
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

JUSTICE AND CONSTITUTIONAL DEVELOPMENT, DEPARTMENT OF

NO. R. 2418

26 August 2022

DETERMINATION OF PERSONS OR CATEGORY OR CLASS OF PERSONS WHO ARE COMPETENT TO BE APPOINTED AS INTERMEDIARIES: CRIMINAL PROCEDURE ACT, 1977

I, Ronald Ozzy Lamola, Minister of Justice and Correctional Services, hereby determine under the powers vested in me by section 170A(4)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), that:

1. The following categories or classes of persons are competent to be appointed as intermediaries:
 - (a) Medical practitioners who are registered in terms of section 17 of the Health Professions Act, 1974 (Act No. 56 of 1974), against whose names the speciality of paediatrics or psychiatry is registered.
 - (b) General practitioners and family physicians who are registered in terms of section 17 of the Health Professions Act, 1974 (Act No. 56 of 1974), and have at least three years of experience in working as qualified medical practitioners.
 - (c) Occupational therapists, speech therapists, audiologists, physiotherapists and art therapists who are registered in terms of section 17 of the Health Professions Act, 1974 (Act No. 56 of 1974), and have at least three years of experience in working as qualified therapists or audiologists.
 - (d) Clinical, counselling or educational psychologists who are registered in terms of section 17 of the Health Professions Act, 1974 (Act No. 56 of 1974), and have at least two years of experience in working as qualified psychologists.
 - (e) Professional nurses who are registered in terms of section 31 of the Nursing Act, 2005 (Act No. 33 of 2005), who have worked for at least three years in a psychiatric or a paediatric ward in a hospital as qualified nurses, including former or retired professional nurses whose names have not been removed from the register in terms of section 44(1) of the Nursing Act, 2005.
 - (f) Family counsellors who are appointed under section 3(1) of the Mediation in Certain Divorce Matters Act, 1987 (Act No. 24 of 1987), and who fall under any of the categories or classes of persons referred to in this section.
 - (g) Social workers and retired social workers who are registered in terms of section 17 of the Social Service Professions Act, 1978 (Act No. 110 of 1978), and have at least two years of experience in working as qualified social workers.

- (h) Educators as defined in section (1) of the South African Schools Act, 1996 (Act No. 84 of 1996), who—
 - (i) have obtained a minimum post Matriculation teacher's education qualification of three years at a recognised tertiary educational institution;
 - (ii) have at least three years of experience in working as qualified teachers; and
 - (iii) are registered in terms of section 21 of the South African Council for Educators Act, 2000 (Act No. 31 of 2000), including former or retired educators, who comply with subparagraphs (i) and (ii), and whose names have not been removed from the register in terms of section 23(1) of the South African Council for Educators Act, 2000.
 - (i) Early childhood development practitioners, who—
 - (i) have obtained an education qualification referred to in paragraph (h), or a post Matriculation education qualification in early childhood development, accredited by the South African Qualifications Authority;
 - (ii) have at least 10 years of experience in working as early childhood development practitioners; and
 - (iii) are employed by an early childhood development centre which is duly registered with the relevant government department.
 - (j) Child and youth care workers who—
 - (i) have obtained a minimum post-matriculation education qualification of three years at a recognised tertiary educational institution in child and youth care;
 - (ii) have at least three years of experience in working as child and youth care workers; and
 - (iii) are registered in terms of section 18A of the Social Service Professions Act, 1978 (Act No. 110 of 1978).
 - (k) Community trauma counsellors who—
 - (i) are employed by a Non-Governmental Organisation;
 - (ii) have received training in trauma counselling; and
 - (iii) have at least 10 years of experience in working as trauma counsellors.
2. A person who falls under any of the categories or classes of persons referred to in section 1, and whose name appears in the register contemplated by section 42 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), is not competent to be appointed as an intermediary.

3. Government Notice No. R. 663 of 14 July 2017 is hereby repealed.

RO LAMOLA, MP
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 2418

26 Augustus 2022

BEPALING VAN PERSONE OF KATEGORIE OF KLAS VAN PERSONE WAT BEVOEG IS OM AS TUSSENGANGERS AANGESTEL TE WORD: STRAFPROSESWET, 1977

Ek, Ronald Ozzy Lamola, Minister van Justisie en Korrektiewe Dienste, bepaal hierby kragtens die bevoegdheids aan my verleen by artikel 170A(4)(a) van die Strafproseswet, 1977 (Wet No. 51 van 1977), dat:

1. Die volgende kategorieë of klasse van persone bevoeg is om as tussengangers aangestel te word:
 - (a) Mediese praktisyns wat ingevolge artikel 17 van die Wet op Gesondheidsberoepes, 1974 (Wet No. 56 van 1974), geregistreer is, teen wie se name die spesialiteit van pediatrie of psigiatrie geregistreer is.
 - (b) Algemene praktisyns en gesinsdokters wat ingevolge artikel 17 van die Wet op Gesondheidsberoepes, 1974 (Wet No. 56 van 1974), geregistreer is, en ten minste drie jaar se werkservaring as mediese praktisyns het.
 - (c) Arbeidsterapeute, spraakterapeute, oudioloë, fisioterapeute en kunstterapeute wat ingevolge artikel 17 van die Wet op Gesondheidsberoepes, 1974 (Wet No. 56 van 1974), geregistreer is en drie jaar werkservaring as gekwalifiseerde terapeute of oudioloë het.
 - (d) Kliniese, beradings- of opvoedkundige sielkundiges wat ingevolge artikel 17 van die Wet op Gesondheidsberoepes, 1974 (Wet No. 56 van 1974), geregistreer is en wat ten minste twee jaar werkservaring as gekwalifiseerde sielkundiges het.
 - (e) Professionele verpleegkundiges wat ingevolge artikel 31 van die "Nursing Act, 2005" (Wet No. 33 van 2005), geregistreer is, wat vir ten minste drie jaar in 'n psigiatrisiese of pediatriese saal in 'n hospitaal as gekwalifiseerde verpleegkundige gewerk het, met inbegrip van voormalige of afgetrede professionele verpleegkundiges wie se name nie ingevolge artikel 44(1) van die "Nursing Act, 2005", uit die register verwyder is nie.
 - (f) Gesinsberaders wat kragtens artikel 3(1) van die Wet op Bemiddeling in Sekere Egskeidings- aangeleenthede, 1987 (Wet No. 24 van 1987), aangestel is en wat onder enige van die kategorieë of klasse van persone in hierdie artikel bedoel, val.
 - (g) Maatskaplike werkers en afgetrede maatskaplike werkers wat ingevolge artikel 17 van die Wet op Maatskaplike Diensberoepes, 1978 (Wet No. 110 van 1978), geregistreer is en wat ten minste twee jaar werkservaring as gekwalifiseerde maatskaplike werkers het.

- (h) Opvoeders soos omskryf in artikel (1) van die Suid-Afrikaanse Skolewet, 1996 (Wet No. 84 van 1996), wat—
- (i) 'n minimum onderwyskwalifikasie van drie jaar ná matriek by 'n erkende inrigting vir tersiêre onderwys verwerf het;
 - (ii) ten minste drie jaar werkservaring as gekwalifiseerde onderwysers het; en
 - (iii) ingevolge artikel 21 van die Wet op die Suid-Afrikaanse Raad op Opvoeders, 2000 (Wet No. 31 van 2000), geregistreer is, met inbegrip van voormalige of afgetrede opvoeders, wat aan subparagrafe (i) en (ii) voldoen, en wie se name nie ingevolge artikel 23(1) van die Wet op die Suid-Afrikaanse Raad op Opvoeders, 2000, uit die register verwyder is nie.
- (i) Vroeë kinderontwikkelingspraktisyns, wat—
- (i) 'n onderwyskwalifikasie in paragraaf (h) bedoel, of 'n onderwyskwalifikasie ná matriek in vroeë kinderontwikkeling wat deur die Suid-Afrikaanse Kwalifikasieowerheid geakkrediteer is, verwerf het;
 - (ii) ten minste 10 jaar werkservaring as vroeë kinderontwikkelingspraktisyns het; en
 - (iii) vir 'n vroeë kinderontwikkelingsentrum werk wat behoorlik by die tersaaklike staatsdepartement geregistreer is.
- (j) Kinder- en jeugsorgwerkers wat—
- (i) 'n minimum onderwyskwalifikasie van drie jaar ná matriek in kinder- en jeugsorg by 'n erkende tersiêre onderwysinrigting verwerf het;
 - (ii) ten minste 10 jaar werkservaring as kinder- en jeugsorgwerkers het; en
 - (iii) ingevolge artikel 18A van die Wet op Maatskaplike Diensberoep, 1978 (Wet No. 110 van 1978), geregistreer is.
- (k) Gemeenskapstraumaberaders wat—
- (i) in diens van 'n Nie-regeringsorganisasie is;
 - (ii) opleiding in traumabering ontvang het; en
 - (iii) ten minste 10 jaar werkservaring as traumaberaders het.
2. 'n Persoon wat in enige van die kategorieë of klasse van persone in artikel 1 na verwys val, en wie se naam in die register beoog in artikel 42 van die Wysigingswet op die Strafwet (Seksuele Misdrywe en Verwante Aangeleenthede), 2007 (Wet No. 32 van 2007), is nie bevoeg om as 'n tussenganger aangestel te word nie.
3. Goewermentskennisgewing No. R. 663 van 14 Julie 2017 word hiermee herroep.

RO LAMOLA, LP
MINISTER VAN JUSTISIE EN KORREKTIEWE DIENSTE