

Timing of Commencement of Changes to the Social Workers Registration Act 2003 by the Social Workers Registration Legislation Bill (SWRLB)

Main Changes

(number in round brackets references the section number in Act rather than the clause number in the Bill)

From Royal Assent:

- The Board must determine scopes of practice (this takes effect 2 years after Royal Assent but can be done prior) (s 5A)
- The Board must prescribe qualifications for scope of practice (this takes effect 2 years after Royal Assent but can be done prior) (s 5B)
- The Social Workers Registration Board (the **Board**) must assume a person is competent to be registered unless information is provided otherwise (s 6)
- The Board may recognise ways of undertaking professional development and require social workers to undertake professional development (s 38A)
- New requirement for employers to report to Board concerns regarding competence of a social worker (s 38B)
- The 5-yearly requirement to do competence assessments is repealed (s 44)
- Grounds for the Board finding a person is not a fit and proper person to practice as a social worker are extended (s 47)
- New requirement for employers to report to the Board concerns regarding serious misconduct by a social worker (s 47A)
- New requirement for social workers and employers to report to the Board concerns regarding whether a social workers is unable to perform due to a mental or physical condition (s 51)
- The Board can choose to deal with notice of conviction itself rather than refer all notices to a Professional Conduct Committee (s 65A)
- Change of name from complaints assessment committee to professional conduct committee (s 66)
- Professional conduct committee can require a person to provide information (s 68A)
- The Social Workers Complaints and Disciplinary Tribunal (the **Tribunal**) can cancel or suspend the registration of a social worker for a period of up to 3 years rather than 12 months (s 83)
- If a social worker tells the Registrar they wish to cancel their registration, the Board must cancel the registration (s 129)
- A social worker can remain registered while not practising (s 129)
- New offences for disclosing confidential information, intentionally publishing information in breach of a suppression order, refusing to or providing false information to professional conduct committee (s 148)

3 months after Royal Assent:

- The Board decreases in size from 10 to 7 (s 106)

2 years after Royal Assent:

- Scopes of practice requirements and mandatory registration comes into force
- Unregistered person must not claim to be a social worker or claim to be practising as a social worker (s 6AA)

- No person can practice as a social worker unless they are registered, practise within their individual scope of practice, and hold a current practising certificate (s 6AAB)
- When applying for registration, the person must indicate which scope of practice they intend to practice under (s 8)
- The Board may authorise a person to practice within a scope of practice and can make it subject to conditions (s 8B)
- The Board may require an applicant to pass an examination or assessment (s 8D)
- Conditions are on an individual social worker’s scope of practice rather than on registration and/or practising certificates
- The Tribunal may makes orders if satisfied a social worker has performed social work services outside of their scope of practice, or failed to comply with a condition on their scope of practice (s 123)
- The Chief Executive of MSD can order a person to provide information if they believe a person has claimed to be a social worker or practise as a social worker when they are not registered (s 147A)
- New offense for knowingly contravening prohibition on people claiming to be a social worker or practising as a social worker within being registered or refusing to provide information when asked in regard to these offences (s 148)

5 years after Royal Assent:

- Board can no longer register a person who has sufficient practical experience but no qualification (s 13)

Time	Activity area	Details
From day after Royal Assent	Entitlement to registration	<p>The SWRLB assumes a person is competent to be registered unless information is provided otherwise.</p> <p>A person with a prescribed qualification is entitled to be registered within that scope of practice if, amongst other criteria, the Board is satisfied that they are competent to practise (s 6(1)(a), cl 8A).</p>
	Cancellation of limited registration	<p>The SWRLB sets out a more formal process that the Board must go through in order to cancel a social worker’s limited registration.</p> <p>The Board must not cancel a social worker’s limited registration, unless it is satisfied that the social worker has been given:</p> <ul style="list-style-type: none"> • a written notice of reasons; • a copy of any written information relied on; • a written summary of any other information relied on; • a written notice providing a reasonable opportunity to make submissions and be heard, personally or by a representative; • a reasonable opportunity to make submissions and be heard, personally or by a representative; and • consideration by the Board of any submissions made by the social worker (s 24, cl 12).
	Electronic	The SWRLB allows for certain documents and processes to be issued and done electronically.

		<p>If a person’s practising certificate was issued electronically and they are sent a notice of cancellation, suspension or requirement for endorsement, they must acknowledge receipt of the notice within 7 days (s 36(3), cl 20).</p> <p>The person’s email address should now to be added to the Register (s 123(1)(ba), cl 59A).</p> <p>Any notice, document or notification may now be delivered via email (s 145(1)(ba), cl 61G).</p>
	<p>Professional development</p>	<p>The SWRLB inserts a new section in relation to professional development.</p> <p>The Board may recognise ways of undertaking professional development, such as:</p> <ul style="list-style-type: none"> • assessments; • practical training; • work experience; • supervised practice; • a course; and • a structured process for ensuring competence (s 38A(1), cl 22). <p>The Board may require specific social workers or groups of social workers to undertake a particular form of professional development, or excuse specific social workers from any professional development requirement (ss 38A(2) – (3), cl 22).</p> <p>Professional development should not place excessive costs on social workers or their employers (s 38A(4), cl 22).</p>
	<p>Requirements to report</p>	<p>The SWRLB inserts a new section in relation to the requirement for employers to report concerns regarding the competence of social workers.</p> <p>An employer who is concerned that a social worker may not be competent must urgently investigate whether they are competent (s 38B(1), cl 22).</p> <p>If, following the investigation, the employer remains concerned, they must urgently take reasonable steps to develop the social worker’s competence (s 38B(2), cl 22).</p> <p>If the employer continues to be reasonably concerned that the social worker is not competent, they must promptly report their concern to the Board (s 38B(2A), cl 22).</p> <p>If a social worker resigns or is dismissed due to concerns regarding their competence, the employer must promptly report that to the Board (s 38B(2B), cl 22).</p>

		<p>The SWRLB inserts a new section in relation to the requirement for employers to report concerns regarding serious misconduct by social workers.</p> <p>An employer, who believes on reasonable grounds that a social worker has done serious misconduct, must urgently report that to the Board (s 47A(1), cl 28).</p> <p>Serious misconduct is defined as conduct that:</p> <ul style="list-style-type: none"> • has, or is likely to have, a highly negative effect on the well-being of any person who the social worker works with; or • which reflects badly on the social worker’s fitness to be a social worker; and • is serious enough to meet the Board’s criteria for reporting serious misconduct (s 47A(3), cl 28). <p>The SWRLB inserts new sections requiring other social workers and employers to report any belief that a social worker is unable to satisfactorily perform their role due to a mental or physical condition.</p> <p>A social worker or an employer who reasonably believes that another social worker is unable to satisfactorily perform their role must promptly report that to the Board (s 51(1A) and (1C), cl 32).</p> <p>If a social worker fails to report, it may constitute professional misconduct and be the subject of a complaint to the Board (s 51(1B), cl 32).</p>
	<p>Reviews of competence to practice</p>	<p>The reviews of competence to practice provision under the SWRLB now refers to the new reporting process under section 38B.</p> <p>The Board may at any time review a social worker’s competence, including if the Board receives negative information concerning their competence, such as a report under section 38B (s 39(1), cl 23).</p>
	<p>Assessments</p>	<p>The SWRLB repeals the requirement for social workers to complete assessments every 5 years (s 44, cl 24).</p> <p>The SWRLB confirms the Board’s power to suspend a social worker on an interim basis, including if the social worker is undertaking or resitting a competence assessment.</p> <p>If a social worker fails a competence assessment, the Board is not prevented from exercising its power to give interim directions relating to a social worker’s registration or practising certificate (s 45(9), cl 25).</p>

	<p>Fitness to practice</p>	<p>The SWRLB extends the grounds on which a social worker may be found not to be a fit and proper person to practise.</p> <p>The Board may find a person is not a fit and proper person to practise as a social worker only if it satisfied that there are grounds on which a reasonable person would reach that conclusion (s 47(1), cl 27).</p> <p>In addition to the existing grounds, the Board may be satisfied that those grounds exist if they are satisfied that any of the following grounds are met:</p> <ul style="list-style-type: none"> • the social worker is not able to communicate effectively for the purposes of practising; • the social worker’s ability to communicate in English is not sufficient to protect the health and safety of the public; • professional disciplinary proceedings are being taken against the social worker, and the Board considers that those proceedings reflect adversely on the social worker’s fitness to practice; • the social worker is subject to an investigation, and the Board considers that those proceedings reflect adversely on the social worker’s fitness to practice; • a finding or order has been made against the social worker in professional disciplinary findings or an investigation, and the finding or order reflects adversely on the social worker’s fitness to practice; and • the Board believes, on reasonable grounds, that the social worker may endanger the health or safety of the public (s 47(2), cl 27). <hr/> <p>The SWRLB extends the provision regarding fitness to practise to reflect the new provisions concerning applications for a practising certificate under section 30(1)(b)(iii) and reports under section 47A.</p> <p>The Board must consider whether a person is a fit and proper person to practise social work promptly after receiving an application for registration, and after receiving a report under section 47A or being notified of a determination under section 71(1)(a) (s 48, cl 29).</p> <hr/> <p>The SWRLB extends the provision in relation to the Board’s actions, if it considers a social worker is not fit and proper, to reflect the new provisions in relation to reports under section 47A and powers under section 57A.</p> <p>The Board may take certain actions after receiving a report under section 47A or being notified of a determination under section 71(1)(a) (s 49(1), cl 30).</p> <p>The Board is not prevented from exercising its power under section 57A to give interim directions regarding a social worker’s registration or practising certificate (s 49(10), cl 30).</p>
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	<p>Convictions</p>	<p>The SWRLB strengthens the provisions in relation to the Police vetting of social workers.</p> <p>The Board:</p> <ul style="list-style-type: none"> • must obtain a Police vet from the Police Vetting Service; • may require the person to comply with Police requirements in order to obtain the Policy vet; and • must consider any criminal convictions and other information from the Police (s 50(1), cl 31). <p>The Board may not request a Police vet if it has been done within the last 3 years, unless other concerns with the person’s fitness have been raised with the Board (s 50(2), cl 31).</p> <hr/> <p>The SWRLB changes the provision regarding notification of convictions so that the court Registrar must notify the Board, rather than the Tribunal.</p> <p>If the Registrar knows that a social worker is convicted of an offence punishable by imprisonment for 3 months or longer, they must send a notice of the conviction to the Board, unless the court orders otherwise (s 63, cl 42).</p> <hr/> <p>The SWRLB inserts a new provision regarding the action to be taken by the Board when a notice of conviction is received.</p> <p>The Board must, as soon as possible:</p> <ul style="list-style-type: none"> • refer the notice to a professional conduct committee; or • order the social worker to: <ul style="list-style-type: none"> ○ undergo medical examination or treatment, whether physical, psychological or psychiatric; or ○ attend treatment or therapy for alcohol or drug abuse (s 65A(2), cl 43A). <p>If the Board considers the notice is for a minor offence and does not need to be referred, it may take no further action (s 65A(3), cl 43A).</p> <p>The Board may not order any medical examination, treatment or therapy unless the social worker consents to it, and to a report being provided to the Board on the outcome (s 65A(4), cl 43A).</p> <p>An order for medical examination, treatment or therapy must specify the date it must be conducted, and the date a report must be provided to the Board on the outcome (s 65A(5), cl 43A).</p> <p>After receiving a report, the Board must promptly arrange for a copy to be sent to the social worker, and consider the report (s 65A(6), cl 43A).</p> <p>The Board may then:</p> <ul style="list-style-type: none"> • decide to take no further action;
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	<p>Suspension of registration or practising certificate</p>	<p>The SWRLB extends the reasons that a social worker may be suspended, and changes the suspension process. The Chairperson no longer give the Registrar a direction to suspend a social worker, in consultation with 2 other members of the Board. Instead, the whole Board is responsible for issuing such directions.</p> <p>When an issue of competence, fitness, or serious misconduct arises, the Board may direct the Registrar to suspend the social worker’s registration or practising certificate, if the Board reasonably believes that:</p> <ul style="list-style-type: none"> because of competence issues, the social worker’s practice poses a risk of serious harm to the public; the social worker may be unable to satisfactorily perform the functions required to practice as a social worker because of a mental or physical condition; or an investigation or a criminal proceeding is underway, and a reasonable doubt is raised about the social worker’s competence or whether they are a fit and proper person to practice (s 57A(2), cl 38). <p>Instead of suspending the social worker’s registration or practising certificate, if the above requirements are met, the Board may also direct the Registrar to make the registration or practising certificate subject to conditions (s 57A(3), cl 38).</p> <p>The suspension may last for a period of up to 10 days from the date on which the direction is given to the social worker, and for a further period of 10 days if that is reasonable and necessary to allow further investigation or medical examination to take place (s 57A(4), cl 38).</p>
	<p>Referral of complaints to professional conduct committees</p>	<p>The SWRLB empowers the Board, instead of the Tribunal, to refer complaints to professional conduct committees.</p> <p>As soon as possible, the Board must refer a complaint against a social worker to a professional conduct committee, unless the Board and/or the Health and Disability Commissioner agree that it does not need to be pursued (s 65(1), cl 43).</p> <p>As soon as possible after the Board has decided to refer a complaint, the Registrar must give the social worker written notice of the Board’s decision and the particulars of the complaint (s 65(2), cl 43).</p>
	<p>Power to call for information</p>	<p>The SWRLB inserts a new section which empowers professional conduct committees to call for information.</p>

		<p>A professional conduct committee may, in writing, require any person to produce any information, if the following requirements are met:</p> <ul style="list-style-type: none"> • the members of the committee reasonably believe that the exercise of the power is necessary; • the person has failed to comply with a previous request to produce the information within a reasonable time; and • the members of the committee reasonably believe that it is not practical to obtain the information from another source, or it is necessary to obtain the information to confirm or refute another source (s 68A(1)-(2), cl 46). <p>The SWRLB inserts a new section which requires people to comply with any notice received under section 68A.</p> <p>A person who receives a production notice under section 68A must comply with the notice, and no fee may be charged for doing so (s 68B(1)-(2), cl 46).</p> <p>A person is not required to produce any information if it would be privileged in court, or if it would breach a legal obligation of secrecy or non-disclosure, other than the Official Information Act or the Privacy Act (s 68B(3), cl 46).</p> <p>If a person does not comply with the notice, they commit an offence and may be fined up to \$2000 (s 148(7), cl 63).</p>
	<p>Special protection for witnesses</p>	<p>The SWRLB extends the groups of witnesses who are entitled to special protection, and the protection available.</p> <p>The following groups of witnesses are entitled to special protection:</p> <ul style="list-style-type: none"> • witnesses under 18; • witnesses who give evidence which relates to a sexual matter, as per the previous Act; or • witnesses who give evidence which may be intimate or distressing, as per the previous Act (s 80(1), cl 50). <p>Instead of the Tribunal being able to make an order forbidding publication of any evidence under this section, the presumption is now that no person may publish:</p> <ul style="list-style-type: none"> • any particulars likely to lead to the identification of the witness; or • the evidence of the witness (s 80(6), cl 50).
	<p>Penalties</p>	<p>The SWRLB amends the penalties imposed if the Tribunal makes an order in respect of a social worker.</p> <p>The Tribunal may make an order that the registration of a social worker be cancelled or suspended for a period of up to 3 years, rather than up to 12 months (s 83(1)(a)(i), cl 52).</p> <p>The Tribunal may now order that the social worker apologise to the complainant (s 83(1)(ca), cl 52).</p>

		The Tribunal must not make an order cancelling a social worker's registration unless it has first considered suspension or imposing conditions (section 83(2), cl 52). Previously, the Tribunal could not order that the social worker's registration be cancelled unless they were found guilty of severe professional misconduct.
	Functions of Board	<p>The SWRLB changes the functions of the Board, and provides guiding principles for prescribing educational qualifications.</p> <p>In addition to the Board's previous functions, the Board must now:</p> <ul style="list-style-type: none"> • review social workers' fitness to practise; and • set criteria for reporting serious misconduct or issues of competence or fitness to practice (s 99(1), cl 53). <p>The SWRLB repeals the Board's function to appoint members of the Tribunal (s 99(1), cl 53).</p>
	Ministerial direction	<p>The SWRLB widens the application of Ministerial directions in relation to social workers.</p> <p>The Minister may not give a direction under the Crown Entities Act relating to the registration of individual social workers, but the Minister is no longer prohibited from making directions regarding social workers in general (s 102, cl 53B).</p>
	Tribunal	<p>The SWRLB amends the function of the Tribunal.</p> <p>The Tribunal no longer administers the complaints process concerning social workers (s 115(a), cl 55B).</p>
		<p>The SWRLB decreases the size, and changes the membership, of the Tribunal.</p> <p>The Tribunal now comprises:</p> <ul style="list-style-type: none"> • a chairperson, who must be an experienced barrister and solicitor; • a deputy chairperson, rather than 1 or more deputy chairpersons, who must be an experienced barrister and solicitor; • 5 social workers, rather than 5 other members; and • 1 lay person, as previously (s 116(1), cl 56).
	Personal information	<p>The SWRLB extends the information social workers must provide to the Registrar.</p> <p>Within one month of any change in name, home or work address, email or qualifications, the social worker must notify the Registrar in writing (s 125, cl 59C).</p>
	Cancellation of registration	<p>The SWRLB extends the circumstances in which a social worker's registration may not be cancelled.</p> <p>The Board may not cancel a social worker's registration if disciplinary action is active against the social worker, as previously, or if the social worker is being investigated by the Health and Disability Commissioner (s 127(2), cl 59D).</p>

	Register	<p>The SWRLB widens the circumstances in which a social worker can direct the Board to cancel their registration.</p> <p>If a social worker tells the Registrar in writing they wish to cancel their registration, the Board must cancel their registration, regardless of whether they have confirmed they are no longer practising (s 129(3), cl 60).</p> <p>A social worker who is no longer practising may remain on the Register if they wish (s 129(3A), cl 60).</p>
		<p>The SWRLB widens the information which the Board may not publish on the Register.</p> <p>The Board may not publish the email addresses of social workers, in addition to their home addresses (s 135(2), cl 61B).</p>
	Offences	<p>The SWRLB adds new offences.</p> <p>A person commits an offence and is liable for a fine of up to \$2,000 if they disclose confidential information in breach of section 46(1) (s 148(6), cl 63).</p> <p>A person commits an offence and is liable for a fine of up to \$2,000 if they refuse, fail to comply with, or provide misleading or false information in response to a production notice under section 68B (s 148(7), cl 63).</p> <p>A person commits an offence and is liable for a fine of up to \$2,000 if they intentionally publish information in breach of a suppression order (s 148(8), cl 63).</p> <p>A person commits an offence and is liable for a fine of up to \$2,000 if they refuse, fail to comply with, or provide misleading or false information in relation to information requested under section 147A (s 148(9), cl 63).</p>
	Scopes of practice	<p>The SWRLB requires the Board to determine scopes of practice.</p> <p>The Board must describe the social work services performed by the profession in one or more scopes of practice, published in the Gazette (s 5A(1), cl 6A).</p> <p>A scope of practice may be described as the Board wishes, including by reference to:</p> <ul style="list-style-type: none"> • a name commonly understood by persons who work in the sector; • an area of social science or learning; • tasks commonly performed; and/or • individual, social or community needs to be addressed (s 5A(2), cl 6A)
Three months after Royal Assent	Membership	<p>The SWRLB decreases the size of the Board.</p> <p>Size reduces from 6 registered social workers and 4 other members, to 4 social workers and 3 other members (s 106, cl 55).</p>

<p>Within two years of Royal Assent</p>	<p>Prescribed qualifications</p> <p>The SWRLB requires the Board to set qualifications for scopes of practice.</p> <p>The Board must set the qualifications required for each scope of practice (s 5B(1), cl 6A).</p> <p>In doing so, the Board should consider whether:</p> <ul style="list-style-type: none"> • a qualification is necessary to protect the public; • the number and types of qualifications set must not unnecessarily restrict people registering as social workers; and • the qualifications set must not impose excessive costs on persons who want to be registered as social workers or on the public (s 5B(2), cl 6A). 	
<p>2 years after Royal Assent</p>	<p>Unregistered person must not claim to be a social worker</p>	<p>The SWRLB adds a provision which permits only registered social workers to refer to themselves as social workers, or to practise social work.</p> <p>A person may only state or imply that they are a social worker if they are registered as a social worker under this Act, and their registration is not suspended (s 6AA(1), cl 8).</p> <p>No person may claim or suggest that they are practising as a social worker unless they are registered under this Act, and they hold a current practising certificate (s 6AA(2), cl 8).</p> <p>No person may state or imply that another person is, or practises as a social worker, unless they meet the requirements of this Act (s 6AA(3), cl 8).</p> <p>A person may state that they are willing to practise as a social worker for the purposes of job-seeking if that person would, on obtaining a job, be entitled to be registered and hold a practising certificate as a social worker (s 6AA(4), cl 8).</p>
	<p>Key requirements for practising as a social worker</p>	<p>The SWRLB adds a provision in relation to requirements to practise as a social worker.</p> <p>No person may practise as a social worker, except in the case of an emergency or an assessment ordered by the Board, unless:</p> <ul style="list-style-type: none"> • they are registered; • they practise within their individual scope of practice, including complying with any conditions to which their practise is subject; and • they hold a current practising certificate (s 6AAB, cl 8).
	<p>Applications for registration</p>	<p>The SWRLB inserts a new provision in relation to the process for applying to practise social work. Section 9 of the Act, which relates to the consideration of applications by the Board, is repealed.</p> <p>Every application must:</p> <ul style="list-style-type: none"> • be made in the form and with the information required by the Board,

		<ul style="list-style-type: none"> • indicates the applicant’s proposed: <ul style="list-style-type: none"> ○ scope of practice and permitted social work services; or ○ changes to be made to their existing scope of practice; • any evidence in support that is required; and • the fee (s 8(2), cl 9AB). <p>When the Registrar receives a completed, compliant application, they must promptly submit it to the Board, unless any fine, costs or expenses remain unpaid by the social worker, in which case the Registrar may decline to submit the application until the amount outstanding is paid (s 8(3)-(4), cl 9AB).</p> <p>The SWRLB inserts new sections regarding authorising individual scopes of practice.</p> <p>The Board may authorise an applicant to practise within a scope of practice, or a change to their existing scope of practice (s 9A, cl 9AB).</p> <p>An authorisation for an applicant’s scope of practice must identify the applicable scope, and specify the services within that scope that the applicant can or cannot perform (s 8B(1), cl 9AB).</p> <p>An authorisation for a change to an applicant’s scope of practice must state the change involved, such as the applicable scope, the services that can or cannot be performed, the cancellation or variation of an existing condition, or the inclusion of a new condition (s 8B(2), cl 9AB).</p> <p>Any condition must be required to ensure the competent practise of the applicant, and may include any of the following conditions:</p> <ul style="list-style-type: none"> • that the applicant practise subject to supervision or oversight of social workers; • that the applicant not perform any task, or only perform that task in specified circumstances; • that the applicant only practise in a certain capacity; • that the applicant practise in association with other people; • that the applicant practise only for a certain time period; • that the applicant attain further specific qualifications or experience; or • any other condition reasonably necessary to protect the safety of the public (s 8B(3), cl 9AB). <p>The SWRLB adds a provision regarding the assessment of supervised social workers.</p> <p>If an authorisation includes a condition that the applicant practise under supervision, it may also require that:</p>
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		<ul style="list-style-type: none"> • the supervising social worker(s) assess and report to the Board on the applicant’s performance; and • the reports set out a recommendation as to whether the condition ought to continue to apply (s 8C, cl 9AB).
		<p>The SWRLB adds a provision allowing the Board to require an applicant to pass an examination or assessment.</p> <p>The Board may require an applicant to take and pass an examination or assessment to enable the Board to assess:</p> <ul style="list-style-type: none"> • whether the applicant is competent to practise in relation to the social work services described in their scope of practice; or • whether the applicant’s English-language skills are sufficient to protect the safety of the public (s 8D, cl 9AB).
		<p>The SWRLB adds a provision requiring the Board to inform that it proposes to depart from indicated scopes, or to decline the application.</p> <p>If the Board proposes to authorise an applicant to practise in a different way than the applicant has indicated, or to decline the application, it must inform the applicant in writing of its reasons, including:</p> <ul style="list-style-type: none"> • a copy of the written information it is relying on; • a written summary of any other information; and • a reasonable opportunity to make written submissions and be heard, including personally or by a representative (s 8E, cl 9AB).
		<p>The SWRLB inserts a new provision in relation to what information the Board must provide in relation to decisions for registration or changes to individual scopes.</p> <p>If the Board authorises that an applicant’s scope of practise meets the criteria under the Act, the applicant should be registered as a social worker by the Registrar (s 8F(1), cl 9AB).</p> <p>If the Board decides to register an applicant provisionally or temporarily, it must state its reasons and the duration of the registration (s 8F(2), cl 9AB).</p> <p>The Registrar must promptly notify a registered applicant that they have been registered, and the details of that registration (s 8F(3), cl 9AB).</p> <p>If the Board decides not to register an applicant, the Registrar must promptly notify the applicant of that, including the reasons for the decision (s 8F(5), cl 9AB).</p> <p>The SWRLB adds a new provision in relation to decisions of the Board to change an applicant’s scope of practise.</p> <p>The Registrar must promptly enter any approved change to a social worker’s scope of practice approved onto the Register, and notify the social worker of the change, or the decision not</p>

		<p>to approve the change, and the reasons for it (s 8G(1) and (3), cl 9AB).</p> <p>Any change must be endorsed on the social worker’s practising certificate (s 8G(2), cl 9AB).</p> <p>The SWRLB amends the sections regarding provisional and temporary registration so that, in addition to being subject to conditions appropriate to their circumstances, it must be subject to conditions in their scope of practice.</p> <p>A person registered provisionally must be registered with conditions in their [individual] scope of practice appropriate to their circumstances (s 10(1), cl 9AF).</p> <p>A person registered temporarily must be registered with conditions in their [individual] scope of practice relating to the institution or place where they intend to practise as a social worker, and may also be registered with other conditions in their [individual] scope of practice (s 11(1), cl 9AH).</p> <p>The SWRLB repeals the provision that the Board must decide that the applicant should be registered if, and only if, they meet the criteria in section 6 or 7 (s 12, cl 9C).</p> <p>The SWRLB repeals the provision that the Board must give reasons if it decides that an applicant should be registered temporarily or provisionally, or subject to registrations or conditions (s 17, cl 11C). This provision is replaced by section 8E of the SWRLB which requires the Board to give reasons for these decisions.</p> <p>The SWRLB repeals the provision requiring the Registrar to register successful applicants and notify unsuccessful applicants (ss 18-19, cl 11E-F). These provisions are replaced by s 8F which sets out the new requirements for registration and notification.</p>
	Practising certificates	<p>The SWRLB repeals the section preventing a registered social worker from being employed as a social worker without a practising certificate (s 25, cl 13). This provision is replaced by s 6AAB, which requires a social worker to hold a practising certificate to practise.</p> <p>The SWRLB repeals the section which allows the Board to adopt general conditions (s 29, cl 15). This provision is replaced by s 5D, which also allows the Board to adopt general conditions.</p> <p>The SWRLB inserts a new ground under which the Registrar must refer an application for a practising certificate to the Board.</p> <p>The Registrar must refer an application to the Board if they suspect on reasonable grounds that the applicant has failed to fulfil or comply with a condition included in their scope of practice (s 30, cl 16A).</p>

		<p>The SWRLB inserts a new section regarding the process to follow for decisions of the Board as to practising certificates.</p> <p>On receiving an application for a practising certificate, the Board must direct the Registrar to</p> <ul style="list-style-type: none"> • if it is satisfied the applicant is competent is competent and fit to practise, issue them a practising certificate without conditions; • if it is satisfied if the applicant is competent and fit to practise only if certain conditions are included, issue them a practising certificate with conditions; • refuse to issue a practising certificate until the applicant has met conditions stated by the Board and issue a practising certificate only once those conditions are met; or • refuse to issue a practising certificate to the applicant (s 33(1), cl 18A). <p>The Board must state its reasons for imposing any conditions or refusing to grant a practising certificate (s 33(3), cl 18A).</p> <p>The Board may issue an interim practising certificate to an applicant who must meet further conditions to obtain a full practising certificate (s 33(4), cl 18A).</p>
		<p>The SWRLB repeals the previous provision in relation to conditions on practising certificates (s 35, cl 19B).</p>
		<p>The SWRLB inserts a new section requiring the scope of practice to be set out on social workers’ practising certificates.</p> <p>The Registrar must endorse on every practising certificate or interim practising certificate issued to a social worker a description of the social worker’s scope of practice, including any conditions. The Registrar must also update the practising certificate if any changes are made to the scope of practice (s 35A, cl 19C).</p>
	<p>Professional development</p>	<p>The SWRLB defines appropriate standard of competence as the standard of competence to be expected of a social worker practising under their scope of practice (s 38A, cl 22A).</p>
	<p>Failure of assessment</p>	<p>The SWRLB clarifies that, during the process which is initiated by a social worker failing an assessment, the Board may still exercise its power to give interim directions relating to their registration or practising certificate.</p> <p>Nothing in this section prevents the Board from, at any time, exercising its power under section 57A to give interim directions relating to a social worker’s registration or practising certificate (s 45(9), cl 25).</p>
	<p>Notice of conviction</p>	<p>The SWRLB amends the new process for the Board to go through after receiving a notice of conviction with reference to scopes of practice.</p> <p>After considering a report under section 65A(5)(b), the Board may change the social work services that the social worker</p>

	<p>may or may not perform, and/or include a new condition, or cancel or vary an existing condition, if the Board is satisfied that the social worker is only able to practise if the changes are made (s 65A(7)(b), cl 43B).</p>
Determination of complaint	<p>The SWRLB adds a new action a professional conduct committee may take after receiving a complaint or notice of conviction.</p> <p>In addition to the actions currently available, the professional conduct committee may determine whether the Board should review the social worker’s scope of practice (s 71(1)(ab), cl 47A).</p>
Tribunal orders	<p>The SWRLB extends the grounds on which the Tribunal may make orders to refer to scopes of practice and conditions.</p> <p>The Tribunal may make an order regarding a social worker if, after a hearing, it is satisfied that the social worker:</p> <ul style="list-style-type: none"> • has performed a social work service outside of the social worker’s scope of practice; or • has failed to comply with the conditions in their scope of practice (s 82(3), cl 51A)
Information	<p>The SWRLB requires additional information be be entered on the Register relating to social workers.</p> <p>The following information must now be entered on the Register:</p> <ul style="list-style-type: none"> • their scope of practice and the services they can or cannot perform; • any condition on their subject of practice; • particulars of their practising certificate; and • the reason for any suspension and any conditions relating to that suspension (s 123(3), cl 59B).
	<p>The SWRLB allows the Chief Executive to order a person to provide information in certain circumstances.</p> <p>If the Chief Executive reasonably believes that an offence has been committed under the Act, they may, in writing, require a person to:</p> <ul style="list-style-type: none"> • provide specified information; • provide documents; • allow the department to make copies or take extracts of documents; or • provide copies of or extracts of a document (s 147A(1), cl 62B) <p>A person who receives such a notice must comply with it without charge (s 147A(2), cl 62B).</p> <p>Before issuing such a notice, the Chief Executive should first request the information in writing, unless to do so would interfere with the maintenance of the law (s 147A(3), cl 62B).</p>

		<p>The SWRLB provides an exemption to complying with notices under section 147A if the information in question is privileged.</p> <p>A person is not required to give the department information or documents that would be privileged in a court or are subject to legal professional privilege (s 147B(1), cl 62B).</p> <p>If a person refuses to provide information or documents on the grounds that they are privileged, the issue of whether they are privileged may be tested in the District Court, and the Judge may require the information or documents to be produced to the Court (s 147B(2)-(3), cl 62B).</p>
	Offences	<p>The SWRLB changes the offences set out under the Act.</p> <p>It is an offence to knowingly breach section 6AA(1) or 6AA(2), if a person implies or states that they are a social worker, or that they are practising as a social worker, unless they are registered as a social worker under the Act, their registration is not suspended and, if they claim or imply they are practising, they hold a current practising certificate. The offence is punishable by imprisonment of up to 3 months or a fine of up to \$10,000 or both (s 148(2), cl 63A).</p> <p>It is an offence to knowingly breach section 6AA(3), if a person implies or states that any other person is a social worker or practises as a social worker. The offence is punishable by a fine of up to \$10,000 (s 148(3), cl 63A).</p> <p>It is an offence to refuse or fail, without reasonable excuse, to comply with a notice under section 147A, or to give false or misleading information about an important matter under section 147A (s 148(9), cl 63A).</p>
5 years following Royal Assent	Practical experience	<p>The SWRLB repeals the provision which allows the Board to recognise practical experience in order to register an applicant fully who does not have a recognised qualification (s 13, cl 10).</p>