

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
CUSTOMARY INITIATION BILL**

[B 7—2018]

*(As agreed to by the Portfolio Committee on Cooperative Governance and
Traditional Affairs) (National Assembly)*

[B 7A—2018]

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AMENDMENTS AGREED TO

Cooperative Governance and Traditional Affairs

[B 7—2018]

CLAUSE 1

1. On page 5, after line 8, to insert:

“**Drugs and Drug Trafficking Act**” means the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992);”.
2. On page 5, from line 42, to omit the definition of “medical practitioner” and to substitute:

“**‘medical practitioner’** means a general practitioner or family physician in medicine who, in accordance with the provisions of the Regulations Relating to the Registration of Persons as General Practitioners and Family Physicians in Medicine, as published under Government Notice No. R1200 of 28 November 2000, is registered with the Medical and Dental Professional Board established by Government Notice No. R.75 of 16 January 1998;”.

CLAUSE 2

1. On page 6, in line 57, to omit “, medical practitioner”.
2. On page 6, in line 60, after “herself” to insert “: Provided that a principal must have prior and proven experience as a care-giver for a minimum of five initiation seasons”.

CLAUSE 8

1. On page 8, in line 38, to omit “in Pretoria” and to substitute “at a place,”.

CLAUSE 9

1. On page 9, in line 44, to omit “February and August” and to substitute “March and September”.

CLAUSE 15

1. On page 13, in line 26, to omit “death of an initiate” and to substitute “hospitalisation and any loss of life of an initiate”.
2. On page 14, in line 13, after “possible” to insert “and taking into account the customs of the particular community or communities”.

CLAUSE 17

1. On page 15, in line 31, to omit “department” and to substitute “departments”.
2. On page 15, in line 32, to omit “MEC” and to substitute “MECs”.

CLAUSE 28

1. On page 21, in line 51, to omit “person” and to substitute “child”.
2. On page 21, in line 52, to omit “person” and to substitute “child”.
3. On page 22, from line 19, to omit paragraph (a) and to substitute:

“(a) In terms of section 12(8) of the Children’s Act the circumcision of male children under the age of 16 is prohibited except if such circumcision is performed for religious or medical purposes and therefore the consent contemplated in this section may not, in the case of male children under the age of 16, include consent to any circumcision other than circumcision that is allowed in terms of the said section 12(8).”.
4. On page 22, from line 61, to omit sub clause (10).
5. On page 23, in line 3, to omit “(11)” and to substitute “(10)”.

CLAUSE 30

1. On page 23, in line 23, to omit “and liquor” and to substitute “, liquor and drugs”.
2. On page 23, from line 38, to omit paragraph (a) and to substitute:

“(a) Subject to paragraph (b), no initiate or any person involved in initiation may, at an initiation school, use, possess, deal in, supply or manufacture any liquor as defined in section 1 of the Liquor Act.”.
3. On page 23, in line 44, to omit “liquor is” and to substitute “a moderate quantity of liquor is to be”.
4. On page 23, after line 47, to add:

“(5) No initiate or any person involved in initiation may, at an initiation school, use, possess, deal in, supply or manufacture any drug as contemplated in the Drugs and Drug Trafficking Act.”.

CLAUSE 33

1. On page 24, in line 33, to omit “28(10)” and to substitute “28 or obtains such consent by means of duress”.
2. On page 25, in line 4, to omit paragraph (e) and to substitute:

“(e) the use, possession, supply or manufacturing of liquor or drugs or dealing in liquor or drugs by an initiate or any other person involved in initiation; or”.
3. On page 25, in line 7, after “Health Professions Act” to insert “, the Drugs and Drug Trafficking Act”.

ARRANGEMENT OF SECTIONS

1. On page 4, in line 9, to omit “and liquor” and to substitute “, liquor and drugs”.

MEMORANDUM ON THE OBJECTS

1. On page 31, to amend paragraph 2.2 as follows:
 - 2.2 Clause 2 of the Bill determines that the Bill applies to the customary initiation practices in respect of both male and female initiates, all initiation schools and all role-players involved in initiation. The clause also briefly states the objectives of the Bill. Of particular importance is that the clause prohibits any person found unsuitable to work with children in terms of section 120 of the Children's Act or any person whose name has been entered in Part B of the National Child Protection Register or in the National Register for Sex Offenders, to participate in any aspect of initiation. The clause furthermore requires of any principal of an initiation school, any care-giver and traditional surgeon **[or medical practitioner]** who is involved in initiation to be at least 40 years old, and to have undergone initiation himself or herself.
2. On page 35, to amend paragraph (e) as follows:
 - (e) In terms of clause 30 of the Bill, the principals of initiation schools and care-givers must ensure that initiates have access to clean water, appropriate sanitation services and health care when needed. Food must be provided by the families of the initiates. **[No alcohol may be provided to initiates under the age of 18. This is in line with section 10(1) of the Liquor Act.]** Initiates or other persons involved in initiation may not use, possess, supply or manufacture drugs or liquor at an initiation school and may also not deal in drugs or liquor at such school.
3. On page 35, to amend the introductory part of paragraph 2.8.2 as follows:
 - 2.8.2 The clause, however, also states that it does not replace any provisions relating to offences contained in the Criminal Procedure Act, the Children's Act, the Liquor Act, the Drugs and Drug Trafficking Act or the Child Justice Act. In other words, any contravention of the provisions of those laws or of the Bill which falls within the scope of those laws will be dealt with in terms of the offence clauses of those laws: