

5

NATIONAL YOUTH COMMISSION ACT 19 OF 1996

[ASSENTED TO 10 APRIL 1996]

[DATE OF COMMENCEMENT: 19 JUNE 1996]

(Afrikaans text signed by the President)

as amended by

Public Service Laws Amendment Act 47 of 1997

National Youth Commission Amendment Act 19 of 2000

Youth Commission; and to provide for ~~ACT~~ matters connected therewith.

Preamble
 to inculcate patriotism and foster peace, justice and a human rights culture;
 and continues to face;
 full potential through optimal access to opportunities,
 as follows:-

1 **Definition**
 In this Act, unless the context indicates otherwise-
 section 4 (3);

'**Commission**' means the National Youth Commission established by section 2;
 'committee' means a committee established under section 6 (2);
 designated in terms of section 4 (3);

'**member**' means a person appointed in terms of section 4 (1);
 'youth' means persons between the ages of 14 and 35.

2 **Establishment and seat of National Youth Commission**

(2) The seat of the Commission shall be determined by the President.

3 **Objects of Commission**
 The objects of the Commission shall be-

- (a) to co-ordinate and develop an integrated national youth policy;
- (b) to develop an integrated national youth development plan that utilises available resources and expertise for the development of the youth and which shall be integrated with the Reconstruction and Development Programme;
- (c) to develop principles and guidelines and make recommendations to the Government regarding such principles and guidelines, for the implementation of an integrated national youth policy;
- (d) to co-ordinate, direct and monitor the implementation of such principles and guidelines as a matter of priority;
- (e) to implement measures to redress the imbalances of the past relating to the various forms of disadvantage suffered by the youth generally or specific groups or categories of persons among the youth;
- (f) to promote a uniformity of approach by all organs of state, including provincial governments, to matters relating to or involving the youth;
- (g) to maintain close liaison with institutions, bodies or authorities similar to the Commission in order to foster common policies and practices and to promote co-operation;
- (h) to co-ordinate the activities of the various provincial government institutions involved in youth matters and to link those activities to the integrated national youth policy;
- (i) to develop recommendations relating to any other matters which may affect the youth.

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-
 - (i) participation by the public in the nomination process;
 - (ii) transparency and openness; and
 - (iii) the publication of a shortlist of candidates for appointment.

[Sub-s. (1) substituted by s. 1 (a) of Act 19 of 2000.]
 youthfulness and experience.
 the chairperson by or under this Act or any other law.

[Sub-s. (3) substituted by s. 1 (b) of Act 19 of 2000.]

Term of office of members of Commission
 may be reappointed.
 three months' prior written notice to the President.

Commission of Commission
 period determined by it, to ensure the implementation of the national youth policy.
 and for the period determined by it.
 such subsection.
 deputy chairperson, for the strategic task group and for every committee.
 functions of the Commission as the Commission may assign to it.
 committee shall dissolve.
 committee.
 be construed as a reference to 'the Commission'.

Commission may approach President or Parliament
 duties of the carrying out of its functions.

7A. Relationship between Commission and provinces
 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).

[S. 7A inserted by s. 2 of Act 19 of 2000.]

Act or any other law
 Powers, duties and functions of Commission

- (a) the Commission shall-
 - (i) develop and monitor the implementation of a national youth policy;
 - (ii) prioritise national youth issues and initiate youth programmes in accordance with the national youth policy;
 - (iii) link the Government to youth organisations and the youth in general in matters pertaining to youth development;
 - (iv) in consultation with the Government, prioritise resource allocation to youth affairs;
 - (v) assess new needs of, and opportunities and challenges for, the youth;
 - (vi) maintain close liaison with other institutions, bodies or authorities

- similar to the Commission in order to foster common policies and practices and to promote co-operation in relation to youth affairs;
- (vii) carry out or cause to be carried out such studies concerning youth affairs as may be referred to it by the President and the Commission shall, as part of its report referred to in section 12 (1), also report on the results of each such study together with such recommendations in relation thereto as it considers appropriate;
 - (viii) before making any submission to the President, as far as possible consult with all interested persons, parties, bodies or institutions, and shall, in its report referred to in section 12 (1), mention any objections raised or advice given during the said process of consultation, and set out the Commission's comments thereon;
 - (ix) on a quarterly basis report to the President on its activities;
 - (x) monitor and review policies and practices of-
 - (aa) organs of state at any level;
 - (bb) statutory bodies or functionaries;
 - (cc) public bodies and authorities; and
 - (dd) any other persons, bodies or institutions,with regard to youth matters, and may make any recommendations that the Commission deems necessary;
 - (xi) develop and conduct-
 - (aa) information programmes; and
 - (bb) education programmes,to foster public understanding of matters pertaining to the youth and the role and activities of the Commission;
 - (xii) evaluate any Act of Parliament or any other law in force at the commencement of this Act or any law proposed by Parliament or any other legislature after the commencement of this Act, affecting or likely to affect the implementation of the integrated national youth policy and make recommendations to Parliament or such other legislature with regard thereto;
 - (xiii) recommend to Parliament or any other legislature the adoption of new legislation which would promote the implementation of an integrated national youth policy;
 - (xiv) monitor and review the compliance with international conventions, international covenants and international charters, acceded to or ratified by the Republic, relating to the object of the Commission;
 - (xv) prepare and publish reports to Parliament pertaining to any convention, covenant or charter relating to the objects of the Commission;
 - (xvi) liaise and interact with any organisation which actively promotes youth matters and other sectors of civil society to further the objects of the Commission;
 - (xvii) conduct research or cause research to be conducted to further the objects of the Commission;

- (xviii) convene meetings between state departments, including provincial administrations and offices instituted in provinces, of issues pertaining to the youth; and
- (xix) consider such recommendations, suggestions and requests concerning youth matters as it may receive from any source;
- (b) the Commission may-
 - (i) carry out or cause to be carried out any investigation that it deems necessary;
 - (ii) consider such recommendations, suggestions and requests concerning youth affairs as it may receive from any source;
 - (iii) conduct or cause to be conducted such research as it may deem

referred to in subsection (1), make recommendations regarding-

- (a) the involvement of all relevant state departments and, through the mediation of the institutions or offices designated for the purpose by the provincial government, of all provincial departments, and other authorities;
- (b) the development of policies aimed at the positive involvement of the youth in the reconstruction of the South African society;
- (c) co-operation and co-ordination among the various institutions dealing with matters affecting youth;
- (d) administrative mechanisms to facilitate co-operation and collaboration between the various stake-holders towards integrated planning and inter-sectoral co-operation in matters affecting the youth;
- (e) policy concerning-
 - (i) the recognition of the commonality and uniqueness of gender;
 - (ii) the provisions of equal resources to the genders; and
 - (iii) the principle of equal representation of the genders on administrative

performance of its duties and carrying out of its functions.

9 Vacancies in Commission

- (1) A vacancy in the Commission occurs-
 - (a) when a member's term of office expires;
 - (b) when a member dies;
 - (c) when a member is removed from office in terms of the proviso to section 5 (1); or
 - (d) when a member's resignation, submitted in accordance with section 5 (3), takes effect.
- (2) A vacancy in the Commission shall-
 - (a) not affect the validity of the proceedings or decisions of the Commission; and
 - (b) be filled as soon as practicable in accordance with section 4, and any member so designated shall, where applicable, hold office for the unexpired portion of his or her predecessor's term of office.

times in every year.
 among their number to preside at that meeting.
 number of members.
 his or her deliberative vote.
 be kept of its proceedings.

11 Remuneration and expenses of members of Commission and committees
consultation with the Minister of Finance.

(2) [Sub-s. (1) substituted by s. 3 (a) of Act 19 of 2000.]

with the Minister of Finance. [Sub-s. (2) deleted by s. 3 (b) of Act 19 of 2000.]

12 Reports to the Senate.

the Commission may, at any time, submit a report to the President if it deems it necessary.

13 Secretary and staff of Commission, finance and accountability
Commission as chief executive officer of the Commission who

- (a) shall be an *ex officio* member of the Commission;
- (b) shall, in consultation with the Minister of Finance and subject to subsection (5), appoint such staff as may be reasonably necessary to assist him or her with the work incidental to the performance by the Commission of its functions;

[Para. (b) substituted by s. 35 (1) of Act 47 of 1997.]

- (c) shall be responsible for the management of and administrative control over the staff appointed in terms of paragraph (b), and shall for those purposes be accountable to the Commission;
- (d) shall, subject to the Exchequer Act, 1975 (Act 66 of 1975)-
 - (i) be charged with the responsibility of accounting for State money received or paid out for or on account of the Commission;
 - (ii) cause the necessary accounting and other related records to be kept;
- (e) may exercise the powers and shall perform the duties and functions which the Commission may from time to time confer upon or assign to him or her in order to achieve the objects of the Commission, and shall for those purposes be accountable to the Commission.

(2) The records referred to in subsection (1) (d) (ii) shall be audited by the Auditor-

General.

shall be subject to-

- (a) requests being received *mutatis mutandis* in the form as prescribed for the budgetary processes of departments of state; and
- (b) the provisions of the Exchequer Act, 1975, and the regulations and instructions issued in terms thereof, as well as the Auditor-General Act,

1989 (Act 57 of 1989).
the Commission may determine in accordance with the regulations under section 14.
the Secretary may determine in accordance with the regulations under section 14.
expenses, of such persons.

[Sub-s. (6) substituted by s. 35 (1) of Act 47 of 1997.]

14 Regulations regarding the following matters in relation to the staff of the Commission:

- (a) (i) The different categories of salaries and scales of salaries which shall be applicable to the different categories of members of staff;
- (ii) the requirements for appointment and the appointment, promotion, discharge and disciplinary steps;
- (iii) the recognition of appropriate qualifications and experience for the purposes of the determination of salaries;
- (iv) the procedure and manner of and criteria for evaluation, and the

- conditions or requirements for the purposes of promotion;
- (b) the powers, duties, conduct, discipline, hours of attendance and leave of absence, including leave gratuity, and any other condition of service;
 - (c) the creation of posts on the establishment of the Commission;
 - (d) the training of staff, including financial assistance for such training;
 - (e) a code of conduct to be complied with by staff;
 - (f) the provision of official transport;
 - (g) the conditions on which and the circumstances under which remuneration for overtime duty, and travel, subsistence, climatic, local and other allowances, may be paid;
 - (h) the legal liability of any member of staff in respect of any act done in terms of this Act or any other law and the legal liability emanating from the use of official transport;
 - (i) the circumstances under which and the conditions and manner in which a member of staff may be found to be guilty of misconduct, or to be suffering from continued ill-health, or of incapacity to carry out his or her duties of office efficiently;
 - (j) the procedure for dealing with complaints and grievances of members of staff and the manner in which and time when or period wherein and person to whom documents in connection with requests and communications of such members of staff shall be submitted;
 - (k) the membership or conditions of membership of a particular pension fund and the contributions to and the rights, privileges and obligations of members of staff or their dependants with regard to such a pension fund;
 - (l) the membership or conditions of membership of a particular medical aid scheme or medical aid society and the manner in and the conditions on which membership fees and other monies which are payable or owing by or in respect of members of staff or their dependants, to a medical aid scheme or medical aid society, may be recovered from the salaries of such members of staff and paid to such medical aid scheme or medical aid society;
 - (m) the contributions to and the rights, privileges and obligations of members of staff or their dependants with regard to such a medical aid scheme or medical aid society;
 - (n) in general, any matter which is not in conflict with this Act or the Constitution and which is reasonably necessary for the regulation of the terms and conditions of service of members of staff.

consultation with the Minister of Finance. [Subs. (1) amended by s. 35 (1) of Act 47 of 1997.]

15 Short title and commencement
into operation on a date fixed by the President by proclamation in the *Gazette*.

NATIONAL YOUTH COMMISSION AMENDMENT ACT 19 OF 2000

[ASSENTED TO 15 JUNE 2000]

[DATE OF COMMENCEMENT: 23 JUNE 2000]

(English text signed by the President)

therewith.

ACT

paragraph (a) substitutes subsection (1); and paragraph (b) substitutes subsection (3).
2 Inserts section 7A in the National Youth Commission Act 19 of 1996.
substitutes subsection (1); and paragraph (b) deletes subsection (2).

4 Short title

Consolidated Act 19 of 1996 as amended