

(5)

ANCYL
08/18/84

ORAL SUBMISSION ON THE BILL

Comments

- Overarching approach should depart from premise that the Agency establishment seeks to adopt a seamlessly integrated approach to youth development, which must give effect to vertical & horizontal alignment, guided by the reality that South Africa is a unitary state.
- Support the location of Agency as a public entity within the Presidency, provided a separate Vote is created allowing direct appropriation by Parliament
- Bill must be unambiguous that this is a national public entity as defined in section 1 of the PFMA rather than an agency in the conventional sense
- The Preamble of the Bill must succinctly capture the historic political context of youth development
- Memorandum must reflect the articulation of the functional areas

Comments...

- Board nominations must be done through youth structures, rather than the public
- Sections dealing with reporting, reference should be clarified particularly in reference to the President.
- The NEDLAC process must be followed through the Ad hoc committee.
- Parliamentary appropriations must be made through a separate vote for the Agency
- The Bill must accord the Agency power to implement programmes
- The CEO must be appointed by the Board, rather than President

Comments...

- Board must be able to designate full-time Directors rather than limit this to Chairperson
- Preamble that traces historical background of the struggles of South Africa's youth which directly gives rise to the need for the proposed Agency
- Bill must clearly define enforcement capability of the Agency
- Bill must define clearly the nature of the structures at local level

Comments...

- Anchor provision 23(3) is important to ensure relevant processes to incorporate Provincial Youth Commission are incorporated into the Agency at a future date to be determined by the President in consultation with the Premiers.
- Transitional Provisions are important to ensure that institutional memory (incl. lessons) of existing institutions is not lost, and continuity in existing programmes and succession issues are clarified.
- The Bill is a section 75 Bill as procedure to classify Bill as section 76 is determined by whether the function is listed in Schedule 4 of the constitution, making it a residual power of national government. Notwithstanding, Parliament's prerogative to adopt an approach similar to a section 76 Bill is acknowledged.

Proposed Amendments

5. Subsection 3(f)

Amend this subsection to read:

“guide efforts to facilitate economic participation and empowerment of the youth.”

RATIONALE: The Agency should not be put in a position where it is expected to solely carry the responsibility of implementing programmes aimed at facilitating economic participation. This is a responsibility that must be shared by all.

Proposed Amendments...

6. Subsection 3(k): New

Insert a new subsection after subsection 3(j) to read:

“Nothing contained in this Act shall be deemed to preclude the Agency from directly implementing any programme or intervention aimed at advancing its objects in terms of this Act.”

RATIONALE: In order for the Agency to be able to implement specific interventions and initiatives, it must be authorised to do so by law. While it is accepted that the Agency will not assume responsibility for the implementation of the plethora of youth development initiatives and interventions, it must be equally recognised that there may be specific circumstances where it is necessary for the Agency to undertake interventions by directly implementing the same. An example would be the National Youth Service Programme or Flagship Projects aimed at showcasing best practice models on youth development.

Proposed Amendments

- **7. Subsection 6(1)(c)**

Delete this subsection as it is a duplication of section 16

Proposed Amendments

8. Subsections 6(3)(b)(i),(iii),(vi),(vii),(viii),(ix),(x),(xi),(xii)

Delete these subsections in their entirety

RATIONALE: The functions contained in these sub-sections can best be performed by the Economic Participation functional unit, rather than the fund. This is important to ensure that the Agency functions as an integrated whole, rather than pigeon-holed fragments. The Fund will be a Unit within the Agency, rather than a stand-alone entity and this must be recognised in the articulation of its mandate. If this mandate needs to be amplified for whatever reason, this can be achieved through the regulations that will be developed pursuant to section 6(1)(b).

Proposed Amendments

9. Subsection 6(4)(b)(ii)

Delete

RATIONALE: The Agency as a public entity is bound by the provisions of the PFMA which require of it to table an annual report on its activities to Parliament. The report envisaged in this section is a different report. Retaining this subsection may result in duplication of effort and submission of the same information twice to Parliament.