

REPUBLIC OF SOUTH AFRICA

NATIONAL YOUTH COMMISSION AMENDMENT BILL

(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill published in Government Gazette No. 21107 of 17 April 2000) (The English text is the official text of the Bill)

(MINISTER IN THE OFFICE OF THE PRESIDENT)

[B 25—2000]

REPUBLIEK VAN SUID-AFRIKA

WYSIGINGSWETSONTWERP OP DIE NASIONALE JEUGKOMMISSIE

(Soos ingedien in die Nasionale Vergadering as 'n artikel 75-wetsontwerp; verduidelikende opsomming van Wetsontwerp in Staatskoerant No. 21107 van 17 April 2000 gepubliseer) (Die Afrikaanse teks is die amptelike vertaling van die Wetsontwerp)

(MINISTER IN DIE KANTOOR VAN DIE PRESIDENT)

[W 25—2000]

ISBN 0 621 29494 2

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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BILL

To amend the National Youth Commission Act, 1996, so as to further regulate the constitution of the National Youth Commission; and to regulate the relationship between that Commission and provinces; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 4 of Act 19 of 1996

1. Section 4 of the National Youth Commission Act, 1996 (hereinafter referred to as “the principal Act”), is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Subject to subsection (2), the membership of the Commission consists of[—

(a) **one part-time member from each province, who shall be a fit, proper and experienced person, nominated by the Premier and appointed by the President;**

(b) (i) **five part-time members who are fit for such appointment on account of any qualification, knowledge or experience relating to the functions of the Commission; and**

(ii) **up to] five full-time members who, taking into account the objects enunciated in section 3, are—**

(a) fit for such appointment on account of any qualification, knowledge or experience relating to the functions of the Commission; and

(b) appointed by the President on the advice of a committee of Parliament constituted in terms of the rules of Parliament, according to the following principles, namely—

[(aa)](i) participation by the public in the nomination process;

[(bb)](ii) transparency and openness; and

[(cc)](iii) the publication of a shortlist of candidates for appointment

[duly taking into account the objects enunciated in section 3 of this Act].”; and

(b) by the substitution for subsection (3) of the following subsection:

“(3) The President shall designate two of the persons referred to in subsection (1)[(b)(ii)] as chairperson and deputy chairperson of the Commission, respectively, and when the chairperson is not available the deputy chairperson shall perform the functions entrusted to the chairperson by or under this Act or any other law.”.

Insertion of section 7A in Act 19 of 1996

2. The following section is hereby inserted in the principal Act after section 7:

“Relationship between Commission and provinces

- 7A.** (1) In promoting the objects of the Commission and the effective co-ordination of services directed at promoting youth development—
- (a) the Commission shall, in consultation with the chairpersons of the provincial youth commissions and every Member of the Executive Council responsible for youth matters in every province, determine procedures and programmes to promote and maintain a sound working relationship between the Commission and the various provinces;
 - (b) the chairperson of the Commission shall submit a copy of the minutes of every meeting of the Commission to the chairpersons of the provincial youth commissions and to every Member of the Executive Council contemplated in paragraph (a).”

Amendment of section 11 of Act 19 of 1996 15

3. Section 11 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
 - “(1) The remuneration, allowance and other terms and conditions of office and service benefits of the [full-time and part-time] members of the Commission shall be determined by the President in consultation with the Minister of Finance.”; and
- (b) by the deletion of subsection (2).

Short title

4. This Act is called the National Youth Commission Amendment Act, 2000, and commences on a date fixed by the President by proclamation in the *Gazette*. 25

MEMORANDUM ON THE OBJECTS OF THE NATIONAL YOUTH COMMISSION AMENDMENT BILL, 2000

1. BACKGROUND

1.1. The National Youth Commission Act, 1996 (Act No. 19 of 1996), in terms of which the National Youth Commission (hereinafter referred to as the Commission) was established, currently makes provision for the appointment by the President of five full-time commissioners and five part-time commissioners on the advice of a committee of Parliament, and nine part-time provincial commissioners nominated by the Premiers.

1.2. The Commission raised concern with the Presidency about the proliferation of full and part-time members of the national and provincial commissions as well as difficulties with provincial co-ordination of activities and initiatives related to youth development. Since the establishment of the Commission in 1996, seven provinces passed legislation to establish provincial youth commissions.

2. OBJECTS OF BILL

2.1. The Bill seeks to reduce the number of commissioners of the Commission to five full-time members.

2.2. The Bill also aims to provide for a more constructive relationship between the Commission and provincial youth structures, whether they be Provincial Youth Commissions, or cases where a Member of the Executive Council takes primary responsibility for youth development initiatives.

2.3. The Bill commits the Commission to promote and maintain sound working relationships between the Commission and the provinces. It also compels the Commission to provide provincial structures with minutes of every Commission meeting.

3. CONSULTATION

The following bodies were consulted:

- 3.1. The National Youth Commission.
- 3.2. Provincial representatives on the National Youth Commission.

4. FINANCIAL IMPLICATIONS FOR STATE

The reduction of the number of commissioners of the Commission to five full-time members will bring about savings on the Commission's budget, which will be redirected to work on the Commission's programmes.

5. PARLIAMENTARY PROCEDURE

The State Law Advisers and the Office of the President are of the opinion that the Bill must be dealt with in accordance with the procedure prescribed by section 75 of the Constitution, since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.