

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.

ACT

To amend the Free State Youth Commission Act, 1996 as to define anew certain expressions, and to further regulate the constitution, the objectives, powers and functions and meetings of the Provincial Youth Commission; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Free State Province as follows:-

(English text signed by the Premier.)
(Assented to 29 January 2001.)

5

Amendment of section 1 of Act 4 of 1996

1. Section 1 of the Free State Youth Commission Act, 1996 (hereinafter referred to as “the principal Act”) is amended – 10
 - (a) by the substitution for the definition of “Constitution” of the following definition: 15

“ ‘Constitution’ means the Constitution of the Republic of South Africa, **[1993 (Act No 200 of 1993)]** 1996 (Act No 108 of 1996);”; 15
 - (b) by the substitution for the definition of “Department” of the following definition: 20

“ ‘Department’ means a department referred to in **[section 1 of the Provincial Service Commission Act, 1994 (Act No 3 of 1994)]** Schedule 2 of the Public Service Act, 1994 (Proclamation 103 of 1994);”; 20
 - (c) by the substitution for the definition of “Executive Council” of the following definition: 25

“ ‘Executive Council’ means the Executive Council of the Province referred to in section **[149]** 125 of the Constitution;”;
 - (d) by the substitution for the definition of “Premier” of the following definition: 30

“ ‘Premier’ means the Premier of the Province referred to in section **[145(1)]** 128 of the Constitution;”.

Amendment of section 3 of Act 4 of 1996

2. Section 3 of the principal Act is substituted by the following section:

- “(1) The members of the Commission shall be appointed by the **[Executive Council] Premier** and shall consist of not more than **[10] 5 full time** members **[who shall not be in the employ of the Province or the central government : Provided that the Commission shall have at least 2 full time members.]** appointed on the advice of a committee of the Free State Provincial Legislature, constituted in terms of the Rules and Orders of the Free State Provincial Legislature, according to the following principles, namely –
- (a) participation by the public in the nomination process;
 - (b) transparency and openness; and
 - (c) the publication of a shortlist of candidates for appointment,
- duly taking into account the objects enunciated in section 4A of this Act.
- (2) The Commissioners shall, when viewed collectively, represent a broad cross-section of the youth of the Province and show a balance between the attributes of youthfulness and experience.
- [(2)](3)** The Commission shall designate one member of the Commission as chairperson and any other member as vice-chairperson, who shall act as chairperson of the Commission when the chairperson is absent or is unable to perform his or her duties. **[and when both the chairperson and vice-chairperson are absent from a meeting of the Commission, the members present at the meeting shall elect one of their number to preside at such meeting.]**”

Amendment of section 4 of Act 4 of 1996

3. Section 4 of the principal Act is substituted by the following section:

- “4. (1) Subject to the provisions of subsection (2), a member of the Commission shall hold office for such period, not exceeding 5 years, as the **[Executive Council] Premier** may determine at the time of his or her appointment, and shall be eligible for reappointment at the termination of his or her term of office.
- (2) A member of the Commission shall vacate his or her office –
- (a) if he or she resigns;
 - (b) if he or she is absent from 3 consecutive meetings of the Commission without the prior leave of the chairperson; or
 - (c) if his or her term of office is terminated under subsection (3).

- (3) The **[Executive Council]** Premier may at any time, after consultation with the Commission, terminate the term of office of any member of the Commission if, in **[their]** his or her opinion, there are good reasons for doing so. 5
- (4) A vacancy in the Commission shall be filled in accordance with subsection (1) for the unexpired portion of the vacating member's term of office.
- [(5) The remuneration and allowances of members of the Commission shall be determined by the Executive Council in consultation with the designated Member.]** 10

Insertion of section 4A of Act 4 of 1996

4. The following section is inserted in the principal Act after section 4: 15

“Objects of the Commission

- 4A.** The objects of Commission shall be – 20
-
- (a) to co-ordinate and implement an integrated national youth policy;
- (b) to develop an integrated provincial 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; 25
- (c) to develop principles and guidelines and make recommendations to the Provincial Government regarding such principles and guidelines, for the implementation of an integrated national youth policy; 30
- (d) to co-ordinate, direct and monitor the implementation of such principles and guidelines as a matter of priority; 35
- (e) to implement measures and programmes 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; 40
- (f) to promote a uniformity of approach by all organs of state, including provincial departments 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; 45
- (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; 50
- (i) to develop recommendations relating to any other matters which may affect the youth.

Substitution of section 5 of Act 4 of 1996

5. The following section is substituted for section 5 of the principal Act:

“Powers and functions of Commission

5

5. In addition to any other duties or functions assigned or entrusted to it by this Act or any other law,

(a) the Commission shall –

10

(i) develop and monitor the implementation of a provincial youth policy;

(ii) prioritise provincial youth issues and initiate youth programmes in accordance with the national and provincial youth policy;

15

(iii) link the provincial government to youth organisations and the youth in general in matters pertaining to youth development;

20

(iv) in consultation with the provincial government, prioritise resource allocation to youth affairs;

25

(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;

30

(vii) carry out or cause to be carried out such studies concerning youth affairs as may be referred to it by the Executive Council and the Commission shall, as part of its report referred to in section 8A, also report on the results of each such study together with such recommendations in relation thereto as it considers appropriate;

35

(viii) before making any submission to the Executive Council, as far as possible consult with all interested persons, parties, bodies or institutions, and shall, in its report referred to in section 8A, mention any objections raised or advice given during the said process of consultation, and set out the Commission’s comments thereon;

40

45

(ix)	on a quarterly basis report to the Executive Council on its activities;	
(x)	monitor and review policies and practices of –	5
	(aa) organs of state at provincial and local level;	
	(bb) statutory bodies or functionaries;	
	(cc) public bodies and authorities; and	10
	(dd) any other persons, bodies or institutions,	
	with regard to youth matters, and may make any recommendations that the Commission deems necessary;	15
(xi)	develop and conduct –	
	(aa) information programmes; and	20
	(bb) education programmes,	
	to foster public understanding of matters pertaining to the youth and the role and activities of the Commission;	25
(xii)	evaluate any Act of the Provincial Legislature or any other law in force at the commencement of this Act or any law proposed by the Provincial Legislature after the commencement of this Act, affecting or likely to affect the implementation of the integrated national youth policy and make recommendations to the Provincial Legislature with regard thereto;	30
(xiii)	recommend to the Provincial Legislature the adoption of new legislation which would promote the implementation of an integrated provincial youth policy;	35
(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;	40
(xv)	prepare and publish reports to Provincial Legislature pertaining to any convention, covenant or charter relating to the objects of the Commission;	45

(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;	5
(xviii)	convene meetings between provincial departments and offices instituted in the province, of issues pertaining to the youth;	10
(xix)	consider such recommendations, suggestions and requests concerning youth matters as it may receive from any source; and	15
(xx)	facilitate the establishment of youth units at district and local government levels in consultation with the Member of the Executive Council responsible for Local Government.	
(b)	the Commission may –	20
(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;	25
(iii)	conduct or cause to be conducted such research as it may deem necessary to achieve its objects.	30
(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 provincial departments and other authorities;	35
(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;	40
(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;	45

- (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 province 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.

5
10

Substitution of section 6 of Act 4 of 1996

15

6. The following section is substituted for section 6 of the principal Act:

“Procedure at meetings of Commission

20

- 6. (1) Meetings of the Commission shall be held on such dates and at such times and places as the Commission may determine : Provided that the Commission shall meet on a monthly basis.
- (2) The procedure at a meeting of the Commission shall be determined by the Commission and shall cause minutes to be kept of its proceedings.
- (3) The quorum for a meeting of the Commission shall be the simple majority of the members of the Commission.
- (4) A decision of the Commission shall be taken by a majority of the votes of the members present at a meeting of the Commission, and in the event of any equality of votes on any matter, the **[chairperson]** member presiding shall have a casting vote in addition to his or her deliberative vote.”

25
30
35

Substitution of section 7 of Act 4 of 1996

7. Section 7 of the principal Act is amended –

40

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

“[Accounting officer, financing, expenditure and estimates of Commission] Secretary and staff of Commission, finances and accountability

45

- (1) The Commission shall, as soon as possible after the appointment of its members, in consultation with the Premier, appoint a Secretary of the Commission as chief executive officer of the Commission who – 5
- (a) shall be an *ex officio* member of the Commission; 5
 - (b) shall, in consultation with the Premier and the responsible Member 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; 10
 - (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; 15
 - (d) shall subject to the Public Finance Management Act, 1999 (Act No 1 of 1999) – 20
 - (i) be charged with the responsibility of accounting for State money received or paid out for or on account of the Commission; 25
 - (ii) cause the necessary accounting and other related records to be kept; 25
 - (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.” 30
- (b) by the insertion of the following subsections after subsection (7) of the principal Act: 35
- “(8) 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 consultation with the Premier. 40
- (9) 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 consultation with the Commission. 45
- (10) The Commission may, in consultation with the Premier and the responsible Member, 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 determine the remuneration, including reimbursement for travelling subsistence and other expenses, of such persons.” 50

Insertion of section 7A of Act 4 of 1996

8. The following section is inserted after section 7 of the principal Act:

“Remuneration of members of Commission” 5

7A. The remuneration, allowances and other terms and conditions of office and service benefits of the members of the Commission shall be determined by the Premier in consultation with the responsible Member.” 10

Insertion of section 8A of Act 4 of 1996

9. The following section is inserted after section 8 of the principal Act:

“Reports and minutes of meetings” 15

8A. (1) The Commission shall report to the Premier at least once every year on its activities, and the Premier shall cause such report to be tabled promptly in the Provincial Legislature. 20

(2) In addition to the report contemplated in subsection (1), the Commission shall submit to the Premier 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 Premier if it deems it necessary. 25

(3) The Commission shall submit a copy of the report contemplated in subsection (1) and minutes of every meeting of the Commission to the chairpersons of the National Youth Commission and of the district and local youth units.” 30

Short title

10. This Act is called the Free State Youth Commission Amendment Act, 2001. 35