

Amendments of Child Justice Act regulations approved

The National Assembly (NA) has approved the amendments to the regulations of the Child Justice Act and adopted reports on two Private Member's Bills during its hybrid plenary on Thursday.



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The proposed amendments to the regulations include the increase of the minimum age of criminal capacity from 10 years to 12 years, retention of the rebuttable presumption for children who are older than 12 years, but younger than 14 years.

The regulations also include the removal of the requirement that prosecutors must consider the cognitive ability of children when determining whether to prosecute a child and that the criminal capacity of the child will only be addressed during a plea and trial in a child justice court and not during the preliminary enquiry, and for diversion purposes, among others.

“Having considered the proposed amendments, the Portfolio Committee on Justice and Correctional Services recommended that the National Assembly approve them in terms of section 97(2) of the Child Justice Act, 2008. The House approved the committee’s recommendations,” Parliamentary spokesperson, Moloto Mothapo, said.

National Health Amendment Bill

On the reports on the two proposed Private Member’s Bill - the National Health Amendment Bill and the Disaster Management Amendment Bill - it was recommended that the House not proceed with them due to their “undesirability”.

The National Health Amendment Bill, which was tabled and referred to the Portfolio Committee on Health on 3 September 2018, sought to amend the National Health Act, 2003 (Act No.61 of 2003), in order to provide that clinics in the public sector must operate and provide health services 24 hours a day and seven days a week.

Mothapo said after due deliberation, a motion of desirability on the subject matter of the Bill was placed before the committee, as required by the NA Rule 286(4)(i) to vote on.

“The committee rejected the motion on desirability of the Bill, citing that, amongst others, there are primary health facilities that are already operating for 24 hours, without being legislated, and the committee is currently processing the National Health Insurance Bill, which might impact on the proposed legislation. The National Assembly has adopted the committee’s recommendation,” Mothapo explained.

Disaster Management Amendment Bill

Tabled and referred to the Portfolio Committee on Cooperative Governance and Traditional Affairs on 10 February 2021, the Disaster Management Amendment Bill seeks to constrain the perceived power of the Executive in relation to the duration of a state of disaster by means of affording Parliament, Provincial Legislatures and Municipal Councils the exclusive power to extend the duration of a national, provincial and local state of disaster, respectively, as well as allow for the Legislatures to exercise greater oversight in respect of the management of disasters.

“Having deliberated on the Bill, the committee - by majority vote - did not agree with the desirability of the proposed Bill on the basis that the current accountability and oversight mechanisms provided in the Constitution are adequate to address the gaps identified in the Bill, and therefore decided to not proceed with the proposed Bill. The National Assembly adopted the committee’s recommendation,” Mothapo said.

Report on African Charter on Statistics approved

The House also approved the Portfolio Committee on Public Service and Administration’s report on the African Charter on Statistics.

The committee, having considered the request for approval by Parliament of the African Charter on Statistics, tabled in terms of section 231 (2) of the Constitution of the Republic of South Africa, 1996, recommended that the National Assembly approve the agreement.

The African Charter on Statistics was adopted at the 11th Ordinary Session of the Assembly of Heads of State and Government of the African Union in Addis Ababa, Ethiopia, on 3 February 2009.

“The purpose of the historic step by the Executive Council of the African Union to call for the development of the Charter was to address the huge gaps that have, in spite of efforts that have been taken, still exist between the supply and demand for statistical information needed for the development and for the African integration agenda,” Mothapo said.

Convention on Physical Protection of Nuclear Material amendments approved

The House has further approved amendments to the Convention on Physical Protection of Nuclear Material.

“The Portfolio Committee on Mineral Resources and Energy, having considered the amendments to the Convention and the accompanying Explanatory Memorandum - tabled in terms of section 231 (2) of the Constitution 1996 on 22 March 2022 -

recommended that the House approves the Convention,” said Mothapo.

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