



01 February 2008

The Chairperson of the NCOP
Honourable M J Mahlangu
National Parliament
P. O. Box 15
Cape Town
8000

Dear Hon. Mahlangu

RE: MANDATE TO THE GAUTENG DELEGATION

In terms of Section 65 of the Constitution of the Republic of South Africa Act (Act) 108 of 1996, the Gauteng Provincial Legislature adopted the attached report which contains a mandate to our delegation in respect of the following bill:

1. Choice on Termination of Pregnancy Amendment Bill [B210-2007]

Yours faithfully


MR R M MDAKANE:
SPEAKER

**HEALTH PORTFOLIO COMMITTEE****REPORT ON****FURTHER AMENDMENTS TO THE CHOICE ON TERMINATION OF PREGNANCY
AMENDMENT BILL [B21B-2007] - SECTION 76**

29 January 2008

1. INTRODUCTION

The Chairperson of the Health Committee ("the Committee"), Dr R A M Saloojee, tables the Committee's report on the National Assembly's adopted amendments to Choice on Termination of Pregnancy Amendment [B21B-2007] - (Section 76) as follows:

2. BACKGROUND

On 11th September 2007, the Committee adopted the Final Voting Mandate on the Choice on Termination of Pregnancy Amendment Bill [B21-2007] - (Section 76), recommending to the House that the Provincial Delegation to the National Council of Provinces (NCOP) be conferred with a mandate to Vote in favour of the bill. The NCOP subsequently passed the bill in its Plenary of 20th September 2007 and transmitted the bill to the National Assembly (NA) for concurrence.

The Portfolio Committee of the NA reported the version of the bill as passed by the NCOP with further amendments, which were adopted and passed by the NA Plenary of 17th January 2008 as the B-version of the Choice on Termination of Pregnancy Amendment Bill [B21B-2007] - (Section 76), and referred the bill as amended (A & B

versions) back to the NCOP to be dealt with in terms of section 76(2)(c & d) of the Constitution read with Joint Rule 185(2)(b)&(3) and the applicable NCOP Rules

On 22nd January 2008, the Speaker formally referred the A & B versions of the bill to the Committee for consideration and report to the House, recommending acceptance or rejection of the NA's amended version of the bill.

3. PROCESS FOLLOWED

The Committee convened on Friday, 25th January 2008 to receive a briefing on the amendments to the bill from the Provincial Delegate to the National Council of Provinces, Hon. Member Faith Mazibuko and subsequently deliberated on the amendments.

On Tuesday 29th January 2008, the Committee convened to adopt its report on the B-version of the Choice on Termination of Pregnancy Amendment Bill [B21B-2007] - (Section 76).

4. OBJECTIVES OF THE BILL

The objectives of the bill is to amend the Choice on Termination of Pregnancy Act, 1996, so as to amend a definition and to insert others; to empower a Member of the Executive Council to approve facilities where a termination of pregnancy may take place; to exempt a facility offering a 24-hour maternity service from having to obtain approval for termination of pregnancy services under certain circumstances; to provide for the recording of information and the submission of statistics; to enable a Member of the Executive Council to make regulations; and to provide for matters connected therewith.

5. IMPLICATIONS OF THE AMENDMENTS ON THE PROVINCE

5.1 FINANCIAL IMPACT

The Department of Health has advised that save for the expected increase of applications for termination of pregnancy, which will lead to a slight increase of Individual hospital budgets, major financial implications are not expected. The costs involved should be covered by the general budget allocation to the facilities.

6. INTERACTION WITH STAKEHOLDERS ON THE AMENDMENTS

The Committee did not interact with Stakeholders on the current amendments as they were not substantive.

7. FINAL POSITION ADOPTED BY THE COMMITTEE

Having considered the amendments in detail, the Committee did not express any dissent on the overall amendments as adopted by the NA and referred to the NCOP for concurrence and therefore recommends that the House support the B Version of the Choice on Termination of Pregnancy Amendment Bill [B21B - 2007] - Section 76, and mandate the Gauteng Provincial Delegation to the NCOP to **vote in favour** of the Bill.