



NORTH WEST PROVINCIAL LEGISLATURE

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**CONFERRAL OF MANDATE FOR THE
NATIONAL COUNCIL OF PROVINCES
PLENARY SITTING: 13TH JUNE 2006**

The North West Provincial Legislature confers authority on its delegation in terms of Rule 115 of the Rules of Procedure of the Legislature of North West Province, to vote to reject:

**OLDER PERSONS BILL
[B68D- 2003]**

T. Modise

**HON. T. MODISE
SPEAKER: NORTH WEST PROVINCIAL LEGISLATURE**

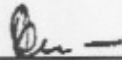
DATE: 7TH JUNE 2006

**REPORT OF THE SOCIAL DEVELOPMENT PORTFOLIO COMMITTEE
REGARDING THE FINAL MANDATE FOR THE OLDER PERSONS BILL
(B68D-2003)**

1. The Social Development Portfolio Committee tabled in the House its report arising from the consideration of the Older Persons Bill, which was referred to the Legislature by the National Council of Provinces to obtain the negotiating mandate of the Province.
2. In the Social Development Portfolio Committee's Report, dated 29 August 2004, the Committee reported that it had held public hearings on 19-20th August 2004.
3. The Committee in its Report concluded that, having considered the Bill, it resolved to support the essence and principle of the Bill.
4. The House adopted the Committee's Report, and a mandate to that effect was referred to the Social Services Portfolio Committee in the National Council of Provinces.
5. Subsequent to the referral of the mandate to the National Council of Provinces, it was discovered by the National Parliament that in fact, the Bill as passed by the National Assembly, which was referred to the National Council of Provinces, and finally referred to the provinces for final mandates, did not incorporate all of the amendments as proposed by the National Assembly's Portfolio Committee on Social Development.
6. A letter was sent by the Chairperson of the National Council of Provinces to the Speaker of the Legislature, highlighting the amendments that had not been included. The Chairperson of the NCOP indicated that at this stage, the NCOP could not propose any amendments to the Bill.
7. The Chairperson of the NCOP indicated that if the Provinces wished for those amendments to be able to be included in the Bill, it would be necessary for the Provinces to reject the Bill, and then the Bill would be referred to the Mediation Committee. The Mediation Committee could then consider the inclusion of the amendments in the Bill.
8. The Social Development Portfolio Committee of the Legislature met on 31 May 2006 to consider the amendments which had not been included in the Bill [B68-2003], and resolved that the Committee recommend that those amendments should be incorporated in the Bill.
9. In light of the Committee's recommendations, and the advice received from the National Council of Provinces regarding the procedure that would

be necessary to follow in order that the amendments be included in the Bill, the Committee recommends that the North West Province reconsider its mandate regarding the Bill.

10. The Committee recommends that the previous mandate forwarded to the NCOP is hereby revoked, and that the new final mandate of the North West Province should be that the Older Persons Bill [B68-2003] should be rejected by the National Council of Provinces. The Bill should then be referred to the Mediation Committee of Parliament in accordance with Section 76(2) of the Constitution, for the Mediation Committee to consider the incorporation of the amendments proposed by the National Assembly Portfolio Committee on Social Development which were in error not included in the version of the Older Persons Bill [B68D-2003] which was passed by the National Assembly and referred to the NCOP.



Hon ML Molema

**Chairperson: Social Development Portfolio Committee
for the North West Provincial Legislature**



IPHALAMENDE LAKWAZULU-NATALI

KWAZULU-NATAL PROVINSIALE PARLEMENT

KWAZULU-NATAL PROVINCIAL PARLIAMENT

**TO: THE CHAIRPERSON,
NATIONAL COUNCIL OF PROVINCES**

FINAL MANDATE**PROVINCE : KWAZULU-NATAL****BILL : OLDER PERSON'S BILL [B68D - 2003]****PROVINCIAL PROCESS :**

Provincial Portfolio Committee/s :	Social Welfare & Population Development Portfolio Committee
Portfolio Committee	
meeting date/s :	Tuesday, the 06 th of June 2006
Provincial NCOP meeting date/s :	Tuesday, the 06 th of June 2006
Consultation :	Parliamentary Legal Advisors, Special & Permanent Delegates

VOTE OF THE KWAZULU-NATAL PROVINCIAL LEGISLATURE:

The Provincial Standing Committee on National Council of Provinces Matters met, Tuesday, the 06th of June 2006, & agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to **reject** the Older Person's Bill [B68D-2003], as tabled.

The delegation is further mandated to consider any additional amendments, providing that-

- 1) the amendment/s does/do not alter the essential elements of the Bill; and

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- 2) consensus is reached on the proposed amendment/s by the KwaZulu-Natal delegation.

PROVINCIAL ENDORSMENT



Mrs L G Ngcobo
CHAIRPERSON :
KWAZULU-NATAL STANDING COMMITTEE ON
NATIONAL COUNCIL OF PROVINCES MATTERS

Tuesday, the 06th June 2006

DATE

Limpopo Legislature

OFFICE OF THE SECRETARY



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Postal Address:

Private Bag X9309
Polokwane
0700

06 June 2006

Ref.: 13/7
Enquiries: NCOP Officer

The Chairperson
National Council of Provinces
P.O. Box 85
CAPE TOWN
8000

CONFERRAL OF VOTING MANDATE ON THE OLDER PERSONS BILL [B68D-2003].

Please be informed that the Limpopo Legislature has at its sitting held on Tuesday, 06 June 2006 adopted the report of the Portfolio Committee on Health and Social Development on the Older Persons Bill, [B68D-2003] and conferred a mandate to NCOP Permanent Delegates to support the amendments in full and to vote in favour of the Bill.

Attached please find the report of the Portfolio Committee for your easy reference.


ADV. E.N. LAMBANI
SECRETARY: LIMPOPO LEGISLATURE

REPORT OF THE PORTFOLIO COMMITTEE ON HEALTH AND SOCIAL DEVELOPMENT ON THE OLDER PERSONS BILL [B68D-2003]

1. INTRODUCTION

The House may recall that the Older Persons Bill [B68D-2003] was considered by this Honourable House and that a final mandate was conferred to the NCOP Delegates to vote in favour of the Bill to pass into law. It is however of utmost importance for the House to note that the NCOP passed the Bill with amendments which were to be approved by the National Assembly before the Bill was sent to the President for assent. The National Assembly made further amendments on the Bill which have to be approved by the NCOP. It is in this context that the amendments on the Older Persons Bill were referred to Provinces for consideration and conferral of final mandates on the amendments on the Older Persons Bill.

2. CONSIDERATION OF THE AMENDMENTS ON THE OLDER PERSONS BILL

The Committee met on 12 May 2006 to be briefed by the NCOP Delegate and the briefing was not comprehensive and the Committee requested the Department to outline the reasons that led to the amendments to the Bill. This resulted in the Committee reconvening on 16 May 2006 to be briefed by the National and Provincial Departments of Social Development and Health and Social Development respectively. The Committee with the assistance of departmental officials considered the Bill Clause by Clause.

The amendments made on the Bill relates to the rearrangement of the Chapters of the Bill, increasing the chapters of the initial Bill from 4 to 6 i.e. Chapter 1 which deals with the objects, implementation, application and general principles of the Act and chapter 3 which deals with Community Based Care and Support services to older persons as well as reflecting the shift from institutional care to community based care.

Other amendments effected on the Bill relates to definition of words i.e. certain words were referred to in the Bill and not defined.

Furthermore, some clauses were inserted in the Bill with the sole aim of protecting older persons against abuse as well as protecting older persons in residential care facilities.

It is the opinion of the Committee that the amendments are fair and are closing the loopholes in the Bill to the benefit of the older persons. The committee noted that some of the amendments to the Bill were not inserted and it was indicated that the amendments will be inserted when the Bill is finalized.

3. FINANCIAL IMPLICATION TO THE PROVINCE


The Bill will have financial implications to the province and the estimated costs as per initial Bill still remains. The amendments effected on the Bill do not in any way affect the costs related to the implementation of the Bill.

4. RECOMMENDATION

The Committee having considered the amendments on the Older Persons Bill recommends to this august House to support the amendments made on the Bill by the National Assembly and to confer a mandate on the NCOP Delegates to support the amendments in full and to vote in favour of the Bill to pass into law.

5. CONCLUSION

Honourable Speaker, the Committee having considered and supported the amended version of the Older Persons Bill [B68D-2003], I therefore move on behalf of the Committee that this report be adopted as a report of this Honourable House. I move accordingly.



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HON. S.C.N. SITHOLE, NWA- SHOPE
CHAIRPERSON: PORTFOLIO COMMITTEE ON HEALTH AND SOCIAL
DEVELOPMENT

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EASTERN CAPE PROVINCIAL LEGISLATURE

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PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT SECTION 76 BILL

Report on the Mandate to Present the Province's Position on Older Person's Bill [B68D-2003]

1. **Terms of reference**

The Older Person's Bill [B68D-2003] has been referred to the Portfolio Committee on Social Development by the NCOP Business Committee in April 2006

2. **Briefing**

On the 11th May 2006, Hon. A. N. D. Qikana, Permanent delegate of the NCOP and Provincial departmental Officials briefed the Committee on the legal substance and effects of the matter

The Committee was informed that in terms of the provisions of Section 76(2)(c) read with section 76(2)(d), of the Constitution of the Republic of South Africa, Act 108 of 1996, it is clear that the NCOP can either pass the Bill [B68D-2003] or reject the Bill [B68D-2003].

Consequently, NCOP Rule 202(2)(b) specifically provides that the Select Committee may not propose any amendments to the Bill.

Furthermore, NCOP Rule (204)(2) also provides that after the Bill has been placed on the order paper for debate and decision, no amendments may be proposed to the Bill.

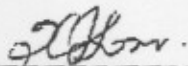
3. **Consultation**

The Committee, in view of the fact that no amendments were accepted, did not conduct public hearings

4. **Consideration**

The Committee met on the 5th June 2006 to consider the amendments as proposed by the National Portfolio Committee on Social Development. The

Signed



Hon. X TOM

Chairperson of Portfolio Committee on Social Development

06 June, 2006