

NATIONAL YOUTH COMMISSION ACT

PRESIDENT'S OFFICE

No. 633. 19 April 1996

NO. 19 OF 1996: NATIONAL YOUTH COMMISSION ACT, 1996.

It is hereby notified that the President has assented to the following Act which is hereby published for general information:-

ACT

To provide for the establishment, constitution, objects and functions of a National Youth Commission; and to provide for matters connected therewith.

PREAMBLE

SINCE it is necessary to create a united, non-racial, non-sexist and prosperous society, in which the youth of South Africa shall promote national reconciliation and unity, build a new patriotism and foster peace, justice and a human rights culture;

AND SINCE it is imperative that South Africa recognises the role that youth played and will still play in society, and since the youth in South Africa constitutes an energetic, creative and the largest sector of our population, and given the challenges this sector faced and continues to face;

AND SINCE it is necessary to redress the imbalances of the past and to create a national youth policy aimed at empowering the youth and allowing them to realise their full potential through optimal access to opportunities,

(Afrikaans text signed by the President.) (Assented to 10 April 1996.)

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa as follows:-

Definitions

1. In this Act, unless the context indicates otherwise-

(i) "Chairperson" means the chairperson of the Commission designated in terms of section 4(3); (vi)

(ii) "Commission" means the National Youth Commission established by section 2; (iii)

(iii) "committee" means a committee established under section 6(2); (ii)

(iv) "Deputy Chairperson" means the deputy chairperson of the Commission designated in terms of section 4(3); (v)

(v) "member" means a person appointed in terms of section 4(1); (iv) and

(vi) "youth" means persons between the ages of 14 and 35. (i)

Establishment and seat of National Youth Commission

2. (1) There is hereby established a commission, to be known as the National Youth Commission, with the powers and duties conferred on or assigned to it by or under this Act or any other law.

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

Objects of Commission

3. 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.

Constitution of Commission

4. (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 are fit for such appointment on account of any qualification, knowledge or experience relating to the functions of the Commission,

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) participation by the public in the nomination process;

(bb) transparency and openness; and

(cc) the publication of a shortlist of candidates for appointment,

duly taking into account the objects enunciated in section 3 of this Act.

(2) The Commissioners shall, when viewed collectively, represent a broad cross-section of the youth of the Republic and show a balance between the attributes of youthfulness and experience.

(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.

Term of office of members of Commission

5. (1) The members of the Commission shall hold office for such fixed term as the President may determine at the time of their appointment, but not exceeding five years:

Provided that the President may remove any member from office at any time after consultation with the Commission if, in his or her opinion, there are sound reasons for doing so.

(2) Any person whose term of office as a member of the Commission has expired, may be reappointed.

(3) A member of the Commission may resign from office by submitting at least three months' prior written notice to the President.

Committees of Commission

6. (1) The Commission shall establish a strategic task group consisting of one or more members of the Commission designated by the Commission and, if necessary, one or more

other persons whom the Commission may appoint for that purpose and for the period determined by it, to ensure the implementation of the national youth policy.

(2) In addition, the Commission may establish one or more committees consisting of one or more members of the Commission designated by the Commission and, if necessary, one or more other persons whom the Commission may appoint for that purpose and for the period determined by it.

(3) The Commission may extend the period of an appointment made by it under subsection (1) or (2) or withdraw any such appointment during a period contemplated in such subsection.

(4) The Commission shall designate a chairperson and, if it deems it necessary, a deputy chairperson, for the strategic task group and for every committee.

(5) A committee shall, subject to the directions of the Commission, perform such functions of the Commission as the Commission may assign to it.

(6) On completion of the functions assigned to it in terms of subsection (5), a committee shall submit a written report thereon to the Commission, whereupon the committee shall dissolve.

(7) The Commission may at any time dissolve the strategic task group or any committee.

(8) The provisions of section 10(1) to (5) shall, where applicable, apply mutatis mutandis to a meeting of the strategic task group or a committee and for that purpose a reference therein to "the Commission" shall be construed as a reference to "the strategic task group" or "a committee", as the case may be, and a reference therein to "the President" shall be construed as a reference to "the Commission".

Commission may approach President or Parliament

7. The Commission may, at any time, approach either the President or Parliament with regard to any matter relating to the exercising of its powers or the performance of its duties or the carrying out of its functions.

Powers, duties and functions of Commission

8. (1) In addition to any other duties or functions assigned or entrusted to it by this Act or any other law-

(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 necessary to achieve its objects.

(2) The Commission may, in order to carry out its duties and perform its functions 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 intersectoral 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 and other bodies.

(3) All organs of state and of the provinces shall afford the Commission such assistance as may be reasonably required for the effective exercise of its powers, performance of its duties and carrying out of its functions.

Vacancies in Commission

9. (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.

Meetings of Commission

10. (1) Meetings of the Commission shall be held at the times and places determined by the Commission: Provided that the first meeting shall be held at the time and place determined by the President: Provided further that the Commission shall meet at least four times in every year.

(2) If the Chairperson is absent from a meeting of the Commission, the Deputy Chairperson shall act as chairperson, and if both the Chairperson and Deputy Chairperson are absent from a meeting of the Commission, the members present shall elect one from among their number to preside at that meeting.

(3) The quorum for any meeting of the Commission shall be a majority of the total number of members.

(4) The decision of the majority of the members present at a meeting of the Commission shall be the decision of the Commission, and in the event of an equality of votes concerning any matter, the member presiding shall have a casting vote in addition to his or her deliberative vote.

(5) The Commission shall determine its own procedure and shall cause minutes to be kept of its proceedings.

(6) The Commission shall from time to time by notice in the Gazette make known the particulars of the procedure which it has determined in terms of subsection (5).

Remuneration and expenses of members of Commission and committees

11. (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.

(2) A part-time member of the Commission may, for any period during which that member, with the approval of the Commission, performs additional duties and functions, be paid such additional remuneration as may be determined by the President in consultation with the Minister of Finance.

(3) Any member of a committee who is not in the full-time service of the State or a province, may be paid such remuneration as the President may determine in consultation with the Minister of Finance.

Reports

12. (1) The Commission shall report to the President at least once every year on its activities, and the President shall cause such report to be tabled promptly in the National Assembly and the Senate.

(2) In addition to the report contemplated in subsection (1), the Commission shall submit to the President quarterly reports on its findings in respect of functions and investigations which were performed or conducted by it during that quarter: Provided that the Commission may, at any time, submit a report to the President if it deems it necessary.

Secretary and staff of Commission, finances and accountability

13. (1) The President shall, as soon as possible after the appointment of the members of the Commission, in consultation with the Commission, appoint a Secretary of the 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 Public Service Commission and 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;

(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 No. 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.

(3) The defrayal of expenditure in connection with matters provided for in this Act 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 No. 52 of 1989).

(4) The Secretary of the Commission shall be appointed on such terms and conditions and shall receive such remuneration, allowances and other service benefits as the Commission may determine in accordance with the regulations under section 14.

(5) The other staff of the Commission shall be appointed on such terms and conditions and shall receive such remuneration, allowances and other service benefits as the Secretary may determine in accordance with the regulations under section 14.

(6) The Commission may, in consultation with the Public Service Commission, in the exercise of its powers or the performance of its duties and functions by or under this Act, for specific projects, enter into contracts for the services of persons having technical or specialised knowledge of any matter relating to the work of the Commission, and with the concurrence of the Minister of Finance, determine the remuneration, including reimbursement for travelling, subsistence and other expenses, of such persons.

Regulations

14. (1) The President may, after the Commission has made a recommendation an after consultation with the Public Service Commission, make 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.

(2) Any regulation under this section relating to state expenditure, shall be made in consultation with the Minister of Finance.

Short title and commencement

15. This Act shall be called the National Youth Commission Act, 1996, and shall come into operation on a date fixed by the President by proclamation in the Gazette.