



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

11/4/26

MINUTES OF PROCEEDINGS

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday, 21 September 2022, (at 09:00) Chamber, 6th Floor

PRESENT

Members:

Democratic Alliance
Plato, D (Chairperson)
Fry, C
Philander, WF

African National Congress
BakuBaku-Vos, NG

Additional Member
Bans, A
Windvogel, R

NCOP Permanent delegate
Gillion, MN (ANC)

Apology
Makamba-Botya N (EFF)

Officials and guests attendance register

Attendance register attached.

1. Opening and welcome

Member Plato, Chairperson of the Standing Committee on Social Development opened the meeting and allowed for brief introductions. He gave a special welcome to Member M Gillion, the NCOP Permanent Delegate for the Western Cape. The Chairperson reminded the Committee that the purpose of the meeting was to get a briefing from the national Department of Social Development on the Children's Amendment Bill, S76 [B18B-2020].

Member M Gillion from the NCOP gave an overview on the purpose of the Bill. She briefed the Committee on the NCOP legislative programme on this Bill. She also reported that the dates for the Negotiating Mandate on the Bill were changed from Tuesday, 25 October to Tuesday, 1 November 2022.

2. Briefing by the national Department of Social Development (DSD) on the Children's Amendment Bill [B 18B-2020].

Adv. Mthotshisa, from the national Department of Social Development, proceeded to brief the Committee on the Social Assistance Amendment Bill [B 18B-2020]. He informed the Committee that the Bill was as a result of the North Gauteng High Court order which was issued to have the Department of Social Development to relook the foster care system in 2017. A legal solution was sought and there was a separation of the Bill to deal with particular clauses. Adv. Mthotshisa reported that initially, the Bill contained 146 clauses and covered all the issues pertaining to child protection, and in the interest of time to meet the deadline of the North Gauteng High Court Order in relation to foster care challenges, the Portfolio Committee rejected all other clauses and focused on clauses that relate to care. The rest of the clauses would be dealt with separately on a later stage.

The Committee was informed that the national Department identified 12 clauses from the all-inclusive Children's Amendment Bill, which directly contribute to the comprehensive legal solution as directed by the High Court Order. These clauses provide for a legal framework that directly addresses the identified foster care challenges resulting to the High Court's directives. They seek to strengthen the provisions of the Children's Act, 2005 (Act 38 of 2005) aimed at providing quality child protection system of which foster care is a component thereof. It was reported that Section 21 of the Bill covers the role of unmarried fathers to their children. However, issues such as custody and rights pose challenges, as the national Department of Social Development is not able to legislate on it, further engagement with the Department of Justice is required in this regard.

The Bill also intends to protect children in alignment to the Children's Act. The establishment and functioning of child support units is proposed to strengthen early interventions by other social service professionals such as auxiliary workers, not necessarily social workers. The Child Protection Unit is the umbrella of all child support services. Foster care unit is a part of it. A thorough assessment will be done to channel children appropriately. The intention is to strengthen the application of cluster foster care schemes.

The provincial Department of Social Development was afforded with an opportunity to give an input during the presentation on the Bill. The Department indicated that they welcome and support the Bill.

The Committee deliberated on the presentation.

3. Resolutions

The Committee resolved that:

- 3.1 The public hearings on the Bill will be published in three official languages, namely, English, Xhosa and Afrikaans. The adverts will be published in the City Vision for the isiXhosa speaking stakeholders, Weekend Burger for the Afrikaans speaking stakeholders, and on the Weekend Argus for the English speaking stakeholders. The reason for the advertisements on the Weekend Burger and on the Weekend Argus was that the papers reach the entire province.

- 3.2 The Committee would schedule, four public hearings in places that are central in each region. The first hearing will be in the Chamber, Western Cape Provincial, in Cape Town for the stakeholders in the Cape Metropolitan area and the West Coast, Worcester for the stakeholders in the Boland Region, Caledon for the stakeholders in the Overberg Region and George for the Southern Cape and Karoo stakeholders.
- 3.3 Stakeholders should be encouraged to attend the public hearing and make verbal and written submission on the Bill.
- 3.4 All Municipalities should be informed about the scheduled public hearings.
- 3.5 The WCPP Communications Section to send make use of the social media platforms and inform the stakeholders about the scheduled public hearings on the Bill.
- 3.6 The WCPP Public Education and Outreach (PEO) Section should assist the Committee by engaging, inviting and encourage relevant stakeholders to attend and give input during the hearings or make written submission on the Bill. The section should also assist the Committee in sourcing out venues in areas outside the Cape Metropolitan area.

The meeting adjourned at 12:00.

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MR D PLATO, MPP
CHAIRPERSON: STANDING COMMITTEE ON SOCIAL DEVELOPMENT
WESTERN CAPE PROVINCIAL PARLIAMENT