

Why the DA will not support the Children's Amendment Bill

Honourable Chairperson, the Children's Amendment Bill we are debating today is an 11-year-old opportunity to bring the best interest of the South African child back to the centre of government's services. It is the result of the agency by civil society who, horrified by no less than 420k vulnerable children losing their foster child grants and some at imminent risk of also losing their grants, sought intervention from the courts.

The North Gauteng High Court ordered the Minister of Social Development and DSD MECs to solve the crisis by producing a "comprehensive legal solution" by the end of 2014, and to create necessary "mechanisms, structures and resources to ensure that the foster care system operates in a sustainable and effective manner".

11 years, 4 Ministers and 4 reluctant extensions by the Court later, we have yet again rushed a piece of legislation, not to change the situation of children for the better, but to meet a deadline and prevent embarrassment for the ANC.

Honourable Chairperson, this Bill was an opportunity to change the environment within which the foster care grants are paid, the reasons that put children in that environment and to come up with a solution that ensures vulnerable orphaned children can get a social grant quickly and children in need of protection have access to quality services by social workers and courts.

This committee recently prioritized the Social Assistance Amendment Bill which now allows the Minister to provide a higher valued Child support Grant of R720 to these children quickly. The Children's Amendment Bill was supposed to focus on the other part of the comprehensive legal solution by reducing the backlog in foster care order extensions. That opportunity has been lost in this Amendment Bill.

The DSD and ANC Portfolio Committee Members seem to think that making an amendment that allows Children's foster care orders to expire and then authorising Children's courts to extend them retrospectively— they have enacted a comprehensive legal solution.

While this ensures Childrens' Courts eventually extend orders, it does not ensure SASSA will continue paying foster child grants after expiration of court orders as the Social Assistance Act does not allow Sassa to pay FCGs if a court order has expired, as this is against audit requirements. So, the solution DSD has come up with, happily rubber stamped by ANC Portfolio Committee members, only protects the department, but not the orphaned children who will now be at risk of losing their FCGs when the North Gauteng High Court Order ends in November 2022.

Just recently, DSD reported a backlog of over 60 000 expired orders to the HC that need extension in the next two months. Add to that, a further 10 000 backlog each month that passes. It's likely the HC order will have to be extended for a 5th time because the Minister, Dept and ANC Portfolio Committee members did not put childrens' best interests ahead of their own.

Claims will be made that there is a committee bill still to be processed to deal with the 100 sections of the Children's Amendment Bill that we had to temporarily 'reject' to enable the 12 clauses to be rushed to meet the court deadline.

Honourable Chairperson, if this straight forward bill has taken 11 years to come before this parliament and four years to be passed by the National Assembly, who knows when the committee bill, with no court ordered pressure, will see the light of day. History does not paint a promising picture

Honourable Chairperson, the objectives of the Bill are noble, they are what the DA as a caring organization would hope will actually be implemented. They are to strengthen protection of vulnerable children; address gaps and challenges in the child care and protection system and to respond to a High Court order relating to the foster challenges.

While we profusely thank the committee and parliament officials for a job well done under immense pressure and Covid-19 restrictions; the civil society and interested individuals for making eye opening submissions, as the DA, we will not be supporting this bill as doing so would be complicit in putting political expediency over the best interest of the child.

Thank you, chairperson