



STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

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ALGEMENE KENNISGEWING

DEPARTEMENT VAN VOLKSWELSYN EN
PENSIOENE

DIE WET OP MAATSKAPLIKE WERKERS EN
GEASSOSIEERDE BEROEPE, 1978

DIE WET OP FONDSINSAMELING, 1978

DIE NASIONALE WELSYNSWET, 1978

Die volgende Konsepwetsontwerpe word vir algemene inligting gepubliseer. Enige persoon wat kommentaar op die inhoud daarvan wil lewer, kan dit op of voor 15 September 1977 skriftelik aan die Sekretaris van Volkswelsyn en Pensioene, Privaatsak X63, Pretoria, 0001, rig.

WETSONTWERP

OM VIR DIE INSTELLING VAN 'N RAAD VIR MAATSKAPLIKE WERKERS EN GEASSOSIEERDE WERKERS VOORSIENING TE MAAK EN OM SY WERKSAAMHEDE TE OMSKRYF; OM DIE REGISTRASIE VAN MAATSKAPLIKE WERKERS EN GEASSOSIEERDE WERKERS TE REËL; EN OM VIR AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN VOORSIENING TE MAAK

Deur die Minister van Volkswelsyn en Pensioene ingedien te word

Daar word bepaal deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika soos volg:

Woordomskrywings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) "beroep" die beroep van maatskaplike werker; (x)
- (ii) "boekjaar" 'n jaar wat op 31 Maart eindig; (v)
- (iii) "geassosieerde beroep" 'n beroep wat by die reëls 'n geassosieerde beroep verklaar is; (i)
- (iv) "geassosieerde werker" iemand wat kragtens artikel 14 geregistreer is; (ii)
- (v) "hierdie Wet" ook die reëls en regulasies kragtens artikel 25 of 26 uitgevaardig; (xviii)
- (vi) "komitee" 'n komitee ingevolge artikel 11 ingestel; (iii)

GENERAL NOTICE

DEPARTMENT OF SOCIAL WELFARE
AND PENSIONS

SOCIAL WORKERS AND ASSOCIATED
PROFESSIONS ACT, 1978

FUND-RAISING ACT, 1978

NATIONAL WELFARE ACT, 1978

The following Draft Bills are published for general information. Any person desiring to furnish comments on the contents thereof may do so in writing to the Secretary for Social Welfare and Pensions, Private Bag X63, Pretoria, 0001, on or before 15 September 1977:

BILL

TO PROVIDE FOR THE ESTABLISHMENT OF A COUNCIL FOR SOCIAL WORKERS AND ASSOCIATED WORKERS AND TO DEFINE ITS FUNCTIONS; TO REGULATE THE REGISTRATION OF SOCIAL WORKERS AND ASSOCIATED WORKERS; AND TO PROVIDE FOR OTHER INCIDENTAL MATTERS

To be introduced by the Minister of Social Welfare and Pensions

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; (iii)
 - (ii) "associated worker" means a person registered under section 14; (iv)
 - (iii) "committee" means a committee established under section 11; (vi)
 - (iv) "council" means the council established by section 2; (xi)
 - (v) "financial year" means a year ending on 31 March; (ii)
 - (vi) "legal representative" means an advocate or an attorney; (xiv)

- (vii) "landdros" ook 'n addisionele landdros; (vii)
- (viii) "maatskaplike werk" 'n professionele handeling, bedrywigheid of metode wat gerig is op die diagnosering, uitskakeling, voorkoming of behandeling van maatskaplike wanfunksionering by die mens of die bevordering van maatskaplike bestendigheid by die mens en ook enige stoflike hulp wat met die oog daarop verleen word; (xvi)
- (ix) "maatskaplike werker" iemand wat kragtens artikel 13 geregistreer is; (xvii)
- (x) "Minister" die Minister van Volkswelsyn en Pensioene; (viii)
- (xi) "raad" die raad by artikel 2 ingestel; (iv)
- (xii) "reël" 'n reël kragtens artikel 25 uitgevaardig; (xiv)
- (xiii) "registrateur" die registrateur kragtens artikel 10 aangestel; (xi)
- (xiv) "regsverteenwoordiger" 'n advokaat of prokureur; (vi)
- (xv) "regulasie" 'n regulasie kragtens artikel 26 uitgevaardig; (xii)
- (xvi) "Republiek" ook die gebied Suidwes-Afrika; (xiii)
- (xvii) "Sekretaris" die Sekretaris van Volkswelsyn en Pensioene; (xv)
- (xviii) "voorgeskrewe" of "voorgeskryf", met betrekking tot 'n aangeleentheid in artikel 25 bedoel, voorgeskrewe of voorgeskryf by reël kragtens daardie artikel uitgevaardig en met betrekking tot 'n aangeleentheid in artikel 26 bedoel, voorgeskrewe of voorgeskryf by regulasie kragtens laasgenoemde artikel uitgevaardig. (ix)

HOOFSTUK I

RAAD VIR MAATSKAPLIKE WERKERS EN GEASSOSIEERDE WERKERS

Instelling van Raad vir Maatskaplike Werkers en Geassosieerde Werkers

2. Hierby word 'n raad ingestel wat die Raad vir Maatskaplike Werkers en Geassosieerde Werkers heet en wat met regspersoonlikheid bekleed is en bevoeg is om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handelinge te verrig en alle bevoegdhede uit te oefen wat nodig is vir of in verband staan met die uitvoering van sy oogmerke en die verrigting van sy werksaamhede en pligte kragtens hierdie Wet.

Oogmerke van die raad

3. Die oogmerke van die raad is—

- (a) om die beoefening van die beroep of 'n geassosieerde beroep en die registrasie van maatskaplike werkers en geassosieerde werkers te reël;
- (b) om die standaarde van onderrig en opleiding van maatskaplike werkers en geassosieerde werkers te reël en te bevorder;
- (c) om doeltreffende beheer oor die professionele gedrag van maatskaplike werkers en geassosieerde werkers uit te oefen;
- (d) om die standaarde van professionele gedrag vir maatskaplike werkers en geassosieerde werkers te bepaal, en te verseker dat dit gehandhaaf word;
- (e) om die kwalifikasies vir registrasie as maatskaplike werkers en geassosieerde werkers te bepaal;
- (f) om doeltreffendheid in en verantwoordelikheid met betrekking tot die beroep of 'n geassosieerde beroep aan te moedig en te bevorder;
- (g) om die belange van die 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 en die integriteit van maatskaplike werkers en geassosieerde werkers te handhaaf en te verhoog;

- (vii) "magistrate" includes an additional magistrate; (vii)
- (viii) "Minister" means the Minister of Social Welfare and Pensions; (x)

(ix) "prescribed" in relation to any matter referred to in section 25, means prescribed by rule made under that section, in relation to any matter referred to in section 26, prescribed by regulation made under the lastmentioned section; (xviii)

(x) "profession" means the profession of social worker; (i)

(xi) "registrar" means a registrar appointed under section 10; (xiii)

(xii) "regulation" means a regulation made under section 26; (xv)

(xiii) "Republic" includes the territory of South West Africa; (xvi)

(xiv) "rule" means a rule made under section 25; (xii)

(xv) "Secretary" means the Secretary for Social Welfare and Pensions; (xvii)

(xvi) "social work" means any professional act, activity or method directed at diagnosing, eliminating, preventing or treating social malfunctioning in man, or at promoting social stability in man, and includes the rendering of any material assistance with a view thereto; (viii)

(xvii) "social worker" means a person registered under section 13; (ix)

(xviii) "this Act" includes the rules and regulations made under section 25 or 26; (v)

CHAPTER I

COUNCIL FOR SOCIAL WORKERS AND ASSOCIATED WORKERS

Establishment of Council for Social Workers and Associated worker

2. There is hereby established a council to be known as the Council for Social Workers and Associated Workers, which shall be a body corporate, capable of suing and being sued in its corporate name, and of performing all such acts and exercising all such powers as are necessary for or incidental to the carrying out of its objects and the performance of its functions and duties under this Act.

Objects of the council

3. The objects of the council shall be—

- (a) to regulate the practising of the profession or and associated profession, and the registration of social workers and associated workers;
- (b) to regulate and promote the standards of tuition and training of social workers and associated workers;
- (c) to exercise effective control over the professional conduct of social workers and associated workers;
- (d) to determine the standards of professional conduct of social workers and associated workers and to ensure that it is being maintained;
- (e) to specify the qualifications for registration as social workers and associated workers;
- (f) to encourage and promote efficiency in and responsibility with regard to the profession and any associated profession;
- (g) to protect the interests of the profession and to deal with any matter relating to such interests;
- (h) to maintain and enhance the prestige, status and dignity of the profession and the integrity of social workers and associated workers;

(i) om die Minister van advies te dien met betrekking tot enige aangeleentheid wat die beroep of 'n geassosieerde beroep raak;

(j) om studie van maatskaplike werk aan te moedig.

Bevoegdheid van die raad

4. Die raad kan, ten einde sy oogmerke 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;

(c) verhandelbare dokumente, aksepteer, trek, endosseer, uitgee, maak betaal of 'n ander handeling ten opsigte daarvan te verrig;

(d) geld van die raad bestee en belê;

(e) kontrakte aangaan;

(f) behoudens die bepalinge van hierdie Wet, die persone aanstel teen dié besoldiging en ander diensvoorwaardes wat hy goedvind vir die verrigting van sy werksaamhede en kan sodanige persone ontslaan;

(g) pensioenfondse of voorsorgfondse of pensioenskemas in mediese hulpskemas of mediese bystandskemas vir lede en gewese lede van die beroep en vir die personeel van die raad en vir die afhanklikes van sodanige lede en gewese lede en personeel, stig of ondersteun of administreer of behulpsaam wees met die stigting of administrasie daarvan;

(h) enige navorsing of studie oor enige aangeleentheid wat met die beroep of maatskaplike werk in verband staan onderneem of laat onderneem;

(i) enige bevoegdheid wat by of kragtens hierdie Wet of 'n ander wet aan hom verleen word, uitoefen;

(j) oor die algemeen en sonder die inagneming van die bepalinge van paragrafe (a) tot en met (i), enigiets doen wat nodig of bevorderlik is vir die verwesenliking van die oogmerke van die raad.

Werksaamhede van die raad

5. Die raad verrig die werksaamhede wat by of kragtens hierdie Wet of 'n ander wet aan hom opgedra word.

Samestelling van die raad

6. (1) Die raad bestaan uit 12 lede waarvan 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 vyf jaar en kan na die verstryking van sy ampstermyn weer aangestel of verkies word.

Kwalifikasies van raadslede, ontruiming van amp en vul van vakatures

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

(a) hy 'n maatskaplike werker is;

(b) 'n Suid-Afrikaanse burger is; en

(c) permanent in die Republiek woonagtig is en aldus woonagtig was vir die tydperk van vyf jaar wat sy verkiesing of aanstelling onmiddellik voorafgaan.

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

(a) indien hy ophou om aan die vereistes in subartikel (1) bedoel, te voldoen;

(b) indien hy 'n pasiënt word soos omskryf in artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973);

(c) indien sy boedel gesekwestreer of afgestaan word of hy met sy skuldeisers 'n skikking aangaan;

(d) indien hy sonder toestemming van die raad van meer as twee agtereenvolgende gewone vergaderings van die raad afwesig is;

(e) indien hy aan 'n misdryf skuldig bevind word ten opsigte waarvan hy gevonnissen word tot gevangenisstraf sonder die keuse van 'n boete;

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

(j) to encourage the study of social work.

Powers 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 movable or immovable property of the council;

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

(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 other conditions of service which it deems fit for the carrying out of its functions and may dismiss such persons;

(g) establish, support, or administer, or assist with the establishment or administration of pension funds, or provident funds or pension schemes and medical aid schemes or medical benefit schemes for members and ex-members of the profession and for the staff of the council and for the dependents of such members, ex-members and staff;

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

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

(j) generally and regardless of the provisions of paragraphs (a) up to and including (i), do anything necessary for or conducive to the achievement of the objects of the council.

Functions of council

5. The council shall perform such functions as may be imposed upon it by or under this Act or any other act.

Constitution of council

6. (1) The council shall consist of 12 members, eight of which shall be elected in the prescribed manner and four of which shall be appointed by the Minister.

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

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

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

(a) he is a social worker;

(b) he is a South African citizen; and

(c) is permanently resident in the Republic and has been so resident for the period of five years immediately preceding his election or appointment.

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

(a) if he ceases to comply with the requirements referred to in subsection (1);

(b) if he becomes a patient as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973);

(c) if his estate is sequestered or assigned or he enters into a composition with his creditors;

(d) if he is absent from more than two consecutive ordinary meetings of the council without the permission of the council;

(e) if he is convicted of an offence in respect of which he is sentenced to imprisonment without the option of a fine;

(f) indien hy, in die geval van 'n verkose lid, skriftelik sy bedanking by die voorsitter indien of, in die geval van 'n lid wat deur die Minister aangestel is, skriftelik sy bedanking by die Minister indien;

(g) die Minister op versoek van of na oorlegpleging met die raad, in die openbare belang sy lidmaatskap beëindig.

(3) Indien 'n lid van die raad voor die verstryking van sy ampstermyn te sterwe kom of sy amp ontruim, word die vakature wat aldus ontstaan, gevul asof dit ontstaan het as gevolg van die verstryking van die ampstermyn van die betrokke lid en die persoon wat verkies of aangestel word om bedoelde vakature aldus te vul, beklee die betrokke amp vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger verkies of aangestel 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 dat die versuim om aan die voorgeskerwe vereistes te voldoen of bedoelde onreëlmatigheid nie die ongeldigverklaring van die verkiesing regverdig nie, kan hy, na goeë dunde, gelas watter stappe gedoen moet word om die oogmerke van hierdie Wet met betrekking tot so 'n verkiesing te bereik en kan hy sodanige onreëlmatigheid geldig verklaar of kan hy die verkiesing van 'n lid wat aldus verkies is, ondanks sodanige versuim of onreëlmatigheid, geldig verklaar.

Vergaderings van die raad

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

(2) (a) Spesiale vergaderings 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 moet in die geval van so 'n vergadering wat as gevolg van 'n versoek in paragraaf (a) bedoel, belê word, gehou word binne 'n tydperk van 30 dae na die ontvangs van sodanige versoek deur die president.

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

(3) Die kworum vir en prosedure by vergaderings van die raad word 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, aanwesig was op of deelgeneem het aan die verrigtinge van die vergadering van die raad 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 by bedoelde vergadering aanwesig was en geregtig was om op bedoelde vergadering sitting te neem.

President en onderpresident van raad

9. (1) Die aanwesige lede van die raad kies op die eerste vergadering van elke nuutsaamgestelde raad 'n lid van die raad as president en 'n ander sodanige lid as onderpresident van die raad.

(2) Indien die amp van president of onderpresident vakant word, kies die aanwesige lede van die raad op die eerste vergadering van die raad nadat die vakature ontstaan het 'n lid van die raad as president of onderpresident, na gelang van die geval, en die aldus verkose lid beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger verkies was.

(f) is he, in the case of an elected member, tenders his resignation in writing to the chairman or if he, in the case of a member appointed by the Minister, tenders his resignation in writing to the Minister;

(g) if the Minister at the request of or after consultation with the council, in public interest terminated his membership.

(3) If a member of the council dies or vacated his office before the expiration of his period of office, the vacancy so occurring shall be filled as if it has occurred as a result of the expiration of the period of office of the member concerned and the person elected or appointed to fill such vacancy, shall hold office for the unexpired portion of the period for which his predecessor 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 that the omission to comply with the prescribed requirements of 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 validate such irregularity, or he may, notwithstanding such omission or irregularity, declare the election of a member thus elected, to be valid.

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 further meetings as the council may from time to time determine.

(2) (a) Special meetings 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 such meeting convened as result of a request referred to in paragraph (a), be held within a period of 30 days after the 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 prescribed.

(4) No resolution of the council or act performed on the 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, was present or participated in the proceedings of the meeting of the council at which the decision was taken or the act was authorised, if the decision was taken or the act was authorised by the requisite majority of the members of the council who were present at such meeting and entitled to sit at such meeting.

President and vice-president of council

9. (1) At the first meeting of every newly constituted council the members of the council present, shall elect a member of the council as president and another such member as vice-president.

(2) If the office of the president or vice-president becomes vacant, the members present at the first meeting of the council after such vacancy occurs, shall elect a member of the council as president or vice-president, as the case may be, and the member so elected shall hold office for the unexpired portion of the period for which his predecessor was elected.

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

Aanstelling van registrator

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

(2) Die registrator oefen die bevoegdhede uit en verrig die werksaamhede wat van tyd tot tyd by of kragtens hierdie Wet of 'n ander Wet of deur die raad aan hom verleen of opgedra word en is, in die geval van 'n registrator in subartikel (4) bedoel, onderworpe aan die administratiewe beheer van die Sekretaris.

(3) Die registrator se aanstelling en ontslag is, behalwe in die geval van 'n registrator 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 registrator 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 registrator wat kragtens paragraaf (a) aangewys is, geag ingevolge subartikel (1) aangestel te wees.

Komitees van raad

11. (1) Die Raad stel 'n uitvoerende komitee in wat bestaan uit die president en onderpresident van die raad en drie ander lede van die raad wat deur die raad aangewys word.

(2) (a) Behoudens die bepalings van hierdie Wet en die voorskrifte van die raad, kan so 'n uitvoerende komitee 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.

(3) 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.

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

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

(c) Die kworum en prosedures by vergaderings van komitees word voorgeskryf.

HOOFTUK II

REGISTRASIE VAN MAATSKAPLIKE WERKERS EN GEASSOSIEERDE WERKERS

Ongeregistreerde persone mag nie die beroep of 'n geassosieerde beroep beoefen nie

12. (1) Niemand mag regstreeks of onregstreeks op enige wyse hoegenaamd—

(a) die beroep beoefen nie; of

(b) maatskaplike werk teen vergoeding verrig of enige onderrig in enige aspek van die vak Maatskaplike Werk aan enige opleidingsinrigting gee nie; of

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

Appointment of registrar

10. (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 that from time to time are conferred or imposed upon 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).

Committees of council

11. (1) The council shall appoint an executive committee consisting of the president and vice-president of the council 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, such 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 authorised.

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

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

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

CHAPTER II

REGISTRATION OF SOCIAL WORKERS AND ASSOCIATED WORKERS

Unregistered persons shall not practise the profession or an associated profession

12. (1) No person shall directly or indirectly in any manner whatsoever—

(a) practise the profession; or

(b) perform social work at remuneration or give any instruction on any aspect of the subject social work at any training institution; or

(c) hom voordoen of voorgee 'n maatskaplike werker te wees of ingevolge hierdie Wet as 'n maatskaplike werker geregistreer te wees nie; of

(d) 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 werker is of ingevolge hierdie Wet as 'n maatskaplike werker geregistreer is of dat hy regtens geregtig is om as maatskaplike werker te praktiseer of die beroep uit te oefen nie; of

(e) 'n geassosieerde beroep beoefen nie of hom voordoen of voorgee 'n geassosieerde werker te wees of ingevolge hierdie Wet as 'n geassosieerde werker geregistreer te wees nie;

tensy hy, in 'n geval in paragraaf (a), (b), (c) of (d) bedoel, as 'n maatskaplike werker ingevolge hierdie Wet geregistreer is of geag word aldus geregistreer te wees of, in 'n geval in paragraaf (e) bedoel, as 'n geassosieerde werker van die bepaalde geassosieerde beroep ingevolge bedoelde wet geregistreer is.

(2) Ondanks die bepalinge van subartikel (1), kan 'n student wat by praktiese opleiding in maatskaplike werk onder die toesig van 'n maatskaplike werker betrokke is, maatskaplike werk verrig.

(3) Indien die raad op grond van inligting onder eed of 'n bevestiging verstrekkende rede het om te vermoed dat iemand 'n bepaling van subartikel (1) oortree het, kan die raad so iemand, by kennisgewing op die voorgeskrewe wyse aan hom beteken, gelas om op die tyd en plek in die kennisgewing vermeld voor die raad of 'n komitee te verskyn vir 'n ondersoek na die oortreding van subartikel (1) wat in die kennisgewing uiteengesit word.

(4) Die raad of bedoelde komitee kan, indien hy, na ondersoek op die voorgeskrewe wyse, oortuig is dat die persoon in die kennisgewing vermeld die oortreding wat hom daarin ten laste gelê word, gepleeg het, bedoelde persoon gelas om 'n boete van hoogstens R200 te betaal en kan die betaling van sodanige boete of enige gedeelte daarvan vir 'n tydperk van hoogstens een jaar opskort op die voorwaardes wat hy goetvind of kan die oplegging van so 'n boete vir bedoelde tydperk op sodanige voorwaardes uitstel.

(5) Indien iemand aan wie 'n kennisgewing in subartikel (3) bedoel, beteken is, versuim om by die ondersoek te verskyn, kan die raad of die betrokke komitee die ondersoek in die afwesigheid van bedoelde persoon en onderworpe aan die voorgeskrewe voorwaardes voortset.

(6) Iemand aan wie 'n kennisgewing ingevolge subartikel (3) beteken is, is geregtig om persoonlik of deur sy regsvertegenwoordiger by die ondersoek te verskyn.

(7) Indien die boete wat iemand by 'n ondersoek in subartikel (3) bedoel, opgelê is nie binne sewe dae na die datum waarop sodanige boete opgelê is aan die raad betaal word nie, kan die raad te eniger tyd binne 'n tydperk van ses maande na sodanige datum en nadat die voorgeskrewe kennisgewing op die voorgeskrewe wyse gestuur is aan die persoon wat die boete opgelê is, die rekord van die verrigtinge by die betrokke ondersoek aan die klerk van die landdroshof vir die distrik waarin bedoelde persoon woonagtig is of sy besigheidsplek het vir hersiening deur 'n landdros van bedoelde hof verwys.

(8) Indien die landdros wat bedoelde verrigtinge, met inbegrip van enige skriftelike opmerkings wat die raad of die komitee wat die ondersoek gehou het of die persoon wat die boete opgelê is binne die voorgeskrewe tydperk met betrekking tot die ondersoek mag verlang om aan hom voor te lê, hersien, oortuig is dat behoorlik reg by die ondersoek geskied het, teken hy 'n sertifikaat ten dien effekte op die rekord van verrigtinge aan en kan hy die boete wat die raad of komitee opgelê het bekragtig of die bedrag daarvan verminder tot die bedrag wat

(c) hold himself out or purport to be a social worker or to be registered as a social worker in terms of this Act; or

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

(e) practise an associated profession or hold himself out or purport to be an associated worker or to be registered as an associated worker under this Act;

unless he, in a case referred to in paragraph (a), (b), (c) or (d), has been registered as a social worker under this Act or is deemed to have been so registered or, in a case referred to in paragraph (e), has been registered under such Act as an associated worker of the specific associated profession.

(2) Notwithstanding the provisions of subsection (1), a student engaged in field instruction in social work under the supervision of a social worker, may perform social work.

(3) If the council, on the grounds of information given under oath or affirmation, has reason to believe that any person has contravened a provision of subsection (1), the council may order such person, by notice served on him in the prescribed manner, to appear before the council or committee at a time and place mentioned in the notice, for an inquiry into the contravention of subsection (1) set out in the notice.

(4) The council or such committee may, if after inquiry in the prescribed manner, it is satisfied that the person referred to in the notice has committed the contravention with which he is charged therein, order such person to pay a fine not exceeding R200 and may suspend payment of such fine or any portion thereof for a period not exceeding one year on such conditions as it thinks fit, or may postpone the imposition of such fine for such period on such conditions.

(5) If a person on whom a notice referred to in subsection (3) has been served, fails to appear at the inquiry, the council or the committee concerned may, in the absence of such person and subject to the prescribed conditions, proceed with the inquiry.

(6) Any person on whom a notice in terms of subsection (3) has been served, shall be entitled to appear in person or to be represented by his legal representative at the inquiry.

(7) If the fine imposed on any person at an inquiry referred to in subsection (3) is not paid to the council within seven days after the date on which such fine has been imposed, the council may at any time within a period of six months after such date, and after the prescribed notice has been given in the prescribed manner to the person on whom the fine has been imposed, refer the record of the proceedings at the inquiry concerned to the clerk of the magistrate's court for the district in which such person is resident or carries on his business, for review by a magistrate of such court.

(8) If the magistrate reviewing such proceedings, including any written remarks which the council or committee which held the inquiry or the person on whom the fine has been imposed may wish to submit to him within the prescribed period in connection with the inquiry, is satisfied that they are in accordance with justice, he shall endorse a certificate to that effect upon the record of the proceedings and may confirm the fine imposed by the council or the committee, or reduce the amount thereof to the amount which the council or committee in his

die raad of komitee na sy oordeel behoort op te gelê het of, indien hy nie aldus oortuig is nie, weier om bedoelde sertifikaat aldus aan te teken en moet hy die boete wat bedoelde persoon opgelê is, tersyde stel.

(9) 'n Boete wat ingevolge subartikel (8) bekragtig of verminder is, het al die gevolge van en kan uitgevoer word asof dit 'n vonnis in 'n siviele saak is wat gegee is ten gunste van die raad in die landdroshof waarvan die landdros wat die verrigtinge van die ondersoek hersien het 'n landdros is.

(10) By die toepassing van subartikel (1), beteken "opleidingsinrigting" 'n inrigting waar persone opleiding ondergaan wat na die suksesvolle voltooiing daarvan sodanige persone, na die oordeel van die Minister, in staat stel om aan die voorgeskrewe kwalifikasies vir registrasie as maatskaplike werker te voldoen.

Registrasie van maatskaplike werkers

13. (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 toegelaat te word om die beroep 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 inwerking-treding van hierdie Wet ingevolge 'n wet wat deur hierdie Wet herroep word as 'n maatskaplike werker geregistreer 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

14. (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 subartikel (2) en (5) van artikel 13 is *mutatis mutandis* van toepassing op 'n persoon in subartikel (1) bedoel.

Registers van geregistreerde persone

15. (1) Die registrateur hou afsonderlike registers ten opsigte van maatskaplike werkers en van geassosieerde werkers wat ingevolge hierdie Wet geregistreer word en teken, behoudens die bepalings van hierdie Wet, van tyd tot tyd die voorgeskrewe besonderhede op die voorgeskrewe wyse ten opsigte van elke sodanige maatskaplike werker en geassosieerde werker in die toepaslike register aan.

(2) Dié 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 *prima facie* bewys van die feite daarin aangeteken.

opinion ought to have imposed or, if he is not so satisfied, he shall refuse so to endorse such certificate and shall set aside the fine imposed on such person.

(9) A fine confirmed or reduced in terms of subsection (8) shall have all the effects of and may be executed as if it is a judgment in a civil case given in favour of the council in the magistrate's court of which the magistrate who has reviewed the proceedings of the inquiry, is a magistrate.

(10) For the purposes of subsection (1) "training institution" shall mean any institution where persons undergo training which after the successful completion thereof will in the opinion of the Minister enable such persons to satisfy the prescribed qualifications for registration as social worker.

Registration of social workers

13. (1) The council may on application made in the prescribed manner, register any person as a social worker, who holds the prescribed qualifications and satisfies the prescribed conditions, and who satisfies the council that he is a fit and proper person to be allowed to practise the profession.

(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, 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

14. (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 13 shall *mutatis mutandis* apply to a person referred to in subsection (1).

Registers of registered persons

15. (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 from time to time the prescribed particulars in the prescribed manner in respect of every such social worker and associated worker in the appropriate register.

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

(3) 'n Sertifikaat wat voorgee deur die registrateur onderteken te wees en waarin gesertifiseer word dat die naam van 'n daarin genoemde persoon nie in 'n aldus vermelde register verskyn nie, is prima facie bewys van die feite in die sertifikaat aangeteken.

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

16. (1) Die raad kan die registrateur gelas om die naam van enige persoon uit die betrokke register te skrap indien die raad oortuig is—

- (a) dat sodanige persoon gesterwe het;
- (b) dat sodanige persoon versoek het dat sy naam uit sodanige register geskrap word en dat geen stappe ingevolge Hoofstuk III teen hom hangende is of beoog word of waarskynlik ingestel sal word nie;
- (c) dat sodanige persoon die Republiek permanent verlaat het of sonder toestemming van die raad vir 'n tydperk van meer as drie jaar uit die Republiek afwesig is;
- (d) dat sodanige persoon in gebreke gebly het om enige geld wat hy aan die raad verskuldig is te betaal binne drie weke 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) dat sodanige persoon 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;
- (f) dat 'n bevel soos bedoel in artikel 19 van die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), ten opsigte van hom gegee en van krag is;
- (g) dat sy registrasie deur bedrog verkry is; of
- (h) dat sodanige persoon se naam per abuis in die betrokke register aangeteken is.

(2) Die raad kan die registrateur gelas om enige inskrywing in 'n register wat die raad oortuig is verkeerd is te verbeter en die registrateur moet van tyd tot tyd enige sodanige verbetering in die betrokke registers aanbring.

(3) Indien die raad oortuig is dat 'n persoon wie se naam ingevolge subartikel (1) uit 'n register geskrap is aan al die vereistes van artikel 13 of 14, na gelang van die geval, voldoen en die rede waarom sy naam aldus uit 'n register geskrap is, opgehou het om in sy geval te bestaan en hy aan die ander vereistes wat die raad in sy geval bepaal, 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

17. (1) Die raad kan op die voorgeskrewe wyse 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) enigiemand wat na die oordeel van die raad in staat is om enige inligting wat van wesenlike belang vir die ondersoek is, te verstrek 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

(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 facts recorded in the certificate.

Removal from and restoration to register of names and correction of registers

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

- (a) that such person has died;
- (b) that such person 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) that such person has left the Republic permanently or that he has been absent from the Republic for a period of more than three years without the council's permission;
- (d) that such person has failed to pay any money which he owes to the council within three weeks 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) that such person 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;
- (f) that an order referred to in section 19 of the Mental Health Act, 1973 (Act 18 of 1973), has been made and is in force in respect of himself;
- (g) that his registration has been fraudulently obtained; or
- (h) that such person's name has erroneously been registered in the register concerned.

(2) The council may order the registrar to rectify any entry in a register which the council is satisfied is incorrect and the registrar shall from time to time record any such rectification in the registers concerned.

(3) If the council is satisfied that a person whose name has been removed from a register in terms of subsection (1) satisfies all the requirements of section 13 or 14, as the case may be, and that the reason why his name has so been removed from the register has ceased to exist in his case, and that he satisfies the other requirements which the council may, in his case, determine, 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 cases of unprofessional or improper conduct

17. (1) The council may, in the prescribed manner, 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 any person in the prescribed manner who in the opinion of the council is able to furnish information of material importance to the inquiry, or whom 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

word of om bedoelde boek, dokument of oorkonde oor te lê en kan 'n boek, dokument of oorkonde wat aldus oorgelê is, vir ondersoek bekom;

(b) deur die persoon wat by die ondersoek voorsit 'n eed op lê aan of 'n bevestiging aanneem van iemand wat by die ondersoek teenwoordig is en so iemand ondervra of laat ondervra deur iemand wat deur die raad aangewys is om die getuienis by die ondersoek te lei en om so iemand aan te sê 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 bepaling van artikel 51 (2) van die Wet op Landdroshowe, 1944 (Wet 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 saak in 'n geregshof getuienis af te lê 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 privaatregtelike verrigtings in 'n geregshof uitmaak of waarskynlik sal uitmaak, kan die raad die ondersoek uitstel totdat bedoelde verrigtings afgehandel is.

(6) 'n Persoon teen wie 'n ondersoek ingevolge hierdie Hoofstuk ingestel word, is geregtig om persoonlik of deur sy regsvertegenwoordiger by die ondersoek te verskyn.

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

(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 bedoelde getuienis vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir die misdryf van meened voorgeskryf word.

(9) Indien dit uit getuienis voor 'n geregshof afgelê blyk dat iemand wat ingevolge hierdie Wet geregistreer is hom waarskynlik aan onprofessionele of onbehoorlike gedrag skuldig gemaak het, kan die hof beveel dat 'n afskrif van daardie getuienis aan die raad gestuur word.

Tugbevoegdhede van raad

18. (1) Die raad kan, na 'n ondersoek in hierdie Hoofstuk bedoel, die betrokke persoon skuldig gevind aan die onprofessionele of onbehoorlike gedrag wat hom in die voorgeskrewe kennisgewing ten laste gelê word en kan, indien hy hom aldus skuldig bevind—

(a) bedoelde persoon berispe;

(b) bedoelde persoon se registrasie vir 'n bepaalde tydperk op die voorwaardes wat die raad bepaal, opskort; of

(c) bedoelde persoon se registrasie intrek en gelas dat sy naam uit die betrokke register geskrap word.

(2) Indien 'n persoon wat ingevolge hierdie Wet geregistreer is deur 'n geregshof skuldig bevind word weens 'n misdryf wat onprofessionele of onbehoorlike gedrag is soos kragtens artikel 25 omskryf of ingevolge 'n wetsbepaling wat op sy diens betrekking het aan wangedrag skuldig bevind word wat onprofessionele of onbehoorlike gedrag is soos aldus omskryf, kan die raad so iemand

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 such person or cause him to be examined by a person designated by the council to lead the evidence at the inquiry and to instruct such person 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 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 a 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 determined.

(6) A person against whom an inquiry is instituted under this Chapter, shall be entitled to appear in person at the inquiry or by his legal representative.

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

(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 prescribed by law for the offence of perjury.

(9) If it appears from evidence given before a court of law that any person registered under this Act has probably been guilty of unprofessional or improper conduct, the court may order that a copy of such evidence be transmitted to the council.

Disciplinary powers of council

18. (1) The council may after an inquiry referred to in this Chapter, find such person guilty of the unprofessional or improper conduct with which he is charged in the prescribed notice and may, if it so finds him guilty—

(a) reprimand such person;

(b) suspend such person's registration for a specified period on such conditions as the council may determine; or

(c) cancel such person's registration and order that his name be removed from the register concerned.

(2) If any person registered under this Act has been found guilty by a court of law of any offence constituting unprofessional or improper conduct as defined under section 25 or has under any law relating to his service, been found guilty of misconduct which constitutes unprofessional or improper conduct as so defined, the council

sonder 'n ondersoek ingevolge hierdie Hoofstuk aan onprofessionele of onbehoorlike gedrag skuldig vind en ingevolge die bepalings van subartikel (1) met bedoelde persoon handel.

(3) 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) enige stappe wat kragtens paragraaf (a) of (b) van subartikel (1) ten opsigte van 'n bepaalde persoon gedoen is, in die betrokke register teenoor die naam van daardie persoon aanteken;

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

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

(5) Behoudens die bepalings van artikels 13 (1) en 14 (1), kan die raad enigiemand wie se registrasie ingevolge hierdie Wet ingetrek is, na verloop van dié tydperk wat die raad in iedere bepaalde geval goedvind, weer as 'n maatskaplike werker of geassosieerde werker, na gelang van die geval, registreer.

(6) 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.

HOOFTUK IV

ALGEMENE BEPALINGS

Regshulp by ondersoek ingevolge die Wet

19. 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 en om die raad of die komitee wat die ondersoek hou in verband met enige regsrae, prosedure of bewyslewering van advies te dien.

Appel

20. (1) Iemand wat hom 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 bevinding in artikel 18 (1) bedoel of die opskorting of intrekking van sy registrasie ingevolge paragraaf (b) of (c) van genoemde subartikel;

(c) deur die skraping van sy naam uit 'n register ingevolge artikel 16 (1);

kan binne 'n tydperk van drie maande na die datum van sodanige weiering, bevinding, opskorting, intrekking of skraping appel daarteen aanteken na die provinsiale afdeling van die Hooggeregshof van Suid-Afrika wat regsbevoegdheid uitoefen in die gebied waarin sodanige persoon gewoonlik woonagtig is.

(2) 'n Appel ingevolge subartikel (1) word voortgesit asof dit 'n appel is teen 'n vonnis van 'n landdroshof in 'n siviele saak, en alle reëls wat op laasgenoemde appel ten opsigte van die verhoor daarvan van toepassing is, is *mutatis mutandis* op 'n appel kragtens hierdie artikel van toepassing.

(3) Die hof wat 'n appel kragtens hierdie artikel verhoor kan die weiering, bevinding, opskorting, intrekking of skraping waarteen geappelleer word, bekragtig of tersyde stel en, indien die hof 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 hof gevolg te gee.

may, without inquiry under this Chapter, find such person guilty of unprofessional or improper conduct and deal with such person in terms of the provisions of subsection (1).

(3) 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 any action taken in respect of any specified person under paragraph (a) or (b) of subsection (1), in the register concerned against the name of such person;

(c) issue the prescribed notices in respect of any person found guilty of unprofessional or improper conduct under this Chapter.

(4) 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.

(5) Subject to the provisions of sections 13 (1) and 14 (1), the council may, after the expiration of such period as the council in each particular 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.

(6) 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.

CHAPTER IV

GENERAL PROVISIONS

Legal aid at inquiries under this Act

19. 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, and to advise the council or the committee holding the inquiry on questions of law, procedure or evidence.

Appeal

20. (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 finding referred to in section 18 (1) or the suspension or cancellation of his registration in terms of paragraph (b) or (c) of the said subsection;

(c) by the removal of his name from a register in terms of section 16 (1);

may within a period of three months after the date of such refusal, finding, suspension, cancellation or removal, appeal to the provincial division of the Supreme Court of South Africa having jurisdiction in the area wherein such person is normally residing.

(2) An appeal under subsection (1) shall be prosecuted as if it were an appeal from a judgement of a magistrate's court in a civil matter and all rules applicable to such last-mentioned appeal in respect of the hearing thereof, shall *mutatis mutandis* apply to an appeal under this section.

(3) The court hearing an appeal under this section, may confirm or set aside the refusal, finding, suspension, cancellation or removal forming the subject of the appeal, and may, if it is set aside by the court, give such judgement 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 court.

Fondse van raad

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

(a) die gelde wat deur die raad ingevolge die bepalings van hierdie Wet ontvang word;

(b) die 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) enige geld wat die raad van tyd tot tyd uit enige ander bron toeval.

(2) Die raad wend sy fondse ter bestryding van die uitgawes aangegaan in verband met die bevordering van sy oogmerke en die verrigting van sy werksaamhede aan.

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

Boekhouding en ouditering

22. (1) Die raad laat op die voorgeskrewe wyse aantekeninge hou van al die geld deur hom ontvang en bestee en 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 die rekeningstate en balansstaat wat die voorgeskrewe besonderhede ten opsigte van daardie boekjaar aantoon, laat opmaak.

(2) Die aantekeninge, rekeningstate en balansstaat bedoel in subartikel (1) moet deur 'n rekenmeester en ouditeur geregistreer kragtens die Wet op Openbare rekenmeesters en Ouditeurs, 1951 (Wet 51 van 1951), wat deur die raad aangestel word, geouditeer word en 'n afskrif daarvan moet binne die voorgeskrewe tydperk aan die Minister gestuur word en afskrifte daarvan moet op die voorgeskrewe plekke gedurende die voorgeskrewe tyd ter insae van die publiek lê.

Verslae

23. (1) Die raad moet elke jaar, binne ses maande na die afsluiting van sy boekjaar 'n jaarverslag oor die werksaamhede van die raad gedurende bedoelde boekjaar aan die Minister voorlê 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 jaarverslag word deur die Minister in die Senaat en die Volksraad ter tafel gelê binne 14 dae na ontvangs daarvan as die Parlement dan in gewone sessie is, of as die Parlement nie dan in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie.

Beperking van aanspreeklikheid

24. Behoudens die bepalings van hierdie Wet, word geen regsgeding, hetsy straf- of privaatregtelik teen die raad of 'n komitee of 'n lid of beampte daarvan ingestel nie ten opsigte van enigiets te goedertrou ingevolge die bepalings van hierdie Wet gedoen nie.

Reëls

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

(a) enige aangeleentheid, behalwe 'n aangeleentheid in artikel 26 bedoel, wat ingevolge hierdie Wet voorgeskryf moet of kan word;

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

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

Funds of council

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

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

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

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

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

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

(2) The council shall use its funds for defraying the expenditure incurred in connection with the promotion of its objects and the performance of its functions.

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

Book-keeping and auditing

22. (1) The council shall cause records to be kept in the prescribed manner of all moneys received and spent by it and 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) The records, statements of account and balance sheet referred to in subsection (1), shall be audited by an accountant and auditor, registered under the Public Accountants and Auditors Act, 1951 (Act 51 of 1951), and appointed by the council and a copy thereof shall be transmitted to the Minister within the prescribed period and shall lie for inspection by the public at the prescribed places during the prescribed periods.

Reports

23. (1) The council shall in each year, within six months after the close of its financial year, submit an annual report to the Minister on the council's 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 annual report shall be laid upon the Table by the Minister in the Senate and in the House of Assembly within 14 days after receipt thereof if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within 14 days after the commencement of its first ensuing ordinary session.

Limitation of liability

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

Rules

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

(a) any matter, except a matter referred to in section 26 which may or is required to be prescribed under this Act;

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

(d) die gelde wat jaarliks deur maatskaplike werkers 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 werkers 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;

(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 die raad se sake of werksaamhede betaal kan word;

(f) die bevoegdhede, pligte en diensvoorwaardes van die registrateur;

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

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

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

(j) die 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.

(3) Geen reël kragtens hierdie artikel uitgevaardig is van krag nie voordat dit in die *Staatskoerant* gepromulgeer word.

Regulasies

26. Die Minister kan, na oorlegpleging met die raad, regulasies uitvaardig met betrekking tot—

(a) enige aangeleentheid, behalwe 'n aangeleentheid in artikel 25 bedoel, wat ingevolge hierdie Wet voorgeskryf moet of kan word;

(b) die kwalifikasies vir verkiesing van lede van die raad of vir aanstelling op 'n komitee;

(c) die nominasie van kandidate vir verkiesing as lede van die raad;

(d) die rekeninge, aantekeninge en state wat die raad van sy finansiële transaksies moet laat hou of opstel;

(e) die tydperk waarin die rekeningstate en balansstaat in artikel 22 bedoel aan die Minister verstrek moet word en die plekke waar en die tye waartydens sodanige state en balansstaat ter insae van die publiek moet lê.

Herroeping van sekere bepalings van Wet 79 van 1965

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

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

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

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

(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 the council's affairs or functions;

(f) the powers, duties and conditions of service of the registrar;

(g) the general standards of tuition and training and the nature, content and duration of the curricula and field instruction 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 by a social worker or an associated worker shall be lodged with the council;

(j) the 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) 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.

(3) No rule made under this section shall be of force and effect until published in the *Gazette*.

Regulations

26. The Minister may, after consultation with the council, make regulations relating to—

(a) any matter, except a matter referred to in section 25, which may or is required to be prescribed in terms of this Act;

(b) the qualifications for the election of members of the council or for appointment on a committee;

(c) the nomination of candidates for election as members of the council;

(d) the books, accounts, records and returns which the council shall cause to be kept or compiled in respect of its financial transactions;

(e) the period within which the statements of account and balance sheet referred to in section 22 shall be submitted to the Minister, and the places where and the periods during which such statements and balance sheet shall lie open for public inspection.

Repeal of certain provisions of Act 79 of 1965

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

Toepassing op Suidwes-Afrika

28. Hierdie Wet en enige wysiging daarvan is ook op die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel van toepassing.

Kort titel en inwerkingtreding

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

WETSONTWERP

OM VOORSIENING TE MAAK VIR DIE INSTELLING VAN 'N SUID-AFRIKAANSE WELSYNSADVIESRAAD, STREEKWELSYNRADE EN SEKERE KOMITEES; OM HULLE BEVOEGDHEDE EN WERKSAAMHEDE TE OMSKRYF; OM VOORSIENING TE MAAK VIR DIE REGISTRASIE VAN ORGANISASIES WAT MAATSKAPLIKE WELSYNSDIENSTE LEWER EN TAKKE DAARVAN, EN VIR ONDERSOEKE NA DIE WERKSAAMHEDE VAN WELSYNSORGANISASIES; EN VIR ANDER BYKOMSTIGE AANGELEENTHEDE

Deur die Minister van Volkswelsyn en Pensioene ingedien te word

Daar word bepaal deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) "die gebied" die gebied Suidwes-Afrika;
- (ii) "geregistreerde tak" 'n tak van 'n welsynsorganisaie wat ingevolge artikel 15 (1) geregistreer is;
- (iii) "hierdie Wet" ook die regulasies;
- (iv) "landdroshoe" 'n distrik ingevolge artikel 2 van die Wet op Landdroshoe, 1944 (Wet 32 van 1944), ingestel;
- (v) "maatskaplike welsynsdienste" georganiseerde werksaamhede, maatreëls of programme wat gerig is op die leniging van maatskaplike nood, die voorkoming en bestryding van maatskaplike agteruitgang of die verbetering van bevordering van die maatskaplike funksionering van persone, gesinne of groepe persone;
- (vi) "maatskaplike werker" iemand wat kragtens artikel 13 van die Wet op Maatskaplike Werkers en Geassosieerde Beroepe, 1978, as 'n maatskaplike werker geregistreer is;
- (vii) "Minister" die Minister van Volkswelsyn en Pensioene;
- (viii) "nominasielys" 'n lys kragtens artikel 10 (1) opgestel;
- (ix) "organisasie" ook 'n liggaam, groep of vereniging van persone, 'n instelling, federasie, genootskap, beweging, met of sonder regs persoonlikheid en ongeag of dit ooreenkomstig 'n wet gestig of geregistreer is al dan nie;
- (x) "raad" die Suid-Afrikaanse Welsynsadviesraad kragtens artikel 2 (1) ingestel;
- (xi) "registrasiesertifikaat" 'n registrasiesertifikaat kragtens artikel 14 (1) uitgereik;
- (xii) "regulasie" 'n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is;
- (xiii) "Sekretaris" die Sekretaris van Volkswelsyn en Pensioene;
- (xiv) "streek" 'n streek kragtens artikel 5 ingestel;
- (xv) "streekwelsynsraad" met betrekking tot 'n streek, die streekwelsynsraad kragtens artikel 6 ten opsigte van bedoelde streek ingestel;

Application of Act in South-West Africa

28. This Act and any amendment thereof shall apply also in the Territory of South-West Africa, including the Eastern Caprivi Zipfel.

Short title and commencement

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

BILL

TO PROVIDE FOR THE ESTABLISHMENT OF A SOUTH AFRICAN WELFARE ADVISORY COUNCIL, REGIONAL WELFARE BOARDS AND CERTAIN COMMITTEES; AND TO DEFINE THEIR POWERS AND FUNCTIONS; AND TO PROVIDE FOR THE REGISTRATION OF ORGANISATIONS RENDERING SOCIAL WELFARE SERVICES AND OF BRANCHES THEREOF, AND FOR THE INVESTIGATION OF THE ACTIVITIES OF WELFARE ORGANISATIONS; AND FOR OTHER INCIDENTAL MATTERS

To be introduced by the Minister of Social Welfare and Pensions

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) "Branch" means a group or association of persons carrying on the functions of a welfare organisation within a specified area under the control and guidance of such welfare organisation and managed in terms of a constitution by a committee consisting of not less than five persons;
- (ii) "branch certificate" means a branch certificate issued under section 15 (1);
- (iii) "council" means the South African Welfare Advisory Council established under section 2 (1);
- (iv) "executive committee" means an executive committee appointed under section 11 (4);
- (v) "magisterial district" means a district established in terms of section 2 of the Magistrate's Courts Act, 1944 (Act 32 of 1944);
- (vi) "Minister" means the Minister of Social Welfare and Pensions;
- (vii) "nomination list" means a list prepared in terms of section 10 (1);
- (viii) "organisation" includes any body, group or association of persons, any institution, federation, society, or movement, incorporated or unincorporated and whether or not it has been established or registered in accordance with any law;
- (ix) "prescribed" means prescribed by regulation made under this Act;
- (x) "region" means a region established under section 5;
- (xi) "regional welfare board" in relation to a region, means the regional welfare board established under section 6 in respect of such region;
- (xii) "registered branch" means a branch of a welfare organisation registered in terms of section 15 (1);
- (xiii) "registration certificate" means a registration certificate issued under section 14 (1);
- (xiv) "regulation" means a regulation made and in force under this Act;
- (xv) "Secretary" means the Secretary for Social Welfare and Pensions;

(xvi) "tak" 'n groep of vereniging van persone wat die werksaamhede van 'n welsynsorganisasie binne 'n bepaalde gebied onder die beheer en leiding van bedoelde welsynsorganisasie voortsit en ingevolge 'n konstitusie bestuur word deur 'n komitee wat uit minstens vyf persone bestaan;

(xvii) "taksertifikaat" 'n taksertifikaat uitgereik kragtens artikel 15 (1);

(xviii) "uitvoerende komitee" 'n uitvoerende komitee aangestel kragtens artikel 11 (4);

(xix) "voorgeskrif" of "voorgeskrewe" by regulasie uitgevaardig kragtens hierdie Wet voorgeskryf of voorgeskrewe;

(xx) "welsynskomitee" 'n welsynskomitee aangestel kragtens artikel 11 (5) (a);

(xxi) "welsynsorganisasie" 'n organisasie wat kragtens hierdie Wet as 'n welsynsorganisasie geregistreer is of geag word aldus geregistreer te wees;

(xxii) "welsynsprogram" 'n welsynsprogram in artikel 11 (1) (d) bedoel.

HOOFTUK I

SUID-AFRIKAANSE WELSYNSADVIESRAAD

Instelling van 'n Suid-Afrikaanse Welsynsadviesraad en prosedure by vergaderings

2. (1) Daar word hierby 'n raad ingestel wat die Suid-Afrikaanse Welsynsadviesraad heet en die bevoegdhede uitoefen en die werksaamhede verrig wat by of ingevolge hierdie Wet aan hom verleen of opgedra word.

(2) (a) Die raad bestaan uit soveel lede, maar hoogstens 11, as wat die Staatspresident van tyd tot tyd bepaal.

(b) Die lede van die raad word deur die Staatspresident aangestel uit persone wat na sy oordeel oor deskundige of besondere kennis van maatskaplike vraagstukke beskik of in staat is om 'n wesenlike bydrae tot die bestryding van sodanige vraagstukke te lewer;

(3) (a) 'n Lid van die raad word aangestel vir 'n tydperk van hoogstens vyf jaar en op die voorwaardes wat die Staatspresident ten tyde van sy aanstelling bepaal.

(b) 'n Lid van die raad wie se ampstermyn verstryk het, kan weer aangestel word.

(c) Die ampstermyn van 'n lid van die raad kan te eniger tyd beëindig word indien, na die oordeel van die Staatspresident, goeie redes daarvoor bestaan.

(4) Indien 'n lid van die raad te sterwe kom of sy amp ontruim voor die verstryking van die tydperk waarvoor hy aangestel is, moet die Staatspresident 'n ander persoon aanstel, wat sy amp beklee vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger aangestel was.

(5) Die Staatspresident wys een van die lede van die raad as president van die raad aan en die lede van die raad verkies een van sy lede as onder-president.

(6) Die raad kom minstens twee keer per jaar byeen op sodanige tye en plekke as wat die president van die raad met die goedkeuring van die Minister van tyd tot tyd bepaal.

(7) Die kworum vir en prosedure by vergaderings van die raad word voorgeskryf.

(8) Daar kan aan 'n lid van die raad wat nie 'n beambte van die Staatsdiens is nie, terwyl hy sake van die raad verrig, die gelde of reis- en onderhoudsgelde betaal word wat die Minister van tyd tot tyd in oorleg met die Minister van Finansies bepaal.

(xvi) "social welfare services" means organised activities, measures or programs directed at the relief of social distress, the prevention and combating of social decline or the improvement or promotion of the social functioning of persons, families or groups of persons;

(xvii) "social worker" means any person registered as a social worker under section 13 of the Social Workers' and Associated Professions Act, 1978;

(xviii) "the territory" means the territory of South West-Africa;

(xix) "this Act" include the regulations;

(xx) "welfare committee" means a welfare committee appointed under section 11 (5) (a);

(xxi) "welfare organisation" means an organisation registered as a welfare organisation under this Act or deemed to be so registered;

(xxii) "welfare program" means a welfare program referred to in section 11 (1) (d).

CHAPTER I

SOUTH AFRICAN WELFARE ADVISORY COUNCIL

Establishment of a South African Welfare Advisory Council and procedure at meetings

2. (1) There is hereby established a council to be known as the South African Welfare Advisory Council and which shall exercise such powers and perform such functions as may be conferred or imposed upon it by or under this Act.

(2) (a) The council shall consist of so many members, but not exceeding 11, as the State President may from time to time determine.

(b) The members of the Council shall be appointed by the State President from persons, who, in his opinion have expert or special knowledge of social problems or who are able to make a substantial contribution to the combating of such problems.

(3) (a) A member of the Council shall be appointed for a period not exceeding five years and subject to such conditions as may be determined by the State President at the time of his appointment.

(b) A member of the council whose period of office has expired, shall be eligible for reappointment.

(c) The period of office of a member of the council may be terminated at any time, if, in the opinion of the State President, there are good reasons for doing so.

(4) If a member of the council dies or vacates his office before the termination of the period for which he has been appointed, the State President shall appoint any other person who shall hold office for the unexpired portion of the period for which his predecessor was appointed.

(5) The State President shall designate one of the members of the council as president of the council and the members of the council shall elect one of its members as deputy-president.

(6) The council shall meet at least twice per annum at such times and places as may be determined from time to time by the president of the council with the approval of the Minister.

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

(8) There may be paid to a member of the council who is not an officer of the public service, while he is engaged on work of the council, such fees or travelling and subsistence allowances as may from time to time be determined by the Minister in consultation with the Minister of Finance.

Werksaamhede van die Suid-Afrikaanse Welsynsadviesraad

3. (1) Die werksaamhede van die raad is om die Regering van tyd tot tyd van advies te dien met betrekking tot—

(a) die beleid wat in die algemeen gevolg behoort te word ten einde die maatskaplike bestendigheid van die inwoners van Republiek te bevorder en te verseker en maatskaplike agteruitgang te voorkom;

(b) die maatreëls wat in die algemeen nodig is om maatskaplike vraagstukke te bekamp of te voorkom;

(c) die maatreëls wat in die besonder nodig is vir die bestendiging, beskerming of bevordering van die gesinslewe of huwelikslewe of die welsyn van bejaardes, kinders en liggaamlik of geestelik gestremde persone;

(d) die maatreëls wat getref behoort te word ten einde die maatskaplike welsynsdienste in die Republiek te verbeter;

(e) enige navorsing wat in verband met enige maatskaplike vraagstuk onderneem behoort te word; en

(f) enige maatskaplike welsynsaangeleentheid wat deur die Minister na die Raad verwys word of waaromtrent die raad dit nodig of wenslik ag om die Regering te adviseer.

(2) Die raad kan met die goedkeuring van die Minister van tyd tot tyd konferensies in verband met maatskaplike vraagstukke of aangeleenthede wat op sy werksaamhede betrekking het, reël.

(3) Die raad moet minstens twee keer gedurende sy ampstermyn en op die ander tye wat die Minister van tyd tot tyd bepaal, aan die Minister 'n verslag oor die verrigting van die raad se werksaamhede voorlê.

Aanstelling van sekretaris van die Suid-Afrikaanse Welsynsadviesraad

4. (1) Die Sekretaris stel 'n amptenaar in die Staatsdiens aan as sekretaris van die raad wat ook die administratiewe werk van die raad verrig.

(2) Die sekretaris van die raad verrig sy werksaamhede onder die toesig en leiding van die raad en is onderworpe aan die administratiewe beheer van die Sekretaris.

HOOFTUK II**INSTELLING VAN STREKE EN STREEK-WELSYNSRADE***Instelling van streke*

5. Die Minister kan by kennisgewing in die *Staatskoerant*—

(a) streke instel wat uit een of meer landdrostdistrikte bestaan en die naam waaronder so 'n streek bekend sal staan, bepaal;

(b) die grense van 'n streek van tyd tot tyd uitbrei of inperk of die naam waaronder dit bekend staan, verander of 'n streek afskaf of by 'n ander streek inlyf;

(c) 'n kennisgewing kragtens hierdie artikel te eniger tyd by soortgelyke kennisgewing intrek of wysig.

Instelling van streekwelsynsrade

6. Die Minister stel by kennisgewing in die *Staatskoerant* 'n streekwelsynsraad vir elke streek in.

Samestelling van streekwelsynsrade

7. (1) 'n Streekwelsynsraad bestaan uit die aantal lede, maar hoogstens 15 en minstens 11, wat die Minister van tyd tot tyd bepaal.

(2) Die lede van 'n streekwelsynsraad word deur die Minister aangestel en—

(a) een van die lede moet 'n beaampte wees wat in diens is van die Departement wat onder die beheer van die Minister staan en wat deur die Minister as die voorsitter van bedoelde raad aangewys word;

Functions of the South African Welfare Advisory Council

3. (1) The functions of the council shall be to advise the Government from time to time in relation to—

(a) the general policy which should be followed to promote the social stability of the inhabitants of the Republic and to prevent social decline;

(b) the measures generally necessary to combat or prevent social problems;

(c) the measures particularly necessary for stabilising, protecting or promoting family life or married life or the welfare of the aged, children and physically and mentally handicapped persons;

(d) the measures which should be undertaken in connection with any social problem; and

(e) any research which should be undertaken in connection with any social problem; and

(f) any social welfare matter referred to the council by the Minister or about which the council deems it necessary or desirable to advise the Government.

(2) The council may, with the approval of the Minister, from time to time arrange conferences in connection with social problems or matters relating to its functions.

(3) The council shall, at least twice during its term of office and at such other time as the Minister may from time to time determine, submit to the Minister a report on the performance of the functions of the council.

Appointment of a secretary of the South African Welfare Advisory Council

4. (1) The Secretary shall appoint an officer in the public service as secretary of the council, who shall also perform the administrative work of the council.

(2) The secretary of the council shall perform his functions under the supervision and guidance of the council and shall be subject to the administrative control of the Secretary.

CHAPTER II**ESTABLISHMENT OF REGIONS AND REGIONAL WELFARE BOARDS***Establishment of regions*

5. The Minister may, by notice in the *Gazette*—

(a) establish regions consisting of one or more magisterial districts and determine the name whereby such region shall be known;

(b) from time to time increase or decrease the limits of any region or alter the name by which it is known or abolish any region or incorporate any region with any other region;

(c) at any time amend or withdraw any notice under this section by a similar notice.

Establishment of regional welfare boards

6. The Minister shall by notice in the *Gazette*, establish a regional welfare board for each region.

Constitution of regional welfare boards

7. (1) A regional welfare board shall consist of so many members, but not exceeding 15 and not less than 11, which the Minister may from time to time determine.

(2) The members of a regional welfare board shall be appointed by the Minister and—

(a) one of the members shall be an officer who is in the service of the Department which falls under the control of the Minister and who shall be appointed by the Minister as chairman of such board;

(b) minstens drie-vierdes van die ander lede moet persone wees wie se name voorkom op die lys wat ingevolge artikel 10 ten opsigte van die betrokke streek opgestel is.

Ampsdur van lede van streekwelsynsrade

8. (1) 'n Lid van 'n streekwelsynsraad beklee sy amp vir 'n termyn van vyf jaar onderworpe aan die voorwaardes wat die Minister ten tyde van die aanstelling van so 'n lid bepaal.

(2) Indien 'n lid van so 'n raad te sterwe kom of sy amp ontruim voor die verstryking van die tydperk waarvoor hy aangestel is, vul die Minister die vakature, met inagneming van die bepalings van hierdie Wet, deur die aanstelling van 'n ander persoon, wat die amp beklee vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger aangestel was.

(3) 'n Lid van 'n streekwelsynsraad wie se ampstermyn verstryk het, kan weer aangestel word.

(4) 'n Lid van 'n streekwelsynsraad se ampstermyn kan te eniger tyd om goeie redes deur die Minister beëindig word.

Byeenroeping van en kworum vir en prosedure by vergaderings van streekwelsynsrade en uitvoerende komitees

9. (1) 'n Streekwelsynsraad en die uitvoerende komitee van so 'n raad vergader op die voorgeskrewe tye en plekke.

(2) Die kworum vir en prosedure by vergaderings van so 'n raad of uitvoerende komitee word voorgeskryf.

(3) Die voorsitter van 'n streekwelsynsraad sit voor op alle vergaderings van bedoelde raad en van die uitvoerende komitee van bedoelde raad waarop hy aanwesig is, en by sy afwesigheid van 'n vergadering kies die aanwesige lede een uit hulle midde om by daardie vergadering voor te sit, tensy die Minister 'n ander beaampte van die Departement wat onder sy beheer staan aanwys om by sodanige vergadering voor te sit.

Opstel van nominasielyste

10. (1) So spoedig doenlik na die inwerkingtreding van hierdie artikel laat die Minister vir elke streek 'n lys opstel van persone wat in die betrokke streek woonagtig is en wat ingevolge subartikel (2) genomineer is om in die streekwelsynsraad vir daardie streek te dien.

(2) Vir die doeleindes van subartikel (1), moet die Minister elke welsynsorganisasie, elke geregistreerde tak, elke opleidingsinrigting en elke beroepsvereniging van maatskaplike werkers in elke streek by die openbare kennisgewing wat die Minister goedvind, versoek om, behoudens die bepalings van subartikel (4), aan die Minister die name van hoogstens vyf persone wat bevoeg en bereid is om in die streekwelsynsraad vir die betrokke streek te dien, aan die Minister voor te lê, en elke naam aldus voorgelê, word op die nominasielyste vir die streek waarin die betrokke persoon woonagtig is, geplaas.

(3) Nominasielyste word elke 12 maande vanaf die datum van die in subartikel (2) bedoelde kennisgewing deur die streekwelsynsrade hersien, en so 'n raad kan by sodanige hersiening by die Minister aanbeveel dat die name van persone wat nie meer beskikbaar of bevoeg is om in daardie raad te dien nie, van die lys verwyder word, en name van ander persone ter vervanging van die aldus verwyderde name aan die Minister voorlê.

(4) Enige persoon wat 'n lid is of in diens is van 'n welsynsorganisasie of 'n geregistreerde tak of wat die opleiding van persone in maatskaplike werk by 'n opleidingsinrigting behartig of wat 'n maatskaplike werker is of wat aan die werksaamhede of bedrywighede van 'n welsynsorganisasie deelneem en wat in die streek ten opsigte waarvan hy genomineer word, woonagtig is, kan kragtens subartikel (2) genomineer word.

(b) not less than three-fourths of the other members shall be persons whose names appear on the list which has been prepared in terms of section 10 in respect of the region concerned.

Period of office of members of regional welfare boards

8. (1) A member of a regional welfare board shall hold office for a period of five years subject to such conditions as may be determined by the Minister at the time of the appointment of such member.

(2) If a member of such board dies or vacates his office before the termination of the period for which he has been appointed, the Minister shall, with due regard to the provisions of this Act, fill the vacancy by the appointment of any other person, who shall hold office for the unexpired portion of the period for which his predecessor was appointed.

(3) A member of a regional welfare board whose period of office has expired, shall be eligible for reappointment.

(4) The period of office of a member of a regional welfare board may, at any time be terminated by the Minister if there are good reasons for doing so.

Convening of and quorum for and procedure at meetings of regional welfare boards and executive committees

9. (1) A regional welfare board and the executive committee of such board shall meet at such times and places as may be prescribed.

(2) The quorum for and procedure at meetings of such board or executive committee shall be prescribed.

(3) The chairman of a regional welfare board shall preside at all meetings of such board and of the executive committee of the such board at which he is present, and in his absence at any meeting the members present shall elect one from among themselves to preside at such meeting, unless the Minister has designated any other officer of the Department which falls under his control to preside at such meeting.

Preparation of nomination lists

10. (1) As soon as practicable after the commencement of this section the Minister shall cause to be prepared in respect of each region a list of persons resident in the region concerned and nominated in terms of subsection (2) to serve on the regional welfare board for such region.

(2) For the purposes of subsection (1) the Minister shall require every welfare organisation, every registered branch, every training institution and every professional association of social workers in every region by such public notice as the Minister may deem fit, to submit, subject to the provisions of subsection (4), to the Minister the names of not more than five persons who are competent and willing to serve on the regional welfare board for the region concerned and every name so submitted, shall be placed on the nomination list for the region in which the person concerned is President.

(3) Nomination lists shall be revised by the regional welfare boards every 12 months from the date of the notice referred to in subsection (2) and any such board may at such revision recommend to the Minister that the names of persons who are no longer available or competent to serve on such board, be removed from the list, and submit to the Minister the names of other persons in substitution of the names so removed.

(4) Any person who is a member or who is in the service of a welfare organisation or a registered branch or who is engaged in the training of persons in social work at a training institution or who is a social worker or who is participating in the functions or activities of a welfare organisation and who is residing in the region in respect of which he has been nominated, may be nominated under subsection (2).

(5) Nominasielyste bly, behoudens die bepalings van subartikel (3), van krag vir 'n tydperk van vyf jaar vanaf die datum van die in subartikel (2) bedoelde kennisgewing of vir so 'n korter tydperk as wat die Minister bepaal, waarna nuwe lyste ooreenkomstig die bepalings van subartikel (1) opgestel word.

(6) By die toepassing van hierdie artikel, beteken "opleidingsinrigting" 'n inrigting waar persone opleiding ondergaan wat na die suksesvolle voltooiing daarvan sodanige persone na die oordeel van die Minister in staat stel om aan die voorgeskrewe kwalifikasies vir registrasie as maatskaplike werker te voldoen.

Bevoegdhede en werksaamhede van streekwelsynsrade

11. (1) Die bevoegdhede en werksaamhede van elke streekwelsynsraad is—

(a) om die maatskaplike welsyn van die inwoners van die streek en hulle beskerming teen maatskaplike agteruitgang te bevorder;

(b) om die maatskaplike vraagstukke wat in die streek voorkom te ondersoek en maatreëls vir die oplossing daarvan te oorweeg, te beplan en aan die hand te doen;

(c) om van tyd tot tyd, hetsy uit eie beweging of op die versoek van die Sekretaris of andersins, die bestaande of toekomstige welsynsbehoefte van die inwoners van die streek of van enige gedeelte daarvan te bepaal;

(d) om, met die oog op die toekomstige ontwikkeling of voorsiening van die maatskaplike welsynsdienste of -geriewe wat waarskynlik nodig sal wees om in die behoeftes in paragraaf (c) bedoel te voorsien, 'n welsynsprogram te beplan, op te stel en aanbevelings te doen met betrekking tot die voorkeuorde wat aan sodanige dienste en geriewe verleen behoort te word;

(e) om die samewerking van welsynsorganisasies te verkry ten einde doeltreffende en gekoördineerde optrede deur sodanige organisasies tydens noodtoestande te verseker;

(f) om die lewering van maatskaplike welsynsdienste deur welsynsorganisasies in die streek aan te moedig, te bevorder, te koördineer en te reël en, sonder om die reg tot selfbeskikking van sodanige welsynsorganisasies te beperk, die ontwikkeling van sodanige dienste te stuur in 'n rigting wat bereken is om 'n doelgerigte en volledig gekoördineerde maatskaplike welsynsdienste vir die streek te verseker;

(g) om die registrasie van welsynsorganisasies en aangeleenthede wat daarmee in verband staan te reël;

(h) om met ander streekwelsynsrade van tyd tot tyd oorleg te pleeg oor enige aangeleentheid rakende maatskaplike welsyn of die lewering of voorsiening van maatskaplike welsynsdienste of -geriewe;

(i) om die Sekretaris van advies te dien oor enige aangeleentheid wat met die werksaamhede van die streekwelsynsraad in verband staan;

(j) om sodanige ander werksaamhede te verrig as wat by of ingevolge hierdie Wet of van tyd tot tyd deur die Minister of Sekretaris aan so 'n raad opgedra word.

(2) 'n Streekwelsynsraad kan, met goedkeuring van die Sekretaris, van tyd tot tyd samesprekings en konferensies reël in verband met enige aangeleentheid wat op sy werksaamhede betrekking het.

(3) 'n Streekwelsynsraad moet minstens twee keer voor die verstryking van sy ampstermyn of op die ander tye wat die Minister van tyd tot tyd bepaal, oor sy werksaamhede aan die Minister verslag doen.

(4) (a) 'n Streekwelsynsraad kan 'n uitvoerende komitee aanstel wat bestaan uit die voorsitter van die betrokke raad en drie ander lede van bedoelde raad.

(b) So 'n uitvoerende komitee verrig die werksaamhede wat deur die streekwelsynsraad wat hom aangestel het aan hom opgedra word.

(5) Nomination lists shall, subject to the provisions of subsection (3), remain in force for a period of five years from the date of the notice referred to in subsection (2), or for such shorter period as may be determined by the Minister, after which fresh lists shall be prepared in accordance with the provisions of subsection (1).

(6) For the purposes of this section, "training institution" shall mean any institution where persons undergo training which, after successful completion thereof, will, in the opinion of the Minister, enable such persons to satisfy the prescribed qualifications for registration as social worker.

Powers and functions of regional welfare boards

11. (1) The powers and functions of each regional welfare board shall be—

(a) to promote the social welfare of the inhabitants of the region and their protection against social decline;

(b) to investigate the social problems which occur in the region and to consider, plan and suggest measures for the solution thereof;

(c) to determine from time to time, either *mero motu* or at the request of the Secretary or otherwise, the existing or future welfare needs of the inhabitants of the region or any part thereof;

(d) to plan and prepare a welfare program with a view to the future development or provision of the social welfare services or facilities which are likely to be necessary to satisfy the needs referred to in paragraph (c), and to make recommendations relating to the order of priority which such services and facilities should be accorded;

(e) to obtain the co-operation of welfare organisations in order to ensure efficient and co-ordinated action by such organisations during emergencies;

(f) to encourage, promote, co-ordinate and regulate the rendering of social welfare services by welfare organisations in the region and, without curtailing the right of such organisations to self-determination; to guide the development of such services in a direction calculated to ensure an efficient, purposeful and fully co-ordinated social welfare service for the region;

(g) to regulate the registration of welfare organisations and matters relating thereto;

(h) to consult from time to time with other regional welfare boards on any matter affecting social welfare or the rendering or provision of social welfare services or facilities;

(i) to advise the Secretary in regard to any matter relating to the functions of the regional welfare board;

(j) to perform such other functions as may be imposed on such board by or in terms of this Act or by the Minister or the Secretary, from time to time.

(2) A regional welfare board may, with the approval of the Secretary, from time to time arrange discussions and conferences in connection with any matter relating to its functions.

(3) A regional welfare board shall, at least twice before the termination of its period of office or at such other times as the Minister may from time to time determine, submit a report to the Minister on its activities.

(4) (a) A regional welfare board may appoint an executive committee which shall consist of the chairman of the board concerned and three other members of such board.

(b) Such executive committee shall perform the functions assigned to it by the regional welfare board which has appointed it.

(5) (a) Behoudens die bepalings van hierdie Wet, kan 'n streekwelsynsraad, met die goedkeuring van die Sekretaris, vir enige gebied binne sy streek deur bedoelde raad bepaal welsynskomitees aanstel om sodanige van die werksaamhede van bedoelde raad, met uitsondering van die werksaamhede in paragraaf (g) en (h) van subartikel (1) bedoel, te verrig as wat deur so 'n raad aan so 'n komitee opgedra word en om bedoelde raad van advies oor maatskaplike welsynsdienste en -geriewe vir bedoelde gebied te dien.

(b) 'n Welsynskomitee bestaan uit hoogstens sewe lede.

(c) 'n Streekwelsynsraad wys een van die lede van 'n welsynskomitee as die voorsitter van sodanige welsynskomitee aan.

(d) Behoudens die bepalings van paragraaf (e), word 'n welsynskomitee aangestel vir die tydperk wat die betroke streekwelsynsraad bepaal.

(e) 'n Lid van so 'n komitee word nie aangestel vir 'n tydperk wat die tydperk waarvoor die lede van die betrokke streekwelsynsraad aangestel is; oorskry nie.

(f) Die aanstelling van 'n lid van 'n welsynskomitee kan te eniger tyd deur die streekwelsynsraad wat hom aangestel het, om goeie redes beëindig word.

(g) Die kworum vir en prosedure by vergaderings van 'n welsynskomitee word voorgeskryf.

(6) Die administratiewe werksaamhede van 'n streekwelsynsraad word verrig deur 'n beampte in die Staatsdiens deur die Sekretaris aangewys en wat die sekretaris van die betrokke raad heet.

Welsynsprogram

12. (1) Elke streekwelsynsraad moet so spoedig doenlik na die inwerkingtreding van hierdie Wet en op die voorgeskrewe tye of wanneer hy dit nodig ag of deur die Minister of die Sekretaris daartoe versoek word—

(a) die bestaande en toekomstige welsynsbehoefes van die inwoners of enige bepaalde gedeelte van die inwoners van die streek of enige gedeelte daarvan bepaal of laat bepaal en met die oog daarop enige vertoë wat daaromtrent ontvang is, ondersoek en oorweeg;

(b) 'n in artikel 11 (1) (d) bedoelde welsynsprogram, met die oog op die voorsiening in enige welsynsbehoefes wat ingevolge paragraaf (a) bepaal is, beplan en in die voorgeskrewe wyse opstel en die aanbevelings in genoemde artikel bedoel, doen.

(2) 'n Streekwelsynsraad moet so gou doenlik aan enige welsynsorganisasie of persoon wat na die wete van bedoelde raad 'n wesenlike en regstreekse belang het by die lewering of voorsiening van 'n maatskaplike welsynsdienst of -gerief vermeld in 'n welsynsprogram wat deur bedoelde raad opgestel is, of waarvan of van wie enige vertoë in verband met sodanige diens of gerief ontvang is, die besonderhede wat in sodanige program met betrekking tot sodanige diens of gerief vervat is, verstrek.

(3) Iedere welsynsprogram deur 'n streekwelsynsraad opgestel, moet op die voorgeskrewe tye, tesame met enige vertoë wat daaromtrent ontvang word en enige kommentaar wat bedoelde streekwelsynsraad daaromtrent wil lewer aan die Sekretaris vir oorweging en goedkeuring voorgelê word.

(4) 'n Streekwelsynsraad kan 'n welsynsprogram deur hom opgestel te eniger tyd voor sodanige voorlegging wysig.

(5) Die Sekretaris kan, na oorweging van 'n welsynsprogram en al die stukke wat dit vergesel en enige vertoë wat hy daaromtrent ontvang en enige inligting wat hy daaromtrent of omtrent die welsynsbehoefes van die inwoners van die betrokke streek inwin en met inagneming van die inhoud van enige welsynsprogram wat deur hom goedgekeur of dan onder oorweging is en die finansiële koste

(5) (a) Subject to the provisions of this Act, any regional welfare board may, with the approval of the Secretary, appoint welfare committees for any area within its region, determined by such board, to perform such functions of such board, excluding the functions referred to in paragraph (g) and (h) of subsection (1), as may be imposed on such committee by the board, and to advise such board on social welfare services and facilities for such area.

(b) A welfare committee shall consist of not more than seven members.

(c) A regional welfare board shall designate one of the members of a welfare committee, as the chairman of such welfare committee.

(d) Subject to the provisions of paragraph (e), a welfare committee shall be appointed for such period as may be determined by the regional welfare board concerned.

(e) A member of such a committee shall not be appointed for a period which exceeds the period for which the members of the regional welfare board concerned have been appointed.

(f) The appointment of a member of a welfare committee may for good reasons be terminated at any time by the regional welfare board which has appointed it.

(g) The quorum for and procedure at meetings of a welfare committee shall be prescribed.

(6) The administrative functions of a regional welfare board shall be performed by an officer in the public service designated by the Secretary and who shall be known as the secretary of the board concerned.

Welfare programme

12. (1) Every regional welfare board shall as soon as possible after the commencement of this Act and at the prescribed times or whenever it deems it necessary or is requested thereto by the Minister or the Secretary—

(a) determine or cause to be determined the existing and future welfare needs of the inhabitants or any specified section of the inhabitants of the region or any part thereof and with a view thereto investigate and consider any representations received thereon;

(b) plan and prepare in the prescribed manner a welfare program referred to in section 11 (1) (d), with a view to providing in any welfare needs which have been determined in terms of paragraph (a) and make the recommendations referred to in that section.

(2) A regional welfare board shall as soon as possible furnish any welfare organisation or person which or who to such board's knowledge has a substantial and direct interest in the rendering or provision of any social welfare service or facility referred to in any welfare program prepared by such board or from which of whom any representations have been received in connection with such service or facility, with the particulars which have been included in such program in regard to such service or facility.

(3) Every welfare program prepared by a regional welfare board shall, together with any representations received in connection therewith and any comment which the regional welfare board may desire to make thereon, be submitted for consideration and approval to the Secretary at the prescribed times.

(4) A regional welfare board may at any time prior to such submission, amend any welfare program prepared by it.

(5) The Secretary may, after consideration of any welfare program and all the documents accompanying it and any representations received by him in connection therewith or any information which he has obtained thereon or about the welfare needs of the inhabitants of the region concerned and with due regard to the contents of any welfare program approved by him or which is then under

van enige maatskaplike welsynsdienste of -gerief in eersbedoelde welsynsprogram vermeld en die finansiële middele wat daarvoor beskikbaar is of binne 'n bepaalde tyd daarvoor beskikbaar gestel kan word en met die oog op die doeltreffende lewering, voorsiening of koördinerende van maatskaplike welsynsdienste en -geriewe in die Republiek.

(a) eersbedoelde welsynsprogram goedkeur, afwys of na die betrokke streekwelsynsraad vir verdere ondersoek of oorweging of sodanige optrede as wat hy goedvind terugverwys;

(b) eersbedoelde welsynsprogram gedeeltelik goedkeur en gedeeltelik afwys;

(c) indien hy bedoelde welsynsprogram goedkeur of gedeeltelik goedkeur, die voorwaardes ople en die opdragte met betrekking tot die uitvoering van die program of enige gedeelte daarvan, uitreik wat hy goedvind.

(6) Indien dit te eniger tyd na die goedkeuring van 'n welsynsprogram na die oordeel van die Sekretaris nodig of wenslik is om bedoelde program te wysig of te heroorweeg, kan die Sekretaris dit na die betrokke streekwelsynsraad vir wysiging of heroorweging terugverwys.

HOOFTSTUK III

REGISTRASIE VAN WELSYNSORGANISASIES

Sekere organisasies en takke daarvan moet registreer

13. (1) Geen organisasie of enige tak daarvan mag na die inwerkingtreding van hierdie Wet maatskaplike welsynsdienste aan enige persoon of groep persone lewer of sy werksaamhede of bedrywighede voortsit nie, tensy bedoelde organisasie of tak kragtens hierdie artikel as 'n welsynsorganisasie of 'n tak van so 'n organisasie geregistreer is of geag word aldus geregistreer te wees.

(2) 'n Organisasie wat onmiddellik voor die inwerkingtreding van hierdie Wet ingevolge die Nasionale Welsynswet, 1965, as 'n welsynsorganisasie geregistreer is of enige tak van so 'n organisasie wat onmiddellik voor sodanige inwerkingtreding die houer was van 'n geldige volmag verleen ingevolge artikel 27 van laasgenoemde Wet, word vir 'n tydperk van een jaar na sodanige inwerkingtreding geag as 'n welsynsorganisasie of as 'n tak van so 'n organisasie, na gelang van die geval, ingevolge hierdie Wet geregistreer te wees.

(3) Iemand wat op watter wyse ook al deelneem aan die bestuur of beheer van 'n organisasie wat die bepalings van subartikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Registrasie van welsynsorganisasies

14. (1) Behoudens die bepalings van hierdie Wet, kan 'n streekwelsynsraad op aansoek op die voorgeskrewe wyse gedoen deur die bestuur van 'n organisasie wat maatskaplike welsynsdienste wil lewer en indien hy dit in belang van die gemeenskap van dié betrokke streek ag, 'n registrasiesertifikaat aan sodanige organisasie uitreik wat hom magtig om, onderworpe aan die voorgeskrewe en die ander voorwaardes in die registrasiesertifikaat vermeld en in die streek ten opsigte waarvan bedoelde raad aangestel is of binne 'n aldus vermelde gebied binne bedoelde streek, die maatskaplike welsynsdienste in die registrasiesertifikaat vermeld, te lewer en kan ten tyde van sodanige uitreiking of te enige tyd daarna, so 'n organisasie op die voorgeskrewe wyse klassifiseer en sodanige klassifikasie op die registrasiesertifikaat wat ten opsigte van bedoelde organisasie uitgereik is, laat aanbring.

(2) 'n Organisasie wat aldus aansoek doen, moet 'n kennisgewing wat die voorgeskrewe inligting bevat op die voorgeskrewe wyse laat publiseer en bewys van sodanige publikasie moet die aansoek vergesel.

consideration and the financial costs of any social welfare service or facility referred to in the first-mentioned welfare program and the financial means available therefor or which can be made available therefor within a specified period and with a view to the efficient rendering, provision or co-ordination of social welfare services and facilities in the Republic—

(a) approve of or reject or refer such first-mentioned welfare program back to the regional welfare board concerned for further investigation or consideration or such action as he may deem fit;

(b) partly approve of and partly reject such first-mentioned program;

(c) if he approves or partly approves of such welfare program, impose such conditions and issue such instructions in connection with the implementation of such program or any part thereof as he may deem fit.

(6) If at any time after the approval of a welfare program it is in the opinion of the Secretary necessary or desirable to amend or reconsider such program, the Secretary may refer it back to the regional welfare board concerned for amendment or reconsideration.

CHAPTER III

REGISTRATION OF WELFARE ORGANISATIONS

Certain organisations and branches thereof to be registered

13. (1) No organisation or any branch thereof shall, after the commencement of this Act, render social welfare services in respect of any person or group of persons or carry on its functions or activities, unless such organisation or branch has been registered as a welfare organisation or a branch of such an organisation under this Act or is deemed to have been so registered.

(2) Any organisation, which immediately prior to the commencement of this Act, was registered as a welfare organisation under the National Welfare Act, 1965, or any branch of such an organisation which immediately prior to such commencement was the holder of a valid power of attorney granted in terms of section 27 of the last-mentioned Act, shall, for a period of one year after such commencement, be deemed to be registered under this Act as a welfare organisation or as a branch of such organisation, as the case may be.

(3) Any person who in any manner whatsoever takes part in the management or control of any organisation which contravenes or fails to comply with the provisions of subsection (1), shall be guilty of an offence.

Registration of welfare organisations

14. (1) Subject to the provisions of this Act, a regional welfare board may, on application made in the prescribed manner by the management of any organisation desiring to render social welfare services and if it deems it to be in the interests of the community of the region concerned, issue a registration certificate to such organisation authorising it to render, subject to the prescribed and the other conditions specified in the registration certificate, the social welfare services mentioned in the registration certificate in the region in respect of which such board has been established or in any area within such region so specified and may at the time of such issue or at any time thereafter classify such an organisation in the prescribed manner and cause such classification to be endorsed on the registration certificate issued to such organisation.

(2) Any organisation so applying, shall cause a notice containing the prescribed information to be published in the prescribed manner and proof of such publication shall accompany the application.

(3) Enige persoon of groep persone kan binne die voorgeskrewe tydperk en op die voorgeskrewe wyse by die betrokke streekwelsynsraad beswaar teen so 'n aansoek indien.

(4) 'n Streekwelsynsraad reik nie 'n registrasiesertifikaat ingevolge subartikel (1) aan 'n organisasie uit nie indien die Minister beswaar teen die uitreiking van sodanige sertifikaat aanteken nie.

(5) Die streekwelsynsraad waarby die aansoek ingedien word, kan die betrokke organisasie aansê om die verdere inligting met betrekking tot sy aansoek wat bedoelde raad nodig of dienstig ag, te verstrek, en kan die aansoek laat ondersoek en die verdere inligting wat hy met betrekking tot die aansoek nodig ag, inwin.

(6) Die registrasie van 'n organisasie as 'n welsyns-organisatie ingevolge hierdie artikel verleen nie aan bedoelde organisasie die reg om bydraes soos in artikel 1 van die Wet op Fondsinsameling, 1978, omskryf, van die publiek in te samel nie.

Takke van welsynsorganisasies

15. (1) 'n Streekwelsynsraad kan op aansoek van 'n welsynsorganisasie op die voorgeskrewe wyse gedoen, 'n tak van bedoelde welsynsorganisasie registreer en 'n tak-sertifikaat waarin die voorgeskrewe besonderhede uiteengesit word ten opsigte van bedoelde tak uitreik.

(2) 'n Tak word nie ingevolge subartikel (1) geregistreer ten opsigte van 'n ander doelstelling as 'n doelstelling ten opsigte waarvan die welsynsorganisasie waarvan dit 'n tak is, ingevolge artikel 14 geregistreer is of ten opsigte van 'n gebied wat geleë is buite die gebied ten opsigte waarvan bedoelde welsynsorganisasie aldus geregistreer is nie.

(3) Behoudens die bepalinge van hierdie Wet, is 'n tak waaraan so 'n taksertifikaat uitgereik is, gemagtig om tydens die geldigheid van bedoelde sertifikaat en in die gebied en vir die doelstellings in die sertifikaat vermeld die maatskaplike welsynsdienste in bedoelde sertifikaat vermeld, te verrig.

(4) 'n Taksertifikaat uitgereik ingevolge subartikel (1) word deur die betrokke geregistreerde tak in bewaring gehou.

(5) 'n Streekwelsynsraad—

(a) moet op versoek van die betrokke welsynsorganisasie of by bewys dat 'n geregistreerde tak opgehou het om 'n tak van bedoelde welsynsorganisasie te wees;

(b) kan na ondersoek op die voorgeskrewe wyse en vir enige rede waarvoor 'n registrasiesertifikaat van 'n welsynsorganisasie ingetrek kan word en nadat hy aan die betrokke welsynsorganisasie en geregistreerde tak 'n geleentheid verleen het om skriftelik redes daarteen aan te voer, die registrasie van die betrokke geregistreerde tak intrek.

(6) Die registrasie van 'n tak verval indien die registrasiesertifikaat wat uitgereik is aan die welsynsorganisasie waarvan dit 'n geregistreerde tak is, verval of ingetrek word.

(7) Die taksertifikaat van 'n geregistreerde tak waarvan die registrasie ingevolge hierdie Wet verval of ingetrek is, moet deur bedoelde tak of enigiemand in wie se besit of onder wie se beheer dit is aan die sekretaris van die streekwelsynsraad wat dit uitgereik het, teruggestuur word binne sewe dae nadat bedoelde tak of persoon van die verval of intrekking daarvan te wete kom.

Wysiging, opskorting of intrekking van registrasiesertifikaat

16. (1) 'n Streekwelsynsraad kan te eniger tyd 'n registrasiesertifikaat wysig ten einde 'n fout wat daarin voorkom te verbeter en kan op versoek van 'n organisasie waaraan 'n registrasiesertifikaat verleen is, 'n voorwaarde daarvan verander, vervang of intrek of 'n voorwaarde daarby voeg en kan, na ondersoek op die voorgeskrewe

(3) Any person or group of persons may, within the prescribed period and in the prescribed manner lodge with the regional welfare board concerned an objection to such application.

(4) A regional welfare board shall not issue a registration certificate to an organisation in terms of subsection (1) if the Minister objects to the issue of such certificate.

(5) A regional welfare board with which the application is lodged, may require the organisation concerned to furnish such further information with reference to the application as the board may deem necessary or expedient and may cause the application to be investigated and obtain such further information relating to the application, as it deems necessary.

(6) The registration of any organisation as a welfare organisation in terms of this section shall not confer on such organisation the right to collect contributions as defined in section 1 of the Fund-raising Act, 1978, from the public.

Branches of welfare organisations

15. (1) A regional welfare board may on application by a welfare organisation, made in the prescribed manner, register a branch of the said welfare organisation and issue in respect of such branch a branch certificate, wherein the prescribed particulars shall be set out.

(2) A branch shall not be registered in terms of subsection (1) in respect of any other object than an object in respect of which the welfare organisation, of which it is a branch, has been registered in terms of section 14 or in respect of any area which is situated outside the area in respect of which such welfare organisation has been so registered.

(3) Subject to the provisions of this Act, a branch in respect of which such branch certificate has been issued, shall be authorised to render during the validity of such certificate and in the area and for the objects mentioned in such certificate, the social welfare services mentioned in such certificate.

(4) A branch certificate issued in terms of subsection (1) shall be kept in custody by the registered branch concerned.

(5) A regional welfare board—

(a) shall, at the request of the welfare organisation concerned or on proof that a registered branch has ceased to be a branch of such welfare organisation;

(b) may, after enquiry in the prescribed manner and for any reason for which a registration certificate of a welfare organisation may be withdrawn and after affording such welfare organisation and registered branch an opportunity of advancing reasons in writing against it, withdraw the registration of the registered branch concerned.

(6) The registration of a branch shall lapse if the registration certificate, issued to the welfare organisation of which it is a branch, lapses or is withdrawn.

(7) The branch certificate of a registered branch whose registration lapses or is withdrawn in terms of this Act shall be returned by the said branch or any person in whose possession or under whose control it is to the secretary of the regional welfare board by which it has been issued, within seven days after the said branch or person becomes aware of the expiry or withdrawal thereof.

Amendment, suspension or withdrawal of registration certificate

16. (1) A regional welfare board may at any time amend any registration certificate in order to correct any error therein and may at the request of any organisation to which a registration certificate has been granted, vary, substitute or withdraw any condition attached thereto or add any condition thereto and may, after enquiry in the

wyse, so 'n registrasiesertifikaat, na goëddunke, vir 'n ander rede as die voormelde redes, wysig of sodanige registrasiesertifikaat met 'n nuwe registrasiesertifikaat vervang.

(2) Indien 'n organisasie waaraan 'n registrasiesertifikaat verleen is, weier of versuim om op die skriftelike versoek van die sekretaris van die betrokke streekwelsynsraad sodanige registrasiesertifikaat binne 'n tydperk van 14 dae na so 'n versoek, vir die wysiging daarvan ingevolge subartikel (1) aan die betrokke streekwelsynsraad terug te stuur, kan bedoelde raad sodanige registrasiesertifikaat sonder verdere kennisgewing intrek.

(3) 'n Streekwelsynsraad moet indien die Minister so gelas en kan te eniger tyd op versoek van 'n welsynsorganisasie waaraan 'n registrasiesertifikaat verleen is, bedoelde registrasiesertifikaat intrek en kan, na ondersoek op die voorgeskrewe wyse en indien hy oortuig is—

(a) dat bedoelde welsynsorganisasie geweier of versuim het om aan enige bepaling of voorwaarde van so 'n registrasiesertifikaat te voldoen of om enige verslag binne die voorgeskrewe tydperk by die betrokke streekwelsynsraad in te dien;

(b) dat bedoelde welsynsorganisasie in of in verband met enige aansoek ingevolge hierdie Wet of in 'n verslag wat hy ingevolge hierdie Wet moet verstrek of indien, opsetlik 'n valse of misleidende verklaring gedoen het of valse of misleidende inligting verstrek het;

(c) dat bedoelde welsynsorganisasie in stryd met 'n bepaling van hierdie Wet opgetree of versuim het om aan so 'n bepaling of 'n bevel, opdrag of versoek ingevolge so 'n bepaling te voldoen;

(d) dat bedoelde welsynsorganisasie sy konstitusie in stryd met 'n bepaling van hierdie Wet gewysig het of wettiglik ontbind is of vir 'n tydperk van een jaar nie ter bevordering van sy doelstellings gefunksioneer het nie;

(e) dat bedoelde welsynsorganisasie sy doelstellings nie doeltreffend voortsit nie of dat daar nie 'n wesenlike behoefte aan die maatskaplike welsynsdienste wat hy lewer, bestaan nie of dat hy maatskaplike welsynsdienste lewer wat wesenlik soortgelyk is as dié gelewer deur 'n ander welsynsorganisasie in die streek ten opsigte waarvan bedoelde raad ingestel is, bedoelde registrasiesertifikaat intrek.

(4) 'n Streekwelsynsraad wat 'n ondersoek ingevolge subartikel 3 hou, kan gelas dat die bestuur van die betrokke welsynsorganisasie by sodanige ondersoek en enige ander welsynsorganisasie wat deur bedoelde raad geregistreer is of enige organisasie wat by bedoelde raad aansoek om registrasie ingevolge hierdie Wet gedoen het, en wat maatskaplike welsynsdienste lewer wat wesenlik soortgelyk is as dié wat deur eersbedoelde organisasie gelewer word, of wat doelstellings nastreef wat soortgelyk is aan die doelstellings van eersbedoelde welsynsorganisasie, voor bedoelde raad verskyn om op sodanige vrae te antwoord of enige aangeleentheid met betrekking tot die onderwerp van bedoelde ondersoek te bespreek, as wat die raad mag wens om te opper.

(5) 'n Streekwelsynsraad kan in plaas van 'n registrasiesertifikaat weens 'n rede in paragraaf (a), (b), (c) of (d) van subartikel (3) bedoel, in te trek, die registrasiesertifikaat, behalwe in die geval van 'n welsynsorganisasie wat wettiglik ontbind is, vir dié tydperk en op dié voorwaardes wat hy goedvind, opskort.

(6) (a) Behoudens die bepalings van paragraaf (b), tree die wysiging, opskorting of intrekking van 'n registrasiesertifikaat ingevolge hierdie artikel in werking met ingang van die datum waarop 'n skriftelike kennisgewing van sodanige wysiging, opskorting of intrekking deur die sekretaris van die betrokke streekwelsynsraad aan die welsynsorganisasie waaraan die registrasiesertifikaat uitgereik is, op die voorgeskrewe wyse beteken word.

prescribed manner, at its discretion, amend such registration certificate for any reason other than the aforementioned reasons or substitute a fresh registration certificate for such registration certificate.

(2) If any organisation to which a registration certificate has been granted, refuses or fails, after a written request of the secretary of the regional welfare board concerned, to return such registration certificate to the regional welfare board concerned within a period of 14 days after a request for the amendment thereof has been made in terms of subsection (1), such board may withdraw such registration certificate without further notice.

(3) A regional welfare board shall, if the Minister so directs, and may at any time at the request of any welfare organisation to whom a registration certificate has been granted, withdraw such registration certificate and may, after enquiry in the prescribed manner, and if it is satisfied—

(a) that such welfare organisation has refused or failed to comply with any provision or condition of such registration certificate or to furnish the regional welfare board concerned with any report within the prescribed period;

(b) that such welfare organisation has wilfully made a false or misleading statement or furnished false or misleading information in or in connection with any application in terms of this Act or in any report which it is required to furnish or submit in terms of this Act;

(c) that such welfare organisation has acted in contravention of any provision of this Act or failed to comply with such provision or any order, direction or request in terms of such provision;

(d) that such welfare organisation has amended its constitution in contravention of a provision of this Act or has been lawfully dissolved or has not, for a period of one year, functioned in furtherance of its objects;

(e) that such welfare organisation does not pursue its objects effectively or that no substantial need exists for the social welfare services rendered by it or that it renders social welfare services which are essentially similar to those rendered by any other welfare organisation in the region in respect of which such board has been established, withdraw such registration certificate.

(4) A regional welfare board holding an enquiry in terms of subsection (3) may direct that the management of the welfare organisation concerned at such enquiry and of any other welfare organisation registered by such board or any organisation which has applied to such board for registration in terms of this Act, and which is rendering social welfare services which are essentially similar to those rendered by such first-mentioned welfare organisation or is pursuing objects similar to the objects of such first-mentioned welfare organisation, shall appear before such board to reply to such questions or to discuss any matter relating to the subject of such enquiry which the board may wish to raise.

(5) A regional welfare board may, in lieu of withdrawing any registration certificate for any reason referred to in paragraph (a), (b), (c) or (d) of subsection (3), suspend, except in the case of a welfare organisation which has been lawfully dissolved, such registration certificate, for such period and on such conditions as it may deem fit.

(6) (a) Subject to the provisions of paragraph (b), the amendment, suspension or withdrawal of any registration certificate in terms of this section, shall come into operation with effect from the date on which a written notice of such amendment, suspension or withdrawal has been served in the prescribed manner by the secretary of the regional welfare board concerned on the welfare organisation to which such registration certificate has been issued.

(b) Indien die betekening van die kennisgewing in paragraaf (a) bedoel in 'n bepaalde geval na die oordeel van die in daardie paragraaf bedoelde sekretaris nie prakties uitvoerbaar is nie, kan hy 'n voorgeskrewe kennisgewing van die betrokke wysiging, opskorting of intrekking in die *Staatskoerant* laat publiseer en daarop word sodanige wysiging, opskorting of intrekking geag in werking te getree het op die datum waarop bedoelde kennisgewing aldus gepubliseer is.

Appel teen beslissings van 'n streekwelsynsraad

17. (1) 'n Welsynsorganisasie of ander organisasie wat deur die beslissing van 'n streekwelsynsraad met betrekking tot die afwysing van 'n aansoek ingevolge artikel 14 of 15, of die wysiging, opskorting of intrekking van 'n registrasiesertifikaat of taksertifikaat veronreg voel, kan op die voorgeskrewe wyse teen daardie beslissing appelleer na 'n appèlkomitee wat vir die bepaalde geval deur die Minister saamgestel word.

(2) Ondanks die bepalings van subartikel (1), bestaan daar geen reg van appèl teen die afwysing van 'n aansoek op grond van 'n beswaar ingevolge artikel 14 (4) aangeteken nie.

(3) So 'n appèlkomitee word saamgestel uit—

(a) 'n senior landdros wat die voorsitter is; en

(b) twee persone wat nie lede van die betrokke streekwelsynsraad of 'n komitee van bedoelde raad is nie en na die oordeel van die Minister ondervinding of kennis het van die werksaamhede van welsynsorganisasies en wat geen regstreekse belang by die sake van die appellant het of in diens van die appellant of die Staatsdiens is nie.

(4) Die appellant kan deur 'n lid van sy bestuur of deur 'n advokaat of prokureur voor die appèlkomitee verskyn of skriftelike verklaarings of argumente ter staving van sy appèl voorlê.

(5) Die prosedure wat gevolg moet word met betrekking tot die aantekening en voortsetting van 'n appèl, ingevolge hierdie artikel, word voorgeskryf.

(6) Die appèlkomitee kan die beslissing van die betrokke streekwelsynsraad bekragtig of ter syde stel of die ander beslissing gee wat bedoelde raad na die oordeel van die appèlkomitee behoort te gegee het, en kan bedoelde raad gelas om enigiets te doen wat nodig is om aan die beslissing van die appèlkomitee gevolg te gee.

(7) Die beslissing van die appèlkomitee is afdoende.

(8) Aan iemand wat ingevolge subartikel (3) (b) op die appèlkomitee aangestel word, kan die vergoeding en toeslaes betaal word wat die Minister van tyd tot tyd in oorleg met die Minister van Finansies bepaal.

Geldigheid van registrasiesertifikaat

18. 'n Kragtens artikel 14 uitgereikte registrasiesertifikaat is geldig solank dit nie kragtens hierdie Wet ingetrek of vervang is nie.

Organisasie waarvan sertifikaat ingetrek is kan weer geregistreer word

19. 'n Streekwelsynsraad kan, op die aansoek van die bestuur van 'n organisasie waarvan die registrasiesertifikaat kragtens hierdie Wet ingetrek is, en na verloop van die tydperk wat bedoelde raad goedvind, 'n nuwe registrasiesertifikaat ten opsigte van die organisasie uitreik en die bepalings van artikel 14 is *mutatis mutandis* van toepassing met betrekking tot so 'n aansoek.

Welsynsorganisasies moet jaarliks verslag doen

20. (1) 'n Welsynsorganisasie moet binne ses maande na die 31ste dag van Maart van iedere jaar 'n skriftelike verslag oor sy werksaamhede, met inbegrip van die voorgeskrewe finansiële state, vir die jaar wat bedoelde datum onmiddellik voorafgaan, aan die streekwelsynsraad waardeur hy geregistreer is, voorlê.

(b) If the service of the notice referred to in paragraph (a) is, in the opinion of the said secretary, not practicable in any specified case, he may cause a prescribed notice of such amendment, suspension or withdrawal concerned to be published in the *Gazette* and such amendment, suspension or withdrawal shall thereupon be deemed to have come into operation on the date on which such notice has so been published.

Appeal against decisions of a regional welfare board

17. (1) Any welfare organisation or other organisation aggrieved by a decision of a regional welfare board relating to the rejection of an application in terms of section 14 or 15 or to the amendment, suspension or withdrawal of a registration certificate or a branch certificate may, in the prescribed manner, appeal against such decision to an appeal committee to be constituted by the Minister for the particular case.

(2) Notwithstanding the provisions of subsection (1), there shall be no right of appeal against the rejection of an application on account of an objection lodged in terms of section 14 (4).

(3) Any such appeal committee shall consist of—

(a) a senior magistrate who shall be the chairman; and

(b) two persons who are not members of the regional welfare board concerned or of a committee of such board and who, in the opinion of the Minister, have experience and knowledge of the functions of welfare organisations and who have no direct interest in the affairs of the appellant and are not in the employ of the appellant or the public service.

(4) The appellant may appear before the appeal committee by a member of its management, or by counsel or an attorney or submit written statements or arguments in support of its appeal.

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

(6) The appeal committee may confirm or set aside the decision of the board or give such other decision as such board should in the opinion of the appeal committee have given and may direct such board to do everything necessary to give effect to the decision of the appeal committee.

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

(8) Any person who is appointed to an appeal committee in terms of subsection (3) (b) may be paid such remuneration and allowances as the Minister may from time to time determine in consultation with the Minister of Finance.

Validity of registration certificate

18. Any registration certificate granted under section 14 shall remain in force so long as it has not been withdrawn or substituted under this Act.

Organisation whose certificate has been withdrawn may again be registered

19. A regional welfare board may, upon the application of the management of any organisation whose certificate of registration has been withdrawn and after the expiry of the period which such board deems fit, under this Act, issue a new registration certificate in respect of such organisation and the provisions of section 14 shall *mutatis mutandis* apply in relation to such application.

Welfare organisations to report annually

20. (1) A welfare organisation shall, within six months after the 31st day of March of each year, submit to the regional welfare board by which it has been registered a written report of its activities, including the prescribed financial statements, for the year immediately preceding such date.

HOOFSTUK IV

ALGEMEEN

Ondersoek na die werksaamhede van welsynsorganisasies

21. (1) Die Minister kan na oorleg met die streekwelsynsraad van die streek waarin 'n welsynsorganisasie geregistreer is 'n beampte in die Staatsdiens (hieronder in hierdie artikel 'n ondersoekbeampte genoem) aanwys om enige aspek van die werksaamhede van so 'n welsynsorganisasie te ondersoek.

(2) 'n Ondersoekbeampte kan vir die doeleindes van 'n ondersoek ingevolge subartikel (1)—

(a) iemand wat, na bedoelde beampte rede het om te vermoed, in staat is om enige aantekening of dokument oor te lê wat op bedoelde ondersoek betrekking het, by skriftelike kennisgewing aansê om op 'n in die kennisgewing bepaalde plek en tyd persoonlik voor bedoelde beampte te verskyn en so 'n aantekening of dokument oor te lê en aan hom die ander inligting te verstrek wat hy vir die doeleindes van sy ondersoek nodig ag;

(b) enige aantekening of dokument wat uit hoofde van so 'n kennisgewing of andersins deur iemand aan hom oorgelê is, vir 'n redelike tydperk hou.

(3) Iemand wat, nadat hy kragtens subartikel (2) kennis ontvang het, sonder wettige verskoning versuim om enige aantekening of dokument in die kennisgewing bedoel, oor te lê, is, behoudens die regsreëls met betrekking tot privilegie, soos toepaslik op 'n getuie wat gedagvaar is om 'n aantekening of dokument aan 'n geregshof oor te lê, aan 'n misdryf skuldig.

(4) Iemand wat—

(a) 'n ondersoekbeampte, opsetlik by die verrigting van sy werksaamhede hinder of belemmer;

(b) of hom valslik as 'n ondersoekbeampte voordoen;

is aan 'n misdryf skuldig.

Delegering van bevoegdhede

22. (1) Die Minister kan aan die Sekretaris of 'n ander beampte van die departement waarvan die Sekretaris die hoof is 'n bevoegdheid, uitgesonderd 'n bevoegdheid in artikel 5, 6, 7 of 26 bedoel, deleger wat by hierdie Wet aan die Minister verleen word.

(2) Die Sekretaris kan met die goedkeuring van die Minister 'n ander beampte van die departement waarvan die Sekretaris die hoof is, magtig om 'n bevoegdheid wat by hierdie Wet aan die Sekretaris verleen word, uit te oefen.

Toelaes aan lede en betaling van koste aangegaan deur streekwelsynsrade en komitees

23. (1) Daar kan aan 'n lid van 'n streekwelsynsraad of van 'n uitvoerende komitee of welsynskomitee wat nie in die voltydse diens van die Staat is nie, terwyl hy werk in verband met die sake van so 'n raad of komitee verrig, die gelde of reis- en onderhoudstoelaes betaal word wat die Minister van tyd tot tyd in oorleg met die Minister van Finansies bepaal.

(2) Die uitgawes deur 'n streekwelsynsraad, uitvoerende komitee of 'n welsynskomitee by die verrigting van sy werksaamhede aangegaan, word deur die Minister in oorleg met die Minister van Finansies betaal uit gelde wat die Parlement vir die doel bewillig.

Geldelike hulp aan sekere welsynsorganisasies

24. (1) Die Minister kan, in oorleg met die Minister van Finansies, uit gelde wat deur die Parlement vir die doel bewillig is, toekennings aan welsynsorganisasies doen

CHAPTER IV

GENERAL

Investigation of the activities of welfare organisations

21. (1) The Minister may, after consultation with the regional welfare board of the region in which a welfare organisation has been registered, appoint an officer in the public service (hereinafter in this section referred to as an investigating officer) to investigate any aspect of the activities of such welfare organisation.

(2) For the purposes of an investigation in terms of subsection (1), an investigating officer may—

(a) by notice in writing, require any person who such officer has reason to believe may be able to produce any record or document relating to such investigation to appear personally before such officer at a place and times specified in the notice and to produce such record or document and to furnish to him such other information as he may require for the purposes of his investigation;

(b) retain for a reasonable period any record or document produced to him by any person by virtue of any such notice or otherwise.

(3) Any person who, having received a notice under subsection (2), without lawful cause fails to produce any record or document referred to in such notice, shall, subject to the laws relating to privilege, applicable to a witness subpoenaed to produce any record or document before a court of law, be guilty of an offence.

(4) Any person who—

(a) wilfully hinders or obstructs an investigating officer in the performance of his duties; or

(b) falsely represents himself to be an investigating officer;

shall be guilty of an offence.

Delegation of powers

22. (1) The Minister may delegate to the Secretary or any other officer of the department of which the Secretary is the head any power conferred upon the Minister by this Act, except the power referred to in section 5, 6, 7 or 26.

(2) The Secretary may, with the approval of the Minister, authorise any other officer of the department of which the Secretary is the head to exercise any power conferred upon the Secretary by this Act.

Allowances to members and payment of expenditure incurred by regional welfare boards and committees

23. (1) There may be paid to any member of a regional welfare board or an executive committee or a welfare committee who is not in the full-time service of the State, while he is engaged on work connected with the business of such board or committee, such fees and travelling and subsistence allowances as may from time to time be determined by the Minister in consultation with the Minister of Finance.

(2) The expenditure incurred by any regional welfare board, executive committee or welfare committee in the performance of its functions shall be paid by the Minister in consultation with the Minister of Finance out of moneys appropriated by Parliament for this purpose.

Financial aid to certain welfare organisations

24. (1) The Minister may in consultation with the Minister of Finance, make grants to welfare organisations out of moneys appropriated by Parliament for this purpose.

(2) 'n Toekenning kragtens subartikel (1) gedoen, is onderworpe aan die voorgeskrewe en ander voorwaardes wat die Minister van tyd tot tyd bepaal.

Oortredings en strawwe

25. Iemand wat weens 'n misdryf ingevolge 'n bepaling van hierdie Wet skuldig bevind word, is strafbaar met 'n boete van hoogstens R500 of gevangenisstraf van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf.

Regulasies

26. Die Minister kan regulasies uitvaardig met betrekking tot—

(a) die vorm van enige aansoek, sertifikaat, kennisgewing, register of dagvaarding wat kragtens hierdie Wet gedoen, verleen, gegee, uitgereik of gehou moet of kan word en enige ander vorm wat by die uitvoering van die bepalings van hierdie Wet nodig is;

(b) die voorwaardes wat opgelê kan word in verband met die registrasie van 'n welsynsorganisasie;

(c) die aantekeninge en registers wat deur streekwelsynsrade, welsynsorganisasies, geregistreerde takke en komitees gehou moet word, die wyse waarop en plekke waar bedoelde aantekeninge en registers gehou en daarmee gehandel moet word en die opgawes en verslae wat verstrek moet word;

(d) die omstandighede waaronder, die doeleindes waarvoor en die voorwaardes waarop die in artikel 2 (8) en 23 (1) bedoelde uitgawes betaal kan word, en die wyse waarop die betaalde bedrae verantwoord moet word;

(e) die werksaamhede wat deur uitvoerende komitees verrig kan word;

(f) die werksaamhede wat deur welsynskomitees verrig kan word;

(g) die prosedure wat in verband met die aantekening en voortsetting van 'n appèl kragtens artikel 17 gevolg moet word;

(h) enige ander aangeleentheid wat ingevolge 'n bepaling van hierdie Wet voorgeskryf moet of kan word of wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

Toepassing van Wet in gebied

27. Hierdie wet en iedere wysiging daarvan is ook in die gebied, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.

Herroeping van wette

28. Die Nasionale Welsynswet, 1965 (Wet 79 van 1965), die Wysigingswet op Nasionale Welsyn, 1971 (Wet 13 van 1971), die Wysigingswet op Nasionale Welsyn, 1976 (Wet 44 van 1976), word hierby herroep vir sover daardie Wette betrekking het op die aanstelling en werksaamhede van die Nasionale Welsynsraad, die instelling en werksaamhede van kommissies van die Nasionale Welsynsraad, die instelling en werksaamhede van streekwelsynsrade, die registrasie van en beheer oor welsynsorganisasies.

Kort titel en inwerkingtreding

29. (1) Hierdie Wet heet die Nasionale Welsynswet, 1978, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

(2) Any grant made in terms of subsection (1) shall be subject to the prescribed conditions and to such other conditions as the Minister may from time to time determine.

Offences and penalties

25. Any person convicted of an offence under any provision of this Act shall be liable to a fine not exceeding R500 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Regulations

26. (1) The Minister may make regulations with regard to—

(a) the form of any application, certificate, notice, register or summons which is required or may be made, granted, given, issued or kept under this Act and any other form required in carrying out the provisions of this Act;

(b) the conditions which may be imposed in connection with the registration of a welfare organisation;

(c) the records and registers to be kept by regional welfare boards, welfare organisations, registered branches and committees and the manner in which and places where such records and registers shall be kept and be dealt with and the returns and reports which shall be furnished;

(d) the circumstances under which, the purposes for which and the conditions on which the expenditure referred to in subsection 2 (8) and 23 (1) shall be paid and the manner in which the amounts paid, shall be accounted for;

(e) the functions which may be performed by executive committees;

(f) the functions which may be performed by welfare committees;

(g) the procedure which shall be followed in connection with the noting and prosecution of an appeal in terms of section 17;

(h) any other matter which is required or may be prescribed under any provision of this Act or which the Minister considers necessary or expedient to prescribe in order that the objects of this Act may be achieved.

Application of Act in the territory

27. This Act and any amendment thereof shall apply also in the territory, including the Eastern Caprivi Zipfel.

Repeal of laws

28. The National Welfare Act, 1965 (Act 79 of 1965), the National Welfare Amendment Act, 1971 (Act 13 of 1971), and the National Welfare Amendment Act, 1976 (Act 44 of 1976), are hereby repealed in so far as such Acts relate to the appointment and functions of the National Welfare Board, the establishment and functions of the commissions of the National Welfare Board, the establishment and functions of regional welfare boards, the registration and control of welfare organisations.

Short title and commencement

29. (1) This Act shall be called the National Welfare Act, 1978, and shall come into operation upon a date to be fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

WETSONTWERP

OM VOORSIENING TE MAAK VIR BEHEER OOR DIE INSAMELING VAN BYDRAES VAN DIE PUBLIEK, VIR DIE AANSTELLING VAN 'N DIREKTEUR VAN SKENKINGSFONDS, VIR DIE INSTELLING VAN 'N RAMPNOODLENINGSFONDS, 'N SUID-AFRIKAANSE WEERMAGFONDS EN 'N VLUGTELING NOODLENIGINGSFONDS, VIR DIE VERKLARING VAN SEKERE RAMP-SPOEDIGE GEBEURTENISSE TOT RAMPE EN VIR ANDER BYKOMSTIGE AANGELEENTHEDE

Deur die Minister van Volkswelsyn en Pensioene ingedien te word

Daar word bepaal deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:

Woordomsrywings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

(i) "appèlkomitee" 'n appèlkomitee ingevolge artikel 9 (1) aangestel;

(ii) "appellant" iemand wat 'n appèl ingevolge artikel 9 (1) aanteken;

(iii) "bestuur" die komitee of ander liggaam van 'n organisasie aangewys of aangestel by of ingevolge die konstitusie van bedoelde organisasie en waardeur die sake van die organisasie bestuur word;

(iv) "die gebied" die gebied Suidwes-Afrika;

(v) "Direkteur" die Direkteur van Skenkingsfondse kragtens artikel 3 van hierdie Wet aangestel;

(vi) "finansiële state" die finansiële state voorgeskryf kragtens artikel 11 (1);

(vii) "fondsinsamelingsorganisasie" 'n organisasie ten opsigte waarvan 'n magtiging ingevolge artikel 4 van hierdie Wet verleen en van krag is;

(viii) "gemagtigde organisasie" 'n organisasie waaraan 'n spesiale magtiging ingevolge artikel 20 verleen is;

(ix) "geregistreerde tak" 'n tak geregistreer ingevolge artikel 5 (1);

(x) "gewaarmerkte afskrif" 'n afskrif wat deur 'n kommissaris van ede gesertifiseer is 'n ware afskrif van die oorspronklike dokument te wees;

(xi) "hierdie Wet" ook die regulasies;

(xii) "houer" iemand aan wie 'n tydelike magtiging ingevolge artikel 6 verleen is;

(xiii) "insamel" met betrekking tot bydraes, goed of geld, met inbegrip van enigiets wat gewissel of in geld omgesit kan word, op enige wyse hoegenaamd en sonder enige wettige aanspraak, van die publiek vra, ontvang, insamel of verkry of poog om in te samel of te verkry met die verstandhouding of op die voorwendsel of op 'n wyse of in omstandighede wat te kenne gee of voorgee of aandui of die indruk wek dat enige goed of geld wat aldus gevra, ontvang, ingesamel of verkry word of enige gedeelte daarvan of die opbrengs of enige gedeelte van die opbrengs daarvan, bedoel is om gebruik te word of benodig of verlang word om, regstreeks of onregstreeks, enige oogmerk met betrekking tot die verlening van stofflike of ander hulp aan iemand anders, te bevorder, ongeag of die vra, ontvangs, insameling of verkryging daarvan of die poging tot die insameling of verkryging daarvan die ontvangs deur die bydraer meebring of beoog van enige stofflike of ander vergoeding of voordeel as teenprestatie vir die goed of geld wat deur hom bygedra is of bygedra gaan word, al dan nie;

(xiv) "inspekteur" 'n inspekteur aangestel kragtens artikel 29;

BILL

TO PROVIDE FOR THE CONTROL OVER THE COLLECTION OF CONTRIBUTIONS FROM THE PUBLIC, FOR THE APPOINTMENT OF A DIRECTOR OF DONATION FUNDS, FOR THE ESTABLISHMENT OF A DISASTER RELIEF FUND, A SOUTH AFRICAN DEFENCE FORCE FUND AND A REFUGEE RELIEF FUND, FOR THE DECLARATION OF CERTAIN DISASTROUS EVENTS AS DISASTERS AND FOR OTHER INCIDENTAL MATTERS

To be introduced by the Minister of Social Welfare and Pensions

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) "appeal committee" means an appeal committee appointed in terms of section 9 (1);

(ii) "appellant" means any person noting an appeal in terms of section 9 (1);

(iii) "authorised organisation" means any organisation to which a special authority has been granted in terms of section 20;

(iv) "authority" means an authority granted in terms of section 4;

(v) "board" means a board established in terms of section 16;

(vi) "branch" means a group or association of persons carrying out the functions or carrying on the activities or part of the functions and activities of a fund-raising organisation within a prescribed area and which is managed in terms of a constitution by a committee consisting of not less than five persons;

(vii) "certified copy" means a copy certified by a commissioner of oaths to be a true copy of the original document;

(viii) "collect" in relation to contributions, means soliciting, accepting, collecting or obtaining or attempting to collect or obtain, from the public in any manner whatsoever and without any legal claim, any goods or money, including anything which can be exchanged for or converted into money, on the understanding or the pretext or in a manner or under circumstances intimating or purporting or indicating or creating the impression that any goods or money so solicited, accepted, collected or obtained or any part thereof or the proceeds or any part of the proceeds thereof is intended to be used or is required or desired, directly or indirectly, to promote any object relating to the rendering of material assistance to any other person, whether or not such solicitation, acceptance, collection or obtaining thereof or the attempt at the collection or obtaining thereof, involves or envisages the receipt by the contributor of any material or other return or advantage as a consideration for the goods or money contributed or to be contributed by him;

(ix) "constitution" means the written provisions in terms of which an organisation is constituted and managed;

(x) "Director" means the Director of Donation Funds appointed under section 3 of this Act;

(xi) "financial statements" means the financial statements prescribed under section 11 (1);

(xii) "fund-raising organisation" means any organisation in respect of which an authority has been granted and is in force in terms of section 4 of this Act;

(xiii) "holder" means any person to whom a temporary authority has been granted in terms of section 6;

(xiv) "inspector" means an inspector appointed under section 29;

(xv) "konstitusie" a die geskrewe bepalings waarvolgens 'n organisasie saamgestel en bestuur word;

(xvi) "magtiging" 'n magtiging ingevolge artikel 4 verleen;

(xvii) "Minister" die Minister van Volkswelsyn en Pensioene en by die toepassing van Hoofstuk II, ook die Minister van Verdediging vir sover daardie Hoofstuk met betrekking tot die Suid-Afrikaanse Weermagfonds toepaslik is;

(xviii) "organisasie" ook 'n liggaam, groep of vereniging van persone, 'n instelling, federasie, genootskap, beweging, trust of fonds, met of sonder regs persoonlikheid en ongeag of dit ooreenkomstig 'n wet gestig of geregistreer is, al dan nie en by die toepassing van artikel 29, ook 'n fondsinsamelingsorganisasie en 'n gemagtigde organisasie;

(xix) "plaaslike owerheid" 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961);

(xx) "publiek" ook 'n gedeelte van die publiek;

(xxi) "raad" 'n raad ingevolge artikel 16 aangestel;

(xxii) "registrasiesertifikaat" 'n registrasiesertifikaat ingevolge artikel 5 uitgereik;

(xxiii) "Sekretaris" die Sekretaris van Volkswelsyn en Pensioene en by die toepassing van Hoofstuk II ook die Hoof van die Suid-Afrikaanse Weermag vir sover daardie Hoofstuk met betrekking tot die Suid-Afrikaanse Weermagfonds toepaslik is;

(xxiv) "spesiale magtiging" 'n spesiale magtiging kragtens artikel 20 verleen;

(xxv) "spesiale volmag" 'n spesiale volmag kragtens artikel 7 (3) verleen;

(xxvi) "tak" 'n groep of vereniging van persone wat die werksaamhede of bedrywighede of 'n gedeelte van die werksaamhede of bedrywighede van 'n fondsinsamelingsorganisasie binne 'n bepaalde gebied verrig of voortsit en ingevolge 'n konstitusie deur 'n komitee bestaande uit minstens vyf persone bestuur word;

(xxvii) "tydelike magtiging" 'n magtiging kragtens artikel 6 verleen;

(xxviii) "vergoeding" 'n bedrag geld of enigiets wat gewissel of in geld omgesit kan word maar nie ook die salaris of loon wat bona fide betaal word aan iemand in die voltydse diens van 'n fondsinsamelingsorganisasie of geregistreerde tak nie;

(xxix) "volmag" 'n volmag kragtens artikel 7 (1) verleen;

(xxx) "voorgeskryf" of "voorgeskrewe" voorgeskryf of voorgeskrewe by regulasie deur die Minister van Volkswelsyn en Pensioene kragtens hierdie Wet uitgevaardig.

HOOFTUK I

INSAMELING VAN BYDRAES DEUR FONDS-INSAMELINGSORGANISASIES, ANDER ORGANISASIES EN PERSONE

Verbod op die insameling van bydraes van die publiek

2. Niemand samel bydraes van die publiek in nie, tensy hy ingevolge hierdie Wet daartoe gemagtig is.

Aanstelling van Direkteur

3. (1) Behoudens die wetbepalings met betrekking tot die Staatsdiens, stel die Minister 'n Direkteur van Skenkingsfondse aan wat die bevoegdhede en werksaamhede wat by hierdie Wet aan hom verleen of opgedra word, uitoefen of verrig.

(2) Die Direkteur kan, benewens die ander bevoegdhede en werksaamhede wat by hierdie Wet aan hom verleen of opgedra word, in die algemeen of in 'n bepaalde geval die stappe doen wat hy nodig of wenslik ag om die insameling van bydraes behoorlik te reël of te koördineer.

(3) Die Direkteur is onderworpe aan die administratiewe beheer van die Sekretaris.

(xv) "local authority" means any institution or body referred to in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961);

(xvi) "management" means the committee or other body of an organisation designated or appointed by or in terms of the constitution of the said organisation and by which the affairs of such organisation are managed;

(xvii) "Minister" means the Minister of Social Welfare and Pensions and for the purposes of Chapter II includes the Minister of Defence in so far as that Chapter applies to the South African Defence Force;

(xviii) "organisation" includes any body, group or association of persons, any institution, federation, society, movement, trust or fund, incorporated or unincorporated, and whether or not it has been established or registered in accordance with any law and, for the purposes of section 29, includes a fund-raising organisation and an authorised organisation;

(xix) "power of attorney" means a power of attorney granted under section 7 (1);

(xx) "prescribed" means prescribed by regulation made by the Minister of Social Welfare and Pensions under this Act;

(xxi) "public" includes any part of the public;

(xxii) "registered branch" means any branch registered under section 5 (1);

(xxiii) "registration certificate" means any registration certificate issued under section 5;

(xxiv) "remuneration" means an amount of money or anything which can be exchanged for or converted into money but does not include the salary or wages paid bona fide to any person in the full-time employment of a fund-raising organisation or registered branch;

(xxv) "Secretary" means the Secretary for Social Welfare and Pensions and for the purposes of Chapter II includes the Head of the South African Defence Force in so far as that Chapter is appropriate in relation to the South African Defence Force;

(xxvi) "special authority" means any special authority granted under section 20;

(xxvii) "special power of attorney" means any special power of attorney granted under section 7 (3);

(xxviii) "temporary authority" means any authority granted under section 6;

(xxix) "the territory" means the territory of South-West Africa;

(xxx) "this Act" includes the regulations.

CHAPTER I

COLLECTION OF CONTRIBUTIONS BY FUND-RAISING ORGANISATIONS, OTHER ORGANISATIONS AND PERSONS

Prohibition on the collection of contributions from the public

2. No person shall collect contributions from the public, unless he is authorised thereto by this Act.

Appointment of Director

3. (1) Subject to the laws governing the public service, the Minister shall appoint a Director of Donation Funds, who shall exercise such powers and perform such functions as may be conferred or imposed upon him by this Act.

(2) The Director may, in addition to the other powers and functions conferred or imposed upon him by this Act, generally or in any specified case, take such steps as he may deem necessary or desirable to regulate or to co-ordinate the collection of contributions properly.

(3) The Director shall be subject to the administrative control of the Secretary.

Magtiging om bydraes van die publiek in te samel

4. (1) (a) Behoudens die bepalings van hierdie Wet, kan die Direkteur op aansoek op die voorgeskrewe wyse gedoen deur die bestuur van 'n organisasie wat bydraes van die publiek wil insamel, na goeddunke, 'n skriftelike magtiging aan sodanige organisasie verleen om, onderworpe aan die voorgeskrewe voorwaardes en die ander voorwaardes in die magtiging vermeld en in 'n aldus vermelde gebied, bydraes vir die doeleindes in die magtiging vermeld, in te samel.

(b) 'n Organisasie wat aldus aansoek doen, moet 'n afskrif van die aansoek en van die stukke wat dit vergesel by die voorgeskrewe plekke en gedurende die voorgeskrewe tye ter insae van die publiek laat lê en moet 'n kennisgewing wat die voorgeskrewe inligting bevat op die voorgeskrewe wyse laat publiseer en bewys van sodanige publikasie moet die aansoek vergesel.

(c) By die toepassing van paragraaf (b) word 'n kennisgewing gepubliseer ingevolge artikel 14 (2) van die Nasionale Wetsynswet, 1978, geag 'n kennisgewing te wees wat ingevolge paragraaf (b) gepubliseer is.

(2) Enige persoon of groep persone kan binne die voorgeskrewe tydperk en op die voorgeskrewe wyse by die Direkteur beswaar teen so 'n aansoek aanteken.

(3) Die Direkteur kan die betrokke organisasie aansê om die verdere inligting met betrekking tot sy aansoek wat die Direkteur nodig of dienstig ag, te verstrek, en kan die aansoek laat ondersoek en die verdere inligting wat hy vir die oorweging van die aansoek nodig ag, inwin.

(4) Geen magtiging word ingevolge hierdie artikel verleen nie aan 'n organisasie—

(a) wat in gebreke bly om enige magtiging of vergunning wat hy ingevolge die bepalings van 'n ander wet nodig het om sy werksaamhede of bedrywighede voort te sit, te verkry;

(b) wat volgens sy konstitusie of aansoek beoog om bydraes teen vergoeding vir of namens 'n ander organisasie of persoon in te samel.

(5) Behoudens die bepalings van artikel 7 (3), verleen geen magtiging ingevolge hierdie artikel aan die organisasie waaraan dit verleen is die reg om bydraes teen vergoeding vir of namens 'n ander organisasie of persoon in te samel nie.

(6) 'n Magtiging ingevolge hierdie artikel verleen, bly van krag vir die tydperk waarvoor dit verleen is, of totdat dit ingevolge hierdie Wet ingetrek word.

Takke van fondsinsamelingsorganisasies

5. (1) Die Direkteur kan op aansoek van 'n fondsinsamelingsorganisasie op die voorgeskrewe wyse gedoen, 'n tak van bedoelde fondsinsamelingsorganisasie registreer en 'n registrasiesertifikaat waarin die voorgeskrewe besonderhede uiteengesit word ten opsigte van bedoelde tak uitreik.

(2) Geen tak word ingevolge subartikel (1) geregistreer ten opsigte van 'n ander doelstelling as 'n doelstelling ten opsigte waarvan die fondsinsamelingsorganisasie waarvan dit 'n tak is, ingevolge artikel 4 gemagtig is om bydraes in te samel of ten opsigte van 'n gebied wat geleë is buite die gebied ten opsigte waarvan bedoelde fondsinsamelingsorganisasie aldus gemagtig is nie.

(3) Behoudens die bepalings van hierdie Wet, is 'n tak ten opsigte waarvan so 'n registrasiesertifikaat uitgereik is gemagtig om tydens die geldigheid van bedoelde registrasiesertifikaat en in die gebied en vir die doelstellings in die registrasiesertifikaat vermeld bydraes van die publiek in te samel.

(4) 'n Registrasiesertifikaat ingevolge subartikel (1) uitgereik, word deur die betrokke geregistreerde tak in bewaring gehou.

Authority to collect contributions from the public

4. (1) (a) Subject to the provisions of this Act, the Director may, on application made in the prescribed manner by the management of an organisation desiring to collect contributions from the public, in his discretion, grant a written authority to such organisation to collect, subject to the prescribed conditions and the other conditions specified in the authority, and in the area so specified contributions for the purposes stated in the authority.

(b) Any organisation making such an application shall cause a copy of the application and the documents accompanying it to lie for inspection by the public at the prescribed places and during the prescribed periods, and shall, cause a notice containing the prescribed information to be published in the prescribed manner and the application shall be accompanied by proof of such publication.

(c) For the purposes of paragraph (b), any notice published in terms of section 14 (2) of the National Welfare Act, 1978, shall be deemed to be a notice published in terms of paragraph (b).

(2) Any person or group of persons may, within the prescribed period and in the prescribed manner, lodge an objection against such application with the Director.

(3) The Director may direct the organisation concerned to furnish such further information in respect of its application as the Director may deem necessary or expedient and may cause the application to be investigated and he may obtain such further information as he may deem necessary for the consideration of the application.

(4) No authority in terms of this section shall be granted to any organisation—

(a) which fails to obtain any authority or permission required by it in terms of the provisions of any other law, for the carrying out of its functions and activities;

(b) which according to its constitution or application, intends collecting contributions at remuneration for or on behalf of any other organisation or person.

(5) Subject to the provisions of section 7 (3) no authority granted in terms of this section shall confer on the organisation to which it has been granted the right to collect contributions at remuneration for or on behalf of any other organisation or person.

(6) Any authority granted in terms of this section shall remain in force for the period for which it has been granted, or until it is withdrawn in terms of this Act.

Branches of fund-raising organisations

5. (1) The Director may, on application by a fund-raising organisation, made in the prescribed manner, register a branch of the said fund-raising organisation and issue a registration certificate, setting out the prescribed particulars, in respect of such branch.

(2) No branch shall be registered in terms of subsection (1) in respect of any other object than an object in respect of which the fund-raising organisation of which it is a branch, is authorised in terms of section 4 to collect contributions, or in respect of an area situated outside the area in respect of which the said fund-raising organisation has been so authorised.

(3) Subject to the provisions of this Act, any branch to which such a registration certificate has been issued, shall be authorised to collect contributions from the public during the validity of such registration certificate and in the area and for the purposes set out in the registration certificate.

(4) A registration certificate issued in terms of subsection (1) shall be kept in custody by the registered branch concerned.

(5) Die Direkteur—

(a) moet op versoek van die betrokke fondsinsamelingsorganisasie of by bewys dat 'n geregistreerde tak opgehou het om 'n tak van 'n bepaalde fondsinsamelingsorganisasie te wees;

(b) kan, na ondersoek op die voorgeskrewe wyse en vir enige rede waarvoor 'n magtiging van 'n fondsinsamelingsorganisasie ingetrek kan word en nadat hy aan die betrokke fondsinsamelingsorganisasie en geregistreerde tak 'n geleentheid verleen het om skriftelik redes daarteen aan te voer;

die registrasie van die betrokke geregistreerde tak intrek.

(6) Die registrasie van 'n tak verval indien die magtiging wat verleen is aan die fondsinsamelingsorganisasie waarvan dit 'n geregistreerde tak is, verval of ingetrek word.

(7) Die registrasiesertifikaat van 'n geregistreerde tak waarvan die registrasie ingevolge hierdie Wet verval of ingetrek is, moet deur bedoelde tak of enigiemand in wie se besit of onder wie se beheer dit is aan die Direkteur teruggestuur word binne sewe dae nadat bedoelde tak of persoon van die verval of intrekking daarvan te wete kom.

Tydlike magtiging om bydraes in te samel

6. (1) Ondanks die bepalings van artikel 4, kan die Direkteur op aansoek op die voorgeskrewe wyse gedoen deur enige organisasie of persoon wat bydraes in spoedeisende of tydelike omstandighede wil insamel, 'n skriftelike magtiging aan bedoelde persoon of organisasie verleen om, onderworpe aan die voorwaardes en in die gebied en gedurende die tydperk in die magtiging vermeld, bydraes vir die doeleindes aldus vermeld in te samel.

(2) 'n Tydelike magtiging word vir 'n tydperk van hoogstens negentig dae verleen maar kan van tyd tot tyd vir die verdere tydperk, maar hoogstens negentig dae in die geheel, wat die Direkteur bepaal, verleng word.

(3) Die bepalings van artikel 4 (2) en (3) is *mutatis mutandis* van toepassing op 'n aansoek in subartikel (1) bedoel.

(4) Geen magtiging word ingevolge hierdie artikel verleen aan 'n organisasie of persoon wat beoog om bydraes teen vergoeding vir of namens 'n ander organisasie of persoon in te samel nie en, behoudens die bepalings van artikel 7 (3), verleen geen sodanige magtiging aan die houer daarvan die reg om bydraes aldus in te samel nie.

Persone wat bydraes insamel moet in besit van volmag wees

7. (1) Enigiemand wat bydraes vir of namens 'n fondsinsamelingsorganisasie, geregistreerde tak of die houer van 'n tydelike magtiging insamel, moet 'n volmag waarin die voorgeskrewe besonderhede uiteengesit word en wat op die uitdruklike gesag van die bestuur van sodanige fondsinsamelingsorganisasie of geregistreerde tak of sodanige houer in elke bepaalde geval verleen word, in sy besit hê.

(2) Niemand aan wie 'n volmag ingevolge subartikel (1) verleen is, is geregtig om bydraes vir of namens 'n fondsinsamelingsorganisasie, geregistreerde tak of die houer van 'n tydelike magtiging teen vergoeding in te samel nie.

(3) Ondanks die bepalings van subartikel (2), kan 'n fondsinsamelingsorganisasie of geregistreerde tak of die houer van 'n tydelike magtiging aan enigiemand anders met wie sodanige fondsinsamelingsorganisasie, geregistreerde tak of houer 'n skriftelike ooreenkoms aangegaan het om bydraes teen vergoeding vir of namens sodanige fondsinsamelingsorganisasie, geregistreerde tak of houer in te samel en nadat 'n gewaarmerkte afskrif van die ooreenkoms aan die Direkteur besorg is, 'n spesiale volmag, soos voorgeskryf, verleen om aldus bydraes in te samel.

(5) The Director—

(a) shall at the request of the fund-raising organisation concerned or on proof that a registered branch has ceased to be a branch of a specified fund-raising organisation;

(b) may, after investigation in the prescribed manner and for any reason for which an authority granted to a fund-raising organisation may be withdrawn and after affording the fund-raising organisation and the branch concerned an opportunity of advancing reasons in writing against it;

withdraw the registration of the said branch.

(6) The registration of a branch shall lapse if the authority granted to the fund-raising organisation of which it is a branch lapses or is withdrawn.

(7) The registration certificate of a registered branch of which the registration has lapsed or has been withdrawn in terms of this Act, shall be returned to the Director by such branch or any person in whose possession or under whose control it is, within seven days after such branch or person becomes aware of the expiration or withdrawal thereof.

Temporary authority to collect contributions

6. (1) Notwithstanding anything to the contrary in section 4 contained, the Director may, on application made in the prescribed manner by any organisation or person desiring to collect contributions in urgent or temporary circumstances, grant written authority to such person or organisation to collect, subject to the conditions and in the area and during the period set out in the authority, contributions for the purposes so set out.

(2) A temporary authority shall be granted for a period not exceeding 90 days, but may be extended from time to time for a further period, not exceeding 90 days in the aggregate, as determined by the Director.

(3) The provisions of section 4 (2) and (3) shall *mutatis mutandis* apply to an application referred to in subsection (1).

(4) No authority shall be granted in terms of this section to any organisation or person intending to collect contributions at remuneration for or on behalf of any other organisation or person and, subject to the provisions of section 7 (3), no such authority shall confer on the holder thereof the right so to collect contributions.

Persons collecting contributions to be in possession of a power of attorney

7. (1) Any person, collecting contributions for or on behalf of a fund-raising organisation, registered branch or holder of a temporary authority, shall have in his possession a power of attorney in which the prescribed particulars are set out and which has in each particular case been granted on the express authority of the management of such fund-raising organisation or registered branch or holder.

(2) No person to whom a power of attorney has been granted in terms of this section shall be entitled to collect contributions at remuneration for or on behalf of any fund-raising organisation, registered branch or the holder of a temporary authority.

(3) Notwithstanding the provisions of subsection (2), a fund-raising organisation or registered branch or the holder of a temporary authority may grant to any other person with whom such fund-raising organisation, registered branch or holder has entered into a written agreement to collect contributions at remuneration for or on behalf of such fund-raising organisation, registered branch or holder and after a certified copy of such agreement has been furnished to the Director, a special power of attorney as prescribed so to collect contributions.

(4) So 'n ooreenkoms moet die voorgeskrewe besonderhede bevat en die betrokke fondsinsamelingsorganisasie, geregistreerde tak of die houer van die tydelike magtiging moet gewaarmerkte afskrifte daarvan ter insae van die publiek by dié plekke en gedurende dié tye wat voorgeskryf word of wat die Direkteur van tyd tot tyd in die algemeen of in 'n bepaalde geval bepaal, laat lê.

(5) Iemand wat bydraes uit hoofde van 'n spesiale volmag insamel, moet in een van die amptelike tale, die persoon van wie hy die bydraes insamel of probeer insamel en ook enige persoon wat by so 'n insameling teenwoordig is, meedeel dat die insameling teen vergoeding geskied en moet op versoek van so iemand of enigiemand wat aldus teenwoordig is, onmiddellik 'n gewaarmerkte afskrif van die ooreenkoms wat ingevolge subartikel (3) met betrekking tot sodanige insameling verly is, ter insae van sodanige persoon toon.

(6) Iedere advertensie, kennisgewing, berig of ander geskrif wat regstreeks of onregstreeks met enige poging tot die insameling van bydraes ingevolge 'n spesiale volmag in verband staan, moet—

(a) duidelik en in 'n opvallende plek vermeld dat die insameling teen vergoeding geskied;

(b) die plekke waar en die tye waartydens gewaarmerkte afskrifte van die ooreenkoms wat ingevolge subartikel (3) met betrekking tot die insameling verly is, ter insae van die publiek lê, vermeld;

(c) die voorgeskrewe besonderhede ten opsigte van die persoon aan wie die spesiale volmag verleen is, bevat.

(7) Geen volmag of spesiale volmag word aan enigiemand verleen of is geldig vir die insameling van bydraes in stryd met 'n verbod in artikel 28 bedoel nie.

(8) Iemand wat voorgee om bydraes vir of namens 'n fondsinsamelingsorganisasie of geregistreerde tak of die houer van 'n tydelike magtiging in te samel, moet op versoek van die Direkteur of iemand deur hom of 'n plaaslike owerheid daartoe gemagtig of van 'n lid van 'n polisiemag wat by wet ingestel is, of van iemand van wie hy bydraes insamel, 'n volmag of spesiale volmag verleen deur bedoelde fondsinsamelingsorganisasie, geregistreerde tak of houer, na gelang van die geval, toon.

(9) (a) Die fondsinsamelingsorganisasie of geregistreerde tak of houer van 'n tydelike magtiging wat 'n volmag of spesiale volmag aan enigiemand verleen het, kan, en moet, indien die Direkteur, om gegronde rede, so gelas, sodanige volmag of spesiale volmag te eniger tyd deur skriftelike kennisgewing aan die houer daarvan intrek.

(b) 'n Volmag of spesiale volmag wat aldus ingetrek is, moet binne sewe dae na sodanige intrekking aan die fondsinsamelingsorganisasie, geregistreerde tak of houer van die tydelike magtiging wat dit verleen het, deur die persoon aan wie dit verleen is, terugbesorg word.

(10) 'n Volmag of spesiale volmag—

(a) is geldig vir die tydperk waarvoor dit verleen is of vir 'n tydperk van hoogstens een jaar, watter tydperk ook al die kortste is;

(b) verval indien dit ingevolge subartikel (9) ingetrek word;

(c) verval indien die magtiging of tydelike magtiging wat verleen is aan die fondsinsamelingsorganisasie of houer van die tydelike magtiging wat die volmag verleen het, verval of ingevolge hierdie Wet ingetrek word;

(d) verval indien die registrasie van die geregistreerde tak wat dit verleen het ingevolge hierdie Wet verval of ingetrek word.

(4) Such an agreement shall contain the prescribed particulars and the fund-raising organisation, registered branch or holder of the temporary authority concerned, shall cause certified copies thereof to lie for inspection by the public at such places and during such periods which may be prescribed or which the Director may from time to time determine either generally or in respect of a particular case.

(5) Any person collecting contributions by virtue of a special power of attorney, shall, in one of the official languages, inform the person from whom he is collecting or attempting to collect such contributions or any person who is present at such collection, that the collection is taking place at remuneration and shall, at the request of such person or any person who is so present, immediately produce for the inspection of such person a certified copy of the agreement which has been executed in terms of subsection (3) in relation to such collection.

(6) Every advertisement, notice, report or other document which is directly or indirectly connected with any attempt to the collection of contributions in terms of a special power of attorney, shall—

(a) state clearly and in a prominent position that the collection is taking place at remuneration;

(b) state the places at which and the periods during which certified copies of the agreement, executed in terms of subsection (3) in relation to such collection, will lie for inspection by the public;

(c) contain the prescribed particulars in respect of the person to whom the special power of attorney has been granted.

(7) No power of attorney or special power of attorney shall be granted to any person or shall be valid for the collection of contributions in contravention of a prohibition referred to in section 28.

(8) Any person purporting to collect contributions for or on behalf of a fund-raising organisation or registered branch or holder of a temporary authority shall, at the request of the Director or any person authorised thereto by him or a local authority, or of a member of a police force established by law or of any person from whom he collects contributions, produce a power of attorney or special power of attorney granted by the said fund-raising organisation, registered branch or holder, as the case may be.

(9) (a) The fund-raising organisation or registered branch or holder of a temporary authority, which or who has granted a power of attorney or a special power of attorney to any person, may and shall if the Director for good reasons so directs, by written notice to the holder thereof, withdraw such power of attorney or special power of attorney at any time.

(b) A power of attorney or special power of attorney which has been so withdrawn shall be returned within seven days by the person to whom it was granted, to the fund-raising organisation, registered branch or holder of the temporary authority by which it was granted.

(10) A power of attorney or special power of attorney—

(a) shall be valid for the period for which it has been granted, or for a period not exceeding one year, whichever is the shorter period;

(b) shall lapse if it is withdrawn in terms of subsection (9);

(c) shall lapse if the authority or temporary authority, which has been granted to the fund-raising organisation or holder of the temporary authority who has granted the power of attorney, lapses or is withdrawn in terms of this Act;

(d) shall lapse if the registration of the registered branch by which it has been granted, lapses or is withdrawn in terms of this Act.

(11) Die bepalings van hierdie artikel is nie van toepassing nie op of ten opsigte van enige persoon wat 'n fondsinsamelingsorganisasie, geregistreerde tak of die houer van 'n tydelike magtiging—

(a) op 'n bepaalde perseel behulpsaam is met die insameling van bydraes by geleentheid van 'n bazaar, verkoping, kompetisie, vermaaklikheid, vertoning of ander funksie op bedoelde perseel, en wat onder die regstreekse beheer staan van een van die persone wat aldus behulpsaam is en in besit van 'n behoorlike volmag is; en

(b) met 'n straatkollekte wat ooreenkomstig die verordeninge van die betrokke plaaslike bestuur gehou word behulpsaam is en wat onder beheer staan van iemand wat in besit is van 'n geldige volmag deur bedoelde fondsinsamelingsorganisasie, geregistreerde tak of houer verleen.

Wysiging of intrekking van magtiging of tydelike magtiging

8. (1) Die Direkteur kan te eniger tyd 'n magtiging of tydelike magtiging wysig ten einde 'n fout wat daarin voorkom te verbeter en kan op versoek van die organisasie of persoon aan wie 'n magtiging of tydelike magtiging verleen is, 'n voorwaarde daarvan verander, vervang of intrek of 'n voorwaarde daarby voeg en kan, na ondersoek op die voorgeskrewe wyse, so 'n magtiging of tydelike magtiging, na goedgekenke, vir 'n ander rede as die voormelde redes, wysig of sodanige magtiging of tydelike magtiging met 'n nuwe magtiging of tydelike magtiging vervang.

(2) Indien 'n organisasie of persoon aan wie 'n magtiging of tydelike magtiging verleen is, weier of versuim om op die skriftelike versoek van die Direkteur sodanige magtiging of tydelike magtiging binne 'n tydperk van 14 dae na so 'n versoek vir wysiging ingevolge subartikel (1) aan die Direkteur terug te stuur, kan die Direkteur sodanige magtiging of tydelike magtiging sonder kennisgewing intrek.

(3) Die Direkteur kan te eniger tyd op versoek van die organisasie of persoon aan wie 'n magtiging of tydelike magtiging verleen is, bedoelde magtiging of tydelike magtiging intrek en kan, na ondersoek op die voorgeskrewe wyse en indien hy oortuig is—

(a) dat bedoelde organisasie of persoon geweier of versuim het om aan enige bepaling of voorwaarde van so 'n magtiging of tydelike magtiging of aan 'n opdrag, versoek of eis van die Direkteur of 'n inspekteur ingevolge die bepalings van hierdie Wet aan hom gegee of gerig of gestel, te voldoen of om enige voorgeskrewe opgawe of staat binne die voorgeskrewe tydperk by die Direkteur in te dien of die bepalings van artikel 10 oortree het;

(b) dat bedoelde organisasie of persoon in of in verband met enige aansoek ingevolge hierdie Wet of opgawe of staat wat hy ingevolge hierdie Wet moet verstrek of indien, opsetlik 'n valse of misleidende verklaring gedoen het of valse of misleidende inligting verstrek het;

(c) dat bedoelde organisasie of persoon of 'n persoon aan wie bedoelde organisasie of persoon 'n volmag of spesiale volmag ingevolge hierdie Wet verleen het in stryd met 'n bepaling van hierdie Wet opgetree of versuim het om aan so 'n bepaling te voldoen;

(d) dat bedoelde organisasie sy konstitusie in stryd met 'n bepaling van hierdie Wet gewysig het of wettiglik ontbind is of vir 'n tydperk van een jaar nie ter bevordering van sy doelstellings gefunksioneer het nie;

(e) dat enige magtiging of reg wat bedoelde organisasie deur of uit hoofde van die bepalings van 'n ander wet verkry het om sy werksaamhede te verrig of voort te sit, verval of ingevolge bedoelde wet ingetrek is; of

(11) The provisions of this section shall not apply to or in respect of any person who is assisting a fund-raising organisation, registered branch or holder of a temporary authority—

(a) with the collection of contributions on specified premises on the occasion of any bazaar, sale, competition, entertainment, exhibition or other function on such premises and which is under the direct control of one of the persons, who is so assisting and who is in possession of a valid power of attorney;

(b) with a street collection which is being conducted in accordance with the bye-laws of the local authority concerned and which is under control of any person who is in possession of a valid power of attorney granted by the said fund-raising organisation, registered branch or holder.

Amendment or withdrawal of authority or temporary authority

8. (1) The Director may, at any time, amend an authority or temporary authority in order to correct any error therein and may, at the request of the organisation or person to whom an authority or temporary authority has been granted, substitute or withdraw any condition therein or add any condition thereto and may, after an investigation in the prescribed manner, in his discretion and for any reason other than the aforementioned reasons, amend such authority or temporary authority or substitute a new authority or temporary authority for such authority or temporary authority.

(2) If, at the written request of the Director, any fund-raising organisation or person to whom an authority or temporary authority has been granted, refuses or fails to return such authority or temporary authority to the Director within a period of 14 days after such a request for amendment has been made in terms of subsection (1), the Director may, without notice, withdraw such authority or temporary authority.

(3) The Director may at any time, at the request of the organisation or person to whom an authority or temporary authority has been granted, withdraw such authority or temporary authority and may, after an enquiry in the prescribed manner, withdraw such authority or temporary authority if he is satisfied—

(a) that such organisation or person has refused or failed to comply with any provision or condition of such authority or temporary authority or with any direction, request or demand of the Director or an inspector given, addressed or made to him in terms of this Act, or to submit to the Director any prescribed return or statement within the prescribed period or has contravened the provisions of section 10;

(b) that the said organisation or person has wilfully made a false or misleading statement or furnished false or misleading information in or in connection with any application in terms of this Act or a return or statement which he has to furnish or submit in terms of this Act;

(c) that the said organisation or person or a person to whom the said organisation or person has granted a power of attorney or special power of attorney in terms of this Act has acted in contravention of a provision of this Act or has failed to comply with such a provision;

(d) that the said organisation has amended its constitution in contravention of a provision of this Act or has been lawfully dissolved or has not functioned in furtherance of its objects for a period of one year;

(e) that any authority or right which such organisation has acquired under or by virtue of the provisions of any other law to perform or carry on its activities, has lapsed or has been withdrawn in terms of such law; or

(f) dat 'n voorwaarde kragtens subartikel (4) nie nagekom is nie, bedoelde magtiging of tydelike magtiging, intrek.

(4) Die Direkteur kan in plaas van 'n magtiging of tydelike magtiging weens 'n rede in paragraaf (a), (b), (c) of (d) van subartikel (3) bedoel, in te trek, die magtiging of tydelike magtiging, behalwe in die geval van 'n organisasie wat wettiglik ontbind is, vir dié tydperk en op dié voorwaardes wat hy goeuvind, opskort.

(5) (a) Behoudens die bepalings van paragraaf (b), tree die wysiging, opskorting of intrekking van 'n magtiging of tydelike magtiging ingevolge hierdie artikel in werking met ingang van die datum waarop 'n skriftelike kennisgewing van sodanige wysiging, opskorting of intrekking deur die Direkteur per aangetekende pos aan die organisasie of persoon waaraan of aan wie die magtiging of tydelike magtiging verleen is, beteken word.

(b) Indien die betekening van die kennisgewing in paragraaf (a) bedoel in 'n bepaalde geval na die oordeel van die Direkteur nie prakties uitvoerbaar is nie, kan hy 'n voorgeskrewe kennisgewing van die betrokke wysiging, opskorting of intrekking in die *Staatskoerant* laat publiseer en daarop word sodanige wysiging, opskorting of intrekking geag in werking te getree het op die datum waarop bedoelde kennisgewing aldus gepubliseer is.

Appel teen beslissings van Direkteur

9. (1) 'n Fondsinsamelingsorganisasie of ander organisasie wat deur die beslissing van die Direkteur met betrekking tot die afwysing van 'n aansoek ingevolge artikel 4 of 5 of die wysiging of intrekking van 'n magtiging of registrasiesertifikaat of die intrekking van 'n volmag of spesiale volmag, veronreg voel, kan op die voorgeskrewe wyse teen daardie beslissing appelleer na 'n appèlkomitee wat vir die bepaalde geval deur die Minister saamgestel word.

(2) So 'n appèlkomitee word aamgestel uit—

(a) 'n senior landdros wat die voorsitter is; en

(b) twee persone wat na die oordeel van die Minister ondervinding of kennis het van die werksaamhede van fondsinsamelingsorganisasies en wat geen regstreekse belang by die sake van die appellant het of in diens van die appellant of die Staat is nie.

(3) Die appellant kan deur 'n lid van sy bestuur of deur 'n advokaat of prokureur voor die appèlkomitee verskyn of skriftelik verklarings of argumente ter stawing van sy appèl voorlê.

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

(5) Die appèlkomitee kan die beslissing van die Direkteur bekragtig of ter syde stel of die ander beslissing gee wat die Direkteur na die oordeel van die appèlkomitee behoort te gee, en kan die Direkteur gelas om enigiets te doen wat nodig is om aan die beslissing van die appèlkomitee gevolg te gee.

(6) Die beslissing van die appèlkomitee is afdoende.

(7) Aan iemand wat ingevolge subartikel (2) (b) op die appèlkomitee aangestel word, kan die vergoeding en toelaes betaal word wat die Minister van tyd tot tyd in oorleg met die Minister van Finansies bepaal.

Bydraes moet slegs vir gemagtigde doelstellings aangewend word

10. Geen bydrae wat ingevolge 'n magtiging, tydelike magtiging, volmag of spesiale volmag ingesamel is, word, sonder die skriftelike toestemming van die Direkteur, vir 'n ander doel as 'n doelstelling in die magtiging, tydelike magtiging, volmag of spesiale volmag vermeld, aangewend nie.

(f) that any condition under subsection (4) has not been complied with.

(4) The Director may, in lieu of withdrawing any authority or temporary authority for any reason referred to in paragraph (a), (b), (c) or (d) of subsection (3), suspend, except in the case of an organisation which has been lawfully dissolved, such authority or temporary authority for such period and on such conditions as he may deem fit.

(5) (a) Subject to the provisions of paragraph (b), the amendment, suspension or withdrawal of any authority or temporary authority in terms of this section shall come into operation with effect from the date on which a written notice of such amendment, suspension or withdrawal is served by the Director by registered post on the organisation to which or person to whom such authority or temporary authority has been granted.

(b) If, in the opinion of the Director it is impracticable to serve the notice referred to in paragraph (a) in any particular case, he may cause a prescribed notice of the amendment, suspension or withdrawal concerned to be published in the *Gazette* and thereupon such amendment, suspension or withdrawal, shall be deemed to have come into operation on the date on which such notice has been so published.

Appeal against decisions of the Director

9. (1) Any fund-raising organisation or other organisation, aggrieved by a decision of the Director relating to the rejection of an application in terms of section 4 or 5 or the amendment or withdrawal of an authority or registration certificate or the withdrawal of a power of attorney or a special power of attorney, may, in the prescribed manner, appeal against that decision, to an appeal committee appointed by the Minister for the particular case.

(2) Such appeal committee shall consist of—

(a) a senior magistrate who shall be the chairman; and

(b) two persons, who in the opinion of the Minister, have experience and knowledge of the activities of fund-raising organisations and who have no direct interest in the affairs of the appellant or are not in the service of the appellant or the State.

(3) The appellant may appear before the appeal committee by a member of its management or by counsel or an attorney or may submit written statements or arguments in support of its appeal.

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

(5) The appeal committee may confirm or set aside the decision of the Director or may give such other decision as in its opinion ought to have been given by the Director, and may direct the Director to do everything necessary to give effect to the decision of the appeal committee.

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

(7) Any person who is appointed to an appeal committee in terms of subsection (2) (b), may be paid such remuneration and allowances as may from time to time be determined by the Minister in consultation with the Minister of Finance.

Contributions to be used for authorised purposes only

10. No contribution collected in terms of any authority, temporary authority, power of attorney or special power of attorney, shall without the written consent of the Director be used for any purpose other than a purpose referred to in the authority, temporary authority, power of attorney or special power of attorney.

Rekening van geldelike bedrywighede

11. (1) Iedere fondsinsamelingsorganisasie, geregiſtreerde tak en houer van 'n tydelike magtiging moet, in een van die amptelike tale, die voorgeskrewe aantekeninge hou van al die geld deur hom ontvang en bestee en van al sy bates en laste en van al die finansiële transaksies deur hom aangegaan en moet die voorgeskrewe verslae, opgawes en finansiële state op die voorgeskrewe tye aan die Direkteur verstrek.

(2) Die finansiële state moet geouditeer word deur 'n openbare rekenmeester en ouditeur geregistreer ingevolge die Wet op Openbare Rekenmeesters en Ouditers, 1951 (Wet 51 van 1951).

(3) Die verslae, opgawes en finansiële state van 'n fondsinsamelingsorganisasie, geregistreerde tak, of die houer van 'n tydelike magtiging lê ter insae van die publiek op die plekke en gedurende die tye en na sodanige kennisgewing as wat voorgeskryf word.

Procedure by intrekking of verval van magtiging of ontbinding van organisasies of takke

12. (1) Indien 'n magtiging of tydelike magtiging of 'n registrasiesertifikaat ingevolge hierdie Wet ingetrek word of verval of 'n fondsinsamelingsorganisasie, organisasie of geregistreerde tak volgens die bepalings van sy konstitusie of ingevolge bedoelde Wet ontbind word, moet die bestuur van bedoelde organisasie of die houer van die tydelike magtiging, binne die voorgeskrewe tydperk—

(a) die voorgeskrewe opgawes, state en likwidasië- en distribusiërekening en die inligting wat die Direkteur aanvra aan hom voorlê;

(b) oor die aantekeninge en stukke van bedoelde fondsinsamelingsorganisasie of geregistreerde tak of van die houer van die tydelike magtiging, beskik soos deur die Direkteur bepaal.

(2) In die likwidasië- en distribusiërekening bedoel in subartikel (1) (a) word, in die geval van 'n fondsinsamelingsorganisasie, sover doenlik uitvoering gegee aan die bepalings van bedoelde organisasie se konstitusie vir sover dit op die beskikking van die organisasie se bates by die ontbinding van die organisasie betrekking het.

(3) Die likwidasië- en distribusiërekening in subartikel (1) (a), bedoel, lê ter insae soos voorgeskryf.

(4) Indien 'n tydelike magtiging ingevolge hierdie Wet ingetrek word of indien daar enige oorskot aan geld of sekuriteite bestaan nadat die doel verwesenlik is waarvoor die tydelike magtiging verleen is, word daar oor sodanige oorskot beskik soos deur die Minister bepaal.

Ontbinding van fondsinsamelingsorganisasies en geregiſtreerde takke

13. (1) Indien 'n fondsinsamelingsorganisasie of geregiſtreerde tak ophou om te funksioneer of 'n magtiging of registrasiesertifikaat wat aan hom verleen is, ingetrek is of verval het en sy bestuur nie ooreenkomstig sy konstitusie saamgestel is of kan word sodat die fondsinsamelingsorganisasie of geregiſtreerde tak ontbind kan word nie, kan die Direkteur, die fondsinsamelingsorganisasie of geregiſtreerde tak ontbind, en vir dié doel word die Direkteur bekleed met al die bevoegdhede van so 'n bestuur en moet hy ooreenkomstig die konstitusie van bedoelde fondsinsamelingsorganisasie of geregiſtreerde tak oor die bates van die fondsinsamelingsorganisasie of geregiſtreerde tak beskik.

(2) Indien sodanige beskikking oor die bates van die betrokke fondsinsamelingsorganisasie nie prakties uitvoerbaar is nie, moet die Direkteur daarvoor beskik soos die Minister bepaal.

Accounting of financial activities

11. (1) Every fund-raising organisation, registered branch and holder of a temporary authority shall, in one of the official languages, keep the prescribed records of all the moneys received and expended by it and of all its assets and liabilities and of all financial transactions entered into by it and shall furnish the Director with the prescribed reports, returns and financial statements at the prescribed times.

(2) The financial statements shall be audited by a public accountant and auditor registered in terms of the Public Accountants' and Auditors' Act, 1951 (Act 51 of 1951).

(3) The reports, returns and financial statements of a fund-raising organisation, registered branch or holder of a temporary authority shall lie for inspection by the public at such places and during such periods and after such notice as may be prescribed.

Procedure on withdrawal or expiration of authority or dissolution of organisations or branches

12. (1) If any authority or temporary authority or registration certificate is withdrawn or expires in terms of this Act or if a fund-raising organisation, organisation, or registered branch is dissolved in terms of the provisions of its constitution or in terms of the said Act the management of such organisation or holder of the temporary authority shall, within the prescribed period—

(a) submit to the Director the prescribed returns, statements, liquidation and distribution account and such information as the Director may demand;

(b) dispose of the records and documents of such fund-raising organisation or registered branch or holder of the temporary authority as the Director may determine.

(2) The liquidation and distribution account referred to in subsection (1) (a) shall, in the case of a fund-raising organisation, give effect as far as possible to the provisions of the constitution of such organisation in so far as it relates to the disposal of the assets of the organisation on the dissolution of the organisation.

(3) The liquidation and distribution account referred to in subsection (1) (a) shall lie for inspection as prescribed.

(4) If a temporary authority is withdrawn in terms of this Act or if any surplus moneys or securities remain after the purpose for which the temporary authority has been granted, has been served, such surplus shall be disposed of in the manner determined by the Minister.

Dissolution of fund-raising organisations and registered branches

13. (1) If a fund-raising organisation or a registered branch ceases to function or if an authority or registration certificate granted to it has been withdrawn or has lapsed and the management thereof is not or cannot be so constituted in accordance with its constitution that the fund-raising organisation or registered branch may be dissolved, the Director may dissolve such fund-raising organisation or registered branch and for this purpose the Director shall have all the powers of such management and shall dispose of the assets of such fund-raising organisation or registered branch in accordance with the constitution of such fund-raising organisation or registered branch.

(2) If such disposal of the assets of the fund-raising organisation concerned is not practicable, the Director shall dispose thereof in such manner as the Minister may determine.

HOOFSTUK II

RAMPNOODLENIGINGSFONDS, SUID-AFRIKAANSE WEERMAGFONDS EN VLUGTELINGE NOODLENIGINGSFONDS

Woordomskriftings

14. By die toepassing van hierdie Hoofstuk, tensy uit die samehang anders blyk, beteken—

“aktiewe diens” diens ter verdediging van die Republiek soos bedoel in artikel 1 van die Verdedigingswet, 1957 (Wet No. 44 van 1957);

“fonds” ’n fonds in artikel 20 bedoel;

“permanente lid” ’n lid van ’n raad wat ingevolge artikel 16 (3) as ’n permanente lid aangestel word; en

“ramp” ’n ramp in artikel 25 bedoel.

Instelling van Rampnoodlenigingsfonds, Suid-Afrikaanse Weermagfonds en Vluchteling Noodlenigingsfonds

15. Daar word hierby ’n fonds ingestel wat—

- (a) die Rampnoodlenigingsfonds heet;
- (b) die Suid-Afrikaanse Weermagfonds heet; en
- (c) die Vluchteling Noodlenigingsfonds heet.

Bestuur van fondse

16. (1) Iedere fonds word bestuur deur ’n raad wat van tyd tot tyd deur die Minister aangestel word.

(2) ’n Raad bedoel in subartikel (1) is met regs persoonlikheid beklee en bevoeg om in sy naam as regs persoon, as eiser en verweerder in regte op te tree en om alle handelinge te verrig en alle bevoegdhede uit te oefen wat nodig is vir of in verband staan met die uitvoering van sy oogmerke en die verrigting van sy werksaamhede en pligte kragtens hierdie Wet.

(3) ’n Raad bestaan uit hoogstens 10 lede waarvan minstens die helfte permanente lede moet wees.

(4) Minstens die helfte van die lede van so ’n raad moet persone wees wat nie beamptes in die Staatsdiens is nie.

(5) (a) ’n Permanente lid van ’n raad beklee sy amp vir die tydperk, maar hoogstens vyf jaar, wat die Minister ten tyde van sy aanstelling bepaal.

(b) ’n Ander lid van ’n raad beklee sy amp vir die tydperk wat die Minister ten tyde van sy aanstelling bepaal.

(6) ’n Lid van ’n raad wie se ampstermyn verstryk het, kan weer aangestel word.

(7) Die Minister kan, indien daar na sy oordeel goeie redes voor bestaan, te eniger tyd die ampstermyn van ’n lid beëindig.

(8) Geen besluit van ’n raad of handeling op gesag van ’n raad verrig, is ongeldig nie bloot vanweë ’n vakature in die raad of omdat ’n persoon wat nie ’n lid van die raad is nie by die sitting van die betrokke raad aanwesig was toe die besluit geneem of die handeling gemagtig was.

(9) Die Minister wys ’n permanente lid van ’n raad as die voorsitter van bedoelde raad en ’n ander so ’n lid as adjunk-voorsitter van bedoelde raad aan.

(10) Die kworum vir ’n prosedure by ’n vergadering van ’n raad word voorgeskryf.

(11) ’n Lid wat nie ’n beampte in die Staatsdiens is nie word die toelaes uit die betrokke fonds betaal wat die Minister van tyd tot tyd in oorleg met die Minister van Finansies bepaal.

Oogmerke van rade

17. Die oogmerke van—

- (a) die raad van die Rampnoodlenigingsfonds is om, met inagneming van die geldelike toestand van bedoelde fonds en die meriete van elke geval, die hulp wat die raad redelik en billik ag, te verleen aan persone, organisasies en liggame wat skade of verlies ly wat deur ’n ramp veroorsaak word;

CHAPTER II

DISASTER RELIEF FUND, SOUTH AFRICAN DEFENCE FORCE FUND AND REFUGEE RELIEF FUND

Definitions

14. For the purposes of this Chapter, unless the context otherwise indicates—

“active service” means service in defence of the Republic as referred to in section 1 of the Defence Act, 1957 (Act 44 of 1957);

“disaster” means a disaster referred to in section 25;

“fund” means a fund referred to in section 20; and

“permanent member” means a member of a board appointed as a permanent member in terms of section 16 (3).

Establishment of Disaster Relief Fund, South African Defence Force Fund and Refugee Relief Fund

15. There are hereby established—

- (a) a fund to be known as the Disaster Relief Fund;
- (b) a fund to be known as the South African Defence Force Fund; and
- (c) a fund to be known as the Refugee Relief Fund.

Management of funds

16. (1) Each fund shall be managed by a board appointed by the Minister from time to time.

(2) A board referred to in subsection (1) shall be a body corporate and capable of suing and being sued in its corporate name and of performing all such acts and exercising all such powers as are necessary for or incidental to the carrying out of its objects and the performance of its functions and duties under this Act.

(3) A board shall consist of not more than 10 members of which not less than half shall be permanent members.

(4) At least half of the members of a board shall be persons who are not officers in the public service.

(5) (a) A permanent member of a board shall hold office for such period as the Minister may determine at the time of his appointment, but not exceeding five years.

(b) Any other member of a board shall hold office for the period determined by the Minister at the time of his appointment.

(6) A member whose period of office has expired, shall be eligible for reappointment.

(7) The Minister may at any time terminate the period of office of any member, if in his opinion there are good reasons for doing so.

(8) No resolution of a board or any action taken on the authority of a board shall be invalid by reason only of a vacancy on the board or because any person who is not a member of the board was present at the meeting of the board concerned at which such resolution was taken or such action was authorised.

(9) The Minister shall designate a permanent member of a board as chairman of the said board and another such member as deputy-chairman of such board.

(10) The quorum for and procedure at meetings of a board shall be as prescribed.

(11) A member who is not an officer of the public service shall be paid such allowances from the fund concerned as the Minister in consultation with the Minister of Finance may from time to time determine.

Objects of boards

17. The objects of—

- (a) the board of the Disaster Relief Fund shall, with due regard to the financial position of the said fund and the merits of each case, be to render to persons, organisations and bodies suffering damage or loss caused by a disaster, such assistance as the board deems fair and reasonable;

(b) die raad van die Suid-Afrikaanse Weermagfonds is, om met inagneming van die geldelike toestand van bedoelde fonds en die meriete van elke geval, die hulp wat die raad nodig en redelik ag, te verleen aan lede en voormalige lede van die Suid-Afrikaanse Weermag en hulle afhanklikes wat geldelike ontbering ondervind of geldelike nood ly wat regstreeks of onregstreeks ontstaan as gevolg van aktiewe diens deur sodanige lede verrig en om geriewe te voorsien vir of aan sodanige lede wat aldus diens verrig;

(c) die raad van die Vluchteling Noodlenigingsfonds is, om met inagneming van die geldelike toestand van bedoelde fonds en die meriete van elke geval, dié hulp aan vluchteling te verleen wat die raad nodig en redelik ag,

en om vir die bereiking van bedoelde oogmerke bydraes in te samel en die insameling van bydraes vir bedoelde oogmerke deur ander persone, organisasies en liggame te beheer.

Algemene bevoegdhede en werksaamhede van rade

18. 'n Raad oefen dié bevoegdhede uit en verrig dié werksaamhede wat by of ingevolge hierdie Wet aan hom verleen of opgedra word of wat nodig of dienstig is vir of in verband staan met die bereiking van die oogmerke van die betrokke raad.

Komitees van rade

19. (1) 'n Raad kan, hetsy uit die lede van die betrokke raad of andersins, op die voorgeskrewe wyse en onderworpe aan die voorgeskrewe voorwaardes en die verdere voorwaardes wat die betrokke raad bepaal, die komitees aanstel wat die raad vir die bereiking van sy oogmerke of die uitoefening of verrigting van enige van sy bevoegdhede of werksaamhede nodig of dienstig ag.

(2) 'n Raad kan van tyd tot tyd enige van sy bevoegdhede of werksaamhede aan enigen van sy komitees deleger en kan, ondanks sodanige delegering, 'n beslissing deur so 'n komitee uit hoofde van so 'n delegering wysig of intrek.

(3) Die werksaamhede van 'n komitee is soos wat die betrokke raad van tyd tot tyd bepaal en die prosedure by die vergadering van 'n komitee is soos voorgeskryf.

(4) Die raad wat 'n komitee aanstel, wys een van die lede van bedoelde komitee as die voorsitter daarvan aan.

Insameling van bydraes en ander bevoegdhede van rade

20. Ondanks die bepalinge van Hoofstuk I—

(a) word geen bydraes vir 'n oogmerk in artikel 28 bedoel ingesamel nie, behalwe soos in hierdie Hoofstuk bepaal;

(b) kan 'n raad, bydraes vir die bereiking van sy oogmerke insamel;

(c) kan 'n raad aan enige persoon of organisasie skriftelik 'n spesiale magtiging verleen om gedurende die tydperk en in die gebied in die spesiale magtiging vermeld en onderworpe aan die voorgeskrewe voorwaardes en die ander voorwaardes wat in die spesiale magtiging bepaal word, bydraes vir die oogmerke van die betrokke raad in die algemeen of in 'n bepaalde geval in te samel en so 'n raad kan 'n aldus verleende spesiale magtiging of enige voorwaarde daarvan wat nie voorgeskryf is nie, wysig of intrek of so 'n voorwaarde deur 'n ander voorwaarde vervang;

(d) kan 'n raad die ondersoek na enige aangeleentheid wat op sy oogmerke betrekking het, doen wat hy nodig ag;

(e) kan 'n raad enige roerende goed, of met die goedkeuring van die Minister wat in oorleg met die Minister van Finansies optree, enige onroerende goed koop of op 'n ander wyse verkry of besit of vervreem of verhipotekeer;

(b) the board of the South African Defence Force Fund shall, with due regard to the financial position of the fund and the merits of each case, be to render such aid as the board deems fair and reasonable to members and former members of the South African Defence Force and their dependants who suffer financial hardship or financial distress arising, directly or indirectly, out of active service performed by such members; and to provide comforts to or for such members who perform such service;

(c) the board of the Refugee Relief Fund shall, with due regard to the financial position of the fund and the merits of each case, be to render such assistance to refugees as the board deems fair and reasonable; and to collect contributions for the achievement of the said objects and to control the collection by other persons, organisations and bodies of contributions for the said objects.

General powers and functions of boards

18. A board shall exercise such powers and perform such functions as may be conferred or imposed upon it by this Act or as may be necessary or expedient for or relating to the achievement of the objects of the board concerned.

Committees of boards

19. (1) A board may, in the prescribed manner and subject to the prescribed conditions and such further conditions as such board may determine, appoint, either from the members of the board or otherwise, such committees as it deems necessary or expedient for the achievement of its objects or for the exercise or performance of any of its powers or functions.

(2) A board may from time to time delegate any of its powers or functions to any of its committees, and may, notwithstanding such delegation, amend or withdraw any decision taken by such a committee by virtue of such a delegation.

(3) The functions of a committee shall be determined from time to time by the board concerned and the procedure at the meetings of a committee shall be as prescribed.

(4) A board which has appointed a committee, shall designate one of the members of such committee as the chairman thereof.

Collection of contributions and other powers of boards

20. Notwithstanding anything to the contrary in Chapter I contained—

(a) no contributions shall, except as provided in this Chapter, be collected for a purpose referred to in section 28;

(b) a board may collect contributions for the achievement of its objects;

(c) a board may grant a special authority in writing to any person or organisation to collect during such period and in such area as may be specified in such authority and subject to the prescribed conditions and the other conditions which may be specified in the special authority, contributions for the objects of the board concerned, either generally or in a specified case, and such board may vary or withdraw such special authority or any condition thereof which has not been prescribed or may substitute any other condition for such a condition;

(d) a board may undertake any investigation into any matter relating to its objects which it deems necessary;

(e) a board may purchase or otherwise acquire, hold, alienate or hypothecate any movable property or, with the consent of the Minister acting in consultation with the Minister of Finance, any immovable property;

(f) kan 'n raad roerende of onroerende goed huur of verhuur;

(g) kan 'n raad enige ooreenkomste met betrekking tot sy oogmerke aangaan, op die bedinge en voorwaardes wat hy goedvind.

Finansies van rade

21. (1) Die fondse in artikel 15 bedoel, bestaan uit—

(a) die bydraes wat deur of vir of namens die raad van die betrokke fonds van die publiek ingesamel word;

(b) enige bedrag geld wat ingevolge subartikel (2) op die betrokke fonds oorgaan;

(c) enige gelde wat deur die Parlement vir die doeleindes van die betrokke fonds bewillig word;

(d) enige bedrag geld wat uit enige ander bron ontvang of verkry word.

(2) Die fondse wat algemeen bekend staan as—

(a) die Nasionale Hulpfonds;

(b) die Fonds vir Buitelandse Noodleniging;

(c) die Nasionale Mynrampfonds;

(d) die Sentrale Vloedrampfonds (1974);

(e) die Sentrale Noodlenigingsfonds vir Vluchtelingen;

(f) die Suid-Afrikaanse Weermagfonds;

hou met ingang van die datum van die inwerkingtreding van hierdie Wet op om te bestaan, en 'n bedrag waarmee so 'n fonds onmiddellik voor daardie datum gekrediteer is en die laste en verpligtinge van so 'n fonds onmiddellik voor sodanige inwerkingtreding, gaan met ingang van eersgenoemde datum—

(i) in die geval van die fondse in paragrafe (a) tot en met (d) bedoel, op die Rampnoodlenigingsfonds in artikel 15 (a) bedoel, oor;

(ii) in die geval van die fondse in paragraaf (e) bedoel, op die Vluchtelingen Noodlenigingsfonds in artikel 15 (c) bedoel, oor;

(iii) in die geval van die fondse in paragraaf (f) bedoel, op die Suid-Afrikaanse Weermagfonds in artikel 15 (b) bedoel, oor.

(3) 'n Bedrag wat onmiddellik voor die inwerkingtreding van hierdie Wet aan 'n fonds in subartikel (2) bedoel verskuldig was of aan so 'n fonds toegeval het, word met ingang van bedoelde datum geag verskuldig te wees of toe te geval het aan die fonds waarop enige bedrag waarmee eersgenoemde fonds gekrediteer gestaan het ingevolge bedoelde subartikel oorgegaan het.

(4) 'n Raad wend die gelde van die fonds ten opsigte waarvan hy aangestel is en waarmee bedoelde fonds gekrediteer is vir die bereiking van sy oogmerke en vir die bestryding van die onkoste in verband met die verrigting van sy werksaamhede aan.

(5) 'n Raad moet al die gelde deur hom ontvang in 'n rekening stort wat hy moet open by 'n bankinstelling wat kragtens die Bankwet, 1965 (Wet 23 van 1965), geregistreer is.

(6) 'n Raad moet al die gelde wat nie vir onmiddellike gebruik of as 'n redelike bedryfsaldo nodig is nie, belê by die Staatskuldkommissaris of op 'n ander wyse wat die Minister van tyd tot tyd in oorleg met die Minister van Finansies bepaal.

(7) Die boekjaar van 'n fonds is 'n jaar wat op 31 Maart eindig.

(8) Elke raad moet die voorgeskrewe rekenings, aantekeninge en registers van al sy geldelike transaksies hou en aan die Minister die voorgeskrewe verslae en finansiële state verstrek.

(9) Die rekenings, aantekeninge, registers en finansiële state van 'n raad word deur die Ouditeur-generaal geouditeer.

(10) Die verslae en finansiële state in subartikel (8) bedoel lê ter insae van die publiek op die plekke en gedurende die tydperk wat voorgeskryf word en word binne 14 dae na ontvangs daarvan deur die Minister in die

(f) a board may hire or let movable or immovable property;

(g) a board may enter into any agreement relating to its objects on such terms and conditions as it may deem fit.

Finances of boards

21. (1) The funds referred to in section 15, shall consist of—

(a) the contributions collected from the public by, or for or on behalf of the board of the fund concerned;

(b) any amount of money which is transferred to the fund concerned in terms of subsection (2);

(c) any moneys appropriated by Parliament for the purposes of the fund concerned;

(d) any amount of money received or acquired from any other source.

(2) The funds generally known as—

(a) the National Relief Fund;

(b) the Fund for External Relief;

(c) the National Mine Disaster Fund;

(d) the Central Flood Disaster Fund (1974);

(e) the Central Fund for Relief to Refugees;

(f) the South African Defence Force Fund;

shall cease to exist with effect from the date of the commencement of this Act and any amount which was credited to such a fund immediately prior to that date, and the liabilities and obligations of such fund immediately prior to such commencement shall, as from such first-mentioned date—

(i) in the case of the funds referred to in paragraphs (a) up to and including (d), vest in the Disaster Relief Fund referred to in section 15 (a);

(ii) in the case of the fund referred to in paragraph (e), vest in the Refugee Relief Fund referred to in section 15 (c);

(iii) in the case of the fund referred to in paragraph (f), vest in the South African Defence Force Fund referred to in section 15 (b).

(3) Any amount which, immediately prior to the commencement of this Act, was due to or accrued to a fund referred to in subsection (2), shall, with effect from the said date, be deemed to be due to or to have accrued to the fund in which any amount with which the first-mentioned fund has been credited has vested in terms of the said subsection.

(4) A board shall apply the moneys of the fund in respect of which it has been appointed and with which such fund has been credited, to the achievement of its objects and to the defrayal of the costs in connection with the performance of its functions.

(5) A board shall deposit all the moneys received by it in an account which it shall open with a banking institution registered in terms of the Banks Act, 1965 (Act 23 of 1965).

(6) A board shall from time to time invest with the State Debt Commissioners or in such other manner as the Minister, in consultation with the Minister of Finance may determine, all moneys which are not required for immediate use or as a reasonable working balance.

(7) The financial year of a fund shall be a year ending on 31 March.

(8) Every board shall keep such accounts, records and registers of all its financial transactions and shall furnish the Minister with such reports and financial statements as may be prescribed.

(9) The accounts, records, registers and financial statements of a board shall be audited by the Auditor-General.

(10) The reports and financial statements referred to in subsection (8) shall lie for inspection by the public at such places and during such periods as may be prescribed and shall be laid on the Table in the Senate and in the

Senaat en die Volksraad ter tafel gelê, indien die Parlement dan in gewone sessie is, of indien die Parlement nie in gewone sessie is nie, binne 14 dae na die aanvang van die eersvolgende gewone sessie.

Volmag om bydraes vir of namens 'n raad of gemagtigde organisasie in te samel

22. (1) Enigiemand wat bydraes vir of namens 'n raad of 'n gemagtigde organisasie insamel, moet 'n volmag soos in artikel 7 (1) bedoel wat op die uitdruklike gesag van bedoelde raad of gemagtigde organisasie verleen word, in sy besit hê.

(2) Geen volmag word ingevolge subartikel (1) verleen aan enigiemand wat bydraes vir of namens 'n raad of gemagtigde organisasie teen vergoeding insamel nie, tensy die voorwaardes, met inbegrip van die vergoeding, waarop sodanige insameling geskied, in die volmag vermeld word.

(3) 'n Volmag ingevolge subartikel (1) verleen—

(a) is geldig vir die tydperk waarvoor dit verleen is of vir 'n tydperk van hoogstens een jaar, watter tydperk ookal die kortste is;

(b) verval indien dit ingetrek word; of

(c) verval indien die spesiale magtiging wat verleen is aan die gemagtigde organisasie wat die volmag verleen het, ingetrek word.

(4) Die bepalings van subartikels (5), (6) (a) en (c), (7), (8) en (11) van artikel 7 is *mutatis mutandis* van toepassing met betrekking tot die insameling van bydraes ingevolge 'n volmag kragtens subartikel (1) verleen.

Ontbinding van en beskikking oor bates en stukke van gemagtigde organisasies

23. (1) Indien 'n gemagtigde organisasie ophou om te funksioneer of ingevolge die bepalings van sy konstitusie ontbind word of 'n spesiale magtiging wat aan hom verleen is, ingevolge hierdie Wet ingetrek is of verval het, moet die bestuur van bedoelde organisasie—

(a) binne die voorgeskrewe tydperk die voorgeskrewe opgawes, state en likwidasië- en distribusierekening en die ander inligting wat die raad wat aan hom 'n spesiale magtiging verleen het, verlang, aan bedoelde raad voorlê;

(b) al die aantekeninge en stukke wat op die insameling en besteding van bydraes vir of namens bedoelde raad betrekking het en wat in sy besit of onder sy beheer is, binne die tydperk wat die raad bepaal, aan bedoelde raad oorhandig;

(c) die bates wat in bedoelde likwidasië- en distribusierekening vir distribusie beskikbaar aangewys word, onmiddellik aan die in paragraaf (a) bedoelde raad oorhandig of oordra.

(2) 'n Likwidasië- en distribusierekening in subartikel (1) bedoel moet by die kantoor van die raad waaraan dit voorgelê is, vir die voorgeskrewe tydperk ter insae van die publiek lê.

(3) Indien 'n gemagtigde organisasie opgehou het om te funksioneer of die spesiale magtiging wat aan hom verleen is ingevolge hierdie Wet ingetrek is of verval het en sy bestuur nie ooreenkomstig sy konstitusie saamgestel is of kan word sodat die gemagtigde organisasie ontbind kan word nie, kan die raad wat die spesiale magtiging aan hom verleen het, bedoelde gemagtigde organisasie ontbind en sonder lasbrief beslag lê op die bates, aantekeninge en stukke van bedoelde gemagtigde organisasie vir sover dit betrekking het of in verband staan met die insameling of besteding van bydraes vir of namens bedoelde raad en die raad moet daarop 'n likwidasië- en distribusierekening soos in subartikel (1) (a) bedoel ten opsigte van bedoelde gemagtigde organisasie se bates en laste laat opstel wat soos in subartikel (2) bepaal ter insae moet lê.

House of Assembly within 14 days after receipt thereof by the Minister if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session.

Power of attorney to collect contributions for or on behalf of a board or authorised organisation

22. (1) Any person who collects contributions for or on behalf of a board or authorised organisation shall have in his possession a power of attorney referred to in section 7 (1), granted on the express authority of such board or authorised organisation.

(2) No power of attorney shall be granted in terms of subsection (1) to any person collecting contributions for or on behalf of any board or authorised organisation at remuneration, unless the conditions, including the remuneration, under which such collection is taking place are set out in the power of attorney.

(3) A power of attorney granted in terms of subsection (1)—

(a) shall be valid for the period for which it has been granted, or for a period not exceeding one year, whichever is the shorter period;

(b) shall lapse if it is withdrawn; and

(c) shall lapse if the special authority granted to such authorised organisation is withdrawn.

(4) The provisions of subsections (5), (6) (a) and (c), (7), (8) and (11) of section 7 shall *mutatis mutandis* apply in relation to the collection of contributions in terms of a power of attorney granted under subsection (1).

Dissolution and disposal of assets and documents of authorised organisations

23. (1) If an authorised organisation ceases to function or is dissolved in terms of the provisions of its constitution or if a special authority granted to it is withdrawn or expires in terms of this Act, the management of such organisation shall—

(a) within the prescribed period submit to the board which has granted a special authority to it the prescribed returns, statements and liquidation and distribution account and such other information as may be required by such board;

(b) deliver, within the period specified by the board, to such board all the records and documents relating to the collection and disbursement of contributions for or on behalf of such board and which are in its possession or under its control;

(c) immediately deliver or transfer to the board referred to in paragraph (a) the assets shown in the liquidation and distribution account as available for distribution.

(2) A liquidation and distribution account referred to in subsection (1) shall lie for inspection of the public for the prescribed period at the office of the board to which it has been submitted.

(3) If an authorised organisation has ceased to function or if the special authority granted to it in terms of this Act has been withdrawn or has lapsed and its management is not or cannot be so constituted in accordance with its constitution that the authorised organisation may be dissolved, the board which has granted the special authority to it may dissolve such authorised organisation and seize without warrant the assets, records and documents of the said authorised organisation as far as it relates to or is connected with the collection or disbursement of contributions for or on behalf of such board and the board shall thereupon cause to be prepared a liquidation and distribution account referred to in subsection (1) (a) in respect of assets and liabilities of such authorised organisation which shall lie for inspection as determined by subsection (2).

Administrasie

24. Die administratiewe werk, met inbegrip van die ontvangs en uitbetaling van geld, in verband met die verrigting van die werksaamhede of uitoefening van die bevoegdhede van 'n raad of van enige komitee, word verrig deur beamptes in die Staatsdiens deur die Sekretaris aangewys en wat onder sy beheer staan.

Verklaring van sekere gebeurtenisse tot rampe

25. (1) Indien dit te eniger tyd na die oordeel van die Staatspresident blyk dat ernstige stoflike skade of verlies of nood ontstaan het of waarskynlik sal ontstaan as gevolg van 'n skielike en rampspoedige gebeurtenis in 'n bepaalde gebied, hetsy in die Republiek of elders, en dat die leniging van die nood van die persone wat daardeur geraak word of geraak sal word waarskynlik deur die publiek in die algemeen of 'n bepaalde gedeelte van die publiek ondersteun sal word, kan hy sodanige gebeurtenis by proklamasie in die *Staatskoerant* 'n ramp verklaar.

(2) Die Staatspresident kan te eniger tyd 'n proklamasie in subartikel (1) bedoel op dergelyke wyse intrek of wysig.

HOOFSTUK III

ALGEMENE EN AANVULLENDE BEPALINGS

Verantwoordelikheid van lede van fondsinsamelingsorganisasies, geregistreerde takke, gemagtigde en ander organisasies

26. Enigiemand wat op watter wyse ookal deelneem aan die bestuur of beheer van 'n fondsinsamelingsorganisasie of geregistreerde tak of 'n gemagtigde of ander organisasie wat enige bepaling van hierdie Wet oortree of versuim om daaraan te voldoen, is, indien sodanige oortreding of versuim 'n misdryf ingevolge bedoelde Wet is, aan 'n misdryf skuldig.

Konstitusie van organisasies en takke

27. (1) Geen magtiging, tydelike magtiging of spesiale magtiging word aan enige organisasie verleen nie en geen tak word ingevolge hierdie Wet geregistreer nie, tensy dit bestuur word volgens 'n geskrewe konstitusie wat aan die voorgeskrewe vereistes voldoen en 'n gewaarmerkte afskrif van die konstitusie in die geval van 'n gemagtigde organisasie, aan die raad wat die spesiale magtiging verleen of in enige ander geval, aan die Direkteur besorg is.

(2) Geen wysiging van so 'n konstitusie wat op 'n voorgeskrewe vereiste betrekking het, is geldig nie, tensy die betrokke raad of die Direkteur na gelang van die geval, skriftelik daartoe instem.

Minister kan die insameling van bydraes vir sekere doeleindes of op sekere wyse verbied

28. (1) Indien die Minister dit in die openbare belang ag, kan hy van tyd tot tyd by kennisgewing in die *Staatskoerant* die insameling van bydraes van die publiek vir 'n in die kennisgewing vermelde doel of op 'n aldus vermelde wyse verbied en niemand mag daarop in stryd met so 'n verbod bydraes van die publiek insamel nie.

(2) Die Minister kan te eniger tyd 'n kennisgewing in subartikel (1) bedoel deur 'n soortgelyke kennisgewing wysig of intrek.

Inspeksie van sake van organisasies of persone wat bydraes insamel

29. (1) Behoudens die wetsbepalings met betrekking tot die Staatsdiens, kan die Direkteur van tyd tot tyd, met die goedkeuring van die Sekretaris, inspekteurs aanstel wat in die algemeen of in 'n bepaalde geval die sake of enige gedeelte van die sake van enige organisasie of persoon wat hy rede het om te vermoed bydraes van die publiek insamel, kan ondersoek.

Administration

24. The administrative work, including the receipt and disbursement of money, in respect of the performance of the functions or the exercise of the powers of a board or of any committee shall be performed by officials in the public service appointed by the Secretary and who shall be under his control.

Declaration of certain events as disasters

25. (1) If at any time in the opinion of the State President it appears that serious material damage or loss or distress has occurred or is likely to occur as a result of a sudden or disastrous event in a specified area, whether in the Republic or elsewhere, and that the relief of the distress of the persons who are or may be affected thereby is likely to be supported by the public generally or by any particular section of the public he may by proclamation in the *Gazette* declare such event a disaster.

(2) The State President may at any time in a similar manner withdraw or amend any proclamation referred to in subsection (1).

CHAPTER III

GENERAL AND SUPPLEMENTARY PROVISIONS

Responsibility of members of fund-raising organisations, registered branches, authorised and other organisations

26. Any person who, in any way, participates in the management or control of a fund-raising organisation or registered branch or an authorised or other organisation which contravenes or fails to comply with any provision of this Act shall be guilty of an offence if such contravention or failure is an offence in terms of the said Act.

Constitution of organisations and branches

27. (1) No authority or a temporary authority or special authority shall be granted to any organisation and no branch shall be registered in terms of this Act, unless it is managed according to a written constitution which shall comply with the prescribed conditions and a certified copy of the constitution is furnished, in the case of an authorised organisation, to the board granting the special authority, or in any other case, to the Director.

(2) No amendment of such constitution, relating to a prescribed condition, shall be of force and effect, unless the board concerned or the Director, as the case may be, has approved thereof in writing.

The Minister may prohibit the collection of contributions for certain purposes or in certain manners

28. (1) If the Minister deems it in the public interest, he may, from time to time by notice in the *Gazette*, prohibit the collection of contributions from the public for any purpose or in any manner mentioned in such notice and no person shall thereafter collect contributions from the public in contravention of such a prohibition.

(2) The Minister may at any time, by a similar notice, amend or withdraw a notice referred to in subsection (1).

Inspection of the affairs of organisations or persons collecting contributions

29. (1) Subject to the laws governing the public service, the Director may, from time to time, with the approval of the Secretary, appoint inspectors who may generally or in a specified case investigate the affairs or any part of the affairs of any organisation or person who, he has reason to believe, is collecting contributions from the public.

(2) Indien die Direkteur dit nodig ag, kan hy met die goedkeuring van die Sekretaris en op die voorwaardes wat die Minister van tyd tot tyd in oorleg met die Minister van Finansies bepaal, iemand wat nie in die voltydse diens van die Staat is nie as inspekteur in 'n bepaalde geval aanstel of so iemand aanstel om 'n inspekteur wat ingevolge subartikel (1) aangestel is behulpsaam te wees met 'n ondersoek in daardie subartikel bedoel.

(3) Iemand ten opsigte van wie 'n aanstelling ingevolge subartikel (2) gedoen word, het vir die doel van die ondersoek ten opsigte waarvan hy aangestel is, al die bevoegdhede en al die pligte van 'n inspekteur in subartikel (1) bedoel.

(4) (a) Iemand wat as inspekteur ingevolge subartikel (1) of (2) aangestel word, word voorsien van 'n aanstellingsertifikaat wat deur die Direkteur onderteken word en waarin vermeld word dat hy as 'n inspekteur ingevolge hierdie artikel aangestel is.

(b) 'n Inspekteur moet op versoek die aanstellingsertifikaat wat ingevolge paragraaf (a) aan hom voorsien is, toon.

(5) Die Direkteur kan—

(a) indien hy rede het om te vermoed dat 'n organisasie of persoon 'n bepaling van hierdie Wet oortree het;

(b) indien hy dit nodig ag ten einde te bepaal of 'n organisasie of persoon aan die bepalings van hierdie Wet voldoen of daaraan onderhewig is;

(c) indien hy rede het om te vermoed dat enige onreëlmatigheid of ongewenste praktyk met betrekking tot die insameling of besteding van bydraes deur 'n organisasie of persoon, plaasgevind het; of

(d) indien iemand hom daartoe versoek en hy op grond van feite wat onder eed verklaar is, oortuig is dat 'n inspeksie van die sake van 'n organisasie of persoon wat bydraes insamel of na bewering insamel, nodig of wenslik is;

te eniger tyd die sake van sodanige organisasie of persoon inspekteer of laat inspekteer en kan die sake van enige ander organisasie of persoon wat met die insameling of besteding van bydraes deur of vir of namens eersbedoelde organisasie of persoon in verband staan, inspekteer of laat inspekteer.

(6) Die Direkteur of 'n inspekteur wat 'n inspeksie van die sake van 'n organisasie of persoon ingevolge hierdie artikel uitvoer—

(a) kan te eniger tyd en sonder voorafgaande kennisgewing, enige perseel van bedoelde organisasie of persoon betree en, sonder enige lasbrief, vir geld, sekuriteite, aantekeninge, rekenings of dokumente deursoek en die voorlegging aan hom van enige of alle sekuriteite, aantekeninge, rekenings of dokument van bedoelde organisasie of persoon, eis;

(b) kan enige of alle sodanige sekuriteite, aantekeninge, rekenings of dokumente ondersoek en uittreksels daaruit of afskrifte daarvan maak of laat maak of teen die uitreiking deur hom van 'n kwitansie daarvoor, sodanige sekuriteite, aantekeninge, rekenings of dokumente vir ondersoek deur hom of vir die maak van enige uittreksel of afskrif daarvan van die perseel van bedoelde organisasie of persoon verwyder of kan beslag daarop lê indien dit na sy oordeel bewys van die pleeg van enige misdryf of onreëlmatigheid mag lewer;

(c) kan van bedoelde organisasie of persoon, die verduidelikings van enige inskrywings in bedoelde aantekeninge, rekenings of dokumente vra wat hy nodig ag;

(d) kan enige persoon wat 'n lid is van bedoelde organisasie of van die bestuur daarvan of enigiemand wat 'n werknemer, ouditeur, rekenmeester of verteenwoordiger is of was van bedoelde organisasie of

(2) If the Director deems it necessary, he may, with the approval of the Secretary, and subject to such conditions as the Minister may from time to time, in consultation with the Minister of Finance determine, appoint any person who is not in the full-time employ of the State as an inspector in any specified case or may so appoint such person to assist an inspector appointed in terms of subsection (1) with an investigation referred to in that subsection.

(3) Any person in respect of whom an appointment is made in terms of subsection (2) shall, for the purpose of the investigation for which he has been appointed, have all the powers and all the duties of an inspector referred to in subsection (1).

(4) (a) Any person appointed as an inspector in terms of subsection (1) or (2) shall be furnished with a certificate of appointment signed by the Director and stating that he has been appointed as an inspector in terms of this section.

(b) An inspector shall, on request, produce for inspection the certificate of appointment furnished to him in terms of paragraph (a).

(5) The Director may—

(a) if he has reason to believe that any organisation or person has contravened a provision of this Act;

(b) if he deems it necessary in order to determine whether any organisation or person is complying with or is subject to the provisions of this Act;

(c) if he has reason to believe that any irregularity or undesirable practice has occurred in connection with the collection of contributions by any organisation or person; or

(d) if requested thereto by any person and if he is satisfied on the ground of facts declared under oath that an inspection of the affairs of any organisation or person which or who is collecting or allegedly collecting contributions is necessary or desirable;

at any time inspect or cause the affairs of such organisation or person to be inspected or may inspect or cause to be inspected the affairs of any other organisation or person connected with the collection or disbursement of contributions by or for or on behalf of the first-mentioned organisation or person.

(6) The Director or an inspector who carries out an inspection of the affairs of an organisation or person in terms of this section—

(a) may at any time and without prior notice enter any premises of the said organisation or person and, without a warrant, search for money, securities, records, accounts or documents and demand the delivery to him of any or all of the securities, records, accounts or documents of such organisation or person;

(b) may examine any or all of such securities, records, accounts or documents and make or cause to be made extracts therefrom or copies thereof or, after he has issued a receipt therefor, remove from the premises of the said organisation or person such securities, records, accounts or documents for examination by him or for the making of any extract or copy thereof, or may seize them if in his opinion, they may provide proof of the commission of any offence or irregularity;

(c) may demand from the said organisation or person any such explanation of any entry in the said records, accounts or documents as he may deem necessary;

(d) may interrogate under oath or affirmation any person who is a member of the said organisation or of its management or any person who is or has been an employee, auditor, accountant or representative of the

persoon onder eed of bevestiging ondervra met betrekking tot sy sake en bedrywighede vir sover dit met die insameling en besteding van bydraes in verband staan en kan vir die doel van die ondervraging so 'n persoon 'n eed of bevestiging opleë.

(7) 'n Persoon wat ingevolge subartikel (6) (d) ondervra word, is geregtig om sy regsverteenwoordiger by die ondervraging teenwoordig te hê.

(8) 'n Persoon wat ingevolge subartikel (6) (a) daartoe versoek word, moet onverwyld enige sekuriteit, aantekening, rekening of dokument in daardie subartikel bedoel in sy besit of onder sy beheer of wat vir hom toeganklik is, aan die Direkteur of inspekteur oorhandig en moet aan die Direkteur of inspekteur die inligting met betrekking tot die sake of bedrywighede, sekuriteite, aantekeninge, rekenings of dokumente van die betrokke organisasie of persoon, waaroor hy beskik op versoek van die Direkteur of inspekteur verstrek.

(9) 'n Organisasie of persoon of sy wettige verteenwoordiger, is geregtig om gedurende kantoorure enige van sy sekuriteite, aantekeninge, rekenings of dokumente waarop ingevolge subartikel (6) (b) beslag gelê is, onder die toesig wat die Direkteur of 'n inspekteur mag bepaal, te ondersoek en inskrywings daarin of uittreksels daaruit te maak.

(10) (a) Die Direkteur of 'n inspekteur wat 'n inspeksie ingevolge hierdie artikel uitvoer moet 'n volledige verslag oor die inspeksie opstel en 'n verslag wat deur 'n inspekteur opgestel word, moet aan die Direkteur voorgelê word.

(b) Die Direkteur moet 'n afskrif van 'n verslag in paragraaf (a) bedoel, aan die betrokke organisasie of persoon stuur.

(11) Iemand wat 'n inspeksie kragtens hierdie artikel uitvoer of daarmee behulpsaam is, moet ten aansien van alle sake wat in die vervulling van sy pligte tot sy kennis kom, geheimhouding bewaar of help bewaar en mag nie so 'n saak aan enigiemand hoegenaamd, behalwe die Direkteur of die raad wat 'n spesiale magtiging aan die betrokke gemagtigde organisasie verleen het of die betrokke organisasie of persoon of sy wettige verteenwoordiger of op bevel van 'n geregshof, mededeel nie.

(12) Ondanks die bepalinge van subartikel (11), kan enige inligting deur die Direkteur verkry in die loop van 'n inspeksie ingevolge hierdie artikel deur die Direkteur of sy personeel of die betrokke raad gebruik word in die vervulling van hulle pligte ingevolge hierdie Wet.

(13) Die Direkteur kan, indien hy oortuig is dat die persoon op wie se versoek 'n inspeksie ingevolge subartikel (5) (d) gedoen is, geen gegronde rede vir die versoek gehad het nie, die koste of die gedeelte van die koste van die inspeksie wat hy bepaal, van bedoelde persoon verhaal.

Beskikking oor onwettig ingesamelde bydraes

30. (1) Indien die Direkteur rede het om te vermoed dat enige bydraes in stryd met 'n bepaling van hierdie Wet ingesamel is, of dat die bepalinge van artikel 7 (4), (5) of (6) nie in verband met enige insameling van bydraes nagekom is nie, kan hy by bevelskrif deur hom onderteken—

(a) enigiemand wat sodanige bydraes ingesamel het, gelas om aan die Direkteur die naam en adres en die ander inligting te verstrek wat hy nodig het om enigiemand anders wat so iemand bewus van is sodanige bydraes ingesamel of in sy besit of onder sy beheer het te identifiseer of op te spoor;

(b) enigiemand wat sodanige bydraes in sy besit of onder sy beheer het, gelas om die besit of beheer daarvan te behou totdat hy 'n verdere bevel daaromtrent uitgevaardig het of om sodanige bydraes of enige gedeelte daarvan aan die Direkteur oor te dra of te oorhandig; of

said organisation or person in regard to its affairs and activities in so far as it is connected with the collection of contributions and may for the purpose of such interrogation administer an oath or affirmation to such person.

(7) Any person who is interrogated in terms of subsection (6) (d) shall be entitled to have his legal representative present at the interrogation.

(8) Any person requested thereto in terms of subsection (6) (a), shall forthwith deliver to the Director or inspector any security, record, account or document, referred to in that subsection which is in his possession or under his control or to which he has access and shall at the request of the Director or inspector furnish the Director or inspector with the information relating to the affairs or activities, securities, records, accounts or documents of the said organisation or person at his disposal.

(9) Any organisation or person or his lawful representative shall have the right, during office hours and subject to such supervision as the Director or an inspector may determine, to examine and make entries in or extracts from any of the securities, records, accounts or documents which have been seized in terms of subsection (6) (b).

(10) (a) The Director or inspector carrying out an inspection under this section, shall make a full report on the inspection and a report made by an inspector shall be submitted to the Director.

(b) The Director shall forward to the organisation or person concerned a copy of any report referred to in paragraph (a).

(11) Any person carrying out or assisting with an inspection under this section, shall preserve or assist in preserving secrecy with regard to all matters that may come to his knowledge in the performance of his duties, and shall not communicate any such matter to any person other than the Director or the board which has granted a special authority to the authorised organisation concerned or to the organisation or person concerned or his authorised representative, except by an order of court.

(12) Notwithstanding anything to the contrary in subsection (1) contained, any information acquired by the Director in the course of an inspection under this section may be used by the Director and his staff or the board concerned in the performance of their duties in terms of this Act.

(13) If the Director is satisfied that any person at whose request an inspection has been made in terms of subsection (5) (d), had no sufficient reason for the request, he may recover the costs of such inspection or such part of the costs of such inspection as he may determine, from such person.

Disposal of unlawfully collected contributions

30. (1) If the Director has reason to believe that any contributions have been collected in contravention of any provisions of this Act, or that the provisions of section 7 (4), (5) or (6) has not been complied with in respect of any collection of contributions, he may by order under his hand—

(a) direct any person who has collected such contributions to furnish the Director with the name and address and any other information which he requires to identify or trace any other person who to the knowledge of such person has collected such contributions or has such contributions in his possession or under his control;

(b) direct any person who has such contributions in his possession or under his control, to retain possession or control thereof until a further order in respect thereof has been made by him or to transfer or deliver such contributions or any part thereof to the Director; or

(c) enigiemand wat sodanige bydraes in sy besit of onder sy beheer het, gelas om, indien uitvoerbaar, aan elke bydraer wat bekend is die bydrae deur hom bygedra, terug te gee en die balans daarvan (indien daar is) aan die Direkteur oor te dra of te oorhandig.

(2) Die Direkteur moet enige bydraes wat ingevolge 'n bevelskrif in subartikel (1) bedoel aan hom oorgedra of oorhandig word of enige bydraes wat in stryd met die bepalings van hierdie Wet ingesamel is en anders as ingevolge so 'n bevelskrif aan hom oorgedra of oorhandig word aan die bydraer wat dit bygedra het en bekend is teruggee of, indien sodanige teruggewe nie gereedelik uitgevoer kan word nie, daarvoor beskik soos die Minister bepaal.

(3) Indien iemand ongevraag 'n bydrae van iemand anders ontvang en die insameling van bedoelde bydrae in stryd met die bepalings van hierdie Wet is, besorg hy sodanige bydrae onverwyld aan die bydraer daarvan terug of, indien sodanige terugbesorging nie uitvoerbaar is nie, handel hy daarmee soos wat die Minister in die betrokke geval bepaal.

Voorbehoudsbepalings

31. (1) 'n Skriftelike magtiging, registrasiesertifikaat of magtigingsbewys verleen ingevolge 'n bepaling van die Nasionale Wetsynswet, 1965 (Wet No. 79 van 1965), en van krag onmiddellik voor die inwerkingtreding van hierdie Wet word geag ingevolge 'n ooreenstemmende bepaling van hierdie Wet verleen te gewees het en verval, in die geval van sodanige registrasiesertifikaat op 30 Junie 1979 en, in enige ander geval, by verstryking van die tydperk waarvoor dit uitgereik is of, indien dit nie vir 'n bepaalde tydperk uitgereik is nie, of vir 'n tydperk van een jaar of langer uitgereik is, na verstryking van 'n tydperk van ses maande na die inwerkingtreding van hierdie Wet.

(2) 'n Tak van 'n welsynsorganisasie wat onmiddellik voor die inwerkingtreding van hierdie Wet die houer is van 'n geldige volmag verleen ingevolge artikel 27 van die Nasionale Wetsynswet, 1965, word solank die fondsinsamelingsorganisasie waarvan dit 'n tak is, ingevolge hierdie Wet gemagtig is om bydraes van die publiek in te samel maar vir 'n tydperk van hoogstens een jaar vanaf sodanige inwerkingtreding, geag 'n in artikel 5 bedoelde geregistreerde tak van die betrokke fondsinsamelingsorganisasie te wees.

Publikasie van sekere kennisgewings

32. Die Direkteur laat gedurende die maande Januarie, April, Julie en Oktober van iedere jaar 'n kennisgewing in die *Staatskoerant* publiseer waarin ten opsigte van die tydperk van drie maande wat die maand waarin die kennisgewing gepubliseer word onmiddellik voorafgaan, die voorgeskrewe inligting verstrek word met betrekking tot—

- (a) iedere aansoek om 'n magtiging wat deur hom afgewys is;
- (b) iedere magtiging wat deur hom verleen is;
- (c) iedere magtiging wat deur hom na 'n ondersoek ingevolge artikel 8 gewysig of ingetrek is.

Toepassing van Hoofstuk I

33. Die bepalings van Hoofstuk I is nie van toepassing nie op die insameling van bydraes—

- (a) wat ingevolge 'n magtiging verleen by of ingevolge enige ander wetsbepaling ingesamel word nie;
- (b) wat ingesamel word deur of namens 'n inrigting wat uitsluitlik bestuur of in stand gehou word deur die Staat of 'n plaaslike owerheid of 'n hospitaalraad wat by of ingevolge 'n wet ingestel is;
- (c) wat ingesamel word van 'n persoon uit hoofde van sy bona fide-lidmaatskap van die organisasie wat die bydraes insamel;

(c) order any person, who has such contributions in his possession or under his control to return, if practicable, to each contributor, who is known, the contribution contributed by him, and to transfer or deliver the balance (if any) to the Director.

(2) The Director shall return to the contributor who made the contribution and who is known, any contribution transferred or delivered to him in terms of an order referred to in subsection (1) or any contribution collected in contravention of any provision of this Act and transferred or delivered to him otherwise than in terms of such order, or if such return is not practicable dispose thereof in such manner as the Minister may determine.

(3) If any person receives any unsolicited contribution from any other person and such collection of the said contribution is in contravention of the provisions of this Act, he shall forthwith return such contribution to the contributor thereof, or, if such return is not practicable, he shall deal with it in such manner as the Minister may determine in the case concerned.

Savings

31. (1) Any written authority, registration certificate or document of authority granted in terms of any provision of the National Welfare Act, 1965 (Act 79 of 1965), and in force immediately prior to the commencement of this Act, shall be deemed to have been granted in terms of a corresponding provision of this Act and shall expire, in the case of such a registration certificate, on 30 June 1979 and, in any other case, at the expiry of the period for which it was granted, or, if it was not granted for a specified period, or granted for a period of one year or longer, at the expiry of a period of six months after the commencement of this Act.

(2) A branch of a welfare organisation which, immediately before the commencement of this Act, is the holder of a valid letter of delegation granted in terms of section 27 of the National Welfare Act, 1965 (Act 79 of 1965), shall be deemed, for as long as the fund-raising organisation of which it is a branch has been authorised in terms of this Act to collect contributions from the public, but for the period not exceeding one year as from such commencement, to have been registered in terms of section 5 as a branch of the fund-raising organisation concerned.

Publication of certain notices

32. The Director shall, during the months of January, April, July and October of each year, cause to be published in the *Gazette* a notice setting out in respect of the period of three months immediately preceding the month in which such notice is so published, the prescribed information relating to—

- (a) every application for an authority rejected by him;
- (b) every authority granted by him;
- (c) every authority amended or withdrawn by him after an investigation in terms of section 8.

Application of Chapter I

33. The provisions of Chapter I shall not apply in respect of the collection of contributions—

- (a) collected in terms of an authority granted by or under any other law;
- (b) collected by or on behalf of an institution managed or maintained exclusively by the State or a local authority or a hospital board established by or under any law;
- (c) collected from any person by virtue of his bona fide membership of the organisation collecting the contributions;

(d) wat ingesamel word deur of namens 'n bona fide godsdiensliggaam tydens 'n godsdiens oefening of ingevolge die skriftelike magtiging van so 'n liggaam en uitsluitlik vir die doel om die godsdienswerk van bedoelde liggaam te bevorder;

(e) wat van die ouer of voog van 'n student of leerling ingesamel word vir of namens die opvoedkundige inrigting waarvan sy kind of pleegkind 'n student of leerling is;

(f) wat vir of namens 'n politieke party ingesamel word;

(g) wat ingesamel word onder die toësig en beheer van die Senaat van 'n universiteit in die Republiek en vir die ontwikkelingsdoeleindes van sodanige universiteit.

Oortredings en strawwe

34. Iemand wat—

(a) 'n bepaling van artikel 2, 10 of 11 (1) oortree of weier of versuim om aan 'n bevelskrif in artikel 30 (1) bedoel, te voldoen;

(b) 'n bepaling van artikel 7 (9) (b), 11 (2), 29 (11), 12 (3) of 30 (3) oortree of weier of versuim om aan 'n versoek in artikel 7 (8), 29 (8) of 12 (1) (a) bedoel, te voldoen; of

(c) die Direkteur of 'n lid van sy personeel of 'n inspekteur opsetlik by die verrigting van sy werksaamhede hinder of belemmer of hom valslik as die Direkteur of so 'n lid of inspekteur voordoen;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

(i) in die geval van 'n oortreding in paragraaf (a) bedoel, met 'n boete van hoogstens R1 500 of gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met sowel daardie boete en daardie gevangenisstraf;

(ii) in die geval van 'n oortreding in paragraaf (b) of (c) bedoel, met 'n boete van hoogstens R500 of gevangenisstraf vir 'n tydperk van ses maande of met sowel daardie boete en daardie gevangenisstraf.

Delegering van bevoegdhede

35. (1) Die Sekretaris kan 'n beampte in die Staatsdepartement waarvan die Sekretaris die hoof is, magtig om 'n bevoegdheid wat by hierdie Wet aan die Sekretaris verleen word uit te oefen.

(2) Die Direkteur kan, met die goedkeuring van die Sekretaris, 'n beampte van die Staatsdepartement waarvan die Sekretaris die hoof is, magtig om 'n bevoegdheid wat by hierdie Wet aan die Direkteur verleen word namens hom uit te oefen.

Regulasies

36. (1) Die Minister kan, behoudens die bepalings van subartikel (2) regulasies uitvaardig met betrekking tot—

(a) die vorm van enige aansoek, magtiging, tydelike magtiging, spesiale magtiging, volmag, spesiale volmag, kennisgewing, bevel of register wat kragtens hierdie Wet gedoen, verleen, gegee, uitgereik, of gehou moet of kan word en enige ander vorm wat by die uitvoering van hierdie Wet nodig of dienstig is;

(b) die inligting wat bevat moet word in enige verslag, opgawe of staat wat ingevolge hierdie Wet verstrekt moet word;

(c) die boekjaar van fondsinsamelingsorganisasies of geregistreerde takke;

(d) enige ander aangeleentheid wat ingevolge 'n bepaling van hierdie Wet voorgeskryf moet of kan word;

(e) enige aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

(d) collected by or on behalf of a bona fide religious body during a religious service or in terms of the written authority of such body and exclusively for the purpose of promoting the religious work of such body;

(e) collected from the parent or guardian of a student or scholar for or on behalf of the educational institution at which his child or foster child is a student or scholar;

(f) collected for or on behalf of a political party;

(g) collected under the supervision and control of the Senate of a university and for the purposes of the development of such university.

Offences and penalties

34. Any person who—

(a) contravenes any provision of section 2, 10 or 11 (1) or fails to comply with an order referred to in section 30 (1);

(b) contravenes any provision of section 7 (9) (b), 11 (2), 29 (11), 12 (3) or 30 (3) or refuses or fails to comply with a request referred to in section 7 (8), 29 (8) or 12 (1) (a); or

(c) wilfully hinders or obstructs the Director or any member of his staff or any inspector in the execution of his duties or falsely represents himself to be the Director or such member or inspector;

shall be guilty of an offence and liable on conviction—

(i) in the case of an offence referred to in paragraph (a), to a fine not exceeding R1 500 or imprisonment for a period not exceeding three years or to both such fine and such imprisonment;

(ii) in the case of an offence referred to in paragraph (b) or (c), to a fine not exceeding R500 or imprisonment not exceeding six months or to both such fine and such imprisonment.

Delegation of powers

35. (1) The Secretary may authorise any officer in the department of State of which the Secretary is the head, to exercise any power conferred upon the Secretary by this Act.

(2) The Director may, with the approval of the Secretary, authorise any officer in the department of State of which the Secretary is the head, to exercise on his behalf any power conferred upon the Director by this Act.

Regulations

36. (1) The Minister may, subject to the provisions of subsection (2), make regulations relating to—

(a) the form of any application, authority, temporary authority, special authority, power of attorney, special power of attorney, notice, order or register, which is required or may be made, granted, given, issued or kept under this Act, and any other form required in carrying out the provisions of this Act;

(b) the information which shall be included in any report, return or statement to be furnished in terms of this Act;

(c) the financial year of fund-raising organisations or registered branches;

(d) any other matter which is required to be or may be prescribed under any provision of this Act;

(e) any matter which the Minister deems necessary or expedient to prescribe in order that the objects of this Act may be achieved.

(2) Regulasies kragtens subartikel (1) uitgevaardig, kan strawwe vir 'n oortreding daarvan voorskryf wat 'n boete van R500 of gevangenisstraf vir 'n tydperk van ses maande nie te bowe gaan nie.

Herroeping van wette

37. Die Nasionale Welsynswet, 1965 (Wet 79 van 1965), die Wysigingswet op Nasionale Welsyn, 1971 (Wet 13 van 1971) en die Wysigingswet op Nasionale Welsyn, 1976 (Wet 44 van 1976), word hierby herroep vir sover daardie Wette op die beheer van die insameling van bydraes tot die fondse van welsynsorganisasies of sekere inrigtings of vir sekere doelstellings daarin vermeld, betrekking het.

Toepassing van Wet in gebied

38. Hierdie Wet en 'n wysiging daarvan is ook in die gebied, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.

Korttitel en inwerkingtreding

39. Hierdie Wet heet die Wet op Fondsinsameling, 1978, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Any regulations, made under subsection (1), may prescribe penalties for a contravention thereof not exceeding a fine of R500 or imprisonment for a period of six months.

Repeal of laws

37. The National Welfare Act, 1965 (Act 79 of 1965), the Amendment Act on National Welfare, 1971 (Act 13 of 1971), and the National Welfare Amendment Act, 1976 (Act 44 of 1976), are hereby repealed in so far as those Acts relate to the control of the collection of contributions to the funds of welfare organisations or certain institutions or for certain other purposes therein referred to.

Act to apply in the Territory

38. This Act and any amendment thereof shall apply also in the Territory, including the Eastern Caprivi Zipfel.

Short title and commencement

39. This Act shall be called the Fund-raising Act, 1978, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

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