

# Children's Bill Progress Update

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## **1. Children's Act signed by the President but not yet in force**

After a year of deliberations, Parliament passed the first Children's Bill in December 2005. It was then sent to the President for signing into law, which he did on 8 June 2006. It is now called the *Children's Act No 38 of 2005*. See the Children's Institute website for a copy of the Act (links are listed below).

Although the Act has been signed by the President, this does not mean that the Act is in effect. The new Act will only come into effect (repeal the Child Care Act) when a commencement date is announced in the Government Gazette. The soonest this is likely to happen is 2008. The Child Care Act of 1983 therefore still governs the child care and protection system until the commencement date of the new Children's Act is announced.

It is legally possible to put certain sections of the Children's Act into effect sooner if there is an urgent need to address a legislative gap. However, the Minister would need to take such a decision and he has not taken any decisions in this regard yet.

The reason why the Act will only come into force in 2008 is because the second Bill, the Children's Amendment Bill must first be passed by Parliament. After that has happened, the Department of Social Development will still need to finalise the new

regulations, train all the service providers and ensure that the necessary budget is allocated.

## **2. Children's Amendment Bill soon to be tabled in Parliament**

The second Bill, the "*Children's Amendment Bill*" will now take centre stage. It is envisaged that the Amendment Bill will make its way through Parliament during the second half of 2006. The Bill provides for and regulates partial care facilities such as creches and nursery schools, early childhood development programmes, prevention and early intervention services, certain child protection services, foster care, child and youth care centres, shelters and drop in centres. For the latest draft of the Bill, see the Children's Institute website.

In March 2006, the Children's Bill Working Group held a workshop to start preparing submissions on the Bill. See the Children's Institute website for a copy of the report.

During May and June, the Department of Social Development held a number of workshops to consult with the provinces and civil society on the Bill. Submissions were made to the Department by a number of organisations. Copies of these submissions are now available on the Children's Institute website.

The Department is now busy getting the Bill ready for tabling in Parliament.

## **3. What lies ahead?**

It is not yet known when the second Bill will be tabled, which house of Parliament will deal with it first (National Assembly or National Council of Provinces), or when national and provincial parliamentary hearings will be held. All indications so far point towards the Bill being tabled in August in the NCOP. This means that the first round of parliamentary hearings would be at the provincial parliaments.

We advise interest groups to start engaging with the Bill now in order to be ready with submissions by the end of July.

## **4. Where to go for more information**

**For general information on the Bill or the way forward, please contact:**

*Children's Institute:*

Paula Proudlock on (021) 689 5404 or [paula@rmh.uct.ac.za](mailto:paula@rmh.uct.ac.za)

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*Department of Social Development*

Matlhogonolo Sebopela on (012) 312 7399 or [matlhogonolo.sebopela@socdev.gov.za](mailto:matlhogonolo.sebopela@socdev.gov.za)

Agnes Muller on (012) 312 7586 or [Agnes.Muller@socdev.gov.za](mailto:Agnes.Muller@socdev.gov.za)

**Detailed web links for latest documents:**

Copies of the Bills, updates, and submissions are available on the Children's Institute website: <http://web.uct.ac.za/depts/ci/>

Children's Act No 38 of 2005

<http://www.parliament.gov.za/pls/>

Draft Children's Amendment Bill (April 2006)

<http://ci.org.za/ci/site/includes/content/PolicyLawReform/latestdevelopments.html>

Submissions to the Department of Social Development (June 2006) and Working Group Workshop Report (March 2006)

<http://ci.org.za/ci/site/includes/content/PolicyLawReform/currentdebates.html>