



Our reference:
Ons verwysing:
Tshupo ya rona:

FREE STATE LEGISLATURE

PORTFOLIO COMMITTEE ON PORTFOLIO COMMITTEE ON EDUCATION, HEALTH AND SOCIAL SERVICES

Negotiating Mandate

TO: Chairperson of the Select Committee on Social Services

NAME OF THE BILL: CHILDREN'S SECOND AMENDMENT BILL

NUMBER OF BILL: [B14B-2015]

DATE OF DELIBERATION: 18 NOVEMBER 2016

VOTE OF THE LEGISLATURE:

The Portfolio Committee on Portfolio Committee on Education, Health and Social Services as designated by the Free State Legislature:

Proposes the following amendments to the Bill: /

1. On page 3 under clause 2

Proposes that at paragraph 11 after and delete [well-being] and substitute with interests

On page 3 clause 3

Propose that at paragraph 33 delete [within 24 hours] and substitute with immediately

On page 4 of clause 4

Propose that at paragraph 45 after must insert investigate

Votes in favour of the Bill/



HON. L. MAPENA
CHAIRPERSON OF PORTFOLIO COMMITTEE ON EDUCATION, HEALTH AND
SOCIAL SERVICES

18 NOVEMBER 2016



FREE STATE PROVINCIAL LEGISLATURE

**REPORT OF THE PORTFOLIO COMMITTEE ON EDUCATION,
HEALTH AND SOCIAL SERVICES WITH REGARD TO PUBLIC
HEARINGS CONDUCTED WITH REGARD TO CHILDREN'S SECOND
AMENDMENT BILL [B14B-2015]**

DRAFT REPORT

REPORT PROFILE

Title of Report: report of the portfolio committee on education, health and social services with regard to public hearings conducted on children's second amendment bill [B14B-2015]

Status of Report: For submission to the Office of the Speaker and tabling in the Free State Legislature.

Responsible Committee: Portfolio Committee on Education, Health and Social Services.

Chairperson and Members of the Portfolio Committee:

MAPENA, L
CHAIRPERSON

MEMBERS:

SECHOARO, M

PHUKUNTSI, K

BUTI, P

MOLELEKI, S

PITTAWAY, M

MAKESINI, M

WESSELS, W

Report Compiled by: Fuzile Ngangelizwe and Diphoko Senokoane on 11
November 2016

Report checked and edited by: Sylvester Thahane

Report for tabling in the Legislature on:

**TO THE HONOURABLE SPEAKER AND HONOURABLE MEMBERS OF THE
FREE STATE LEGISLATURE**

The Portfolio Committee on Education, Health and Social Services herewith submits the report and recommendations with regard to Children's Second Amendment Bill [B14B - 2015] to the Free State Legislature.

Public hearings were conducted in compliance and commitment to section 118 of the Constitution of the Republic of South Africa, which enjoins the Legislature to facilitate public involvement in the legislative and other processes if the legislature and its committees to conduct its business in an open manner and hold its sittings and those of its committees in public.

The Portfolio Committee extends its acknowledgement to the following stakeholders:

- (i) Hon. Members for their active participation during the process of consideration of the Bill,
- (ii) Officials from Department of Social Development and department of Health for their insight and assistance during consideration of the Bill,
- (iii) Officials from the Free State Legislature for their sterling work during consideration of the Bill.
- (iv) All stakeholders for their inputs and effective participation during consideration of the Bill.

TABLE OF CONTENTS

1. INTRODUCTION

2. MEMBERS OF THE PORTFOLIO COMMITTEE

3. PROCEDURE OF THE PORTFOLIO COMMITTEE

4. OVERVIEW OF THE PUBLIC HEARINGS

1. INTRODUCTION

The Bill on the Children's Second Amendment Bill[B14B-2015] was referred by the Speaker to the Portfolio Committee on Education, Health and Social Services for consideration, conduct public participation process in terms of section 118(2) and report back to the House

The Object of the Bill is to amend the Cchildren's Act, 2005 bill [B14B-2016], so as to amend extend a definition; to insert new definitions; to provide that the removal of a child to temporary safe care without a court order be placed before the children's court for review before the expiry of the next court day; to provide for the review of a decision to remove a child without a court order; to provide for the provincial head of social development to transfer a child or a person from one form of alternative care to another form of alternative care; to provide that an application for a child to remain in alternative care beyond the age of 18 years, must be submitted before the end of the year in which the relevant child reaches the age of 18 years; and to provide for matters connected therewith.

The Portfolio Committee embarked on public participation process with a view to solicit public inputs and comments by according stakeholders and members of the public the opportunity to interrogate the Bill.

2. MEMBERS OF THE PORTFOLIO COMMITTEE

The Portfolio Committee comprises of the following Honourable Members:

Buti, P (Member)

Makesini, M (Member)

Mapena, L (Chairperson)

Moleleki, S (Member)

Phukuntsi, K (Member)

Pittaway, M (Member)

Sechoaro, M (Member)

Wessels, W (Member)

3. PROCEDURE OF THE PORTFOLIO COMMITTEE

The Portfolio Committee on Education, Health and Social Services conducted public hearings on Children's Second Amendment bill [B14B-2015] as follows:

Date	Purpose/Venue	Time	Attendance per district
8 Nov 2016	Bohlokong new hall Bethlehem, Thabo [Mofutsanyane]	10:00	190 people
10 Nov 2016	Lesley Monnanyane hall Mangaung regional offices in Bloemfontein [Mangaung]	10:00	232 people
15 Nov 2016	Constantia hall in Kroonstad [Fezile Dabi]	10:00	118 people

Some of the stakeholders invited and attended the public hearings were drawn from the following stake holders;

- (i) Social workers
- (ii) Department of health and Department of social development
- (iii) Early Childhood Development
- (iv) Care givers
- (v) Lehae observation center
- (vi) Youth formations and
- (vii) Community at large.

4. OVERVIEW OF THE PUBLIC HEARINGS

4. 1. Bohlokong new hall, Bethlehem

The following inputs were submitted by stakeholders:

- The age to remain at the secure care center should be increased from 21 to 23 years to accommodate those that are still at school.
- The Bill should allow the child to be transferred to a relevant secure center irrespective of his/her age.
- The Bill should assist and protect care givers against unethical behavior by some of the social workers
- A proper and relevant training should be developed to capacitate care givers to deal with challenges and dynamics of they care for.
- The Bill should provide a platform for care givers where they can raise their frustrations and enormous challenges they experience.
- The Bill should accommodate learner ships and internships for learners to gain experience before they get employed.
- The Bill should include screening of Social workers, Child and Youth Care workers to ascertain that they are suitable for the positions.

4. 2. Mangaung Metro Regional office, Bloemfontein

- the Bill should accommodate children who are still at institutions of higher learning.
- The Bill should assist and protect care givers against unethical behavior by some of the social workers
- The Bill should provide a platform for care givers where they can raise their frustrations and enormous challenges.
- Children who are illegally in South Africa, must be assisted through intergovernmental relations processes.
- Assistance from inclusive education must be made mandatory
- Counselling should be introduced for slow learners to establish the cause

4. 3. Constantia hall, Kroonstad

- The age to remain at the secure care center should be increased from 21 to 23 years to accommodate those that are still at school.
- The Bill should assist children with autism to have their own facilities.
- The Bill should accommodate children with disabilities especially the deaf, blind and dumb.
- Children should be provided with interpretation services during appearance in courts including sign languages where necessary.

- Children in most cases finish matric beyond 21 years of age and already he/she has been discharged, therefore the Bill should increase age from 21 years to 23 years
- Children from poor families end up being street kids and are exposed to drugs and substance abuse.
- The Bill should assist in reducing increasing number of street kids that are involved in drug and substance abuse.

Economic Freedom Fighters Position with regard to Children's Second Amendment Bill

We need to clear the air first otherwise we risk being misunderstood.

- Our position is that we want the best for the African child. We believe that the African child deserves better than the raw deal their receiving at the moment.
- We therefore, demand a better deal than what is on the table. And what informs our position?

Let's look briefly at the current situation so that a better understanding of our position can be arrived at.

- The department of Social Development is currently not in a position to adequately address the challenges facing the children due to capacity constraints and limitations.
- There is a serious shortage of social workers and their working conditions leave much to be desired.
- The needs of the children and orphanage are not being adequately catered for by the department of Social Development. The question may arise is this not what the department must addressed first.
- Why put the cart before the horse instead of focusing at the critical issues affecting the children? Our problem in this country is not lack of planning but failure to implement. We say this is what must be addressed.
- Let's reinforce our machinery for the provision of services to the children before looking at the policy review.

The EFF in the light of the above will never rush to support the Bill until there is a certainty that the implementing machinery is in a better position to meet the needs of the children. Let's not divert attention from the critical issues affecting the children, orphanage and the social workers through the policy manoeuvres.

Democratic Alliance object to the insertion of Section 1 of the Children's Act, 2005 (hereinafter referred to as the principal Act), is hereby amended—paragraph C

“(c) a social worker in the employ of the Department or a provincial department of social development, including a social worker employed as such on a part-time or contract basis, who has a specialty in adoption services and is registered in terms of the Social Services Professions Act, 1978 (Act No. 110 of 1978);”