



**OFFICE OF THE CHAIRPERSON PC ON SOCIAL  
DEVELOPMENT**



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Date: 22 November 2016

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Reference: Children's Second Amendment Bill

**NEGOTIATING MANDATE**

To : The Chairperson: Select Committee on Social Services

Name of Bill : Children's Second Amendment Bill  
Number of Bill : [B 14B – 2015]  
Date of Deliberation : 22 November 2016

**1. Vote of the Legislature**

The province votes in favour of the Bill and mandates the Eastern Cape Delegate to the NCOP to negotiate in favour of the Bill and negotiate within the following parameters :-

- The Province votes in favour of the Bill; and that
- The Province does not wish to add to nor delete any provision of the Bill, as referred to it by the NCOP.

Regards,

**C. MARTIN, MPL  
CHAIRPERSON: PC ON SOCIAL DEVELOPMENT**

**Report of the Portfolio Committee on Social Development on Children's Second Amendment Bill dated 16 November 2016, as follows:**

**1. Terms of Reference**

The terms of reference of the Committee were to:

- Conduct public Hearings with all relevant Stakeholders on Children's Second Amendment Bill.
- To solicit inputs from the stakeholders on the Bill.

**2. Method of Work.**

The Committee held public hearings meetings in all six Districts and the two Metros of the Eastern Cape from the 18<sup>th</sup> till 20<sup>th</sup> October 2016:

**3. Nelson Mandela metro**

**3.1 Uitenhage**

- (a) The only stakeholder present was representing Lukhanyiso Child and youth care centre and was in favour of the amendments more especially Section 176.

**3.2 Port Elizabeth (KwaNobuhle)**

- (a) All stakeholders present were in favour of the amendments especially Section 176.

**3.3 Port Elizabeth (Gelvandale)**

- (a) All stakeholders present were in favour of the amendments.

**4. OR Tambo District**

**4.1 Ngquza Municipality**

**(1) Inputs:**

- (a) The meeting agreed to the amendments of the Children's Act.

**4.2 Mhlontlo Municipality:**

**(1) Inputs:**

- (a) The meeting was of the opinion that this is good as this was happening whereas it was not law, circumstances were enforcing that.

- (b) The meeting was favouring the bill.

4.3 KSD Municipality

- (a) The only stakeholders present were officials from the Department of Social Development and the Child and Youth Care Centre.
- (b) The meeting agreed on the proposed amendments.
- (c) A concern was raised around children not schooling or working who have reached the age of 21 years in terms of them being required to leave the place of safety. Thus resulting in them being displaced adults.

5. *Joe Gqabi District*

5.1 Barkley East

- (a) The Bill was accepted with a suggestion that documentation of Department must be brought in line with the new timeframe arrangements that will be introduced by the Act.

5.2 Burgersdorp

- (a) The Bill was accepted with a request that a safety home be constructed.

5.3 Aliwal North

- (a) The Bill was accepted.

6. *Amathole District*

6.1 Bonkolo Traditional Council

(1) Inputs

- (a) The public raised other matters not related to the bill.

6.2 Butterworth

- (a) The public raised other matters not related to the amendments.

6.3 Komga

The public hearing did not take place as there were no people.

**7. Chris Hani District**

**7.1 Cradock**

- (a) The amendments were supported.

**7.2 Engcobo**

- (a) The presence of a parent/guardian/caregiver in terms of section 151(2)(b) might traumatize the child more if it is a case of rape committed by a family member, therefore the Bill must consider the protection of a child.
- (a) The issue of appearing in court the following day in line with Section 151 subsection 2A might pose a challenge to the parents/caregivers because the places of safety are far away from Engcobo and therefore there must be places of safety at Engcobo in order to be in line with S151(2)(A) of the Bill. As of now children have to be transferred to a place of safety in Maluti. In certain instances it is not possible to trace the parents for the street kids in time.

**7.3 Queenstown**

- (a) The issue of appearing in court the following day might pose a challenge to the parents/caregivers. The Bill must allow space for the parent/caregivers to be present at the next sitting of the Children's court rather than the following day.
- (b) The Amendment must consider the issue of death of a foster parent and a foster parent who is not willing to keep the child beyond 18 years.

**8. Sarah Baartman District**

**8.1 Graafrinet Town Hall**

- (a) The stakeholders present agreed on the Amendments.

**8.2 Humansdorp**

- (a) The stakeholders that were present agreed on the Amendments.

**8.2 Grahamstown**

- (a) The Amendments were supported with a request that children/adults who have reached age 21 who have not found jobs as yet must also be considered to continue staying at the centres until they find employment.

**9. *Alfred Nzo District***

**9.1 Mt Fletcher Town Hall**

- (a) The stakeholders supported the Amendments without any changes.

**9.2 Matatiele Town Hall**

**(1) Inputs**

- (a) The stakeholders supported.

**9.3 Alfred Nzo District Municipality Council Chamber**

The public hearing could not take place due to poor attendance by the stakeholders.

**10. *Buffalo City Metropolitan***

**10.1 Duncan Village**

- (a) Section 176 of the Bill should also take into cognisance of situation where the child or children are the primary care givers at their homes.
- (b) The spirit and purpose of the Bill is welcomed as it guarantees that the rights of the child are not trampled or undermined during a process of intervention.

**10.2 Mdantsane**

- (a) The spirit and purpose of the Bill is welcomed as it guarantees that the rights of the child are not trampled or undermined during a process of intervention, however the issue of working resources and working conditions of social workers was raised as an issue that could undermine the spirit of the Bill.

**10.3 Zwelitsha**

- (a) The spirit and purpose of the Bill is welcomed as it guarantees that the rights of the child are not trampled or undermined during a process of intervention, however the issue of working

resources and working conditions of social workers was raised as an issue that could undermine the spirit of the Bill

**NB:** It is important to note that some of the questions that were raised by the public were not related to the Bill and they were answered/responded to during the public hearings.

**Signed by**



**C Martin**  
**Chairperson: Portfolio Committee on Social Development**  
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**Date:** 16/11/2016