

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
WELFARE LAWS AMENDMENT
BILL**

[B 90—97]

(As agreed to by the Portfolio Committee on Welfare (National Assembly))

[B 90A—97]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
WYSIGINGSWETSONTWERP
OP WELSYNSWETTE**

[W 90-97]

(Soos goedgekeur dew die Portefeuljekomitee oor Welsyn (Nasionale Vergadering))

[W 90A—97]

ISBN O 621274275

AMENDMENTS AGREED TO

WELFARE LAWS AMENDMENT BILL [B 90-97]

CLAUSE 1

1. On page 4, in line 8, to omit “21” and to substitute “18”.
2. On page 4, in line 9, after “brother” to insert “, half-brother”.
3. On page 4, in line 9, after “sister” to insert “, half-sister”.
4. On page 4, from line 13, to omit subsection (4) and to substitute:

“(4) The Minister may determine that a person who is—
 (a) a spouse of a relative of a child referred to in subsection (1)(iii)(aa); or
 (b) related to a child in the third degree of affinity or consanguinity, is a ‘designated relative’ for ‘the purposes of subsection (1)(iii)(bb).”.

CLAUSE 3

1. On page 4, from line 47, to omit the definition of “primary care-giver” and to substitute:

“‘primary care-giver’, in relation to a child, means a person, whether or not related to the child, who takes primary responsibility for meeting the daily care needs of the child, but excludes—
 (a) a person who receives remuneration, or an institution which receives an award, for taking care of the child; or
 (b) a person who does not have an implied or express consent of a parent, guardian or custodian of the child;”;

CLAUSE 6

1. On page 6, in line 34, to omit all the words after “is” up to and including “concerned” in line 35 and to substitute:

payable until the date immediately before the date determined in terms of section 15(2) of this Act, and from that date it is, subject to subsection (3), payable for a period not exceeding three years

2. On page 6, in line 36, to omit “refereed to” and to substitute:

payable from the date determined in terms of section 15(2) of this Act as contemplated

CLAUSE 11

1. On page 10, from line 8, to omit subsection (2) and to substitute:

(2) The Minister may, with the concurrence of, and shall, if so requested by, the Premier of a province—

(a) delegate to the member of the Executive Council responsible for welfare matters in the province any power conferred on the Minister by this Act, except the power to make regulations under section 19;

(b) authorize that member of the Executive Council to perform any duty imposed upon the Minister by this Act:

Provided that the province has the necessary administrative capacity to exercise that power or perform that duty, as the case may be.

2. On page 10, from line 27, to omit subsection (5) and to substitute:

(5) The Director-General may, with the concurrence of, and shall, if so requested by, the Director-General of a provincial administration (in this section referred to as a 'provincial Director-General')—

(a) delegate to the provincial Director-General any power conferred upon the Director-General by this Act;

(b) authorize the provincial Director-General to perform any duty imposed upon the Director-General by this Act:

Provided that the province has the necessary administrative capacity to exercise that power or to perform that duty, as the case may be.

3. On page 10, from line 43, to omit subsection (8) and to substitute:

(8) Any delegation of a power or authorization to perform a duty under this section shall be done in writing.

(9) Any delegation of a power or authorization to perform a duty under subsection (1), (3), (4) or (6)—

(a) shall not prevent the person who effected the delegation or granted the authorization from exercising that power or performing that duty himself or herself;

(b) may at any time be withdrawn in writing by that person.

(10)(a) If a power is delegated, or the performance of a duty is authorized, in terms of subsection (2) or (5), the person who effected the delegation or granted the authorization may only perform that power or duty, as the case may be, himself or herself, if the power or duty is not duly exercised or performed in accordance with this Act.

(b) Any delegation of a power or authorization to perform a duty in terms of subsection (2) or (5) may only be withdrawn in writing if—

(i) that power or duty, as the case may be, is not duly exercised or performed in accordance with this Act; or

(ii) the province ceases to have the necessary administrative capacity to exercise that power or perform that duty, as the case may be.