

Kantoor van die Premier
Office of the Premier
I-ofisi ye Nkulumbuso



Reference : 3/2/3/12
Verwysing :
Isingqiniso :

Date : 6 June 2023
Datum :
Umhla :

Chairperson
Portfolio Committee on Women, Youth and Persons with Disabilities
Parliament of the Republic of South Africa

Attention: Ms Neliswa Nobatana
Per email: nydaambill@parliament.gov.za

Dear Ms Nobatana

NATIONAL YOUTH DEVELOPMENT AGENCY AMENDMENT BILL [B13-2022]

Thank you for the opportunity to comment on the National Youth Development Agency Amendment Bill [B13-2022] ("the Bill").

In February 2021, the Western Cape Government (WCG) submitted comments on the Draft National Youth Development Agency Amendment Bill, 2020 to the Department of Women, Youth and Persons with Disabilities. We are pleased to see that certain of our recommendations have been incorporated into the current version of the Bill, notably, the retention of section 4 of the National Youth Development Agency Act, 2008 (Act 54 of 2008) ("the Act"), which relates to the seminal principles of youth development in South Africa.

In previous comments, the WCG stated its' policy position on the development of the youth, and it is worth reiterating it here:

1. Child and youth development are both a constitutional and developmental imperative. Many young people experience structural poverty and inequality, constrained choices and limited life chances,

and an absence of networks and support. Such a context often results in a sense of hopelessness, an inadequate sense of self, a high tolerance for risk, and increased chances of risk-taking behaviour. Youth should therefore be supported to develop a sense of agency to carry them through life's challenges. As they grow into productive adulthood, young people should also be given a real and imminent sense of possibilities and opportunities for them to increase their access to a pool of life chances. These interventions will promote equality of access, considering gender and the needs of persons with disabilities.

2. The WCG welcomes some of the key intentions of the Bill, such as:
 - a. Providing more focus for the National Youth Development Agency ("the Agency") through limiting its objects primarily through initiating, designing and piloting youth development programmes;
 - b. Providing for members of the Agency's Board to submit their financial disclosures in the prescribed manner and the general strengthening of the composition of the Board and governance measures applicable to the Board.

However, we recommend that the Portfolio Committee on Women, Youth and Persons with Disabilities considers the following matters in seeking to refine and finalise the Bill:

1. Due to the severe fiscal restraints the country is facing, it is recommended that alternative means to increase the reach and footprint of the Agency be developed. Options could include leveraging online platforms, existing national structures or provincial, local and/or civil society structures through Memoranda of Understanding or by other means.
2. It is important that the leadership of the Board is stable to ensure proper guidance and oversight of additional resources, which may be allocated as a result of the Bill. The governance processes regarding Board membership and the retention of its members could also be strengthened to include prior experience working with youth, and tertiary degree requirements related to relevant skillsets such as accounting, finance, management and law, etc., to ensure that the objects of the Act are being met.
3. A core object that the Bill introduces is to "initiate, design and pilot youth development programmes to be implemented by the Agency, in collaboration with **organs of state, private sector organisations and civil society organisations**" (clause 2). Clause 5 inserts an obligation on organs of state to the extent that they "must assist the Agency as may be reasonably required for the effective exercise, of its powers and the performance of its functions". The prescription does not provide criteria on how to measure reasonableness and does not address whether the Agency or the organs of state would be responsible for providing the

budget and capacity, or instances where the assistance, financial or otherwise, may be outside the mandate of the organ of state. Additionally, pilot initiation must speak to the priorities of the Province or municipalities, and not be unrelated to these needs. While the Department of Women, Youth and Persons with Disabilities, at a consultative session held with the WCG, advised that some of these issues can be addressed in the regulations, it is recommended that greater specificity is provided in the Act to enhance clarity for collaboration. We are, however, pleased to see the provisions in the Bill that include grants to organisations with youth as beneficiaries. It is recommended, however, that the Bill include provisions that outline clear criteria and guidelines for the allocation of funds from the National Youth Fund.

4. The Agency's funding provision in clause 12 must be clarified.
5. The proposed section 5(4) requires a wide range of services directed at youth that could foreseeably duplicate services offered by provincial and local government. It is recommended that the list be reviewed with a view to avoiding duplication of services, ensuring that there are provisions that outline clear criteria and guidelines for the allocation of funds from the National Youth Fund, as well as consider expanding on the current responsibilities of the Agency, rather than deleting the current list and replacing it with a new list.

Please find attached, marked as "Annexure A", the clause-specific comments from the WCG in relation to the Bill.

Yours faithfully,

MR ALAN WINDE
PREMIER: WESTERN CAPE