

Limpopo Legislature

OFFICE OF THE SECRETARY



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Lebowakgomo
Government Complex

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Private Bag X9309
Polokwane
0700

11 September 2007

Ref. 13/7

Enquiries: NCOP Officer

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

**CONFERRAL OF VOTING MANDATE TO THE NCOP PERMANENT
DELEGATES ON CHOICE ON TERMINATION OF PREGNANCY
AMENDMENT BILL [B21-2007]**

Please be advised that the Limpopo Legislature has at its sitting held at the Lebowakgomo Legislative Chamber on Tuesday, 11 September 2007, adopted the Report of the Portfolio Committee on Health and Social Development on Termination of Pregnancy Amendment Bill [B21-2007].

The Honourable House therefore resolved to confer a final mandate to its NCOP Permanent delegates to vote in favour of the Bill.

The Portfolio Committee on Health and Social Development's Report is attached hereto for easy reference.


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SPEAKER: LIMPOPO LEGISLATURE

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REPORT OF THE PORTFOLIO COMMITTEE ON HEALTH AND WELFARE ON CHOICE ON TERMINATION OF PREGNANCY AMENDMENT BILL [B21-2007]

1. INTRODUCTION

The Choice on Termination of Pregnancy Amendment Bill [B21-2007] was referred to the Limpopo Legislature by the National Council of Provinces (NCOP). Subsequently, Limpopo Legislature referred the aforementioned Bill to the Committee on Health and Social Development for consideration and to report to this Honourable House. The committee having considered the Bill begs to report as follows:

2. PURPOSE OF THE BILL

The Bill seeks to amend the Choice on Termination of Pregnancy Act, 1996, so as to amend a definition and to insert others; to empower a Member of the Executive Council to approve facilities where a termination of pregnancy may take place; to exempt a facility offering a 24-hour maternity service from having to obtain approval for termination of pregnancy services under certain circumstances; to provide for the recording of information and the submission of statistics; to enable a member of the Executive Council to make regulations; and to provide for matters connected therewith.

3. CONSIDERATION OF THE BILL

The Committee met with the NCOP Permanent Delegate, officials from the Department of Health and Social Development as well as the Legal Advisor from the Legislature for the briefing on the Bill on 03 August 2007. In this meeting, the Committee scrutinized the Bill and its provisions. The Committee resolved to conduct public hearings in order to bring stakeholders and the public on board.

4. PUBLIC HEARINGS

Public Hearings on the Bill were held on 20 August 2007 at Vhembe and Mopani Districts, 21 August 2007 at Capricorn, Waterberg and Sekhukhune Districts to provide provincial stakeholders and the public was given a platform to express their views on the Bill. There was a general concern about none translation of the Bill in local languages. The Public hearings were well attended by Stakeholders and the general public.

4.1. GENERAL CONCERNS

The following concerns were raised:

- that termination of pregnancy is against cultural beliefs and promotes immorality.
- the Bill should take into account medical advancements and should also lower the gestational age at which abortion should be done;
- that those who perform illegal termination of pregnancy should have heavy penalties.
- that the Bill should have a Clause that allows for formal objections by health workers on the ground of faith and beliefs
- that the Bill should provide for a mandatory pre and post abortion counseling.
- that a monitoring register be developed to register TOP procedures to ensure the tracking of the number of times that an individual goes through TOP.
- that the Bill is promoting ill-discipline, immorality and prostitution among young girls.
- that sanctity of human life should be respected, protected, supported and nurtured.
- that the termination of pregnancy threatens the moral regeneration efforts.
- that pregnancy termination disregards the emotional aspects of both the client and the practitioner.
- that the Bill is contrary to the Children's Act that a minor of 12 years be given the status to enter into a medically binding transaction without the consent of a parent.
- that the Bill should recognize the expertise of Traditional Healers on termination of pregnancy
- that regulations on the number of training centers for Health professionals (staff) whose responsibility would be to conduct termination of pregnancy does not augur well bearing in mind the shortage of Nurses in South Africa

5. RECOMMENDATION

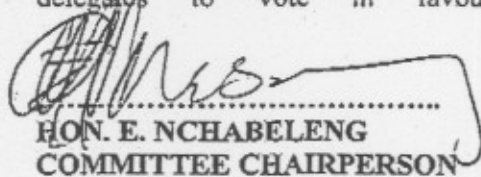
The committee recommends that:

- The Bill should make it necessary for minors to exercise right to choose and the consent of their parents should be considered. Furthermore, fathers of the unborn (to be terminated) should also have the consent.

- o those who conduct the termination of pregnancy have the right to object, informed by the Bill of Rights as enshrined in the Constitution of the Republic of South Africa.
- o Pre and Post abortion counseling should be mandatory
- o The pre TOP training selection should exclude conscientious objectors
- o that stringent penalties for carrying out illegal termination of pregnancies be applied.

6. CONCLUSION

In conclusion, Hon. Speaker, on behalf of the Committee, I therefore move that the report be adopted as a report of this House and that a mandate be conferred to NCOP delegates to vote in favour of the Bill to pass into law.



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HON. E. NCHABELENG
COMMITTEE CHAIRPERSON