



NEGOTIATING MANDATE FOR THE CHILDREN'S SECOND AMENDMENT BILL [B14B-2015]

(Section 76 Bills)

1. INTRODUCTION

The Chairperson of the Portfolio Committee on Health and Social Development, Hon IT Dithebe, tables the Committee's Negotiating mandate on the **Children's Second Amendment Bill, [B14B-2015]** as adopted by the Portfolio Committee on **17 November 2016**.

2. PROCESS FOLLOWED

2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the **Children's Second Amendment Bill, [B14B-2015]** to the Portfolio Committee on Health and Social Development, on **27 September 2016**.

2.2 The Portfolio Committee received a briefing on the Bill on **04 November 2016**, from the Northern Cape's Permanent Delegate to the NCOP, Hon D Stock. A representative from the National Department of Social Development made a presentation on the bill.

2.3 The Portfolio Committee resolved at the meeting of **04 November 2016**, to conduct public hearings in all five Districts in the Province, on the referred Bill, to solicit the views of communities and stakeholders with regard to the **Children's Second Amendment Bill, [B14B-2015]**.

The Portfolio Committee further called for written submissions via print media and radio.

A Public Hearing was conducted in the **Namakwa District on 09 November 2016**, and all other hearing was conducted on **11 November 2016**, as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Provincial Legislature and the Representatives from the National/Provincial Department of Social Development in respect of the Bill.

2.4 On **17 November 2016**, the Portfolio Committee on Health and Social Development deliberated and considered the **Children's Second Amendment Bill, [B14B-2015]**.

3. GENERAL COMMENTS MADE BY THE PUBLIC

- a. The Bill does not make provision for the practical arrangements in terms of section 151 (2A).
The Northern Cape is vast and rural in nature and the Children's Court convenes on a monthly basis. The department of Justice needs to look at court days.
- b. Section 152 – The application of this clause may not be practical as per the abovementioned situation.
- c. Section 172, is a very big problem in terms of the determination of adulthood whether it is 18 or 21. Social Development looks at 21 and Justice at 18 as adulthood.
- d. The Bill does not make provision for children who is older than 21 and still in school. The community is of the view that any individual who wishes to make a success of his/her life must be supported and the progress should be strictly monitored after the age of 21.
- e. There is not provision for single parents who wants to foster care.
- f. Bill does not make provision for a second option for foster care in cases where the parents or foster parents are deceased.
A learner who loses his guardian at the age of 18 cannot be placed as there needs to be proof that he/she enrolls for the next school year and the children's court gives a strict interpretation to provision of the ACT.
- g. The reduction of the role of the Designated Social Worker in the placement of young children which could adversely impact on future court decisions as proposed in section 151 of the Bill. The court decision is heavily influenced by the report of the initial/ designated social worker. It was further proposed that reference in the Bill to children in grade 12 only should be amended to include "any child with potential in high school". Learners in grade 9 who will turn 21 in grade 12 must be adequately provided for.
- h. There are too few facilities for child care or safety house in the province.
- i. Governments must ensure that the province has a safety house in each district in the province.
- j. The presentation refers to section 150 as one of the sections that are amended due to the court findings/ruling but the bill itself does not amend the section.

4. WRITTEN INPUTS ON THE BILL

- Written submissions were received.

5. KEY DETERMINING PRINCIPLES

The public hearing held by the Portfolio Committee were successful.

NB: The majority of the people who attended the public hearing supported the Bill.

6. PORTFOLIO COMMITTEE POSITION ON THE NEGOTIATING MANDATE

After due deliberation and taking note of the Public's input, the Portfolio Committee on Health and the Portfolio Committee **supports** the Bill.

7. COMMITTEE ADOPTION OF THE BILL

The Committee adopted this Negotiating Mandate duly signed by the Chairperson of the Committee.

The Committee recommends to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to **support** the Bill, taking note of the comments and recommendations raised by the Committee as well as inputs from the public.



HON IT DITHEBE
Chairperson: PC on Health
and Social Development



Northern Cape
Provincial Legislature

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Honourable Dlamini
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NEGOTIATING MANDATE

Name of the Bill: **Children's Second Amendment Bill**

Number of the Bill: **[B14B-2015]**

Date of deliberation: **Thursday, 17 November 2016**

Vote of the Legislature: **The Committee Supports the Children's Second Amendment Bill**
[B14B-2015]

A handwritten signature in black ink, appearing to read 'IT DITHEBE', written over a horizontal line.

Signature:
Hon IT Dithebe
Chairperson

Date: _____



**TRAP VIR TRAP
BOU ONS 'N DROOM**

BRIGHT LIGHTS POFADDER

KINDER EN JEUGSORG SENTRUM / CHILD AND YOUTH CARE CENTRE

'N PROGRAM VAN BADISA

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Aanbevelings ten opsigte van Kinder Tweede Wysigingswetsontwerp 2015 :

1. Aanbeveling : Dat die Hoof van Maatskaplike Ontwikkeling ook die mag moet he om n kind van n minder beperkte vorm van alternatiewe sorg na n meer beperkte vorm van alternatiewe sorg te kan oorplaas.(Kinders met erge geragsprobleme vanuit n kindershuis kan oorplaas na n fassiliteit wat programme bied om erge gedragsprobleme aan te spreek).Artikel 171(oorplasing van n kind na alternatiewe sorg).
2. Artikel 176 : Graad 12 moet vervang word met leerlinge in die hoerskool wat potensiaal toon om matriek te kan voltooi en verder opgelei kan word. Motivering : Baie kinders verloor skooljare omdat hul verwaarloos was en nie geleentheid gehad het om skool by te woon nie en dus potensiaal het om verder te vorder , maar n agterstand het in skoolvordering as gevolg van nadelige omstandighede in hul verledes)

Dit is ons aanbevelings ten opsigte van beoogde wysigings.

Dankie

A.J.Vries

11/16/2016

Novell WebAccess

Mail Message**N** Reply 

Mail

From: JdeKlerk Wednesday - November 16, 2016 9:36 AM
To: LouwW
CC: EWylie
Subject: INPUTS PUBLIC HEARING: AMENDMENT ON CHILDREN'S ACT

Good day Mr Louw

Herewith our input with regard to the Public Hearing on amendments on the Children's Act:

CLAUSE 2: AMENDMENT OF SECTION 151

We want to high light the challenges that is currently experienced by social workers in rural areas with regard to the availability of Magistrates on a daily basis as well as the vast distances to be traveled to a Magistrate Court

CLAUSE 4 AND 5: AMENDMENT OF SECTION 171 AND 176

This amendment is highly recommended because of the numerous challenges that social workers currently experienced in the practice field. A lot of children currently falls through the cracks because they cannot be transferred to another alternative care if they are already 18 years old.

We also want the Legislature to look into the matter of children that is 18 years old still in school and is maybe neglected or their parents is both deceased and then they cannot be placed in foster care which then deprived them from a foster care grant to help with their education.

We suggest that it should also be amended so that these children can be placed in foster care until the age of 21 years old.

I hope that this inputs will be valued.