

NEGOTIATING MANDATE

To : The Chairperson: Select Committee on Health and
Social Services

Name of Bill : SOCIAL ASSISTANCE AMENDMENT BILL

Number of the Bill : [B8B-2018]

Date of Deliberation : 06OCTOBER 2020

Vote of the Legislature : Provincial NCOP Permanent Delegates to consider
Inputs by stakeholders and to negotiate in favor of
the Bill.

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HON. M.S. MONYAMANE
COMMITTEE CHAIRPERSON

DATE

06 October 2020
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REPORT OF THE PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT ON SOCIAL ASSISTANCE AMENDMENT BILL [B8B-2018]

1. INTRODUCTION

The Social Assistance Amendment Bill [B8B-2018] was introduced to the Legislature of Limpopo from the National Council of Provinces (NCOP). Subsequently, Limpopo Legislature referred the above-mentioned Bill to the Portfolio Committee on Social Development for consideration, solicit input and to confer a negotiating mandate to the NCOP Permanent Delegates.

2. PURPOSE OF THE BILL

The objective of the Bill is to amend the Social Assistance Act, 2004, so as to insert new definitions; to provide for additional payments linked to social grants; to provide for payment of benefits to a child-headed household; to provide for social relief of distress in the event of a disaster; to repeal the internal reconsideration process; to provide for an Independent Tribunal to consider appeals against decisions of the Agency; to provide for the establishment of the Inspectorate

3. CONSIDERATION OF THE BILL

The Portfolio Committee was invited by the Select Committee on Health and Social Services on 25 August 2020 to attend the briefing by the National Department of Social Development on Social Assistance Amendment Bill [B8B-2018]. Subsequently, the Committee met the NCOP delegates together with the officials from the Department of Social Development on 02 September 2020 to receive a detailed briefing on the principles and objects of the Bill. The committee further resolved in that meeting to conduct public consultation process in the form

of public hearing where relevant stakeholders from all the five districts of the province should participate and submit their inputs on the bill. Due to the current situation of Covid-19, the public hearing was conducted virtually with stakeholders on 15 September 2020. Furthermore, input and comments were invited through the media, as well as social media platforms. Realizing that date for the submission of the Negotiating Mandate was extended to 07 October 2020, the Committee extended written submissions to 30 September 2020 with the aim of affording the public an opportunity to make written submissions.

4. PUBLIC HEARINGS

The Committee has formulated the following negotiating mandate from the inputs and comments received. The Bill was received well, however, stakeholders raised the following issues that the committee would like that they be included before the Bill is passed into law. The written input is hereby attached.

The following stakeholder attended and some made written submission.

1. Stop The Spot Youth Organization
2. Mr Henry Matlala (DEAFSA)
3. Ms. Lize Fouche' (Rata Social Services)
4. Patricia Kgamane – Provincial Director DEAFSA
5. Patience Mathonsi DEAFSA
6. Mr. Mbonisi Nyathi - Children's Institute (University of Cape Town)
7. Professor Itumeleng Tshoose (University of Limpopo)
8. Live:.19e583c463f50242

4.1 INPUTS BY THE STAKEHOLDERS

CHILD SUPPORT GRANT

Subject to Section 5

There should be an inclusion of Clause (c) which classify children of a deceased parent and jailed parent as orphan.

There should be an inclusion of a clause (d) that classify single orphans in cases where the other parent has abandoned the child. The Child Support Grant Top-Up cannot be restricted to orphans with both parents deceased, because the Foster Care Grant is currently not restricted in this way. The Foster Care Grant is currently available to children who are orphaned or abandoned.

INSERTION OF SECTION 12A IN ACT 13 OF 2004

Additional Payments

The stakeholder propose that to put this component in place, two laws need to be amended: The Social Assistance Act as is already tabled before the Select Committee on Health and Social Services which is Section 12A and Section 32, and the Children's Act Section 150 (1) (a). The amendment to the Social Assistance Act is to enable the Minister to introduce the 'new' grant.

Section 32(2)(d) gives the Minister the authority to prescribe in *regulations* additional requirements or conditions that beneficiaries need to meet in order to access the additional payment.

According to the stakeholder, if **Section 32(2)(d)** designed effectively in the *government notice* and *regulations*, this reform could ensure the majority of orphans living with relatives are able to access an adequate social grant, quickly and without interruption. It could also have a significant impact on improving the response of the child protection system for abused and neglected children, and the quality of protection and alternative care services.

The amendment to Section 150(1) (a) of the Children's Act is required to change the eligibility criteria for foster care, thereby preventing orphaned and abandoned children living with relatives being placed in foster care in order to access the higher Foster Care Grant. This amendment is included in the Children's Amendment Bill [B18-2020] which was tabled in National Parliament on 31 August 2020.

TRANSITIONAL ARRANGEMENTS

Orphaned and abandoned children who already in receipt of Foster Care grant in care of relatives should remain in the system until they age out at 18, 19, 20 or 21. A transitional clause in Children's Act will be needed so that when such cases come before court for extension, the magistrate do not take the child out of Foster Care Grant and rather use Section 186 (2) of the Act to extend Foster Care placements until the child reaches the age of 18 years. The Foster Care Grant mainly goes to older children, the aging out will happen fairly rapidly, thereby freeing up budget for the Child Support Grant.

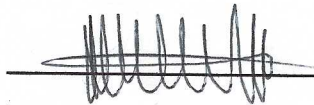
GENERAL COMMENTS ON THE BILL

The Bill should look into the issue of developing conditionality that would come with the provision of the social assistance grants. For example, access to these grants ought to be based on the condition that the child ought to attend schooling, regular vaccination in cases of young children, and monitor how the social assistance grants are used generally.

Stakeholders welcomed the amendments to the Social Assistance Act and appreciate its objective of introducing a higher valued Child Support Grant for relatives caring for orphaned children.

5. RECOMMENDATIONS

The Portfolio Committee on Social Development having considered the Bill and taken into consideration the input and views of the stakeholders, hereby recommend that the Bill as amended by the Portfolio Committee be passed into law.



06 October 2020

HON. N.S MONYAMANE

CHAIRPERSON: PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT