

Social Workers Registration (Mandatory Registration) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This Bill implements recommendations made to the Minister for Social Development by the Social Workers Registration Board. The recommendations are that—

- the current voluntary system of registration for practising social workers become a mandatory system
- registered social workers have practising certificates that must be renewed annually
- the title “social worker” be protected in order to prevent its use by people who are not registered as social workers and people who have been deregistered as social workers
- the public be able to complain to the Complaints and Disciplinary Tribunal when they receive unsafe social work services from those who are unregistered or deregistered.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill comes into force 1 year after it receives the Royal assent. The delayed commencement allows time for social workers to become registered.

Clause 3 provides that the Social Workers Registration Act 2003 is the principal Act.

Clause 4 amends section 3, the purpose section, by removing the purpose of providing for the Social Workers Registration Board to promote the benefits of the registration of social workers. This purpose will not be necessary when registration is mandatory.

Clause 5 amends section 4, the definitions section, to insert definitions of **social worker** and **unregistered or deregistered social worker**.

Clause 6 inserts a *new section 5A*, requiring persons practising social work to be registered and to hold a current practising certificate.

Clause 7 deletes section 25, which requires registered social workers to hold practising certificates, as it has been superseded by the *new section 5A* inserted by *clause 6*.

Clause 8 inserts a *new section 85A*, which provides for the Social Workers Complaints and Disciplinary Tribunal to deal with unregistered and deregistered social workers.

Clause 9 amends section 99, which deals with the functions of the Social Workers Registration Board, by removing the function of providing for the Board to promote the benefits of the registration of social workers. This function will not be necessary when registration is mandatory.

Clause 10 amends section 148, which provides for offences, by making it an offence for persons to practise social work if they are not both registered and current practising certificates holders.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Social Workers Registration (Mandatory Registration) Amendment Act **2015**.

- 2 Commencement**
This Act comes into force on the date that is 1 year after the day on which the Act receives the Royal assent.
- 3 Principal Act**
This Act amends the Social Workers Registration Act 2003 (the **principal Act**). 5
- 4 Section 3 amended (Purpose)**
Delete section 3(c).
- 5 Section 4 amended (Interpretation)**
In section 4, insert in their appropriate alphabetical order: 10
- social worker** means a person who practises social work
- unregistered or deregistered social worker** means a person who holds himself or herself out as a social worker when he or she—
- (a) is not a registered social worker; or
 - (b) is a registered social worker— 15
 - (i) whose registration is suspended; or
 - (ii) who does not hold a current practising certificate; or
 - (iii) who holds a current practising certificate that is suspended
- 6 New cross heading and section inserted**
After the Part 2 heading, insert: 20
- Registration and practising certificates mandatory*
- 5A Social work requires registration and practising certificate**
No person may practise social work unless he or she—
- (a) is a registered social worker; and
 - (b) holds a current practising certificate. 25
- 7 Section 25 repealed (Practising registered social workers to hold practising certificates)**
Repeal section 25.
- 8 New section 85A inserted (Application of this Part to unregistered or deregistered social workers)** 30
After section 85, insert:

85A Application of this Part to unregistered or deregistered social workers

This Part is to be read as if every reference in it to a registered social worker included a reference to an unregistered or deregistered social worker, with the following modifications:

- (a) the reference in section 66(1)(a) to 2 registered social workers is not to be read as including unregistered or deregistered social workers; and
- (b) sections 72 to 74, 77, 78, 83(1)(a) and (d) and (2), and 84 do not apply.

9 Section 99 amended (Functions of Board)

Delete section 99(1)(j).

10 Section 148 amended (Offences)

Replace section 148(3) with:

- (3) Every person commits an offence, and is liable on conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding \$10,000 or both, who is an unregistered or deregistered social worker.