(d) has failed to pay any money which he owes to the council within three months after the date upon which [the prescribed reminder has been sent to him by the registrar by registered post to his address as registered in the register concerned] it became payable;" and

(b) by the insertion after subsection (1) of the following subsection:

"(1A) Notice of the removal of a person's name from the register by virtue of the provisions of any one of paragraphs (b) to (h) of subsection (1) shall be given by the registrar to the person concerned by registered letter sent through the post to him to his address as registered in the register concerned."

Amendment of section 21 of Act 110 of 1978.

10. 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 associated worker, and such inquiry shall not be restricted to the acts or omissions contemplated in section 27 (1) (c)."

Amendment of section 22 of Act 110 of 1978.

11. Section 22 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

(4) Subject to the provisions of section 17 (1), 17A (1) and 18 (1), the council may, after the expiration of such period as the council in each case may determine, again

## Act No. 68, 1985

## SOCIAL AND ASSOCIATED WORKERS AMENDMENT ACT, 1985

register as a social worker, student social worker or associated worker, as the case may be, any person whose registration has been cancelled under this Act.”

Amendment of section 27 of Act 110 of 1978.

12. (1) Section 27 of the principal Act is hereby amended—
- (a) by the deletion of paragraphs (a) and (b) of subsection (1);
- (b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:  
“(c) the **[conduct]** acts or omissions of a social worker, student social worker or associated worker which shall constitute unprofessional or improper conduct;”;
- (c) by the deletion of paragraphs (d), (e), (g) (h), (i), (k) and (l) of subsection (1);
- (d) by the insertion after subsection (1) of the following subsection:  
“(1A) The council may, without the approval of the Minister, make rules relating to—  
(a) the course of conduct to be followed by social workers, student social workers and associated workers in practising their profession; 20  
(b) the institution, powers and functions of committees; 25  
(c) the tariff of fees which may be charged in respect of professional services rendered by a social worker, student social worker or associated worker.”; and
- (e) by the substitution for subsection (2) of the following subsection:  
“(2) Different rules may in terms of **[subsection]** subsections (1) and (1A) be made in respect of social workers, student 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]**.”. 35
- (2) Notwithstanding the deletion of the provisions mentioned in paragraphs (a) and (c) of subsection (1), the rules made under those provisions shall remain in force until they are repealed by the Minister by notice in the *Gazette*.

Substitution of section 28 of Act 110 of 1978.

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

- “Regulations. 28. (1) The Minister may, **[after consultation with]** on the recommendation of 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]**— 50
- (a) the fees which shall be paid annually by social workers, student social workers and associated workers to the council, and the fees which shall be paid to the council in respect of— 55
- (i) the registration or re-registration of social workers, student workers and associated workers;
- (ii) the restoration of the name of such a worker to a register; 60
- (iii) any application which shall or may be made under this Act;
- (iv) the issue of registration certificates or copies thereof; 65

- (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;
- (b) the allowances which may be paid to members of the council and of committees in respect of the carrying out of their functions;
- (c) the minimum requirements for the tuition 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;
- (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 associated worker shall be lodged with the council;
- (ii) the manner in which any such inquiry shall be instituted and conducted, the procedure to be followed thereat and any other matter connected with the institution or conducting thereof;
- (e) the form of any application, registration certificate, notice, register or summons made, issued, given, held or served under this Act;
- (f) the conditions which social workers carrying on the profession otherwise than under a contract of employer and employee, must satisfy;
- (g) the documents which shall accompany any application in terms of this Act;
- (h) any matter, except a matter referred to in section 27, which may or is required to be prescribed under this Act;
- (i) generally, all matters which he considers necessary or expedient in order to attain the objects of this Act.
- (2) The Minister may, if he deems it necessary in the public interest, without the recommendation of the council, but after consultation with the executive committee of the council—
- (a) make regulations relating to any of the matters referred to in subsection (1);
- (b) by regulation amend or repeal any regulation made under that subsection;
- (c) by notice in the *Gazette* amend or repeal any rule made under the provisions of this Act.
- (3) Any regulation made under this section may prescribe a penalty for any contravention thereof or failure to comply therewith, not exceeding a fine of R100.
- (4) Different regulations may under this section be made in respect of social workers, student social workers and associated workers, and regulations under subsection (1) (c) shall be made after consultation with the training institutions referred to in section 15 (4).”

Short title.

14. This Act shall be called the Social and Associated Workers Amendment Act, 1985.