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SezoMpumalanga
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OFFICE OF THE SPEAKER

9 June 2008

Enquiries: Mr. DE Mashego
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FINAL MANDATE

SOCIAL ASSISTANCE AMENDMENT BILL [B17-2008]

The Portfolio Committee on Health and Social Services (the Committee) deliberated on the Social Assistance Amendment Bill [B17-2008] (the Bill)

After deliberations, the Committee supported the Bill without any further amendments.

The permanent delegate representing the Province of Mpumalanga in the National Council of Provinces (NCOP) is conferred with authority and a mandate to vote in favour of the Bill.


HON. YN PHISOA
SPEAKER:

MPUMALANGA PROVINCIAL LEGISLATURE

09.06.2008
DATE

**"We are about : Law making, Oversight, Public Participation
and Public Involvement"**



EASTERN CAPE PROVINCIAL LEGISLATURE

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5605

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Date: 09 June 2008

PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT

Final mandate on the Social Assistance Amendment Bill [B17-2008]

1. ***Terms of reference***

The Social Assistance Amendment Bill [B17/2008], hereinafter referred to as the Bill, was referred by the NCOP Business Committee to the Portfolio Committee on Social Development for consideration.

2. ***Consideration of the Bill***

The Chairperson of the Committee debriefed Members of the Portfolio Committee on what transpired in the meeting considering negotiating mandates.

3. ***Final Mandate of the Committee***

The Committee resolved that the following final mandate be conferred:

- To vote for the adoption of the Bill [B17-2008].
- That the Special Delegate of the Eastern Cape Provincial Legislature, Hon. X Tom, represent the Province of the Eastern Cape at the meeting of the final mandates and vote for the adoption of the Bill.

**N. KIVIET
SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE**





Committee Services

Our reference:
Ons verwysing:
Thlupo ya rona:

FREE STATE LEGISLATURE

PORTFOLIO COMMITTEE ON HEALTH AND SOCIAL SERVICES

Report on conferral of authority to vote on Social Assistance Amendment Bill [B17-2008]


1. Consideration

The Committee considered the Bill: Social Assistance Amendment Bill [B17-2008].

2. Recommendations

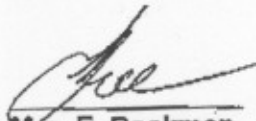
The Committee recommends that:

- (a) Authority is conferred to the Free State Delegation, to vote for the adoption of the Bill.

PP  (M.C. Lobe: DEPUTY SPEAKER)

Mr. P. Matosa
The Speaker: Free State Legislature

9 June 2008


Mrs. E. Rockman
Secretary to the Free State Legislature

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ISISHAYAMTHETHO SAKWAZULU-NATAL

KWAZULU-NATAL WETGEWER

KWAZULU-NATAL PROVINCIAL LEGISLATURE

**TO: THE CHAIRPERSON,
NATIONAL COUNCIL OF PROVINCES**

FINAL MANDATE

PROVINCE : KWAZULU-NATAL
**BILL : SOCIAL ASSISTANCE AMENDMENT BILL
[B17 – 2008 (Reprint)]**
DATE : Thursday, 5th June 2008

PROVINCIAL PROCESS :

Provincial Portfolio Committee/s : Social Development Portfolio Committee
Portfolio Committee
meeting date/s : Thursday, the 5th of JUNE 2008
Provincial NCOP meeting date/s : Thursday, the 5th of JUNE 2008
Consultation : Parliamentary Legal Advisors, Special &
Permanent Delegates

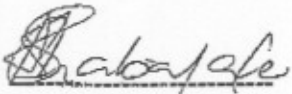
VOTE OF THE KWAZULU-NATAL PROVINCIAL LEGISLATURE:

The Provincial Standing Committee on National Council of Provinces Matters met today, Thursday, the 5th of JUNE 2008, to consider the Social Assistance Amendment Bill [B17 – 2008 (Reprint)].

The Committee unanimously agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to support the Bill on condition that the amendment stated below is included:

- Clause 1(b) must stipulate that the Act will come into effect on 01 April 2008 thereby ensuring that the payment of the older persons' grant is applied retrospectively.

PROVINCIAL ENDORSMENT



Ms LF Shabalala
CHAIRPERSON :
KWAZULU-NATAL STANDING COMMITTEE ON
NATIONAL COUNCIL OF PROVINCES MATTERS

Thursday, the 5th June 2008

DATE



Northern Cape
Provincial Legislature

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Date: 09 JUN 2008

The Chairperson
National Council of Provinces
Hon MJ Mahlangu

FINAL MANDATE FOR THE SOCIAL ASSISTANCE AMENDMENT BILL [B17 –2008]

INTRODUCTION

The Chairperson of the Portfolio Committee on Social Services & Population Development, Hon CJ de Beer, tabled the Committee's negotiating mandate as adopted by the Portfolio Committee on 02 June 2008 on the *Social Assistance Amendment Bill [B17 – 2008]*.

PROCESS FOLLOWED

The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the *Social Assistance Amendment Bill [B17 – 2008]* to the Portfolio Committee on Social Services and Population Development on 16 May 2008.

The Portfolio Committee received a briefing on the Bill from the Chief Director of the National Department of Social Development, Mr Thabo Rakoloti, and the Provincial Department of Social Services & Population Development at its meeting on 23 May 2008.

On 02 June 2008 the Portfolio Committee on Social Services & Population Development deliberated and considered the *Social Assistance Amendment Bill [B17 – 2008]*.

COMMITTEE COMMENTS ON THE BILL

- The Committee is of the view that the powers of the Minister will be diluted should an independent tribunal be allowed to consider all appeals and not only those specifically referred to it.

LEGAL TECHNICAL INPUTS ON THE BILL

The Committee proposes the following amendments based on the legal technical inputs on the Bill.

i) Clause 1

The ages 62 – 64 years should not be implied, but should for legal certainty be included in the clause.

ii) Clause 2(3)

It seems incorrect that **all appeals** must be considered by the tribunal.

The following amendment proposal –

[] words in bold in brackets indicate omissions
 – words underlined indicate insertions

(3) If the Minister has appointed an independent tribunal in terms of sub-section (2)(b) **[all appeals contemplated in sub-section (1)]** that appeal must be considered by **[that]** the tribunal. (Please refer to the Committee input in paragraph 3).

COMMITTEE POSITION AT THE NEGOTIATING STAGE

The Portfolio Committee on Social Services & Population Development supports the Bill.

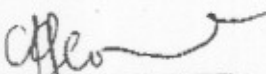
The Negotiating Mandate was tabled on 03 June 2008 in the House. The Committee recommended to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill, taking note of the concerns raised by the Committee. The House therefore conferred on the Permanent Delegates the authority to participate in negotiations and to raise the concerns expressed.

COMMITTEE POSITION AFTER CONSIDERATION OF NEGOTIATING MANDATE BY THE NCOP SELECT COMMITTEE

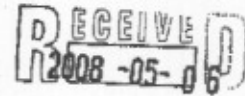
The Portfolio Committee's Negotiating Mandate indicated that the Northern Cape will support the *Social Assistance Amendment Bill [B17 – 2008]* on condition that the concerns raised by the Committee will also be considered.

FINAL VOTING MANDATE

In terms of Section 65 of the Constitution, the Portfolio Committee on Social Services & Population Development recommends that the House confer authority on the Head of its Delegation to the NCOP to vote in support of the *Social Assistance Amendment Bill [B17 – 2008]*.



 HON. C. SEOPENGWWE
 SPEAKER



NORTH WEST PROVINCIAL LEGISLATURE

Legislature Building
Dr James Moroka Drive
Private Bag X2018
MMABATHO
0735

OFFICE OF THE SPEAKER

SOCIAL DEVELOPMENT PORTFOLIO COMMITTEE

06 June 2008

Report on the final Mandate of Social Assistance Amendment Bill [B17 - 2008]

1. TERMS OF REFERENCE

The above mentioned Bill was referred to the Portfolio Committee for consideration as a matter of priority.

2. BRIEFING

On the 26 May 2008, Hon. P. Moatshe, NCOP Permanent Delegate briefed the members of the Portfolio Committee on Social Development on the above Bill. Present at the briefing was a Legal Advisor from the Legislature.

The North West Provincial Legislature placed an advert at Motsweding FM and North West FM because of high coverage and listenership. The advert was placed both in setswana and English to cover the whole Province. The advert was also placed in the Sowetan newspaper because we could not reach the deadline of the local newspapers.

The public was given from 22nd May to the 25th May 2008, to raise objections via telephone, cell phone, e-mail and fax. There were no objections received from the public.

3. CONSIDERATION

There were no public hearings conducted because no objections were received from the public.

7. CONCLUSION

The Committee having considered the amendment bill, resolved to accept and support the Bill.

Signed

T. Modise

Hon. T. Modise
The Speaker: NWPL

Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni



**FINAL MANDATE OF THE WESTERN CAPE ON THE SOCIAL ASSISTANCE
AMENDMENT BILL [B17-2008 (REPRINT)]**

Final mandate of the Western Cape Provincial Parliament on the *Social Assistance Amendment Bill [B17-2008 (Reprint)]* (NCOP), as resolved by the Standing Committee on Social Development on 6 June 2008.

The Western Cape Provincial Parliament having considered the subject of the *Social Assistance Amendment Bill [B17-2008 (Reprint)]* (NCOP) referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP), begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill.

**S E BYNEVELDT
SPEAKER
9 JUNE 2008**

Handwritten text and stamp on the right side of the page, including a date stamp '2008' and a signature.





GAUTENG
LEGISLATURE
Your Voice — Our Vision
OFFICE OF THE SPEAKER

10 June 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. Social Assistance Amendment Bill [B17-2008] – section 76.

Yours faithfully

MR R M MDAKANE:
SPEAKER

No 09 - 2008 Fifth Session, Third Legislature

GAUTENG PROVINCIAL LEGISLATURE

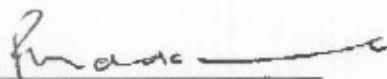
RESOLUTION

Tuesday, 10 June 2008

I, the Speaker, Mr R M Mdakane, hereby table the following resolution in terms of Rule 38 (1)

That this House adopts:

the report of the Portfolio Committee on Social Development on the Final Voting Mandate to the Social Assistance Amendment Bill [B17-2008] Section 76, as recommended


PROPOSER: MR R M Mdakane
SPEAKER



SOCIAL DEVELOPMENT PORTFOLIO COMMITTEE
FINAL MANDATE
ON THE
SOCIAL ASSISTANCE AMENDMENT BILL [B17-2008]
(Section 76)

06 June 2008

1. INTRODUCTION

On Monday, 19 May 2008 the Speaker formally referred the Social Assistance Amendment Bill [B17-2008] - Section 76, to the Social Development Portfolio Committee for consideration and report, together with correspondence from the Chairperson of the NCOP requesting that the processing of the bill in both the NCOP and Provincial Legislatures be expedited due to the challenges experienced by the department relating to social assistance applications to older qualifying men. The Chairperson, Mr S Ngwenya, tables the Final Mandate on the Children's Amendment Bill as follows.

2. PROCESS FOLLOWED

In compliance with the request from the NCOP, a Committee meeting was urgently convened on Tuesday, 20th May 2008, for purposes of receiving a briefing on the Bill from the NCOP through Interactive Video Conferencing, which due to technical challenges, could not materialise.

The Committee agreed to convene on 22nd May 2008 to receive a briefing on the Bill from the Permanent Delegate, Hon Member Mazibuko and senior officials from the National Department of Social Development led by the Chief Director for Social Assistance, Mr Thabo Rakoloti.

While noting the challenges currently confronting the department with the processing of the applications, the Committee noted with great concern that due to legislative time tables, the Constitutional obligation of ensuring facilitation of public involvement in the consideration of legislation with greater public interest, has to be compromised

by not allowing legislatures an opportunity to interact with the public and solicit their views in the proposed amendments to the Social Assistance Act. As a result, the Committee resolved to draft a letter to the Chairperson of the Select Committee in which it is indicated that the Committee will not be in a position to provide a voting position on the negotiating mandate for the Bill until after they have had the opportunity to involve stakeholders in a public hearing on the proposed amendments. In the letter it was further highlighted that the Committee's final mandate will also contain the inputs from the public on the Bill.

On Wednesday, 4 June 2008 the Committee conducted a public hearing at Ubuntu Kraal in Soweto

The Final Mandate on the Social Assistance Amendment Bill was adopted on Friday, 6 June 2008 during the Portfolio Committee meeting.

3. SUMMARY OF STAKEHOLDERS SUBMISSIONS AND THE PUBLIC HEARINGS

Three hundred and thirty one (331) members of the public from the regions Tshwane, Ekurhuleni, Metsweding, Johannesburg and Sedibeng attended the hearing. A total of 18 oral and 6 written submissions were received on the Bill and a summary of these is provided hereunder

3.1 Should an applicant's waiting period extends beyond 90 days as provided for in the bill, material assistance that such an applicant should accordingly be extended until the matter has been resolved

3.2 There was a strong view amongst the public that the eligible age for pension grants should be dropped to 55 years given the shortened life expectancy of South Africans which currently according to stats from proponents of this view stands at 47 years.

3.3 A minority view was expressed that pension grants must be paid retrospectively for those that shall have qualified by 1 April 2008.

3.4 Potential applicants should be encouraged to apply for their pension grant one year prior the date that they will be eligible for the grant to assist in speeding up the application process.

3.5 With regards to the composition of the tribunal, it was suggested that one representative from each province be add on to the panel.

During the hearing, representatives from the public unanimously supported the proposed amendments to the Social Assistance Amendment Bill.

4. THE OBJECTIVES OF BILL

- 4.1 The Social Assistance Act, 2004 (Act No. 13 of 2004) (the Act), currently provides that women are eligible for the old age grant when they attain the age of 60 years and men when they attain the age of 65 years. The Bill seeks to equalise the ages of eligibility for men and women over a period of time, as suggested by the Minister of Finance in his budget speech.
- 4.2 The Act currently provides that the Minister may consider an appeal against a decision of the South African Social Security Agency or that he or she may

appoint an independent tribunal to consider such an appeal. The Bill seeks to rephrase the provision and to add that if the Minister appoints such a tribunal, all appeals against decisions of the Agency must from then on be considered by that tribunal.

5. FINANCIAL IMPLICATIONS FOR STATE

The National Treasury has approved the budget to meet the cost of the age equalisation.

6. FINANCIAL IMPLICATIONS OF THE BILL FOR THE PROVINCE

As the functions and the powers that the Minister of Social Development may decide to delegate to the provinces, these will be accompanied with adequate financial resources. The implementation of the Bill will come with the required financial resources and may therefore have a minimal financial bearing on the Province's finances.

7. PRINCIPLE OF THE BILL

The Social Development Portfolio Committee and the Gauteng Department of Social Development support the principle and the detail of the Social Assistance Amendment Bill [B17-2008].

8. FINAL VOTING POSITION ADOPTED BY THE COMMITTEE

In terms of Section 65 of the Constitution, the Social Development Portfolio Committee recommends that the House confer authority on the Gauteng Provincial Delegate/s to the NCOP to vote **in favour** of the Social Assistance Amendment Bill [B17-2008].