

Social Welfare Promotion Act, B.E. 2546 (2003)

Translation

BHUMIBOL ADULYADEJ, REX;

Given on the 24th Day of September B.E. 2546;

Being the 58th Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on social welfare promotion;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows:

Section 1

This Act is called the "Social Welfare Promotion Act, B.E. 2546 (2003)".

Section 2

This Act shall come into force after the expiration of one hundred and eighty days as from the date of its publication in the Government Gazette.

Section 3

In this Act:

"Social welfare" means a social service system relating to the prevention, resolution, development and promotion of social security to fulfill such fundamental needs of people as education, health, accommodation, occupation and earning, leisure, justice and general social service with a view to enhance their quality of life upon self-reliance basis to meet the requirements of the determined standard thoroughly, appropriately and fairly and with regard to human dignity, their deserved rights and their participation in providing of social welfare at all levels;

"Social welfare provision" means the provision of social welfare service in accordance with the standard determined by the Committee;

"Recipient" means a person or a group of persons suffering from a hardship conditions or is in the need of help, such as a child, youth, elder, indigent, disabled or handicapped person, underprivileged, sexually harassed person or other groups of persons as determined by the Committee;

"Social welfare organization" means a State agency which is responsible for the provision of social welfare and a public benefit organization;

"Public benefit organization" means a private organization which is certified to provide social welfare under this Act;

"Fund" means the Social Welfare Promotion Fund;

"Office" means the Office of the National Social Welfare Promotion Committee;

"Social worker" means a person performing social welfare provision who receives not lower than Bachelor's degree in social work or who completes the social work training course under the standard as determined by the Committee or who has qualifications as notified by the Committee in the Government Gazette;

"Volunteer" means a person voluntarily performing social welfare provision in a social welfare organization;

"Member" means a member of the National Social Welfare Promotion Committee;

"Committee" means the National Social Welfare Promotion Committee;

“Evaluation Committee” means the Monitoring and Evaluation Committee of the Fund;

“Director” means the Director of the Office of the National Social Welfare Promotion Committee;

“Competent official” means a person appointed by the Minister for the execution of this Act;

“Minister” means the Minister having charge and control of the execution of this Act.

Section 4

The Prime Minister and the Minister of Social Development and Human Security shall have charge and control of the execution of this Act.

The Minister of Social Development and Human Security shall have the power to appoint a competent official and issue rule for the execution of this Act.

Such rule shall come into force upon its publication in the Government Gazette.

CHAPTER I

Social Welfare Provision Guideline

Section 5

In providing social welfare of a social welfare organization to a recipient, the followings shall be taken into consideration:

- (1) necessity and appropriate social welfares to be provided, e.g. social service, education, health, accommodation, occupational training, occupation, leisure and justice etc.;
- (2) nature or method and procedure to be employed, e.g. promotion of development, aid, protection, prevention, remedy and rehabilitation etc.

In providing social welfare under paragraph one, the participation of person, family, community, local government organization, professional body, religious institution and other organizations shall be promoted and encouraged.

Section 6

The social welfare provision shall be in accordance with the standard as determined by the Committee.

CHAPTER II

National Social Welfare Promotion Committee

Section 7

There shall be a committee called the “National Social Welfare Promotion Committee”, to be called “NSWPC.” in brief, consisting of:

- (1) Prime Minister as Chairperson;
- (2) Minister of Social Development and Human Security as the first Vice-Chairperson;
- (3) a representative of a public benefit organization appointed by the Prime Minister from persons under (5) as the second Vice-Chairperson;
- (4) Permanent-Secretary of the Office of the Prime Minister, Permanent-Secretary of the Ministry of Finance, Permanent-Secretary of the Ministry of Tourism and

Sports, Permanent-Secretary of the Ministry of Social Development and Human Security, Permanent-Secretary of the Ministry of Interior, Permanent-Secretary of the Ministry of Justice, Permanent-Secretary of the Ministry of Labor, Permanent-Secretary of the Ministry of Education, Permanent-Secretary of the Ministry of Public Health, Director of the Bureau of the Budget, Secretary-General of the National Economic and Social Development Board and Director-General of the Department of Social Development and Welfare;

- (5) eight representatives of public benefit organizations appointed by the Council of Ministers;
- (6) eight qualified members appointed by the Council of Ministers.

The Director shall be a member and secretary and shall appoint official of the Office as assistant secretary.

The members who are representatives of public benefit organizations shall be appointed from persons whom selected by public benefit organizations among themselves. A qualified member shall be appointed from a person who is not a government official holding a permanent position or salary, an official or employee of government agency, State agency, State enterprise or local government organization, except a lecturer in a State higher education institution. The qualified members shall be persons with knowledge, expertise, work and experience relating to social welfare provision, health, education and law at least one from each field.

The rules and procedure for the selection and vacation from office of representatives of public benefit organizations shall be in accordance with the regulations as prescribed by the Minister.

Section 8

A member appointed by the Council of Ministers holds office for a term of two years. A member who vacates office at the end of the term may be re-appointed, but not more than two consecutive terms.

Section 9

In addition to vacating office at the end of the term under Section 8, a member appointed by the Council of Ministers vacates office upon:

- (1) death;
- (2) resignation;
- (3) being a bankrupt;
- (4) being an incompetent or quasi-incompetent person;
- (5) being removed by the Council of Ministers;
- (6) being imprisoned by a final judgment to a term of imprisonment.

Section 10

In the case where a member appointed by the Council of Ministers vacates office before term, the Council of Ministers shall appoint a new member from person in the same category under Section 7 to replace him or her, and the newly appointed member shall remain in office for the unexpired term of office of the member he or she replaces.

Section 11

At the end of the term, the appointed member who vacates office shall remain in office to continue his or her duties until the new member has been appointed.

Section 12

At the meeting of the Committee, the presence of not less than one-half of the total number of members shall constitute a quorum.

In the case where the Chairperson is not present at the meeting or is unable to perform his or her duty, the first Vice-Chairperson shall preside over at the meeting. If the Chairperson and the first Vice-Chairperson are not present at the meeting or are unable to perform their duties, the second Vice-Chairperson shall preside over at the meeting. If the Chairperson and both Vice-Chairpersons are not present at the meeting or are unable to perform their duties, the members shall select one among themselves to preside over at the meeting.

A decision of the meeting shall be made by a majority of votes. In casting votes, each member shall have one vote. In case of an equality of votes, the person who presides over at the meeting shall cast an additional vote as a casting vote.

Section 13

The Committee shall have the powers and duties as follows:

- (1) to give advice and recommendation to the Council of Ministers on social welfare provision policy and promotion of systematic, extensive and continual social welfare provision;
- (2) to propose the Council of Ministers to enact or amend law, rule, regulation or resolution of the Council of Ministers relating to social welfare provision;
- (3) to propose the social welfare development plan to the Council of Ministers to be approved as a master plan;
- (4) to give approval to all work plans and projects on social welfare provision submitted to the Committee under this Act;
- (5) to specify a target person or group of persons, fields, nature or method and procedure of social welfare provision;
- (6) to determine standard of social welfare provision;
- (7) to lay down rules for certification of performance standard on social welfare provision of social welfare organizations, social workers and volunteers;
- (8) to lay down rules for establishing coordination in social welfare provision;
- (9) to lay down rules for the promotion and support of social welfare provision;
- (10) to lay down rules for the control and supervision of expenditure of the Fund to be in accordance with this Act;
- (11) to lay down rules concerning the management of the Fund with approval of the Ministry of Finance under Section 29 (1);
- (12) to lay down rules for the granting of approval to pay contribution to social welfare organizations in providing social welfare or in performing of work relating to social welfare provision under Section 29 (2);
- (13) to lay down rules for the preparation of a report on financial status and management of the Fund under Section 29 (3);
- (14) to lay down rules concerning the receipt, payment and custody of money, earnings and management of the Fund with approval of the Ministry of Finance under Section 30;
- (15) to determine rules, procedure and conditions for the making of application and certifying of public benefit organizations under Section 34;
- (16) to lay down rules for supervision and inspection of operations of public benefit organizations to be in accordance with this Act;
- (17) to determine social work training standard and qualifications of a person performing work on social welfare provision so as to be a social worker under this Act;

- (18) to lay down rules for the promotion and support on technical knowledge and personnel development for social workers and volunteers under Section 35 (2);
- (19) to lay down rules concerning the return of contribution received by public benefit organizations under Section 40;
- (20) to lay down other relevant rules for the execution of this Act, including to perform any other acts prescribed as the powers and duties of the Committee under this Act or other laws, or which are entrusted by the Council of Ministers.

For the performance of duties of under (3), (5), (6) and (9), the Committee shall regard to the principle and practice on participation or role of person, family, community, local government organization, professional body, religious institution and other institutions, as well as that of State agency and private agency, in social welfare provision.

The social welfare development plan under (3) which has been approved as a master plan by the Council of Ministers, the determinations under (5), (6), (15) and (17), the rules under (7), (8), (9), (10), (12), (13), (14), (16), (18), (19) and (20) and the rules concerning the management of the Fund under (11) which has been approved by the Ministry of Finance, shall come into force upon their publication in the Government Gazette.

Section 14

The Committee shall have the power to appoint a subcommittee to perform the duties on behalf of the Committee or to carry out any act as entrusted by the Committee.

The provisions of Section 12 shall apply to the meeting of the subcommittee *mutatis mutandis*.

Section 15

There shall be the Office of the National Social Welfare Promotion Committee, to be called "the NSWPC Office" in brief, in the Office of the Permanent-Secretary for Social Development and Human Security having the powers and duties as follows:

- (1) to prepare and submit the social welfare development to the Committee;
- (2) to gather data, study and conduct research and development relating to the promotion of social welfare provision;
- (3) to be center for coordination, dissemination and advertisement of works or activities relating to social welfare provision;
- (4) to co-operate and coordinate with central administration, provincial administration, local administration, State enterprise and social welfare organization as well as other organizations on social welfare provision under this Act or other laws;
- (5) to monitor and evaluate the performance of work under the social welfare development plan of social welfare organizations and report to the Committee;
- (6) to carry out and support the social welfare provision performed by social welfare organizations, social workers and volunteers in accordance with the standard determined by the Committee and to develop such standard for the compliance with social changes;
- (7) to certify performance standard of social welfare provision performed by social welfare organizations, social workers and volunteers in accordance with the rules determined by the Committee;
- (8) to supervise and inspect the operations of public benefit organizations to be in accordance with this Act and the rules determined by the Committee;
- (9) to prepare a central register of social welfare organizations, social workers, volunteers and recipients of social welfare services;
- (10) to provide training for social workers and volunteers;

(11) to be responsible for secretarial works of the Committee, the Fund Management Committee, the Evaluation Committee and sub-committees appointed by the Committee;

(12) to perform other duties as entrusted by the Committee.

Section 16

For the performance of duties under this Act, a member, member of the *Changwat* Social Welfare Promotion Committee, member of the Bangkok Metropolitan Social Welfare Promotion Committee, member of the Evaluation Committee, member of the Fund Management Committee and member of the sub-committee is entitled to meeting allowance, travel allowance, per diem, accommodation allowance and other expenses in accordance with the rules as prescribed by the Minister with approval of the Ministry of Finance.

CHAPTER III

Changwat Social Welfare Promotion Committee

("Changwat" means city)

Section 17

There shall be a *Changwat* Social Welfare Promotion Committee, to be called "SWPC *Changwat*" in brief, consisting of:

- (1) *Changwat* Governor as Chairperson;
- (2) Deputy *Changwat* Governor appointed by the *Changwat* Governor as the first Vice-Chairperson;
- (3) a representative of a public benefit organization appointed by the *Changwat* Governor from persons under (6) as the second Vice-Chairperson;
- (4) *Palad Changwat*, *Changwat* Labor Official, the Director of the Office of Academic Promotion and Support, *Changwat* Public Health Physician and a representative of the Ministry of Education in the area of *Changwat*; ("Palad" means Deputy Governor of City)
- (5) three representatives of local government organizations within the area of *Changwat* appointed by the *Changwat* Governor;
- (6) three representatives of public benefit organizations within the area of *Changwat* appointed by the *Changwat* Governor;
- (7) three qualified members appointed by the *Changwat* Governor.

The *Changwat* Social Development and Welfare Official shall be a member and secretary and the *Changwat* Social Development and Welfare Official shall appoint official of the *Changwat* Social Development and Welfare Office as assistant secretary.

A member who is a representative of local government organizations and representative of public benefit organizations shall be appointed from person whom selected by local government organizations or public benefit organizations in such *Changwat*, as the case may be. A qualified member shall be appointed from a person who is not a government official holding a permanent position or salary, an official or employee of government agency, State agency, State enterprise or local government organization, except a lecturer in a State higher education institution. At least one of the qualified members shall be a person with knowledge, expertise, work and experience relating to social welfare.

The rules and procedure for the election and vacation from office of the representatives of local government organizations and public benefit organizations shall be in accordance with the rules prescribed by the Minister.

Section 18

The provisions of Section 8, Section 9, Section 10, Section 11, Section 12 and Section 14 shall apply *mutatis mutandis* to the holding and vacation of office, the meeting and the appointment of sub-committee of the SWPC *Changwat*.

Section 19

The SWPC *Changwat* shall have the following powers and duties:

- (1) to propose policy, measure and social welfare provision plan of *Changwat* to the Committee;
- (2) to promote and encourage the participation of State agency and private sector in providing social welfare of *Changwat* ;
- (3) to lay down rules concerning coordination between State agency and private sector in regard to data, resources and work on social welfare provision of *Changwat* ;
- (4) to lay down rules concerning the social welfare provision of *Changwat* to be in accordance with the rules determined by the Committee;
- (5) to supervise or promote and approve all working plans and projects relating to social welfare provision in the area of *Changwat* to be in accordance with the social welfare provision plan;
- (6) to perform other duties as entrusted by the Committee.

Section 20

The *Changwat* Social Development and Welfare Office shall be responsible for the secretarial works of the SWPC *Changwat* and shall have the powers and duties within the area of *Changwat* as follows:

- (1) to prepare and submit the social welfare provision plan to the SWPC *Changwat*;
- (2) to gather data, statistics, work plans and projects relating to social welfare provision;
- (3) to be center for coordination, dissemination and advertisement of works or activities relating to social welfare provision;
- (4) to co-operate and coordinate with central administration, provincial administration, local administration, State enterprise and social welfare organizations as well as other organizations involved in social welfare provision under this Act or other relevant laws;
- (5) to monitor and evaluate performance of work under the social welfare provision plan of social welfare organizations and report to the SWPC *Changwat*;
- (6) to promote and encourage participation of social welfare organization, local government organization, community and other organizations in social welfare provision;
- (7) to supervise and inspect the operation of public benefit organizations under this Act;
- (8) to prepare a register of social welfare organizations, social workers, volunteers and recipients of social welfare services;
- (9) to perform other duties as entrusted by the SWPC *Changwat*.

Section 21

There shall be a Bangkok Metropolitan Social Welfare Promotion Committee, to be called "BSWPC" in brief, consisting of:

- (1) Governor of Bangkok Metropolitan as Chairperson;

- (2) Permanent-Secretary of Bangkok Metropolitan as the first Vice-Chairperson;
- (3) a representative of a public benefit organization appointed by the Governor of Bangkok Metropolitan from persons under (5) as the second Vice-Chairperson;
- (4) a representative of the Ministry of Social Development and Human Security, a representative of the Ministry of Interior, a representative of the Ministry of Labor, a representative of the Ministry of Education, a representative of the Ministry of Public Health and a representative of the Department of Social Development and Welfare;
- (5) six representatives of public benefit organizations within the area of Bangkok Metropolitan appointed by the Governor of Bangkok Metropolitan;
- (6) six qualified members appointed by the Governor of Bangkok Metropolitan.

The Director of the Bangkok Metropolitan Social Welfare Department shall be a member and secretary, and the Director of the Bangkok Metropolitan Social Welfare Department shall appoint official of the Bangkok Metropolitan Social Welfare Department as assistant secretary.

A member who is a representative of public benefit organizations shall be appointed from person whom selected by public benefit organizations. A qualified member shall be appointed from a person who is not a government official holding a permanent position or salary, an official or employee of government agency, State agency, State enterprise or local government organization, except a lecturer in a State higher education institution. At least one of the qualified members shall be a person with knowledge, expertise, work and experience relating to social welfare.

The rules and procedure for the election and vacation from office of the representatives of public benefit organizations shall be in accordance with the rules prescribed by the Minister.

Section 22

The provisions of Section 8, Section 9, Section 10, Section 11, Section 12 and Section 14 shall apply *mutatis mutandis* to the holding and vacation of office, the meeting and the appointment of sub-committee of the BSWPC

Section 23

The BSWPC shall have the powers and duties under Section 19 and the Bangkok Metropolitan Social Welfare Department shall be responsible for the secretarial works of the BSWPC and shall have the powers and duties under Section 20 within the area of Bangkok Metropolitan.

CHAPTER IV

Social Welfare Promotion Fund

Section 24

There shall be established a fund within the Office of the Permanent-Secretary for Social Development and Human Security called the "Social Welfare Promotion Fund" to be paid for expenses incurred from the promotion of social welfare provision under this Act.

Section 25

The Fund consists of:

- (1) start-up fund allocated by the government;
- (2) money received from annual budgetary appropriations;
- (3) money or property donated or contributed by donors;

- (4) subsidy from foreign countries or international organizations;
- (5) money or property devolved on the Fund or received by the Fund under the law or through other juristic acts;
- (6) interest accruing from money or property of the Fund.

Section 26

Money and interest under Section 25 shall not be remitted to the Ministry of Finance as State revenue.

Section 27

There shall be a Fund Management Committee consisting of:

- (1) Permanent-Secretary of the Ministry of Social Development and Human Security as Chairperson;
- (2) Director-General of the Department of Social Development and Welfare as Vice-Chairperson;
- (3) a representative of the Bureau of the Budget, a representative of the Comptroller General's Department and a representative of Bangkok Metropolitan Administration;
- (4) five qualified members appointed by the Committee whereby at least two of which shall be representatives of public benefit organizations and at least one of which shall be a representative of a local government organization.

The Director shall be a member and secretary.

The rules and procedure for the selection and election of qualified members shall be notified by the Minister.

Section 28

The provisions of Section 8, Section 9, Section 10, Section 11, Section 12 and Section 14 shall apply *mutatis mutandis* to the holding and vacation of office, the meeting and appointment of sub-committee of the Fund Management Committee.

Section 29

The Fund Management Committee shall have the powers and duties as follows:

- (1) to manage the Fund in accordance with the rules determined by the Committee;
- (2) to consider and approve the contributions for supporting social welfare organizations in providing social welfare or performing of work in connection with social welfare provision in accordance with the rules determined by the Committee;
- (3) to report on financial status and management of the Fund to the Committee in accordance with the rules determined by the Committee.

Section 30

The receipt, payment and custody of money, investment and management of the Fund shall be in accordance with the rules determined by the Committee.

Section 31

There shall be a Monitoring and Evaluation Committee of the Fund consisting of seven members, *viz.* a Chairperson and five qualified members appointed by the Committee, with advice of the Minister, from persons having knowledge and experience in finance, social welfare provision and performance evaluation of which at least two members shall be expertise in performance evaluation. The Director shall be a member and secretary.

The provisions of Section 8, Section 9, Section 10, Section 11 and Section 12 shall apply *mutatis mutandis* to the Evaluation Committee and the meeting of the Evaluation Committee.

Section 32

The Evaluation Committee shall have the powers and duties as follows:

- (a) to monitor, inspect and evaluate the performance of the Fund;
- (b) to report the performance result together with recommendation to the Committee.

The Evaluation Committee shall have the power to summon documents or evidence relating to the Fund from any person or summon any person to give a statement of facts for its consideration.

Section 33

The Fund Management Committee shall submit a balance sheet and accounts to the auditor for auditing within one hundred and twenty days as from the expiry date of each accounting year.

The Office of the Auditor General of Thailand shall be auditor of the Fund and shall, after auditing annually, submit its auditing report and all certified accounts and finance reports of the Fund to the Committee within one hundred and fifty days as from the expiry date of each accounting year. The Committee shall submit the auditing report and all certified accounts and finance reports to the Council of Ministers for acknowledgment.

The Minister shall submit the auditing report under paragraph two to the Prime Minister for further submission to the House of Representatives and Senate for acknowledgment and shall publish it in the Government Gazette.

CHAPTER V

Public Benefit Organizations

Section 34

A foundation or association having its objectives in providing social welfare or a private organization having port folio relating to social welfare provision in accordance with the standard determined by the Committee may request the Committee to certify it as public benefit organization.

The submission of request for certification and the certification on public benefit organization under paragraph one shall be in accordance with the rules, procedure and conditions determined by the Committee.

In certifying public benefit organization, the Committee may determine any conditions to be complied with by the public benefit organization.

After having been certified as a public benefit organization, the Office shall record such certification in the register of public benefit organizations and publish the certification in the Government Gazette by specifying the name of such public benefit organization.

Section 35

A public benefit organization is entitled to the following support for the purpose of social welfare provision:

- (1) subsidy from the Fund in accordance with the rules determined by the Committee;
- (2) assistance from the Office both technical assistance and personnel development assistance as necessary and appropriate in accordance with the rules determined by the Committee;
- (3) other assistances as determined by the Committee.

Section 36

A project which may receive a contribution from the Fund shall have the following characteristics:

- (1) a project on social welfare provision which may result in prevention and remedy of social problem and in social development;
- (2) a project which is not contrary to government policy and social welfare development plan; and
- (3) a project which has already been operated with partial fund or a new project.

Section 37

The public benefit organization having received subsidy from the Fund under Section 35 (1) shall prepare an expenditure report in accordance with the rules and procedure determined by the Committee.

Section 38

If it appears that any public benefit organization acts dishonestly in providing social welfare or fails to comply with the rules determined by the Committee, or its performance is not meet the standard determined by the Committee, the competent official shall have the powers and duties as follows:

- (1) to summon, in writing, such public benefit organization to give a statement of facts or opinions on its performance of work, to send its representative to give statement or words, or to send other documents or evidences for consideration;
- (2) to inform, in writing, all relevant persons to give statement or to send any object, documents or evidences for consideration.

Section 39

The Committee shall have the power to revoke the certificate on public benefit organization upon receiving a report with the following matters from the competent official:

- (1) a public benefit organization behaves in any manner as prescribed in Section 38 and it appears to the competent official, after investigation, as to whether such public benefit organization acts dishonestly in providing social welfare or intentionally fails to comply with the rules determined by the Committee or its performance is not meet the standard determined by the Committee;
- (2) a public benefit organization which is notified by the competent official under Section 38 (1) fails to comply with such notification without reasonable cause.

Section 40

Upon the revocation of the certificate on public benefit organization, the Office shall publish the name of such public benefit organization in the Government Gazette. In this case, such public benefit organization shall remit the subsidy to the Office in accordance with the rules determined by the Committee.

Transitory Provisions

Section 41

At the outset prior to the appointment of members under Section 7 (3) and (5), the Committee shall consist of members under Section 7 (1), (2), (4) and (6) and shall continue its duties as necessary until the appointment of members under Section 7 (3) and (5).

The members under paragraph one shall determine the rules, procedure and conditions for the submission of a request for certification and the certification of public benefit organization under Section 34 within sixty days as from the date the Council of Ministers appoints the members under Section 7 (6).

Section 42

At the outset, the provisions of Section 41 paragraph one shall apply *mutatis mutandis* to the *Changwat* Social Welfare Promotion Committee under Section 17, the Bangkok Metropolitan Social Welfare Promotion Committee under Section 21, and the Fund Management Committee under Section 27.

Section 43

Prior to the establishment of the Office, the Office of the Permanent-Secretary for Social Development and Human Security shall have the powers and duties under Section 15.

Countersigned by

Pol. Lieut. Col. Thaksin Shinawatra

Prime Minister

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