

# Questions and answers regarding SA registration

*A guide for AASW members*

DECEMBER 2021



**AASW**

Australian Association  
of Social Workers

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## 1. How much will it cost?

The South Australian government will need to invest in the implementation of the Act, and more specifically, in establishing a Registration Board, as set out in the Act. However, the scheme aims to ultimately be a cost-recovery model.

As per the Act, there will be a prescribed fee to register.

## 2. When do social workers have to start getting registered?

There is a significant amount of work which will need to be actioned to set up the framework of the registration scheme, including the establishment of the registration Board. The registration board will be responsible for the decisions regarding the registration of social workers in South Australia. Subsequently, there is no timeline at this stage. The AASW will continue to liaise with relevant stakeholders, and will keep our members informed as information comes to hand.

## 3. Who will make up the Registration Board?

a. **Simple answer:** 7 people, 4 who must be social workers.

b. **As per the Act:**

The Social Workers Registration Act 2021 sets out the constitution of the Board. As per Part 2, Section 6 (1) of the Act:

The Board consists of 7 members appointed by the Governor, of whom—

(a) 4 must be persons who have extensive experience in social work;  
and

(b) 1 must be a legal practitioner; and

(c) 1 must be a representative of the general community

## 4. Who will establish the standards?

a. **Simple answer:**

The requirements relating to social work services, scopes of practice and prescribed qualifications will be determined by the registration board, however, clear reference to the AASW and the Associations existing standards pertaining to the social work profession and practice are referenced in the Act.

**b. As per the Act:**

As outlined in Part 3, section 20(3) of the Act:

The Board must, when developing scopes of practice for the purposes of this section, have regard to—

- (a) the Practice Standards 2013 (or its successor), published by the Australian Association of Social Workers; and
- (b) any information about the scope of social work practice published by the Australian Association of Social Workers; and
- (c) the scheme for registration of social workers established by the Social Workers Registration Act 2003 of New Zealand; and
- (d) the development of social work scopes of practice by the Social Workers Registration Board of New Zealand.

(4) Scopes of practice developed for the purposes of this section must be reviewed by the Board regularly to ensure their ongoing relevance to the social work profession.

## **5. How do social workers get registered?**

**a. Simple answer:**

They will apply to the Registration Board, submit the relevant documentation, and either be approved or not approved by the Board.

**b. How to become registered, as per the Act:**

Part 4 of the Act details how a social worker will register. Under section 27:

(1) An application for registration as a social worker must—

- (a) be made to the Board in the manner and form approved by the Board; and
- (b) be accompanied by the prescribed fee.

(2) An applicant for registration must—

- (a) consent to the conduct by the Board of a criminal record check relating to the applicant; and

(b) provide evidence of a kind determined by the Board that a working with children check has been conducted in relation to the applicant within the preceding 5 years; and

(c) submit to the Board a criminal history report (such as a National Police Certificate) relating to the applicant provided by South Australia Police or the ACC or an ACC accredited agency or broker; and

(d) if the Board so requires for the purpose of determining whether the applicant's capacity to practise as a social worker is seriously impaired by an illness or disability affecting the applicant's behaviour or competence as a social worker—

(i) submit to a medical examination by a medical practitioner selected by the applicant from a panel of medical practitioners nominated by the Board; and (ii) provide, or authorise the medical practitioner to provide, a report on the results of the medical examination to the Board; and

(e) provide the Board with any information required by the Board for the purposes of determining the application, verified, if the Board so requires, by statutory declaration.

(3) An applicant for registration must pay, in addition to the prescribed fee, an amount specified by the Board, being an amount payable by the Board for the conduct by the Board of a criminal record check relating to the applicant.

(4) An application for renewal of registration must be made not less than 1 month before the expiry of the registration

## 6. Conditions of Registration

### a. Simple answer:

Social workers must:

- Undergo a working with children's check every 5 years
- Must complete minimum CPD each year (to be determined by the Board)
- Must be provided supervision (to be determined by the Board)
- Must be able to produce a certificate of registration

### b. As per the Act:

As per section 30 of the Act:

- (1) It is a condition of every registration that a working with children check be conducted in relation to the person at least once in each 5 year period.

(2) The Board may impose conditions of registration which may include (but are not limited to) the following:

- (a) conditions requiring the person to complete a course or acquire experience as a social worker;
- (b) conditions restricting the services the person may provide;
- (c) conditions requiring the supervision of the person;
- (d) conditions limiting the period for which the registration remains in force;
- (e) conditions requiring the provision of further evidence as to competence.

(3) Without limiting the effect of subsection (2), the Board must—

(a) make it a condition of every registration that for the duration of the registration period the person complete a minimum number of hours (as prescribed by regulation or determined by the Board) of further education and training that the Board has approved to be of an appropriate standard or that has been prescribed by regulation; and

(b) make it a condition of every registration that—

(i) if the person is charged with or convicted of an offence of a kind specified in the condition (which may include offences under the law of South Australia or elsewhere), the person must, within 14 days, give written notice of the charge or conviction to the Board containing the details specified in the condition; and

(ii) if the person is dismissed from employment as a social worker in response to allegations of unprofessional conduct, or resigns from employment as a social worker following allegations of unprofessional conduct, the person must, within 14 days, give written notice of the person's dismissal or resignation to the Board containing the details specified in the condition; and

(iii) if the person is dismissed from any employment in response to allegations of improper conduct relating to a child, or resigns from employment following allegations of improper conduct relating to a child, the person must, within 14 days, give written notice of the person's dismissal or resignation to the Board containing the details specified in the condition.

(4) The Board may, at any time, audit a registered social worker to determine the registered social worker's compliance with the condition set out in subsection (3)(a).

(5) The Board may, on application or by written notice, vary or revoke a condition, or impose a condition, of a person's registration as a social worker.

### **Section 31 – Term of Registration:**

- (1) Subject to this Act, registration as a social worker remains in force—
- (a) until 30 June in the third year following the year in which the registration was granted or last renewed; or
  - (b) if the registration is subject to a condition limiting the period for which it remains in force to a lesser period—for that period.
- (2) The Board may, if it thinks fit, on granting registration, determine that the term of the registration commences from the end of a preceding term of registration.

### **Section 41 – Social worker to produce certificate of registration**

- (1) A registered social worker must, on request by a prescribed person for a purpose related to the provision of prescribed social work services by the social worker, produce the person's certificate of registration.

## **7. I am a non-practising social worker. What does this mean for me?**

### **a. Simple answer**

The Board will determine if a person is eligible to hold non-practising registration.

### **b. As per the Act**

As per Section 26 – Non-practising registration

- (1) A person is eligible to hold non-practising registration as a social worker under this Act if the person—
- (a) holds or has held general registration as a social worker under this Act; and

(b) is a suitable person to hold non-practising registration as a social worker.

(2) The Board may decide that a person is not a suitable person to hold non-practising registration as a social worker under this Act if, in the Board's opinion, the person is not a fit and proper person to be registered as a social worker or, for any other reason, it is not in the public interest for the person to be registered as a social worker.

(3) A person who holds non-practising registration as a social worker under this Act must not undertake social work services.

(4) A contravention of subsection (3) by a person registered as a social worker does not constitute an offence but may constitute unprofessional conduct

## 8. Why is it beneficial to social workers?

### a. Simple answer:

As an unregistered profession, anyone can call themselves a social worker. This impacts on the people receiving the services from social workers, as they may be receiving services from someone who is not adequately trained or qualified. This is a public health and safety issue.

Currently, there is limited ability to be able to hold people to account for poor professional practice or conduct. The Act introduces formal processes and accountability mechanisms, including complaints mechanisms and disciplinary action.

It also means that there is no title protection for the term social work, meaning anyone can call themselves a social worker. This impacts on the reputation of the social work profession.

### b. As per the Act:

There are a broad range of provisions in the Act which aim to enhance the safety of the public and protect the title of social worker.

Part 6 of the Act outlines offences and Part 7 outlines how the Board will conduct investigations and proceedings. Part 8 provides right of appeal.

Section 38 also introduces restrictions on the use of title. This means that only people who are qualified as social workers can use the title of social worker.



## 9. What has prompted the need for registration?

The AASW has been calling for the registration for the social work profession for more than 50 years. This campaign gained momentum in South Australia over the past 8 years due to the tragic death of Chloe Valentine. The coroner's report recommended that the social work profession be registered, and subsequent coroners reports in to the death of children in South Australia have supported and reiterated this recommendation.

## 10. Where can I find more information?

The [Social Workers Registration Act 2021](#) contains all the information about how the registration of social workers in South Australia will work. Some of it is still to be determined by the yet to be established board, but the essence of the registration scheme is outlined in the Act.

At this stage, we do not know how the Act will be implemented, but we will certainly keep you updated, as we are informed.



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