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## EASTERN CAPE PROVINCIAL LEGISLATURE

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Date: 17 May 2007  
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### PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT

Final Mandate on Children's Amendment Bill {BILL 19-2006}

#### 1. *Terms of reference*

The Children's Amendment Bill [ B19-2006] hereinafter referred to as the Bill has been referred to the Portfolio Committee on Health by the NCOP Business Committee for consideration.


#### 2. *Report on negotiating mandates*

The Eastern Cape's Special Delegate could not attend the meeting on the negotiating mandates.

#### 3. *Resolutions*

The Committee resolved that the following final mandate be conferred:

- (1) Vote for the adoption of the Bill without amendments that will alter the principle of the Bill.
- (2) The Eastern Cape Permanent Delegate to represent the Province of the Eastern Cape at the meeting of the final mandates.

  
X TOM  
Chairperson of the Portfolio Committee on Social Development  
Legislature of the Eastern Cape





FREE STATE-VRYSTAAT-FREI STAAT

**Committee Services**

FREE STATE LEGISLATURE

PORTFOLIO COMMITTEE ON HEALTH AND SOCIAL SERVICES

*Our reference:  
Ons verspreking:  
Tseliso jo rona.*

**Report on conferral of authority to vote on Children's Amendment Bill [B19-2006]**

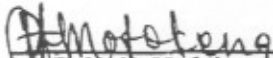
**1. Consideration**

The Committee considered the Bill: Children's Amendment Bill [B19-2006].

**2. Recommendations**

The Committee recommends that:

- (a) Authority is conferred to the Free State Delegation, to vote for the adoption of the Bill.

  
M. T. M. H. Mofokeng

Chairperson: Health and Social Services Committee

27 March 2007



Mrs. E. Rockman  
Secretary to the Free State Legislature



# GAUTENG LEGISLATURE

## SOCIAL DEVELOPMENT PORTFOLIO COMMITTEE

### FINAL MANDATE

#### ON THE

#### CHILDREN'S AMENDMENT BILL [B19-2006] (Section 76)

21 May 2007

#### 1. INTRODUCTION

The Speaker formally referred the Children's Amendment Bill [B19-2006], a Section 76 Bill to the Social Development Portfolio Committee for consideration and report in terms of Rule 6.49 (1) (c) on 28 August 2006 after it was introduced by the Select Committee on Social Development in the NCOP on request of the Minister of Social Development. The Chairperson, Mr S Ngwenya, tables the final mandate on the Children's Amendment Bill as follows.

#### 2. PROCESS FOLLOWED

The Committee Researcher presented an analysis of the Children's Amendment Bill to the Committee on Tuesday, 17 October 2006.

On Wednesday, 25 October 2006, the Committee in line with its constitutional obligation of promoting public participation conducted a public hearing on the referred Bill at the Braamfontein Recreation Centre in Johannesburg.

The Committee received a briefing on the content of the Bill by the Permanent Delegates from the NCOP, Mrs M Madlala and Ms F Mazibuko on 23 February 2007.

The Committee forwarded the concerns and inputs raised by stakeholders during the public hearing on the Bill in Braamfontein to the Department and they formally responded to these at a Committee meeting held on 5 March 2007.

The Committee extensively deliberated on the Children's Amendment Bill and adopted its negotiating mandate on Monday, 12 March 2007.

The final mandate on the Children's Amendment Bill was adopted by the Committee on 4 May 2007.

### **3. STAKEHOLDERS AND THE PUBLIC HEARINGS**

One-hundred-and-sixty-five (165) members from the public and eleven (11) NPO representatives attended the hearing. A total number of fourteen (14) written submissions were received by the Committee on the Amendment Bill. The hearing was also attended by three senior officials from the National (1) and Provincial (2) Departments responsible for Social Welfare Services to Children.

### **4. THE OBJECTIVES OF BILL**

The main objectives of the Bill are to:

- i. To promote the preservation and strengthening of families;
- ii. To give effect to certain constitutional rights of children;
- iii. To give effect to the Republic's obligations concerning the well-being of children in terms of international instruments binding on the Republic;
- iv. To make provision for structures, services and means for promoting and monitoring the sound physical, psychological, intellectual, emotional and social development of children;
- v. To protect children from discrimination, exploitation and any other physical, emotional or moral harm or hazards;
- vi. To provide care and protection for children who are in need of care and protection;
- vii. To recognise the special needs that children with disabilities may have; and
- viii. To promote the protection, development and well-being of children.

### **5. FINANCIAL IMPLICATIONS OF THE BILL FOR THE PROVINCE**

As the functions and the powers that the Minister of Social Development may decide to delegate to the provinces, these will be accompanied with adequate financial resources. The Bill will, therefore, have very negligible financial bearing on the Province's finances.

### **6. PRINCIPLE OF THE BILL**

The Social Development Portfolio Committee and the Gauteng Department of Social Development support the principle and the detail of the Children's Amendment Bill [B19 -2006].

## 7. OVERVIEW OF PUBLIC PARTICIPATION PROCESS

The Committee had extensive deliberations on the Bill, in particular with regards to Drop-in-Centres and Child Shelters (definitions), Street Children (definition), Children Working and Living on the Street (definition), Corporal Punishment (public institutions versus private dwellings), Child Protection Services as well as Accompanied and Unaccompanied Foreign Children. Having taken into account the above-mentioned issues as well as concerns raised by stakeholders in their submissions at the public hearing on the Bill, deliberations were further enhanced by a vigorous engagement with the officials of the Gauteng Department of Social Development on the Bill and other related legislations such as the Labour Relations Act, the Mental Health Act and the South African Schools Act. The Committee is, therefore, satisfied that it had all the relevant information to confidently express its view on the Bill.

## 8. FINAL VOTING POSITION ADOPTED BY THE COMMITTEE

In terms of Section 65 of the Constitution, the Social Development Portfolio Committee recommends that the House confer authority on the Gauteng Provincial Delegate/s to the NCOP to vote **in favour** of the Children's Amendment Bill [B19 – 2006].





IPHALAMENDE LAKWAZULU-NATALI



KWAZULU-NATAL PROVINSIALE PARLEMENT

KWAZULU-NATAL PROVINCIAL PARLIAMENT

TO: THE CHAIRPERSON,  
NATIONAL COUNCIL OF PROVINCES

## FINAL MANDATE

PROVINCE : KWAZULU-NATAL  
BILL : CHILDREN'S AMENDMENT BILL [B19B - 2006]  
DATE: : Wednesday, 2 May 2007

## PROVINCIAL PROCESS :

Provincial Portfolio Committee/s	:	Social Welfare Portfolio Committee
Portfolio Committee meeting date/s	:	Thursday, the 26 <sup>th</sup> of APRIL 2007
Provincial NCOP meeting date/s	:	Wednesday, the 2 <sup>nd</sup> of MAY 2007
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 today, Wednesday, 2<sup>nd</sup> May 2007, & agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to *support* the Children's Amendment Bill [B19B - 2006].

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

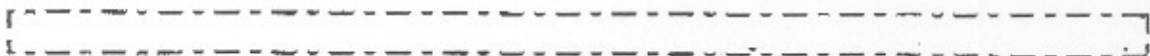
**PROVINCIAL ENDORSEMENT**

*LF Shabalala*

**Mrs LF Shabalala**  
**CHAIRPERSON:**  
**KWAZULU-NATAL STANDING COMMITTEE ON**  
**NATIONAL COUNCIL OF PROVINCES MATTERS**

Wednesday, the 2nd May 2007

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**DATE**



Northern Cape Provincial  
Legislature  
Noord-Kaap Provinsiale Wetgewer  
Kgotlha Peo Molao Ya Kapa Bokone  
PRIVATE BAG X5066  
KIMBERLEY, 8300



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REFERENCE: 17. 05. 07

DATE: 17 May 2007

## FINAL MANDATE FOR THE CHILDREN'S AMENDMENT BILL

### 1. INTRODUCTION

The Chairperson of the Portfolio Committee on Social Services & Population Development Hon SE Lucas tables the Committee's final mandate as adopted by the Portfolio Committee on 17 May 2007 on the *Children's Amendment Bill [B 19 - 2006]*.

### 2. PROCESS FOLLOWED

**2.1** The Speaker of the NCPL, has on receipt referred the *Children's Amendment Bill [B19 - 2006]* to the Portfolio Committee on Social Services & Population Development on 13 February 2007.

**2.2** The Portfolio Committee received a briefing on the Bill from the Northern Cape's Permanent Delegate to the NCOP Hon MA Sulliman at its meeting on the 22 February 2007.

**2.3** The Portfolio Committee resolved at its meeting held on 22 February 2007 to hold public hearings on the referred Bill in the areas of Frances Baard, Pixley ka Seme, Kgalagadi, Siyanda and Namaqua to solicit the views of the affected beneficiary communities and stakeholders with regard to the *Children's Amendment Bill*.

6 public hearings were held as per Committee resolution both written and oral submissions were called for and the public engaged with the Committee on their views.



**On 01 March and 07 March 2007** the Portfolio Committee on Social Services & Population Development deliberated and considered the *Children's Amendment Bill [B19 - 2006]*, as well as the report on the views of the public.

#### **PUBLIC INPUTS ON THE BILL**

The public hearings held were well attended by the members of the public.

The members of the public supported the Bill and made the following comments:

- The Bill is silent on a curriculum for therapeutic program.
- 12 year old children that head homes still cannot give consent for emergency medical operations. We propose that the age be 15 years.
- There is no place of safety in Upington for children who need shelter urgently.
- There is a need for children's court especially in the Kuruman area (Kgalagadi region).
- Redefine street children as homeless children.
- Senior official must be replaced by municipal manager or mayor.

#### **PORTFOLIO COMMITTEE POSITION ON THE BILL**

The Portfolio Committee on Social Services & Population Development **supports** the Bill.

#### **COMMITTEE COMMENTS ON THE BILL**


- Children's rights should be exercised responsibly and not be exercised to the extent of violating parents' rights.
- Traditional Leaders believe that children must be disciplined and not abused.
- Parent should still be allowed to exercise appropriate discipline over their children.

- The question arises as to whether the national and provincial departments were institutionally ready to administer the Children's Act, if one takes into account the additional responsibilities and duties that will be brought along by the Amendment Bill.
- The limited role that the provincial MEC's for Social Development plays in the Amendment Bill, specifically the fact that the MEC does not have to be consulted for most of the actions taken by the provincial head of social development and that the HOD's had too much power and authority in terms of the Amendment Bill.
- The fact that in most instances appeals and reviews of decisions taken in terms of the Amendment Bill must be referred to the High Court. Due to the high cost implications involved with regard to applications to the High Court and therefore a large part of the society will not be able to make use of this remedy.
- In terms of section 105(1) of the Amendment Bill people in certain professions **must** report a child in need of care and protection. In terms of section 105(2) any person **may** report a child in need of care and protection. It must be compulsory for any person to report a child in need of care and protection.
- We are concerned of the limited role that the mayor and municipal council play when certain powers are assigned to municipalities in terms of the Amendment Bill.

#### COMMITTEE ADOPTION OF THE BILL

The Committee adopted this final mandate duly signed by the Chairperson of the Committee.

In terms of Section 65 of the Constitution, the Portfolio Committee on Social Services & Population Development recommends that the House confer authority on the Head of its Delegation to the NCOP **to vote in support of the Children's Amendment Bill.**

  
HON G Cjiekella  
Deputy Speaker

Ref: 11/4/1/5/12

Wes-Kaapse Provinsiale Parlement  
Western Cape Provincial Parliament  
IPalamente yePhondo leNtshona Koloni



## Final Mandate of the Western Cape Provincial Parliament

Report of the Standing Committee on Social Development, on the *Children's Amendment Bill [B19B -2006] (NCOP)*, dated 02 May 2007, as follows:

The Standing Committee on Social Development, having considered the subject of the *Children's Amendment Bill [B19B -2006] (NCOP)*, referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP), begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill.

A handwritten signature in black ink, appearing to read 'N C Phenduka'.

**N C PHENDUKA**  
ACTING CHAIRPERSON  
02 MAY 2007