

7 August 2007

## **SUBMISSION ON THE CHILDREN'S AMENDMENT BILL [B19B 2006] by the Centre for Child Law at the University of Pretoria**

This brief submission focuses on only one section, s196, which relates to Child and Youth Care Centres.

This section deals with the fact that existing facilities will be deemed to have been established under section 195 of the Bill. This is straightforward in relation to section 196(1) (a) to (c), as these facilities are all currently administered by the Department of Social Development.

However, schools and industries and reform schools are currently administered by the Department of Education (except for the school of industries in Newcastle, KZN). Sections 196(1)(d) and (e) says that such facilities should be deemed to have been established in terms of section 195. This provision says that child and youth care centres are established and operated by the Department of Social Development.

This seems to imply that the schools of industry and reform schools are being transferred to the administration of the Department of Social Development, except for the provision of education, which in terms of section 196(3), must be provided by the Department of Education.

The Centre for Child Law is not objecting to the transfer of the administration of schools of industry and reform schools from the Department of Education to the Department of Social Development. In fact, the Centre is of the view that this is a positive step. However, perhaps it should be spelt out more clearly so that it does not lead to confusion, and that both Departments are fully aware of the implications of this transfer. It is recommended that the clause on "transitional arrangements" should include provisions on how this administrative transfer is to take place.

On a technical drafting error, section 196 has subsections (1) and (3), but no (2).

**Dr Ann Skelton**  
Advocate  
Centre for Child Law

