

# Children's Amendment Bill

## Progress Update

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## 1. Latest developments: Provincial parliamentary hearings scheduled for October

The Children's Amendment Bill [B19 of 2006] was tabled in Parliament in July 2006. Because it is a bill that affects the provinces, it was tabled in the National Council of Provinces (NCOP). To ensure consultation with the provinces, public hearings are scheduled to be held by all nine of the provincial parliaments during October.

If you are going to make a submission to your provincial parliament, we suggest that you take the following steps as soon as possible:

- Write to the Chair of the Portfolio Committee and the Speaker of Parliament in your province. Let them know that you would like to participate in hearings, ask where hearings will be advertised, and ask to be informed when dates for the hearings are set.
- Write a draft submission and circulate it to other organisations in your province to consult further and to obtain endorsement.
- Ensure that your submission is finalised and ready to be sent to your provincial parliament by 10th of October at the latest.
- Invite provincial MPs on a visit to your organisation and the children and community that you work with. The week of the 2<sup>nd</sup> October would be a good week for visits. See the attached list of your provincial MPs or access the list at <http://www.ci.org.za> via the Children's Bill link (look under the "contact government decision makers heading")

## 2. National Council of Provinces (NCOP) process timetable

We have been waiting for the NCOP to indicate their timetable with regards to deliberating on the Bill as this will determine when provincial hearings will be held. They met on the 12<sup>th</sup> September to draft their timetable. Because it is a Bill which affects the provinces, each provincial parliament needs to send back a provincial mandate to the NCOP. These mandates will be formed after the provinces have heard all the public submissions.

Please see the NCOP's detailed timetable below and an explanation of each phase in the sub-sections following the timetable. The Minister has indicated to the committee that there is no express requirement to pass the Children's Amendment Bill by the end of this year, however, this Bill must be considered a priority by Parliament.

**PLEASE NOTE THIS IS A DRAFT TIMETABLE. THESE DATES ARE NOT FIXED. PLEASE KEEP TALKING TO PEOPLE IN YOUR PROVINCIAL PARLIAMENT TO GET THEIR DEADLINES.**

Date	Time	Venue	Agenda
12-13 October 2006	1.5 days	Pretoria	Department of Social Development (DSD) workshop with provincial parliaments
17 October 2006	09:30 – 11:00	NCOP	Formal briefing of NCOP by DSD on the Children's Amendment Bill

31 October 2006	10:00 – 13:00	NCOP	Consideration of the negotiating mandates from the Provincial Parliaments
14 November 2006	09:00 – 11:00	NCOP	Consideration of the final mandates from the Provincial Parliaments
16 November 2006	14:00	NCOP	Plenary

## 2.1. The DSD Workshop (12<sup>th</sup> and 13<sup>th</sup> October)

The DSD has decided to brief all of the national and provincial parliamentary committees together. They have invited members from the NCOP Select Committee on Social Services; and every member of the Portfolio Committees in each provincial parliament. There will be a full day workshop on 12<sup>th</sup> October, and a half day workshop on 13<sup>th</sup> October. The agenda will include a briefing on Children's Amendment Bill [B19 of 2006]; and a briefing on the Costing Report on the Children's Bill.

An extract from the DSD proposal for the workshop to the Select Committee shows a commitment to public consultation. *“Experience has taught Government that legislation can be challenged by civil society when it is of the view that the level of public consultation is deemed to have been insufficient. The purpose of this proposal is specifically aimed at increasing the level of participation equally in all provinces and to advance cooperation in legislation to a higher level of cooperative governance.”* The DSD will therefore be inviting a limited number of representatives from civil society to attend the workshop.

## 2.2 DSD briefing to the NCOP (17<sup>th</sup> October)

The Select Committee on Social Services in the NCOP has asked for formal briefing from the DSD on the 17<sup>th</sup> October. This is a public meeting and members are welcome to observe.

## 2.3 Provincial parliamentary public hearings (October)

Provincial Parliaments must have their negotiating mandates drafted, and their delegations to the NCOP briefed before the debate in the NCOP committee on the 31<sup>st</sup> October. This means that provincial parliaments must hold hearings and their first round of debate before the **27<sup>th</sup> October**. Given that the Department of Social Development briefing is scheduled for 12-13<sup>th</sup> October 2006, our best guess is that public hearings will be held in the week commencing 16<sup>th</sup> October. *N.B. The provincial committees can hold hearings at any time.* Please write to the Chair of the Portfolio Committee and the Speaker of Parliament in your province, let them know that you would like to participate in hearings, ask where hearings will be advertised, and ask to be informed when dates for hearings are set.

## 2.4. Provincial parliamentary deliberations (round 1)

After the public hearings, the provincial committee will meet to discuss what they have heard and make their recommendations as to how to change the bill. Once you have made your submission to the provincial parliament, follow the debate in the committee

or make links with an MP, who has an interest in your field. A member of the Children's Bill Working Group will attend where possible and report back to the provincial network. This stage is vital for lobbying, therefore, continue to stay in touch with the MPs and counter any arguments against your recommendations, or provide additional information for clarity.

## **2.5. The NCOP considers the provincial mandates and drafts amendments to the Bill**

Once the provinces have discussed the Bill and decided on the amendments, they will send a delegation of MPs to the NCOP in Cape Town. These members are given a negotiating mandate i.e. a mandate on what the province wants in the Bill. They present to the Select Committee on Social Services, which is composed of representatives from all of the provinces. The MPs discuss their positions and try to find common ground. They will draft amendments to the Bill at this stage. This will be a public document and will be circulated to the Children's Bill network.

It is important to understand what the arguments are behind proposed amendments if you wish to challenge them. To help track this debate, the Children's Institute will send a summary of the debate in the NCOP. Full minutes of the committee meeting are posted on the Parliamentary Monitoring Group website within 48 hours of the meeting ([www.pmg.org.za](http://www.pmg.org.za)).

This stage is another opportunity for lobbying – call MPs that have an interest in the clauses that affect your organisation.

## **2.6. Provincial delegates report back to their provincial parliaments (first week of November)**

After initial discussions in the NCOP, delegates will be sent back to the Provincial Parliaments to update the provincial committee on what the other provinces have recommended and explain the NCOP's draft amendments to the Bill. The provincial committees will meet to discuss these amendments. They will decide whether to accept or reject the proposed amendments and they may propose different amendments.

At this time you should lobby individual MPs to ensure your recommendations are part of the final mandate.

## **2.7 NCOP finalises amendments and votes on the Bill**

Provincial delegations will be sent back to Cape Town with their final mandates. Again, they will present to the Select Committee on Social Services. This time they will go through the Children's Amendment Bill clause by clause and vote on the proposed amendments to the Bill. The Bill will then be debated in a plenary session of the NCOP (all the members of the NCOP not just members of the Select Committee).

Working Group members in Cape Town will attend the deliberations in the NCOP. Please keep the Children's Institute informed of any critical issues that you want us to lobby for on your behalf.

### 3. Timetable for action by civil society organisations

Below is a timetable suggesting action to be taken to participate in the NCOP process.

When/Date	Action	Useful information -tools
18 September	Write to your Provincial Parliament to express interest in public hearings	See the <b>provincial parliament committee contact details</b> on the Children's Institute website .
Continuous	Monitor local press and liaise with Provincial Parliament to find out dates of hearings	
18 Sept – 6 October	Write your draft submission and circulate for comment and endorsements	See <b>guide to making submissions</b> on the CI website See National umbrella body <b>submissions to DSD June 2006</b> on the CI website. Contact Lucy to be added to your provincial e-mail group
10 October	Finalise your submission and endorsements	
Before deadline (mid- October)	Write to Provincial Parliament again, send written submission and ask for opportunity to make an oral presentation	See the <b>provincial parliament committee contact details</b> on the Children's Institute website .
During the public hearings	Have someone take notes, write down MPs questions and respond to MPs questions	
Before 30 October	Lobby members of provincial committee	See the <b>provincial parliament committee contact details</b> on the Children's Institute website .
31 October	Track the debate in the NCOP	Children's Institute summaries; PMG website ( <a href="http://www.pmg.org.za">www.pmg.org.za</a> )
1 - 11 November	Lobby members of provincial committee	Proposed amendments
14 November 09:00 – 11:00	Lobby members of NCOP	Children's Institute updates
16 November	Plenary: Relax and enjoy the show!	

### 4. Writing your own submission

The attached document “**a guide to making submissions**” gives practical advice on how to structure and format a submission. There are also a number of other documents on the Children's Institute website that will assist with content. The national umbrella bodies and networks that are part of the Children's Bill Working Group wrote submissions to the DSD in June 2006 that contain specific recommendations and proposed amendments to clauses. These documents were written for the use of the Department of Social Development drafters, and senior officials in the Department that work with the Children's Amendment Bill everyday. While the grids will also be useful

for the MPs, it is better to send MPs a descriptive document, with case studies and real examples of what is happening on the ground, to provide the context for these recommendations. Your submissions should be based on your own experiences, but please feel free to draw on the grids and the submissions that have been written by the national organisations and networks if you need guidance.

## **5. Communication structures**

There are three streams of communication:

- general information
- province specific information, and
- themed information.

### *General information*

All stakeholders with an interest in the Children's Amendment Bill process are sent general information. This includes dates of national hearings, debates in the NCOP and general guidelines on how to write a submission, where to find content information, and contact details for MPs.

If you received this update via an e-mail from the Children's Institute directly, then you are on this list already. If you want to join the list to receive direct updates in future, please fill in the subscriber form which can be accessed at: <http://ci.org.za/depts/ci/plr/docs/subscribe.doc>

### *Provincial information*

There is a communication network of Working Group members and stakeholders in each province. Members of these networks share specific information related to the province. This will include times and dates of hearings, information about MPs in the province, and updates on the debate in the provincial committee.

If you want to be kept informed of developments in your Province please email [lucy@rmh.uct.ac.za](mailto:lucy@rmh.uct.ac.za) give your name, contact details, email address, and state which province or provinces you require information about.

### *Themed information*

The Children's Bill Working Group is divided into eight sub-groups that work on specific issues relating to the Children's Amendment Bill. The groups focus on the following themes:

- Children with disabilities
- HIV/AIDS
- Corporal punishment
- ECD and partial care
- Protection services
- Prevention and early intervention programmes and services
- Child and youth care centres
- Issues affecting children on the streets (which includes shelters and drop-in centres)

A range of information on the content of the Children's Amendment Bill and submissions by the national networks and umbrella bodies are on the Children's Institute website. Please use this as source material to help develop your submissions. If you wish to be kept informed on the current debates within a specific sector please contact the sub-group co-ordinator, who will add you to the mailing list.

Sub-group co-ordinators:

- Children with disabilities – Sue Philpott – PhilpottSue@gmail.com;
- HIV/AIDS – Wanjiru Mukoma – wanjiru@rmh.uct.ac.za;
- Corporal punishment – Sam Waterhouse – sam@rapcan.org.za;
- ECD and partial care – Prinslean Mahery – prinslean@rmh.uct.ac.za;
- Protection – Joan van Niekerk – joanvn@iafrica.com;
- Prevention and early intervention – Nokuku Sipuka - ucarc@intekom.co.za;
- Child and youth care centres – Zeni Thumbadoo – zeni@naccw.org.za;
- Issues affecting children on the streets (which includes shelters and drop-in centres) – Thulani Nzimande - thulani@youthkzn.co.za;

If you want more information, please contact Lucy Jamieson on 021 – 689 8303 or [lucy@rmh.uct.ac.za](mailto:lucy@rmh.uct.ac.za) or Prinslean Mahery on 021 – 685 7441 (ext 108) [prinslean@rmh.uct.ac.za](mailto:prinslean@rmh.uct.ac.za)