

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**NATIONAL YOUTH
DEVELOPMENT AGENCY
AMENDMENT BILL**

[B 13—2022]

(Portfolio Committee on Women, Youth and Persons with Disabilities)

[B 13A—2022]

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AGREED AMENDMENTS TO

NATIONAL YOUTH DEVELOPMENT AGENCY AMENDMENT BILL [B 13—2022]

LONG TITLE

1. On page 2, in line 7 of the long title, to omit “consecutive”.
2. On page 2, in the seventh line, to omit “to provide that Board members must submit their financial disclosures” and to substitute “to provide for additional grounds for disqualification; to provide for filling of vacancy during terms;”.

CLAUSE 1

1. On page 2, after line 5, to add the following paragraph:
“(a) by the omission of the definitions of “organ of state” and “Integrated Youth Development Strategy”;
2. On page 2, after line 13, to insert the following definitions:
“**Department**” means the department responsible for youth;
“**femicide**” means the killing of a female person or any person on the basis of gender identity as identified as female, whether committed by a person within a domestic relationship, interpersonal relationship or by any other person;”;
3. On page 2, to follow after paragraph 2 above, to insert the following paragraphs:
“(b) by the insertion after the definition of “financial year” of the following definitions:
“**gender-based violence**” means violence associated with gender, which includes physical, sexual, domestic, emotional, economic, or psychological abuse or threats of such acts of abuse in public or private life;
“**Integrated Youth Development Strategy**” means the strategy developed to ensure implementation of the National Youth Policy;” and
4. On page 2, after line 20, to insert the following definition:
“**organ of state**” has the meaning assigned in section 239 of the Constitution of the Republic of South Africa, 1996”.

NEW CLAUSE

1. That the following be a new clause to follow after clause 1:

“Amendment of section 2 of Act 54 of 2008

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Agency is a national public entity as [defined in section 1] listed in Part A of Schedule 3 of the Public Finance Management Act.”.

CLAUSE 2

1. On page 3, from line 4, to omit subsection (1) and substitute:

“(1) The objects of the Agency are to—
(a) initiate, design, coordinate, monitor, and evaluate youth development programmes at provincial and local levels;
(b) establish annual youth development priorities and report to the Minister on implementation;
(c) lobby organs of state, the private sector and civil society organisations towards implementation of the national youth development priorities;
(d) broadly promote the interests of the youth, particularly youth who fall within the designated groups contemplated in the Employment Equity Act, 1998 (Act No. 55 of 1998);
(e) contribute to development of the National Youth Policy and an Integrated Youth Development Strategy for South Africa; and
(f) develop guidelines for implementation of the Integrated Youth Development Strategy; and
(g) promote a uniform approach in youth development across organs of state, the private sector and civil society.”.

CLAUSE 3

1. On page 3, from line 38, to omit subsection (4) and substitute:

“(4) The Agency must, for purposes of subsection (3) and within its available resources, amongst others—
(a) provide youth advisory and information services including information on the products and services of the Agency;
(b) provide career guidance services in collaboration with relevant partners;
(c) provide skills training to youth including personal development and life skills;
(d) contribute to the development of youth policy in the country;
(e) support youth work, education and training;
(f) provide funding in the prescribed manner and capacity building to small, micro and medium enterprises, youth owned cooperatives, individual youth, youth serving and youth led organisations that advance the Agency’s mandate;
(g) support and mentor young entrepreneurs;
(h) design and implement youth employment programmes, including developing a database of unemployed youth and employment opportunities;
(i) assist in promoting healthy lifestyles amongst the youth;
(j) assist in designing and implementing programmes that reduce risky behaviour;
(k) assist in promoting mental health amongst the youth;
(l) coordinate and implement the national youth service;
(m) assist in developing norms and standards, as well as implementation guidelines;
(n) assist by providing technical support in legislation and strategy development; and
(o) conduct research that impacts on youth.”.

CLAUSE 5

1. On page 4, from line 26, to omit section 7 and substitute:

“7. Subject to the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), organs of state must assist the Agency as

may reasonably be required for the effective exercise of its powers and the performance of its functions.”.

CLAUSE 6

1. On page 4, in line 40, to omit paragraph (iv) and substitute:

“(iv) an Agency charter that outlines the rights and responsibilities of the Agency including a governance checklist;”.

CLAUSE 7

1. On page 5, from line 2, to omit subsection (1) and substitute:

“(1) The Board consists of—

- (a) seven members, two [(2)] of whom are executive directors appointed by the President on recommendation of the National Assembly;
- (A) two ex-officio members, without voting rights, designated by the Minister from the Department and acting in an advisory capacity; and
- (b) the Chief Executive Officer, who is an *ex-officio* member of the Board without voting rights.”.

2. On page 5, from line 12, to omit paragraph (4) and substitute:

“(4) Members must broadly reflect the demographics and geographical spread of the Republic and must—

- (a) be a South African Citizen between the ages of 18 and 35 years;
- (b) have relevant knowledge, expertise, experience or qualifications in youth development, social development, financial field, legal field or any other field considered necessary for advancement of the Agency’s mandate;
- (c) be allowed to finish their term of office, if they turn 35 years whilst in office; and
- (d) be committed to advance the vision, mission, goal, objectives, values and principles as enunciated in the National Youth Policy.”.

3. On page 5, from line 24, to omit paragraph (a) and substitute:

“(a) The President must designate one of the members as the chairperson and another member as a deputy chairperson and both are executive directors referred to in subsection 1(a).”.

4. On page 5, from line 29, to omit subsection (6) and substitute:

“(6) Members hold office for a term of three [(3)] years and may not be reappointed for more than two terms.”.

5. On page 5, after line 37, to insert:

“(h) by the deletion of subsection (9);”;

6. On page 5, from line 42, to omit subsection (11) and substitute:

“(11) Members who are employed by an organ of state are not entitled to remuneration, [or any allowance,] but must be reimbursed for out-of-pocket expenses by the [Board] Agency.”.

CLAUSE 8

1. On page 5, after line 46, to insert:

“(a) by the substitution for the heading of the following heading:
“**Disqualification, removal from office [and], resignation of members and filling vacancy during term**”;
2. On page 5, from line 47, to omit paragraph (a) and substitute:

“(a) by the substitution for subsection (1) of the following subsection:
“(1) A person may not be appointed or continue to serve as a member if he or she—
(a) is an unrehabilitated insolvent
(b) has been—
(i) convicted of any criminal offence and sentenced to imprisonment without the option of a fine; or
(ii) convicted and fined more than the prescribed amount, for theft, fraud, forgery, perjury, an offence in connection with the promotion, formation or management of a company, any violation of the Public Finance Management Act or any offence involving dishonesty or
(iii) convicted of a gender-based violence and femicide-related offence;
(c) has been removed from an office of trust as a result of improper conduct, including sexual harassment, corruption, theft or fraud;
(d) has been declared to be of unsound mind by a court;
(e) is placed under curatorship; or
(f) fails to submit his or her annual financial disclosure in the prescribed form and manner without good cause on more than one occasion.”.”.
3. On page 5, in line 53, to remove “Minister” and substitute with “National Assembly”.
4. On page 6, from line 12, to omit subsection (6) and substitute:

“(6) When a vacancy arises as contemplated in subsection (5), the President, on the recommendation of the Minister, may appoint a person from the recent list of persons recommended by the National Assembly in terms of section 9(1)(a).”.
5. On page 6, after line 15, to insert the following subsection:

“(7) A person appointed in terms of subsection (6) holds office for the unexpired portion of the term of the member he or she replaces.”.
6. On page 6, from line 22, to omit paragraph (c) and substitute:

“(c) recommend candidates to the President for appointment to the interim Board.”.
7. On page 6, in line 26, to omit “non-executive” and to and substitute “executive”.

CLAUSE 14

1. On page 7, after line 30, to insert:

“(h) by the substitution for the item relating to section 10 of the following item:

“10. Disqualification, removal from office [**and**], resignation of [**director**] member and filling vacancy during term”.”

