

Children's Amendment Bill

Progress Update

13 November 2006

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1. Changes to the National Council of Provinces (NCOP) timetable

The Select Committee on Social Services in the NCOP has revised their timetable (the timetable that was reported in our 15 September progress update), to allow more time for the provincial parliaments and civil society to properly engage with the Children's Amendment Bill. The NCOP has also restated its commitment to consulting as fully as possible with the public.

A new timetable has not yet been finalised, but there is general consensus that permanent NCOP delegates should brief their provinces during the constituency period which starts on 20 November and ends on 15 December. As a result of this change to the timetable, the provincial MPs will report back to the NCOP with provincial mandates in early 2007 instead of the end of 2006. This means that we all now have more time to engage with provincial MPs over the next three months before they make decisions and recommendations for amendments. Besides participating in provincial hearings we should therefore also be phoning, visiting and writing to the provincial MPs during this period.

The Eastern Cape, KwaZulu Natal and Gauteng provinces have already held public hearings. The Portfolio Committees in each of these provincial parliaments will now go through the Bill clause by clause. Organisations in these provinces should therefore use this opportunity to follow-up with provincial MPs on concerns they raised during the hearings and your recommendations for changes to the Bill.

2. Latest developments

2.1. The DSD Workshop and Costing Briefing for MPs (12th and 13th October)

The DSD briefed all of the national and provincial parliamentary committees together at a two day workshop in October. Members of the Working Group who attended were Paula Proudlock and Lucy Jamieson (Children's Institute); Jackie Loffell (SASPCAN); Joan van Niekerk (Childline); Zeni Thumbadoo (NACCW); Sam Waterhouse (RAPCAN); and Kevin Roussel (CIE).

On the first day, various members of the national department presented a summary of the main provisions in each chapter of the Bill and then opened for discussion in plenary. On the second day Conrad Barberton (representing Cornerstone Economic Research) gave a briefing on the Costing Report on the Children's Bill. An easy to follow guide to the costing report is attached to this update and can also be found on the [Children's Institute website](#) under the "current debates" link on the Children's Bill webpage.

The main findings of the costing report are:

- Government is not meeting its current commitments under the Child Care Act (current child care and protection services only meet 25% of need);
- Government's estimate of the number of children in need of care and protection is 160,000 children which is a gross under estimate. For example, in October 2006, there were a total of 375 647 children receiving the foster care grant and

all these children require care and protection services. There are many other children in need who are not in foster care, e.g. children in children's homes and children needing prevention and early intervention services. The costing team estimated the number of children in need of care and protection to be 1.4 million in 2005 (based on the ASSA model estimates of the number of maternal orphans (this includes double orphans)).

- The Children's Act introduces only a few new costs.
- If services were to be provided to all children in need, the cost of implementing the Bill per year would vary between R25 billion (best practice norms for priority services), and R47 billion (best practice norms for all services).

According to Dr Mabetoa (Chief Director of Children, DSD), National Treasury has approved R6 billion for 2006/7. This would only cover the implementation plan with the lower norms and standards and falls far short of the actual demand for services.¹ The DSD has stated that it would be unable to spend even this amount, due to the lack of capacity. It has drafted a recruitment and retention strategy to address the shortage of social workers in order to improve capacity. While this is to be welcomed, it must be recognised that there are many other categories of social service professionals and para-professionals which should also be prioritised in order to improve capacity.

2.2 DSD briefing to the NCOP (17th October)

The Select Committee on Social Services in the NCOP met on the 17th October for a formal briefing by the DSD. Dr Maria Mabetoa, summarised the main provisions and areas of contention and the MPs asked questions. The MPs questions focused on inter-country adoptions² (Madonna's recent adoption of a Malawian baby was in the news at the time), corporal punishment, the inequitable distribution of reform schools, and the costing. They voted to revise their current tight timetable in order to provide for more time for the provincial parliaments and civil society to engage with the Bill. A new timetable was not finalised, but there was general consensus that permanent delegates should brief their provinces during the constituency period of 20 November to 15 December. Provincial mandates will therefore not be required until 2007, after the provinces have heard all the public submissions.

2.3 Provincial parliamentary briefings and public hearings

2.3.1 Pre-hearing briefings

KwaZulu Natal held a couple of formal pre-hearing briefings, the first for the Portfolio Committee, and the second for the entire legislature. Sue Philpott presented on behalf of the disability sub-group, Zeni Thumbadoo for the Child and Youth Care sector, Jill Kruger for Children on the Streets, and Linda Naidoo for prevention and corporal punishment. Working Group members in KwaZulu Natal were very pro-active in engaging with the Portfolio Committee before and after these briefings. For example,

¹ PMG, minutes of the meeting of the Social Services Select Committee, 17 October 2006, accessed at: <http://www.pmg.org.za/viewminute.php?id=8336>

² Note that the provisions related to inter-country adoptions are not in the Amendment Bill but have already been passed in the Children's Act 38 of 2005.

the sub-group on children on the streets organised constituency visits for members of the committee.

In the Eastern Cape, Edwin Gallant from Child Welfare presented and Nokuku Sipuka from SASPCAN and UCARC gave inputs and engaged with MPs during the lunch break.

2.3.2 Provincial parliamentary hearings

Hearings have already been held in the following provinces:

- Gauteng, 25th October (one day of hearings at one location)
- Eastern Cape 23rd to 25th October (three days of hearings at 30 locations)
- KwaZulu Natal 17th to 24th October (four days of hearings at 8 locations)

Levels of participation have far exceeded expectations. For example, the National Association of Child and Youth Care Workers (NACCW) have managed to be represented in all three provinces and also to send representatives to almost every location in provinces where the hearings were split across different districts. Reports on what happened in each province will be distributed in the next two weeks. If you require copies of any of the submissions or a list of presenters and submissions, please contact Wendy Dien at the Children's Institute.

Hearings still need to be held in the following provinces:

- Limpopo
- North West
- Northern Cape
- Western Cape
- Mpumalanga
- Free State

Provincial hearings in Limpopo have been announced for the 13th and 15th of November at the following locations:

Date	District	Venue	Time
13 th November	Waterburg	Mokgopoong - Mokgopoong Community Hall	10h00
13 th November	Sekhukhune	Marble Hall – Town Hall	10h00
13 th November	Vhembe	Musina - Musina Hall	10h00
15 th November	Capricorn	Dendron – Boeresal Hall	10h00
15 th November	Mopani	Phalaborwa - Lulekani Hall	10h00

Hearings in the other provinces have not yet been announced.

The Children's Institute will circulate information as it becomes available. We encourage you to be pro-active in approaching the MPs as such an approach yields positive results. The team in KwaZulu Natal has clearly shown the benefits that come from lobbying the Portfolio Committee in advance of the hearings. We recommend that you write to the Chair of the Portfolio Committee and the Speaker of Parliament in your province. In your letter, let them know that you would like to participate in hearings, ask where the hearings will be advertised, and ask to be informed when dates for the

hearings are set. If you hear anything please let the Children's Institute and the other organisations in your province know.

2.4. Provincial parliamentary deliberations (round 1)

After the public hearings, the provincial committees 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 committee meetings 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 NCOP Planned Activities for rest of 2006 and early 2007

The Select Committee on Social Services in the NCOP still has to determine its final programme. It will include the following activities:

- Permanent NCOP delegates brief provincial Portfolio committees (Department of Social Development has undertaken this function in the provinces where hearings have already been held).
- When the provinces send their delegations back to national Parliament, the Select Committee (NCOP) will consider all of the provincial negotiating mandates and suggested amendments to the Bill
- Provincial delegates report back to their provincial parliaments, briefing them on the content of the other provincial mandates and the suggested amendments to the Bill.
- The provincial delegations will return to Cape Town with their responses to the proposed amendments. These are called final mandates. Once again the Select Committee will give consideration to the final provincial mandates and draft amendments to the Bill
- Public hearings in the NCOP in Cape Town
- Departmental briefings: The Committee will ask each government department for clarification on issues that arose during the public hearings (Senior personnel will meet at the interdepartmental steering committee to discuss responses before presenting to the Committee).
- Once the Committee has heard from the public, the Provinces and the Departments they will go through the Bill clause by clause and decide what changes are necessary.
- The Committee will then vote on each proposed amendment.
- The NCOP will hold a plenary debate on the Bill including amendments and each province will be given a vote

3. Writing your own submission

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.
- Invite provincial MPs on a visit to your organisation and the children and community that you work with. Constituency period is between the 20 November and 15 December. Access the contact details for the MPs at <http://www.ci.org.za> via the Children's Bill link (look under the "contact government decision makers" heading)

Members of the Working Group have made some excellent submissions at the provincial hearings. They have varied in style according to each presenter. Some are technical, others are more narrative and draw on examples. It is best for you to use whichever style you feel comfortable with, but remember to tell your own story, about your experiences, your organisation, and what is happening in your province.

The 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.

4. Constituency Period 20th November to 15th December 2006

One of the most effective ways of lobbying MPs is to show them how issues impact on the voters that elect them. We have an opportunity during constituency week to discuss with them the key challenges affecting children and their caregivers and to demonstrate how the Children's Amendment Bill can make a difference.

During constituency weeks MPs have a duty to:

- be available to the public
- help solve problems and
- report back to their constituents on what is happening in Parliament

The purpose of these weeks is to encourage MPs to remain in contact with the people they represent - to create a link between Parliament and the people. Therefore, this is the time to speak to MPs in communities, and to highlight key messages on any issue related to the Bill.

Remember to use real cases, where possible, and to ask the MPs for help on matters, that relate to Children's Bill issues. The ideal would be to arrange a visit to a relevant organisation in the MP's constituency, highlighting local issues. When arranging a

meeting with a MP please give them a choice of two or three possible times when it would be convenient for you to meet with them to discuss the issues raised by your advocacy team. If you succeed in arranging a visit, write a short press release detailing the visit, if possible with an example of a real case that highlights the issues; and a summary of the key arguments. If you would like help writing or placing a press release, please contact myself at the Children's Institute. If you meet with an MP please send the Children's Institute a brief report on the content of the meeting, including any areas that need follow-up.

If the MP is not available to meet with you, or visit your organisation, take ten minutes to go over the key arguments and give examples of local needs. Take note of any arguments they have against your case

Please can all stakeholders with provincial networks send this alert onto their networks and encourage their members to visit the MPs constituency offices.

If you would like to make a submission or just want more information, please contact Lucy Jamieson on 021 – 689 8303 or lucy.jamieson@uct.ac.za , Prinslean Mahery on 021 – 685 7441 ext 108 or prinslean.mahery@uct.ac.za or Wendy Dien on 021 – 685 7441 ext 103 or wendy.dien@uct.ac.za

For all documents related to the Children's Bill, please see the Children's Institute website: www.ci.org.za