

**EASTERN CAPE PROVINCIAL LEGISLATURE**

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Date: 19 November 2007

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**PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT**


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*Final Mandate on the Children's Amendment Bill  
[B19D-2006]*

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1. **Terms of reference**

The Children's Amendment Bill [B19D-2006], herein referred to as the Bill, was referred to the Portfolio Committee on Social Development by the NCOP Business Committee for consideration.

2. **Consideration of the Bill (B19D-2006)**

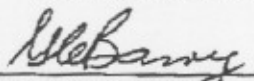
The Portfolio Committee was briefed on the content and effect of the Bill as amended by the National Assembly by the Chairperson of the Committee, Hon. Z Tom and the Legal Advisor of the Legislature, Mr. L I Netshitumbu. The Committee welcomed the amendments as they strengthen the Bill.

The Committee has also resolved to inform stakeholders of the amendments and a workshop will be done for this purpose.

3. **Resolution**

The Committee resolved that the following final mandate be conferred:

- (a) To vote against the adoption of the Bill (B19D-2006).
- (b) The Permanent Delegate for the Province of the Eastern Cape represents the Province of the Eastern Cape at the meeting of the final mandates in voting against the adoption of the Bill.

  
 HON. GC BARRY  
 DEPUTY SPEAKER: EASTERN CAPE 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 : CHILDREN'S AMENDMENT BILL  
[B19D- 2006]**

**DATE : Monday, 19 November 2007**

**PROVINCIAL PROCESS :**

Provincial Portfolio Committee/s : Welfare & Population Development  
Portfolio Committee

Portfolio Committee meeting date/s : Monday, the 19<sup>th</sup> of NOVEMBER 2007

Provincial NCOP meeting date/s : Monday, the 19<sup>th</sup> of NOVEMBER 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, Monday, the 19<sup>th</sup> of November 2007 to confer a final voting mandate on the Children's Amendment Bill [B19D-2006].

The NCOP Committee resolved –

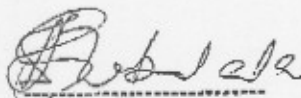
[1] To reject the Bill for purposes of conferral of a final voting mandate on the provincial delegation, to enable the Bill to be referred to mediation in terms of section 76(2)(d) of the Constitution for correction of the textual errors referred to under Item 10 of the Minutes of Proceedings of the National Assembly dated Tuesday, the 6<sup>th</sup> of November 2007;

[2] To mandate the provincial delegate designated to attend the Mediation Committee to support the Bill, as amended by the National Assembly [B19D – 2006], subject to the textual corrections referred to in paragraph [1] above being effected;

[3] To draw attention to a further textual error on page 8 of the Bill [B19D – 2006], in line 38: the words [partial care] appear to be incorrectly omitted; and

[4] To mandate the provincial delegation to support the Bill, as amended in accordance with paragraph [2] above, when the Bill is referred to the National Council of Provinces in terms of section 76(2)(g) of the Constitution.

PROVINCIAL ENDORSMENT



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

19-11-2007

DATE

# Limpopo Legislature

## OFFICE OF THE SECRETARY



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Government Complex

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Polokwane  
0700

19 November 2007

Ref: 13/7

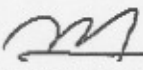
Enquiries: NCOP Officer

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

### CONFERRAL OF VOTING MANDATE TO THE NCOP PERMANENT DELEGATES ON THE CHILDREN'S BILL [B19D-2006]

The Limpopo Legislature hereby confers a final mandate to the Provincial NCOP Permanent Delegates to reject the Bill as amended by the National Assembly.

The report of the Portfolio Committee on Health and Social Development on the aforesaid Bill is attached herewith for easy reference.

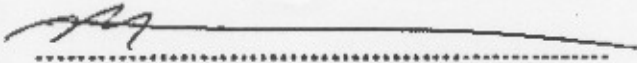
  
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DR. T.S. FARISANI  
SPEAKER: LIMPOPO LEGISLATURE



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COMMENTS:

Delegates are mandated to reject  
the Children's Amendment Bill  
2006 [B19D-2006]

  
SPEAKER: LIMPOPO LEGISLATURE

# Limpopo Legislature

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Polokwane  
0700

### FINAL MANDATE ON THE CHILDREN'S BILL [B19D-2006]

The Children's Bill was referred to the Legislature and the Bill was subsequently referred to the Portfolio Committee on Health and Social Development for consideration. The Committee having considered the Bill reported to this House for conferral of a Final Mandate. The final mandate was accordingly conferred to the NCOP Delegates to vote in favour of the Bill.

The NCOP made amendments on the Bill which were to be approved by the National Assembly but the National Assembly made further amendments which needed the approval of the NCOP. This resulted in the Houses of parliament having a stalemate in the processing of this piece of legislation.

The NCOP having realized that there are serious technical problems with the Bill decided that the Bill be rejected to allow for the mediation process as provided for in the Joint Rules of Parliament.

It is in this context that the NCOP has requested Provinces to confer fresh mandates on the Bill and that Provinces should reject the Bill.

The Portfolio Committee on Health and Social Development having considered the provisions of the Bill and the amendments made on the Bill by the National Assembly recommends to this august House to confer a mandate to the NCOP Delegates to reject the Bill as amended by the National Assembly.



**E. NCHABELENG, MPL**

**CHAIRPERSON: PORTFOLIO COMMITTEE ON HEALTH AND SOCIAL  
DEVELOPMENT**



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## Office of the Speaker

Enquiries: Mr DE Mashogo  
Tel: (013) 766 1399

### FINAL MANDATE

#### CHILDREN'S AMENDMENT BILL [B19D-2006]

The Portfolio Committee on Health & Social Services (the Committee) deliberated on the Children's Amendment Bill [B19D-2006] (the Bill)

The Permanent Delegates representing the Province of Mpumalanga in the National Council of Provinces are hereby conferred with authority and mandate to vote against the passing of the Bill.

  
HON. YN PHOSA  
SPEAKER: MPUMALANGA  
PROVINCIAL LEGISLATURE

16.11.07  
DATE

**NORTHERN CAPE PROVINCIAL LEGISLATURE**

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Nobengula Ext.  
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Date:

16 NOV 2007

Our Ref: Final, Man: [16.7.1.2]  
Your Ref:

Enquiries: CPC Haas

**TO: CHAIRPERSON OF THE NCOP  
Mr MJ MAHLANGU****FINAL MANDATE: CHILDREN'S AMENDMENT BILL [B19C-2006 & B19D-2006]**

(Section 76 Bill)

**1. INTRODUCTION**

The Chairperson of the Portfolio Committee on Social Services & Population Development, Hon SE Lucas, accompanied by the Legal Advisor attended a briefing session in Cape Town on 13 November 2007 to discuss the Children's Amendment Bill [B19C-2006 & B19D-2006].

**2. PROCESS FOLLOWED**

The Speaker of the Northern Cape Provincial Legislature has on receipt of the Bill referred the Children's Amendment Bill [[B19C-2006 & B19D-2006] to the Portfolio Committee on Social Services & Population Development on 07 November 2007.

The Portfolio Committee received a briefing on the Bill at its meeting on 15 November 2007.

On 15 November 2007, the Portfolio Committee on Social Services & Population Development deliberated and considered the Children's Amendment Bill [B19C-2006 & B19D-2006] and agreed to **reject** the Bill due to technical and grammatical errors.

**3. COMMITTEE RESOLUTION ON THE BILL**

The Committee rejected this Bill duly signed by the Chairperson of the Committee.

In terms of Section 65 of the Constitution, Act 108 of 1996, the Portfolio Committee on Social Services & Population Development recommends that the House confer authority on the Head of its Delegation to the NCOP to reject the Bill in its current form.



Hon. C. Seoposengwe  
Speaker

Date: 16/11/07