

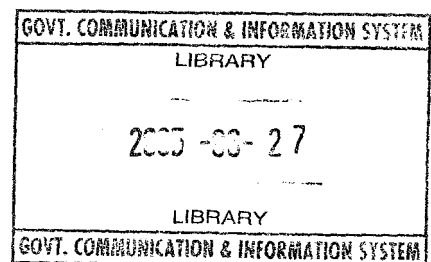
REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE AMENDMENTS
TO**

OLDER PERSONS BILL

[B 68—2003]

*(As agreed to **by** the Select Committee on Social Services (National Council of Provinces))*



[B 68A—2003]

ISBN0 621 35793 6

No. of copies printed 800

AMENDMENTS AGREED TO

OLDER PERSONS BILL [B 68—2003]

CLAUSE 1

1. On page 3, from line 26, to omit the definition of “abuse” and to substitute:

“abuse” means a single or repeated act or lack of action that causes harm or distress to an older person, including physical, psychological, financial or material harm or neglect or sexual harm, and includes the violation of an older person’s rights enshrined in Chapter 2 of the Constitution;

2. On page 3, from line 38, to omit the definition of “facility” and to substitute:

“facility”—

- (a) means a building or other structure used for the purposes of providing accommodation, housing and community-based care and support services to older persons; and
- (b) includes a private residential home in which older persons are accommodated for reward and a shelter, but does not include a luncheon club or a building or other structure in or on which home-based care is provided;

3. On page 3, from line 44, to omit the definition of “frail person”.
4. On page 3, in line 49, to omit “small”
5. On page 4, in line 3, to omit the definition of “owner” and to substitute:

“operator” means a person that operates a facility;

6. On page 4, after line 3, to insert:

“person” includes a trust;

CLAUSE 2

1. On page 4, in line 30, after “rural” to insert “and urban”.
2. On page 4, in line 38, after “rural” to insert “and urban”.

CLAUSE 4

1. On page 5, in line 12, after “accounting” to insert:

and the opening and maintenance of a register of all assets bought with Government funds

CLAUSE 5

1. On page 5, in line 24, to omit “own, manage or”.
2. On page 5, in line 27, to omit “own, manage or”.

3. On page 5, in line 53, to omit “owner” and to substitute “operator”.

CLAUSE 6

1. On page 6, from line 9, to omit paragraph (c).
2. On page 6, from line 14, to omit subsection (3).

CLAUSE 7

1. On page 6, in line 21, to omit “owner” and to substitute “operator”.
2. On page 6, in line 25, to omit “owner”, wherever it appears in that line, and to substitute “operator”.
3. On page 6, from line 30, to omit all the word after “funds” up to and including “persons” in line 31.

CLAUSE 8

1. On page 6, in line 33, after “facility” to insert “, excluding a shelter”.

CLAUSE 9

1. On page 7, in line 4, to omit “a” and to substitute “an older”
2. On page 7, in line 10, after “reasons” to insert “in writing”.
3. On page 7, after line 10, to insert:

(4) Subject to an order of a court, no older person may be admitted to a facility without his ~~or~~ her consent.
4. On page 7, in line 11, after “(1)” to insert “or (4)”.

CLAUSE 10

1. On page 7, in line 13, to omit “or any” and to substitute “may at any time, and any social worker or”.
2. On page 7, in line 14, to omit “, after being” and to substitute “if”
3. On page 7, in line 16, to omit or “frail”.
4. On page 7, in line 16, after “accommodated” to insert “in order to ensure compliance with this Act”.
5. On page 7, in line 17, to omit or “frail”.
6. On page 7, in line 17, after “person” to insert “cared for or”.
7. On page 7, in line 19, to omit or “frail”.
8. On page 7, after line 26, to insert:

(3) A social worker or designated person may issue a compliance notice to the operator concerned if a provision of this Act has not been complied with.

(4) A compliance notice remains in force until the relevant provision of this Act has been complied with and the social worker or designated person has issued a compliance certificate in respect of that notice.

9. On page 7, in line 30, to omit or “frail”.
10. On page 7, in line **31**, after “person” to insert “cared for or”.

CLAUSE 11

1. On page 7, in line **33**, to omit “managers” and to substitute “operators”.
2. On page 7, in line **34**, to omit “manager” and to substitute “operator”.
3. On page 7, in line 43, to omit “manager” and to substitute “operator”.
4. On page 7, in line 45, to omit “manager” and to substitute “operator”.

CLAUSE 12

1. On page 8, in line 4, after “has” to insert:

, in addition to the rights he or she has in terms of the Bill of Rights
or any other rights he or she may have,

CLAUSE 14

1. On page 8, in line 17, to omit or “frail”.
2. On page **8**, in line 20, after “oath” to insert “**or** affirmation”
3. On page 8, from line 22, to omit all the words after “attached” up to and including “person” in line 28 and to substitute “abuses an older person”.
4. On page **8**, in line 35, to omit or “frail”.
5. On page 8, in line 37, after “oath” to insert “or affirmation”.
6. On page **8**, in line 40, to omit or “frail”.
7. On page 9, in line 4, to omit or “frail”.

CLAUSE 15

1. On page 9, in line 7, to omit “frail”.
2. On page 9, in line **33**, to omit “frail”.
3. On page 9, in line **43**, to omit “frail”.
4. On page 9, in line 45, to omit “frail”.

CLAUSE 16

1. On page 9, from line 52, to omit subsection (1) and to substitute:

(1) Any person who suspects that an older person has been abused or suffers from an abuse-related injury must immediately notify the Director-General of his or her suspicion.

CLAUSE 17

1. On page 10, from line 9, to omit paragraph (a).
2. On page 10, from line 12, to omit subsection (2) and to substitute:

(2) A person whose name appears in the register contemplated in subsection (1) may not in any way operate or be employed at any facility.
3. On page 10, after line 13, to insert:

(3) The register contemplated in subsection (1) must be accessible to the public.

CLAUSE 18

1. On page 10, in line 26, after the first “her” to insert “income, assets or”.
2. On page 10, in line 26, after “wishes” to insert “or who suffers any other financial abuse”.
3. On page 10, in line 27, after “wishes” to insert:

or who has been unlawfully evicted from any property occupied by him or her

CLAUSE 19

1. On page 11, in line 8, after the third “the” to insert “relevant”
2. On page 11, from line 9, to omit “(in this section referred to as the provincial Director-General)”.
3. On page 11, in line 11, to omit “that provincial Director-General” and to substitute:

the Head of the Department of that province responsible for social development
4. On page 11, in line 13, to omit “provincial Director-General” and to substitute “Head of Department”.
5. On page 11, in line 15, to omit “provincial Director-General” and to substitute “Head of Department”.

CLAUSE 21

1. On page 12, from line 5, to omit paragraph (1) and to substitute:
 - (1) generally, any other ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation of this Act.
2. On page 12, after line 6, to insert:
 - (2) The regulations may provide that any person who contravenes or fails to comply with a regulation is guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding one year or to both a fine and such imprisonment.
3. On page 12, after line 12, to insert:
 - (5) Before the Minister makes any regulation under this section, he or she must publish a draft of the proposed regulation in the *Gazette* together with a notice calling on interested persons to comment, in writing, within a period stated in the notice of not less than 30 days from the date of publication of the notice.
 - (6) If the Minister alters the draft regulations, as a result of any comment, he or she need not publish those alterations before making the regulations.
 - (7) The Minister may, if circumstances necessitate the immediate publication of a regulation, publish that regulation without consultation as contemplated in subsection (5).

CLAUSE 22

Clause rejected.

CLAUSE 23

1. On page 12, from line 16, to omit subsection (1) and to substitute:
 - (1) The Aged Persons Act, 1967 (Act No. 81 of 1967), and the Aged Persons Amendment Act, 1998 (Act No. 100 of 1998), are hereby repealed.

CLAUSE 24

1. On page 12, in line 36, to omit “2003” and to substitute “2005”